



DISEC STUDY GUIDE

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THE QUESTION OF THE PREVENTION OF AUTONOMOUS WEAPONS SYSTEMS

INTRODUCTION

Technological advances in weaponry mean that decisions about the use of force on the battlefield could increasingly be taken by machines operating without human intervention.

In the past ten years, much progress has been made in the field of civilian robotics, but current autonomous robots have a number of significant limitations. Current autonomous robotics are not capable of making complex decisions and the type of reasoning employed by humans. As such, they are not currently well suited to adapting to current environments. As the technology advances, however, this ability to mimic human decision making and reasoning is getting better.

From a militaristic point of view, the use of autonomous weapons could mean the reduction of ‘boots on the ground’ whilst maintaining military capability, in addition to a reduction in operating costs, personnel requirements, and a reliance on supply and communications links.

Whilst the technology is still in its infancy, the DISEC committee can act primitively to attempt to regulate the use of such weapon systems, if it so wishes.

BACKGROUND INFORMATION

WHAT ARE AUTONOMOUS WEAPON SYSTEMS?

There is currently no agreed definition on what constitutes an autonomous weapons system. There are currently some weapon systems which have autonomy in identification and attacking of targets such as certain defensive weapon systems which intercept incoming missiles, rockets or aircraft.

Currently, the only examples of these weapon systems are fixed and operate only under very strict parameters against certain types of targets. An example of this is Israel's Iron Dome which intercepts short-range rockets and artillery fired into populated areas.

IS A DRONE AN AUTONOMOUS WEAPON?

It is important to distinguish between Unmanned Aerial Vehicles (UAVs) and autonomous weapons systems. Whilst UAVs are pilotless, and even have autonomous autopilot and navigation functions, a human controller still selects targets and initiates the firing of weapons (sometimes known as a 'man-in-the-loop').

WHAT IS THE CURRENT LAW ON AUTONOMOUS WEAPONS?

There is currently no treaty or convention that governs the use of autonomous weapon systems. This is in part due to the fact that the technology is not quite advanced enough for States to produce complex autonomous weapon systems.

Current international law, according to Additional Protocol I of the Geneva Conventions, decrees that States must consider the use of any new weapon is compatible with the concepts of proportionality and distinction between combatant and civilian.

ACTIONS TO CONSIDER

DEFENSIVE VS OFFENSIVE

As stated earlier, currently a small number of autonomous weapon systems exist in a defensive capacity in order to intercept incoming missiles etc. The committee may wish to consider how the use of defensive autonomous weapon systems may differ from offensive autonomous weapons systems.

POSSIBLE TREATY/CONVENTION/SUMMIT

The committee may wish to consider the convening of a summit to produce a treaty on the use of autonomous weapons systems. If the committee decides to go down this path, it is important that clear parameters and guidelines are laid in place. Suggestions as to definitions and the like are within the remit of the committee to consider, however, are often better discussed at some kind of summit. That should not preclude the committee from suggesting to a convened summit what it thinks of certain sub-issues regarding the use of autonomous weapons systems.

CAPABILITIES

Before the technology advances further, it might be appropriate for the Committee to consider future capabilities of such weapon systems. How might it distinguish between combatant and civilian, surrender, law enforcement, armed citizens who may merely be hunting, or guarding livestock from predators?

RESPONSIBILITY

It is impossible to hold a machine to account for its actions if it has acted autonomously, and such an action could be construed as a violation of certain international humanitarian laws, such as aspects of the Geneva and Hague Conventions. As such, this begs the questions as to who is responsible if such a problem occurred in the future. And, if responsibility cannot be applied, is it therefore ethical and legal to deploy such a weapon? Whilst this is stretching the mandate of the DISEC committee, it is still fundamental to the discussion of autonomous weapons systems and might want to be considered as part of the general debate.

WORK ALREADY UNDERTAKEN

The United Nations has held two Informal Meetings of Experts of Lethal Autonomous Weapons Systems (LAWS) under the Chairpersonship of the Convention against Certain Conventional Weapons (CCW). Due to the nature of these events, however, nothing concrete has come out of them, they have merely acted as fora for States and NGOs to discuss the issue. This is mainly due to the fact that the technology has not yet been properly developed and, as such, does not pose an immediate risk.

This does not, however, preclude the United Nations discussing the issue. It is worth noting that in the past, the UN has taken pre-emptive measures before technology has reached the stage where a threat may become more immediate, for example The Outer Space Treaty.

BLOC POSITIONS

Due to the infancy in the technology concrete bloc positions are hard to come by, however, it is possible to pick up small details and read between the lines based on various similar military policies.

UNITED STATES OF AMERICA

The USA resists all perceived interference that could be directed at its military capabilities. At previous meeting they have been keen to seek definitions but are more hesitant towards moves to banning. Much like with other weapons treaties, the USA may well lead negotiations but end up abstaining from the final text, or not signing and/or ratifying any final agreements.

THE UNITED KINGDOM, FRANCE, AND OTHER EU MEMBER STATES

The UK, France and the EU will most likely be very supportive of the banning of autonomous offensive weapons, however, there may be resistance towards the idea of so called 'intelligent' missile shields, especially under the growing negative relationship between Europe and Russia. That being said, however, the UK and German weapons industries are often quite protected by their governments and moves to regulate matters too much might be met with resistance.

THE RUSSIAN FEDERATION

Similarly to the USA, Russia has often resisted further international arms regulation. In addition, Russia also has a large weapons industry that might resist change. There could be, however, a push towards regulation from Russia as it tries to reassert its global political position.

THE PEOPLE'S REPUBLIC OF CHINA

The PRC has been developing very fast in its technology sector, especially in areas that are less ethically agreeable to the West, such as artificial intelligence. This, combined with China's growing regional and international ambitions, and the frosting over of relations in the South China Sea, could see China take a very protectionist stance.

DEVELOPING NATIONS

The developing states have been keen from the outset to see autonomous weapons regulated before they become a real danger in the future. In the past, they have raised deep concerns about future implications of such weapons and argued that these weapons should be discussed through the perspectives of both human rights and international humanitarian law.

ISRAEL/REPUBLIC OF KOREA/INDIA

Worried about the threat of war, and possible nuclear attacks, these states have in the past expressed interest in developing autonomous defensive weapons systems. Indeed, Israel already has the Iron Dome, something the Republic of Korea has looked at as a precaution against the DPRK. These states would most probably push for provision for defensive autonomous weapons to be separately defined and taken into account.

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THE QUESTION OF DISPUTES IN THE SOUTH CHINA SEA

INTRODUCTION

The South China Sea, an area in the west of the Pacific Ocean, is a very important geopolitical body of water. It is the second most used sea-lane in the world, and approximately one third of world shipping passes through it. Its importance is heightened by the large reserves of oil and natural gas under the seabed.

The South China Sea is regarded by the UN as being in international waters, through the 1982 UN Convention on the Law of the Sea (UNCLOS), ratified by all major claimants. The 250 islands within the sea are, however, subject to competing claims of sovereignty, meaning that the seas' status in international waters is perhaps under threat.

The South China Sea has been a disputed area for hundreds of years, but in recent years militarisation has increased at an alarming pace. Tensions are rising, and the situation is viewed by many to be Asia's biggest and most potentially dangerous point of conflict. Many countries, as local as Malaysia and as far away as the USA, (and the regional league of countries ASEAN, the Association of South-East Asian Nations) argue that action must be taken now to prevent the situation from escalating further.

BACKGROUND INFORMATION

The South China Sea, and the islands within it, has been a source of conflict for South-East Asian nations for hundreds of years, due to its importance for international trade and more recently the discovery of its oil and natural gas reserves. Moreover, the livelihoods of thousands of people across the region are dependent on the sea and the fishing industry surrounding it. The history of the conflict is therefore complicated and multi-layered, increasing the difficulty of diffusing it.

The competing claims on the sea's waters and islands include:

- Indonesia, China, and Taiwan over waters north-east of the Natuna Islands.
- The Philippines, China, and Taiwan over Scarborough Shoal.
- Vietnam, China, and Taiwan over waters west of the Spratly Islands, and Vietnam, China, Taiwan, Brunei, Malaysia, and the Philippines over the islands themselves.
- Vietnam and China over the Parcel Islands.
- Malaysia, Cambodia, Thailand and Vietnam over areas in the Gulf of Thailand.
- Singapore and Malaysia along the Strait of Johore and the Strait of Singapore.

The claims over the Parcel and Spratly islands are particularly heated, due to both the importance of the islands and the waters surrounding them, and the number and power of the nations claiming sovereignty.

China's claims to sovereignty are vast; denoted by what is known as the 'nine dotted line' they overlap with those of almost every other country in the region. These claims are widely challenged by other South East Asian nations, each believing their own claim to be true.

These competing claims have led to past bloodshed; particularly between China and Vietnam, both who have been vigorous in protecting their claims. The last of these conflicts occurred in 1988, where over seventy Vietnamese sailors were killed. However, clashes between naval vessels are still regularly reported, and it is feared by nations such as Malaysia and by ASEAN, the Association of South-East Asian Nations, that a return to open conflict may be imminent.

Such fears are driven by the recent militarization of the area. For nations surrounding the sea, competing claims to the waters are a matter of

national security. This security has been threatened, they argue, by China's artificial island construction.

This Chinese reclamation of land (by covering reefs and atolls with gravel) is taking place within the exclusive economic zones of other nations, an action illegal under the UN Convention on the Law of the Sea. Furthermore, recent reports suggest that the Chinese navy is attempting to enforce a 12-nautical-mile exclusion zone around these artificial islands- also illegal under the Convention on the Law of the Sea as they are not naturally formed. China does not deny its intentions to use the islands as military bases, and has constructed airstrips on them.

In response to this there has been a wave of militarization from other nations. Indonesia has vowed to construct 'the Pearl Harbor' of Indonesia on the Natuna archipelago, and Vietnam and the Philippines are amongst many nations increasing funding to naval and air force bases in the area. Even distant nations such as the USA and Australia have intervened, with the US trying to enforce the principles of international airspace and waters by sending a warship and air-force flights through the sea, and by arming nations such as Taiwan.

This militarisation of the area is increasing rapidly, despite all efforts to reverse it. Individual agreements between countries have often fallen through or been negated through further escalation, and ASEAN argues that international cooperation and multilateral talks are the only way to make any progress on the issue. ASEAN has aimed to provide a platform for discussion and resolution of conflicts but has struggled due to the differing, and often directly competing, interests of its member states. Proposed Joint Development Authorities, aiming to jointly develop the area and divide the profits equally without settling the issue of sovereignty over the area, have therefore been largely unsuccessful. The 2015 Malaysia round, the most recent ASEAN meeting, ended without a closing statement, as members could not agree on a unifying policy regarding the situation. This illustrates both the lack of consensus on the issue and its danger of further degrading regional international relations.

The issue of oil has further clouded the situation, as foreign investors from countries such as India have become drawn into the politics surrounding the sea, and particularly the tension between Vietnam and China. In May 2014, China built an oil rig by the disputed Parcel Islands, leading to further clashes with Vietnam.

In 2008 the International Court of Justice resolved the dispute over Pedra Branca (or Pulau Batu Putih) between Singapore and Malaysia. It was hoped that this case would be taken as an example of how disputes

could be peacefully solved. In 2013, the Philippines announced they were taking China to a UN tribunal under the auspices of the UN Convention on the Laws of the Sea, for infringing on its exclusive economic zone and attempting to enforce a 12-nautical-mile exclusion zone around the artificial islands. China's refusal to attend proceedings demonstrates, however, the extent to which power has become the ruling force in the South China Sea.

The committee must attempt to reach a resolution for the situation, one which ensures that the forces of diplomacy and caution prevail. It is in the interest of the world that the situation be deescalated and the risk of military conflict reduced.

TIMELINE OF EVENTS

1974

China seized the Parcels from Vietnam, killing more than 70 Vietnamese troops.

1988

70 Vietnamese sailors killed by China in the Spratlys.

2008

The overlapping claims over Pedra Branca (or Pulau Batu Putih) are settled by the International Court of Justice, awarding the islands to Singapore and Middle Rocks to Malaysia.

Early 2012

China and the Philippines engage in a lengthy maritime stand-off, accusing each other of intrusions in the Scarborough Shoal.

July 2012

China creates Sansha city, an administrative body with its headquarters in the Parcels which it says oversees Chinese territory in the South China Sea.

January 2013

The Philippines resolve to take China to a UN tribunal under the auspices of the UN Convention on the Laws of the Sea, to challenge its claims.

May 2014

China builds an oil rig on the Parcel islands

April 2015

Satellite images show China building an airstrip on reclaimed land in the Spratlys.

October 2015

The US sails a guided-missile destroyer within 12-nautical miles of the artificial islands - the first in a series of actions planned to assert freedom of navigation in the region.

BLOC POSITIONS

The nature of this conflict, with its roots hundreds of years in the past, mean that there are no true blocs, as each country has competing claims with many others. Only two main groups can be identified, and there are many exceptions on an issue by issue basis, as overlapping claims pit different countries against each other.

ASEAN

Broadly speaking, ASEAN wishes to prevent the situation from escalating into armed conflict. Malaysia in particular strongly pushes this agenda, arguing that diplomacy should be used to solve the issue as conflict and militarization benefits no body.

However, ASEAN is composed of many different nations, and not only do they have differing views on the claims of the sea, but they also take differing positions on the place of militarization; with some viewing it as necessary to protect themselves, and some seeing it as a chance to further their influence in the area.

NON EAST ASIAN STATES

This second group of states shares a similar goal to ASEAN; to prevent conflict in the area, but also to maintain the sea as international waters. These states are more separated from the situation and less entwined in its history. Nonetheless, they still have in many cases a large personal interest in the matter, and so their views will also differ widely regarding effective tactics to deescalate the situation; favoring different East Asian countries depending on their own interests.

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APPENDICES

MAP OF REGION

