them. World War II highlighted the peril of statelessness from the individual's perspective. The stateless were the victim of Hannah Arendt's dictum that all human rights are national rights.[24] International legal efforts looked to satisfy an international protection function. The 1954 Convention aimed to protect the stateless by extending them rights equivalent to other noncitizens rather than by attempting to reduce the incidence of the underlying condition.

Today, the protection problem has become less acute as human rights have come to attach on the basis of personhood rather than nationality. As highlighted in an exceptionally strong chapter by Matthew Gibney, the downside of statelessness is now more about the denial of rights associated with citizenship in the stateless person's state of habitual residence. These rights include access to public benefits and other legal entitlements (such as the right to own land), security of residence, and voice in the political system. Of course, many individuals denied these advantages in their state of residence possess nationality in another state, even if it does not do them much good. De facto statelessness lies beyond the formal boundaries of the statelessness regime, which, by its terms, applies only to those who lack any nationality. As Alice Edwards writes in a chapter on the meaning of nationality, "[F]or international law purposes, there are only two relevant categories: being a national or being (*de jure*) stateless" (p. 41). An alternative approach would be to press a right of access to citizenship. "[T]he best account of the duties of states to stateless people (and the injustice they are subject to)," writes Gibney, "may be one that does not emphasize their experience of statelessness as such, but simply recognizes their right to be included in a particular state" (p. 60). This orientation suggests a longer-term strategy for achieving equality that looks beyond the legal definition of statelessness.

In the meantime, many qualify as stateless under that definition. For them, the international legal regime relating to statelessness appears to be gaining institutional momentum as a vehicle for advancing rights. *Nationality and Statelessness Under International Law* is extremely valuable as both a primer and a critical assessment of this increasingly important area of international law.

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The South China Sea Disputes and Law of the Sea. Edited by S. Jayakumar, Tommy Koh, and Robert Beckman. Cheltenham UK, Northampton MA: Edward Elgar Publishing, 2014. Pp. xiv, 281. Index. $130.

It would be difficult to create a more complex set of maritime disputes than what history, law, and geography have combined to produce today in the South China Sea. Let's take a quick tour, guided by the map that follows.[1]

First, six states (plus Taiwan) with coastlines face into the semienclosed South China Sea: China, the Philippines, Brunei, Malaysia, Indonesia, and Vietnam. Each state appears to claim the full suite of maritime zones available under international law off its mainland shores, including a 12 nautical mile (nm) territorial sea, a 200 nm exclusive economic zone (EEZ), and a continental shelf extending at least 200 nm. Few maritime boundaries have been agreed by neighboring states to separate the inevitable overlaps in these zones. China makes an additional vague and dubious claim—its so-called nine-dash line—based on a map first published by the Republic of China in 1947. Its meaning remains unclear.

Second, within the South China Sea are three groups of islands, the sovereignty of which is disputed: the Paracel Islands (claimed by China and Vietnam); Scarborough Shoal (claimed by China and the Philippines); and the Spratly Islands (all or in part claimed by Brunei, China, Malaysia, the Philippines, and Vietnam). Taiwan's claims mirror those of China. The Paracel Islands, Spratly Islands, and Scarborough Shoal each include

[24] HANNAH ARENDT, THE ORIGINS OF TOTALITARIANISM 230 (Harcourt, Inc. rev. ed. 1968) (1951) (noting that "human rights were protected and enforced only as national rights").

[1] Map prepared by Clive Schofield and Andi Arsana of the Australian National Centre for Ocean Resources and Security. Lori Fisler Damrosch & Bernard H. Oxman, *Agora: The South China Sea; Editors Introduction*, 107 AJIL 95, 96 (2013).

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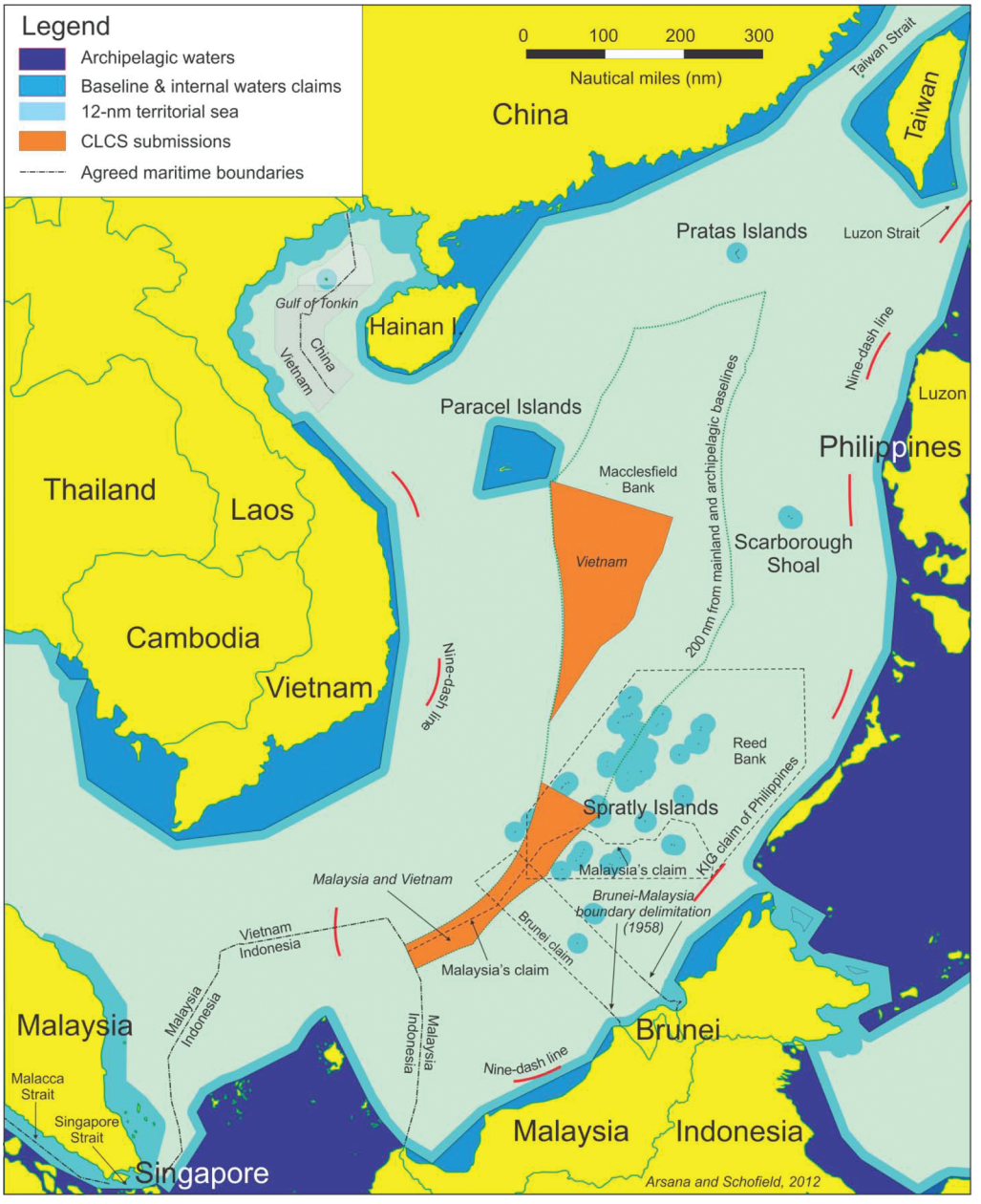
THE SOUTH CHINA SEA



islands that generate their own maritime zones, which are also necessarily disputed due to the underlying disagreements over the sovereignty of the islands (i.e., whichever state is entitled to the island is entitled to the adjacent maritime zones). Additionally, the disputed maritime zones generated by the islands overlap the maritime zones generated by the mainland coasts.

Third, considerable factual and legal uncertainty exists as to which features within the South China Sea are "islands," which the UN Convention on the Law of the Sea (UNCLOS) defines as a

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"naturally formed area of land, surrounded by water, which is above water at high tide."[2] This description matters since, according to UNCLOS, "islands" are entitled to a territorial sea, EEZ, and continental shelf of their own.[3] Even where it is clear that a feature meets the legal definition of an island (as opposed to a submerged reef or bank, or artificial island), it may be a mere "rock," which, according to UNCLOS, is not entitled to an EEZ or continental shelf.[4] In some cases, the claimants—especially China—have engaged in extensive land reclamation activities on the islands and submerged features of the South China Sea, creating evidentiary and legal problems with respect to ascertaining the true status of the features.

Finally, the obvious: the South China Sea is a *sea*, one with enormous commercial and military importance. In the South China Sea, all states enjoy freedom of the seas, including navigation and overflight rights and other lawful uses of the sea provided for under international law. Thus, while the disputes are regional, they have global implications.

For both experts and the uninitiated, *The South China Sea Disputes and Law of the Sea* sifts through the confusion and presents the applicable legal concepts necessary for understanding and evaluating maritime disputes in the South China Sea. In this volume, the National University of Singapore's Centre for International Law (CIL) continues its tradition of convening experts to examine matters of international law relevant to the Asia-Pacific region, in this instance the most important maritime disputes of our time. The volume's eight chapters are authored by many of the leading lights on the law of the sea, including former international judges and prominent scholars. Its Singapore-based editors are no less distinguished and include Tommy Koh, the president of the Third UN Conference on the Law of the Sea (1980–82), which adopted UNCLOS, and S. Jayakumar, a member of Singapore's delegation to UNCLOS (1974–79) and later Singapore's deputy prime minister (2004–09).

The volume's subject matter is consequential, both for regional peace and security and for the rule of law in international affairs. The South China Sea has become almost synonymous with conflict, particularly as states undertake a range of maritime activities—such as fishing, oil and gas exploration, commercial shipping, and military exercises—in contested waters, often provoking responses from rival claimants. It remains an open question whether the principled application of international law will predominate in the resolution and management (where resolution is not possible) of South China Sea disputes. Referring to disputes that are the subject of this volume, Albert del Rosario, the secretary of foreign affairs of the Philippines, has stated that "[i]nternational law is the great equalizer among States. It allows small countries to stand on an equal footing with more powerful States."[5] The United States has frequently urged peaceful resolution of disputes and respect for international law in the South China Sea, including as reflected in UNCLOS.[6] Indeed, pursuant to UNCLOS, the Philippines initiated arbitration proceedings against China in 2013, challenging the legality of a range of China's maritime claims and actions in the South China Sea.[7] For its part, China has rejected the arbitration proceedings and repeatedly stated that it will neither accept nor participate in the arbitration. The response of China and the international community to the Tribunal's award, expected in mid-2016, will influence the degree to which law or merely power will govern this regional sea.

[2] UN Convention on the Law of the Sea, Art. 121(1), *opened for signature* Dec. 10, 1982, 1833 UNTS 396, *available at* http://www.un.org/Depts/los/index.htm [hereinafter UNCLOS].

[3] *Id.*, Art. 121(2).

[4] *Id.*, Art. 121(3) (stating that "[r]ocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf").

[5] Albert F. del Rosario, Republic of the Philippines Secretary of Foreign Affairs, Concluding Remarks Before the Permanent Court of Arbitration, Peace Palace, The Hague (Nov. 30, 2015), *at* http://www.dfa.gov.ph/newsroom/dfa-releases/8087.

[6] *See, e.g.*, U.S. Dep't of State Press Statement No. 2012/1263, Statement by Acting Deputy Spokesperson Patrick Ventrell, South China Sea (Aug. 3, 2012), *at* http://www.state.gov/r/pa/prs/ps/2012/08/196022.htm.

[7] Republic of the Philippines v. People's Republic of China, PCA Case No. 2013-19 (UNCLOS Annex VII Arb. Trib. filed Jan. 22, 2013), *at* http://www.pca-cpa.org.

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Each chapter of *The South China Sea Disputes and Law of the Sea* presents a detailed examination of one or more legal aspects of the maritime disputes in the South China Sea. Collectively, the chapters thoroughly treat the subject matter, with only one limitation and one shortcoming mentioned below. While some duplication exists in the content among chapters, it is often necessary and enables each chapter to stand alone. The volume does not seek to break new doctrinal or theoretical ground, and it does not present or recommend any particular set of solutions for resolving the disputes in the South China Sea. Rather, it is more a legal guide to understanding the disputes; its strength is in bringing together leading experts to outline authoritatively the relevant international law and apply that law in the regional context of the South China Sea.

Chapter 1, "Offshore Features Subject to Claims of Sovereignty," begins with the basics. Bernard H. Oxman of the University of Miami School of Law introduces the fundamental legal and geographic distinction between land and water, dry and wet. This distinction provides a lawyerly and binary means of categorizing South China Sea disputes: (1) sovereignty disputes over *land territory* (i.e., islands) and (2) *maritime* disputes. These two categories of disputes are governed by separate bodies of law. As he explains, "Sovereignty over an island may be acquired pursuant to the rules of international law regarding the acquisition of sovereignty over land territory" (p. 13). Sovereignty, in brief, resides with "the State that first establishes effective control" (p. 10). Oxman notes, however, that this approach "does not apply to the sea" (*id.*); maritime disputes, instead, are governed by the international law of the sea, largely reflected in UNCLOS. As indicated in the book's title, only this second category—maritime disputes—is the subject of this book.

Oxman further reminds us of what was succinctly stated by the International Court of Justice in its 1969 *North Sea Continental Shelf* cases: "the land dominates the sea."[8] Thus, any claim of sovereignty (internal waters, territorial sea, archipelagic waters) or sovereign rights and jurisdiction (EEZ, continental shelf) *at sea* must be rooted in sovereignty over land. This requirement is the legal basis for the frequently repeated exhortation of U.S. officials that maritime claims in the South China Sea need to derive from land features,[9] a statement potentially at odds with China's enigmatic claim cartographically depicted as nine dashes in the sea that seem to have no principled relationship to land.

Chapter 2, "Defining the 'Boundary' Between Land and Sea: Territorial Sea Baselines in the South China Sea," by Clive Schofield of the Australian National Centre for Ocean Resources and Security, addresses the topic of "baselines," which are the legal junction of the land and water along the coast, from which the breadth of the territorial sea and other maritime zones are measured. After outlining the relevant rules for determining coastal baselines, Schofield explains that the baselines of many South China Sea littoral states are "problematic in a number of ways" (p. 52). As he points out, the United States has protested many of the baseline claims in the region, including those of China and Vietnam. The Philippines' experience offers some hope for adherence to international law; having first enacted excessive baselines in the 1960s, the Philippines reformed its archipelagic straight baselines in 2009 to conform to UNCLOS.

Chapter 3, entitled "Maritime Zones from Islands and Rocks," by Clive R. Symmons of Trinity College, is weighty. Accounting for a quarter of the book's length, this chapter will please those looking for a detailed and thoroughly researched examination of the law of islands and rocks, including case law and state practice. Indeed, it is a topic on which Symmons has engaged for decades.

Chapter 5, "Rights and Jurisdiction over Resources in the South China Sea: UNCLOS and the 'Nine-Dash Line,'" by Ted L. McDorman of the University of Victoria, British Columbia,

[8] North Sea Continental Shelf (FRG/Den.; FRG/Neth.), 1969 ICJ REP. 3, para. 96 (Feb. 20).

[9] *See, e.g.*, U.S. Dep't of State Press Statement No. 2011/1230, Statement by Hillary Rodham Clinton, Secretary of State, The South China Sea, para. 8 (July 22, 2011), *at* http://www.state.gov/secretary/20092013clinton/rm/2011/07/168989.htm [hereinafter Clinton Statement].

addresses China's controversial nine-dash-line claim. The nine-dash-line claim is at the heart of the Philippines' legal challenge and was the subject of this journal's *Agora* in 2013[10] and also a U.S. Department of State legal and geographic study in 2014 undertaken by this reviewer.[11] It is evident from McDorman's discussion that China has never clarified the meaning of the dashes, which is also a conclusion of the Department of State's study. Not knowing what the claim *is* presents inordinate difficulties in analyzing it. In the absence of any Chinese government statement on the matter, McDorman quotes the conclusion of the Chinese contributors to AJIL's 2013 *Agora*:

> Gao and Jia concluded that: "the nine-dash line does not contradict the obligations undertaken by China under UNCLOS; rather it supplements what is provided for in the Convention." They were also of the view that "China's historic title and rights . . . have a continuing role to play" such that "it is legally incorrect and politically unfeasible to deny and deprive a state of its historic title and rights." (P. 149)[12]

Whether the nine-dash line "contradicts" UNCLOS depends on the line's meaning, which only China can authoritatively provide. Whether the modern international law of the sea recognizes any theory of "historic title and rights" in the maritime domain—aside from a narrow category of near-shore "'historic' bays" (Article 10 of UNCLOS) and "historic title" in the context of territorial sea boundary delimitation (Article 15)—is highly doubtful in the opinion of this reviewer.[13] McDorman affirms that nonexclusive historic fishing rights are not consistent with UNCLOS's EEZ regime, but he nevertheless admits some possibility that they may exist "in limited circumstances" (p. 159). Regarding a historic claim by one state to the continental shelf of another state, McDorman is more categorical, stating that such rights are "not available" under international law (p. 160).

Chapters 4 and 7 complement one another in that they both concern situations where the maritime claims of states overlap. Chapter 4, "Maritime Delimitation and Offshore Features," by Tullio Treves of the University of Milan, addresses maritime boundaries. The former International Tribunal for the Law of the Sea (ITLOS) judge is well positioned to write on this subject, as international courts and tribunals have applied the straightforward but vague black-letter law of UNCLOS—namely common paragraph 1 of Articles 74 and 83—on many occasions, resulting in a relatively well-established methodology for finding an "equitable solution," as required by UNCLOS (p. 124). The strength of the chapter is its clear and succinct exposition of the case law, particularly with respect to the treatment of islands. Considering the book's focus, chapter 4 might have benefited from a richer discussion of regional issues. Unfortunately, the prospects for boundary making in the South China Sea, whether by negotiation or adjudication, are regrettably poor. This difficulty is due not only to the crowded geography but also the myriad sovereignty disputes over offshore islands. Scarborough Shoal, claimed by both China and the Philippines and lying within the latter's EEZ, is illustrative. Whether a maritime boundary even exists between Scarborough Shoal and the Philippine island of Luzon turns on which country has sovereignty over Scarborough Shoal. From the Philippine perspective, there is no maritime boundary.

Thus, chapter 7, "Rights and Obligations in Areas of Overlapping Maritime Claims," is especially pertinent to the South China Sea, where most waters are disputed and will remain so for the foreseeable future. Here, David Anderson, a past ITLOS judge, and Youri van Logchem, a maritime researcher at Utrecht University, examine a challenging area of law. The discussion of the law, practice, and jurisprudence pertaining to overlapping EEZ and continental-shelf claims is first-rate. The authors then go beyond typical overlapping

[10] *Agora: The South China Sea*, *supra* note 1, at 95–163.

[11] U.S. Dep't of State, Bureau of Oceans and Int'l Envtl. & Sci. Aff., Limits in the Seas No. 143, China: Maritime Claims in the South China Sea (Dec. 5, 2014), *at* http://www.state.gov/documents/organization/234936.pdf (listing Kevin Baumert & Brian Melchior as principal analysts) [hereinafter Limits in the Seas No. 143].

[12] Citing Zhigou Gao & Bing Bing Jia, *The Nine-Dash Line in the South China Sea: History, Status, and Implications*, 107 AJIL 98, 99, 123, 124 (2013).

[13] *See* Limits in the Seas No. 143, *supra* note 11, at 10, 17–22.

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maritime claims and explore the legal issues arising from situations where two states claim sovereignty over the same island, as is the case in the South China Sea with respect to the Spratly Islands, Paracel Islands, and Scarborough Shoal. As the authors point out, "UNCLOS starts from the premise that sovereignty over territory has been established" (p. 222). The chapter proceeds to helpfully explore rules and principles found in general international law that may apply to the situation that is so common in the region.

Chapter 8, "UNCLOS Part XV and the South China Sea," by Robert Beckman, the director of the Singapore-based CIL, examines the dispute settlement provisions of UNCLOS. This reviewer is inclined to agree with his assertion that "[t]he dispute settlement regime in UNCLOS is the most complex system ever included in a global convention" (p. 232). Beckman provides a digestible treatment of this "complex system" and situates his careful review of the maze of provisions found in Part XV of UNCLOS (concerning the settlement of disputes) within the broader principles of dispute settlement under international law.

Amid many strengths, the volume has one limitation and one shortcoming. Its one limitation is that it does not squarely address the ongoing UNCLOS arbitration between the Philippines and China. As noted above, in 2013, the Philippines initiated arbitration proceedings against China pursuant to Annex VII of UNCLOS, with China rejecting these proceedings. The case brought by the Philippines challenges the legality of China's "nine-dash-line" claim, the status of certain features in the South China Sea (as submerged features, islands, or islands that are mere "rocks"), and various Chinese actions in the South China Sea (including those actions alleged to cause damage to the marine environment). As the volume's editors explain, however, this limitation is self-imposed and purposeful: "We have consciously sought not to discuss the merits of the claim brought by the Philippines against China in relation to the South China Sea dispute" (p. 2). Thus, in picking up this volume, readers should expect a measure of neutrality, rather than any assessment from leading law-of-the-sea experts on how the tribunal should rule.

While the volume understandably sidesteps the "merits" of the Philippines-China arbitration, chapter 8 covers important jurisdictional aspects relevant to the case. As Beckman explains, in acceding to UNCLOS, a state is consenting to its compulsory dispute settlement procedures concerning disputes over the interpretation or application of its provisions. After explaining the limitations and exclusions on dispute settlement (i.e., the subject matter *not* covered by UNCLOS's compulsory dispute settlement procedures), Beckman notes that "[a] dispute over whether a feature in the EEZ of a coastal State is an island as defined in Article 121 [of UNCLOS] and is entitled to maritime zones of its own is . . . not excluded" (p. 251).

This view has since been validated. On October 29, 2015, the Philippines-China arbitral tribunal issued its award on jurisdiction and admissibility, finding unanimously that it "does have jurisdiction with respect to the matters raised in seven of the Philippines' Submissions,"[14] including the question of whether certain features are islands, rocks, or low-tide elevations.[15] Beckman also addresses situations of nonappearance by a party, noting that nonappearance by a party "is not a bar to the [arbitral] proceedings" (p. 239). Indeed, the Philippines-China arbitral proceedings have proceeded for more than three years, despite China's vociferous objections. In addition to chapter 8, chapter 3 (Symmons, on islands and rocks) and chapter 5 (McDorman, on the nine-dash line) of the volume under review are recommended reading for those seeking to gain a legal foundation for the tribunal's forthcoming award on the merits.

A shortcoming of the volume is that, like most writings on the South China Sea, it gives little attention to the requirement of states to give "due publicity" to maritime claims. This boring but

[14] Permanent Court of Arbitration Press Release, Arbitration Between the Republic of the Philippines and the People's Republic of China (Oct. 29, 2015), *at* http://www.pcacases.com/web/sendAttach/1503. Additional claims by the Philippines will be considered in conjunction with the merits.

[15] Republic of Philippines v. People's Republic of China, Award on Jurisdiction and Admissibility, paras. 398–404 (Perm. Ct. Arb. Oct. 29, 2015), *available at* http://www.pcacases.com/web/sendAttach/1506.

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important matter is covered under a range of UNCLOS provisions that require coastal states to communicate—either in the form of charts or geographic coordinates—their maritime claims. It includes, most notably, the requirement to publicize territorial sea baselines or limits (Article 16) and the outer limits of the EEZ (Article 75).

For its part, the United States frequently exhorts claimants to "*clarify their claims* in the South China Sea."[16] Clarification is urged here not only to implement requirements of international law but also to bring much needed transparency to maritime claims and to reduce the potential for conflict and misunderstanding in the South China Sea. Governments need to know the nature, spatial extent, and legal basis of one another's claims, even if they do not agree on those claims. Unfortunately, aside from maritime claims derived from mainland coasts, claimant states have had startlingly little to say about the geographic location of their claimed baselines, territorial seas, and EEZs from the islands that they claim. This silence is unfortunate: it has resulted in a profound lack of clarity as to who is claiming what, where. The lack of clarity of South China Sea maritime claims, and the confusion that it has sown, might have merited a more systematic treatment of the relevant legal requirements and the degree of regional implementation.

Where the volume's aforementioned limitation and shortcoming converge concerns China's obscure and problematic maritime claims. While the volume's aim of impartiality understandably imposes constraints on its contributors, this reviewer considers that China has failed to clarify the nature and legal basis of its claims—to the detriment of regional stability—in a proportion greater than any other claimant state. Two examples are indicative.

First are China's baselines. As stated by Schofield in chapter 2, China's straight baselines along its mainland coast and its baselines enclosing the Paracel Islands "must be considered to be excessive in character" (p. 44) (i.e., inconsistent with UNCLOS). Still, at least in these areas, China has put the rest of the world on notice as to where *it* considers its baselines to lie (and, accordingly, the seaward limits of its maritime zones), however unlawful they may be. Elsewhere in the South China Sea, China has promulgated no baselines whatsoever. China's disregard for baselines creates profound uncertainty that exacerbates tensions and increases the likelihood of dangerous at-sea incidents. The problem originates in China's flawed implementation of UNCLOS in its 1992 territorial sea law, which provides:

> The extent of the [People's Republic of China's (PRC's)] territorial sea measures 12 nautical miles from the baseline of the territorial sea. The PRC's baseline of the territorial sea is designated with the *method of straight baselines*, formed by joining the various base points with straight lines.
>
> The outer limit of the PRC's territorial sea refers to the line, every point of which is at a distance of 12 nautical miles from the nearest point of the baseline of the territorial sea.[17]

China's law provides only for straight baselines which, as Schofield explains, is the *exception* to the general rule provided for in UNCLOS and is only justified "[w]here particular, restricted, geographical circumstances exist" (p. 28), as set forth in Article 7 of UNCLOS. The law senselessly purports to exclude the use of the normal baseline (i.e., the low-water line along the coast[18]). Aside from its facial inconsistency with UNCLOS, China's law has not been implemented in the Spratly Islands and around Scarborough Shoal, where China claims sovereignty over islands. Although China's law asserts a territorial sea around these claimed islands,[19] China has not designated any baselines in these areas. Even inferring the use of the normal baseline, China's claimed territorial sea limits cannot be clearly ascertained because the South China Sea is replete with small features for which the legal status is not obvious (e.g., islands, low-tide elevations, submerged features, and artificial islands).

[16] *See, e.g.*, Clinton Statement, *supra* note 9, para. 8 (emphasis added).

[17] Law on the Territorial Sea and the Contiguous Zone, Art. 3 (Feb. 25, 1992) (China) (emphasis added), *available at* http://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/CHN_1992_Law.pdf [hereinafter China's Territorial Sea Law].

[18] UNCLOS, *supra* note 2, Art. 5.

[19] China's Territorial Sea Law, *supra* note 17, Art. 2.

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In the context of recent U.S. Navy freedom of navigation operations near the Spratly Islands,[20] China's rhetoric over protecting its territorial sea—including rejecting innocent passage rights reflected in UNCLOS—is undercut by its failure to give a geographic definition to its claim.

Second is China's controversial nine-dash-line claim. Of all claims in the South China Sea, this one is surely the most vexing and anomalous. With one country appearing to claim "everything," the nine-dash-line claim adversely affects other, legitimate disputes that might otherwise be manageable. As noted above, China has failed to communicate the nature and legal basis of its claim. Accordingly, any assessment of the legality of the nine-dash line requires an assumption as to its meaning. Assuming for the sake of argument that the nine-dash line reflects a historic claim (as suggested by Jia and Gao in this *Journal*[21]) and that the modern international law of the sea permits such claims over waters far from a state's shores, the problem for China is that it would still need to prove such a claim under international law. In this regard, McDorman (chapter 5) provides a concise view of what can be said about the thin and uncodified law pertaining to historic claims. McDorman stops short of opining on the legality of the nine-dash line (or any historic rights within it), either because of its unclear meaning or because of the need to steer clear of the merits of the Philippines-China arbitration. But the reader can connect the dots. It is apparent from McDorman's discussion that China would not meet the required elements for demonstrating valid historic waters or historic rights. For instance, among the "basic requirements" to be met is an "attitude of general toleration" of foreign states (p. 153). It is hard to see how China could ever satisfy this requirement considering the international opprobrium that has been heaped upon this claim.

Interested observers await the forthcoming award of the Philippines-China arbitral tribunal, which, in the coming months, could render a decision that bears on the legality of China's nine-dash line and other claims in the South China Sea. While the award will be binding only on China and the Philippines, the broader implications for the rule of law in the oceans may be considerable. UNCLOS's preamble states that it is intended to "settle, in a spirit of mutual understanding and cooperation, all issues relating to the law of the sea" and establish "a legal order for the seas and oceans which will facilitate international communication, and will promote the peaceful uses of the seas and oceans."[22] A major accomplishment of UNCLOS has been to bring clarity and uniformity to the maritime zones to which coastal states are entitled, whether as a matter of treaty law or customary law. Permitting a state to derogate from UNCLOS's provisions because its claims predate the treaty is contrary to and would seemingly undermine this object and purpose.

Today, mere reference to the South China Sea connotes tension and conflict. But unlike many other international hot spots, understanding the disputes in the South China Sea requires familiarity with international law. In this regard, *The South China Sea Disputes and Law of the Sea* is a valuable resource for students, scholars, and practitioners as it brings together leading experts on the subject to provide the legal background needed to understand and evaluate the maritime disputes of the region.

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The Principles and Practice of International Aviation Law. By Brian F. Havel and Gabriel S. Sanchez. Cambridge, New York: Cambridge University Press, 2014. Pp. xvii, 444. Index. $125, cloth; $49.99, paper.

Is aviation law a discipline sufficiently different from other areas of the law to warrant separate treatment?[1] Legal historian Stuart Banner has

[20] Helene Cooper & Jane Perlez, *White House Moves to Reassure Allies with South China Sea Patrol, but Quietly*, N.Y. TIMES, Oct. 28, 2015, at A7.

[21] Gao & Jia, *supra* note 12 and accompanying text.

[22] UNCLOS, *supra* note 2, pmbl.

[23] The views expressed herein are those of the reviewer and do not necessarily reflect the views of the U.S. government.

[1] Is air law (or aviation law) a sufficiently different subject from other areas of the law to warrant categorization as a separate discipline? True, much of air law is

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