

# Study Guide



## DISEC

Disarmament and International  
Security Committee



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## ABOUT

The First Committee, Disarmament and International Security Committee evaluates the intimidations to global security and weapons of mass destruction, as well as the elimination of conventional arms. It is one of the six committees of the General Assembly settled by UN charter in 1945. It had been dealing with issues of international security, demobilization, global challenges and endangerments to peace that affect the international community and seeks out solutions to the challenges in the international security regime ever since. DISEC meets yearly for a 4-week session in the month of October. Each of the 193 members from the General Assembly are permitted to attend.

## HISTORY AND MANDATE

Established to deal with the technological implications of the atomic bomb used against Japan and in development by every other major military power of the day, the General Assembly First Committee of 1946 focused on all political and security questions of the General Assembly's agenda. Along with the then-unnumbered Special Political Committee, the First Committee provided the stage for the liveliest debates between superpowers during the Cold War, centering on armament stockpiling and territorial balance between Soviet communism and Western capitalism. With the transition of the Fourth Committee's focus to special political affairs with the culmination of its mission of decolonization affairs, the First Committee today concentrates on issues of disarmament and threats to international peace and security, pursuant of the clause one of Article One of the Charter. The First Committee further works extensively with the Security Council and Conference on Disarmament, as well as overseeing the Office of Disarmament.



## INTRODUCTION

The United Nations Convention on the Law of the Sea (UNCLOS), which came into force in 1994, and has been ratified by over 165 countries, gives States the right to claim natural resource rights to the water and ocean floor up to 200 nautical miles from their coastline, known as exclusive economic zones (EEZ). Such rights are potentially highly valuable and are particularly important for energy, mining, and fishing and telecommunications industries. However, in some areas, for example the South China Seas, the eastern Mediterranean and the Arctic Archipelago, multiple overlapping claims exist.

The eastern Mediterranean is a case in point where marine territorial disputes between Israel and Lebanon on the one hand, and Turkey with Cyprus and Greece on the other, are ongoing. Another, is the future of the Arctic Archipelago where Russia, the United States, Canada, Denmark and Norway have all been trying to assert jurisdiction over parts of the Arctic as the retreat of the Polar ice creates opportunities for exploration in a region believed to hold a quarter of the world's undiscovered oil and gas valued at some \$30 trillion. This feature looks at some of these disputes, how they are being resolved, the challenges faced and what the law says about such issues.





## THE LAW

UNCLOS offers countries the opportunity to settle maritime boundaries without recourse to the Courts. Two approaches are available. The first is for countries to agree to drawing an equidistant line between themselves such as is the case between England and France at the 20-mile wide Straits of Dover. The second approach is an equidistant line that is adjusted to achieve a fair result. For example, the 2010 agreement of the Arctic Ocean maritime boundary between Norway and Russia, where significant concessions were made on both sides so that both could explore for oil and gas.

However, in some cases recourse to the courts is inevitable in which case the disproportionality test is applied. Where the respective country's shares of the relevant area are markedly disproportionate to their coastlines, as was the case of the Gulf of Maine dispute between Canada and the US, where the issue was resolved by the World Court. As the examples above illustrate, simply drawing a line on map is not equitable and therefore other considerations have to be taken into account, most notably, political, economic and environmental factors. Potential energy investors in offshore resources are advised to seek specialist legal advice and assure themselves over who has sovereignty over a potential oil or gas field before making any commitments.

## UN CONVENTION

- The UN Convention on the Law of the Sea is often referred to as the constitution for the oceans. It establishes a number of maritime zones and regulates the rights and obligations of states as well as other users of the sea. After nine years of tortuous negotiations beginning in 1974, it was adopted in 1982 and entered into force on 16 November 1994. There are in total 162 state adopters at the time of writing, including all claimant states of the South China Sea: China, Malaysia, Vietnam, the Philippines and Brunei.<sup>4</sup> Because Taiwan is not recognized as a state by the United Nations, it is not able to ratify the convention. The United Nations Convention on the Law of the Sea lays down a comprehensive regime of law and order in the world's oceans and seas establishing rules governing all uses of the oceans and their resources. It enshrines the notion that all problems of ocean space are closely interrelated and need to be addressed as a whole. One of the key features of the Convention are the following:

\*Coastal States exercise sovereignty over their territorial sea which they have the right to establish its breadth up to a limit not to exceed 12 nautical miles; foreign vessels are allowed "innocent passage" through those waters;



- Ships and aircraft of all countries are allowed "transit passage" through straits used for international navigation; States bordering the straits can regulate navigational and other aspects of passage;
- Archipelagic States, made up of a group or groups of closely related islands and interconnecting waters, have sovereignty over a sea area enclosed by straight lines drawn between the outermost points of the islands; the waters between the islands are declared archipelagic waters where States may establish sea lanes and air routes in which all other States enjoy the right of archipelagic passage through such designated sea lanes;
- Coastal States have sovereign rights in a 200-nautical mile exclusive economic zone (EEZ) with respect to natural resources and certain economic activities, and exercise jurisdiction over marine science research and environmental protection;
- All other States have freedom of navigation and overflight in the EEZ, as well as freedom to lay submarine cables and pipelines;
- Land-locked and geographically disadvantaged States have the right to participate on an equitable basis in exploitation of an appropriate part of the surplus of the living resources of the EEZ's of coastal States of the same region or sub-region; highly migratory species of fish and marine mammals are accorded special protection;
- Coastal States have sovereign rights over the continental shelf (the national area of the seabed) for exploring and exploiting it; the shelf can extend at least 200 nautical miles from the shore, and more under specified circumstances;
- Coastal States share with the international community part of the revenue derived from exploiting resources from any part of their shelf beyond 200 miles;
- The Commission on the Limits of the Continental Shelf shall make recommendations to States on the shelf's outer boundaries when it extends beyond 200 miles;
- All States enjoy the traditional freedoms of navigation, overflight, scientific research and fishing on the high seas; they are obliged to adopt, or cooperate with other States in adopting, measures to manage and conserve living resources;
- The limits of the territorial sea, the exclusive economic zone and continental shelf of islands are determined in accordance with rules applicable to land territory, but rocks which could not sustain human habitation or economic life of their own would have no economic zone or continental shelf;
- States bordering enclosed or semi-enclosed seas are expected to cooperate in managing living resources, environmental and research policies and activities;
- Land-locked States have the right of access to and from the sea and enjoy freedom of transit through the territory of transit States;



- States are bound to prevent and control marine pollution and are liable for damage caused by violation of their international obligations to combat such pollution;
- All marine scientific research in the EEZ and on the continental shelf is subject to the consent of the coastal State, but in most cases, they are obliged to grant consent to other States when the research is to be conducted for peaceful purposes and fulfils specified criteria;
- States are bound to promote the development and transfer of marine technology "on fair and reasonable terms and conditions", with proper regard for all legitimate interests;
- States Parties are obliged to settle by peaceful means their disputes concerning the interpretation or application of the Convention;
- Disputes can be submitted to the International Tribunal for the Law of the Sea established under the Convention, to the International Court of Justice, or to arbitration. Conciliation is also available and, in certain circumstances, submission to it would be compulsory. The Tribunal has exclusive jurisdiction over deep seabed mining disputes.







## UNITED NATIONS LAW OF THE SEA CONVENTION (UNCLOS)

The United Nations has long been at the forefront of efforts to ensure the peaceful, cooperative, legally defined uses of the seas and oceans for the individual and common benefit of human kind. The United Nations Convention on the Law of the Sea (UNCLOS) is an international treaty which was adopted and signed in 1982. It replaced the four Geneva Conventions of April, 1958, which respectively concerned the territorial sea and the contiguous zone, the continental shelf, the high seas, fishing and conservation of living resources on the high seas.

The Convention has created three new institutions on the international scene:

- International Tribunal for the Law of the Sea,
- International Seabed Authority,
- Commission on the Limits of the Continental Shelf.

Even though UNCLOS has 160-member parties, the US is a country that has still not sanctioned (ratified) the nautical law. The main reason for the US not sanctioning the law of the sea arises mainly because of its disagreement about Part XI of UNCLOS.

This part deals with the aspect of the minerals found on the seabed on the EEZ. The International Seabed Authority was established on the basis of this part of the nautical law and called for equitable distribution of the proceeds of such seabed. The US is opposed to this theory and that is why it has not ratified UNCLOS in spite of it being one of the most important members of the United Nations.

With the help of a nautical law like **UNCLOS**, it can be said that marine resources can be protected and safeguarded, especially in contemporary times where the need for marine resources' protection has increased even more than it was during the 1960s and 70s.

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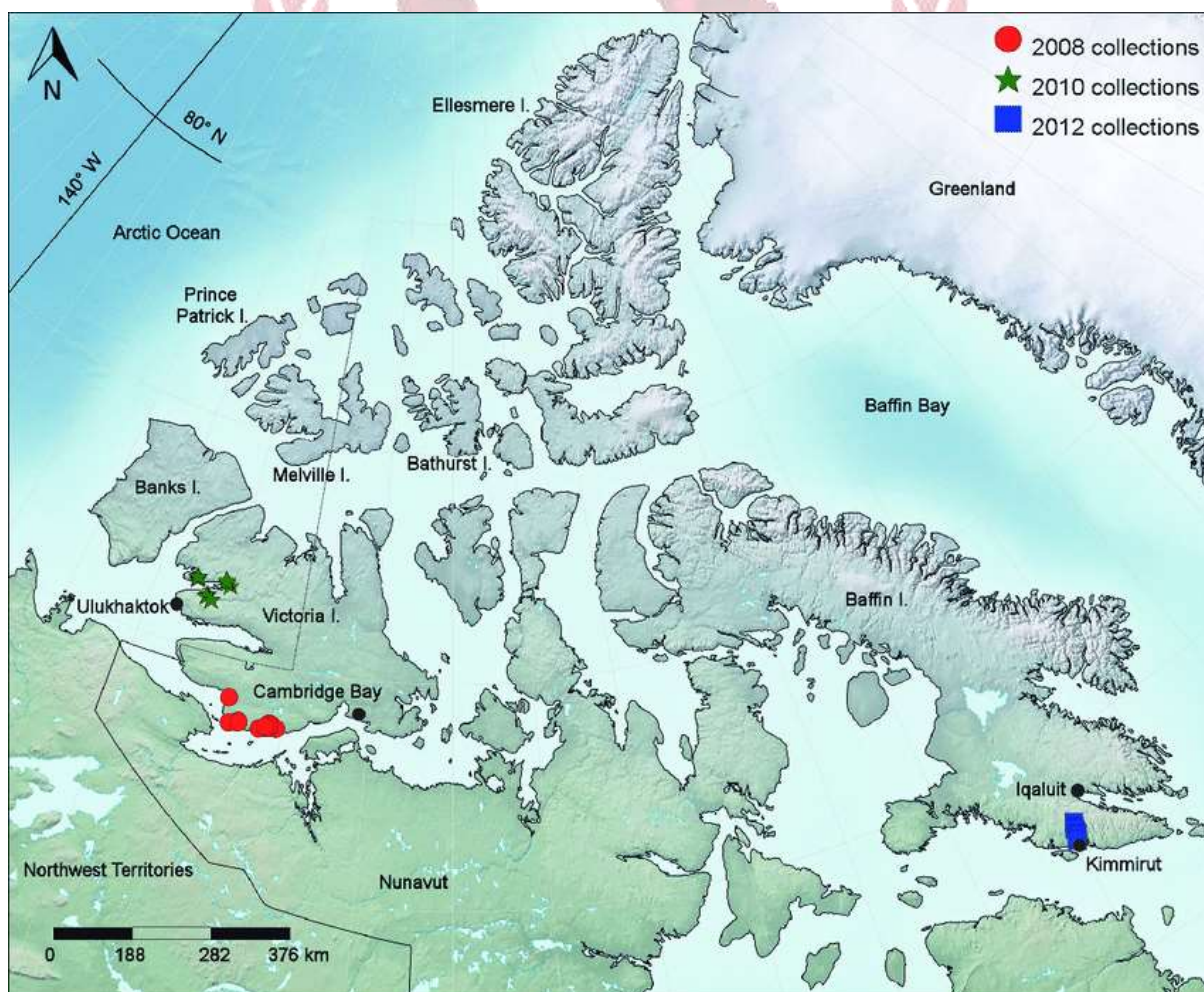
## INTERNATIONAL MARITIME ORGANIZATION LAW

International Maritime Organization or IMO is a specialized agency of the United Nations that create international rules relating to “safe, secure and efficient shipping on clean waters.” IMO was established in 1948 and is headquartered in the United Kingdom. IMO is engaged in developing and maintaining a comprehensive regulatory framework for shipping and includes safety, environmental concerns, legal matters, technical co-operation, maritime security and the efficiency of shipping. IMO has 169 Member States and three Associate Members. IMO has developed a comprehensive body of international conventions including



measures aimed at the prevention of accidents, including standards for ship design, construction, equipment, operation and manning. Important treaties entered into by IMO member states include SOLAS, the MARPOL convention for the prevention of pollution by ships and the STCW convention on standards of training for seafarers. IMO has also formulated measures including rules concerning distress and safety communications, the International Convention on Search and Rescue and the International Convention on Oil Pollution Preparedness, Response and Co-operation. It has also created conventions which establish compensation and liability regimes including the International Convention on Civil Liability for Oil Pollution Damage, the convention establishing the International Fund for Compensation for Oil Pollution Damage and the Athens Convention covering liability and compensation for passengers at sea. Inspection and monitoring of compliance of IMO norms is the responsibility of member States.

## ARCTIC ARCHIPELAGO



International rivalry over the Arctic, a region believed to hold up to a quarter of the world's undisclosed oil and gas and mineral riches, underlies Russia's revised bid for greater





territorial rights. In this new bid, Russia claims a 1.2 million square kilometers of the Arctic Sea Shelf extending more than 350 nautical miles from the shore. Upgraded military installations and a recent visit by Vladimir Putin serve to reinforce the Russian presence and its national defense and environmental protection credentials. The size of the prize in oil, gas and minerals plus the geographical proximity of eight nations will require complex and lengthy negotiations. While these matters are being resolved, thinning ice of the polar cap offers new commercial opportunities for Russia's Yamal LNG exports with a new class of icebreaking LNG tankers to Asia in the summer months at least.

## **SOUTH CHINA SEA**



Setting the boundaries of a 200-mile exclusive economic zone is not an easy task in the South China Seas due to competing territorial, security and economic claims of several nations including the Philippines, Vietnam and Malaysia. All the countries bordering the South China Seas have overlapping competing claims to the potentially valuable waters and seabed. The main areas of contention are the waters surrounding the Scarborough Shoal and the barely above-sea-level Spratly and Parcel islands. For all parties, economics dominates, since the disputed area holds an estimated 11 billion barrels of oil and 190 trillion cubic feet of natural gas and it is also a pre-eminent trade route, with over fifty percent of global commercial shipping passing through the area, worth some \$5 trillion in trade. To strengthen its territorial claims China has built on some subsea mounts to create artificial islands. Nevertheless, the arbitration Tribunal in The Hague recently ruled that China had violated the Philippines' sovereign rights as some of the waters claimed by China are 'within the EEZ of the Philippines'. The Tribunal concluded, that rocky outcrops claimed by China could not be





used as a basis of territorial claims, and ruled that there were no legal grounds for recognizing China's historic maritime rights based on claims that the Han dynasty had sent ships to the region.

As far as overlapping territorial claims in the South China Sea are concerned, "coastal states have a compelling motive to classify their sovereign claims as 'islands' rather than rocks in order to increase the area over which they could exercise some form of national jurisdiction. Similarly, states are inclined to assert that the sovereign claims of their competitors are characterized not as islands, but mere 'rocks'."

In addition to substantial natural resources, the South China Sea is of paramount strategic significance to the Asian security paradigm and to global stability. Freedom of navigation through the South China Sea is a particular concern for the great naval powers, including the United States and Japan. While China has historically preferred to handle all disputes bilaterally, the resumption of negotiations between Beijing and ASEAN still holds promise for reinvigorating a multilateral framework toward greater cooperation and conflict resolution.

At the moment four areas are involved in maritime boundary disputes in the South China Sea: the Spratly Islands, Scarborough Reef/Shoal, the Paracel Islands and Natuna Island.

## **EASTERN MEDITERRANEAN**





The discovery of natural gas in the Eastern Mediterranean has led the region's governments to obtain exact delineations of their exclusive maritime and economic boundaries. The United States Geological Survey estimates that the region could hold technically recoverable resources at 122 TCF of gas and 1.7 billion barrels of oil. However, there was upside potential for as much as 227 TCF of gas and 3.8 billion barrels of oil. Although energy industry insiders think the actual volume may be lower, nevertheless, geopolitical analyst, F. William Engdahl comments, "Such finds are significant." The prospect of significant energy wealth has led to two major boundary disputes. One, between Turkey and its neighbors Cyprus and Greece, and the second, between Israel and Lebanon.

## CYPRUS, TURKEY AND GREECE



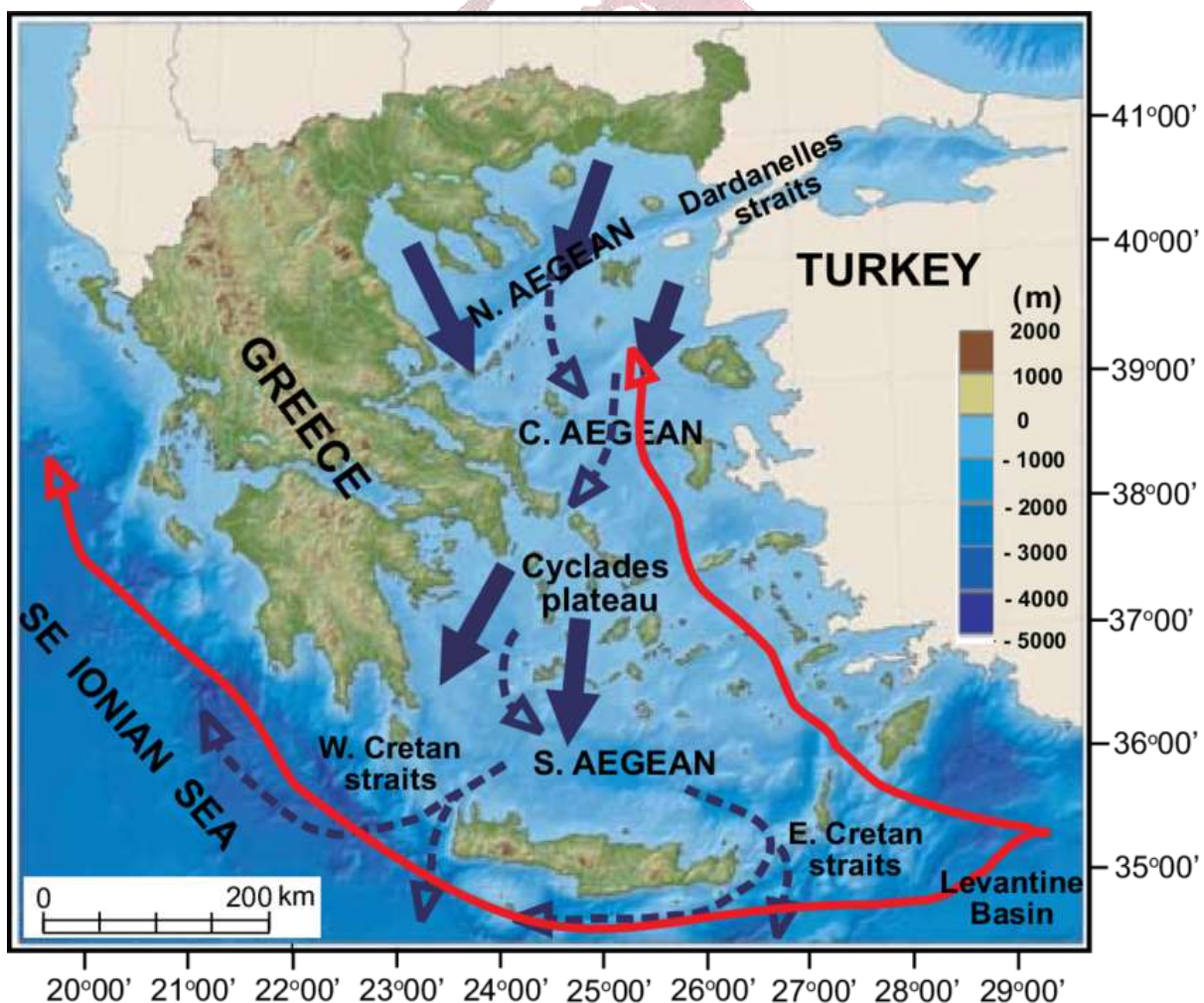
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News that Cyprus could have an estimated 4 trillion cubic feet of natural gas valued at around \$50 billion in its own EEZ zone adjacent to the boundary with Israel and Egypt has attracted Turkish interest. The recently discovered Aphrodite gas field, located in Cyprus's maritime EEZ, close to Israel Leviathan, discovered in 2010, and is estimated to hold 18.9 trillion cubic feet (535 billion cubic meters) of natural gas, along with 34.1 million barrels of condensate. Under UNCLOS conventions, the Greek southern part of Cyprus, known as the Republic of Cyprus, has the legal powers to create its own exclusive economic zone, mainly in the waters to the west, south and east of the island. Turkey, which is not a signatory to UNCLOS, is contesting the Cypriot EEZ. Turkey does not recognize the Greek Cyprus's right to a continental shelf nor its claim to an EEZ around the whole island and consequently



dismisses previous demarcation agreements reached between Cyprus and Egypt and Israel. As a result, it claims sovereign rights to both the north and south of Cyprus. The Cyprus Mail reports that Turkey is not supportive of Cypriot drilling in the Aphrodite field, but the US, EU, Russia and the United Nations support drilling. It is widely predicted that re-unification of the island will resolve the boundary dispute and allow Cyprus to construct an undersea pipeline linking its gas network with offshore subsea gas fields being developed in neighboring Egyptian and Israeli waters.

## THE AEGEAN



According to the US Geological Survey, there could be some 4 billion barrels in the northern Aegean Sea an amount sufficient to spark a boundary dispute between Greece and Turkey's proposed EEZs. Complicating the delineation of their respective EEZs is the presence of multiple Greek-administered islands lying close to the Turkish mainland. Turkey claims that the seabed of the Aegean forms a natural extension of the Turkish mainland and that therefore it is entitled to an EEZ extending into the middle of the Aegean (excluding the





territorial waters around the Greek islands in its eastern half, which would remain as Greek enclaves.) Greece, on the other hand, claims that all the islands must be taken into account on an equal basis. This would mean that Greece would gain the economic rights to almost the whole of the Aegean under UNCLOS rules.

## ISRAEL

Once again, competition for natural gas resources and overlapping claims over an 854 square kilometer area as lie at the heart of the maritime boundary dispute between Israel and Lebanon. Experts commenting on this dispute say that the lack of an official land border makes it more difficult to decide a precise maritime one. Moreover, “Israel has not signed the UN Law of the Sea, which means that Lebanon cannot force Israel to resolve maritime disputes through an international tribunal”, says Georges Pierre Sassine, GE Energy’s Global Strategy team. This uncertainty and lack of a foreseeable resolution are a major disincentive for foreign energy companies to explore for oil and gas in Lebanese waters and therefore prohibit Lebanon from emulating Israel’s good fortune in finding gas amounting to 199 bcm in its gas fields.

## INDIAN OCEAN DISPUTE



The Indian Ocean is the world’s third-largest body of water and has become a growing area of competition between China and India. The two regional powers’ moves to exert influence in the ocean include deep-water port development in littoral states and military patrols. Though experts say the probability of military conflict between China and India



remains low, escalated activities (such as port development and military exercises) and rhetoric could endanger stability in a critical region for global trade flows. But the diverse nontraditional security challenges in the Indian Ocean Region (IOR) also offer areas of potential collaboration for China and India, as well as other regional actors.

The Indian Ocean covers at least one fifth of the world's total ocean area and is bounded by Africa and the Arabian Peninsula (known as the western Indian Ocean), India's coastal waters (the central Indian Ocean), and the Bay of Bengal near Myanmar and Indonesia (the eastern Indian Ocean). It provides critical sea trade routes that connect the Middle East, Africa, and South Asia with the broader Asian continent to the east and Europe to the west. A number of the world's most important strategic chokepoints, including the Straits of Hormuz and Malacca through which 32.2 millions of barrels of crude oil and petroleum are transported per day—more than 50 percent of the world's maritime oil trade—are found in the Indian Ocean Region, which itself is believed to be rich with energy reserves. Nearly 40 percent [PDF] of the world's offshore petroleum is produced in the Indian Ocean, coastal beach sands and offshore waters host heavy mineral deposits, and fisheries are increasingly important for both exports and domestic consumption.

China and India are dependent on energy resources transported via the secure sea-lanes in the Indian Ocean to fuel their economies. India imports nearly 80 percent of its energy, mostly oil from the Middle East, and is due to overtake Japan as the world's third-largest energy consumer (behind China and the United States). According to a U.S. Department of Defense report, 84 percent [PDF] of China's imported energy resources passed through Strait of Malacca from the Indian Ocean in 2012. As Beijing and New Delhi press to maintain economic growth, their dependency on the safe transport of resources will likely intensify. China's growing global influence and India's rapid economic rise have heightened the ocean's strategic value. Meanwhile, the United States' rebalance to Asia—shifting from a foreign policy dominated by the Middle East to one more centered on Asia—has also been a contributing factor elevating concern over Indian Ocean security. Diverse security challenges affect the region ranging from natural disasters to concerns over energy security, piracy, and military posturing.

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Both countries have developed initiatives to bolster infrastructure and other connections in the region, which the World Bank describes as among the “least economically integrated.” Competition between Beijing and New Delhi is not necessarily overt, but each country is seeking to strengthen ties with smaller regional states to secure their respective security and economic interests.

Beijing's regional vision, backed by \$40 billion of pledged investment, outlines its One Belt, One Road plan—combining the revitalization of ancient land-based trade routes,



the Silk Road Economic Belt, with a Maritime Silk Road. China's ties with regional states have deepened, including the influx of Chinese capital into construction projects in Bangladesh, Myanmar, Pakistan, and Sri Lanka. Since launching counterpiracy operations in 2009, Beijing has become increasingly active in the region. China has also undertaken efforts to modernize its military, particularly its naval deployment capabilities to protect overseas interests like personnel, property, and investments. Experts also argue that Beijing's forays into what is at times described as India's neighborhood are driven by China's excess capacity challenges—incentivizing Chinese firms out of domestic markets to compete in and open new markets abroad.

For its part, India sees itself as the natural preeminent regional power. Prime Minister Narendra Modi has doubled-down on fostering stronger diplomatic, economic, and security ties with IOR maritime states as a means to strengthen India's economy, establish its role a driver of regional growth, and simultaneously diminish China's growing appeal, writes CFR's Alyssa Ayres.

“It is India's neighborhood that holds the key [PDF] to its emergence as a regional and global power,” writes former Indian foreign secretary Shyam Saran. Though Beijing deflects claims of hegemonic aspirations, it identifies security in the IOR as a primary concern for Chinese “core interests.” In 2015, a white paper charting China's military strategy indicated a shift of People's Liberation Army Navy to focus on both offshore water defense and open seas protection. Chinese behavior suggests that Beijing seeks to establish a persistent regional maritime presence. It now boasts a semi-permanent naval presence through its counterpiracy activities in the Indian Ocean and has more aggressively asserted itself in the Pacific with extensive patrols and land reclamation projects in disputed waters.

China's ambitions in the region have been described by many scholars by the “string of pearls” metaphor, which holds that China is taking on economic and investment projects with Indian Ocean states to secure ports or places where its military forces could set up naval facilities or at the very least, refueling and repair stations. Chinese experts dismiss this, claiming that China seeks access, not bases, for economic gain. C. Raja Mohan, director of Carnegie India, a regional center of the U.S.-based Carnegie Endowment think tank, argues that as rising powers, China and India's pursuit of partnerships with smaller regional states is inevitable. “Everyone is playing this game,” he says. “Bases is going to be the name of the game in the Indian Ocean, and that game is going to be pretty attractive in the coming years.”





Still, “maritime competition between China and India is still nascent and should not be overblown,” cautions CFR’s Daniel S. Markey in a Contingency Planning Memorandum. Still, he writes that a “tit-for-tat politico-military escalation” is possible in the larger Indo-Pacific, a region spanning both the Indian and Pacific oceans.

### **Questions A Resolution Must Answer (QARMA)**

- Why is the security of Oceans important?
- How will future generations benefit from it?
- How United Nations First General Assembly will solve it according to its mandate?
- To what extent IMO (International Maritime Organization) be involved?
- What organizations other than IMO can be involved?
- How the problem of alleged water boundaries be solved?
- Are the previous Laws still in order to be applied on the current situation?





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