

# Alternative approaches to territorial disputes in Northeast and Southeast Asia

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## Abstract

Conventional discussions on territorial disputes have focused mainly on the issues of nationalism, national identity, sovereignty, territorial integrity, and inviolable state boundaries. Manifestations of chauvinism, racism, and right-wing ultranationalism have subsequently surfaced that only serve to heighten conflicts. There is a need to move away from these divisive and counterproductive perspectives and surface alternative approaches anchored on a shared regional identity, common pool resource, common heritage of mankind, joint development, and attention to popular voices.

The rapidly unfolding reconfiguration of societies in the world today has generated new and more nuanced ideas about international relations, state-citizen interactions, national identity, and state sovereignty.

States are becoming less able to assert their sovereignty in the face of the expansionary policies of global hegemonic players. But globalization's other face has also been unmasked by the 2013 crisis in the once-stable European Community, the

Brexit impasse and the US-bred global economic meltdown of 2008–2009.

Economic crises spawn political crises, sometimes resulting in drastic regime changes which, however, can lead to either left-progressive tendencies or right-wing and ultranationalist rule.

## Deepening inequality

Despite the hegemony of global capitalism and its vaunted superiority in production and wealth creation, social and economic inequality continues to deepen in both developed and developing societies. Inattention to the above issues has resulted to the rise of a precariat class. Widespread environmental degradation is also an effect of this hegemony. This has created wide swathes of chronic popular dissatisfaction and social unrest in many parts of the world.

In Latin America and in Western Europe, left-leaning governments and influential political movements and parties have emerged as powerful challenges to the dominant capitalist meta-narrative. In some cases, however, popular discontent with the status quo has been exploited by demagogue-like leaders to establish authoritarian populist regimes

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such as in the United States, Philippines, Brazil, Austria, and Italy.

Poverty, joblessness, and deteriorating productive sectors in many developing societies have unleashed a global diaspora of overseas contract work and permanent migration to more developed societies. This has created pockets of communities with dual or multi-identities, thus blurring the notion of a single national identity.

State and market failures have focused attention on citizens' movements—civil society organizations, social movements, popular organizations, advocacy groups, progressive intelligentsia, and community-based organizations—all with left-wing agendas and have staked claims in their respective societies' political spaces. It is within these forces that alternatives to the existing system can be sourced and realized.

### Disputes in Northeast and Southeast Asia

These economic and political developments bear down on the issue of territorial disputes particularly in Northeast and Southeast Asia. Territorial disputes and their respective disputants in the area include:

- (1) The Diaoyu (Senkaku) Islands (China, Taiwan, and Japan);
- (2) The Dokdo (Takeshima) Island (Korea and Japan);
- (3) South China Sea (China, Taiwan, Vietnam, Malaysia, and Indonesia);
- (4) The Kuril Islands (Japan and Russia); and
- (5) The Pratas (Dongsha) Islands in the northeastern South China Sea (China and Taiwan).

Conventional discussions and debates have so far focused on the issues of nationalism, national identity, sovereignty, territorial integrity, and inviolable state boundaries. In many cases, manifestations of chauvinism, jingoism, racism, and right-wing ultranationalism have surfaced. There is a need to move away from these divisive issues and surface instead alternative approaches that would foster unity and cooperation among peoples and governments. Furthermore, the interests of local communities, which are directly affected by these conflicts, must be upheld.

### Shared regional identity and multiple identities

Kinhide Mushakoji (2012, 117) argues that the present age has given rise to “multi-identity, multi-ethnic, and multi-cultural civil societies” which has been brought about by the “massive influx of foreign migrants forming diaspora communities” in host countries. This has necessitated the “development of multi-level hierarchy of identities among overlapping identity communities quite different from the [s]tate/individual Westphalian security contractual system” (ibid.).

Mushakoji calls for a “coalition of sedentary and migrant citizens” (ibid., 118) who are both adversely affected by global economic upheavals. He proposes the creation of a new model of citizenship based on “multiple identities[ ] combined according to the principle of subsidiarity[ ] and strongly anchored into an eco-cultural local community as a matrix of endogenous intellectual creativity” (ibid., 120).

Such a concept would result in a regional identity shared by citizens of various neighboring countries where divergent national identities are recognized and respected, while at the same time rejecting the narrow view that national identity is the only legitimate identity.

Mushakoji's views have palpable implications on the issue of territorial disputes. Too often have notions of a national identity and territorial integrity based on a homogeneous racial stereotype been used to fan inter-societal conflicts. A shared regional identity will go a long way in easing tensions among nations and facilitate the peaceful resolution of territorial disputes.

### Common pool resource

Economist and Nobel laureate Elinor Ostrom (1990) looks at the age-old system of a common pool resource (CPR) that has long been a viable formula for getting people of various backgrounds and classes to work together for the common good. A CPR is “a natural or man-made resource system that is sufficiently large as to make it costly (but not impossible) to exclude potential beneficiaries from obtaining benefits from its use” (Ostrom 1990, 30). Through collective action, communities in many parts of the world, “might be able to achieve an effective form of governing and managing their own

commons” (ibid., 7) through “a binding contract to commit [its members] to a cooperative strategy ... to share equally the sustainable yield[s]” (ibid., 15–16) from the natural resources under their control. This is achieved through self-organized and self-governed collective action arrived at by mutual agreement—the opposite of a model that relies on a central authority to manage the resources and impose sanctions.

The prospect of greater economic returns and substantially reduced conflicts from the utilization of the CPRs motivates participants to “try to solve common problems to enhance their own productivity over time” (Ostrom 1990, 26). The development of self-regulatory mechanisms requires a limited access common property resource rather than open-access resources to better conserve and protect scarce resources and nurture a fragile environment.

Although Ostrom limited her discussion to communities of individuals or families, the common issue with territorial disputes is how what would otherwise be irreconcilable interests in exploiting and benefiting from natural resources could be set aside for the good of all contending parties.

### Common heritage of mankind

At the third United Nations Convention on the Law of the Sea (UNCLOS III), developing countries stood together and took on the developed states led by the United States and asserted the doctrine that the international seabed and their resources are the “common heritage of mankind and therefore belong to everyone and [are] to be exploited by all” (Encarnacion 1991, 53). This was in opposition to the free-market-oriented view of the United States of ‘freedom of the seas,’ that is, they belong to no one and can be exploited by anyone.

Encarnacion (1991, 53) says that the eventual adoption by UNCLOS III of the developing countries’ position was “of great significance ... because importance is placed on the need to cooperate and work closely together and not to compete to develop the resources of the international seabed area.”

The concept of the common heritage of mankind “establishes that some localities belong to all humanity and that their resources are available for everyone’s use and benefit, taking into account

future generations and the needs of developing countries” (Taylor n.d.).

### Joint development and use of resources

On September 28, 2012, over 1,900 Japanese peace activists, intellectuals, media persons, and lawyers issued a statement entitled *A Japanese Citizens’ Appeal to Stop the Vicious Cycle of Territorial Disputes*. Alarmed over the rising tensions over the Senkaku (Diaoyu) Islands among mainland China, Taiwan, and Japan, and the Takeshima (Dokdo) Island between Korea and Japan, the group decried the fanning of nationalist sentiments and disputes the notion of a “fixed inherent territory” as not being “true for any party” (“Japanese Citizens’ Appeal” 2012). The statement asserts that:

Joint development and use of the resources in the areas of “territory” now under dispute is the only way forward. While sovereignty cannot be divided, it is possible to jointly develop, manage and distribute resources in the area. Rather than clashing over sovereignty, the countries involved should pursue dialogue and consultation to come to an understanding over resources and share interests. We must shift the seeds of conflict which flare up territorial nationalism, and instead use them as a foundation for regional cooperation (ibid.).

The statement also calls attention to the historical fact that the marine areas around Senkaku have “been a place of both fishing, exchange, and life for Taiwanese and Okinawan people, an ocean of production” (ibid.) and that, therefore, their voices must be respected. This brings the debate outside of the realm of state and sovereignty interests to the more people-centric community and non-governmental citizens’ level.

### Spheres of border interaction and demilitarized zones

The Minjian East Asia Forum held in Taiwan on October 6, 2012 also rejects “national(ist) modes of thought on territorial sovereignty” as having a negative impact on “earnest attempts to seek people-to-people solidarity, exchange and dialogue, mutual cooperation, and peace” (“Facing History” 2013, 334). The Forum recommends that the “disputed islands be transformed into ‘spheres of border interaction’ (where people can freely interact and

move around), ‘subsistence spheres for neighboring communities’ (where people share the space and resources for their daily subsistence)[,] and ‘demilitarized zones’” (ibid., 335).

The Forum further asserts that “the insistence on sovereignty alone will not resolve the controversy” (ibid.). Governments are called upon “to refrain from intensifying nationalist sentiments within its borders and to avoid any acts of violence and aggression against people” (ibid., 336). What must prevail are “the principles of people-to-people solidarity, communication and dialogue, and mutual help and collaboration, ... and to avoid military conflict by all means” (ibid.).

### **An ASEAN–China regional common**

A research project directly addressing the territorial disputes issue in Northeast and Southeast Asia is by Professor Thanh-Dam Truong of the Erasmus University of Rotterdam (2012). Truong utilizes a constructivist approach instead of a purely legalist perspective which will show (1) “the relevance of historically formed social and psychological variables, in addition to (and/or in conjunction with) material concerns,” and (2) “an implication for resistance on how to transform the view on SCS as China’s regional sphere of influence into an ASEAN–China regional common.”

Truong’s framework includes the formulation of a China–ASEAN code of conduct for maritime cooperation in the SCS, mentions *sustainable development* initiatives, stresses regional norms as part of international frameworks using *norms shaping and sharing* (rather than diffusing), and adopts the language of *comprehensive security* (traditional security plus non-traditional socio-economic and cultural aspects).

Research focus must be on human security as a “people-centric concept expressed locally” and one that would “add value to traditional security.” Within this focus, small-scale fishing communities are to be prioritized as the disputes compromise their “security of livelihood” (Truong 2012).

### **Rights of small-scale fisherfolk**

In the midst of the tense disputes over territorial waters being waged by Southeast and Northeast Asian governments, the plight of small-scale

fisherfolk may actually grow to be a major issue especially in the South China Sea disputes. To note,

Despite the overwhelming preoccupation with the potentially abundant energy reserves in the South China Sea, fishing has emerged as a larger potential driver of conflict. Countries such as the Philippines and Vietnam rely on the sea as an economic lifeline. And China is the largest consumer and exporter of fish in the world. And as overfishing continues to deplete coastal stocks through Southeast Asia, fishermen are venturing out further into disputed waters (Kleine-Ahlbrandt 2012).

One must, therefore, always be cognizant of the rights of small-scale fisherfolk lest they be further marginalized, impoverished, disempowered, and eventually driven to extinction by the operations of large fishing companies and the unfriendly policies of governments in the region.

The recent incident in June 2019 at Reed Bank (Recto Bank) in the South China Sea involving the ramming and sinking of a Filipino fishing boat by a Chinese fishing vessel has resulted in strong diplomatic protests by the Philippine government which were rejected by the Chinese government (Fernandez 2019; Ranada 2019). Later, however, President Rodrigo Duterte downplayed the significance of the encounter, calling it a “little maritime incident” (Corrales 2019).

### **Conclusion**

Alternative approaches to resolving the territorial disputes in Northeast and Southeast Asia hinge on being committed to the principles of collective action, multilateralism, a shared regional identity, and attention to people-to-people concerns. In people-centered approaches, notions of absolute sovereignty and permanent territorial rights are counterproductive and their uncompromising assertion will only lead at best to an uncomfortable stalemate or, worse, outright war.

In a world of greater interaction between governments, societies, and peoples, the porousness of national borders, rapidly dwindling resources, and looming and actual environmental disasters, it is imperative that all parties act responsibly and take a less belligerent and more reasonable attitude to existing territorial disputes.

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