



JMUN 2023

SECURITY COUNCIL



Discussing the Current
State of Affairs in the South
China Sea
BACKGROUND GUIDE



SECURITY
COUNCIL
JMUN 2024

BACKGROUND GUIDE

Agenda

Discussing the Current State of Affairs in the
South China Sea



TABLE OF CONTENTS

| | |
|--|----|
| Letter from the Executive Board | 4 |
| Introduction to UNSC | 6 |
| Introduction to Agenda | 7 |
| Key Terms | 10 |
| Case Studies | 14 |
| Relevant Events/Timeline | 19 |
| Relevant UN Treaties/International Law | 21 |
| QARMA | 24 |
| General MUN Rules of Procedure | 25 |
| Further Reading | 29 |



LETTER FROM THE EXECUTIVE BOARD

Greetings Delegates!

It is with great pleasure that we welcome you to the United Nations Security Council of the 2024 edition of the Junior Model United Nations Conference of Greenwood High!

We, the executive board of the United Nations Security Council, hope you are prepared to step into the world of Model United Nations. The UNSC is the executive body of the United Nations, and is undoubtedly one of the most demanding committees. We expect all delegates to have an extensive understanding of foreign policy, the crisis at hand and most importantly - international law.

As delegates, you will traverse a landscape of dire international issues and work towards a resolution through debate and compromise - leaders of a world yet to be. In the words of Abraham Lincoln, "The best way to predict the future is to create it." In today's world of uncertain freedom and covert conflict, an especially relevant concern that has only gotten worse with time is that of the conflict in the South China Sea. Two countries on the brink of fracture, families torn apart, scores of innocent lives taken - and it is upon your shoulders to formulate effective resolutions to this agenda.

Though this might be a lot to take in, worry not because we are here to assist you. To begin your research read and understand the information provided to you in this guide. We have covered major aspects of your research stretching from the history of the entire conflict to documents and concepts of international law that you should know. However - keep in mind that your research should not end here. Once you've familiarised yourself with the agenda at hand, we would encourage you to continue researching and take a deep dive into the topic (no Wikipedia please). Our further reading section is a great place to start!

Good preparation is important, but your performance in the MUN is how you showcase that you've prepared well and hence deserve an award in return. The performance of this committee is contingent on your ability to move the committee forward through the use of speeches, chits and directives. We encourage each and every delegate to speak up and put forward their points throughout the duration of this conference. We know speaking in front of a committee full of people can be daunting, but unbelievable growth lies on the other side of fear. We promise to do our very best to cultivate an environment where you feel comfortable speaking, and we expect your very best in return. Moreover, we encourage you to remember the gravity of the crises at hand - including the vast impact that it has on countless lives. We encourage you to work towards feasible solutions to the crisis.

We look forward to seeing each and every single one of you excel at GWH JMUN 2024.

Warm regards,

Head Chairperson: Harihar Prasad [harihar052651@greenwoodhigh.edu.in]

Vice Chairperson: Aarya Poddar [aarya022620@greenwoodhigh.edu.in]

Moderator: Nitesh Kothari [nitesh051832@greenwoodhigh.edu.in]





INTRODUCTION TO UNSC

The United Nations Security Council (UNSC) stands as one of the six primary organs within the United Nations (UN) and is entrusted with the responsibility of upholding global peace and security. Its duties encompass recommending new UN member admissions to the General Assembly and approving modifications to the UN Charter. The powers bestowed upon the UNSC by the United Nations Charter extend to the establishment of peacekeeping operations, the imposition of international sanctions, and the authorization of military actions. Notably, the UNSC holds the exclusive authority within the UN to issue resolutions that carry binding implications for member states.

Much like the broader UN institution, the Security Council emerged in the aftermath of World War II, aiming to address the shortcomings of the League of Nations in maintaining global peace. Its inaugural session took place on January 17, 1946, though its effectiveness was significantly hindered during the Cold War era marked by tensions between the United States and the Soviet Union. Despite this, the UNSC granted approval for military interventions in the Korean War and the Congo Crisis, along with endorsing peacekeeping missions in Cyprus, West New Guinea, and the Sinai Peninsula. Following the collapse of the Soviet Union, the scale of UN peacekeeping efforts expanded considerably, with the Security Council authorising substantial military and peacekeeping ventures in various regions.

Comprising fifteen members, the Security Council includes five permanent members—China, France, Russia, the United Kingdom, and the United States—recognized as the victorious powers of World War II or their successor states. These permanent members possess the authority to veto any substantive Security Council resolution, covering matters such as the admission of new UN member states or nominations for the Secretary-General position. This veto power, however, does not extend to General Assembly proceedings or emergency special sessions. The remaining ten members are elected regionally for a two-year term, with the council's presidency rotating on a monthly basis among its members. For the purpose of this committee, ten observer states have been added to encourage fruitful debate on the agenda.



INTRODUCTION TO THE AGENDA

The South China Sea is a marginal sea of the Western Pacific Ocean. It borders various South East Asian Nations such as Vietnam, Philippines, Brunei, Indonesia, Taiwan, Malaysia and China. The sea has an estimated 11 billion barrels of oil and 190 trillion cubic feet of natural gas. Nearly a third of the world's trade passes through the region due to its various connecting channels such as the Luzon Strait and the Strait of Malacca. Moreover, zones in the South China Sea possess rich natural resources and fishing areas. These resources could propel any country into rapid economic development and hence the bordering nations have all laid claims to various zones in the region.

The earliest documents about the South China Sea dating back to the late 17th Century details naval patrols by the Vietnamese to and from the Hoang Sa Archipelago. Some French and Chinese documents also confirm that the Paracel and Spratly Islands belonged to Vietnam.

Later in 1932, France formally claimed the Paracel and Spratly Islands - China and Japan protested this. By 1933 France had occupied the Islands, though by 1939 the Japanese had laid claims and later occupied the Islands and maintained their position throughout the course of World War II and frequented it for military purposes. Following the loss of the Axis Powers in the war, the Draft of the Treaty of San Francisco declared the Spratly Island and its Archipelago had always belonged to the People's Republic of China and its sovereignty over the Islands must be respected. A similar stance was adopted on the question of the Paracel Islands. However, when Japan finally signed the Treaty of San Francisco the status of the Spratly and Paracel Islands was not specified.

In 1946 the People's Republic of China had created the 11-dash line which vaguely demarcated the territories in the South China Sea that the People's Republic of China had laid claims to. By 1952, Mao Zedong decided to exclude two dashes that outlined the Gulf of Tonkin due to warming ties with Northern Vietnam. Now, The People's Republic of China has maintained its stance with the 9-dash line whereas the ROC lays claims to the territories demarcated in the 11-dash line.

In 1954 The Geneva Accords that ended the First Indochina War gave South Vietnam control of territories south of the 17th Parallel - including the Spratly and Paracel Islands. In the Late 1970s, the Philippines and Malaysia imposed their claims on areas on the Spratly Islands. The People's Republic of China and Vietnam fought near the Johnson Reef due to the People's Republic of China's intention to build observation posts and subsequently get permission from the Intergovernmental Oceanographic Commission to do so. The conflict resulted in China occupying the Johnson Reef.

In 2011 interactions like Chinese frigates firing shots at Filipino fishing boats and Vietnamese gas and survey ships encountering a Chinese patrol ship 600km off of China's Hainan Island led to increased militarisation of occupied islands in 2012.

The United States maintained its interests in ensuring freedom of navigation and securing sea lines of communication and had expressed support for an agreement on a binding code of conduct and similar confidence-building measures. The United States' Freedom of Navigation Operations (FONOPs) entailed American Naval Presence in the South China Sea with the 'intention of ensuring free and open access to the South China Sea'. This has been protested by China and labelled as 'provocative'.



Agreed maritime boundaries:

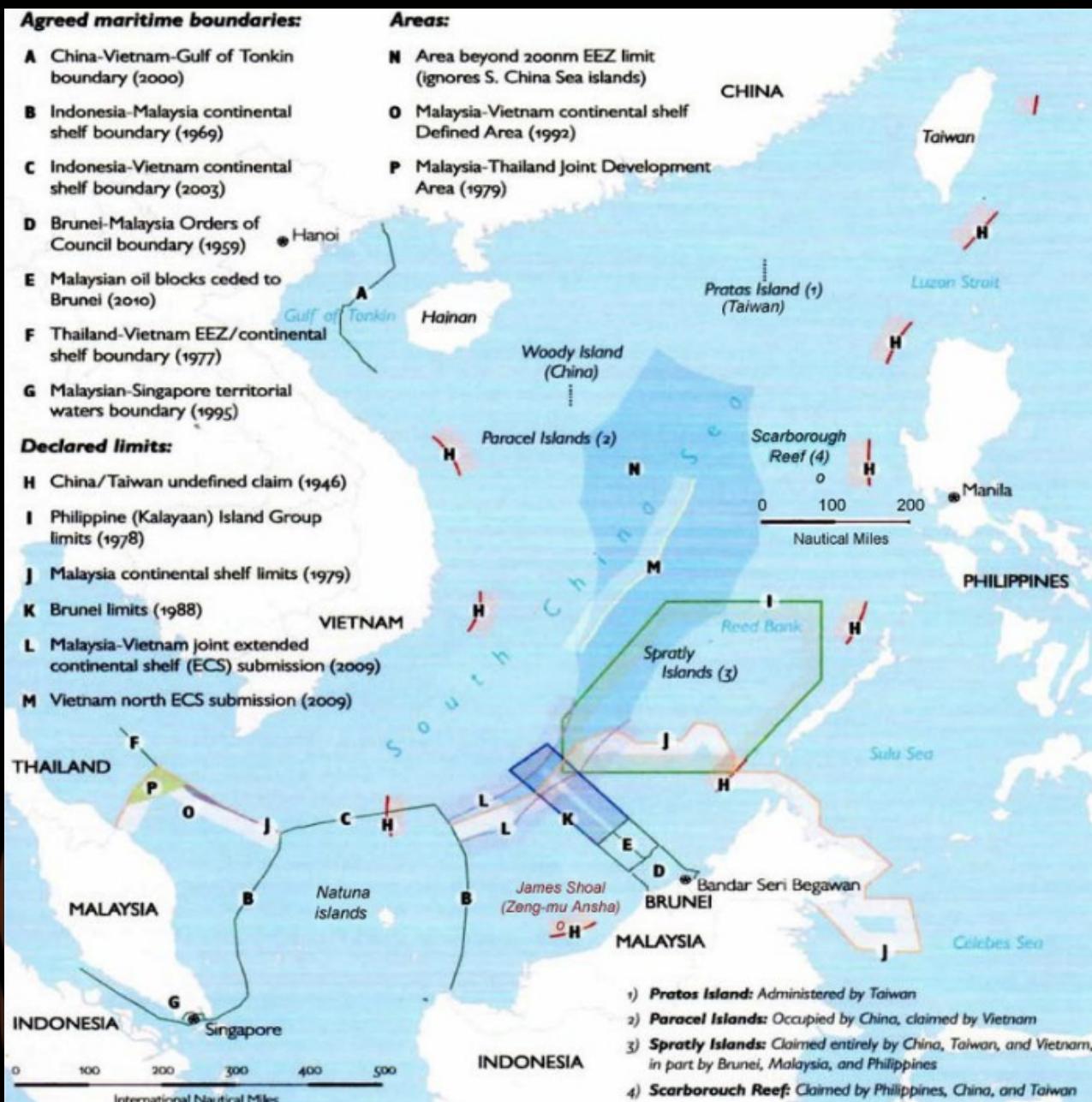
- A China-Vietnam-Gulf of Tonkin boundary (2000)
- B Indonesia-Malaysia continental shelf boundary (1969)
- C Indonesia-Vietnam continental shelf boundary (2003)
- D Brunei-Malaysia Orders of Council boundary (1959)
- E Malaysian oil blocks ceded to Brunei (2010)
- F Thailand-Vietnam EEZ/continental shelf boundary (1977)
- G Malaysian-Singapore territorial waters boundary (1995)

Declared limits:

- H China/Taiwan undefined claim (1946)
- I Philippine (Kalayaan) Island Group limits (1978)
- J Malaysia continental shelf limits (1979)
- K Brunel limits (1988)
- L Malaysia-Vietnam joint extended continental shelf (ECS) submission (2009)
- M Vietnam north ECS submission (2009)

Areas:

- N Area beyond zoomn EEZ limit (ignores S. China Sea islands)
- O Malaysia-Vietnam continental shelf Defined Area (1992)
- P Malaysia-Thailand Joint Development Area (1979)





KEY TERMS

South China Sea (SCS)

A marginal sea in the Pacific Ocean encompassing an area of about 3.5 million square kilometres, bordered by China, Taiwan, Vietnam, Philippines, Malaysia, Brunei, and Indonesia. The region is rich in natural resources and has been a focal point of territorial disputes.

Nine-Dash Line

A demarcation line used by China to assert its territorial claims over much of the South China Sea. It is a controversial and unilateral boundary claim that overlaps with the Exclusive Economic Zones (EEZs) of neighbouring countries.

Exclusive Economic Zone (EEZ)

An area of the sea in which a sovereign state has special rights regarding the exploration and use of marine resources, including energy production and fishing. The United Nations Convention on the Law of the Sea (UNCLOS) governs the establishment of EEZs.

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

An international treaty that defines the rights and responsibilities of nations in their use of the world's oceans. It establishes guidelines for the delineation of maritime boundaries, including territorial waters, exclusive economic zones, and the continental shelf.

Territorial Waters

The area of sea around a country's coast is recognized as being under that country's jurisdiction. Territorial waters extend up to 12 nautical miles from the baseline of a coastal state.

Spratly Islands

A group of islands, reefs, and atolls in the South China Sea, claimed in whole or in part by China, Taiwan, Vietnam, Philippines, Malaysia, and Brunei. The Spratly Islands are a focal point of territorial disputes due to their strategic location and resource-rich waters.

Paracel Islands

A group of islands in the South China Sea, primarily claimed by China and Vietnam. The Paracel Islands have been a source of tension and territorial disputes between the two countries.

Arbitration Tribunal (The Hague Tribunal)

A Permanent Court of Arbitration tribunal in The Hague, Netherlands, ruled on the case brought by the Philippines against China regarding the South China Sea in 2016. The tribunal invalidated China's historical claims and reinforced the importance of UNCLOS.

Freedom of Navigation Operations (FONOPs)

Military operations conducted by naval forces to challenge restrictions or excessive maritime claims that impede the free movement of vessels in international waters, as allowed under international law.

Code of Conduct (COC)

A proposed agreement aimed at managing and preventing conflicts in the South China Sea. The COC is being negotiated between the Association of Southeast Asian Nations (ASEAN) and China.

Belt and Road Initiative (BRI)

A Chinese development strategy that aims to foster economic connectivity and cooperation between countries. The South China Sea plays a significant role in the maritime aspect of the BRI.

Military Buildup

The strengthening of military capabilities, including the deployment of troops, naval assets, and military infrastructure, by countries involved in the South China Sea dispute, contributed to regional tensions.

ASEAN (Association of Southeast Asian Nations)

A regional intergovernmental organization comprising ten Southeast Asian countries. ASEAN plays a role in diplomatic efforts and negotiations related to the South China Sea conflict.

Hydrocarbon Resources

Oil and natural gas reserves found beneath the seabed of the South China Sea, contributing to the strategic importance of the region and intensifying territorial disputes.

Militarization

The process of deploying military assets, such as weapons, aircraft, and facilities, to strengthen a country's strategic position in the South China Sea.

Fisheries Disputes

Conflicts arising from competing claims over fishing rights and resources in the South China Sea, a critical area for the global fishing industry.

Gray Zone Tactics

Ambiguous and non-traditional methods employed by nations to achieve strategic objectives without engaging in overt warfare, often seen in the South China Sea through activities such as maritime militia operations.

Maritime Militia

Civilian vessels organized and used by a state for paramilitary purposes, such as asserting territorial claims or supporting military activities. China has been accused of using maritime militia in the South China Sea.

Hainan Province

A Chinese province that administers the country's claims in the South China Sea. Hainan is home to military installations and serves as a base for China's naval activities in the region.

Island-Building

The process of artificially creating or expanding islands, often involving land reclamation, to enhance territorial claims and establish military outposts in the South China Sea.

Philippine Rise (Benham Rise)

An undersea region located east of the Philippines, distinct from the South China Sea, but relevant due to its potential as a rich source of marine and mineral resources.

Dual-Track Approach

A diplomatic strategy advocated by some countries, emphasizing both negotiations and confidence-building measures to address disputes in the South China Sea.

Geopolitical Hegemony

The dominance or control of a region by a single state or a group of states, a concern in the South China Sea as China's influence in the region continues to grow.

Environmental Degradation

The deterioration of the marine environment in the South China Sea due to activities such as overfishing, pollution, and destruction of coral reefs, impacting biodiversity and ecosystem health.

Historical Rights

Claims based on historical connections and activities, often used by states like China to justify their territorial assertions in the South China Sea.

Proxy Conflicts

Indirect confrontations between countries in the South China Sea, where third-party actors may support or align with one of the disputing parties.

Subi Reef and Mischief Reef

Specific features in the South China Sea where China has undertaken significant land reclamation and construction activities, contributing to regional tensions.

Thitu Island (Pag-aso Island)

An island in the Spratly group claimed and occupied by the Philippines, a source of contention in the broader South China Sea dispute.

Scarborough Shoal (Panatag Shoal)

A disputed area near the Philippines, claimed by both China and the Philippines and known for standoffs between the two countries.

ASEAN Regional Forum (ARF)

A platform for dialogue and security cooperation in the Asia-Pacific region, involving ASEAN member states and other major players, addressing regional security issues, including the South China Sea.

Geoeconomics

The use of economic instruments and tools to achieve geopolitical objectives, such as leveraging economic power in the context of the South China Sea dispute.

Legal Warfare (Lawfare)

The use of legal actions, including international law and arbitration, as a tool in the South China Sea conflict to support or challenge territorial claims.

Non-Claimant States

Countries that do not have direct territorial claims in the South China Sea but may be impacted by the geopolitical dynamics and freedom of navigation in the region.





CASE STUDIES

People's Republic of China

The South China Sea conflict has been a persistent source of tension in the Asia-Pacific region, with the People's Republic of China (PRC) at the centre of geopolitical developments. This case study delves into China's strategic moves in the South China Sea, examining key events, territorial claims, and the implications of its actions on regional stability.

China's historical claims in the South China Sea date back centuries, with references to maps and maritime activities. However, contemporary tensions escalated in the latter half of the 20th century, particularly in the 1980s and 1990s. During this period, China began to assert its sovereignty over various islands and features in the region, leading to clashes with neighbouring countries such as Vietnam and the Philippines.

A critical aspect of China's claims is the infamous Nine-Dash Line, a demarcation that encompasses a significant portion of the South China Sea. Originally introduced by the Republic of China in 1947, it has been a consistent source of contention. The PRC has used this line to justify its territorial assertions, leading to concerns and disputes with neighbouring nations over maritime boundaries and exclusive economic zones.

One of the most controversial aspects of China's strategy in the South China Sea is the construction of artificial islands. In recent years, China has engaged in extensive land reclamation activities, transforming reefs and atolls into military outposts. These actions have included the construction of airstrips, radar facilities, and other infrastructure, raising alarm among neighbouring states and the international community.

The Scarborough Shoal standoff in 2012 marked a turning point in the South China Sea dispute. China's occupation of the Scarborough Shoal, a contested area also claimed by the Philippines, led to heightened tensions. Despite international calls for a peaceful resolution, China maintained its presence, contributing to a strain in Sino-Philippine relations and challenging the status quo in the region.

In 2013, the Philippines initiated arbitration proceedings against China under the United Nations Convention on the Law of the Sea (UNCLOS). In 2016, the Permanent Court of Arbitration in The Hague delivered a landmark ruling, invalidating China's historical claims within the Nine-Dash Line. The ruling emphasised the importance of international law and maritime norms, challenging China's unilateral stance.

China's approach to the South China Sea conflict involves a combination of diplomacy and assertiveness. While participating in dialogues such as the Declaration on the Conduct of Parties in the South China Sea (DOC) with ASEAN, China has simultaneously pursued its territorial objectives. This dual-track approach has allowed China to maintain diplomatic engagement while advancing its strategic interests on the ground.

China's interest in the South China Sea extends beyond territorial claims; it is also motivated by economic and geopolitical factors. The region is rich in hydrocarbon resources and serves as a crucial maritime route for trade. Additionally, control over the South China Sea enhances China's geopolitical influence, aligning with its broader ambitions for regional dominance.

The South China Sea conflict, centred around China's strategic moves, remains a complex and evolving geopolitical issue. China's assertive actions, including island-building, militarization, and territorial claims, have heightened tensions in the region. While diplomatic efforts continue, the case study underscores the need for a nuanced understanding of China's motivations, the historical context of the dispute, and the broader implications for regional stability and global geopolitics. The South China Sea remains a focal point for international attention, and the actions and decisions made in the coming years will shape the future dynamics of this contentious maritime theatre.

Republic of China (Taiwan)

As the South China Sea conflict unfolds, the Republic of China (Taiwan) finds itself in a unique position, navigating geopolitical complexities while maintaining its claims in the region. This case study examines Taiwan's stance in the South China Sea, delving into historical context, territorial claims, and the strategic considerations that shape its approach to the maritime dispute.

Taiwan's historical connection to the South China Sea is rooted in its claim to the Nine-Dash Line, which was initially established by the Republic of China (ROC) in 1947. Although Taiwan has not engaged in the same level of assertiveness as the People's Republic of China (PRC), it maintains historical ties and claims over certain features in the region, echoing the sentiments of the original Nine-Dash Line.

Taiwan asserts sovereignty over the Spratly Islands, Paracel Islands, and other features in the South China Sea. While its claims overlap with those of the PRC, Taiwan's approach has been less aggressive, emphasising a commitment to the peaceful resolution of disputes and regional stability.

Taiwan faces diplomatic isolation on the global stage due to the One-China policy, with the majority of nations recognizing the PRC as the legitimate government of China. This isolation extends to Taiwan's involvement in international forums and negotiations regarding the South China Sea, limiting its direct participation in regional discussions.

Given its diplomatic constraints, Taiwan employs a strategic navigation approach in the South China Sea conflict. Instead of overt assertiveness, Taiwan leverages soft power initiatives, emphasising economic cooperation, cultural exchanges, and environmental protection in the region. These efforts aim to garner support and reinforce Taiwan's presence without exacerbating tensions.

Similar to the PRC, Taiwan has economic interests in the South China Sea, particularly regarding potential hydrocarbon resources. Despite facing challenges in asserting its claims, Taiwan actively engages in resource exploration and joint ventures with other claimant states, contributing to the complex web of economic interests in the region.

Taiwan, like the PRC, is not a signatory to the United Nations Convention on the Law of the Sea (UNCLOS). However, Taiwan has expressed its commitment to abiding by UNCLOS principles and has called for peaceful resolution mechanisms based on international law. This stance aligns with broader efforts to emphasise adherence to legal frameworks in addressing the South China Sea dispute.

Taiwan's involvement in the South China Sea conflict is also influenced by security considerations. With the PRC increasing its military presence and assertiveness, Taiwan navigates a delicate balance between safeguarding its interests, ensuring regional stability, and avoiding confrontations with the mainland.

Taiwan's stance in the South China Sea conflict reflects a nuanced approach driven by historical claims, diplomatic constraints, economic interests, and security considerations. Navigating its unique status on the international stage, Taiwan employs soft power initiatives and strategic navigation to safeguard its interests while emphasising a commitment to peaceful resolution. As the South China Sea remains a focal point for regional tensions, Taiwan's role in the conflict underscores the complexities inherent in balancing territorial claims with diplomatic realities. The evolving dynamics in the region will continue to shape Taiwan's approach and influence the broader geopolitical landscape.

Philippines

Amidst the complex South China Sea conflict, the Philippines has emerged as a key player, navigating a delicate balance between protecting its territorial interests, fostering regional stability, and engaging in diplomatic efforts. This case study explores the Philippines' stance in the South China Sea, examining historical events, legal actions, and the multifaceted dynamics influencing its approach to the maritime dispute.

The Philippines, as an archipelagic nation, has a long history of maritime activities and territorial claims in the South China Sea. The Spratly Islands, Scarborough Shoal, and other features have been at the centre of historical disputes, with neighbouring countries, particularly China, contesting sovereignty over these strategic areas.

In 2013, the Philippines took a significant step by initiating arbitration proceedings against China under the United Nations Convention on the Law of the Sea (UNCLOS). The case centred on challenging China's expansive Nine-Dash Line claims and seeking clarification on maritime entitlements, particularly in the Exclusive Economic Zone (EEZ).

In 2016, the Permanent Court of Arbitration (PCA) in The Hague delivered a landmark ruling in favour of the Philippines, invalidating China's historical claims within the Nine-Dash Line. The ruling emphasised the Philippines' sovereign rights in its EEZ, marking a significant legal victory and influencing the discourse on the South China Sea dispute.

The Philippines, as a member of the Association of Southeast Asian Nations (ASEAN), engages in regional diplomacy to address the South China Sea conflict collectively. While advocating for a united ASEAN stance, the Philippines also faces challenges in achieving consensus among member states with varying interests and relationships with China.

Economic considerations play a crucial role in shaping the Philippines' approach to the South China Sea dispute. The region is vital for the Philippines' fishing industry, and potential hydrocarbon resources in its EEZ contribute to the nation's energy security. Balancing economic interests with territorial integrity remains a challenge.

The Philippines, historically a U.S. ally, has sought security assurances amid growing concerns about China's military activities in the South China Sea. Collaborative military exercises with the U.S. and other regional partners aim to enhance the Philippines' defence capabilities and deter potential aggression.

The South China Sea issue holds domestic significance, influencing Philippine public

opinion and political dynamics. Leaders must strike a balance between protecting national sovereignty and avoiding escalations that could impact regional stability.

Changes in Philippine leadership have led to shifts in the country's approach to the South China Sea conflict. The Duterte administration, for instance, pursued a more conciliatory stance, prioritising economic cooperation with China while facing criticism for perceived concessions on territorial issues.

Ongoing developments in the South China Sea continue to shape the Philippines' stance. Tensions over Scarborough Shoal, ongoing militarization, and competing maritime activities contribute to the evolving dynamics that influence the Philippines' responses to the conflict.

The Philippines' role in the South China Sea conflict reflects a complex interplay of historical claims, legal actions, economic interests, and diplomatic considerations. Navigating the geopolitical landscape, the Philippines seeks a delicate balance between protecting its territorial integrity, fostering regional stability, and engaging in diplomatic initiatives. As the situation evolves, the Philippines' approach will continue to be shaped by domestic dynamics, changes in leadership, and the broader geopolitical context of the South China Sea dispute.

Other affected countries -

Brunei Darussalam

Malaysia

The Socialist Republic of Vietnam



RELEVANT EVENTS TIMELINE

20th Century

1930s - 1940s

Japan occupied several islands in the South China Sea during World War II.

1947

The Republic of China (Nationalist China) officially claims the "Nine-Dash Line" to demarcate its territorial claims in the South China Sea.

1950s - 1970s

Philippines, Vietnam, Malaysia, and other Southeast Asian nations assert their claims over different features in the South China Sea.

1988

China and Vietnam clash in the Battle of Johnson South Reef, resulting in the loss of lives and heightened tensions.

1988 - 1990

China occupies several features in the Spratly Islands, leading to protests and increased tensions with neighbouring countries.

1992

China promulgates the Law on Territorial Waters and Their Contiguous Areas, reinforcing its claims in the South China Sea.

1995

China builds structures on Mischief Reef, leading to protests from the Philippines and increased tensions.

1999

The Philippines and Vietnam sign a cooperation agreement to jointly explore and develop oil and gas resources in disputed areas.

21st Century

2002

The Declaration on the Conduct of Parties in the South China Sea (DOC) is signed by ASEAN and China, promoting peaceful resolution and cooperation.

2007

China announces plans for the creation of a Sansha City to administer the disputed Paracel and Spratly Islands

2009

The Philippines submits a claim to the United Nations Commission on the Limits of the Continental Shelf (CLCS), asserting its sovereign rights over certain areas in the South China Sea.

2011

Vietnam accuses Chinese vessels of cutting a seismic cable operated by a Vietnamese survey ship in disputed waters.

2012

The Scarborough Shoal standoff occurs between China and the Philippines, resulting in increased tensions.

2013

The Philippines initiates arbitration proceedings against China under UNCLOS.

2014

China places an oil rig near the disputed Paracel Islands, leading to a standoff with Vietnam.

2016

The Permanent Court of Arbitration (PCA) in The Hague rules in favour of the Philippines, invalidating China's historical claims and reinforcing UNCLOS.

2017 - 2019

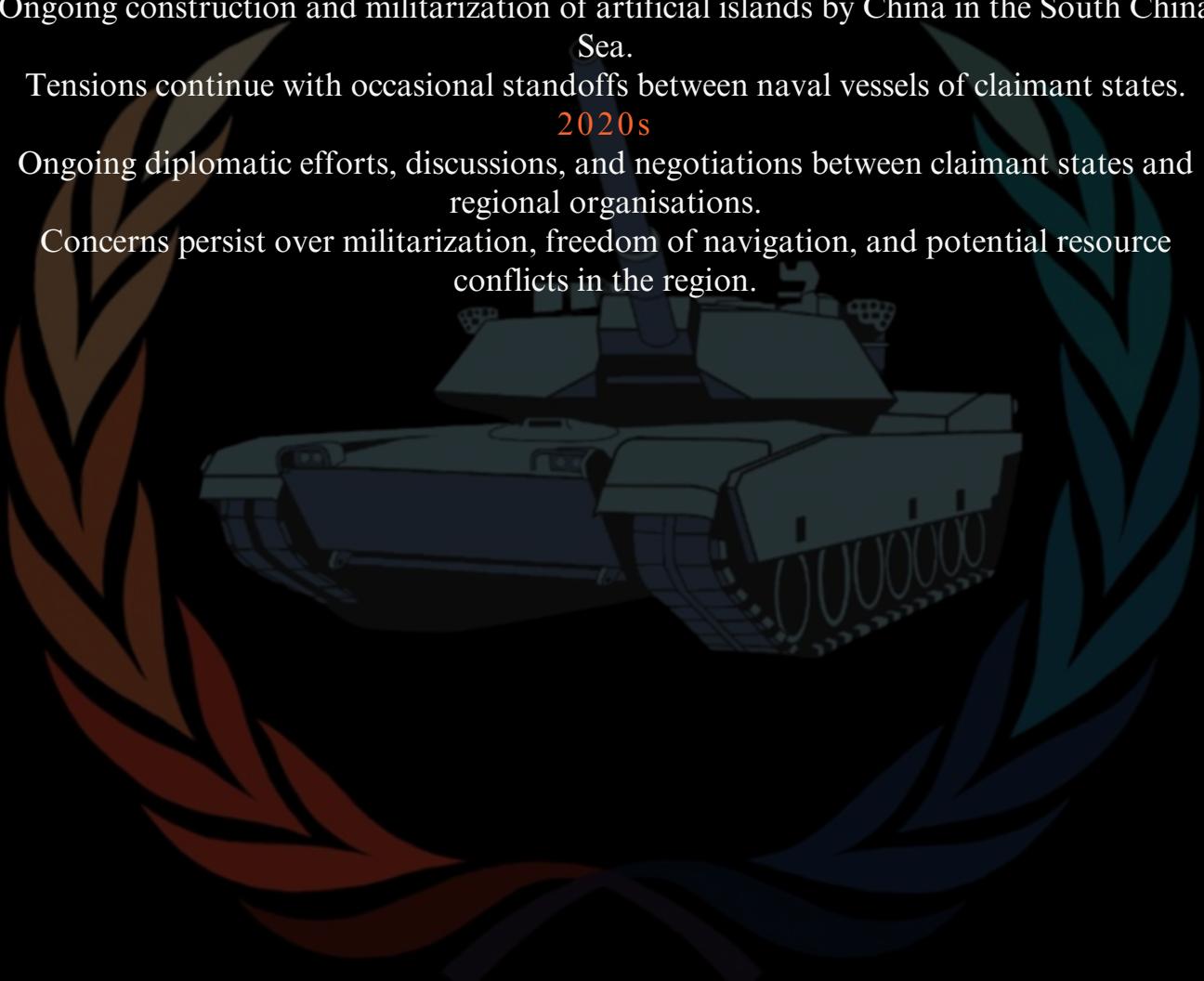
Ongoing construction and militarization of artificial islands by China in the South China Sea.

Tensions continue with occasional standoffs between naval vessels of claimant states.

2020s

Ongoing diplomatic efforts, discussions, and negotiations between claimant states and regional organisations.

Concerns persist over militarization, freedom of navigation, and potential resource conflicts in the region.





RELEVANT UN TREATIES INTL. LAW

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

Year of Adoption: 1982

Key Provisions -

- i. Adopted in 1982, entered into force in 1994.
- ii. Defines the rights and responsibilities of nations in the use of the world's oceans.
- iii. Establishes guidelines for maritime zones, including territorial waters and exclusive economic zones (EEZs).
- iv. Recognizes the concept of the continental shelf, granting coastal states sovereign rights over resources.
- v. Emphasises the peaceful use and conservation of marine resources.
- vi. Outlines rules for navigation, environmental protection, and scientific research at sea.
- vii. Provides mechanisms for the settlement of disputes, including the International Tribunal for the Law of the Sea (ITLOS).
- viii. Affirms the freedom of the high seas and the right of innocent passage through territorial seas.
- ix. Promotes international cooperation on marine scientific research and the prevention of marine pollution.
- x. Widely ratified, considered a cornerstone of modern international maritime law.

Declaration on the Conduct of Parties in the South China Sea (DOC)

Year of Adoption: 2002

Key Provisions -

- i. Political agreement between China and ASEAN adopted in 2002.
- ii. Aims to promote peace, stability, and cooperation in the South China Sea.
- iii. Encourages parties to resolve disputes through peaceful means.
- iv. Calls for self-restraint in activities that could escalate tensions or contribute to militarization.
- v. Advocates for confidence-building measures to enhance trust and reduce the risk of conflicts.
- vi. Commits to not involving external forces in South China Sea disputes.

- Serves as a precursor to the eventual adoption of a binding Code of Conduct (COC).
- Establishes an ASEAN-China dialogue mechanism for consultation and cooperation.
- Requires an annual review of the DOC's implementation to assess progress and address challenges.

Treaty of Amity and Cooperation in Southeast Asia (TAC)

Year of Adoption: 1976

Key Provisions -

- i. Treaty was adopted in 1976 within the ASEAN framework.
- ii. Aims to foster regional peace and cooperation in Southeast Asia.
- iii. Emphasises non-interference in the internal affairs of signatory states.
- iv. Encourages peaceful conflict resolution mechanisms.
- v. Promotes mutual respect for the principles of sovereignty and territorial integrity.
- vi. Establishes a commitment to abstain from the use of force or threat of force.
- vii. Calls for the peaceful settlement of disputes through consultation and peaceful means.
- viii. Underlines the importance of regional stability and economic prosperity.
- ix. Recognizes the diversity of political systems and ideologies among signatory states.
- x. Serves as a foundational treaty for diplomatic relations and regional collaboration within ASEAN.

Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention)

Year of Adoption: 1988

Key Provisions:

- i. Aims to address unlawful acts that threaten the safety of maritime navigation.
- ii. Defines and criminalises specific offences related to maritime security, including acts of terrorism.
- iii. Requires parties to establish jurisdiction over offences under the convention.
- iv. Calls for the prosecution or extradition of individuals involved in unlawful acts.
- v. Promotes international cooperation in the investigation and prosecution of offences.
- vi. Encourages the sharing of information among parties to prevent maritime security threats.
- vii. Strengthens the legal framework to combat acts against the safety of maritime navigation.
- viii. Contributes to global efforts to enhance maritime security and counter-terrorism at sea.

- Provides a mechanism for states to cooperate in suppressing unlawful acts, fostering a safer maritime environment.

International Tribunal for the Law of the Sea (ITLOS)

Year of Establishment: 1996

Key Provisions:

- i. Established in 1996 under UNCLOS to adjudicate maritime disputes.
- ii. Jurisdiction covers issues related to the interpretation and application of UNCLOS.
- iii. Provides a forum for the resolution of disputes related to maritime boundaries and legal questions.
- iv. Comprises 21 judges elected by States Parties to UNCLOS.
- v. Functions independently to ensure impartiality in dispute resolution.
- vi. Has the authority to deliver binding judgments and advisory opinions.
- vii. Plays a crucial role in maintaining the rule of law in the seas.
- viii. Serves as a specialised tribunal specifically for UNCLOS-related matters.
- ix. Offers a platform for peaceful settlement of maritime disputes to prevent conflicts.
- x. Contributes to the consistent interpretation and application of UNCLOS globally.

Law on Territorial Waters and Their Contiguous Areas:

Year of Adoption: 1992

Key Provisions:

- i. The law defines China's territorial sea, which extends up to 12 nautical miles from its baselines. It outlines the rights and jurisdiction of China in its territorial sea.
- ii. It establishes the concept of "innocent passage" for foreign ships through China's territorial sea, provided they comply with international law and do not pose a threat to China's security.
- iii. The law also addresses the contiguous zone, extending from the outer edge of the territorial sea to 24 nautical miles from the baselines. In this zone, China exercises the control necessary to prevent and punish infringements on its customs, fiscal, immigration, or sanitary laws and regulations.

Customary International Law

Key Provisions:

- i. Customary international law, including state practice and opinio juris, plays a role in shaping the legal landscape of the South China Sea conflict.
- ii. Customary principles, such as the prohibition of the use of force, are relevant.



QARMA

QUESTIONS A RESOLUTION MUST ANSWER

How can the conflicting territorial claims in the South China Sea be acknowledged and addressed?

What steps can be taken to emphasise adherence to international law, particularly the United Nations Convention on the Law of the Sea (UNCLOS)?

What proposals or endorsements can facilitate specific dispute resolution mechanisms, such as diplomatic negotiations, arbitration, or legal proceedings?

How should the role of regional organisations, particularly ASEAN, be considered in facilitating dialogue and conflict resolution?

What measures can be proposed to express concerns about militarization in the region, and how can maritime security and stability be enhanced?

What considerations should be made regarding the humanitarian impact of the conflict on affected populations and environmental concerns, such as overfishing and ecosystem protection?

How can the role of external powers in the South China Sea be addressed, and what actions can be encouraged for constructive engagement rather than escalatory actions?

What recognition and measures can be proposed for the economic significance of the South China Sea, ensuring the free flow of commerce and trade in the region?

How can the rights of innocent passage and freedom of navigation be safeguarded in accordance with international law?

What measures can be proposed to build confidence, reduce tensions, and foster trust among the involved parties?

What steps can be outlined for the implementation of proposed measures and mechanisms, and what provisions can be put in place for monitoring progress?

What strategies can be employed to address the long-term goals of stability, cooperation, and sustainable development in the South China Sea region?



RULES OF PROCEDURE

Rules of procedure refer to the formal conduct delegates are expected to maintain during the conference. It is essential to adhere to the rules and maintain decorum for the smooth flow of the committee. For this conference, we will be adhering to the UNA-USA format of rules of procedure.

Begin formal session

How to raise it? : The delegate of “your allotted country” puts forward a motion to begin the formal session.

Setting the Agenda

How to raise it? : The delegate of “your allotted country” puts forward a motion to set the agenda as “Agenda of the committee”.

Roll Call

How to raise it? : The delegate of “your allotted country” raises a motion to begin a roll call. When your allotted country is called upon during the roll call, you have two options either say “present and voting” or simply say “present”. (Note: If a delegate says “present and voting”, they cannot abstain from voting on the resolution at the end of committee.)

General Speaker’s List

Committee generally begins formal debate by starting the ‘GSL’ (General Speaker’s list). It serves the purpose of allowing a delegate to express their stance on the agenda. A GSL is non-exhaustive.

How to raise it? : The delegate of “your allotted country” raises a motion to establish the general speakers’ list

Moderated Caucus

This motion can be raised when the committee wants to debate on a specific topic.

How to raise it?: The delegate of “your allotted country” raises a motion to suspend formal session/debate and move into a Moderated Caucus on “topic” for a time period of ”x” minutes allotting “x” minute per speaker. In case a delegate does not get recognized to speak, a delegate can send in your point through substantive chit.

Format of Substantive Chits

Substantive chits are written as follows;

To: The Executive Board (may be abbreviated as EB)

From Delegate of: (your allocated country)

Unmoderated Caucus

This motion is proposed when delegates wish to discuss the committee's status among themselves and further evaluate their next actions.

How to raise it? : The delegate of “your allotted country” raises a motion to suspend formal debate and move into an unmoderated Caucus for a time period of “x” minutes.

Points

Point of Parliamentary Enquiry

This point is raised by a delegate to clarify anything regarding the rules of procedure or to know the status of the committee (For example: to know which delegate is speaking next/ if the EB is accepting more speakers)

How to raise it? : The delegate of “your allocated country” raises a point of a parliamentary inquiry.

Point of Personal Privilege

This point is raised by a delegate to address a personal issue. (For example: to ask another delegate to repeat a point they made in their speech/to be excused from the committee)

How to raise it? : The delegate of “your allocated country” raises a point of personal privilege.

Point of Order

This point can be raised by a delegate to point out logical or factual inaccuracies in the speeches of other delegates.

How to raise it? : The delegate of “your allocated country” raises a point of order, Factual inaccuracy/ Logical Fallacy (either one).

Point of Information

This is raised when a delegate wants to ask questions about another delegate's speech.

How to raise it? : The delegate of “your allocated country” raises a point of information. If you ask a question and are still not satisfied with the answer, you can raise a follow-up question right after the delegate answers.

How to raise it? : The delegate of “your allocated country” wants to raise a follow-up question (*Note: This point can be denied if the Chairperson feels so*).

If a delegate wants to ask a question via chit, you can use this format -

POINT OF INFORMATION

TO: Delegate of “country you want to question”

VIA: Executive Board

FROM: Delegate of “your allotted country”

state the question

Working Paper

A working paper is the preliminary draft of solutions that the committee comes up with and is usually turned in and presented by the blocs on the second day. They serve as a basis for delegates to see which blocs have stances that align with theirs and to subsequently merge for drafting the final resolution.

Working papers have no strict format. That is, operative and preambulatory clauses are not required, and the paper can also be presented in a series of rough points.

Sponsors are delegates who have contributed the most towards writing the working paper. For presentation and Q&A, any delegate from the bloc can come up to present the paper and answer relevant questions.

Draft Resolution

A draft resolution or resolution, contains all the solutions that committee wants to introduce in the form of a formal document that will be discussed and put to vote in front of the committee. If passed, this acts as a set of suggestions and recommendations to those who agree with it on the issue at hand.

Sponsors are those who have majorly written the resolution, whose countries must agree with every clause and amendment. The number of sponsors is usually kept between 2 and 4, this will be informed to the committee on the day of the conference.

Signatories are those who would like to see the resolution discussed in front of the committee. A signatory does not necessarily agree with the resolution, just wants to see it be debated. A delegate can be a signatory to more than one resolution. Resolutions must have at least 1/3rd of the committee's strength as signatories to be able to present them to the committee.

An amendment to a resolution is in the form of an edit, addition, or deletion to the resolution that has been presented to the committee. This is usually sent to the chairs after the resolution has been discussed and through a motion, the committee is in an amendment session. If more than 1/3rd the number of a resolution's total number of operative clauses are accepted as amendments, the resolution will be scrapped. When an amendment is presented to the chairs, the sponsors of the resolution will be given the option to either accept it as friendly or unfriendly. A friendly amendment is automatically accepted, and the content that was aimed to be changed, added or deleted is done as such. An unfriendly amendment means that the committee will vote, to decide whether or not the change shall be made. This is done through a simple majority vote.

- 1) **(To introduce Resolution)** the delegate of “your allotted country” would like to raise a motion to introduce *RESOLUTION NAME*
- 2) **(Amendments)** The delegate of “your allotted country” would like to raise a motion to move into the amendment session for *RESOLUTION NAME*
- 3) **(To vote on the resolution)** the delegate of “your allotted country” would like to raise a motion to table the *RESOLUTION NAME* for the voting procedure.

Resolution Format

(Name of resolution)

Sponsors:

Signatories:

Topic: XYZ

Committee name,

(Preambulatory Clauses)

1. Every preambulatory clause ends with a comma (,)

(Operative clauses)

1. Every Operative clause ends with a semicolon (;)

2. Every sub-clause to a resolution should end with a comma (,) till and unless it is the last sub-clause to the main clause, it shall end with a semicolon (;)

3. Every main clause before starting with a sub-clause should have a colon (:)

4. Full stop at the end of the resolution.

Voting

Voting is of 2 types, procedural and substantive. Procedural voting requires a simple majority, which is set at 50%+1 of committee strength. For example, if a committee has 100 people, the simple majority is set at 51 votes. Procedural Voting is used in cases such as voting upon motions. Substantive voting requires a 2/3rds majority. This is primarily used in voting upon a resolution. For example, if a committee has 100 members, the majority will be set at 67 votes.

Press Conference

The questions may range from matters of foreign policy, the agenda itself or controversial actions by the respective nations of the delegates, with the intended purpose being to test the depth of the research and knowledge of the delegates.



FURTHER READING

The Treaty of San Francisco

<https://treaties.un.org/doc/publication/unt/volume%20136/volume-136-i-1832-english.pdf>

Global Conflict Tracker: The South China Dispute

<https://www.cfr.org/global-conflict-tracker/conflict/territorial-disputes-south-china-sea>

Geographic Details of the South China Sea

<https://www.britannica.com/place/South-China-Sea>

What is the South China Sea dispute?

<https://www.bbc.com/news/world-asia-pacific-13748349>

United Nations Convention on the Law of the Sea

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

Statute of the International Tribunal on the Law of the Sea

https://www.itlos.org/fileadmin/itlos/documents/basic_texts/statute_en.pdf

Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation

<https://treaties.un.org/doc/db/terrorism/cnv8-english.pdf>

The Dispute of the South China Sea

<https://www.crf-usa.org/images/pdf/south-china-sea-dispute.pdf>