

United Nations Security Council

Committee Background Guide

General Assembly

New York University Model United Nations XV

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Welcome Letters

Dear Esteemed Delegates,

Welcome to the United Nations Security Council for NYUMUNC XV! As members of this committee, you are tasked with addressing the territorial disputes in the South China Sea. This is a region marked by territorial claims and competing interests and has garnered international attention for its complexities. Over the course of this conference, you will explore the intricate nature of the political, economic, and security considerations that define this dispute. From navigating historical grievances to examining contemporary geopolitical dynamics, your role as delegates is critical in facilitating dialogue, collaboration, and seeking viable solutions. As we navigate this complex matter, it's important to remember the significance of diplomacy, cooperation, and understanding in addressing the South China Sea territorial dispute.

A little about me: My name is Emily and I'm a Senior from Austin studying Sociology with minors in Philosophy and Media, Culture, and Communications. On campus, I'm involved with Phi Alpha Delta Law Fraternity, Welcome Week, and my sorority, Pi Phi! Outside of school, I work at a Pilates studio so you can find me there or you can find me rewatching the same 5 tv shows, exploring the city with friends, or having a snack. Model UN has been a big part of my life for the past 7 years, nearly a third of my life, which is crazy to think about. I transferred to NYU from Baylor where I staffed a few conferences including CIMUN and NHSMUN. When I came to NYU, I spent time getting acclimated and was busier than ever so I didn't have time to rejoin. However, it's my last year and I realized how much I valued my time in MUN and that it's such a big part of my life so I came out of retirement this year and I'm very glad I did.

I'm beyond excited to be your chair in this committee and I'm looking forward to hearing the discourse/debates surrounding this topic in committee. With that being said, if you have any questions regarding NYUMUNC, the topic, or just want to chat, please don't hesitate to reach out. Looking forward to seeing y'all soon!

All the love,
Emily Yang, Chair

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Dear Esteemed Delegates,

We are so excited to have you as part of the United Nations Security Council for NYUMUNC XV! As Emily stated, you will be addressing the territorial disputes in the South China Sea, in addition to reforming the Veto Power of the P5 on the UNSC. Hopefully you all can come up with more solutions and actions than have actually taken place regarding the veto in the actual UNSC!

Now, a bit about me. My name is Rebecca and I'm a sophomore from Southern California double majoring in International Relations and Economics. I started MUN last year when I got to NYU as my high school had no MUN program, and I have enjoyed chairing for two conferences and getting to know the incredible people who are a part of NYU MUN. Last semester I studied abroad in Florence, Italy, and I hope to study abroad again in Shanghai sometime in the near future. Beyond MUN, I am part of several law, politics, and international relations publications, Phi Alpha Delta Law Fraternity, and the Sunrise Movement. I love learning languages, and I speak Spanish and French and am in the process of learning Mandarin and Italian. I am also a passionate lover of nature (yes, it's ironic that I live and go to school in NYC), so to keep myself sane I can often be found enjoying a nice relaxing run around Central Park at 8 am on a Sunday.

I cannot wait to co chair this committee this conference, and I am thrilled to be a part of your NYUMUNC XV experience! I wish you luck in your preparations and am excited to hear your debates, discussions, solutions, and policies you come up with! Do not hesitate to reach out for any reason! See you soon!

Best,

Rebecca Locher

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Statement of Diversity and Inclusion

Whilst NYUMUNC is committed to maintaining as educational and historically accurate an experience as possible, we recognize that any debate around historical events will incorporate sensitive issues. Delegates are expected to discuss these issues maturely and appropriately. NYUMUNC is committed to promoting a culture of diversity and inclusion in line with NYU's values; in the spirit of this commitment, NYUMUNC will not tolerate any bigoted symbols, statements, or attitudes.

Topic A: The Situation in the South China Sea

Introduction

Covering an area of over 1.4 million square miles in the western Pacific, the South China Sea exists as one of the most important waterways in the world. From its role in providing much of the animal protein to Southeast Asia, its oil and natural gas reserves, as well as acting as the main route for over 20% of the world's maritime shipping, the South China Sea has become a site of great contention between both regional and global powers. In particular, the issue of competing claims of sovereignty by 7 different parties has contributed to increased military activity in the region, as well as armed confrontations between disputing parties. Though escalation into an armed conflict has not occurred, the risk continues to linger in spite of continued attempts at international mediation.

Historical Context

The South China Sea has been subject to territorial disputes since before the founding of the United Nations. However, only recently has it become a flashpoint in international relations. The conflict centers around overlapping claims to Exclusive Economic Zones (EEZs) granted by habitable islands, as set out in the 1982 United Nations Convention of the Sea. In particular, the Paracel and Spratly Islands.

A brief timeline of the issue goes as follows:

1884-1885: Sino-French war occurs. Paracel and Spratly Islands claimed by France with opposition from China. Maps in China begin showing the South China Sea, including the Gulf of Tonkin, as part of China (the eleven-dash line).

1932: Paracel and Spratly Islands annexed into French-Indochina (now Cambodia, Laos, and Vietnam). China and Japan issue diplomatic protests.

1938: Islands seized by Japan from France. Annexed into Japanese-controlled Taiwan (1942)

1945: End of WWII. Islands relinquished from Japanese control but no beneficiary named. China claims islands as part of Guangdong province.

1950: The Republic of China retreats to Taiwan; the People's Republic of China declared. Nationalist garrisons on the Paracel and Spratly islands withdrawn to Taiwan.

From this point forward, the Republic of China will be referred to as "Taiwan" and the People's Republic of China referred to as "China"

1956: Taiwan reasserts its claims to the Spratly islands, establishing a military presence on the islands.

1958: China announces a new nine-dash line to replace the eleven-dash line, relinquishing control of the Gulf of Tonkin to Vietnam.

1969: A UN Sponsored research team discovers oil in the region.

1971-1978: Taiwanese forces fire on a Filipino fishing boat in 1971. Philippines President Marcos announces claims over the Spratly islands, officially becoming the municipality of Kalayaan in 1978.

1974: North Vietnam wins the Vietnam War. China takes several islands in the Paracel Islands from a collapsing South Vietnam.

1979: Vietnam claims sovereignty over all islands in the South China Sea. Malaysia issues a map claiming the southernmost Spratly islands.

1987-1988: China builds weather stations in the Spratly Islands for the Global Sea Level Observing System survey. Vietnamese forces attempt to intercept Chinese ships, resulting in the 1988 Johnson South Reef Skirmish. China consolidates its presence in the islands.

2001: Hainan Island incident occurs. Mid-air collision between an American aircraft and a Chinese interceptor over the South China Sea. US crewmen detained by Chinese authorities after an unauthorized emergency landing in Hainan, China. Resolved with a joint statement..

2016: The Permanent Court of Arbitration in the Hague rules against China in a case brought forward by the Philippines, determining China's nine-dash line and activities in the South China sea to be unlawful. Although China has ratified the treaty establishing the court, its decision is not legally binding, with China choosing not to recognize the decision.

Past Action

UNCLOS: At present, the United Nations Convention on the Law of the Sea (UNCLOS) (1982) remains the primary international agreement by which claims in the South China Sea are made. In particular, it governs claims of not only sovereignty but also what can be considered territorial water and access to natural resources within. Much of the disputing parties' activities in the South China Sea has been focused on establishing territorial and economic rights in relation to this treaty, especially in regard to the requirement that features must be capable of supporting human habitation.

For ease of understanding, relevant terms of the treaty have been summarized as follows:

1. Exclusive Economic Zones (EEZs) exist within 200 nautical miles of a coastal state's coastline. The EEZ grants states sovereign rights over the zone's natural resources, certain economic activities, research, and environmental protection.
2. All other states retain freedom of navigation through EEZs, as well as the freedom to lay cables and pipes.
3. Only territory on the continental shelf within 12 nautical miles of a coastal state may be considered territorial seas, though sovereignty over the continental shelf is retained up to 200 nautical miles from the coast.
4. States that primarily consist of archipelagos may claim sovereignty over waters within a straight line drawn between the outermost points of the islands.
5. Only features able to sustain human habitation or economic life on their own may be

used to establish the aforementioned zones (EEZs, territorial water, etc).

6. Disputes may be handled by the International Tribunal for the Law of the Sea, the International Court of Justice, or arbitration.

ICC Decision: Outside of the UNCLOS, one may also reference the International Court of Arbitration's 2016 decision on the Philippines' case against China. Brought about in 2013, it focuses on China's claims and activities in the South China Sea, from the nine-dash line to land reclamation and economic activities.

Ruling in favor of the Philippines, the court made the following key findings:

- There is no legal basis for China's claim to historic rights and access to resources within the nine-dash line.
- None of the land features claimed by China in the Spratly Islands can generate an EEZ.
- China has violated the Philippines' sovereignty by interfering with its economic activities in the region and failing to prevent fishing by Chinese vessels.
- China has failed to meet its environmental protection obligations under UNCLOS through the destruction of coral reefs as caused by land reclamation.

This decision was not accepted by China, and neither did China participate in the arbitration process itself. Although the tribunal's decision is legally binding on all parties, it has seen little real enforcement, and whether further legal action will be taken is uncertain. Taiwan has also rejected the decision of the Tribunal on the nine-dash line, stating that it is not binding on them

given their exclusion from the proceedings. Unified action against China's claims has also largely failed to occur, both as a result of Chinese pressure and continued disputes over other overlapping claims. For example, a June 2016 Association of Southeast Asian nations (ASEAN) meeting between foreign ministers issued but then retracted a joint communique expressing concerns over China's activities in the South China Sea.

Current Issues

1. Territorial Claims:

- **Historical Claims:** Many countries in the region assert historical rights over the South China Sea, citing past records, maps, proximity, and cultural ties as evidence. Most if not all states in the region have also historically used resources from the South China Sea, adding to the complexity. China's nine-dash line and the legacy of French colonialism in the region may be considered particularly relevant. Though the nine-dash line has been discredited through international arbitration, it remains salient given internal political considerations and a lack of enforcement of the decision.
- **Legal Basis:** States party to the dispute often invoke international law to justify their claims. In particular the UNCLOS and its definitions of EEZ and territorial water. Interpretations and applications of UNCLOS vary among claimant states, however. Also salient is the International Court of Arbitration's decision against China, though its validity and power remains the subject of controversy.

- **Disputed Features:** Per the UNCLOS, ocean features considered to generate territorial rights must be capable of supporting human life on their own. How various reefs, rocks, and sand banks are to be classified, however, is disputed. The ability to prove that the UNCLOS applies to certain features in the sea is a primary goal of claimant states.

2. **Maritime Resources:**

- **Fisheries:** The South China Sea supports abundant marine life, making it a vital fishing ground. Conflicting claims over maritime zones often lead to confrontations between fishing vessels and enforcement agencies of different countries. The risk of these confrontations escalating remains salient.
- **Hydrocarbons:** The region is believed to hold significant oil and natural gas reserves beneath its seabed. Exploration and exploitation activities by countries like China, Vietnam, and the Philippines have led to disputes, especially when activities encroach upon disputed territories. As with fisheries, there is a risk of these disputes escalating to violence.

3. **Strategic Importance:**

- **Sea Lanes:** The South China Sea is one of the busiest maritime trade routes globally, facilitating the passage of trillions of dollars' worth of goods annually. Control over certain areas allows states to influence or potentially disrupt these vital sea lanes.

- **Military Presence and Power Projection:** The disputed territories serve as platforms for military installations and naval presence, enhancing claimant states' ability to monitor, control, and defend its interests in the region. Military build-ups by various claimants have heightened tensions and raised concerns about the potential for conflict escalation. This has also garnered the attention of non-regional states such as the United States and Japan.

Questions to Consider

- What are the historical and legal justifications behind each country's territorial claims in the South China Sea? Are any more compelling than others? Should the South China Sea be subject to national claims at all?
- What actions can be taken to promote sustainable resource management in the region and mitigate conflicts between competing economic interests?
- Are there any economic incentives that can be leveraged to promote cooperation and a peaceful resolution to the conflict?
- What consequences would conflict in the region have for non-claimant states and global trade? Are there any measures that can be taken to mitigate its effects?
- What role can non-claimant states play in de-escalating the conflict? Should international actors have a role in it at all?

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Topic B: Reforming the P5 Veto

Introduction

Consisting of 15 members, the United Nations Security Council (UNSC) is the principal UN body tasked with maintaining international peace and security. It alone is able to impose sanctions and authorize the use of force to reach this goal, with all UN member states obligated to comply with UNSC decisions. Its effectiveness, however, has been the subject of debate. In particular, the veto authority held by its 5 permanent members – China, France, Russia, the United Kingdom, and the United States – has come under question, with some arguing that it is a necessary tool for stability while others cite it as the source of much deadlock within the Council. Although the UNSC has managed to pass resolutions with the veto power in place, whether or not its effectiveness can be improved with reform remains widely debated.

Historical Context

Since the founding of the UNSC in October 1945, the five permanent members of the Security Council have had the power to veto any resolution. This power was built in the aftermath of WWII as an attempt to balance the world powers. While the U.S. and USSR were the leading powers post-war, the UK also had a hand in the shaping of the world order. U.S. President Franklin D. Roosevelt insisted on China's inclusion, envisioning the "four policemen" of the world. However, the British Prime Minister Winston Churchill perceived France as a European

buffer against German or Soviet aggression, and thus sponsored its bid for a restored “great power status.”

Since the creation of the P5, Russia has been the most frequent user of the veto, blocking 120 resolutions. However, since 1970 when the U.S. cast its first veto, it has used the veto far more than any other country, now totaling 82 vetos. China has used the veto 16 times, the UK 29, and France 16 times. France and the UK have not cast a veto since 1989.

There is an abundance of instances in which the veto has been used controversially. Here is a brief timeline of some veto uses and trends:

1946: The USSR cast the first veto on a draft resolution regarding the withdrawal of foreign troops from Lebanon and Syria (troops in French colonies).

1970: The U.S. cast its first veto. Since then it is the most frequent user, often blocking decisions that it regards as detrimental to Israel.

1989: The UK, France, and the United States cast a joint veto condemning the U.S. invasion of Panama. This was also the last time the UK and France used their veto.

2005: In the World Summit, the High-Level Panel on Threats, Challenges and Change called for the P5 “to pledge themselves to refrain from the use of the veto in cases of genocide and large-scale human rights abuses.”

2011: China and Russia began to use their veto (9 and 19 respectively) more often, commonly

to deal with the conflict in Syria. Russia has also used 2 vetoes since this time regarding Ukraine.

2024: The most recent veto (as of writing this) was February 20, 2024, used by the U.S. to refute a resolution calling for a ceasefire in Gaza.

Past Action

While no direct action has been taken to remove the veto power, there has been advocacy for restraint and reform. After the 2005 World Summit, the “Small 5” — Costa Rica, Jordan, Liechtenstein, Singapore, and Switzerland, advocated for permanent members to “from using a veto to block Council action aimed at preventing or ending genocide, war crimes and crimes against humanity.” The S5 disbanded in 2012, but its stance on the veto was continued through the informal caucus on Accountability, Coherence, and Transparency (ACT). The group of 27 small and medium sized states aimed to enhance the effectiveness of the UNSC through improvement of working methods, including constraints on the veto power, and meant to encourage timely and decisive action by the UNSC. The ACT created a Code of Conduct, and as of January 1, 2020, 120 UN member states support it, including the UK and France. France has also advocated for voluntary restraint on the veto since the mid-2000s, but has seen no action in response to its recommendation.

Current Issues

Lack of Accountability:

There is a lack of measures preventing P5 countries from exercising their veto power on resolutions that would otherwise benefit the international community. This includes action on issues which directly involve a P5 state or their allies, where international intervention may otherwise be desirable. UNSC rules technically require states to excuse themselves on issues directly related to them, but such is not practiced.

Lack of Representation:

The P5 states are almost exclusively European or North American, with China being the sole exception. This has led to complaints that states from other regions are underrepresented and marginalized in the decision making process. In particular, there are no P5 member states from Africa, South Asia, the Middle East, or South America. The same applies to smaller states, whose decisions may be overridden by the P5.

Lack of Action

Where P5 states disagree on the nature of an issue, even where only one state disagrees with the international consensus, deadlock can often occur. This hinders the Council's ability to act decisively on issues which threaten global security. In turn, this may exacerbate humanitarian crises or ongoing human rights violations, undermining UN legitimacy. Nevertheless, given the

individual resources of the P5 states, support from them may well prove necessary for any such actions to be effective.

Questions to Consider

- Is it possible to strike a balance between stability and effectiveness when it comes to the P5 veto power?
- What criteria, if any, should be considered for expanding permanent membership of the Council? Would this hinder or benefit the Council's mission?
- Should the veto power be limited in cases of humanitarian crises or mass atrocities, and if so, how can this be implemented effectively? How can accountability and transparency among the P5 be ensured?
- How can the interests of smaller states be better represented within the UNSC?

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