



THE SOUTH CHINA SEA DISPUTE: SIMULATING THE NEXT GLOBAL CONFLICT

A Case Study by

Yeju Choi

Kennesaw State University

Case Study #1217-05

PKSOI TRENDS GLOBALCASE STUDY SERIES

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Author Biographical Sketch

Yeju Choi is a Ph.D. Candidate in International Conflict Management in School of Conflict Management, Peacebuilding and Development at Kennesaw State University (KSU). She graduated summa cum laude from the University of West Georgia in 2013 with a Bachelor's of Science degree in Political Science and a minor in Spanish. In 2015, she graduated with honors from KSU with a Master's of Science degree in Conflict Management. She has published in *Conflict Resolution Quarterly*, the *International Journal of Conflict Management*, *Negotiation Journal*, and *Family Court Review*. She is also a Registered Neutral in the State of Georgia and has served as a Managing Editor and Resources Editor for the *Journal of Peacebuilding and Development* and an Editorial Assistant to *Conflict Resolution Quarterly*. Her dissertation explores how virtuality impacts team processes and outcomes in multinational teams.



The South China Sea Dispute: Simulating the Next Global Conflict

Background¹

For the past century, a number of sovereign states have laid claim to an overlapping territory in the South China Sea. The dispute revolves primarily around the control of two archipelagos, the Paracel and Spratly Islands, and their surrounding ocean areas (see Map 1 and 2 below). Although mostly uninhabited, these islands possess commercial, strategic, and historic value. And because there are no indigenous people on the islands, third parties must settle this dispute.

Disputed Territory

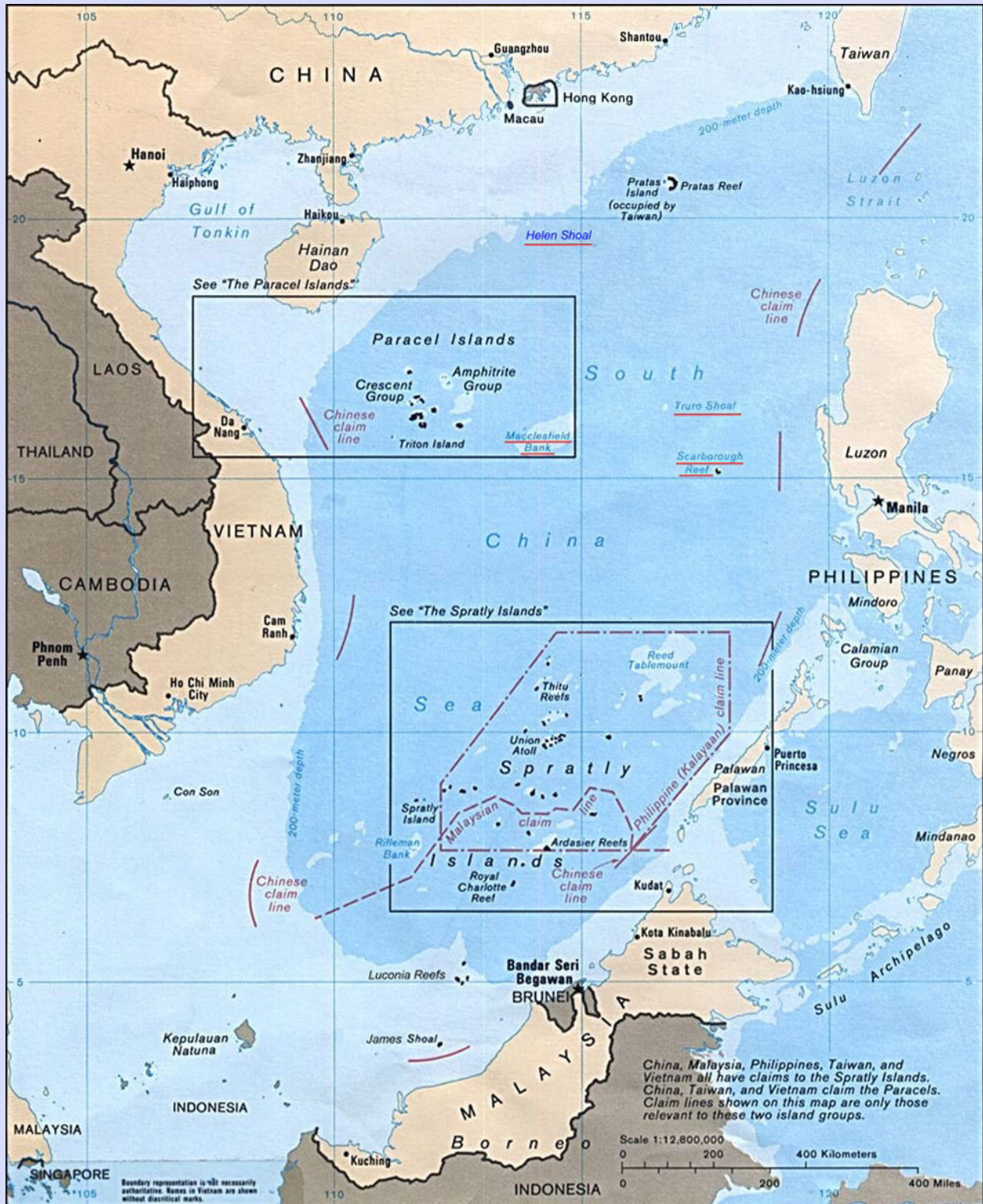
Spratly Islands

Measuring just over three (3) square miles, the Spratly Islands consist of a group of 100 small islands and reefs which host rich fishing grounds. There may also be oil and gas deposits, but these prospects have yet to be explored. The Spratlys are located off the coasts of the Philippines, Malaysia, and Vietnam and are south of the Paracel Islands. This territory is currently contested among China, Malaysia, Philippines, Taiwan, Vietnam, and Brunei. More specifically, China, Taiwan, and Vietnam claim the Spratlys in their entirety, while Malaysia, Brunei, and the Philippines claim only part of the islands.

Paracel Islands

A bit larger in size, the Paracel Islands are composed of 130 small coral islands and reefs. The Paracels also hold excellent grounds for fish and natural resources such as oil and gas. The area is approximately equidistant from the southern coast of China and the eastern coast of Vietnam. Since 1974, the Chinese military has garrisoned and occupied the land after seizing the territory from Vietnamese troops. Those who claim the Paracel Islands include China, Taiwan, and Vietnam.





Map 2³

What's at Stake?

Commercial Appeal

The South China Sea has big economic implications. There are an estimated 11 billion barrels of oil (0.7% of the world-wide reserve) and 190 trillion cubic feet of natural gas (2.8% of the worldwide reserve) in the South China Sea. Not only is it rich in natural resources, but the territory also serves as a crucial trade route. About \$5.3 trillion in total trade passes through the South China Sea every year.

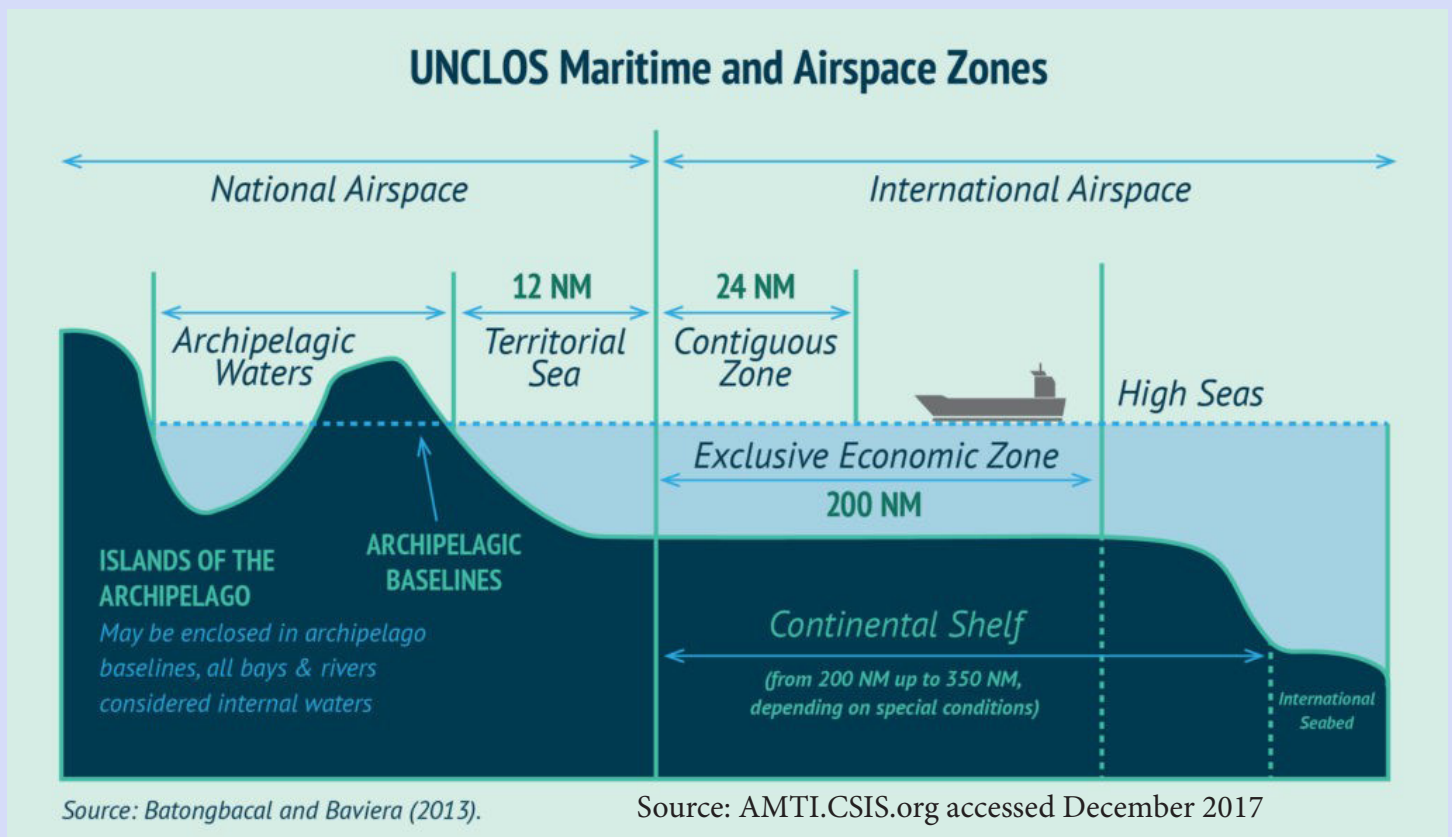
The economic value of the area's fisheries is also massive. The South China Sea accounts for one-tenth of world-wide fish stocks, which represents a multi-billion-dollar industry. Considering that fish protein is over 22% of the average Asian diet, tensions will only be aggravated as the demand for fish rises and the populations of these countries grow.

Strategic Positioning

In addition to its economic value, control of the South China Sea also offers excellent military positioning. As China continues to grow its influence, it has begun to utilize the islands in the South China Sea as military and naval bases. Many neighboring countries, such as Taiwan, Philippines, Vietnam, Malaysia, and Brunei, are wary of the Chinese military's encroachment toward their territories. There are also those who, although geographically distant, wish to have a presence in the South China Sea region.

Laws in Place

According to the international protocols set out by the United Nations Convention on the Law of the Sea (UNCLOS), a state's authority is limited to its territorial water, which can span a maximum of 200 nautical miles from the coast if given approval by the committee.⁴



The Scenario

China has claimed to have the right to resources within its “nine-dash line,” which extends hundreds of miles to the south and east of its island province of Hainan and covers some 90% of the South China Sea.⁵ China repeatedly inter-fered with traditional Philippine fishing rights at Scarborough Shoal and breached the Philippines’ sovereign rights by exploring for oil and gas. The Philippines brought this issue to the Permanent Court of Arbitration (PCA) in The Hague.⁶

Deciding on the South China Sea dispute, the Court ruled in favor of the Philippines on July 12, 2016.⁷ The Court invalidated Beijing's claims to ill-defined historic rights throughout the nine-dash line, recognized the traditional Philippine's fishing rights at Scarborough Shoal, and concluded China has no legal basis to claim historic rights to 90% of the South China Sea.⁸ It found that none of the Spratlys, including its largest natural features—Itu Aba, Thitu Island, Spratly Island, Northeast Cay, and Southwest Cay—are legally islands because they cannot sustain a stable human community or independent economic life. As such, they are entitled only to territorial seas, not exclusive economic zones (EEZs) or continental shelves. Of the seven Spratlys occupied by China, the court ruled that Johnson Reef, Cuarteron Reef, Fiery Cross Reef, and Gaven Reef are rocks, while Hughes Reef and Mischief Reef are below water at high-tide and therefore generate no maritime entitlements of their own. It also ruled that Kennan Reef is a low-tide elevation, while Second Thomas Shoal and Reed Bank are submerged and belong to the Philippine continental shelf. Taken together, these decisions effectively invalidate any Chinese claim within the nine-dash line.⁹ Therefore, the Court concluded that China has no legal basis to claim historic rights to the bulk of the South China Sea.

Chinese President Xi Jinping immediately rejected the decision by the PCA and said “China will never accept any claim or action based on those awards.”¹⁰ China rejected the Court's authority to rule on the case and attempted to discredit ruling's legitimacy as biased by pointing to the fact that a judge from China's regional rival Japan was involved in its creation.¹¹ A spokesman for the Chinese Ministry of Foreign Affairs called the Tribunal in The Hague illegitimate. “I want to assert that this tribunal was first established on the basis of unlawful actions and illegitimate demands by the Philippines. Its existence has no legal basis. Whatever rulings it makes are futile and without legal force.”¹² The Chinese government has continued building up seven artificial islands on reefs in the South China Sea as well as continued its naval drills with the Russian military in the disputed area.¹³¹⁴¹⁵

Given the wide-reaching economic and security implications of the Court's ruling and rejection by China, the Secretary-General of the United Nations has assembled a meeting of a group of Special Representatives from the countries with particular interest and stakes in this territorial dispute and the Association of South East Asian Nations (ASEAN) to negotiate a proposal that would be acceptable to all the stakeholders. Such a proposal would then serve as the basis for the resolution of this territorial dispute.

The Assignment

Your task as a representative participating in this meeting is, in collaboration with the other representatives, to develop a draft for a resolution that could be passed by the United Nations Security Council and the United Nations General Assembly. Representatives of the following groups have accepted the invitation to the meeting: China, Taiwan, the Philippines, Vietnam, Malaysia, Brunei, ASEAN, and the U.S.

- The attendees of the meeting will be the representatives of:
- The Ministry of Foreign Affairs in China
- The Ministry of Foreign Affairs in Taiwan
- The Ministry of Foreign Affairs in the Philippines
- The Ministry of Foreign Affairs in Vietnam
- The Ministry of Foreign Affairs in Malaysia
- The Ministry of Foreign Affairs in Brunei
- The Secretary-General of ASEAN
- The U.S. Department of State

Time permitting, you are asked to write a position paper laying out the following for your assigned country or the ASEAN Mission: the official position of your country (or ASEAN) and its interests in the negotiation, its desired outcomes,

and its actions taken so far. In doing so, you should consider historical, geographical, strategic, military, economic, and other considerations, such as current bilateral and multilateral relations, that have led your country (or ASEAN) to pursue your preferred course of action.

Prior to completing this assignment, you will watch a video providing answers to the following questions:

- What is the current South China Sea dispute?
- When did it begin?
- What is so special about the area?
- What are the areas of contention?
- Who is involved in the conflict?
- Who claims to own the territory?
- How have countries staked their territory?
- How has this affected the region?
- Why did the United States get involved?
- How will this end?

Reference Materials

For the **timeline of the South China Sea dispute**, see: “Arbitration on the South China Sea: Rulings from The Hague,” Asia Maritime Transparency Initiative, accessed September 5, 2016, <https://amti.csis.org/ArbitrationTL/>.

For the **text of the ruling** in PCA Case N° 2013-19, see: “PCA Case N° 2013-19 IN THE MATTER OF THE SOUTH CHINA SEA,” Permanent Court of Arbitration, July 12, 2016, accessed November 1, 2016, <https://pca-cpa.org/wp-content/uploads/sites/175/2016/07/PH-CN-20160712-Award.pdf>.

For the **requisite provisions under the Law of the Sea**, see Annex VII to UNCLOS: The United Nations, “United Nations Convention on the Law of the Sea,” accessed November 1, 2016, <http://www.documentcloud.org/documents/1338703-unclos-e.html>.

For more **background on how China** came to agree to UNCLOS which it now may regret, see “China and UNCLOS: An Inconvenient History,” The Diplomat, July 11, 2016, accessed July 27, 2017, <http://thediplomat.com/2016/07/china-and-unclos-an-inconvenient-history/>

For more **maps of the disputed region** see: The South China Sea, accessed November 10, 2016, <http://www.southchinesea.org/maps/territorial-claims-maps/>, Chinese Detention/Defense Capabilities in the South China Sea, accessed July 26, 2017, https://csis.carto.com/viz/4c461308-d73e-11e5-9a49-0e3ff518bd15/embed_map, “South China Sea Territorial Disputes Mapped,” Thomson Reuters, June 13, 2016, accessed November 13, 2016, <https://blogs.thomsonreuters.com/answerson/south-china-sea-territorial-disputes-graphic-day/>.

For **further background information**, see:

- “China’s Xi Jinping Talks Up ‘One Belt, One Road’ as Keynote Project Fizzles,” Time, August 18, 2016, accessed July 27, 2017, <http://time.com/4457044/xi-jinping-one-belt-one-road-obor-south-china-sea-economic-trade-business/>,
- “Joint Statement for Enhancing the Comprehensive Partnership between the United States of America and the Socialist Republic of Vietnam,” The White House, May 31, 2017, accessed July 27, 2017, <https://www.whitehouse.gov/the-press-office/2017/05/31/joint-statement-for-enhancing-the-comprehensive-partnership-between-the-united-states-of-america-and-the-socialist-republic-of-vietnam>

[house.gov/the-press-office/2017/05/31/joint-statement-enhancing-comprehensive-partnership-between-united-](https://www.whitehouse.gov/the-press-office/2017/05/31/joint-statement-enhancing-comprehensive-partnership-between-united-states-and-indonesia)

- “Remarks by the Vice President at ASEAN,” The White House, April 20, 2017, accessed July 27, 2017, <https://www.whitehouse.gov/the-press-office/2017/04/20/remarks-vice-president-asean>,
- “Trump just approved a plan for the US Navy to check Beijing in the South China Sea,” Business Insider, July 22, 2017, accessed July 27, 2017, <http://www.businessinsider.com/trump-us-navy-check-beijing-in-the-south-china-sea-2017-7>,
- “One of the World’s Biggest Fisheries Is on the Verge of Collapse,” National Geographic, August 29, 2016, accessed July 27, 2017, <http://news.nationalgeographic.com/2016/08/wildlife-south-china-sea-overfishing-threatens-collapse/>.

Notes:

¹ This background information is taken from the Brown University Simulation of the United Nations nineteenth annual session background guide. The link for this document is currently deleted as they hold the twentieth annual session. “The Brown University Simulation of the United Nations the Nineteenth Annual Session Background Guide,” The Brown University Simulation of the United Nations [BUSUN], accessed September 12, 2016, <http://busun.org/>.

² This map is taken from “Tribunal Overwhelmingly Rejects Beijing’s South China Sea Claims,” Brainerd Dispatch, July 12, 2016, accessed September 12, 2016, <http://www.brainerddispatch.com/news/elsewhere/4072342-tribunal-overwhelmingly-rejects-beijings-south-china-sea-claims>.

³ This map is taken from Sean Mirski, “The South China Sea Dispute: A Brief History,” Lawfare, June 8, 2015, accessed November 1, 2016, <https://www.lawfareblog.com/south-china-sea-dispute-brief-history>.

⁴ See Katie Hunt, “South China Sea: Court Rules in Favor of Philippines over China,” CNN, July 12, 2016, accessed November 1, 2016, <http://www.cnn.com/2016/07/12/asia/china-philippines-south-china-sea/>.

⁵ See Hunt, “Court Rules in Favor of Philippines over China.”

⁶ See “Tribunal Overwhelmingly Rejects Beijing’s South China Sea Claims,” Brainerd Dispatch.

⁷ To see PCA Case No 2013-19 in the matter of the South China Sea Arbitration, please see: “PCA Case No 2013-19 in the Matter of The South China Sea,” Permanent Court of Arbitration, July 12, 2016, accessed November 1, 2016, <https://pca-cpa.org/wp-content/uploads/sites/175/2016/07/PH-CN-20160712-Award.pdf>.

⁸ See Hunt, “South China Sea: Court Rules in Favor of Philippines over China.”

⁹ See “Philippines v. China: Arbitration Outcomes,” Asia Maritime Transparency Initiative, 2016, accessed November 5, 2016, <https://amti.csis.org/analysis/>.

¹⁰ See Hunt, “South China Sea: Court Rules in Favor of Philippines over China.”

¹¹ See Oliver Holmes and Tom Phillips, “South China Sea Dispute: What You Need to Know about The Hague Court Ruling,” The Guardian, July 12, 2016, accessed November 2, 2016, <https://www.theguardian.com/news/2016/jul/12/south-china-sea-dispute-what-you-need-to-know-about-the-hague-court-ruling>.

¹² This statement is taken from the video clip: Tribunal Rejects Beijing’s Claims in South China Sea, The New York Times, July 12, 2016, accessed November 4, 2016, <http://www.nytimes.com/2016/07/13/world/asia/south-china-sea-hague-ruling-philippines.html>.

¹³ See Frances Martel, “China Schedules Military Drills with Russia in South China Sea,” Breitbart, July 28, 2016, accessed November 6, 2016, <http://www.breitbart.com/national-security/2016/07/28/china-russia-will-hold-joint-south-china-sea-drills/>.

¹⁴ See Katie Hunt and Kathy Quiano, “South China Sea: China Building More Islands?” CNN, September 8, 2016, accessed November 17, 2016, <http://www.cnn.com/2016/09/08/asia/south-china-sea-scarborough-shoal-philippines-china/>.

¹⁵ To review the Chinese military assets in the South China Sea, please see: Minnie Chan, “South China Sea Air Strips’ Main Role Is ‘to Defend Hainan Nuclear Submarine Base,’” South China Morning Post, July 23, 2016, accessed September 17, 2016, <http://www.scmp.com/news/china/diplomacy-defence/article/1993754/south-china-sea-air-strips-main-role-defend-hainan..> Please note that this information is as of July 23, 2016.