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Vietnam’s Responses to China’s Maritime Assertiveness in the South China Sea

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EXECUTIVE SUMMARY

- Vietnam has always objected to China’s actions and “militarization” in the South China Sea although the intensity of its opposition has varied over time.
- Its responses have ranged from diplomatic protests and appeals to the international community and media to the threat of legal action. It has also stepped up its defense cooperation with external countries.
- In particular, Vietnam’s appeal to the international community and media, and its threat of legal action have caused China concern and circumscribed China’s response.
- At other times, following Chinese objections, Vietnam has appeared to “cave in” to China’s pressures such as in the case of its stoppage of oil drilling operations in the South China Sea. However, this does not mean that Vietnam will refrain from a tougher response if it deems that China has seriously violated its national interest.

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INTRODUCTION

Ever since China embarked on massive land reclamation and construction of artificial islands in the South China Sea in 2014, and putting military installations and deployment of military assets there, the word “militarization” has been much used to describe the process.

China has dismissed this term, and regards what it has done or is carrying out, be it island building or deployment of military facilities and assets, to be part of normal activities, i.e., what it is entitled to as a sovereign country acting within its own territory. In turn, China has accused other countries especially the United States of militarizing the South China Sea with its provocative freedom of naval navigation exercises and overflight of the area.

In reality, Vietnam has been among the countries that have objected to China’s maritime assertiveness in general and “militarization” in particular in the South China Sea albeit that its objections have varied in method over time. Its various responses offer useful lessons for small states in the management of their ties with a big neighbour. While the conventional view is that the ASEAN claimant states have had a poor record in restraining China, a scrutiny of Vietnam’s response indicates that in some areas they have indeed restrained China. Vietnam’s actions, in tandem with other actors, have made it difficult for China to exercise an entirely free hand in pursuing its objectives.

CHINA’S RECENT ACTIONS

In recent years, there has been a noticeable change in China’s words and actions on installing military facilities and deploying military assets in the South China Sea. In 2014 when China first embarked on land reclamation and island building, it claimed that its efforts were essentially for improving the “working and living conditions of people stationed on these islands”.¹

Not long after, in 2015, the reasoning was broadened to include the need to provide civilian services of benefit to other countries in the form of public goods (such as maritime search and rescue, disaster prevention and mitigation, marine science and research, meteorological observation, navigation safety and environmental protection) as well as “satisfying the need of necessary military defense”.²

Thereafter, in 2016, ostensibly in reaction to America’s continued military intrusions near its artificial islands, Chinese defense ministry spokesperson Wu Qian asserted that China’s construction of military facilities on the islands was necessary, and that China had every right to declare an Air Defense Identification Zone in the South China Sea, but that making such a move would depend on the level of aerial threat it faced.³

Apart from words, China appears to have raised its overall presence, including military presence, in the South China Sea. An oft-cited example was China’s deployment from May to July 2014 of its newest and most advanced deep-sea oil rig then (the Haiyang Shiyou 981) to waters off Triton Island in the Paracel Islands which is also claimed by Vietnam. According to Vietnam, at the height of the oil rig crisis, China deployed 137 Chinese vessels including military ships such as missile frigates, fast attack missile crafts, anti-submarine patrol ships

and amphibious landing ships around the oil rig. Helicopters, early warning planes and reconnaissance planes and fighter jets were also mobilized.⁴

China's enhanced presence has been noticeable especially since 2016, the year when the Arbitral Tribunal with the Philippines in its case against China:

- In January 2016, a China Southern Airlines Airbus landed on the runway on Fiery Cross Reef (in the Spratly Islands) a few days after a Cessna, a much smaller civilian aircraft touched down on the same runway.
- In February 2016, China deployed two batteries of eight HQ-9 surface-to-air missile launchers as well as a radar system on Woody Island (part of the Paracel Islands).
- In April 2016, a Chinese navy patrol plane evacuated three reportedly sick workers from Fiery Cross Reef.⁵
- In July 2016, a day after the Arbitral Tribunal announced its judgement in favour of the Philippines against China, China Southern Airlines made two separate landings on Mischief Reef and Subi Reef (in the Spratly Islands).⁶
- In December 2016, satellite images released by Asia Maritime Transparency Initiative showed that China had installed point defense capabilities, in the form of large anti-aircraft guns and probable close-in weapons systems, at each of its seven outposts in the South China Sea.⁷

In 2017, China continued to enhance its presence with training exercises in the South China Sea carried out by its fighters, navy vessels and its sole aircraft carrier, the *Liaoning*. More recently, in 2018, China scored a number of firsts including conducting its largest military parade in South China Sea in history (reportedly involving 48 warships, 76 aircraft and over 10,000 officers and soldiers (in March); having Chinese President Xi Jinping board the destroyer *Changsha* and addressing the parade (in March);⁸ deploying anti-ship missiles and surface-to-air missile systems (reported in May 2018)⁹ as well as electronic jammers on disputed features in the South China Sea (reported in April 2018);¹⁰ and conducting touch-and-go training of Chinese H-6K bombers on Woody Island (in May 2018).¹¹ Such moves contravene Xi Jinping's 2015 promise not to militarize the South China Sea.

VIETNAM'S RESPONSES

Vietnam, as a claimant state to the Paracel and Spratly Islands in the South China Sea, has adopted several low profile but significant measures to oppose what it perceives as China's encroachment of its territorial integrity and national sovereignty in the South China Sea.

(a) Verbal and diplomatic protests

Vietnam has lodged verbal and diplomatic protests against China's encroachment. In response to China's touch-and-go landing of its H-6K bombers on Woody Island in May 2018, the Vietnamese foreign ministry spokesperson Le Thi Thu Hang said such an action "seriously

violates” Vietnam’s sovereignty, “increases tension and instability”, and is not “conductive to the maintenance of peace, stability and cooperation in the East Sea”. She further called on China to stop the “militarization” of the area.¹² When China deployed missiles on disputed features in the South China Sea, Hang similarly called on China to “stop militarization” and withdraw the military equipment “illegally deployed”.¹³

On several occasions, Vietnam has highlighted that China’s actions in the South China Sea contravene existing regional and bilateral agreements. This includes the 2002 Declaration on the Conduct of Parties in the South China Sea, which Vietnam regards China to be contravening. The clause calls on claimant states to refrain from activities that would complicate or escalate disputes and affect the peace and stability of the area. Vietnam and China have also signed a bilateral agreement on basic principles guiding the settlement of sea-related issues in October 2011.¹⁴ In this agreement, the two countries agreed to solve their sea-related disputes through friendly talks and negotiations, and to set up a governmental hotline mechanism to handle their sea-related issues in a timely manner.

The 2011 agreement was possible because Vietnam and, even more so, China were seeking to diminish tensions in the South China Sea which had been brewing for some time. In fact, since 2009, when China submitted its nine-dash line map to the United Nations, other claimant states such as Malaysia, Vietnam and the Philippines have submitted counter-claims. The South China Sea was “internationalized” when US Secretary of State Hillary Clinton said at the ASEAN Regional Forum in 2010 that the United States had a “national interest in freedom of navigation, open access to Asia’s maritime commons, and respect for international law in the South China Sea”. A further incident occurred in May 2011 when a Chinese patrol vessel reportedly cut the exploration cables of a Vietnamese seismic survey ship operating within Vietnam’s exclusive economic zone and continental shelf. Due to the buildup of tensions over the South China Sea, the two countries took a step back, and this resulted in the 2011 agreement.

(b) “Internationalization” and “smart” public messaging

Vietnam has appealed to the international community and media by portraying China as the aggressor and Vietnam as the aggrieved party. In the 2014 oil rig standoff between Vietnam and China, Vietnam went international by circulating documents to the United Nations to voice its opposition to China’s deployment of the oil rig and to reaffirm its sovereignty over the Paracel Islands near where the oil rig was deployed.¹⁵

Vietnam also raised the issue at the 24th ASEAN Summit in May 2014 and prior to the summit, the ASEAN Foreign Ministers issued a separate statement on the developments in the South China Sea, the first time they had done so since 1995 after China occupied the Mischief Reef.¹⁶ Vietnam further invited groups of foreign reporters to embed with its coast guard vessels to draw international attention to China’s illegal activities and action over the oil rig deployment.¹⁷

In its public messaging against the oil rig deployment, Vietnam consistently conveyed the following key messages which cast China in a negative light:

- Vietnam expressed its willingness to maintain open channels of communication with China. Vietnam revealed that it had made over 30 communications of all types with relevant Chinese authorities to address the issue but to no avail.
- Vietnam highlighted China's overwhelming use of its military and civilian assets to protect the oil rig. At the height of the crisis, China reportedly deployed a total of 137 vessels of various types, accompanied by surveillance planes and helicopters, to protect the oil rig in three concentric rings.¹⁸
- Vietnam accused Chinese vessels (surrounding the oil rig) of resorting to aggressive tactics such as ramming of Vietnamese ships, firing of water cannons, and using high frequency sonar systems and high-lumen light to affect the mental and physical health of the Vietnamese crew who were present to merely perform law enforcement duties and prevent the violation of Vietnamese waters by China's oil rig and escort fleet. Vietnam asserted that its own crew used peaceful means such as loud speakers to demand that the Chinese withdraw from Vietnam's waters. It also filmed and took pictures of China's encroachment that were made public.¹⁹ Vietnam sought to show that it had approached China's encroachment with utmost restraint despite being outnumbered.

Vietnam further demonstrated its resolve to resist China's encroachment by all means necessary including using unorthodox measures. China accused Vietnam of sending navy "frogmen and other underwater agents" and of having "dropped large numbers of obstacles, including fishing nets and floating objects" to disrupt China's efforts to safeguard the oil rig.²⁰ There were also indications that the Vietnamese government initially allowed or sanctioned anti-Chinese demonstrations/protests in certain parts of Vietnam and only took action to stop them when the protests spread to other parts of the country and started to turn violent.²¹

(c) Threat of legal action

Vietnam has also threatened legal action against China. To lend credibility to this threat, Vietnam adeptly timed the threat to coincide with the oil rig crisis. On the sidelines of his Manila trip in May 2014 when he met Philippine President Benigno Aquino (who had authorized the Philippines to initiate arbitral proceedings against China's claims in the South China Sea in 2013), Vietnam's Prime Minister Nguyen Tan Dung reportedly indicated that Vietnam was "considering various defense options, including legal actions in accordance with international law" to defend its claims in the South China Sea.²²

Thereafter, Vietnam's Defense Minister Phung Quang Thanh reiterated the possibility of a legal approach in the same month on the sidelines of the 2014 Shangri-La Dialogue in Singapore when he was quoted as saying that while Vietnam was seeking to resolve the oil rig issue with China bilaterally, it was prepared for other solutions including taking China to court should its bilateral efforts fail.²³

There were indications that China was concerned with Vietnam's threats to follow the Philippines' example and take China to court. Vietnam's Deputy Defense Minister Nguyen Chi Vinh revealed China's concerns after meeting China's Deputy Chief of General Staff of the People's Liberation Army Wang Guanzhong on the sidelines of the 2014 Shangri-La

Dialogue. Vinh said that China had repeatedly asked Vietnam not to take the two countries' maritime territorial dispute to an international court. Vinh added that he had told his Chinese counterpart that how Vietnam responded would depend on China's activities and behaviour and that if China continued to push Vietnam, it would have no choice but to opt for the legal route as was its right in accordance with international law.²⁴

Vietnam did not just stop at words but took steps to show its readiness to adopt a legal approach. In December 2014, when the Philippine case against China was before the Arbitral Tribunal, Vietnam submitted a statement recognizing the tribunal's jurisdiction over the case and raising strong objections to any Chinese claim based on the nine-dash line. The statement added that Vietnam reserves the right to protect its legal rights and interests in the South China Sea, and the right to intervene (an explicit reference to legal action) in accordance with the principles and rules of international law, including relevant provisions of the United Nations Convention on the Law of the Sea (or UNCLOS).²⁵

The threat of legal action has surfaced thereafter from time to time. In an interview with *Bloomberg* in December 2014, Vietnam's Prime Minister Nguyen Tan Dung reportedly said that Vietnam had prepared "all evidence and legal dossiers. What we are considering is the appropriate timing".²⁶ Thereafter, in November 2017, *The New York Times* reported that as early as 2009, a research team led by a Vietnamese historian Tran Duc Anh Son from Danang had been asked by the Vietnamese authorities to collect documents and maps to support Vietnam's legal claims in the South China Sea. Although the article quoted Son as saying that he did not think that the Vietnamese authorities were willing to submit a legal case against China, the implied message was that Vietnam would not discount such a possibility if China were to force its hand.²⁷

(d) Enhancement of external defense relationships

Since the oil rig standoff, Vietnam has made a concerted effort to strengthen its defense ties and partnerships with other foreign powers such as the United States, Australia, Japan and India. At the same time, Vietnam has positioned these engagements as part of its omnidirectional foreign policy to avoid an overreaction from China.

Vietnam's defense ties with the United States have improved noticeably. Following Nguyen Phu Trong's first ever visit to the United States as Vietnam's General Secretary in July 2015, US President Barack Obama paid a reciprocal visit to Vietnam in May 2016 during which America announced the complete lifting of the lethal arms embargo against Vietnam.²⁸ In October 2016, the *USS Frank Cable* and *USS John S. McCain* became the first commissioned US warships to dock at Cam Ranh International Port since the end of the Vietnam War in 1975. In March 2018, another first was scored when *USS Carl Vinson* arrived in Danang, becoming America's first aircraft carrier to dock in Vietnam since 1975. In the same month, the United States delivered six patrol boats to the Vietnamese coast guard, on top of an earlier batch of six patrol boats and a high endurance cutter provided in 2017.²⁹ Vietnam further participated in RIMPAC as a full member for the first time in July 2018 in contrast to China which was disinvented by America due to its continued militarization of the South China Sea.³⁰

Vietnam has also upgraded its ties with Australia twice in recent years, once in 2015 (when they enhanced their comprehensive partnership) and another in 2018 (when they elevated

relations to a strategic partnership). In April 2018, three Australian warships arrived at Ho Chi Minh City, marking the first time in 17 years that three Australian navy ships visited Vietnam at the same time.³¹ Before they arrived in Vietnam, the three Australian warships were challenged by China's navy as they sailed through the South China Sea from the Philippines.³² In response to this incident, Australian Prime Minister Malcolm Turnbull reportedly declared that Australia had a right to freedom of navigation and overflight through international waters in the South China Sea.³³

With Japan, Vietnam has likewise stepped up defense cooperation and exchanges. In February 2015, Japan started the delivery of the first of six used patrol boats to Vietnam as was promised in 2014. It has since pledged to provide six new patrol boats. In April 2016, two Japanese warships docked at Cam Ranh International Port, the first such visit since World War II. The two countries have conducted joint exercises such as search and rescue (in February 2016) and an exercise to curb illegal fishing (in June 2017) in the South China Sea. Vietnam and Japan also issued a joint statement in May 2018 that *inter alia* emphasized the importance of non-militarization and urged parties concerned (an implicit reference to China) not to take unilateral actions that could change the status quo and complicate the situation in the South China Sea.³⁴

Vietnam has also sought stronger defense ties with India. A few weeks after the oil rig incident, Indian Prime Minister Modi pledged to supply Vietnam with four patrol vessels.³⁵ The two countries upgraded their ties to a comprehensive strategic partnership in September 2016 when Modi visited Vietnam, the first by an Indian prime minister in 15 years. During that visit, Modi extended a US\$500 million defense credit to Vietnam.³⁶ Their defense cooperation broke new ground when India agreed to train Vietnamese pilots to operate Sukhoi 30 fighter jets in December 2016, on top of India's earlier training of Vietnamese sailors to operate Kilo-class submarines. There are indications that Vietnam is considering purchasing surface-to-air Akash missile and anti-ship Brahmos missile from India.³⁷

EFFECTIVENESS OF VIETNAM'S RESPONSES

Vietnam has not confined itself to any one particular action when responding to China's actions in the South China Sea. Rather, it has employed a range of responses and has, at times, displayed a degree of deftness in doing so.

In the oil rig incident, Vietnam's responses were to some extent effective in directing international limelight on China's actions and in portraying Beijing in a negative light. Vietnam further created the impression that it was prepared for a prolonged standoff despite the odds.

Another approach that seemed to have caused China some concern is Vietnam's threat of legal action against it. Vietnam not only timed this threat to coincide with the Philippine case against China in the South China Sea but also submitted documents to the Arbitral Tribunal to make it known that it reserves the right to submit its legal rights and interests in the South China Sea. Threatening legal action without resorting to it is a classic example of deterrence in action. Although Vietnam has officially refrained from talking about legal action in recent years, it is likely to raise this possibility in the future if necessary.

With tensions over the South China Sea subsiding somewhat, Vietnam does not seem willing to draw too much attention to its differences with China at this juncture. An indication of this was its apparent calling off of two drilling expeditions in July 2017 and March 2018 carried out by Spain's Repsol in the South China Sea, after Beijing raised objections.³⁸ Yet, a separate drilling operation by Russia's Rosneft appeared to have continued in May 2018 despite China's objections.³⁹ Most recently, in August 2018, Vietnam signed an agreement with Japan's Idemitsu Kosan and Tekoku Oil to sell gas from South China Sea blocks close to waters disputed by Beijing.⁴⁰

At times, Vietnam seems prepared to take a step back in order not to ruffle China's feathers, especially where it feels it can afford to concede ground. On other occasions, as shown in the oil rig incident, Vietnam created the impression that it was ready to prolong the standoff, and it was that which may have persuaded China that it was not worthwhile to continue the confrontation and that it should withdraw the oil rig earlier than scheduled.

The approach that Vietnam ultimately takes in the South China Sea vis-à-vis China will depend on the conditions and circumstances prevailing at a particular point in time and on the assessment of its leadership on the appropriate course of action. From the examples cited above, Vietnam will most likely adopt a variety of responses and calibrate them according to changing circumstances.

¹ Foreign Ministry Spokesperson Hua Chunying's Regular Press Conference, China's foreign ministry website, 9 September 2014.

² Foreign Ministry Spokesperson Hua Chunying's Regular Press Conference, China's foreign ministry website, 9 April 2015.

³ "China says 'really needs' South China Sea defenses in face of United States", *Reuters*, 25 February 2016.

⁴ Remarks by Mr Tran Duy Hai, Vice Chairman of the National Boundary Committee, Vietnam's foreign ministry, 5 June 2014.

⁵ "Commentary: China using military plane to transport sick workers from South China Sea reef lawful, rational", *Xinhua News*, 20 April 2016.

⁶ "China again lands planes on disputed island in South China Sea: Xinhua", *Reuters*, 6 January 2016.

⁷ "China new Spratly Island defences", Asia Maritime Transparency Initiative, 13 December 2016.

⁸ "Xi reviews Chinese Navy's largest parade ever", *China Daily*, 12 April 2018.

⁹ "China quietly installed defensive missile systems on hotly contested South China Sea", *CNBC*, 2 May 2018.

¹⁰ "China installed military jamming equipment on Spratly Islands, U.S. says", *CNBC*, 9 April 2018.

¹¹ "China lands first bomber on South China Sea Island", Asia Maritime Transparency Initiative, 18 May 2018.

¹² "Remarks by MOFA spokesperson on China's bomber aircraft exercising in Hoang Sa archipelago", Vietnam's foreign ministry, 21 May 2018.

¹³ "Remarks by MOFA spokesperson Le Thi Thu Hang on foreign media about China's installation of missiles on structures illegally constructed on Viet Nam's Truong Sa (Spratly) Archipelagos", Vietnam's foreign ministry, 8 May 2018.

¹⁴ "VN-China basic principles on settlement of sea issues", *Vietnamplus*, 12 October 2011.

¹⁵ "VN asks UN for East Sea support", *Vietnam News*, 5 July 2014.

¹⁶ In an implicit reference to China's oil rig deployment, the ASEAN Foreign Ministers expressed deep concern over on-going developments in the South China Sea which have increased tensions in the area. See "ASEAN Foreign Ministers' Statement on the Current Developments in the South China Sea", ASEAN Secretariat, 24 May 2014 and "Regular press briefing by MOFA's Spokesperson Le Hai Binh", Vietnam's foreign ministry, 15 May 2014.

¹⁷ "A view from the sea, as China flexes muscle", *The New York Times*, 9 August 2014.

¹⁸ "Contents of the International Press Conference on developments in the East Sea", Vietnam's foreign ministry, 5 June 2014.

¹⁹ "Contents of the International Press Conference on developments in the East Sea", Vietnam's foreign ministry, 16 June 2014.

²⁰ "The operation of the HYSY 981 Drilling Rig: Vietnam's provocation and China's position", China's foreign ministry, 8 June 2014.

²¹ "China evacuates 3,000 nationals from Vietnam as conflict simmers", *The Guardian*, 18 May 2014 and "Vietnam stops anti-China protests after riots, China evacuates workers", *Reuters*, 18 May 2014.

²² "Vietnam PM says considering legal action against China over disputed waters", *Reuters*, 22 May 2014.

²³ "Vietnam mulling legal option to resolve maritime spat with China", *The Straits Times*, 31 May 2014.

²⁴ "China wants to avoid court over maritime disputes, says Vietnam official", *South China Morning Post*, 2 June 2014.

²⁵ "Statement of the Ministry of Foreign Affairs of the Socialist Republic of Viet Nam Transmitted to the Arbitral Tribunal in the Proceedings Between the Republic of the Philippines and the People's Republic of China", Arbitration under Annex VII of the United Nations Convention of the Law of the Sea, 16 March 2015.

²⁶ "PM Nguyen Tan Dung grants interview to Bloomberg", *Nhan Dan*, 31 May 2014.

²⁷ "A defiant map-hunter stakes Vietnam's claims in the South China Sea", *The New York Times*, 25 November 2017.

²⁸ In October 2014, during the visit by Vietnam's Deputy Prime Minister and Foreign Minister Pham Binh Minh to the United States, Secretary of State John Kerry announced the partial lifting of the lethal arms embargo to allow the transfer of defense equipment to Vietnam for maritime security purposes. See "US to partially lift Vietnam arms embargo", *BBC*, 2 October 2014.

²⁹ In March 2018, the US also officially handed over to Vietnam support facilities and equipment (including a training centre, a maintenance facility, a boat lift, vehicles and a navigation simulator) on Phu Quoc Island. See "The United States transfers six Metal Shark Patrol Boats to Vietnam", US Embassy and Consulate in Vietnam website, 29 March 2018.

³⁰ Vietnam participated as an observer in past RIMPAC exercises in 2012 and 2016.

³¹ "Australian navy's warships visit HCM City", Vietnam's People's Army Newspaper, 19 April 2018.

³² "Australian warships challenged by Chinese military in South China Sea", *ABC News*, 20 April 2018.

³³ "Turnbull asserts Australia's 'perfect right' to sail South China Sea", *The Sydney Morning Herald*, 20 April 2018.

³⁴ The joint statement was issued on the occasion of the state visit by Vietnam's President Tran Dai Quang to Japan. See "Japan-Viet Nam Joint Statement on the Occasion of the State Visit by the President of the Socialist Republic of Viet Nam to Japan", Japan's foreign ministry, 2 June 2018.

³⁵ However, the patrol crafts have yet to be delivered to Vietnam.

³⁶ "India offers \$500 million defence credit as Vietnam seeks arms boost", *Reuters*, 3 September 2016.

³⁷ "India, Vietnam hold talks on sale of Akash, Brahmos missiles", *The Economic Times (India)*, 12 July 2018.

³⁸ "South China Sea: Vietnam halts drilling after 'China threats'", *BBC*, 24 July 2017 and "South China Sea: Vietnam 'scraps new oil project'", *BBC*, 23 March 2018.

³⁹ "Rosneft advances development off Vietnam", *Oil and Gas Journal*, 15 May 2018.

⁴⁰ "PetroVietnam, Japanese firms sign South China Sea gas deal amid tensions with Beijing", *Reuters*, 1 August 2018.

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