

FOREIGN POLICY

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THE SCARBOROUGH SHOAL STANDOFF AND THE POLICY OF THE PEOPLE’S REPUBLIC OF CHINA TOWARDS TERRITORIAL DISPUTES IN THE SOUTH CHINA SEA¹

INTRODUCTION

The Sino-Filipino Scarborough Shoal standoff constitutes a function of the People’s Republic of China (PRC) policy regarding the status of the South China Sea. It is a crucial reservoir from the perspective of China’s political, economic and military interests due to the Sea Lines of Communication (SLOC) and international trade that run through it. Therefore, the conflicts that exist on this area, i.e., territorial (in relation to islands and reservoir facilities) and politico-economic (in the context of the status of the body of water and the use of its living and inanimate resources) fit into the broader dimension of the PRC’s geopolitical interests.

Over the last years, the attention of researchers has centered primarily on the process of China strengthening its presence in the South China Sea, especially in the context of the country’s construction of “artificial islands” on the basin facilities in the area of Spratly and Paracel islands. The relations with the countries of the Southeast Asia region – increasingly stricter as a result of these processes – as well as questions about the future position and role of the United States, form the axis of the debate on China’s goals and future policy aimed at establishing effective control over the South China Sea. This debate is additionally aggravated by the return of major concerns about the possibility of the PRC attempting to resolve the Taiwan issue by force in the face of the unstable geopolitical situation, the Russian attack on Ukraine, and US involvement in other parts of the world.

In this context, the analysis of Chinese policy with regard to the Scarborough Shoal dispute comprises a significant study that allows to distinguish the key assumptions and instruments of the PRC’s foreign policy in the light of the course of other regional territorial disputes. It is important and useful for predicting the country’s future actions in the South China Sea, but also more broadly in the context of territorial disputes in which it is involved (including Taiwan).

The following research questions were asked for the purpose of structuring the analysis: 1) What is the factual and legal background to the Scarborough Shoal stand-off? 2) How and by means of what instruments did China establish effective control

¹ The views and opinions expressed in the article are those of the author and do not necessarily reflect the official position of the Ministry of Foreign Affairs of Poland

of the atoll? 3) What is the role of the dispute in the context of the PRC's remaining territorial claims over the South China Sea?

The article primarily uses the method of gathering and observing facts, as well as the decision-making method in the context of analyzing the positions of the states involved in the dispute. Also, the process method was used to present the genesis of the studied political processes.

The article has been divided into three parts. The first one presents the subject matter of the dispute and its historical determinants. The latter characterizes the interests of individual countries involved in the conflict, their position, and the legal background to the dispute. Finally, the third section analyzes the events of 2012 and their implications, along with an attempt to isolate the elements that may constitute the model of the PRC's future policy with regard to territorial disputes in which it is involved ("Scarborough model").

SUBJECT MATTER OF THE DISPUTE AND HISTORICAL BACKGROUND

The Scarborough Shoal standoff is part of the specificity of disputes over the territorial affiliation of the South China Sea. On its surface and under the waterline there are hundreds of uninhabited small islands, rocks, reefs, shallows, atolls and coral islands, which form four groups: Spratly islands, Paracel Islands, Pratas Islands, and Macclesfield Bank. Pratas Islands and Macclesfield Bank are not and have not been disputed between China and the countries of the region. Some sources incorrectly point to the territorial claims of the Philippines with regard to Macclesfield Bank. However, the Philippines are not making any claims to Macclesfield Bank (it is also not within the limits of the Philippine EEZ), claiming only rights to Scarborough Shoal. Nevertheless, in the PRC's optics the shoal itself, along with the Macclesfield Bank and other structures, belongs to the Zhongsha archipelago, to which China claims its right, which generates a space of dispute with the Philippines (Zou Keyuan, 2012: 19).²

Located in the exclusive economic zone (EEZ) of the Philippines, the Scarborough Shoal is the subject of China's territorial claims alongside the Spratly and Paracel Islands. The conflict over the shallow waters itself has a *de facto* bilateral dimension. The formal claims to the atoll are also reported by the Republic of China in Taiwan, which bases its pretenses on premises similar to those used by the PRC, while maintaining a passive attitude and exposing the postulates of cooperation of entities involved in disputes over the belonging of objects in the South China Sea (Kao, 2014).

The subject matter of the standoff is a chain of reefs and rocks that form a triangle which surrounds a lagoon with an area of approximately 150 km² and a depth of 10–20 meters. At high tide, there are five rocks which remain above the water surface, the highest of which are approximately 3 meters above sea level (above sea level). Scarborough Shoal (known by Filipinos as Panatag Shoal or Bajo de Masinloc, and

² The rights to the Pratas Islands, which remain under the effective control of Taiwan, are also claimed by the PRC. However, in the light of the "One China" policy, it fits in the wider context of relations between the PRC and the Republic of China in Taiwan.

Map 1. Scarborough Shoal – Location

Source: The Straits Times, <https://www.straitstimes.com> (20.04.2022).

by Chinese as Huangyan Island) is the largest atoll in the South China Sea. It is located approximately 123 nautical miles (220 kilometers) west of Zambales Province on the largest island of the Philippine archipelago, Luzon, ca. 170 nm east of Macclesfield Bank and 472 nm from the PRC coast. The shallows are located north of the Spratly islands, in the EEZ area of the Philippines (Kao, 2014: 158; Bonnet, 2012: 3–4; Jia, 2014: 360; Bautista, 2013: 501).



From a historical perspective, the Scarborough Shoal has not played a major role and until the 1990s it has had no place in the orbit of political interest to the countries in the region. Over the centuries, like other structures in the South China Sea, this area was considered mainly in terms of the dangers which it posed to shipping. The first research and cartographic efforts were carried out by the colonial powers only in the 19th century, and their aim was to identify hitherto unexplored areas for trade, mainly opium and tea. Before then, in September 1748, the British boat Scarborough, which was carrying tea, sank in the shallows. The shoal later adopted its today's internationally recognized name from the wreck. Several years later, in 1800, the Spanish rulers of the Philippines (who called the atoll the Maroona Shoal) sent the frigate Santa Lucia there from Manila with their first research expedition. The results of this expedition were published in 1808, at the same time changing the nomenclature used by the Spaniards to *Bajo de Masinloc* chosen by the Philippines. Further studies of the atoll continued, among others, by the British as part of the 1866 expedition. However, it is recalled that until the 20th century, the Scarborough Shoal was of no interest to the colonial powers or the nations of the region, including China. Moreover, the then practices did not include the possibility of establishing jurisdiction over such geological forms located on the high seas (Bonnet, 2012: 8–9).

From 1937 to 1938, the atoll was briefly of interest to the US-dependent Commonwealth of Philippines. Nevertheless, no official claims were made with respect it, *inter alia*, due to concerns of attracting the attention of the Japanese, who were extending territorial gains in Asia, to this structure. Before then, 1935 saw the first appearance of the Scarborough Shoal (in the Chinese transcription Si ge ba luo jiao) on Chinese maps – as part of the Nansha island group, which also included, among others, such structures as: Macclesfield Bank or Druro Bank. From 1947, *Nansha Qundao* has been the official Chinese name for the Spratly islands. The Scarborough shallow (Huangyan Island), on the other hand, is a part of the Zhongsha archipelago in Chinese interpretations (more on why this is important later in this article), and in 1947 it was initially

given the Chinese name *Minzhu Jiao* (literally “Democracy Reef”) (Bonnet, 2012: 10–11; Zou Keyuan, 2012: 71–72).

During the Cold War, neither country made any official claims against the atoll at issue. From the PRC’s standpoint, one can only talk about the constantly repeated official declarations regarding the affiliation of the Xisha Islands (Paracel Islands), Nansha (Spratly) and Zhongsha, not mentioning the Scarborough Shoal by name. With that one must consider the context of the Cold War rivalry and the immediate proximity of the shallows to the US naval base Subic Bay, from which the Americans withdrew their forces only in 1992. On the other hand, from the 1960s the Filipinos carried out activities aimed at combating smuggling (including cigarettes) from China, Macao and Hong Kong, for which the atoll was an important logistic point (among others, the bombing of the infrastructure in its area, which was used by smugglers, in 1963). Neither the PRC nor Taiwan raised any official objections to the activities undertaken by the Philippines (Bonnet, 2012: 19–20). In the present dispute, the Filipinos point out, among other things, the placement of the Philippine flag in the shallows in 1965, and the construction of a small lighthouse in the same year, which was later rebuilt by the Philippine Navy in 1992 (Huy, 2017: 36).

Chinese interest in the shallows first developed in 1978, when the Earthquake Bureau and the State Oceanic Administration sent a research mission to the atoll. Year 1983 first saw the appearance of the name Huangyan Dao in the Chinese nomenclature. Finally, in 1997 the Scarborough Shoal became the real object of dispute between the PRC and the Philippines. This happened after the Philippine Navy detained a Chinese-funded international amateur radio group on May 1, 1997, followed by a group of 21 Chinese fishermen (Huy, 2017: 36).

The incident from 1997 could have originated in two successive events. The first of these was the entry into force in 1994 of the provisions of the *United Nations Convention on the Law of the Sea* (UNCLOS) of 1982, which created a new background to the conflict, from the standpoint of international law. The second was the Chinese occupation in 1995 of Mischief Reef in the Spratly archipelago (in reference to which the Filipinos are also making claims), which can be considered a source of a more determined and assertive attitude of the Philippines, fearing similar actions by the PRC in its immediate vicinity. It is worth mentioning that the events of 1997 were incidental and caused no broader political consequences, especially since they took place during the presidency of Fidel Ramos and China’s good bilateral relations with the Philippines.

After the measures carried out, the Filipinos replaced the Philippine flag on the atoll in response to which the PRC issued an official protest, emphasizing its sovereignty over the shallows. This caused a reaction of the Philippines, which in June 1997 officially recognized Scarborough Shoal as part of the Republic of the Philippines. The dispute did not escalate further. Since 1997, there have been cyclical cases of chasing off Chinese fishing boats by the ships of the Philippine Navy. On the other hand, the Chinese conducted regular patrols of the surrounding waters. Initially, the patrols were carried out by naval units of the Chinese People’s Liberation Army (PLA), and in 1999 they were successively replaced in this role by the civilian units of China’s Marine Surveillance Force (MSF, Chinese *haijian budui*) (Jia, 2014: 363).

THE MAIN INTERESTS OF THE PRC AND THE LEGAL FRAMEWORK TO THE DISPUTE

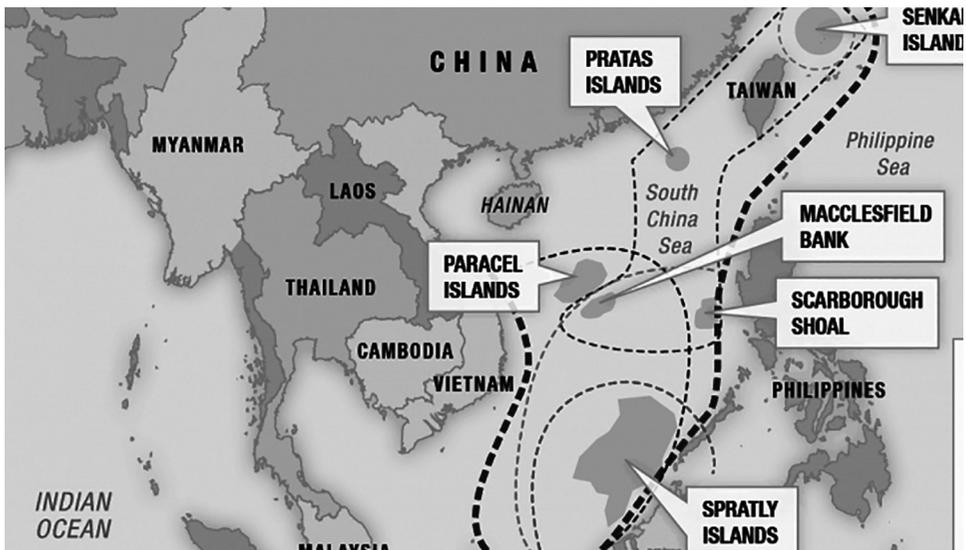
As far as the PRC's interests are concerned, the Scarborough shoal and adjacent waters are of economic, political and strategic importance. The economic relevance of the shallows is determined by rich fisheries, exploited for decades by both Filipino and Chinese fishermen (Kao, 2014: 158). The fisheries are especially important for Filipinos from the provinces: Zambales, Bataan and Pangasinan, for whom they are the main source of income. It is reckoned that the potential of the fisheries is around 5.021 million tons per year. The waters adjacent to the atoll were found with no deposits of energy resources – unlike, for example, in the case of the Spratly conflict (Bautista, 2013: 503; Gazeta Prawna, 2017; GMA News, 2018).³

Control of the Scarborough Shoal has political and strategic implications. As indicated, the atoll is considered by China to be part of the Zhongsha Qundao Archipelago. At the same time, it is the only formation whose structures remain above the water surface during high tide. For the PRC, recognizing the sovereignty of the Philippines over the shallows or “excluding” it from the list of facilities included in the Zhongsha Islands (common in the view of other countries) means the inability to establish sovereignty over Zhongsha Qundao (Macclesfield Bank) in accordance with the letter of international law. Thus, it undermines the narrative built around the U-Shaped line (more on this later in the article) and the historical laws of China in the South China Sea. For the same reason, the PRC refers in its nomenclature to the shallows as an “island,” bearing in mind that only objects that are islands allow the designation of an EEZ and the right to exploit the waters and the seabed resources (Bautista, 2013: 504). If Scarborough Shoal is recognized as a separate geological formation of Zhongsha Island, then in accordance with the provisions of international law contained in the UNCLOS Convention, it may not be subject to the jurisdiction of any country. In such case, it is subject to the verification of entities in which the EEZ are located, being covered by the legal regime of the open sea (Bonnet, 2012: 5; Zou Keyuan, 1999: 76).

Because of that, China considers the Scarborough Shoal (Huangyan Island) to be part of the Macclesfield Bank, which deviates from the generally accepted interpretation that the shallow comprises a distinct geological formation. The PRC is expanding the internationally accepted understanding of the Macclesfield Bank area. In essence,

³ Some studies (among others, Lowell Bautista from the University of Wollongong and Francois-Xavier Bonnet from the Institute de Recherche Sur l'Asie du Sed-Est Contemporaine) also contain information on potential cobalt and sulfide resources, as well as polymetallic competition under the seabed near the shallow water. However, this information is not supported by specific sources, much less research findings. The inaccuracy may result from considering the potential undersea resources of the Benham Rise (which the Filipinos call the *Philippine Rise*), an extension of the Philippines continental shelf east of the island of Luzon. Besides unique reefs and rich fisheries, this area may contain significant resources in the form of cobalt-rich ferromanganese surfaces, thermal hydrometal sulfide ores (used, among others, in the aviation industry), as well as methane clathrates, which may be a considerable alternative source of energy in the future. China has an interest in the Benham Plateau, although the United Nations has confirmed its affiliation to the Philippines' continental shelf. In February 2018, they gave its five formations Chinese names, and in 2017 they probably conducted explorations of the seabed.

the interchangeable use of English and Chinese names (Zhongsha Islands) is therefore a confusing element. As understood by China, Macclesfield Bank represents *de facto* the Zhongsha Islands archipelago together with other objects, such as: Scarborough Shoal, Truro Shoal (Chinese *Xianfa Ansha*), Saint Esprit Shoal (Chinese *Shenhu Ansha*), Dreyer's Shoal (Chinese *Zhongnan Ansha*) or the Shoal of Helena (Chinese *Yitong Ansha*) (Bonnet, 2012: 5; Zou Keyuan, 1999: 71). Such a position should be considered controversial in the light of international law. Attention is given to the fact that Scarborough Shoal is far (approximately 170 nm) from Macclesfield Bank and its adjacent facilities. Some controversy, as has been said already, may also arise from the nomenclature. Huangyan Island/Scarborough Shoal is not an island within the meaning of international law, and even less so is the remaining objects of the Zhongsha archipelago, which are constantly under the water surface (even at low tide) (Beckman, 2017: 32–33).



Map 2. Geography of the PRC's territorial claims

Source: Publika, www.publika.md (30.03.2022).

The PRC has consistently defended its position, which allows the Scarborough Shoal standoff to be included in the narrative built around other claims regarding the islands and objects of the South China Sea. In this context, China points out that since 1951, when the PRC authorities officially verbalized their stance on the affiliation of Nansha (Spratly islands), Xisha (Paracel Islands), Dongsha (Pratas Islands) and Zhongsha Islands (Macclesfield Bank) for the first time, all declarations regarding the four above-mentioned archipelagos also concerned the Scarborough Shoal. This represents a major element of Chinese policy, bearing in mind that the Scarborough dispute is a relatively new element that has, in fact, existed since the 1990s.

Table 1

Determinants of the importance of Scarborough Shoal

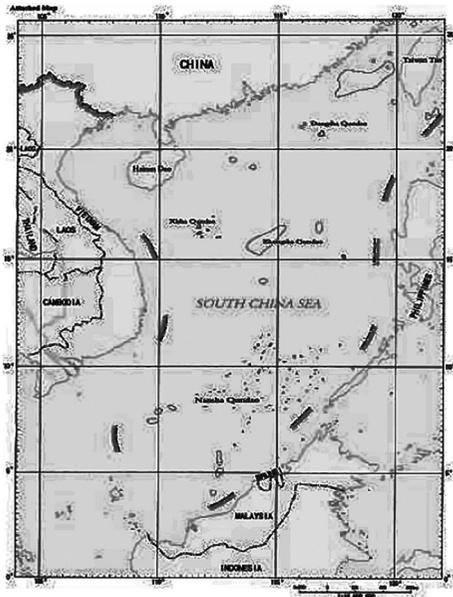
Economic drivers	– Rich fishing grounds.
Political drivers	– The status of the Zhongsha Islands (Macclesfield Bank) and the credibility of the U-Shaped line narrative.
Strategic drivers	– Possibility to build infrastructure in the immediate vicinity of the Philippines. – Possibility to build infrastructure for conducting intelligence and deep reconnaissance activities.

Source: Self-elaboration.

Accordingly, as in the case of Spratly and the Paracel Islands, China bases its claims on “historical rights” and the so-called *U-Shaped Line* (Zou Keyuan, 2012: 18; Gau, 2012: 58–60; Lanteigne, 2016: 104–105; Tharoor, 2014; Kazianis, 2014; Del Callar, 2013, Graham, 2013),⁴ whose range covers the disputed atoll. It serves as a foundation for Chinese claims on all points of contention in the South China Sea. The nine lines on the maps presented by China indicate the area of waters which, according to the Chinese authorities, constitute the sovereign territory of the PRC. The U-shaped area covers approximately 90% of the total body of water. It goes far beyond the boundaries of China’s territorial waters designated on the basis of international law regulated by UNCLOS. The PRC thus claims the rights to the islands and the resources located within the territorial waters and EEZ of the countries of the region (O’Rourke, 2018: 25; Li, Tan, 2014; Zou Keyuan, 2012: 9; United Nations, 2009; United Nations, 2011).⁵ Officially, the Chinese do not reject the UNCLOS convention, to which they

⁴ The works of Western analysts and academics often use the term “*Nine-Dash Line*.” There are also other terms that usually refer to the shape and form of the lines, such as: *cow tongue* (especially in the work of Vietnamese researchers), *dotted line* or *dashed line*. For the purpose of this article, the term U-Shaped Line will apply. There is a certain inaccuracy in the term “nine-dash line” which requires some explanation. The map, created in 1947 by the Republic of China, had eleven lines. Only at the end of the 1950s, the PRC “removed” two lines marking the border in the waters of the Gulf of Tonkin. No explanation has been offered as to the official reasons for this decision, but it was most likely due to the handover to Vietnam of sovereignty over Bai Long Wei (Viet. *Bach Long Wi*). Taiwan remained with the original maps which used a line consisting of eleven dashes. Meanwhile, in June 2010, China published an “updated” map of the country, with an additional dash added to the “9-dash line” in the northeast - east of the territory of the Republic of China, which is likely to underline the PRC’s position on the status of Taiwan. The map was prepared by Sinomap Press. The only institution in China responsible for the preparation of maps reports directly to the State Bureau of Surveying and Mapping, which means that publishing the map together with the changes introduced had to be approved by Chinese decision-makers. Especially that since 2012, the “ten-dash line” has its place on the map of the PRC in Chinese passports.

⁵ The PRC bases its claims on “historical rights” to the waters of the basin. At the same time, it refers to the rhetoric initiated already in the first half of the 20th century, before the takeover of power by the communist party in the state. The U-Shaped Line first appeared on the map created in 1914 by the Chinese cartographer Hu Jinjie (it only took into account the Pratas Islands and the Paracel Islands). In 1935, the Water Maps Inspection Committee of the Republic of China published the names of 132 islets and reefs that make up the four archipelagos of the South China Sea. However, the map attached to the publication took no account of the U-Shaped Line as the sea border of China. In 1947, the Chinese Ministry of the Interior changed the official names of the islands in the South China Sea and formally placed them under the administration of the Hainan Special Region. At the same time, an internal map of the locations of the islands in the water was prepared for use. In February of the following year, the Ministry of the Interior officially published the Atlas of Adminis-



Map 3. China's territorial claims in the South China Sea. Map attached to the note verbal sent by the Permanent Mission of the PRC to the United Nations to the Secretary General of the United Nations on May 7, 2009

Source: United Nations, <https://www.un.org> (17.10.2020).

have been party since 1994, as the basis for regulating maritime territorial disputes (Poling, 2013: 18).⁶

The PRC points out that Huangyan Island has been an integral part of the Chinese Empire at least since the rule of the Yuan dynasty and the research carried out in 1271–1368, which resulted in the demarcation of the imperial borders of China. Thus, the rights to the atoll and adjacent waters are vested in China due to the

discovery and centuries of control over the facility and the entire adjacent area. On this basis, the Chinese reject the claims of the Philippines (Jia, 2014). They derive their postulates from the rights to which they are entitled from the “discovery and seizure” of objects that had previously constituted “nobody’s thing” (Latin *res nullius*). In this

trative Divisions of the Republic of China, which included a map showing the maritime border of China in the South China Sea. The U-shaped line made its first appearance; it consisted of eleven lines at the time (in Hu Jinjie’s original work, it was continuous), the beginning of which in the south was marked by the fourth degree of north latitude and by James Shoal. Since then, both the PRC and the Republic of China have referred to this line as the basis for territorial claims.

It should be stressed that China first officially mentioned the U-shaped line at the international level in 2009. On May 7, 2009 in response to Vietnam’s application submitted to the *Commission on the Limits of the Continental Shelf* (CLCS) on the extended continental shelf in the northern zone of the South China Sea, as well as a joint Vietnamese-Malaysian request regarding the status of the southern part of the basin, the Chinese issued two diplomatic notes to the then UN Secretary General, Ban Ki Moon, protesting the initiatives of Vietnam and Malaysia. This was supplemented with a map of the South China Sea with a U-shaped line (then nine lines) as the basis for the PRC’s claims resulting from “historical rights.”

Addressing the essence of the conflicts in the region, it should be noted that China is claiming rights not only to islands and islets in the South China Sea, but also to adjacent waters, including the seabed and the resources beneath it. This translates into the maritime policy of the PRC, as well as that of other countries involved in the disputes.

⁶ Most scholars note that the provisions of the convention do not allow for the resolution of conflicts, taking into account the complex and often ambiguously formulated positions of the states involved in them. As indicated by Gregory Poling from the Center for Strategic and International Studies, merely a small part of the claims to the waters of the basin concerns the EEZ or the extended continental shelf, for which the reference would be the coastline of the countries involved in the dispute. The departure point for the claims are the onshore structures present in the water area. In a context where the countries of the region – especially China – claim historical rights to them and formulate their postulates on this basis, it is not possible to resolve disputes based upon UNCLOS.

connection, the Filipinos stress “effective control” and “effective jurisdiction” over the Scarborough Shallows since gaining independence in 1946. They derive the right to exploit water resources in the shallow water area from the rights to which they are entitled due to the establishment of the EEZ, pointing out that the object itself is not an island within the meaning of international law and cannot be a reference point when delimiting the EEZ border (Bautista, 2013).

Table 2

The dispute over the Scarborough shallow waters – the position of individual countries

Country	Content and basis of claims
PRC	<ul style="list-style-type: none"> – <i>U-Shaped line</i>; – “Historical rights” dating back to the Yuan dynasty; – Huangyan Island as part of the Zhongsha archipelago – the only structure that allows the maintenance of claims to the archipelago, taking into account the UNCLOS records.
Philippines	<ul style="list-style-type: none"> – “Discovery and occupation” of the shallow water area (treated as a land area); – “Effective control” and “effective jurisdiction” since 1946; – Possibility of exploitation of adjacent water resources resulting from the rights related to the establishment of the EEZ; – Scarborough shallow treated as a separate geological entity and a “rock” within the meaning of UNCLOS.
Taiwan	<ul style="list-style-type: none"> – <i>U-Shaped line</i>; – “Historical rights” dating back to the Yuan dynasty; – Huangyan Island as part of the Zhongsha archipelago – the only structure that allows the maintenance of claims to the archipelago, taking into account the UNCLOS records; – Passive attitude to the dispute.

Source: Self-elaboration.

Strategically, control of Scarborough Shoal gives China the potential to expand its infrastructure in a situation where it would undertake activities similar to Spratly (building “artificial islands”). Some researchers draw attention to the possible consequences of creating a naval base in the shallow water area, which could become a communications and intelligence hub in the close vicinity of Luzon, allowing the PRC to supervise and control the northern sections of SLOCs from Singapore to Hong Kong and from Manila to Hong Kong. Francois-Xavier Bonnet points out that such a project – aimed at developing the possibility of conducting intelligence operations – would be easy to “hide” under the pretext of building the necessary infrastructure for the needs of Chinese fishermen (as was the case with China’s activities in the Spratly archipelago Mischief Reef) (Bautista, 2013: 7).

THE COURSE AND CONSEQUENCES OF THE EVENTS OF 2012

As noted in earlier sections, the Scarborough Shoal standoff remained a relatively “new” problem, existing de facto since 1997, and since then “frozen” and secondary to the disputes over the Paracel Islands and, above all, the Spratly islands. In terms of the “presence” of the conflict over shallow water at the international level in 1997–2012, it is only the adoption by the Philippine Congress in 2009 of the so-called Republic Act No. 9522 (Bonnet, 2013: 21) that should be noted.

On April 8, 2012, the presence of eight Chinese fishing vessels anchored in the Scarborough Shoal Lagoon was detected by a Filipino reconnaissance aircraft and confirmed by the nearby navy vessel BRP Gregorio del Pilar. On April 10, according to reports from the Philippine side, a boarding group was sent from the ship, which, during an inspection carried out on boats, discovered large amounts of illegally caught corals, Japanese Pacific crabs and live sharks. The arrest of the fishermen was prevented by the intervention of two Chinese MSF units – Zhongguo Haijian 75 and Zhongguo Haijian 84. In order to de-escalate, the Filipinos withdrew BRP Gregorio del Pilar, replacing it with two civilian units belonging to the Coast Guard and the Bureau of Bureau of Fisheries and Aquatic Resources – BFAR. China, on the other hand, decided to escalate tensions by bringing to the disputed area the Yuzheng 310 unit – the largest of the patrol ships in its possession, then belonging to units subordinate to the China Fisheries Law Enforcement Command (FLEC), equipped with machine guns, cannons and electronic sensors. More Chinese fishing vessels began to appear in the Scarborough Shoal area; at the peak of the deadlock in May 2012, there were about eighty. At that time, both sides found themselves on the verge of a military confrontation. In July 2012, due to weather information and the impending typhoon, Filipino units withdrew from the shallow waters, leaving the atoll under effective control of the PRC. Soon after – in the August of 2012 – Chinese fishermen withdrew from the area. However, the Chinese had previously installed chain barriers at the mouth of the shallow waters which prevented access by units from the Philippines, and from September 2012, Chinese civilian units began regular water patrols in the area of the disputed atoll (Bonnet, 2013: 5; Bautista, 2013: 519). In this way, the Chinese established factual control of the disputed object.

The events that took place before, during and, above all, after the incident, allow for the identification of the most important policy tools in relation to the Scarborough Shoal standoff. China clearly rejected the possibility of shifting the dispute to multilateral negotiations, which was the main reason for the first-ever case of ASEAN failing to pass the official final communiqué after the Phnom Penh summit in July 2012 (Reuters, 2012). This was accompanied by aggressive rhetoric from Chinese decision-makers. For example, in October 2012, during a visit to Manila to discuss the shallow conflict, Chinese Foreign Minister Fu Ying strongly warned Filipinos of the consequences: appealing to the atoll to join the United Nations, internationalization of the dispute and attempts to relocate it to the forum of the Association of Southeast Asian Nations (ASEAN), cooperation with other countries, especially the USA, as well as preparation of any press releases regarding the dispute (Bautista, 2013: 320). An emanation of the exclusion of the possibility of the conflict's internationalization was the strong rejection by the jurisdiction of the Permanent Court of Arbitration in The Hague, after the Philippines submitted an official application to the Court in January 2013 (in July 2016, the Court finally issued a verdict confirming the claims of the Philippines, which was met with a harsh reaction from China) (Permanent Court of Arbitration, 2016; The Economist, 2016).

The events in the Scarborough Shoal may be seen as a symbolic end to China's "spell offensive" in the Southeast Asia region. As such, they constitute a kind of a prelude to a fundamental change in the policy of the PRC, which was completed after the

so-called “fifth generation of leaders,” setting the model for the actions of the Chinese state in the South China Sea. In the dispute over the Scarborough Shoal, China focused on four elements:

- 1) A policy of accomplished facts in its most literal form;
- 2) Direct use of economic dependence to exert political influence;
- 3) An element of psychological impact, including the real threat of provoking an armed conflict;
- 4) Ignoring the reaction of the international community and the primacy of the national interest over the norms of international law.

With regard to the policy of accomplished facts, one can speak of the first move, whose natural continuation is building “artificial islands” on the remaining islands and facilities of the South China Sea, constituting a unilateral change of the status quo in the water region. The over two-month-long deadlock around the Scarborough Shoal Area resulted in the establishment of factual control of the PRC over the atoll, including the isolation of Filipino fishermen from traditional fishing areas. Regardless of further negotiations and concessions of the Chinese side (e.g., in the context of restoring fishing opportunities), even without the permanent physical presence of its units, China controls the Scarborough Shoal. It depends on them what actions they will take in this connection in the future, also bearing in mind the possibility of building an artificial island and locating infrastructure there in the vicinity of the Luzon Island (Kipler, 2016; Poling, Cooper, 2016; Panda, 2017; Mortimer, 2017).

During the crisis between April and May 2012, China also used economic pressure and instituted quasi-sanctions which targeted sectors of importance to the economy of the Philippines. During the two-month deadlock, the Chinese imposed an embargo on imports of Philippine bananas, the country’s second-largest agricultural commodity exported to the PRC by volume and the backbone of the Davao region’s economy. In May 2012, China declared that Filipino bananas did not meet Chinese phytosanitary standards. The introduced sanctions hit the Filipino economy selectively, not generating any damage to the PRC – the Chinese state replaced imports from the Philippines with increased purchases in Ecuador. China’s goal was to generate internal pressure in the Philippines to ease its attitude towards the PRC by using groups directly affected by the restrictions. The level of banana imports from the Philippines has returned to the previous state after the Filipinos withdrew their units from the Scarborough Shoal (Zachrisen, 2015: 83–93; Ravindran, 2012: 109–110).

In addition to restrictions on banana exports, on May 10, 2012, the Chinese authorities warned PRC citizens against traveling to the Philippines, and called on tourist agencies to cancel planned trips to this country. This message was reinforced after anti-Chinese protests in the streets of Manila and other Filipino cities. As of May 16, the China National Tourist Office banned group tours to the Philippines for five months. In the Philippines, tourism is responsible for approx. 6% of GDP, and at the time, China was the fourth largest market for the sale of services in this sector. The sanctions were to generate an effect similar to that achieved by banning the import of bananas (Zachrisen, 2015: 93–104; Ravindran, 2012: 109–110).

When analyzing the causes and course of events from 2012, it is also worth taking into account their background. Shawn Shawn-fawn Kao draws attention to the content

that appeared in the Chinese press even before the PRC took aggressive actions. On September 29, 2011, the English-language “Global Times” controlled by the Chinese authorities published an article under the pseudonym Long Tao (freely translated as “Wave of the Dragon”) entitled “Time to teach those around the South China Sea a lesson” – which was reprinted and commented on later in the Chinese and international press. The article contains postulates to abandon the current policy and forcefully impose solutions to disputes in the South China Sea by the PRC; it is sometimes treated as a prelude to actions that took place in the following months (Kao, 2014: 154–155). China’s goal was to show the Filipinos that they were ready for a confrontation that, in the face of the PRC’s overwhelming military advantage, could have ended catastrophically for the Philippines, even in the context of a brief, limited-scale armed conflict. This is not altered by the fact of the current practice of not using the PAL navy units. This is an important element of China’s policy, which involved well-armed modern civilian units belonging to such institutions as: MSF or FLEC – integrated as part of the China Coast Guard since 2013 (Fravel, 2011: 306–307). At a later stage, a dominant role in the activities of the PRC was played by units of the so-called “naval militia” (*maritime militia*) – formally private fishing vessels, though usually operating under the control of the Chinese state, properly equipped and trained crews (Erickson, Kennedy, 2017: 62–83).

The imposition of control over Scarborough Shoal also made it possible to undermine the prospect of interference in a possible conflict on the part of the Philippines, which (apart from the reaction at the diplomatic level) adopted a rather passive stance, thus confirming that the disputes in the South China Sea are not covered in their perception by the provisions of the Mutual Defense Treaty signed in 1951. In this way, the PRC supported initiatives aimed at breaking US alliances in the region. The fact that the Chinese are effective in their persuasion is also evidenced by the statements of Filipino politicians, including President Rodrigo Duterte, who was accused of an overly “soft” position towards the actions taken by China on the eve of his leaving office, which could have resulted in the loss of, among others, the possibility of using the verdict of the Tribunal in The Hague for the purposes of diplomacy (Lingao, 2017; Strangio, 2022; Gutierrez, 2021).

The factor proving the decisive and thoughtful nature of the PRC’s actions is the deliberate rejection of the possibility of resolving disputes in accordance with the letter of international law. This is evidenced by an unprecedented strong refusal in February of 2013 (the Philippines had filed an official request a month earlier) to participate in the proceedings before the Permanent Court of Arbitration in The Hague, and after the publication of the judgment in July 2016 – by the rejection and refusal to comply with its provisions (Permanent Court of Arbitration, 2016).⁷ In 2012, China also consciously and deliberately ignored the solutions it introduced, which were intended to de-escalate the situation. This refers to a ban on fishing mutually established by the

⁷ In its decision, the Court held that Scarborough shall be a reference point for delimiting the territorial sea zone, but it did not allow – since it is not an island - to establish the EEZ. Consequently, it has been illegal to block the traditional activities of Filipino fishermen since 2012. The Court emphasized that a similar assessment should be made of the hypothetical actions of the Philippines and that it does not have the power to settle the problem of sovereignty over the atoll.

PRC and the Philippines. On May 13, 2012, China introduced a unilateral two-and-a-half-month ban on fishing in the Scarborough Shoal (since 1999, the PRC usually introduces a similar ban on fishing in the northwestern waters of the South China Sea between May and August) (Vu, 2013: 146). An identical one-sided provision was established on May 16, 2012 by the Philippines. Nevertheless, at the end of May, the Chinese deployed three more MSF units in the disputed area, which protected ten Chinese fishing boats. The PRC authorities admitted that around 20 Chinese boats were fishing in the prohibited zone during this period, but did not take any steps to counteract this phenomenon (Kao, 2014: 160). From 2012, The Chinese extended the four-month ban on fishing to the shallow waters, enforcing it against Filipino fishermen, but often allowing it to be broken by Chinese fishing vessels (Gutierrez, 2021).

The analysis of the course and consequences of the Scarborough Shoal standoff may serve as a starting point for understanding the evolution of the PRC's policy initiated in the final phase of the rule of the so-called "fourth generation" and defining the new strategy of the Chinese state, which has been developed since 2013. In analyzing the course and dynamics of the dispute over Scarborough Shoal, some Western analysts indicate that it may serve as a model of China's later policy in the South China Sea (Ratner, 2013).

The confrontation in the atoll waters seems to represent a turning point marking the end of the Chinese "spell offensive" in the Southeast Asia region, which on the political level was accompanied by the concepts of "shelving the disputes" and exposing the seemingly beneficial to all – but de facto acting for the benefit of the Chinese state (in view of its growing political, economic and military power) – solutions, such as conducting joint development (Lee, Chen, 2009: 159–160). Referring to the concept of Peter Dutton from the U.S. Naval War College, at that time China moved to the next phase of the "ripe fruit" strategy. P. Dutton notes that the Chinese consciously sought to "freeze" disputes and create a favorable regional environment in which they would be free to develop their economic and military potential, while realizing that time was in their favor. Achieving a sufficiently high level of development allowed them to implement a more aggressive policy aimed at the enforcement of territorial claims. Thus, the disputed islands and areas of the body of water (in this case the Scarborough Shoal) will eventually fall into their hands like a "ripe fruit" falling from a tree (Dutton, 2011: 55–58).

Since the second decade of the 21st century, China has been pursuing an assertive and even aggressive policy, with their activities far exceeding the framework in which it operated in the previous period (Paddock, 2016; Heydarian, 2018; Strangio, 2022).⁸

⁸ Despite the cyclical "gestures of goodwill," such as lifting the blockade of Scarborough Shoal for Filipino units in 2016, which is not related to the loss or limitation by China of control over the shallows. All the more that in 2019, China has reverted to preventing Filipino fishermen from fishing, and there were at least four incidents involving Chinese and Filipino Coast Guards as well as "naval militias" between 2021 and 2022..

In this way, the state has drifted away from the policy of keeping low-profile, striving more and more openly to obtain specific concessions (striving for achievements) (Zhou, 2016: 873–874). Some researchers describe Chinese activities at the beginning of the second decade of the 21st century as the “say and take” policy, which emphasizes their important feature, especially evident in the second part of the analyzed period. It is about the parallel implementation of initiatives changing the balance of power in the waters in favor of the PRC, and the constant emphasis on the diplomatic level of readiness for dialogue and support for peaceful solutions.

The confrontation at Scarborough in 2012 took place during the transition of power in the PRC. Both the last months of Hu Jintao’s leadership (which was undoubtedly influenced by the “fifth generation of leaders,” ready to take power) and, above all, the rule of Xi Jinping that followed, show that the described trends are permanent and stem from a conscious and purposeful shift of policy.

The events of 2012 may, in fact, constitute a kind of pattern of model activities in which the Chinese would like to impose their domination over the entire basin of the South China Sea. Its course and results in the form of gaining full control over the disputed atoll by means of well-equipped civilian units and the implementation of goals without force have been described by some journalists, but also by Chinese officials as the “Scarborough model.” On the basis of the analysis performed, it is also necessary to distinguish the instruments used by the PRC, which can also be related to other territorial conflicts regarding the status of islands and facilities of the South China Sea (the “fait accompli policy”; direct use of economic dependence; element of psychological impact, including the real threat of causing a conflict armed; ignoring the reaction of the international community and the primacy of the national interest over the norms of international law).

Some researchers point out that in the case of the growing disproportion of the potentials of the PRC and other countries in the region, the “Scarborough model” becomes a framework for China to resolve, inter alia, the Spratly islands standoff (Moss, 2012; Ratner 2013). Experts referring to the policy of building artificial islands initiated there in 2013 also refer to Chinese actions as “salami slicing” or (such a term appears in Chinese works) the “cabbage strategy.” They are characterized by the gradual seizure of control over the disputed territories by imposing one’s own control over the water body as such (Broderick, 2015: 7). In his “Foreign Policy,” Robert Haddick describes this policy as “the slow accumulation of small changes, none of which in isolation amounts to a *casus belli*, but which add up over time to a substantial change in the strategic picture” (Haddick, 2012). The starting point for his analysis is precisely the establishment of control over the Scarborough Shallows (Quintos, 2015: 7).

The further evolution of the PRC’s policy, including the scale and limits of Chinese assertiveness and the extent to which the country will be prone to escalation, remains an open question. It appears that they remain inversely proportional to US regional influence. As the United States’ ability to influence declines, China will become more and more inclined to resort to force.

This is of key importance both in the context of the South China Sea basin, which is strategic from the standpoint of the global economy, as well as China’s possible readiness to implement force solutions against Taiwan. According to Janusz Symonides, in

the longer term, China may continue a more determined course, leading a policy similar to the American “gunboat diplomacy” from the turn of the 19th and 20th centuries (Symonides, 2012: 33–58).⁹

It goes without saying that the Chinese countries of the region forcibly imposing sovereignty over the facilities located in the South China Sea, adjacent waters and the resources located beneath the seabed – tantamount to ousting American interests – would be equivalent to establishing full regional hegemony. Such a solution would also mean a change in the international system, in which China, by imposing hegemony in “its” region, would become an equal power to the United States, ready to compete in other parts of the world.

REFERENCES

- Bautista L. (2013), *The Philippine Claim to Bajo de Masinloc in the Context of South China Sea Dispute*, “Journal of East Asia & International Law”, No. 2, <http://dx.doi.org/10.14330/jeail.2013.6.2.08>.
- Beckman R. (2017), *Scarborough Shoal: Flashpoint for Confrontation or Opportunity for Cooperation?*, in: *South China Sea Disputes. The Flashpoints, Turning Points And Trajectories*, (ed.) K. Yang Razali, Singapore, https://doi.org/10.1142/9789814704984_0007.
- Bonnet F.-X. (2012), *Geopolitics of Scarborough Shoal*, “Irasec’s Discussion Papers”, No. 14, https://www.irasec.com/IMG/UserFiles/Files/04_Publications/Notes/Geopolitics_of_Scarborough_Shoal.pdf (15.04.2022).
- Broderick K. (2015), *Chinese Activities in the South China Sea. Implications for the American Pivot to Asia*, Project 2049 Institute, https://project2049.net/wp-content/uploads/2018/06/150511_Broderick_Chinese_Activities_South_China_Sea_Pivot.pdf (15.04.2022).
- Del Callar M. (2013), *China’s New ‘10-dash line map’ eats into Philippine territory*, “GMA Network”, <https://www.gmanetwork.com/news/topstories/nation/319303/china-s-new-10-dash-line-map-eats-into-philippine-territory/story/> (18.04.2022).
- Dutton P. (2011), *Three Disputes and Three Objectives – China and the South China Sea*, “Naval War College Review”, Vol. 64, No. 4.
- Ericksen A., Kennedy C. (2017), *China’s Maritime Militia*, in: *Becoming a Great “Maritime Power”: A Chinese Dream*, (ed.) M. McDevitt, “CNA Analysis & Solutions”, https://www.cna.org/archive/CNA_Files/pdf/irm-2016-u-013646.pdf (25.04.2020).
- Fravel M. T. (2011), *China’s Strategy in the South China Sea*, “Contemporary Southeast Asia”, Vol. 33, No. 3, <http://dx.doi.org/10.1353/csa.2011.0136>.
- Gau M. Shen-Ti (2012), *The U-Shaped Line and a Categorization of the Ocean Disputes in the South China Sea*, “Ocean Development & International Law”, No. 43, <https://doi.org/10.1080/00908320.2012.647499>.
- Gazeta Prawna (2017), *Filipiny: Zgoda na badanie podmorskiego Płaskowyzu Benham*, <https://www.gazetaprawna.pl/wiadomosci/artykuly/1039524,filipiny-zgoda-na-badanie-podmorskiego-plaskowyzu-benham.html> (30.03.2022).

⁹ “Gunboat diplomacy” is “the policy of the United States carried out in the 19th and early 20th centuries, especially towards the small republics of Central America. It consisted in sending small warships (gunboats), intended to patrol and shell enemy coasts, to the territorial waters of Central America in order to put political pressure on their authorities [...]”

- GMA News (2018), *China registers names for 5 undersea features in Benham Rise*, <https://www.gmanetwork.com/news/topstories/nation/643314/china-registers-names-for-5-undersea-features-in-benham-rise/story/> (30.03.2022).
- Graham E. (2013), *China's new map: just another dash?*, "The Strategist", <https://www.aspistrategist.org.au/chinas-new-map-just-another-dash/> (18.04.2022).
- Gutierrez J. (2021), *Overwhelmed by Chinese Fleets, Filipino Fishermen 'Protest and Adapt'*, "The New York Times", <https://www.nytimes.com/2021/07/11/world/asia/philippines-south-china-sea-fishermen.html> (30.03.2022).
- Haddick R. (2012), *Salami Slicing in the South China Sea*, Foreign Policy, "Foreign Policy", <https://foreignpolicy.com/2012/08/03/salami-slicing-in-the-south-china-sea/> (23.04.2022).
- Heydarian R. (2018), *How the Scarborough Shoal came back to haunt China-Philippines relations*, South China Morning Post, <https://www.scmp.com/news/china/diplomacy-defence/article/2151923/how-scarborough-shoal-came-back-haunt-china-philippines> (22.04.2022).
- Huy Duong (2017), *The Scarborough Shoal Dispute: Legal Issues and Implications*, in: *South China Sea Disputes. The Flashpoints, Turning Points And Trajectories*, (ed.) K. Yang Razali, Singapore, https://doi.org/10.1142/9789814704984_0008.
- Jia Bing Bing (2014), *A Preliminary Study of The Title to Huangyan Island (Scarborough Reef/ Shoal)*, "Ocean Development & International Law", No. 45, <https://doi.org/10.1080/00908320.2014.957971>.
- Kao S. (2014), *Scarborough Shoal Dispute, China's Assertiveness, and Taiwan's South China Sea Policy*, "International Journal of China Studies", Vol. 5, No. 1.
- Kazianis H. (2014), *China's 10 Red Lines in the South China Sea*, "The Diplomat", <https://thediplomat.com/2014/07/chinas-10-red-lines-in-the-south-china-sea/> (18.04.2022).
- Kipler R. (2016), *Why China Might Seek to Occupy Scarborough Shoal*, "The Diplomat", <https://thediplomat.com/2016/03/why-china-might-seek-to-occupy-scarborough-shoal/> (21.04.2022).
- Lanteigne M. (2016), *The South China Sea in China's Developing Maritime Strategy*, in: *Power Politics in Asia's Contested Waters. Territorial Disputes in the South China Sea*, (eds.) E. Fels, Truong-Minh Vu, Heidelberg, https://doi.org/10.1007/978-3-319-26152-2_5.
- Lee Lai To, Chen Shaofeng (2009), *China and joint development in the South China Sea. An energy security perspective*, in: *Security and International Politics in the South China Sea. Towards a cooperative management regime*, (eds.) S. Bateman, R. Emmers, New York, <https://doi.org/10.4324/9780203885246>.
- Li Dexia, Tan Keng Tat (2014), *South China Sea Dispute: China Has Evidence of Historical Claims*, "RSIS Commentary", No. 165.
- Lingao A. (2017), *Duterte: We can't stop Chinese structures on Panatag Shoal*, "CNN", <http://cnnphilippines.com> (21.04.2022).
- Mortimer C. (2017), *China to build on disputed shoal in South China Sea*, "The Independent", <https://www.independent.co.uk/news/world/asia/south-china-sea-dispute-beijing-philippines-scarborough-shoal-nine-dash-line-manila-a7637216.html> (21.04.2022).
- Moss T. (2012), *China's Not-So-Hard Power Strategy*, "The Diplomat", <https://thediplomat.com/2012/06/chinas-not-so-hard-power-strategy/> (21.04.2022).
- O'Rourke R. (2018), *Maritime Territorial and Exclusive Economic Zone (EEZ) Disputes Involving China: Issues for Congress*, Congressional Research Service, <https://www.hsdl.org/?view&did=811054> (18.04.2022).
- Paddock R. (2016), *Chinese Vessels Leave Disputed Fishing Grounds in the South China Sea*, "New York Times", <https://www.nytimes.com/2016/10/29/world/asia/south-china-sea-scarborough-shoal.html> (22.04.2022).

- Panda A. (2017), *South China Sea: Is China Considering Construction Work at Scarborough Shoal Again?*, "The Diplomat", <https://thediplomat.com/2017/03/south-china-sea-is-china-considering-construction-work-at-scarborough-shoal-again/> (21.04.2022).
- Permanent Court of Arbitration (2016), *The South China Sea Arbitration (The Republic of Philippines v. The People's Republic of China)*. Press Release, <https://pcacases.com/web/sendAttach/1801> (21.04.2022).
- Poling G. (2013), *The South China Sea in Focus. Clarifying the Limits of Maritime Dispute*, New York.
- Poling G., Cooper Z. (2016), *Developing a Scarborough Contingency Plan*, Center for Strategic & International Studies, <https://amti.csis.org/developing-scarborough-contingency-plan/> (21.04.2022).
- Quintos M. (2015), *Artificial Islands in the South China Sea and Their Impact on Regional (In) Security*, "FSI Insights", Vol. II, No. 2, <https://fsi.gov.ph/wp-content/uploads/2019/08/2015-Vol-2-No-2-March-FSI-Insights-Artificial-Islands-in-the-South-China-Sea-Quintos.pdf> (23.04.2022).
- Ratner E. (2013), *Learning the Lessons of Scarborough Reef*, "The National Interest", <https://nationalinterest.org/commentary/learning-the-lessons-scarborough-reef-9442> (23.04.2022).
- Ravindran M. S. (2012), *China's Potential for Economic Coercion in the South China Sea Disputes: A Comparative Study of the Philippines and Vietnam*, "Journal of Current Southeast Asian Affairs", Vol. 31, No. 3, <https://doi.org/10.1177/186810341203100305>.
- Reuters (2017), *SE Asia meeting in disarray over sea dispute with China*, <https://www.reuters.com/article/asean-summit-chinasea-idINDEE86C05K20120713> (21.04.2022).
- Strangio S. (2022), *Philippines Calls Out Dangerous Chinese Actions Near Disputed Shoal*, "The Diplomat", <https://thediplomat.com/2022/03/philippines-calls-out-dangerous-chinese-actions-near-disputed-shoal/> (30.03.2022).
- Symonides J. (2012), *Spory terytorialne na Morzu Południowochińskim. Czy powrót "dyplomacji kanonierek"*, "Stosunki Międzynarodowe", No. 2, Vol. 46.
- Tharoor I. (2014), *Could this map of China start a war?*, "The Washington Post", <https://www.washingtonpost.com/news/worldviews/wp/2014/06/27/could-this-map-of-china-start-a-war/> (18.04.2022).
- The Economist, *Courting trouble*, <https://www.economist.com/china/2016/07/16/courting-trouble> (21.04.2022).
- United Nations (2009), CML/17/2009, https://www.un.org/depts/los/clcs_new/submissions_files/mysvnm33_09/chn_2009re_mys_vnm_e.pdf.
- United Nations (2011), CML/8/2011, https://www.un.org/depts/los/clcs_new/submissions_files/mysvnm33_09/chn_2011_re_phl_e.pdf.
- United Nations Convention on the Law of the Sea, Art. 121, https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf (28.03.2022).
- Vu Hai Dang (2013), *A Bilateral Network of Marine Protected Areas Between Vietnam and China: An Alternative to the Chinese Unilateral Fishing Ban in the South China Sea*, "Ocean Development & International Law", No. 44, <https://doi.org/10.1080/00908320.2013.750984>.
- Zachrisen O. O. (2015), *China's political use of economic ties in territorial disputes. A comparative case study of Japan's and the Philippines' reactions*, Trondheim.
- Zhou Fangyin (2016), *Between assertiveness and self-restraint: understanding China's South China Sea Policy*, "International Affairs", 92:4, <https://doi.org/10.1111/1468-2346.12657>.
- Zou Keyuan (2012), *China's U-Shaped Line in the South China Sea Revisited*, "Ocean Development & International Law", No. 43, <https://doi.org/10.1080/00908320.2012.647483>.

Zou Keyuan (1999), *Scarborough Reef: A New Flashpoint in Sino-Philippine Relations?*, "IBRU Boundary and Security Bulletin", Summer 1999.

ABSTRACT

The aim of this article is to distinguish the key assumptions and instruments of the People's Republic of China's foreign policy towards territorial disputes in which this country is involved (with particular focus on the conflicts over islands and features in the South China Sea) through in-depth analysis of PRC's policy in the conflict over Scarborough Shoal. According to the working hypothesis the events that took place in 2012 and ultimately led to the PRC's *de facto* control over the shoal could be viewed as a model for the country's future actions in the regional conflicts.

The article has been divided into three parts. The first one presents the subject matter of the dispute and its historical determinants. The latter characterizes the interests of individual countries involved in the conflict, their position, and the legal background to the dispute. Finally, the third section analyzes the events of 2012 and their implications, along with an attempt to isolate the elements that may constitute the model of the PRC's future policy with regard to territorial disputes in which it is involved ("Scarborough model").

The following research questions were asked for the purpose of structuring the analysis: 1) What is the factual and legal background to the Scarborough Shoal standoff? 2) How and by means of what instruments did China establish effective control of the atoll? 3) What is the role of the dispute in the context of the PRC's remaining territorial claims over the South China Sea?

The article primarily uses the method of gathering and observing facts, as well as the decision-making method in the context of analyzing the positions of the states involved in the dispute. Also, the process method was used to present the genesis of the studied political processes.

Keywords: South China Sea, People's Republic of China's foreign policy, Scarborough Shoal

KONFLIKT O PLYCIZNĘ SCARBOROUGH A POLITYKA CHIŃSKIEJ REPUBLIKI LUDOWEJ WOBEC SPORÓW TERYTORIALNYCH NA MORZU POŁUDNIOWOCHIŃSKIM

STRESZCZENIE

Celem niniejszego artykułu jest wyodrębnienie najważniejszych założeń i instrumentarium polityki zagranicznej Chińskiej Republiki Ludowej wobec sporów terytorialnych, w które jest ona zaangażowana (przede wszystkim konfliktów o przynależność wysp i obiektów na Morzu Południowochińskim) przez pogłębioną analizę działań tego państwa w kontekście sporu o Płyciznę Scarborough. Według przyjętej roboczej hipotezy badawczej wydarzenia z 2012 r., które doprowadziły do ustanowienia przez ChRL faktycznej kontroli na płycizną mogą stanowić model przyszłych zachowań Chińskiej Republiki Ludowej wobec konfliktów regionalnych.

Artykuł został podzielony na trzy części. W pierwszej przedstawiono przedmiot sporu i jego historyczne uwarunkowania. W drugiej części scharakteryzowano interesy poszczególnych państw zaangażowanych w konflikt, ich stanowisko, a także prawne tło sporu. W trzeciej części poddano wreszcie analizie wydarzenia, które miały miejsce w 2012 r., a także ich następstwa wraz z próbą wyodrębnienia elementów, które mogą składać się na model przyszłej polityki ChRL w odniesieniu do sporów terytorialnych, w które jest ona zaangażowana ("model Scarborough").

Celem ustrukturyzowania analizy postawiono następujące pytania badawcze: 1) Jak wygląda stan faktyczny i tło prawne sporu o Płyciznę Scarborough? 2) W jaki sposób i przy wykorzystaniu jakiego instrumentarium Chiny ustanowiły faktyczną kontrolę nad atolem? 3) Jaka rolę spór odgrywa w kontekście pozostałych roszczeń terytorialnych ChRL w odniesieniu do Morza Południowochińskiego?

W artykule wykorzystano przede wszystkim metodę gromadzenia i obserwacji faktów, a także metodę decyzyjną – w kontekście analizy stanowiska państw zaangażowanych w spór. Wykorzystana została także metoda procesualna w zakresie przedstawienia genezy analizowanych procesów politycznych.

Słowa kluczowe: Morze Południowochińskie, polityka zagraniczna Chińskiej Republiki Ludowej, Płycizna Scarborough

