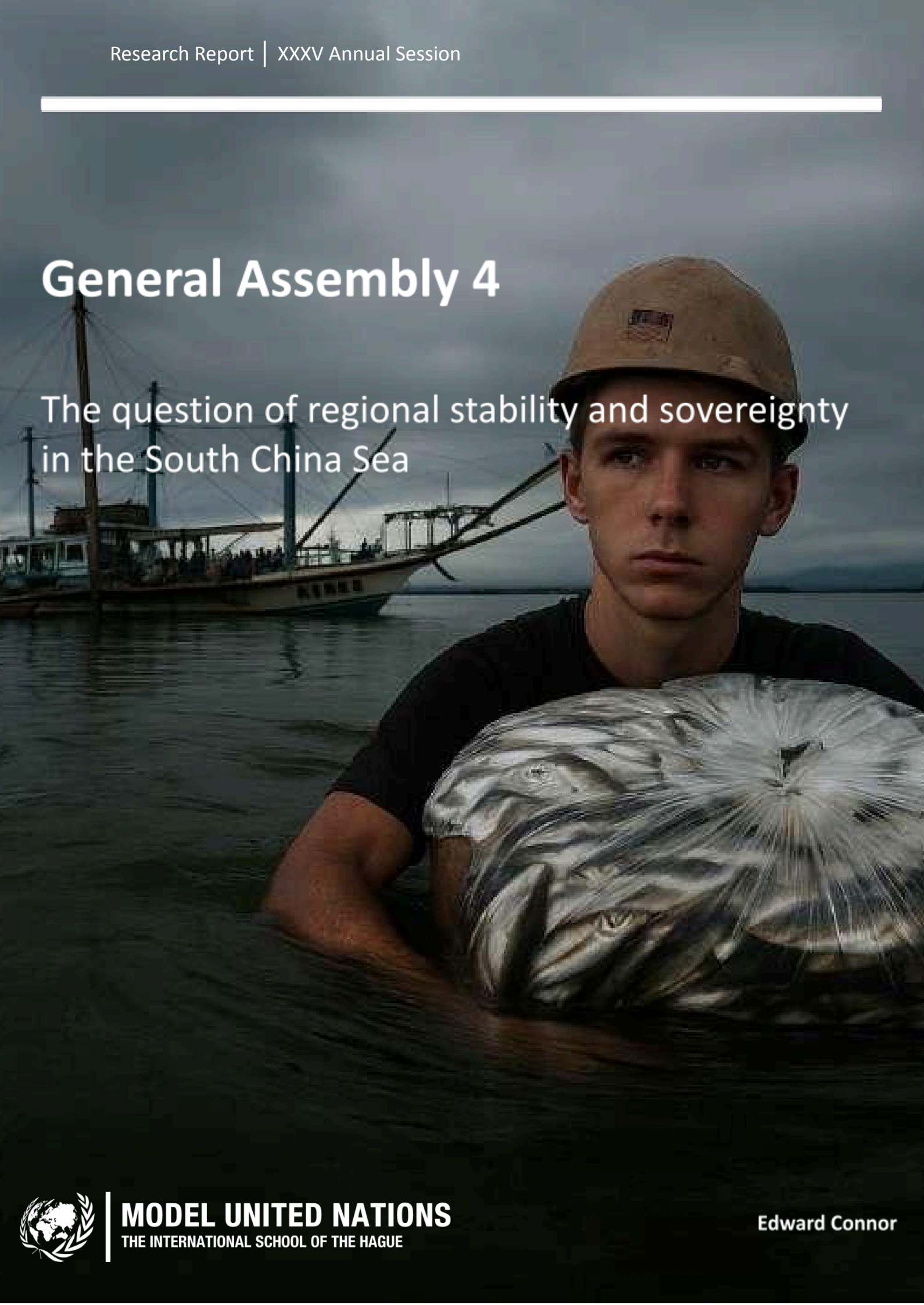
General Assembly 4

The question of regional stability and sovereignty in the South China Sea



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Introduction

The South China Sea dispute is one that is of grave importance to us all. The passage, which has been contested for over 50 years now, facilitates over 20 percent of the world's trade. This conflict of interest is between most of the southeast Asian nations bordering the region. Not only is the region a major trade route, it is also rich in minerals, fish and natural gas.

Since this dispute started, China has been claiming the majority of the South China Sea, defending the "Nine Dash Line" that was drawn in 1947, and which includes almost all of the territory. Other than China, the other countries concerned by this issue are China, Taiwan, the Philippines, Vietnam, and Malaysia. Indonesia has insisted on remaining neutral about the dispute.

The issue is often overlooked but still very important, it is a clear example of a nation attempting to overshadow their peers merely due to their political reach. The international community should not tolerate such 'bullying' and should work towards comprehensive solutions.

In this research report we will give context to how the issue has become what it is now, zoom in on individual nation's relevance to the issue and their involvement and, lastly, look into possible solutions for the issue.

Definition of Key Terms

Nine dash line

This is the line drawn by China in 1947 which claims most of the territory. The line is made up of nine dashes that extend hundreds of kilometers east and south starting from Hainan, China's southernmost point. Its predecessor was called the eleven dash line and encapsulated a bigger area. To create the nine dash line, China gave up their claim on the Gulf of Tonkin.

Exclusive Economic Zone(EEZ)

This is a zone up to 200 nautical miles (370 kilometers) from a nation's coastline. Countries have full jurisdiction over this area and have full fishing and extraction rights. This could be of economic advantage to many nations, particularly in the South China Sea, where many people make their living from fishing. In addition, the region has a large amount of oil and gas reserves.

General Overview

The complexity of the border disputes arose around 1945. A new nationalist party came to power in China and proposed the 11-dash line. This defined the nautical region that China attempted to claim. China claimed this region to reinstate the power in the country, they had been criticized in the previous century for their weak stances and submission to foreign powers. China had been humiliated in the previous century and introduced the 11-dash to enhance the nation's sovereignty. After the Communist Party of Mao Zedong gained power following their civil war against the nationalist party, the line changed to a nine-dash line. This line is still upheld by the People's Republic of China to this day. The Chinese interest in the region only spiked in the 70s when a discovery was made that there might be oil and gas reserves in the sea. Following this discovery China seized control of the Paracel Islands from South Vietnam. This resulted in the deaths of at least 65 Vietnamese soldiers. China also partly took control of the Spratly Islands from Vietnam in 1988. Later, in 1994, China also attempted to take a different part of the Spratly Islands, under the control of the Philippines. China has managed to keep control of the entirety of the Paracel Islands while mostly having control of the Spratly Islands.

China has more recently started a new campaign focused on land reclamation. China has built artificial islands in hopes of extending its EEZ. They have also militarised the islands that they control and have increased naval military patrol within the sea. China has also made arrests of foreign fishermen fishing within the nine-dash line. China has also tried to militarily intimidate neighboring countries by leading naval fleets into their EEZ. They also attempted to place an oil rig in Vietnamese waters, which was vehemently opposed to by the Vietnamese government.

The United Nations Convention on Law of the Sea has issued rulings saying that the nine-dash line has no legal basis. The Philippines has also attempted to take China to the ICC. When the decision eventually was ruled in the Philippines' favor, the Chinese government issued a statement calling the ruling "ill-founded" and rejected cooperation with the ICC. Many other nations did however also join China in their opposition towards the ruling, countries including: Taiwan, Papua New Guinea and many countries in north Africa. On the contrary, the ruling was supported by nations such as the United States of America, Europe and Australia. In addition, members of ASEAN were also split and could not provide a collective statement.

In the start of this decade China decided to add a tenth and final dash to their line. This added dash now encapsulated Taiwan and the Spratly Islands within Chinese territory. This new development was met with uproar and many nations in the South China Sea have made efforts to reclaim land and militarise the region. The United States also made a statement saying that they would support the Philippines if a conflict arose. They also made efforts towards regional security by making an alliance called AUKUS. The purpose of this alliance is to share technology in the Indo-Pacific region, it also works as a deterrent towards China. China's recent actions have driven some nations into alliances with the US and the West. The topic of the South China Sea has also polarised the countries in ASEAN as every member state seeks its own goals. China's reputation has also deteriorated within many nations in the region, predominantly in Vietnam following claims that the Chinese navy sabotaged Vietnamese vessels. China is however still a large world power and many nations remain reliant on trade with China.

ASEAN plays a fundamental role in upholding stability within the region. The organization covers many problems that the issue brings with it. Firstly, it focuses on combating polarisation within the ASEAN nations. It holds frequent discussions and works on trust-building initiatives via trade of information and resources. Using ASEAN as a platform for discussion has also worked in fostering stability and trust. Secondly, having a union such as ASEAN, gives smaller member states the opportunity to weigh themselves up against world powers such as China or the United States. Thirdly, it works together with China to come to peaceful resolutions and solutions. China and ASEAN are working together on making a code of conduct, a legally binding framework to combat unrest within the region. This is however taking a long time but, once finished, could mark the start of diplomatic measures on how to peacefully divide the South China Sea. Fourthly, ASEAN is not only predominant now, it will become more prevalent in the future. With many ASEAN nations being developing nations, the future of these countries is bright. With this development also comes more geopolitical prevalence and thus more influence. With ASEAN being a large unification it has also brought this issue to the forefront and could work in member states' favor in working against China's nine-dash line. This does however leave the question of how the South China Sea would theoretically be divided. With China having built many artificial islands, their EEZ has in theory expanded. It is important for ASEAN states to clearly define when an island will be counted as part of an EEZ or when it will be dismissed.

The South China Sea is crucial for global trade as approximately 64% percent of global trade passes through this region. It is beneficial for all member states to make sure that this trade route stays open and that the situation does not escalate. If the region is controlled by one nation this could lead to the closure or at least tax when passing through the region.

Major Parties Involved

China

China is a global superpower that facilitates most of the world with trade. They are not only a very powerful nation within the South China Sea but also within the world. China is using this economic dependency to try and enforce its nine-dash line. Many countries are vehemently against this line, but they do not have the influence to oppose the measure in such a way that China is forced to change. This leaves China in a very powerful position. Furthermore, they have recently already expanded the line to encapsulate the Spratly Islands. Only time will tell if China will stop there. China's militarisation of the South China Sea is also detrimental to the inhabitants of neighboring countries. Many people make a living, or live off fishing. By militarising the ocean it creates a hostile environment for fishers, as they might fall under prosecution or unlawful punishment as a means for China to enforce power over the rest. China's support for its territorial claims predominantly comes from Middle Eastern and African nations. Many African nations rely mostly on trade with China. Many Middle Eastern nations have chosen to side with China more to oppose the United States.

The Philippines

The Philippines has strongly opposed the nine-dash line by China. They, together with China, lay claim to the Scarborough Shoal with The Philippines being approximately 400 miles closer to the islands than China. The Philippines has in the past not been afraid to express criticism to China as they are strong allies with the United States. The United States had worked against the Japanese occupation of the Philippines. The United States has also funded many initiatives to defend them from China. The United States sees the Philippines as a valuable ally because they can keep a concrete sphere of influence within the South China Sea. The close proximity to China is also beneficial to the United States.

Vietnam

In 1974, Paracels was seized from Vietnam. In the process, more than 70 Vietnamese troops were killed. Vietnam has claimed the territory since the 1700s and has evidence to support such a claim. Vietnam is largely opposed to China and their political ties are very weak. Many Vietnamese people also rely on fishing rights to come by. China and Vietnam do not uphold strong relations but, while they are improving, they still struggle to come to a comprehensive solution on the question of the South China Sea.

Brunei

Brunei is a very oil-rich nation in Southeast Asia. It does not need the oil from the South China sea, nor does it have a large fishing industry. Therefore Brunei only claims its legal portion within its EEZ. Their approach aligns with the UNCLOS. Brunei does not publicly condemn China for their actions and instead attempts to come to diplomatic solutions by using ASEAN. Brunei challenges China but not as vehemently as Vietnam or the Philippines and resorts to adhering to the UNCLOS while upholding the rights to their EEZ.

Indonesia

Indonesia is not a claimant state in the South China Sea disputes but is however involved in the issues as the nine dash line claimed by China extends to Indonesia's Exclusive Economic Zone (EEZ) of the Natuna Islands. Indonesia strongly opposes the nine dash line with the grounds that it is UNCLOS that makes all of its EEZ. While China doesn't recognize the Natuna Islands as its territory, Chinese fishing boats and coast guard vessels have trespassed into the EEZ of Indonesia which has attracted diplomatic protests from that country as well as stepped up Indonesian patrol and military activity.

Being the biggest member of ASEAN, Indonesia assists in the peaceful settlement of disputes, freedom of navigation and respect for international law, while upholding its maritime interests and energy exploration and development of the Natuna region.

Thailand

Thailand promotes peaceful dialogue leading to constructive solutions. Thailand tries to maintain good political ties with both the US and China, therefore they do not openly condemn the actions by China. Within ASEAN Thailand does not find it necessary to step forward and issue a stronger statement on the issue. Thailand has increased their naval military spending budget while also increasing defense cooperation with China. Their cooperation is however to a lesser extent but does emphasise the fact that Thailand wishes to remain diplomatic and neutral on the question. The Thai government also stated that "It will try to refrain from pointing any fingers as much as possible."

United Nations Convention on the Law of the Sea (UNCLOS)

The United Nations Convention on the Law of the Sea is the international pillar for maritime law and regulations. They create coherent laws on questions such as: maritime borders, sea mining, biodiversity protection and freedom of navigation. Regarding the South China Sea, they work together with nations in defining the legal EEZs and the procedures for free travel. It also regulates the deep sea mining for oil and manages overfishing.

Timeline of Key Events

Date	Description of event
1945-1949	Chinese Civil War
1974	China first adds their nine-dash line to a map
1974	China seized the Paracels from Vietnam
April 8th, 2012	China and the Philippines have a stalemate, both accusing each other of intruding in the Scarborough Shoal.
December 9th, 2012 **May 2nd, 2014**	Large "anti-China" protests in Vietnam: The introduction of a Chinese drilling rig into waters near the Paracel Island, leading to multiple collisions between Vietnamese and Chinese ships.
September 15th 2021	AUKUS founded; a security pact aiming to limit China's control over the South China Sea. The pact was founded by Australia, the UK and the USA
2023	China was accused of shining lasers into Filipino boats, temporarily blinding the crew. They were also accused of reckless maneuvers that nearly led to collisions.

UN involvement, Relevant Resolutions, Treaties and Events

- United Nations Convention on the Law of the Sea (UNCLOS), 10 December 1982
  The most comprehensive international law concerning maritime rights, Exclusive Economic Zones (EEZs), and jurisdictional claims. UNCLOS has been ratified by both the major claimants in the South China Sea, and by most major stakeholders, excluding the United States.

- Treaty of Amity and Cooperation in Southeast Asia (TAC), 24 February 1976
  An important ASEAN treaty about dispute resolution, a tool for disarmament, as well as stability in the region, signed both by ASEAN member states and ASEAN non-member external partners, including China.
- ASEAN Charter, 20 November 2007
  Legally binds ASEAN members to adhere to norms and principles of international law, peaceful coexistence and mutual respect, and facilitates conflict management in the South China Sea.
- Permanent Court of Arbitration (PCA) Ruling: Philippines v. China, 12 July 2016
  Most notable case is in vanquishing China's historical claim to the South China Sea via their historical "Nine-Dash Line" claim through UNCLOS, and ruling in favour of the Philippines. Despite the ruling made under UNCLOS, China stated the ruling 'null and void', yet provides a significant legal precedent.
- UN Security Council Debate on Maritime Security, 2021
  Many member states raised concerns surrounding rising tensions in the South China Sea, and generally reiterated several principles surrounding maritime law and freedom of navigation.

Previous Attempts to solve the Issue

China Vietnam Bilateral Consultations

Both Vietnam and China have conducted periodic discussions as part of the process of managing the tensions in contested areas of maritime and land, particularly in relation to the Paracel Islands and the Spratly Islands. The discussions have been somewhat successful at avoiding escalation but have been less successful at resolving the previously established sovereignty claims.

Permanent Court of Arbitration Ruling

The most significant legal effort to resolve part of the South China Sea dispute was the Philippines' case against China under UNCLOS in 2016, which saw the Tribunal make a decision in favour of the Philippines, finding that China's claim to historic rights through the "Nine-Dash Line" was not legally enforceable. The ruling was viewed as both a political victory for the Philippines and a victory for international law by claiming the rights of Pacific Islands, although after China completely rejected the decision, the ruling had no practical enforcement. The ruling gave the Philippines political capital over China and led to increased attention regarding the issue. Although China referred to the ruling as "null and void," it has nonetheless not changed China's behaviour.

Possible Solutions

Making the South China Sea a neutral zone

All countries are economically reliant on the South China Sea passage. Therefore, it is crucial for all member states to make sure that this passage stays open, stays secure and stays reliant. To ensure that we can rely on free passage and trade we could enforce a law making the South China Sea a neutral zone with clear precautions if countries do not adhere to them. Countries would not adhere to these rules if they, for example: would build artificial islands, issue national law in a region where the international law of the sea is in practice or if they would unnecessarily militarise the region. We could discuss the possibility of steering away from EEZ's in this region, keeping in mind the complexity of the situation. Delegates could resort to redefining EEZ's for the region or could remove EEZ's entirely.

Creating an alternative to the passage

If the delegates believe the economic dependence on one disputed region is too large they could resort to creating alternatives. The creation of a canal or a reroute could be debated. It could also be used as an ultimatum to the disputing nations, as all nations bordering the South China Sea favor the trade passage. If a canal were built it would have to go through Indonesia and make sure to go around Malaysia's eastern island. This solution might be extreme but would remove China's sphere of influence. This solution does however beg the question if we trust the new nations bordering the most important trade route and if this is not just moving the problem.

Protecting the wildlife and the climate

The South China Sea is not only rich in oil but also rich in biodiversity. It is therefore very important to protect the wildlife and coral reefs in the South China Sea. While it might not actively solve the dispute, creating clear regulations stopping nations from extracting oil could lead to deterring nations' eagerness to expand their EEZ. If oil extraction is no longer possible we would protect wildlife, keep the seafloor stable and possibly deter nations from wanting full control of the South China Sea. The delegates would have to discuss how to regulate fishing, as many inhabitants rely on fishing for individual consumption. This solution does however have the possibility of combating overfishing, if regulated properly and if individual consumption is taken into consideration.

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