



Study Guide



United Nations Security Council

South China Sea

UNiMUN 2022
Security Politics and Climate Change

25th - 26th June 2022

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1. The Security Council

The Security Council (SC) is since the foundation of the United Nations (UN) one of its six principal organs. With initial 5 permanent members and six non-permanent members, its primary responsibility is since the beginning to preserve international peace and security.

Membership

Since 1965 the Council has been formed by 5 permanent Members (also known as the “P5”): The United States of America, the Russian Federation, China, France, and the United Kingdom, and 10 non-Permanent members representing five groups: Africa, the Asia-Pacific Group, Latin America, and the Caribbean, the Eastern European Group and the Western European Group. The Members to be represented in this committee will be: The members of the P5, Serbia, Brazil, Philippines, Ghana, India, Australia, Kenya, Japan, Norway and United Arab Emirates.

Each member of the Security Council shall have one vote. All non-procedural decisions shall be made by an affirmative vote of nine members including the concurring votes of the permanent members. This means a resolution shall not pass if any of the P5 votes against it. This is known as the “veto power”. In the last decades, the Council has adopted many resolutions by consensus. Therefore the usage of the veto power has become rarer, but still plays an important role in the most controversial topics.

The presidency of the Council is held by each of the members in turn for one month, following the English alphabetical order of the Member States' names. The role of the president involves calling the meetings of the Security Council, approving the provisional agenda (proposed by the secretary-general), presiding at its meetings, deciding questions relating to policy, and overseeing any crisis. At UNiMUN the Chair will take over the responsibilities of the presidency of the committee.

Mandate

Traditionally, the SC discusses issues related to peacekeeping missions, as well as disarmament, humanitarian crises, and protection of human rights. However, sustainability has also gained in importance since the adoption of the 2030 Agenda for Sustainable Development. Examples of topics usually discussed include the protection of civilians in armed countries, conflict prevention, the impacts of climate change on international security, cybersecurity, and since the COVID-19 pandemic the impact of the global health crisis on international security.

The capabilities and responsibilities of the SC are highlighted in the charters V-VIII of the UN Charter. The founding document of the UN. Chapter V establishes its structure, membership, functions, and power. While chapters VI and VII dictate the range of actions to be taken in case of disputes, Chapter VIII allows the council to work with other regional agencies to ensure the correct functioning of operations and interventions if necessary.

Function, Powers and Influence

The SC may: Call on members to apply economic sanctions, call for arm embargos, use diplomatic tools to investigate situations that might lead to aggression, and even call for military action against states or entities threatening international peace and security. It may as well decide the deployment of new UN peacekeeping operations and the prolongation of already existing ones and recommend the appointment of the Secretary-General and together with the Assembly elect the judges of the International Court of Justice. The Council does as well oversee many subsidiary bodies, including sanction committees and ad hoc committees. Its Member States additionally participate in various working groups which consist of improving the working methods of the Council itself.

While the other organizations of the UN make recommendations to governments, the council alone has the power to make decisions which members are obliged to follow. It meets nearly every day and has made over 2600 resolutions since its foundation, all of them regarding the most important topics at global scale. Over 70 of these were made only between 2021 and may 2022.

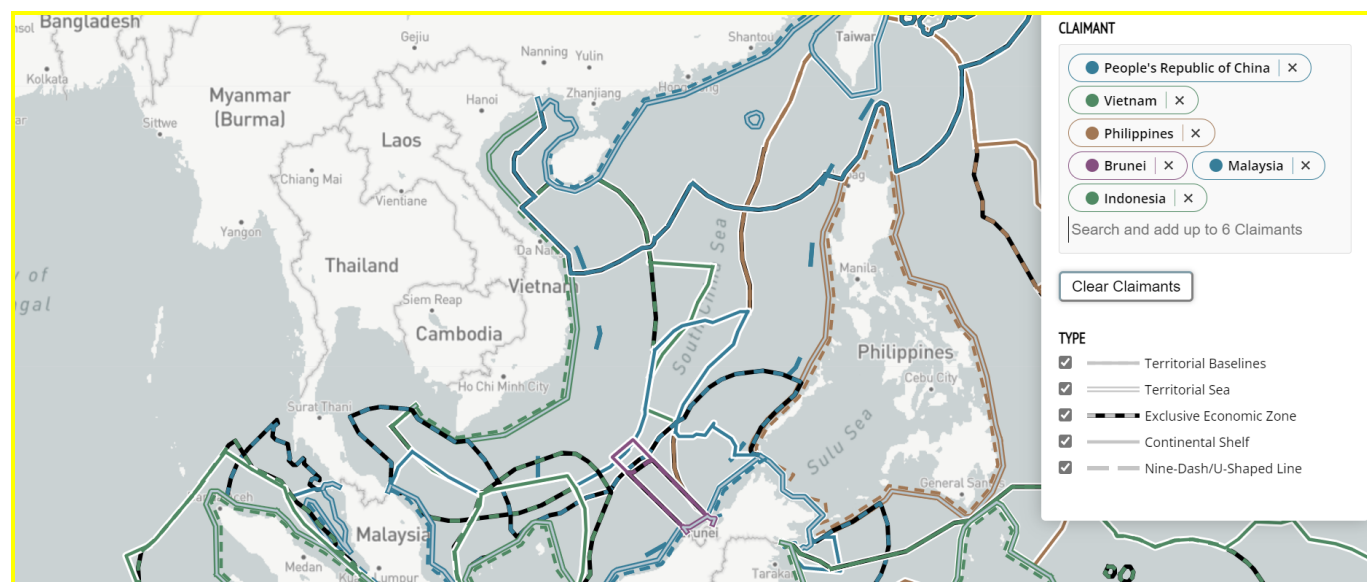
As the only body of the UN that can create legally binding decisions, the SC has a unique influence on the settlement of norms and government state sanctions, as all Member States have agreed to comply with these under Chapter VII of the Charter.

2. Overview: The South China Sea

The South China Sea is a region highly important to coastal states as well as sea powers in the whole of Southeast and East Asia. In 2016, \$3.37 trillion in trade passed through the South China Sea which in sum covers an area of 3.5 million square kilometers (China Power Team, 2017; Wirth and Schatz, 2020). It is also rich in natural resources containing an estimated 199 trillion cubic feet (5.63 trillion cubic meters) of natural gas and 11 billion barrels (1.75 trillion liters) of untapped oil (Center for Preventive Action, 2022). Furthermore, its fishing grounds expand over an area almost twice that of the Mediterranean Sea (Congressional Research Service, 2022). It may not come as a surprise that the South China Sea has been subject to territorial disputes also resulting in frequent clashes between different navies. Apart from posing a serious threat to global security, the unclear territorial circumstances have also led to illegal fishing and overfishing as a significant environmental issue.

In recent years, China has increasingly been claiming sovereignty over territories in the South China Sea. But China faces competitors which have equally brought forward territorial claims particularly from the 1970s onwards: Brunei, Indonesia, Malaysia, the Philippines, Taiwan, and Vietnam have each made claims over territories in the South China Sea (Center for Preventive Action, 2022). Most notoriously disputed territories include the Paracel Islands (claimed by China, Vietnam, and Taiwan), Scarborough Shoal (claimed by Philippines and China) and the

Spratly Islands (claimed by Taiwan, Vietnam, Brunei, the Philippines, China and Malaysia). All of them have been subject to territorial disputes mainly due to their abundance of natural resources and their geo-strategic location (Akram, 2022). Occasionally, these overlapping claims have erupted into violence as when in 1988 Chinese and Vietnamese navies clashed nearby the Spratly Islands which left 64 Vietnamese soldiers dead (Maritime Awareness Project.).



(CSIS, 2022) <https://amti.csis.org/maritime-claims-map/>

China has proclaimed its interest outspokenly by drafting the so-called “nine-dash line” in the 1940s (Ikeshima, 2013). The nine-dash line demarcates China’s claims of territories – approximately 90% of the South China Sea - on the basis of historical arguments which have widely been dismissed as illegitimate (Center for Preventive Action, 2022). It was also met with resistance by other states in the region due its interference with international conventions (Lowy Institute, n.d.). According to satellite imagery, China began has in recent years begun to artificially expand existing islands or even create new ones while also engaging in militarization to strengthen its position in the South China Sea (Center for Preventive Action, 2022; see also Asia Maritime Transparency Initiative, n.d.). Other states bring forward arguments based on geographical proximity, historical treaties as well as the continental shelf principle (International Institute for Law of the Sea Studies, 2021). These disputes are rooted in historical ambiguity most significantly resulting from the Second World War which saw the establishing of new borders after the Japanese occupation of the territories of Malaysia, the Philippines, Vietnam and Indonesia had ended. The 1951 San Francisco Peace Treaty did not fully solve the question of ownership within the region and the Cold War further heightened tensions (Chang, 1991).

Due to these overlapping territorial claims over-exploitation of the regional fish stocks have become a serious concern. It has been argued that talks about fisheries cooperation, for example, by creating a regional fisheries management organization (RFMO) might in fact result in improving relations overall (Bergin, 2017). Overfishing is,

however, not the only environmental issue: the high frequency of ships passing through the South China Sea has caused immense damage to coral reefs while plastic pollution and the acidification of the ocean is another issue that has exacerbated in recent years (Hiebert, 2022).

A military escalation would also take a heavy toll on international trade since it is estimated that 20% to 33% of global trade passes through the South China Sea (Vision of Humanity, n.d.). If maritime trade was unable to rely on these routes it would be causing a huge blow to Southeast Asian economies with the Taiwanese economy decreasing by a third and the Philippines or Vietnam facing a loss of up to 15% of their respective economies (Vision of Humanity, n.d.).

Most important in terms of legal groundwork is the 1982 United Nations Convention on the Law of the Sea (UNCLOS). Most member states in the region have signed UNCLOS (UN Treaty Collection, 2022). This legal framework is supposed to reconcile the interests of coastal states and seafaring states in the region. At the heart of UNCLOS lies the Exclusive Economic Zone (EEZ) which extends over a 200 nautical mile area from a state's coast. Within the EEZ, the coastal state has the "right to explore and exploit, and the responsibility to conserve and manage, both living and non-living resources" (WTO, n.d.). However, other states have the right to freely navigate within this zone. It is intended to balance economic interests of coastal states and the call for freedom of navigation of naval powers. Despite the fact that nearly all states bordering the South China Sea have signed and ratified UNCLOS, legal and military clashes continue to persist. Furthermore, the US claims that the EEZs based on UNCLOS enables all competing states to pursue military activity in these zones while China insists that operations by foreign troops should be restricted (Congressional Research Service, 2022). Some argue that this is, therefore, the region where a direct clash between the US and China is most likely, also because of the Mutual Defense Treaty between the US and the Philippines which could draw the US into a potential conflict should the territory of the Philippines be attacked (Center for Preventive Action, 2022). In July 2016, the Permanent Court of Arbitration in the Hague ruled in favor of the Philippines against China by declaring its nine-dash line incompatible with UNCLOS. China had ratified UNCLOS in 1996 but rejected the ruling of the court (Heydarian, 2016). With resolution 72/249 (2017), the General Assembly has furthermore initiated the development of an internationally binding mechanism to ensure conservation and the sustainable use of marine biological areas in the region (United Nations General Assembly, 2017).

In 2002, China and the member states of ASEAN signed the Declaration on the Conduct of Parties in the South China Sea and committed themselves "to resolve their territorial and jurisdictional disputes by peaceful means, without resorting to the threat or use of force, through friendly consultations and negotiations (...) in accordance with universally recognized principles of international law" (ASEAN, 2012). But in 2013, the Philippines attacked Sabah, a state of Malaysia, which had claimed the Spratly Islands, thus violating the declaration (Haw, 2013). Although relations between China and the Philippines as well as Vietnam have been less tense in recent years,

China and the US have increased their military activity by engaging in a number of naval maneuvers. The situation could hence worsen and escalate rapidly in case of accidental or deliberate clashes. The failure of East Asian and Southeast Asian leaders to settle their disagreements also means a general undermining of international maritime laws and encourages arms races. As a consequence, the disputes in the South China Sea are a significant source of conflict that if escalated could quickly spread beyond the region.

3. The country's positions in the South China Sea

China

China claims the majority of the islands for itself but defines its claims imprecisely. The country's main argument: it has a historical right to the Paracel and Spratly Islands because they were discovered by the people of China many hundreds of years ago and subsequently incorporated into the administration of its empire (Kreuzer, 2014). China is already challenging the freedom of navigation of warships, the overflight of aircraft, as well as fishing rights in the South China Sea. Since September 2021, ships passing through the South China Sea have had to register with China (Wang, 2021).

The conflict becomes also evident in the struggle over the designation of the disputed sea region and the islands and atolls lying within it. While the South China Sea is briefly referred to as the "South Sea" (nanghai) in China, it is considered the "East Sea" (Biển Đông) in Vietnam. The Philippines, on the other hand, renamed its claimed sea region the "West Philippine Sea" (Dagat Kanlurang Pilipinas) by presidential decree in 2012 (Kreuzer, 2014).

Philippines

The Philippines claims territorial aspirations on the Kalayaan Islands, which comprise a large part of the Spratly Islands (Council on Foreign Relations, 2017). The Philippines' territorial sovereignty and jurisdiction claims over Scarborough Shoal, locally named Bajo de Masinloc and legally classified as part of the Philippine province of Zambales, are premised on its occupation and jurisdiction over the area since its independence in 1946 (Salleh et al., 2021).

Vietnam

Vietnam believes that its sovereignty claims to the Paracel and Spratly Islands date back to the 17th century, when these areas in the middle of the ocean were to be avoided and were of no value to most states but were used by Vietnam to find luxurious goods. Like China, Vietnam argues that it has a historical right to the Paracel and Spratly Islands because they were discovered by the people of Vietnam (Kreuzer, 2014). The country protested against China's nine dash-line map and transformed its claims into national legislation, such as a new maritime law

(Vietnam 2012), new maritime security regulations as well as fishing regulations (China, Hainan Province 2013) (Salleh et al., 2021).

Taiwan

Taiwan claims the Spratly and Paracel islands as its territory and disputes Philippine's claims over the Scarborough reef (Council on Foreign Relations, 2017). USA and UK are official allies to Taiwan with a military presence in its territorial waters to face the Chinese presence (Karaoglu, 2020).

ASEAN States

ASEAN states are the union of southeast Asian nations, containing Brunei, Indonesia, Cambodia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand, and Vietnam. They claim the Spratly islands as well but seem paralysed nowadays because of internal disagreements (Karaoglu, 2020).

Malaysia

The country claims the Spratly islands and the Kalayaan island group. The Peta Baru Malaysia or New Map of Malaysia 1979 defines the country's maritime boundaries, including its internal waters, territorial sea, continental shelf, EEZ, and air space over the maritime zones. For Malaysia, the situation is now more urgent given China's presence of warships and coast guard vessels, as well as intrusion into Malaysia's EEZ (Salleh et al., 2021).

Brunei

The country claims territorial aspirations on the Spratly islands, the Louisa Reef, Owen Shoal, and Rifleman Bank. Since the release of the 2016 United Nations arbitral tribunal award, Brunei has been actively defending its position. Moreover, it contests parts of the Philippine's claims in the Spratlys together with Vietnam, China, and Malaysia (Salleh et al., 2021).

South Korea

South Korea does not claim any territories in the South China Sea and has no direct military interests there, but economic and diplomatic interests. The country has developed a close partnership with the ASEAN countries. In addition, there had long been rumors that South Korea was under pressure from the United States to clarify its position on the South China Sea. Then, Defense Minister Han Min-goo states at the ASEAN Defense Ministers' Meeting-Plus (ADMM-Plus), "that freedom of navigation and overflight must be guaranteed and that the disputes should be resolved in a peaceful manner" (Jaehyon, 2016).

Japan

Japan's involvement links the conflict in the South China Sea with the conflict between Japan and China over the Diaoyu and Senkaku Islands in the East China Sea. From a Japanese perspective, they belong to the municipal area of Ishigaki, the southernmost city in Japan's island chain (Kreuzer, 2014). Japan harbors considerable political, economic, and strategic interests in Southeast Asia. Moreover, given Article 9 of the Constitution of Japan, Japan has been the security alliance partner of the US, China's most influential rival shielding other claimant nations in the region, and made an agreement with Vietnam as an act of counterbalance against the China-Malaysia standoff (Karaoglu, 2020).

Indonesia

Indonesia stakes no territorial claims in the South China Sea (Dipua et al., 2020). It has a strategic interest in peace and stability in the region, but without a territorial aspiration, it has limited options to solve the dispute. Indonesia's diplomatic option has been to push for the conclusion of the ASEAN–China Code of Conduct (CoC) process (Salleh et al., 2021).

France

France is involved in the South China Sea conflict without territorial aspirations but with a military presence. It carried out joint drills with Australia, Vietnam, and Malaysia. Further, it cooperates with the Philippines: in 2015, they declared to oppose “any acquisition or claim” that violates international law, aiming at China (Seibt, 2021).

Russia

Russia has a neutral stance in the dispute (Mourdoukoutas, 2022). It supports both China and Vietnam with scale arms deals (Korolev, 2018). Further, Russia wants to avert regional confrontation scenarios because this could undermine Russia's plan of a diversification of its economic development and integration into the region (Chunshan, 2014).

UK & Australia

The UK and Australia have no territorial aspirations in the South China Sea (BBC, 2020) but the UK has amplified its military presence in the region in October, 2021, months after China demanded to diminish the military presence of the UK and the US (Davidson & Blair, 2021).

USA

The US offers protection to Taiwan and Japan and supports the Philippines and Vietnam. Their intention is the US interest in unimpeded access for American warships to the East and South China Seas and the overriding interest in maintaining the US-led order in East Asia (Karaoglu, 2020).

4. The Case

On the 24th of February 2022, the Chinese Central Military Committee announced that the People's Liberation Army (PLA) were to hold exercises between the 13th and 22nd of June 2022, in the waters surrounding the Spratly Islands in the South China Sea. In the run-up to the exercise, there is an increased presence of Chinese military forces in the region.

On May 2nd the Chinese leadership declared an Air Defense Identification Zone (ADIZ) in a 100-mile radius around the Spratly and Paracel Islands. The announced exercise is used as a cover for the deployment of air superiority fighter jets, multi-purpose combat- and reconnaissance aircraft, as well as frigates and landing ships on the Subi and Mischief Riff. The Carrier Strike Group around the *Liaoning* operates south-west of the Fiery Cross Riff. Towards the end of April routinely but quantitatively strengthened patrols of the Chinese Coast Guard were observed in the Chinese-claimed areas of the South China Sea.

Members of the Politburo of the Chinese Communist Party (CCP) express stronger nationalism, and president Xi increasingly addressed territorial issues in the South China Sea at international summits, emphasizing Chinese demands. Especially the Nine-Dash-Line, which was set out in a 2009 submission to the United Nations, is mentioned. China bases its maritime claims on this u-shaped line, which includes parts of the Exclusive Economic Zones and Continental Shelves of other states in the region.

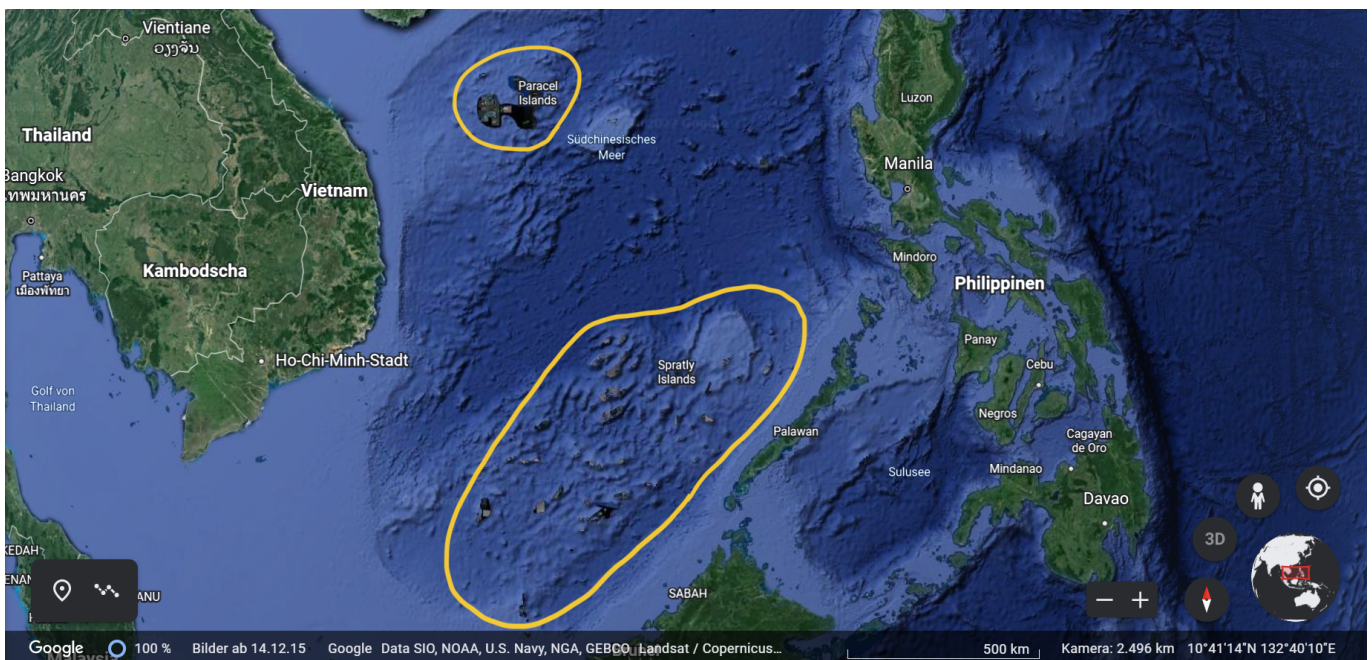
The President of the Philippines, Rodrigo Duterte, expressed concern about the Chinese military activity in the vicinity of the Islands of the Mimaropa region, but did not alter his China-friendly course of the last years. Numerous western countries, among them France, the United States, and the United Kingdom, underscored their position on territorial issues in the South China Sea and warned China of an escalation. Large parts of their diplomatic capacities are still bound by Russia's continued war against Ukraine. Member States of ASEAN, the ASEAN Regional Forum and other regional powers showed restraint in commenting on the announced exercise.

In the third week of May, first reports of corruption allegations against senior members of the Chinese government and Communist Party were published in western news outlets. The information appears to have been leaked by western intelligence agencies. Towards the end of May, allegations against President Xi also gained traction. There were increased signs of a power struggle within the Standing Politburo of the CCP. Chinese media did not report on the allegations.

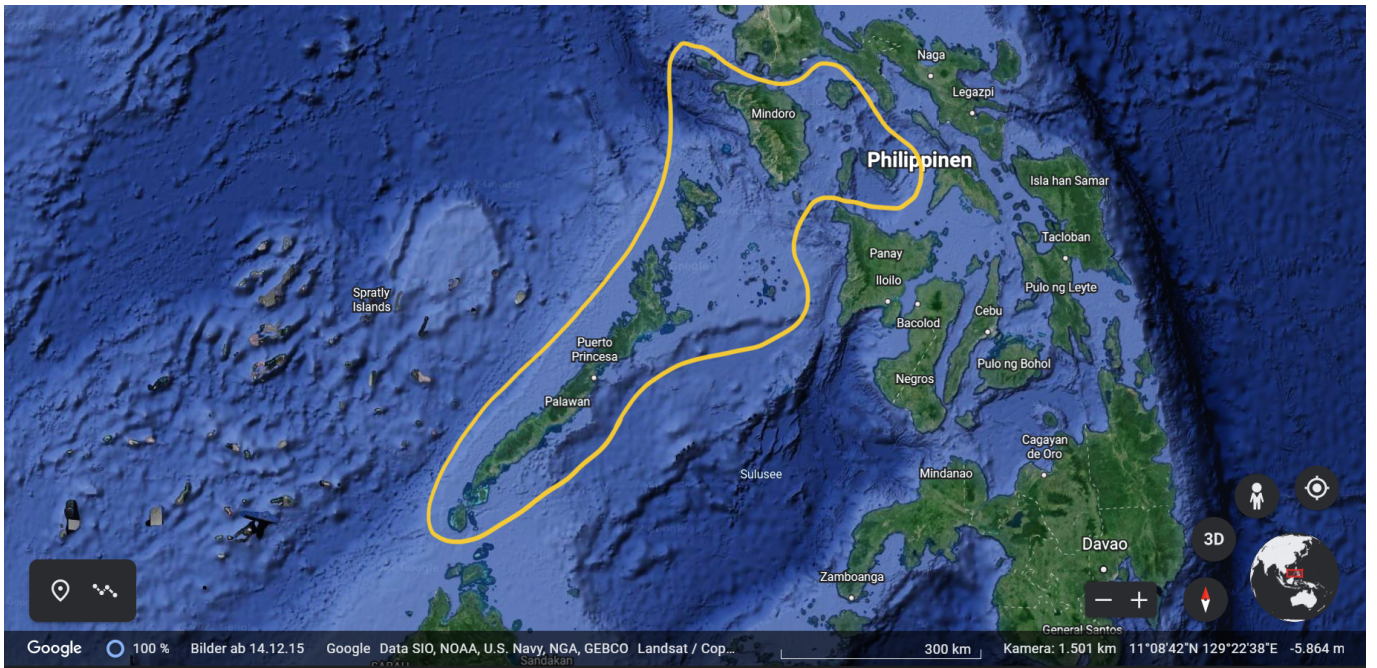
On May 2nd, the Chinese Central Military Committee announced more assertive Rules of Engagement, in which it is stated that China “will react with appropriate severity to the aggressive and anti-China behavior of other South China Sea littoral states”.

On the 21st of June, an incident occurred in the vicinity of an oil rig, located within Philippine-claimed waters. A Chinese Coast Guard vessel was observed by the Philippine Navy, as it harassed the oil rig. After multiple indications of omission, the navy vessel locked its target radar on the Chinese boat. After one further cease and desist notice, the Philippine Navy fired a first shot at the Chinese Coast Guard. After a corresponding exchange of fire, the ship of the Philippine navy sank.

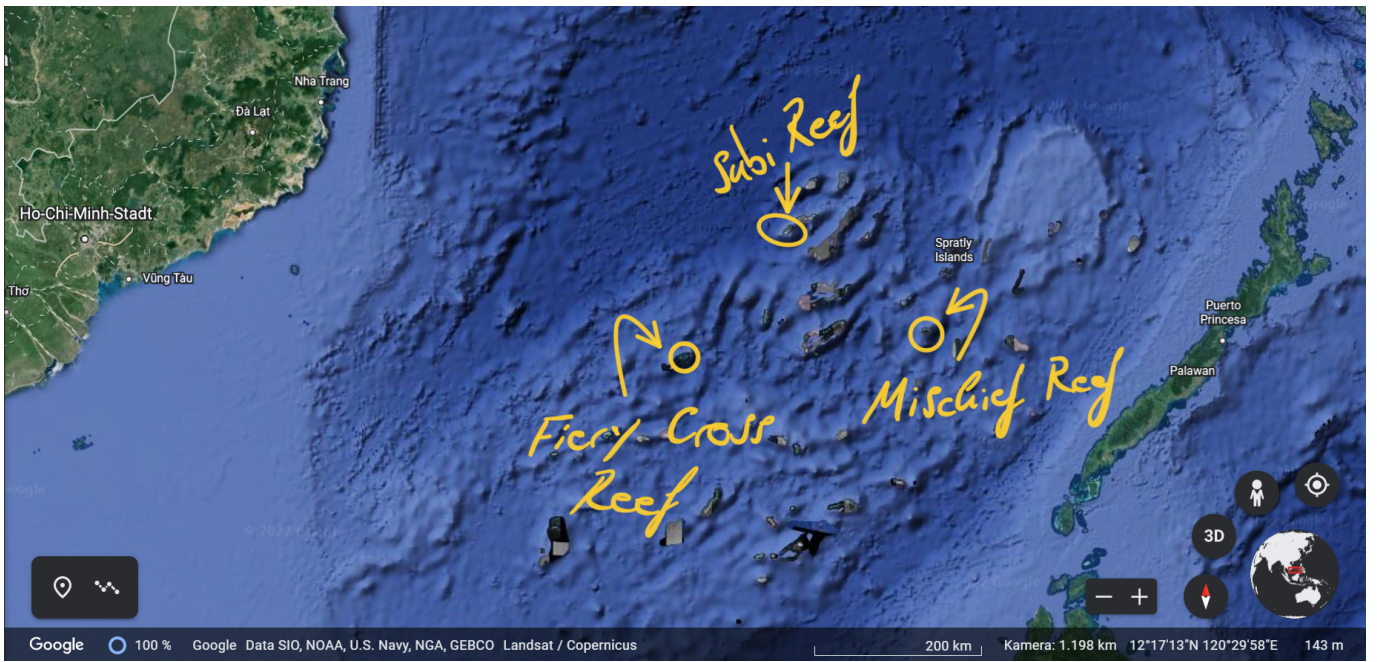
With a reference to the sharpened Rules of Engagement, the Chinese leadership announced that it would respond accordingly to this belligerent act. Philippine president Duterte showed deep indignation and strongly condemned the Chinese attack. Under domestic political pressure, he revised his China-policy and publicly declared to react to any further escalation by China.



Overview South China Sea and Spratly and Paracel Islands (Google Earth)



Islands of the Mimaropa Region (Philippines; Google Earth)



Subi-, Mischief-, and Fiery Cross Reefs



Fiery Cross Reef

Fiery Cross Reef is a rock located in the Spratly Islands. China first took possession of the feature in 1988.

U.S. Board of Geographic Names: Fiery Cross Reef

China: Yongshu Jiao, 永暑礁

Philippines: Kagitingan Reef

Taiwan: Yongshu Reef, 永暑礁

Vietnam: Đá Chũ Thập

Occupied by: China

Legal Status: Rock

GPS: 9° 32' 45" N, 112° 53' 15" E

Total area of reclamation: 677 acres

(CSIS, 2022) <https://amti.csis.org/fiery-cross-reef/>



Mischief Reef

Mischief Reef is a low-tide elevation located in the Spratly Islands. China first took possession of the feature in 1994.

U.S. Board of Geographic Names: Mischief Reef

China: Meiji Jiao, 美济礁

Philippines: Panganiban Reef

Taiwan: Meiji Reef, 美济礁

Vietnam: Đà Vành Khăn

Occupied by: China

Legal Status: Low-tide elevation

GPS: 09° 54' 00" N, 115° 32' 00" E

Total area of reclamation: 1,379 acres

(CSIS, 2022) <https://amti.csis.org/mischief-reef/>



Subi Reef

Subi Reef is a low-tide elevation located in the Spratly Islands. China first took possession of the feature in 1988.

U.S. Board of Geographic Names: Subi Reef

China: Zhubi Jiao, 渚碧礁

Philippines: Zamora Reef

Taiwan: Zhubi Reef, 渚碧礁

Vietnam: Đá Su Bi

Occupied by: China

Legal Status: Low-tide elevation

GPS: 10° 55' 25" N, 114° 5' 5" E

Total area of reclamation: 976 acres

(CSIS, 2022) <https://amti.csis.org/subi-reef/>

5. Questions a Resolution should answer

- How can the conflict be resolved?
- How can the situation be de-escalated?
- Can at least parts of the conflict be de-escalated with the help of a resolution?
- Take up basic international legal situation and previous resolutions
- How can the resolution be designed to generate the widest possible support?

6. Information

- <https://www.cfr.org/global-conflict-tracker/conflict/territorial-disputes-south-china-sea>
- <https://www.crisisgroup.org/search?text=South%20China%20Sea>
- <https://foreignpolicy.com/?s=South+China+Sea>
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- <https://thediomat.com/regions/southeast-asia/>
- <https://www.thedefensepost.com//?s=South+China+Sea>
- https://asiasociety.org/sites/default/files/2021-12/ASPI_SChinaSeareport_fin.pdf
- <https://www.cfr.org/backgrounders/south-china-sea-tensions>
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