

Collaborative Innovation Center of South China Sea Studies, Nanjing University  
Maritime Security and Development Policy Report (MSDPR) No.51

# Rules and Disarray: A Ten-Year Assessment of the South China Sea Arbitration Award

MSDPR  
No.51  
April 2026

**Author** Zheng Zhihua  
**Translator** Zhao Wenhan



中国南海研究协同创新中心

*Collaborative Innovation Center of South China Sea Studies*

Floor 3, Yifu Building, 22 Hankou Road, Gulou District, Nanjing, Jiangsu Province, 210093  
Tel: +86 25-83597212/+86 25-83593123 | Fax: +86 25-83597212 | Web: nanhai.nju.edu.cn

---

Collaborative Innovation Center of South China Sea  
Studies, Nanjing University  
MSDPR No.51  
April 2026

# Rules and Disarray: A Ten-Year Assessment of the South China Sea Arbitration Award

Author Zheng Zhihua

Translator Zhao Wenhan

**Suggested citation:** Zheng Zhihua, "Rules and Disarray: A Ten-Year Assessment of the South China Sea Arbitration Award", *Maritime Security and Development Policy Report*, Collaborative Innovation Center of South China Sea Studies at Nanjing University, No.51, April 2026.

**Declaration:** This Project is Supported by the Fundamental Research Funds for the Central Universities. (Project No. 2025300192)

## About Author

---



Zheng Zhihua  
Professor

Zheng Zhihua is an Associate Research Fellow at the Center for Japanese Studies, Shanghai Jiao Tong University, and Head of the East Asian Maritime Policy Program. He concurrently serves as Vice President of the Shanghai Association for Japanese Studies, Council Member of the China Society of the Law of the Sea, Arbitrator at the Shanghai Arbitration Commission, Deputy Secretary-General of the Maritime Rule of Law Research Association of the Shanghai Law Society, and Member of the Maritime History and Culture Committee of the China Institute of Navigation. He previously served as a judge at the Ningbo Maritime Court, Senior Editor of the *Chinese Journal of the Law of the Sea*, Assistant Dean of the International Shipping Law School at East China University of Political Science and Law, Director of the Institute of the History of the Law of the Sea and Maritime Law, and Deputy Director of the Silk Road Institute of Law. He has been a visiting scholar and researcher at the Faculty of Law of the University of Göttingen in Germany, the Institute of Maritime Law at the University of Southampton, St John's College, University of Oxford, and the China Maritime Centre at Solent University. He was awarded a DAAD scholarship from the German Academic Exchange Service (2005–2007) and received Third Prize in the National Competition for Foreign-Related Commercial and Maritime Judgments (2003). He has led two projects funded by the National Social Science Fund of China, as well as more than ten provincial- and ministerial-level research projects.

Email: [seerecht@sjtu.edu.cn](mailto:seerecht@sjtu.edu.cn)

# Table

---

Executive Summary .....	01
Introduction .....	03
The Award Reshaped the Interaction Structure of China-Philippines Relations .....	04
The Impact of the Award on the Regional Order in the South China Sea .....	06
The Award's Impact on the Legal Basis of Maritime Activities and the Accumulation of Security Dilemmas .....	08
Conclusion .....	09

# Executive Summary

This article reviews the structural impact of the South China Sea arbitral award over the past decade and argues that, rather than resolving disputes, it has fundamentally altered the way they operate. The award has compressed the diplomatic room for maneuver between China and the Philippines, hardened policy positions, and contributed to the "theatricalization" of maritime interactions. At the same time, the trust deficit between the two sides has increasingly taken on an intergenerational character, pushing bilateral relations into a state of frequent instability. The award has also disrupted the regional path of rule-making by weakening the consultative foundation established by the Declaration on the Conduct of Parties in the South China Sea (DOC), increasing obstacles to negotiations on the Code of Conduct in the South China Sea (COC), and driving the South China Sea issue from a regional matter into a theater of bloc-based competition, thereby intensifying military deployments and the cycle of security dilemmas. Moreover, the award's expansive interpretation and selective invocation have deepened divisions over the application of the United Nations Convention on the Law of the Sea (UNCLOS) and undermined the authority of dispute settlement mechanisms, making it a "negative exemplar" of the international rule of law.

## › Key Points

- The South China Sea arbitral award has profoundly reshaped China-Philippines interactions. Rather than merely affecting legal arguments, it has transformed maritime disputes once manageable through bilateral negotiation, consultation, and technical arrangements into a sustained contest over the award's validity and implications.
- The award has not only affected China-Philippines relations, but also altered the regional character and security structure of the South China Sea issue. It has

---

strengthened the legitimacy, for some states, of intervening through rule-based discourse and pushed the dispute away from bilateral and regional dialogue.

- The award has not become a genuine foundation for regional consensus. Instead, its expansive interpretation and selective invocation have deepened divisions over UNCLOS, while external powers have combined legal narratives with military deployments, alliance commitments, and freedom of navigation operations, worsening bloc confrontation and security dilemmas.

### > Policy Implications

- The long-term existence of the award has made it easier for the Philippines to use it as a source of legitimacy when formulating its maritime policy toward China, thereby raising the cost of policy adjustment and narrowing the space for bilateral compromise.
- The award has strengthened the tendency of some states to resort to multilateral mechanisms, rule-based discourse, and external support on South China Sea issues, while also expanding the policy space for outside powers to increase their regional presence through the South China Sea question.
- Once invoked by external powers, the award affects not only legal interpretation, but also military deployments, alliance commitments, and the design of maritime operations, making it easier for the South China Sea issue to escalate from law-enforcement frictions into strategic rivalry.

# Introduction

---

Since the issuance of the so-called "final award" in the South China Sea arbitration on July 12, 2016, bilateral relations between China and the Philippines have gone through a turbulent and highly challenging period. Can an award rendered without the consent of one of the parties and in excess of jurisdiction serve as a "source of law" for reshaping regional order<sup>1</sup>? If not, why has it continued over the past decade to alter the political structure and security landscape of the South China Sea?

Maritime differences that could originally have been managed within a bilateral framework between China and the Philippines were, after the award, embedded in a far more complex power structure.<sup>2</sup> The legal text ceased to be merely a tool for dispute settlement and was instead transformed into a resource for political mobilization and external alignment. The nature of the dispute accordingly changed—from specific issues of territorial sovereignty and maritime delimitation to competition over sovereignty narratives, struggles over the authority to interpret rules, and a channel for the institutionalized involvement of external powers.<sup>3</sup>

Over the past decade, fluctuations in China-Philippines relations have not been accidental. Even during periods that once emphasized pragmatic cooperation, the arbitral award remained a point of support for the Philippines' unilateral claims. It has been repeatedly invoked to consolidate domestic political positions and to provide a veneer of legitimacy for security policies and external alliance arrangements. The result has not been the resolution of differences, but rather a rise in the frequency of confrontation, a weakening of the structure of mutual trust, and a contraction of expectations for cooperation.

Its more far-reaching impact has been at the level of regional order. The interpretive path established by the award has been regarded by some states as a model available for invocation, thereby reinforcing the legitimacy of intervening in regional affairs through the discourse of rules. As a result, the South China Sea issue has moved away from its original track of bilateral consultation and entered the framework of major-power strategic competition. The normalization of maritime frictions and the intertwining of legal and

---

1 Chinese Society of International Law. (2018). The South China Sea arbitration awards: A critical study. *Chinese Journal of International Law*, 17(2), 207–748.

2 吴继陆, 《南海仲裁案: 法律内外的论与争》, 《环球》, 2016年第15期。

3 王江雨, 《国际法、国际关系与国家利益视角下的南海仲裁案》, 《亚太安全与海洋研究》, 2016年第2期。

---

security issues have turned these waters into a frontline of geopolitical rivalry.

Looking back over the past ten years, the award has not mitigated the disputes; rather, it has cast a lasting shadow over the structure of bilateral relations, regional order, and the practice of the law of the sea.<sup>4</sup> This article therefore examines the destructive consequences of the award from three dimensions: the evolution of China-Philippines bilateral relations, changes in the regional security landscape, and the chain reactions triggered in relevant legal practice.

## The Award Reshaped the Interaction Structure of China-Philippines Relations

---

What the arbitral award changed was not merely a few specific legal arguments, but the very trajectory through which the dispute has been managed. Maritime differences that could once have been controlled through negotiation were transformed into a sustained contest over the "validity" and effect of the award. The text of the award was institutionalized as a policy resource, becoming a point of leverage for both domestic mobilization and external alignment. Thereafter, China-Philippines relations repeatedly moved through a cycle of "confrontation–easing–renewed confrontation", with stability gradually eroding.

### (1) The Erosion of the Structure of Mutual Trust

Even during periods when pragmatic cooperation was once emphasized, the award consistently remained available as a political symbol that could be reactivated at any time. Bilateral consultation mechanisms continued to function, yet they found it difficult to reach the core issues. Whenever maritime frictions arose, the award was brought back to the forefront and used as a benchmark for testing political positions. Institutions continued to operate, but trust steadily declined.

A deeper change stemmed from domestic politics in the Philippines. The award was incorporated into the discourse of political competition, with different political forces contesting its interpretation and use. As a result, the Philippines' policy toward China became increasingly bound up with internal political struggles, reducing policy stability and weakening continuity. Fluctuations in bilateral relations were thus partly driven by this

---

<sup>4</sup> Song, K. (2023). The Battle of Ideas under LOSC Dispute Settlement Procedures, *The International Journal of Marine and Coastal Law*, 38(2), 207-227.

endogenous factor.

## (2) The Formation of a Pattern of Normalized Confrontation

Once the award came to be understood as a legitimizing resource for action, the threshold for maritime risk-taking was lowered. Resupply, escort, anchorage, shadowing, and close-range maneuvering—activities that could previously have been managed through technical arrangements—were incorporated into political narratives.<sup>5</sup> Each encounter became capable of being transformed into a declaration of political position. The overlap between law-enforcement behavior and sovereignty claims made risk management increasingly difficult.

After the issuance of the award, the Philippines' mode of action in several sensitive waters underwent a structural change: maritime operations were organized on the basis of the award, while public opinion was mobilized to generate external pressure. Maritime frictions thus ceased to be isolated incidents and became part of policy design.

The long-grounded warship at Second Thomas Shoal was endowed with new political significance after the award. Resupply missions shifted from routine operations aimed at sustaining personnel to activities with an engineering character, involving reinforcement and expansion. The rhythm of these operations was coordinated with media messaging, turning them into a public issue capable of continuous amplification. Maritime contact thus evolved from low-intensity law-enforcement interaction into high-risk close-range confrontation. Both the frequency and intensity of frictions increased, while the space for management correspondingly narrowed.

Although the award did not address sovereignty over Scarborough Shoal, it did interpret the so-called "traditional fishing rights". This formulation was subsequently turned by the Philippines into a policy instrument for organizing fishing fleets and escorting them with official vessels. Fishing activity, combined with administrative power, created a sustained assertion of presence. Media accompaniment and real-time dissemination embedded on-site interactions within a much larger public-opinion arena. As a result, what had originally been a dispute over resource use was pushed toward direct confrontation over jurisdiction and law-enforcement authority.

That Sandy Cay became a new focal point was not accidental. Interpretations concerning low-tide elevations and exclusive economic zone rights were regarded by some Philippine policymakers as creating room for action. Prolonged anchorage and resupply attempts gave the area the character of a "forward-positioned outpost". The dense presence of maritime law-enforcement forces meant that conflict was shifting from fluid frictions to positional

---

5 吴士存:《“浅谈构建中国南海叙事的努力方向”》,《世界知识》,2026年第3期。

---

confrontation. Risk accumulation no longer depended on any single incident, but rather on the intensity of sustained investment by both sides.

Looking back over the past decade, the award did not bring the dispute to an end; rather, it altered the way in which the dispute was organized. It transformed legal interpretation into a point of leverage for policy mobilization, rendering maritime frictions institutionalized, mediatized, and normalized. As a result, China-Philippines relations lost their former flexibility and entered into a structure of high-frequency volatility.

## The Impact of the Award on the Regional Order in the South China Sea

---

The impact of the arbitral award did not stop at China-Philippines bilateral relations; it also dealt a serious blow to the regional order in the South China Sea. By treating the Nansha Islands in an "atomized" manner, the award fragmented a historically integrated geographical understanding and long-established historical practice into a number of isolated units. Islands and reefs were separated, maritime rights were sliced apart, and historical continuity was reduced to technical determinations. What followed was not merely a legal dispute, but a rupture in the perception of order itself, causing the formation of maritime order to drift away from regional political realities.<sup>6</sup> The result was not a clarification of order, but a loosening of consensus.

### (1) Constraints on the Negotiation of the Code of Conduct in the South China Sea

Since the signing of the Declaration on the Conduct of Parties in the South China Sea (DOC) in 2002, China and ASEAN countries have consistently taken dialogue and consultation as the basic approach and have gradually advanced negotiations on the Code of Conduct in the South China Sea (COC). The emergence of the arbitral award placed this process under new strain. Some states attempted to treat the award as a precondition or basis for COC negotiations and sought to embed elements of the award into multilateral texts. As a result, multilateral consultations came to carry disputes beyond their original function. Institutional arrangements originally designed for risk management were endowed with the symbolic meaning of affirming the validity of the award. Although the process continued to

---

6 Oude Elferink, A. G., Georgoula, D. F., Nguyen, L. N., & Trevisanut, S. (2023), Compulsory Jurisdiction as the DNA of LOSC Dispute Settlement: An Evolutionary Path, *The International Journal of Marine and Coastal Law*, 38(2), 185-206.

move forward, divisions were prematurely hardened.<sup>7</sup> Technical discussions on the COC text were repeatedly pulled back into disputes over the award itself.

## **(2) The Intensification of Bloc Formation**

The award affected not only the parties directly involved, but also altered the configuration of regional power. Legal differences were amplified into political divisions, and ASEAN's internal discourse on the South China Sea became increasingly fragmented. Some members emphasized dialogue and incremental arrangements, while others placed greater stress on rights claims under the framework of the award. As common language narrowed, the flexibility of collective action declined accordingly.

At the same time, minilateral security mechanisms became more active. External powers, under the banner of "upholding rules", intensified military cooperation and joint exercises. The specific disputes between China and the Philippines were incorporated into a broader strategic framework. What had been a regional issue was thus transformed into a cross-regional security matter, and the institutionalized presence of external powers was correspondingly strengthened. The South China Sea gradually became a node of major-power strategic interaction.

## **(3) The Impact on the Declaration on the Conduct of Parties in the South China Sea**

The core principle established by the DOC is that disputes should be resolved through negotiation and consultation. The advancement of arbitral proceedings shifted the disputes onto a judicial track and, in practice, weakened the dialogue-first logic emphasized by the DOC. Once the judicial path was placed above consultative mechanisms, the regionally developed framework for dialogue came under pressure. The resolution of disputes no longer depended primarily on political coordination between the parties concerned, but instead turned to the interpretation and invocation of the award text. The consequence was that the original "dual-track approach" and the "ASEAN way" came under sustained pressure, while the space for consultation continued to shrink.

---

7 Nguyen, T. L. A. (2016), The South China Sea Award: Legal Implications for Vietnam, *Contemporary Southeast Asia: A Journal of International and Strategic Affairs*, 38(3), 369-374.

---

# The Award's Impact on the Legal Basis of Maritime Activities and the Accumulation of Security Dilemmas

---

The award not only impacted China-Philippines bilateral relations and the regional order, but was also quickly incorporated into the strategic toolbox of external powers and turned into a justificatory resource for U.S. military actions. Although the United States is not a party to the Convention, it has taken a highly proactive stance on the award. Its official statements have repeatedly invoked the award's conclusions to characterize the situation in the South China Sea and embed them within the legal narrative of its own maritime operations. This structural contradiction—frequently exercising interpretive authority in the name of "upholding the Convention" without assuming the treaty obligations—has itself generated tension.<sup>8</sup>

Against this backdrop, so-called "freedom of navigation operations" acquired a new justificatory framework. Such operations were framed as responses to excessive maritime claims, yet their geographic focus and distribution in frequency were clearly closely tied to strategic calculations directed at particular states. At the same time, the scope of the U.S.-Philippines Mutual Defense Treaty was publicly extended to cover official vessels operating in disputed waters. Security commitments and the arbitral award thus came to reinforce one another, producing a compound effect. This also strengthened Manila's logic of "using the weak to leverage the strong". In this context, law no longer served merely as a framework for restraining conflict, but became an accelerator of bloc confrontation.

Military deployments and the frequency of joint exercises increased, while the operational range of naval and air forces continued to expand. Security commitments and treaty language were reactivated, and disputed waters became increasingly linked with surrounding sensitive issues. As the scale of joint military exercises expanded and their scenarios became more targeted, regional states did not feel more secure; instead, mutual suspicion deepened. Action and counteraction formed a cycle. The intertwining of maritime law-enforcement issues with the logic of military deterrence turned the South China Sea into an amplifier of the security dilemma.

It is clear that the award altered the structure of negotiation, reinforced bloc

---

8 "Preserving the Rules-Based International Order" in Annual Freedom of Navigation Report (Fiscal Year 2023), United States Department of Defense, available at: <https://policy.defense.gov/OUSDP-Offices/FON/>.

differentiation, compressed the space for consultation, and magnified the intensity of military interaction. Order did not automatically emerge from the text of the award. On the contrary, in the absence of consensus, the text itself became a new source of dispute.<sup>9</sup> The intertwining of legal language and strategic deployments has made it increasingly difficult for normative discussions to remain detached from underlying power structures.

## Conclusion

Reviewing the foregoing analysis, it is clear that the impact of the award has not been localized or short-term; rather, it has spread along three distinct paths.

First, the structure of China-Philippines relations has been fundamentally reshaped. Diplomatic space that once retained a degree of flexibility has been compressed into a confrontation of fixed positions. By applying deterministic language to highly complex questions of history and sovereignty, the award has made political judgment more rigid. At the same time, maritime interactions have gradually become "theatricalized". Maritime actions are now embedded in a public-opinion framework, where on-site law enforcement and international media dissemination unfold simultaneously, magnifying risks and increasing the probability of miscalculation. The award did not end the dispute; rather, it profoundly altered the way in which the dispute operates—and in a more dangerous manner. Even more far-reaching is the erosion of the structure of mutual trust. Prolonged confrontation has been internalized through media and education systems into broader social cognition, shaping how new generations perceive one another. Legal disputes have thus been transformed into emotional estrangement, the repair of which requires a much longer cycle than policy adjustment.

Second, the path through which regional order is generated has been disrupted. The existence of the award has caused certain positions to be treated as preconditions for

<sup>9</sup> See, e.g., Jon Van Dyke, *ibid.*; Kwiatkowska, B., & Soons, A. H. A. (2011), Some Reflections on the Ever Puzzling Rocks-Principle under UNCLOS Article 121(3), *The Global Community: Yearbook of International Law and Jurisprudence*, 1, 111, at 114.; Prescott, V., & Schofield, C. (2005), *The Maritime Political Boundaries of the World*, 2nd ed., Martinus Nijhoff Publishers, p. 63.; Song, Y. H. (2018), The July 2016 arbitral award, interpretation of article 121 (3) of the UNCLOS, and selecting examples of inconsistent state practices, *Ocean Development & International Law*, 49(3), 247-261.; Nordquist, M. H., & Phalen, W. G. (2017), Interpretation of UNCLOS Article 121 and Itu Aba (Taiping) in the South China Sea Arbitration Award, in M. H. Nordquist, J. N. Moore, & R. Long (eds.), *International Marine Economy*, Brill Nijhoff, p. 3, at 5-6. 另可参考高圣惕、赵思涵：《科技运用活动与岛礁法律地位的认定：南海仲裁裁决对《公约》第121(3)条解释及适用的错误》，《交大法学》2023年第1期，第59-78页。

---

negotiation, thereby weakening the inclusiveness of multilateral consultation. It has turned negotiation issues into questions of political position, transformed technical differences into institutional confrontation, and pushed a regional issue into a broader structure of power politics. The South China Sea issue has gradually spilled over from a regional matter into a wider arena of strategic competition, allowing external powers to strengthen their presence and deepening the trend toward bloc formation.

Third, the normative structure of the law of the sea has come under pressure. A gap has emerged between treaty interpretation and state practice, and the authority of dispute settlement mechanisms has accordingly been weakened. The legal text has failed to serve as a foundation for consensus; instead, it has been repeatedly mobilized within competing narratives.

The stable operation of the United Nations Convention on the Law of the Sea (UNCLOS) depends on interpretive restraint and consistency in state practice. If rules are applied in an extreme manner in one particular dispute, while being selectively ignored elsewhere, their universality will be difficult to sustain. If the results of the award cannot obtain consistent recognition across broader state practice, the normative effect of UNCLOS will inevitably become fragmented. The award's expansive interpretation and selective invocation have deepened divisions over the application of UNCLOS and consumed the authority of dispute settlement mechanisms, making it, in this sense, a "negative exemplar" of the international rule of law.<sup>10</sup> Ten years on, the controversies generated by the arbitral award have gone beyond the South China Sea itself and now touch upon a fundamental question of global ocean governance: whether rules can still maintain an autonomous boundary independent of power competition.

---

10 平托:《〈联合国海洋法公约〉的解释与“国际法治”》,《边界与海洋研究》2016年第2期。

# About Us

---

## › Collaborative Innovation Center of South China Sea Studies, Nanjing University

Founded in July 2012, the Center was initiated by Nanjing University and has been greatly supported by three governmental departments: Ministry of Foreign Affairs of China, the People's Government of Hainan Province, and the State Oceanic Administration. The Center mainly conducts multidisciplinary collaborative innovation, following the mode of "arts and sciences-army and local-universities and institutes-school and school collaboration". The Collaborative Innovation Center of South China Sea Studies promotes comprehensive research on the South China Sea and serves for the national strategic decisions on the South China Sea.

## › Maritime Security and Development Policy Report

The series of Maritime Security and Development Policy Reports of the Collaborative Innovation Center of South China Sea Studies was launched in June 2022, aiming to become the most authoritative and world-class think-tank policy research report on maritime issues in China. This series of reports will be featured as authoritative, dynamic and forward-looking, providing in-depth analysis and countermeasure suggestions on maritime strategy, security, legal and development issues that have a significant impact on China. The report will be open to scholars from academic institutions and well-known think tanks both at home and abroad.

## › Editorial Membership

Chief Editor: Zhu Feng, Executive Director of the Collaborative Innovation Center of South China Sea Studies

Executive Editor: Ma Bo, Associate Professor of the Collaborative Innovation Center of South China Sea Studies

Assistant of Chief Editor: Wang Yu, Phd. Student of School of International Studies, Nanjing University

Editor: Zhao Wenhan, Research Assistant of the Collaborative Innovation Center of South China Sea Studies

## › Contact Us

Address: Floor 3, Yifu Building, 22 Hankou Road, Gulou District, Nanjing, Jiangsu Province

Email: [msdpr@nju.edu.cn](mailto:msdpr@nju.edu.cn)

# Previous Issues

Issue	Title	Author
No.50 (March 2026)	From Davos to Munich: Maritime Security Anxiety and Strategic Adjustment Amid the Fragmentation of the Global Order	Zhu Feng
No.49 (February 2026)	Can China and Australia Save the World? Win-Win Diplomacy in Troubled Times	Mark Beeson
No.48 (January 2026)	Innovations of China's Maritime Sovereignty Governance: Institutional Design and Policy Logic of Huangyan Island National Nature Reserve	Li Lingqun&Ge Xinying
No.47 (December 2025)	Accelerated Alignment: Trends and Prospects of U.S.–Philippines Relations in Trump's Second Term	Du Lan
No.46 (November 2025)	How Stable is the Upward Trajectory in Australia-China Relations	James Laurenceson
No.45 (November 2025)	New Developments in the AUKUS and Corresponding Policy Recommendations	Xu Shaomin
No.44 (October 2025)	Challenges and Strategic Responses in China–ASEAN Relations under Trump 2.0	Lawrence Anderson
No.43 (September 2025)	From "Three Seas Linkage"to "One Theater":New Trends in Japan's Security Strategy	Zhu Qingxiu
No.42 (August 2025)	The Security Role of Japan in the U.S. Indo-Pacific Alliance and Partner Network	Zhao Minghao&Qiu Jiachang
No.41 (July 2025)	The U.S. Reignites the South China Sea Illegal Arbitration: Legal Challenges and Prospects for Regional Governance	Zhu Feng & Chen Tianping
No.40 (June 2025)	Strategic Intentions, Security Risks, and China's Response to the U.S. Global Port Acquisition Campaign	Zhang Jingquan & Yang Yulong

[Click to view all past content](#)