

**Reply to China's Objection to the Declaration by the Cebu City Council
Of July 12 of Every Year as the *West Philippine Sea Victory Day***

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1. There is no State in the world that publicly supports China's claim that China has sovereignty, sovereign rights and jurisdiction within the maritime areas enclosed by China's 9, now 10-dash line beyond China's territorial sea, exclusive economic zone or extended continental shelf as determined under the United Nations Convention on the Law of the Sea or UNCLOS.
2. In contrast, the entire European Union, the United States, Canada, Australia, Japan, South Korea, India, New Zealand, Indonesia and many other states recognize that the July 12, 2016 Arbitral Award is final and binding on China and the Philippines. The core ruling of the Arbitral Award is that China's historic 9, now 10-dash line cannot validly serve as basis to claim waters or marine resources in the South China Sea.
3. The Arbitral Tribunal ruled that under UNCLOS, all historic rights or claims beyond the territorial sea have been extinguished and all states must therefore base their claims to maritime zones beyond the territorial sea solely on the provisions of UNCLOS.
4. The Arbitral Tribunal did not rule on what State has sovereignty over geologic features above water at high tide, an issue regulated by general principles of international law and outside of UNCLOS. The Arbitral Tribunal ruled on what are the maritime entitlements of such geologic features, an issue regulated by UNCLOS.
5. The Arbitral Tribunal ruled that there are no overlapping exclusive economic zones between China and the Philippines requiring maritime delimitation because China's coastline measured from Hainan Island is 480 nautical miles from the Philippines' coastline measured from Luzon. Thus, China's reservation that it will not be subject to compulsory arbitration in case of overlapping maritime zones does not apply. In short, there are high seas between China's and the Philippines' respective 200-nautical mile exclusive economic zones.
6. China falsely claims that the United Nations, the International Court of Justice, the International Tribunal for the Law of the Sea and the Permanent Court of Arbitration "all issued statements distancing themselves" from the Arbitral Tribunal or its Award. These institutions, as separate entities, obviously did not issue the Arbitral Award which was issued by an independent Arbitral Tribunal expressly created under Annex VII of UNCLOS. The Permanent Court of Arbitration is not a court but an administrative registry that officially serviced the Arbitral Tribunal.
7. Under Annex VII of UNCLOS, the expenses of the Arbitral Tribunal, including the fees of the arbitrators, shall be paid equally by the parties to the arbitration. However, if a party does not participate and refuses to pay its share of the expenses even if the arbitration is compulsory, the appearing party shall pay for the entire cost of arbitration. This is what happened in the arbitration between the Philippines and China where China did not appear and refused to pay its share of the expenses.
8. When China ratified UNCLOS, it gave its consent in advance to any future compulsory arbitration under the relevant provisions of UNCLOS. This advance consent given by all states that ratified UNCLOS is embodied in Articles 286 and 288 of UNCLOS.
