

Forum: United Nations Security Council

Issue: Issue #21-02: Means to address the South China Sea territorial dispute.

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Introduction

The dispute for who controls the South China Sea (SCS) can be traced back hundreds of years ago, the Chinese admiral Zheng set sail to explore the South China Sea. Back in the 20th century, a vast amount of nations and member states had laid claims over the territory. Once the Second World War ended, and with it, the Japanese Empire (1947) nations started again claiming the territory.

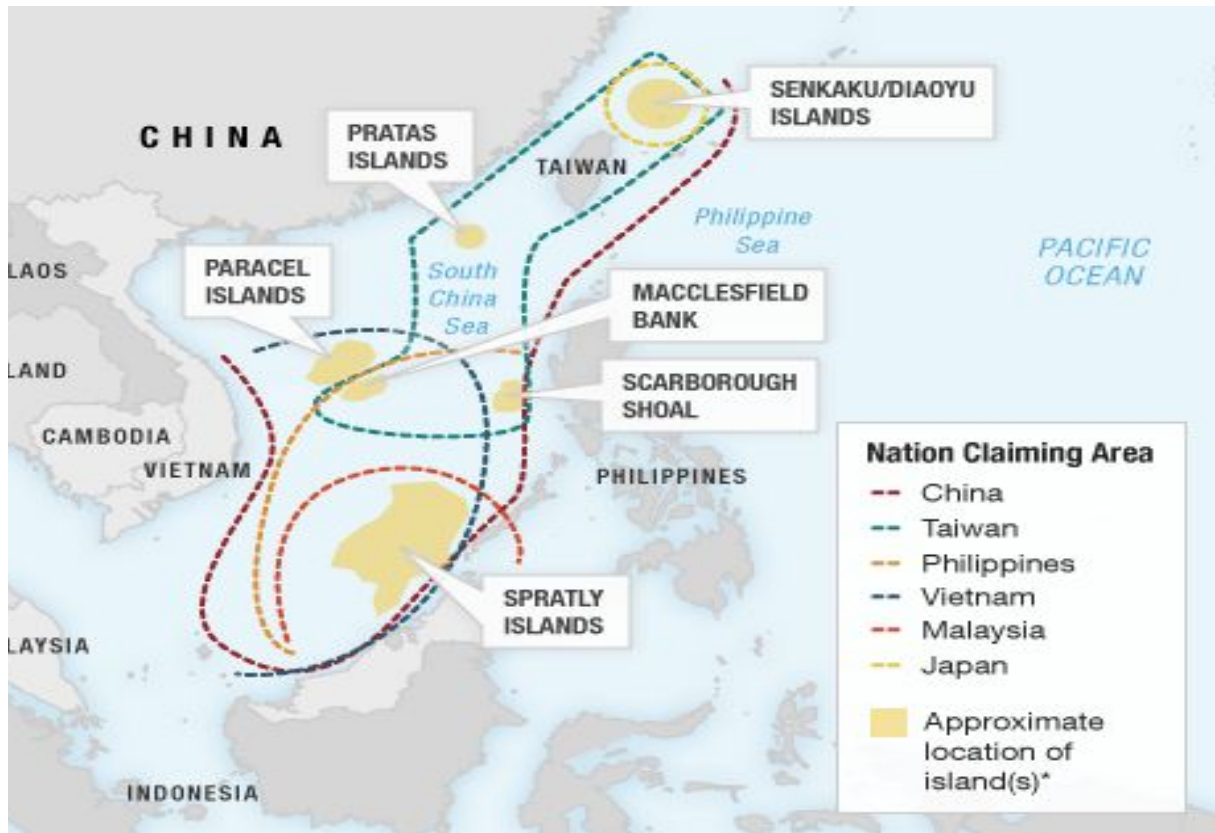
The South China Sea is a region that is rich in natural resources such as oil and natural gas. According to the Global Security network, the production is estimated at 7.5 billion barrels, and oil production in the region is currently with over 1.3 million Barrels a day. The sea is surrounded by nations which are worldwide Powerhouses in production such as China, Japan, Malaysia, etc. It would be extremely beneficial for any country to control these resources given their economic status. Aside from the regional conflict, the SCS geographical location is one without equal given that contains multiple of the most transited maritime routes in the globe. One of those being the Strait of Malacca known to be the "second- Busiest waterway in the world." (World Economic Forum). It runs between Indonesia, Malaysia, and Singapore. "The oil transported through the Malacca Strait from the Indian Ocean, end route to East Asia through the South China Sea, is triple the amount that passes through the Suez Canal and fifteen times the amount that transits the Panama Canal." (Asia's Cauldron). It is a vital link between the Indian and the Pacific Ocean.

All these benefits lead up to tension in the region given that it is still uncertain which member state is the rightful owner of the South China Sea. Numerous nations claim its national ownership over it. Depending on the country's EEZ, countries argue over maritime territorial ownership. These include

Indonesia, China, and Taiwan that claim its right to the waters northeast of the Natural Islands. The Philippines, China, and Taiwan argue over the Scarborough Shoal, which is a 58 sqm triangle-shaped reef located 220 km off the shore of the Philippines. Also, Malaysia, Cambodia, Thailand and Vietnam fight over parts of the Gulf of Thailand. Singapore and Malaysia debate over the Strait of Johore and the Strait of Singapore. Vietnam, China, and Taiwan over waters west of the Spratly Islands and some of the islands.

One of the most powerful nations involved in this dispute, China, has its way of seeing the scenario. China has its territorial border called the “Nine Dash Line” that has its roots from its historical backgrounds, it adds to the tension within the region because of how it interferes with multiple other countries’ EEZs. Also, China started building artificial islands near the Spratly islands to demonstrate its dominance over the area. The international response to it was only negatively directed. As its response, Philippines brought a suit against China to the Permanent Court of Arbitration in The Hague. On July 12, 2016, the international tribunal ruled against China, however, the superpower refused to acknowledge the decision or even the court’s jurisdiction. (Will Nicol). China is neglecting the outcome of the trial. The territory being considered international waters, the nation reacts in a very hostile way each time the territory gets surpassed without its consent that leads to them threatening the vessels.

As a method of controlling the situation the United States started undergoing a training regime in the south china sea, “The aircraft-carrier strike group led by USS Carl Vinson conducting naval and air operations in the South China Sea.” (The National Interest). The Foreign Ministry spokesperson of China Geng Zhong responded “China respects and upheld the freedom of navigation and overflight in the South China Sea, which countries enjoy under international law, but firmly opposes any country’s attempt to undermine China’s sovereignty and security in the name of the freedom of navigation and overflight. US experts have stated that if the United States would hypothetically go to war in the next five years, it would be in the South Chinese Sea.



Definition of Key Terms

EEZ

Exclusive Economic Zone as stated, “whereby a coastal State assumes jurisdiction over the exploration and exploitation of marine resources in its adjacent section of the continental shelf, taken to be a band extending 200 miles from the shore.” (NOAA)

Spratly Islands

“Are a cluster of more than one hundred small islands and reefs that together measure less than five square kilometers (3.1 square miles). The territory is host to rich fishing grounds and oil and gas deposits and is claimed by China, Vietnam, Malaysia, and the Philippines. All claimants occupy a

toehold on roughly half of the island's.” (Council of Foreign Relations)

Diaoyu/Senkaku Island

“Composed of five uninhabited islets and three rocks, the Diaoyu/Senkakus are the center of an escalating territorial dispute between China and Japan, which bought three of the islands in 2012 from a private owner. The region contains rich fishing grounds and potential oil and gas deposits.” (council of foreign relations)

Malacca Strait

“Runs between Indonesia, Malaysia and Singapore, has long been a major gateway for trade to and from Asia” (World Economic Forum)

Nine Dash Line

A territorial line runs as far as 2,000km from the Chinese mainland to within a few hundred kilometers of the Philippines, Malaysia and Vietnam. Beijing maintains it owns any land or features contained within the line, which confers vaguely defined as “historical maritime rights”. (Marina Tsribas)

PCA

The Permanent Court of Arbitration in The Hague has been appointed arbitrator in the case under the provisions of UNCLOS

General Overview

The South China Sea territorial conflict is very complex and unique. There are various aspects of that, which leads to even impact the ecosystem as well as becoming a threat to the international community. What differs this conflict from others is that one of the nations, China, is building artificial islands in the sea to demonstrate power, this is an unprecedented act which caused a lot of controversy.

Artificial islands

In the summer of 2014, China began building artificial islands on the Cuarteron Reef nearby the London Reefs, on the Western side of the Spratly Islands. The purpose of the island is still unclear given the fact that Beijing stated: "The island construction is mainly for civilian uses, particularly to increase safety for ships that carry an estimated \$5 trillion worth of goods through the waterway each year." China has built around seven artificial islands in the area. Nations who also claim parts of the Spratly Islands have shown a significant amount of concern regarding them given the fact that each island is well equipped with high-end military-grade Radars, Missiles, Helipads and an airstrip with hangers capable of guarding over 47 jets and four bigger places such as bombers. It was once commented that these islands are the equivalent to an aircraft carrier, but just immobile. The islands could be fundamental in the case of a conflict erupting in the South China Sea, for aerial and Naval Warfare, the islands are ideal. It was Stated "This is militarization. The Chinese can argue that it's only for defensive purposes, but if you are building a large anti-aircraft gun and CIWS emplacements, it means that you are prepping for a future conflict." (Reuters)

Ecological Impact

As mentioned prior China has been building artificially made islands in the South China Sea, this brought a lot of attention to them not only regarding political reasons but also some Ecological and Environmental allegations. The South China Sea is multiple things, such as a "Rich Natural Heritage." (Yale School of Forestry) In the Past, the South China Sea has been involved in a lot of controversy regarding overfishing in the area, but ever since President Xi Jinping gave the order of construction for the Artificial islands near the Spratly Islands, a new threat for the Ecosystem has risen. The building of

the islands has already lead to the destruction of approximately 30 percent of nearby coral reefs. "the Permanent Court of Arbitration in The Hague issued two significant rulings. One soundly rejected Beijing's extensive claim of sovereignty in the South China Sea. The other focused on whether China had caused environmental damage as it constructed artificial islands in the region to help prop up its claim."(npr.org) But nevertheless, China has denied all allegations. It was proven that it could take up to a decade and in some cases more than a lifetime for the Coral reefs to recover. More than 400 distinct species of wildlife can be found in a reef. If China continued its construction, it would cause devastation for the wildlife and for the planet itself.

Threat to the International Community

The South China Sea can be a significant International threat because of multiple reasons. With so many countries claiming different jurisdictions and taking into consideration a large amount of Oil and Natural gas resources in the area only makes it more tempting for a nation. Having noted all the various Military standoffs that took place in the past five years between some of the world's most powerful nations that could have started a nuclear war. The USA has provoked China numerous times by invading their claimed territory without their consent; it is only a matter of time until one nation opens fire and starts the inevitable. The South China Sea has some of the most transited waterways of the world, and if a conflict would break out it would be a disaster for multiple nations that depend on those shipping. "\$5.3 trillion of trade passes through the South China Sea; U.S. trade accounts for \$1.2 trillion of this total. Should a crisis occur, the diversion of cargo ships to other routes would harm regional economies because of an increase in insurance rates and longer transits"(Council of Foreign Relations). Even countries that are not located in Asia play a key role in the Conflict, such as the United States "The United States holds that nothing in the United Nations Convention on the Law of the Sea (UNCLOS) or state practice negates the right of military forces of all nations to conduct military activities in EEZs without coastal state notice or consent." (Council of Foreign Relations). Having more than six countries that all disagree in certain terms is not the ideal condition, and less if one of those being one of the five most powerful nations of the world economically and military oriented.

Major Parties Involved and Their Views

China

Knowing that it takes into consideration its historical views. It is stated that "Beijing considers that the islands, banks, and shoals as well as surrounding waters of the Xisha, Nansha, Zhongshan, and Dongsha archipelagos, all the way down to the Zengmu Ansha reef, as its southernmost tip, constitute an indisputable and indivisible part of China's historical territory." (ISD). Not to ignore that that China uses mostly there "Nine Dash Line" as their national ownership. It has threatened numerous times nations who would enter and to "Unofficial" oil drilling in their claimed territory.

Brunei

"Brunei is fully committed to ensuring maritime security in the South China Sea, including rights to freedom of navigation and overflight, as well as "unimpeded lawful commerce" as prescribed under international law." (The Brunei Times)

Vietnam

Vietnam has claims over the gulf of Thailand and parts of the Spratly islands. In the past years, it has had multiple Maritime standoffs against china, and has reached to South Korea and the USA for support.

Philippines

"The Philippines contended that the "nine-dotted line" claim by China is invalid because it violates the UNCLOS agreements about exclusive economic zones and territorial seas" (Asia's Cauldron). It bases its claims mostly with geographical reasons and its EEZ.

United States

The United States does not have any claim over the south china sea, but still, it is a major party involved. It has navigated multiple times thought the "Nine Dash Line" given that it does not view it as legitimate and only take into consideration the EEZ of a country. It has demonstrated that the artificial islands that

China has put near the Spratly Islands are still international waters and exercises that right by navigation through them. Various Nation has requested support from the US because they are intimidated by China who is showing hostile behavior. The USA has not engaged in any kind of warfare yet in the South China Sea but has been threatened multiple times.

Japan

Japan has claimed its jurisdiction over the Senkaku islands. They stated that they would give military aid to nations such as Vietnam and the Philippines (CNN). During the Second World War, the Japanese Empire had control over most of the South China Sea. The American presence in the South China Sea can be seen more and more every month, and Japan being vital ally of them that makes it easier to demonstrate the power to other nations such as China.

Timeline of Events

Date	Description of event
1947	The Japanese Empire Dissolves
1947	China makes the first public announcement of its claimed territory using an eleven dash U Shaped Line. These has its roots with its historical backgrounds.
1951	USA and Japan sign a Security treaty giving USA full power to have air, land and naval military bases in and out of japan.
1974	Vietnamese people protest china with banners saying “Paracel Islands and Spratly Islands belong to Vietnam”. This gets the attention from the international community.

1974	China takes control over the Paracel islands.
1988	70 Vietnamese sailors are killed in a military standoff between China and Vietnam near the Spratly islands.
1994	A U.N convention takes place regarding the Law of the Sea, it is talked about territorial waters and EEZs.
1995	China takes control over territory that was claimed by the Philippines called the Mischief reef. This causes a lot of revolt worldwide.
2009	China presents to the United Nations their claimed “9 dash line” map. They claim total sovereignty over the territory and nearby islands.
2011	The Philippines fill out a diplomatic protest china.
2013	The Philippines presents a case to the Permanent Court of Arbitration in The Hague against china.
2014	Chinese fighter jet intercepts US surveillance aircraft creating more controversy around the two nations.
October 2014	The USA and the Philippines conduct a joint military exercise to demonstrate neighboring nations their military capabilities.
October 2015	The Panel in The Hague gives full jurisdiction to the Philippines 7 out of the 15 islands claimed by them.
February 2016	Satellite Images show china building artificial islands which causes a global alarm.
July 12 2016	The Court in The Hague proves that china has minimal or even no right for most the the south china sea.
July 12 2016	China does not take into consideration the outcome of the trail and decided to ignore it.

UN involvement, Relevant Resolutions, Treaties and Events

The UN Permanent Court of Arbitration in The Hague stated that China has no given valid jurisdiction to the area and ruled in favor of the Philippines. After a Five-Judge trial, the outcome was that China's allegations of the Nine-dash line were invalid. Still, China ignores the Court's decision by stating that by having a Japanese judge on the trail made it biased. The court ruled against China saying that they had violated the Philippines' rights by interfering with that country's fishing and oil exploration in the area." (Mario Ritter). China has received multiple allegations that they violated the United Nations Convention on the Law of the Sea, also known as "UNCLOS." 160 nations previously signed that treaty and now China threatens to leave it given the fact that the court ruled against them and did not recognize the Nine Dash Line to be legitimate.

Evaluation of Previous Attempts to Resolve the Issue

There have been a few noted previous attempts to solve the South China Sea Territorial Dispute. The most famous being when the UN Permanent Court of Arbitration ruled against China by giving full jurisdiction to the Philippines for their given claimed territory. It was stated that China had minimal valid Jurisdiction over the South China Sea and did not validate the nine-Dash line. But even that did not stop the conflict given the fact that China did not take into consideration the result of the trial by saying that it was biased because one of the five judges was of Japanese descent. Since that there have been other tries to solve it but none was successful, it is now in our hands to solve it and find the most peaceful and beneficial outcome for everyone involved plausible.

Possible Solutions

Finding viable solutions for the South China Sea territorial dispute that pleases all parties involved can be very challenging. One plausible outcome could be to divide the South China Sea into even portions (taking into consideration their claims) and give them to the demanding nation. Another Outcome could be only to consider a country's EEZ. And the countries that share territory would sign a special agreement with each other that would state that all findings/discoveries made in that territory would be shared evenly between the corresponding parties (Fishing, Oil, Gas, etc.). If nations are not willing to cooperate the intersecting territories would end up becoming International Waters.

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Appendix

- For more information on how China has been building artificial islands go to:

<https://www.digitaltrends.com/cool-tech/chinas-artificial-islands-news-rumors/>

- China's "Nine-Dash Line" history:

<http://www.scmp.com/news/china/diplomacy-defence/article/1988596/whats-chinas-nine-dash-line-and-why-has-it-created-so>

- Information over PCA court ruling:

<https://www.theguardian.com/news/2016/jul/12/south-china-sea-dispute-what-you-need-to-know-about-the-hague-court-ruling>