

Forum: Security Council

Issue #SC-01 Conflict in the South China Sea

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Introduction

The South China Sea conflict, also known as the territorial dispute in the South China Sea, has become more vital over the last decade. The countries that border the South China Sea; Philippines, Vietnam, China, Brunei, Taiwan, and Malaysia, find themselves in a constant discourse over the ownership and claim of the sea. In recent years, China has progressed into the sea, sweeping a claim over sovereignty of the sea, also claiming ownership of the (estimated) 11 billion barrels of untapped oil, as well as the 190-cubic feet of natural gas found in the sea. China has progressed into the sea by creating islands and expanding territory onto the sea, as well as piling sand on reefs, and installing military ports and airstrips.



Under international law, China maintains rules that foreign militaries cannot conduct intelligence-gathering projects, some being reconnaissance flights in China's exclusive economic zone (EEZ). According to the United States, countries who claim this right under the United Nations Convention of the Law of the Sea (UNCLOS) should have the right to freedom of navigation through the EEZ, without the necessity of claim over military activity. Under UNCLOS, the Philippines issued a claim against China. The court ruled in favor of the

Philippines, which then led to a tribunal on the treaty, as China is a signatory, China refused to acknowledge the court's authority.

China's expansion over the South China Sea, as well as its claimed ownership over it, threatens bordering nations and those who coast the sea. As China progresses into expanding into a maritime power, Vietnam denies this occupation, as the South China Sea will provide a buffer zone for the Vietnamese territory.

Definition of Key Terms

South China Sea

The South China Sea is a marginal sea of China, encompassing an area between Singapore and Taiwan. Part of the Pacific Ocean, it is classified as the largest sea body after the five oceans.

Territorial Sea/Waters

The area that extends a maximum of 12 nautical miles from the baseline of a country's coastal state.

Maritime rights

Often known as maritime law or admiralty law, cover marine operations including shipping, navigation, seafarers, piers and docks, wharves, canals, leisure activities and ships, towage, maritime lines, and even piracy.

ASEAN

Established on August 8th, 1967 in Thailand, the Association of Southeast Asian Nations works to promote cultural and economic exchange among all member countries; Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam.

Contiguous Sea

The contiguous zone is a body of water that extends up to 24 nautical miles (44.4 km; 27.6 mi) from the baseline from the territorial sea's margin.

Reconnaissance flights

Military aircraft designed with the purpose of collecting imagery intelligence, signals intelligence, and measurements and signature intelligence.

United Nations Law of the Sea Convention (UNCLOS)

Adopted in 1982, the United Nations Law of the Sea Convention presents a comprehensive regime of laws to establish order in the oceans and seas of the world. It established laws governing the ocean and the usage of all its resources.

Exclusive Economic Zone (EEZ)

The term Exclusive Economic Zone was first introduced in the UNCLOS (1982). The term represents an area of the ocean beyond a country's territorial sea (normally around 200 miles beyond), within which the coastal nation has rights over the resources and life of the ocean.

Freedom of Navigation Operations (FONOPs)

Freedom of Navigation Operations (FONOPs) consist of operational claims by the U.S. naval and air force designed to protect internationally recognized rights and freedom of navigation.

Blue Economy

According to the World Bank, blue economy is a term used to describe the “sustainable use of ocean resources for economic growth, improved livelihoods, and jobs while preserving the health of the ecosystem.”

“Cabbage” tactic

A strategy utilized to overwhelm and seize an island, with the process of surrounding it with multiple layers of (Chinese) naval ships, fishing boats, and coast guard ships to isolate an island from external support.

Issue Overview

In the South China Sea, American and Chinese aggressive military activity is taking place. Due to the construction of military outposts in man-made islands around the region, China has violated maritime law. These actions on China's behalf go against the UN's maritime rules; or establishments by the UNCLOS, which state that an exclusive economic zone (EEZ) can exclusively be claimed by nations 200 miles from its coastline. Once outside that zone, it is labeled as international waters. The Chinese government officials have opted to disregard maritime international laws, as seen when building military facilities in the South

China Sea. The South China Sea's immense economic and geopolitical advantages have led to China taking advantage of the zone, attempting to claim ownership over the sea to the limit of UN laws. China's economic, technological, and military advancements have made it easier for the country to exploit the South China Sea, compared to other countries with claiming rights over it. Nations, one being the United States, are determined to support their Asian allies with claiming rights over the South China Sea. This has led to international relations becoming disruptive due to a rise in undiplomatic behavior. The United States proceeds to build a sizable military presence in the South China Sea, with the goal of opposing China's fast regional expansion and military dominion. Based on the amount of rich natural resources in the South China Sea, the involvement of the United States has developed a direct conflict between the world's largest economies. If China is to gain control over the sea, it will heavily increase its power and economic development as well as its international trade power. The prevention of this has become the United States' main goal, and the nation proceeds to divide the claimant areas the other bordering countries have in order to deny China's exploitation through expansion.



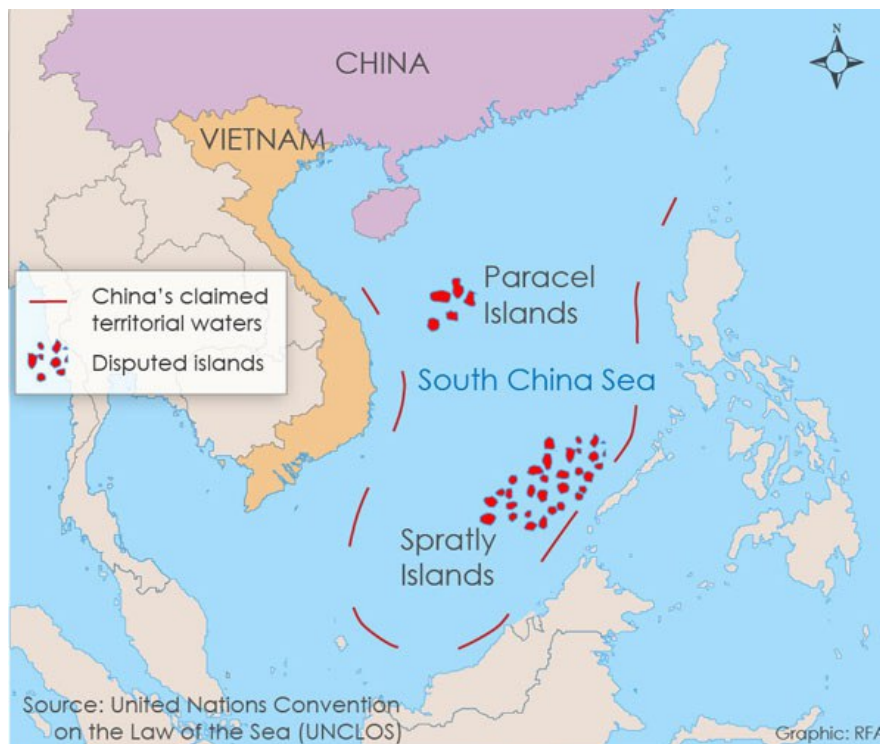
Military and economic importance

The value of the region's natural resources, overall economic activity, and military importance contribute to the relevance of the South China Sea issue. The natural resources found in the South China Sea have been estimated to consist of 11 billion barrels of oil, and 190 trillion cubic feet of natural gas. The sea also makes up 10% of the world's fisheries, making it a crucial and main source of food for hundreds of millions of people. 30% of all shipping in the world passes through the waterways. Numerous nations are prioritizing and

making efforts to claim the largest portion of the sea, due to the many characteristics and beneficial resources it can supply.

Historical Background

The South China Sea conflict can be dated back to 1279, when China constructed a map of its power that encompassed the whole region. Since then, colonial nations, later regional powers, have fought for control in the area. Others argue that the 1951 San Francisco Treaty, which came after Japan's surrender in WWII, is also an event that can take responsibility for the beginning of this conflict, as Japan ceded the ownership of its islands in the South China Sea in accordance with other terms of surrender, resulting in a lack of power in the area. No country has been explicitly recognized as sovereign over these waters. China (Kuomintang Government), by proposing in 1947 the "nine-dot line" covering almost the entirety of the South China Sea, reinforced their supremacy. In 1982, the United Nations, with the establishment of the term EEZ, China proceeded to repent the "nine-dash line" as a sign of refusal to clarify its boundaries while rejecting the claims over the sea from other claimants.



Latest Events

In late 2022, and recently in 2023, bordering countries have created strategies and moved forward into denying China power over the sea, as well as creating alliances and reinforcing

ASEAN. In December of 2022, the Philippines ordered greater military presence and resistance as China had activity in one of the islands, followed by Philippine president Ferdinand Marcos going to China to speak to Xi Jinping, in January. Soon after, on January 5th, China and the Philippines agreed to handle the conflict peacefully, as revealed later in January, the conflict in the South China Sea was harming trade for the Philippines. In February 2023, ASEAN came to council as Indonesia commenced to plan more intense and direct talks with China and other bordering countries in order to resolve the dispute, and finalize the development of a code of conduct (COC) in order to maintain order in the South China Sea. Negotiations for the code of conduct continued in late February, and consisted of ASEAN and China intensifying the negotiations over the South China Sea. Following this, the Philippines and Australia discussed joint South China Sea patrols, after South East Asian countries discussed with the United States a similar strategy, to ensure the control over China's assertiveness over the waterways.

Major Parties Involved

China

China is primarily involved in the South China Sea conflict, as the nation has concluded that after a long history with the sea, they have power over it. China ruled the South China Sea before the Exclusive Economic Zone (EEZ) was established. The nation claims that since they "own" 90% of this body of water due to the EEZ, this provides them the right to manage the zone. China is employing passive-aggressive and undiplomatic tactics in the islands in the South China Sea. China has been expanding its hegemony over the countries that share the South China Sea, one being Vietnam. China has been using the "cabbage" tactic, and intimidating Vietnam by creating man-made islands with military outposts outfitted with bases in deeper waters.

United States

The main reason why the United States is heavily involved in this issue affecting South East Asia, is due to the U.S.'s alliances, specifically by wanting to defend their allies from China. Despite their beliefs that a conflict will inevitably arise, the nation has frequently stated that they wish to prevent and avoid it. In a speech in March of 2016, White House Chief Strategist Steve Bannon stated, "We're going to war in the South China Sea in 5 to 10 years, aren't we?". This means that the United States, as a strong ally of many of the countries coastlining the South China Sea, only wants to prevent China from taking power, and weakening their allies.

Vietnam

An important nation in this conflict is Vietnam. Vietnam must strive to continue having full control over the waters, as the conflict with China is undeniably affecting the nation. Vietnam has power over various Spratly Islands and wants to ensure they keep what is legitimately theirs under the UN-EEZ treaty. Vietnam is a supporter of the US's military action of moving troops in retaliation for China's passive-aggressive strategies. Vietnam is one of the greatest competitors for power over the South China Sea, and despite their beliefs in following international law and solving the conflict over international discussions and treaties, Vietnam is preparing its government in case of a conflict or "invasion" occurs.

Philippines

This nation's point of view, compared to Vietnam's, is incredibly similar. They both believe applying international law is a good step forward in solving the issue, as they are both heavily impacted by China's supremacy over the sea. The Philippines' main goal is for Beijing to stop attempting to impose its will across the region, and to accept establishments made by the UN, or in UN meetings. The Philippines is enraged by Beijing's continuous disregard of their warnings and attempts to resolve the issue. Along with others, the nation has made multiple claims over its islands and share of the South China Sea.

Brunei

In 1984, after gaining its independence, Brunei released maps that declared a 200-nautical mile EEZ that overran China's 9-dash line. Brunei's government claims this EEZ zone, as well as much of the area of the Spratly Islands.

UNCLOS

The agreement that is in control of the EEZ was established in 1982, and is known as the United Nations Convention of the Law of the Sea (UNCLOS). UNCLOS is a crucial aspect of this issue as it provides a forum for discussions of maritime rights, and issues amongst its 115 members.

ASEAN

The Association of the Southeast Asian Nations (ASEAN) is the main forum for this conflict, as it unites the South Asian countries and serves as the main medium for dispute. ASEAN is trying to convince China to cease claims over the 9-dash line as the maritime border, and to proceed to accept regulations by the EEZ. Every country directly affected by this conflict is a member of ASEAN.

Timeline of Events

Date	Description of Event
April 17th, 1895	Sino-Japanese War ends.
September 3rd, 1937	Japan invades South China Sea Islands.
June 21st, 1945	Senkaku/Diaoyu Islands come under U.S control.
1947	China marks South China Sea claims.
September 8th, 1951	Treaty of San Francisco.
October 1st, 1960	U.S. - Japan Security Treaty.
1969	UN report finds high probability of oil in East China Sea.
June 17th, 1971	Okinawa Reversion Treaty.
September 28th, 1972	Japan and China normalize relations.
January 19th, 1974	China claims Paracel Islands.
March 11th, 1976	Philippines discovers oil field.
February-March 1979	Sino-Vietnamese War.
December 10th, 1982	The United Nations Convention on the Law of the Sea (UNCLOS) is established.
March 14th, 1988	China sinks 3 Vietnamese ships.
February 1992	China passes laws on the Territorial Sea.
January 1996	Mischief Reef Incident
January 1998	China - U.S military agreement.
November 2002	ASEAN and China code of conduct.
June 18th, 2008	China and Japan signed a joint energy accord.
May 2009	Malaysia and Vietnam submit UN claims against China's South China Sea actions.
July 2010	China becomes the world's biggest energy consumer.
July 23rd, 2010	The United States affirms interest in the South China Sea.

September 7th, 2010	Chinese boat crashes with Japanese coast guard.
June 1st, 2011	Philippines summons Chinese envoy.
October 2011	Philippines renamed South China Sea.
November 17th, 2011	U.S. President Obama cites U.S. strategic rebalancing to Asia-Pacific.
2012	Northeast Asia leadership transition.
April 8th, 2012	Scarborough Shoal incident.
June 2012	Vietnam passes maritime law.
July 13th, 2012	ASEAN fails to issue communique, resulting in a deadlock.
September 10th, 2012	Japan buys Senkaku/Diaoyu Islands.
September 12th, 2012	China claims territorial sea baselines.
September 25th, 2012	China launches first aircraft carrier.
2013	Japan increases defense budget, by presenting a \$51.7 billion defense package.
January 22nd, 2013	Philippines files UN arbitration over South China Sea.
May 2013	Japan offers military aid for the first time since the end of WWII.
November 23rd, 2013	China declares an air defense identification zone.
April 28th, 2014	The U.S. and Philippines sign a new defense pact.
May 4th, 2014	Vietnamese and Chinese ships collide after China moves an oil rig.
November 10th, 2014	Xi and Abe discuss maritime disputes.
October 26th, 2015	U.S. warship patrols near Chinese built islands.
February 14th, 2016	China deploys missiles to paracels.
July 12th, 2016	Tribunal laws against China's South China Sea claims.
November 20th, 2016	Duterte (Philippines) bans fishing in Shoal waters.

December 15th, 2016	China seizes U.S underwater drone.
January 6th, 2018	Collision caused a toxic oil spill in the East China Sea.
May 18th, 2018	Chinese bombers land on islands.
June 8th, 2018	China and Japan launch hotlines to avoid accidents.
September 30th, 2018	U.S and Chinese warships nearly collide.
April 5th, 2019	The Philippines president becomes alarmed by Chinese ships.
July 3rd, 2019	Chinese ships spend months in the Vietnamese EEZ.
February 2020	Tensions rise in the South China Sea amid pandemic.

Relevant UN Treaties and Events

In order to avert any kind of armed conflict, the United Nations has undertaken multiple initiatives to attempt to resolve the South China Sea conflict. One being how the UN UNCLOS has played a crucial role in maintaining world peace. Unratified UNCLOS members that make up UNCLOS include Indonesia, Brunei, Myanmar, Malaysia, Laos, The Philippines, Vietnam, Singapore, Thailand, and China. The treaty established to maintain order took 9 years to draft, and was then finally approved by most members in 1982, including the United States. The convention's main goal was to find a common ground between the disputing nations. In part IX of Article 123, it is stated how countries bordering an 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 (*UN Development and Transfer of Marine Technology*).

China violating the legal rights of multiple countries with the use of military force has undermined UNCLOS in multiple parts of the world, not just the South China Sea, unless and until it continues to be permitted. It can be considered that as a result of this undiplomatic behavior, global order is deteriorating.

Past Action

Through bilateral and multilateral agreements, there have been various attempts over decades to lower tensions and resolve the conflict in the South China Sea. The Philippines took their dispute with China to one of UNCLOS's dispute settlement mechanisms, the Permanent Court of Arbitration. Less powerful states involved in this conflict have the availability of turning to UNCLOS for dispute settlements, resolving conflicts and balancing distribution of power. The issue of the South China Sea has been presented in the 69th session of the General Assembly by Pham Binh Minh, the Deputy Prime Minister of Vietnam, stating *"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."* (69th Session of the General Assembly, September 2014).

Possible Solutions

The main goal of this conflict is to avoid a greater international threat, and prevent the beginning of a war. Countries should proceed into the containment of China in the South China Sea by having ASEAN establish a full allied relationship with the United States, where the US could provide further military support and create a relationship with the entire alliance, rather than only a few of the nations. Military action and UN consequences should be taken with greater consequences, and the UN should enforce that China does not use their P5 position as a way to oppress and encourage greater conflicts.

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Appendix or Appendices

General assembly debates over the South China Sea:

<https://www.un.org/en/ga/69/meetings/gadebate/27sep/vietnam.shtml>