

# Association of Southeast Asia Nations

## The Question of the South-China Sea Territorial Dispute

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# Contents

Introduction .....	2
Definition of Key Terms .....	2
Background Information .....	3
Current Situation .....	4
Major Parties Involved .....	4
Timeline of Relevant Events .....	5
Related UN Treaties and Events .....	7
Previous Attempts .....	8
Possible Solutions .....	9
Suggested Reading .....	10
Bibliography .....	11

## Introduction

The South China Sea is a complex ongoing territorial dispute with major geopolitical implications since the 20th century. The major parties are China, Vietnam, the Philippines, Malaysia, Brunei, and Taiwan, all of which claim sovereignty over various islands, reefs, and waters. Historical, legal, and economic factors all play a role in these countries' competition for sovereignty. The South China Sea covers an area of 3.5 million km. It is filled with abundant natural resources such as oil, every year, the South China Sea transports a third of the world's crude oil and more than half of the world's liquefied natural gas. Which makes it one of the busiest and most important energy trade routes in the world.

China's claim of sovereignty over the South China Sea has brought backlash from the international community including countries such as Japan, the United States, and France. China uses historical basis to back up its claim of the entire South China Sea which is extreme as well as violating the UNCLOS. The Association of Southeast Nations (ASEAN) will play a pivotal role in mitigating the crisis and issues that may arise in the South China Sea. In this committee delegates will work together to come up with solutions that will tackle this issue while considering all the parties involved.

## Definition of Key Terms

### ***South China Sea***

South China Sea is an area of the sea near the Western Pacific Ocean which borders the mainland of Southeast Asia. The South China Sea borders countries including Brunei Darussalam, Malaysia, Indonesia, the Philippines, Singapore, Thailand, Vietnam, and China. The South China Sea holds great economic and geostrategic importance as one of the busiest trade routes in the world and home to a wealth of natural resources.

### ***UN Convention of the Law of the Sea (UNCLOS)***

UNCLOS was adopted in 1982 which highlights international legal frameworks to govern activities related to the global oceans. One of the most important provisions of the convention concerns the exploration and exploitation of seabed, ocean floor, and natural resources beyond the limits of national jurisdiction.

### ***Exclusive Economic Zone (EEZ)***

The EEZ was adopted in the 1982 UNCLOS and is defined as an area of the ocean where a country has exclusive rights to the exploration and exploitation of natural resources. The area extends up to 200 nautical miles (370km) offshore from a country's coastline.

### ***Paracel Islands***

The Paracel Islands, also known as the Xisha Islands and the Hoàng Sa Archipelago, are an archipelago located in the northern part of the South China Sea. The archipelago consists of about 130 small coral islands and reefs. The archipelago is equidistant from China's and Vietnam's coastlines. The Paracel Islands are claimed by China, Vietnam, and Taiwan.

### ***Spratly Islands***

The Spratly Islands consists of a large group of small islands, shoals, and corals that is in the southern part of the South China Sea. The Spratly islands are claimed by China, Vietnam, the Philippines, Malaysia, Brunei, and Taiwan.

## **Background Information**

The territorial disputes in the South China Sea are a significant issue and concern in the international system, due to the strategic importance of the sea for global trade. The conflict emerged as a result of the aftermath of World War II and the establishment of new borders following the end of Japanese occupation of Malaysia, Indonesia, the Philippines, and Vietnam. The San Francisco Treaty did not fully address the ambiguous territorial lines in the South China Sea, leaving the question of who would have authority over this region, vague.

The Chinese declaration of the nine-dash line in 1947 caused regional instability because it claimed that the entire South China Sea was historically Chinese territory. This claim has been criticized as an exaggerated representation of Chinese authority, but the sea has become associated with Chinese identity and is used as a nationalistic appeal on a domestic level.

The discovery an estimated at 11 billion barrels of oil in reserves and 190 trillion cubic feet of natural gas beneath the South China Sea in the 1960s fueled the region's dispute. Fisheries within the region had also become increasingly important for the future of feeding growing populations of the surrounding region.

Vietnam's unification in 1979, the Sino-Vietnamese Wars included major battles on the land border, as well as several battles in the South China Sea and the Gulf of Tonkin. This led to the Johnson Reef Skirmish between China and Vietnam was the most significant battle in the South China Sea over the Spratly Islands. This dispute served as a warning to others in the region not to engage in military conflict with China without the support of another great power such as the United States.

Over the following years, China's diplomatic relations with involved countries has continued to further decline due to multiple clashes between China and countries such as Vietnam and the Philippines. In 1996, three of China's navy vessels fought a battle with a Philippine gunboat near the Spratly Islands. This led to crisis between the relations of the two countries which also increased tensions. Incidents like these continued to happen where China encounters with other country's vessels which led to clashes and instability.



## Current Situation

Despite international arbitration and tensions between China and the other claimant countries, China's development in the disputed area remains. China announced plans in early 2016 to build nuclear reactors on disputed territory within the Spratly Islands to "speed up the commercial development" of the region. China has been building up artificial islands in the Paracels and Spratly archipelagos and militarizing them with equipment and infrastructure. This has led to repeated protests by other countries as well as "freedom-of-navigation" operations by Western militaries that seek to challenge China's claims, which raises the risk of unintended clashes. Furthermore, interstate disputes have harmed navigation safety and natural resource extraction. There have been many incidents between law enforcement forces and fishing vessels that led to ships sinkings and loss of life. Beyond interstate disputes, there are also other issues plaguing the South China Sea such as environmental concerns or illegal, unreported, and unregulated fishing. The ASEAN Regional Forum will thus need to invent solutions to solve these problems, guided by international law such as the UNCLOS.

## Major Parties Involved

### *The People's Republic of China (China)*

China claims sovereignty over a massive portion of the South China Sea, marked by the controversial "nine-dash line.". China justifies its territorial claims based on historical records and maps, but these claims are contested by neighboring countries. China has also engaged in the construction and militarization of artificial islands in the South China Sea, including the deployment of military infrastructure, raising concerns among neighboring countries and the international community.

### *Socialist Republic of Vietnam (Vietnam)*

Vietnam's position in the South China Sea disputes is shaped by territorial claims over the Paracel and Spratly Islands, which have historical and legal foundations, most notably within the framework of the UNCLOS. Vietnam has sought international assistance, involving countries such as the United States, Japan, and India, as well as attempting international arbitration in 2013, but China has blocked these efforts. Vietnam, an ASEAN member, has expressed fears about relying solely on the alliance to resolve disputes. Concerns about the strategic importance of the South China Sea have prompted Vietnam to step up its military capabilities, including its navy and coast guard, in response to perceived threats in the region.

### *The Federation of Malaya (Malaysia)*

Malaysia has a significant interest in the South China Sea due to its strategic location, rich resources and potential oil and gas reserves. Malaysia's territorial claims primarily involve features in the southern part of the Spratly Islands, including the James Shoal, leading to disputes over maritime boundaries involving China and Taiwan. Malaysia, as an ASEAN

member, has prioritized diplomacy and multilateral cooperation in addressing South China Sea issues. Malaysia's fisheries industry and hydrocarbon exploration for energy security are being threatened by concerns about militarization in the South China Sea.

***The Republic of the Philippines (the Philippines)***

The Philippines, along with China and Vietnam, claims the entire South China Sea. The territorial claims of the Philippines are primarily in the abundant fishing zone area to the west of the country, primarily in the Spratly Islands. To navigate South China Sea border disputes, the Philippines has used a variety of strategies, including pressuring ASEAN to establish a Code of Conduct and seeking outside support to reaffirm UNCLOS as the primary tool for a solution. Manila filed complaints against Chinese assertiveness in the region in 2014, but despite a 2016 ruling favoring the Philippines, China has refused to comply with the tribunal's ruling.

## Timeline of Relevant Events

Date	Description
July 25, 1894 – April 17, 1895	<p><b>First Sino – Japanese War Ends</b></p> <p>The Sino-Japanese war ended with the Treaty of Shimonoseki, which ceded territories to Japan, including Formosa (Taiwan). Beijing claims the transfer included the Senkaku/Diaoyu Islands, which Tokyo claims ownership since 1895. China demanded the islands of its inheritance to be returned after WWII, sparking maritime disputes near the South China Sea.</p>
1947 - 1953	<p><b>China Marks South China Sea Claims</b></p> <p>China, led by the Kuomintang party, uses an eleven-dash line on a map to outline its territorial claims in the South China Sea, including the Pratas Islands, Macclesfield Bank, and Paracel and Spratly Islands. The Chinese Communist Party (CCP)-led government simplified the border in 1953, to nine - dash which remains as the historical basis for China's South China Sea territorial claims, however this claim has been rejected by the international community.</p>

<p>January 1974</p>	<p><b>China Claims Paracel Islands</b>  A year after the Paris Peace Accords, which ended the United States' involvement in the Vietnam War, Chinese forces occupy the western portion of the Paracel Islands, planting flags on several islands and seizing a South Vietnamese troop. Vietnamese troops flee south, establishing the Spratly Islands' first permanent Vietnamese occupation. Meanwhile, Beijing constructs a military installation on Woody Island, the largest of the Paracels, complete with an airfield and artificial harbor.</p>
<p>March 1988</p>	<p><b>China and Vietnam clashes over the Spratly Islands</b>  In 1987, China and Vietnam clashed in the South China Sea, marking China's first armed conflict in the Spratlys. The Chinese navy sinks three Vietnamese vessels, killing 74 naval officers. This occurred after Beijing established a presence on Fiery Cross Reef, prompting Vietnam to take over several reefs to monitor China's movements. The incident marked a significant military clash in the region.</p>
<p>April 2012</p>	<p><b>Scarborough Shoal Incident</b>  China engaged in its first maritime conflict in the South China Sea with the Philippines. Tensions with China impedes economic relations between the two countries, with Philippine experiencing losses in exports as well as tourisms. Bilateral talks stall, and the Philippine government seeks ASEAN involvement, legal options under UNCLOS, and an appeal to the US for military assistance. China maintains regular patrols preventing Philippine fisherman from accessing these waters.</p>
<p>2013 – 2016</p>	<p><b>South China Sea Arbitration</b>  The case was brought to The Permanent Court of Arbitration (PCA) by the Philippines against China in 2013. The Philippines brought on this case to challenge China's claim of the South China Sea. In 2016 the tribunal ruled in favor of the Philippines, where it has been stated that China had violated the UNCLOS, and that China's claim of the South China Sea based on historical rights has no legal basis under the UNCLOS. However, China rejected the ruling, declaring that it would not accept any resolutions from third party and instead insisted on bilateral negotiations with the parties involved in the dispute.</p>

<p>August 2023</p>	<p><b>China’s Expanded Maritime Map</b>          China has updated its territorial map, adding an extra dash to the previous nine-dash line, including Taiwan and most of the Spratly Islands, violating the UNCLOS. This has led to rejection by ASEAN members Indonesia, Malaysia, the Philippines, Vietnam, India, Japan, and Taiwan.</p>
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## Related UN Treaties and Events

**UN Convention of the Law of Sea (UNCLOS) - Adopted in 1982:** The United Nations Convention on the Law of the Sea (UNCLOS) is a treaty that establishes a comprehensive legal framework for the use of the world's oceans and seas.

**ASEAN – China Declaration on the Conduct of Parties in the South China Sea - 1992:** A multilateral approach to the issue which is a code of conduct that seeks to ease tensions and creates guidelines for conflict resolution.

**Malaysia and Vietnam Joint Submission to the UN – 2009:** Malaysia and Vietnam have submitted a joint submission to the UN Commission on the Limits of their Offshores, extending their offshore areas beyond 200 nautical miles from their coastlines. This has sparked concerns about maritime sovereignty in the South China Sea, with China seeing it as a challenge to its territorial claims.

**South China Sea Arbitration - 2016:** The case was brought by the Philippines against China over maritime disputes in the South China Sea. The Philippines filed a legal challenge against China's territorial claims and actions in the South China Sea in 2013. The arbitration proceedings were conducted according to the United Nations Convention on the Law of the Sea (UNCLOS).

**Indonesia and Vietnam finalize their EEZ – 2022:** Following twelve years of negotiations, Indonesia and Vietnam have announced the finalized boundaries of their respective EEZs. Previously, they had overlapping EEZ claims to the Natuna islands in the South China Sea, about 200 nautical miles from Indonesia's coast, which caused tensions. Vietnam and Indonesia's EEZ borders partially overlap with China's nine-dash line, posing a challenge to China's territorial claims.



## Previous Attempts

The UNCLOS, which provides a legal framework for states' rights and responsibilities in ocean use, makes it easier to settle maritime disputes peacefully and establishes clear rules. However, because UNCLOS does not address sovereignty claims over land features, its effectiveness is dependent on states' willingness to adhere to its principles. The 1982 Treaty of Montego Bay, part of the UNCLOS, is a pivotal moment in the South China Sea dispute. It establishes sovereign states' rights over the continental shelf and the creation of exclusive economic zones (EEZs), making it a key international law source for addressing the conflict.

ASEAN's 2002 declaration supports the Declaration on the Conduct of Parties in the South China Sea, signed by Beijing in 1997, calling for peaceful conflict resolution. However, ASEAN's decision-making process is based on member consensus, which is becoming increasingly difficult due to China's reliance on development and trade. Due to their reliance on a smooth Chinese partnership, Cambodia and Laos have decided to stay out of the dispute, officially supporting China's claims. From Singapore to Vietnam, China is ASEAN's largest trading partner, and opposing China would result in lost for most members. China has long been opposed to dealing with East Asian issues through multilateral institutions, preferring instead to engage in bilateral negotiations with other countries in the region, resulting in bilateral relationships rather than multilateral forums within ASEAN.

In August 2017, ASEAN and China adopted a code of conduct in the South China Sea, building on the 2002 Declaration of Conduct. However, critics argue that the framework is not legally binding or enforceable, lacks an official dispute resolution venue, and only urges commitment to UNCLOS. They view the negotiations as a symbolic gesture to buy time for China to strengthen its control in the South China Sea through the construction of artificial islands, airstrips, and military bases.

The International Court of Justice ruled against China's claims in the South China Sea in 2016, rejecting its claim of the "Nine-Dash Line" in a 2013 Philippines-China case. China, which does not recognize the ruling, has threatened to defend its sovereignty. International actors have called for peaceful resolution of maritime disputes, but China has expressed dissatisfaction with the situation's internationalization.

## Possible Solutions

The South China Sea conflicts are multifaceted, involving political, historical, cultural, and economic aspects. Negotiations are challenging due to the lack of effective deterrents for violating treaties. Delegates should aim to establish diplomatic relations while maintaining peace through regulations, but this is challenging due to the lack of effective deterrents. The issue faces two challenges: establishing diplomatic relations despite the valuable resources offered by the region and maintaining peace through regulations.

The South China Sea territorial dispute is far from resolved. Despite significant progress and reassuring official statements, the situation remains tense. However, it is important to note that there will be more than one solution to tackle the issue and delegates should also keep in mind that personal affairs between the countries should not be involved when creating the solution. The relation between the countries should not matter when it comes to solving the issue but rather whether it violates international law or not.

Delegates may come to think of one common solution which could be to evenly distribute maritime borders among countries, which would be the most equitable and compromisable solution, and many Southeast Asian countries that are being trumped by China's power will agree with this solution. However, realistically a problem may arise, and this solution might not be agreed upon because China does not want to give up its borders, and the Philippines claims that because they discovered the oil first, they should receive the most share.

Another possible option is to deploy a joint force in the region with equal military presence and oil rights. This may be the most viable solution for all nations to work together, but we must also consider other countries in the region that are indirectly involved in the issue and may have issues with this solution. It should also be noted that China would most likely not accept this solution as it insists on claiming the entire South China Sea as its own.

It should be noted that in previous attempts to solve this issue on the international scale have failed as China has expressed its dissatisfaction with taking the issue to an international level. Delegates should aim to approach the conference openly and understand the issue's nuance to come up with balanced and multifaceted solutions that can satisfy all or most of the countries involved.

## Suggested Reading

### **Introduction to South China Sea ([Link](#))**

This website gives a general overview of the South China Sea which may help delegates better understand the situation. The regional development, maps, security concerns, and environment concerns regarding the South China Sea are all included in this website. There are also multiple links to other helpful resources that are included that would be crucial to understanding the topic as well.

### **Timeline of China's Maritime Disputes ([Link](#))**

This article showcases the timeline of events regarding the South China Sea dispute from the year 1895 – 2023. Information on each event is detailed, and this may help delegates better understand the dispute's background context.

### **The Role of ASEAN in the South China Sea Disputes ([Link](#))**

This article analyses the position of each ASEAN member states towards the South China Sea maritime disputes. This article delves into ASEAN's responses to the conflicts, their strategies, and their inability to come to a consensus. It also looks at how the ASEAN approach to the dispute will affect future security developments within the association

### **South China Sea Disputes and Methods of Resolution ([Link](#))**

This paper analyzes the maritime disputes in the South China Sea which impacts regional relations between China and ASEAN. This includes the cause of the dispute, the stance of the countries involved, developments in the South China Sea region, and some possible solutions to address the issue. Delegates may use this resource to better their understanding of the dispute.

### **Latest news on South China Sea Dispute ([Link](#))**

This website is updated regularly with the latest updates of the dispute that shows the different perspective of the countries that are majorly involved with the ongoing tensions between those countries. This will allow delegates to keep up with what is currently happening so that they can further understand the complexities of the situation while thinking of possible solutions that can be included in the resolution.

## Bibliography

Ltd, All Answers. South China Sea Disputes and Methods of Resolution. 6 Nov. 2023, [www.lawteacher.net/free-law-essays/international-law/south-china-sea-disputes-and-resolution-international-law-essay-law-international-essay.php](http://www.lawteacher.net/free-law-essays/international-law/south-china-sea-disputes-and-resolution-international-law-essay-law-international-essay.php).

“South China Sea.” Wikipedia, 2 Dec. 2023, [https://en.wikipedia.org/wiki/South\\_China\\_Sea#:~:text=The%20South%20China%20Sea%20has,thriving%20trade%20going%20back%20centuries](https://en.wikipedia.org/wiki/South_China_Sea#:~:text=The%20South%20China%20Sea%20has,thriving%20trade%20going%20back%20centuries)

LaFond, Eugene C. “South China Sea | Maritime Borders, Islands and Resources.” Encyclopedia Britannica, 5 Jan. 2024, [www.britannica.com/place/South-China-Sea](http://www.britannica.com/place/South-China-Sea).

Asean - Situation in South China Sea. [asean.org/our-communities/asean-political-security-community/peaceful-secure-and-stable-region/situation-in-the-south-china-sea](http://asean.org/our-communities/asean-political-security-community/peaceful-secure-and-stable-region/situation-in-the-south-china-sea). Accessed 6 Jan. 2024.

Why a South China Sea Website? | the South China Sea. [www.southchinasea.org/why-a-south-china-sea-website-an-introductory-essay](http://www.southchinasea.org/why-a-south-china-sea-website-an-introductory-essay).

International Tribunal for the Law of the Sea: UNCLOS. [www.itlos.org/en/main/the-tribunal/unclos](http://www.itlos.org/en/main/the-tribunal/unclos).

Simões, Leticia. “The Role of ASEAN in the South China Sea Disputes.” E-International Relations, 23 June 2022, [www.e-ir.info/2022/06/23/the-role-of-asean-in-the-south-china-sea-disputes](http://www.e-ir.info/2022/06/23/the-role-of-asean-in-the-south-china-sea-disputes).

The South China Sea Is an Important World Energy Trade Route. [www.eia.gov/todayinenergy/detail.php?id=10671#:~:text=Stretching%20from%20Singapore%20and%20the,trade%20routes%20in%20the%20world](http://www.eia.gov/todayinenergy/detail.php?id=10671#:~:text=Stretching%20from%20Singapore%20and%20the,trade%20routes%20in%20the%20world).

Metych, Michele. “Exclusive Economic Zone | Definition, Examples, Distance, International Law, EEZ, and Map.” Encyclopedia Britannica, 20 Dec. 2023, [www.britannica.com/topic/exclusive-economic-zone](http://www.britannica.com/topic/exclusive-economic-zone).

“South China Sea: The Positions and the Facts.” Crisis Group, 21 July 2016, [www.crisisgroup.org/asia/south-east-asia/south-china-sea/south-china-sea-positions-and-facts](http://www.crisisgroup.org/asia/south-east-asia/south-china-sea/south-china-sea-positions-and-facts).

Xu, Beina. “China’s Maritime Disputes.” Council on Foreign Relations, 15 July 2020, [www.cfr.org/timeline/chinas-maritime-disputes](http://www.cfr.org/timeline/chinas-maritime-disputes).

Pletcher, Kenneth. “Spratly Islands | Disputes, Geography and History, South China Sea.” Encyclopedia Britannica, 11 Dec. 2023, [www.britannica.com/place/Spratly-Islands](http://www.britannica.com/place/Spratly-Islands).

Erbas, Yunus. “The Conflict in the South China Sea: A Focus on a Possible Solution.” Beyond the Horizon ISSG, 11 Apr. 2022, [behorizon.org/the-conflict-in-the-south-china-sea-a-focus-on-a-possible-solution](http://behorizon.org/the-conflict-in-the-south-china-sea-a-focus-on-a-possible-solution).

Hessen, David, and David Hessen. “Scientific Collaboration Could Ease Tensions in the South China Sea | East Asia Forum.” East Asia Forum, 6 Nov. 2023, [www.eastasiaforum.org/2023/11/07/scientific-collaboration-could-ease-tensions-in-the-south-china-sea](http://www.eastasiaforum.org/2023/11/07/scientific-collaboration-could-ease-tensions-in-the-south-china-sea).

“What Is the South China Sea Dispute?” BBC News, 7 July 2023, [www.bbc.com/news/world-asia-pacific-13748349](http://www.bbc.com/news/world-asia-pacific-13748349).

“ASEAN - the National Bureau of Asian Research (NBR).” The National Bureau of Asian Research (NBR), 9 July 2020, [www.nbr.org/publication/asean/#:~:text=July%201992%3A%20The%20ASEAN%20foreign,in%20areas%20of%20mutual%20interest](http://www.nbr.org/publication/asean/#:~:text=July%201992%3A%20The%20ASEAN%20foreign,in%20areas%20of%20mutual%20interest).





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