

REGIONAL FOCUS & CONTROVERSIES

Vietnam's Position on the Sovereignty over the Paracels & the Spratlys: Its Maritime Claims

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The South China Sea has long been regarded as a major source of tension and instability in Pacific Asia. To clarify the position of claimants is a research task for creating the confidence building measures and promoting efforts to manage the possible conflicts in the region. The purpose of this article is to address the Vietnamese position on the sovereignty disputes over the Paracels and Spratlys, and maritime zones in the South China Sea. The Vietnamese position will be examined from three aspects: (1) the sovereignty of the Paracels and the Spratlys; (2) the maritime zones around these islands; and (3) the settlement of disputes in the South China Sea.

Keywords

Dispute Management, Maritime Zones, Paracels, Sovereignty, South China Sea, Spratlys

1. Introduction

The sovereignty disputes over the Paracels (Hoang Sa in Vietnamese / Xisha in Chinese)

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and Spratlys (Truong Sa in Vietnamese / Nansha in Chinese) – two groups of islands lying at the centre of the South China Sea (Bien Dong or, East Sea in Vietnamese/West Sea in the Philippines) have existed for more than a hundred years and eighty years, respectively. Initially, sovereignty disputes over the Paracels arose between two claimants, Vietnam and China. Due to geopolitical changes since the end of World War II, the development of science and technology in both civil and military aspect, the oil crisis, and the new maritime order created by the law of the sea between the 1970s and 1980s, the disputes have spread to the Spratlys and maritime zones around both archipelagos. There were also claimants such as Great Britain and Japan who had come and left, abandoning their claims to the islands. Since 1956, new claimants have appeared, particularly those of the late 1970s such as the Philippines, Malaysia, and Brunei. After two naval operations in 1974 and 1988, China occupied all of the Paracels and some rocks in the Spratlys. The 1995 Mischief accident between China and the Philippines led the ASEAN and China to negotiate a Code of Conduct (“COC”) in the South China Sea (“SCS”), the first result of which was the Declaration on the Conduct of Parties in the South China Sea (“DOC”), signed in 2002.¹ After the signing of the DOC, the situation in the SCS cooled down for some years. However, beginning in 2009, when the U-shape (nine dotted) line map was introduced by the Permanent Delegation of the People Republic of China (“PRC”) to the United Nations Commission on the Limits of the Continental Shelves (“CLCS”), statements were made about China’s ‘core interests’² and ‘national interests’³ of the U.S. in the South China Sea, resulting in renewed tensions in the SCS and causing deep concerns to the world community. The complicated history of the disputes and unsuccessful efforts to find acceptable solutions to them have made the SCS disputes some of the most complicated cases in world politics.⁴ At present, Vietnam and China⁵ claim the both the Paracels and the Spratlys in its entirety, whereas Brunei, Malaysia, and the Philippines claim part, or most of the Spratlys. Much ink has been spilt to clarify the positions of claimants and to suggest

¹ See “ASEAN - China Declaration on the Conduct of Parties in the South China Sea,” signed during the 8th ASEAN Summit in Phnom Penh on November 14, 2002, available at <http://www.aseansec.org/13163.htm> (last visited on Mar. 30, 2012).

² Carlyle Thayer, *China’s Core interest in the South China Sea*, SCRIBD (Sep. 17, 2010), available at <http://www.scribd.com/doc/38047349/Thayer-China-s-Core-Interest-in-the-South-China-Sea> (last visited on Mar. 30, 2012).

³ See “Remarks by Hilary Rodham Clinton, Secretary of State” at the National Convention Center, ARF 17, Hanoi, Vietnam, (July 23, 2010), available at <http://www.state.gov/secretary/rm/2010/07/145095.htm> (last visited on Mar. 30, 2012).

⁴ Hungdah Chiu & Choon-ho Park, *Legal Status of the Paracels and Spratlys Islands*, 3 OCEAN DEV. & INTL. L. 3 (1975).

⁵ In this paper, China and Taiwan are treated as one claimant since of the same position with regard to the Paracels and Spratlys disputes.