

Research report

Forum:

General Assembly 6

Topic:

Strengthening International Legal
Frameworks Governing Maritime
Claims in the South China Sea

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Introduction

The sixth General Assembly, also known as GA6, focuses on legal and international law questions. The South China Sea is one of the most discussed topics in the General Assembly (GA). Strengthening international legal frameworks can avoid miscommunication and prevent that nations from territorial dispute.

The South China Sea is located in the western Pacific Ocean. It is bounded by the People's Republic of China (PRC, also known as China) to the north, Southeast Asia to the west, the Republic of the Philippines, the Republic of China (ROC, also known as Taiwan), Borneo and the Republic of Indonesia to the South. The area is covering 3.5 million square kilometers and is one of the most important vital global trade routes. Since the area is enormous, it contains a rich ground for multiple important resources such as, fish, oil and natural gas.

The United Nations Convention on the Law of the Sea (UNCLOS) sets multiple rules to regulate and prevent disputes in the area. The treaty sets rules on how nations can use the world's oceans and therefore protect marine life and share sea resources. Also, the rules determine on how nations can claim and use maritime areas. Nowadays, China claims over 90% of the South China Sea. The nations use the Nine-Dash Line to determine the area. The Philippines considers the Nine-Dash Line inequitable, since it violates many rules set by UNCLOS. Therefore in 2016 there was an arbitration between the Permanent court of Arbitration and the governments of the Philippines and China. The Tribunal ruled overwhelmingly in favour of the Philippines.

The South China Sea disputes is a complex case, since it's happening over centuries of history. Every nation is claiming overlapping parts, and they all remain determined to maintain their claims. The area is so important, so it makes it even vulnerable. Dispute can risk of deterioration of economic trade relations. To set rules and international laws, these problems can be fixed and regulated.

Definitions of key terms

Territorial Dispute.

A disagreement between countries over the ownership of land or an island.

Maritime Security.

The protection of seas, shipping routes and coastal areas from threats such as piracy, illegal fishing and conflicts between countries.

Exclusive Economic Zone (EEZ).

A specific area in the ocean, up to 370 kilometers from a country's coast, where the exploitation of natural resources, such as gas and oil is allowed. Other countries are allowed to pass through, if they adhere to the international rules.

The Nine-Dash line.

A U-shaped line created by China to indicate the areas it claims, including islands, reefs and surrounding waters.

The United Nations Convention on the Law of the Sea (UNCLOS).

An international agreement that sets out the legal framework for the use of the world's oceans, including territorial waters, exclusive economic zones, and the rights and responsibilities of countries.

Sovereign states.

A state with a defined territory that administers its own government and is not subject to or dependent on another power.

Sea lines of communication (SLOCs).

The principal maritime routes used for trade, military operations, and the transport of goods. They are the "highways" of the sea.

The Association of Southeast Asian Nations (ASEAN).

The intergovernmental organization created in 1967 by nations located in Southeast Asia to improve the economic, cultural, and political cooperation.

Shipping route.

A path used by ships to move goods across seas; they are important for trade.

Natural resources.

Materials produced by nature, such as fish, oil or gas.

Territorial waters.

Sea areas extending up to 12 nautical miles from a country's coast under its control.

Legal frameworks.

Structured system of rules, laws, agreements, procedures and institutions that determines what nations are allowed to do. It also helps to handle conflicts.

General overview

The South China Sea conflict has a long complex history; it is difficult to track what the exact starting date may have been. However, the modern dispute started approximately around World War II (WWII). Before WWII Japan controlled large parts of multiple territories in the South China Sea region.

After Japan's surrender, the nation was required to give up its conquered territories. But still some maritime areas and island did not get assigned clearly to a specific nation. These sovereignty gaps caused countries start claiming overlapping areas. This resulted in long disputes and conflicts between the countries involved.

In 1947, Taiwan published its eleven-dash line. The eleven-dash-line represent a line that is U-shaped to map claims in the South China Sea. The line claimed nearly the entire South China Sea. It was called the eleven-dash-line due the 11 dashes on the map marking the claimed area. Since the line lacked coordinates, had no basis in modern international maritime law and overlapped with the sovereign waters and EEZ of Southeast Asian neighbours, Taiwan established a new line.

In 1953, Taiwan introduced the so-called nine-dash-line. This line contains 9 dashes rather than 11. The 2 dashes in the Gulf of Tonkin were removed to appease the communist allies in North Vietnam.

However, many countries were not satisfied by the line, since Taiwan is claiming parts that other countries such as, Vietnam, the Philippines etc., were also claiming. This turning point is a significant part of the South China Sea history.

The South China Sea is located in the western Pacific Ocean. The area covers about 3.5 million square kilometers. The average depth is about 1212 meters and reaches a maximum depth of 5016 meters in the China Sea Basin. The South China Sea also includes one of the world's busiest shipping routes, linking the Indian and Pacific Oceans. What is so special about the South China Sea is that it contains over 250 small island, atolls, cays, reefs, sandbars and shoals. Due to a rich biodiversity, it is an ideal location for fishermen. However, the area is facing a lot of geopolitical tension, territorial disputes and restricted access to traditional fishing grounds. Which creates a high-risk encounter with maritime militaries or coast guards, which puts the fishmen in danger. Furthermore, the area is also rich of natural resources. According to Rystad the South China Sea contains approximately 3,596 million barrels of useful liquids and 40,3 trillion cubic feet of natural gas.

The United Nations (UN) plays an important role in providing a framework for managing the South China Sea dispute, although it does not directly resolve territorial claims. Through international law, diplomacy, and multilateral forums, the UN promotes the peaceful settlement of disputes and the rule of law at sea. The UN General Assembly and other UN bodies have discussed issues such as freedom of navigation, maritime security, and respect for Exclusive Economic Zones (EEZs). While the UN itself cannot enforce sovereignty decisions, it supports countries in using legal and diplomatic mechanisms to prevent escalation.

A major event demonstrating the role of the UN and international law was the Permanent Court of Arbitration (PCA) case initiated by the Philippines in 2013. The PCA issued its ruling in 2016, stating that China's claims under the nine-dash line have no legal basis under UNCLOS. China rejected the ruling, while the Philippines and other countries, including Indonesia, cited it in diplomatic protests and official communications, such as Indonesia's 2020 note verbale regarding

the Natuna Islands. These events show that arbitration and legal frameworks can clarify maritime rights, even if enforcement depends on state compliance.

Major parties involved

[The Peoples Republic of China \(PRC – China\).](#)

The PRC is the most influential nation in this conflict. It claims nearly the entire region through its “nine-dash line,” which overlaps with the Exclusive Economic Zones (EEZs) of multiple Southeast Asian countries. China has invested in several military bases to maintain control over its claimed areas. Even though the Permanent Court of Arbitration ruled in 2016, in the case filed by the Philippines, China did not accept the ruling and continues to assert its claims.

[The Republic of the Philippines \(the Philippines\).](#)

The Philippines claims parts of the South China Sea, especially in the Spratly Islands and areas near the Palawan coast, based on its EEZ under international law. Tensions with China increased after incidents at Scarborough Shoal, leading the Philippines to file a case at the Permanent Court of Arbitration in 2013. In 2016, the court ruled in favor of the Philippines, stating that China’s “nine-dash line” has no legal basis; however, China rejected the ruling. The Philippines continues to maintain military outposts, conduct patrols, and engage in diplomatic efforts to protect its sovereignty and resources.

[The Republic of China \(ROC – Taiwan\).](#)

The ROC, now Taiwan, is also a claimant in the South China Sea dispute. Its claims are based on historical records and post-World War II arrangements. Taiwan maintains administrative control over Taiping Island (Itu Aba), which it considers a full island capable of generating its own Exclusive Economic Zone. Although its role is less prominent than that of the PRC, the ROC continues to assert its sovereignty through patrols, a limited military presence, and infrastructure on the island. Taiwan has also engaged diplomatically by proposing the South China Sea Peace

Initiative and cooperating with other countries on issues such as fisheries and resource management.

Timeline of Key Events

Date	Description of event
1734	The Spanish Colonial Government in the Philippines published the first edition of the Velarde map.
1775, 1810, 1817	China produced a map, including the Spratly and Paracel Islands as Chinese territory.
1932	France occupied the Paracels and claimed the territory. China did not agree and therefore filed a Note Verbale stating the Paracels were the “southernmost” part of Chinese territory.
May 1939	Japan occupied multiple areas in Southeast Asia, including the Paracel and Spratly Islands.
1947	China published its nine-dash line.
August 1947	The foreign minister of the People’s Republic of China (PRC) claimed that the Paracel and Spratly Islands had always been Chinese territory.
1955	The French explained through the international notes that the Spratlys belonged to the “French Union”, since they claimed that they were not part of Vietnam when Cochinchina was ceded, and North Vietnam did not oppose China’s claims.

1974	When the Vietnam War began to stabilize, the PRC used military force in the Paracel Islands, taking multiple reefs from South Vietnam.
In the latter half of 1970s	Both the Philippines and Malaysia began to claim the Spratly Islands as their own territory
11th June of 1978	The Philippines declared through Presidential Decree No. 1596, the western part of the Spratly Islands as Philippine territory.
14th March of 1988	The PRC and Vietnam used military force against each other.
1994	The PRC occupied the Mischief Reef.
February 2011	The tensions started to increase again. China fired three shots at Philippines fishing boats near the Jackson Atoll.
May 2011	600 km from the south of China's Hainan Island, the Vietnamese Binh Minh 02 oil and gas survey ship clashed with three Chinese maritime patrol vessels.
2012	Throughout the whole year, the islands became increasingly militarized. Multiple nations, including Taiwan, began constructing military facilities.
2013	The Philippines filed a case against the PRC at the Permanent Court of Arbitration in The Hague.
2016	The Permanent Court of Arbitration ruled in favor of the Philippines, declaring China's Nine-Dash Line had no legal basis under international law.

2016 (also)

China did not accept the ruling and therefore continued to claim the area.

Previous attempts to solve the issue

Over time, there have been several attempts to resolve the South China Sea disagreement, but none of them have made a significant change. UNCLOS has tried to set out rules for territorial swell, EEZs, and maritime rights. Still, numerous countries, similar as the PRC, have interpreted the rules else, which limits their effectiveness in this conflict.

For illustration, in 2002, ASEAN countries inked the protestation on the Conduct of Parties in the South China Sea (DOC). This agreement was intended to help conflict, encourage cooperation, and promote peaceful resolution. However, the DOC is non-binding, and nations have frequently ignored it when their interests are at stake.

In 2013, the Philippines filed a case against the PRC at the Permanent Court of Arbitration in The Hague. In 2016, the court ruled in favor of the Philippines, stating that China's "nine-dash line" has no legal base under transnational law. China still rejected the ruling and continued to assert control over multiple areas in the South China Sea. Moreover, when a nation takes legal action, cooperation depends on whether countries are willing to cooperate.

Possible solutions

Chancing a continuing result to the South China Sea disagreement is delicate because it all depends on whether the nations are willing to cooperate. Still, there are several approaches that could reduce pressures and promote cooperation.

One result is political concession. Through ASEAN or direct addresses, the descendant countries could continue to engage with each other. They could clarify boundaries, share coffers, and manage conflicts peacefully. This could maybe affect in a stronger list law of Conduct, helping ensure that all countries respect each other's claims and avoid military escalation.

Another result is that nations could agree to a fair sharing of the natural resources in the area, which could reduce conflicts while allowing each nation to profit economically.

Eventually, nations could agree to use military force only when necessary and allow only transnational details to secure ocean lanes. This would help farther escalation and reduce the threat of an indeed larger disagreement.

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