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Ocean Law and Policy of the People's Republic of China

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Yongming Jin, *Ocean Law and Policy of the People's Republic of China*, Intellectual Property Publishing House/Springer, 2025, ISBN 9789819531653 (hbk), ISBN 9789819531660 (ebk)

The book under review is by Yongming Jin, titled *Ocean Law and Policy of the People's Republic of China* [1]. The book is translated from the simplified Chinese edition, which was originally published by Intellectual Property Publishing House in 2020 [2]. The author, Professor Yongming Jin, is a renowned Chinese international law scholar and specializes in international law of the sea and ocean policy and has published extensively on the theme, including his acclaimed work *Theoretical Study on the Law of the Sea in China* [3], *Ocean Power Strategy of China in the New Era* [4], *Introduction to the Ocean Politics* [5], to name a few. The translator, Qi Xu, is an associate professor at the Law School of Jinan University and specializes in the law of the sea and ocean governance.

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The book consists of seven chapters and is chronologically arranged in a “past-present-future” style, analyzing the past and present achievements, characteristics, and issues of ocean policy and practices of the “New China” as well as bringing forward ocean-related issues and challenges to be solved in the future. Chapter 1 serves as a general introduction and delivers a concise but insightful analysis of contemporary “international ocean rules” based on the 1982 United Nations Convention on the Law of the Sea (UNCLOS). The author not only presents the evolution of the codification of international ocean rules but also lists six crucial challenges faced by UNCLOS regime. These challenges are: those relating to the Commission on the Limits of the Continental Shelf (CLCS) (pp. 13-15), challenges relating to the International Seabed Authority (ISA) (pp. 15-17), challenges relating to the International Tribunal for the Law of the Sea (ITLOS) (pp. 17-18), challenges concerning the regime of islands (pp. 19-21), challenges relating to residual rights (pp. 21-22) and finally, challenges relating to areas which UNCLOS does not anticipate or explicitly regulate, such as the protection of marine biodiversity and marine genetic resources (p. 23). One particularly interesting section is “Issues and Challenges the Convention Does not Predict or Explicitly Regulate”. The author points out that the protection of marine biodiversity and marine genetic resources on the high seas “are all issues that the Convention cannot avoid and should improve” (pp. 23-24). These issues are now fully addressed with the adoption and entry into force of the BBNJ Agreement [6].

In Chapter 2, the author categorizes China’s development in the field of the law of the sea since the founding of “New China” in October 1949. He summarizes China’s achievements in the ocean legal system, ocean policy, and tasks regarding ocean management institutions and reforms. He also comments on China’s policy and position on maritime issues, including “peace, inclusiveness, cooperativeness and consistency”. He concludes that China is “a firm defender of the law of the sea system and maritime order, as well as a defender and builder of enriching and developing the international legal system, including the law of the sea” (p. 60).

Chapter 3 mainly deals with key innovative ocean-related concepts and notions put forward by Chinese leaders since the beginning of the 21st century. Key notions of “Harmonious Oceans” (pp. 62-63), “Strong Maritime Country Strategy” (pp. 64-65), and “Belt and Road Initiative” (pp. 76-77) are elaborated and thoroughly examined. Importantly, the author highlights the strategic goal of China becoming a strong maritime country, both regional and global. The author argues that in view of China’s contemporary national circumstances, China should “advance the goal of becoming a strong maritime country in a phased and step-by-step manner”. Accordingly, he elaborates that China should pursue its goal in four phases spanning the period from 2019 to 2080, and the end-term strategic goal (2051-2080) of becoming a global strong maritime country will ultimately be achieved “on the occasion of the 100th anniversary” of China’s reform and opening-up (p. 75).

In Chapter 4, the author discusses the relationship between UNCLOS and China's ocean-related domestic legislation. The author points out that China basically "transformed" relevant provisions of UNCLOS into its domestic law (p. 86) by making a body of standalone laws and regulations, such as the Law of the People's Republic of China on the Territorial Sea and the Contiguous Zone [7] and the Law on the Exclusive Economic Zone and the Continental Shelf of the People's Republic of China [8]. The author highlights compatibility issues between China's domestic legislation and UNCLOS, and uses the issue of innocent passage of warships in China's territorial sea as a vivid example to assert that "some of [China's ocean-related domestic law] provisions and regimes have also been challenged by the international community" (p. 93).

Chapter 5 stands out as the most important chapter and accounts for two-fifths of the content of the whole book. By "strategic issues", the author suggests those "major challenges" that are directly related to China's core national interests (p. 113). Undoubtedly, the ongoing disputes in the South China Sea are elaborated in detail. A plethora of legal issues, such as the status of the South China Sea dotted line, status of maritime features in the Spratly Islands (Nanhai Zhudao), the *South China Sea Arbitration* [9], and the US Freedom of Navigation Operations [10] in the South China Sea are analyzed in detail. The author endeavors to provide his personal "thoughts and suggestions" to settle controversies. For example, on the impact of the *South China Sea Arbitration* on China, the author predicts that "China will likely encounter similar cases in the future" (p. 164). He argues that "China should view the SCS Arbitration as an opportunity to not only systematically study the dispute settlement mechanism of UNCLOS but also to raise views and suggestions to amend and improve UNCLOS to further strengthen and improve the Convention's system" (p. 165).

In Chapter 6, the author mainly focuses on the innovative notion of "a maritime community with a shared future", proposed in April 2019. The author points out that this very notion "has become an important guideline for China's ocean affairs, accelerating the construction of a strong maritime country and promoting the 21st Century Maritime Silk Road, both now and in the longer term" (p. 189). The author further elaborates on the sources, objectives, vision, and basic scope of "a maritime community with a shared future". To achieve the objectives and realize the "vision", the author acknowledges that it "requires overcoming a number of challenges and promoting cooperation in a variety of modes", and "it is important to use international rules (international law and UNCLOS)" (p. 200). Finally, the author incisively comments that the vision of a maritime community with a shared future is "beautiful", but the process of building it is "tortuous and requires making long-term and arduous efforts" (p. 201).

Chapter 7 provides some recommendations for China to enhance its domestic ocean rules, which include establishing the status of "oceans" in the national legal system (especially in the Constitution of China); enhancing studies on aspects of the domestic law of the sea that are challenged by other

countries; formulating new laws and regulations on matters related to the functions of the oceans; and finally, improving institutional mechanisms for the oceans. The book concludes with an epilogue in which the author briefly summarizes the major points made in the previous chapters and reiterates the importance of “continuing to deepen and increase theoretical research on international rules for the sea” (p. 210).

The work has three notable merits. First, it provides a comprehensive historical survey of the evolution of China’s ocean policy, focusing on the legal perspective. Previous works on China’s ocean policy seldom choose historical development as a preferred theme for analysis, not to mention focusing on ocean-related domestic legislation and discussing issues of international law of the sea. In this regard, this work can be viewed as an innovative contribution to China’s academic field of ocean-related studies as well as academia of international law of the sea. Second, with regard to methodology, unlike previously published treatises related to “building China into a maritime power” and analyzing the contemporary Chinese interpretation of UNCLOS [11,12], the author combines doctrinal legal research with historical analysis and policy analysis. Therefore, the work provides a holistic view of how China has formulated its ocean-related domestic legislation over the past decades, and offers essential background and convincing arguments on key issues previously not well understood by foreign scholars. Moreover, the abundant academic sources cited by the author also make the work valuable for further study. In the bibliography section, the author lists a wide range of treatises in three languages: 68 in Chinese, 30 in Japanese, and 15 in English. There is also a section on “Further Readings” which contains 65 papers written by the author (60 in the 2020 Chinese edition).

One minor shortcoming of the book is that its bibliography section contains no journal articles. Strikingly, neither Chinese nor foreign-language journal articles are listed in the bibliography, although the author cites numerous journal articles in both Chinese and English as footnotes in the main body of the book. Another shortcoming is that some translated terms in the book may not be accurate. For example, “ocean project” in the title of Chapter 3 (p. 61) could be better translated as “marine program”, which is the official translation of the term in the 2004 Chinese government white paper [13].

In summary, the book successfully fulfills its task of analyzing “New China’s achievements in ocean policy”, describing “China’s domestic ocean legislative practices”, and highlighting its “response to problems and challenges encountered in promoting China’s goal of becoming a maritime country” (pp. 209-210).

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