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Will the Arbitration Award Improve or Impair Conflict Resolution in the South China Sea?

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- 1) The Award has no bearing on the question of who has sovereignty to Scarborough Shoal, the Spratlys (or the Paracels).
- 2) The fact that the Award declares China's land reclamation and law enforcement activities to be illegal may increase the risk of violent incidents.
- 3) In theory the Award should help conflict resolution by facilitating the delimitation of maritime zones.
- 4) The Award makes it possible for the Southeast Asian claimants to negotiate their maritime boundaries, while ignoring China and Taiwan.
- 5) In reality the Award is likely to hinder conflict resolution because it makes it impossible for China to reach a boundary agreement with its neighbour states on the basis of the law of the sea.
- 6) The Award could help open up a venue for a fisheries agreement at Scarborough Shoal, with a potential for establishing a precedent for regional cooperation elsewhere as well.

(1) The Disputes over Sovereignty to Islands Will Remain Unresolved



(2) The illegality of China's artificial islands may increase the risk of violent incidents, but have probably come to stay.



(3b) Hence, in theory the Award helps conflict resolution by facilitating the delimitation of maritime zones.

But this is just theory. In reality China will not in a long time define its maritime zone claims in accordance with UNCLOS.



(4) The Award makes it legal for the Southeast Asian claimants to negotiate their maritime boundaries, without having to talk with China or Taiwan.

Yet this will not most likely happen



(5) The Award may actually hinder conflict resolution since it makes it to find an UNCLOS-based solution remotely acceptable to China.

The main hope may be that China's legal thinking evolves through criticism of the award.



(6) The Award could help open up a venue for a fisheries agreement at Scarborough Shoal, with a potential for establishing a precedent for regional cooperation.

