



The question of the South-Chinese Sea

Security Council





Shattered Vows: Tracing the Devastation Caused by Violating Human Rights

Forum: Security Council

Issue: The question of the South-Chinese Sea

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Position: President

Introduction

The South Chinese Sea (SCS) is a strategically vital body of water situated in the Asia-Pacific region. It has emerged as a focal point of geopolitical tensions, sparking a complex conflict that involves multiple nations with competing territorial claims. Its maritime expanse has become a crucible for geopolitical manoeuvring, resource competition, and historical disputes. The intricate web of conflicting interests involves China, Vietnam, the Philippines, Taiwan, Malaysia, and Brunei, all vying for control over various islands, reefs, and waters in the South Chinese Sea. This ongoing dispute has not only raised concerns about regional stability but has also garnered global attention as a potential flashpoint with far-reaching implications for international relations. In this intricate geopolitical landscape, understanding the roots and implications of the South Chinese Sea conflict is crucial for comprehending the broader implications it holds for regional security and the balance of power in the Asia-Pacific.

This research report will delve into the roots of the conflict, how multiple countries have their position stated, the challenges faced, and furthermore.



Definition of Key Terms

South Chinese Sea (SCS)

It is an arm of the western Pacific Ocean that borders the Southeast Asian mainland. It is bordered by Brunei, China, Indonesia, Malaysia, Philippines, Taiwan and Vietnam.

Nine-Dash Line

The nine-dash line, also referred to as the eleven-dash line by Taiwan, is a set of line segments on various maps that accompanied the claims of the People's Republic of China (PRC) and the Republic of China, now known as Taiwan, in the SCS.

Exclusive Economic Zone (EEZ)

An "exclusive economic zone," or "EEZ" is an area of the ocean, generally extending 200 nautical miles (230 miles) beyond a nation's territorial sea, within which a coastal nation has jurisdiction over both living and nonliving resources. And that nation gives a special right regarding the exploration and use of marine resources.

Permanent Arbitration Tribunal (PAT)

The Permanent Court of Arbitration's ruling in 2016, which invalidated China's expansive territorial claims in the SCS. China rejected the decision, leading to continued tensions in the region.

Association of Southeast Nations (ASEAN)

A regional intergovernmental organisation comprising ten Southeast Asian countries, including several involved in the South Chinese Sea dispute. ASEAN plays a role in diplomatic efforts to address tensions in the region.

Freedom of Navigation Operations (FONOPs)

Military exercises conducted by foreign navies to challenge excessive maritime claims, asserting the right to navigate in international waters. The U.S. regularly conducts FONOPs in the South Chinese Sea, drawing criticism from China.

Resource exploitation

The SCS is rich in natural resources, including fish stocks and potential oil and gas reserves. Nations in the region have a present interest in securing access to and exploiting these resources for economic and energy security.

General Overview

History

The roots of the conflict are dated decades back in 1279, because that is when China drew a line on the territorial map claiming almost the whole area of the SCS. And ever since control over this zone has switched between regional powers and later on formed to colonial powers.

However, in 1951 at the Treaty of San Francisco, it was stipulated that Japan had to recognize the independence of Korea following their defeat in World War II. For Japan to meet the surrenders, they had to give up their islands in the SCS. But afterwards, there was not any country explicitly pointed out to control over this water. That is when China asserted their People's Republic of China's (PRC) and Republic of China's (Taiwan) position in this conflict, as they illustrated their interest by claiming territory with a so-called 'nine-dash line'.



The Nine-Dash Line is reflected in red stripes in the illustrations mentioned aside, including the involving countries and islands.

Reason for conflict

The main stakes to territorial disputes in the SCS are the natural resources, which are very distinctive from coastal lines. And its extensive continental location and the massive biodiversity in the shallow waters. Another equally important point is the geostrategic location of the disputed area. As the gateway to the Straits of Malacca and the Port of Singapore, and one of the world's most important commercial shipping lanes, control of the Paracel and Spratly Islands also ensures control of supplies to Northeast Asian economies.



Current situation

Currently there have been multiple occurrences on the SCS where different parties disrupt and obstruct, even legally as illegally, each other's vessels during operations.

Such as this conflict between China - US - Philippines on Monday December 4th 2023.

China's military said a U.S. warship entered waters near Second Thomas Shoal, located near China and the Philippines. During the operation, the Chinese Navy dispatched a naval force to pursue the USS Gabrielle Giffords aircraft carrier. Chinese and Philippine naval and coast guard vessels have clashed repeatedly around the Spratly Islands in recent months, with China trying to prevent the Philippines from using a rusty warship that was deliberately stranded in 1999 as a military outpost to provide services to the Spratly Islands



Ignorance towards debate

There have already been multiple gatherings to negotiate, but due to China's longings it does not want to meet the requirements. Primarily due to its extensive territorial claims over the region, which are based on historical arguments and the "nine-dash line" map. China's position is rooted in its assertion that it has sovereign rights over nearly the entire SCS. The Chinese government has even constructed artificial islands, deployed military assets, and bolstered its presence in the disputed waters, disregarding competing claims from other Southeast Asian nations.

The PCR has consistently maintained that the issue should be resolved through bilateral negotiations with individual claimant states, rather than through multilateral discussions involving external parties. Beijing fears that international arbitration could undermine its claims and prefers direct negotiations, where its size and influence might give it an advantage over smaller neighbouring countries. Additionally, China has been wary of the involvement of the United States and other external powers in the dispute, viewing it as interference in its internal affairs and regional dominance.

Global influences

Not only the Southeast countries are interested in the SCS, but also for example the United States. The United States has a strong interest in the SCS, as it is a major trade conduit where $\frac{1}{3}$ of global trade comes from. They are committed to ensuring freedom of navigation and stability in the region. The U.S. Navy regularly patrols the region, reinforcing its commitment to international law.

The US also supports regional allies such as the Philippines and Vietnam in resolving territorial disputes with China. This engagement is part of a broader U.S. strategy to counter China's growing influence in the Asia-Pacific region.



Major Parties Involved

Involved parties located on the coastal border of the SCS

China

Ever since China was interested in the South Chinese Sea, they have not stopped paying heed towards the multifunctional sea. It mainly started when they officially introduced the Nine-Dash Line in 1947, by claiming a vast portion of the SCS that overlapped with the maritime territories of neighbouring countries. Following in the 70s till 90s, the PRC started to further assert its claims more actively by building structures on features in the SCS and conducting military patrols.

Then in between the 20th - 21st century, China began to intensify its operations by occupying several disputed features in the Spratly Islands. In 2013 they had built seven artificial islands extending to 1.000 hectares over the SCS, as the CSIS Asia Maritime Transparency Initiative stated. These movements have increased the tensions and fears among further claimants, particularly Vietnam and the Philippines. This same year, the PRC established an Air Defense Identification Zone (ADIZ) over the East China Sea, raising concerns about its intentions in maritime territories.

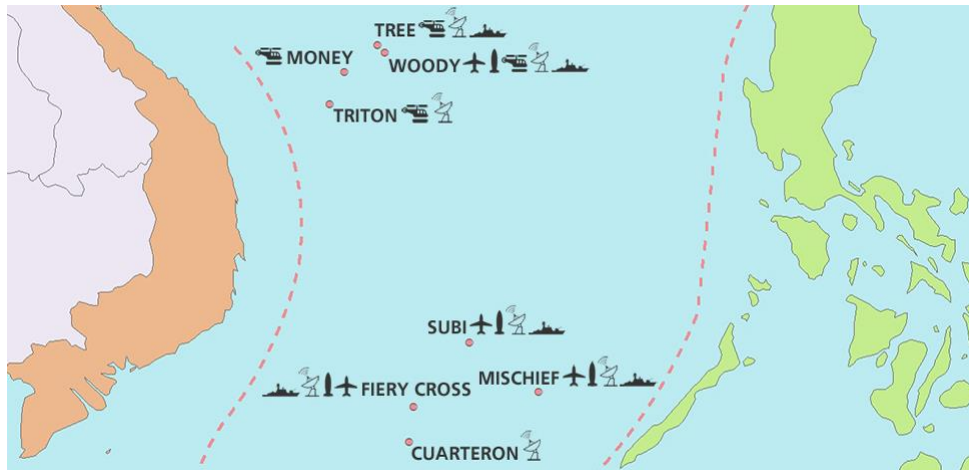
The Philippines took action by filing a case with the PCA challenging China's claims in the SCS. Hence the PCA rules the Philippines in favour, by declaring that China's Nine-Dash Line has no legal basis in the SCS. Despite the official court verdict, China rejects the ruling.

By 2017 reports had revealed a continuation of militarization of artificial islands, including deployment of missile systems and military aircrafts. But then in 2018, China and the ASEAN agreed on a framework for a COC, signalling diplomatic efforts to manage tensions.

By contravening the COC China showed an enforcement of fishing bans in the South Chinese Sea, affecting the livelihoods of fishermen from other claimant states. This led to continued



tensions as China deploys maritime militia vessels in disputed areas, leading to several incidents with the vessels from other claimant states.





Philippines

The Philippines have foremostly territorial disputes over particularly the Scarborough Shoal parts and Spratly islands. That is why the tensions between Manila and Beijing are seen arising. Manila accuses China Coast Guard of dangerous actions against Philippine vessels during a regular resupply mission in Sierra Madre.

Brunei

Brunei has taken a neutral position on the disputes in the SCS. As an oil-rich country, Brunei has significant interests in the SCS due to its economic interests, especially in offshore oil and gas exploration. Although the country is not really involved in the territorial conflict, it remains vigilant about the possible impact on its economic activities.

Indonesia

Indonesia has a significant maritime presence. Therefore it plays a unique role in the South Chinese Sea disputes. While not a major claimant in the territorial conflicts, Indonesia is strategically positioned, and its interests are shaped by regional stability, economic concerns, and adherence to international law. Maintaining a neutral and non-claimant stance, Indonesia advocates for peaceful resolutions through dialogue and international law, distinguishing itself from neighbouring countries. Indonesia has economic interests in maintaining open and secure sea lanes, particularly focused on protecting its fishing industry and offshore resources.

The Natuna Islands are located in Indonesia's EEZ and underscore the challenges Indonesia faces in safeguarding its maritime sovereignty. And while actively participating in ASEAN,

Vietnam

With historical and overlapping claims in the Paracel and Spratly Islands, Vietnam encounters geopolitics. The nation actively upholds its sovereignty in the disputed waters, employing diplomatic initiatives aligned with international law and the United Nations Convention on the Law of the Sea (UNCLOS).

Notably, Vietnam has faced maritime tensions with China, particularly concerning the Paracel Islands. Despite historical disagreements, both countries have pursued tension management through bilateral negotiations. As a core component of its foreign policy, Vietnam underscores the importance of multilateralism and cooperative approaches within the ASEAN framework. The Vietnamese government remains unwavering in its dedication to preserving territorial integrity, asserting rights through legal channels, and fostering regional cooperation to address the challenges posed by maritime disputes.



Malaysia

Malaysia, compared to other claimants, is not as occupied with asserting but has more its focus on resolving the conflict peacefully as on April 4, 2023, Prime Minister Datuk Seri Anwar used the word "negotiation" during a parliamentary inquiry, making it clear that the South Chinese Sea issue should be discussed or resolved peacefully through existing agreements. With platform and through diplomatic channels providing an avoidance of escalation of disputes and the threat or use of force without compromising Malaysia's principled position.

Therefore, in order to jointly safeguard the status of the South Chinese Sea as a sea of peace, stability and trade, Malaysia adopts a diplomatic approach in negotiations with other countries, including China. This is in line with the provisions of the Declaration on the Conduct of Parties in the South Chinese Sea signed by ASEAN member states and China in 2002.

Further involved parties

United States

The United States is passably involved as they support their allies in the southeast region, such as the Philippines and Vietnam. The U.S. aims to let its allies in the region rely on them, to promote an international order, and ensure freedom of navigation in the SCS. They also practise such support by providing security assistance to both the Philippines and Vietnam to enhance their maritime capabilities. This assistance includes the provision of military aid, training, and equipment to strengthen the countries' ability to monitor and secure their maritime territories.



Timeline of Events

- 1947 Establishment of the 'Nine-Dash Line' by China claiming a major part of the SCS.
- 1974 China and Vietnam engaged in a naval battle over the Paracel Islands, resulting in the Chinese occupation of the islands. This event marked the beginning of modern tensions in the South Chinese Sea.
- 1988 Battle of Paracel Islands: China and Vietnam clashed again, this time at Johnson South Reef in the Spratly Islands. China gained control of the reef, resulting in the deaths of over 70 Vietnamese soldiers.
- 1995 Mischief Reef Accident: China constructed structures on Mischief Reef, part of the Spratly Islands, leading to protests from the Philippines, which also claims the territory.
- 2002 Declaration on the Conduct of Parties in the South Chinese Sea (DOC): China and the Association of Southeast Asian Nations (ASEAN) signed the DOC, a non-binding agreement aimed at managing disputes peacefully.
- 2012 Scarborough Shoal Standoff:
A maritime standoff occurred between China and the Philippines over Scarborough Shoal. China eventually gained control of the shoal, further straining relations.
- 2016 South Chinese Sea Arbitration:
The Permanent Court of Arbitration in The Hague ruled in favour of the Philippines, stating that China's claims based on the Nine-Dash Line were invalid. China rejected the ruling, but it had implications for future disputes.



- 2017 China's Military Buildup: Reports indicated that China had been militarising artificial islands in the SCS, raising concerns among neighbouring countries and the international community about the strategic implications of China's military presence.
- 2019 Chinese-Vietnamese oil rig dispute: China deployed an oil rig near disputed waters with Vietnam, reigniting tensions between the two countries.
- 2020 Continued tension persists, as the United States and other nations have increased their presence in the region to counterbalance China's influence.



Previous attempts to solve the issue

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

The UNCLOS is an international treaty established for a legal framework for the use of the world's oceans and seas. In the context of the South Chinese Sea dispute, UNCLOS has been invoked to clarify maritime boundaries and resolve disputes. The PCA ruled in favour of the Philippines in 2016, rejecting China's claims to historic rights in the South Chinese Sea based on the "nine-dash line." However, China rejected the ruling, and its impact on resolving the overall dispute has been limited.

ASEAN-led Diplomacy

The ASEAN has played a role in facilitating discussions on the South Chinese Sea issue. However, reaching a consensus among ASEAN member states has been challenging due to differing interests and economic ties with China. The ASEAN-China Declaration on the Conduct of Parties in the South Chinese Sea, signed in 2002, was an attempt to manage tensions and promote cooperation. Despite the DOC, incidents in the region continued, and efforts to create a legally binding Code of Conduct (COC) have faced delays in addition to multiple challenges.

Bilateral Negotiations

Some countries involved in the dispute have engaged in bilateral negotiations to address specific issues. For instance, Vietnam and China have held talks to manage their maritime disputes and maintain stability in the South Chinese Sea. However, progress in bilateral negotiations has been slow, and underlying sovereignty disputes persist. These negotiations show by history that it is not an efficient way, as multiple countries have different proposals.



Possible solutions

This possible solution is started off with a main body being the principal solution, followed by subsolutions to combat the conflicts developed underneath. Because when creating clauses, it is important to find the roots of the problem and the branching within the main problem.

Global Cooperation

As the SCS is a major body to contribute to global trade, it can be effective to let other international economically involved countries provide solutions to ASEAN regarding the conflict. Because they have different perspectives and opinions towards the conflict, and the more knowledge to be enriched with the more solutions there can be created. Therefore have multiple sessions with a special established committee with each time different representatives of involved countries.

Further action

The ASEAN countries will come together to discuss the resolution created by external countries and will seek concessions to the conflict. If they are not meeting each other's requirements, as China may not be interested in external opinions, this would be seen as the following dispute.

Collaborational control

By for example creating regulations out of the resolution stating that there is a cooperated control over particular parts, parties do not have to worry about economical difficulties and should be able to have authority over parts. By creating such regulations, it is important that each party gets recognized and gets taken along with in the process. Otherwise it is a perpetual problem.



Useful documents

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