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Embodying Sovereignty in the Post-Brexit Channel Islands and the South China Sea

Edyta Roszko

In early May 2021, about 80 French fishing boats blocked the port of St. Helier on Jersey Island, about 20 nautical miles from the Normandy coast, in protest against post-Brexit regulations that led the UK to deny French fishers access to the island's fishing waters. Overnight, they were turned into illegal fishers. Historically, Jersey controlled its waters up to three nautical miles while the waters beyond this limit were considered the common fishing grounds of France and Jersey. In an escalation of a dispute over post-Brexit access to the common seas, UK Prime Minister Boris Johnson dispatched two British gunboats to Jersey to 'protect' the island. In support of French fishers, France also sent naval patrol boats and threatened to cut off the electricity supply to Jersey.¹ The fishing dispute between the two countries continued over the summer and, in October 2021, the French government announced plans for a ban on the landing of British fishing vessels in designated ports unless the UK and Jersey provided more licenses for French vessels seeking to fish in formerly 'common waters'. In response, Boris Johnson vowed to do 'whatever is necessary to ensure UK interests' and to protect British fishers if France acted on its threats. In retaliation, he pledged that French and EU fishing vessels would go through 'rigorous' checks when in 'British waters'.²

The UK–France dispute over fishing access to waters shared by the two countries is not unique and finds an echo on the other side of the globe, in the South China Sea (SCS). The SCS is a maritime region surrounded by large populations in Vietnam, China, Malaysia, the Philippines, and Indonesia that depend heavily on fish protein for their diet and income. The SCS is also the object of disputed sovereignty around the Paracels and Spratlys – two archipelagos claimed in whole by China and Vietnam and in part by a number of Southeast Asian countries and Taiwan. The increasing imbalance between supply and demand for fish has turned the SCS into a bitterly contested battleground – not just for state sovereignty, oil and gas but, above all, for marine resources, particularly between Vietnam and China (Wirth 2016; Zhang 2016; Kraska & Monti 2015; Dupont & Baker 2014).

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In April 2020, Vietnamese fishers were operating near the disputed Paracels when their boat was rammed and sunk by a Chinese coastguard vessel. While a Vietnamese foreign ministry statement condemned China for violating Vietnamese sovereignty and endangering the lives of Vietnamese fishers, the Chinese coastguard claimed that the fishers had illegally entered waters under China's jurisdiction, refused to leave, and then made a dangerous maneuver that led the two vessels to collide. This was not an isolated accident on the SCS, but one of many violent confrontations in recent years. Since the early 2010s, Vietnamese and Chinese fishing vessels have been repeatedly embroiled in standoffs – sometimes weeks long – over the right to fishing or their state's right to oil exploration in the disputed waters. Every year, China announces a seasonal fishing ban on the SCS and Vietnam consistently condemns the ban and rejects China's authority to impose it, repeating that it 'has full legal basis and historical evidence to assert its sovereignty over the Parcel and Spratly Islands, as well as its legal rights over its waters in accordance with the United Nations Convention on the Law of the Sea (UNCLOS)'.³ Calling the Chinese ban on fishing 'invalid', Vietnam encourages fishers to 'hold onto territorial waters'.⁴

In 2019, the Vietnamese newspaper *Người Lao Động* (*The Worker*) initiated a nationwide program, 'One million national flags for fishermen clinging to the sea', the aim of which was to distribute national flags to fishers in moral support for their 'noble and sacred mission of firmly defending the country's sovereignty over the sea and islands'.⁵ Prime Minister Nguyễn Xuân Phúc applauded the newspaper's initiative for arousing 'patriotism and national pride in every Vietnamese, so that our fishermen are confident, united together to reach out and cling to the sea'.⁶ In this way, the image of a fishing boat furnished with a Vietnamese flag and sailing the dangerous waters became a symbol of the nation's defense of sovereignty (Roszko 2020, 199).

Spectacular Fishing

In the past three decades, scholars have sought to break the links between sovereignty, state power, and territory, and to conceptualize the territorial state and sovereignty as processes and social constructions (Hansen & Stepputat 2005; see also Kratochwill 1986; Biersteker & Weber 1996). Recent works continue to problematize the Westphalian view of sovereignty by bringing our attention to the multiple ways in which sovereignty is produced on local and transnational levels, beyond the territorial state or national scale (Appadurai 2003; Bryant & Reeves 2021). Accordingly, in their introduction to this volume (2023), Janis Grzybowski and Hannes Černý read sovereignty as an emergent, open-ended praxis that continuously transforms through contestations. In this way, they break with the Eurocentric narrative that universalizes the uniquely European pedigree of sovereignty and point out that different variations of sovereignty existed through centuries, including in pre-colonial East and Southeast Asia or

in the 16th-century Ottoman and Safavid empires. Through the colonial encounters but also through decolonization, indigenous notions of sovereignty were transformed in line with the modern nation-state notions of sovereignty (Wildcat and de Leon 2023).

Taking the contingent nature of sovereignty that has been shaped in the multilevel encounters across time and space as a starting point, this chapter inscribes itself into theoretical endeavors that seek to understand sovereignty as embodied, agency-rich practice that is not rooted into the national territory but nevertheless needs the existence of territory to articulate itself (Dzenovska 2021, 158–9; Grzybowski and Černý 2023). By doing so, however, I add another dimension to this scholarly attempt to analytically capture the contingent nature of sovereignty, namely, that sovereignty operates through spectacle – including images and performative acts – in interdependence with state geopolitical imaginaries, the capitalist market, and contingencies of everyday life. In this way, I extend Grzybowski's and Černý's argument that sovereignty becomes most visible when contested and that contestations thus co-constitute sovereignty.

The SCS and the waters surrounding the Channel Islands are cases in point. They tell us how navigation and fishing in overlapping high seas have been reinterpreted and repackaged by states as anachronistic sovereign 'enclosures'. These enclosures are claimed to be of 'ancient' genealogy, but they are a very recent development. When the 'territory' is the sea and it is contested and disputed, the states might use fishers' bodies and their economic practices as extensions of the national 'geo-body', to use Thongchai Winichakul's (1994) concept, denoting the outline of a nation's territory through maps and images that are clearly recognizable to that nation's citizens. Here, the human bodies of fishers and the geo-body of the nation projected onto the sea are brought out in spectacular fishing, the first task of which is to represent sovereignty by embodying presence at sea. This presence is most spectacular, most sovereign, when the action is divorced from resource-based activities. This chapter will demonstrate that, divorced from the harvesting of fish or from the market, the presence of fishers in the SCS and around the Channel Islands can best be understood as a *spectacle* of fishing, voiced in the language of territorial sovereignty over national waters but alienated from its economic practice as livelihood. Drawing on Guy Debord's (2002 [1976]) theory of spectacle, I propose the concept of *spectacular fishing*, defined here as an embodiment of sovereignty and an extension of the geo-body of the nation. Gaining new relevance in spectacle, such spectacular fishing emerges within a triangular relationship between the claim for sovereignty, the vision of a competitive and profitable fishing industry, and the realities of the broken connection with the EU market.

Since Victor Turner (1974) coined the term, the idea of performance or 'social drama' has been central to exploring the interplay between spectacle, audience, and culture, particularly in relation to ritual as a site of resistance and transgressive practice. Following Richard Schechner's (1998) re-reading

of Turner, 'performance' became an object of systematic interdisciplinary research, including ritual, performativity, and performing as practices within a social process (Velten 2012; Butler 1993). Building upon an understanding of power as knowledge, some scholars have analyzed how power contributes to the construction of social performance – an emotionally engaging and persuasive 'social drama' (Bourdieu 1977, Alexander 2012). For example, political scientist Jeffrey Alexander (2012) shifts his analysis from texts to gestures, views, and speech as social performance, showing how, enhanced by mass media bodily action, such performances shape attitudes and power relations in society at large. But to be effective, this body-speech needs to be presented to an audience in a way that enables the public to read the performance as intended (Goetze 2017, 24). For example, Giulia Prelz-Oltromonti (2023) gives examples of diplomatic practices that the contested states might engage to create the aura of legitimacy for themselves.

Spectacle differs from performance in terms of what is expected from the audience (Beeman 1993). While some performances are private and directed towards narrowly defined audiences, spectacles are public events that must be of certain size, magnificence, and meaningfulness for society. The breadth of a spectacle's meaningfulness depends on whether the elements displayed to the broad, public audience resonate with important elements in their cultural and emotional lives (Beeman 1993, 380). The spectacle is an image – an object – that cannot exist without being seen. The idea of the spectacle as a mystified reality perceived only through an image – and thus sight – brings me to Debord's (2002 [1967]) conceptualization of modern capitalist society as a 'spectacle' in which authentic social life has been commodified and replaced with an alienated appearance of reality. In the SCS and post-Brexit Channel Islands, it is precisely the images of fishers and their fishing boats in the disputed waters that represent fragmented views of fishing reality: rearranged into a new unity as a 'separate pseudoworld' that we can only look at (Debord 2002 [1967], §2).⁷ Creating and mediatizing a distorted and dramatized representation of reality, spectacle is thus a 'negation of life' that takes on a visible form during spectacular fishing, turning the performer into an 'object' to be exhibited and gazed at by publics (see Debord 2002 [1967], §10; Kirshenblatt-Gimblett 1998). As I show in this chapter, any recognition gained through such spectacular fishing is inevitably seductive to some publics and alienating to others.

This brings me to my second point, namely that spectacular fishing as an embodiment of sovereignty not only projects recognition onto national and international stages but also is the subject of market-dominated visions replicated in images, propaganda slogans, new laws and regulations, and utopian visions of the future. In the SCS, China and Vietnam designate fishing grounds that overlap and provide subsidies that encourage their fishers to operate in contested areas and engage in what rival states perceive to be illegal fishing. In the post-Brexit naval standoff around the Channel Islands, the UK's policy of 'taking back control' of national waters and France's claim

to access on the basis of ‘long-standing traditional fishing grounds’ prove, again, that maritime sovereignty is a historically modern invention, incompatible with traditional fishing rights in what, until UNCLOS in 1982, had been regarded as high seas. Indeed, in the current dispute, both Britain and France have alluded to the legacy of high seas piracy off the Normandy coast, including the Channel Islands. While Boris Johnson could project British sovereignty by ‘taking back control’ of ‘their’ waters, he could not guarantee ‘his’ fishers access to their traditional markets in France. With Brexit, UK-flagged fishers were subjected to new customs duties and sometimes outright banned from French ports. These market restrictions hindered the ability to sell seafood harvested in ‘their’ waters. In the post-Brexit Channel Islands, sovereignty not only drives French and Jersey fishers apart but also alienates the latter group from the EU market. In the SCS, by contrast, sovereignty drives Chinese and Vietnamese fishers apart, but a common market for luxury marine goods binds them together. The chapter concludes that in both spectacles, sovereignty is a spatial and performative – thus bodily – operation through which fishers become an alienated representation of themselves, and therefore an image.

Enclosing High Seas

The perception of unlimited sea resources goes back to the idea of *mare nullius* (nobody’s ocean), first forwarded by Dutch jurist Hugo Grotius (1583–1645) who argued that the high seas cannot be possessed and, because of that, the use of sea is granted to all by natural law.⁸ According to this logic, the two main uses of the high seas – navigation and fishing – were inexhaustible and must remain open to all (Steinberg 2001). Freedom of the high seas is now recognized by international law to include freedoms of navigation, fishing, the laying of submarine cables and pipes, and the transiting of civilian aircraft.

Historically, the European *mare nullius* spatial regime replicated the earlier logic of *terra nullius* (nobody’s land) on the sea. As a result, *mare nullius* erased the Indigenous sea commons just as *terra nullius* erased Indigenous land rights through the imposition of enclosures on ostensibly ‘empty’ commons, a process whose long genealogy goes to the heart of the colonization and dispossession in the Americas, Africa, Asia, and Oceania. Karl Marx (1976 [1867]) was the first to theorize enclosures as dispossession that forced peasants off their land and thus proletarianized them (i.e., forced to sell their labor/bodies for income). Drawing on Marx’s discussion of primitive accumulation as a historical moment of separation of producers from the means of production, historian Edward P. Thompson (1993) points out that the Great Enclosure was a global ‘movement’ that was established first in England and Western Europe and then spread out to other parts of the world, introducing private property of and exclusive access to resources (see also Greer 2012: 365–86).

Some historians extend Marx’s debate by arguing that ‘[w]hile the long-run tendency may indeed have been in the direction of an enclosed private

property regime that largely excluded natives, colonization was also accompanied by the establishment of commons' (Greer 2012, 366). The dispossession of colonized people took place precisely 'through the clash of an Indigenous commons and a colonial commons', as Allan Greer (2012, 366) argues. European settlers established their open commons through economic practice, only later followed by government and laws (Greer 2012, 366). Moreover, a perceived lack of productivity by 'natives' was used precisely as an argument for colonization, because resources were gifts that were meant to be exploited by (European) 'man'. Already in the 19th century, the new colonial policies would find their way into the rhetoric of *mise en valeur* (translated as *economic valorization*) according to which colonial powers should guide colonized societies towards increasing their productivity and thereby improving their own economic situation.⁹ Today, the globalized versions of 'blue economy' initiatives replace *mise en valeur* rhetoric with the vision of the post-Brexit EU and UK, or China and Vietnam: the exploitation of the oceans and seas will be a key driver of welfare, prosperity and 'a bright blue future' for everyone.¹⁰

The idea of a 'clash between an Indigenous commons and colonial commons' (Greer 2012, 366) brings me to the present-day maritime enclosures. The conceptualization of the sea as '*non-territory*' was the first step towards the transformation of the sea into closed spaces subjected to national sovereignty – a process I define elsewhere as 'maritime territorialization' (Roszko 2015). By maritime territorialization, I mean a spatialized regime that treats the sea as land, thereby subjecting not only the sea spaces but also the relations – between coastal people, maritime zones, and resources – to the national cartographic grid (Roszko 2015, 233). At first sight, the European notion of a commons of 'unbounded' resources in the high seas might seem to contrast with historical practices of enclosures on the land. However, if we think about how *terra nullius* allowed the erasure for example the Indigenous land rights in Australia, and *mare nullius* the Māori sea commons around Aotearoa, now known as New Zealand, we can indeed see the establishment of high seas commons as the enclosure of the Indigenous commons (see McCormack 2017, 2020). In that sense, the idea of the 'high seas' is the continuation of a colonial commons that only recently have been fully institutionalized through the 1982 UNCLOS regime.

UNCLOS gives coastal states full sovereignty over 12 nautical miles of 'territorial' waters that begin at their coastlines, and the exclusive, sovereign right to explore, exploit, conserve, and manage all natural resources within an Exclusive Economic Zone (EEZ) that is adjacent to territorial sea and extends seaward 200 nautical miles from its coastline base, or until it abuts with another EEZ. While the UNCLOS international legal regime governs maritime resources, it 'does not provide a single delimitation method' for EEZs. Instead, 'courts, tribunals and state practice have come to articulate specific delimitation'.¹¹ For example, islands can be fully or partially disregarded, as in the shelf boundary case between the United Kingdom (including the

Channel Islands) and France. In 2011, letters exchanged by France and the UK confirmed that the boundary between their continental shelves is the boundary between their respective EEZs.¹² Yet, the UK was relatively late to declare its EEZ, which only came into force in 2014.¹³ In turn, the boundaries of the rival EEZs in the SCS have never been agreed upon, leaving plenty of room for confrontation at sea (Roszko 2020, 42–43; Hayton 2014). This activated China's and Vietnam's desire to claim high seas as their own, insisting despite evidence to the contrary that the Paracels and Spratlys are habitable, because UNCLOS requires that islands must be able to sustain human life and economy on their own to qualify as 'coastlines' that can generate maritime zones. China further supports its claim by appropriating China's fishers' historical presence in a huge maritime space that it visualizes in the form a U-shaped nine-dash line, a representation of the space in which fishers operated in the past that encloses nearly the entire sea. If acknowledged, China's claims would have entirely eliminated high seas in the SCS, because territorial seas and EEZs measured from the outer islands of the Paracels and Spratlys would cover the entire marine space. The 2016 definitive ruling by the Permanent Court of Arbitration at The Hague refuted China's 'nine-dash' claim on the basis of historical navigation and fishing rights. The Tribunal also rejected the claim for sea territories on the basis of land reclamation. This decision is illuminating because it shows that the only basis for a claim to territorial seas or EEZ in the SCS is proximity to recognized territorial boundaries.¹⁴

Yet, both China and Vietnam seek to extend national time and space by projecting modern national and occupational categories – 'Chinese', 'Vietnamese', and 'fisher' – far into the past and onto people who had little connection to the ethnic labels of contemporary nation-states (Roszko 2017). The shifting ethnic categories of Việt, Cham (Austronesian-speaking inhabitants of what it is now south-central Vietnam) and Han, and occupational categories of fisher, pirate, trader, or smuggler, were always 'embodied, relational and temporal, as the vast sea spaces divided and connected different coastal communities and sea-oriented people across the SCS' (Roszko 2017, 44) Today, modern states have appropriated these communities' historical presence and their customary seafaring and fishing practices as grounds for enclosing high seas that had connected people of many ethnicities through cultural and trade flows. Here, we are coming full circle: while claiming EEZs, Vietnam and China challenge the idea of nobody's ocean but, at the same time, they obscure the customary presence of ethnically diverse seafarers in the disputed archipelagos. By arguing that 'Chinese' and 'Vietnamese' fishers historically exercised exclusive control over those waters and resources, Vietnam and China seek to erase the autonomous identities of Cham, Hainanese, or Bugis, who unlike the modern states that now claim them, have long-term patterns of mobility and connected histories in the SCS. As a result, the contemporary presence of Chinese and Vietnamese fishers in those contested waters has become a simulacrum of the past intermittent seafaring presence, harnessed as spectacularized images of competing sovereignties.

I now turn to the parallel process in the UK context, where fisheries are connected with the nostalgia for ‘Britannia rules the waves’ under the banner of ‘taking back control’ of its EEZs, which Great Britain reluctantly declared only in a very recent past.

Fish Wars and the Post-Brexit Channel Islands

Historically from the 17th century, European coastal states – including Great Britain – exercised control over their ‘territorial waters’ which roughly corresponded to the three nautical miles outer range of coastal artillery. Since numerous countries claimed territorial waters well beyond three nautical miles, in the late 20th century the ‘cannonball rule’ was replaced by 12 nautical miles distance from the coast, which became the international standard. This change was largely motivated by states’ struggles to control their marine resources. For example, Iceland sought to extend its territorial waters up to four nautical miles in 1951 and, seven years later – during the First Cod War (1958–1961) – up to 12 nautical miles, in order to exclude British fleets from fishing in ‘its’ waters. Within the 12-nautical-mile limit, fish could only be caught by boats belonging to Iceland or in accordance with a treaty between that state and the country the fishing boats came from (Steinsson 2016). The Second Cod War (1972–1973) and the Third Cod War (1975–1976) started with Iceland’s extension of those limits even further, to 50 and then to 200 nautical miles, respectively (Steinsson 2016: 3). Tracing these developments and contestations at sea is important for our understanding of the contingent nature of maritime sovereignty and of what today is considered as ‘British waters’.

Before joining the European Union in 1973, the UK signed in 1964 the London Fisheries Convention, which gave signatories rights to full access to the fishing grounds within the belt between six and 12 nautical miles off the UK’s coastline, including the Channel Islands. Since it allowed foreign vessels into its water at the six-nautical mile mark, Great Britain refused to accept Iceland’s extension of its sovereign limit to 12 nautical miles, which led to the so-called Third Cod War over fishing rights in the North Atlantic (Steinsson 2016). An agreement was reached between Iceland and Great Britain in 1976, bringing to an end a more than 500-year history of unrestricted British fishing off the coast of Iceland (Steinsson 2016: 4). The resulting agreement gave Iceland a 200-nautical-mile fishery zone, with only temporary and very limited rights for Great Britain (Steinsson 2016, 4).

The Iceland–UK agreement established the standard that would be incorporated into the UNCLOS regime six years later: coastal states may declare an EEZ that extends up to 200 nautical miles from their coastline and exercise control over all fishing and other resource extraction within this limit. Due to conflicting claims regarding the UK’s jurisdiction, the UK restrained from declaring an EEZ until 2014 when ultimately it had to abandon the idea of the ‘open seas’ where ‘Britannia rules the waves’. At

present, the UK's combined EEZs is the fifth-largest in the world in terms of its size and one of the largest in Europe, comprising EEZs surrounding the UK, Crown dependencies and British Overseas Territories.

In the early 1970s, Great Britain signed the European Union Common Fisheries Policy (CFP) for the joint management and conservation of EU fish stock. Initially, the CFP agreement did not specify common fishing areas, but UNCLOS transformed the EEZs of all member states into a common resource known as 'EU waters', and gave all EU fishing vessels the right to fish anywhere in these waters, provided they held to the quota allocation for the stock of fish concerned. While establishing a rule of 'equal access' for each EU member, the CFP made two exceptions, namely that an EU state may limit access in its waters up to 12 nautical miles for certain fishing fleets and, in the outermost European regions, access to water can be limited up to 100 nautical miles.¹⁵ Each EU member was allocated a certain tonnage for each species and then enforced specific quotas for each of its flagged fishing vessels. Despite the UK having one of the biggest shares of the overall EU fishing catch, the CFP was highly unpopular with British fishers and became one of the government's key targets for Brexit. Many British fishers believed that leaving the EU would allow them to catch and land the entire quota of fish rather than sharing it with other EU-flagged boats (McAngus & Usherwood 2016). At the same time, they also expected that the robust market demand for seafood could not be met solely by EU countries and that British fishers would be still allowed to sell their catch in the EU (McAngus & Usherwood 2016). In 2016, Nigel Farage, then the leader of the United Kingdom Independence Party, led a flotilla of at least 35 fishing trawlers up the Thames to central London in a call for the UK's withdrawal from the EU. Farage had promised that the event would be 'big, visual and dramatic' and, indeed, it was.¹⁶ Farage's flotilla was greeted by a rival fleet carrying the Irish multimillionaire and rock star Bob Geldof and other pro-EU campaigners, who shouted in Farage's direction:

Here are the facts about fishing. One, Britain makes more money than any other country in Europe from fishing. Two, Britain has the second largest quota for fish in Europe after Denmark. Three, Britain has the third largest landings. Four, you are no fisherman's friend.¹⁷

In reprisal, Farage accused Geldof of mocking hard-working fishermen and said that 'As a spectacle, it is pretty disgraceful'. Calling Geldof ignorant, Farage claimed that 'he wanted the UK to get back the rights to its own fish'.¹⁸ Blaming the European fleets for depleting their seas, British fishers wanted the UK's EEZ to be reserved principally for them, rather than be open to fishing vessels from all EU member states.

The wish to exercise full sovereignty over the UK's waters was also expressed by the leading Brexiteer, Michael Gove, in the following words:

Leaving the London Fisheries Convention is an important moment as we take back control of our fishing policy. It means for the first time in more than fifty years we will be able to decide who can access our waters. This is an historic first step towards building a new domestic fishing policy as we leave the European Union – one which leads to a more competitive, profitable and sustainable industry for the whole of the UK.¹⁹

While the slogan ‘taking back control’ of seas nicely rolls from the tongue, the irony is that the UK delineated its zones only after EU accession and its reluctant and rather belated declaration of an EEZ regime in 2014. Nevertheless, the anachronistic Brexit mantra ‘taking back control’ has been visualized in the image of fishing trawlers staging full sovereignty over British waters and decorated with banners ‘Honest people wanting an honest living’ or ‘Save Britain and vote leave’.²⁰ The promise of ‘taking back control of the British waters’ helped Boris Johnson, Michael Gove and Nigel Farage to win the 2016 Brexit referendum, in which a majority of UK voters expressed their desire to leave Europe. However, ‘taking back’ quickly turned out to be an empty promise. The new Brexit agreement regarding the EU–UK fisheries continued the status quo up to 2026 for EU fishers in a zone between six and 12 nautical miles from the UK’s shores, with the possibility of annual negotiations on sharing catch between the UK and EU. Consequently, many UK fishers felt betrayed by Boris Johnson who, despite the UNCLOS definition of the UK’s 12-nautical-mile ‘territorial sea’ as sovereign terrain, agreed to a Brexit deal that allows EU fishing boats to continue to operate there. British fishers compare this ‘betrayal’ to the Conservative Prime Minister Edward Heath’s ‘sacrifice’ of British fisheries in 1973 to lead the UK into the EU, and, therefore, into the CFP agreement.²¹

The media’s circulation of images of angry Jersey fishers who had to throw away fish that they could not sell because of new post-Brexit custom regulations became a counter-spectacle of wasted resources, displaying the disappointment, growing frustration and sense of betrayal by Johnson and Gove. The abuse of fishers by politicians was well captured by broadcaster James O’Brien who in 2021 – five years after the Brexit referendum – said that Bob Geldof is a better friend of fisherman than Nigel Farage ever was. O’Brien asked rhetorically:

How did you end up falling for this nonsense when it was outwardly previous obvious that if you can’t sell your fish, it doesn’t [matter] how much you can catch?

Then he explained:

Part of the reason it became a thing was because it was at least very simplistic. There is water there, there is fish in it, at the moment foreigners

are catching some of those fish that by rights should be ours, vote Brexit. That's all it ever was.²²

O'Brien's amusement – that the whole discussion on the alleged economic protection of British fishers 'became a thing' – captures the objectification and spectacularization through which British fishers had been seduced by the promise of recognition. But Nancy Frazer (2000, 112) persuasively shows that the overall effect of recognition might be 'to impose a single, drastically simplified group-identity which denies the complexity of people's lives, the multiplicity of their identification and the cross-pulls of their various affiliations'. In this sense, the fishers' spectacular role in 'taking back control of the British waters' alienated them from the realities of their ordinary, everyday fishing experience that was based on their economic affiliations and ties to the EU market.

Jersey Island and Contested Waters

The UK's exit from the EU embroiled Jersey fishers – who did not have a right to vote in the Brexit referendum – in a dispute between France and the UK over access to the Channel Islands' fishery. Having the status of a Crown dependency and the right of self-government, the two Channel Islands – Guernsey and Jersey – also share a common history with fishers from the French mainland. With Brexit, their territorial waters became the object of sovereignty fishing rights claims similar to those regarding the SCS. Prior to the UK departure from Europe, Jersey was treated as a part of the EU for free trade purposes even though the island was not part of the EU. Open access to the European market for Jersey fishers ended when the UK left the EU on 31 January 2020. The exclusion from the European market severed Jersey fishers' relationship with French fishers from the mainland who maintained their right to fish in Jersey's waters and enjoyed access to the European market to sell the seafood harvested in those waters.

Yet, the UK exit from the EU's single market ended the Bay of Granville treaty, signed in 2000 by the UK, Northern Ireland, and France, which had allowed French boats to fish up to three nautical miles off Jersey Island's coast. At the same time, despite the promises by UK political leaders, the new Brexit agreement guaranteed that French fishers in the Channel Islands could continue to fish in a zone between six and 12 miles from the UK's shores for individual fishing fleets that could prove they had been operating in those waters. However, in a post-Brexit move, the Jersey government interpreted the UK–EU trade and Cooperation Agreement in ways that hindered French fishers by introducing new technical measures linked to licenses for fishing off the Channel Islands. As shown in this chapter's opening vignette, in a countermove, dozens of French fishing boats blocked access to the Jersey Island's main port in protest against these post-Brexit rules, which France

denounced as ‘null and void’.²³ In a performance of ‘taking control back’ of national waters, the UK dispatched two British gunboats to Jersey – a move that stunned France.²⁴

Historically guided by its strong interest in commerce and global trade, Britain had always considered open seas as paramount to its maritime and economic interests. With the world’s largest navy, the country preferred to conduct its maritime imperialism on open seas, without its power being diluted by rules and operating procedures. At the same time, wearing the ‘mantle’ of *mare liberum* did not prevent Britain from using its dominant maritime position to gain certain advantages that might seem to contradict the self-proclaimed regime of ‘open’ seas (Wu Jilu & Zhang Haiwen 2012 282). For example, Britain claimed a right to search foreign vessels on the open sea – a controversial legal regime that is enforced by states with sufficient political and military power to do so (Wu Jilu & Zhang Haiwen 2012 282). But the ‘open seas’ regime also reflects Britain’s confusion between sovereignty and economic interest, which did not always overlap. The Cod Wars between the United Kingdom and Iceland over fishing rights provide a good example of Britain’s attempt to keep the sea ‘open’ and yet ‘rule the waves’ by accessing the waters and, hence, marine resources claimed by Iceland.

Ironically, the anachronistic Brexit claim of ‘taking back control’ constitutes a move away from ‘Britannia rules the waves’ which is premised on the idea of open seas. In that sense, Brexit patriotism claiming fishing rights within a British EEZ was a serious contraction of British global ambitions. Some historians, however, have argued that the memory of ‘Britannia rules the waves’ still stirs the ‘feelings of pride and nostalgia towards a time when, as the word goes, the “sun never set on British empire”’ (Sèbe 2021, §6). While the ‘Britannia rules the waves’ regime reflects the legal underpinnings for bringing colonialism to other parts of the world (Wu Jilu & Zhang Haiwen 2012 282; Scott 2011) the imperial mindset survived in British politics and culture (MacKenzie 1984) and found fertile ground in Brexit (Sèbe 2021). If we think now about the use of gunboats by the UK government to protect Jersey’s waters, we can see how Great Britain’s nostalgia for ‘ruling the waves’ and the actual contraction of its waters to ‘closed seas’ have been inserted into a national seafaring imaginary through a (post-)Brexit spectacle of sovereignty. In the spectacle of sovereignty, the concepts of closed and open seas, or the image of free trade between the British Empire and EU, constantly shift between axes of the state’s economic and spatial thinking, indexing contradictory agendas and sentiments at work. The fishers’ bodies thus became a spectacular presentation of Great Britain’s sovereign claims, and a symbol of ‘recon[nection] with its imperial past by turning its back to Europe and instead claiming to seek to deal directly with the rest of the world’ (Sèbe 2021 §39).

Let me now return to the SCS and the Chinese and Vietnamese fishers who compete over the same water.

Fishers at the Forefront of the SCS

In 2016, the United Nations Tribunal for the Law of the Sea in the Hague accused China of tolerating and condoning the destruction of coral reefs by its fishers' activities in the waters where China built artificial islands.²⁵ Chinese fishers are known to have received lavish state subsidies for the purchase of steel-hulled trawlers and fuel used in their operations in the disputed waters of the SCS (Zhang & Bateman 2017; Zhang & Wu 2017). Paradoxically, these subsidies created conditions for fishers from Hainan in southern China to extract fossilized giant clams on a massive scale from the coral reefs in the Parcel and Spratly archipelagoes, as well as on the Scarborough Shoal, destroying the living coral in the process (Roszko 2021, 657). Becoming a foundation of a new fishing economy, the fossilized shells were carved and polished into attractive artwork that reached prices of hundreds or even thousands of US dollars (Roszko 2019, 2021). In the Chinese fishers' view, the extraction of fossilized shells was their sovereign (albeit disputed) right because these waters were Chinese 'territory' and the fishers were taking what 'belonged' to them. The exercise of this sovereign right, however, backfired as the Chinese state's international reputation started to suffer. The Hague Tribunal's ruling documented and brought global attention to China's environmental destruction in the SCS. Consequently, China sought to limit the fishers' autonomy by banning the harvesting of giant clamshells from the reefs – the very practice that killed the reefs, which in turn supported China's claim that its island building was not environmentally destructive because the reefs were already dead. Turning these reefs into debris, the clamshell harvesting paved the way to artificial islands and, hence, maritime territory in the SCS.

Yet, political scientist Hongzhou Zhang (2015, 2016) has pointed out that China is not able to control its fishers at sea and that the relationship between fishers and the government remains highly ambiguous. Competing for fishing grounds and marine goods, Chinese fishers occasionally get into violent clashes with Vietnamese and Filipino fishers, while on other occasions the groups make profitable trading deals with them whilst still at sea (Roszko 2017; Zhang 2016). For example, when the Chinese state enforced its ban on fossilized giant clams, Chinese fishers struck a bargain with Vietnamese fishers who were willing to boost their income and extract fossilized giant clamshells from waters claimed by Vietnam. Elsewhere, I have shown that the handover of the shells took place at a transshipment point at the unofficial maritime border that cuts through the disputed waters (Roszko 2021).

While neither China nor Vietnam directly support overfishing or the extraction of endangered marine species, the fishers' presence and performance in the disputed and severely depleted waters of the SCS serve as a manifestation of those countries' sovereignty claims over 'rival goods' (Roszko 2021). State subsidies play an important role, as they motivate fishers to build large vessels that, it turned out, further deteriorated the fish stock and also

damaged the sea bottom and hence were not profitable investments. Yet, these trawlers served a sovereign purpose. They went far into the seas and oceans and, thereby, helped to demonstrate fishers' presence and maritime sovereignty in the disputed areas – something which might become 'important for future negotiations with neighbouring countries on national EEZ', as others have noted in the case of Vietnam (Pham et al. 2021, 370–71).

The connection of fishery subsidies to sovereignty adds, a more nuanced perspective to Foucault's (1991) argument that state governmentality is not only concerned with the exercise of sovereignty in a territory, but also with how to control the relations people have with a territory and its resources, namely, that people's relations with resources could be emptied of economic content in order to control territory. Such control over territory is enacted through the *spectacle* of fishing rather than fishing as a livelihood practice. For instance, in May 2021, the Philippines raised concerns over 220 Chinese fishing trawlers that had encroached into their waters at Whitsun Reef but did not appear to be fishing.²⁶ Earlier, in February 2020, over 300 Vietnamese fishing boats gathered in the internal waters, territorial seas and EEZs adjoining Guangxi, Guangdong, and Hainan provinces – allegedly to collect intelligence for Vietnam.²⁷ These examples illustrate that the performance of fishing, divorced from economic benefit and supported by state subsidies, is transformed into a theatrical spectacle incorporated into the framework of 'protecting the sovereignty over the sacred seas and islands of the Fatherland'.²⁸

While in this spectacle, sovereignty drives Vietnamese and Chinese fishers apart, the common market for luxury marine products (e.g., sea cucumber, giant clam, shark fin, tortoise shell) brings them together in spite of the conflicting national and territorial claims. Yet, in the Channel Islands sovereignty not only sets French and Jersey fishers apart but also excludes the latter from the common EU market. Consequently, Jersey fishers were forced to give away precious crabs and lobsters after France banned them from selling their catch in French ports.²⁹ The Jersey catch became a 'rival good' – not when extracted from the British water, but when brought for sale in an EU market that, for a time, was closed to Jersey fishers.

Entanglements Between Sovereignty and Market

Liam Campling and Alejandro Colás (2018, 781) make the valid point that the seemingly neutral and functionalist conception of the law of the sea and its practice in the form of the EEZ 'mask the socio-economic contestation and (geo)political power dynamics that underpin this legal-property regime'. In a similar spirit, Fiona McCormack (2017, 2020) brings our attention to the relation between maritime enclosures, capitalist accumulation, and the struggle for resources in fisheries that operate precisely within the triadic relation between property, jurisdiction, and territory. Drawing on her fieldwork in New Zealand, McCormack shows that the Māori have used their historical-vernacular

sovereignty over the sea not only to counter colonial dispossession but also to resist the exclusion from present-day capitalist production. Paradoxically, however, the introduction of a property rights system for fisheries in New Zealand in the early 1990s was premised on the English-language version of the 1840 Treaty of Waitangi, which had transformed Māori historical rights to ocean commons into what now is articulated in terms of *individual* fishing rights and quotas, known as Individual Transferable Quota (ITQ) system. As a result, the incorporation of Māori fisheries into an ITQ system not only aggravated frustrations over colonial-era dispossessions, but also turned social relations – which had sustained Māori society for centuries – into a new asset-based capitalist management regime (McCormack 2020). An adverse consequence of embracing a private property rationale was that tribal relations within the Māori hierarchical social structure were replaced with capitalist ones, alienating Māori not only from their ancestral fishing grounds, but also from each other. This shift from communal to individual, neo-liberal ownership created not only environmental but also existential precarity (McCormack 2020). Here, economic opportunity rather than collective interest dictated and facilitated the process of extracting economic value from the sea, thereby positioning Māori fishers between aspired sustainability and actual extraction, consequently accelerating the ecological demise of marine spaces, and transforming fishers into alienated versions of themselves.

The Māori case is instructive because it places the Channel Islands and the SCS into a wider global context, demonstrating that an EEZ not only ‘incorporates sovereignty (exclusive), appropriation (economic) and territory (zone) in its very title’ (Campling & Colás 2018, 780), but to a certain extent alienates fishers from their livelihoods. When parts of oceans and seas are turned into state and subsequently private property, fishers’ relations with their customary fishing grounds are transformed dramatically into capitalist accumulation. In this sense, EEZs could be conceptualized as enclosures of seas and oceans that make possible managerial schemes such as, for example, the ITQ system or fisher subsidies.³⁰

The alienation of fishers’ labor and the displacement of actual fishing at sea is a phenomenon that can be observed around the globe – including the SCS, where no ITQ system is present. From this perspective, both the establishment of an ITQ system and subsidies provided to Chinese and Vietnamese fishers are management schemes that illustrate a global process of enclosures and capitalist governance of seas and oceans. Yet such enclosures are predicated on the visible presence of fishers. As an elaboration of Debord’s theory of spectacle, Retort (2005, 19) brings to light a new stage in the historical process of primitive accumulation:

The notion of ‘spectacle’ was intended, then, as a first stab at characterizing a new form of, or stage in, the accumulation of capital. What is named predominantly was the submission of more and more facets of human sociability – areas of everyday life, forms of recreation, patterns

of speech, idioms of local solidarity, kinds of ethical or aesthetic insubordination, the endless capacities of human beings to evade or refuse the orders brought down to them from on high – to the deadly solicitations (the lifeless bright sameness) of the market.

Such deadly solicitations of the market not only denote a historical moment of separation of the producer from the means of production (Marx 1976 [1867]) but also the essence of the market economy, namely commodified labor. Debord (2002 [1967], §27) writes that in the separation of worker and product '[t]here can be no freedom apart from activity, and within the spectacle economic activity is nullified – all *real* activity having been forcibly channeled into the global construction of the spectacle'. While 'the world of images had long been a structural necessity of a capitalism oriented toward the overproduction of commodities, and therefore the constant manufacture of desire for them', it is only in the late 20th century that images 'had given rise to a specific polity' (Retort 2005, 21). Despite their historical fishing activities in Jersey's waters, French fishers who want to operate there are required now to show proof of their historical presence in those waters. If they manage to do so, they are allowed both to fish in the territorial sea and, of course, to sell their catch in France.³¹ As we have seen, Jersey fishers regained control of their waters but without the ability to sell their seafood; such control makes fishing spectacular rather than economically viable. Here, a strange parallel arises with Vietnamese and Chinese fishers, who operate in their national – albeit depleted – waters in the SCS without actually engaging in any fishing practices.

Conclusion: Embodying Sovereignty

The seminal work *Discipline and Punish: The Birth of the Prison* by Michael Foucault (1995 [1975], 3–6) opens with a gruesome description of the public execution by dismemberment, the traditional death penalty reserved for one who commits regicide – the killing of the sovereign, the monarch. Such extreme punishment aimed to publicly reconstitute 'momentarily injured sovereignty' (Foucault 1995 [1975], 48). As Foucault continues:

It restores that sovereignty by manifesting it at its most spectacular. The public execution, however hasty and everyday, belongs to a whole series of great rituals in which power is eclipsed and restored (coronation, entry of the king into a conquered city, the submission of rebellious subjects); over and above the crime that has placed the sovereign in contempt, it deploys before all eyes an invisible force.

The tortured body thus acquires a new meaning in the spectacle – an ocularcentric concept itself – predicated on the image and the presence of an audience. It provides a staged lesson of morality and legality in which

orderliness and, above all, sovereign power are rebuilt. For that reason, the punishment is ‘carried out in a such a way as to give a spectacle not a measure, but of imbalance and excess’ (Foucault (1995 [1975], 48).

The question then arises: can sovereignty do without spectacle? Both death through public dismemberment and fishing in disputed or ‘taken back’ waters share elements of spectacle and require an audience that reconnects with an image of a particular spectacle that requires no explanation. In both cases, to be eye-readable, the spectacle needs to be dramatic and excessive: hence the most horrific torture, and hence the gunboat in the Channel Island, otherwise out-of-place fishing trawlers on the river Thames, right in the center of London, and the ‘millions’ of flags on fishing boats in Vietnam. In the public execution, it is the body of the king’s assassin that becomes a site through which a monarchy restores its sovereign power; in the Channel Islands and the SCS, it is the body of the fisher that becomes the extension of a nation’s sovereign geo-body. In this sense, any attack on a fisher – like an attack on a monarch – is a direct assault on sovereignty.

In this chapter, I have also argued that fishers and fishing have become spectacles that disconnect the participants from their economic activities but connect them, as an image, to wider state claims of sovereignty. In the process, fishers and fishing are turned into ‘things’, ‘objects’ and ‘visions’ to be exhibited, performed and seen, even though, in real life, none of them ever expected to be displayed (Kirshenblatt-Gimblett 1998, 2). The images – of French fishing boats blockading the entrance to Jersey’s port, the gunboat sent by Boris Johnson, and the sinking Vietnamese boat in the SCS – all demonstrate that spectacle is grounded in vision, evading any retrospection or corrections and for that reason, it is the opposite of dialogue (Debord 2002 [1967], §18). In Debord’s (2002 [1967], §4) words, such spectacle is not simply a ‘collection of images’, nor should it be understood as ‘mere visual deception’. Rather, it is ‘both the *meaning* and the *agenda* of our particular socio-economic formation’, the form and content that ‘serves as a total justification of the conditions and goals of the existing system’ (Debord 2002 [1967], §11; emphasis in original). When fishers become the ‘representation of themselves’ (Kirshenblatt-Gimblett 1998, 151), the spectacle regenerates itself in a one-way relationship to the very center of a state territorial imaginary that keeps other aspects of life separated and detached from real life. In the post-Brexit trade war and the SCS dispute, the fishing boat and fishers ceased to be a mere unit of production and become a spectacle of sovereignty. As a spectacle of sovereignty, fishers become a value unto themselves; this value, unrelated to fishing, is accumulated in an image of sovereignty. In this sense, sovereignty cannot do without spectacle.

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