

Security Council

Naval Expansion and Maritime Security in the South China Sea



Forum	Security Council
Issue:	Naval Expansion and Maritime Security in the South China Sea
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Introduction

While some have described the territorial disputes in the South China Sea as a series of “sluggish multilateral diplomatic efforts,” the continued tension has severely impacted the region. Naval Commander of the US Indo-Pacific Command, Admiral Phil Davidson, has claimed that “China’s effort to extend its territorial and economic influence [is] a bigger long-term threat to the free movement of trade and people in the region than North Korea.” Indeed, the multifaceted nature of the conflict makes it incredibly complex. At its root, naval expansion in the South China sea refers to the issue of sovereignty regarding both the islands in the sea as well as jurisdiction over the waters themselves. However, its geopolitical implications stretch further than the coast of Asia: During the Second World War, Japan used its islands as an economic lifeline while aggressions escalated with the United States. Following the rise of the Communist Party in China, the US occupied these same islands in order to abate the Communist presence in the region. More recently, the vast oil deposits in its bed have served to sustain the economy of local nations, and this year the region is being used as an economic battleground in the trade wars between the US and China. Indeed, the issue is so strongly linked to countless regional struggles that it is almost impossible to consider it one singular issue.

This report, and the debate that will follow, thus draws attention to a specific aspect of the struggle: maritime security. In an area as heavily travelled as the South China Sea, such security is necessary to maintain both trade and stability. It is therefore crucial to examine the ties between naval expansion and maritime security in the region, drawing on these connections in order to curb the problems that have arisen in this period of instability.

Definition of Key Terms



The South China Sea

Geographically, the “South China Sea is an arm of the western Pacific Ocean in Southeast Asia, south of China, east and south of Vietnam, west of the Philippines and north of the island of Borneo.” It is “bounded by the east coast of the Malay Peninsula and the southern part of the Gulf of Thailand” (nationsonline.org). Politically, it is known as the second most used sea lane in the world, and its heavily contested waters are the subject of this report. The most contested islands in the sea are the Spratlys, but the Paracel Islands, Scarborough Shoal and Pratas reef and Island are also heavily disputed. The area is also referred to as the West Philippine Sea by certain parties.

Territorial Sea

The territorial sea, as defined by the United Nations Convention on the Law of the Sea, is the “adjacent land of sea” on which “the sovereignty of a coastal State extends beyond its land territory and internal waters.” This sovereignty extends to “the airspace over the territorial sea as well as to its bed and subsoil.”

Contiguous Zone

As stated in the UNCLOS, the contiguous zone refers to a band of water surrounding a nation’s territorial sea in which the nation has limited jurisdiction for the purpose of protecting its territorial sea.

Exclusive Economic Zones (EEZs)

The UNCLOS defines EEZs as the “area beyond and adjacent to the territorial sea.” EEZs grant the Coastal State (the state in possession of the EEZ) rights to the natural resources in these waters, while allowing other nations access to the area with regard to travel and “submarine cables and pipelines”.

Continental Shelf

In accordance with UNCLOS, a continental shelf is legally defined as “the stretch of the seabed adjacent to the shores of a particular country to which it belongs.”

Territorial Waters

For the purpose of this report, territorial waters will be defined in their colloquial sense, encompassing all waters in which a nation has extraterritorial rights. Specifically, the



term will collectively refer to the four aforementioned zones: the territorial sea, the contiguous zone, the EEZ, and the continental shelf (for more information with regards to these legal definitions, see Appendices I and II).

Naval Expansion

Within the confines of the territorial dispute in the South China Sea, Naval Expansion refers to the expansion of each nation's territorial waters, and by extension its economic and political jurisdiction over the region.

Maritime Security

The International Maritime Organization (IMO) considers maritime security to address various issues, including “cyber security, piracy and armed robbery against ships, stowaways, unsafe mixed migration by sea, terrorism, and arms on board ships.” With regards to the South China Sea, the ASEAN Regional Forum Work Plan for Maritime Security considers two branches of the issue: “conventional security issues, such as “military threats and state sovereignty concerns,” and non-traditional security threats, ... “useful early building blocks” to cultivate “mutual trust and consensus in the region.” The latter includes piracy and at sea crimes, as the IMO defines.

General Overview

Recent Events

N.B: the following are not all current events, but simply events that occurred after the ten-year minimum cutoff after which events are no longer considered historical. The debate will encompass the current situation, not the following topics.

In 2009, it appeared as if the South China Sea crisis had been resolved. However, the lull ended when Malaysia and Vietnam jointly submitted a request to expand their continental shelves beyond the standard 200 nautical miles to the UN Commission on the Limits of the Continental Shelf. China objects, claiming this move “has seriously infringed” on the nation's “indisputable sovereignty” over the region.

A year later, the South China Sea dispute has become relevant once more. The U.S. claims it will remain neutral, but emphasizes their interest in the region remaining accessible. Tensions rise between them and China, and in 2011 the Philippines takes this opportunity to confront China about its infringement on Philippine sovereign waters. “ Both parties declare the incident as violations of the 2002 ASEAN-China Declaration on the Conduct of Parties in



the South China Sea, and the event sets off a series of skirmishes in the region between the two countries.” At the same time, China faces criticism for attacking Vietnamese oil exploration ships in the region. These hostilities lead the United States to declare they will work to preserve the sovereign integrity of the region, and US President Barack Obama pushes negotiations on the Trans-Pacific Partnership (TPP) to ensure free trade is maintained, excluding China from talks.

In 2012, the Philippines sends a warship to discourage the rise in Chinese vessels seen in the Scarborough Shoal. China reacts with its own military presence, and the ships remain in standoff for two months. Both sides claim they are willing to engage militarily, but neither takes measures to do so, and China’s presence remains. In 2013, the Philippines file for UN arbitration in the dispute under UNCLOS, which China refuses to participate in. That same year, Vietnam passed a law claiming the Spratlys and Paracels, which China responds to by recognizing the Sansha city as the administrator for the region.

By 2014, military tension is also brewing. Obama signs the Enhanced Defence Cooperation Agreement, under which “the U.S. military would gain increased rotational troop presence in the country, engage in more joint training, and have greater access to bases across the archipelago, including ports and airfields.” Vietnam sends ships to stop China from building an oil rig in the Paracels, and China’s Navy is dispatched to protect the rig. After a series of collisions, with both sides blaming the other, and international sentiment criticizing China, the rig is removed in July. Vietnam begins purchasing US weaponry in order to protect its territorial waters, and international interest begins to surround China’s military secrecy in the region.

In 2015, the US Department of Defense releases a report detailing China’s reclamation project in the Spratlys, which adds up to “nearly three thousand acres” of reclaimed land. In blatant disregard for Chinese wishes, the US Navy sends patrols near the islands to highlight their continued “freedom of navigation,” and asks they halt their militarization of the region. Instead, China’s military encampment on Woody Island grows, and surface-to-air missiles are installed on the island. Beijing claims this is in self-defence but Vietnam and the US argue it is a step towards militarization of the region.

The issue becomes more international when, in 2016, the Permanent Court of Arbitration ruled that China’s claims to the South China Sea were illegal under UNCLOS, and that its islands, being reclaimed, could not provide a basis for an increased EEZ. China continues to ignore the court’s ruling, and the Philippines emboldened by the decision,



strives for diplomatic resolution under President Rodrigo Duterte. He bans fishing from the Scarborough Shoal, putting it under environmental protection, in order to limit the conflict there.

However, China did not respond to the gesture by curbing its hostilities. Instead, they seize a US drone in December 2016, claiming it was infringing on their sovereignty, only returning it when the US puts international pressure on Beijing, but after the US Presidential Elections, tensions died. China continues its militarization of the area, landing a bomber on Woody Island in 2018, but the US only responds when, later that year, China says the US freedom of navigation operations are “a threat to its sovereignty,” and trade tensions continue to grow.

As China’s aggression continues, countries begin making threats. Duterte claims he will send troops at any sign of Chinese aggression in the Phillipine-occupied portion of the Spratlys. Vietnam stop drilling within its EEZ when China threatened war. The US, embroiled in trade wars with China, is less involved directly, but makes its stance against Chinese domination and unfair trade practices more than clear.

Effects on Maritime Security

Under the aforementioned ASEAN definition of maritime security, it can be easy to see how naval expansion in the South China Sea worsens maritime security. Under the first branch of the definition, which regards direct threats to sovereignty, the actions of all states make it clear that the dispute has lead to unsafe maritime borders and clear violations on all sides.

With regards to the second branch which includes sea crimes, there is debate on the effects of the dispute. On one hand, naval expansion is argued to be leading to a wane in piracy due to the strength of the military presence in the region. On the other hand, there is no agreement on how to handle piracy or sea crimes among nations due to the maritime dispute, and when piracy does occur it’s hard to track. “The South China Sea averages about 150 piracy incidents per year but can see spikes of activity that push it up to 550,” due to the high commercial traffic in the region. The geography of the sea, with its narrow straits and small islands, make hiding easy, and pirates are often missed. Due to the lack of agreement on sovereignty, nations are careful in attacking these ships, lest it be seen as a military attack, and pirates cannot be hunted in any way. Claims of terrorism are also limited due to the multiplicity of such statements, which discourage nations from aggressing its allies. Many claim that to curb piracy in the South China Sea, the territorial dispute must first be settled.



Major Parties Involved

The People's Republic of China

China's claims to the South China Sea have not changed. The nation believes the nine-dash line represents their sovereign rights and appear willing to do anything to protect this land. Despite multiple small aggressions, however, the nation appears unwilling (though prepared) for all out war. China's inability to compromise, partly due to its interest in the oil deposits in the sea and partly to its hopes of removing American influence from the region. As the tariff war with the US rages on, however, China may find greater interest in changing its trade policies, which could possibly include those regarding the South China Sea.

Vietnam

Vietnam claims the Paracels and a small section of the Spratlys in the South China Sea dispute. The nation has frequently butted heads with China in the region, but has been reluctant to use outright force as of late, asking instead for ASEAN to handle a diplomatic solution.

Philippines

The Philippines claims another portion of the Spratlys and the Scarborough Shoal. In contrast to Vietnam, their policy towards Chinese aggression has been a lot more volatile of late, with President Duterte threatening to send his troops into the area if China keeps violating what they consider to be their sovereignty. The Philippines has been seeking US support in the dispute, and has repeatedly turned to the international community to back its position, as in the 2016 arbitration case in the Hague.

Brunei

Known as a "silent claimant" in the South China Sea, Brunei has been the least vocal in defending its claims to the region, being the 200 nautical mile strip enforced under UNCLOS. Brunei's silence, characteristic of the nation's foreign policy, is unlikely to waiver. The nation has become increasingly reliant on China economically, and with the fall in oil prices experts say this dependence will only increase. Recently, Brunei has sided with China and non-claimant ASEAN states in their bid to revert to bilateral negotiations between relevant parties rather than involve ASEAN and international actors.

Malaysia



While China and Brunei push for individual resolutions between claimants, Malaysia advocates for greater ASEAN cooperation on the issue. Malaysian Foreign Minister Datuk Saifuddin has been pushing for ASEAN to put together a code of conduct to regulate nations' actions in the region, under which he says the dispute can more easily be resolved. Malaysia is also an advocate for sustainable use of the area, and has actively been promoting environmentally conscious approaches.

ASEAN

The Association of Southeast Asian Nations, comprised of Thailand, Indonesia, Malaysia, Singapore, the Philippines, Vietnam, Brunei, Myanmar, Cambodia, and Laos is considered to be the main international body through which this issue should be resolved. However, it has become increasingly divided with regards to the dispute. China has put diplomatic pressure on non-claimant ASEAN states, like Cambodia, Laos, and Myanmar to support its position on reconciliation in the South China Sea. The parties, along with Brunei, maintain that ASEAN should remain out of the matter, a stance that led to "ASEAN failing to issue a joint communique" after their 2012 summit for the first time in the organizations history. This division makes a multilateral diplomatic solution harder to achieve.

United States of America (USA)

The United States have interfered with an interest in keeping the South China Sea trade routes open and free. Seeing as a third of the world's trade goes through the sea, the US feels it is necessary to ensure open access to the area, and their Freedom of Navigation Naval Operations in the area have tried to ensure just that. More recently, President Trump's tariff war with Beijing has put pressure on both countries to negotiate with regards to trade, but has also increased existing hostilities.

Timeline of Key Events

Date	Description of event
1953	China establishes the nine-dash line border claim
19 January 1974	China Claims Paracel Islands
1974	Vietnam lays claim to the Spratly Islands
14 November 1994	The UNCLOS comes into law
14 March 1988	Chinese and Vietnamese Vessels Clash in the Spratlys
February 1992	China's Law on the Territorial Sea and the Contiguous Zone is passed
January 1996	Tensions rise when Chinese forces are discovered occupying Mischief Reef



8 April 2012	Scarborough Shoal Incident
12 July 2016	The International Court of Arbitration rules against China's nine-dash border
15 December 2016	China seizes US drone in the South China Sea
2018	Start of China-US Tariff War

UN involvement, Relevant Resolutions, Treaties and Events

- UNCLOS, 14 November 1994
- Declaration of the Government of the People's Republic of China on China's Territorial Sea, 4 September, 1958
- Declaration on the Conduct of Parties in the South China Sea, 4 November 2002
- Oceans and the law of the sea, 5 April 2012 (A/RES/66/231)
- Oceans and the law of the sea, 27 February 2014 (A/RES/68/70)

Previous Attempts to solve the Issue

Attempts to affect the South China Sea debate have mostly been fruitless, at best leading to a temporary lull in tensions, and at worse causing them to flare up. The Philippines attempt to involve the international courts resulting in the latter, as, even when the Hague's Permanent Court of Arbitration ruled on the case, China was quick to refuse it. Ultimately, the issue with bringing in an international judicial body is that the sides do not even agree on the laws they need to follow - China believes its national legislation to be sufficient, while others are reliant on international documents. As long as this discrepancy stands, it is unlikely that a legal resolution will be possible. On the other hand, militaristic solutions have also failed, as economic reliance on the region has stalled real conflict. As such, the area has remained in a lockdown in that sense as well.

Possible Solutions

As the issue of the South China Sea is so controversial, and this is the Security Council, it is unlikely that any set solutions will be reached, especially when one considers that some of the largest opponents have veto power. Nevertheless, delegates are encouraged to present their policy in a way that is palatable for other nations and is likely to lead to progress on the issue. Due to the different facets of maritime security (being the



traditional and non-traditional ones) different solutions are necessary to target each. In order to target traditional threats, which are defined herein as threats by other nations to a nation's sovereignty, one must first find a way to establish clear maritime borders in the South China Sea. Two avenues of communication are available for this: China's route, which, as discussed, asks countries to handle disputes one-on-one, is the first. This may lead to much faster agreement, as sides can put together more binding and concrete timeframes for resolution. However, such a process can also create complications, as there are disputed areas that multiple countries claim. Additionally, the most vocal claimants (Vietnam and the Philippines) heavily criticize this approach, and are unlikely to agree to bilateral negotiations.

Multilateral negotiations are also possible, and encouraged by three of the five claimant parties. However, the only platform through which the dispute could be managed would be ASEAN, as China has rejected decisions by non-regional bodies (namely the Permanent Court of Arbitration) in the past. This leads to its own complications, as ASEAN is currently incredibly divided on this issue due to nations' economic ties. Nations would have to come to a conclusion first on *how to proceed*, multi or bilaterally, before discussions on what to do could even be broached. This is the main issue that has extended this debate for so long, and will likely be the first one delegates will face at the conference.

Another issue facing delegates is with regards to creating a standard, or code, by which decisions should be made. The UNCLOS currently acts as such a code, but its effectiveness is limited at the moment, as China believes its national policies are more applicable, and other claimants (all except Brunei) claim historical rights to territorial water outside their traditional jurisdiction. Extending the breadth of UNCLOS by asking more countries to ratify it will likely force a common ground on the parties and lead to them relinquishing part of their claims, moving the debate forward. Additionally, nations advocating for the use of UNCLOS will have a more sound argument if they choose to ratify it. And their position may become more popular. The US, especially, has been criticized for supporting the use of UNCLOS without ratifying it. International acceptance of the document would likely increase pressure on the relevant countries to use it in resolving the dispute.

With regards to non-traditional maritime threats, further solutions will be necessary. Of course, coming to a consensus on nations' territorial rights will allow them to properly secure their parts of the region, thus increasing maritime security, but there must still be consensus on how to handle maritime crimes, especially in international waters. Many consider ASEAN to be the necessary body for this, once the territorial dispute is resolved, as it creates a platform on which states can come to agreements and sign treaties of regional



Model United Nations International School of The Hague 2019 | [XXIX Annual Session](#) concern. However, the situation cannot simply be put on hold until territorial consensus is reached, as that is likely to be a time consuming process. Rather, nations may benefit from short-term solutions to the issue. Single-party patrols in disputed waters are only going to increase tensions, as territorial disputes frame them as infringements on sovereignty. Multilateral patrols, on the other hand, mitigate the threat of intergovernmental disputes while limiting maritime crimes. Additionally, governments can work to better secure their ports and increase and enhance communications between their ships in order to become more aware of criminal threats. Protections for victims of piracy, who often refuse to come forward due to increased insurance rates and a lack of relevant, accessible authorities, can also be put in place. Multilateral surveillance operations, and the involvement of international bodies like the IMO, can also be incredibly helpful. Overall, while it's clear that there are multiple possible solutions to the issue, it is ultimately through cooperation that we can advance.

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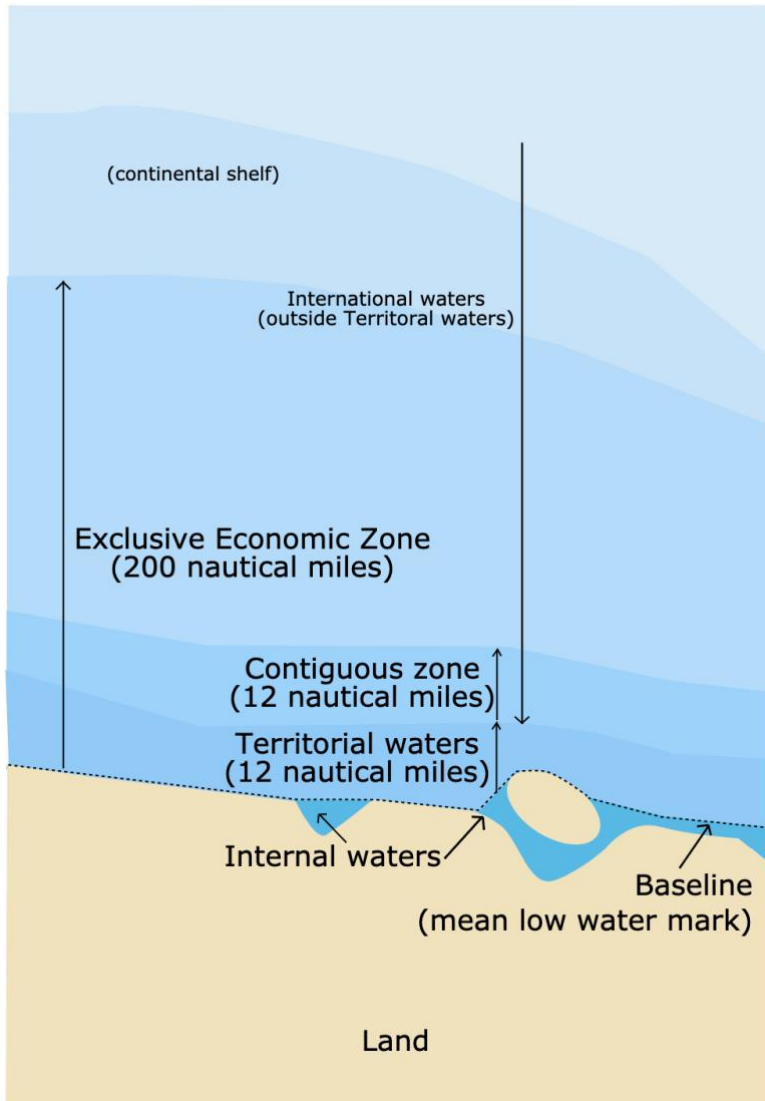
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Appendix or Appendices

Appendix I





The above graphic simplifies the multiple aspects of territorial waters. It should be noted that where it mentions 'territorial waters' it is in reference to the territorial sea. Territorial waters extend to include everything up to the continental shelf.

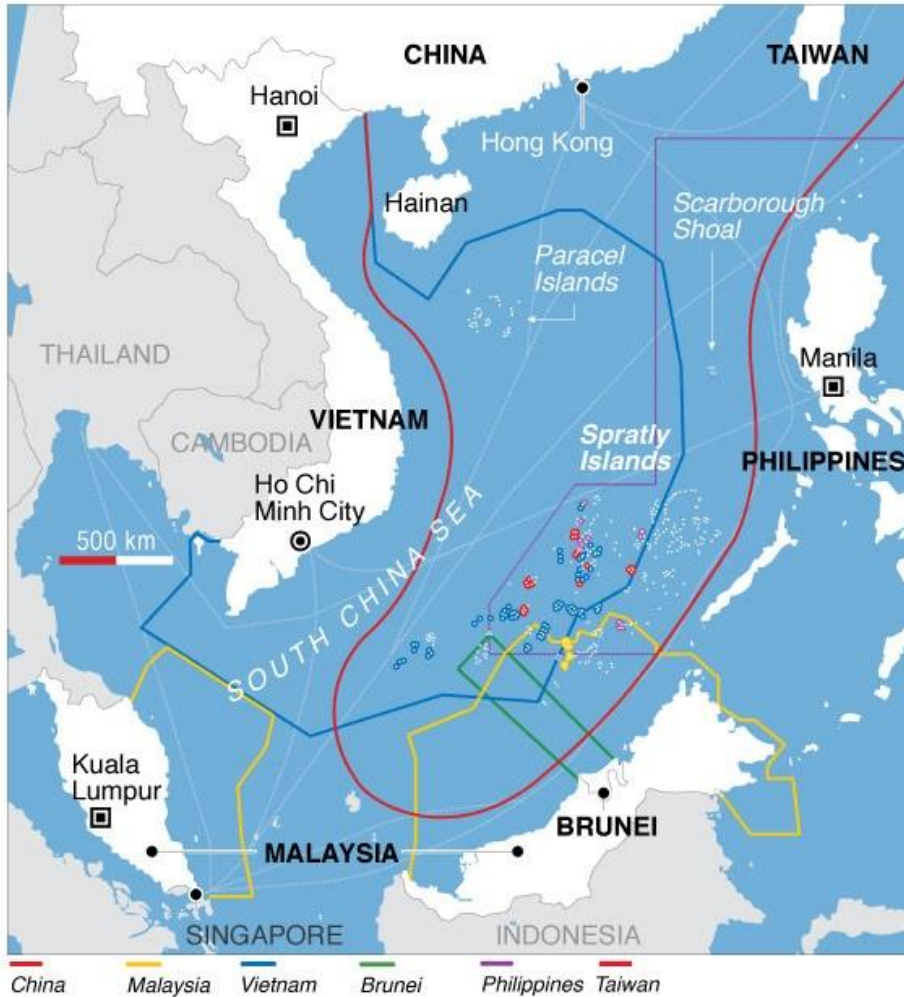
Appendix II

https://www.un.org/depts/los/convention_agreements/texts/unclos/UNCLOS-TOC.htm



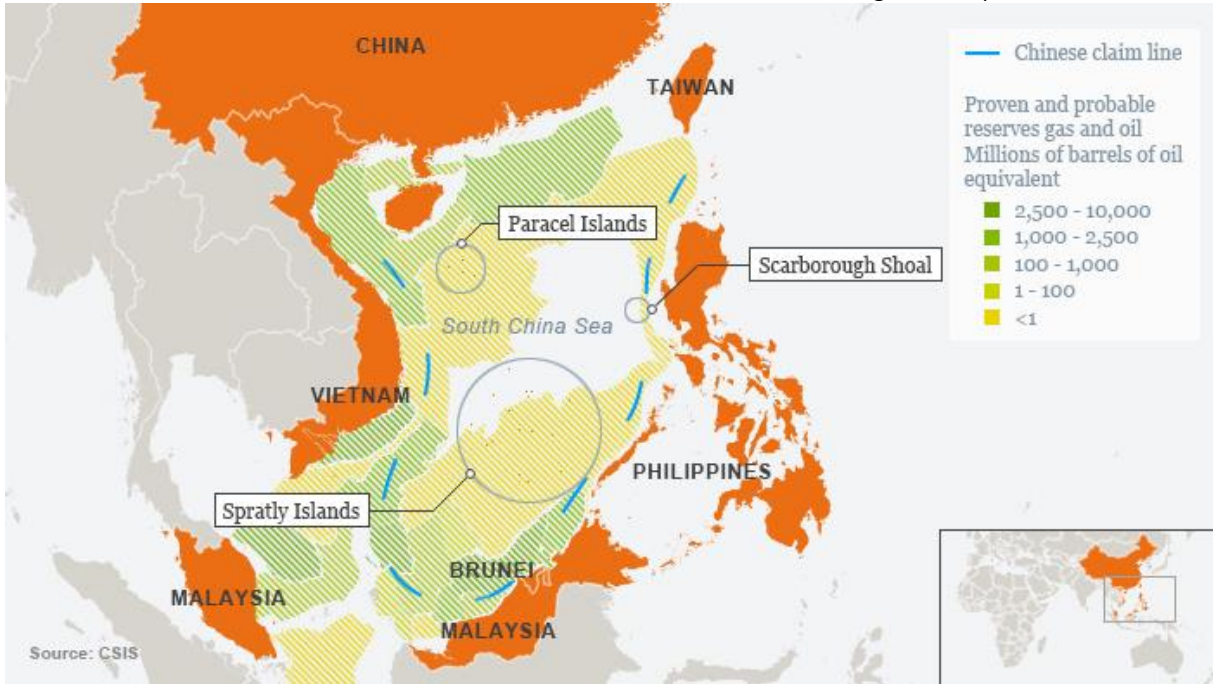
The above is a link to the UNCLOS Treaty Preamble. It is recommended that delegates examine the contents of the law (especially Parts II and V) along with their nation's policies while considering solutions.

Appendix III



Appendix IV





Appendix V

The Court of Arbitration’s case site allows delegates access to the legal arguments being made by parties to the issues. Delegates are encouraged to read through the listed documents in order to gain a better understanding of the nuances of the dispute.

<https://pca-cpa.org/en/cases/7/>



