

US stokes South China Sea tensions at ASEAN summit

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The Obama administration has used the Association of South East Asian Nations (ASEAN) Regional Forum in Burma last weekend to again intensify pressure on Beijing over territorial disputes with neighbouring countries in the South China Sea.

US Secretary of State John Kerry pressed for agreement on Washington's plan to "freeze" all actions in the South China Sea that could "complicate or escalate disputes." Kerry declared that the US and ASEAN needed to work together "to manage tensions in the South China Sea... and to manage them on the basis of international law."

No one should take these words at face value. The US is following a modus operandi that it has been used again and again: to intervene in a crisis of its making, only to create the pretext for new denunciations and provocations in this case against China.

The Obama administration has been deliberately stoking disputes in the South China Sea over the past four years in a bid to drive a wedge between China and its neighbours as part of the broader US "pivot to Asia" aimed against Beijing.

In mid-2010, former Secretary of State Hillary Clinton directly intervened into what had been the relatively minor regional disputes by declaring that the US had a "national interest" in securing "freedom of navigation in the South China Sea. Her remarks were a green light for the Philippines and Vietnam to take a far tougher stance in their maritime disputes with China.

Since the beginning of the year, the US has taken a markedly more aggressive stand on the South China Sea, seizing on any action by China to brand it as "expansionist." Washington backed Vietnam's furious response to China's placing of an oil rig in May in disputed waters close to the Chinese-controlled Paracel Islands. While claiming to be "neutral" in the territorial

disputes, the US began to openly question China's claims and encouraged the Philippines to mount a challenge to them in the International Tribunal on the Law of the Sea.

The US proposal for a "freeze" is not new. In June, the Philippine administration of President Benigno Aquino made a similar call, while denouncing China for new constructions on islands and reefs in the South China Sea under its control. The Aquino government, which has functioned as point man for Washington in confronting China over the South China Sea, presented its own plan last weekend. It not only called for a freeze, but also pushed for the resolution of a Code of Conduct in the South China Sea and the resolution of claims according to the UN Convention on the Law of the Sea (UNCLOS).

The US and Philippine proposals were not designed to ease tensions in the region, but rather were aimed at painting China as the aggressor. Referring to China, Philippine foreign secretary Albert del Rosario declared: "All of us are seeing an increasing pattern of aggressive behaviour and provocative actions in the South China Sea, seriously threatening the peace, security, prosperity and stability of the region."

While ASEAN did not formally accept the proposals, the issue was discussed and the official communiqué did express concern and call for restraint. The US was clearly pleased with the outcome. In a background briefing to journalists, a senior US state department official declared the ASEAN meeting represented "a significant setback for China's efforts to play for time... It's a criticism of Chinese behaviour and it puts enormous pressure on the Chinese... I would say that's a success."

China's foreign minister rejected the US and Philippine proposals declaring that they would interrupt

negotiations already underway on a code of conduct that China had agreed to last year. “Someone has been exaggerating or even playing up the so-called tension in the South China Sea,” he said. He suggested that if the Philippines were serious about its own three-point plan, it should shelve its UNCLOS case until the other points had been dealt with. China has refused to participate in the legal proceedings.

The US and its allies have dismissed China’s territorial claims as in contradiction to international law. Commenting in the *Australian Financial Review*, analyst Sourabh Gupta suggested that this was not necessarily the case. “China’s legal claim to sovereign rights and jurisdiction in the South China Sea, which asserts an entitlement to exclusive economic zone (EEZ) and continental shelf rights over relevant waters, is not inconsistent with international law.” He also explained that China’s placement of an oil rig near the Paracels was not illegal, and that it was not exceptional that countries opt out of the UNCLOS dispute settlement procedures.

For all its criticisms of China’s alleged failure to abide by international law, the US has not yet ratified UNCLOS, which was concluded in 1962 and formally came into force two decades ago.

While the South China Sea disputes were at the top of his agenda, Kerry also used last weekend’s summit to hold a US-ASEAN meeting with regional leaders and convene a meeting of the Lower Mekong Initiative. The latter gathering was established by Secretary of State Clinton in 2009 as a means of exploiting the grievances of countries in the lower Mekong River—including Vietnam, Thailand, Burma, Cambodia and Laos—with those of the “Upper Mekong,” namely China.

The US has now added to this forum by establishing a Friends of the Lower Mekong Initiative meeting to include Australia, New Zealand, the European Union, Japan and South Korea—all of them American allies. China, however, despite its direct interest in the Mekong River, is not included in either forum.

These aggressive US diplomatic moves go hand-in-hand with preparations for conflict. The Obama administration exploited the maritime disputes in the South China Sea issue to justify its military build-up in South East Asia as part of its broader plans in Asia to encircle China. In April, the US signed a military basing agreement with the Philippines that provides

virtually unlimited access for American forces to Philippine facilities, including bases directly adjacent to the South China Sea.

In comments in March, US Assistant Secretary of State Daniel Russel drew a direct comparison between China’s claims and activities in the South China Sea and Russia’s annexation of Crimea and warned that the US would stand by its Asian allies.

In reality, the comparison is an ominous warning of the dangers of war. The US and Germany deliberately provoked a confrontation with Russia by engineering a fascist-led coup in Ukraine in February, knowing full well that Moscow would be driven to annex Crimea, the home of its Black Sea fleet. The result was rapidly rising tensions and a civil war that threatens a broader conflict with Russia. Washington is just as recklessly stoking disputes in the South China Sea that could lead war with China.



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