

JoMUN XV

Forum: General Assembly 4

Issue: Measures of addressing the territorial disputes in the South China Sea

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INTRODUCTION

The South China Sea encompasses areas of proximity to China, Philippines, Vietnam, Indonesia, and Malaysia. The South China Sea is incredibly rich in natural resources containing and estimated 11 billion barrels of oil, 190 trillion feet³ of natural gas, and 10% of the world's fisheries. 30% of the global shipping trade flows through the South China Sea. As a result, it is a highly-disputed territory: five countries lay claim to this body of water. A country's water territory is determined internationally by the United Nations Convention on the Law of the Sea (UNCLOS), however China has refused to abide by that law claiming an unlawful 90% of the South China Sea for itself. The disputes consist primarily between the countries bordering the South China Sea however, due to violations of international law in the region, other countries have been involved including the United States of America, and participants in the Permanent Court of Arbitration at The Hague. Tensions have built in recent years due to the construction of artificial islands in the region which bring to question the UNCLOS, and the increasing military presence in the South China Sea which raises issues of the overall intentions of the territorial claims of the countries involved.

DEFINITION OF KEY TERMS

South China Sea

A body of water in East Asia covering roughly 3.7 million square kilometres and borders China, Philippines, Vietnam, Indonesia and Malaysia.

Man-made Island

In the context of this issue, man-made islands refer to pieces of land that have been artificially built by China by pumping huge amounts of sand onto existing reefs in the South China Sea. These include the Cuarteron Reef, Subi Reef, Mischief reef, Johnson Reef, Hughes Reef, Gaven Reef, and Fiery Cross Reef. Man-made Islands have been constructed by other countries in other regions of the world as well.

Exclusive Economic Zone (EEZ)

The area of sea 200 nautical miles of a country's coastline that according to UN law, the respective coastal country has complete sovereignty over and has the right to all natural resources within it.

Nine-dash Line

The imprecise border of the area of sea that China claims based on historical significance dating back to WWII. The area within the nine-dash line makes up 90% of the South China Sea. China refuses to abide by the UN issued EEZ or clarify the boundaries of the nine-dash line.

Fiery Cross Island

A roughly 1.05mi² man-made Chinese island in the South China sea. The island is used as a Chinese military base and includes an air strip, and advanced radar system, a missile defence system, and about 200 troops.

Spratly Islands

A remote, barely inhabited cluster of islands in the South China Sea currently claimed by China, The Philippines, Vietnam, and Malaysia. The Spratly Islands are significant as any country claiming them, is granted permission to extend their EEZ's thus gaining rights to the surrounding territory. Countries have built various infrastructure resources on the island they claim to further establish themselves.

The Cabbage Strategy

The strategy used by China in the Spratly Islands to establish control over the surrounding waters. The strategy involves surrounding a contested island with as many ships as possible. This creates a blockade preventing the import and export of supplies. China named this strategy.

BACKGROUND ON THE ISSUE

History of the Conflict

Territorial disputes in the South China Sea began in World War II and were centred around ownership of the Parcel Islands and the Spratly Islands. Claims were made on these islands by China, France, Vietnam and Japan. During WWII, Japan took over these two island chains from China thus, essentially took control over the South China Sea. The Potsdam declaration in 1945 forced Japan to give up sovereignty over the Parcel and Spratly Islands returning them to China. At the end of WWII in 1949, China established the nine-dash line claiming sovereignty over the U-shaped area covering 90% of the South China Sea. The nine-dash line was highly disputed by neighbouring countries as a result of the United Nations Convention on the Law of the Sea which the nine-dash line does not abide with.

Resources in the South China Sea

Roughly half a billion people live within 100 miles of the South China Sea coastline (Council on Foreign Relations). The South China Sea is incredibly rich in resources which is the source of much of the territorial disputes. The primary resources in abundance in the region are fish and oil and gas. It holds an estimated 11 billion barrels of oil, 190 trillion feet³ of natural gas, this is significant as the U.S. Energy Information Administration projects a 30% rise in global oil consumption from 2008 to 2035 and the country extracting the oil will profit from that increase. The South China Sea is home to more than 3365 marine species and 10% of the world's fisheries. Roughly 3.7 million make their living through the fishing industry there. The South China Sea also holds 30% of the global shipping trade which has not been largely influenced by territorial disputes because of business interests.

Military Involvement

There has been a significantly increased military presence in the region in recent years. China's militarisation of the South China Sea began in 2009 with the map of the nine-dash line. China has established military bases on their artificial islands, specifically Fiery Cross Island which includes an air strip, and advanced radar system, a missile defence system, and about 200 troops. China has also used its claim of the Spratly Islands to initiate the cabbage strategy in which China surrounds a contested island with as many ships as possible to create a blockade preventing the import and export of supplies. In response to China's military power in the South China Sea, other countries have increased their own military presence. Vietnam and Malaysia have led military build ups and increased arms trade with other countries outside the region. In 2011, the Philippines pledged five-

year joint military exercises with the United States (Council on Foreign Relations).

Construction of Artificial Islands

China has built multiple artificial islands in the South China Sea by piling cement, sand, and rocks on a seabed or reef. This requires an enormous amount of sand that is pumped through tubes transported by large ships. The construction of these islands has huge environmental impacts on marine life, the Permanent Court of Arbitration at The Hague criticized China for this. China has claimed that the construction of these islands is for navigation purposes however China's military presence on and around these islands speaks otherwise. China's artificial islands also raise controversy around the UNCLOS and China's allowed EEZ.

MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

China

China claims over 90% of the South China Sea based on their nine-dash line. China has worked to establish sovereignty over their claimed area by building islands in the region and developing infrastructure on them including a landing strip and a large military presence on the shores of these islands and at sea.

Vietnam

Vietnam claims part of the Spratly Islands as well as their permitted EEZ located within the South China Sea. Vietnam has been heavily involved in the dispute.

Malaysia

Malaysia claims part of the Spratly Islands as well as their permitted EEZ located within the South China Sea. Malaysia and China have agreed upon military cooperation in the South China Sea. Malaysia is a less vocal rival in the territorial dispute compared to other countries of the region.

Brunei

Brunei claims their permitted EEZ which includes some of the Spratly Islands. Brunei has established diplomatic relations with Beijing and remains less vocal in the dispute.

Taiwan

Taiwan claims their permitted EEZ located within the South China Sea and holds Taiping Island—the largest of the Spratly Islands. Taiwan has established military presence in the South China Sea in response to China's large, seemingly threatening navy.

The Philippines

The Philippines has been an active participant in the territorial dispute claiming their EEZ within the South China Sea and part of the Spratly Islands. The Philippines has actively arrested Chinese trespassers in waters that they claim. The International Court at The Hague ruled in favour of The Philippines in July 2016 charging China with invading their territory in the South China Sea—China dismissed this ruling.

The United States of America

The U.S. is allies with the Philippines yet does not want to risk provoking conflict with China, thus finds themselves in a difficult position regarding the tension between the two countries. The U.S. has made efforts to manage the situation by patrolling the South China Sea. Members of the U.S. security council have made statements predicting future war in the South China Sea.

TIMELINE OF KEY EVENTS

1949	China demarcates the imprecise border known as the ‘nine-dash line’ deeming the area of the South China Sea within the line as China’s territory.
1974	South Vietnam placed settlers on the Paracel Islands in attempt to claim sovereignty over them. The Chinese eventually defeated the Vietnamese and took control over the Paracel Islands.
1982	The United Nations Convention on the Law of the Sea was established (see Relevant Resolutions).
2002	The Declaration on the Conduct of Parties in the South China Sea is agreed upon between the Association of Southeast Asian Nations (ASEAN) and Chinat.
2009	China submits its nine-dash line map to the United Nations, refusing to negotiate stating it "has indisputable sovereignty over the islands in the South China Sea and the adjacent waters" (Business Insider).
December 2014	USA speaks out against China’s nine-dash line by releasing a report that states it does not obey the United Nations Convention on the Law of the Sea.
July 2016	The Permanent Court of Arbitration at The Hague rules that China has violated international law by occupying so much of the South China See through the construction of artificial islands and presence in the EEZs of other nations. The Philippines sought the arbitration ruling and China dismissed the decision.

RELEVANT UN RESOLUTIONS, TREATIES, AND EVENTS

United Nations Convention on the Law of the Sea (UNCLOS)

The law established in 1982 by which countries lay claim to areas of the sea. The law states that a countries territorial waters extend 200 nautical miles off their shore this area is referred to as a country’s ‘Exclusive Economic Zone’ (EEZ). The Coastal country has complete control over the natural resources in its EEZ. Any area not in an EEZ is regarded as international waters falling under UN maritime law and all countries share it. Refer to appendix for full document.

The South China Sea Arbitration: The Republic of The Philippines vs. The People’s Republic of China

The International Permanent Court of Arbitration at The Hague ruled in favour of The Philippines in July 2016 charging China with invading their territory in the South China Sea. China dismissed this ruling. Philippine territory is based on the provisions of the 1982 United Nations Convention on the Law of the Sea.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

The Declaration on the Conduct of Parties in the South China Sea

This was done on November 4, 2002 and agreed upon by Brunei, China, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam. This declaration emphasizes the importance of abiding by the UNCLOS and respecting freedom of navigation and laws of the sea.

July 2012 Association of Southeast Asian Nations summit

This summit focused on disputes in the South China Sea between the 10-member association. The issue of who is allowed sovereignty of the Parcel and Spratly islands coming to no sure conclusion.

POSSIBLE SOLUTIONS

Halt the construction of artificial islands

China's construction of artificial islands raised issues regarding the environment, militarization, and violation of international law. Halting their construction would put an end to that as well as decrease military presence in the region thus reducing overall tension between ASEAN countries.

Compromise on each country's allocated territory within the South China Sea

Territorial disputes have arisen around the Parcel and Spratly islands with no certain conclusion. The nine-dash line is also a region that China has been unclear on yet undeniably claims. Clarifying and agreeing upon the territories of each country in question including their allocated EEZs. This would lead to less controversy and uncertainty when enforcing international and domestic law.

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APPENDIX OR APPENDICES

<http://www.nti.org/learn/countries/>

United Nations Convention on the Law of the Sea

<https://pca-cpa.org/wp-content/uploads/sites/175/2016/07/PH-CN-20160712-Press-Release-No-11-English.pdf>

The South China Sea Arbitration press release

http://asean.org/?static_post=declaration-on-the-conduct-of-parties-in-the-south-china-sea-2

Declaration on the Conduct of Parties in the South China Sea