

# China's Land Reclamation and Lack of Self-Restraint: Implications for the DOC and Proposed COC in the South China Sea

Emeritus Professor Carlyle A. Thayer  
Presentation to the Foreign Service Institute  
Manila, May 13, 2015

# Outline

1. Land Reclamation – China and Vietnam
2. China's Arguments for Land Reclamation
3. Implications for Current Consultations on the DOC-South China Sea
4. Implications for Current Consultations on the COC for the South China Sea

# Geographic Scope of South East Asia

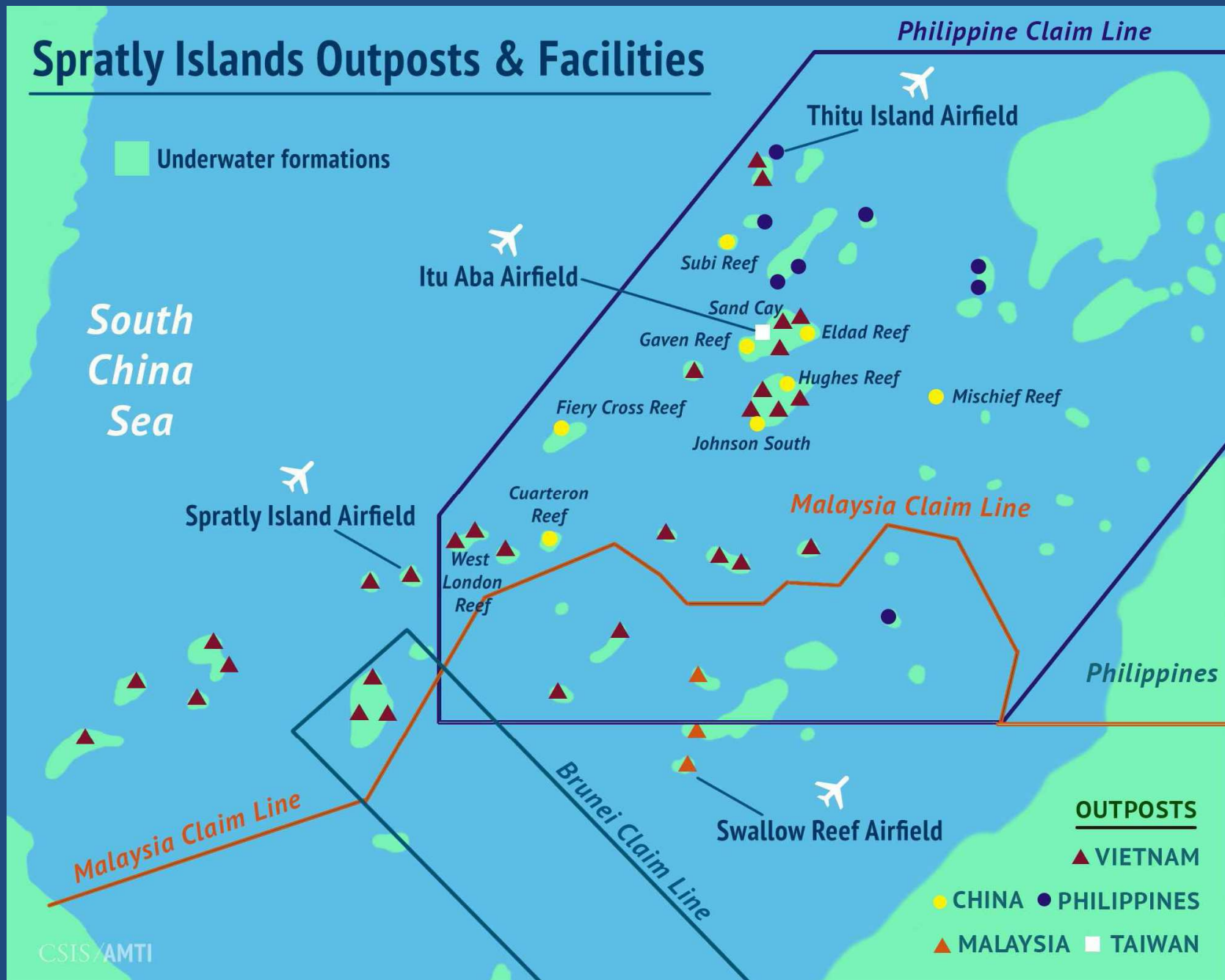
- (a) "Southeast Asia Nuclear Weapon-Free Zone", hereinafter referred to as the "Zone", means the area comprising the territories of all States in Southeast Asia, namely, Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam, *and their respective continental shelves and Exclusive Economic Zones (EEZ)*;
- (b) "territory" means the land territory, internal waters, territorial sea, archipelagic waters, *the seabed and the sub-soil thereof and the airspace above them.*
  - - South East Asia Nuclear Weapons Free Zone Treaty 1995 ,  
emphasis added



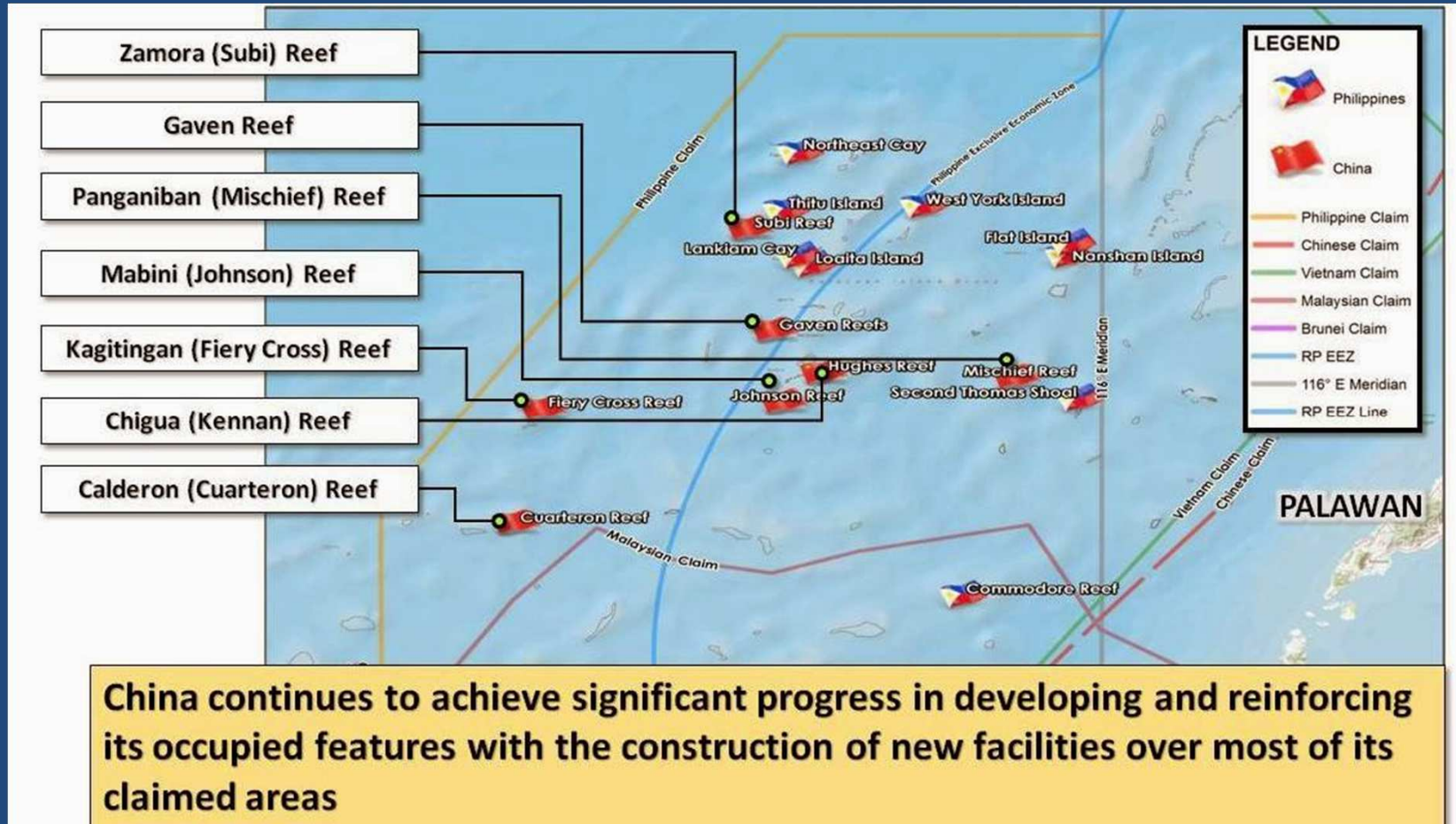
# 1. Land Reclamation – China

- Seven outposts
  - From 500 acres to 2,000 acres
  - At 4 sites transition to infrastructure development
  - Harbors, communications and surveillance systems, logistics support, airfield(s)
- Indisputable sovereignty
  - Other countries are building on China's land
- Catching up with neighbors who have reclaimed land, built defense facilities and air strips

# Spratly Islands Outposts & Facilities



# Chinese Land Reclamation



# China's Dredging Machine





# Panganiban (Mischief) Reef



# Kagitingan (Fiery Cross) Reef



# Mabini (Johnson South) Reef



**Johnson South Reef, Spratly Islands**

**4 March, 2015**

ramp into building

likely radome  
or anti-aircraft  
towers

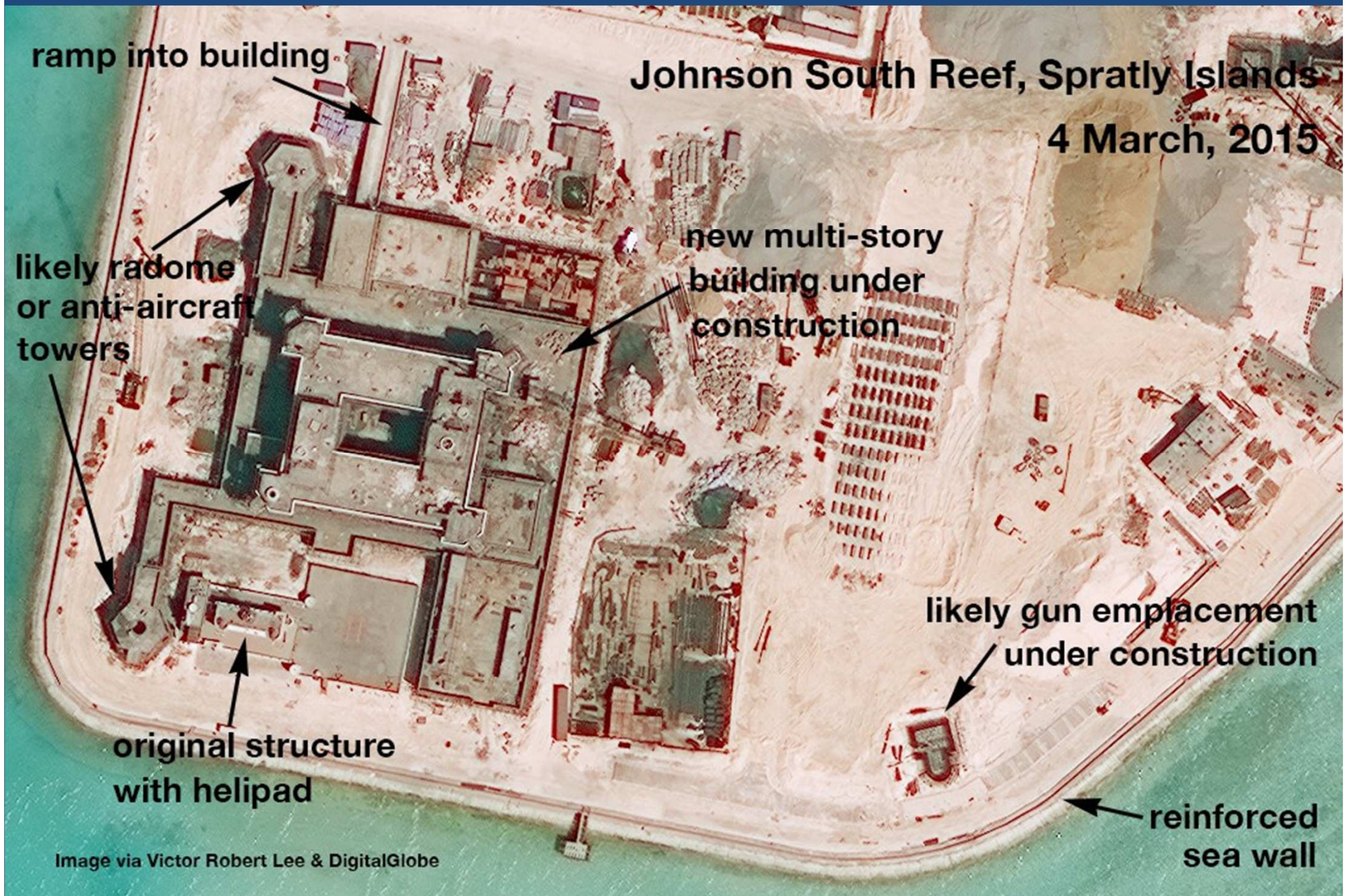
new multi-story  
building under  
construction

likely gun emplacement  
under construction

original structure  
with helipad

reinforced  
sea wall

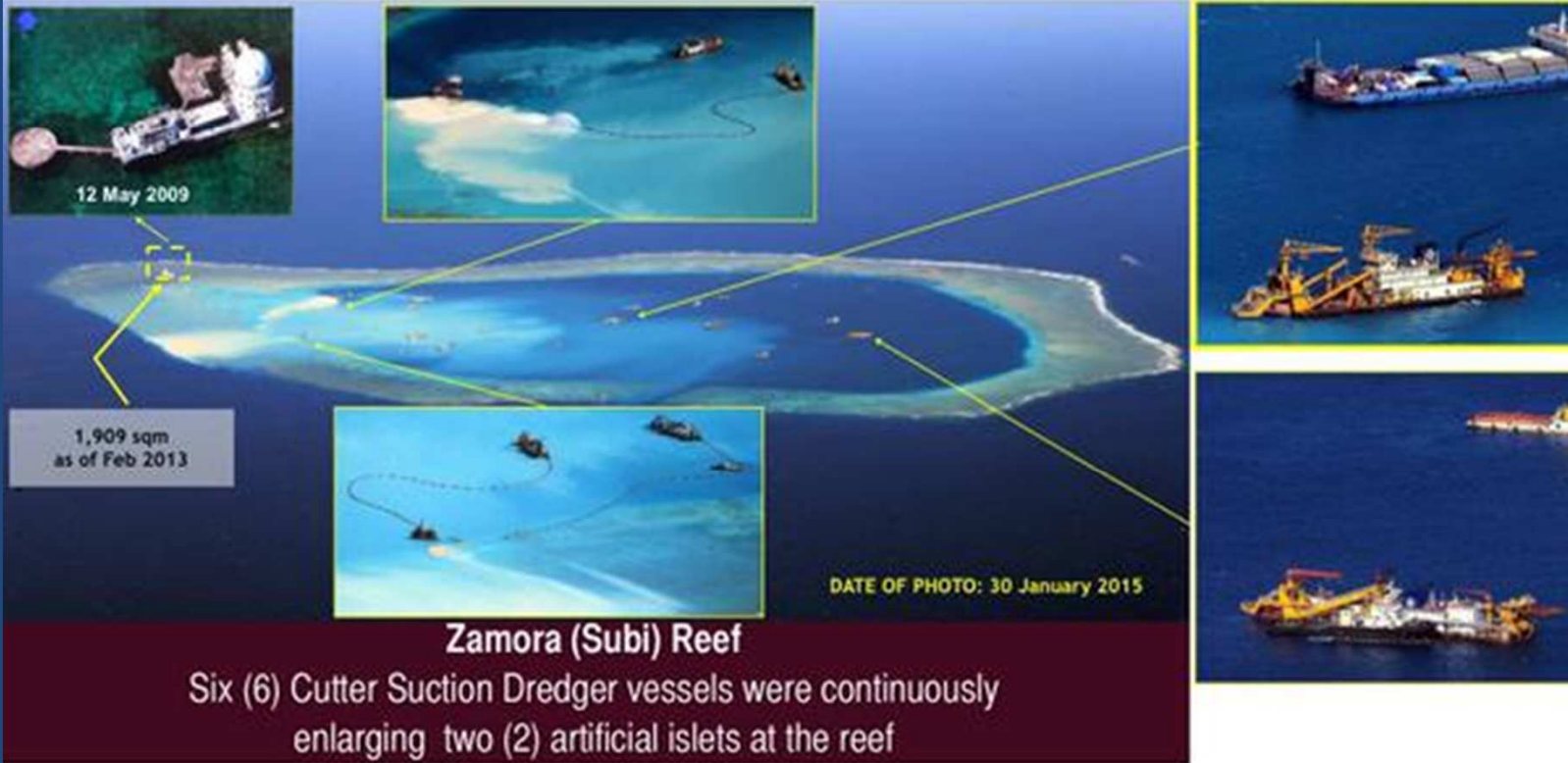
Image via Victor Robert Lee & DigitalGlobe



# Zamora (Subi) Reef

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## ZAMORA (SUBI) REEF



# Hughes Reef



# Burgos (Gaven) Reef



# Calderon (Cuarteron) Reef





# Land Reclamation - Vietnam

1.9% of total area  
reclaimed by China

(0.03 sq. miles to 1.5 sq. miles)

# Sand Cay



# West London Reef



## 2. China's Arguments for Land Reclamation

- Such work is well within China's sovereignty
- Maintenance/construction work on reefs
- Main purpose to improve the functions of facilities to provide services to Chinese ships, and other ships from other countries
  - shelter for ships, navigation aid, search and rescue, marine meteorological observation, fishery service
  - marine environment protection taken into account

### 3. Implications for Consultations on the DOC-South China Sea

- DOC is non-binding political declaration
- **Paragraph 4** “threat or use of force”
- **Paragraph 5** “exercise self-restraint in the conduct of activities that would complicate or escalate disputes and affect peace and stability” and “**including, among others**, refraining from action of inhabiting on the presently uninhabited islands, reefs, shoals, cays, and other features and to handle their differences in a constructive manner.”
  - Need to further define “among others”

### 3. Implications for Consultations on the DOC-South China Sea

- **Paragraph 5** (c) voluntary notification of joint/combined military activities
- **Paragraph 5** (d) voluntary exchange of relevant information
- **Paragraph 6** (a and b) protection of marine environment and marine scientific research
- **Paragraph 6** (c) safety of navigation and communication at sea

## 4. Implications for Consultations on the COC for the South China Sea

- Reefs on which China is reclaiming land and constructing infrastructure
  - Included in Statement of Notification of Claim as low tide elevations (submerged features) or rocks
  - Entitled to maritime zone – de jure, de facto
- Philippines must continue to protest
- Arbitral Tribunal decision?
- Progress on COC determined by DOC

# Conclusion Political Implications

- ASEAN unity?
  - ASEAN Summit 2015 “some leaders.. Have serious concerns”
  - Harden attitude of Cambodia’s PM Hun Sen – all disputes are bilateral and should not involve ASEAN
- ASEAN Political Security Council



# Conclusion Legal Implications

- Legal warfare “mudding the waters”
  - Philippines and Vietnam illegally occupy China’s land
  - Counter-claims of breach of DOC – lack of self restraint, escalating dispute
- Fait accompli before judgment of Arbitral Tribunal
  - Artificial islands do not generate maritime zone

# Conclusion Strategic Implications

- “Of course there will be defense facilities”
- De facto control - forward operating bases
- Law is immaterial China will do what it wants
- Air Defence Identification Zone?
  - “depends on whether air safety is threatened and to what extent it is threatened”
  - 7 Philippines patrol craft warned by Chinese radio messages to leave “military security area”
- Threat to freedom of navigation and overflight

# Conclusion Strategic Implications

- Challenge to U.S. freedom of maneuver naval and air forces
- Challenge to all other maritime powers
  - Japan, Australia, India
- Militarization of South China Sea
- Internationalization of South China Sea dispute

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