

Forum: DISEC 1

Issue: The question of the militarisation of the South China Sea

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Introduction:

The territorial dispute in the South China Sea has been ongoing for many years. It involves several sovereign states within the region, such as Brunei, Taiwan, the Philippines, the People's Republic of China, Malaysia, Indonesia and Vietnam. The South China Sea is one of Asia's biggest flashpoints. The 3.5 million square kilometre patch of water is one of the world's busiest shipping routes, with an abundance of gas and oil reserves lying beneath the seabed. These reserves, along with the hundreds of tiny islands, reefs and shoals, including the Spratly Islands¹, are what drives the conflict between these sovereign states. It is also unclear as to which states control the various areas and islands within the waters. The United Nations Convention of the Law of the Sea (UNCLOS) states that countries can control the territorial waters within 200 nautical miles off their shores. These are known as Exclusive Economic Zones²(EEZ). However, China does not comply with this and insists that they are entitled to much more of the South China Sea. In 1947, China outlined its claim to the South China Sea with the nine-dash line³, claiming over 70 percent of the waters. On top of this, states in the region have occupied these islands, and have been building military bases on them in order to assert their sovereignty. Tensions have been rising over the years and sometimes have boiled over. An example of this is in 2012 when a tense standoff between the Chinese and Philippine navies occurred due to the Philippine navy harassing Chinese fishing boats. To this day, the South China Sea dispute remains unsolved.

Definition of Key Terms:

1. The Spratly Islands are a disputed group of islands, islets and cays with more than 100 reefs located in the South China Sea.
2. 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 regarding the exploration and use of marine resources, including energy production from water and wind.
3. The nine-dash line refers to the undefined, vaguely located, demarcation line used initially by the Republic of China (1912–1949) and subsequently the governments of the Republic of China and the People's Republic of China for their claims of the major part of the South China Sea. The contested area in the South China Sea includes the Parcel

Islands, the Spratly Islands, and various other areas including the Pratas Islands, the Macclesfield Bank and the Scarborough Shoal.

4. The Association of Southeast Asian Nations is a regional intergovernmental organisation comprising ten Southeast Asian countries that promotes intergovernmental cooperation and facilitates economic, political, security, military, educational, and sociocultural integration amongst its members and other Asian states.
5. FONOPS are freedom of navigation operations which challenge territorial claims on the world's ocean and airspace.

Background Information:

Other information which should be noted is the work of ASEAN⁴ which was founded in 1967, and has strived to overcome the issue of the South China Sea through cooperation and discussion, however China is not a member.

China has also repeated its threat to establish an ADIZ in order to reinforce territorial claims, but will only aggravate tensions further.

Lastly, we must also bear in mind the possible effects of drilling for natural resources on the surrounding areas, such as gas or oil leaks.

Major Countries and Organizations Involved:

China:

China believes that they have the right to the South China Sea through historic claims. Since the 1947 Nine-dash line, China has claimed ownership of the majority of the South China Sea and has even detained Vietnamese fishermen for fishing in 'Chinese waters' illegally. China has since begun to militarize islands in the sea in order to further assert their dominance, and has refused to respond to tribunal rulings against them in the Hague.

Indonesia:

Indonesia has long sat on the sidelines of this dispute, with its official policy being that they are not a party to territorial disputes with China, one of its largest investors and trading partners, in the South China Sea. However, Indonesia's position is becoming increasingly aggressive, with planned deployment of naval warships and military build-up near the Natuna Islands, and run-ins with China in 2016 where, on one occasion, an Indonesian warship seized a Chinese fishing boat and its crew.

The Philippines:

In 2016 The Philippines brought arbitral proceedings against China, heard by a tribunal in the Hague, and the court ruled in favour of the Philippines. However, China ignored the ruling of

the tribunal, and continued to militarise the islands. Little was done after this, and the Philippines did not press the ruling further. China also seized the Scarborough shoal from the Philippines in 2012.

Vietnam

Vietnam in the past has opposed Chinese dominance in the South China Sea, with many run-ins, such as in 2014 when China challenged the Vietnamese by drilling for oil in a disputed area, leading to the dispatchment of ships, and resulting in a Vietnamese fishing boat being rammed and sunk by a Chinese ship. However, recently, China's foreign minister visited Vietnam, and returned with a statement saying that China and Vietnam were moving towards a settlement agreement on the status of their claims in the South China Sea.

The United States

The US, which has allies in the region, have continually called upon China to cease reclamation projects in the area, viewing China as a bully to the other states in the region. China has repeatedly rejected these demands. In response, the US has flown air force jets over the Chinese-controlled islands, and sailed warships near them. These are known as freedom of navigation operations, or FONOPS⁵. They have also carried out joint military exercises with the Philippine navy.

ASEAN

ASEAN and China have a single text to negotiate a code of conduct in the South China Sea, with Brunei, Malaysia, the Philippines and Vietnam locked into territorial disputes with China.

Timeline of Events:

1947 The Republic of China publishes the nine-dash line.

2012 China detains Vietnamese fishermen in the Paracel Islands.

Vietnam passes a new maritime law claiming sovereignty over the Spratly and Paracel Islands.

2013 The Philippines formally initiate arbitration of China's maritime claims with the International Tribunal at the Hague.

2014 The US and the Philippines conduct a joint military exercise near Scarborough Shoal.

2016 The Permanent Court of Arbitration Tribunal's ruling in favour of the Philippines, stating that China has no legal basis to claim historic rights to the South China Sea.

2018 Chinese Foreign Minister Wang Yi visits Vietnam and announces that China and Vietnam are moving towards a settlement agreement on the status of their sovereignty claims in the South China Sea.

Relevant UN Treaties and Events:

- United Nations Convention on the Law of the Sea (UNCLOS), 10th of December 1982.
- The Permanent Court of Arbitration Tribunal's ruling.

Previous attempts to solve the issue:

In 2013, the Philippines brought arbitral proceedings against China to an international tribunal in the Hague, however China refused to take part in the proceedings. It was considered a historic victory when, in 2016, the Permanent Court of Arbitration Tribunal ruled in favour of the Philippines, stating that China had no legal basis to claim historic rights to the South China Sea. China did not respond to the tribunals ruling and since, the Philippines and other claimants have done little to China's continued development in the region.

Possible Solutions:

1. The creation of a panel of experts to work with Security Council and all relevant member states in order to discuss all aspects of the dispute and specific matters such as sea borders and resolution to the conflicts.
2. Ask that member states halt their military presence in the South China Sea until a resolution has been reached.
3. Ask that the US also halt FONOPS so as to not cause feelings of unease, as well as not to create more tensions.
4. Ban the implementation of ADIZs in the South China Sea in order to ease tensions.
5. Consider banning or limiting activities, such as oil drilling, which would have a harmful effect on the natural environment such as coral reefs.

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