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Manila may change S. China Sea policy

China Daily USA 10 May 2016 +4 more By MO JINGXI in Beijing and CHEN WEIHUA in Washington

The next government in the Philippines might change its policy and exercise more restraint regarding the South China Sea, according to Chinese observers.

The observers, who said Manila's current policy had hurt both its own interests and regional security, were commenting as the Philippines presidential election took place on Monday.

The final result is expected on May 25, and the new president will serve a six-year term.

But the observers also warned that interference by the United States in relations between China and the Philippines will cast a shadow over the newly elected ad-

ministration's decision-making.

Unlike outgoing Philippine President Benigno Aquino, who adopted a confrontational policy toward China, all three front-runners in the poll have said they are willing to seek diplomatic solutions to solving the country's maritime dispute with Beijing.

Foreign Ministry spokesman Hong Lei said last week that China hopes the new Philippines government can "properly handle the South China Sea dispute" and "improve China-Philippine relations with practical action".

He was commenting after Philippines presidential candidate Rodrigo Duterte said he would, if

elected, hold bilateral talks with China to resolve the dispute, if current multilateral discussions don't bear fruit within two years.

Xu Liping, a senior researcher of Southeast Asian studies at the Chinese Academy of Social Sciences, said: "The Philippine government will adjust its policy on the South China Sea issue no matter which candidate is elected, because the policy of the Aquino administration runs counter to the country's interests and threatens regional security."

Xu said Manila could benefit by returning to the negotiating table to solve the maritime dispute.

For example, it could undertake

joint sea explorations with China or join the Beijing-led Belt and Road Initiative.

On Monday, Foreign Ministry spokesman Lu Kang refuted former US Defense Secretary Chuck Hagel's recent comment that failure to observe the ruling of the South China Sea by a UN tribunal in The Hague by either China or the Philippines will be a dangerous beginning.

Lu reiterated that China will not accept nor participate in the South China Sea arbitration case unilaterally initiated by the Philippines.

A ruling on the Philippines' case is expected in the coming weeks.

Lu accused the US of posing as

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the guardian of the maritime rule of law, but has not ratified the United Nations Convention on the Law of the Sea (UNCLOS) 34 years after it was reached.

More than 160 countries have ratified the UNCLOS. And the US Congress still refuses to do so, largely for fear that subjecting the US to international laws would diminish US sovereignty on the high seas.

"It demands other countries to accept a third-party dispute settlement procedure, but shuns the procedure to the extent of refusing to obey the ruling and order of the International Court of Justice, the main judicial organ of the UN," Lu told the daily briefing in Beijing.

The policy of the Aquino administration runs counter to the country's interests."

Xu Liping, researcher, Chinese Academy of Social Sciences

He noted that the US urges other countries to follow international law, but turns a blind eye to the acts breaching international law by itself and its so-called allies, including coaxing the Philippines into illegal occupation of some islands and reefs of China's Nansha Islands.

Paul Gewirtz, a professor of constitutional law and director of the Paul Tsai China Center at Yale Law School, said the upcoming ruling will not solve the problems or even make major headway on them.

"Law will not save us from continuing to focus predominantly on negotiations and power politics," Gewirtz wrote in an article "Limits of Law in the South China Sea", posted on the Brookings Institution website on May 6.

Douglas Paal, vice-president for

studies and director of the Asia program at the Carnegie Endowment for International Peace, said judging from its statement on jurisdiction, the tribunal is not likely to deliver much on the 15 challenges the Philippines has made.

Ted Carpenter, a senior fellow at the Cato Institute, said China has every right to reject arbitration, but he advised China not to expand the artificial islands and build military airstrips in the South China Sea.

"It is even more imperative for the United States to reverse its confrontational posture. Backing irresponsible claimants like the Philippines and Vietnam makes an already dangerous situation even worse," Carpenter said.

He said Washington's decision to conduct naval patrols in the South China Sea, supposedly to uphold the right of freedom of navigation, is especially unhelpful in the current tense environment.

"Washington and Beijing need to increase their bilateral security

dialogue to help defuse this worrisome situation," he said.

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