

Forum: Security Council

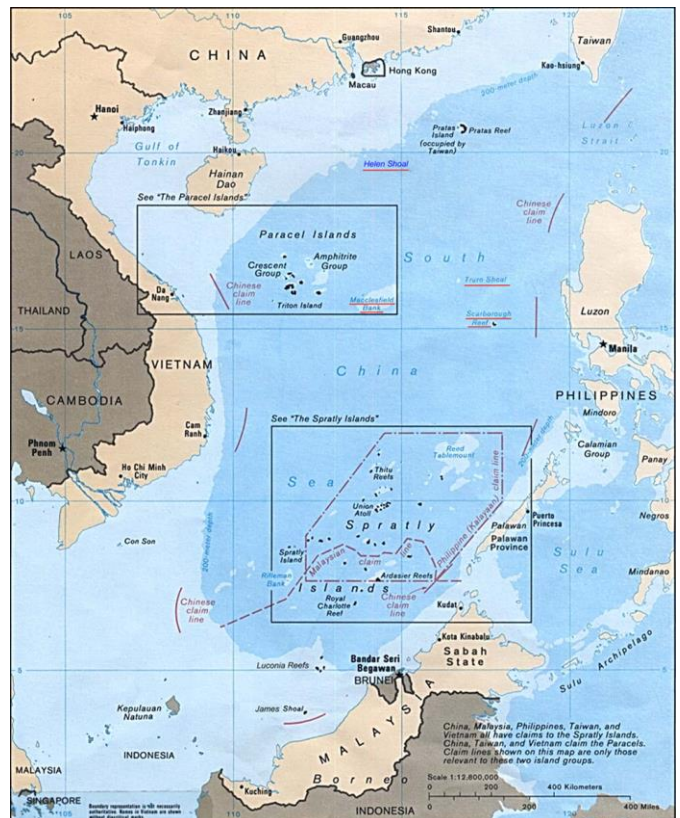
Issue: The situation in South China Sea

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Ensnared between the Straits of Malacca and the Taiwan Strait lie some of the most disputed waters. It has been hypothesized that this span of water, the South China Sea, could become the site for the next conflict to break out. Rival countries have wrangled over territory in this body of water, but tensions have steadily soared in recent years, particularly over the question of maritime law in regard to two highly disputed archipelagos: the Spratly and Paracel islands.

The principal nations in the Spratly islands dispute are the People’s Republic of China and the Philippines. However, Brunei, Malaysia, Taiwan, and Vietnam also are particularly involved in the issue concerning differing ownership, each occupying some of the maritime features, except for Brunei. China, by far, claims the largest portion of territory—an area defined by the “nine dash line”, citing its claims back to a map in 1947. As for the Paracel islands, the dispute hotly revolves around Vietnam and China. The question of who gets control over each of the archipelagos stems from economic and strategic reasons. Both hold suspected, significant crude oil reserves, as well as control of strategic shipping lanes in the region.



Caption 1: this map shows the location of the Spratly islands in the South China seas.

Definition of Key Terms

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

UNCLOS, also known as the Law of the Sea Convention, was ratified in 1982. Replacing four previous treaties on maritime law, its aim is to set forward specific rules for national borders in maritime territories. However, questions regarding this have been raised. Despite the fact that 166 states as well

as the European Union have entered into the Convention, it remains uncertain as to what extent this convention has been accepted as customary international law.

Artificial Islands

Correlated with the rise of militarization in the South China Sea has been the increase in the number of artificial islands within the area. China's "great wall of sand", a series of land reclamation projects, has been used as landing strips and as a base for missile installations, further spiking tensions.

Nine Dash Line

The Nine Dash Line refers to the demarcation line used by the PRC for the area claimed in the South China Sea, encompassing both archipelagos in question. However, both Vietnam and Philippines have contested the legitimacy of this territorial claim, citing it as "baseless" and "against UNCLOS".

South China Sea

The South China Sea is a sea stretching from the Malacca Straits to the Strait of Taiwan. The area contains hundreds of islands known collectively as the South China Sea Islands, including the highly disputed Spratly and Paracel islands. In addition to the massive shipping and trade that flows through the area, culminating at an estimated \$5 trillion each year, the South China Sea is believed to hold huge mineral and natural gas reserves beneath the seabed.

Background Information

In order to fully grasp the issue at hand at the dynamics at play, it is crucial to examine the historical facets. Only by understanding the basis behind each state's claims and looking back at the escalation of this potential conflict can an encompassing and appropriate solution be found.

Pre-WWII

19th and 20th Centuries

Towards the end of the Sino-French War, France and China signed a border agreement known as the 1887 Chinese-Vietnamese Boundary Convention, which established China as the owner of the Spratly islands. In the 1910s-20s, the French Ministry of Colonies and Ministry of Foreign Affairs published in a statement, agreeing that the Paracel islands were under Chinese sovereignty. China, both the Qing Dynasty and its successor, the Republic of China, sent naval forces in on inspection tours and placed flags on the islands. However, in 1933, France nonetheless formally claimed both the Spratly and Paracel islands. Ignoring China's protests, France annexed the islands as a part of French Indochina. In 1938, Japan took over the two archipelagos, making them a part of Taiwan, and by extension, under its rule.

Post-WWII

1945 and Onward

Following Japan's surrender in 1945, the Republic of China was assigned to receive Japanese surrenders in the area, though none were explicitly named to the archipelagos. In 1946, the ROC sent naval forces and reclaimed the entirety of the Spratly islands and Paracel islands. However, after the fall of the KMT, most of the ROC government withdrew from most of the islands, retreating to Taiwan. In 1949, PRC gained control of the eastern half of the Paracels, clashing and skirmishing against the French, eventually establishing a de-facto line with Woody Island. Just two years later at the international Treaty of San Francisco conference, Vietnam declared the Paracels and Spratlys as territories of Vietnam, raising no objection from any nation at the event. However, neither the PRC nor the ROC attended this event. This occurred simultaneously as the ROC negotiated and signed its own treaty with Japan on the islands. As for the Spratlys, with the exception of Taiping Island, which was and is under ROC control, the Philippines, led by Tomas Cloma, uprooted ROC flags, but only formally claiming the islands in 1971. In 1974, following the Battle of the Paracel islands between the PRC and South Vietnam, the PRC took control over the entire archipelago. As for the Spratlys again, skirmishes also broke out in 1988 between Vietnamese and Chinese naval forces, resulting in the Chinese taking over six reefs and atolls in the Spratly archipelago.

Reports of Resource Reserves

By the 1970's, indications of oil reserves begun to emerge, particularly following the publication of the UN Economic Commission for Asia and the Far East report. Naturally, this led to a rise in tensions, as states began to compete. The Philippines and China were the first to take action, with the latter conducting several calculated invasions of strategic locations in the area. This culminated to the Battle of the Parcel Islands and the Johnson South Reef skirmish, both resulting in China gained substantial territory in the areas. In return, both North and South Vietnam responded by fortifying their defenses and seizing control of several yet unclaimed islands in the region.

Recent Developments

Artificial Islands/Increased Military Presence

As it stands right now, China has been most active for the past two years, constructing infrastructure and setting up surface-to-air missile installations as well as increasing naval patrols in the two archipelagos. Most notably, however, has been its construction of artificial islands in the region. In June 2015, China had increased landmass in the islands, totaling up to 2000 acres

in size. It also worth noting that the island-building campaign China has conducted has been perceived by many as a part of a strategy to legitimize its claims over the region in the long term.

Ramifications for International Trade

The South China Sea is a major transit point for maritime trade and shipping. For one, the amount of oil that passes through is triple the amount that passes through the Suez Canal and fifteen times the amount that transits the Panama Canal. In addition, shipping and trade culminates at an estimated \$5 trillion a year. This is what makes the question of control over both island chains so decisive. Because the majority of trade between the West and East traverses through the South China Sea, any sort of disruption in the area would mean billions of dollars in revenue loss for rerouted trade.

Major Parties Involved and Their Views

People's Republic of China (PRC)

China is arguably the most influential party in the conflict. Its militarization of the islands far surpasses any of its counterparts. Beijing's official claim is based off of UNCLOS and history, particularly from records of Chinese fishermen and explorers from since the Han Dynasty. Taiwan also mirrors these claims. However, China only recognizes that the dispute began in the 1970s, when reports of massive oil reserves began to surface and several ASEAN nations frantically rushed to lay claims. Most recently, China has become more aggressive in the area and has also shown increased frustration with US involvement in the region.

South-East Asian Nations

Vietnam

Vietnam hotly disputes China's historical account, claiming China had never claimed proper sovereignty before the 1940s, producing documents that supposedly prove Vietnam actively ruled over both the Paracels and Spratlys since the 17th century. Followed after China as most militarized, Vietnam has also had a history of violence in the region in 1974 and 1988, both times suffering losses and defeat. As tensions have spiked between Vietnam and China, protests have likewise surfaced in both countries and their embassies. Vietnam has conducted some land reclamation activities but unapproachable in scale and scope of China's building program.

Philippines

Another major claimant to the region is the Philippines, which invokes its geographical proximity to the Spratly islands as the main basis of its claim for part of the grouping. The

Philippines had previously participated in a stand-off with China in 2012, including the deliberate run-aground of its own ship onto the islands. As of October 29, 2015, the Philippines has taken a legal route to deter China's increased advancements, contending the nine-dotted line claimed by China.

Malaysia

Malaysia also lays claim to territory in the South China Sea, stating that they fall within their economic exclusion zone, as defined by UNCLOS. To be clear, its claims are not heavily concerned with the Spratlys or Paracels; rather, Malaysia finds that there are a small number of islands in the Spratlys that lie under their economic exclusion zone. As such, they have become a relatively minor actor in the region.

United States of America (USA)

The US holds a pivotal role to the region. The Obama administration's efforts to strengthen ties with and within ASEAN has raised questions over the future of US interests in Southeast Asia. However, currently, the US' claims regarding China have been self-evident in showing its policy and ambivalence towards militarization in the region. If military conflict were to break out, this would have heavy repercussions on the global economy and the loss of economic goods in trade routes. Moreover, the US also has obligations toward several of its defense treaties. In 2014, it signed a defense pact with the Philippines known as the Enhanced Defense Cooperation Agreement, which included increased rotational troop presence and more joint training. Not to mention, its warship and carrier battle group patrols have become worrisome to many, as well as its B-52 flyover on December 19, 2015.

Timeline of Relevant Resolutions, Treaties and Events

Date	Description of event
1947	China marks down South China Sea claims, creating the nine dash line and using the map as a basis for their territorial claim.
1951	At the international Treaty of San Francisco conference, Vietnam claims that the Spratlys and Paracels are territories of Vietnam with no challenge from any nations at the event. However, it is important to note that neither the PRC nor the ROC participated at this conference.
1969	The UN Economic Commission for Asia and the Far East publishes a report, denoting the possibility of energy deposits in the seabed. This sparks a flurry of

interest in the region.

19 January 1974	The Battle of the Paracel Islands begins between South Vietnamese and PRC forces. In the aftermath, the PRC completely seizes the Paracels.
14 March 1988	Known as the Johnson South Reef Skirmish, Vietnamese and PRC naval forces clash in the Spratlys, with Vietnam again coming off worse. By the end of 1988, it had occupied six reefs and atolls in the Spratly archipelago.
13 July 1999	The foreign ministry of Taiwan releases a statement that “legally, historically, geographically, or in reality”, all of the South China Sea and the islands were Taiwan’s territory and under Taiwanese sovereignty, mirroring that of China’s.
July 2012	China creates Sansha city, a body that administers the Spratly and Paracel islands, greatly infuriating both Vietnam and the Philippines.
May 2014	Chinese and Vietnamese naval vessels collide over a dispute of the setup of a Chinese oil rig in the region.
April 2015	Satellite images begin to show China building an air strip on reclaimed land in the Spratlys, as well as being in the process of creating other small islands in the region.
January 2016	Photographs begin to indicate that China is reclaiming land and expanding military facilities in the Paracels, essentially amping up militarization with increased military patrols and flights. Most recently has been China’s deployment of fighter jets to the disputed islands.
July 12, 2016	Permanent Court of Arbitration tribunal rules against Chinese nine-dash line claims, backing the Philippines’ case and condemning China’s land reclamation projects. Chinese state media reacts angrily, describing it as an “ill-founded ruling” that was “naturally null and void” parallel to Beijing’s previous statements that its “territorial sovereignty and marine rights” would not be affected by the ruling.

Relevant UN Treaties and Events

- United Nations Convention on the Law of the Sea, 10th December 1982
- Declaration on the Conduct of Parties, 2002
- Enhanced Defence Cooperation Agreement, 28 April 2014
- The Permanent Court of Arbitration hears the Philippines, 29th October 2015

Possible Solutions

It has been fairly clear that the proposed solutions in the past have been largely ineffective. UNCLOS, the first attempt which was not specifically related to the disputes at hand, provided vague definitions for what the Spratlys and Paracels would classify under. Furthermore, it is up to the discretion of both countries to whether or not be tried in court; as China has strong leverage and economic influence over other claimants, it has had little use for such. As for the Declaration of the Conduct of Parties in 2002, that failed in stemming China's aggressive maneuvers in the area. More than often has been the case that when one state militarizes, other claimants follow suit, which has had a polarizing effect and an arms race in the region.

One possible solution is the reinforcement of UNCLOS laws in order to properly define and categorize the EEZs, putting them into effect. This would be done in conjunction with a clarification and agreement on the status of the Spratlys and Paracels. It could be the case that an international summit could be held to distinguish and vote on who the island chains belonged to. Regardless of the outcome, this could then be monitored by the IMO. Joint management of resources has also been widely proposed by experts another means to ease current tensions. Precedent for this lies within the Tonkin Gulf, where China and Vietnam have managed to cooperate and delineate claims on a common fishery zone. However, oil development has remained a highly contentious issue, as both Vietnam and the Philippines have gone ahead with gas exploration projects with foreign companies in disputed areas. A different answer could be one that would involve making the entire area "international waters", essentially making it a lose-lose situation in that no country would have any legal jurisdiction over the waters in the area, including the resources. Despite how unpopular this solution would be, the islands would still be contested for.

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