



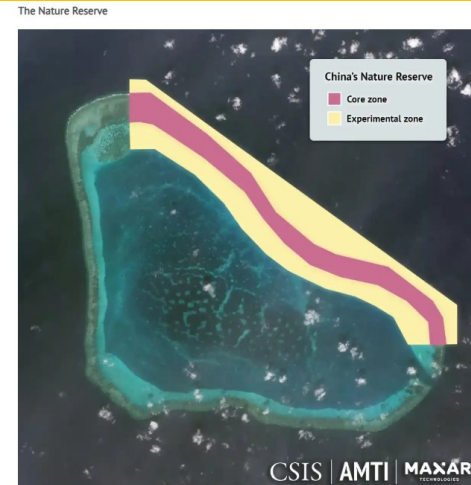
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TACTICAL AID

CHINA'S DESTABILIZING DECLARATION OF A NATIONAL "NATURE RESERVE" AT SCARBOROUGH REEF

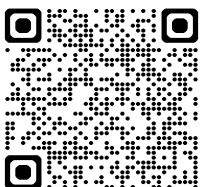
SUMMARY

- Scarborough Reef is a high tide feature in the South China Sea (SCS). The Philippines, China and Taiwan make competing claims to sovereignty over Scarborough Reef. On 12 Jul 2016, in a decision that was legally binding on the Philippines and China, a unanimous arbitral tribunal found that Scarborough Reef is a "rock" that is not entitled to an exclusive economic zone (EEZ) or continental shelf.
- On 10 Sep 2025, China unilaterally declared a national "nature reserve" covering 35km² (approx. 3,500 hectares) at Scarborough Reef. Through domestic law, China purports to divide the claimed reserve area into "core" and "experimental" zones, and control access via a regulatory process.
- On 13 Oct 2025, China Coast Guard (CCG) vessels operationalized the nature reserve, issuing radio warnings and ordering Philippine vessels to stay out of the "environmental reserve."
- Chinese scholars openly state the nature reserve is intended to consolidate China's administrative control over Scarborough Reef, exclude Philippine vessels, and potentially justify future land reclamation and construction—which may include establishing a research lab or similar structure on or near Scarborough Reef.
- China's coercive actions do not strengthen or in any way advance a legal basis for its territorial claim to Scarborough Reef.
- China's unilateral and coercive actions complicate and escalate the territorial sovereignty dispute with the Philippines over Scarborough Reef, are inconsistent with its commitments to its Association of Southeast Asian Nations (ASEAN) neighbors in the 2002 Declaration on the Conduct of Parties in the SCS, and are contrary to the binding obligations of the 2016 Arbitral Tribunal Award to permit Filipino fishermen access to the island and its territorial sea.
- The United States stands with our Philippine ally and firmly rejects China's destabilizing declaration of a "nature reserve" at Scarborough Reef. China's unilateral declaration is yet another coercive attempt to advance its sweeping territorial and maritime claims in the SCS at the expense of its neighbors, including unlawfully preventing Filipino fishermen from accessing these traditional fishing grounds.



WHY THIS MATTERS

- China's nature reserve represents another example of legal warfare – i.e., China's misuse and weaponization of legal mechanisms to create a veneer of legitimacy to justify its malign actions.
- China's actions add to its pattern of aggressive and unlawful behavior in the SCS that includes persistent and dangerous harassment of Philippine vessels in the Philippine EEZ, annually establishing sweeping and legally baseless fishing bans over waters in which it has no legal entitlement under international law, and employing maritime barricades to preclude traditional fishing rights authorized by international law.



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- China's actions undermine regional stability and are part of its larger strategy to "win without fighting" by advancing its excessive maritime claims and eroding international legal norms — which directly undermines U.S. national security and the interest of our allies and partners across the Indo-Pacific region.



China has demonstrated a pattern of aggressive action in the SCS. For example, on 17 Jun 2024 PLA personnel ram and board a Philippine Coast Guard RHIB using axes near Second Thomas Shoal.



BACKGROUND

- Scarborough Reef is a high tide feature in the SCS over which the Philippines, China, and Taiwan claim sovereignty. The United States does not take a position on the competing sovereignty claims over Scarborough Reef; however, the United States recognizes the waters outside 12nm of Scarborough Reef as part of the Philippines' EEZ.
- Since 2012, China has established a permanent Coast Guard and maritime militia presence at Scarborough Reef, employing coercive maritime tactics to prevent Filipino fishermen from engaging in traditional fishing, while simultaneously tolerating/protecting Chinese fishing vessels engaged in harvesting activities harmful to endangered species.
- On 12 July 2016, an Arbitral Tribunal lawfully constituted under UNCLOS issued a unanimous, legally binding Award. While the Tribunal did not resolve the competing sovereignty claims over Scarborough Reef—as territorial sovereignty disputes are outside its jurisdiction—it made several critical determinations:
 - **Rock:** Scarborough Reef is a “rock” as provided in UNCLOS article 121(3). Accordingly, Scarborough Reef is entitled to a 12nm territorial sea but not to an EEZ or continental shelf. As the feature is less than 200nm from the uncontested Philippine mainland, waters beyond Scarborough Reef's 12nm territorial sea are within the Philippine EEZ and continental shelf.
 - **Traditional Fishing Rights:** Scarborough Reef has been a traditional fishing ground for multiple nations. Through the operation of its official vessels at Scarborough Reef from May 2012 onwards, China unlawfully prevented Filipino fishermen from engaging in traditional fishing.
 - **Environmental Violations:** With respect to its environmental conduct in the SCS, the Tribunal found that China violated its UNCLOS obligations relating to protecting and preserving the marine environment.
 - **Binding Nature:** Pursuant to article 296 of UNCLOS, the Arbitral Tribunal decision is final and legally binding on both parties—China and the Philippines—though China has willfully refused to comply.

CHINA'S DESTABILIZING NATURE RESERVE

- Under the guise of domestic legal jurisdiction, on 10 Sep 2025, China's State Council announced the “nature reserve.” It consists of two zones under *China's 1994 Regulations on Nature Reserves*:
 - **Core Zone:** Strictly off-limits without advance approval from Chinese authorities.
 - **Experimental Zone:** Permits only scientific experiments, teaching practice, inspections, tourism and breeding of rare species. Foreign nationals require China's permission.
 - The reserve excludes the lagoon entrance suggesting China may maintain operational access for future construction.
- Wu Shicun, of China's National Institute for South China Sea Studies, stated the nature reserve “strengthen[s] China's assertion of sovereignty and effective administrative control.” Wu explicitly indicated that if the reserve proves “inadequate to protect [China's] sovereignty and exercise jurisdiction, then the logical consequence would be the construction of defensive facilities requiring a permanent land base,” necessitating land reclamation. Wu explained the designation seeks to “limit the appearance of Philippine vessels” and “reduce the substantial cost and burden of maintaining a constant, long-range law enforcement presence.”
- In response to China's unilateral announcement of a “nature reserve” at Scarborough Reef, the U.S. Secretary of State Marco Rubio issued a press release in which he said, “Beijing claiming Scarborough Reef as a nature preserve is yet another coercive attempt to advance sweeping territorial and maritime claims in the South China Sea at the expense of its neighbors, including by preventing Filipino fishermen from accessing these traditional fishing grounds.”
- The Philippine's National Security Council highlighted the irony of China claiming “stewardship over an ecosystem that they themselves damaged” and declared that China's move “is patently illegal as it violates UNCLOS, the final and binding 2016 Arbitral Award, and the 2002 Declaration on the Conduct of the Parties”. Philippines Secretary of Defense, Gilbert Teodoro, remarked “[t]his, to us, is a veiled attempt to wield military might and the threat for use of force, undermining the rights of smaller countries and their citizens who rely on the bounty of these waters.”
- On 13 Oct 2025, as Philippine Bureau of Fisheries and Aquatic Resource vessels provided humanitarian supplies to Filipino fishermen, CCG vessels issued radio warnings ordering vessels out of the “environmental reserve,” claiming the presence of Philippine fishing boats could damage the area.



On 30 Apr 2024, China Coast Guard vessels use water cannons against Philippine Coast Guard vessel BRP Bagacay near Scarborough Reef.



LEGAL ANALYSIS

- China's destabilizing and coercive actions do not strengthen or in any way advance a legal basis for its sovereignty claim to Scarborough Reef, or—beyond Scarborough Reef—its SCS sweeping and unlawful maritime claims.
- China's unilateral actions complicate and escalate its territorial dispute with the Philippines. China's actions also contravene its commitments to its ASEAN neighbors in the 2002 Declaration on the Conduct of the Parties "to exercise self-restraint in the conduct of activities that would complicate or escalate disputes and affect peace and stability". Additionally, China's actions contradict its obligations to comply with the legally binding 2016 Arbitral Tribunal Award.
- **2002 Declaration on the Conduct of Parties in the SCS (DOC)**
 - Signed by China and ASEAN Member States on 4 Nov 2002, the DOC commits parties to peaceful dispute resolution.
 - Paragraph 4 commits parties to resolve their territorial and jurisdictional disputes by peaceful means, without resorting to the threat or use of force in accordance with universally recognized principles of international law, including UNCLOS. China's nature reserve is a unilateral coercive measure that blatantly bypasses peaceful consultations.
 - Paragraph 5 requires parties to "exercise self-restraint in the conduct of activities that would complicate or escalate disputes and affect peace and stability." China's nature reserve dramatically escalates disputes by ignoring the very existence of a territorial dispute with the Philippines over the island and creating legal pretexts for excluding Philippine vessels and laying groundwork for potential land reclamation, construction, or emplacement of facilities.
- **2016 Arbitral Tribunal Award** is final, legally binding on the parties, and cannot be appealed. China's nature reserve contradicts multiple Tribunal determinations in the Award:
 - **Maritime Entitlements:** As a high tide feature, Scarborough Reef generates a 12nm territorial sea, but no EEZ or continental shelf. The waters beyond 12nm lie within the Philippines' EEZ. China's pattern and history of recklessly and dangerously interfering with Philippine sovereign rights within the Philippine EEZ raise serious concern that China could use the "nature reserve" to further threaten the Philippines' ability to exercise its lawful sovereign rights and jurisdiction within its EEZ. Furthermore, China may use the nature reserve as a false pretext to unlawfully interfere with the right of any nation to exercise the right of innocent passage within 12nm of Scarborough Reef, and the right of any nation to exercise high seas freedoms of navigation and overflight beyond Scarborough Reef's 12nm territorial sea and national airspace.
 - **Traditional Fishing Rights:** Scarborough Reef is a traditional fishing ground used by fishermen of many nationalities. China has unlawfully prevented Filipino fishermen from engaging in traditional fishing at Scarborough Reef from May 2012 onwards. China's nature reserve perpetuates and intensifies this violation by creating a pretext to exclude Philippine fishermen from waters where the Tribunal explicitly affirmed their traditional fishing rights.
 - **Environmental Damage:** With respect to its environmental conduct in the SCS, the Tribunal found that through the following acts, China violated its UNCLOS obligations relating to protecting and preserving the marine environment:
 - Large-scale land reclamation and construction of artificial islands (causing damage to fragile coral reef ecosystems);
 - Failing to exercise due diligence over harmful practices by Chinese-flagged fishing vessels; and
 - Failing to fulfill Convention obligations with respect to cooperation and release of environmental impact assessments.
- Based on China's militarization through land reclamation and other ecologically damaging activities when occupying Mischief Reef, Subi Reef, and Fiery Cross Reef, China's nature reserve at Scarborough and any associated construction activities risk further violating its UNCLOS environmental obligations.



On 11 Aug 2025, while undertaking dangerous ramming and water cannon operations against Philippine Coast Guard vessels, a China Coast Guard vessel collides with a PLA Navy Destroyer near Scarborough Reef.



Mainland Post- "Analysts warn this is not about coral reefs or biodiversity, but a carefully staged legal maneuver: a way for China to cloak sovereignty claims in the language of environmentalism."



PROPOSED COUNTER-LAWFARE APPROACH

- **Firmly Reject China's Nature Reserve.** The United States stands with the Philippines and firmly rejects China's destabilizing declaration of a national nature reserve at Scarborough Reef. Beijing's unilateral declaration is another coercive attempt to advance its sweeping SCS territorial and maritime claims at the expense of its neighbors.
- **Affirm Philippine Sovereign Rights.** Waters beyond 12nm of Scarborough Reef lie within the Philippines' EEZ. The Philippines has sovereign rights and jurisdiction over the living and non-living resources within its EEZ, including fishing.
- **Emphasize China's Declaration of Conduct Violations:** China's unilateral action undermines its 2002 DOC commitment to its ASEAN neighbors to exercise self-restraint and peacefully resolve disputes.
- **Reaffirm the Legally Binding Arbitral Award:** The 2016 Award is final and legally binding on the parties. It conclusively determined, among other things, that China unlawfully prevented Filipino fishermen from exercising their traditional fishing rights. China's nature reserve perpetuates this unlawful conduct.
- **Expose China's Hypocrisy.** China's actions are deeply hypocritical. Chinese fishermen—under CCG protection—destroyed 1,900 acres of Scarborough's coral reef, more than at any other SCS reef. In addition, as reflected in the 2016 Arbitral Award, China has violated UNCLOS obligations relating to protecting and preserving the marine environment. China cannot credibly claim an environmental motivation for its unilateral actions and, at Scarborough Reef, created the very devastation it now purports to address.
- **Reject China's False Legal Narrative:** Unequivocally reject China's claims that the nature reserve will provide a legitimate basis for excluding Philippine vessels. International law—as reflected in UNCLOS and the binding Arbitral Tribunal Award—provide the authoritative framework, not China's unilateral domestic designations.
- **Promote Freedom of Navigation & Commerce for All Nations.** Navigational rights and freedoms enshrined in UNCLOS directly advance the economic and national security of the United States and all nations – and China's nature reserve erodes these fundamental principles of international law.
- **Expose and Oppose China's Lawfare Strategy:** China's weaponization of the law undermines the sovereign rights of all nations. The United States will work closely with its allies and partners to highlight China's legally baseless actions while articulating the legitimacy of our own actions.

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U.S. Indo-Pacific Command

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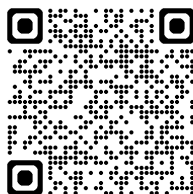
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