

**Forum:** United Nations Peacebuilding Committee (UNPBC)

**Issue # 1:** Measures to resolve international disputes over the South China Sea

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### Guiding Questions as you Read

- What has your nation done in relation to the international disputes?
- What different methods of conflict resolution would your nation implement in order to solve this dispute?
- Does your nation play a direct or secondary role on the issue?
- How would your nation react to the actions of the different countries disputing over the South China Sea?

## Introduction

### Key Terms

South China Sea  
Territory  
Sovereignty  
EEZ  
Military

Having power is something that many nations strive for. One way in which states can do this, is through the increase of economic power and influence on the world stage. This can be seen through the arising conflict over the **South China Sea**.

The South China Sea is located in between the shores of South China, Taiwan, Philippines, Brunei, Malaysia, and Vietnam, these countries being claimants of different areas within the sea. The South China Sea is rich in resources, given that it is responsible for carrying approximately one third of global shipping worldwide, contains 11 billion barrels of untapped oil, and 190 trillion cubic feet of natural gas. This shows how essential this area is for the economic and political wellbeing and development of countries of which it is territory of. Ever since the 1970's, countries in the periphery have been claiming **territory** and disputing over the **sovereignty** of several areas and islands within the South China Sea. In order to resolve this dispute, the United Nations assigned each of the countries an **Exclusive Economic Zone (EEZ)** under the UN Convention of the Law of the Sea (UNCLOS) in 1973. Despite these rulings, China continued attempting to take over 90% of the Sea, ignoring the claims and critics from other countries. This led conflicts to continue until its escalation around 2016, when China attempted to expand its Exclusive Economic Zone, in order to expand its territory and amount of land under its jurisdiction. This quickly resulted in conflict as the other countries sharing their part of the territory did not agree with China's attempts, and quickly fought back through both legal and **military** action.

**Comprehension Question(s):** Why is the South China Sea so important for some countries? How have some countries acted in relation to the issue?

## Definition of Key Terms

**South China Sea:** A region in the south of China. Forming part of the Pacific Ocean. The sea, islands and its reefs are claimed by multiple nations, including China, Vietnam, the

Philippines, Malaysia and Brunei. The effect of the claims is mirrored in the different names used for the islands and the sea.

**Sovereignty:** The right of a nation to have complete control over its specific area. No one should go into the land, water, or air of a sovereign government, unless previously agreed upon.

**Exclusive Economic Zone (EEZ):** As stated in the 1982 Law of the Sea, it denominated the region by which a sovereign state has special rights over, for instance, exploration and the use of resources.

**Spratly Islands:** The archipelago of islands within the South China Sea. The importance they represent relies on the fact that potential sources of natural gas and oil are found under the islands' seabed.

**Freedom of Navigation within EEZ:** A principle of international law customs that allows flying and navigating from a foreign state in a sovereign nation and therefore indicates that getting though or close to a sovereign state shall not suffer interference.

**Scarborough Shoal:** A spratly island that the Philipinos lost to China in 2012. China blocked fishermen from the island which subsequently lies roughly 220km away from the Filipino province of Zambales. The capital of the Philippines, Manila filed for international arbitration.

**UN Convention of the Law of the Sea (UNCLOS):** The international agreement signed in 1982 by which three institutions were set out, International Tribunal for the Law of the Sea, International Seabed Authority, and the Commission on the Limits of the Continental Shelf. It was also established to set coastal and maritime boundaries, regulate seabed exploration, and distribute the profit from the exploration itself.

## Current Situation



When Japan lost control over the south China sea in the 1940's, China used this momentum to draw with outdated English maps the 9-dash line resulting in the dispute where China isn't interested in respecting the EEZ. Even though there is no war interest from any

of the countries, somehow and slowly there's an environment as if one existed. For instance, China has built 7 artificial islands above reefs in the Spratly island region, since 2012, they have been doing so in a slow manner to prevent the magnification of conflicts. This grants the People's Republic of China more territory to claim from the EEZ. Countries like Cambodia and Thailand are lowering the guard given the economic importance China represents. As of April 2021, the Philippines is one of the most interested countries in resolving the dispute so all countries involved are equally favored. The United States agrees with the Philippines, involving itself in the dispute disregarding how geographically distant it is from the controversial area.

### **Commerce and Economy**

The South China Sea is responsible for nearly 30% of the world's maritime shipping and \$3 trillion USD of trade a year. Furthermore, in the 1970's it was discovered that the sea holds an estimate of 190 trillion cubic feet of natural gas and 11 billion barrels of oil in proved and probable reserves. The different compromises and alliances have led to a situation where it's unfavorable to claim and find a solution where all countries can agree on. Moreover, it's stated that more than half of the fishing vessels of the world are in the South China Sea. 64% of the maritime trade in China goes through the sea and even 42% of Japan's maritime trade relies on it. In the past few years the issue in question has escalated, seen as China prohibited flying objects above the South China Sea without previous agreement. In July 2020, the United States, even so, flew two military airplanes and China accused the nation of aggravating the tensions.

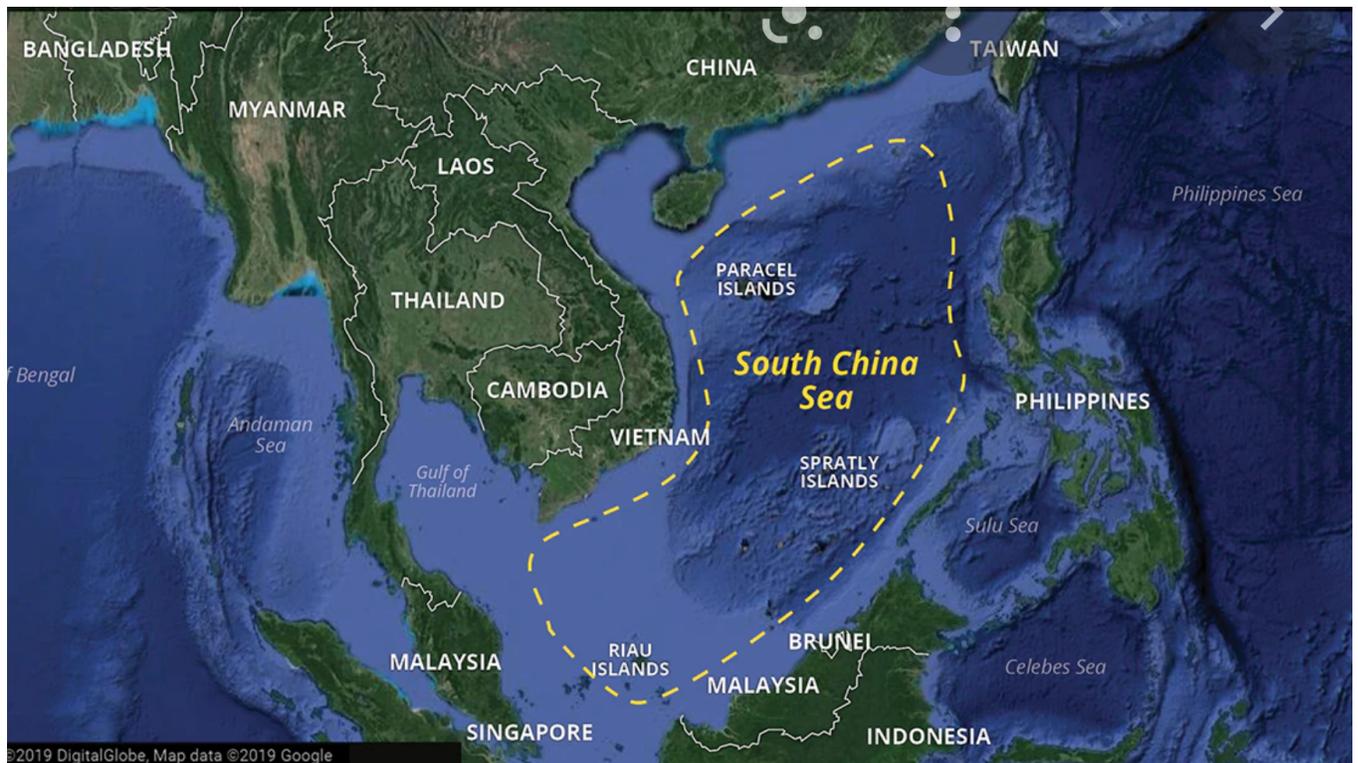
### **9-Dash Line**

To tighten the situation even more in the 1940s a division was set from the Chinese Nationalist Party so that China sovereigned roughly 90% of the sea. The nine-dash line was originally an 11-dash line, introduced in 1917. China subsequently fails to comply with the Law of the Sea agreement, which aids in diminishing the controversy within the parties involved. By submitting to UNCLOS Brunei, Malaysia, the Philippines, Taiwan, Vietnam, China, and the United States would remain equal in terms of profits and territory governance.

### ***Spratly and Artificial Islands***

The UNCLOS was in fact supposed to alleviate the tensions giving each nation its respective 200 nautical miles zone, and the resting territory named as international waters. The Spratly Islands have served as a medium for the gain of more territory given that different countries have now claimed a diverse set of them in order to apply the EEZ international agreement. Seeing as the other countries want the corresponding portion of the sea, China has been building military bases in artificial islands in order to control the ships and militarize the area. The islands are also China's way to blockade different islands from the neighboring countries using the Cabbage Strategy. The Cabbage Strategy develops as wrapping layers of Chinese fishing, military or shipping boats, including the artificial islands. These block the entry or exit of another country's navies.

**Comprehension Question(s):** How does the 9-dash line interfere with the UNCLOS? How do the artificial islands and navy ships slow the process of ending the dispute over the Sea?



## Major Parties Involved and Their Views

### China

China is one of the biggest actors in this issue, given that they have clearly stated what they wish for in relation to the South China Sea. China has been heavily involved in the militarization of several areas of the South China Sea, including the Spratly Islands. China claims control over an area that they define as the “Nine Dash Line,” an area that includes over 90% of the sea. China supports its arguments, stating the historical significance of the South China Sea, including the fact that the Paracel and Spratly islands have been a historic part of China since 1947, thus it should all be part of Chinese territory. In order to enforce this claim, China started building military bases on the islands, which demonstrated how China could be willing to defend its claims using force and violence. China has been building man-made islands, essentially naval bases, within the sea, and slowly stationing ships around different regions of the Spratly Islands, as a way to take control of them and prevent other countries from gaining access to their own territory.

Above this, they have been threatening the installment of an Air-identification zone since 2015, this of which would mean that all aircraft that passes above the South China Sea would need permission from China in order to pass.

Besides these actions, China publicly states that their actions aren't militaristic in nature, and that it continues to promote peace between countries, however its actions have caused tensions to escalate between countries in the area.

### Philippines

There have been major accusations on behalf of the Philippines over China taking over their territory. The Philippines charged China in July 2016, by taking the issue to the International Court at The Hague. The court ruled in favor of the Philippines, and stated that the territory was rightfully theirs. Despite this, China dismissed the ruling, and insisted on taking control over what they believe is rightfully theirs.

The Philippines' main argument is in relation to the geographical proximity to the Spratly

Islands, this of which leads them to believe that the land is rightfully theirs.

The Philippines is also in heavy disagreement with China, stating that the continued supervision and swarming by the boats and aircrafts that are being sent on behalf of China is a complete disregard of their sovereignty and of China's claims of being peaceful and preventing military action

### **Vietnam**

Vietnam has also taken part in the verbal accusations and disagreements that many countries are stating against China. Vietnam publicly disputes China's historical claims, by saying that both the Spratly and Paracels islands have actively been part of Vietnamese territory since the 17th century, way before China's accounts of having control over said islands, and that they have the documents necessary to prove it

In order to further enforce their claims, Vietnam has been building up their maritime militia and naval presence among some of the more sought after islands such as Hanoi, as a way to retaliate against China and threaten its law enforcement and security.

### **Brunei**

Brunei has claims to different regions within its EEZ, such as Louisa Reef, Owen Shoal and Rifleman Bank, these of which were declared in 1984. Despite this, it has not asserted sovereignty nor utilized military action in order to defend these lands, and has rather stayed silent on the issue for a few years. There have only been recent statements and claims in which the country states that the issue should be resolved quickly and peacefully. Brunei's declining economy has not responded well to the removal of power and territory.

### **Malaysia**

Malaysia has claimed territory over a small number of islands in the Spratlys. Malaysia has also had an increase in direct conflict with China. This is mostly due to China's naval interference with Malaysian resources and supply ships on Malaysia's coast. Despite Malaysia only claiming a small portion of territory, its tensions with China have also been increasing over the past few years.

## India

India, despite not being a littoral state of the South China Sea, has had an important presence in the dispute. India has been an important actor who has implemented the use of military power by using their navy in several places in the South China Sea. India has also been keeping a close connection with US warships as a way to combat some of China's advances in taking over the sea.

## United States

The United States has no territorial claims over the sea, however it has a massive navy and military force, which it uses to defend international waters. The US believes that it has a right to perform military or navigation activities around the sea. This is demonstrated through its actions, when they sent military ships and planes near the islands as a freedom of navigation. China responded to this by sending out warships and patrol boats as warnings. This shows how the United States doesn't agree with China's actions, and believes that it is their right to navigate around the islands as a way to ensure access to shipping and air routes.

The United States is in a difficult position in relation to this conflict. They are trying to remain neutral, due to the fact that they do not want to instigate conflict with China, but are also urging China to work together with the other countries they are arguing with, in order to de-escalate the violence between their allies.

## Australia

Australia also doesn't have any geographical territories in the South China Sea. It does however have interests, both economically in terms of freedom of trade and navigation, and also political interest. Australia has conducted its own surveillance operations in the South China Sea since 1980. While also having close ties with the United States, Australia has been making an effort to make its presence more visible in the South China Sea beyond just showing diplomatic support for the claims made by the United States.

## The Association of Southeast Asian Nations

The Association of Southeast Asian Nations (ASEAN) is a regional organization and grouping that promotes economic and political cooperation within Southeast Asian states. It has been a major organization that has attempted to resolve the international disputes over the South China Sea. The ASEAN grouping is in the process of creating a code of conduct in order to manage the tensions between claimants of the South China Sea and ideally eliminate the conflict



## UN Involvement

The United Nations is committed to creating a peaceful agreement between the countries involved. A series of organizations have been created towards aiding in the arbitration, mediation, and examination of world territorial disputes. Evident within the South China Sea, territorial disputes especially with the Philippines and China in the International Court of Justice. As the UN isn't to favor nations, the UNCLOS is the prominent interference method with the South China Sea dispute. The UN Convention of the Law of the Sea has been renewed each year since 1995 with great support from the General Assembly alongside resolutions to address maritime matters. Moreover, the UN can play the role of international arbiter on maritime zone navigational rights and

sovereignty's disagreements.

The International Tribunal for the Law of the Sea, supports maritime boundaries between several states through bilateral agreements. The existing UNGA (United Nations General Assembly) Resolution 72/249, starts the development of an international mechanism on conservation, ethical use of marine biological areas on national jurisdiction to improve the preservation of these areas. Through this resolution, legal territorial frameworks have a chance to flourish as well. Additionally, in the specific case of the South China Sea there are significant issues in getting any resolution passed within the Security Council due to China's power and membership in the security council.

## Timeline of Events

Date	Description of event	Effects:
1947	The Republic of China publishes the first map containing the "Nine-Dash Line"	China claimed almost the entirety of the South China Sea, including those adjacent to neighboring countries, such as Malaysia, the Philippines and Vietnam.
December 10, 1982	United Nations Conference on the Law of the Sea (UNCLOS) is established	This resulted in a resolution that defined states rights and responsibilities in relation to maritime activity based on their Exclusive Economic Zone
March 14, 1988	China sinks 3 Vietnamese ships	This established the first instance of military conflict in the sea after a relative period of peace. This clash between China and Vietnam occurred in the Spratly Archipelago, killing 74 sailors

May, 2009	Malaysia and Vietnam submit claims to the UN Commission on the Limits of the Continental Shelf	<p>In this joint submission, Vietnam and Malaysia requested to extend their continental shelves beyond the EEZ restrictions, this of which was negatively seen as a challenge to China's sovereignty and territory. From this we can see how tensions increased between states.</p>
June 2012	Vietnam passes maritime law	<p>Vietnam passes a maritime law asserting its jurisdiction over the disputed Spratly and Paracel islands. This action taken by Vietnam increased its presence in the issue</p>
November 23, 2013	China Declares Air Defense Identification Zone	<p>As mentioned before, the Air-Identification zone requires that all non-commercial air traffic has to be approved by China before being allowed to pass. This of which, shows how China was increasing in both military and political action to protect their zones</p>
October 26, 2015	U.S ship sails near China's territory	<p>A U.S Navy warship sailed near one of China's man made islands as a way to assert freedom of navigation in the disputed waters. China saw this as an attack and a provocation both</p>

politically and militarily. This sparked an increase in tension between both states

July 26, 2016 Ruling by the Permanent Court of Arbitration Tribunal in the Hague

The Philippines opened a case in the year 2013 against China, stating that their implementation of the nine-dash line and other territorial claims they have made have no legal basis. The case also includes the fact that China was frequently violated and abused their obligations as a member state of UNCLOS. This case was ruled in favor of the Philippines on July 12, 2016, showing how many of China's actions were illegitimate.

February 2020 Tensions in the South China Sea rise as the pandemic starts

As the pandemic starts taking over, China begins to assert its dominance over the South China Sea more aggressively and violently. As China started implementing more military action, tensions between countries started to rise

## Past International Action

### United Nations Conference on the Law of the Sea

As stated before the UNCLOS was established on the 10th of December of 1982 as an attempt to establish peace by outlining the different ways in which conflict resolution is to be managed and stating the extent to which nations worldwide can engage with their maritime borders. By establishing the EEZ, nations were expecting a fair and definite approach to the conflict. This convention however does not outline the specific questions of sovereignty in relation to the issue.

### ASEAN Code of Conduct

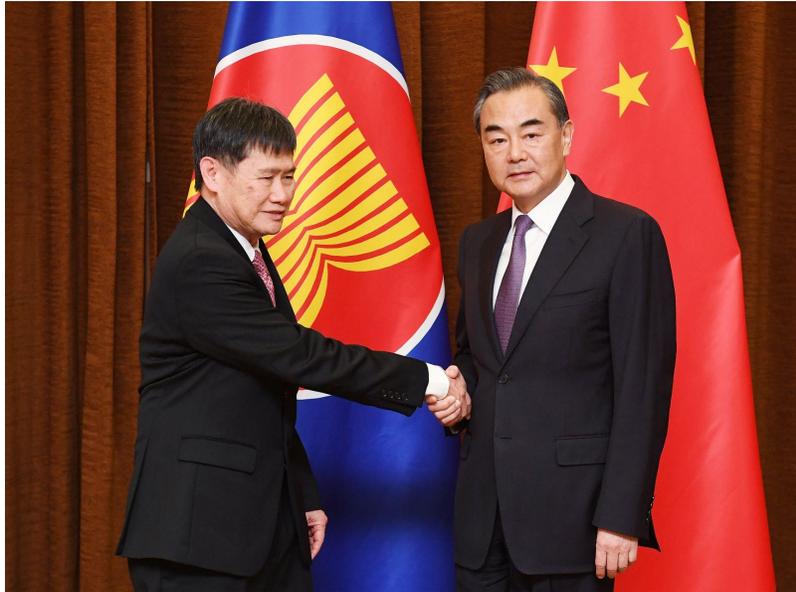
One of the main attempts to solve this issue is the code of conduct established by the Association of Southeast Asian Nations. This was an initiative that seeks to ease tensions between nations and create guidelines for how nations should act and solve conflicts. The effect this had on the issue is that it set an international standard that countries are expected to follow, which also provides a legal basis to support claims made by other nations or organizations when an offense to the code is perceived

## Possible Solutions

The South China Sea dispute englobes large amounts of possible solutions regarding the different aspects it touches on, such as the economy, environment and even the relations of nations. With this, it is indeed required to invite ASEAN members and China to a dispute while engaging in friendly negotiation. Encouraging the usage of the regional bilateral process of peaceful agreement in regards to procedures provided by the UN Charter comes in as another concept.

In the same line of thought shine light to the globally understood international law, as the 1982 UN Convention on the Law of the Sea. Adding on, joint administration of resources, revisiting the 6 point statement of 2012 and maritime boundaries, creating and executing a regional code of conduct, and demanding the signatories to uphold international law, while practicing self-restraint are some of the ideas provided to

discuss. An agreement that will equally benefit ASEAN nations as well as China requires attention and discussion.



## Sustainable Development Goal (SDG)

This issue connects to the Sustainable Development Goal of Peace, Justice and Strong Institutions. Through the solving of this issue, we will be promoting peace and harmony for many strong international powers worldwide, this of which not only will alleviate tensions, but will also eliminate threats of violence between countries. This affects not only the regional area in which the issue is taking place, but also the entire international community. This also relates to the Sustainable Development Goal, as we will be transforming society to be more inclusive, and promoting justice for all the countries involved, in a way that is fair for all. The achievement of justice can also be seen through the use of strong institutions. By holding nations, governments, and institutions accountable, we are increasing the likelihood of effective conflict resolution in order to decrease the inequalities between countries surrounding the South China Sea

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ding-its-maritime-militia-magazine.

## Useful Links for Research

I. Country profile:

<https://www.cia.gov/library/publications/the-world-factbook/>

- A. It has a wide range of information from all different countries regarding its general facts. Any MUN delegate recurs to it in order to learn the general aspects of the country.

II. Context Video:

[https://www.youtube.com/watch?v=f00V9MQBhg8&list=PLMzzU-LV8QVrizJeWF86lyr\\_ogUKEglck&index=1](https://www.youtube.com/watch?v=f00V9MQBhg8&list=PLMzzU-LV8QVrizJeWF86lyr_ogUKEglck&index=1)

- A. This video will definitely help to have a general understanding of what's happening in the South China Sea, as well as what sides and directions the dispute has that can be later translated into the debate. Although it may seem relatively long, it will make the research have context and meaning.

III. Article on Artificial Islands:

<https://www.vox.com/2015/3/13/8203713/south-china-sea-explained>

- A. The article further explains the ideas China has in order not to generate war whilst slowly gaining power over it. At the same time, it's going to help understand China's strategies and why they are working through these.

IV. Freund, Eleanor. "Freedom of Navigation in the South China Sea: A Practical Guide." Belfer Center for Science and International Affairs,

<https://www.belfercenter.org/publication/freedom-navigation-south-china-sea-practical-guide#:~:text=Freedom%20of%20Navigation%20Operations%20are,claim%20that%20is%20being%20protested>

- A. In order to be completely prepared for debate, it is recommended to anticipate some of the directions it might take. Taking into consideration

that probability, we highly encourage you to read this article to improve the understanding of the EEZ lines and different viewpoints.

- V. "South China Sea Dispute: China's Pursuit of Resources 'Unlawful', Says US." BBC News, 14 July 2020, [bbc.com/news/world-us-canada-53397673](https://www.bbc.com/news/world-us-canada-53397673).

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- A. Another aspect the committee's debate could take into account is the economical toll it takes on the ASEAN countries and China in the South China Sea. This article will provide facts in terms of numbers about what the South China Sea has to offer and why it is the center of an international dispute.