



Philippines v. China Arbitration Case:  
**Official Responses to the Award**



On July 12, 2016, the Arbitral Tribunal constituted under Annex VII of the United Nations Convention on the Law of the Sea (UNCLOS) in an arbitration case initiated by the Philippines against China issued its Award. The official responses to the Award made by claimants and major stakeholders in the South China Sea maritime territorial disputes are summarized below.

## **Claimants**

### **Brunei**

- No official statements yet.

### **China**

- On July 12, 2016, Foreign Ministry Spokesperson Lu Kang, in response to Japanese Foreign Minister Fumio Kishida's comments on the Award, questioned the impartiality of the Tribunal, stating that "members of the Arbitral Tribunal were picked by the Japanese judge, Shunji Yanai,

former president of the International Tribunal for the Law of the Sea. He also serves as the Chairman of the Advisory Panel for the Prime Minister on Reconstruction of the Legal Basis for Security, helping Shinzo Abe lift the ban on collective self-defense right and challenge the post-WWII international order[, so] the Arbitral Tribunal has been politicized [from] the outset”. Regarding the history of the South China Sea, Lu stated, “Japan is supposed to know well the historical background of the South China Sea issue. During WWII, Japan invaded and appropriated China’s South China Sea islands, which were then recovered by China after Japan was defeated. There are clear provisions on this in the Cairo Declaration and the Potsdam Proclamation which set up the post-war international order. And Japan keeps promising to comply with relevant provisions of the Potsdam Proclamation. Japan should respect the post-war international order. It is hoped that Japan would bear in mind the China-Japan relations and regional peace and stability, reflect upon its inciting actions on the South China Sea issue, stop poking its nose into and playing up this issue, and refrain from going further down the wrong path.”<sup>1</sup>

- On July 12, 2016, Foreign Ministry Spokesperson Lu Kang, in response to Taiwanese government officials’ comments on the Award, stated that the ministry had “noted relevant reports” and that “Chinese people across the Strait are duty-bound and obliged to jointly preserve the ancestral land of the Chinese nation.”<sup>2</sup>
- On July 12, 2016, the PRC government reiterated in a statement that China has “historic rights” and enjoys “territorial sovereignty and maritime rights and interests in the South China Sea.” It also stated that it opposes “the invasion and illegal occupation by certain states of some islands and reefs of China’s Nansha Qundao [Spratly Islands], and activities infringing upon China’s rights and interests in relevant maritime areas under China’s jurisdiction.” Regarding China’s preference for bilateral or regional dispute resolution, it reaffirmed that “China stands ready to continue to resolve the relevant disputes peacefully through negotiation and consultation with the

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<sup>1</sup> Lu Kang, “Foreign Ministry Spokesperson Lu Kang’s Remarks on Japanese Foreign Minister’s Statement on the Award of South China Sea Arbitration initiated by the Philippines,” PRC Ministry of Foreign Affairs, July 12, 2016, <[http://www.fmprc.gov.cn/mfa\\_eng/xwfw\\_665399/s2510\\_665401/2535\\_665405/t1380245.shtml](http://www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/2535_665405/t1380245.shtml)>.

<sup>2</sup> Lu Kang, “Foreign Ministry Spokesperson Lu Kang’s Remarks on Taiwan’s Response to South China Sea Arbitration Ruling,” PRC Ministry of Foreign Affairs, July 12, 2016, <[http://www.fmprc.gov.cn/mfa\\_eng/xwfw\\_665399/s2510\\_665401/2535\\_665405/t1380255.shtml](http://www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/2535_665405/t1380255.shtml)>.

states directly concerned on the basis of respecting historical facts and in accordance with international law.”<sup>3</sup>

- On July 12, 2016, President Xi Jinping reiterated the Foreign Ministry’s position that “the South China Sea Islands have been China’s territory since ancient times. China’s territorial sovereignty and maritime interests in South China Sea, in any circumstances, will not be affected by the award.” He also echoed the content of the Foreign Ministry’s statement, repeating that “China is firmly committed to peace and stability in the South China Sea, and to settling the disputes with countries directly involved, through peaceful negotiations based on the recognition of historical facts and in accordance with international law.”<sup>4</sup>
- On July 12, 2016, Premier Li Keqiang, during his speech at the 18th China-EU Summit addressed the South China Sea issue, noting “that the Chinese government does not accept nor recognize the so-called ‘award’ of the South China Sea arbitration case unilaterally initiated by the Philippines. This is a move to safeguard the international law. As a country directly concerned, China is most concerned about and committed to safeguarding peace and stability in the South China Sea region.”<sup>5</sup>
- On July 12, 2016, Foreign Minister Wang Yi commented on the arbitration case, calling it “a political farce staged under legal pretext.” He reiterated the position that “China’s territorial sovereignty and maritime rights and interests in the South China Sea are based on solid historical and legal ground. They shall not be affected by the award of the Arbitral Tribunal.” Regarding the cause of the increased level of regional tensions, he argued that “[t]he arbitration and the out-of-bad-faith dramatization and political manipulation that ensued have put the South China Sea issue to a dangerous situation, with growing tension and confrontation. ... [This] does not serve the common interests of China and the Philippines, countries in the region or the wider

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<sup>3</sup> “Statement of the Government of the People’s Republic of China on China’s Territorial Sovereignty and Maritime Rights and Interests in the South China Sea,” PRC Ministry of Foreign Affairs, July 12, 2016, <[http://www.fmprc.gov.cn/nanhai/eng/snhwticwj\\_1/t11379493.htm](http://www.fmprc.gov.cn/nanhai/eng/snhwticwj_1/t11379493.htm)>.

<sup>4</sup> “Chinese leaders reject S. China Sea arbitration award,” Xinhua, July 12, 2016, <[http://news.xinhuanet.com/english/2016-07/12/c\\_135507946.htm](http://news.xinhuanet.com/english/2016-07/12/c_135507946.htm)>.

<sup>5</sup> “Li Keqiang Jointly Chairs 18th China-EU Summit with President Donald Tusk of the European Council and President Jean-Claude Juncker of the European Commission,” PRC Ministry of Foreign Affairs, July 12, 2016, <[http://www.fmprc.gov.cn/mfa\\_eng/zxxx\\_662805/t1381402.shtml](http://www.fmprc.gov.cn/mfa_eng/zxxx_662805/t1381402.shtml)>.

international community.” He again reiterated that “China will remain committed to peaceful settlement of disputes through consultation and negotiation, and will continue to work for peace and stability in this region.”<sup>6</sup>

- On July 12, 2016, Ambassador to the United States Cui Tiankai, in his keynote speech at the Center for Strategic and International Studies, reaffirmed the PRC’s official position on the Award. Cui accused the Tribunal of “professional incompetence” and “questionable integrity,” as well as questioning the the Philippines’ intentions in initiating the arbitral proceedings. He also criticized other countries – particularly, the US – of aggravating the regional situation through “military coercion - mounting activities by destroyers, aircraft carriers, strategic bombers, reconnaissance planes and many others.” Furthermore, he argued that the Award “will probably open the door of abusing arbitration procedures. It will certainly undermine and weaken the motivation of states to engage in negotiations and consultations for solving their disputes. It will certainly intensify conflict and even confrontation.” However, he noted that, even though China does not accept the Tribunal’s conclusions, “we are confident that China and the other parties concerned, if not disturbed, will be able to resolve the disputes over time through negotiation and consultations.”<sup>7</sup>
- On July 12, 2016, Senior Colonel Yang Yujun, spokesman for the PRC Ministry of National Defense, upon answering journalists’ questions, stated that “[n]o matter what kind of ruling is to be made, China’s sovereignty, rights and interests in the South China Sea will not be affected. No matter what kind of ruling is to be made, the Chinese military will firmly safeguard its national sovereignty, security and maritime rights and interests, unwaveringly safeguard regional peace and stability and deal with all kinds of threats and challenges.” He also said that the recent naval exercises in the waters of the South China Sea were “a routine arrangement within the annual training plan of the Chinese PLA” and unrelated to the announcement of the Award.<sup>8</sup>

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<sup>6</sup> “Remarks by Chinese Foreign Minister Wang Yi on the Award of the So-called Arbitral Tribunal in the South China Sea Arbitration,” PRC Ministry of Foreign Affairs, July 12, 2016, <[http://www.fmprc.gov.cn/nanhai/eng/wjbxw\\_1/t1380003.htm](http://www.fmprc.gov.cn/nanhai/eng/wjbxw_1/t1380003.htm)>.

<sup>7</sup> Cui Tiankai, “China’s Response to the South China Sea Arbitration Ruling,” Center for Strategic & International Studies, July 12, 2016, <<https://www.csis.org/events/chinas-response-south-china-sea-arbitration-ruling>>.

<sup>8</sup> “Defense Spokesman: Exercise in South China Sea is within annual training plan,” PRC Ministry of National Defense, July 12, 2016, <[http://eng.mod.gov.cn/DefenseNews/2016-07/12/content\\_4692697.htm](http://eng.mod.gov.cn/DefenseNews/2016-07/12/content_4692697.htm)>.

- On July 13, 2016, Foreign Ministry Spokesperson Lu Kang, in response to a statement by US State Department Spokesperson John Kirby on the Award, stated that the ministry is “strongly dissatisfied with and firmly opposed to [it and] has lodged solemn representations with the US side.” Lu also criticized the US for its involvement in and misrepresentation of the disputes, arguing that the “statement turned a blind eye to the facts[,] ... endorsed a ruling that is illegal and invalid[, and] went against the spirit of rule of law, the basic norms of international law and international relations, and its declaration of not taking sides on issues concerning territorial disputes.” Lu further criticized the US of applying double standards and failing to ratify UNCLOS, describing the US as “always selective when it comes to the application of international law: citing international law when it sees fit and discarding international law when it sees otherwise. It keeps urging others to abide by [UNCLOS] while refusing to ratify the convention to this day. What makes the US think that it is in a position to make all these irresponsible remarks against others? We urge the US to think over its words and deeds, stop fanning fires for the illegal arbitration and meddling up the South China Sea, and put an end to undermining China’s sovereignty and security interests and escalating regional tensions.”<sup>9</sup>
- On July 13, 2016, the PRC Foreign Ministry issued a position paper entitled “China Adheres to the Position of Settling Through Negotiation the Relevant Disputes Between China and the Philippines in the South China Sea.” The position paper reiterated China’s stance and the facts that, according to China, confirm the validity of its sovereignty claims over the disputed features and maritime areas. Furthermore, it denounced the Philippines’ claims as “groundless from the perspectives of either history or international law” and criticized Manila for “the lack of willingness for cooperation,” “infringement of China’s maritime rights and interests” and “unilateral initiation of arbitration” as “a deliberate act of bad faith.” It also reiterated that “China adheres to the position of settling disputes through negotiation and consultation and managing

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<sup>9</sup> Lu Kang, “Foreign Ministry Spokesperson Lu Kang's Remarks on Statement by Spokesperson of US State Department,” PRC Ministry of Foreign Affairs, July 13, 2016, <[http://www.fmprc.gov.cn/mfa\\_eng/xwfw\\_665399/s2510\\_665401/2535\\_665405/t1380409.shtml](http://www.fmprc.gov.cn/mfa_eng/xwfw_665399/s2510_665401/2535_665405/t1380409.shtml)>.

differences through rules and mechanisms,” which include bilateral negotiations and consultations.<sup>10</sup>

- On July 13, 2016, Chinese Defense Minister Chang Wanquan, at a meeting with the visiting European Union High Representative for Foreign Affairs and Security Policy and Vice President of the European Commission Federica Mogherini, said that “China will not accept any proposition or action based on the decision made Tuesday by the South China Sea arbitral tribunal.” He also mentioned that he “hopes the European Union will have an objective and fair position on the South China Sea issue.”<sup>11</sup>
- On July 13, 2016, Vice Foreign Minister Liu Zhenmin, replying to journalists’ questions regarding the possibility of establishing an Air Defence Identification Zone (ADIZ) over the South China Sea, stated that “what we have to make clear first is that China has the right to ... [b]ut whether we need one in the South China Sea depends on the level of threats we face.”<sup>12</sup>

## Indonesia

- On July 12, 2016, Indonesia’s Ministry of Foreign Affairs issued a four-point statement in response to the Award, in which it called upon all parties to “exercise self-restraint”, “refrain from any actions that could escalate tensions,” “protect [the] Southeast Asia region particularly from any military activity that could pose a threat to peace and stability, and to respect international law including UNCLOS 1982.” It also called upon parties to fulfill their “commitment to upholding peace, and demonstrate friendship and cooperation.” For its part, the Indonesian statement affirmed that the country “will continue to promote the establishment of a zone of peace, freedom, and neutrality in Southeast Asia to strengthen the ASEAN Political and Security Community” and encourage “peaceful negotiations ... in accordance with international law.”<sup>13</sup>

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<sup>10</sup> “China Adheres to the Position of Settling Through Negotiation the Relevant Disputes Between China and the Philippines in the South China Sea,” PRC Ministry of Foreign Affairs, July 13, 2016, <[http://www.fmprc.gov.cn/nanhai/eng/snhwtlcwj\\_1/t1380615.htm](http://www.fmprc.gov.cn/nanhai/eng/snhwtlcwj_1/t1380615.htm)>.

<sup>11</sup> “Chinese defense minister rejects South China Sea arbitration award,” PRC Ministry of National Defense, July 13, 2016, <[http://eng.mod.gov.cn/DefenseNews/2016-07/13/content\\_4693311.htm](http://eng.mod.gov.cn/DefenseNews/2016-07/13/content_4693311.htm)>.

<sup>12</sup> Ben Blanchard and Martin Petty, “China vows to protect South China Sea sovereignty, Manila upbeat,” Reuters, July 13, 2016, <<http://www.reuters.com/article/us-southchinasea-ruling-stakes-idUSKCN0ZS02U>>.

<sup>13</sup> “Indonesia Calls On All Parties To Respect International Law Including UNCLOS 1982,” Ministry of Foreign Affairs Republic of Indonesia, July 12, 2016,

## Malaysia

- On July 12, 2016, Malaysia’s Ministry of Foreign Affairs issued a statement calling upon “all parties to ensure the full and effective implementation of the Declaration on the Conduct of Parties in the South China Sea (DOC) ... and the early conclusion of a Code of Conduct in the South China Sea (COC)”. The statement expressed Malaysia’s belief that “all relevant parties can peacefully resolve disputes by full respect for diplomatic and legal processes; and relevant international law and 1982 UNCLOS. ... China and all relevant parties can find constructive ways to develop healthy dialogues, negotiations and consultations while upholding the supremacy of the rule of law”.<sup>14</sup>

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<<http://www.kemlu.go.id/en/berita/Pages/Indonesia-Calls-On-All-Parties-To-Respect-International-Law-Including-UNCLOS-1982.aspx>>.

<sup>14</sup> “Press release following the decision of the arbitral tribunal on the South China Sea issue,” Ministry of Foreign Affairs, Malaysia, July 12, 2016, <[http://www.kln.gov.my/web/guest/latest-news?p\\_p\\_id=101\\_INSTANCE\\_7Nj5&p\\_p\\_lifecycle=0&p\\_p\\_state=normal&p\\_p\\_mode=view&p\\_p\\_col\\_id=column-2&p\\_p\\_col\\_count=1&\\_101\\_INSTANCE\\_7Nj5\\_struts\\_action=%2Fasset\\_publisher%2Fview\\_content&\\_101\\_INSTANCE\\_7Nj5\\_urlTitle=press-release-following-the-decision-of-the-arbitral-tribunal-on-the-south-china-sea-issue&\\_101\\_INSTANCE\\_7Nj5\\_type=content&redirect=%2Fweb%2Fguest%2Flatest-news](http://www.kln.gov.my/web/guest/latest-news?p_p_id=101_INSTANCE_7Nj5&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&p_p_col_id=column-2&p_p_col_count=1&_101_INSTANCE_7Nj5_struts_action=%2Fasset_publisher%2Fview_content&_101_INSTANCE_7Nj5_urlTitle=press-release-following-the-decision-of-the-arbitral-tribunal-on-the-south-china-sea-issue&_101_INSTANCE_7Nj5_type=content&redirect=%2Fweb%2Fguest%2Flatest-news)>.



## Philippines

- On July 12, 2016, Foreign Affairs Secretary Perfecto R. Yasay, Jr. issued a statement expressing that “the Philippines strongly affirms its respect for this milestone decision as an important contribution to ongoing efforts in addressing disputes in the South China Sea.”<sup>15</sup>
- On July 12, 2016, Paul S. Reichler, the Philippines’ chief counsel in the case, commented on the Tribunal’s conclusions, saying that “[o]n every significant issue in the case, the Philippines prevailed. We think that this is not only a victory for the Philippines but it is a victory for the rule of law and international relations.” Furthermore, he argued that the court’s ruling is also applicable to other countries because the ‘nine-dash line’ having been declared illegal in its application to the Philippines’ territory will also apply elsewhere. “So it’s not only the rights of the Philippines that have been recognised and respected today, it’s also the rights of the other coastal states, in particular, Vietnam, Indonesia, and Malaysia.”<sup>16</sup>

<sup>15</sup> “Statement of the Secretary of Foreign Affairs,” Republic of the Philippines Department of Foreign Affairs, July 12, 2016, <<http://www.dfa.gov.ph/index.php/newsroom/dfa-releases/9900-statement-of-the-secretary-of-foreign-affairs-2>>.

<sup>16</sup> Charissa Yong, “South China Sea ruling a ‘complete, total victory’ for Philippines and rule of law: Manila’s lead lawyer,” *The Straits Times*, July 12, 2016, <<http://www.straitstimes.com/world/south-china-sea-ruling-a-complete-total-victory-for-philippines-and-rule-of-law-manila-lead>>.



## Taiwan

- On July 12, 2016, the Ministry of Foreign Affairs issued a statement on the “ROC position on the South China Sea Arbitration,” in which it stated that “the award has no legally binding force on the ROC” because the Tribunal did not invite Taiwan to participate or consider its views. Furthermore, “[i]n the text of the award, the ROC is referred to as ‘Taiwan Authority of China.’ This inappropriate designation is demeaning to the status of the ROC as a sovereign state.” On the Tribunal’s conclusion about the status of Taiping Island being a rock instead of an island, it expressed that it “severely jeopardizes the legal status of the South China Sea Islands, over which the ROC exercises sovereignty, and their relevant maritime rights.”<sup>17</sup> Once again Taiwan reaffirmed its sovereignty claims in the disputed area.
- On July 12, 2016, the Office of the President also reaffirmed Taiwan’s sovereignty claims to the South China Sea islands and stated that “[t]he ROC government does not accept any decisions that undermine the rights of the ROC, and declares that they have no legally binding force on the ROC.”<sup>18</sup>
- On July 12, 2016, Minister of the Interior Yeh Jiunn-rong, speaking at a press conference at the Ministry of the Interior headquarters in Taipei City, reiterated Taiwan’s position as issued in the

<sup>17</sup> “ROC position on the South China Sea Arbitration,” Ministry of Foreign Affairs Republic of China (Taiwan), July 12, 2016, <[http://www.mofa.gov.tw/en/News\\_Content.aspx?n=1EADDCCFD4C6EC567&s=5B5A9134709EB875](http://www.mofa.gov.tw/en/News_Content.aspx?n=1EADDCCFD4C6EC567&s=5B5A9134709EB875)>.

<sup>18</sup> “ROC government position on the South China Sea arbitration,” Office of the President Republic of China (Taiwan), July 12, 2016, <<http://english.president.gov.tw/Default.aspx?tabid=491&itemid=37703&rmid=2355>>.

statement by the Ministry of Foreign Affairs. He also criticized the Tribunal's conclusions, arguing that the ROC-occupied Itu Aba (Taiping) Island meets the criteria of an island as defined by UNCLOS because it can sustain human habitation and economic life of its own. Yeh remarked, "It's absolutely not a mere rock. ... The ROC is entitled to full maritime rights to Taiping Island in accordance with UNCLOS." He also brought up the Location Map of the South China Sea Islands published by the ministry in 1947, which claimed the South China Sea islands and surrounding waters as ROC territory.<sup>19</sup>

- On July 12, 2016, members of the ruling Democratic Progressive Party (DPP) and the opposition parties, including the Kuomintang (KMT), New Power Party, and People First Party, condemned the Award. DPP legislators referred to it as "absolutely unacceptable" and having "no binding power" on the ROC, in part because the Tribunal made a "unilateral decision" and Taiwan has "never been invited to offer its views on this case." KMT legislators called the Award "unfair and unjust," saying that Taiwan "absolutely cannot accept" it, and accused the Tribunal of "telling lies in broad daylight" and "bullying concerned parties to the full." They also expressed concerns over the future possibility of "foreign invasion" due to the Tribunal's conclusion that Itu Aba (Taiping) Island is a rock, instead of an island, under UNCLOS, potentially making it a "root cause for future conflicts."<sup>20</sup>
- On July 13, 2016, President Tsai Ing-wen, in remarks given on a frigate bound for the South China Sea while on an inspection tour of the Naval Fleet Command at Zuoying Naval Base, stated that "[t]he arbitral tribunal's award ... has seriously harmed the rights and interests of our country with respect to the South China Sea islands." She also reaffirmed the willingness "to work together with other parties to solve the dispute, on the basis of talks among equals, to promote peace and stability in the South China Sea region." Many of her remarks were intended to boost

<sup>19</sup> "ROC gives strong response over South China Sea award," *Taiwan Today*, July 13, 2016, <<http://www.taiwantoday.tw/ct.asp?xItem=246203&ctNode=2194&mp=9>>.

<sup>20</sup> Kuan-ting Liu et al., "South China Sea ruling triggers cross-party condemnation in Taiwan," *Focus Taiwan*, July 12, 2016, <<http://focustaiwan.tw/news/aip/201607120028.aspx>>.



the morale of the Taiwanese armed forces in the aftermath of several incidents and amidst the changing strategic landscape in the region.<sup>21</sup>

- On July 13, 2016, the Ministry of National Defense issued a statement that “reaffirms the stan[ce] of the military shall be in line with the South China Sea Policies of the government. The claims of sovereignty of Taiwan over the South China Seas will not change due to the arbitration of the Permanent Court, and the R.O.C. military shall stand steadfast in the defense of the national territorial and sovereignty rights.” Furthermore, it affirmed that the Ministry of National Defense would keep cooperating with the Coast Guard and “continue to deploy fighter jets and battleships to patrol the South China Seas, transport supplies and protect convoys, and offer support to the Coast Guard missions” in order to protect Taiwan’s sovereignty claims.<sup>22</sup>



## Vietnam

- On July 12, 2016, Foreign Ministry Spokesperson Le Hai Binh welcomed the Award in a statement. He reiterated that Vietnam “supports the settlement of disputes in the East Sea [South China Sea] by peaceful means, including legal and diplomatic processes, refraining from the use

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<sup>21</sup> “President Tsai addresses troops at Naval Fleet Command,” Office of the President Republic of China (Taiwan), July 13, 2016, <<http://english.president.gov.tw/Default.aspx?tabid=491&itemid=37728&rmid=2355>>.

<sup>22</sup> Liu De-Ching, “R.O.C. Military Shall Abide by the South China Sea Policies of the Government to Defend the National Territorial and Sovereignty Rights,” ROC Ministry of Defense, July 13, 2016, <<https://www.mnd.gov.tw/english/Publish.aspx?cnid=436&p=71468>>.

or threat of use of force in accordance with international law, including the 1982 United Nations Convention on the Law of the Sea, maintenance of regional peace and stability, security, safety and freedoms of navigation and over-flight in the East Sea, and respect for the rule of law in the oceans and seas.” He also reiterated Vietnam’s claims to the Paracels and Spratlys by reaffirming “its sovereignty over the internal water and territorial sea and sovereign rights and jurisdiction over the exclusive economic zone and continental shelf of Viet Nam as established in accordance with [UNCLOS], as well as all Viet Nam’s rights and interests of a legal nature in connection with the geographical features of Hoang Sa and Truong Sa Archipelagoes.”<sup>23</sup>

## Major Stakeholders

### ASEAN

- As of July 19, 2016, ASEAN had not yet issued an official statement, and the draft statement that had been prepared was not released.<sup>24</sup> The organization initially tweeted that “ASEAN’s position on the South China Sea is consistent: Member states reiterate and reaffirm commitment to the full implementation of the Declaration on the Conduct of Parties in the South China Sea (DOC).”<sup>25</sup> The tweet, however, was later deleted.

### European Union

- On July 15, 2016, the European Union issued a declaration “acknowledg[ing] the Award,” reaffirming that the organization and its Member States were “committed to maintaining a legal order of the seas and oceans based upon the principles of international law, UNCLOS, and to the peaceful settlement of disputes,” and reiterating that it “does not take a position on sovereignty aspects relating to claims.” It also expressed its support for “the swift conclusion of talks aiming

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<sup>23</sup> “Remarks of the Spokesperson of the Ministry of Foreign Affairs of Viet Nam,” Viet Nam Ministry of Foreign Affairs, July 12, 2016, <[http://www.mofa.gov.vn/en/tt\\_baochi/pbnfn/ns160712211059](http://www.mofa.gov.vn/en/tt_baochi/pbnfn/ns160712211059)>.

<sup>24</sup> “ASEAN to keep mum on South China Sea ruling: Diplomats,” Channel NewsAsia, July 14, 2016, <<http://www.channelnewsasia.com/news/asiapacific/asean-to-keep-mum-on/2956764.html>>.

<sup>25</sup> “Live Blog: No legal basis for China to claim historic rights, says arbitral tribunal,” *The Straits Times*, July 12, 2016, <<http://www.straitstimes.com/asia/east-asia/live-blog-the-hague-ruling-on-the-south-china-sea-dispute>>.

at an effective Code of Conduct between ASEAN and China implementing the 2002 Declaration on the Conduct of Parties in the South China Sea” and its willingness “to facilitate activities which help to build confidence between the parties concerned.”<sup>26</sup>

## India

- On July 12, 2016, India’s Ministry of External Affairs issued a statement, in which it expressed that “[a]s a State Party to the UNCLOS, India urges all parties to show utmost respect for the UNCLOS, which establishes the international legal order of the seas and oceans.” It also reaffirmed India’s support for “freedom of navigation and overflight, and unimpeded commerce, based on the principles of international law, as reflected notably in the UNCLOS” and its view “that States should resolve disputes through peaceful means without threat or use of force and exercise self-restraint in the conduct of activities that could complicate or escalate disputes affecting peace and stability.”<sup>27</sup>

## Japan

- On July 12, 2016, Foreign Minister Fumio Kishida reiterated in a press release Japan’s position on international law and maritime territorial disputes, stating that “Japan has consistently advocated the importance of the rule of law and the use of peaceful means, not the use of force or coercion, in seeking settlement of maritime disputes.”<sup>28</sup> Kishida also stressed that the Award was “final and legally binding on the parties to the dispute” and suggested that “Japan strongly expects that the

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<sup>26</sup> “Declaration by the High Representative on behalf of the EU on the Award rendered in the Arbitration between the Republic of the Philippines and the People’s Republic of China,” Press Office, General Secretariat of the Council, European Union, July 15, 2016, <<http://www.consilium.europa.eu/en/press/press-releases/2016/07/15-south-china-sea-arbitration/>>.

<sup>27</sup> “Statement on Award of Arbitral Tribunal on South China Sea Under Annexure VII of UNCLOS,” Indian Ministry of External Affairs, July 12, 2016, <[http://www.mea.gov.in/press-releases.htm?dtl/27019/Statement\\_on\\_Award\\_of\\_Arbitral\\_Tribunal\\_on\\_South\\_China\\_Sea\\_Under\\_Annexure\\_VII\\_of UNCLOS](http://www.mea.gov.in/press-releases.htm?dtl/27019/Statement_on_Award_of_Arbitral_Tribunal_on_South_China_Sea_Under_Annexure_VII_of UNCLOS)>.

<sup>28</sup> Fumio Kishida, “Arbitration between the Republic of the Philippines and the People’s Republic of China regarding the South China Sea (Final Award by the Arbitral Tribunal) (Statement by Foreign Minister Fumio Kishida),” July 12, 2016, <[http://www.mofa.go.jp/press/release/press4e\\_001204.html](http://www.mofa.go.jp/press/release/press4e_001204.html)>.

parties' compliance with this award will eventually lead to the peaceful settlement of disputes in the South China Sea."<sup>29</sup>

## Russia

- On July 12, 2016, Russian Foreign Ministry Spokesperson Maria Zakharova told reporters that “Russia’s stance is consistent and invariable: we are in favor of seeing the states involved in territorial disputes in the above water area strictly comply with non-use of force and continue search for ways towards a political-diplomatic settlement on the basis of international law, first of all the 1982 UN Convention on the Law of the Sea.” Zakharova also added that Russia is not a claimant and is “not taking any sides in principle. We believe that the involved parties must hold relevant consultations and negotiations in the format they themselves determine.” She also expressed the ministry’s support for negotiations between ASEAN and China on a Code of Conduct.<sup>30</sup>

## Singapore

- On July 12, 2016, Singapore’s Ministry of Foreign Affairs issued a response to the Award, in which it stated that it “values our long-standing and friendly relations with all parties, bilaterally and in the context of Asean. We urge all parties to fully respect legal and diplomatic processes, exercise self-restraint and avoid conducting any activities that may raise tensions in the region.” Furthermore, Singapore supports “the maintenance of a rules-based order that upholds and protects the rights and privileges of all states.”<sup>31</sup>

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<sup>29</sup> Fumio Kishida, “Arbitration between the Republic of the Philippines and the People’s Republic of China regarding the South China Sea (Final Award by the Arbitral Tribunal) (Statement by Foreign Minister Fumio Kishida),” July 12, 2016, <[http://www.mofa.go.jp/press/release/press4e\\_001204.html](http://www.mofa.go.jp/press/release/press4e_001204.html)>.

<sup>30</sup> “Moscow set to avoid being dragged into South China Sea dispute.” TASS, July 14, 2016, <<http://tass.ru/en/politics/888205>>.

<sup>31</sup> “MFA Spokesman’s Comments on the ruling of the Arbitral Tribunal in the Philippines v China case under Annex VII to the 1982 United Nations Convention on the Law of the Sea (UNCLOS),” Singapore Ministry of Foreign Affairs, July 12, 2016, <[https://www.mfa.gov.sg/content/mfa/media\\_centre/press\\_room/pr/2016/201607/press\\_20160712\\_2.html](https://www.mfa.gov.sg/content/mfa/media_centre/press_room/pr/2016/201607/press_20160712_2.html)>.



## United States

- On July 12, 2016, State Department Spokesperson John Kirby called the Award “an important contribution” to dispute settlement and also expressed the US stance of supporting the rule of law and respecting the court’s decision, which is “final and legally binding on both China and the Philippines. The United States expresses its hope and expectation that both parties will comply with their obligations.”<sup>32</sup>
- On July 12, 2016, Press Secretary Josh Earnest stated that the US welcomes the Award as a potential means of dispute resolution, noting that “We certainly would encourage all parties to acknowledge the final and binding nature of this tribunal [and] not to use this as an opportunity to engage in escalatory or provocative actions.”<sup>33</sup>
- On July 12, 2016, Daniel Kritenbrink, President Barack Obama’s top Asia policy advisor, in his speech at the Sixth Annual CSIS South China Sea Conference, reiterated US support for the rule of law and the Award. He also stated that Washington does not fear China’s rise, “nor do we seek

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<sup>32</sup> John Kirby, “Decision in the Philippines-China Arbitration,” U.S. Department of State, July 12, 2016, <<http://www.state.gov/r/pa/prs/ps/2016/07/259587.htm>>.

<sup>33</sup> “Press Gaggle by Press Secretary Josh Earnest en route Dallas, TX, 7/12/2016,” The White House, July 12, 2016, <<https://www.whitehouse.gov/the-press-office/2016/07/12/press-gaggle-press-secretary-josh-earnest-en-route-dallas-tx-7122016>>.

to use the South China Sea to thwart it;” however, “we will not turn a blind eye to this important waterway in return for cooperation elsewhere in the world.”<sup>34</sup>

- On July 12, 2016, Senator John McCain, Chairman of the Senate Armed Services Committee, and Senator Dan Sullivan issued a statement, in which they complimented the Philippines for its efforts “to pursue a course of action to resolve these maritime disputes peacefully, consistent with international law, and through international arbitration mechanisms.” The senators also criticized and warned China about its actions, stating that “China faces a choice. China can choose to be guided by international law, institutions, and norms. Or it can choose to reject them and pursue the path of intimidation and coercion. Too often in recent years, China has chosen the latter. The world will be watching to see the choice China makes.” Regarding US policy, they encouraged the US government to maintain its active engagement in the region, including “regularly challenging China’s excessive maritime claims and maintaining a persistent presence of surface combatants and rotational aviation assets inside the first-island chain” as well as fulfilling its commitments to the Philippines under the Mutual Defense Treaty of 1951. They also called upon the US government to “clearly communicate our interests in the South China Sea, including the prevention of reclamation and militarization at strategic locations like Scarborough Shoal.”<sup>35</sup>
- On July 13, 2016, Former Secretary of State and presumptive Democratic presidential nominee Hillary Clinton issued a statement reiterating that “[i]t is important that all claimants abide by this ruling and continue to pursue peaceful, multilateral means to resolve disputes among them. U.S. leadership – building on the Obama administration’s pivot to Asia – will be key in supporting our partners and allies in these efforts.”<sup>36</sup>
- On July 13, 2016, Peter Navarro, the China advisor for presumptive Republican presidential nominee Donald Trump, stated, “[i]t’s important to reiterate that freedom of navigation and

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<sup>34</sup> Daniel Kritenbrink, “Sixth Annual CSIS South China Sea Conference,” Center for Strategic & International Studies, July 12, 2016, <<https://www.csis.org/events/sixth-annual-csis-south-china-sea-conference>>.

<sup>35</sup> “Statement by Senators McCain and Sullivan on South China Sea Arbitration Award,” July 12, 2016, John McCain US Senator ~ Arizona, <<http://www.mccain.senate.gov/public/index.cfm/2016/7/statement-by-senators-mccain-and-sullivan-on-south-china-sea-arbitration-award>>.

<sup>36</sup> David Brunnstrom and Jeff Mason, “UPDATE 4-U.S. urges all countries to adhere to South China Sea ruling,” Reuters, July 13, 2016, <<http://uk.reuters.com/article/southchinasea-ruling-usa-idUKL1N19Y0DM>>.

overflight is a key principle of the international rules-based order and it should be respected by all parties.” and Hillary Clinton both called on countries to respect the court’s decision.<sup>37</sup>

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<sup>37</sup> David Brunstrom and Jeff Mason, “UPDATE 4-U.S. urges all countries to adhere to South China Sea ruling,” Reuters, July 13, 2016, <<http://uk.reuters.com/article/southchinasea-ruling-usa-idUKL1N19Y0DM>>.