

## **Study Guide UNSC**

### **Topic : Military Operations in the South China Sea in Relation to UNCLOS**

- **Introduction to the committee:**

The United Nations Security Council (UNSC) is one of the six most significant committees of the UN. It comprises 15 members, 5 seats of which are permanently held by the victor states of World War Two and the other 10 seats' members are elected on a regional basis for two-year tenures. The headquarters of UNSC is based in New York, USA.

The UNSC is principally responsible for cementing international peace and security, along with accepting new member countries to the UN and substantiating any amendments made in the Charter of The United Nations. After assessing any breach in the global peace, the UNSC is responsible for calling on the parties at dispute to settle these differences through peaceful meditation, and will often send its own envoys for this purpose. If more strict action is essential, it can also enforce cooperation through the deployment of international sanctions on the differing countries. As a last resort, the UNSC can also authorise the use of military force in peacekeeping efforts to uphold the stability and consensus it works hard to maintain

- **Introduction to the topic**

The South China Sea is one of the most strategically important and contested maritime regions in the world. It continues to be a critical pathway for almost one-third of the world's shipping carrying billions of dollars in trade every year; on top of which it is highly rich in natural resources such as fisheries and natural gas and oil reserves. However, its significance has also made it the core of overlapping territorial claims along with military tensions. Due to the involvement of countries like China, Vietnam, Malaysia etc asserting ownership over the maritime zones and islands, there have been a series of disputes that have persisted for decades within the region.

The United Nations Convention on the Law of the Sea (UNCLOS), which is often highlighted as the “constitution of the oceans,” provides the necessary legal frameworks for maritime governance, including territorial waters, Exclusive Economic Zones (EEZs), and the right of passage. Despite it being widely accepted, the enforcement of UNCLOS in the issue of the South China Sea remains highly challenged. This looks like China’s ‘nine dash line’ claim which conflicts with the EEZ’s rights to Southeast Asian regions as defined under the UNCLOS, however, the Permanent Court of Arbitration ruling rejected many of China’s claims. This outcome is something that Beijing refuses to recognize.

- **Historical Context and Current State of Arms Proliferation**

### **Historical Context:**

The South China Sea has been an essential maritime route for centuries linking the Indian and Pacific oceans, and serving as a key spot for fishing and trade since the early 15th century. Modern disputes over the region emerged in the late 19th century and early 20th century during the colonial period. Following Japan’s defeat in 1945, sovereignty over these islands was left unresolved, and newly independent Southeast Asian states alongside China began pressing overlapping claims.

In 1947, China issued a map with its Eleven Dash Line, which was later revised to be the Nine Dash Line. This claim covers almost ninety percent of the Sea and overlaps with the maritime zones of Vietnam, Malaysia, Brunei, and the Philippines. The line was drawn without clear legal justifications and, hence became a central point of the dispute, especially after present maritime laws began to take shape.

During the Cold War, the sea gained further significance. China seized the Paracel Islands from South Vietnam, and in 1988, Chinese and Vietnamese forces clashed with one another, resulting in mass casualties and a greater control to China. Confrontations like this marked the start of a steady militarisation of disputed waters, even as regional states tried to assert their own sovereignty.

### **Current State:**

In recent times, the South China Sea continues to be one of the most militarized and disputed regions in the world. China has consolidated control over the Paracel Islands and expanded

its presence in the Spratlys through a large-scale land reclamation. These islands contain different levels of military equipment, this looks like, runways, radar systems and missile defenses, allowing China to protect its military power across the entire region. The People's Republic of China continues to justify its actions with the Nine Dash Line despite the 2016 arbitration ruling under the UNCLOS highlighting the claim to be unlawful.

The United States and its allies regularly conduct freedom of navigation operations to assert the principle of open seas and their right to the waters. China views these missions as a threat to its sovereignty; close encounters between naval forces have raised additional fears of escalation. Diplomatic efforts have made limited progress keeping in mind the divide within the international community; many states emphasise upon UNCLOS and freedom of navigation while others avoid confronting China. The UN faces difficulties as China's position within the Security Council limits the scope of collective action.

- **Role of United Nations Convention on the law of the Sea (UNCLOS)**

#### **Defining Maritime Boundaries:**

The legal framework for defining maritime zones is provided by the 1982 United Nations Convention on the Law of the Sea (UNCLOS). It gives states the right to a 200-nautical-mile Exclusive Economic Zone (EEZ) and a 12-nautical-mile territorial sea. UNCLOS is the primary tool used in the South China Sea to distinguish between international waters and coastal states such as Malaysia, Vietnam, and the Philippines.

#### **Resolving Claims That Overlap:**

Due to the South China Sea's multiple overlapping EEZs, UNCLOS is designed to provide guidelines for resolving disputes through arbitration or negotiation. UNCLOS principles, however, do not recognize China's claim to the majority of the region via the "Nine-Dash Line." This has led to a direct conflict between broad historical claims and legal definitions of maritime entitlements.

#### **The Arbitration Decision of 2016:**

The Permanent Court of Arbitration (PCA) in The Hague's July 2016 decision in favor of the Philippines was a historic event. The tribunal found that many of the contested features were legally "rocks" or "low-tide elevations," which do not create EEZs, and that China's

Nine-Dash Line lacked a legal basis under UNCLOS. Despite China's rejection of the decision, it is still a major international legal precedent.

### **Enforcement Restrictions:**

The legal framework is provided by UNCLOS, but it lacks effective enforcement tools. When a major power refuses to comply, International Law is shown to be weak, as demonstrated by China's refusal to recognize the 2016 ruling. This restriction erodes confidence in UNCLOS as a tool for resolving disputes and compels states to enforce maritime rights through diplomacy, regional organizations, or outside forces.

### **Relevance to the Global Order:**

UNCLOS is still important when it comes to preserving maritime order despite its shortcomings. It establishes general guidelines on how to go about things. Adhering with the UNCLOS in the South China Sea is important for maintaining regional stability as well as for preserving the legitimacy of International Law and the idea that no state is above accepted international standards.

- **International Treaties and Conventions:**

### **Declaration on the Conduct of Parties in the South China Sea (DOC, 2002):**

A political agreement between China and ASEAN member states committing to peaceful dispute resolution, self-restraint in activities, and cooperation. Though non-binding, it remains the main regional framework.

### **Ongoing negotiations on a Code of Conduct (COC, initiated 2017–present):**

ASEAN and China are working toward a binding agreement to replace the DOC, but progress has been slow due to disagreements over scope, enforcement, and third-party involvement.

### **Permanent Court of Arbitration Ruling (Philippines v. China, 2016):**

Though not a treaty, this case was pursued under UNCLOS dispute mechanisms. The tribunal invalidated China's Nine-Dash Line and ruled in favor of the Philippines, though

China rejected the outcome.

**Treaty of Amity and Cooperation in Southeast Asia (TAC, 1976; China acceded in 2003):**

A regional treaty promoting peaceful dispute settlement and non-use of force. While not specific to the South China Sea, it sets a legal basis for ASEAN-China interactions.

**ASEAN Charter (2007):**

Establishes ASEAN's legal and institutional framework, including principles of peaceful dispute resolution, dialogue, and adherence to international law, which are applied to the South China Sea issue.

- **Non-State and Paramilitary Actors:**

**China's Maritime Militia:**

It consists of civilian fishing boats that have been organised and directed by the state in order to enforce territorial claims. These boats swarm, ram and then block foreign vessels especially in areas like Scarborough Shoal and Spratly Islands. These vessels are very disruptive and were once suspected of sinking a Filipino fishing boat at Reed Bank.

**China Coast Guard (CCG)**

It is the world's largest and acts as a militarised law enforcement arm that supports the militia and navy. It regularly patrols the contested waters using things like water cannons and block foreign supply missions.

**Local Fishing Communities:**

They are often directly affected and harassed and blocked by the Chinese vessels. The loss of Scarborough Shoal in 2012 hurt Filipino livelihoods, and their testimonies supported the Philippines' 2013 arbitration case. These communities give the dispute a human dimension.

- **Military Operations and Security Concerns**

### **Militarization of Artificial Islands:**

Since 2013 China has reclaimed more than 3200 acres of land within the Spratly Islands constructing things like runways for planes, missile systems and radar facilities. The U.S. Department of Defense (2021) reported that China deployed HQ-9 missiles and anti-ship cruise missiles on these islands, effectively turning them into military outposts.

### **Freedom of Navigation Operations (FONOPs):**

The United States regularly conducts FONOPs in order to challenge the excessive claims over the maritime. In 2011 the US Navy carried out at least 10 operations within the Sea. Allies of the US have also participated, which highlights the global opposition to China and its actions.

### **Confrontations at Sea:**

Most disputes at the Sea often end up escalating into direct confrontations. In 2012, the Scarborough Shoal standoff occurred when Chinese and Philippine vessels faced off for weeks, which ended with China seizing control of the shoal. Likewise in August 2023, the China Coast Guard used water cannons against Philippine ships attempting to resupply the BRP Sierra Madre at Second Thomas Shoal, damaging vessels and injuring crew.

### **Great Power Competition:**

The South China Sea is central to the U.S. China rivalry. China views the area to be a part of its own interests, while the US is very adamant upon insisting on free navigation under the UNCLOS. China's actions in the Sea, including extensive island-building and base-construction activities at sites that it occupies in the Spratly Islands, as well as actions by its maritime forces to assert China's claims against competing claims by regional neighbors such as the Philippines and Vietnam, have heightened concerns among U.S. observers that China is gaining effective control of the Sea, an area of strategic, political, and economic importance to the United States and its allies and partners.

- **Impact of Grey-Zone Warfare**

### **Undermining International Law:**

Grey-zone tactics weaken the enforcement of international law by exploiting loopholes within UNCLOS. It is hard to apply legal frameworks when China uses maritime militia

disguised as fishing boats and coast guard vessels. This ends up eroding the effectiveness of rulings such as the 2016 PCA rulings, which sets a precedent that powerful states can disregard international law and not suffer the consequences.

### **Increasing Security Risks:**

The ambiguity of grey-zone operations raises the likelihood of accidental clashes. Ramming, blockades, and water cannon attacks, while not acts of open war, end up creating high-stakes confrontations that could spiral into larger, more harmful conflicts.

### **Economic and Human Impact:**

Grey-zone operations oftentimes directly affect the livelihoods of regional communities. Fishing fleets from the Philippines, Vietnam, and Malaysia are routinely expelled from their traditional waters, which cuts into the local economies. Disruptions like these undermine food and security concerns while fueling domestic unrest in the affected regions.

### **Fueling Geopolitical Competition:**

The reliance on grey-zone tactics further intensifies the great power rivalry. The United States and its allies end up responding with more frequent naval patrols and Freedom of Navigation Operations, further raising tensions within the region. The gradual militarization deepens the lack of trust between China and other powers, making diplomacy more difficult and increasing the chances of the South China Sea becoming a hotspot for broader conflict.

- **Humanitarian Impact:**

### **Displacement of Fishermen and Communities:**

- A. Loss of traditional livelihoods: Chinese control of areas like Scarborough Shoal (2012) forced Filipino fishermen to abandon their fishing grounds.
- B. Food insecurity: Millions in Southeast Asia rely on South China Sea fisheries for daily protein intake, making displacement a direct threat to nutrition.
- C. Community disruption: Families dependent on fishing are pushed into poverty, migration, or alternative, unstable jobs.

### **Threats to Safety and Human Rights:**

- A. Physical danger: Incidents of ramming, water cannon use, and blockades expose civilian crews to injury and loss of life.
- B. Psychological stress: Constant intimidation at sea creates fear and uncertainty for coastal populations.
- C. Lack of accountability: Fishermen have little legal recourse when harassed or detained, as maritime militia and coast guards operate in a legal grey zone.

### **Economic Insecurity and Poverty**

- A. Fisheries disruption: Regional economies lose billions annually due to restricted access to fishing grounds.
- B. Resource development blocked: Energy projects like Vietnam's oil exploration with PetroVietnam and ExxonMobil have faced Chinese intimidation.
- C. Domestic unrest: Citizens criticize governments seen as weak in defending their economic rights, straining social stability.

### **Risk of Armed Conflict and Humanitarian Crisis**

- A. Civilian casualties and displacement: A clash between major powers could displace coastal communities and put seafarers at risk.
- B. Refugee flows: Escalation may force people to flee maritime regions, adding pressure on Southeast Asian states.

### **Environmental and Food Security Challenges**

- A. Ecosystem destruction: Island-building and dredging damage coral reefs, reducing biodiversity.
- B. Declining fish stocks: Overfishing by industrial fleets diminishes supplies for local fishermen.
- C. Long-term scarcity: Environmental degradation undermines regional food security, leaving millions vulnerable to hunger.



**QARMA (Questions a Resolution Must Answer)**

1. How can UNCLOS be upheld or enforced in the South China Sea?
2. How should military activity and militarization be regulated?
3. How can disputes over resources be managed fairly?
4. What limits should be placed on militarization and military operations?
5. What mechanisms will ensure compliance and accountability?