

Philippine Supreme Court controversy: A revealing glimpse into Washington's machinations

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On Thursday, Philippine President Benigno Aquino appointed Solicitor General Francis Jardeleza to the Supreme Court. The appointment is the culmination of a power struggle between Aquino and the Supreme Court over the nomination of Jardeleza—one rooted in Aquino's drive to assert complete executive control over the legislature and the judiciary.

As a result of the Jardeleza's contentious nomination, information leaked to the media over the past week has revealed a great deal about the nature of Manila's case against Beijing before the International Tribunal on the Law of the Sea (ITLOS), and also plainly exposed the puppet strings of Washington at play in the country's corridors of power.

Since his election in 2010, President Aquino has played a prominent role in Washington's "pivot" to militarily encircle and isolate China throughout the Asia Pacific. Aquino has provocatively pushed conflicts with China in the South China Sea and has signed a basing deal with Washington which will allow unlimited US forces to base anywhere in the country.

Extreme and mounting social inequality and the increasing likelihood of war are incompatible with even the trappings of democracy. With the full backing of Washington, Aquino is moving to establish dictatorial forms of rule. He has impeached the Chief Justice of the Supreme Court on trumped up charges, and has used allegations of corruption to remove rival political leaders from the Senate.

When Jardeleza's name was placed on the shortlist of nominees to replace a retiring Associate Justice, a section of the Supreme Court, members of the Judicial and Bar Council (JBC), removed his name from the list, citing Jardeleza's "lack of integrity."

The evidence the JBC cited of this "lack of integrity" was Jardeleza's conduct of the ITLOS case.

The Philippine case against China's claim in the South China Sea was drawn up by and is being argued by Washington. Washington-based attorney Paul Reichler, of the law firm Foley Hoag, is lead counsel for the Philippine case, which was filed before The Hague on March 30. While Reichler and Washington are the legal brains of the ITLOS case, Jardeleza is the official head of the Philippine legal team.

On March 29, a day before the case was filed, Manila was scrambling to put the last pieces in order. Aquino, at the instigation of Washington, deliberately sent a ship loaded with reporters to the disputed waters of South China Sea in a maneuver to recklessly provoke a military encounter with Chinese ships in the region. This was done to formally establish a record of "inappropriate Chinese behavior" in the region.

Over the past week, the JBC revealed that, also on March 29, Jardeleza had removed 14 paragraphs from the 4,000 page legal case. These paragraphs pertained to the island of Itu Aba, in the northern portion of the South China Sea. Itu Aba is claimed by both China and Taiwan.

Manila's case before the ITLOS is predicated on the argument that only genuine "land features," i.e., islands, can generate maritime claims. Beijing's claim to the South China Sea, which is not predicated on proximate land features, but rather on historical grounds, is thus, they argue, invalid. By this logic, Taiwan's claim to Itu Aba, also based on historical rights, is likewise invalid.

Washington's deliberate stoking of tensions in the Asia Pacific region has had a number of unintended

consequences, among them the rapid deterioration of relations between Japan and Korea, and between the Philippines and Taiwan. In May 2013, Philippine naval forces opened machine-gun fire on a Taiwanese fishing boat in disputed waters, killing a 65-year-old fisherman. Diplomatic relations between Manila and Taipei have been rocky since the event.

In an obvious attempt to patch things up with Taiwan, Jardeleza removed the Philippines objection to Taiwan's historical claim.

This was unacceptable to Washington and they swung into action immediately. Within the day, Paul Reichler was in the Philippine presidential palace of Malacañang demanding to speak with Aquino. Reichler stated that to remove the 14 paragraphs would be a "colossal mistake" as it could undermine the legal pretext of the entire case.

Washington's overriding concern is to use the ITLOS to formally establish the "illegality" of China's claims in the South China Sea, which in turn can be utilised to ratchet up pressure on Beijing and mount new provocations over territorial disputes with its neighbours. Manila's deteriorating relations with Taipei are of little consequence to the US.

Foreign Secretary Albert del Rosario, who more than anyone in the Aquino cabinet represents, the interests of the US, held an emergency meeting with Jardeleza and the 14 paragraphs were reinstated.

The JBC, looking to fend off Aquino's drive to subordinate the judiciary, latched onto this event as a pretext for blocking the nomination of Jardeleza to the court. They claimed that the removal of the 14 paragraphs amounted to "treason."

Washington again directly intervened in the internal affairs of the country. Reichler issued a statement supporting the nomination of Jardeleza to the Supreme Court, calling him a "man of integrity." Reichler stated that "After receiving the advice of international counsel, including myself, it is his duty, as Solicitor General, to provide his honest and his best opinion to the President of the Republic. I have no doubt that he has done so at all times."

Reichler, Washington's legal point man, was explicitly stating that the task of the Solicitor General of the Philippines was to consult with Washington and on this basis to advise Aquino, and that Jardeleza had fulfilled this role.

With this backing, Aquino called on the Supreme Court to vote en banc to override the JBC, which they did. Jardeleza was appointed to the court as an associate justice on August 21.

The entire Jardeleza affair reveals the colonial-level control which Washington exercises over Philippine politics, and over Aquino in particular. US imperialism is directly intervening—and this at a granular level—in the ins and outs of the politics of its former colony.

Washington has dictated down to last sentence the legal case against China filed by Manila, all the while publicly feigning that they are neutral in the maritime border disputes of the South China Sea and seek only "freedom of navigation." The removal and reinsertion of the 14 paragraphs reveals clearly that what is at stake for Manila is not the legality of competing territorial claims, but rather a scripted participation in Washington's war drive against China.



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