

## What's next for China, U.S., PH after arbitration ruling?

Written by MANUEL L. CABALLERO  
Friday, 08 July 2016 14:08

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Filipino-Americans in New York/New Jersey, led by community activist Loida Nicolas Lewis, in a file photo last year, as they demonstrated against Chinese made products in front of the Chinese Embassy in Midtown Manhattan.



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IT'S been mentioned in Manila newspapers that the ruling by the UN Arbitration Tribunal that heard the Philippine claims against China in the West Philippine Sea/South China Sea issue will be handed down on July 12.

It has been predicted by various sectors that the Tribunal may rule in favor of the Philippines.

As to how the decision will be framed is unknown.

Respected Law Professor James Kraska of the U.S. Naval War College has written two articles on what to expect from the Tribunal.

The articles are titled, "Legal Analysis of the Philippines-China Arbitration Ruling" and "Forecasting the SCS Arbitration Merits Award."

The lawyer-author predicted that the Tribunal will not decide which states ultimately have sovereignty over any of the disputed maritime features, thus, making the areas open to all and thus, no one, including China has the right to claim ownership.

The Diplomat, an online news source, wrote last month the following:

"That it is generally expected that the PCA will largely rule in favor of Manila. Most likely, Beijing will simply ignore the legal decision, as reiterated during this year's Shangri-La Dialogue, and perhaps even accelerate its ongoing militarization of the islands they established and claimed as their own and create further facts on the ground to include the eventual establishment of an air defense identification zone once they have the full means to enforce it.

"If so, there is very little that the Tribunal can do to enforce the ruling. It will, however, diminish the non-complying state's credibility when it invokes and relies on international law in the future.

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In that way, non-compliance by a state to an adjudicated dispute becomes a leverage point in international politics, but not in international law.

“In the case of China, refusal to comply may have great reputational costs for a rising power seeking to become a world power, especially as friendly relations with neighbors and international credibility are essential to its continued rise as a global leader.”

The online news outlet Diplomat also indicated that alternatively, Beijing may ignore the PCA's ruling and just bide its time, at least until after the G-20 Summit slated to be held in Hangzhou, China this September.

Chinese leaders may have made the conclusion that they already achieved significant gains and just need to exercise patience to consolidate those gains for now.

What will the United States do?

We don't know.

What we know is that the U.S. has repeatedly said it will defend the Philippines in the event of a foreign enemy attack.

It has increased its military presence in the native country and in the region.

What will the Philippines do?

So far, the only indicator of what the Philippines will do in the event China ignores a ruling not favorable to them is the expressed willingness of President Duterte for bilateral talks, which, the previous Aquino administration vehemently rejected.

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Even the U.S. is not in favor of bilateral talks.

Rather, it favors multi-lateral talks with the guidance of the United Nations.

Soon, the China issue will be the first test or challenge the Duterte Administration will face in the area of foreign policy.

It will be a sensitive challenge.

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~~http://www.philippinebusiness.com/2016/07/08/what-s-next-for-china-u-s-ph-after-arbitration-ruling/~~

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