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Vietnam's geostrategy regarding the Spratly Islands and the surrounding ASEAN nations

*Benoît de Tréglodé*¹

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Abstract

Looking back at the history of the Association of Southeast Asian Nations (ASEAN) since its creation in 1967, the Spratly Islands have always been a point of contention between Vietnam and the other surrounding countries. The Spratly Islands maritime space is claimed in its entirety by China and Vietnam, and partially by Taiwan, the Philippines, Malaysia, and Brunei. The different states all cite historical usage to support their maritime claims, which have still never been addressed collectively. Each in its own way, these states have made their maritime claims a pillar of their political stability and a vessel for the patriotism of their populations. While China's maritime policy draws the world's attention, their large neighbor also enables the region's countries to get away with not discussing their disputes bilaterally. The situation changed in 2016, when the judgment of the Permanent Court of Arbitration (PCA) in The Hague put a legal end to Beijing's claims in the South China Sea. Although it gives Chinese claims in the region no legal validity, the text also calls into question the positions of the other surrounding states, in particular Vietnam, as well as ASEAN's inadequate management of maritime disputes between member states.

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Since the creation of the Association of Southeast Asian Nations (ASEAN) in 1967, the Spratly Islands have always been a point of contention between Vietnam and the other countries around the South China Sea. The Spratly Islands maritime space is claimed in its entirety by China and Vietnam, and partially by Taiwan, the Philippines, Malaysia, and Brunei. The different parties all cite historic usage to support their claims, which have still never been addressed collectively within ASEAN. The decision of the Permanent Court of Arbitration (PCA) in The Hague to put a legal end to Beijing's claims in the South China Sea has changed the situation.² Without denying the unilateralism of Beijing's advances, the positive response to the Philippines' case also casts doubt on the claims of the other South China Sea states, including Vietnam. Despite its deeply ambiguous relationship with Beijing (Tréglodé 2019), Vietnam has since 2014 regularly threatened to turn to international justice in support of its case against Beijing, although without so far following through on this threat.³ Recent developments and the verdict of the PCA show that while Beijing's actions are subject to international criticism, Vietnam, while privileging harmonious relations with its ASEAN neighbors, is continuing to act in the very same disputed maritime spaces. In a context of heightened Sino-US tensions, Vietnam is winning support in multilateral bodies through its skillful diplomacy in various forums. The international community sees the regional association's silence as amounting to a kind of blank check for Hanoi, although it is nothing of the sort. Within ASEAN, dialogue between member states on the subject of collective security is undermined by the consensus rule and a lack of effective conflict management bodies.⁴ The association is increasingly sidelined in exchanges between the United States (US) and China, while internal divisions are making its goal of "centrality" (Acharya 2017, 273–79) in regard to maritime security issues increasingly unattainable. The aim of this article is to examine Vietnam's geostrategy regarding the Spratly Islands since the PCA's verdict, while showing how a lack of co-ordination between the ASEAN claimant states (Vietnam, Philippines, Malaysia, and Brunei) is continuing to allow China to occupy a central position in the region's strategic equilibrium, and also enabling Vietnam to strengthen its presence in the Spratlys, to the irritation of the other South China Sea countries.

2. Verdict of July 12, 2016, following the case brought by the Philippines in 2013 regarding Chinese abuses and other claims in the South China Sea, <https://pca-cpa.org/en/news/pca-press-release-the-south-china-sea-arbitration-the-republic-of-the-philippines-v-the-peoples-republic-of-china/>.

3. "Vietnam Mulls Legal Action Over South China Sea Dispute," *Interaksyon*, November 7, 2019. *Interaksyon* is a Filipino news site, here reprinting an article by the journalists James Pearson and Khanh Vu for Reuters.

4. See Éric Frécon's article in this issue.

Vietnam's stance since the decision of the Permanent Court of Arbitration

In its 1992 Declaration on the South China Sea, which addressed maritime disputes in the region, ASEAN (not including Vietnam, which only joined the association in 1995) called for the peaceful resolution of differences but decided not to treat maritime rivalries with China in the same way as disputes between its member states. Although the declaration forms the basis of the consensus between the South China Sea states, it also has its limitations: since 1992, dialogue between the countries involved has chiefly been focused on China.⁵ The aim in Hanoi, but also in Manila, Kuala Lumpur, and to a lesser extent Bandar Seri Begawan (the capital of the Sultanate of Brunei), is to blame Beijing for the deadlock in negotiations. Their strategy is also to avoid dealing directly with questions of sovereignty by relying on legal arguments that respect the text of the 1982 United Nations (UN) Convention on the Law of the Sea. Unlike China, Vietnam thus immediately renounced its claim to areas beyond the bounds of its territorial waters (twelve nautical miles) around the disputed islands while arguing, first, that the islands in question were not islands at all but reefs, and therefore could not be used as the basis of a claim to any kind of exclusive economic zone (EEZ), and, second, that when demarcating a maritime border, international law always prioritizes the line of the coast and the extension of its continental shelf over any potential extension as a result of offshore islands. By minimizing the maritime space around its own possessions in the Spratlys, Hanoi thus attempted to place legal limits on China's ability to assert a claim while simultaneously producing a stalemate with its neighbors.

The lack of progress within ASEAN in managing this conflict, which has been brewing for almost half a century, cannot be attributed solely to the actions of Beijing, as aggressive as they may be. The regional association must also take its share of the blame: there are fundamental problems built into its decision-making processes and its organizational framework. ASEAN operates strictly within the scope of its Charter, which stipulates "respecting the fundamental importance of amity and cooperation, and the principles of sovereignty, equality, territorial integrity, non-interference, consensus, and unity in diversity."⁶ As a result, its decision-making

5. Although things are changing, these states can be categorized into four groups: claimants opposed to Chinese claims (Vietnam and the Philippines), passive and conciliatory claimants (Brunei and Malaysia), states worried about the rise of Chinese influence but with no claims of their own (Singapore and Indonesia), and states that are indifferent or even pro-Chinese (Thailand, Laos, Cambodia, and Myanmar).

6. The ASEAN Charter was adopted at the 13th ASEAN summit held in Singapore in November 2007.

process is based on consultation and consensus, which often means members are unable to reach an agreement (Boisseau du Rocher 1998). In July 2016, when the PCA concluded that the nine-dash line (claimed by China) has no legal basis because its limits went far beyond those set by the UN Convention of the Law of the Sea, it did not merely denounce Beijing's unilateral actions in the zone, but also confronted the other ASEAN member states around the South China Sea about their maritime disputes. Under pressure from Xi Jinping's China and prevented by primarily domestic political reasons from initiating bilateral dialogues with their neighbors regarding matters of sovereignty, the ASEAN claimants have chosen to remain silent.

The topic of arbitration is now no longer brought up except by external, mainly Western, parties. But this silence is not the only consequence of China's resurgence in Southeast Asia: the refusal of ASEAN member states to discuss these maritime sovereignty issues is also testing the association's unity. This diplomatic approach also reflects the ASEAN nations' difficulties in negotiating a "code of conduct" with China that favors Southeast Asian interests, given their differing interpretation of maritime claims. Following the announcement of the PCA's verdict, the spokesperson of the Vietnamese Ministry of Foreign Affairs expressed delight at the court's decision while noting that Vietnam would return to the text in more detail. The promised second official response has never however been given. It should be emphasized that, in the eyes of the Vietnamese authorities, while international arbitration legally invalidates the Chinese nine-dash line, it also seriously complicates Vietnam's position in the South China Sea, and particularly in the Spratlys. Vietnam has claimed the Spratly Islands in their entirety since the end of the 1970s and occupies twenty-seven "territories" there, at least nine of which are below sea level,⁷ in comparison to the nine occupied by the Philippines, nine by China, three by Malaysia, and one by Taiwan (Dénécé 1999; Storey 2014). Hanoi is not pleased that the international community sees its claims in the Spratlys as equivalent to those of China, a view that inevitably casts doubts on its own sovereignty in the area. Motivated by political realism, but also a certain fatalism, Vietnam is opting for a cautious approach that consists of avoiding any expression of opposition to the international decision in order not to attract attention to aspects that could invalidate its own position. Its aim is to make sure that the international community does not look too closely at its holdings in the area.⁸

7. According to Article 13 of the Law of the Sea, low-tide elevations (rocks, atolls, reefs, or sandbanks) that are above water at low tide and submerged at high tide have no territorial sea or EEZ. A state may appropriate low-tide elevations if they are in its territorial sea, but low-tide elevations outside the territorial seas of states may not be appropriated.

8. Interview, Hanoi, February 2019.

Vietnam has promised to clarify the legal status of each of its possessions in the Spratlys by adopting the official categories set out in the Law of the Sea as codified by the 1982 Montego Bay Convention. The thinking in Hanoi is that proper classification will enable it to reassert its sovereign rights. According to Nguyen Thi Lan Anh, a researcher at the Diplomatic Academy of Vietnam, “Vietnam should, therefore, establish straight baselines for the Spratlys [. . .] by grouping features within 12 nm of each other [. . .]. In doing so, Vietnam should classify the maritime features in the [. . .] Spratlys as submerged features, low tide elevations, or high tide features, and identify their locations” (Lan Anh 2016, 372). Based on that logic, if a low-tide elevation was located on the continental shelf straddling the territorial seas of Vietnam and a neighboring country (the Philippines or Malaysia), its fate would have to be decided by maritime delimitation. As such, Vietnam would have no claim to sovereignty over a low-tide elevation lying beyond its continental shelf, nor over any submerged features, which, no matter where they are, form part of the seabed or ocean floor and therefore have their status determined solely by the legal status of the seabed or ocean floor.

The Vietnamese authorities explicitly concede that although the PCA’s verdict has the immense merit of legally invalidating the Chinese nine-dash line, it also has negative consequences for Vietnam’s own territorial claims. First, the PCA places Second Thomas Shoal in the EEZ of the Philippines, a decision that Hanoi continues to contest. Second, the PCA’s decision regarding the Philippines’ EEZ casts doubt on whether Mischief Reef (Point 4), Second Thomas Shoal (Point 5), Gaven, Kennan, and Subi Reefs (Point 6), and Johnson, Cuarteron, and Fiery Cross Reefs (Point 8) can be said to lie in Vietnamese waters. Although these reefs are all included by China within its nine-dash line, the PCA’s verdict upheld Manila’s claim and placed them in the Philippines’ EEZ, which Hanoi does not accept. From the Vietnamese perspective, “if Vietnam does not take proper, rapid, and effective steps to gain international recognition of sovereignty, it is likely to cause misunderstanding [in the] international community that Vietnam has implicitly recognized the Arbitration Court ruling on the entities mentioned above” (Cuong and Dien 2018, 7).

The ambiguity of the verdict from the PCA, which, it should be remembered, is not strictly speaking intended to adjudicate on questions of sovereignty, has led Vietnam to launch a new campaign (via forum diplomacy, seeking foreign—and particularly Western—support, and activity in regional security organizations) targeting various multilateral bodies in order to block any return to the points of contention raised by the legal classification proposed by the PCA. To bolster its position and convince any dissenters, Vietnam is seeking allies outside Southeast Asia (Japan, India, Australia, and the EU). Its diplomacy aims to stifle criticism from the other claimant states by adopting a more consensus-based stance that is intended

to portray China as the only troublemaker. And, of course, it cannot be seen to pursue a policy at odds with its multilateral commitments. At the same time, important steps toward dialogue with China were taken under the leadership of General Secretary and President Nguyễn Phú Trọng (Frécon 2018, 68–77). Meetings between Vietnamese and Chinese officials are becoming more frequent. Sectoral agreements have been signed, and the two countries have begun co-operating on defense and arms (Fau and Tréglodé 2018). This two-level “game of scales” enables Vietnam to show the other claimant states that it has diplomatic channels—thanks in particular to the ties between the Chinese Communist Party (CCP) and the Communist Party of Vietnam (CPV)—through which it can influence China-ASEAN dialogue in the interests of these states. This politicking implicitly gives Vietnam a way to make sure its refusal on principle to share these maritime spaces takes a back seat in its discussions with the other claimant states, while maintaining a certain political caution. At the domestic level, the hard line taken by the Vietnamese government also responds to a need to reassure its own population; at a time when the maintenance of social order has become a priority concern, the CPV has never been more in need of powerful patriotic leverage (Tréglodé 2019, 14).

For Vietnam, this is no minor challenge. It is adopting a three-stage strategy: to internationalize the maritime issues in the South China Sea in order to portray itself as the victim in the eyes of the world and its own people; to revive its dialogue with Beijing, which is crucial to its future in several sectors; and to appear as influential as possible within ASEAN despite internal distrust.⁹ But despite the hopes of those who advocate a firm China containment policy, it is unlikely that Vietnam will assume the role of arbitrator in this context (Le Hong 2016). For Hanoi, the Spratlys issue underlines the link between a state’s power and its political future, between the geostrategy of maritime disputes and regional collective security. Vietnam will leave other countries “on the frontline” because the core problem, in its eyes, is still the fear of being marginalized within ASEAN because of its maritime policy. For Hanoi, this stance is a way to avoid marginalization in an ASEAN on which China wields increasing influence (Tréglodé and Frécon 2018).

The modernization of Vietnamese holdings in the Spratlys

Since the 2014 China-Vietnam oil rig crisis, which broke out following the installation of the Chinese exploratory oil-drilling platform Hai Yang Shi You 981 in a maritime zone claimed by Vietnam in the Paracel Islands, Vietnam’s maritime

9. Interview, Singapore, November 2018.

policy has taken an important step forward. Its military strategy is based on the concept of “active defense,” which has also been a part of Chinese strategy since 1980. A distinctive approach inherited from its long history of war, it aims to dissuade enemy attacks by defending and then counter-attacking via symmetrical or asymmetrical actions (Journoud 2019, 33–62). In marine conflict zones, this approach revolves around denial of access using a combination of anti-ship, anti-aircraft, anti-submarine, and land-based systems (Gédéon 2019, 156–60). Vietnam’s stated goal is to develop sufficient naval technological capability to prevent Chinese ships from accessing its coasts or the islands and islets it claims in the Spratlys. This strategy is similar to that developed by the Chinese to keep the US out of the Western Pacific. According to an officer in the People’s Army of Vietnam (PAVN), the Vietnamese navy “focuses on fighting the enemy in locations that are preferably far away from densely populated areas, at sea and on islands, in order to counter hostile amphibious operations. The navy now has modern equipment such as missile ships, submarines, a naval air force, land-based anti-ship missiles, long-range artillery, special forces, and specialist island defense forces to carry out these missions. To wage the people’s war at sea, we must make the most of our geography, in particular our caves and islands, to station and hide our ships and to provide logistical support for operations.”¹⁰ One of the main pillars of Vietnamese strategy since the beginning of the 2000s has been to give form to China’s threats in order to accelerate its presence in the area. Beijing has made it known that it reserved the right to react if Vietnam decided to install military equipment on its islets in the Spratlys. But for Hanoi, China is a major piece in the regional puzzle, while the area is far from being China’s Asian priority.

Since the 1990s, Vietnam has been looking for a way to delimit a disputed maritime space without arousing the anger of its neighbors or the international community. Year after year, the pattern is clear: Vietnam has begun to militarize its possessions in the Spratlys while making sure to keep China and its ASEAN partners onside (Gallois and Sheldon-Duplaix 2018). Most of Vietnam’s possessions are not islands or rocks, but submerged reefs or banks on which it has built small, isolated structures. These holdings are difficult to defend and supply and are therefore vulnerable in many ways. The earliest constructions date back to the beginning of the 1980s. They were simple shacks, often made of bamboo, built on rocks sticking out of the sea. By the mid-2000s, twenty-five bunkers had been installed on reefs or rocks that were sometimes submerged. At that time Vietnam began various land reclamation, backfill, and landfill projects and modernized its old equipment. Due to fear of the reactions of its ASEAN partners, Hanoi avoided large, overtly military

10. Interview, Paris, July 2019.

construction projects, and instead presented its activities as defensive. Vietnam thus managed to gain significant areas of sea to protect its buildings against violent storms and high waters. The first heliports and the first small airdrome were also built at that time. After the 2014 China-Vietnam oil rig crisis in the Parcel Islands, the Vietnamese government launched a third, much more ambitious stage of works. Its priority was now to expand and equip its existing holdings with a modern observation system in order to be able to anticipate hostile activities while supporting its growing naval forces. Radomes of various sizes appeared, some of which may be dummies. These concrete structures house Russian- and Israeli-made radar systems that Vietnam is using to modernize its operational defense capabilities by installing new coastal guns, anti-aircraft guns, and launching sites for Russian- and Israeli-made surface-to-sea and surface-to-air missiles. On their ten main islets in the Spratlys, the Vietnamese authorities are also building bunkhouses, catering facilities, and sports fields, as well as lighthouses, small meteorological stations, and more spacious facilities that can accommodate more personnel for longer missions and so reduce the number of rotations.

Despite the relative unreliability of the available data, Vietnam is now estimated to have between forty-nine and fifty-one outposts across twenty-seven different sites in the Spratly Islands. These holdings can be grouped into three different types:

- The first, and oldest, are platforms officially mandated for scientific, technological, and economic purposes. They are complex steel structures consisting of logistics facilities and accommodation, the compartments of which have been improved and are now suitable for long-term stays. The first of these platforms was built in 1989 on Vanguard Bank.¹¹ There are now around two dozen of them, most of which have been raised by several floors in recent years. The new platforms house a larger heliport connected to the original facility by a metal bridge. These structures are generally located on the continental shelf claimed by Vietnam in water from seven to twenty-five meters deep.¹²

11. “DK1 Rig-Houses: A Sovereign Landmark on Southern Sea,” *Nhân Dân*, July 6, 2019.

12. According to information collected by the Asia Maritime Transparency International Initiative run by the Center for Strategic and International Studies in Washington, DC, these DK1 platforms have been installed in seven locations in the southern Spratlys: on the continental shelf at Vanguard Bank, Prince of Wales Bank, Bombay Castle, Prince Consort Bank, Alexandra Bank, Grainger Bank, and off the coast of the Ca Mau peninsula.

– The second group consists of concrete guard posts and small amphibious blockhouses. These structures are fitted with loopholes and include a fire step fortified against light weapons and grenades. It is very difficult to ascertain exactly how many there are. They are located on top of reefs, sometimes joined by bridges or jetties to allow small boats to moor. They are found on inaccessible and generally small rocks or structures. Like the platforms, after 2014 these structures were systematically expanded with the addition of small adjacent buildings and interlinking bridges.

– The third type of outpost is represented by six—or seven, according to some sources—full military bases. The largest of Vietnam’s possessions, Spratly Island (Đảo Trường Sa, also claimed by China, Taiwan, Malaysia, and the Philippines) has had an airdrome since 2004; its runway was lengthened from 750 meters to 1,300 meters in 2017. Officially, the expansion was for the purpose of receiving (troop) transport aircraft rather than combat aircraft (principally Su-27 and Su-22). Large hangars were installed nearby to house maritime patrol aircraft (PZL M28B) and transport aircraft (CASA C-295). A new protected harbor is able to receive small-tonnage vessels carrying Antonov AN-28s built by the Polish company STOL. On the rest of the island, other buildings are used for storing communications equipment, and a new radome was installed in 2018. Finally, the island has new bunkhouses to house soldiers and technical staff, a modern lighthouse, solar panels, a new weather station, and a sports field. To build all these structures the Vietnamese have had to reclaim land from the sea. The new land has been gradually covered with vegetation to limit soil erosion, while drainage channels have been dug along the shoreline to protect the site against high water levels, particularly during the storms and violent typhoons that are common in the region.

To supplement these works, Vietnam has also deployed new defensive equipment. In 2016, the Ministry of Defense installed an Israeli missile system, EXTRA (Extended Range Artillery Rocket), on five of the islets.¹³ The authorities publicized this development in order to show that the State party was fulfilling its mission to protect national interests (Tréglodé 2018, 116), and it was reported by the Southeast Asian media. China has not officially reacted. Its ballistics experts probably judged that the equipment installed was not particularly dangerous;¹⁴ Beijing’s reaction would certainly have been very different if Hanoi had chosen to transfer its Bastion missiles, used for coastal defense, to the Spratlys. Vietnam may also have

13. “Indonesia Stresses Peace and Stability in SCS After Vietnam Fortifies Spratly Islands,” *The Jakarta Post*, August 12, 2016.

14. EXTRA missiles have a maximum range of 150 km, a single 120 kg warhead, and an accuracy of 10 m.

placed S-125 Pechora-2T missiles (Russian-made with a range of 35 km) and two Israeli systems—Spyder-SR (35 km range) and 4K51 Rubezh (80 km range)—and Bal-E missiles (short-range high-precision antimissile defense system with counter-jamming capabilities)—on the islands.¹⁵ According to experts, this materiel, which is inexpensive to maintain and can be launched using small, mobile launchers, will be used by the PAVN to defend its islets.¹⁶ It is also worth mentioning the use in the area of a fleet of small, lightly armed drones (a vertical take-off and landing, or VTOL, program) designed essentially for observation missions.¹⁷ Viettel (a state-owned company operated by the Vietnamese Ministry of Defense) has started producing these unmanned aerial vehicles (UAV) locally, but the group does not yet have the necessary technology to manufacture more offensive armed drones.

Although the deployment of this military materiel has not prompted any kind of official response from ASEAN, the developments have been closely watched by the Philippines and Malaysia.¹⁸ But until now, in view of the association's regulations as well as the general perception of a resurgence of the Chinese threat in the area, the other South China Sea states have preferred to keep their eyes trained on China. In fact, it is on another, seemingly less diplomatically sensitive topic that the other states in the area are beginning to diverge from Hanoi's maritime policy regarding the advances of the Chinese navy: the question of its fishermen.

Fishing clashes between the countries around the Spratlys

The countries surrounding the Spratly Islands share the region's fishery resources, but in recent years there has been growing protest from the Philippines and Malaysia about the activities of Vietnamese fishermen. Despite very real conflicts associated with increasing illegal fishing in the area, clashes between Vietnamese fishermen and Filipino, Malaysian, and Brunei coastguards mostly take place within the disputed zones in the Spratlys. Behind the more or less controllable activities of fishing

15. SIPRI, *SIPRI Yearbook 2016: Armaments, Disarmament and International Security* (Stockholm, 2016), 581–84.

16. Interview, Paris, October 2019.

17. Since 2013, this UAV drone program has been run by Viettel. The Shikra UAV can operate autonomously for 2 hours (two other variants that can run autonomously for 10 and 20 hours respectively will soon be operational) with a range of 150 km. The company also offers Hummer quadcopter drones, which can operate autonomously for 1 hour with a range of 10 km and payload capacity of 1 kg. See *Nhân Dân*, October 15, 2018, and *Jane's*, November 9, 2018 (consulted on November 10, 2019).

18. Interview, Kuala Lumpur, January 2019.

companies in fuzzily defined waters, there is a tendency among the surrounding countries to see their fishermen as “courageous guards of national maritime territory.”¹⁹ China and now the various claimant states have all adopted a strategy of encouraging their fishermen to continue their activities in disputed waters as a way to assert their national territorial claims. The states subsidize the purchase of powerful boats and provide them with gas and provisions before stationing them near contested control posts. Analysts at Asia Maritime Transparency International in Washington have shown that these ships, which can be moored in such places for weeks, are not there to fish: they must, therefore, have a different mission.²⁰ Each country is trying to establish its own presence while avoiding direct confrontation; very few states in the region now question the utility of this approach. Finally, the region’s navies also exploit differences between the stated and actual status of their fisheries fleet. The practice is widespread. Declared as “cargo vessels,” these boats are often really “fishing boats” or ships belonging to the new maritime militias.

Vietnam has taken its lead from China. Hence Hanoi’s belated decision to strengthen its fishing fleet and establish self-defense forces to pave the way for a “fishermen militia.” In 2009 the National Assembly of Vietnam adopted a law on militias and self-defense forces (Tréglodé 2012, 55–71). A year later, Prime Minister Nguyễn Tấn Dũng ratified Plan 1902 to manage the operations of maritime self-defense forces. Fishermen militias are now estimated to have around 8,000 ships and make up 1.22 percent of Vietnam’s naval manpower. They work closely with coastguards and fishermen to monitor and report violations of sovereignty. Although the government has never issued a formal appeal, a letter of encouragement from President Trương Tấn Sang and an appeal from the state-sponsored Vietnamese Fisheries Society in the same year encouraged fishermen to head to contested waters. Despite warnings from various specialist international organizations, the Vietnamese authorities continue to recruit fishermen and provide them with infrared vision and communications equipment so they can monitor fishing disputes in contested areas. In 2013 Vietnam created Vietnam Fisheries Resources Surveillance, a civil government agency operating under the Ministry of Agriculture and Rural Development. Officially it is a specialized non-military taskforce (although lightly armed and authorized to use force when necessary), responsible for patrolling, checking, monitoring, detecting, and dealing with infringements of the law and carrying out fishing inspections in waters under Vietnam’s jurisdiction. In parallel,

19. See the articles available on the Hanoi-based website *East Sea (South China Sea) Studies (Nghiên cứu Biển Đông)* run by the Diplomatic Academy of Vietnam under management of the Vietnamese Ministry of Foreign Affairs: www.nghiencuubiendong.vn.

20. “Deciphering Vietnam’s Evolving Military Doctrine in the South China Sea,” *Asia Maritime Transparency Initiative*, May 11, 2018.

Vietnam has given its coastguards more powers and resources for their “sovereignty protection” activities. In the Spratly Islands, Fisheries Resource Surveillance now co-ordinates its activities with the Vietnamese navy, the coastguard, and the border defense force.

In these disputed maritime spaces, ASEAN does not always have the necessary resources to prevent this kind of overreaching, the geostrategic ramifications of which are concerning. The regional association has no reporting system for keeping track of attacks against fishermen, and also lacks an operational mechanism allowing it to investigate or rectify the consequences of such attacks. Despite the establishment of the Fisheries Consultative Forum and the Strategic Plan of Action for ASEAN Cooperation on Fisheries 2016–2020, there are no regulations regarding the attacks against fishermen, of any nationality, that have taken place in the Spratlys. To counter increasing protest from its ASEAN partners, and especially since criticism from the EU in 2018, Vietnam is strengthening its involvement in the joint ASEAN effort to combat illegal fishing.²¹ That is turning out to be a wise decision. The boarding of ships and disappearance of fishermen remain emotive topics for the populations of the region’s countries. Hanoi has agreed to co-operate with Indonesia, a country that in recent years has destroyed dozens of Vietnamese boats and seized almost 600 Vietnamese citizens for illegal fishing in Indonesian waters. At the beginning of 2018, Prime Minister Nguyễn Xuân Phúc approved a national plan to prevent illegal, undeclared, and unregulated fishing by 2025. In actual fact, however, the dialogue within ASEAN seems to have stalled.

If Hanoi was right to count on the fact that ASEAN’s core principle is respect for national sovereignty, it may well have overestimated the regional association’s desire to never fully intervene in a border dispute. Some political leaders in Southeast Asia, reflecting widespread historical resentment against Vietnam, continue to detect the signs of its traditional expansionism behind what Hanoi calls the “defense of its sovereign rights in the Spratlys.” This feeling was strong in the region in the 1970s and 1980s and did not entirely disappear when Vietnam joined ASEAN in the 1990s.²²

21. In October 2019, Vietnam implemented measures to combat illegal, undeclared, and unregulated fishing at the recommendation of the European Commission.

22. It is in this particular context that we must understand the Singaporean Prime Minister Lee Hsien Loong’s intervention in June 2019, when he reproached Vietnam for its occupation of Cambodia during the 1980s: www.theonlinecitizen.com/2019/06/06/astounding-insensitivity-and-troubling-response-of-the-singapore-govt-on-comment-regarding-vietnam-invasion-of-cambodia/.

Conclusion

In the absence of political will within ASEAN, the development of a geostrategic equilibrium in the Spratlys seems to have stalled because of the member states' inability to consider reaching an agreement about their territorial disputes. The impasse is exacerbated by uncertainty surrounding future Sino-US relations. In the long run, internationalization seems likely to be a bad choice for the ASEAN claimant states, as it will simply reinforce China's ascendancy (Zewei 2018, 254–73). For real change to happen, the region will need other ways of operating that address questions of sovereignty directly. For example, Vietnam could align itself with the PCA's verdict, officially declare that it concurs with the court's conclusions, and inform the Philippines that, given the verdict, it will abandon its claims to Mischief Reef. In return, it might obtain recognition of Vietnamese sovereignty over certain islets currently claimed by Manila. At the ASEAN-wide level, the solution could involve functional reforms to modify the definition of consensus, which is currently rather vague, by adopting a combination of consensus (or unanimity) and a majority voting system. The unanimity system could be used when an issue concerns fifty percent or more of member states, while majority decisions should be sufficient for votes involving less than fifty percent. In the current context, however, Vietnam's maritime policy demonstrates a desire to maintain the status quo. Above all, the country wants to avoid jeopardizing the CPV's future in a society that openness is rendering more fragile. At the regional level, ASEAN is seeking to strengthen itself without dealing with the issues that divide it in the South China Sea. This fragmentation is a windfall for China, whose bilateral negotiations strategy has a similar goal. Vietnam and its regional partners need to find solutions to their territorial disputes rather than internationalizing the issue. Doing so would certainly increase confidence in the regional association and make its "centrality" slightly more credible.

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