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Building safe, secure and sustainable futures in the South China Sea

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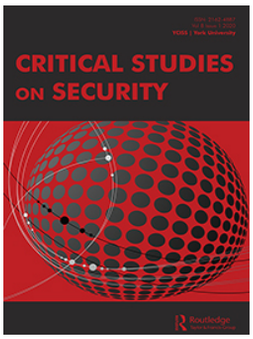

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INTERVENTIONS

Building safe, secure and sustainable futures in the South China Sea

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ABSTRACT

This essay argues that by framing security in the South China Sea through the lens of territorial claims and power relations the bigger picture of a safe, secure and sustainable South China Sea is neglected. The essay reflects on a photograph from my childhood on the shores of the South China Sea. In the photograph, I have a little red bucket in my hands and a wide grin on my face as I prepare to build a sandcastle. In the intervention, I recall how it feels to be truly secure. By returning to the joys of childhood experienced on the shores of the South China Sea, I consider what future generations require of current leaders. I highlight the unique environmental heritage of the South China Sea (one of the most biologically diverse sea areas in the world) and the livelihood and nutrition needs of the large populations that the South China Sea supports. From there, I set out a vision for peaceful and sustainable futures in the South China Sea grounded in appreciation of shared heritage and the imperative of continued collaboration.

What comes to mind when you visualise 'Security in the South China Sea'? Military vessels and aircraft? Nationalistic flag flying by coastal states? National and world leaders standing behind podiums issuing 'strong statements'? Inherent in each of these images of 'security' are representations of conflict, tension and fear as coastal states clamber to secure territory they see as sovereign while foreign powers seek to safeguard their interests along one of the world's busiest shipping routes.[1]

The photograph below was taken on the shores of the South China Sea almost 30 years ago. The little girl is me. From the photo, I look straight at you with a wide smile welcoming you to join me as I continue the important process of building castles in the sand. In this intervention, I invite you to stop, rewind and spend a moment with me on this beach off the coast of Malaysian Borneo. Poignantly, the beach is Damai Beach. 'Damai' is the Malay word for peace.

Through this photograph, I take you into my past so that we might imagine what a truly safe, secure and sustainable future for the South China Sea and her peoples must encompass. At the same time, I urge you to join me in building the structures required to realise this vision.

Indulge me for a moment. Close your eyes. *Smell* the salt in the air. *Listen* to the waves breaking at your feet. *Feel* the sand between your toes. Now, open your eyes. Study the image before you. Allow yourself to be transported to the early nineties. I do not remember how old I was. Probably six or seven. I do remember the unbridled joy of playing on the

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Figure. 1 Building sandcastles on Damai Beach, South China Sea. Copyright Timmy Ashraf.

beach and swimming in the sea. At the core of such happiness was the freedom to roam, to play, to explore. This in turn was underpinned by an unquestioned sense of being safe and secure.

In the image, my little red bucket is deftly wedged into the sand as I procure the foundational material for my palace. The same bucket will be used to collect the shells to adorn my creation and to fill the moat with sea water. Next, I will skip along the beach, terrorising hermit crabs while marvelling at the perfect little balls of sand made by the sand crabs. After negotiating 'just one last swim', Mum and Dad will take my sister and me to one of the seafood establishments that dot the coast. These restaurants are famed not just for the food but also for the experience. Big round dinner tables with bright red table cloths are set up on platforms that extend into the sea. As the king tide comes in, waves crash dramatically below as you feast on everything from huge red crabs and curried shellfish to ferns stir-fried in Chinese wine. No meal here would be complete if not accompanied by a whole green coconut. The top of the coconut is cut open allowing you to first savour its thirst quenching juices and then carve out and devour its delicious meaty white flesh.

So, what initially comes to mind for me when I think about 'security in the South China Sea'? All of the above, and above all a feeling of being safe, secure and very, very content. Contrast this with what has become the dominant narrative of the South China Sea – now the world's most disputed sea area. Whether it be skirmishes between fishermen and the regional hegemon (South China Sea Arbitration 2016), chest-beating by global powers in

the form of 'Freedom of Navigation' operations (FONOPs) (Moore 2017; Bateman 2018), or live fire shooting drills (Woody 2018), each of these actions performed in the name of 'security' provide little reassurance that the South China Sea is any safer or more secure.

How did we get here? Why does the South China Sea of today differ so significantly from my memories of an idyllic coastal childhood? Overlapping territorial claims between 6 of the 10 coastal states of the South China Sea are the key source of tensions concerning the sea area (Nguyen and Amer 2009; Lim and Liu 2017). The intensity of such claims has been exacerbated by competition for natural resources, in particular fisheries and oil and gas (Bautista 2007; Nguyen and Amer 2009). Coastal states include some of the world's fastest growing economies which have witnessed significant economic growth since the sandcastle construction days of my youth. Our family was also not alone, nor remarkable, in savouring the delicious seafood that the South China Sea presents. The populations of South China Sea coastal states are among the most reliant on fisheries for food security (Teh et al. 2017). Further, though optimism over the extent of minerals, oil and gas in the sea area is likely overblown (Owen and Schofield 2012; Schofield, Sumaila, and Cheung 2016), discovery of hydrocarbons off the coast of the Philippines led to intensification of territorial disputes in the sea area (Bautista 2007).

Perversely, in clamouring to secure access to the South China Sea's fisheries and oil and gas resources, what is often overlooked is the extraordinary biodiversity of the sea area (Huang et al. 2015). The South China Sea is the Earth's most diverse and extensive shallow water marine region (Rosenberg 2009) and a global centre of marine tropical biodiversity (Heileman 2008). As I think back to the crustaceans that I terrorised on Damai beach, the mudskippers that peeked out from under the mangroves, the monkeys that leapt from tree to tree and the fish that swam between my toes, it comes as no surprise that the marine and coastal zones of the South China Sea are home to more than 8600 species of plants and animals (Juino-Meñez and Antionette 2015). This includes over 3000 species of fish (Randall and Lim 2000); 45 of the 51 known species of mangroves; 1766 crustacean species, 102 non-fish vertebrates (including 37 species of marine mammals, 37 species of seabirds and 28 species reptiles), 7 of the 9 giant clam species, and 20 of the world's 50 seagrass species and 571 coral species (Juino-Meñez and Antionette 2015). The South China Sea Large Marine Ecosystem also provides in excess of US $200 billion per year in ecological goods and services (Heileman 2008). Marine fisheries alone contribute US$12–22 billion to national revenues while playing a vital role in regional food security. Fishing is also an essential economic and social activity for coastal communities (Juino-Meñez and Antionette 2015; Schofield, Sumaila, and Cheung 2016; Teh et al. 2017).

The biodiversity of the South China Sea warrants protection for its own sake but also for the well-being and livelihoods of the hundreds of millions of people that make up the sea area's coastal populations (Teh et al. 2017). However, in seeking dominion over the sea and its resources, states have built not sandcastles but artificial islands. In the process, they have collected not buckets of sand but instead dredged her biologically significant reefs. This, in turn, has compromised the important ecological features and biological diversity of the sea area (Bautista 2007; Smith 2010; The South China Sea Arbitration (The Republic of the Philippines v The People's Republic of China) 2016).

At the height of the *China v Philippines Arbitration on the South China Sea* (The South China Sea Arbitration (The Republic of the Philippines v The People's Republic of China) 2016), China's Foreign Minister Wang Yi stated that any retreat by China in the South China Sea 'would not be forgiven by future generations' (Gracie 2015). Statements like these return

me to Damai Beach and my little red bucket to consider what the next generation of South China Sea inhabitants, of any coastal state, would genuinely find inexcusable. In doing so, I realise that the true tragedy would be if once the battle for exclusive possession of the sea area has ended that the 'prize' is no longer worth fighting for. What will be *truly* unforgiveable is if states damage the peaceful coexistence between South China Sea coastal states, which has been maintained for so long, and if they allow the destruction the South China Sea's extraordinary shared cultural and environmental heritage.

It is essential that we recognise that the wealth of the South China Sea is an asset that we hold in common. The Sea cannot be logically divided nor can it be possessed or protected by one state alone. This rich and globally unique ecosystem sustains us as it has our ancestors. We therefore must not lose sight of our collective custodial responsibilities to maintain the ecological integrity of the Sea long into the future. As we hold the Sea collectively we must also act as such particularly in the face of global environmental change. What is sorely needed is a shift from the protracted disputes over territorial claims and misguided land reclamation and island building in futile attempts to bolster such claims. We need instead to engage in cooperative approaches.

While some cooperation has occurred between coastal states, it has focused on marine pollution (PEMSEA 2003) and the conduct of coastal states amid growing tensions created by territorial claims (Declaration of the Conduct of Parties in the South China Sea 2002). More recently, coastal states have agreed a negotiating framework for a Draft Code of Conduct which would set out operating norms for cooperation in the sea area (Liu 2017). There is, however, no single environmental legal regime which covers the whole of the South China Sea (Chircop 2010) nor is there a dedicated regional fisheries management organisation (RFMO). Instead, fisheries in the sea area fall within the much broader Asia-Pacific Fishery Commission (Chircop 2010).

The threats to the sea's exceptional biodiversity, particularly in the face of global environmental change, are such that states must not wait to resolve seemingly intractable territorial disputes before engaging in collaboration for environmental purposes. At the same time, decision-makers have before them a range of legal and governance options that allow joint management of the sea area independent of the determination of sovereignty claims. These options include the regulation of vessel-source pollution (Liu 2012); networks of Marine Protected Areas (Nguyen and Vu 2015); and a Marine Peace Park over the Spratly Islands (McManus, Shao, and Lin 2010). As much of the disputed areas of the South China Sea also overlap with the South China Sea Large Marine Ecosystem, an even greater step forward would be shared sovereignty of this communal ecological unit to enable ecosystem – instead of sector – based management of this globally unique sea area (See Lim and Liu 2017).

And so, leaders of South China Sea coastal states, I invite you to sit on the seashore with this child of the South China Sea and her little red bucket. Engage all of your senses to conceive security anew. See, hear, taste but most importantly feel what it means to be safe, secure and content. Next, think deeply about what *must* be protected for future generations and ultimately, act innovatively and sincerely to safeguard our common heritage.

Note

1. Eighty per cent of global trade (US$3.37 trillion) passed through the sea area in 2016 (China Power 2017).

Disclosure statement

No potential conflict of interest was reported by the author.

Notes on contributor

Michelle Lim is an interdisciplinary environmental law scholar at Adelaide Law School, University of Adelaide. Michelle's work has a particular focus on biodiversity and explores legal and governance mechanisms to achieve equitable sustainability in the Anthropocene. Michelle was the 2016/2017 Australian Young Environmental Lawyer of the Year.

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