



Decision of the International Arbitration Court toward the lawsuit between Philippines and China: Legal validity and implications for Vietnam

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Abstract: The paper presents an overview of the main contents of the Court's Judgment on 07 December 2016 arbitration established under Annex VII of UNCLOS in 1982 on the lawsuit between the Philippines and China - a judgment's considered the turning point will create history for the East Sea disputes; analyze the meaning, validity and impact of the ruling, predicts China's next action and how to force it to comply. The paper also analyzes the impact of this ruling on Vietnam and initially proposed some solutions to be implemented in the struggle for sovereignty, sovereign rights and jurisdiction in the East Sea.

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1. Introduction:

Due to its strategic location and special importance to socio-economic, defense-security areas, East Sea has become subject of serious disputes among countries in the region, especially the ambition to monopolize the East Sea with claims "nine-dashed line" absurd Chinese, as well as a place of much competition for influence on the world powers. In the context of the increasingly complex East Sea dispute with many problems and challenges in many aspects, Republic of the Philippines case to sue the People's Republic of China (China) the International Court of Arbitration was established under Annex VII of the Convention of the United Nations (UN) on the Law of the Sea 1982 (*UNCLOS, hereinafter called the Law of the Sea Convention or the Convention*) in February 2013, is considered "historical lawsuit", "lawsuit century".

According to the July 12, 2012 Report of the International Permanent Court of Arbitration (*PCA*), Judgment of Arbitration established under Annex VII of UNCLOS (called the Court of Arbitration) in the Philippines case against China (hereinafter referred to as International Judgment of July 12, 2012, or Judgment) was issued. With 497 pages, the international arbitration award dated 12.07.2016 has contributed explain and clarify issues that have not been UNCLOS specifies, simultaneously exposing the irrationality, illegal Chinese claims in the East Sea. In this article, the authors focus some initial insights on value, the impact of this historic ruling as well as the advantages, challenges and solutions for Vietnam.

2. Decision of the International Arbitration Court: Some main contents

Under Article 9 of Annex VII - Law of the Sea Convention, China's declaration not to participate in international arbitration procedures initiated by the Philippines cannot be a barrier to the Court of Arbitration was established under Annex VII of UNCLOS (called the Court of Arbitration) proceed with the trial of this case. On October 29, 2015, the Court of Arbitration issued a Declaration on Jurisdiction and Recognition of the Philippines-China, which confirmed the Court of Arbitration competent resolve this incident. In the International Arbitral Tribunal on 12 July 2016, the Arbitral Tribunal decided on matters relating to the role of historic rights and the origin of the designated seas in the East Sea, regulation of some specific structures and the ability to generate the coastlines of this structure, and the legality of the acts of which the Philippines's China violating UNCLOS. Also, matched with the limits of the dispute settlement mechanism of the Convention required, The Court of Arbitration emphasized that it did not rule on any sovereign jurisdiction over territories and did not delimit any maritime boundaries between the parties to the case. Specifically, the Court of Arbitration had considered and decided the following fundamental issues:

First, the legitimacy of the "nine-dashed line and the claim of Chinese historical rights in the East Sea"

Arbitration court concludes that there is no legal basis for China's claim historical rights to the resources in

the seaside of "nine-dashed line". This conclusion is based on the following observations: (1) Law of the Sea Convention fairly comprehensive provisions on the rights to the seas but no clear regulations on the protection of rights related to pre-existing resources of the Convention, because in the case of coastal countries can not fully exploited fish stocks allow, The Convention gives other States one limited right to fishing in the exclusive economic zone without any right to oil or gas or mineral resources; (2) Claims historical rights of China for resources that do not fit the detailed allocation of the waters under UNCLOS; (3) Before the Law of the Sea Convention, the East Sea waters outside the territorial waters legally are part of international waters, at which ships of any country can cross and freely fish. Historically, beachgoers and fishermen from China and from other countries have used the islands in the East Sea. China's reciprocal and historical fishing in the waters of the East Sea has shown freedom on the high seas, instead of a historical right, and there is no evidence to suggest that in the history of China alone perform the control of the waters in the East Sea or prevent other countries exploit their resources (The Permanent Court of Arbitration, 2016a).

Second, the legal status of the structure (entity) in the East Sea and the geographic entitled waters that China claims as provided for by the Convention.

UNCLOS classify the geographic structure based on their natural condition. Floating structures at high tide will create the least right over the 12 nautical mile territorial waters, while structures that sink at high tides will not create such right. Therefore, the Arbitration Tribunal first assesses whether some of China's claimed grounds have emerged at high tide, then, assess whether or not any of the structures claimed by China can produce waters beyond 12 nautical miles.

According to UNCLOS (Article 121), the island creates an exclusive economic zone of 200 nautical miles and the continental shelf, but the "stone is not suitable for human habitation and economic life of its own with no exclusive economic zones and the continental shelf" (United Nation, 2018a). This regulation depends on the objectivity of the structures when they are in a natural state in order to sustain a stable population or economic activity without relying on external resources. or just the mining nature. China's claims have been dramatically altered by the buildup, construction and presence of civil servants on structures that rely on external support and do not reflect the ability of structures. To identify the historical evidence is more meaningful and Spratlys historically used by some small group of fishermen that has some mining operations demarcation, fishing of Japan, The Court of Arbitration held that such short-term use was not a settlement of stable community and that economic activity in history was merely mining activity (The Permanent Court of Arbitration, 2016a).

Since then, the Court of Arbitration concluded that legally all floating structure in Changsha (including, for example, Aba, Thi Tu, West York Island, Spratly, Gemini East, Southwest Cay) are "stone" and does not create an exclusive economic zone or continental shelf. Law of the Sea Convention does not provide for such a group of islands in the Spratly Islands will have the waters as a single entity. On the basis of the conclusion that wasn't structure which China claims were capable of creating an exclusive economic zone and continental shelf under UNCLOS Article 121 (artificial island entities may not be required as natural islands such as Article 121, which do not have territorial waters, EEZs or continental shelves, but only "safety belts" of 500m), Arbitration Court does not need to demarcation of the sea and still be able to declare that certain disputed waters in the exclusive economic zone of the Philippines not overlapping with any maritime rights that China may have (The Permanent Court of Arbitration, 2016b).

Third, the legitimacy and influence of China's activities on the East Sea

China has violated the Philippine sovereign rights in its exclusive economic zone by (a) interfering in Philippine oil exploration in the Co Rong beach; (b) Prohibited Philippine vessels fishing in the Philippine EEZ; (c) protect and not prevent Chinese fishermen from fishing in the Philippines' exclusive economic zone in Vanh Khan and Co May beaches, and (d) construction works and artificial islands in Vanh Khan without the consent of the Philippines (The Permanent Court of Arbitration, 2016b).

Regarding traditional fishing rights at Scarborough Shoal, fishermen from the Philippines, China and other countries fishing in Scarborough Shoal have long and traditional fishing rights in the area. Due to the Scarborough Shoal 's above water at high tide, this structure has the territorial waters surrounding this structure does not form exclusive economic zone and fishing rights traditions are not lost due to the Convention on the Law sea. Despite unresolved emphasis on sovereignty over Scarborough Shoal, Court of Arbitration determined that China had violated obligations to respect the rights of traditional fishing Filipino fishermen and obligations under the Convention on the Prevention of Collisions at Sea 1972 and Article 94 of UNCLOS relating to maritime safety when attempting to interfere with ships Philippines approaching or entering the Scarborough Shoal in May 2012. However, the Court of Arbitration will also have a similar conclusion for the traditional fishing rights of Chinese fishermen if the Philippine action prevents the fishing of Chinese citizens in Scarborough Shoal (The Permanent Court of Arbitration, 2016a).

Its impact on the marine environment of the recent activities of China accretion and built 07 artificial structures on the Spratly Islands, Court of Arbitration stated that China has seriously harmed the environment of

coral reefs and violated conservation obligations, protect ecosystems and vulnerable habitats of species are declining, threatened and destroyed. The Chinese authorities have been aware of the Chinese fishermen were catching sea turtles, corals and giant clams rare widespread in the East Sea (through measures caused serious damage to the environment the reefs) and did not fulfill the obligation carefully under UNCLOS to prevent and terminate these operations (The Permanent Court of Arbitration, 2016a).

Fourth, China's activities since the arbitral tribunal began to consider the case has exacerbated the dispute between the parties.

Although, the lack of authority examines the impact of the confrontation between Philippine navy ships and naval vessels, China's defenses at the Second Thomas Shoal Ground because of the dispute involving off-shore military operations compulsory dispute settlement, The arbitral tribunal has reviewed China's recent large-scale land reclamation and construction of artificial islands at 07 structures in the Spratlys since the start of arbitration *and concluded that China has violated its obligations to curb exacerbated and prolonged disputes between the parties pending the trial process.* China has (a) built a large artificial island in the Mischief Reef, a submerged structure within the Philippine EEZ; (b) causes long-term, irreversible damage to the coral reef ecosystem and (c) Long-term destruction of the evidence of the natural condition of these structures (The Permanent Court of Arbitration, 2016b).

Fifth, behavior of the parties in the future

Both the Philippines and China have repeatedly acknowledged UNCLOS and the general obligation of good faith in determining and adjusting own behavior. The core of dispute in this case's not in the intentions China or the Philippines in the infringement of legal rights the other party, that's due to the different understandings basic rights under the Convention on the Law sea to the East sea waters. According to basic principles of international law and on the basis of Article 11 Annex VII provides that "judgment ... will be the parties to the dispute compliance" Arbitration Court sees no need to make a public statement about this problem (The Permanent Court of Arbitration, 2016b).

3. Legal validity of International Arbitration:

The case of the Philippines against China in Arbitration Court established under Annex VII of the Convention's considered "Century Lawsuit", for the first time in history, China - permanent members the Security Council of the United Nations, members of the Law of the Sea Convention, "superpower" with dream become "heart of the world" - be reduced to a single country by the unilateral interpretation and application of the United Nations Convention on the Law of the Sea. The lawsuit ended by the Court of Arbitration issuing the final

judgment on 12 July 2016, despite China implemented the policy of three no: do not recognize the authority of the Court of arbitration, not join proceedings, does not accept enforcement of the award. This ruling creates a historic turning point in the East Sea dispute settlement, which's of great political and legal significance.

First, the ruling was a "blow" dealt heavily in legal claims, unjustified ambitions of China on East Sea

By concluding that there was no legal basis for China's claim historical rights to the resources in the seaside of "nine-dashed line", Arbitration Court has dismissed 2 of 3 issues that China defended claims "nine-dashed line", claims historical rights of traditional fishing waters and claims, leaving only claims aspects entities within "nine-dashed line" Arbitration Court doesn't have jurisdiction.

China acts to prevent Philippines' fishermen from fishing in waters within the Philippines' exclusive economic zone and continental shelf; China's underground entities renovated in the Spratly Islands become to the super island that trashy legally.

The ruling has "crushed" China's actions for more than three years in a massive effort to build subterranean embankments in the Spratly Islands to hopefully place the latter "The Chinese have an island that claims the territorial waters, the exclusive economic zone and the continental shelf". Conclusions of the Court of Arbitration based on the Law of the Sea Convention does not provide for a group of islands like the Spratlys will have the waters as a single entity, will contribute to preventing any future attempt to establish straight lines for the Spratly Islands as a unified entity as China did with Paracels in 1996. Thus, the ruling's "blow" against China in pursuing its ambition to expand, unjustified hegemony in the East Sea.

Second, the international arbitration award on 12 July 2016 embodies the triumph of justice, confirmed the rule of international law (notably the UN Convention on the Law of the Sea in 1982)

As a subject of international law, China is obliged to conscientiously implement the international treaties to which it is a party, including the UN Convention on the Law of the Sea-the Charter of the international community order at sea. However, with the ambition to monopolize the East Sea, as a springboard to carry out the oceans, world hegemony, China claims "U-shaped line" absurd and a variety of operating illegal international in the East Sea.

In this context, the Court of Arbitration issued a ruling in mind, despite the guise of "three no" (as described above) from China, confirmed the rule of law and vitality of international law. The ruling confirmed that the subject of international law, all countries, big or small, must behave based on international standards. This shows that international law remains in force. In other words, this ruling "revive the faith of mankind into a global order based on legal norms" (Thanh Đạt, 2016).



Third, arbitration ruling on 12 July 2016 has contributed to ensure the legitimate interests of stakeholders and also works to prevent the calculations some forces wanted to use the environment estate in the East Sea for profiteering

For the countries of the East Sea, this ruling has contributed to changing the "plays" in the East Sea by clarifying the true and false facts of a dispute over interpretation and misapplication of the Convention to make unjustified claims, violates the rights and legitimate interests of stakeholders. Judgment contributes significantly narrowed the area can be regarded as a dispute (mostly exclusive economic zone (EEZ) of the Philippines, Malaysia, Brunei and Vietnam no longer be considered as areas of dispute and countries have full jurisdiction in these areas). The ruling is not only beneficial to the Philippines but also benefits both Vietnam and its related countries. "Based on the judgment of the Court, the EEZ of Vietnam does not overlap with the coast. Vietnam has a legal basis to carry out mining activities here, where China has traditionally provided the means of expulsion" (People's army, 2016).

For countries in the world, international arbitration on 12 July 2016 contribute to protecting the interests of the United States, Japan, India, Australia, South Korea and many other countries in the East Sea, by overtly appealing the claim of the "U-shaped line" as well as the legacy of China's East Sea monopoly. Judgment restores the freedom of navigation, freedom of navigation for the international community on most of the East Sea. For the 12 nautical miles territorial waters of the island entities, vessels of other countries are entitled to pass non-destructive right and may go near the Vanh Khan beach, within 12 nautical miles of China runway and the large base on the artificial island in the Spratlys area

On the other hand, in the context of the South China Sea situation becomes more tense and unstable due to the competition for the influence of the superpower in the world (such as the US, Japan, India ...). The judgment of the arbitrator on 12 July 2016 has warned against the scourge of "scramble" international law to achieve their interests, Typical ruling indirectly prevents plotting set the non-recognition of China and any other country in the East Sea.

Fourth, the views, arguments accurate in ruling on the provisions of UNCLOS would be an important basis for countries to use in adjusting its claims in accordance with the law internationally while protecting the sovereignty, sovereign rights and their jurisdiction at sea. This ruling has created a common understanding of these terms also unspecific, unclear of the Convention. For example, the Arbitral Tribunal's statement that no entity in the Spratly archipelago is capable of sustaining human life should not have its own exclusive economic zone, continental shelf, including Ba Binh largest islands, is an important decision not only for the East Sea but also to the East China Sea,

Diaoyu Islands dispute, Tokyo Islands, Ryukyu Islands, and other disputed rocky islets when applying Article 121 (United Nation, 2018a) of UNCLOS.

Fifth, the international arbitration on 12 July 2016 made the big role of international law, of international arbitration institutions in the settlement of disputes through the peaceful path, opens a new direction in the East Sea dispute resolution

Although the ruling 's not the only solution to solve all aspects of the East Sea dispute, but have significant effects contribute to solving fundamental and enduring the complicated disputes in the East Sea by peaceful means. This historic ruling has contributed to building the confidence of the international community for the tribunal's role in resolving disputes complex sea-island. Though smaller countries superpowers can put faith in international justice, on legal solutions in peaceful solutions to international disputes struggle to protect their national sovereignty and contribute to consolidate a "regional order based on law", which is the ASEAN countries and powers like the US, Japan, Australia repeatedly advocated.

4. About effect and the binding verdict of international arbitration

The ruling on 12 July 2016 legal binding and be final. Although not recognized the competence of the Court of Arbitration, not join proceedings and claims not accept enforcement of the judgment but according to international law, China's obliged to abide by and enforce ruling for two reasons:

First, the subject of international law, a member of the United Nations Charter, the Vienna Convention of 1969 on the Law of Treaties and the Convention on the Law of the Sea, China's obliged to adhere to the fundamental principles of international law - the guiding political, legal, and judicial ideals of common law (Jus cogens) for every subject of International law that one of the important principles pacta sunt servanda principle - dedication, goodwill implementation of international commitments (UN, 2018b).

China 's the signatory and ratification of the UNLOS Convention, which 's bound to adhere to the Convention, including its provisions relating to dispute settlement (except as provided for in Article 298) (Thanh Dat, 2016). Philippines was based on Section XV (Settlement of Disputes), especially Section 2-The mandatory procedure leading to the decisions required to sue in Court International Arbitration was established and operated in accordance under Annex VII of the Convention. When China ratified UNCLOS and accept to be bound by any decision stems from the judgment required by third-party offer, This agreement is China's act of voluntary sovereignty and a commitment to serious international treaties that it must respect and adhere to,

regardless of whether the verdict comes from the judicial process (Viet Long, 2016).

Secondly, the legality and the veracity of the International Arbitration Award's laid down in the UN Convention on the Law of the Sea (Article 296): "1. The decision by the court having jurisdiction under this section is given ultimate nature, and all parties must comply; 2. Such decisions are only binding on the parties and in the particular case considered". At the same time, Article 11, Annex VII of the Convention also stipulates that: "The verdict is final and can not be appealed unless the parties to the dispute must abide by this judgment" (UN, 2018a). So, in principle, the content that the Court of Justice declared competent and judgment will be final, can not appeal (final) and this ruling brings legal binding on the parties involved, directly as China and the Philippines. Failure to enforce the judgment's considered a violation of international law.

5. International Court ruling and sanctions compliance force China

China has been treating it as "goldfish bowls", as "a lifeline", the "core interests", "shield natural defenses", just as the "throat" but at the same time as well as the "front yard" to countries implement ambitious "hegemony" and target large ocean reaching out through claims "U-shaped line".

The International Arbitration Court Judgment historically on 12 July 2016, China has been predicted long ago so nearly 04 years, since July 01 2013 when the Philippines began to sue, China has accelerated chemical entities super underground island in the East Sea with the intention to put world and international Court of Arbitration before "fait accompli". Together, China and mobilizes the whole political system (military, economic, trade, diplomacy, science, technology, communication, construction force and law enforcement ...) on this. On the one hand, China uses trickery to entice, bribe the Philippines and other countries, on the other hand, its threats, lowering the prestige of the judges in the arbitration council to attack the fairness and objectivity of judgment decisive. Not only that, the Court of Arbitration issued a ruling, Chinese President Xi Jinping declared "China's territorial sovereignty and maritime interests in the East Sea will not be affected by the Arbitration Court's decision in all situations", Chinese Foreign Ministry also said it "ruled null and non-binding" (Thanh Dat, 2016).

With longstanding programming and ambitions to monopolize the East Sea, it's difficult for China to voluntarily execute the arbitral award, stop the activities of illegal, return the original state entities (07 entities) that China had invaded and accretion illegal, making these entities into "super-bases" in the East Sea. The arbitration award may temporarily prevent China from extending occupation and super-turbocharging other entities in the field as well as arresting fishing vessels of Vietnamese fishermen, Philippine fishermen and other countries within

the "nine-dashed line". In light of this ruling, China may temporarily reduce aggression, but with China's "dream" and its expansionist ideology, China will continue to act in the East Sea with sophisticated schemes more dangerous.

Although there's no specialized agency for enforcement, the international arbitration on 12 July 2016 has been welcomed by the international community. If China wants to become a "big responsible country for the international community," China will soon have to accept the verdict, Otherwise, the country will lose and suffer worse consequences. In the history of international proceedings had cases some countries do not accept the jurisdiction of the Court and not join proceedings as New Zealand and Australia for the French event in 1974, USA in 1985 event Nicaragua, event service Netherlands Russia in 2013 (Thanh Dat, 2016).

At the same time, the deterrence of China's plots and subsequent aggression and forcing China to adhere to the Decision will depend greatly on Vietnam, the Philippines, the littoral states, the United States, Japan, and South Korea, Australia ... and the international community. If these countries do not take drastic measures, China will not stop or only temporarily stop with "postponement".

Therefore, political-diplomatic, countries around the world (USA, Japan, India, and other powers) must unite and strong sanctions against China. For example, enhancing the presence of naval forces in the East Sea to deter China, there're strong "messages" against China's continued dislocation of submarines, these entities, and those manipulative behaviors, divided ASEAN. Countries around the world need to help the South China Sea region become more militarily and economically free from China's influence and influence, causing China to rethink itself, curb the reckless actions, defiantly on the field, gradually force it to comply with the UN Charter and international law. The countries in the Association of Southeast Asian Nations (ASEAN) related to the East Sea should enlist leverage ruling and the validity of it in strengthening unity bloc, especially for the construction, issued by the Code of Conduct in the East Sea (COC) 's currently China sought to oppose with claims "nine-dashed line" absurd.

Besides, under the provisions of the UN Charter, the Philippines may request the intervention of the UN Security Council (UNSC) - political body, the most important and regular activities of the UN, responsible for maintaining peace and international security. The resolutions of the Security Council passed fit, the UN Charter obliges UN member states must implement. In case China continues to "ignore" the state of the Arbitration Court, the Philippines will be entitled to take the case to the United Nations Security Council and it will be responsible for taking action. China's failure to implement international arbitration 's a serious violation of international law, China's failure to implement international arbitration is a serious violation of international law. However, the useful

mechanism of the Security Council will now be difficult to implement when China used the veto (Article 27 of the Charter for rights to 05 permanent members are the United States, Britain, France, Russia, and China). However, this's still to do in order to awaken the responsibility to protect the law, justice and international order of UN member states.

In the history of international proceedings, as stated above, had the powers that the defendant initially refused to join the case, but then also to finish manually execute the judgment of the international court, typically in the event the United States to Nicaragua International Court of Justice (ICJ) in 1986, accused the US-backed overthrow of the government in Nicaragua's leftist Sandanista. Finally, the ICJ ruled that the US violated international law with anti-government actions Sandanista and asked the United States to compensate. Since the United States did not voluntarily execute the ICJ's ruling, Nicaragua submitted the case to the United Nations, while enlisting support from many countries. Finally, the United States was forced to pay Nicaragua compensation. Therefore, in case China resolutely fails to implement the verdict, the Philippines can take similar action to take advantage of the UN's role in enforcing the judgment.

6. Impact of International Arbitral on Vietnam and solutions to protect Sovereignty, Sovereignty and Jurisdiction in the East Sea

As a sovereign coastal state in the East Sea, Vietnam enforces a consistent policy of rejecting the "Nine-dashed line" and supporting the arbitral tribunal's jurisdiction in the Philippines case. On 5 December 2014, the Ministry of Foreign Affairs of Vietnam sent a Statement of Notice to the Arbitration Tribunal on Vietnam's position 'to protect its legitimate rights and interests in the East Sea ... which may influence in the arbitration process". Viet Nam also expresses its support for the "States Parties to the Convention on the Law Sea seeking the settlement of disputes concerning the interpretation and application of the Convention ... through the procedures provided for in Part XV of the Convention". On 12 July 2016, after the Arbitration Tribunal finally ruled on the *Philippines-China case*, the Foreign Ministry quickly declared its support for the verdict, strongly support the settlement of disputes in the South China Sea by peaceful means, including diplomatic and legal processes, not using or threatening to use force in accordance with international law; the principle of the rule of law on the seas and oceans.

As a country indirectly affected by the above ruling, we need to study carefully for appropriate responses. The ruling from the content, we can see the positive impact points to Vietnam as follows:

- Court ruling arbitration facilitate integrity protection legal exclusive economic zone and continental shelf of Vietnam, Because 09 oil and gas fields that the Chinese Offshore Oil Company (CNOOC) called 2012 on the

continental shelf of Vietnam's examples mentioned on page 89 of the Decision (PetroVietnam, 2012); And the contract of Chinese company Hai Zi Yang signed with Crestone (USA) in 1992 on the beach in the mainland of Vietnam will not be valuable.

- The ruling is the basis for Vietnam and other countries to demand China end its illegal fishing ban in the East Sea since 1998. The access to resources of Vietnamese fishermen in the Paracel and Spratly waters must be ensured. At the same time, Viet Nam, as well as related countries, has clear claim to the Spratlys on the basis of claims to geological structures in the area.

- The Court of Arbitration declared that no other structure of the Spratly Islands is eligible to an island under paragraph 3 of Article 121 of UNCLOS should be a maximum of just enjoying the territorial waters of 12 nautical miles without region EEZ and the continental shelf is a significant point is particularly important. This statement along with the state claims "historic rights" of China based on the "dotted line" not consistent with UNCLOS have implications not only for the Philippines and China are the two disputants but all other countries now claim to the Spratlys, These declarations have significantly narrowed the scope of maritime disputes between China and countries in the East Sea, including Vietnam.

- Viet Nam may apply the above statement (as a legal precedent) in determining the legal status of geographic entities in the Paracels, thereby reject baselines established by China around the Paracels in 1996, reducing the sea disputes outside the Tonkin Gulf.

- On the basis of the ruling, Vietnam and Malaysia may request the United Nations Commission on the Limits of the Continental Shelf to review the general dossiers of continental shelf boundaries submitted by the two countries in 2009. The Philippines will withdraw its request that the Commission does not review the file of Vietnam and Malaysia and that it may join the file. Because, China's and the Philippines's objections to the joint report of Vietnam and Malaysia will become worthless and the continental shelf commission has no reason to delay the review of reports (As the Court of Appeal claims China's "nine-dashed line" does not have a legal basis, it also means that most of the exclusive economic zone, the continental shelf of Vietnam and Malaysia are no longer affected. considered the dispute).

In particular, the Court's judgment on 12 July 2016 the referee only solve some problems related to the interpretation and application of the Convention, not ruling any issues relating to sovereignty over the territory and do not assign any maritime boundaries between the parties. That also means that the issue of territorial sovereignty, especially with regard to the islands in the Paracel and Spratly Islands - the most important issue in the East Sea dispute - remains unresolved. Should be aware that ambition in the East Sea with the Dahan thought to realize "Chinese dream" of China will no stop which will become

increasingly larger, more aggressive. Therefore, China will continue to use the mechanism agreed international jurisdiction in the East Sea dispute resolution and extended consolidation of power in the field (actual control of the Paracel Islands and many locations in the Spratly Islands) through the exploitation of actual occupation positions, conducting "Chemical Island", "chemical super-island" undermine the sovereignty, jurisdiction, freedom of Vietnam and the countries of the East Sea, for example, have long lost true sovereignty if they do not fight vigorously with appropriate legal solutions.

Especially, compared with China, the Philippines and other countries in the East Sea, Vietnam has sufficient evidence (historical, natural, economic and social) and the legal basis of sovereignty alone for two Paracels and Spratlys as well as all legal rights and interests related to the geographic features of these archipelagos, sovereignty over inland waters and territorial waters, sovereignty and jurisdiction over the exclusive economic zone and continental shelf is defined consistent with UNCLOS.

Therefore, the arbitral ruling on 12 July 2016 reinforces the belief of justice and the legal basis to oppose acts of building artificial islands and militarized the rocks in the Spratly Islands, create legal precedent, creating "momentum" to the State of Vietnam for consideration and decision to use legal solutions, especially the mechanism of settlement of disputes of international organizations and institutions of international judiciary to struggle to protect sovereignty in the East sea-island. In accordance with international law in the context of the East Sea region's increasingly complex, with power relationships and limited potential economic, defense and security, human resources ... , *this 's the most effective way to successfully defend firmly and Vietnam's sovereignty over the East Sea. The use of international arbitration not only demonstrates legitimacy and respect for justice but also facilitates the emergence of Viet Nam's legal strengths in proving sovereignty over islands, so as early and thoroughly, the struggle effectively protect maritime sovereignty higher, at the same time, it dispels the skepticism of the international community as Vietnam reluctantly applies these solutions.* Professor Carlyle A. Thayer said: "The Philippines victory will open the door for Vietnam to regulate if China becomes more assertive" (Viet Long, 2016). Therefore, Vietnam needs to deploy front fighting strong legal, specifically, more practical, focused use of mechanisms tribunals international measures of negotiation, negotiation not be effective.

However, there 's still mixed opinion about Vietnam's next step after the International Arbitration for the Philippines case. Some view that, Vietnam should not sue China this time as the Philippines or instead sue and wait for the verdict in a long time from the international tribunals, Vietnam should choose more feasible solutions ahead, in particular by enlisting strong support from world opinion and calling for ASEAN solidarity to continue

seeking a peaceful solution on the basis of international law (Viet Long, 2016). General reason of this opinion 's to avoid causing hostility, instability bilateral relations. These views are not wrong, but the situation and the urgency of using legal solutions through international arbitration to protect Vietnam's sovereignty over the East Sea have not been properly assessed.

Besides, the international arbitration ruling on 12 July 2016 benefit the Philippines, one side is also a common victory for Vietnam, on the other hand also puts Vietnam in some situations need to be voiced and clear attitude to the Philippines and the international community when ruling also generated some negative impact on claims of Vietnam for Spratlys. Firstly, the Court of Arbitration denounce Co May, hereby Vanh Khan beaches (of Vietnam) is located in the exclusive economic zone and continental shelf of the Philippines. Secondly, the Philippines also have territorial sovereignty and maritime delimitation disputes Vietnam that they were the Kalayaan (region free) and claimed to be the first discovered nation for the archipelago by individuals (Tomas Cloma), developed as a government claim in the early 1970s, claiming sovereignty over the Spratlys on the basis of geographical proximity. In the Notification and Declaration lawsuit at the Court of Arbitration, the Philippines mentioned some entity they claim in the Spratlys as Vanh Khan (Point 4), Co May (Point 5), Gaven, Ken Nan and Subi (Score 6), Gac Ma, Chien Vien, Chu Thap (Point 8) should have touched Vietnamese sovereignty over these entities. Vietnam has sufficient evidence and legal basis for sovereignty over the Paracel and Spratly archipelagos as well as all legal rights and interests related to the geographic features of these two archipelagos. While the part of the arbitration case is tilted towards the Philippines, if Vietnam does not take proper, rapid, and effective steps to gain international recognition of sovereignty, it is likely to cause misunderstanding international community that Vietnam has implicitly recognized the Arbitration Court ruling on the entities mentioned above so far Vietnam has not clearly stated its position on this issue (including in the diplomatic note on 14 December 2014 of Vietnam Ministry of Foreign Affairs sent Arbitration Court lawsuit between the Philippines and the PRC and Annex 468 additional submissions of the Philippines 08).

7. Conclusion:

Although there are many controversial and need further study and evaluation of content arbitral award on 12 July 2016 but basically we need to recognize the ruling 's historic in nature, contribute to changed the East Sea dispute, in which the most important is the common victory of the countries harmed by claims "Nine-dashed line" (U shaped line) absurdity of China. This ruling not only in the narrow sense of the overlapping areas between the countries in the East Sea, ending the ambiguity leads to the

risk of conflicts and disputes escalate but also encouraging the settlement of maritime disputes by peaceful means, through international arbitration tribunals and other mechanisms.

International arbitration ruling of the Court of Arbitration on 12 July 2016 established under Annex VII of UNCLOS in the Philippines for Chinese events bring great advantages but also put Vietnam ahead of hardship should be resolved. We must continue to thoroughly study and evaluate the implications of this historic ruling to make good strategic decisions in protecting the sovereignty of the sea and islands in Vietnam in the East Sea. Philippines v. Trung post-lawsuit Nations./.

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