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Forum: Security Council

Issue: The South China Sea Dispute

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Introduction

The South China Sea is a marginal sea located in the Pacific Ocean which connects Asia with Europe and Africa. Beneath the surface of the South China Sea lay valuable natural resources such as oil and gas reserves. The South China Sea is also home to various shipping routes, resulting in it being an asset to countries involved in maritime trade. Due to the importance of the region, nations have attempted to claim islands located in the sea with the aim of strengthening their control over the territory. This has amounted to decade long debates regarding the authority certain nations possess in the South China Sea.

The dispute territories in the South China Sea mostly concern nations which actively utilize the sea either for trade or natural resources. These nations are namely the People's Republic of China (PRC), the Republic of China (ROC), Vietnam, Indonesia, Brunei, the Philippines, Malaysia, Japan and the United States of America.



Map displaying the South China Sea

Definition of Key Terms

Maritime Law

Maritime law is an array of international rules governing the use of oceans and seas. Agreements in the past have established a set of rules, for nations to follow concerning the utilization

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of maritime territory. One of these agreements is the United Nations Conference on the Law of the Sea (UNCLOS) which is a crucial factor in the South China Sea dispute.

Exclusive Economic Zone (EEZ)

After the Third United Nations Conference on the Law of the Sea a concept named the exclusive economic zone was developed. According to UNCLOS, every coastal nation has the right to claim 200 nautical miles (370 kilometers) as its exclusive economic zone in which the country would have full rights to exploit and explore maritime resources.

Nine-Dash Line

Nine-dash line is the name given to the claim brought forth by the Chinese government in which the territory they declare is highlighted by nine dash lines.

Spratly Islands

The Spratly Islands are a highly disputed group of islands, cays and reefs located in the South China Sea. Multiple nations currently claim these islands and the Chinese government is known to have been developing what appear to be military structures near the islands.

Paracel Islands

In 1974 Vietnam and China fought against each other in the Battle of the Paracel Islands. After the engagement China was victorious and to this day the entirety of the Paracel islands is controlled by PR China. Due to the fact that the Paracel Islands are located in the EEZ of Vietnam, China having control of these islands is directly against the UNCLOS.

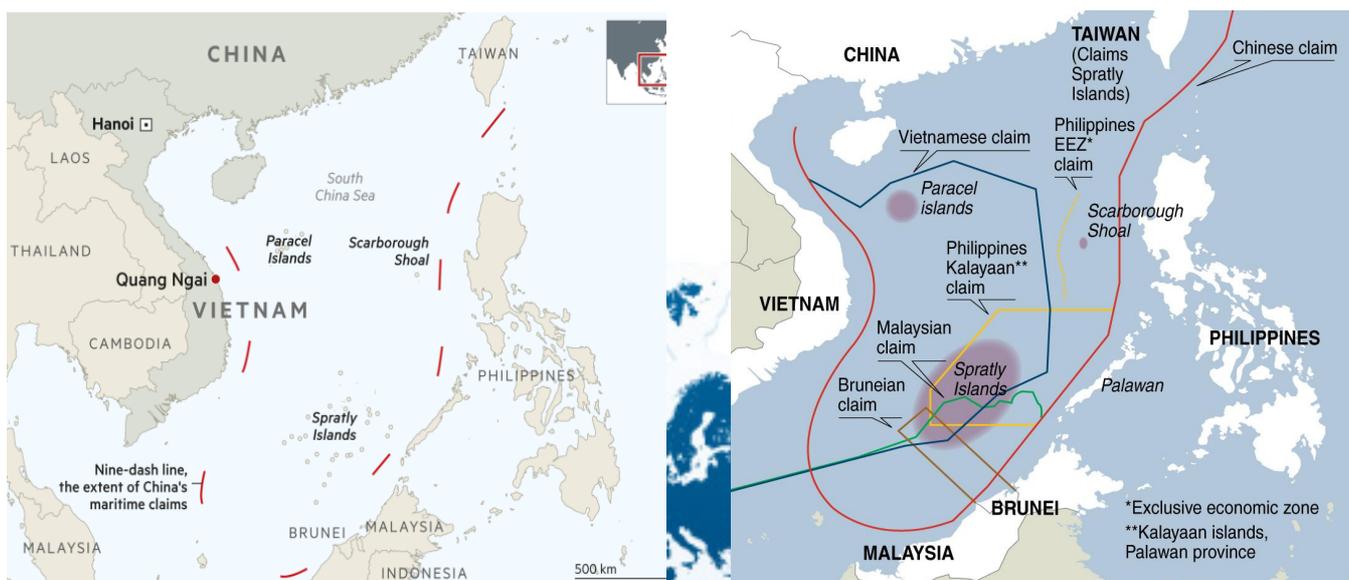
General Overview

The dispute over territorial claims in the South China Sea has been a pressing matter for decades but has in recent years spurred up major controversy due to growing tensions between China and the United States of America. The unwillingness to make concessions regarding territory in the South China Sea is because of many reasons, the main one being maritime trade. One-third of all maritime shipping around the globe passes through the South China Sea. If one nation is in control of the sea this means that the nation has control over one-third of all maritime trade. Not only is this highly sought after but it is also the main reason why countries are reluctant to withdraw their claims. Other reasons include the South China Sea possessing highly profitable fisheries which are

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critical for the well-being of Southeast Asian citizens. Additionally, the presence of petroleum in the South China Sea has added to the economic worth of the territory.

There is a total of 6 nations who claim territory in the South China Sea. However, most of the claims overlap with each other. One example of this would be the Peoples Republic of China's nine dash line and how it overlaps with every other nation's claim of the territory.



The Peoples Republic of China's claim in the South China Sea namely, the nine-dash line

According to the United Nations Convention on the Law of the Sea (UNCLOS), coastal nations have the right to claim 200 nautical miles from their coastline as their exclusive economic zone (EEZ). However, in the South China Sea, exclusive economic zones of nations overlap. Article 74 of UNCLOS specifies possible courses of action in these situations. Commonly, when two nations have overlapping exclusive economic zones these two nations split the overlapping territory in half. If these nations are not willing to settle the dispute among themselves international organizations such as the International Court of Justice are involved in deciding upon both nations exclusive economic zones. Exclusive economic zones are greatly disputed over in the South China Sea. The main reason behind this is the economic importance of EEZ's. Exclusive economic zones grant nations full rights to exploit and explore maritime resources. It also allows governments to regulate maritime trade within their EEZ. Therefore, nations are determined to claim the 200 nautical miles granted to them by UNCLOS resulting in heightened tensions within the region.

All territorial claims of the South China Sea

There is a total of four island groups within the South China Sea. These include the Dongsha Islands, the Zhongsha Islands and the highly disputed Xisha and Nansha Islands known as the Paracels and the Spratlys. These islands are highly sought after with multiple nations declaring them as their territory either due to EEZ's or because of historical reasons. In the past, aggressive action has been taken to

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claim these island groups; one being PR China's naval blockades. In response to these acts, nations such as the United States have intervened to defend the claims of their ally's. This overall has resulted in a highly increased presence of military assets in the South China Sea.



The USS Halsey (DDG-97) an Arleigh Burke-class guided-missile destroyer previously deployed to the South China Sea

Perhaps the most controversial aspect of this dispute, PR China's nine-dash line is the name given to the claim brought forth by the Chinese government which includes a large section of the South China Sea and all islands, banks, and shoals within it. Beijing considers this territory as an "indisputable and inseparable part of China's historical territory". The government claims that Chinese ownership of the South China Sea has been acknowledged by many nations throughout history and that the division of their territory is out question. The response of the international community to PR China's claim has been very straightforward with China's allies coming to its defense and others claiming that according to UNCLOS the nine-dash line is invalid.

In 2016 the International Court of Justice, after being presented with a case by the Philippine government regarding PR China's nine-dash line, ruled overwhelmingly against the Chinese. Beijing refused to accept the verdict stating, "The ruling is a piece of paper that is destined to come to naught".

In order to increase their influence in the region nations have begun to take certain military actions in the South China Sea. A simple example to this would be military exercises done by the Peoples Republic of China or the United States of America. Another example to this would be the claim that PR China is developing artificial islands to be used as military bases in the South China Sea. The Asia Maritime Transparency Initiative came forth with satellite imagery of the construction of what appears to be an advanced military facility in the Fiery Cross Reef, a Chinese outpost in the Spratly Islands. Beijing defends the construction activities taking place in the Fiery Cross Reef

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stating that they have the right to build what they believe is necessary in their own territory and that the militarization of the reef is not directed to any specific nation. The Philippines however believes that this is simply a show of power and plans to take diplomatic action against the construction activities in the Fiery Cross Reef.



Satellite image of the Fiery Cross Reef

Overall, the South China Sea is a highly sought-after territory due to its many economic, strategic and militaristic advantages. Multiple nations have brought forth conflicting claims of territory in the sea and because of this, certain militaristic actions have been taken. These actions have resulted in heightened tensions in the region and have caused other parties to be involved. The South China Sea dispute is of utmost importance to the international community and demands immediate action to be taken in order to promote peace and stability.

Major Parties Involved and Their Views

People's Republic of China

The People's Republic of China claims a major portion of the South China Sea, including the Spratly and Paracel Islands as its inseparable territory. The Chinese government's basis behind this claim is that historically the South China Sea belongs to the Chinese and therefore the sea is a part of China's territory. PR China has also taken, what certain nations claim to be, aggressive military action such as naval blockades and the development of military outposts in the disputed territory.

The United States of America

The United States of America (USA) frequently utilizes the South China Sea for maritime trade. Even though the USA does not have territorial claims in the region the US government

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believes that the South China Sea should be ruled by international maritime law and therefore is against China's nine-dash line claim. The presence of the United States Navy in the area has also spurred up controversy as the US aims to defend its and its allies' interests.

Vietnam

The Vietnamese government is one of 6 nations claiming territory in the South China Sea. Currently, Vietnam controls a section of the islands in Spratly and are in dispute with the Chinese government regarding the Chinese nine-dash line claim.

Taiwan

As the Republic of China (ROC), excluding the Paracel and Spratly islands, Taiwan claims the nine-dash line together with PR China.

The Philippines

The Philippine government has claims on various territories in the South China Sea and are in dispute with the Chinese government over their nine-dash line policy. The Philippine's have in the past consulted to the International Court of Justice which ruled in their favor and overwhelmingly against PR China.

Association of Southeast Asian Nations (ASEAN)

ASEAN is an organization consisting of all Southeast Asian Nations except PR China (Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand, Vietnam). ASEAN has been highly involved in the South China Sea dispute as some of its member states has claims in the South China Sea.

Timeline of Events

1928	The Chinese government claims the Paracel Islands.
1947	The Chinese government publishes its first map claiming the nine-dash line.
1982	The United Nations Convention on the Law of the Sea was signed.
2011	The United States and Vietnam begin conducting joint training exercises along the South China Sea.

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2012	Vietnamese fishermen are arrested near the Paracel Islands by Chinese officials for fishing in Chinese waters illegally.
2014	Vietnam installs an oil platform inside its exclusive economic zone.
2015	PR China begins construction of artificial islands near the Spratly Islands.
2015	The Philippines presents the international court of justice with a case regarding PR China's nine-dash line claim.
2016	The International Court of Justice rules against the Chinese government.

Treaties and Events

Third United Nations Conference on the Law of the Sea (UNCLOS)

The Third United Nations Conference on the Law of the Sea (UNCLOS) took place on the 10th of December 1982. UNCLOS defined a new set of rules introduced into maritime law, one being the concept of exclusive economic zones (EEZ). Exclusive economic zones have a great impact on the South China Sea dispute. The explanation of EEZ's can be found in the reports "Definition of Key Terms" section.

Agreement on the basic principles guiding the settlement of sea-related matters between the Socialist Republic of Viet Nam and the People's Republic of China

This agreement was made on the 11th of October 2011 and set forth guidelines between the Peoples Republic of China and the Socialist Republic of Vietnam regarding the South China Sea dispute.

Declaration on the Conduct of Parties in the South China Sea

The declaration was published on the 17th of October 2012 by ASEAN. It detailed the conduct of parties on the dispute from the standpoint of the Association of Southeast Asian Nations.

International Court of Justice ruling of Philippines v China

The ICJ's ruling of Philippines v China took place on the 12th of July 2016. Details regarding the court's ruling can be found in the 6th paragraph of the reports "General Overview" section.

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Evaluation of Previous Attempts to Resolve the Issue

The Third United Nations Conference on the Law of the Sea (UNCLOS) brought upon the concept of exclusive economic zones. This was a viable solution to the South China Sea dispute as all nations involved would have been treated equally and given only the land, they rightfully own. However, due to the unwillingness of nations to make concessions over their declared territory the introduction of exclusive economic zones further complicated the matter. To this day even though PR China has signed UNCLOS they have stated on multiple occasions that they will not withdraw any of their claims in the nine-dash line regardless of UNCLOS.

The deployment of military assets into the South China Sea by countries such as the USA has also been considerably unsuccessful in resolving the conflict. The continuous militarization of this highly disputed region is not only damaging stability but is also decreasing the chances of a peaceful resolve.

PR China's reaction to the International Court of Justice's ruling in 2016 against the nine-dash line was considerably harsh. The ruling of an international organization as esteemed as the ICJ should have not been so easily dismissed. The Philippines attempted to take initiative regarding its EEZ claim but by disregarding the case as a whole the Chinese government displayed its unwillingness to cooperate in accelerating the solution process.

Possible Solutions

Permanent solutions regarding the South China Sea dispute require sides involved to make concessions. This is highly unlikely due to the unwillingness of nations to give up territory in the South China Sea. Nevertheless, encouraging governments to negotiate upon the matter is necessary. The main aim of the Security Council should be to lower tensions in the region. This can be done either by establishing a dialogue between conflicted parties or by limiting the presence of military resources in the South China Sea which may include putting forth limitations on military vessels and aircraft operating along the sea. The legitimacy of the Peoples Republic of China's nine dash line policy could be examined to determine whether or not it is viable. For this to be done a council could be established which would examine the claims of the Chinese government and determine their applicability.

Overall solutions should be directed towards lowering tensions and furthering the decision-making process on territory in the South China Sea.

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