

Disarmament and International Security Committee

TOPIC BRIEF

The South China Seas



An Introduction to DISEC

The Disarmament and International Security Committee (DISEC) is the first committee of the United Nations General Assembly. Dealing primarily with threats to international peace and stability, DISEC cooperates in conjunction with the UN Disarmament Commission and the 1978 Geneva Conference on Disarmament. Furthermore, DISEC discusses the governing principles of disarmament and the international regulation of arms. All issues discussed by the First Assembly relate to the UN Charter and any other organ of the UN. The First Assembly promotes cooperation and peaceful debate, as many of the challenges facing this committee are or can be incredibly violent. The first assembly is the only committee of the UN general assembly having verbatim records. In short, DISEC seeks to promote and strengthen peaceful relations and resolve violent or potentially violent issues.

An Introduction to the South China Sea

The South China Sea is oil-rich, territorially ambiguous, witness to the passing of over $\frac{1}{3}$ of the world's shipping trade, roughly 5 trillion dollars' worth. The South China Sea is extremely attractive to nearby countries, promising trillions of dollars to whichever country controls it. The two main island chains--the Paracels and the Spratlys--pose strategic locations for military bases. They sit in the center of one of the world's most fertile fishing grounds, boasting some 12% of the world's total fish catch. Brunei, China, Malaysia, the Philippines, Taiwan, and Vietnam currently all lay claim to a part of the resource rich area. The UN Convention on the Law of the Sea (UNCLOS) created guidelines for exclusive economic zones in order to avoid major territorial disputes. The convention states that "up to 200 miles off the coast of a country was their zone for sovereign rights to exploration,

conservation, management and exploitation of the living and nonliving resources of the water, seabed and subsoil". Despite the 170 signatories of these guidelines, some countries do not abide in creating increased tension in regions such as the South China Sea. China, a signatory of these guidelines, claims sovereignty to almost the entire sea. Using a model drawn in 1947 now called the 9-dash line. China disregards the UNCLOS model.

The current conflicts in the South China Sea have deep historical roots and dip into many pressing global issues such as the characteristics justifying territorial claims, the militarization of international waters and the maintaining of peace despite disregards to international law. The challenges facing the sea and the nations surrounding it prove to be challenging to solve, as international law cannot force a country to do something. Nonetheless, change is a necessity. With this situation currently being at a standstill, peaceful change is up to you.

Context of the Issue

The South China Sea was not always coveted. The Ancient Chinese did not establish any presence on either island chains but rather avoided them both. Ancient Chinese scholars warned against passing through the islands because many ships mysteriously disappeared. Early trade flourished along the maritime silk roads (figure c) which flowed through the South China Sea and was dominated by the ancient Chinese. Despite this, the Chinese never exercised any sovereignty on the islands. The Chinese government claims that the Chinese have been sailing and using these waters since 200 BCE and by the 3rd century CE written Chinese records describe the island chains. The Sa Huỳnh culture of ancient Vietnam also has historical ties to these waters as present-day archeological evidence shows they sailed the sea and traded along the coast.

In the 1500s, Spain colonized the Philippines, including the Kalayaan Islands which are now a province of the Philippines and known as part of the Spratly Islands. During the 1800s, more European powers sailed into the mix colonizing most of the East Asian nations. In 1816 the Vietnamese emperor, Gia Long, began surveying the Paracels. Vietnam was one of the nations colonized. However, not long before being claimed by the French in 1887, the Vietnamese king 6 Minh Mang laid claim to the Paracels. Competing European powers continued to dominate the region with countries such as Germany surveying the islands. Even China was carved into spheres of influence being controlled mainly by the British. In 1876, the Chinese claimed the Paracels stating “they belong to China.” In 1877, the British laid a claim to the Spratlys. In 1912, the Republic of China was established, and the new government maintained earlier claims to the Paracels. As European domination continued, other imperial forces entered the region. The Japanese won the First Sino-Japanese War and discovered the advantage of the islands as naval bases. Japan took control of the entire sea during World War II but ultimately was defeated.

In 1947, the Republic of China created a model for their claim known as the 11 dash line. In 1949, China went through a massive regime change with the old Republic of China members fleeing to Taiwan. In Taiwan, they maintained their claims of the South China Sea. The new People’s Republic of China adopted previous claims and adapted the model to the new nine-dash line. In 1974, South Vietnam attempted to place settlers in the Spratlys and expel Chinese fishers from the Paracels to claim sovereignty over these regions but was defeated by the Chinese. From 1973 to 1982, the UN met and established UNCLOS. This convention established Exclusive Economic Zones and had 170 signatories. Some of the parties include China, the EU, Vietnam, and the Philippines. The only major country not involved in this convention is the United States.

In 2002, Brunei, Cambodia, China, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam signed a declaration for the Code of Conduct in the South China Sea. In 2015, China began artificially building islands, which other countries feared would be used to establish control of the surrounding waters, despite it being illegal under UNCLOS. In 7 2016, the international arbitration tribunal voted in favor of the Philippines, saying China's nine-dash line has no legal or historical basis. China rejected this claim.

The South China Sea has a complicated, messy history of territorial claims, wars, and imperialism that make historical ties an often unreliable solution. International law has attempted to set a standard for the treatment of these waters; however, international law is often disregarded by countries and cannot force a solution. Any solution will require compromise and cooperation to achieve even slight progress in this deadlocked issue.

Current Situation

Chinese Island Building

Since 2015, China has officially been building artificial islands in the South China Sea. In June 2015, China's Foreign Ministry Spokesperson Lu Kang remarked on the island-building, officially acknowledging that it was happening. He said China is building these islands to meet "several civilian demands", to satisfy "the need of necessary military defense" and to aid with "maritime search and rescue, disaster prevention and mitigation, marine scientific research, meteorological observation, ecological environment conservation, navigation safety as well as fishery production service." Some of the islands are surveillance posts, some are military bases, and some are even whole towns. In September of 2015, President Xi of China made a public statement committing to avoiding the militarization of the artificial islands. The commitment was vague, however, and satellite images of one of the islands, Fiery Cross Island, shows helipad and runway markings.

The three largest man-made islands are called Subi, Mischief, and Fiery Cross. Mischief and Fiery Cross hold about 190 buildings and structures, and Subi holds about 400 buildings and structures. Subi is an island with a small town and even basketball courts. However, nations fear that islands like Subi could be used as a military base. The 3 major islands all have potential locations for missiles, runways, and storage facilities. They also are equipped with devices that can track foreign military activity.

Other nations like Vietnam, Taiwan, and the Philippines have placed similar equipment on their claimed islands, but no presence has been as strong as China's. China has bases in islands that are within their EEZ, but it is the island-building that has scared other nations. Japan has expressed concern, saying, "We see the unilateral change of status

quo as not consistent with...something that a giant and responsible member of the international community should do." The increasing tension has provoked the US to patrol the waters in order to keep China in check and protect the countries they have security alliances with.

Philippines v. China

In 2013, China was served with a claim by the Philippines. The Philippines is one of the countries with a significant claim to the South China Sea. The Philippines, like Vietnam and Malaysia, have based their claim on the EEZ model. Only China uses a model different from the UNCLOS model, which has been a subject of tension in the region. The case was to be sent to the Permanent Court of Arbitration and was later referred to as the South China Sea Arbitration. The Philippines claimed that China's claim to the south china sea, the nine-dash line, was illegal under UNCLOS. The Philippines used this case as a way to resolve border disputes; however, China dismissed it and refused to participate.

In March of 2013, China prevented Philippine vessels from delivering supplies to the Scarborough Shoal, an island in the Philippines EEZ. Hearings began in 2015. The Philippines requested that all of China's claims be invalidated and submitted over 4000 pieces of evidence for their cause. The tribunal ruled in favor of the Philippines basing a lot on the UNCLOS since both the Philippines and China are party to it. China dismissed the ruling. According to the Asia Maritime Transparency Initiative, seven countries called for the ruling to be respected, and 33 countries positively acknowledged the ruling, but seven states officially rejected the ruling. China cannot be forced to abide by the ruling; however, China has made statements in the past, calling for countries to respect international law.

Previous International Action

There have been no past UNGA resolutions on the subject of the South China Sea. The primary documents regarding this issue are the UNCLOS, the international tribunal ruling, and the Code of Conduct in the South China Sea. ASEAN is currently working with China to re-discuss the wording of the code of conflict. The lack of UN action is likely due to the recency of the conflict. Another reason may be due to the conflict's complexity and difficulty to create a resolution, especially since China is a permanent member of the Security Council with veto power. The other countries involved are developing nations who sometimes rely on China's influence in the region.

Possible Solutions

This topic will prove to be extremely confusing due to a history of imperialism and overlapping claims. It is vital to encourage countries to follow international law, but words only go so far. Delegates will have to compromise in order to make following these guidelines more favorable to the countries who simply will not follow. This compromise has to be enough to create peaceful, possibly slow change; however, it cannot encourage countries to break international law by rewarding countries who don't follow international law. Will you cooperate and make compromises that push for the respect of international law or will delegates ignore the claims of one country merely putting pressure on each other to get something done and thereby escalating the conflict? Will your resolution promote real change? It is up to you.

Questions to Consider

1. What is your country's history of involvement in this region?
2. What vested interests does your country have in the economic and territorial future of the South China Sea?
3. How will your country approach the holdings currently claimed by China, both natural and artificial?
4. What effect will the choices you make regarding the South China Sea have on the world economy?
5. Which countries agree with your agenda, and which countries will you have to negotiate with?
6. How can you form a bipartisan solution that satisfies all parties and maintains the economic viability of the region?
7. What compromises can your country make in order to pass a truly effective resolution that will not simply be dismissed by those that disagree with you?

Works Cited

“ASEAN, China Move Closer on South China Sea Conflict Resolution.” The BRICS Post, thebricspost.com/asean-china-move-closer-on-south-china-sea-conflict-resolution/.

Bader, Jeffrey A. “The U.S. and China's Nine-Dash Line: Ending the Ambiguity.” Brookings, Brookings, 28 July 2016, www.brookings.edu/opinions/the-u-s-and-chinas-nine-dash-line-ending-the-ambiguity/.

“China-Southeast Asia Connectivity: Opportunities and Challenges for the Maritime Silk Road.” The C.O.R.E. Initiative, 23 Aug. 2016, thecoreinitiative.org/2016/08/23/china-southeast-asia-connectivity-opportunities-and-challengesfor-the-maritime-silk-road/.

Choukroune, Leïla. “Monique Chemillier-Gendreau, Sovereignty over the Paracel and Spratly Islands, La Haye, Kluwer Law International, 2000, 265 Pp.” Perspectives Chinoises, vol. 64, no. 1, 2001, pp. 75–78., doi:10.3406/perch.2001.2617.

Greer, Adam. “The South China Sea Is Really a Fishery Dispute.” The Diplomat, The Diplomat, 20 July 2016, thediplomat.com/2016/07/the-south-china-sea-is-really-a-fishery-dispute/.

“How Much Trade Transits the South China Sea?” ChinaPower Project, 27 Oct. 2017, chinapower.csis.org/much-trade-transits-south-china-sea/. Network, Viet Nam News/Asia News.

“Historians Claim Vietnam's Sovereignty over Paracels, Spratlys.” Inquirer Global Nation 70th Anniversary of the Infamous Rescission Act of 1946 Comments, Inquirer Global Nation, globalnation.inquirer.net/141389/historians-claim-vietnams-sovereignty-over-paracels-spratlys.

“The South China Sea: Analyzing Fisheries Catch Data in an Ecosystem Context.” The Importance of Fish | WorldFish Organization, 1 Jan. 1991, www.worldfishcenter.org/content/south-china-sea-analyzing-fisheries-catch-data-ecosystem-cont-ext-1.

United States, Congress, “China's Indisputable Sovereignty over the Xisha and Nansha Islands: Document of the Ministry of Foreign Affairs of the People's Republic of China, January 30, 1980.” China's Indisputable Sovereignty over the Xisha and Nansha Islands: Document of the Ministry of Foreign Affairs of the People's Republic of China, January 30, 1980, Foreign Languages Press, 1980.