

OAKRIDGE



MUN 2023

**UNGA-
ESS**

BACKGROUND GUIDE

The South China Sea Conflict

INTRODUCTION TO UNGA-ESS CRISIS COMMITTEE

This committee will be a simulation of the UNGA Emergency Special Session discussing the situation in the South China Sea, particularly the security threats in the region. The structure of the United Nation entrusts the responsibility of maintaining international peace and security to the Security Council. However, due to special provisions like the veto power the Security Council often finds itself at an impasse. In order to circumnavigate such stalemates in the international system, the General Assembly passed resolution 377 named 'Uniting for Peace' on November 3, 1950. This resolution expanded the scope of the General Assembly and enabled it to consider agendas of nature that were previously reserved only for the Security Council. Under the Resolution, if the Security Council cannot come to a decision on an issue due to a lack of unanimity, the General Assembly may hold an emergency special session within 24 hours to consider the same matter. This committee will be simulating an Emergency Special Session on the South China Sea in a continuous crisis setting.

Crisis committees present their participants with particularly challenging and enjoyable learning opportunities at many Model UN conferences. Participants need to do in-depth research and have command of the topics likely to be discussed in a crisis committee. You will be pushed to use your imagination and assume leadership roles during the committee's debates and negotiations. Due to the committee's dynamic pace, you, as delegates, will have ample occasion to speak, get involved, and develop leadership skills.

Unlike regular MUN committees, crisis committees address issues that are constantly announced and developed during the committee's session. Consequently, delegates must be generally well informed about international relations and world politics of modern times, and be ready to make quick decisions about crises such as wars, revolutions, natural disasters, or economic collapse that might occur during committee sessions.

The status-quo for this committee is the current tense situation in the South China Sea Region. Delegates are urged to consider China's maritime aggression in the region and diplomatic Uncertainties concerning Taiwan and Hong Kong. You will have to put yourselves in the shoes of The leaders of countries and make decisions as if you can alter the course of world politics while being unaware of what will happen in the future. From the initial discussion of the committee and the directives you send in, various crises will emerge that will be conceived and announced by the executive board. The committee will consider these crises and try to develop strategies and measures expressed in resolutions, directives, press releases, and communiqués for managing or solving them.

To participate effectively in this committee, delegates should have researched and developed a good grasp of the background of this particular crisis. In addition to the situation in the South China Sea, delegates should be prepared to debate and negotiate resolutions and directives about other events that might arise in the committee.

COMMITTEE STRUCTURE, DEFINITIONS, AND PROCEDURES

At OakMUN's Emergency Special Session of the General Assembly, each delegate will be ambassador plenipotentiary of the country allotted to them. You will hence have greater powers than regular ambassadors of other committees. We will be following UNA-USA rules of procedures with some special provisions followed due to the committee's dynamic and crisis oriented nature. Throughout the crisis simulation, the executive board will create a storyline of made-up occurrences based on significant real-life events that have or might take place in the South China Sea and the directives sent-in by delegates. It will be the delegates' task to react to these dynamic situations, trying their best to find a solution representing their nations' interests and maintaining their foreign policy goals.

The committee is expected to pass a final document by the end of the third day of the conference. The process of documentation and it's specificities will be explained and discussed in detail in the committee.

DIRECTIVES

Directives are action plans that the entire committee wishes to take and are one of the main forms of writing in a crisis committee. Less emphasis is put on wording and vocabulary in directives than in resolutions. Directives issue orders for official action to be taken in response to the crisis at hand. They should be clear, realistic and feasible to be accepted by the Executive Board.

Directives are your main tool for affecting the crisis. To have the best chance of getting your directives accepted by the backroom they need to be clear, concise and well written. The objective of directives is to further your country's goals. Some of the actions you will want to achieve through directives will be complex and require multiple steps. In those cases you need to build up towards your goal. Directives do not count unless they are approved the executive board. Whether you want to contact a move your troops, establish spy networks, or take any executive decision, you have to do it through directives. No request, or instruction, sent in a directive becomes "true" unless you either get a positive reply from the executive board, or you see the outcome of your directive in the crisis news.

GUIDANCE FOR GOOD DIRECTIVES

1. Provide clear instructions: Once you have a clear idea of what you want to achieve – write it clearly. One way of knowing if your writing is to the point, or how much information to put in a directive, is to imagine that you are the one receiving the orders.

For example, if you are writing a directive to have an agent steal important papers, put yourself in the shoes of the department concerned and think of how much detail you would need, and what equipment you require in order to carry out the plan. You do not need to go into overly specific detail. For example, you do not need to write obvious points such as, carrying food or basic life necessities. Make sure to have the key details as you write instructions the reader can follow. When your idea is clear the executive board can properly evaluate your plans.

2. Be Concise and to the Point: Try to keep your directives from getting too long while still being detailed enough to not leave room for misinterpretation.

For example, don't write "I want to attack country B". Instead, use the information you know about the country in question to write a plan. What departments will be involved?

Which branch of the military will do what? What equipment will be used? Is there a contingency plan? Try to fill in as many plot holes as possible without writing an essay. When the plan is complex, it will need to be built up in a series of steps, which leads us to the next point.

3. Create Your Plan Step-by-Step: You cannot create the most profitable business, build the best spy network, pull off the coup of the century, or steal the crown jewels through just one directive. Once you find information, exploit it to create a successful plan and cover your tracks.

4. One Issue Per Directive: If you have to juggle your private affairs, spy on another character, and troop movements all at the same time, use separate directives for each issue. Not including multiple issues in one directive makes it easier for the executive board to process your directives and get back to you sooner. It also makes it easier for the executive board to track different directives and leaves less room for confusion or for directives to get lost.

5. When in Doubt, Refer to Your Previous Directives: When in the thick of it, don't be afraid to remind the executive board of what already happened. It is best to do this briefly, either in the opening sentence, or right at the end. This is important because crisis can get hectic and the backroom can lose valuable time in trying to understand what you are talking about.

For example, if you have troops in region A, and want to move them to region B, it's

better to remind the executive board that they already approved this. It can also help if you had something special about them (possibly a special uniform color, strange flag design or equipped them with a unique piece of weaponry) instead of just writing "move my troops north". Writing "Move my troops equipped with weapon X from region A to region B" will go a long way in reducing response time.

6. Use Exact Numbers: Whenever numbers are involved, use exact numbers, not percentages. Providing exact numbers will make you look well-informed and detail-oriented. This is especially helpful in latter stages of a crisis when a lot of plans happen simultaneously, which could get convoluted.

In short, be as clear and concise as you can to get the message across, create a step-by-step plan, don't mix multiple ideas into a single directive, refer to previous directives and use exact numbers. Please go through the sample directive attached in this background guide to gain a sound grasp of how to write one.



COVERT DIRECTIVE

From: United Kingdom
To: EB

Primary Objective: conducting reconnaissance flights over the Strait of Tiran.

Secondary Objective: identifying potential threats that could be faced by American warships approaching the Strait of Tiran.

Mission brief: having received intelligence reports, the United Kingdom will conduct a reconnaissance mission over the Strait of Tiran in order to identify potential threats that could be faced by allied warships approaching the waterway.

Plan of Action:

1. Two English Electric Canberra aircraft will take off from Cyprus and land in Tel Aviv.
2. The aircraft will refuel in Tel Aviv and prepare for a reconnaissance mission over the strait of Tiran using advanced photography equipment and avionics.
3. The aircraft will also be tasked with intercepting and hence picking up radio chatter in the strait of Tiran.
4. The aircraft will fly just below their service ceiling of 48,000ft before reaching the strait and then perform a rapid descent to 15,000 ft.
5. Post circling the strait of Tiran and photographing evidence about any possible threats allied warships could face and after picking up radio communications, the aircraft will almost vertically climb back to an altitude just below their service ceiling.
6. The aircraft will again land in Tel Aviv before continuing on to Cyprus.
7. The gathered intelligence will be processed by MI6 and shared with the British government.

United Kingdom

LETTER FROM EXECUTIVE BOARD

Greetings Delegates,

It is our pleasure to welcome you to OakMUN's Emergency Special Session of the General Assembly. We will simulate an Emergency Special Session of the General Assembly called by invoking resolution 377. We will follow the broadly used UNA-USA Rules of Procedure with a few tweaks as necessitated by the nature of the crisis we are dealing with. As the executive board, we will place significant importance on diplomacy, courtesy, adherence to foreign policy, sovereign exercise of functions, and methodical negotiations.

As a crisis committee, the mandate of this committee is extremely broad. We expect the delegates to take the lead and respond to crisis updates with effective directives to keep the committee flowing. This committee, due to it being an Emergency Special Session, is relatively more powerful than other committees with an extremely vast mandate and we are excited to moderate all your debates and discussions. Our meetings are inclusive, and strongly averse to discrimination, misconduct and malpractices. As a representative at the conference, Members shall be bound by the codes of conduct, policies and regulations of the conference. Needless to say, we expect the highest possible standard of commitment from all members involved.

With hope that you will enhance the quality of this meeting with your substantive participation, we invite you to be a part of this Emergency Special Session. We will strive to maintain a positive, inclusive and educational atmosphere for all. Remember, this background guide is not the end of your research but just its beginning. We expect all delegates to come prepared to committee with a much more detailed, holistic, contextualized and country-specific outlook on the agenda.

Looking forward to working with you,

Ishan Jasuja: Chairperson

Sri Kalash Yedlapeti: Vice-chairperson

BACKGROUND ON THE SOUTH CHINA SEA DISPUTE

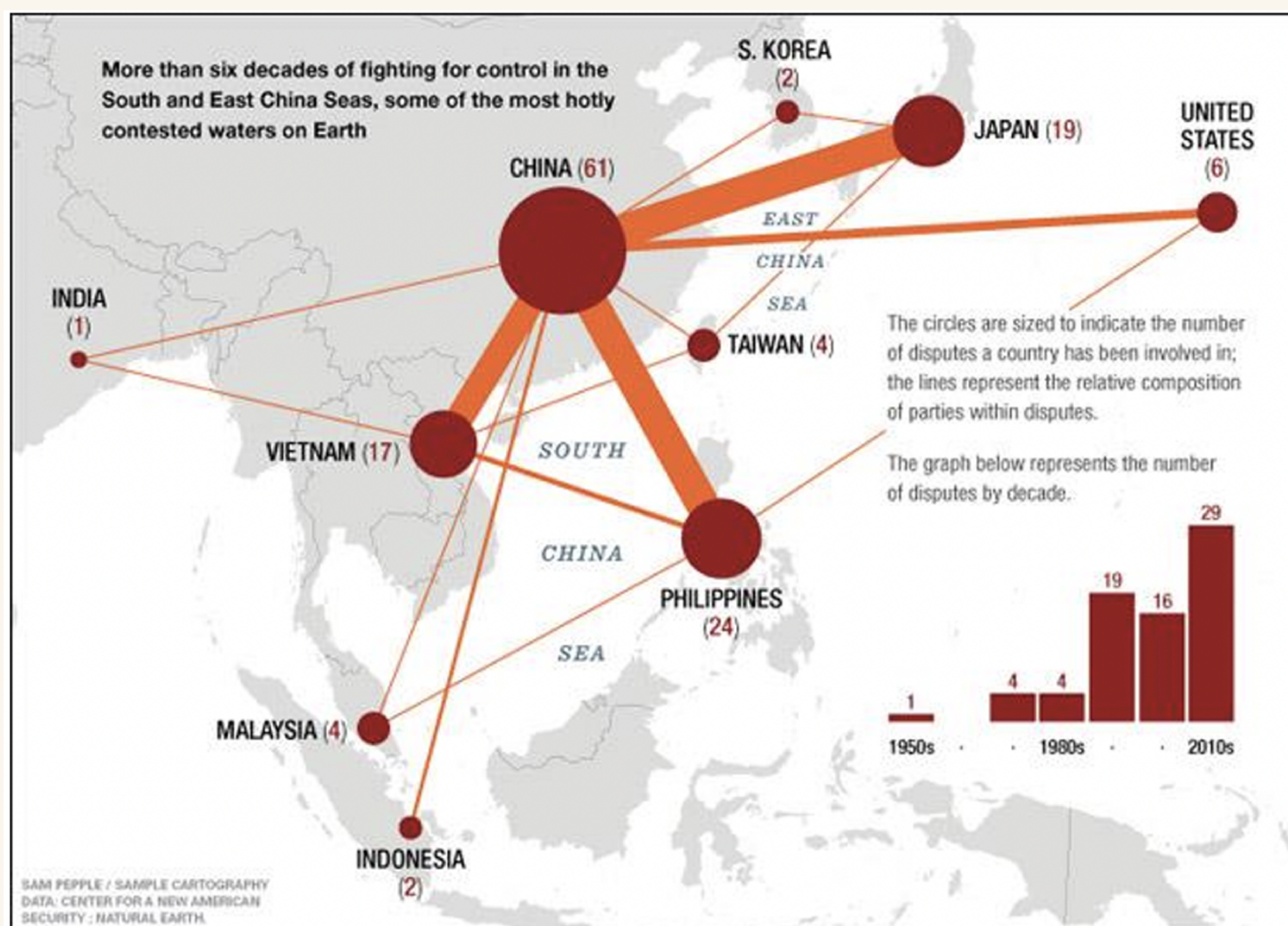
The South China Sea is part of the Pacific Ocean and is surrounded by China, Brunei, Indonesia, Malaysia, the Philippines, Taiwan, and Vietnam. It is of great geopolitical importance for many reasons. It is one of the world's busiest waterways and a vital shipping route, with over \$5 trillion of trade passing through the region annually. It is abundant in natural resources like fish and is thought to contain vast oil and natural gas reserves. Given its economic potential, all nations bordering the South China Sea have disputed the exact maritime boundaries and have made competing claims to certain land features within the sea, such as small islands, reefs, and rocks, to legitimize their claims to these natural resource reserves. Over the past several decades, the severity of these territorial disputes has worsened as claimants have pursued increasingly aggressive tactics to gain control of the land. These actions include the introduction of military forces in the area, the construction of artificial islands, the extracting of natural resources in areas publicly disputed by nations and/or private companies, and low-level harassment of rival claimants' economic and naval ships.

Military Tensions in the Region

The risk of conflict escalating in the South China Sea is significant and of immediate concern. Freedom of navigation in the region is a contentious issue, especially between the United States and China over the right of U.S. military vessels to operate in China's twohundred-mile exclusive economic zone (EEZ). These tensions are shaping—and being shaped by—rising apprehensions about the growth of China's military power and its regional intentions.

China has substantially modernized its maritime paramilitary forces and naval capabilities to enforce its sovereignty and jurisdiction claims by party if necessary. At the same time, it is developing capabilities that would put U.S. forces in the region at risk in a conflict, thus potentially denying access to the U.S.

Navy in the western Pacific. The U.S. pivot to Asia, involving renewed diplomatic activity and military redeployment, could signal Washington's heightened role in the disputes, which, if not managed wisely, could turn part of Asia's maritime regions from thriving trade channels into arenas of conflict. The United States holds that nothing in the United Nations Convention on the Law of the Sea (UNCLOS) or state practice negates the right of military forces of all nations to conduct military activities in EEZs without coastal state notice or consent. China insists that reconnaissance activities undertaken without prior notification and without the coastal state's permission violate Chinese domestic and international law. A comparable maritime incident could be triggered by Chinese vessels harassing a U.S. Navy surveillance ship operating in its EEZ, such as in the 2009 incidents involving the USNS Impeccable and the USNS Victorious. The enormous growth of Chinese submarines has also increased the danger of an incident, such as when a Chinese submarine collided with a U.S. destroyer's towed sonar array in June 2009. Since neither U.S. reconnaissance aircraft nor ocean surveillance vessels are armed, the United States might respond to dangerous behavior by Chinese planes or ships by dispatching armed escorts. The question of "sea sovereignty" is to be considered if compromises cannot be made regarding military activities in the South China Sea; tensions could escalate into violence.



Resource Tensions in the Region

The nations of China, Taiwan, Vietnam, Malaysia, Brunei, and the Philippines have competing territorial and jurisdictional claims, particularly over rights to tap into the region's possibly extensive oil and natural gas reserves. These countries lay overlapping claims to the East and South China Seas, and this region has the potential to support a multi-trillion-dollar resource global trade hub. As it seeks to expand its maritime presence, China has been met with growing assertiveness from regional claimants like Japan, Vietnam, and the Philippines. The increasingly frequent standoffs span from the Diaoyu/Senkaku Islands, on China's eastern flank, to the long stretch of archipelagos in the South China Sea that comprise hundreds of islets. One contingency involves conflict between China and the Philippines over natural gas deposits, especially in the disputed area of Reed Bank, located eighty nautical miles from Palawan. Forum Energy is only one of fifteen exploration contracts that Manila intends to offer over the next few years for offshore exploration near Palawan Island. Reed Bank is a red line for the Philippines, so this contingency could quickly escalate to violence if China intervened to halt the drilling. The United States could be drawn into a China-Philippines conflict because of its 1951 Mutual Defense Treaty with the Philippines.

The treaty states, "Each Party recognizes that an armed attack in the Pacific Area on either of the Parties would be dangerous to its peace and safety and declares that it would act to meet the common dangers by its constitutional processes." Disputes between China and Vietnam over seismic surveys or drilling for oil and gas could also trigger an armed clash for another contingency. China has harassed PetroVietnam oil survey ships in the past that were searching for oil and gas deposits in Vietnam's EEZ. In 2011, Hanoi accused China of deliberately severing the cables of an oil and gas survey vessel in two separate instances. Although the Vietnamese did not respond with force, they did not back down, and Hanoi pledged to continue its efforts to exploit new fields despite warnings from Beijing. The United States might dispatch naval vessels to the area to signal its interest in regional peace and stability. Vietnam, and possibly other nations, could also request U.S. assistance in such circumstances. In the short term, however, the likelihood of this contingency occurring is relatively low, given the recent thaw in SinoVietnamese relations. In October 2011, China and Vietnam signed an agreement outlining principles for resolving maritime issues. The effectiveness of this agreement remains to be seen, but for now, tensions appear to have been defused.



Dispute over Freedom of the seas

A dispute over how to interpret UNCLOS lies at the heart of tensions between China and the United States over the activities of U.S. military vessels and planes in and over the South China Sea and other waters off China's coast. The United States and most other countries interpret UNCLOS as giving coastal states the right to regulate economic activities within their EEZs, but not the right to regulate navigation and overflight through the EEZ, including by military ships and aircraft. China maintains that, under international law, foreign militaries are not able to conduct intelligence-gathering activities, such as reconnaissance flights, in its exclusive economic zone (EEZ) and they have the right to regulate both economic activity and foreign militaries' navigation and overflight through their EEZs.

In July 2016, the Permanent Court of Arbitration at The Hague issued its ruling on a claim brought against China by the Philippines under UNCLOS, ruling in favor of the Philippines on almost every count. While China is a signatory to the treaty, which established the tribunal, it refuses to accept the court's authority.

In recent years, the U.S. Navy and Air Force have stepped up the pace and public profile of their activities in the South China Sea. The U.S. Navy conducts Freedom of Navigation Operations (FONOPs), challenging maritime claims that the United States considers to be excessive. It also seeks to maintain an ongoing presence in the SCS “to uphold a free and open international order,” while the U.S. Air Force flies bomber missions over the SCS.

China regularly conducts military patrols and training in the SCS, and objects strenuously to U.S. military activities there. In response to U.S. FONOPs in 2020, China twice accused the United States of “trespassing” in its territorial waters and demanded that the United States “strictly control” its SCS military activities in order to avoid “unexpected incidents.” China and the other SCS claimants are parties to UNCLOS. The United States is not a party but has long had a policy of abiding by UNCLOS provisions relating to maritime disputes and rights. UNCLOS allows state parties to claim 12-nm territorial seas and 200-nm EEZs around their coastlines and “naturally formed” land features that can “sustain human habitation.”

China’s Artificial Island Building

In recent year’s China’s island-building and base-construction activities at sites that it occupies in the Paracel Islands and Spratly Islands in the SCS have heightened concerns among U.S. observers that China is rapidly gaining effective control of the SCS.

China’s large-scale island-building and base-construction activities in the SCS appear to have begun around December 2013 and were publicly reported starting in May 2014. Awareness of, and concern about, the activities appears to have increased substantially following the posting of a February 2015 article showing a series of “before and after” satellite photographs of islands and reefs being changed by the work.

China portrays its actions as part of an effort to play catch-up to other claimants, several of which control more Spratly features and carried out earlier reclamation and construction work on them, although the scale of China's reclamation work and militarization has exceeded that of other claimants.

Although other countries, such as Vietnam, have engaged in their own island-building and facilities-construction activities at sites that they occupy in the SCS, these efforts are dwarfed in size by China's island-building and base-construction activities in the SCS.

Military Presence in the South China Sea

Multiple reports say PRC military and security developments stated that the Spratly Island outposts "allow China to maintain a more flexible and persistent military and paramilitary presence in the area," which "improves China's ability to detect and challenge activities by rival claimants or third parties and widens the range of response options available to China."

Along with the many with large airfields, hardened hangars, and armored towers holding weapons, China has consistently been increasing its military presence in the South China sea. China has been accused multiple times most recently by Philippines of using the Maritime Militia to push their territorial claims and exert pressure. Furthermore, China has been conducting a range of other surveys in the area and further afield, in the Indian Ocean and, it is suspected in Indonesian sovereign waters. But the activities in the South China Sea are likely to continue to gather significant attention.

Responding to the increased Chinese military presence United States has increased its activities in the waters, with multiple visits by its aircraft carrier battle groups and "Freedom of Navigation Operations" by its warships.

European powers such as France, Germany, and the United Kingdom have also made their presence felt in support of the United Nations law of the sea. As has Australia and Canada. This increased international support has emboldened directly affected nations like the Philippines and Vietnam.

Previous Efforts and Resolutions

There have been various efforts, most noticeable of those being the UNSC meeting presided over by India and ASEAN's efforts to resolve the disputes regionally.

ASEAN nations have developed a code of conduct to avert clashes among their members in the South China Sea. All these efforts have been unsuccessful in de-escalating the situation in the South China Sea.

There have been arbitrations on the South China Sea, most notable being Philippines's case against China. The Tribunal ruled overwhelmingly in favor of the Philippines, determining that major elements of China's claim—including its nine-dash line, recent land reclamation activities, and other activities in Philippine waters—were unlawful.

United Nations Convention on the Law of the Sea

UNCLOS entered into force in 1994 and was established to provide an overarching international agreement regulating the various uses of the world's oceans and seas. The scope of the Convention is very broad and provides what has been termed a 'constitution for the oceans', covering the utilization of resources, shipping, marine research, the exploitation of the exclusive economic zone and continental shelf, and the prevention and avoidance of marine pollution. The Convention contains broad principles and provisions, allowing its Contracting Parties to create more precise national regulations with regard to the marine environment.

UNCLOS and zones of the sea

An important aspect of UNCLOS is its consideration of various parts of the ocean; the various zones prescribed under this Convention are used in other international marine laws. The sea is in effect divided into different zones and areas, with differing rights and duties applying to each separate sector. 'Nations have the greatest amount of coastal jurisdiction and control over the waters closest to shore with increasing responsibility to accommodate uses by other nationals as the distance from the shore increases'

The Convention divides the sea into the following zones:

- The area of ocean immediately adjacent to the coastline and extending to up to 12 miles out to sea is known as the Territorial Sea. The coastal State retains full sovereignty over this area of the sea.
- An area contiguous to the territorial sea, called Contiguous Zone, which extends to a maximum of 24 nautical miles from the coast. In this area, the coastal state can prevent and punish 'infringement of its customs, fiscal, immigration or sanitary laws and regulations' which occurs within its territory or territorial sea (UNCLOS Article 33).
- The Exclusive Economic Zone (EEZ), which extends from the end of the territorial sea and out to a maximum distance of 200 miles from the coast, provides the coastal state with sovereign rights of exploration, exploitation and management of natural resources in both the waters themselves and the seabed below. States have rights with regard to the protection and preservation of the marine environment in their EEZ, as well as the construction, operation and use of installations and structures at sea. The EEZ is not a natural geographic area that belongs inherently to the State, unlike the Continental Shelf. Instead, it is a legal creation whose existence must be declared by the state in order to benefit from its specific legal regime. Not all states have declared an EEZ; the UK for example relies up

- UNCLOS also conveys sovereign rights upon coastal States with regard to the Continental Shelf. This area covers the seabed and subsoil of the submarine areas that extend beyond the coastal state's territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the coast if the continental margin does not extend up to that distance (UNCLOS Article 76 (1)). Although its breadth can vary from state to state, the continental shelf is limited to either 350 nautical miles from the coast or 100 nautical miles from a line connecting the depth of 2,500 metres. A state is entitled to explore and exploit the natural resources of the seabed and subsoil of the continental shelf, which include 'mineral and other non-living resources of the seabed and subsoil together with living organisms belonging to sedentary species' (UNCLOS Article 77(4)). States are entitled under UNCLOS to lay pipelines on the continental shelf, in order to reasonably explore or exploit their natural resources (UNCLOS Article 79).
- Beyond the EEZ or the Continental Shelf, the Convention establishes the regime of the High Seas, which is an area where all states enjoy freedom of fishing, subject to certain conditions and prerogatives accorded to the coastal state, and are required to conserve living resources (UNCLOS Articles 116-117). UNCLOS also regulates the exploitation of the seabed and ocean floor beyond national jurisdiction in a zone called 'the Area'. No state can exercise sovereignty or sovereign rights over the Area and its natural resources as they are 'common heritage of mankind' (see UNCLOS Part XI). The Convention also establishes an International Seabed Authority to regulate activities in this communal zone.

Summary of Topic

The South China Sea region is rich in resources, particularly oil and natural gas. Although six countries have claims to the area, including its exploitation of resources, China's increasing military dominance has threatened the region's stability. This has included militaristic tensions with the United States and resource tensions with other claimants. Compromises must be made and addressed in this region to prevent disputes from escalating into serious conflicts.

Questions to Consider

1. To what extent are China's actions in the region serving as the primary aggressor of conflict?
2. How might the South China Sea be divided or shared among the nations laying claim to it in a way that will ease tensions?
3. What gives a country like the US the right to claim or be involved in these resource and border disputes?
4. How can the sovereignty of all nations be maintained in this issue?
5. What are some loopholes in the United Nations Convention on the Law of the Seas? How are countries taking advantage of them?