

# South China Sea

## UNSC - BHISMUN

### INTRODUCTION

The South China Sea is a 3.5 square km stretch of water ranging from Singapore to Taiwan and due to its geographical position is one of the most important trade routes for the countries surrounding it and additionally possesses a large number of natural resources. Due to this there have been tensions by all the surrounding countries as to the territory each one claims over the area. Most notably there are concerns regarding the Spratly Islands, the Paracel islands, the Diaoyu/Senkaku Islands and multiple reefs all of which estimated to contain large oil reserves.

As can be seen from the figure however due to the location of the surrounding countries there are many overlapping claims over the area. According to the United Nations Convention on the Law of the Sea each state has claims over an area of 200 miles from its mainland as an exclusive economic zone. However not only do these zones overlap but states have ventured to make historical claims over the area which further enhances the disputes. While there has been no armed conflict yet, there has been heavy militarization in the area which is still increasing and could lead to an armed conflict in the Exclusive Economic Zone (EEZ)

As stated in the UNCLOS: "The exclusive economic zone is an area beyond and adjacent to the territorial sea, subject to the specific legal regime in this Part [UNCLOS Part V], under which the rights and jurisdiction of the coastal state and the rights and freedoms of other states are governed by the relevant provisions of this convention"

It goes on to further define "The exclusive economic zone shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured" and states that in the EEZ a state has the right among other for resource management and establishment of artificial islands, installations and structures.

### Nine-dash line

The nine-dash line first appeared in 1947 as an attempt of the Nationalist Chinese government to claim the waters surrounding it. This originally appeared as an eleven- dashed line but was changed to settle disputes with Vietnam. It has not been clarified whether this denotes ownership of the waters or just of the land included in it. Currently China is using this as a historical claim to the waters. As can be seen in the figure here it encompasses a large area of the South China Sea.

## **Background Information**

### General overview of the conflict

Shortly after World War II China issued the eleven (now nine) dash line claiming the waters in the South China Sea as its own. This sparked various minor skirmishes mostly between China and Vietnam. Recently, in 2014 tensions flared up as China began reclaiming various areas in this line, which is not recognized by any of the surrounding states, by beginning dredging operations in the Spratly islands.

While Vietnam, Malaysia, Philippines and Taiwan have also reclaimed land, China has been doing so in a much larger scale. In fact, according to a US defense department report<sup>1</sup> it is projected that China has reclaimed over 2900 acres since December 2013 which amounts to more than all the other states combined. More specifically, from December 2013 to June 2015 China had reclaimed 2900 acres of land whereas the other 4 countries had reclaimed a total of 172 acres combined over 40 years.

Additional cause for concern is the building of multiple facilities that could potentially host military forces causing concern for the militarization of the area. Therefore, there are worries about the scenario that China decides to establish its power over the area with the use of military. There are even allegations that China has threatened surrounding states to halt their work in the area and furthermore, the US has conducted various Freedom of Navigation operations claiming to be ensuring the safe passage of ships passing through the area.

### Main disputed territories

This map provides a clear overview as to which states claim which part of the South China Sea.

While China lays claim to nearly the entirety of the area the other states also lay claim to various parts based on various arguments. Vietnam claims the Spratly and Paracel islands based on having actively ruled them since the 17th century and claims to have documents to prove it.

Taiwan also lays claim to the entirety of the area based on the nine-dash line similarly to China, it has however focused more on the landmasses themselves rather than the waters.

Brunei, Malaysia and the Philippines all lay claim only to specific parts of the area as can be seen on the map based on geographical proximity and their EEZs.

### Reason for conflict

The conflict has this importance due to the large amount of oil and other natural resource reserves this area is projected to have as well as due to its large importance as a trading route. As can be seen in the figure estimations show a huge amount of gas and oil reserves which the surrounding states want to gain access to.

## COUNTRIES AND ORGANIZATIONS INVOLVED IN THE ISSUE

### People's Republic of China

This is the country with the biggest impact on the situation. Remaining firm on its nine-dash line, acknowledged by a select few countries and ignoring the rulings of the PCA it has provoked multiple concerns. It has furthermore developed an increasingly strong stance on the issue. Since 2014 it has started reclaiming a large amount of the area and building artificial islands and infrastructure which could potentially lead to militarization of the area.

### Republic of China (Taiwan)

Similarly, to China, Taiwan remains steadfast on the nine-dash line since it was part of China when the claim was issued so it continues to have claims on it. It has also declared it does not accept the ruling of the PCA on this issue. It has placed a greater focus however on the landmasses in the nine-dash line and not to the entirety of the waters in it.

### Indonesia

While for a long time Indonesia was not part of the dispute in the South China Sea it has had 3 maritime skirmishes with China in 2016 including one occasion where a Chinese fishing vessel and its crew were seized. Following these skirmishes, China announced that its nine-dash line contains areas contain fishing grounds inside Indonesia's EEZ sparking more conflict between the states. Joko Widodo the Indonesian president has authorized the destruction of any fishing vessel illegally fishing on Indonesian territory.

### Philippines

The main opposition forces against China's claims on the South China Sea which is clear from the PCA case it initiated. However, after the election of Rodrigo Duterte it has seen a radical change in policy in attempts to improve ties with China.

### Vietnam

Vietnam is also contesting a large amount of the territories, laying claim to both the Spratly and the Paracel Islands and claims that it is able to procure the necessary documents to prove it. It has voiced approval for the PCAs ruling. However, since then it has remained silent on the issue

due to China's increasingly strong stance on the issue.

### Malaysia

While Malaysia has remained largely silent on the issue, in 2017 the foreign minister Anifah Aman, stated that China's nine-dash line is not in accordance with international law and is not recognized by Malaysia, stressing that Malaysia can not remain neutral on the issue despite its reliance on China for trade and investment.

### Brunei

Brunei is the least vocal of all involved parties and only lays claim to a small area within its EEZ.

### USA

The USA has shown to be interested in the dispute, considering its Defense Department published a report detailing every aspect of it. It has opposed the nine-dash line by China and has also claimed other states involved have violated international law. Furthermore, it has used the conflict as a reason to dispatch Freedom of Navigation missions, claiming to wish to ensure safe passage in the area. It is worth noting that it is the only state involved not having ratified the UNCLOS.

### Association of Southeast Asian Nations (ASEAN)

ASEAN's goal is strengthening cooperation between Southeast Asian Nations. It consists of 10 states including the Philippines, Malaysia, Brunei, Indonesia and Vietnam. In 2002 together with China, ASEAN states signed a Declaration of Conduct on the South China Sea aiming to promote cooperation and peaceful resolution of disputes, which has not however been achieved.

## TENSIONS IN THE SOUTH CHINA SEA AND WOMEN AND THE SUSTAINABLE DEVELOPMENT GOALS

Goal 9 stipulates the need to build resilient infrastructure, promote inclusive and sustainable industrialization and promote innovation. Goal 9 includes a set of additional points encouraging governments to build long lasting infrastructure nationally and transnationally.

The ongoing tensions in the South China Sea may lead to destruction of infrastructure and threats to sustainable industrialization. These tensions have their origins in the creation of artificial islands and also contribute to legal contention between nations. It is doubtful that this is the kind of resilient infrastructure intended by the creators of goal.

Goal 10 calls for reducing inequality within and among countries. With increased military spending the finances available for governments to invest on educational campaigns and job creation will decrease, hence making it more difficult to achieve goal 10 by 2030 and reduce inequality within and among countries; war only increases injustice in the world.

## LEGAL ISSUES

In order to effectively discuss the following matters, it is important to fully understand sovereign maritime territories and Exclusive Economic Zone (EEZ). The Third United Nations Conference on the Law of the Sea (UNCLOS III) began to implement EEZs and received support from nations in the vicinity of the SCS. Despite objections from the USA, the Convention was signed in 1982, entered into force in November 1994 and has been ratified by all states with claims in the SCS<sup>48</sup>.

In accordance with the UN Convention on the Law of the Sea, the sovereign maritime territory extends 12 nautical miles (nm) from the nation's coast, and grants full jurisdiction to the nation in question. Put briefly, an Exclusive Economic Zone (EEZ) extends 200 nm from the coast but only allows exploitation of marine resources, such as fishing or energy production, and is classed as international waters.

## **Resources**

<https://www.reuters.com/subjects/south-china-sea>

<https://www.cfr.org/interactives/global-conflict-tracker#/conflict/territorial-disputes-in-the-south-china-sea>

<http://www.fsi.gov.ph/the-contest-for-international-support-on-the-south-china-sea-disputes/>

<https://www.theguardian.com/world/2015/oct/27/us-maneuvre-in-south-china-sea-leaves-little-wiggle-room-with-china>

<https://www.orfonline.org/research/the-south-china-sea-disputes-territorial-claims-geopolitics-and-international-law>

[http://www.ecfr.eu/article/commentary\\_china\\_and\\_the\\_south\\_china\\_sea\\_arbitration\\_what\\_next\\_7082](http://www.ecfr.eu/article/commentary_china_and_the_south_china_sea_arbitration_what_next_7082)

<https://www.ft.com/content/aa32a224-480e-11e6-8d68-72e9211e86ab>