

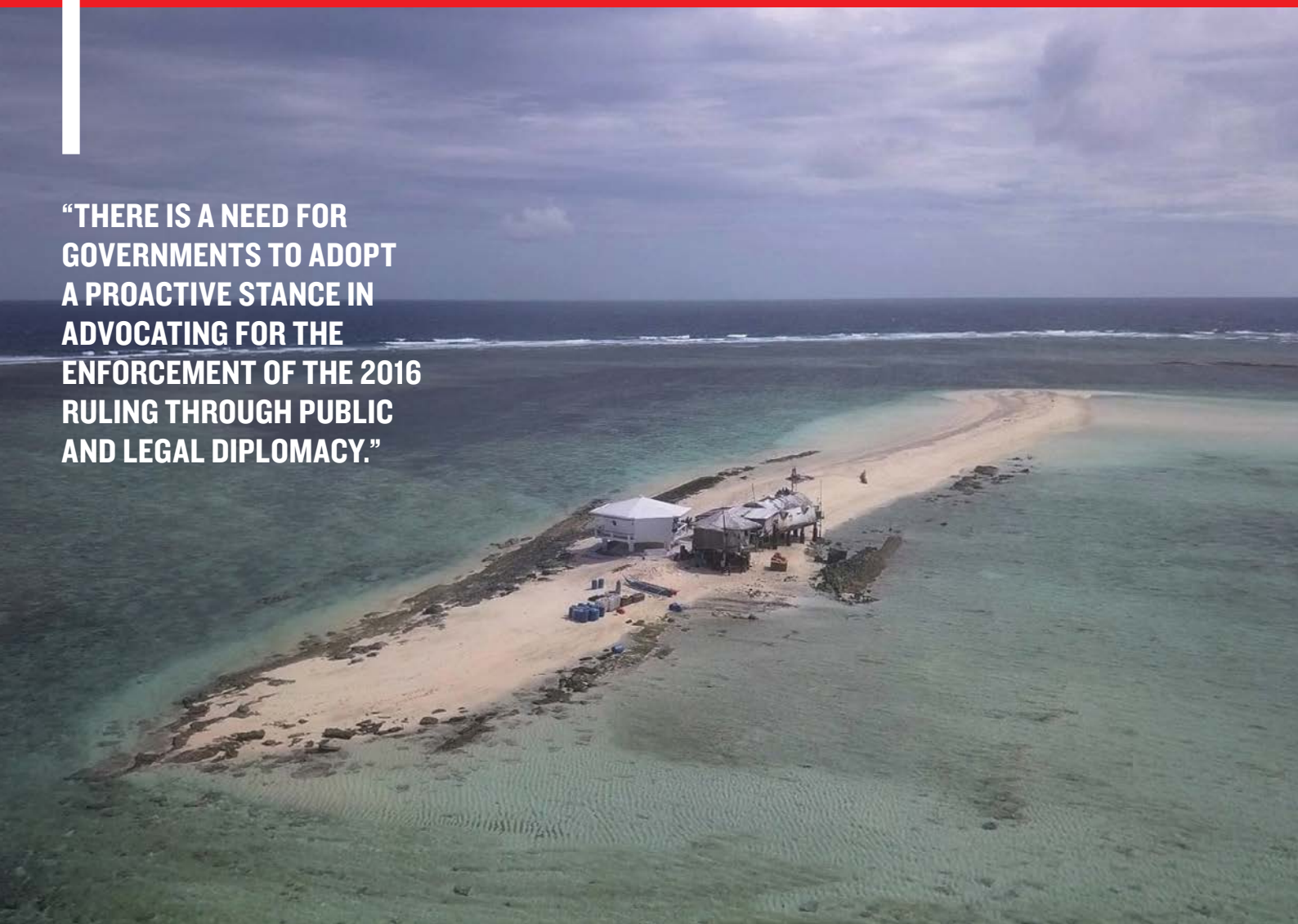
THE LA TROBE ASIA BRIEF

DEFENDING THE RULE OF LAW AT SEA

**LESSONS FROM THE SOUTH CHINA SEA ARBITRAL
AWARD FOR GLOBAL GOVERNANCE AND DIPLOMACY**

Lowell Bautista

**“THERE IS A NEED FOR
GOVERNMENTS TO ADOPT
A PROACTIVE STANCE IN
ADVOCATING FOR THE
ENFORCEMENT OF THE 2016
RULING THROUGH PUBLIC
AND LEGAL DIPLOMACY.”**



MESSAGE FROM THE DIRECTOR

Welcome to the newest issue of the La Trobe Asia Brief, in which the long-running maritime and territorial disputes in the South China Seas are examined, particularly between the Philippines and China.

This brief examines the lessons learned from the 2016 Arbitral Tribunal Ruling on the South China Sea and explores strategies for advocating its enforcement through public and legal diplomacy, focusing particularly on the role countries like Australia can play in supporting the international rule of law in maritime governance.

I'd like to thank Associate Professor Lowell Bautista of the University of Wollongong for his work in authoring this brief. Lowell is a respected and trusted colleague in maritime security.



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I sincerely hope you enjoy these insights from the Philippines into the South China Sea disputes and the challenges it presents.

Professor Rebecca Strating
Director, La Trobe Asia

ABOUT THE SERIES

The La Trobe Asia Brief is a publication from La Trobe Asia, based at La Trobe University. This series provides a platform for commentary, research and analysis of policy issues that are of key importance in the Asian region. The papers in The La Trobe Asia Brief series are written for an informed audience. Authors will be invited by La Trobe Asia to contribute to this series.

PHOTOS

Front cover: Panata Island (Lankiam Cay) (Naval Forces West)

Inside issue: Naval Forces West, Australia Defence Images, Office of the Australian Prime Minister.

EDITOR

Matt Smith

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EXECUTIVE SUMMARY

The 2016 Arbitral Tribunal Ruling on the South China Sea, under the United Nations Convention on the Law of the Sea (UNCLOS), remains a landmark decision in the field of international law. The ruling clarified the legal status of contested maritime features and waters, invalidating China's claims to historic rights over most of the South China Sea.

Despite its legal significance, the ruling has faced substantial resistance from China, which has refused to accept or comply with the award. This policy brief examines the lessons learned from the ruling and explores strategies for advocating its enforcement through public and legal diplomacy, focusing particularly on the role countries like Australia can play in supporting the international rule of law in maritime governance.

The key lessons for governments and policymakers include:

1. Reinforcing the Rule of Law in Maritime Disputes

The 2016 ruling demonstrated the utility of legal mechanisms such as UNCLOS in peacefully resolving maritime disputes. For policymakers, the priority must be maintaining the integrity of international legal norms by promoting adherence to UNCLOS and ensuring that similar future rulings are respected.

2. Public Diplomacy as a Tool for Advocacy

While the legal victory was significant, much of the post-ruling effort must be centered on shaping global perceptions. Governments, particularly in the Indo-Pacific region, need to engage actively in public diplomacy to raise awareness of the ruling's importance. A public diplomacy campaign can help build the necessary political will to enforce the ruling.

3. Legal Diplomacy and International Collaboration

Diplomatic efforts to secure international backing for the ruling must be strengthened, especially through multilateral forums such as the UN, ASEAN, and the Quad. Australia in particular has a critical role in leading these efforts. Collaboration with key regional actors, including Japan, the Philippines, and the United States, can build a coalition that collectively advocates for compliance with international law.

RECOMMENDATIONS

For **the Philippines**: Reinforce diplomatic efforts to garner international support for the ruling, focusing on building alliances within ASEAN and with global powers that emphasise the rule of law in maritime disputes.

For **Australia**: Strengthen both public and legal diplomacy efforts to promote the South China Sea ruling and UNCLOS, positioning itself as a defender of international law and regional stability in the Indo-Pacific.

For the **International Community**: Foster a coordinated approach to ensure that non-compliance with international maritime rulings is met with diplomatic and legal pressure, enhancing global governance in maritime disputes.

In conclusion, this policy brief emphasises the need for governments, particularly Australia and the Philippines, to take a proactive stance in advocating for the enforcement of the 2016 ruling through public and legal diplomacy. Doing so will uphold the rule of law and contribute to peace and stability in the Indo-Pacific region.



INTRODUCTION

The South China Sea, one of the world's most strategically significant waterways, has long been a flashpoint of territorial and maritime disputes. Home to key shipping lanes, rich fishing grounds, and potential oil and gas reserves, the region has competing claims from several countries, including China, the Philippines, Vietnam, Malaysia, and Brunei. China's assertion of historic rights over nearly 90% of the South China Sea, symbolized by the 'nine-dash line' claim, lies at the centre of these disputes.

In 2013, the Philippines, seeking a peaceful resolution to its maritime dispute with China, initiated arbitration under the United Nations Convention on the Law of the Sea (UNCLOS). This resulted in the landmark 2016 Arbitral Tribunal Ruling, which categorically rejected China's expansive claims and clarified the legal status of key features in the disputed waters. The ruling affirmed the Philippines' sovereign rights within its exclusive economic zone (EEZ) and invalidated China's historical assertions. However, despite the clear legal victory for the Philippines and the broader implications for maritime governance, China has refused to accept or comply with the award, presenting a challenge to the enforcement of international law.

KEY FINDINGS OF THE RULING

Invalidation of the Nine-Dash Line: The tribunal ruled that China's claims based on historical rights were inconsistent with UNCLOS, which sets out clear rules for maritime entitlements based on geographic features.

Affirmation of the Philippines' EEZ Rights: The tribunal determined that certain features in the Spratly Islands claimed by China were not capable of sustaining human habitation or economic life, and thus could not generate extended maritime zones beyond 12 nautical miles. As a result, China had violated the Philippines' rights within its EEZ by interfering with fishing and resource exploration.

Environmental Protection: The tribunal denounced China's large-scale land reclamation activities, which had caused severe harm to coral reefs and the marine environment in the South China Sea, further violating UNCLOS obligations.

This ruling has far-reaching implications, not just for the South China Sea, but for maritime disputes globally. It underscores the importance of international legal frameworks, particularly UNCLOS, in resolving complex maritime and territorial claims peacefully. The ruling is a powerful precedent for other regions facing similar disputes and a reminder that adherence to international law is essential for maintaining global order.

However, as the South China Sea case illustrates, international rulings are not self-enforcing, and compliance with legal decisions can be undermined by political and geopolitical factors. This challenge is particularly pronounced when dealing with powerful states like China that are willing to defy international judgments. For countries like the Philippines and its regional partners, as well as for global actors such as Australia, the question becomes: how can the ruling be effectively advocated and enforced through diplomacy and strategic action?

This policy brief explores the lessons learned from the 2016 Arbitral Tribunal Ruling for maritime dispute resolution, both in the South China Sea and beyond. It focuses on how states can leverage public and legal diplomacy to advocate for the ruling and ensure compliance with international law. Particular attention is given to the role of Australia, a key player in Indo-Pacific security and an advocate for the rule of law, in supporting and advancing the principles set out in the ruling. This brief provides practical insights and recommendations for governments and policymakers looking to strengthen the rule of law in global maritime governance.



LESSONS FROM THE 2016 ARBITRAL RULING FOR MARITIME DISPUTE RESOLUTION

The 2016 Arbitral Tribunal Ruling on the South China Sea, delivered under the United Nations Convention on the Law of the Sea (UNCLOS), provides a wealth of lessons for resolving maritime disputes globally. While the ruling clarified the legal landscape in the South China Sea and reaffirmed the primacy of international law in maritime disputes, it also exposed the complexities of enforcing legal judgments in a geopolitically sensitive region. These lessons offer invaluable guidance for governments, legal practitioners, and diplomats as they navigate current and future maritime disputes.

REINFORCING INTERNATIONAL LEGAL NORMS

One of the central takeaways from the ruling is the critical role of international legal frameworks, particularly UNCLOS, in providing a structured, rules-based approach to maritime disputes. The Tribunal's ruling invalidated China's claims to historic rights within the so-called "nine-dash line" and upheld the Philippines' sovereign rights within its exclusive economic zone (EEZ). This landmark decision affirmed that maritime entitlements must be grounded in UNCLOS, underscoring that historical assertions cannot override internationally accepted legal principles.

For maritime disputes elsewhere in the world, this serves as a key lesson: adhering to the rule of law is essential for peaceful dispute resolution. Countries that seek to assert maritime claims must do so within the parameters of international law, particularly UNCLOS. The ruling highlights the importance of legal certainty and fairness in handling overlapping claims, providing a template for resolving similar disputes.

However, the South China Sea ruling also illustrates that international law is only as strong as the political will behind it, and the Tribunal's decision, while legally binding, lacked immediate enforcement mechanisms. Despite this limitation, the ruling reinforces the legal validity of UNCLOS and remains a crucial precedent for future disputes. Governments and regional organisations must continue to uphold and advocate for adherence to these legal norms as the cornerstone of international maritime governance.

THE CHALLENGE OF NON-COMPLIANCE AND ENFORCEMENT

Perhaps the most significant challenge posed by the 2016 ruling is the issue of non-compliance by powerful states. China's outright refusal to accept the Tribunal's decision — despite its legal and moral authority — underscores the limits of international law when it conflicts with geopolitical realities. This presents a critical lesson for future maritime disputes: legal judgments alone are insufficient without accompanying political, diplomatic, and strategic efforts to ensure compliance.

The South China Sea ruling exposed a vulnerability in the international legal order: the absence of a robust enforcement mechanism when states choose to defy legal rulings. Unlike domestic legal systems, where courts have enforcement arms, international tribunals such as those under UNCLOS rely on the goodwill and voluntary compliance of states. This can create a gap between legal principles and actual geopolitical outcomes.

For future maritime disputes, it is essential that international law be supplemented with mechanisms that increase the costs of non-compliance. This could include coordinated diplomatic pressure, sanctions, or even military deterrence by coalitions of states committed to upholding the rule of law. In this context, the role of regional organisations such as ASEAN, and global powers like the United States, Japan, and Australia, becomes critical. These actors can exert pressure to encourage compliance, demonstrating that there are tangible consequences for flouting international legal norms.

THE IMPORTANCE OF MULTILATERALISM AND COALITION-BUILDING

Another vital lesson from the ruling is the importance of multilateralism in maritime dispute resolution. The 2016 decision highlighted that unilateral assertions, like China's expansive claims over the South China Sea, are unlikely to be upheld in the face of coordinated international legal frameworks and coalitions of states. The Philippines' decision to seek arbitration, rather than engage in bilateral negotiations with China, was a strategic move that emphasised the value of multilateral legal mechanisms over power-based diplomacy.

For other states facing similar disputes, the ruling illustrates the effectiveness of third-party arbitration as a neutral means of resolving maritime and territorial conflicts. By seeking arbitration under UNCLOS, the Philippines avoided direct confrontation and instead leveraged international law to clarify its maritime rights. This approach can serve as a model for smaller or less powerful states seeking to resolve disputes with larger, more assertive neighbours.

However, the Tribunal's ruling also demonstrated that legal victories must be followed by strategic coalition-building to ensure enforcement. The Philippines, despite winning the case, has struggled to fully capitalise on the ruling due to limited support from other states in the region. This underscores the importance of building multilateral coalitions — among regional organisations like ASEAN, as well as with extra-regional powers such as Australia, Japan, and the United States — to uphold and reinforce the outcomes of legal rulings.

For future maritime disputes, regional alliances will play a key role in ensuring that international rulings are respected. The South China Sea case shows that it is not enough to win a legal battle; states must also cultivate diplomatic support to ensure the ruling translates into meaningful geopolitical outcomes. Multilateral pressure can act as a counterweight to unilateral defiance, particularly when backed by influential regional and global actors.

THE ROLE OF DIPLOMATIC AND LEGAL DIPLOMACY

While the 2016 ruling was a legal triumph, its real impact will depend on the sustained diplomatic efforts of states advocating for the rule of law. Diplomatic initiatives aimed at promoting awareness of the ruling and building international support for its implementation are crucial. The Tribunal's decision provides a robust legal framework, but without continuous diplomatic advocacy, the ruling risks fading into irrelevance.

Public diplomacy — engaging global public opinion and international media — is equally important. Nations must effectively communicate the significance of the ruling to ensure that it remains part of the international discourse. This involves engaging with global think tanks, academic institutions, and media outlets to raise awareness of the ruling's importance for global maritime governance.

Legal diplomacy, which involves using multilateral forums like the United Nations, ASEAN, and international legal bodies, can also be leveraged to pressure non-compliant states. Australia, with its strategic interests in the Indo-Pacific and its reputation as a proponent of international law, is well-placed to lead efforts in legal diplomacy. Through its influence in regional forums and its commitment to UNCLOS, Australia can play a key role in advancing the rule of law in maritime disputes, particularly in advocating the South China Sea ruling.

LOOKING BEYOND THE SOUTH CHINA SEA: GLOBAL IMPLICATIONS FOR MARITIME DISPUTES

Finally, the lessons from the 2016 ruling extend far beyond the South China Sea. The decision reinforces the broader principle that international law, particularly UNCLOS, should govern maritime disputes. This has implications for other contested maritime regions, where states are increasingly asserting competing claims to resources, maritime entitlements and territory. The South China Sea ruling serves as a precedent for other maritime disputes, demonstrating that international law provides a neutral and objective framework for resolving such conflicts.

For policymakers, the ruling is a reminder that upholding the rule of law is not just about addressing specific disputes, but about reinforcing the global legal order. If powerful states like China can defy international rulings without consequences, it sets a dangerous precedent that could destabilise other regions. As a result, the international community must remain vigilant in advocating for the consistent application of international legal norms, particularly in maritime governance.

The 2016 South China Sea Arbitral Tribunal Ruling provides a powerful template for resolving maritime disputes through international law. It reinforces the importance of UNCLOS and highlights the challenges of enforcing legal rulings when geopolitical realities clash with legal principles. For future maritime disputes, the ruling underscores the need for a combination of legal frameworks, multilateral diplomacy, and coalition-building to ensure compliance. As the world navigates increasing maritime conflicts, the lessons from the South China Sea will remain a vital guide for upholding the rule of law on the world's oceans.



ADVOCATING THE RULING THROUGH PUBLIC AND LEGAL DIPLOMACY

The 2016 Arbitral Tribunal Ruling on the South China Sea, though legally binding under the United Nations Convention on the Law of the Sea (UNCLOS), highlights a significant challenge: the gap between legal victories and political realities. The refusal of China to comply with the ruling demonstrates that international legal outcomes often require sustained diplomatic efforts to translate into meaningful action. For this reason, advocating for the ruling's enforcement through both public and legal diplomacy is crucial. By raising global awareness and leveraging international legal frameworks, states can ensure that the principles of the ruling are upheld, not just in the South China Sea, but also in other maritime disputes.

PUBLIC DIPLOMACY: BUILDING GLOBAL AWARENESS AND SUPPORT

Public diplomacy is a critical tool in advocating for international legal rulings. Governments, regional organisations, and international actors must engage with the global public to raise awareness of the ruling's importance and the broader need for the rule of law in maritime disputes.

1. Engaging the Global Public

Public diplomacy involves communicating the significance of the ruling to both domestic and international audiences. Governments like the Philippines and Australia can use media platforms, think tanks, academic institutions, and public forums to create a narrative that emphasises the value of a rules-based maritime order. By framing the ruling not just as a legal decision, but as a victory for international norms and peaceful dispute resolution, states can garner global support and generate diplomatic pressure on non-compliant actors like China.

Social media, in particular, offers a powerful avenue for shaping public opinion. Countries advocating for the ruling should work with civil society, non-governmental organisations (NGOs), and influencers to spread awareness about the ruling's implications. By framing the South China Sea ruling as a matter of global concern, not just a regional issue, governments can build momentum for enforcement efforts.

2. Educational Campaigns and Academic Engagement

Governments can also leverage academic institutions and think tanks to support public diplomacy efforts. Hosting conferences, publishing research, and fostering debate on the importance of international law can help to keep the ruling at the forefront of international discourse. Furthermore, educational campaigns that highlight the role of UNCLOS in maintaining global maritime order can build a long-term foundation of support for international legal norms.

The media can play a critical role in raising awareness of the ruling's importance. By featuring news stories, documentaries, and expert commentary on the South China Sea and maritime law, media outlets can help foster public understanding of the ruling's relevance to national and regional security.

Civil society, including academic institutions, environmental groups, and legal organisations, can be engaged to promote understanding of the ruling's significance. This could include public lectures, policy forums, and environmental campaigns that emphasise the need for compliance with UNCLOS to protect marine





ecosystems and maintain peace. Track II diplomacy, involving informal dialogues among academics, civil society leaders, and retired officials, can help lay the groundwork for formal negotiations. Australia could host or support Track II diplomacy efforts focused on resolving maritime disputes and promoting regional stability.

The Philippines, for example, has the opportunity to partner with regional allies and extra-regional powers like Australia, Japan, and the United States to promote the ruling in academic forums, media outlets, and diplomatic circles. These efforts will help create a broader coalition of support for the South China Sea ruling, reinforcing its legitimacy on the global stage.

3. Shaping Narratives in Multilateral Forums

Public diplomacy efforts should also focus on engaging multilateral forums such as the United Nations, ASEAN, and international media outlets. States can use these platforms to highlight the broader significance of the ruling and emphasise its importance in maintaining regional and global stability. By framing the issue within the context of the rule of law and peaceful dispute resolution, advocates for the ruling can counter narratives that seek to diminish the ruling's legitimacy.

Australia, as a middle power with significant influence in the Indo-Pacific, is well positioned to take a leadership role in shaping these narratives. By emphasising the importance of adhering to international law in its diplomatic efforts, Australia can build broader international support for the South China Sea ruling and reinforce its commitment to upholding the rule of law.

LEGAL DIPLOMACY: STRENGTHENING ENFORCEMENT THROUGH INTERNATIONAL INSTITUTIONS

Legal diplomacy involves using international legal mechanisms and diplomatic channels to advocate for compliance with legal rulings. In the context of the South China Sea ruling, legal diplomacy is essential for ensuring that the Tribunal's decision is respected, and its principles are upheld in future maritime disputes.

1. Diplomatic Initiatives in Multilateral Forums

The South China Sea ruling's enforcement requires active diplomatic engagement within international institutions. ASEAN, the United Nations, and regional security forums such as the East Asia Summit (EAS) and the Quad (Australia, India, Japan, and the United States) are critical platforms where the ruling can be promoted. These forums offer opportunities for states to collectively advocate for compliance with the ruling, placing diplomatic pressure on China to respect international legal norms.

ASEAN, in particular, plays a crucial role in promoting peace and stability in the region. Although ASEAN members have been divided on how to address China's non-compliance, coordinated diplomatic efforts within ASEAN could strengthen the regional response to the ruling. Australia can use its position as a strategic partner to ASEAN to support dialogue on upholding the rule of law and advancing peaceful dispute resolution.

2. Leveraging International Legal Bodies

While the Tribunal's ruling lacks direct enforcement mechanisms, states can still leverage international legal bodies to uphold the decision. The Philippines, supported by its allies, can continue to use UNCLOS mechanisms and related international legal bodies to reaffirm the legality of the ruling. Australia, which has consistently championed the rule of law in international forums, can support the Philippines by advocating for greater international oversight in upholding UNCLOS decisions.

Furthermore, states can seek additional legal remedies through other international courts or arbitral tribunals. By pursuing further legal actions where appropriate, advocates for the ruling can maintain pressure on China to comply with international law, while also setting a precedent for future maritime disputes.

3. Australia's Role in Legal Diplomacy

Australia's strategic interests in the Indo-Pacific make it a key player in advocating for the enforcement of the South China Sea ruling. Australia's foreign policy emphasises the importance of a rules-based order, particularly in maritime governance, and the South China Sea ruling aligns closely with Australia's broader objectives for regional stability.

As a signatory to UNCLOS and a nation with vested interests in regional security, Australia is well-positioned to lead advocacy efforts. Australia has already demonstrated its support for the ruling through public statements, but it can go further by championing the ruling in multilateral forums and engaging in bilateral diplomacy with other Indo-Pacific nations.

Australia can leverage its diplomatic influence to promote the ruling in regional and international forums. By aligning with like-minded states — such as Japan, the United States, and India — Australia can build a coalition that collectively advocates for compliance with the ruling. Moreover, Australia's engagement in regional organisations such as the Pacific Islands Forum (PIF) and the Indian Ocean Rim Association (IORA) provides additional avenues to reinforce the importance of international law.

Australia, along with other like-minded countries, can issue joint statements in international bodies like the UN, reaffirming the ruling and calling for peaceful dispute resolution through international legal frameworks. Additionally, resolutions passed in bodies such as the UNGA can further legitimise the ruling and apply diplomatic pressure on non-compliant states.

4. Strengthening Regional Alliances for Enforcement

One of the most effective ways to ensure the ruling's enforcement is through regional alliances that advocate for adherence to international law. Australia, Japan, and the United States have already taken steps to coordinate their strategies in the Indo-Pacific, but there is room to expand these efforts by involving more regional actors, including Southeast Asian nations.

Countries like the United States, Japan, and the European Union, which also have strategic interests in maintaining freedom of navigation and upholding international law, should be engaged in advocating for the ruling. The participation of global powers lends additional weight to diplomatic efforts, and their influence can help reinforce the ruling's legitimacy in multilateral settings.

Building a united front that consistently calls for compliance with the South China Sea ruling sends a strong message that non-compliance will not be tolerated. This can be complemented by diplomatic efforts to engage China directly, offering pathways for dialogue that align with international law.

THE NEED FOR SUSTAINED ADVOCACY

The South China Sea ruling will not enforce itself, nor will its principles naturally gain traction without sustained advocacy. Both public and legal diplomacy must work in tandem, consistently promoting the rule of law while confronting non-compliance with coordinated diplomatic pressure. Governments like the Philippines, Australia, and Japan must continue to lead these efforts, ensuring that the 2016 ruling serves as a durable precedent for maritime dispute resolution.



RECOMMENDATIONS

The 2016 Arbitral Tribunal Ruling on the South China Sea stands as a critical precedent in international law. However, its effectiveness depends on the ability of the Philippines, Australia, and the broader international community to advocate for its enforcement through public and legal diplomacy. This section offers practical and strategic recommendations for governments, diplomats, policymakers, and academics to ensure that the ruling has a lasting impact on maritime governance in the South China Sea and beyond.

FOR THE PHILIPPINES: MAINTAINING AND EXPANDING ADVOCACY

The Philippines, as the primary beneficiary of the 2016 ruling, bears the central responsibility of ensuring that its legal victory translates into practical gains. To achieve this, the Philippines must focus on both diplomatic engagement and international coalition-building.

Reinforce Diplomatic Alliances within ASEAN

The Philippines must continue to leverage ASEAN as a platform for promoting the enforcement of the ruling. While ASEAN's stance on the South China Sea has historically been divided, there are opportunities for the Philippines to build a coalition of like-minded states that support the rule of law. Vietnam, Malaysia, and Indonesia have shared concerns regarding China's maritime claims, making them natural allies in advocating for compliance with UNCLOS and the Arbitral Tribunal's decision.

The Philippines should push for ASEAN to adopt a stronger collective stance on the South China Sea, using mechanisms like the ASEAN Regional Forum (ARF) and the East Asia Summit (EAS) to promote the principles of peaceful dispute resolution. While China remains an influential player within ASEAN, a unified regional response will make it more difficult for China to ignore the ruling without diplomatic costs.

Pursue Bilateral Engagement with China

Despite its refusal to comply with the ruling, China remains a critical player in the South China Sea, and dialogue with Beijing is essential. The Philippines should continue to pursue bilateral talks with China, but these discussions must be framed within the context of international law. Engaging China through a mix of diplomacy and legal discourse can offer pathways for cooperation, particularly in areas such as joint resource development, provided that these agreements respect the boundaries established by the Arbitral Tribunal.

Engage the International Community to Build Pressure

Beyond ASEAN, the Philippines must engage with extra-regional powers, including the United States, Japan, Australia, and the European Union, to build

global diplomatic pressure on China. This can be done through participation in multilateral forums such as the UN General Assembly, where the Philippines can raise awareness of the ruling and seek international support for its enforcement.

Further, the Philippines should advocate for the inclusion of the South China Sea issue in broader discussions of global maritime governance, particularly in forums focused on the Indo-Pacific region. By linking the ruling to broader concerns about freedom of navigation and adherence to UNCLOS, the Philippines can ensure that the ruling remains relevant in global discourse.

Utilise Public Diplomacy to Build Global Awareness

The Philippines should also invest in public diplomacy efforts to educate the international public about the ruling.

By partnering with international media, think tanks, and academic institutions, the Philippines can amplify its narrative that the ruling represents a victory for international law and the rules-based order. This will help build global pressure on China to comply with the ruling and demonstrate that the Philippines is a responsible advocate for peace and stability in the region.

FOR AUSTRALIA: LEADING LEGAL AND PUBLIC DIPLOMACY IN THE INDO-PACIFIC

As a key player in the Indo-Pacific, Australia has both strategic and moral imperatives to advocate for the enforcement of the South China Sea ruling. Australia's foreign policy places a strong emphasis on the rule of law and a stable, rules-based order in the region, making it a natural leader in this effort.

Strengthen Public Diplomacy Campaigns

Australia should use its diplomatic resources to build broader regional and international support for the South China Sea ruling. This includes utilising its soft power and influence in the region through media outreach, partnerships with think tanks, and public statements that emphasise the importance of the rule of law in maritime governance.

Australia can also take a more active role in shaping public opinion by partnering with regional allies like Japan, the United States, and ASEAN member states to launch coordinated public diplomacy campaigns. These campaigns should focus on highlighting the benefits of a rules-based order, particularly the economic and security advantages of respecting international law. This approach will help Australia to frame the South China Sea ruling not just as a legal issue, but as a cornerstone of regional stability and prosperity.

Expand Legal Diplomacy in Multilateral Forums

Australia is uniquely positioned to lead legal diplomacy efforts in international forums such as the United Nations, ASEAN, APEC, the East Asia Summit, the Pacific Islands Forum (PIF), and the Indian Ocean Rim Association (IORA), among others. Australia should push for discussions on the South China Sea ruling within these forums, framing the issue as part of broader efforts to promote global maritime governance and the rule of law. Joint statements, military-to-military dialogues, and cooperative maritime security exercises can reinforce a united front for rule-based dispute resolution.

In particular, Australia should advocate for the inclusion of maritime security and freedom of navigation in the agendas of regional and global forums, emphasising the importance of UNCLOS and the Arbitral Tribunal's decision as foundational to these discussions. This will help build a coalition of states committed to upholding the ruling and maintaining regional stability.

Enhance Regional Security Cooperation

Beyond diplomatic efforts, Australia should continue to strengthen its security partnerships in the Indo-Pacific. By enhancing military cooperation with countries like the United States, Japan, and the Philippines, Australia can send a clear message that it supports the enforcement of international law through collective action. These security partnerships can also serve as a deterrent to further aggressive actions in the South China Sea.

Australia's active participation in the Quad and the AUKUS (Australia, United Kingdom, United States) security pact further positions it as a central player in shaping regional responses to challenges in the South China Sea. These platforms can be used to develop joint strategies for advocating the ruling and ensuring that the rule of law is respected in the region.

Support Capacity-Building in Southeast Asia

Australia can also play a role in strengthening the capacity of Southeast Asian states to defend their maritime rights. By providing technical assistance, training, and resources, Australia can help countries like the Philippines and Vietnam build their capabilities in maritime law enforcement, surveillance, and legal advocacy. This will empower these states to better protect their maritime entitlements under UNCLOS and support the broader goal of upholding the Tribunal's ruling.

FOR THE INTERNATIONAL COMMUNITY: BUILDING A UNIFIED APPROACH TO MARITIME DISPUTES

The South China Sea ruling has implications beyond Asia. For the international community, supporting the enforcement of the ruling is critical to maintaining global governance based on the rule of law.

Strengthen Global Coalitions to Support the Ruling

The international community, particularly key maritime powers like the United States, Japan, and the European Union, should take a unified stance in supporting the South China Sea ruling. This involves coordinating diplomatic efforts to raise the ruling's profile in multilateral settings, ensuring that it remains a part of international legal discourse.

Global powers should also work together to apply diplomatic pressure on China, making it clear that non-compliance with the ruling will result in reputational and economic costs. Diplomatic tools such as joint statements, resolutions, and sanctions can be used to reinforce the ruling's legitimacy.

Promote Broader Compliance with UNCLOS

The South China Sea ruling underscores the importance of UNCLOS as the foundation for maritime governance. The international community should work to promote broader compliance with UNCLOS, both in the South China Sea and in other contested regions. By reinforcing the principles of UNCLOS, the international community can help prevent future maritime disputes from escalating and ensure that international law remains the arbiter of maritime and territorial claims.

Develop Mechanisms for Enforcement of International Rulings

One of the key lessons from the South China Sea ruling is the challenge of enforcing international legal decisions. The international community should explore options for developing stronger mechanisms to ensure compliance with international rulings. This could include enhanced roles for international institutions, such as the International Court of Justice (ICJ) or the International Tribunal for the Law of the Sea (ITLOS), as well as diplomatic or economic measures designed to hold states accountable for non-compliance.



CONCLUSION

The 2016 Arbitral Tribunal Ruling on the South China Sea remains a landmark decision in international law, setting a critical precedent for the peaceful resolution of maritime disputes under the United Nations Convention on the Law of the Sea (UNCLOS). While the ruling invalidated China's expansive claims to historic rights in the South China Sea, its true value lies in its broader implications for upholding the rule of law in global maritime governance.

However, the challenge of enforcing the ruling highlights a significant gap in the international legal order. China's refusal to comply with the ruling demonstrates that legal victories, while important, are not sufficient on their own. For international law to be effective, it must be accompanied by sustained diplomatic efforts, coalition-building, and public advocacy to ensure that legal principles are respected in practice.

The lessons from the South China Sea ruling emphasise the importance of reinforcing international legal norms and the need for a coordinated global response to non-compliance.

The ruling demonstrates that small and medium-sized states can use international legal frameworks to defend their maritime rights against more powerful adversaries. However, ensuring the success of such rulings requires continuous advocacy, both in legal and diplomatic arenas.

Public diplomacy is essential for raising global awareness of the ruling and its significance for international law. By engaging international audiences, shaping media narratives, and fostering academic discourse, states can ensure that the ruling remains relevant in global discussions. This requires governments, particularly the Philippines and Australia, to take a proactive stance in promoting the ruling as a cornerstone of the rules-based order in the Indo-Pacific.

Legal diplomacy must also play a key role in ensuring compliance with the ruling. Multilateral forums, such as ASEAN and the United Nations, provide platforms for states to collectively advocate for the enforcement of international legal decisions. Diplomatic pressure, backed by the support of key global powers, can increase the costs of noncompliance for states like China, making it clear that defiance of international law carries significant diplomatic and reputational consequences.

For **the Philippines**, the ruling represents an opportunity to reinforce its position as a responsible state committed to the rule of law. By maintaining diplomatic efforts and expanding its coalition of support within ASEAN and beyond, the Philippines can continue to advocate for the enforcement of the ruling while seeking practical solutions to the ongoing disputes.

For **Australia**, the ruling offers a chance to further assert its role as a leader in promoting a rules-based order in the Indo-Pacific. Australia's strategic interests in maintaining freedom of navigation and its commitment to international law make it a natural advocate for the ruling. By leveraging its diplomatic influence and strengthening

regional security partnerships, Australia can play a pivotal role in supporting the enforcement of international legal norms.

The **international community**, too, has a responsibility to ensure that the principles established in the South China Sea ruling are upheld. This requires a unified approach to maritime governance, where compliance with international rulings is not optional but expected. Only through collective action, involving diplomatic, legal, and economic measures, can the international community ensure that the rule of law remains the foundation of global maritime governance.

In conclusion, the 2016 Arbitral Tribunal Ruling provides a crucial framework for resolving maritime disputes in the South China Sea and beyond. While the legal battle may be over, the diplomatic and strategic efforts to enforce the ruling are ongoing. The ruling serves as a reminder that international law remains a powerful tool for peace and stability, but its effectiveness depends on the willingness of states to stand together in defence of the rule of law. Governments, diplomats, and policymakers must remain committed to upholding these principles, ensuring that the South China Sea ruling is not only remembered but enforced, setting a global precedent for maritime dispute resolution.

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