

CHINA AND THE LAW OF THE SEA, AIR AND THE ENVIRONMENT. By  
HEANETTE GREENFIELD. [Netherlands: Sijthoff & Noordhoff.  
1979.]

In 1971, the Government of the Peoples Republic of China was accorded general recognition as the legitimate government of China and was at last seated in the United Nations. It thus became a full participant in the institutionalised world community at the beginning of a decade significant for dramatic changes in the law of the sea, the emerging law of the environment, and air law. China's approach and contributions to these developing areas of international law are the subject of this invaluable volume.

J. Greenfield has collected many documents and made use of numerous sources for the study of "China and the Law of the Sea, Air and Environment". Many of these documents are not generally available, especially in English translation. Statements from the State Council of China and communications promulgated by various Ministries are reproduced in the Appendices. The value of such documents as evidence of Chinese state practice is clear and, as China's role in the evolution of customary international and regional law becomes increasingly important, such materials will become of even greater significance.

The law of the sea is the topic most fully covered, comprising three quarters of the book. The Chinese approach to problems of delimitation of maritime boundaries and concepts of sovereignty over, *inter alia*, internal waters, bays, straits, territorial seas, continental shelf, high seas, deep sea bed and resources zones is assessed in the light of the 1958 Geneva Conventions, the relevant decisions of the International Court of Justice and the developments at Geneva and New York. Chinese maritime claims in and under the Pacific Ocean and the South China Sea, and the impact of the claims upon neighbouring states and their reactions to them gives the book a practical use and prevents it from becoming too abstract. Throughout, the discussion is supplemented by clear and detailed maps and diagrams. The section on air law focuses on the bilateral civil air transport agreements concluded between China and other States, and on outer space. Part III on the environment deals briefly with three central topics: maritime pollution, nuclear atmospheric testing and population control.

The book is informative rather than analytic or critical. For Western international decision-makers who are in general ill-informed

about the attitude of the Peoples Republic of China to international legal issues, it is highly recommended. Many important facts, such as Chinese ratification or accession to the relevant treaties and its votes at international meetings are recorded. In addition, the book does contain a synopsis of the author's conclusions. She points out that traditional Chinese reliance upon custom facilitates acceptance of a law based upon international usage and custom. She feels the emphasis actually placed by China on political ideology and desire for leadership of the Third World has been overstated by Western authors and that, in fact, the one dominant motive of China that emerges is that of national interest, coupled with an "apparently genuine" but "somewhat subjective notion of what is also internationally fair or equitable." Throughout the statements issued by China there is an emphasis on national sovereignty to which international considerations must bend. There is also a particular concern with the technique and form of the international law-making process so that China may reject a substantive principle with which it fundamentally agrees if it is dissatisfied with the method of formulation. This can cause confusion for those attempting to assess the Chinese position as it is not always apparent whether it is form or substance that caused dissent. The author concludes that although Western lawyers might be tempted to dismiss the Chinese perspective on international law as simplistic and as being in fact rather similar to their own, this view is misleading. There is a distinctive Chinese approach to international legal development that must be studied and appreciated. This book is an essential tool for this task and complements the other literature on China and international law. The only reservation that needs to be made is that it is unfortunate that it was completed prior to the conclusion of UNCLOS III, so that it contains no discussion of China's position in the last years of negotiation and compromise.