

Committee Introduction

The General Assembly, established under the Charter of the United Nations, occupies a central position as the chief policymaking and representative organ of the United Nations. It comprises all 193 members of the United Nations, which provides a unique forum for multilateral discussion of the full spectrum of international issues discovered by the Charter.

According to the Charter of the United Nations, the General Assembly may:

- Consider and make recommendations on the general principles of cooperation for maintaining international peace and security, including disarmament
- Discuss any question relating to international peace and security and, except where a dispute or situation is currently being discussed by the Security Council, make recommendations on it
- Discuss, with the same exception, and make recommendations on any questions within the scope of the Charter or affecting the powers and functions of any organ of the United Nations
- Initiate studies and make recommendations to promote international political cooperation; the development and codification of international law; the realization of human rights and fundamental freedoms; and international collaboration in the economic, social, humanitarian, cultural, educational and health fields
- Make recommendations for the peaceful settlement of any situation that might impair friendly relations among countries
- Consider reports from the Security Council and other United Nations organs

The Disarmament and International Security Committee (DISEC), also known as the First Committee, centers on disarmament, global security issues, and the challenges of international security regulations. Within the scope of the Charter, the committee follows the general principles of maintaining international peace and security and managing disarmament to promote international stability through low levels of arms.

History

While the occupation of the islands of the South China Sea, ranging from the Paracel Islands to the Spratly Islands, started hundreds of years ago, it was not until these fifty years that the territorial disputes occurred. One of the earliest actions was taken by China. In 1947, China claimed that the Cairo Declaration recognized its sovereignty over the South China Sea, and so it first occupied the Spratly Islands and parts of the Paracel Islands. Even though the French and Vietnamese troops were also planning to take control over the islands, no country held any opposition, for the sovereignty of the islands were not a prior issue to the nations at that time.

However, the tension in the region accelerated dramatically in the next several years, and the economic interest is the main cause of the disputes. During the 1950s, with the discovery of oil and rich natural resources, nations including Brunei, China, Malaysia, Philippines, Taiwan, and Vietnam began to take action in order to secure their rights and power on the islands. They announced their Exclusive Economic Zones (EEZs) respectively.

However, the complex geological conditions further complicate the problem. The territories claimed by over ten countries overlapped each other. As a result, many



permanent bases were built and troops were sent to the islands. In 1974, the Battle of the Paracel Islands broke out between the Chinese and Vietnamese navy and ended up with China gaining full control over the islands. Another clash between China and Vietnam erupted in 1988, and China once again won the battle and occupied Johnson Reef.

Recent Incidents

In 2002, the situation turned better, for a practical declaration from the ASEAN, Declaration on the Conduct of Parties in the South China Sea, was signed by 11 countries. The paper addressed the importance of peace, the exchange of relevant information, and necessary notifications about military exercises in the surrounding areas. Although the declaration eased the tension between the claimants, due to the lack of a specific code of conduct, it failed to effectively organize clear plans.

Despite several international organizations and conferences have raised awareness concerning the issue, disputes between the claimants carried on recently. Such disputes include:

- 12 September, 2012 – The former Philippines president, Benigno Aquino III, officially named the South China Sea as West Philippine Sea and claimed it as part of Philippines' territory.
- August, 2013 – Malaysia suggested that China should be in control of the South China Sea and send out patrolling teams frequently.

- 2 May, 2014 – An oil drilling platform built by China was moved near to the Parcel Islands, which Vietnam felt its sovereignty violated, while China claimed the action is legal.
- 26 May, 2014 – The Vietnam government’s official website claimed that the Vietnamese fish boats were surrounded and attacked by Chinese fish boats in Vietnam’s exclusive economic zone.
- 8 April, 2015 – China is transforming Mischief Reef into an island. However, according to UNCLOS, territorial waters does not include artificial islands.
- 7 July, 2015 – Philippines v. China, also known as the South China Sea Arbitration, was brought by Philippines at the Permanent Court of Arbitration (PCA) under the provision of the UNCLOS. Philippines pointed out that China’s “nine-dotted line” claim over the South China Sea is illegal.
- 10 May, 2016 – China scrambled two fighter jets and three warships as the USS William P. Lawrence sailed within 12 nautical miles of Fiery Cross Reef.

Past Actions

In 1982, United Nations established United Nations Convention on the Law of the Sea (UNCLOS). The convention is supposed to be the constitution of the ocean because it defines rights, key regional terms, and responsibilities of all parties of the convention. Although the UN has no direct operational role in the implementation of the Convention, there is a role played by organizations such as International Tribunal for the Law of the Sea (ITLOS) and International Seabed Authority (ISA). However, all decisions created by the conventions are not binding and can be debated.

Philippines filed its case to the The Permanent Court of Arbitration (PCA) located in Hague in January 2013 following a tense standoff between Chinese and Philippines ships at Scarborough shoal in April 2012. The Philippine delegation argues its case against China’s “nine-dash line” claim in the South China Sea before the International tribunal for the Law of the Sea (ITLOS). The statement released to the media said, “Having found that none of the features claimed by China was capable of generating an exclusive economic zone, the Tribunal found that it could—without delimiting a boundary—declare that certain sea areas are within the exclusive economic zone of the Philippines, because those areas are not overlapped by any possible entitlement of China.”

According to the tribunal, Philippines has exclusive sovereign rights over the West Philippine Sea and that China’s “nine-dash line” is invalid. China was absent throughout the proceedings, refusing to recognize the case. On the other hand, Philippines did celebrate; however, president Rodrigo Duterte of the Philippines and China’s leader, Xi Jinping, agreed to resume direct talks on dispute in the South China Sea.

ASEAN

The Association of the Southeast Asian Nations (ASEAN) is a key organization regarding the issue of the South China Sea. To cope with the intensifying conflicts, the ASEAN members and China agreed to formulate a more binding code of conduct by developing the DOC. In November 2002 in Cambodia, member states of ASEAN and China signed the Declaration on the Conduct of Parties in the South China Sea (DOC). The text of the DOC clearly reveals three purposes: promoting confidence-building measures, engaging in practical maritime cooperation, and setting the stage

for the discussion and conclusion of a formal and binding COC. The DOC presents two aspects for peaceful settlement. One is the confirmation of peaceful resolution of territorial disputes and self-restraint of hostile attitudes. The other is the enhancement of confidence building through mutual exchange of military personnel and cooperation in environmental research.

By and large, DOC helped maintain the overall stability in the South China Sea. It has served as a platform for parties to communicate and exchange views. Some believe that the DOC at least has served as a moral constraint on all claimant states in the South China Sea. They further argue that the DOC has actually contributed to several cases of cooperation in the South China Sea: the tripartite joint seismic study among China, Vietnam, and the Philippines from 2005 to 2008. However, due to its lack of legal binding, so far, only very few instances of bilateral or multilateral cooperative projects took place in the South China Sea. The DOC does not stipulate any penalty or cost for non-compliance. There is even no mechanism to inflict rhetorical or reputational damage to the non-compliant party. And before 2011, the talks on a code of conduct have been slow and not very fruitful.

Since all ASEAN's member nations are claimants of the dispute, ASEAN's next approach to the issue is particularly crucial.

Questions to Consider

Keep in mind that the dispute in the South China Sea is **never** a regional issue.

1. Within the power of DISEC, what possible actions can be taken to stop surrounding countries' military expansions? Additionally, what are some possible ways for DISEC and other organizations to cooperate with each other?
2. What global impacts has it caused? How may these impacts relate to your country?
3. Analyze the stance of your country, even if it's not an Asia-Pacific country. Take dominant countries' policies into consideration.

Important Documents

1. UNCLOS
http://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf
2. 1992 ASEAN Declaration on the South China Sea
<https://cil.nus.edu.sg/rp/pdf/1992%20ASEAN%20Declaration%20on%20the%20South%20China%20Sea-pdf.pdf>
3. Declaration on the Conduct of Parties in the South China Sea
http://asean.org/?static_post=declaration-on-the-conduct-of-parties-in-the-south-china-sea-2
4. Timeline of the South China Sea Disputes
https://en.wikipedia.org/wiki/Timeline_of_the_South_China_Sea_dispute

Useful Resources

1. ECOSOC
<https://www.un.org/ecosoc/en/home>

2. ASEAN
<http://asean.org/>
3. Council on Foreign Relations (CFR)
<http://www.cfr.org/>
4. BBC News
<http://www.bbc.com/>
5. Wikipedia
https://en.wikipedia.org/wiki/Main_Page
6. International Business Times
<http://www.ibtimes.com/>

Reference:

South China Sea Claims Map

By Voice of America - <http://blogs.voanews.com/state-department-news/2012/07/31/challenging-beijing-in-the-south-china-sea/>, Public Domain, <https://commons.wikimedia.org/w/index.php?curid=47176473>

ASEAN's views

http://www.ide.go.jp/English/Research/Region/Asia/201209_suzuki.html

Declaration on the Conduct of Parties in the South China Sea

http://asean.org/?static_post=declaration-on-the-conduct-of-parties-in-the-south-china-sea-2

International Business Times

<http://www.ibtimes.com/south-china-sea-dispute-timeline-history-chinese-us-involvement-contested-region-2158499>

Managing Security in the South China Sea: From DOC to COC

<https://kyotoreview.org/issue-15/managing-security-in-the-south-china-sea-from-doc-to-coc/>