

The 2002 Declaration on the COP in the South China Sea

Declaration on the Conduct of Parties in the South China Sea

The Government of the Member States of ASEAN and the Government of the People's Republic of China,

Reaffirming their determination to consolidate and develop the friendship and cooperation existing between their people and governments with the view to promoting a 21st century-oriented partnership of good neighborliness and mutual trust;

Cognizant of the need to promote a peaceful, friendly and harmonious environment in the South China Sea between ASEAN and China for the enhancement of peace, stability, economic growth and prosperity in the region;

Committed to enhancing the principles and objectives of the 1997 Joint Statement of the Meeting of the Heads of State/Government of the Members States of ASEAN and President of the People's Republic of China;

Desiring to enhance favorable conditions for a peaceful and durable solution of differences and disputes among countries concerned;

Hereby declare the following:

1. The Parties reaffirm their commitment to the purposes and principles of the **Charter of the United Nations**, the **1982 UN Convention on the Law of the Sea**, the **Treaty of Amity and Cooperation in the Southeast Asia**, the **Five Principles of Peaceful Coexistence**, and other universally recognized principles of international law which shall serve as the basic norms governing state-to-state relations;
2. The Parties are committed to exploring ways for building trust and confidence in accordance with the above-mentioned principles and on the basis of equality and mutual respect.
3. The Parties reaffirm their respect for and commitment to the freedom of navigation in and over flight above the South China Sea as provided for by the universally recognized principles of international law, including the 1982 UN Convention on the Law of the Sea;
4. The parties concerned undertake to resolve their territorial and jurisdictional disputes by peaceful means, without resorting to the threat or use of force, through friendly consultations and negotiations by sovereign states directly concerned, in accordance with universally recognized principles of international law, including the 1982 UN Convention on the Law of the Sea;

5. The parties undertake to exercise self-restraint in the conduct of activities that would complicate or escalate disputes and affect peace and stability including, among others, refraining from action of inhabiting on the presently uninhabited islands, reefs, shoals, cays, and other features and to handle their differences in a constructive manner.

6. Pending the peaceful settlement of territorial and jurisdictional disputes, the parties concerned undertake to intensify efforts to seek ways, in the spirit of cooperation and understanding, to build trust and confidence between and among them, including:

- A. holding dialogues and exchanges of views as appropriate between their defense and military officials;
- B. ensuring just and humane treatment of all persons who are either in danger or in distress;
- C. notifying, on a voluntary basis, other Parties concerned of any impending joint/combined military exercise; and
- D. exchanging, on a voluntary basis, relevant information.

7. Pending a comprehensive and durable settlement of the disputes, the parties concerned may explore or undertake cooperative activities. These may include the following:

- a. marine environmental protection;
- b. marine scientific research;
- c. safety of navigation and communication at sea;
- d. search and rescue operations; and
- e. combating transnational crime, including, but not limited to trafficking of illicit drugs, piracy and armed robbery at sea, and illegal traffic in arms.

The modalities, scope and locations, in respect of bilateral and multilateral cooperation, should be agreed upon by the parties concerned prior to their actual implementation.

8. The Parties concerned stand ready to continue their consultations and dialogues concerning relevant issues, through modalities to be agreed by them, including regular consultations on the observance of this Declaration, for the purpose of promoting good neighborliness and transparency, establishing

harmony, mutual understanding and co-operation, and facilitating peaceful resolution of disputes among them;

9. The Parties undertake to respect the provisions of this Declaration and take actions consistent therewith;

10. The Parties encourage other countries to respect the principles contained in this Declaration;

11. The Parties concerned reaffirm that the adoption of a code of conduct in the South China Sea would further promote peace and stability in the region and agree to work, on the basis of consensus, towards the eventual attainment of this objective.

Done on the Fourth of November in the Year Two Thousand and Two in Phnom Penh, the Kingdom of Cambodia.

For **Brunei Darussalam**
Prince Haji Mohamed Bolkiah
Minister of Foreign Affairs Special Envoy and
Vice Minister of Foreign Affairs

For the **People's Republic of China**
Wang Yi
Vice Minister of Foreign Affairs

For the **Kingdom of Cambodia**
Hor Namhong
Senior Minister and Minister of Foreign Affairs and International Cooperation

For the **Republic of Indonesia**
Dr. Hassan Wirayuda
Minister of Foreign Affairs

For the **Lao People's Democratic Republic**
Somsavat Lengsavad
Deputy Prime Minister and
Minister of Foreign Affairs

For **Malaysia**
Datuk Seri Syed Hamid Albar
Minister of Foreign Affairs

For the **Union of Myanmar**
Win Aung
Minister of Foreign Affairs

For the **Republic of the Philippines**
Blas F. Ople
Secretary of Foreign Affairs

For the **Republic of Singapore**
Prof. S. Jayakumar
Minister of Foreign Affairs

For the **Kingdom of Thailand**
Dr. Surakiart Sathirathai
Minister of Foreign Affairs

For the **Socialist Republic of Vietnam**
Nguyen Dy Nien
Minister of Foreign Affairs