

**CHINA-PHILIPPINES SOUTH CHINA SEA
ARBITRATION CASE: CURRENT
DEVELOPMENT AND FUTURE TRENDS**

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Executive Summary

1. On 22 January 2013, the Philippines initiated an international arbitration process against China in accordance with Annex VII of the United Nations Convention for the Law of the Sea (UNCLOS). The Permanent Court of Arbitration (PCA) is now acting as registry for the case.
2. China presented Note Verbale to the Philippines in which it described the “Position of China on the South China Sea issues”, rejected and returned the Philippines’ Notification on 19 February 2013.
3. The Philippines submitted its Memorial on 30 March 2014 and the Arbitral Tribunal gave China a deadline of 15 December 2014 to submit its counter-memorial. China ignored the deadline and did not make any submission.
4. The Philippines raised five issues in its 2013 *Notification and Statement of Claim*. First, whether it is lawful for China to make any maritime claim based on its “nine-dash line” either to sovereignty over the waters or to sovereign rights to the natural resources within the waters.
5. Second, whether China has claimed excessive maritime zone from the “rock” status of certain reefs which is set out in Article 121(3) of the UNCLOS and is thus not entitled to an exclusive economic zone (EEZ) and continental shelf of their own.
6. Third, whether China has illegally occupied and claimed sovereignty over certain submerged features which are at most “low tide elevations” under the UNCLOS.
7. Fourth, whether China has unlawfully interfered with the exercise by the Philippines of its rights to navigation under the UNCLOS.
8. Fifth, the Philippines’ entitlement to territorial sea, EEZ and continental shelf measured from its archipelagic baselines under the UNCLOS.

9. The Philippines' approach to judicial dispute appears to be a public relations strategy. Winning the case or not may not be the major concern of the Philippines.
10. How to present its legal position both to the Tribunal and to the world will be a great challenge to China, especially when China has chosen to be absent in the case.