

Forum: Disarmament and International Security Committee

Issue: The construction of artificial islands and military bases in international waters

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INTRODUCTION

In 2014, an American destroyer spotted Chinese mobile artillery vehicles in the region of the Spratly Islands in the South China Sea pouring sand and other elements in order to construct an artificial island. The speed and scale of China's artificial island-building process have angered the neighboring countries with internationally recognized claims on the region. China has previously announced that the creation of islands —moving sediment from the seafloor to a reef— would soon be completed. Since the time of this statement, China has focused its efforts on construction. Based on data provided by the United States of America, it is estimated that China has added 3,200 acres of land over the past years. Those artificial islands through which China is trying to lay claim to one of the most important oceanic areas in the world, the South China Sea, alarmed countries, like the Philippines, Malaysia, Vietnam, and Japan that have also access to the South China Sea and can lay claim to the resources and the trade within 200 nautical miles off their shore. China's man-made islands violate the Exclusive Economic Zone of these countries and threaten the peace in the region. Although China denies the allegations of militarizing the islands it has built, it has so far constructed on these islands military buildings, port facilities, and airstrips. The installations bolster China's claim and power over the Spratly Islands without taking into consideration the UN Law of the Sea, which clearly states that China should have been limited to its 200 nautical miles and not as far afield as the Spratlys (up to 500 miles) or the Fiery Cross Reef (up to 740 miles), just 170 miles off the coast of Vietnam. China has threatened the other countries with an air identification zone over the international waters of the South China Sea, which means that all aircrafts flying above the South China Sea will need China's Permission to fly through it. Apart from this, the China's actions have some detrimental effects on the environment and the ecosystems around the man-made islands. The whole process caused extensive damage to the surrounding marine ecosystem, especially to the nearby reefs. The forming plumes can affect the nearby ecosystems that could be damaged by oil, heavy metals, and other chemicals from the ships and shore facilities that are being built. Apart from the dispute in the South China Sea, the construction of artificial Islands and military bases in international waters touches on issues, such as the history of South China Sea, the nine-dash line, the relationship between the Philippines, Vietnam and China and, most importantly, the limits of UN Conflict Prevention policy.

DEFINITION OF KEY TERMS

EEZ

An exclusive economic zone (EEZ) is a sea zone defined by the 1982 United Nations Convention on the Law of the Sea, over which a state has rights, such as the exploration and use of marine and energy resources. States also have exclusive rights to the trade in their Exclusive Economic Zone. The EEZ stretches from the baseline out

to 200 nautical miles from the coast. The difference between the territorial sea and the exclusive economic zone is that the first—which is a much smaller area, confers full sovereignty over the waters, whereas the second—which occupies a much bigger area— confers merely the right of exploring and exploiting the natural resources below the surface of the sea.

“In the exclusive economic zone, the coastal State has:

- a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;
- b) jurisdiction as provided for in the relevant provisions of this Convention with regard to:
 - (i) the establishment and use of artificial islands, installations and structures;
 - (ii) marine scientific research;
 - (iii) the protection and preservation of the marine environment;
- c) other rights and duties provided for in this Convention.”

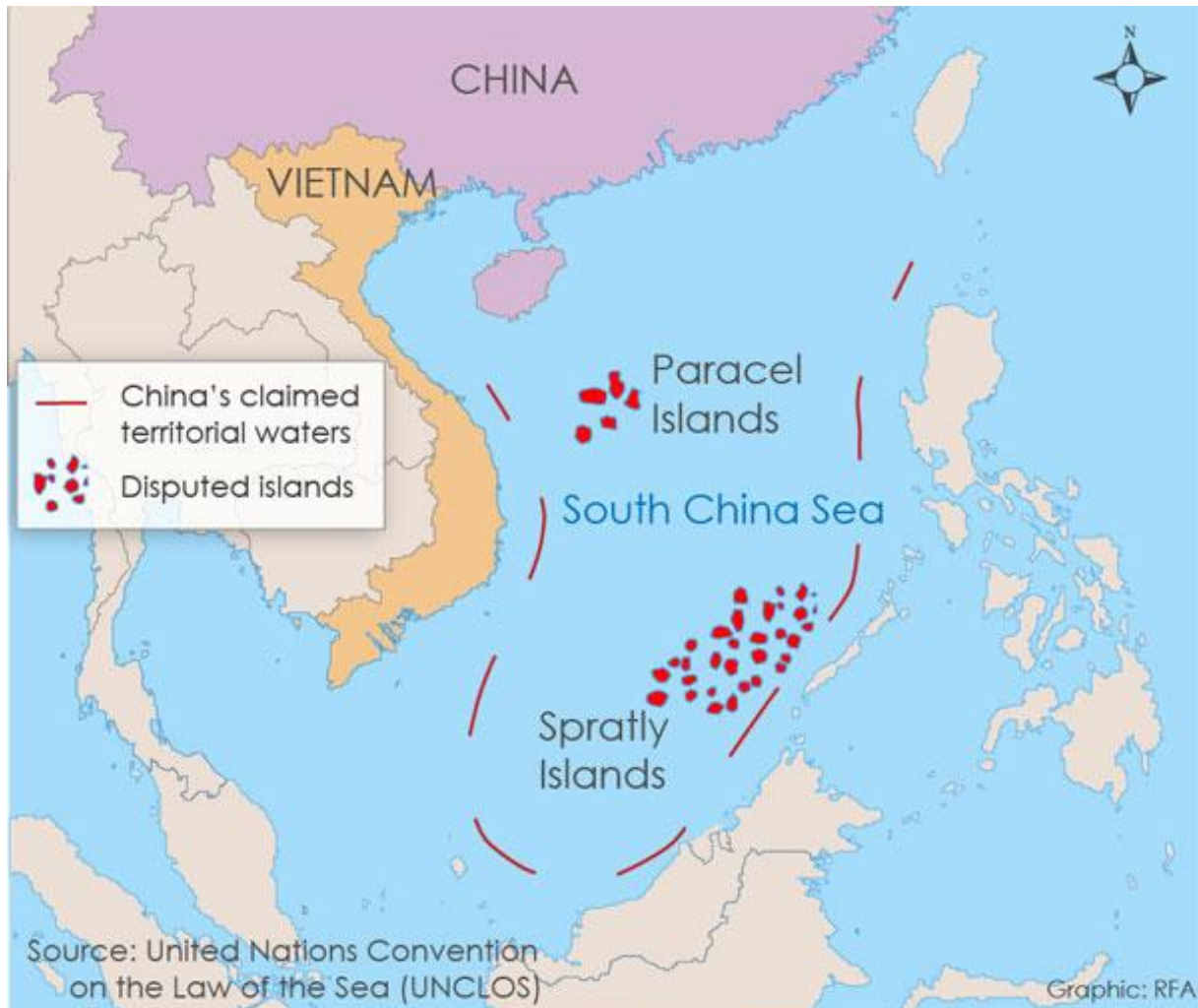
(Rights, jurisdiction and duties of the coastal State in the exclusive economic zone/
https://www.un.org/depts/los/convention_agreements/texts/unclos/part5.htm/Article



Nine-dash line

The nine-dash line is mainly used by the People’s Republic of China and the Republic of China for laying their claims to a major part of the South China Sea,

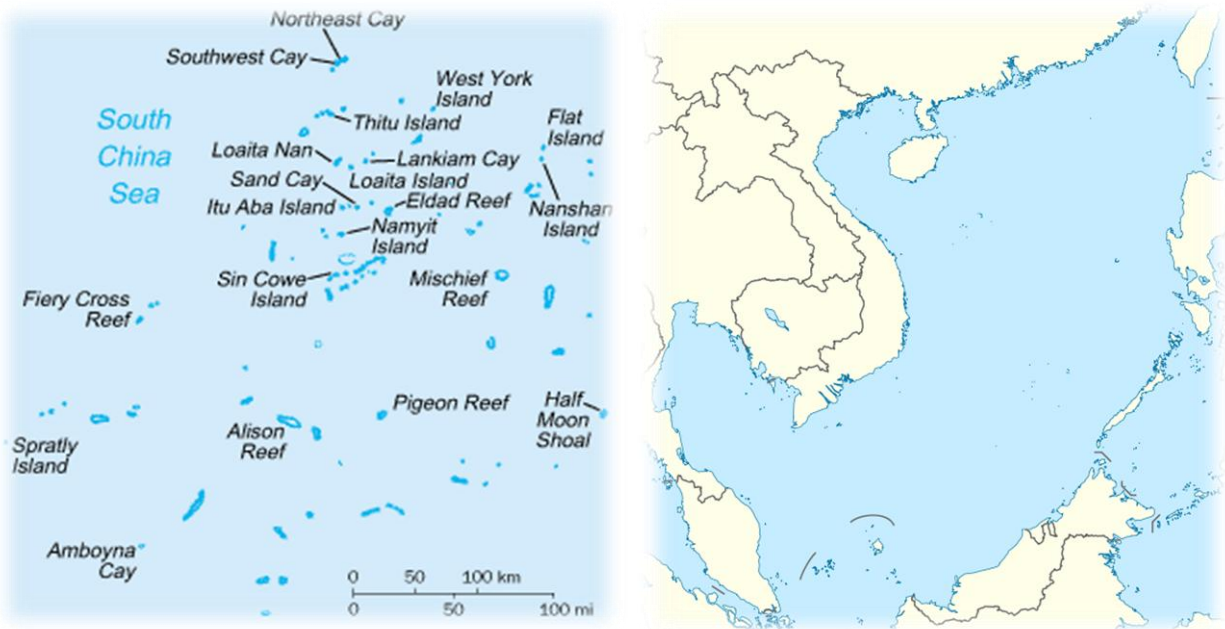
including international waters. The nine-dash line was originally an eleven-dash line, first proposed by the government of the Republic of China in December 1947 to lay its claims to the South China Sea. The 1947 map, titled "Map of South China Sea Islands", got changed in 1949, when the People's Republic of China laid its claims to the Gulf of Tonkin. This change reduced the eleven dashes to nine. In any case, those "historical claims" within the nine-dash line in the South China Sea violate blatantly the International Law of the Sea, the international waters and, most importantly, the other countries' EEZs.



The Spratly Islands

The Spratlys are one of the major groups of islands and reefs in the South China Sea which have been and continue to be the apple of discord due to their location in strategic shipping lanes traversing many countries' EEZs, like the Philippines, Malaysia and others. According to the United Nations Convention, China has no right to the Spratlys. The islands have no inhabitants, but may contain significant oil and natural gas reserves, important even for a country as big as China, and as such are important to the countries laying claims to them in their attempt to establish international boundaries. Some of the approximately 45 islands and reefs that are occupied and

controlled by military forces from Malaysia, China, the Philippines, and Vietnam. Even Brunei is laying claims to some parts of the Spratly Islands.



Air Defense Identification Zone (ADIZ)

An air defense identification zone is a specifically demarcated airspace in which all the flying aircraft need to be identified, located and controlled by a country's competent service. The airspace may extend beyond a country's territory to give the country more time to respond to possibly hostile aircraft. Each country has full sovereignty over the airspace above its territory. In protecting its sovereignty and territorial integrity, a state is allowed to define its own Air Defense Identification Zone (ADIZ) in order to ensure peace. However, ADIZ has not any legal foundation that is explicitly stipulated in International law. According to Annex 15 to the Convention on International Civil Aviation, ADIZ is defined as follows: "Specially designated airspace of defined dimensions within which aircraft are required to comply with special identification and/or reporting procedures additional to those related to the provision of air traffic services (ATS)."

Artificial Island

An artificial island is a man-made island built in various ways, one of those being the land fill strategy. This term describes the process of creating new parts of land. The simplest method of creating islands involves filling the area with huge amounts of sand, rocks, or cement and then filling the base with dirt and clay. The whole process of land reclamation allows the existence and support of roads, buildings, radars, and even airstrips. However, man-made land is highly threatened by earthquakes and all sorts of disturbances that could lead to some parts of the island falling apart and getting washed

back into the ocean. These parts of land, due to all the chemicals and the cement used for their construction, could eventually harm the ecosystems around them.



(Subi Reef being built by the PRC and transformed into an artificial island, May 2015)



(Fiery Cross Reef being transformed by the PRC in May 2015)

BACKGROUND INFORMATION

China lays its claims to the disputed territories in the South China Sea on the basis of the nine-dash line: China's claims were firstly laid in 1885, although the nine-dash line was not used at the time. In the Treaty of Tientsin between China and France no water borders were defined. Once again, in the 1943 Cairo Declaration and 1945 Potsdam Proclamation, China's sovereignty in the South China Sea was not mentioned. Therefore, in 1947 China could define its claim taking into consideration other country's claims to the region with a map published by the Republic of China. In 1949, the People's Republic of China laid its claim to the Gulf of Tonkin on the basis of a new dash line with 9 and not 11 dashes. Under President Lee Teng-hui, Republic of China (R.O.C) stated that "legally, historically, geographically, or in reality", all of the South China Sea and the Spratly islands were sovereign territory of the Republic of China, without acknowledging any international law or the claims of countries, such as Malaysia and Vietnam. China has used and still uses the nine-dash line as its guideline for this territory. The nine-dash line has been used by China without indicating how China's water borders could be changed if the nine-dash line was continuous and how that would affect the extent of the area under their sovereignty. After the request of the UN to submit a map including China's nine-dash line on 7 May 2009, the dispute in the South China Sea reached a whole new level. The nine-dash line alarmed a lot of the neighboring countries provoking the reaction of some state's leaders. For example, Benigno Aquino III, former President of the Philippines, once stated: "China's nine-dash line territorial claim over the entire South China Sea is against international laws, particularly the United Nations Convention of the Law of the Sea (UNCLOS)". Other countries also disagreed with China's claims in the region. The nine-dash line extends to some parts of Indonesia, where China laid its claim to some Natura islands. According to Indonesia's security chief, Luhut Panjaitan, China's claims have no legal basis that could support such an aggressive and imperialistic behavior. In 2013/ 2014, China started building its artificial islands in the Spratlys and the Paracels region in order to take advantage of a portion of the sea that was not included in its EEZ. Although there are significant fisheries and possible large oil and gas reserves in the South China Sea, China's efforts serve more to extend its territorial claims and to expand its water borders rather than to help it extract natural resources.

Fiery Cross Reef

This reef is a little more than 1 square mile in size. It is home to a Chinese military base with a 10.000-foot Airstrip, an advanced Radar System, a missile defense system, and 200 troops (2014). According to the Center for Strategic and International Studies, it is "the most advanced of China's bases" in the South China Sea with sophisticated military facilities that could support even larger planes and more than 200 troops.



Cuarteron Reef

It is another artificial island created and controlled by China in the South China Sea. This Reef is 3 miles long and has an area of 8 square kilometers. In 2015, the Philippines released a list of photos taken through a satellite clearly showing that what started as a lighthouse it is now a real Chinese base with helicopter pads and guns, radar, and missile systems.



Subi Reef

Subi Reef is also an artificial island ruled by China in the Spratly Islands, 16 nautical miles of the shore of the Thitu Island. China has constructed a 4-storey building, a weather observation station, advanced radars, and a helicopter pad. In 2014, it was announced that the Subi Reef was home to 200 troops and by the end of 2015 an

airstrip and other facilities needed for a fully-functioning military base were built on the Reef making it one of the few artificial islands of China in the South China Sea.



Mischief Reef

This Reef is also part of the Spratlys. China created an artificial island on the Reef with the reclaimed land covering 1,379 acres. Based on photos of the island, Mischief Reef also includes a harbor and an airstrip, an anti-aircraft system and a missile and radar system.



Johnson South Reef

Johnson South Reef is a Reef in the southwest part of the Spratly Islands controlled by China. During the artificial island-building process of the People's Republic of China in 2014-2015, this Reef was expanded and equipped with everything a military base should have except for an airstrip. That is, radars, anti-aircraft defense systems, and a harbor.



Hughes Reef

This Reef also belongs to the Spratly Islands. It is estimated that on the island itself there are a lighthouse and other military systems, such as radars and guns.



MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

United States of America

The South China Sea's ongoing dispute involves all neighboring countries: the Philippines, Taiwan, Malaysia, etc. In contrast to China, the other Asian countries involved need an outside State to help them stand up against China. For Instance, the Philippines signed a mutual defense treaty with the US that would prompt the American military forces to help the Philippines in case of conflict in the South China Sea.

The US alliances in Southeastern Asia allow the United States to control China and protect the weaker countries of the region. This process gives American ships the right to navigate and explore the South China Sea. Based on previous data, the United States' role is also to ensure peace and stability in the region.

India

Following the same path as the United States of America, India's role in the dispute is mainly supportive. Vietnam has announced its cooperation with India aiming to ensure its water borders and take all necessary military and diplomatic measures in case of emergency. These alliances allow the Indian energy companies to expand using some of the resources of these littoral states in the South China Sea. In addition to that, India is able to create a network of connections between littoral, regional and extra-regional countries which feel threatened by China's policy strengthening its role in Southeastern Asia.

Republic of China

After Taiwan's separation from China, the Republic of China (ROC) laid its claims to the South China Sea based on the United Nations Convention on the Law of the Sea (UNCLOS). In 2016, the President of the Republic of China suggested a list of principles and actions as a means to ensure security.

"The four principles

1. Disputes in the South China Sea should be settled peacefully in accordance with international law and the law of the sea, including the United Nations Convention on the Law of the Sea (UNCLOS).
2. The ROC should be included in multilateral mechanisms aimed at resolving disputes.
3. States concerned have an obligation to uphold the freedom of navigation and overflight in the region.
4. Disputes should be resolved by setting aside differences and promoting joint development. Through negotiations conducted on the basis of equality, the ROC is willing to work with other states concerned to advance peace and stability, as well as to protect and develop resources in the region.

The five actions

1. Protection of fishing rights: the ROC government shall strengthen its capabilities to ensure the safety of fishermen and fishing operations.
2. Multilateral consultations: the Ministry of Foreign Affairs shall enhance dialogue and communication with the states concerned so as to reach consensus on cooperation.
3. Scientific collaboration: the Ministry of Science and Technology shall increase the quota of international experts invited by related government agencies to travel to Taiping Island to conduct scientific research on ecological, geological, seismological, meteorological, and climate change matters.
4. Humanitarian assistance and rescue: the Ministry of Foreign Affairs shall work with relevant international and nongovernmental organizations to make Taiping Island a center of humanitarian assistance and rescue operations, as well as a supply base.
5. Training of experts on the law of the sea: the ROC government shall strengthen its ability to deal with issues pertaining to international law."

Taiwan has made it clear in the past that her intentions are only to ensure stability, peace, and the protection of its rights, including water borders and EEZs.

Malaysia

Malaysia is also one of the countries with a right to lay claims to the South China Sea. As every other littoral country, it is trying to protect its sovereignty, and at the same time to avoid any conflict with China. Following the example of Vietnam and the Philippines, Malaysia has also formed alliances with other countries in the region.

Indonesia

Indonesia belongs to the littoral countries involved in the dispute. It was the first state to create a forum for all countries concerned. Its decision to create a track two forum made it an active state in the ongoing dispute. Indonesia's intentions are also clear in contrast to China's. The protection of its borders and therefore its rights to the South China Sea are its basic goals.

Vietnam

Vietnam has a very important role to play in the region due to the fact that it is currently chairing ASEAN.

Association of Southeast Asian Nations (ASEAN)

ASEAN is a regional Forum which aims to resolve economic, security, military and other issues in the region of Southeastern Asia. Dealing with the disputes in the South China Sea is part of ASEAN's Agenda. Since all ten member states of the ASEAN aim to protect their EEZs and territories, the ASEAN's main role is to politically tackle the issue by bringing claimant countries together in annual meetings in order to discuss and propose solutions that serve every country's interests.

TIMELINE OF EVENTS

Make sure that the dates are accurate and the descriptions as detailed as necessary. Please, list all relevant events in chronological order.

DATE	DESCRIPTION OF EVENT
During World War II	The Empire of Japan used the islands in the South China Sea for military purposes.
1947	China lays its claims to the territory on the basis of the eleven-dash line.
1949	The People's Republic of China revised the eleven-dash line and adopted the nine-dash line.
28 April 1952	Japan had to relinquish all its rights to the islands in the South China Sea.
28 April 1952	The Treaty of San Francisco did not state which countries have the right to lay claims to the region.
1951 and 1958	China laid claims to these islands during the treaty negotiations in 1951 and the first Taiwan Strait Crisis.

1974	China used its military forces to take over Yagong Island and the Crescent Reef during the Vietnam War.
Later half of 1970s	Malaysia and the Philippines began laying their claims to the Spratlys.
14 March 1988	The Johnson South Reef Skirmish takes place between China and Vietnam.
1994	China occupied Mischief Reef, which is located 250 nautical miles off the Philippines coast, for energy purposes.
2012	China claims the Scarborough Shoal as a response to the Philippines decision to stop Chinese fishing boats in that region.
20 July 2011	ASEAN countries and China agree on the Declaration of Conduct of Parties in the South China Sea in order to resolve the issue.
2013	People's Republic of China began its artificial island-building plan in the Spratlys.
2015	The United Kingdom, the United States of America and France have conducted freedom of navigation operations.
2016	The South China Sea Arbitration was brought by the Republic of the Philippines against the People's Republic of China under Annex VII to the United Nations Convention on the Law of the Sea (UNCLOS)

RELEVANT UN RESOLUTIONS, TREATIES AND EVENTS

The Treaty of Peace with Japan in San Francisco in September 1951

The treaty made Japan renounce “all right, title, and claim” to the Spratly and Paracel islands. However, this treaty or any subsequent agreement did not state which country has the right to lay claim to parts of the South China Sea leaving a gap open for countries, like China, to lay their claims and to extend their water borders.

The ASEAN Declaration on the South China Sea in 1992

Responding to the growing assertiveness of China’s territorial claims in the South China Sea and to the growing potential for conflict, the ASEAN ministers adopted the 1992 Declaration on the South China Sea. Pushed by the Philippines, which then was chairing the ASEAN’s annual meeting, the Declaration was a peaceful resolution, including several measures in order to prevent any further conflict in the South China Sea. It has also resolved any jurisdictional issues on the South China Sea.

2011 agreement

On 20 July 2011, China, Malaysia, the Republic of China, the Philippines, and Vietnam signed the Declaration of Conduct of Parties in the South China Sea, which aimed to settle the dispute and ensure peace and stability in the region. It included environmental, scientific, research, and safety measures that allowed these countries free navigation and multilateral communication.

United Nations Convention on the Law of the Sea

UNCLOS is an international agreement and the result of the third UN Conference on the Law of the Sea in 1982. Aiming to clarify the ways world oceans should be managed and treated, it defined some key terms, including Internal Waters, Territorial Waters, Archipelagic Waters, Contiguous Zone, EEZs and Continental Shelf.

PREVIOUS ATTEMPTS TO RESOLVE THE ISSUE

The most important attempt to resolve the issue was the South China Sea Arbitration, submitted by the Republic of the Philippines against China under Annex VII of the UNCLOS concerning China’s maritime operations and behavior. On 12 July 2016, the Court of Arbitration ruled in favor of the Philippines making clear that China has no historical right on the region and that the nine-dash line violates the United Nations Convention on the Law of the Sea. China rejected the verdict as did Taiwan. The ruling in favor of the Philippines was considered as a victory and positive outcome for the South China Sea dispute. Nevertheless, the dispute does not seem to have been resolved until now. The world was expecting China to react by establishing an Air Defense Identification Zone, carrying out land reclamation at Scarborough Shoal, imposing sanctions to the Philippines, or by withdrawing from the UNCLOS. Nevertheless, Chinese behavior has been better than it was before the Arbitration.

POSSIBLE SOLUTIONS

Measures and solutions that were used in the past to resolve similar disputes can be used for tackling this issue without threatening peace and stability in the region of the South China Sea.

Legal approach

Every claimant country in the South China Sea is encouraged to submit the dispute to the ICJ which will give his ruling based on international laws, treaties, and resolutions applicable.

Diplomatic approach

Through the so-called **track solution** for bilateral and multilateral communication between all countries involved, as well as informal and formal meetings, cooperative projects and annual meetings, the dispute could be settled without resort to force.

The two-track approach through informal meetings aims to create a mutual understanding and trust among the ASEAN countries and China. It also accumulates confidence and strengthens the idea that peace should be protected.

The creation of a body used for controlling and monitoring purposes in the region is also applicable. Since the South China Sea plays a huge role in the world trade and economy, the prevalence of peace in the region is very important. All rights to free navigation in the Sea will be guaranteed as a means to protect the Sea from future artificial island-building processes and to prevent any conflict.

Confidence Building Measures (CBM) is another approach to the dispute. CBMs are part of the one- and two-track approaches and aim at building confidence and avoiding any conflict.

ASEAN annual meetings should keep discussing the dispute as one of the main topics of the year. The Declaration of Conduct of Parties in the South China Sea and the ASEAN Declaration in 1992 are the result of long lasting discussions, debates and meetings within the ASEAN Forum and between ASEAN countries and China. Due to the abovementioned reasons, keeping the dispute in a political framework is a difficult but very important manner of resolving the issue.

The involvement of outside countries should be limited and solicited only if a dispute arises. If China continues to ignore the United Nations guidelines, such as the South China Sea Arbitration in 2016, then the involvement of the USA and India could be necessary as a means to restrain China from being aggressive against the other littoral countries.

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