Purpose and structure

The paper outlines and examines how China and Vietnam deal with tensions relating to their territorial disputes in the South China Sea. It looks specifically at the tension caused by incidents in late May and early June 2011 and how the tension was brought under control by the two countries. These developments are then examined in the broader context of the Sino-Vietnamese approach to managing border disputes in the period since full normalisation of relations in late 1991, both progress made in terms of conflict management and challenges faced in terms of tension are addressed. The implications and lessons drawn from the developments in May-June 2011 and from the broader period since late 1991 are outlined. Furthermore, the challenges for China and Vietnam to properly manage their disputes and related tension in the South China Sea are also discussed.

The paper is structured in the following way. First the May-June 2011 incidents are outlined through the official perspectives of China and Vietnam, respectively. Second, the way in which the incidents were managed in late June 2011 is outlined. Third, relevant developments since July 2011 are outlined. Fourth, the approach to manage territorial disputes between China and Vietnam since full normalisation in late 1991 is outlined and analysed. Fifth, the lessons that can be drawn from recent incidents within the broader context of earlier tension as well as the overall management process are outlined. Sixth, concluding observations are drawn based on the main findings of the paper.
The incidents of May and June 2011

The first indication of an incident in the South China Sea came on 28 May when the Spokesperson of China’s Ministry of Foreign Affairs spoke on China’s: “Maritime Law Enforcement and Surveillance on the South China Sea”. [1] First, it was stated that China “holds a consistent and clear-cut position on the South China Sea issue”. Second, it was emphasized that China “opposes Vietnam’s oil and gas exploration activities within the waters under the jurisdiction of China which undermine China’s rights and interests as well as jurisdiction over the South China Sea”. In addition it was stated that such activities “violate the bilateral consensus on the South China Sea issue”. Third, it was stated that the “actions taken by China’s competent authorities are regular maritime law enforcement and surveillance activities in the waters under the jurisdiction of China”. In addition it was stated that China “has been committed to peace and stability of the South China Sea”. Furthermore, it was emphasised that China “stand ready to make joint efforts with relevant parties to seek proper solutions to relevant disputes and conscientiously implement” the Declaration on the Conduct of Parties in the South China Sea (DOC), “with a view to safeguarding the stability of the South China Sea in real earnest”. [2]

On 29 May Vietnam’s Ministry of Foreign Affairs held a press conference relating to what was referred to as the “May 26 incident” during which Vietnam claimed that a “Chinese maritime surveillance vessel cut the exploration cables of Binh Minh 02 seismic vessel of Viet Nam National Oil and Gas Group (PVN) while it was conducting seismic survey in the continental shelf of Viet Nam”. [3] The Spokesperson of Vietnam’s Ministry of Foreign Affairs stated that Vietnam was “resolutely opposed to the China’s act that damaged and hindered the Viet Nam’s normal survey and exploration activities within the Vietnamese continental shelf and exclusive economic zone, inflicting severe damages on Viet Nam National Oil and Gas Group”. Furthermore, it was stated that China’s “act” was a “serious violation of the sovereign and jurisdiction rights of Viet Nam to its continental shelf and exclusive economic zone”. It was also not in line with the 1982 United Nations Convention on Law of the Sea (1982 UNCLOS) and was “against the spirit and literature of” the DOC. It was also stated that Vietnam “asks China to immediately cease and refrain from recurrence of acts that infringe upon Viet Nam’s sovereign and jurisdiction rights to its continental shelf and exclusive economic zone and to compensate for the damages caused to Viet Nam”. In response to the May 28 remark made by the Spokesperson of China’s Ministry of Foreign Affairs, it was stated that Vietnam “refute the statement”. [4]

In addition Vietnam raised three points. First, that the area where Vietnam “conducted exploration activities situates entirely” in the Exclusive Economic Zone (EEZ) and the “200-nautical mile continental shelf” of Vietnam. It was clarified that this was in “accordance” with the 1982 UNCLOS. Furthermore, it was stated that the area “is neither a disputed area nor
is it an area “managed by China”. According to Vietnam “China has deliberately misled the public into thinking that it is a disputed area”. Second, it was stated that Vietnam “always complies with the common perception of senior leaders of the two countries that all disputes be resolved through peaceful measures and acts that further complicate the situation be avoided”. It was further stated that “there is no such common perception that states China has the right to hinder Viet Nam’s activities within” the EEZ and continental shelf of Vietnam. Finally, Vietnam stated that it was “China’s act that goes against the common perception of senior leaders of the two countries”. Third, Vietnam pointed to a contradiction in China’s position by stating that “while China calls for addressing related disputes through peaceful measures, it is its own acts that are complicating the situation in the East Sea”, i.e. the South China Sea.

On the issue of the extent of China’s claims in the South China Sea the Vice Chairman of the National Border Committee of Vietnam, Nguyen Duy Chien, stated that China’s “nine-dash line in the East Sea, aka “Bull tongue-shaped line”, is completely legally groundless and is in contrary to” the 1982 UNCLOS to “which China is a party”. He further stated that China’s “claim encroaches the exclusive economic zones and the continental shelves of many regional countries, including Viet Nam, and thus are rejected by many countries”.

On 30 May, the website of Nhan Dan carried information about the press conference at the Ministry of Foreign Affairs of Vietnam with similar content.

In addition Nhan Dan carried information provided by the Deputy General Director of “PetroVietnam” who “briefed reporters” about the:

“incident when PetroVietnam-owned Binh Minh 02 ship was blocked and threatened as well as had its cables cut by three Chinese marine surveillance vessels while conducting explorations at 12 degrees 48’25” north latitude and 111 degrees 26’48” east longitude, some 116 nautical miles off Dai Lanh cape in the central coastal province of Phu Yen”.

The Deputy General Director “emphasised that the sea water where PetroVietnam’s ship was operating is deep inside Vietnam’s continental shelf.” He also added that “PetroVietnam has conducted seismic surveys in the area for numerous times”.

On 2 June in a note from the Ministry of Foreign Affairs of Vietnam to China’s Embassy in
Hanoi, Vietnam protested against “Chinese marine forces using weapons to threaten Vietnamese fishermen who were conducting their normal, legal activities in the waters of Vietnam’s Truong Sa archipelago”, i.e. Spratly archipelago. In the report an incident that took place on 1 June was highlighted. Vietnam claimed that “three Chinese military vessels used guns to threaten the crew of PY 92305TS fishing boat of central Phu Yen province while they are fishing in the waters of Vietnam’s Truong Sa archipelago”, i.e. Spratly archipelago. [10]

In response to news carried on June 5 by “several means of communications abroad on “demonstrations protesting China” in front of the Chinese Embassy in Hanoi and the Chinese Consulate General in Ho Chi Minh City”, Vietnam moved to clarify that “a few people spontaneously gathered and went pass” the Embassy in Hanoi and the Consulate General in Ho Chi Minh City. They did so on order to “show their patriotic spirit and awareness of protecting the national sovereignty, and express attitudes to oppose Chinese marine surveillance vessels’ cutting of surveying cables of the Binh Minh 02”. It was further stated that “these people” held the view that the “Chinese marine surveillance vessels’ actions seriously violated Vietnam’s sovereignty and jurisdiction rights to its” EEZ and continental shelf. It was also clarified that they had “gathered in order, expressed attitudes in a gentle manner, and self-dispersed after hearing explanation from relevant Vietnamese functioned agencies and mass organisations”. [11]

(continuing)

Read full text of this paper here

[2] Ibid.


[4] Ibid.

[5] Ibid.

[6] Ibid.


[8] Ibid. The Deputy Director of PetroVietnam was also quoted as saying that: “It is impossible to cut cables at a depth of 30m under the water without special equipment,” (Ibid).

[9] Ibid.