**Committee: Legal**

**The question of: Maritime borders in the South China Sea**

Main Submitters: South Korea

Co-Submitters: United States, Israel

Sponsors: Turkey, Bangladesh, Philippines, United Kingdom, Japan, Singapore, India, Mexico, Cuba, Australia, Russia, North Korea, Brazil, Indonesia, China

THE LEGAL COMMITTEE,

**Recognising** the entitlement of States to both the continental shelf and exclusive economic zone restricted to within 200 miles of their coastline and that the delimitation of both between opposite or adjacent coasts shall be effected by agreement on the basis of international law in order to achieve a fair solution,

**Noting** that many maritime borders in the South China Sea overstep the boundaries of the States’ continental shelves and the restriction of 200 miles,

**Reminding** countries of the ruling of the 1958 Geneva Convention whereby the marine boundaries of countries would be determined by application of the principle of equidistance/median line should there be no special circumstances to justify a different boundary line,

**Aware of** the fact that the principle of equidistant delimitation of maritime borders is not a rule of customary international law and that there is difficulty in reaching equitable solutions to maritime border disputes using only the principle of equidistance,

**Having studied** the claimed special circumstances justifying the creation of maritime borders not keeping with the principle of equidistance and the strength thereof,

**Taking into consideration** the economic benefits resources such as oil found in the South China Sea could present to disputing countries, and the uneven distributions of said resources in the disputed region,

**Emphasising** the obligation of States to negotiate in good faith with a view to conclude agreement as suggested by the 1982 LOS Convention to create maritime borders based on the principle of equity,

1. Encourages the creation of a new system of fashioning maritime borders which takes into consideration both the principles of equidistance and of equity:
2. Where a flexible border is first created equidistant from the coasts of opposing States and then changed to create a more equitable border,
3. To determine how to make the border equitable, an impartial force is used to evaluate the resources and distribution thereof in the disputed region and the border is altered so that the resources are divided fairly between States,
4. States with claims that require borders altered due to special circumstances such as historical claims must agree to a conciliation before a judge of the International Court of Justice who will issue a report with recommendations regarding the positioning of the border,
5. The geographical features of coastlines including their curve and continental shelving will be evaluated by a select group of geographers from countries not involved in the dispute and a recommendation will be submitted that will take into account the effect of these features on division by the principle of equidistance, allowing for changes in the borders to make them more equitable,
6. After the border is proposed, States involved are required to present their opinions before a select judiciary body composed of impartial persons, and should they disagree with the proposal they will present their case before the International Court of Justice who have the option of ordering a re-evaluation and resubmittal of border proposals;
7. Proposes that a convention is called between states involved in the dispute and that the method suggested above is used to propose a border and evaluate the claims of parties involved:
8. This convention should be held in a country that is unaffected by the issue and is impartial to the countries involved and thus it is proposed to hold this convention in Switzerland,
9. The convention should be subdivided into 2 committees:
10. A legal committee to consider previous legislation and laws regarding maritime borders and debate whether or not the claims made by disputing states are legally valid,
11. A committee that considers the economic perspective of the debate, focusing on division of resources both living and non-living, and creating possible trade agreements and business partnerships within the region;
12. Supports the creation of trade and business partnerships between nations in the South China Sea, specifically:
13. A business partnership between different nations to fund hydrocarbon extractions in the South China Sea:
14. Whereby funding, machinery, labour force and transport are provided by different countries,
15. The profits made are divided by percentage investment of each country and thus shared fairly,
16. A fishing trade agreement where countries whose borders offer more populated waters sell their fish to nations with less advantaged waters at a subsidised price;
17. Adopts the ’incidents at sea’ guidance, which is an agreement that would provide a hotline or emergency response to report confrontations and conflicts involving vessel seizures and crew detentions.