

Press Brief.

Vanguard Bay: A New Hot Spot in the South China Sea?

A Round-Table Discussion at the University of Hamburg on January 30, 2020.

On January 30, 2020, a discussion round took place at the University of Hamburg, chaired by Prof. Dr. Thomas Engelbert, *Asien-Africa-Institut*, University of Hamburg. The participants were Dr. Takashi Hosoda, Charles University Prague, and Dr. Gerhard Will, Hamburg. The discussion focused on new tensions which have arisen through the Chinese military bullying in the area of the Vanguard Bank.

Vanguard Bank (Vietnamese: Bãi Tư Chính, Chinese: Wan'an Tan) is an agglomeration of rocks in the south-western corner of the Spratly Islands, submerged by water, where currently three Vietnamese military outposts on stilts are stationed. The area is situated 352 kilometres off the south-eastern Vietnamese coast, roughly in the middle of the distance between Vietnam and Brunei.

From July 3-11, 2019, a Chinese navy ship (the Haiyang Dizhi 8) entered the area to conduct exploration operations in search of hydrocarbons. In response to the Chinese move, Hanoi sent four coastguard ships to the area to support its claim to defend the sovereignty of the SRV's 200 nautical miles' Special Economic Zone. This triggered a confrontation that lasted over ten days, marked by blank shots and water cannon jets. According to the statement of the SRV Foreign Ministry, the waters surrounding Vanguard Bank belong to Vietnam, as an extension of its southern plaque. However, the PRC has started exploration operations in search of oil and gas there, thus turning a peaceful area into a new disputed territory.

Since 2009, the PRC had exerted pressure on Vietnam, so that a British (British Petroleum, BP) and a Spanish company (Repsol) were forced to abandon another sector near the Paracel Islands (2014).

First of all, Vietnam reacted to this new Chinese bullying in a very low-key manner. Surely not accidentally, the PRC move took place when the president of the Vietnamese National Assembly, Mrs. Nguyễn Thị Kim Ngân, payed an official visit to China. For the entire period of her visit, Vietnam's state newspapers and the official media remained silent.

On July 17, 2019, the spokeswoman of the SRV Foreign Ministry, Lê Thị Thu Hằng, called on "related countries and the international community to work together to contribute to peace and order in the South China Sea". She mentioned the "entry" of HD8 into Vietnamese waters. A note of the SRV Foreign Ministry stated that "whoever enters the waters or invades the islands and the continental plate of Vietnam, violates the international law and the 1982 UN Convention on the Law of the Seas (UNCLOS)". In October 2019, Vietnam's Foreign Ministry revealed that forty diplomatic notes on this topic had already been sent to the PRC.

A background brief was sent to several countries, with whom the SRV has concluded agreements on strategic relations: the US, Japan, India, Australia, New Zealand, South Korea, France, Germany, the UK and the EU, but not to China and Russia. The US Department of State was the first of the partner countries to condemn China's actions in strongly worded press statements on July 20, 2019 and August 13, 2019. Australia, Japan and the EU also condemned the PRC actions without calling the country by its name, and reiterated their readiness to contribute positively to a speed up the conclusion of an effective, substantive and legally binding Code of Conduct (CoC) in the South China Sea between ASEAN and the PRC.

The aim of this discussion round has been assess the incident itself, the Chinese and Vietnamese points of views and intentions, and possible developments of this conflict, which is part of a wider spectrum of conflicts between China and Vietnam, China and the Philippines as well as other claimants concerning the South China Sea.

The results of the discussion can be summarized as follows: These new Chinese actions must be seen as a threat to regional stability and peace and are a cause of deep worries for the international community. The world at large, especially Europe and the European Union, are now demanded to raise their voice in order to express these concerns.

Dr. Takashi Hosoda pointed out, that China's so-called Nine Dash Line of National Maritime Borders had already been proven as inconsistent with international law. He referred to the 2016 Arbitration Rule of the Permanent Court of Arbitration in The Hague (PCA Case 2013-19, Philippines versus China), where it was stated that China had no historical rights in the South China Sea and the self-declared Nine Dash Line was without any legal basis. Dr. Hosoda warned against China's new tactics of military presence and occupation of "Grey Areas". The international community is strongly asked to pronounce itself against these unlawful acts and support ASEAN in its diplomatic efforts to solve the crisis by conducting negotiations leading to a legally binding CoC in the SCS. A First Draft had been agreed upon in 2018, but further negotiations have been stalled. ASEAN itself has first of all to agree on the agenda for these negotiations and find a common position especially in view of China's demands to exclude foreign companies from the participation in the exploration of resources in the SCS.

Dr. Gerhard Will strengthened his point of view, that China's recent moves violated the Exclusive Economic Zones of both Vietnam and Indonesia (here: in the area of the Natuna Islands). Similar actions have always been a test how far the PRC could go, especially with regard to the reactions of other countries and regional blocs, like the US, ASEAN, Japan, India and the EU. Whenever the PRC encounters strong resistance, it pulls back temporarily, waiting for another chance.

China's aggressive moves in the SCS have always contradicted its lofty goals declared especially with regard to the One-Belt-One-Road Program. It is imperative, that China refrained from a further militarization of this sensitive area for the sake of peace in the region and stability of the international situation.

All participants underlined the importance of international law, especially the United Nations Convention of the Law of the Seas (UNCLOS, 1982). Both China and Vietnam have been founding members of this convention.

UNCLOS has been the departing point and the basis of the 2016 PCA Rule. The government of the PRC has chosen to disregard the rule as void and to denounce its intentions as politically motivated. A dangerous situation must be prevented, in which the PRC would be allowed to create facts through might and power, blatantly disregarding and violating international law and established norms of international behaviour.