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**Abstract of “China’s Realpolitik Approach in the South China Sea Dispute: The Case of the 2012 Scarborough Shoal Stand-Off”**

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This article examines the 2012 Scarborough Shoal standoff between Philippine and Chinese civilian vessels as a classic example of China’s realpolitik approach in resolving the South China Sea issue. The incident is the proverbial tipping point brought about by China’s coercive moves in the disputed area particularly its maritime brinkmanship stratagem against the Philippines. With the standoff, Philippine-China bilateral relations have sunk to an all-time low and have further deteriorated with China’s continuous assertion of sovereignty over much of the South China Sea, and the Philippines’ countermeasures of applying a balancing policy on China and of filing a case against it in the arbitral tribunal of the United Nations Conference on the Law of the Seas.

## **China's Realpolitik Approach in the South China Sea Dispute: The Case of the 2012 Scarborough Shoal Standoff**

Renato Cruz De Castro

In mid- June 2012, the Philippines and China announced that they would be withdrawing their civilian vessels from Scarborough Shoal after a tense two-month standoff. A triangle--shaped 150 square kilometers of barren reefs and rocky islets, the shoal is about 135 miles from the Philippines and 543 miles from China. Both countries have staked a claim to the shoal and have figured in hostile encounters over control of the area since the late 1990s. The standoff began on 8 April 2012 when the Philippine Navy's (PN) flagship, the BRP Gregorio del Pilar tried to apprehend several Chinese fishing boats at the shoal. However, two Chinese maritime surveillance vessels arrived and blocked the arrest of the Chinese fishermen who were hauling corals, clams, and live sharks into their boats.

To prevent the standoff from escalating to an armed confrontation, the Philippines replaced its surface combatant with a smaller coast guard vessel. Instead of reciprocating, China raised the stakes by deploying the Yuzheng 310—its largest and most advanced patrol vessel equipped with machine guns, light cannons and electronic sensors. When the Philippines filed a diplomatic protest, the Chinese Embassy in Manila contended that the three Chinese surveillance vessels at the Scarborough Shoal are “in the area fulfilling the duties of safeguarding Chinese maritime rights and interests.” The embassy added that the shoal “is an integral part of the Chinese territory and the waters around the traditional fishing area for Chinese fishermen.”

The incident underscores China's current maritime strategy that involves “drawing a line” in the sea using civilian vessels to challenge littoral states that run the risk of exacerbating a critical situation by resorting to military means and engaging the People's Liberation Army's Navy (PLAN) ships lurking in the background.” These weak Southeast Asian states can either stand up to China or back down completely. China's stratagem is to put the onus on the use of force on these smaller littoral states--outclassed by its naval prowess—by bringing them to the brink of a naval confrontation to resolve what is essentially a maritime jurisdiction issues. Needless to say, the Philippines has a weak and underdeveloped navy and air force which cannot patrol and protect its vast maritime territory adequately. In desperation, the Philippines perfunctorily lodges a diplomatic protest whenever an aggressive China encroaches on its exclusive economic zone (EEZ).

This article examines the 2012 Scarborough Shoal standoff as a typical example of China's realpolitik approach in resolving its maritime disputes with other claimant states in in the South China Sea. It raises this main question—how does the Scarborough Shoal standoff reflect China's realpolitik approach in the South China Sea dispute? It also explores these corollary questions: What means does China use to expand its maritime territory? What have transpired during the two-month Scarborough Shoal standoff between the Philippines and China? What are the immediate causes of the standoff? How will the standoff affect Philippine-China relations, and China's efforts to push its expansive maritime claim in the West Philippine Sea?

### **The 2012 Scarborough Shoal Standoff**

The two month standoff between the Philippines and China at the Scarborough Shoal was an epitome of a foreign policy crisis waiting to happen. Prior to the crisis, the Philippine has been trying to elicit the Association of Southeast Asia Nations' (ASEAN) support for its proposal for a creation of a "Zone of Peace, Freedom, Friendship, and Cooperation." This proposal simply seeks for the clarification of maritime boundary claims in the South China Sea by all parties, as well as turning disputed areas into special enclaves where disputing parties can jointly develop projects. China, however, doesn't want the issue to be multilateralized, preferring to resolve the dispute bilaterally. Furthermore, the Philippine proposal for delimitation of maritime boundary involves clarification of China's ambiguous and expansive nine-dashed line claim. Beijing took note of Vietnam's and the Philippines' efforts to have a common ASEAN position on the South China Sea dispute during the ASEAN summit in Cambodia in 3-4 April 2012. In response, China pressured Cambodia to keep the South China Sea dispute out of the ASEAN summit. Interestingly, the 9 April 2012 issue of the unofficial Global Times warned the Philippines against underestimating "the strength and will-power of China to defend its territorial integrity."

The crisis began on 8 April 2012, when a Philippine Air Force (PAF) reconnaissance plane spotted eight Chinese fishing boats around the shoal. Following the sighting of the several Chinese fishing vessels, President Aquino directed the AFP and the Philippine Navy to step up its monitoring activities in the line with its enforcement of the country's fisheries and maritime environmental protections laws. Accordingly, the PN deployed the recently-purchased U.S. patrol cutter—the BRP Gregorio del Pilar—that sailed from its homeport in Palawan into the shoal located near Luzon after the reported presence of eight Chinese fishing vessels in the area. Accordingly, the ship was deployed to protect the marine environment and resources in shoal and in the process, assert Philippine sovereignty over the area as a coastal state.

In the morning of 10 April, the BRP Gregorio del Pilar confirmed the presence of eight Chinese fishing vessels anchored inside lagoon. After monitoring the vessels, the PN ship, in accordance with its established rules of engagement, dispatched a boarding team to inspect the fishing vessels. The boarding team reported that large amounts of illegally collected corals, giant clams and live sharks were found inside the compartments of first fishing vessel boarded. At that time, the apprehension of the Chinese fishermen was seen as a routine maritime law enforcement operation since this was not the first time the Philippines had conducted this type of operation at Scarborough Shoal.

In March 2001, PN ships arrested Chinese fishermen in shoal and were charged with illegal entry, illegal fishing, and violation of the International Convention on International Trade in Endangered Species of Wild Fauna and Flora. The PN also confiscated the fishing vessels' catch the electric blasting caps, time fuses, dynamite sticks and cyanide allegedly used by the Chinese fishermen. In response, the Chinese Embassy in Manila protested the apprehension of their fishermen but did not challenge Philippine jurisdiction over shoal which is deemed a traditional fishing ground for Chinese fisherman but not a Chinese territory. Interestingly the Chinese ambassador even explained apologetically that the number of Chinese fishermen in the area has increased tremendously and that government had difficulty controlling them. In fact, after the PN arrested 10 Chinese fishing vessels the Chinese foreign ministry even disclosed to the Philippine government that it had started looking for alternative sources of livelihood for the

arrested fisherman so that they would stop fishing at the Scarborough Shoal. This position, however, dramatically changed during the 2012 Scarborough Shoal crisis.

Instead of allowing the PN to apprehend the fishing vessels at the shoal, however, two Chinese marine surveillance vessels suddenly arrived and placed themselves between the arresting Philippine warship and the Chinese fishing vessels. The two Chinese ships effectively prevented the PN from arresting the Chinese fishermen. The two Chinese maritime surveillance vessels then contacted the captain of the BRP Del Pilar informing him that he has strayed into Chinese territorial waters. He was then immediately ordered by the Chinese ships to leave the shoal. Chinese actions and statements at the onset of the standoff marked a dramatic departure from China's earlier response to the apprehension of its fisherman in the area. For one, Chinese vessel prevented the PN from arresting its fisherman. More significantly, China challenged Philippine territorial rights over a shoal that is only 124 nautical miles from the main island of Luzon and well within the country's 200 nautical miles EEZ.

The following day, Manila realized that it was engaged in a potentially and dangerous standoff with an emergent and assertive China. President Aquino decided to withdraw the BRP del Pilar and replaced it with a smaller coast guard vessel in an effort to lower the tension generated by the stand-off. Instead of reciprocating Manila's gesture, Xinhua News agency announced that Beijing would deploy its most advanced and latest fishery patrol ship, the Yuzheng-310 to join the two other civilian vessels already in the shoal. Then the Chinese foreign ministry announced that "the Philippines' attempt to carry out so-called law enforcement activities in the waters of Huangyan Island has infringed upon China's sovereignty, and runs counters to the consensus reached by both sides on maintaining the peace and stability in the South China Sea." It also warned the Philippines "not to complicate and escalate the situation."

On 15 April, the Chinese foreign ministry ordered the Philippines to withdraw its lone coast guard ship from the disputed area. Then, a few days later, the Philippines filed a diplomatic protest over the alleged harassment of the MV Sarangani, a Philippine research boat commissioned by National Museum to conduct an archeological survey of sunken Chinese junks in the area. Manila withdrew the MV Sarangani from the shoal in the light of the stand-off between Chinese and Philippine civilian vessels. The Philippines then dared China to bring the dispute before the International Tribunal on the Law of the Sea. However, the Chinese foreign ministry rejected Manila's proposal for the legal and rules-based track through mediation of the International Tribunal on the Law of the Sea (ITLOS). Instead, it insisted on quite bilateral diplomatic talks to defuse the standoff.

Clearly, at the beginning of the standoff, China immediately gained the upper hand as it forced the Philippines to back away from confronting the Chinese civilian presence with a surface combatant. With its growing armada of armed civilian maritime vessels at its disposal, China was able to put the onus on escalating the dispute on the Philippines and forcing it to think twice before using force to resolve a matter of maritime jurisdiction. Then China sent an additional patrol ship, and consequently, three Chinese ships confronted one lone Filipino coastguard vessel in the shoal. The incident showed that China has become more adept at handling territorial dispute using brinkmanship. More significantly, it also showed that China is expanding its operational reach to every corner of the South China Sea and is capable and prepared to provide

its fishing vessels with physical protection while at the same time, depriving rival claimants of control over maritime territories that are deemed as Chinese waters.

### **Fall-Out from the Standoff**

While Chinese and Philippine patrol vessels were facing each other at the Scarborough Shoal, the Chinese Embassy in Manila confirmed that both sides were engaged in a series of protracted and tedious diplomatic negotiations to resolve the impasse and to maintain the friendly state of Philippine-China relations. However, the Chinese Embassy reiterated its position that the Scarborough Shoal is an integral part of Chinese territory and warned Manila not to instigate new troubles and incidents that can adversely affect China-Philippine relations and the stability in the South China Sea. Then on 16 April 2011, the Philippines and the U.S. conducted the annual Balikatan military exercise along the coast of Palawan facing the South China Sea. Immediately, the Chinese media and analysts interpreted the military exercise as a catalysts and response to the impasse. Official Chinese commentary criticized the exercise, while more hawkish unofficial commentary in the Global Times called for retaliation by conducting a PLA military exercise in the South China Sea “close enough to put pressure on Manila.” Philippine officials deflected Chinese criticism of the military exercise by emphasizing that it had been planned “way ahead of the current impasse at the Scarborough Shoal.”

By the end of April 2012, both sides admitted that their negotiations aimed at diffusing the standoff was going no-where. The Chinese Embassy blamed Manila for the prolonged impasses for negotiating in bad-faith by distorting the facts surrounding the stand-off. It also “urged the Philippines to stop illegal activities and leave this area,” as it insisted that China has sovereign rights all of the South China Sea. The embassy also reminded the its host country, “that ever since the ancient times, numerous documents on Chinese history have put down definitely in writing that Huangyan Island belongs to Chinese territory.” Manila, in turn, accused China of being more assertive in pressing its territorial disputes against other claimant states like the Philippines. It also reminded China that the “responsibility for resolving the standoff in the South China Sea rest not just with one party but both parties” and challenged it to join the Philippines in seeking mediation by the ITLOS.

Exasperated by the Philippines’ refusal to withdraw its lone coast guard vessel from the shoal, China decided to raise the ante. On 9 May 2012, Vice-Foreign Minister Fu Ying summoned the charges d’ affaires at the Philippine Embassy in Beijing and was told that “the Philippine government has repeatedly made erroneous remarks which misled the Philippine public and the international community, thus severely damaging the atmosphere of the bilateral relations between China and the Philippines.” She also told the Filipino diplomat that the Philippines should withdraw all its vessels from the waters surrounding the shoal and to stop operations against Chinese fishing boats and Chinese law enforcement vessels. Then she warned the Filipino diplomat that “that it is hard for us (China) to be optimistic about the situation.” To exert more pressure on the Philippines, China deployed another civilian patrol boat and addition fishing boats to the Scarborough Shoal. By 9 May 2012, a month after the beginning of the standoff, four Chinese surveillance ships and 10 fishing boats were facing a Philippine coast guard ship and a fisheries bureau vessel.

The following day, the Chinese General Administration of Quality Supervision announced that 1,200 containers of fruits from the Philippines were being held at various ports on the ground of “quarantine concerns.” On the, the China International Travel Service suspended all scheduled flights to the Philippines on “safety grounds.” Because of the travel ban, Chinese tour groups cancelled their trips to the Philippines. Then in May and June 2012, China Southern Airlines cut flights between Guangzhou and Manila due to the relatively small number of passengers.

These developments—perceived fallout of the Scarborough Shoal standoff—made Filipino businessmen apprehensive. The Philippine Banana Growers and Exporters Association warned the Aquino Administration that up to 200,000 banana farmers and ancillary workers could lose their livelihood without the huge and lucrative China market. The president of the association, Stephen Antig, said: “With 70 percent of Philippine bananas exported to China, a lengthy ban could affect the livelihood of half a million Filipinos.” Consequently, other prominent Filipino businessmen asked the Philippine government to immediately resolve the impasse to stop the rapid deterioration of Philippine-China economic relations. The president of the Philippine Exporters Confederation (PHILEXPORT) Sergio Ortiz warned the government that “We (the Philippines) have more to lose than them (China).” A Filipino legislator also cautioned the Aquino Administration not to provoke China since this might lead to a considerable slump in Philippine-China trade relations. Party-list Representative Teodorico Haresco told the Aquino Administration that “Beijing might decide to send Filipino workers in Macau and Hong Kong back to the Philippines, which would surely devastate the national economy.”

To put more pressure on Manila, the Chinese military floated the idea of using force against the Philippines, and possibly against other claimant states in the South China Sea. The China’s Liberation Army Daily warned that the regular annual Philippine-U.S. Balikatan military exercises increase the risk of an armed confrontation over the contested South China Sea. On 22 April 2012, The Global Times editorial urged the Chinese government to engage the Philippines in a small-scale war to end the stalemate. It stated that “once war erupts, China must take resolute action and deliver a clear message to the outside world that it does not want a war, but definitely has no fear of it.” It exhorted the Chinese leadership to apply “cold treatment to Manila that should last for a certain period.” Major General Luo-Yuan of the People’s Liberation Army Academy of Military Sciences suggested taking a proactive stance against the Philippines by “strengthening Chinese sovereign presence on Huangyan Island (Scarborough Shoal) by hosting the national flag, erecting a sovereignty monument, building military bases or at least setting up fisheries bases.” Further, he said that the Scarborough impasse creates an opportunity for China to formulate “a model for cracking the South China Sea dilemma.”

The volley of threatening rhetoric from the PLA continued way into the month of May. On 9 May, The People’s Liberation Army Daily ran a toughly-worded editorial saying that China would not tolerate any violation of Chinese sovereignty on Huangyan Island. According to the editorial: “Not only will the Chinese government not agree, nor will the Chinese people, and the Chinese Army will disagree even more. This statement is indicative of the PLA’s non-compromising position when it comes to territorial disputes.

On 14 May, media reports from Japan and Taiwan alleged that China’s South Sea Fleet had forward-deployed a landing ships flotilla and a naval task force consisting of destroyers and

amphibious assault ships in waters off the Philippines. Two days later, the PLA denied that the Guangzhou Military Region, the South Sea Fleet, and other units of the army assumed a state of readiness for possible military action against the Philippines. The PLA's denial underscored the heightened tension between the Philippines and China and the growing national belligerency against the Philippines in particular and other claimant states in general. This media revelation was a double edge sword. On the one hand, it disclosed the domestic clamor for a stronger and more confrontational action against the Philippines. On the other hand, it brought to light that some elements in the Chinese government and in the PLA were considering the use of force to resolve the impasse. PLA Major General Luo Yuan scolded the "nationalist warmongers" in the Philippines" and commented China could rein them if Manila could not do it..." The general was referring to a naval battle to teach the Philippines a lesson. Also, condescendingly, he quipped: "We have repeatedly exercised forbearance and our patience has run its course. There is no more need to take caution."

The Scarborough Shoal impasse enabled the hawkish elements in the PLA to articulate their belligerent position against the Philippines (and the U.S.) in the official media. This was unimaginable during the Deng Xiaoping's and Jiang Zemin's administrations when military officers were banned from speaking out. Observing the plethora of bashing by the PLA and the Chinese media, two American China specialists noted: "The coverage of the China-Philippine standoff was accompanied by an uptick and broadening in Chinese criticism of others over the South China Sea dispute. Official Chinese media in mid-April averred that the tension was rising in the South China Sea, [and this] underlined Chinese determination to protect its interest against foreign encroachment and interference."

China's diplomatic, verbal, and economic pressures against the Philippines, however, generated a "rally-around effect" in the country. The majority of Filipino legislators backed up the embattled Aquino Administration and allocated more funds for the AFP modernization program. At the height of the standoff, the Philippines' fractious power blocs, as well as the normally apathetic public, became united and solidly swung behind the government as Philippine civilian vessels confronted their Chinese counter-parts at the Scarborough Shoal. The Catholic Bishops' Conference of the Philippines, stopped its criticism of the pending government-sponsored reproductive health bill, and supported rallies and demonstrations in front of Chinese embassies and consulates around the world. Even the Communist Party of the Philippines, in principle, even goaded the government to assert the national sovereignty and territorial integrity against Chinese encroachments on the shoal.

Emboldened by the strong public support, the beleaguered Aquino Administration hastened to establish a modest but "comprehensive border protection program" against Chinese creeping expansionism in the South China Sea. This program is anchored on the surveillance, deterrence, and border patrol capabilities of the PAF, the PN, and the Philippine Coast Guard that extend from the country's territorial waters to its contiguous and exclusive economic zone. This task involves upgrading the AFP's capabilities, prioritizing its needs, and gradually restructuring its forces from internal security to territorial defense. The long-term goal, according to the 2011 AFP's Strategic Intent, is to develop the force structure and capabilities enabling the Philippine military to maintain a "credible deterrent posture against foreign intrusion or external aggression, and other illegal activities while allowing free navigation to prosper."

The Philippines appealed for diplomatic and military support, from its strategic ally, the United States. During the standoff, the U.S.S. North Carolina (SSN 777), a Virginia-class fast attack submarine, arrived at Subic Bay on 13 May 2012. The submarines' visit hinted to China that the U.S. is prepared to honor its defense treaty commitments to its Southeast Asian ally in case of an armed confrontation at the Scarborough Shoal. It also coincided with the report that the PLAN had mobilized its Southern Fleet for any eventuality. A month later, another nuclear-powered attack submarine, the U.S.S. Louisville, made a port call to Subic Bay. Although these visits are actually routine port calls, the fact that they were made during the standoff and were much-publicized intimated that the U.S. will not stand idly its treaty ally is threatened by any form of armed aggression. The Philippines also called on its fellow ASEAN member-states to take a common position against Chinese assertiveness in the South China Sea.

### **Anatomy of the Standoff**

In mid- June 2012, the tensions generated by the standoff started abated when the civilian vessels left the shoal on the pretext of the onset of the typhoon season. On 16 June, President Aquino recalled all Philippine vessels because of the onslaught of a seasonal typhoon. On 18 June, Beijing announced that Chinese fishing boats were heading back to port. A Chinese foreign ministry spokesperson stated that with the withdrawal of the civilian ships, "We (China) hope (that) there will continue to be an easing in the situation and hope bilateral cooperation will recover and be safeguarded." The following day, the China Maritime Search and Rescue Center sent a rescue ship to assist Chinese fishing boats leaving the area due to "rough sea conditions." The coordinated withdrawal of Filipino and Chinese civilian vessels from the shoal happened while consultations between the two countries were ongoing. Despite the withdrawal of the vessels, both countries persisted in their claim of sovereignty over the shoal.

Notwithstanding the dissipation of the tension, the prospects for the resolution of the maritime row were dim. The disputed Scarborough Shoal has become a potential regional flashpoint. Suspicion and antagonism between the Philippines and China lingered because of three factors, to wit: a) China's growing naval power and assertiveness attendant to its expansive maritime claim in the South China Sea; b) the Aquino Administration's balancing policy on an emergent China; and c) the U.S. policy of hedging against China.

Even before becoming the second largest economy in the world, China has been gradually developing a modern and formidable navy. The country has had an annual double-digit increase in defense spending since 2006. In recent years, the People's Liberation Army Navy has acquired a growing fleet of Russian-made diesel-electric Kilo-class submarines, and Sovremenny-class destroyers, along with several types of indigenously-built destroyers, frigates, and nuclear-powered attack submarines. Consequently, with its naval capabilities, China can generate regional tension by challenging the claims of small littoral states over parts of the South China Sea, and by changing the strategic pattern of the maritime commons of the Asia-Pacific where the U.S. Navy still predominates.

Currently, the Philippines dubbed the military laggard of Southeast Asia, applies a balancing policy on China. This policy is reflected in the Philippines' standing up against China's claim in

the South China Sea. This stance necessitates shifting the AFP focus from internal security to territorial defense; and getting U.S. military assistance under the Philippine-U.S. Mutual Defense Treaty (MDT). Interestingly, this official position stemmed from President Aquino's aversion to the foreign policy directions of his predecessor, former President Gloria Arroyo, particularly her policy of equi-balancing China and the U.S. that led to a Philippine-China entente.

External factors such as China's emergence as a regional military power and the U.S.'s strategic hedging against China prompted the Obama Administration to help develop the territorial defense capabilities of its long-time ally in East Asia. Then U.S. Secretary of State Hillary Clinton reaffirmed U.S. defense commitment to the Philippines even before the Scarborough Shoal standoff began. During her 23 June 2011 meeting in Washington with Philippine foreign affairs secretary, Albert del Rosario, she announced that the U.S. would honor both its mutual defense treaty and strategic alliance with the Philippines. In November 2011, aboard the U.S.S. Fitzgerald, she reiterated U.S. support to the Philippines and called for updating the defense treaty that "will require...greater support for external defense, particularly maritime domain awareness."

In January 2012, during the Philippine-U.S. Bilateral Security Dialogue in Washington D.C., Filipino diplomats and defense officials determined the necessity of a strong and substantial U.S. military presence in the Philippines. They proposed an expanded presence to counter China's naval capabilities and to dovetail with the Obama Administration's 2012 Defense Strategic Guidance on rebalancing U.S. force structure and resources to meet recurring and potential threats in the Asia-Pacific and the Middle East, and to advance capabilities for maintaining access and projecting power globally. The U.S. government support to its ally, and American strategic footprint in Philippine territory gave the Aquino Administration a degree of confidence in standing up against an assertive China in the South China Sea imbroglio.

After green lighting the withdrawal of Filipino civilian vessels from the Scarborough Shoal on 8 June 2012, President Aquino admitted that Philippine-China relations have not normalized. The following month, Philippine Foreign Affairs Secretary Albert del Rosario raised the issue of the Scarborough Shoal standoff during the plenary session of the 2nd East Asia Summit (EAS) of Foreign Ministers in Phnom Penh. Then in his state-of-the-nation address in late July 2012, President Aquino said that his administration would not back down from its territorial row with China and that the Philippine military would fighter jet planes, long-range reconnaissance planes, and frigates for the country's territorial defense requirements.

In response to the Philippines' actions, China created a new administration unit to govern the 1,100 Chinese citizens living on the island groups of the Spratlys, the Paracels, and the Macclessfield Bank. At the same time, the powerful Central Military Commission approved the deployment of PLA units to guard these islands. These moves are intended to concretize China's sovereign claim to these maritime territories. The National Institute of South China Sea Studies based in Hainan Island admitted that China's goal: "is to allow Beijing to exercise" sovereignty over all land features inside the South China Sea including more than 40 islands now illegally occupied by Vietnam, the Philippines, and Malaysia."

### **The Philippine's Filing of a Statement of Claim**

After the easing of tension at the Scarborough Shoal, China began consolidating its control over the area. Chinese Maritime Surveillance vessels constructed a chain barrier across the mouth of the shoal to block Philippine access to it. China has also deployed these vessels to protect the fleet of Chinese fishing boats operating deep into the Philippines EEZ. In October 2012, Chinese Foreign Minister Fu Ying, seeking a diplomatic solution to the dispute, visited Manila. However, instead of finding a mutually acceptable solution, the high-ranking official warned Manila not to do the following: 1) to appeal to the U.N; 2) to internationalize the issue in forums such as the ASEAN; and 3) to coordinate with other countries such as the U.S.; and 4) issue any press release regarding the negotiations. In effect, she badgered the Philippines to accept in silence China's exercise of de facto occupation of the Scarborough Shoal.

Philippine officials, however, were not cowed into accepting China's fait accompli. In January 2013, the Philippines confronted Chinese coercive diplomacy head on by filing a statement of claim against China in the Arbitral Tribunal of the United Nations Convention on the Law of the Sea. In its Notification and Statement of Claim to the Arbitral Tribunal, the Philippines laid its claims to the Spratly Islands, Scarborough Shoal, Mischief Reef, and other land features within its 200-mile EEZ based on the provisions of the UNCLOS specifically to its rights to a Territorial Sea and Contiguous Zone under Part II, to an Exclusive Economic Zone under Part V, and to a Continental Shelf under Part VI.

In its statement of claim, the Philippines made it clear that it does not seek arbitration over which party has sovereignty over the islands claimed by both the Philippines and China. Rather, it merely requests the Arbitral Tribunal to issue an opinion on the following issues: a) whether China's maritime claim in the South China Sea based on its so-called nine-dash line claim is valid or contrary to UNCLOS; and b) whether Scarborough Shoal, Johnson Reef, Cuarteron Reef, and Fiery Reef, which are submerged features and that are below sea level at high tide are islands or rocks under Article 121 (3) of the Convention. It also petitions the Tribunal to declare that the Philippines is entitled to a 12-mile Territorial Sea, a 200-mile EEZ, and a Continental Shelf under Parts II, V, and VI of UNCLOS and that China has unlawfully prevented the Philippines from exercising its right to exploit resources in its EEZ and to its rights to navigation within and beyond the 200-mile of the Philippines' archipelagic baselines.

The filing of its Notification and Statement of Claim to the arbitral tribunal of the UNCLOS aims to show that the Philippines' ownership of its six-islands in the Spratlys and other land features within its legitimate maritime jurisdiction is firmly grounded on international law—specifically the UNCLOS. It is to request the arbitral tribunal as well to require China to “bring its domestic legislation into conformity with its obligations under the UNCLOS and for it to stop any activities that violate the rights of the Philippines in its maritime domain in the ‘West Philippine Sea (South China Sea).’”

As expected, China refused to participate in the international arbitration and openly expressed its opposition to the Philippines' filing of a case to the arbitrage tribunal. On 20 February 2013, the Chinese ambassador in Manila returned the notice of arbitration to the Department of Foreign Affairs. At the same time, Mr. Hong Lei, Chinese foreign ministry spokesperson in Beijing branded the filing as “factually flawed” and accused Manila of violating the non-binding 2001

Declaration of Conduct of the Parties in the South China Sea which provides for ASEAN and China to settle their maritime disputes among themselves. The foreign ministry announcement of its refusal to participate in the international arbitration came a week after the Chinese media announced that three Chinese frigates would patrol and conduct drilling operations in the South China Sea after passing through the East China Sea and the Bashi Strait. On 30 March, four Chinese frigates conducted a live fire-exercise at the farthest point of its nine-dash line claim in the South China Sea, some 50 miles from the coast of Malaysia. The two-month standoff at Scarborough Shoal, China's refusal to participate in the arbitral tribunal, and this live-fire exercise are telling of China's position regarding the dispute—that is sovereignty over the South China Sea is non-negotiable, and this stance is unlikely to change, as to do so would be politically compromising to its long-held logic of indivisible territorial sovereignty.

## **Conclusion**

The 2012 Scarborough Shoal standoff between Philippine and Chinese is a classic case of an international incident waiting to happen. Three years before the incident, China has been aggressive in pursuing its expansive maritime claim in the South China Sea. It has established a powerful and formidable navy to back up its territorial claim and has encroached on the littoral states' exclusive economic zones. It has also conducted military exercises to intimidate and coerce these weak states to abandon their claim to the islands and waters within China's nine-dash line map. This developments coincided with a major political change in the Philippines—the election of Benigno Aquino III to the presidency. After a few months in office, President Aquino began to challenge China's claim in the South China Sea by shifting the focus of the AFP from internal security to territorial defense and by seeking U.S. diplomatic and military support to his balancing policy on China. Concerned about China's growing naval power and assertiveness in pursuing its maritime claim, the Obama Administration has extended military and diplomatic assistance to its Southeast Asian ally. President Aquino's balancing policy on China and U.S. support of this policy, in turn, soured Philippine-China relations. This situation reached the tipping point with face-off between Chinese and Filipino civilian vessels at the Scarborough Shoal.

The standoff ended when the Philippines and China withdrew these civilian vessels mid-June. However, the volatile situation in the South China Sea remains as China intensifies its efforts to control the islands and waters it claims sovereignty over, and as other claimant countries, like the Philippines, firmly hold on to their respective claims. Meanwhile, the strategic pivot of the U.S. to the Asia-Pacific which has strengthened the resolve of the Philippines and Vietnam to protect the islands and waters they control can cause a turn of events. All in all, the Philippines filing of an arbitrage case, China's vehement refusal to participate in proceeds, and the massive activities of its naval flotilla on 30 March 2013 signify that the South China Sea dispute has become a regional geo-strategic tinderbox. One can only hope that the proverbial "single spark that can start a prairie fire" in the South China Sea does not happen any time soon.