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At the Intersection of History, Diplomacy, and Domestic Affairs: Vietnam's Difficult Position in the South China Sea Dispute

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At the Intersection of History, Diplomacy, and Domestic Affairs:

Vietnam's Difficult Position in the South China Sea Dispute

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Spring, 2017

Abstract

Connecting the entirety of Southeast Asia to the Indian and Pacific Oceans, the South China Sea is among the world's most vital commercial and strategic arenas. Robust shipping lanes funnel several trillion dollars in trade through the South China Sea annually; and lucrative fisheries and potentially vast hydrocarbon resources fill its waters. The South China Sea also hosts a tremendously complex geopolitical puzzle which hinges on overlapping maritime sovereignty claims made by Vietnam, China, Philippines, Malaysia, Taiwan, and Brunei. The ensuing multilateral dispute has escalated tensions in the region, leading to intense militarization, diplomatic gridlock, and trivialization of international law. The entire coastline of Vietnam is enveloped by the South China Sea; access to the South China Sea's resources and shipping routes is paramount to Vietnam's economic development. Thus, If Vietnam loses access to the South China Sea, the economic consequences would be potentially cataclysmic. However, to characterize Vietnam's position on the South China Sea dispute as simply competition for resources and territory would be myopic. In a regional dispute where museums and universities are just as, if not more important than, naval bases and warships, "history is itself a part of the conflict." (Tonnesson 2001) Through conversations with Vietnamese historians, professors of international relations, government officials, villagers, and fishermen -- as well as review of primary and secondary sources -- this paper seeks to investigate what the South China Sea dispute means for Vietnam in historical, diplomatic, and domestic terms. It is argued that Vietnam's sovereignty claims in the South China Sea go far beyond securing fish, oil, gas, and shipping; arguably, Vietnam is seeking to balance the burdens of historical, diplomatic, and domestic pressures.

Accordingly, this paper is split up into four main parts: 1) an introduction to the geography, resources, and economic and strategic importance of the South China Sea, 2) an in-depth investigation of the role of history in the South China Sea dispute, 3) a description of the contemporary diplomatic aspects of the South China Sea dispute, with a focus on Vietnam's diplomatic intentions and strategies, and 4) a review of the ways in which the South China Sea has impacted domestic affairs in Vietnam. Parts 2, 3, and 4 feature findings gathered from interviews as well as literature provided by the Vietnamese National Boundary Commission. This paper concludes with a discussion of the ways in which historical, diplomatic, and domestic factors are closely interrelated.

Keywords: South China Sea, Southeast Asia, Vietnam, UNCLOS, Spratly, Paracel, China

Acknowledgements

I would like to thank SIT: Vietnam Academic Director, Duong Van Thanh, for her unyielding passion for and tremendous dedication to the program and students. I would also like to thank SIT staff members, Vu Hai Truong and Giang-Linh Tran, for their patience in dealing with a large group of culture-shock ridden, often confused, foreign students -- for helping us when we were lost and late, for tending to us when we were sick, and for tolerating our incessant, cheesy jokes and memes.

My Ho Chi Minh City homestay family provided me with the most comfortable, welcoming, and immersive experience possible. Through their love, I was able to truly experience Vietnam.

I am deeply grateful for the support provided by Former Vietnamese Ambassador to the United Nations Nguyen Quy Binh, Director of Propaganda, Information, and Documentation at the Vietnamese National Border Commission Mr. Nguyen Manh Dong, and Professor-Rector Quang Minh Pham of the University of Social Sciences and Humanities (Hanoi). Their dedication of time, resources – as well as their provision of contacts – was absolutely crucial to the completion of this work.

The residents of An Bang village, as well as the fishermen of the greater Hoi An/Danang region, contributed invaluable to this work. Their honest and unique perspectives on the South China Sea dispute are genuinely fascinating; and, arguably, their perspectives cannot be heard anywhere else but in and around the fishing docks, vessels, villages, and piers of the Hoi An/Danang region. In particular, I would like to thank my local interpreter and tour guide Loc – “Lucky” – for the wonderfully immersive and productive tour of Hoi An/Danang that he provided.

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A Note on Terminology

The geographical area referred to as the “South China Sea” elsewhere is referred to in Vietnam as the “East Sea.” However, given that much of the international scholarly writing on this topic uses the term “South China Sea,” this paper will follow suit – not for any argumentative reasons but simply for the purpose of clarity in citation/paraphrase.

Abbreviations

ASEAN -- Association of Southeast Asian Nations
CFR -- Council on Foreign Relations
CINPAC -- Commander In Chief Pacific
CNOOC -- Chinese National Offshore Oil Corporation
CSIS -- Center for Strategic & International Studies
EEZ -- Exclusive Economic Zone
FONOPS -- Freedom of Navigation Operations
IUU -- Illegal, Unreported, Unregulated Fishing
NBC -- Vietnam National Boundary Commission
TPP -- Trans Pacific Partnership
Tcf -- Trillion Cubic Feet (unit of measurement)
UEIA -- United States Energy Information Agency
UN -- United Nations
UNCLOS -- United Nations Convention on the Law of the Sea

Introduction

The South China Sea connects the coasts of Vietnam, China, Taiwan, Thailand, Singapore, Malaysia, Indonesia, Philippines, Brunei, to the Pacific and Indian Oceans. The northern openings of the South China Sea include the Taiwan and Luzon Straits, which connect to the East China and Philippine Seas respectively (Lowy Institute 2017) (Schofield 2013). Along the eastern end of the South China Sea lie the Philippine coasts; along the West end, the coastline of mainland China, and to the Southwest, the coastline of the Indochinese Peninsula. The southernmost limits of the South China Sea include the Gulf of Thailand and the Malay Peninsula, as well as the northern-facing coasts of Brunei and the Sarawak and Sabah regions of Malaysia (Encyclopedia Britannica). The various maritime passageways which extend from the South China Sea connect the entirety of South East Asia to East Asia, South Asia, and Australasia. The 874,660 square nautical mile (nm)² area of the South China Sea contains an array of largely uninhabited islands, reefs, shoals, and rocks -- including, but not limited to, the Spratly and Paracel archipelagos, Scarborough Shoal, Pratas Island, and Macclesfield Bank. Many of these geographical features are partially -- or entirely -- submerged and are largely uninhabited (Schofield 2013).

Resources

The South China Sea holds an abundance of natural resources, namely hydrocarbons and fisheries. Estimates of hydrocarbon resources in the South China Sea vary considerably. The U.S. Energy Information Agency (EIA) estimates that there is potentially 11 billion barrels of oil and 190 trillion cubic feet (Tcf) of natural gas in the South China Sea (CFR 2017). The Chinese National Offshore Oil Corporation (CNOOC), however, estimates there to be over 125 billion barrels of oil and 500 Tcf of natural gas. In recent years Chinese officials have contended that the South China Sea represents the “Persian Gulf” of East Asia (The National Interest 2016); while US officials have claimed that South

China Sea hydrocarbon amounts are “roughly comparable to European resources.” (EEC 2017) This significant disparity in hydrocarbon resource estimates is reflective of existing geopolitical cleavages and barriers to effective seismic surveying (WSJ 2017). While there lacks consensus on exact offshore hydrocarbon resource amounts, multiple parties are currently exploring and extracting offshore hydrocarbons in the region -- and the presence of offshore hydrocarbon resources is a core economic feature of the South China Sea. While prevailing geopolitical tensions are prohibiting, sustained exploration and extraction of offshore hydrocarbons in the South China Sea has the potential to drastically reduce the energy dependence of Southeast Asia and the emphasis placed on coal power in the region (Shicun, Hong 2014).

Featuring “some of the world’s richest reef systems and over 3,000 indigenous and migratory fish species,” the South China Sea is among the world’s most heavily fished regions (The Diplomat 2016). According to statistics published by the United Nations Food & Agriculture Organization in 2013, 134.6 million metric tons of marine capture came from the South China Sea (UNFAO 2013). Per statistics published by geopolitical intelligence platform Stratfor, 1.72 million shipping vessels are active in the South China Sea and 5.4 million people are employed by fishing operations (Stratfor 2017). For the countless coastal communities of Southeast Asia, the fisheries of the South China Sea are a source of economic vitality; “fishing has been crucial to sustaining populations. . .” (Stratfor 2017). Yet, as appetites for fish grow among consumers across Southeast Asia, there has been a simultaneous degradation in the sustainability of fishing practices. Due to a critical lack of regulatory oversight, fisheries throughout the South China Sea have been depleted “at an unsustainable 10-12 million tons per year for decades -- a number that could double when Illegal, Unreported, and Unregulated (IUU) fishing is incorporated;” the prevailing overfishing crisis in the South China Sea is compounded by the common use of “coral-damaging bottom trawlers, muro-ami nets, or even dynamite and cyanide” by fishermen (The Diplomat

2016). In spite of the unsustainability of prevailing fishing practices, fishing nonetheless remains one of the foremost economic features of the South China Sea -- as a source of food, employment, and profit. Considering the growing demand for fish across East Asia as well as the presence of largely unregulated fisheries, fishing in the South China Sea is unlikely decrease in capacity anytime soon, regardless of the environmental costs.

Importance to Trade

The Council on Foreign Relations (CFR) estimates that \$5.3 trillion in shipping passes through the South China Sea annually (CFR 2017). The Center for Strategic and International Studies (CSIS) has published figures demonstrating that intra-regional shipping alone through the South China Sea accounts for over \$2 trillion annually. The CSIS figures include the annual volume of shipping between ASEAN (Vietnam, Thailand, Cambodia, Laos, Singapore, Malaysia, Brunei, Philippines, Indonesia, and Myanmar) and China (\$1.02 trillion) and vice-versa (\$885.64 billion), and that of ASEAN and Japan (\$112.38 billion) and vice versa (\$102.88 billion) (CSIS 2017). For Southeast Asia, the South China Sea serves as vital economic network, connecting the growing economies of the region through robust channels of shipping and communication.

Beyond intraregional trade, the South China Sea is vitally important to the stability and functioning of the global economy as it hosts a variety of international trade corridors. Stretching from the Malaysian Peninsula to the Taiwan Strait, the Strait of Malacca is the premiere maritime connection between the Indian and Pacific Oceans through the South China Sea (Britannica). The CSIS cites that “25% of all traded goods” are shipped through the Strait of Malacca as well as “25% of all oil that travels by sea.” At its western extremity, the Strait of Malacca links to trade flows from the Arab Peninsula, including the Strait of Hormuz which accounts for 40% of seaborne oil trade (CSIS 2017). Aside from trade flows to/from Southeast Asian states, the Strait of Malacca facilitates trade from, for instance, Saudi Arabia to

Japan or from India to South Korea. This demonstrates the importance of the South China Sea as a facilitator of international trade flows.

As a maritime trade hub, the South China Sea serves as an economic link between ‘East’ and ‘West’. According to CFR figures, the total volume of trade passing through the South China Sea from the United States alone is \$1.2 trillion (CFR 2017). The trade routes of the South China Sea were also central to the US-led Trans Pacific Partnership (TPP) negotiations under the Obama Administration. Under the Administration of Donald Trump, however, the likelihood of TPP implementation is in question (Bloomberg 2016). For the European Union, the South China Sea provides key access routes to its largest trading partners, including China, ASEAN, Korea, and Japan. According to the Center for International Maritime Security (CIMSEC), “almost a trillion euros” in annual trade hinges on the regions interconnected by the South China Sea; furthermore, “over 10,000” EU companies are active in the region (CIMSEC 2017). The diversity and sheer volume of international trade in the South China Sea reflects the region’s importance as a hub for expanding trade relations, a boulevard for foreign direct investment (FDI), as well as a structural component of the global economy in general.

Rudiments of South China Sea Dispute

The aforementioned fishing and hydrocarbon resources, trade flows, and geographic features are at the epicenter of an increasingly complex and contentious geopolitical dispute that has far-reaching consequences for regional commerce, cooperation, and stability in general. The dispute hinges on longstanding territorial disagreements between South China Sea claimant states Vietnam, Malaysia, Brunei, Philippines, Taiwan, and China (AMTI 2017). Contradictory interpretations of international maritime laws and diverging historical narratives inform the overlapping maritime boundaries asserted by the six claimant states, contributing to a regional diplomatic gridlock that scholar Stein Tonnesson describes as “intractable.” Issues surrounding the adherence, or lack thereof, to the United Nations

Conventions on the Laws of the Sea (UNCLOS), China's "U-shaped line," and a variety of other geopolitical tensions have escalated the South China Sea dispute in dangerous ways (*see part II*). Hotly contested geographical features of the South China Sea, particularly the Spratly and Paracel archipelagos, have seen a surge in "militarization" activities including, but not limited to: strategic dredging and artificial island construction and the erecting of military installations. Currently, all claimant states maintain military installations in the disputed waters of the South China Sea with the exception of Brunei. The ensuing militarization and diplomatic tensions, if unmitigated, have the potential to disrupt the decades of peace and economic prosperity that much of Southeast Asia has enjoyed.

Methodology

I spent the majority of my time researching in Hanoi due to the close proximity to Vietnamese government officials and institutions directly involved with the politics and study of South China Sea dispute. In Hanoi I conducted three in-person interviews: 1) with Professor Le Van Lan, a scholar of Vietnamese history, 2) with Mr. Nguyen Manh Dong, Director-General of Propaganda, Information, and Documentation at the National Boundary Commission, and 3) with Professor Pham Quang Minh, President of the University of Social Sciences in Hanoi. The in-person interviews were conducted in a semi-structured manner. While certain interview questions were prepared in accordance with the specialization of the interviewees, many interview questions arose conversationally and were not predetermined. The interviews were recorded using a mobile phone audio recorder, and key quotations were transcribed using a laptop computer. There was no need for an interpreter as all interviews in Hanoi were conducted in English.

In Hanoi I also engaged in the review of government-sanctioned materials (books, booklets, CDs) on the South China Sea dispute (*see*) which I received from the Department of Propaganda, Information, and Documentation at the National Boundary Commission.

I spent the final week of my independent research period in the Hoi An/Danang region. As a hub for the commercial fishing and hydrocarbon industries, the Hoi An/Danang region is heavily burdened by the South China Sea dispute. While in Hoi An/Danang I was able to interview multiple residents of fishing villages, as well as commercial fishermen who have personally confronted Chinese Coast Guard vessels during fishing expeditions in the South China Sea. These interviews were completed with the assistance of a local tour guide/interpreter and were, like in Hanoi, semi-structured and conversational.

All of the materials gathered and interviews conducted through this process are supplemented by a review of secondary sources. The data collected is exclusively qualitative and is analyzed accordingly.

Limitations

A core limitation in the data collection process was the inherent sensitivity of the South China Sea dispute, particularly in the context of Vietnam. In a nation that has suffered tremendously in the not-so-distant past from blatant violations of its sovereignty, the contemporary South China Sea dispute is an understandably fragile element of Vietnamese historical and political discourse. The sensitivity of the South China Sea dispute is compounded by both *de facto* and *de jure* limitations on freedom of speech and expression in Vietnam, particularly with regard to sensitive political topics such as the South China Sea dispute. I was mindful of these realities throughout the interview process; accordingly, I was painstakingly cautious in formulating my questions and, in some cases, avoided asking certain questions altogether.

In the commercial fishing ports and fishing villages of Hoi An/Danang, there was a significant language barrier in that all of the interviews were conducted in Vietnamese. While my local tour guide/interpreter was effective in providing translation, there were certain nuances to the conversations that I feel were lost in translation. Furthermore, hiring a tour guide/interpreter was not very cheap, and

certainly limited the amount of time I could spend interviewing subjects and the number of interviews I was able to conduct in total.

Historical Components

This section examines history as a geopolitical, diplomatic, and strategic utility in the context of the South China Sea dispute, as well as an escalator of ‘terms’ of the dispute. Vietnam’s official historical justification is considered as evidenced by government-published materials and artifacts; this narrative is disseminated and compared with the historical claims of other claimant states, namely China. This section is supplemented by analyses of interview testimonies -- particularly that of Professor Le Van Lan.

The Utility of History

It is impossible to disentangle history, specifically subjective interpretations of history, from contemporary geopolitical disputes. In justifying sovereignty claims, states seek to assert historical evidence that details how a disputed territory is an “inviolable part of national patrimony.” (Tonnessen 2001) Through historical justification, states assert that the disputed territory in question has been occupied, inhabited, utilized, and/or controlled in a manner which justifies its sovereignty claim (Tonnessen 2001). In many cases, when a state claims sovereignty over territory controlled by another state, the claimant state will accuse the controlling state of “occupation” -- leading to potentially significant diplomatic, if not military, hostilities. Historical justification has been central to the ongoing Ukraine crisis, wherein Russia has sought to justify its annexation of Crimea on “historical” grounds; simultaneously, Ukraine has accused Russia of being an “occupier” on its sovereign territory. In the ensuing crisis, many historical wounds have opened, including, but not limited to, Russo-Ukrainian tensions over Stalinist purges and World War II history (Al Jazeera 2014). Similar historical contention can be seen in many regional conflicts across the world -- including the Israeli-Palestinian Conflict, the Nagorno-Karabakh dispute between Armenia and Azerbaijan, the increasingly hostile confrontation

between North and South Korea, among countless others. In the context of the South China Sea dispute, historical narratives form the bedrock of claimant states' sovereignty assertions. In many cases, claimant states argue that their sovereignty over a given territory in the South China Sea is justified by centuries, if not millennia, of historical jurisprudence (Pinotti 2015).

The nations vying for sovereignty in the South China Sea, Vietnam and China in particular, have actively catalogued artifacts, published various academic materials, and have even curated entire museums dedicated to the historical narratives propping up their sovereignty claims in the South China Sea. In a geopolitical dispute, the utility of a historical narrative is fundamentally different from that of military power: a historical narrative presents a deeply nationalistic and 'sacred' case for sovereignty. Thus, when a state's' sovereignty is challenged in this regard, it is something 'sacred' that is being tarnished -- and the terms of the ensuing dispute depart from rational competition for territory and resources.

The Official Vietnamese Historical Narrative

The official historical justification of Vietnam's sovereignty in the South China Sea, particularly over the Paracel and Spratly archipelagos, is detailed in the National Border Commission publication *Chu Quyen Cua Viet Nam Doi Voi Hai Quan Dao* (Vietnam's Sovereignty over the Hoang Sa and Truong Sa Archipelagos). The publication provides evidence showing that Vietnam has "exercised its sovereignty over the two archipelagos in a continuous and peaceful manner" since the feudal-dynastic period. Citing various documents and artifacts dating back to the Nguyen Lords (1558-1777), it is asserted that the Spratly and Paracel archipelagos were, for centuries, "under the jurisdiction of the Quang Ngai prefecture." (NBC 2015) It is also asserted that Vietnam exercised its sovereignty over the Paracel and Spratly archipelagos in multiple, distinct ways. Initially, the Nguyen rulers sent naval missions, namely the Hoang Sa and Bac Hai flotillas, to the two archipelagos on a regular basis; their mission was to secure

bounties including pearls, rare birds, turtle shells, and various “sea products,” as well as to collect goods from foreign ships passing through and sheltering in the area (NBC 2015).

Toan Tap Thien Nam Tu Chi Lo Do Thu of the 17th century reads: “During the last month of every winter, the Nguyen rulers send 18 boats there to collect goods, mainly jewelries, money, guns, and ammunition.” (NBC 2015) Later, in the Minh Mang Era, Vietnam exercised its sovereignty over the archipelagos through conducting “sea-route surveys” as well as the construction of temples. “In the 16th year of the Minh Mang Era, working boats were ordered to transport bricks and stones to [Paracel] to build [sic] temple.” (NBC 2015) In addition to providing records of Vietnam’s historical explorations, navigations, and constructions in the Paracel and Spratly archipelagos, the National Boundary Commission publication also cites testimonies from “Western navigators and Christian Missionaries.” The publication includes quotes from Bishop J. L. Taberd as well as J.B. Chaigneau, a “counselor to Emperor Gia Long,” which attest to Vietnam’s sovereignty over Hoang Sa (Paracel) in particular (NBC 2015).

In Chaigneau’s “Memoire sur la Cochinchine,” he writes “The Country of Cochinchina . . . includes the Regions of Cochinchina and Tonkin . . . some inhabited islands not too far from the shore, and the Paracel archipelago composed of uninhabited small islands, creeks, and cays.” (NBC 2015) Testimonies of this sort are included in the National Boundary Commission publication in order to demonstrate the historical recognizance of the international community of Vietnam’s sovereignty over the Paracel and Spratly archipelagos.

Vietnam’s exercise of sovereignty in the South China Sea is argued to have resumed throughout the French colonial period (1887-1954). France effectively resumed the maritime sovereignty exercises of the Qing Dynasty, per conditions set forth by conventions signed between France and the Qing Dynasty in 1887 and 1895. French activities in the Spratly and Paracel archipelagoes included the construction of

lighthouses, the deployment of naval garrisons, the conducting of oceanographic surveys, as well as the annexation of additional islands throughout the archipelagos (NBC 2015). Accordingly, in 1933 “the then Governor of Cochinchina M.J. Krautheimer signed the decree of annexing the islands of Truong Sa Lon, An Bang, Ba Binh, Song Tu, Laoi Ta, and Thi Thu to Ba Ria province.” Thus, according to government-sanctioned material, Vietnamese jurisprudence in the South China Sea was not only continued under the French-colonial regime, but also strengthened (NBC 2015).

The National Boundary Commission document should be seen as diplomatic utility, as it details the historical and political terms of Vietnam’s engagement in the South China Sea dispute. Based on the National Boundary Commission’s official historical narrative, Vietnam’s sovereignty in the South China Sea is indisputably clear and “implicitly recognized” by the international community throughout history. Along these lines, the presence of other claimant states -- particularly China -- in waters claimed by Vietnam is in direct violation of clear-cut international laws and historical truths. Thus, China’s continued presence in the Paracel Islands and portions of the Spratly Islands is, according to the Vietnamese government, a result of blatant invasion and occupation.

Competing Historical Claims

Vietnam is not alone in mobilizing its universities, museums, and archives in its struggle for sovereignty in the South China Sea. China in particular asserts a historical claim in the South China Sea that dates back thousands of years. In *China and the South China Sea: Disputes and Strategic Questions*, an article published in *Austral: Brazilian Journal of Strategy & International Relations*, author Talita Pinotti details the terms of China’s historical claims. Accordingly, China asserts that evidence of its sovereignty in the South China Sea can be traced as far back as the Western Han (206BC - 9 AD) and Yuan (1271 BC - 1388 AD) dynasties. Pinotti also points out that, based on logic underpinning China’s historical narrative, China claims to be the “first State to map, study, and make use of the SCS” [South

China Sea] (Pinotti 2015). A book published by the National Boundary Commission, “Duong Luoi Bo - Mot Yeu Sach Phi Ly” (“Cow - Tongue Line - an Irrational Claim”), describes the Chinese historical claims to the South China Sea as ambiguous and “confusing.” (NBC 2015) In claiming the South China Sea as its “historic waters,” China assumes sovereignty over the vast majority its area, even portions of the sea under the control of other claimant states, including Vietnam. The quasi-legal basis for China’s extensive claims is the “U-shaped line” or “nine-dash line” that was drawn by the nationalist Republic of China government in the 1950s. The exact historical and legal basis of the “U-shaped line” has been disputed for decades; although an abundance of Chinese scholars contend that there is irrefutable evidence of its “scientific” justifications (TIME 2016). Causing much geopolitical controversy, China has used the “U-shaped line” as a justification for contemporary adventurism in the South China Sea. In 2009, China officially submitted to the UN -- specifically UNCLOS -- its maritime boundaries in the South China Sea which were based on the “U-shaped Line” (TIME 2016).

The fundamental contradiction in China’s historical narrative is that it cites pre-modern history in justifying explicitly contemporary geopolitical maneuvers. As Tonnessen argues, disputes over “maritime sovereignty” and “continental shelf delimitation” are relatively “recent human developments” (Tonnessen 2001) Throughout its pre-modern history, the South China Sea served as a vital trade, navigation, and communication arena for the various kingdoms, states, and dynasties that rose and fell on its shores. The demarcation of territorial boundaries in the South China Sea was simply not a feature of the international system of the pre-modern period; athor Mohan Malik expands on this in an article in World Affairs Journal:

In pre-modern Asia, empires were characterized by undefined, unprotected, and often changing frontiers. The notion of suzerainty prevailed. Unlike a nation-state, the frontiers of Chinese empires were neither carefully drawn nor policed but were more like circles or zones, tapering off from the center of civilization to the undefined periphery of alien barbarians. (Malik 2013)

Thus, when compared with the historical narrative of China's, Vietnam's official historical justification has some merit in that it is rooted in a more contemporary historical period -- where the notion of maritime sovereignty has at least some foundation.

Conversation with Professor Le Van Lan

In pondering a question on the *origins* of the South China Sea dispute, Professor Le Van Lan underscored the necessity of considering “thousands of years” of Sino-Vietnamese relations. Lan argues that “the period of Chinese domination of Vietnam,” which lasted nearly a millennium, “still influences Vietnamese society today.” This can be seen in the implicit “awareness” of Vietnamese as to the Chinese desire to establish itself as the clear regional hegemon. According to Lan's view, there is a strain of political DNA in China which has endured from “ancient times” to the contemporary period: an instinct to trivialize the notion that Vietnam is a sovereign and independent country. “The Chinese never like having a strong nation and culture named Vietnam on its Southern border,” Lan argues. Vietnam's multiple confrontations with, occupations by, and liberations from China have caused Vietnamese to “understand the Chinese” and their fundamental geopolitical instincts “very well.” According to this “understanding” of the Chinese, Vietnam has devised strategies aimed at balancing relations with China, in attempts to simultaneously preserve its sovereignty and national identity whilst avoiding direct military confrontation with its more powerful neighbor to the north. Throughout history, an entrenched disproportionate power balance with China has prompted Vietnam to devise clever, indirect means of preserving its sovereignty.

To an extent, Lan's testimony is reflective of the nationalistic prism through which Vietnam views the South China Sea conflict. Lan's statements entertain the notion that Vietnam's contemporary clash with China in the South China Sea is just another chapter in a long history of recurring confrontation. This notion is evidenced by more recent history, including 1) the 1974 Chinese invasion and occupation of the

Paracel Islands, 2) the 1979 Border War and 3) the 1988 Johnson South Reef Skirmish in the Spratly Islands.

Thus, the stakes of the South China Sea dispute for Vietnam are rooted in history; and current events in the South China Sea can be seen as a continuation of a historical cascade of Sino-Vietnamese confrontation. In this regard, Vietnam's objective in the South China Sea does simply revolve around the protection of largely uninhabited reefs, islets, and islands; Vietnam is seeking to reaffirm and secure a symbolic asset: sovereignty. A negative consequence of the mobilization of history in the South China Sea dispute is the lessened prospects for negotiation and compromise. According to Vietnam's official historical justification, the Spratly and Paracel archipelagoes are indisputable components of its greater sovereignty in the South China Sea, in spite of the fact that five other claimant states are vying for those territories. The geopolitical contest Vietnam is engaged in is essentially zero-sum, as any concession to other claimants over the Spratly and Paracel Islands would appear as concessions to Vietnamese sovereignty in general.

Diplomatic Components

My interviews with Mr. Nguyen Manh Dong and Professor Pham Quang Minh encompassed many aspects of the contemporary diplomatic context of the South China Sea dispute. Supplemented by analyses of Mr. Dong and Professor Minh's interviews, this section reviews the frameworks of the contemporary South China Sea dispute in attempts to decipher Vietnam's current diplomatic strategy.

UNCLOS

Adopted in 1982, The United Nations Convention on the Laws of the Sea (UNCLOS) was created with the aim of establishing a clear and universal legal framework for the determination of maritime boundaries and the regulation of maritime activity. Among the provisions of UNCLOS most pertinent to the South China Sea conflict are those relating to Exclusive Economic Zones (EEZs), continental shelf,

high seas, and islands. Per UNCLOS, the waters and corresponding resources within 200 nautical miles of a state's coastline belongs within the EEZ of that state. A state has the sole right to the exploitation of resources within its EEZ. UNCLOS also establishes that foreign vessels have the right to "safe passage" through another state's EEZ. The geological continental shelf of a particular state is, according to UNCLOS, the "sovereign territory" of that state. If, however, a continental shelf of a given state extends beyond the 200 nautical mile EEZ limit, then that state must share the resources beyond 200 miles of its coastline with other states. UNCLOS also defines what qualifies maritime land features as "islands" or "rocks." Accordingly, a land feature must be determined to "sustain human life and economic activity" in order to be legally considered an "an island" and therefore qualify for its own continental shelf and EEZ; rocks are not entitled to their own continental shelf and EEZ (UNCLOS 1982; un.org); (Encyclopedia Britannica).

UNCLOS established three corresponding institutions: 1) the International Tribunal for the Law of the Sea headquartered in Germany, 2) the International Seabed Authority headquartered in Jamaica, and 3) the Commission on the Limits of the Continental Shelf at the UN's headquarters in Manhattan, New York (USA) (UNCLOS 1982; un.org); (Encyclopedia Britannica).

Ideally, UNCLOS is supposed to function as a neutral arbitrator of the ensuing maritime sovereignty disputes in the South China Sea -- especially since all six claimant states have signed and adopted UNCLOS. Yet, the arbitration of the competing claims in the South China Sea is extremely difficult considering that is no consensus on the ownership of key geographic features (Spratly, Paracel, etc.) and whether those features qualify for a continental shelf and EEZ. Furthermore, there is no effective enforcement model in the event that UNCLOS is blatantly violated, as demonstrated by China's de-facto "nullification" of a 2012 UN Arbitral Tribunal ruling in favor of the Philippines.

UNCLOS & Vietnam's Diplomatic Position

Mr. Nguyen Manh Dong regards UNCLOS as "... a foundation for all countries of the world" as it creates "a legal basis or legal framework" with regard to global maritime affairs. In this regard, Mr. Dong notes that all countries have an "obligation" to implement and follow UNCLOS as it has implicit economic benefits -- including, but not limited to, opportunities for economic "exploration and exploitation" outside of a given country's "national jurisdiction." Thus, in Mr. Dong's view, UNCLOS has implied benefits even for China -- a nation which routinely challenges the implementation of UNCLOS in the South China Sea -- as it can facilitate Chinese economic exploration and exploitation in neutral maritime areas far beyond Chinese national jurisdiction. Mr. Dong also mentions that China's United Nations Security Council membership -- and its corresponding "veto power" -- reflects that there is no "effective mechanism" in ensuring "strict" adherence to UNCLOS. Yet, UNCLOS implementation can be bolstered by the fact that the convention, in Mr. Dong's words, helps to preserve an "international order" from which all countries -- including China -- can benefit.

Vietnamese Diplomatic Strategy

In consideration of Mr. Dong's view of UNCLOS and its implications for the South China Sea dispute, this paper argues that Vietnam is investing in a *multilateral* geopolitical context in the South China Sea. By insisting upon the adherence to and implementation of UNCLOS, Vietnam is promoting the systematization of maritime affairs in the South China Sea as part of a greater, rules-based geopolitical context. Ultimately, Vietnam's foreign policy with regard to the South China Sea dispute is vested in ensuring -- as Mr. Dong describes -- a "peaceful resolution based in international law."

A strong multilateral framework in the South China Sea is important for Vietnam particularly in its relations with China. As Mr. Dong and Professor Minh point out, China prefers to negotiate territorial disputes in the South China Sea bilaterally. However, a bilateral negotiation with China clearly

disadvantages Vietnam as a significantly smaller military and economic power. Through the promotion of multilateral frameworks -- particularly UNCLOS -- Vietnam benefits diplomatically. However, Professor Minh points out in particular that not all multilateral frameworks have proven effective for Vietnam. For instance, the Association of Southeast Asian Nations (ASEAN) has regularly avoided tackling the diplomatic contours of the South China Sea dispute given that “only 4 of the 10 ASEAN member states are claimants in the South China Sea.”

Nonetheless, Vietnam’s multilateral instinct has led the country towards diversification of international partnerships, including the establishment of strategic partnerships with South Korea, Japan, and India. Furthermore, a long standing arms embargo between Vietnam and the US was lifted by the Obama Administration in 2016, allowing Vietnam to purchase advanced naval defense weapons systems as well as expand defense ties with the US in general. Vietnam is implicitly aware of its weakness vis-a-vis China in a bilateral context; yet, through investment in multilateral frameworks such as UNCLOS, as well as the diversification of international partnerships, Vietnam is constructing a boulevard to empowerment through diplomacy.

The diplomatic context of the South China Sea dispute has proven volatile in recent years, however. Following the 2012 UN Arbitral Tribunal Ruling favoring the Philippines, a surprising turn of geopolitical events benefitted China. Former Philippines President Benigno Aquino III, who was in line with the Philippines’ traditionally pro-American foreign policy, was replaced by acting President Rodrigo Duterte, who has drastically rearranged Philippine foreign policy. The pro-Philippines 2012 Arbitral Ruling was *de-facto* nullified by Duterte who opted for a detente in maritime hostilities with China; accordingly, maritime conflict with China has deescalated in recent months as Manila has developed unprecedentedly warmed relations with Beijing (Forbes 2017). Similarly, a diplomatic falling out between the Obama Administration and Malaysian President Najib Razak over a “financial scandal” has seen

Malaysia pivot towards maritime de-escalation with Beijing as well as greater openness to Chinese investment (WSJ 2017). In November 2016, Malaysia and China agreed to military cooperation in the South China Sea (The Guardian 2017). Brunei, whose maritime claims in the South China Sea are relatively humble, is unlikely to engage China in the South China Sea heavy-handedly. This diplomatic context leaves Vietnam as a hawkish holdout in the context of the South China Sea dispute, as the prospects for any sort of concession to or deal with China over Vietnam's is arguably minimal from Vietnam's perspective.

Lastly, the Trump Administration has cast doubts over the future of American foreign policy in East and Southeast Asia. While President Trump actively espoused anti-Chinese sentiment on the campaign trail, his tenure in office has actually seen new channels of geopolitical cooperation open between Washington and Beijing, particularly over the ongoing North Korean nuclear weapons program crisis. Furthermore, the Pentagon has not resumed the Freedom of Navigation Operations (FONOPS) undertaken by the Obama Administration in the South China Sea even though CINPAC (Commander in Chief Pacific) of the US Military has requested three times to do so (The Japan Times 2017); (The Diplomat 2017). In general, the Trump Administration has consistently scaled-down its "tough talk" on China since Inauguration Day; this reality may not bode well for Vietnam's position in the South China Sea, particularly when considering the bilateral approach to trade and foreign policy the Trump Administration's "America First" policy advocates for (The Japan Times 2017).

Domestic Components

This section examines the ways in which the South China Sea dispute has affected domestic affairs in Vietnam, focusing in particular on the internal economic and political insecurity in Vietnam that stems from the South China Sea dispute.

2014 Unrest.

On May 2nd 2014, the Chinese National Offshore Oil Corporation (CNOOC) deployed the oil-rig *Haiyang Shiyou 981* within a 120 nautical mile radius of Vietnam's Ly Son Island. In response, the Vietnamese government sent naval vessels near the Chinese oil-rig as a challenge to its deployment. As a result, Chinese and Vietnamese naval vessels engaged in a confrontation resulting in the sinking of a Vietnamese vessel. Soon afterward, Vietnam experienced a series of protests as well as riots which resulted in the deliberate targeting of foreign businesses -- particularly Chinese, Taiwanese, Japanese, Korean, and Singaporean -- by rioters, looters, and vandals. Riots hit the Taiwanese-owned Formosa factory in North-Central Vietnam particularly hard, and ethnically charged violence between Vietnamese and Chinese employees of the factory resulted in deaths (Time 2014); (Tuoi Tre 2014).

In May 2017, I asked the residents of fishing villages in the Hoi An/Danang region about their opinions on the 2014 anti-Chinese unrest. Many of the villagers I asked responded with sympathy towards the protestors, since, from their perspective, China's deployment of *Haiyang Shiyou 981* was in clear violation of Vietnam's sovereignty over the Paracel and Spratly archipelagos. Interestingly, some respondents indicated that their sympathy with the protestors was intertwined with anger aimed at both the Chinese and Vietnamese governments (anger at the Chinese government for invading Vietnam as well as anger at the Vietnamese government for not doing enough to stop China). Nonetheless, all of the respondents admitted that Vietnam is largely powerless in confronting Chinese "aggression" on its own. In fact, one respondent in the village of An Bang said that "America is a friend of Vietnam now; they will protect us from China."

Arguably, the 2014 unrest is evidence of a potentially destabilizing fault line which links Vietnam's external and internal politics. The violent and ethnically-charged nature of the 2014 unrest reveals the extent to which certain portions of the Vietnamese population are discontented by the events

unfolding in the South China Sea. For the Vietnamese government, the 2014 unrest represents the ways in which an international dispute can translate into domestic upheaval. As the South China Sea dispute continues to simmer, there is no guarantee that events similar to the 2014 unrest will not unfold again. Arguably, any sudden escalation in the South China Sea may quickly transform into domestic rioting, looting, and ethnically-charged violence.

Conversations with Fishermen

In Danang, I had the chance to interview commercial fishermen whose economic livelihoods depend on secure access to the fisheries of the South China Sea. Two of the fishermen I spoke with regularly navigate the waters near the Paracel Islands. One of the captains testified that his vessel has been “turned around” by Chinese Coast Guard on three separate occasions. All three of these instances occurred within 110 nautical miles of the Paracel Islands. “Sometimes they ask nicely and other times not so nicely,” the fishermen said of the Chinese Coast Guard. Furthermore, the fishermen testified that the Chinese Coast Guard deploys steel-hulled boats, which are far more powerful, maneuverable, and durable than the antiquated wooden boats used by Vietnamese fishermen. Throughout the past few years, there have been multiple reported incidents of steel-hulled Chinese Coast Guard vessels “ramming” the wooden vessels of Vietnamese commercial fishermen. In early 2016, Vietnamese fishing vessel QNg 98459 was rammed by a Chinese vessel near the Spratly Islands, resulting in seven fishermen being thrown overboard and causing the eventual sinking of the vessel (Tuoi Tre 2014). The fishermen interviewed in Danang all admit that confrontational incidents with the Chinese Coast Guard limit their fishing operations significantly and contribute to a sense of “career insecurity.”

The South China Sea dispute has also contributed to a dangerously deregulated fishery context in the region. Since so much of the South China Sea is disputed, there is no prevailing legal framework which can regulate unsustainable fishing practices. The fishermen testify that, due to overfishing, there has been

a decline in fish stocks nearer to the Vietnamese coastline, prompting commercial fishermen to travel further into the South China Sea -- and therefore into the conflict zones. Many coastal towns in the Hoi An/Danang area, including An Bang, are currently transitioning from fishing to tourism. This trend is, in part, due to the newfound economic opportunities for local residents in tourism such as the “homestay” model, but also due to the declining sustainability of fishing in the South China Sea. Thus, many former fishermen in An Bang are now employed by beachside bars & restaurants, villas, and hotels as groundskeepers and security guards.

In the Vietnamese domestic sphere, the South China Sea dispute has generated two significant issues: 1) widespread nationalistic, anti-Chinese sentiment and 2) economic insecurity for industries based in the South China Sea, particularly commercial fishing. The reemergence of anti-Chinese riots has the potential to disrupt vital commercial links between Beijing and Hanoi, as well as exacerbate pre-existing maritime confrontation in the South China Sea and further weaken prospects for a diplomatic resolution. Furthermore, the commercial fishing industry is a key component of Vietnam’s economy as well as a significant employer. Thus, if Sino-Vietnamese confrontation continues and no collective action is taken against overfishing, then a severe domestic economic crisis will loom over Vietnam.

Conclusion

Given the vast array of commercial, strategic, and navigational channels it contains, the South China Sea is an unquestionably valuable geopolitical asset. Connecting the growing economies of Southeast Asia to the global economy, it is understandable that claimant states are vying for sustainable, unfettered access its waters. As the South China Sea contains vast hydrocarbon and fishing resources, claimant states are also vying for exclusive control in certain areas, particularly over the Spratly & Parcel archipelagoes as well as the Scarborough Shoal. Considering these factors, it would be easy to describe the South China Sea dispute as mainly competition for territory and resources. Yet, from Vietnam’s

perspective, the South China Sea dispute has explicit historical, diplomatic, domestic consequences which are closely interrelated.

The historical narrative underpinning Vietnam's maritime sovereignty claims is intertwined with implicit national memory of thousands of years of periodic Sino-Vietnamese confrontation. As my findings demonstrate, Vietnam's current engagement in the South China Sea dispute is seen as an additional chapter in a greater cascade of often contemptuous Sino-Vietnamese relations. The last country to have invaded Vietnam was not the United States, but China; and it is impossible to disentangle this historical reality from the contemporary Sino-Vietnamese tensions in the South China Sea. History, in this context, raises the stakes of the South China Sea dispute for Vietnam; in this sense, the South China Sea dispute is a medium through which Vietnam's "historical sovereignty" must be defined and defended. Therefore, the largely remote and uninhabited Spratly and Paracel islands are less so valuable for their geographic features, but more so for their symbol meaning; they are geopolitical 'heirlooms' -- maritime manifestations of Vietnamese sovereignty in the South China Sea.

Vietnam's emphasis on history creates for itself a zero-sum geopolitical game in the South China Sea. Vietnam simply cannot negotiate or offer concessions on its claims in that doing so would be seen as an explicit sacrifice of sovereignty. Therefore, in diplomatic terms, Vietnam has very little negotiating flexibility. Unlike Philippines, Malaysia, and Brunei, Vietnam cannot, and likely will not, engage in *de-facto* acquiescence to Chinese geopolitical ambitions in exchange for a maritime detente and economic incentives -- the 'stakes' are simply too high. Although Vietnam has sought to benefit from multilateral frameworks like UNCLOS, the tectonic plates of Southeast Asian geopolitics are gradually shifting -- as can be seen in Malaysia and Philippines' rapprochement with China, the fall of the TPP, as well as the unpredictable Asia policies of the Trump Administration -- and Vietnam may not have the ability to adapt. In this regard, Vietnam may lock itself into a disproportionate bilateral confrontation with China.

Vietnam's inflexibility in the diplomatic sphere is compounded by domestic pressures. Firstly, as the 2014 unrest over China's oil-rig deployment demonstrated, many Vietnamese are severely discontented by the South China Sea dispute. Vietnamese discontent over the South China Sea dispute is, arguably, exacerbated by the extent to which the Vietnamese media and academia continuously relay the "indisputable" historical evidence underpinning Vietnam's maritime sovereignty claims. Thus, as both a *de-facto* and *de-jure* realization of Vietnam's maritime sovereignty claims is unlikely in the near future, anti-Chinese discontent will likely continue to simmer throughout Vietnam's domestic sphere.

In conclusion, Vietnam's difficult position in the South China Sea is underpinned by interacting historical, diplomatic, and domestic factors. History -- in the way that it is utilized by Vietnam in the dispute -- creates a deeply sensitive, nationalistic narrative which, in turn, influences Vietnam's behavior in the dispute. Vietnam's geopolitical intentions, therefore, cannot be reconciled with that of a similarly nationalistic, although much stronger, China. In the diplomatic sphere, however, Vietnam heavily relies on multilateral frameworks in order to maximize its diplomatic capacity. Yet, in order for Vietnam to effectively engage in multilateral cooperation it must also be prepared to make concessions to the three other states, excluding China and Taiwan, whose claims overlap with its own. Furthermore, a domestic sphere ripe with nationalism and discontent with China arguably diminishes any chance of concession-making and deal-making from Vietnam's point of view. There are many permutations of this interaction between historical, diplomatic, and domestic factors; the common denominator of these interactions is a fundamental constraint on Vietnam's geopolitical maneuverability, which limits the extent to which Vietnam can contribute to the South China Sea dispute's resolution. In harmony, these historical, diplomatic, domestic factors bind Vietnam in a rigid -- arguably difficult -- position in the South China Sea dispute.

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