It has been a few centuries since the freedom of the sea was accepted as customary in the international society. Freedom of the high seas has been the core of free use of the world’s common resources. The notion of freedom of navigation, for example, has been prescribed in treaties such as the 1982 United Nations Convention on the Law of the Sea (UNCLOS). However, this notion and its appropriate interpretation capsulated in the subsequent provisions of the convention are widely debated and currently still uncertain. This is partly because the maritime order created by the naval powers is, in effect, being challenged by newly rising powers such as China with respect to the freedom of navigation exercised by the United States Navy near the Chinese coasts. After the Philippines’ unilateral application, China’s territorial and maritime claim over the vast portion of the South China Sea was negated by the Arbitral Award of 2016 issued by the Arbitral Tribunal, which was established under Annex VII of UNCLOS. Nevertheless, China still assertively upholds its maritime policy, expelling vessels of neighbouring states from the maritime areas under its control. Moreover, China seems to be accelerating this trend in the South China Sea without any significant impediments such as severe diplomatic protest from the states concerned against its expansions and claims.

Under these circumstances, the United States (US) may also be blocked out of the South China Sea in the near future, which is one of the most
important sea-lanes of the world. As such, with the current order of the Pacific Ocean could gradually decay, resulting in the so-called ‘salami slicing effect’. From the American point of view, US Freedom of Navigation Operations (FONOPs) may be the most effective and meaningful measures that the US can take to check and deter China’s ambitious but disturbing attitude towards the current maritime order in this region. At the same time, however, this US diplomatic protest via naval operations may not be well understood by the public despite the coverage by the mass media. Additionally, while some commentators appreciate the rather peaceful nature of this method, which is allowed and may be encouraged under international law, few would openly support it to change the current situation caused by China. However, the effectiveness of this strategy is questionable. China does not seem to be changing its policy, but rather remains adamantly recalcitrant against this US initiative.

This current situation begs the following question: are FONOPs still necessary and effective? *The Free Sea: The American Fight for Freedom of Navigation* provides us with some intriguing and informative points that may serve as answers to this question. As the subtitle of the book, *The American Fight for Freedom of Navigation*, shows, authors, James Kraska and Raul Pedrozo, both of whom have taught international law at the US Naval War College, present American viewpoints of FONOPs in the context of current global maritime politics and law with reference to the historical development of the freedom of the sea concept. The authors chronicle the relevant incidents and legal cases that involved the US and the freedom of the sea. Its geopolitical coverage of the maritime spaces where the US has exercised its FONOPs is probably thorough enough to convince the readers of the benefit and necessity of this policy. In other words, the arguments developed by Kraska and Pedrozo may serve to retrospectively justify US maritime hegemony, which was taken over from its former colonial power Great Britain – thereby ending Pax Britannica – after the turn of the twentieth century. Since the era of the Cold War, the US Navy has been practically functioning as the world’s maritime police force to watch and control the world maritime order in the era of Pax Americana. However, how long will the US maintain this position by exercising FONOPs in this century?
The book under review provides the readers a good opportunity to reconsider the historical significance of the notion of freedom of the sea, as well as FONOPs along with US foreign policy and strategy in this century. The book is divided into three parts: first, Chapters 1 through 3 consider the earliest challenges to US freedom of navigation; second, Chapters 4 through 9 analyse the major challenges in the twentieth century with special reference to the Cold War; and third, Chapters 10 and 11 examine the current major challenges caused by the rise of the former Soviet Union/Russia and China, or ‘nuclear-armed, autocratic major powers’ (p. 6), in a multipolar world.

The first part describes the early US leaders’ deep commitment to the ‘egalitarian principles of freedom of navigation’ (p. 76) as a valid foundation for US foreign relations particularly with Great Britain and France as European colonial powers, with which the US had been forced to cope during wartime by practising maritime neutrality. The second part provides some important case studies to illustrate how the US, by becoming the world maritime power through and after the two world wars, has justifiably transformed this freedom in a maritime neutrality context into a geographically and strategically wider one in ‘a peace time context’ (p. 77) as evidenced in some coastal states. These states, ideologically in the Cold War and geopolitically in some critically important regions, have expansively exercised their jurisdiction to restrict and control other countries’ activities in and over their territorial and fisheries/economic zones. Kraska and Pedrozo minutely analysed these cases, showing that there have been incessant struggles between naval powers and coastal states: the former, which have been represented by the US, need the maximum manoeuvrable command and mobility on and in the sea, while the latter seek to retain the widest scope of sovereignty over natural resources as well as their own security and territorial independence from the external threat caused by the former. The relevant provisions in UNCLOS are good examples of the compromise made in the 1970s between these two groups of countries against the Cold War background. Finally, the third part of the volume examines the critical incidents that highlight the fundamental confrontations between the US as the guardian of freedom of navigation and challengers to the US with a different ideology and state-system, i.e., the (former) Soviet Union/Russia and China, through naval competition and a very assertive territorial/maritime policy of these countries.
Since Russia and the US have successfully managed to avoid any significant accidental maritime clash since the Black Sea Bumping Accident of 1988, China’s expansive approach may be the only major obstacle to the maritime status quo in the Pacific Ocean. Thus, the authors conclude that FONOPs exercised by the US are ‘lawful countermeasures in international law’, serving ‘an instrumental function to produce compliance by the violator’ (p. 275).

The book under review is, to a certain degree, successful in demonstrating how deeply the US has made a positive commitment and significant contribution to the development of the law of the sea, particularly the implementation of freedom of the sea, which arguably justifies its own policy and strategy in world politics. There are, however, some points that this reviewer would like to raise regarding the standpoint of, and analysis of the facts by, the authors of this book.

First, the co-authors recognize the world’s maritime order in the context of ‘global governance’ and the oceans as a ‘global commons’ (p. 4). The definitions of these terms, however, are widely open to debate in the light of the historical development of the arguments behind the terms. Freedom of the sea is one of the most important rights of a maritime power and other states that enjoy it under the legal order created and protected by the maritime hegemon such as the Dutch, the British and the Americans. However, this order may not last forever. According to the authors, the Americans and others have maintained the current maritime order not in their own interests but in common interests. This may be partially true, but in light of the approaches of alliance and power politics in the international society, this is misleadingly exaggerated particularly for those who have different, if not opposite, views and standpoints concerning world politics.

Second, the factual narratives about the incidents and cases that the authors discussed may be informative but, to some extent, constitute a one-sided justification for US interest in maintaining the current maritime order. Certainly, the main objective of the book is to demonstrate the incessant effort made by the US to maintain freedom of the sea in the name of the ‘American Fight’, as the book’s sub-title represents. However, this effort was made by the US in its national interest as a neutral state when it had to face British naval control of the maritime affairs and naval warfare against the French.
movement through the French Revolution and the Napoleonic Wars. Under these circumstances, US neutrality seeking for freedom of the sea vis-à-vis these two countries was guaranteed, though severely influenced, by the British *mare clausum* rather than *mare liberum*. This was one way for a minor state to survive in the society where transportation and transaction on the sea was controlled by the maritime power, which effectively created and implemented rules and regulations. Therefore, the freedom of the sea in favour of the US and freedom of the sea in favour of Great Britain under Pax Britannica carried different meanings. A similar viewpoint may also apply to the current situation where China, as a rising power, faces the US in the Pacific Ocean. In other words, the notion of freedom of the sea may be opportunistically used by countries to enhance their own relative maritime position. FONOPs, while a double-edged sword, may be the only and last resort for US diplomacy.

Finally, the book under review could have devoted more analysis to the legal arguments on the opposing views of the notion of freedom of the sea developed by the US and its adversaries in a legal debate. The authors briefly mentioned some major landmark cases such as *Nicaragua* (Nicaragua v. the US) and *Oil Platform* (Iran v. the US), but, again, they could have highlighted the fundamental juridical and doctrinal debates over the notion of freedom of the sea. Though the American perspective on freedom of navigation is well illustrated, the authors could have detailed the discrepancies in the legal positions between the US and its counterparts in each case. In the Cold War era, the distrust between the two camps was so intensive and profound that any conduct of the US in the ocean, whether a mere peaceful intelligence collection or a risky, even provocative, detective action, may have triggered the opponents to seize the US vessel and arrest its crew. In the Persian Gulf area (see Chapter 9), the supportive alliance yet complicated relationship among Arabic countries including Iran and Iraq may have induced the violent consequences such as the Iran-Iraq War under the strong influence of their colonial legacies and geopolitical considerations on the crude oil in the region. These factors are often overlooked by commentators unless they have broad and acutely profound viewpoints over the issue. In this sense, the book under review teaches us a good lesson on a fundamental perspective of the notion of freedom of the sea in the current era when Pax Americana is shaken and may be in need of reconstruction.