

Vietnam's Maritime Security in the South China Sea Today

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Abstract: *As a vital artery of international trade, the South China Sea has raised severe conflicts, mainly due to China's geopolitical ambitions. This situation is posing several security problems in the South China Sea, not only among the countries directly involved in the dispute but also for the region and the world. Vietnam has emerged as China's main rival in the South China Sea, therefore the maritime security has become an important issue for the development of the nation. The paper mainly discusses some issues arising on Vietnam's current situation of maritime sovereignty and security in the South China Sea.*

Keywords: Maritime Security, Maritime Sovereignty, the South China Sea, Vietnam

1. Conception of maritime security and sovereignty

Maritime security, according to Christian Bueger (2015: 159), is one of the latest popular terms in international relations though there has not yet been a global common concept of maritime security. Wu Shicun and Zou Keyuan (2009: 3) argue that "In the modern era, maritime security mainly concerns the safety of navigation, the cracking down on transnational crimes including sea piracy and maritime terrorism, and conflict prevention and resolution. In the context

of non-traditional security, issues such as maritime environmental security and search and rescue at sea are included".

In our view, maritime security now should be understood in a broader sense, encompassing any potential threats in the sea and whatever that help to secure safety in exploiting marine products, maritime trade, maritime economic management and territorial and national security in the sea.

Meanwhile, maritime sovereignty security could be defined as the safeguard of a coastal nation's sovereign rights at

sea over the territorial sea and the air space above as well as its bed and subsoil under the UN Convention on the Law of the Sea 1982 (UNCLOS 1982). All acts harmful to a coastal nation's legitimate sovereignty and sovereign rights at sea mean threats to its maritime sovereignty security.

Within this article, we mainly mention Viet Nam's maritime sovereignty security and its safeguard in the South China Sea at present. However, the maritime sovereignty security is more or less placed in the correlation with general maritime security.

2. South China Sea and territorial disputes within

The South China Sea (Eastern Sea as named by Viet Nam) locates in the western part of the Pacific and is a half-closed water area surrounded by nine countries and territories, including Brunei, Cambodia, China, Indonesia, Malaysia, Philippines, Singapore, Taiwan, Thailand and Viet Nam. It is home to such groups of islands as Pratas Islands, Paracel Islands (Hoang Sa), Spratly Islands (Truong Sa), Macclesfield Bank and Scarborough Reef.

The Sea endows three major great benefits:

First, maritime commerce

The South China Sea is the only sea connecting the Pacific and the Indian Oceans, the concentration of most important international sea routes along which more than half of ships and vessels in the world navigate. About 90% of the world's commodity is transported by sea, of which 45% goes through the South

China Sea. Each day, 150-200 vessels of all kinds are navigating through the Sea (Central Propaganda and Instruction Committee, 2013: 19). Within Southeast Asia, there are hundreds of seaports of all sizes, among which Singapore is the world's biggest and most modern port.

Second, natural resources

The South China Sea possesses an abundance of natural resources. It is considered the largest oil-containing basin in the world. According to the US Department of Energy, the verified oil reserves in the Sea are estimated at 7 billion barrels, producing 2.5 million barrels per day. As evaluated by China, the gas reserves in the Sea are about 213 billion barrels, in which the oil reserves in the Truong Sa Islands could be up to 105 billion barrels (Central Propaganda and Instruction Committee, 2013: 18, 19).

The Sea is considered an "Amazon rain forest" with about 3,000 marine species and one of the world's 20 largest sea areas for exploiting natural marine products as well as aquaculture of salt and brackish-water products. The UN Environment Program (UNEP) affirms that the South China Sea provides about 12% of fisheries caught globally. Marine products in this sea directly create food and livelihoods for about 3.7 million fishermen, earning billions of US dollars per year, as well as indirectly support millions of people in ten surrounding countries and territories (Nguyen Chu Hoi, 2017). Besides, the Sea has a considerable volume of natural gas and oil shale, and its bed contains many rare and valuable metals like cobalt and mangan. According to Russian experts,

the South China Sea also holds frozen natural gas which is defined as the energy to replace oil and gas in a near future.

Third, important strategic geo-politic advantages

Strategic geo-politic advantages constitute one of main causes of disputes in the South China Sea. With an area of over 3.4 million square kilometers and located within the Asian-Pacific rim, islands and archipelagos in the South China Sea play a very important role in the defense strategies of each and every country.

Among the strategic sea routes in Asia, there are two spots of vital importance: The first one is the Strait of Malacca, located between Indonesia's Sumatra and Malaysia, through which all cargo vessels from Southeast and Northeast Asia must navigate. The second spot is the South China Sea, a concentration of many sea routes, especially around Viet Nam's islands of Spratly and Paracel. Situated in the center of the South China Sea, these two archipelagos can be exploited to serve military goals as well as monitor sea routes passing through the Sea, establishing the prominent presence and control within the Asia-Pacific region. With such a strategic geo-politic and economic significance, since a long time ago, the South China Sea has become an area of disputes among many parties. At present, disputes are taking place between China, Viet Nam, the Philippines, Malaysia, Brunei, Indonesia, and China-Taiwan, among them China is the major player and the Spratly Islands are the main field.

Sovereign disputes within the South China Sea started after the Second World War. So far, in the second decade of the 21st century, these disputes have not been settled down but pushed up into serious and unpredictable conflicts. Some major events giving deep concerns in international affairs include: In 2009, China submitted to the United Nations its claim of "nine dash line" that embraces the baselines and territorial seas of Viet Nam, Indonesia, the Philippines, Brunei. In 2012, China cut the cable of Viet Nam's ship Binh Minh 02. In 2014, China established its oil rig Haiyan 981 beyond the Tonkin Gulf, leading to multiple incidents between Chinese and Vietnamese ships. In the years 2014, 2015 and 2016, China boosted its artificial island-building spree for military purposes, preparing for the establishment of an air-defense identification zone (ADIZ) in the Sea. These events put forward many dangers of security, that "is of vital importance to the South China Sea" (Wu Shicun, Zou Kayuan, 2009: 3).

Apart from China, the US is also another player who can ignite tensions in the South China Sea through its continuing activities of freedom of navigation in the Sea. In 2017, the US carried out activities under this banner four times, including an entrance in the 12-nautical mile range of Da Vanh Khan (Mischief Reef). The US presence has a clear duplicity: restraining China's emergence while pushing the country into seeking ways in response. Moreover, after the PCA's tribunal in 2016, some countries inside

and outside the region have exploited the Court's verdict to promote illegitimate encroachment and make unilateral claims. Since 2017, Indonesia has named a part of the South China Sea as "the North Natuna Sea", claiming its sovereignty in the Sea - a move supposed against China's ambitions in the region.

3. Challenges to Viet Nam's sovereignty security in the South China Sea and how to safeguard it

Viet Nam possess a coastal line of 3,260 km and 1 million square kilometers of territorial waters, which locate within and account for nearly one third of the South China Sea. Because of its important geopolitic location in the access to Southeast Asia and international commercial exchange, and defense as well, Viet Nam receives great attention from many powers. Some islets within the archipelagos of Paracel and Spratly have been occupied by China for a long time. Moreover, China also clashes against other countries in the making security in the South China Sea unstable and complicated at regional and international levels. Viet Nam's security matters in the South China Sea are therefore affected by developments and settlement of these disputes.

Viet Nam is also a major party in disputes over islets and resources in the South China Sea. The disputes in the Sea, mainly ignited unilaterally by China, have been affecting Viet Nam's sovereignty, sovereign rights, territorial integrity, and jurisdiction in the South China Sea, leading to urgent threats to its security, of course.

So far, in the South China Sea, Viet Nam is facing four major unsolved issues relating to territorial sovereignty, including: protecting its sovereignty over the Paracel Islands; protecting its sovereignty and peacefully dealing with sovereignty disputes over the Spratly Islands among five countries and six parties (Viet Nam, China, Malaysia, Philippines, Brunei, Taiwan-China); demarcating different seas under the UN Convention on Law of the Sea 1982 (UNCLOS 1982); and identifying the outer boundary of its exclusive economic zone and continental shelf (Nguyen Quang Đam, 2015). Besides, factors and activities that cause instability and infringe upon Viet Nam's sovereignty and maritime security are still appearing constantly.

Over the past years, a number of incidents have challenged Viet Nam's sovereignty and maritime security in the South China Sea. China's establishment of the oil rig Haiyan 981 at the mouth of the Tonkin Gulf and within Viet Nam's sovereign territory in May 2014, its land reclamation and island building in 2015, and the formation of numerous civil and military structures on artificial islets at present are evidences of China's endless ambitions. The possibility that China will continue to occupy islets and reefs, build runways and establish combined civil and military structures in order to militarize the South China Sea is quite high. That scenario is likely to raise potential risks for the region and, in fact, has pushed Viet Nam into a stressful situation with unpredictable incidents. The danger of military clashes is extremely high while

Viet Nam's control over the South China Sea still remains quite weak. China's aggression and escalation, irrespective of international laws, kindle Viet Nam's pressing need of safeguarding its maritime security as a top priority.

According to Carl Thayer from the Australian Defence Force Academy, China's land reclamation and island-building have alarmed Viet Nam because these activities expand Beijing's reach, both commercial and military, to the southern part of the South China Sea. China will be able to take proactive actions or reactions to any on-site incident in a much quicker way. Viet Nam will have less time to respond. For example, China could kick-start a campaign to blockade Viet Nam-controlled islets in the South China Sea, or launch a sudden attack on Viet Nam's small outposts before the latter could give the alert. Chinese military forces could maintain their activities for a longer period of time thanks to their supplies and fuels available on those artificial islets and other maintenance facilities and clinics (cited from Trong Nghia, 2015).

There are also other potential dangers in the domain of non-traditional security, such as environmental pollution, illegal fishing, and maritime insecurity, which, to some extent, can affect maritime sovereignty in particular and maritime security in general.

Though current disputes in the South China Sea are happening beyond Viet Nam's desire, threats to the nation's maritime security and sovereignty require the Communist Party and State of Viet

Nam to proactively find measures to maintain security and sovereignty within its territorial waters. The following are some aspects of interest:

i) Seeking for effective measures to defend national sovereignty and interests at sea

Firstly, it is necessary to take advantage of international opinion about the South China Sea. Viet Nam has repeatedly mentioned the internationalization of the South China Sea issues in order to restrain China. This is a sound way, however, it faces China's severe objection. Being worried of unfavorable results for it, China always tries to pursue bilateral negotiations, rather than internationalizing the South China Sea issues.

However, the more complicated those issues are, the more Viet Nam needs to make full use of diplomatic channels to obtain international consensus and support as well as increase international pressure against China. According to many experts, to prevent China's bullying in its demands for mutual settlement of the South China Sea issues, Viet Nam must show the world its reasonable grounds and lay bare China's impudence. To make the world thoroughly understand Viet Nam's stance, multilateral diplomatic activities and information channels must be exploited fully, continuously and methodically in order to affirm Viet Nam's sovereignty in the South China Sea. The nation's just stance must be highlighted in protecting its long-standing legitimate sovereignty.

Secondly, enhancing the military strength and exploiting resources from great

powers interested in security in the South China Sea

To safeguard its strategic security, Viet Nam needs to increase investments in a powerful naval force with state-of-the-art equipment in order to enforce laws and protect its maritime sovereignty in reality. Furthermore, Viet Nam needs to make full use of great powers' interest in the South China Sea, especially the US. At present, a number of great powers are much interested in the South China Sea in various fields, particularly maritime security and safety. Some countries, such as Japan, the US, Australia and the EU, have established their own maritime security supporting mechanisms and maritime initiatives.

The US has affirmed its interests in the South China Sea and, as a great power present in the region, the US always wants to show its prominent role. The US is approaching to a much broader region than the Asia-Pacific, the Indian-Pacific region. In the world, no country except the US is able to restrain China in the Asia-Pacific in general and within the South China Sea in particular. However, the US-China relationship in this region is a rivalry. Therefore, Viet Nam's prudence in balancing the US-China relationship is very necessary. According to the Russian researcher G.M. Lokshin, Vietnam needs a restrained attitude and a diplomatic approach, while stepping up its consolidation with the United States, but at the same time maintaining its firm stance with China (G.M. Lokshin, 2015: 188).

Apart from the US, Japan and Russia, the EU also has a certain interest in the Asia-

Pacific region and their future intervention into settling the South China Sea issues is expected at a deeper and more specific level.

The South China Sea has become the region attracting interest from many countries in the world, including those involved in sovereignty disputes or interests in this sea. Therefore, "it is important to create a crisscrossing status of interests between Viet Nam and its partners" (Pham Binh Minh, 2016: 42) in order to minimize negative scenarios in which great powers compromise or compete each other.

Thirdly, preparing legal solutions: The incident of the oil rig Haiyan 981 in 2014 put forth a question that all issues should be settled through legal procedures. A number of legal experts have suggested legal proceedings against China at an International Court. However, it is not easy to do so. Viet Nam should consider carefully whether and when it sues China, or choose a better solution. Legal proceedings are a grudging action which should be soundly prepared.

At the 3rd international conference on security and cooperation in the South China Sea held in September 2017 by the Institute of Oriental Studies (Russian Academy of Sciences) put forth six measures for all parties to deal with the South China Sea issues, recommending that the parties should sign the Code of Conduct in the South China Sea (COC); proactively open bilateral and multilateral negotiations to find out solutions, while appealing to the EU and other countries (Australia, Russia and

India) for their participation in settling disputes.

At present, Viet Nam mainly depends on the UNCLOS and the Declaration on the Conduct of Parties in the South China Sea (DOC 2002) in its struggle with China. This is a sound attitude that many researches on disputes in the South China Sea and many countries interested in those disputes have suggested for all disputing parties. Viet Nam should persist in this stance.

ii) Securing maritime safety for the sake of sea-born economic development while protecting the mastership at sea: protecting the territorial sea and the air space above as well as its surface and bed; protecting fishermen's fishing right and safe livelihoods of coastal communities; protecting both inshore and offshore environments. Marine environmental pollution is also another concern emerging together with sovereignty dispute. Pollution in the South China Sea is caused by various factors, among which the easily recognizable ones are oil spills, the discharge of industrial and domestic litters - negative impacts of coastal economic projects. Another phenomenon is fishermen's intentional destruction of fishing grounds, that requires the Government and local authorities' vigilance and effective responses.

iii) Preserving and making full use of "sea culture" to improve public awareness of the nation's maritime sovereignty; at the same time boosting "academicization" of the South China Sea, forming a theoretical foundation of geo-politics of the South China Sea

During the feudal time, the Vietnamese people's exploration and possession of the remained moderate. They mainly focused on exploiting marine benefits while having no a far-seeing and broad vision to the sea. Maritime geo-politic culture was not highlighted. Therefore, nowadays, to improve its mastership of the sea in the context of disputes, Viet Nam should concentrate on investments in scientific researches on the sea, collect and build up its own databases on maritime culture, restore and develop folk festivals in coastal areas in order to raise its population's awareness of maintaining and utilizing marine strengths and benefits of a coastal nation. At the same time, the South China Sea must be considered as an object of sciences, especially the Sea should be thoroughly studied in the angle of political science in order to find out solutions for maritime security and international relations. The top goal of these solutions is to secure the nation's maritime sovereignty and interests in the South China Sea, contributing to the region's stability and security □

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