

Settlement of The Conflict Between The Republic of The Philippines and The People's Republic of China Through The Permanent Court of Arbitration

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Abstract.

The purpose of this study is to explain the background of the resolution of the South China Sea conflict between the Republic of the Philippines and the People's Republic of China through the Permanent Court of Arbitration. This thesis is grounded in a fundamental framework of thought that combines international security theory and international legal theory. In searching for data sources, the researcher employed a qualitative method. The results of this study explain that the international arbitration decision confirms that the islands claimed by China do not meet the requirements for a right to an exclusive economic zone (EEZ) or a wide continental shelf. The Philippines is considered the rightful owner of the area included in its exclusive economic zone in accordance with UNCLOS. In addition, this decision emphasizes that China's actions in building islands and placing infrastructure in the disputed area violate the rights of the Philippines and the principles of international law. In addition, based on the author's interviews with the Ministry of Foreign Affairs, the results indicate that the South China Sea conflict between the Chinese and Philippine governments is a latent issue that is very difficult to resolve.

Keywords: Philippines; China; International Arbitration; Conflict and UNCLOS.

I. INTRODUCTION

In resolving the conflict between the two parties, the Philippines and China are parties to UNCLOS 1982. The Philippines ratified UNCLOS 1982 on May 8, 1984, while China ratified it on June 7, 1996. Thus, both the Philippines and China are bound by the dispute settlement procedures outlined in Chapter XV of the Convention, which governs the application of the Convention. The dispute settlement mechanism, as outlined in UNCLOS 1982, is divided into three parts. Part 1 stipulates that disputes are resolved through amicable agreements between the parties. Part 2 regulates compulsory dispute settlement procedures to produce binding decisions, which apply if the procedures in Part 1 do not resolve the dispute. Part 3 regulates several limitations and exceptions to the jurisdiction of the procedures regulated in Part 2. The Tribunal itself determines this jurisdiction at the request of the Parties. A State party to UNCLOS 1982, when ratifying, signing, and ratifying this Convention, may provide a written statement regarding the settlement procedure chosen in accordance with Article 287 (1). Neither the Philippines nor China has made a written statement regarding this article, and therefore, according to paragraph (3) of the same article, both countries must submit to the arbitration procedures stipulated in Annex VII of UNCLOS on Arbitration. China's declaration of non-participation in this arbitration also has its own consequences. Throughout the arbitration proceedings, China failed to appear or appoint a representative, did not submit a Counter Memorial to the Philippines' claim, did not participate in the Jurisdictional Hearing in July 2015, and did not follow up on the

Tribunal's request for payment of costs related to the arbitration proceedings. (Yu-Jie Chen, 2023) The Philippines may request that the Tribunal continue the arbitration proceedings under Article 9 of Annex VII to UNCLOS 1982. Still, the Tribunal must also take measures to prevent any losses to either party arising from China's non-participation in the arbitration proceedings. Article 5 of Annex VII states that the Tribunal shall determine the necessary steps in the proceedings and shall provide for both parties to be heard and present at the hearing. The limitations and exceptions to disputes that may be submitted to the procedures under Part 2 of Chapter XV are set out in Articles 297 to 299 of UNCLOS 1982. China claims that the Philippines' claim violates the provisions of UNCLOS 1982 because, in its 2006 declaration, it had

made a statement under Article 298 that the Government of China (People's Republic of China) did not accept any procedures set out in Part 2 of Chapter XV of the Convention relating to all categories of disputes referred to in Paragraphs 1(a)-(c) of Article 298 of UNCLOS 1982. However, as discussed previously, the Philippines excluded its claim under Article 298 due to China's declaration. (Hu Xijin, 2022) This is actually related to the nature and validity of China's claimed "historic rights" in the South China Sea, as challenged by the Philippines in points 1) and 2).

The interpretation of these historical rights will determine whether the rights in question also fall within the exceptions in Article 298 (1) of UNCLOS 1982 and whether there is any overlap in the areas claimed by China, where China is alleged to have engaged in certain activities. The existence of such overlap will impact the application of limitations and exceptions to the claims under Articles 297 and 298. Determining the nature of these historical rights will also affect the Philippines' claims in points 3) to 12), particularly points 5), 8) and 9), where the Philippines requests the Tribunal to rule that several maritime features in the South China Sea are within its economic zone or continental shelf and that the Philippines has the right to exercise sovereign rights there. The purpose of implementing the mandatory procedure in Section 2 of Chapter XV of UNCLOS 1982 is to produce a final and binding decision for the disputing parties. In accordance with the aforementioned purpose of selecting the mandatory procedure, the decision in the Philippines' lawsuit against China regarding the South China Sea is final and non-appealable, but it does not have binding force. This relates to the nature of arbitration in general. Although arbitration is a legal dispute resolution process, it involves fewer formal steps than dispute resolution through an international tribunal. Despite its final legal force, the enforcement of the arbitral award rests with the good faith of the disputing parties. (Susan Finder, 2023) In this case, the parties, namely the Philippines and China, must respect the arbitral award regarding the South China Sea dispute.

Although China stated that it would not participate in all proceedings conducted by the Arbitral Tribunal, the Tribunal deemed that this did not affect the arbitration process and the implementation of the resulting award. International law can be defined as the body of law consisting essentially of principles and rules of conduct to which states are generally bound to adhere in their relations with one another.¹ Several other opinions have also attempted to define the concept of international law, namely: The rules of law relating to the functioning of international institutions or organizations, their relations with each other, and their relations with other states and individuals; and b. Specific rules of law relating to individuals and non-state entities, insofar as the rights and obligations of such individuals and non-state entities are essential to the international community. Although initially much theoretical controversy arose regarding the nature and basis of international law, one theory that has gained widespread acceptance is that international law is not law proper, but rather a body of rules of conduct that have only moral force.² The English author of jurisprudence, or the science and philosophy of law, John Austin, is considered a major proponent of this theory. According to Austin's theory, *stricto sensu* law results from formal decisions originating from a truly sovereign legislative body. Logically, if the rules in question ultimately do not originate from a sovereign authority, the highest political authority, or if no such sovereign authority exists, then they cannot be classified as legal rules, but rather as rules with purely moral or ethical validity. (Herbert Smith Freehills, 2023) However, with the development of international law, Austin's theory can be refuted by considering the following: Modern jurisprudence does not fully account for the strength of Austin's general theory of law.

It has been shown that even in some societies without formal legislative authority, legal systems are in place and adhered to, and that these laws are not, in terms of their binding provisions, those of a State with actual legislative authority. Austin's views, although correct in their time, are no longer applicable to contemporary international law. In the present century, considerable international legislation has been established through law-making treaties and conventions, and in line with this development, the proportion of customary rules of international law has decreased. Even if it is true that there is no expressly sovereign legislative authority in the international sphere, the procedure for formulating these rules of international law has been resolved through international conferences or through existing international organs. However, this is not as efficient as the legislative procedure within a State. International legal issues are consistently treated as legal issues by those handling international affairs within various Ministries of Foreign Affairs or through

various international administrative bodies. In other words, the authoritative bodies responsible for maintaining international relations do not view international law as merely a set of moral rules. As Sir Frederick Pollock aptly put it almost a century ago: "If international law were merely a kind of morality, the drafters of foreign policy documents would place all their weight in moral arguments. In reality, however, they do not. Their considerations are not based on a common sense of moral truth, but on precedents, treaties, and expert opinions. Statesmen and legal writers consider these to be distinct from moral obligations in the relations of nations."

(Weissmann, M. 2020) The concept of international security refers to conditions that foster stability and protect states and the global community from threats or risks that could undermine peace, security, and prosperity. International security encompasses not only physical threats such as war or conflict, but also more complex threats, such as terrorism, climate change, cyber threats, and the proliferation of weapons of mass destruction. This security involves various international actors, both State and non-state, and encompasses multiple dimensions. To address the following issues, International Security theory serves as the primary analytical framework for understanding how security is not solely viewed as a military threat, but also involves various factors, including environmental, economic, and diplomatic aspects, that can influence maritime conflicts such as those in the South China Sea. This approach underscores the importance of resolving disputes through an international legal framework as a means of addressing instability in this strategically important region. (Danni Hofmeyr, 2023) Bill Hayton (2014) highlighted in his analysis how China's tendency to assert its claims through the nine-dash line has raised global concerns about the potential for military conflict in the region. According to Hayton, this aggressive approach requires a response based on regional diplomacy that prioritizes multilateral cooperation to manage emerging tensions and prevent conflict escalation. In this context, strengthening the role of ASEAN and international legal mechanisms, such as UNCLOS, becomes relevant as a means to balance the interests of various parties without resorting to military force. Meanwhile, Weissmann (2019) offers a more optimistic view, stating that, despite growing concerns about open military conflict since the 1990s, the South China Sea has managed to maintain relative peace. The primary factors contributing to this stability are the increasing regionalization and elite-level interaction, including diplomatic initiatives such as the ASEAN-China Dialogue, ASEAN+3, and China's acceptance of multilateralism.

These steps create space for discussion and negotiation, reducing the risk of large-scale conflict. Analyzing the Balance of Power Theory, the dynamics of the South China Sea reflect the efforts of regional countries to maintain a balance of power. This theory is based on the assumption that regional stability can be achieved by preventing domination by a single country or coalition. In this case, countries such as the Philippines, Vietnam, and even Indonesia utilize the support of international law, cooperation with major powers like the United States, and strategic alliances within the ASEAN framework to counter a more dominant China. The balance of power in the region is also influenced by the increasing involvement of external actors, such as the United States and Japan, which support smaller countries through joint military exercises and security assistance. This represents a balancing strategy to counter the potential hegemony of China, which wields significant economic and military influence in the region. Furthermore, this International Security Framework highlights that environmental factors, such as the exploitation of marine resources, complicate disputes in the South China Sea. The region is rich in oil, gas, and aquatic resources, making it a strategically vulnerable area to overexploitation. This theory advocates resolving disputes through international law to prevent environmental damage that could trigger further conflict and escalation. (Matthew S. Erie, 2023) Overall, through an analysis of international security theory and balance of power theory, this study provides a deep understanding that the dynamics of the South China Sea involve not only conflicting sovereignty claims but also geopolitical competition involving regional and global powers. In this context, international law, multilateral diplomacy, and efforts to maintain a balance of power are key elements in preventing conflict escalation and promoting long-term stability in the region.

II. METHODS

A paradigm is the first step in research, involving the selection and establishment of research methods that serve as a guide throughout the research process. A paradigm is a researcher's perspective on the world or a problem. These paradigms are used to provide different meanings. This is because each research paradigm has different assumptions. The constructivist paradigm is the paradigm or perspective used in this research. The constructivist paradigm is a perspective that studies social reality as constructed by individuals, with implications that influence their lives. In this paradigm, the social reality observed by a researcher cannot be generalized to every individual. (Miftach, 2018) This research paradigm uses the constructivist paradigm. Essentially, the constructivist paradigm assumes that reality or truth is not a single entity; it is created within a group based on their interpretations. In the qualitative paradigm, it is not a single phenomenon, but rather many aspects and elements that can shape social behavior. This will later be used as a rationale for what motivates a person to act, whether consciously or unconsciously. Through the constructivist paradigm, researchers can discover the meaning of specific events, whether using interviews, observation, or descriptive methods.

The authors used informants. This research paradigm emphasizes the construction of knowledge through interactions between researchers and subjects, where reality is seen as the result of a joint construction between them. In the context of this research, the constructivist paradigm was chosen because it aims to enable researchers to understand how the South China Sea conflict between the Republic of the Philippines and the People's Republic of China was resolved through the Permanent Court of Arbitration in 2016. According to Adlini, a qualitative research method is a type of research in which researchers rely heavily on information from objects or participants on a broad scale, ask general questions, collect data primarily from texts or participant opinions, and provide subjective explanations and analyses of the collected opinions. Qualitative research is used to interpret and explain the occurrence of a phenomenon. (Eni, 1967) In general, qualitative research seeks to understand and comprehend the meaning behind certain phenomena related to human life. Qualitative research will produce descriptive data that can explain a phenomenon using a series of words, both written and spoken, from trusted sources or people whose behavior is being observed. In general, qualitative research has two goals: to describe and reveal something, and to describe and explain it.

Based on this, qualitative research is a sequential activity that explores theories based on real-world facts, rather than testing a theory or hypothesis. (Robert & Brown, 2004) The research conducted is qualitative, employing a descriptive approach. Qualitative research with an explanatory approach aims to understand phenomena in depth through complex and detailed contexts, providing a nuanced understanding of the subject matter. In this study, a qualitative approach enables researchers to explore leadership communication styles in the development of company innovation by examining the meaning, process, and context holistically. In research, research subjects play a crucial role. They are the people or objects being studied. In this case, research subjects are respondents or informants who provide information related to the phenomenon being studied. In qualitative research, research subjects play a crucial role and must be well understood, as they facilitate the research process within a shorter timeframe. By using research subjects or informants, researchers can obtain information, exchange ideas, and compare phenomena. This information can then be helpful for discussion in the research. (Purnamasari & S, 2020)

III. RESULT AND DISCUSSION

Considering the decision in this case, an international arbitration award is, in principle, final and binding. Final means that no legal remedies are available, including appeals, cassation, or judicial review. Binding means that the award is binding on the parties and therefore must be implemented voluntarily. Considering the legal force of international arbitration awards, it can be interpreted that arbitration awards can be enforced immediately after they are rendered. Although international arbitration awards are binding in principle, the UN has not yet developed a method or mechanism for enforcing international arbitration awards. Therefore, despite the decision being issued, China's subsequent refusal to recognize it has prevented all activities in the South China Sea from proceeding, regardless of the arbitration decision. In this dispute, the decision issued by the PCA must be complied with by the international community, especially the

countries involved in the dispute, namely China and the Philippines. In this case, the PCA applied the 1982 Convention on the Law of the Sea. Therefore, the legal consequences of using this convention to resolve the case are clear, meaning that its decision clearly prohibits further legal action. (Matthew S, 2023).

Therefore, both parties involved in the South China Sea dispute must comply with the PCA's decision. The implications of China's unilateral claim to the South China Sea have created differing perceptions among countries bordering the region. Some oppose China's arbitrary actions, but others choose to prioritize pragmatic considerations rather than confronting interstate conflict. Several ASEAN countries have benefited from the implications of China's unilateral claim to the South China Sea, including: Initially, when the debate over China's unilateral claim to the South China Sea arose, Indonesia acted as a neutral party. Indonesia acted as a mediator between countries that opposed and those that affirmed the conflict. Indonesia has a maritime area directly adjacent to the South China Sea, namely the North Natuna Sea, located in the Natuna Regency of the Riau Islands Province. The North Natuna Sea is also a strategic area designated as Indonesia's Exclusive Economic Zone (EEZ). A Chinese vessel suddenly entered the area, claiming it was conducting traditional fishing grounds (illegal fishing), claiming it belonged to China since the 2nd century BC. Due to this unlawful fishing, coupled with the encroachment of the North Natuna Sea within China's claimed nine-dash line, Indonesia was ultimately drawn into the conflict. In addressing this issue, Indonesia believes that China's actions could disrupt the economic stability and security of the North Natuna Sea. Therefore, Indonesia responded by asserting its sovereignty in accordance with the provisions of UNCLOS 1982. In July 2016, the International Court of Arbitration renamed the South China Sea to the North Natuna Sea in an arbitration lawsuit unilaterally filed by the Philippines. It also responded by opposing this unilateral claim.

In other words, Indonesia will never recognize China's unilateral claims in the South China Sea. Laos's passive and unresponsive stance has led to the assumption that Laos may fully side with China in the maritime dispute, although this differs from Myanmar and Cambodia, which have explicitly stated their support for China's unilateral nine-dash line claim. In this case, Laos has been remarkably passive and unresponsive. This passive stance is based on Laos's minimal interest in the South China Sea. Even in ASEAN forums, Laos rarely voices its opinions. However, Laos is a country experiencing economic decline, leading China to invest a substantial \$3 billion in Laos in 2011, to develop tourist destinations and transport infrastructure, including a railway. (Paul Scharre, 2023) Brunei tends to respond to China's unilateral claims in the South China Sea with soft power. They have not actively initiated military action to confront China. Brunei Darussalam's soft response may indicate its alignment with China regarding its claims in the South China Sea. Of course, Brunei's actions, which appear to be so responsive to China's actions, are based on specific reasons. The existence of diplomatic relations between Brunei and China has led Brunei to defend its sovereignty, fearing a national economic recession that could occur if bilateral diplomatic ties between the two countries fail. China's persuasive efforts to provide benefits and economic recovery to Brunei have indirectly created a sense of dependence on China. Under the pretext that China possesses offshore drilling technology and produces hydrocarbons, which Brunei Darussalam uses as an alternative source of national income, Brunei Darussalam has chosen to maintain a positive political and economic partnership with China. In this case, Vietnam has been the most vocal in confronting the nine-dash line claim.

In fact, in an effort to address the issue, Vietnam has adopted three approaches to maintain its territorial sovereignty. First, it seeks to resolve the dispute by involving other countries in extraregional settings to create a balance of power. Second, it positions the conflict within the realm of multilateral resolution to gain support from various countries in diplomatic relations. And third, it enhances its military defense and capability systems to defend itself and increase its warfighting capabilities in the event of an open conflict with China. (Paresh Dave, 2018) Myanmar's perception also appears to be biased toward China's decisions, similar to those of Brunei and Cambodia, which prefer to follow the majority vote in ASEAN forums. This is evidenced by the military cooperation between the two countries. Myanmar's siding with China dates back to 1992, when China provided financial assistance for naval construction in Myanmar, specifically on Hainggyi Island. As a token of its gratitude to China, in 2011, Myanmar granted access to all facilities at the naval base. The role of the International Court of Arbitration in resolving international

disputes is to provide a means for disputing parties to resolve their conflicts in accordance with international law. In its ruling, the Permanent Court of Arbitration issued a statement containing the following ruling: "Although Chinese sailors and fishermen, as well as other states, have historically utilized islands in the South China Sea, there is no evidence that China has historically exercised exclusive control over these waters or their resources.

The tribunal concluded that there was no legal basis for China to claim historical rights to resources within the maritime area within the nine-dash line." Based on this ruling, the South China Sea claims were declared null and void. This was based on the absence of island entities, but only coral and rocks, making them unusable as a basis for measuring a distance of 200 miles. Furthermore, China's pretext was deemed inconsistent with the provisions of UNCLOS 1982, as China employed historical arguments that contradicted international law. Moreover, China's artificial island reclamation was considered capable of damaging and disrupting the region's biodiversity. Regarding other countries' perceptions of the South China Sea dispute, the majority of ASEAN countries expressed a proactive stance and accepted China's unilateral claims, citing the economic benefits of countries siding with China's decision. To address the issues raised in this paper, the author draws on international legal theory, encompassing the legal aspects of maritime boundaries and dispute resolution mechanisms. The primary foundation of international maritime law is the United Nations Convention on the Law of the Sea (UNCLOS), which regulates the rights and obligations of states in managing and using naval areas. UNCLOS provides a clear legal framework for regulating maritime zones, such as the exclusive economic zone (EEZ), the continental shelf, and the territorial sea, which form the essential basis for understanding maritime territorial disputes. In the context of the South China Sea (SCS) dispute, international legal theory is applied through an analysis of the Philippines' unilateral submission to the Permanent Court of Arbitration (PCA).

The Philippines based this submission on the provisions of UNCLOS, specifically Chapter XV, which regulates the mechanism for dispute resolution through arbitration if the disputing parties are parties to the 1982 Convention on the Law of the Sea. The Philippines' lawsuit highlights the People's Republic of China's (PRC) unilateral claim to the South China Sea, which is based on its nine-dash line map—a claim deemed contrary to UNCLOS provisions. (Hilary Matfess and Jeffrey Smith, 2018) Although this lawsuit does not directly challenge territorial ownership or sovereignty over islands in the South China Sea, the Philippines focused its arguments on the legality of China's claims to maritime zones overlapping the Philippines' EEZ. The PCA accepted this submission because it met the requirements under Chapter XV of UNCLOS, which grants states the right to resolve disputes through arbitration in the event of disagreements regarding the interpretation or application of UNCLOS. The 2016 PCA ruling marked a significant milestone in maritime dispute resolution. The PCA declared that China's nine-dash line claim had no legal basis under UNCLOS. Furthermore, the PCA affirmed that the marine areas claimed by China fall within the Philippines' EEZ under the principles of UNCLOS. This ruling underscored the importance of international law as a tool for resolving conflicts between states, particularly in disputes involving maritime claims. However, in practice, this ruling faces significant challenges due to its lack of direct enforcement. China, despite being a party to UNCLOS, rejects the PCA ruling, arguing that it lacks authority over its territorial sovereignty. This rejection reflects the limitations of international dispute resolution mechanisms in the face of major powers relying on political and military power to defend their claims.

The South China Sea disputes offer essential lessons about the interaction between international law and geopolitical power. On the one hand, international law, such as UNCLOS, provides a clear legal framework for resolving disputes and managing maritime zones. On the other hand, the implementation of legal decisions often depends on the compliance of the disputing states, which is influenced by international political dynamics. In this regard, although the PCA has ruled in favor of the Philippines, a comprehensive resolution of the dispute still requires a multilateral diplomatic and cooperative approach involving countries in the region, including major powers such as the United States and ASEAN. In 1947, disputes over the South China Sea (SCS) already existed when China published a map claiming territorial sovereignty over most of the South China Sea. China's claim is based on historical grounds, as the group of 85 islands has been considered part of China's territory since the Han Dynasty (206-220 AD). China claims part of the SCS,

followed by Vietnam.. Vietnam has been involved in this dispute since before the union of North and South Vietnam. South Vietnam's claim to the Spratlys was based on the San Francisco Conference in 1951, which included the waiver of Japan's rights over the Spratlys and Paracels.

(Oriana Skylar Mastro, 2021) In addition to Vietnam, the Philippines in 1968 also responded to China's move by placing marines on nine islands in the Spratlys to strengthen the Philippines' claim to the territory. The Philippines then also sent troops to announce the annexation and guard the Kalayan Islands, which have a total area of 790,000 square meters. Finally, in 1971, the Philippines officially declared ownership rights to eight islands, which it referred to as the Kalayaan islands. The Philippine government claims the right to explore on the grounds: (1) the island is not part of the Spratly Islands, and (2) no one owns it and it is open to claim. On July 12, 2016, the Arbitration Tribunal for the SCS arbitration issued a decision that attempted to deny China's maritime rights and sovereignty in the SCS. On July 12 and 13, 2016, China issued a statement responding to the decision in the form of a white paper, stating that China had the right to remain in an introductory position through negotiations on the dispute, expressing China's seriousness in not accepting and not acknowledging the decision, and reaffirming its right to accept and reject the decision—China's maritime, sovereignty, and territorial interests in the SCS. On January 22, 2013, the Philippines notified the Chinese embassy, announcing it would submit the SCS dispute to Arbitration. On February 19, 2013, the Chinese Embassy flatly refused to participate in the Arbitration filed by the Philippines. China considers the Philippines to have violated several diplomatic consensuses and negotiation mechanisms that were previously agreed upon, and therefore cannot accept it. In 2013, a provisional arbitration for the SCS was established. Five members of the Arbitration confirmed. From them, the Philippines sent a member from Germany, Rudiger Walfrum, for the Law of the Sea (UNCLOS), to represent the Philippines in an arbitration tribunal. The South China Sea was formed as an archipelago. Many of the disputes that occurred in the Ocean were caused by historical backgrounds, both in terms of the naming of the Ocean and the boundaries of its ownership.

The territorial ownership dispute in SCS is actually a dispute over the sea and land areas in the two Spratly and Paracel islands. The regional countries involved in the SCS conflict often cite historical and geographical reasons for their disputes over the ownership of the marine area and the two island groups in the SCS. China, as a country that claims almost the entire territory, has shut itself down and rejected all efforts to resolve the SCS conflict. However, in fact, the Arbitration Court has decided on this dispute through a lawsuit filed by the Philippines. In other words, there was no agreement made between the two countries to resolve the conflict, but only a one-sided wish, namely from the Philippines. (Hu Xijin, 2022) The Exclusive Economic Zone (EEZ) is a territory outside and bordering the territorial sea that is subject to a special felony regime implemented within UNCLOS. The EEZ may not extend beyond 200 nautical miles from the baseline from which the width of the sea lane is measured. In the EEZ, all countries, whether coastal or non-coastal, can enjoy it subject to the relevant provisions of the UNCLOS. The EEZ of the coastal State has several rights, namely: Sovereign rights for the functions of exploration and exploitation, control of natural resources, both living and non-dwelling, from the waters above the sea bottom and from the sea bottom and the land below it and relating to different sports for the purpose of monetary exploration and exploitation of the area, as well as the manufacturing of electricity. The implementation of the rights and obligations under the United Nations Convention on the Law of the Sea (UNCLOS) in the EEZ with the aid of the coastal State, have to take due account of the rights and obligations of other states appearing in approaches according with the provisions of this conference and other international legal regulations. as long as these provisions do not conflict.

IV. CONCLUSION

This research reveals that the 1982 UNCLOS and the 1969 Vienna Convention on the Law of Treaties (VCLT) constitute an essential international legal basis for resolving maritime disputes, particularly those in the South China Sea. UNCLOS systematically establishes rules regarding naval boundaries, the establishment of territorial seas, the Exclusive Economic Zone (EEZ), and the continental shelf. The VCLT emphasises that international agreements must be implemented in good faith, as enshrined in the principle of

pacta sunt servanda. The International Court of Arbitration's ruling on July 12, 2016, rejecting China's claim to almost the entire South China Sea established a clear legal precedent, as the claim lacked any basis in international law. However, China's unilateral rejection of the ruling demonstrates a severe tension between the normative principles of international law and political reality. China's refusal to respect the arbitral award not only contradicts the principle of good faith as stipulated in the VCLT but also undermines regional stability and convinces other countries that political interests can hamper international dispute resolution mechanisms.

Thus, the success of peaceful dispute resolution through arbitration requires a full commitment from all parties to comply with the mutually agreed-upon rules, so that legal dispute resolution efforts can serve as a tool to build trust between nations and maintain international peace and stability. This study emphasises the need for consistent application of the principle of good faith to uphold the supremacy of international law, while also reminding us that without multilateral cooperation and mutual agreement, future maritime dispute resolution will continue to face significant challenges in an increasingly complex geopolitical context. Based on the findings of this study, it is recommended that state parties, particularly those involved in the South China Sea dispute, strengthen their commitment to the principles of international law as enshrined in UNCLOS 1982 and VCLT 1969, particularly regarding the implementation of agreements in good faith. This commitment must be realised through concrete steps, such as encouraging multilateral dialogue, strengthening law-based dispute resolution mechanisms, and enhancing the capacity of regional institutions, such as ASEAN, to act as neutral and effective facilitators. Countries also need to reaffirm the importance of respecting international legal decisions, such as the 2016 Arbitral Tribunal decision, as valid and binding precedents. Without upholding the principle of pacta sunt servanda and respecting international legal norms, efforts to maintain regional stability and build trust between nations will continue to be hampered by geopolitical interests and power politics.

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