

Forum: United Nations Security Council (UNSC)

Issue: Addressing the expansionism, projection of power, and territorial disputes in the South China Sea.

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Introduction

The South China Sea has long been a subject of contention between bordering nations. Because of overlapping borders, the Philippines, Vietnam, China, Brunei, Taiwan, and Malaysia have long contemplated how to administer said territory since their respective sovereignties. China controls more than 80% of this region, while Vietnam claims sovereignty over the Paracel Islands and the

Spratly Islands in the present day.

The South China Sea is significant for Pacific Ocean countries since it connects Asia, Europe, and Africa, and accounts for one-third of all world shipping. This amounts to \$3.37 trillion USD in the form of commodities and traded goods. In addition to these significant economic benefits, the South China Sea is an extremely rich area due to the natural resources it has underwater. The US Energy Information Administration estimates that this hotly contested sea harbors 11 billion barrels of oil and 190 trillion cubic feet of natural gas. According to some analysts, it might be up to 22 billion barrels of oil and 290 trillion cubic feet of gas.

China alleged for many years that, in its alliance with Singapore, Vietnam, and the Philippines, the United States engages in aggressive behavior. This is because the United States conducts Freedom of Navigation operations in the area, and China perceives the US navy as a danger in its waterways. The United Kingdom and France both conduct similar operations in this region. In recent years, China has been increasingly assertive. They put a drilling rig in the Paracel Islands in 2014, causing friction with Vietnam. In the same year, China conducted land claim activities in the Spratly Archipelago, including the construction of man-made structures and the deployment of armed forces. In addition, China has established a new city called Sansha, which has stimulated Chinese tourism in the region. In order to prevent senseless casualties through armed conflict, it is essential that the territorial disputes of this highly controversial area are resolved in fairness to all parties involved.

Definition of Key Terms

South China Sea

The South China Sea is an important geopolitical and economic subregion in the Indo-Pacific, since it is a vital trading route for a significant portion of the world's commercial ships. Many regional territorial claims have erupted here,

causing tensions and conflicts both inside the region and across the Indo-Pacific. Brunei, Cambodia, China, Indonesia, Malaysia, Singapore, Taiwan, Thailand, and Vietnam are the countries that border the South China Sea.

Territorial Sea

The territorial sea extends 12 nautical miles from the coast and extends over and under the territorial sea into the airspace. A country's territorial sea is its own region. Simply defined, the state has the right to develop, modify, and enforce its own laws in that region without external interference.

Maritime Feature

A maritime feature is a portion of the earth's surface that occurs in the ocean but is not covered by water. UNCLOS distinguishes three types of maritime characteristics: Low-lying elevations, islands, and rocks

Contiguous Sea

The contiguous sector begins where the territorial sea ends (12 nautical miles from land) and extends for another 12 nautical miles, terminating at 24 nautical miles. The adjacent zone is not part of a state's sovereign territory; it is part of international waters. This area is regarded to be in international seas. As a result, nations have no legal authority to impose restrictions on navigation in the adjacent zone. The only exception is if the State is attempting to avoid or punish a violation of its border control, economic, immigration, or health regulations that happened on its sovereign territory.

United Nations Law of the Sea Convention (UNCLOS):

The United Nations Convention on the Law of the Sea (UNCLOS) is a 1982 international convention that establishes rules and regulations for use of the world's oceans and the resources they contain. The Law of the Sea Convention establishes legal rights and obligations for countries in relation to the use of the world's seas, as well as rules for businesses, the environment, and marine sustainable natural resource use.

Exclusive Economic Zone (EEZ)

The term "exclusive economic zone" (EEZ) comes from the United Nations Convention on the Law of the Sea. Countries have the power to explore and exploit any resources in the water, on the ocean floor, and in the subsoil of a radius 322 kilometers (200 miles) beyond their shoreline, as well as the obligation to preserve and maintain them. These EEZs provide various advantages to countries, as they include lucrative fishing, oil, and other deposits. This section of the ocean is under the control of the neighboring nation (power and legal decisions).

Freedom of Navigation Operations (FONOPs)

Freedom of navigation operations are air and naval operations conducted by the United States to defend recognized freedoms and rights by disputing unfair maritime claims.

Blue Economy

The World Bank defines the blue economy as the sustainable use of ocean resources for economic growth, improved livelihoods, and job creation while maintaining the health of the ocean environment.

General Overview

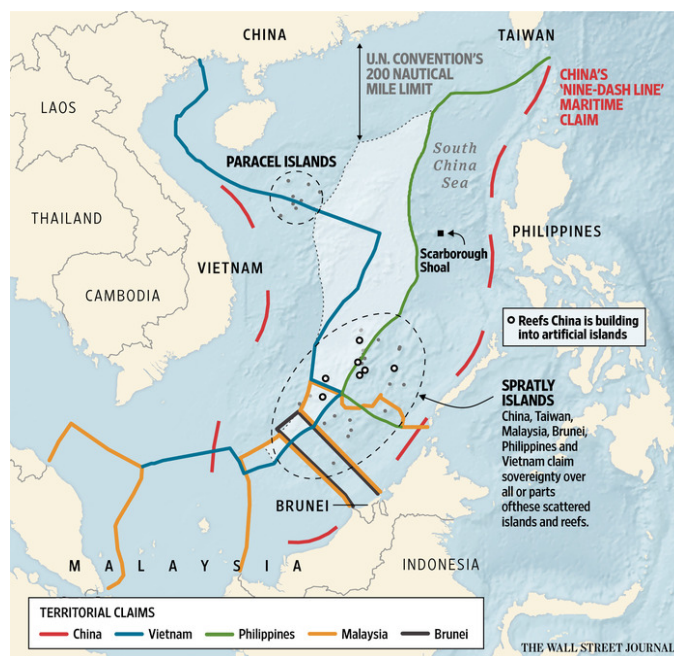
Military escalation and aggressive military activities by both the United States and China are currently taking place in the South China Sea. The People's Republic of China has defied international maritime law by establishing military bases on natural and man-made islands throughout the region. These actions are in violation of the UN's maritime norms, which stipulate that a country can claim an exclusive economic zone (EEZ) only 200 miles from its shoreline. A country in this zone has the ability to exploit the area as it sees fit. Anything

beyond that zone is considered international water. China has chosen to ignore international rules and establish these military sites in order to claim and dominate the South China Sea, which has enormous economic and geopolitical importance. China, which has a far more advanced military and global presence than the other countries in the area with legal rights to sea areas, has taken advantage of the situation and has pushed to gain as much control of these waters as possible in accordance with UN laws. Since a result of such harsh and undiplomatic behavior, international relations have been disrupted, as many countries, including the United States, are interested in protecting their Asian allies who have a legal claim to the region. To counteract and confront China's rapid expansion and military control over the region, the US has developed a substantial military presence in the South China Sea. This has heightened tensions between the two countries, who have conflicting interests in determining who should dominate a territory rich in natural resources and maritime routes. These two countries are currently at odds economically, with China challenging the United States' position as the world's largest economy. If China were to ever gain control of the sea, it would be a substantial economic benefit for the country as well as a huge boost in international trade power. As a result, the United States is hoping to prevent this from unfolding by dividing the area to be controlled by the other countries found in the area in order to deny China this advantage.

Land division based on the UN's rule of the sea

There are five countries that are legally capable of claiming parts of the South China Sea. China, Brunei, Malaysia, the Philippines, and Vietnam are among them. Each country has made a legal claim to the sea area based on UN laws, with each EEZ extending 200 nautical miles from the shoreline. China, on the other hand, fails to recognize the rules and has staked a claim to an area many times greater than the rules allow. China claims almost the entire South China Sea as its territory. It contradicts the claims of every other country, resulting in

various international disputes. The Philippines took the dispute to an international tribunal in The Hague in 2016, where it was determined that China had no historical or legal claim to the land. However, the Chinese government has refused to accept this and continues to expand in the region. Even if every country adhered to the 200-nautical-mile boundary, there would still be several concerns because several EEZs overlap. In this scenario, a different tribunal or the UN would have to decide which country has a stronger historical claim to the overlapping territory. The division is further complicated by the presence of an archipelago in the sea. This archipelago is known as the Spratly Islands, and the concern is that it is still unclear which country owns it. It is claimed by the Philippines, Malaysia, China, Vietnam, Brunei, and Taiwan, and this is significant because it will play a significant part in the legal division of land in the South China Sea. There are other contested archipelagos in the sea, but the Spratly Islands are the largest and most important of them all.



Military and Economic Importance

The relevance of the South China Sea issue stems from the region's natural

resource worth, general economic activity, and military significance. The South China Sea is thought to be home to a substantial amount of natural resources, including 11 billion barrels of oil and 190 trillion cubic feet of natural gas. It also accounts for 10% of global fisheries, making it a rather important food supply for hundreds of millions of people. These waters also carry 30 % of the world's entire shipping trade. And it is because of these traits that many countries are attempting to lay claim to as much of this sea as possible. They would be able to control the maritime trade routes and gain access to these extremely valuable resources as a result of this. This means a government could theoretically control the food supply of hundreds of millions of people. Whoever controls a huge portion of the sea gains great geopolitical power. Particularly because many of the surrounding countries and their inhabitants do not live in developed areas. This means they rely heavily on local food production and aquatic life. The region is also strategically important from a military standpoint, as it provides an excellent militaristic base of operations for activities in southern Asia and northern Oceania. This permits the governments in charge of it to better regulate its waters and launch campaigns.

Tensions between China and the United States

China and the United States are currently involved in an economic war, which has had a significant impact on global politics and international affairs. This dispute arises as a consequence of China's economy catching up to that of the United States and threatening to surpass them as the world's largest economic superpower. As a result, both countries are consistently attempting to increase their own economic dominance while simultaneously attempting to cripple the economy of the other. The South China Sea is a prime example of ongoing clashes between the two countries, with the US reacting aggressively to China's equally aggressive development of its presence in these waters. By sending military vessels to several of the places China claims, the US has indirectly

threatened and questioned Chinese authority. Tensions between the two are rising to the point that war between them is no longer ruled out.

Major Parties Involved and Their Views

China

This South China Sea conflict mostly involves China. Considering their historical dominance in the region, they argue that they are entitled to sovereignty over the entire sea. Before the Exclusive Economic Zone (EEZ) was formed, China ruled the majority of this sea. Because of the EEZ, they assert that they have the authority to manage the area because they "own" 90% of this body of water. In the South China Sea islands, the party has a passive-aggressive strategy in place. It has been building artificial islands with military installations equipped with deeper sea bases and expanding its dominance over nations like Vietnam.

This party has been employing a tactic known as the "Cabbage" tactic. They approach islands in the Spratly Islands that are occupied by Vietnamese or Philippine forces. They encircle the islands with their navy, blocking the way for supplies, forcing the troops to flee, and taking possession of the island after that. This is among the factors that have prompted other nations to pay closer attention to China and its activities in the South China Sea.

United States of America

The USA is primarily concerned with this issue because it wants to protect its allies from China. They have often stated that they wish to prevent a conflict in this area even though they think one will inevitably break out. In a speech during a radio interview in March 2016, White House Chief Strategist Steve Banon said, "We're going to war in the South China Sea in 5 to 10 years, aren't we? There is

no question in that regard. This demonstrates that even while the USA only wants to prevent China from enslaving all the other nations in the region, it is aware that at some point, tensions will skyrocket and maybe lead to a war in order to prevent China from gaining total dominance.

Japan, Vietnam, India, Australia, and the Philippines are a few of this party's allies in the area. These are all significant groups with local interests that will undoubtedly have an impact on any future fighting that takes place in the area. Vietnam, Japan, and the Philippines are the nations that are directly impacted by this issue.

Vietnam

Vietnam is one of the key players in the conflict. They must maintain control over this entire body of water since they are directly impacted by China's avarice. They have some islands in the Spratly Islands and wish to have control over what is legally theirs according to the EEZ treaty that was completed by the UN. One of the strongest rivals for dominance in this region is Vietnam, which supports US efforts to move troops in response to China's passive-aggressive tactics. Vietnam has been strengthening its military in case an arms conflict breaks out in the region, despite the fact that it believes that international law will provide the best resolution to this conflict. To ensure that China does not have complete authority over the region, Vietnam has also claimed some land there.

Philippines

The viewpoint of this party is extremely similar to the viewpoint of Vietnam. They both feel that using international law is the only way to resolve this problem because they are both directly impacted by China's attempt to dominate the area. "The tribunal authoritatively decided that China's claim of historic rights to resources within the sea... has no validity in law," Foreign Secretary Teodoro Locsin Jr. said. They want Beijing to quit attempting to rule the entire area and to

accept the choices taken at prior UN gatherings. s This party becomes frustrated as Beijing disregards the nation's warnings. They have asserted several claims in the area concerning islands and territory that aren't actually theirs.

UNCLOS

The 1982-established United Nations Convention on the Law of the Sea is the treaty that governs the Exclusive Economic Zone. It is a crucial convention for this topic since it serves as a forum for all 150 signatories to debate issues relating to the sea. It has many other important characteristics, but the major ones for this subject are the maritime limits, which are represented by the EEZ's 200 nautical mile limit.

ASEAN

Since it unites all South Asian nations and serves as the primary international venue for the dispute, the Association of Southeast Asian Nations is the primary forum for this matter. In an effort to find formal resolutions, several of the parties to the conflict have gathered at the forum. They have made an effort to persuade China to recognize the Exclusive Economic Zones and stop claiming the 9-dash line as their maritime border. Since every nation directly concerned in the conflict is a member of the association, it can serve as a platform for resolution.

Timeline of Events

Date	Description of event
1947	This is a key moment in this Issue since it is this 9-dash line that China established at the time, the territorial region that they claim a right

	to this day.
1974	The Chinese conquered the western point of Paracel Island a year after the Vietnam War ended. Military occupation and various flags planted during the occupation were used to claim it. Even though the Chinese have militarily controlled this very lucrative area, this is still of vital value.
1982	The UN Conference on the Law of the Sea, or UNCLOS, was founded, bringing the 200 nautical mile EEZ into being. When it comes to the diplomatic division of land, this is quite important.
1988	This region had been relatively peaceful for over a decade prior to this tragedy. This, however, came to an end when Chinese and Vietnamese boats clashed in the Spratly archipelago. Three Vietnamese warships were sunk by the Chinese navy, killing 74 Vietnamese servicemen. This came as a result of the Chinese government's attempt to increase its military control in the region.
1992	China passed legislation concerning territorial seas. This was an act of claiming the entire South China Sea on the basis of a historical right dating back to the Xia dynasty. This claim, however, is "not necessarily acknowledged" and goes against UNCLOS norms.
2002	The Association of Southeast Asian Nations (ASEAN) and China have agreed on a code of conduct to be implemented in the South China Sea to resolve conflicts. This code of conduct was created in order to better resolve any issue between disputing nations with the least amount of armed or military confrontation possible. Although the proclamation does not totally regulate these countries' behavior, it does serve to reduce tensions and keep the United States from becoming too engaged in these disputes.
2011	President Barack Obama delivers a statement to the Australian

	parliament, outlining US military involvement in the South China Sea issues. This is one of many examples of the US taking an interest in the issue's evolution and attempting to exert influence over the situation so that other Asian countries with less power acquire the EEZ mandated by UNCLOS. All of this is to prevent the Chinese from becoming more powerful, as they would have no motive to intervene in such a foreign problem otherwise. As one of the few countries capable of demonstrating military supremacy against China, the United States has played a significant role in the evolution of the issue.
2013	The Philippines took the case of China's territorial claims to a Hague tribunal, believing that they were unjustified. The case was processed by the tribunal, but China refused to take part since it was opposed to any result it may announce. The tribunal was forced to continue the proceedings without China's involvement. This is only one of China's many acts of non-cooperation and undiplomatic behavior during the entire duration of this dispute.
2014	The United States and Vietnam sign a defense treaty with the goal of strengthening US military presence in the nation and allowing the US to use its bases and airfields as pivot points throughout Southeast Asia. Because the United States is the principal opponent of Chinese expansion, this partnership is extremely important.
2015	Warships from the United States patrolled 12 nautical miles away from Chinese-built artificial islands. This was a provocation to the Chinese because it showed that the US did not recognize Chinese dominance of the region. This move, according to the Chinese ambassador in the United States, was "severe provocation, both politically and militarily," as it heightened tensions between the two

	countries, which were already at odds.
Feb 2016	On an island in the Paracel archipelago, the Chinese government placed surface-to-air missiles. The surrounding countries and the United States regard this as a clear example of militarization, and China has been warned of the repercussions of militarizing disputed area in this way. The Chinese maintain that the missile deployment is within their right of self-defense, and that they are free to do as they like in what they believe to be sovereign territory. This conduct is extremely concerning for other countries, as it demonstrates that the Chinese are willing to use military force to achieve their objectives in the region.
Jul 2016	The tribunal in The Hague determined that the Philippines' case against China, which began in 2013, would go against China's claims to the region. The Chinese declared that they had historical rights to practically the entire South China Sea. This panel, however, determined that this was not the case, and that the UNCLOS EEZ restrictions should be applied because China lacked a strong enough historical claim. The Chinese, on the other hand, have chosen to disregard the tribunal's decision and have shown no signs of slowing down their progress in the region.

Relevant Resolutions, Treaties, and Events

UN involvement

The United Nations has taken many actions to try and resolve the territorial dispute of the South China Sea to prevent any sort of armed conflict. The UN Convention on the Law of the Sea (UNCLOS), for example, has been a critical component of international peace thus far. Indonesia, Brunei, Malaysia, Myanmar, Laos, the Philippines, China, Thailand, Singapore, and Vietnam are all UNCLOS members that border the South China Sea but have not yet ratified the

Treaty. The treaty itself took nine years to create and was adopted by virtually all UN member countries in 1982. (The United States Government has signed it, but the United States Senate has yet to approve it.) The convention's goal was to "settle, in a spirit of mutual understanding and cooperation, all issues relating to the law of the sea." Article 123 of Part IX, "Enclosed or Semi-Enclosed Seas," says that nations bordering an enclosed or semi-enclosed sea must:

1. coordinate the conservation, management, exploration, and exploitation of the living sea resources;
2. coordinate rights and duties regarding the protection and preservation of the marine environment;
3. coordinate scientific research;
4. involve other states and international organizations in this process.

Although the UN Convention on the Law of the Sea creates a clear framework for sharing the world's marine resources, the conflict with the South China Sea is China's attempt to undermine it. China is employing military force to circumvent other countries' legal rights. Unless and until this is tolerated, it will erode UNCLOS everywhere, not just in the South China Sea. If countries see international treaties as "trash paper," no deal is safe. International order is subsequently disintegrating.

Possible Solutions

The only way to resolve all territorial disputes in the South China Sea is to gain sufficient leverage to get nations to cooperate, specifically with developmentally leading countries like China. One option to gain such power is to integrate China more deeply into the global economic and institutional system. The stronger its integration into the global system, the more invested it is in regional stability. After all, China is already the world's largest trading country and, by buying power parity, the world's largest economy. The refusal of

industrialized countries to grant China its proper role within the global institutional architecture has only fueled China's mistrust of the present global order. It has prompted China to forge on its own, establishing new multilateral institutions such as the New Development Bank (formerly known as the BRICS Development Bank), the Asian Infrastructure Investment Bank, and the Contingency Reserve Arrangement. Instead, China should be given a larger leadership role in global organizations and activities.

Another alternative regards the Association of Southeast Asian Nations (ASEAN), whose constituents include Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam. ASEAN may propose the establishment of an ASEAN-China forum to host continuous discussions and negotiations on the issue and other South China Sea-related issues. In addition to the Philippines, three other ASEAN nations – Brunei, Vietnam, and Malaysia – have staked claims to parts of the Spratly Islands in the South China Sea. China claims sovereignty over the majority of the South China Sea and its islands. Vietnam also claims one of these islands, the Paracels. Given the involvement of four ASEAN members, it makes logical for the regional entity to handle the different conflicts over sovereignty with China collectively. Outside the competing parties, no other state or institution should be invited to the proposed ASEAN-China conference. A collaborative approach may also benefit the wider interests of both ASEAN and China. First, massive oil and gas resources are thought to exist in the South China Sea. Though estimates differ, the region is recognized as one of the key prospective sources of mineral riches. It is without a doubt one of the elements driving the great interest in the South China Sea, not just among claimants, but also among other nations outside the area. Unfortunately, China has already expressed opposition to this collaborative approach because it involves a third party that creates a regional collaboration that the nation can not overpower.

Sustainable Development Goal (SDG)

This issue clearly falls under SDG 16: Peace, Justice, and Strong Institutions. The issue of who gets to control the controversial land and promote their spheres of influence is one that calls for retribution and justice for those who rightly deserve it. Of course, the debate over who should maintain ownership of this land is one that has to be debated, which is why strong institutions should be established by the committee in question in order to make sure that an ethical decision is made.

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Appendix

- I. Detailed analysis and plan of action by the UNDP towards the natural disaster known as El Niño
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