



# NOVICE 43

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## HUNTINGTON BEACH HIGH SCHOOL



4th SPD  
South China Sea

Emily Poon  
Vi Lephram  
Ryan Layman

# Welcome Letter

Dear Delegates,

On behalf of the Huntington Beach High School Model United Nations Program, we would like to welcome you to our Novice 43 conference!

Our annual Novice conference upholds the principles and intended purpose of the United Nations. Delegates can expect to partake in a professional, well-run debate that simulates the very issues that those at the United Nations discuss every day. Both novel and traditional ideas will be shared, challenged, and improved.

It is our hope that all delegates will receive the opportunity to enhance their research, public speaking, and communication skills as they explore the intricacies of global concerns through various perspectives, some of which may be very different from their own. We hope their experiences here give them new insight and values that they can apply outside of the realm of Model UN for the betterment of the world community.

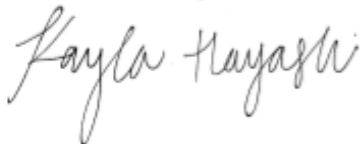
Although we will be entertaining a new style of a virtual conference, we hope all delegates will experience a fruitful and enhancing debate. Please do not hesitate to approach our Secretariat or Staff Members with any questions or concerns that you may have throughout the day. We wish the best to all our participants and hope that they may share a fulfilling experience with us! Enjoy the conference.

Sincerely,



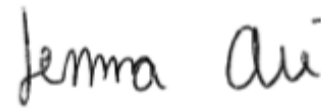
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**Summer Balentine**  
*Secretary-General*



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**Kayla Hayashi**  
*Secretary-General*



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**Jenna Ali**  
*Secretary-General*



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**Hailey Holcomb**  
*Secretary-General*

## Meet the Dias

### Emily Poon

Welcome delegates! My name is Emily Poon and I'm excited to be one of your chairs for 4th SPD. I am a junior at HBHS and have been in MUN for a very, very long 3 years. At school I am involved in clubs such as HBHS Make-A-Wish, and I often work as a graphic designer for many of my fellow classmates' projects. Outside of school I spend my free time obsessively trying to perfect the art of baking macarons, as well as indulging in various obscure Chinese webnovels. Despite the tremendous amounts of stress MUN conferences can bring, I wholeheartedly believe that this program is extraordinary for developing invaluable life skills, therefore I look forward to seeing all of the creative and well thought out solutions you guys come up with during debate!

### Vi Lephram

Hello Delegates! My name is Vi and I will be one of your chairs for this committee. I've been in MUN ever since freshman year due to my love of international policy and plan on continuing MUN all the way to senior year. When I'm not researching on how to solve organ trafficking or maritime pollution, I'm either swimming or having a bonfire with my friends. I'm also a self declared music connoisseur and currently into Kanye West, Steve Lacy, Mac Miller, and Chance the Rapper. I'm excited to see a vigorous debate between all delegates in this committee!

### Ryan Layman

Hello! My name is Ryan and I will be another one of your chairs for this committee. I've been in MUN for 3 years now, joining in freshman year. Since then I've been to numerous conferences around southern california, and been able to learn more about the world around me. A few of my other activities outside of MUN include APA Tech Theater, mountain biking, surfing, skating, camping and exploring the outdoors. I am also SCUBA certified and love to see what else the ocean has to offer. I am very excited to see what you delegates are able to come up with during debate. Good luck!

**All Papers are due on April 18th, 2021 by 11:59pm to**  
**[4thspdnovice@gmail.com](mailto:4thspdnovice@gmail.com)**

# THE SOUTH CHINA SEAS DISPUTE

## BACKGROUND

Standing as the largest marginal sea in the Pacific Ocean and home to some of the most vital trade routes and natural resources in the world, in recent decades the South China Seas (SCS) has become a hotspot for territorial disputes and some of the most pressing issues affecting the global community today. The South China Seas spans over approximately 1.35 sq miles, bordering the countries of China, Vietnam, Thailand, Malaysia, Cambodia, Singapore, Taiwan, Brunei, Indonesia, and the Philippines. Within the seas are a number of coral reefs, atolls, and small islands, most notably the Paracel Islands, Spratly Islands, Pratas Islands, Macclesfield Bank, and Scarborough Shoal, adding up to a total of over 250 islands and archipelagos. The South China Seas also includes the Straits of Taiwan, Luzon, Malacca, Karimata, etc.<sup>1</sup> The nations of the SCS are home to over 2 billion people and some of the world's fastest growing economies, therefore the seas reign as an undeniably indispensable resource to the global economy.

The islands alone hold invaluable biodiversity and are prolific with an abundance of untapped natural resources, including crude oil reserves, natural gas, vital trade routes, etc. Though the seas have yet to be thoroughly explored, the U.S. Energy Information Administration has estimated there to be around 14 billion barrels of oil reserves and upwards of 190 trillion cubic feet of natural gas reserves within the SCS.<sup>2</sup> Approximations have placed the Spratly Islands alone as potentially holding 1-2 billion barrels oil, for a hypothetical peak production yield of 180,000-370,000 barrels per day.<sup>3</sup> Additionally, the waters serve as a vital source of food and livelihoods for the surrounding region. In 2015 the SCS accounted for 12% of fish caught globally, and it has been estimated that around half of the world's fishing vessels also operate there. Fisheries alone account for over 3.7 million jobs and bring in billions of dollars each year, however the sheer scale of this has shown increasingly negative effects on the seas' ecosystems as overfishing becomes more and more prominent. Since the 1950s, stocks have depleted by 70-95%, and catch rates by 66-75% in the last 20 years, with coral reefs declining by 16% per decade as methods such as dredging, the building of artificial islands, and giant clam harvesting continue to destroy these habitats.<sup>4</sup> Fishermen from countries such as the Philippines and Vietnam are being forced to sail beyond their nations' limits, and in response China has begun bolstering its claim to the seas by aggressively promoting their own fishermen, going as far as to having established a subsidy for Chinese fishermen to work in the contested waters of the Spratly Islands, over 500 miles south of China.<sup>5</sup> With the active threats of pollution, high population growth rates, destructive fishing practices, and habitat modifications affecting the SCS, it is crucial that delegates take note of the different facets of issues within the seas in order to address the overall situation at hand. Aside from the islands, the SCS possesses a multitude of waterways and straits critical to international and domestic trade. The UNCTAD gauged that roughly a third of all global commerce and trade is transported through the SCS, accounting for upwards of \$5.3

trillion USD of commerce annually.<sup>6</sup> In 2016, over 64% of China's maritime trade was transited via the sea, with other regional nations citing similar statistics. This reliance on the sea has left China particularly vulnerable to trade disruptions, as seen in 2003 where former President Hu Jintao drew concerns over potential world powers aiming to control the Strait of Malacca, which had then become a natural strategic chokepoint, in what was coined as the "Malacca Dilemma."<sup>7</sup> Noting the utter significance and impact of the region's waterways on the global economy, claimant nations have stressed the need to explore alternative shipping routes and to take further steps for preserving the free flow of trade within the SCS.

As of current, the People's Republic of China (PRC) holds claims to a majority of the SCS on the basis of historical premises dating back to the mid Han Dynasty in 100 AD, and to the Ming Dynasty from 1403-1433. China's claims are demarcated by what is known as the "nine-dash line," established in 1947, considering the areas within the line to be "territorial waters" which still stands as an undefined term that does not seem to comply with the standard maritime regimes that are permitted under international law.<sup>8</sup> The PRC also occupies the Spratly and Paracel Islands, the latter of which were seized from Vietnam in 1974. Like many other surrounding nations, Vietnam has consistently contested the PRC's claims, also citing their close geographical proximity and asserting that China's claimancy was only founded after having discovered the SCS's great economic value. In recent decades, the grab for land and resources within the SCS as well as the development of its islands and archipelagos have only served to further heighten tensions among claimant nations. Some of the most violent of these encounters occurred between 1970-1990, in which the PRC employed military action to seize control over the Spratly and Paracel Islands, resulting in over 130 Vietnamese casualties.<sup>9</sup> Since 2013, the PRC has constructed over 3,000 acres of artificial land mass across seven features that are now occupied by port facilities, long-range sensor arrays, anti-ship cruise missiles, surface-to-air missiles, weapons and fuel bunkers.<sup>10</sup> In June 2019, the People's Liberation Army initiated anti-ship ballistic missile tests in the disputed waters near the Spratly Islands. These missiles have been dubbed as the "Guam killer" because of their large range, potentially being able to reach US territories from the Chinese mainland.<sup>11</sup> China's actions have appropriately caught the attention of other world powers, such as the USA and Australia, looking to increase their military presence within the region. For example, since October 2015 the US has launched numerous freedom of navigation operations (FONOPs) in the SCS waters, which are designed to actively challenge China's maritime claims.<sup>12</sup> With more and more nations becoming involved and claimants becoming more aggressive, it's only expected that tensions have culminated into larger conflicts such as the Philippine's 10 week-long standoff with the PRC at the Scarborough Shoal in 2012 that left China in de facto control of the shoal, and other smaller instances including the sinking of a Vietnamese fishing vessel in April of 2020, and the nearly six-month standoff between Chinese, Malaysian, and Vietnamese ships in May, 2020.<sup>13</sup> The current state of the SCS's entrenchment into the global web of affairs poses the question of how the international community can diplomatically settle regional disputes, despite the heightening tensions.

## UNITED NATIONS ACTION

The United Nations Convention on the Law of the Sea (UNCLOS) set up a framework in four treaties on how businesses, travel, protection of marine environment and territories are to be organized in the seven seas. With the current situation in the South China Seas, all conflicting parties have begun to utilize UNCLOS to prove their rightful claims, citing their Exclusive Economic Zones (EEZs). Adopted under UNCLOS and carefully detailed in Part V, Articles 55-75<sup>14</sup>, EEZs are “an area beyond and adjacent to the territorial sea, subject to the specific legal regime established.”<sup>15</sup> Part V further specifies the utilization, governmental rule, and the border of the EEZ, a part which is greatly utilized to refute or enforce territorial claims. For countries with coastlines, the EEZ extends 200 nautical miles from the coastline. Within this area, nations can extract and utilize any living or nonliving resources. In addition, Continental Shelves are considered an extension of land territory, but are only limited to 12 miles off of a nation’s coastline<sup>16</sup>. Countries with a continental shelf can add significantly more territory as the EEZ could legally extend 200 miles off of the continental shelf<sup>17</sup>.

With the intention to enforce UNCLOS and mediate maritime disputes, the International Maritime Organization (IMO) was formed in 1948. However, the power the IMO has is drastically limited to merely regulating maritime safety and protection. The lack of an authoritative power in the South China Sea has led the creation of the Association of Southeast Asian Nations (ASEAN), a coalition of Asian states to settle disputes in a civil and legal manner, as well as to act as a forum for international dialogue between claimant nations. Through debate and conferences, ASEAN was able to pass the Declaration on the Conduct of Parties in the South China Seas, promoting a civil discourse when disputes arise to keep the SCS stable instead of volatile. The declaration highlights much of the same points in UNCLOS. Though the lack of China or Taiwan as a member of ASEAN often renders negotiations ineffective.

In 2013, the Philippines filed a case against China in the Permanent Court of Arbitration (PCA) in The Hague. Manila’s objection was in regards to Chinese claims of sovereignty over the Spratly Islands and Scarborough Shoal<sup>18</sup>. China refused to partake in the case due to the PCA’s lack of enforcement, the first time a country in a case has done so<sup>19</sup>. Ruling in favor of the Philippines, the PCA cited on July 12, 2016, that under the UNCLOS, China’s nine dash line had no legal foundation and the violations of the Philippines’ EEZ was a violation of Manila’s national sovereignty.<sup>20</sup> China refutes all charges and does not recognize the ruling.<sup>21</sup>

## CASE STUDY: Artificial Islands in the South China Sea

Beginning in December of 2013, China began their construction of artificial islands around the South China Sea in places that were inside the 9-dash line. In 2014, when this issue



first became known to the UN, China stated that their new islands were to be used for guidance and navigation, seeing as a couple of the islands had lighthouses on them. However, as China created other artificial landmasses, it was soon made clear to the international community that China had reasons other than guidance for building islands in the SCS. One of the most well known being Fiery Cross Reef, which is now a military installation complete with runways, landing zones, barracks, shops and there are several islands known to even have missile launching capabilities. Islands such as this one have led other countries, such as the US, to believe that China is trying to stake their claim in the SCS by building up its reefs.<sup>22</sup> China has even allowed tourists from the mainland to visit these islands to build up their credibility among the international community. However, in 2016, the UN ruled that building up infrastructure on these islands was a direct violation of the UNCLOS, seeing as China was a state who signed the treaty. The US and UK have also made their opinion of these islands clear, with their Freedom of Navigation Operations. In these maneuvers, ships and aircraft will pass within a 12 mile radius of the island's borders, which would be a direct violation of UNCLOS if the land was within the EEZ of China, making the point that these islands are not technically a part of China's property.<sup>23</sup> To maintain their hold on these islands, China has resulted in using military aircraft and ships to chase any opposing countries' ships out of the radius, and by threatening the use of lethal force. China condemns these exercises as a violation of their sovereignty, citing UNCLOS as their primary source of evidence since they are a signatory.<sup>24</sup> The US on the other hand is not a part of the agreement, but have shown to adhere to rules laid down by the document. China continues to build up these islands, with each one being close to another nation. For example, the Spratly Islands are just off the coast of the Philippines and near Manilla, the capital, raising security concerns for the island nation.<sup>25</sup> Another mass, the Paracel Islands are near the choke point of Vietnam, meaning that if China wished, they'd have an easy time of effectively splitting Vietnam.

## QUESTIONS

1. Considering the lack of enforcement measures needed to institute certain regulations, are there any legal mechanisms countries can utilize in order to solve disputes?
2. What influence do non-claimant nations such as the USA have over the arbitration process?
3. How should the lives of workers such as fishermen be taken into consideration, and what punishments apply to those who work outside of the nation's EEZ?
4. How might natural resources play a role in the acquisition of territory inside the SCS?
5. How should territories and claims that overlap be solved and how so?

## ENDNOTES

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