

Scarborough Shoal

Background:

The Philippines experienced a crisis with China over a standoff around the disputed Scarborough Shoal between 10 April 2012 and 15 June 2012. The Philippines was the only crisis actor, but China was also heavily involved as a disputant during the crisis. In addition, the United States played a significant role as a mediator.

The Philippines and China have a long-running dispute over the status of the Scarborough Shoal and its surrounding waters. The status of the shoal is part of a larger regional dispute – also involving Taiwan, Vietnam, Malaysia, Brunei, and Indonesia – over various islands and waters in the South China Sea, a dispute that has escalated in recent years due in large part to increasing Chinese assertiveness regarding its sovereign claims. The dispute between the Philippines and China has been especially and persistently salient since 1995, when Chinese forces occupied Mischief Reef in the Spratly Islands (see Case #414). Taiwan (Republic of China) also makes sovereign claims to the area around the Scarborough Shoal, but the Philippines and China have been the primary adversaries in the dispute over the shoal in recent years.

Both China and the Philippines claim that the Scarborough Shoal is an integral part of their national territory. China refers to the shoal as Huangyan Island, claiming that it has “indisputable sovereignty” over the shoal and adjacent waters. The Philippines argues that Scarborough Shoal, which it refers to as Panatag Shoal, falls within its 200 nautical mile exclusive economic zone (EEZ) and that the Philippines' sovereignty covers the rest of the resources within the EEZ and continental shelf.

PRE-CRISIS:

On 8 April 2012, a Philippine Air Force (PAF) reconnaissance plane spotted eight Chinese fishing vessels in the disputed waters around the Scarborough Shoal. In response, Philippines President Benigno Aquino III directed the Armed Forces of the Philippines (AFP) to step up its monitoring activities in line with its enforcement of the country's fisheries and maritime environmental protections laws. That same day, the BRP *Gregorio del Pilar*, a Philippine warship, was dispatched to the Scarborough Shoal. On 10 April, the BRP *Gregorio del Pilar* arrived in the area. Philippine sailors boarded the Chinese fishing vessels for an inspection and discovered that the vessels were conducting illegal fishing. The Philippine sailors then attempted to apprehend the crew of the fishing vessels.

Summary:

On 10 April, following the Philippine Navy's boarding of the Chinese fishing vessels earlier in the day, two Chinese maritime surveillance ships arrived at the Scarborough Shoal. The Chinese surveillance ships placed themselves between the Chinese fishing vessels and the Philippine warship to protect the fishing vessels and prevent their crew from being arrested by the Philippine Navy. This triggered a crisis for the Philippines and a standoff between the two countries at the Scarborough Shoal.

On 11 April, in an effort to lower the tension generated by the standoff, Philippine President Aquino decided to withdraw the BRP *Gregorio del Pilar* and replace it with a smaller coast

guard vessel. This constituted the Philippines' major response to the crisis trigger. That same day, the Chinese foreign ministry announced that the Philippines' attempt to carry out law enforcement activities had infringed upon China's sovereignty. China also warned the Philippines "not to complicate and escalate the situation." and urged it "to stop illegal activities" and leave the shoal. The following day, the Philippines coast guard vessel arrived to take the place of the BRP *Gregorio del Pilar*.

On 17 April, the Philippines urged China to bring the dispute to the International Tribunal on the Law of the Sea (ITLOS). The Chinese foreign ministry rejected Manila's proposal and instead insisted on bilateral diplomatic talks to solve the standoff. By the end of April, both sides admitted that their negotiations were deadlocked. The Chinese Embassy blamed Manila for the impasse and "for negotiating in bad faith by distorting the facts surrounding the standoff."

On 9 May, Chinese Vice Foreign Minister Fu Ying summoned the charge d'affaires at the Philippine Embassy in Beijing and warned the Philippine diplomat that China was finding it difficult to be optimistic about the situation because of the Philippines' refusal to withdraw its coast guard vessels from the shoal. The following day, the Chinese General Administration of Quality Supervision announced that fruits from the Philippines were being held for quarantine concerns. Also, the China International Travel Service suspended all scheduled flights to the Philippines. On 13 May, in a surprise move, the US submarine USS North Carolina arrived at Subic Bay. While the US and Philippines indicated that the submarine was conducting a routine courtesy visit, it was interpreted as a move signaling to Beijing the strength of the defense commitment between the Philippines and the US.

In mid-June, the US helped to broker an agreement between the Philippines and China following weeks of a backdoor mediation effort aimed at resolving the standoff. Conflicting reports exist as to when the mediation began, but it was either in May or early June. Kurt Campbell, U.S. Assistant Secretary of State for East Asia and Pacific Affairs, was heavily involved in this mediation effort. Under the agreement, which contained concessions suggested by the US, China and the Philippines promised to withdraw their forces from the Scarborough Shoal until a deal over its ownership could be reached. On 15 June, Philippine President Aquino recalled all Philippine vessels from the shoal, terminating the crisis. US mediation contributed to the resolution of the crisis via the agreement with which the Philippines eventually complied, but the main reason that the Philippines withdrew its vessels was because of an upcoming typhoon.

China did not perceive a crisis during the standoff over the Scarborough Shoal that lasted from April until June. It did not place its military on alert, and top political and military officials stressed a diplomatic approach to resolving the dispute. During the standoff, China attempted to protect its territorial sovereignty in an assertive manner while actively avoiding an escalation to military hostilities, sending maritime surveillance ships to deal with the standoff rather than naval vessels.

Neither the United Nations nor any regional organizations were involved in the crisis. The Philippines asked ASEAN to get involved, and China and the Philippines met on the sideline of a 28-30 May ASEAN meeting and agreed to show restraint. But the issue was not discussed by ASEAN at that meeting, and ASEAN did not get involved in the crisis.

China did not abide by the US-brokered agreement that occurred toward the end of the crisis, and it maintained its presence at the Scarborough Shoal after the Philippines had withdrawn. The typhoon forced China to retrieve its civilian fishing vessels that were near the shoal on 18 June, but the Chinese maritime surveillance ships stayed near the area. Moreover, by July, China constructed a rope barrier across the mouth of the shoal, blocking Philippine access to it. China also placed naval vessels nearby the shoal in order to prevent the Philippines from attempting to break the barrier, effectively militarizing its presence in the shoal. In addition, in June 2014, Fu Ying, who had reportedly negotiated the June 2012 agreement for China with US mediator Kurt Campbell, denied the very existence of a US-brokered agreement for both sides to leave the Scarborough Shoal.

On 29 October 2015, the Permanent Court of Arbitration in The Hague issued a ruling that it has jurisdiction in the dispute between the Philippines and China and will hold hearings on the matter. In doing so, the Hague rejected China's case that its claims in the South China Sea are indisputable and based on historical rights rather than legal precedent.

References:

BBC; CNN; De Castro 2013, 2015; Financial Times; Foreign Policy; Fravel 20/06/2012; GMA Network; Guardian; Huffington Post; International Crisis Group; LexisNexis; National Interest; NYT, Xinhua.