Vietnam's ASEAN Chairmanship in Dispute Management of the South China Sea in 2010

By

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ABSTRACT

This thesis examines the attempts of Vietnamese policy makers to manage the dispute with China on the South China Sea within the context of Vietnam's ASEAN Chairmanship in 2010. In particular, it examines the actions of Vietnamese policymakers in the preparing and conducting the 2010 ASEAN Defence Minister Meeting Plus and ASEAN Regional Forum. It asks whether and how Vietnamese policymakers have utilized the ASEAN chairmanship and its agenda-setting powers to put the South China Sea issue and the Chinese in the spotlight at these meetings. It argues that Vietnamese policymakers sought to constrain Chinese actions in the South China Sea by raising international publicity on the issue. The thesis considers the strategic measures taken by Vietnamese policy makers in managing the South China Sea conflict from the perspective of two schools of thought in international relations: realism and constructivism. While realists and neo-realists suggest that the strong do what they can and the weak suffer what they must, constructivists argue that policy makers are social actors, who are concerned with the respect of others. Constructivist approaches offer a more convincing way to explain how and why Vietnam, a weaker state might try to constrain China, a much stronger state, on issues of sovereignty in the South China Sea. Finally, the thesis concludes that, despite several failures, Vietnamese policy makers were able to make progress in managing this conflict by using international publicity to constrain the Chinese from acting unilaterally.

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LIST OF ABBREVIATIONS

UNCLOS	United Nations Convention on the Law of the Sea
ASEAN	Association of Southeast Asian Nations
ADMM Plus	ASEAN Defense Minister Meeting Plus
ARF	ASEAN Regional Forum
EEZ	Exclusive Economic Zones
JSMU	Joint Marine Seismic Undertaking
DoC	Declaration on the Conduct of Parties
CoC	Code of Conduct
CPV	Communist Party of Vietnam
SRV	Socialist Republic of Vietnam
DOE	United States Department of Energy
SLOCs	Sea Lines of Communications
EAS	East Asia Summit
CLCS	Commission on the Limits of the Continental Shelf
CBMs	Confidence-Building Measures

CHAPTER 1: INTRODUCTION

The Association of Southeast Asian Nations (ASEAN) was established on 8 August 1967 in Bangkok by the five original member countries - Indonesia, Malaysia, Philippines, Singapore and Thailand - with a political aim to contain the common threat of communism expansion. Since then, its membership has extended to include five more members: Brunei Darussalam, Vietnam, Laos, Myanmar and Cambodia.

The ASEAN-10 has helped to end confrontation and disunity which remained unresolved among Southeast Asian countries in the past. The solidarity, unity, flexibility and openness have put ASEAN in the international 'spotlight'. Its members are very different in terms of socio-economic development, culture and belief, legal and political institutions and geographic size. Despite these differences they have co-existed peacefully and develop economically over almost five decades. ASEAN's internal organization not only ensures a more stable security environment for all states, it also safeguards the interests of both large and small countries within the Association. In this regard, ASEAN has shaped a significant position in the region and in the world as a major contributor to peace, stability, cooperation and development in Southeast Asia and the Asia-Pacific region.¹

ASEAN was and remains an important and leading factor in maintaining an environment of peace, security and cooperation for development in the region. It contributes actively to the security and development goals of each member state and of the Association as a whole. ASEAN's founding also marked the end of Indonesia's policy of 'confrontation' with Malaysia and Singapore, which had been expensive for the economic development of Indonesia and regional stability. Then, as now, avoiding inter-state conflict and building a mechanism for the peaceful management of disputes were major concerns and considerations in creation of ASEAN.

¹ Speech by Vietnamese PM, Nguyen Tan Dung at 45 years of ASEAN foundation celebration, 2012
<http://thutuong.chinhphu.vn/Home/Thu-tuong-phat-bieu-nhan-Ngay-ASEAN/20128/16548.vgp>

However, South East Asia remains unstable with a wide range of security challenges which have not changed much recently. Numerous tensions arise from domestic sources, bilateral relations and from factors outside the region. Terrorism, maritime security, illicit fishing, communicable diseases and environmental deterioration have become major issues threatening regional security. In addition to the internal and trans-national issues, threats to security in the region also come from bilateral tensions and the ones with extra-regional powers.² Although cooperation mechanisms within the ASEAN framework and joint efforts among its member states have strengthened, some challenges remain unresolved, especially the longstanding territorial disputes in the South China Sea between several ASEAN member states and China.

The dispute remains a challenge because problems of sovereignty and border demarcation have not been resolved and there is a potential for conflict, especially as claimant states press their needs for energy and modernize their militaries.³ Besides the disputes over sovereignty, there are also conflicts over maritime demarcation and other legitimate issues, such as marine scientific research, marine protection, anti-piracy and anti-smuggling.⁴ While the dispute does not focus on the areas along the coastlines of these states, there are a number of significant overlapping claims further off shore, namely in the Spratly and Paracel Islands and several coral reefs and maritime areas.⁵ Disputes over territorial sovereignty in the South China Sea intersect with competing interests in the region's rich natural resources and conflicts over strategic position.⁶

A number of actions carried out by different parties have added to tensions and complicated the situation in the South China Sea. These include: the deployment of military forces, the occupation and reinforcement of rocks, construction of structures, formation of scientific research centers, creating markers, incorporating rocks into close provinces, producing and making public maps that cite prospective claims (and show historical documents to support

² Rizal Sukma (2009). Managing security challenges in Southeast Asia: is there a role for the European Union

³ Ralf Emmers. Prospects for managing and resolving conflict in the South China Sea. *Havard Asia Quarterly. The South China Sea*

⁴ Nguyen Hong Thao (2001). *Ocean Development & International Law*

⁵ Crisis Group Asia Report (2012), p. 2

⁶ Ibid

these claims), permitting tourists and journalists to visit rocks, making concessions to oil companies, seizing fishermen and building tourist areas complete with hotels and airfields.⁷

Among six countries claiming territory in the South China Sea, China claims the most and has become the actor setting the tone for the dispute. This tone has shifted over time. Beijing's approach to the South China Sea in the 1990s made the region a flash point for instability. However, tensions eased while China pursued a more accommodating position in line with its "peaceful rise" policy. At all times, however, China has regarded the South China Sea as a crucial maritime area and an area essential to the achievement of its national interests in terms of economy, politics and strategy.⁸ Therefore, China has always maintained a strong stance, including its 'indisputable sovereignty' in the South China Sea.

In the past few years, this situation has escalated as some Southeast Asian states have shown their unwillingness to surrender their sovereignty claims.⁹ This has resulted in numerous conflicts. Some of these stem from conflicts between two countries, while others involve multiple actors.¹⁰ Many countries have interests in the South China Sea due to its rich resources, essential sea lanes and strategic position.¹¹ The dispute has concerned not only those states that have claims, but has also involved other countries inside and outside the region. Together, the interrelated interests of disputant actors and the increasing involvement of other major powers have complicated the situation. As long as complications over issues of sovereignty to rocks and islets remain, other issues such as exploitation of mineral resources and access to shipping lanes will remain unresolved.¹² The current ambiguity also has a negative effect in managing and resolving the dispute in the South China Sea, both in terms of successes and limitations.¹³

In principle, full implementation of the Declaration on the Conduct of Parties in the South China Sea (DoC) should create peace and stability in the region and prompt all relevant

⁷ Nguyen Hong Thao (2001)

⁸ Clive Schofield, Ian Storey (2009). Jamestown Occasional Paper

⁹ Ralf Emmers, *Havard Asia Quarterly*

¹⁰ Nguyen Hong Thao (2001)

¹¹ Blazevic, Jason J. (2012) Navigating the Security Dilemma: China, Vietnam, and the South China Sea, *Journal of Current Southeast Asian Affairs*, Vol. 31, No. 4, 79-108.

¹² Nguyen Hong Thao (2001)

¹³ Ralf Emmers, *Havard Asia Quarterly*

parties to work for a regional code of conduct (CoC).¹⁴ For a decade, ASEAN has attempted to persuade China to start debates on measures to lessen tensions, resolve the conflict and enhance cooperation among claimants.¹⁵ The initial step and a sign of engagement in this direction, was an agreement between ASEAN and China to sign the DoC in 2002. Although this Declaration was not bound together with a clear track in terms of geography, the related actors praised the positive visions of a significant landmark announced by the Joint Marine Seismic Undertaking (JMSU) conclusions. However, the end of the JMSU after three years provided strong evidence that the Declaration faced various shortcomings and that the actors had moved “back to square one”.¹⁶ Therefore, the relevant parties have been unable to fulfill provisions of this agreement for eleven years. It seems unlikely that such a code can come into operation given Chinese opposition as well as the differing positions among ASEAN member states.¹⁷

Bordering the South China Sea (or, as Vietnamese refer to it, the Eastern Sea or “Bien Dong”), Vietnam shares borders with a number of states with which it has boundary disputes. On its northern border, Vietnam must resolve questions about its land borders and a maritime demarcation line in the Gulf of Tonkin with the Chinese. On its southern border, Vietnam is challenged by disputes with Cambodia, Thailand, Malaysia and Indonesia. A conflict over the Paracel and Spratly Islands also remains unsolved in the East.¹⁸ Specifically, the Spratlys (Truong Sa in Vietnamese) are claimed, wholly or partly, by China, Vietnam, Malaysia, the Philippines, and Brunei, while the Paracels (Hoang Sa) are claimed by China and Vietnam. In these disputes, Vietnam takes a firm stance that all disputes need to be resolved through peaceful settlement. Clause 7 of the 12 May 1977 Declaration of the Socialist Republic of Vietnam (SRV) on the Territorial Sea, the Contiguous Zone, the EEZ and the Continental Shelf of Vietnam states:

The Government of the Socialist Republic of Vietnam shall, together with the concerned countries through negotiations on the basis of mutual respect of independence and sovereignty, in compliance with international law and practices, resolve the issues relating to the maritime zones and the continental shelf of each side¹⁹

¹⁴ Ian Storey. *Cooperation from Strength: United States, China and the South China Sea*, Centre for New America Security, January 2012, p. 61

¹⁵ Clive Schofield, Ian Storey (2009)

¹⁶ Ibid

¹⁷ Ian Storey (2012) p. 61

¹⁸ Nguyen Hong Thao (2001)

¹⁹ Quoted in Vietnam News Agency (1999) from Nguyen Hong Thao (2001)

And with regard to the management of the disputes in the South China Sea, Vietnam always shows its constant stance:

Vietnam has full historical evidence and legal grounds to prove its indisputable sovereignty over Hoang Sa and Truong Sa archipelagoes. Vietnam holds the consistent view that a fundamental and long-term solution to disputes in this area should be reached through bilateral and multilateral negotiations among parties directly involved. While actively accelerating negotiations for such a solution, all related parties should exercise –self-restraint, refrain from taking any action that may further complicate the situation, from using force or threatening to use force, and fully respect international law, especially the 1982 UNCLOS²⁰.

Moreover, when the issue of Vietnam's East Sea was raised during the 17th ASEAN Summit meeting in Hanoi in 2010, the Vietnamese Prime Minister Nguyen Tan Dung stated that “the maintenance of peace, stability, security and safety in the East Sea is a common interest and great concern of ASEAN and other regional countries.”²¹

This dispute has been regarded as the most complicated and dangerous conflict between Vietnam and China and will continue to be a critical security threat to Vietnam in the years to come²² although the two countries have maintained good relations through a long history.

From the perspective of ASEAN's claimant countries, China has become an increasingly assertive and belligerent player in the region with a growing military capacity.²³ When China argues that its authority over the South China Sea is indisputable, it is obvious that Vietnamese interests, along with those of other claimant countries, are vulnerable to Chinese ambitions.²⁴ This is because Vietnam is much smaller than its northern neighbor. This power asymmetry may prevent Vietnam from trying to advance its interests in the South China Sea with a bilateral setting with China. In a bilateral negotiation, China holds a huge advantage. For its part, Chinese politicians recognize the advantages of this asymmetry and stick firmly to the position that the dispute must be settled through bilateral negotiation, while opposing all attempts to multi-lateralize negotiations. Other claimant actors, including Vietnam, on the other hand, have sought greater involvement of ASEAN in resolving the dispute.

²⁰ Nguyen Hong Thao (2001)

²¹ Dang Cam Tu (2011). PhD. Dissertation, The University of New South Wales

²² Ibid

²³ Blazeovic, Jason J. (2012), *Journal of Current Southeast Asian Affairs*, Vol. 31, No. 4, 79-108.

²⁴ Blazeovic, Jason J. (2012)

Because ASEAN claimant countries are not in a position to confront China individually in the South China Sea, they unsurprisingly seek assistance from ASEAN as a bloc. There is a conventional wisdom that when a state takes part in an international agreement or joins an institution, it willingly refuses a certain amount of its sovereignty and in return hopes for a level of safeguard.²⁵ However, the divisions and dissimilar interests among ASEAN states having territorial claims with China have impeded such efforts. This increased the complexity of the situation and inhibited resolution of territorial disputes in the South China Sea. ASEAN member states have differing relationships with China, especially in terms of economic dependence and political engagement, which the latter has used to disrupt efforts to push for a common ASEAN solution to the issue. Although ASEAN has acted as a regional multilateral mechanism for dispute management, it has demonstrated itself to be incapable and ineffective in easing the strain and reaching a consensus on the issue.²⁶

Therefore, facing a disadvantageous position in bilateral negotiations with the Chinese and the fact that ASEAN, as a group, remains incapable of finding a common position on the issue, Vietnam has sought a secondary objective: to multi-lateralize the South China Sea issue.

This research highlights the efforts of Vietnamese policy makers to manage the South China Sea dispute with China within the context of Vietnam's ASEAN Chairmanship in 2010. During its Chairmanship, Vietnam hosted and chaired various meetings. The present work focuses on the ASEAN Defense Ministers Meeting Plus (ADMM Plus), ASEAN Regional Forum (ARF) and the build-up leading to these two meetings that year as they provide a clear and succinct demonstration of the argument made in this thesis.

Thesis statement

The thesis argues that Vietnamese policymakers sought to constrain Chinese actions in the South China Sea by using the Vietnamese chairmanship of ASEAN in 2010 to raise international publicity on the issue. It argues that the ultimate goal of Vietnamese policy

²⁵ H.A.Tuan. ASEAN and the Disputes in the South China Sea (www.nghiencuubiendong.net)

²⁶ Crisis Group Asia Report (2012), p.2

makers was not to have the Code of Conduct realized. Rather, Vietnamese policymakers sought to use publicity to constrain the Chinese from acting unilaterally.

Research questions

The research will answer the following questions: 1) Did Vietnamese policy makers succeed in multi-lateralizing this issue by drawing attention to it through ASEAN mechanisms, namely ADMM Plus and ARF? 2) Did Vietnamese policy makers utilize their ASEAN chairmanship to put the South China Sea issue and the Chinese in the spotlight by managing the agenda of the ARF and ADMM Plus meetings in 2010?

Theoretical framework

Two theories of international relations are applied to explain the author's argument. The traditions of realism and neo-realism suggest that in international politics the strong do what they can and the weak suffer what they must. Therefore, it is unlikely that a small state like Vietnam can constrain a large state like China. Traditions of constructivism, on the contrary, suggest that policy makers are social actors, who are concerned with the respect of others. They, therefore, do not violate lightly norms of appropriate behavior and jeopardize their reputations. From this perspective, Chinese policymakers are as subject to the constraints of norms and reputation as are Vietnamese policymakers. Constructivism and the belief by Vietnamese policy makers that they could do something to constrain China best explains the behavior of Vietnamese policymakers in raising international publicity of the South China Sea conflict during Vietnam's ASEAN Chairmanship in 2010.

Methodology

Evidence for this thesis has been obtained from primary and secondary sources. The primary sources are: 1) the unpublished documents, including political reports, talking points and policy analyses by officials of the Vietnamese Foreign Ministry; 2) official documents and archives on foreign policy and foreign affairs of the Communist Party, the Government and Ministry of Foreign Affairs of Vietnam; 3) basic documents including policy statements of ASEAN, joint statements and declarations issued at regional meetings and concept papers of specific ASEAN cooperation mechanisms. Primary sources also include published interviews, author interviews with officials from the Vietnamese

Ministry of Foreign Affairs, and an interview with a third-country official who attended the 17th ARF held in Hanoi in 2010. The secondary sources include: 1) publications and studies on the relevant subject carried out by academics and scholars from research institutions in Vietnam; and 2) books, research works and other publications by scholars and analysts within and outside the region on issues relevant to the subject of the research.

Thesis structure

The thesis is organized into five chapters. Following this first Chapter, the Chapter Two introduces the two schools of thought from which the research question and sub-questions are generated. These are realism and constructivism. Within these schools, more specific theories have been chosen to explain strategic measures taken by Vietnamese policy makers in managing the conflict in the South China Sea with China. The Chapter Three provides detailed information on the historical background of the South China Sea, including an overview of its strategically important position, the interests of the relevant parties in the dispute over the South China Sea, as well as processes of the bilateral and multilateral negotiations over the issue. Next, the Chapter Four explores Vietnamese policymakers' attempts to constrain the Chinese by raising international publicity on the issue of South China Sea in the context of Vietnam's ASEAN Chairmanship in 2010. It analyzes whether Vietnam policy makers have succeeded in multi-lateralizing this issue by drawing attention to it through ASEAN mechanisms, namely ADMM Plus and ARF. It addresses the question of how Vietnamese policymakers have utilized the ASEAN chairmanship to put the South China Sea issue and the Chinese in the spotlight by managing the agenda of these meetings. Finally, Chapter Five provides a summary conclusion.

CHAPTER 2: THEORETICAL FRAMEWORK

This chapter considers two schools of thought. It is from a comparison of the expectations generated by these two schools of thought that the research question and sub-questions of this thesis are derived. The relevant schools are realism²⁷ and constructivism, and within these schools, more specific theories have been chosen for their potential to explain actions taken by Vietnamese policy makers in managing the South China Sea conflict with China. A central tenet of realism is that power shapes international politics; the strong do what they can and the weak suffer what they must. Constructivists, on the other hand, regard policy makers as social actors who value the respect of others and therefore do not lightly violate norms of appropriate behavior and value their reputations. By analyzing the dispute between China and several ASEAN claimant states, including Vietnam, over the South China Sea, the chapter demonstrates the differing expectations that each perspective raises with regard to the behavior of Vietnamese policy makers as they sought to manage the conflict with China during Vietnam's ASEAN Chairmanship in 2010.

THEORETICAL FRAMEWORK

Realism and neo-realism

Much contemporary international relations theory originates from the European experience of the past four centuries, in which wars, innovation and wealth played a major role. According to Kenneth Waltz, a central scholar of structural or neo-realist thought, "The theory of international politics is written in terms of the great powers of an era. It would be... ridiculous to construct a theory of international politics based on Malaysia or Costa Rica...A general theory of international politics is necessarily based on the great powers."²⁸ Power and states that have a lot of it stand at the center of realist thinking.

Power in international relations refers to the material capabilities of a state to translate will into behavior. From a structural realist perspective, Waltz has estimated that power includes

²⁷ Realism here also includes neo-realism or structural realism

²⁸ David C. Kang, "Getting Asia Wrong: The Need for New Analytical Frameworks *International Security*, (2003) p.57

the following components: “size of population and territory, resource endowment, economic capability, military strength, political stability and competence.”²⁹

A state has power when it is able to manifest its ambition in relations with other states, including imposing its will or influence over those states. This perspective rests on a materialist conception of power, in which, states with bigger economic and military capabilities may exert greater power.

Accordingly, realist scholars believe power is the currency of international politics. As John Mearsheimer formulates it: “Power is an end in itself... and power is a means to an end and the ultimate end is survival.”³⁰ From a realist perspective, great powers pay much attention to the amount of economic and military power they possess relative to each other. It is essential not only to have an ample proportion of power, but also to be sure that “no other state sharply shifts the balance of power in its favor”.³¹

The international system is an anarchic, self-help environment, in which there is no central government above the great powers, and in which there is no insurance that one will not assail another. In such a situation “it makes eminently good sense for each state to be powerful enough to protect itself in the event it is attacked.”³² As a result, states pay attention to how power is distributed among themselves and try to maximize their own holding of power.

If one state wants to obtain more power, normally it means that the others must lose respectively a certain amount of power. Small and limited states are classified as not powerful. And what choices are left for states that are ‘not powerful’ in an international system where power is regarded as the currency? They have little weight in world affairs and public policy-making, although such small states contribute a considerable part of the world’s population.³³ In his book, Waltz argues that, when there is no authority that sits above them, states turn the international system into anarchy, in which their interest in compels them to compete with one another for power. Each seeks to possess more

²⁹ Kenneth Waltz (1979), *Theory of International Politics* (Reading MA: Addison-Wesley) p.131

³⁰ John J. Mearsheimer, *Structural realism in international relations theory: Discipline and diversity*. Oxford University Press, 2nd edition, 2010. p.78

³¹ John J. Mearsheimer (2010) p.78

³² Ibid

³³ Gregory Gleason et al., *Realism and Small State International Politics*, 2008, Vol.45, (40–51)

power than other competitors as states can rely only on themselves when facing troubles or difficulties. In any case, “stronger states are less likely to be attacked than weaker states.”³⁴

According to most realist authors of international relations strong states shape the international arena and weak states simply do what they must to do Thucydides was the first scholar to describe the nature of international relations as anarchic and amoral. In his work, the “Melian dialogue” - the best illustration of his view that there is no rule or fairness in politics between states,³⁵ Thucydides stated that in relations between states, “the strong do what they have the power to do and the weak accept what they have to accept.”³⁶ Thus, under anarchy, the international system permits the powerful to act as they wish and coerce the weak.³⁷

In reality, one can observe bigger states failing to respect small states and disregarding the impact of their behavior on minor states. More importantly, strong states usually underestimate interests of small states, even in their interactions: in cases of cooperation, bigger states gain bigger interests and in cases of conflict, these states tend to oppress the small ones. Rules seem not to bind the larger states, or they are likely to maintain a right to “break the rules”.³⁸

As a result, when small states face a major threat from outside, they tend to engage in either ‘balancing’ or ‘bandwagoning’ depending on what opportunities for alliance the international system gives them. States form alliances with an aim to avoiding being controlled by stronger states. This perspective is at the center of traditional balance of power theory. Based on this point of view, states form alliances to defend themselves from powers or coalitions which threaten their security and autonomy.³⁹

Generally, when states are relatively weak, they are likely to engage in bandwagoning rather than balancing. Bandwagoning happens when minor states cannot coalesce into an effective defensive coalition against a powerful, but they can attract its ire by doing so.

³⁴ Waltz, K.N (1979)

³⁵ Alexander Kemos: The Influence of Thucydides in the Modern World from www.hri.org/por/thucydides.html retrieved on 25 May 2013

³⁶ Ibid

³⁷ Ibid

³⁸ Tung N.V (2010): Living with a bigger neighbor-Practices and Policies. (In Vietnamese: Song chung voi nuoc lang gieng lon hon- Thuc tien va chinh sach. *Nghien cuu Quoc te so 2* (81, June 2010: 169-183)

³⁹ Walt Stephen M. (1987) The origin of alliances. Ithaca and London: Cornell University Press. pp.17-21, 27-32

Because weaker states can have only limited impact on outcomes, but may suffer greatly by resisting, they instead opt to side with the powerful state.⁴⁰

Small and weak states are particularly susceptible to large powers close to them. Weak states are affected most by events in their proximity where stronger powers possess interests as well as abilities on a global scale. Thus, Waltz expects weak states to balance when they face states with approximately the same abilities as their own. He expects them to engage in bandwagoning when confronted by a major power. The greater the asymmetry between two powers, the greater will be the attraction of bandwagoning to the weaker power.⁴¹

Constructivism

Scholarly work in social constructivism has shown several analytical and empirical shortcomings of conventional neo-realist theories. Among others, the realist school does not portray sufficiently “the influence of ideas, values and norms on the identities and interests of actors”.⁴² Social constructivist approaches, on the other hand, present an alternative understanding of behavior that contributes to new theoretical comprehension with regard to the effect of norms.⁴³ For example, Mearsheimer once said that at the international level, the roots of war and peace lay in balances of power, while ideas, norms and organizations were “merely intervening variables”.⁴⁴ Theories of ‘governance’, on the other hand, suggest that the behavior of countries is constrained by norms.⁴⁵

From a constructivist viewpoint, the constitutive role of norms and shared understandings come from individuals and states. Rather than emphasizing the unavoidable recurrence of particular patterns of behavior in international politics, as realists do, Nicholas Onuf suggests that the international system is a “world of our making”.⁴⁶ This means that social

⁴⁰ Walt, S. M. (1987)

⁴¹ Ibid

⁴² Annika Bjorkdahl (2002), *Cambridge Review of International Affairs*, p. 9

⁴³ Ibid, p. 9

⁴⁴ Ibid, p. 11

⁴⁵ Ibid

⁴⁶ Qianqian LIU (2010), *Journal of Cambridge Studies*. Vol. 5, N. 4, p. 85-86

identities and the behavior of political players are formed and affected by ideas, beliefs and values.⁴⁷

Norms, from a constructivist perspective, are seen as a collection of understandings between two objects and joint expectancy concerning the appropriate behavior of countries and other players. State leaders normally observe themselves as inhibited by principles, norms and rules that stipulate and rule out the variables of behavior.⁴⁸ Obviously, norms are unlikely to determine tangible behavior. Rather, they determine what relevant behavior should be.⁴⁹

Furthermore, constructivists also argue that the types of interest that scholars recognize-for example, military power, trading relationships, international organizations-are not vital in and of themselves, but are significant only insofar as they have clear social meanings.⁵⁰ According to Wendt, this significance is developed from a complicated and particular combination of history, ideas, norms and beliefs that academic scholars must comprehend to explain state behavior. For example, constructivist scholars argue that the nuclear weapons owned by the United Kingdom and China, despite their similar destructive potential, have a different meaning than those of the United States and that these differences turn into very dissimilar “patterns of interaction”.⁵¹

The role of social norms in international politics has also drawn attention from constructivists. March and Olsen differentiate between a rationality of effects -where actions are logically opted to amplify the state's interests – and rationality of relevancy, where logic is deeply reconciled by social norms⁵². To take one example, constructivists argue that the norm of state sovereignty has had considerable weight in international relations, creating a tendency toward non-intervention.⁵³

Social constructivist theory argues that gains pursued by states are rooted in norms and

⁴⁷ Ibid

⁴⁸ Annika Bjorkdahl (2002) p. 22

⁴⁹ Ibid

⁵⁰ Anne-Marie Slaughter (2011). *International Relations, Principal Theories*.

http://www.princeton.edu/~slaughtr/Articles/722_IntlRelPrincipalTheories_Slaughter_20110509zG.pdf

⁵¹ Qianqian LIU (2010) p. 85-86

⁵² Anne Marie S. (2011)

⁵³ Ibid

values which identify their social identity. Accordingly, “norms do matter”.⁵⁴ Norms are “a standard of appropriate behavior for actors with a given identity as defined by Finnemore and Sikkink.”⁵⁵ The status quo as the result of the special identities and interests of interacting states is also explained by constructivism. Both identities and interests, for constructivists, are “not structurally determined.”⁵⁶ Rather, these are identified through processes in which actors interface with one another.

On the other hand, constructivists also argue that state behavior is restrained by a sense of appropriateness.⁵⁷ This means that states take into account the social environment in which they find themselves when considering what they have to do. Altering international norms may change what is applicable, and countries may adjust their policies as it is considered as proper to do so.⁵⁸

So why are norms important and how do they become a determinant element in state's behavior and action? In general, the understanding of norms is based on the criterion or patterns of envisaged behavior in special situations and show normally the agreed predilection. Though the meanings of norms and rules are coinciding, they have been interchangeably applied. However, a rule is seen as a subcategory of a norm and clear account of an option when behavior is likely to be required and necessary. Norms are obligatory before rules and instructions are set up and point out a shared understanding but a rule helps this understanding be more clear, definite and specific...⁵⁹

Kratochvil once emphasized that norms act as instructions to action and become problem-solving tools for interactions. The value of norms lies in the predictability they create and in their ability to limit undesirable, risky or harmful action. Struggles over rare resources in international relations may lead to fights for power and attempts to obtain superior position over others. Norms, on the other hand, may decrease the costs of negotiating an end to conflict and may convey a shared preference for cooperation. When norms constrain the destructive tendencies of the Hobbesian state of nature this may benefit international

⁵⁴ Social Constructivism: What are norms and how do they influence International Politics?

<http://www.merisshovic.eu/politikwissenschaft/social-constructivism-what-are-norms-and-how-do-they-influence-international-politics/>

⁵⁵ Ibid

⁵⁶ Melinda Wood (2010), Master Thesis, p.16

⁵⁷ Ibid

⁵⁸ Ibid

⁵⁹ Leszek Buszynski (2003), *Journal of International and Strategic Affairs*, Vol.25, No. 3, Dec. 2003 p.345-346

players, especially the smaller ones. Norms are stemmed from joint expectancy of the players and provide a tool to constrain behavior to sustain the struggle of these players in the framework of a number of enduring bounds. Their concurrence may result in the rejection of certain disrupting ways of individual goal completion which may trust on force or menace. In this connection, norms may affect the manner of foreign policy makers by restraining the alternative of tool to those seen desirable and which would sustain the interchange of demanding behavior from which all enjoy or profit. Collective norms are quoted and are usually taken for offer in the joint exploitation of rare objects or resources and are innate in any attempt of cooperation... Norms also permit players to bargain their disputes and seek for reciprocally desirable measures on the basis of shared understanding with no possibility to harmful one-sided measures.⁶⁰

Minor states may appeal to norms to defend their interests against bigger states, which may otherwise be disposed towards the use of force. From Buszynski's view (2003, p. 345), why should major powers conform to norms when they may win ownership of disputed resources by acting unilaterally? When major powers need the assistance of minor states in the economy and diplomacy, they seem to be more cautious about isolating them. If smaller states are able to engage the international community by highlighting an issue as one that threatens regional or global security and stability, then unilateral actions may come to be regarded as extreme risky. Norms may bring about an adjustment in the behavior of powerful states by forcing them to conform to the ethics which supposedly guide their foreign policy.⁶¹

In addition to norms, constructivists also believe that reputational costs may play a role in persuading stronger states to be careful when dealing with smaller states. Reputation is important in helping to explain collaboration and conflict in the fields of economics, political science, and especially international relations. Reputation is essential in describing why countries go to war but also why they care about respecting international rules and law.⁶²

⁶⁰ Leszek Buszynski (2003), p.345

⁶¹ Ibid

⁶² Sharman J.C., (2007), *Political Studies Vol. 55*, 20-37

Furthermore, states also show concerns in maintaining and enriching a good reputation so that they can increase their opportunities to take part in international politics. A good reputation helps a government entering into beneficial international agreements, while, as Keohane (1984) argues, damaging that reputation may create costs by making consensus hard to attain. This view of reputation has changed little in the last 20 years, with the legalization literature emphasizing its importance in promoting state cooperation and in compliance with rules in the same way. Relating to international law, Beth Simmons again writes in very similar terms as authorities will avoid harming their reputation for behavior ruled by law as this is regarded as deterrence for them to break the rule in the international domain.⁶³

Scholars and policymakers have debated over the past 60 years how many resources governments will devote to protecting and maintaining their reputation. It has been suggested that they will go to great lengths to protect their reputations. If this is true, these reputations may prevent belligerent behavior. Several evidences show that state policy makers are extremely cautious about reputation.⁶⁴

Reputation gives a reason for rational states to abide by costly obligations in the anarchic context of international politics, permitting collaboration without “friendship between egoists”.⁶⁵ States impose costs on their internal society as demanded by their international obligations with an aim to pursuing their reputation for collaboration on other issues in future cases.⁶⁶

CASE OF SOUTH CHINA SEA

This part examines the South China Sea dispute where relatively small countries confront a much larger country.

The South China Sea has appeared often in various forums in world politics and seems to be one of the most important issues on the international community's agenda. Recently, this issue has become a serious concern for powers inside and outside the Asia Pacific region. This is especially true as China intensifies its activities and actions to confirm its

⁶³ Ibid

⁶⁴ Tingley, D & Walter, B (2011). *International Organisation* 65, pp343-365

⁶⁵ Phelan, W. (2009): State reputation as a Public Good. IIIS Discussion Paper No. 275/January 2009

⁶⁶ Ibid

sovereignty and deploy maritime military bases in the South China Sea, while the US and some major powers in the region, namely Russia, India and Japan, try to show their interest and concern in maintaining peace, stability and maritime security in the region.

The South China Sea dispute is related to a chain of complicated, legal, technical and geographic conditions. The dispute is seen as a flashpoint for conflict in Southeast Asia. The region is important because of the availability of natural resources such as oil, hydrocarbon, manganese nodules and fish. The South China Sea is regarded as strategically important because it straddles the world's second biggest international sea lane in South East Asia and functions as a security barricade between several states.⁶⁷

In early 2010, it was rumored that China had determined the South China Sea disputes to be one of its core interests, a traditional expression used for issues of national territorial integrity such as Taiwan, Tibet and Xinjiang, where Beijing is unlikely voluntarily to make concessions and would opt to use force if needed.⁶⁸ Suggestions have shown that Chinese officials used this term during a private meeting with US officials in March 2010. Beijing's refusal to deny these rumors amplified increasing anxieties amongst ASEAN members that China was becoming more assertive in this matter.⁶⁹

Behind these concerns was China's insistence that negotiations on disputes over sovereignty must be conducted in a bilateral setting and without the involvement of third parties. Although Beijing maintains good relations toward its neighboring countries, it is anxious about the fact that a number of ASEAN countries would not concede to its claims and that negotiations through the regional institution might weaken its influence.⁷⁰ It has also opposed any attempts to resolve the dispute through the United Nations Convention on the Law of the Sea (UNCLOS). Chinese policymakers fear that its requests would not be accepted, despite the fact that there is a historical foundation supporting its claim to sovereignty over the islands as well as justification under the Convention for at least some of its maritime claims.⁷¹

⁶⁷ Tomotaka Shoji (2012). Vietnam, ASEAN, and the South China Sea *NIDS Journal of Defense and Security*, 13, Dec. 2012

⁶⁸ Crisis Asia Group Report I (2012)

⁶⁹ Ibid

⁷⁰ Ibid

⁷¹ Ibid

However, China seems to serve more and more as a “common denominator”⁷² of expanding fears for its South China Sea maritime neighbors. China is perceived by these countries as the most assertive player in the dispute because of the belligerent purpose of its claims in expanding its military capabilities. Among those with claims rival to the Chinese, Vietnam ranks first. The situation has become more difficult as Vietnam must consider its claims balanced against how they might incline China to use its position as a major source of finance, investment and trading.⁷³

For Vietnam, China ranks as the top priority of its foreign policy. It is, therefore, necessary to select policies vis-à-vis China prudently. In the past, during the period from 1940s to 1970s, China provided full support for the Vietnamese war of independence. However, Sino-Vietnamese ties quickly worsened after the war and the China-Vietnam War broke out in 1979. The year 1991 was seen as a landmark in the bond between the two countries when they normalized diplomatic relations.⁷⁴ They are currently comprehensive strategic cooperation partners. Maintaining the stability of the relationship with China, a larger neighboring country, would bring about benefits to Vietnam. On the contrary, pushing the bilateral ties into confrontation and tension would create disadvantages and vulnerability to Vietnam.

It is likely that the dispute over sovereignty in the South China Sea becomes one of Hanoi's most vital security matters.⁷⁵ Nonetheless, in terms of the power dimension between the two countries, Vietnam seems vulnerable in pursuing a resolution to this territorial dispute with a regional and global giant. Realism seems hard challenged to explain Vietnamese behavior in this conflict.

Therefore, constructivism offers a more convincing way to explain how and why a weaker state might try to constrain a much larger state on the issue of sovereignty. Vietnamese policymakers have sought to constrain the behavior of its much larger neighbor, China, with regard to territorial claims in the South China Sea by raising the profile of the issue internationally. If Vietnam raises awareness of the issue and multilateral efforts to manage

⁷² Blazevic, Jason J. (2012)

⁷³ Ibid

⁷⁴ Tomotaka Shoji (2012)

⁷⁵ Ibid, p.8

territorial disputes in the region, then it raises the costs to Chinese policymakers of opposing such multilateral efforts. This position assumes there are norms of conduct around multilateralism in international relations that policymakers can violate only at some cost to their reputation. If the Chinese care about how other countries think about them, they will have to act appropriately and avoid violating norms and rules such as the United Nations Convention on Law of the Sea.

The next chapter illustrates further the territorial disputes in the South China Sea between China and Vietnam. It first describes the background of disputes and the strategically important position of the South China Sea, in general, and for China and Vietnam, in particular. Then, it highlights the interests of the related parties and major powers in the South China Sea. It demonstrates that while China's position has always been to insist on the bilateral resolution of the issue - and to oppose multilateral negotiations - Vietnam has sought secondary goals to multi-lateralize dispute resolution and negotiations. It has also attempted to raise international attention to the dispute - a strategy it would pursue when it assumed the ASEAN Chairmanship in 2010.

CHAPTER 3: HISTORICAL BACKGROUND

In order to put the theoretical framework of the previous chapter into an empirical context, this chapter gives the reader a historical overview of territorial disputes in the South China Sea. First, it describes the background of disputes and the strategic importance of the South China Sea, in general, and for China and Vietnam, in particular. Then, it highlights the interests of the related parties and major powers in the South China Sea. These two sections are followed by a description of the disputes between China and Vietnam, including the bilateral and multilateral negotiations over the issue. The chapter demonstrates that while China's position has always been to insist on bilateral resolution of the issue - and to oppose multilateral negotiations-Vietnam has sought secondary goals to multilateralization, including attempts to raise international attention to the dispute - a strategy it would pursue when it assumed the ASEAN Chairmanship in 2010.

The following sections provide an overview of the disputes and importance of the South China Sea, the interests of claimant parties as well as of the several major powers in the region.

Background

The South China Sea disputes revolve around rival claims to sovereignty over overlapping maritime areas, particularly the Spratly and Paracel Islands. The issue erupted when China claimed a large portion of the South China Sea as its sovereign territory through its nine-dash map, which shows a U-shaped line that comprises the majority of the South China Sea, including all of the Spratly and Paracel Islands. This map, originally created by the Republic of China under the Kuomintang government in 1947, continues to be used as an official map by the People's Republic of China.⁷⁶

⁷⁶ Crisis Group Asia Report (2012)

(Source: <http://www.southchinasea.org>)

The 9-Dash line is a controversial demarcation line used by China for its claim to territories and waters in the South China Sea, most notably over the Scarborough Shoal and the Paracel and Spratly Islands--the two most important disputed island groups. The line, which is contested by the Philippines, Brunei, Malaysia, Taiwan, and Vietnam, encompasses virtually the entire South China Sea region and caused immediate controversy when China submitted a map to the UN in 2009 that included the demarcation. Beijing's issuance of a new passport (Reuters) in late 2012 containing a map of the disputed region based on the line drew fresh international criticism and backlash.⁷⁷

The ambiguity of this map has raised concerns among other claimants that China might choose to disregard UNCLOS by claiming 'historical rights' to the resources within the nine- dashed line. The Chinese Foreign Ministry has begun to inform foreign embassies in Beijing in secret that its claims are initially to the resources within the line and the exclusive economic zones (EEZs) they would engender. In February 2012 China's foreign ministry spokesperson Hong Lei distinguished between claims on dispute over territory of the reefs and islands of the Spratly and dispute over maritime demarcation, denoting that its claims are in conformity with UNCLOS in the fact that they have the ownership to the island features, the territorial waters, EEZs and continental selves.⁷⁸ A few months later, a leading Chinese scholar and government adviser also stated that China claims sovereign

⁷⁷ Beina X. (2013). South China Sea tensions (<http://www.cfr.org/china/south-china-sea-tensions/p29790>)

⁷⁸ Crisis Group Asia Report (2012)

rights and jurisdiction over waters, seabed and subsoil as defined under UNCLOS. Several ASEAN members object that these claims violate their territorial integrity, and menace their economic and security interests.⁷⁹

The dispute is also related to a number of islands by China's claim, especially the Spratly and Paracel Island groups. Those islands are a focus of conflict as several coastal states lay claim to them. The hottest point is the Spratly Islands, where there are considerable natural resources that include oil reserves, gas and fisheries. Nonetheless, the level of engagement in the Spratly Islands dispute differs from state to state. While Brunei and Indonesia do not proclaim any, Malaysia and Philippines claim a part of the Spratly Islands, Vietnam, Taiwan and China claim the whole island group.⁸⁰ In addition, different countries make their claims on different parts. For example, Brunei is concerned most about Lousia Reef which is also claimed by Malaysia; and Riffleman Bank. Malaysia claims twelve small islands and already occupies 6 of them. It also has an overlapping claim with the Philippines over the Commodore Reef and with Vietnam over Amboyna Cay and Braque Canada Reef. Indonesia does not claim any part of the Spratly, but is concerned with the EEZ, which, it claims, China's nine dash lines violate.⁸¹

Originally, China has begun its claims over the Spratly and Paracel Islands at beginning of 19th century but failed to control a part of the islands to the Japanese in the early 1930s. After Japan handed over its authority to the islands at the end of World War II, their status has been disputed among coastal countries up to the present. Until 1974 and 1988 when Vietnamese forces and Chinese forces had several clashes around the disputed islets, China's claim had not faced any adverse reaction from other states. Increasing military activities by different claimants in the sensitive area have put more tensions of those who want to resolve the issue peacefully. China's huge defence budget and completion of its first aircraft carrier are considered a warning sign for other countries who are involved in the South China Sea. It does no matter to what extent each disputed party is involved, the South China Sea conflict has become the most important regional issue and it affects the interests of a large number of states, including a majority of the ASEAN member states.

⁷⁹ Joshua Rowan P. (2005). The U.S-Japan Security Alliance, ASEAN, and the South China Sea dispute. *Asian Survey*, p 414-436.

⁸⁰ Ibid

⁸¹ Ibid

Interests in the South China Sea

As tensions mount much attention has been drawn to this area. This raises questions about why so many states seek to control the South China Sea. What makes this dispute worth studying? Addressing these questions sheds light on how different actors have sought to resolve this issue. Moreover, it also explains why this conflict has become a major issue that threatens international and regional stability.

The answer to these questions lies in two aspects of the conflict: the strategic location of the South China Sea and its natural resources, including oil and gas reserves. The latter factor is not as crucial as the former one, but most of countries in the region are still concerned about oil, natural gas, and fisheries.

As the Vietnamese Vice-Minister of Defence, Lieutenant General Nguyen Chi Vinh stated during a meeting in the Shangri La Dialogue in Singapore in 2011, “when talking about the South China Sea, we only see it as an issue of conflict and dispute. However, it should examine it in a comprehensive way to identify causes/roots for the issue. Firstly, the South China Sea is the area that brings more and more interests for many countries, not only for the coastal countries. For instance: maritime transportation, on land resources, fisheries and other important resources. Therefore, every state wants to involve in getting benefits from this area. Secondly, its involvement is increased gradually together with diverse interests. As a result, there are some shared interests and some disputes and conflicts are with other interests. In sum, the dispute in the South China Sea does not remain between Vietnam and China but related to other countries pursuing their interests in this area”.⁸²

The South China Sea is of significant importance in terms of military, economy and strategy for all the actors involved in the dispute. For Vietnam and China, the Paracel Islands and the Gulf of Tonkin have the same strategic significance. “Should one party gain exclusive control over the area, that state would gain total control over the economic development and the trade routes in the region, and moreover, give the occupant military advantages in waging war against all other nations in the region”.⁸³

⁸² Interview granted to Newspapers during Shangri La meeting on June 2011 from <http://vtc.vn/2-288752/xa-hoi/neu-bao-luc-vu-trang-quan-doi-se-tham-gia.htm>

⁸³ Nikilas Swanstrom, Conflict management and negotiations in the South China Sea: the ASEAN Way? (<http://nghiencuubiendong.vn>)

The South China Sea is the world's second busiest international shipping lane and the Straits of Malacca, the world's busiest shipping lane, is located at one end of the Sea. Annually, the Straits of Malacca, Sunda and Lombok are passed by of more than half of the world's large ships transportation with the huge part of seafaring traffic continuing to China, Japan, Taiwan and South Korea. This maritime shipment contains raw materials, energy resources, including crude oil, liquefied natural gas, and coal and iron ore, on the way to these East Asians countries.⁸⁴ The Straits of Malacca are also a gateway for commercial trade that plays a crucial role in the economic development of all countries in the region as well as for the countries with which they have economic bonds.

In addition to its importance as a shipping lane, the South China Sea region contains potentially large oil reserves. According to the US Department of Energy in 2003, this region currently retains proven oil reserves of seven billion barrels and a production capacity of 2.5 million barrels per day.⁸⁵ As evaluated by the Chinese side, the potential oil resources of the Spratly and Paracel Islands could be approximately 105 billion barrels of oil, while the resources of the entire South China Sea region could reach 213 billion barrels. As highlighted in an analysis by the U.S. Department of Energy (DOE), utilizing the shared 10% rule of thumb for boundary areas, China's estimates would raise the levels of production for the Spratly Islands from 1.4 to 1.9 million barrels daily.⁸⁶

As the South China Sea contains more oil than any other area in the world, excluding Saudi Arabia, some observers in China have labeled the South China Sea as a "second Persian Gulf". If there is an existence of much oil in the South China Sea and if China can manage it, it is obvious that Beijing will be capable to minimize its dependence on the Strait of Malacca's narrowness and vulnerability as well as the optional Sunda and Lombok Straits through which it makes importations of much energy from the Middle East. In that sense, an investment of \$20 billion was made by the China National Offshore Oil Corporation as they have a belief that such quantities of oil certainly be existent in the South China Sea.⁸⁷

⁸⁴ Joshua Rowan P. (2005)

⁸⁵ Ibid

⁸⁶ Ibid

⁸⁷ Patrick M. Cronin and Robert D. Kaplan: Cooperation from Strength: U.S. Strategy and the South China Sea, *Centre for New America Security*, January 2012, p.9

Additionally, located in the most dynamic part of the world in terms of economic development, most of the disputants have been achieving high rates of GDP growth.⁸⁸ As a result, they all have large demands for energy to maintain economic development. Especially China, with the second largest economy in the world, seems to have infinite demands of oil and gas. With very large estimated oil reserves, the South China Sea's potential economic benefits for China seem to be huge. According to Chinese estimates, oil reserves in South China Sea would vary from 168 to 220 billion barrel of oil while the US gave a much smaller tentative figure which consist about 7.5 billion barrel of oil, or 28 billion barrel for both covered and uncovered resources, similar amount as Norway and Azerbaijan.⁸⁹ These resources are also quite desirable to others. In the fastest growing region of the world, an extra source of energy will never be denied. As a result, natural resources have become one more stimulus for dispute and conflict.

In addition, the South China Sea has serious implications for security in the region. China, as a major power which is directly involved in the dispute, believes that controlling the South China Sea will help to strengthen its military power and help it overcome US naval supremacy in the area. Its ambition is to make the South China Sea a “back yard” for its naval forces, which will then dominate the surrounding waters. The South China Sea is semi-closed and an ideal place for defending the flank of China (the Southern and Eastern coasts) as well as for containing Taiwan. Therefore, if it can seize this region, China's strategic position will be secured. A term that is often mentioned in contemporary literature, the “string of pearls”, illustrates China's ambition. Actually, this is an idea coined by American scholars but never admitted by China. This emerging, maritime strategy, according to Christopher J. Pehrson (2006), aims to create a series of spots in which there is presence of Chinese military force. This chain extends from the coast of mainland China through the Strait of Malacca and the Indian Ocean, reaching its end at the Arabian Sea and the Persia Gulf.⁹⁰

To realize this strategy, China has built naval bases in different places along the coast from Asia to the Middle East such as on Coco Island in Myanmar and Gwadar in Pakistan. It has

⁸⁸ Source: <http://www.asean.org/11832.htm>, and <http://www.dfat.gov.au/geo/fs/asean.pdf>

⁸⁹ Source: <http://www.globalsecurity.org/military/world/war/spratly-oil.htm>

⁹⁰ J. Pehrson C. (2006). *String of pearls*. (<http://www.StrategicStudiesInstitute.army.mil/>)

also signed contracts to develop deep water harbors in Sri Lanka and Bangladesh. The purpose of this “String of Pearls” is, on the one hand, to secure the oil transportation and trading sea lines of China. On the other hand, it is important in order to constrain the power of the U.S. and its allies (India) in the sea, and, at the same time, to exercise China’s influence. Accordingly, taking control of the South China Sea is the key point in implementing the “String of Pearls” ambition.

At the beginning of 2010, China designated the South China Sea disputes as one of its “core interests”, a term that was reserved traditionally for issues of national sovereignty such as Taiwan, Tibet and Xinjiang. This term was used reportedly by Chinese officials during a meeting with the US in March, 2010.⁹¹ According to Chinese researchers, there was no mindful policy decision made from the central authority to place the South China Sea as a core interest at the similar degree as an issue of such as Taiwan. Nonetheless, this assumption together with the denial from Beijing to openly disprove these rumors has spread the existing concerns amongst ASEAN member states on the increasing Chinese assertiveness with regard to this issue.⁹²

China has three key interests in the South China Sea, which are all interrelated. Firstly, it desires to claim what it believes that is its history authorities, which include territory over all the geographical characteristics and probably the overall maritime area. Secondly, it needs to ensure accessibility to maritime resources, mainly oil, gas and undersea minerals based on those historic authorities. Thirdly, it expects to insure that its sea lines of communications (SLOCs) are protected as these trading main lines are so crucial to the economic visions and major power ambitions of China.⁹³

American policymakers clearly realize the importance of the South China Sea to China and are unlikely to give up on a battle that they cannot afford to lose. Taking control of the South China Sea seems to be an improbable goal for the U.S, but maintaining its presence and influence in the region is definitely a goal for Washington. Establishing constraints on the rise of China is a matter of U.S. national security. U.S. has also repeatedly backed ASEAN claimants’ rights on contested territories in the South China Sea. It even put

⁹¹ Crisis Group Asia Report (2012) p. 4-5

⁹² Ibid

⁹³ Ian Storey (2012, p.53)

ASEAN back on its agenda by stating that “freedom of navigation and a resolution of claims accepted by all nations was a U.S. ‘national interest’ ”.⁹⁴

According to M. Taylor Fravel (2012), access and stability are the two core interests of the United States in the South China Sea. The first US interest is to maintain free access to the waters of the South China Sea. As Washington sees it, “all countries enjoy high sea freedoms, including freedom of navigation, beyond any coastal state’s 12 nautical miles territorial seas over which the coastal state enjoys sovereign rights. Both commercial and military vessels enjoy such high seas freedoms as contained in articles 56 and 87 of the UNCLOS”.⁹⁵ In addition to the importance of access to the South China Sea in terms of intra-regional and international trade, the Sea is also important to US ability to project its military forces in the region and around the world.⁹⁶

The second US interest is to conserve regional peace and stability in Southeast Asia. Besides open and free access, stability to the region also prolong both East Asian and American affluences as dispute or extreme security conflict would reroute rare resources from development, decrease commerce by menacing the security of sea-lanes and diminish investment via boundary.⁹⁷

Apart from the two biggest powers, the conflicts in the South China Sea also attract attention from other major powers in the region such as Japan, Russia, Australia and India. Both economic and security concerns make the South China Sea a part of each of these countries’ diplomatic agenda. This does not take the form of an official stance but their attempt to act behind the scenes is recognizable. It could be performed through economic assistance, as in the case of Japan, through military assistance, as in the case of India, or by returning to the region as was Russia’s intention with construction of the Cam Ranh deep water naval base in Danang, Vietnam.⁹⁸ Considering such involvement from the major powers, the South China Sea cannot be ignored by the international community. If war occurs, all these players will be affected. A peaceful settlement is what all sides’ desire.

⁹⁴ J. Pehrson C. (2006)

⁹⁵ M Taylor Fravel (2012), *The United States in South China Sea disputes. 6th Berlin Conference on Asian Security (BCAS)*. Berlin.

⁹⁶ Ibid

⁹⁷ Ibid

⁹⁸ Cam Ranh is the deep water naval base built by American in Vietnam War. It was firstly used by U.S navy. After the war, the base was used by Russian army in assisting Vietnam military as one of its communist ally. Russian withdrew, the base was under Vietnamese government control. Both American and Russian now are showing their interest to rent the base again but Vietnam has not decided to give it to anyone of them.

However, all disputants have failed to reach a compromise. This fact makes the issue longstanding and unresolved. The South China Sea, thus, has become a hot point on international politics agenda. It attracts the attention of the entire world, including a number of major powers such as the U.S, Russia, Japan, and India.

The sections that follow describe the disputes between China and Vietnam together with both parties' efforts to settle the conflict on the South China Sea through bilateral negotiations. Thus, it examines China's preference for a bilateral settlement and opposition to multilateral negotiations over the issue of South China Sea. It demonstrates that, while power asymmetries have undermined efforts by the major ASEAN claimants to find a solution satisfactory to themselves, they have sought other means to promote their interests in territory claims. Vietnamese efforts to internationalize the issue are but one of these attempts.

China-Vietnam disputes

Generally, Vietnam and China have enjoyed a good relationship. The development of this bond is extended to different areas, such as politics, security, defense, economy...After the normalization of relations of the two countries in 1991, they have established the bilateral ties into one of comprehensive strategic cooperation partnership in 2008.⁹⁹

Regarding the management of dispute between these two neighboring countries over the South China Sea, despite the confrontation with clashes and casualties in 1988, the Sino-Vietnam relationship has strengthened significantly and there have been a number of efforts to adjust the maritime boundary. Accordingly, several agreements, such as the Land Border Treaty (1999), the Agreement on the Demarcation of Waters, EEZ and Continental Shelves in the Gulf of Tonkin (2000) and the Agreement on Fishing Cooperation in the Gulf of Tonkin (2004) were produced from these relations. However, while the land border and the Gulf of Tonkin waters have been seen stable, the South China Sea has become an area of heightened tensions between the two neighboring countries. Claims pursued by Vietnam in the South China Sea are seen as second only to those advanced by China. Both countries

⁹⁹ Tung N.V: Chapter 8 Vietnam's Security Challenges : Hanoi's New Approach to National Security and Implications to Defense and Foreign Policies, *Asia Pacific Countries' Security Outlook and Its Implications for the Defense Sector*

advance claims to the continental shelf and an EEZ of 200 nautical-mile, as well historical authority the Paracel and Spratly Islands.¹⁰⁰

Each side seems to see the other as its primary competitor as it claims more of the sea. Fights broke out between the two over disputed islands in 1974 and 1988. This led to China's occupation of the Paracel Islands and made many Vietnamese believe that the Chinese were willing to use force to resolve territorial disputes. "This legacy of conflict has raised the stakes and increased the political and emotional sensitivity of the issue in both countries. While generally prevalent in territorial disputes, nationalist sentiments in Vietnam run particularly high in its disputes with China and put pressure on the government to stand up to Beijing."¹⁰¹ Several territorial disputes have been settled through negotiations. For instance, on November 18, 2009, a signing ceremony of a package of three agreements between China and Vietnam was made on the delimitation of their 1,300-kilometre land border after the signature of the land border treaty made in 1999 and the setting up of a joint committee for land border delimitation in 2001. Moreover, the Beibu Gulf Demarcation Treaty was also signed by the two countries in 1999. In fact, the demarcation of the area of the Tonkin Gulf became the first official talk between Vietnam and China held in Beijing.¹⁰²

In 2009, tensions between the two over the South China Sea increased noticeably. After a joint submission by Vietnam and Malaysia on their territorial claims in the South China Sea to the UN Commission on the Limits of the Continental Shelf in May 2009, China also presented its nine-dashed line map, in which two dots went through the exclusive economic zone (EEZ) of Vietnam.¹⁰³ This map raised concerns in Vietnam and other disputant parties that "China intended to claim not just the island features, but all of the waters inside the nine-dashed line"¹⁰⁴

¹⁰⁰ David Scott (2012): Conflict Irresolution in the South China Sea. *Asian Survey*, Vol.52, No.6 (Nov./Dec. 2012) p. 1028

¹⁰¹ Crisis Group Asia Report II (2012)

¹⁰² Tung, N.V: Chapter 8

¹⁰³ Crisis Group Asia Report II (2012)

¹⁰⁴ Ibid

Bilateral and multilateral negotiations and China's stance over the dispute

As argued by Valencia, the Chinese has created a strategy of 'three No': No to internationalize the conflict; No to multi-lateralize negotiations and No to specify China territorial claims. These measures bring an advantageous position to China in any negotiations and it seems difficult to disrupt China's deadlock. Until March 1999, China still opposed beginning multilateral negotiations on managing the South China Sea.¹⁰⁵

In all processes of dispute management, China always remains firmly opposed to internationalizing the conflict and letting any regional mechanism get involved in the dispute. This is because multilateral conflict settlement may weaken its superior position in bilateral negotiations with the other smaller and weaker players in the region.¹⁰⁶ While insisting on bilateral settlements rather than a multilateral-regional-international settlement, China argues that "we have to stick to our one-on-one policy and resolve disputes with individual countries one at a time rather than with a handful of them".¹⁰⁷

This is not new policy from China on the issue. Two decades ago, at the Bandung Conference in Indonesia in July 1991, China consistently expressed its strategy to oppose any conflict resolution efforts in the region by intra or extra-regional players. This means that all disputes are to be managed among disputant states and a peaceful solution is preferable on bilateral basis. At that time, settling bilaterally and informally conflicts amongst ASEAN member states was still the best way for them to prevent divisions and disunity inside the bloc. They only rely on the regional institution to act as a mediator for the dispute in the ASEAN Regional Forum (ARF), which includes China.¹⁰⁸

Though China maintains good relations with neighboring countries, it is concerned that ASEAN members might resist its territorial claims and that management through negotiations within a regional organization could diminish its leverage.¹⁰⁹ In addition, Beijing also rejects any attempt to address the dispute through UNCLOS as it fears that,

¹⁰⁵ Niklas Swanström (1999)

¹⁰⁶ Ibid

¹⁰⁷ David Scott (2012)

¹⁰⁸ Niklas Swanström (1999)

¹⁰⁹ Crisis Group Asia Report I (2012) p. 4-5

although historical precedent strengthens its claims to authority over the islands and surrounding seas, its demands might be rejected.¹¹⁰

At the same time, other parties in the dispute fear that bilateral negotiations will permit the Chinese to exploit their strength in trade or investment to achieve their goals.¹¹¹ During the ARF in July 2010 in Hanoi, when ASEAN countries publicly condemned China for its assertive behavior, Chinese Foreign Minister Yang Jeichi retorted that “China is a big country and other countries are small countries, and that’s just a fact”.¹¹²

Despite Chinese insistence on resolving rival claims in the South China Sea in bilateral settings, this approach has never produced a positive outcome. China continues to reject “internationalization” of the dispute and, therefore, it rejects all talks or debates relating the issue at any regional security meetings, including the ARF, EAS (East Asia Summit). As a result, China was successful in getting the issue out of the ARF agenda until 2010, while twelve participating states voiced their concerns about China’s increasingly assertive actions in the South China Sea. Meanwhile, China has attempted to ensure that the South China Sea dispute is not mentioned at the Maritime Security Working Group set up by the ASEAN Defense Ministers’ Meeting Plus (ADMM Plus) in 2010, despite the fact that this may remain challenged due to the growing regional anxiety.¹¹³

Chinese officials argue that the only way to resolve the South China Sea dispute is through bilateral talks, although, by nature, the issue is obviously multilateral. However, during the past two decades, there have been no fundamental negotiations between China and any of ASEAN claimants. This can be understood as a result of several forces such as the asymmetry of power, a noticed absence of honesty from Chinese side, the lack of efficient mechanism of diplomacy and more newly, toughening stance by powerful actors. Debate and talks among senior Chinese leaders and their ASEAN counterparts have been held during summit meetings, but the meetings’ final statements or communiqués have not made a clear statement about the South China Sea and fail to meet expectations for what is necessary

¹¹⁰ Ibid

¹¹¹ Ibid

¹¹² Ibid

¹¹³ Ian Storey (2012)

to maintain a peaceful and stable environment in the region.¹¹⁴

For their side, ASEAN claimant countries do not prefer the bilateral approach proposed by the Chinese. They believe that in bilateral negotiation, China will always be the strongest actor and that it will use its power to divide and rule the smaller countries of the region. Moreover, it seems that the Chinese side would disregard “the validity or legality”¹¹⁵ of a settlement between two or more ASEAN member states with regard to their overlapping territorial claims in the South China Sea.¹¹⁶ Chinese officials demonstrated this position in May 2009 when Beijing firmly rejected to a part of the joint submission between Vietnam and Malaysia to the Commission on the Limits of the Continental Shelf (CLCS) that included an area of seabed in the southern central of South China Sea. As China reiterated in its ‘note verbale’, its authority over the islands in the South China Sea and bordering waters is undeniable and claimed that the submission made by Malaysia and Vietnam had dangerously violated China’s territory and right to sovereignty and authority in the South China Sea and requested the Commission not to review it.¹¹⁷

Normally, before starting formal bilateral negotiations, the Chinese side proposed two conditions: firstly, its authority over the South China Sea coral reefs is non-disputable and secondly, the disputants consider shelving their sovereignty claims and agree to the joint development of resources with China based on Deng’s formula.¹¹⁸

This formula of shelving the claims and continuing for jointly developing was first pioneered and proposed by Chinese Former Prime Minister Deng Xiaping in the years of 70s while he had a meeting with Japanese government representatives on May 1979. Beijing officially suggested a joint exploration of natural resources with Tokyo in the area of the Sensaku/Diaoyu Islands which is managed by the latter but this suggestion was rejected. Setting aside disputes and pursuing joint development has become a significant principle in Chinese marine strategy for over the past 30 years.¹¹⁹

The inside meaning of the idea “setting aside the dispute and pursuing joint development”

¹¹⁴ Ian Storey (2012) p.58

¹¹⁵ Ian Storey (2012) p.59

¹¹⁶ Ibid

¹¹⁷ Ibid

¹¹⁸ Ibid

¹¹⁹ <http://www.southchinasea.com/analysis/464-setting-aside-disputes-and-pursuing-joint-development-a-sophisticated-plot-of-beijing-to-dominat.html>

is aiming to, on the one hand, shelve the dispute in the South China Sea until disputed parties find solutions or measures to resolve the issue without affecting the relationship between China and other relevant actors. On the other hand, it also means to pursue joint development and cooperation on exploration of resources and shared interests in the disputed areas. The Chinese ultimate goal is to make use of maritime resources for its domestic economic development, to minimize the dispute being complicated and spread out that may create disadvantages for surrounding area of China. It also helps to prevent major powers to engage in the region to take advantages of their relationship for divisions and breaking solidarity within ASEAN member states. Its attempts are to identify relevant measures with China in the South China Sea issue, but helps China to maintain its presence in the South China Sea to gradually realize its "rodent" strategy in the Sea.¹²⁰

While Vietnam also claims of sovereignty over the Paracel Islands, Beijing refuses to discuss the issue with Hanoi "on the grounds that its 1974 occupation effectively closed the matter".¹²¹ The dispute over the Paracel Islands is clearly not on a track to negotiated compromise.

After the nine-dashed line map was submitted by China, the possibilities for joint development proposed by Beijing became even less relevant. Vietnam and the Philippines have proclaimed that there is no basis in international law for this map and that a joint exploitation agreement could not be initiated because the map consists of the majority (80 percent) of the South China Sea and covers areas that overlap with Vietnam and the Philippines' claimed EEZs. The two states claim that the joint development of the sea can only take place in those zones where all parties with claims are in agreement. Therefore, it will remain difficult to differentiate between disputed and non-disputed areas as long as Chinese claims remain unclear.¹²²

Among the disputant parties, only Vietnam and China have set up an official process or mechanism to resolve their disputes. The establishment of a Joint Working Group in 1994 was to debate maritime disputes in the South China Sea. The bilateral negotiations

¹²⁰ Huy D.D (2011): Shelving dispute and jointly developing as Chinese style (Gac tranh chap cung khac thac kieu Trung Quoc) <http://nghiencuubiendong.vn/nghien-cuu-vietnam/578-qgac-tranh-chp-cung-khai-thacq-kiu-trung-quc>

¹²¹ Ian Storey (2012) p.59

¹²² Ian Storey (2012) p.60

between the two countries in the past were seen as a successful factor in dispute resolution, which included issues on land borders and the Gulf of Tonkin. However, the step of improvement on the South China Sea dispute has become freezing as Beijing objects to start discussions on the Paracels and as neither party shows its willingness to negotiate its claims over sovereignty.¹²³

Despite its rejection of multilateral settlements in the South China Sea, China has engaged in multilateral negotiation with ASEAN since the beginning of the 2000s with the aim of improving its position in the region and enhancing its ties with Southeast Asian countries following the 1997-1998 Asian financial crises. The signing of the Declaration of Conduct of parties (DoC) between China and ASEAN in 2002 was born from this engagement, but the related parties have been unable to fulfill its provisions over nine years. The reality has shown that China has been skillful in obstructing the processes and that Beijing was never really severe about realizing the agreement.¹²⁴ Nevertheless, its guidelines seem unable to ease tensions over the dispute in the short run. The DoC asks the players to build an official Code of Conduct for the South China Sea issue, but the chances for such a code seem small given Chinese's opposition and divisions among ASEAN countries.

The foundations of the DoC can be traced back to growing disputes in the South China Sea in the mid-1990s after China occupied Mischief Reef. In an effort to reduce tensions, ASEAN offered to draft a code of conduct. Due to the complicated nature of sovereignty disputes, it was not expected that the code would resolve the issue. Rather it was conceived as a means for conflict solution that would finally advance an atmosphere contributing to a resolution of the issue in political and legal areas. Although an approach to China made by ASEAN about taking part to negotiations in 1999, but China replied icily, claiming that the Joint Statement between ASEAN and China signed in 1997 already denoted that the political code of conduct was already at highest degree.¹²⁵

However, the year 2000 brought a significant shift in the Chinese stance as it agreed to deliberate a code of conduct with ASEAN. This exposed a change in its foreign policy that acknowledged the importance of multilateral mechanisms in addressing fears that China's

¹²³ Ibid

¹²⁴ Ian Storey (2012) p. 61

¹²⁵ Ian Storey (2012) p. 61

rise might threaten the stability of the region. In two years of talks and debates, Beijing was successful in shaping the substances of the draft to reflect its own policies and interests. Moreover, China also gained a success in erasing a quote to the geographical purpose of the agreement while Vietnam desired the Paracels named and a term proscribing ascents to actual infrastructure on controlled circular coral reefs. With a support from Malaysia, China was also successful in gaining the agreement entitled as a “declaration” rather than a “code” while Vietnam and the Philippines had a preference to the latter. This was more than a linguistic meaning: A declaration would have been a statement of political intentions instead of a biding tool with lawful implications and restrictions. Even so, to appease Vietnam, the final draft confirmed that the fundamental objective of the involved players was to draw up an official code of conduct for the South China Sea.¹²⁶

The DoC was signed during the 8th ASEAN Summit in 2002 in Phnom Penh, Cambodia. The signing parties came to an agreement of abiding “international norms of behavior, such as peaceful resolution of disputes and the agreement not to use or threaten to use force; to respect freedom of navigation; to exercise “self-restraint” so as not to “complicate or escalate” disputes (most importantly, not to “inhabit” non-occupied features); to undertake cooperative confidence-building measures (CBMs); to conduct consultations and dialogues; and to work toward a code of conduct.”¹²⁷

None of the CBMs outlined in the DoC have been endorsed due to the fact that neither ASEAN nor China was able to make progress on a framework to carry out the agreement. It was not before 2004 that high ranking officials reached agreement to set up a Joint Working Group to draft the guidelines’ implementation. In the four years that followed, this group held meetings only three times, in 2005, in 2006 and, informally, in 2008 and it was finally unable to come to a common agreement on the way ahead.¹²⁸

As a result, worsening strains in 2009 and 2010 have shown the negative effects of the failure to implement the DoC. Those tensions have not only challenged ASEAN’s role in maintaining peace and stability for the region in the dispute over the South China Sea, but also helped other ASEAN claimants, including Vietnam, to identify their goal to protect their rights and

¹²⁶ Ibid

¹²⁷ Ian Storey (2012) p. 62

¹²⁸ Ibid

interests in the pursuit of sovereignty claims with China. In fact, empirical evidence indicates that, as Chair of ASEAN in the year of 2010, Vietnam was able to constrain China, its much larger neighbor, and succeeded in multi-lateralizing the dispute of South China Sea while raising publicity of the issue.

The next chapter will argue that Hanoi was successful in internationalizing the issue and that the ultimate goal that Vietnamese policy makers pursued during Vietnam's chairmanship was not to have a code of conduct realized. Rather, Vietnamese policymakers sought to use publicity to constrain the Chinese from acting unilaterally.

CHAPTER 4: VIETNAM'S ASEAN CHAIRMANSHIP IN SOUTH CHINA SEA DISPUTE MANAGEMENT IN 2010

This chapter explores Vietnam's attempts to use its 2010 Chairmanship of ASEAN to constrain Chinese behavior by creating publicity around the South China Sea disputes. It analyzes whether Vietnamese policy makers have succeeded in multi-lateralizing this issue by drawing attention to it through ASEAN mechanisms, namely ASEAN Defense Ministerial Meeting Plus and ASEAN Regional Forum. Then the chapter addresses the question of how Vietnam policy makers have utilized the ASEAN chairmanship to put the South China Sea issue and the Chinese in the spotlight by managing the agenda of the ARF and ADMM Plus meetings in 2010. Finally, the author concludes that the ultimate goal that Vietnamese policy makers pursued during Vietnam's chairmanship was not to have the Code of Conduct realized. Rather, Vietnamese policymakers sought to use publicity to constrain the Chinese from acting unilaterally.

Before analyzing Vietnam's successes and failures in internationalizing the South China Sea dispute, the author gives an overview of the constraints facing Vietnam in resolving its dispute with China up to 2010.

Major constraints in Vietnam's dispute management over the South China Sea before 2010

As mentioned in Chapter 2, Vietnam is much smaller and relatively vulnerable to China. In addition to this asymmetry in size, a lack of unity among ASEAN member states creates challenges for Vietnamese policy makers as they attempt to manage disputes in the South China Sea with China.

The first constraint lies in the disparity of size and power between China and Vietnam. Vietnam is overshadowed by its neighbor, which is not only a regional but also world power. The Sino-Vietnamese relationship is conditioned by this disparity as well as the similar relationship both countries have had with Western colonialism. As one Vietnamese diplomat described the relationship, it is understandable for a larger country to look for

influence over a minor neighbor. It is also natural for a small state to resist that attempt “to preserve its independence until they reach a mutually satisfactory accommodation”.¹²⁹ Yet, both have shared a similar ideology and a Western colonial enemy. The end of the Cold War, the failure of communism in Europe, the predominance of the market economy and the necessity of international integration have combined to undermine the common ideological ties between China and Vietnam and “have revived the perennial problem of the big neighbor - small neighbor relationship”.¹³⁰

In the long run, the most serious threat to Vietnam's security arises from its geographical proximity to China and the asymmetries between the two countries.¹³¹ China is geographically 29 times bigger than Vietnam, while its population, though ranked 14th in the world, remains the same as one of China's medium-sized provinces.¹³² Given such an asymmetry, countries with territorial claims in the South China Sea, including Vietnam, recognize the limitations of their influence in bilateral negotiations with China and are reluctant to face China one-on-one. China, on the other hand, recognizes its economic and political advantages and stands firm on bilateral strategies for resolving territorial disputes.¹³³

A second problem for Vietnam arises from the divisions and dissimilar interests among ASEAN states with rival territorial claims. These divisions have made reaching a resolution of territorial disputes in the South China Sea more complex. ASEAN member states have differing economic relationships with China, which China has used to disrupt efforts to push for a common ASEAN position on the South China Sea. Although ASEAN has been a mechanism for multilateral management of disputes in the region, it has demonstrated itself incapable of easing the strain and creating a consensus on the South China Sea issue.¹³⁴ China has been more active in exploiting these divisions, giving privileged treatment to those ASEAN states that are unwilling to support the claims of China's adversaries.¹³⁵ Ultimately, there is no consensus on how to resolve the issue with

¹²⁹ Hung Nguyen (2013): <http://thediplomat.com/whats-next-china/vietnam/>

¹³⁰ Ibid

¹³¹ Hiep, L.H (2011): <http://www.eastasiaforum.org/2011/08/27/vietnam-under-the-weight-of-china/>

¹³² Ibid

¹³³ Crisis Group Asia Report II (2012) p.2

¹³⁴ Ibid

¹³⁵ Crisis Group Asia Report II (2012) p.2

China within a grouping that includes states with and without territorial claims as well as those that hold close economic ties with Beijing.¹³⁶

Vietnam's 2010 ASEAN Chairmanship

This section argues that chairmanship of ASEAN in 2010 gave Vietnamese policymakers additional resources with which to pursue their interests.

According to ASEAN traditions and Article 31 of its Charter, the Chairmanship of ASEAN:

shall rotate annually, based on the alphabetical order of the English names of Member States. A Member State assuming the Chairmanship shall chair the ASEAN Summit and related summits, the ASEAN Coordinating Council, the three ASEAN Community Councils, relevant ASEAN Sectoral Ministerial Bodies and senior officials, and the Committee of Permanent Representatives.¹³⁷

Moreover, the Charter states that the Member State holding the Chairmanship of ASEAN shall:

- (a) actively promote and enhance the interests and wellbeing of ASEAN, including efforts to build an ASEAN Community through policy initiatives, coordination, consensus and cooperation;
- (b) ensure the centrality of ASEAN;
- (c) ensure an effective and timely response to urgent issues or crisis situations affecting ASEAN, including providing its good offices and such other arrangements to immediately address these concerns;
- (d) represent ASEAN in strengthening and promoting closer relations with external partners; and
- (e) carry out such other tasks and functions as may be mandated¹³⁸.

Accordingly, on 1 January 2010, Vietnam officially assumed the Chairmanship of ASEAN for the rest of 2010. As ASEAN's Chairman, Vietnam acquired opportunities in chairing, leading the works and activities of all important ASEAN mechanisms as well as ASEAN Plus Partners. The opportunities for exposure offered by the Chairmanship were compounded by the fact that ASEAN has acquired a significant role in the regional organization of the Asia Pacific. Through this regional role, ASEAN has assumed a greater influence on the world stage. This role as ASEAN Chairman helped Vietnamese

¹³⁶ Ian Storey: <http://southchinaseastudies.org/en/conferences-and-seminars>

¹³⁷ See ASEAN website, from <http://www.asean.org/asean/asean-chair>

¹³⁸ ASEAN Charter, Article 32

policymakers not only to contribute to regional and international joint efforts, but also to pursue its national interest.¹³⁹

In terms of the substance of meetings, Vietnam, as Chairman, took responsibility for i) proposing and leading development of a working agenda of ASEAN-related meetings and their documents; ii) coordinating amongst ASEAN activities and iii) consulting and managing states' positions in resolving regional and international issues.¹⁴⁰ The Chairmanship offered Vietnamese policymakers certain opportunities with regard to territorial disputes over the South China Sea. In particular, it permitted Vietnamese policymakers influence over ASEAN's agenda with which they could seek to increase international publicity around the South China Sea issue.¹⁴¹

Therefore, prior to the ASEAN summit in Vietnam, policymakers in Hanoi began to promote debates and discussions on the necessity of building a code of conduct between China and ASEAN on the South China Sea dispute. They hoped to take advantage of the 2010 ASEAN Chairmanship as a once-in-a-decade chance to put the issue on the schedule of ASEAN meetings.¹⁴²

According to records of the ASEAN Secretariat¹⁴³, there were at least seven documents issued after ASEAN meetings in 2010 that included statements pointing to the South China Sea issue. However, this thesis focuses on two of these outcomes: the ASEAN Regional Forum (ARF) and the ASEAN Defense Ministerial Meeting Plus (ADMM Plus) hosted by Vietnam in 2010. It also considers the build-up leading to these meetings, which clearly and succinctly illustrate the research argument.

Vietnam's attempts in multi-lateralizing the dispute: Failures and successes

The previous section's analysis of constraints facing Vietnam in managing South China Sea disputes before 2010 offers several general explanations for the failure of Vietnamese policy makers' attempts to multi-lateralize the issue during its ASEAN chairmanship in

¹³⁹ Nam. L (2010): Vietnam in its ASEAN chairmanship (Viet Nam trong vai tro Chu tich ASEAN). <http://nghiencuubiendong.vn/ngoai-giao-vn/826-le-nam>

¹⁴⁰ Ibid

¹⁴¹ Crisis Group Asia Report I (2012). p.7

¹⁴² Hanoi eyes Asean card on South China Sea, April 4, 2010 Sunday
<http://www.scmp.com/article/710496/hanoi-eyes-asean-card-south-china-sea>

¹⁴³ www.aseansec.org

2010. Therefore, the following part focuses on two main failures in Vietnam's efforts over the dispute.

The first failure resulted from the fact that no consensus exists among ASEAN member states on the issue because of their diverging interests, motives and economic dependence on China. Since ASEAN's membership expansion in the mid-1990s with an inclusion of non-disputants and states with tight political relations with China, "consensus on the way forward became harder to achieve beyond a desire for peace and stability in the sea"¹⁴⁴. The regional organization's internal divisions have become, therefore, too great to permit a common position on the South China Sea dispute with China. The dissimilar motives and approaches of individual ASEAN states over territorial claims in the South China Sea have paralyzed efforts to forge a unified position for a code of conduct with China.¹⁴⁵ Accordingly, ASEAN has played a relatively weak role in political and strategic relations with China.¹⁴⁶

On one hand, non-claimant countries like Cambodia, Laos and Myanmar seem to have a weak voice and/or remain quiet on the South China Sea disputes due to their economic dependence on China, particularly in terms of aid and economic assistance. During the 17th ARF meeting in Hanoi in 2010, although eleven ARF member states, including Brunei, Malaysia, the Philippines, Vietnam, India, Indonesia, Singapore, Australia, the European Union, Japan and South Korea, together with the US raised their concern over the maritime security in the region, Cambodia, Laos and Myanmar did not raise the South China Sea issue. Thailand raised a loud voice in supporting a non-hostile stance towards China.¹⁴⁷ These divisions are easily understood when figures show that China is the regional giant ASEAN's largest trading partner, comprising 11.3% of ASEAN's total trade. With regard to investment, China is also the region's largest investor with direct investment of US\$8.8 billion in Cambodia alone, where it also provides aid equaling US\$ 2.1 billion. In 2011, China became the largest investor in Laos with 742 direct investment projects worth US\$4.46 billion and aid worth about US\$ 3.5 billion (2008). For Myanmar, aid from

¹⁴⁴ Clive Schofield, Ian Storey (2009). The South China Sea dispute: Increasing stakes and rising tensions. Jamestown Occasional Paper

¹⁴⁵ Stephanie Kleine-Ahlbrandt (2012) High Stakes in the South China Sea <http://thediplomat.com/flashpoints-blog/2012/07/30/high-stakes-in-the-south-china-sea/>

¹⁴⁶ Sanchita Basu Das: ASEAN: a united front to tackle the South China Sea issue <http://www.eastasiaforum.org/2012/05/13/asean-a-united-front-to-tackle-the-south-china-sea-issue/>

¹⁴⁷ Carlyle Thayer (2010): Recent developments in the South China Sea: Grounds for Cautious optimism? RSIS Working paper

China is said to be worth billions and it has become the largest investor with US\$ 12.32 billion (as of 2010).¹⁴⁸ There are also additional funds being reserved as 'special aid' to developing countries in Southeast Asia, such as Cambodia, Laos and Myanmar. Cooperative aid is also another form of Chinese government support to its ASEAN partners with a provision of 2,000 scholarships and 200 Master's scholarships for public administration students over the next five years.¹⁴⁹

On the other hand, senior Chinese officials have stated that they take advantage of divisions among ASEAN countries, by applying different treatment to countries that do not get involved in territorial disputes with China.¹⁵⁰ ASEAN has failed to bring China into a multilateral forum for regional cooperation on the South China Sea, but Beijing has reinforced its position in the region by pursuing a close network of bilateral relations with individual ASEAN countries.

Consequently, Hanoi's efforts to multi-lateralize the South China Sea disputes became futile partly due to the fact that regional states were not capable of reaching a united stance toward China on the issue.¹⁵¹ Unsurprisingly, the ASEAN foreign ministers' meeting held in Phnom Penh, Cambodia in 2012 has ended without a joint statement as the result of a 'diplomatic deadlock' - a situation without precedent in the 45-year history of the bloc.¹⁵²

Another measure pursued by Vietnamese policy makers toward the South China Sea at that time also failed to produce results at the ARF meeting. Vietnamese policy makers angered the Chinese by orchestrating some ASEAN and non-ASEAN states to raise the South China Sea issue at the 2010 ARF meeting. In return, Chinese diplomats proclaimed loudly that Vietnam would regret its action and quickly organized a large scale "military exercise"¹⁵³ in the South China Sea. Antagonizing the Chinese was not the Vietnamese goal. Vietnamese policymakers were aware that, by backing the Chinese into a corner, they would only make themselves more vulnerable over the issue. Therefore, with an aim to preventing Chinese retaliation and a repetition of a similar undiplomatic action, Vietnamese

¹⁴⁸ Wen NG. J (2012): <http://mywhimsicaljournal.wordpress.com/>

¹⁴⁹ ASEAN divides <http://asiapacific.anu.edu.au/newmandala/wp-content/uploads/2010/12/Wade-ASEAN-Divides.pdf>

¹⁵⁰ Sanchita Basu Das: ASEAN: a united front to tackle the South China Sea issue May 13th, 2012 from

<http://www.eastasiaforum.org/2012/05/13/asean-a-united-front-to-tackle-the-south-china-sea-issue/>

¹⁵¹ Robert Sutter, Chin-Hao Huang (2010): A Quarterly E-Journal on East Asian Bilateral Relations V. 12. N1

¹⁵² Stephanie Kleine-Ahlbrandt High Stakes in the South China Sea <http://thediplomat.com/flashpoints-blog/2012/07/30/high-stakes-in-the-south-china-sea/>

¹⁵³ Southeast Asia: The Reemergence of the South China Sea Issue. East Asian Strategic Review 2011, chapter 5

policymakers took certain measures to reduce tensions before Hanoi meetings.¹⁵⁴

Before the ADMM meeting, defense ministers gathered and agreed not to include concerns about the South China Sea on the agenda or the joint statement of the ADMM.¹⁵⁵ However, while the ADMM-Plus in October reportedly mentioned the South China Sea, the joint statement that emerged from the meeting limited itself to the general phrases about the necessity of a peaceful resolution.¹⁵⁶ In fact, the South China Sea was simply specified in the statement of the Chairman of the first ADMM Plus:

The Meeting noted that the member states are interested in maritime security cooperation ... Some delegates touched upon traditional security challenges, such as disputes in the South China Sea. The Meeting welcomed efforts by concerned parties to address the issue by peaceful means in conformity with the spirit of the Declaration on the Conduct of Parties in the South China Sea (DOC) of 2002 and recognized principles of international law, including United Nations Convention on the Law of the Sea (UNCLOS 1982)¹⁵⁷.

Moreover, it was not only in the 2010 ADMM Plus that references to the issue were muted. In September, one month before the Hanoi ADMM-Plus, Vietnam and the US co-chaired the 2nd US ASEAN Leaders Meeting in the US. The US proposed a draft joint statement that urged players with disputed claims to resist the use or threat of force in trying to enforce claims in the South China Sea. This statement was reworded with the deletion of all terms relating the South China Sea.¹⁵⁸ According one Vietnamese official, it was agreed within the Vietnamese delegation that it was not the right time to mention this issue (South China Sea), although the statement was prepared well before their visit to the US.¹⁵⁹

Carlyle Thayer, a scholar of Southeast Asia and maritime security at the Australian Defense Force Academy, observed that the Joint Statement issued by the meeting was 'watered down' as many thought that actually it was not the suitable moment to confront China. One senior ASEAN official stated, "it didn't seem like the right time to get into heavy China-bashing."¹⁶⁰ Another ASEAN diplomat observed that they (ASEAN states, including Vietnam) did not want to create the impression that they were willing to do whatever the United States said. By deleting 'South China Sea', "we saved the face of both

¹⁵⁴ The Asahi Shimbun 14 October 2010: At key meet, Beijing tones down stance on South China Sea

¹⁵⁵ Ibid

¹⁵⁶ Southeast Asia: The Reemergence of the South China Sea Issue. East Asian Strategic Review 2011, chapter 5

¹⁵⁷ Full text of First ADMM Plus Chairman Statement from <http://en.vietnamplus.vn/Home/First-ADMM-Chairmans-Statement/201010/13026.vnplus>

¹⁵⁸ Carlyle A. Thayer (2011): The United States, China and Southeast Asia. *Southeast Asian Affairs*, pp. 16-25

¹⁵⁹ Personal interview on June 2013

¹⁶⁰ Carlyle A. Thayer (2011) p.21

China and the United States".¹⁶¹ In fact, Article 18 stated:

We reaffirmed the importance of regional peace and stability, maritime security, unimpeded commerce, and freedom of navigation, in accordance with relevant universally agreed principles of international law, including the United Nations Convention on the Law of the Sea (UNCLOS) and other international maritime law, and the peaceful settlement of disputes¹⁶².

Despite its failure to multi-lateralize management of the South China Sea disputes, observations made by international newspapers, academic scholars and politicians specialized on the issue of South China Sea suggest that Vietnam has succeeded in raising publicity of the issue during its ASEAN chairmanship in 2010. In the section that follows, the author demonstrates that, due to its vulnerability to a stronger neighbor, Vietnam policymakers knew they could not multi-lateralize the South China Sea issue. Accordingly, they chose a secondary goal of raising publicity around the issue, a goal they succeeded in attaining.

Prior to 2010, the ASEAN dialogue process was viewed by others as 'labyrinthine'. However, in its meetings in Hanoi, Vietnam rapidly demonstrated that the situation was different. The US Secretary of State, Hillary Clinton, attended for the first ever in an open sign of the Obama Administration's will to play a more active role in Asian multilateral mechanisms and processes. Vietnam also remained determined to take advantage of its privileged role as Chairman to get the issue of South China Sea on the agenda against Chinese opposition. In brief, Vietnam became one of a few disputant states in the South China Sea conflict that were willing to confront directly both visible resistance and bullying from the Chinese.¹⁶³

Firstly, international newspapers have observed that the issue of the South China Sea has been a central point of discussion and an initial agreement has been achieved amongst ASEAN.¹⁶⁴ For the first time in ASEAN meetings, discussions over the disputes of major ASEAN and non-ASEAN states were put on the table at an ARF meeting. In particular, although participants attending the ADMM Plus meeting agreed that the South China Sea disputes would not be mentioned officially as a part of the agenda, seven representatives,

¹⁶¹ Ibid

¹⁶² Joint Statement of the 2nd U.S.- ASEAN Leaders Meeting 24 September 2010 from <http://www.whitehouse.gov/the-press-office/2010/09/24/joint-statement-2nd-us-asean-leaders-meeting> (11 June 2013)

¹⁶³ Asean and the South China Sea: A security framework under siege: *Center for Strategic and International Studies*

¹⁶⁴ Why are South China Sea tensions rising? BBC News Asia Pacific <http://www.bbc.co.uk/news/world-asia-pacific-11152948>

including U.S. Defense Secretary Robert Gates, made mention of the South China Sea in their statements. Other countries also raised the issue, including: Vietnam, Singapore, Malaysia, Japan, South Korea and Australia.¹⁶⁵ ASEAN and the U.S. have also succeeded in 'internationalizing' the dispute.¹⁶⁶ Vietnamese efforts to raise the South China Sea issue in the context of its 2010 ASEAN chairmanship ensured that the issue would be debated in two meetings of the ASEAN-China Joint Working Group on the South China Sea and at the ARF meeting for the first time.¹⁶⁷

Secondly, Hanoi carefully managed China, "much to Beijing's embarrassment"¹⁶⁸ by championing the territory issue on ASEAN's agenda and letting powerful states raise the issue. Hanoi was able to get major powers such as US, Russia, Japan, Australia, Canada, India to attend the 17th ARF meeting and add their support for a multilateral solution to the South China Sea issue. These efforts were crowned by the US Secretary of State Hillary Clinton's landmark statement that affirmed the 'national interest' of the US in the South China Sea. This term was an ill-mannered reminder for China and, according to one Vietnamese diplomat, a major reason that Beijing has begun to take Hanoi more seriously.¹⁶⁹

China has always opposed the 're-engagement' of the US in the region. Being a major power, China normally takes an active role and dominant voice in all regional forums and mechanisms. However, in the Hanoi meetings, Beijing's representatives seemed less comfortable than in previous meetings. According to one diplomat's observation, Vietnam succeeded diplomatically by raising the issue and forcing the Chinese to react to it at the 17th ARF meeting. Not only did the ARF raise the issue for the first time, but other countries, namely the US, Canada, South Korea, Australia, New Zealand, also voiced their concerns over the South China Sea, including the free of navigation and regional security.¹⁷⁰

¹⁶⁵ Kazuto Tsukamoto et al "At Key Meet, Beijing Tones Down Stance on South China Sea", *Asahi Shimbun*, 14 October 2010

¹⁶⁶ Crisis Group Asia Report II (2012) p.4

¹⁶⁷ Ibid

¹⁶⁸ Stephanie Kleine-Ahlbrandt: High Stakes in the South China Sea <http://thediplomat.com/flashpoints-blog/2012/07/30/high-stakes-in-the-south-china-sea/>

¹⁶⁹ Ibid

¹⁷⁰ Personal interview with a New Zealand diplomat who did attend the 17th ARF meeting in Hanoi in 2010.

Thirdly, while attempting to constrain China on the dispute, policy makers in Vietnam had a basis to act as they did as they believed that the Chinese seemed unready to get involved in an open armed conflict over the South China Sea. Subsequently, it seems that China has changed its stance on the issue considerably after the outcomes of ADMM Plus meeting.

There are several reasons to explain why China is not ready to enter into open armed conflict on the issue. These are: (i) Beijing's desire for a stable and peaceful atmosphere within which to pursue its economic development, (ii) its desire to demonstrate a strategy of "peaceful development to counter the 'China threat' theory",¹⁷¹ and (iii) the fact that Chinese policymakers must consider the responses of ASEAN, Japan and the US before making decision to "radically change the status quo".¹⁷² Vietnam's actions have demonstrated that China must engage ASEAN as a group, rather than isolating individual ASEAN claimants in the South China Sea dispute.¹⁷³ Smaller nations may gain leverage over China only if they force it to negotiate in multilateral forums. At the ADMM Plus meeting, the Chinese Defense Minister was more restrained and did not raise the South China Sea issue in a straight way. Instead, he stated "China's military power is not meant as a threat to anyone, but is meant to promote peace and stability in the region and the world".¹⁷⁴ The Chinese seemed to have stepped back from the assertion that the South China Sea is a "core interest" and that this shift stood for the current discussion within China on how to deal with the issue.¹⁷⁵

The previous sections of this chapter demonstrate how Vietnamese policy makers succeeded in internationalizing South China Sea disputes by drawing attention to them through ASEAN mechanisms. The remaining sections describe in how Vietnamese policy makers utilized the ASEAN chairmanship to put the South China Sea issue and the Chinese in the spotlight. Three factors will be examined and analyzed: 1) how Vietnam's efforts in 2010 represent a departure from past ASEAN practices with regard to ARF and ADMM Plus meetings, 2) how Vietnam succeeded in getting more external major players to the negotiating table and thereby forcing the Chinese to deal the issue in multilateral setting

¹⁷¹ Tung, N.V: Chapter 8 Vietnam's Security Challenges : Hanoi's New Approach to National Security and Implications to Defense and Foreign Policies, *Asia Pacific Countries' Security Outlook and Its Implications for the Defense Sector*

¹⁷² Ibid

¹⁷³ Ibid

¹⁷⁴ Kazuto Tsukamoto et al "At Key Meet, Beijing Tones Down Stance on South China Sea", *Asahi Shimbun*, 14 October 2010

¹⁷⁵ Ibid

with all ASEAN claimant countries and 3) how Hanoi stage-managed these meetings to raise publicity around the issue of South China Sea.

First, the ASEAN Regional Forum and ASEAN Defence Ministers Meeting Plus - are only two of several ASEAN mechanisms that Vietnam could have taken advantage of to raise the issue of South China Sea. Normally, there are formal and informal principles that ASEAN utilizes when undertaking discussions. In decision making, it famously adheres to the 'ASEAN Way'. Thus, security concerns are only infrequently debated amongst ASEAN members through its forums. This could be explained by the ASEAN rules of "non-intervention in the internal affairs of other ASEAN states, and the requirement for consensus in all ASEAN decision-making".¹⁷⁶ As a result, ASEAN member states keep away from direct confrontation with each other. In this sense, the actions of Vietnam policymakers in 2010 mark a departure from past practices in ASEAN. They offered a stark alternative to the perception that ASEAN meetings are merely talk-shops and ineffective venues for resolving regional issues.

While the ARF meeting aims to unite the foreign ministers of its member nations, the ADMM-Plus is considered to be the first official framework for dialogue on security issues with the involvement of defense ministers from all major powers in the Asia-Pacific region.¹⁷⁷ Accordingly, some observers believe that the ADMM Plus may create a path to "a multi-layered framework of dialogue and the adoption of concrete policies aimed at cultivating trust and fostering the peaceful settlement of conflict in the region".¹⁷⁸

Second, in using these meetings, Vietnamese policymakers made a determined effort to "push hard behind the scenes"¹⁷⁹ to get more external major players to the negotiating table so that China would have to relinquish its preference for bilateral negotiations and deal with all ASEAN countries that have territorial claims in the South China Sea in a multilateral setting.¹⁸⁰ Vietnamese officials are intentionally internationalizing the issue, and they are doing so diplomatically rather than directly, according to Carlyle A. Thayer. They express

¹⁷⁶ Michael Kingsford (2012): Can the ASEAN Regional Forum have a Role in Maintaining Regional Security? *Centre for Defence and Strategic Studies Australian Defence College* (2012)

¹⁷⁷ Southeast Asia: The Reemergence of the South China Sea Issue. *East Asian Strategic Review* 2011, chapter 5 p. 153

¹⁷⁸ Ibid

¹⁷⁹ http://www.nytimes.com/2010/02/05/world/asia/05hanoi.html?_r=0

¹⁸⁰ Ibid

the desire to resolve the issue peacefully but let the international community voice these concerns publically.¹⁸¹

Finally, by managing and staging these meetings to put the South China Sea issue and the Chinese in the spotlight, Vietnam has carefully planned its outcomes and used a range of measures to realize its objectives. Seizing the opportunities presented by the ASEAN Chairmanship in 2010, Vietnam included the South China Sea issue on the agenda of numerous ASEAN meetings and seems to have carried out active diplomatic activities to deliberate this issue in multilateral settings. For example, the Joint Communiqué of the 43rd ASEAN Foreign Ministers Meeting held in Hanoi on July 19-20 pushed for the conclusion of a Code of Conduct for the region in the South China Sea and suggested the issue be raised at the ASEAN-China Senior Official's Meeting. Further the Joint Communiqué stressed maintenance of peace and stability in the South China Sea and urged all players to pursue self-restraint and "confidence-building measures."¹⁸² In comparison with the Joint Communiqué from the 42nd ASEAN Foreign Ministers Meeting, the Joint Communiqué above gives far more space to the South China Sea issue.¹⁸³

Before the ARF meeting, Vietnamese policy makers held bilateral discussions with international delegations to seek their support on the South China Sea issue. Specifically, the night before the ARF meeting, Australia, the US, New Zealand, Russia, Canada, South Korea and Japan met to discuss whether or not to raise the issue. Finally, they came to an agreement to include the issue in their own speeches. "We all have a regional concern about freedom of navigation and regional security among states and security of the region, about implications and the importance of finding a solution for the South China Sea dispute as well. So it should be alright to put the issue in multilateral meeting".¹⁸⁴

During the year 2010, Vietnam also arranged a visit for its State leader, President Nguyen Minh Triet, to a disputed island. He told naval officers that Vietnam was prepared to fight for the fatherland's territory at any cost.¹⁸⁵ Triet also paid an unusual visit to a Vietnamese

¹⁸¹ [Ibid](#)

¹⁸² Tomotaka Shoji (2012)

¹⁸³ [Ibid](#)

¹⁸⁴ Personal interview with a New Zealand diplomat who did attend the 17th ARF meeting in Hanoi in 2010 (Wellington, 11 June 2013)

¹⁸⁵ Greg, T. (2010, April 4). *Hanoi eyes Asean card on South China Sea*. <http://www.scmp.com/article/710496/hanoi-eyes-asean-card-south-china-sea>

naval base on the disputed island of Bach Long Vi between northern Vietnam and Hainan Island. "We will not let anyone infringe on our territory, our sea and islands", the Vietnamese leader said. "We won't make concessions, even an inch of ground, to anyone".¹⁸⁶

In addition to such symbolic action, Vietnam held different seminars and workshops on the South China Sea with participation by both Vietnamese and international scholars. In 2010, the Diplomatic Academy of Vietnam, a research institute affiliated with the Vietnamese Ministry of Foreign Affairs, implemented the 'East Sea (South China Sea) Studies' (Nghien cuu Bien Dong) project on a website. A broad range of news articles and editorials from different states is available on the website. These portray the territorial disputes between ASEAN countries and China, emphasizing the South China Sea issue, as well as the modernization of the Chinese military.¹⁸⁷ The website also presents relevant academic research, including studies done by Vietnamese researchers, and a forum in Vietnam for discussion of the wider issues of the South China Sea.¹⁸⁸

A comparison of the draft Political Report of the 11th Communist Party of Vietnam (CPV) National Congress presented in September 2010 and the final version submitted in January 2011 demonstrates the CPV's evolving perception of the South China Sea issue, and more widely, the issue of territories and territorial waters. Certain documents that mentioned the South China Sea issue were not included in the original paper, but have been placed in the final report. For example, the following sentence relating to the evaluation of the past five-year period was added to the final report as an unsolved challenge to security.

The linkage of economic development and strengthening national defense and public order capabilities, especially the defense of strategic areas such as territorial waters and islands, is still insufficient.¹⁸⁹

There was no doubt that the final draft document "makes further references to the territorial disputes as the main political document of the National Congress, CPV

¹⁸⁶ Ibid

¹⁸⁷ Tomotaka Shoji (2012)

¹⁸⁸ Ibid

¹⁸⁹ Tomotaka Shoji (2012)

reflect[ing] the increasing sense of crisis felt among the political leadership toward the South China Sea issue”.¹⁹⁰

In sum, it could be said that, with attempts to multi-lateralize the South China Sea issue during its ASEAN Chairmanship in 2010 and despite the several failures presented above, Vietnamese policy makers were able to make progress in managing this issue with China. Not only did they draw attention from the international community, but they also got other ARF member states to raise their concerns over the issue in their statements and speeches.¹⁹¹

¹⁹⁰ Ibid

¹⁹¹ Personal interview (2013)

CHAPTER 5: CONCLUSION

In sum, it might be said that over the past years, the South China Sea dispute has become one of the hottest among Asian and South East Asian security issues. Besides its strategically important position, the South China Sea dispute also confounds the different interests of the relevant parties. This troubling situation results from a combination of features, including: the increasing needs for resources of energy, marine living resources, anxieties for energy supply and sea lane security, the gradual expansion of regional military capabilities, the rise of nationalism and efforts by littoral countries to reinforce their claims over the rights to territory and sovereignty in the surrounding waters. This constant growth in the significance of these elements, together with the ongoing absence of effective debates among different claimants to resolve the issue, clearly implies that the dispute over sovereignty will become more serious and undoubtedly more inclined to conflict in the years to come.¹⁹²

The territorial disputes in the South China Sea have long since become an issue of both national and regional security. In reviewing the attempts to manage and resolve the South China Sea disputes by claimant states, including Vietnam, the nature of issue shows that these disputes are not serious enough for reasons to go to war. The political, diplomatic, economic and military costs of war remain high. In considering these, states are reluctant to go to war over even more serious conflicts. Moreover, China may not apply military forces to settle the disputes as it is believed that its actions would have negative effects on its position in international politics and regional diplomacy and “those costs would far outweigh the benefits.”¹⁹³

However, this issue will be hard to resolve and may become a major source of tensions with occasional military clashes over disputed maritime claims that threaten the peace and stability of the Southeast Asian region in the coming years. China has consistently pursued a strategy of bilateralism toward the dispute to press its needs for natural resources and its

¹⁹² Clive Schofield, Ian Storey (2009). The South China Sea dispute: Increasing stakes and rising tensions. Jamestown Occasional Paper

¹⁹³ Ian Storey (2012) “China’s bilateral and multilateral diplomacy in the South China Sea”, Cooperation from Strength: United States, China and the South China Sea, *Centre for New America Security*, p.64

interests satisfying domestic nationalist sentiment. The dispute is also complicated by the involvement of a large number of players, including not only the disputed claimants, but also states inside and outside the region. Many states stake their claims to overlapping territories and make efforts to protect their claims without concessions. "The status quo is likely to remain intact for the foreseeable future, and as a result, tensions will continue to ebb and flow."¹⁹⁴ As mentioned in the Chapter 3, the initial step and a high sign of engagement in this direction were an agreement between ASEAN and China to sign the DoC in 2002. However, the end of Joint Marine Seismic Undertaking (JMSU) between China, Vietnam and the Philippines after three years of implementation gave strong evidence that the Declaration faces various shortcomings that have led the issue "back to square one."¹⁹⁵ The DoC was unable to avoid claimants from strengthening their physical infrastructure in the Spratly Islands.¹⁹⁶

Among the reasons that have made the situation worsen, two stand out. First, ASEAN's role in managing the conflict in the South China Sea remains ineffective. ASEAN maintains weak ties among its member states in both economic and political cooperation. When the organization expanded its membership in the second half of 1990s, it included several non-disputant states with close political ties to China. Therefore, finding common agreement among old and new members has been challenging. Divisions between these groups of states have led to threats to ASEAN's solidarity and unity. Although small and weaker states are attempting to internationalize the issue, there are still conflicts among them. It is said that it will be difficult for ASEAN to reach the same degree of solidarity as it did in the Cambodia conflict. In addition, as the relationship between ASEAN and China has been reinforced in over the previous decade, in particularly in the economic area, the group's anxieties over the security with Beijing in the South China Sea have decreased.¹⁹⁷

Second, security in Southeast Asian is being and will be affected by great power rivalry between the US and China and their military competition. China is also enhancing and expanding its capability to enforce its territorial claims in the South China Sea by building more Fishery Administration vessels. One important issue that needs to be considered is the

¹⁹⁴ Ian Storey (2012) p. 64

¹⁹⁵ Clive Schofield, Ian Storey (2009)

¹⁹⁶ Ibid

¹⁹⁷ Ibid

stamina of the United States and its keenness to sustain the balance of power in the maritime area, especially in the South China Sea. As Singapore's Prime Minister Lee Hsien Long stated during an interview with the *Wall Street Journal* at the 2nd US-ASEAN Leaders meeting, it is necessary for the United States to hold an active role in the Asian region to show that this it is in the area to stay and that the United States takes a position that China cannot be a substitute for it in keeping the peace in the region.¹⁹⁸

Despite the complicated situation on territory claims among disputants, the tentative and possible way to settle the issue of the South China Sea is the joint exploration and development of its resources, while shelving the dispute. This measure is usually seen as the unique workable choice to promote stability and cooperation in the region. There were several examples being considered of a proposal to set up joint development strategy for the South China Sea, namely: the Timor Gap Treaty between Australia and Indonesia, the Tonkin Gulf Treaty between Vietnam and China and a number of existing bilateral commitments on maritime borders delimitation.¹⁹⁹

Despite agreements for joint development and exploration in the South China Sea, power asymmetries and the lack of a comprehensive settlement on sovereignty among the littoral states may put the weaker players in a disadvantageous position if economic circumstances or the strategic context shifts. A strategy of joint development without any multilateral structure or mechanisms would do little to prevent the Chinese from asserting their claims to sovereignty. The South East Asian claimant states would only be involved in the joint development process in those zones where they have disputed sovereignty claims with China. In short, once a joint exploration and development model is signed, it must be supplemented by a commitment to a framework that freezes existing territorial claims and establishes a binding code of conduct that regulates relations among states and prevents conflicts. The setting up of such a framework remains unlikely in the short and medium term. The deadlock of the disputed claims interlaced with internal nationalist politics seems to be a major barrier to a long-term settlement in the South China Sea.²⁰⁰

¹⁹⁸ Carlyle A. Thayer (2010). Recent developments in the South China Sea: Ground for cautious optimism?

¹⁹⁹ Ralf Emmers (2011). *Havard Asia Quarterly. The South China Sea*

²⁰⁰ Ralf Emmers (2011)

Vietnam, together with ASEAN disputants, is anticipated to continue its pursuit of diverse diplomatic avenues with an aim to resolving the conflict in a peaceful way. Because China still requires a peaceful and stable atmosphere within which to enhance its economic growth, ASEAN's policy is expected to bring advantages to both players. As long as the route to settling the dispute remains difficult, there is likely no other option but for the parties concerned to pursue those opportunities which serve their individual interests "while hedging against China diplomatically".²⁰¹

The attempts made by China to ease tensions with Vietnam show that Beijing has been affected by regional and international responses to its behavior in the South China Sea. China is unlikely to be able to increase pressure on Vietnam or the Philippines without pressing them more closely to the United States and, for this reason, a dispute resolution commitment would be in its interests. One significant challenge with such commitments is that they are temporary. The US engagement seems not to be to China's liking, but it reduces the pressure on the ASEAN disputants and makes for an anxious stability, which may be "the best one can hope for at present."²⁰² However, while involving the US and other major in the South China Sea, ASEAN claimants should be mindful that management of the conflict from outside is impossible. To reach a peaceful settlement in the South China Sea it must be recognized that much concern remains about the asymmetry between China and ASEAN, in general, and Vietnam, in particular.²⁰³

The most relevant approach that Vietnam should take to the dispute in the South China Sea is to focus on building confidence while sustaining the status quo. During the Shangri-La Dialogue held in Singapore in May 2013, the Vietnamese Prime Minister Nguyen Tan Dung confirmed that "in the 20th century, Southeast Asia in particular and the Asia-Pacific in general was fierce battlefields and deeply divided for decades. It might be said that the entire region always had a burning desire for peace. To have peace, development and prosperity, it is a must to build and consolidate strategic trust. In other words, we need to

²⁰¹ Tomotaka Shoji Vietnam (2012)

²⁰² Leszek Buszynski: The Internationalization of the South China Sea: Conflict prevention and management.

www.nghiencuubiendong.vn

²⁰³ Quoted from Tu C.D (2011). PhD Dissertation

build strategic trust for peace, cooperation and prosperity in the Asia-Pacific”.²⁰⁴ Furthermore, as highlighted at an interview during the Fourth ASEAN Defence Minister Meeting held in Hanoi in 2010 by the Vietnamese Deputy Defence Minister, General Phung Quang Thanh, “the most important thing regarding the East Sea issue is confidence-building. If instability occurs, it will be disaster for the whole region”.²⁰⁵

In this connection, working toward the DoC seems to be the right way because it presents a forum to discuss possibilities for cooperation in overlapping areas. Vietnam and other ASEAN member states need to continue to take advantage of newly set up forums such as the ASEAN Defence Minister Meeting or ADMM+ in order to identify ways to manage disputes with China on South China Sea. At the same time, these arrangements draw the international community's attention to the issue so that China must restrain itself from using force in the South China Sea.²⁰⁶ Nonetheless, Beijing's determination to assert its claims in the South China Sea remains. The shelving measures that China is applying to reinforce its claims, while preventing other countries from consolidating their claims, may only create obstacles that threaten weaker states in the conflict in the future.²⁰⁷

²⁰⁴ Vietnamese PM Nguyen Tan Dung's key note speech at Shangri La Dialogue <http://news.gov.vn/Home/PM-Dungs-keynote-address-at-12th-Shangri-La-Dialogue/20135/18011.vgp>

²⁰⁵ Quoted from Tu C.D (2011). PhD Dissertation

²⁰⁶ Ibid

²⁰⁷ M. Taylor Fravel (2011). China's Strategy in the South China Sea Contemporary Southeast Asia, *A Journal of International and Strategic Affairs*, Vol. 33, No.3 pp. 292-319

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