

Arch-rivals India and Pakistan take opposed stands on Hague court's anti-China ruling

By Deepal Jayasekera
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India and Pakistan have issued sharply divergent responses to the July 12 ruling from the Permanent Court of Arbitration (PCA) in The Hague on the South China Sea. This divide underscores the extent to which South Asia's nuclear powers have been drawn into the explosive geo-political conflict between the US and China, adding a further incendiary charge to their already highly combustible rivalry.

The PCA's unanimous ruling was very favorable to the Philippine government's US-backed challenge to China's territorial claims in the South China Sea. Although the Hague court has no legal authority to rule on territorial disputes, it effectively did that. It dismissed China's historical claims to much of the South China Sea, asserted that Beijing's rights over the waters surrounding the reefs and islets under its control are very limited, and condemned China's land reclamation projects.

Following last week's ruling, India quickly issued a series of statements that parroted Washington's stance on the South China Sea dispute and promoted the PCA and the UN Convention on the Law of Sea (UNCLOS), on which the court claimed to have based its ruling. Pakistan, meanwhile, has sided with China, arguing that the territorial disputes in the South China Sea should be resolved through negotiations among the states directly involved and calling on all other powers to refrain from interfering.

On July 13, India's Ministry of External Affairs (MEA) issued a statement that "noted" the PCA ruling. It went on to frame the dispute in the terms laid down by Washington as revolving around "freedom of navigation and overflight" and concluded by calling for "utmost respect for UNCLOS." India, declared the MEA statement, "supports freedom of navigation and over flight and unimpeded commerce, based on principles of international law as reflected notably in UNCLOS."

The next day, India joined with Japan, the US's principal ally in Asia, to support the PCA ruling and launch a new "maritime strategic dialogue" as part of their "Japan-India Special Strategic and Global Partnership." The joint statement that was issued following talks between Indian Defence Minister Manohar Parrikar and his visiting Japanese counterpart, Gen Nakatani, sought to cast Beijing as a threat to order and international law. The defence ministers, said the statement,

had "expressed concern" over "recent developments" in "the seas connecting the Indian and Pacific Oceans." They had, it continued, "reaffirmed the importance of respecting international law, as reflected notably in the United Nations Convention on the Laws of the Seas (UNCLOS), of the peaceful settlement of the disputes without any threat or use of force, and of ensuring freedom and safety of navigation and over-flight as well as unimpeded lawful commerce in international waters."

Washington's claim—parroted by Tokyo and New Delhi—that it is upholding "freedom of navigation" in the South China Sea against an aggressive China is a false narrative, concocted so as to provide the pretext for a dramatic escalation of US military pressure on China. The real "right" the US is seeking to assert is the "freedom" to position its warships so that they can seize Indian Ocean and South China Sea "chokepoints" and impose an economic blockade on China in the event of a war or war crisis.

The US has long been working to integrate India ever more fully into its anti-China "pivot to Asia." In March, the head of the US Pacific Command, Admiral Harry Harris, publicly called for the US and Indian navies to mount joint patrols throughout the Indian and Pacific Oceans, including the South China Sea.

Under the Congress-led United Progressive Alliance (UPA) that ruled India for 10 years ending in 2014, New Delhi forged a "global strategic partnership" with Washington and signed a defence cooperation pact that saw the Pentagon become the Indian military's closest training partner, and the US India's biggest supplier of new weapons and weapons systems.

The two year-old government of Narendra Modi and his Hindu supremacist Bharatiya Janata Party (BJP) has aligned India even more closely with Washington, transforming it into a veritable "frontline state" in the US drive to strategically isolate and encircle China. In January 2015, Modi and Obama issued a "Joint Indo-US Strategic Vision for the Indo-Pacific" that incorporated the US position on the South China Sea lock-stock-and-barrel. In June, Modi and Obama announced they had finalized the text of an agreement to allow the Pentagon to make routine use of Indian military bases for the refueling and resupply of its planes and warships, as well as to

forward position material.

Despite all this, India continues to posture as “strategically autonomous,” so as to exploit China’s hopes it can yet dissuade New Delhi from becoming a junior partner of US imperialism; and, above all, so as to prevent the Indian people from realizing the extent to which India is now harnessed to the US’s strategic agenda and the terrible dangers that this entails.

Thus New Delhi is claiming that its stand on The Hague decision is not directed against China. “This is not an issue of being in favor or against any particular country,” said MEA spokesperson Vikas Swarup. “It is about the use of the global commons. It is not a matter of politics, it is a matter of law.”

Indian military-strategic analysts have been far less circumspect, with many enthusiastically welcoming the PCA ruling as an opportunity for India to aggressively pursue its strategic ambitions.

“With the PCA negating Chinese claims over South China Sea, Indian naval warships can now move through the region under UNCLOS without informing the Chinese,” declared *Indian Express* columnist Sushant Singh. He urged the Modi government to use the ruling to further develop India’s military-strategic ties with the US and its allies in the Asia-Pacific and thereby boost India’s great power ambitions, including securing a major role in “policing” the Indian Ocean.

“Asserting the PCA judgment,” wrote Singh, “is an opportunity for New Delhi to assure its friends and allies in the region that it believes in the principle of freedom of navigation ... This will enhance India’s credibility and reputation as a maritime power in the region.”

The *Times of India*’s Indrani Bagchi termed The Hague ruling “a sweet verdict” for India, adding it “was greeted with much satisfaction by New Delhi.”

Shyam Saran, a former foreign secretary, called The Hague decision “a damning indictment” of Beijing and said China “would appear as a rogue state” should it fail to abide by it.

Dr. Mohan Malik, an Indian-born academic now affiliated with US government-sponsored Asia-Pacific Center for Security Studies in Hawaii, urged India to use the ruling to expand its economic and security ties with South-East Asia, including with Vietnam, which has awarded India’s state-owned oil company exploration rights in South China Sea waters claimed by Beijing. Writing in the *Times of India*, Malik said, “The (Hague) verdict is a welcome development for India’s economic and strategic interests. It provides legal and diplomatic cover for increased Indian naval engagement with other South-East Asian countries.”

For decades Pakistan was Washington’s principal ally in South Asia. But with the US now building up its arch-rival India as a counterweight to China—including by securing it access to civilian nuclear trade, offering it the US’s most advanced weapons, and helping boost its economic and strategic ties with East Asia and Africa—Pakistan has been thrown into a strategic crisis.

Islamabad’s response has been to deepen its longstanding alliance with Beijing, Pakistan’s so-called “all-weather friend.” But this is only heightening frictions with both Washington and New Delhi.

Nevertheless, Pakistan quickly made clear its support for China’s position on how the South China Sea dispute should be resolved. On the very day of the ruling, Ministry of Foreign Affairs spokesperson Nafees Zakaria said, “Pakistan opposes any imposition of unilateral will on others and respects China’s statement of optional exception in light of Article 298 of the UN Convention on the Law of the Sea.”

Endorsing China’s opposition to the intervention of outside powers, particularly the US, in the South China Sea dispute, Zakaria added: “Countries outside the region should fully respect efforts made by China and the ASEAN countries to safeguard peace and stability in the South China Sea, and play a constructive role to this end.”

To the dismay of Islamabad, the US has ratcheted up pressure on Pakistan in recent months, demanding it shoulder still more of the burden in the Afghan counter-insurgency war, which has fueled an Islamist-tribal insurgency in large swathes of Pakistan’s Federally Administered Tribal Areas (FATA).

In late May, the US violated Pakistan “red lines” to kill the Taliban’s political leader, Mullah Akhtar Mansour, in the process deliberately blowing up Islamabad’s efforts to entice the Taliban into peace talks.

In a clear indication of a further deterioration of US-Pakistani relations, the US House of Representatives’ Foreign Affairs Committee held a hearing under the title, “Pakistan: Friend or Foe?” the same day The Hague ruling was delivered. Although Pakistan’s logistical support has been vital for maintaining the 15-year US occupation of Afghanistan, Congressmen and witnesses alike used the hearing to rail against Pakistan. Several lawmakers called for the US to cut off all assistance to Pakistan, for failing to do Washington’s bidding. Some even urged Pakistan be declared a “state sponsor of terrorism.”

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