A Century’s Worth of Debate: The South China Sea
A United Nations General Assembly Committee

March 31 - April 2
2017
Sponsored by The Collegiate Council on World Affairs
Hey delegates!

My name is Emily Rodriguez, and I have the honor of being your chair in this year’s United Nation’s General Assembly Special Session on the South China Sea at OSUMUN. I was born and raised in Cleveland, OH (Go Cavs!) and am currently a freshman here at OSU. I have done Model UN for 5 years now, both at the high school and collegiate levels. Recently I traveled to Montreal for a model UN conference with the OSU team. Although I have spent such a long time debating policy and international law, this extracurricular is completely separate from my major.

I am a Chemistry major with minors in Spanish, English, and Substance Misuse and Addiction. I hope to couple my knowledge of addiction with my chemistry to go into the pharmaceutical industry to synthesize clinical medicine. In addition to being a member of The Collegiate Council on World Affairs (CCWA), the organization that hosts OSUMUN, I am a member of the Latino Student Association, as well as a new member of the Alpha Gamma Chapter of Kappa Alpha Theta.

Over my years as a delegate at MUN conferences I have learned vital skills that have shaped me into the person I am today. Skills like public speaking, professional writing, and constructive debate are skills that you will need for the rest of your lives. As the use of media allows for the public to be more aware of our national leaders and politicians, it is people like you who will lead our communities and possibly to world. I look forward to fruitful debate and the most comprehensive, multi-faceted, and three-pronged approached solutions.

Best,
Emily
A Century’s Worth of Debate: The South China Sea

The South China Sea is an expanse of water that stretches from Taiwan to Malaysia, an area of about 3.5 million kilometers. This region of water is bordered by China Taiwan, Vietnam, The Philippines, and Malaysia. In addition, there are two main island chains in the sea—The Parcel Islands and the Spratly Islands. The sea is home to many inter-state conflicts due to the amounts of minerals and energy resources, in addition to the untapped resources about which many countries have speculated.

The combination of recent and historical events over the South China Sea have increased the concern of disputes over it. The disputes involving the Sea have the potential to escalate into a larger regional problem, bringing all the coastal nations plus their allies to the brink of war. Multiple countries lay claim on waters and islands within the sea, and the issues of sovereignty are not easily solved with legal resolutions. The stakes are increased when factoring in the multitude of trade routes that pass through the South China Sea on a daily basis. The South China Sea is believed to be home to many natural resource reserves in addition to the abundant fishing stocks that many nations rely on for their livelihood. Over the last year, the disputes within the South China Sea have headlined international newspapers and have been the topic of many international conferences.

Topic I: National Sovereignty

Historical claims on lands

China’s maritime disputes can be traced back to the 1894 and the Sino-Japanese War.

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2 Ibid
where there were multiple conflicts in the East China Sea. Globalization and the increase in trade agreements between islands that claim ownership of islands in the Sea have lead to further connections within the disputes.³ Because of the contradictory evidence of the dispute, claimant to the land within the sea have continuously argued over the “true” history of the land in the sea. Tactics to prove ownership have included using records of national control, citizens using the resources in the sea, and archeological remains to prove usage of the Sea’s features. Although there is a multitude of different evidence, it is nearly impossibly to verify these biased claims. No one nation has been proven to have historical claim over the South China Sea or even parts of the Sea⁴.

Geographical claims on lands

Many countries have laid claim to parts of the South China Sea due to geographical claims with the theory that proximity determines ownership. The main claimants to the Sea are the Nation of Brunei, the People’s Republic of China, Taiwan, Malaysia, Indonesia, the Republic of the Philippines, and the Socialist Republic of Vietnam. The disputes include the entirety of the sea, the islands, reefs, banks, and sea floor. China has laid claim to everything within the nine-dashed line, but it is still unclear if that means all the waters

enclosed in this line or all of the waters and islands enclosed in addition to the adjacent waters.\textsuperscript{4}

According to maritime law, each country is allocated 12 nautical miles from their shore as territorial waters, 12 nautical miles further that is the contiguous zone. The contiguous zone allows coastal states to exercise control necessary to prevent and punish infringements of customs regulations within and beyond its territory or territorial sea. In addition, each nation has a 200 nautical miles exclusive economic zone, which is an area of coastal water and seabed within a certain distance of a country’s coastline, to which the country claims exclusive rights for fishing, drilling, and other economic activities.\textsuperscript{5} Many disputes have erupted due to the fact that the nine-dashed line interferes with the sovereignty of many coastal nations.

\textbf{Topic II: Nine-Dash Line—China’s claim}

\textit{China’s claim of demarcation line on South China Sea}

The Nine-Dash Line is a U-shaped line made up by nine discontinues lines. It is a demarcation line China used to define the area upon which China has special

\textsuperscript{4} \textit{Ibid}
rights among South China Sea. The embryonic form of the Nine-Dash Line is the Eleven-Dash line in the 《南海諸島位置圖》(no formal English translation found, could be translated into “<The map of Islands’ location on South China Sea>”) that published by government of Republic of China (R.O.C) on December 1st, 1947. After 1949, the government of the People’s Republic of China (P.R.C) inherited this Eleven-Dash Line. In 1953, at the behest of Chinese Premier Zhou Enlai, two dashes of the line in “Beibu Gulf” (Gulf of Tonkin), were removed, thus, formed the Nine-Dash Line that exists nowadays. Lately, China actually added the tenth “dash” around Taiwan in the new published national map in 2013.

In reality, neither the Republic of China nor the People’s Republic of China has exactly clear explanation about what kinds of privileges it actually holds upon the 2.1 millions square kilometers’ area within the “Line.” The ambiguous of Nine-Dash Line doesn’t defuse the conflict but instead in certain extent creates more debates. Because China incorporates the highly disputed parts in South China Sea: the Paracel Islands and the Spratly Island within the Nine-Dash Line and clearly claims its sovereignty and historic ownership of those islands. Therefore, many Southeastern states view the Nine-Dash Line a potential boundary of China even without formal claim. And emphasize the existence of the “Line” a violation of United Nations Convention on the Law of the Sea.

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10 "Indonesia says could also take China to court over South China Sea". Reuters. Nov 11. 2015. [http://www.reuters.com/article/us-southchinasea-china-indonesia-idUSKCN0T00VC20151111#eGL6G8XkzH3bbmXw]
Even though Chinese government has never clearly or formally declared Nine-Dash Line as the boundary, instead, just refers it as a demarcation line within which China has historic title on the areas.\textsuperscript{11} The existence and legitimacy of Nine-Dash Line are still essential because it contribute primarily for China to defend its Sovereign right of South China Sea. China always claims the legitimacy of Nine-Dash Line is undeniable and goes through a long time history. China affirms since 1947 the legitimacy of Eleven-Dash Line (the former Nine-Dash Line) had been asserted and never be taken away.\textsuperscript{12} The only loss of sovereignty of some islands within the Elven-Dash Line happened in WW II, due to the intervention of Japan. However, as the war reached its end, China legally re-claimed its South China Sea territory basic on \textit{Cairo Declaration}, signed at December 1st 1943 and the \textit{Potsdam Proclamation}, signed at July 26th 1945. Thus, China claims the legitimacy of Eleven-Dash Line was reasserted by that time by these two declarations. As for what agreements the \textit{Treaty of Peace with Japan} end up reached, China claims it will never admit, for China was not even invited to the meeting. In the \textit{Treaty of Peace with Japan}, Japan only agreed on abandon its control of certain island on South China Sea but never mentioned returning the island that originally belonged to China back. China regards the relative agreements in “Treaty” may hamper China in reclaiming its legalized territory among South China Sea but [(Replace the Highlighted Sentence) China regards the “relinquish control without return” action taken by Japan in the “Treaty” an action trying to deny Chinese legitimacy on South China Sea. Because in the “Treaty”, the lack of clause about how to return the islands once be occupied by Japan in WW2 back to China is actually an attend to disavow

\textsuperscript{97} Ibid.
\textsuperscript{11} Ibid.
\textsuperscript{12} Niu, Ning. “解析：中国南海九段线的前世今生”. \textit{Haiwai Net}. Feb 7th. 2014

\url{http://opinion.haiwainet.cn/n/2014/0207/c355200-20246137-2.html}
Chinese original ownership of those island. This “Treaty” and the action followed with it is also an disguised attend to disavow the legitimacy of Eleven-Dash Line for the Chinese ownership of certain islands on South China Sea is defined by the “Line”. China firmly believe the “Treaty” can never truly deny the legitimacy of Eleven-Dash Line (the former Nine-Dash Line) and will never accept the “Treaty” and admit the legitimacy of the “Treaty“ in no matter what condition. On July 12, 2016, the arbitral tribunal in the Permanent Court of Arbitration in The Hague had already pronounced that there is not legal foundation for China to claim its sovereignty within Nine-Dash Line, therefore, also denied the legitimacy of Nine-Dash Line. But with Chinese position being no acceptance, no participation, no recognition, and no implementation toward the “Arbitration,” the effectiveness of Nine-Dash Line still remains controversial.

Artificial Island Building

The South China Sea conflict revolves around territorial disputes in the region as countries attempt to spread their jurisdiction both for political and economic purposes. The 1982 Law of the Sea Convention states that each coastal state may claim a territorial sea that extends seaward up to 12 nautical miles from its baselines. In the past few years China has repeatedly attempted to claim more territory and thus expand its influence in the region. China has worked to cement its claims on the Paracel Islands in the North and the Spratly Islands in the Southeast. In 2013–2014 China began a substantial program of dredging and land reclamation at three sites in

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13 Ibid.
16 http://www.gc.noaa.gov/gcil_maritime.html
17 http://nationalinterest.org/blog/the-buzz/whats-really-behind-chinas-island-building-14900
the Spratlys. The speed and scale of China’s island-building spree have alarmed other countries with interests in the region. China announced in June that the creation of islands — moving sediment from the seafloor to a reef — would soon be completed. Since then, China has focused its efforts on construction. To construct its artificial islands, China builds atop already existing, islands, rocks, and even coral reefs. Building an island that can support airstrips and other military installations requires a lot of sand, however. To gather it, China uses a fleet of dredgers, ships designed to pick up and move materials from the seafloor. These dredgers use large tubes with cutting attachments at the end to grind up material on the seafloor and suck it up. From there, the material is carried through pipes or hoses and dumped on top of reefs, rocks, and other existing formations. So far it has constructed port facilities, military buildings and an airstrip on the seven islands while also disrupting natural reefs. Vietnam, Malaysia, the Philippines and Taiwan have all expanded islands in the Spratlys as well, but at nowhere near the same scale as China. Artificial island building has not been forbidden but countries in the region must closely monitor China’s rising power in the South China Sea.

**Topic III: Freedom of Navigation**

*Allowance of peaceful military missions in sea*

Peaceful military missions often present an opportunity for nations to assert sovereignty claims. In the South China Sea, peaceful military missions by the United States and China have generated controversy. In particular, the United States has asserted a right to “freedom of navigation operations” (FONOP). To date, there have been multiple examples of FONOPs by the

United States, including the *USS Lassen* to waters of the Zhubi Reef, the *USS Curtis Wilbur’s* intrusion into waters of Zhongjian Island, and patrol missions of the *USS John Stennis*.\(^{20}\) Criticism of FONOPs has stressed the potential for armed conflict in the region. Freedom of navigation operations, although peaceful, may encourage a regional arms race and increase tensions. Others argue that military missions are necessary for the training and development of armed forces. Additionally, it is important to note that China has also conducted peaceful military missions to strengthen its position in the region, such as a recent exercise where its only aircraft carrier entered the South China Sea and cruised past Taiwan.\(^{21}\)

The allowance of peaceful military missions has been strongly criticized by surrounding nations. The Philippines, Vietnam, Indonesia, Taiwan, Malaysia, and other countries have established territorial claims, and military missions threaten to delegitimize geographic sovereignty. At the heart of this conflict are questions of sovereignty, military effectiveness, and political negotiations. Due to the unique and dynamic nature of the situation, there are multiple questions and perspectives to consider. Can military missions be peaceful? To what extent do military missions threaten sovereignty of nations? Moving forward, how can nations peacefully respond to the presence of military forces in the South China Sea?

*International trading routes*

The South China Sea is one of the most important trading routes in the world both for the economic volume of material that passes through it annually and the enormous repercussions of


possible disruptions to trade and shipping in those waters. In the 1930s, the United States, France, England, and the Netherlands controlled commerce passing through the South China Sea allowing the economic and oil embargo to be placed on Japan prior to Pearl Harbor. In the modern day trade is hugely focused on Eastern and Southeastern Asian countries. An estimated $5.3 trillion worth of goods are transported through South China Sea shipping lanes each year, including more than half the world’s annual merchant fleet tonnage and a third of all maritime traffic. One-third of the world’s liquefied natural gas passes through the Straits of Malacca and into the South China Sea, with the bulk of it originating in the Persian Gulf. Oil transported through the Malacca Strait from the Indian Ocean, en route to East Asia via the South China Sea, is triple the amount that passes through the Suez Canal and fifteen times the volume that transits the Panama Canal. Crude oil flow in the South China Sea also comes from intra regional trade, particularly from Malaysian, Indonesian, and Australian crude oil exports. Intra regional trade is distributed evenly among Singapore, South Korea, Japan, and China, with smaller amounts going to other Southeast Asian countries. These countries and others including the United States work to preserve free trade in the South China Sea in addition to gaining territorial control.

**Interception of marine vehicles**

On the issue of navigation rights in the South China Sea, the Freedom of Navigation (FON) is a principle convention adopted by most of the countries involved such as China, Japan

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24 [https://amti.csis.org/atlas/](https://amti.csis.org/atlas/)


and United States of America. Even though Freedom of Navigation is a principle of customary international law, not all the UN states have ratified it. Ironically, United States, which originally proposed of convention, signed it but has not ratified it. Most of the countries involved in South China Sea Conflict have consented to the FON convention, which endorses the idea that “ships flying the flag of any sovereign state” have the right to peacefully pass others’ sovereignty without being interrupted. The convention of passing South China Sea areas; there are still so many interception of marine vehicles happens on among this disputed areas. However, regardless of the convention, there are still so many interception of marine vehicles happens on, among this disputed area.

The most recently case of marine vehicle interception in the South China Sea was December 15, 2016, when a Chinese warship seized a U.S underwater drone, whose navigation the U.S claims obeyed the FON, and whose mission was defined as for a “purely scientific purpose” by the U.S government. The U.S had advised against this action, and condemned China as taking an inappropriate action within international water. However, some of the U.S commentators do not see this action as containing any actual threat, but just an action intended to create tension with the Trump Administration. Earlier that year on May 10, 2016, China intercepted a U.S vehicle and created more tension. During a U.S. military exercise near the water around Fiery Cross Reef, a guided missile destroyer, the “USS William P. Lawrence,” was sent within 12 nautical miles to the disputed island. In response, a Chinese vessel immediately

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27 “Maritime Security and Navigation”. U.S. Department of State DIPLOMACY IN ACTION. [https://www.state.gov/e/oes/ocns/opa/maritimesecurity/](https://www.state.gov/e/oes/ocns/opa/maritimesecurity/)

28 Ibid

sent out radio messages to warn “Lawrence” to intercept it and later expelled it out of the disputed water. 

In fact in the early 2016, China had already taken interception action towards U.S vehicle. On May 10, 2016, China intercepted one U.S guided missile destroyer, the “USS William P. Lawrence”, while U.S conducting military exercise near the water around Fiery Cross Reef. The “Lawrence” was sent within 12 nautical miles to the disputed islands by U.S during the military exercise. In response, a Chinese vessel immediately sent out the radio message to warm “Lawrence” to leave water areas which is within 12 nautical miles around the disputed island for those are Chinese sovereignty areas. After the radio warming China soon expelled “Lawrence” out of the disputed water. Regardless the blames towards China say the interception violated the FON, China firmly claims it is its sovereignty right to conduct such action.]

China is not the only country which intercepts other countries’ marine vehicles among or around the area of South China Sea or among the disputed water. Japan intercepted Chinese Coast Guard ships which were taking cruise missions within 12 nautical miles of Diaoyu Island in 2016.

China, Japan and other countries which take action of interception defend this practice with the principle that passing vehicles, although they may adhere to FON, do not obey the principle of “Innocent Passage.” States tends to use “Innocent Passage” concept to deny each other’s “Freedom of Navigation” on South China Sea, and thus, also use this concept to justify interception of other countries’ marine vehicles.

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Questions to consider
- Resolve maritime law issues or territorial issues first?
- Does China own all waters and islands within the nine-dashed line?
- Are nations allowed to create artificial islands at will? If so, should the UN create laws that control how the islands are built and for what purpose they are used?
- Are peaceful military operations allowed to be conducted in the South China Sea?

Further Reading

Countries
Philippines
Vietnam
Indonesia
Taiwan
Malaysia
China
United States of America
France
Russia
Italy
United Kingdom
Germany
Australia