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Once forgotten reefs... historical images in the scramble for the south china sea

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Introduction

- 1 The South China Sea dispute is not, in itself, new : China, France, Japan have already bitterly argued over the ownership of the Paracels and Spratleys archipelagoes during the 1920s and 1930s. What brought them to the forefront of the news is the sudden increase of tension resulting from competing claims from six countries, and the armed naval clashes that pitted Vietnam against the People's Republic of China twice in 1974 and 1988. In February 1992 China voted its new Territorial Waters Law, implicitly claiming the whole South China Sea up to James Shoal, off the Sarawak coast. In May 1992 it granted an oil exploration block to an American company, *Crestone Co.*, in a sea area also claimed by Vietnam. Vietnam warships have been sighted during the summer 1994, trying to prevent exploration from being carried on. The discovery of a new Chinese position on Mischief Reef, in January 1995, in the very heart of the Philippine-held garrison system, came to a shock in the ASEAN capitals. The construction of several sovereignty markers and the subsequent Chinese furor when the Philippine Navy blew them up confirmed that the Chinese strategy would no longer focus on Vietnam only.
- 2 Chinese authorities however tried once again to test Vietnam's resilience when, in March 1997, they placed an exploration oil rig in the sea between Hainan and Vietnam, at the very limit of the area depicted as Chinese by the now famous dotted line on the official maps. The tension increased to yet a higher degree when Chinese troops occupied Mischief Reef, off the Philippine coast, in February 1995. In May 1997, Philippines troops were put on alert as Chinese naval units were spotted circling around two islets occupied by Philippine troops in the Spratleys ; at the end of the same month, the tension escalated once again as the focus of the dispute went to Scarborough Shoal, off Manila in the South China Sea. In November 1997, China granted an offshore exploration block to yet another American company, *Atlantic Richfield*, in the very area where the May incident had taken place with Hanoi, 65 nautical miles from the coast of central Vietnam. By December 1998, the Chinese outpost on mischief Reef, supposedly a «shelter for fishermen», had been expanded to a large concrete building, much alike to the older Chinese military positions in the Spratly archipelago¹. The very behavior of the Chinese authorities give credentials to the theory that China has a long-term strategy of leapfrogging from position to position, testing the resistance of the other claimants to the islets of the South China Sea, and pushing its advantage when it sees fit.
- 3 Since the arguments and appearance of the dispute give the image of a resource-related dispute, with oil and fisheries the two major dimensions, several scholars and politicians have recently come up with the idea of a general plan to settle the issue. They advocate a legal solution, freezing sovereignty claims in the central area of the South China Sea to enable the riparian countries to jointly exploit the sea resources².
- 4 The cool welcome these ideas, such as the Indonesian "doughnut formula", have received so far, including during the 1994 ASEAN Regional Forum, attest to the issue being much more than a mere legal problem, and to the weakness of an international law-based approach to understand the behavior of the parties. To begin with, strategic concerns were at the heart of China's desire to forcibly overtake the Paracels from South Vietnam in 1974, so as to preempt a possible Soviet use of the archipelago after the due fall of Saigon³. The possible use of the islands to control sea lanes of transport was illustrated by the Japanese setting a submarine base in the Spratley archipelago during World War II.
- 5 Claims to the sea area and to the islands also reveal how different the arguments can be, ranging from legalistic to historical. These historical images can be much more than arguments to support a country's claim : they depict territorial images, they underline how governments

understand history and the geography of the region. The notions of sovereignty, of community, of people, of nation, of territory, though widely used, often have different meanings depending on the source. They are the cornerstones of the historical constructions governments have of themselves and of their neighbors. These constructions, in turn, act as prisms through which the world is perceived.

- 6 Unsurprisingly, therefore, the Law of the Sea is used as a tool to foster a country's claim rather than as a dispute-solving mechanism. China and Vietnam do not seem to hear each other's thesis ; but the other claimants have also produced images that are part and parcel of the present geopolitical situation in the South China Sea. What are these images ?

Several claims to the region

Claims from the Philippines, Malaysia and Brunei : seeking a legal legitimacy.

- 7 During most of the years following the Second World War, these three countries or dependencies (Malaya, or present-day mainland Malaysia became independent in 1957, Brunei in 1984) have kept a low profile on the dispute. Brunei passed a Continental Shelf in 1954 to protect its huge offshore deposits ; Malaysia and Indonesia reached an agreement on their common continental shelf boundary in 1969. Philippine nationals tried to claim some Spratley islands during the 1950s, but were expelled by the Taiwanese garrison on Itu Aba.
- 8 The Philippine government began to be interested in earnest in the South China Sea and the Spratly Archipelago in the late 1960s. A Presidential Decree, promulgated in 1971, officially claimed the Kalayaan group of islands, a major but seemingly arbitrary collection of Spratley islands. Troops were landed on a few of them, at least in 1971, some sources say as early as 1968. In 1976, several oil exploration blocks were granted in Reed Bank, and in 1979, Presidential Decree n°1596 annexed the waters surrounding the Kalayaan Islands.
- 9 Malaysia claimed a continental shelf but had never specified its limits until the publication of a map in 1979. The islands lying within the newly drawn maritime border were claimed as part of Malaysia. In 1983, Malaysian troops landed on three reefs and are still occupying them now. Brunei operated similarly to claim Louisa Reef, but has no garrison on it.
- 10 These three countries built their claims using legal concepts. Malaysia and Brunei drew their continental shelf limits according to what was, at the time, being negotiated at the United Nation Law of the Sea Third Conference (UNLOS III) ; the final document was signed in 1982 and is due to become international law in 1995. The Philippines designed a complex set of arguments, ranging from the proximity of the Kalayaan group to the claim that they "discovered" the archipelago, to the latter legal status of "res nullius" : after the San Francisco Treaty in 1951, Japan was stripped of all its conquest, but the territories in question have not been attributed. Manila therefore argues the Spratley archipelago was under a trusteeship of the Allied Power, and so can legitimately claim some islands.

Claims from China, Taiwan, and Vietnam : the historical legitimacy.

- 11 To the contrary of the above mentioned ASEAN countries, Vietnam, China and Taiwan base their claim mainly on history. It is not that they reject the provisions of the Law of the Sea : the legal concepts they base their claim on is also provided by the 1982 Law of the Sea, but the rhetoric they use in their exposing their arguments relies on interpretation of historical facts. The idea they expose is that history provides the strongest legitimacy to their claim.

Sacred land and the notion of time immemorial.

- 12 The Chinese claim to the South China Sea is shown on all official maps through the now famous "dotted line" that encompasses almost the whole sea and goes as far south as James Reef, off Sarawak. China built the legitimacy of its claim on "historical rights", the maritime space thus defined being China's "historical waters", China talked of "sacred territorial waters" rightfully belonging to her as the islands have been "part of Chinese territory from time immemorial"⁴. The first notion of "sacred land" is a Western concept imported by the Chinese

and the Vietnamese to foster nationalism⁵. As for the idea of being part of the territory since "time immemorial", several Chinese publications assert China's claim is anchored in history as the archipelagoes "have been China's territory since ancient times"⁶. China's argument is that the history of Chinese occupying the islands, even intermittently, is so ancient it cannot reasonably be questioned by modern law.

13 But the notion of historical rights does not exist in the Law of the Sea, which China ratified in 1996. Nor did China explain if its title to the sea was that of an exclusive economic zone (EEZ), drawn from the Paracels and the Spratleys that it claims, because the EEZ status is much more limited than the ambiguous status Beijing gives for its historical waters. China never explained how it drew the claimed dotted line, what its exact coordinates are, nor what its legal legitimacy could be.

14 After it had offered to China, to no avail, to exchange Hanoi's recognition of a Chinese sovereignty over the Paracels for a Chinese recognition of the Vietnamese sovereignty over the Spratleys in 1976,⁷ Vietnam, too, reverted to a historical analysis to back its claim, summed up this expression : "Hoang Sa and Truong Sa have, from time immemorial, been part of Viet Nam's territory [...] Viet Nam's sovereignty over the Hoang Sa and Truong Sa archipelagoes is indisputable."⁸ Vietnam claims Vietnamese had already landed on the Spratleys as early as the XVth century ; some maps reportedly show the Spratleys were Vietnamese including territory since the same time⁹ ; others date back to the XVIIth century¹⁰. However, as the facts they put forward are more recent than the Chinese, Hanoi stresses that these historical facts prove a continuing Vietnamese interest, as opposed to a disrupted Chinese occupation of the islands at the time of the Vietnamese occupation : "[t]he essential thing is to prove in an irrefutable manner that China has effectively occupied these archipelagoes before they belonged to any other State and that since then it has exercised, without discontinuity, its sovereignty over these islands. This is something Beijing still has to do"¹¹. This perception of the relative weakness of sheer historical arguments against China led Vietnam to emphasize its stand being in line with international jurisprudence as regards territorial disputes : a 1988 publication stated that "it can be definitely asserted that the State of Vietnam has effectively occupied the Hoang Sa and Truong Sa archipelagoes and has exercised effectively, continuously and peacefully its State functions there for some 300 years since the XVIIth century till Beijing invaded the two archipelagoes."¹²

15 Resorting to historical arguments surfaced only once in a Malaysian declaration, when Deputy Foreign Minister Abdul Kadir Sheikh Fadzir said that Terumbu Layang Layang "is, and has always been, a part of Malaysia"¹³. The argument could only be taken seriously if Malaysia then tried to present itself as the heir state of the Malay trading city-states of the pre-colonial period, which it did not. The historical argument has subsequently disappeared from Malaysian declarations.

Archaeology

16 Both China and Vietnam rely on archaeological discoveries to foster their claims¹⁴. If Vietnamese archeologists are very quiet about their discoveries in the Paracels and the Spratleys, probably pointing to a lack of favorable arguments, Chinese archaeologists, however, have been particularly active now that China is the only power occupying the Paracels and also occupies several islets in the Spratleys. Chinese coins, Chinese porcelain, building foundations have been unearthed during their excavations, proving, according to the academics, an old Chinese settlement, administration and exploitation.

17 What is interesting to note is that the age Chinese historians give to the Chinese presence in these islands keeps becoming more ancient. During the 1950s, Chinese texts dated this presence as far back as the Song dynasty. The 1970s saw the early Chinese presence set at the Han dynasty period. A recent article reported some Chinese scholars now believe Chinese people set foot on the Spratleys some 3000 years ago¹⁵.

Suzerainty

18 China rejects the validity of Vietnamese claims to both the Paracels and the Spratleys on the ground that the Vietnamese king, paying tribute to the Chinese emperor, was its vassal.

He could not, therefore, rightfully claim a territory that China herself "administered and exploited". "As a vassal state, [Vietnam] had the audacity to occupy a piece of territory of its suzerain state. This runs counter to logic and common sense"¹⁶. The Vietnamese today agree the Annamese kings or emperors¹⁷ did send embassies to the Chinese capital, because the Chinese emperor was a powerful man it was in their interest to placate : they "zealously [defended] the national independence according to a flexible strategy which consisted in continuing to recognize China's nominal suzerainty"¹⁸. After several conflicts to gain and protect its independence, it is doubtful the Vietnamese ruler considered the legality of his acts as subordinate to Chinese agreement. The Vietnamese emperor did issue authorizations for companies to exploit the sea resources around the Paracel Islands in the XIXth century.¹⁹

19 Referring to these historical notions induces great problems, for their meaning is subject to interpretation. Besides, they are often modern ideas that did not exist at the time. The notion of suzerainty, as reinterpreted by the Chinese now, is questioned by the Vietnamese. Most other historical notions introduced as arguments to legitimize claims to the South China Sea islands are also flawed for the same reason : the notion is modern, but used as if it was ancient.

History revisited : are these claims neutral images of the past?

Occupation of the islands

20 The Chinese, and the Vietnamese to a lesser degree, assimilate the presence of Chinese or Vietnamese people on the islands to a proof of sovereignty. Since artifacts from China and Vietnam can be found on these islands, so the argument goes, the people that brought them were Chinese and Vietnamese. A closer look at the commercial history of the region makes one question these arguments.

21 That trade was very active in the area nobody doubts ; Chinese merchants were very active in the region as early as the Sung dynasty. Chinese crafts were widely appreciated and therefore massively exported to markets in present-day Vietnam, Thailand, Indonesia, the Philippines and Malaysia. The size of the Chinese trade naturally led to an active circulation of Chinese currency, as the Chinese banking systems were very developed. But this does not mean the actual exporters were necessarily Chinese ; products could be re-exported ; and once purchased, they traveled with their owners. Finding Chinese objects and currency in Southeast Asia is quite common : does it mean Java was populated with Chinese people ? The ethnic origin of the people that regularly stopped over in the Paracels and the Spratleys is not known. Likely, the Chinese, Annamese, Champa, Malay fishermen that went there stayed only for a few months, during the fishing season, and then went back to their homes.

22 This diversity leads to another question : how does China now defines a Chinese in history ? The point is relevant inasmuch as, up to the Qin dynasty, peoples in what is now southern China were not Han ; the people collectively known as Yueh were Austronesian and Austroasiatic people, some related to the Tai language group, such as the Li in Hainan, some to the Môn-Khmer, such as the Min in Guangdong²⁰. Han settlement began at the time of the Qin conquest. At the fall of this dynasty, southern China reverted to independence, only to be reconquered by the Han dynasty. Immigration of Han people has been very progressive, with two major phases, the first being around the beginning of the IVth century, during a period plagued with political turmoil ; the second after 1126 and the fall of the Northern Song's capital to the Chin kingdom's Tatars²¹ The Han were not a majority until the Sung dynasty. During the ongoing assimilation process, the Yueh fishermen kept going to sea, and it is likely they piloted most Chinese boats when Han merchants began to venture in the South China Sea²². The Chinese artifacts found on the Paracels and the Spratleys could have come directly from China, brought by some Yueh fishermen ; were these people Chinese? Beijing so far has had a confused attitude as regards this question, sometimes saying people living in China are Chinese, sometimes, as in the Overseas Chinese case, establishing the Chinese identity as Han. When Zhao Lihai asserts that "during the second century BC, the Chinese people began to sail in the South China Sea. As a result of long practice in navigation, they discovered first the Paracel Islands and then

the Spratley Islands"²³, his use of the singular for "Chinese people" suggest he has the Han Chinese in mind. But the facts he brings up are therefore quite questionable.

Territorial image and concept

- 23 Similarly, the arguments pushed forward by Vietnam, Taiwan and China to sustain their claims to the South China Sea mix present-day territorial concepts with past facts of exploitation of sea resources, anti-piracy struggle, and trade.
- 24 The very idea that the South China Sea islands were an important center of economic life, suggested in the assertion that both the Chinese and the Vietnamese States took care of the exploitation of them, must be scrutinized : these small, scattered, typhoon-prone islets are devoid of fresh water but for a few of them ; navigation was extremely hazardous in these waters and still is so, as marine maps call the area "Dangerous Grounds". If fishermen for sure stopped there, trade routes avoided the islands²⁴.
- 25 Besides, Chinese, Taiwanese and Vietnamese texts describe with modern terms the image that the two imperial governments had of their territory. Sovereignty is a modern concept if it refers to the extent of a territory, defined by precise borders, on which the rule of a State's law prevails. China and the Southeast Asian kingdoms did not have the territorial concept of land borders, at least not in the way we understand now : the limit of their domain could be blurred, and rather was a zone where a game of influences prevailed²⁵. To be sure, China planted pickets to define the extent of its power, east of Balkash Lake, during the Qing dynasty ; China also signed border treaties with Russia in the XVIIIth century, but the concept was alien to the Qing, and they accepted it because it was the Russian way. The Chinese Empire and Annam also set a border between them, but the subsequent negotiations about which ruler each tribe astride the border should pay tribute to suggest the drawing of a land border was a convenient tool, but not the real representation, the real image of sovereignty the two empires had. Tribes had to be shared, even though a border was drawn, and tribes could be attributed to one ruler or an other even if its people were scattered across the line. People mattered, not so much the exact location of the border²⁶. "Confucians were more intent upon governing men than space. The concepts of sovereignty as delimiting legitimate (legal) authority around political space, and of state territoriality as rule over space defined by geometric grids, were not functions of the Confucian world view²⁷.
- 26 Similarly, it is not possible the Vietnamese and Chinese governments officially claimed the Paracels and the Spratleys, contrary to what suggest texts from the respective governments and from some scholars. Claiming a territory only means something if a country intends to manifest it considers to be sovereign over this territory. It underlines the supposed importance of making this claim public, internationally known, so as to get a recognition ; it therefore makes sense only in the frame of an acknowledged international legal system, or at least international set of behavior rules between States. China, and Vietnam to a lesser degree, did not recognize anything such as an international community. Claiming the islands would have implied, for the Middle Kingdom, considering the other surrounding States as equal, or at least would have meant it was liable to publicize its acts to other kingdoms ; both being inconceivable²⁸.
- 27 It is true that China was, at the beginning of the XVth century, during the Ming dynasty, a great naval power, as several expeditions reached the Eastern coast of Africa. But this policy soon vanished and sea-borne trade was subsequently officially forbidden. The sea domain was not considered an important policy issue, except for piracy : although they did trade with Southeast Asia, there was little in their economies that compelled them to actually control this sea domain.
- 28 Moreover, the sea was considered out of the Empire's reach ; it was not a space that could be ruled, annexed (to use a present-day concept), or taxed. An illustration of this is the special relationship between China and Vietnam : a land border separate the vassal and the suzerain (in the Chinese view) ; and China repeatedly interfered with Vietnam's affairs. Other kingdoms that paid tribute to China on the same basis, Siam, Champa, the Javanese kingdoms, could be reached only by sea : if the rulers of these political entities once asked the Chinese Emperor to recognize them, they did not necessarily ask for the recognition to come for every new ruler.

China itself did not try consistently to enforce its nominal suzerainty : the land beyond the sea was also beyond the Empire's view of the land it could rule, tax or annex (to use a modern concept).

29 Not only were the Paracels and the Spratleys far out at sea, in dangerous waters to navigate, but they were not permanently settled, only temporarily occupied by sailors from different regions of the South China Sea. As mentioned above, the Chinese and Vietnamese administrations were more concerned about people than land : "[w]ithin the Confucian order, sovereignty was defined more in terms of human residence and social organization. Places without human occupation were regarded as frontiers beyond civilization and, hence, of little concern [...] The offshore islands, empty and uninhabited, were never meaningfully incorporated into the empires of either China or Vietnam"²⁹.

30 Thus it can be seen that the historical arguments put forth by China, Taiwan and Vietnam have a very limited weight : the concepts they refer to, if carefully examined, undermine their very claim to the South China Sea islands. Geographic images can, just like historic images, be constructions set forth, or representations. A representation is a historic or geographic image. Since groups understand history and space through their concepts and their value systems, the way any group apprehends them is always a reconstruction, a set of images specific to this very group : claims are a combination of images, recomposed so as to create a consistent view through which history and geography make sense to the group, whether it be a community or a state³⁰.

Images geography revisited

Historians or geographers make regions.

31 An illustration of this phenomenon can be found in the trendy notion that the Pacific Ocean is now the new "world center", although the Asian crisis recently toned it down. Arguments for this image stressed the high growth rate of Asian countries on its western shores, the huge trade across it being larger than Atlantic trade, the largest population in the world with 2,5 billion people. Apart from the fact that it is a recent notion, the assumptions that created this idea of the Pacific being the center of the world can easily be analyzed. First, the population of the ocean basin comprising 2,5 billion people rests on the method of counting the population of every riparian country ; thus, Tibetans, New Yorkers and Moscovites are included in the happy club of Pacific Rimers. Second, major trade routes run in the northern part of the ocean, the thinnest (around 7000 km), while the southern part, dotted with micro-States, is empty and isolated : can a center be isolated and empty ?

32 An other assumption is the constant moving of a unique world center, a western concept theorized by Hegel. Advocates of a new Pacific era make a common mistake in their willing to determine a fixed point to power, a phenomenon by essence dynamic and multidimensional. If the Western shore of the Pacific is economically growing, it does not mean North America or Europe are on the verge of disappearing from the world scene.

33 Here lies an other image, a political one. In Australia, France, the United States, the idea that the Pacific is the new world center is an icon that serves national policy goals. Australia, trying to get accepted by its increasingly important commercial partners of Asia-Pacific, stresses this idea as it underlines its belonging to this Pacific community. In the United States, "asserting the supremacy of the Pacific was first an argument used by the business community of the West Coast to bash that of New York"³¹. It is now an image set forth to convince that the United States, whose self-confidence has been weakened and where talks of decline have appeared, still has a bright future as it belongs, by geography, to the center of the XXIst century. For the same sake of conjuring a feared decline, a similar image prevails in France. Through its Pacific territories, Tahiti, New Caledonia, Wallis and Futuna, and Clipperton, France is present in the ocean of the future, and so her future looks bright³².

How to tackle with Southeast Asia ?

- 34 Similarly, Southeast Asia is a geographic idea, a representation. The key point is that while this idea of Southeast Asia emerged, post-war nationalism meant that Southeast Asians neglected the question of regional unity based on maritime trade that History could provide.
- 35 Southeast Asia is a Western concept born during the 1940s. Several articles have been written on the process of creation of this regional idea³³, the notion of "Southeast Asia" overcoming other concepts such as "Far East", "Insulindia", "Farther India", "Indosinesia"... Now the very name of the political association created in 1967, "Association of Southeast Asian Nations", embodies the wide acceptance of the notion by scholars and politicians in Southeast Asia. However, the concept has its drawbacks, as it does not include southern China nor Taiwan in its scope for political reasons, whereas history or geography militate for it. Even in Southeast Asian countries, the regional identity remains weak. Southeast Asian studies are poorly developed in the region universities, except in Singapore³⁴. The idea that the region could be the frame for a geopolitical and cultural analysis is rejected by some scholars, on the grounds that the Pacific provides a much more accurate frame³⁵.
- 36 The idea of Nation-State is the dominant geopolitical idea in the region. Still in the process of nation-building, the idea of a supranational regional solidarity, identity or community is perceived as a potential infringement on the newly acquired (except for Thailand) state sovereignty. Singapore, and, more recently, Vietnam, have been the only countries stressing their "Southeast Asian-ness". In Singapore's case, it is not so surprising inasmuch as, economically, it relies on trade with its ASEAN partners, and as, politically, its Chineseness caused frictions with its two Malay neighbors. For Vietnam, this newly created identity serves the purpose of further *rapprochement* with its fellow ASEAN members.
- 37 Here the geopolitical use of historical images resurfaces. Recent historical developments provide a basis for geopolitical counter-claims to China's and Vietnam's claims to much of the South China Sea. Studies by historians suggest very ancient networks of trade routes across the sea, probably as old as the first millennium BC ; Dongsong drums, for instance, have been found in Vietnam, in southern China, in Burma, in Thailand, in Malaysia and in Java ; ceramics from Han China, from Vietnam and Thailand have been unearthed in Java³⁶. Studies suggest active and sustained trade in the region, not merely between India and China, but also between the different polities and kingdoms³⁷. Obviously influenced by Braudel, these historians, without explicitly naming it, describe a region they view as having had a great trading unity³⁸. Similarly, some "geographers were the first Western scholars to think of the region as an entity with a maritime core"³⁹.
- 38 The case being made for tackling the region as a maritime region, with a sea as a common bond, it is all the more surprising the ASEAN countries do not underline this past of strong trading exchanges in the South China Sea as this could be a strong argument against the Chinese and Vietnamese claims. Among all the historical facts available for a nation or a State to build its historical myths, its representation of the past, this possible idea of an "Asian Mediterranean" never emerged, for nationalist reasons mentioned above. However, this idea would greatly undermine the legitimacy of claims for most of all the South China Sea : trade, goods, people kept moving on the sea ; in most ports, merchants from different countries gathered to create cosmopolitan cities. A long history of common interaction could be successfully opposed to destroy the legitimacy of the claim to a "Chinese lake"...

A Chinese lake ? What's in a name (Romeo and Juliet).

- 39 ... which is the Chinese and, to a lesser extent, the Vietnamese idea of the South China Sea. It is only recently that the Vietnamese published, along with their declaration of a 200-mile EEZ, a document staking their claims to the South China Sea : "The islands and archipelagos, forming an integral part of the Vietnamese territory and beyond the Vietnamese territorial sea [...], have their own territorial seas, contiguous zones, exclusive economic zones and continental shelves..."⁴⁰ No maps were officially published then, but maps showing the extent of the oil block systems⁴¹ are implicit claims to much of the marine area. The famous dotted line that represents the marine border China considers legitimate in the South China Sea appeared in

1947 ; it was subsequently republished both by Taipei and Beijing in their official maps of China. The Chinese government reportedly removed the controversial dotted line from its maps at the end of 1998, an information not confirmed as of now.

40 China stresses its ships sailed to the South China Sea at least from the Han dynasty on⁴². And, after all, isn't this sea the South China Sea ? Though traditionally China used the term *Nanhai*, "South Sea", to call this body of water, recent texts show Beijing holds the Western name "South China Sea" dear. "The sailors called this place China Sea..." argues the *BeijingReview*⁴³. Emotions surface also in Pan Shiyong's article, when he accuses other countries of willing to change the name of the South China Sea into ASEAN Sea "in order to justify their contest for oil". As if to apologize for his being emotional, he then proceeds by saying "in fact, China calls the sea "Nanhai" or "South Sea". The name of "South China Sea" was given by foreigners. It is clear, therefore, that China has not called the area 'South China Sea' nor has imposed the name on others"⁴⁴, but nobody accused China of such a thing : then, why expose the idea ?

41 The reason might be that China now likes the Western name : "the South Sea is also termed the South China Sea in translation. [...] As the name implies, this beautiful term 'South China Sea' was not bestowed by the colonialists out of great love for China, but rather is the formal recognition of objectively existing historical facts."⁴⁵. Emotional ammunition lies in this name, emphasizing the Chineseness of the disputed area. After all, as Randall Thompson, President and Chairman of *Crestone Co.* put it, "this is the South China Sea, not only the name says it is China's but there were Chinese traders and pirates on those islands 2000 years ago"⁴⁶. Names are powerful images.

Conclusion

42 The dispute about the South China Sea is far from being settled. Rather than a technical problem, it is highly political, as suggested by China's tougher stance against Vietnam and, more recently, against the Philippines. Although the ASEAN states have repeatedly tried to explore grounds for a settlement, a possible solution seems all the more remote as arguments put forth by the claimants focus on different approaches : Malaysia, Brunei and the Philippines try to present legalistic arguments ; China and Taiwan stress historical rights, and Vietnam tries to adopt both the historical and the legal approach.

43 Worse : in their use of history, Vietnam, Taiwan and China mix modern concepts and past facts ; their political and territorial representations are therefore impossible to compare or study in the light of modern law. As exemplified by the quarrel about the discovery of the islands or about the name of the sea, emotions run high in this issue and underline the high nationalist content, an other concept that did not exist before the XIXth century in this region. A possible way out of the deadlock would be to stress the past history of the South China Sea as a trade route between the littoral states. Though Yves Lacoste questionably tried to illustrate this view by comparing the South China Sea with the Mediterranean⁴⁷, the "sea between the land", this idea nevertheless illustrates the notion that the Paracels and the Spratleys could be seen as part of a sea binding the region together. However, this view so far was not welcomed with great enthusiasm, the regional idea being developing in Southeast Asia, and the concept threatening the Chinese idea of historical preeminence over the maritime area.

Notes

1 *Far Eastern Economic Review*, Hongkong, December 24, 1998.

2 Mark Valencia, "Spratly Solution still at Sea", *The Pacific Review*, VI, 2, 1993

3 Chi-kin Lo, *China's Policy towards territorial disputes : the case of the South China Sea Islands*, (Routledge, London), 1989 : 63-77

4 "SRV 'Unreasonably' Claims Spratly Islands", *FBIS*, March 4, 1988 : 3

5 Talks with Professor Wang Gungwu, Vice-Chairman, University of Hong-Kong, September 26, 1994.

6 Ministry of Foreign Affairs of China, "China's Indisputable Sovereignty over the Xisha and Nansha Islands", *Beijing Review*, 7, February 18, 1980 : 15

- 7 Frédéric Lasserre, *Le Dragon et la Mer, Stratégies géopolitiques chinoises en mer de Chine du Sud*, L'Harmattan, Montréal, 1996.
- 8 Vietnam's Sovereignty over the Hoang Sa and Truong Sa Archipelagoes, Information and Press Department, Ministry of Foreign Affairs, Hanoi, 1979 : 7
- 9 The Hoang Sa and Truong Sa Archipelagoes (Paracels and Spratly), *Vietnam Courier*, Hanoi, 1981 : 15
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Abstract / Résumé

Opposing claims to the disputed South China Sea and its islands reveal how different the arguments can be, ranging from legalistic to historical. These historical images, in fact, depict deeply entrenched territorial images. In this context, the Law of the Sea is used as a tool to foster claims rather than as a dispute-solving mechanism.

Keywords : territorial image, territorial conflict, border, law of the sea, South China Sea, China, Vietnam, Philippines

Des rochers autrefois oubliés... Représentations historiques dans la ruée vers la mer de Chine du Sud

Les revendications conflictuelles sur la mer de Chine du Sud et ses îles font ressortir les caractères divergents entre les arguments, qui vont du droit à l'histoire. Ces images historiques, en réalité, reflètent des représentations territoriales profondément enracinées. Le droit de la

mer est alors employé plus comme un outil polémique que comme un mécanisme de règlement des litiges.

Mots clés : Philippines, frontière, droit de la mer, Vietnam, conflit territorial, représentation territoriale, Chine, Mer de Chine du Sud