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## Background Brief:

# Rough Waters Ahead for Vietnam-China Relations: A Critical Review

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Huong Le Thu (hereafter the author) recently published a 4,650-word general overview and commentary on Vietnam's relations with China.<sup>1</sup> The author argued that bilateral relations have deteriorated and at "this current moment" have arguably reached their "lowest point in the relationship since the 1980s." The international community is distracted and thus unlikely to provide Vietnam with support beyond diplomatic backing. In this situation, Vietnam responded "by diversifying its diplomatic partnerships and strengthening its own capabilities."

The author's analysis in *Rough Waters Ahead for Vietnam-China Relations* (hereafter *Rough Waters Ahead*) is framed by three key concepts that have shaped Vietnam's foreign and defence policies as well as by an analysis of the South China Sea dispute.

This review provides a critical assessment of four major issues raised in this report: (1) diversifying foreign relations, (2) cooperation and struggle, (3) three nos and four nos, and (4) the South China Sea dispute.

### 1. Diversifying Foreign Relations

The author's discussion of Vietnam's diversification of its foreign relations is misleading and ahistorical. For example, the author asserts in the Introduction, "As the Chinese government has grown more assertive... (the Vietnamese government) has also sought to assert and advocate for its own sovereignty and rights *by diversifying its diplomatic partnerships* (emphasis added) ..." In the section entitled *Seas Apart*, the author again writes that following "the 2014 oil rig incident... Vietnam has sought to *diversify its network of diplomatic partners* (emphasis added) ..."

Vietnam first outlined its "multi-directional foreign policy" in Politburo Resolution No. 13 (May 1988). In mid-1991, the Political Report to Seventh National Congress of the Vietnam Communist Party (VCP) asserted that Vietnam would "diversify and multilateralize economic relations with all countries and economic organisations." The VCP Ninth National Congress, held in 1996, expanded its policy of diversifying

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<sup>1</sup> Huong Le Thu, "Rough Waters Ahead for Vietnam-China Relations," Carnegie Endowment for International Peace, September 30, 2020, <https://carnegieendowment.org/2020/09/30/rough-waters-ahead-for-vietnam-china-relations-pub-82826>.

economic relations to include “diversifying and multilateralizing its international relations.”

Vietnam’s policy of diversifying its foreign relations has been nearly a quarter of a century (if not longer) in the making.<sup>2</sup> This policy was first adopted in mid-1991 when China was perceived as hostile towards Vietnam. In other words, the policy of diversification was not a contemporary response to China’s bellicosity but a strategy for ending Vietnam’s diplomatic isolation by normalizing relations with China and the other major powers. Notably, Vietnam normalized relations with China first in November 1991 and with the United States in July 1995.

Vietnam’s policy of diversification of relations did not stop at diplomatic normalization but included negotiating bilateral partnership agreements. In practice this has taken the form of concluding seventeen agreements on strategic partnership, the first with the Russian Federation in 2001, followed by Japan (2006), India (2007), China (2008), South Korea, Spain, United Kingdom, Germany, Italy, Singapore, Thailand, Indonesia, France, Malaysia, Philippines, Australia and most recently New Zealand (2020). Over time several of these earlier strategic partnerships have been upgraded to comprehensive strategic partnerships or comprehensive strategic cooperative partnerships.

In addition, Vietnam negotiated eleven agreements on comprehensive partnerships with states in Latin and South America (Chile, Brazil, Venezuela, Argentina), Europe (Ukraine, Denmark, Hungary), Africa (South Africa), Southeast Asia (Myanmar, Brunei), and North America (United States).

In sum, Vietnam did not respond to recent Chinese intimidation by inaugurating a *new policy* of diversifying its diplomatic relations. These relationships were already of long standing. Vietnam relied on these relationships as leverage for political, diplomatic and material support to resist Chinese pressures.

## 2. Cooperation and Struggle

“Cooperation and struggle” is a seminal concept that was adopted by the VCP Central Committee’s Eighth Plenum in mid-2003 in a document entitled *Chiến lược bảo vệ tổ quốc trong tình hình mới* (Strategy for Defending the Homeland in the New Situation). A distinction was made between “partner of cooperation” (đối tác) and object of struggle (đối tượng), which took the form of a dialectical concept “cooperation and struggle” (vừa hợp tác, vừa đấu tranh). After 2003, Vietnam operationalized its strategic partnerships through a policy of “cooperation and struggle.”<sup>3</sup>

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<sup>2</sup> Carlyle A. Thayer, “Vietnam’s Foreign Policy,” in Takashi Inoguchi, ed., *The SAGE Handbook of Asian Foreign Policy*, Chapter 33, Vol. 2, 2019. 709-729, Thayer, “The Evolution of Vietnamese Diplomacy, 1986-2016,” in Le Hong Hiep and Anton Tsvetov, eds. *Vietnam’s Foreign Policy under Doi Moi* (Singapore: Yusof Ishak Institute of Southeast Asian Studies, 2018), 23-44, and Thayer, “Vietnam’s Foreign Policy in an Era of Rising Sino-US Competition and Increasing Domestic Political Influence,” *Asian Security*, 3(2017), 183-199.

<sup>3</sup> Carlyle A. Thayer, “Vietnam’s Strategy of ‘Cooperating and Struggling’ with China over Maritime Disputes in the South China Sea,” *Journal of Asian Security and International Affairs*, 3(2), 2016, 200-220 and Thayer, “Vietnam: China a Partner of Cooperation and Object of Struggle,” CPI Analysis, China

It should be noted that “cooperation and struggle” was adopted not just to engage China but other major powers as well, including the United States. The Central Committee resolution on cooperation and struggle provided the ideological rationale for initiating defence relations with the U.S. In November 2003, for example, General Pham Van Tra made the first visit to Washington by a defence minister from reunified Vietnam. General Tra met with Secretary of Defence Donald Rumsfeld and the two agreed to exchange visits on an alternating basis.

The VCP Central Committee Resolution of 2003 was reviewed and re-endorsed in 2013. It continues to provide the framework for Vietnam’s relations with its strategic and comprehensive partners. For example, according to Vietnam’s Deputy Minister of National Defence, Senior Lt. Gen. Nguyen Chi Vinh, speaking at the launch of the 2019 Defence White Paper,<sup>4</sup> Vietnam struggles to promote cooperation.

The concept of “cooperation and struggle” is central to Vietnam’s foreign policy.<sup>5</sup> Yet the author of *Rough Waters Ahead* only makes fleeting reference to it without further elaboration. She writes, “Vietnam has tried to safeguard its sovereignty while also working with China in a spirit of ‘cooperating while struggling.’”

### 3. Three Nos and Four Nos

The author of *Rough Waters Ahead* makes much of Vietnam’s policy of “three nos” and the inclusion of a “fourth no” in its 2019 Defence White Book. The White Book declares:

Viet Nam consistently advocates neither joining any military alliances, siding with one country against another, giving any other countries permission to set up military bases or use its territory to carry out military activities against other countries *nor using force or threatening to use force in international relations* (emphasis added).<sup>6</sup>

In fact, the “three nos” have appeared in all four of Vietnam’s Defence White Papers first published in 1998 and subsequently (2004, 2009 and 2019).

With respect to the “three nos,” the 1998 Defence White Paper states, “Vietnam neither joins any military alliances nor engages in any military operations contrary to the spirit of safeguarding peace, nor in any operations of deterrence.”<sup>7</sup>

The 2004 Defence White Paper declares, “Vietnam consistently advocates neither joining any military alliance nor giving any foreign countries permission to have

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Policy Institute, University of Nottingham, September 11, 2017.  
<https://cpianalysis.org/2017/09/11/vietnam-china-a-partner-of-cooperation-and-object-of-struggle/>

<sup>4</sup> Vietnam uses the term Sách Trắng, literally White Book. The term White Paper is used here because it is more familiar to readers.

<sup>5</sup> Carlyle A. Thayer, “Vietnam’s Strategy of ‘Cooperating and Struggling’ with China over Maritime Disputes in the South China Sea,” *Journal of Asian Security and International Affairs*, 3(2), 2016, 200-220.

<sup>6</sup> Socialist Republic of Vietnam, Ministry of National Defense, *2019 Viet Nam National Defence* (Hanoi 2019), p. 23.

<sup>7</sup> Socialist Republic of Vietnam, Ministry of Defense, *Vietnam: Consolidating National Defence, Safeguarding The Homeland* (Hanoi 1998), p. 20.

military bases in Vietnam. *Vietnam will never take part in any military activity that uses force against any other country* (emphasis added).<sup>8</sup> This was the first time a “fourth no” was included in Vietnam’s Defence White Paper.

Finally, the 2009 Defence White Paper expressed the “three no’s” in these words, “Vietnam consistently advocates neither joining any military alliances nor giving any other countries permission to have a military bases or use its soil to carry out military activities against other countries.”<sup>9</sup>

In the section headed Making Necessary Strategic Revisions, the author argues that

The strategic document [2019 Defence White Paper] updated Vietnam’s Three Nos policy and included a fourth No, denouncing the use of force or threatened use of force to settle disputes. In this way, Hanoi is communicating its red line. Despite the original terms of the Three Nos, Hanoi appears to be carving out targeted exceptions to expand its freedom of action. The document states that the Vietnamese government “is willing to welcome vessels of navies, coast guards, border guards and international or ordinary organisations to make courtesy port visits or stop over in its ports to repair, replenish logistics and technical supplies or take refuges [sic] from natural disasters.”

Then the author jumps to the conclusion that

Vietnam’s openness to allowing ships from other countries to dock at its ports could be viewed as an endorsement of further military collaboration with regional and global actors. Notably, such a policy goes against China’s recommendations for ASEAN’s code of conduct for the South China Sea, which aims to limit regional countries’ military ties with external powers.

Four comments arise from the two paragraphs quoted above. First, the author’s use of the term “red line” is confusing. Ordinarily, when a state declares a red line, it is laying down conditions towards another state to limit its behaviour and warning that state not to cross the red line or face the consequences. According to Albert Wolf:

Nearly every time a threat is issued, policy-makers refer to it as a “red line” so as to underscore its seriousness. A “red line” can be thought of as an unequivocal threat, a line in the sand that if crossed, the target would incur the full fury of the state that issued the threat in the first place.<sup>10</sup>

But Vietnam’s “four nos” in its 2019 Defence White Paper cannot be viewed either as a redline or a threat to China. In the context in which the author uses the term “red line” it can be read paradoxically as an attempt by Vietnam to pre-empt China’s concerns by declaring what Vietnam will *not* do!

Second, Vietnam’s 2019 Defence White Paper did *not* carve out any exemptions to its long-standing policy of three no’s. All visits by foreign military ships to Vietnam are regulated by Decree No. 104 (2012) on Rules for Foreign Military Vessels to the

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<sup>8</sup> Socialist Republic of Vietnam, Ministry of Defense, *Vietnam’s National Defense in the Early Years of the 21<sup>st</sup> Century* (Hanoi 2004), p. 14.

<sup>9</sup> Socialist Republic of Vietnam, Ministry of National Defense, *Vietnam National Defence* (Hanoi 2009), p. 21.

<sup>10</sup>Albert Wolf, “Backing Down: Why Red Lines Matter in Geopolitics,” Modern War Institute, United States Military Academy at West Point, August 17, 2016, <https://mwi.usma.edu/geopolitical-costs-red-lines/>.

Socialist Republic of Vietnam<sup>11</sup> and not by general statements in a defence policy White Paper.

Decree No. 104 lists five types of ship visits: (i) official visit for a head of state, (ii) courtesy visit to strengthen bilateral relations, (iii) a regular visit for provisioning, (iv) a visit for ship repair or maintenance and (v) other activities, including humanitarian, search and rescue etc. All foreign navies are limited to one courtesy visit a year. There are no restrictions on other types of visits by foreign navies.

Third, Vietnam's 2019 Defence White Paper did not endorse "further military collaboration" via the back door by welcoming "vessels of navies, coast guards, border guards and international or ordinary organisations to make courtesy port visits or stop over in its ports to repair, replenish logistics and technical supplies or take refuges [sic] from natural disasters."

A decade earlier, in 2009, Prime Minister Nguyen Tan Dung announced that Vietnam's commercial repair facilities would be open to all navies of the world. The U.S. was the first country to take up Prime Minister Dung's offer. The first repair was conducted on the *USNS Safeguard* in the port of Saigon in September 2009. The following year, the United States and Vietnam signed a contract for the minor maintenance and repair of U.S. Navy Sealift ships. Subsequently five ship voyage repairs were carried out. The *USNS Richard E. Byrd* underwent repairs in Van Phong Bay in February-March 2010. The other four voyage repairs were carried out at civilian facilities in Cam Ranh Bay: *USNS Richard E. Byrd* in August 2011 and June 2012; the *USNS Walter S. Diehl* in October 2011 and the *USNS Rappahannock* in February 2012.

Further, Vietnam has welcomed the navies from a range of countries to the Cam Ranh International Port, a civilian facility, after it was opened in March 2016. Three U.S. warships visited the commercial port that year – USS *John S. McCain* (DDG-56) and USS *Frank Cable* (AS-40) in October and the USS *Mustin* (DDG 89) in December. In October 2016, three People's Liberation Army Navy (PLAN) ships also visited, the PLAN *Xiangtan* and the PLAN *Zhoushan*, Type 054A frigates, and the PLAN *Chaohu*, a Type 903A replenishment ship.

Fourth, the author asserts that Vietnam's endorsement of military collaboration "goes against China's recommendations for ASEAN's code of conduct for the South China Sea, which aims to limit regional countries' military ties with external powers." China's submission to the ASEAN-China Single Draft South China Sea Code of Conduct Negotiating Text (August 2018) was in fact much narrower and only focused on military exercises with states outside the region and not the wide variety of visits and activities that the author enumerated. China's Code of Conduct submission stated, "The Parties shall not hold joint military exercises with countries from outside the

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<sup>11</sup> Nghị định 104/2012/NĐ-CP: Quy định đối với tàu quân sự nước ngoài đến nước Cộng hòa xã hội chủ nghĩa Việt Nam.

region, unless the parties concerned are notified beforehand and express no objection.”<sup>12</sup>

In summary, Vietnam’s policy of “three/four nos” is of long-standing. It reflects Vietnam’s foreign policy of non-alignment and Vietnam’s re-evaluation of its relationship with the Soviet Union from 1978 until the Soviet Union collapsed in late 1991.<sup>13</sup> During the period after 1991, Vietnam and the Russian Federation became embroiled in protracted negotiations over Vietnam’s repayment of Soviet-era debts and Vietnam’s attempts to extract rent from Russia for its continued access to Cam Ranh Bay. These negotiations fell through and Russia withdrew in early 2002.

Rough Waters Ahead concludes, “Hanoi has also signalled with its new Fourth No that it is determined to defend its rights and will not limit itself as it explores options to protect its freedom of action and keep its sovereignty intact.” Vietnam’s fourth no says no such thing; it states: “Vietnam consistently advocates... (not) *using force or threatening to use force in international relations.*”

#### 4. South China Sea Dispute

The analysis in Rough Waters Ahead of the South China Sea dispute between China and Vietnam is episodic and in places empirically deficient. As noted above, the author argues that bilateral relations are “arguably one of the lowest points in the relationship since the 1980s.” The author identifies the 2014 maritime confrontation “as the closest Hanoi and Beijing have come to escalating into open confrontation since the bloody incident over Johnson South Reef in 1988.” As closer examination of the 2014 confrontation reveals otherwise as both sides kept the confrontation limited.

In May 2014, China parked the mega oil drilling rig *Hai Yang Shi You* (HYSY) 981 in Vietnam’s Exclusive Economic Zone (EEZ) accompanied by a flotilla of fifty or more PLAN warships, China Coast Guard vessels, Maritime Militia trawlers and fishing boats. The flotilla formed a series of protective concentric rings around the HYSY 981 with PLAN warships forming the inner ring. Chinese military aircraft regularly overflew the area.

Over the course of two and a half months there were daily confrontations between China Coast Guard, Maritime Militia and Chinese fishing boats, on the one hand, and the Vietnam Coast Guard and Fisheries Surveillance Force, on the other. The confrontations at sea took the form of ramming and the use of high-powered water cannons mainly by Chinese flagged vessels. At least one Vietnamese fishing boat was capsized. Vietnam, for its part, stood its ground and won a propaganda coup by embedding foreign media on its maritime law enforcement vessels to record the daily confrontations to a global audience.

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<sup>12</sup> Quoted in Carl Thayer, “A Closer Look at the ASEAN-China Single Draft South China Sea Code of Conduct,” *The Diplomat*, August 3, 2018. <https://thediplomat.com/2018/08/a-closer-look-at-the-asean-china-single-draft-south-china-sea-code-of-conduct/>. I was leaked a copy of the draft.

<sup>13</sup> On November 3, 1978 Hanoi and Moscow signed a twenty-five year Treaty of Friendship and Cooperation between the Socialist Republic of Vietnam and the Union of Soviet Socialist Republics, a quasi-alliance. See: <https://www.tandfonline.com/doi/abs/10.1080/00396337908441794?src=recsys>.

There is little evidence that this confrontation ever reached the brink of armed violence. Vietnam prudently kept its naval warships and military aircraft well out of the area near the HYSY 981. How and why the confrontation ended is discussed below.

Remarkably, *Rough Waters Ahead* does not discuss key events further south in waters surrounding Vanguard Bank three years later. As a result of Chinese political pressure and reported threats of force, Vietnam twice terminated oil exploration operations in the Vanguard Bank area by Repsol of Spain, the first in mid-2017 and the second in March 2018.

In May 2019, China dispatched the *Hai Yang Dizhi 8* to the Vanguard Bank area to conduct seismic surveys in Vietnam's EEZ. The *Hai Yang Dizhi 8* was accompanied by a naval escort of China Coast Guard vessels and Maritime Militia trawlers. China Coast Guard vessels also harassed oil exploration activities nearby at Block 06-1 conducted by Russia's Rosneft.

Vietnam mobilized a number of Coast Guard and Fishery Surveillance Force vessels plus some fishing boats to maintain a low-key watching brief. Unlike 2014, Vietnam kept a tight lid on press reporting in the domestic media and did not embed foreign journalists on its maritime law enforcement vessels. Vietnam did, however, publicly call for support from the international community. The United States responded with a loud and clear criticism of China.

Only one serious incident was reported in 2019 at the beginning of the five-month maritime confrontation. China only used high powered water cannons and sirens to warn off Vietnamese maritime law enforcement vessels if they ventured too close to Chinese ships. There were no reports of ramming. This confrontation came to an end when Vietnam cancelled the operations of a survey ship leased to Rosneft before it could commence operations in Block 06-1.

The importance of the events of 2017-19 is that Vietnam backed down in the face of Chinese intimidation and halted all oil exploration activities in the disputed area near Vanguard Bank. One source reports that Vietnam had to absorb one billion dollars in debt for its suspension of oil exploration operations.<sup>14</sup> By backing down in the face of Chinese intimidation it will be extremely difficult for Vietnam to resume operations in this area. In effect, Vietnam seemingly forfeited the right to develop its own hydrocarbon resources that are needed for economic development.

The following section critiques nine assertions made by the author concerning various developments in the South China Sea.

First, in the section on Seas Apart, the author begins her discussion by focusing on disputes in the Gulf of Tonkin throughout the 1990s in very general terms, without mentioning the parallel emergence of disputes in the South China Sea at the same time. For example, there is no mention of China's 1992 Law on Territorial Sea and Contiguous Zone which claimed the land features and waters in the South China Sea. Nor is there any mention of the maritime confrontations between China and Vietnam between 1992 and 1996 following China's grant of an exploration lease to the U.S.

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<sup>14</sup> Bill Hayton, "China's Pressure Costs Vietnam \$1 Billion in the South China Sea," *The Diplomat*, July 22, 2020.

Crestone Corporation in Vietnam's Exclusive Economic Zone. In particular, there was a major confrontation between May-June 1994 in waters around Vanguard Bank (Wanan Bei in Chinese).

Second, the author asserts that "Hanoi and Beijing have created new communications channels including party-to-party, defense-focused dialogues and a direct phone line for handling emergencies in the South China Sea." The text is ambiguous about when these new channels were established. In fact, Vietnam and China established multiple channels for communication, the majority of which were set up over a decade and a half ago:<sup>15</sup>

- *Party-to-Party*.<sup>16</sup> The VCP and the Communist Party of China (CPC) reached an agreement on party-to-party political relations in 1999. This set the framework for the exchange of delegations at all levels. The VCP and CPC first initiated a seminar on socialism and the market in 2003. This evolved two years later into an annual high-level theoretical seminar hosted alternatively. The most recent theoretical seminar, the fifteenth, was held in July 2019. Vietnam was represented by Vo Van Thuong, head of the VCP's Commission on Communication and Education.
- *Joint Steering Committee*.<sup>17</sup> In 2000, Vietnam and China signed a Joint Declaration on Comprehensive Cooperation in the New Century that set the framework for government to government relations. The main mechanism for the conduct of bilateral relations between Vietnam and China is the Steering Committee on Bilateral Relations that was set up in November 2008. It meets annually on a rotating basis. Both members are represented at deputy prime minister level; both representatives are members of their respective party Politburos. The twelfth meeting of the Joint Steering Committee was held by video link in July 2020 (see below); no meeting was held in 2019.
- *Defence Dialogue*.<sup>18</sup> In May 1992, Vietnam and China first opened a defence dialogue with the exchange of delegations by their respective External Relations Departments of their defence ministries in 1992. In April 2005, China and Vietnam commenced working-level 'consultations on defensive security' in Beijing. In 2010, Vietnam and China inaugurated an annual Strategic Defence and Security Dialogue that was raised to deputy ministerial level the following year. It was not held in 2014 but resumed in 2015.

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<sup>15</sup> Carlyle A. Thayer, "The Structure of Vietnam-China Relations, 1991-2008," *Journal of International Culture* [Chosun University], (December 2008), 1(2), 45-98.

<sup>16</sup> 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. 390-391 and Thayer "The Tyranny of Geography: Vietnamese Strategies to Constrain China in the South China Sea," *Contemporary Southeast Asia*, 33(3), 2011, 350.

<sup>17</sup> Thayer, "Vietnam and Rising China: The Structural Dynamics of Mature Asymmetry," 392-393 and Thayer "The Tyranny of Geography: Vietnamese Strategies to Constrain China in the South China Sea," 351.

<sup>18</sup> Thayer "The Tyranny of Geography: Vietnamese Strategies to Constrain China in the South China Sea," 351 and 357,

- *Coast Guard Joint Patrols.* In 2000, Vietnam and China signed two important documents: Agreement on the Demarcation of Waters, Exclusive Economic Zones and Continental Shelves in the Gulf of Tonkin and Agreement on Fishing Cooperation in the Gulf of Tonkin. The latter led to joint patrols by their respective Coast Guards. In April 2020, the nineteenth joint Coast Guard fishery patrol was successfully concluded.
- *Navy-to-Navy Cooperation.*<sup>19</sup> In October 2005, the Chinese and Vietnamese Defence Ministers reached agreement on the conduct of joint naval patrols in the Gulf of Tonkin. The inaugural joint patrol was conducted in April 2006. In June 2020, the Vietnam People's Navy and the People's Liberation Army Navy completed their twenty-eighth joint patrol. The two navies also host friendly port visits.
- *Hotlines.* Vietnam and China established several hotlines, the first over a decade ago. In 2008, China and Vietnam agreed to set up a hotline between their heads of state to deal with urgent issues; it was activated the following year. In 2011, Vietnam and China established a hotline between their ministries of national defence. In 2013, Vietnam and China established a hotline between their navies. During the 2014 HYSI 981 confrontation, Vietnam utilised multiple channels of communication, including hotlines, to establish contact with China. This was to no avail as China refused to respond. In October 2014, Vietnam and China signed a technical Memorandum of Understanding on the establishment of direct communication lines between their respective defence ministries. In 2015, Vietnam and China set up a hotline between their coast guards.<sup>20</sup>

Third, the author's discussion of the 2014 confrontation erroneously treats China and Vietnam as equally culpable and overstates the likelihood of armed conflict. For example, the author asserts, "Chinese and Vietnamese vessels harassed each other intensely and appeared to be on the brink of violence." China was responsible for the lion's share of incidents through deliberate ramming of Vietnamese maritime law enforcement vessels and the use of high-powered water cannon to de-mast their communications antennae. As noted previously, Vietnam kept its naval warships well away from the confrontation around the HYSY 981 thus reducing the risk of armed conflict.

Fourth, the author blithely asserts that "the [2014] incident was eventually resolved. And the CNOOC (China National Offshore Oil Company) withdrew the oil rig ahead of its scheduled departure." How and why was this incident resolved apparently so easily?

The incident was resolved because pressure built up within the VCP to convene a special meeting of the Central Committee to consider "exiting China's orbit" (thoát

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<sup>19</sup> Thayer, "Vietnam and Rising China: The Structural Dynamics of Mature Asymmetry," 393-394.

<sup>20</sup> Carl Thayer, "China-Vietnam Establish Defense Hot Line – What's Next?" *cogitAsia*, October 23, 2014. <http://cogitasia.com/china-vietnam-establish-defense-hot-line-whats-next/>.

trung) and leaning closer to the United States.<sup>21</sup> China caught wind of this development and took pre-emptive action. China withdrew the HYSY 981 declaring it had completed its mission and as a safety measure due an approaching tropical storm. China's actions took the wind out of the sails of those advocating a special Central Committee meeting. Shortly after, China received a special envoy of Vietnam's party Secretary General and tensions abated.

Fifth, the author asserts that in 2016 Vietnam "enthusiastically supported the final Award of the Arbitral Tribunal that heard the case brought by the Philippines against Vietnam." The record shows that Vietnam was much more circumspect. On the day the Award was issued, a spokesperson for Vietnam's Foreign Ministry stated, "Viet Nam welcomes the fact that, on 12 July 2016, the Tribunal issued its Award in the arbitration between the Philippines and China. Viet Nam will make a statement on the content of this Award... Viet Nam strongly supports the settlement of disputes in the East Sea by peaceful means, including legal and diplomatic processes..."<sup>22</sup>

Sixth, the author writes, "Vietnam has garnered praise for its ability to successfully 'compartmentalise' the maritime disputes with China and cooperate on other fronts, including economic development, infrastructure, education, and even political dialogues. But this relative equilibrium has been steadily eroding in recent years." Later the author asserts that "Beijing's transformation has left no more room for other aspects of Sino-Vietnamese ties to flourish, as the South China Sea now dominates the relationship."

Since normalization of relations in 1991 Vietnam's trade deficit with China and the South China Sea have been a hardy perennial in the relationship. Nonetheless, two aspects of bilateral relations have "flourished" – stability along the land border and two-way tourism (pre-COVID). Vietnam and China conduct an annual friendly border exchange hosted by their respective defence ministers. There is also day to day cooperation by border provinces including joint security patrols.

The author's use of the word "flourish" may be something of a strawman. What is needed is a nuanced and balanced evaluation of how both Vietnam and China are managing their bilateral relations under the stress of their South China Sea dispute. Vietnam and China are comprehensive strategic cooperative partners a designation no other country holds with Vietnam. At the recent twelfth meeting of the Steering

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<sup>21</sup> Carlyle A. Thayer, "4 Reasons China Removed Oil Rig HYSY-981 Sooner Than Planned," *The Diplomat*, July 22, 2014. <http://thediplomat.com/2014/07/4-reasons-china-removed-oil-rig-hysy-981-sooner-than-planned/>.

<sup>22</sup>Ministry of Foreign Affairs, "Remarks of the Spokesperson of the Ministry of Foreign Affairs of Viet Nam on Viet Nam's reaction to the issuance of the Award by the Tribunal constituted under Annex VII to the United Nations Convention on the Law of the Sea in the arbitration between the Philippines and China," 12 July 2016; [http://www.mofa.gov.vn/en/tt\\_baochi/pbnfn/ns160712211059](http://www.mofa.gov.vn/en/tt_baochi/pbnfn/ns160712211059). See also: Carlyle A. Thayer, "The Southeast Asia Claimant States, ASEAN, and the South China Sea Dispute," in *The South China Sea in the Broader Maritime Security of the Indo-Pacific Region*, NASSP Issue Brief Series, National Asian Security Studies Program Issue Brief No. 6.1, December 2016, 1-9. <https://www.unsw.adfa.edu.au/sites/default/files/uploads/nassp-pdf/6.1%2C%20The%20Southeast%20Asia%20Claimant%20States%2C...pdf>.

Committee for Bilateral Cooperation the Vietnam News Agency reported on 21 July 2020:

Cooperation between ministries and agencies, and exchanges between localities have also been expanded.

Two-way trade rose 4.5% in the first half of this year despite the impact of the pandemic.

Chinese investment in Vietnam surged in 2019, and China now ranks seventh among 132 countries and territories investing in Viet Nam.

Prior to the COVID-19 outbreak, China had been the biggest source of tourists to Viet Nam for many consecutive years, and Viet Nam was among the top countries in ASEAN with large numbers of holidaymakers visiting China.

On the positive side of the ledger, the two sides agreed “that the management of border lines, boundary markers and border gates has been implemented well, while cross-border economic activities have been promoted despite the complicated developments of COVID-19 pandemic. They agreed to strengthen coordination in border management and protection...”

On the negative side of the ledger were a number of outstanding issues such as Vietnam’s trade deficit, sluggish progress on various projects funded and managed by Chinese contractors, and slow implementation of Chinese loans and non-refundable aid. With respect to trade, Vietnam has long pressed China to facilitate cross border trade, import more Vietnamese agricultural produce, and step up Chinese investment in hi-tech and environmentally friendly sectors in Vietnam. Finally, the two sides “engaged in candid discussion about the recent situation at sea and their differences regarding sea-related issue(s).”

The outcome of the twelfth meeting of the Steering Committee for Bilateral Cooperation suggests that both sides have continued to compartmentalize their South China Sea dispute from impacting negatively on cooperation programs currently underway. Finally, the two sides agreed “on stronger cooperation in science-technology, environmental protection, transportation, agriculture, health care, culture, education, tourism and people-to-people exchanges...”

Seventh, the author writes that “Brunei, Malaysia and even the Philippines in recent years have taken to downplaying their claims vis-à-vis China far more than they use to. This is especially true of the Philippines under President Rodrigo Duterte....” Facts demonstrate the opposite in the case of the Philippines.

On 22 April 2020, Philippine Foreign Secretary Teodoro Locsin Jr. lodged two diplomatic protests with the Chinese Embassy in Manila. The first diplomatic note protested China’s actions including Philippine territory as part of Hainan province. The second diplomatic note protested the actions of a Chinese warship that pointed its fire control radar at a Philippine Navy ship in Philippine waters. Locsin said both actions constituted “violations of international law and Philippine sovereignty.”

On 2 July 2020, the Philippine Secretary of Defence Delfin Lorenzana described China’s military exercises in the South China Sea as “very concerning, we view that with alarm. Doing it in the contested areas then that will, you know, sound the alarm bells for all the claimants. That’s highly provocative.”

On 9 August 2020, after Defence Secretary Lorenzana urged the Philippine government to ask China why its research vessels and warships were operating in Philippine waters, Foreign Secretary Teodoro Locsin Jr responded with a Tweet, "Okay, got it, General. @DFAPHL firing off diplomatic protest."

On 20 August 2020, the Department of Foreign Affairs, lodged a diplomatic protest to China over the illegal confiscation by the China Coast Guard of fish aggregating devices (*payaos*) of Filipino fishermen in Bajo de Masinloc in May. The Philippines also objected to China's continuing illicit issuance of radio challenges against Philippine aircraft conducting legitimate regular maritime patrols over the West Philippine Sea.

On 23 September 2020 President Rodrigo Duterte addressed the United Nations General Assembly and said this about the South China Sea:

The Philippines affirms that commitment in the South China Sea in accordance with UNCLOS and the 2016 Arbitral Award.

The Award is now part of international law, beyond compromise and beyond the reach of passing governments to dilute, diminish or abandon.

We firmly reject attempts to undermine it.

We welcome the increasing number of states that have come in support of the award and what it stands for – the triumph of reason over rashness, of law over disorder, of amity over ambition. This – as it should – is the majesty of the law.

Eighth, in the section *Where to From Here?*, the author briefly discusses the challenges Vietnam has faced in its role as ASEAN Chair for 2020. She then concludes, "but so far Hanoi has managed to include the contentious issues of the South China Sea and call for adherence to the UN Convention on the Law of the Sea in the body's joint statement." Once again, the author's assessment has an ahistorical ring to it. It has been standard ASEAN diplomatic fare since the debacle of the 2012 ASEAN Ministerial Meeting to include references to the South China Sea and UNCLOS in all statements by the ASEAN Chair following annual ministerial meetings and summits. Hanoi did not have to "manage" the inclusion of contentious issues but follow ASEAN precedent.

Ninth, the author concludes that "Hanoi has come perilously close to becoming a lone bastion contradicting Beijing's expansion." The record indicates otherwise.

In December 2019, Malaysia presented a Note Verbale to the Commission on the Limits of the Continental Shelf challenging the legal basis of China's claims in the South China Sea. Malaysia's action precipitated a cascade of Note Verbales from the Philippines, Vietnam, Indonesia, United States, Australia and a joint submission by France, Germany and the United Kingdom, each was countered by a Note Verbale from China.

As noted in point seven above, the Philippines has been particularly vocal in criticizing China this year.

Indonesia has not only protested the presence of China Coast Guard and Chinese fishing vessels in its EEZ, but also flexed its military muscles to back up its claims to sovereign jurisdiction in the waters near Natuna island. For example, in December 2019, an estimated fifty Chinese fishing boats, accompanied by two China Coast Guard vessels, entered Indonesia's EEZ in the waters near Natuna Island. Indonesia

immediately summoned China's ambassador to the foreign ministry to deliver a verbal protest. Later, Indonesia deployed naval warships and F-16 jet aircraft to patrol the area. Indonesian officials then mobilised its fishermen to shift their operations to the Natuna Sea. In January, President Joko Widodo publicly declared that there would be "no compromise... [on] our nation's territorial sovereignty." He then visited the Lampa Strait Naval Base and boarded the *KRI Usman Harun*.

#### Conclusion

Vietnam has a long-standing foreign policy of "diversifying and multilateralizing" and "cooperation and struggle" in dealing with major powers. Vietnam's pursuit of these strategic objectives long-preceded its response to China's current intimidation and bullying in the South China Sea. Vietnam did not suddenly diversify its relations in response to China's intimidation because these relationships were already in place and of long-standing. The current state of Vietnam's relations with China is best viewed through the framework of "cooperation and struggle."

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