

Forum: United Nations Peace Building Committee (UNPBC)

Issue #20-01 : Measures to resolve international disputes over the South China Sea

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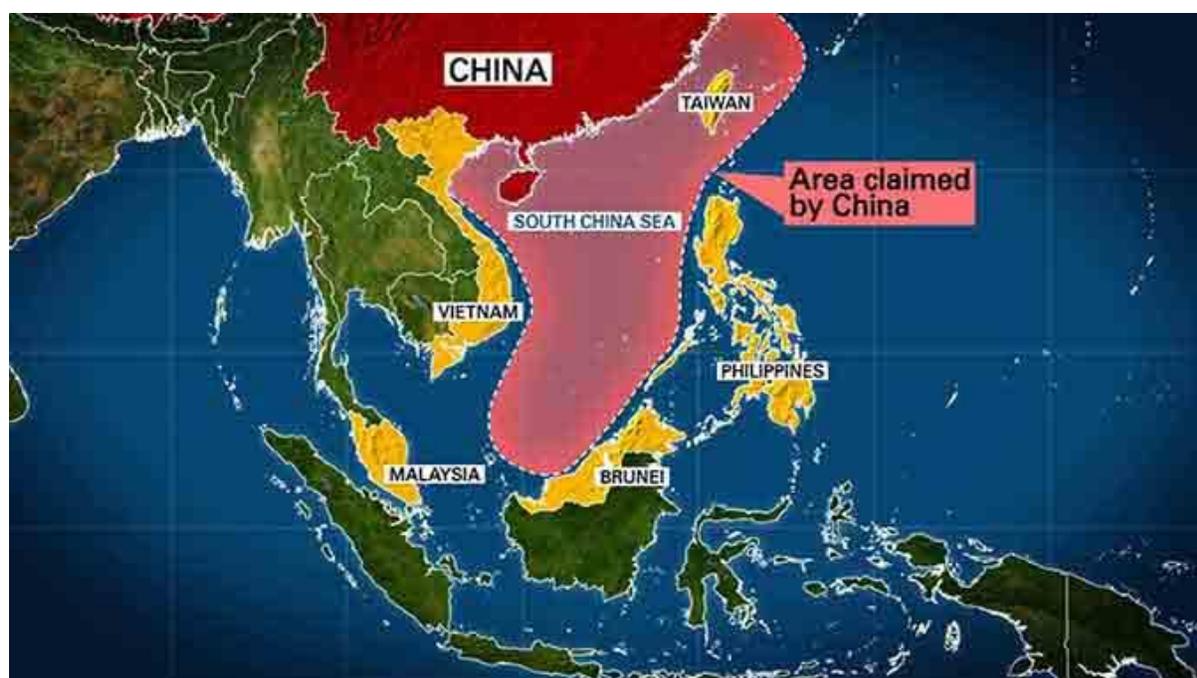
Introduction

The South China Sea is located in the eastern hemisphere of the globe, directly adjacent to countries such as Brunei, Malaysia, the Philippines, Taiwan and Vietnam while to the south of China. China has claimed complete territorial rule over the South China Sea and its plentiful natural resources, shipping routes, and major fishing grounds; denying all other countries which have access to the sea any claims. It was as early as the 1970s when countries began claiming territorial rule over islands and various zones present in the South China Sea, prominent examples being two island chains, Paracel and Spratly Islands, in the South China Sea which contain rich natural resources. The aforementioned countries which have access to the South China sea contest China's claim to almost all of it. These countries have had repeated issues regarding the claim to this territory for multiple decades, however tensions have been increasing steadily in recent years. Beijing claims an area referred to as the "nine-dash line" and has backed its claim to this area through artificial Island building, island expansion, building of military and industrial outposts, patrols and expanding its felt military presence there while insisting their intentions are peaceful.

The United States has also challenged China's claim to the South China Sea to protect their political, security and economic interests in relation to the South

China Sea. The United States has done this through increasing their own military activity and naval presence in the region, including freedom of navigation operations (FONOPs) in January and March of 2018. The United States has also supported Southeast Asian partners to further challenge China's territorial claims.

In similar fashion Japan has also responded to China's intensive territorial claims and presence in disputed territories by selling military ships and equipment to the Philippines and Vietnam in order to improve Maritime security and the ability to deter China's behaviour.



Area of South China Sea claimed by China

Definition of Key Terms

Permanent Court of Arbitration (PCA)

The Permanent Court of Arbitration, established by treaty in 1899, is an intergovernmental organization providing a variety of dispute resolution services to the international community.

Exclusive Economic Zone (EEC)

An area of the sea in which a sovereign state has special rights regarding the exploration and use of marine resources, including energy production from water and wind.

UN Convention of the Law of the Sea (UNCLOS)

Comprehensive legislation and order in the world's oceans and seas establishing rules governing all uses of the oceans and their resources. Also provided the framework for further development of specific areas of the law of the sea.

Freedom of navigation (FON)

“Freedom of navigation (FON) is a principle of customary international law that ships flying the flag of any sovereign state shall not suffer interference from other states, apart from the exceptions provided for in international law.”

Freedom of navigation operations (FONOPs)

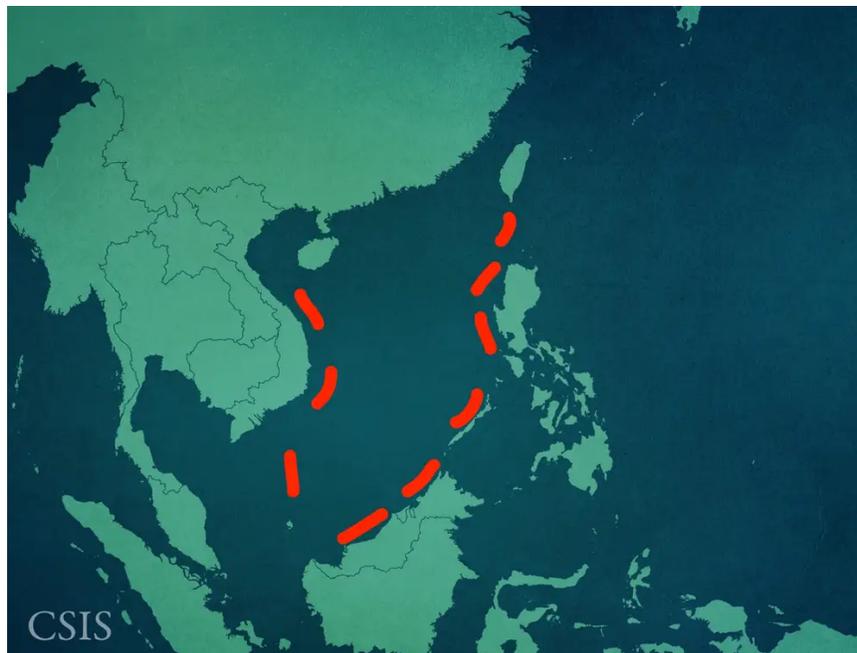
Operation enduring freedom of navigation

Sovereignty

A state's independence, its control over its territory and its ability to govern itself

Nine-dash line

The area claimed by the People's republic of China in the south China Sea



Territorial dispute

Dispute over the control of a plot of land between two or more political entities

General Overview

The People's Republic of China has made claims to large amounts of territory located within the South China Sea; said claimed territories have been disputed between other countries which have access to the South China Sea and rightful claim. China has rejected all the claims made by countries such as Vietnam, the Philippines, Malaysia, Brunei and Taiwan in relation to the South China Sea. To further ensure China's sovereignty, they have made their presence known through military patrols, building of artificial islands and outposts. The area which the People's Republic of China has claimed is referred to as the nine-dash line. The United States of America has challenged these claims through FONOPS and aiding southeast Asian partners to further dispute China's claims. Japan has also challenged China's intensive claims in the South China Sea through selling military equipment to the Philippines and Vietnam.

China states that, under international law, foreign militaries do not have the right to conduct intelligence-gathering activities, in its exclusive economic zone (EEZ). The United States has stated that claimant countries, under the UN Convention of the Law of the Sea (UNCLOS), should have freedom of navigation through the exclusive economic zone and are not required to notify claimants of military activities. In July 2016, the Permanent Court of Arbitration at the Hague issued its ruling on a claim brought against China by the Philippines under UNCLOS, which ruled in favour of the Philippines on almost all counts. While China is a signatory to the treaty which established the tribunal, it refuses to accept the court's authority.

Major Parties Involved and Their Views

China

Claims portions of the South China Sea, disregarding international law and other claimants

United States of America

Seeks to preserve peace and stability, uphold freedom of the seas in line with international law, prevent the distribution of the flow of commerce, and oppose any attempt to use coercion or force to settle disputes. Since May 2017, The United States has conducted six freedom of navigation operations in the region.

Vietnam

Concerned about the national and human security of claimants to the South China Sea. They also maintain their claim on the whole of the Spratly and Paracel areas.

Japan

Concerned with the possibility that China gains control of the sea line communication and the rising tensions between the United States and China.

Brunei

Did not make a claim during a long period of time, however recently they have spoken up about the situation, “aBrunei’s two-step approach indicates that while the mechanism for conflict-resolution is bilateral and adherent to the 1982 [UN Convention for the Law of the Sea](#), it also stresses the importance of the ASEAN-China [code of conduct](#). “

Malaysia

states that China’s claims of the South China Sea have no basis under international law

Taiwan

Continuous debate in Taiwan regarding the official position of the Spratlys, meaning whether Taipei should support China in refuting other claimants.

The Philippines

Dispute and reject China’s claims, while displaying military might in the South China Sea

ASEAN

Focus on peace, stability, security and safety, settling disputes in a peaceful manner.

Timeline of Events

Date	Description of event
1947	China claims sovereignty over South China Sea
1950	Mao Tse-tung's Chinese communist party defeated Chiang Kai-shek's government, after the military, including the army on these two islands was forced to move to Taiwan. Mr. Tomas Cloma (filipino businessman) then entered the spratly islands and claimed he was their discoverer.
1954	The French state that Vietnam has a claim over the Paracel islands.
1958	North Vietnam acknowledges China's sovereignty over the paracel and spratly islands.
1971	The Philippines announced their claim over part of the spratly islands as a part of their Palawan province.
1975	After the Vietnam war when Vietnam merged into one, they once again claimed their rights over the two islands.
1979	Sino-Vietnamese War
1991	Confrontation at border between China and Vietnam ended, trade begins to expand
1992	China passes law which lays claim to entire South China Sea
1999	

- 2011 China and Taiwan proclaim that the two islands rightfully belong to Taiwan
- 2012 China surveys natural resources in disputed area, vietnam and the United States strengthen relations
- 2013 China and The Philippines each mobilised in the area of the Spratly island, each claiming the other country's violation of territory.
- 2013 "The Philippines filed to the Permanent Court of Arbitration to invalidate China's claim and alleged that various proactive actions of China in the South China Sea violated the United Nations Convention on the Law of the Sea 1982 (UNCLOS), which has been ratified by both China and Philippines. However, China rejects the arbitration process."
- July 2016 The Permanent Court of Arbitration at the Hague issued its ruling on a claim brought against China by the Philippines under UNCLOS, which ruled in favour of the Philippines on almost all counts.
- November 2017 In southeast Asia, during one of Donald Trump's speeches he emphasised the importance of freedom of navigation operations to ensure free and open access to the South China Sea.

UN involvement, Relevant Resolutions, Treaties and Events

- United Nations convention on the Law of the Sea (UNCLOS); convention defining coastal and maritime boundaries, regulating seabed exploration outside of territorial claims, and distributing regulated exploration. The Convention was signed the 10th of December 1982 and became effective 16th of November 1994.
- In July 2016, the Permanent Court of Arbitration at the Hague issued its ruling on a claim brought against China by the Philippines under UNCLOS, which ruled in favour of the Philippines on almost all counts.

Past action

- The Annual South China Sea conference has occurred for the last 10 years, it focuses on U.S. and Asian policies in regard to the dispute. General policies resulting from these conferences have been the U.S. clarifying certain points, such as what claims they believe that China has made which were legal or illegal. These points of differentiation stem from distinctions set out by UNCLOS and the UN, an international body. The U.S. has used these distinctions to clarify their position on certain claims by China, also describing what environmental and territorial features would be rightfully under other countries.

The purpose of these annual conferences is to generate adequate and up to date policy regarding the South China Sea dispute, however due to China's strong arm approach and unwillingness to bend to claims made, even after the 2016 ruling against them; this has lead to many of these policies being unable to generate proper corresponding results, leading

to certain ineffectiveness in regard to this as a method to facilitate solutions.

Possible Solutions

Solutions in regards to this issue seem relatively difficult to generate due to what would be considered adequate solutions already being used and having minimal effect. These issues stem from China's unwillingness to compromise on their unlawful claims, even after their claims had been overruled in court, they rejected the authority held by the court. Naturally the international community refuses to compromise as well due to their rightful claims to the Sea, the only foreseeable methods to use would be further discussion between involved parties to reach a mutually acceptable resolution, internationally recognised legislation and regulation, and so forth.

Sustainable Development Goal (SDG)

SDG 16 - Peace, Justice, and strong Institutions

The South China Sea dispute strongly links to this sustainable development goal because resolving this issue will lead to Justice being upheld, tensions between nations decreasing, peace being upheld and institutions being recognised and their strength being maintained. To further elaborate, each geographical feature and territory belonging to the rightful owner would lead to Justice being dealt with, preventing countries from taking resources from other countries unlawfully. Peace would be maintained because resolving this issue would lead to the removal of a cause of tension between nations, removing this tension would ensure maintained peace internationally. The resolving of this issue

heavily depends on strong institutions, because it has been seen that one of the parties involved completely disregards the authority held by an institution. The resolving of the issue would lead to the regained strength of institutions and their held authority,

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Appendix

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