

UNITED NATIONS SECURITY COUNCIL
(UNSC)

BACKGROUND GUIDE

The Situation in the South China Sea

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I. LETTER FROM THE EXECUTIVE BOARD

Dear Delegates,

It is our privilege to welcome you to the United Nations Security Council. The agenda before you, the situation in the South China Sea, is among the most consequential unresolved questions in contemporary international relations, and among the most legally intricate. It brings into a single room the law of the sea, competing readings of history, the rights of coastal states and the freedoms of maritime powers, and the uncomfortable reality that the body charged with maintaining international peace and security contains, among its permanent members, a party to the dispute itself.

This guide is intended to orient your research, not to conclude it. It sets out the geography and the competing claims, the governing legal framework and the profound disagreements over how it applies, a detailed account of the arbitration that has come to define the legal conversation, and the positions of the principal actors. We have tried throughout to present each side's strongest argument in the form its own advocates would recognize, because a delegate who cannot articulate the opposing case has not yet understood their own.

A word on this committee in particular. The Security Council is not the General Assembly. Its resolutions bind. Its permanent members hold the veto. Any realistic outcome on this agenda must reckon with the fact that the Council cannot compel a permanent member, and that the value of this committee's work lies less in declaring a winner than in what it can build around the edges of an intractable dispute: de-escalation, incident-prevention, freedom of navigation, and the protection of the smaller coastal states whose interests are too easily lost between great powers.

We expect delegates to arrive with a firm command of their country's actual position and interests, and to build blocs on the basis of genuine alignment rather than assumed allegiance. We expect debate that treats this as the genuinely unresolved question it is.

Delegates are encouraged to reach out to the Executive Board with any questions over the course of their preparation. We look forward to a productive committee.

Sincerely,

The Executive Board of the UNSC

II. INTRODUCTION TO THE COMMITTEE

The United Nations Security Council is the organ of the United Nations charged, under Article 24 of the UN Charter, with primary responsibility for the maintenance of international peace and security. It is composed of fifteen members: five permanent members (China, France, the Russian Federation, the United Kingdom, and the United States) holding the power of veto, and ten non-permanent members elected by the General Assembly for two-year terms. Unlike the recommendations of the General Assembly, resolutions of the Security Council adopted under Chapter VII of the Charter are binding on all member states.

This composition is of unusual significance for the present agenda. The People's Republic of China, a permanent member of this Council, is itself the principal party to the dispute under discussion, and holds a veto over any substantive resolution. This is not a peripheral procedural detail; it is the central structural fact that shapes what this committee can realistically achieve. A resolution that purports to adjudicate sovereignty against China, or to declare the 2016 arbitral award binding upon it, will not survive a vote. Delegates who understand this will direct their energy toward the considerable space that remains: measures on maritime safety, incident de-escalation, humanitarian protection of fishing communities, freedom of navigation, environmental protection of a gravely stressed marine ecosystem, and support for the ongoing ASEAN-China Code of Conduct negotiations.

It bears emphasis that the Security Council is not a court. The International Court of Justice, the International Tribunal for the Law of the Sea, and arbitral tribunals constituted under UNCLOS are the bodies competent to render binding legal determinations on questions of maritime entitlement and sovereignty. The Council's mandate is narrower and, in a sense, more practical: to address threats to peace, not to settle the underlying legal merits. A well-drafted resolution from this committee will respect that boundary rather than attempt to relitigate the law of the sea from the Council chamber.

The United Nations as an institution has taken no position on the competing sovereignty claims in the South China Sea, and this committee should be clear-eyed that its role is to manage a dangerous situation, not to resolve a century-old territorial question that the parties themselves have been unable to settle.

III. HOW THIS COMMITTEE WORKS

This section is a reference, not a tutorial; we assume most of you have sat in committee before and are looking for a refresher rather than a first introduction to Security Council procedure, which differs in important respects from the General Assembly format.

Voting. Each of the fifteen members has one vote. Procedural matters are decided by an affirmative vote of any nine members. Substantive matters require nine affirmative votes including the concurring votes of all five permanent members, which is the mechanism commonly described as the veto. In practice, an abstention by a permanent member does not count as a veto; only a negative vote does. This distinction matters enormously on an agenda where one permanent member is a party to the dispute.

Motions and caucusing. As in other committees, delegates use moderated and unmoderated caucuses to structure debate and negotiate. In a Security Council simulation the working paper and draft resolution process is typically more tightly focused than in the General Assembly, reflecting the Council's smaller membership and the expectation of operative, actionable clauses rather than broad declaratory language.

Points. Points of order, personal privilege, parliamentary inquiry, and information function as they do in other committees. Given the legal density of this agenda, delegates should expect points of information to probe the precise legal basis of claims made in speeches, and should be prepared to cite the specific UNCLOS article, arbitral finding, or Council precedent on which they rely.

Accepted sources. Acceptable sources for fact-finding in committee include UN documents and Security Council records, the text of UNCLOS and the 2016 arbitral award itself, national government statements, established international news wires (Reuters, AP, AFP), and recognized research institutions (the International Crisis Group, the Asia Maritime Transparency Initiative, IISS, and similar). Wikipedia and unattributed social media are not acceptable as sources of fact in committee, though they may serve as starting points for research conducted outside it.

IV. INTRODUCTION TO THE AGENDA

The South China Sea is a semi-enclosed sea of roughly 3.5 million square kilometers, bounded by China and Taiwan to the north, the Philippines to the east, Malaysia, Brunei, and Indonesia to the south, and Vietnam to the west. Through it passes a volume of maritime trade estimated at roughly a third of global shipping by value, including a substantial share of the energy imports on which the economies of Northeast Asia depend. Beneath it lie contested fisheries that feed hundreds of millions and hydrocarbon deposits whose extent remains uncertain but whose promise has sharpened every claim. Above and around it, the navies and coast guards of the claimant states and of external powers now operate in closer and more frequent proximity than at any point in the modern history of the region.

The disputes are of two analytically distinct kinds, and conflating them is the most common error a delegate can make. The first concerns sovereignty over land features: who owns the islands, rocks, reefs, and low-tide elevations of the Paracel Islands, the Spratly Islands, Scarborough Shoal, and the other contested groups. The second concerns maritime entitlements: what zones of sea, and what rights over the resources in them, those features and the surrounding coastlines generate under the law of the sea. The two are connected, because under UNCLOS land generates maritime rights, but they are governed by different legal principles, and the 2016 arbitration turned substantially on keeping them separate.

At the center of the dispute sits China's claim, depicted on official maps as a line of dashes, historically nine and in some renderings ten or eleven, enclosing as much as ninety percent of the South China Sea. China asserts within this line what it terms historic rights, grounded in what it describes as centuries of discovery, use, and administration of the sea and its features by the Chinese people and successive Chinese states. The other claimants, principally Vietnam, the Philippines, Malaysia, and Brunei, assert entitlements grounded in the exclusive economic zones and continental shelves that UNCLOS grants to their own coastlines, and reject the historic-rights claim as incompatible with the Convention to which China itself is a party.

This committee does not convene to declare which of these positions is correct; that is neither within its competence nor achievable given its composition. It convenes because the friction between these positions has produced a rising tempo of dangerous incidents: coast guard vessels ramming and firing water cannon at one another, military-grade lasers directed at ships' crews, resupply missions blocked, fishing fleets driven from traditional grounds, and armed navies shadowing one another across contested waters. The risk this committee exists to address is not that the dispute will be decided wrongly, but that it will not be decided at all, and that an accident, a miscalculation, or a single death at sea will escalate into a conflict that draws in powers far beyond the region.

V. KEY TERMINOLOGY AND CONCEPTUAL FOUNDATIONS

UNCLOS. The United Nations Convention on the Law of the Sea (1982), which entered into force in 1994 and now has some 170 parties including China, the Philippines, Vietnam, and Malaysia, is the framework treaty governing the rights and responsibilities of states in the world's oceans. The United States, it should be noted, has signed but never ratified UNCLOS, a fact that recurs in debates over the standing of American freedom-of-navigation operations. UNCLOS is frequently described as a constitution for the oceans, intended to comprehensively allocate maritime rights among states.

Territorial sea. Under UNCLOS, a coastal state exercises full sovereignty over a belt of sea extending up to 12 nautical miles from its baselines, subject to the right of innocent passage for foreign vessels. A genuine island generates a full territorial sea; certain lesser features do not.

Exclusive economic zone (EEZ). UNCLOS grants a coastal state sovereign rights over the exploration and exploitation of natural resources, living and non-living, in a zone extending up to 200 nautical miles from its baselines. The EEZ is not sovereignty over the water itself; other states retain freedoms of navigation and overflight. Much of the South China Sea dispute concerns overlapping EEZ claims and, critically, China's assertion of resource rights within the nine-dash line that extend into zones that UNCLOS would allocate to the Philippines, Vietnam, and others.

Continental shelf. The seabed and subsoil extending beyond the territorial sea, over which the coastal state exercises sovereign rights for the purpose of exploring and exploiting its resources, generally to 200 nautical miles and in some circumstances beyond.

The island / rock / low-tide elevation distinction. This technical distinction, drawn from Article 121 of UNCLOS, proved decisive in the 2016 arbitration. A fully entitled island, capable in its natural condition of sustaining human habitation or economic life of its own, generates a territorial sea, an EEZ, and a continental shelf. A rock that cannot sustain habitation or economic life generates only a 12-nautical-mile territorial sea and no EEZ. A low-tide elevation, above water at low tide but submerged at high tide, generates no maritime zone of its own and, the Tribunal held, is not capable of appropriation as sovereign territory at all. Whether a given feature is an island, a rock, or a low-tide elevation therefore determines how much sea it can generate, and the answer turns on the feature's natural condition, not on any artificial installation subsequently built upon it.

Historic rights. A claim to rights over maritime areas or resources derived from long-standing use and assertion of authority over time, rather than from the zones UNCLOS allocates. Whether, and to what extent, historic rights can survive alongside or in derogation from UNCLOS is the central legal question dividing China from the other claimants, and the question on which the 2016 Tribunal ruled against China's expansive reading.

Nine-dash line. The demarcation appearing on Chinese maps, enclosing the majority of the South China Sea, within which China asserts historic rights. Its precise legal meaning has never been exhaustively defined by China itself, a strategic ambiguity that its critics call a defect and its defenders regard as a legitimate feature of a claim rooted in history rather than in the geometric precision of UNCLOS zones.

VI. HISTORICAL BACKGROUND

Chinese records of voyages, fishing, and reference to the features of the South China Sea extend back many centuries, and China grounds its contemporary position in this long historical presence. The specific cartographic claim now known as the nine-dash line, however, is of more recent origin. It was published by the Republic of China government in 1947, originally as an eleven-dash line, enclosing the major island groups of the sea. After the establishment of the People's Republic in 1949, the line was carried forward, later simplified to nine dashes, and inherited as the basis of the PRC's maritime claim. Taiwan, as the continuing Republic of China, maintains a substantially identical claim to this day.

Through the second half of the twentieth century, the various claimants occupied features across the Paracels and Spratlys, sometimes through negotiation and often through force. China took full control of the Paracel Islands from South Vietnam following a naval clash in 1974. A further clash between China and a now-unified Vietnam at Johnson South Reef in 1988 left dozens of Vietnamese sailors dead. The Philippines occupied several Spratly features and, in 1999, deliberately grounded a naval vessel, the BRP Sierra Madre, on Second Thomas Shoal to establish a permanent presence there, a rusting hulk that remains garrisoned and resupplied to this day and that has become one of the most dangerous flashpoints in the entire dispute.

The most consequential recent development preceding the arbitration was China's program of large-scale artificial island construction, beginning around 2013, which transformed several submerged or minor features in the Spratlys into substantial installations with harbors, runways, and military infrastructure. It was against this background of rising tension, and following China's 2012 assumption of effective control over Scarborough Shoal, that the Philippines initiated the arbitration examined in detail below.

Case Study: The South China Sea Arbitration (Philippines v. China), 2013–2016

In January 2013, the Republic of the Philippines initiated arbitral proceedings against the People's Republic of China under Annex VII of UNCLOS, seeking a series of declarations concerning the legality of China's claims and conduct in the South China Sea. The award that resulted, handed down on 12 July 2016, is the single most important legal event in the modern history of the dispute, and understanding both what it decided and why it remains contested is essential preparation for this committee.

The Philippines was careful in how it framed its case, and the framing is itself instructive. Recognizing that UNCLOS tribunals have no jurisdiction over questions of territorial sovereignty (which UNCLOS does not govern), and that China had in 2006 filed a declaration under Article 298 excluding disputes over maritime boundary delimitation and historic title from compulsory arbitration, the Philippines deliberately avoided asking the Tribunal to award it sovereignty over any feature or to draw any maritime boundary. Instead, it asked the Tribunal to rule on the compatibility of China's nine-dash-line claim with UNCLOS, on the legal status of specific features (island, rock, or low-tide elevation), and on the lawfulness of specific

Chinese conduct, such as interference with Philippine fishing and petroleum activities and the environmental damage caused by island construction.

China refused to participate. It declined to appoint an arbitrator, filed no formal defense, and issued a position paper in December 2014 arguing that the Tribunal lacked jurisdiction, principally on the ground that the dispute was in essence about territorial sovereignty and maritime delimitation, matters outside the Tribunal's competence and, as to delimitation, excluded by China's 2006 declaration. This refusal did not halt the proceedings. Annex VII of UNCLOS expressly provides that the absence of a party does not bar the arbitration from proceeding, and contains a procedure for constituting the tribunal even when one party declines to appoint its arbitrator; the President of the International Tribunal for the Law of the Sea made the appointments China had declined to make. The Tribunal was thus properly constituted, and it proceeded to satisfy itself of its own jurisdiction, as international tribunals are obliged to do even against an absent respondent.

On jurisdiction, the Tribunal ruled in October 2015 that it was competent to hear most of the Philippines' submissions. Crucially, it reasoned that a dispute about whether historic rights within the nine-dash line are compatible with UNCLOS is not the same as a dispute about historic title or maritime delimitation, and therefore fell outside the categories China had excluded in 2006. This jurisdictional finding is the hinge of the entire case, and it is precisely where China's supporters locate their strongest objection, as discussed in the stakeholder analysis below.

On the merits, in July 2016, the Tribunal ruled comprehensively in favor of the Philippines. It found that whatever historic rights China may have had to the resources of the South China Sea, those rights were extinguished to the extent that they were incompatible with the system of maritime zones that UNCLOS established; the Convention, the Tribunal reasoned, was intended to allocate maritime rights comprehensively, leaving no residual space for a historic-rights claim exceeding UNCLOS entitlements. It found that none of the features of the Spratly Islands, in their natural condition, qualified as fully entitled islands generating an EEZ, meaning that even China's fully entitled features generated no more than territorial seas. It found that certain features were low-tide elevations incapable of appropriation, that China had unlawfully interfered with Philippine fishing and petroleum activities within the Philippines' EEZ, that Chinese island-building had caused severe harm to the coral reef environment in breach of UNCLOS environmental obligations, and that China had aggravated the dispute during the proceedings by its construction activities.

China rejected the award immediately, categorically, and in terms it has maintained ever since: the award is, in Beijing's words, null and void and without binding force. China's rejection rests on the position that the Tribunal never had jurisdiction, that the proceedings were an abuse of the UNCLOS dispute-settlement mechanism, and that the underlying dispute was always about sovereignty, which UNCLOS cannot decide. Taiwan, which administers the largest natural feature in the Spratlys, also rejected the award, in part because the Tribunal had ruled that even

that feature was a mere rock. The award is, as a matter of law, final and without appeal, and it is binding as between the Philippines and China under Article 296 of UNCLOS. As a matter of fact, it has not been enforced, because UNCLOS provides no enforcement mechanism, and the one body that might in theory act, this Council, contains China as a veto-wielding permanent member. The award therefore occupies a peculiar status that delegates must grasp precisely: legally binding, widely endorsed by third states, and practically unenforced. It is at once the strongest card in the hands of China's opponents and a vivid illustration of the limits of international adjudication against a great power determined to resist it.

VII. LEGAL AND NORMATIVE FRAMEWORK

UNCLOS as the governing framework. The starting point for any legal analysis of this agenda is that UNCLOS is the treaty to which all the regional claimants, China included, are parties, and that it was designed to be the comprehensive framework for allocating maritime rights. Article 296 provides that decisions of a court or tribunal with jurisdiction under the Convention are final and binding on the parties to the dispute. This is the legal foundation of the argument, advanced by the Philippines and endorsed by numerous third states, that the 2016 award is not merely advisory but obligatory as between the two parties, whatever China's political rejection of it.

The historic-rights question. The deepest legal fault line runs between two conceptions of how history and treaty law interact. On one reading, championed by China's critics and adopted by the Tribunal, UNCLOS occupies the field: by codifying the EEZ and continental shelf and comprehensively allocating maritime zones, it superseded and extinguished any prior historic rights to resources that exceed those zones. On the competing reading, advanced by China and by a body of scholarship sympathetic to its position, UNCLOS regulates the maritime zones it defines but does not purport to abolish rights of a different character and older origin that predate the Convention and that states may preserve outside its zonal architecture. This is not a frivolous argument; historic rights and historic title are concepts UNCLOS itself acknowledges in several provisions, and reasonable international lawyers have disagreed about how far the Convention displaces pre-existing entitlements.

Jurisdiction and the 2006 declaration. UNCLOS permits states, under Article 298, to opt out of compulsory dispute settlement for certain categories of dispute, including those concerning sea boundary delimitations and historic bays or titles. China exercised this option in 2006. The Tribunal's conclusion that the Philippines' claims did not fall within the excluded categories, because they concerned the compatibility of a claim with UNCLOS rather than the delimitation of a boundary or the existence of historic title as such, is defensible and was carefully reasoned, but it is also the point at which China's objection is most substantial. If one takes the view that the reality of the dispute was inseparable from sovereignty and delimitation, whatever the Philippines' artful framing, then the Tribunal's assertion of jurisdiction looks less like a neutral application of the rules and more like a mechanism for circumventing a reservation China had every right to make. Delegates on both sides of this agenda should be able to argue this jurisdictional question in detail, because it is where the legal contest is genuinely live rather than settled.

Non-participation and its consequences. International law does not treat a respondent's non-appearance as a default judgment; the Tribunal was still required to satisfy itself of its jurisdiction and of the soundness of the Philippines' claims, and UNCLOS Annex VII Article 9 specifically directs a tribunal to do so before making any award in the absence of a party. China's defenders argue that non-participation was a principled assertion that the Tribunal lacked authority, not a forfeit; its critics argue that a state which is party to a convention cannot

escape that convention's binding dispute-settlement provisions simply by refusing to show up. Both propositions have support in the practice of international courts.

Freedom of navigation. A distinct legal strand concerns the freedoms of navigation and overflight that UNCLOS guarantees to all states in the EEZ and on the high seas. The United States and other maritime powers conduct what they term freedom-of-navigation operations, sailing warships through waters where they contend excessive maritime claims would otherwise go unchallenged. China regards at least some of these operations, particularly those passing within 12 nautical miles of features it claims, as violations of its sovereignty and as provocations. The legal disagreement here concerns both the status of the features (whether they generate a territorial sea at all) and the extent of the coastal state's rights to regulate foreign military activity in its EEZ, a question on which UNCLOS is genuinely ambiguous and on which state practice is divided, with China, notably, not alone among coastal states in asserting a more restrictive view.

The absence of enforcement. The recurring theme uniting all of the above is that international law of the sea is rich in adjudicative machinery and poor in enforcement machinery. UNCLOS can produce a binding award; it cannot compel compliance. That gap is not a flaw specific to this dispute but a general feature of an international legal order built on the consent of sovereign states, and it is the reason a political body like this Council, for all its own limitations, remains relevant to a dispute that a court has, in a formal sense, already decided.

VIII. TECHNICAL AND STRATEGIC DIMENSIONS

The militarization dynamic. Since 2013, the construction of artificial islands and the installation of runways, radar, and missile systems on features in the Spratlys has changed the military geography of the sea, extending the reach of land-based power projection into waters that were previously beyond it. Each claimant frames its own installations as defensive and its rivals' as aggressive, a symmetry that makes any freeze or rollback difficult to negotiate because no party wishes to concede an existing position.

The coast guard and grey-zone problem. Much of the day-to-day confrontation in the sea is conducted not by navies but by coast guards, maritime militias, and fishing fleets, a deliberate choice that keeps incidents below the threshold of armed conflict while still asserting control. Water cannon, ramming, blocking, and laser-dazzling occupy a grey zone that conventional laws of armed conflict were not designed to govern, and that makes attribution, proportionality, and escalation-management genuinely difficult. A resolution focused on incident-prevention protocols and rules for encounters at sea addresses this layer directly, and is among the more achievable outcomes available to this committee.

Resources and livelihoods. Beneath the strategic contest lies a human one. The fisheries of the South China Sea are among the most productive on earth and are being depleted by overfishing and by reef destruction, threatening the food security and livelihoods of coastal populations across several states. Fishing communities are frequently the first to feel the dispute, driven from traditional grounds by coast guard patrols, and are equally frequently instrumentalized as assertions of presence. A committee that loses sight of these populations in favor of purely strategic framing will produce a resolution that misses much of the actual human stakes.

External powers and the risk of internationalization. The dispute is no longer purely regional. The United States, Japan, Australia, and several European states now conduct naval operations or maintain security commitments implicating the sea, and the network of alliances tightening around it, including new access agreements permitting the forward deployment of foreign troops, raises the possibility that a bilateral incident between China and a smaller claimant could rapidly draw in outside powers. This internationalization is precisely what makes the agenda a matter for this Council rather than a purely regional negotiation, and it is also what makes miscalculation so dangerous.

IX. MAJOR STAKEHOLDER POSITIONS

The People's Republic of China. China's position, which delegates opposing it must understand in its strongest form rather than a caricature, rests on several mutually reinforcing pillars. Historically, China asserts a presence in and use of the South China Sea stretching back many centuries, long predating both UNCLOS and the existence of several of the modern states now advancing competing claims, and it regards the nine-dash line as the cartographic expression of rights accumulated over that long history rather than as a claim that must justify itself in the geometric terms of a 1982 treaty. Legally, China maintains that the 2016 Tribunal exceeded its jurisdiction by adjudicating what was in substance a sovereignty and delimitation dispute that China had lawfully excluded from compulsory settlement in 2006, and that an award rendered without jurisdiction binds no one; it further argues that UNCLOS, whatever its comprehensiveness as to the zones it defines, was never intended to extinguish historic rights of an entirely different legal character, several of which the Convention itself expressly preserves. Politically, China points out that it has consistently favored resolving the disputes bilaterally with the states directly concerned and through the ASEAN-China Code of Conduct process, and characterizes the internationalization of the dispute, and in particular the naval operations of external powers with no coastline on the sea, as the true source of destabilization. On this reading, it is not China that has changed the status quo but the intrusion of outside powers and the abandonment by the Philippines of a previously agreed bilateral track in favor of an arbitration Beijing regards as a legal ambush. Whatever one ultimately concludes, this is a coherent and serious position, and a delegate representing China who can articulate it in these terms will be far more effective than one who merely refuses to engage.

The Philippines. As the state that brought and won the 2016 arbitration, the Philippines anchors its position in the award and in its UNCLOS-based entitlements to an EEZ and continental shelf projecting from its own archipelago. Manila's posture has hardened in recent years toward publicizing Chinese conduct at sea and deepening security cooperation with the United States, Japan, and others, while simultaneously, and revealingly, keeping open channels for bilateral resource talks and pursuing the Code of Conduct as ASEAN chair. It presents itself as a smaller state vindicated by law and entitled to the protection of the international community against coercion.

Vietnam. Vietnam maintains extensive claims to the Paracels (which China controls and Vietnam disputes) and the Spratlys, grounded in its own asserted history and in UNCLOS. It has fought China at sea within living memory, has itself engaged in island construction, and pursues a characteristically balanced posture: firm assertion of its claims, deepening ties with a range of external partners, and careful avoidance of a wholesale rupture with a giant neighbor and major economic partner.

Malaysia and Brunei. These claimants advance more limited, EEZ-and-continental-shelf-based claims in the southern reaches of the sea, generally prefer quiet diplomacy to public

confrontation, and are wary of any escalation that would force a binary choice between China and external powers. Their relative restraint is itself a significant factor in regional dynamics.

The United States. Not a claimant and not a party to UNCLOS, the United States frames its interest in terms of freedom of navigation, the peaceful resolution of disputes, and its treaty commitments, notably a mutual defense treaty with the Philippines. It conducts freedom-of-navigation operations challenging claims it regards as excessive and has deepened security arrangements across the region. China regards the American role as the principal external driver of tension; Washington regards its own presence as a stabilizing guarantee for smaller states. Delegates should note the recurring rejoinder that a state which has never ratified UNCLOS is imperfectly positioned to invoke it against others.

ASEAN and the Code of Conduct. The Association of Southeast Asian Nations has sought for over two decades to negotiate a binding Code of Conduct with China to govern behavior in the sea, building on a non-binding 2002 declaration. Progress has been slow and the association is internally divided, since not all its members are claimants and several have deep economic ties to China. As of 2026, with the Philippines chairing ASEAN and pressing for an accelerated timetable, the Code of Conduct negotiation is the most active diplomatic track available, and supporting it is among the most realistic constructive roles this committee can play.

Russia, France, and the United Kingdom. The other three permanent members bring their own calculations. France and the United Kingdom have at times conducted or supported freedom-of-navigation activity and generally favor UNCLOS-based order, while maintaining substantial economic relationships with China. Russia's alignment with Beijing on questions of resisting what both frame as Western interference makes it unlikely to support any resolution China opposes. The interplay of these permanent-member positions, and the veto each of two of them could wield, is the practical arithmetic that will determine what this committee can pass.

X. CURRENT STATUS AND RECENT DEVELOPMENTS

As of mid-2026, the situation in the South China Sea has continued to deteriorate through a series of confrontations centered on Scarborough Shoal and Second Thomas Shoal, even as diplomatic channels have simultaneously remained active, an apparent contradiction that in fact reflects the dual-track reality of the dispute. Around Scarborough Shoal, which China has effectively controlled since 2012 despite its location within the Philippines' claimed EEZ, China deployed a floating barrier across the shoal's entrance in April 2026 and has maintained an intensified coast guard presence, turning away Philippine fishing vessels; Manila has protested what it describes as illegal structures at the feature and removed barriers on more than one occasion. Confrontations at and around Second Thomas Shoal, where the grounded BRP Sierra Madre remains garrisoned, have continued to involve blocking and water-cannon use against Philippine resupply missions.

The security environment surrounding the dispute has grown more crowded. The 2026 iteration of the Balikatan exercises between the Philippines and the United States was the largest to date, involving forces from several nations and, for the first time, the deployment of Japanese combat troops on Philippine soil, following the entry into force of a Japan-Philippines Reciprocal Access Agreement. Chinese naval forces, including carrier and destroyer groups, have conducted corresponding drills in nearby waters. This tightening lattice of exercises, access agreements, and naval deployments has raised the stakes of any single incident, since more actors are now positioned to be drawn into a confrontation that begins bilaterally.

At the same time, the diplomatic track has not closed. The Philippines, as ASEAN chair for 2026, has pressed for accelerated, more frequent negotiation sessions toward a Code of Conduct with China, with its foreign secretary having called for a negotiated text within the year, and President Marcos has signaled openness to resuming joint oil-and-gas discussions with China at Reed Bank amid domestic energy pressures. Whether this diplomatic track can outpace the escalatory dynamic at the shoals is, at the time of writing, the central open question of the agenda, and it is precisely the balance this committee is convened to influence.

XI. QUESTIONS A RESOLUTION MUST ADDRESS

1. Given that China holds a veto as a permanent member and is itself a party to the dispute, what can this Council realistically achieve, and how should a resolution be framed to accomplish something meaningful within that constraint rather than a symbolic declaration certain to be vetoed?
2. Should a resolution address the underlying legal disputes at all, or confine itself to the management of incidents, freedom of navigation, humanitarian protection, and environmental damage, leaving questions of sovereignty and the status of the 2016 award to the parties and to competent judicial bodies?
3. What role, if any, should the 2016 arbitral award play in a Council resolution, given that it is legally binding as between the two parties, endorsed by many third states, rejected outright by China, and formally unenforced?
4. How can the Council support the ASEAN-China Code of Conduct process without displacing or duplicating it, and is there value in the Council lending its weight to a regional negotiation that has proceeded slowly for over two decades?
5. What concrete incident-prevention mechanisms, such as agreed protocols for encounters between coast guard and naval vessels, could reduce the risk of an accidental escalation, and can such mechanisms be made acceptable to all parties including China?
6. How should the legitimate interests of the smaller claimant states and of fishing communities across the region be protected against coercion, and what protections can command consensus rather than deepening the division between blocs?
7. How should the Council weigh the freedom-of-navigation interests asserted by external maritime powers against the concern, voiced by China and some others, that the naval presence of states with no coastline on the sea is itself a source of escalation?

XII. GUIDELINES FOR RESEARCH

Delegates should ground their positions in their country's actual conduct and stated policy: whether it is a claimant, a party to UNCLOS, a signatory to the 2002 Declaration on the Conduct of Parties, a participant in freedom-of-navigation activity, or a state bound by a security treaty implicating the sea. A delegation that cannot state whether its own country has ratified UNCLOS, or how it responded to the 2016 award, will read as under-prepared regardless of what else is said in committee.

Do not conflate the sovereignty dispute with the maritime-entitlements dispute; as this guide has emphasized, they are governed by different legal principles, and the 2016 arbitration turned on keeping them separate. A speech that treats the award as having decided sovereignty over any island will be factually incorrect, since the Tribunal expressly declined to rule on sovereignty at all.

Delegates representing China, or states aligned with it, should prepare to engage the jurisdictional and historic-rights arguments in their strongest form rather than merely rejecting the award; delegates opposing China should prepare to meet those arguments on the merits rather than assuming the award settles every question. The most effective delegates in this committee will be those who have genuinely understood the opposing case.

Suggested starting points for further research: the text of the 2016 award and the associated press releases of the Permanent Court of Arbitration, the text of UNCLOS itself (particularly Articles 121, 296, and 298), the Asia Maritime Transparency Initiative's tracking of features and incidents, the International Crisis Group's reporting on the dispute, and a country's own Ministry of Foreign Affairs statements, which are the single best source for an accurate national position.

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