

## China's Policy Process with regard to the Expansion of Control Over Scarborough Shoal

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### Introduction

China, which has been contending with the countries of Southeast Asia for the territorial rights of islands as well as maritime interests in the South China Sea, moved to seize control of Scarborough Shoal (Huangyan Island) from the Philippines in 2012. This was the first time in 17 years that China was seeking to expand its control over islands, since 1995 when it seized control of Mischief Reef (Meiji Reef) from the Philippines. This essay attempts to analyze China's policy process with regard to the expansion of its control over Scarborough Shoal, by applying the "policy process cycle"<sup>1</sup> to the process.

### 1. Agenda-setting, April 10

For China, the setting of the agenda for Scarborough Shoal was a crisis management issue for the Chinese leadership that was brought on suddenly by the standoff between government vessels from China and the Philippines over the Scarborough Shoal. The confrontation began on April 10, when a Philippine Navy frigate attempted to apprehend Chinese fishing vessels anchored near Scarborough Shoal on suspicion of illegal operation. This was prevented by government vessels from the Chinese maritime law enforcement agency that turned up at the site of the incident. Thereafter, the standoff continued between Chinese government vessels (China Marine Surveillance and Fisheries Law Enforcement Command), and the government vessels from the Philippine Coast Guard which had replaced the frigate.

### 2. Policy formulation, April 10-early May

In formulating policies on responding to the Scarborough Shoal crisis, the Ministry of Foreign Affairs, maritime law enforcement agencies, and People's Liberation Army (PLA) can be named as some of the actors that can be observed by external parties. Faced with the sudden standoff between the government vessels, these entities initially implemented the policies independently based on their respective policy direction, authority, and interests.

The Ministry of Foreign Affairs appears to have aimed to resolve the problem peacefully through negotiations. At a press conference held on April 11, the Foreign Ministry spokesperson Liu Weimin asserted China's sovereignty over Scarborough Shoal, and at the same time pointed out that China

aims to take the broad perspective of maintaining friendly relations between China and the Philippines, as well as peace and stability of the South China Sea. He also urged the Philippines to create positive conditions for the sound and stable development of bilateral relations, by working together with China and not causing any new disputes.<sup>2</sup> On April 16, spokesperson Liu stated that the immediate situation at Huangyan Island had already eased somewhat, and both China and the Philippines are taking further steps forward on diplomatic negotiations on the problem.<sup>3</sup> Furthermore, on April 18, Fu Ying, Vice Minister of Foreign Affairs, who had met with Ambassador Extraordinary of the Philippines to China, stated that the two parties have taken the first step toward easing the situation through negotiations.<sup>4</sup>

On the other hand, the maritime law enforcement agencies seem to have aimed to thoroughly counter the Philippines in order to protect China's sovereignty and interests with regard to Scarborough Shoal. Two government vessels from the China Marine Surveillance (CMS) were the first to arrive on the scene to protect the Chinese fishing vessels. However, two days later on April 12, two government vessels from the Fisheries Law Enforcement Command (FLEC) also arrived in the disputed waters, and teamed up with the two CMS vessels to confront the government vessels from the Philippines. Both the CMS and the FLEC have played central roles in asserting China's maritime rights since around 2008, such as physically obstructing ships and research vessels from Philippines, Viet Nam, Malaysia, and other countries in the South China Sea. Their response to the situation at Scarborough Shoal could be described as an extension of these earlier activities.

The PLA demonstrated a clear stance of supporting the maritime law enforcement agencies. At a press conference held on April 26, Defense Ministry spokesperson Geng Yansheng stated that the mission of the Chinese army is to defend the country's territorial rights and protect its maritime interests, and that it holds fast to the principle of fulfilling its mission under unified deployment by the state. Based on these responsibilities and mission, the Chinese army shall cooperate closely with the relevant departments, including the FLEC and the CMS, to jointly protect China's maritime interests.<sup>5</sup>

### 3. Decision-making, early May

When the standoff between the public vessels became prolonged and led to a situation that generated heightened concern in the international community, the Chinese leadership was forced to make a decision on the policy to adopt on this problem. Concerning the response to the Scarborough Shoal problem, the Ministry of Foreign Affairs had presented its policy of reaching a peaceful resolution through negotiations, while the maritime law enforcement agencies and the PLA had presented their policy of expanding control through coercion. The Chinese leadership ultimately decided on the latter policy.<sup>6</sup>

At a press conference held on May 5, Foreign Ministry spokesperson Liu Weimin reaffirmed the stance of resolving the issue through negotiations.<sup>7</sup> However, two days later on May 7, Vice Minister Fu Ying summoned the Ambassador Extraordinary of the Philippines, criticized the Philippines authorities for failing to pull its government vessels out of Scarborough Shoal and for escalating the situation, and stated that it was not possible to view the situation with optimism. Furthermore, she demanded that the Philippines withdraw its government vessels from Scarborough Shoal, and to avoid obstructing the operation of Chinese fishing vessels and the law enforcement activities by Chinese government vessels, and stated that China has made various preparations to respond to escalation of the situation by the Philippines.<sup>8</sup>

Based on this expression of a shift in policy by the Ministry of Foreign Affairs, we can infer that the decision on the policy was made by the Chinese leadership in early May. No public information is available concerning where this decision was made. However, in light of the fact that the Scarborough Shoal problem is not just a bilateral issue between China and the Philippines but a major issue that also has an impact on relations with the United States, and that a government-wide response is necessary for the implementation of the policy that has been decided on, it is likely that a unified policy was drawn up by the Central Foreign Affairs Leading Small Group, which is a high-level organization responsible for coordinating agendas related to diplomacy and security, and that the final decision was made by the Politburo or its Standing Committee of the Communist Party of China.

#### 4. Policy implementation, May 7-June 5

Under a policy of putting greater pressure on the Philippines and expanding China's control over Scarborough Shoal, China mobilized a wide range of methods to implement the policy. While the Ministry of Foreign Affairs continued negotiating with the Philippines, it also used strong language to put pressure on the Philippines. For example, on May 15, Dai Bingguo, a State Councilor responsible for diplomacy and head of the Central Foreign Affairs Leading Small Group, emphasized that China's humble and cautious attitude does not mean that it will suffer the contempt of other countries, and that a small country such as the Philippines cannot despise a great country.<sup>9</sup>

The PLA increased its pressure on the Philippines, such as by suggesting the possibility of resolving the issue through military force. For example, a commentary in the *People's Liberation Army Daily* stated that China is tolerating the Scarborough issue not because it is weak, but because it is self-restrained. It warned that neither the Chinese government nor the Chinese people, nor the Chinese army in particular, would accept any attempts to seize sovereignty of Huangyan Island.<sup>10</sup> When Liang Guanglie, State Councillor and Minister for National Defense, visited the United States, he called on the United States to respect China's core interests, and at the same time, declared China's "principled

position” regarding the South China Sea issue.<sup>11</sup> Liang Guanglie, who had met with Philippines Defense Secretary Voltaire Gazmin, called on the Philippines to avoid taking action that would further complicate and escalate the situation.<sup>12</sup>

The Chinese government also strengthened economic pressure on the Philippines. The General Administration of Quality Supervision, Inspection and Quarantine of the People’s Republic of China (AQSIQ) asserted that many types of harmful organisms had been found in bananas imported from the Philippines and tightened quarantine measures, thereby effectively prohibiting the export of bananas from Philippines to China.<sup>13</sup> In addition, the China National Tourism Administration strengthened restraint on the Philippines’ government by prohibiting all sightseeing tours to the Philippines by the Chinese people,<sup>14</sup> and increasing sanctions on the tourism industry of the Philippines.

#### 5. Policy evaluation, June 5

On June 5, Foreign Ministry spokesperson Liu Weimin announced that government vessels from the Philippines had withdrawn from Scarborough Shoal and Chinese fishing vessels were operating uninterrupted. At the same time, he asserted that Chinese government vessels will be assigned to the waters around Huangyan Island to conduct surveillance, where there is a need to carry out law enforcement, management, and provide services at the same site.<sup>15</sup> This was a declaration of victory, expressing that Chinese government vessels had successfully driven out Philippine government vessels from the Scarborough Shoal, and that China had effectively established control.

The policy for the Scarborough Shoal issue has been evaluated as a success in China. Liu Cigui, Director of the State Oceanic Administration, who visited the CMS government vessel formation that had confronted the Philippine government vessels at Scarborough Shoal, asserted that China holds effective control and is supervising and managing Scarborough Shoal and the surrounding waters, and expressed his expectations that the CMS will continue to fight with determination toward achieving the final victory.<sup>16</sup>

The success of the policy for the Scarborough Shoal issue is also likely to have had an impact on the relevant policies in China thereafter. An example is its response to the nationalization of the Senkaku Islands by the Japanese government in September 2012. In addition to invasion of Japan’s territorial seas around the Senkaku Islands by numerous government vessels, the Chinese government also implemented a policy to increase pressure on Japan in many directions, including diplomacy and economy. Furthermore, recognition of the need and effectiveness of a government-wide response to maintain and expand maritime interests, is also believed to have led to the establishment of the

Maritime Rights Protection Leading Small Group<sup>17</sup> in the second half of the same year. In addition, as a result of the positive evaluation of the usefulness of the integrated operation of law enforcement agencies toward maintaining and expanding maritime interests, the decision was made at the National People's Congress of March 2013 to merge four maritime law enforcement agencies (China Marine Surveillance, Fisheries Law Enforcement Command, China Coast Guard, and the General Administration of Customs) to form the China Coast Guard.<sup>18</sup>

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<sup>1</sup> Refer to Tomoki Kamo, "Analysis of the Policy Process of Novel Coronavirus Infectious Disease Countermeasures—Initial Actions and New Policy Decisions by the Xi Jinping Administration," The Japan Forum on International Relations, January 2021, <https://www.jfir.or.jp/j/activities/studygroup/2020/china/210228.htm>.

<sup>2</sup> "China Marine Surveillance vessels restrain Philippine military vessels from interfering with Chinese fishing vessels," *People's Daily*, April 12, 2012.

<sup>3</sup> "China demands Philippine archaeological ship leave Huangyu Island waters immediately," *People's Daily*, April 17, 2012.

<sup>4</sup> "April 18, 2012, Foreign Ministry spokesperson Liu Weimin holds regular press conference," Ministry of Foreign Affairs website, April 18, 2012.

<http://www.fmprc.gov.cn/chn/gxh/tyb/fyrbt/jzhsl/t924078.htm>

<sup>5</sup> "Ministry of National Defense: Chinese army will work closely with Bureau of Fisheries, China Marine Surveillance, and other departments to jointly protect China's maritime interests," *People's Daily* online, April 26, 2012.

<sup>6</sup> While this is beyond the scope of review of this essay, the following are the five possible reasons why the Chinese leadership made this decision. (i) China recognized that the standoff was triggered by provocation from the Philippines, which had dispatched its Navy vessels. (ii) China wanted to penalize and restrain actions of the Philippines, which had been an active leader in criticizing China for the issues related to the South China Sea. (iii) In part because Japan was considering the nationalization of the Senkaku Islands and the purchase of the islands by the Metropolitan Tokyo government, China needed to issue a warning to Japan. (iv) The domestic power struggle was intensifying in the lead-up to the 18th Party Conference, and there was no room for any member of the leadership to make concessions to the Philippines on the issue of sovereignty. (v) China calculated that it would be able to avoid the full-scale involvement by the Obama administration.

<sup>7</sup> "No changes to China's position of resolving the Huangyan Island issue through diplomatic negotiations," Xinhuanet, May 5, 2012.

<sup>8</sup> "China is prepared to respond with escalation of the situation by the Philippines," *People's Liberation Army Daily*, May 9, 2012.

<sup>9</sup> "Dai Bingguo: Humility and caution do not equate to tolerating bullying by other countries," Xinhuanet, May 16, 2012.

<sup>10</sup> Gao Jiquan, "Do not even think about seizing any part of China's territory," *People's Liberation Army Daily*, May 10, 2012.

<sup>11</sup> "Liang Guanglie's visit to the United States produces positive outcomes," *People's Liberation Army Daily*, May 12, 2012.

<sup>12</sup> "Liang Guanglie meets with Philippines Defense Minister," *People's Liberation Army Daily*, May 30, 2012.

<sup>13</sup> "In Philippines, Banana Growers Feel Effect of South China Sea Dispute," *Washington Post*, June 10, 2012. [https://www.washingtonpost.com/world/asia\\_pacific/in-philippines-banana-growers-feel-effect-of-south-china-sea-dispute/2012/06/10/gJQA47WVTV\\_story.html](https://www.washingtonpost.com/world/asia_pacific/in-philippines-banana-growers-feel-effect-of-south-china-sea-dispute/2012/06/10/gJQA47WVTV_story.html)

<sup>14</sup> "China Travel Agencies Suspend Philippine Tours," *BBC news*, May 10, 2012.

<https://www.bbc.com/news/world-asia-18015538>

<sup>15</sup> "Ministry of Foreign Affairs: No Philippine public vessels remain in Huangyu Island," *People's*

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*Daily Online*, June 5, 2012.

<sup>16</sup> “State Oceanic Administration: The need to persevere in the fight to protect our rights over Huangyu Island,” Xinhuanet, June 13, 2012.

<sup>17</sup> Many facts about this leading small group are unknown, but an overview is available in the following reference. Bonnie Glaser, “China’s Maritime Rights Protection Leading Small Group - Shrouded in Secrecy,” Asia Maritime Transparency Initiative, September 11, 2015.

<https://amti.csis.org/chinas-maritime-rights-protection-leading-small-group-shrouded-in-secrecy/>

<sup>18</sup> Liza Tobin, “Wind in the Sails: China Accelerates Its Maritime Strategy,” War on the Rocks, May 9, 2018. <https://warontherocks.com/2018/05/wind-in-the-sails-china-accelerates-its-maritime-strategy/>