

Hague court decision sets stage for US confrontation with China

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13 July 2016

The UN Permanent Court of Arbitration in The Hague yesterday handed down a sweeping and highly political ruling in favour of the US-backed Philippine challenge to Chinese territorial claims in the South China Sea. The decision sets the stage for a dramatic heightening of tensions in Asia as the United States and its allies escalate their military build-up in the region and provocative naval operations close to Chinese-controlled islets.

The Philippine case, drawn up with US backing and support, consisted of 15 submissions, all of which, with minor exceptions, the court upheld. China refused to accept the jurisdiction of the tribunal or the legitimacy of the case. A foreign ministry statement yesterday declared that “the award was null and void” and would not be accepted or recognised by China.

The chief features of the 479-page decision, which was made under the UN Convention of the Law of the Sea (UNCLOS), were the following:

Firstly, it declared there was “no legal basis” for China’s longstanding “historic claims” to much of the South China Sea and all its islets, reefs and atolls. The contrived character of the award was underscored by the fact that the court nullified China’s claims without actually ruling on sovereignty over any of the land features, which it is not empowered to do.

Secondly, it ruled that none of the land features in the Spratly Islands constitute islands as defined under UNCLOS and as such do not generate a 200-nautical mile Exclusive Economic Zone (EEZ). As a result, all the Spratlys are considered either “rocks,” which generate a 12-nautical mile territorial sea zone, or “low-tide elevations,” which are not entitled to any territorial waters.

Thirdly, by limiting the entitlements of Chinese-controlled islets, the court expanded the scope of the

Philippine claims to an EEZ and declared that various Chinese activities had breached Philippine sovereignty. It also decided that Chinese land reclamation activities in the South China Sea caused “severe harm” to the environment and “aggravated” the dispute with the Philippines and were “incompatible with the obligations of a state during dispute resolution proceedings.”

By branding China’s actions as “illegal,” the court decision paves the way for Washington and its allies to intensify the demonisation of Beijing as acting contrary to the existing “international rules-based order.” This system is one in which US imperialism dominates, sets the rules for others and flouts them at will. Unlike China, the US has not ratified UNCLOS, which is one of the reasons why it used a surrogate—its former colony, the Philippines—to mount the case in The Hague.

Yesterday, in remarks directed at China, the US State Department warned against “provocative statements or actions” by claimants in response to the ruling, and called on them to abide by the court ruling. In reality, it is the Obama administration that has ratcheted up tensions in the South China Sea over the past five years by declaring it had a “national interest” in preserving “freedom of navigation.”

The US intervention in previously low-key regional disputes in the South China Sea seeks to drive a wedge between China and its South East Asian neighbours. It is part of the broader US “pivot to Asia” strategy aimed at isolating China diplomatically, undermining its economic clout and preparing for war through a massive US military build-up and strengthening of alliances throughout the region.

The American military has boosted its presence in and around the South China Sea, including through a

new basing agreement with the Philippines. The navy has conducted three “freedom of navigation” operations (FONOPS) since October, sending destroyers within the 12-nautical-mile limit of Chinese-controlled islets. The fact that these operations were carried out prior to yesterday’s Hague ruling on the legitimacy of China’s claims simply underscores Washington’s contempt for international law.

An editorial in yesterday’s *Wall Street Journal*, entitled “South China Sea Verdict,” calls for a far more bellicose response, proclaiming that the “UN ruling will mean nothing if free nations won’t enforce it.” While paying lip service to a negotiated settlement, it declares that the US is “the only real enforcement authority” and calls for more FONOPS and further militarisation of the region.

“With The Hague verdict,” the *Journal* states, “these operations should increase in frequency and scope. Patrols from Australia and others would help too ... No UN tribunal decision can be a victory for the rules-based liberal order if liberal states won’t defend that order. That requires more free trade, bigger navies, and a renewed commitment from Washington to protect its friends, interests and principles around the world.”

What is driving this reckless US confrontation with China in the South China Sea is not concerns about Chinese maritime claims, but America’s historic decline in conditions of a worsening global economic crisis. “Freedom of navigation” is simply the latest of Washington’s bogus pretexts—along with weapons of mass destruction and the war on terror—to justify the preparations for new and even more catastrophic wars. The US is not interested in protecting the territorial rights of the Philippines and other claimants, but in maintaining its own naval control of strategic waters adjacent to the Chinese mainland and key Chinese military bases.

The Hague ruling has underscored the political bankruptcy of the Chinese Communist Party (CCP) regime in Beijing. The CCP leadership, which represents the interests of the billionaire oligarchs who have enriched themselves following capitalist restoration, is incapable of making any appeal to the working class in China or internationally—the only social force capable of halting the US war drive. Beijing’s whipping up of nationalism only divides Chinese workers from their counterparts around the

world, while its military build-up, including its activities in the South China Sea, plays directly into the hands of US imperialism and its allies in justifying its own war preparations.

Just days before the court decision, the Pentagon moved the aircraft carrier, the USS Ronald Reagan, into the South China Sea, together with its associated strike group of destroyers and cruisers and a full complement of warplanes. Several US destroyers have already been in the strategic waters close to Chinese-controlled islets. The heightened tensions increase the danger that a minor incident or accident can become the trigger for a conflict between the two nuclear-armed powers that spirals out of control.



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