Q&A ON THE STATEMENT OF THE DEPUTY SPOKESPERSON OF THE CHINESE EMBASSY IN THE PHILIPPINES

1. Q: Is China's Embassy Spokesperson's statement correct that UNCLOS has no concept of a "maritime zone" and only provides for the territorial sea and the EEZ?

A: No. Whatever label is used, UNCLOS expressly establishes multiple distinct sea-area regimes, each with different legal consequences—**not only the territorial sea and the EEZ. UNCLOS also provides, among others, the contiguous zone (art. 33), the continental shelf (arts. 76-77), the high seas (Part VII), and "the Area" (Part XI)**. UNCLOS itself uses the term "maritime zones" (UNCLOS art. 147(1)(c)). These zones are not rhetorical; each allocates different rights, jurisdiction, and duties. The 12 July 2016 Award applies this zonal structure as the controlling framework for identifying which maritime entitlements exist under UNCLOS and which conduct is lawful or unlawful in each zone. The statement is also an outright rejection of long-settled legal reality and it is contrary even to China's own official posture: China has enacted domestic laws claiming not only a territorial sea and contiguous zone, but also an EEZ and a continental shelf. A spokesperson who denies the existence of "maritime zones" while China legislates and asserts those same zones is, at best, seriously misleading the public, and at worst, speaking in willful disregard of China's own declared position.

2. Q: Does China have a right to conduct "patrols" within waters up to 200 nautical miles west of the Philippines because it asserts a historic claim to them (e.g., within the 'ten-dash line')?

A: No. **The Tribunal ruled with finality that China's claims to "historic rights" or other sovereign rights or jurisdiction within the relevant part of the 'nine-dash line' are "contrary to the Convention and without lawful effect" to the extent they exceed the geographic and substantive limits of China's entitlements under UNCLOS (Award, para. 278)**. Accordingly, China cannot convert a historic-claim narrative into legal control of waters that UNCLOS allocates to the Philippines as an EEZ/continental shelf. In the EEZ, the coastal State (here, the Philippines) has sovereign rights over resources and specified jurisdiction (UNCLOS art. 56), while other States' rights are limited to navigation/overflight and related lawful uses exercised with due regard (UNCLOS art. 58). **Navigation is not the issue; Chinese coercive "patrols" that assert jurisdiction, threaten exclusion, or interfere with Philippine resource rights and lawful activities are the issue—and those acts are incompatible with UNCLOS as applied by the Tribunal.**

3. Q: Is the Spokesperson's statement correct that China's 2006 Article 298 declaration (invoked as an exception for maritime boundary delimitation) makes the arbitration "null and void from the outset," especially since China did not participate?

A: No. The Tribunal held that the arbitration was not a maritime boundary delimitation case barred by Article 298. The Philippines did not ask the Tribunal to draw a maritime boundary, and on the merits the Tribunal found that none of the high-tide features in the Spratly Islands is capable of sustaining human habitation or an economic life of its own; as a result, "such features shall have no exclusive economic zone or continental shelf" (Award, para. 626; UNCLOS art. 121(3)). **With no overlapping EEZ/continental shelf entitlements to separate, the Tribunal explained that "there is quite literally nothing to delimit" (Award, para. 629), so Article 298(1)(a)(i) did not bar jurisdiction**. This jurisdictional argument was already raised and decisively rejected by the Tribunal—the only body empowered under UNCLOS to decide its

jurisdiction in Annex VII proceedings (UNCLOS art. 288(4)). **China's choice not to appear did not invalidate the proceedings: UNCLOS expressly provides that the absence of a party "shall not constitute a bar to the proceedings" (UNCLOS Annex VII, art. 9)**. **The resulting Award is final and binding under UNCLOS (UNCLOS art. 296; Annex VII, art. 11).**

4. Q: Did the Philippines illegally ground a warship at Ren'ai Jiao (Second Thomas Shoal / Ayungin Shoal) in 1999, seriously infringing China's territorial sovereignty?

A: No. **The Tribunal found that Second Thomas Shoal is a low-tide elevation (a feature that is above water at low tide but submerged at high tide) and that it is "located within the exclusive economic zone of the Philippines" (Award, para. 1153)**. **The Tribunal further held that, given the status of nearby features, "there exists no legal basis for any entitlement by China to maritime zones in the area of Second Thomas Shoal" (Award, para. 1153)**. Because Second Thomas Shoal lies within the Philippines' EEZ, the Philippines is entitled to exercise the sovereign rights and jurisdiction granted by UNCLOS in that zone (UNCLOS art. 56). A Philippine government vessel positioned there to support Philippine jurisdiction and lawful activities in its EEZ cannot be reframed as a violation of China's "territorial sovereignty," because China has no lawful maritime entitlement in that area. For the same reason, China has no lawful basis to demand removal on a claim of territorial sovereignty or to coerce such removal.

5. Q: Can Philippine fishing vessels and Philippine Coast Guard/official vessels enter the territorial sea of Scarborough Shoal (Huangyan Dao)?

A: Yes. The Tribunal did not decide sovereignty over Scarborough Shoal, but it decided the applicable UNCLOS consequences. It found that Scarborough Shoal is a 'rock' under UNCLOS Article 121(3), meaning it generates no EEZ or continental shelf beyond a territorial sea (up to 12 nautical miles) (Award, paras. 554-556; UNCLOS arts. 3, 121(3)). It also found that Scarborough Shoal has long been a traditional fishing ground for fishermen of many nationalities, including the Philippines, China (including from Taiwan), and Viet Nam (Award, para. 805). **Critically, the Tribunal explained that the traditional fishing protected under international law is fishing 'in keeping with the traditions and customs of the region' - i.e., artisanal fishing - and noted that sufficiently organised or industrial fishing may fall outside that protection (Award, paras. 806-807)**. On the facts, it held that China, through the operation of its official vessels, unlawfully prevented Filipino fishermen from engaging in traditional fishing at Scarborough Shoal (Award, para. 814), and it recorded that this finding is without prejudice to sovereignty over the shoal (Award, para. 814). Accordingly, Philippine fishing vessels may enter the territorial sea around the shoal to engage in traditional (artisanal) fishing consistent with the Award. Vessels from any country may also enter that territorial sea based on the right of innocent passage (UNCLOS arts. 17-19). Philippine vessels, public and private, can sail in that territorial sea based on the Philippines' longstanding and superior claim of sovereignty over Scarborough Shoal.

6. Q: Can the Philippine Coast Guard vessel BRP Teresa Magbanua (MRRV-9701) anchor in Sabina Shoal (Xianbin Jiao)?

A: Yes. **Sabina Shoal (also referred to as Escoda Shoal) is a low-tide elevation within 200 nautical miles from Palawan and therefore forms part of the Philippines' EEZ measured from its baselines (UNCLOS art. 57).** In the EEZ, the Philippines has sovereign rights and jurisdiction as provided in Article 56, while other States' freedoms under Article 58 must be exercised with due

regard. A Philippine government vessel may therefore lawfully operate—and where operationally necessary, anchor—within the Philippines' EEZ consistent with UNCLOS.

7. Q: Did China undertake provocative actions inconsistent with UNCLOS obligations, as found in the 2016 Award?

A: Yes. The Tribunal found that China's post-2013 dredging and artificial island-building across seven reefs in the Spratly Islands created "more than 12.8 million square metres of new land in less than three years" (Award, para. 854). **On the basis of "compelling evidence" and expert reports, the Tribunal stated it had "no doubt" that China's artificial island-building "caused devastating and long-lasting damage to the marine environment" (Award, para. 983), and it found China breached its obligations under UNCLOS Article 192 and related provisions**. This conduct also starkly contradicts the self-restraint China invokes under the 2002 Declaration on the Conduct of Parties in the South China Sea (DOC), which calls on parties to refrain from actions that would complicate or escalate disputes and affect peace and stability (DOC, para. 5).

Having itself carried out the most sweeping, permanent change of the status quo in the Spratlys through large-scale reclamation and construction, China cannot credibly invoke the DOC against the Philippines as if China were the restrained party; its own actions strip that argument of moral and diplomatic weight. The same escalatory pattern has persisted in recent years through dangerous maneuvers and coercive incidents, including the use of water cannons, ramming, and laser harassment directed at Philippine vessels operating in the EEZ of the Philippines.

8. Q: Is it correct that the best way to handle maritime disputes is only to "sit down and talk," and that arbitration was improper?

A: No. Arbitration is a recognised peaceful means of dispute settlement. **The UN Charter lists "arbitration" among peaceful means (UN Charter art. 33(1)) and requires States to settle disputes by peaceful means (UN Charter art. 2(3)).** UNCLOS implements that commitment through Part XV: States shall settle disputes by peaceful means (UNCLOS art. 279), and where disputes concerning the interpretation or application of UNCLOS are not settled, any party may submit them to compulsory procedures entailing binding decisions (UNCLOS art. 286), subject to defined limitations and optional exceptions. When an UNCLOS tribunal issues an award, it is final and binding (UNCLOS art. 296; Annex VII, art. 11), and a party cannot defeat the process by refusing to appear (Annex VII, art. 9).

"Sitting down and talking" is meaningful only if it is sincere and involves a real willingness to negotiate; it was never meant to be a veto for endless, unproductive process. The Tribunal's record reflects that the parties' positions were "diametrically opposed," and it is precisely in such circumstances—where exchanges do not resolve the dispute—that UNCLOS provides for binding adjudication.

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