

NEERJA MODI SCHOOL MODEL UNITED NATIONS'20

'Reimagining perspectives'

20-22 November, 2020



SPECPOL

Special Political and Decolonisation committee

Agenda: Special session on the situation of South
China Sea

Background guide

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LETTER FROM THE PRESIDENTS

“It is better to debate a question without settling it than to settle a question without debating it.”

Hello delegates, welcome to the 12th edition of NMMUN! I am Priyanshi Agarwal, and I am delighted to serve as the co-president of the SPECPOL committee this year. I am a science student currently studying in grade 12th. I have attended numerous conferences and am excited for the new experiences this year might bring in my fifth and final NMMUN. Personally, MUN has served as an exceptional way for me to learn more about current events and enhance my public speaking skills. Besides MUN, I enjoy coding, mathematics, reading and sometimes playing basketball.

My co-president is Amay Khandelwal. Amay is a grade XII Commerce student. He has been an avid MUNer and is very fond of debating. From exploring new dimensions of different topics ranging from political and diplomatic issues in the Middle East to the flaws in Greek mythology, he is interested in all of it. Additionally, he is also enthusiastic about football and has represented the school in numerous tournaments. Apart from this, he is a proficient guitarist and playing guitar has always been his favourite hobby.

This year's topic, as the name suggests, addresses the compelling issue of the South China Sea dispute. One of the world's busiest waterways, the South China Sea is subject to several overlapping territorial disputes involving multiple nations. Thus, during the conference, we hope that the delegates will preserve their countries' national policy while negotiating in the face of other, sometimes conflicting, international policies and learn the importance of balancing national interests with the needs of the international community, while also learning about the powers and limitations of international negotiation. Looking forward to hearing a new round of arguments, epiphanies, compromises, and solutions, and definitely three more days of indelible memories.

Meanwhile, if you have any questions or concerns about the conference, please don't hesitate to contact any of us.

Your presidents,
Priyanshi Agarwal,
Amay Khandelwal.

LETTER FROM THE VICE PRESIDENTS

Hello delegates,

Welcome to NMMUN! Our names are Aditya Dogra and Vardhman Lunia and we are proud to be the Vice Presidents of SPECPOL. We are both currently juniors, studying in the International Baccalaureate Diploma Program.

Our MUN journey began in Middle school and this will be our first time serving as a chair in a MUN conference. We enjoy MUN's a lot because it is a wonderful opportunity to learn more about global affairs, and practice our critical thinking and public speaking skills in a professional manner. It is also fun to meet people who share the same interests and we are excited to meet all of you this MUN! You will soon discover that the skills you learn from MUN are useful in non-MUN situations too. MUN's have taught us to appreciate different viewpoints and value true friendship. Through it, we've also been able to enhance our analytic skills concerning world affairs and we will try our best to let you go through the many obstacles first hand so that you can absorb the plethora of experience that we have, over all these years. From intense research to 2 A.M. working paper discussions, you will all learn valuable life lessons before we even begin the heated yet fruitful debates.

This year, we will discuss the highly volatile issue of the South China sea conflict. The issue concerns almost all of the major powers in the world and is potent enough to be the cause of the next major war in the Pacific. It is SPECPOL's responsibility to come up with an effective solution to the problem and avoid full-blown war.

As your vice chairs, our paramount priority is to ensure that you enjoy your experience in SPECPOL thoroughly. Whether you are an ace debator or a shy introvert, we will make sure to create a comfortable committee environment so that you can debate and deliberate without any constraints. We hope that the conference will be a memorable learning experience for everyone and look forward to rewarding discussions within the committee.

In the meantime, please do not hesitate to contact us should you have any questions or concerns.

Your Vice Presidents,

Aditya Dogra,

Vardhman Lunia.

(vardhmanlunia2@gmail.com , adityadogra340@gmail.com)

COMMITTEE DESCRIPTION AND BACKGROUND

Established in 1949, the United Nations General Assembly Fourth, or Special Political and Decolonization Committee (SPECPOL), deals with decolonization, refugees, human rights, peacekeeping, mine action, outer space, public information, atomic radiation, and the University for Peace. With the wide range of topics, it is one of the most versatile of the six main General Assemblies. It originally dealt solely with decolonization post World War II, but since 1993 the General Assembly Fourth merged with the Special Political Committee to form the SPECPOL title and to add further responsibilities. It is sometimes seen as the entrance door to the Security Council since they will often discuss the same topics, however topics will typically begin in SPECPOL at a broader level of debate and to allow every member state to have a part in debate before the topic moves to another organ. All 193 member states in the United Nations are members of SPECPOL.

Committees related to SPECPOL are the Committee on Information², the United Nations Scientific Committee on the Effects of Atomic Radiation (UNSCEAR)³, the United Nations Committee on the Peaceful Uses of Outer Space (two subsidiary bodies are the Scientific and Technical Subcommittee and the Legal Subcommittee)⁴, the Special Committee on Decolonization⁵, and the Special Committee on Peacekeeping Operations⁶. Most of the aforementioned committees report to SPECPOL, but will also report to the Security Council or other General Assemblies as seen fit.

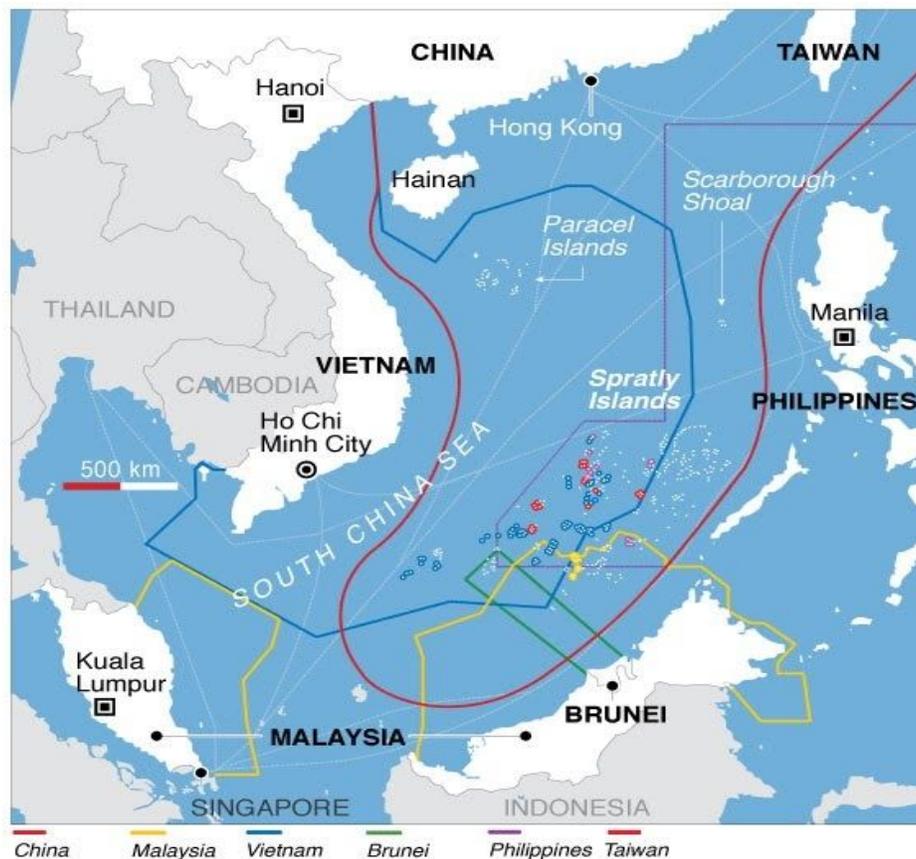
BRIEF ABOUT THE AGENDA

The South China Sea dispute is ostensibly over jurisdiction and sovereignty of islands, reefs and Exclusive Economic Zones (EEZs) in the South China Sea. All the countries namely People's Republic of China (PRC), the Republic of China (Taiwan), the Philippines, Malaysia, Brunei, Indonesia, Singapore, and Vietnam are bordered by the South China Sea and have different claims. The disputes include the islands, reefs, banks, and other features of the South China Sea, including the Spratly Islands, Paracel Islands, Scarborough Shoal, and various boundaries in the Gulf of Tonkin. Claimant states are interested in retaining or acquiring the rights to fishing stocks, the exploration and potential exploitation of crude oil and natural gas in the seabed of various parts of the South China Sea, and the strategic control of important shipping lanes. On the one hand, China has claimed more than eighty percent of the sea and on the other hand Vietnam has claimed sovereignty over Spratly Island.

The claims of Vietnam and Taiwan together cover almost the whole sea. China has asserted that it has historical claim over the jurisdiction of the disputed maritime territory but all the other countries are going with the provisions of the UN Convention on the Law of the Sea. Since 2013, the People's Republic of China has resorted to island building in the Spratly Islands and the

Paracel Islands region. Additionally, An estimated US\$3.37 trillion worth of global trade passes through the South China Sea annually, which accounts for a third of the global maritime trade. 80% of China's energy imports and 39.5 percent of China's total trade passes through the South China Sea. Thus, the dispute has emerged as a flashpoint in Asia.

The aforementioned actions have also been met with wide international condemnation, and since 2015 the United States and other states such as France and the United Kingdom have conducted freedom of navigation operations (FONOP) in the region. In July 2016, an arbitration tribunal constituted under Annex VII of the United Nations Convention on the Law of the Sea (UNCLOS) ruled against the PRC's maritime claims in *Philippines v. China*. The tribunal did not rule on the ownership of the islands or delimit maritime boundaries. The People's Republic of China and the Republic of China (Taiwan) stated that they did not recognize the tribunal and insisted that the matter should be resolved through bilateral negotiations with other claimants. On September 17, 2020, France, Germany, and the United Kingdom issued a joint note verbale recognizing the PCA ruling and challenging China's claims.



DETAILED ANALYSIS OF AGENDA

(a) HISTORICAL BACKGROUND

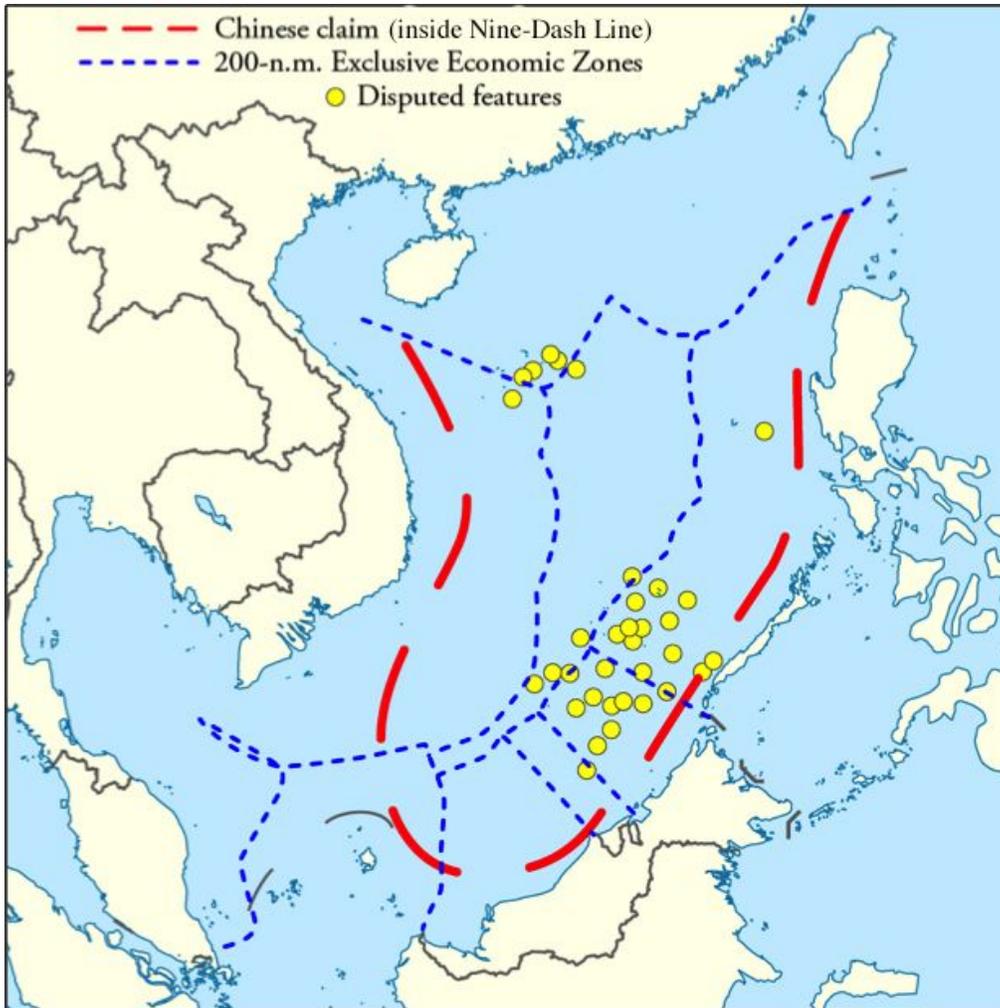
During the first half of the 20th century, when the world wars were going on, the South China Sea region remained quite peaceful as the neighbouring states were busy handling other conflicts.

After the end of the second world war, however, many claimants rushed to take control of the Islands in an effort to consolidate their position. In 1946, China established itself on the *Spratlys Islands* and also *took control of Woody Island*, part of the Paracel Islands chain. This was *only two weeks before* the French and Vietnamese (then French Indochina) intended to launch their territorial spree.

Even so, the South China sea *was not of paramount interest to any of the territorial powers*; the Chinese were busy handling the ongoing communist revolution in their country and the French were engaged in a similar conflict in Vietnam.

Although, as domestic conditions started stabilising in the neighbouring countries, the clash for the control of the islands began again: Communist China and Taiwan (the newly formed republic of China) set up permanent presences on several islands in the region; moreover, Thomas Cloma, a Filipino, *established the free state of 'Freedomland'* amidst the Spratly Islands.

Throughout the 20th century, the scramble for the Islands continued to and fro. Tensions reached their highest point in 1988 when Beijing forcibly occupied Johnson South reef killing several dozen Vietnamese sailors in the process.



(b) CURRENT ISSUES

1) Territorial Disputes;

a) Paracel Islands:

- Context :

The Paracel archipelago is a collection of 130 islands and coral reefs located in the South China Sea, and is almost equidistant from China and Vietnam. Beijing says that references to the Paracel Islands as a part of China sovereign territory can be found in 14th century writings from the Song Dynasty. Vietnam on the other hand, says that historical texts from at least the 15th century show that the islands were a part of its territory.

These islands also find mention in records starting from the 16th century by explorers who led expeditions to the East — the Portuguese, British, Dutch, French and Spanish, have all written about the Paracel Islands in various texts. Colonial powers of the French-Indochina further accelerated the tensions with regard to the Paracel Islands due to their colonial policies in the 20th century.

- Historic and Active Conflicts :

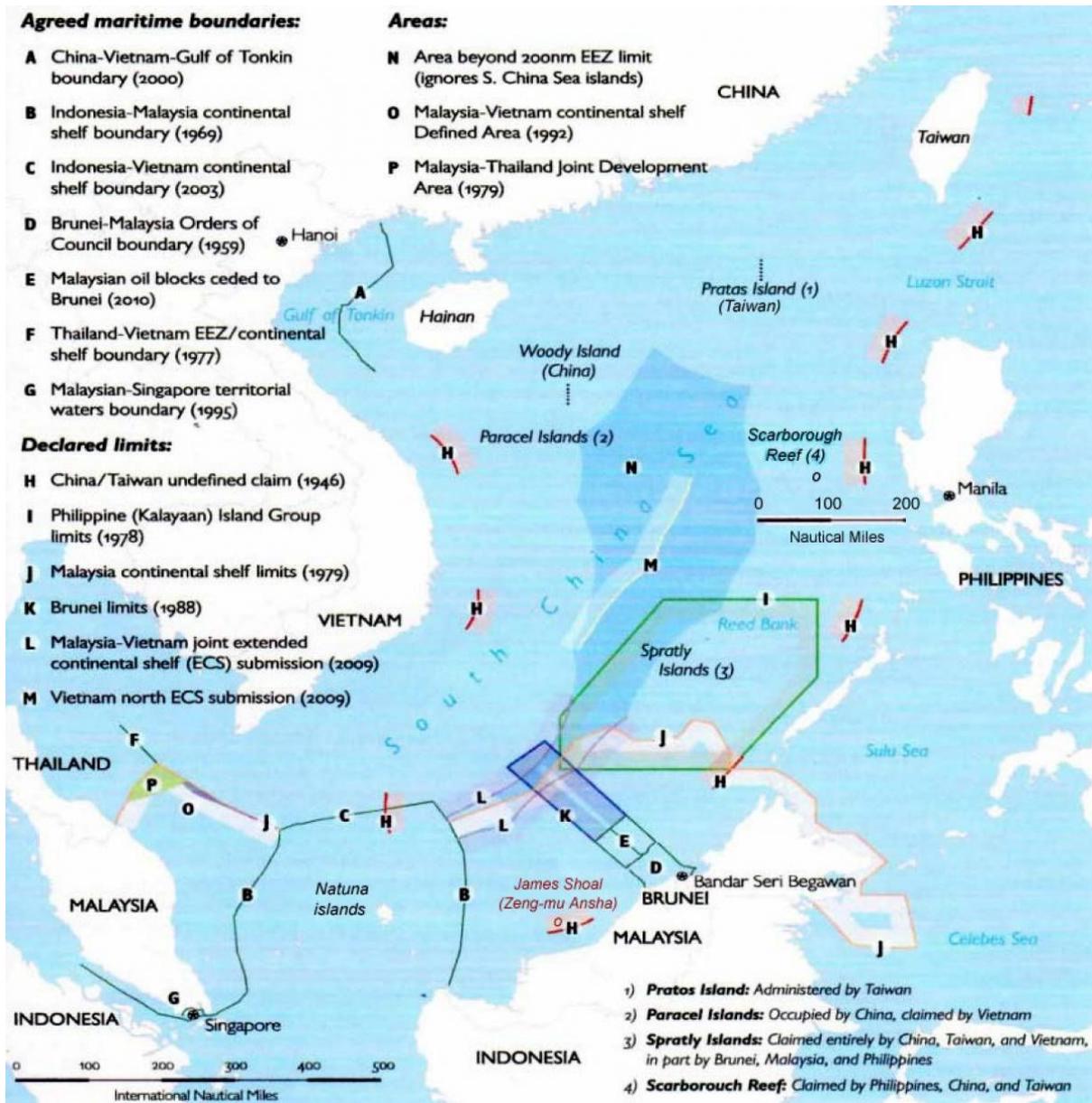
By 1954, tensions had dramatically increased between China and Vietnam over the archipelago. In January 1974, China and Vietnam fought over their territorial disputes after which China took over control of the islands. In retaliation, in 1982, Vietnam said it had extended its administrative powers over these islands. In 1999, Taiwan jumped into the fray laying its claim over the entire archipelago.

Since 2012, China, Taiwan and Vietnam have attempted to reinforce their claims on the territory by engaging in construction of government administrative buildings, tourism, land reclamation initiatives and by establishing and expanding military presence on the archipelago.

b) Spratly Islands

- Context :

There has been an ongoing territorial dispute between China, Taiwan, Vietnam, the Philippines, and Malaysia concerning the ownership of the Spratly Islands archipelago and nearby geographical features like corals reefs, cats etc. Since 1968, these nations have engaged in varying kinds of military occupation of the islands and the surrounding waters, with the exception of Brunei, that has contained its objections to the use of its maritime waters for commercial fishing.



2) Mineral Resources:

The South China Sea is located within the domain of a plate triple-junction and can be divided into five major tectonic blocks that control the formation and distribution of the mineral resources of the region:

- (1) the southern China faulted block
- (2) the eastern Indochina faulted block
- (3) the Nansha-Borneo faulted block
- (4) the Taiwan-Luzon faulted block

(5) the central ocean basin faulted block.

Apart from oil and gas, the most intensively exploited mineral deposits in the South China Sea are near-shore placer minerals of titaniferous magnetite, zircon, monazite, tin, gold, and chromite. Based on analyses of submarine morphology and sea level change during the past 15,000 years, the South China Sea continental shelves are considered to be highly prospective for additional placer occurrence associated with such submarine features as: submerged platforms and terraces, drowned rivers and sand bars, ancient beaches, and seafloors covered by relict sediments. Additionally, based on available data, polymetallic sulfides and manganese nodules and crusts are considered as speculative resources of the future in the South China Sea.

In the 1970s, oil was discovered in the islands neighbouring the Spratly chain, specifically off the coast of Palawan. This discovery ramped up territorial claims by these countries. Over the years, US government agencies have claimed that there is little to no oil and natural gas in these islands, but these reports have done little to reduce the territorial dispute.

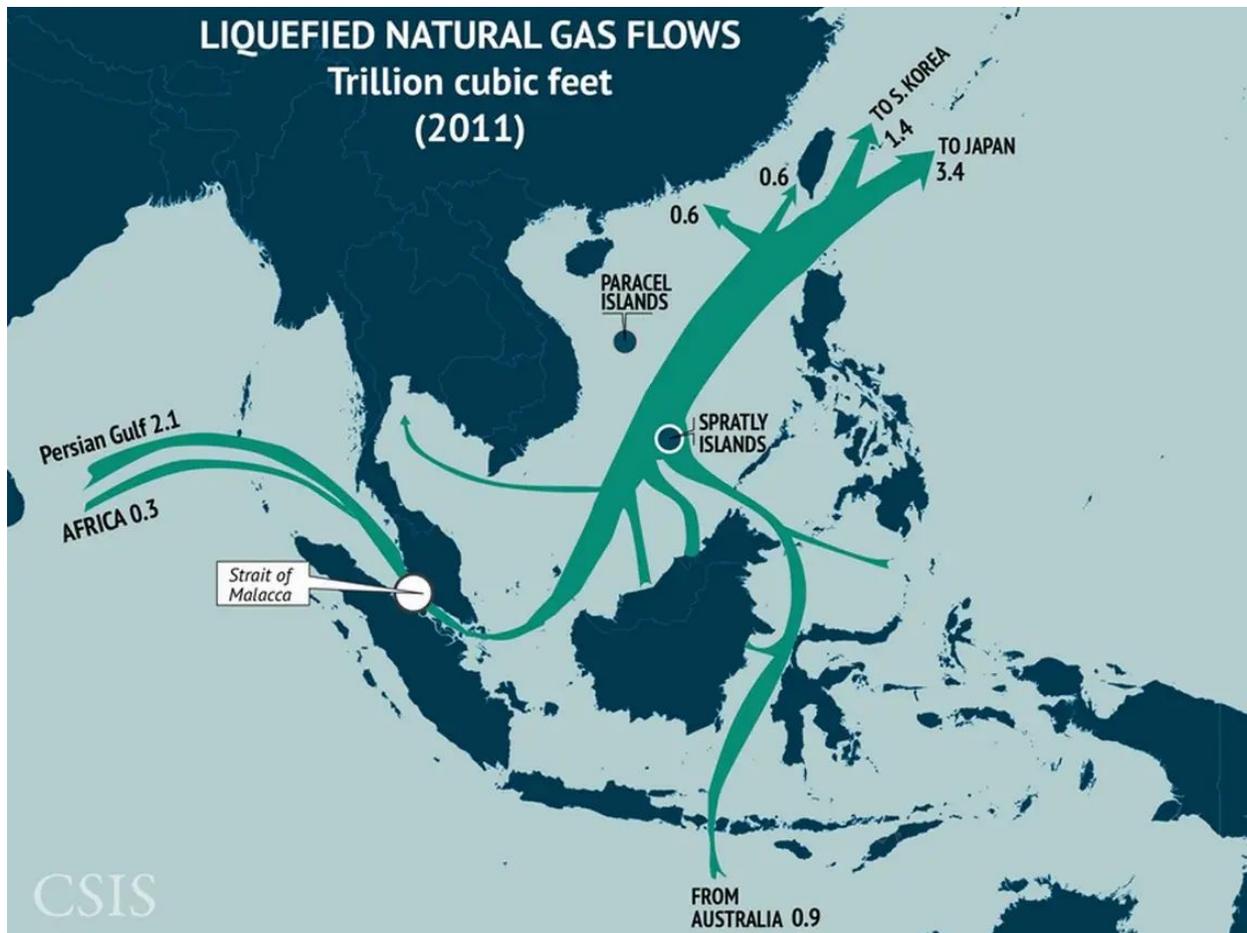
3) Trade Routes:

The South China Sea is a very important commercial waterway connecting Asia with Europe and Africa, and its seabed is rich with natural resources. One-third of global shipping, or a total of US\$3.37 trillion of international trade, passes through the South China Sea.

About 80 percent of China's oil imports arrive via the Strait of Malacca, in Indonesia. They then sail across the South China Sea to reach China.

The sea is also believed to contain significant natural resources, such as natural gas and oil. The U.S. Energy Information Administration estimates that the area has at least 11 billion barrels of oil and 190 trillion cubic feet of natural gas. Other estimates are as high as 22 billion barrels of oil and 290 trillion cubic feet of gas.

The South China Sea also accounts for 10 percent of the world's fisheries, making it a critical food source for hundreds of millions of people.



(c) FUTURE PROSPECTS

In recent years, the biggest challenge in the SCS has been managing China-American military and paramilitary competition to avoid exacerbating the security environment. Under the Trump administration, US military involvement in the area has largely increased. Washington has expanded the scale of military exercises with allies in Southeast Asia, increased the frequency and intensity of its ‘freedom of navigation operations’ (FONOPs), deployed larger amounts of advanced weapons, and strengthened military ties with regional states.

Another challenge is that the claimant states have strengthened their control and jurisdiction over disputed features and waters within the SCS.

For example, while China’s reclamation work ended in June 2015, Vietnam has continued its efforts on ten of its major occupied features. Their projects range from building a sports field to constructing dual-purpose facilities such as extended runways and communications equipment. While Vietnam has been doing this since the 1970s, it receives very little international criticism compared to China. The Philippines has also extended their runway on Thitu Island. Malaysia

started new offshore projects and continues to benefit from oil and gas exploration projects. These unilateral activities could easily aggravate the situation in the region.

(d) POSSIBLE SOLUTION IDEAS

- New bilateral dialogue and cooperation mechanisms could be established to help prevent future crises and pave the way for dispute resolution. In 2016, China and the Philippines established a bilateral consultation mechanism on the SCS. It has already held four meetings in which the parties discussed navigational issues, maritime cooperation projects, self-restraint and dispute settlement. China has also established a similar mechanism with Malaysia. Direct dialogue between disputed states is critical to managing the risk and building political trust.
- Second, a COC(Code of Conduct) will help create a rules-based order in the South China Sea region. Due to its importance in building international understanding, its negotiation has been fast tracked and is gaining new momentum. The framework draft was adopted in August 2017, and the single draft negotiating text came out 12 months later.(However China has been know to disobey rulings not in its favour)
- Finally, China and the US could enrich existing maritime confidence-building and crisis prevention mechanisms to avoid miscalculation and accidental collision. Navigation is never a problem in these waters. Neither China nor other bordering states will ever try to, or has the capability to, block the SCS intentionally. The region carries an estimated one-third of global shipping; more than 60% of China's maritime trade-in value travels through this significant shipping route.

POSSIBLE ARGUMENTS

- Are China's motives primarily in self-defense and what it views as the rightful restoration of its sphere of influence?
- The US has taken upon itself the duty of preventing China from dominating the Sea using the excuse that an international arbitration panel under the auspices of the UN Convention on the Law of the Sea has deemed its claim there to be illegitimate. But the US has not ratified that treaty. Does this still maintain its legitimacy and credibility?
- The South China Sea dispute is centred on territorial sovereignty. But the settlement of such kinds of disputes is beyond the scope of UNCLOS and its arbitration procedures; and does not concern the interpretation or application of

the Convention. Therefore, China seeks bilateral negotiation on the issue rather than third-party dispute settlement mechanisms. Is China justified?

- China has consistently maintained its position in the South China Sea dispute, that is safeguarding national territorial integrity and maintaining regional peace and tranquility. To what extent is this true?
- The US has been hardening its posture and military presence in the SCS, besides openly calling out China for its actions in these disputed waters. How does this translate for other involved countries?
- How do countries like Vietnam, Philippines and Taiwan protect civilians working in these disputed regions(fishermen)?

IMPORTANT AGREEMENTS, DECLARATIONS AND JOINT STATEMENTS

AGREEMENTS AND DECLARATIONS:

The following Agreements and Declarations were signed in order to come up with a resolution to solve the dispute;

- United Nations Convention on the Law of the Sea (UNCLOS), 1982;
- Declaration on the Conduct of the Parties in the South China Sea (8th ASEAN Summit), 2002;
- Agreement on the Basic Principles Guiding the Settlement of Sea-Related Matters between the Socialist Republic of Vietnam and the People's Republic of China, 2011;
- ASEAN Declaration on South China Sea, 1992;
- Treaty of Amity and Cooperation, 1976;
- Jakarta Declaration on Environment and Development;
- Singapore Resolution on Environment and Development;
- Regional Guidelines for Responsible Fisheries in Southeast Asia, 2003;
- Bandar Seri Begawan Resolution on Environment and Development;

JOINT STATEMENTS:

The following joint statements were signed between the concerned countries involved in the dispute:

- Joint Statement, RP-PRC [Philippines-China] Consultation on the South China Sea and Other Areas of Cooperation, coordinated on 9-10 August 1995;
- Joint Statement on the Fourth Annual Bilateral Consultation between the Socialist Republic of Vietnam and the Republic of the Philippines, signed on 7 November 1995;
- Joint Statement of the Meeting of Heads of State/Government of the Member States of ASEAN and the President of the People's Republic of China, signed on 16 December 1997;
- Joint Statement between China and the Philippines on the Framework of Bilateral Cooperation in the Twenty-First Century, signed on 15 November 2000;
- Joint Declaration of the Heads of State/Government of The People's Republic of China and The Member States of ASEAN on Strategic Partnership for Peace and Prosperity, signed on 8 October 2003;
- Treaty of Taipei (Article II), Japan-Taiwan treaty, signed on 28 April, 1952

LINKS FOR REFERENCE

1. <https://economictimes.indiatimes.com/news/defence/aggressive-behaviour-by-china-in-south-china-sea-us-defense-secretary/articleshow/75567864.cms>
2. <https://www.state.gov/u-s-position-on-maritime-claims-in-the-south-china-sea/>
3. <https://www.orfonline.org/expert-speak/us-china-tensions-impact-south-china-sea-dispute/>
4. <https://www.bbc.com/news/world-us-canada-53397673>
5. <https://theconversation.com/why-is-the-south-china-sea-so-important-to-the-us-71477>
6. <https://thediplomat.com/2020/08/the-us-new-cold-war-battle-cry-in-the-south-china-sea/>
7. <https://www.orfonline.org/expert-speak/are-asian-allies-backing-the-united-states-new-position-on-the-south-china-sea/>
8. <https://asean.usmission.gov/the-south-china-sea-southeast-asias-patrimony-and-everybodys-own-backyard/>

For further assistance, feel free to contact us at our email address nmmunspepol2020@gmail.com or secretariatnmmun2020@gmail.com