

DISEC STUDY GUIDE GCMUN 2024

AGENDA: The South China Sea Dispute

LETTER FROM EB:

Dear Delegates,

We welcome you to the The Disarmament and International Security Committee of GCMUN '24. We extend a warm welcome to all the delegates participating and hope to see high-quality debate from each and every one of you.

DISEC is a technically driven committee that requires a sound understanding of fundamental concepts accompanied by a fierce mindset and the ability to address larger aspects of the situation with utmost consideration. The agenda at hand demands a balance of all traits to ensure the best results.

This unique agenda allows and encourages you to explore foreign policies, as we encourage you to embrace history, challenge preconceptions, and construct meaningful resolutions that resonate with the needs and aspirations of the international community.

More than a simulation, this conference is an opportunity for intellectual growth, building friendships, and fostering an understanding of the intricate workings of international diplomacy.

The Executive Board, alongside our Organizing Committee, is fully committed to ensuring your conference experience is memorable and enriching. If you ever require assistance, guidance, or any inquiries, please feel free to approach us.

We eagerly anticipate your active participation and look forward to witnessing the diplomatic prowess and creativity that will define DISEC.

Best regards,

The Executive Board of DISEC,

Sumer Singh (Co-Chairperson),

Anas Dhorajiwala (Co-Chairperson).

GLOSSARY:

UNCLOS: The United Nations Convention on the Law of the Sea was signed by 117 States in 1982 and entered into force on 16th November 1994. It is an international agreement which provides a legal framework for all maritime activities

Territorial Sea: Every State has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baselines determined in accordance with UNCLOS, it is considered as land territory of the coastal state.(UNCLOS, article 3)

Contiguous Zone(CZ): The Contiguous Zone conforms to the area extending up to 24 nautical miles from the territorial sea baselines limit. (UNCLOS, article 3)

Exclusive Economic Zone: as defined under UNCLOS, is an area of the ocean extending up to 200 nautical miles immediately offshore from a country's land coast in which that country retains exclusive rights to the exploration and exploitation of natural resources. Within the Exclusive Economic Zone (EEZ), the nation possesses sovereign rights, authority over the creation and utilization of artificial islands and related infrastructure, and safeguarding the marine ecosystem.

Nine Dash Line: A line representing the territorial claims of the People's Republic of China in the South China Sea

Innocent passage: a concept in the law of the sea that allows for a vessel to pass through the territorial waters of another state, subject to certain restrictions. Passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State. (for further information refer to UNCLOS, articles 17,18,19,21)

INTRODUCING THE COMMITTEE

The Disarmament and International Security Committee (DISEC), also known as the First Committee, is one of the six main committees of the United Nations General Assembly. It primarily focuses on disarmament, global challenges, and threats to peace that affect the international community and seeks solutions to the challenges in the international security regime.

DISEC plays a crucial role in promoting peace and security by addressing issues such as arms control, disarmament, and international security policies. It aims to foster international cooperation to solve these issues, ensuring that all Member States contribute to and adhere to collective security measures.

DISEC functions on the tenet that international security and successful disarmament are necessary for world peace and stability. The committee promotes the application of disarmament treaties and agreements as well as the peaceful settlement of conflicts.

Every UN member state is represented on the committee and has one vote. Although not legally enforceable, DISEC's resolutions and conclusions have a significant impact and offer advice to the Security Council and other UN entities.

The functions and powers of DISEC under the UN Charter encompass:

1. Addressing disarmament and international security challenges in accordance with UN principles and objectives.
2. Investigating issues and situations that pose a threat to global peace and security.
3. Recommending measures for arms control and disarmament.
4. Formulating and promoting international treaties and agreements on disarmament.
5. Assessing the impact of new weapons technologies and proposing regulatory measures.
6. Encouraging Member States to engage in dialogue and cooperation to resolve security issues.
7. Proposing actions to prevent the proliferation of weapons of mass destruction.
8. Supporting peacebuilding efforts in post-conflict regions through disarmament initiatives.
9. Collaborating with regional organizations to enhance collective security measures.
10. Reporting to the General Assembly and the Security Council on disarmament and international security matters.

INTRODUCING THE DISPUTE:

The South China Sea (SCS), which spans around 3.5 million square kilometers, is a crucial maritime region in Southeast Asia. With an estimated one-third of all shipping worldwide passing through its waterways, it serves as a vital route for international maritime trade. This sea is not only significant for navigation but also rich in natural resources. Estimates suggest that the SCS contains about 11 billion barrels of oil and 190 trillion cubic feet of natural gas, making it a highly coveted area for energy exploration and extraction.

The Paracel Islands and the Spratly Islands are the two main island groups in the South China Sea, and there are fierce territorial disputes over both of them. China, Vietnam, and Taiwan all contest the Paracel Islands, while China, Vietnam, the Philippines, Malaysia, Taiwan, and Brunei all have claims over the Spratly Islands. Every coastal state in the SCS claims sovereignty over different portions of these strategically significant and resource-rich archipelagos, making these island chains essential to the region's larger territorial claims.

For the past 70 years, claimants have participated in occupations and counteractions

without reaching an agreement on legal jurisdiction. Conflicting claims have reached a boiling point in the region due to an increase in legal and military activities in recent years.

The strategic significance of the South China Sea cannot be overstated. It is a pivotal maritime corridor linking the Pacific and Indian Oceans, Significant amounts of trade and commercial activity are made possible by this vital maritime route. Additionally, the region is a major fishing ground, providing livelihood and food security to millions. The South China Sea is also of military importance due to its strategic location, which allows for control over crucial sea lanes.

Although China and the Association of Southeast Asian Nations (ASEAN) have made efforts to create a legally binding "code of conduct" for the South China Sea, which aims to establish a framework for measures aimed at fostering confidence, it is unlikely to tackle the fundamental issues in the region, including but not limited to territorial disputes, fishing rights, access to natural resources, and naval expansions.

HISTORY AND PAST EVENTS:

The South China Sea conflict has its roots in the early 20th century, and it was greatly impacted by the 1951 San Francisco Treaty, which did not make clear who owned the Spratly Islands once Japan gave up its claims following World War II. The treaty states in Article 2(f) that "Japan renounces all right, title, and claim to the Spratly Islands and to the Paracel Islands." The Spratly Islands and the Paracel Islands are two groups of islets, seamounts, and coral reefs in the South China Sea that together occupy an area of nearly 250,000 square kilometers. This area is politically and economically crucial for the participating countries since it is situated on a sizable continental shelf and has abundant potential oil and natural gas reserves.

The dispute over the Spratlys intensified in the mid-1970s when several claimant countries, including China, the Philippines, Vietnam, Malaysia, and Brunei, began exploiting resources within their Exclusive Economic Zones (EEZs). These countries have each asserted claims to and, in many cases, occupied various parts of the islands in the South China Sea.

The CMS is the most active law enforcement body, carrying out a variety of tasks like patrolling, practicing, escorting fishing ships, and reacting to alleged invasions in regions of contention. China's vast fishing fleet operates in contested areas, frequently with the cooperation of maritime enforcement officials, further supporting its claims.

To enforce its claims, China relies heavily on a variety of non-military maritime forces, often referred to as the "Five Dragons." These include the China Maritime Police under the Border Control Department, the Maritime Safety Administration, the Fisheries Law Enforcement

Command (FLEC) under the Fisheries Administration Bureau, the General Administration of Customs, and the State Oceanic Administration, particularly its China Maritime Surveillance (CMS) agency. Among these entities, FLEC and CMS operate the largest number of vessels, with around forty ships exceeding 1,000 tons. Some of these vessels are armed with heavy machine guns, and both agencies have recently added decommissioned warships to their fleets, though their current armament status is unclear.

China's maritime claims are usually not enforced directly by the People's Liberation Army Navy (PLAN). China, on the other hand, clearly defines the duties of military and civilian agencies, with civilian maritime forces such as FLEC and CMS spearheading enforcement actions. PLAN warships might obliquely help future conflicts, but China wants to keep the conflicts from becoming overly militarized. This tactic frequently leads to a measured, "tit-for-tat" approach to defending its South China Sea claims.

TIMELINE:

1953: The People's Republic of China publishes a map with nine lines claiming the South China Sea region as part of Chinese territory.

1974: The Battle of the Paracel Islands occurs, leading to China taking control of the Crescent Group of the Paracel Islands from Vietnam.

1982: The United Nations Convention on the Law of the Sea (UNCLOS) is established, providing a framework for maritime boundaries and Exclusive Economic Zones (EEZs).

1992: China passes a law declaring the entire South China Sea as its territory, triggering protests from neighboring countries.

1995: China occupies Mischief Reef in the Spratly Islands, leading to protests from the Philippines.

2002: ASEAN and China sign the Declaration on the Conduct of Parties in the South China Sea (DOC), aiming to promote peace and stability in the region, though the agreement is non-binding.

2009: China submits the nine-dash line map to the United Nations, prompting protests from Vietnam, the Philippines, and Malaysia.

2012: A standoff occurs between China and the Philippines over the Scarborough Shoal, resulting in Chinese control over the area.

2012: Vietnam passes a law demarcating Vietnamese sea borders, including the Spratly and Paracel Islands.

2013: The Philippines files a case against China at the Permanent Court of Arbitration in The Hague, challenging China's claims based on UNCLOS.

2014: The Philippines invokes the compulsory settlement of dispute clauses under the Law of the Sea Convention by submitting a case to the Permanent Court of Arbitration.

2014: China releases a new map with ten dashes instead of the nine-dash line, symbolizing their continued territorial claims.

2015:

April: China transforms Mischief Reef and Fiery Cross Reef into artificial islands and constructs military infrastructure.

September: China completes a 3,125-meter runway on the newly created Fiery Cross Reef.

October: The USS Lassen passes through waters around the artificial islands that China has claimed as its territory.

2016: The Permanent Court of Arbitration (PCA) rules in favor of the Philippines, stating China's nine-dash line has no legal basis. China rejects the ruling.

January: Taiwanese President visits the constructed islands, receiving rebukes from the United States.

February: China deploys advanced surface-to-air missile systems on Woody Island, part of the Paracel Islands.

December: Vietnam lodges a formal complaint about the surface-to-air missile systems on Woody Island.

2017: China's deployment of military equipment on its artificial islands continues, increasing regional tensions.

2017: ASEAN and China agree to start negotiations on a binding Code of Conduct (COC) for the South China Sea.

2018:

January: The US Navy conducts freedom of navigation operations (FONOPs) near the Scarborough Shoal.

March: China conducts large-scale naval drills in the South China Sea.

September: China expresses anger towards the USA for repeatedly sending warships "without permission." The USS Decatur sails within 12 nautical miles of the Gaven and Johnson Reefs in the Spratly Islands.

November: The Philippines and China sign a memorandum of understanding on joint oil and gas exploration in the South China Sea.

2019: ASEAN adopts the ASEAN Outlook on the Indo-Pacific, emphasizing a rules-based order and peaceful dispute resolution in the region.

June: China and ASEAN conduct joint naval exercises to build trust and cooperation.

November: Vietnam accuses China of violating its EEZ and continental shelf by conducting seismic surveys.

2020:

January: The United States officially rejects China's claims in the South China Sea as "unlawful" and increases freedom of navigation operations (FONOPs) to challenge Chinese assertions.

July: China conducts military exercises around the Paracel Islands, drawing protests from Vietnam and the Philippines.

December: Indonesia increases naval patrols around the Natuna Islands following Chinese incursions.

2021:

February: China enacts a new law allowing its coast guard to use force against foreign vessels in disputed waters, heightening regional tensions.

April: The US, Japan, and the Philippines conduct joint naval exercises in the South China Sea.

October: The UK sends its Queen Elizabeth aircraft carrier strike group to the South China Sea to assert freedom of navigation.

2022:

March: The Philippines and the United States conduct joint naval patrols and exercises in the

South China Sea to bolster maritime security and cooperation.

June: China and ASEAN resume negotiations for a binding Code of Conduct (COC) in the South China Sea.

August: The US Navy increases its presence in the region with more frequent FONOPs and joint exercises with allies.

2023:

January: Vietnam and India sign a defence cooperation agreement focusing on the South China Sea.

April: ASEAN and China continue negotiations for a binding Code of Conduct (COC) in the South China Sea, though significant disagreements persist.

September: The US, Australia, Japan, and India conduct large-scale joint naval exercises in the South China Sea, emphasizing a commitment to a free and open Indo-Pacific.

December: China deploys additional military assets to its artificial islands, prompting protests from neighboring countries.

2024:

February: The United States, Australia, Japan, and India increase their naval presence and joint exercises in the South China Sea, signaling a commitment to a free and open Indo-Pacific.

May: ASEAN and China reach a preliminary agreement on some aspects of the Code of Conduct, though many issues remain unresolved.

June: The Philippines and Vietnam conduct joint naval drills to strengthen maritime cooperation against common threats.

ARTICLES FROM TREATIES/CONVENTIONS SIGNED BY MEMBER STATES IN THE PAST:

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

Article 20 (Submarines and Other Underwater Vehicles): In the territorial sea, submarines and other underwater vehicles are required to navigate on the surface and to show their flag.

Article 30 (Non-Compliance by Warships): If any warship does not comply with the laws and regulations of the coastal State concerning passage through the territorial sea and disregards any request for compliance therewith which is made to it, the coastal State may require it to leave the territorial sea immediately.

Article 31 (Responsibility for Damage by Warships): The flag State shall bear international responsibility for any loss or damage to the coastal State resulting from the non-compliance by a warship or other government ship operated for non-commercial purposes with the laws and regulations of the coastal State concerning passage through the territorial sea or with the provisions of this Convention or other rules of international law.

Article 38, Clause 2 (Definition of Transit Passage): Transit passage means the exercise of the freedom of navigation and overflight solely for the purpose of continuous and expeditious transit of the strait between one part of the high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone. However, continuous and expeditious transit does not preclude passage for the purpose of entering, leaving, or returning from a State bordering the strait, subject to conditions of entry.

Article 40 (Research and Survey Activities): During transit passage, foreign ships, including those conducting marine scientific research or hydrographic surveys, must obtain prior authorization from the bordering State.

Article 87, Clause (a) (Freedom of the High Seas): The high seas are open to all States, whether coastal or land-locked. Freedom of the high seas includes, inter alia, freedom of navigation.

Declaration on the Conduct of Parties in the South China Sea (DOC): This resolution was signed by the Governments of the Member States of ASEAN and the Government of the People's Republic of China in 2002.

Article 3: The Parties reaffirm their respect for and commitment to the freedom of navigation and overflight above the South China Sea as provided for by universally recognized principles of international law, including the 1982 UNCLOS.

Article 4: The Parties concerned undertake to resolve their territorial and jurisdictional disputes by peaceful means, without resorting to the threat or use of force, through friendly consultations and negotiations by sovereign states directly concerned, in accordance with universally recognized principles of international law, including the 1982 UNCLOS.

Treaty of Amity and Cooperation in Southeast Asia (TAC): This treaty was signed by the ASEAN member states and other partners to promote peace and cooperation in the region.

Article 10: The High Contracting Parties shall promote active cooperation in the economic,

social, technical, scientific, and administrative fields as well as in matters of common ideals and aspirations of international peace and stability in the region.

Article 13: The High Contracting Parties shall refrain from the threat or use of force and shall at all times settle such disputes among themselves through friendly negotiations.

Bloc Positions:

People's Republic of China:

China's "nine-dash line" encompasses the Spratly, Paracel islands, and other areas, which Beijing considers Chinese territory. China backs its claims with historical data, asserting that the area was first discovered, named, and explored over 2000 years ago during the Han dynasty. Despite the 2016 arbitration tribunal rejecting these claims, China disputes the ruling, maintaining it has no right to interfere with its politics. Beijing also refers to the Cairo Declaration of 1943 and the Potsdam Declaration of 1945, arguing that islands occupied by Japan during World War II should be returned to China.

China criticizes other claimants and the United States for escalating tensions, denouncing the Freedom Of Navigation Operations (FONOPS) by the USA. China argues that the Declaration of Conduct of Parties in the South China Sea (DOC) has seen little progress since its signing in 2002. While advocating for peaceful dialogue, China's military has conducted anti-submarine exercises in the South China Sea to enhance its capabilities amid rising regional tensions.

The Philippines:

Despite ongoing disputes in the South China Sea, the Philippines has worked to strengthen ties with China in order to promote stability. Still, there has been a great deal of conflict as a result of China's territorial expansion and the creation of artificial islands in contested areas.

China was accused of illegal territorial invasions in the Philippines' exclusive economic zone, and the Philippines won an arbitration verdict in 2016. Chinese opposition to the verdict resulted in events involving Chinese militia boats and the withdrawal of Philippine vessels. The Philippines' domestic pressure has increased due to its position on China. In an effort to confront Beijing's maritime assertiveness, President Ferdinand Marcos Jr. has recently increased military collaboration with the US and other allies, as well as regional cooperation and the Philippines' defence capabilities.

The United States of America:

As an essential channel for international trade, the United States has a strong interest in preserving freedom of passage in the South China Sea. China's territorial claims are rejected

by the US, which emphasizes the value of unhindered legal trade. In order to show its support for international law and marine rights, the US engages in Freedom of Navigation Operations (FONOPs) to refute claims to the sea that it considers to be exorbitant.

Washington backs Southeast Asian countries' territorial claims against China's broad claims by offering military support and cooperating on joint drills with allies like Vietnam and the Philippines. The US strategy seeks to counteract China's expanding influence and maintain stability in the area.

Vietnam:

Vietnam uses its historical sovereignty and continuous presence to refute China's claims to the Paracel and Spratly islands. Conflicts between Chinese and Vietnamese warships have increased tensions, especially about fishing rights and oil exploration operations.

By modernizing its military and taking legal action, Hanoi has bolstered its claims. It has aggressively pursued foreign assistance, strengthening defence relations with the US, Japan, and other neighbors. Vietnam is steadfast in its pursuit of a South China Sea rules-based order and the defence of its maritime interests.

Brunei:

According to the United Nations Convention on the Law of the Sea (UNCLOS), Brunei's exclusive economic zone (EEZ) is the main focus of their claim in the South China Sea. Although not as outspokenly assertive as some other contenders, Brunei is concerned in preserving its sovereign rights concerning its marine assets.

Brunei promotes respect to international law and diplomatic channels as means of achieving a peaceful conclusion. It highlights the significance of the DOC and the ultimate adoption of a legally binding Code of Conduct (COC) to manage South China Sea issues, and it backs ASEAN's mediation role in disputes.

Malaysia

Similar to other countries in Southeast Asia, Malaysia has asserted its claim in the South China Sea conflict, emphasizing its exclusive economic zone (EEZ) and its natural resources. In particular, Malaysia's claims cross China's wide "nine-dash line" in the vicinity of the Spratly Islands. Malaysia bases its claims on rights to the waters and continental shelf extending from its landmass under the United Nations Convention on the Law of the Sea (UNCLOS). The nation has developed a military presence and engaged in economic pursuits like oil and gas drilling on some of the islands and reefs it claims. Malaysia works to safeguard its economic interests and marine resources, both of which are essential to the country's future.

Historically, Malaysia has adopted a more cautious and less confrontational approach compared to other claimants. It has engaged in quiet diplomacy, seeking to manage disputes through dialogue and regional frameworks like ASEAN. However, recent years have seen Malaysia becoming more assertive, particularly in response to increasing Chinese activities within its EEZ. The Malaysian government has enhanced its maritime enforcement capabilities, conducting patrols and monitoring activities to safeguard its interests.

Questions a Resolution must answer(QARMA):

1. What measures can be implemented to ensure freedom of navigation and overflight in the South China Sea?
2. How can the involved parties resolve their territorial disputes peacefully in accordance with international law, particularly the United Nations Convention on the Law of the Sea (UNCLOS)?
3. What role should ASEAN and other regional organizations play in mediating the South China Sea dispute?
4. How can military activities and the militarization of disputed areas be reduced or prevented to ensure regional stability?
5. What mechanisms can be established to manage and prevent incidents between fishing fleets and maritime law enforcement vessels in disputed waters?
6. How can cooperation on marine environmental protection and sustainable resource management be promoted among claimant states?
7. What steps can be taken to enhance transparency and build trust among the claimant states in the South China Sea?
8. How should disputes related to artificial islands and installations in the South China Sea be managed and resolved?
9. What role should external powers, such as the United States and other non-claimant states, play in the South China Sea dispute?
10. How can economic cooperation and development be promoted in the South China Sea region to benefit all claimant states and reduce tensions?
11. If any, What recommendations should be made in relation to amendments to the UNCLOS

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