

Forum: United Nations Security Council (UNSC)

Issue: Measures to address the territorial disputes in the South China Sea.

Written by: Guilherme Da Paixão and Clarice Bezerra

Chairs: Guilherme Da Paixão and Clarice Bezerra



(Image from Docs Google Images)

Guiding Questions As You Read

To what extent is China correct through the actions that they have demonstrated to maintain sovereignty?

How could a solution that involves the international community and China be drafted to benefit both parties?

Where is the conflict happening? What territory is being fought? What type of historical/cultural meaning does this territory have?

Introduction

Key Terms

South China Sea
Territory
Ownership
Exclusive Economic
Zone (EEZ)

Throughout history, a very disputed area in the world up to today has been the **South China Sea**, in which China and bordering countries such as Brunei, the Philippines, Indonesia, Malaysia, Taiwan, and Vietnam have been fighting over territories in the sea. China's very general claims of having **ownership** of the sea, including ownership of over 11 billion barrels of undeveloped oil and 190 trillion cubic feet of natural gas, have angered these countries. Because of these claims, China has dictated that foreign military are not permitted in the South China Sea, furthermore, they are not allowed to conduct intelligence-gathering activities utilizing satellites or any other method. However, major countries such as the United States of America have continuously rejected these claims, and believe that under the UN Convention of the Law of the Sea (UNCLOS), countries have the right to navigate in the sea and are not required to disclose these activities. (International Waters Governance, Pompeo, and Center for Preventive Action)

China has kept a certain distance from its neighboring countries, however, in the past few years, satellite photography has disclosed China's efforts to recover **territory** in the South China Sea by making islands larger or building new islands. These islands allow China to violate international law through a loophole, protecting itself from legal issues.

These islands are given the name of **Exclusive Economic Zone (EEZ)**. EEZs were adopted at the Third United Nations Conference on the Law of the Sea (1982), where the UN determined that a nation close to the coast may explore and exploit marine resources in an area within 200 nautical miles of its coast (Directorate, OECD Statistics). However, this concept was put in place to manage the use of natural resources by consequent countries. Instead, China has claimed its right to conduct military activities on these islands. Hence, these EEZs allow China to slowly gain sovereignty as its coast borders most of the South China Sea, giving it nearly 80% of ownership if based solely on coastal areas (Mastro, Oriana Skylar, et al.).

China has also built ports, military buildings, and airstrips. An example of this is Woody Island. Which has been militarized by China, guarding a military post on the island. In response to China's strong presence in the fought area, Japan has sold military equipment to the countries neighboring in order to strengthen their and prevent Chinese attacks. This has created a very strong climate of war and tension in the region.

Definition of Key Terms

South China Sea: *A area of sea located at the southern area of China. Also surrounded by Malaysia, Philippines, Taiwan, Vietnam and Brunei. (LaFond)*

Territory: *A piece of land normally occupied or owned by a country or person. (Cambridge Dictionary)*

Ownership: *Having ownership of something. (Cambridge Dictionary)*

Exclusive Economic Zone(EEZ): *An area of the sea that is owned by a sovereign country where the state has the rights of exploration to use marine resources, including production of energy created by water and wind. Created by the United Nations Convention of Law of The Sea in 1982. (Directorate)*

Shipping lanes: *A regular route for commercial ships. (Collins Dictionary)*

General Overview

Since the start of wars, countries have created war out of a fear of war generated by disagreements and rising tensions. Nowadays, it isn't much different. The South China Sea dispute is evidence of that.

First disputes between countries

The first recorded territorial dispute in the South China Sea was in 1974. Back then, the Chinese marine invaded the Paracel Islands that are currently an archipelago part of the Chinese government. These islands were owned by the South Vietnamese (currently Vietnam. At the time, Vietnam was divided into Northern Vietnam led by Chinese influences and Southern Vietnam influenced by the United States) That was the first ever brawl recorded between countries relating to territorial disputes in the South China Sea. ("The Recent History of the South China Sea: A Timeline.")

The reason for Chinese desire for Archipelagos in the South China Sea

To many uneducated people, China's interest is just financial and to treat other countries wrongfully. The reality is not that far from that. The truth of the matter is because of two reasons, its geographical position and its rich amount of useful and expensive natural resources.

Of the 100% of the maritime trade markets that happens around the world, about one third of the world trade is through the South China Sea. That is important to understand because China, the second-largest economy as of 2022 (Silver), strongly depends on its exportation of goods that pass through the South China Sea. Due to this desired economic growth made by China, China wants economic safety that no other country surrounding the sea, will get in the way of China's growth (Cordesman). For

national security, the South China Sea is also extremely important. Not only is the South China sea good for China but also surrounding countries, as for instance 42% of Japans economy depends on the South China Sea.

Besides its strong military and economic location, the South China Sea is also extremely rich in fish, gas and oil; all important for humans. When talking about gas and oil, the South China Sea hold around 190 trillion cubic feet of natural gas and around 11 billion barrels of oil, with much more potentially undiscovered. When talking about fishing, the fishing industry is one of the biggest growing food on Chinese dietary. As consumption is growing, the fight for fishes is growing, causing informal disputes between fishermen.

Arbitral Tribunal region ruling on the South China Sea

The latest legal brawl between countries involved with this issue, has been the Arbitral Tribunal region ruling on the South China Sea. This trial was done thanks to a demand made by the Philippines where stated that Chinese had no base on their behavior towards other countries that have access to the Sea. Under the laws of the 1982 Convention of the Sea made an enduring decision rejecting Chinese expansion towards other countries. Thus, the Chinese government did nothing differently from what they did before the trail(Blinken).

Major Parties Involved and Their Views

The People's Republic of China

China considers most of the territories in the South China Sea as part of the country. The islands, banks, and shoals, as well as the surrounding seas of the Xisha, Nansha, Zongsha, and Dongsha archipelagos, all the way down to the Zengmu Ansha reef have been considered part of the country for ages. On the other hand, Brunei, Malaysia, the Philippines, Taiwan, and Vietnam all have claims for these territories in the region, the Chinese government believes that other arrangements are impossible as the territory

“belongs to them”. The country claims that its sovereignty over the territories comes from the large history of conquering the area. They believe that they were the “first ones there”.

United States

The United States of America seeks to maintain peace and stability, along with maintaining the freedom of the countries on the seas, consistently with international law. It has strongly opposed China's use of force to settle the disputes. It believes that The People's Republic of China has put the solution to these disputes in jeopardy, especially with the acts and perspective that it has maintained throughout history. It especially believes that the predatory worldview of China has no place in the twenty-first century. The United States believes that the PRC has no legal grounds to tell other countries what to do and how.

Japan

Japan has joined the United Kingdom, France, Germany, Malaysia, Australia, Indonesia, Vietnam, the Philippines, and the United States in criticizing China's position. On various occasions, the country has criticized the actions of The People's Republic of China, rejecting their claims and action regarding the freedoms of its neighboring countries. However, this is not the first time Japan has involved itself in these issues. In response to the actions taken by China, Japan has strengthened security relations with numerous Southeast Asian states that have also disagreed with the actions of China, and in October 2020, it conducted marine exercises in the South China Sea.

Vietnam

Vietnam as a country has been in dispute with China for the past 50 years, mainly for the major gas and oil natural reservoirs under Vietnam's territory. While China

believes in its "historic rights" to these resources through its nine-dash line, the United Nations Convention on the Law of the Sea grants resource rights in the water and under the seabed to Vietnam. Throughout 2019, Chinese sea vessels harassed the Vietnam region of Vanguard Bank as a major Vietnamese ocean drill began operating in the area. China then sent its own vessels in order to supervise the operation. Despite all these tense instances, the country has remained in a peaceful stance. It has been continuously committed to seriously implementing the declaration on the conduct of parties in the South China Sea and working towards a conclusion between members of the South Asian region and China. The country's Foreign Minister Phan Bin Minh has stated that "It is our consistent principled position to respect the sovereignty and territorial integrity of all states, and to settle international disputes and conflicts, including the East Sea [South China Sea] issue, by peaceful means, in accordance with international law, 1982 UN Convention on the Law of the Sea."

Timeline of Events

Date	Description of event	Effects:
March 14, 1988:	The navies of China and Vietnam have major conflicts after China seized reefs in the Spratlys. Around one hundred Vietnamese soldiers were killed.	This was the beginning of the present-day conflict, demonstrating how China was one of the main causes of conflict.

February 1992: China Passes a Law on the Territories in the Seas	China creates a law that goes against the boundaries justified by the United Nations Convention on the Law of the Sea (UNCLOS), which claims the whole South China Sea based on historical claims dating back to the Xia dynasty.	This was one of the beginning legal changes made by China, which infuriated its neighboring countries as they believed that China's claims were completely unfair.
1994: United Nations Convention on the Law of the Sea (UNCLOS) Defines Sea Boundaries Worldwide.	The United Nations Convention on the Law of the Sea (UNCLOS) begins making changes to its last law that defined boundaries and territories. It creates a legal framework for maritime control that includes definitions of controversial words and territorial seas, economically important zones, and coastal regions.	Many countries neighboring China agreed with this new framework and believed that China's actions were going against the newly adapted framework.
January 1998: China-U.S. Military Agreement	China and the United States sign the Military Maritime Consultative Pact, an agreement between the two nations. It allows both	This agreement allowed both countries to lean back on one another as a measure of protection and safety. However, this was proven deficient as in 2001, a US Navy

	<p>countries to rely on each other through their navy. China's People's Liberation Army Navy (PLAN) continued evolving while the US pushed toward security engagement with Beijing.</p>	<p>aircraft and a Chinese Interpreter collided, killing the Chinese pilot.</p>
<p>November 2002: ASEAN and the Chinese Code of Conduct</p>	<p>This agreement between the ASEAN member states and China aimed to reduce tensions and set principles for dispute resolution within the territories. It was signed by Phnom Penh by China and the 10 ASEAN governments. This was the first time China agreed to a multilateral solution (solution with many perspectives) to the issue.</p>	<p>It fell short as an act that would restrict Chinese actions, but it demonstrated China's realization the agreement would benefit them as a way of stopping the conflict.</p>
<p>June 18, 2008 China and Japan Sign a Joint Energy Accord</p>	<p>Japan and China sign the Joint Energy Development Agreement after years of disagreement over gas reserves in the East China Sea. Both nations agreed to work together in the creation of</p>	<p>To the international community, this demonstrated the acts of treason on China's part. It showed how they were not capable of keeping their word.</p>

surveys and energy investigations. However, the agreement is quickly stopped as China begins developing the Tianwaitian/Kashi field independently in 2009. This caused Japan to object and threaten to take China to the International Tribunal for the Law of the Sea for its acts of treason.

May 2009:
China Makes
"Nine-Dash
Line" Claim

In response to Malaysia and Vietnam's complaint to the Commission on the Limits of the Continental Shelf due to Chinese actions, China transmits the "nine-dash line" map and calls it the "official" representation of territories:

This decision caused major complaints by the East and South Asian countries as they believed the distribution of territory was unfair.



July 13, 2020:	China's claims that their	These Chinese claims allowed
The US	territories extend beyond	tensions to rise rapidly continuously
Claims the	twelve miles from their coasts,	until the present day, when conflicts
Chinese	including the waters of	are still developing quickly.
Declarations	Indonesia, Malaysia, and	
are	Vietnam, are rejected by the	
"Unlawful"	US Secretary of State Mike	
	Pompeo. China's foreign	
	ministry claims that its position	
	remains correct and accuses	
	the US of "starting problems."	

UN involvement, Relevant Resolutions, Treaties, and Events

Arbitral Tribunal ruling the South China Sea dispute

As previously stated, the Arbitral Tribunal demand made by the Philippines were stated that Chinese had no base on their behavior towards other countries that have access to the Sea. Under the laws of the 1982 Convention of the Sea made an enduring decision rejecting Chinese expansion towards other countries. Philippines demanded China not only because of their abusive invasions to other countries archipelagos but also demanded the territorial lines designed by China. In pro of finding a solution but biased upon own Chinese interest, China re-formed the territorial design map of the South China Sea. This case was known as the Chinese nine dash lines.



This was the rejected map made by the Chinese where China would get all the South China Sea and Brunei, Philippines, Vietnam and Taiwan's territory would change.

Past International Action

The issue presently is very rapidly changing as tensions continue rising and countries continue to search for solutions. However, this has proven to be very tough as there are several sides to the issue: economic, historical, etc. Several worldwide approaches have been taken, yet the situation remains deadlocked as each country wants to stay sovereign in their own decisions. However, one of the main solutions have been the conversations initiated by the Association of Southeast Asian Nations (ASEAN). The Declaration on the South China Sea signed in 1992 highlighted the importance of marine navigation, prevention of pollution, rescue coordination, pirate precaution, and

cooperation against illegal drug trafficking. In such an internationally diverse conflict, it is also important to have an international approach. Hence, international corporations/organizations and countries have rejected the acts of China to “maintain sovereignty,” and in 2016, the court in The Hague declared Chinese claims as having no legal basis and rejecting the “Nine-Dash Line”. China does not recognize the decision and has continued acting in the South China Sea.

Sustainable Development Goal (SDG)

The conflict in the South China Sea falls within the DSG category of “Peace, Justice, and Strong Institutions.” The issue deals with sovereignty as one of its main factors. Without sovereignty, there is no peace as there would be no defined structure for countries. By finding a solution to this issue, justice and sovereignty will be reclaimed for the rightful owners of the South China Sea and will bring a conclusion to a historical dispute that has been going on for hundreds of years.

Appendix

Useful Links For Research

I. Links:

- A. <https://www.cfr.org/global-conflict-tracker/conflict/territorial-disputes-south-china-sea>
 - 1. A article that describes with details of the issue and recent outbreaks.
- B. <https://youtu.be/8eqtl0ym1p8>
 - 1. A video that explains the South China Sea dispute (throughout the years).
- C. <https://www.iseas.edu.sg/articles-commentaries/iseas-perspective/2022-2>

[5-how-to-solve-the-south-china-sea-disputes-by-bill-hayton/](#)

1. Further explains some of the most feasible solutions for the issue and considers the cons of the solutions.

D. <https://www.aljazeera.com/news/2022/8/4/china-to-start-major-military-drills-around-taiwan>

1. The most recent conflict that could be debated.

II. Tips

- A. **Make sure to keep an eye on the news!** This issue is rapidly developing, and although it has been occurring for a long time, new conflicts/resolutions may appear. It is recommended that you constantly check news sources that are **reliable** (The Guardian, BBC, New York Times, etc) to gather any new information that may pop up.
- B. **Make sure that you are prepared!** This issue is very controversial and packed with information, it is important that delegates are knowledgeable about the topic at hand. Keep a **binder** or an **online folder** where you can store any type of information.
- C. As mentioned before, make sure that you always **cite** your **reliable sources!** PANAMUN does not tolerate plagiarism and it is important to give credit where it is due.

1.

Sources:

Blinken, Antony J. "Fifth Anniversary of the Arbitral Tribunal Ruling on the South China Sea - United States Department of State." *U.S. Department of State*, U.S. Department of State, 12 July 2021, <https://www.state.gov/fifth-anniversary-of-the-arbitral-tribunal-ruling-on-the-south-china-sea/>.

Cambridge Dictionary. "Ownership." *OWNERSHIP* | *Significado, Definición En El Cambridge English Dictionary*,
<https://dictionary.cambridge.org/es-LA/dictionary/english/territory>.

Cambridge Dictionary. "Territory." *TERRITORY* | *Significado, Definición En El Cambridge English Dictionary*,
<https://dictionary.cambridge.org/es-LA/dictionary/english/territory>.

Center for Preventive Action. "Territorial Disputes in the South China Sea | Global Conflict Tracker." Council on Foreign Relations, Council on Foreign Relations, 4 May 2022,
<https://www.cfr.org/global-conflict-tracker/conflict/territorial-disputes-south-china-sea>.

Cordesman, Anthony H., et al. "The Critical Role of Chinese Trade in the South China Sea." *China and the U.S.: Cooperation, Competition and/or Conflict An Experimental Assessment*, Center for Strategic and International Studies (CSIS), 2019, pp. 336–43. *JSTOR*,
<http://www.jstor.org/stable/resrep22586.30>. Accessed 8 Aug. 2022.

Collins Dictionary. "Shipping Lane Definición y Significado: Diccionario Inglés Collins." *Shipping Lane Definición y Significado | Diccionario Inglés Collins*, HarperCollins Publishers Ltd,
<https://www.collinsdictionary.com/es/diccionario/ingles/shipping-lane>.

Directorate, OECD Statistics. *OECD Glossary of Statistical Terms - Exclusive Economic Zone (EEZ) Definition*, 25 Sept. 2001,
<https://stats.oecd.org/glossary/detail.asp?ID=884>.

Directorate, OECD Statistics. "EXCLUSIVE ECONOMIC ZONE (EEZ)." OECD Glossary of Statistical Terms - Exclusive Economic Zone (EEZ) Definition, <https://stats.oecd.org/glossary/detail.asp?ID=884>.

Erbas, Yunus. "The Conflict in the South China Sea: A Focus on a Possible Solution." *Beyond the Horizon ISSG*, 11 Apr. 2022, <https://behorizon.org/the-conflict-in-the-south-china-sea-a-focus-on-a-possible-solution/>.

Grossman, Derek. "Why Vanguard Bank and Why Now? Explaining Chinese Behavior in the South China Sea." *RAND Corporation*, 19 Aug. 2019, <https://www.rand.org/blog/2019/08/why-vanguard-bank-and-why-now-explaining-chinese-behavior.html>.

LaFond, Eugene C.. "South China Sea". *Encyclopedia Britannica*, 16 Apr. 2020, <https://www.britannica.com/place/South-China-Sea>. Accessed 7 August 2022.

International Waters Governance. "South China Sea." *International Waters Governance*, 2022, <http://www.internationalwatersgovernance.com/south-china-sea.html>.

Mastro, Oriana Skylar, et al. *How China Is Bending the Rules in the South China Sea*, *The Interpreter*, 23 Aug. 2018, <https://www.lowyinstitute.org/the-interpreter/how-china-bending-rules-south-china-sea>.

POMPEO, MICHAEL R. "U.S. Position on Maritime Claims in the South China Sea - United States Department of State." *U.S. Department of State, U.S. Department of State*, 1 Dec. 2020,

<https://2017-2021.state.gov/u-s-position-on-maritime-claims-in-the-south-china-sea/index.html#:~:text=As%20Beijing%20has%20failed%20to,sovereignty%20claims%20over%20such%20islands.>

"Territorial Disputes in the South China Sea | Global Conflict Tracker." *Council on Foreign Relations*, Council on Foreign Relations, 4 May 2022, <https://www.cfr.org/global-conflict-tracker/conflict/territorial-disputes-south-china-sea>.

The Recent History of the South China Sea: A Timeline. 29 Nov. 2021, <https://www.crisisgroup.org/asia/south-east-asia/south-china-sea/recent-history-south-china-sea-timeline>.

"Timeline: China's Maritime Disputes." *Council on Foreign Relations*, Council on Foreign Relations, <https://www.cfr.org/timeline/chinas-maritime-disputes>.

Silver, Caleb. "The Top 25 Economies in the World." *Investopedia*, Investopedia, 5 July 2022, <https://www.investopedia.com/insights/worlds-top-economies/>.

"Understanding the South China Sea Dispute." *Exclusive Commentaries on China-US Relations - CHINA US Focus*, <https://www.chinausfocus.com/south-china-sea/>.