

Huangyan Dao: What Actually Happened in 2012

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【Editor's Note】 Recently, the Philippine Coast Guard (PCG) and Bureau of Fisheries and Aquatic Resources (BFAR) again started provocations over Huangyan Dao (also known as Scarborough Shoal). They have issued an announcement stating “strongly condemn the China Coast Guard’s (CCG’s) installation of floating barrier in the Southeast portion of Bajo de Masinloc (Huangyan Dao), which prevents Filipino Fishing Boats (FFBs) from entering the shoal and depriving them of their fishing and livelihood activities.” It is thus once again stirring up international attention on Huangyan Dao.

To provide more information on Huangyan Dao and the related issues, we are posting a piece of work from Fu Ying’s book *"Seeing the World 2"* which gives a complete narration of the 2012 Huangyan Dao incident. This piece is excerpted from the book’s Chapter Five “*Peace Issues in Asia*”, the first article “*Huangyan Dao: What Actually Happened in 2012*”. The English version is first published in the South China Sea Strategic Situation Probing Initiative (SCSPI), with additions and deletions. We hope this will help the readers better understand the situation.

About Huangyan Dao, the prevailing view in the Philippines was that “China deceived the Philippines and the US, and did not withdraw from Huangyan Dao as agreed.” Similar accounts spread in the US, and this interpretation of the events also affected the understanding of the situation among other countries.

Former US Assistant Secretary of State Kurt Campbell wrote in his book *The Pivot: -The Future of American Statecraft in Asia* that, “In 2012... the Philippines’ ten-week standoff with China ultimately resulted in its loss of the Scarborough Shoal, which is claimed by both countries. After protests and attempts by China to put serious but unofficial pressure on Philippine agricultural exports, the Philippine government brought its dispute with China to the International Tribunal for the Law of the Sea (ITLOS).”¹

However, this narrative does not tally with what actually happened. What is also missing is the original status and history of Huangyan Dao. If the Philippines and the US base their policies on a distorted view, without fully understanding China’s goodwill and the active measures it has taken to resolve the issue, inevitably this will have a negative impact on the future.

¹ Kurt M. Campbell, *The Pivot: The Future of American Statecraft in Asia*, (New York: Twelve, 2016), p. 225.

So, what happened on Huangyan Dao in 2012, and what was the historical context? To clear the air, I was encouraged to provide an account as follows.

On April 11, 2012, a set of photographs grabbed the Chinese headlines that caused wide-spread furor among the general public. The photographs showed a group of Chinese fishermen standing with their tops stripped off, on the deck of a boat and under the blazing sun. They were being held at gunpoint by Philippine Navy soldiers. It transpired that 12 Chinese fishing boats had been undertaking their regular fishing activities inside the lagoon of Huangyan Dao, when on April 10, a Philippine naval vessel approached. It proceeded to send patrol boats into the lagoon, harass and disrupt the fishing operations. This culminated in some soldiers forcibly boarding the fishing boats and arresting some fishermen.

On hearing the news, China's Marine Surveillance ships "Haijian 75" and "Haijian 84" that were cruising nearby, along with the fishery administration ship "Yuzheng 303" that was stationed at Meiji Reef, quickly arrived on the scene to protect the Chinese fishermen. The international media reported it as the "Huangyan Dao (Scarborough Shoal) standoff," but it later became known as the Huangyan Dao Incident of 2012.

Past and Present

At this point, it is important we review the historical context of China's ownership of Huangyan Dao, and why it was never included in any of the disputes relating to the islands and shoals in the South China Sea.

Huangyan Dao, which is located at 15°07'N, 117°51'E, is also referred to as "Scarborough Shoal." It is formed of coral reefs and is the only island exposed above the water among the Zhongsha Islands. An atoll, Huangyan Dao is 55 km in circumference, with a lagoon covering an area of approximately 130 km². The water inside the lagoon is between 10m and 20m deep, and to the southeast edge is a 400m wide channel that leads out to the sea. However, due to the rocky shores on either side of the channel, the passage width is reduced to about 200m of shallow water that restricts access to only vessels of under 100 tons. In addition to this passage, there are also narrow openings around the perimeter, which allow small fishing boats to enter and exit. The lagoon is an appealing fishing ground with its ecological diversity and is an ideal harbor for fishermen in the typhoon season.

Under international law, a state has title of territory if the state is the first to; 1. discover; 2. name; 3. explore and exploit the resources of; or 4.

continuously exercise sovereign powers over the said territory. China's sovereignty over Huangyan Dao has both a legal and historical basis.

Historical records, which include government documents, local chronicles and official maps, confirm that China does have jurisdiction over Huangyan Dao. For example, it was recorded in the biography of Guo Shoujing in Yuan Shi (the History of the Yuan Dynasty) that Guo was commissioned by the Emperor to perform a land and sea survey in 1279. This confirms that the jurisdiction of the Chinese Yuan Emperors had already reached here.² The Genglu Bu (a complete Chinese record of names and routes used as sailing guides for fishing in the South China Sea) also recorded Huangyan Dao and its fishing routes. Chinese fishermen, notably those from Tanmen, a town in Hainan Province, have been fishing in and around Huangyan Dao for generations.³

Huangyan Dao also made an important appearance in modern documents. In January 1935, the Lands and Waters Mapping Review Committee of the then Chinese government approved and published the names of 132 islands, shoals, reefs and sand bars in the South China Sea. Huangyan Dao was registered under the name of Scarborough Reef, belonging to the Zhongsha Islands. In October 1947, the Chinese Nationalist government reviewed and published a list of name changes to

² http://www.cssn.cn/sf/bwsf_ls/201312/t20131227_928459.shtml

³ <http://history.people.com.cn/n/2012/0808/c198865-18692540.html>

the islands in the South China Sea, in which the name Scarborough Reef was changed to Minzhu Jiao, still as part of the Zhongsha Islands.

China's sovereignty over the South China Sea Islands was also internationally recognized. After the surrender of Japan in 1945, the Republic of China resumed exercise of sovereignty over the South China Sea Islands in accordance with international law including the Cairo Declaration and the Potsdam Declaration. The eleven-dashed line in the South China Sea was displayed in the *Nanhai Zhudao Dili Zhi Lue* (A Brief Account of the Geography of the South China Sea Islands) published in 1947. In February 1948, the Chinese government officially published *Zhong Hua Min Guo Xing Zheng Qu Yu Tu* (Map of the Administrative Districts of the Republic of China) including *Nan Hai Zhu Dao Wei Zhi Tu* (Location Map of the South China Sea Islands). After the People's Republic of China was founded in 1949, the new Chinese government inherited and continued sovereignty and jurisdiction over the territories in the South China Sea. In 1953, it removed two dashes from the line in the Beibu Gulf (also known as the Gulf of Tonkin), out of friendly relations with the country. This reduced the eleven-dashed line to become the "nine-dashed line."⁴ Then in 1958, the government of the People's Republic of China issued the Declaration of Territorial Sea, in

⁴ <http://world.people.com.cn/GB/15296309.html>

which it reaffirmed China's territorial sovereignty over the South China Sea Islands.

In 1983, in a published list of names of the South China Sea Islands issued by the National Committee on Geographical Names of the Government of the People's Republic of China, the island was referred to as Huangyan Dao, with Minzhu Jiao as an alternative name.

Over the years that China has been exercising sovereign jurisdiction over Huangyan Dao, fishermen from coastal areas of China's Guangdong, Guangxi and Hainan Provinces have operated in the area on a regular basis. Since the founding of the People's Republic of China, government agencies have also carried out various scientific research projects on Huangyan Dao.

The Philippines claimed that its fishermen had used Huangyan Dao waters as a traditional fishing area and the rocks as a refuge in bad weather as far back as the 16th century when the country was a Spanish Colony. After a British tea clipper, the Scarborough, ran aground on one of the rocks of the shoal in 1748, the area has been known to the Philippines and internationally as the Scarborough Shoal. In 1957, the Philippine government and the US Navy conducted a joint oceanographic survey in the area. Huangyan Dao was later used as a defensive point for the Philippine naval base in Subic Bay, and in 1965, an attempt was made

by the Philippine side to fly the national flag and establish a lighthouse on the rocks to claim sovereignty.

However, a comparison of the historical events shows that the Philippines-claimed discovery of Huangyan Dao happened much later and was not a discovery at all, as China had already established sovereignty over it. Much of the Philippines' activity was a challenge to China's established sovereignty and therefore was firmly opposed.

The US Government, as an ally to the Nationalist government of China, at the end of the Second World War, acknowledged that Japan surrendered the occupied islands and shoals in the South China Sea back to China. As was disclosed, between 1956 and February 1961, the US Air Force stationed in the Philippines applied multiple times to the Taiwan authorities for hydrographic and meteorological surveys in preparation for the Vietnam War. For example, in August 1956, First Secretary Donald E. Webster of the US institution in Taiwan made an oral request to China's Taiwan authorities for permission to allow US military personnel to conduct geodetic surveys on Huangyan Island in the Zhongsha Islands, Shuangzi Reefs, Jinghong Island, Hongxiu Island and Nanwei Island in the Nansha Islands. The request was permitted by China's Taiwan authorities. Then in December 1960, the US Government sent a letter to China's Taiwan authorities to "request permission be granted" for its military personnel to carry out further surveys at Shuangzi Reefs,

Jinghong Island and Nanwei Island in the Nansha Islands. This request was again permitted by China's Taiwan authorities. The Taiwan authorities also received visits by American military officials on Taiping Island in the Nansha Islands.

Then during the Vietnam War, it was widely known that US bombers, when flying back to Clark Air Base from bombing Vietnam, would drop the unused bombs into the lagoon of Huangyan Dao.

In the 1970s, the Chinese government took measures to strengthen the administration of its South China Sea islands and shoals. This included sending expedition teams to survey Huangyan Dao and reaffirming sovereignty. Applications to the Chinese government from radio amateurs to carry out radio geodesy on Huangyan Dao to assist in global mapping were also granted, notably in 1994, 1995, 1997 and 2007.

The United Nations Convention on the Law of the Sea (UNCLOS) addresses law of the sea only. It contains no provision according to which a coastal state may claim or encroach upon the inherent land territory of another state.

This long line of historical records and events demonstrates that it has long been recognized that Huangyan Dao has always belonged to China.

The Philippines, after its independence in 1946, started coveting some of the islands and shoals that China owns in the South China Sea. As early as in the 1950s, there had already been the “Cloma Incident.”⁵ During the 1970s, the Philippines occupied eight of China’s islands and shoals in the South China Sea, including Zhongye Dao (Thitu Dao) and Mahuan Dao (Nanshan Dao), both of which were registered as part of the Nansha Islands and Shoals group. The Philippines also illegally attempted to put together “The Kalayann Island Group”⁶ and claimed sovereignty over it, but did not include Huangyan Dao in these activities. Although initially supporting the Taiwan regime’s sovereignty over the Nansha Islands and Shoals, the US Government did not react strongly to the territorial encroachments by the Philippines and other countries in the South China Sea. However, this must be seen against the backdrop of the Cold War, and its many tactical considerations.

In the mid-1980s, as China entered a period of reform and opening-up, efforts were also made to improve relations with the Philippines. The

⁵ In 1956, Tomas Cloma, a Filipino adventurer and president of a maritime academy, announced his discovery of a group of islands in the Nansha waters, and renamed them “Freedomland.” Shortly after, arguments claiming the Nansha Islands and Shoals as the Philippine territory were surging. The then Secretary of Foreign Affairs Carlos P. Garcia stated that because of the “contiguity or proximity” of some Nansha Islands to the Philippines, the Philippines was entitled to those Islands. Obviously aware of the Taiwan authority’s position on the sovereignty over these Islands, Manila even intended to send a delegation to Taiwan to discuss the matter. But under the compelling protests from both Taiwan and Chinese mainland, the Philippine government soon admitted that it was a mistake.

⁶ The Kalayann Island Group is a name given to some of the Nansha Islands, which the Philippines claims to own. It consists of 54 Islands, shoals and sand bars, covering an area of 64,000 square miles. 8 islands and shoals are under the Philippine control, and 6 out of 7 islands and shoals that China controls fall into the so-called Kalayann Dao Group, which are Yongshu Jiao (Fiery Cross Reef), Huayang Jiao (Cuarteron Reef), Nanxun Jiao (Northern Reef), Zhubi Jiao (Subi Reef), Dongmen Jiao (Hughes Reef) and Meiji Jiao (Mischief Reef).

two countries had a series of consultations concerning the South China Sea issue. Then in June 1986, Deng Xiaoping met with the visiting Philippine Vice President Salvador Laurel, and the issue was brought up again. Deng said that we “should leave aside the issue of the Nansha Islands for a while. We should not let this issue stand in the way of China’s friendship with the Philippines and with other countries.”⁷ In April 1988, when the Philippine President Corazon Aquino visited China, he mentioned this idea again. Deng said, “In view of the friendly relations between our two countries, we can set aside this issue for the time being and take the approach of pursuing joint development.”⁸ President Aquino and Vice President Laurel both responded favorably.

In the 1990s, some neighboring countries around the South China Sea stepped up their activities in the Nansha Islands area. This made it harder for the Chinese fishing teams to carry out their fishing activities and to find proper shelter during bad weather. So in 1994, China decided to install sheltering facilities on Meiji Jiao. The Philippines reacted strongly, and tensions increased, resulting in the Meiji Incident.⁹

⁷ “Set aside dispute and pursue joint development,”

http://www.fmprc.gov.cn/mfa_eng/ziliao_665539/3602_665543/3604_665547/t18023.shtml, accessed on August 15, 2016.

⁸ *Ibid.*

⁹ On December 18, 1994, a group of Chinese civil service ships led by Yuzheng 31 set out from Guangzhou, arrived at Meiji Jiao on December 29 and started the installation work. In January 1995, a Philippine fisherman reported to the Philippine government that he was detained by the Chinese Military when fishing near Meiji Jiao. The Philippine military sent its patrol ships and reconnaissance aircrafts to Meiji Jiao to investigate. On discovering the Chinese ships and the installation, the Philippine government reacted strongly resulting in a heated situation; despite China explaining that the installation of the shelter was for the fishermen’s safety and

The working teams of the two countries met in Manila in August 1995 for a new round of consultations on a number of issues, including the South China Sea issue. They both expressed concerns and stated their positions, but finally reached an agreement and issued a Joint Statement Between the People’s Republic of China and the Republic of the Philippines Concerning Consultations on the South China Sea and on Other Areas of Cooperation. It stated that “disputes shall be settled in a peaceful and friendly manner through consultations on the basis of equality and mutual respect,” “a gradual and progressive process of cooperation shall be adopted with a view to eventually negotiating a settlement of the bilateral disputes,” and “disputes shall be settled by the countries directly concerned without prejudice to the freedom of navigation in the South China Sea.”¹⁰

China’s long-held position is that it has indisputable sovereignty over the Nansha Islands and Shoals. Given the long existing differences and back-and-forth consultations with its neighbors that focused on the disputed islands and shoals in the Nansha area, China made a major compromise by acknowledging that territorial disputes did exist in the Nansha area. This was done out of general consideration for regional

therefore a production facility. In March, the Philippine Navy blew up survey markers installed by China on Wufang Atoll (Jackson Atoll), Xian’e Reef (Alicia Annie Reef), Xinyi Shoal (First Thomas Shoal), Banyue Shoal (Half Moon Shoal) and Ren’ai Shoal.

¹⁰ Position Paper of the Government of the People’s Republic of China on the Matter of Jurisdiction in the South China Sea Arbitration Initiated by the Republic of the Philippines, issued on December 7, 2014, http://www.fmprc.gov.cn/mfa_eng/zxxx_662805/t1217147.shtml, accessed on August 14, 2016.

peace and stability and in order to maintain a functioning relationship with its neighboring countries. China was also willing to shelve the disputes and seek joint development of the resources. What needs to be emphasized is that, again, this did not involve Huangyan Dao, which is not geographically part of the Nansha Islands group. In fact, before 1997, the Philippines had never staked a claim over Huangyan Dao. Therefore, without doubt, Huangyan Dao belongs to China, and there is no dispute over it.

It is recognized that the Philippines' territory was defined in the 1898 Treaty of Paris, between the US and Spain, the 1900 Treaty of Washington between the US and Spain and the 1930 Convention between the US and Great Britain. All three treaties contain explicit clauses defining the territory of the Philippines as being east of the meridian 118° longitude, east of Greenwich. Huangyan Dao is located clearly to the west of that line and has never belonged to the Philippines. The Constitution of the Republic of the Philippines of 1935, the Treaty of General Relations and the Protocol between the US and the Philippines of 1947, the Mutual Defense Treaty between the Philippines and the US of 1952, and the Republic Act No. 3046 issued on June 17, 1961 on the baselines of the territorial sea and the Philippines' amendment order of 1968 concerning the baselines of the territorial sea, have all successively reaffirmed the legal effect of the three treaties. They explicitly define the territorial limits

of the Philippines, and confirm that neither the base points nor the baselines of its territorial waters include Huangyan Dao. So it can be taken that the Philippine government did not include Huangyan Dao into the scope of its territory or sovereignty. In fact, the Philippine government itself published maps dated 1967, 1981, 1984 and later, and these maps clearly marked Huangyan Dao as outside of its dotted maritime boundary line.

The Philippine government did not treat Huangyan Dao as part of its territory either. For example, in a letter to a German radio amateur in February 1992, the then Philippine Ambassador to Germany stated clearly that the Scarborough Shoal or Huangyan Dao does not fall within the territorial sovereignty of the Philippines.¹¹ Even as recently as October 18, 1994, the National Mapping and Resource Information Authority of the Philippines (NAMRIA) confirmed that the territorial boundaries and sovereignty of the Republic of the Philippines were established in Article III of the Treaty of Paris, signed on December 10, 1898. Scarborough (Huangyan Dao) clearly lies outside of those limits.¹² In 1999, I was serving as the Chinese Ambassador to the Philippines. One day, I was invited to speak to the International Press Club in Manila in the wake of a fishery dispute near Huangyan Dao. On my way to the club, I stopped at a newspaper stand and bought a map published by the NAMRIA. During

¹¹ <http://www.china-nanhai.org.cn/events.html>, accessed on August 20, 2016.

¹² *Ibid.*, accessed on August 20, 2016.

the interview with Philippine and foreign journalists, I reviewed the map with them, and it was agreed by all that Huangyan Dao does indeed fall outside of Philippine territory.

The Philippines Wants Huangyan Dao

In the early 1950s, the US troops stationed in the Subic Bay base, in disregard of China's sovereignty, arbitrarily used Huangyan Dao as a target range for their aircrafts to dispose of spent bombs. After 1980, the Philippine government arbitrarily placed Huangyan Dao within its 200-nautical-mile Exclusive Economic Zone but made no sovereignty claim.

It came as a surprise to China when in the late 1990s the Philippines started to try and take Huangyan Dao by various legislative, diplomatic and military means. Apparently, the Philippines, which was upset by China's action of building sheltering facilities on Meiji Reef in 1995, and was looking for some gains, started to make attempts to take Huangyan Dao. The wider context was that the 1982 UNCLOS came into force in November 1994, and the Philippines believed UNCLOS could be used to support its attempt.

The Philippines first tested the waters in 1997, when it declared that as Scarborough Shoal (Huangyan Dao) was located within the Philippine “exclusive economic zone,” the Philippines had sovereign right to explore

and develop its resources.¹³ However, UNCLOS does not contain any provision for readjusting or altering any state's land territorial sovereignty, nor does it confer any country any right to claim another's territory on the basis of its "exclusive economic zone." The Philippine claim of sovereignty over Huangyan Dao on the basis of its "exclusive economic zone" represents a misinterpretation of UNCLOS. Obviously, one state's territory cannot be changed to that of another, simply because of the emergence of the idea of the "exclusive economic zone" in the Convention.

The Philippine attempt caused grave concern in China, which moved to oppose it. China unswervingly defends its national sovereignty, rights and interests. Take for example, on April 30, 1997, Philippine Navy personnel and two congressmen landed on Huangyan Dao, proceeded to bomb China's sovereignty marker that was set up in 1990 and planted a Philippine flag. China's Marine Surveillance ships arrived on the scene soon after and started a standoff with the Philippine naval vessels. The situation did not ease until May 3, 1997.

The Philippines, however, showed no restraint and continued taking various provocative actions. On May 20, 1997, a Philippine Navy patrol

¹³ *Far Eastern Economic Review*, June 12, 1997. Quoted from Li Jinming, "The Philippines' activities in Huangyan Dao in recent years." *Southeast Asian Affairs*, Vol. 3, 2003, pp. 40-48.

vessel seized a Chinese fishing boat 11 km away from Huangyan Dao as it was sailing to the Marshall Islands, and detained 21 Chinese fishermen.

On August 5, 1997, the Philippines and the US conducted a joint air and naval exercise near Huangyan Dao. Over the period of two months from January to March 1998, four fishing vessels, Qionghai No. 00473 and No. 00372 from Hainan Province and No. 313 and No. 311 from the China Ocean Shipping Company (COSCO), were intercepted by the Philippine Navy in the waters off Huangyan Dao. 51 Chinese fishermen were also charged with "illegal entry" and detained for nearly six months.

In response to the escalating words and deeds of the Philippines, China took action to deter any attempts to occupy the rocks, and also stepped up diplomatic effort by conducting several rounds of negotiations and consultations with the Philippine. In my capacity as the Chinese Ambassador to the Philippines, I participated in the March 1999 round of meetings of the China-Philippines Working Group on confidence-building measures in the South China Sea, held in Manila. The two sides engaged in heated exchanges, but agreed to “exercise self-restraint and not to take actions that might escalate the situation.”¹⁴ In the meantime, China and ASEAN countries, including the Philippines, launched negotiations on a declaration on the Conduct of Parties in the South China Sea (DOC). The most important consensus reached in the DOC was that no action should

¹⁴ 《中菲举行在南海建立信任措施会议》，《人民日报》，1999年3月24日。

be taken to complicate the relevant disputes. This consensus, in fact, is built upon the consensus reached between China and the Philippines.

But the Philippine side clearly did not want to give up its unreasonable territorial claims over Huangyan Dao. On May 23, 1999, a Chinese fishing boat in Huangyan Dao waters was chased and rammed by a Philippine warship, an action that resulted in 11 fishermen falling into the water. The spokesperson of the Chinese Ministry of Foreign Affairs lodged solemn protests, and China made representations to the Philippines. In June 1999, the Philippine Department of Education included Huangyan Dao, along with the entire Spratly Islands, in a new version of the country's map. Then in August 1999, the Philippine government listed it as a constitutional amendment that "the Spratly Islands are Philippine territory" in an attempt to give legal foundation to its territorial claim.

The most serious development occurred on November 3 in the same year, when an old Philippine Navy frigate "stranded" at the north side of the southeast entrance to the lagoon. It then pretended that it could not move and needed repairs. The Chinese side was informed that the engine room had been flooded with sea water, meaning it could not leave. This development, however, reminded China of a similar situation that had occurred earlier the same year at Ren'ai Jiao (Second Thomas Shoal), in which a Philippine military vessel stranded itself for repairs and refused to leave. This time China was not prepared to accept the tale, and after China

applied strong diplomatic persuasion, the Philippines had to tow the frigate away from Huangyan Dao.

In 1999, the Philippines was holding the rotating presidency of ASEAN. By this time, China had not only established diplomatic relations with all of the ASEAN member states, but also had become an ASEAN comprehensive dialogue partner in 1996. Since then, China-ASEAN relations had developed smoothly with frequent high-level exchanges, and deepening economic and trade cooperation. In December 1997, Chinese President Jiang Zemin attended the first informal ASEAN plus China, Japan and South Korea Summit and issued the China-ASEAN Summit Joint Statement with ASEAN leaders, which set out the direction and guiding principles of the China-ASEAN good-neighborly partnership of mutual trust in the 21st century. In November 1999, the Philippines was going to host the third informal ASEAN-China summit, which was to be held in Manila and attended by Chinese Premier Zhu Rongji. At that time, the economic and trade exchanges between China and the ASEAN countries were expanding rapidly, meaning the summit was of great importance to both the region and the two countries. But China could not ignore the Philippine warship aground at Huangyan Dao, which was not only a serious provocation but also a violation of the two sides' agreement. Therefore, the delegation led by Premier Zhu stopped off at Langkawi Island in Malaysia to wait for the Philippines to dispose of the stranded

vessel. I met with the Philippine President Joseph Estrada on this matter, and he listened carefully to China's views. The Philippines military eventually promised to tow the ship back to the dock and the Chinese delegation proceeded to Manila, and the Third Informal ASEAN Summit was successfully held in Manila in late November.

After that, the Philippines still did not give up provocation and continued to claim territorial sovereignty over Huangyan Dao on the grounds of “geographic proximity.” In 2000, the President’s spokesperson Fernando Barican said that Huangyan Dao was part of the Philippine territory because it was located 125 nautical miles from Luzon, while its distance to the Chinese mainland was nearly 1000 nautical miles and its distance to Hainan Province was 600 nautical miles. As such, “Chinese sovereignty claim over this feature lacks a historical or legal basis.”¹⁵ However, it is clear from international judicial practices and cases in international law that so-called “geographic proximity” does not constitute the basis for any country to invade and occupy another country’s territory. As a matter of fact, many countries have overseas territories geographically far away from their homelands. For example, the closest distance between Guam and the US mainland is about 10, 000 km.

On March 15, 2001, the Philippine Vice President and Secretary of Foreign Affairs Teofisto T. Guingona, Jr. stated that Scarborough was part

¹⁵ *World News* (Philippines). February 3, 2000, p. 2.

of Philippine territory and the Philippines had already exercised sovereignty and jurisdiction over the corresponding sea areas.¹⁶ In addition to such aggressive statements, the Philippines also started intercepting Chinese fishing boats near Huangyan Dao. China expressed strong opposition, pointing out that “Huangyan Dao is China’s inherent territory and its surrounding waters are the traditional fishing grounds for Chinese fishermen. The Philippines has no right to board and inspect or take measures against Chinese fishing boats in the areas around Huangyan Dao.”¹⁷

From the signing of DOC in 2002 to 2012, China maintained restraint in dealing with issues related to the South China Sea and emphasized on many occasions that the ASEAN countries must abide by the agreement and refrain from undermining regional peace and stability. In contrast, the Philippines had, in both rhetoric and actions, continued its attempt to consolidate its control over the features it had occupied in the Nansha area and its encroachment on Huangyan Dao.

The UN Commission on the Limits of the Continental Shelf (CLCS) set May 13, 2009 as the deadline for the submission of claims defining extended continental shelf limits. As the date approached, the region saw

¹⁶ “Zhu Bangzao Refuted Philippine Official’s Territorial Claim over China’s Huangyan Dao.” Telegraph of China News Service from Beijing, March 17, 2001, <http://www.chinanews.com/2001-03-17/26/79163.html>, accessed on September 1, 2016.

¹⁷ *Ibid.*

growing activities by some coastal states to expand their maritime claims. The Philippine government also made new provocative moves. On January 28, 2009, the Philippine Senate passed Senate Bill 2699, Archipelagic Baselines Law of the Philippines, which incorporated Scarborough (Huangyan Dao) and some other islands and reefs of the Nansha Islands (such as Taiping Dao currently controlled by Taiwan authorities) into the territory of the Philippines. On February 2, the Philippine House of Representatives made a similar move through House Bill 3216. The Philippine Congress approved the law on February 17, and President Gloria Macapagal Arroyo signed it into law on March 10, disregarding the strong protests from China.¹⁸ During the Arroyo administration, China and the Philippines had some diplomatic discords over Huangyan Dao and the Nansha Islands, but the Philippine side was generally more restrained. The two countries even managed to achieve progress in the joint development of Liyue Tan (Reed Bank).

Huangyan Dao in 2012

Soon after the Philippine President Benigno Aquino III took office in 2010, a series of reckless provocations were attempted by the Philippines in the South China Sea. This gave rise to concerns on the part

¹⁸ Foreign Ministry Summoned Philippine Charge d'Affaires Ad Interim to Protest Baselines Act, <http://ph.china-embassy.org/chn/zgxw/t537984.htm>, accessed on August 20, 2016.

of China, as it was a complete departure from the consensus built by the two countries during the late 1990s and early 2000s.

In March 2011, the Philippine military revealed a plan to spend US\$ 230 million on repairing the barracks and airstrips on the features it had occupied in the South China Sea. Three months later, President Aquino III ordered his government to replace the international standard name “South China Sea” with “West Philippine Sea.”¹⁹ Moreover, events involving arrests and detention of Chinese fishermen by the Philippines in the waters around Huangyan Dao increased significantly, as the Philippines tried to create evidence of their jurisdiction and control, with the hope that they would constitute a basis for sovereignty claims. Such provocations by the Philippines were stretching China’s patience and the Huangyan Dao Incident on April 10, 2012, was the last straw.

As mentioned earlier, on April 10, 2012, the Chinese media reported on their front pages that Chinese fishermen in Huangyan Dao had been harassed and humiliated by the Philippine Navy. A Chinese newspaper published a photograph of a Chinese fisherman being taken aboard a Philippine warship, BRP Gregorio del Pilar, to suffer in the sun, which sparked a strong public reaction in China. China's "Haijian 75" and "Haijian 84" arrived at the scene on the morning of the 11th to stop the

¹⁹ Statement of the Presidential Spokesperson, June 11, 2011, <http://www.gov.ph/2011/06/10/statement-of-the-presidential-spokesperson-on-the-recent-statements-made-by-the-chinese-government-june-10-2011/>, accessed on August 20, 2016.

Philippine military's attempt to detain the Chinese fishermen. The Associated Press commented that the incident was the "most serious confrontation" between China and the Philippines over territorial disputes in the South China Sea. On April 11, the Philippine Department of Foreign Affairs (DFA) revealed through the media that a Philippine military ship was stopped by two Chinese marine surveillance ships when it tried to arrest Chinese fishermen in Huangyan Dao. The Chinese marine surveillance ships had blocked the Philippine military vessel's passage towards the Chinese fishing boats, and a standoff ensued.²⁰

I was Vice Foreign Minister of China in charge of Asian affairs at this time and was involved in handling the incident. The incident prompted the Ministry of Foreign Affairs (MFA) into emergency mode. I took stock of the situation and coordinated with other departments and agencies concerned in organizing reactions. The first consideration was to ensure the safety of the fishermen and prevent the situation from escalating out of control. So, China called back all the fishing boats from the Huangyan Dao lagoon on April 14. This was not easy for the fishermen, because most of them had taken out loans to buy their fishing equipment, meaning that leaving the fishery early would cause considerable economic losses. However, they were promised that they

²⁰ Philippines Asserts Sovereignty over Panatag (Scarborough Shoal), April 11, 2012, <http://www.gov.ph/2012/04/11/philippines-asserts-sovereignty-over-panatag-scarborough-shoal/>, accessed on August 20, 2016.

could return to the fishing grounds as soon as the security situation improved. In the meantime, we tried to communicate with the Philippine government through diplomatic channels, but they refused to hold any talks. Instead, they preferred to resort to the microphone and making irresponsible comments through the media. To make matters worse, the Philippine government sent an archaeological ship with some foreign experts on board to enter the lagoon on April 16, to conduct so-called “archaeological salvage,” as if the Philippines had already owned Huangyan Dao. This further fueled concerns in China about losing Huangyan Dao.

On April 16, 2012, the Philippines and the US held a routine "shoulder to shoulder" joint military exercise. It was reported that the exercise would involve 4,500 American soldiers and 2,300 Philippine soldiers and that seven countries, including Japan, South Korea and Vietnam, would send observers to take part in the humanitarian relief and disaster response exercise component for the first time.

As Vice Foreign Minister of China responsible for Asian affairs, I made repeated representations between April 15 and the middle of May, through the Charge d’Affaires ad interim at the Philippine Embassy in Beijing, raising questions concerning the provocations, but received no response. The Philippine Department of Foreign Affairs issued a statement on April 25 stating “China thinks that the Philippines does not

abide by agreements, and yet the Philippines thinks that there has never been any agreement between the two sides.”²¹ We received another shock on May 4, when the Philippine presidential spokesperson announced that they had officially renamed the “Scarborough Shoal” to “Panatag Shoal.” Because of these continued infringements on China’s interests and threats to our fishermen, we decided to “keep a closer watch over Huangyan Dao” by deploying marine surveillance and fishery administration ships around Huangyan Dao for regular patrols and law enforcement.

Among the fishing sites in the South China Sea, Huangyan Dao has unique marine eco conditions and the Chinese fishing administration issues limited licenses to fishing boats in the lagoon. Considering the licensed fishermen were under pressure to pay back the loans they had incurred, China decided to allow the fishing boats to return to the lagoon on May 9. In order to prevent further tension, I met with the Philippine Charge D’Affaires on May 7, informing him of our intention and calling for the Philippines to exercise restraint. Also, in order to inform the outside world of what was going on, I made a public statement about the conversation.²² We hoped that following the incident, the Philippines

²¹ Statement of the Department of Foreign Affairs on the Scarborough Shoal issue, April 25, 2012, <http://www.gov.ph/2012/04/25/statement-of-the-department-of-foreign-affairs-on-scarborough-shoal-april-25-2012/>.

²² Vice Foreign Minister Fu Ying met with Filipino Charge d’Affaire, <http://www.fmprc.gov.cn/ce/ceph/chn/sgdt/t929752.htm>, accessed on August 20, 2016.

would learn a lesson, and let tranquility and normality return to Huangyan Dao.

Unfortunately, the provocations did not stop. Philippine coastguard ships were sent to the lagoon. They took turns in entering and leaving the lagoon, to maintain a constant presence. Observing armed personnel aboard the ships, the angry fishermen became worried about their safety and tried to block the lagoon entrance with ropes to stop the Philippine coastguard ships from entering when they were switching duty. In Beijing, we were very concerned about the situation. Although there were large Chinese law enforcement ships in control of the waters around Huangyan Dao, they were too large to enter the lagoon, leaving the fishermen inside of the lagoon unprotected. We were worried that should the fishermen be harassed again, confrontations may break out, putting the fishermen's safety at risk. To prevent such a grim prospect, the Chinese side urged through diplomatic channels that the Philippines withdraw its armed ships out of the lagoon, but these requests were ignored. The Philippine DFA also refused any request for dialogue from the Chinese Embassy in Manila, a practice rarely seen in peace time.

This difficult situation continued for over two weeks, and by the end of May, China decided to send its own smaller law enforcement patrol boats into the lagoon, and re-enforce the guarding ships outside the lagoon. The smaller Chinese law enforcement boats helped calm down the

situation in the lagoon by protecting the fishing boats against the armed Philippine coastguard ships.

So, why would the Philippine Navy blatantly provoke China at Huangyan Dao and take such extreme actions against the Chinese fishermen? And, why would it want to challenge China in such a way? This abnormal behavior was all but incomprehensible, yet one could not help but wonder, what kind of driving force was behind the Philippine behavior. The Philippines had taken an active part in and gained from the booming East Asian integration after the Cold War. It was an ally of the US and had been a critical pillar for US military activities in Southeast Asia. Against the backdrop of the US “Pivot” and “Asia-Pacific rebalancing strategy,” the growing American interest in the South China Sea had probably stimulated and encouraged the Philippines.

When US Secretary of State Hillary Clinton visited the Philippines in November 2011, she raised the South China Sea issue when speaking aboard the guided-missile destroyer USS Fitzgerald anchored in the port of Manila. According to the Secretary of State, the US did not take sides on the competing sovereignty claims. Yet America would help the Philippines defend its maritime territory; no country had the right to threaten or use force to advance its claims; and international law, relevant legal provisions and the UNCLOS should be abided by. What was most noteworthy was that Secretary Clinton used the phrase “the West

Philippine Sea” in her speech²³ instead of the internationally used name “South China Sea,” giving this unilaterally coined term a first-time use by a senior American official. Though this term has not been used again by the US, the kind of “on your side” attitude certainly emboldened the Aquino government. For example, after the Huangyan Dao Incident broke out, President Aquino III, Foreign Minister Del Rosario and others claimed on multiple occasions that according to the US-Philippine Mutual Defense Treaty, the US would help the Philippines when it was “threatened by external armed attack.”²⁴

Indeed, the US is obligated to provide support to its ally caught in confrontations, under the 1951 US-Philippines Mutual Defense Treaty. The US also needs to show the world that it honors its commitments at times of crises, which was a major component of its “Asia-Pacific rebalancing strategy.” Nonetheless, Huangyan Dao should not be included in the geographic parameters for defense under the Treaty, and therefore, the US was not legally bound to help the Philippines defend its claim. From the political point of view, the US, as a seasoned global power, would not allow itself to be dragged into conflicts that are not in its own interest. The US was hence caught between conflicting considerations on

²³ Hillary Rodham Clinton, Remarks Aboard USS Fitzgerald Commemorating the 60th Anniversary of the US-Philippines Mutual Defense Treaty,

<http://www.state.gov/secretary/20092013clinton/rm/2011/11/177228.htm>, accessed on August 14, 2016.

²⁴ Mutual Defense Treaty between the United States and the Republic of the Philippines; August 30, 1951, http://avalon.law.yale.edu/20th_century/phil001.asp, accessed on August 20, 2016.

the Huangyan Dao issue. On the one hand, the US was worried that too much support for the Philippines would inflame its reckless behavior. On the other, it was concerned that if the Philippines backed off completely under China's pressure, America's image and standing would be undermined, and China's perceived increasing strength would be seen in the US as a weakening of its own.

The US, therefore, tried to maintain a delicate balance. It reaffirmed the effectiveness of the US-Philippine Mutual Defense Treaty on diplomatic occasions, and also strengthened diplomatic and military interactions with the Philippines. And yet, it took a measured approach, refusing to respond to any hypothetical questions about possible conflict, and emphasized that military actions like the Balikatan war games were not targeted at China. Senior US officials including the then Assistant Secretary of State Kurt Campbell and Secretary of Defense Leon Panetta also indicated that the US did not take any positions on issues of dispute, and had no intention of getting involved in the Scarborough Shoal issue.²⁵ Such attitudes obviously fell short of what the Philippines had expected²⁶. On April 30, 2012, the Philippine Foreign Secretary Albert Del Rosario admitted at a press conference following the US-Philippine "2+2" meeting,

²⁵ Campbell's response, <http://www.rfa.org/english/news/china/conduct-06272012194950.html/>, accessed on August 15, 2016.

²⁶ Armed Clash in the South China Sea, <http://www.cfr.org/asia-and-pacific/armed-clash-south-china-sea/p27883> Campbell's response, <http://www.rfa.org/english/news/china/conduct-06272012194950.html/>, accessed on September 1, 2016.

that “the US has been clear that it does not get involved in territorial disputes like the one over Panatag (Scarborough) Shoal.”²⁷

The US’s “relative neutrality” and distant position led the Philippines to waver about continuing to engage in provocations and long-term confrontation with China. The Philippines also realized that confrontation was not a good long-term strategy, as China had resolved to strengthen control over Huangyan Dao by sending surveillance ships on routine patrols in the surrounding waters.²⁸ The Philippines was also aware that its navy was overstretched during the month long standoff. Therefore, in late May, they were about to shift position. The US, on its part, had been trying to encourage other players in the region to stand up against China. On May 24, 2012, I met with Kurt Campbell, the US Assistant Secretary of State, in Phnom Penh, Cambodia, just prior to the East Asia Summit Senior Officials’ Meeting (SOM). He raised the issue of Huangyan Dao. It was obvious from the conversation that he had been well informed by the Philippine Foreign Secretary. According to Campbell, the Philippines could engage with China for a negotiated solution, and he stated that the ultimate goal of the US was to prevent instabilities and a new crisis in the region. His reconciliatory tone made

²⁷ Remarks with Secretary of Defense Leon Panetta, Philippines Foreign Secretary Albert del Rosario, and Philippines Defense Secretary Voltaire Gazmin after Their Meeting,

<http://www.state.gov/secretary/20092013clinton/rm/2012/04/188982.htm>, accessed on September 1, 2016.

²⁸ DFA statement on the situation at Bajo de Masinloc (Scarborough Shoal), May 23, 2012. May 23, 2012, <http://www.gov.ph/2012/05/23/dfa-statement-on-the-situation-at-bajo-de-masinloc-scarborough-shoal-may-23-2012/>, accessed on September 1, 2016.

me feel optimistic. However, to my surprise, at the SOM on the 25th, Campbell, in the presence of the Chinese delegation, urged ASEAN to stand together against China, and manage the affairs in their own “backyard” (referring to the South China Sea) to prove ASEAN’s credibility. I was quite shocked by the rhetoric and arrogance in his tone, which also left many diplomats from ASEAN countries perplexed. During the coffee break, some senior ASEAN officials commented, “How could he talk like that to the Asians?” “Is he from another planet?”

Campbell went to the airport immediately after he spoke. So I asked to meet with his deputy in the delegation, US Deputy Assistant Secretary of State Nirav S. Patel, requesting clarification of Campbell’s remarks. My questions were: What does “backyard” mean exactly? Whose “backyard” is it? And what does the US want to achieve by pitting ASEAN against China?

In contrast, Patel had a milder tone. He tried to play down the word “backyard,” and reiterated that the US took no position on the competing territorial claims on Huangyan Dao, nor did it intend to pit ASEAN against China. He said, “The US only hopes that ASEAN could give the Philippines some faith and allow it to save face.” Around that time, I sensed on a number of international occasions that while the international community was highly concerned about the developments around the Huangyan Dao Incident, China’s voice was rarely heard. The international

media reports were filled with the Philippines' one-sided story, and China was depicted as a big nation, "bullying" one of its smaller neighbors.

On many occasions, I gave a detailed account of the whole story and clarified China's positions, emphasizing that the greatest need was for the Philippines to withdraw its boats from the Huangyan Dao lagoon and allow the fishermen to operate in a peaceful environment.

From May 30 to June 2, I attended an international forum in Virginia in the United States. Campbell came to see me at a hotel nearby on June 1. He was visibly upset and made a long statement, mainly on behalf of the Philippines, complaining about China's hard handedness. He was particularly angry about the Chinese fishermen blocking the entrance to the lagoon with ropes to prevent the Philippine boats from entering. He expressed concern about the possibility of conflicts and hoped to find a way to ease the standoff. After hearing him out, I patiently asked him a question that had troubled me for quite a while: Why did the Philippines so boldly provoke China by harassing the fishermen in the first place? The Filipinos had said that the warships which appeared in Huangyan Dao were sent to monitor missiles launched by the DPRK; however, this could not explain their behavior. I asked specifically, "What role did the US play in the Huangyan Dao Incident?" I also added, "Of course, if you are not in a position to answer, I absolutely understand. But if you are, please tell me the truth."

Campbell and I go way back, and we both like to be straight forward, so I knew he would not feel offended by my bluntness. He responded in a similar manner, “I can tell you for sure that the US has no involvement whatsoever in the incident.” His answer was very important, as we needed to know the American role when trying to accurately assess the incident.

Campbell and the other American officials who accompanied him listened carefully to my account of the chain of events and our analysis of the current situation. I stressed that the Philippines needed to withdraw its boats from the lagoon in order to prevent conflict and de-escalate the situation. I said, “Given that it was the Filipinos who violated the existing agreement and provoked China first, China cannot trust them anymore. We will continue to maintain the law enforcement guard over Huangyan Dao, and will by no means tolerate any kind of further provocation.”

Presented with hard evidence, Campbell admitted that it was the Philippines that had acted first. But he also urged China, as the bigger power, not to overreact. Although the US had no intention of mediating between China and the Philippines, Campbell was very concerned about how to ease the situation as soon as possible, not least because on June 8, the Philippine President Benigno Aquino III would be arriving in Washington D.C. The US obviously did not want his visit to be overshadowed by the standoff between the Philippines and China, so presumably would like to see the problem solved before then. Campbell

agreed with me that the Philippine government boats should leave the lagoon, and hoped that China would do the same, which would be a reasonable way out. I said that I did not have the authorization to promise anything, but as the Chinese law enforcement boats went into the lagoon to protect the Chinese fishermen from the armed Philippine boats, if the Philippines did withdraw, I thought, there would be no need for the Chinese law enforcement boats to stay in the lagoon. In any case, before the incident, Chinese law enforcement boats rarely entered the lagoon and mostly stayed in the waters outside the entrance.

Campbell told me that the US was going to explicitly request the Philippines to “handle the issue with great caution,” and expressed the hope that China would withdraw its law enforcement boats once the Philippine boats leave. Campbell and the Philippine Foreign Secretary Rosario were good friends, and he managed to persuade Rosario to quickly remove their boats from the lagoon. While traveling to the airport to return to China on June 3, Campbell rang to inform me that the Philippine boats had already left the lagoon and he urged that the Chinese boats should do the same. On arriving back in Beijing, I learned that relevant departments in China had already started to assess the situation in the lagoon, and had confirmed that the armed Philippine boats had left. Instructions had therefore been sent for the Chinese law enforcement boats to start leaving the lagoon. In the Philippines, the DFA publicly

confirmed that the government boats from both sides had withdrawn from the Huangyan Dao lagoon by June 5.²⁹

As the fishing season in the South China Sea came to an end, a fishing moratorium was imposed and the Chinese fishing boats also gradually left Huangyan Dao lagoon.

China's policy of imposing fishing moratorium in the South China Sea started in 1999, as the fishing intensity in the South China Sea had exceeded the replenishing capacity of the resources, leading to a serious decline of fishery resources, including major commercial fish stocks. So, the fishing ban is an important measure to ensure that China can support and maintain the natural ecology of the sea, while providing for the sustainable development of the marine fisheries and protecting the long-term economic interests of the fishermen. Starting from May 1 until August 16, the waters north of latitude 12 degrees north in the South China Sea are closed to fishing. During the fishing moratorium, all fishing vessels are to remain in their ports. As the Huangyan Dao standoff disrupted the Chinese fishermen in the area, they were given a short extension to their fishing season in the lagoon. Following the standoff, China kept only one or two law enforcement ships in the waters around Huangyan Dao, and the situation finally calmed down.

²⁹ DFA statement on the situation in Bajo de Masinloc (Scarborough Shoal), June 5, 2012, <http://www.gov.ph/2012/06/05/dfa-statement-on-the-situation-in-bajo-de-masinloc-scarborough-shoal-june-5-2012/>, accessed on August 20, 2016.

At the height of the tensions caused by the Huangyan Dao standoff, trade and tourism between China and the Philippines were heavily affected. Fruit imported from the Philippines was slow to sell in the Chinese markets, and Chinese Customs stepped up quarantine requirements. Chinese tourists also started to cancel their travel reservations to the Philippines, resulting in travel agencies having to switch destinations for tourists. On May 10, 2012, Aquino sent his friends Antonio F. Trillanes IV and Li Yongnian (who is ethnic Chinese), as special envoys to visit China, in the hope of turning a page and putting bilateral relations back on track. This gave us an opportunity to present them with a comprehensive account of Huangyan Dao's history as a part of China and our views on the dispute. In the spirit of “seeking truth from facts,” both sides maintained a calm and rational tone during the talks, and both sides hoped that bilateral cultural and economic exchanges would not be disrupted. I not only briefed the special envoys on the anger that the incident had aroused among the Chinese public and its impact on bilateral relations, but also expressed China's desire to maintain friendly bilateral relations with the Philippines. Their visit eased to some extent the tensions between the two sides.

However, the Philippine government was not of one voice. The Philippine Foreign Secretary Rosario soon started to “spin” the story. He claimed that China had persuaded the US to put pressure on the

Philippines to withdraw, and it had now occupied the Scarborough (Huangyan Dao). Clearly, Rosario was trying to create controversy, and to challenge the right of the Chinese surveillance ships to remain in the area to “watch over Huangyan Dao.” As we later discovered, he was already preparing to bring the matter to international arbitration. Rosario’s key working assumption was that the Philippines had been in rightful possession of Huangyan Dao, which was now lost to China. In fact, the Philippines had started to fabricate new “evidence” to support its sovereignty claims over Huangyan Dao. It claimed, “the Philippines has exercised both effective occupation and effective jurisdiction over” Huangyan Dao “since its independence.”³⁰ In this context, the Chinese became more and more concerned that the Philippines might try to take Huangyan Dao through “actual control.” China, therefore, is more determined to prevent further complication by strengthening its law enforcement guard in Huangyan Dao waters by keeping patrol by SOC ships.

I am not sure how much Campbell knew about the geographical feature of Huangyan Dao, but it was obvious that the US believed Rosario’s story and was sympathetic to the Philippines. Campbell once said to me, “You’ve successfully manipulated us.” This misunderstanding

³⁰ Philippine position on Bajo de Masinloc (Scarborough Shoal) and the waters within its vicinity, <http://www.gov.ph/2012/04/18/philippine-position-on-bajo-de-masinloc-and-the-waters-within-its-vicinity/>, accessed on August 20, 2016.

was also reflected in the widely held belief in the US and the Philippines that China was the dishonest party that failed to meet its commitment of reciprocal withdrawal and had exploited the situation to occupy Scarborough (Huangyan Dao). This version of the Huangyan Dao Incident is deliberate spin. However, it would, be dangerous if the Philippine and US governments base their decisions on this disinformation and misperception.

The fact is that in 2012, in the face of threats and provocations by Philippine warships against Chinese fishing vessels and fishermen in Huangyan Dao waters, China sent maritime surveillance and fishery administration vessels into the area to protect the safety of Chinese personnel and property. And the Philippines' ambitions for the rocks did not diminish after the Huangyan Dao standoff,. This was why the Chinese government vessels had to continue patrolling the waters off Huangyan Dao to “keep an eye” on it.

During the Huangyan Dao standoff, the Philippines persisted in sending small armed government vessels to threaten Chinese fishermen in the Huangyan Dao lagoon even after the large Chinese maritime surveillance and fishery administration vessels took control of the Huangyan Dao waters. This action forced the Chinese to send small public service vessels into the lagoon. Such confrontation led to a risk of conflict. The situation in the lagoon and how it had developed and would develop,

was what Kurt Campbell and I discussed. The Philippine vessels withdrew from the lagoon in early June, after which the small public service vessels sent by China also left.

To sum up, China defended its territorial sovereignty over Huangyan Dao during the incident and has since kept a closer watch over the area, by maintaining patrol ships in the area under the direction of the State Oceanic Administration(SOA). Now, as China and the Philippines are resuming dialogues, it is sensible for us to review this whole episode, to learn from it and ensure similar misunderstandings never occur in the future.

The friendly exchanges between China and the Philippines go back to ancient times. When handling differences with the Philippines, China has taken great care to protect their long friendship and the close ties between our peoples. Even when confronted with continued provocations, China tried to display restraint and goodwill. Regarding the issues in the South China Sea, China has insisted on addressing them through peaceful negotiation, and it has chosen not to resort to force. This is not because we are not able to, but because we care about the regional stability and good relations with our neighbors. Since the 1990s, China has, on balance, managed to effectively control the flare-ups and escalation of any disputes through direct negotiations with the parties concerned, and consultations

with the ASEAN countries. This has undoubtedly contributed to peace and stability in East Asia.

Given conflicts and instabilities seen in other regions, East Asian countries have been relatively successful in handling their differences and conflicts, and in cooling tensions. However, China's fundamental position is that it will not under any circumstances; give up its sovereignty over any part of its territory.

Any attempt to infringe upon China's sovereignty and legitimate rights and interests will be met with strong reactions and responses, the 2012 Huangyan Dao Incident being a case in point. The Philippines has never exercised sovereignty over Huangyan Dao. While China respects other countries' sovereignty and territorial integrity, it will not allow one inch of its territory to be taken from it. As close neighbors, China and the Philippines should be able to address and resolve many issues between them through discussions and negotiations, but such efforts can only be successful when they are based on good faith and mutual trust.