The 9th South China Sea International Conference
COOPERATION FOR REGIONAL SECURITY AND DEVELOPMENT

INTERNATIONAL LAW AND PREVENTION OF INCIDENTS IN THE SOUTH CHINA SEA

Nguyen Thi Lan Anh
Diplomatic Academy of Vietnam
MAIN POINTS

• International law on prevention of incidents at sea: UNCLOS, COLREGs, SOLAS
• States practices: INCSEA, MMCA, MCM, CUEs
• Incidents in the South China Sea
INCIDENTS IN THE SOUTH CHINA SEA

2010-2017:
* 53: 41 (70%)
* 9
* 68 and 45
THE CAUSES OF INCIDENTS IN THE SOUTH CHINA SEA

1. In breach of sovereign rights and jurisdictions of the Philippines in the EEZ and continental shelf
2. In breach of the traditional fishing rights of Filipinos at Scarborough Shoal
3. In breach of obligations to protect marine environment
4. In breach of obligations to ensure safety at sea
5. Aggravated and extended the disputes
SUBSTANTIVE PROVISIONS

- Obligations of coastal states and flag states under UNCLOS
- Technical standards: IMO Conventions (COLREGs and SOLAS)
- Arbitral Tribunal Award in the South China Sea case: “The Tribunal finds China to have violated Rules 2, 6, 7, 8, 15, and 16 of the COLREGs and, as a consequence, to be in breach of Article 94 of UNCLOS” (para. 1109)
- INCSEA and CUEs

Incorporate prevention of incidents at sea into substantive negotiation of COC
Develop separate COC on prevention incidents at sea between relevant parties in the SCS
MECHANISMS

- Bilateral: INCSEA, MMCA, MCM
- Symposium: WPNS

ASEAN and China
Extended ASEAN Maritime Forum (EAMF) → EAS
ACTIVITIES

- Consultations: Regular and irregular
- Bilateral exercises on SAR and CUEs
- Hotlines

Multilateral exercise on SAR under ADMM+
Exercise on SOP for contingency plan
Communication channel: Database and focal points
Thank you!

Questions and comments are welcome!