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ABN # 65 648 097 123



Background Briefing:

South China Sea: What is Vietnam's Current Policy?

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July 8, 2017

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We are preparing an update on the South China Sea. We request your assessment of the following:

Q1. What is the current Vietnamese policy stance on the South China S issue?

ANSWER: Vietnam claims sovereignty over the Paracels and Spratly archipelagoes. But Vietnam has not specifically identified which features it claims in the Spratlys. China occupies the Paracels and Vietnam's Ministry of Foreign Affairs routinely responds to Chinese activities there that are perceived as infringing on Vietnam's sovereignty. Vietnam has opposed China's construction of artificial islands and regularly draws attention to China's continual militarization. In terms of declaratory policy, Vietnam calls for the peaceful settlement of disputes without the resort to force or the threat to use force on the basis on international law including the United Nations Convention on the Law of the Sea (UNCLOS). Vietnam and China hold regular working group meetings to discuss the "waters forming the mouth of the Gulf of Tonkin" but little progress has been made. China pressures Vietnam to agree to joint development but Vietnam stalls because it does not want joint development to take place in waters over which it claims sovereign jurisdiction.

Q2. Do you think the Hanoi Government will file its case to an arbitral tribunal like the Philippines?

ANSWER: Vietnam and the Philippines were the only two members of ASEAN to specifically support the Arbitral Tribunal by name when its issued its award on July 12, 2016. Vietnam said at the time it would issue a statement later. No such statement has been issued. In its dealings with members of ASEAN and other states Vietnam uses the circumlocution "legal and diplomatic processes" to refer to the arbitration process. Vietnam let the Philippines take the lead on arbitration under President Aquino.. But when President Duterte set aside the Award Vietnam has remained silent. While there has been debate in Vietnam over whether or not to use international arbitration in its dispute with China, Vietnam's leaders have concluded that arbitration should be the last resort.

Q3. Do you think the Hanoi government will work with other regional countries, or other powers like Russia, the U.S., Japan, etc. to cope with the China over South China Sea issue? Do you think it's efficient and effective so far?

ANSWER: Vietnam and China adopted guidelines on the basic principles guiding the settlement of maritime disputes sea-related issues) in 2011. Officials from both sides meet to discuss South China Sea issues. Meanwhile the party and state leaders of both countries have reached consensus in general terms not to aggravate their disputes.

Vietnam and Japan, the United States and India all agree that maritime disputes should be settled peacefully on the basis of international law including UNCLOS. When Vietnam meets bilaterally with leaders from Japan, the U.S. and India they always call for the expeditious implementation of the Declaration on Conduct of Parties in the South China Sea (DOC) and the conclusion of a Code of Conduct in the South China Sea (COC). At the same time, Vietnam and Japan, India and the United States support freedom of navigation and overflight and maritime security. In this respect Japan, India and the United States have provided material support, including vessels, to Vietnam's Coast Guard, and assisted Vietnam in developing maritime domain awareness through sharing information.

Vietnam's relations with Russia have been more circumspect. They agree in public on the need to settle maritime disputes peacefully. But Russia's alignment with China against the United States has raised concerns in Hanoi. Vladimir Putin strongly supported China in objecting to the Arbitral Tribunal.

At the moment, ASEAN members and China have agreed on a Draft Framework COC. They will shortly begin discussions on the content and timeline of the COC. Vietnamese diplomats work full time to shore up unity in ASEAN and its dialogue partners for ongoing consultations with China over South China Sea issues.

Vietnam pursues a dual track approach to defend its interests in the South China Sea. The first approach is to develop a military deterrent to dissuade China from seizing a land feature occupied by Vietnam. Vietnam has procured coastal missiles, extended range artillery, and enhanced Kilo-class conventional submarines. Second, Vietnam encourages the major maritime powers – the US, Japan, India – to maintain a naval presence in the South China Sea and to visit Vietnamese ports when they deploy. Vietnam publicly supports US freedom of navigation patrols "as long as they contribute to regional security." With the exception of the crisis in mid-2014 when China parked a mega oil drilling rig (HYSY 981) in Vietnam's Exclusive Economic Zone, China has been circumspect in directly challenging Vietnam. To this extent Vietnam's strategy has been successful. However, Vietnam has been unable to prevent China from further militarizing its artificial islands and creating a dominant military presence in the Spratly islands.

Suggested citation: Carlyle A. Thayer, "South China Sea: What is Vietnam's Current Policy?," *Thayer Consultancy Background Brief*, July 8, 2017. All background briefs are

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