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CONTEMPORARY SOUTHEAST ASIA

VOLUME 22, NUMBER 1

CONTEMPORARY SOUTHEAST ASIA

A JOURNAL OF INTERNATIONAL AND STRATEGIC AFFAIRS

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73. *The Australian*, 31 July 1998.
74. Ryutaro Hashimoto, "Australia and Japan in the Asia Pacific Region" (Speech delivered at the Australian Parliament, 28 April 1997).
75. Commonwealth of Australia, *In the National Interest*, p.60.
76. *Australian Financial Review*, 28 April 1998.

Vietnam's Objective in the South China Sea: National or Regional Security?

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Vietnam's interests in the South China Sea may be divided into traditional national security interests, and interests linked to the broader category of human security. This article examines Vietnam's policy in the South China Sea and its use of the Law of the Sea. Vietnam has doggedly upheld its claim to the whole of the Parcel and Spratly areas (Hoang Sa and Truong Sa) and has spent considerable resources in modernizing its naval and air forces. However, there seems to be a move away from a narrow focus on national security to a more broad-based concern for human security. This is connected with a trend towards a greater regional, less nationalist approach, which may give Vietnam a key role in resolving the multiple disputes in the South China Sea.

Introduction

The disputes in the South China Sea form a permanent threat to Vietnam's national security, to its full integration with the rest of ASEAN, and to further improvement of its relationship with China.¹ The disputes also threaten regional security and the interests of the populations around the South China Sea, who need to be protected against typhoons, floods, pollution, depletion of fish stocks, piracy, and war. The manner in which Hanoi handles the situation in the South China Sea may have a significant impact on the living conditions of the Vietnamese, and for their country's regional role.

Vietnam's aims in the South China Sea may be divided into traditional national security concerns, and aims linked to the broader

category of human and regional security. Under the first category are aims such as defending the long S-shaped coast against invasion, defending the sovereignty of the Paracels (Hoang Sa) and the Spratlys (Truong Sa), gaining exclusive control of resources on and under Vietnam's continental shelf, as well as living resources in the sea out to 200 nautical miles, collecting customs duties, and suppressing smuggling, piracy and other illegal activities within Vietnam's 12-nautical mile territorial waters.² As long as no formal agreements have been reached on the delimitation of maritime boundaries, attempts to pursue these aims tend to generate conflict between Vietnam and the other nations around the South China Sea.

Under the second category are aims such as defending the population against typhoons, protecting mangrove swamps, securing fish stocks for future generations, halting the destruction of coral reefs, preventing pollution, facing the eventuality of major oil spills, building modern and secure ports, maintaining open communications, securing regional peace, attracting serious oil companies to explore for oil and gas, and facilitating international trade and investments. These aims entail a need for regional and international co-operation.

The means in pursuit of the traditional national security interests are not necessarily effective in achieving human and regional security. National security may be pursued by maintaining considerable military capabilities, entering into alliances with other powers, and conducting nationalistic propaganda domestically and internationally. These means are costly and can lead to a deterioration in relations with neighbouring states, thus endangering human security. In pursuing human security for its population, the Vietnamese Government is finding other means more useful, such as bilateral and multilateral diplomacy, international co-operation in resource management and environmental protection, and activities to further develop an internationally recognized legal regime, on the basis of the United Nations Convention on the Law of the Sea (UNCLOS). UNCLOS was signed in 1982 and entered into force in November 1994, one year after the sixtieth state had ratified it.

This article will test the hypothesis that there is a gradual movement in Vietnamese policy away from a narrow focus on national security to a more broad-based concern for human security. If this is so, there must also be a tendency towards a more regional, less nationalistic approach. This could give Vietnam a key role in managing, and eventually resolving, the disputes in the South China Sea, not only among the ASEAN claimants, but also between the ASEAN countries on one side, and China and Taiwan on the other.

The Disputed Zones and Isles

Vietnam's claim to a continental shelf and a 200-nautical mile Exclusive Economic Zone (EEZ) overlaps with rival claims by Cambodia, Malaysia, Indonesia, Brunei, the Philippines, China, and Taiwan — that is, all the states around the South China Sea, except Singapore and Thailand.³ Thailand is the only state with which Vietnam has reached a final agreement on the delimitation of maritime zones, and this occurred in August 1997. Since 1994, Vietnam and China have been actively engaged in negotiations to delineate their maritime border in the Gulf of Tonkin, and the two governments have declared their intention to reach an agreement before the end of 2000.⁴ During Chinese Prime Minister Zhu Rongji's visit to Hanoi on 1-4 December 1999, it was announced that the goal of reaching agreement on a land border treaty before 2000 had been reached, and the treaty was signed by the Chinese and Vietnamese foreign ministries on 31 December 1999. Earlier promises to solve territorial issues in the Tonkin Gulf were also reiterated.⁵

Vietnam's disputes over maritime zone delimitation in the central part of the South China Sea — or the Eastern Sea (Bien Dong, as the Vietnamese call it — are complicated by rival sovereignty claims to the Paracel islands (east of Vietnam and southeast of Hainan) and to the many islets, reefs, and atolls that are spread out over a vast so-called "Spratly area" between southern Vietnam, East Malaysia, Brunei, and Palawan. On old European maps, this area is more accurately described as "Dangerous Grounds". "Spratly" was the English name for one island only, which is situated in the western part of the area, and which the Vietnamese call Truong Sa. This island is under Vietnamese occupation. Not only Vietnam, but Taiwan, China, the Philippines, and Malaysia also keep garrisons on some of the isles in the larger Spratly area. The Paracel islands, to which Vietnam claims sovereignty, have been fully occupied by China since 1974.⁶

National Security

In July 1998, Vietnam for the first time published a White Paper on defence, in preparation for a meeting of the ASEAN Regional Forum (ARF). The 33-page document, entitled "Vietnam — Consolidating National Defence, Safeguarding the Homeland", stated that relations in Southeast Asia had improved but that there were "potentially destabilising situations, among them the disputes in the East Sea", which contained "a latent danger of conflict". In 1997, *Jane's World Armies* estimated that Vietnam's former army of 1.2 million troops had been

reduced to 658,000 but that, in 1995, as much as one-fourth of the national budget, more than US\$500 million, was given over to defence.⁷

The Socialist Republic of Vietnam (SRV) is a security-conscious state, with an acute sense of vulnerability because of its long coast, the difficulty of keeping north and south together, the history of national independence struggles, and the lack of a hinterland. The People's Republic of China, despite its huge hinterland, has a similar sense of being vulnerable to foreign threats and encroachments. The Chinese envy Vietnam its long coast, and feel that they themselves are being unjustly deprived of "maritime territory" by the presence of foreign insular and peninsular states in the Chinese maritime space: the Koreans, Japan with the Ryukyus, the Philippine islands, and Vietnam. In addition, the island of Taiwan is not under Beijing's control.

The People's Republic of China (PRC) and the Socialist Republic of Vietnam have tended to see their disputes in the South China Sea as a rival quest for "maritime territory", fish and hydrocarbon resources. Both have established a national mythology around the two "island groups", the Paracels and Spratlys, which the Chinese call Xisha and Nansha respectively, and the Vietnamese Hoang Sa and Truong Sa. Both countries, but more particularly China, claim that the Spratly area has tremendous deposits of oil and gas.⁸ Vietnam and China have portrayed the Spratlys as inviolable parts of the sacred national soil since time immemorial, while in actual fact they are tiny islets, which have never sustained permanent human habitation.⁹ Both have tended to approach the delimitation of sea boundaries as a question of delimiting "maritime territory". The sea has been perceived as analogous to land, and the delimitation of maritime zones has thus been discussed with the same terms as those used for delineating land borders. This has sometimes led the two countries to exaggerate the need for defending "maritime territories".

From the perspective of traditional national security stems a tendency to emphasize the military occupation of isles, the build-up of naval and air forces, the establishment of military bases on artificial islands constructed on reefs and atolls, the utilization of fishing fleets for national aims, and the mobilization of national sentiments around sovereignty claims. Since the mid-1970s, when China seized Pattle Island in the western half of the Paracels from South Vietnam, and the new Socialist Republic of Vietnam took over the South Vietnamese positions in the Spratly area, a war of words has raged between Hanoi and Beijing. This war has been manifested in several White Books, all of which follow the same pattern: reproduction of historical records and establishment of historical chronologies to prove that the Paracels and Spratlys have belonged to one or the other nation since long before

there was such a thing as a concept of national sovereignty at all, followed by accusations against the other for violating each other's national domain. The war of words reached its first crescendo during the Sino-Vietnamese War in 1979,¹⁰ and a second one in 1988,¹¹ when more than seventy Vietnamese sailors died in an attempt to prevent Chinese forces from occupying reefs in the Spratlys.¹² The polemic continued throughout the 1990s, but gradually a more moderate tone, and greater consideration for the Law of the Sea seeped into statements on matters related to the South China Sea.¹³

During the Cold War, Vietnam and China were both weak naval powers, but allied themselves with each of the world's two superpowers. Vietnam offered facilities to the Soviet Navy at Cam Ranh Bay, and China entered into a *de facto* alliance with the United States and the countries of the Association of Southeast Asian Nations (ASEAN), in an effort to isolate Vietnam in the wake of its invasion and occupation of Cambodia. This alliance pattern contributed to freezing the dispute in the South China Sea, where the Soviet and U.S. fleets dominated.¹⁴

After the end of the Cold War, the situation changed, opening up new opportunities: the Russian fleet reduced its presence drastically, although it kept a modest force at Cam Ranh Bay;¹⁵ and the position of the U.S. Navy was weakened in 1992 by the closure of the base at Subic Bay in the Philippines.¹⁶ Experts and politicians worried about an emerging power vacuum, which might be filled through an arms race in the region. Several countries did indeed engage in costly military modernization programmes, but it would be an exaggeration to say there has been an arms race. The U.S. naval demonstration in the Taiwan Strait in 1996 in the face of Chinese missile tests to scare Taiwan in its run-up to democratic elections, marked the end of talk about a power vacuum and American decline.¹⁷ Since then, the U.S. Navy has repeatedly demonstrated its strength to regional states through visits, invitations, courses and exercises. It has also secured a Visiting Forces Agreement with the Philippines,¹⁸ and has been promised the use of facilities at Changi Naval Base in Singapore from the year 2000.

Since the mid-eighties, China has increased its regional power and influence as a result of impressive economic growth, a much-improved standard of diplomacy, a naval build-up, and what one commentator has called a "creeping assertiveness".¹⁹ Since the Sino-Vietnamese clash in the Spratlys in 1988, however, China has not acted in a confrontational manner. Even the military constructions on Mischief Reef in 1995 and 1998 were not probably meant to provoke a confrontation. Mischief Reef is close to the Philippines, but it was unoccupied when China started its construction work. The construction was probably meant to mark the outer perimeter of the Chinese claim, to create a base for

naval units patrolling the general area, and to be a centre for signals intelligence (SIGINT). Officially, the Chinese describe their structure on Mischief Reef as a "shelter" for fishermen.

Vietnam's main response to the increasing power of China has been to improve bilateral ties, diplomatically, militarily, and between the two communist parties. Vietnam has, however, despite its need to concentrate resources on economic development, undertaken a costly modernization of its naval and air forces. The two broad themes that characterized the development of defence forces in East Asia during the last two decades of the twentieth century were a shift in focus from internal to external security, and increased emphasis on naval and air power. In the case of Vietnam, the shift was from maintaining a huge standing army and a permanent presence in Laos and Cambodia to creating an air and naval deterrent. Vietnam was a latecomer to the military modernization drive, absorbed as it was, until 1989, with the Cambodian war. After that, emphasis was placed on reducing the armed forces, and to recover from the shock of the termination of Soviet aid. In the mid-1990s, however, Vietnam began its military modernization programme. From 1994 to 1999, it bought twelve Russian Su-27 Flanker fighters at an estimated price of US\$330 million, and in December 1999 was close to completing negotiations for the purchase of twelve Su-30K fighters as well.²⁰ Russia also sold Vietnam two missile boats and four radar stations, and signed a contract for technical assistance in the building of two warships.²¹ Vietnam acquired short-range surface-to-surface missiles, and established a small force of combat helicopters.²² Vietnam also bought weapons from North Korea and looked into the possibility of acquiring high-speed, silent Russian submarines.²³

One of Vietnam's main military assets is the natural harbour at Cam Ranh Bay, which was developed as a strategic base successively by France, Japan, the United States, and the Soviet Union. In the mid-1990s, there was some speculation that Vietnam might invite the United States back to Cam Ranh Bay, or possibly invite several foreign navies to send their ships in for re-fuelling and repair. The Russian Navy never left the base, however, and in 1999 even granted funds to modernize its facilities there, which include a major SIGINT centre. Prime Minister Vladimir Putin told the Russian Security Council on 23 November 1999 that the Russian Pacific Fleet's 15th Operational Squadron in Cam Ranh Bay would receive improvements to its stores and service quarters, docking facilities, and communication systems under a new plan for expanding Russia's naval presence in the Mediterranean and the Pacific.²⁴ Thus, just as in the field of oil and gas, where the VietSovPetro company remains a central player, the Russian-Vietnamese connection does not seem to have lost its importance in the military field. Vietnam looks

to Russia for arms, expertise, and training, and the Russian Navy has renewed its interest in Cam Ranh Bay. There will undoubtedly be tough negotiations when the time approaches for the end of the Russian lease to the base facilities in 2004.

Despite Vietnam's efforts to modernize its naval and air forces, and the continued Russian presence, the conclusion cannot be avoided that it is now relatively weaker militarily. Its capacity for power projection cannot match that of other regional players, notably China and Taiwan. In the 1990s, China has bought many times more arms from Russia than Vietnam could conceivably afford. Vietnam has acquired a small deterrent force, but its main means of ensuring peace and regional stability is, and will remain, diplomatic.

Human Security

The East Asian countries' modernization of their armed forces and increased emphasis on air and naval capabilities have run in tandem with a global tendency to move away from a narrow emphasis on traditional national security to a wider perception of human security. This has manifested itself in a number of conferences, declarations, and programmes over concepts such as food security, environmental security, energy security, and navigational safety. There is a general appreciation that improvement in these areas requires international co-operation.

Hanoi has used the 1990s to improve significantly its relations with Beijing, Tokyo, Washington, ASEAN, and the European Union (EU). Vietnam and Malaysia have agreed to establish a joint development zone in the Gulf of Thailand; Vietnam has also signed and ratified a treaty on maritime delimitation with Thailand. It will be interesting to see if Vietnam and China can live up to their promise of reaching an agreement on the delimitation of the Tonkin Gulf before the end of 2000.

In a climate of improved bilateral relations between the states in the region, it has also been possible to launch multilateral dialogues on various maritime issues and problems. Discussions have been held within the framework of the ASEAN Regional Forum, which in 1993 established the Council for Security Co-operation in the Asia Pacific (CSCAP), to which regional think-tanks and scholarly institutions now belong. This came in addition to a series of semi-official Track-Two workshops which was initiated in 1990 by Indonesian ambassador Hasjim Djital and Canadian law professor Ian Townsend-Gault, with Canadian funding.²⁵ The annual workshops have been conducted in Indonesia, and a number of specialized working groups have met in

other regional countries. Vietnam has taken an active part in the workshop process, improved its competence in maritime affairs as well as in the Law of the Sea, and allowed its academics and officials to engage in international expert networks.²⁶

The question now is whether these changes are the first steps in a transformation from a pattern of irreconcilable national security conflicts to a new pattern where shared concerns for human and regional security can take precedence and form a framework for conflict management. A further question is what role Vietnam might play in such a transformation.

Ambassador Hasjim Djalal has led an effort to defuse attention from sovereignty disputes and instead approach shared concerns in order to initiate co-operative measures. From a human security perspective, the "enemy" will not then normally be the neighbouring state, but typhoons, El Nino or La Nina, polluting industries, callous ship captains letting out oil, pirates, fishermen using illegal methods, naval units destroying reefs and atolls, shrimp farmers destroying mangrove swamps, and so on. There is a growing awareness that the fight against such "enemies" requires a new security agenda.

Three problems have to be overcome before a transition to a new security agenda can be said to be successful. First, governments must be willing to spend substantial resources on efforts to promote human security, especially when such efforts run counter to the urge for rapid, but short-sighted economic growth. Secondly, co-operative regimes must be established among states with shared concerns, such as the states around the South China Sea. Thirdly, governments must be convinced that it will not be dangerous for them from a national security perspective to engage in multilateral efforts to address human security concerns rather than placing an emphasis on military preparedness.

The first problem cannot be easily overcome. The recent acceleration in the competition between nations for economic growth is ambiguous as far as human security is concerned. On the one hand, the emphasis on economic growth has shifted attention away from narrow national security concerns and promoted openness in international relations. On the other hand, the urge for catching up economically has created enormous environmental problems and has tempted politicians to look the other way while the environment is being destroyed. The second problem has been repeatedly addressed at the workshops held in Indonesia. The most promising factor at the moment is the United Nations Ecology Programme (UNEP) and the Global Environment Facility's (GEF's) new Strategic Action Plan for the South China Sea. After the plan had been completed, it had to be withdrawn from the agenda at the GEF's meeting in April 1999, because China was opposed

to the "internationalization" of questions related to the South China Sea, but several Chinese agencies had participated actively in developing the plan. They have a stake in it, and so it seems likely that China will go along with the plan in 2000. If this happens, it will be a major step forward from an environmental point of view. Vietnam has stood firmly behind the plan.

The third problem was addressed at the East Asian summit in Manila at the end of November 1999, after the ASEAN countries had agreed, at the last moment, on a draft code-of-conduct for the South China Sea that would, *inter alia*, prohibit any new action to establish presence in any unoccupied rocks or reefs. China did not agree to the code-of-conduct, and thus it could not be signed in Manila, but China did not reject it either.²⁷ The ASEAN countries will no doubt continue to negotiate with China in order to reach an agreement on the code-of-conduct. Taiwan has not been party to the discussions about the code-of-conduct, but shortly before the Manila summit Taiwan made the gesture of announcing that it would replace its marines in Itu Aba, the largest of the isles in the Spratly area, with coast-guard personnel.²⁸ If a code-of-conduct is agreed upon within the region, and military tension is reduced, it will be possible for the countries to deploy more resources to matters related to human security, and to engage in discussions concerning the implementation of the United Nations Convention on the Law of the Sea.²⁹

The process of globalization in the second half of the twentieth century has brought one important change which is likely to characterize the coming century: national laws have been subjected to a wave of standardization in order to facilitate international trade, investments, and communications, and international law has gained increasing importance. It may or may not be significant that all states around the South China Sea who are members of the United Nations have signed UNCLOS, and that all of them (except Cambodia and Thailand) have also ratified it.³⁰

The Law of the Sea

UNCLOS constitutes an independent body within international law. This is in itself significant. It does not only regulate inter-state relations as far as maritime matters are concerned, but defines the obligations of states to safeguard global human interests, such as freedom of navigation, and preservation of living resources. The right defined in UNCLOS to a continental shelf, and to a 200-nautical mile EEZ should not be seen as a right to sovereignty, but as a right to exploit resources on and under the seabed (the continental shelf) and in the water (EEZ).

It also entails an *obligation* to manage these resources in a responsible way. Full national sovereignty (full national jurisdiction) only applies to internal waters, that is, within the baselines that states draw along their coasts as a starting point for measuring their claims to maritime zones. A more limited national sovereignty (with the right to innocent passage) applies within the 12-nautical mile territorial sea, and an even more limited sovereignty within the additional 12-mile contiguous zone. Resources under the seabed outside the continental shelf, and living resources outside the 200-nautical mile EEZ, belong to the global community. A loyal interpretation of UNCLOS thus requires a strong focus on measures to ensure human security.

The importance of UNCLOS in the context of the South China Sea resides partly in its provisions for resolving disputes over the delimitation of maritime zones, partly in its guidelines for how to manage resources in Exclusive Economic Zones, international waters (the high seas), and semi-enclosed seas.³¹ A problem with UNCLOS, which sometimes can be turned to an advantage, is its vagueness. Its provisions are frequently being re-interpreted. The Law of the Sea is constantly evolving, and many of the UNCLOS provisions have not yet become customary international law, although of course they are legally binding on the states which have ratified the Convention.

The former South Vietnam participated in the elaboration of UNCLOS until Vietnam was unified in 1975; and from 1977, when the Socialist Republic of Vietnam (SRV) gained U.N. membership, Vietnam took an active part in the negotiations, and was among the signatories in 1982.³² On 12 May 1977, before entering the negotiating process, the SRV had claimed for itself the whole range of maritime zones which were going to be authorized in UNCLOS: a 12-nautical mile territorial sea, a 12-mile contiguous zone, and a 200-mile Exclusive Economic Zone. In July 1982, Vietnam and its client regime in Cambodia agreed to jointly administer their common "historical waters" in the Gulf of Thailand. On 12 November 1982, Vietnam also claimed a major part of the Tonkin Gulf as "historical waters", and established a system of straight baselines from a point outside the border with Cambodia to Tiger Island, the entrance to the Tonkin Gulf.³³ In this period, Vietnam also held the opinion that each of the two archipelagoes it claimed in the South China Sea had a right to a continental shelf and EEZ.³⁴

Basically, a coastal state like Vietnam can choose two main approaches to UNCLOS. It can seek to radically bend its rules in order to maximize national interests, or it can take the Convention seriously and try to realize national interests within the confines of a justifiable interpretation of the text itself, and of customary international law. The advantage of the first approach is that it *could* maximize the endowment

of natural resources (if other states do not protest and take counter-measures). The advantage of the second approach is that it heightens a state's international prestige, and makes it a reliable partner in bilateral and multilateral relations.

For a long time, Vietnam followed the first approach (as did many other states). Vietnam considered the Hoang Sa (Paracel) and Trung Sa (Spratly) archipelagoes as two distinct territories rather than agglomerations of individual insular features,³⁵ and claimed that they, as island groups, had a right to continental shelves and 200-nautical mile Exclusive Economic Zones.³⁶ However, if one proceeds from the Law of the Sea, it is far from evident that the Paracels and Spratlys form two distinct archipelagoes, highly unlikely that it will be legitimate to draw a baseline around them (at least around the Spratlys), and also quite unlikely that any of the tiny islands in the Spratly area have a right to a continental shelf or Exclusive Economic Zone.³⁷ The Paracels consist of several distinct groups, with the Crescent and the Amphitrite as the most important. And the Spratly island is just one of a great number of small isles, reefs and atolls spread over a huge area which does not seem to form a natural group or archipelago. Some isles could be under one state's sovereignty, others under another, depending on its history of official claims and effective occupation. If the Spratly area was to be considered one archipelago, this would enhance the fatal assumption that one state must have sovereignty to all the islands, and that the same state should control the seabed underneath and the adjacent waters. This assumption does not seem defensible if one proceeds from the Law of the Sea, and the assumption is highly dangerous if one has regional security in mind. When Exclusive Economic Zones are to be delineated in the central part of the South China Sea, the main basis will most probably be the distance from the coasts of Vietnam, Hainan, Taiwan, Luzon, Palawan and Borneo, *not* from the islets, reefs, and atolls in the Spratly area. The Paracels, however, are likely to be attributed some weight, both because they are larger and have sustained seasonal habitation historically, and because it may be necessary to give them weight in order to reach an equitable solution.

Vietnam has also radically stretched the Law of the Sea when defining its own coastline. In 1982 it drew straight baselines along its coast, from one island to another, thus subsuming huge areas of sea as internal waters where other nations' ships do not have a right of innocent passage. And, as mentioned, Vietnam advanced the claim that the waters in the Gulf of Thailand, outside Vietnam and Cambodia, belonged to the two countries as "historical waters"; thus, a straight baseline could be drawn far out to sea. Originally, it was also Vietnam's

and sharing many of China's cultural traits, might foster diplomatic attempts to build bridges across the regional borderline between Southeast and Northeast Asia.

Is There a South China Sea Region?

From a human security perspective, the South China Sea does not naturally appear as a divisive "maritime territory" waiting to be carved up, or a venue for threats, incursions, and invasions. It is seen instead as a source of animal protein and energy, a regional maritime bridge, and an international thoroughfare. From such a perspective, the sea is a major resource, shared by the people living around it, both Chinese and Southeast Asian, and with an important role to play as a transport route for all the world's merchant fleets and navies.

In the pre-colonial and most of the colonial period, Europeans used to speak of the whole region from India to Japan as "the Far East", but since World War II, the convention has been to distinguish between, on the one hand, Southeast Asia, which today consists of ten states who are all members of ASEAN and, on the other hand, Northeast Asia, encompassing China with Taiwan, the two Koreas, Japan, and the Russian Far East. This convention has been reflected also in European, American, and Australian academic research, where scholars define themselves as either Southeast Asia specialists, Sinologists, Japanologists or Korea experts, with only a few studying East Asia as a whole. This is unfortunate for research on the South China Sea, since an unbiased approach to the sea and its problems demands a perspective where the water is at the core of a region encompassing the surrounding lands, regardless of whether they are Southeast Asian or Chinese. The initiative of South Korea and the ASEAN countries, in the run-up to the Manila summit of November 1999, to create an East Asian co-operation forum, encompassing both Southeast and Northeast Asia, may perhaps make it easier to see that the states and provinces around the South China Sea actually form an East Asian sub-region.

The islands of Hainan and Taiwan, the mainland Chinese provinces of Guangxi, Guangdong, and Fujian, and the Special Administrative Region of Hong Kong constitute the northern part of the South China Sea region. This is the area where most Chinese migrants to Southeast Asia came from. The islands of Luzon, Mindoro, and Palawan constitute the eastern part of the region. The southern part consists of the two Malaysian states of Sabah and Sarawak, Brunei, Indonesia's Natuna Islands, and Singapore. The western part of the region runs from Singapore up the east coast of West Malaysia, through the Gulf of

Thailand, Thailand and Cambodia, and along the long Vietnamese coast up to the Tonkin Gulf. All these territories could be seen as parts of "the South China Sea region", which thus joins together much of Southeast Asia and southern China. The region's principal commercial ports are Hong Kong and Singapore, but other ports also play a significant role in regional trade. The region also includes important naval anchorages at Cam Ranh Bay, Zhanjiang, Yulin, and Kaoshung. Subic Bay was a U.S. military base until the Americans left in 1992, and the Philippines has since tried, with Taiwanese investments, to make it into a major commercial free port.

As a semi-enclosed sea, the South China Sea has a double role. On the one hand, it forms a core of a region, a "sea bridge" between the surrounding states. On the other hand, it is an international thoroughfare, with crucial shipping routes from the Indian Ocean to the Pacific, running through some of the most trafficked straits in the world. From a conflict perspective, there are thus two dividing lines. The first goes between all the regional states that compete for isles, maritime zones, and resources. The second goes between the coastal states and the world's main shipping nations and naval powers, as well as those states in Northeast Asia which depend on open sea-lanes for the provision of oil and other commodities. When, or if, the states around the South China Sea manage to establish co-operative regimes for resource management, they will also need to reassure outside powers that the freedom of navigation will be respected.

Vietnam's Bridge-building Potential

Vietnam used to be a source of regional conflict. In the 1950s and 1960s, Chinese support for the Viet Minh and North Vietnam provoked fear in Southeast Asia that Vietnam was a pawn in the hands of an expansionist Red China. After the end of the Second Indochina War in 1975, the Sino-Vietnamese conflict transformed Vietnam into a perceived threat both to the rest of Southeast Asia and to China. This threat perception provoked an improvement in the relationship between China and the ASEAN countries. At the present historical juncture, Vietnam's geographic location and its strong traditional ties with both China and the Southeast Asian countries could instead give it a constructive role as a bridge-builder between ASEAN and China, and between Southeast and Northeast Asia. The normalization of Sino-Vietnamese relations in 1991, and Vietnam's membership in ASEAN from 1995, has provided Hanoi with an opportunity to realize its bridge-building potential, but this will demand a change of outlook, for which

view that the huge Tonkin Gulf was "historical waters" shared by Vietnam and China, so that after its delimitation each country would have full jurisdiction in its part. Vietnam held this view despite the fact that it would be in Hanoi's economic interest to follow the Law of the Sea and define the Hainan (Qiongzhou) strait as an international strait. Since the 1950s, when the matter caused a dispute between Britain and the PRC, China has considered the strait as internal Chinese waters. To be safe from Chinese inspection, ships going from Haiphong to Hong Kong would thus have to go around Hainan. In the past, China had seized several Vietnamese ships on their way to Hong Kong.³⁸

Vietnam's radical interpretations of the Law of the Sea, which were no doubt meant to maximize its national interests, have actually proved counter-productive since they have contributed to legitimizing China's and other claimants' similar bending of international law. Vietnam's use of a radical straight baseline system provided a precedent for China when, in 1996, it drew its own straight baselines from Hainan north-eastwards to the mainland coast, and a separate, enclosed line around the whole of the Paracel archipelago.³⁹ In addition, Vietnam's claim to "historical waters" in the Thailand and Tonkin Gulfs has made the Chinese and Taiwanese claim to virtually the whole of the South China Sea, within the so-called nine-dotted line, as Chinese "historical waters" just a little less unreasonable than it would otherwise have been.⁴⁰ Furthermore, Vietnam's original claim to the Spratlys and Paracels as island groups with a right to continental shelves and extensive maritime zones has made it tempting for China to make the same claim. The most positive aspect of China's South China Sea policy in the 1990s has been a significant *non-action*. Despite urgings from some quarters, China has refrained from drawing a baseline around the Spratly area in the same way that it has done around the Paracels. If China had claimed the Spratlys as an archipelago with baselines around it, this would have removed any possibility of resolving the Spratly dispute.⁴¹

The dangers resulting from stretching international law to one's own national interests seem to have been understood by Vietnamese legal experts in the early 1990s, when Vietnamese government officials started to backtrack and take the provisions in UNCLOS more seriously. Now they have adopted the reasonable view that the islets in the Spratly area do not have a right to more than 12-mile territorial zones.⁴² Vietnam's Hoang Sa and Truong Sa rhetoric has continued in the 1990s, but it has not been as shrill as in the past. Instead, Vietnam seems to have used its improved expertise on the Law of the Sea, its participation in the semi-official workshop process, and its membership in ASEAN, to develop discretely a new approach, more in consonance with a textual

interpretation of UNCLOS.⁴³ When addressing the United Nations General Assembly on 25 September 1999, Foreign Minister and Deputy Prime Minister Nguyen Manh Cam said: "Vietnam holds the consistent view that the disputes in the Eastern Sea should be settled by peaceful means and through bilateral and multilateral negotiations among parties directly concerned, on the basis of full compliance with international law, especially the 1982 U.N. Convention on the Law of the Sea and the 1992 ASEAN Declaration on the South China Sea." He also declared: "As a member of the UN and the international community, Vietnam has done its utmost and will continue to do so to contribute to the common cause of humankind."⁴⁴

The Vietnamese Government seems to have discovered that the costs of respecting the Law of the Sea may be smaller than the risks involved in radically bending or stretching it. This new realization has also no doubt helped Vietnam to resolve differences with Malaysia and Thailand, and to advance negotiations with China concerning delimitation of the Tonkin Gulf. It will be interesting to see to what extent China and Vietnam will use the provisions of UNCLOS when delimitating the Tonkin Gulf. They could agree to consider the Tonkin Gulf as historical (internal) waters with a closing line from the Vietnamese coast to Hainan, thus subsuming the whole Gulf as internal Chinese and Vietnamese waters. However, this would violate the Law of the Sea, and China seems to be against it. The two parties could instead choose to follow UNCLOS loyally and establish normal baselines as a point of departure for delimiting their maritime boundary, while carefully separating territorial waters, contiguous zones, and Exclusive Economic Zones. If they choose to scrupulously follow the provisions in UNCLOS, this might set a precedent for the future delimitation of other areas in the South China Sea.⁴⁵

In the last half of the 1990s, while there were several incidents between China and the Philippines and also, in 1999, between Malaysia and the Philippines and between Vietnam and the Philippines, the Sino-Vietnamese relationship continued to improve. There were intermittent periods of coolness related to the awarding of oil concessions, or attempts to drill for oil on contested territory, but somehow these were overcome without causing any lasting damage to the bilateral relationship. This places Vietnam in a new and interesting position between China and the rest of ASEAN, a position that could give Vietnam a key role in developing a multilateral approach to managing the disputes and problems in the South China Sea. This requires, however, that Vietnam stay on good terms with both China and the Southeast Asian states. Vietnam's position as a Southeast Asian nation bordering China,

the Vietnamese leaders are not well prepared. They still demonstrate a tendency to view foreign relations mainly in terms of likely foreign threats to national independence and political stability. Thus, they stick to a reactive foreign policy rather than utilize their potential to play an active, regional role. As mentioned, a number of changes have occurred in the region, which all seem to enhance Vietnam's chance to conduct a more active foreign policy to deal with such issues as a more pragmatic China; a crisis of leadership in ASEAN after the fall of Indonesian President Soeharto in May 1998; agreements on maritime delimitation in the Gulf of Thailand; closer relations between Vietnam and the Philippines; and Vietnamese contact with Chinese experts on the Law of the Sea through negotiations over maritime delimitation in the Gulf of Tonkin.

In this situation, a more self-conscious Vietnamese leadership could engage its diplomacy in a major, long-term effort to manage the disputes in the South China Sea, with the objective of an overall delimitation of maritime zones. China and Vietnam will need to settle their dispute over sovereignty of the Paracels,⁴⁶ and some of the islands in that group are probably big enough to generate claims for Exclusive Economic Zones under the provisions of UNCLOS, paragraph 121 (1) and 121 (3).⁴⁷ In the Spratly area, however, a compromise solution could conveniently be based on a multilateral agreement that none of the Spratly islands satisfy the conditions established in the Law of the Sea for generating more than 12-nautical mile territorial zones.⁴⁸ This would make it possible for the various claimant states to continue their occupation (should they wish to do so), without this having any effect on the delimitation of maritime zones. The dispute over sovereignty of the so-called Spratlys could then simply be shelved and the central parts of the South China Sea could be divided equitably into national economic zones through bilateral and multilateral negotiations. If after delineating all the EEZs, there were to be a remaining zone in the middle, it would, legally speaking, be *high seas* and thus belong to the global community. Presumably, however, the setting up of some kind of joint management by a Sino-ASEAN regional authority, possibly with Taiwanese and international participation, could be envisaged.⁴⁹ All of this may seem Utopian, but when realist politicians search for compromises, they sometimes need a dose of idealism. Each state's South China Sea policy is no doubt primarily motivated by realistic calculations of national economic and security interests, but when excessive realism only leads to status quo, and perpetuates tension and endangers the environment, then it is time for motivated professionals to set an alternative agenda.

From National to Human Security?

Has there been a move in the region from a concern for traditional national security to an emphasis on regional, human security? The answer, despite the Mischief Reef incident and the squabbles in the summer and autumn of 1999 between Malaysian, Philippine and Vietnamese forces, and Chinese fishermen, is a modest yes. Many of the preconditions for such a transformation have been established, such as a shift of focus from military force to a quest for economic performance, an improvement in relations between the regional states, the creation of formal and informal regional networks among legal experts and experts on maritime affairs, the adoption of confidence-building measures, and the drawing up of a draft code-of-conduct which may, or may not, be negotiated successfully with China. These basic changes have not, however, translated into decisive efforts to manage the dispute in the South China Sea, or to establish co-operative regimes within specific domains. The most hesitant of the claimant states has been the People's Republic of China, which is under pressure from inherited rhetoric, nationalist impulses, and continued competition with Taiwan for national legitimacy, to uphold its exaggerated claims to "maritime territory".⁵⁰ The PRC's behaviour in the South China Sea may sometimes also be understood as an attempt by the government to demonstrate resolve to its own population.

In this situation, Vietnam can choose between two main strategies, with a different emphasis. The first continues to see the main task as defending the sovereignty of the Spratlys (Truong Sa) and to insist that China give back the Paracels (Hoang Sa) to Vietnam. This will require a military build-up, nationalist mobilization, and renewed attempts to find allies abroad to present a counter-balance to China. The alternative strategy defines the main aim as keeping and promoting regional peace, and enhancing human security. This requires increased regional and international trade, and engaging China, together with the ASEAN countries, in co-operative regimes within a number of sectors, driven by science, environmental awareness, and the study and application of international law. The two strategies are not in absolute conflict, since it is also necessary, of course, to defend national security if the second strategy is chosen. The difference is one of emphasis. There are two basic problems with the first strategy. First, Vietnam is still a poor country and can hardly afford to build naval and air forces that stand any chance of matching Chinese naval power, although Vietnam may be strong enough to maintain a minor deterrent role (with modern Russian-built fighter aircraft and warships). Secondly, Vietnam's membership of ASEAN does not represent a counter-balance to China.

ASEAN is not a military bloc, only an association of states. The one major power that can possibly counter-balance China is the United States. Thus, the only situation where the first strategy is likely to succeed is one where Vietnam radically improves its relationship with the United States while Sino-American relations deteriorate. Successes gained in such a situation would seriously damage Vietnam's relationship with its huge northern neighbour. In the long-term perspective, perhaps Japan may also once more constitute an alternative counter-balance to China, but the Japanese do not seem to want such a role, which would make their country thoroughly unpopular in much of the Asia-Pacific region.

Thus, it seems logical for Vietnam to either apply a passive, reactive foreign policy, or choose the second strategy and actively seek to engage the region in the new global discourse on human security.

NOTES

1. For a record of improvement in the Sino-Vietnamese relationship during 1991–97, with intermittent crises, see Ramnes Amer, "The Territorial Disputes between China and Vietnam and Regional Stability", *Contemporary Southeast Asia* 19, no. 1 (June 1997): 86–113.
2. A new Vietnamese governmental decree was issued on 9 June and took effect on 24 June 1999, outlining the legal action to be taken against anyone who violates Vietnamese territorial waters (12 nautical miles from the baselines), and also authorizing actions to defend Vietnam's prerogatives on its continental shelf and within its 200-nautical mile Exclusive Economic Zone. *South China Morning Post*, 12 June 1999.
3. See Ramnes Amer, "Vietnam and Its Neighbours: The Border Dispute Dimension", *Contemporary Southeast Asia* 17, no. 3 (December 1995): 298–318.
4. An agreement was reached in October 1993 between leaders of Vietnam and China to step up the negotiation process towards an early signing of a treaty on the mainland border and on the delineation of the sea boundary in the Gulf of Tonkin. The Vietnamese intention was, for some time, to reach an agreement both on land border and delineation of the Tonkin (Bac Bo) Gulf "before the year 2000" (Vietnam News Agency, 16 August 1997; Voice of Vietnam, 30 March 1998). Later, this was corrected to "in 2000" (BBC Monitoring Newfile, 29 September 1998), and then the aim became to settle the land border before 2000 and the delineation of the Gulf of Tonkin "by 2000" (*Kyodo News*, 29 September 1998), or "no later than 2000" (Xinhua News Agency, 30 December 1998).
5. Reuters, 3 December 1999; and *Nhan Dan*, 31 December 1999.
6. Pattle Island is the main island in the western Crescent group, and Woody Island in the eastern Amphitrite group. In 1931, France claimed the Paracels as a historic part of Annam and in the late 1930s established a garrison on Pattle Island, mainly as a counter-move to Japan. China had repeatedly stated its sovereignty over the Paracels earlier in the twentieth century, but (according to French documents) tolerated the French occupation as a counter-move to Japan, under the condition that this would not prejudice the Chinese claim. During the Pacific War, there was both a Japanese

and French presence in the islands, but after the end of the war, they were unoccupied. In late 1946 and early 1947, China occupied Woody Island, and France re-established its occupation of Pattle Island which, after the partition of Vietnam at the 1954 Geneva Conference, was left to South Vietnam. The Taiwanese had in 1950 abandoned Woody Island. In early 1956 a visiting French ship discovered that PRC forces occupied it. In 1974, towards the end of the Second Indochina War, a PRC force seized Pattle Island from its South Vietnamese occupants, and the PRC has since controlled the whole of the Paracels. The above is based on Greg Austin, *China's Ocean Frontier: International Law, Military Force and National Development* (St. Leonards: Allen & Unwin, 1998), pp. 98–130, and on documents in the archives of the French Ministry of Foreign Affairs and the Service Historique de la Marine in Paris. A fuller account will be made in a manuscript the author is working on, based on French and British archival sources.

7. Reuters (Andy Solomon in Hanoi), 2 July 1998.
8. The Norwegian firm PGS Nopac, which made a survey in 1997 in co-operation with the Indonesian, Malaysian, and Vietnamese governments, came up with results that did not confirm the Chinese expectations. It shot three seismic lines through the Spratly area (which is not much), and reported huge structures that could contain large reserves of hydrocarbons. However, there were also some geological risk factors. The conclusion was that the question of whether or not the structures contain oil and gas could be answered only by drilling. Personal communication from Mr. Kjell Bugge Johansen, PGS Nopac, 19 February 1999. Two reports on the hydrocarbon potential are available on commercial terms: *South East Asia Super Ties-95* (SEAS-95), and IEDS, *A Review of the Hydrocarbon Potential of the South West China Sea*. These have not been consulted for the present article.
9. By the mid-twentieth century, according to French reports from that period, the Paracels were also not permanently inhabited, but Hainanese fishermen stayed there for the better part of the year.
10. *Vietnam's Sovereignty over the Hoang Sa and Trung Sa Archipelagos* (Hanoi: Information and Press Department, Ministry of Foreign Affairs, Socialist Republic of Vietnam, 1979), p. 60.
11. *The Hoang Sa and Trung Sa Archipelagos and International Law* (Hanoi: Ministry of Foreign Affairs, Socialist Republic of Vietnam, April 1988), p. 54.
12. Chang Pao-min, "A New Scramble for the South China Sea Islands", *Contemporary Southeast Asia* 12, no. 1 (June 1990): 24–29; and Sheng Lijun, "Beijing and the Spratlys", *Issues and Studies* 31, no. 7 (July 1995): 18–45.
13. In 1996, the retired head of Vietnam's Border Commission, Luu Van Loi, published *The Sino-Vietnamese Difference on the Hoàng Sa and Trường Sa Archipelagos* (Hanoi: The Gioi, 1996). This book follows the same argumentative pattern as the earlier White Books, but is more nuanced, and aims for negotiations on the basis of international law rather than national confrontation.
14. For an in-depth study of Soviet naval policies during the Cold War, see Derek da Cunha, *Soviet Naval Power in the Pacific* (Boulder: Lynne Rienner, and Singapore: ISEAS, 1990).
15. According to Russian sources, the Russian Navy still maintains several hundred personnel at Cam Ranh Bay. Russia has a 25-year lease on the base that expires in 2004, a deal that Moscow wants extended despite its domestic financial problems. Sergei Blagov, "Russia-Vietnam: Commercial Military Ties Bind Old Foes", *Inter Press Service* (Moscow), 7 July 1999. For disagreements between Vietnam and Russia concerning the extension of the lease, see *Jane's Defence Weekly*, 21 April 1999.

16. See Alfredo R.A. Bengzon with Raul Rodrigo, *A Matter of Honor: The Story of the 1990-91 RP-US Bases Talks* (Manila: Anvil, 1997).
17. John W. Garver, *Face Off: China, the United States, and Taiwan's Democratization* (Seattle: University of Washington Press, 1997).
18. The Philippine Senate ratified the agreement in May 1999 over vigorous opposition from the Roman Catholic Church and leftist groups. It cleared the way for the resumption of joint military exercises, which had been suspended in 1995, three years after the closure of the U.S. base in Subic Bay. Reuters, 3 October 1999.
19. Ian James Storey, "Creeping Assertiveness: China, the Philippines and the South China Sea Dispute", *Contemporary Southeast Asia* 21, no. 1 (April 1999): 95-118.
20. *Jane's Defence Weekly*, 1 December 1999.
21. Interfax news agency (Moscow), 30 June 1999 (BBC Monitoring Service, 2 July 1999).
22. *Jane's Defence Weekly*, 24 November 1999.
23. Blagov, op.cit.
24. Jane's Information Group, *Russia: The Week in Review*, 1 December 1999.
25. Hasjim Djalal, "Potential Conflicts in the South China Sea: In Search of Co-operation", *Indonesian Quarterly* 18, no. 2 (2nd quarter 1990): 127-32; Ian Townsend-Gault, "Preventive Diplomacy and Pro-Activity in the South China Sea", *Contemporary Southeast Asia* 20, no. 2 (August 1998): 171-89; Lee Lai To, *China and the South China Sea Dialogues* (Westport CN: Praeger, 1999); and Yann-Huei Song, *Managing Potential Conflicts in the South China Sea: Taiwan's Perspective*, East Asian Institute, Occasional Paper no. 14 (Singapore: Singapore University Press, 1999).
26. Tom Nass, a student of political science who is associated with the "Energy and Security in the South China Sea" project at the Centre for Development and the Environment, University of Oslo, has undertaken a study where he discusses whether or not an *epistemic community* of experts has been formed around the South China Sea.
27. "In principle, all the parties concerned have expressed their support to such a code of conduct. Actually we have reached an agreement on the bulk of the code of conduct," said China's Prime Minister Zhu Rongji after a meeting with Singapore Prime Minister Goh Chok Tong on 29 November 1999. He added that the code of conduct was a "very serious and important matter to China" and it would not rush to sign: "It is important that after signing it is carried out, therefore we need to have full consultation in order to achieve unanimous agreement." *Asian Wall Street Journal*, 30 November 1999.
28. The Taiwanese Defence Minister, Tang Gei, told the Interior Affairs Committee of the Legislative Yuan that Taiwan did not have the capability to defend the Nansha (Spratly) Islands in the event of a military conflict. China News Agency (Taipei), 24 November 1999.
29. In November 1997, before the United Nations General Assembly adopted a resolution on the Oceans and the Law of the Sea, the representatives of Vietnam, China, the Philippines, and Malaysia all made known their countries' claims to the Spratly area, or parts thereof. However, all of them also emphasized the need to abide by the rules of UNCLOS, of resolving the dispute through peaceful means, and they voted in favour of the resolution. M2 Presswire, 27 November 1997.
30. A short and clear introduction to the Law of the Sea is given by the ITSS (International Institute of Strategic Studies) in its *Strategic Comments* 5, issue 9 (November 1999). UNCLOS requires all contracting states to protect and preserve (rare or fragile ecosystems and the habitat of endangered species. However, UNCLOS gives prime responsibility to the industrialized countries for such protective measures. Developing nations are just expected to contribute to the best of their ability.

32. The following is based on Epsey Cooke Farrell, *The Socialist Republic of Vietnam and the Law of the Sea: An Analysis of Vietnamese Behavior Within the Emerging International Oceans Regime* (The Hague: Martinus Nijhoff, 1998). Although this book was published in 1998, the writing was completed in 1991, and does not include developments after 1991.
33. In the context of ongoing thesis work, Johan Henrik Nossun, a student of law at the University of Oslo, has tried to find a legal basis in UNCLOS for the Vietnamese straight baseline system, but has found little to be said in its defence.
34. Mark J. Valencia and Jon M. Van Dyke, "Vietnam's National Interest and the Law of the Sea", *Ocean Development and International Law* 25 (1994): 217-50.
35. Trung Sa (the Spratlys) is considered by Vietnam to be a district of Khanh Hoa province.
36. Statement on the Territorial Sea, the Contiguous Zone, the Exclusive Economic Zone, and the Continental Shelf of Vietnam, 12 May 1977, paragraph 5. Appendix 3 in E. C. Farrell, *The Socialist Republic of Vietnam and the Law of the Sea*.
37. If any of them are given a right to an EEZ, then their weight in delimiting boundaries between their zones and those of the opposite mainland coasts would probably be modest.
38. In September 1992, Vietnam announced that nearly twenty Vietnamese ships transporting goods from Hong Kong had been seized by China since June that year. Amer, "The territorial disputes...", p. 89.
39. This drew protests from the United States and other countries because China, as a non-archipelagic state, does not have a right to draw archipelagic baselines. China has defended itself by pointing to the fact that archipelagic baselines have also been drawn by other non-archipelagic states, such as Ecuador around the Galapagos.
40. The claim to all territory within the so-called "nine-dotted line" (which originally had eleven dots) was first made on a map issued by Chiang Kai-shek's government, and was later taken over by the People's Republic of China, which formalized the claim in its Law on the Territorial Sea and the Contiguous Zone, adopted by the People's National Congress as late as 1992. Taiwan makes the same claim on behalf of "China". It remains uncertain if the Chinese and Taiwanese claim to all of the South China Sea within the nine-dotted line is meant as a "historical waters" claim. In the Law of the Sea, "historical waters", which are only recognized under very particular circumstances, are considered as internal waters, where the sovereign state has full jurisdiction. If the South China Sea were Chinese "historical waters", China would not actually need the baselines it drew in 1996. The baselines should then have been drawn around the historical waters, that is, following the nine-dotted line. For two recent attempts to clarify this issue, see Peter Kien-hong Yu, "The Chinese 'U-shaped Line' and its Importance in Viewing the South China Sea Strategic Zone", *Defence & Foreign Affairs: Strategic Policy* (April 1999), p. 16; and Zou Keyuan, "The Chinese Traditional Maritime Boundary Line in the South China Sea and Its Legal Consequences for the Resolution over the Spratly Islands", *International Journal of Marine and Coastal Law* 14, no. 1 (1999): 27-55. Zou Keyuan concludes (p. 52): "On the one hand, it seems that China does not claim everything within the line as can be seen from its diplomatic notes, relevant laws and public statements. What China claims are the islands and their adjacent waters within the line (...). On the other hand, a number of factors may give people the impression that China regards the line as its maritime boundary line."
41. Stein Tønnesson, "Can Conflicts be Solved by Shelving Disputes?" *Security Dialogue* 30, no. 2 (July 1999): 179-82.

42. See Mark J. Valencia, John M. Van Dyke and Noel A. Ludwig, *Sharing the Resources of the South China Sea* (The Hague: Martinus Nijhoff, 1997), pp. 41–45.
43. A bilingual English-Vietnamese edition of UNCLOS has been published: *Cong Uoc. Cua Lien Hop Quoc Ve Luat Bien. United Nations Convention on the Law of the Sea 1982* (Hanoi: Nha Xuat Ban Chinh Tri Quoc Gia, 1999), and Professor Nguyen Hong Thao has published a valuable introduction to the Law of the Sea: *Nhung Dieu Can Biet Ve Luat Bien* (Hanoi: Nha Xuat Ban Cong An Nhan Dan, 1997).
44. VNA News Agency Website, 26 September 1999.
45. The idea here is not that the weight given to the islands in the Tonkin Gulf should set a precedent for how to treat islands in other parts of the South China Sea. The idea is merely that China and Vietnam could strengthen the role of UNCLOS by clearly grounding their treaty in the provisions of the convention. For a recent superb analysis of the delimitation issue in the Tonkin Gulf, see Zou Keyuan, "Maritime Boundary Delimitation in the Gulf of Tonkin", *Ocean Development and International Law*, no. 3 (1999), pp. 235–54.
46. A discussion of the sovereignty dispute in the Paracels, which is not favourable to the Vietnamese claim, can be found in Austin, op.cit., chapter 4.
47. UNCLOS 121 (1) defines an island as "a naturally-formed area of land, surrounded by water, which is above water at high tide", and adds, in Article 121 (3), that "Rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf."
48. Marius Gjetnes, a law student who is associated with the "Energy and Security in the South China Sea" project at the Centre for Development and the Environment, University of Oslo, is currently undertaking a study in which he discusses whether or not any of the islands in the Spratlys satisfy the conditions for generating a continental shelf and an EEZ.
49. A major source of creative thinking about how to resolve the legal disputes in the South China Sea is Valencia, Van Dyke and Ludwig, *Sharing the Resources of the South China Sea*.
50. A suggestion to shelve the dispute concerning sovereignty over the islets, reefs and atolls in the Spratly area while concentrating on environmental management and the delimitation of maritime zones, seems to make perfect sense. If, however, China's oft repeated suggestion to shelve the disputes should be understood as a suggestion to postpone maritime zone delimitation while creating a Joint Development Zone to jointly drill for oil in the Spratly area, the proposal seems much less constructive. To jointly explore for oil in the part of the South China Sea that is furthest away from China (the Spratly area) will hardly be acceptable.

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BOOK REVIEWS

ASEM: The Asia-Europe Meeting—A Window of Opportunity. Edited by Wim Stokhof and Paul van der Velde. London: Kegan Paul International in association with the International Institute for Asian Studies, Leiden and Amsterdam, 1999. 179pp.

The volume under review is a decidedly "mixed bag" of analysis and commentary on ASEM, its objectives, achievements, problems, and future prospects up to the time of writing (some time in 1998) and publication (1999). The book is divided into several parts, as follows: "The Politicians' View of ASEM", "Improving Mutual Contact between Asia and Europe", "Challenges and Problem Areas", and "The Future of ASEM". There are five appendices, namely, the Chairman's statements of 1996 and 1998, a statement on the financial and economic situation in Asia, written for ASEM 2, and a list of contributors and abbreviations. The various contributions are footnoted, with considerable variation in the detail and quality of the footnoting.

The book deals with a number of well-known issues and controversies, as evident from the listing of the main topics above. Several main themes appear. First of all, the contributors are in agreement that ASEM is an important vehicle for building bridges and creating greater understanding between Asia and Europe. Secondly, there are areas in which greater co-operation can be achieved, for mutual benefit, and with a minimum of controversy, particularly in economic matters. Thirdly, some issues are quite contentious, notably in the field of human and political rights, and caution must be exercised in pursuing such matters, lest disagreements derail or hinder co-operation in less contentious fields (as noted, in economic relations). And, finally, ASEM can eventually