



Legal Vigilance Notice

The 2016 South China Sea Arbitral Award – 10th Anniversary

NOTICE 26-2

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★ Bottom Line Up Front

On 12 July 2016, a five-member tribunal constituted under Annex VII to the 1982 United Nations Convention on the Law of the Sea (UNCLOS) issued a unanimous, final, legally binding Award. The Tribunal refuted China's sweeping claims to "historic rights," rejected maritime entitlements that exceeded UNCLOS, and found that China violated Philippine sovereign rights, damaged the marine environment, and aggravated the dispute. For a decade, Beijing has rejected the Award, enforced claims the Tribunal found unlawful, and used coercive and dangerous conduct to pressure the Philippines and other coastal states. China's defiance contravenes its obligations under UNCLOS, destabilizes the South China Sea (SCS), and undermines peace and prosperity in the Indo-Pacific region.

01 The Award in Brief

- **UNCLOS controls.** The Convention comprehensively governs legal rights/maritime entitlements in SCS.
- **China's "historic rights" claim fails.** China's expansive maritime claims in the SCS (e.g. "nine-dash line") have no legal basis where they exceed what is permitted in UNCLOS.
- **China cannot claim a Spratly EEZ.** No high-tide Spratly feature—nor Scarborough Reef—can generate an exclusive economic zone (EEZ) or continental shelf.
- **China violated Philippine sovereign rights.** China interfered with petroleum exploration and fishing in the Philippine EEZ and failed to prevent Chinese fishers from exploiting those waters.
- **China inflicted environmental harm.** China's large-scale reclamation and island-building caused severe, irreparable harm to the coral-reef ecosystems.
- **China aggravated the dispute and engaged in dangerous escalation.** China's engaged in dangerous law-enforcement practices creating serious risk of collision, and aggravated the dispute by building artificial islands during the arbitration.
- **The Award binds both parties.** China's refusal to participate did not invalidate the ruling or erase its treaty obligation to comply.

02 The Award Refuted China's Claims

CHINA CLAIMS...	FACTS ESTABLISH & THE TRIBUNAL DECIDED...
The Award is "null and void;" China's non-participation invalidated the arbitration.	The Award is unanimous, final, and binding on China and the Philippines under UNCLOS Article 296 and Annex VII. China's absence neither barred the proceedings nor voided the Award under Annex VII Article 9.
The Award has "no binding force."	China signed UNCLOS in 1982 and ratified it in 1996. China is legally bound by the UNCLOS provisions and dispute mechanism features; China has a duty to comply under international law.
The nine-dash line preserves China's "historic rights."	UNCLOS superseded any claimed historic rights beyond the maritime zones the Convention permits.
China may claim an EEZ and continental shelf from the Spratlys.	No Spratly high-tide feature can sustain human habitation or an economic life of their own; none has an EEZ or continental shelf.
China lawfully exercised jurisdiction in waters inside the nine-dash line.	At Mischief Reef, Second Thomas Shoal, Reed Bank, and other areas inside the Philippine EEZ, China violated Philippine sovereign rights and unlawfully obstructed Philippine activity.
The Philippines destabilized the region by filing the case.	The Philippines lawfully invoked UNCLOS dispute settlement. China now destabilizes the region by rejecting the binding outcome and coercively enforcing claims the Award refuted.

03 Maritime Feature Entitlements under UNCLOS

Feature / UNCLOS Article	Definition or Meaning	Part of land domain?	Maritime Zone Entitlements
Island Art. 121(1)	- a naturally formed area of land - surrounded by water, and - above water at high tide	Yes	All maritime zones, as provided for in the Convention.
“Rock” Art. 121(3)	“rock” is a term that refers to an island that “cannot sustain human habitation or economic life of [its] own”	Yes	Only territorial sea and contiguous zone ■ SCS features (2016 Award): Scarborough Shoal, Cuarteron, Fiery Cross, Johnson, McKennan, and Gaven (North) — and all naturally high-tide Spratly features (Itu Aba, Thitu, West York, Spratly Island).
Low-tide elevation (LTE) Art. 13	- a naturally formed area of land - surrounded by water - above water at low tide, and - submerged at high tide	No	None, but the low-water line of the LTE may be used as the baseline for measuring the breadth of maritime zones if the LTE is “situated wholly or partly at a distance not exceeding the breadth of the territorial sea from the mainland or an island” ■ SCS features (2016 Award): Subi, Hughes, Gaven (South), Mischief, and Second Thomas — including China’s largest artificial-island bases (Mischief, Subi).
Submerged feature	- submerged at low and high tides	No	Not entitled to any maritime zones
Artificial islands, installations, structures Art. 60(8)	- artificially formed	No	Not entitled to any maritime zones **“Safety zones” may be established around artificial islands, installations, and structures, pursuant to articles 60, 80, 147(2), and 260 of the Convention.

04 The U.S. Position

- The 2016 Award is a significant milestone for maritime claims in the SCS.
- The Award is final and legally binding on both China and the Philippines; Beijing’s continued non-compliance undermines the UNCLOS dispute-resolution framework China accepted by treaty.
- China’s expansive claims — including “historic rights” beyond UNCLOS entitlements — have no lawful basis.
- China’s coercive, destabilizing conduct interferes with coastal states’ sovereign rights and threatens freedom of navigation and overflight, undermining regional peace and stability.
- The U.S. is committed to a free and open Indo-Pacific — supporting allies and partners, including the Philippines, and leading a diplomatic coalition to counter China’s unlawful maritime claims.

05 Operational Bottom Line

- Lawful Operational Access: The 2016 Award reinforces that unlawful maritime claims do not diminish the rights, freedoms, and lawful uses of the sea enjoyed by all states under international law.
- Countering Maritime Coercion: China’s attempts to enforce maritime claims rejected by the Tribunal should be viewed as coercive efforts to create *de facto* control. Continued lawful operations that directly challenge China’s unlawful claims help demonstrate that such claims are not accepted or acquiesced to.
- Shared Legal Framework: The 2016 Award provides a common legal baseline for planning and coordinating operations, exercises, maritime domain awareness, and strategic communications with allies and partners, particularly the Philippines.

06 A Decade of China's Defiance

CHINA'S DOCUMENTED DISREGARD OF AWARD & ESCALATING COERCION IN SCS, 2016–2026

● Reckless / dangerous operational conduct ● Legal & administrative defiance

- **12 Jul 2016** — Beijing immediately declares the Award “null and void” and claims its SCS rights remain “unaffected.” China has repeated this rejection ever since.
- **2017–2022** — China [militarizes](#) Fiery Cross, Subi, and Mischief Reefs, deploying missiles, sensors, jammers, and combat aircraft on features that cannot generate an EEZ or continental shelf.
- **Jan 2021** — China enacts a [Coast Guard Law](#) that purports to authorize force against foreign vessels in waters Beijing claims—claims that often conflict with UNCLOS and the Award.
- **Mar 2021** — about 220 Chinese maritime militia vessels swarm Whitsun Reef inside the Philippine EEZ.
- **20 Nov 2022** — CCG [forcibly seizes](#) suspected debris of Chinese rocket that Philippine Navy was towing near Thitu Island.
- **6 Feb 2023** — CCG vessel [blocks and directs a military-grade laser](#) at Philippine Coast Guard vessel *BRP Malapascua* near Second Thomas Shoal, temporarily impairing vision.
- **Aug–Sep 2023** — CCG vessels block and water-cannon Philippine resupply missions; China installs a floating barrier at Scarborough to exclude Filipino fishermen.
- **Oct–Dec 2023** — CCG ships [ram and water-cannon](#) Philippine vessels near Second Thomas Shoal and Scarborough Reef, causing damaging vessels and endangering crew.
- **Mar 2024** — CCG [water-cannons](#) shatter a Philippine supply boat's windshield, injuring at least five Philippine personnel near Second Thomas Shoal.
- **17 Jun 2024** — CCG personnel, backed by People's Liberation Army Navy (PLAN) and China's Maritime Militia (CMM), [board Philippine Navy boats](#) at Second Thomas Shoal and seriously wound a Philippine sailor.
- **Aug 2024** — CCG, PLAN, and CMM [surround, block, and water-cannon](#) Philippine vessels near Sabina Shoal.
- **10 Nov 2024** — China proclaims baselines around Scarborough Reef.
- **Dec 2024** — PLAN frigates and CCG cutters [water-cannon and ram](#) a Philippine patrol near Scarborough Reef. China stages [large-scale show of force](#) around Scarborough with naval vessels escorted by bombers and fighters.
- **11 Aug 2025** — PLAN destroyer collides with a CCG cutter while both [recklessly pursue a Philippine Coast Guard vessel](#) near Scarborough Reef; a CCG ship also water-cannons a Philippine vessel.
- **10 Sep 2025** — China [declares a “national nature reserve” at Scarborough Reef](#) — using environmental regulation to advance territorial claims and restrict access.
- **Oct 2025** — China invokes the “nature reserve” for the first time to bar Scarborough access and installs monitoring buoys near the reef.
- **12 Dec 2025** — CCG and CMM vessels [attack a Philippine civilian fishing fleet near Sabina Shoal](#), injuring fisherman, damaging boats with water cannons, and cutting anchor lines to leave the vessels adrift.
- **23 Mar 2026** — China deploys fleet of CCG, CMM, and PLAN vessels in so-called [“clearing operation” at Scarborough Reef](#), using radio challenges, sirens, and speedboat swarms to expel fishermen and block Philippine vessels.
- **May 2026** — China [installs temporary floating structure](#) with personnel and possible communication equipment inside the lagoon of Scarborough Reef, advancing control through unilateral physical occupation.

CONCLUSION — UPHOLDING LAW TO COUNTER CHINA'S DEFIANCE

The ten-year milestone of the 2016 South China Sea Arbitral Award underscores a critical juncture in the Indo-Pacific, where China's persistent rejection of international law has manifested as a dangerous “new normal” of regional instability. Despite the Tribunal's unanimous, final, and legally binding decision refuting Beijing's “historic rights” and unlawful maritime claims, China has spent the past decade sharply escalating its aggressive physical actions, dangerous maneuvers at sea, and administrative overreach designed to assert *de facto* control and interfere with Philippine sovereign rights. Countering this sustained defiance requires steadfast commitment to the rule of law—not rule by law—and resolute execution of lawful operations in the face of China's maritime coercion...so that we may safeguard the sovereign rights of all nations.