

Do the Sino-Vietnamese Tonkin Gulf agreements show ways forward in the South China Sea?

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Let's talk about conflict resolution
also when prospects look bleak



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Land borders can be established through war
or negotiation/arbitration

Maritime boundaries can be established
only through negotiation/arbitration



The Tonkin Gulf agreement of 2000 was
China's first maritime boundary agreement
- and remains the only one

It will not be the last!



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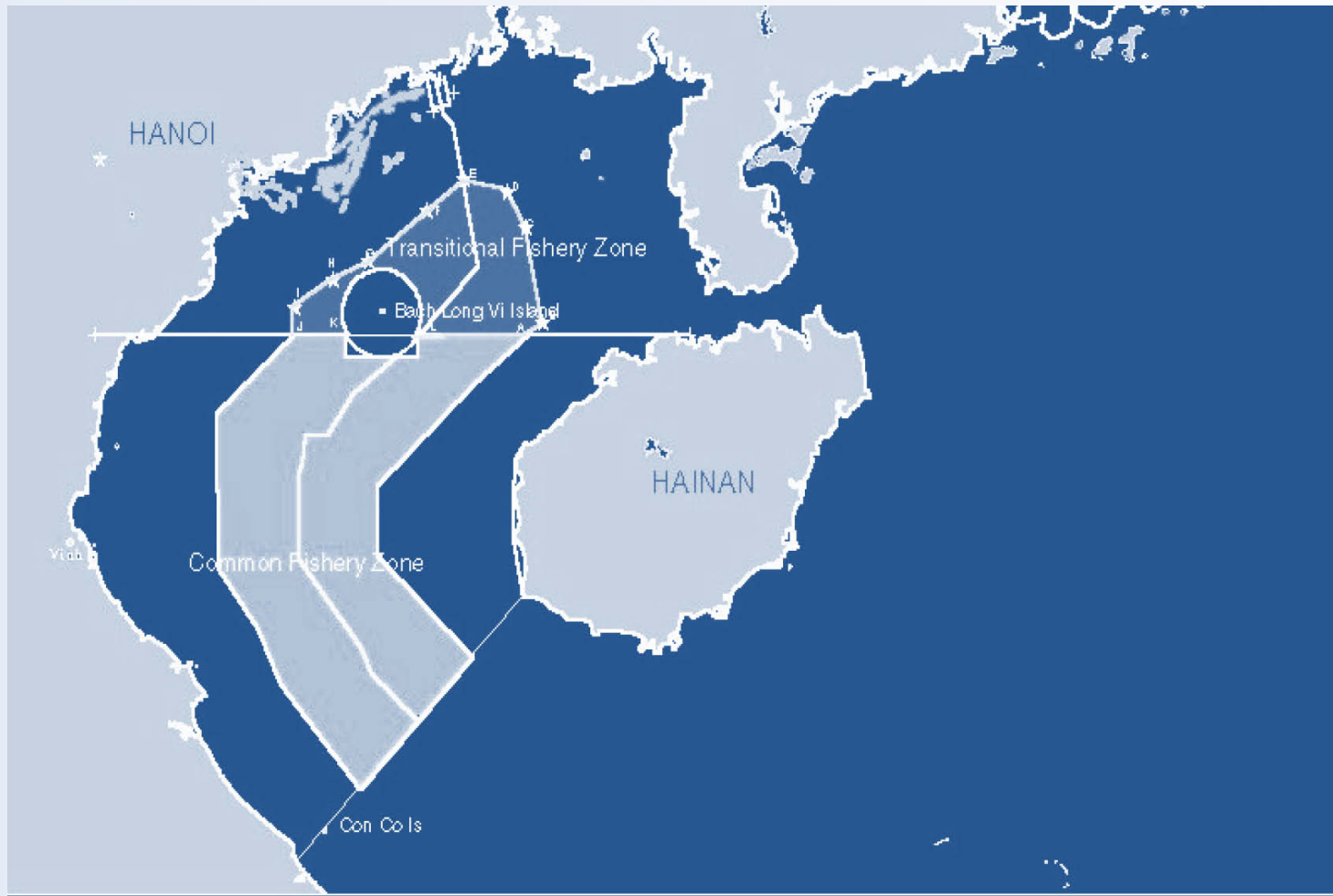
Lessons, precedents and opportunities created by the Tonkin Gulf agreements

1. Need for committed leaders and dedicated negotiators
2. The law of the sea is the shared framework
3. First an equidistant line; then adjustment for equity
4. Small islands carry little weight vis-à-vis opposite coasts
5. Fishing interests may be accommodated after delimitation
6. Boundary delimitation facilitates ‘joint development’
7. Boundary prolongation may clarify key issues



Delimitation line and joint fishing zones in the Tonkin Gulf

Source: Nguyen Hong Thao (2005). 'Maritime Delimitation and Fishery Cooperation in the Tonkin Gulf,' *Ocean Development & International Law* 36(1): 26



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Need for committed leaders and dedicated negotiators



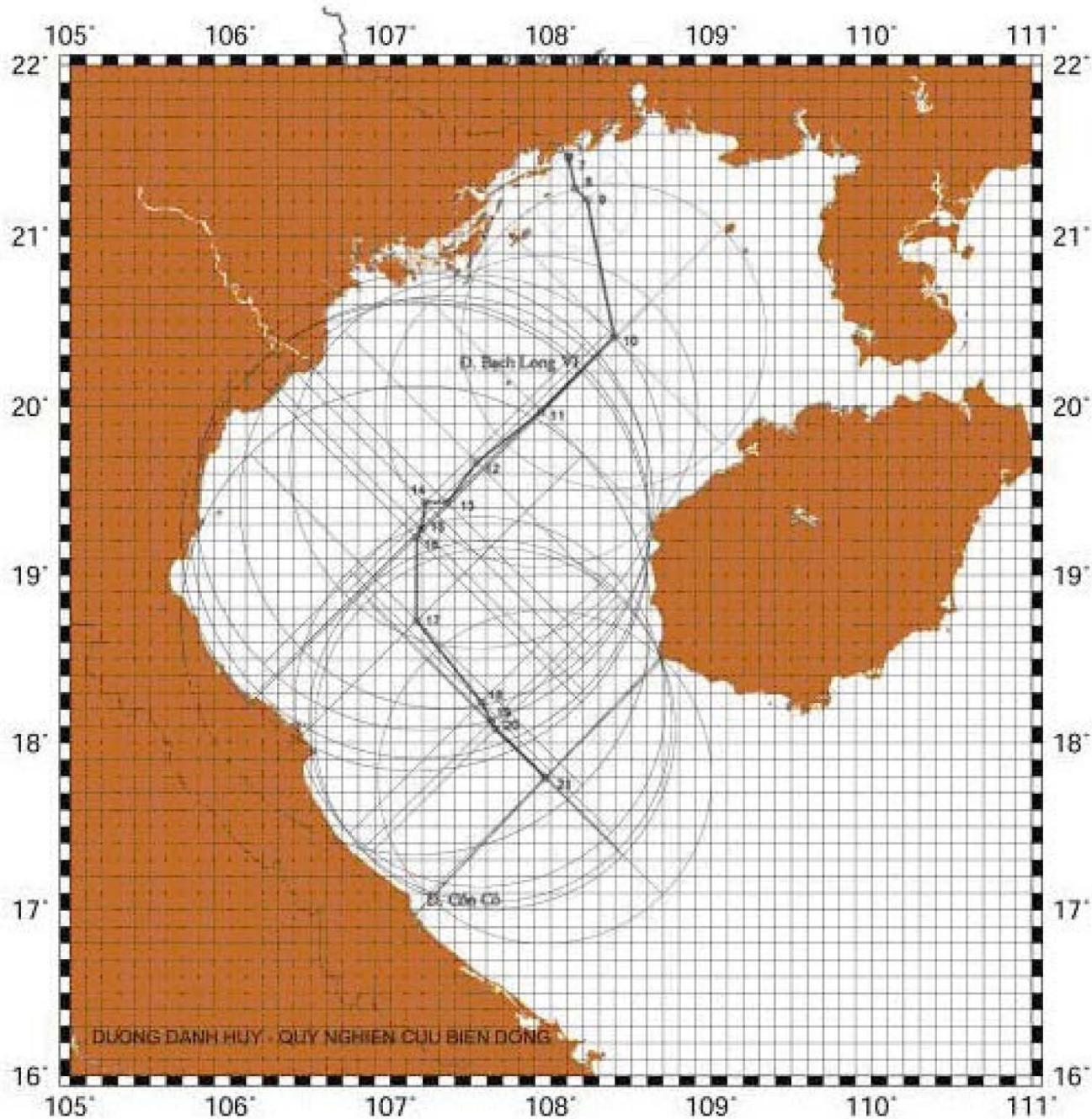
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The law of the sea is the shared
framework:
No solution is possible
outside of international law



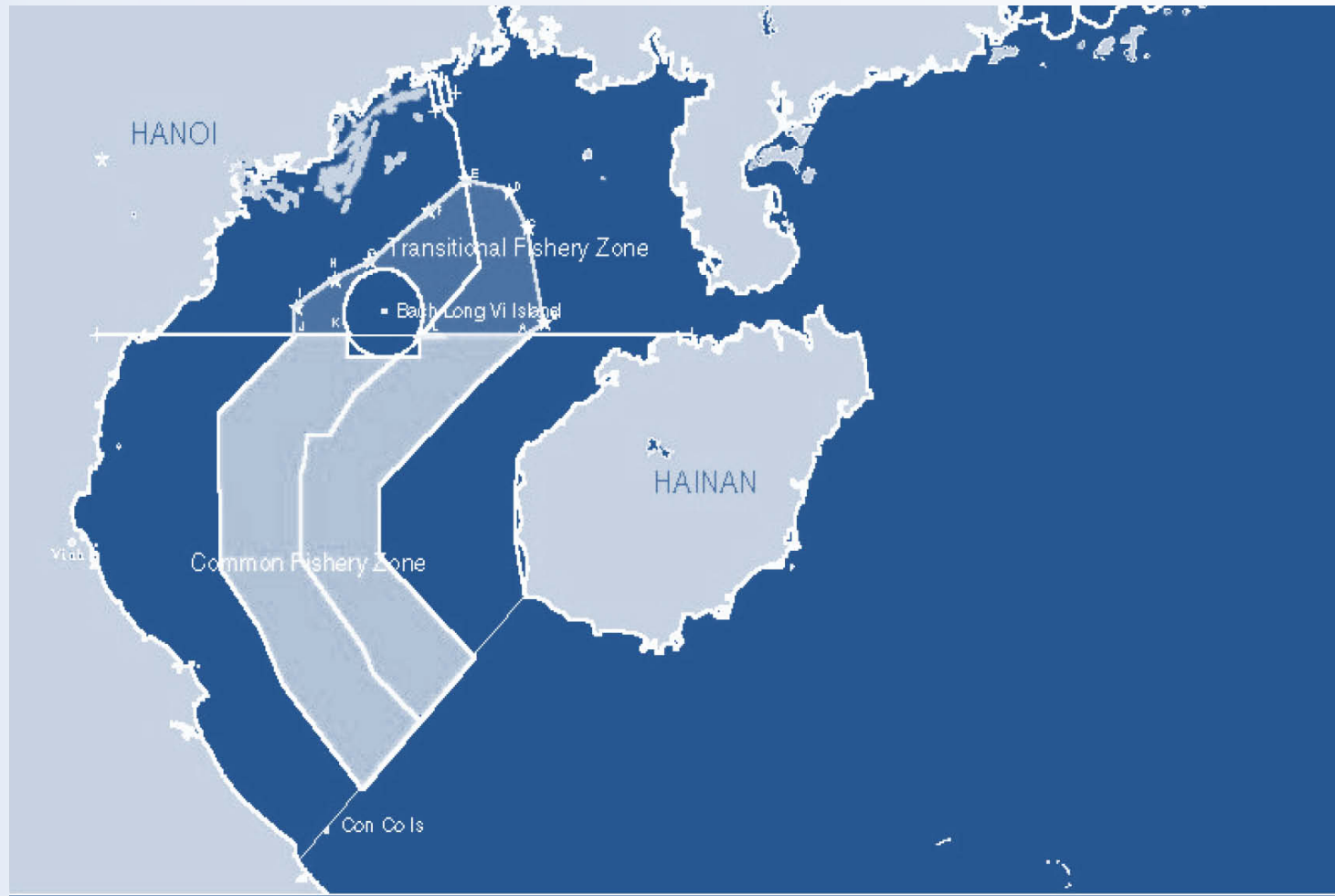
First an equidistant line;
then adjustment for equity
(and perhaps – somewhat –
for power)



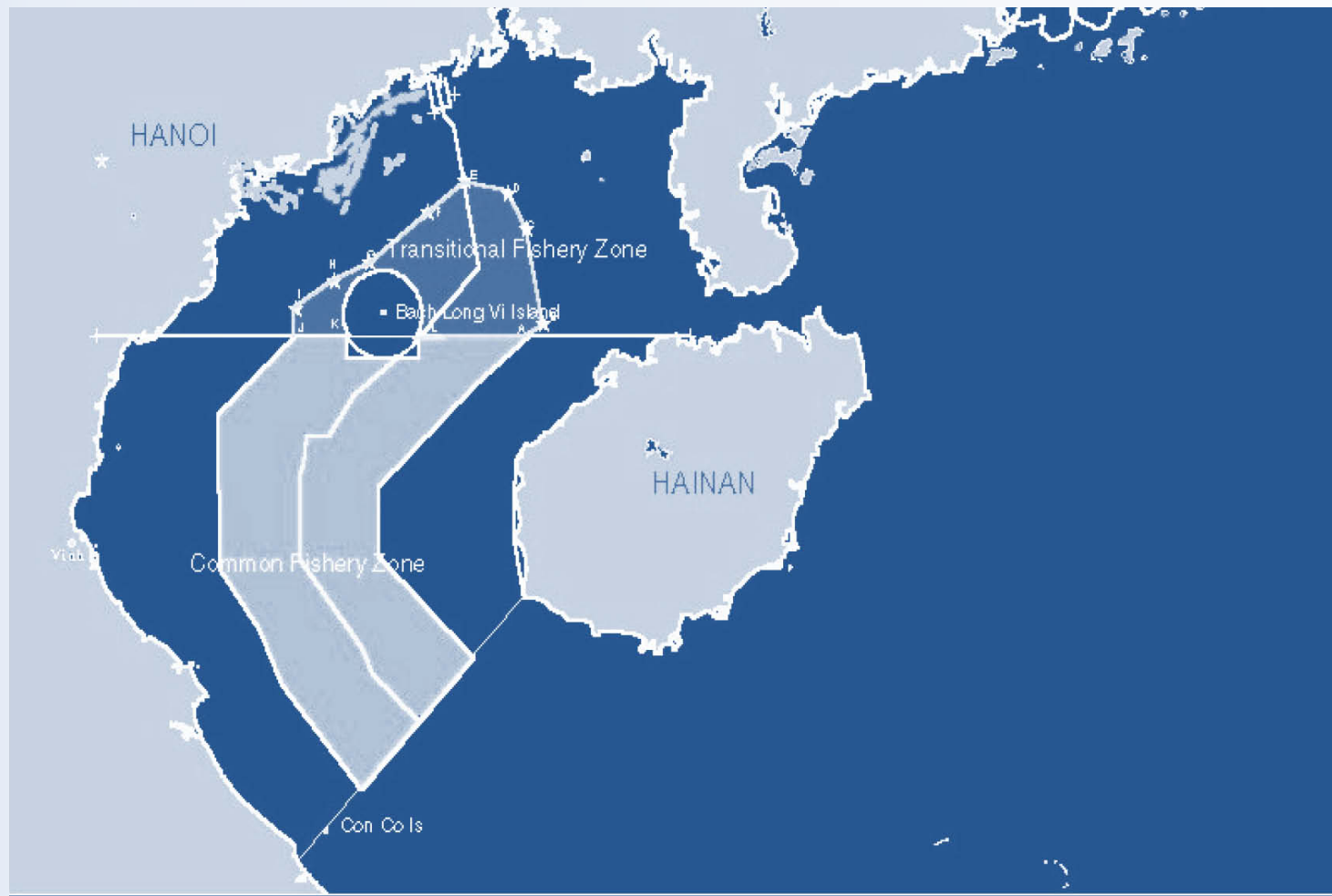


Thanks to Huy Duong for letting me reproduce this map, which shows that parts of the maritime boundary are closer to the Vietnamese than the Chinese coast

Small islands carry little weight vis-à-vis opposite coasts



Fishing interests may be accommodated after delimitation



Boundary delimitation is the best basis for ‘joint development’



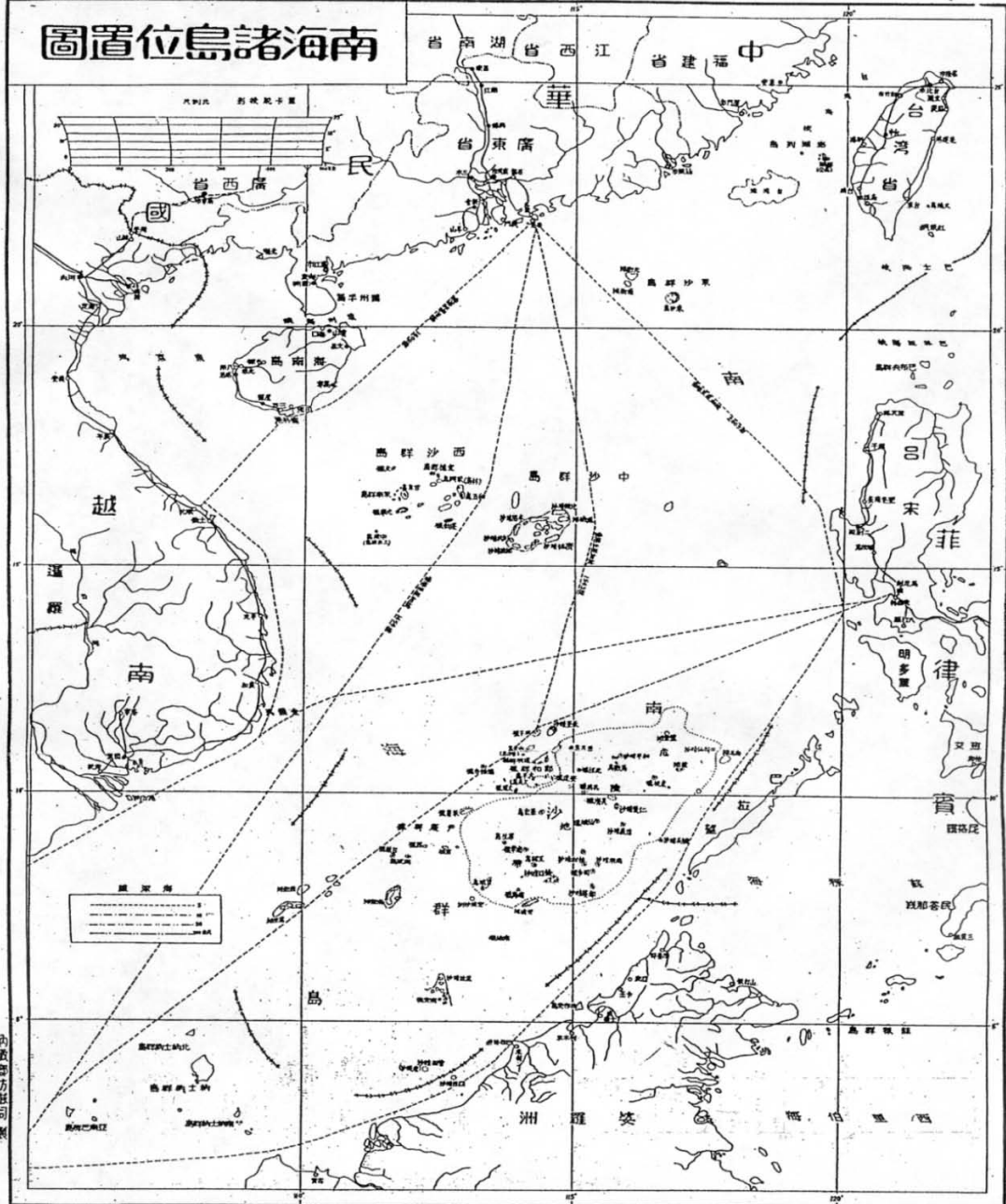
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A prolongation of the boundary from the mouth of the Tonkin Gulf may contribute to clarifying two essential issues:

- The meaning of the U-shaped line
- How to get around the Paracels dispute



圖置位島諸海南



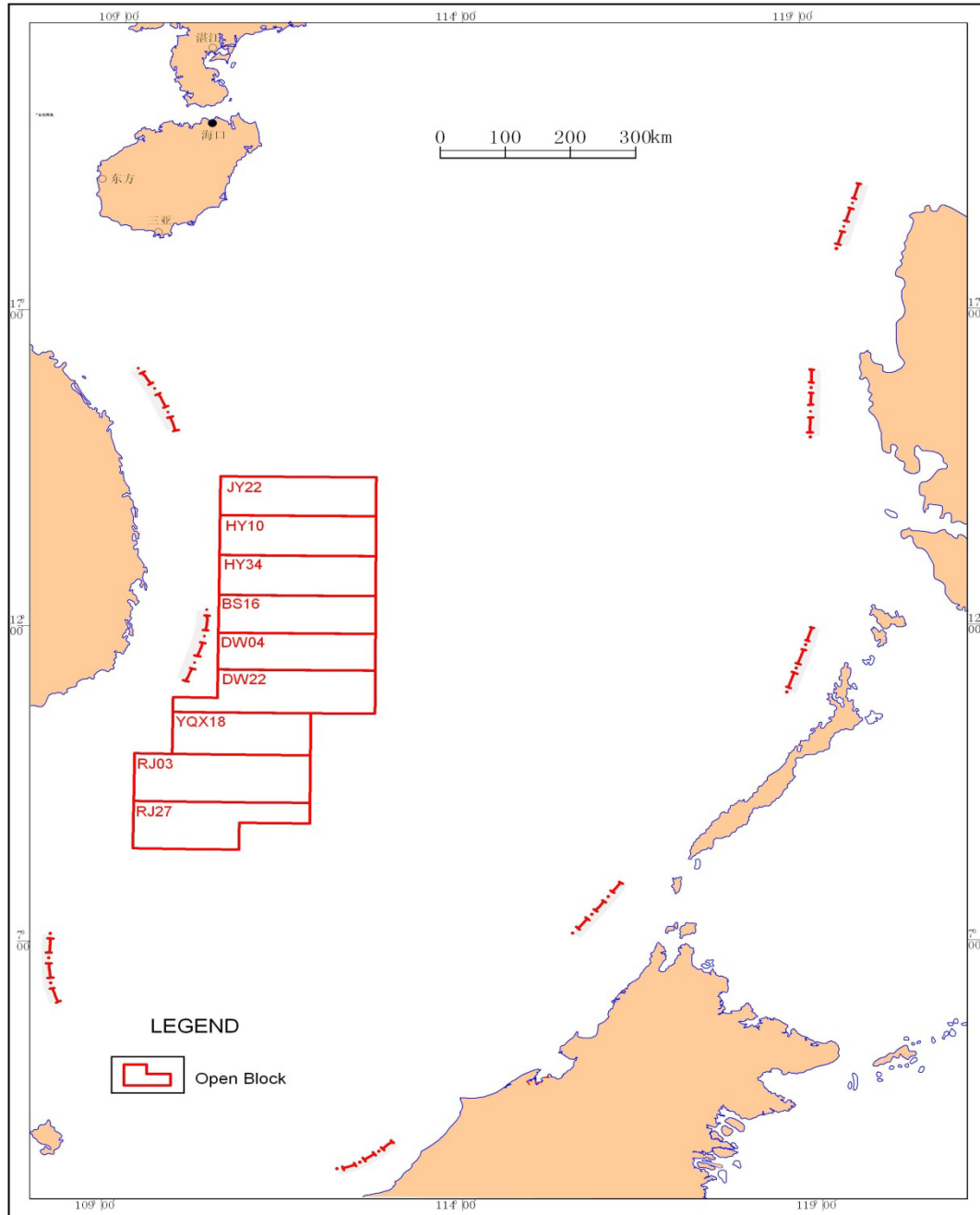
Map published by the Republic of China in 1948 with sea-lanes and eleven dashes indicating a Chinese claim to all islands inside

说明：本图是根据原图缩小复制。

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Oil blocs announced by CNOOC in June 2012, serving to indicate that China claims sovereignty to the resources in the whole area within the U-shaped line

Note that the dashes on PRC maps differ from those on the original ROC maps, a fact tending to prove that the dashes are not boundaries but indications of a claim to islands

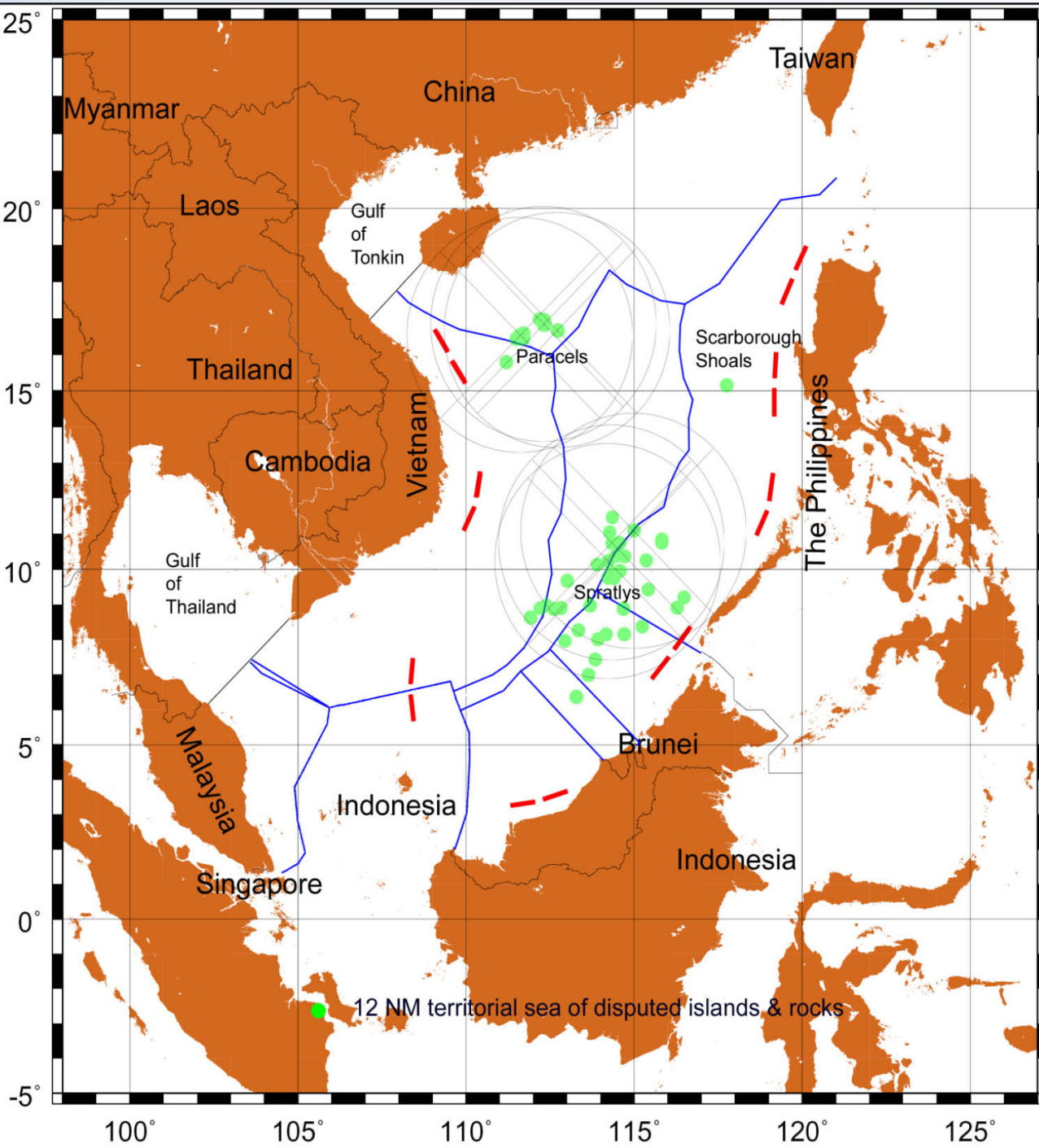




Agreed boundaries (blue), 200 nm EEZs measured from the surrounding coasts (red), Paracel and Spratly islands with 12 nm territorial seas (green). The 'doughnut' in the middle cannot be claimed as part of any EEZ unless one or more Paracel and Spratly islands are deemed capable of generating an EEZ. A continental shelf may extend beyond 200 nautical miles if naturally prolonged.



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Circles showing the maximum possible extent of EEZs around the Paracel and Spratly islands

Thanks to Huy Duong for allowing me to reproduce this map



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Final reminder: Lessons, precedents and opportunities created by the Tonkin Gulf agreements

1. Need for committed leaders and dedicated negotiators
2. The law of the sea is the common framework
3. First an equidistant line; then adjustment for equity
4. Small islands carry little weight vis-à-vis opposite coasts
5. Fishing interests may be accommodated after delimitation
6. Boundary delimitation facilitates ‘joint development’
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