

Topic #2: Deescalating the situation in the South China Sea

I. Background Information:

Terms to be familiar with:

Nine-dash line: The line China uses to outline its maritime border.

ASEAN: The Association of Southeast Asian Nations

Maritime boundary and the UN Convention's Law of the Sea:

The situation in the South China Sea involves China, Taiwan, Vietnam, Malaysia, Brunei, the Philippines and the United States. These are all sovereign states that have military and economic interests in the South China Sea. This conflict is concerned with overlapping territories in the region, specifically areas that could possibly contain oil and gas reserves. China is insisting sovereignty of a 3.5 squared kilometer area. The movement of trade vessels in the South China Sea is critically to the regional and international economy. The United States and China's relationship has developed rapidly in the last 60 years or so.



An international arbitration tribunal, established by the Philippines in 2013, at The Hague ruled that China's nine-dash line had no legal basis under the UN Convention of the Sea. The ruling of the arbitration ruled in favor of the Philippines. The ruling of this tribunal is binding and the countries involved have urged China to abide by it, but China has refused. In recent years, China has increased its military control of the South China Sea. They started new naval exercises and have asserted that they would continue to occupy and build up artificial islands in disputed waters. The US, as previously mentioned, is China's active trading partner. U.S. has now said that it will continue monitoring the South China Sea to ensure that China is not rejecting the freedom of navigation rights. This will likely strain the international trading community and opens the door for the United States to get involved (militarily) in the region. Almost \$5 billion in trade passes through the waters each year.

Several European countries have expressed concern for the situation. France has even encouraged other countries to intervene militarily to keep the peace and assert the freedoms of navigation in the South China Sea. Southeast Asian nations have been apprehensive about militarily intervening in China as they consider it to be a vital trading partner. They have instead called upon China to abide by international maritime law and the ruling of the arbitration tribunal. China, a key player in the region, has urged the ASEAN to not support the ruling and believes that the agreement reached in 2002 (discussed in more detail later in the section) covers most of the issues raised by the Philippines. Cambodia, a close ally of China, has issued a statement saying that the ruling is bilateral issue that should be resolved between China and its individual rivals. The United Nations Convention of the Law of the Sea was amended to eliminate the 'effective occupation law' that sparked a military conflict between China, Vietnam and the Philippines. This conflict started because all three parties were attempting to occupy undisputed lands. Even after the amendment of the UNCLOS, some countries in the South China Sea have used it to extend their control over certain islands and waters in the sea.

The dispute in the South China Sea has economic causes and effects. The economic cause of the dispute is the speculation that there are large oil and natural gas in a region of the South China Sea. If this conflict is not resolved, the South China Sea will no longer be a trading hub and the international trading community will suffer great losses. In 2002, the ASEAN members met and signed the "A Code of Conduct on the South China Sea". China separately signed the Treaty of Amity and Cooperation in South-East Asia in 2003. China is still bound by these treaties but in recent years, it has gone against it and multiple international and maritime laws. These treaties were written and signed because nations in the South China Sea want to keep up with the rapid rate of globalization.

The main issue that must be averted is the United States' proposed military involvement in the region. The South China Sea is a crucial economic site

II. UN Involvement

China has no legal basis under the United Nation's convention of the Law of the Sea (UNCLOS)

All of the nations involved have urged China to abide by the ruling, but it refuses to comply with anything that contradicts the "A Code of Conduct in the South China Sea". Countries like Malaysia, Indonesia, Vietnam and Brunei have claimed the right to use up to 200 nautical miles from their shores. The arbitration tribunal also criticized China for cutting off the Philippines' access of the waters while the tribunal was taking place. It has also said the China has caused significant environmental damage in the South China Sea.

III. Questions to consider +Guiding questions

-How can we avoid military confrontation between the United States and China?

-Will the ASEAN collapse in light of the conflict?

-How can other countries (possibly ones with trade relationships with China) pressure Beijing to cooperate?

-Is this a bilateral or multilateral issue?

-What other methods (military involvement/treaties etc.) can be used to pressure China into abiding by the tribunal ruling?

-What can the UN bodies do? When should they get involved?

-When thinking of what position you will take, think about your country's economic policies, it's patterns of maritime trade and it's relationship to any and all of the parties directly involved.

IV: Sources and Useful Information

<http://www.usnews.com/news/best-countries/articles/2016-07-13/whats-happening-in-the-south-china-sea>

This is an article by US news outlining the situation in the South China Sea. They discuss Exclusive Economic Zones and island disputes in more detail

<http://www.cfr.org/asia-and-pacific/armed-clash-south-china-sea/p27883>

This is also an article but by the Council on Foreign Relations. It is a more simplified explanation that helps you understand the logistics.

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

This is an article by the BBC titled 'Why is the South China Sea contentious?' It may be interesting to read and helpful when figuring out what certain countries want from the region.

<http://thediplomat.com/tag/unclos-south-china-sea/>

This is a link to *The Diplomat's* website that has a section for news specifically about the South China Sea. Keep an eye on this.

<http://nationalinterest.org/blog/the-buzz/the-south-china-sea-crisis-next-stop-the-un-security-council-16397>

This could possibly give you ideas on the next step to take to solving this issue.

<http://ec.europa.eu/trade/policy/countries-and-regions/countries/china/>

This outlines China's trading agreements for the European Commission.

<http://origin.www.uscc.gov/sites/default/files/Research/China's%20Economic%20Ties%20with%20ASEAN.pdf>

This is a country-by-country analysis of China's economic ties with the ASEAN.