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## The Scarborough Shoal Dispute in America's Asia-Pacific Pivot

By Catherine Samaniego

### Synopsis

*The intensifying tension between China and the Philippines over Scarborough Shoal calls for an impartial intervention from the US. The peaceful resolution of the dispute lies in how the US successfully maneuvers between its traditional ally and its biggest competitor.*

### Commentary

FRICTION IN China-Philippine relations vis-à-vis the cluster of rock formations in South China Sea, known as "Scarborough Shoal," has been rekindled not long after the US announced its pivot to the Asia-Pacific. While the Philippine government is actively seeking U.S. support in addressing the issue, China has staunchly discouraged third-party involvement in an attempt to prevent internationalization of the dispute.

### Safeguarding the Sea Lines of Communication

In November 2011, Secretary of State Hillary Clinton proclaimed the US's landmark return to Asia-Pacific, dubbing the 21st century as "America's Pacific Century." For many, this marked the beginning of the reinforcement of US presence in the region; but for some, this was merely a "continuation," on the premise that the US never departed the region. Nevertheless, the resurgence of US interest in the western Pacific is neither driven solely by its desire to maintain its hegemonic status nor impede the transformation of a China-centered regional system. Rather, part of this strategy is also to assure that the existing maritime disputes do not escalate into an all-out naval warfare that could jeopardize the navigability of the Sea Lines of Communication (SLOC).

The South China Sea is undoubtedly a vital artery of the world economic system and is integral to the pursuit of American objectives in Asia, contributing approximately US\$ 1.2 Trillion to the US economy. Since this altercation may only be expected to heat up as interest groups from both sides continue to fan the flames of nationalism, it would not be in the US' best interest to assume a passive stance and allow this critical stretch of water to turn into a battlefield.

### Assumptions and Misperceptions

Although Philippine leaders have publicly claimed that its biggest ally is obliged to provide protection by virtue of

the 1951 Mutual Defense Treaty (MDT), the US has been careful not to release any official statement confirming or denying this. An important underlying issue in this context is the varying interpretations of the stipulations therein. In contrast to the assumptions made by Philippine officials with respect to the MDT, some have come to conclude that this security cover only applies to acts of aggression by a foreign military entity on the main Philippine islands. This notion stems from the fact that the US has offered no indication as to whether or not it fully and officially recognizes Scarborough Shoal as part of Philippine territory.

Therefore, in spite of the deployment of the nuclear-powered fast attack submarine USS North Carolina, there is no concrete guarantee that the US would come to the Philippine's rescue if push comes to shove. At the moment, this development may only be interpreted as an attempt by the US at appeasing the Filipinos and flexing its political muscle. Nonetheless, it is worth noting that such an action could contribute to the escalation of the conflict by provoking China.

For all its burgeoning military capabilities, China has been exercising great restraint in reacting to Philippine claims, as evidenced by the absence of Chinese warships from the disputed area. China realizes that resorting to force could not only potentially weaken its relations with the rest of ASEAN, but adversely affect its unsettled maritime disputes with Japan and the Koreans as well.

Furthermore, argued analysts, the Chinese government could be using the flare-up as a means of veering attention away from scandals involving one of its top political figures, Bo Xilai, and the blind civil rights activist, Chen Guangcheng. In other words, the Chinese Communist Party (CCP) may be seizing the opportunity to sustain its credibility by disguising intra-Party challenges with the veil of political unity and patriotism.

### **The US as a mediator**

Preserving US interests in the Asia-Pacific alongside a flourishing China need not be tantamount to conflict. Needless to say, US involvement must fall within certain limits to attest to its supposed neutrality, and to allow tensions in China-Philippine relations to subside. It can do so by promoting peaceful means geared toward compromise as opposed to conflict, as laid out in the ASEAN-China Declaration of the Code of Conduct on the South China Sea 2002 (DOC).

In line with China's refusal to bring this matter to the International Tribunal for the Law of the Sea (ITLOS), it has been suggested that the US' ratification of the United Nations Convention on the Law of the Sea (UNCLOS) might hold the key to the settlement of the dispute, as this would strongly compel China to comply. However such a likelihood can be safely ruled out by two factors: 1) China's exemption from the provisions of UNCLOS concerning the demarcation of maritime boundaries based on "historic title;" and 2) the foreseen constraints US adherence might inflict on its own strategic mobility.

On that account, the most sensible step would be for the US to refrain from provocative acts so as not to invite a hostile response. Doing so would help diminish the possibility of a naval conflict in the South China Sea that could threaten free access to SLOCs. Given China's self-restraint in deploying warships to Scarborough Shoal, there should be relatively little concern about an escalation of conflict, provided that the US and the Philippines do not undertake efforts that could be perceived by China as threatening.

Ultimately, both China and the Philippines must realize that they have very little to benefit from treading along the shores of fervent nationalism. Therefore, they have no other option but to engage in collaboration in an increasingly interdependent world.

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