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The Management of the Border Disputes Between China and Vietnam and its Regional Implications

by

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ABSTRACT

This study deals with the management of the border disputes between China and Vietnam and its impact on regional stability. The study takes at its starting point the fact that China and Vietnam signed a Land Border Treaty on 30 December 1999. Following a background section which traces the importance of the borders disputes, during the period 1975-1991, the focus of attention is on developments since the normalisation of bilateral relations in late 1991. The evolution has displayed an overall constructive approach to the border disputes with continuous bilateral talks at different levels. However, there have been periods of tension related to the border disputes particularly those in the South China Sea. It is argued that periods of re-occurring tensions have negative implications not only on bilateral relations but, also, on regional stability. It is, therefore, of importance that both sides refrain from actions which might alter the status quo and cause tension. To achieve such a situation it is suggested that China and Vietnam could agree on a "code of conduct", possibly along the lines of those agreed upon by the Philippines and China and the Philippines and Vietnam, respectively. Taking into consideration the tension between China and the Philippines in the South China Sea in recent years it is argued that "code of conducts" are no guarantees that actions and incidents will not cause tension. This is of relevance in the context of the Sino-Vietnamese attempts to manage their maritime disputes as well as for ASEAN and China in their discussions relating to a possible "code of conduct" for the South China Sea.

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CONTENTS

1. Introduction
2. The border disputes
3. The territorial disputes in bilateral relations: 1975-1991
4. The border disputes in bilareral relations since full normalisation
5. Negotiating the border disputes
6. The land border
7. The Gulf of Tonkin
8. The South China Sea
9. Implications for regional security

Endnotes

The views in this paper are those of the author and
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The Management of the Border Disputes Between China and Vietnam and its Regional Implications*

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1. Introduction

On 30 December 1999, China and Vietnam signed a Land Border Treaty in Hanoi.ⁱ This is a landmark achievement that has implications not only for bilateral relations but also for stability in the South-East Asian region. The major focus of this study is to analyse how the border disputes between China and Vietnam are managed. The process leading up to the Land Border Treaty is outlined and analysed. Furthermore, the relevance and impact of the border issues in Sino-Vietnamese relations and the challenges ahead are explored. Finally, the regional implications of the management of the Sino-Vietnamese border disputes are assessed.

The study is structured as follows. First, the border disputes are outlined. Second, a section traces the importance of the border disputes in Sino-Vietnamese relations between the end of the Vietnam War in 1975 and the full normalisation of bilateral relations in late 1991. Third, the major part of the study deals with the way in which the border disputes have been managed since normalisation of relations in late 1991 and the challenges that lay ahead. Finally, in the last section the regional implications of the management of the border disputes are assessed.

2. The border disputes

Prior to 30 December 1999, the border disputes between China and Vietnam encompassed a disputed land border as well as overlapping claims to water and continental shelf areas in the Gulf of Tonkin and competing sovereignty claims over the Paracel and Spratly archipelagos. Furthermore, China's claim to so-called "historical waters" in the South China Sea overlap Vietnam's claims to an Exclusive Economic Zone (EEZ) and to continental shelf areas to the east of the Vietnamese coast.

3. The territorial disputes in bilateral relations: 1975–1991ⁱⁱ

Following the end of the Vietnam War, in late April 1975, relations between China and Vietnam began to deteriorate over a number of issues. The disputed borders constituted one of the issues. Another issue was the differences in opinion concerning the Soviet Union and China's uneasiness about Vietnam's relations with the Soviet Union. A third issue was the conflicting interests in Cambodia and, China's gradually increasing support for Cambodia in the conflict between Vietnam and Cambodia. The Vietnamese military intervention in Cambodia, in late December 1978, caused further tension in relations between China and Vietnam. A fourth issue in Sino-Vietnamese relations was the situation of the ethnic Chinese in Vietnam and the way in which the Chinese minority was treated by the Vietnamese authorities. It was the mass migration of ethnic Chinese from Vietnam, in the spring of 1978, that officially led to the open and public deterioration of bilateral relations between the two countries. Eventually, the overall deterioration of relations led to China's attack on Vietnam in February and March 1979. Bilateral negotiations in 1979 and the early 1980s failed to bring the two parties to any agreement on the many disputed issues. Following a slow normalisation process that began with low-level contacts in the mid-1980s, expanded to high-level meetings by the end of the decade, and gained momentum from mid-1991, the bilateral relations were officially fully normalised in November 1991.

In the South China Sea both countries had made advances in the mid-1970s. In January 1974, China had seized control over the whole Paracel archipelago from the Republic of Vietnam (ROV). Previously China had taken control over parts of the archipelago in 1956. The Democratic Republic of Vietnam seized six islands in the Spratly archipelago from the ROV in April 1975. The other party interpreted each of these actions as aggressive. Also, starting in 1974, border clashes occurred along the common land border and they increased sharply in 1978 as the overall bilateral relationship deteriorated due to other issues as noted above.

Attempts at negotiations relating to the land border and Gulf of Tonkin issues were made between 1974 and 1978. Negotiations on the Gulf of Tonkin began in August 1974 and were suspended without any agreement in November the same year. Renewed negotiations on the Gulf of Tonkin as well as on the land border started in October 1977, but failed to bring the parties closer to an agreement.

The disputes, in the South China Sea and in the Gulf of Tonkin, contributed to the deterioration of bilateral relations by adding two more issues to the growing rift between the two sides. However, it is difficult to discern their specific impact. The clashes, which occurred along the border, were more an indication of the divergences with regard to other issues and of the overall deterioration of relations in the post 1975 period, rather than an important disputed issue in itself. It can be noted that all the territorial conflicts became increasingly publicised in 1979 following China's attack on Vietnam. This was part of efforts by the two sides to underscore their respective claims on the international stage.

During the process leading up to the full normalisation of relations, the border disputes were not resolved and this implied that the two sides were left with the major task of managing and, if possible, settling their territorial differences in the period following normalisation in late 1991. Seen from a different angle, putting the border disputes aside aiming for a resolution in the longer-term perspective made normalisation a reality in 1991. This would not have been possible if a formal resolution to the border disputes had been a prerequisite for normalisation.

4. The border disputes in bilateral relations since full normalisationⁱⁱⁱ

Since the full normalisation of Sino-Vietnamese relations, in November 1991, the relationship between China and Vietnam has been characterised by two contradicting trends: one positive with expanding contacts and co-operation in many fields, and the other negative with continued differences relating primarily to the territorial disputes. The positive trend has been prevalent throughout the period but, has at times, been slowed down by the fluctuating levels of tension relating to the border disputes, in particular, those in the South China Sea area.

The positive trend in bilateral relations can be seen through the expanding political, cultural, economic, and military contacts between the two countries. On a regular basis there are official delegations visiting the other country to discuss ways of expanding relations in various fields. There is a strong political commitment to strengthening and deepening bilateral relations and co-operation between the two countries. A number of bilateral agreements have been signed following the full normalisation of relations in late 1991. The expanding economic relations can be seen through bilateral trade that was estimated to have grown to US\$1 billion in the year 1996. Since then, economic co-operation and interaction has been further expanded with increased two-way trade and Chinese loans and assistance to upgrade Chinese-built factories in northern Vietnam. In the political field the close relationship between the two

ruling parties, i.e. the Chinese Communist Party (CCP) and the Communist Party of Vietnam (CPV), has been expanded through a steady stream of exchange visits at various levels within the two parties. The contacts between the armed forces of the two countries have also expanded through regular exchange visits.^{iv}

Reverting back to the territorial disputes as a source of tension in bilateral relations, it can be noted that, since late 1991 sharp differences relating to all the territorial disputes, - overlapping claims to the Paracel and Spratly archipelagos to water and continental shelf areas in the South China Sea and in the Gulf of Tonkin, and to areas along the land border - were prevalent from May to November 1992. Differences relating to oil exploration in the South China Sea and the signing of contracts with foreign companies for exploration were prevalent during the periods April-June 1994, April-May 1996, and March-April 1997. During 1998 there was not any extended period of tension relating to the border disputes but, shorter periods can be noted, such as, in January, along the land border and in the South China Sea during the months of April, May, July, and September. During 1999 the focus was on reaching a settlement of the land border dispute and no significant tension was caused by any of the border disputes. This state of affairs has continued to prevail during 2000.

5. Negotiating the border disputes

In order to manage their border disputes, China and Vietnam have initiated a system of talks and discussions which is both highly structured and extensive and from bottom to top it looks as follows: Expert-level talks (on a regular basis); Government-level talks, i.e. Deputy/Vice-Minister (meets once yearly); Foreign Minister-level talks (on a regular basis), and, High-level talks, i.e. Secretary-Generals of the CCP and CPV, Presidents and Prime Ministers (at yearly high-level summits).

The talks at the expert- and government-levels deserve further attention in order to ascertain the progress made thus far. Talks at the expert-level go back to October 1992. Up to late 1995, the talks focused mainly on the land border demarcation and the delineation of the Gulf of Tonkin. The talks at the government-level began in August 1993 and the seventh round of talks was held in February 2000. The first major achievement was the signing of an agreement, on 19 October 1993, on the principles for handling the land border and Gulf of Tonkin disputes.^v It was further agreed to set up joint working groups at the expert-level to deal with the two issues. The joint working group on the land border held sixteen rounds of talks from February 1994 to the signing of the Treaty in December 1999. The joint working group on the Gulf of Tonkin met fourteen times during the period March 1994 to June 2000. Talks at the expert-level on the border disputes in the South China Sea proper, the so-called “sea issues”, were initiated in November 1995 and, up to May 2000 five rounds of talks have been held.

The negotiation process resulting in the signing of a Land Border Treaty, on 30 December 1999, reflects the substantially higher degree of progress made in negotiations on the land border as compared with talks on other territorial disputes in recent years. Thus far, the progress relating to the Gulf of Tonkin issue is more difficult to assess, but given the political will to resolve it by the latest by the end of 2000 the outlook for a settlement is good.^{vi} This positive assessment is reinforced by the fact that the deadline for resolving the land border issue was met, i.e. a Treaty was signed before the end of 1999.^{vii} Little progress, if any, has been achieved with regard to the territorial disputes in the South China Sea proper, i.e. the competing sovereignty claims to the Paracel and Spratly archipelagos, as well as, the overlapping claims to waters and continental shelf areas to the East of the Vietnamese coast. Talks have been initiated on the disputes in the South China Sea but the parties have yet to agree on which disputes to

include on the agenda, with Vietnam pushing for the inclusion of the Paracels as an issue alongside that of the Spratlys, whereas China only wants to discuss the latter issue.^{viii} To further complicate matters, China views the disputes over water and continental shelf areas as part of the Spratly conflict whereas Vietnam views them as separated from that conflict.^{ix} It seems as though Vietnam does not want to initiate talks relating to the areas of overlapping claims in the South China Sea proper as it would be interpreted as giving legitimacy to China's claims to those areas.^x Thus, of the three South China Sea issues to be addressed by the two countries there is only agreement on putting one on the agenda for talks, namely the Spratly archipelago, which is a multilateral conflict situation. Given this state of affairs there is little wonder that the bilateral Sino-Vietnamese expert-level talks on the South China Sea issues seems to making little, if any, progress.

6. *The Land Border*

The Land Border Treaty is the major achievement thus far in the overall process of managing and eventually resolving the border disputes between China and Vietnam. The negotiation process with regular rounds of talks of the joint working group on the land border did not differ much in frequency with that of the joint working group on the Gulf of Tonkin prior to 1999. During 1999 the joint working group on the land border issue met on four occasions, i.e. four round of talks, and the duration of each round was no shorter than two weeks on any of these occasions.^{xi} This increase in the number and in the duration of the round of talks can be attributed to the political pressure that was put on the experts from both sides to reach a common understanding and to provide the political leaders with the basis on which to sign a treaty on the land border issue. Reaching an agreement was by no means a simple task given the geographical characteristics of the border areas which encompasses both mountainous terrain, which are not easily accessible and other parts that are made up of rivers which present their own sets of issues to be settled. Adding to those natural difficulties are the movements of border marks over the decades and activities carried out by the population and local authorities in the border area which have impinged on the borderline. This was clearly displayed by incidents and the tension they caused in late 1997 and early 1998.^{xii} Also, the military clashes along the border during the second half of the 1970s – in particular in connection with the Chinese attack on Vietnam in February and March 1979 – have left some areas in dispute along the border. Among the more notable of these areas is the 300 meters between the provinces of Guangxi and Lang Son, which prevented the re-opening of the railway between the two countries during the first half of the 1990s. Eventually an agreement was reached to do so in February 1996.^{xiii} The area has been under Chinese control since early 1979 and Vietnam had accused China of occupying it, including Vietnam's pre 1979 end-station.

Although the text of the Land Border Treaty is not available to the public, it is already known from a statement made by the Vietnamese Foreign Minister, following the signing of the treaty, that it does not follow upon a completed demarcation process, i.e. the demarcation of the border on the ground and the position of the border markers has to be carried out. The two countries also have to reach a formal agreement on land border control. Finally, the Land Border Treaty had to be ratified by the two countries.^{xiv} The ratification process has been completed during 2000. First, the Standing Committee of the National People's Congress in China, reportedly, ratified the Treaty on 29 April 2000^{xv} and then Vietnam did likewise, on 9 June, through a decision by the National Assembly.^{xvi} This was followed by the exchange of letters of ratification in Beijing and the Treaty took effect on July 6.^{xvii} As for the content of the Treaty, a report presented to the Vietnamese National Assembly by President Tran Duc Luong, on June 7, shed some light on the structure of the Treaty. It includes a preamble and eight articles, seven

of the articles define “general principles”, and one describes in “detail the direction” of the borderline between the two countries.^{xviii}

It can also be presumed that the Treaty includes at least mechanisms and principles to be applied when the demarcation of the border is carried out on the ground. This encompasses mechanisms and principles to be used for settling disputes that may occur during the demarcation process. Since the expert-level joint working group devoted considerable energy to work on a border map, the border areas were surveyed, areas of disputes were identified and, proposals for solutions to these areas of disputes were discussed during the negotiation process. It is likely that the Treaty includes agreements on how to settle and handle all those issues and aspects or, possibly, that they have been settled in the Treaty. If this is in fact the case, it will be displayed during the demarcation process and the Treaty and its content will be put to the test during the process.

The re-opening of the railway between China and Vietnam, in February 1996, is an event that is particularly relevant to study in the context of the land border issue. The major reason for not resuming the railway traffic earlier during the 1990s was the disputed border area of 300 meters between the provinces of Guangxi and Lang Son. This issue was not settled despite the fact that the railway linking Pingxing and Dong Dang goes through the disputed area.^{xix} Since the area was under Chinese control, the part of the railway passing through it was restored and operated by China. Thus, Vietnam agreed to allow China to control and manage the railway in the area but, Vietnam did not renounce its claim to it. The rationale behind Vietnam’s concession is not publicly known, but one reason could be that Vietnam was looking for expanded economic interaction with China and resumed rail transport would facilitate official trade. It could also be that Vietnam obtained Chinese concessions on other matters in exchange. However, since Vietnam did not renounce its sovereignty claim to the area, it is unlikely that China made any concessions on the territorial issues, nor that China can be expected to be more amenable to Vietnamese claims to other disputed areas along the land border or in relation to the other border disputes. With the signing of the Land Border Treaty and the demarcation process to be carried out on the ground, all disputed areas along the land border will be settled.

Having assessed the agreements reached thus far, with regard to the land border and the negotiation processes relating to other border disputes it is important to look more closely at the disputes, that have not been formally resolved.

7. The Gulf of Tonkin

The negotiation process on the Gulf of Tonkin did not enter its final phase during 1999. However, given the political decision taken by the leaders of the two countries that a settlement has to be reached by the end of 2000, the negotiation process is most likely to pick up pace this year in order to meet the deadline.^{xx} The developments during the first half of 2000 have displayed that this has indeed taken place with three rounds of talks during that period as compared to only one round of talks during the whole of 1999.^{xxi} Since the Gulf of Tonkin issue relates to maritime, solutions once agreed upon, can be implemented more rapidly than the Land Border Treaty. A crucial issue is how to reach an agreement on a mutually acceptable framework or model for dividing up the Gulf. Once such an agreement is reached the tracing of the maritime boundary will not be problematic, as it will connect the specific co-ordinates agreed upon.

The core issue to be settled in the Gulf of Tonkin is which principle should be used in order to divide the Gulf. In this context, the impact of islands is of crucial importance and, in particular, the Vietnamese controlled Bach Long Vi Island. The first question is whether or not it qualifies as an island according to the provisions of the 1982 United Nations Law of the Sea Convention (1982 UNCLOS). If it does, as argued by Vietnam, then it is entitled to full maritime zones and, more importantly, it does impact on the tracing of a line of equidistance if this principle is applied in the Gulf of Tonkin. Logically, Vietnam would take the position that Bach Long Vi Island should have its full impact in any agreement on how to divide the Gulf. On the other hand, China has an interest in minimising the impact that the Island would have on any agreed delimitation. This could be done by, either arguing that Bach Long Vi is not an island in accordance with the provisions of 1982 UNCLOS or, by arguing that its impact should be minimised and possibly even be disregarded.^{xxii} For China to argue that it is not an island would be counterproductive as China has earlier controlled the island and has claimed that the island was inhabited before it was handed-over to Vietnam in the late 1950s.^{xxiii}

Complicating matters further is the status of the Sino-French Agreement of 1887. Vietnam would probably not mind using it to delimit the Gulf of Tonkin since it would generally be to its advantage. China would oppose using it and would argue that the 1887 Agreement was only intended to determine the administrative control over the islands in the Gulf and did not apply to the water and the seabed in the Gulf.^{xxiv}

To sum up, the continued talks at the expert-level are difficult given that much is at stake, but, given the political pressure to reach an agreement before the end of the year 2000, it is most probably going to compel the two sides to reach a mutually acceptable settlement. As noted above, the basic issue they need to agree upon is a line of equi-distance and to achieve that they need to sort out their differences relating to the question of how islands should impact on the delimitation, in particular, Bach Long Vi Island.

8. *The South China Sea*

If attention is turned to the situation in the South China Sea proper, it can be noted that, despite the talks that have been initiated, much remains to be achieved before the disputes can be resolved. In view of the re-occurring periods of tension relating to actions carried out in the South China Sea, the two parties need to strive for the establishment of a 'code of conduct' which would prevent the re-occurrence of similar periods of tension. To establish a 'code of conduct' is not a novel idea as exemplified by the agreement in August 1995 between China and the Philippines on a 'code of conduct' to be followed by - the two countries in order to avoid an increase in the level of tension relating to their dispute over most of the Spratly archipelago. They also agreed on the need to resolve their differences by peaceful means through negotiations.^{xxv} Another example of a similar agreement is that reached in November 1995, between the Philippines and Vietnam, on a 'code of conduct' to be followed in order to maintain stability in the area disputed by them, i.e. most of the Spratly archipelago. This 'code of conduct' included a commitment to resolve the Spratly dispute peacefully through negotiations.^{xxvi} These two agreements and the experiences gained from their implementation could serve as a basis for establishing an agreement on a 'code of conduct' between China and Vietnam.

The problem is to determine what should be the status quo in some of the areas of overlapping claims, particularly in parts of the South China Sea where Vietnam does not recognise China's extensive claims to water and continental shelf areas. Consequently, Vietnam regards the Chinese moves to sign contracts

with foreign oil companies and to engage in oil exploration in areas off the Vietnamese coast as violations of Vietnam's sovereign rights and as attempts to turn areas to which Vietnam's claim was previously uncontested into contested ones.^{xxvii}

It is necessary to point out, that respect for the status quo should not be seen as passing a judgement on the question of sovereignty over the disputed Paracel and Spratly archipelagos, nor about the merits of the claims to water and continental shelf areas in the South China Sea or, for that matter, in the Gulf of Tonkin. Respecting the status quo is necessary to avoid the risk of tension escalating into confrontation, thus threatening the positive achievements in strengthening bilateral relations and expanding co-operation which have taken place since full normalisation of relations in late 1991.

What then are the prospects for a Sino-Vietnamese agreement on the establishment of a 'code of conduct'? They do not seem to be particularly good since, thus far, only Vietnam seems to be amenable to the idea. In fact, according to the Vietnamese side, Vietnam has proposed that a 'code of conduct' be established between the two countries but China has not accepted this proposal.^{xxviii}

Although it is risky to draw a conclusion stemming from one incident, it is noteworthy that a dispute in May 1998 relating to the activities of a Chinese exploration ship, in areas of the South China Sea claimed by Vietnam, was settled without leading to the deep tension that characterised an incident which was also caused by the activities of a Chinese exploration ships in March-April 1997.^{xxix} As the public statements were fewer in connection with the May 1998 incident, it is difficult to fully assess how the more successful management of the incident was brought about. Obviously, less public rhetoric and more restraint by the two parties were a contributing factor. Judging from the Vietnamese official explanation, its approach by "diplomatic negotiations" and patience in dealing with China did bear fruit in connection with the May 1998 incident.^{xxx}

An additional observation that can be drawn from the developments in 1998 is that both China and Vietnam were more reluctant to engage in longer periods of accusations and counter-accusations in connection with incidents in the South China Sea that caused tension in bilateral relations. However, this did not imply that either side refrained from publicising their discontent or from protesting against actions carried out by the other party. The difference in 1998, as compared to earlier years, was that the official complaint or accusation was stated on a limited number of occasions and, then, no further public statement on the incident in question was made. This prevented an escalation in accusations and counter-accusations from taking place and thus tension did not appear to have been as deep as, for example, in connection with the March-April 1997 incident.

The developments in 1999 are further indications of the progress made in the management of the disputes between China and Vietnam in the South China Sea. The assessment that progress was made is based on the level of tension in the area in 1999, i.e. public protests or criticism of the actions taken by the other country. The only public protest was made by Vietnam in late March in response to a Chinese decision to temporarily ban fishing in the South China Sea.^{xxxi} This state of affairs could be explained in two ways. First, the two sides respected the status quo and refrained from actions that could have led to protest by the other side and, consequently, there was virtually no tension. Second, actions were carried out which may have caused tension but both sides opted to deal with the incidents without resorting to public protest or criticism against the other side. If the second line of explanation is pursued it would be an indication that the two sides have taken further steps to contain and defuse situations which could lead to tension during 1999 as compared to 1998. This is very much in line with the provisions of the Joint

Declaration of 27 February 1999, issued in the connection with the visit to China by the Secretary General of the CPV, Le Kha Pieu, relating to the mode of behaviour to be implement in order to solve “any differences” in the South China Sea.^{xxxii}

It can also be noted that during the first half of 2000, no incidents relating to the South China Sea caused tension in bilateral relations, thus the positive trend in conflict management displayed in 1999 has been maintained by the two countries thus far during the year 2000.

9. Implications for regional stability

Turning the attention to the impact of relations between China and Vietnam on the stability and co-operation in the region, it can be noted that stable bilateral relations would be beneficial to regional stability. Thus, continued processes of managing the border disputes between the two countries by peaceful means are vital for the region as a whole.

The signing of the Land Border Treaty between China and Vietnam has regional ramifications as it removes lingering doubts about the ability and political will of the two countries to reach agreements relating to their border disputes. It also signals that China and Vietnam are committed to settling border disputes by peaceful means. The political commitment made by the two countries to settle the Gulf of Tonkin issue, by the end of 2000, reinforces the signals and meeting the deadline would happen. This is particularly important vis-à-vis other countries in the region with whom China and Vietnam, respectively, have unsettled border issues.

Ironically, the fact that the on-going talks on the so-called ‘South China Sea issues’ between China and Vietnam do not indicate that the two parties have moved any closer to accepting the claims and the positions taken by the opposite side, does contribute to alleviating fears among other claimants to the Spratlys that China and Vietnam might strike a bilateral deal to the detriment of other claimants.

The broader implications of the peaceful management of the border disputes between China and Vietnam is that it creates favourable conditions for expanding economic interaction and co-operation in the field of regional security in the wider Pacific Asia, i.e. East- and South-East Asia. A more specific positive impact on regional stability can be seen in the South China Sea where bilateral talks between China and Vietnam contributes to a more stable situation in the volatile area with bilateral and multilateral territorial disputes. Peaceful management also contributes to facilitating the interaction and on-going dialogue between the Association of South-East Asian Nations (ASEAN) and China.

The negative implications of the periods of increased tension in bilateral relations caused by the territorial disputes between China and Vietnam on regional stability are twofold. First, tension caused by Chinese actions raises fears in the South-East Asian region about China’s long term ambitions. Second, tension in Sino-Vietnamese relations puts the other ASEAN members in a dilemma since ASEAN solidarity implies that they should give support to Vietnam while, at the same time, they do not want to jeopardise their overall relationships with China, which is of great importance to them both economically and geo-strategically.

The first negative implication is very important since Chinese actions raise questions about China’s attitude towards the territorial disputes with neighbouring countries and about its commitment to handling these disputes through peaceful means. The long term Chinese ambitions are indeed a matter of major

concern in the whole of Pacific. The same can be said about the seemingly inconsistent Chinese policy in regard to the territorial disputes in the South China Sea, which is displayed by China's stated commitment to solve the disputes by peaceful means, to shelve the disputes and move ahead with joint development and/or exploration, while, at the same time, resorting to actions aiming at expanding the area under Chinese control. Other types of action include the Chinese policy of engaging in oil exploration in disputed areas and China's legislation affecting such areas.^{xxxiii} The 1990s has been marked by a number of China's actions causing periods of tension in the South China Sea, not only in relation to Vietnam, but also with the Philippines relating to the Chinese occupation of Misschief Reef since early 1995 and, in the differences between the two countries relating to Scarborough Shoal in recent years. In addition, the activities of Chinese fishermen in waters claimed by the Philippines and the subsequent actions by the Filipino authorities against these fishermen have led to tension in relations between China and the Philippines.^{xxxiv}

It can be argued that China is consistent in its in-consistency by pursuing two parallel policies, one constructive and peaceful and the other characterised by gradual expansion in the South China Sea. This 'dual policy' is not conducive to the building of a stable regional security environment. A decisive step towards bringing about a more stable environment would be for China to refrain from actions that cause tension. A possible way to achieve such restraint on the part of China would be to establish bilateral 'code of conducts' between China and countries with which China has territorial disputes, along the lines of the agreements on a 'code of conduct' of August 1995 between China and the Philippines and of November 1995 between the Philippines and Vietnam, respectively, aiming at preventing increased tension around the Spratly archipelago. These agreements and experiences gained from their implementation could serve as basis for establishing a 'code of conduct' between China and Vietnam. Indeed, they are relevant for the on-going process involving ASEAN and China aiming at establishing a 'code of conduct' for the South China Sea.^{xxxv}

In this context, it is important to take into consideration developments in the South China Sea in recent years. As noted above, China and Vietnam did not experience any serious tension relating to their disputes in the South China Sea during 1999. A closer look at other developments in recent years show that there have been periods of tension, at times deep tension, between the Philippines and China in the South China Sea.^{xxxvi} Furthermore, in 1999, for the first time in years, there was tension between the Vietnam and the Philippines in the South China Sea.^{xxxvii} Thus, tension occurred despite the existing 'code-of-conduct' between the respective parties. To add to the volatile situation in the Spratly area during 1999, there was also tension between the Philippines and Malaysia.^{xxxviii}

Since the tension between China and the Philippines in the South China Sea has been so evident over the past few years, it is indicative of the fact that a 'code of conduct' in itself is not a guarantee that actions and incidents will not cause tension over the disputed areas. This is a lesson for China and Vietnam when they try to implement various approaches to managing their differences in the South China Sea, be it in its present form or if they eventually manage to agree on a formal bilateral 'code of conduct' for the South China Sea. It is also relevant to keep this in mind in view of the efforts to reach an agreement on a 'code of conduct' for the South China Sea between ASEAN and China.

Notes

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ⁱ “Viet Nam, China sign Land Border Treaty”, *Vietnam News Agency (VNA)* (30 December 1999); and, “Signature du traité sur la frontière terrestre Vietnam-China”, *Agence vietnamienne de l'information (AVI)* (30 décembre 1999). From the web site of *Vietnam News Agency* (<http://www.vnagency.com.vn>). See also “Vietnam, China Sign Land Border Treaty”, *News Bulletin*, No. 146 (31 December 1999). From the web site of *Nhan Dan* (<http://www.nhandan.org.vn>). See also Nguyen Hong Thao, “The China-Vietnam Border Delimitation Treaty of 30 December 1999”, *Boundary and Security Bulletin*, Vol. 8, No. 1 (Spring 2000), pp. 87-90.

ⁱⁱ For more detailed studies on the territorial disputes during the period 1975-1991 see Ramses Amer, *The Sino-Vietnamese Approach to Managing Border Disputes* (Durham: International Boundaries Research Unit, University of Durham) (forthcoming) (hereafter Amer, 'The Sino-Vietnamese'). For broader studies on Sino-Vietnamese relations during this period see Ramses Amer, “Sino-Vietnamese Normalization in the Light of the Crisis of the Late 1970s”, *Pacific Affairs*, Vol. 67, No. 3 (Fall 1994), pp. 357-383; and, “Sino-Vietnamese Relations: Past, Present and Future”, in *Vietnamese Foreign Policy in Transition*, edited by Carlyle A. Thayer and Ramses Amer (Singapore: Institute for South-East Asian Studies; and, New York: St Martin's Press, 1999), pp. 69-74 and 98-104. (hereafter Amer 'Sino-Vietnamese Relations').

ⁱⁱⁱ For more detailed studies on the border disputes since late 1991 see Amer, *The Sino-Vietnamese*. For a broader study on Sino-Vietnamese relations since late 1991 see Amer, *Sino-Vietnamese Relations*, pp. 74-98 and 105-116.

^{iv} For more details on the development of Sino-Vietnamese relations since late 1991 see *ibid.*, pp. 74-98.

^v The August 1993 and October 1993 meetings seem to be regarded as parts of the first round of talks at the Government-level by the two sides.

^{vi} This deadline has been referred to by both sides since the late 1990s. See for example in Section 3 of a Joint Declaration issued on 27 February 1999 in connection with the visit by the Secretary-General of the CPV, Le Kha Pieu, to China (“Vietnam-China Joint Declaration”, reproduced in *Vietnam Law & Legal Forum*, Vol. 5, No. 54 (February 1999), p. 12 (hereafter ‘Vietnam-China’)).

^{vii} For the reference to the deadline, see *ibid.*, p. 12.

^{viii} In connection with the third round of talks on border issues at government-level, held in Beijing on 11 to 13 July 1995, the two sides decided to form a “joint group of experts on sea border” to work on the territorial issues in the South China Sea. According to the Chinese official version, the experts would work on the “territorial waters issues ... and negotiate on the Nansha issue”, i.e. on the Spratly issue but not on the Paracel issue (*British Broadcasting Corporation, Summary of World Broadcasts, Part Three, Far East*, 2356 G/6-7 (15 July 1995) (hereafter ‘BBC/FE’)). In a subsequent interview with Hoang Nhu Ly, Head of the China Department of the Ministry of Foreign Affairs, published in the Vietnamese publication *Tuan Bao Quoc Te* on 2 August 1995, Hoang was quoted as saying that, as the Vietnamese side understood it “the sea issues that the team will discuss include those having to do with the Paracel Islands and Spratly Islands” (for a translation of the interview see *Foreign Broadcast Information Service: Daily Report. East Asia*, 95-187 (27 September 1995), p. 97 (hereafter ‘FBIS-EAS’)).

^{ix} This can be exemplified by one of several incidents. On 17 October 1994, a spokesman for the Chinese Ministry of Foreign Affairs stated that China was “gravely concerned” that Vietnam was prospecting for oil together with oil companies from other countries in the “Wanan reef area of China’s Nansha (Spratly) sea waters (*BBC/FE/2130 G/2-3* (19 October 1994)). On the following day, Vietnam’s Foreign Ministry responded by stating that the area referred to by China was in fact the “Tu Chinh area” and was located within Vietnam’s continental shelf, and thereby, refuted China’s claim to it. It was also stated that Vietnam was carrying out “normal” activities in the area on its own and in collaboration with foreign partners (*ibid.*, 2132 B/5 (21 October 1994)).

^x Author’s discussions with Vietnamese officials in Hanoi in September and November 1997, in December 1998, and in May 1999.

^{xi} The thirteenth round of talks of the joint working group on the land border was held in Hanoi on 7 to 21 January 1999 (*BBC/FE 3442 B/6* (26 January 1999). Report carried by *Voice of Vietnam*). The fourteenth round was held in Beijing on 25 March to 9 May (“AS1-Vietnam-China-Borders”, *BBC Monitoring* (10 May 1999). Report carried by *Voice of Vietnam*). See also “Vietnam, China Meet on Land Border”, *News Bulletin*, No. 30 (9 May 1999). From the web site of *Nhan Dan* (<http://www.nhandan.org.vn>). The fifteenth round was held in Hanoi from 22 June to 22 July (“Vietnam, China Meet on Land Border”, *ibid.*, No. 68 (24 July 1999); and, *BBC/FE/3598 B/5* (28 July 1999). Report

carried by *Voice of Vietnam*). Finally, the sixteenth round of expert-level talks was initiated in early August 1999. No end date of that round has been publicised (Amer, *The Sino-Vietnamese*).

^{xii} Information about serious tension relating to an area along the land border suddenly surfaced in an interview by *Vietnam News Agency* with Ngo Dinh Tho, Deputy-Chairman of the People's Committee of Quang Ninh Province, aired in a broadcast by *Voice of Vietnam* on 22 January 1998. According to the Vietnamese official, China had, in May 1997, built a one kilometre long stone wall in a river which is shared by Dong Mo in the district of Binh Lieu in Quang Ninh Province on the Vietnamese side, and the district of Fangcheng in Guangxi Province on the Chinese side. Despite Vietnamese attempts through contacts at district-, provincial- and government-levels to stop the construction of the wall and then to bring about the removal of the wall, the Chinese side had not yielded to the demands. The wall had had detrimental effects during the rainy season, the irrigation system on the Vietnamese side had been destroyed, flash flooding occurred causing damage and serious land erosion. In response, Vietnam built a stone wall in late September to prevent further erosion and in order to rebuild the irrigation system (*BBC/FE/3133 B/8-9* (24 January 1998)). The Chinese response came on 24 January when a spokesman for the Ministry of Foreign Affairs stated that the "truth of the matter" was that since August 1997, the Vietnamese had been building an embankment and increased the height and consolidated a check dam in the area and by so doing artificially changed the alignment of the boundary river. He continued by outlining that the actions had "seriously" damaged the "interests" of the Chinese side and that this had compelled the Chinese to build a bank to protect farmland and to avoid land erosion. Finally, he said that when the bank was built the "interests" of the Vietnamese side were taken into "full" consideration (*Ibid.*, 3134 G/1 (26 January 1998) report carried by *Xinhua News Agency* in its domestic service in Chinese).

^{xiii} An agreement "in principle" on railway "transportation" was reached during the visit by the then Secretary General of the CPV, Do Muoi, to China on 26 November to 2 December 1995 (For the text of the "Sino-Vietnamese Joint Communiqué" see *ibid.*, 2477 G/1-2 (4 December 1995)). During the months of January and February 1996, bilateral relations focused on the preparations for the resumption of railway traffic. Discussions between the Chinese Ministry of Railways and the Vietnamese Ministry of Communication and Transport were held and custom procedures were announced on January 31. Furthermore, work on the repair and upgrading of the railway links was carried out enabling the resumption of traffic on 14 February 1996 (*ibid.*, 2518 B/4 (25 January 1996); 2524 B/1; 2525 B/4 (2 February 1996); 2536 B/4 (15 February 1996); and, 2539 G/3 (19 February 1996)).

^{xiv} "Viet Nam-China Land Border Treaty is Crucial Event in Bilateral Relations, says Deputy Prime Minister Cam", *Vietnam News Agency (VNA)* (30 December 1999); and, "Les ministres des AE vietnamien et chinois plaident pour les relations bilaterales", *Agence vietnamienne de l'information (AVI)* (30 décembre 1999). From the web site of *Vietnam News Agency* (<http://www.vnagency.com.vn>).

^{xv} “Chinese Premier Lauds Traditional Friendship with Vietnam”, *News Bulletin*, No. 211 (11 May 2000). From the web site of *Nhan Dan* (<http://www.nhandan.org.vn>). See also “Chinese Premier Receives Vietnamese Deputy Prime Minister”, *Vietnam News Agency (VNA)* (10 May 2000); and, “Renforcement des relations d’amitié et de coopération Vietnam-Chine”, *Agence vietnamienne de l’information (AVI)* (10 mai 2000). From the web site of *Vietnam News Agency* (<http://www.vnagency.com.vn>). According to a subsequent Vietnamese report the Chinese decision on the ratification of the Treaty was adopted on 29 April (“NA Considers Viet Nam-China Land Border Treaty for Approval”, *Vietnam News Agency (VNA)* (7 June 2000)).

^{xvi} “National Assembly issues Resolution on Ratification of Viet Nam-China Land Border Treaty, *Ibid.* (20 June 2000); and, “Publication de la résolution sur la ratification du traité sur les frontières terrestres”, *Agence vietnamienne de l’information (AVI)* (20 juin 2000). From the web site of *Vietnam News Agency* (<http://www.vnagency.com.vn>). See also “NA Issues Resolution on Ratification of Vietnam-China Land Border Treaty”, *News Bulletin*, No. 231 (20 June 2000). From the web site of *Nhan Dan* (<http://www.nhandan.org.vn>).

^{xvii} “Vietnam – China Land Border Treaty Takes Effect”, *ibid.*, No. 23 (Updated version from 7 July 2000). See also “Viet Nam-China land Border Treaty Becomes Effective”, *Vietnam News Agency (VNA)* (7 July 2000); and, “Echange d’instruments de ratification du traité frontalier Vietnam-Chine”, *Agence vietnamienne de l’information (AVI)* (7 juillet 2000). From the web site of *Vietnam News Agency* (<http://www.vnagency.com.vn>).

^{xviii} “NA Considers Viet Nam-China Border Treaty for Approval” and “National Assembly Standing Committee Ratifies PM’s Personal Proposals”, *Vietnam News Agency (VNA)* (7 June 2000).

^{xix} The agreement on opening the railway links between the two countries related to linking Dong Dang and Lao Cai on the Vietnamese side with Pingxing and Shanyao respectively on the Chinese side, thus connecting the provinces of Lang Son and Guangxi, and the provinces of Lao Cai and Yunnan, respectively (*BBC/FE* 2477 B/3; 2494 B/5 (23 December 1995); and, 2524 B/1 (1 February 1996)).

^{xx} See note 6.

^{xxi} During 2000 the twelfth round of talks of the joint working group on the Gulf of Tonkin took place in Beijing on 20 to 22 March (“Gulf of Tonkin Talks Continue”, *News Bulletin*, No. 188 (updated version from 25 March 2000). From the web site of *Nhan Dan* (<http://www.nhandan.org.vn>). The thirteenth expert-level meeting on the Gulf of Tonkin was held in Hanoi on May 11 to 13 (“Viet Nam and China Meet on Tonkin Gulf Demarcation”, *Vietnam News Agency (VNA)* (15 May 2000); and, “Réunion Vietnam-Chine sur la délimitation du golfe du Bac Bo”, *Agence vietnamienne de l’information (AVI)* (15 mai 2000). From the web site of *Vietnam News Agency* (<http://www.vnagency.com.vn>). The fourteenth expert-level meeting on the Gulf of Tonkin was held in Beijing on June 26 to 28 (“Pourparlers sino-

vietnamiens sur la delimitation du golfe do Bac Bo”, in *ibid.* (29 juin 2000); and, “Viet Nam, China Resolved to Complete Delineation of Tonkin Gulf this Year, *Vietnam News Agency (VNA)* (29 June 2000). From the web site of *Vietnam News Agency* (<http://www.vnagency.com.vn>). See also Vietnam, China Meet on Delimitation of Tonkin Gulf”, *News Bulletin*, No. 236 (30 June 2000). From the web site of *Nhan Dan* (<http://www.nhandan.org.vn>)).

^{xxii} The legal terminology used in this context is derived from Zou Keyuan, “Maritime Boundary Delimitation in the Gulf of Tonkin”, *Ocean Development and International Law*, Vol. 30, No. 3 (1999), p. 246. Information pertaining to potential impact of Bach Long Vi Island on boundary delimitation is also derived from Zhou Keyuan’s article *ibid.*, pp. 245-247.

^{xxiii} Information derived from *ibid.*, pp. 245-246 and 253.

^{xxiv} For an argument along similar lines with a parallel being drawn to the “Breviée Line” in 1939 in the Gulf of Thailand see *ibid.*, pp. 238-240.

^{xxv} For details relating to the negotiations and agreement see *BBC/FE/2378 B/4-5* (10 August 1995); *2379 B/3* (11 August 1995); *2380 B/2-3* (12 August 1995); and, *FBIS-EAS-95-155* (11 August 1995), p. 50; *95-157* (15 August 1995), pp. 76-7; *95-158* (16 August 1995), pp. 46-7.

^{xxvi} For details relating to the negotiations and agreement see *BBC/FE/2456 B/4* (9 November 1995); and, *2459 B/2* (13 November 1995).

^{xxvii} One example was the signing of an agreement between China and the Crestone Energy Corporation, a US company, on oil-gas exploration in a 10,000 sq. miles area in the South China Sea in May 1992. From the onset Vietnam reacted negatively and claimed that the area was located on its continental shelf (*ibid.*, *1385 A1/2-3* (20 May 1992); *1388 i* (23 May 1992); *1417 A2/3-4* (26 June 1992); and, *1430 A1/1* (11 July 1992)).

^{xxviii} Author’s discussions with Vietnamese officials in Hanoi in September and November 1997, in December 1998, and in May 1999.

^{xxix} On 15 March 1997 the *Voice of Vietnam* announced that China had sent “Kanta Oil Platform No 3” together with two “pilot ships Nos 206 and 208” to carry out exploratory oil drilling in areas lying within Vietnam’s continental shelf between the co-ordinates 17°13’45”N latitude and 108°39’30”E longitude. The report outlined Vietnam’s response to the Chinese action and highlighted that Vietnam had demanded that China “immediately” halt its activities and withdraw the oil platform and “prohibit” similar activities in the future, but thus far it had not “brought” about any response from China (*BBC/FE 2870 B/4* (18 March 1997); and, *2871 B/4* (19 March 1997)). The first official Chinese reaction came on March 18 when a Spokesman of the Ministry of Foreign Affairs said that China’s “normal

operation” within its EEZ and continental shelf was “indisputable”. He stated that oil exploration was carried out in the northern part of the South China sea “within” the EEZ and continental shelf zone “claimed” by China (ibid., 2872 G/1 (20 March 1997)). The bilateral dispute continued throughout March. Then, according to information carried by the Voice of Vietnam on 9 April, quoting a Vietnamese expert, the Chinese “rig” and its “tugboats” had been withdrawn from Vietnam’s EEZ and continental shelf since 1 April. Thus, the Chinese action causing the dispute had ceased and Vietnam’s demand for a withdrawal had been satisfied (ibid., 2889 B/3 (10 April 1997)).

^{xxx} On 20 May 1998 a spokesperson from the Vietnamese Ministry of Foreign Affairs stated that the Chinese ship “Discovery 08” was operating in the Spratly archipelago and even “deeply” into Vietnam’s continental shelf and that this was a violation of Vietnam’s territorial sovereignty (Ibid., 3233 B/11 (22 May 1998)). The Chinese response came on May 21 when a spokesman for the Ministry of Foreign Affairs, in reply to a question, stated that China had “indisputable” sovereignty over the Spratly islands and their surrounding waters. He also stated that the presence of Chinese ships in these waters “for normal” activities was within China’s sovereign rights (ibid., 3235 G/1 (25 May 1998)). On May 22 the spokesperson from the Vietnamese Foreign Ministry, in response to a question relating to the activities of “China’s exploration ship No 8”, said that the ship and two armed fishing vessels had withdrawn from Vietnam’s “sea area”. The Vietnamese approach to the problem was said to have been in line with the “persistent” policy of settling disputes through “diplomatic negotiations”. In this spirit Vietnam had “patiently” maintained contact with China on the operation of the Chinese ships in Vietnam’s “sea territory” (ibid., 3235 G/1 (25 May 1998)).

^{xxxi} Ibid., 3496 B/4 (30 March 1999). Report carried by *Voice of Vietnam*. See also “Vietnam’s Sovereignty over Paracels and Spratly Archipelagoes Indisputable”, *News Bulletin*, No. 9 (28 March 1999) (English language bulletin). From the web site of *Nhan Dan* (<http://www.nhandan.org.vn>).

^{xxxii} According to Section 3 in the Joint Declaration the two sides agreed to maintain the “existing negotiation mechanism on the sea issues”. Furthermore, they would try to find a “basic long-term solution” through negotiations. Pending such a solution they would discuss the possibility of engaging in bilateral co-operation in such areas as “protecting the sea environment, hydro-meteorology, and natural calamity prevention and control”. They also agreed to refrain from “any actions” that could “further complicate or widen the dispute”, they agreed refrain from the use of force or the threat to do so, and they agreed to “promptly” conduct discussions and “satisfactorily” solve any differences without allowing them to affect the “normal development of bilateral ties” (*Vietnam-China*, p. 13).

^{xxxiii} For more detailed analyses of China’s policies and behaviour relating to the South China Sea see Greg Austin, *China’s Ocean Frontier. International Law, Military Force and National Development* (St Leonards: Allen & Unwin and Canberra: Department of International Relations and the North-East Asia Program, Research School of Pacific and Asian Studies, Australian National University, 1998); ; Frédéric Lasserre, *Le Dragon et la Mer. Stratégies géopolitiques chinoises en mer de Chine du Sud* (Montréal: L’Harmattan Inc., 1996); Lee Lai To, *China and the*

South China Sea Dialogues (Westport, Connecticut and London: Praeger, 1999); Sheng Lijun; *China's Policy Towards the Spratly Islands in the 1990s*, Working Paper, No. 287 (Canberra: Strategic and Defence Studies Centre, The Australian National University, June 1995); and, Mark J. Valencia, *China and the South China Sea Disputes*, Adelphi Paper, No. 298 (Oxford: Oxford University Press and the International Institute for Strategic Studies (IISS), 1995).

^{xxxiv} The developments in 1999 and 2000 can exemplify the tension between China and the Philippines. In 1999 China's occupation of Misschief Reef continued to be a source of controversy and the dispute over Scarborough Shoal has caused continued tension, in particular, in November when two ships from the navy of the Philippines were stuck there. Furthermore, several incidents involving navy units from the Philippines and Chinese fishing boats were reported (*BBC/FE/3592* B/5-6 and G/1 (21 July 1999); 3666 G/7 (15 October 1999); 3688 G/3-4 (30 October 1999); 3690 B/7-8 (12 November 1999); 3694 B/3-4 (17 November 1999); and, 3706 B/8 (1 December 1999)). Also, in early 2000, bilateral tension was noted in the Scarborough Shoal area and during the first half of the year there has also been tension relating to activities of Chinese fishing boats which even led to the death of a Chinese fisherman in late May (*ibid.*, 3748 B/6 (27 January 2000); 3760 B/5-6 (10 February 2000); 3778 B/4 (2 March 2000); 3783 B/4 (8 March 2000); 3788 B/5 (14 March 2000); 3789 B/3-4 (15 March 2000); 3791 B/4-5 (17 March 2000); 3795 B/3-4 (22 March 2000); 3842 B/5 (17 May 2000); 3853 B/3-4 (30 May 2000); 3854 B/5-6 and G/4 (21 May 2000); 3855 B/4-5 (1 June 2000); 3856 B/4 (2 June 2000); and, 3858 G/3 (5 June 2000)).

^{xxxv} Discussions between ASEAN and China relating to a possible 'code of conduct' for the South China Sea took place in connection with the ARF meeting in Singapore in late July 1999; in connection with discussions following the Third ASEAN Informal Summit in Manila in late November 1999, at the "1st Meeting of the ASEAN-China Working Group on the Regional Code of Conduct on the South China Sea" held in Hua Hin, Thailand on 15 March 2000, in connection with the 6th ASEAN-China Senior Officials Consultations held in Kuching, Malaysia on 25-26 April 2000; at the 2nd meeting of the Joint Working Group on the Regional code of Conduct held in Kuala Lumpur, Malaysia on 26 May 2000; and, at the meeting of the "Working Group of the ASEAN-China Senior Officials Consultation on the Code of Conduct in the South China Sea" held in Dalian, China on 24-25 August 2000. The meetings in 2000 are listed in accordance with information carried by the web site of ASEAN (<http://www.asean.or.id>).

^{xxxvi} See note 34.

^{xxxvii} The tension between the Philippines and Vietnam was caused by the following incident. In late October 1999 the Philippines protested against the shooting at one of its armed forces planes by Vietnamese soldiers based on Tenneset Reef in the Spratly archipelago. The shooting had occurred in mid-October (*BBC/FE/3678* B/5-6 (29 October 1999); and, 3679 B/8). Vietnam responded by stating that the armed forces plane of the Philippines had "seriously" violated

Vietnam's sovereignty. Furthermore, the Vietnamese forces had "restrained" themselves and "merely warned" the Filipino planes which flew at a low altitude over Tien Nu (Tennent) Reef (ibid., 3680 B/5 (1 November 1999)).

^{xxxviii} The tension between the Philippines and Malaysia was caused by the following incidents. In June the Philippines protested against Malaysia taking control of two features in the Spratlys (Ibid., 3565 B/5 (19 June 1999)). In late October combat planes from the Philippines and Malaysia "nearly engaged" while flying over the Malaysian controlled Investigator Shoal in the Spratlys. The Philippines did not issue a formal protest over the incident (Ibid., 3681 B/4 (2 November 1999)). According to Malaysia there was not a "standoff" and no "engagement" between the military planes of the two countries. In fact the Malaysian planes were "unarmed" (ibid., 3682 B/6-7 (3 November 1999)).