

ARTICLE

## Imagining alternative, unplanned geographies for disputed maritime space

José Edgardo Abaya Gomez, Jr.

ABSTRACT

This study examines the way discourses are framed and offers critical commentary on the rise of antagonistic geographical assertions over the expanse of sea bordered by China and its littoral Southeast Asian neighbors. After first reviewing international practice elsewhere, legal issues, and solutions proposed so far, the author deconstructs assumptions regarding historic rights, potential material resources, and hoped-for intervention of remote allies as chimeras that fuel a clash of nationalisms and territorial actions, especially in the wake of the 2016 decision by the arbitral tribunal constituted under Annex VII of United Nations Convention on the Law of the Sea (UNCLOS) (i.e., an arbitral tribunal under the Permanent Court of Arbitration (PCA) established under the 1899 Hague Peace Conference). The decision ruled in favor of Philippine claims against China's infringement in the former's Exclusive Economic Zone. The argument that inflexible geographic logics are at the root of the conflict is developed here into a discourse on challenges of the geopolitical imaginaries in the maritime realms of Asia. It is shown too that the clash of non-shared spatial understandings has led to social and environmental repercussions that merit the concern of distant countries. Ultimately, initial steps are proposed for recasting and moving towards a new regional concept, which could be the basis for cooperation and a de-escalation of belligerence in a part of the world that is urbanizing rapidly and growing into a crucial economic center of gravity.

KEYWORDS

maritime dispute; Southeast Asia; alternative geography;  
spatial imagination; human security

## Introduction, significance, and methodology

The approximately 3,500,000 square kilometer expanse of sea bordered by Brunei Darussalam, China, Malaysia, the Philippines, Taiwan, and Vietnam, has historically functioned as a source of sustenance and shared passageway for maritime vessels of all the different peoples and polities of the Southeast Asian region. As a marginal, semi-enclosed sea surrounded by the above mentioned six states, and with contiguous waters flowing to the coasts of Cambodia, Singapore, and Thailand, it has across the centuries played the role of an Asiatic *Mediterranean*—a body of saltwater surrounded by land with narrow outlets to oceans and other seas and paradoxically, both connects and divides the various populations that have depended on it for sustenance, conveyance, and the florescence of cultures (Evers 2014, 4). Following convention and ease of recognition, it shall in this paper be called the South China Sea (SCS), which in no way should be taken to mean partiality to any claimant in the multilateral territorial disputes that have racked the region in the past decade, as it may, geographically speaking, be just as sensibly be called the “sea of Southeast Asia”, for example. It may be added that in recent years, increased urbanization and the foregrounding of the coastal condition make the association of cities and the sea one of the most important environmental juxtapositions of the twenty-first century, and which, it shall be shown, contributes to the population and governance pressures exerted upon the SCS (Brand 2007, 70). Consequently, what shall be problematized in this article is how territorial and other state-specified ways of claiming geographic space cause issues to emerge when applied to the maritime realm; and how geographic and cultural aspects favor its reconstruction under a more equitable sharing arrangement, rather than rigid partitioning of space secured by military posturing. In analyzing such a situation, a historical review of similarly disposed regions shall be undertaken, followed by a discussion of the developments in the SCS, as well as factors influencing the imaginary conception of a greater community with important links to the rest of the globe. In particular, this study employed a limited form of discourse analysis by first looking at overall geopolitical context and then by observing repetitive cultural and rhetoric mechanisms, especially in media accounts. Also useful to the approach was the concept of “frames”, or as Erving Goffman put it, “the principles of organization which govern events—at least social ones—and our subjective involvement in them”; such that the juxtaposition of an older, more powerful centralized state versus several younger, less powerful ones could serve as a frame to define events of maritime conflict and the corresponding rhetoric of territorial clashes based on the alleged historic rights of the former versus asserted newer rights of the latter to extract and use marine resources (1974, 11). Such a qualitative analysis of frames emphasizes cultural and political content,

in the same way that this study tried to compare and group journal articles and media accounts based on how these portrayed the SCS tensions (Linström and Marais 2012, 27). While the survey of scholarly articles and news does not purport to be comprehensive in this piece, it does provide sufficient basis to posit the possibility for other frames or discourses that have the practical effect of diffusing the tension that has governed state posturing in the SCS for the last decade. The article ends with a critical discussion of the struggle of geopolitical imaginaries and recommends alternative joint perspectives, which could encourage an easier co-existence. It hopes to contribute to the already voluminous literature on the geopolitics of the SCS by offering a less legal-centric, but more critical and alternative listing of perspectives for the international region in focus.

### **Core events and socioeconomic conditions leading to the present geopolitical impasse**

Although differing modern claims to maritime territory can be traced back to the 1930s (when France annexed the Spratlys as *terra nullius*, as against the usage of some of the islands by British and later Chinese subjects), the escalation of frictions in the South China Sea can be linked definitely to the start of sporadic armed conflict in the 1970s between government forces of Vietnam and China (Tønneson 2008, 337–344; Pedrozo 2014, 2; Tønneson 2000, 17; Benson, 2013). The geographic foci of contention are two island groups south of the People's Republic of China ("China" hence). First are the Paracels, about 140 nautical miles south of China's Hainan island and within 150 nautical miles off the coast of central Vietnam. Second come the Spratlys, at least 500 nautical miles southeast from China and within 200 nautical miles off the western coast of the Philippines.

In January 1974, Vietnam lost an armed confrontation as China moved in to take the rest of the Paracel islands which it had gradually occupied starting in 1950 (Fravel 2011, 293). Sometime thereafter, in 1988 Chinese forces again clashed with Vietnamese troops, over Johnson south reef in the Spratlys. This resulted in the death of more soldiers, a loss for Vietnam and a quick consolidation of insular and below-waterline reef-space by China. Nevertheless, Vietnam and China were said to have normalized relations by 1991 and entered into constructive talks that led to the settlement of maritime borders in the Gulf of Tonkin by 2000 (Kardon 2015). Soon thereafter, in 1994, China turned eastward and began the first of its unorthodox forward assertion strategies directed towards the Philippine side by building structures over Mischief reef in the Spratlys, during a period when the Philippine Navy somehow failed to forcibly dispute construction of what China then claimed was a mere "fishermen's shelter"<sup>1</sup>. The construction of a Chinese bunker was protested through diplomatic channels by the Philippines, but to no avail. A brief lull followed the signing in November 2002 of the non-

binding Declaration on the Conduct of Parties in the South China Sea, between Association of Southeast Asian Nations (ASEAN) and China, in which it was agreed, *inter alia*, to undertake to resolve territorial and jurisdictional disputes by peaceful means, without resorting to the threat or use of force. This was one of many significant empirical, documentary pieces of evidence of the evolving diplomatic and politically charged communications between disputing countries. The parties also undertook to “exercise self-restraint in the conduct of activities that would complicate or escalate disputes and affect peace and stability, including, among others, refraining from action of inhabiting on the presently uninhabited islands, reefs, shoals, cays, and other features...” (Association of Southeast Asian Nations, 2002)<sup>2</sup>, which made China’s subsequent multiple reef reclamation in the next decade incompatible within the context of this earlier agreement.

In 2012, a standoff followed with Chinese vessels that had been plying the waters of Scarborough Shoal, a lone shallow-water feature less than a hundred nautical miles from the west coast of the northern Philippines, which had been traditionally used by small scale fishermen in the region. However, it was only well after the stand-off had begun that Chinese vessels began preventing Filipino fishing vessels from entering the shoal (Glaser 2018). This ended with the Chinese fencing of the shoal’s entrance and the stationing of sentinel ships on rotation, which has continued as of February 2018, to prevent fishermen of other nationalities from entering (Laude 2018, Fonbuena 2018). In the meantime, in 2013 the Philippines filed an Arbitration Case at the Permanent Court of Arbitration (PCA), pursuant to Annex VII of United Nations Convention on the Law of the Sea (UNCLOS). This action was based on the Philippines’ claim under the 1982 United Nations Convention on the Law of the Sea (UNCLOS III, or “UNCLOS” hereafter) (Cheng and Paladini 2014, 188). China blithely ignored the case, while the ASEAN has been reluctant to take up any protest in support of Vietnam and the Philippines, its two members who are geographically nearest to aggravating maritime incidents. Since 2014, Chinese construction crews have arrived in large ships and have simultaneously begun complex construction in all Chinese-occupied features of the Spratlys, although more egregious since that year was a massive reclamation of Fiery Cross reef, which satellite photos revealed to hold a runway, hangars, a sheltered harbor, and fortified buildings that, together with installations on Mischief reef<sup>3</sup>, are its most ambitious physical assertions to date. However, it must be remarked that Malaysia and Vietnam have been doing their own smaller-scale reclamation and fortification of occupied areas, even as the Philippines and Brunei have been doing oil and gas explorations in the area without military security (Chubb 2015). The latest development which caught international attention was the ruling of the arbitral tribunal under the Permanent Court of Arbitration (PCA) in July 2016, which decided the case in favor of the Philippines, and stated in a 500-page verdict, from which a couple

of passages are worth quoting; the first because it unambiguously junks China's claim based on "historical" rights, the second because it clarifies that the parties are talking at cross-purposes, which consequently affects living and non-living resources (the environmental impacts of reclamations having long-term adverse effects for all parties):

278. With respect to Submission No. 2, for the reasons set out above, the Tribunal concludes that, as between the Philippines and China, China's claims to historic rights, or other sovereign rights or jurisdiction, with respect to the maritime areas of the South China Sea encompassed by the relevant part of the 'nine-dash line' are contrary to the Convention and without lawful effect to the extent that they exceed the geographic and substantive limits of China's maritime entitlements under the Convention. The Tribunal concludes that the Convention superseded any historic rights or other sovereign rights or jurisdiction in excess of the limits imposed therein. . . .

Especially insightful, with respect to claims of sovereignty and this paper's argument is:

696. In the Tribunal's view, the core of the Parties' dispute with respect to living and non-living resources lies in their differing understandings of their respective rights in the areas of the South China Sea within 200 nautical miles of the Philippines' baselines that are encompassed by the 'nine-dash line'. It is apparent that the Philippines and China have each proceeded on the basis that it, and not the other, has exclusive rights to resources and have acted accordingly. . . . [Permanent Court of Arbitration - Case N° 2013-19: Award – 12 July 2016]

While analysts do not foresee escalation to war as an impending possibility, because the nation-states involved are entwined economically (which may discourage protracted conflict over peripheral land-&-sea features), the question of sovereignty and perceptions of territory remain at the core of SCS disputes, and are complicated by neutral ASEAN being split<sup>4</sup> on the issue, and Taiwan being excluded from the diplomatic process because it is not considered a state under the International Law of Recognition, albeit being otherwise qualified<sup>5</sup> (Emmers 2014, 65; Chiu 1992, 3) (Womack, 2011; Cheng & Paladini, 2014). Apart from the chain of events related to territorial dispute that have been recorded by international media, there have been numerous smaller incidents, such as Chinese naval forces warning away U.S. surveillance aircraft, or the arrests and detention of fishing vessels that have wandered or purposely slipped deep into the waters of another state, and whose actions could not be construed as "innocent passage" under the UNCLOS, innocent passage referring to continuous and expeditious through-movement of another state's vessels, subject to a list of prohibitions (under Articles 17 to 19) (Reuters and Thornhill 2015) (Keck 2014; Panda 2016).

Such events could be interpreted as falling under any of the listed reasons that constitute prejudicial action to peace, good order, and security, which include most egregiously: the conduct of military exercises, the dissemination of propaganda, the conduct of fishing activities, the conduct of research or prejudicial data gathering, and willful pollution—all of which the claimant states and their sea-going vessels have been guilty of to varying degrees. On this note, it is important to realize that like other Southeast Asian claimant states, the Chinese government is also under public pressure not to show any internal or external weakness regarding activities in the South China Sea (Hongfang 2011, 595).

Moreover, it is apparent that socioeconomic pressures associated with growth are fueling expansion of the different nation-states that surround the SCS. One of the most convenient ways to capture this phenomenon is to survey the growing number of metropolitan settlements along the coastlines; that is, urban agglomerations inhabited by upwards of one million residents. Such burgeoning cities are expected to grow into megalopolises or “mega-cities”, which are now characteristic of Asia. These urban concentrations of people and built-up areas require substantial material inputs to sustain, and collectively generate megatons of waste daily. China alone, with a brisk gross domestic product (GDP) growth averaging nearly 10% per annum for the last decade, has invested heavily in infrastructure expansion and improvement of its cities, and imports annually at least U.S. \$ 300 billion in oil and a similar amount of electronic inputs components, such as integrated circuits, which it re-exports as finished computers. The capitalist dynamic is alive and well in its cities, as well as in other metropolises of Southeast Asia, and drives the continuous expansion and restructuring of urban areas (United Nations 2015; Kaplan 2010).

**Table 1: Coastal or near-coastal/Riparian metropolises around the South China Sea as of 2017**

City or emerging urban region	Estimated population 2017-18	Approximate location in SCS
Guangzhou	14,211,000	southern China, north SCS
Hongkong	7,409,800	southern China, north SCS
Haikou	2,070,838	Hainan Island, China, north SCS
Kaohsiung	2,776,912	southern Taiwan, northeast SCS
Hanoi	7,600,000	northern Vietnam, west SCS
Da Nang	1,067,979	central Vietnam, west SCS
Ho Chi Minh	8,244,400	southern Vietnam, west SCS
Metro Manila (based on 2015 census)	12,877,253	northern Philippines, east SCS

\*Sources. Retrieved 24 April 2018: (Figures Rounded/ Approximated) Guangzhou: <http://worldpopulationreview.com/world-cities/guangzhou-population/>; Hong Kong: <https://www.censtatd.gov.hk/hkstat/sub/so20.jsp>; Haikou: <http://population.city/china/haikou/>; Kaohsiung: <http://www.citypopulation.de/php/taiwan-admin.php>; Hanoi: <https://www.worldscapitalcities.com/capital-facts-for-hanoi-vietnam/>; Da Nang: <http://population.city/Vietnam/danang/>; Ho Chi Minh: <https://www.worldatlas.com/articles/the-biggest-cities-in-vietnam.html>; Metro Manila: <https://psa.gov.ph/content/population-national-capital-region-based-2015-census-population-0>.

It is foreseeable too that less populated urban areas will continue to increase their populations all around the SCS in the next decade, including cities along the coast of Vietnam, the peninsular and insular coastlines of Malaysia (e.g., Kuantan in Pahang, Kota Kinabalu in Sabah) and the western Philippine island of Palawan (e.g., Puerto Princesa), which is adjacent to the Spratlys. This will add to the pressures that have exacerbated intransigent nationalisms. However, in order to arrive at a more rational and equitable solution, it is important to step back and consider other information, such as the different options that states may avail of to negotiate territory, or the ways of sharing natural resources that predated nation-states and to an extent prevail among artisanal communities. This research, therefore, turns now to the more dispassionate scholarly frameworks in order to temper the rhetoric.

### **Literature review: Framings of maritime territory and the South China Sea dispute**

In reviewing the scientific literature, the author situates this article in a growing body of developmental and spatial discourses on Southeast Asia, encapsulated in what Hirsch has recently demonstrated to be a shift from a traditional idiographic focus to issue-oriented geography, emergent since the 1990s. The specific issues germane to this discussion can be divided as follows (2013, 106):

#### *Maritime spatial delineation and planning around the world*

The formal extension of a nation-state's territoriality over maritime realms has become a common practice only after World War II, resulting in the further intellectualization of maritime spatial planning and related legal discourses on sovereign rights over geographic features (Kidd and Shaw 2013, 180–181). Pressures from growing populations and economies, as well as the invention of measuring and monitoring technologies have pushed littoral, insular, and archipelagic states to map out and stake their claims to territorial waters, often by agreeing formally with their neighbors. Even in the seemingly stable Mediterranean, European states still have to work out some territorial sea agreements, although they do adhere to the UNCLOS, among other documents. As another example, such European states have attempted to integrate maritime policy for shared sustainable development and research, as embodied in the 2012 Limassol Declaration on Blue Growth, while maintaining external maritime relations, say for instance, through the 2002 Agreement on Maritime Transport Between the European Community (and its member states) and the People's Republic of China (European Commission 2012). Similar harmonious cross-border cooperation exists under the flexible and environmentally-centered maritime spatial planning rubric for the Baltic sea (Backer 2011, 280–281). On



the other hand, across the Atlantic, disputes continue to exist in the Caribbean, particularly between the United States, Columbia, Honduras, Jamaica, and Nicaragua (Van Dyke 2007). There are also ancient shared usages, as in the Caspian sea, which has yet to be defined clearly as a marine area among the states that bound it (Raczka 2000, 217–218).

### *International geopolitics—a turn towards Asia*

The slow but inexorable shift of economic and political power to Asia has been influenced, in no small measure, by the booming productivity of China, as well as by older regional stalwarts, Japan, South Korea, and Taiwan. The literature already shows that Asia alone (rather than that other geopolitical rubric, “Asia-Pacific”, which would include the American states) enters discourse in various disciplines, as does the yet little-used term ACI or ASEAN-China-India, which takes cognizance of India’s growing engagement with Southeast Asia through its “look East policy” (Mohan 2013, 3; Chaturvedy 2014, 9). The sheer vastness and diversity of East Asia and Southeast Asia combined, plus their strategic access to raw materials from numerous hinterlands and abundant seas, make possible geographic advantages that are the anchors of power projection (Asian Development Bank 2014, 187–189). Paradoxically, while Asia is becoming more integrated and permissive of sociocultural interchanges, its fluidity is belied by a countervailing trend through the erection of more durable, omnipresent, and enforceable borders made possible by new technologies (Cladd et al. 2011, 3–4). One obvious offshoot of this opposite trend is the process of delineating territory. Because of both amicable and antagonistic relations over borders through the decades, an important body of law has arisen; or more specifically, laws relating to boundary delimitations, both on land and sea, have developed since ancient times.

∞

### *The South China Sea: International legal issues*

In reference to maritime reclamation of previously undisputed subtidal and remnant physical features, the UNCLOS, which most of the contending states have ratified (Taiwan being unable to do the same, as it does not enjoy widespread international recognition as a state), specifically provides in Article 121(3) that “Rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf.” However, there the Convention seems not to have contemplated artificial alteration of such “rocks” or submerged water features, such that they subsequently become habitable and become tenuous bases for extension of sovereign territory; although such manipulation does not guarantee an enduring effect on delineation of adjacent areas (Charney 1999, 863–864). There is, besides ramifying scholarship and a



spectrum of informed opinion on the substance and form of claims, some conjecture about future geopolitical configurations. This ranges from the reasoned opposition indirectly sympathetic to Vietnamese and Philippine interests to apologists for the Chinese position (Zhao 2012; Gao & Jia 2013) (Tønnesson 2000, 213–215; Ross 1997, 195–198). A survey of jurisprudence, such as that of Davenport, helps to establish international legal perspective, as she shows from 1969 to 2009, over thirty maritime boundary agreements have been sealed, with Indonesia showing a respectable leadership in making concessions in exchange for stable sea borders; despite the difficulties of maritime delineation in Southeast Asia due to its complex maritime geography, territorial disputes over small islands, a plethora of historic claims, and questionable presence of hydrocarbon resources (2014, 315). China, on the other hand, has insisted on the legality of its nine-dash line, the latest redrawing of what used to be an eleven-dash tongue-like<sup>6</sup> extrusion of maritime territory first appearing in Taiwanese (Republic of China) atlases, schoolbooks, and other geographic portrayals in the late 1940s (Gao & Jia 2013, 100–101; Womack 2011, 378; Batongbacal 2012, 13). This territory which hangs southwards from the Chinese coastline to encompass practically the whole SCS, is a visible departure from the usual coastal contour-hugging territorial delineations of most other states. This nine-dash line is problematic in at least one sense: it has, to date, not been officially defined by Chinese (or Taiwanese) government officials in measurable coordinates, hence it cannot be subject to quantitative negotiation among states and implicitly veils the threat of further ballooning expansion. From an academic perspective and *not* a legal one (as this paper inclines toward regional planning and geographic notions), one may also consider that, conceptually, the looping out of the Chinese coastline also flies in the face of one of the most venerable concepts of geography, Tobler's First Law: "Everything is related to everything else, but near things are more related than distant things." Indeed, if this latter principle's empirical validity were robust, then claims by virtue of spatial proximity and historic usages by other nearby communities would trump liens on lands and waters geographically distended from the core of habitation and seat of an aggressive but distant claimant.

Another legal issue is the principle of *critical date* (of effective apprehension of a territorial feature), whose precedent was established by the Permanent Court of Arbitration in the Island of Palmas (a.k.a. Miangas) case in April 1928. It entails the ability and intention to exercise continuous and uninterrupted jurisdiction over a territory, as distinguished from conquest; and in the particular case, referred to evidence in favor of the occupation of the said island lying between Indonesia and the Philippines by the Netherlands (as erstwhile colonizer) versus a newcomer colonizer, the United States. In the present case, although China has occupied the Paracel Islands, it has not historically occupied the

Spratlys, which it did only by taking submerged reefs, some of which were subsequently converted into artificial islands; while ASEAN claimants have had a longer presence there (Buszynski 2012, 140–141).<sup>7</sup> Thus, even as China has continued to fortify the quasi-insular features that it occupies, it still would appear to be an interloper vis-à-vis the longer, peaceful occupation of other natural islands by Vietnam, the Philippines, Brunei Darussalam, and Malaysia.

#### *Attempts at preparedness or resolution*

Given the escalating moments of geopolitical uncertainty, Southeast Asian states have resorted to measures to augment or strengthen their unmodernized armed forces, as well as to improve their geopolitical bargaining positions. Goh demonstrates how countries like Vietnam and the Philippines have used “omni-enmeshment” by inviting Great Powers, the Soviet Union (now Russia), and the United States, as defense partners and arms suppliers, in an attempt to discourage Chinese expansionism (2007, 119). Singapore and Taiwan also have had past experiences of joint military trainings; and Thailand, like the Philippines, has a formal alliance with the United States. On the whole, however, this Southeast Asian balancing act falls short of overt military alliances, and is typical of the “ASEAN Way”, whose security culture consists of the following elements: (1) sovereign equality; (2) non-recourse to the use of force; (3) non-interference and non-intervention; (4) non-involvement in ASEAN bilateral conflict; (5) quiet diplomacy; and, (6) mutual respect and tolerance; but which may no longer be effective in dealing with some contemporary international challenges (Saravanamuttu 2005, 46).

Apart from the moves of Southeast Asian states to shore up their defenses, the scientific literature has offered a range of propositions from ostensibly disinterested third parties. One early proposal by Sun was to apply the 1959 Antarctic Treaty to what he portrayed as a Spratlys conflagration, which would essentially freeze all activity without negating past historical and geographic counter-claims (1996). Such a strategy could also include an option to demilitarize and de-nuclearize (although there is no confirmed knowledge of any nuclear presence on the Paracels or Spratlys yet). Of course, if it had been applied, Chinese authorities would have had to agree to halt all expansion. Another solution broached by Tønnesson is to come to an agreement that islands could, among the range of maritime zones to choose from, conjecturally generate no more than the standard 12 nautical mile territorial sea zones (the latter based on Section 2, Article 3, UNCLOS), which would allow occupant states to retain their positions without going into disputes over Exclusive Economic Zones and Continental Shelf extensions (2000, 213). Given such straightforward, if unsophisticated, suggestions, one may at least infer that there are sincere efforts

to work around the unyielding positions of the states involved; and that there is no lack of options, at least on a conceptual level, to restore harmony, or to at least de-escalate menacing actions.

Nevertheless, one cannot be too ingenuous or dismissive of the simmering tension and what one writer calls China's lack of affability and use of extra-regional leverage (Berna 2014, 39). It is the sea and control of its resources and access that are the objects here. Why a recently prosperous China should begin to extend its geopolitical and military reach by building islands far removed from its shores and incrementally claiming reefs and shoals, is not about piece-meal acquisition of tiny land parcels by a regional bully; it is about a much vaster prize: laying exclusive claim to contested waters, and everything above and beneath them in what could be the latest of several historical waves—of mainlanders moving into Southeast Asia and the Pacific. The islands are merely the prerequisite, literal stepping stones of a terrestrial nation-state, from which vessels may be launched daily to police the newly-annexed *lebensraum*<sup>8</sup>, to extract its material wealth, and to regulate rights of third-party passage. Natural bathymetry and above-water topographical features have only suggested the initial areas on which to plant stakes and slip in landfills; but from a hegemonic perspective, it would not be illogical to surmise grander designs. Then again, as seasoned observers will point out, this is not so different from the past actions of older hegemonies like Russia (as the gravitational center of the former Soviet Union) and the United States, which established forward buffer territories in past centuries in Central Asia and the Caribbean, respectively.

### **Dismantling panoramas of discord: Recognizing multiple, malleable spaces**

Given the foregoing limited comparison of representative journal articles, as well as the recent spate of cited media accounts, this research reframes the situation as a problem of conflicting spatial imaginaries. Plans and territorial actions on the ground can all be traced to beliefs, whether formalized convictions based on political and historic statements, or non-formal assertions of proprietary rights. Beliefs can, in turn, be traced to patterns of thinking, in this case about resource values, one state's self-image versus other states, and ways to secure its property. Such patterns of thought however, are ultimately framed by a spatial imaginary: a mental geography, espoused by the citizens and their government, about what constitutes the national patrimony, and over which one would be willing to make the ultimate sacrifice—to lay down one's life in defense of land and water wherein fellow-citizens' freedoms and aspirations might prevail. There is however, no single imaginary, as Soja points out in quoting Appadurai, hereunder worth reproducing (2000) (1996, 31):

The image, the imagined, the imaginary—these are all terms that direct us to something critical and new in global cultural processes: the imagination as a social practice. No longer mere fantasy (opium for the masses whose real work is elsewhere), no longer simple escape (from a world defined principally by more concrete purposes and structures), no longer elite pastime (thus not relevant to the lives of ordinary people), and no longer mere contemplation (irrelevant for new forms of desire or subjectivity), the imagination has become an organized field of social practices, a form of work (in the sense of both labor and culturally organized practice), and a form of negotiation between sites and agency (individuals) and globally defined fields of possibility. . . .

In reciprocal fashion, however, the multiplicity of competing imaginaries is, or can be influenced by resorting to actions on the ground by different players to win others to their vision of reality. Stakeholders with more wherewithal may concretize their visions in physical space ahead of others; but such manifestations must eventually be subject to censure and decomposing-actions of real individuals and groups who find themselves enclosed or excluded. In this light, one major root of the problem pertinent to the SCS dispute lies in the overlapping, inflexible imagined territories of China, Taiwan, and each ASEAN member, which are narrowly constructed (e.g., based on some form of “historic rights” in the case of China, Taiwan, and Vietnam, whose antecedent polities date back centuries, and logically fail to take into account states that came into existence in the twentieth century) and do not readily admit of other geographic framings. Another related aspect is that the patriotic mental imaginaries themselves can have ill-defined borders, tugged by partisan passions and vulnerable to expansionist demagoguery, unless strong leadership fixes courteous boundaries using rational approaches and tools. As a major element of this analysis, one should consider that if, on the one hand, there seem to be rigid ways of seeing by older states (e.g., China, Vietnam, to a certain extent Taiwan in so far as it considers itself the other “China”), then, too, there are perspectives based on more recent notions of rights to access and extract natural resources by the younger states (the Philippines, Indonesia, Malaysia). And yet a visit to any coastal community in the SCS will show that secondly, physical realities are socially malleable spaces used by a multitude of actors on the ground, sometimes indigent, who are unconcerned about the proprieties of state ownership. Moreover, a third consideration exists: that there are other third-party states (e.g., Japan, South Korea, Singapore, etc.) that have an active interest in gaining unfettered access to the area as a through-passage for trade. In order to seek a solution, therefore, three prerequisites to renewal are discussed in the next section: (1) breaking down assumptions regarding the geopolitical imaginary; (2) considering different useful spatial understandings of the sea; and, (3) forging a shared geographic imaginary among the different stakeholders.

## Questioning norms underlying geopolitical assertions

In order to recast the geopolitical imaginary and arrest negative down-spirals of conflict, one must start to articulate and deconstruct implicit beliefs about space and the way it is controlled. As with other social sciences, geography lends itself to post-modern and critical approaches that try to unpack and reconfigure ways of portraying and categorizing the Earth's surface. This research underscores the need to overcome preset views of territory, learned perhaps through formal education, in order to arrive at a conception that could lead to more fruitful inter-state engagement; or that imparts a more comprehensive, multi-scalar appreciation of the way space becomes both the container and the creation of human actors. In an insightful article, Sassen alerts us to the ways the territorial nation-state flattens and conflates various communal or sub-national jurisdictions with its own borders, when in fact, all sorts of normal transgressions persist and function in an overlapping manner, such as economic spheres of influence, autonomous enclaves, ethnic-religious networks, etc., some of which have become increasingly able to challenge the preeminence of the nation-state in many domains of human endeavor (2013, 22). Building on the foregoing analysis, and as a basis for attaining more beneficial geographic framing of the SCS, five assumptions from the literature and reportage that constitute the present "imaginary" are refuted hereunder using a critical spatial lens:

1. "The maritime region and its strategic topographic features (e.g., the Paracels and Spratlys) have belonged to country X—or Y, or Z. . . since time immemorial, by virtue of so-and-so archives. . . artifacts . . . past tributary relationships, etc." Not necessarily, especially if country X and its opponents are only the latest in a succession of polities in a region whose polities have expanded and shrunk, been colonized, divided, aggregated, or came into existence at different times, thus changing the composition of the regional statal community. In the interest of defusing SCS's potentially explosive collision of interests, statesmen need to downplay ideas that drive acquisitiveness. First come claims rooted in past "ownership", which are transposed into the present where the geopolitical arena has since expanded from earlier eras. In the playing field, nation-states have emerged whose needs and spatiality demand adjustments in the status quo ante. By virtue of their imperial past, China/Taiwan and Vietnam set much store on the supposed reach of their maritime borders in ancient times; ergo, the reasoning implies, these areas once controlled by their defunct forerunner regimes should continue to belong to them. But in a bygone world much less populated than today, where stretches of mainland had offered enough room for peoples to reside in and to do agriculture, it is implausible that

the predecessor states of these claimants would have invested in permanently improving what were far-flung geographic features—labeled as “dangerous ground” on the maps used by passing European and American seafarers, and claimed to have been found uninhabited by later post-colonial states like Malaysia and the Philippines. In this regard, harping on sacrosanct spatial boundaries of the past, whether true or embellished, will likely result in an impasse; and can be fairly challenged by proximity and traditional fishing experiences of those other countries’ populations that have gone unchallenged, until recently, in exploiting these features for sustenance, refuge, etc. Another way to put it is that claims of first recording or first visitation do not automatically translate into twenty-first century sovereignty, especially when not followed by continuous, undisputed occupation and usage.

2. “There is probably untold mineral and natural wealth in this maritime region that can be acquired by capable first comers, to the exclusion of others.” Yes, possibly, but there is no indication that material wealth potentials are significantly greater than anywhere else; whereas monopolizing extraction in areas claimed by others will generate untold environmental and social negative externalities for the neighboring states, if not the global community. The other perverse enticement comes from the opposite direction: a future supposedly abundant with hydrocarbon reserves waiting to be extracted in a winner-takes-all game. Again, spatiality figures wickedly here: where are these alleged, stupendous troves of petroleum, natural gas, and other related material? While countries disputing the SCS have already begun extractive activities within their maritime borders<sup>9</sup> it has not been ascertained that additional natural wealth happens to be co-located anywhere near the Spratlys or Paracels. In such a case, exact geospatial coordinates become crucial; for if new hydrocarbon reserves were to be discovered closer to the coastlines of Vietnam, Malaysia, Taiwan, or the Philippines, rather than in the high seas center of the SCS, then this could precipitate further Chinese exertions into the municipal waters of its neighboring states. Somewhat optimistic Chinese estimates peg the potential of the SCS at 105 billion barrels of oil, and implied production for the Spratlys at around 1.9 million barrels per day; but more definitive probes still need to be done (Bautista 2007, 706). Again, the same advice holds: imagined or real hydrocarbon should be accorded less priority than real-time territorial and socioeconomic (i.e., fishery, travel, and tourism-related) concerns. More to the point, probably *the* most important resource of the SCS is its food production, which gives the dispute an undeniable human security dimension: the sea provides 25 percent of the protein needs of 500 million people; 80 per cent

of the Philippine diet alone, which translates into at least five million tons of fish each year, or at least 10% of the global fisheries catch (Snyder et al. 2001, 5).

3. “The extension of territorial jurisdiction is synonymous with the extension of safe and secure space for the citizens of a given nation-state.” Not anymore, nor were any such boundaries ever impenetrable by timely external force, collusion or subterfuge. For example, the exclusive right to access, extract, and utilize resources granted under present international law is not necessarily contiguous with the territorial sea over which a state exercises full sovereignty; and other states may intentionally or inadvertently cross into areas where extractable materials remain unguarded. Moreover, from another perspective, or in other arenas, the primacy and integrity of the nation-state is being gradually challenged, facsimiled, or substituted at many scales and on many fronts. As one writer puts it, while sovereignty remains a key systemic property, its institutional bases have diversified (Sassen 2013, 30). Because no state can construct absolutely impenetrable physical barriers over such large expanses, it is therefore illusory for claimant states to assume that they shall be able to enforce impermeability of their maritime borders as a protectionist move to privilege their citizens in exploiting newly annexed islands and waters, notwithstanding the fact that annexation is now generally regarded as illegal by international bodies (c.f. Israel’s 1981 extension of territory into the Golan Heights). If land borders alone are routinely trespassed by individuals and groups (e.g., historically, note Mongol penetration of China’s Great Wall), then sea borders would be even more prone to infiltration and trafficking of people, goods, and ideas in both directions.
  
4. “Adverse effects of reclamation and privileging of land-based extensions of sovereignty take place in small or insignificant stretches of the SCS.” Unlikely, as the record of environmental deterioration has already shown. In a Tragedy of the Commons scenario, there is no incentive for the most powerful and greedy users to stop extracting from nature (Hardin 1968). Although there seems to be yet no follow-up by the United Nations on its 2007 comprehensive study that estimated one million metric tons of sewage per annum generated by the populations of countries bordering the SCS (United Nations Environment Programme-Global Environment Facility 2007), other more recent commentaries give plausible bases for higher pollution loads; such as for instance an April 2017 article in the *South China Morning Post* that pegs sewage at one million metric tons *per day* from China alone, flowing into the Pearl River Delta, which exits into the SCS (Li 2017).



Other culprits have been identified: among the top 10 countries in the world that throw plastic waste into the oceans, five are around the SCS: China, Indonesia, the Philippines, Vietnam, and Malaysia (Trajano et al. 2017, 6). Such pollution tends to lead to declines in seafood quality, red tides, and other harmful effects. Similar indirect admissions on all sides, in the form of government or NGO reports, as well as anecdotal evidence from seafront dwellers, indicate that many coastal waters have already been over-fished; hence the need for fishermen to go farther and farther out, into waters claimed by other states. This scarcity brought about by irresponsible environmental usage cannot be overemphasized: it has infallibly led to miserable human conditions in different times and eras.

Moreover, all such states have done some form of reclamation, which is pollutive and destructive of marine ecology. Chinese offshore garrison construction happens to be only the most unprecedented in sheer scale and audacity. By destroying reefs and shoals, which function as refuges and breeding places for yet largely unquantified fish and marine invertebrate stocks, all these countries only feed the vicious cycle of declining food supply that spurs further invasion of still-abundant areas (Gomez 2015).

5. “Geographic renderings of the region are merely incidental to, or cosmetic effects of political and economic maneuvering, and need not be cause for umbrage.” Quite the contrary: it is the multiple geographic imaginaries or geopolitical frames that set the stage for conflict, and therefore are significant factors in inciting territorial discourse and actions on the ground. While it is generally acknowledged in the discipline that no representation of the Earth’s surface can be complete, many far-reaching political decisions have been made on the basis of maps, however deficient they may be (e.g., In 1493, Pope Alexander VI divided a partly unexplored world between Portugal and Spain). The closer one looks, the more one sees—of layer upon layer of geographic understanding below and beside that of the nation-state, down to the maritime mind-maps of indigenous peoples. What needs to be recognized here is the inertia of the present geopolitical imaginary, which engenders a path dependency on macro-territorial beliefs and actions that decision-makers find difficult to disengage from until real challenges compel a backing-off; in the same way that colonizing countries have found their most oppressed colonies rising up against all odds to assert new identities, and with those new identities, new territories and urban spaces.

In light of the critique of the foregoing assumptions found in state declarations, to adhere to the chimeras of national-scale territorial rhetoric

can only fuel conflict-mongering and an unspoken anxiety about many repercussions, including the expansion of imagined national communities in the sense elaborated in Benedict Anderson's oft-quoted book (1983 and 1991). It fails to take into account present multi-scale usages of land and water, as well as alternative harmonious configurations, to which the study turns next.

### **Looking anew, looking afar: Towards an alternative view of a shared sea**

The present trajectory of events is likely to be untenable in the long run, because no government in history has been known to sustain a permanent guardianship over huge swaths of contested *terra firma*, let alone promulgate a maritime lockdown in the face of neighboring states that chafe beside or beneath its imperialism. The high seas possess the qualities of public, fungible goods, for which it would be difficult to exclude other users, especially fishermen and transients. On the other hand, it seems apparent from empirically verifiable media accounts and diplomatic exchanges, that in the decades-long escalation of rhetoric, considerable restraint has been exercised by all sides; instead of unidirectional influence, one may consider the SCS argumentation game as a two-way bargaining between China and each smaller state, where each tries to exercise as much influence as possible, while giving in as little as possible (Kivimäki 2002, 529). It becomes useful therefore, to step back and revisit notions of space, the values assigned to it, and ways by which it can and should be governed.

#### *Views from the bottom: A patterned sea as lifeline and touchstone*

Having set aside the most ostentatious but least helpful assertions of historic right and uncertain future wealth, decision-makers would do well to consider the cultural geography of the SCS, adopting a view from the bottom, so to speak, of those peoples who have known the sea intimately, in ways different from, but just as durable as the national-scale, utilitarian perspectives of large-scale fishing or mining entities. Tagliacozzo, for instance, reminds us that people, place, and periodization have intersected in specific, complicated ways to shape notions of community, which in turn have given rise to the mosaic of groups inhabiting coastlines and hinterlands of Southeast Asia (2009, 99). In such a geographic region of insular mountain chains broken by river valleys, occasional broad deltas and a monsoon pattern that divided the year into two, people entered and exited communities carefully, manipulating identities to remain in several camps; unlike the superficially mono-ethnic populations of large land-based kingdoms and empires of India and China (Lockard 2010, 220; Tagliacozzo 2009, 109). For some indigenous groups that exist to this day, like the Orang Laut of Malaysia,

the Sama-Bajau and Tausug of the Philippines, and the Moken of Thailand and Myanmar, the sea was just as much an abode as the land, a source of psychic as well as material sustenance, whose rhythms could be divined for livelihood and esoteric portents (Andaya 2006, 680–683). Such peoples developed cultures at ease with the diversity of related polities and languages to be encountered as one traded and raided between numerous islands. Indeed, as one moves farther south in the SCS, its cultural geography becomes more finely differentiated, as revealed by formal recording of Southeast Asian spaces when European colonization began (Kien 2012, 84).

In fairness to all parties, it should be recognized that the pre-modern Chinese themselves were also a part of the intermingling, but only in so far as they themselves represented a diverse assortment of peoples; with many Hokkien and Hakka from southern China migrating abroad in four diasporas of *huashang* (traders), *huagang* (overseas laborers), *huaquiao* (sojourners), and *huanyu* (independently mobile entrepreneurs) fanning out and integrating into other states from the nineteenth century to the present (D’Arcy 2014, 398). The imperial voyages of Admiral Zheng He in the fourteenth century, meant to inspire awe and collect tribute, were but the brief apogee of Chinese assertion, before the Ming dynasty turned landwards and forbade coastal populations from crossing the sea. In the meantime, other inhabitants of Southeast Asia continued developing their relations across and with the sea, in a region that became a maritime crossroads linking the Indian ocean and Pacific trade, which Malay sailors navigated with adeptness and impunity, linking sultanates and the trading post empires of latter day Europeans (Gaynor 2013, 311). If any contemporary state were to attempt to monopolize the sea-lanes and their bounty, the material fount of Southeast Asia’s cultural tapestry would be undermined; although again, such geographic power projection does not seem a lasting proposition, as even a state’s maritime enforcement capacities are not extensible without pliant allies. Given the history and mix of cultural spaces of the region, it would be wiser for any hegemon to withdraw its hardline territorial posturing and concede adequate space to the Southeast Asians whose history of linking long-distance and local networks only reinforces identities to which modern political borders were and still are irrelevant (Sutherland 2003, 3).

### *The SCS: From regional to global concern*

But is the ratcheting up of frictions in the SCS merely a regional issue that merits neither a response from the Great Powers nor the concern of the United Nations? As the Chinese government insists, differences between it and any other ASEAN state need only be settled bilaterally. And as another level-headed analysis convincingly points out, the South China Sea is *not* really a core interest of the

United States, especially when it comes to reef and sandbank conflicts; at most, official exchanges might be a bellwether for the future trajectory of the U.S.-China relationship, but not much more growling than that, for now (Goldstein 2011, 321). Following the inescapable logical outcomes of economic downturns in the West, the United States and its few wealthy European allies have not seemed inclined to spread their forces too thinly, given the resources taken up in campaigns to check the spread of politico-religious violence in the Middle East; while China diffuses its way quietly throughout Southeast Asia. A word too, must be said about Australia, which views itself as an integral part of Southeast Asia from a geographic standpoint; although its strategic interests lean towards the West, and have been expressed through regular joint military exercises with the United States (Banlaoi 2003, 105).

However, other nearby nation-states like Japan and South Korea are also perturbed by the proprietary tone of Chinese pronouncements, given that annually, some U.S. \$ 5.3 trillion in formal trade passes through the SCS, not even counting informal and illicit transactions (Glaser 2015). While the economic interdependence of various East and Southeast Asian states raises the cost of geopolitical ventures, it does not end geopolitics altogether; so that the declared peaceful “rise” of China does not rule out a build-up of diplomatic, economic, and military power (Holmes and Yoshihara 2006, 80). It follows that this opportunist expansionism will continue apace, in so far as it is deemed by the Chinese government as not counter-productive to the immense flows of imports and exports between China and its trading partners around the world; even as its closest neighbors remained vexed by its widening geopolitical penumbra.

Nonetheless, taking a broader biogeographic perspective, there is at least one urgent basis for the SCS troubles to be elevated as a global concern—the destruction of a unique marine environment. Beyond the irreplaceable ecologic, economic, and social importance of oceans detailed by experts like Costanza, the primary reason why the SCS is an international concern is that it makes up the western edge of the Coral triangle, the world’s center for marine biodiversity, a region denser in marine flora and fauna than Australia’s Great Barrier reef (1999) (Veron et al. 2009, 92–93; Burke et al. 2012, 11–13). This unseen, underwater realm is the enduring bastion of marine resilience when other ecoregions around the world have shrunk or been stressed by climate change and natural disasters; hence it has a regenerative capacity for life that is the source of fisheries and other living resources from the sea. Obviously, reef reclamation to build naval bunkers and fortified islands is destructive of this environment, as are massive and invasive forms of mineral extraction. In a powerful argument, Batongbacal asserts that in such a case, “context is everything”, especially in the sense occasioned by Global Environmental Change (GEC), which places increasing pressures on the SCS’s biological production, which he emphasizes is undoubtedly the foundation of the offshore marine living resources of all the

surrounding littoral States (2012, 3). There is no telling yet how the diminution of the world's prime marine habitats because of GEC and anthropogenic abuses will impact on fish stocks in the long run; but in the Southeast Asian context, the repercussions are foreseen to be sufficiently severe on coastal populations of all the disputing states. Consequently, negative impacts on populations will affect everyday life, or the quality of what is called "human security" for many different citizens far removed from the machinations of top-level politicians. This possibility will need to be addressed.

### *Creating a regional third space*

Following Soja's employment of Homi Bhabha's concept of *hybridity* (as "the third space. . .[that] enables other positions to emerge") in critical urban theory, one may come to see post-colonial Southeast Asia, and to some extent, even the multiple ethnicities of China and Taiwan beneath the blanket of Han race monoculturalism, as inhabitants of a space that celebrates mixing (2000, 211). This is a hybridity that is counterpoised against essentialist thinking about "what a thing (or a place) should be", imposed by a superior power, such as a colonist or imperialist (Meredith 1998, 2; Bhabha 1994, 58). When applied to the regional setting, this concept enables one to apprehend and locate cultural difference, not within the restrictive container of nationalized territories, but emancipated—circulating and flowing in waves from one population to the next—so that the SCS is reconceived with blurry edges, unframed and liberated from the acquisitive drives of capitalism and unsustainable urbanism. The emergence of this third space would be different from, and possibly exist in parallel to the simplified diversity formalized by ASEAN; one may conceive of it as rather similar to Castells' *space of flows*, rooted not only in cities, but also in the indigenous traditions, languages, and innovations of the various littoral groups of the SCS, not wholly a networked, digital-age dynamic connecting political and market centers (1989, 146). The practical result of conceiving of, tolerating, or even celebrating such a space is that it democratizes the SCS and supports calls for more equitable resource use. By becoming comfortable with a looser shared geography, decision-makers from the claimant states can emancipate themselves from state-centric hard-lining and hammer out truly cooperative and redistributive mechanisms for sustainable use of the SCS.

### *Retheorizing an alternative Southeast Asian maritime geography*

One comes now to the bar: how then should stakeholders jointly work out an alternative imaginary for the present setup? There is in fact never any guarantee that the Other can ever see the way one sees. Without getting too entangled in details which are bound to vary depending on the nationality of the frame's

originator, the following spatial characteristics would probably form an essential part of any new scheme. First, a mutually-acceptable name without all the proprietary geopolitical baggage of *Nán Zhōngguó Hǎi*, *Biển Đông*, *Dagat Kanluran ng Pilipinas*, *Laut Melayu*, etc., should be chosen. Although the act of renaming may seem superficial at first pass, the recent history of the region shows how a widely published and previously unnoticed toponym can be transformed into an apple of discord, hence the need for a more politically-correct naming. Second, the space of regional flows, in all practical senses, must take primacy. That is, customary maritime access on and through the high seas, sustainable cultural practices and respect for ecological processes would have to take priority over land-based desires and above-water constructions. It is precisely the flows of raw materials, capital, finished products, skilled people, technologies, materials and ideas that should prompt stakeholders to share in regional prosperity that is, structurally counter-hegemonic and non-compatible with unbending practices of nationalism. Third, either a workable multilateral institutional regime that sets values and quotas for extraction will have to be established somehow; or an enforceable moratorium on large-scale extractions shall need to be agreed upon, while artisanal fishing would be allowed to continue. This would effectively halt the push-&-shove of larger stakeholders in favor of barely visible communities living a hand-to-mouth existence. Several other creative possibilities suggest themselves, such as the possibility of devising a sea-centered regional citizenship platform; but because the countries bordering the SCS are a long way from the European Union's linguistic and cultural inter-operability, it would not be necessary to belabor such conjectures here. That is, the countries (and populations) of Southeast Asia and China, apart from having linguistic differences, and varying degrees of cultural association with the sea, have not gone through the centuries of amalgamation and internecine strife, as it were: the crucible of war, shifting alliances, intertwining bloodlines of the gentry, and the unifying influence of Ancient Rome around the Mediterranean that many European states had. That is not to say, however, that such upheavals shall be necessary to achieve a future harmony based on the maritime commons, but rather that the hoped-for polity is probably a long way off, and will require a stepping down; or even a rejection of hoary attitudes of superiority, if the parties are to even begin committing to a union of mutual benefit as part of an entirely new Asian entity. It would suffice then, at this point, to say that the initial reform should be solid and broad-based enough to support later progressive moves towards unity and/or inter-functionality in a shifting field.

Agreeing upon a more fluid conception of the SCS would require a willingness to affirm existence in, and co-engage productively within non-state-centric spaces, including grassroots processes of place-making; as well as previously unimagined

spaces of interaction, whether virtual or actual, but used in novel ways by emergent groups of likeminded Others. At some point in time, this may even mean abandoning or modifying current concepts of maritime entitlement and jurisdiction. This turn towards shared flux even admits of the possibility of a supra-statal or para-statal body entrusted with the work of inter-country coordination, sustainable management, and equitable redistribution of resources. It would also, however, pose a libertarian challenge to the jurisdiction and legitimacy of the state, which according to that critique, is essentially an invasive institution whose primary purpose is conquest and control of the persons and property of its citizens. This explains why modern states are devoted to expanding their physical and ideological territory, so that they can utilize and deploy their citizens as needed in daily acts of self-perpetuation within contained physical and political jurisdictions (Watner 2010, 248). In bypassing or supplanting state functions, the governments of claimants in the SCS could be rendered less potent and less relevant in some areas, but their citizens would not necessarily be worse off. Quite to the contrary, the retreat of the exceedingly territorial state would allow for new spaces and geopolitical institutions to emerge. This will not happen quickly in the face of hardline nationalism and long cherished older visions. However, new paths can be opened by decision makers seeking a greater regional peace. Apart from direction-setting by such political leaders, mass media, literature, and vehicles of popular education will have to be employed to bring about the sea-change.

### **Conclusion: Need for socioeconomic restraint as well as more imagination**

The proposal of any cooperative scheme based on an alternative spatial appreciation of the SCS can only be implemented, however, if the claimant states commit, first of all, not to take any escalatory action or escalatory non-action. The way out, or the way forward is probably achieved by arresting and diverting, if not reversing the entire structure and discourse that has led to intransigence. This can work by removing police presence and by focusing efforts to (re)generate maritime natural resources in various zones, so that the Tragedy of the Commons shall be prevented or reversed at the material level. To put it quite bluntly, there is a need to curb jingoistic hubris among the more hawkish segments of Southeast Asian and Sinic societies, as well as to redirect, dis-incentivize, or close down rapacious commercial-industrial activities that require interminable material withdrawals from the SCS. In a worst case scenario, only one regional power will come to dominate, depriving its neighbors of sustenance and beggaring their populations, hence also diminishing their capacity to engage in mutually-beneficial import-export transactions, and leaving the environment worse off. This does



not seem to be a sensible developmental future, even if it temporarily satisfies hegemonic aspirations. Without implying that the free-for-all state is desirable, but maintaining, rather, that efforts to impose order should be continuous, this author would like to conclude that there is still often no way to deny others the nature of the sea as a commons, or at least as a *perceived* commons, regimented in parts and at certain times by rules like the UNCLOS or by the forceful actions of states, but never in its entirety. It is in this context that land-bound humankind can only ever be a peripheral dependent among other creatures, yet a creature that has a unique ability to cause lasting damage or, alternatively, to enforce a responsible stewardship. From this perspective, the artificial divisions emplaced by nationalism, racism, and differing economic fortunes must be regarded as foils to socially and environmentally just action. These may be replaced, tempered, or subordinated to nobler ideological frames and geopolitical imaginaries that shall support inclusive and sustainable actions towards shared land and sea.

## Endnotes

- <sup>1</sup> A reviewer of this paper with some insider-information has informed the author through his/her commentary that the Philippine Navy was in fact patrolling the area and had noted foundations being laid, but was unable to act quickly enough to stop construction. The description of the “fishermen’s shelter” was accessed on 23 April 2018 from Mollman, Steve (2016) at <https://qz.com/863811/mischief-reef-how-a-fishermens-shelter-on-stilts-became-a-chinese-military-base-in-the-south-china-sea/>.
- <sup>2</sup> Declaration on the Conduct of Parties – accessed on 26 April 2018 at [http://asean.org/?static\\_post=declaration-on-the-conduct-of-parties-in-the-south-china-sea](http://asean.org/?static_post=declaration-on-the-conduct-of-parties-in-the-south-china-sea).
- <sup>3</sup> Accessed on 26 April 2018 at <https://amti.csis.org/mischief-reef/>.
- <sup>4</sup> Notably, developing Cambodia and Laos have relatively high economic dependence on China, while relatively well-off Malaysia and Singapore have sizable economic interests driven by their ethnic Chinese elites/business sector.
- <sup>5</sup> While the Republic of China (Taiwan) has the essential prerequisites to be considered a state: (1) a permanent population; (2) a defined territory; (3) a government; and (4) a capacity to enter into relations with other states, including a well-equipped military, it remains outside of the U.N. community, because its recognition by peer states is oft a matter of political pressure, in which the Peoples’ Republic of China outweighs it, to influence others not to recognize the former.
- <sup>6</sup> Indeed, the Vietnamese refer to this as the “cow’s-tongue line”.
- <sup>7</sup> It should be noted that this reference was corrected by a reviewer, whom the author shall take as authoritative. The original article by Buszynski claimed that China had taken nine islands from 1988 to 1992, although it is probably more accurate to say that China took seven reefs, some of which were turned into artificial islands with military installations.
- <sup>8</sup> “Lebensraum” or literally “living space” because it is a politically charged concept when used as the guiding notion for politico-military expansion by Germany in World War I and World War II.
- <sup>9</sup> For example, Vietnam has operated its Nam Con Son gas fields uninterrupted off the southern coast of the country since the 1990s, even if these fall within the Chinese Nine Dash Line (Dolven et al., 2013, 22).

## References

- Andaya, Barbara Watson. 2006. "Oceans unbounded: Transversing Asia across 'area studies'." *Journal of Asian Studies* 64, no. 4: 669–690.
- Anderson, Benedict. 1991. *Imagined communities: Reflections on the origin and spread of nationalism*. Revised and extended edition. Originally published 1983. London: Verso.
- Appadurai, Arjun. 1996. *Modernity at large: Cultural dimensions of globalization*. Minneapolis and London: University of Minnesota Press.
- Association of Southeast Asian Nations. 2002. *Declaration on the conduct of the parties in the South China sea*. Jakarta: The ASEAN Secretariat.
- ADB [Asian Development Bank] and ADB Institute. 2014. *ASEAN, PRC and India: The great transformation*. Tokyo: ADBI.
- Backer, Hermanni. 2011. "Transboundary maritime spatial planning: A Baltic sea perspective." *Journal of Coastal Conservation* 15: 275–289.
- Banlaoi, Rommel C. 2003. "Southeast Asian perspectives on the rise of China: Regional security after 9/11." *Parameters: United States Army War College Quarterly* (Summer 2003), 33 no. 2: 98–107.
- Batongbacal, Jay L. 2012. "Maritime Philippines in the Asian century: Global environmental change, regional economic integration, geo-political realities, and contested legal spaces." Jaime V. Ongpin Memorial Lecture, Rockwell Campus of Ateneo de Manila University. October 24.
- Bautista, Lowell. 2007. Thinking outside the box: The South China sea issue and the United Nations Convention on the Law of the Sea (Options, limitations and prospects). Research Online, University of Wollongong.
- Benson, Jeff W. 2013. South China Sea: A history of armed conflict. *USNI News*. Retrieved from: <https://news.usni.org/2012/06/20/south-china-sea-history-armed-conflict>.
- Berna, Ioana-Bianca. 2014. "Managing intra-regional conflicts in Southeast Asia: The case of the South China sea." *Journal of Defense Resources Management* 4, no. 2:37–52.
- Bhabha, Homi. 1994. *The location of culture*. London and New York: Routledge.
- Brand, Diane. 2007. "Bluespace: A typological matrix for port cities." *Urban Design International* 12: 68–85.
- Burke, Laretta, Kathleen Reytar, Mark Spalding, and Allison Perry. 2012. *Reefs at risk revisited in the Coral triangle*. Washington D.C.: World Resources Institute.
- Buszynski, Leszek. 2012. "The South China sea: Oil, maritime claims, and U.S.—China strategic rivalry." *The Washington Quarterly* 35, no. 2:139–156.
- Castells, Manuel. 1989. *The informational city: Information, technology, economic restructuring and the urban-regional process*. Oxford, United Kingdom and Cambridge, Massachusetts, U.S.A.: Blackwell Publishers.
- Charney, Jonathan I. 1999. "[Notes and comments] Rocks that cannot sustain human habitation." *The American Journal of International Law* 93, no. 4:863–878.

- Chaturvedy, Rajeev Ranjan. 2014. "Is India making waves in South China sea?" ISAS working Paper number 185. Singapore: National University of Singapore.
- Cheng, Joseph Y.S., and Stephanie Paladini. 2014. "China's ocean development strategy and its handling of the territorial conflicts in the South China sea" *Philippine Political Science Journal* 35, no. 2:185–202.
- Chiu, Hungdah. 1992. "The international legal status of the Republic of China", *Occasional Papers/Reprints Series* 5: no.112:1-37.
- Chubb, Andrew. 2015. What's not in the latest photos of China's Spratly Island reconstruction? *South Sea Conversations*: 1–20. Retrieved from: <https://southseaconversations.wordpress.com/2015/02/25/whats-not-in-the-latest-photos-of-chinas-spratly-island-construction/>.
- Cladd, James, Sean M. McDonald, and Bruce Vaughn. 2011. *The borderlands of Southeast Asia: Geopolitics, terrorism, and globalization*. Institute for National Strategic Studies Washington D.C.: NDU Press.
- Costanza, Robert. 1999. "The ecological, economic, and social importance of the oceans." *Ecological Economics*, 31:199–213.
- D'Arcy, Paul. 2014. "The Chinese pacifics: A brief historical review." *The Journal of Pacific History* 49, 4:396–420.
- Davenport, Tara. 2014. "Southeast Asian approaches to maritime boundaries." *Asian Journal of International Law* 4:309–357.
- Dolven, Ben, Shirley A. Kan, and Mark E. Manyin. 2013. Maritime territorial disputes in East Asia: Issues for Congress. *Congressional Research Service Report for the U.S. Congress*. Retrieved from: <https://www.fas.org/sgp/crs/row/R42930.pdf>.
- Emmers, Ralf. 2014. "ASEAN's search for neutrality in the South China sea." *Asian Journal of Peacebuilding* 2, no. 1:61–77.
- European Commission. 2012. *The Limassol declaration*. Brussels: European Union Secretariat.
- European Community. 2002. *Agreement on maritime transport between the European community and its member states, of the one part, and the government of the People's Republic of China of the other part*. Brussels: European Union Secretariat.
- Evers, Hans-Dieter. 2014. "Governing maritime space: The South China sea as a Mediterranean cultural area." Working paper read at Public Seminar, University of Hongkong, February 24.
- Fonbuena, Carmela. 2018. PH conducts maritime patrol in Scarborough, brings TV crew. *Rappler Philippines*. Retrieved from: <https://www.rappler.com/nation/194330-philippines-maritime-patrol-panatag-scarborough>.
- Fravel, M. Taylor. 2011. "China's strategy in the South China sea." *Contemporary Southeast Asia* 33, no. 3:292–319.
- Gao, Zhiguo and Bing Bing Jia. 2013. "The nine-dash line in the South China sea: History, status, and implications." *The American Journal of International Law*, 107: 98–124 .

- Gaynor, Jennifer L. 2013. "Ages of sail, ocean basins, and Southeast Asia." *Journal of World History* 24, no. 2:309–333.
- Glaser, Bonnie. 2015. Armed clash in the South China Sea. Contingency planning *Memorandum number 14, New York and Washington: Council on Foreign Relations Press 2012b*. Retrieved from: <http://www.cfr.org/world/armed-clash-south-china-sea/p27883>.
- . 2018. Trouble in the South China Sea. *Foreign Policy 2012a*. Retrieved from: <http://foreignpolicy.com/2012/09/17/trouble-in-the-south-china-sea/>.
- Goffman, Erving. 1974. *Frame analysis: An essay on the organization of experience*. Cambridge: Harvard University Press.
- Goh, Evelyn. 2007. "Great Powers and hierarchical order in Southeast Asia: Analyzing regional security strategies." *International Security* 32, no. 3:113–157.
- Goldstein, Lyle. 2011. "Chinese naval strategy in the South China sea: An abundance of noise and smoke, but little fire." *Contemporary Southeast Asia* 33, no. 3:320–347.
- Gomez, Edgardo D. 2015. Informal Discussion 2015. Also repeated and verifiable as press release. Retrieved from: <http://www.gov.ph/2015/04/23/da-bfar-national-scientist-condemn-the-destruction-of-marine-resources-in-the-west-philippine-sea/>.
- Hardin, Garrett. 1968. "The tragedy of the commons." *Science* 162, no. 3859:1243–1248.
- Hirsch, Philip. 2013. "Emerging issues In Southeast Asian geography: Local, non-local and collaborative scholarship." *TRaNS: Trans-Regional and -National Studies of Southeast Asia* 1, no. 1:105–119.
- Holmes, James R., and Toshi Yoshihara. 2006. "China's 'Caribbean' in the South China Sea." *The SAIS Review of International Affairs* 26, no. 1:79–92.
- Hongfang, Shen. 2011. "South China sea issue in China-ASEAN relations: An alternative approach to ease the tension." *International Journal of China Studies* 2, no. 3: 585–600.
- Kaplan, Robert D. 2010. The geography of Chinese power: How far can Beijing reach on land and sea? *Foreign Affairs*. Retrieved from: <https://www.foreignaffairs.com/articles/china/2010-05-01/geography-chinese-power>.
- Kardon, Isaac B. 2015. The other gulf of Tonkin incident: China's forgotten maritime compromise. *Asia Maritime Transparency Initiative*. Retrieved from: <https://anti.csis.org/the-other-gulf-of-tonkin-incident-chinas-forgotten-maritime-compromise/>.
- Keck, Zachary. 2014. Philippines seizes Chinese fishing boat in the South China sea. *The Diplomat*. Retrieved from: <https://thediplomat.com/2014/05/philippines-seizes-chinese-fishing-boat-in-south-china-sea/>.
- Kidd, Sue, and David Shaw. 2013. "Reconceptualising territoriality and spatial planning: Insights from the sea." *Planning Theory and Practice* 14, no. 2:2010180–197.
- Kien, Lai Chee. 2010. "Southeast Asian spatial histories and historiographies." *Fabrications: The Journal of the Society of Architectural Historians, Australia and New Zealand* 19, no. 2: 82–105.

- Kivimäki, Timo. 2002. "'Reason' and 'power' in territorial disputes: The South China sea." *Asian Journal of Social Science* 30, no. 3:525–546.
- Laude, Jaime. 2018. "Increased Chinese presence monitored in Panatag." *Philstar Global*. Retrieved from: <https://www.philstar.com/headlines/2018/02/01/1783462/increased-chinese-presence-monitored-panatag> .
- Li, Eva. 2017. Southern China's million-ton raw sewage problem. *South China Morning Post*. Retrieved from: <http://www.scmp.com/news/china/policies-politics/article/2087815/southern-chinas-million-tonne-raw-sewage-problem>.
- Linström, Margaret and Marais, Willemien. "Qualitative frame news analysis: A methodology" *Communitas* 17, no. 1:21–38.
- Lockard, Craig A. 2010. "A sea common to all: Maritime frontiers, port cities, and Chinese traders in the Southeast Asian age of commerce, ca. 1400–1750." *Journal of World History* 21, no. 2:219–247.
- Meredith, Paul. 1998. "Hybridity in the third space: Rethinking bi-cultural politics in Aotearoa/New Zealand." Paper presented to Te Oru Rangahau Maori Research and Development Conference, Massey University, July 7–9.
- Mohan, C. Raja. 2013. "Geopolitical trends and security in the Association of Southeast Asian Nations, the People's Republic of China, and India (ACI) Region." Working paper 412. ADB Institute Tokyo: Asian Development Bank Institute.
- Mollman, Steve. 2016. How a 'fishermen's shelter' on stilts became a Chinese military base in the South China Sea. *Quartz*. Retrieved from: <https://qz.com/863811/mischief-reef-how-a-fishermens-shelter-on-stilts-became-a-chinese-military-base-in-the-south-china-sea/>.
- Panda, Ankit. 2016. South China sea: Indonesian Navy fires at and arrests Chinese fishermen. *The Diplomat*. Retrieved from: <https://thediplomat.com/2016/05/south-china-sea-indonesian-navy-fires-at-and-arrests-chinese-fishermen/>.
- Pedrozo, Raul. 2014. China versus Vietnam: An analysis of the competing claims in the South China sea. *CNA Analysis and Solutions*. Retrieved from: <https://southeastasiansea.files.wordpress.com/2014/08/china-versus-vietnam-an-analysis-of-the-competing-claims-in-the-south-china-sea.pdf>.
- Permanent Court of Arbitration. 1928. Award of the tribunal: The island of Palmas case (or Miangas), United States of America v. The Netherlands.
- . 2016. Award of the tribunal: In the matter of the South China sea arbitration, The Republic of the Philippines v. The People's Republic of China.
- Raczka, Witt. 2000. "A sea or a lake? The Caspian's long odyssey." *Central Asian Survey* 19, no.2:189–221.
- Reuters, and Ted Thornhill. 2015. This is Chinese Navy, you go! China issues eight warnings to U.S. *MailOnline*. Retrieved from: <http://www.dailymail.co.uk/news/article-3090728/China-navy-warns-U-S-spy-plane-disputed-South-China-Sea-CNN.html> on.
- Ross, Marlay. 1997. "China, the Philippines, and the Spratly Islands." *Asian Affairs, An American Review* 24, no. 4:195–210.

- Saravanamuttu, Johan. 2005. "Whither the ASEAN security community? Some reflections." *International Journal of Asia Pacific Studies* 1, no. 1: 44–61.
- Sassen, Saskia. 2013. "When territory deborders territoriality." *Politics, Governance* 1, no. 1 :21–45.
- Snyder, Scott, Brad Glosserma, and Ralph A. Cossa. 2001. Confidence building measures in the South China sea: Issues and insights: Number 2-01. *Pacific Forum CSIS*. Honolulu, Hawaii, U.S.A. Retrieved from: <http://csis.org/files/publication/issuesinsightsv01n02.pdf>. 1–25.
- Soja, Edward W. 2000. *Postmetropolis: Critical studies of cities and regions*. Oxford: Blackwell Publishers.
- Sun, Kuan-Ming. 1996. "Freeze the tropical seas. An ice-cool prescription for the burning Spratly issues!" *Marine Policy* 20, no. 3:199–208.
- Sutherland, Heather. 2003. "Southeast Asian history and the Mediterranean analogy." *Journal of Southeast Asian Studies* 34, no. 1: 1–20.
- Tagliacozzo, Eric. 2009. "Navigating communities: Race, place and travel in the history of maritime Southeast Asia." *Asian Ethnicity* 10, no. 2:97–120.
- Tønnesson, Stein. 2000. "Vietnam's objective in the South China Sea: National or regional security?" *Contemporary Southeast Asia*. 22, no. 1:199–220.
- . 2008. "An international history of the dispute in the South China sea." In *China and Southeast Asia: Volume 6: the People's Republic of China and Southeast Asia*, edited by Geoff Wade, 337–362. Abingdon: Routledge.
- Trajano, Julius Caesar, Lina Gong, Margareth Sembiring, and Rini Astuti. 2017. Marine environment protection in the South China sea: Challenges and prospects Part I. *NTS Insight*, no. IN17, December 4. Retrieved from: <https://www.rsis.edu.sg/wp-content/uploads/2018/02/MEP-Insight-2-19-February.pdf> on.
- UNEP-GEF. 2007. Land-based pollution in the South China sea. *UNEP/GEF/SCS Technical Publication No. 10*. Retrieved from: <http://www.unepscs.org/google/South-China-Sea-Technical-Publication-Land-Based-Pollution-South-China-Sea.pdf>.
- United Nations. 1982. *Convention on the law of the sea*.
- . 2015. *Country profile China*. Retrieved from: <http://data.un.org/CountryProfile.aspx?crname=China>.
- Van Dyke, Jon M. 2007. Presentation for the Law of the Sea Institute Conference at Texas A&M University - Corpus Christi, Harte Research Institute for Gulf of Mexico Studies. Retrieved from: <http://losi.tamucc.edu/Panels/Panelist%20Presentations/Presentation%20%20Prof.%20Jon%20Van%20Dyke%20%28Third%20Panel%29.pdf>.
- Veron, J.E.N., Lyndon M. Devantie, Emre Turak, Alison L. Green, Stuart Kininmonth, Mary Stafford-Smith, and Nate Peterson. 2009. "Delineating the coral triangle." *Galaxea, Journal of Coral Reef Studies* 11:91–100.

- Watner, Carl. 2010. "The territorial assumption: Rationale for conquest." *Journal of Libertarian Studies* 22:247–260.
- Womack, Brantly. 2011. "The Spratlys: From dangerous ground to apple of discord." *Contemporary Southeast Asia* 33, no. 3:370–387.
- Zhao, Hong. 2012. "Sino-Philippine relations: Moving beyond South China sea dispute?" *The Journal of East Asian Affairs* 26, no. 2:57–76.

#### ABOUT THE AUTHOR

José Edgardo Abaya Gomez, Jr., or "Jed" as colleagues call him, is Associate Professor at the School of Urban and Regional Planning, University of the Philippines Diliman and holds a DPA. He is currently pursuing his PhD at Keio University, Shonan-Fujisawa Campus, Japan as a Japan Society for the Promotion of Science scholar. An internationally-published urban studies researcher and technical/creative writer, Gomez's interests range from streetscape sociology to urban history, and languages. He can be reached at [jagomez@up.edu.ph](mailto:jagomez@up.edu.ph).