



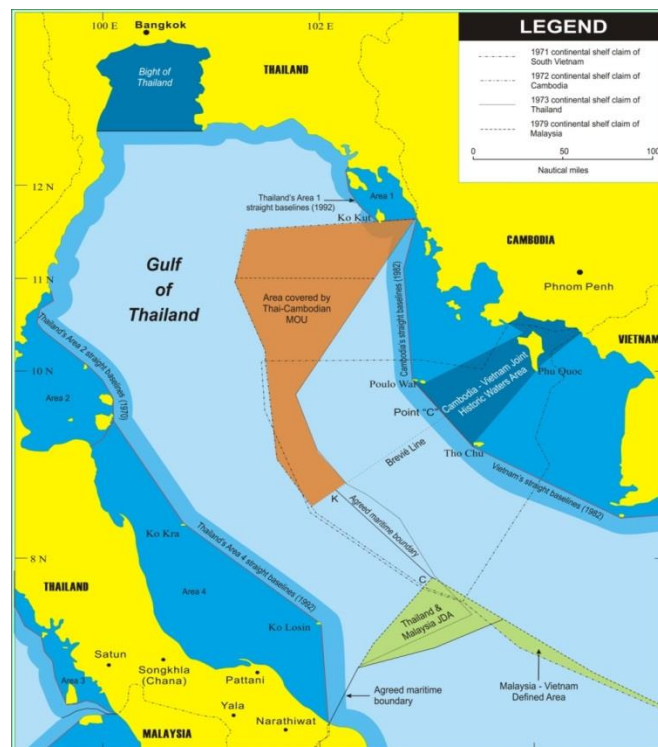
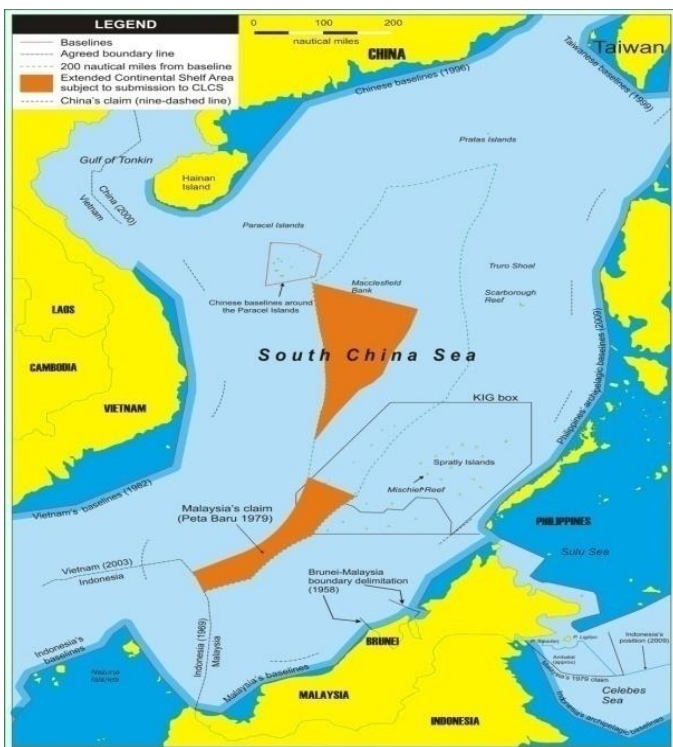
**Cooperation of States Bordering  
Enclosed or Semi-Enclosed Seas:  
The Cases of South China Sea and Gulf of  
Thailand**

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# UNCLOS, PART IX ENCLOSED OR SEMI-ENCLOSED SEAS

## Article 122. Definition

For the purposes of this Convention, 'enclosed or semi-enclosed sea' means a gulf, basin or sea surrounded by two or more States and connected to another sea or the ocean by a narrow outlet or consisting entirely or primarily of the territorial seas and exclusive economic zones of two or more coastal States.



## Article 123. Co-operation of States bordering enclosed or semi-enclosed seas

States bordering an enclosed or semi-enclosed sea **should** co-operate with each other in the exercise of their rights and in the performance of their duties under this Convention. To this end they **shall** endeavour, directly or through an appropriate regional organization:

- (a) to co-ordinate the management, conservation, exploration and exploitation of **the living resources** of the sea;
- (b) to co-ordinate the implementation of their rights and duties with respect to the protection and preservation of the **marine environment**;
- (c) to co-ordinate their **scientific research policies** and undertake where appropriate **joint programmes of scientific research** in the area;
- (d) **to invite**, as appropriate, **other interested States or international organizations** to co-operate with them in furtherance of the provisions of this article.

- Article 74 (3) and 83 (3): Pending agreement as provided for in paragraph 1 (*on delimitation*), the States concerned, in a spirit of understanding and co-operation, shall make every effort to enter into provisional arrangements of a practical nature **and**, during this transitional period, not to jeopardize or hamper the reaching of the final agreement. Such arrangements shall be without prejudice to the final delimitation. (*Italic added*)

## 2002 DECLARATION ON THE CONDUCT OF PARTIES IN THE SOUTH CHINA SEA

5. The Parties undertake to exercise self-restraint in the conduct of activities that would complicate or escalate disputes and affect peace and stability...

6. Pending a comprehensive and durable settlement of the disputes, the Parties concerned may explore or undertake cooperative activities. These may include the following:

- a. marine environmental protection;
- b. marine scientific research;
- c. safety of navigation and communication at sea;
- d. search and rescue operation; and
- e. combating transnational crime, including but not limited to trafficking in illicit drugs, piracy and armed robbery at sea, and illegal traffic in arms.

...



 **PRACTICAL COOPERATION**

# Marine Scientific Research (MSR)

- ◆ **JOMSRE-SCS:** (Joint Oceanographic and Marine Scientific Research Expedition). Phase I between Philippines and Vietnam (1996-2007); Phase II including China but not yet operationalize
- ◆ Joint MSR and survey for environmental protection between China and Vietnam in Gulf of Tonkin
- ◆ MSR projects within framework of Workshop on Managing the Potential Conflicts in the South China Sea



Photo by Karsten Hoeselin in Mott, "JOMSRE-3 Trip Report," [www.middlebury.edu/SouthChinaSea](http://www.middlebury.edu/SouthChinaSea), July 2006

# MARINE ENVIRONMENT PROTECTION (MEP)



## COBSEA

Coordinating Body on the Seas of East Asia

- ◆ The Action Plan for the Protection and Development of the Marine Environment and Coastal Areas of the East Asian Seas Region (the East Asian Seas Action Plan) was approved in 1981 stimulated by concerns on the effects and sources of marine pollution.
- ◆ Main task is for assessment of the effects of human activities on the marine environment and coordinating the activities of governments, NGOs, UN and donor agencies, and individuals.
- ◆ 10 members (Indonesia, Malaysia, Philippines, Singapore and Thailand; Australia, Cambodia,







# Partnerships in Environmental Management for the Seas of East Asia

Organization established in 1993 with support of Global Environmental Fund (GEF) for protecting marine environment.



## The Partnership Agreement

- 11 countries
 

Cambodia	Philippines
PR China	RO Korea
DPR Korea	Singapore
Indonesia	Timor-Leste
Japan	Vietnam
Lao PDR	
- 14 non-state partners
- GEF, World Bank, UNDP, IMO



## Reversing Environmental Degradation Trends in the South China Sea and Gulf of Thailand



- ◆ **THE UNEP/GEF SOUTH CHINA SEA PROJECT** is funded by the Global Environment Facility (GEF) in partnership with seven states (Cambodia, China, Indonesia, Malaysia, Philippines, Thailand, and Vietnam). Planning commenced in 1996 and became fully operational in February 2002
- ◆ **The overall goals** of this project are:
  - ◆ to create an environment at the regional level, in which collaboration and partnership in addressing environmental problems of the South China Sea, between all stakeholders, and at all levels is fostered and encouraged; and
  - ◆ to enhance the capacity of the participating governments to integrate environmental considerations into national development planning

Questions, comments are welcome.

Thank you!

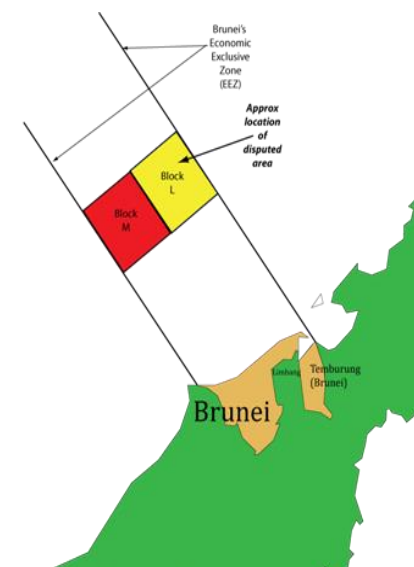
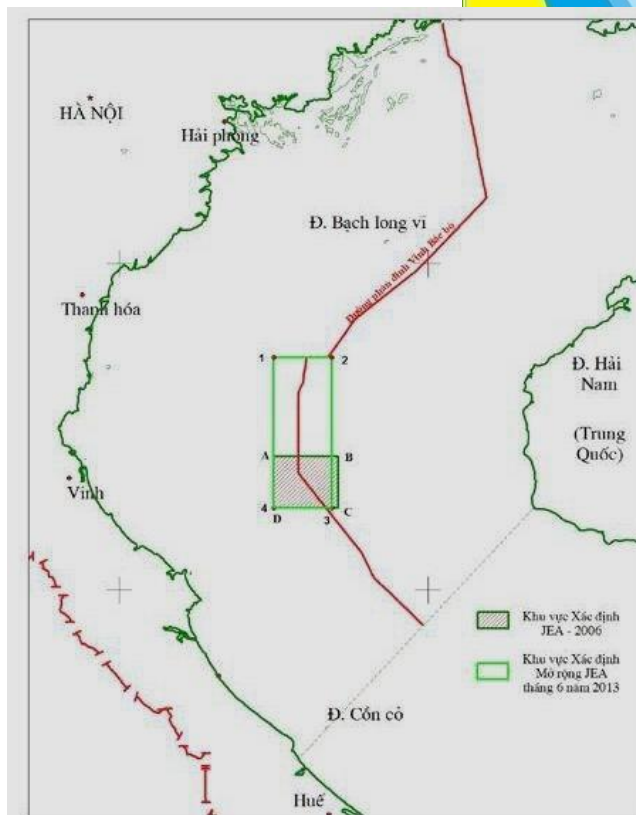
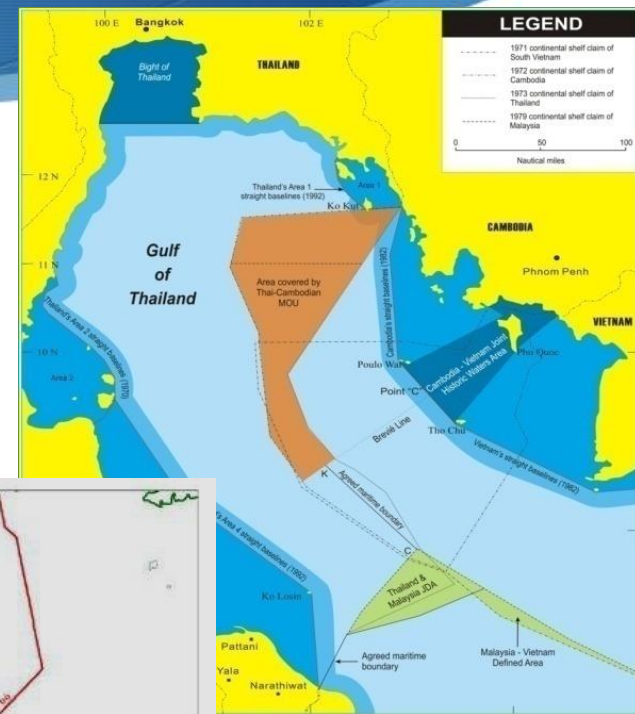




# COOPERATION FOR DEVELOPMENT OF HYDROCARBON

## Bilaterally:

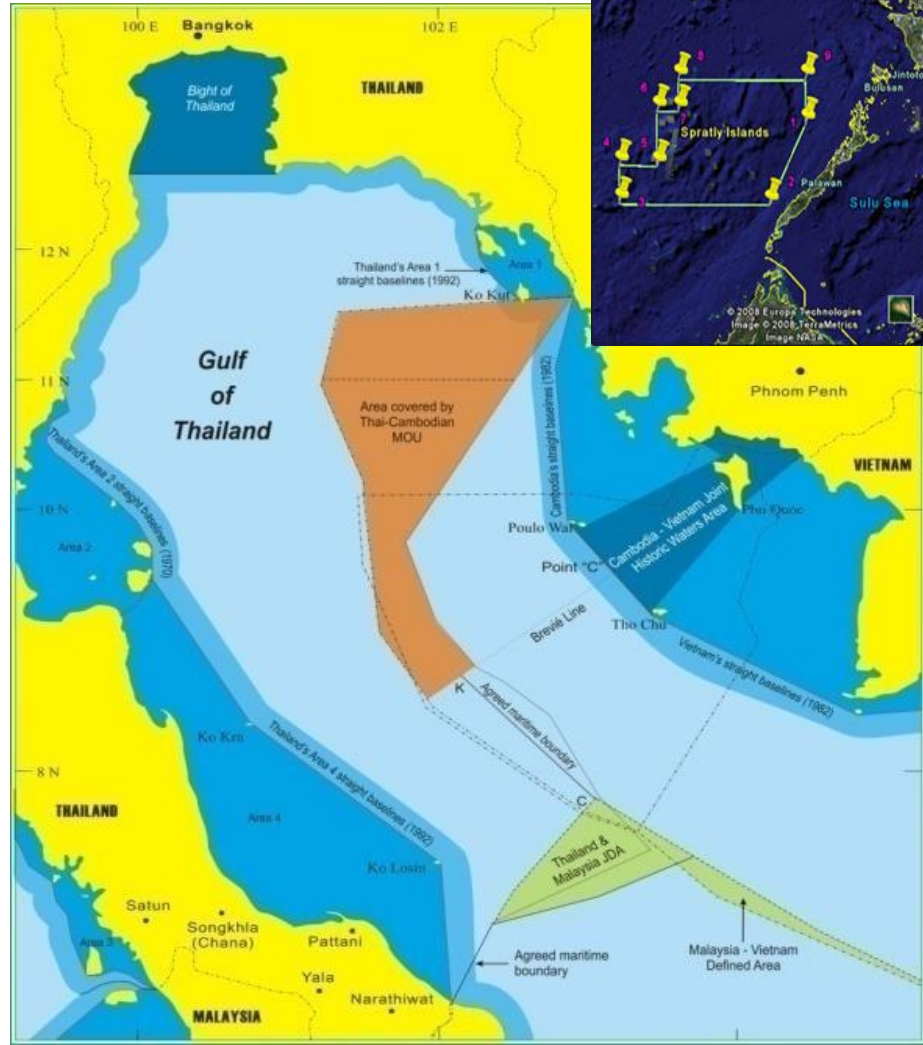
- 🟡 In the Gulf of Thailand:
  - 🟢 Vietnam- Malaysia;
  - 🟢 Malaysia-Thailand;
  - 🟢 Thailand-Cambodia (MOU).
- 🟡 In the Gulf of Tonkin:
  - 🟢 Vietnam-China (CNOOC and PetroVietnam)
  - 🟢 Ongoing negotiation for outside the Mouth of the Gulf
- 🟡 South China Sea:
  - 🟢 Malaysia-Brunei



# COOPERATION FOR DEVELOPMENT OF HYDROCARBON

## 🌿 Multilaterally:

- 🌿 Vietnam-Thailand-Malaysia negotiation in the Gulf of Thailand
- 🌿 2005 JMSU China-Philippines-Vietnam in the SCS



# GENERAL OBSERVATIONS

- ◆ MSR and MEP are considered less sensitive => easier for parties to achieve cooperation agreements
- ◆ Cooperation agreements for development of resources (living and non-living) are mainly concentrating in the Gulf of Thailand and Gulf of Tonkin.

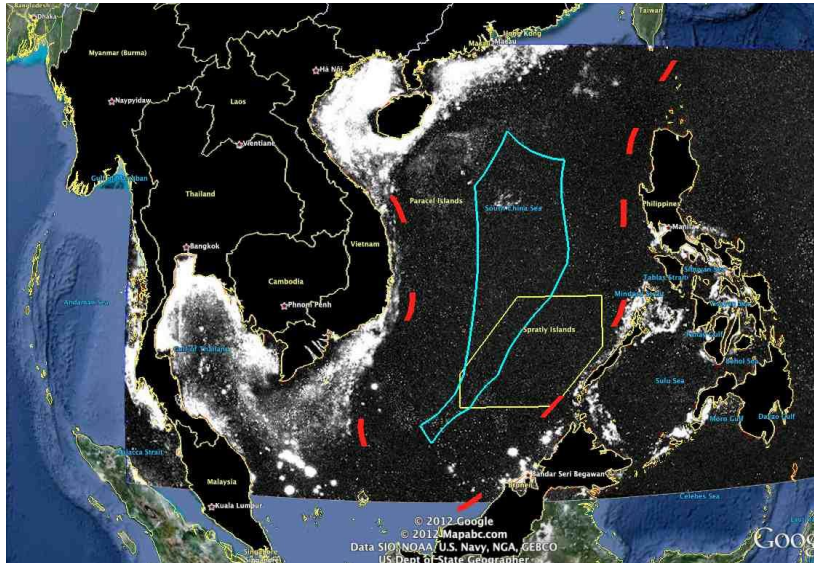
Reasons: no territorial disputes and reasonable maritime claims based on UNCLOS.

- ◆ Cooperation agreements for development of resources in the South China Sea is more difficult to reach:

Reasons: territorial disputes; no clarification of maritime claim; unilateral activities undermine trust; multilateral in nature but lacking mechanism for negotiation.

# THE ISSUE OF LOCATION OF RESOURCES

Fishery and hydrocarbon reserves are mainly concentrating within 200nm EEZ claim of coastal states, while arguably agreeable areas of cooperation are outside the limits of 200 nm from undisputed land features



South China Sea oil and natural gas proved and probable reserves

