

our report

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Student Officer:	Benjamin von Schweinitz and Giselle Bullion
Position:	Presidents

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I. Introduction

The strategy of gradual expansion is as old as geopolitics itself. From the Roman Empire to the Ottoman Empire nations have taken on the slow, incremental approach to power consolidation. The Cold War arguably marked the pinnacle of these “gray zone” tactics, featuring numerous proxy wars such as Vietnam, the Berlin Crisis of 1961 -which culminated in the city's de facto partition with the erection of the Berlin Wall- and the Cuban Missile Crisis. More recent examples of this “salami-slicing” strategy are the Russian annexation of Crimea, China's maneuvers around Taiwan, and Israel's settlement expansion in the West Bank. What separates these instances from ancient times is fast communication and a much more expansive international legal framework.

These examples follow a similar playbook: Take tiny steps too small for anyone to fight over. Physically change the situation on the ground by constructing buildings, moving people and soldiers, and changing maps. Even if it's illegal, reality often favors whoever is already there. Never push so far that your opponent feels obliged to retaliate with full force. One must keep pushing boundaries by exerting pressure, annoying, and taking little steps, without invoking a giant reaction. Large alliances like NATO and ASEAN often act slowly and are divided in their reactions. If they can't agree on their response you can take another slice before they can respond. You must deny and hide behind a legal/information cover.

The next logical question is “How do we stop this?”. Well, if you ignore the small slices, you lose. Therefore you need to react to even the tiniest of provocations, to demonstrate that every move costs something. An example is the Berlin Airlift as a reaction to the Soviets blockading Berlin. Setting clear red lines is important: “If you do X, we will do Y.” However, you need to be extremely careful, because if you aren't willing to enforce the boundaries you set, your empty threats backfire. Alliances need to move together in strong, fast joint responses (diplomatic, economic, or military) to make small gains too costly.

China's island-building in the South China Sea is no different from the rest. It is a prime example of salami slicing and the use of power to bypass the international rule of law. Without anyone there to enforce the law, the question is: what can be done?

The following report will explore the intricacies of this subtle, but escalating conflict by examining the geography, military involvement, economic interests, major parties, and the conflict's history. The reader must note that this conflict is still ongoing and there may be significant changes after the publication of this paper.

II. Key Terms

a. South China Sea (SCS)

Most states approve of the name “South China Sea” for a body of water in Southeast Asia, bordering the People’s Republic of China (PRC), the Philippines, Malaysia, Brunei, Indonesia, Singapore, and Vietnam. There are debates on whether “China” should be included in the area’s title, seeing as this would favor the People’s Republic of China (PRC) over other claimants in the region, despite the fact that the PRC is neither adhering to the United Nations Convention on the Law of the Sea (UNCLOS) nor the arbitrary tribunal’s decision in *Philippines v. China*. Other claimants, including Indonesia whose Exclusive Economic Zones (EEZ) overlap with China’s claims, are renaming different segments of the SCS with non-Chinese names in order to highlight the fact that the area is contested and does not legally belong to China. For instance, Indonesia named the part of the South China Sea that belongs to its EEZ “North Nantuna Sea” in an effort to highlight its claims within its EEZ. Similarly, the Philippines named the entirety of the SCS the “West Philippine Sea”, while Viet Nam named it the “East Sea”. The latter two claimants not only manifest their claims but also undermine the PRC’s claims. Other individuals argue that the mere name of the waters lacks significance and therefore the name could remain. For example, scholar Le Hong Hiep states that “[t]o some people, especially in China, when the sea is called the South China Sea, it naturally entitles China some rights, which is false. If the South China Sea belongs to China, then the Indian Ocean belongs to India, for example.” Either way, the renaming of the waters depicts the overlapping interests in the South China Sea and proves that states are not willing to give up their claims easily.

b. Nine-Dash Line

The nine-dash line, or ‘dotted line’, as the People’s Republic of China refers to it, is a line used on official Chinese maps to outline the PRC’s claims in the South China Sea. Primarily, a line with eleven dashes was included in a 1947 Republic of China (ROC) map. While the line was originally made up of eleven dashes, it has nine dashes today and is used both by the People’s Republic of China (PRC) and by the Republic of China (ROC). China argues that it has historical rights to the area within the nine-dash line, in order to legitimize its claims. While the PRC claims the area within the nine-dash line that comprises approximately 90% of the SCS, the member state has not clarified what this signifies

precisely in legal terms. Experts suggest different potential meanings of the line. For instance, the line may mean that the PRC claims all waters and geographical features, including land in the SCS. Such a claim would violate the United Nations Convention on the Law of the Sea (UNCLOS). An alternative interpretation is that the PRC is claiming jurisdiction over the area- meaning that it could use any resources within the nine-dash line, separate from sovereignty claims.



c. Territorial Waters

Territorial waters are defined by the United Nations Convention on the Law of the Sea (UNCLOS) as waters that lie maximally 12 nautical miles away from a nation's coast. Member nations have sovereignty under and over the water in their territorial waters.

d. Exclusive Economic Zone (EEZ)

A nation's EEZ, as defined by the United Nations Convention on the Law of the Sea (UNCLOS) is located up to 200 nautical miles away from its shoreline. States have the right to explore within their EEZs, they benefit from their Exclusive Economic Zone's natural resources and fish, and they have rights to trade within their EEZs. States have sovereign rights underwater, but not over the water, meaning that the EEZ does not apply to land 200 nautical miles or less away from a nation's coast. However, nations have rights to the natural resources and fish belong to the water's surface in their EEZs, meaning that around 87% of all global hydrocarbon resources are located within nations' EEZs. Furthermore, according to the United Nations, the majority of all fish swim close to coastlines, so within states' EEZs. Numerous claimants in the South China Sea are arguing that their EEZs extend into the area of the SCS which they claim.

e. International Waters

International Waters do not belong to member nations' territorial waters or their Exclusive Economic Zones. International Waters are more than 200 nautical miles (NM) away from a country's shorelines.

III. General Overview

a. Economic Interests

As one of the most important maritime commerce routes in the world, the South China Sea is extremely valuable both strategically and economically. Considering over \$3 trillion worth of goods pass through the SCS annually which is roughly one-third of global trade, many countries place a high priority on unhindered access.¹

Apart from its function in global shipping, the area is thought to have enormous energy resource deposits. The U.S. Energy Information Administration estimates that there may be around 40.3 trillion cubic feet of natural gas and nearly 10 billion barrels of oil in the South China Sea.² Utilizing these reserves is viewed as crucial for strengthening energy independence and accomplishing long-term economic goals by nations like China and the Philippines.

The area's significance extends to its fisheries as well. According to research by the Center for Strategic and International Studies, over 12% of the world's seafood supply comes from the South China Sea.³ Millions of people throughout Southeast Asia rely on these marine resources for jobs, nutrition, and national revenue. But the increasing competition for fishing grounds exacerbated by overfishing and ecosystem damage has deepened regional disputes and raised alarms over environmental sustainability.

Overlapping territorial claims, mostly from Exclusive Economic Zone (EEZ) disputes, make control over these economic resources even more difficult. Coastal nations have the right to utilize marine resources within 200 nautical miles of their coastline under international maritime law, including the United Nation Convention on the Law of the Sea (UNCLOS). However, China's "nine-dash line" claim invades on the EEZs of a number of its neighbors, escalating geopolitical tension and legal disputes.

b. Territorial Disputes and Sovereignty Claims

¹ <https://chinapower.csis.org/much-trade-transits-south-china-sea>

² https://www.eia.gov/international/analysis/regions-of-interest/South_China_Sea

³ <https://ocean.csis.org/spotlights/illuminating-the-south-china-seas-dark-fishing-fleets>

Due to its economic and strategic value, the South China Sea is a highly contested region. Possible escalations, in the form of paramilitary maritime conflict, flood the news globally. The key points of conflict in the SCS are overlapping territorial claims brought forward by China as well as the Philippines, Malaysia, Brunei, Vietnam, and Taiwan. Both historical rights and geographical proximity serve as justifications for those. China's Nine-Dash Line hereby is especially disputed as it overlaps with the EEZs of neighboring countries. A further point of conflict is the status of Taiwan.



i. Disputed Islands

Islands play an important role in establishing a presence in the region because they are useful for harvesting natural resources and creating military bases. To that end, many states articulated their claims for these islands and established a military presence on some of the islands to which they laid claim.

1. The Spratly Islands

The Spratlys are located in the Southeast of the SCS. They consist of over 230 geographic features, of which around 100 are islands, all of which

China, the Republic of China (Taiwan), and Vietnam lay claims. The Philippines claims around 50 geographical features within the island chain, and Malaysia claims about a dozen. China, Vietnam, Taiwan, Malaysia, and the Philippines currently occupy 45 geographical features. China's most significant artificial islands lie within the Spratly, including Mischief Reef, Subi Reef, and Fiery Cross Reef.

2. Paracel Islands

The Paracel Islands are located in the Northwest of the South China Sea and are claimed by China, Taiwan, and Vietnam. Yet China controls the entirety of the island chain. China has built a military facility on Woody Island, the largest island in the Paracel chain. Expert Gregory Poling states, "Woody Island serves as the administrative and military center of China's presence in the South China Sea" (Macias). Woody Island is deemed essential in China's efforts to militarize its artificial islands in the Spratly Islands, as well as the operation of the land-sea trade route between China and Singapore.

3. Scarborough Shoal

The Scarborough Shoal is a collection of reefs, islets, and shoals in the northern South China Sea. Although it is uninhabited, numerous states have had a military presence there, most notably China, since 1988. Vietnam, China, Taiwan, and the Philippines claim the Scarborough Shoal.

4. Taiwan

Today views of the international community on Taiwan are complicated as well as contradictory at times. This, too, can be traced back to the region's history. After the Chinese Civil War, the nationalists, which had then ruled China, fled from the new Communist government (which was to become the PRC) established a government-in-exile in what is now known as Taiwan. As the island previously had been under Chinese rule, the new PRC viewed it as their territory even though the Taiwanese government argued it had never been part of the PRC.

Until 1970 the international community recognized Taiwan as the “real China” with Western countries favoring it over the communist mainland China during the Cold War. As the UN switched diplomatic recognition to Beijing in 1971 and the PRC’s economic power grew rapidly, international recognition of Taiwan decreased.

Nowadays less than 15 countries officially recognize Taiwan and China considers it a breakaway province with which it wants to reunify. Still, Taiwan is de facto an independent democracy and enjoys positive yet unofficial relations with many global players, including the US.⁴

ii. Historical Overview

The ongoing conflicts of the SCS are by no means of recent origin. Instead, they date back to times of European colonialism in Southeast Asia. Being a prominent colonial power in that region, France successfully enforced its claims over the Spratly and Paracel Islands against China in the early 20th century. Due to political turmoil on the Chinese mainland, France remained unchallenged until the 1930s.

Only later, the conflict between China and France flared up again, although disrupted by the Communist revolution in China and the formation of Vietnam on territory formerly owned by France.

The exit of Western forces during the Cold War as well as new-found oil and gas deposits, lay the groundwork for today's circumstances with China filling the vacuum of power the West had left and North and South Vietnam, Taiwan, the Philippines, Brunei and Malaysia reasserting their claims.

From then on conflict between these parties emerged, with China gaining a considerable amount of territory against Vietnam. As Vietnam lost financial support from the USSR, it stood no chance against China and joined the ASEAN. Like that, the lines of present-day conflict in the SCS were drawn.⁵

iii. Legal Disputes

1. Permanent Court of Arbitration (2016)

⁴ <https://theweek.com/news/world-news/china/960486/a-history-of-china-and-taiwan>

⁵ <https://www.9dashline.com/article/the-south-china-sea-in-the-cold-war>

In 2016, the Permanent Court of Arbitration decided in the Philippines' favor concerning a landmark case against China regarding territorial disputes in the SCS. The tribunal found that China's expansive claims framed by the so-called "nine-dash line" had no legal basis under international law and, in particular, the United Nations Convention on the Law of the Sea, UNCLOS. The Tribunal specifically stated, inter alia, that the ruling nullified China's claims to historic rights in the region. China rejected the PCA award and continues to assert its claims, leading to ongoing tensions and complicating the international community's attempts to implement the PCA tribunal's decision.⁶

2. Taiwan - China Dispute

The dispute between China and Taiwan is primarily concerned with Taiwan's political status. After the end of the Chinese Civil War in 1949, the Chinese Nationalist Party (Kuomintang, KMT) retreated to Taiwan and established a government there, while the Communist Party established the People's Republic of China (PRC) in mainland China. The PRC considers Taiwan a breakaway province but hopes to reunify with Taiwan and is willing to do so by force if further attempts at peaceful reunification are unsuccessful.

While Taiwan is politically known as the Republic of China (ROC) and maintains its territorial government, economy, and military, Taiwan's statehood is not officially recognized by many in the international community. The United States (U.S.) has always supported Taiwan's self-defense but followed a vague "One China" policy, creating further complications. Additionally, rising Chinese assertiveness and increasing identity related to being Taiwanese create more complexities and increase the risks of conflict over Taiwan; hence, the China-Taiwan dispute is as vital a geopolitical conflict as the China-U.S. relationship.⁷

3. Malaysia's Submission to the UN (2019)

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<https://www.reuters.com/world/asia-pacific/china-says-it-does-not-accept-philippines-2016-south-china-sea-arbitration-win-2023-07-12/>

⁷ <https://www.bbc.com/news/world-asia-china-59900139>

In 2019, Malaysia made a claim to the Commission on the Limits of the Continental Shelf at the United Nations to extend its continental shelf in the SCS through a submission that included areas over 200 nautical miles, which challenged China's assertions of expansive "nine-dash line" claims over its maritime territory. Malaysia's claim made it clear that it would seek its maritime rights under international law, and complicated existing tensions and disputes among countries in the region over those waters rich in resources. After Malaysia's submission, China promptly rejected Malaysia's claims.⁸

c. Military Presence

With several countries asserting territory and increasing their military presence in the area, the South China Sea has emerged as an active region for military tensions. The "nine-dash line" has resulted in the military and colonization of islands and reefs, most notably the Spratly and Paracel Islands. Building military facilities on these islands and turning them into major PLA bases has been the strategy used by China since 2009 in an effort to protect and legitimize its claims.⁹ The strategic importance of these islands lies in their location along vital sea lines of communication (SLOCs), which are crucial for global trade and military operations. As a strategic buffer for countries bordering the area, control over these islands enables improved surveillance and power projection capabilities.¹⁰

In response, the US and its allies have increased their military efforts to protect freedom of navigation and counter China's expanding power. Thousands of soldiers take part in the annual "Balikatan" joint military exercises between the Philippines and the United States, which are intended to increase readiness and collaboration in aerial and marine defense operations.¹¹

The involvement of other regional players further complicates the situation. The recent naval visit by Japan to Cambodia's Ream Naval Base, which had been upgraded by

⁸ <https://thediplomat.com/2019/12/malaysias-new-game-in-the-south-china-sea/>

⁹ https://www.rand.org/pubs/external_publications/EP68058.html

¹⁰

<https://genesysdefense.com/intl/chinas-military-expansion-in-the-south-china-sea-a-security-risk-assessment>

¹¹

<https://www.reuters.com/world/asia-pacific/philippines-calls-joint-us-drills-defense-rehearsal-china-tensions-simmer-2025-04-15>

Chinese funding, demonstrates the geopolitical actions taken by various nations to maintain the region's power balance.¹²

IV. Major Parties Involved

a. People's Republic of China

China's view on the SCS dispute is intricate and relies on historical claims, laws of nature, and economic needs for its enormous population. Beijing claims most of SCS including Spratly and Paracel Islands as well as Scarborough Shoal while referring to rights that date back to 200 B.C.E - during the Han dynasty period. However, under UNCLOS, historical claims don't grant extensive territory, and China's legal arguments are widely condemned.³⁵ Further claims have been made around the Island of Taiwan, which was populated by fleeing rebels that fought against what later became the Communist Party of China in 1949. China is further pushing military actions into the direct territorial waters of the not recognized "Republic of China". China asserts that all waters between its claimed islands are internal and insists on exclusive passage rights, despite UNCLOS allowing innocent passage through archipelagic waters.

In the past, China has confronted the U.S. Freedom of Navigation Operations (FONOPs) and obstructed Philippine ships, with the usage of water cannons in December 2023. Despite a Permanent Court of Arbitration ruling deeming China's claims unlawful, China continues to assert its claims, build artificial islands, and expand its military presence in the SCS.

b. Republic of the Philippines

The Philippines advocates its territorial claims in the South China Sea (SCS) by taking legal action backed by historical evidence and the UNCLOS legal framework. It claims large parts of the Spratly Islands and the Scarborough Shoal based on proximity and international law. Unlike China, the Philippines' claims align with UNCLOS provisions. After bringing its dispute with China to the Permanent Court of Arbitration, the court ruled in favor of the Philippines. Additionally, the 1951 United States-Philippines Mutual Defense Treaty obligates the U.S. to assist if the Philippines' military or navy is attacked by another claimant. Currently, the Philippines are heavily affected by actions of the Chinese military that limit access to waters as well as fishing stocks.

¹² <https://apnews.com/article/7038fff350360441b6f390c6602cde33>

c. United States of America (USA)

The United States has shown to be very critical of Beijing's claims in the SCS as well as China's "campaign of bullying" to assert them. To the USA, China is breaching international law, especially through the attacks on Filipino boats. Instead, the US is an outspoken advocate of China's challengers, the Philippines, and other Southeast Asian coastal states, and supports the independence of Taiwan. Through treaties such as the 1951 U.S.-Philippines Mutual Defense Treaty, the USA took a direct stance in the conflict, promising the Philippines protection in the scenario of Chinese aggressions.

Because of many political factors such as economic rivalry and China's friendly relations with Russia, the USA has a major interest in avoiding an even bigger expansion of China's sphere of influence. Intending to ensure Freedom of Navigation in the SCS territory, the USA has conducted many FONOPs in that area, which have been mirrored by many of the USA's political allies, such as Australia and a few EU members. These have been the subject of tension between China and the USA. Still, both Beijing and Washington are eager to avoid any form of conflict between them that extends beyond verbal confrontation. Therefore both sides have made efforts to increase military-to-military communications, in order to avoid possible misunderstandings. On the other hand, upcoming elections within the USA hold the potential to eradicate past progress, either through a change of course or alleged Chinese involvement, which the USA views as a possible threat.

d. Republic of China (Taiwan)

As a non-recognized state, Taiwan faces multiple issues bound to the question of existence and whether integrity is a pursued goal that can be upheld. It operates as an independent, democratic entity but lacks widespread recognition as a sovereign state. Similar to China, Taiwan's claims are based on the dashed line from a 1946 map. Taiwan does not acknowledge the Permanent Court of Arbitration's jurisdiction in the Philippines v. China (PRC) case. Basing its claims on UNCLOS, Taiwan asserts sovereignty over the islands and their "relevant waters" within the dashed line, though the specifics remain ambiguous. In a statement, Taiwan's Ministry of Foreign Affairs expressed openness to dialogue with other claimants, maintaining that its entitlement is "beyond dispute." Taiwan aims to peacefully resolve SCS disputes, adhere to UNCLOS, and uphold freedom of navigation and overflight in the region.

V. Timeline of Key Events

1946		China publishes the predecessor to the nine-dash line, asserting expansive territorial claims in the South China Sea
1974		Battle of the Paracel Islands between China and Vietnam results in 71 casualties
1982		The United Nations Convention on the Law of the Sea (UNCLOS) is drafted, establishing legal frameworks for maritime boundaries
1988		Johnson South Reef Skirmish occurs between China and Vietnam, leading to 70 Vietnamese casualties.
1996		
2002		China ratifies UNCLOS, committing to its maritime provisions.
		The Declaration on the Conduct of Parties in the South China Sea (DOC) is signed by ASEAN and China, aiming to manage disputes peacefully
March 2005		Vietnam, China, and the Philippines sign an agreement for joint marine seismic undertaking in the South China Sea.
2012		A standoff occurs between China and the Philippines at Scarborough Shoal, escalating territorial tensions.
2014		The U.S. State Department denounces China's expansive claims in the South China Sea
May 27 2016		Indonesian authorities intercept a Chinese fishing vessel within Indonesia's Exclusive Economic Zone, leading to arrests and heightened tensions.
July 12 2016		The Permanent Court of Arbitration rules in favor of the Philippines in the case against China, invalidating China's nine-dash line claims.
February 20-22 2017		The Sino-Filipino Joint Coast Guard Committee convened for the first time to enhance maritime cooperation.
		The Philippines and China agree to establish a Bilateral Consultation Mechanism to manage South China Sea disputes.

May 2017	China indicates willingness to engage in military conflict if the Philippines enforces the PCA ruling; the Philippines responds with a similar stance if China exploits resources in disputed areas.
November 16 2017	Chinese coast guard uses water cannons to deter Filipino fishing boats near Scarborough Shoal.
May 2018	A standoff occurs between China and the Philippines in waters near Scarborough Shoal.
December 11 2023	The USS Carl Vinson returns to the South China Sea, conducting joint patrols with Philippine naval forces
January 3 2025	A Chinese military helicopter flies within 3 meters of a Philippine patrol plane over Scarborough Shoal, leading to a 30-minute standoff
February 18 2025	China accuses the Philippines of illegal overflights in the Spratly Islands, claiming to have driven away three Philippine aircraft
February 21 2025	U.S. Secretary of State meets with Indonesian Foreign Minister to discuss defense cooperation and uphold freedom of navigation in the South China Sea
	China and Malaysia reaffirm the importance of maintaining peace and stability in the South China Sea during President Xi Jinping's visit to Malaysia
April 16 2025	Japanese naval ships visit Cambodia's Ream Naval Base, previously upgraded with Chinese funding, marking the first foreign navy visit since the upgrade

VI. Previous & Possible Solutions

a. Previous Solutions

i. Philippines vs. China

On January 22, 2013, the Philippines brought a case against China before the Permanent Court of Arbitration (PCA) in The Hague, accusing it of violating its

sovereign rights. The complaint centered on China's interference with Philippine fishing, oil exploration, and naval activities, as well as its continued efforts to claim the Scarborough Shoal after previously agreeing to withdraw. The Philippines argued that China's artificial island-building infringed upon the United Nations Convention on the Law of the Sea (UNCLOS), especially since one of the islands fell within its exclusive economic zone (EEZ). This marked the first instance of China being brought before an international court over such disputes. China, however, rejected the tribunal's authority by submitting a position paper denying its jurisdiction and chose not to participate in the hearings.¹³

On July 12, 2016, the tribunal issued a unanimous ruling in favor of the Philippines. It found that China's claims in the South China Sea lacked legal grounding and that its island-building activities violated UNCLOS. The court also upheld the Philippines' position, stating that China's actions had infringed on its sovereign rights and had caused significant environmental damage through artificial island construction.

Additionally, the tribunal dismissed China's historical claims based on the nine-dash line, noting that any such claims were nullified when China ratified UNCLOS. Despite the legally binding nature of the verdict, China refused to accept the tribunal's jurisdiction and has declined to comply with the ruling. The Philippines, emphasizing a desire to maintain peace and stability, received this response with cautious optimism from China.¹⁴

ii. Declaration on the Conduct of Parties in the South China Sea (DOC)

Since the late 1980s, ASEAN member countries had been encouraging China to adopt a formal framework for behavior in the South China Sea. After the United States became involved—prompted by the Philippines—China saw value in cooperating toward such an agreement. Although the final declaration did not meet the stronger commitments originally envisioned, ASEAN still regarded it as meaningful progress in regional diplomacy.¹⁵ The declaration included provisions promoting peaceful dispute resolution, a ban on occupying uninhabited islands, and the protection of navigational freedoms. However, the agreement ultimately failed to deliver results, as several signatories began disregarding its terms, leading others

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https://www.mfa.gov.cn/eng/wjb/zzjg_663340/bianhaisi_eng_665278/plpbo/202405/t20240530_11322467.html

¹⁴ <https://docs.pca-cpa.org/2016/07/PH-CN-20160712-Press-Release-No-11-English.pdf>

¹⁵ https://www.viet-studies.com/kinhte/Thayer_ReviewImplementationDOC.pdf

to do the same. A key reason for its ineffectiveness was that it was not legally binding.¹⁶

b. Possible Solutions

As tensions are perpetually intensifying and states are increasing their militaries, it is essential for the Security Council (UNSC) to act swiftly, to prevent breaches of peace and security which is the UNSC's most essential task, as outlined in Chapter VII of the Charter of the United Nations. Measures taken in a resolution could include the execution of further cases before international tribunals, either against all claimants or those deemed to be violating the UNCLOS. However, delegates must consider that the Permanent Court of Arbitration's verdict in *Philippines v. China* has been ineffective, as the PRC has not adhered to the court's verdict.

A resolution could directly prohibit the construction of artificial islands in the SCS and determine certain measures, such as sanctions, which will be taken if member states do not adhere to this.

In an effort to decrease any and all tensions, not only those caused by claimants but also by non-claimant countries conducting Freedom of Navigation Operations (FONOPs), the UNSC could prohibit any and all military drills and the passage of military vessels and aircraft through/over the SCS.

Depending on a member state's beliefs, it could either suggest the execution of more FONOPs, to further secure the international status of the SCS waters or less FONOPs, if they view these as a threat to peace and security. Instead of having single member states conduct FONOPs, the UN could patrol the SCS/surveil whether FON and freedom of overflight are upheld.

Delegates could propose forbidding the occupation and militarization of natural and artificial islands. While all of the aforementioned measures strive to decrease military presence in the area, the Security Council could approach the tensions in the region by increasing military presence in the area.

Increased transparency, including communication about planned military practices, could prevent military confrontations.

Another non-military approach may include the commencement of negotiations between the various claimants, either bilaterally or multilaterally.

The United Nations may act as an unbiased moderator in facilitating such talks, as ASEAN can provide a framework for such negotiations to take place, yet one must consider

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<https://cwp.sipa.columbia.edu/news/chapter-10-doc-and-dispute-management-south-china-sea-maintaining-dialogue-maximizing>

that ASEAN is divided on the various claims and that ASEAN is possibly biased in favor of its members, causing a disadvantage in negotiations for non-members.

Furthermore, a legally binding Code of Conduct may contribute to decreasing tensions.

Delegates must finally consider whether they favor an equal solution, meaning that all claimants are treated equally, regardless of their relative population, size, and power. Such a solution could ensure that all claimants are granted equally large/many features in the SCS. Alternatively, delegates could strive for a proportionate solution, meaning that states' claims are recognized in proportion to the area of their nation, the size of their population, or their political or economic influence.

In order to ensure states' compliance with the UNCLOS, the Council could urge all members and all those wishing to conduct FONOPs to sign and ratify the UNCLOS.

Members may consider whether they would like to clarify which nations are complying with the UNCLOS, in an effort to pressure them into compliance. As this may provoke resistance, they may also decide, not to mention specific member states' failure to comply with the Law of the Sea in a resolution.

VII. Conclusion

The South China Sea remains a critical geopolitical hotspot due to vast resources, strategic shipping lanes, and ongoing territorial disputes. With oil, gas, and fishing potential, the region promises energy security and economic growth for many countries, leading to heightened competition and conflict. Territorial claims, especially China's Nine-Dash Line, have complicated these disputes further with historical legacies and legal decisions like the 2016 Permanent Court of Arbitration ruling. The SCS is also globally important with one-third of global trade passing through its waters and affecting economies beyond its borders. Militarization especially by China and Vietnam is increasing the tensions while aggressive naval actions and freedom of navigation operations (FONOPs) remain present.

The South China Sea's disputes need diplomatic solutions for stability. The 2002 Declaration on Conduct (DOC) laid the foundation for peaceful resolutions but its goals remain unmet. Strengthening ASEAN's role in mediating conflict offers a promising path, ensuring peace, protecting trade routes, and promoting regional cooperation for future prosperity.

Encouraging diplomacy over force remains vital in avoiding escalation, ensuring that the future of the South China Sea benefits not only the bordering nations but the global economy as well. As shown by the perilous encounters faced by vessels in the South China Sea, resolving territorial disputes and preventing further militarization is crucial. The Security Council's challenge is to balance diplomacy with international law to ensure maritime safety and stability in this vital global trade hub.

VIII. Questions to Consider

- How can the Security Council address member nations' conflicting claims? How can it prevent conflict?
- How can the Security Council ensure claimants' adherence to international law, including the UNCLO?
- If the United Nations were to foster negotiations, should merely the claimants be involved in such negotiations or other nations with interest as well, such as the Russian Federation and the United States of America?
- What mutually acceptable solutions can be found to ease the rising tensions?
- Do international tribunals have jurisdiction?
- What role should international law play in resolving multi-state maritime disputes?
- Should artificial islands be recognized as land?
- If a state's claims to land (islands) in the South China Sea are realized and accepted, would this mean that states would attain an EEZ up to 200 nautical miles away from the aforementioned islands?

IX. Sources for further research

1. [South China Sea](#): A view from the air of one of the world's most contested regions A very interesting interactive website that clearly illustrates the connections and concerns in the South China Sea. It also highlights the interests, including the American perspective
2. [United Nations Convention on the Law of the Sea](#), United Nations Division for Ocean Affairs and the Law of the Sea (10 December 1982)
3. [Joint Statement of the Meeting of the Heads of State/Government of the Member States of ASEAN and the President of the People's Republic of China Kuala Lumpur](#), Association of Southeast Asian Nations, People's Republic of China, Kuala Lumpur (16 December 1997)
4. [Declaration on the Conduct of Parties in the South China Sea \(DOC\)](#), Association of Southeast Asian Nations and China (4 November 2002)

5. [Guidelines for the Implementation of the Declaration on the Conduct of Parties in the South China Sea](#), Association of Southeast Asian Nations and the People's Republic of China (20 July 2011)
6. [The South China Sea Arbitration](#), Permanent Court of Arbitration (12 July 2016)

X. Bibliography

- authors/gregory-b-poling.md. "Illuminating the South China Sea's Dark Fishing Fleets." *Stephenson Ocean Security Project*, _authors/gregory-b-poling.md, 9 Jan. 2019, ocean.csis.org/spotlights/illuminating-the-south-china-seas-dark-fishing-fleets
- "9DASHLINE — the South China Sea: From Colonialism to the Cold War." 9DASHLINE, 28 Apr. 2020, www.9dashline.com/article/the-south-china-sea-in-the-cold-war.
- Brown, David. "China and Taiwan: A Really Simple Guide." BBC, 7 Jan. 2024, www.bbc.com/news/world-asia-china-59900139.
- "Chapter 10: The DOC and Dispute Management in the South China Sea: Maintaining Dialogue, Maximizing Convergences" - by CWP Alum Cheng-Chwee Kuik |." Columbia.edu, cwp.sipa.columbia.edu/news/chapter-10-doc-and-dispute-management-south-china-sea-maintaining-dialogue-maximizing. Accessed May 2025.
- Cheang, Sopheng. "Cambodia Welcomes Japanese Navy Ships to Naval Base That US Suspects Is for China's Special Use." AP News, 19 Apr. 2025, apnews.com/article/7038fff350360441b6f390c6602cde33. Accessed April 2025.
- "China's Military Expansion in the South China Sea: Security Risks and Global Implications." Genesys Defense and Technologies, 28 Nov. 2024, genesysdefense.com/intl/chinas-military-expansion-in-the-south-china-sea-a-security-risk-assessment/.
- EIA. "International - U.S. Energy Information Administration (EIA)." Eia.gov, 21 Mar. 2024, www.eia.gov/international/analysis/regions-of-interest/South_China_Sea.
- Grossman, Derek. "Military Build-up in the South China Sea." Wwww.rand.org, 22 Jan. 2020, www.rand.org/pubs/external_publications/EP68058.html.

“How Much Trade Transits the South China Sea?” ChinaPower Project, 2 Aug. 2017,
chinapower.csis.org/much-trade-transits-south-china-sea.

Lema, Karen. “Philippines Calls Joint US Drills “Defense Rehearsal” as China Tensions Simmer.”
Reuters, 15 Apr. 2025,
www.reuters.com/world/asia-pacific/philippines-calls-joint-us-drills-defense-rehearsal-china-tensions-simmer-2025-04-15/.

“Malaysia’s New Game in the South China Sea.” Thediplomat.com,
thediplomat.com/2019/12/malysias-new-game-in-the-south-china-sea/.

Permanent Court of Arbitration. PRESS RELEASE 1 the SOUTH CHINA SEA ARBITRATION (the
REPUBLIC of the PHILIPPINES v. the PEOPLE’S REPUBLIC of CHINA). 12 July 2016,
<https://docs.pca-cpa.org/2016/07/PH-CN-20160712-Press-Release-No-11-English.pdf> .

The Week Staff. “A History of China and Taiwan.” Theweek, 20 Apr. 2023,
theweek.com/news/world-news/china/960486/a-history-of-china-and-taiwan.

“South China Sea Islands | Peace Palace Library.” Peacepalacelibrary.nl,
peacepalacelibrary.nl/south-china-sea-islands.

“Summary of the Position Paper of the Government of the People’s Republic of China on the
Matter of Jurisdiction in the South China Sea Arbitration Initiated by the Republic of the
Philippines_Ministry of Foreign Affairs of the People’s Republic of China.” Mfa.gov.cn, 2025,
www.mfa.gov.cn/eng/wjb/zzjg_663340/bianhaisi_eng_665278/plpbo/202405/t20240530_11322467.html. Accessed April 2025.

Thayer, Carlyle. ASEAN-China Declaration on the Conduct of Parties in the South China Sea
(DOC-SCS) Department of Foreign Affairs, Republic of the Philippines Manila, the
Philippines. 2002.
https://www.viet-studies.com/kinhte/Thayer_ReviewImplementationDOC.pdf