

Appendix B: Agreement between the Socialist Republic of Viet Nam and the People's Republic of China on the Delimitation of the Territorial Sea, Exclusive Economic Zone and Continental Shelf between the Two Countries in the Tonkin Gulf

The Socialist Republic of Viet Nam and the People's Republic of China (hereinafter referred to as "the two Contracting Parties");

Desiring to strengthen and enhance the traditional bonds of friendship and neighborliness between the two countries and the peoples of Viet Nam and the peoples of China, maintain the stability and promote the development of the Tonkin Gulf;

Basing themselves on the principles of mutual respect for independence, sovereignty and territorial integrity, nonaggression, no-interference into one another's internal affairs, equality, mutual benefit, and peaceful coexistence;

In the spirit of mutual understanding and accommodation and friendly consultations for an equitable and reasonable solution to the delimitation of the Tonkin Gulf;
Have agreed as follows:

Article 1

1. The two Contracting Parties, taking into account the 1982 United Nations Convention on the Law of the Sea, internationally recognized legal principles and practices, considering all relevant circumstances in the Tonkin Gulf, following the equitable principle and through friendly negotiations, have delimited the territorial sea, exclusive economic zone and continental shelf between the two countries in the Tonkin Gulf.

2. In this Agreement, the Tonkin Gulf is a semi-enclosed gulf bordered by the continental coastlines of Viet Nam and China to the North, by the coastlines of the Lei Zhou peninsula and Hainan island of China to the East, by the continental coastline of Viet Nam to the West and by the straight lines connecting the outermost point of the outer edge of the Yieng Ge cape, Hainan island of China defined by the geographical coordinates of latitude 18° 0'19" North, longitude 108° 41'17" East, crossing Con Co island of Viet Nam to a point situated on the coastline of Viet Nam specified by the geographical coordinates of latitude 16° 57' 40" North and longitude 107° 08'42" East. The two Contracting Parties identify the above-mentioned area as the area to be delimited under this Agreement.

Article II

The two Contracting Parties agreed on the delimitation line of the territorial sea, exclusive economic zone and continental shelf between the two countries defined by the straight lines connecting the following 21 points specified by coordinates and in the sequence given below:

Point 1:	Latitude	21° 28'12". 5 North
	Longitude	108° 06'04". 3 East
Point 2:	Latitude	21° 28'01".7 North
	Longitude	108° 06'01".6 East
Point 3:	Latitude	21° 27'0".1 North
	Longitude	108° 05'57".7 East
Point 4:	Latitude	21° 27'39".5 North
	Longitude	108° 05'51".5 East
Point 5:	Latitude	21° 27'28".2 North
	Longitude	108° 05'39".9 East
Point 6:	Latitude	21° 27'23".1 North
	Longitude	108° 05'38".8 East
Point 7:	Latitude	21° 27'08".2 North
	Longitude	108° 05'43".7 East
Point 8:	Latitude	21° 16'32" North
	Longitude	108° 08'05" East
Point 9:	Latitude	21° 12'35" North
	Longitude	108° 12'31" East
Point 10:	Latitude	20° 24'05" North
	Longitude	108° 22'45" East
Point 11:	Latitude	19° 57'33" North
	Longitude	107° 55'47" East
Point 12:	Latitude	19° 39'33" North
	Longitude	107° 31'40" East
Point 13:	Latitude	19° 25'26" North
	Longitude	107° 21'00" East

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Point 14:	Latitude	19° 25'26" North
	Longitude	107° 12'43" East
Point 15:	Latitude	19° 16'04" North
	Longitude	107° 11'23" East
Point 16:	Latitude	19° 12'55" North
	Longitude	107° 09'34" East
Point 17:	Latitude	18° 42'52" North
	Longitude	107° 09'34" East
Point 18:	Latitude	18° 13'49" North
	Longitude	107° 34'00" East
Point 19:	Latitude	18° 07'08" North
	Longitude	107° 37'34" East
Point 20:	Latitude	18° 04'13" North
	Longitude	107° 39'09" East
Point 21:	Latitude	17° 47'00" North
	Longitude	107° 58'00" East

Article III

1. The delimitation line from point 1 to point 9 defined in Article II of this Agreement shall be the border of territorial sea between the two countries in the Tonkin Gulf.
2. The vertical surface running along the border of the territorial seas referred to in Paragraph 1 of this Article shall delimit the air spaces, seabeds, and subsoils of the two countries' territorial seas.
3. Any topological changes shall not affect the territorial sea border from point 1 to point 7 referred to in Paragraph 1 of this Article, unless otherwise agreed by the two Contracting Parties.

Article IV

The delimitation line from point 9 to point 21 defined in Article II of this Agreement shall be the boundary of the exclusive economic zone and the continental shelf between the two countries in the Tonkin Gulf.

Article V

The territorial sea delimitation line defined in Article II of this Agreement from point 1 to point 7 is illustrated by the black lines in the thematic map of the Bei Lun estuary, on 1:10,000 scale, established by the two Contracting Parties in 2000. The territorial sea, exclusive economic zone, and continental shelf delimitation line from point 7 to point 21 is illustrated by the black lines on the Overall Map of the Tonkin Gulf, on 1:500,000 scale, established by the two Contracting Parties in 2000. All the delimitation lines are geodetic lines.

The above-mentioned thematic map of Bei Lun estuary and the Overall Map of the Tonkin Gulf are attached to this Agreement. These two maps are based on ITRF-96 system. Geographical coordinates of the points defined in Article II of this Agreement are specified in the above-mentioned maps. The delimitation line defined in this Agreement as shown on the maps attached to the Agreement is for illustrative purpose only.

N. Hong Thao

Article VI

The two Contracting Parties shall respect the sovereignty, sovereign rights, and jurisdiction of each other over their respective territorial sea, exclusive economic zone, and continental shelf in the Tonkin Gulf as provided for in this Agreement.

Article VII

If any single petroleum or natural gas structure or field, or other mineral deposit of whatever character, extends across the delimitation line defined in Article II of this Agreement, the two Contracting Parties shall, through friendly consultations, reach agreements as to the manner in which structure, field, or deposit will be most effectively exploited as well as on the equitable sharing of the benefits arising from such exploitation.

Article VIII

The two Contracting Parties shall conduct consultations on the proper use and sustainable development of the living resources in the Tonkin Gulf as well as on cooperative activities relating to the conservation, management, and use of the living resources in the exclusive economic zones of the two countries in the Tonkin Gulf.

Article IX

The delimitation of the territorial sea, exclusive economic zone, and continental shelf between the two countries in the Tonkin Gulf in accordance with this Agreement shall not affect or prejudice each Contracting Party's positions on provisions of international law of the Sea.

Article X

Any dispute between the two Contracting Parties arising out of the interpretation and implementation of the Agreement shall be settled through friendly negotiations and consultations.

Article XI

The Agreement shall be ratified by the two Contracting Parties and shall enter into force on the date of the exchange of the instruments of ratification. The instruments of ratification will be exchanged in Ha Noi.

Done at Beijing, this 25th day of December, 2000, in duplicate, in each of the Vietnamese and Chinese languages, both texts being equally authentic.

Plenipotentiary Representative of the
Socialist Republic of Vietnam

(signed)
Nguyen Dy Nien
Minister of Foreign Affairs

Plenipotentiary Representative of the
People's Republic of China

(signed)
Tang Jiaxuan
Minister of Foreign Affairs