



XII<sup>TH</sup> EDITION



**DISEC**

***Disarmament and International Security Committee  
Background Guide***

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*AGENDA: Discussion on combating the threats to international peace and maritime security with special emphasis on the South China Sea.*

## Letter from the Executive Board

Dear Delegates,

Welcome to the Disarmament and International Security Committee. As your Executive Board, we are genuinely excited to have you here and to walk alongside you as you explore one of the most sensitive and high stakes issues in contemporary international security: **Discussion on combating the threats to international peace and maritime security, with special emphasis on the South China Sea.**

At first glance, the oceans may seem distant from our everyday lives. Yet almost everything we use, from fuel and food to phones and medicines, travels across the seas. When maritime spaces become unstable, the effects are felt far beyond coastlines. Jobs are lost, economies suffer, and political tensions spill over into real world consequences. This is why maritime security is not just a naval or regional issue, but a truly global one.

The South China Sea sits at the heart of this reality. It is one of the busiest sea routes in the world and a region rich in resources and strategic value. Several countries rely on it for trade, energy security, and national defence. However, overlapping claims, historical grievances, military build ups, and the involvement of both state and non state actors have turned the region into a zone of uncertainty and frequent tension. Small incidents at sea now carry the risk of escalating into wider conflicts, making this agenda especially relevant for DISEC.

As delegates in this committee, you are not expected to decide who owns which island or reef. Instead, your responsibility lies in addressing how militarisation, arms proliferation, unsafe naval practices, and emerging technologies threaten international peace. You will be examining how international law is applied, where it is challenged, and how cooperation can be strengthened to prevent miscalculation and conflict. This requires balancing national interests with collective security, a task that mirrors the real challenges faced by diplomats around the world.

This Background Guide has been written to support you at every step. It explains complex legal terms, historical developments, and strategic concerns in a clear and structured manner, without losing technical depth. Even if you are approaching maritime security for the first time, this guide aims to give you the confidence to understand the issue fully and engage meaningfully in debate. At the same time, we strongly encourage you to go beyond this document and research your country's specific stance, policies, and priorities.

Most importantly, we invite you to approach this committee with empathy, open mindedness, and respect. Behind every policy position lies a country's security concerns, economic realities, and political pressures. The best debates are those that recognise these human dimensions while striving for solutions that promote peace and stability for all.

We look forward to dynamic discussion, thoughtful diplomacy, and well reasoned solutions from each of you. Should you ever feel uncertain or need guidance, remember that the Executive Board is always here to help.

We wish you the very best in your preparation and cannot wait to see your ideas come to life in committee.

Warm regards,

**The Executive Board**

**Disarmament and International Security Committee (DISEC)**



# Committee and Mandate

## Understanding DISEC

The Disarmament and International Security Committee, commonly known as **DISEC**, is the **First Committee of the United Nations General Assembly**. In very simple words, DISEC is the place where countries come together to talk about **war, weapons, military tensions, and threats to peace**, and try to prevent conflicts before they turn violent.

If the United Nations were a hospital for global problems, DISEC would be the department that focuses on **preventing injuries rather than treating them after they happen**.

DISEC operates under the authority of the **United Nations General Assembly**, which means every UN Member State has a voice here, whether big or small, powerful or developing. Decisions in DISEC are not legally binding, but they carry **huge political and moral weight**, often shaping treaties, military behaviour, and global norms.

## What DISEC Is Meant to Do

At its core, DISEC has four broad responsibilities:

1. **Prevent armed conflict**
2. **Reduce excessive militarisation**
3. **Control and limit weapons**
4. **Promote international peace and security**

DISEC discusses issues such as nuclear weapons, conventional arms, cyber warfare, terrorism, space militarisation, and increasingly, **maritime security**. The committee recognises that modern conflicts are no longer fought only on land. Seas, airspace, cyberspace, and even satellites have become battlefields.

## Why Maritime Security Falls Under DISEC

You might wonder: If the ocean is about ships and trade, why is DISEC involved? The answer is simple.

When naval forces are armed, when warships confront each other, when military bases are built on disputed islands, and when advanced weapons systems are deployed at sea, **maritime issues stop being economic problems and become security threats**.

DISEC's mandate covers:

- The **militarisation of shared spaces**
- The **proliferation of arms and military technology**
- The **risk of escalation between states**
- The **threats posed by both state and non state actors**

The South China Sea fits all of these categories perfectly.

## **DISEC's Mandate in This Agenda**

Under the agenda “**Discussion on combating the threats to international peace and maritime security with special emphasis on the South China Sea**”, DISEC's mandate can be broken down into three clear responsibilities:

### **1. Addressing Threats to International Peace**

DISEC does not decide borders or sovereignty. Instead, it looks at **how disputes are managed**.

In the South China Sea, close encounters between naval vessels, aggressive patrols, and military exercises increase the risk of:

- Accidental clashes
- Miscalculation
- Rapid escalation into armed conflict

DISEC examines how such risks can be reduced through confidence building measures, arms restraint, communication mechanisms, and international cooperation.

### **2. Examining Militarisation and Arms Proliferation**

The committee focuses on:

- Deployment of missiles, aircraft, and naval assets
- Construction of military installations
- Introduction of advanced technologies such as autonomous systems and cyber capabilities

DISEC evaluates whether these actions:

- Increase regional instability
- Trigger arms races
- Undermine trust between states

The emphasis is not on blaming, but on understanding how militarisation affects peace and how restraint can be encouraged.

### 3. Strengthening International Norms and Legal Frameworks

DISEC plays a crucial role in reinforcing:

- Respect for international law
- Rules based order
- Peaceful dispute resolution

While bodies like international courts interpret the law, DISEC focuses on **political commitment** to those laws. It encourages states to:

- Follow established maritime rules
- Avoid unilateral use of force
- Promote dialogue and transparency

#### What DISEC Cannot Do

It is equally important to understand DISEC's limits.

DISEC **cannot**:

- Decide who owns islands or reefs
- Enforce rulings or deploy forces
- Impose sanctions directly

Instead, DISEC:

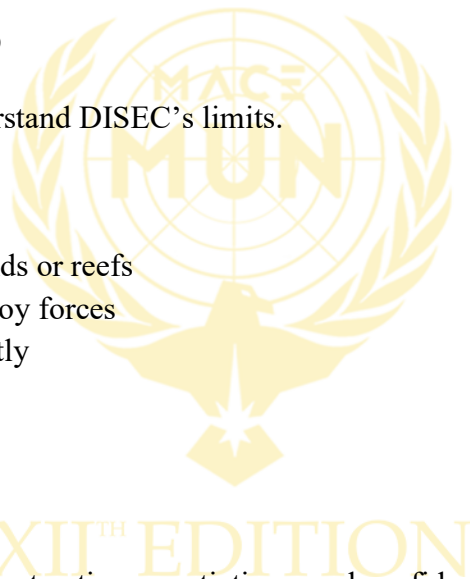
- Builds consensus
- Shapes global opinion
- Lays the groundwork for treaties, negotiations, and confidence building mechanisms

Think of DISEC as the place where **ideas are planted** that later grow into real world action.

#### Why This Mandate Matters Today

The South China Sea is not just a regional issue. A conflict there would affect:

- Global trade
- Energy security
- Food supply chains
- International alliances



DISEC's mandate exists because the world has learned, often painfully, that **unmanaged military competition leads to conflict**. This committee is your chance to imagine how cooperation, restraint, and dialogue can prevent that outcome.

## Introduction

The oceans have always connected the world long before airplanes, satellites, or the internet existed. Even today, when globalisation feels digital and instant, nearly everything that keeps modern life running still depends on the sea. Food, fuel, raw materials, electronics, medicines, and everyday consumer goods are transported across oceans through shipping routes that link continents together. Because of this, the security of the seas is not a distant or abstract concept. It directly affects economies, livelihoods, political stability, and ultimately, peace.

Maritime security refers to the condition in which seas and oceans are used safely, lawfully, and peacefully. It means that commercial ships can travel without being threatened, that coastal communities can depend on fishing for survival, that countries do not use force to intimidate one another at sea, and that criminal activities such as piracy, smuggling, and illegal fishing are controlled. When maritime security breaks down, the consequences are immediate. Trade becomes risky, prices rise, food and energy supplies are disrupted, and political tensions intensify.

The South China Sea lies at the centre of this reality. It is one of the busiest and most strategically important maritime regions in the world. Every year, a massive volume of global trade passes through its waters, linking the economies of East Asia, Southeast Asia, South Asia, the Middle East, Europe, and beyond. For many countries, especially in Asia, this sea is a lifeline. Oil and liquefied natural gas shipments that fuel industries and power cities move through these waters daily. Any instability in the South China Sea therefore has global economic consequences, far beyond the countries that border it.

At the same time, the South China Sea is not just a trade route. It is also rich in natural resources. Its waters support some of the world's most productive fisheries, providing food and employment to millions of people across coastal states. Beneath the seabed, there are believed to be reserves of oil and natural gas, although the exact quantities remain debated. These resources increase the strategic and economic value of the region and intensify competition among states.

What makes the situation particularly sensitive is that several countries claim overlapping parts of the South China Sea. China, the Philippines, Vietnam, Malaysia, Brunei, and Taiwan all assert claims based on different legal, historical, and geographical arguments. Many of these claims overlap around small islands, reefs, and shoals, some of which are barely visible above water. Despite their size, these features matter greatly because under international law, land features can

generate maritime zones such as territorial seas and exclusive economic zones. Control over even a small reef can therefore translate into control over large areas of surrounding sea and resources.

Over time, these overlapping claims have led to diplomatic disputes, naval standoffs, close encounters between military vessels, and growing mistrust. In recent years, the situation has become more complex due to the construction of artificial islands, the deployment of military assets, and the increased presence of naval and air forces from both regional and extra regional powers. What might begin as a patrol or a routine operation now carries the risk of miscalculation or accidental escalation.

International law, particularly the United Nations Convention on the Law of the Sea, provides a framework for managing maritime spaces and resolving disputes peacefully. However, differences in interpretation, selective acceptance of rulings, and strategic competition have limited the effectiveness of legal mechanisms alone. A clear example of this tension is the 2016 arbitration ruling in the case brought by the Philippines against China, which clarified important legal principles but did not resolve political disagreements on the ground.

This is where international security concerns arise. The South China Sea is no longer only a legal or economic issue. It has become a theatre where military power, national pride, and strategic influence intersect. The presence of advanced weapons systems, frequent military exercises, and the involvement of non state actors such as maritime militias increase the risk that a local incident could grow into a wider conflict.

For the Disarmament and International Security Committee, this issue is highly relevant. DISEC's focus is not on deciding sovereignty or borders, but on addressing how militarisation, arms proliferation, and security competition threaten international peace. The South China Sea represents a clear example of how unresolved disputes and unchecked military activities in shared spaces can destabilise entire regions.

This background guide therefore aims to help delegates understand not only the technical and legal dimensions of the South China Sea, but also its human and security implications. At its heart, this agenda is about preventing conflict, protecting livelihoods, and ensuring that the seas remain spaces of cooperation rather than confrontation.

## **What is Maritime Security?**

Maritime security, in the simplest sense, means **keeping the seas safe, peaceful, and usable for everyone**. It is about making sure that oceans and seas are not places of fear, conflict, or lawlessness, but shared spaces where countries can trade, travel, fish, and interact without violence or intimidation.



To understand this easily, imagine the sea as a massive global road system. Ships are the trucks, tankers, and buses carrying goods and people. Maritime security is what ensures that these “roads” are not blocked, hijacked, or turned into battlegrounds. When these routes are safe, the world functions smoothly. When they are not, the impact is felt everywhere.

At a basic level, maritime security includes four core ideas:

First, **safe navigation**. Commercial ships, fishing vessels, and passenger ships must be able to move freely without being attacked, harassed, or obstructed. This includes protection from piracy, armed robbery at sea, and unsafe military encounters.

Second, **respect for international law**. Seas are governed by rules that decide where countries can exercise control and where waters remain shared by all. Maritime security exists when these rules are followed, disputes are managed peacefully, and force is not used to impose claims.

Third, **protection of livelihoods and resources**. Millions of people depend on the sea for food and income. Maritime security means preventing illegal fishing, environmental damage, and exploitation that threaten fish stocks and coastal communities.

Fourth, **prevention of conflict and militarisation**. When navies, coast guards, and air forces operate aggressively or without communication, even small incidents can escalate. Maritime security aims to reduce such risks through transparency, restraint, and cooperation.

## **Maritime Security Is Not Just About War**

A common misunderstanding is that maritime security only refers to naval warfare. In reality, it covers a much wider range of threats.

These include piracy and armed robbery at sea, smuggling of weapons, drugs, and people, illegal and unreported fishing, maritime terrorism, cyber attacks on ports and ships, and the use of civilian vessels for military or coercive purposes. All of these activities undermine trust, safety, and stability at sea.

At the same time, state behaviour plays a crucial role. When countries deploy warships to intimidate others, restrict lawful navigation, or build military installations in disputed areas, maritime security weakens even if no shots are fired. In such cases, the threat lies not in open conflict, but in constant tension and the risk of miscalculation.

## **Maritime Security and International Peace**

Ultimately, maritime security is about **preventing the sea from becoming a trigger for war**. History shows that many conflicts begin not with deliberate attacks, but with accidents, misunderstandings, or escalations that could have been avoided.

When maritime security is strong, states communicate, follow rules, and resolve disputes without force. When it is weak, uncertainty grows, arms races accelerate, and the risk of conflict increases.

In the context of the South China Sea, maritime security is therefore not just about ships and water. It is about trust between nations, protection of global trade, and the shared responsibility to keep one of the world's most important maritime regions peaceful and stable.

## Claimant States in the South China Sea

The South China Sea dispute exists because **several countries claim the same waters, islands, reefs, and shoals**. These claims overlap, contradict each other, and are based on different interpretations of history, geography, and international law. To understand the tension in this region, it is essential to first understand **who the claimant states are and why they claim what they do**.

At its core, this dispute is not just about land. Most of the features involved are tiny, uninhabited, or even submerged. What truly matters is what these features can generate under international law: control over surrounding waters, access to resources, and strategic influence.

### China

China is the most prominent and controversial claimant in the South China Sea. It claims **historic rights over a vast majority of the sea**, represented by what is commonly known as the *nine dash line*. This line encloses almost 90 percent of the South China Sea and overlaps extensively with the maritime zones claimed by other coastal states.

China's position is largely based on historical narratives, old maps, and records that it argues show long standing Chinese usage of the sea. Over the years, China has also strengthened its presence by occupying features in the Spratly and Paracel Islands and by constructing artificial islands equipped with airstrips, ports, radar systems, and military facilities.

China maintains that its activities are defensive and within its sovereign rights. However, other states argue that China's claims go far beyond what is permitted under international law, particularly the United Nations Convention on the Law of the Sea. This disagreement lies at the heart of regional tensions.

### The Philippines

The Philippines claims parts of the South China Sea that fall within its **exclusive economic zone and continental shelf**, particularly in the eastern portion of the sea, which it refers to as the West Philippine Sea.

Unlike China's historical approach, the Philippines bases its claims primarily on **international law**, especially UNCLOS. In 2013, the Philippines initiated arbitration proceedings to clarify its maritime rights. The 2016 ruling supported many of its legal arguments, stating that certain Chinese claims had no legal basis under UNCLOS.

The Philippines occupies a limited number of features in the Spratly Islands and places strong emphasis on freedom of navigation, protection of fishing rights, and adherence to international law. At the same time, it must balance legal positions with practical security concerns and relations with larger powers.

## **Vietnam**

Vietnam is one of the most vocal and historically consistent claimants. It claims sovereignty over both the **Spratly Islands and the Paracel Islands**. Vietnam's claims are based on historical administration, geographic proximity, and legal principles under UNCLOS.

Vietnam occupies several features in the Spratly Islands and maintains a steady maritime presence. It strongly opposes actions that it views as unilateral or coercive, particularly in areas it considers part of its continental shelf.

Because Vietnam's coastline runs along the western edge of the South China Sea, maritime access is critical to its national security, economy, and energy exploration efforts. As a result, it views developments in the sea as existential concerns rather than distant diplomatic issues.

## **Malaysia**

Malaysia's claims are more limited and are largely focused on areas of the South China Sea that fall within its **exclusive economic zone** off the coast of Borneo. Malaysia occupies a small number of features in the southern Spratly Islands.

Malaysia's approach is generally quieter and more diplomatic compared to other claimants. It emphasizes legal entitlements under UNCLOS and avoids highly publicised confrontations. However, Malaysia has raised concerns when foreign vessels operate near its energy exploration sites or within what it considers its maritime zones.

Malaysia's position highlights how even states with narrower claims are affected by broader regional militarisation and uncertainty.

## **Brunei**

Brunei is the smallest and least vocal claimant. It does not claim any islands or reefs outright. Instead, Brunei's claim is strictly limited to its **exclusive economic zone**, which overlaps with the southern part of the South China Sea.

Brunei's position is firmly rooted in UNCLOS and focuses on access to offshore energy resources. While it avoids confrontation and maintains low visibility in disputes, Brunei's claims are still affected by the actions of larger states operating in nearby waters.

## **Taiwan**

Taiwan's role in the South China Sea is unique and politically sensitive. It maintains claims that are largely similar to those of China, including historical claims represented by a U shaped line. Taiwan occupies the largest natural feature in the Spratly Islands, Itu Aba, also known as Taiping Island.

Despite its physical presence, Taiwan is often excluded from formal diplomatic discussions due to its international status. This creates complications in dispute management, as Taiwan remains a claimant with real control over territory but limited participation in multilateral mechanisms.

## **Geographic and Strategic Significance of the South China Sea**

### **Where the South China Sea is:**

The **South China Sea** is a semi enclosed sea in the western Pacific Ocean. It sits between some of the most economically and politically active parts of the world.

To picture it easily:

- China lies to the north
- Vietnam to the west
- The Philippines to the east
- Malaysia, Brunei, and Indonesia to the south

This positioning makes the South China Sea a natural bridge between the Indian Ocean and the Pacific Ocean. Ships moving from the Middle East, Africa, and Europe toward East Asia almost inevitably pass through or near this region.

### **A maritime crossroads of the world**

One of the main reasons the South China Sea is so strategically important is that it contains some of the world's busiest **sea lines of communication**, often shortened to SLOCs. These are major shipping routes that function like highways at sea.

Every day, thousands of vessels carrying oil, gas, food, manufactured goods, and raw materials transit through the South China Sea. A large share of energy imports for countries like Japan, South Korea, and China moves through these waters. If these routes were disrupted even briefly,

the effects would be felt globally through higher prices, supply shortages, and economic instability.

Because of this, control, influence, or even the ability to threaten access to these routes gives states enormous strategic leverage.

## **Why small islands matter so much**

At first glance, many of the islands and features in the South China Sea seem insignificant. Some are tiny, rocky outcrops. Others are reefs that disappear underwater at high tide. Yet these features are central to the dispute because of what they represent legally and strategically.

Under international maritime law, land features can generate maritime zones such as territorial seas and exclusive economic zones. This means that a small island can potentially influence control over thousands of square kilometres of surrounding waters.

As a result, **geography and law become tightly linked** in the South China Sea.

### **The Spratly Islands**

The Spratly Islands are a scattered group of reefs, rocks, shoals, and small islands spread across the central and southern South China Sea. They are claimed in whole or in part by China, the Philippines, Vietnam, Malaysia, Taiwan, and Brunei.

Most Spratly features are naturally small and lack fresh water. However, their location places them close to major shipping lanes and resource rich waters. Several states occupy different features and have built structures ranging from simple outposts to large artificial islands with airstrips and ports.

Strategically, the Spratlys matter because:

- They sit near key maritime routes
- They are close to potential fishing grounds and energy resources
- They allow states to project naval and air power deeper into the sea

### **The Paracel Islands**

The Paracel Islands lie in the northern part of the South China Sea, closer to China and Vietnam. They are currently controlled by China but are also claimed by Vietnam.

Unlike many Spratly features, the Paracels include islands that are naturally above water at high tide. Their position makes them strategically important for monitoring shipping traffic entering and leaving the northern South China Sea.

Control of the Paracels allows for:

- Early detection of naval and air movements
- Extension of military and surveillance reach
- Stronger physical presence near important sea routes

### **Scarborough Shoal**

Scarborough Shoal is a ring shaped reef located relatively close to the Philippine coastline. It does not host permanent civilian populations, but it has long been a traditional fishing ground for Filipino fishers.

Although small, Scarborough Shoal is strategically sensitive because:

- It lies near major Philippine population centres
- It is close to vital shipping and air routes
- Control over it affects access to surrounding fishing waters

Its location means that activities there are often seen as directly threatening national security rather than distant maritime disputes.

### **Artificial islands and changed geography**

In recent years, the natural geography of the South China Sea has been significantly altered through large scale land reclamation. Reefs that were once submerged have been built up into artificial islands with runways, harbours, radar systems, and military infrastructure.

While these structures do not change the legal status of the original features under international law, they dramatically change the **strategic reality on the water**. They allow states to maintain a constant presence, support military operations, and respond more quickly to incidents.

In effect, the physical map of the South China Sea has been reshaped to support long term strategic positioning.

### **Why geography drives tension:**

The geography of the South China Sea creates unavoidable interaction. Ships cannot simply choose another route easily. Fishing communities overlap. Military patrols cross paths. Because of this, geography constantly forces states into contact with one another.

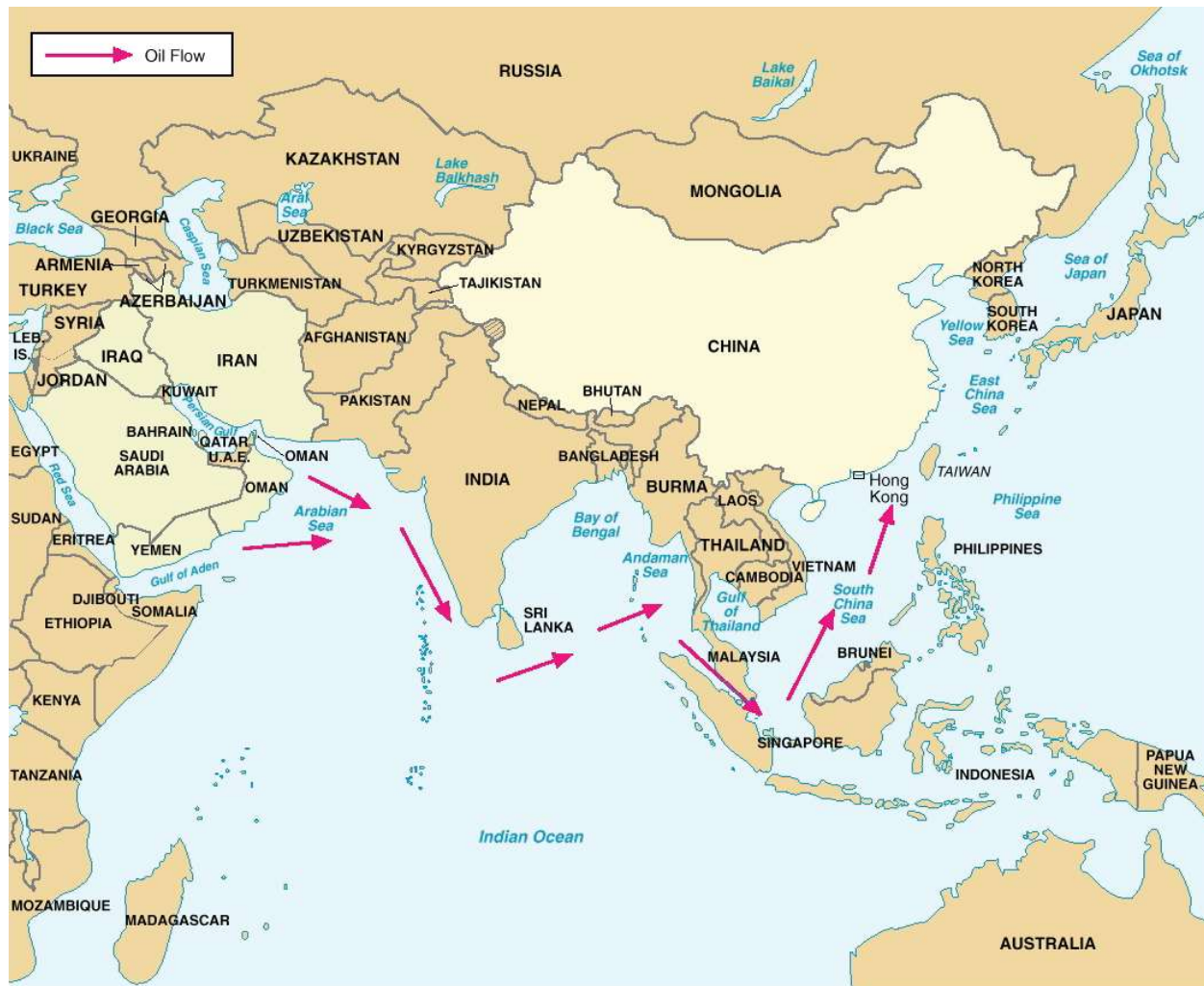


When combined with unresolved claims and growing militarisation, this makes the South China Sea a space where **geography itself produces tension**. The sea's location and physical features ensure that competition is persistent and that even small incidents can have large political consequences.

In short, the South China Sea matters because of where it is, what passes through it, and what lies beneath and upon its waters. Its geography does not just shape maps. It shapes power, perceptions, and the risks to international peace and security.

## Major Sea Lines of Communication (SLOCs)





Sea Lines of Communication, commonly called **SLOCs**, are the main shipping routes used by commercial and military vessels to move across the oceans. In very simple terms, SLOCs are the **lifelines of the global economy**. Just as highways connect cities on land, SLOCs connect countries and continents through the sea.

When these routes are open and secure, trade flows smoothly and economies function normally. When they are threatened, disrupted, or controlled by force, the effects spread quickly across the world.

## Why SLOCs matter so much

Around 90 percent of global trade by volume is carried by sea. Everything from crude oil and natural gas to food grains, electronics, vehicles, and medical supplies depends on maritime transport. SLOCs are therefore not just trade routes, but strategic assets.



A threat to SLOCs can lead to:

- Sharp increases in global prices
- Energy shortages
- Delays in essential goods
- Economic instability, especially for import dependent states

Because of this, protecting SLOCs is considered a core national security interest for many countries, even those that are geographically far from the South China Sea.

## **The South China Sea as a global maritime highway**

The South China Sea is one of the most heavily used maritime corridors in the world. It acts as a central junction linking the Indian Ocean and the Pacific Ocean.

Ships traveling from:

- The Middle East and Africa to East Asia
- Europe to East and Southeast Asia
- Australia to Northeast Asia

often pass through the South China Sea after transiting chokepoints such as the Strait of Malacca, the Sunda Strait, or the Lombok Strait.

Because there are limited alternative routes that are economically viable, the South China Sea is extremely difficult to bypass without increasing travel time and costs.

### **Key chokepoints connected to the South China Sea**

While the South China Sea itself is wide, it is closely connected to narrow passages known as chokepoints. These are areas where shipping traffic is concentrated and vulnerable.

The most important of these is the **Strait of Malacca**, which links the Indian Ocean to the South China Sea. It is one of the busiest and narrowest shipping routes in the world. A large proportion of oil shipments bound for East Asia pass through this strait before entering the South China Sea.

Other important routes include:

- The Sunda Strait
- The Lombok Strait

Any disruption at these chokepoints would immediately affect traffic through the South China Sea and beyond.

## Energy security and SLOCs

One of the main reasons SLOCs in the South China Sea are strategically sensitive is **energy transport**. Large volumes of crude oil and liquefied natural gas destined for China, Japan, South Korea, and other Asian economies pass through these waters every day.

For energy importing countries, uninterrupted access to these routes is essential for:

- Power generation
- Industrial production
- Transportation systems
- Domestic economic stability

This is why energy security and maritime security are closely linked in regional strategies.

## Military significance of SLOCs

SLOCs are not only commercial routes. They are also vital for military logistics and naval mobility. Navies use these routes to:

- Move fleets between regions
- Supply overseas bases
- Conduct patrols and exercises

Control or influence over SLOCs allows states to project power and deter rivals. Even the ability to monitor or potentially disrupt shipping can be used as strategic leverage during crises.

This is why major powers maintain a naval presence in and around the South China Sea, even if they are not direct claimants.

## Why SLOCs increase tension in the South China Sea

The heavy concentration of shipping traffic means that:

- Commercial vessels operate close to military ships
- Fishing boats cross paths with coast guards and navies
- Air and naval patrols occur near busy trade routes

In disputed waters, these interactions are risky. A misunderstanding, collision, or aggressive maneuver can escalate quickly, especially when national pride and strategic interests are involved.

As a result, SLOCs are not just economic routes. They are also **pressure points**, where security competition becomes visible and dangerous.

## History

*(Historical claims, disputed territorial claims, the nine dash line, and past incidents and stand offs)*

To understand why the South China Sea is so tense today, it is important to understand that this dispute did not appear suddenly. It is the result of **layers of history**, mixed with changing maps, colonial legacies, nationalism, and modern international law. Each claimant state views the past differently, and these competing memories strongly shape present day actions.

### Early historical usage of the South China Sea

For centuries, the South China Sea was not seen as a clearly divided political space. It functioned as an open maritime zone used by traders, fishermen, and sailors from across Asia. Chinese, Vietnamese, Malay, Arab, and later European merchants navigated these waters for trade, fishing, and cultural exchange.

Chinese historical records refer to voyages and fishing activities in the South China Sea going back many centuries. Similarly, Vietnamese sources document administration and activities in certain island groups, particularly during imperial periods. However, **historical usage did not mean modern sovereignty**. Before the twentieth century, there were no clearly defined maritime borders, and control over small islands was rarely permanent or exclusive.

This difference between historical presence and modern legal sovereignty lies at the heart of many disagreements today.

### Colonial period and the origins of modern claims

The nature of claims changed significantly during the colonial era. European powers, especially France and later Japan during World War II, occupied and mapped parts of the South China Sea. France asserted control over some features on behalf of French Indochina, while Japan occupied several islands during the war for strategic purposes.

After World War II, Japan renounced its claims to these territories. However, **no clear successor arrangements were established**, leaving a vacuum. Newly independent states in Asia inherited colonial maps and claims, while China also asserted its own interpretations of history and entitlement.

This period created overlapping and often poorly defined claims, which were never fully resolved before modern international law came into force.

## The nine dash line

One of the most controversial elements in the dispute is the **nine dash line**. This line first appeared on a map published by the Republic of China government in 1947. It marked a U shaped boundary enclosing a large portion of the South China Sea.

After the establishment of the People's Republic of China in 1949, this line was retained, later modified into nine dashes, and used to represent China's claim to historic rights within the enclosed area.

The central problem with the nine dash line is that it is **ambiguous**. It does not clearly define whether China is claiming:

- Sovereignty over all waters inside the line
- Sovereignty only over islands and features
- Or special historical rights short of full sovereignty

This ambiguity has caused deep concern among other claimant states, as the line overlaps with areas that fall well within their exclusive economic zones under modern international law.

## Rise of disputed territorial claims

As international law evolved, particularly with the adoption of the **United Nations Convention on the Law of the Sea**, coastal states gained defined maritime zones such as territorial seas and exclusive economic zones.

From the late twentieth century onwards, states began to assert claims more actively based on these legal entitlements. This led to:

- Competing claims over the Spratly and Paracel Islands
- Overlapping exclusive economic zones
- Increased naval and coast guard deployments

What had once been loosely used maritime space became a legally and politically contested region.

## The Paracel Islands clash (1974)

One of the earliest major military confrontations occurred in 1974, when naval forces of China and South Vietnam clashed over the Paracel Islands. China gained full control of the Paracels following the conflict.

This incident is significant because it demonstrated that **force could change facts on the ground**, or in this case, at sea. It also left a lasting impact on Vietnam's approach to maritime security and its distrust of unilateral actions.

### **Johnson South Reef skirmish (1988)**

Another key incident occurred in 1988 at Johnson South Reef in the Spratly Islands, involving China and Vietnam. A naval confrontation resulted in loss of life and China establishing control over the reef.

This event marked a turning point, as it showed that disputes in the Spratlys were not merely diplomatic but could become violent. It also accelerated efforts by multiple states to occupy and reinforce features they already controlled.

### **Scarborough Shoal standoff (2012)**

In 2012, a standoff between Chinese and Philippine vessels occurred at Scarborough Shoal. The situation began with the interception of Chinese fishing vessels by Philippine authorities and quickly escalated into a prolonged maritime confrontation.

Although no shots were fired, China eventually gained de facto control over access to the shoal. For the Philippines, this incident highlighted the limits of bilateral diplomacy and directly influenced its decision to pursue international arbitration.

### **The 2016 arbitration ruling and its aftermath**

The Philippines initiated arbitration proceedings under UNCLOS, leading to the 2016 ruling by an international tribunal. The tribunal concluded that China's historic rights claims within the nine dash line had no legal basis under UNCLOS and clarified the legal status of many maritime features.

China rejected the ruling and maintained its position. This created a situation where **legal clarity increased, but political consensus did not**. Since then, states have selectively invoked the ruling based on their strategic interests, while activities on the water have continued.

### **Increasing stand offs and close encounters**

In recent years, the South China Sea has seen frequent close encounters involving:

- Coast guard vessels
- Naval ships
- Fishing fleets
- Maritime militias

Water cannon incidents, dangerous maneuvers, and air interceptions have become more common. While most incidents stop short of open conflict, each one adds to mistrust and increases the risk of escalation.

These stand offs are especially dangerous because they often occur far from political centres, are decided by commanders on the spot, and unfold rapidly under pressure.

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

The **United Nations Convention on the Law of the Sea**, commonly known as **UNCLOS**, is the backbone of modern maritime law. If the oceans had a constitution, UNCLOS would be it. It sets out the rules that determine **who can do what at sea, where they can do it, and how disputes should be handled**. Almost every debate on the South China Sea, whether legal, political, or security related, eventually comes back to this single treaty.

UNCLOS was adopted in 1982 and entered into force in 1994. Today, it is accepted by the overwhelming majority of the world's states and is widely regarded as reflecting customary international law. Even countries that have not formally ratified it largely follow its core principles in practice.

### **Why UNCLOS exists**

Before UNCLOS, the oceans were governed by a mix of old customs, fragmented treaties, and power politics. Stronger states often enforced their interests simply because they could. There was no universally agreed system to define maritime boundaries or regulate activities like fishing, navigation, or resource extraction.

UNCLOS was created to solve this problem. Its purpose is to:

- Prevent conflict at sea
- Balance the rights of coastal states with the freedoms of all states
- Ensure peaceful use of the oceans
- Provide clear legal definitions to avoid misunderstandings

In short, UNCLOS tries to replace uncertainty and force with **rules and predictability**.

### **Key maritime zones under UNCLOS**

UNCLOS divides the sea into different zones, each with specific rights and limitations. Understanding these zones is essential to understanding the South China Sea dispute.

#### **Territorial Sea**

A coastal state has sovereignty over waters extending up to 12 nautical miles from its coastline.

Within this zone, the state exercises control similar to that over its land territory. However, foreign vessels are allowed **innocent passage**, meaning they may pass through as long as they do not threaten security or peace.

### **Contiguous Zone**

This zone extends up to 24 nautical miles from the baseline. Here, a state can enforce laws related to customs, immigration, taxation, and sanitation. It is not full sovereignty, but limited enforcement authority.

### **Exclusive Economic Zone (EEZ)**

The EEZ extends up to 200 nautical miles from the coast. Within this zone, a coastal state has sovereign rights over natural resources, including fisheries and offshore energy. Other states retain freedom of navigation and overflight, meaning the EEZ is not the same as territorial waters.

### **Continental Shelf**

This refers to the seabed and subsoil beyond the territorial sea, potentially extending beyond 200 nautical miles in some cases. Coastal states have rights to explore and exploit resources on the continental shelf, even where the waters above may remain international.

These zones are the legal foundation of most maritime claims in the South China Sea.

### **Legal status of islands, rocks, and low tide elevations**

One of the most critical and disputed parts of UNCLOS is how it treats maritime features.

UNCLOS distinguishes between:

- **Islands**, which are naturally formed, above water at high tide, and capable of sustaining human habitation or economic life. These can generate a territorial sea, EEZ, and continental shelf.
- **Rocks**, which are above water at high tide but cannot sustain human habitation or economic life. These generate only a territorial sea, not an EEZ.
- **Low tide elevations**, which are submerged at high tide. These do not generate any maritime zones on their own.

This distinction is extremely important in the South China Sea, where many features are small reefs or rocks. Whether a feature qualifies as an island or merely a rock can determine control over vast areas of surrounding waters.

UNCLOS is very clear that **artificial islands do not have the legal status of natural islands**, regardless of how large or developed they become.



## **Navigation rights under UNCLOS**

UNCLOS strongly protects freedom of navigation, which is a key concern for both coastal and non coastal states.

**Innocent Passage** allows foreign ships to pass through territorial seas as long as they do not engage in activities that threaten the coastal state, such as weapons exercises or intelligence gathering.

**Transit Passage** applies to international straits used for global navigation. It allows continuous and unobstructed passage of ships and aircraft, even for military purposes.

These provisions are central to debates in the South China Sea, where states disagree on how military vessels may operate in EEZs and near disputed features.

## **UNCLOS and dispute settlement**

UNCLOS does not only define rights. It also provides mechanisms to resolve disputes peacefully. States may choose arbitration, adjudication, or other legal means to settle disagreements over interpretation and application of the convention.

The 2016 arbitration initiated by the Philippines against China was conducted under UNCLOS provisions. While the ruling clarified key legal questions, it also exposed the limits of legal mechanisms when political acceptance is lacking.

UNCLOS assumes good faith participation. It cannot enforce compliance through force. Its strength lies in legitimacy, international consensus, and pressure, not coercion.

## **Why UNCLOS is central to the South China Sea**

Every major legal argument in the South China Sea refers to UNCLOS:

- EEZ based claims rely on it
- Objections to historical claims use it
- Debates on navigation rights cite it
- Arbitration and legal protests invoke it

At the same time, differing interpretations and selective acceptance of rulings have created gaps between law and practice. This tension explains why the South China Sea is legally clearer than before, yet politically more contested.

## **Innocent Passage vs Transit Passage**



## Freedom of Navigation Operations and Overflight

At the heart of many tensions in the South China Sea is a simple but powerful question: **how freely can ships and aircraft move through the sea and airspace?**

International law answers this through the concepts of *innocent passage*, *transit passage*, and *freedom of navigation and overflight*. While these sound technical, they are essentially about **who can pass through, where, and under what conditions.**

Understanding the difference between these ideas is crucial, because many confrontations at sea happen not because countries disagree about geography, but because they disagree about **rules of movement.**

### Innocent passage

Innocent passage applies to **territorial seas**, which extend up to 12 nautical miles from a coastal state's baseline.

In simple terms, innocent passage means that **foreign ships are allowed to pass through a country's territorial waters**, even though those waters are under the sovereignty of the coastal state. However, this permission comes with conditions.

For passage to be considered “innocent,” the ship must not threaten the peace, security, or order of the coastal state. Activities that would make passage *non innocent* include:

- Use or threat of force
- Weapons exercises
- Intelligence collection
- Launching aircraft or drones
- Serious pollution

If a ship simply passes through continuously and peacefully, without stopping or interfering, it is exercising innocent passage.

This concept tries to balance two interests:

- The coastal state's right to control its territorial waters
- The international community's need for uninterrupted maritime movement

In the South China Sea, disagreements arise when coastal states argue that certain military activities, even without force, violate the conditions of innocent passage.

### Transit passage

Transit passage is broader and more permissive than innocent passage. It applies specifically to **international straits used for global navigation**, where ships and aircraft must pass through narrow waters to move between two parts of the high seas or exclusive economic zones.

Under transit passage:

- Ships and aircraft have the right to **continuous and unobstructed passage**
- Military vessels and aircraft are included
- Submarines may remain submerged
- Coastal states cannot suspend transit passage

The only expectation is that transiting vessels proceed without delay and refrain from threatening the coastal state.

In practice, transit passage exists to prevent coastal states from using geography to block global trade or military movement. Without it, narrow straits could become tools of political pressure.

Although the South China Sea itself is not a single strait, it is connected to multiple international straits. This makes transit passage a key legal principle for states that rely on uninterrupted movement through the region.

### **Key difference between innocent passage and transit passage**

The difference can be understood very simply:

Innocent passage is **permission with conditions**, inside territorial waters. Transit passage is a **guaranteed right**, through international straits, that cannot be suspended.

Innocent passage can be regulated and even temporarily restricted. Transit passage cannot.

This distinction is one of the most misunderstood and contested aspects of maritime law in the South China Sea.

### **Freedom of navigation and overflight**

Beyond territorial seas and straits, international law protects **freedom of navigation and freedom of overflight** in:

- Exclusive economic zones
- The high seas

In these areas:

- Ships of all states may sail freely

- Military vessels may operate
- Aircraft may fly overhead

The key point is that an exclusive economic zone is **not sovereign territory**. Coastal states have resource rights, not full control. Other states retain navigational and operational freedoms.

This principle is vital for global trade and military mobility. Without it, powerful coastal states could restrict movement far beyond their shores.

### **Freedom of Navigation Operations (FONOPs)**

Freedom of Navigation Operations, often called **FONOPs**, are deliberate actions conducted by naval forces to **challenge maritime claims that are considered excessive or inconsistent with international law**.

FONOPs are not about provoking conflict. Their stated purpose is to:

- Assert legal rights of navigation and overflight
- Prevent unlawful claims from becoming accepted practice
- Reinforce international maritime norms

In the South China Sea, FONOPs often involve warships sailing near disputed features or through contested waters without prior notification. This is meant to signal that such waters are considered international or subject to lawful passage rights.

However, coastal states may view these operations very differently. What one country calls a legal assertion, another may see as a threat or provocation.

### **Overflight and airspace concerns**

Overflight refers to the right of aircraft to fly above maritime zones where freedom of navigation applies. This includes military aircraft operating over exclusive economic zones and the high seas.

Problems arise when states attempt to:

- Restrict military flights in their EEZs
- Require advance permission for overflight
- Intercept or shadow foreign aircraft aggressively

In busy regions like the South China Sea, close air encounters increase the risk of accidents, misjudgment, and escalation. A single unsafe interception can quickly become a diplomatic or military crisis.

## Artificial Islands and Military Installations

One of the most visible and controversial developments in the South China Sea over the past decade has been the large scale construction of **artificial islands** and the establishment of **military installations** on them. These projects have fundamentally changed the physical and security landscape of the region, even though, legally, they do not change maritime rights.

To understand why this matters, it helps to separate **what the law says** from **what happens in reality**.

### What are artificial islands?

Artificial islands are **man made landforms**, created by dredging sand, coral, and rock from the seabed and depositing it onto reefs or submerged features. In the South China Sea, many of these features were originally:

- Low tide elevations
- Submerged reefs
- Rocks barely visible above water

Through land reclamation, these features were transformed into large, permanent structures capable of supporting buildings, runways, ports, and military equipment.

From a legal perspective, international maritime law is very clear: **artificial islands do not have the legal status of natural islands**. No matter how large or developed they become, they do not generate territorial seas, exclusive economic zones, or continental shelves of their own.

However, while the law remains unchanged, the **strategic reality is completely transformed**.

### Why states build artificial islands

States engage in artificial island construction for several reasons.

First, **permanent presence**. A reef that was once underwater cannot host people or equipment. Once reclaimed, it can support personnel year round, allowing continuous monitoring and control of surrounding waters.

Second, **logistics and reach**. Artificial islands allow aircraft and ships to operate far from the mainland. This reduces response time during incidents and extends a state's operational reach across the sea.

Third, **deterrence and signalling**. Building and fortifying islands sends a strong political message. It signals resolve, commitment, and an unwillingness to abandon claims.

Fourth, **facts on the ground**. Even if legal status does not change, physical presence alters behaviour. Other states may avoid certain areas, fishing patterns may shift, and patrol routes may be adjusted.

### **Military installations on artificial islands**

Many artificial islands in the South China Sea host military or dual use facilities. These include:

- Long airstrips capable of handling military aircraft
- Deep water ports for naval and coast guard vessels
- Radar and surveillance systems
- Missile platforms and air defence systems
- Communications and command facilities

Such installations allow for constant monitoring of sea and air traffic. They also enable rapid deployment of forces during crises.

From a security perspective, these islands function like **unsinkable aircraft carriers**. They remain stationary but provide sustained military presence in the middle of a busy maritime region.

### **Impact on regional security**

The militarisation of artificial islands has several serious consequences.

It **raises tensions** by making rival states feel watched, pressured, or threatened in areas they also claim or use. Even routine activities, such as fishing or patrols, can feel confrontational when conducted under constant surveillance.

It **increases the risk of escalation**. With military assets already in place, responses to incidents can be faster and more forceful, leaving less room for diplomacy or de escalation.

It **encourages arms competition**. Other states may feel compelled to strengthen their own military capabilities or deepen security partnerships to balance against expanded presence.

It **blurs civilian and military roles**. Some facilities are presented as civilian or defensive, but can easily support military operations, creating mistrust and uncertainty.

### **Environmental and humanitarian impact**

Artificial island construction has also caused **severe environmental damage**. Large scale dredging destroys coral reefs, which are among the most fragile marine ecosystems. These reefs support fisheries that coastal communities depend on for food and income.

Once damaged, coral ecosystems take decades to recover, if they recover at all. This environmental harm has long term consequences that go beyond national borders.

For local fishers, restricted access to traditional fishing grounds and environmental degradation directly affect livelihoods, increasing economic insecurity and resentment.

### **Legal position versus strategic reality**

International law, including interpretations under UNCLOS and the 2016 arbitration ruling, maintains that artificial islands:

- Do not change the legal status of maritime features
- Do not generate new maritime zones
- Cannot justify expanded territorial claims

Yet, in practice, artificial islands **shape behaviour**. Ships avoid certain areas. Patrols change patterns. Airspace becomes contested. This gap between legal clarity and strategic reality is one of the most dangerous aspects of the South China Sea situation.

### **2016 PCA Philippines v China Ruling**

The 2016 arbitration case between the Philippines and China is one of the most important legal moments in the history of the South China Sea dispute. It did not resolve political disagreements or end tensions, but it **clarified the law in a way that had never been done before**. For this reason, the ruling continues to shape debates, protests, and diplomatic positions to this day.

### **Why the Philippines went to arbitration**

By the early 2010s, tensions in the South China Sea had increased sharply, especially after repeated stand offs between Chinese and Philippine vessels. The 2012 Scarborough Shoal incident was a turning point. The Philippines found itself unable to regain access to a traditional fishing ground and believed that bilateral negotiations were no longer effective.

Rather than asking the tribunal to decide sovereignty over islands, the Philippines took a different legal approach. In 2013, it initiated arbitration under the dispute settlement provisions of the **United Nations Convention on the Law of the Sea**. The case focused on **maritime rights and legal interpretations**, not on who owns specific land features.

This approach was deliberate. UNCLOS does not allow tribunals to rule on sovereignty, but it does allow them to clarify how maritime zones and rights are generated.

### **China's position on the case**

China refused to participate in the proceedings from the start. It argued that:

- The tribunal lacked jurisdiction
- The dispute was essentially about sovereignty
- China had opted out of compulsory arbitration on certain issues under UNCLOS

Despite China's non participation, the tribunal proceeded, as allowed under UNCLOS, and considered China's official statements and legal positions when assessing the case.

It is important to note that **non participation does not invalidate an arbitration process** under international law.

### **Key legal questions before the tribunal**

The tribunal examined several core issues, including:

- Whether China's historic rights claims within the nine dash line were compatible with UNCLOS
- The legal status of features in the Spratly Islands
- Whether certain Chinese activities violated the Philippines' rights within its exclusive economic zone
- Whether environmental damage had occurred due to land reclamation and construction

These questions went to the heart of how maritime law applies in the South China Sea.

### **The tribunal's judgement (July 2016)**

The tribunal's award delivered several major findings.

First, it ruled that **China's claims to historic rights within the nine dash line have no legal basis under UNCLOS**. The tribunal found that UNCLOS comprehensively defines maritime entitlements and leaves no room for broad historic claims that exceed those limits.

Second, the tribunal clarified the legal status of features in the Spratly Islands. It concluded that **none of the features examined qualified as full islands** capable of generating an exclusive economic zone. Most were classified as rocks or low tide elevations, meaning their maritime entitlements were extremely limited or nonexistent.



Third, the tribunal found that China had **violated the Philippines' sovereign rights** by interfering with fishing and petroleum exploration within the Philippines' exclusive economic zone.

Fourth, it ruled that China's large scale land reclamation and construction activities had **caused severe environmental damage** to coral reefs and violated obligations to protect the marine environment.

Importantly, the tribunal did not rule on sovereignty over land features. It confined itself strictly to the interpretation and application of UNCLOS.

### **Immediate reactions to the ruling**

The Philippines officially welcomed the ruling and described it as a victory for international law and peaceful dispute resolution. However, the country's subsequent policy approach varied depending on its leadership, balancing legal gains with diplomatic engagement.

China rejected the ruling outright, stating that it was null and void and had no binding force. China maintained that it would continue to pursue its claims and activities in the South China Sea based on its own legal and historical interpretations.

Other regional states responded cautiously. Some welcomed the legal clarity provided by the ruling, while avoiding direct confrontation. Many extra regional powers, including major maritime states, publicly emphasized the importance of respecting international law and peaceful dispute settlement.

### **Long term impact of the ruling**

The ruling did not end disputes or militarisation, but it had lasting effects.

It **clarified legal principles** that are now widely cited in diplomatic notes, protests, and official statements. Many states now explicitly reference the ruling when objecting to expansive maritime claims.

It **shifted the narrative** from history based claims to law based arguments. Even states that reject the ruling often frame their positions in legal language.

It **exposed the limits of legal mechanisms**. The case showed that international law depends heavily on political will and acceptance. Courts can clarify the law, but they cannot enforce it by themselves.

### **Role of Non-State Actors in the South China Sea**



When people think about security in the South China Sea, they often picture warships, fighter jets, and governments competing for power. But a large part of the insecurity in this region does **not** come from states alone. It comes from **non-state actors** actors that are not official governments but still operate at sea in ways that affect peace, stability, and human safety.

These actors blur the line between crime, politics, and conflict. They make maritime security more complicated because they are harder to regulate, harder to deter, and often operate in legal grey zones.

### **Piracy and armed robbery at sea**

Piracy in the South China Sea is different from the large scale hijackings seen off the coast of Somalia in the past. Here, piracy usually takes the form of **armed robbery at sea**.

Small, fast boats target:

- Slow moving cargo vessels
- Tankers at anchor
- Fishing boats

Attackers may steal fuel, cargo, equipment, or personal belongings. Violence is sometimes used, putting crews at serious risk.

While the overall number of incidents fluctuates, certain areas, especially near narrow straits and busy ports, remain vulnerable. Even low-level piracy increases insurance costs, raises shipping expenses, and creates fear among seafarers.

From a security perspective, piracy shows how **weak enforcement and high traffic create opportunities for crime**, even in heavily patrolled waters.

### **Armed groups and maritime violence**

Some non-state armed groups operate in coastal or island regions connected to the South China Sea. These groups may not be directly involved in territorial disputes, but their actions still affect maritime security.

Such groups can:

- Use boats to move fighters, weapons, or supplies
- Exploit remote islands and coastal areas as hideouts
- Engage in kidnapping, extortion, or attacks on vessels

These activities undermine state control and can destabilise already sensitive regions. They also complicate military and law enforcement responses, as states must distinguish between criminal threats and political or insurgent violence.

### **Maritime militias**

One of the most distinctive non-state actors in the South China Sea is the **maritime militia**. These are often civilian fishing vessels that operate in coordination with state authorities, even though they do not wear naval uniforms or fly military flags.

Maritime militias are used to:

- Assert presence in disputed waters
- Harass or block other states' fishing vessels
- Shadow or interfere with coast guard and naval ships

Because these vessels appear civilian, confronting them is legally and politically difficult. Using force against what looks like a fishing boat carries serious risks of escalation and international backlash.

This grey zone tactic allows states to advance strategic objectives **without openly deploying military force**, increasing ambiguity and tension at sea.

### **Illegal, unreported, and unregulated (IUU) fishing**

IUU fishing is one of the most damaging non-state activities in the South China Sea. It involves fishing:

- Without permission
- In restricted or disputed waters
- In ways that ignore conservation rules

Large fleets, often backed by distant operators, extract massive quantities of fish, damaging ecosystems and threatening long-term food security.

For coastal communities, the impact is deeply personal. Fish stocks decline, incomes shrink, and traditional livelihoods are lost. In disputed waters, fishing incidents often trigger confrontations between coast guards, turning an economic issue into a security crisis.

IUU fishing is not just an environmental problem. It is a **source of instability**, resentment, and conflict.

### **Smuggling and trafficking networks**

The South China Sea's geography makes it ideal for smuggling and trafficking networks. Its vast waters, countless islands, and heavy shipping traffic provide cover for illegal activities.

These networks are involved in:

- Drug trafficking
- Arms smuggling
- Human trafficking and migrant smuggling
- Illicit fuel and goods trade

Smuggling networks undermine state authority, finance organised crime, and, in some cases, support armed groups. They also expose migrants and trafficked persons to extreme danger and abuse.

Because smugglers operate across borders, no single state can address the problem alone.

### **Militarisation and Arms Proliferation in the South China Sea**

Militarisation in the South China Sea did not happen overnight. It has grown slowly, step by step, as countries responded to uncertainty, fear of losing access, and concern over each other's intentions. What makes this region especially dangerous is not just the presence of military forces, but the **density, proximity, and speed** with which those forces now operate.

At its core, militarisation refers to the increasing role of military power in managing disputes that were once handled primarily through diplomacy or law. Arms proliferation refers to the spread and deployment of advanced weapons systems that raise the destructive potential of any confrontation.

In the South China Sea, the two are closely linked.

### **How militarisation began**

For a long time, disputes in the South China Sea were managed through limited naval patrols, symbolic occupation of features, and diplomatic protests. This began to change as countries realised three things.

First, maritime claims were not being resolved.

Second, economic and energy interests were growing.

Third, legal clarity did not automatically stop physical actions at sea.

As a result, states increasingly turned to military and paramilitary tools to protect their interests, signal resolve, and deter rivals.

## Expansion of naval and coast guard forces

One of the most visible aspects of militarisation is the expansion of naval and coast guard capabilities.

Countries operating in the South China Sea have invested heavily in:

- Larger and more heavily armed naval vessels
- Expanded coast guard fleets with near military capabilities
- Longer range patrol aircraft and surveillance drones

Coast guards play a particularly important role. They are often used instead of navies because they appear less escalatory, yet they are capable of forceful action. This creates a situation where confrontations are frequent but legally and politically ambiguous.

## Deployment of advanced weapons systems

Arms proliferation in the South China Sea is not limited to ships. It includes a wide range of modern military technologies.

These include:

- Anti ship and surface to air missile systems
- Long range radar and surveillance networks
- Military aircraft capable of strike and interception
- Electronic warfare and cyber capabilities

The deployment of such systems, especially on disputed features and artificial islands, has dramatically increased the region's military reach and response speed.

What once took hours or days to deploy can now be done in minutes.

## Militarisation of maritime features

The construction and fortification of installations on reefs and islands has changed the security balance.

Runways allow fighter jets and surveillance aircraft to operate far from the mainland. Ports support constant naval presence. Radar systems provide early warning across wide areas of sea and airspace.

These installations do not change legal ownership under international law, but they **change behaviour**. Other states may avoid certain areas. Patrols become more cautious. Military planning shifts from hypothetical to permanent.

This is one of the most destabilising effects of militarisation.

### **Arms build ups and the security dilemma**

A key concept in understanding this issue is the **security dilemma**. When one state increases its military presence to feel safer, others feel less safe and respond by strengthening their own forces. Each side claims defensive intent, but the overall effect is rising tension.

In the South China Sea:

- One state's radar becomes another state's threat
- One patrol becomes another state's provocation
- One defensive deployment justifies another arms purchase

This cycle makes restraint politically difficult, even when leaders want stability.

### **Role of external powers**

Militarisation in the South China Sea is not limited to regional states. Extra regional powers also operate naval and air forces in the area to protect trade routes, assert navigation rights, and maintain strategic balance.

Their presence adds another layer of complexity. While intended as stabilising or deterrent measures, it increases the number of actors, ships, and aircraft operating in close proximity, raising the risk of miscalculation.

### **Human and regional impact**

For coastal communities, militarisation creates fear and uncertainty. Fishing areas become contested. Access is restricted. Livelihoods are disrupted.

For the region as a whole, constant military tension undermines trust and cooperation. Even non security issues like environmental protection or disaster response become harder to manage in a climate of suspicion.

### **Rising Militarisation Trends**

#### **Cyber Capabilities and Autonomous Maritime Systems**

Militarisation in the South China Sea is no longer limited to ships, aircraft, and missiles that can be seen on the horizon. A quieter and more complex shift is taking place beneath the surface and behind computer screens. Modern military competition increasingly involves **cyber capabilities**

and **autonomous maritime systems**, technologies that change how power is exercised without always being visible.

These trends matter because they **lower the threshold for conflict**, increase uncertainty, and make escalation harder to control.

### **Cyber militarisation at sea**

Cyber capabilities have become a critical part of maritime security. Modern ships, ports, radar stations, and communication networks all rely heavily on digital systems. This creates new vulnerabilities.

Cyber operations in the maritime domain can involve:

- Disrupting navigation systems on ships
- Interfering with radar and surveillance networks
- Targeting port operations and logistics chains
- Gathering intelligence through cyber espionage

Unlike conventional military actions, cyber activities are difficult to detect, attribute, and respond to. A system failure could be the result of an accident, a technical malfunction, or a deliberate attack. This ambiguity increases mistrust and complicates crisis management.

In the South China Sea, where forces operate in close proximity, cyber interference could trigger physical responses before the true cause is understood.

### **Why cyber threats increase instability**

Cyber operations blur the line between peace and conflict. A state may suffer serious disruption without being able to prove who caused it. This creates space for miscalculation.

For example:

- A ship losing navigation data may drift into contested waters
- A radar outage may be interpreted as preparation for attack
- Communication failures may prevent de escalation during an incident

Because cyber tools can be used covertly and continuously, they become attractive instruments for competition below the threshold of armed conflict.

### **Autonomous maritime systems**

Autonomous maritime systems are vessels or platforms that can operate **with minimal or no human control**. These include:

- Unmanned surface vessels
- Unmanned underwater vehicles
- Autonomous surveillance platforms

Such systems are increasingly used for patrol, reconnaissance, mine detection, and intelligence gathering.

In theory, they reduce risk to human personnel. In practice, they introduce new security challenges.

### **Risks posed by autonomous systems**

Autonomous systems rely on sensors, algorithms, and pre programmed rules. In contested environments like the South China Sea, this creates several dangers.

First, **misinterpretation**. An autonomous system may misread civilian activity as hostile or fail to recognise de escalation signals.

Second, **loss of control**. Communication links can be disrupted or hacked, leading to unpredictable behaviour.

Third, **accountability gaps**. If an autonomous vessel causes damage or escalates a confrontation, it is unclear who bears responsibility: the operator, the commander, or the system designer.

When multiple states deploy autonomous systems in the same waters, the risk multiplies.

### **Interaction with civilian activity**

The South China Sea is crowded with fishing boats, commercial ships, and research vessels. Autonomous systems operating in such environments may struggle to distinguish between civilian and military activity.

A collision or interference involving an unmanned system could quickly escalate if states interpret it as deliberate provocation rather than technical error.

### **Strategic implications for the South China Sea**

These technologies change how power is projected.

Cyber tools allow states to influence events without deploying visible forces. Autonomous systems enable constant presence without constant manpower.

Together, they:

- Increase surveillance and intelligence collection
- Reduce warning time during crises
- Encourage competition in the grey zone
- Make escalation less predictable

This is especially dangerous in a region already marked by legal disputes and mistrust.

## **Challenges Posed**

The South China Sea is not difficult to manage because of one single problem. It is difficult because **many challenges overlap and reinforce one another**. Legal ambiguity feeds militarisation. Militarisation deepens mistrust. Mistrust weakens cooperation. Together, these challenges create a security environment where even small incidents can spiral into serious crises.

Understanding these challenges clearly is essential for meaningful debate in DISEC, because solutions that address only one aspect will fail if the others are ignored.

### **Persistent legal ambiguity and competing interpretations**

Although international law provides frameworks through UNCLOS, **states interpret these rules differently**. Some emphasise historical usage, others rely strictly on maritime zones, while some selectively accept legal rulings.

This creates confusion on the water. When two ships meet in the same area, each may believe it is acting lawfully. This legal uncertainty increases the likelihood of confrontation and makes compromise politically sensitive, as governments fear appearing weak at home.

### **Overlapping claims and lack of agreed boundaries**

Many maritime boundaries in the South China Sea remain undefined. Overlapping claims to waters, islands, and resources mean that **there are no clear lines separating responsibility**.

In such conditions:

- Patrols overlap
- Fishing grounds are contested
- Resource exploration becomes risky



Without agreed boundaries, enforcement actions by one state are often seen as violations by another, fuelling cycles of protest and retaliation.

### **Militarisation and arms competition**

The increasing presence of military and paramilitary forces has turned the South China Sea into a crowded and tense security environment.

More ships, more aircraft, more weapons, and faster response times mean:

- Less room for error
- Greater chance of miscalculation
- Higher political pressure to respond forcefully

The security dilemma drives states to strengthen their forces even when their stated goal is defence, making restraint increasingly difficult.

### **Grey zone tactics and non-state actors**

Many actions in the South China Sea fall below the threshold of armed conflict. These include maritime militias, aggressive coast guard behaviour, and civilian vessels used for strategic purposes.

Because these tactics do not clearly qualify as acts of war, responses are uncertain and inconsistent. At the same time, non-state actors such as IUU fishing fleets and smuggling networks exploit the lack of clear authority, further complicating enforcement.

This grey zone environment makes escalation unpredictable and hard to control.

### **Risk of accidents and unintended escalation**

Most states do not want war in the South China Sea. The greatest danger is not deliberate aggression, but **accidents**.

In such a dense operational environment, even a minor collision or technical failure could escalate rapidly before diplomatic channels can intervene.

### **Environmental degradation and resource depletion**

Large scale construction, overfishing, and pollution have caused severe environmental damage. Coral reefs have been destroyed, fish stocks depleted, and ecosystems weakened.

Environmental decline worsens security challenges by:

- Increasing competition over shrinking resources
- Harming livelihoods and increasing resentment
- Reducing incentives for long term cooperation

Once damaged, marine ecosystems are extremely difficult to restore.

### **Economic dependence and vulnerability**

Many states depend heavily on the South China Sea for trade, energy, and food. This dependence creates vulnerability.

Disruption to shipping lanes or fishing grounds can have immediate domestic consequences, putting pressure on governments to act quickly and forcefully, sometimes without full consideration of long term risks.

### **Weak trust and limited confidence building mechanisms**

Despite regional forums and dialogues, **trust remains low**. Communication channels are often underdeveloped, and crisis management mechanisms are insufficient.

Without reliable ways to clarify intentions or de escalate incidents, states fall back on military signalling rather than diplomacy.

### **Involvement of external powers**

The presence of extra regional powers adds another layer of complexity. While intended to uphold navigation rights or maintain balance, it increases the number of actors and interests involved.

More actors mean more potential points of friction, especially during crises.

### **Domestic political pressures**

Maritime issues are closely tied to nationalism and sovereignty. Leaders face strong domestic pressure not to compromise or appear weak.

This limits flexibility and makes long term cooperative solutions harder to sell politically, even when they are strategically sensible.

### **Relevant International Legal Frameworks**

When states argue, patrol, or protest in the South China Sea, they are not operating in a legal vacuum. A wide network of **international legal frameworks** exists to regulate how seas are

used, how disputes should be managed, and how force should be restrained. The problem is not the absence of law, but **how law is interpreted, applied, or sometimes ignored**.

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

The most important legal framework governing the South China Sea is the **United Nations Convention on the Law of the Sea**.

UNCLOS is especially relevant because it **limits maritime claims**. It does not recognise vague or expansive historical claims that go beyond defined maritime zones. This is why many South China Sea disputes revolve around how UNCLOS should be interpreted and applied.

For DISEC, UNCLOS matters because it provides the legal baseline against which militarisation, excessive claims, and coercive behaviour are assessed.

### **UN Charter and the prohibition on the use of force**

Beyond maritime law, the **United Nations Charter** applies fully at sea.

This means that naval intimidation, aggressive manoeuvres, or coercive military actions in disputed waters raise serious concerns under international law, even if no shots are fired.

For the South China Sea, this framework is crucial because many incidents occur below the threshold of war but still involve **implicit threats of force**.

### **International dispute settlement mechanisms**

UNCLOS provides several peaceful dispute settlement options, including:

- Arbitration
- International adjudication
- Conciliation

The 2016 arbitration between the Philippines and China demonstrated both the strength and limits of these mechanisms. They can clarify the law, but they rely on political willingness for compliance.

These mechanisms exist to prevent disputes from turning into military confrontations, aligning directly with DISEC's mandate to reduce threats to peace.

### **International humanitarian and environmental law at sea**

Although armed conflict has not broken out openly in the South China Sea, international humanitarian law would apply if it did. This creates legal obligations to protect civilians, neutral shipping, and the environment during conflict.

In peacetime, international environmental law is especially relevant. States are required to:

- Prevent serious harm to marine ecosystems
- Cooperate on conservation
- Avoid irreversible environmental damage

Large scale land reclamation, coral destruction, and pollution raise concerns under these obligations, showing how environmental harm and security risks are interconnected.

### **Freedom of navigation and customary international law**

Many navigation rights in the South China Sea are supported not only by treaties but also by **customary international law**, meaning long standing state practice accepted as law.

Freedom of navigation and overflight are widely recognised as customary norms. Attempts to restrict these freedoms beyond what international law allows are often challenged diplomatically or operationally.

This legal framework explains why states that are not claimants still operate naval and air forces in the region. They view these actions as protecting global commons rather than taking sides in territorial disputes.

### **Regional and political frameworks**

In addition to global treaties, regional political frameworks also play a role.

The **Declaration on the Conduct of Parties in the South China Sea (DOC)** represents a political commitment to restraint, dialogue, and confidence building. While not legally binding, it reflects shared recognition that unmanaged competition is dangerous.

Efforts to negotiate a Code of Conduct aim to transform political commitments into clearer rules of behaviour. Progress has been slow, but these initiatives remain important confidence building tools.

### **Limits of international legal frameworks**

It is important to be honest about the limits of law.

International law:

- Does not enforce itself
- Depends on state consent and good faith
- Can be ignored or selectively applied

This does not make it irrelevant. Instead, it makes **political commitment and diplomatic pressure essential** to its effectiveness.

## Conclusion

The South China Sea is often described as a regional dispute, but in reality it is a **global test case** for how the international community manages competition, law, and security in shared spaces. What happens in these waters affects not only the countries that border them, but also global trade, energy security, environmental sustainability, and the credibility of international norms.

Throughout this background guide, one pattern becomes clear. The challenges in the South China Sea are not caused by a single action or a single actor. They emerge from the interaction of unresolved historical claims, overlapping legal interpretations, increasing militarisation, technological change, and the involvement of both state and non-state actors. Each of these factors alone would be manageable. Together, they create a fragile environment where misunderstandings can escalate faster than diplomacy can respond.

International law, particularly the United Nations Convention on the Law of the Sea, provides a strong framework for managing maritime spaces peacefully. The 2016 arbitration ruling clarified key legal principles and reinforced the idea that rules, not power, should govern the seas. Yet law by itself cannot guarantee stability. When legal outcomes are contested or ignored, the risk shifts from courtrooms to coastlines and from diplomatic notes to naval encounters.

The increasing presence of military forces, artificial islands, advanced weapons systems, cyber capabilities, and autonomous technologies has raised the stakes. At the same time, non-state actors, environmental degradation, and economic dependence on the sea add layers of vulnerability that are often overlooked in traditional security discussions. These realities show that maritime security is not just about ships and sovereignty. It is about people, livelihoods, ecosystems, and trust.

For the Disarmament and International Security Committee, the task is both difficult and essential. DISEC is not meant to decide ownership or redraw maps. Its role is to confront how insecurity is created and how it can be reduced. This includes addressing arms build ups, promoting transparency, encouraging restraint, strengthening confidence building measures, and reinforcing respect for international legal frameworks.

The South China Sea demands solutions that are practical, balanced, and forward looking. Zero sum approaches and unilateral actions may offer short term advantages, but they increase long

term instability. Sustainable peace in this region depends on dialogue, cooperation, and the recognition that shared seas require shared responsibility.

Ultimately, the question before this committee is not who is strongest, but **how strength can be exercised without destroying stability**. The South China Sea reminds us that international peace is not maintained by silence or force alone, but by the continuous effort to manage differences before they become conflicts.

### **QARMA – Questions A Resolution Must Answer**

1. How does the resolution concretely reduce the risk of accidental or unintended military escalation in the South China Sea, especially during close naval and air encounters in disputed waters?
2. How does the resolution address the ongoing militarisation of maritime features and the deployment of advanced weapons systems without creating new security fears or triggering further arms races?
3. How does the resolution reinforce respect for international law, particularly the United Nations Convention on the Law of the Sea, while recognising that some states contest legal interpretations and rulings?
4. How does the resolution protect freedom of navigation and overflight for commercial and military vessels in accordance with international law, without undermining the legitimate security concerns of coastal states?
5. How does the resolution clarify acceptable behaviour at sea, including rules for innocent passage, transit passage, and military activities, in order to reduce misunderstandings and provocative actions?
6. How does the resolution address grey zone tactics, including the use of maritime militias and civilian appearing vessels for strategic purposes, while preventing escalation and protecting civilian life?
7. How does the resolution strengthen cooperation against non-state threats such as piracy, armed robbery at sea, illegal, unreported, and unregulated fishing, and smuggling or trafficking networks?
8. How does the resolution manage the security risks posed by artificial islands and military installations, particularly their role in surveillance, power projection, and rapid force

deployment?

9. How does the resolution respond to emerging militarisation trends, including cyber operations and the deployment of autonomous maritime systems, and establish norms for responsible use and accountability?
10. How does the resolution reduce the risk of miscalculation by promoting transparency, information sharing, and confidence building measures among naval and air forces operating in the region?
11. How does the resolution support effective crisis management and communication mechanisms, such as hotlines or incident at sea agreements, to prevent local incidents from escalating into wider conflicts?
12. How does the resolution balance the responsibilities of claimant states with the interests of the wider international community that depends on the South China Sea for trade and energy security?
13. How does the resolution ensure that external or extra regional powers contribute to stability and de escalation rather than intensifying strategic competition?
14. How does the resolution protect the livelihoods of coastal and fishing communities while addressing resource competition and enforcement challenges in disputed waters?
15. How does the resolution address environmental degradation caused by militarisation, land reclamation, and overexploitation, recognising the link between environmental harm and long term insecurity?
16. How does the resolution encourage peaceful dispute management and dialogue without prejudicing existing sovereignty claims or forcing political concessions?
17. How does the resolution remain realistic and implementable, taking into account political constraints, capacity differences among states, and the need for voluntary compliance?
18. How does the resolution ensure that security measures adopted today do not undermine long term regional stability and trust in the future?