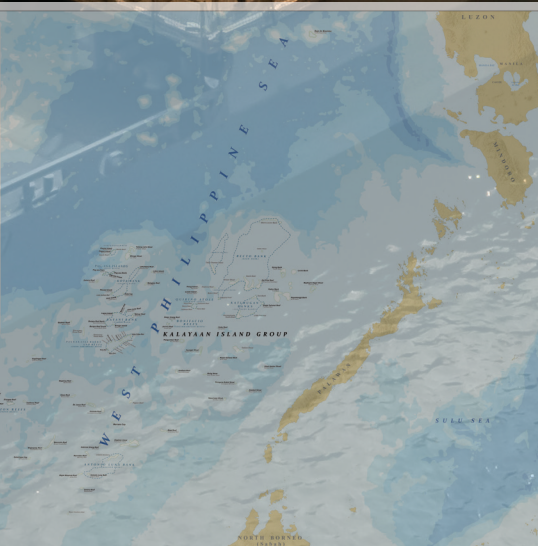


SEA DENIAL

and a Scorched Earth Policy in the West Philippine Sea

Jay L. Batongbacal, JSD^{1*}



Surigao City, Mindanao, Philippines. 25th October 2021. Philippines Navy in Surigao Strait for the 77th anniversary of the Battle of Leyte Gulf | Darren Green | Adobe Stock

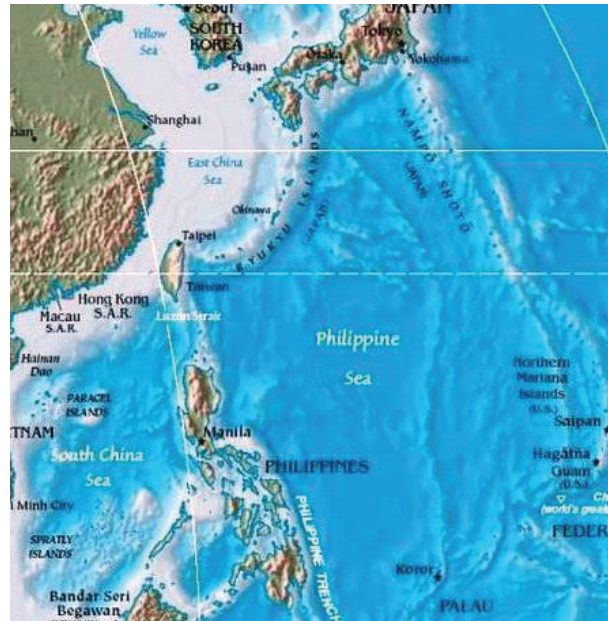


CHINA'S SO-CALLED "CABBAGE STRATEGY", by which a contested area is surrounded by the full range of maritime assets from fishing vessels, law enforcement vessels, and naval warships, like the layers of a cabbage,² has been in full play in the West Philippine Sea and South China Sea for about a decade now.³ The effects are now quite evident as aside from denying access to increasingly larger parts of the contested area, the strategy is also destroying the environmental sustainability of natural resources and economic viability of marine exploitation activities. This strategy is intended to cause the voluntary withdrawal of the Philippines from civilian governance and economic exploitation of its own waters, and establish China's maritime dominance.

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The layers of the cabbage cover the spectrum of marine governance prerogatives from seemingly ordinary civilian activities to the use of maritime law enforcement and the threat of force. In April 2020, China established two administrative districts namely the Nansha District covering the Spratly Islands, and the Xisha District extending over the Paracels and Macclesfield Bank.⁴ These allow more efficient and effective allocation of resources and administration of Chinese government activities operating under the Sansha City local government under the Hainan Province. The operationalization of these government mechanisms, in turn, contributes to the coordination and implementation of the full range of Chinese maritime assertion activities.

Even marine scientific research, which the international community depoliticizes through the United Nations Convention on the Law of the Sea (UNCLOS), is used by



The Philippine Sea is a marginal sea east and north of the Philippines occupying an estimated surface area of 2 million mi² (5 million km²) on the western part of the North Pacific Ocean. West Philippine Sea is the name used by the Philippines for parts of the South China Sea within its exclusive economic zone. World Factbook | CC public domain

China to demonstrate its coercive administration of sea areas within the legal entitlements of the smaller Southeast Asian States. In March 2020, it announced the establishment of scientific research centers on Subi Reef and Fiery Cross Reef,⁵ two of its largest artificial islands in the Spratly Islands that host full-pledged military bases defended by anti-ship and anti-aircraft missile batteries and close-in weapon systems.⁶ In May 2021, it deployed its research vessels to conduct marine surveys at the edge of the Malaysian continental shelf⁷ and the Indonesian continental shelf off the Natuna Islands.⁸ These echo the unilateral surveys China carried out in Vietnam's waters in 2014 and 2019,⁹ and follow numerous unauthorized scientific research activities in the Philippine Exclusive Economic Zone (EEZ) since 2016.¹⁰ Such activities often made use of China's military bases for resupply and extended operations.¹¹

Philippine fishers who still use traditional wooden outrigger boats have been pushed out of their fishing grounds since 2012. Over the years at Scarborough Shoal, some 125 nautical



Over a million Filipinos are engaged in marine fishing—800,000 are small-scale fishermen using tradition, low-cost techniques. In the past two decades, their way of life has been threatened by the rapid commercialization of Philippine waters. Bernard Spragg | CC public domain

miles (NM) from the country’s largest island Luzon, China Coast Guard (CCG) vessels rammed¹² and doused them with water cannon,¹³ took the best catch from their cargo bins,¹⁴ circled them menacingly¹⁵ with armed personnel on rubber boats,¹⁶ took pictures of their faces and vessels,¹⁷ and confiscated their fishing gear.¹⁸ Denied access to the inner lagoon of the shoal which they used to fish, Philippine fishing vessels are forced to stay precariously at the outer edge of the reef.



Constructed between 2014 and 2017, Fiery Cross reef is one of China’s seven artificial islands in the Spratly Islands and represents a continued military presence in the region. | SkySat | CC BY 2.0 DEED

But Scarborough Shoal is not the only area from which they are being driven away. In June 2019 a Chinese fishing vessel rammed and sank a fishing vessel and simply left the latter’s 22 crew members helpless in the water;¹⁹ had they not been assisted by a Vietnamese fishing vessel from 5 NM away they could have all died. Fishermen from Palawan complain that they are unable to return to their old fishing grounds in the Spratlys as smaller reefs and shallow water areas are now frequented by Chinese fishing vessels that seemingly have no interest in fishing. The mere presence of these vessels anchored in droves discourage the Filipinos from approaching.

In the open sea areas around Scarborough Shoal, China is also making it difficult for fishers to earn a living. In May 2020, the CCG confiscated the expensive fish aggregating devices Filipinos deployed some 25 NM away and well inside the Philippine EEZ.²⁰ The CCG continues to inhumanely chase away any Philippine fishing vessels that attempt to seek shelter at Scarborough Shoal during inclement weather and dangerous sea conditions, often forcing them to cut short their voyages at great risk and return home empty handed.²¹

Meanwhile, the CCG provides protection for Chinese fishing vessels carrying out destructive fishing activities. For years, Philippine fishers have complained of Chinese clam-digging



operations on Scarborough Shoal, the same kind of operations that leveled and destroyed numerous reefs in the Spratly Islands region.²² Such operations destroy coral reefs utterly to enable the Chinese to harvest endangered species such as giant clams.²³ The destruction of precious coral reef habitats diminish the ability of fish stocks to regenerate which adds to the pressure of overfishing created by thousands of Chinese fishing vessels deliberately deployed far south into the EEZs of smaller Southeast Asian States.²⁴ This year, the fishermen complain of low (and sometimes no) fish catch despite staying at sea for a week, leading many to stop fishing in the West Philippine Sea due to low profitability.²⁵

Furthermore, Chinese fishing vessels also comprise the Chinese maritime militia (CMM), a fleet of fishing vessels armed with water cannon and reinforced steel-hulls designed for ramming other ships.²⁶ Filipino fishers refer to them as China's "blue coastguard" because they operate more like

government ships rather than fishing vessels. Some 220 CMM vessels were found anchored for extended periods at Whitsun Reef, at the heart of the Spratlys, in March 2021.²⁷ The following year, over a hundred continued to gather there,²⁸ and contingents of upwards of 20 vessels began persisting at Iroquios Reef and Sabina Shoal, some 70-80 NM from Palawan by September 2022.²⁹ CMM vessels "occupy" resource-rich reefs and low tide elevations to dissuade Philippine fishing vessels from approaching, depriving them of fishing grounds, and contaminating the reef habitats with garbage and effluents produced daily by the crews and operations.³⁰ Since 2022, CMM vessels have also been observed operating in close coordination with CCG vessels in blocking Philippine government vessels intending to resupply the Philippine outpost on Second Thomas Shoal, a submerged reef just 95 NM from Palawan.³¹

The People's Liberation Army—Navy (PLA-N) used to keep a low profile, preferring to allow the CCG to man the front lines of China's assertion operations. But in February 2020, PLA-N No. 514 was observed aiming its gun control director at an unarmed Philippine Navy corvette, the BRP Conrado Yap, while it was conducting a maritime patrol near Commodore Reef, approximately 88 NM from the southern tip of.³² Two KQ-200 maritime surveillance aircrafts, Y-8/Y-9 AWACS aircraft,³³ KJ-200 maritime patrol aircraft, and a Z-8 helicopter have been observed operating from Fiery Cross Reef.³⁴ In April 2022, two Houbei-class fast missile attack craft took over the CCG's pursuit of a Philippine fishing vessel, chasing the latter for over an hour as it fled toward Palawan.³⁵ Chinese naval activities have even gotten so bold as to conduct intelligence gathering well-inside uncontested Philippine archipelagic waters in the Sulu Sea as evident in the instance in January 2022 where PLA-N Vessel No. 792 entered and lingered apparently to spy on Philippine-US amphibious exercises, reportedly the first of at least two intrusions that year.³⁶

CMM vessels "occupy" resource-rich reefs and low tide elevations to dissuade Philippine fishing vessels from approaching, depriving them of fishing grounds, and contaminating the reef.

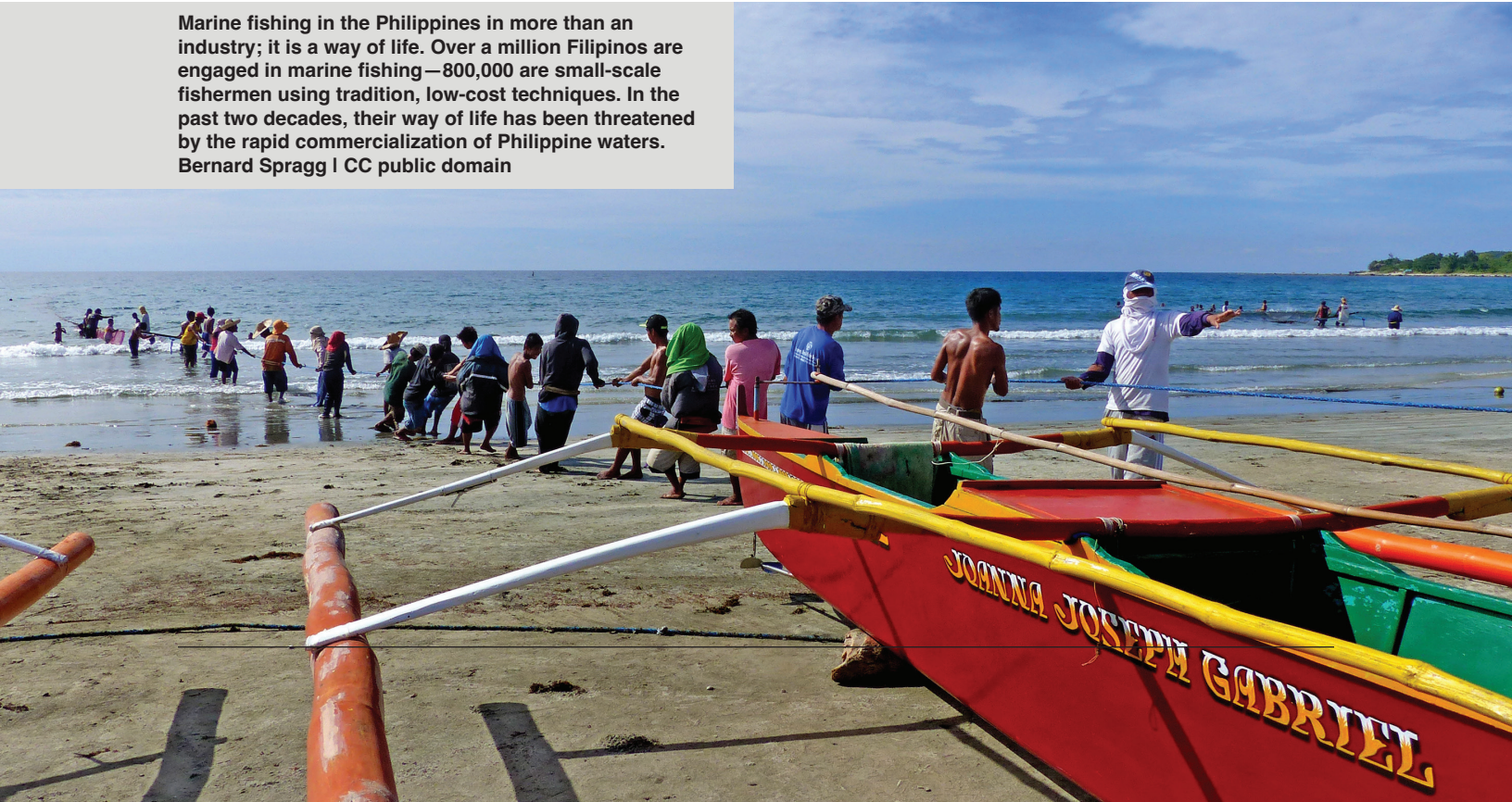
Of all Chinese maritime forces, it is the CCG that has performed the most provocative and coercive activities to date. In May 2021, CCG vessel number 3301 (CCG 3301) carried out dangerous, close-distance maneuvering against a fisheries patrol vessel MCS 3005. This was soon followed by a similar confrontation instigated by CCG 3301 and 3103 against the Philippine Coast Guard (PCG) ships BRP Capones and BRP Siningan respectively some 10 NM off Scarborough Shoal.³⁷ In March 2022, CCG 5203 deployed from Mischief Reef to shadow and interfere with the conduct of a joint Philippine-Taiwan marine scientific research survey on board the R/V Legend, at a distance of approximately 60 NM from northern Luzon.³⁸ Another incident of dangerous maneuvering was recorded against the BRP Malabrigo.³⁹ And in April 2022, CCG 4201 shadowed and issued radio warnings against the commercial drilling ship Geo Coral and supply vessel Mariska G, which were contracted by a Philippine petroleum service contractor to conduct exploratory drilling on Reed Bank.⁴⁰ In November 2022, CCG 5203 deployed its rubber boat to forcefully retrieve rocket debris recovered and towed by Philippine personnel in waters only some 500 meters from Thitu Island.⁴¹



The 97-meter Multi-Role Response Vessel Teresa Magbanua (9701) before its launching. | Philippine Coast Guard Public Information Office | CC public domain

A steady albeit incremental escalation is notable in the CCG's actions, especially around Second Thomas Shoal. In November 2021, the CCG blocked and used water cannon against unarmed civilian vessels contracted by the Philippine Navy to conduct resupply operations for its outpost at shoal, forcing them to abort their mission. In July 2022, CCG 5404 impeded the approach of the Bureau of Fisheries research vessel M/V DA-BFAR which was carrying out the resupply.⁴² The CCG reportedly pointed its machine gun at the latter.⁴³ The following month, CCG 5205 displayed and pointed its cannon at the BRP Teresa Magbanua.⁴⁴

Marine fishing in the Philippines in more than an industry; it is a way of life. Over a million Filipinos are engaged in marine fishing—800,000 are small-scale fishermen using tradition, low-cost techniques. In the past two decades, their way of life has been threatened by the rapid commercialization of Philippine waters. Bernard Spragg | CC public domain





Disputed Territory within the area of The Philippines, China and Vietnam. | crystaleystudio | Adobe Stock

Then in February 2023, after issuing radio warnings and conducting dangerous maneuvers closing at only 150 yards, CCG 5205 aimed a green laser at the bridge crew of the BRP Malapascua, temporarily blinding its crew and forcing it to abort its rotation and resupply support mission.⁴⁵

The CCG's use of a laser, apparently a type of dazzler designed to interfere with a ship's navigation, to punctuate its warnings and dangerous maneuvers legally qualifies as a threat of the use of force against another sovereign vessel. In the case of *Guyana v. Suriname*, where one party's armed naval vessels issued radio warnings to leave an area or else the other ship would bear the "consequences," the UNCLOS Annex VII arbitral tribunal found that such acts constituted an unlawful threat of the use of force.⁴⁶ This ruling clearly applies with even more reason to the recent incidents between the CCG and PCG, where the verbal threats were actually followed by dangerous maneuvers and the display or use of weapons (even if non-lethal) against the latter.

In addition, China's efforts to sabotage the environmental sustainability of natural resources and economic viability of marine exploitation activities in the South China Sea are seen through destructive fishing practices, overfishing,

interference with other nations' fishing activities, and denial of safe refuge and peaceful co-existence at sea comprise deliberate coercive measures to squeeze other claimant countries out of their respective marine waters. Fisheries suffer first, as smaller nations' more traditional fishing vessels and smaller profit margins are easily displaced by intimidating and destructive Chinese operations. Petroleum operations become even more politically and financially risky, driving prospective independent commercial partners out, enabling China to impose itself as the sole viable option for any hope of developing much needed energy resources. China's reach extends further as it has been reported that China is attempting to also excessively regulate the laying of submarine cables in the seabed of the South China Sea beyond its legal jurisdiction.⁴⁷ Together, these amount to nothing less than a "scorched earth" policy intended to make the South China Sea useless and inaccessible for the smaller littoral States, leaving China alone with the power of control and resources to exploit whatever may be left.

The escalating trend in China's assertion operations is unmistakable, and it would not be unreasonable to expect that in the near future the next escalatory step would be to engage in a limited application of force as a demonstration of its intent and resolve. This could perhaps take place in relation to the tenuous hold of the Philippines on Second Thomas Shoal, about which China has clearly displayed increasing belligerence and employed steady pressure to expel the token Philippine presence on it. Another possible scenario may involve a provocative warning shot or actual ramming of government ships. As such, other contingencies within the realm of possibility should be seriously contemplated and prepared for.

Six years of accommodation and timidity, in exchange for false promises of infrastructure assistance and aid,⁴⁸ have only

Six years of accommodation and timidity, in exchange for false promises of infrastructure assistance and aid, have made it more difficult for the Philippines to stand against China's expansion and increasingly aggressive posture in the South China Sea.



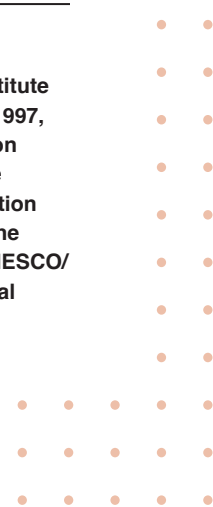
The Xisha Bridge in Chongqing Municipality, China
Glabb | CC BY-SA 3.0 DEED

made it even harder and more difficult for the Philippines to stand against China's expansion and increasingly aggressive posture in the South China Sea. China's actions especially in the past two or three years fly starkly in the face of claims that it seeks a fair and equitable solution to the territorial and maritime disputes. On civilian, military, paramilitary, scientific, and economic fronts, China has only demonstrated a pattern of diversifying and intensifying unilateral activities intended to coerce a future outcome in its favor alone, a massive *fait accompli* that smaller claimants will have little

to benefit from. Negotiations, whether bilateral or multi-lateral, are pointless unless China restrains itself from changing the *status quo* and limiting the freedom of choice of the littoral States. A durable and lasting solution will be elusive and impossible unless China accepts that the search therefore should be carried under terms of sovereign equality and in accordance with UNCLOS and international law. A true and fruitful compromise requires all parties to give and take; one that is based on coercion and denial of free choice will never be acceptable to self-respecting sovereign States.

ABOUT THE AUTHOR

Jay L Batongbacal is a lawyer with degrees in Political Science and Law from the University of the Philippines, as well as Master of Marine Management and Doctor in the Science of Law, both from Dalhousie University (Canada). At present, he is a full Professor at the University of the Philippines College of Law and serves as Director of the Institute for Maritime Affairs and Law of the Sea of the U.P. Law Center. He has worked extensively on maritime affairs since 1997, carrying out research, consultancy work, and teaching. Dr. Batongbacal was legal advisor to the Philippine delegation that successfully pursued the Philippines' claim to a continental shelf beyond 200 nautical miles in the Benham Rise Region before the Commission on the Limits of the Continental Shelf in accordance with the United Nations Convention on the Law of the Sea (UNCLOS), and the successful application before the International Maritime Organization for the designation of the Tubbataha Reef Natural Park Particularly Sensitive Sea Area. He has been included among the UNESCO/IOC List of Experts for UNCLOS Annex VIII Special Arbitration on Marine Scientific Research. In 2022, Dr. Batongbacal completed a Taiwan Fellowship Program at the National Taiwan Normal University in Taipei, Taiwan and a Fulbright Advanced Research and Lecturing Fellowship at the US Naval War College in Rhode Island, USA.



BIBLIOGRAPHY

- Alegado, Siegfried, Andreo Calonzo, and Philip Heijmans. "Chinese Vessels Swarm Reef, Drawing Philippine Protest." *Bloomberg.com*, March 21, 2021. <https://www.bloomberg.com/news/articles/2021-03-21/philippines-says-220-chinese-vessels-spotted-at-disputed-reef>. Accessed: March 15, 2023.
- Asia Maritime Transparency Initiative. "China's New Spratly Island Defenses," February 13, 2016. <https://amti.csis.org/chinas-new-spratly-island-defenses/>. Accessed: March 15, 2023.
- "What Lies Beneath: Chinese Surveys in the South China Sea." Asia Maritime Transparency Initiative, March 1, 2022. <https://amti.csis.org/what-lies-beneath-chinese-surveys-in-the-south-china-sea/>. Accessed: March 15, 2023.
- Associated Press. "South China Sea: Philippines Protests Against China's Confiscation of Fishing Devices." *South China Morning Post*, August 21, 2020. <https://www.scmp.com/news/asia/southeast-asia/article/3098267/south-china-sea-philippines-protests-chinas-confiscation>. Accessed: March 15, 2023.
- Brahma, B. "China's Creeping 'Cabbage' Strategy—*Taipei Times*." *Taipei Times*, December 1, 2013, sec. Editorials. <https://www.taipeitimes.com/News/editorials/archives/2013/12/01/2003578036>. Accessed: March 15, 2023.
- Calonzo, Andreo. "China Yet to Deliver Promised Billions Despite Duterte's Pivot." *Bloomberg.com*, July 4, 2021. <https://www.bloomberg.com/news/articles/2021-07-04/duterte-s-pivot-to-china-yet-to-deliver-promised-billions-in-infrastructure>. Accessed: March 16, 2023.
- Centena, Diana. "Wescom Narrates How China's Gun Control Director Was Directed Towards BRP Conrado Yap." *Palawan Daily News*, April 23, 2020, sec. Defense. <https://palawandailynews.com/defense/wescom-narrates-how-chinas-gun-control-director-was-directed-towards-brp-conrado-yap/>. Accessed: March 16, 2023.
- Center for Strategic and International Studies. "China's Incursion into Vietnam's EEZ and Lessons from the Past," August 8, 2019. <https://www.csis.org/analysis/chinas-incursion-vietnams-eez-and-lessons-past>. Accessed: March 15, 2023.
- Financial Times. "China Exerts Control over Internet Cable Projects in South China Sea," March 13, 2023. <https://www.ft.com/content/89bc954d-64ed-4d80-bb8f-9f1852ec4eb1>. Accessed: March 16, 2023.
- The Japan Times. "China's \$24 Billion Promise to the Philippines' Rodrigo Duterte Still Hasn't Materialized," July 30, 2018. <https://www.japantimes.co.jp/news/2018/07/30/asia-pacific/politics-diplomacy-asia-pacific/chinas-24-billion-promise-philippines-rodrigo-duterte-still-hasnt-materialized/>. Accessed: March 16, 2023.
- The Straits Times. "Chinese Coast Guard Accused of Taking Filipino Fishermens' Catch in Scarborough Shoal." June 9, 2018. <https://www.straitstimes.com/asia/se-asia/chinese-coast-guard-accused-of-taking-filipino-fishermens-catch-in-scarborough-shoal>. Accessed: March 15, 2023.
- Youtube.com. "Chinese Coast Guard, Tinutukan Ng Machine Gun Ang Sasakyang-Dagat Ng BFAR [China Coast Guard Points Machine at Seagoing Vessel of BFAR]." <https://www.youtube.com/watch?v=Pfe79stU7M>. Accessed: March 16, 2023.
- Gertz, Billie. "China Begins Military Flights from Disputed South China Sea Bases." *Washington Times*. <https://www.washingtontimes.com/news/2021/jul/13/china-begins-military-flights-disputed-south-china/>. Accessed: March 16, 2023.
- Gomez, Jim. "Chinese Coast Guard Seizes Rocket Debris from Filipino Navy." AP NEWS, November 21, 2022. <https://apnews.com/article/china-navy-philippines-manila-south-sea-ec4c0a7b080a27ad559105a44bdfcf31>. Accessed: March 16, 2023.
- Guyana v. Suriname, ICGJ 370 (PCA 2007) (International Tribunal on the Law of the Sea 2007).
- Huong, Le Thu. "Fishing While the Water Is Muddy: China's Newly Announced Administrative Districts in the South China Sea." Asia Maritime Transparency Initiative, May 6, 2020. <https://amti.csis.org/fishing-while-the-water-is-muddy-chinas-newly-announced-administrative-districts-in-the-south-china-sea/>. Accessed: March 15, 2023.

- Asia Maritime Transparency Initiative. "Incident at Reed Bank: A Crisis in the Philippines' China Policy," June 20, 2019. <https://amti.csis.org/incident-at-reed-bank-a-crisis-in-the-philippines-china-policy/>. Accessed: March 16, 2023.
- Kazianis, Harry. "China's Expanding Cabbage Strategy." *The Diplomat*, October 29, 2013. <https://thediplomat.com/2013/10/chinas-expanding-cabbage-strategy/>. Accessed: March 15, 2023.
- Kennedy, Conor, and Andrew S Erickson. "From Frontier to Frontline: Tanmen Maritime Militia's Leading Role Pt. 2." *Center for International Maritime Security* (blog), May 17, 2016. <https://cimsec.org/frontier-frontline-tanmen-maritime-militias-leading-role-pt-2/>. Accessed: March 15, 2023.
- Limos, Mario Alvaro. "A Chinese Spy Ship Was Caught in the Sulu Sea." *Esquiremag.ph*, March 15, 2022. <https://www.esquiremag.ph/politics/news/chinese-spy-ship-sulu-sea-a00293-20220315>. Accessed: March 16, 2023.
- Linh, Pham. "China launches new facilities in Vietnam islands amid global fight against coronavirus." *Hanoi Times*, May 24, 2020. <https://hanoitimes.vn/china-launches-new-facilities-in-vietnam-islands-amid-global-fight-against-coronavirus-311482.html>. Accessed: March 15, 2023.
- Mangosing, Frances. "China Harasses Philippine Coast Guard Vessel with Laser." *Asia News Network*, February 14, 2023. <https://asianews.network/china-harasses-philippine-coast-guard-vessel-with-laser/>. Accessed: March 15, 2023.
- "Chinese Maritime Patrol Aircraft Spotted on Kagitingan Reef." *Inquirer.net*, April 21, 2020. <https://globalnation.inquirer.net/187032/chinese-maritime-patrol-aircraft-spotted-on-kagitingan-reef>. Accessed: March 16, 2023.
- "DFA Chief: China Harassment a 'Daily Situation' for PH." *Inquirer.net*, February 20, 2023. <https://globalnation.inquirer.net/211222/dfa-chief-china-harassment-a-daily-situation-for-ph>. Accessed: March 16, 2023.
- Maritime Executive. "Chinese Ship Rams Philippine Fishing Boats." *The Maritime Executive*, February 4, 2015. <https://maritime-executive.com/article/chinese-ship-rams-philippine-fishing-boats>. Accessed: March 15, 2023.
- "Report: Chinese Trawlers Are Dumping Sewage Near Philippine Reefs." *The Maritime Executive*, June 13, 2021. <https://maritime-executive.com/article/report-chinese-ships-are-dumping-harmful-sewage-near-philippine-reefs>. Accessed: March 15, 2023.
- Martinson, Ryan D. "Panning for Gold: Assessing Chinese Maritime Strategy from Primary Sources." *Naval War College Review* 69, no. 3 (2016). <https://digital-commons.usnwc.edu/nwc-review/vol69/iss3/4>. Accessed: March 16, 2023.
- McManus, John. "Offshore Coral Reef Damage, Overfishing, and Paths to Peace in the South China Sea." *The International Journal of Marine and Coastal Law* 32 (June 14, 2017): 199–237. <https://doi.org/10.1163/15718085-12341433>. Accessed: March 15, 2023.
- Mendoza, John Eric. "DND Airls Concern Over Chinese Vessels 'Swarming' in WPS." *INQUIRER.net*, December 14, 2022. <https://newsinfo.inquirer.net/1705163/dnd-airls-concern-over-chinese-vessels-swarming-in-wps>. Accessed: March 15, 2023.
- Minter, Adam. "Consequences of Overfishing in the South China Sea." *Bangkok Post*. November 18, 2015, sec. News. <https://www.bangkokpost.com/thailand/general/768692/consequences-of-overfishing-in-the-south-china-sea>. Accessed: March 16, 2023.
- News, Chiara Zambrano, ABS-CBN. "Filipino Vessel Chased Down by 2 Chinese Missile Attack Craft in West PH Sea." *ABS-CBN News*, April 9, 2021. <https://news.abs-cbn.com/news/04/09/21/filipino-vessel-chased-down-by-2-chinese-missile-attack-craft-in-west-ph-sea>. Accessed: March 16, 2023.
- Peoples Development Institute. "Chinese Incursions On the West Philippine Sea Impact on the Filipino Fisherfolk Lives and Welfare." <http://peoplesdev.org/chinese-incursions-westphilippinesea/>. Accessed: March 15, 2023.
- "Filipino Fishermen Continue to Be Harassed by Chinese Coastguard." <http://peoplesdev.org/fishermen-chinaharassment/>. Accessed March 15, 2023.
-

Benar News. “Philippines Protests New Chinese ‘Swarming’ in South China Sea.”

<https://www.benarnews.org/english/news/philippine/swarming-ships-06092022133243.html>. Accessed March 15, 2023.

BBC News. “Philippines Says China ‘fired Water Cannon’ on Filipino Fishermen,” February 24, 2014, sec. Asia.

<https://www.bbc.com/news/world-asia-26320383>. Accessed: March 16, 2023.

Radio Free Asia. “Chinese Survey Ship Reenters Indonesian Waters After Week of Retreat.” *Radio Free Asia*, October 5, 2021.

<https://www.rfa.org/english/news/china/ship-10052021151118.html>. Accessed: March 16, 2023.

“Chinese Survey Vessel Leaves Malaysian Waters 2 Weeks after Protest.” *Radio Free Asia*, October 18, 2021.

<https://www.rfa.org/english/news/china/malaysia-southchinasea-10182021170545.html>. Accessed: March 15, 2023.

“Overfishing Fuels South China Sea Tensions, Risks Armed Conflict, Researcher Says.” *Radio Free Asia*, January 5, 2022.

<https://www.rfa.org/english/news/china/southchinasea-fisheries-01052022141237.html>. Accessed: March 15, 2023.

Reporter’s Notebook’ Team, Pinagbawalan Ng China Coast Guard Na Magdokumento Sa Scarborough Shoal [Reporter’s Notebook Team Prevented from Documenting Scarborough Shoal by China Coast Guard], 2018.

<https://www.youtube.com/watch?v=70iOnXpPLu4>. Accessed: March 15, 2023.

Reuters. “Philippines Slams Chinese Ship’s ‘close Distance Maneuvering’ at Scarborough Shoal.” *Reuters*, March 27, 2022,

sec. Asia Pacific. <https://www.reuters.com/world/asia-pacific/philippines-slams-chinese-ships-close-distance-maneuvering-scarborough-shoal-2022-03-27/>. Accessed: March 16, 2023.

“Three Rounds of Coercion in Philippine Waters,” May 26, 2022.

<https://www.csis.org/analysis/three-rounds-coercion-philippine-waters>. Accessed: March 16, 2023.

Asia Maritime Transparency Initiative. “Update: China Blocks Another Philippine Resupply Mission.” Accessed March 16, 2023.

<https://amti.csis.org/three-rounds-of-coercion-in-philippine-waters/>. Accessed: March 15, 2023.

Zambrano, Chiara. “Exclusive: Chinese Harvesting Giant Clams in Scarborough Shoal.” *ABS-CBN News*, April 15, 2019.

<https://news.abs-cbn.com/news/04/15/19/exclusive-chinese-harvesting-giant-clams-in-scarborough-shoal>. Accessed: March 16, 2023.

Boats and residential towers—in Sanya, Hainan Province, Southeast China | Henning 48 | CC BY-SA 3.0 DEED



ENDNOTES

- 1 Professor, University of the Philippines College of Law and Director, U.P. Institute for Maritime Affairs & Law of the Sea.
- 2 Harry Kazianis, “China’s Expanding Cabbage Strategy,” *The Diplomat*, October 29, 2013, <https://thediplomat.com/2013/10/chinas-expanding-cabbage-strategy/>; also B Brahma, “China’s Creeping ‘Cabbage’ Strategy—Taipei Times,” *Taipei Times*, December 1, 2013, sec. Editorials, <https://www.taipetimes.com/News/editorials/archives/2013/12/01/2003578036>.
See also Ryan D Martinson, “Panning for Gold: Assessing Chinese Maritime Strategy from Primary Sources,” *Naval War College Review* 69, no. 3 (2016), <https://digital-commons.usnwc.edu/nwc-review/vol69/iss3/4>.
- 3 The term “West Philippine Sea” was introduced in 2012 to differentiate the marine areas subject to Philippine jurisdiction under UNCLOS, such as its exclusive economic zone and continental shelf, from the rest of the geographic area of the South China Sea.
- 4 Le Thu Huong, “Fishing While the Water Is Muddy: China’s Newly Announced Administrative Districts in the South China Sea,” Asia Maritime Transparency Initiative, May 6, 2020, <https://amti.csis.org/fishing-while-the-water-is-muddy-chinas-newly-announced-administrative-districts-in-the-south-china-sea/>.
- 5 Pham Linh, “China launches new facilities in Vietnam islands amid global fight against coronavirus,” *Hanoi Times*, May 24, 2020, <https://hanoitimes.vn/china-launches-new-facilities-in-vietnam-islands-amid-global-fight-against-coronavirus-311482.html>.
- 6 Asia Maritime Transparency Initiative, “China’s New Spratly Island Defenses,” February 13, 2016, <https://amti.csis.org/chinas-new-spratly-island-defenses/>.
- 7 Radio Free Asia, “Chinese Survey Vessel Leaves Malaysian Waters 2 Weeks after Protest,” *Radio Free Asia*, October 18, 2021, <https://www.rfa.org/english/news/china/malaysia-southchinasea-10182021170545.html>.
- 8 Radio Free Asia, “Chinese Survey Ship Reenters Indonesian Waters After Week of Retreat,” *Radio Free Asia*, October 5, 2021, <https://www.rfa.org/english/news/china/ship-10052021151118.html>.
- 9 Center for Strategic and International Studies, “China’s Incursion into Vietnam’s EEZ and Lessons from the Past,” August 8, 2019, <https://www.csis.org/analysis/chinas-incursion-vietnams-eez-and-lessons-past>.
- 10 See Asia Maritime Transparency Initiative, “What Lies Beneath: Chinese Surveys in the South China Sea,” Asia Maritime Transparency Initiative, March 1, 2022, <https://amti.csis.org/what-lies-beneath-chinese-surveys-in-the-south-china-sea/>.
- 11 Ibid.
- 12 Maritime Executive, “Chinese Ship Rams Philippine Fishing Boats,” *The Maritime Executive*, February 4, 2015, <https://maritime-executive.com/article/chinese-ship-rams-philippine-fishing-boats>.
- 13 “Philippines Says China ‘fired Water Cannon’ on Filipino Fishermen,” *BBC News*, February 24, 2014, sec. Asia, <https://www.bbc.com/news/world-asia-26320383>.
- 14 “Chinese Coast Guard Accused of Taking Filipino Fishermens’ Catch in Scarborough Shoal,” *The Straits Times*, June 9, 2018, <https://www.straitstimes.com/asia/se-asia/chinese-coast-guard-accused-of-taking-filipino-fishermens-catch-in-scarborough-shoal>.
- 15 Frances Mangosing, “DFA Chief: China Harassment a ‘Daily Situation’ for PH,” *Inquirer.net*, February 20, 2023, <https://globalnation.inquirer.net/211222/dfa-chief-china-harassment-a-daily-situation-for-ph>.
- 16 Peoples Development Institute, “Filipino Fishermen Continue to Be Harassed by Chinese Coastguard,” Peoples’ Development Institute, accessed March 15, 2023, <http://peoplesdev.org/fishermen-chinaharassment/>.
- 17 ‘Reporter’s Notebook’ Team, *Pinagbawalan Ng China Coast Guard Na Magdokumento Sa Scarborough Shoal [Reporter’s Notebook Team Prevented from Documenting Scarborough Shoal by China Coast Guard]*, 2018, <https://www.youtube.com/watch?v=7oiOnXpPLu4>.
- 18 Peoples Development Institute, “Chinese Incursions On the West Philippine Sea Impact on the Filipino Fisherfolk Lives and Welfare,” accessed February 20, 2023, <http://peoplesdev.org/chinese-incursions-westphilippinesea/>.
- 19 “Incident at Reed Bank: A Crisis in the Philippines’ China Policy,” Asia Maritime Transparency Initiative, June 20, 2019, <https://amti.csis.org/incident-at-reed-bank-a-crisis-in-the-philippines-china-policy/>.
- 20 Associated Press, “South China Sea: Philippines Protests against China’s Confiscation of Fishing Devices,” *South China Morning Post*, August 21, 2020, <https://www.scmp.com/news/asia/southeast-asia/article/3098267/south-china-sea-philippines-protests-chinas-confiscation>.
- 21 Peoples Development Institute, “Chinese Incursions On the West Philippine Sea Impact on the Filipino Fisherfolk Lives and Welfare—Peoples Development Institute,” accessed March 15, 2023, <http://peoplesdev.org/chinese-incursions-westphilippinesea/>.
- 22 John McManus, “Offshore Coral Reef Damage, Overfishing, and Paths to Peace in the South China Sea,” *The International Journal of Marine and Coastal Law* 32 (June 14, 2017): 199–237, <https://doi.org/10.1163/15718085-12341433>.



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- 23 Chiara Zambrano, “Exclusive: Chinese Harvesting Giant Clams in Scarborough Shoal,” *ABS-CBN News*, April 15, 2019, <https://news.abs-cbn.com/news/04/15/19/exclusive-chinese-harvesting-giant-clams-in-scarborough-shoal>.
 - 24 Radio Free Asia, “Overfishing Fuels South China Sea Tensions, Risks Armed Conflict, Researcher Says,” *Radio Free Asia*, January 5, 2022, <https://www.rfa.org/english/news/china/southchinasea-fisheries-01052022141237.html>.
See also Adam Minter, “Consequences of Overfishing in the South China Sea,” *Bangkok Post*, November 18, 2015, sec. News, <https://www.bangkokpost.com/thailand/general/768692/consequences-of-overfishing-in-the-south-china-sea>.
 - 25 Peoples Development Institute, “Filipino Fishermen Continue to Be Harassed by Chinese Coastguard.”
 - 26 Conor Kennedy and Andrew S Erickson, “From Frontier to Frontline: Tanmen Maritime Militia’s Leading Role Pt. 2,” *Center for International Maritime Security* (blog), May 17, 2016, <https://cimsec.org/frontier-frontline-tanmen-maritime-militias-leading-role-pt-2/>.
 - 27 Siegfried Alegado, Andro Calonzo, and Philip Heijmans, “Chinese Vessels Swarm Reef, Drawing Philippine Protest,” *Bloomberg.com*, March 21, 2021, <https://www.bloomberg.com/news/articles/2021-03-21/philippines-says-220-chinese-vessels-spotted-at-disputed-reef>.
 - 28 “Philippines Protests New Chinese ‘Swarming’ in South China Sea,” *Benar News*, accessed March 15, 2023, <https://www.benarnews.org/english/news/philippine/swarming-ships-06092022133243.html>.
 - 29 John Eric Mendoza, “DND Airs Concern over Chinese Vessels ‘Swarming’ in WPS,” *Inquirer.net*, December 14, 2022, <https://newsinfo.inquirer.net/1705163/dnd-air-concern-over-chinese-vessels-swarming-in-wps>.
 - 30 Maritime Executive, “Report: Chinese Trawlers Are Dumping Sewage Near Philippine Reefs,” *The Maritime Executive*, June 13, 2021, <https://maritime-executive.com/article/report-chinese-ships-are-dumping-harmful-sewage-near-philippine-reefs>.
 - 31 “Three Rounds of Coercion in Philippine Waters,” May 26, 2022, <https://www.csis.org/analysis/three-rounds-coercion-philippine-waters>.
 - 32 Diana Centena, “Wescom Narrates How China’s Gun Control Director Was Directed towards BRP Conrado Yap,” *Palawan Daily News*, April 23, 2020, sec. Defense, <https://palawandailynews.com/defense/wescom-narrates-how-chinas-gun-control-director-was-directed-towards-brp-conrado-yap/>.
 - 33 Billie Gertz, “China Begins Military Flights from Disputed South China Sea Bases,” *Washington Times*, accessed March 16, 2023, <https://www.washingtontimes.com/news/2021/jul/13/china-begins-military-flights-disputed-south-china/>.
 - 34 Frances Mangosing, “Chinese Maritime Patrol Aircraft Spotted on Kagitingan Reef,” *Inquirer.net*, April 21, 2020, <https://globalnation.inquirer.net/187032/chinese-maritime-patrol-aircraft-spotted-on-kagitingan-reef>.
 - 35 Chiara Zambrano News ABS-CBN, “Filipino Vessel Chased down by 2 Chinese Missile Attack Craft in West PH Sea,” *ABS-CBN News*, April 9, 2021, <https://news.abs-cbn.com/news/04/09/21/filipino-vessel-chased-down-by-2-chinese-missile-attack-craft-in-west-ph-sea>.
 - 36 Mario Alvaro Limos, “A Chinese Spy Ship Was Caught in the Sulu Sea,” *Esquiremag.ph*, March 15, 2022, <https://www.esquiremag.ph/politics/news/chinese-spy-ship-sulu-sea-a00293-20220315>.
 - 37 Reuters, “Philippines Slams Chinese Ship’s ‘close Distance Maneuvering’ at Scarborough Shoal,” *Reuters*, March 27, 2022, sec. Asia Pacific, <https://www.reuters.com/world/asia-pacific/philippines-slams-chinese-ships-close-distance-maneuvering-scarborough-shoal-2022-03-27/>.
 - 38 “Three Rounds of Coercion in Philippine Waters.”
 - 39 Reuters, “Philippines Slams Chinese Ship’s ‘close Distance Maneuvering’ at Scarborough Shoal.”
 - 40 “Three Rounds of Coercion in Philippine Waters.”
 - 41 Jim Gomez, “Chinese Coast Guard Seizes Rocket Debris from Filipino Navy,” *AP NEWS*, November 21, 2022, <https://apnews.com/article/china-navy-philippines-manila-south-sea-ec4c0a7b080a27ad559105a44bdfcf31>.
 - 42 “Update: China Blocks Another Philippine Resupply Mission,” *Asia Maritime Transparency Initiative*, accessed March 16, 2023, <https://amti.csis.org/three-rounds-of-coercion-in-philippine-waters/>.
 - 43 “Chinese Coast Guard, Tinutukan Ng Machine Gun Ang Sasakyang-Dagat Ng BFAR [China Coast Guard Points Machine at Seagoing Vessel of BFAR],” *Youtube.com*, accessed March 16, 2023, <https://www.youtube.com/watch?v=Pfe79stlU7M>.
 - 44 Frances Mangosing, “China Harasses Philippine Coast Guard Vessel with Laser,” *Asia News Network*, February 14, 2023, <https://asianews.network/china-harasses-philippine-coast-guard-vessel-with-laser/>.
 - 45 Mangosing.
 - 46 *Guyana v. Suriname*, ICGJ 370 (PCA 2007) (International Tribunal on the Law of the Sea 2007).
 - 47 “China Exerts Control over Internet Cable Projects in South China Sea,” *Financial Times*, March 13, 2023.
 - 48 Andro Calonzo, “China Yet to Deliver Promised Billions Despite Duterte’s Pivot,” *Bloomberg.com*, July 4, 2021, <https://www.bloomberg.com/news/articles/2021-07-04/duterte-s-pivot-to-china-yet-to-deliver-promised-billions-in-infrastructure>;
“China’s \$24 Billion Promise to the Philippines’ Rodrigo Duterte Still Hasn’t Materialized,” *The Japan Times*, July 30, 2018, <https://www.japantimes.co.jp/news/2018/07/30/asia-pacific/politics-diplomacy-asia-pacific/chinas-24-billion-promise-philippines-rodrigo-duterte-still-hasnt-materialized/>.
-