

The Tyranny of Geography: Vietnamese Strategies to Constrain China in the South China Sea

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THE TYRANNY OF GEOGRAPHY:

Vietnamese Strategies to Constrain China in the South China Sea

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Abstract

There is an apparent paradox in Sino-Vietnamese relations. On the one hand, these two countries are experiencing arguably the greatest friction over territorial disputes in the South China Sea in recent years. There is palpable Vietnamese nationalist anti-Chinese sentiment among large sections of the political elite. Vietnam's military establishment has stepped up its self-help efforts with major big-ticket arms procurements including more Sukhoi-30 multirole jet fighters and diesel powered Kilo-class conventional submarines. On the other hand, high-level party, state and military leaders continue to exchange visits and speak of bilateral relations in effusive terms. Vietnam's leaders want more trade, investment and all-round exchanges with China. This paper will apply Brantly Womack's theory of asymmetry to explain this paradox with specific focus on the South China Sea. It will examine the mechanisms used by Vietnam, as the weaker state, to ensure its independence through strategies designed to reassure China of its pre-eminent position in the East Asian regional system and strategies designed to elicit Chinese acknowledgment of Vietnam's legitimate sphere of autonomy. Both Vietnamese strategies are designed to enmesh China in a structured relationship to ensure more predictable behaviour in their bilateral relationship and to lessen the chances of armed conflict over territorial disputes in the South China Sea.

Introduction

Ever since the Vietnamese nation-state emerged as an independent entity in the first millennium it has had to contend with "the tyranny of geography." Vietnam shares a common border with China its giant neighbour to the north. Even today, with a population of 88 million, Vietnam ranks as a middle sized Chinese province. As a major study by Brantly Womack notes, the bilateral relationship has been embedded in a structure of persistent asymmetry throughout recorded history.¹

This paper focuses on how Vietnam's leaders manage relations with a rising China. Womack's theory of asymmetry provides a useful framework for analyzing this relationship. Womack argues "disparities in capacities create systemic differences in interests and perspectives between stronger and weaker sides."² The larger power always looms more importantly to the weaker than the reverse. This structural factor results in over attention to the bilateral relationship on the part of the weaker state because more is at risk. The result, Womack concludes, is that weaker states are "prone to paranoia."³ Conversely, the stronger power is less attentive to the details of the bilateral relationship with a weaker state. These contrasting views often lead to misperception.

Womack argues that Sino-Vietnamese hostility over Cambodia in the 1980s (which he terms “hostile asymmetry”) led to a stalemate when both sides realized that they could not prevail. This led to a period of negotiated normalization (1990-99) in which both parties came to recognize and accept the interests of the other. Normalcy, according to Womack, does not alter the asymmetric nature of relations; but it ushers in a new phase that he characterizes as normal or mature asymmetry. According to Womack, “[n]ormalcy might be called ‘mature asymmetry’ because it is grounded in a learning experience and it has the capacity to be long term and stable.”⁴ In other words, both parties adopt mutual expectations of the other’s behaviour. The stronger expects deference, while the weaker expects that its autonomy will be acknowledged.

Mature asymmetric relations are kept peaceful by careful management by both parties. Womack identifies a number of methods to manage bilateral relations.⁵ One method is to rely on past precedent to shape common expectations of how the bilateral relationship should proceed. Another method is through “diplomatic ritual” or the exchange of high-level delegations, through which each party reassures the other. For example, Vietnam can be expected to offer assurances to China that its power will be respected and not challenged; in return Vietnam can expect assurance from China that its autonomy will not be violated.

A third method for managing bilateral relations is to remove contentious issues from the political front burner. This can be done by reformulating the issues in dispute in order to stress common interests. For example, territorial disputes can be reformulated as a border control issue designed to promote trade. Or contentious issues can be relegated to the purview of specialist working groups for resolution. Both parties can also buffer their relations through common membership in multilateral associations and adherence to international agreements. The weaker party also has the options of joining other smaller states in a regional organization or allying with a third party.

This paper will review the structural dynamics of Sino-Vietnamese relations in the current period of mature asymmetry. It will examine the key bilateral and multilateral mechanisms that assist in managing Sino-Vietnamese relations and the challenges posed by territorial disputes in the South China Sea to the stability of mature asymmetric relations.

Key Bilateral and Multilateral Mechanisms

Bilateral Mechanisms

This section provides an overview of the structure of bilateral relations involving both party-to-party relations as well as state-to-state and military-to-military relations.⁶

In March 1999, a summit meeting of the leaders of the Chinese Communist Party (CCP) and the Vietnam Communist Party (VCP) adopted a sixteen-character

guideline calling for “long-term, stable, future-orientated, good-neighborly and all-round cooperative relations.” In June 2008, following another summit of party leaders in Beijing, bilateral relations were raised to that of strategic partners, and a year later this was upgraded to a strategic cooperative partnership.

Vietnam and China hold regular summit meetings of their party leaders. These meetings provide the opportunity for wide-ranging discussions and an impetus for the resolution of various outstanding issues. Party-to-party relations are cemented by the frequent exchange of party delegations from Central Committee Departments, administrative units, and specialists on socialist ideology. The VCP and CCP have also conducted a series of five seminars on ideology. In sum, party-to-party ties have been used to identify common ground between former antagonists.

In 2000, a summit meeting of state presidents from China and Vietnam codified their bilateral relations in a Joint Statement for Comprehensive Cooperation in the New Century. This document has served as the framework for long-term state-to-state relations up to the present. In 2006, in a major development, Vietnam and China set up a Joint Steering Committee on Bilateral Cooperation at deputy prime ministerial level to coordinate all aspects of their relationship. The Steering Committee meets on an annual basis alternating between capital cities. The first meeting was held in November 2006, the second in January 2008, the third in March 2009 and the fourth in June-July 2010. At the third meeting of the Joint Steering Committee Vietnam and China set up a hot line to deal with urgent issues, such as clashes in the South China Sea.

Vietnam and China initiated their first defence contacts since the 1979 border war in 1992. In April 2005, they initiated their first annual defence security consultations; and in November 2010 they held their first Strategic Defence Security Dialogue in Hanoi.⁷

Vietnam pursues three strategies in its relations with China. First, it utilizes high-level party and state visits as a diplomatic tool to codify its relations with China. Vietnam has negotiated a web of joint statements, agreements, and treaties in an effort to quarantine contentious issues from intruding on and negatively affecting other areas of cooperation and to make Chinese behavior more predictable and less likely to harm Vietnam’s national interests.

High-level meetings have resulted in the adoption of guidelines to regulate bilateral relations and set deadlines for lower officials to settle particular disputes – such as the land border. A prime example may be found in Vietnam’s approach to managing border disputes with China.⁸ Vietnam stresses the legacy of past close relations and mutual benefit over contemporary differences. Vietnam obtained Chinese agreement to detach these issues from high-level consideration and to relegate them to technical working groups, and to solve the easier problems before the more difficult. Vietnam’s diplomatic strategy emphasized common interests, such as making the land border safe and secure so that both sides could benefit from cross-

border trade. As a result a treaty on the land border and agreement demarcating the Gulf of Tonkin were reached.

Vietnam's second strategy is to promote multilateral efforts to enmesh China in a web of cooperative relations. Vietnam utilizes regional multilateral institutions such as ASEAN, the ASEAN Regional Forum, ASEAN Plus Three, ASEAN Defence Ministers Meeting Plus Eight and the East Asia Summit. During 2010, Vietnam used its position as Chair of ASEAN effectively to internationalize the South China Sea issue. China is now discussing the implementation of the 2002 Declaration on Conduct of Parties in the South China Sea with ASEAN counterparts in a joint working group.

Vietnam's third strategy may be characterized as self-help or developing its own sufficient military capacity to deter China from using force. For example, Vietnam will take delivery of six Kilo-class submarines from Russia over a six-year period commencing 2011. This is a defensive strategy aimed at area denial. Vietnam has also offered Cam Ranh Bay as a repair facility to all navies in the world in an effort to encourage the presence of foreign navies in the South China Sea.

On the other hand, China asserts considerable direct and indirect influence on Vietnam. Probably no major decision of any nature is made in Hanoi without taking Chinese interests and likely responses into account. For example, Vietnam's 2009 Defense White paper makes no mention of the 1979 border war with China so as not to offend Beijing. The Chinese Embassy regularly intervenes to protest any publication or action that is seen as infringing Chinese sovereignty, especially in the South China Sea. The slow pace of Vietnam-United States military-to-military relations up until recently may be attributed in part to concerns about China's reaction.

China exerts direct pressure through high-level meetings by national leaders. Immediately after holding its eleventh national congress, the VCP dispatched a special envoy, Hoang Binh Quan, to Beijing to convey a letter of invitation to President and General Secretary Hu Jintao to visit Vietnam. Hu responded by issuing a reciprocal invitation for Secretary General Nguyen Phu Trong to visit China.⁹ Party-to-party relations represent a special conduit for Chinese influence. Vietnam's model of economic development borrows heavily but not exclusively from Chinese experience. Vietnamese foreign policy also mimics Chinese formulations such as appropriating the expression "peace, cooperation and development" to describe general strategic trends in Asia Pacific. Hanoi also adapts Chinese ideology to its own needs, such as "the threat of peaceful evolution". In sum, no other foreign state is as assertive or influential in Hanoi than China.

Economic Relations

When Vietnam normalized relations with China two-way trade grew astronomically. China is now Vietnam's largest trading partner. China supplies Vietnam with machinery, refined oil and steel. In return, Vietnam supplies China with unrefined oil, coal and rubber. The single most important issue in the trade relationship is the

imbalance in China's favor. In 2007, Vietnam had a trade gap of \$9.1 billion with China. This figures has continued to rise. Vietnam's trade deficit reached \$11.6 billion in 2008, \$11.1 billion in 2009 and \$12.6 billion in 2010.¹⁰

China's trade surplus has figured at every high-level summit in recent years. Party and state leaders agree that efforts should be made to make it more balanced. But how? The structure of Vietnamese exports had changed little over the years and no major change is expected in the coming years. Vietnamese domestic manufacturers cannot produce quality goods that are competitive in the Chinese market place. Restricting Chinese imports is not on the cards.

Vietnam's massive trade deficit with China must be placed in the context of Vietnam's current trade deficit of \$19 billion with the rest of the world (2009). Vietnam needs continued access to markets in the United States where it has a \$9 billion surplus (2009).

Vietnamese leaders have called for increased Chinese investment to mitigate the trade imbalance. Although China has responded, the total amount of investment (\$3 billion) is modest when compared to other foreign investors. Bui Hong Phuc, former Ambassador to China, has suggested encouraging Chinese businessmen to set up a production base in Vietnam to lower the amount of imports from China.¹¹ Also, China's investment in bauxite mining in the Central Highlands has proven to be highly contentious in Vietnam.

In addition to the economic benefits of trade, there are also geo-strategic considerations at play. The growth of trade has been accompanied by a massive upgrading and construction of infrastructure – roads, bridges, railways – much of it funded by the Asian Development Bank and World Bank as part of the Greater Mekong Sub-region. Increasingly mainland Southeast Asia is being linked to southwestern China. In addition, Vietnam and China are promoting the development of the “two corridors and one economic beltway” linking southern China, Hainan island and northern Vietnam. From Hanoi's point of view, this not only serves Vietnam's development needs, but also enmeshes China and provides Beijing incentives for cooperative behavior.

The relationship between Vietnam and China is a highly asymmetric one in all dimensions of power. Vietnam, with a population of 89 million, ranks as the world's thirteenth most populous country, yet it is only a middle sized Chinese province by comparison. The major strategic preoccupation of the Vietnamese leadership is how to use the levers of diplomacy, economic relations and military ties to maintain their autonomy and independence and prevent from being pulled into China's orbit.

Defence Relations

This section provides an assessment of Vietnam's military relations with China under six sub-headings: high-level exchanges, naval port visits, professional military education and training, other defense cooperation, arms and equipment sales and strategic cooperation.

High-Level Visits

The pattern of ministerial level visits between Vietnam and China has been more erratic and heavily weighted China's favor. Vietnam's defense minister has journeyed to China on seven occasions since 1991. A six-year gap occurred between the second and third visits and a five-year gap took place between the fourth and fifth visits. The exchanges are not reciprocal. China's defense minister has visited Vietnam only twice with a thirteen year gap between visits.

Vietnam hosted its most recent ministerial-level visits from China in April. In October 2010, the Chinese defence minister attended the inaugural ASEAN Defence Ministers Meeting Plus Eight (ADMM + 8) meeting in Hanoi. Vietnam's Defense Minister last visited China in April 2010.

A review of high-level defense exchanges below secretary/minister level for the period 2002-mid-2009 reveals that Vietnam has exchanged roughly an equal number of delegations from China.¹² But there is a marked imbalance in delegations from Vietnam. Eleven high-level Vietnamese delegations visited China, while only four visited the United States.

High-level exchanges between Vietnam and China may be classified into three broad categories: general staff, general political department and regional military commands. There is a rough balance in exchanges at general staff and general political department level.¹³ China has dispatched three delegations of regional military commanders to Vietnam and received only one return visit. Most recently, in a new development, the Political Commissar of the Vietnam People's Army Navy, Tran Thanh Huyen, visited Beijing.¹⁴

Because Vietnam and China are both communist states and maintain a system of political control over their armed forces, they have a special avenue of defense cooperation. Also, Vietnam and China share a common border and both have put in a major effort to demine and demarcate their common frontier.

Naval Port Visits

In November 1991, as Vietnam and China were normalizing their political relations, a People's Liberation Army-Navy (PLAN) *Jiangwei* II guided missile frigate made the first visit by a Chinese warship to a Vietnamese port since unification in 1975. The frigate visited Ho Chi Minh City. No further port calls were made until November 2008 and August 2009.

In 2000, Vietnam and China reached agreement to delimit the Gulf of Tonkin and on fisheries. In April 2006, the navies of both countries commenced joint patrols in the Gulf of Tonkin and ten patrols have been conducted between then and the December 2010. The last two joint patrols also included a eSearch and Rescue Exercise (SAREX) between China and Vietnam. In June 2009, in an historic first, two Vietnamese naval ships made a visit to Zhanjiang port in Guangdong province in Southwestern China.

Professional Military Education and Training

Vietnamese-Chinese cooperation in the area of professional military education and training is at the nascent stage. The visits by senior officials from their respective General Political Departments invariably include discussions on exchanging experiences in army building on their agenda. In 2008, Vietnam's Deputy Defense Minister held discussions in Beijing on cooperation in personnel training. Both sides also have discussed Vietnamese participation in courses offered by China's National Defense University.¹⁵

Other Defense Cooperation

Defense cooperation between Vietnam and China has been mainly of a confidence building nature involving demining and demarcating their common land border and joint naval patrols in the Gulf of Tonkin.

Arms Sales and National Defense Industry

In 2005, Vietnam and China initiated discussions at ministerial level on cooperation between their respective national defense industries. That year a delegation from China's Commission for Science, Technology and Industry visited Vietnam. It was later reported that NORINCO (China North Industries Corporation), a Chinese state-owned arms manufacturer, agreed to sell ammunition for small arms, artillery and military vehicles to Vietnam. NORINCO was also reported to be discussing co-production arrangements for heavy machine guns and ammunition with a Vietnamese counterpart. In 2008, Vietnam's Deputy Defense Minister held discussions with China's Commission for Science, Technology and Industry in Beijing. No doubt the prospects for Chinese defense industry cooperation with Vietnam have been limited by recent arms and servicing agreements between Vietnam and the Russian Federation.

Strategic Cooperation

China is relatively new to the defense cooperation game. The scope of what China can offer is limited in comparison to long-established programs in the U.S., for example. China and Vietnam share a special political-ideological conduit for relations between their armed forces through their respective general departments for politics/political affairs. This conduit provides China a means to influence Vietnam; but the extent of China's ability to do so in practice appears quite limited. Vietnam and China have made concrete progress in addressing land and maritime (Gulf of Tonkin) border issues. In October 2010, at the inaugural meeting of the ADMM + 8, China agreed to join Vietnam as co-chair of the Expert Working Group on Humanitarian Assistance and Disaster Relief.

On 27th November 2010, Vietnam and China held their first Strategic Defence and Security Dialogue in Hanoi. Vietnam was represented by Deputy Defence Minister LT GEN Nguyen Chi Vinh who hosted Senior LT GEN Ma Xiaotian, PLA Deputy Chief of the General Staff. At the conclusion of the meeting both sides agreed to increase

cooperation between their navies and border guards, promote military science research and training. They also agreed to set up a hot line between their respective defence ministries.¹⁶

In summary, bilateral defense cooperation between Vietnam and China is heavily tinged by political considerations. No doubt defense officials in Beijing would like to see an increase in bilateral military-to-military cooperation with Vietnam. Vietnam moves slowly and deliberately and generally sets the pace. When Vietnam decides to move forward, its policies towards China and the United States appear to move in tandem. The initiation of defense dialogues with the U.S. and China in 2004-05 followed by strategic dialogues in 2010 are examples.

China-Vietnam Interaction in the South China Sea

This section reviews the interaction between China and Vietnam over the issues related to the South China Sea. It focuses on China's repeated seizure of Vietnamese fishing boats and China's imposition of annual unilateral fishing ban.

According to Vietnamese media reports, China detained or seized thirty-three Vietnamese fishing boats and 433 crewmembers in 2009.¹⁷ Among this number were several Vietnamese fishing boats that were seized by China when they sought shelter in the Paracel Islands during storms in August and October 2009.¹⁸ During 2010, China continued its harassment and detention of Vietnamese fishing boats, particularly in waters near the Paracels. During the first quarter of the year, there were 30 cases when Chinese authorities seized Vietnamese fishing craft and detained more than 200 fishermen.¹⁹ Four of these cases involved 107 Vietnamese fishermen from Quang Ngai province who were held in detention for two months.²⁰

The following list provides snapshots of six incidents that provide insights into Chinese actions.

1. On 2 February 2010 a Chinese patrol boat stopped and boarded a Vietnamese fishing craft and seized its catch, navigational aids, spare parts and tools.²¹
2. On 22 March 2010 Chinese patrol boats detained a Vietnamese fishing boat and its twelve-member crew who were sheltering near Woody Islands in the Paracels. Chinese authorities demanded payment of a U.S. \$10,000 fine. This prompted a protest by Vietnam on 30 March.²²
3. On 13 April 2010 a Chinese naval patrol seized a second Vietnamese fishing boat and its crew of nine near Da Loi island (near the Paracels) and demanded payment of a U.S. \$10,000 fine.²³
4. On 4 May 2020, Chinese Fishery Administration officials seized a Vietnamese fishing boat in the Paracel archipelago and demanded a fine of U.S. \$8,000.²⁴
5. In June, China seized three Vietnamese fishing boats and arrested the crew in waters east of the Gulf of Tonkin and near the Paracel Islands.²⁵
6. 11 On September 2010 China seized a Vietnamese fishing trawler and arrested its crew of nine in waters near the Paracels.²⁶ Four days later, China officially notified Vietnam that the boat had been seized for violating China's territorial waters and the crew detained.

The above list is not exhaustive. For example, it was reported that Chinese authorities seized 31 Vietnamese fishing boats between mid- and late June.²⁷ Another report in early October reported that “in recent months China has seized hundreds of Vietnamese fishing boats” in waters around the Paracel and Spratly islands.²⁸ Vietnamese figures are often contradictory and details of Chinese seizures are not provided on a systematic basis.

Vietnamese Responses

A serious incident developed in the Spratly Islands in March 2010 when Chinese fishing trawlers reported that they were being harassed by Vietnamese fishing boats and called for assistance. China dispatched two Fishery Administration vessels from Hainan. On arrival, they were surrounded by Vietnamese fishing craft. China then ordered PLAN warships from the East Sea Fleet taking part in exercises (discussed above) to rescue the stranded fishery vessels. By the time the warships arrived, all the Vietnamese fishing boats had departed. The PLAN ships then anchored off Fiery Cross Reef before proceeding further south to conduct exercises to the east of the Malacca Strait.

While the above incident was unfolding, Vietnam responded with renewed determination to assert its sovereignty. On 1 April 2010, President Nguyen Minh Triet sailed to Bach Long Vi Island in the Gulf of Tonkin accompanied by two naval escorts. Wide publicity was given in the Vietnamese media to President Triet’s declaration that Vietnam would “not let anyone infringe on our territory, our sea, and islands”.²⁹

On 21 September, the Vietnamese Foreign Ministry officially lodged a protest with the Chinese Embassy in Hanoi and demanded the immediate and unconditional release of the trawler and its crew.³⁰ China then announced that the crew had been fishing with explosives and demanded payment of a fine of U.S. \$10,500. Vietnam rejected the Chinese allegation pointing out that the boat had been inspected before putting to sea and the Chinese note delivered to the Vietnamese Embassy on 15 September did not mention the issue of explosives.³¹

On the eve of the inaugural ADMM Plus Meeting (12 October), Vietnam’s Defence Minister Phung Quang Thanh announced that China would unconditionally release the nine detained Vietnamese fishermen.³² Minister Thanh’s remarks were quoted in the local press. However his remarks were abruptly pulled off the internet when the Foreign Ministry revealed that China has requested withholding the announcement of the fishermen’s release until after the ADMM Plus Eight had concluded.³³ 28 On April 2010, China freed the twenty-three Vietnamese fishermen detained on 25 March and 13 April, after confiscating one of the boats and property valued at U.S. \$26,370.³⁴

China’s Unilateral Fishing Ban

On 1st April 2010 China announced it was dispatching two Fishery Administration ships to patrol disputed areas in the South China Sea prior to its announcement of

its annual moratorium on fishing.³⁵ This action provoked another Vietnamese protest.³⁶ On 29 April 2010, China once again announced it was imposing a unilateral fishing ban in the South China Sea north of 12 degrees north latitude, to take effect from 16 May to 1 August. China has been imposing this ban annually since 2001. At this time China dispatched a Fishery Administration patrol boat to keep watch over an estimated 1,000 Chinese fishing craft.³⁷ A spokesperson for Vietnam's Ministry of Foreign Affairs declared on 6 May that the ban was "totally worthless" and a violation of national sovereignty.³⁸

China is likely to enforce its annual ban in coming years. In October 2010, for example, China announced it would build thirty more fishery patrol craft for maritime law enforcement over the next five years³⁹. On 29th September the most recent patrol boat Yuzheng 310, displacing 2,500 tones and equipped to carry a two Z-9A helicopters, was launched in Zhangjiang, Guangdong province.⁴⁰ Japan's *Defence Paper*, issued in September 2010, concluded that China would step up patrols in the South China Sea.⁴¹ This proved to be the case. In November 2010 the Yuzheng 310 commenced patrolling

Paracel Islands

Vietnam continues to assert sovereignty over the Paracels and protests at Chinese actions designed to demonstrate that these features generate economic activities. Early in 2010, Vietnam protested when China announced plans to develop tourism in the Paracels. These protests were renewed in late May 2010, when the Chinese seismic survey vessel M/V *Western Spirit* and escorts, commenced seismic studies in the waters off Tri Ton island and in Vietnam's oil and gas exploration lots 141, 142 and 143. At the same time, China carried out ground leveling activities on Tri Ton island in preparation for construction. On 5 August the Vietnamese government formally protested and demanded an immediate cessation of activities.⁴² On 22 June 2010, the Vietnamese foreign ministry officials protested once again at a Chinese plan to develop tourism centre on Hainan Island with air and sea services to the Paracel and Spratly archipelagoes.⁴³

Most recently, on 18th January 2011, Vietnam protested when China's State Bureau of Surveying and Mapping published its version of its maritime border (the nine dotted line) of an official online service called Map World.⁴⁴ The following month, Vietnam lodged another protest when China's South Sea Fleet conducted military exercises near the Paracels.⁴⁵

Outstanding Issues

Conflicting claims to sovereignty in the South China Sea have led to a number of issues that have soured bilateral relations.⁴⁶ Six clusters of issues may be identified:

1. China's establishment of the Sansha administrative unit on Hainan Island with responsibility over the Paracel Islands, Spratly archipelago and Macclesfield Bank.

2. The publication of anti-Vietnamese material on the Internet such as the purported Chinese invasion plan of Vietnam and Chinese criticism of Vietnamese sovereignty claims in the South China Sea published on a joint Vietnam-China Trade Ministry website. And the publication of anti-China commentary on the Internet by Vietnamese bloggers.
3. Chinese pressures on ExxonMobile, BP and others to cease assisting Vietnam in exploring and developing hydrocarbon resources in the South China Sea.
4. China's imposition of unilateral fishing bans in the South China Sea north of 12 degrees north latitude annually during the months of May-August, and Chinese aggressiveness against Vietnamese fishing craft in imposing these bans.
5. China's protest at submissions by Vietnam (including a joint submission with Malaysia) to the United Nations Commission on Limits to Continental Shelves in May 2009 and China's lodging of a China U-shaped map containing nine dash lines to indicate the extent of Chinese sovereignty claims.
6. Continued Chinese diplomatic pressure on Vietnam to cease any action, including blogging and publication that China finds objectionable, especially in relation to the South China Sea.

The souring of relations over the South China Sea has also magnified other issues such as China's massive trade surplus in relation to Vietnam and the paucity of Chinese investments in Vietnam; illegal Chinese workers/migrants in Vietnam; and environmental and possibly national security concerns over China's bauxite mining venture in Vietnam's Central Highlands.

China-ASEAN Working Group to Implement the DOC

This section reviews current developments related to the implementation of the Declaration on Conduct of Parties in the South China Sea. The DOC was signed by China and ASEAN members in November 2002 after seven years of negotiations. The DOC was to be a guideline for inter-state behaviour until final agreement could be reached on a more formal code of conduct.

Under the terms of the DOC, the signatories agreed to build trust and confidence, respect freedom of navigation and over flight, resolve territorial and jurisdictional disputes by peaceful means, and exercise self-restraint "in the conduct of activities that would complicate or escalate disputes" and refrain from occupying uninhabited features. Until territorial and jurisdictional disputes were settled, the DOC urged signatories to build trust and confidence in four areas: dialogue between defence and military officials, humane treatment of persons in distress, voluntary notification of joint/combined exercises, and voluntary exchange of "relevant information". Finally, the DOC suggested that signatories "may explore" cooperation in select areas: marine environment protection; marine scientific research; safety of navigation and communication at sea; search and rescue; and combating transnational crime (trafficking in illicit drugs, piracy and armed robbery at sea and

illegal traffic in arms). Neither the spirit nor the letter of the DOC has been implemented despite ASEAN representations to China.

During the first half of 2010, South China Sea issues were relegated to the ASEAN–China Joint Working Group on the Implementation of the Declaration on the Conduct of Parties in the South China Sea, which first met in Manila in 2005. Up to this point the Working Group has been totally ineffective in addressing issues arising from the DOC and incidents in the South China Sea. For example, on 16 April 2010 the ASEAN-China Joint Working Group met in Hanoi for two days to discuss “concrete measures for coordination and effective realization” of the DOC.⁴⁷ Although one press account reported that the meeting discussed “new ways to promote the effectiveness” of the DOC, no progress was announced.⁴⁸ In April 2010, a Vietnamese government spokesperson stated that Vietnam hoped the ASEAN Summit scheduled for October would endorse a code of conduct in the South China Sea to be signed by China in the future (it did not).⁴⁹

In July, ASEAN Secretary General Surin Pitsuwan revealed that negotiations on a regional code of conduct were still under discussion and ministers hoped that the code could be concluded by the end of the year (it was not).⁵⁰ This code of conduct would build on the DOC. Three months later, when specifically asked what his expectations were about early agreement to promote technical discussions on a code of conduct, Secretary General Surin replied, “I hope that we can promote discussions, exchanges and I believe that ASEAN and China would prove to the international community that we can achieve that code and we can deal with differences. And it would be the constructive and peaceful code of conduct”.⁵¹ Surin then remarked that ASEAN hoped to achieve a breakthrough in 2012, the tenth anniversary of the DOC.⁵²

Writing in September 2010, Barry Wain noted that “Beijing’s failure to give a public reason for refusing to go ahead with the DOC’s implementation provisions has frustrated Asean” and, according to an insider, the DOC was on “life support”.⁵³ Wain concluded that a fourth formal meeting of the joint ASEAN-China Joint Working Group on the 2002 DOC, scheduled for Beijing later in the year, was likely to be postponed as China had lost interest in proceeding with six agreed projects to implement the DOC.

Nevertheless, the following month by the Chinese Ambassador to the Philippines and U.S. Secretary of State offered upbeat assessments. In early October, the Chinese Ambassador to the Philippines, Liu Jianchao, revealed that a draft code of conduct was being discussed with ASEAN members at the working level. According to Ambassador Liu, “They have worked on some of the outlines of the document and I think that consultations are still going on”.⁵⁴ He further remarked that sanctions in the draft against claimant states that violate the code “is under the process of consultations” but no deadline had been set. In a display of conciliation, Liu stated that China was now “open to different formulas and initiative[s],” whereas previously China had rejected a formal code of conduct. Secretary Clinton speaking in Hawaii later that month put on record: “we [U.S. government] are encouraged by

China's recent steps to enter discussions with ASEAN about a more formal, binding code of conduct [for the South China Sea]."⁵⁵

The 17th ASEAN Summit in October 2010 issued the following statement through its chairman:

We reaffirmed the importance of the Declaration on the Conduct of Parties in the South China Sea (DOC) signed between ASEAN and China, which embodies the collective commitment to promoting peace and stability in this area through dialogue and cooperation and peaceful resolution of disputes in accordance with universally agreed principles of international law including the United Nations Convention on the Law of the Sea (UNCLOS 1982) and other relevant international maritime laws. We stressed the need to intensify efforts to ensure the effective implementation of the DOC and move toward the eventual conclusion of a regional Code of Conduct in the South China Sea (COC). In this connection, we encouraged continued consultations between ASEAN and China, including the early convening of the ASEAN-China SOM on the DOC.⁵⁶

It is likely that Secretary of State Clinton's intervention at the 17th ARF ministerial meeting proved to be a catalyst breathing new life into the Joint Working Group. China may have calculated that negotiations with ASEAN members were preferable to U.S. intervention in a sensitive issue of national sovereignty. For example, the following statement was issued after the 13th ASEAN-China Summit immediately following the 17th ASEAN Summit:

We reaffirmed our commitment to fully and effectively implement the Declaration on the Conduct of Parties in the South China Sea (DOC) and work towards the eventual adoption, on the basis of consensus, of a code of conduct in the South China Sea, to further contribute to peace, stability and cooperation in the region. We welcomed the progress made in this regard, including the convening of the 4th Meeting of the ASEAN-China Joint Working Group on the Implementation of the DOC, and stressed the importance of close consultation and coordination between the ASEAN Member States and China in the implementation of the DOC, including the re-convening of the ASEAN-China SOM on the DOC.⁵⁷

During 2010 there were no public bilateral meetings between China and Vietnam on South China Sea issues. Discussions held in 2009 appeared to be in abeyance, such as talks focused on waters at the mouth of the Gulf of Tonkin. In December, however, it was revealed that China and Vietnam had conducted four rounds of secret bilateral discussions on South China Sea issues with a fifth round scheduled before the end of the year.⁵⁸ At the onset China refused to discuss the Paracels. According to Vietnamese Foreign Ministry sources long-term progress in some areas was possible as the two sides worked on "fundamental guiding principles" to discuss their maritime disputes.

The Vietnamese Foreign Ministry noted that some issues – such as the Paracels and Tonkin Gulf waters – should be negotiated bilaterally. But "issues that relate to

other countries and parties, like the Spratly Islands, cannot be settled by Vietnam and China; they require the participation of other concerned parties. Issues that are not only related to countries that border the East Sea, such as maritime safety and security, must be negotiated and settled by all countries that share this common interest.”

Later in December, China and ASEAN convened the fifth meeting of their Joint Working Group to implement the DOC in Kunming. It appears that no progress was made. In February 2010, Indonesian President Susilo Bambang Yudhoyono, as Chair of ASEAN, indicated in an interview that he would lobby China to join multilateral talks to resolve South China Sea issues. President Yudhoyono was quoted as saying, “The problems of Asia should be discussed by all players of the region. We will convince China that this dialogue will bring benefits to all.”⁵⁹ Specifically, President Yudhoyono revealed that he would approach all members of the East Asia Summit to agree to a political security dialogue to include, inter alia, “regional cooperation over the South China Sea.”⁶⁰

Conclusion

Vietnam’s relations with China under conditions of mature asymmetry have proven remarkably robust over the last decade. Both sides have relied on past precedent to normalise their bilateral relations, first by relying on the restoration of party-to-party ties. Both sides have used regular high-level meetings by party leaders to set the direction and pace of the relationship. There is now a well-established network between their respective Central Committee departments and other party institutions. In recent years both parties have relied on inter-party seminars on ideology to underpin their relationship.

Vietnam and China have developed a dense network of state-to-state relations based on the long-term cooperative framework agreement negotiated in 2000. Both sides regularly exchange high-level visits by state presidents, prime minister/premier, and ministerial level delegations. Since 2006, a joint Steering Committee at deputy prime minister level has coordinated all aspects of the relationship.

Defence relations between the Chinese PLA and the Vietnam People’s Army have also offered a further channel for the management of bilateral relations. The two militaries have sought common ground by exchanging experiences on various facets of army-building under state socialism. More significantly, both sides have conducted joint naval patrols in the Gulf of Tonkin and hosted port visits by each other’s naval ships.

Finally, Vietnam has used membership in multilateral institutions such as ASEAN to buffer its relations with China. Vietnam, as a member of ASEAN, has contributed to negotiating a range of key agreements to govern economic, political, security and defence interaction. In 2010, in its role as ASEAN chair, Vietnam succeeded in internationalizing the South China Sea issue at the 17th ASEAN Regional Forum ministers meeting. Later in the year Vietnam skillfully hosted the inaugural meeting

of the ASEAN Defence Ministers Meeting Plus process. While the South China Sea issue was not on the formal agenda, it was raised by concerned ministers.

As early as June 1992, immediately after the normalization of relations with China, the third plenum of the VCP Central Committee concluded that political adversaries could both cooperate and struggle (*hop tac va dau tranh*) while maintaining relations of peaceful coexistence.⁶¹ In July 2003, the VCP Central Committee's eighth plenum redefined its ideological approach to interstate relations with all countries by adopting the concepts *doi tac* (object of cooperation) and *doi tuong* (object of struggle), thus paving the way for ministerial-level defence contacts with the United States. In other words, Vietnam has come to view its relations with both China and the United States as containing elements of both cooperation and struggle (when either state adopted policies that affected Vietnam's nation interests). This ideological dialectic explains the paradox in Vietnam's relations with China noted in the introduction to this paper.

Since 2007, the South China Sea has emerged as the single most important challenge to the robustness of mature asymmetry. Anti-China nationalism has emerged in Vietnam as a particularly powerful force in domestic politics.⁶² It has the potential to fuel "paranoia" among party and state leaders. In response to Chinese assertiveness, Vietnam's leaders have shored up Vietnam's capacity to defend its interests in the South China Sea by announcing plans to create an armed maritime militia, a new joint air-naval command, and a major arms procurement package that includes six conventional Kilo-class submarines, Sukhoi Su-27MK multirole fighters and other defence equipment.⁶³

At the same time, Vietnam expects Chinese recognition of its autonomy in return for Vietnam's deference to China's power and role in the region. For example, Vietnam continually protests at any perceived encroachment on its sovereignty by China. But Vietnam also tries to reassure China of its leadership role. Note the comments by General Le Van Dung, then head of the VPA General Political Department, in an interview given in Hanoi after a visit to China in 2009 that "thus, the situation [in the South China Sea] will be stabilized gradually and we will keep strengthening our relations with China in order to fight the plots of the common enemy" (*Nhu vay thi tinh hinh se on dinh dan va chung ta van tang cuong quan he voi Trung Quoc de chong lai nhung am muu cua ke thu chung*).⁶⁴

In summary, Vietnam employs a dense network of party, state, defence and multilateral mechanisms to manage its relations with China under conditions of mature asymmetry. Vietnam continually reassures China that it is "ready, willing and able" to participate in cooperative endeavours in pursuit of common goals and interests.⁶⁵ And Vietnam also takes all necessary measures to enhance all elements of national power, including raising its defence relations with the United States by conducting a political-military dialogue. Vietnam's improved relations with the United States should not be seen as a sign that it exercising the option of allying with another country to balance China. It serves, however to demonstrate Vietnam's

autonomy to China.

In 2010 Vietnam and China celebrated a Year of Friendship to mark the sixtieth anniversary of diplomatic relations. Both have too much at stake to allow the present period of mature asymmetry to revert back to hostile asymmetry due to territorial disputes in the South China Sea. For Vietnam, the weaker party, the “tyranny of geography” dictates that it judiciously apply the levers of cooperation and struggle through various party, state, military and multilateral structures in order to manage its relations with China.

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² Womack, *China and Vietnam*, p. 17.

³ Womack, *China and Vietnam*, p. 20.

⁴ Womack, *China and Vietnam*, p. 212.

⁵ Womack, *China and Vietnam*, pp. 5 and 89-90.

⁶ See: Carlyle A. Thayer, ‘The Structure of Vietnam-China Relations, 1991-2008’, *Journal of International Culture* [Chosun University, Gwangju], December 2008, 1(2), 45-98 and Carlyle A. Thayer, ‘Vietnam and Rising China: The Structural Dynamics of Mature Asymmetry’, in Daljit Singh, ed., *Southeast Asian Affairs 2010*. Singapore: Institute of Southeast Asian Studies, 2010, 392-409.

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⁸ Brantly Womack, *China and Vietnam: The Politics of Asymmetry*. New York: Cambridge University Press, 2006, 5 and 89-90.

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¹¹ Pham Huyen, 'Inviting Chinese manufacturers to Vietnam – Why not?,' VietNamNet Bridge, February 15, 2011.

¹² Data on exchanges was taken from Vietnam's 2004 and 2009 Defense White Papers. Data for the year 2004 was omitted from these publications.

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¹⁷ "China seizes Vietnamese fishing boat". Deutsche Presse-Agentur, 19 April 2010 and "China releases Vietnamese fishermen but keeps boat". Deutsche Presse-Agentur, 4 May 2010.

¹⁸ "Vietnam protests Chinese ship seizure". Deutsche Presse-Agentur, 30 March 2010.

¹⁹ Nga Pham, "Vietnam put Paracel row on summit agenda". BBC News, 8 April 2010.

²⁰ "China releases 23 detailed fishermen – Vietnamese official". *Thanh Nien News*, 1 May 2010.

²¹ "Vietnam protests Chinese ship seizure". Deutsche Presse-Agentur, 30 March 2010.

²² "Trung Quoc lai bat giu tau ca VN: Nang nguoc va vo ly!". *Thanh Nieu Online*, 29 March 2010 and "China seizes Vietnamese fishing boat". Deutsche presse-Agentur, 29 March 2010 and "Vietnam protests Chinese ship seizure". Deutsche Presse-Agentur, 30 March 2010.

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²⁵ Wendell Minnick, "China is Checkmated at ASEAN". *Defense News*, 2 August 2010.

²⁶ Daisuke Furuta and Kazuto Tsukamoto, "Hanoi demands Beijing let fishermen go". *The Asahi Shimbun*, 11 October 2010 and "After Senkaku dispute, China-Vietnam crisis looms in South China Sea". *Asianews*, 6 October 2010.

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³⁰ "Vietnam Demands Unconditional Release of Fishermen Held by China". *Thanh Nien*, 8 October 2010.

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³⁵ "On South China Sea island, Vietnam leader vows to protect territory". Deutsche Presse-Agentur, 2 April 2010.

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