

SyndicateMUN 2020

UNITED NATIONS SECURITY COUNCIL

Recent developments in the South
China Sea with special emphasis
on military presence





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Greetings Delegates

Welcome to SyndicateMUN'20 and welcome the United Nations Security Council!

If you're here to have fun, we promise to try my best to give you a great time. If you're here for competition, we promise to be fair in judgement to the best of my ability. If you're here to learn, we promise that the committee will teach!

Having spoken from both sides of the dais numerous times in the past, we can empathise with each of your worries and would thus be more than happy to be approached by any of you regarding committee, the conference, or just a friendly chat.

Regarding debate, we know many delegates like to come up and quote resolutions, name obscure UN bodies, and read out reports. While knowledge and research is important, it has to be presented with spontaneity and logical context. Hence, remember to use logic and stick to policy and you should do fine. However, remember that just arguing the problem is useless if you don't end with solutions. Leave the world different - try to leave it better than you found it.

Ex Nihilo Nihil Fit ("Nothing ever comes from nothing")

Regards,

Yash Vardhan Pansari and Aryan Singhania



Frequently asked questions

FAQ

Important information about the committee that everyone should note

For marking related doubts, hold onto them till day 1 of committee. We intend on explaining marking to everyone before committee starts. Remind us if we forget

If you have any additional doubts, you can contact us at yashvp2003@gmail.com or aryansinghania1511@gmail.com

1. What procedure will we be following?

- UNAUSA but procedure exists to facilitate debate so at times we might have to slightly deviate from it to best facilitate debate.

2. Will there be substantive chits in committee?

- No, unless there are extreme recognition issues but we assure you that such a scenario is very unlikely

3. Will there be updates?

- If the flow of committee is exceptionally good without them then maybe not. Otherwise, we can have them to aid the flow of debate.

4. Will there be verbal Points of Information all the time?

- We will try our best to incorporate as many points as possible verbally but we'll have informal voting in committee for the specifics

5. Are points of order for factual inaccuracy?

- Points of order are raised on the executive board for procedural inaccuracies only. However, the EB will be noting factual inaccuracies. Delegates can also point these out via points of information or speeches if they are relevant.

6. Will communiques be allowed?

- No. However, several other forms of paperwork can be sent in when communication lines are opened. (Memorandums of understanding instead of joint public communiques, presidential statements, action orders, working papers, etc.) These can do the same thing as communiques but save time and make things more realistic.



Read Carefully

DISCLAIMER

We can understand how some delegates already have extensive knowledge of the agenda and would not need to go through the contents of the study guide, but I strongly recommend going through the FAQ page nonetheless for information specific to this committee.

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This guide is a collection of credible information both: acquired from cited sources; and written originally by the executive board aiming to give delegates a rough understanding of the agenda.

We do not claim credit for directly and originally writing all of this guide's information. We do not expect, require, or want delegates to focus on the same things that this guide does. The direction in which delegates drive committee should be in line with the mandate of the committee, their foreign policies, and what committee as a whole *wants* to discuss.

Reading the entire guide is not mandatory but it is recommended to anyone with enough interest in the agenda. However, reading the entirety of all three middle east case studies would be informative. We do not recommend that delegates limit their research to the contents of this study guide. The extent of a delegates research could reflect on their performance. For further research, delegates can refer to the useful sources page and any other sources they might find helpful.



About the agenda

INTRODUCTION

What do we as an executive board expect from this committee?

What exactly is the agenda?

What relevance does the agenda have to International peace and security and why are we discussing it?

This is an agenda which requires knowledge and understanding both on the geographical specifications of said sea, and the political stances of the countries involved. It is a matter of international importance, especially since countries who are not directly affected are now, getting themselves involved via certain military operations. In the aftermath of the tribunal case against China's historical claims on the islands of the sea and of the conviction of the Chinese government that these claims are legitimate, countries have now started voicing their support for or against said historical claims. In addition to this, significant physical militarisation has also been undertaken by several countries present in the region with both direct and indirect interests. As the Security Council it is in our mandate to ensure global peace and guarantee world-wide security, keeping true to the ideals of the UN. We will expect you, as representatives of the global community to work towards exactly that end - to cooperate and coordinate your respective interests for the international good.

Please have a basic understanding of International frameworks in place for situations like the South China Sea that are implemented widely. The UNCLOS (United Nations Convention on the Law of the Sea, multilateral Declarations of Conduct, Codes of Conduct, etc. are integral.



How did it start?

SOME HISTORICAL BACKGROUND

Chinas history with the South China Sea start out much further back in history but this is a summary of how the most recent conflicts originated

In the year 1947 China published a map wherein it drew a nine dash line around this sea. It then asserted that all of the area within these nine dash line is under its sovereign powers. China then began to occupy the island in the South China Sea and displace the armies of other neighboring countries. It built air bases and started to patrol the area with its army. As a consequence the neighboring countries which include Philippines, Malaysia and Vietnam started to question the validity of nine dash line claim of China. And thus, the dispute began. China is also increasing the power of its military forces. It has embarked on a substantial modernization of its maritime paramilitary forces as well as naval capabilities. China states that the construction is for "improving the working and living conditions of people stationed on these islands"and that, "China is aiming to provide shelter, aid in navigation, weather forecasts and fishery assistance to ships of various countries passing through the sea. "Defence analysts IHS Janes states that it is a "methodical, well planned campaign to create a chain of air and sea-capable fortresses". These "military-ready" installations include sea-walls and deep-water ports, barracks, and notably including runways on Fiery Cross Reef and Johnson South Reef. Aside from geo-political tensions, concerns have been raised about the environmental impact on fragile reef ecosystems through the destruction of habitat, pollution and interruption of migration routes.



**A brief explanation of
what all the fuss is about**

DISPUTED GEOGRAPHICAL FEATURES

The most integral question we expect you to answer is how much of a sea belongs to a country , and for this you need to understand the significance of said resource i.e in terms deposits of oil and natural gas , fishing grounds and (Sea Lines Of Communication) primary maritime routes between ports, used for trade, logistics and naval forces. The features are grouped into three archipelagos, plus the Macclesfield Bank and Scarborough Shoal. Collectively they have a total land surface area of less than 15 km squared at low tide. The following pages show some of these main landmasses and a summary of their relevance. For a deeper analysis of the background of any of these, Wikipedia is a perfectly decent source. Use-

https://en.wikipedia.org/wiki/South_China_Sea

https://en.wikipedia.org/wiki/Paracel_Islands

https://en.wikipedia.org/wiki/Spratly_Islands

https://en.wikipedia.org/wiki/Pratas_Islands

https://en.wikipedia.org/wiki/Scarborough_Shoal



Archipelago 1

THE PARACEL ISLANDS

Disputed between China, Taiwan,
and Vietnam

Occupied by China



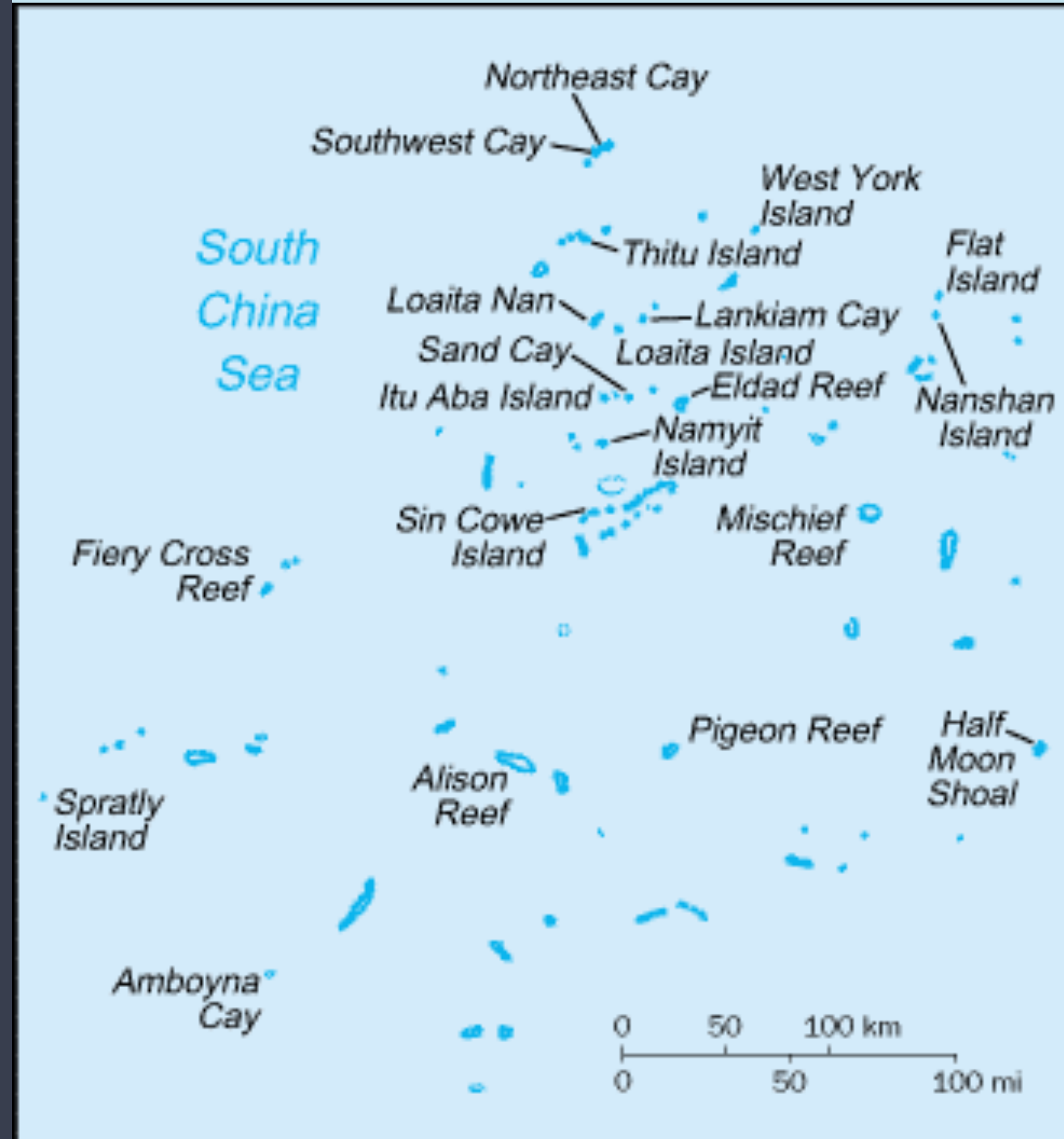


Archipelago 2

THE SPRATLY ISLANDS

Disputed between the China, Taiwan, and Vietnam, with Malaysia, Brunei, and the Philippines claiming parts of the archipelago

Occupied mainly by China





Pratas (Dongsha) Islands and Scarborough Shoal

OTHER FEATURES

The Pratas Islands - disputed between the China and Taiwan, occupied in part by both but mainly by Taiwan

The Scarborough shoal- disputed between the China, the Philippines, and Taiwan, with only rocks above sea level





**The majority of territorial
claims in the region**

CHINESE CLAIMS IN THE SOUTH CHINA SEA

The nine Dash line is what China claims to be its own but this is thought by many to violate the UNCLOS. The nine Dash line is a part of chinese maps that do not give it specific coordinates and show it taking in roughly 90 percent of the South China Sea. China has also not specified whether the nine Dash line only gives them power over the land within them or also the territorial waters. China states that the construction is for "improving the working and living conditions of people stationed on these islands" and that, "China is aiming to provide shelter, aid in navigation, weather forecasts and fishery assistance to ships of various countries passing through the sea." Defence analysts IHS Janes states that it is a "methodical, well planned campaign to create a chain of air and sea-capable fortresses". These "military-ready" installations include sea-walls and deep-water ports, barracks, and notably including runways on Fiery Cross Reef and Johnson South Reef. Aside from geo-political tensions, concerns have been raised about the environmental impact on fragile reef ecosystems through the destruction of habitat, pollution and interruption of migration routes.



The famous legal war

PHILIPPINES V CHINA

Importance of the case and China's first legal defence -

A case study on the strategic use of Regional codes of conduct in the South China Sea

This is a very important case because it is the most prominent case where a country actually took China to court and won. However, the arguments on both sides and the statements by both governments give us important insight into the legalities and policies with respect to the South China Sea in general.

You can read up on the Philippines v China case where Philippines invoked the arbitration annex of the UNCLOS and "took China to court". Even though the tribunal ruled against China, they ignored the judgement exploiting the fact that it was only recommendatory in nature and was not legally binding. Additionally, China tried to question the legality of the Philippines taking them to court in the first place by pointing out three main points.

The first was that Philippines was a part of ASEAN and thus, the ASEAN-China Code of Conduct applied to it. The code of conduct included that in case of any conflict among the nations, third party mediation should not be undertaken and the problem should be solved via bilateral talks.



The famous legal war

PHILIPPINES V CHINA

A summary of China's second legal defence-

A case study on the implications of the use of Article 298 of the UNCLOS in the South China Sea

The second was that China had made certain exceptions to the UNCLOS. The UNCLOS is not customary international law and thus all of it does not apply to anyone. It only applies to a state if the state chooses to become party to it via ratification. Article 298 of the UNCLOS further states that a state may issue a declaration during or at any point after ratification of the convention wherein it creates certain optional exceptions. In 2006, China issued such a declaration excluding certain parts about "maritime delimitation" from their ratification of the convention. China then claimed that the Spratly Islands case against the Philippines is covered under this and thus the arbitration as a whole was biased or incompetent in their judgement.

The following are links to the aforementioned documents and other links with useful information on the same:

https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf

<https://academic.oup.com/chinesejil/article/15/2/265/2548386>



The famous legal war

PHILIPPINES V CHINA

**A summary of China's third legal
defence -**

**A case study on the use of Estoppel
in the South China Sea**

Thirdly, China recalled a particular argument they have used in the region for a long time. This is intrinsically related to a common principle in International Law known as "Estoppel". The principle is based on the concept that if a country recognises something at one point in time they should uphold that policy in the future as well. China claims that it has occupied the South China Sea for several centuries and other countries recognised this and did not take occupation of it from China in those centuries and thus they must continue to recognise China's right to occupy the South China Sea. Other countries seriously beg to differ calling this the weakest of the three arguments because Estoppel relies on circumstances being constant.

In the case of the South China Sea, the circumstances are ever-changing. With the building of artificial islands, the mass and volume of land above sea level changed in the South China Sea. With the discovery of fossil fuel reserves in the region, the value of the territory rose drastically. These all constitute a change in circumstances. Another major thing to consider is the effect of the shifts in governance over these centuries. Several dynasties ruled China, followed by the ROC and finally the PRC. Even the other countries with claims in the region have had several governments over this time. So, to what extent does China's Estoppel claim stand?



Chinese dominance yet again

TAIWAN AND ITS CLAIMS IN THE SOUTH CHINA SEA

The “Republic of China” only existed as China in practice till 1949 and is now officially Taiwan. Most Other countries in the international policy follow what is called a One China Policy wherein they can only recognise one Chinese Govt. The People’s Republic of China is very powerful and considered Taiwan a part of its own territory as the “Chinese province of Taipei”. For those reasons, the Republic of China has almost no International Recognition. Even the UN does not distinctly recognise it as a separate country so the ROC can’t even be present in the UNSC as an observer. Hence by extension, everything claimed by Taiwan would have to be internationally recognised as property of China if it is recognised as that of Taiwan because Taiwan itself is recognised as a part of China. This is a very important part of the dynamic in the South China Sea and the key foundation for China’s claims.



US China Rift

FREEDOM OF NAVIGATION

The constant contradiction between America's self recognised right to go wherever they wish to in order to secure strategic advantages and assert dominance

UNCLOS Articles 18 and 19 allow foreign vessels to "continuous[ly] and expeditious[ly]" travel through the territorial sea so long as they are not "prejudicial to the peace, good order or security of the coastal state."

China's Law on the Territorial Sea and Contiguous Zone requires foreign military vessels to request permission for such passage on the theory that the presence of any warship is inherently prejudicial to peace and good order. However, it also claims that everything within the 9 dash line belongs to China so while it is somewhat basing itself on the UNCLOS, a lot of it directly refutes it.

The USA practices routine drills wherein they move military naval vessels to several locations in the South China Sea and term this freedom of navigation. This freedom of navigation is actually defined and indoctrinated in the UNCLOS but the USA is not a party to the UNCLOS in any form and thus cannot claim rights under it. Additionally, America's view of the concept is different from the UNCLOS because the UNCLOS has several restrictions to it especially with regard to military naval vessels, most of which America chooses to ignore. In modern geopolitics, this has been the root cause of all rift and escalation of conflicts in the South China Sea.



**Recent developments in
the south china sea:**

CHINA DISPUTES U.S. ACCUSATION OF FIRING LASER AT PLANE

Part 1

A US Navy P-8A Poseidon was hit by a weapons-grade laser during a routine patrol above international waters on February 17, 2020. The incident happened in the Philippine Sea approximately 380 miles west of Guam, where it was targeted by the laser belonging to a People's Liberation Army Navy's destroyer with hull number 161, according to the official statement, which should be the Type 052D Destroyer "Hohhot."

The laser was not visible to the naked eye and was detected by the Poseidon's sensors. The P-8A, assigned to Patrol Squadron (VP) 45 and based at NAS Jacksonville (Florida), is currently deployed in the US 7th Fleet area of operations and operates from Kadena Air Base (Japan). No damage or injuries to the Poseidon and its crew were reported.

Military-grade laser beams, occasionally known as "dazzlers," emit a powerful beam of light that can travel great distances and be used to illuminate aircraft cockpits, temporarily blinding pilots.

China's Defense Ministry says a report that one of its navy ships fired a laser at a U.S. Navy surveillance plane last month does not "accord with reality."

The report last month was the latest accusation that Chinese forces have used lasers to harass and potentially damage U.S. and other nations' military aircraft and personnel.



Recent developments in the south china sea:

CHINA DISPUTES U.S. ACCUSATION OF FIRING LASER AT PLANE

Part 2

However, ministry spokesman Ren Guoqiang was quoted as saying Friday that the ministry “refuted” the report and said a Chinese squadron was conducting routine exercises in international waters on Feb. 17 when the incident allegedly happened.

In China’s first public comments on the alleged incident, Ren accused an American P-8A Poseidon of carrying out “long-period circling reconnaissance at low altitude despite repeated warnings from the Chinese side.”

The US Navy deemed the destroyer's actions unsafe and unprofessional, adding also that this incident violated the Code for Unplanned Encounters at Sea (CUES), a multilateral agreement reached at the 2014 Western Pacific Naval Symposium to reduce the chance of an incident at sea, and a Memorandum of Understanding (MOU) between US Department of Defense and the Ministry of National Defense of the PRC regarding rules of behavior for safety of air and maritime encounters.

Back in 2018, a US C-130 Hercules was targeted by a visible laser while the aircraft was flying near China's Djibouti base, resulting in minor injuries to two pilots. In 2019, Australian Navy helicopter pilots flying from the HMAS Canberra were hit by lasers in the South China Sea during a cruise from Vietnam to Singapore, requiring them to perform a precautionary landing.



**Recent developments in
the south china sea:**

NEW RESEARCH BLAMES CHINA FOR REEF DAMAGE

Reefs in the South China Sea are in worse danger than ever before acknowledged, largely due to Beijing's military buildup and over-fishing by Chinese vessels, according to researchers from James Cook University in Australia.

Dredging to construct China's new islands has damaged the environment and there are typically 100-150 Chinese fishing boats working every reef that China controls, compared to between 0.1 and 0.5 fishing boats per reef in the Great Barrier Reef, according to the research by Eric Wolanski and Severine Chokroun.

Their report said those activities have severely reduced the amount of coral larvae and the fish that depend on them. Research is hampered because China does not provide scientists with access to the reefs it occupies or provide data on the health of coral and fish populations.

"We recognize the political difficulties, but we have defined the problem and we have the solution based on the example of the developing collaboration between the Philippines and Vietnam that manages some reefs in the archipelago," Wolanski was quoted as saying by the university late last month.



**Recent developments in
the south china sea:**

VIETNAM BOAT COLLISION

Part 1

Vietnam has lodged an official protest with China following the sinking of a Vietnamese fishing boat it said had been rammed by a Chinese maritime surveillance vessel near islands in the disputed South China Sea.

The Vietnamese fishing vessel, with eight fishermen onboard, was fishing near the Paracel Islands on Thursday when it was rammed and sunk by the Chinese vessel, Vietnam's foreign ministry said in a statement posted on a government website on Saturday.

All the fishermen were picked up by the Chinese vessel alive and were transferred to two other Vietnamese fishing vessels operating nearby, the Vietnam Fisheries Society said in a statement posted to its website.

"The Chinese vessel committed an act that violated Vietnam's sovereignty over the Hoang Sa archipelago and threatened the lives and damaged the property and legitimate interests of Vietnamese fishermen," the foreign ministry said in its statement, referring to the Paracel Islands by its Vietnamese name.



**Recent developments in
the south china sea:**

VIETNAM BOAT COLLISION

Part 2

Vietnam and China have for years been embroiled in a dispute over the potentially energy-rich stretch of water, called the East Sea by Vietnam.

The Vietnamese boat illegally entered the area to fish and refused to leave, the Chinese coast guard said late on Friday.

After making some dangerous maneuvers, the boat collided with a Chinese patrol vessel and sank, the Chinese coast guard said in a statement on its social media account.

The incident marks the second time in less than a year a Vietnamese fishing vessel has been reportedly sunk by a Chinese vessel near the China-controlled Paracels.

Relations between China and Vietnam have soured in recent times after a state-owned Chinese oil company began drilling for oil some 17 nautical miles off the Paracels. Vietnamese officials say Chinese military and civilian ships have been harassing their vessels around the islands -- which are controlled by Beijing but claimed by Hanoi -- even accusing the Chinese of repeatedly ramming into them and shooting water cannon.



Use this as a research checklist

USEFUL SOURCES

These are arranged in order of importance in an ideal scenario but this may differ from allotment to allotment

1. UNSC Verbatim - <https://library.un.org/index-proceedings/security-council>
2. Your country's foreign affairs website [eg- mid.ru for Russia or gov.uk for UK]
3. Important legal arguments in the region from legal framework or PCA judgements [eg- <https://pca-cpa.org/en/news/pca-press-release-the-south-china-sea-arbitration-the-republic-of-the-philippines-v-the-peoples-republic-of-china/>]

4. Recent Developments -

<https://apnews.com/d5a7775ceb466ccb761eeca0d85520> <https://thediplomat.com/2020/01/recent-developments-surrounding-the-south-china-sea/>
<https://news.yahoo.com/recent-developments-surrounding-south-china-053257633.html>

5. Vietnam Boat collision:

<https://www.cnbc.com/2020/04/04/vietnam-protests-beijings-sinking-of-south-china-sea-boat.html>
<https://edition.cnn.com/2014/05/27/world/asia/vietnam-china-paracels-fishing-boat-collision/index.html>
<https://www.reuters.com/article/us-vietnam-china-southchinasea/vietnam-protests-beijings-sinking-of-south-china-sea-boat-idUSKBN21M072>
<https://www.scmp.com/news/asia/southeast-asia/article/3078286/chinese-ship-hits-and-sinks-vietnamese-fishing-boat-south>

6. US aircraft shooting:

<https://www.businessinsider.com/laser-chinese-navy-warship-flashed-at-navy-patrol-plane-2020-3?IR=T>
<https://www.voanews.com/east-asia-pacific/chinese-navy-fires-laser-us-aircraft>
<https://edition.cnn.com/2020/02/27/politics/chinese-laser-us-aircraft/index.html>