

Washington drives escalating tensions in South China Sea

Joseph Santolan**13 June 2014**

The United States is pushing both the Philippines and Vietnam to confront China in the South China Sea as part of the “pivot to Asia” aimed at undermining Beijing and strengthening US control over the region.

On Monday, China’s deputy UN ambassador, Wang Min, delivered a position paper to Secretary-General Ban Ki-moon, which he requested be circulated to the General Assembly. The paper accused Vietnam of repeatedly harassing a China National Offshore Oil Corporation (CNOOC) oil rig that Beijing deployed on May 1 to waters 32 kilometers west of the disputed Paracel Islands in the South China Sea.

Beijing claimed that Vietnamese ships had rammed Chinese vessels 1,416 times, adding that Hanoi had deployed “frogmen” to approach the oil rig from under water and leave nets and debris to obstruct the passage of their ships.

The paper stated that these were “serious infringements upon China’s sovereignty, sovereign rights and jurisdiction, grave threats to the safety of Chinese personnel and the HYSY 981 drilling rig, and gross violations of the relevant international laws.” It called for bilateral discussion between China and Vietnam to resolve the issue.

In a provocative response, the Vietnamese National Assembly announced on Tuesday that it was budgeting \$US762 million for the construction of additional coast guard vessels. On Wednesday, Hanoi filed a position paper in response to Beijing before the UN, demanding that China “escort vessels from Vietnam’s maritime zones and stop all activities that are interfering with maritime safety and security, and affecting regional peace and security.”

Washington is using the tensions between Hanoi and Beijing to press Vietnam to legally dispute China’s territorial claim in the South China Sea before the

International Tribunal on the Law of the Sea (ITLOS) in The Hague, in keeping with the case filed by the Philippines government on March 30.

Vietnamese Prime Minister Nguyen Dung announced at the end of May, in a meeting with US Senator Ben Cardin, a visiting member of the Foreign Relations Committee, that Hanoi was “prepared and ready for legal action ... We are considering the most appropriate timing to take this measure.” He also stated that Vietnam was counting on “the US to make more concrete, more effective contributions to regional peace and stability.”

Over the past week, the administration of Philippine President Benigno Aquino claimed that China was employing several dredgers and tugs to suck up the ocean bed and spray sand and rock onto five atolls in the northern Spratly islands, expanding their land surface by nine hectares. Manila speculated that Beijing was building an airstrip and was intending to use this airstrip to declare an Air Defense Identification Zone (ADIZ) over the South China Sea.

Washington seized on these accusations to intensify its pressure on China. US Assistant Secretary of State for East Asian and Pacific Affairs Daniel Russel said on Tuesday, “There have been a number of press reports about activities in the South China Sea, such as reclamation work and... large scale construction of outposts that go far beyond what a reasonable person would consider to be consistent with the maintenance of the status quo.”

With stunning hypocrisy, Russel, spokesperson for US imperialism, continued, “Coercion and the threat of force as a mechanism for advancing territorial claims is simply unacceptable.”

It is Washington that is using coercion and the threat of force to advance its interests, and is driving towards

war, not only in the South China Sea but at numerous flash-points around the globe. Russel's comments come less than two weeks after US Defense Secretary Chuck Hagel spoke in Singapore, outlining US military preparations and alliances throughout the region.

A key factor in the accusations against Beijing of "island construction" is concern in Manila and Washington that this might affect Manila's legal case before ITLOS.

On June 3, the tribunal issued Procedural Rule 2, which gave Beijing until December 15 to submit its counter-memorial to Manila's case. Beijing responded in a *note verbale*, repeating its refusal to participate in the proceedings.

Manila's case before the ITLOS has been drawn up and is being argued by Washington, which is looking to invalidate Beijing's claims in the South China Sea.

Russel addressed the question of the ITLOS case in February, stating that the US held that "all maritime claims must be derived from land features and otherwise comport with the international law of the sea ... claims in the South China Sea that are not derived from land features are fundamentally flawed."

Paul Reichler, partner of the US law firm Foley Hoag and lead counsel for the Philippine case before ITLOS, speaking at the Center for Strategic and International Studies (CSIS) in New York, said that a ruling against China in The Hague would turn Beijing into an "international outlaw," for which there would be "a heavy price to pay."

Manila's historical claims to islands and territories in the South China Sea are significantly weaker than those of Beijing. This is why Manila is not presenting a territorial dispute, but a maritime dispute case under the United Nations Convention on the Law of the Sea (UNCLOS), based on claims to disputed waters, not islands. They argue that the dispute should thus be adjudicated primarily on the basis of coastal proximity and not historical claims.

A key component of Manila's claim, therefore, is that the land formations in the South China Sea are rocks and not islands, and are subject to maritime and not territorial jurisdiction. This claim flies in the face of the fact that Manila has an official local governmental unit on Pag-asa Island in the Spratlys, which is home to 300 civilians, an elementary school and 40 soldiers. It is, nonetheless, this legal argument that underpins

Manila's objection to Beijing's alleged dredging and construction in the northern portion of the Spratly islands.

Russel backed up Manila's line on June 12, calling on disputants to make a "pledge as simple as not to occupy any of the land features in the South China Sea that are currently unoccupied." Beijing is clearly the target of this statement.

The usual bogus humanitarian justifications for US imperialist interventions in Libya, Syria or Ukraine cannot be easily deployed in a maritime dispute, where there are no directly affected populations, and what is clearly at stake are the rival economic interests of the claimant states.

Washington is seeking to build up a case against China around the concept of "freedom of navigation," and to do so it is seeking to invalidate Beijing's territorial claims in international court. Washington is pushing both the Philippines and Vietnam to engage China in a perilous game of naval brinkmanship in the South China Sea, and then to file cases before the ITLOS on the basis of these disputes.

The thrust of this campaign is to establish a legal pretext for war.

Washington is at the same time making the necessary military preparations. At the end of April, Washington signed a deal with Manila to base unlimited US forces throughout the country. It is also engaged in negotiations with Hanoi to station US ships in Cam Ranh Bay.



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