



**Forum:** 6<sup>th</sup> committee

**Issue:** Solving the issue of territorial disputes in South China Sea

**Chair:** Albert Oliva

## 1) Introduction

On July 2016, the Permanent Court of Arbitration expressed and published their decision on an issue brought up by China against Philippines. The Court of Arbitration decided in favour of the Philippines in almost every aspect. This resolution did not show any effect as Peoples Republic of China refuses to accept the authority of the Tribunal nor does it tolerate and submit to its ruling. Many involved and un-involved countries hoped that this solution and decision might finally settle this issue and military conflict at least to some degree. The struggle to reach political cooperation concerns exclusive economic zones, valuable hydrocarbons and natural gas, not to mention 5,3 trillion in total trade which passes through South China Sea every year. This conflict firstly attracted international attention, when China attacked Vietnam, killing more than 70 Vietnamese troops. From that moment, United States of America and its Freedom of Navigation Programme started to be active in solving this matter. Freedom of Navigation Programme is a U.S. policy since 1983 which provides that the United States will exercise and maintain its navigation and overflight rights and freedoms on a worldwide basis in a manner that is consistent with the balance of interests reflected in the Law of the Sea (LOS) Convention. In reality, this can be seen in the efforts of United States to patrol and being active in defending laws in the matter of artificial islands which belong to China. These patrols were established in the close nearness of the Spratly islands. Everything might have already been solved if UN and UNCLOS platforms which erected for negotiations were used, nevertheless Peoples Republic of China prefers and promotes the bilateral negotiation with other parties. These negotiations are being constantly criticized as many countries involved raise cautions about the political and military power of China which clearly gives China an advantage in these meetings. Under the



United Nations Convention on the Law of the Sea treaty (UNCLOS), artificial islands are not considered harbour works and are under the jurisdiction of the nearest coastal state if within 200 nautical miles (370 km), however China claims that due to the fact that Chinese fisherman have occupied Spratly island from 200 BC all artificial island in the Paracel and Spratly island chain belong to them. This has produced rising tensions and military preparedness of all countries involved mainly including Vietnam and China. The 6<sup>th</sup> committee at AMUN 2017 must find ways how to solve this issue in political ways in order to prevent military actions and maintain economic prosperity of the South China Sea.

### 2) Major countries involved in the conflict

#### **The Peoples Republic of China**

Beijing, the capital city of China, claims that all islands, banks, and other economic propriety in the Paracel and Spratly islands belong to China due to historical territory and usage. Moreover, it claims that all waters which are near their historical territory concerning the nine-dash line area, the Vietnamese coast, the Sea area north of Borneo, the South China Sea islands, the Sea area north of the Natuna Islands, the Sea area west of Palawan and Luzon and finally the Luzon Strait also belong to them and therefore have all rights and in controlling the activity and jurisdiction over these islands. The historical context of why China claims that the territory stated above belongs to them is dated back almost 2000 years ago when China was the first country to discover, and use available resources in this territory. They also defend themselves by stating that first maps of the South China Sea territory were published throughout Ming and Qing dynasties. One of the main reasons of the conflict over the South China Sea is believed to be the discovery of oil and natural gas. According to the 2002 ASEAN-China Declaration on the Conduct of Parties in the South China Sea, parties undertake to exercise moderation and activities that could cause conflict and/or escalate the disputes in the area. Despite negotiation about this matter already took places, China and other politically stronger countries: Vietnam, Philippines



and Malaysia, have already taken actions which violated the ASEAN-China Declaration.

### **Vietnam**

Vietnam claims that areas within 200 miles from Vietnam in the Spratly and Paracel island chain belong to their territory and its claims regarding the South China Islands are backed up by historical resources and territorial maps which indicate Vietnamese presence in the 17<sup>th</sup> century. There are further indications that Nguyen family which ruled Vietnam from 1802 to 1945 potentially had control over the islands in the South China Sea which are near Vietnam. Vietnamese claims are a in total contradiction with the Chinese claims as both parties are challenging their opponents with the same claims. Vietnam is supported by British and French reports at the time and China is supported by old Persian maps. The tension between Vietnam and China has been such violating that several military clashes took place, with the biggest one taking place in 1988. The economic and political tension between China and Vietnam has not been dismissed up to date and is constantly threatening peace and all cooperation's in the South China Sea.

### **Malaysia**

Malaysia demands that several islands in the South China Sea which are located within 200 miles of their territory. At the moment Malaysia possesses 5 islands in which they constructed their military bases and dive resorts in order to bring more tourists to these islands. Throughout the past Malaysia has not been so active, when speaking about South China Sea dispute, nevertheless, this does not mean that it does not defend their islands and is not decided to use military power in order to defend them. Relations between Malaysia and Peoples Republic of China are fairly neutral, however, the latest biggest conflict in South China Sea concerned Malaysia and Singapore. Earlier this year Malaysia demanded from the International Court of Justice which is located in The Hague to review a 2008 decision which granted Singapore a rocky island which is within 200 miles from Malaysian territory. The island, referred to as Pedra Branca by Singapore and



Pulau Batu Puteh by Malaysia, is approximately the size of a football field and has a lighthouse and helipad on it.

### **The Philippines**

Military activity has increased recently dramatically, which clearly shows that Philippines are ready to defend their islands which are within their territory and therefore should be possessed by them. In the close past relations between China and Philippines were jeopardized by the *Philippines vs China Arbitrational case* which was concerning the legality of Nine-dotted line. As a strong proposer of not accepting the Tribunal authority China declared that it would not participate in this arbitration. This case which was at the end won by the Philippines party hampered relations between China and Philippines a lot, however recently much more stable tie between those two parties was created. When dating back in the past the first military issue took place in 1996. The battle between three Peoples Republic of China naval vessels and a Philippine navy gunboat. Later that year, China and the Philippines signed a nonbinding code of conduct that guaranteed to solve the situation throughout peaceful negotiations. Military cooperation between United States of America and Philippines was in the highest spirits in the late 1970s however this mood toward each other slowly but surely declined and at the moment there are is no further military alliance between these two countries.

### **United States of America**

Despite Unites States of America do not demand any land or island in the South China Sea, their activity toward final resolution of this issue has increased in the recent years. There are many factors which caused this increase in activity. Economics and materials, such as large deposits of oil, have to be counted as one of the major cause. Another, also vital factor are the non-NATO allies which United States currently have with Japan and Philippines. The aim of United States military activity is to prevent conflict which would certainly cause economic and political issues and disputes. The U.S. Freedom of Navigation programme works



to insist its navigation freedoms on a worldwide basis in accordance with the before stated UNCLOS. It further disputes claims on maritime areas and airspace by other countries not supported by the Law of the Sea. This is achieved by utilising diplomatic and military techniques and multilateral negotiations with other governments. In the past United States of America has taken strict and urgent steps toward solving the South China Sea, nevertheless, as the president post has changed this year only theories can be made what further steps will the Trump government bring.

### 3) Key terms

a) UNCLOS- The United Nations Convention on the Law of the Sea is an international compromise which comprises from the universally accepted rights and duties of a nation towards the use of oceans and their environment, use for business and the management and exploitation of marine resources.

b) ASEAN- The association of Southeast Asian nations

c) Freedom of Navigation program- The U.S. Freedom of Navigation programme works to assert its navigation freedoms on a worldwide basis in accordance with the UNCLOS. It further challenges claims on maritime areas and airspace by other countries not supported by the Law of the Sea.

d) Nine-dash line- A general illusion line which reflects the claimed area of Peoples Republic of China

### 4) Maps of the discussed territory



## Disputed claims in the South China Sea





## 5) Sources for further acknowledgement of the South China Sea dispute

- <https://www.cfr.org/global/global-conflict-tracker/p32137#!/conflict/territorial-disputes-in-the-south-china-sea>  
(Copyright © 2017 by the Council on Foreign Relations ® Inc.)
- <https://www.state.gov/e/oes/ocns/opa/maritimesecurity/>  
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- <http://www.sbs.com.au/news/article/2017/03/01/malaysia-singapore-south-china-sea-stoush>  
(Copyright, 2017)
- <http://www.huffingtonpost.com/the-conversation-global/why-is-the-south-china-sea-14255194.html>  
(©2017 Oath Inc. All rights reserved. Part of HuffPost • HPMG News)
- <https://projects.voanews.com/south-china-sea/>  
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## 6) Conclusion

The issue of South China Sea dispute has been eagerly debated throughout many conferences and summit meetings. It is one of the most pressing problem of nowadays world and it is time to take action. It was believed that after the court of arbitration ruled in favour of Philippines in the most recent dispute, China would politically turn into next Russia by taking and producing much more aggressive political and military behaviour, nevertheless, up to date it has not done so. There are many possible solutions which may improve the situation, and it is vital to mention that all these solutions erect throughout politics without any military use. A Political



and legal solutions might lead to the temporary peace between all nation around the South China Sea. It is essential to take this problem very importantly as both Peoples Republic of China and United States of America are involved and their military clash might end up in a such a big conflict that could affect all nations all around the world.