



**Forum:** Security Council

**Topic:** Addressing Maritime Security and Territorial Disputes in the South China Sea

**Student Officer:** Austin Theodos

**Position:** Deputy President

## **PERSONAL INTRODUCTION**

Hello delegates, my name is Austin Theodos. I am a senior in high school from John Burroughs School in St Louis, Missouri, in the United States. I have four brothers, one older, one twin, and two younger brothers; I swim competitively and play water polo. I love watching a lot of sports like baseball, American football, and Formula 1 racing. For this year's SCMUN conference, I will be Deputy President of the Security Council.

My MUN experience consists of five conferences, on the school, state, and international levels; I began in MUN in middle school, and loved it, and continued in high school. This past year, I was fortunate to represent my school at The Hague International Model UN, with 3500 other students from around the world. I was a delegate in the Sustainable Development Committee and represented the country of Georgia. After that conference, I chaired my first conference this past winter at a citywide MUN conference.

This year's SCMUN conference will take place on the 10th and 11th of February 2024, and will be hosted at St Catherine's. There are four general assembly committees, as well as a Security Council and Historical Security Council, World Health Organization, and International Court of Justice. The topics for the Security Council this year will be Addressing Maritime Security and Territorial Disputes in the South China Sea, and the Question of Palestine. I will focus on Addressing Maritime Security and Territorial Disputes in the South China Sea. My email is [2024.atheodos@jburroughs.org](mailto:2024.atheodos@jburroughs.org), and feel free to email me with any questions you may have.

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## **TOPIC INTRODUCTION**



The issue of Maritime Security and Territorial Disputes in the South China Sea mainly arises from the aggression of China in the area. One of the main disputes in the area is that of Taiwan. China claims it as one of its own territories, but has no real control over the island, and its claim of control is more of a symbolic gesture. China wants to deal with the Taiwan issue internally, and gets mad whenever another country, usually the United States, supports Taiwan in any way. China's response has been to issue warnings to ships passing through the Taiwan Strait, doing flyovers of Taiwan and their outlying territories, and other aggressive actions to try and get other countries to back off, and scare the Taiwanese people.

Further, China has recently taken another aggressive step, building man-made islands to try and extend their territorial waters, as well as annexing islands that are part of Japan, the Philippines, and more in the South China Sea. China seeks to assert their power in the region, and wants to lower the influence of the United States and other western countries over sea lanes and other parts of the region. One of the main disputes stems from a map China releases each year, which is meant to assert China's territorial claims; however, its most recent map release is the most controversial, as it has taken territory from Japan, the Philippines, and Taiwan, as well as disregarding the United Nations by asserting its claim over far more territorial waters than it has. If a solution is not reached, war will likely come in the foreseeable future.

Currently, Taiwan is not regarded as a nation by the United Nations, after United Nations General Assembly Resolution 2758 removed the representatives of Taiwan in favor of the representatives of China. The territorial disputes in the area also arise from China's Nine-dash map, which they release to show "their" territory; however, this map conflicts with the United Nations Convention on the Law of the Sea.

## **DEFINITION OF KEY TERMS**

### **South China Sea**

The South China Sea is a body of water bordered by China, the Philippines, Taiwan, Indonesia, and many other countries in Southeast Asia. The body of water is crucial to international trade, as almost a quarter of the world's maritime shipping passes through the sea each year. There are many territorial disputes in the area based on control over



thousands of small islands in the area, which could extend the Exclusive Economic Zone of border countries, and thus give control over valuable resources.

### **Taiwan Relations Act**

The Taiwan Relations Act was passed by the United States Senate in 1979. This Act governs the US foreign policy with Taiwan, and is the instrument through which the US provides Taiwan with weapons and other means with which to defend itself. It also has acted as the unofficial Act that the US diplomatic relations with Taiwan are conducted.

### **ASEAN (Association of Southeast Asian Nations)**

ASEAN is a treaty group composed of the littoral countries of the South China Sea. This group was created to promote the Code of Conduct in the South China Sea, which promotes freedom of navigation, and the peaceful settlement of disputes. The group was founded in 1967 by Indonesia, the Philippines, Malaysia, Singapore, and Thailand, but has since grown to include almost every Southeast Asian country. ASEAN also promotes environmental protection in the region, with significant risks to reefs and biodiversity being posed by military disputes. Actions to curtail environmental damage have been taken in the form of declarations in Jakarta, Kuala Lumpur, and other members of ASEAN to reaffirm their commitment to sustainable development, protecting the environment from pollution, and maintaining biodiversity.

### **The Nine and Ten Dash Maps**

The Nine and Ten Dash maps are released by China to broadcast their perceptions of their territory. These maps are often controversial, and claim territory not belonging to China. Many maritime disputes have arisen from these maps, especially from China claiming Taiwan, as well as parts of the Philippines and international trade passages. Although China has no way of truly taking over much of the territory they claim, they often take threatening military action as a scare tactic against the victimised countries.

### **The Spratly Islands**



The Spratly Islands are one of the main disputes in the South China Sea. These islands are claimed in entirety by China, Vietnam, and Taiwan, and parts are claimed by the Philippines and Malaysia. These islands are especially important due to their resources, with some of the best fishing grounds in the Pacific located in the islands, as well as rich oil deposits. These resources make the islands an important claim for any country which can get their hands on them. The islands are occupied by soldiers from several countries, including Taiwan, China, and the Philippines.

### **Territorial Dispute**

A territorial dispute occurs when multiple countries claim the same area of land or water. Often, they arise due to economic factors in the disputed area, such as oil or other natural resources. These disputes are often difficult to solve because most of the time no countries are willing to renounce their claim on those resources.

### **The One China Policy**

The One China Policy is the official policy of China with regards to Taiwan. It holds that there is only one China (the mainland), governed by the Chinese Communist Party, and that Taiwan is a part of China. Taiwan does not and never has upheld this policy themselves and have remained self-governed since World War II. The One China Policy governs most relations with Taiwan from other nations; China requires every country with which it holds official diplomatic relations to agree to this principle.

## **BACKGROUND INFORMATION**

### **Background: China and Taiwan**

China and Taiwan have been connected for hundreds of years due to their geographical proximity. Until the late 1800s, Taiwan was controlled by China, until the Sino-Japanese War, when Japan gained control over the island, then known as Formosa. Near the end of World War II, the Chinese Civil War between Chiang Kai-Shek's Nationalists (KMT) and Mao Zedong's Communists (CCP) began; in 1949, Mao and the Communist Chinese Party won, and Chiang Kai-Shek and many other Chinese nobles fled to the island of Taiwan, which was once again in Chinese possession after the US first



took possession from the Japanese at the conclusion of WW2. Chiang took control of the island, putting it on martial law for decades, subjecting the native population to brutal authoritarian rule. Meanwhile, Chiang continued to state that he was the rightful ruler of China, and that Taiwan was the new capital of China. Due to the regime change in mainland China, the claim was false; mainland China and Taiwan were controlled by two separate governments. Due to the claims of Chiang Kai-Shek, however, the CCP also claimed Taiwan as its own territory, which is where today's conflict begins. Despite the reign of Chiang Kai-Shek having ended over 30 years ago, both China and Taiwan continue to have fraught relationships on the basis of Taiwan's sovereignty. Since the 1980s, the United States has supplied Taiwan with weapons to defend itself with, and continues to do so today, despite the warnings of China. These weapons sales are seen by China as provocative, and the increase in these sales recently has led to increased Chinese aggression in the area, as well as more preparation for the eventual invasion of the island. This aggression has been shown through an increase in military drills, practice invasions, and military standoffs in the region. In addition to more arms sales, Taiwan has also responded to Chinese aggression with increased military spending. This increased spending has seen Taiwan gain new submarines, more advanced drone weaponry, and surface-to-air missiles; Taiwan's defense mainly relies on holding the Chinese military off in the event of an invasion. Taiwan has also sought to expand diplomatic relations with western countries such as the US, as well as the EU, Japan, and the Philippines. Through these relations, Taiwan hopes to force China to consider in its invasion planning scenarios for western intervention, which could stay their hand.

### **China's Territorial Claims**

Since the 1940s, when the then ruling Republic of China claimed possession of the majority of the South China Sea, there has been a large territorial dispute. China claims significant amounts of territory in the sea for itself, which intersects with the Exclusive Economic Zones of numerous countries, including the Philippines, Indonesia, Taiwan, Malaysia, and more. These territorial disputes have also grown as China builds artificial islands in the South China Sea, seeking to expand its own EEZ. Despite China's claims, many western countries such as the United States, UK, and France conduct Freedom of Navigation operations in the South China Sea, going through the disputed



territory. In 2016, a UN tribunal ruled against China's claims, but China disputes the validity of the tribunal, and their results. The Nine-dash and Ten-dash maps released by China have also caused controversy as territorial waters claimed by other countries were claimed by China, and these maps have been heavily disputed. Despite efforts at arbitration, the territorial disputes have continued to be point of contention for many countries in the region, as they all refuse to negotiate with each other in attempts to settle the issue, but rather continue to uphold their beliefs.

### **Maritime Security Issues**

Due to the territorial disputes, as well as the ongoing dispute over the sovereignty of Taiwan, many maritime disputes have arisen. China sees any country sailing its ships through disputed waters as provocative, and often launches ships and planes to follow and intimidate any ships conducting Freedom of Navigation operations, in areas such as the Taiwan Strait. These threats from the Chinese military have led to many close incidents, such as boats nearly colliding, fighter jets doing flybys of ships, and more provocative incidents. As these incidents have occurred, tensions have continued to increase as more and more military confrontations threaten to upset the balance of peace in the area. The United Nations Convention on the Law of the Sea (UNCLOS) has been the main international treaty governing maritime territory disputes, although the US is not a signatory. However, they follow the rules of UNCLOS and other international customs, and their Freedom of Navigation operations are supported by the UNCLOS. These disputes continue to be used by both sides in times of fraught relationships, as the US often conducts these operations in times of less cooperation, and China tends to launch more military drills in the Taiwan Strait and South China Sea during times of worsening relationships. This friction has continued to grow recently, as the ruling part of Taiwan continues to grow towards official independence. Military drills have also led to events such as drones being shot down and boats being boarded illegally. In 2023, there have been several such events, including an event where a Chinese naval ship collided with a Philippine coast guard vessel in the South China Sea, flaring tensions between the two countries.

### **Taiwan and the Western World**



Taiwan and the western world have had a complicated relationship since the end of World War II. The Allied powers supported Chiang Kai-shek's Nationalist (KMT) government in the Chinese Civil War and continued to recognize his government as the official government of China even after they fled to Taiwan. Throughout the early Cold War, most countries throughout the world continued to support the KMT. However, by the late 1960s, with mainland China's economy growing to become one of the largest in the world, countries began to swap official diplomatic ties from Taiwan to China. This culminated in 1972, when Taiwan's seat at the United Nations was officially terminated in favor of China; they lost their seat on the Security Council and their voting representative.

The removal of Taiwanese representatives from the UN also began a period of international isolation in which Taiwan has struggled to gain representation in many international organizations, including the WHO and Interpol. Outside of these organizations, Taiwan used generous international aid to maintain diplomatic ties in regions such as South America and Africa; however, China has begun in recent years to use their economic power to blackmail lesser developed countries into downgrading official ties with Taiwan. Throughout this period, Taiwan has maintained a close relationship with countries such as the US and Australia. These relationships have remained close, and through the US, Taiwan has become much closer with countries in the Eastern bloc of Europe including Lithuania and Czechoslovakia. Further, the EU has also increased communication with Taiwan due to the value of Taiwan's industry-leading micro-chips. However, China has continued to crack down on official allies of Taiwan, using economic pressure to swap countries' recognition. Most recently, Honduras announced they would officially recognize China, leaving Taiwan with official recognition of just 13 countries worldwide.

Taiwan's unofficial ties with many countries have remained strong despite this crackdown, and international support for Taiwanese independence is nearing an all-time high, with influential leaders throughout the world announcing their support for Taiwan. More countries have begun to send high ranking officials to the island, despite warnings from China. In the future, these relationships will be important to the security of Taiwan, as greater foreign relations could lead to hesitance on China's part to invade the island.



## Humanitarian and Environmental Ramifications

The conflict posed by China and Taiwan in the South China Sea has posed significant ramifications to the local environment. Firstly, there has been a major impact to local marine ecosystems as the increased maritime traffic due to the conflict has caused disruptions to the natural balance and as such has destroyed the region's coral reefs and its biodiversity. Secondly, there is also a major impact on the fishing industry as the increased militarization and maritime activities disrupt how fish reproduce and migrate leading to the decrease of their population. The increase in naval drills has also contributed to the release of pollutants to the environment and has affected the diversity of local species and has significantly worsened the water quality. Another factor significantly affecting the local ecosystem is the construction of artificial islands and their subsequent militarization which strains their resources. Furthermore, the lives of those living in local coastal communities have been hugely affected by all the challenges previously mentioned. Lastly, given that these communities have been affected both economically and environmentally there is potential for a mass migration movement although one has not yet been faced.

## TIMELINE OF EVENTS

<b>Date of the Event</b>	<b>Event</b>
<b>1949</b>	<b>Chiang Kai-Shek and the Nationalists flee China for Taiwan</b>
<b>1967</b>	<b>ASEAN is founded by Indonesia, Malaysia, Singapore, Thailand, and the Philippines</b>
<b>1971</b>	<b>The UN swaps representation from the Republic of China to the People's Republic of China, with resolution 2758</b>





<b>1979</b>	The US begins weapon sales to Taiwan under the Taiwan Relations Act
<b>1982</b>	UNCLOS is opened for signatures in Jamaica, starting a new era of maritime laws
<b>1992</b>	The 1992 consensus is agreed to in the first official communication between Taiwan and China since 1958; it sets a status quo of One China, ruling in name over Taiwan.
<b>1992</b>	China claims the entire South China Sea based on a claim from the ancient Han dynasty
<b>2002</b>	ASEAN and China sign a Code of Conduct in the South China Sea, seeking to reduce the likelihood of a conflict
<b>2002</b>	Taiwan is given observer status in the World Trade Organization, one of the first international organizations it had been allowed to be a part of since its removal from the UN in 1972
<b>2011</b>	The US pivots its strategic focus to the Pacific in a declaration by then president Barack Obama
<b>2013</b>	China begins building artificial islands in the South China Sea in an attempt



	to expand its territorial waters
<b>2015</b>	The US begins Freedom of Navigation Operations
<b>2016</b>	China-Taiwan relations begin to downgrade as independence-leaning President Tsai-ing Wen is elected in Taiwan
<b>2016</b>	Disputed UN Tribunal rules against the territorial claims of China
<b>2021</b>	A US ambassador conducts a diplomatic visit to Taiwan, the first American official to visit the island since ties were severed in 1979
<b>2023</b>	China releases its new 10-dash map, worsening territorial disputes as it claims many disputed areas such as the Spratly Islands and all of Taiwan

## MAJOR COUNTRIES AND ORGANISATIONS INVOLVED

### United States of America (USA)

The US has many interests in the region, with strong relations with Japan, Taiwan, and the Philippines. China seeks to overtake the US' influence in the area. As one of the global superpowers in the world, the US has taken the role of an international policeman, and continues to protect the interests of itself and its allies throughout the region. It has also tried to counteract the influence of China in the region, with closer economic ties and trade negotiations to countries which would be at risk of being overcome by Chinese influence.



## **People's Republic of China (China)**

China is the main protagonist in the area, with most of the territorial disputes stemming from Chinese policy. With a growing economy and influence throughout the world, China seeks to counter and replace the influence of the US in the area. China also uses its economic power to extend ties with lesser developed countries in Africa and South America.

## **Republic of China (Taiwan)**

Due to the influence of Chiang-Kai Shek's government, Taiwan is officially known as the Republic of China, though it is usually referred to as Taiwan. Taiwan rules itself, but its sovereignty is still disputed by China, and most countries around the world do not recognize it. The United States has been the main, and sometimes only, ally of Taiwan since 1971, and though it has no official diplomatic ties, the United States and Taiwan are important trading partners due to the advanced technology that comes from Taiwanese companies.

## **The Philippines**

The Philippines control thousands of islands and are one of the main victims of Chinese disputes. Many of their islands are claimed by China. They are supported through treaties and relations with the United States, including a mutual defence treaty. The Philippines have also extended deep connections with Japan and other countries in the Pacific, seeking to protect itself and its territory from Chinese aggression.

## **Japan**

Japan is one of the largest powers in the area, supplied with relations with the US which supports it heavily. Many of Japan's islands are also claimed by China, but Japan still maintains control and influence over some of the disputed areas. Japan was one of the main belligerent powers in World War II, but has since become close allies with the US and the rest of the western world. In modern times, Japan has become one of the main countries in opposition to China, as it warns against provocative moves, and stays close with the US.



## The EU

The EU maintains unofficial relations with Taiwan, and Taiwan is the EU's 14th biggest trading partner. The EU values the democratic principles showcased by the Taiwanese government, as well as the extremely valuable micro-chips that power most electronics throughout the world. The EU and Taiwan have remained close partners in research, especially in topics such as climate change. While the EU maintains the One China policy, the two governments continue to remain close and communicate on many topics.

## RELEVANT UN TREATIES CONVENTIONS AND RESOLUTIONS

### UN General Assembly Resolution 2758

UN General Assembly Resolution 2758 removed the exiled government of Chiang Kai-shek from the United Nations, and gave the spot of "China", which had been occupied by the Kai-shek's KMT government, to Mao Zhedong and the CCP, who ruled in mainland China. Because of China's increasing influence in the world, and Chiang Kai-shek's questionable claims to ruling China, this move was approved, and Taiwan has not had a voting representative at the UN since 1971.

### UN Convention on the Law of the Sea

The United Nations Convention on the Law of the Sea (UNCLOS) is an international agreement for the protection and understanding of territorial waters and boundaries. The UNCLOS gives Exclusive Economic Rights for up to 200 nautical miles from the coast of a coastal state, along the continental shelf extending from that state. This continuation of the continental shelf in some cases can also extend past 200 nautical miles for countries in which their continental shelf extends further than 200 miles.

### UN Tribunal Ruling on Chinese Territorial Claims (2016)

[https://un.org/depts/los/doalos\\_publications/LOSBulletins/bulletinpdf/LOS\\_91\\_WEB.pdf](https://un.org/depts/los/doalos_publications/LOSBulletins/bulletinpdf/LOS_91_WEB.pdf)

The UN Tribunal in 2016 ruled on territorial claims between the Philippines and China over disputed territory. This tribunal ruled on claims based off of China's Nine-dash map which



claimed parts of Philippine territorial waters. When the tribunal ruled against China in this dispute, China and the CCP rejected the findings of the tribunal, and continued to defy international law with its expansion in the South China Sea.

## PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

Attempts to assuage and de-escalate the conflict has taken shape around regional cooperation and UN tribunals. The UN tribunal at The Hague ruled in favor of the Philippines against China in 2016; however, China does not recognize the findings of this tribunal. Efforts to rectify the situation have also been taken by ASEAN, which has sought to use regional cooperation and non-violent diplomacy. These attempts have thus far had limited success, and there are still many contentious disputes in the South China Sea over control of territorial waters. The United States has also attempted not necessarily to solve the dispute, but act on it, as their Freedom of Navigation operations have had some success in keeping international shipping lanes open throughout the South China Sea and Taiwan Strait.

Specifically on the dispute over Taiwan, there have been several attempts by the cross-strait governments to arbitrate over the issue. While the two governments have had periods of frosty relationships, attempts to arbitrate have been met with limited success. The Economic Cooperation Framework Agreement between Taiwan and China increased trade between the countries, boosting both economies. However, since 2016, when Tsai Ing-wen was elected president of Taiwan, relations have soured and tensions soared as claims of independence in Taiwan have been met by an increase in Chinese claims of sovereignty over Taiwan. At recent meetings, China is reported to have told the US they will reunify with Taiwan, peacefully or otherwise, reiterating their harsh stance against the island.

## POSSIBLE SOLUTIONS

### ICJ Tribunal

Possible solutions could take shape based on the dispute between Malaysia and Indonesia, which was solved by the ICJ, which ruled based on the effective administration of those islands, and who governed which parts of the disputed territory. In this case, the



ICJ decided on territorial claims by looking at historical evidence which proved a country had a claim to the disputed territory. This included looking at if and when settlements had been founded in the territory, or a country had claimed sovereignty over the territory. It also looked at whether a country had maintained effective order of the territory. This same solution could be used here, and the ICJ could help determine the control of the islands. In this case, historical evidence would be required for each claimant to establish the basis of their claim.

### **ASEAN Arbitration**

Another possible solution could be an agreement/treaty between ASEAN and China. This territory could be shaped like UNCLOS and arbitrate on the islands and the resources contained in and around them. In order for this solution to work, ASEAN and China would also need to debate on a new Code of Conduct to be issued. In this situation, the countries in ASEAN would likely need to create a united proposal to China that would outline the territory and/or resources each country would receive. In this solution, countries could decide to split control of the resources among each other in order to fairly dissipate the dispute. A downside to this solution would be the exclusion of the Republic of China from a treaty and settlement.

### **Spheres of Influence**

A possible solution could also be to split the islands into spheres of control, like Germany in the 1950s, and give parts to claimant countries. Each country would receive equal areas of the waters, while also potentially splitting the revenue from the territory. This joint development of the disputed area would allow each country with a valid claim to receive some value from the islands, while also appeasing the claims of other countries. In this situation, a UN commission would divide the disputed territories, and decide upon specific rules governing each country's claims.

### **Creation of a regulatory framework**

A regulatory framework should be established by a committee comprised of all claimant countries such as China and Taiwan along with other regional powers. This framework would provide comprehensive maritime regulations in order to avoid any



possible incidents between vessels and to reduce the impact on the environment. Furthermore, the framework should make following all principles of the United Nations Convention on the Law of the Sea (UNCLOS) mandatory for the associated nations along with incorporating transparent and strenuous environmental standards. Lastly, the framework should be reviewed in a regular timeframe and all changes should be reviewed not only by the governments but by local communities and non-governmental organizations.

### **Establishment of a regional supervisory committee**

Another possible solution would be the creation of a multilateral regulatory body by the United Nations to manage and oversee all matters of the South China Sea. This regulatory committee would work according to the principles of the framework created above and all other relevant treaties and conventions. Furthermore, the committee would arbitrate and negotiate between claimant countries to find possible solutions to conflicts. Furthermore, the committee should be comprised of representatives from all relevant countries along with diplomats and scientists. Lastly, the committee should be able to impose fines and embargos to any country that violates its guidelines and those of relevant treaties.

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