



Media Statement

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**Statement from Adm. Dennis Blair, Chairman
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China faces a critical juncture with Tribunal ruling

WASHINGTON, D.C. — This morning, an arbitration panel under Annex VII of the UN Convention on the Law of the Sea (UNCLOS) released its long-awaited decision that made four major determinations:

- First, China's Nine-Dash Line and claim to historic rights in the maritime area of the South China Sea were rejected. The Tribunal ruled that China's historic claims over 90 percent of the South China Sea were "extinguished" by UNCLOS.
- Second, the Tribunal determined that no feature in the Spratly Islands could generate an exclusive economic zone (EEZ) or continental shelf. Specifically, the Tribunal held that even Itu Aba, occupied by Taiwan and the largest natural feature in the region, was not capable of sustaining human habitation or an economic life of its own, and therefore could not generate an EEZ or continental shelf.
- Third, the Tribunal determined that China had committed a series of unlawful actions in the South China Sea, including interference with Philippine rights to fishing and oil exploration in its EEZ and construction of artificial islands in the Philippine EEZ.
- Finally, the Tribunal decided that China's massive land reclamation and construction of artificial islands at seven features in the Spratly Islands since the start of the arbitration aggravated the disputes and caused permanent, irreparable harm to the marine environment.

The ruling has two important implications:

- Although the Tribunal's decision does not affect sovereignty claims, it does establish that none of the features in the Spratly Islands is entitled to an EEZ. Since most of these features fall within the Philippine EEZ and continental shelf stretching 200 miles from Palawan Island, it strengthens the Philippines claim that it has jurisdiction over hydrocarbon and fishing resources in this region.
- The Tribunal ruled unanimously, as it had in its initial decision to award jurisdiction. Unanimity helps prevent any state from trying to use a divided verdict as evidence to ignore the ruling.

The Tribunal rulings are a legal and diplomatic victory for the Philippines. They brought careful, impartial UNCLOS-based analysis to issues that China has been attempting to confuse in its favor.

While legal scholars and nations that uphold the rule of law applaud this effort at a law-based solution to the South China Sea, it is important to note that the tribunal's ruling makes only a limited contribution to the contentious South China Sea issue. It had no jurisdiction to decide any issues of sovereignty over the land features, which continues to be at the heart of many the disputes. Similarly, it did not decide on issues concerning maritime boundary delimitations. Finally, there is no enforcement mechanism.

China's reaction to the decision is very important. By its signature of UNCLOS, China agreed to abide by the rulings of the Tribunal. Its recent official rhetoric has repeatedly stated it will not be bound by the decisions. China faces a critical juncture. How it reacts will indicate its level of commitment to the peaceful and cooperative resolution of contentious disputes, both in the South China Sea and more broadly. Should China continue to disregard the decisions of this Tribunal, it will raise serious doubts about whether other nations can trust the country to abide by any of its international obligations. China's actions in the South China Sea, along with its tougher treatment of international businesses in China and worldwide economic espionage, have all raised doubts about its commitment to the international system from which it has benefited for decades. Coupled with its increasingly harsh treatment of dissenting opinions among its own citizens, it risks creating a suspicious, if not hostile, international environment that it has so skillfully avoided since it first opened to the outside world.

About Admiral Dennis Blair

Admiral Dennis C. Blair is the Chairman of the Board and CEO at Sasakawa USA and a renowned expert on Asia Pacific policy and issues having served previously as Commander of U.S. Pacific Command and as Director of National Intelligence. Currently, he also serves as a member of the Energy Security Leadership Council and the Aspen Homeland Security Council; and he is on the boards of Freedom House, the National Bureau of Asian Research, and the National Committee on U.S.-China Relations. Read his Chairman's Message column [here](#) or his commentary and analysis works [here](#).



About Sasakawa Peace Foundation USA

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