Security Council

Crisis in the South China Sea

Introduction
Dear Delegates,

It is our immense pleasure to welcome you to the 2015 Intergenerational Model United Nations Northern California conference. You represent a wide range of ages and backgrounds and in tackling this relevant and interesting topic, this year promises to be truly memorable.

Your chairs for this conference are Theodore Hunt and Tim Khousnoutdinov. Theo is currently pursuing his B.A. in Political Science from the University of California Berkeley; Theo has previously participated in numerous MUN conferences across the country at a collegiate level in addition to serving as president for three Model United Nations Programs and serving as director and secretary-general for several collegiate conferences.

The Security Council is the principle peace and security building organ of the United Nations. Consequently it wields a wider breadth in both enforcement authority and the responsibility to protect with regard to the international community. As delegates simulating this body, your research, preparation, and writing should reflect the higher caliber of effort and teamwork. Although the topic places several countries’ geostrategic and political ambitions at odds, delegations are expected to maintain the highest standards of diplomacy in addressing this issue and delegations should seek to promote collaboration instead of conflict throughout simulation.

As your chairs, we are here to facilitate debate within the committee. As you make points or motions to guide the committee through various stages of debate, we are here to receive and relay your directives in order to keep the simulation running as smoothly as possible. That being said, do not be afraid to ask questions; we are here for you to have the best experience possible. We look forward to seeing your work on this crucial topic in committee, good luck!

Committee Description
The United Nations Security Council (SC) is one of the principal organs of the United Nations (UN) and is endowed with the task of promoting international peace and security, accepting new members into the UN, and approving changes to the UN charter. As such, the SC has an array of powers unique within the UN system; primarily, the SC is the only UN organ able to authorize the use of force, and all of its decisions are binding upon UN member states. To solve international conflicts, the SC can apply a variety of measures, they are enabled to: “investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security,” utilize military responses to “any threat to the peace, breach to the peace, or act of aggression,” and establish subsidiary bodies “as it deems necessary for the performance of its functions.”

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Until the end of the Cold War, the SC either found itself in gridlock or actively circumventing the veto power of the Soviet Union via General Assembly Resolution 377, which enabled the General Assembly to consider SC topics in cases the SC has failed to act in order to fulfill its duties. Since the end of the Cold War, the SC has expanded its efforts with a current total of 16 peacekeeping missions and 100,000+ personnel, in addition to implementing economic sanctions as an intermediate step to military enforcement. The SC has also increasingly expanded its view of what constitutes threats to security, having authorized humanitarian interventions, International Criminal Tribunals such as those of Yugoslavia and Rwanda, and combatting terrorism worldwide as a thematic topic.

**Topic Background**

In the post-Cold War political world, the South China Sea (SCS) stands as one of the of the world’s regions that is most prone to inter-state escalation and conflict. This is largely due to the large amounts of energy resources, both proven and as of yet untapped, in addition to sea-lanes that are of major economic and military importance. Complicating this is the fact that many international territorial disputes have emerged; worryingly, littoral states among the SCS alone have increased military outlays over 50% in the last 10 years alone. Once military commitments and alliances, like the ones with the United States, are taken into account, the SCS stands as one of the world’s most precarious security situations.

The SCS is an expanse of water from Singapore and the Straits of Malacca to the Taiwan Straits that encompasses 3.5 million kilometers. The region constitutes a vast amount of potential wealth with oil reserves estimated to be between 28 and 213 billion barrels, and around two quadrillion feet of natural gas reserves; these are largely believed to be centered around the Spratly and the Paracel Islands archipelagos. There are also abundant fishing opportunities in the region; in 1988 the SCS accounted for 8% of world fishing catches, a figure that has likely grown since then. In addition, the SCS hosts more than half of the world’s annual merchant fleet tonnage, and a third of all maritime traffic. Major disruption of these commercial lanes would have far-reaching local and global repercussions; territorial control over these areas bestows tremendous amounts of political leverage. As such, control over these areas similarly constitutes a security situation for every member state in proximity or that conducts business in the region, which represents the vast majority of member states.

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8 Tønnesson, Stein, Locating Southeast Asia: geographies of knowledge and politics of space, 2005, pp. 203-233.
10 Kaplan, The South China Sea is the Future of Conflict, 2011, p. 5-6
Officially there are nine specific disputes, with nine member-states participating in an array of them. See Figure 1.

<table>
<thead>
<tr>
<th>Dispute</th>
<th>Brunei</th>
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<th>Malaysia</th>
<th>Philippines</th>
<th>Singapore</th>
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</table>

**Figure 1.**

**Figure 2.**

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13 Kaplan, The South China Sea is the Future of Conflict, 2011, p. 3.
There are multiple reasons for increasing concern over the SCS disputes in recent years. Fiery rhetoric and actions have escalated with Chinese naval patrols following harassment claims by Vietnam and the Philippines, the destruction of governmental equipment, garrison building, and live fire drills.\(^\text{14}\) In addition, the fast-rising demand for energy assets in Asia following economic and population growth has made member states in the region increasingly desperate to secure themselves with regards to energy resources. The military growth of China to compete with the United States’ sphere of influence in the area and military commitments between claimants and the latter also threaten to conflagrate belligerence and expand the scope of the situation. Altogether these seeks to inflame relations in the region and increase nationalist sentiments that threaten to destabilize the region and the relations within as a whole.

### History of United Nations Involvement

Ownership over the SCS has been in doubt ever since the end of the World War II and the collapse of Japanese imperialist ambitions.\(^\text{15}\) Throughout the 20\(^{\text{th}}\) century various occupying forces and member states have laid claim to the area. Debate has taken place through a large variety of forums, summits, and organizations to little avail. At the beginning of the 21\(^{\text{st}}\) century, the Hainan Island incident involving a collision between the aircraft of the United States and the People’s Republic of China reignited debate over geopolitical claims in the region.\(^\text{16}\) In 2002 the Association of South East Asian States (ASEAN) along with China agreed to a code of conduct in the Declaration of the Conduct of Parties in the SCS; this included being respectful of legal evidence of claims and concerns, seeking solutions based upon the 1982 UN convention on the Law of the Sea and international law, resolving outstanding disputes through friendly negotiation both bilaterally and including concerned parties.\(^\text{17}\) Since then though there have been countless incidents and deaths in the region due to collisions, live-fire demonstrations, detainments, and provocations. In 2009 the deadline for states to make seabed hydrocarbon claims under the United Nations Convention on the Law of the Sea passed which is suspected to have increased claims and also to have inflamed tensions.\(^\text{18}\)

The United Nations Convention on the Law of the Sea is the result of decades of diplomatic work and in 1982 it was adopted with 130 votes in favor, 4 against, and 17 abstentions. It defines and limits territorial sea and details the rights and responsibilities of nations who use the oceans. Specifically it introduces Exclusive Economic Zones within which a Member State enjoys sovereign exploitation rights over natural (living and non-living) resources; it extends from land’s low water line out 200 nautical miles and foreign states may still navigate freely and fly overhead as well as lay underwater

\(^{14}\) Walker, Tour the South China Sea: A Visual Tour to Understanding the Conflict, 2011, pp. 8-9


\(^{17}\) Global Security, Sea Power, 2011.

cables and submarine pipes. It also formalizes the Continental Shelf as a natural extension of land territory (which is limited to 12 nautical miles) subject to the Member State’s control; for legal application the Shelf can extend to the edge of the continental margin, up until the point at which the shelf descends to an abyssal plain on the ocean floor. Together this limits the jurisdiction of member states to between 200 and up to 350 nautical miles and is at the crux of the claimants’ contestations. While the UN convention on the Laws of the Sea contains provisions to solve overlapping Exclusive Economic Zones and continental shelves, these provisions are disputed and can be abrogated by individual bilateral treaties. All of the member states in disputes except for Cambodia have signed and ratified the UN convention on the Laws of the Sea.

Policy & Potential Solutions

China: The reasons for China’s interest in the South China Sea are clear. Energy resources, fisheries, a semi-closed sea to allow for the expansion of Chinese submarine nuclear capabilities (this will expand China’s largely absent second-strike abilities along with their development of new longer-range and submarine capable intercontinental ballistic missiles; this is analogous to the USSR’s bulwark of the Sea of Ohkhotsk in the Cold War), denying nations like India the ability to operate ballistic missile nuclear-capable submarines in the region which would be close enough to target Beijing, avoiding political embarrassment as the claims were originally made by the Republic of China and relinquishing them would be seen as cowardly, and lastly keeping the United States’ influence limited in the region.

To this end, China has undertaken several vigorous efforts to secure their claims to the 9-dash line area. Chinese vessels have been confrontational and antagonistic to vessels of neighboring nations who venture too near to Chinese claims, going as far as to open fire and ram them on occasion. China is also expanding several reefs and constructing infrastructure, like the Mischief Reef, Fiery Cross Reef, and several others. Moreover it is rumored they are preparing to declare an air defense identification zone in the South China Sea, obliging aircrafts crossing through it to accommodate a number of Chinese-imposed rules.

In seeking solutions through United Nations and international apparatuses Beijing has a few options. Beijing could seek to stifle meaningful discourse on the topic while it builds up its presence in the region via reef-construction and infrastructure, naval and air military forces, and so forth. This would eventually allow them to make more of a legal claim and then operate through international legal apparatuses with more of a valid case. Beijing also would most likely be favorable to bilateral negotiations with many of the nations involved in the territorial disputes. If there is a conference or a meeting of all the parties involved they could figuratively ‘gang up’ on China and force less favorable terms. In this regard, China is most likely open to concessions on some of the claimed territories; any

19 UNCLOS, 1982
20 UNCLOS, 1982
concessions would be very small, any agreements would only be reached if China were to look powerful domestically and internationally, and if they did not bolster the United States’ influence and perceived ‘boxing in’ of China.

**France:** As one of the world’s largest militaries and economies, France is understandably concerned with the disputes concerning the balance of power in the South China Sea. France has long since relinquished their colonial possessions in the region but still sees a large portion of its transnational trade move through the region, in addition to having alliances with the United States which has a vested interest in the region. Moreover, European countries and companies are much involved with the military build-up processes taking place; these exports are being regulated by the EU which provides a possible lever of influence if the EU’s member states could reach a consensus. Lastly, partnering with regional member states and fostering cooperation and communication through mutual exercises could aid in increasing maritime safety and security, institutional capacity-building, and in confronting ‘non-traditional’ security threats. Whichever solution France chooses to pursue will be one that is amenable to their Western allies in addition to protecting their economic and security interests in the region.

**Russian Federation:** Despite being on the sidelines for a long period with regards to East Asian affairs, Russia is now a sought after energy and military partner, particularly by Vietnam, and a wider range of states in Southeast Asia. This is mainly due to Southeast Asian states seeking to balance a rising China despite Russia’s past Asia policy focusing on bilateral relationships with both China and India. Despite this, Russia still sells a large portion of arms to the region in cooperation with member states in addition to cooperating in the South East Asian Nations-Russia Energy Cooperation Work Program for the years 2010-2015. Through all of this, Russia has also sought to serve as a counter-balance in the conflict between China and the United States’ interests in the region; the consequences of which include precipitating enhanced United States military presence in the region which does not bode well for Russia. As such, it has not formally taken a side in the debate and would likely desire a solution that minimized military escalation from other superpowers in addition to avoiding potential conflict.

**United Kingdom:** The United Kingdom occupies a similar policy space to its European P-5 contemporary France in that it has significant geopolitical security concerns regarding the balance of power in the South China Sea, as well economic interests in the region. The United Kingdom has not taken a position on the underlying sovereignty disputes in the region but it has rejected a power-based order in Asia and believes territorial disputes in the region should be resolved according to international rules; that is to say disputes resolved not through force or coercion, but through dialogue and international law. They still maintain a multilateral pact known as the Five Powers Defence Arrangements alongside Australia, Malaysia, New Zealand, and Singapore which is the only such arrangement in Southeast Asia. The United Kingdom would likely want to see a resolution that
involves multilateral cooperation with respect to international law, and an agreement that does not
give weight to military power or coercion.

**United States:** Until recently, the United States has had virtually no response to previous building by
Southeast Asian countries in the South China Sea. Still, the United States officially has not taken a
position on competing sovereignty claims. The United States has expressed a desire to settle maritime
claims via international legal apparatuses and diplomacy alone, citing the Philippines’ case against
China at the United Nations Permanent Court of Arbitration at The Hague as an example where both
parties must adhere to the conclusion. In response to China’s intensification of efforts to assert
sovereignty though, the United States has come out in vocal opposition; the United States Navy has
operated continuously in the region since World War Two, and according to Defense Secretary Ash
Carter, has every intention of doing so. The United States has used aircraft and naval vessels to assert
freedom of navigation of the region in addition to bolstering its allies’ surveillance and intelligence
gathering capabilities, and improved military hardware. The United States plans to continue to
navigate close to Chinese territorial waters, to which China has responded that it will defend its
territorial limit; if the United States wavers it will risk the impression that it lacks resolve in light of
other recent foreign policy actions. The United States has many routes to securing its interests in the
region.

The United States is interested in seeking a solution that is done legally and through international
apparatuses to establish a precedent worldwide, and also as to counter China’s regional influence as
a military and economic powerhouse, and not allowing those factors to decide the outcome of these
disputes. The United States would also like to use this opportunity to strengthen ties with its regional
partners, militarily, economically, and politically, as this will prove beneficial as the geopolitical and
economic importance of the Pacific greatly expands in the 21st century. The United States would also
be interested in seeing specific actions established as non-permissible, along with specific actions to
be taken if those requests are violated. The United States, to counter China, would also like the
United Nations to vocally denounce aggressive actions in the region. Lastly the United States would
like to encourage the application of legal apparatuses before China shifts the ground beneath the
proceedings, quite literally. There are many more possible solutions the United States could pursue,
but anything that counters China’s influence in the region, allows more energy resources for the
United States, or reaffirms the economic, security, or geopolitical interests of the United States.

**Angola:** Because of its location relative to countries directly involved in the South China Seas dispute,
at first glance Angola may seem to have little input. It is important to note there are several ties to
member states involved though as well as the possibility of establishing precedents that would serve
Angola elsewhere. China has approved a $2 billion line of credit to Angola to rebuild infrastructure
and serves as its largest trading partner and export destination, as well as the fourth-largest importer.
China imports a large amount of its energy resources, with a sizeable portion coming from Angola.
Moreover, Angola would surely benefit from measures that increased maritime security as it suffers large losses due to piracy in the Gulf of Guinea.

**Chad:** Chad shares little in common with the claimants in the South China Sea as a landlocked African nation. As the seventh poorest nation in the world, Chad relies upon aid from more developed nations and as such would not seek to alienate one at the expense of another. As a former French colonial possession they have stronger connections with France than the rest of the Security Council. Any solution Chad seeks would likely pertain to the hydrocarbon aspect of the South China Sea, and would most likely be amenable to all resolutions that appease the major powers and all resolutions conciliatory in nature.

**Chile:** Chile is not directly involved with the South China Sea conflict but has several interests in the region. This includes their participation in the Trans-Pacific Partnership which includes several contending Southeast Asian Countries, the United States, Canada, and Mexico but not China. Furthermore as they suffer their own maritime problems regarding security and ecological preservation, they would benefit from any agreement that establishes precedents that would help in their particular case.

**Jordan:** Jordan is not directly involved with the claimants but has largely followed a pro-Western foreign policy and maintained close relations with the United States and the United Kingdom. Any agreement they seek in the South China Sea would likely be amenable to Western powers, which includes limiting China’s regional influence and seeking peaceful negotiations.

**Lithuania:** Since their acceptance into the United Nations in the 1990s, Lithuania has largely sought to court Western nations and include itself in security agreements with them. In 2015 though China began to establish stronger diplomatic ties with the country, including increased investment and exchange programs. Lithuania would likely seek a peaceful solution to the South China Sea with no particular bias towards any major nation; Lithuania would also most likely seek to bring about this agreement as a conciliator and establish itself internationally as a cooperative nation.

**Malaysia:** While Vietnam and the Philippines have both had direct confrontations with Chinese naval forces over the belligerent creation of oil rigs in territorial waters, increased patrols, and purposeful reclamation of the Spratly islands, Malaysia has kept a lower profile. In 2013 and 2014, in response to increasing Chinese encroachment into Malaysia waters, and Beijing’s outrage over the mishandling of the March 2014 MH370 airline tragedy that led to the death of 153 Chinese nationals, many Malaysian elite began to question their historically “special” relationship with China. Malaysia was the first ASEAN nation to normalize ties with China in 1974, and they traditionally have had very strong economic ties with Chinese tourism providing a large source of income. Because of this, Malaysian officials continue to “play it safe” and not stir things up with China and risk severing
bilateral ties. Malaysia’s first and foremost desire is to maintain the 8 out of 11 maritime features within the Spratly Islands (the other three being occupied by Vietnam or the Philippines); these provide a large amount of energy resources for Southeast Asia’s second-largest oil and natural gas producer, and the world’s third-largest liquefied natural gas exporter. Secondarily they seek to maintain relations with China despite the fact their 8 claimed features lie within the 9-dash zone staked by China. Third, they want to ensure broader regional peace and stability within the South China Sea and in regards to shipping and communications. Lastly, Malaysia wants a resolution to this dispute through international law and norms, not through any permutation of “might makes right.”

**New Zealand:** Until 2014, New Zealand had remained largely silent on the subject of the South China Sea which is altogether not distant from its borders. In 2014 Foreign Minister McCully appeared before parliament and set out a four-point position saying that New Zealand doesn’t take a position on the sovereignty claims involved, and that it urges all parties to exercise restraint and avoid actions that might inflame the situation, also New Zealand encourages all parties to resolve issues peacefully in accordance with international law, and lastly New Zealand encourages the development and conclusion of an ASEAN-China Code of Conduct. The impression of many member states is that New Zealand wants to maintain the lowest profile possible on this issue.

**Nigeria:** Nigeria does not have a direct interest in any particular route to addressing the South China Sea conflict, but like many other SC members it has ties to member states that are involved with the conflict. In the absence of Western aid and investment, Nigeria has pivoted towards China for military and economic aid. In response, bilateral cooperation has largely increased and the two countries maintain close ties. Moreover, Nigeria relies largely upon its hydrocarbon exports for a large portion of its economy; in any agreement regarding hydrocarbons Nigeria would seek a precedent favorable to its economic interests.

**Spain:** Spain’s main involvement with the South China Sea conflict has been its advocacy for the Philippines because of their cultural and colonial linkages. In this, Spain has been critical of China’s recent adversarial actions in the South China Sea and has offered to be the voice of the Philippines within the European Union. Furthermore, Spain serves as one of the major arms exporters to the region in its continued military buildup. These elements mean that Spain would likely seek a solution that limited Chinese influence in the region, in addition to settlements that favor the Philippines, and maintain their economic interests in the region.

**Venezuela:** Venezuela is involved with its own dispute in the Caribbean that mirror China’s claims to the 9-Dash line in the South China Sea. The Essequibo region was traditionally in possession of Guyana but upon discovering large reserves of hydrocarbons in the area, Venezuela has staked its
claim and since made several politically adversarial moves in the region. Venezuela would seek a settlement for a precedent that favors its own interests in the Essequibo region.

**Questions to Consider**

At the heart of this conflict are questions of resource distribution, sovereignty, national prestige, and international law. There are multiple routes from which to address these issues and multiple questions that arise as a result of the unique nature of the situation.

Is the SC the correct outlet to manage crises, disputes, and issues within the SCS? It certainly has the ability under Chapter VI of the UN charters, but is it truly the most cogent and effective forum for doing so? And if so, what strategies, expertise, and authority can the SC employ to manage peace and security in the SCS?

Can the SC further develop the framework laid in the 2002 Declaration of Conduct between ASEAN and China? How can we expand it to include confidence and security building measures, and what specific steps should be taken if this is done? Or is this not enough, and should delegates pursue the ambitious route of direct conciliation and arbitration of the territorial disputes themselves? What mechanisms for settlements of dispute exist and how can they be harnessed towards arbitration?