

Committee/Council: Security Council

Issue: Managing peace, security and prosperity in the South China Sea

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Introduction



The South China Sea is a marginal sea that is part of the Pacific Ocean which encompasses an area roughly 3,500,000 km² and it that starts from Singapore to the Strait of Taiwan. The region is on the south of mainland China and Taiwan, west of Philippines, north west of Malaysia and Brunei, north of Indonesia, northeast of Singapore and east of Vietnam. This area has been under dispute due to a number of reasons, such as the possible petroleum, crude oil and natural gas resources under the seabed which the countries compete for, the importance of the area in world trade which advanced

the growth of the economics of East Asia and SLOC (Sea Lines of Communication) security. Besides the geopolitical importance of the waters, the area surrounding it is populated by 270 million people who depend on the South China Sea socially and economically. In 2007, roughly 7 million tonnes of fish were gathered in the South China Sea, which amounts to 7 percent of the world's fishing industry. Therefore any decline in the fishery industries around the region that may occur because of the dispute would negatively affect the prosperity of the citizens living in the area. The dispute between China and Vietnam's navy vessels at Johnson South Reef in 1998 is a good example of the tension that permeates the area. That's why sedating the tension and promoting peace and security is of vital importance. It not only fixes the fragile security and stability between the bordering regions, but solving this dispute would also promote the livelihood of people that live around this body of water. Although there have been several attempts of cooperation to solve this dispute including bilateral efforts and help from ASEAN, no concrete solution has been reached yet.

Here are two videos that summarize the situation:

<<http://www.bbc.co.uk/news/world-asia-pacific-13777441>>

<<http://www.bbc.co.uk/news/world-asia-18184333>>

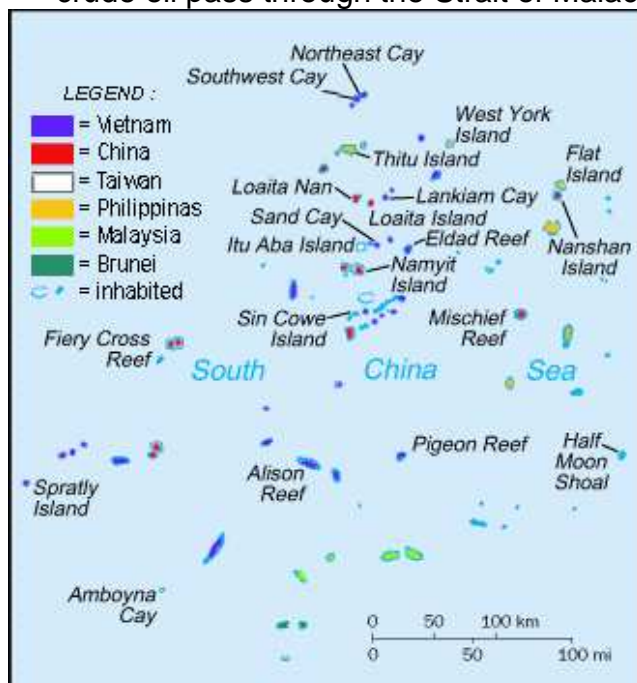
Definition of Key-Terms

Exclusive Economic Zone (EEZ): An **exclusive economic zone (EEZ)** is a sea-zone prescribed by the United Nations Convention on the Law of the Sea over which a state has special rights over the exploration and use of marine resources, including energy production from water and wind⁽¹⁾.

Territorial dispute: A **territorial dispute** is a disagreement over the possession/control of land between two or more states or over the possession or control of land by a new state and occupying power after it has conquered the land from a former state no longer currently recognized by the new state.

Background Information

The interest in the South China Sea isn't new. Although it has been present for centuries, the interest and tension in the region has amplified exponentially. But why does every country around the region want something from the sea? Like most things, the basis of the territorial claims lies in the geopolitical importance of the land of water. The South China Sea is the second most used sea-lane for trade purposes and roughly 50% of the annual world trade passes through the South China Sea's Strait of Malacca, Sunda Strait and Lombok Strait. Since fishing activity in the region constitutes 8% of the world's total fishing, there has been many conflicts between Philippines and foreign fishing vessels such as China in the Philippines exclusive economic zone (EEZ). On top of the fishing industry, over 10 million barrels of crude oil pass through the Strait of Malacca every single day. Besides the



immense role it plays in world trade, South China Sea also has an enormous amount of oil and petrol reserves under it. It has been proven that around 7.7 million barrels of oil exist in the seabed, with an estimate of 28 million barrels in total. Besides the oil reserve, natural gas reserves are estimated to be around 7.500 km³. Both of these functions are enough of a motivation for the surrounding countries' territorial claims in the area. That's why this area is of such importance. Every country wants something from it and their willing to do anything to get what they want.

The countries that have made a territorial claim in this region are: People's Republic of China, Republic of China (Taiwan), Philippines, Vietnam, Malaysia and Brunei. Territorial claims were also made on the Spratly and Paracel archipelago, which are two uninhabited islands located in the South

China Sea. The main reason for the claims on the islands is to acquire fishing areas around the islands and exploit crude oil/natural gas.

In 1948, China made a claim in the South China Sea, with an eleven-dotted line, which includes the Spratly and Paracel islands, and these claims were not challenged at the time. When the Communist Party of China took over the mainland and formed People's Republic of China, this claim was amended into a nine-dotted line. Until the 1970s, no country disputed the validity of the nine-dotted line. However, in the 70s, Philippines, Malaysia and other countries started referring to the Spratly island as a part of their own territory, completely ignoring the nine-dotted line claims made by China. In 1978, Philippines even went as far as to declare the Spratly islands as Philippines territory with the Presidential decree no. 1596.

With these claims made, the tension in the area keeps rising. Currently, the nine-dotted line only exists in theory because Vietnam, the Philippines, Brunei, Malaysia and other countries are also claiming areas within this nine-dotted line. The armed conflict in the area did not help matters. A conflict between China and Vietnam in 1974 resulted in 18 soldiers being killed and China controlling Paracel. On top of this tension, when the United Nations Convention on the Law of the Seas (UNCLOS) came into effect in 1982, debates on the ownership of the area intensified. After this, navy conflict between the two nations in 1988 over Spratly ended with over seventy sailors' death. Clashes have been consistently reported since then. However, ASEAN and Malaysia in particular have been working hard to prevent armed military conflict in the area. In 2002, China signed a non-binding declaration with ASEAN to promote freedom of navigation in the South China Sea.

On 20 July 2011, the China, Brunei, Malaysia, the Philippines, the Taiwan and Vietnam agreed to a set of preliminary guidelines, which would help resolve the dispute⁽²⁾. These guidelines have been viewed a right step forward since they try to promote peace, security and stability in the region while protecting the environment and the ecosystem. Since the South China is a very important marine environment, holding one third of the world's marine biodiversity, it is imperative that correct steps are taken to protect the sea from overfishing and harms to the ecosystem. However, even though these guidelines have aspects to protect the environment, the issue of oil and gas exploitation remains unsettled.

In September 2011, Indian state-run oil exploration company, Oil and Natural Gas Corporation (ONGC), stated that it signed a three year lease with Vietnam to explore certain specified blocks in the South China Sea. China had a strong reaction to this information; stating that they were open to



peaceful means of solving this issue, but the “unilateral actions” of certain countries (Vietnam’s) complicated the issue and further stated that China is against all oil and gas explorations in the disputed sea.

A video about the issue: <http://www.bbc.co.uk/news/business-17724349>

Major Countries and Organizations Involved

China

Located in the north of the South China Sea, with a 1.3 billion population, economic and military dominance, People’s Republic of China is one of the most prominent forces in the region, definitely a force to be reckoned with. Besides holding a permanent seat in UNSC, China is also part of a number of multilateral organizations such as ASEM, SCO, G20, BRICS. The country claims sovereignty over the whole South China Sea for national and historical reasons. In 1948, China made territorial claims on the SCS with a nine-dotted line, which went undisputed until the 1970s. After that several claims were made in the region against the ones China made. There have been some bi-lateral talks between nations in dispute and China to solve this issue. So far, none of the talks or the DOS and 2011 agreement yielded good results. China is also the most aggressive country in its claims; attacking Philippines and Vietnamese vessels with the justification that the said vessels are in its territory.

Philippines

Until 1978, no claims in the SCS and the Spratly Islands were made by Philippines. With the 1978 declaration, they claimed the land, starting the territorial dispute. They were the ones who found oil in 1976, 2 short years before they claimed territory. Philippines is fighting for territory in the SCS alongside Vietnam. Its strongest ally is America.

Vietnam

Also, an important force in the SCS, Vietnam had many disputes and armed conflict with China because of the SCS dispute. Chinese vessels attacked Vietnamese fishing and trade vessels and ships on multiple occasions with their only justification being their territorial claims. This has caused a lot of tension to build up between the two Asian nations. Currently, Vietnam has signed a three-year lease with an India based company to start oil/gas exploration in the South China Sea, which received a very negative response from China who issued a statement on the subject and referred to this lease as something that “complicates and expands the issue”.

USA

America is a known ally of Philippines and they are interested in freedom of navigation in the SCS. They’ve called at China many times to solve this dispute as peacefully as possible, garnering negative feedback from China who believes America keep out of the issue. The Secretary of State Clinton also accused China of taking aggressive actions on the high seas.

Timeline of Events

Date	Description of event
1948	China claims the nine-dotted line
11 March 1976	A Philippines company discovered an oil field off Palawan island, which is a part of the South China Sea.
1974	Armed conflict between Vietnam and China
1976	Philippines oil company discovers oil in the SCS's Philippines region
1978	Philippines claims the area around Sparty Islands
1979	Joint Development Authorities done between Thailand and Malaysia
1982	UNCLOS is signed and China ratifies the convention.
1988	Naval conflict between China and Vietnam around the Sparty Islands
1992	ASEAN starts talking about the SCS dispute
2002	A non-binding declaration is signed between China and ASEAN (Association of Southeastern Asian Nations)
2005	Chinese ships fired at two Vietnamese fishing boats, killing 9 people
2007	China, Philippines and Vietnam concluded a trilateral seismic survey
2008	ICJ adjudicates the territorial dispute in the SCS between Singapore and Malaysia
2010	USA secretary of state Clinton urges China to solve the dispute
2010	China states that America has no business interfering in its disputes, creating tension between the countries
May 2011	Armed conflict between China and Vietnam
July 2011	The Agreement on the code of conduct is signed between the parties in dispute
September 2011	Vietnam invites India based ONGC to explore oil/gas in the South China Sea
April 2012	A Philippines warship was involved in a standoff with Chinese surveillance ships
June	Indian navy vessels received an unscheduled escort from Chinese navy officials

Relevant UN Treaties, Resolutions and Events

UNCLOS: the United Nations Convention on the Law of the Seas is a convention written in 1982 which regulates territorial jurisdiction,

environmental conservation, navigational rights and conflict resolution in the seas.

2002 Declaration On the Conduct of Parties in South China Sea: A non binding declaration between China and ASEAN regarding the conduct in the South China Sea to preserve the freedom of navigation in the area.

2011 Agreement on a Code of Conduct: With this agreement, the countries in dispute had multilateral talks, something China does not favor, and decided on guidelines that have to be followed in the South China Sea. The guidelines are an initial set of steps towards the more conclusive declaration, which China and the 10-member Association of Southeast Asian Nations (ASEAN) have been in deadlock over since 2002.

Previous Attempts to solve the Issue

Joint Development Authorities, established with the efforts of ASEAN and Malaysia was another proposed solution to this problem. A JDA is set up in areas where territorial claims of 2 countries overlap. When such is the case, they jointly develop the area and split the profits equally without calling into question sovereignty. For example, a joint development was done between Malaysia and Thailand in 1979 in the Gulf of Thailand, near the South China Sea. Differently than this, China preferred having bi-lateral negotiations with the countries in dispute to solve this disputation while some other ASEAN countries chose to have multi-lateral talks. For them, having multi-lateral discussions were a better option than dealing with a big country like China to solve multiple claims made in the area.

Another attempt was done through the International Court of Justice in 2008. Overlapping claims made by Singapore and Malaysia were settled in the court of justice with Pedra Branca / Pulau Batu Puteh going to Singapore and Middle Rocks to Malaysia.

As international pressure from USA increased to settle this issue peacefully, tension rose between USA and China, who believed that America had no business in interfering in the territorial dispute. Unfortunately events took a turn for the worse when an armed conflict between China and Vietnam ensued; a Chinese naval ships attacked Vietnamese oil exploration ships on May 2011. After this unfortunate event, there have been some collaborative attempts made by all of the claimant countries. The 20 July 2011 agreement made between all of the parties involved focused on "marine environmental protection, scientific research, safety of navigation and communication, search and rescue and combating transnational crime" which is an important step in the right directions for the countries to ensure stability in the region and meet an agreement. However, the core issue of oil and gas exploitation was still left unresolved with this agreement.

This issue has also been raised by ASEAN, who has been working on this issue since 1992, in the 19th ASEAN Summit of April 2012. They had previously signed a "Declaration on the Conduct of Parties in the South China Sea"(DOS) in 2002, aiming to alleviate the tension in the region. Unfortunately this has not been very effective and for peace to be restored in the region, DOS has to be followed. However, Even though progress has been little,

ASEAN is determined to “intensify the efforts” to solve this prominent issue. With Philippines, China and Vietnam more adamant than ever with it’s claims, going as far as to invite foreign energy companies to explore oil and gas in the area around Spratly Islands, a place where China calls it’s own, hostility in the region is bound to increase.

Possible Solutions

The goal of all of the countries fighting over the SCS should be the same thing: establishing and promoting peace and security in the region. Right now the focus is on what land belongs to which country and so forth; the nations seem less inclined to protect the land before the owner is decided. To solve this core issue, the nations have to be in agreement on the points that they have to set aside their economical gain from the region for the time being and focus on what the are needs: How it’s affected by overfishing, what the situation of the people living in coastal areas is like and how they can promote a peaceful environment in the SCS while deciding to owners, so to speak. If China and ASEAN manage to show that they’re all on the same page, they respect each other’s opinions and will decided the matter with multilateral agreements, they will manage to take the edge of the tension that’s been building between the nations. Establishing the peaceful atmosphere the region needs will promote prosperity and growth in the region, and after this can we only solve the territorial claims, exclusive economic zones and the oil/as exploitation issues.

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