

# **2004 TERMS OF REFERENCE OF THE ASEAN CHINA JOINT WORKING GROUP ON THE IMPLEMENTATION OF THE DECLARATION ON THE CONDUCT OF PARTIES IN THE SOUTH CHINA SEA**

*Adopted in Kuala Lumpur, Malaysia on 7 December 2004*

## **BACKGROUND:**

1. The Declaration on the Conduct of Parties in the South China Sea (DOC) is the first political document jointly issued by ASEAN member countries and China on the South China Sea issue. The document reflects the consensus reached by all Parties on seeking peaceful solutions to disputes and conducting maritime cooperation in order to maintain regional stability in the South China Sea under the 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 Southeast Asia, the Five Principles of Peaceful Coexistence, and other universally recognized principles of international law.
2. All the Parties reaffirm their commitment to sincerely and faithfully implement the DOC in order to contribute to regional peace and stability in the South China Sea.
3. The ASEAN-China Senior Officials' Meeting on the implementation of the DOC convened in Kuala Lumpur on 07 December 2004 decided to establish the ASEAN-China Joint Working Group on the Implementation of the DOC (ASEAN-China JWG).

## **OBJECTIVES:**

4. The main task of the ASEAN-China JWG is to study and recommend measures to translate the provisions of the DOC into concrete cooperative activities that will enhance mutual understanding and trust.
5. The ASEAN-China JWG shall, in accordance with the obligations and commitment to the DOC, recommend for SOM's consideration, policy and direction, including identifying type of activities the parties should take in order not to complicate or escalate disputes.
6. The work of the ASEAN-China JWG shall be guided by the principles of mutual understanding, consensus, consultation, and cooperation.
7. The ASEAN-China JWG is tasked to formulate recommendations on:
  - a) guidelines and the action plan for the implementation of the DOC;
  - b) specific cooperative activities in the South China Sea, particularly in the following areas:
    - marine environmental protection;
    - marine scientific research;

- safety of navigation and communication at sea;
  - search and rescue operation; and
  - combating transnational crime.
- c) a register of experts and eminent persons who may provide technical inputs, nonbinding and professional views or policy recommendations to the ASEAN-China JWG; and,
- d) the convening of workshops, as the need arises.

### **COMPOSITION AND ORGANIZATION:**

8. The ASEAN-China JWG shall comprise representatives of all Parties to the DOC. The ASEAN Secretariat shall also be present.
9. Meetings of the ASEAN-China JWG shall be co-chaired by representatives of ASEAN Country-coordinator and China.
10. The ASEAN-China JWG shall meet regularly at least twice a year and submit a report and recommendations to the ASEAN-China SOM at the end of each meeting.