

Political Committee

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The Digital Revolution: Taking Action to Promote a Better World
Through Technology

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Topic: Finding a solution to the situation in the South China Sea

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Introduction

The South China Sea holds extreme economic and strategic importance, not only to regional countries but to the international community as well. Approximately one-third of all global maritime trade transits through the South China Sea, while the sea itself contains anywhere from 11 to 125 billion barrels of crude oil, large fishing, and natural gas reserves. The attempts of different states to assert their sovereignty over said resources have resulted in tense confrontations which can easily escalate (pictured below). In May 2013, a Taiwanese Fisherman was shot dead by the Philipino Coast Guard, and in 2014 clashes between Vietnamese and Chinese naval units over a Chinese oil rig left 17 injured and two vessels damaged. As a result, other states, such as the United States have conducted Freedom of Navigation exercises, to ensure trade is conducted smoothly in the Sea. In many cases, China's naval maritime militia has rammed and harassed civilian and coast guard vessels of other countries to assert Chinese sovereignty in the area.

In addition to this several different states, notably the Philippines, Vietnam, Brunei, Malaysia, and China have constructed and militarized reefs, small and artificial islands as an attempt to project power in the area and to extend their nation's sovereignty. While economically important, the South China Sea is also strategically vital to power projection in the region and internationally, with control of the Sea allowing for a chokehold on resources and trade directed to Japan and South Korea while controlling the majority of trade in Southeast Asia. Furthermore, control of the South China Sea would allow the Chinese Navy greater strength in breaking past the First Island Chain while adding a layer of protection to their nuclear submarine base on Hainan Island. Despite China's claims in the area being largely unrecognized by the international community and deemed baseless by the International Court of Justice, it has begun to rapidly assert its control over the South China Sea. Due to its highly militarized nature, the South China Sea has been named a likely flashpoint for conflict be it between regional states or a wider Sino-American war. The importance and confrontational

nature of the situation in the South China Sea requires a need for compromise and dialogue between nations being of absolute importance.



Definition of Key Terms

Exclusive Economic Zone

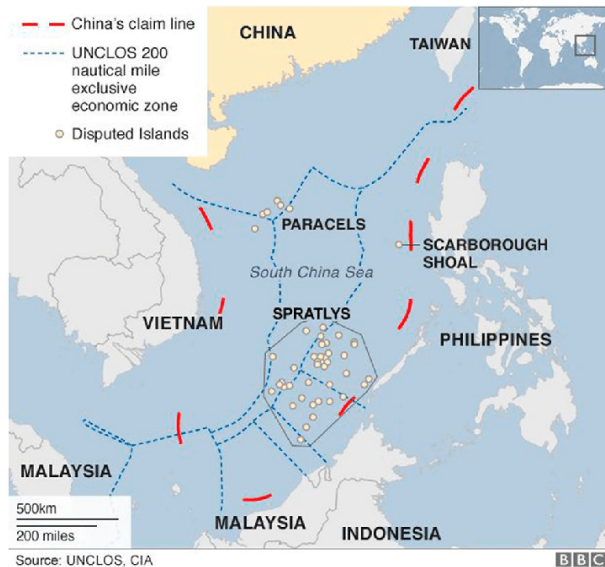
The area in which sovereign countries have exclusive economic powers and rights regarding economic activity and resource exploitation, extending 200 miles off a nation's coastline. Artificial Islands do not count as a valid coastline for any territorial waters.

International Waters

International Waters, while not officially defined, are waters not under the control of any nation, where nations may only assert their power under certain limited conditions, such as piracy, war, etc. Apart from such limited conditions, vessels are allowed to have free transit in international waters.

Nine-Dash Line

The claim of the Republic of China and People's Republic of China in the South China Sea as pictured below, taking up 90% of the Sea.



Freedom of Navigation and Overflight

The Principle that Ships and aircraft from sovereign countries may pass without undue interference, officially being defined as “freedom of movement for vessels, freedom to enter ports and to make use of plants and docks, to load and unload goods and to transport goods and passengers”.

Background Information

Origins of Disputes

Previous to the Second World War, the majority of the atolls, reefs, or islands within the South China Sea were primarily not claimed by any sovereign nation and as such was occupied by the Imperial Japanese Navy and incorporated into Japan. However, after the defeat of Japan during the Second World War, they were forced to relinquish such possessions in 1951 as per the San Francisco Peace treaty. However, the peace treaty did not define the sovereignty of the South China Sea, leaving the status of the Sea ambiguous and disputed. To further complicate matters, the era of decolonization began, where states in the region would gain their independence according to poorly defined European-made borders, further complicating the situation.

While overlapping claims in the South China Sea did not provoke any significant issues or situations for several years, the discovery of natural resources, and the growing strategic and political value of the Sea have provoked a confrontation between states over the issue of the South China Sea. When the possibility of oil and natural gas is located in the Sea was discovered, Vietnam withdrew its recognition of China's nine-dash line in 1975. Since the discovery of oil, countries began to construct and militarize their holdings in the South China Sea, albeit at different rates. It is estimated that between 11-30 billion barrels of oil and 266 trillion cubic feet of natural gas lie in the sea, worth several trillions of dollars. In addition to this, one-third of all global trade transits through the South China Sea, further increasing its strategic values. Since 1975, states adjacent to the South China Sea have begun to strongly assert their claims, leading to tense standoffs and an increasing militarization of the sea.

Brief History of Chinese Claims

The Century of Humiliation is the name given to the years ranging from 1839-1949 in China, beginning with the First Opium War and ending with the end of the Chinese Civil War. During the Century of Humiliation, Hong Kong and Macao were transferred to foreign powers, foreigners enjoyed extraterritorial and legal rights, while China's influence and power declined. The Chinese Communist Party (CCP), being founded during the century of humiliation, has made it one of its foreign policy goals to overcome or restore Chinese influence that existed before the Century of Humiliation. By claiming the South China Sea, China views it as a manner in which it corrects what is viewed as a historical injustice, with the CCP viewing such claims as an integral part of China and its regime.

In 1947, the Republic of China would first claim the majority of the South China Sea according to the nine-dash line, and still maintain their claims despite their exile in Formosa (Taiwan). Both the ROC and PRC would base the legitimacy of their claims on the fact that the Sea was often frequented by Chinese traders and fishermen for thousands of years. After the conclusion of the Chinese Civil War in 1949, the CCP would adopt the nine-dash line but would mainly not enforce their claims in the area until recently when China commenced its campaign of land reclamation in the South China Sea. While ruled as illegitimate by the ICJ, China still pursues its claims in the area, asserting its authority in the area while attempting to force out other countries from the South China Sea. While the ICJ is unable to enforce its ruling and carries little implications

for the PRC, the ruling firmly positions Chinese claims in the area as against International Law and puts the PRC at odds with the bulk of the international community. The CCP views the whole of the sea as sovereign Chinese territory and has refused negotiations with other countries over the status of the Sea.

Artificial Islands and Exclusive Economic Areas

A key feature of the situation in the South China Sea is that states in the region have begun to construct artificial islands and militarize them to assert and enforce their claims over the region. Such islands are built by nearly all states within the South China Sea dispute, as prior to 2016, these Islands were a tool to claim sovereignty, by claiming an Exclusive Economic Area (EEA) around them. However after 2016, after the ICJ ruled that such Islands were invalid in extending a nation's EEA, and consequently began to militarize at a much quicker pace. Such militarization would allow countries to assert sovereignty in the South China Sea. Just in 2018, the PRC began to deploy bombers in the South China Sea, a first for any nation. Likewise, Vietnam has announced it will begin to fortify its holdings in the South China Sea, pledging an extra 15,000 soldiers and seamen in the area. Since 2016, the South China Sea has been named a likely hotspot for war and as of date has begun to enter what experts claim are the early stages of an arms race. The People's Daily, the official newspaper of the Chinese Communist Party stated "If the US's bottom line is that China has to halt its assertive activities, then a US-China war is **inevitable** in the South China Sea." The increasing militarization of the sea when combined with the lack of cooperation and a confrontational approach provides perfect conditions for war.

Military Confrontations in the South China Sea

As a response to the claims of the PRC and Vietnam, several countries such as the UK, USA, Australia, Japan, Germany, and others have begun to conduct freedom of navigation and overflight exercises in which claims by such countries are challenged with aircraft and ships sailing within claimed waters to assert that they are international waters. This is done in an effort to preserve the neutrality of the waters and to ensure international trade is conducted unhampered. On the other hand, countries bordering the Sea have mainly wished to assert their sovereignty in the area. As a result, this has caused several tense confrontations between states in which warships from the PRC confront American warships, often at dangerously close distances from each other, posing the risk

of an incident like these provoking a wider war. Even between states in the region, such confrontations are frequent and pose a large risk for war such as in 2005, where Chinese Warships fired on Vietnamese ships in the Spratleys. The PRC has also employed a Salami Slicing strategy, in which the PLAN blockades Islands belonging to other countries in the South China Sea and forces them out, effectively seizing control of the Island. In other instances, China employs its Naval Maritime Militia to harass naval vessels of other countries in the South China Sea to further assert Beijing's control over the area. Given the already volatile nature of the Sea and the disputes within it, the recent militarization by several nations within the South China Sea has only heightened the risk for a potential war in the area.

Major Countries and Organizations Involved

People's Republic of China (China, PRC, or Beijing)

The People's Republic of China (PRC) currently claims 90% of the South China Sea, basing its claims on the fact that the South China Sea has historically been frequented by Chinese fishermen and that the Sea is historically Chinese. In an attempt to enforce such a claim the Chinese government has begun to construct artificial islands within the South China Sea and has further begun to militarize them, as to project power in the South China Sea. Likewise, the situation in the South China Sea is further exacerbated by China's newfound naval power, displacing the United States in Navy size. The People's Liberation Army Navy (PLAN) wishes to insulate its nuclear submarine bases in the South of China while also ensuring safe passage for Chinese vessels. As such Chinese actions in the South China Sea have become increasingly aggressive, in which Beijing has forcibly seized islands or used its maritime militia to harass fishermen of other countries. China views all territories within the nine-dash line as its sovereign and integral territory and accordingly ensures its perceived sovereignty over the area aggressively. Long-term motivations for Beijing are to ensure that its navy is capable of projecting its power outside the First Island Chain and into the Pacific safely, with the control of the South China Sea being a necessary prerequisite.

Republic of China (Taiwan, Taipei, or ROC)

Since its exile in 1949, the Republic of China (ROC) has not renounced its claims as to the legitimate government of China, despite recent political developments on the island. The ROC lays claim to the nine-dash line, just as the PRC, believing it to be sovereign Chinese territory, however, the prevailing international consensus views such claims as illegitimate. The ROC has a presence in the South China Sea, possessing multiple islands and military outposts in the area, and has recently begun to strengthen and militarize their islands to prevent a PRC takeover. Unlike the PRC, the ROC supports freedom of navigation exercises, multilateral action in resolving disputes, and other similar actions, rejecting a proposal from Beijing for a Pan-Chinese approach to disputes in the South China Sea, opting to further align itself with the United States. Recently the ROC signed a coast guard cooperation memorandum of understanding with the United States, in reaction to further PRC encroachment on its sovereignty. The ROC due to its strategic power in the area attempts to undermine Beijing in the area and its power while avoiding confrontation on its own claims in the South China Sea.

United States of America

The United States of America is the PRC's largest competitor and rival and views the South China Sea as vital to ensuring its interests in the region and countering China. Apart from countering China's growing influence, the main interests of the United States it's that shipping and trade within the area are facilitated and unimpeded, to protect its economic interests in the area. As a result, the US has responded negatively to states who in asserting their claims in the area interfere with commercial shipping. As a result, the United States rejects the claims of not only the PRC but also Vietnam and the ROC, viewing its artificial islands as being illegitimate and challenging the claims of primarily the PRC and to a much lesser extent that of Vietnam. As a way of undermining Chinese claims in the region, the United States conducts freedom of navigation and overflight exercises, in which US military ships and aircraft patrol in contested waters. This is done as the United States considers it paramount that regional trade within the area runs undisturbed as to best protect American and Allied interests.

Socialist Republic of Vietnam

The Socialist Republic of Vietnam initially accepted Chinese claims in the South China Sea region until the commencement of the Sino-Soviet split in 1960, in which Vietnam after the Vietnam war would seek to reassert its claims and sovereignty in the South China Sea. Vietnam attempts to assert its sovereignty over its claims in the South China Sea by exploiting its natural resources and continuing the construction of artificial islands. Vietnam has sought to primarily counter growing Chinese ambitions in the region and has begun to seek closer ties to the United States. Vietnam, while not possessing as much power like China or the United States, is still a strong regional power, capable of defending its interests.

Republic of the Philippines

The Philippines currently plays a middle line between both China and the United States yet currently opposes Chinese claims within the South China Sea. After the recent seizure of several Philippine Islands by the PRC, the Philippine government has been strengthening its position in the South China Sea while also seeking to improve relations with Beijing. While the Philippines has taken China to court over their claims in the area, they wish to preserve their relations with Beijing. Due to the imbalance of power, the Philippines wishes to take on Chinese claims in the region through more diplomatic means, relying on allies and international organizations.

State of Japan

While not located within the South China Sea, Japan receives the vast majority of its oil, gas, and trade through international maritime routes in the Sea, making it of great importance for Japan. As such Japan has conducted limited Freedom of Navigation and overflight exercises to undermine Beijing's control of the area. Furthermore, in the East China Sea, Japanese claims overlap with the PRC and ROC in the area, making the area vital to Japanese interests. Due to Beijing's increased aggressiveness both in the South China Sea and outside it Japan has begun to take a more active stance within the South and the East China Sea.

International Court of Justice

The International Court of Justice ruled that they had the authority to make a ruling on territorial claims within the South China Sea, and unanimously ruled that the PRC's (and by

extension the ROC's claim in the area were baseless and illegal according to international law. While the ICJ is powerless in enforcing its claims, it sets a precedent for the region and the future, with Artificial Islands being illegitimate in expanding a countries sovereignty. This had the effect of mainly making the PRC's claims in the area illegitimate.

United Kingdom of Great Britain and Northern Ireland

While not a decisive or influential player in the South China Sea, the United Kingdom conducts Freedom of Navigation and overflight exercises in the area and remains politically aligned with the United States. After the creation of the AUKUS alliance, the UK is expected to play a larger role in containing China in the South China Sea. 12% of the United Kingdom's trade passes through the South China Sea while possessing military bases in Brunei, Singapore, and Diego Garcia. The United Kingdom views Chinese expansion in the South China Sea as a threat to its economic interests and wishes to contain the PRC.

Commonwealth of Australia

Unlike other democracies, Australia has been subject to immense pressure and influence from China within politics, culture, and economics. While Australia had previously been neutral on the issue, has begun to take a stance on the issue, conducting Freedom of Navigation exercises and supporting countries due to what it perceives as Chinese encroachment in her sovereignty as well as other actions by Beijing.

Timeline of Events

Date	Description of event
February, 1947	The Republic of China declares the nine-dash line as Chinese territorial waters in the South China Sea
September 4th, 1949	Following a communist victory in the Chinese Civil War, the CCP adopts the nine-dash line as its claims in the South China Sea

September 9th, 1952	Japan formally renounces all sovereignty and claims within the South China Sea, however, they do not name any successor to Japanese rule.
July 20th, 1954	The Geneva Accords of 1954, attended by the PRC, USA, USSR, France, UK, and Vietnam settled that the Spratly and Paracel Islands belonged to Vietnam.
1969	An UN-sponsored research team discovered oil and natural gas in the South China Sea.
1970-1972	The PRC occupies the Amphitrite Group of the Paracel Islands.
1974	South Vietnam attempts to assert claims to sovereignty by placing settlers and expelling Chinese fishermen in the Spratly and Paracel Islands. Chinese naval units defeat South Vietnam in the battle of Shanhu Island and seizes control of the Paracel archipelago.
June 11th, 1978	Philippine president, Ferdinand Marcos, extends the Philippines' claims in the South China Sea and claims the Spratly Islands.
1979	Vietnam claims sovereignty over all Islands in the South China Sea.
March 14th, 1988	China defeats Vietnamese naval forces in a skirmish in the Johnson South Reef, provoking more skirmishes in the area between China and Vietnam.
June-September 1992	Vietnam accuses China of landing troops in the Da Lat Reef. At the same time, China seizes 20 Vietnamese cargo vessels in the area.
July 21st, 1994	Chinese warships blockade a Vietnamese Oil Rig.
1995	ROC (Taiwanese) artillery fire on a Vietnamese supply ship.
January 1996	Three Chinese Vessels engage in a gunfight with a Philippine warship.

April 1st, 2001	The Hainan Incident, in which a PRC fighter and American reconnaissance plane collided midair while conducting an intelligence gathering and freedom of overflight operations.
November 4th, 2002	China and ASEAN agree on "a code of conduct in the Declaration on the Conduct of Parties in the South China Sea".
January 8th, 2005	Chinese naval ships fired on two Vietnamese fishing boats, killing nine fishermen.
March 2009	Chinese ships shadowed and confronted an American Intelligence ship within the South China Sea.
May 13th, 2009	The official deadline according to the UN's convention on the laws of the sea for nations to make hydrocarbon claims, greatly inflaming tensions in the area.
July 23rd, 2010	US Secretary of State Hillary Clinton declares the South China Sea as being vital to US interests.
October 10th, 2011	Vietnam and China reached an agreement on a set of principles in resolving maritime disputes.
November 17th, 2011	US President Barack Obama declares to the Australian parliament that the United States would further increase its interest in the Asia-Pacific region
May 21st, 2012	The ROC (Taiwan) rejected a pan-Chinese agreement with the PRC in asserting Chinese claims in the South China Sea.
July 22nd, 2012	The Central Military Commission of the PRC establishes a garrison in the Sansha regions
August 2012	Vietnam began land reclamation efforts in the West Reef
January 10th, 2014	China imposes a fishing permit rule in the South China Sea
March 30th, 2014	The Philippines submits a case to the International Court of Arbitration in the Hague

	over China's claims in the South China Sea
December 7th, 2014	The United States rules that China's nine-dash line is illegal under international law
April 8th, 2015	China begins transforming Mischief Reef into an artificial Island
October 27th, 2015	The United States begins its first Freedom of Navigation exercise, sailing past the Spratly Islands
November 14th, 2015	Indonesia announced it planned to take China to court over its claims and actions in the Nantua Islands
May 19th, 2016	Indonesia announces it is considering joint patrols with Malaysia and the Philippines
July 12th, 2016	The International Court of Arbitration ruled that China's claims in the South China Sea were baseless
May 18th, 2018	Chinese bombers are deployed in the South China Sea, a first for the region.
September 30th, 2018	A US destroyer and a Chinese Warship nearly collide in a freedom of navigation exercise.
May 15th, 2020	An International standoff between Chinese, Vietnamese and Malaysian warships ends.
August 26th, 2020	The United States sanctioned Chinese individuals and 24 companies involved in the militarization of the South China Sea.

Relevant UN Treaties and Resolutions

International Court of Justice Ruling

July 10th, 2016. The International Court of Justice (ICJ) ruled unanimously that Chinese claims in the South China Sea were illegitimate and illegal under international law. Furthermore, the ICJ ruled that artificial islands do not contribute to extending a nation's sovereignty into the Sea.

Previous Attempts to solve the Issue

Freedom of Navigation and Overflight

Since the failure of the free market in encouraging liberalization and dialogue in the South China Sea, the United States, European Union, Australia, and Japan have conducted freedom of navigation exercises in the South China Sea. These exercises are when warships or aircraft maneuver close to Islands held by the PRC, ROC, or Vietnam in an attempt to enforce that the territories surrounding them are international waters. While such activities hamper the power of states in the area to enforce their claim and from taking more drastic measures in the South China Sea, such an approach has its risks. Firstly, such exercises have led to collisions and tense standoffs in the past, which can allow for an escalation of hostilities in the area, especially the PRC and USA in the case of miscommunication could lead to war. Furthermore, such exercises only hold back the ambitions of many regional countries and only maintain the status quo, addressing the symptoms of the problem rather than its roots.

ISS Asia Security Summit

The ISS Asia Security Summit, or Shangri-La Dialogue (SLD), is a military conference in which Asian states and the United States discuss military-related affairs and seek greater military cooperation. In previous summits, the de-escalation of tensions has been proposed in the South China Sea by allowing for greater cooperation and communication between states to avoid tense confrontations in the Sea. The impact of such discussions has been limited in the past however due to the 2020 summit being canceled due to Covid-19 with no summits being held in the foreseeable future.

Possible Solutions

A solution for the situation in the South China Sea poses an extremely difficult challenge due to its high strategic and economic value in the region and internationally being further complicated by the dispute being over what several different nations view as their sovereign territory. Unlike other issues, a compromise on what nations view as their own sovereign territory is extremely difficult and a high level of dialogue and cooperation will be needed for any solution.

One of the most obvious solutions to the situation would be to follow the United Nations Charter and other international agreements concerning the extent of a country's sovereignty in the Sea. Such a solution however has largely failed to end disputes or confrontation in the region, with the People's Republic of China and the Republic of China rejecting the ruling from the International Court of Justice ruling that Chinese claims in the South China Sea were illegitimate according to International Law. As such any viable future solution will need to address primarily the desire of Beijing (and to a lesser extent Taipei) in claiming control of the South China Sea.

Some countries such as Thailand and Malaysia have established small joint Exclusive Economic Areas. Such an agreement may serve as a model for future agreements within the South China Sea. Such an agreement would have to take into account a division of resources among all the regional countries while also ensuring freedom of navigation to avoid tense and dangerous standoffs between the United States and the People's Republic of China. Such encounters must also be dealt with as they pose what experts consider the largest threat to regional security, any mistakes, miscommunications, or accidents in such encounters may provoke a wider conflict among nations or even superpowers. Furthermore, the increasingly militarized nature of the South China Sea serves to exacerbate and worsen the current situation in the Sea. As such the need for demilitarization of both islands and reduction of tensions is a necessity for whichever potential solution and likely a prerequisite in addressing overlapping claims of sovereignty in the Sea.

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