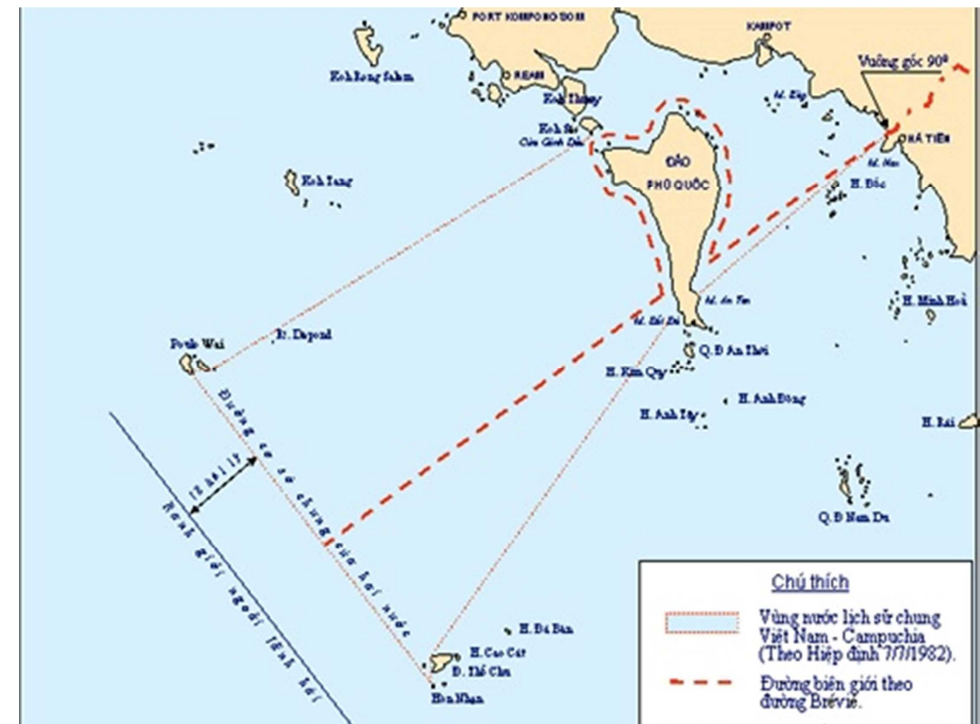


NGUYEN THI LAN ANH
DIPLOMATIC ACADEMY OF VIETNAM

1. Rationale for practice selection
2. Cambodia and Vietnam historic water agreement
3. China and South Korea joint fishing agreement
4. Malaysia and Vietnam joint development
5. Lessons learnt

- **Successful arrangements in pending for maritime delimitation**
- **Different models of cooperation**
- **Regional state practices**



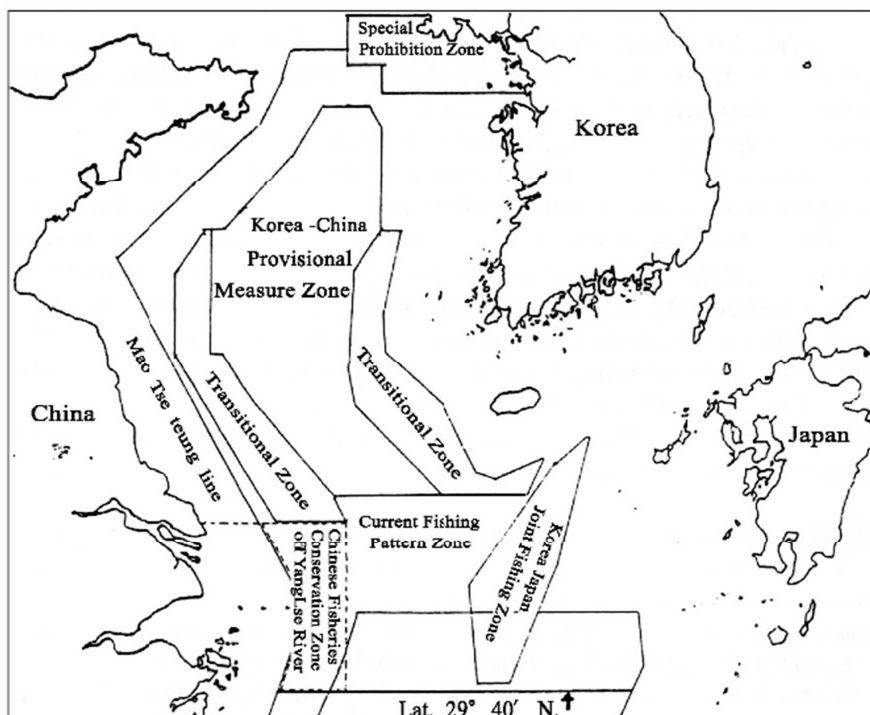
CAMBODIA & VIETNAM HISTORICAL AGREEMENT

Concluded on 7/7/1982 :

- Brevie is used to divide the sovereignty over islands: islands on the North of the line belong to Cambodia and islands on the South of the line belong to Vietnam.
- The historic water is provided under the common management regime:
 - Joint patrol
 - Joint exploiting the natural resources including fisheries

LIMITATIONS

- No prospect for maritime delimitation in sight
- The legal ground of “historic water” is questionable



CHINA & SOUTH KOREA JOINT FISHING AGREEMENT

Three zones for joint fishing regime of EEZ :

- Provisional Measure Zone
- Two Transitional Zones
- Fishing Pattern Zone

Two other zones:

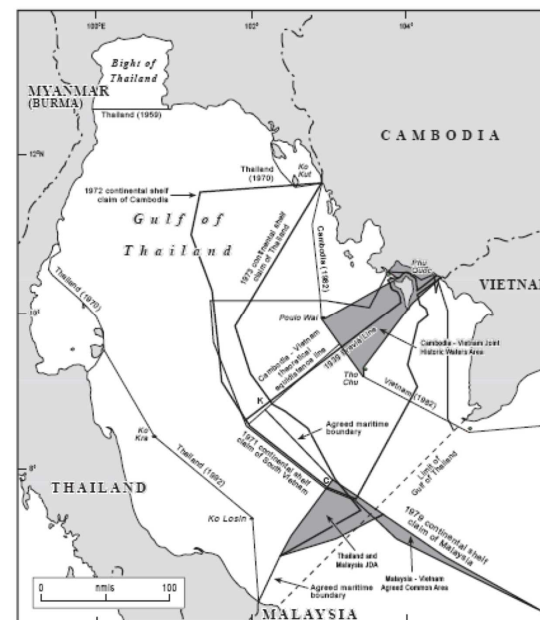
- Special Prohibition Zone
- Fisheries Conservation Zone off the Yangtse River

Initial period of five years and automatically extended

ACHIEVEMENTS AND LIMITATIONS

- **Creative models of cooperation that bridge the gaps in positions of two parties**
- **Help the parties to build confidence and maritime delimitation negotiation is expected this year**
- **Well based on international law (EEZ regime)**
- **Lack of clarity in some areas**
- **Lack of effectiveness at operational levels: Incidents still occur**
- **Lack of multilateral regime**

MALAYSIA & VIETNAM JOINT DEVELOPMENT



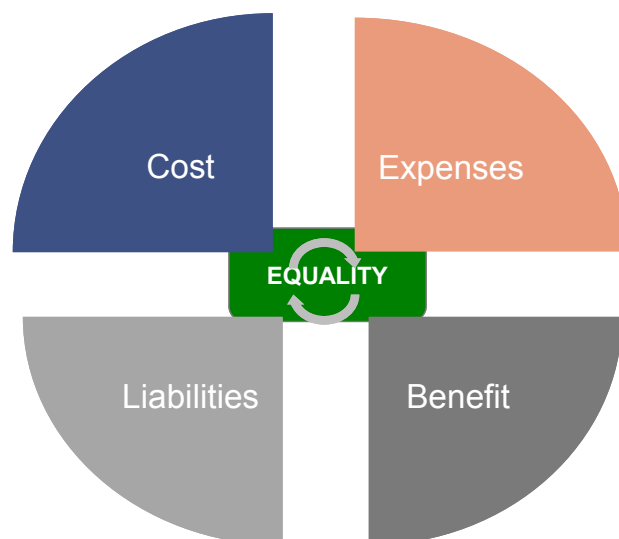
Overlapping area:

- Length: over 100 miles
- Width: less than 10 miles

The announcement of Halminton: 4,400 barrels of oil/ day from Bunga Orkid-1

Precedent of joint development between Malaysia and Thailand

EQUAL SHARING



ACHIEVEMENTS AND LIMITATIONS

The simple but work

- **Successfully implemented for 19 years**
- **Economic benefit for both countries**
- **Based on international law (CS regime)**
- **Build confidence and foster further cooperation on joint submission of the extended continental shelf**

No expressed 'functional' provisions on rights relating to:

- fishing,
- navigation, hydrographic and oceanographic surveys,
- the prevention and control of marine pollution,
- criminal jurisdiction and
- other similar matters in the JDA

LESSONS LEARNT

Good will

- **Conducting self-restrain**
- **Clarity on scope of maritime claims based on international law**
- **Flexibility in the quest for a suitable model of cooperation**
- **“No prejudice” clause**
- **Equitable sharing of benefits and responsibilities**

THANK YOU!