

TQO Border Disputes in the South China Sea

The south China sea is an incredibly important and strategic area in Asia, it is rich in many things including large energy trade routes and natural resources, holding anywhere between 10 – 130 billion barrels of oil and 90 – 900 trillion cubic feet of natural gas. Both incredibly and increasingly needed resources in the area.

Therefore, the south China sea is home to many **maritime border** disputes between sovereign nations including: The People's Republic of China (PRC), Taiwan (Republic of China/ROC), Brunei, Malaysia, the Philippines, and Vietnam. This is in part due to the **The United Nations Convention on the Law of the Sea** stating that a country is entitled to territorial waters extending 200 nautical miles off the coast of a nation. This is called its **exclusive economic zone (EEZ)**.

The EEZ law is used as one of the keys to controlling this area. The south China Sea is home to many groups of islands including the Pratas, Paracels, Scarborough Shoal and the Spratly islands. These islands although barely islands are often used to extend the countries EEZ in order to claim more of this sea, and to increase a country's military assets in the area. The United Nations Convention on the Law of the Sea states in Part 5 Article 56 that the EEZ of a country is "an area beyond and adjacent to the territorial sea, subject to the specific legal regime established in this Part, under which the rights and jurisdiction of the coastal State and the rights and freedoms of other States are governed by the relevant provisions of this Convention". And Article 57 of this same part specifies that the EEZ of a Country shall not be extended beyond two hundred nautical miles.

As previously mentioned The South China Sea is claimed by six sovereign nations. Vietnam and Malaysia both claim a large part of this sea and both handed in their current claims to the UN in 2009. With Malaysia using **the continental shelf law** to extend their nautical claim. The Continental shelf law of part six under Article 76 defines the Continental Shelf of a coastal nation as "the submerged prolongation of the land mass of the coastal State, and consists of the seabed and subsoil of the shelf, the slope and the rise".

Vietnam uses the EEZ law to extend their claim by stating that the Parcel Islands off of its coast were taken back from South Vietnam at the end of the Vietnamese civil war. And therefore belong to the Socialist Republic of Vietnam.

Brunei claims a large reclamation outside its EEZ due to its laying claim to the Owen Shoal and Rifleman Bank justifying this by stating it was belonged to the Japanese until 1945 when they collapsed and the land changed hands to them. Yet they only officially declared them as features of their EEZ in 1984.

The Philippines territorial waters overlap all nautical claims previously mentioned due to them stating that a number of islands in The South China Sea are part of the Philippine archipelago, this would mean that their nautical territories fall under part four of the UN convention on the law of the sea on archipelagic states where an Archipelagic State is defined as "A State constituted wholly by one or more archipelagos and may include other islands", and under Article 47 of this Part it states that an "archipelagic State may draw straight archipelagic baselines joining the outermost points of the outermost islands and drying reefs of the archipelago" and that these baselines should not exceed 100 nautical miles except for 3 percent of the total number of baselines which may be extended up to 125 nautical miles.

Both China and Taiwan claim an area they call the **10 dash** and **11 dash line** respectively, covering 90% of the sea. In 1929 China, using British maps, asked various cartographers to draw up its nautical claims to the South China Sea. One of which drew nine dashes across the sea, that being China's claim since, until 2013 when, to include Taiwan to these claims, The PRC added a tenth dash to the line, also in this year The PRC also began reclaiming sand banks and Shoals in the South China Sea in the Prata and Spratly islands. They would also begin the construction of a number of military bases in these islands. This action both allowed the PRC to, lay EEZ claims to much of the sea, and also enforce those claims by blockading a number of contested islands with as many ships as possible. Essentially making them the only country with access to those islands.

Frequently the US and China get into disputes on free travel in the South China sea with the US not recognising China's claim to areas like the Spratly Islands using the 10 dash line. This often leads to confrontation and confusion on travel and ownership of the South China Sea. This is a volatile grey area with both sides not wanting to provoke all out war in the South China Sea.

The UN finds this to be a major problem worthy of the security council as we believe it threatens world peace and stability. With particular emphasis on the Chinese American conflict and dispute in this area. We believe, by bringing these two actors in particular to an agreement this issue can be resolved peacefully.

Definitions:

The south China sea - The South China Sea is a marginal sea of the Western Pacific Ocean that holds a large number of natural resources such as oil and natural gas

maritime border - A maritime border is a conceptual division of Earth's water surface areas using geographical or geopolitical criteria.

The United Nations Convention on the Law of the Sea - a resolution on maritime laws the UN adopted in 1982

exclusive economic zone (EEZ). - part five of this resolution

The Continental shelf law - part six of this resolution

10 dash line - the name for the PRC's nautical claims in the South China Sea

11 dash line - the name of Taiwan's version of this claim