

Committee: Security Council

The Question of the Territorial Dispute in the South China Sea



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Position: Chair

Introduction

The South China Sea has been the root of many diplomatic and territorial conflicts for decades, with many parties such as China, Vietnam, and Taiwan all claiming sovereignty over the water. Decades after China laid their initial claim to the ocean territory, it's still being disputed, debated, and discussed in the international community. It lies directly between the following countries: China, the Philippines, Taiwan, Vietnam, Malaysia and Brunei.

Additionally, other countries such as Japan and the USA have gotten involved in these conflicts, due to their relationships with or proximity to the Sea or countries which border it.

Definition of Key Terms

Sovereignty

The right or authority of a state to govern themselves; the supreme power or authority (Cambridge Dictionary, 2018).

Nine Line Dash

The Nine Line Dash was China's initial claim to the South China Sea. However, there is much ambiguity with what it means in actuality, which gives rise to tension when parties have inevitably interpreted it differently (Tsirbas, 2016).

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

An international agreement which defines the rights and responsibilities of nations with respect to their use of the world's oceans, establishing guidelines for businesses, the environment and the management of marine natural resources.

General Overview

The South China Sea is located in Eastern Asia (Figure 1), bordering China, Vietnam, Taiwan, the Philippines, Malaysia, Brunei, and Indonesia. It's proximity to as many countries as it borders makes it highly desirable for trade, oil, fish, and other natural resources, and Forbes estimates that there is \$5 trillion worth of global trade that flows through this Sea annually,



Figure 1. Google Maps.

making it highly valuable (Pesek, 2017). The region is also highly valuable due to the large oil and natural gas reserves in the sea that China would like to utilize with their growing population and important reliant energy reserves. The South China Sea is estimated to hold around 11 billion barrels worth of oil, as well as 109 trillion cubic feet of natural gas (Price, 2017).

China was the first country to lay claim to the territory, with its Nine Line Dash set out in the 1940s. However, China has ignored decisions by the UN which have ruled this invalid as an official boundary, continuing their work in the sea. China began constructing islands in 2014 by building up sand on reefs around the Spratly Islands (Price, 2017). The resulting airstrips are likely to be used by the military, which is a cause of concern for countries such as the USA. Their decision to build islands also goes along with the UN's introduction of EEZs (Exclusive Economic Zones) in 1973, as these will allow China to expand their EEZ if the islands are claimed as Chinese territory, thus giving China a legal leg up.

Major Parties Involved

China

Beijing currently has laid claim to roughly 80% of the Sea, putting it at the forefront of the conflict (Pesek, 2017). In recent years the nation has made a multitude of attempts to show their sovereignty going as far as creating an artificial island to further legitimize their claim. Their military has made large gains in the region even threatening non-Chinese planes that attempt to fly through their claims.

Vietnam

Vietnam has laid claim to territory in the South China Sea, but is now moving in a more diplomatic direction. In April 2018, it was announced that China and Vietnam were moving towards a settlement agreement in regards to their sovereignty claims in the South China Sea, agreeing that “settling the maritime issues is extremely important for the healthy and sustainable development of bilateral relations,” as Chinese Foreign Minister Wang Yi said (MarEx, 2018).

USA

The US has been at odds with China in regards to the Sea particularly over freedom of navigation in the area (Hunt, 2016). Additionally, they have expressed concern over China’s expansion and assertions of control over the region (Massone, 2018). The USA has been uncooperative with ASEAN, not supporting their proposed code of conduct as it may “weaken its position in the region” (Scimia, 2018).

The Philippines

The Philippines play an interesting role in the conflict since the nation has shifted their priorities away from Washington D.C. and towards Beijing after being allied with the USA for a while. They are China’s main point of contention in the Sea, as they have historically fought the most battles against China both diplomatically and militarily.

Indonesia

For decades, Indonesia’s official policy dictated that it would not be party to any territorial disputes with China in the South China Sea, unlike many of its neighbours such as

Vietnam and the Philippines. However, in more recent years, Indonesia became more involved, with Indonesian President in 2015 saying that China's Nine Line Dash had no basis in international law (Cochrane, 2017). Additionally, in early 2018 it surfaced that Indonesia was pushing for patrols among Southeast Asian countries, hinting at the potential for Indonesia hardening its position in the South China Sea (Parameswaran, 2018).

Japan

Japan is one of the USA's key allies in this conflict and is China's neighbour.

Association of Southeast Asian Nations

The Association of Southeast Asian Nations (ASEAN) is a regional grouping that promotes the economic, political, and security cooperation among its ten members (Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, Vietnam). ASEAN has worked to negotiate a code of conduct in the South China Sea, although this has had varying degrees of success, particularly as China is not a member of this Association and has strong territorial claims.

Timeline of Key Events

Date	Description of Event
2018	Satellite images showed areas of strong military construction on the Mischief and Subi reefs in the Spratley Islands (Bishton, 2018). Chinese Foreign Minister announced China and Vietnam are

moving towards a settlement agreement.

- 2016** Satellite imagery shows China expanding Tree Island and North Island in the Paracels.
- 2014** China's southern province of Hainan introduces rules requiring non-Chinese fishing crews to acquire permits before entering much of the South China Sea to fish (FT, 2016).
China began building islands near the Spratly Islands.
China drilled for oil in disputed waters near the Paracel Islands, challenging Vietnamese claims.
- 2013** The Philippine President at the time used a United Nations tribunal to sue Beijing on an alleged violation of sovereign rights.
- 2012** China forcibly seized control of the previously unoccupied Scarborough Reef after a standoff with Philippine maritime vessels.
- 2008** The Chinese government warns ExxonMobil against entering an exploration agreement with Vietnam, claiming it would violate Chinese sovereignty.
- 1996** China, Malaysia, and Brunei join UNCLOS.
- 1995** The Philippine military expels the Chinese from Mischief Reef and destroyed all the buildings which had been built.
- 1994** Vietnam joins UNCLOS.
China occupies Mischief Reef which had previously been

claimed by the Philippines and erected buildings on it (DW, 2017).

- 1986** Indonesia joins UNCLOS.
- 1984** The Philippines join UNCLOS.
- 1983** Malaysia occupies three Spratly Islands.
- 1974** The Battle of the Paracel Islands occurred; South Vietnam was driven from the Paracel Islands by China's PLA, leaving them occupying 6 of the Spratly Islands.
- 1970-71** The Philippines occupy five of the Spratly Islands, claiming the entire Western part of the archipelago.
- 1952** Taiwan occupied Taiping, the biggest island in the Spratly Islands.
- 1947** Beijing outlined their first claims to the territory with its "nine-dash line," which extended 1800 km off the coast.

Previous Attempts to Resolve the Issue

International Tribunal in The Hague, 2013-2016

An international tribunal ruled in favour of the Philippines in a maritime dispute regarding the South China Sea, concluding that China has no legal basis outside of historic rights to the bulk of their claims to the South China Sea in the form of the nine-line dash (Hunt, 2016). Despite this, Chinese President Xi Jinping refused to accept this decision,

saying that “China will never accept any claim or action based on these awards,” after China didn’t participate in the proceedings of the tribunal. This ruling, however, led to increased confidence in other nations involved as if it’s considered invalid in the Philippines, then it’s equally invalid in other states and the rest of the international community, as the lawyers who led the Philippines’ legal team in a statement.

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