



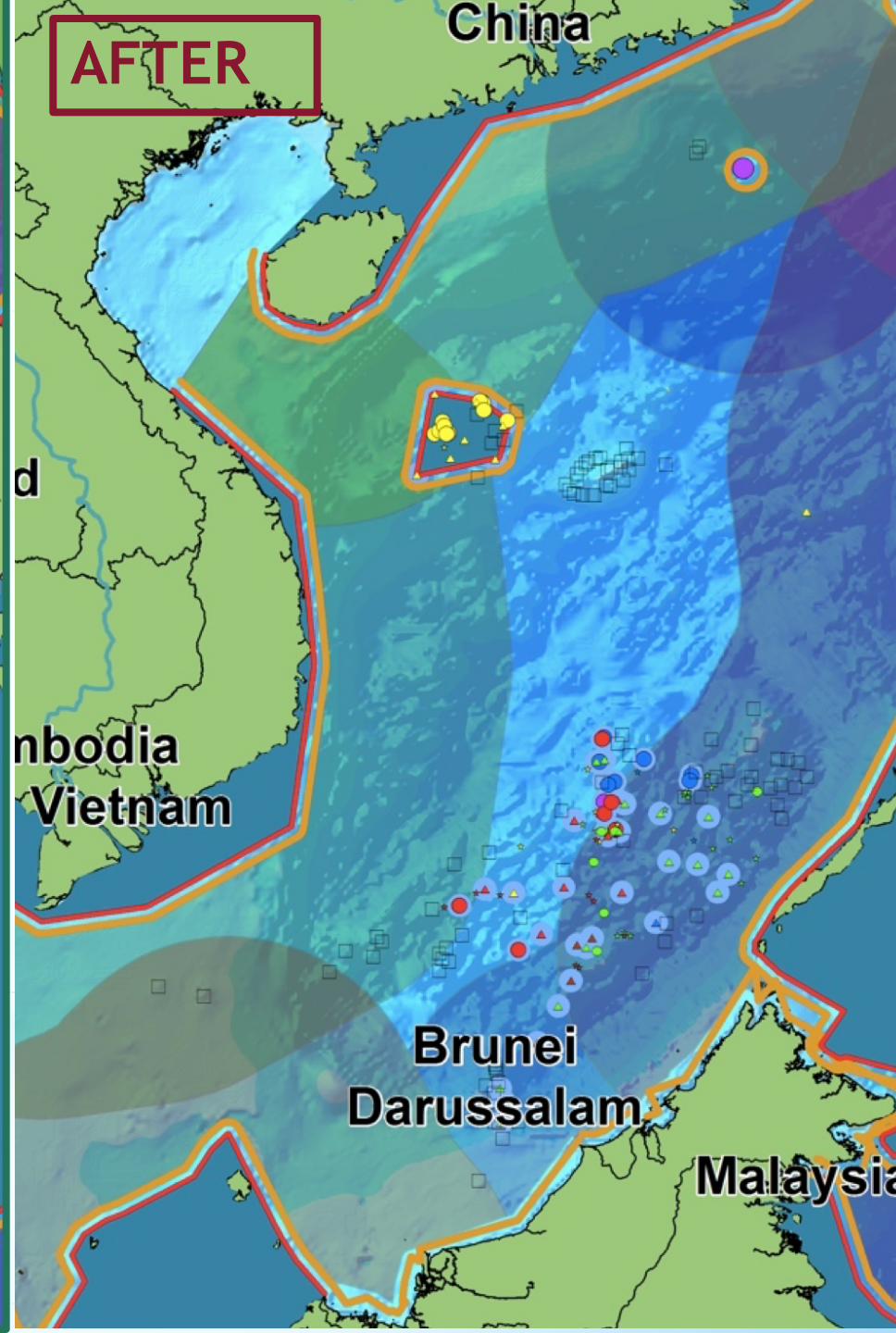
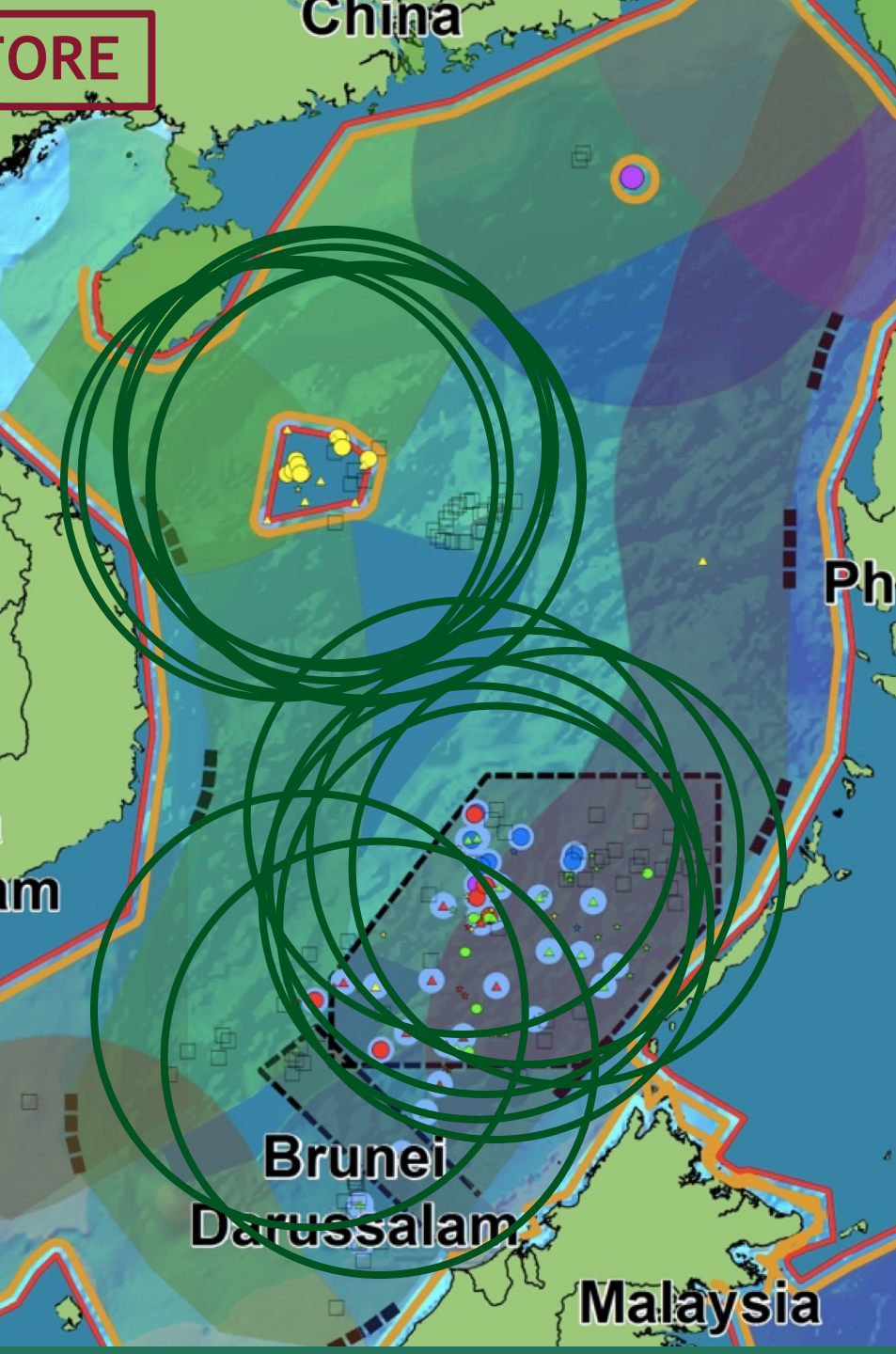
The Eighth International Workshop  
THE SOUTH CHINA SEA:  
COOPERATION FOR REGIONAL SECURITY AND DEVELOPMENT

**THE SOUTH CHINA SEA ARBITRATION AWARD  
& IMPLICATIONS ON THE LEGAL POSITIONS  
OF CLAIMANT STATES**

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## MAIN POINTS

- Main achievements of the Award
- Legal significance of the Award to third parties
- Implications on claimant states



# ACTIVITIES CONDUCTED IN THE SOUTH CHINA SEA

1. In breach of sovereign rights and jurisdictions of the Philippines in the EEZ and continental shelf
2. In breach of the traditional fishing rights of Filipinos at Scarborough Shoal
3. In breach of obligations to protect marine environment
4. In breach of obligations to ensure safety at sea
5. Aggravated and extended the disputes

Triumph of international law

Clarified and Significantly reduced of the scope of the disputes

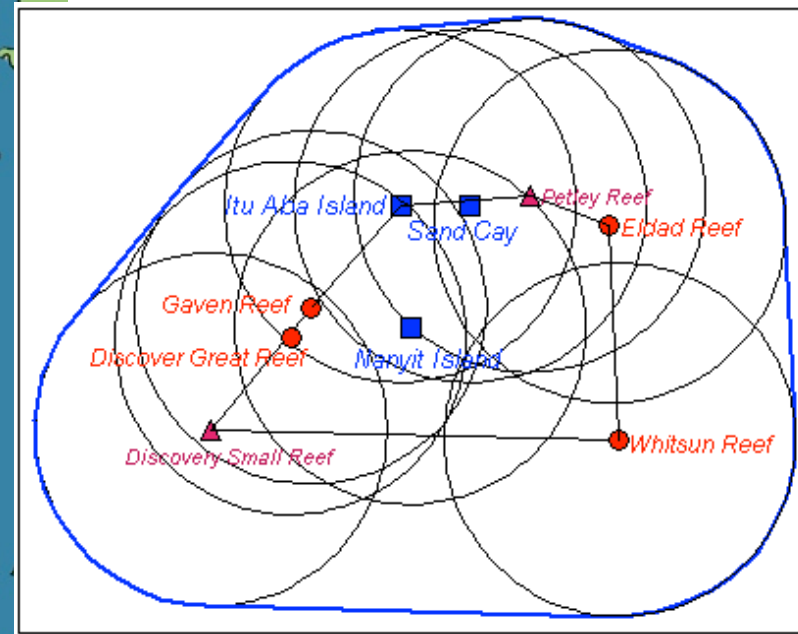
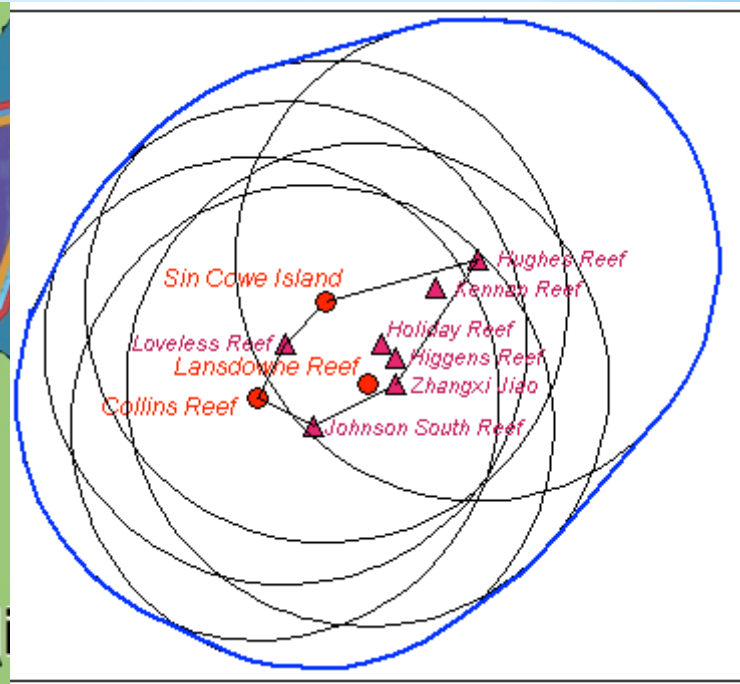
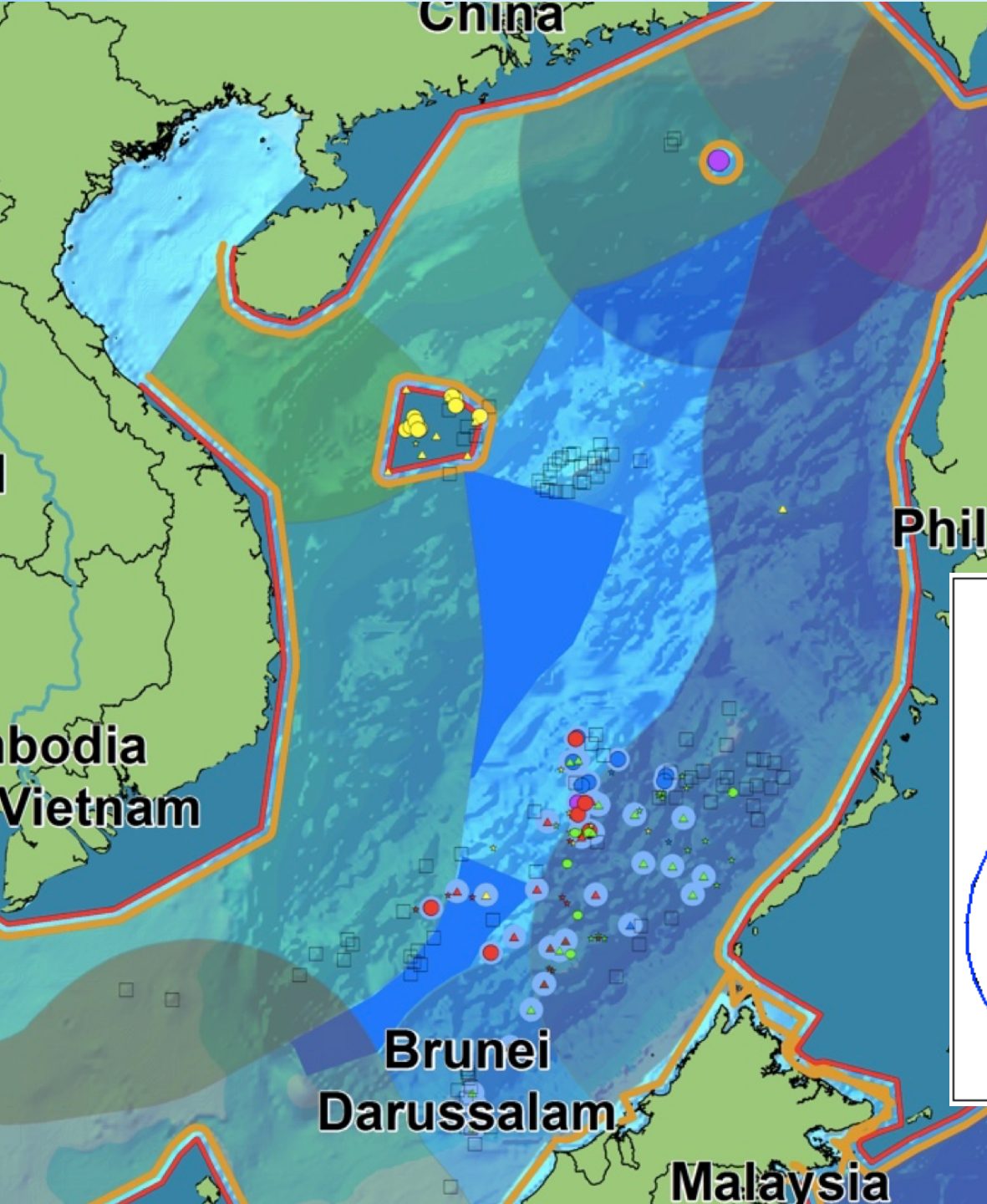
Alternatives for peaceful dispute settlement

# Legal significance on third parties

- \* *Res judicata* principle: Only final & binding upon the parties concerned in a particular case.
- \* Credible guidances for state practices: usually quoted by states in other cases.
- \* Credible complementary sources: usually cited by subsequent judgments and awards.
- \* Possibility of being crystalised into customary international law or codification to treaty law.
- \* States' recognition and practices will decide

# Implications on Claimants

1. IUU fishing, law enforcement, joint patrol.
2. Joint traditional fishing rights at 12 nm of high tide features of Scarborough, Spratlys and Paracels.
3. Freedom of navigation, over flights, freedom of high sea & the management of the Area under ISA.
4. Marine environment protection and safety at sea.
5. Clarification of the scope of sovereignty claims.
6. COC or elements of the COC
7. Shelf sovereignty issues under principles of non-prejudice.
8. Alternatives of negotiation & third parties measures





*Thank you!*

*Questions and comments are welcome!*

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