

Ten Years After the Arbitration Tribunal's Ruling on the Philippines' Case Against China

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Abstract: July 12, 2016 marked a significant milestone in the legal history of the South China Sea region when the Arbitration Tribunal, established under Annex VII of the Permanent Court of Arbitration (PCA), issued its ruling in the case between the Philippines and China concerning the dispute in the South China Sea. The case, initiated in 2013 based on the 1982 United Nations Convention on the Law of the Sea (UNCLOS 1982), aimed to clarify the legality of China's maritime claims and activities in the region. The Arbitration Tribunal's ruling is considered one of the most important international legal decisions concerning maritime disputes in the 21st century. The court rejected the legal basis of China's "nine-dash line," affirming that the geographical features of the Spratly Islands do not qualify for a 200-nautical-mile exclusive economic zone (EEZ). This ruling is significant not only for the Philippines but also has far-reaching implications for the legal order at sea, particularly the application of UNCLOS in dispute resolution. However, ten years have passed since the ruling, and the big question remains: how has it impacted the South China Sea situation and the international legal order? In reality, while the ruling is highly regarded by the international community for its legal value, its implementation and practical impact remain limited due to political, strategic, and power-competitive factors in the region. This article will analyze the context of the 2016 ruling, its main content, and assess its impact on international law, the situation in the South China Sea, and international relations in the region ten years later. Through this, the article contributes to clarifying the role of international law in resolving maritime disputes and the challenges posed in the implementation of international rulings.

Keywords: Ten years, ruling, arbitration tribunal, Philippines, China.

INTRODUCTION

The Context of the Philippines' Case Against China

The South China Sea dispute is one of the most complex geopolitical issues in the Asia-Pacific region. Many countries in the region have overlapping claims of territorial sovereignty and maritime jurisdiction. Among these, China's "nine-dash line" claim, encompassing a large portion of the South China Sea, has sparked considerable debate regarding its legality.

For many years, the Philippines has repeatedly protested China's activities in areas that the Philippines considers within its exclusive economic zone. However, bilateral diplomatic efforts have yielded no significant results. In response, in 2013, the Philippines decided to sue China under the UNCLOS dispute resolution mechanism.

Notably, the Philippines did not request the PCA to resolve the issue of territorial sovereignty, but focused solely on the interpretation and application of international maritime law. This approach placed the case within the PCA's jurisdiction under UNCLOS.

It is noteworthy that the Philippines did not request the PCA to resolve the issue of territorial sovereignty, but rather focused on the interpretation and application of international

maritime law. China declared it would not participate in the proceedings and asserted that the PCA had no jurisdiction over the case. However, according to UNCLOS, a party's refusal to participate does not negate the Court's jurisdiction.

MAIN CONTENTS OF THE 2016 RULING

After a lengthy review process spanning many years, the PCA issued its final ruling on July 12, 2016, with several important conclusions, most notably:

First, rejecting the "nine-dash line": One of the most important points of the ruling is the PCA's conclusion that China has no legal basis to claim historical rights to resources in the area within the "nine-dash line." According to the PCA, UNCLOS established a clear system of maritime zone demarcation and does not allow for ambiguous historical claims that go beyond the convention's provisions.

This conclusion is highly significant because the "nine-dash line" forms the basis for many of China's claims in the South China Sea. Secondly, the PCA's conclusion on the legal status of structures in the Spratly Islands

The PCA also considered the legal status of several geographical entities in the Spratly Islands. According to UNCLOS, only islands capable of

sustaining independent economic life can generate an EEZ.

The PCA concluded that none of the structures in the Spratly Islands meet this criterion. Therefore, these entities can only generate a maximum of a 12-nautical-mile territorial sea.

This conclusion has a significant impact as it considerably narrows the scope of maritime zones that can be claimed from the entities in the Spratly Islands.

Thirdly, the PCA's assertion that China violated the sovereign rights of the Philippines

The PCA also determined that China violated the sovereign rights of the Philippines in its EEZ through activities such as: obstructing Filipino fishermen, constructing artificial structures, and exploiting marine resources. Furthermore, the PCA stated that China's island reclamation activities have caused serious damage to the marine environment.

IMPACT OF THE RULING ON INTERNATIONAL LAW

After 10 years, the 2016 ruling is still considered an important legal precedent in the application of UNCLOS.

The PCA's ruling of July 12, 2016, in the case between the Philippines and China regarding the South China Sea dispute is considered a significant milestone for the development and implementation of international maritime law, especially UNCLOS. This ruling not only resolved specific legal issues between the two sides but also had a profound impact on the interpretation, application, and strengthening of the principles of international law.

First, the ruling contributed to clarifying and strengthening the provisions of UNCLOS. The PCA affirmed that China's "nine-dash line" claim to most of the South China Sea has no legal basis under UNCLOS. This is significant because it establishes that all claims to historical rights at sea must conform to the legal framework of the Convention. Thus, the ruling contributed to strengthening the principle that UNCLOS is the primary legal foundation governing the rights and obligations of states at sea.

Secondly, the ruling clarified the legal status of geographical features at sea. The PCA concluded that many structures in the Spratly Islands are merely rocks or shoals as defined by UNCLOS, and therefore cannot constitute an Exclusive

Economic Zone (EEZ) or continental shelf. This interpretation is of significant reference value for other maritime disputes around the world, as it provides a legal precedent in classifying features and determining the scope of maritime rights of states.

Thirdly, the ruling contributed to strengthening the role of international legal dispute resolution mechanisms. The Philippines' use of arbitration under UNCLOS demonstrates that states, especially small and medium-sized countries, can rely on international law to protect their legitimate rights and interests. This encourages the peaceful resolution of disputes, consistent with the principles of the United Nations.

However, the ruling also highlights limitations in the enforcement of international law. China declared that it would not participate in or recognize the PCA ruling. This reflects the reality that international law, despite its high legal value, still depends to some extent on the will and compliance of states. Therefore, ensuring the enforcement of international rulings remains a challenge to the global legal order.

In short, the ruling in the Philippines-China case has had a profound impact on international law, particularly in clarifying the provisions of UNCLOS, strengthening the mechanism for dispute resolution by law, and affirming the role of law in governing maritime areas. Despite its limitations in enforcement, the ruling is still considered an important legal precedent, contributing to the promotion of a rules-based international order in matters related to the seas and oceans.

IMPACT ON THE SOUTH CHINA SEA SITUATION AND INTERNATIONAL RELATIONS IN THE REGION

Over the past ten years, the PCA ruling has significantly influenced how countries and the international community approach the South China Sea issue. The PCA ruling of July 12, 2016, in the case between the Philippines and China concerning the South China Sea dispute has had far-reaching impacts on the regional situation. Beyond its legal significance, the ruling has significantly affected the political landscape, security, and relations among countries with interests in the South China Sea.

Impact on the South China Sea Situation

First, the ruling changed the legal perceptions and positions of the countries involved. The PCA

affirmed that China's "nine-dash line" claim has no legal basis under UNCLOS. This provides an important legal basis for countries bordering the South China Sea to protect their legitimate rights and interests under the Convention. Many countries in the region and the international community have used the ruling as a basis to emphasize the importance of respecting international law in resolving maritime disputes.

Secondly, the ruling impacts the security and strategic landscape in the South China Sea. Following the ruling's announcement, the South China Sea continues to be a strategic competition area between major powers and coastal states. Some countries have intensified diplomatic activities and defense cooperation to protect their interests. At the same time, the ruling has also contributed to increased international attention to the issue of freedom of navigation and overflight in the South China Sea.

Thirdly, the ruling provides impetus for diplomatic efforts and regional cooperation. Countries in the region, especially ASEAN members, have strengthened dialogue and cooperation to maintain peace, stability, and dispute management in the South China Sea. The ruling also contributed to promoting negotiations on the Code of Conduct in the South China Sea (COC) between ASEAN and China, aiming to establish common rules to reduce tensions and prevent conflict.

In addition, the ruling raised international attention to the South China Sea issue. Many countries outside the region, such as European countries, Japan, and other partners, have expressed support for resolving disputes peacefully and based on international law. This has contributed to the internationalization of the South China Sea issue to a certain extent, making the region one of the world's important geopolitical hotspots.

However, the ruling also highlighted the challenges in enforcing international legal decisions. China declared that it does not recognize the ruling, leading to the continued existence of disputes in the South China Sea and the potential for increased tension. Therefore, maintaining dialogue, building trust, and respecting international law remain crucial for ensuring long-term peace and stability in the region.

On the one hand, many countries have cited this ruling as a legal basis to oppose excessive maritime claims. Numerous joint statements by

countries and international organizations have also emphasized the importance of UNCLOS and the 2016 ruling. On the other hand, the situation on the ground in the South China Sea continues to be complex. Militarization, infrastructure development, and strategic competition among major powers persist.

This shows that while international law plays an important role, maintaining peace and stability in the South China Sea still depends on many other factors such as diplomacy, the balance of power, and regional cooperation.

In short, the ruling in the Philippines-China case has had a significant impact on the situation in the South China Sea. It not only clarifies the legal issues related to the dispute but also impacts the security landscape, international relations, and regional cooperation efforts, thereby contributing to shaping the future of the regional order in the South China Sea.

Impact on Regional International Relations

The PCA's ruling of July 12, 2016, in the case between the Philippines and China concerning the South China Sea dispute not only has legal significance but also plays a crucial role in shaping international relations in the Asia-Pacific region. The ruling has impacted how countries in the region handle maritime disputes, and has also affected the structure of cooperation and competition among nations.

First, the ruling affirms the role of international law in relations between states. The PCA based its assessment and conclusions on UNCLOS regarding claims in the South China Sea. This contributes to strengthening the principle of resolving disputes peacefully and through international legal mechanisms. For many countries in the region, especially small and medium-sized countries, the ruling shows that international law can become an important tool to protect legitimate rights and interests in complex disputes.

Secondly, the ruling impacts relations among countries in Southeast Asia. ASEAN member states are increasingly focusing on coordinating positions and promoting cooperation mechanisms to maintain peace and stability in the South China Sea. The ruling also provides a basis for ASEAN to strengthen its central role in promoting dialogue and building common codes of conduct among relevant parties.

Thirdly, the ruling attracts the attention and participation of major powers outside the region. Following the ruling, many countries such as the United States, Japan, India, and European countries have expressed their support for respecting international law and freedom of navigation in the South China Sea. This makes the South China Sea one of the important issues in regional international relations, while increasing the presence and strategic cooperation of major powers in the region.

In addition, the ruling also promotes efforts to build regional dispute management mechanisms. Negotiations on the Code of Conduct (COC) between ASEAN and China have been strongly promoted to establish rules for conflict control and confidence building. While this process remains challenging, the ruling has contributed to boosting diplomatic efforts and regional cooperation.

However, the ruling also highlights the limitations of international law in international relations, as China has declared it will not recognize or enforce the ruling. This reflects the reality that the enforcement of international rulings still largely depends on the political will of states and the support of the international community.

In short, the ruling in the Philippines-China case plays a crucial role in regional international relations. It not only reinforces the role of international law but also influences relations between countries in the region, promotes multilateral cooperation, and attracts the attention of major powers. Through this, the ruling contributes to shaping the security and diplomatic environment in the Asia-Pacific region.

LIMITATIONS AND CHALLENGES TEN YEARS AFTER THE PCA RULING

Ten years after the PCA ruling in the case between the Philippines and China concerning the South China Sea dispute, the ruling still holds significant legal value for international law. However, in practice, the implementation and effectiveness of the ruling remain limited and challenging.

First and foremost, the biggest challenge is the issue of enforcing the ruling. China has declared that it will not participate in, recognize, or implement the Arbitration Tribunal's ruling. This means that the ruling, although legally valid under UNCLOS, lacks an effective enforcement mechanism. In international law, rulings often depend heavily on the voluntary compliance of states; therefore, one party's refusal to accept the

ruling reduces its practical effectiveness. China does not recognize the ruling and continues to assert its unreasonable sovereignty claims. This limits the direct application of the ruling in practice.

Secondly, the situation in the South China Sea remains complex. Although the ruling clarified some important legal issues, sovereignty disputes, strategic competition, and maritime activities continue. This shows that a legal ruling cannot immediately resolve all political and strategic issues in the region.

Thirdly, differences in stance among countries in the region also pose a significant challenge. Some countries strongly support compliance with the ruling, while others tend to be more cautious in expressing their views, aiming to maintain diplomatic relations and economic interests with China. This makes forming a unified regional position, especially within the ASEAN framework, difficult.

In summary, after ten years, the ruling in the Philippines-China case still holds significant legal and political importance, but its implementation and effectiveness face numerous limitations and challenges. These factors indicate that a sustainable resolution of the South China Sea dispute requires a combination of international law, diplomatic efforts, and regional cooperation.

CONCLUSION

Ten years after the Arbitration Tribunal's ruling in the Philippines-China case, it is evident that the decision retains its legal value and significant historical importance for international maritime law. The ruling clarified many legal issues related to maritime claims, reinforced the role of UNCLOS, and affirmed the importance of international law in dispute resolution.

However, reality also shows that international law cannot always be fully enforced without the consensus and goodwill of the parties involved. Amidst escalating strategic competition in the South China Sea, maintaining peace and stability in the region remains a major challenge.

Nevertheless, the 2016 ruling continues to serve as an important legal benchmark for nations in protecting their legitimate maritime rights. It also underscores that resolving disputes through legal means and peaceful mechanisms is the most sustainable path to maintaining international order.

In the future, respect for international law, enhanced regional cooperation, and the promotion of dialogue among nations will be key factors in ensuring peace, stability, and sustainable development in the South China Sea. The 2016 Arbitration Tribunal ruling is therefore not merely a legal event but also a significant milestone in the effort to build a rules-based and equitable maritime order for all nations.

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