

Forum: *Security Council (SC)*

Issue: The Situation in the South China Sea

Student Officer: *Anngu Chang*

Position: *Deputy Chair*

Introduction

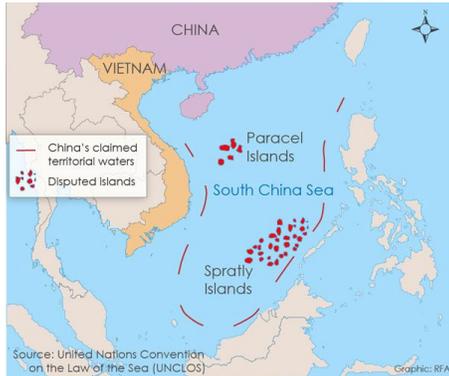
The South China Sea is a region in Southeast Asia, heavily contested by six member states: China, Japan, Malaysia, Vietnam, Brunei Darussalam, and the Philippines. Relations between these countries remain tense due to overlapping claims in the sea. The South China Sea has been dubbed one of the most critical geopolitical advantage points in the world for its abundance of natural resources as well as its expansion of trade route. Continued military buildup, activity, and tension has sparked more militarization in the region, resulting in a perpetuating cycle that deems harmful for all civilians involved. The hostility amongst countries over the claims of the South China Sea has created concerns that the area may easily trigger conflicts along with other global consequences. The global economy could be damaged as the trade routes are vital for sustaining economic stability. Previous clashes have mainly occurred China, the Philippines, and Vietnam.

Damage in relations between these countries increases the likelihood of armed conflicts. States are not just increasing naval patrols and securing economic trades in the region, but also building artificial islands and stockpiling supplies in military bases. The United States' action in the area also drew harsh criticism in the South China Sea. Tensions between China and the United States spell trouble for the globe. As relations between these two countries strain, the likelihood of the two world powers collaborating on other affairs diminish. Due to the increasing militarization and stockpiling of weapons in the region, the issue has escalated the risks of the safety with all countries in the area, who may militarize in response. The increased militarisation also carries a daunting possibility of leading to an arms race in Asia, jeopardizing global peace.

Definition of Key Terms

Nine-dash Line

The Nine-Dash Line refers to an ambiguously defined geopolitical border that China uses as a claim for the South China Sea. The map of the Nine Dash Line has been expanding and even sometimes referred to as the “Ten-Dash Line” and “Eleven-Dash Line” due to continual Chinese expansion.



South China Sea

The South China Sea is a marginal sea that is part of the Pacific Ocean, encompassing an area from the Karimata and Malacca Straits to the Strait of Taiwan. The United Nations Conference on Trade and Development (UNCTAD) estimates that the South China Sea carries roughly one-third of global shipping. Due to the extensive trade and natural resources the sea holds, multiple countries view the sea as an advantageous geopolitical location with great importance.

United Nation Convention on the Law of the Sea (UNCLOS)

The United Nations Convention on the Law of the Sea (UNCLOS), also called the Law of the Sea Convention, is an international agreement that establishes legal measures and defines the rights and responsibilities of nations on the sea. Although the convention has been ratified by 168 parties (167 countries plus Observer State of Palestine), some countries have neither signed or ratified it, more namely the United States of America.

Exclusive Economic Zone

An Exclusive Economic Zone refers to an area of coastal waters 200 nautical miles from shore, as prescribed by the UNCLOS. It refers to the rights that a country has regarding maritime exploration and use of marine resources. In the EEZ, a state has sovereign rights, jurisdiction regarding the establishment and use of artificial islands and related infrastructure, and the protection of the marine environment.

Background Information

Overlapping Claims

The main reason for the accumulated tensions amongst the neighboring countries near the South China Sea is the territorial disputes and legal claims over the sovereignty of the sea and islands. The dispute can be traced back to the 1894 Sino-Japanese War. Historically, the South China Sea was not claimed before World War II due to negotiations between France, Vietnam, and China. This questions whether the idea of national sovereignty goes back to seventeenth-century Europe seeing as the concept of maritime sovereignty is largely a mid-twentieth-century concept. China extended its boundaries in 1946, after the end of the Second World War, and started claiming the Paracel Islands. The second world war alarmed nearby countries, prompting them to start recognizing the importance of geopolitics and the vitality of having an advantageous claim in the South China Sea.

United Nation Convention on the Law of the Sea (UNCLOS)

Although the UNCLOS has been signed and ratified by nearly all the actors in the South China Sea, territorial disputes and military conflicts continued. Due to the nature of the issue and the number of overlapping claims, how to justify these claims continue to be the obstacle. China issued a diplomatic note to the United Nations about its sovereignty over its claim of the Nine-Dash Line. Chinese officials stated that their claim of the South China Sea was from historical maps and items found on disputed islands. Despite the evidence the Chinese proposed, the UN Secretary-General rejected their claim due to the violation of the UNCLOS. However, the rejection did not hinder China from claiming the South China Sea; they continued to expand and enlarge their claim and made a new map encompassing more territories such as Taiwan in 2014.

Previous Attempts at Negotiations

Despite the ongoing tension between involved member states, there have been multiple attempts at negotiation to resolve this issue peacefully. The countries, mainly China, Japan, Vietnam, Philippines, Malaysia, and Brunei, were able to create a standard code of conduct to establish confidence within the region. The “Declaration on the Conduct of Parties in the South China Sea” (DOC) was created in 2002 by the Association of Southeast Asian Nations (ASEAN) and China. This document guaranteed that all signatories must commit and follow the international law, provide freedom of navigation in the region as to not cause economic interference, and upholding the framework of regional rules to manage and control disputes. The Declaration on the Conduct of Parties in the South China Sea also called for countries to deepen practical maritime cooperation, and to maintain the peace and stability of the South China Sea through active negotiations. More recently, The Association of the Southeast Asian Nations (ASEAN) and China have made significant progress in the South China Sea Code of

Conduct (COC). The draft will serve as a foundation for future negotiations as ASEAN states push for a legally-binding COC that will determine what countries can and cannot do in the disputed waters. Despite recent strides in the issue, the method of compromising between relevant member states differ. China was in favor of holding bilateral negotiations without any third-party mediators. Other remarks about the meeting were the United State's disdain towards the framework; China proposed that cooperation on the marine economy "shall not be conducted in cooperation with companies from countries outside the region," which directly conflicts with United State's current policy.

Key Issues

Territorial Disputes

The driving factor for increasing tensions between countries around the South China Sea is the territorial disputes and legal claims over the sovereignty of the sea and islands. There are several disputes, each of which involves a different collection of countries. The nine-dash line claimed by the Republic of China, the overlapping exclusive economic zone claims of Brunei, Indonesia, Malaysia, are just some of the most heavily contested regions of the sea. With the rise of globalization, more countries wish to have a claim in the region due to the economy and geopolitical advantage the South China Sea brings, leading to disputes over claims.

Economics

The importance of the South China Sea to the global economy is indisputable. Roughly 80 percent of global trade is transported by sea and of that 80 percent, 60 percent travel through Asia, with the South China Sea carrying an estimated one-third of worldwide shipping. Economic experts estimated the region to hold 11 billion barrels of oil and 190 trillion cubic feet of natural gas. The South China Sea has the potential to cultivate into one of the most significant resources and trade platforms. However, said the potential is jeopardized due to ongoing tension stemming from militarization and territorial disputes. For many of the world's largest economies, the South China Sea exists as a crucial maritime crossroads for trade. For China, over 64 percent of their maritime trade passes through the South China Sea. Japan also has a staggering 42 percent of their economic trade on the sea. Although the United States is less reliant on the South China Sea, it still has over 14 percent of its maritime trade pass through the region. With trade developing more across states and the decrease in oil wells, countries have increased their concerns over the instability near the region.

Militarization

The increase in militarization and artificial islands over the past few years has set the foundation for more violent responses in future confrontations. If an armed conflict were to break out, multiple member states would be involved due to mutual defense treaties established back in the Cold War. For example, the United States has established treaties with several of the claimants where it is obligated to defend the nation from the military attack of China. However, during the Cold War, the U.S. has signed several defense treaties across and some even overlapping amongst the claimants. In the case of Japan and the Philippines, the United States is obligated to protect Japan if an armed attack were to arise. Whereas the United States also has a treaty with the Philippines that calls for mutual support if “armed attack in the Pacific Area on either of the parties,” take place. Such military treaties create a potential of involvements of third parties due to treaty obligations, and would only further complicate the situation presently. The rising tensions not only heightens the risk of armed conflict, but it would be one that would involve global super and nuclear powers.

Naval Tensions

Militarization set the path for increasingly violent conflict down the line, yet the more urgent problem comes in the form of military tensions between member states. In the past, China has accused the US of militarising the South China Sea through its air and naval patrols, and U.S.-China Naval animosity in the South China Sea is becoming more and more evident as time passes. Most recently on October 9th, 2018, the USS Decatur had a close encounter with a Chinese destroyer and came within 41 meters of each other. Events as such make countries are less willing to trust each other and reach out for negotiations while carrying a bleak possibility of igniting an armed conflict. Seeing as world affairs require cooperation from member states on all levels, ongoing tensions seeks to undermine said cooperation, making solving these problems a more burdensome task for all.

Major Parties Involved and Their Views

Association of Southeastern Asian Nations (ASEAN)

ASEAN Member states, such as Vietnam and the Philippines, have continuously tried to negotiate and resolve ongoing disputes in a peaceful manner. Although most ASEAN nations expressed disdain for continual Chinese militarization and expansion of claims, China has done little to address these concerns. In the status quo, no agreement has been made in regards to

increased militarization due to both sides unwilling to give in to another. As of August of 2018, Singapore's Foreign Minister Vivian Balakrishnan announced China and ASEAN 10 member countries had reached a draft agreement in the South China Sea Code of Conduct (COC). However, the code consists of frameworks that directly intervene with US interest in the region, and ASEAN member states such as Japan and Australia did speak out against the Code of Conduct.

China

China is arguably the most influential party in the conflict. China's buildup of artificial islands, increasing militarization, and claims of the sea far surpass any of its counterparts. Beijing's official claim is based on UNCLOS and history, particularly from records of Chinese fishermen and explorers from since the Han Dynasty. However, China only recognizes that the dispute began in the 1970s when reports of massive oil reserves began to surface, and several ASEAN nations frantically rushed to lay claims. Since then, China has responded with increasingly aggressive to countries that dispute their claim of the sea and continually disapproves of all US involvement in the region. When the United States signed the Enhanced Defence Cooperation Agreement with the Philippines, it was accused by the Chinese government as the first country that tried to engage in the militarization of the South China Sea. China denies that it is militarizing the region, and states that they are increasing supply buildup in the area as a preemptive against storms and natural disasters.

Vietnam

In regards to the number of armed conflict in the region, Vietnam ranks second just after China. Vietnam has strongly contested any Chinese claim and all militarization in the South China Sea. Recent activity by China's strategic bombers in the South China Sea and Parcel Islands drew tremendous aggression from Vietnam, with its foreign ministry stating that China had violated Vietnam's sovereignty.

United States of America

The US's main concern with the South China Sea is China and its ongoing quest to continue to militarize and expand its influence in the Pacific region. With the number of US

troops in Asia increasing, it was accused by China of kick-starting the militarization in the region, and the two nations have disagreed continuously on this issue. A war in the Pacific region would spell trouble globally, as the area is crucial for international trade, and US's defense obligations would also see the US dragged in. The United States seeks to bolster its presence in the area, whether it be through military power projection or strengthening relations with Asian allies. Militarily, the Trump administration had executed more operations against China's territorial claims and had sent warships more frequently to waters near the artificial islands China has bulked up. On expanding its allies, the US has been rebuilding traditional alliances with the Philippines, continuing the close relationship with Vietnam, building a de-facto partnership with Singapore, and reviving relations with long-isolated countries such as Cambodia.

Timeline of Relevant Resolutions, Treaties and Events

Date	Description of event
	China Marks South China Sea Claims
1947	China creates the nine-dash line and uses the map as a historical basis territorial claims..
	Oil in South China Sea
1969	UN reports have found possible energy deposits published by the UN Economic Commission for Asia and the Far East, sparking vast interest in the region. China soon claimed the territory a year after the discovery, followed by the Philippines in 1976.
December 10, 1982	Establishment of the UNCLOS

The UN recognises the UNCLOS as a customary international law, but it's vague wordings on the South China Sea has led to countries finding loopholes around it.

Philippine Claims in South China Sea

May 8, 1984

The Philippines ratifies the 1982 Third United Nations Convention on the Law of the Sea (UNCLOS) and declares themselves an archipelagic state, claiming all the Spratly islands and reefs lying within its 200 Nautical mile Exclusive Economic Zone

Confrontation between China and Vietnam

March 14, 1988

China sinks three Vietnamese Ships sparking countries to militarise in the case of any physical conflicts.

ASEAN Code of Conduct

November, 2002

ASEAN member states and China agreed to a code of conduct in the Declaration on the Conduct of Parties in the South China Sea after 6 years of negotiation

Chinese Aggression

January 8, 2005

Chinese ships fired upon two Vietnamese fishing boats from Thanh Hóa Province, killing 9 people and detaining one ship with 8 people on Hainan Island. Chinese Foreign Ministry claim they were pirates that opened fire first and obtained confession from the arrested members

US-Sino Tensions

October 9, 2018

The USS Decatur had a close encounter with a Chinese destroyer, and came within 41 meters of each other.

Previous Attempts to Resolve the Issue

There have been multiple attempts to resolve the disputes in the South China Sea, such as the establishment of the COC and the ratification of UNCLOS by many member states, disagreements and irrational claims continue as member states often find loopholes in these documents. Despite the presence of UNCLOS, unilateral claims show lack of respect for the document and provoke more excessive claims from other member states. Although UNCLOS provides the legal foundation for trailing a country over a violation of sovereignty, it hinges on whether the nation agrees to be trialed, and vague phrasing in the UNCLOS leads to member states exploiting these loopholes. In addition, due to economic dependencies and influence with certain countries, many member states are less willing to file cases against each other.

The recent South China Sea Code of Conduct (COC) is seeing tremendous strides made in its drafting process, yet also carries some flaws. Currently, the COC draft reflects huge differences and disagreements on the important aspects of the issue: Geography, methods of settling disputes, legal status, and the presence of third parties. Geographically, the COC does not define the scope of the South China Sea, and currently, there are four separate suggestions for what the sea encompasses. Secondly, the draft includes no concrete agreement or methods in settling disputes between member states. Thirdly, the legal status of the draft remains undecided. Lastly, China shows opposition to the indication of rights to third parties such as the United States, a topic that other ASEAN member states disagree about. Although recent breakthrough in the COC is a good first step, it still fails to address the underlying issues, and more work needs to be done.

Possible Solutions

Fundamental root problems need to be addressed to solve an issue as complex as the one around the South China Sea. The issue of militarization, ongoing tensions, territorial disputes, and setting a plausible and effective document needs to be addressed. Communication between member states is also crucial in resolving this issue. Military communication between member states is necessary to prevent any risks of conflict and

unnneeded tensions. Resource sharing could also be an effective method to alleviate ongoing pressures while also deter illegal activities at sea.

In an issue as controversial and troublesome as this, agreements between member states are essential to ensure that the issue resolved peacefully. Negotiations and talks addressing the South China Sea is crucial, yet it is important to note that all solutions proposed on this issue must remain detailed to avoid loopholes in past documents. Said agreement should to consist of clearly defined terms, promote a universal method of settling disputes and conflicts at sea, setting a framework that addresses demilitarization, agreeing on the legal status of the agreement, and more.

Bibliography

Q&A: South China Sea Dispute - BBC News." BBC News. N.p., 27 Oct. 2015. Web. <http://www.bbc.com/news/world-asia-pacific-13748349>

Panda, Ankit. "Military Facilities Aren't Militarization in the South China Sea: Chinese Deputy Foreign Minister." The Diplomat. N.p., 23 Nov. 2015. Web. <http://thediplomat.com/2015/11/military-facilities-arent-militarization-in-the-south-china-sea-chinese-deputy-foreign-minister/>

Mollman, Steve. "Japan Is Using South China Sea Tensions to Peddle Military Hardware in Asia." Quartz. N.p., 22 Nov. 2015. Web. 15 <<http://qz.com/555544/japan-is-using-the-southchina-sea-as-a-selling-point-to-peddle-military-hardware-in-asia/>>

Kyodo. "Abe Raises South China Sea, Dispute at ASEAN | The Japan Times." Japan Times, <http://www.japantimes.co.jp/news/2015/11/22/national/politicsdiplomacy/china-u-s-set-clash-south-china-sea-asean-summit/#.VpjcxZN95E4>

Graham, Euan. "South China Sea: Conflicting Claims and Tensions." Lowy Institute for International Policy. N.p., n.d. Web. 15 <http://www.lowyinstitute.org/issues/south-china-sea>>