

## **South China Sea Reclamations: China Makes ‘Public Goods’ Argument**

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Earlier this month, during the ASEAN Regional Forum (ARF) and Foreign Ministers’ Meetings of the East Asia Summit (EAS) meetings in Kuala Lumpur, Malaysia, the Chinese Foreign Minister Wang Yi elaborated on China’s position on the South China Sea and assured that his country endorses and upholds international norms for unimpeded maritime transit by global shipping. Further China is willing to work and partner with other regional countries to make sure [‘freedom of navigation and overflight in the South China Sea’](#) is maintained.

Chinese assurances come amidst recent media headlines on the reclamation of reefs and shoals, building new terra firma, and expansion of infrastructure on the islands in the South China Sea. Significantly, the contemporary Asia Pacific security discourse has debated the reclamation issues at great length and the frequent standoffs between China and other claimants has led to a belief that South China Sea is a potential flashpoint. The issue also resonated in the International Arbitration Tribunal where Philippines pleaded for the [invalidation of China’s Nine-Dash Line](#); China preferred to stay away from the proceedings and absented itself in The Hague.

China has argued that its activities on the islands and reefs are [‘lawful, reasonable and justifiable’](#) and defended its position by stating that by reclaiming land, it was only discharging [international responsibility and obligation](#) towards maritime search and

rescue (SAR) and disaster prevention and mitigation, among other peaceful maritime activities such as safe anchorages for ships and fishermen, navigation aids, meteorological services, and maritime safety services. Further, once completed, these facilities will ‘provide all-round and comprehensive services to meet various civilian demands besides satisfying the need of necessary military defense.’ Also, China is conscious of its international obligations and possesses necessary capability to [‘provide regional countries with these much needed public goods at sea’](#).

In Economics, ‘public good’ is defined as those services that are [‘non-rivalrous’ and ‘non-excludable’](#) and free for use and consumption. For instance, navigation aids such as lighthouses, meteorological services, search and rescue operations, humanitarian assistance and disaster relief (HADR), etc. can be considered as public goods and are offered for free to the maritime community. If one was to apply the term ‘public goods’ in the context of the ongoing reclamations in the South China Sea, China’s argument holds water particularly in the context of aid to navigation, search and rescue and fisheries protection.

Geographically, South China Sea is dotted with large numbers of islands, reefs, shoals, and rocks and only a few among these are hardly above water during high tide. Although, the average depth in the area is about 1000 meters, many of the areas are labeled as [‘dangerous ground’](#) on nautical charts cautioning the ships to stay clear of these waters due to risky submarine topography and take extra precautions while sailing. The South China Sea is also a very busy sea and air space that witnesses heavy movement of merchant ships and aircraft. Further, the South China Sea attracts nature’s fury in the form of storms and typhoon that can pose difficulties for shipping and could adversely impact fishermen.

Given the above geographic constants, natural phenomenon, and the density of sea and air traffic, it is fair to argue that there is a high probability of accidents that would require search and rescue services. These operations can be mounted from the reclaimed sites that host or would host in the future, ships and aircraft to respond to SAR calls. Most of the South China Sea littorals are bound to respond to SAR calls under

various international regulations such as 1974 Convention for the Safety of Life at Sea (SOLAS); 1979 International Convention on Maritime Search and Rescue (SAR); 1982 LoS Convention; and the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual. Similarly, regional agreements such as the 2002 Declaration on the Conduct Of Parties in the South China Sea and the ASEAN Defence Minister's Meeting Plus (ADMM +) mandate SAR in South China Sea.

However, success of any SAR in the South China Sea is a function of response time. Also, a correct assessment of the position of the incident, location and availability of rescue vessel for SAR, time to reach the location, and geography and topography of the area of operation are important consideration. Further, regional capacity to respond to SAR is critical which may necessitate pooling of resources from other countries for a robust response.

A cursory look at the SAR capacity of the regional countries suggests that China has enormous capabilities such as ships and aircraft to responds to any SAR calls in South China Sea. However, there appear to be no takers for the Chinese arguments that the facilities being built in the contested features of the South China Sea are for public goods such as SAR. Perhaps, Beijing would have to do a lot more to justify and convince that the infrastructure being developed on the islands/reefs is for 'public goods' and could benefit other littorals.

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