



SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



South China Sea Issues Feature in Asia Defence Summit

Tensions in the South China Sea have been one of the focal discussion points in addresses at the International Institute for Strategic Studies (IISS) Shangri-La Dialogue held in Singapore over 31 May to 2 June.

Described by organisers as “Asia’s premier defence summit”, the event brought Ministers from throughout the region together to “debate [its] most pressing security challenges, engage in important bilateral talks and come up with fresh approaches together”.

Philippines Address

Within his keynote address, Philippines president Ferdinand Marcos described his country’s steadfast adherence to the archipelagic doctrine, developed by The Philippines with other states and enshrined in the 1982 United Nations Convention on the Law of the Sea (UNCLOS).

“[This doctrine] regards all archipelagic states as a single unit, with the waters around, between and connecting the islands irrespective of their breadth and dimension forming part of their internal waters,” he stated.

“The same convention also clarified the limits of each state’s maritime zones and defined the extent with which they could exercise sovereignty, their sovereign rights and jurisdiction over those zones. Accordingly, we have made a conscious effort to align our definition of our territory and our maritime zones with what international law permits and recognises.

“As senator, I was proud to co-sponsor our Archipelagic Baselines Law, which defines the basis of our maritime jurisdictions. As President, I look forward to signing our Maritime Zones Law, which will clarify the geographic extent of our maritime domain.”

President Marcos said such endeavours stood in “stark contrast to assertive actors who aim to propagate excessive and baseless claims through force, intimidation and deception”.

“In the West Philippine Sea [on the eastern outskirts of the South China Sea], we are on the front lines of efforts to assert the integrity of the UNCLOS as a ‘constitution’ of the oceans. We have defined our territory and maritime zones in a manner befitting a responsible and law-abiding member of the international community. We have submitted our assertions to rigorous legal scrutiny by the world’s leading juries.

“So, the lines that we draw in our waters are not derived from just our imagination, but from international law. We have on our side the 1982 UNCLOS and the binding 2016 arbitral award, which affirms what is ours by legal right.”



Philippines president Ferdinand Marcos

Furthermore, President Marcos said, based on “this solid footing and through our clear moral ascendancy”, his country would “find the strength to do whatever it takes to protect our sovereign home to the last square inch, to the last square millimetre”.

“The life-giving waters of the West Philippine Sea flow in the blood of every Filipino. We cannot allow anyone to detach it from the totality of the maritime domain that renders our nation whole.

“As President, I have sworn to this solemn commitment from the very first day that I took office. I do not intend to yield. Filipinos do not yield.”

China Address

In a presentation titled “China’s Approach to Global Security”, China Minister of National Defence Admiral Dong Jun asserted that most countries in the Asia-Pacific region in modern times had “suffered from aggression and oppression committed by imperialism and colonialism”.



China Minister of National Defence Admiral Dong Jun

“We countries in the Asia-Pacific have the ability and confidence to resolve issues in our region,” he said.

“Our people despise those who attempt to bolster themselves by taking orders from hegemonic powers. We are confident that some countercurrents in one area or another can never block the overriding trend of our times. We, the militaries of countries in our region, will always serve as a pillar for boosting our independence and self-development.”

Admiral Dong described China's positive engagements with Association of Southeast Asian Nations (ASEAN) countries as including work to:

- implement the Declaration on the Conduct of Parties in the South China Sea (the DOC)
- accelerate consultations on the Code of Conduct (the COC) in the South China Sea
- maintain peace and tranquillity in the region

"Thanks to concerted efforts made by countries in the region, the South China Sea has seen overall stability.

"However, a certain country, emboldened by outside powers, has broken bilateral agreements and its own promises, made premeditated provocations and created false scenarios to mislead the public.

"Moreover, it has ignored the overall interests of our region and violated the ASEAN Charter by allowing an outside country to deploy a mid-range missile system. This act will endanger the security and stability of our region, and it will eventually backfire. I am sure that the international community is clear-eyed about this.

"China has exercised great restraint in the face of such infringements and provocations, but there is a limit to our restraint. We hope this country could see where its true interests lie, return to the right track of dialogue and consultation, and work with other countries in the region to make the South China Sea a sea of peace, friendship and co-operation."

Links of Potential Interest

A full list of recordings, transcripts and other information from IISS Shangri-La Dialogue 2024 are available [here](#).

The event also included presentations from:

- Australia Deputy Prime Minister and Minister for Defence Richard Marles
- New Zealand Minister of Defence Judith Collins
- Australia Chief of the Defence Force, General Angus Campbell

MLAANZ member and University of Queensland Marine and Shipping Law Unit Adjunct Professor Damien Cremean wrote an article titled "Admiralty and Maritime and the South China Sea" which was published in the Australian Law Journal (2021) 95 ALJ 590. An abstract can be found [here](#) (please note: a subscription is required to access the full article).

Among a myriad of other opinions which can be found online include:

- "[Analyzing the illegality and invalidity of the South China Sea Arbitration Awards via six 'whys'](#)", authored by Ma Xinmin – Director-General of the Department of Treaty and Law of the Ministry of Foreign Affairs of the People's Republic of China
- "[Confronting China's Maritime Expansion in the South China Sea: A Collective Action Problem](#)", authored by Dr Stephen Burgess – Professor of international security studies at the United States Air War College (Air University, Maxwell Air Force Base, Alabama)

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