

Committee: Association of Southeast Asian Nations

Issue: The issue of the South China Sea

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INTRODUCTION

The South China Sea, one of the busiest waterways in the entire world, located just south of the People's Republic of China as the name suggests, is currently subject to a territorial dispute of great proportions between China and the countries of the surrounding area (Brunei, Taiwan, Malaysia, Indonesia, the Philippines, Vietnam). The issue is that many countries are claiming to own various, often overlapping parts of the area, and therefore disagreeing about who the rightful owners of the aforementioned regions are. The disputed areas include the Scarborough Shoal, the Spratly Islands, as well as the Paracel Islands, all of which are located in the South China Sea. This conflict has lead China to resort to building artificial islands in the sea, in order to expand its exclusive economic zone, which has been met with international disapproval.

Please do not hesitate to contact Chris Kalogeropoulos, President of the ASEAN Committee at chriskalos658@gmail.com if any questions arise during your reading of this Study Guide.



Map of the South China Sea

NOTE: Throughout this Study Guide, to avoid confusion, the Republic of China (ROC) will be referred to as Taiwan, and the People's Republic of China (PRC) will be referred to as China.

Important note from the chairs' team

In order for the chairs to fully understand the dynamics of the committee, discovering any misunderstanding prior to the debate and for the better preparation of the delegates you are asked to proceed as indicated below;

- 1) Conduct your chairs via email and informing them about your mun experience so that they can know what exactly to expect of you.
- 2) Prepare and send your chairs by 11:59 of the 6th of November one position papers for each of the topics you are going to discuss during the conference. You can conduct the expert chair, of each topic for further information concerning your country's policy if needed, and for general guidance when it comes to your position papers (word limit structure etc). You are going to receive general comments during the lobbying for your position papers as well as personal feedback and grades for your papers. The points you will receive will add up to your general score which is one of the factors that determine the best delegate award. If you for any reason fail to send your papers before the final deadline you will not be eligible for any award.

DEFINITION OF KEY TERMS

Spratly Islands

The Spratly Islands are a group of islands located in the South China Sea. They consist of more than 100 small islands or reefs surrounded by rich fishing grounds, and potentially by gas and oil deposits. They are claimed in their entirety by China, Taiwan, and Vietnam, while portions are claimed by Malaysia and the Philippines. About 45 islands are occupied by relatively small numbers of military forces from China, Malaysia, the Philippines, Taiwan, and Vietnam. Since 1985, Brunei has claimed a continental shelf that overlaps a southern reef but has not made any formal claim to the reef. Brunei claims an exclusive economic zone over this area.

Paracel Islands

The Paracel Islands are a group of islands located in the South China Sea. They are surrounded by productive fishing grounds and by potential oil and gas reserves. In 1932,

French Indochina annexed the islands and set up a weather station on Pattle Island; maintenance was continued by its successor, Vietnam. China has occupied all the Paracel Islands since 1974 when its troops seized a South Vietnamese garrison occupying the western islands. China built a military installation on Woody Island with an airfield and artificial harbor. The islands also are claimed by Taiwan and Vietnam.

Scarborough Shoal

The Scarborough Shoal is a disputed territory claimed by China, Taiwan, and the Philippines. The term refers to two skerries (tiny rock islands) in a natural submerged bank, located in the South China Sea. It is a chain of reefs that measures around 49km in perimeter and covers an area of 150 square km.

Land reclamation

Land reclamation refers to the process of creating or restoring new land from waterlogged areas, lakebeds, or oceans. The new land makes the land more useful for activities such as farming, forestry, port expansion, beach replenishment, or construction of commercial complexes. The reclaimed ground is filled with sand, soil, or other materials depending on the intended use. The process involves pumping out water from swampy, muddy places, or raising the elevation of the ocean bed by a different process.

South China Sea

The South China Sea is a water mass located south of China, containing various island groups such as the Spratly and Paracel Islands. It is an area very rich in resources for fishing, as well as natural resources like natural gas and crude oil. On top of this, it is very important to world trade, not just inter-Asian trade. It is estimated that one third of all global shipping via water passes through the South China Sea. The estimated total annual trade of the area is worth around \$3 trillion (USD, although that claim varies among sources. Seizing control of this area would grant the owner State with exclusive rights to all the abundant resources of the region, as well as control over the trade that happens within it.

Exclusive Economic Zone

An exclusive economic zone is an area of sea assigned by the United Nations Conventions on the Law of the Sea (UNCLOS) in 1982, within no more than 200 nautical miles, or 370

kilometers to the coastal State to which the area belongs. The only exception to this is when two or more States' coastlines are less than 400nmi apart from each other, in which case compromises are negotiated. A good example of this is in the Mediterranean.

In a State's exclusive economic zone, said State has exclusive rights to fishing, drilling, energy production from water and wind, as well as other activities. The establishment of exclusive economic zones emerged from the political demands of developing countries, especially those located in Africa, which needed exclusive rights to make use of the resources of their coastal waters and prevent other nations from using those areas to their advantage.

Nine-Dash Line

The term "Nine-Dash Line" refers to the vague definition of the sea area claimed by China. It got its name from the way it looks on Chinese maps, with 9 big dashes encompassing the entirety of the South China Sea, making it look like it belongs to China. The line claims as much as 90% of the contested waters and runs as far as 2000 km from the Chinese mainland to within a few hundred kilometers of the Philippines, Malaysia, and Vietnam. The Chinese government claims to own this entire part of the sea with great persistence, vaguely stating that they have "historical maritime rights" over the area.

Gulf of Tonkin

The Gulf of Tonkin is an area of water near the shores of Vietnam and China, to the north of the South China Sea.

Pratas Islands

The Pratas Islands are three atolls located in the South China Sea. They consist of two banks, two coral reefs, and an island named Pratas Island, which is the only part of the area that is above water. The entirety of Pratas Islands is claimed and controlled by Taiwan, and there are several oil wells near the banks, making these islands a source of income for Taiwan.

Macclesfield Bank

Macclesfield Bank is a bank with no land above sea level, meaning it is entirely submerged. It is disputed between China, the Philippines, and Taiwan.

Luzon Strait

The Luzon Strait is the strait between Taiwan and the Luzon island of the Philippines. It connects the Philippine Sea to the South China Sea.

BACKGROUND INFORMATION

The South China Sea is currently the subject of a territorial dispute between several aforementioned States. Its geographic location is very politically and economically important to the area, and especially to China, since 39.5% of all of China's trade pass through the South China Sea during shipping. The disputes include islands, islets, rocks, and reefs located in the sea area, as well as some parts of the Gulf of Tonkin, with each country claiming to own different but overlapping parts of it.

The islands were used for military purposes by the Empire of Japan during World War II, and claimed control over them. After Japan's defeat in the war, however, they had to give up control of the islands according to the Treaty of San Francisco (1951), but the treaty did not specify the new status of the islands. Due to this oversight, the dispute continues even to this day, with China claiming the entirety of the South China Sea as theirs, despite the international community's best efforts to resolve the issue.

China's claim over the area is described using the nine-dash line, a line that is usually just 9 long dashes on a map, encompassing the entirety of the South China Sea. This line is very vague, and is the main source of debate among every single one of the States involved in this dispute.

China has been very active in the area over the past few decades, defending the islands from being captured, and also recently beginning land reclamation efforts to essentially built artificial islands in the South China Sea, expanding their exclusive economic zone to include those islands. However, this is also a topic of disagreement, since China seems to ignore and violate the rightful exclusive economic zones of other States with the nine-dash line, but claim that theirs should be respected and recognized.

Summary of Disputes

1. The nine-dash line claimed by China, which includes the entirety of the South China Sea, overlaps and therefore violates the exclusive economic zones of all the States involved, namely Brunei, Indonesia, Malaysia, the Philippines, Taiwan, and Vietnam.
2. Sea borders near the shores of Vietnam disputed between China, Taiwan, and Vietnam.
3. Sea borders to the north of Borneo (the island Brunei is located in) disputed between China, Malaysia, Brunei, the Philippines, and Taiwan
4. Islands, islets, reefs, banks, and other land including the Paracel Islands, the Pratas Islands, Macclesfield Bank, Scarborough Shoal and the Spratly Islands, disputed by China, Taiwan, and Vietnam, with parts of the area also claimed by Malaysia and the Philippines.
5. Sea borders north of the Natuna Regency of Indonesia disputed between China, the Philippines, and Taiwan.
6. Sea borders near the Philippines (namely the islands of Palawan and Luzon) disputed between China, the Philippines, and Taiwan.
7. Sea borders, parts of land, and the islands of Sabah, between Indonesia, Malaysia, and the Philippines.
8. Sea borders and islands in the Luzon Strait disputed between China, the Philippines, and Taiwan.

MAJOR COUNTRIES AND ORGANISATIONS INVOLVED

Brunei

Brunei had been more active in this dispute in the past, but they have recently taken a “back seat”, presumably to preserve and improve their economic relations with China. They had made claims in the area in the past, but it is unclear if those claims still stand today, as they have gone undefended. Despite this, their rightful exclusive economic zone (EEZ) is being violated by the nine-dash line.

People’s Republic of China (China)

China, as mentioned previously, has stated that they own sovereignty over the area covered by the nine-dash line. This is problematic, due to the nine-dash line claim violating several States' exclusive economic zones. Furthermore, the creation of artificial islands by China in areas that technically do not belong to them has been shunned by the international community. China's goal is to own the entire South China Sea, because of its economic significance. However, the ways with which China is trying to achieve this goal are questionable.

Indonesia

Indonesia has made claims to two areas. One of which (the Sabah claim) actually does not clash with China's nine-dash line claim, but rather the claims of Malaysia and the Philippines over that area. Their other claim, the sea area north of the Natuna Regency, is within their EEZ, which means that they are defending their own territory. For this reason, they consider themselves to be a non-claimant state, although this is not universally agreed upon. Their EEZ is also violated by the nine-dash line.

Malaysia

Malaysia has made claims over the north of Borneo, certain islands of the SCS, and the Sabah area. This means that on top of having disputes with China, they are also having disagreements between themselves, Indonesia, and the Philippines. Their EEZ is violated by the nine-dash line.

Philippines

The Philippines are very active in this dispute, having made claims over everything in the South China Sea except the area to the north of the Natuna Islands, and the Vietnamese coast. Just like every other State involved, their EEZ is violated by the nine-dash line.

Taiwan

Taiwan is a bit of a special case, due to the nature of their territorial claims. Taiwan actually makes the exact same claims as China when it comes to territory, and not just in the South China Sea. They claim to be the rightful owner of the entire area currently governed by China. This is because Taiwan's existence is the result of a political exile. Taiwan was actually created because the Communist Party of China chased away the old government, which was

the Kuomintang (the Nationalist Party of China). The Kuomintang then had no choice but to retreat to the island of Taiwan, which still holds today as the Republic of China, also known as the original government of China. China was then overtaken by the Communist Party and renamed to the People's Republic of China, the name it has today.

Vietnam

Vietnam has made claims over the Vietnamese coast, as well as certain islands in the SCS. The Vietnamese coast claim is only disputed by China and Taiwan, but the claims to the islands are disputed almost unanimously, except for Brunei and Indonesia.

TIMELINE OF EVENTS

Date	Description of Event
1951	The Treaty of San Francisco is signed after World War II, making Japan give up control of the South China Sea and all its islands, without specifying their new status. China makes several claims to the land.
1954	The 1954 Geneva Conference takes place, ending the First

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	Indochina War, and giving control of the Paracel and Spratly islands to South Vietnam.
1955	The events of the First Taiwan Strait Crisis transpire.
1956	North Vietnam claims that China is the lawful owner of the Paracel and Spratly islands, despite the 1954 Geneva Accords claiming it is actually South Vietnam.
September 4 th , 1958	China declares the nine-dash line (originally the eleven-dash line prior to 1958), therefore claiming ownership over the entire South China Sea.
1974	China uses military force in the Paracel Islands, taking Yagong Island and the Crescent group of reefs from South Vietnam, during the Vietnam War.
1969	Oil under the seafloor of certain South China Sea islands is discovered by a UN-sponsored research team.
1970	China occupies part of the Paracel Islands.
1972	Invasions by several States take place in the Spratly Islands, banishing the local government away. The ship the local government was traveling in went missing, China alleges that it sank in a storm.
1978	The President of the Philippines, Ferdinand Marcos, issues a Presidential decree declaring part of the Spratly Islands as territory belonging to the Philippines.

1988	A fight between China and Vietnam takes place in the Johnson Reef in the South China Sea, resulting in China occupying the Johnson Reef.
1994	China occupies Mischief Reef, which is very close to the coast of the Philippines, but not close enough to violate the Philippines' EEZ.
July 20 th , 2011	China, Brunei, Malaysia, the Philippines, Taiwan, and Vietnam agree to a set of guidelines to help resolve disputes.
July 22 nd , 2011	The INS Airavat, an Indian warship, was located 45 miles from the coast of Vietnam, within the disputed SCS territory. China reacts very negatively and condemns India for traversing the waters of the SCS without permission, despite the ship having been going on a friendly visit to Vietnam, and clearly being within Vietnam's EEZ.
2012	China takes over Scarborough Shoal from the Philippines.
2015	Sometime around 2015, it was discovered that China had been expanding certain islands in the SCS by creating artificial land on already existing islands or atolls.

UN INVOLVEMENT: RELEVANT RESOLUTIONS, TREATIES AND EVENTS

- [ASEAN: Declaration on the Conduct of Parties in the South China Sea](#) (2002)

In this declaration, the Association of Southeast Asian Nations (ASEAN) establishes a code of conduct for all the States involved in the South China Sea conflict. However, it has not had any significant effect on the issue.

- [UN : Convention on the Law of the Sea](#) (December 10th, 1982)

During the UN Convention on the Law of the Sea that took place in 1982, the Exclusive Economic Zone was established as an international standard for all States. This is important because it is the reason this dispute exists today, but for a good reason. According to the resolution, every State is entitled to an exclusive economic zone, but in the South China Sea, some States are infringing on the exclusive economic zones of their neighboring States, therefore breaking the laws of this resolution.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

ASEAN and China agreed to a code of conduct in the Declaration on the Conduct of Parties in the South China Sea in 2002, and then again in 2011 some attempts were made as mentioned in the timeline. Besides those, this problem has gone largely unsolved, with no other obvious attempts to remedy the situation. There is a general hostility between all the States involved in the dispute, and no State seems to be taking steps to deescalate the issue.

POSSIBLE SOLUTIONS

The hostility between the States needs to be de-escalated, and an international framework needs to be established to make sure that the dispute of the South China Sea is solved, and also to ensure no such issues will arise again in the future. Perhaps imposing sanctions on states that do not abide by the newly established framework would encourage them to follow it. The resolution to come out of this committee needs to be clear, realistic, with the goal of solving the problem in a fair and legal manner, and to be future-proof, meaning it should also work towards preventing similar disputes from appearing again in the future.

Chair's note: I wish all the delegates the best of luck, happy studying, and hope for a productive and fruitful conference. This is an issue of great importance for the international

community, and I am looking forward to seeing how you, the delegates, will handle it. See you at the conference!

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