

Forum: Security Council (SC)

Issue: Naval Expansion and Maritime Security in the South China Sea

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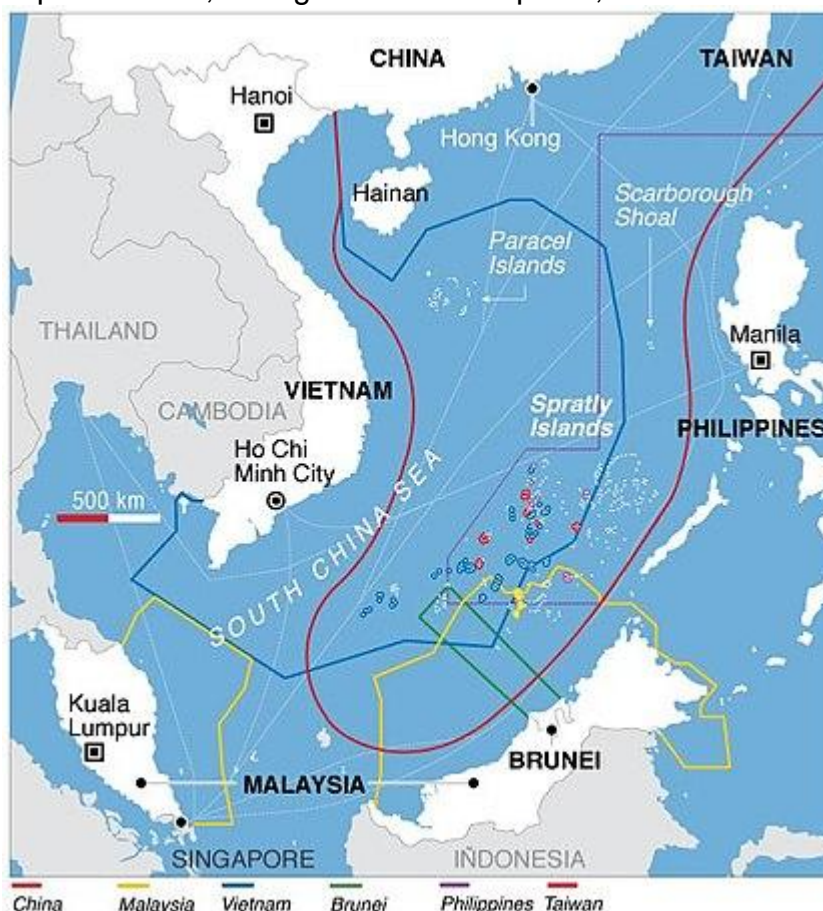
INTRODUCTION

Maritime security in the South China Sea, with 6 nations claiming control of the region and 1/3 of the world's trade being conducted through its water, has been an issue for the international community for decades. Moreover, the region being one of the richest fishing grounds in the world and containing immense oil reserves has attracted the interest of many of the world's nations. From the 17th century onwards, the South China Sea has faced a variety of problems ranging from sovereignty disputes and the impact of colonialism to active conflicts and disputes concerning the economic exploitation of the region.

There are two separate major island groups in the South China Sea referred to as the Spratly Islands and the Paracel Islands, as well as more than 250 smaller islands, atolls, and shoals. Its richness in economic resources and its strategic significance have prompted the People's Republic of China, Vietnam, Malaysia, the Philippines, Brunei and the Republic of China to lay claims to the region, while the United States of America has recently increased its presence there.

During colonial times, the South China Sea was of little interest to any parties and there were minimal territorial claims. The subsequent discovery of the region's resources and the end of the colonial era led to a series of territorial claims by neighboring countries, including the People's Republic of China's claim that it is the legal ruler of the entire

region. This sparked multiple conflicts, insurgencies and disputes, most of which remain



unresolved to this day.

1. A comprehensive map of the territorial claims in the South China Sea.¹

With international efforts to safeguard peace in the region, resolve any sovereignty questions in accordance with international law and establish comprehensive international trade guidelines, maritime security in the South China Sea appears to be a feasible task. However, China's refusal to abide by international law, its de facto control of certain maritime features of the South China Sea, its expansionary actions, such as the construction of artificial islands, and the tensions caused by the USA's involvement, are few of the obstacles to bringing peace in the region. In order to overcome these obstacles and pave the way for a stable South China Sea, the key issues discussed in this study guide have to be tackled.

DEFINITION OF KEYTERMS

¹"Territorial Disputes in the South China Sea." 7 June 2011, en.wikipedia.org/wiki/Territorial_disputes_in_the_South_China_Sea

Maritime Security

Maritime Security refers to the protection of a state's or a region's marine area, features or resources.

Naval Expansion

Naval Expansion refers to any measures or actions by any government or state aiming to increase the range of its maritime territory and the capacity of its navy. This could include purchasing more warships, constructing artificial islands or expanding their maritime borders.

South China Sea

The South China Sea is part of the Pacific Ocean and borders Vietnam, People's Republic of China, the Republic of China (sometimes referred to as Taiwan, Taipei or the ROC), the Philippines, Malaysia and Brunei. It is of significant strategic importance and contains immense amounts of oil and natural resources, while 1/3 of world trade is conducted through it.

De Facto Sovereignty

De facto sovereignty refers to fully exercised sovereignty over a region which is not officially recognized.

Exclusive Economic Zone (EEZ)

Under the United Nations Convention on the Law of the Sea, an EEZ is a sea zone within 200 nautical miles off a state's coast, on which it has special rights to explore and use its maritime features and economic resources.

Freedom of Navigation

Freedom of Navigation is a commonly recognized international principle under which all ships bearing a national flag are allowed to sail through any sea without any interference from other parties with the exceptions described in International Law.

Artificial Islands

Artificial Islands are man-made islands oftentimes built on shoals or other minor maritime features which possess no territorial waters of their own.

BACKGROUND INFORMATION

Precolonial Era

The People's Republic of China claims that Chinese fishermen have been active in the Paracel Islands since as early as the 3rd century but the currently existing evidence shows that Chinese have only been trading in the region since the 5th century, although they never established sovereignty or had a permanent presence there. The first official Chinese claim to the Paracel Islands was only published in 1876.

However, Vietnam had already established de facto sovereignty over the Paracels since 1816, as Emperor Gia Long of Annam (Vietnam's predecessor) had commenced the construction of a pagoda and had carried out multiple missions in the region.

Colonial Era

With the rise of colonialism, Britain founded Singapore and Hong Kong, while in the 1800s, France took control of Vietnam, thus becoming the new major power in the South China Sea. However, none of them officially claimed sovereign rights over the region or any of its features, although they oftentimes used it for trade.

The first official claim to the Spratly Islands was raised by Britain in 1877 after some British merchants sought to utilize the islands' mineral resources. Subsequently, in 1909, China claimed sovereignty over the Paracels citing archeological evidence and cultural ties, but there was no move to occupy the region.



2. French troops along locals of the South China Sea islands²

As the winner of the first Sino-Japanese war in 1895, Japan occupied Taiwan and established its presence in the South China Sea using it for trade and being the first power to militarize it and build a naval base. Disregarding China's claims, Japan proceeded to use the Paracels and the Spratly Islands. During that time, France started to become more active in the region laying claims to both island groups and triggering tensions with both China and Japan.

China's Nine-dash Line Territorial Claim and the first clashes in the South China Sea

After its defeat in World War II, Japan withdrew its troops from the South China Sea and France once again claimed the Paracels on behalf of Vietnam which was then its protectorate. At the same time, China moved to occupy Woody Island in the Paracels and Itu Aba (Taiping Island) in the Spratly Islands, which led to a series of confrontations and negotiations with France.

² "Timeline of the South China Sea Dispute." *Wikipedia, the Free Encyclopedia*, Wikimedia en.wikipedia.org/wiki/Timeline_of_the_South_China_Sea_dispute.

In 1947, China published the nine-dash line (then known as the eleven-dash line) which showed China's territorial claims over most of the South China Sea. Although there were minimal protests by the international community, no official recognition of China's sovereignty over the South China Sea was accepted.

After the Chinese Revolution in the late 1940s, the People's Republic of China inherited China's nine-dash line, while the Republic of China, which was founded in Taiwan, made an identical claim —meaning that both Chinese governments declared sovereignty over the same region.

After the dissolution of French Indo-China in 1955, Vietnam was divided into North and South Vietnam. According to the Geneva Accords, South Vietnam inherited all of France's regional claims and thus assumed control over the Spratly Islands and the



3. A map showing China's nine-dash line territorial claim.³

Southern Paracels. The Communist Government of North Vietnam, however, recognized China's "historical" claims over the South China Sea despite the fact that both countries had been parties to the Geneva Accords. However, in 1956, South Vietnam announced the annexation of the entire Paracel archipelago starting multiple operations there. At the same time, both the PRC and the ROC deployed troops in the Paracels.

³ Deutsche Welle "China's Nine-dashed Line Has 'no Basis Under International Law'." [DW.COM, www.dw.com/en/chinas-nine-dashed-line-has-no-basis-under-international-law/a-18609290](http://www.dw.com/en/chinas-nine-dashed-line-has-no-basis-under-international-law/a-18609290).

Furthermore, in 1956, Thomas Cloma —a Philippine national— declared the establishment of a new state in the Spratly Islands under the name “Freedomland”. As a result, the PRC, the ROC and Vietnam reiterated their claims over the islands and sent troops to suppress the uprising. The government of the Philippines, which had never made any claim over the islands until then, declared the secession illegal and Freedomland was disbanded.

The discovery of oil and the ratification of UNCLOS

In 1969, a UN mission in the region discovered significant amounts of oil which prompted the PRC to occupy the Paracels and the Philippines to issue its first official claim to most of the



Spratly Islands. In 1972, many countries, including China, invaded the Spratly Islands, while both South and North

Vietnam raised claims to the Paracels and the Spratlys. In 1974, the Chinese and South Vietnamese naval forces clashed in the Battle of the Paracel Islands which caused great unrest in the region.

In the following decades, there were multiple clashes between Vietnam, the PRC, the ROC and the Philippines, while Malaysia and Brunei also claimed sovereignty over parts of the South China Sea. By 2006, all parties involved except for the ROC ratified the UN Convention on the Law of the Sea (UNCLOS) which stated that each nation has exclusive sovereign rights over all resources in the South China Sea in an area of 200 nautical miles off its shores —i.e. in its Exclusive Economic Zone (EEZ). However, according to UNCLOS, if a state has significant historical ties to an archipelago, it can continue raising claims to it, such as the PRC and the ROC which claim the South China Sea in its entirety or Vietnam that claims most of it —without any recognition by the international community. However, free navigation was established in the region allowing ships from all nations to cross the South China Sea so as to facilitate trade.

The proceedings of the PCA, China’s naval expansion and the USA’s involvement

The countries bordering the South China Sea proceeded alongside foreign oil companies to exploit the region’s resources. In early 2012, the Philippine armed forces were involved in a stand-off with the PRC’s navy in Scarborough Shoal which is claimed by the Philippines, the People’s Republic of China and the Republic of China.

A year later, the government of the Philippines formally initiated proceedings against the PRC with regards to sovereign rights over Scarborough Shoal in the Permanent Court of Arbitration (PCA) criticizing the PRC’s claims of sovereignty to the South China Sea. The Court decided that the Philippines held sovereignty over Scarborough Shoal and due to insufficient evidence of any significant historical ties to the Paracel and the Spratly Islands dismissed China’s nine-dash line territorial claim ruling that China had breached the Philippines’ sovereignty by preventing it from utilizing its EEZ’s resources.

China, however, ignored the judgment and reinstated its claim to the South China Sea despite international opposition.

In 2013, there were reports that the PRC was building runways and installing radars on newly constructed artificial islands in the South China Sea implying that China's goal was to expand its sea territory and militarize it. The Chinese government has repeatedly denied such claims; however, there was evidence that it has constructed approximately seven different artificial islands on shoals and low-tide elevations, such as Mischief Reef, which could pose a serious threat to the sovereignty of the other parties involved in the South China Sea dispute. One of the main arguments was that China aimed to expand its sea borders by creating these new islands. However, under UNCLOS, artificial islands do not possess territorial water; thus China's initiative contradicts international law.

In 2016, Rodrigo Duterte won the Philippine presidential election changing significantly the Philippines' approach to the South China Sea dispute, as he chose not to question China's naval expansion and military policies in the region. The United States have also acted as an observer increasing recently their presence in the area.

MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

People's Republic of China (PRC)

China is claiming that, in accordance with its nine-dash line map, has sovereign rights to at least 90% of the South China Sea citing its historical and cultural ties to the region. It continues strengthening its presence in the region by militarizing many of the islands. Recent reports provide evidence that China is turning these artificial islands into military bases. China's unwillingness to adhere to international standards, laws and decisions regarding the South China Sea and its continuous confrontations with the rest of the neighboring countries have been proven to be the most challenging issues when trying to resolve the conflict.

Republic of China (Taipei/ROC/Taiwan)

The ROC's government maintains that it is the legitimate claimant of the nine-dash line given that it had been demarcated before the Chinese Revolution and continues to be present in the region on a slightly lower scale. It discontinued its official claims in 2005 but does not rule out the possibility of reinstating them.

Vietnam

Vietnam's government has laid claims to most of the Paracel and the Spratly Islands. Its claims are more vastly recognized than the ones of the PRC and the ROC; however, there has been no official agreement between the three parties. Vietnam has also accused the PRC of violating its sovereignty in the South China Sea on multiple occasions remaining firm on its claims.

The Philippines

The Philippines have stood firm by its belief that it holds sovereignty over most of the Spratly Islands and a major part of the northern South China Sea, such as Scarborough Shoal, and is backed by the international community on the PCA's decision. In recent

years, the governmental change has led to a more lenient approach to tackling China's naval expansion.

United States of America (USA)

The USA has increased its presence in the South China Sea in recent years stating that it will ensure freedom of navigation and peace. The PRC has repeatedly warned the American government to withdraw its navy from the region, as it believes it destabilizes the region and causes more tensions than necessary. In fact, American naval forces have oftentimes been involved in stand-offs with the Chinese navy.

Permanent Court of Arbitration (PCA)

After the Philippines instituted proceedings against the PRC concerning sovereignty over Scarborough Shoal and the legal status of the nine-dash line, the PCA decided that the Philippines held sovereign rights to Scarborough Shoal and due to insufficient evidence nullified China's nine-dash claim. However, China has chosen to ignore the Court's judgment.

United Nations (UN)

The UN has remained firm in its belief that the principles of UNCLOS have to be respected by all involved parties. In many cases, it has acted as a mediator supporting the PCA's decisions.

TIMELINE OF EVENTS

DATE	DESCRIPTION OF EVENT
5 th century	First evidence of Chinese fishermen conducting commercial and other activities in the Paracel Islands.
1816	Emperor Gia Long of Annam (Vietnam) exercises de facto sovereignty over the Paracels.
1841	Hong Kong becomes a British protectorate allowing Britain to enter the South China Sea.
1876	China makes its first claim to the Paracels but does not exercise sovereignty.

1887	France gains control over Vietnam under French Indochina.
1895	Japan wins the first Sino-Japanese war and occupies the South China Sea.
1945	Japan is defeated in World War II and ends its occupation of the South China Sea.
November 1946	China occupies Woody Island and Itu Aba.
December 1947	China publishes the nine-dash line map (then known as the eleven-dash line map).
1 October 1949	The People's Republic of China is established after the Chinese Revolution.
Late 1949	The ROC announces that it is the official claimant of the nine-dash line.
26 April 1954	The Geneva Conference begins leading to the Geneva Accords and Vietnam's independence in the form of South and North Vietnam.
1956	North Vietnam recognizes China's claims and South Vietnam annexes the Paracels.
11 May 1956	Tomas Cloma establishes Freedomland.
7 July 1956	Freedomland is disbanded.

1969	A UN mission in the South China Sea discovers oil.
1971	The Philippines publish their first claims to most of the Spratly Islands and Scarborough Shoal.
1972	The PRC, the ROC, Vietnam and the Philippines invade the Spratly Islands.
1974	The Battle of the Paracel Islands.
2 July 1976	North and South Vietnam are reunited to form the Socialist Republic of Vietnam.
10 December 1982	The UN Convention on The Law of the Sea is signed.
April 2012	The Philippines and China were involved in a stand-off in Scarborough Shoal.
1997-2006	The Philippines, Vietnam and the PRC ratify UNCLOS.
22 January 2013	The Philippines institute proceedings against the PRC in the Permanent Court for Arbitration.
2013	The first reports of artificial islands built by the PRC in the South China Sea.
9 May 2016	Rodrigo Duterte is elected President of the Philippines.

12 July 2016	The PCA issues the official arbitration of the Philippines v. China case nullifying the nine-dash line claim.
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RELEVANT UN RESOLUTIONS, TREATIES AND EVENTS

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

UNCLOS was signed in 1982 and has been ratified by more than 170 UN Members, including the PRC, Vietnam, the Philippines, Brunei and Malaysia. Under UNCLOS, each state has exclusive economic rights to an area of 200 nautical miles off its shores (EEZ). However, if a country has sufficient evidence of significant cultural and historical ties to a region, it is granted sovereignty.

Geneva Accords

The Geneva Accords were signed in 1954 declaring the dissolution of French Indochina. According to them, South and North Vietnam were granted sovereignty over the Paracel Islands which were divided in half.

The South China Sea Arbitration (The Philippines v. The People's Republic of China) Award

Although China objected to the proceedings and the PCA's decisions are not binding, the award of the case has offered an insight into the validity of China's nine-dash claim by concluding that it has no substantial legal basis. The award was issued on 12 July 2016 and ruled in favor of the Philippines.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

The efforts of the United States of America

Over the last decade, the US Navy has been patrolling the South China Sea in order to uphold freedom of navigation in the region. This has mainly caused tensions with the Chinese Navy claiming that the USA's involvement only causes further instability and infringes China's exclusive sovereign rights to the South China Sea. Although ships are still free to sail in the South China Sea, it has been unclear to what extent the USA's involvement is to blame.

The efforts of the Association of South-East Asian Nations (ASEAN)

ASEAN has stood firm in supporting the claims of its member states involved in the dispute, i.e. Vietnam, the Philippines, Malaysia and Brunei. However, its stance remains unclear as far as disputes between its members are concerned. ASEAN has been pushing for dialogue between China and its member states so as to prevent any potential confrontations.

POSSIBLE SOLUTIONS

Due to the topic's complexity, the multiple stakeholders and their claims to the region, as well as to the involved parties' tendency to frequently change their claims, policies, and positions on the matter, the issue needs to be approached by the

delegates in a multidimensional way. The veto power, which both the USA and the PRC possess, can also add an extra burden on the SC member states, as a solution in accordance with both parties' claims may prove hard to achieve.

Firstly, China's confrontational policy poses one of the most serious problems. In order to make the region safe, China needs to be deterred from preventing other nations from utilizing their EEZs' resources. A series of measures should be taken ranging from enhanced patrolling of the South China Sea to establishing dialogue between the parties involved. However, it is important to discourage further conflicts.

A reconsideration of nine-dash line claim by China could be achieved via negotiations. On the other hand, the Chinese government has shown an unwillingness to join international discussions on the issue dismissing any relevant decisions, such as the PCA Award. Therefore, referring the issue of China's claims to the International Court of Justice, the decisions of which are binding, may be an option. In theory, this would allow China to support its historical links to the South China Sea, although it is crucial for the delegates to understand that China has repeatedly ruled out such a possibility.

The question of artificial islands built by China is also expected to be discussed in the committee. Due to the lack of conclusive evidence, conducting UN-backed investigations could be a potential solution to this issue —always respecting China's sovereignty. Ensuring that there is no further militarization of these islands is also of primary importance.

Another major question at hand is the USA's involvement in the region. Increasing the USA's presence in the region could help ensure that no further clashes between nations occur —provided that the USA acts as an international observer. On the other hand, the delegates need to consider whether or not the US is the appropriate stakeholder to undertake such a role, the extent to which China's sovereignty is infringed upon and the potential destabilization and unnecessary conflicts the US's involvement may cause.

However, establishing an international dialogue may prove most helpful in resolving territorial disputes with the rest of the parties, such as Vietnam and the Philippines. The role of the UN and ASEAN in this effort also needs to be thoroughly discussed in order to be found a common understanding among the parties involved on the terms of resolving the conflict.

Lastly, due to the complexity of the issue at hand, the degree to which current international law can be applied should be taken into account. If UNCLOS's provisions are deemed to be insufficient for resolving the dispute, the delegates should consider the establishment of special international standards and sources of law to which the specific situation's agents have to conform.

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