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UNSC — Territorial Disputes in the South China Sea

VYMUN JUNIOR

Table of Contents

Overview	2
Timeline	2
Current situation	4
Possible Solutions	5
Bloc Positions	5
Questions to consider	6
Sources Cited	7

Overview

The territorial dispute in the South China Sea is an ongoing conflict in East and Southeast Asia, caused by conflicting territorial and maritime claims, as well as past agreements in Brunei, Indonesia, Malaysia, the Philippines, the People's Republic of China (PRC), Taiwan (Republic of China/ROC), and Vietnam. The disputed territories include the Spratly Islands, Paracel Islands, Scarborough Shoal, and various boundaries in the Gulf of Tonkin, which are strategically important islands thanks to their natural resources and naval contributions. This conflict has significant implications and effects on regional security, international law, and global trade.

Around a third of global maritime trade passes through the South China Sea (worth ~3.37 trillion dollars). The U.S. Geological Survey (USGS) also estimates that the South China Sea may contain between 2.4 and 9.2 billion barrels of petroleum. By claiming the islands, neighbouring countries also hope to claim the surrounding sea and resources as stipulated in the United Nations Conference on the Law of the Sea (UNCLOS), causing unrest in the popular trade route. Moreover, this could boost smaller territories' economies but wreak havoc on the current markets and trade agreements.

Multiple countries have been building artificial islands and military bases, escalating tensions in recent years and sparking fear that a conflict could break out.



Timeline

3rd Century BC to 13th Century BC - China claims Chinese fishermen have been using multiple islands in the South China Sea since 200 BC.

17 April 1895 - The first Sino-Japanese war ends, with China ceding Taiwan to Japan. Whether or not other islands in the South China Sea were included is disputed. The Cairo Declaration forced Japan to renounce claims to territories stolen from the Chinese. If the islands were ceded in the treaty, they were originally Chinese

and Japan must hand them back. However, Japan maintained that it administered the islands before the Sino-Japanese War, forcing Japan to renounce claims to all territories seized through war.

1947 - The Republic of China, under the leadership of the nationalist Kuomintang party, demarcates its territorial claims in the South China Sea with an eleven-dash line.

1953 - After the Chinese Civil War, China, now under the leadership of the People's Republic of China, removes the segment covering the Gulf of Tonkin, reducing the line to nine dashes.

1958 - The United Nations Conference on the Law of the Sea (UNCLOS) was created. It stipulates that countries are entitled to a continental shelf and an exclusive economic zone extending up to 200 nautical miles from their coasts. The countries may harvest the resources in their Exclusive Economic Zone.

1974 - China seizes the western Paracel Islands from South Vietnam. After Vietnam's reunification, the Socialist Republic of Vietnam upholds the South's claims to the Spratlys and Paracels.

1992 - China enacted the Law on the Territorial Sea and the Contiguous Zone, claiming the entire South China Sea based on its historical ties. The methods of defining the territory are disputed and not recognized by the United Nations Conference on the Law of the Sea (UNCLOS).

1994 - UNCLOS ratified rules for countries to use the waters near their shores based on economic zones and continental shelves. However, UNCLOS does not settle who owns what in the South China Sea. Its unclear language has made it less helpful in solving territorial conflicts. The US, being a staunch supporter of freedom of navigation in the South China Sea, follows UNCLOS as part of international law, it hasn't officially agreed to the treaty, which would give it more influence in protecting its economic and strategic interests.

1996 - Three Chinese naval vessels clash with a Philippine gunboat at Mischief Reef. The incident prompts a revival of U.S.-Philippine military ties, including joint exercises. Tensions ease midyear when both nations sign an agreement for a peaceful resolution in the territorial dispute.

2002 - China and the Association of South-East Asian Nations (ASEAN) states established a non-binding code of conduct to reduce tensions and resolve conflicts.

2009 - Malaysia and Vietnam jointly requested the UN to extend their maritime boundaries beyond 200 nautical miles, escalating tensions over South China Sea sovereignty. China objects, claiming it infringes on its "indisputable sovereignty." Vietnam's move is part of an effort to internationalize the dispute.

2013 - The Philippines initiated an international arbitration under UNCLOS against China over sovereignty claims on the Spratly Islands and Scarborough Shoal. China refused to participate. The court ruled in favour of the Philippines and that the 9-dash line had no legal basis.

2014 - The Philippines signed a 10-year military deal with the United States to increase the U.S. troop presence and joint military training.

2017 - Philippine coast guards opened fire on a Vietnamese fishing boat, resulting in the death of two fishermen.

2018 - A Chinese destroyer and U.S. Navy ship conducting a freedom of navigation operation near the Spratly Islands had a near collision. China claims the ship was defending Chinese territory in the Spratly Islands.

December 2022 - Indonesia and Vietnam agree on their maritime boundaries after 12 years of negotiations.

August 2023 - The United States, Japan, and South Korea reaffirm their standing on the Hague's 2016 ruling that China's nine-dash line was illegal.

August 2023 - China expands the nine-dash line to a ten-dash line, which includes Taiwan and most of the Spratly Islands. India, Indonesia, Japan, Malaysia, the Philippines, Taiwan, and Vietnam reject the map.

Current Situation

The South China Sea remains important, and the dispute over it remains. All territorial claimants, except Brunei, have established outposts on islands in the South China Sea. The Paracel Islands and Scarborough Shoal are entirely occupied by the PRC. Vietnam has occupied most of the Spratly Islands, establishing 48 outposts. Taiwan occupies the largest island, Taiping Island. The Philippines and China have eight outposts, and Malaysia has five. The Philippines and Vietnam have reclaimed land, but China's construction activity has ramped up recently.

The US and its allies continue to conduct Freedom of Navigation Exercises and condemn China's actions in the sea. China continues to assert its claims over the ten-dash line. Regular clashes still occur, potentially escalating to a greater conflict. There is no resolution on the horizon.

Possible Solutions

Independent Tribunal

An international court ruling has succeeded in some instances. For example, the Malaysian and Singaporean dispute over some of the islands was resolved through the International Court of Justice (ICJ). The court examined both sides' historical claims and decided who the islands belonged to. However, this faces obstacles when one party only recognizes the court's conclusion if it benefits them.

Uti possidetis, ita possideatis

The title means each country keeps what it currently owns and drops its claims on the other territories. In this scenario, no country would face humiliation when withdrawing, yet it would also understand that it will likely never occupy the other islands it claims. This might leave all nations unhappy, but it may be a worthy trade-off in exchange for peace and stability.

Resource Sharing

Countries can agree to share the region's resources. However, this may create geopolitical complications in the future.. For example, the PRC, the most influential nation in the region, may be able to develop resource-extraction tools much more quickly, giving other countries an unfair advantage.

Bloc Positions

Countries: Algeria, China (PRC), Ecuador, France, Indonesia, Japan, Malaysia, Malta, Mozambique, New Zealand, Russia, Switzerland, United Kingdom, United States, Vietnam,

Pro-China Stance

Algeria, Russia, Mozambique, and perhaps others receive economic or strategic benefits from China and are more inclined to support It.

ASEAN Bloc

These countries, including Malaysia, New Zealand, Indonesia, Vietnam, etc., directly neighbour the South China Sea. They favour negotiations, diplomacy, and gradual measures to counteract China.

Western Bloc

These countries, including the United States, United Kingdom, France, Japan, etc., are often wealthier and more powerful. Hence, they can exert more pressure on China, allowing them to take stronger action, such as showing naval force in the South China Sea and applying sanctions and other measures.

Note: If you can not find a stance on your country through research, consider what your country currently wants and what it might gain or lose from the South China Sea dispute. For example, if your country also has a maritime dispute, you might support the bloc most similar to your country's position. !

Discussion Questions

1. Why do countries claim certain bits of territory? What does your country have to gain from this dispute?
2. How do economic factors, such as access to natural resources and shipping lanes, influence the positions of the countries involved?
3. How do artificial island building and militarization affect the region(s)?
4. How do freedom of navigation operations conducted by the U.S. and its partners influence the situation?
5. To what extent should international law, particularly the United Nations Convention on the Law of the Sea (UNCLOS), govern the resolution of the South China Sea dispute?
How effective is UNCLOS in addressing the complex overlapping claims in the region?
6. What are the potential scenarios for the future of the South China Sea dispute, and what steps can be taken to achieve a peaceful resolution?

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