

Forum:	Security Council
Issue:	Territorial disputes over sea boundaries between China and neighbouring regions
Student Officer:	Zoe Kyrkou
Position:	Deputy President

PERSONAL INTRODUCTION

Dear delegates,

My name is Zoe Kyrkou and it will be an honour to serve as the deputy president of the Security Council at this year's 7th Platon School MUN conference. I am more than looking forward to meeting all of you, while I am also sure that you will all prove to be very successful delegates and that the debate will result in numerous fruitful solutions. The South China Sea has been for decades the site of several complex territorial disputes that have been the cause of conflict and tension within the region and throughout the Indo-Pacific. Thus, I hope that you understand the importance of this topic and perform a thorough research. I believe that my study guide will prove a useful starting tool, yet I would advise you to not rely solely on it if you want to be well-prepared. I also urge you all to look carefully into your country's policy on the issue so that you come to the conference ready for lobbying and debate! If you have any questions concerning the topic or you generally need my support, do not hesitate to contact me (zoe999zk@gmail.com)!

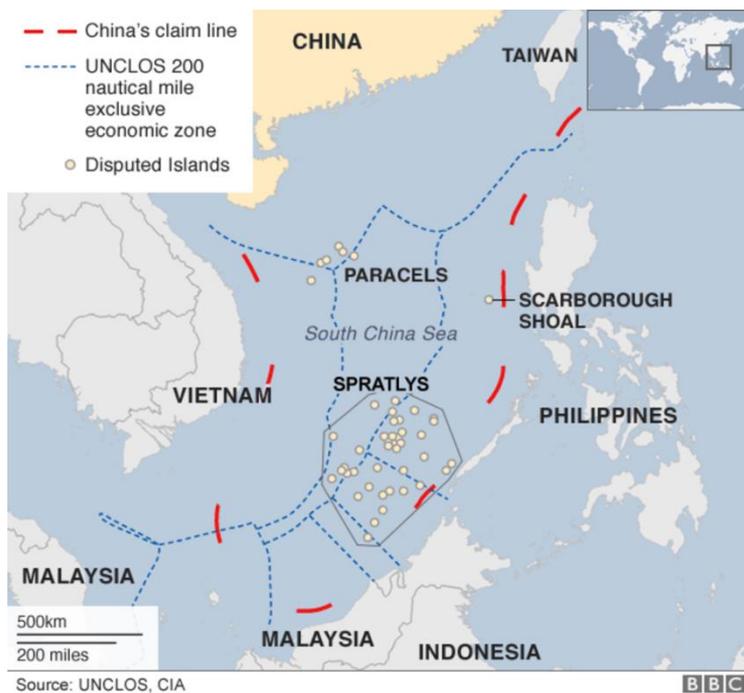
I am looking forward to meeting you at the conference.

Regards,

Zoe Kyrkou

INTRODUCING TOPIC

The territorial disputes in the South China Sea involve both maritime boundaries and island claims among several sovereign states in the region, such as the People's Republic of China, the Nation of Brunei, the Republic of China (Taiwan), Malaysia, the Republic of Philippines, and the Socialist Republic of Vietnam.¹ Since a high proportion of the world's trade passes through the South China Sea, there are many non-claimant nations that have interests in the region remaining as international waters, while several nations, such as the United States of America, conducting "freedom of navigation" operations.



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<http://www.bbc.com/news/world-asia-pacific-13748349>

waters, while several nations, such as the United States of America, conducting "freedom of navigation" operations.

The disputes in the area are over the territory claims and sovereignty of ocean areas, and the Paracel and Spratly islands – two island chains claimed in whole or in part by numerous countries. Disputes also involve dozens of rocky outcrops, sandbanks and reefs and the waters near the Indonesian Natuna Islands.

A brief summary of the main disputes and the nations involved is given below:

1. The nine-dash line area is claimed by the People's Republic of China, which covers most of the South China Sea and overlaps the exclusive economic zone claims of Brunei, Indonesia, Malaysia, Taiwan, the Philippines and Vietnam.
2. The maritime boundaries along the coast of Vietnam are claimed by China, Taiwan and Vietnam.
3. The maritime boundaries north of Borneo are claimed by China, Malaysia, the Philippines and Taiwan.
4. The maritime boundaries in the waters north of the Natuna Islands are claimed by China, Indonesia and Taiwan.

¹ "South China Sea Territorial Disputes | Peace Palace Library." *South China Sea Territorial Disputes | Peace Palace Library*. N.p., n.d. Web. 13 Jan. 2017. <<https://www.peacepalacelibrary.nl/library-special/south-china-sea-territorial-disputes/>>.

² "Why Is the South China Sea Contentious?" *BBC News*. BBC, 12 July 2016. Web. 13 Jan. 2017. <<http://www.bbc.com/news/world-asia-pacific-13748349>>.

5. The maritime boundaries off the coast of Palawan and Luzon, including the islands in the Luzon Strait, are claimed by China, the Philippines and Taiwan.
6. The maritime boundaries, land territories and islands of Sabah are claimed by Malaysia, Indonesia and the Philippines.
7. The islands, reefs, banks and shoals in the South China Sea, including the Paracel, Spratly and Pratas islands, the Macclesfield Bank and the Scarborough Shoal are claimed by China, Taiwan, Vietnam, Malaysia and the Philippines.

The interests of the aforementioned nations in the area include the retention or acquisition of the rights over several fishing areas, the exploration and potential exploitation of the oil and natural gas reserves under the waters of the several areas of the South China Sea, and the strategic control of important shipping lanes in the area.³

DEFINITION OF KEY TERMS

South China Sea

The South China Sea is a marginal sea that is part of the Pacific Ocean encompassing an area of about 3.5 million square kilometres. States and territories that have borders on the sea include: the People's Republic of China (including Macau and Hong Kong), the Republic of China (Taiwan), the Philippines, Malaysia, Indonesia, Brunei, Singapore and Vietnam. The South China Sea contains over 250 small islands, reefs, shoals and sandbars. The area's importance is largely due to the trading routes, the fishing reserves and the oil and natural gas reserves that are believed to exist under its waters.

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

The United Nations Convention on the Law of the Sea (UNCLOS) is the international agreement that resulted from the third United Nations Conference on the Law of the Sea (UNCLOS III), which took place between 1973 and 1982. Its purpose is to establish a comprehensive set of rules governing the oceans and define the rights and responsibilities of states as to their use of the world's oceans, while also establishing guidelines for the management of marine natural resources. Apart from economic provisions, UNCLOS has established specific jurisdictional limits on the maritime claims of countries. As of June 2016, 167 nations and the European Union had joined UNCLOS.

³Glaser, Bonnie S. "Armed Clash in the South China Sea." *Council on Foreign Relations*. Council on Foreign Relations, n.d. Web. 13 Jan. 2017. <<http://www.cfr.org/asia-and-pacific/armed-clash-south-china-sea/p27883>>.

Exclusive Economic Zone (EEZ)

An Exclusive Economic Zone (EEZ) is a concept adopted at the third United Nations Conference on the Law of the Sea (1982) whereby a coastal state assumes jurisdiction over the marine resources in its adjacent section of the continental shelf. The EEZ comprises an area up to 200 nautical miles extending from the coast of each state or federal system. Within its EEZ, a state can exercise its sovereign rights for exploring and exploiting, conserving and managing the natural resources of the waters, as well as the establishment and use of artificial islands and installations.

Association of Southeast Asian Nations (ASEAN)

The Association of Southeast Asian Nations (ASEAN) is a political and economic organisation of countries in Southeast Asia aimed primarily at promoting economic growth and regional political stability among its members. ASEAN was officially formed in 1967 with the signing of the Bangkok Declaration by five Southeast Asian countries. Since its formation, ASEAN has grown slowly to currently include 10 member states: Indonesia, Malaysia, Philippines, Singapore, Thailand, Brunei, Laos, Myanmar, Cambodia and Vietnam. ASEAN's main aims are the promotion of collaboration and co-operation between its member states and to advance the interests of the whole region, including economic and trade growth.

Nine-dash line

The nine-dash is a document representing the People's Republic of China's territorial claims in the South China Sea. Beijing has never clarified the line's exact coordinates, but the line stretches over 2000 kilometres from the Chinese mainland to within a few hundred kilometres of the Philippines, Malaysia and Vietnam. The line has appeared on official Chinese maps since the 1940s (having initially eleven dashes) and it shows that any land or maritime feature contained within it is owned by China in the basis of "historical maritime rights".⁴

BACKGROUND AND HISTORICAL INFORMATION

The territorial disputes in the South China Sea trace back to the 1951 San Francisco Treaty, which failed to stipulate the possession of the Spratly Islands after Japan lost its entitlement to them after the country's defeat in the Second World War. The South China Sea is a vast continental shelf that constitutes an important trading, fishing and military route, with potentially rich resources of oil and natural gas. The contested ownership of the Spratly Islands escalated into an international conflict when a number of claimant states began extracting resources from the seabed within their EEZ.

⁴ Fisher, Max. "The South China Sea: Explaining the Dispute." *The New York Times*. The New York Times, 14 July 2016. Web. 13 Jan. 2017. <http://www.nytimes.com/2016/07/15/world/asia/south-china-sea-dispute-arbitration-explained.html?_r=0>.

The UNCLOS was concluded and came into effect in 1994, establishing a legal framework that would balance the economic, trading, military, and safety interests of the states in the wider region of the South China Sea, as well as provide passage rights for naval vessels and military aircraft in the area. UNCLOS has also defined the EEZ of each state, as an area stretching 200 nautical miles that gives the rights of exploitation of marine resources only to the coastal nation at hand. However, in the latest years, the EEZ of the claimant states have served multiple times as security zones, despite nothing of that respect being enforced by UNCLOS. Despite the signing and ratification of UNCLOS by most of the coastal countries in the South China Sea, its interpretation is still hotly disputed. Thus, legal and territorial disputes have persisted in the region, with the primary “targets” being the Spratly and Parcel Islands and the Scarborough Shoal.

Inside the Spratly Islands, more than 60 geographic features are occupied by Taiwan, Vietnam, China, Malaysia and the Philippines. The Parcel Islands are the subject of overlapping claims by China, Vietnam and Taiwan. China has made the largest claims in the South China Sea, as shown by the infamous “nine-dash line” in a map firstly published by the Kuomintang Government in 1947. The nine-dash line includes most of the South China Sea and almost all of the Spratly Islands and is based on evidence of historical usage of these territories. Thus, China has used the nine-dash line map to claim “indisputable sovereignty over the islands in the South China Sea and the adjacent waters and jurisdiction over the relevant waters as well as the seabed and subsoil thereof”; territorial claims which are however disputed by most member states of UNCLOS as having no legal foundation under the Convention.

Most of the current tensions in the South China Sea date back to a period of two years between 2008 and 2009. These tensions were followed by a bloodless stand-off between China and the Philippines over Scarborough Shoal in 2012, which resulted in China gaining de facto control over the feature. New tensions in the area developed between China and Vietnam in 2014, when China began drilling operations with a nationally-owned petroleum company 120 nautical miles away from the Vietnamese coast and 17 nautical miles from the island Triton, part of the disputed Parcel Islands. These operations were rigorously protested against by the Vietnamese government, who sent a fleet of coast guard and maritime patrol vessels to intercept the Chinese oil rig and its supporting vessels. A stand-off followed, with multiple collisions between the Chinese and Vietnamese vessels, resulting in the sinking of a Vietnamese fishing boat. The incident sparked anti-Chinese riots across Vietnam and strained the diplomatic relationships of the two nations.

A significant aspect of the territorial disputes in the South China Sea also concerns China’s large-scale large reclamation activities and construction operations in the area in the last five years. More specifically, China has, since 2014, installed military-capable infrastructure, including multiple port facilities and runways, at seven of the features it occupies in the Spratly islands. These projects have created seven new artificial land masses in the Spratly Islands.

Finally, China's numerous land reclamation activities and territorial claims have been met with protest from several of the interested states, most notably from the Philippines, Indonesia, Vietnam and the United States. As a settlement to the disputes over the sovereignty of the geographical features and islands in the South China Sea, China has proposed joint development as a provisional measure, however most of the other claimant states consider that the presumption of the nine-dash line would be an unfair starting point for any negotiations of joint development.

COUNTRIES INVOLVED IN THE ISSUE

People's Republic of China

The People's Republic of China claims by far the largest territory in the South China Sea; its claims are defined by the "nine-dash line" which stretches for hundreds of miles south and east from its south provinces. China states that the country's claims in the area date back to the early centuries B.C., when the Paracel and Spratly islands were regarded as internal parts of the Chinese nation. However, it is not yet clear whether China claims only land territory within the nine-dash line or all the waters within it as well. Since the onset of the territorial disputes in the area, China has backed its claims with island-building operations and numerous naval patrols.⁵

United States of America

The United States has claimed that it does not participate in territorial disputes, however the country has gotten involved by sending military ships and airplanes to patrol the waters – which it claims are international – and the disputed islands. These operations have been called by the United States "freedom of navigation" operations, whose goal is to ensure that access to key shipping and air routes in the area is maintained. USA still claims to support any mediation efforts put forth from the other interested states in the area.⁶

Philippines

One of the major claimant states in the South China Sea, the Philippines uses its geographical proximity to the Spratly islands as the main basis of its territorial claims on the islands, as well as the Scarborough Shoal. The Philippines has asked in the past for a tribunal of five arbitrators to declare China's claims under the nine-dash line as invalid. In 2013, the Philippines also filed a case with the Permanent Court of

⁵ "Why Is the South China Sea Contentious?" *BBC News*. BBC, 12 July 2016. Web. 13 Jan. 2017. <<http://www.bbc.com/news/world-asia-pacific-13748349>>.

⁶ "Why Is the South China Sea Contentious?" *BBC News*. BBC, 12 July 2016. Web. 13 Jan. 2017. <<http://www.bbc.com/news/world-asia-pacific-13748349>>.

"Trump Unlikely to Change South China Sea Policy, Chinese Academics Say." *ABC News*. N.p., 25 Nov. 2016. Web. 13 Jan. 2017. <<http://www.abc.net.au/news/2016-11-25/trump-will-pursue-regional-hegemony-in-south-china-sea/8059486>>.

Arbitration in The Hague, seeking a ruling on its right to exploit the waters, islands and reefs of the South China Sea within its exclusive economic zone.⁷

Vietnam

Vietnam has been disputing the historical claims of China in the South China Sea, saying that the first time China has claimed sovereignty over the numerous islands has been in the 1940s with the nine-dash line. Vietnam has claimed that the Parcel and Spratly islands have been under active Vietnamese rule since the 17th century.⁸



https://en.wikipedia.org/wiki/Territorial_disputes_in_the_South_China_Sea

Indonesia

Since the beginning of the South China Sea dispute, Indonesia has repeatedly maintained its position as a non-claimant state in the territorial disputes. However, parts of China's nine-dash line intersect with Indonesia's exclusive economic zone. Indonesia has repeatedly stated that the nine-dash line claims over parts of the Natuna islands have no legal basis; statements have been issued stating that the country's sovereign rights in its EEZ would be protected at all costs.⁹

Taiwan

Taiwan was one of the states to negatively react to the 2014 tribunal ruling about the future of the sovereignty claims in the South China Sea. Taiwan is not a member state of UNCLOS and thus is not bound by the tribunal's ruling. Taiwan's disappointment is said to be due to the tribunal's rejection of the island status for Itu Aba, the largest naturally formed feature in the Spratly islands and a remote Taiwanese outpost.

⁷ "Explained: The South China Sea Dispute - Times of India." *The Times of India*. World, 12 July 2016. Web. 13 Jan. 2017. <<http://timesofindia.indiatimes.com/world/china/Explained-The-South-China-Sea-dispute/articleshow/53173502.cms>>.

⁸ "Why Is the South China Sea Contentious?" *BBC News*. BBC, 12 July 2016. Web. 13 Jan. 2017. <<http://www.bbc.com/news/world-asia-pacific-13748349>>.

⁹ "Indonesia in the South China Sea: Going It Alone." *Indonesia in the South China Sea: Going It Alone*. N.p., n.d. Web. 13 Jan. 2017. <<https://www.lowyinstitute.org/publications/indonesia-south-china-sea-going-it-alone>>.

Brunei and Malaysia

Brunei and Malaysia have laid territorial claims in the South China Sea on areas that are said to be within their exclusive economic zones as defined by UNCLOS. Brunei does not claim any of the disputed islands, but Malaysia claims some of the Spratly islands.¹⁰

Australia

Australia has significant economic interests in the South China Sea, mostly in terms of freedom of trade and navigation. Airborne surveillance operations in the South China Sea have been performed by Australia since 1980, some of which have been verbally challenged by China. Australia has been USA's closest ally in its operations in the region; however it has not yet conducted any surface "freedom of navigation" operations similar to those of USA, instead having restricted its actions in the area to statements of diplomatic support.¹¹

TIMELINE OF EVENTS

The timeline presented here is only but a brief one outlining some of the most important events in a dispute that has lasted for centuries. I would thus advise you to look more into the events of the South China Sea dispute in which your country has either participated or had an interest in.

200 B.C.: The People's Republic of China has claimed that Chinese fishermen have been using the resources of the Spratly Islands since 200 BC.

1947: The first map containing the nine-dash line is published (the map then contained 11 dashes) outlining the claims of the Republic of China in the South China Sea, which included waters adjacent to Malaysia, the Philippines and Vietnam.

1974: The Paracel Islands are seized from Vietnam by China, in an operation killing more than 70 Vietnamese troops.

1982: The United Nations Convention on the Law of the Sea (UNCLOS) is concluded, without however coming into effect until 1994, establishing a legal framework so as to balance the economic and security interests of the involved states.

1988: China and Vietnam clash again in the Spratly islands, with Vietnam suffering the greatest losses.

Early 2012: China and Philippines engage in a lengthy maritime stand-off with accusations from both sides of intrusions in the Scarborough Shoal, resulting to China gaining de facto control over the feature.

¹⁰ "Why Is the South China Sea Contentious?" *BBC News*. BBC, 12 July 2016. Web. 13 Jan. 2017. <<http://www.bbc.com/news/world-asia-pacific-13748349>>.

¹¹ "South China Sea." *South China Sea* | *Lowy Institute*. N.p., n.d. Web. 13 Jan. 2017. <<https://www.lowyinstitute.org/issues/south-china-sea>>.

June 2012: A new maritime law is passed by Vietnam claiming the country's sovereignty over the Spratly and Paracel Islands, while China raises the administrative status of the disputed islands to the prefecture level.

January 2013: The Philippines formally initiates arbitration of China's maritime claims in the South China Sea by launching a case under UNCLOS's International Tribunal for the Law of the Sea questioning their legal basis; China refused to participate in the arbitration or be bound by the Court's ruling.

May 2014: China begins large-scale construction and drilling operations with an oil rig owned by the China National Offshore Oil Corporation near the disputed Paracel Islands; the operations led to numerous collisions between Vietnamese and Chinese ships, as well as anti-Chinese protests in Vietnam.

October 2015 and onwards: The United States has launched three freedom of navigation operations (FONOPs) so as to challenge the excessive maritime claims in the South China Sea. Since then one FONOP has been conducted near the Triton Islands in the Paracels and one near the Fiery Cross Reef.

February 2016: Satellite imagery shows China's operations of expanding the North and Tree islands in the Paracels.

July 2016: An arbitral tribunal constituted under UNCLOS rules against China's maritime claims in the Philippines vs. China dispute, even though it is not enforceable. China has since then not acknowledged the tribunal nor has abided by its ruling and insists that any resolution should be through bilateral negotiations with all claimants.



<http://edition.cnn.com/videos/world/2016/05/10/south-china-sea-tensions-watson-tell.cnn>

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

To begin with, the United States, China and all ASEAN member states, with the exception of Laos and Myanmar, are members of the Western Pacific Naval Symposium (WPNS). WPNS was founded in 1988 with the purpose of bringing regional naval leaders together every two years in order to discuss maritime security. As of now, WPNS has produced the Code for Unalerted Encounters at Sea (CUES), which includes safety procedures and means to facilitate communication when ships and aircrafts from different countries of the region make contact. Other mechanisms

and organisations are also at effect in the South China Sea that aim to promote security for national naval and aviation operations, such as the International Maritime Organization's Regulations for Preventing Collisions at Sea (COLREGS) and the International Civil Aviation Organisation.

Moreover, in 2002, the members of ASEAN and China signed the Declaration on the Conduct of Parties in the South China Sea, which sought to establish a framework for the eventual negotiation of a Code of Conduct for the South China Sea. The involved parties promised to "exercise self-restraint in the conduct of activities that would



complicate or escalate disputes and affect peace and stability including, refraining from action of inhabiting on the presently uninhabited islands, reefs, shoals, cays, and other features and to handle their differences in a constructive manner."

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<http://www.gmanetwork.com/news/story/574719/news/nation/south-china-sea-dispute-expected-to-take-spotlight-in-asean-meeting-after-phl-win>

ASEAN and China have also agreed upon multilateral risk-reduction and confidence-building measures after the signing of Declaration on the Conduct of Parties in the South China Sea. However, it is important to note neither parties have adhered to the provisions of the Declaration, nor implemented its proposals to undertake cooperative trust-building activities. The resumed negotiations between China and ASEAN in the latest years hold out few promises for reinvigorating any cooperative activities.

POSSIBLE SOLUTIONS

Any proposed solution for the South China Sea disputes should consider all the positions and interests of all the involved states and stakeholders. It is important to not forget the positions held not only by the states' governments and officials, but also of the people of each involved state, as in many cases the disputes are based on issues of limiting activities that influence people's lives, such as fishing. It is thus

¹² "The South China Sea Dispute: A Brief History." *Lawfare*. N.p., n.d. Web. 13 Jan. 2017. <<https://www.lawfareblog.com/south-china-sea-dispute-brief-history>>.

important that any decisions concerning this issue are being made after careful consideration of the rightful jurisdiction over the waters and seabed and the legality of conducting military operations within a country's EEZ.

Some solutions are proposed below:

- Creation of dialogue mechanisms involving all the interested states in the region and if necessary outside organisations that will be called to act as mediators;
- Establishing effective information-sharing between the states of South China Sea and as a measure to improve awareness and communication between the relevant parties;
- Resource cooperation, such as joint development of petroleum or fishing resources, could be undertaken by the claimant states in the South China Sea to reduce tensions related to access to natural resources;
- Finally, the settlement of the dispute over Svarbald Island's sovereignty in Norway should be considered as a possible example of a way of resolving the South China Sea territorial disputes.

These are just some exemplary proposed measures that could be considered, however I would highly advise you to perform a thorough research yourself and come up with numerous operative clauses that should try to address all interested parties in this very complex dispute.

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