

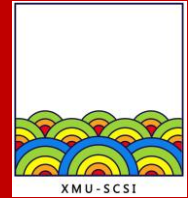


XIAMEN UNIVERSITY SOUTH CHINA SEA INSTITUTE

# SOUTH CHINA SEA BULLETIN

A South China Sea Community News Feeder

NO.1, 1 January 2015



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## China's Position Paper Released on SCS Arbitration Initiated by the Philippines

On 7 December 2014, the Ministry of Foreign Affairs of the People's Republic of China is authorized to release the Position Paper of the Government of the People's Republic of China on the Matter of Jurisdiction in the South China Sea Arbitration Initiated by the Republic of the Philippines. The Position Paper reiterates its firm standing that the Chinese Government will neither accept nor participate in the arbitration, and elaborates at length on the legal basis for its position that the Arbitral Tribunal does not have jurisdiction over this case.

On 22 January 2013, the Philippines unilaterally initiated compulsory arbitration proceedings with respect to the relevant issues between China and the Philippines in the South China Sea. Since then, the Philippines has obstinately pushed for the above-mentioned arbitration proceedings despite repeated objections of China.

The Position Paper states that the essence of the subject-matter of the arbitration is the territorial sovereignty over several maritime features in the South China Sea, which is beyond the scope of the United Nations Convention on the Law of the Sea and the jurisdiction of the Arbitral Tribunal.

The Position Paper states that China and the Philippines have agreed, through bilateral instruments and the Declaration on the Conduct of Parties in the South China Sea, to settle their relevant disputes through negotiation and that by unilaterally initiating the present arbitration, the Philippines has violated its obligation under international law.

The Position Paper states that the subject-matter of the arbitration constitutes an integral part of maritime delimitation between the two countries, thus falling within the scope of the declaration filed by China in 2006, which excludes, inter alia, disputes concerning maritime delimitation from compulsory arbitration and other compulsory dispute settlement procedures.

The Position Paper emphasizes that the Arbitral Tribunal manifestly has no jurisdiction over the present arbitration and that, by virtue of the freedom of every State to choose the means of dispute settlement, China's rejection of, and non-participation in, the present arbitration stand on solid ground in international law.

The Position Paper further notes that the issue of the South China Sea involves a number of States. Its final resolution demands patience and political wisdom from all parties concerned. The parties concerned shall seek proper ways and means of settlement through consultation and negotiation on the basis of respect for history and international law. Pending its final settlement, all parties concerned should engage in dialogue and cooperation to preserve peace and stability of the South China Sea, enhance mutual trust, clear up doubts, and create conditions for the eventual resolution of the issue.

The Position Paper concludes that the unilateral initiation of the present arbitration by the Philippines will not change the history and fact of China's sovereignty over the South China Sea Islands and the adjacent waters; nor will it shake China's resolve and determination to safeguard its sovereignty and relevant maritime rights and interests; nor will it affect China's policy and position of resolving the disputes in the South China Sea by direct negotiation and working together with other States in the region to maintain peace and stability in the South China Sea.

For more details, please see: [http://www.fmprc.gov.cn/mfa\\_eng/zxxx\\_662805/t1217148.shtml](http://www.fmprc.gov.cn/mfa_eng/zxxx_662805/t1217148.shtml)

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**Lecture on Current Situation and Strategic Reflections of the South China Sea** held on 12 December in Xiamen University, China.

<http://scsi.xmu.edu.cn/show.asp?id=2030>

**Lecture on some Issues of the Studies on the South China Sea** held on 15 December in Xiamen University, China.

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**2014 International Conference on the Dissemination and Industry of Oceanic Culture** held on 14-16 November 2014 in Zhejiang, China.

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**The Second International Ocean Research Conference** held on 17-21 November 2014 in Barcelona, Spain.

<http://www.iocunesco-oneplanetoneocean.fnob.org/>

**The First Mares Conference on Marine Ecosystem's Health and Conservation** held on 17-21 November 2014 in Olhã, Portugal.

<http://www.maresconference.eu/>

**The 11th International Conference on Coasts, Ports and Marine Structures** held on 24-26 November 2014 in Teheran, Iran.

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**Port Planning & Development: Indonesia 2014** held on 1-4 December 2014 in Jakarta, Indonesia.

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**Third International Symposium: Effects of Climate Change on the World's Oceans** to be held from 23 to 27 March 2015 in Santos City, Brazil.

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**Lecture on the Establishment of Entitlement to the Outer Continental Shelf** to be held from 27 January 2015 in National University of Singapore, Singapore.

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**Conference on Design & Operation of Offshore Wind Farm Support Vessels** to be held from 28 to 29 January 2015 in London, U.K..

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**The 3rd Annual Offshore Support Vessels Forum** to be held from 9 to 10 March 2015 in Abu Dhabi, United Arab Emirates.

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**International Conference on Marine Science and Aquaculture** to be held from 17 to 19 March 2015 in Sabah, Malaysia.

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*South China Morning Post, 13 December 2014*  
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