

## **Agreement on the Disputed Territorial Collective of Islands and Reefs in the South China Sea by The Governments of Vietnam, The Republic of the Philippines, Brunei, the People's Republic of China (PRC), Taiwan (Republic of China/ROC), Indonesia and Malaysia.**

The Governments of Vietnam, The Republic of the Philippines, Brunei, the People's Republic of China (PRC), Taiwan (Republic of China/ROC), Indonesia and Malaysia, hereinafter referred to as the “Parties”, agree to a harmonized operation of the Parties affairs in the South China Sea.

The Parties herein express that the Parties are determined to develop neighbourly relations among each other in the common interests of their people.

The Parties acknowledge that in the South China Sea there are disagreements that have yielded no solution but regardless, the Parties wish to

- a) develop neighbourly relations in the context of mitigating pollution and climate change in the South China Sea regions;
- b) managing the unfettered transit of legitimate shipping traffic; maintaining a high-gain trade relationship for all the Parties;
- c) reducing military activities and tensions in the region;
- d) preventing the intervention and unlawful waterway traversal by foreign super powers;

- e) moving forward with a binding agreement to set aside territorial disputes that prevent harmony; and
  - f) co-manage the freedom of navigation and the rights of the Parties as set out in the “United Nations Convention on the Law of the Sea,” not limited to but inclusive of the following:
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### *PART III STRAITS USED FOR INTERNATIONAL NAVIGATION*

#### *SECTION 1. GENERAL PROVISIONS*

##### *Article 34 Legal status of waters forming straits used for international navigation*

*1. The regime of passage through straits used for international navigation established in this Part shall not in other respects affect the legal status of the waters forming such straits or the exercise by the States bordering the straits of their sovereignty or jurisdiction over such waters and their air space, bed and subsoil.*

*2. The sovereignty or jurisdiction of the States bordering the straits is exercised subject to this Part and to other rules of international law.*

*Article 35 Scope of this Part Nothing in this Part affects: (a) any areas of internal waters within a strait, except where the establishment of a straight baseline in accordance with the method set forth in article 7 has the effect of enclosing as internal waters areas which had not previously been considered as such;*

*(b) the legal status of the waters beyond the territorial seas of State bordering straits as exclusive economic zones or high seas; or*

*(c) the legal regime in straits in which passage is regulated in whole or in part by long-standing international conventions in force specifically relating to such straits.*

*Article 36 High seas routes or routes through exclusive economic zones through straits used for international navigation*

*This Part does not apply to a strait used for international navigation if there exists through the strait a route through the high seas or through an exclusive economic zone of similar convenience with respect to navigational and hydrographical characteristics; in such routes, the other relevant Parts of this Convention, including the provisions regarding the freedoms of navigation and overflight, apply.*

## *SECTION 2. TRANSIT PASSAGE*

*Article 37 Scope of this section This section applies to straits which are used for international navigation between one part of the high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone.*

*Article 38 Right of transit passage*

*1. In straits referred to in article 37, all ships and aircraft enjoy the right of transit passage, which shall not be impeded; except that, if the strait is formed by an island of a State bordering the strait and its mainland, transit passage shall not apply if there exists seaward of the island a route through the high seas or through an exclusive economic zone of*

*similar convenience with respect to navigational and hydro-graphical characteristics.*

*2. Transit passage means the exercise in accordance with this Part of the freedom of navigation and overflight solely for the purpose of continuous and expeditious transit of the strait between one part of the high seas or an exclusive economic zone and another part of the high seas or an exclusive economic zone. However, the requirement of continuous and expeditious transit does not preclude passage through the strait for the purpose of entering, leaving or returning from a State bordering the strait, subject to the conditions of entry to that State.*

*3. Any activity which is not an exercise of the right of transit passage through a strait remains subject to the other applicable provisions of this Convention.*

#### *Article 39 Duties of ships and aircraft during transit passage*

*1. Ships and aircraft, while exercising the right of transit passage, shall:*

*(a) proceed without delay through or over the strait;*

*(b) refrain from any threat or use of force against the sovereignty, territorial integrity or political independence of States bordering the strait, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;*

*(c) refrain from any activities other than those incident to their normal modes of continuous and expeditious transit unless rendered necessary by force majeure or by distress;*

*(d) comply with other relevant provisions of this Part.*

*2. Ships in transit passage shall:*

*(a) comply with generally accepted international regulations, procedures and practices for safety at sea, including the International Regulations for Preventing Collisions at Sea;*

*(b) comply with generally accepted international regulations, procedures and practices for the prevention, reduction and control of pollution from ships.*

*3. Aircraft in transit passage shall: (a) observe the Rules of the Air established by the International Civil Aviation Organization as they apply to civil aircraft; state aircraft will normally comply with such safety measures and will at all times operate with due regard for the safety of navigation; (b) at all times monitor the radio frequency assigned by the competent internationally designated air traffic control authority or the appropriate international distress radio frequency.*

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## **The Parties Have Agreed that**

### **Article 1**

The Parties shall take all appropriate measures, within the limits of their respective jurisdictions, to organize and expand cooperation between them in the areas determined by this Agreement.

## **Article 2**

The issues relating to fisheries shall follow unfettered traditional applications of fishing rights.

## **Article 3**

- a. The Parties shall collaborate to preserve and develop the natural environment. In particular, they shall study measures that will promote protection of plant, animal and sea life.
- b. The Parties agree to collaborate in studying the marine environment and its future prospects, developing scientific cooperation in this field and examining possible joint activities in the field of aquaculture and resource management.

## **Article 4**

The Parties shall be bound to keep the peace in the Region.

## **Article 5**

Desiring to facilitate the movement of persons and goods, the Parties shall undertake to seek methods that will improve sea and air links between the Parties.

## **Article 6**

The Parties shall promote the development of trade between each other.

## **Article 7**

The Parties shall develop their cooperation in the area of law enforcement to the benefit of the whole, in particular to suppress illicit traffic.

### **Article 8**

Parties shall encourage the development of their cooperation in the area of training and the exchange of teaching and administrative personnel for the purpose of co-managing the shared resources.

### **Article 9**

The Parties shall encourage cooperation in the search and rescue, medical, hospital and sanitary fields particularly in the event of a need for medical evacuations.

### **Article 10**

*a foreseen Article reserved for the foreseer*

### **Article 11**

1. The Parties shall create a Joint Cooperation Commission of which they shall appoint the members, according to their own procedures.
2. The Commission shall oversee the implementation of this Agreement. It shall study the means of cooperation between the Parties, any projects designed to strengthen that cooperation and the appropriate methods of implementing it. It shall establish working groups bringing together all partners with an interest in the fields specifically

contemplated by this Agreement. Issues relating to fisheries shall be examined by the Joint Cooperation Commission.

## Article 12

- a. The Joint Commission shall meet twice a year.
- b. The Party who hosts the meeting shall chair it.

## Article 13

The Joint Commission may propose changes to this Agreement to the Parties, in particular for the purpose of expanding their cooperation to other fields. These changes shall be the subject of an agreement between the Parties.

## Article 14

1. This Agreement shall enter into force on the date it is signed.
2. Each Party may at any time denounce this Agreement by giving a written notice to that effect. Denunciation shall take effect one hundred eighty days after the date on which the other Party is notified thereof.

Signed on this \_\_\_ of \_\_\_\_\_ in the year \_\_\_\_\_ at

\_\_\_\_\_

by

Governments of:

Vietnam \_\_\_\_\_

The Republic of the Philippines \_\_\_\_\_

Brunei \_\_\_\_\_

the People's Republic of China (PRC) \_\_\_\_\_

Taiwan (Republic of China/ROC) \_\_\_\_\_

Indonesia \_\_\_\_\_

Malaysia \_\_\_\_\_

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