

FMUN 2018

Security Council

Written by: Monica Garcia Vega

Topic I: The Israeli-Palestinian Conflict

Topic II: Addressing Territorial Disputes in the South China Sea

Dear Delegates,

Welcome to Florida Model United Nations! My name is Monica Garcia Vega, and I am the Director for the Security Council at FMUN 2018. I am currently a junior majoring in International Affairs and Political Science at Florida State University. This is my third year participating in Model United Nations, and I have previously staffed at TSMUN and GatorMUN.

The topics under discussion for this year's Security Council are:

- I. The Israeli-Palestinian Conflict,
- II. Addressing Territorial Disputes in the South China Sea.

The United Nations Security Council is one of the six main organs of the UN. The Security Council is tasked with sustaining international peace and security. It is the only UN body with authority to adopt binding resolutions as well as impose economic sanctions and military power. The Council is made up of fifteen Member States, which includes five permanent members of the Council with veto powers. The membership, functions, powers, and governance of the Security Council make it a unique body of the UN.

I hope you find this background guide useful in your preparation for the conference. This background guide is meant to introduce delegates to the topics that will be discussed in committee sessions and provide guidance as delegates begin their research. Delegates are strongly encouraged to research the positions, views, and opinions of their countries as well as relevant regional and international framework, past resolutions, and organizations.

I look forward to seeing the culmination of your hard work and preparation in the committee. If you have any questions, do not hesitate to contact me at garciavega.monica@gmail.com or our Secretary-General, John Griffin, at sg@fmun.org.

Sincerely,

Monica Garcia Vega
Security Council Director

Committee Overview

Introduction

With the ratification of the UN Charter in 1945, the Security Council was established as one of the six main organs of the UN.¹ The Security Council, under the Charter, is given the primary responsibility of fulfilling one of the main purposes of the UN: maintaining international peace and security.² The first session of the Security Council was held on January 17, 1946, at Church House, Westminster, London.³ The permanent residence of the Security Council is at the United Nations Headquarters in New York City.⁴ The Security Council meets year-round, and when necessary, emergency meetings can be called.⁵

Committee Mandate

Under the UN Charter, the four main purposes of the UN are to maintain international peace and security, develop friendly relationships among states, attain international cooperation in solving international problems and promoting human rights and be a center for coordinating the actions of nations towards the achievement of these purposes.⁶ The Security Council is mandated as the primary organ of the UN for maintaining international peace and security.⁷ The Security Council determines the existence of a threat to peace or an act of aggression.⁸ The 15-member Council calls upon the parties of a dispute to settle it by peaceful means with recommendations for settlement terms and adjustment methods.⁹ If necessary, the Security Council may impose sanctions or authorize military action in order to maintain or restore international peace and security.¹⁰ All Member States are obligated to comply with Security Council decisions under the UN Charter, and it is the only UN body with this authority.¹¹ The Security Council also recommends the new Secretary-General and the admission of new states to the General Assembly.¹²

Governance, Structure, and Membership

The Council consists of fifteen members with five permanent members and ten non-permanent members.¹³ The current non-permanent members of the Security Council are Bolivia, Cote d'Ivoire, Equatorial Guinea, Ethiopia, Kazakhstan, Kuwait, Netherlands, Peru, Poland, and Sweden.¹⁴ Each member has one vote, and only the permanent five members of the Security

¹ "Security Council About." *United Nations*.

² *Ibid.*

³ *Ibid.*

⁴ *Ibid.*

⁵ *Ibid.*

⁶ "Chapter I." *United Nations*.

⁷ "Security Council About." *United Nations*.

⁸ "The Security Council." *United Nations*.

⁹ *Ibid.*

¹⁰ *Ibid.*

¹¹ *Ibid.*

¹² "Functions and Powers." *United Nations*.

¹³ "Chapter V." *United Nations*.

¹⁴ "Current Members." *United Nations*.

Council have the right to veto resolutions or decisions.¹⁵ The permanent members of the Security Council are France, the United States of America, the Russian Federation, the United Kingdom, and China.¹⁶ The ten non-permanent members of the Security Council are elected by the General Assembly for two-year terms.¹⁷ Any member of the UN may attend Security Council sessions if invited by the Council.¹⁸ Invited members cannot vote but may submit proposals and draft resolutions.¹⁹ For these proposals and draft resolutions to be voted upon, there must be a request from a member of the Security Council.²⁰ The presidency of the Security Council is held for a period of one month by each member and alternates in accordance with the alphabetical order.²¹ Council meetings may be called at any time by the President.²² The agenda for each Security Council meeting must be approved by the President.²³

Conclusion

The Security Council's structure, governance, functions, and powers make it a unique body of the UN. Maintaining the peace and security of the international community is the main objective of the 15-member Council. Economic sanctions and military actions may be used by the Council in order to realize its mandate. The Council's responses to political and humanitarian crises and violations to international law are significant in that they guide the international community's reaction to these situations. As the only UN body with authority to pass binding resolutions, the Security Council is paramount to the fulfillment of one of the UN's main purposes.

¹⁵ "Voting System and Records." *United Nations*.

¹⁶ "Chapter V." *United Nations*.

¹⁷ "Current Members." *United Nations*.

¹⁸ "Provisional Rules of Procedure of the Security Council." *United Nations*, 1983.

¹⁹ *Ibid.*

²⁰ *Ibid.*

²¹ *Ibid.*

²² *Ibid.*

²³ *Ibid.*

The Israeli-Palestinian Conflict

Introduction

The Israeli-Palestinian conflict has its beginnings in the late 19th-early 20th centuries.²⁴ Nationalist movements among the Israeli Jews and Palestinian Arabs vying for the sovereignty of their people in the Middle East erupted.²⁵ The main focus of the conflict has been the territory.²⁶ The Arabs and the Jews have conflicting claims to the land in the region.²⁷ To the Jewish people, the land is their biblical ancestral homeland and to the Arabs and Palestinians, the land at the time had belonged to the Arabs and was seen as Muslim-lands.²⁸

Jews were fleeing from Europe in the early 20th century because of persecution and were wanting to establish a Jewish state to be a homeland for Jews around the world.²⁹ The land they wanted to use was at the time a Muslim and Arab majority territory.³⁰ The land was at first part of the Ottoman Empire and then later part of the British Empire.³¹

On May 14, 1948, Israel established itself as the State of Israel.³² The following day the 1948 Arab-Israeli War began when Syria, Egypt, Iraq, and Lebanon forces invaded Israel.³³ The fighting lasted until February 1949.³⁴ Israel and the invading Arab states agreed to territorial lines in which Israel controlled the land that was recommended for the Jewish State in the UN Partition Plan as well as more than half of the land that was partitioned for the Arab State by the same UN resolution.³⁵

The Six-Day War, also known as the Third Arab Israeli War, took place June 5-10, 1967.³⁶ The war was fought between Israel and its Arab neighbors of Egypt, Syria, and Jordan.³⁷ Israel's victory in the Six-Day War allowed them to gain control over the Gaza Strip, West Bank, Sinai Peninsula, Golan Heights, and the Old City of Jerusalem.³⁸ The legacy of this war continues as Israel is currently still occupying lands it captured.³⁹

Current Situation

²⁴ "Israeli-Palestinian Conflict" *Council on Foreign Relations*.

²⁵ *Ibid.*

²⁶ "Primer on Palestine, Israel and the Arab-Israeli Conflict," *Middle East Research and Information Project*, February 2014.

²⁷ *Ibid.*

²⁸ *Ibid.*

²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ "Steps Toward Peace in Israel and Palestine: Timeline," *Global Policy*, March 2006.

³² *Ibid.*

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ "The Plan of Partition and End of British Mandate," *United Nations*.

³⁶ "Steps Toward Peace in Israel and Palestine: Timeline," *Global Policy*, March 2006.

³⁷ "Primer on Palestine, Israel and the Arab-Israeli Conflict," *Middle East Research and Information Project*, February 2014.

³⁸ "Steps Toward Peace in Israel and Palestine: Timeline," *Global Policy*, March 2006.

³⁹ *Ibid.*

Today, the area of the West Bank is officially controlled by the Palestinian Authority, but it is under the occupation of Israeli troops.⁴⁰ The West Bank is an area that is to the east of Israel.⁴¹ There are approximately 2.6 million Palestinians and about 500,000 Jewish settlers living in the West Bank.⁴² The occupation of the West Bank means that Palestinians are so limited in their movement in the area that they are essentially denied their land.⁴³ The Gaza Strip is currently under the control of the Islamist fundamentalist party, Hamas.⁴⁴ Gaza is also under an Israeli blockade.⁴⁵ Gaza is a strip of land that is densely populated with about 1.8 million Palestinian inhabitants.⁴⁶

In December of 2017, President Donald J. Trump of the United States, against international norms, recognized Jerusalem as the capital of the State of Israel.⁴⁷ This move was met with immediate protests from the Palestinians.⁴⁸ Jerusalem was important in finding a two-state solution to the conflict because both Israelis and Palestinians want to see it recognized as its capital.⁴⁹ Violence erupted in clashes between Israeli forces and Palestinian civilians leading to at least 12 deaths. In May of this year, Gaza saw its deadliest day since 2014 when 58 Palestinians were met during protests with open fire by Israeli troops.

Actions Taken by the UN

The United Nations has played an important role in the Israeli-Palestinian conflict. In 1947 the GA established the Special Committee on Palestine (UNSCOP) that consisted of 11 members: Australia, Canada, Czechoslovakia, Guatemala, India, Iran, the Netherlands, Peru, Sweden, Uruguay, and Yugoslavia.⁵⁰ UNSCOP was mandated to investigate the conflict in the region and provide suggestions for a solution to the issue.⁵¹ The committee reported to the General Assembly (GA).⁵²

One of the UN's earliest actions was by the GA in a resolution, known as Resolution 181, that recommended the partition of the Palestinian area.⁵³ The resolution was based on the findings and suggestions of UNSCOP.⁵⁴ Among the recommendations was the creation of independent Jewish and Palestinian States as well as the establishment of a Special International Regime for Jerusalem.⁵⁵ Included in the Partition Plan was the termination of British rule in the area. Following

⁴⁰ "Israel and Occupied Palestinian Territories 2017/2018," *Amnesty International*, 2018.

⁴¹ "West Bank," *CIA World Factbook*, 4 June 2018.

⁴² *Ibid.*

⁴³ "Israel and Occupied Palestinian Territories 2017/2018," *Amnesty International*, 2018.

⁴⁴ "Gaza Strip," *CIA World Factbook*, 4 June 2018.

⁴⁵ "Israel and Occupied Palestinian Territories 2017/2018," *Amnesty International*, 2018.

⁴⁶ "Gaza Strip," *CIA World Factbook*, 4 June 2018.

⁴⁷ "Statement by President Trump on Jerusalem," *White House*, 6 December 2017.

⁴⁸ "Israeli-Palestinian Conflict," *Council on Foreign Relations*, June 2018.

⁴⁹ *Ibid.*

⁵⁰ "United Nations Special Committee on Palestine: Report to the General Assembly," *United Nations*, 3 September 1947.

⁵¹ *Ibid.*

⁵² *Ibid.*

⁵³ "The Plan of Partition and End of British Mandate," *United Nations*.

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

the adoption of Resolution 181, a civil war broke out.⁵⁶ The Partition Plan was never enacted, but it has been used as a point of reference in summits and accords.⁵⁷

While Palestine has been denied the status of a full member of the UN by the Security Council, in 2012 the GA adopted the resolution on granting Palestine non-member observer state status at the UN overwhelmingly.⁵⁸ With the adoption of this resolution, The UN emphasized how urgent it was that Israel and Palestine resume negotiations on a two-state solution that would lead to lasting peace in the region.⁵⁹

Following the United States' declaration of Jerusalem as Israel's capital, the GA voted overwhelmingly to condemn that decision.⁶⁰ With the adopted resolution, the GA asked nations to refrain from establishing a diplomatic mission in Jerusalem.⁶¹ The GA passed a resolution in June 2018 placing the blame on Israel for the violence that has been seen in the past few months in the Gaza Strip.

Regional and International Frameworks

In 1993, the Declaration of Principles on Interim Self-Government Arrangements attempted to establish a framework for the resolution of the conflict.⁶² The Declaration of Principles was the in-person agreement between the Palestine Liberation Organization and the government of Israel.⁶³ Negotiations were held in Oslo, Norway and were completed on August 20, 1993.⁶⁴ This accord established the creation of the Palestinian National Authority as Palestinian interim self-government.⁶⁵ The agreement also called for Israel Defense Forces to withdraw from parts of the Gaza Strip and West Bank.⁶⁶

In 2000, the President of the United States called together a summit for peace between Israeli Prime Minister Ehud Barak and Palestinian President Yasser Arafat.⁶⁷ The summit was held at Camp David.⁶⁸ At the summit, the prime minister of Israel offered the Palestinian president around 95% of the West Bank and all of the Gaza Strip if Jewish settlements are ceded to Israel. The Palestinian leader rejected the offer of the because Israeli roads would restrict the free travel of Palestinians. Additionally, the airspace, borders, and water resources of Palestine would be under the control of Israel.

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ "General Assembly Grants Palestine Non-member Observer State Status at the UN," *United Nations*, 29 November 12.

⁵⁹ Ibid.

⁶⁰ "General Assembly Overwhelmingly Adopts Resolution Asking Nations Not to Locate Diplomatic Missions in Jerusalem," *United Nations*, 21 December 2017.

⁶¹ Ibid.

⁶² "Declaration of Principle on Interim Self-Government Arrangements (Oslo Accords)," *United Nations Peacemaker*, 13 September 1993.

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ Ibid.

⁶⁷ "Steps Toward Peace in Israel and Palestine: Timeline," *Global Policy*, March 2006.

⁶⁸ Ibid.

The Arab Peace Initiative is a plan that was proposed by the Crown Prince Abdullah of Saudi Arabia in March 2002 as a plan to resolve the Arab-Israeli conflict and in particular the Israeli-Palestinian conflict.⁶⁹ The proposal is the Arab world recognizing the State of Israel and maintaining Israeli security and diplomatic relations.⁷⁰ This would happen in exchange for Israel withdrawing its control over the territories it gained as a result of the Six Day War.⁷¹ Israel must also allow the establishment of a Palestinian state that has East Jerusalem as a capital.⁷² The Arab Peace Initiative was endorsed by the Arab League when it was presented.⁷³ In addition to the 22 member states of the Arab League, the initiative was also endorsed by the Organization of Islamic Cooperation with its 57 member states.⁷⁴ In April 2013, a delegation that was representing the Arab League at a meeting hosted by United States Secretary of State John Kerry stated that the Arab league would loosen Israel's obligation to the initiative by allowing a two-state solution to the conflict with land swaps that are mutually agreed upon.⁷⁵ The Israeli government has been hesitant with the Arab Peace Initiative based on issues that include homeland security concerns, the Palestinian refugees, and Jerusalem.⁷⁶ While the initiative has not been implemented yet or agreed to by Israel, there are still ongoing efforts by Arab states to enact this agreement.⁷⁷ The Arab Initiative can provide guidance on possible two-state solutions to the conflict.

The Road Map to Peace was a plan that sought a solution to the conflict with the creation of a Palestinian state that co-exists in peace with Israel that was drafted in 2002 by the United States and endorsed by the UN, European Union, Russia, and the United States.⁷⁸ The Road Map for Peace consisted of a three-phase process.⁷⁹ The first phase was ending the violence between Israelis and Palestinians, ceasing the Israeli occupation and settlement of the Gaza Strip and West Bank, and reforming the Palestinian government.⁸⁰ The second phase would be the creation of a Palestinian state that is provisional.⁸¹ The third phase would consist of final negotiations on the status of Jerusalem, permanent borders of the Palestinian state, and the international recognition of the states of Israel and Palestine.⁸² The Road Map does not, however, deal with the issue of Palestinian refugees.⁸³ This framework is still used to guide negotiations to resolve the conflict but the timeline set out by this plan is no longer applicable, since the creation of the provisional state of Palestine was set for the end of 2002.⁸⁴ Negotiations through this plan fell through because the government of Israel claimed Palestinians failed to subside Palestinian terrorism and extremist

⁶⁹ "Arab Peace Initiative," *S. Daniel Abraham Center for Middle East Peace*.

⁷⁰ *Ibid.*

⁷¹ *Ibid.*

⁷² *Ibid.*

⁷³ *Ibid.*

⁷⁴ *Ibid.*

⁷⁵ *Ibid.*

⁷⁶ *Ibid.*

⁷⁷ *Ibid.*

⁷⁸ "Middle East: The Road Map to Peace," *Council on Foreign Relations*, 7 February 2005.

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*

⁸¹ *Ibid.*

⁸² *Ibid.*

⁸³ *Ibid.*

⁸⁴ *Ibid.*

groups, and Palestinians claim the Israeli government was not committed to ending settlement activity in Palestinian territories.⁸⁵

Conclusion

The Israeli-Palestinian conflict is one that is longstanding, complex, and fragile. While the Security Council is mandated with maintaining international peace and security, the dynamic of the members on the Council at times gets in the way of the Council fulfilling its mandate. Delegates are tasked with considering the humanitarian and human rights implications of the topic while also keeping in mind the importance of state sovereignty. Can the international community achieve a two-state solution? How can the international community build upon past frameworks to resolve this conflict? Should the approach be bilateral, regional, or international? How can obstacles to peace, such as the Palestinian refugee issue, be solved to be mutually satisfactory?

⁸⁵ Ibid.

Addressing Territorial Disputes in the South China Sea

Introduction

The territorial disputes in the South China Sea can be seen to originate from the 1951 San Francisco Peace Treaty with Japan.⁸⁶ The treaty officially ended World War II in the Pacific, and within the treaty, Japan renounced all right and claim to the Spratly Islands and the Paracel Islands.⁸⁷ However, the treaty failed to name whom the islands would go to.⁸⁸

Due to their rich natural resources and surrounding areas for fishing, countries have been claiming islands and areas in the South China Sea since the 1970s. In 1968, a series of geological surveys that were conducted in the Yellow and East China Sea under the Committee for Coordination of Joint Prospecting for Mineral Resources in Asian Offshore Areas of the United Nations Economic Commission for Asia and the Far East found a high probability of substantial oil and energy deposits in the area.⁸⁹ This spurred and reignited further interest in the region and territories.

In 1970, China used its navy to conduct surveys in the Paracel Islands.⁹⁰ These surveys included the gathering of topographical, geological, and meteorological data.⁹¹ The following year, China established military infrastructure on the islands that included a dredged harbor for its naval warships and a concrete pier.⁹² Within the same year, Vietnam authorized foreign companies to search for oil in the South China Sea.⁹³ In 1974 and 1988, tensions in the South China Sea escalated and resulted in violence between Vietnam and China.⁹⁴ On January 15, 1974, Vietnamese forces fired on a couple of Chinese fishing boats that entered the Paracel Islands.⁹⁵ Four days later, six Chinese naval ships returned to confront the four Vietnamese within the area.⁹⁶ The violence that resulted from this confrontation led to 36 casualties, 110 injuries, and more than 160 missing military personnel between Vietnam and China.⁹⁷ After this, China made the islands a top priority for military construction.⁹⁸ In the 1980s, China expanded their mission for a presence in the South China Sea by establishing themselves in the Spratly Islands.⁹⁹ At this time, Vietnam was also attempting to assert itself in the Spratly Islands.¹⁰⁰ The two states confronted each other at Johnson Reef, both vying for the territory.¹⁰¹ More than 100 troops were deployed between China and

⁸⁶ "South China Sea Territorial Disputes," *Peace Palace Library*.

⁸⁷ *Ibid.*

⁸⁸ *Ibid.*

⁸⁹ "Committee for Co-ordination of Joint Prospecting for Mineral Resources in Asian Offshore Areas," *United Nations*.

⁹⁰ Benson, Jeff. "South China Sea: A History of Armed Conflict," *USNI*, 5 February 2013.

⁹¹ *Ibid.*

⁹² *Ibid.*

⁹³ *Ibid.*

⁹⁴ *Ibid.*

⁹⁵ *Ibid.*

⁹⁶ *Ibid.*

⁹⁷ *Ibid.*

⁹⁸ *Ibid.*

⁹⁹ *Ibid.*

¹⁰⁰ *Ibid.*

¹⁰¹ *Ibid.*

Vietnam.¹⁰² China's navy sunk or destroyed three Vietnamese ships and killed 74 Vietnamese soldiers.¹⁰³

A 90-minute battle between three Chinese naval vessels and a Philippine Navy gunboat occurred in early 1996 near part of the Spratly Islands.¹⁰⁴ This is the first time China is involved in a military confrontation with an Association of Southeast Asian Nations (ASEAN) nation other than Vietnam in the South China Sea.¹⁰⁵ Tensions between the Philippines and China subsided after both nations signed a non-binding code of conduct that aims for a peaceful solution to the dispute.¹⁰⁶ Vietnam and Malaysia filed a joint submission to the UN Commission on the Limits of the Continental Shelf in May of 2009.¹⁰⁷ The countries sought to extend their continental shelves beyond the standard of 200 miles from a nation's coastlines.¹⁰⁸ This revives tensions over sovereignty in the South China Sea, and it is viewed as a challenge by China.¹⁰⁹ Additionally, this brings the South China Sea disputes to the international stage.¹¹⁰

Current Situation

Since 2013, China has created at least 3,200 acres of new land in the Spratly Islands in the South China Sea by piling sand onto reefs in the region.¹¹¹ This has increased tensions regarding territorial disputes in the region. China has militarized their artificial islands in the region.¹¹² The South China Sea is a significant region in the world because it has an estimated 11 billion barrels of oil that are yet to be tapped into as well as 190 trillion cubic feet of natural gas.¹¹³ Additionally, over \$3 trillion worth of global trade passes through the South China Sea every year.¹¹⁴ China's sovereignty claims to the sea have disgruntled nations with claims to the islands in the South China Sea such as the Philippines, Brunei, Malaysia, and Vietnam.¹¹⁵

The disputes in the South China Sea pertain to sovereignty and territory in the area that includes the Paracels and the Spratly islands. Nations with claims in the South China Sea include the Philippines, China, Vietnam, Malaysia, Taiwan, and Brunei. China's claims are based on the nine-dash line, which encompasses hundreds of miles south and east from the most southern province of China, Hainan. Under China's claims, the island chains of Spratly and Paracel fall within its territory. The government of China claims its right to the area in the South China Sea dates back centuries to when the Spratly and the Paracel Islands were considered important parts of China. Vietnam also has claims to the Paracels and the Spratlys, saying it has been actively ruling over

¹⁰² Ibid.

¹⁰³ Ibid.

¹⁰⁴ "Territorial Disputes in the South China Sea," *Council on Foreign Relations*, 14 September 2018.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

¹¹¹ Ibid.

¹¹² Ibid.

¹¹³ Ibid.

¹¹⁴ Ibid.

¹¹⁵ Ibid.

the islands since the 17th century. The Philippines lays claims to part of the Spratly Islands, citing its geographical proximity to the islands.

Actions Taken by UN

The United Nations Convention on the Law of the Sea (UNCLOS) is a result of the third United Nations Conference on the Law of the Sea.¹¹⁶ It was signed on December 10, 1982, and went into effect November 16.¹¹⁷ The UNCLOS outlines the rights and responsibilities of nations in regard to the use of the oceans.¹¹⁸ The convention established guidelines for the environment, businesses, and marine natural resources.¹¹⁹ The UNCLOS has 157 signatories and 168 parties.¹²⁰ Key provisions of the UNCLOS include a 12-mile territorial sea limit within which states are free to enforce any law, regulate any use, and exploit any resource; the right of innocent passage for naval and merchant ships; and the use of a contiguous zone.¹²¹ The functions of the Division for Ocean Affairs and the Law of the Sea of the United Nations Office of Legal Affairs include provided research, assistance, and advice on the implementation of the UNCLOS.¹²² The International Seabed Authority and the International Tribunal for the Law of the Sea are two institutions that were created with the UNCLOS.¹²³

On January 22, 2013, the Philippines filed an international arbitration case under the UNCLOS over the Chinese claims to the Spratly Islands and Scarborough Shoal.¹²⁴ The case, *The Republic of the Philippines v. The People's Republic of China* was heard by the Permanent Court of Arbitration.¹²⁵ China refused to participate, and the court continued without them.¹²⁶ This case is the first time a nation has brought a claim against China under the UNCLOS in regard to territorial disputes in the South China Sea.¹²⁷ On July 12, 2016, the Permanent Court of Arbitration in the Hague ruled in favor of the Philippines.¹²⁸ The tribunal ruled that China has no historical rights to the territories and the nine-dash line has no legal basis.¹²⁹ The court also ruled that China violated UNCLOS with its island-building that harmed the environment.¹³⁰ In turn, China declared that it does not accept nor recognize the court's ruling.¹³¹

¹¹⁶ "The United Nations Convention on the Law of the Sea," *United Nations*.

¹¹⁷ *Ibid.*

¹¹⁸ *Ibid.*

¹¹⁹ *Ibid.*

¹²⁰ *Ibid.*

¹²¹ *Ibid.*

¹²² "The Division for Ocean Affairs and the Law of the Sea, Its Functions and Activities," *United Nations*, 14 October 2016.

¹²³ "The United Nations Convention on the Law of the Sea," *United Nations*.

¹²⁴ "PCA Press Release: The South China Sea Arbitration (The Republic of the Philippines v. The People's Republic of China)," *Permanent Court of Arbitration*, 12 July 2016.

¹²⁵ *Ibid.*

¹²⁶ *Ibid.*

¹²⁷ "China's Maritime Disputes," *Council on Foreign Relations*.

¹²⁸ "PCA Press Release: The South China Sea Arbitration (The Republic of the Philippines v. The People's Republic of China)," *Permanent Court of Arbitration*, 12 July 2016.

¹²⁹ *Ibid.*

¹³⁰ *Ibid.*

¹³¹ "Full Text of Statement of China's Foreign Ministry on Award of South China Sea Initiated by Philippines," *Xinhua*, 12 July 2016.

Regional and International Frameworks

On November 4, 2002, ASEAN nations and China came together and agreed to the Declaration on the Conduct of Parties in the South China Sea, which is a non-binding agreement.¹³² The declaration reaffirmed the UNCLOS, respect for the freedom of navigation in the South China Sea, and called for parties to refrain from inhabiting uninhabited territory in the region.¹³³ The aim of this declaration was to reduce tensions and promote peace in the South China Sea.¹³⁴

On August 6, 2017, China and ASEAN adopted a framework of a code of conduct within the region.¹³⁵ The process to get all parties to agree on the framework was long, but the adoption allows negotiations on a code of conduct to begin.¹³⁶ Within the framework, it is emphasized that it is not a tool to settle territorial disputes or maritime issues, but instead it promotes trust and cooperation between the parties.¹³⁷ As the code of conduct moves towards negotiations, there will be extensive debate as to whether the code of conduct should be legally binding or not.¹³⁸

Conclusion

The South China Sea has been a region of contention and territorial disputes for decades. There has been violence and aggression. There have also been moves toward finding a peaceful solution to easing the tensions. Delegates are to consider the implications of the conflict in the South China Sea. How can the UN play a bigger role in resolving these disputes? What is the role of the Security Council in this issue? How can existing conventions and frameworks be reinforced and improved? How does international law play into this issue?

¹³² “Declaration on the Conduct of Parties in the South China Sea,” *Association of Southeast Asian Nations*, 17 October 2012.

¹³³ *Ibid.*

¹³⁴ *Ibid.*

¹³⁵ Le Thu, Huong. “The Quest for a Code of Conduct in the South China Sea,” *Asia Maritime Transparency Initiative*, 13 July 2018.

¹³⁶ *Ibid.*

¹³⁷ *Ibid.*

¹³⁸ *Ibid.*

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