Journal of the Spanish Institute for Strategic Studies
ISSN-e: 2255-3479

Diego Cánovas-Cánovas
Lieutenant Commander, Spanish Navy

Email: dcanovasc@gmail.com

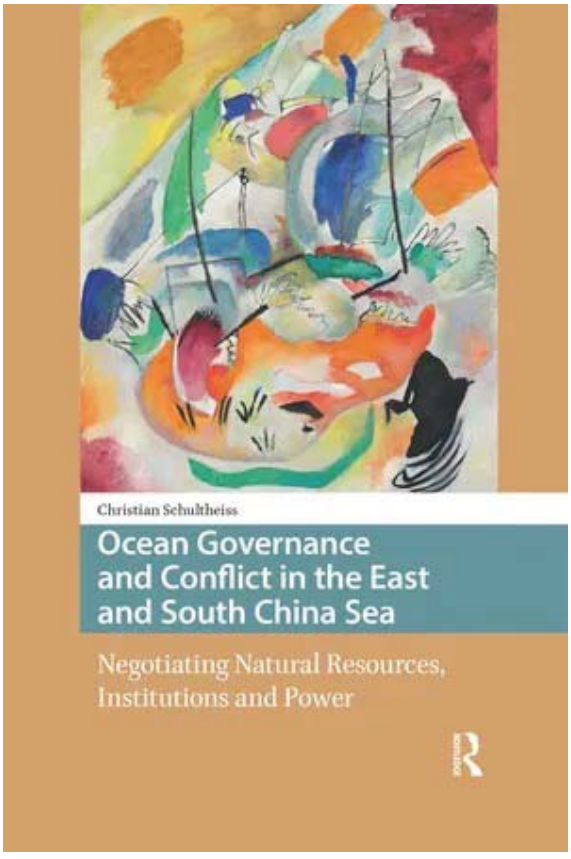
REVIEW

Ocean Governance and Conflict in the East and South China Sea.

Christian Schultheiss

Publisher: Amsterdam University Press, 2024 (382) pages

ISBN: 978-94-6372-8997



The rise of Asia, and in particular China, India and Southeast Asia, has sparked a significant increase in interest in these countries' domestic policies, as well as their conduct in foreign affairs and the impact on international politics. This interest is reinforced by two factors of global significance. On the one hand, Asia has become the global supplier of manufactured goods, which are transported mainly by sea; and, on the other hand, a giant is emerging—China—which is already competing with the United States for global hegemony.

It is within this context of regional changes with global implications that Christian Schultheiss's book, the subject of this review, finds its precise place, focusing on how these changes influence relations between the countries of the South China Sea and the East China Sea. In this work, Dr Schultheiss explains why the coastal states embroiled in disputes and claims in both seas reach agreements on controversies concerning oil and gas, fishing, crisis communication and conflictual behaviour in some cases, but not in others.

Negotiations on cooperation institutions centred on the region's marine natural resources are almost as old as the disputes themselves, the author states, adding that 'in order to cooperate, state actors must be confident that a cooperation institution will not enhance the negotiating capacity of opponents in disputes' (p. 17).

This is a comprehensive and theoretically sound study analysing how the middle powers of Southeast and East Asia negotiate with China on dispute resolution and ocean governance in Asia's maritime disputes. Dr Schultheiss rigorously analyses the negotiation processes and transactions observed over three decades, up to the present day, and how maritime law and the 1982 United Nations Convention on the Law of the Sea (UNCLOS) affect the negotiations.

Written in a lively and accessible style, the structure is well defined, divided into six chapters in a logical narrative sequence. Chapters III, IV and V focus on case studies.

We found Chapter I particularly interesting for the way it previews the content and key aspects of the work (*This book in a nutshell*, p. 17). Chapter II conceptualises the types of agreements that the parties in conflict negotiate, ranging from fisheries agreements and joint development agreements for offshore oil and gas fields, to cooperation on maritime policing, codes of conduct, and mechanisms for incident prevention and crisis communication. Furthermore, it provides an analysis of the influence of power dynamics between countries with territorial claims. This chapter also considers alternative variables (in Subchapter 3) that shape negotiations, including nationalism and national policies, the existence (or absence) of legal rights, international arbitration, and the characteristics of multilateral negotiations.

Chapter III offers an analysis of negotiations on joint initiatives and fisheries agreements in the South China Sea, covering bilateral interactions between China and the Philippines, China and Vietnam, the Philippines and Taiwan, and Brunei and Malaysia. The last two agreements mentioned exclude China, which is relevant

for determining whether this country is a determining factor in the dynamics sought regarding why agreements are reached on some issues and not on others.

Chapter IV focuses on the East China Sea, beginning with an overview of the legal claims, followed by an analysis of the twenty-five years of negotiations between China and Japan on various models for sharing oil and gas exploitation in different parts of the East China Sea. Schultheiss then analyses the negotiations leading to a set of partly overlapping fisheries agreements: namely, the fisheries agreements between China and Japan, South Korea and Japan, South Korea and China, and Japan and Taiwan. He concludes this chapter with a highly interesting comparison of the role played by fishing incidents and fisheries agreements in the South China Sea and the East China Sea.

Chapter V focuses on negotiations regarding codes of conduct, incident prevention and communication mechanisms, beginning with an analysis of the last thirty years of negotiations on a code of conduct for the South China Sea. The chapter concludes with an examination of attempts by China and Japan to reach agreements on crisis management procedures, including communication mechanisms, and an analysis of the Code for Unplanned Encounters at Sea.

In his conclusions, Dr Schultheiss illustrates how disputing states manage the shared governance of marine natural resources even within a geographical area characterised by disputes and territorial boundary claims and by being the scene of competition between major powers. Furthermore, he demonstrates that cooperative institutions and conflicts do not constitute closed spheres of action, but are part of the same structure of interactions. Finally, he identifies the initiatives facing difficulties in making progress regarding ocean governance in the South China Sea and East China Sea regions, and explores some implications for the confrontation and cooperation of major powers, beyond maritime disputes in Asia.

Undoubtedly, Dr Schultheiss's book makes a significant scholarly contribution to understanding how states with maritime territorial claims seek to establish institutions to manage marine natural resources and conflict behaviour within complex environments of interaction between legal frameworks, power dynamics and diplomacy. And, crucially, without relinquishing their territorial claims.

We find the comparative approach particularly interesting, as it allows the reader to identify patterns in negotiations between different actors, whilst excluding China from some of the cases studied. This avoids the oversimplification of reducing these disputes solely to the actions of that country. The time period considered—three decades—certainly provides a broad perspective on how these maritime disputes have evolved, whilst offering a valuable framework for understanding the current situation and potential outcomes.

Finally, in an international scenario such as the current one, which appears to be moving towards the dismantling of the rules-based order, the scientific study

of collaborative institutions, and how dynamics operate in complex environments such as the South China Sea and the East China Sea, may prove to be of the utmost interest, both to the academic community and to the diplomatic sphere and specialist actors.

Review received: 1 February 2026
Review accepted: 15 April 2026