

PASSERELLES

**La question des hydrocarbures
dans les domaines maritimes de
la Chine et des pays voisins**

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LA QUESTION DE SOUVERAINETÉ DANS LES ZONES MARITIMES

■ Les grands aspects:

- Politiques
- Militaires
- Economiques

■ Les enjeux économiques

- Pétrole et gaz naturel
- Pêche et aquaculture
- Minéraux

LES ASPECTS ÉCONOMIQUES

■ Chiffres d'affaires mondiaux (en 2012)

- Pétrole « amont » 3500 G\$
- Gaz « amont » 1800 G\$
- Construction automobile 100 G\$
- Construction aviation civile 100 G\$
- Pêche et aquaculture 100 G\$

Les enjeux pétrole et gaz sont de très loin les plus importants

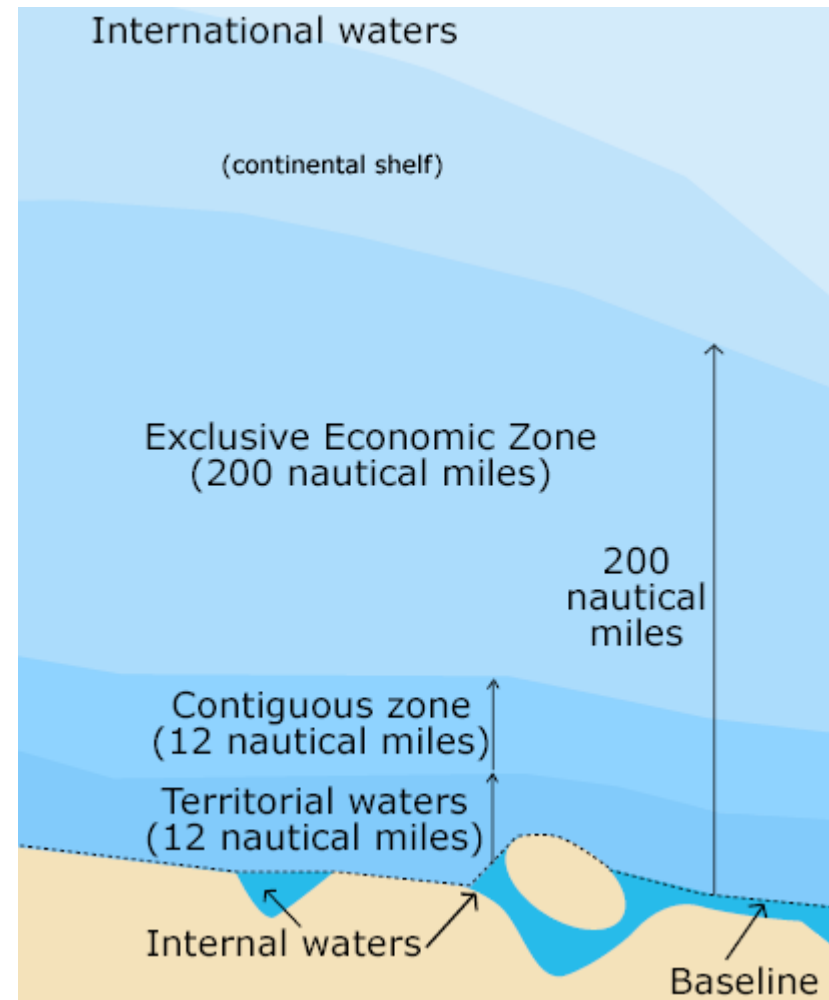
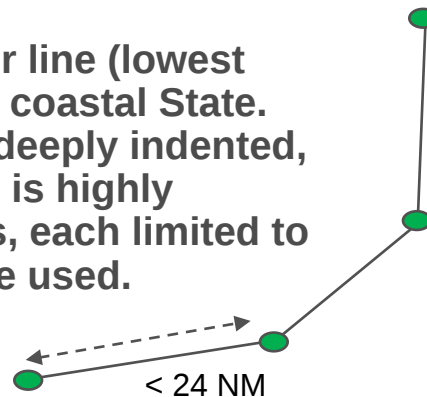
DROIT DE LA MER ET DROITS AUX RESSOURCES DU SOUS-SOL

UN POINT DE LA SITUATION

GEOGRAPHIC AND LEGAL VIEW

UN LAW OF THE SEA (1982) - CONCEPTS

- **Internal Waters:** Covers all water and waterways on the landward side of the baseline. The coastal state is free to set laws, regulate use, and use any resource. Foreign vessels have no right of passage within internal waters.
- **Baseline:** the low-water line (lowest astronomical tide) of a coastal State. When the coastline is deeply indented, has fringing islands or is highly unstable, straight lines, each limited to 24 NM in length may be used.
- **Territorial Waters:** Out to **12 NM** from the baseline, the coastal state is free to set laws, regulate use, and use any resource. Vessels were given the right of “innocent passage” through any territorial waters.

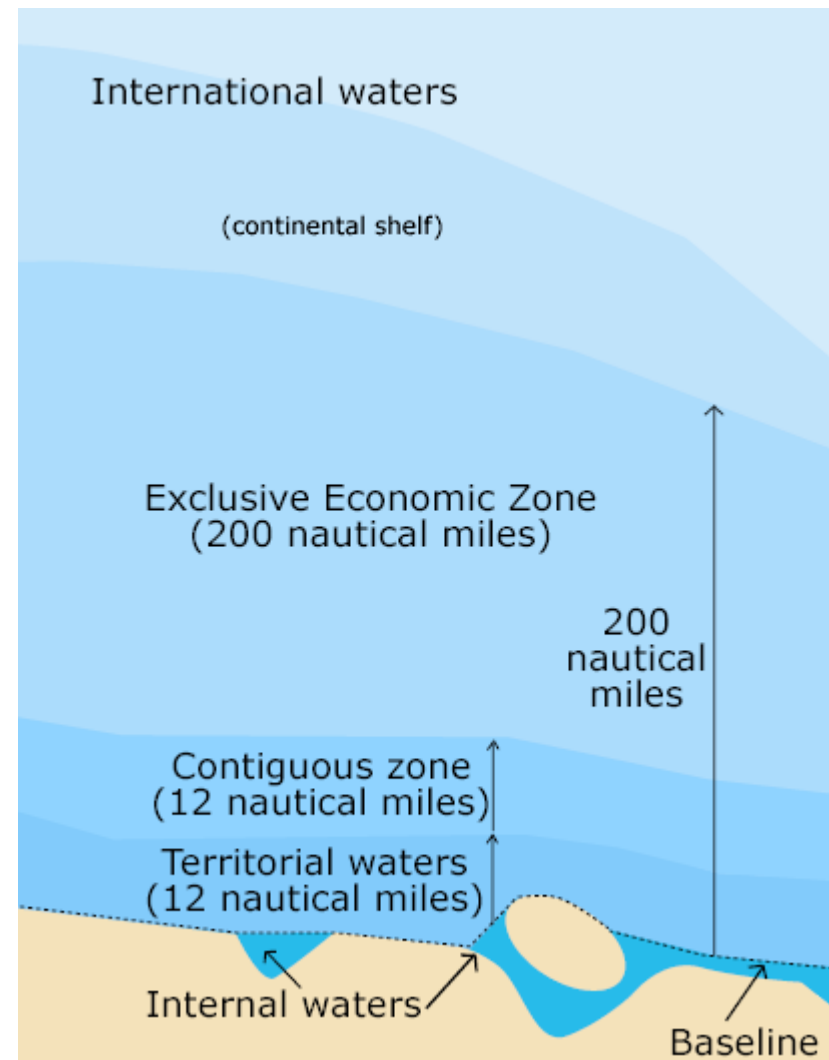


1 Nautical Mile (NM) = 1852 meters

GEOGRAPHIC AND LEGAL VIEW

UN LAW OF THE SEA (1982) – CONCEPTS (CONT'D)

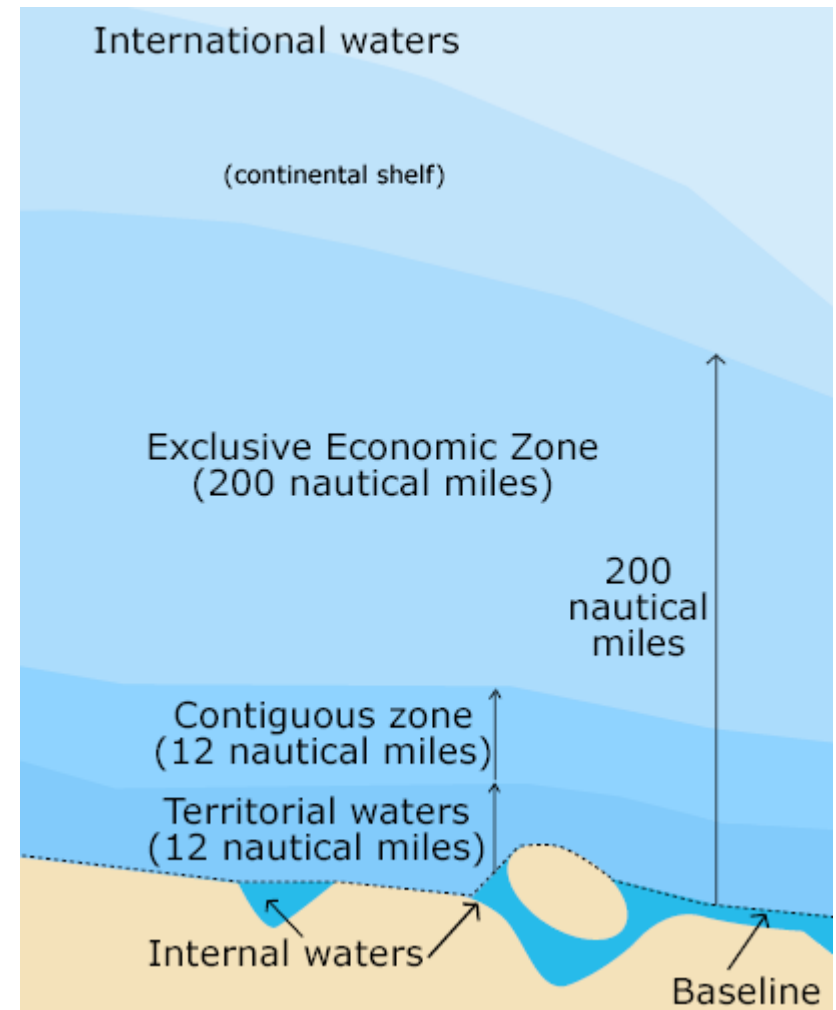
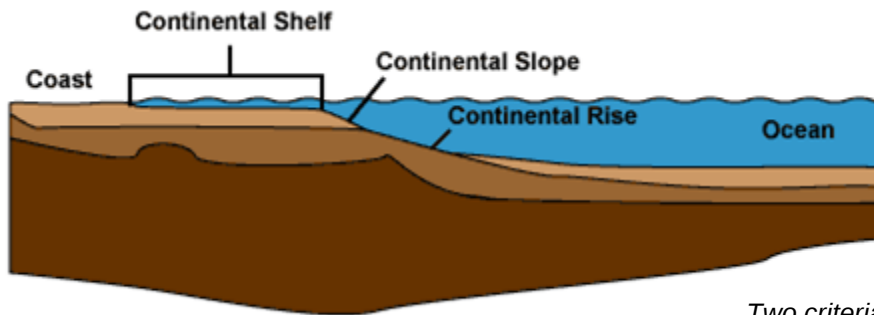
- **Contiguous zone** : Beyond the **12 NM**, a further **12 NM** or **24 NM** from the territorial sea baselines limit, in which a state could continue to enforce laws regarding activities such as smuggling or illegal immigration.
- **Exclusive Economic Zone (EEZ)** : Extend **200 NM** from the baseline. Within this area, the coastal nation has sole exploitation rights over all natural resources. Foreign nations have the freedom of navigation and overflight, subject to the regulation of the coastal states. Foreign states may also lay submarine pipes and cables. Right of 200 NM provided that distant to the closest opposite country's coast is at least 400 NM.



GEOGRAPHIC AND LEGAL VIEW

UN LAW OF THE SEA (1982) – CONCEPTS (CONT'D)

- **Continental Shelf** : The continental shelf is defined as the natural prolongation of the land territory to the continental margin's outer edge, or **200 NM** from the coastal state's baseline, whichever is greater. State's continental shelf may exceed **200 NM** until the natural prolongation ends, but it may never exceed **350 NM**, or **100 NM** beyond 2,500 meter isobath. Coastal states have the right to harvest mineral and non-living material in the subsoil of its continental shelf, to the exclusion of others.



Two criteria for continental margin extension : « 60 NM from Continental Rise » and « sediment thickness greater than 1% of distance to Continental Rise »

GEOGRAPHIC AND LEGAL VIEW

UN LAW OF THE SEA (1982) – CONCEPTS (CONT'D)

■ ISLANDS

Article 121(2) of UNCLOS provides that islands are in principle entitled to a territorial sea, continental shelf and exclusive economic zone in the same manner as mainland territory. However, Article 121(3) of UNCLOS adds that: "Rocks, reefs, low tide elevation, platforms which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf".

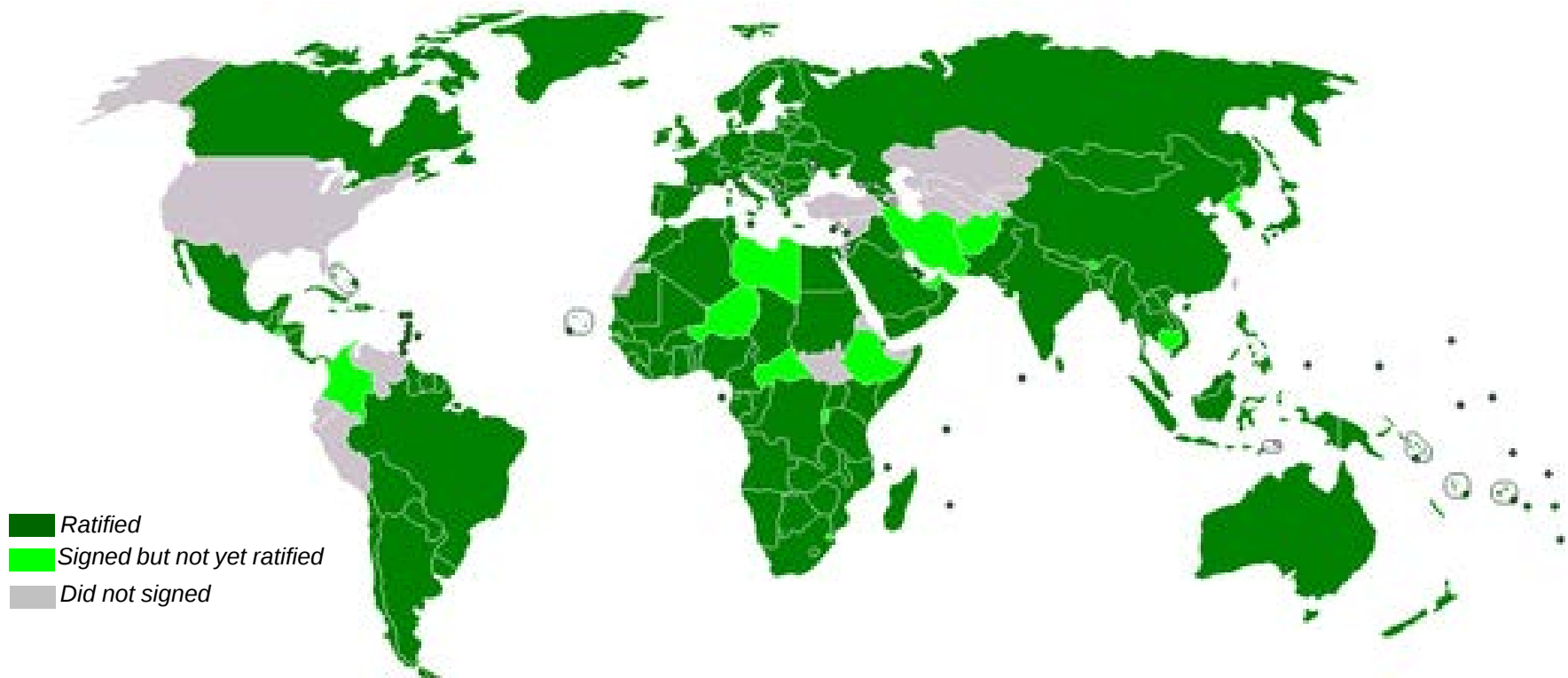
■ HISTORICAL RIGHTS

Three factors are considered in determining whether a historic claim is valid :

- The exercise of authority over the area
- The continuity over time of this exercise of authority
- The attitude of foreign states to the claim

.... however geography remains predominant

UNCLOS SIGNATURE AND RATIFICATION



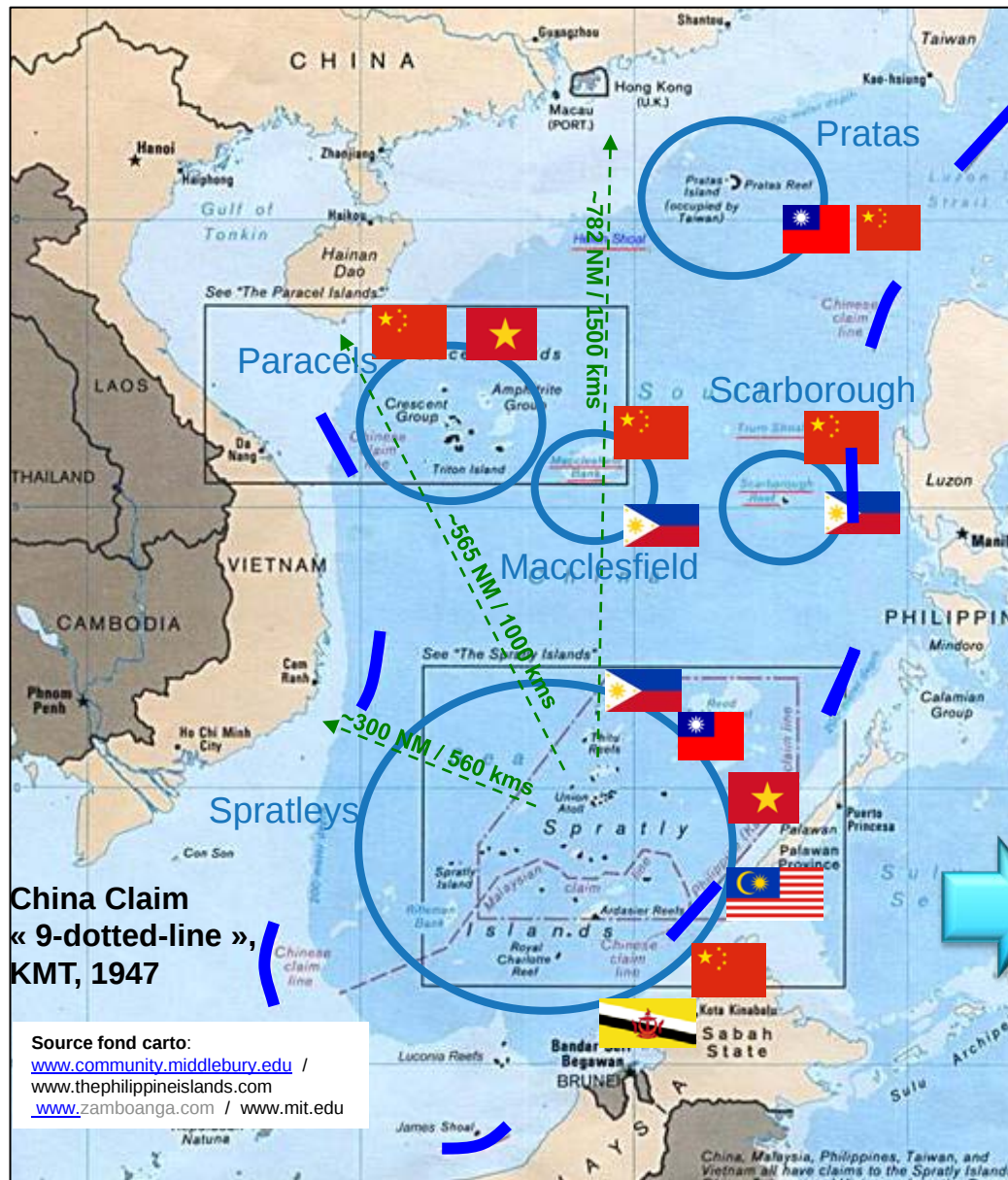
- China ratifies the UNCLOS in **June 96** to the extent *it does not impinge upon its sovereign claims to all the islands and regions of South China Seas,*
- VIETNAM (ratified in July 94). Not yet ratified in South East Asia : Cambodia, Thailand
- CHINA and VIETNAM ratified the 2002 ASEAN SCS Code of Conduct

LE CAS DES MERS DE LA CHINE DU SUD:

QUELS CONFLITS FRONTALIERS ?

MAIN ISSUES IN SOUTH CHINA SEA

- 2nd most used sea lane in the world (~15 Mboe / day transported), to Japan, South Korea, China
- 21 of China's 39 sea lanes (i.e. 60% of foreign trade) passing through the Spratleys
- 60% of ships in Strait of Malacca are Chinese, accounting for 80% of China's imported oil from Middle East and Africa



SCS Claim Map



Philippines
 Taiwan
 Vietnam
 Malaysia
 China
 Brunei

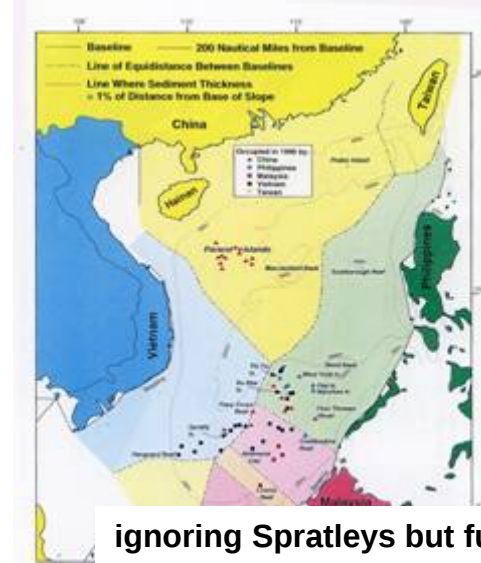
Source : Atlas Géopolitique des espaces maritimes – Chap. XI-141(D. Ortolland – J.-P. Pirat / 2008)

GEOGRAPHIC AND LEGAL VIEW

UNIVERSITY STUDIES – EQUIDISTANT LINES FROM DEFENSIBLE BASELINES



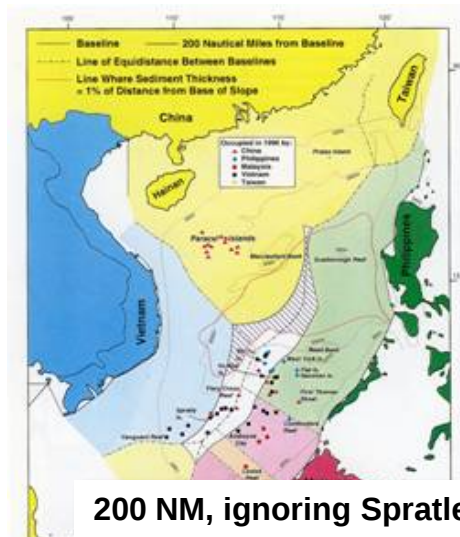
ignoring Spratleys and Paracels



ignoring Spratleys but full effect on Paracels



200 NM, ignoring Spratleys and Paracels



200 NM, ignoring Spratleys but full effect on Paracels

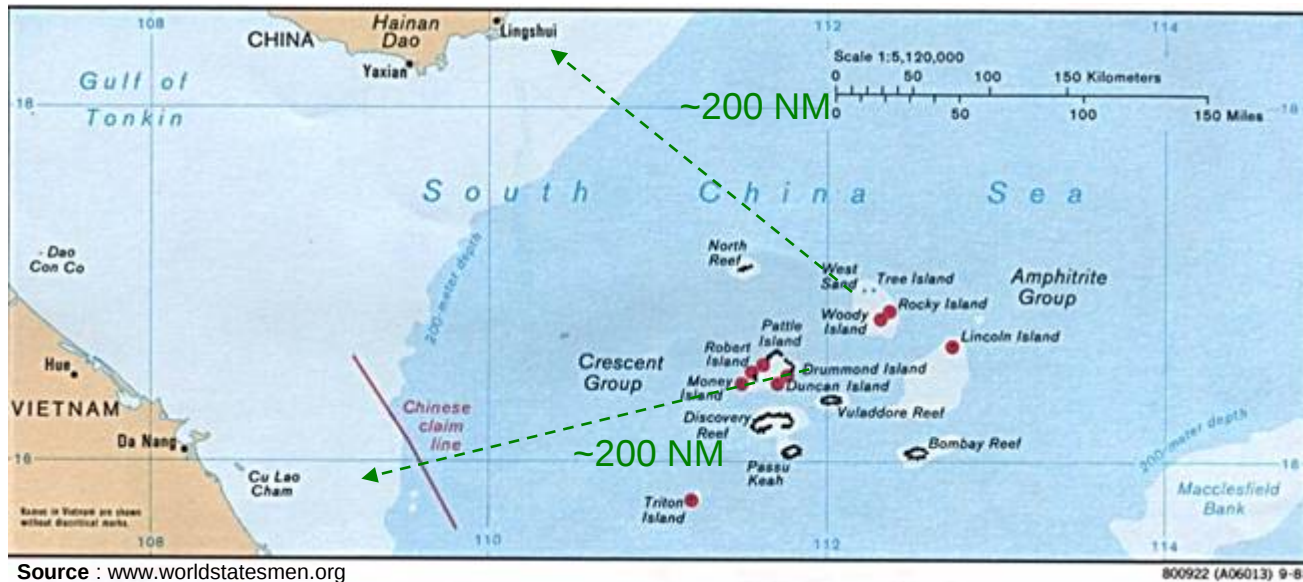


*Paracel
Islands*

*Spratly
Islands*

GEOGRAPHIC AND LEGAL VIEW

PARACELS ISLANDS



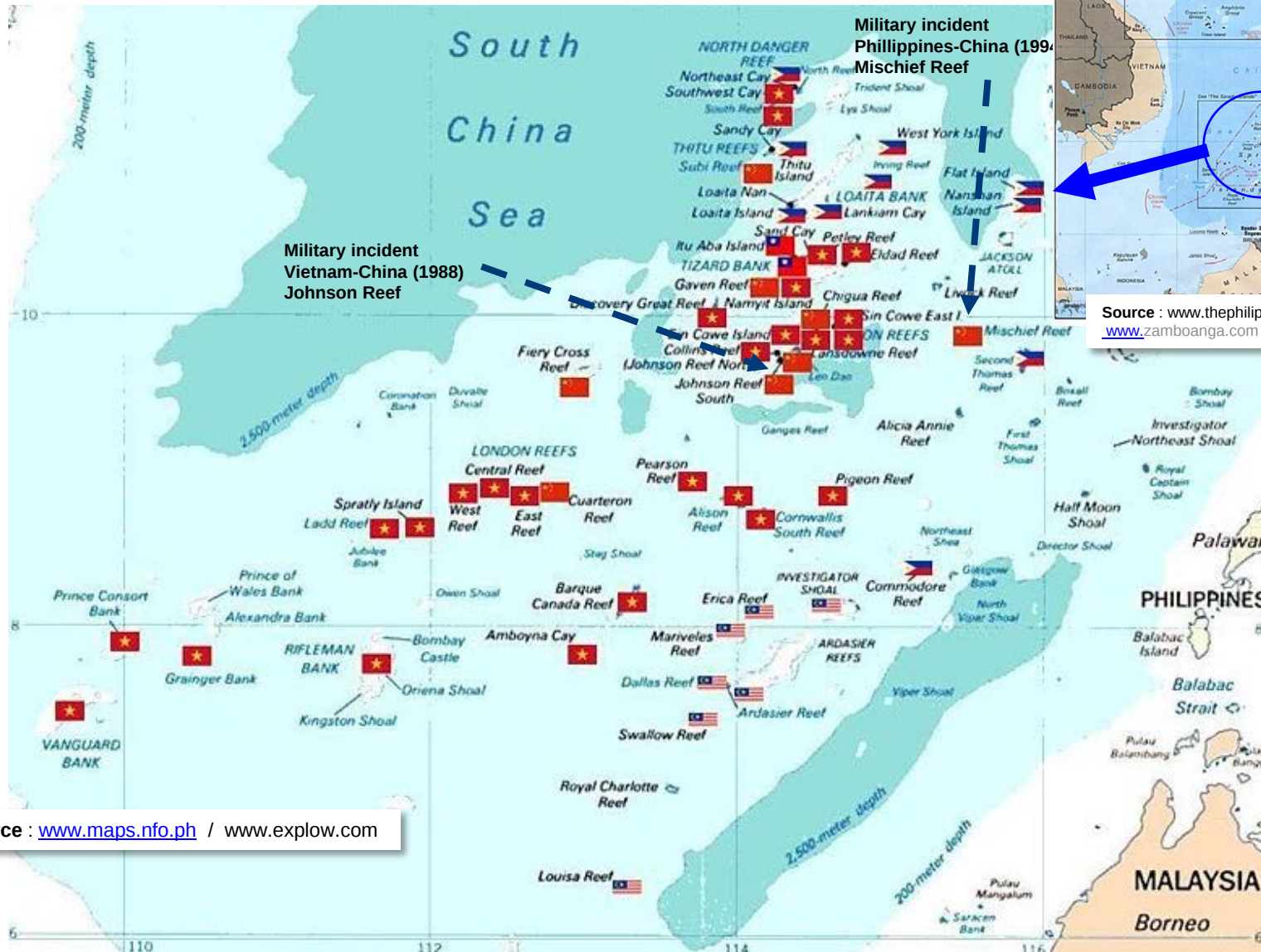
Source : www.worldstatesmen.org



Source : www.thephilippineislands.com /
www.zamboanga.com / www.mit.edu /
www.middlebury.edu

- « Historic rights » claimed by Vietnam and China
- Occupied by French Colony in 1934 and by South-Vietnam from 1954
- Seized by force by China in 1974, and since then occupied without interruption by China (RPC)
- In 2012, Beijing announced the establishment of the prefecture-level city of covering the Paracel and Spratly Islands ,
- July 2012 the National Assembly of Vietnam passed a law demarcating Vietnamese sea borders to include the Paracels and Spratly Islands
- Aug 2012, Beijing announces its plan to establish a military garrison on the Paracel Islands

GEOGRAPHIC AND LEGAL VIEW SPRATLEYS ISLANDS



POLITICAL VIEW

CHINA CLAIM – NINE DOTTED LINE – U SHAPED LINE



《中華民國全圖》內政 / 台北 / 民 87.3.1988

- First shown on Chinese Maps in 1947 (Guomintang)
- 1953, nine-dotted-line confirmed by Zhou Enlai. No dissent expressed by international community.
- 14 sept 1958 : Pham Van Dong. North VN PM, in a diplomatic note to China acknowledged China's claim over SCS.

Claim on islands and rocks or the whole sea ?
Historical title ?

- Feb 92 : Law on territorial sea and contiguous zone
- May 96 : Baseline of the territorial sea
- June 96 : Ratification of UNCLOS
- June 98 : EEZ and Continental Shelf Act
- December 2007 : creation of an administrative area ruled by Hainan authorities to manage the SCS islands (Paracels, Spratleys, ..)

Claim on water area

EXISTING AGREEMENTS SOUTH EAST ASIA

Source : Atlas Géopolitique des espaces maritimes – Chap. XI-137
(D. Ortolland – J.-P. Pirat / 2008)

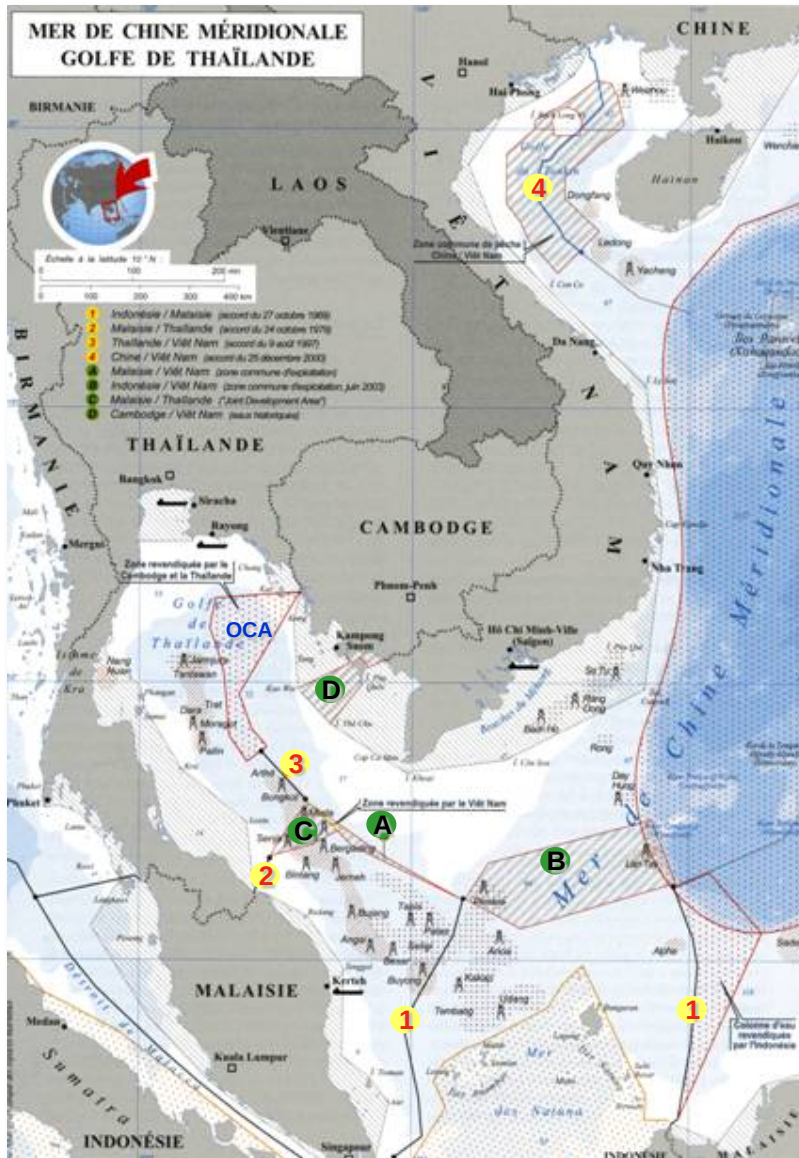
Border delimitations

1. *Indonesia / Malaisie (27 Octobre 1969)*
2. *Thaïlande / Malaisie (24 Octobre 1979)*
3. *Thaïlande / Vietnam (9 Août 1997)*
4. *Chine / Vietnam (25 Décembre 2000)*

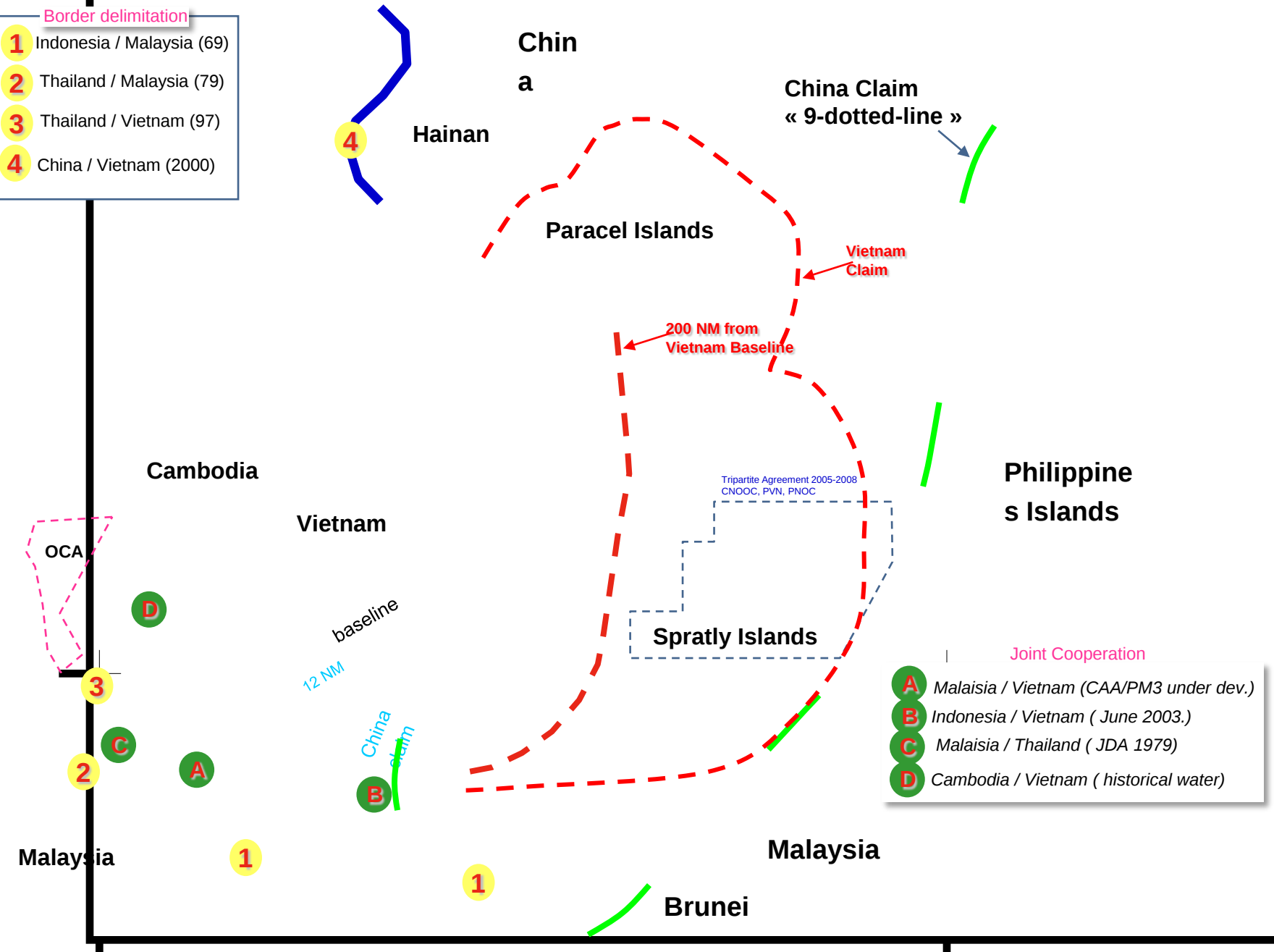
No border delimitation but joint exploitation

- A.** *Malaysia / Vietnam (CAA/PM3 under dev.)*
- B.** *Indonesia / Vietnam (June 2003.)*
- C.** *Malaysia / Thailand (JDA 1979)*
- D.** *Cambodia / Vietnam (historical water)*

*..East China Sea Japan – China (2008),
and Tripartite Agreement CNOOC/PNOC/PVN
for Joint Seismic Exploration*



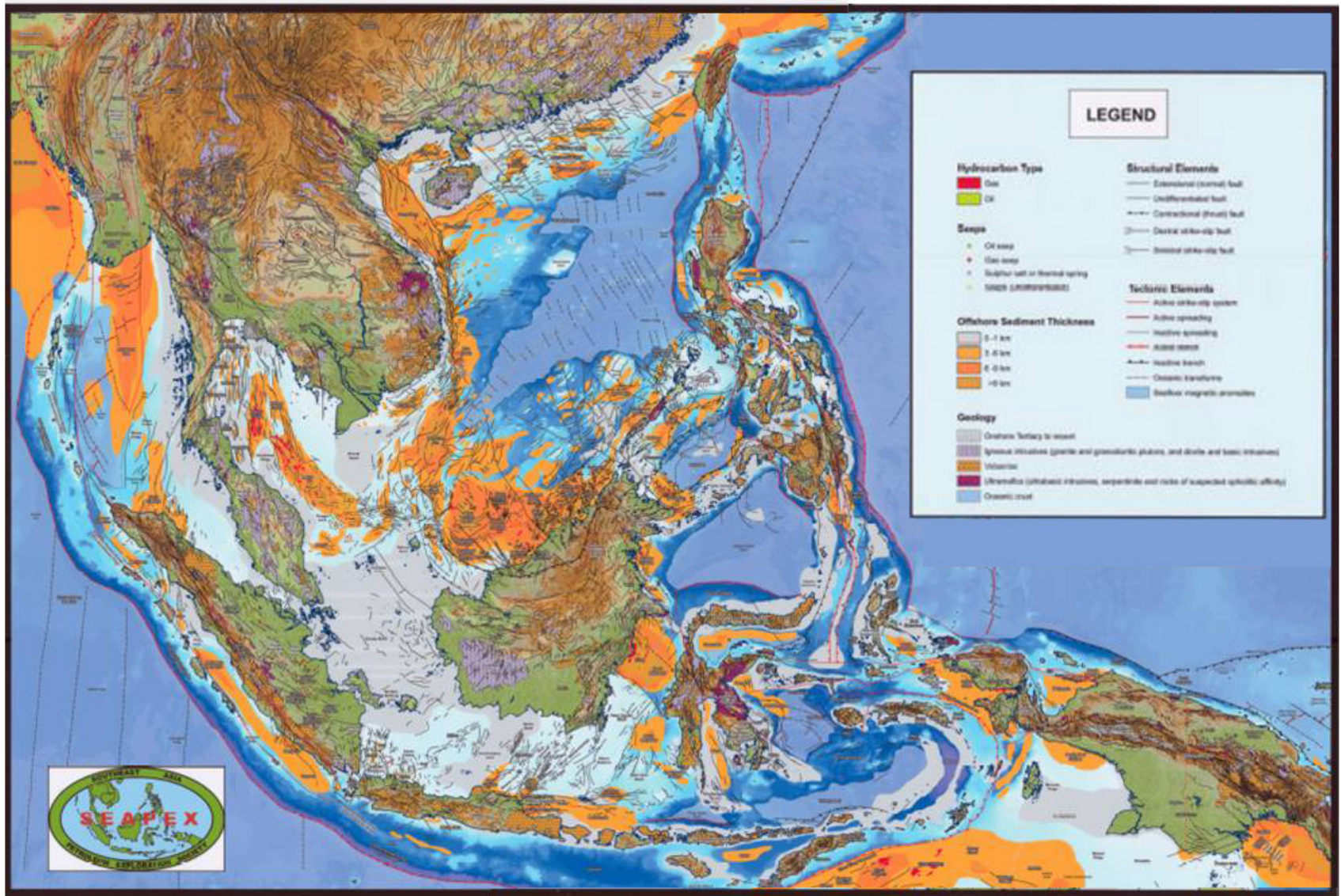
- 1 Indonesia / Malaysia (69)
- 2 Thailand / Malaysia (79)
- 3 Thailand / Vietnam (97)
- 4 China / Vietnam (2000)



LA VISION PÉTROLIÈRE

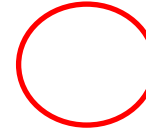
***DES ZONES PROSPECTIVES STÉRILISÉES PAR
LES INCERTITUDES JURIDIQUES***

UN GUIDE CLEF DES ENJEUX PÉTROLIERS – LA GÉOLOGIE

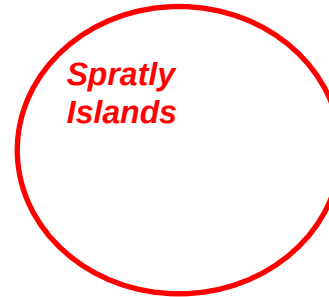




Paracel Islands

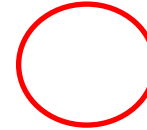


*Spratly
Islands*

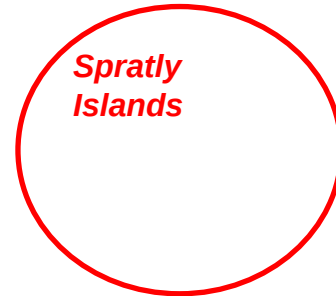




Paracel Islands

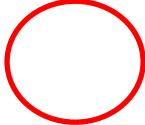


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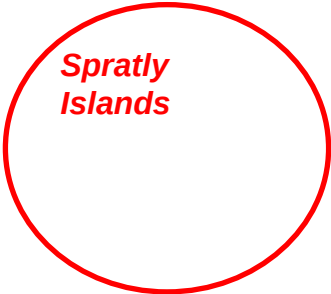




Paracel Islands

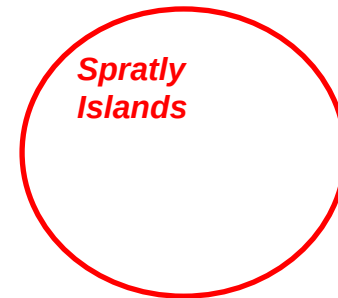


Spratly Islands





- 1
- 2
- 3
- 4





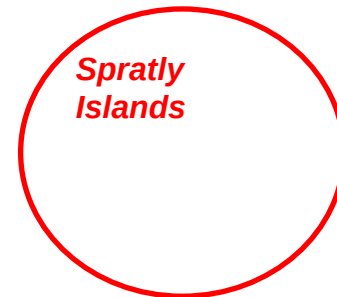
- 1
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- A
- B
- C
- D

Paracel Islands



Spratly Islands



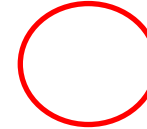


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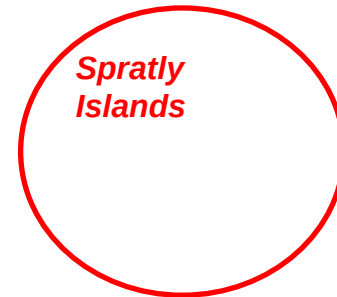
- 1
- 2
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- A
- B
- C
- D

Paracel Islands



Spratly Islands



UN NOUVEAU « POINT CHAUD » STATÉGIQUE.....ET PÉTROLIER

*DOMAINES MARITIMES
DE LA CHINE ET DU JAPON*

Joint Cooperation

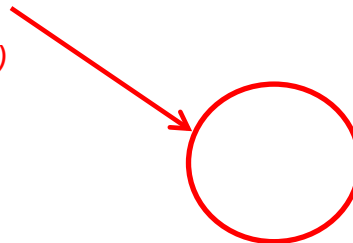
 South Korea / Japan (January 1974)

Country claims

 China / Japan

 China

**Shenkaku
Islands
(Diaoyu)**



(သင့်ကို) ကျေးဇူးတင်ပါတယ်

Bedankt

gracias

Terima Kasih

谢谢

Cám ơn

спасибо

merci

grazie

Obrigado

ขอบคุณมาก

Tusen takk

Thank you