

Round Table Discussion on The South China Sea Dispute Ruling – Implications

August, 2016



Welcome

I'd like to personally welcome all delegates. It's an exciting time for all of us as we continue to grow and adapt, remaining always adaptable, motivated and responsive to new ideas. We're meeting during a time of large nation-wide and global change. The field of law, policy and strategy research is an exciting area in which we work. We will continue to meet and bring intellectual people to come together in forums like this, to ensure IIFH remains at the top to strengthen the humanity.



Against the backdrop of 12 July 2016, award by the Permanent Court of Arbitration (PCA) on the South China Sea (SCS), a Round Table Discussion was held on August 2016, on “South China Dispute Ruling: Implications”. The discussion started with the opening remarks by the Director, Gen N.C Vij, followed by two presentations of Vice Admiral Anup Singh (The Philippines vs. China: PCA ruling) and Amb. Ashok Kantha (Implications of the Award & China’s Actions). This was followed by a brainstorming discussion in order to understand the outcomes of the PCA ruling it is imperative to first understand the law of the sea and the related concept. China is interested in the region because of the geo strategic location and immense mineral deposit underneath. It claims that all features lying within the Nine Dash line belongs to China. By doing so China is almost claiming 85.7 per cent of the SCS. The Philippines approached the PCA in 2012 after the Scarborough Shoal incident. The Philippines asked the tribunal only for interpretation of UNCLOS. “The arbitration was solely a maritime dispute involving interpretation (as also) the application of UNCLOS). At this point of time it is important to think if the Chinese activities are in accordance with the UNCLOS or not. Ideally, after 2012 there should not have been any activity from the Chinese side until the award was out. On the contrary, these four years have seen much more assertive China that has violated the Philippines’ fishing rights. The reclamation of Island has caused damage to the coral reef of the region. Over a period of time China has developed a number of naval platforms, development in naval aviation too has been exponential. The PLAN Commander himself has visited the reclaimed island. Adm. Wu Shengli after a week of PCA award said that “We will never stop our construction on the Nansha Islands halfway....the Nansha Islands are China’s inherent territory, and our necessary construction on the islands is reasonable, justified and lawful”.

The Philippines had made 15 submissions to Permanent Court of Arbitration in 2012. On the PCA award there was mixed response international response. After the award China is doubling down its assertion over the SCS. Even though it is not likely to abide by the PCA ruling it may still quietly follow some of its judgments. After the bilateral talks between China and the Philippines, it may also concede to the Philippines fishing rights.



China has maintained a deliberate ambiguity about the nine dash line. Given its assertive stand until now, many analysts are talking about possibilities of China declaring an Air Defence Identification Zone in the region.

Indian stand on the issue has been clear and consistent. India has taken note of the stand and requested all parties to abide by the provisions of UNCLOS. The region is important for India for its geostrategic location and wants to see the region remains maritime commons. There was a general consensus that events taking place in the SCS are symptoms and proxy of a larger strategic adjustment that is going on in Asia-pacific region.

The discussion was attended by Amb Satish Chandra, Amb. Rajiv Sikri, Amb. TCA Rangchari, Admiral Satish Soni, Lt Gen A.K Ahuja and many other naval and strategic experts.

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