



Security Council (SC)

Topic 2: The South and East China Sea dispute

Research report by: Serena Boglione and Sofia Saccone

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1. Definition of Key Terms

United Nations Conventions on the Law of the Sea (UNCLOS): the international agreement which defines responsibilities and rights of nations, respecting their use of the world's oceans.

Exclusive Economic Zone (EEZ): as prescribed by the 1982 UN Convention on the Law of the Sea, an area of the sea in which a State has exclusive rights to manage and use natural resources, including energy production from wind and water.

Nine-dash line: a demarcation line which comprises all the territories claimed by the People's Republic of China (PRC), hundreds of miles south and east from its most southerly province of Hainan.

Outpost: a detachment of troops situated at a distance from the main force or formation in order to stand guard against unauthorised intrusion and surprise attacks.

Excessive maritime claims: assertions by states that are inconsistent with the terms of UNCLOS.

Freedom of Navigation Operations: operations conducted by the U.S. naval and air forces that strengthen internationally-recognised freedoms and rights by challenging excessive maritime claims.

2. Introduction

Regarded as one of the most intricate conflicts in East Asia, if not globally, the South China Sea dispute remains a delicate potential flashpoint that could escalate into a significant international crisis if not adeptly managed and resolved. The intricacies of this conflict are compounded by various factors, including the multitude of claimants, the economic and strategic importance of the region, and the sovereignty dispute over the Spratly Islands, which stands out as a primary concern

within the broader South China Sea dispute. The South China Sea functions as a vital shipping route, with the United Nations Conference on Trade and Development reporting that over 21% of global trade traversed these waters in 2016. Notably, the SCS (South China Sea) stands as one of the world's most strategic waterways, connecting Northeast Asia and the Western Pacific to the Indian Ocean and the Middle East. Consequently, the sea lanes of communication in the SCS are utilized not only for international trade and commercial purposes but also for military activities. Moreover, the South China Sea boasts extensive fishing grounds crucial for the livelihoods of millions in the region, as over half of the world's fishing vessels operate in this area. Despite being largely uninhabited, the Paracels and the Spratlys potentially harbor natural resource reserves, with the South China Sea renowned for its abundant oil and gas reservoirs.

3. Timeline of events

1895: End of the Sino-Japanese War

On April 17th, the Sino-Japanese War concluded with the signing of the Treaty of Shimonoseki, in which China ceded territories such as Formosa (Taiwan) to Japan. Although the Senkaku/Diaoyu Islands were not explicitly mentioned in the treaty, Tokyo claimed ownership, asserting it had officially annexed them in January 1895.

1937: Japanese Invasion of South China Sea Islands

After asserting exclusive rights over various South China Sea archipelagos, Japan occupied the Pratas Islands and invaded Hainan Island.

1945: Senkaku/Diaoyu Islands Under United States Control

The United States assumed control of Japan, including the Senkaku/Diaoyu Islands. The Kuomintang government of China made multiple claims to the Islands, calling for their return in April 1948.

1947: China Marks South China Sea Claims

Under the rule of the Kuomintang party, China delineated its territorial claims in the South China Sea with an eleven-dash line on a map, covering the majority of the area. In 1949, with the establishment of the People's Republic of China, the communist government simplified the border to nine dashes, which China still invokes today as the historical basis for its territorial claims in the South China Sea.

1974: China Claims Paracel Islands

On January 19th, China occupied the western area of the Paracel Islands, seizing a South Vietnamese outpost.

1979: Sino-Vietnamese War

China initiated a brief but highly destructive war against Vietnam in response to Vietnam's invasion and occupation of Cambodia in 1978.

1982: Establishment of UNCLOS

2002: ASEAN and China Code of Conduct

These nations reached an agreement by signing a Code of Conduct with the aim of easing tensions and conflicts in the South China Sea.

2009: Malaysia and Vietnam Submit UN Claims

Malaysia and Vietnam submitted UN claims to extend their continental shelves, reigniting discord over maritime sovereignty in the South China Sea.

2012: China Asserts Territorial Sea Baselines

In response to Japan's acquisition of the Senkaku/Diaoyu Islands, Beijing declares Chinese administration of the disputed islands, challenging Tokyo's control.

2013: Japan Increases Defense Budget

Prime Minister Shinzo Abe boosts the country's defense budget to enhance Japan's maritime capabilities, particularly to safeguard the Senkaku/Diaoyu Islands in the East China Sea.

2015: U.S. Patrols Near Chinese-Built Islands

On October 26th, a U.S. Navy patrol sails close to Chinese-built islands to assert freedom of navigation in disputed waters in the South China Sea.

2016: Tribunal Rules Against China's South China Sea Claims

On July 12th, The Permanent Court of Arbitration in The Hague rules in favor of the Philippines in a case initiated in 2013 against the People's Republic of China. The tribunal determines that China has no historical rights to the "nine-dash line" and the exploitation of resources in the South China Sea.

2023: Philippines Welcomes Expanded U.S. Military Presence

2023: US-Japan-South Korea Summit Displays United Front

On August 18th, their joint statement condemns China's aggressive behavior following The Hague's 2016 ruling against China's nine-dash line.

2023: China Expands Maritime Map Protest

On August 28th, China releases an updated version of its official territorial map, introducing an additional dash to the previous nine.

4. Background Information

Territorial disputes in the South and East China Sea involve conflicting claims over islands and maritime territories by several sovereign states. The South China Sea dispute essentially comprises two aspects: maritime boundary disputes and territorial conflicts.

Despite the historical association of the Parcel and Spratly Islands with Vietnamese territory, and Vietnam's peaceful, continuous, and effective exercise of sovereignty over these islands since at least the 17th century, these islands have recently become the subject of bilateral and multilateral territorial disputes between Vietnam and other countries in the region.

Throughout the first half of the twentieth century, the sea remained relatively quiet as neighboring states focused their attention on conflicts elsewhere. At the end of World War II, no claimant had control over a single island in



the entire South China Sea. During this period, the South and East China Sea were not seen as priorities by any claimants, and China established itself on a few features in the Spratlys. Even the French and Vietnamese did not take advantage of the lapse in Chinese control, as they were preoccupied with the rapidly escalating war in Vietnam.

Following extensive geological surveys in 1968 and 1969, a report published by the UN Economic Commission for Asia and the Far East revealed "substantial energy deposits" in the seabed between Taiwan and Japan and the South China Sea. The Philippines was the first to make a move, basing its claims on the discovery of several islands in 1947 by Filipino citizen Thomas Cloma. China then conducted a carefully coordinated seaborne invasion of several islands, wresting control from South Vietnam in the Battle of the Paracel Islands, resulting in casualties and the sinking of a corvette.

In 2002, a potential positive shift in the dispute emerged as ASEAN (Association of Southeast Asian Nations) and China jointly signed the Declaration on the Conduct of Parties in the South China Sea. The Declaration aimed to establish a framework for future negotiations on a Code of Conduct for the South China Sea. Initially, the Declaration appeared to help mitigate conflicts. Over the following five years, Beijing conducted a charm offensive across Southeast Asia, and claimants refrained from provocative actions such as occupying additional features.

During this period, Malaysia and Vietnam jointly submitted claims to the Commission on the Limits of the Continental Shelf, outlining their respective assertions. In response, China submitted a map featuring the contentious "nine-dash" line, encircling the South China Sea and covering all of its territorial features along with the vast majority of its waters. Despite its significance, Beijing has not officially clarified the intended meaning of this line.

Moreover, over the past year, Beijing has initiated an accelerated land reclamation campaign across the South China Sea. Chinese vessels have deposited tons of sand in at least seven locations to expand the size of features under Chinese control. Infrastructure construction, including an airstrip capable of receiving military aircraft, has commenced on much of this reclaimed land.

5. Major Countries Involved

People's Republic of China:

The People's Republic of China plays a central role in the South and East China Sea disputes due to its strategic geographical position. China's expansive territorial claims have provoked tensions with significant claimants, including Vietnam, the Philippines, Taiwan, Brunei, Japan, and Malaysia.

In the context of the South China Sea dispute, China asserts the largest share of territory, demarcated by the controversial "nine-dash line," which was expanded in 2023. China argues that foreign military forces, in accordance with international law, are prohibited from conducting intelligence-gathering activities in its Exclusive Economic Zone (EEZ). Additionally, China has undertaken land reclamation efforts, enlarging existing islands and creating new ones to reinforce its claims in the South China Sea. Notably, China has developed airstrips, ports, and military installations on the Paracel and Spratly Islands, with twenty and seven outposts, respectively. Woody Island has been militarized with cruise missiles, radar systems, and fighter jets.

In the East China Sea dispute, China confronts the challenge of the Senkaku/Diaoyu Islands being under Japanese control, potentially weakening China's territorial claims. Recent years have seen escalating tensions between China and Japan over disputed areas in the East China Sea, leading to adverse impacts on trade and energy imports. Disputes stem from the competition for natural resources and the strategic significance of the East China Sea. China is actively extracting natural gas from the seabed in this region.

Philippines:

The Philippines finds itself in a tense standoff with Beijing in the South China Sea, actively

protesting against China's expansive territorial claims, which encompass over 90% of the sea. In recent months, the Philippines has granted the United States full access to crucial military bases, repeatedly condemning Beijing's aggressive actions in the region. The Philippines anchors its claim on geographical proximity to the Spratly Islands. Both the Philippines and China assert ownership of the Scarborough Shoal, located just over 100 miles from the Philippines and 500 miles from China.

Malaysia:

Malaysia strongly asserts its claim to the feature in the southern Spratly, maintaining that it falls within Malaysia's borders, thus justifying its claim on legal grounds. Malaysia actively works to secure its sovereignty in the South China Sea by fostering cooperation within the Association of South-East Asian Nations (ASEAN), emphasizing the concept of ASEAN centrality. In a statement on April 8th, 2023, Malaysia expressed unwavering determination to protect its sovereign rights and interests in the South China Sea, particularly in response to China's concerns about Malaysian projects in an area disputed by China.

Vietnam:

Situated alongside Malaysia and the Philippines, Vietnam finds itself at the forefront of maritime disputes with China. As the risk of armed confrontation grows, Hanoi is actively preparing for various scenarios. Vietnam, a significant claimant state, plays a pivotal role in the dispute. Its overarching goal is to reclaim lost territories in the South China Sea (SCS) while simultaneously defending its waters for normal economic activities like fishing and resource exploration. The challenge lies in safeguarding economic and strategic interests against China's frequent intrusions and resource-related harassment. Vietnam's strengthened ties with major powers, particularly the U.S., Russia, Japan, and India, contribute to an enhanced strategic posture in the SCS.

Japan:

Recent tensions have escalated between Japan and China regarding a cluster of uninhabited islands known as the Senkaku in Japan and Diaoyu in China. These islands were under U.S. control and only returned to Japan's administrative control in 1971 with the reversion of Okinawa. China disputes Japan's sovereignty, driven partly by significant hydrocarbon resources in the East China Sea (ECS). Despite a historical sharing of these waters by Japanese and Chinese fishermen, China's growing naval strength poses new military challenges to Sino-Japanese relations. Japan has resisted Chinese gas exploitation within disputed waters, vehemently protesting against Chinese vessels entering the waters near the Senkaku Islands. Japan has also taken measures to protect its fishing vessels from potential Chinese interdictions.

United States of America:

The United States perceives China as the most significant challenge to the Western-dominated international order, citing Beijing's claims over Taiwan and the South and East China Seas. The administration of President Joe Biden has embarked on a comprehensive strategy, including "Freedom of Navigation Operations," to bolster its diplomatic and military presence in the Asia Pacific. This initiative involves strengthening ties with allies like Japan, Australia, and South Korea, as well as non-allies such as Vietnam and India.

In Australia, a historic security partnership with the United Kingdom has been declared, aiming to provide Canberra with up to five nuclear-powered attack submarines. In Japan, plans have been announced to modernize troop presence on the Okinawa Islands, equipping maritime units with essential weaponry in the event of a Chinese invasion of Taiwan. South Korea has received new security assurances, including the deployment of a nuclear-armed submarine, and a trilateral security partnership with Seoul and Tokyo has been established. These three nations collectively

condemned China's actions in the South China Sea and are poised to enhance military cooperation. Additionally, in the Philippines, the government has granted the Pentagon access to four new sites, bringing the total number of locations accessible to U.S. forces to nine. This underscores the United States' commitment to regional security and stability.

6. UN Involvement

The United Nations played a role in the South and East China Sea disputes through the creation of the United Nations Conference on the Law of the Sea (UNCLOS), as outlined in the timeline of events. The third and final conference resulted in a resolution defining the rights and responsibilities of nations in utilizing surrounding waters, emphasizing exclusive economic zones and continental shelves. Enacted on November 14, 1994, UNCLOS, while influential, does not address sovereignty issues in the South and East China Seas, and its ambiguous language has hindered its efficacy in resolving territorial disputes.

Within UNCLOS's comprehensive framework, key aspects include the delineation of maritime zones, protection of navigational rights, conservation of marine resources, and mechanisms for peaceful dispute resolution. Despite its global acceptance for contributing to international peace on waters, environmental preservation, and regulation of activities like fishing and navigation, interpretations of UNCLOS vary significantly, especially in the context of the South China Sea. The heart of the issue lies in the divergent interpretations of UNCLOS, leading to numerous complexities and debates within the South China Sea disputes. A contentious point revolves around the interpretation of UNCLOS provisions related to freedom of navigation, further intensifying the disagreements among involved parties.

7. Useful Links

[United Nations Security Council |](#)

[Timeline: China's Maritime Disputes \(cfr.org\)](#)

[Territorial Disputes in the South China Sea | Global Conflict Tracker \(cfr.org\)](#)

[In bid to counter China, US ramps up effort to boost military ties in Asia | Politics News | Al Jazeera](#)

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