

UNITED NATIONS SECURITY COUNCIL

Study Guide for Zurich Model United Nations

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Honorable Delegates,

It is our immense pleasure to welcome you to the fourth session of Zurich Model United Nations and specifically to the Security Council. As chairs of this council we look forward to meeting all of you and to enjoy this marvelous experience together. Throughout your time in Zurich the debates, socials and pressing discussions will not come short. Having delegates in the council which strive for productive moderated and unmoderated caucuses our time together will be filled with a true feeling of MUN spirit. Together we can achieve purposeful results for the council and build a path for the future discussion on this topic.

Our topic, the territorial conflict in the South China Sea, is of high relevance in the global community. Understanding the interests and benefits from each and every member country and observer of the Security Council can prove very beneficial for the Council as a whole. Creating your own position papers and ensuring to be informed about your countries stand-point can allow for the establishment of a strong and useful resolution for our Council.

This guide provides a guideline on the topic at hand. We still strongly encourage to put research into your countries position and the current situation at hand. As the guide does not go into detail it will prove very beneficial to be well informed beyond this document. Preparation also allows you to make good points during the debates and ensure a successful and enjoyable time in the Council overall!

If you would like to receive feedback on your position paper or have any other queries, you can contact us through unsc@zumun.ch!

All the best for your preparation and we look forward to welcoming you to the conference!

Sincerely,

Sarah Alam El Din and Vjollca Morina

YOUR CHAIRS

Sarah Alam El Din

As a high school student Sarah decided to start a MUN club to gain knowledge about the workings of the United Nations. With her delegation she joined national and international conferences. During her time in university she decided to switch it up a little and start chairing conferences. Having had the privilege to work at an UNODC congress she was able to also gain experience in the processes involved in organizing such events first hand. Outside of university she likes to travel, read books, innovate and gain all types of new experiences.

Vjollca Morina

My name is Vjollca Morina and I am delighted to serve as one of your Chairs for the UN Security Council of ZuMUN 2018. I am doing my master's degree in law at the University of Zurich and hopefully will finish soon. I joined the MUN Team UZH in fall semester of 2016 and have since participated in six conferences. After being a delegate for my first year of MUN, I am now a member of the Executive Board of the MUN Team UZH and accompany motivated delegates to international conferences as their Chief Head Delegate.

In the little free time I do have – because of work, studies and MUN – I enjoy cooking, reading and travelling. I have always been interested in international politics and have enjoyed my experiences with MUN to the fullest. While being a delegate at several conferences was really fun, I now am more than excited for my first chairing experience. This year's topic of the ZuMUN UNSC might not be the most discussed in the media but is nevertheless a pressing issue that affects not only regional players but also the international community.

SECURITY COUNCIL

The first session held by the Security Council was in the year on 17th January 1946. The formation of the Council stems from the ratification of the UN Charter on 24th October of 1945 [United Nations, 2013]. The five permanent members - France, the Republic of China, the Russian Federation, the United Kingdom and the United States – have veto powers during the meetings and are permanently present. On a bi-annual basis, countries join the meetings by a concept of rotation. In 1965 an explicit rule for a rotary concept was defined, stating that “five from Africa and Asia, one from Eastern Europe, two from Latin America and the Caribbean, and two from Western Europe” [United Nations, 2013] ought to be represented in the temporary member pool. Through the Repertoire of the Practice of the Security Council, which was mandated by the General Assembly resolution 686 (VII), an interpretation of the United Nations Charter for the Security Council usage can be found [UN Department of Public Information, 2018].

Purpose and Powers

Its main responsibility is “the maintenance of international peace and security” (United Nations, 2018).

According to the United Nations Charter – which proves beneficial to read – the Security Council holds several important functions for maintaining peace and stability in the world. The main points are mentioned below:

1. Investigate disputes with potential for international friction and be a driver for settlements.
2. Recommend actions if peace may be jeopardized.
3. Urge member states to apply economic sanctions to stop aggressions.
4. Take military action against aggressor by the usage of UN peacekeepers
5. Recommendations for: New members, Secretary-General appointment and electing the ICJ judges. [United Nations, 2013]

A power differentiating the Security Council from other councils is that it has the ability to issue binding resolutions and use military power to end conflicts / enforce its decision. This can be achieved by different type of missions such as peacekeeping, political or peace-building missions. Establishing subsidiary organs is also a possibility the Security Council can make use of.

Considering the voting system every member of the Council is allowed one vote and procedural matters require an affirmative vote of a total of nine members [UN Security Council, 2018]. All other decisions require the same amount of voted including the “concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.” [UN Security Council, 2018]. Given the veto power of all permanent members, they can decide to abstain from a vote if they are unable to fully consent with the resolution. With that it is possible for the

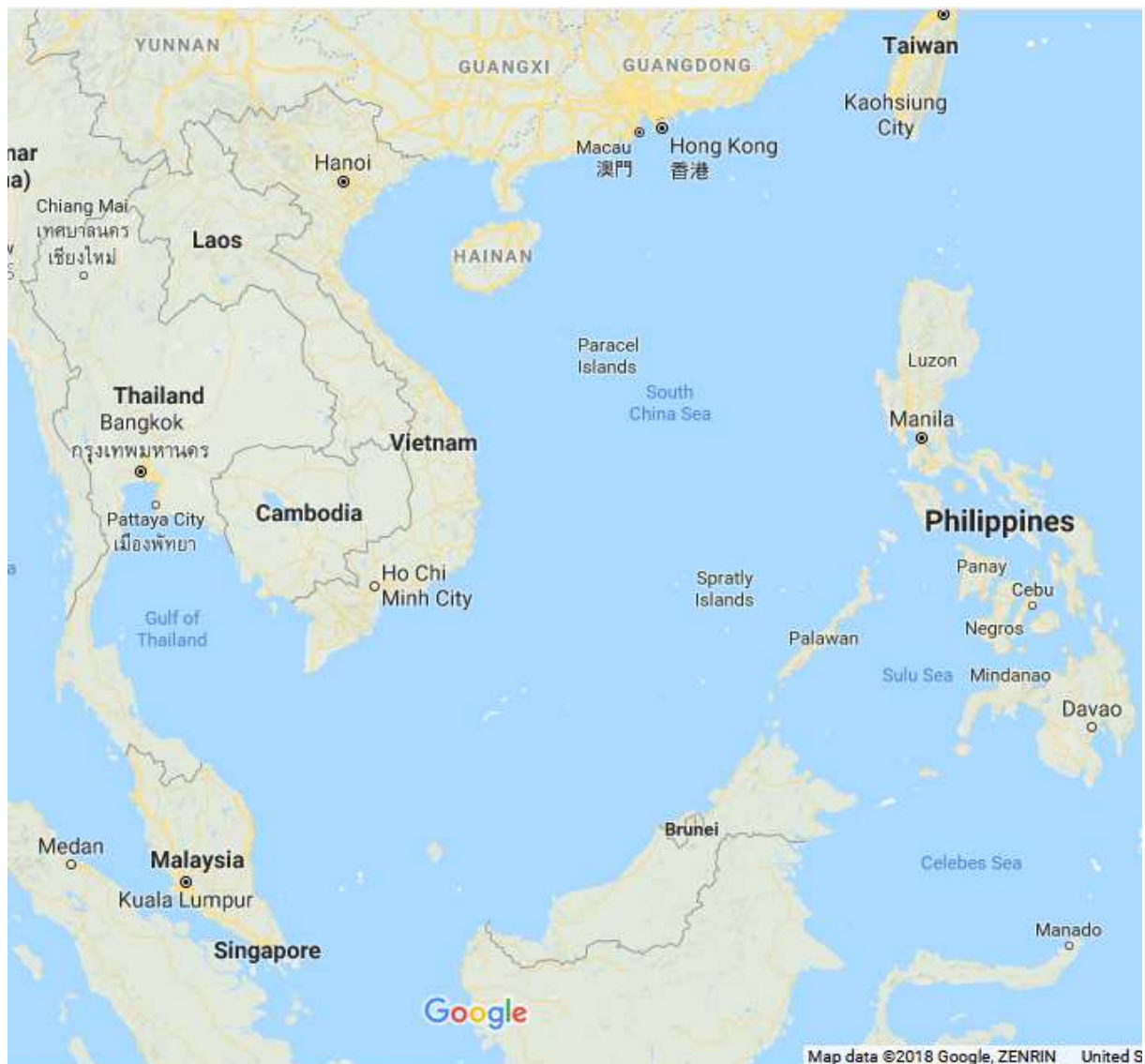
resolution to still be adopted if nine favorable votes can be acquired [UN Security Council, 2018].

The council meetings are called by the president/chair of the Security Council which changes on a monthly rotary basis.

TERRITORIAL CONFLICTS IN THE SOUTH CHINA SEA

Introduction

The area on topic is located in the Western Pacific Ocean. Below an image can be seen.



[Fig. 1: Source: Google Maps, 2018]

This area of sea has been under a lot of political discussion over the past 100 years. Different countries are not on common ground looking at the question of ownership. The main subject for all parties concerns the sovereignty of their country and the feeling of it being challenged by the Peoples Republic of China (PRC) claiming a part of their currently perceived land to be theirs. The claim for the South China Sea is based on a historical right [Dupuy, Dupuy. p. 124] and as with the other countries is perceived as a challenge to their sovereignty. The parties involved in the dispute with the respective country base their righteousness of claim on the Exclusive Economic Zone (EEZ) area (based on the United Nations Convention on the Law of the Sea). The countries do not recognize the historical claim by the PRC.

The current conflict started in 2009, while keeping in mind that this topic has been of relevance since the 1950's. The reason for receiving a substantial amount of attention from the year 2009 onwards was that on 7 May 2009 the Socialist Republic of Viet Nam submitted a claim to the *Commission on the Limits of the Continental Shelf* regarding their South China Sea claim [Ban, p. 1]. PRC decided to hence submit *a notes verbales* to the United Nations claiming complete sovereignty over the South China Sea and everything in it [Dupuy, Dupuy. p. 125] on the same day.

On 12th July 2016 the Permanent Court of Arbitration rules that the South China Sea does not belong to the PRC and that the Republic of the Philippines (ROP) has a right to the territory claimed according to UNCLOS. This ruling is not recognized by the PRC as the historical claim and evidence is still considered valid to them. It is important to say that UNCLOS does not include any sovereignty claims over any land and hence the topic of the Islands and Shoals is not included in this ruling [The South China Sea Arbitration, p. 2]. Instead maritime boundaries are concerned here. A relevant point here is that in 2006 RPC issued a declaration "*to exclude maritime boundary delimitation from its acceptance of compulsory dispute settlement, something the Convention expressly permits for maritime boundaries and certain other matters*" [The South China Sea Arbitration, p. 2]. The essential part for the ROP lies in annulling the idea of the "nine-dash-line", the right to the Shoals and several other claims of RPC's violations. For further information on the ruling of the Permanent Court of Arbitration, do refer to the official document from the Reference list. Also keep in mind that this document does serve as a binding document for the countries involved. The Security Council also served as the Council holding the responsibility for addressing non-compliance for rulings by the International Court of Justice (ICJ) [Security Council Report, 2016]. It only serves as a point of reference for understanding the course of the dispute.

Below one can see which areas are claimed by which countries. From this one can observe that several areas are claimed by more than 2 countries. The image below portrays the different claims. Since 1995 different military actions have taken place from several parties and are considered as defending ones' sovereignty. Countries involved in military disputes in the SCS are RPC, Malaysia, ROP and Republic of Vietnam [Majumadar, p.76]. These incidents resulted in many people wounded, missing or death. The individuals are amongst the groups of sailors, fishermen and military personnel.

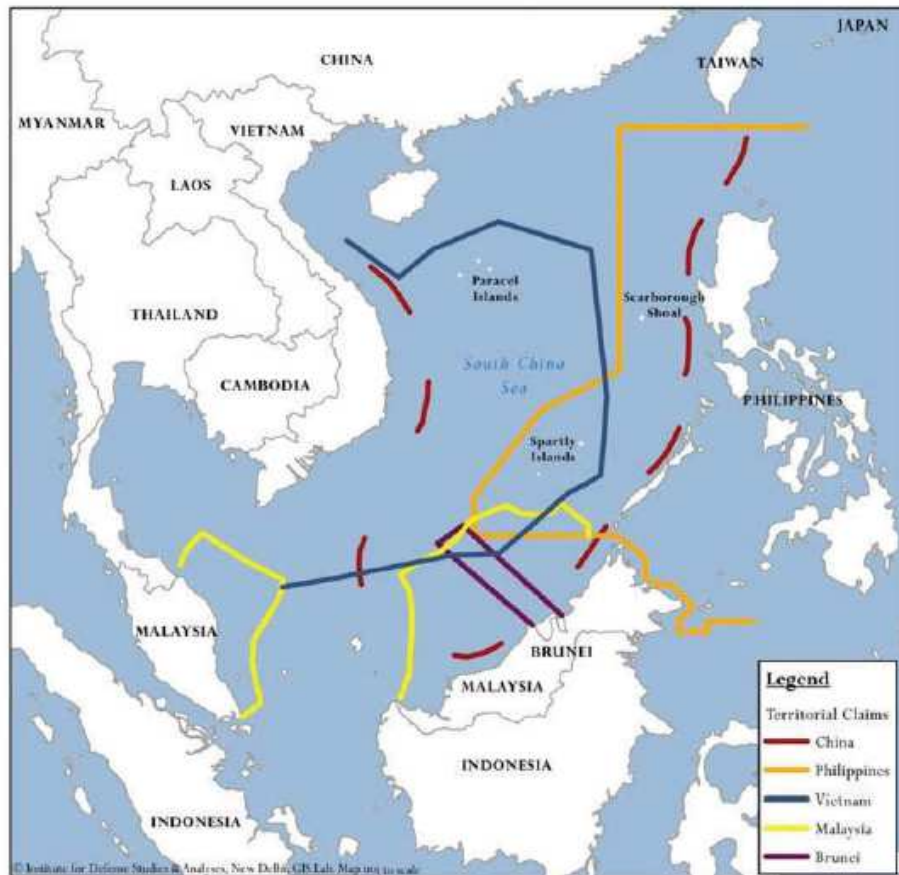


Figure 1. Map showing territorial claims and the nine-dash line.
Source: GIS Lab, IDSA.

[Fig.2: Source: Majumadar]

Location

“The South China Sea lies to the south of China; to the west of the Philippines; to the east of Viet Nam; and to the north of Malaysia, Brunei, Singapore, and Indonesia.” [The South China Sea Arbitration, p. 1. Its area is the size of 7 million km² and has a coastline of 234000 kilometers [Liu, Wang p.13]. Its total watershed area has an area of 8.6 million km² [Liu, Wang p.13].

History

During the Qin and Han dynasties the Silk Road was used to transport goods to different countries [Gao, Jia, p. 101]. Hence between the years of 221 BC-220 AD and after that reign the route was widely used between 618 AD- 1297 AD by the Tang and Song dynasties [Gao, Jia, p. 101]. This points out that the area has been in use by the Chinese dynasties for quite some time. However, what is unclear up to this point is that nations claiming this land now have only been gained independence long after the rules of the above kingdoms. The authors Gao and Jia also mention in their paper that the maritime trade declined once be-

tween the Ming and Qing dynasties as a ban was issued concerning this trade. Then, after the first Opium War between PRC and Great Britain took place the Sea trade was also put to rest. The literature found concerning the South China Sea are rather disputed. The reason for that is that the ownership is not actually being clarified in any literature and hence the usage of land or Sea does not define it as one's own in the perspective of many nations involved in the dispute. A passage clearly showing this is found in the book by Marwyn on page 10 taken from the "...third-century chronicle Nan-chou I-wu-chih (Records of Strange Things of the South) by wan Chen...": "Over the rough Chang Hai the water is shallow and the magnetic rocks [tz'ü-shih] are many. Men who sail great vessels beyond the frontiers [chiao-wai] must rely on the iron needle [t'ieh-chen] to reach this place, [but] having arrived at this passage, [they] are unable to proceed because of the magnetic rocks." This passage refers to the islands of the SCS and the SCS itself. It does, as earlier mentioned, not clarify who owns the SCS. It does show though, that the PRC has already recognized the SCS very early in their historical writings.

More recent developments followed in the year 1914. Here new islands started to appear on Chinese maps and in 1935 an atlas of the SCS was published by PRC featuring the islands and the Sea [Gao, Jia, p. 102].

Considering the ownership of several islands of Britain's' reign in Japan, the PRC was able to claim the islands of Xisha and Nansha back from Japan through the Cairo Declaration in 1946 [Gao, Jia, p. 102]. The first dash-line started to establish in the year of 1947 in order to point out the clear borders on the side of PRC [Gao, Jia, p. 102] and hence the eleven dash-line.

Between 17th and 20th January 1974 an armed conflict between PRC and the Socialist Republic of Vietnam took place in the Paracel Archipelago which lead the Vietnamese to eventually evacuate from the islands and lose the conflict [Marwyn, p.1]. The previous dispute with the Japanese over the Tiao-yu t'ai (Senkaku) Islands was handled peacefully in the earlier years and no armed conflict in the SCS was forcefully handled to such an extend thereafter [Marwyn, p.2]. In the year of 1797 another armed conflict between PRC and SRV took place though, leading to a Soviet fleet to appear in the SCS without a formal invitation from either party [Marwyn, p.5]. After the independence of the Philippines from the Spanish on 12th June 1898 they voiced out their formal claim for the Spratly islands in 1971 [Marwyn, p.2].

In 2004 SRV was able to occupy 29 of the Nansha Islands while Malaysia claimed five reefs in the Nansha Islands [Gao, Jia, p. 105].

Points of Interest

This section looks at the different points of interest, apart from sovereignty and historical right, for the respective parties involved. Since the SCS has a very high amount of natural resources this is of utmost importance for every member involved. In addition to that, the economic benefits of Sea ownership are also of relevance in this regard.

EEZ

Keeping in mind the EEZ of every country, the EEZ of the country which owns the islands in the SCS will essentially be from the islands onwards and hence allow it to be a much bigger area overall. This allows the jurisdiction of the area surrounding the islands ending at 22km.

Shipping and Air traffic lane

Shipments wanting to pass from the Western Pacific to the Indian Ocean or vice versa need to travel through the SCS [Rudra, p.103]. Oil is amongst the goods which is being transported through that route.

“Theoretically, occupation of the islands infers direct or indirect control over most transits from the Strait of Malacca to Japan. from Singapore to Hong Kong and from Canton to Manila. It was, in part, for this reason that the Imperial Navy of Japan occupied the Paracel and Spratly Islands in 1939, and then used Itu Aba Island in the Spratly group to launch part of their attack on the Philippines. “[Marwyn, pg. 4]

Fishing Ground

A substantial amount of fishery catch is derived from the SCS. A total of 40% of the worlds fishery produces is derived from here [Liu, Wang p.14]. This hence is a very large amount of economic benefit one draws from the SCS.

Oil and Gas Resources

“In December 1989, the China Daily reported official calculations that the Spratly Islands contained 25 billion cubic metres of natural gas and 105 billion barrels of oil and the James Shoal area a further 91 billion barrels.”[Hayton, p.122]

Coral Reef Ecosystem

The coral reefs in the SCS support “in-situ and ex-situ fisheries, are extremely productive, and protect shores against strong wave action.” [UNEP/GEF. p.1] Keeping in mind that 70% of the population of the South China Sea area live by the coast, fish provides a vast amount of nutrition’s for these individuals and is hence an essential part of their life.

Research

Several organizations are currently in the process of researching the extent of the ecosystem as a whole. Assessments are taking place in the regions by several institutions. Amongst them are “GEF conducting the “YSLME project (UNDP), PEMSEA project (UNDP/IMO), GIWA regional assessments (UNEP) and SCS project (UNEP)” [Liu, Wang p.15]. In addition to that the Asia-Pacific Fishery Commission, COBSEA Southeast Asian Fisheries Development Center and several other institutions are in the process of research. From this one can derive to what extend the area is still rather unknown and the full potential is still to be determined. Already proving to be of very high potential with all the resources available, the possibilities can be expanded even further. Keeping in mind the pollu-

tion of ecosystems and the implications this may hold for the quality of resources; the potential may vanish if not being taken care of in a qualitative manner. Hence the current research is also being conducted on water quality, living marine resources. This can determine the quality at this moment in time and ensure that it will also be kept up to its standard in the future.

GETTING TO A RESOLUTION

- Keep in mind that each member state has different interests in mind and in order to reach a well versed and useful resolution, all members ought to be heard in the resolution and be satisfied with the resolution in its final form
- How and where are the resources going to be distributed? Why? What possibilities are there?
- What can be done to ensure that each member receives a beneficial outcome while its sovereignty can be upheld?
- How can we prevent any further armed conflicts in the region concerning the South China Sea?
- Which steps are necessary to ensure long lasting peace concerning the SCS and to what extend can the Security Council prove useful to this process?
- To what extend is it possible to prevent civilians being affected by this ongoing conflict and how can the council ensure that they will not suffer from the consequences of decisions and actions?
- What frameworks, research, literature can be applied to solve the issue? Is there already a good idea in place and if yes, how can it be implemented in the resolution?

Useful points

- Keep your research focus on what your countries position is, not your own. Represent your country as effectively as possible. What are their goals, aims and potential benefits in this matter? How can you bring point these points out throughout the conference?
- Who are your allies?
- What involvement does your country already have in the topic or is it choosing to stay out of the whole issue and be a sole mediator? Why?

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