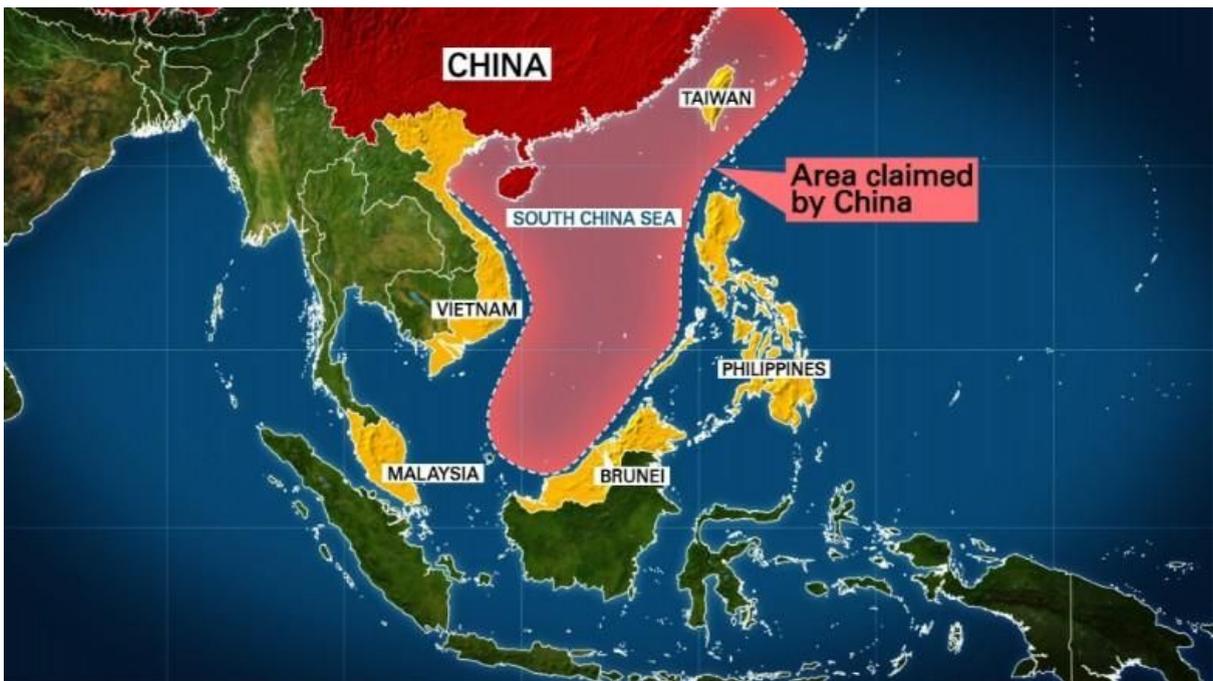


# Groningen Model United Nations 2019

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## Background Paper

### Security Council



<https://edition.cnn.com/2018/05/27/asia/south-china-sea-freedom-of-navigation-intl/index.html>

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## **Welcome Letter**

Honourable Delegates,

We, Inés and Eelco, are very pleased to welcome you to this year's Security Council at GrunnMUN 2019.

The Security Council is, alongside the General Assembly, one of the principal organs of the United Nations and is accorded its primary responsibility of upholding international peace and security by The Charter of the United Nations, which obligates all of its member states to settle their disputes in a peaceful manner.

This year you, the delegates, will assume the role of the nations involved in the disputes of the South Chinese Sea. The importance of this topic, one cited by many as the number one conflict hotspot in the world, is only matched by the diligence that will be required to solve it.

We will serve as your Chairs during the time of the conference but also as your guide for your preliminary preparation and questions of any kind. Therefore we prepared this background paper to give you the framework for your research.

For some of you this might be the first Model United Nations Conference while there will also be experienced delegates among us. Either way, we strongly want to emphasize the importance of preparation for any committee work. Therefore we would also like to add that this background paper is serving solely as a basic understanding of the topic and thorough research is of highest importance and inevitable to ensure a productive conference.

In case of any questions we will be happy to help out anytime so please do not hesitate in contacting us. We are very excited to meet you and wish you all the greatest success for in your preparation and GrunnMUN 2019!

See you soon

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## **Introduction**

Between the Strait of Taiwan and the Strait of Malacca lies the South China Sea. A body of water that serves as the lifeblood for over 500 million people in China, Taiwan, the Philippines, Malaysia, Brunei, Indonesia, Singapore, Cambodia, Thailand and Vietnam living within 100 miles of its coastline

It is a sea with a staggering amount of biological diversity, including much of the world's coral reefs and scores of different types of fish. More interestingly to some, it also is thought to have deep oil and gas reserves, which could provide a much needed supply of energy to the many energy-import dependant countries in the region.

Additionally, it is home to one of the world's busiest international sea-lanes with the majority of the world's busiest shipping ports. Furthermore it is not only a maritime link with invaluable economic worth, it also has imperative strategic value as a connection between the Pacific and Indian Ocean, and is therefore of paramount importance to any would be regional naval power.

Considering the worth of this area, it is of no surprise that parts of it have been claimed by a plethora of surrounding countries. Brunei, Malaysia, the Philippines, Vietnam and Taiwan all claim sovereign right to (overlapping) parts of the disputed waters. In contrast China, wielding larger regional influence, considers nearly all of the Sea to be hers.

However the debate has not been limited to discourse between the claimants. Third parties such as the US and Japan envision a different South China Sea and (primarily) the US wishes for it to be considered international waters free for navigation under UN maritime law.

The international agreement that defined the responsibilities and rights of states in regard to the use of the world's oceans and seas is the United Nations Convention on the Law of the Sea (UNCLOS). It describes guidelines for the management of national resources located in the seas, businesses and the environment. It has been ratified by 167 states and the European Union but, critically, not by the United States who despite this fact have been of great importance in the disputes surrounding the South Chinese Sea.

It is still unclear if the disputes might be settled diplomatically through the UN, bilaterally between the many claimants and parties or, if the bellicose rhetoric of an emboldened China and Trumpian US continue, through other means.

## **Historical Background**

Hundreds of islands lie within the South China Sea surrounded by eight countries. It is one of the geographic and political hotspots in our century.

Since the 1950s there is a territorial conflict between Brunei, the People's Republic of China, the Republic of China (Taiwan), Malaysia, the Philippines, and Vietnam. in the South China Sea. The underlying reason for the dispute is due to the rich occurrence of natural resources and fish in that area which makes the South China Sea one of the biggest and most important trade barriers with an estimated worth of US \$5 trillion of global trade passing through every year (Pesek, 2017).

The beginnings of the conflict can be traced back to the 1951 signed San Francisco Peace Treaty, which gave Japanese and other islands their full sovereignty back. Nevertheless, it failed to declare possessions of the Spratly and Paracel Islands which Japan lost after the WWII (Peace Palace Library, n.d.).

Since then the question of ownership has opened an international conflict.

So far, China and Taiwan claim most parts of the territory based on their 9-dash line, which includes the Paracel and Spratly Islands. It was outlined by Beijing in 1947 (Pesek, 2017). Nevertheless, China never filed a formal claim for these territories (Cheney-Peters, 2014). In 2013, the Philippines' President Benigno Aquino brought the case to an United Nations arbitral tribunal, suing Beijing on the grounds of violating sovereignty rights, which in 2016, under United Nations Convention the on Law of the Sea (UNCLOS), ruled that China has no "historical rights" on that area (Pesek, 2017). To this day, Taiwan and China both rejected this ruling and claim their historical rights. The UNCLOS also decided for Exclusive Economic Zones that allow each state to claim 200 sea miles from their own coasts. This decision however is not only vague as it makes some states' zones overlap but also because it includes islands, without answering what exactly is seen as an island.

One of the reasons why China has gained so much power about the area is its economic superiority in comparison to the other involved countries. This is partly due to the economic crisis in 2008 but also the fast development of China and the closing gap to the USA.

## The Issue

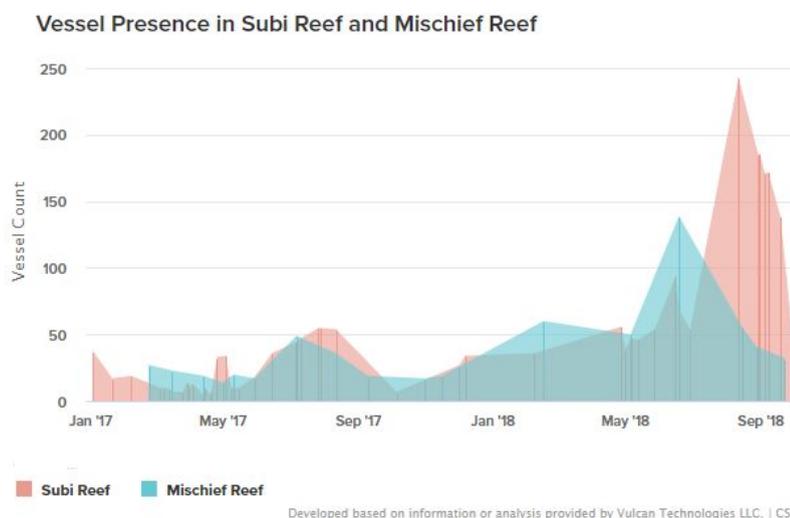
### Status Quo

As of this moment the dispute around the South Chinese Sea can be observed as 8 sets of territorial claims made by its surrounding nations.

The largest claim has been made by the People's Republic of China (PRC), also called the nine-dash line. It covers most of the sea and overlaps the exclusive economic zone claims of Brunei, Indonesia, Malaysia, the Philippines, Taiwan and Vietnam. The claim has never been made formal and the justification for its ownership over this area has only been based on a vague public claim in 1947.

The maritime border along the Vietnamese coast has been the subject of 3 claims: One by the PRC, one by Taiwan and one by Vietnam. Another maritime border north of Borneo has been disputed between 5 nations: the PRC, Malaysia, Brunei, Philippines and Taiwan. A third maritime boundary north of the Natuna Islands is also disputed by the PRC, by Indonesia and again Taiwan. A fourth is off the coast of Palawan and Luzon and is again claimed by the PRC, Taiwan and the Philippines. A fifth boundary dispute is both maritime and terrestrial and includes the islands of Sabah between Indonesia, Malaysia and the Philippines. The last maritime boundary dispute is between the PRC, Taiwan and again the Philippines. The last of the 8 disputes are the contested islands, reefs, shoals and banks in the South Chinese Sea. It is a dispute between the PRC, Taiwan,

Vietnam and some parts are also claimed by Malaysia and the Philippines.



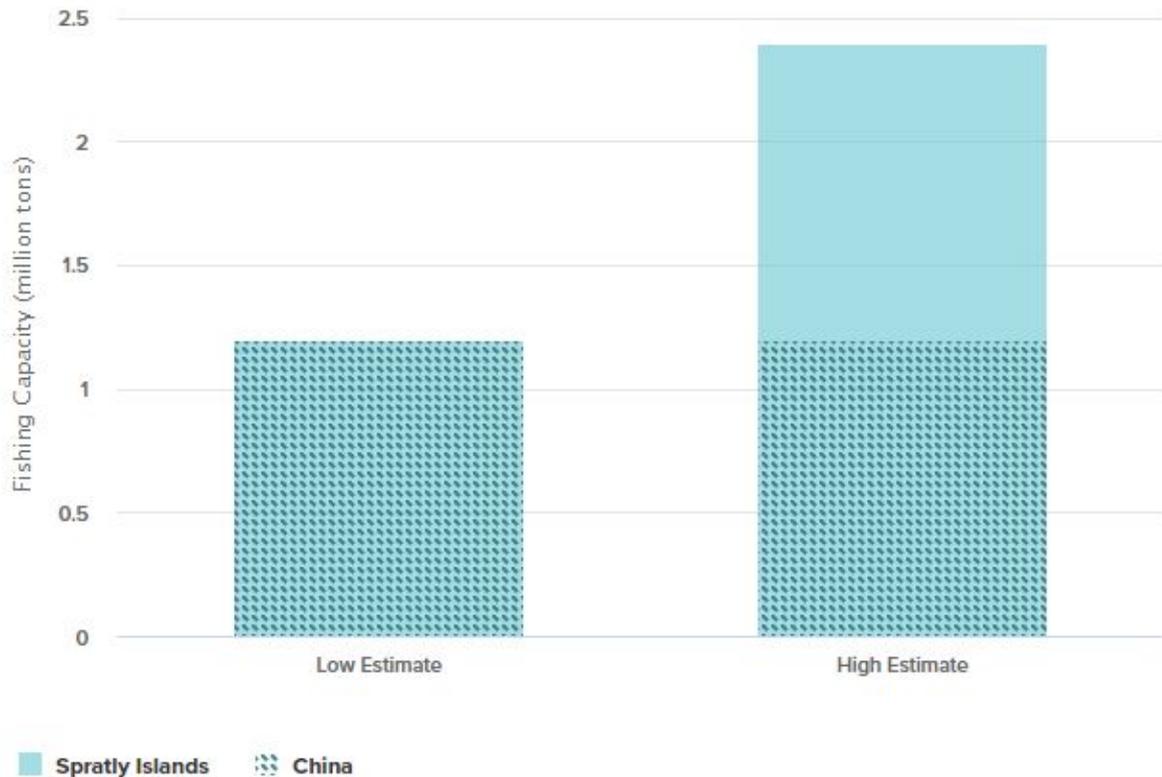
The situation in the sea itself is uncertain. China has, although its justification is based on a historical claim to the region which has never been confirmed by any other sovereign nation, made incursions by means of fishing fleets

and oil exploitation. Especially around China's largest outposts, the Subi and Mischief Reefs, the Stephenson Ocean Security Project has spotted scores of fishing vessels more relative to recent years. (Poling, 2019) Furthermore, when the boats were captured on satellite imagery, they were rarely engaged in the actual act of fishing. Rather, they spend more time at anchor, the insensibility of which is further exacerbated when one considers the massive overcapacity of the Chinese vessels present in the South Chinese Sea. Considering the presence of 270 Chinese fishing boats at the Subi and Mischief Reefs, China could capture about 1.2 million metric tons of catch per year based upon published Chinese

catch levels. (Poling, 2019) This would be between 50 and 100 percent of the total amount of fish caught in the entire Spratly Islands.

### Estimated Chinese Annual Fishing Capacity in Spratly Islands

The Spratly Islands' values represent 12% of the fishing capacity of the entire South China Sea, which is estimated to range between 10 and 20 million tons.



Developed based on information or analysis provided by Vulcan Technologies LLC. | CSIS

It is the combination of the massive presence of Chinese vessels together with the inefficacy of their presence on the haul that has made pundits to conclude some of these vessels serve, at least part-time, other (military) purposes. (Asia Maritime Transparency Initiative, 2018)

Any potential definite advance however, has been halted mainly by the US, who have supported any country willing to press its claim against China's nine-dash line. From October 2015 onwards the US has ordered Navy ships to patrol near the artificial Chinese islands in the Spratly archipelago. These were part of the so called Freedom of Navigation operations (FONOP) program and were undertaken to underline that both the Subi and Mischief Reefs are located in international waters based upon the 2016 the Hague's International Tribunal of the Sea ruling on the PRC's claims. (Michael Green, Bonnie Glaser & Gregory Poling, 2015)

Additionally, in May 2017 Japan sent air and naval forces to the South Chinese Sea in its furthest foray in the region since WW2. Then in June 2018 during the so-called Shangri-La Dialogue, both France and the UK declared their intention to uphold the right of freedom of navigation by sailing their ships through the

South Chinese Sea. It thus seems as if this regional dispute has become more global, and subsequently of higher importance to the UN Security Council.

### **Involved Parties**

#### ***China (PRC)***

China is one of the major key players in the territorial dispute. It claims around 80 percent of the territory, based on China having been in possession of them ever since the second century CE. These claims have been overruled by a United Nations Tribunal, however, China rejected that ruling.

#### ***Taiwan (ROC)***

Similar to the PRC, Taiwan strongly rejected the United Nations Tribunal's ruling. The in 2016 newly elected DPP government has strong pro-independence inclinations and thus choose to highlight its own Chinese legacy by rejecting the Permanent Court of Arbitration's (PCA) ruling. It further enforced its own claim over the South Chinese Sea, most likely not as a serious claim, but as a political tool to boost the government's domestic approval (Shang-su Wu, 2016).

#### ***USA***

The United States of America has close cooperation schemes or alliances with many of the involved parties. South Korea and Japan for instance, which are militarily well equipped countries, have alliances with the US. Taiwan, Indonesia and the Philippines have established close security cooperations and smaller countries, such as the Philippines, see the US more as a guarantor of their territorial claims against the other nations.

In 2010, then Secretary of State Hillary Clinton announced the US' interest in freedom of navigation and open access to the East China Sea under respect of international law. (Fabi, 2015).

#### ***Philippines***

The Philippines feel themselves particularly threatened by China in the dispute and have therefore established strong cooperation initiatives with the US. China and the Philippines constantly clash, such as in 2015 when the latter asked the PCA to invalidate China's claims.

#### ***ASEAN***

The Association of Southeast Asian Nations held talks with China in 2002 and has decided on common rules of behaviour in the South China Sea. However, the association has no clear positioning on the matter as some of the countries have close ties with China while other have close ties with the other countries.

## **The Stance of the International Community**

### ***India***

Modi delivered a keynote speech focusing on India's strategy in the Indo Pacific region. In his address, he noted that the Malacca Strait and the South China Sea connect India to the Pacific and most of its major partners including ASEAN, Japan, South Korea, China and the Americas.

Without mentioning China, the Indian leader called for a common rules-based order for the region that would equally apply to all nations.

### ***United States***

US Defense Secretary Jim Mattis warned that there would be consequences to China ignoring the international community. The Pentagon also pointed out the Chinese President Xi Jinping failed to uphold his promise back in 2015 that Beijing will not militarize the Spratly Islands.

Mattis said that militarizing the disputed features in the South China Sea would not enhance China's standing in the world.

### ***Vietnam***

Gen. Ngo Xuan Lich, Vietnamese Minister of National Defense, also used strong language in calling out Beijing's militarization of artificial islands in the contested waterway:

*"Under no circumstances could we excuse militarization by deploying weapons and military hardware over disputed areas against regional commitments. Instead, all sides need to show their responsibility in building order at sea, so that the East Sea truly becomes a sea of peace, cooperation and friendship."*

Vietnam recently asked China to remove its military equipment in the South China Sea following the PLA Air Force's landing of a bomber aircraft on Woody Island in the Paracel Islands, which are also being claimed by Hanoi.

### ***Australia***

Australian Minister of Defense Marise Payne said that changes to the rules-based order must be agreed upon through open discussion. Australia called on all countries to clarify and resolve their territorial claims in the South China Sea based on international law.

She stressed that adopting a "might-is-right" approach in the maritime dispute is against the interests of all nations.

### ***France***

French Minister of the Armed Forces Florence Parly expressed support for a code of conduct in the South China Sea that would be legally binding, comprehensive, effective and consistent with international law.

France had also conducted freedom of navigation operations in the South China Sea last year, along with the United Kingdom and Germany.

### ***United Kingdom***

UK Secretary of State for Defense Gavin Williamson noted that threats to the rules-based order are also threats to the world's prosperity and security.

These threats may be violent extremism, North Korea's proliferation of nuclear weapons or "increasingly aggressive states" that infringe "regional access, freedoms and security through coercion and malign influence."

### ***Singapore***

Dr Ng Eng Hen, Singaporean Minister for Defense, noted how claimant states took unilateral actions in the disputed features in the South China Sea to protect their interests, including China and the Philippines after the 2016 ruling of the Hague-based international tribunal.

He stressed that the forthcoming code of conduct (COC) on the South China Sea would likely shape "Globalisation 2.0."

### **Conclusion**

The South Chinese Sea dispute is one of the most complex and potentially dangerous conflicts of our recent memory. It has the potential to unleash great strife upon the region and perhaps the world. Solving this conflict by the root would certainly greatly contribute to global stability and is thus one of the UN's principal concerns. Nations will have to make compromises on issues that instill great nationalism within their citizens and cannot sacrifice too much. Additionally they also have much to gain and thus bargaining will be tough. Furthermore, all parties would also benefit greatly if a mutual beneficial solution can be agreed on, as it may lubricate the massive amount in the trade in the region. It is now upon this next security council summit to facilitate these negotiations, may the seas belong to all and to none.

### **Questions the Resolutions needs to answer**

- Questions and uncertainties regarding the UNCLOS: What is considered to be an island and what rights evolve with uninhabited island formations?
- How is China's and Taiwan's decision to disregard the United Nations tribunal decision to be treated?
- Should the Freedom of navigation be considered as a legal right?

- What are the potential possibilities of sharing maritime resources?
- How can a potential military conflict be prevented?

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