



Indian Council of World Affairs
Sapru House, Barakhamba Road
New Delhi

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Press Release

on

18th Sapru House Lecture

by

H.E. Antonio T. Carpio
Senior Associate Justice, Supreme Court of the Philippines

on

“The South China Sea Dispute”

Held at ICWA, Sapru House on August 6, 2015

ICWA hosted the 18th Sapru House Lecture, on “The South China Sea Dispute” delivered by H.E. Antonio T. Carpio of the Supreme Court of Philippines on August 6, 2015. Shri H.K. Dua, Hon’ble member of Rajya Sabha, presided over the session. The lecture was attended by eminent academicians, journalists and diplomats.

2. In his remarks, Shri H.K. Dua stated that the entire Southeast Asian region is concerned about the ongoing developments in the South China Sea. The concern of Southeast Asian countries and others such as India emanates from the safety concerns on the SLOC (Sea Lanes of Communication) as also from China’s reclamation attempts and expansionist tendencies.

3. In his address, Justice Antonio T. Carpio stated that South China Sea is one of the most important regions of the world as around fifty percent of seaborne trade worth US\$ 5.3 trillion passes through these waters. Referring to China’s nine-dash line, he argued that through its acts, regulations, declarations and claims, China is attempting to

register its sovereign rights on almost the entire South China Sea. That, he underscored, is in contrast with the spirit of international laws and national interests of the other countries.

4. Proving the fallacy of China's historical claims on the South China Sea islands, substantiated with maps and other archival records, H.E. Carpio proved that China has gradually expanded its territory and territorial claims in the region through the use of force. He stated that history does not validate the authenticity of Chinese claims on islands of the South China Sea.

5. According to Justice Carpio, there are two dimensions of the South China Sea dispute: territorial and maritime. He argued that China is not only claiming the territories in the Sea but the entire maritime zone, through the nine-dash line. The situation has become more precarious with China's attempts to take control of the entire territorial and maritime area up to the nine-dash line. He argued in favour of the principle 'the land dominates the sea', thereby referring to the Grotius- Sheldon debate on the legality of control over the Sea and its resource. He highlighted that China has tried to defy international law by claiming the authenticity of the nine-dash line. Inviting international bidding for oil exploration in the EEZ (Exclusive Economic Zone) of Vietnam in 2012 and declaring ban on fishing in areas falling under the unilaterally declared, imaginary nine-dashed line are cases in point.

5. During the Question & Answer Session, several issues were raised. It included: Role of ASEAN and possibility of a consensus amongst other claimants on the Philippine claims; possibility of China accepting the international law and rulings of the international court on the matter. Discussions were also held on other legal cases where the two disputants finally agreed to settle disputes peacefully in accordance with the international law.

6. In his concluding observations, the Chairperson Shri H.K. Dua said that regional cooperation aimed at bringing about a mutually acceptable solution amongst the disputant parties in the South China Sea is the only peaceful way out. He further added that the Philippine case, as presented by Justice Carpio makes a strong case for the Philippines on the South China Sea issue. Geopolitical aspects of the South China Sea dispute should also not be overlooked.

(Prepared by Dr. Rahul Mishra, Research Fellow, Indian Council of World Affairs)
