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Ten Years On: The South China Sea Arbitration and UNCLOS

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WHY IN NEWS

marked **ten years** since the **2016 arbitral award** in the **South China Sea case**. In **Philippines v. China**, a tribunal constituted under **Annex VII of the United Nations Convention on the Law of the Sea (UNCLOS)**, with the **Permanent Court of Arbitration (PCA)** at The Hague serving as registry, ruled that **China's expansive "nine-dash line"** and its claims of **historic rights** had **no legal basis** under UNCLOS. China rejected the award in 2016 and continues to reject it.

THE DISPUTE AND THE AWARD

The South China Sea is one of the world's most contested maritime spaces, claimed in whole or part by China, the Philippines, Vietnam, Malaysia, Brunei and Taiwan. China asserts **sovereignty** (<https://ujjyari.com/vocab/sovereignty/>) over almost the entire sea, drawn as a **"nine-dash line"** that sweeps close to the coasts of its neighbours and cuts deep into their potential maritime zones.

The Philippines brought the case in 2013, asking the tribunal to test China's claims against UNCLOS. The **2016 award** made several findings of lasting significance:

- China's claim to **historic rights** within the nine-dash line was **incompatible with UNCLOS** and therefore without legal effect, because by ratifying the Convention a state accepts its allocation of maritime zones.
- Several features China occupied were **rocks or low-tide elevations**, not islands, and so **could not generate a 200-nautical-mile Exclusive Economic Zone** of their own.
- China had **violated the Philippines' sovereign rights** in its EEZ and had caused environmental harm through island-building on reefs.

China refused to participate in the proceedings and dismissed the award as null. That refusal is the enduring lesson of the case: international adjudication can declare the law with clarity, but it carries **no enforcement mechanism** of its own.

THE LEGAL ARCHITECTURE: UNCLOS

UNCLOS is the framework treaty that the whole dispute turns on. A few structural facts anchor the topic.

FEATURE	DETAIL
Adopted	1982
Entered into force	1994
Territorial sea	Up to 12 nautical miles from the baseline
Exclusive Economic Zone (EEZ)	Up to 200 nautical miles
India and China	Parties to UNCLOS
United States	Not a party (signed but not ratified)

Within the **territorial sea**, a coastal state is sovereign, subject to the right of **innocent passage** (<https://ujjyari.com/terms/innocent-passage/>). Within the **EEZ**, it holds sovereign rights over resources but not full sovereignty, and other states retain freedoms of navigation and overflight. Much of the South China Sea friction is precisely a contest over whether these waters are anyone's EEZ at all, or, as China argues, a historic Chinese preserve.

The **Permanent Court of Arbitration**, established in **1899** and based at **The Hague**, is not a standing court in the way the International Court of Justice is; it provides the registry and administrative support for arbitral tribunals such as the one that heard this case.

WHY IT MATTERS FOR INDIA

India is not a party to the South China Sea dispute, but the principles at stake are central to its own maritime interests.

A rules-based order. India has consistently held that maritime disputes should be settled **peacefully and in accordance with UNCLOS**, and that the **freedom of navigation** (<https://ujjyari.com/terms/freedom-of-navigation/>) **and overflight** must be preserved. A world where a large power can simply reject an adverse award weakens the very framework that protects smaller and medium powers, India included.

Sea lines of communication. The South China Sea carries a very large share of global merchandise trade and energy shipments. A substantial portion of India's own trade transits these waters, so stability there is a direct economic interest.

A consistent record. India accepted the 2014 award in its own **maritime boundary arbitration with Bangladesh** under Annex VII of UNCLOS, even though parts went against it. That acceptance gives India the standing to ask others to respect adjudicated outcomes. India's **Act East policy** (<https://ujjayari.com/terms/act-east-policy/>), its role in the **Quad**, and its **bilateral** (<https://ujjayari.com/vocab/bilateral/>) maritime cooperation with ASEAN states all rest on this rules-based logic.

WAY FORWARD

A decade after the award, the South China Sea remains contested and China's position unchanged, which underlines the limits of adjudication without enforcement. The realistic path is layered: **keep restating the legal norm** so that it does not erode by neglect, **build coalitions** and codes of conduct that raise the cost of **unilateral** (<https://ujjayari.com/vocab/unilateral/>) action, and **preserve freedom of navigation** through presence and cooperation. For India, the case is a reminder that its maritime security is tied to the health of the international legal order, not merely to its own coastline.

UPSC RELEVANCE

GS Paper 2: International relations, international institutions and law, groupings and agreements involving India, and the rules-based order.

Prelims pointers:

- UNCLOS was **adopted in 1982** and **entered into force in 1994**; **India and China are parties**, while the **United States is not**.
- UNCLOS provides for a **territorial sea of 12 nautical miles** and an **EEZ of 200 nautical miles**.
- The **Permanent Court of Arbitration (PCA)**, established in **1899**, is based at **The Hague** and served as registry in the case.
- The case, **Philippines v. China (2016)**, was decided by a tribunal under **Annex VII of UNCLOS**; it held the **"nine-dash line"** had no legal basis.
- India accepted the **2014 India-Bangladesh maritime boundary award** under the same Annex VII mechanism.

Mains question: "The 2016 South China Sea arbitral award affirmed the primacy of UNCLOS yet exposed the limits of international adjudication without enforcement. In this light, examine India's stake in a rules-based maritime order and the instruments available to uphold it." (15 marks, 250 words)

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Anniversary: July 12, 2026 marked ten years since the 2016 South China Sea arbitral award.

Case: Philippines v. China; tribunal under Annex VII of UNCLOS, with the PCA, The Hague as registry.

Ruling: China's nine-dash line and historic-rights claims have no legal basis under UNCLOS; China rejects the award.

UNCLOS: adopted 1982, in force 1994; territorial sea 12 nm, EEZ 200 nm.

Parties: India and China are parties; the United States is not.

India's stand: peaceful settlement of disputes and freedom of navigation in accordance with UNCLOS.

Sources: *Ministry of External Affairs* (<https://www.mea.gov.in/>), *Permanent Court of Arbitration* (<https://pca-cpa.org/>), *The Hindu* (<https://www.thehindu.com/>)

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