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**The Sino-Vietnamese Approach to
Managing Boundary Disputes**

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The Sino-Vietnamese Approach to Managing Boundary Disputes

by

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The opinions contained herein are those of the author and are not to be construed as those of IBRU.

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The Sino-Vietnamese Approach to Managing Border Disputes

Ramses Amer

1. Introduction

China¹ and Vietnam share both land and sea boundaries. The land boundary extends for approximately 1,300kms (808 miles) between the tripoint with Laos and the northern distributary of the Pei-lun Ho on the Gulf of Tonkin [Tonking], known in China as the Beibu Gulf and in Vietnam as the Bac Bo Gulf. The maritime boundary extends seaward from the termination of the land boundary into the Gulf of Tonkin and out into the South China Sea.

Disputes concerning the borders encompass both land and maritime issues. The two states have maintained a long standing dispute over their land boundary and in the maritime sphere bilateral relations are complicated by overlapping claims to water and continental shelf areas in the Gulf of Tonkin and competing sovereignty claims over the Paracel and Spratly archipelagos in the South China Sea. Furthermore, China's apparent claim to so-called 'historical waters' in the South China Sea overlap Vietnam's claims to exclusive economic zone (EEZ) and continental shelf areas to the east of the Vietnamese coast.

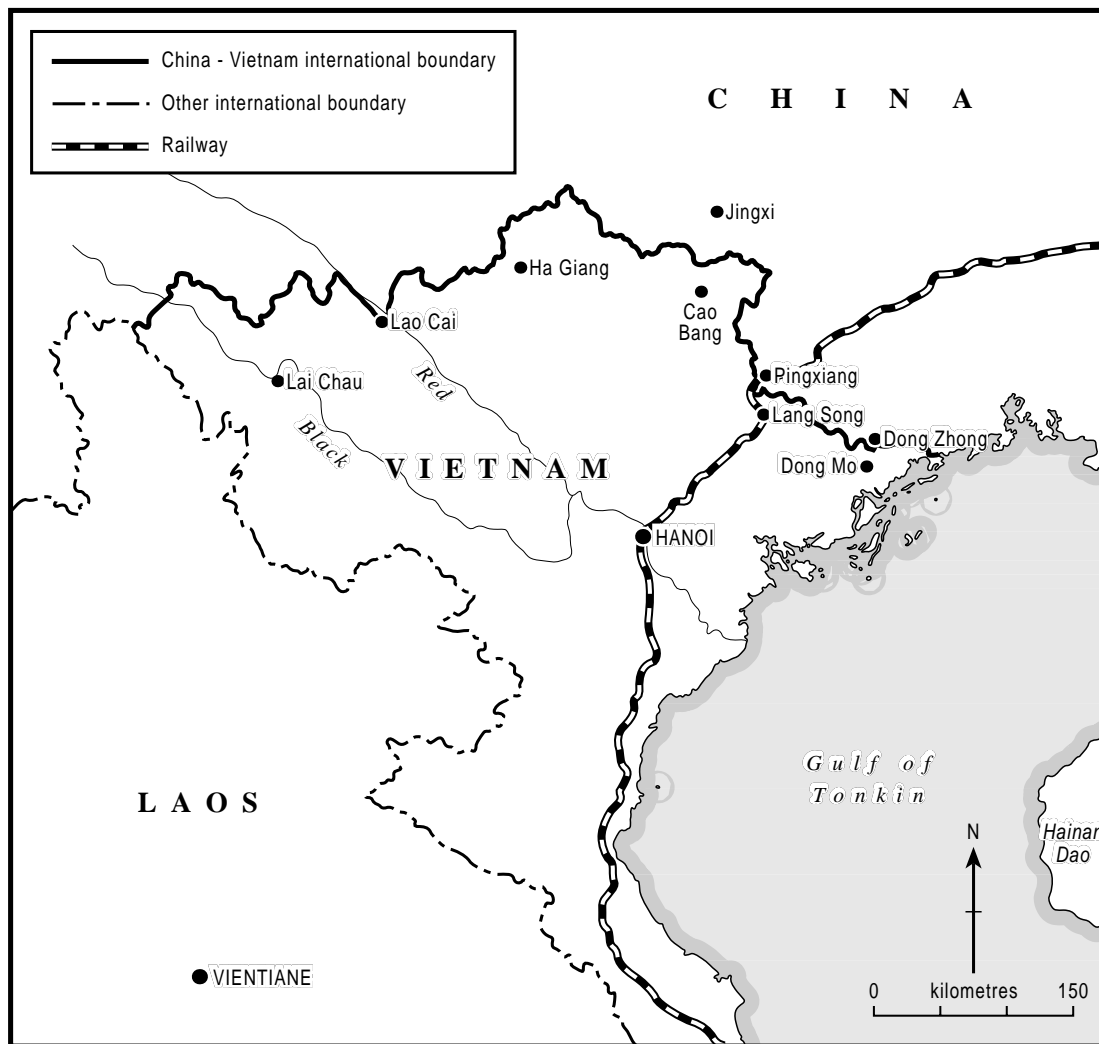
The primary objective of this study is to examine how China and Vietnam have handled their border disputes, both on land and at sea. The analysis revolves around two main issues: firstly, how the border disputes affect the relationship between the two countries and secondly, more specifically, how the two countries are trying to manage their border disputes.

Following an outline of the extent of the territorial and maritime claims of China and Vietnam, respectively, and of the areas of overlapping claims, the empirical part of the study is structured chronologically and is divided into two main sections. The first of these traces the importance of the border disputes between the two states and the way in which they were managed in the 1975-1991 period. The second, more substantive, section is devoted to the developments relating to the border disputes following the full normalisation of bilateral relations in November 1991 to the end of 2000. The latter period encompasses the signing of a treaty relating to the land border between the two countries at the end of 1999 and the signing of the agreement relating to the "demarcation"² of the Gulf of Tonkin at the end of 2000.

The concluding section provides a critical analysis of the efforts of the two countries to manage their territorial disputes with a view of explaining the progress achieved and tensions

¹ In this study the term China is synonymous with the Peoples Republic of China (PRC).

² The terms 'demarcation', 'delimitation' and 'delineation' are used interchangeably in this *Briefing*. While the delimitation of a line is where political, legal and technical experts decide on a precise alignment of a boundary, which can be illustrated on maps and upon which a treaty can be based, demarcation on the ground is the agreed line transferred from the map to the ground where it is physically marked with pillars, posts, fences, etc. (Prescott, 1985). Delineation is similar in meaning to delimitation. In this *Briefing* when the term 'demarcation' is used, it is generally the meaning of 'delimitation' that is intended.

Figure 1: The Sino-Vietnamese Land Boundary

endured during the 1990s. It also encompasses a discussion relating to the prospects for the future.

1.1 Areas of Dispute on the Land Boundary

The land boundary crosses the upper courses of a number of rivers flowing from China into Vietnam (see Figure 1). The boundary adheres to drainage lines for about 814km, follows the median line of rivers for about 351km and passes along straight-line segments for about 37km. Most of the remainder of the boundary follows ridges, hills and cultural features.

Prior to the signing of the treaty relating to the land border in late December 1999 the legal documents that governed the border were primarily the two Sino-French Conventions signed in 1887 and 1895, respectively.³ Demarcation commissions marked the boundary shortly after the Conventions were concluded and it is understood that at least 285 pillars were erected along

³ In the late 1970s Vietnam published a book which reproduced the two Conventions (*Conventions*, 1979).

the boundary.⁴ Developments since these Conventions were signed led to the emergence of disputed areas along the border. Some of these disputes were caused by the fact that border markers have been moved or destroyed. This, combined with other activities carried by the population and local authorities on both sides of the border area, have impinged on the borderline. Another development which generated disputes was the Sino-Vietnamese border war in February-March 1979 that left some strategic locations of Vietnamese territory under Chinese control.

1.2 Maritime Claims⁵

The body of international law commonly known as the 'law of the sea' consists of a number of international agreements and conventions dealing with a wide range of maritime issues. Foremost among these is the 1982 United Nations Convention on the Law of the Sea (UNCLOS) which finally entered into force in November 1994 following the deposition of the sixtieth instrument of ratification or accession. Both China and Vietnam have now officially acceded to the UNCLOS regime. Vietnam signed the Convention when it was opened for signature in December 1982 and deposited its instruments of ratification on 25 July 1994. China signed the Convention on 29 July 1994 and ratified it on 7 June 1996.

China and Vietnam have also declared straight baseline systems around much of their coastlines,⁶ although both systems have been subject to considerable criticism from other governments and law of the sea experts for being applied in a manner which is inconsistent with the provisions of UNCLOS. Both China and Vietnam claim 12 nautical miles (nm) of territorial sea and a contiguous zone up to the 24nm limit.⁷ Both states claim security jurisdiction within their contiguous zones, although their right to do so has been challenged by other countries, notably the USA.

A state's right to a continental shelf exists without the need for any express declaration or legislation, and most states only define their continental shelf claims in very general terms. Vietnam's Statement of 12 May 1977 defines the Vietnamese continental shelf using exactly the same wording as subsequently appeared in UNCLOS. China has not even gone that far, although in a statement in 1974 it did mention the principle of natural prolongation. Both states also claim 200nm exclusive economic zones (EEZ).

⁴ The Geographer, 1964: 3-5.

⁵ For studies dealing with the respective claims see among others: Austin, 1998; Lo, 1989; Sheng, 1995; *The Hoang Sa*, 1981; *The Hoang Sa*, 1988; and, Valencia, 1995.

⁶ Vietnam defined its straight baselines in a governmental Declaration on 16 November 1992. China first claimed straight baselines in its Declaration on the Territorial Sea of 4 September 1958 but they were not formally defined until May 1996.

⁷ The Chinese legislation can be found in the *Law on the Territorial Sea, Contiguous Zone* of 25 February 1992. The Vietnamese claim is codified in the *Statement by the Government of the Socialist Republic of Vietnam on the Territorial Sea, the Contiguous Zone, the Exclusive Economic Zone and the Continental Shelf of Vietnam* of 12 May 1977.

1.2.1 *China's claims*

China, together with Taiwan, has the most extensive claims in the South China Sea (see Figure 2). China claims sovereignty over the Paracel and Spratly archipelagos and the Pratas islands.⁸ As shown by official Chinese maps, China appears to claim a U-shaped area southwards to the east of the Vietnamese coastline, turning eastwards to the north-east of the Indonesian-controlled Natuna Islands, and to the north of the Malaysian State of Sarawak, then turning north-eastwards along the coast of Brunei Darussalam and the Malaysian State of Sabah, and finally northwards to the west of the Philippines. This claim therefore encompasses the majority of the non-territorial sea areas of the South China Sea. It has been suggested that the U-shaped line represents a claim to 'historic waters'. Alternatively it may be that the U-shaped line is designed to indicate that China claims all the islands within that line.⁹

Currently China controls the whole Paracel archipelago. China took control of the eastern part of the Paracels in 1956 and the western part in 1974, and gained its first foothold in the Spratly archipelago in 1988. Since then it has continued to expand its control over islands and reefs in the archipelago and it is estimated that China currently controls some ten islands, cays and reefs in the Spratlys. The Pratas islands are under Taiwanese control.

China's claims in the South China Sea are based on historical records and maps which are used to sustain two kinds of claims. First, to show that China discovered the island groups in the South China Sea, and second, to show how Chinese people occupied the islands and developed them. More recently China has also increasingly been arguing in terms of modern international law, i.e. UNCLOS, to substantiate its claims to water and continental shelf areas in the South China Sea.

1.2.2 *Vietnam's claims*

Vietnam claims sovereignty over the whole of the Paracel and Spratly archipelagos. As previously mentioned, it has claims to an EEZ of 200nm and to the natural prolongation of the continental shelf in the South China Sea to the east and the south-east of the Vietnamese coastline.

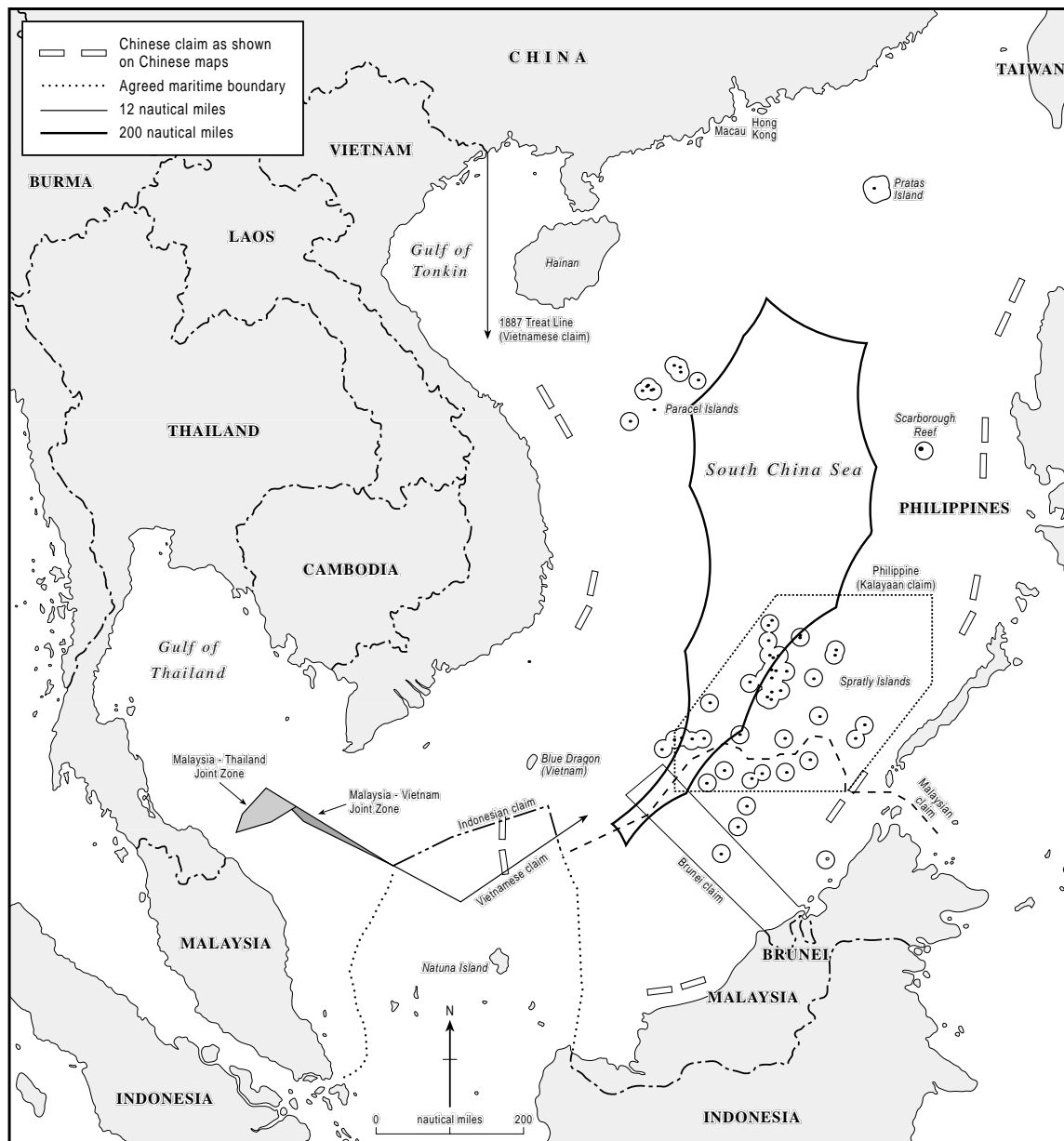
Vietnam currently controls more than 20 islands, cays and reefs in the Spratly archipelago. Its control over features in the archipelago has gradually been expanded since the mid-1970s when Vietnam controlled six of the features. Vietnam does not control any island, cay or reef in the Paracel archipelago which is fully under China's control.

Vietnam's sovereignty claims to the Paracel and Spratly archipelagos in the South China Sea are based on historical records from pre-colonial time and from the French colonial period. Interestingly enough the unified Vietnam also relies on documentation from the former Republic of Vietnam (South Vietnam, ROV) to substantiate its claims. In more recent time Vietnam has increasingly been arguing in terms of modern international law, i.e. UNCLOS, to

⁸ Toponyms can be problematic in the South China Sea as each claimant state tends to accord different names to each feature. The collective names the 'Paracel Islands' and 'Spratly Islands' will be used throughout this *Briefing* for the sake of clarity and simplicity. Nevertheless, it is worth noting that the Paracel Islands are generally referred to as the Hoàng Sa Archipelago by the Vietnamese and as the Xisha Islands by China. Similarly, the Spratly Islands are termed the Truong Sa Islands by Vietnam and the Nansha Islands by China.

⁹ See Dzurek, 1996: 11-15.

Figure 2: Claims to the South China Sea



substantiate its claims to EEZ and continental shelf areas in the South China Sea proper and in the Gulf of Tonkin.

1.2.3 Areas of overlapping claims

The signing of the treaty relating to the land border in late 1999 and the signing of the agreement relating to the “*demarkation*” of the Gulf of Tonkin at the end of 2000 settled the problems relating to the land border and to the overlapping claims to EEZ and continental shelf areas in the Gulf of Tonkin, respectively. China's claims to so called “*historical waters*” in the South China Sea overlap with claims to EEZ and continental shelf areas made by Vietnam to the east of the Vietnamese coast. The two countries have overlapping sovereignty claims to the Paracel and Spratly archipelagos.

2. The Territorial Disputes in Bilateral Relations: 1975–1991¹⁰

Following the end of the Vietnam War in late April 1975, relations between China and Vietnam began to deteriorate over a number of issues. These included China's uneasiness over Vietnam's relations with the Soviet Union and, similarly, Vietnam's concerns over China's gradually increasing support for Cambodia in the escalating conflict between Vietnam and Cambodia. The Vietnamese military intervention in Cambodia in late December 1978 inevitably served to heighten tensions in Sino-Vietnamese relations. A further strain on bilateral ties stemmed from minority issues, and in particular the treatment of the ethnic Chinese minority in Vietnam. Indeed, 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 resulting in China's attacks 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 which 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, bilateral relations were officially fully normalised in November 1991.

2.1 Negotiations, Tension and Clashes

The first indication of tension relating to the border disputes after the end of the Vietnam War came during a visit by the Secretary-General of the Communist Party of Vietnam (CPV), Le Duan, to China in September 1975. For the first time in discussions between the two sides, Le Duan officially raised the issue of sovereignty over the Paracel and Spratly archipelagos in the South China Sea. The visit ended without the joint communiqué usual for such meetings.

Both China and Vietnam had sought to emphasise their territorial claims in the South China Sea prior to the September 1975 meeting. In January 1974, China had seized control over the whole Paracel archipelago from the ROV, having previously taken control over parts of the archipelago in 1956. In a similar fashion, the Democratic Republic of Vietnam (DRV) (North Vietnam) seized six islands in the Spratly archipelago from the ROV in April 1975. Each of these actions was interpreted as aggressive by the other party. Furthermore, from 1974 border clashes occurred along the common land border and increased sharply in 1978 as the overall bilateral relationship deteriorated. Eventually the deterioration of relations led to China's attack on Vietnam in February-March 1979 resulting in Chinese troops advancing approximately 40km into Vietnam, affecting six provinces along the border: Quang Ninh, Lang Son, Cao Bang, Ha Giang, Lao Cai and Lai Chau. China claimed to have captured three out of six provincial capitals in the bordering provinces, Cao Bang, Lang Son and Lao Cai, as well as 17 other cities and counties before announcing that a pull-out would begin on 5 March. China declared that the withdrawal was completed by 16 March.¹¹

¹⁰ Unless otherwise stated the information relating the period 1975 to 1991 is derived from Amer, 1991: 29-35, 93-95 and 121-123; Amer, 1994: 357-366, 374-375 and 381; Amer, 1997: 87-89; and, Amer, 1999: 69-74, 98-108 and 114-116. For other studies dealing specifically with the border disputes between China and Vietnam with a focus on developments during the second half of the 1970s and into the early 1980s see Chang, 1980: 130-165; Chang, 1984: 37-48; Chang, 1985: 75-87; and, Chang, 1986.

¹¹ The most detailed study of the border war of February-March 1979 is Chen, 1987. For other studies on the war see the section on the border war in the Bibliography. For China's views and information see

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 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.¹² As noted earlier negotiations in 1979 and the early 1980s also failed to resolve the border issues. It is worth observing that the territorial conflicts became increasingly publicised, following the Chinese attack on Vietnam in early 1979, and not only the land border, which was the scene of the military activities, but also the claims over the Paracel and Spratly archipelagos in the South China Sea.¹³

The 1980s was a period of continued tension and up to early 1988 the military confrontation was concentrated along the land border. However, in March 1988 tension increased in the Spratly archipelago and led to a naval clash – the ‘Battle of Fiery Cross Reef’. Vietnam suffered some casualties in the brief battle and China managed to get a foothold in the archipelago by seizing some of the islands.¹⁴ Paradoxically, during the second half of 1988, the tension along the land border steadily decreased and by the end of the year cross-border trade had been resumed.

Following a slow normalisation process bilateral relations were officially fully normalised during a visit by the Secretary-General of the CPV, Do Muoi, and Vietnam’s Prime Minister, Vo Van Kiet, to Beijing in November 1991. Point five of the joint communiqué on the normalisation of relations of 10 November 1991 was devoted to the territorial disputes. Most attention was focused on the land border and the need to maintain peace and tranquillity as well as the need to encourage border inhabitants to restore and develop “*traditional friendly exchanges*” with the goal of turning the border into one of “*peace and friendship*.” While the border disputes themselves were not resolved during the normalisation process, the two sides signed a provisional agreement on the handling of border affairs and agreed to settle all their territorial disputes peacefully through negotiations.¹⁵

The Crux, 1979; *The Truth*, 1979; and, *What Led Up*, 1979. For Vietnam’s views and information see *Memorandum*, 1979 see also *Chinese Aggression*, 1979; and, *The Chinese Aggression*, 1979.

¹² The information pertaining to the timing and the outcome of the talks is derived from *Memorandum*, 1979: 16-18. For Vietnam’s position and views on the talks as well as Vietnam’s attitude towards the Conventions of 1887 and 1895 relating to the delimitation of the border between the then Tonkin and China see *Ibid*. For China’s position and views on the talks as well as China’s attitude towards the Conventions see *The Truth*, 1979. For developments relating to the land border from the signing of the Conventions in the late 19th century to the second half of the 1970s see Dauphin, 1989: 104-117; and, St John, 1998: 32-37.

¹³ From the Chinese side see for example: *China’s Indisputable*, 1979. From the Vietnamese side see for example: *La souveraineté*, 1979.

¹⁴ Dzurek (1996: 23-25) reports construction of a Chinese base at Fiery Cross Reef had started by 14 March 1998 when the clash between Chinese and Vietnamese forces occurred – perhaps as a result of Vietnamese attempts to stop Chinese building on the reef. It was reported that 75 Vietnamese personnel were killed and three Vietnamese ships were set ablaze. Chinese casualties were apparently minor.

¹⁵ *British Broadcasting Corporation, Summary of World Broadcasts, Part Three, Far East*, 1227 (12/11/91): A3/1 (hereafter *BBC/FE*). According to *Xinhua News Agency* the provisional agreement on the handling of border affairs resulted from talks between the two sides held in early October 1991. These talks were held to meet the “*needs*” of normalisation of relations and the need of peace and economic development in the border region (*BBC/FE*, 1224 (8/11/91): A3/1).

2.2 The Impact of the Border Disputes on Bilateral Relations

The territorial disputes in the South China Sea between China and Vietnam were bound to erupt in the post-1975 period with a unified Vietnam asserting its national interests in that area. China may not have expected Vietnam to claim sovereignty over the Paracel and Spratly archipelagos since, in the pre-1975 period, only the ROV had upheld Vietnamese claims. In this context it is noteworthy that three statements made by senior officials of the DRV in 1956, 1958 and 1964, respectively, have been presented by China, after 1975, as evidence of DRV, i.e. Vietnamese, recognition of China's sovereignty claims to the two archipelagos.¹⁶ Vietnam has not denied that these statements were made but argues that they do not weaken Vietnam's sovereignty claims. This is based on the line of argumentation that the statements have to be understood in the context of the specific strategic situation that prevailed during the Vietnam War. Furthermore, Vietnam is pointing to the fact that the archipelagos was under administrative of the ROV and that the later upheld Vietnam's sovereignty claims.¹⁷

After 1975, attempts were made at negotiating the Gulf of Tonkin and land border issues but no agreement was reached. 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 on the developments of relations during the second half of the 1970s. The land border conflict, and the clashes which occurred along the border, was 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. As noted above, the territorial conflicts became increasingly publicised in 1979 following China's attack on Vietnam. This was part of efforts by both sides to underscore their respective claims on the international stage. In this normalisation process, however, 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, to put the border disputes aside and aim 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.

3. The Role of Border Disputes since Full Normalisation of Relations

Since the November 1991 summit, relations between China and Vietnam have been characterised by two contradicting trends: one positive with expanding contacts and cooperation in many fields, and the other negative with continued differences relating primarily to the territorial disputes. The positive trend has been generally 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 focus in the following overview

¹⁶ The three statements were made by a Vietnamese Vice-Foreign Minister on 15 June 1956, by Prime Minister Pham Van Dong on 14 September 1958 and by the DRV government on 9 May 1965. For Chinese use of these statements as evidence of Vietnamese recognition of its sovereignty claims to the Paracels and Spratlys see *Memorandum on*, 1979: 20-21; and *The Truth*, 1979: 24-26. The last source also refers to Vietnamese official maps and to Vietnamese schoolbooks displaying the archipelagos as Chinese territory.

¹⁷ For the Vietnamese line of argumentation see Luu, 1996a: 63-66; Luu, 1996b: 74-78; and, The Hoang Sa, 1988: 20-24.

of developments will be on the border disputes and related talks. The positive trend is evidenced by the range and frequency of meetings between China and Vietnam, often specifically to discuss the border issues, or for other purposes during which the border issues were considered. Starting in 1991 these meetings took place at expert/working group, government and high (presidential and ministerial) levels and underline the sincere desire on both sides to reach agreement on the border issues, notwithstanding periodic tensions and crises. A chronology of the meetings is provided in Appendix 1 with details of the level, location and outcome for each encounter.

3.1 Tension followed by Talks and Agreements: Early 1992 – Early 1994

In February 1992 China's Foreign Minister, Qian Qichen, visited Vietnam and an agreement was reached to establish working groups to discuss the territorial disputes.¹⁸ However, several Chinese moves served to increase tension between the two states at this time. In February, China passed a new law on territorial waters which stipulated that the Paracel and Spratly archipelagos and most of the South China Sea waters were to be regarded as part of its national territory.¹⁹ In May, China signed an agreement with the Crestone Energy Corporation, a US company, on oil-gas exploration in a 10,000 square mile area in the South China Sea (see Figure 3). Unsurprisingly, Vietnam reacted negatively and claimed that the area was located on its continental shelf.²⁰ In July, Vietnam accused China of having landed troops on Da Lac coral reef in the Spratly archipelago²¹ and in September China began drilling for oil in a disputed area of the Gulf of Tonkin which prompted Vietnam to protest.²²

With respect to the land boundary, continued disputes over the demarcation issues prevented the resumption of rail-traffic between the border provinces of Lang Son and Guangxi. Vietnam accused China of occupying a stretch of some 300m of the railway, including Vietnam's pre-1979 end-station.²³ However, border crossings were eventually reopened in early 1992.²⁴

These border problems were discussed during a visit by one of China's Vice-Foreign Ministers to Hanoi in September but no agreement was reached, except to hold talks on the land border and other territorial disputes in Beijing in October.²⁵ Experts from the two countries met for the first time 12-17 October in Beijing and it was agreed that the next round of talks would concentrate on the land border.²⁶

¹⁸ *BBC/FE*, 1303 (13/2/92): i; 1305 (15/2/92): A3/1-3; 1306 (17/2/92): A3/1; and, 1307 (18/2/92): A3/1.

¹⁹ For the full text of *The Law of the People's Republic of China on its Territorial Waters and Their Contiguous Areas* adopted by the Standing Committee of the National People's Congress on 25 February 1992 see *BBC/FE*, 1316 (28/2/92): C1/1-2.

²⁰ *BBC/FE*, 1385 (20/5/92): A1/2-3; 1388 (23/5/92): i; 1417 (26/6/92): A2/3-4; and, 1430 (11/7/92): A1/1. See also Vatikiotis, M. (1992) 'China stirs the pot', *Far Eastern Economic Review* (9 July): (hereafter *FEER*).

²¹ *BBC/FE*, 1428 (9/7/92): A2/1; and, 1430 (11/7/92): A1/1.

²² *BBC/FE*, 1479 (7/9/92): i and A2/1; and, 1487 (16/9/92): A2/6-7.

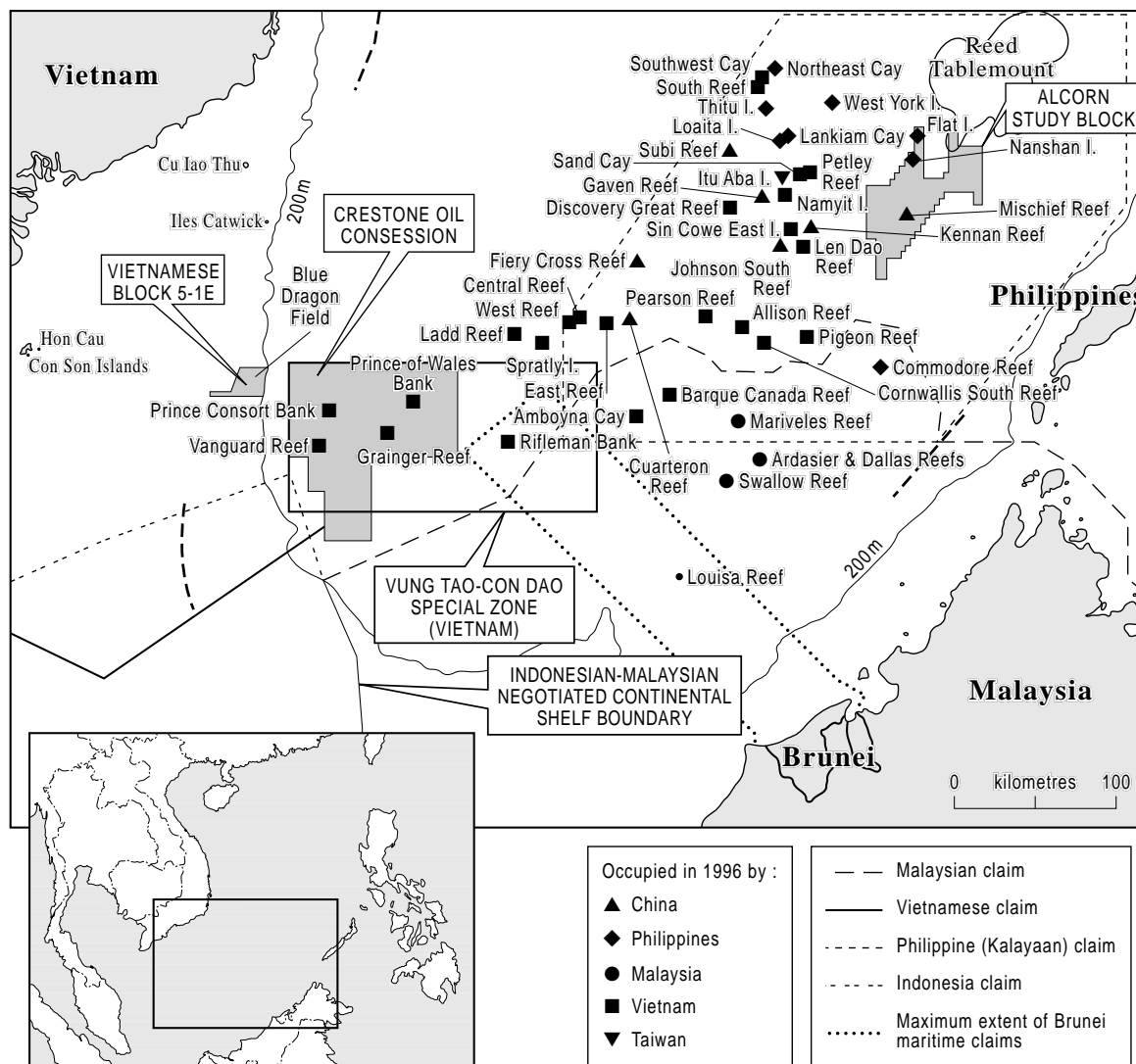
²³ Author's discussions with officials and researchers in Hanoi and author's visit to the Vietnamese border province of Lang Son in December 1994.

²⁴ *BBC/FE*, 1299 (8/2/92): A3/3. See also 'Hanoi, Peking reopen border crossing', *FEER* (16/4/92): 14.

²⁵ *BBC/FE*, 1492 (22/9/92): A2/1.

²⁶ *BBC/FE*, 1513 (16/10/92): i; 1516 (20/10/92): A1/2; and, 1519 (23/10/92): A1/2-3.

Figure 3: Location and Extent of the Crestone Oil Concession in the South China Sea



The visit by China's Prime Minister, Li Peng, to Vietnam, November/December 1992 provided the opportunity to ease tension and to address the border issues at the highest political level. However, no significant progress was reported with respect to the conflicting claims in the South China Sea. Nevertheless, both parties emphasised that the differences would be settled through negotiations.²⁷

Following Li Peng's visit, discussions on the territorial issues continued during the visit to China by Vietnam's Defence Minister, General Doan Khue, in December. Experts from the two countries held their second round of border talks in Hanoi in February 1993 and in May, China's Defence Minister, Chi Haotian, visited Vietnam and border issues were discussed. In connection with the 26th ASEAN (Association of South-East Asian Nations) Ministerial

²⁷

BBC/FE, 1552 (1/12/92): A2/1; 1553 (2/12/92): A1/1-4; 1554 (3/12/92): A1/4-5; 1555: A1/7-11 (4/12/92); and, 1556 (5/12/92): A1/1-3.

Meeting (AMM) in Singapore in late July the two Foreign Ministers met to discuss the border issues. Reportedly, the two sides reiterated that the existing border and territorial issues would be resolved through negotiations.²⁸

In August a Vietnamese Government delegation visited Beijing for the first round of talks at the government-level. The two sides reached a “*general understanding and consensus*” on “*fundamental principles*” for solving the territorial issues.²⁹ The talks continued in Hanoi in October when a Chinese government delegation visited Vietnam and on 19 October an agreement was signed which included basic principles for settling the territorial disputes relating to the land border and to the division of the Gulf of Tonkin. Furthermore, the two countries agreed to concentrate their efforts on resolving these two disputes while at the same time continuing talks on other maritime issues such as those in the South China Sea. They also agreed to set up joint working groups at the expert-level to deal with the land border and Gulf of Tonkin issues.³⁰

Despite the differences regarding the territorial disputes, good bilateral relations were generally maintained. A significant indication of this was the visit by Vietnam’s President, Le Duc Anh, to China in November, during which the territorial disputes were discussed and both sides contended with the recent agreement on principles for resolving the border issues. They also asserted the necessity to settle the remaining issues relating to land and sea borders, through negotiations, in order to find a solution which would meet the aspiration and interests of both sides.³¹

During the first quarter of 1994 the joint working groups at the expert-level on the land border and the Gulf of Tonkin were set up and began to hold talks. The first meeting of the joint working group on the land border took place in Hanoi in February, followed in March by the first meeting of the joint working group on the Gulf of Tonkin (For information on the outcome of these talks and others throughout see Appendix 1).

3.2 Tensions over the South China Sea: April – June 1994

The activities of the Crestone Energy Corporation in the South China Sea on behalf of China continued to be a source of tension in the mid-1990s, and in April 1994 Vietnam launched official protests over seismological surveys carried out by Crestone in an area referred to as the Tu Chinh coral reef area.³² On 5 May, a spokesman for Vietnam’s foreign ministry emphasised

²⁸ *BBC/FE*, 1560 (10/12/92): A1/9; 1561 (11/12/92): A2/4-5; 1565 (15/12/92): A2/6; 1566 (17/12/92): A2/1; 1620 (23/2/93): A2/2; 1689 (15/5/93): A2/4-5; 1691 (18/5/93): A2/2-3; and, 1749 (24/7/93): A2/4 (Information carried by *Xinhua News Agency*).

²⁹ *BBC/FE*, 1777 (26/8/93): A1/3. Report carried by *Xinhua News Agency*. *BBC/FE*, 1783 (2/9/93): G/1-2. Reports carried by *China Radio International* and *Vietnam News Agency*, respectively: *BBC/FE*, 1786 (6/9/93): G/4. Report carried by *Voice of Vietnam*.

³⁰ *BBC/FE*, 1825 (21/10/93): B/2-3. Report carried by *Xinhua News Agency*.

³¹ *BBC/FE*, 1843 (11/11/93): G/1-3; 1845 (13/11/93): G/5-6; 1846 (15/11/93): G/1-2; and, 1848 (17/11/93): B/3-4 and G/4. The detailed information pertaining to the border disputes is derived from an interview with the Vietnamese Foreign Minister by the *Voice of Vietnam* (*BBC/FE*, 1848 (17/11/93): B/3-4).

³² *BBC/FE*, 1978 B/3 (22/4/94); 1979 B/9 (23/4/94); 1980 B/6 (25/4/94); and, *Foreign Broadcast Information Service: Daily Report. East Asia-94-077* (21/4/94): 55; 94-078 (22/4/94): 48-49 (hereafter

that the Tu Chinh area “*lies fully*” within Vietnam’s EEZ and continental shelf and that there was no disputed area there.³³

Tension was further increased when on 10 May a spokesman for China’s foreign ministry was reported as saying that “*the Blue Dragon sea area belongs to the adjacent waters of the Nansha islands*”, that is, the Spratly Islands. He also stated that an exploration contract signed between Vietnam and the US’s Mobil Oil Company in the Blue Dragon oil field was “*illegal*”.³⁴ The following day Vietnam’s foreign ministry reiterated that the areas of “*Tu Chinh*” and “*Thanh Long*” were located within its EEZ and continental shelf and that Vietnam “*has the sovereign right to explore and exploit natural resources in these areas.*” It was also emphasised that the two areas “*are in no way related*” to the Spratly archipelago or its adjacent waters.³⁵ On 12 May a spokesman of the Chinese foreign ministry stated that any contract signed by Vietnam with oil companies for prospecting and exploiting oil deposits in waters around the Spratly Islands would be infringing on China’s rights and interests. It was also stated that the “*Lanlong Sea*” was located within the waters of the Spratly archipelago.³⁶ On the same day *Voice of Vietnam* broadcasted a commentary reiterating the Vietnamese stand-point with regard to the activities of Crestone and it also reaffirmed the geographical location and status of the Tu Chinh area.³⁷

In an interview with *The Strait Times* (Singapore), published on 19 May, Vietnam’s Prime Minister, Vo Van Kiet, was quoted as reiterating Vietnam’s position and refuting China’s sovereignty claims to the Blue Dragon oilfield. Nevertheless, he said that Vietnam would try to resolve the issue by peaceful means. He addressed the issue of overlapping Chinese and Vietnamese sovereignty claims to the Paracel archipelago by stating that it was a separate issue from the Spratly dispute. Furthermore, he said that he favoured a negotiated settlement of the Paracel dispute. Finally, in response to reports about a Chinese build up of its strike capability in the area by deploying warplanes to the Paracels, the Vietnamese Prime Minister said that it was unlikely that force would be used as it would not benefit China and Vietnam to go to war.³⁸

After these Chinese and Vietnamese claims, counter-claims and rebuttals of the stand-point of the other side during the first half of May, there followed a period of around one month of relative calm during which the two sides refrained from openly publicising their differences. This relative calm was interrupted, on 16 June when a spokesman of the Chinese foreign ministry made a statement demanding “*once again*” that Vietnam put an end to its “*acts of infringement*” on China’s sovereignty. He said that since mid-May Vietnam had sent exploratory vessels to Wan’an Reef (Vanguard Bank) located in China’s “*Nansha sea area*” – i.e. part of the Spratlys. He reiterated that China had “*indisputable*” sovereignty over the Spratly Islands and their adjacent waters. Furthermore, he complained that Vietnam had “*repeatedly harassed*” the scientific surveys and fishing activities of Chinese vessels in the

FBIS-EAS). Tu Chinh is the Vietnamese name for Vanguard Bank, known in Chinese as Wan’an Tan (Prescott and Hancox, 1995: 16).

³³ *FBIS-EAS-94-090* (10/5/94): 45; and, *BBC/FE*, 1991 (7/5/94): B/10.

³⁴ The report was carried by *Agence France Press* in Hong Kong and quoted in *BBC/FE*, 1996 (13/5/94): B/5.

³⁵ *BBC/FE*, 1996 (13/5/94):B/5; and, *FBIS-EAS-94-093* (13 May 1994): 70.

³⁶ *BBC/FE*, 1997 (14/5/94): G/4-5.

³⁷ *FBIS-EAS-94-094* (16/5/94): 57-58.

³⁸ The interview in *The Strait Times* (19/5/94: 17) was reproduced in *FBIS-EAS-94-097* (9/5/94): 68-69.

area, thus violating Chinese sovereignty and putting in serious jeopardy the contract between China National Offshore Oil Corporation and Crestone Energy Corporation.³⁹

On 17 June Vietnam responded through a statement by a spokesman of the Vietnamese foreign ministry. He refuted the Chinese claim that the Tu Chinh area – called Wan’an Reef by China – was part of the Spratly archipelago. He also said the Chinese contract with Crestone Energy Corporation in the area was in defiance of the principles of international law and practice. He reiterated the “undeniable fact” that Tu Chinh area was located entirely within Vietnam’s EEZ and continental shelf. Finally, he called on China not to make statements or act in violation of Vietnam’s “undeniable” sovereignty over the Tu Chinh area since this would be detrimental to bilateral relations.⁴⁰

3.3 The Border Disputes brought Under Control: June – November 1994

In late June and early July 1994, the interaction between the two countries shifted away from differences relating to the South China Sea expressed in the public arena, to bilateral negotiations, with the second round of talks of the joint working group on the land border held in June and the second round of talks of the joint working group on the “delineation” of the Gulf of Tonkin in July, both in Beijing.⁴¹

Interestingly, the talks on the Gulf of Tonkin do not seem to have been adversely affected by the protest by the Chinese foreign ministry against Vietnam’s seizure of Chinese fishing boats in the Gulf of Tonkin on 2 July. China requested the immediate release of the Chinese fishermen and boats and demanded that no such incidents should occur in the future.⁴² In response a spokesperson of the Vietnamese foreign ministry stated that Chinese boats had been seized in two separate incidents, on 2 and 3 July respectively, affirmed that the Chinese boats had violated Vietnam’s territorial waters and that the seizure of the boats was in accordance with Vietnamese and international laws. He went on to state that the Vietnamese side was still carrying out its investigation and that the boats would be dealt with in conformity with the above laws and “in line” with relations between Vietnam and China. Finally, he stated that Vietnam requested China to immediately cease sending boats to Vietnamese waters for illegal fishing and violently opposing Vietnamese inspection vessels.⁴³

On 22 July the Foreign Ministers of China and Vietnam met, on the occasion of the 27th AMM and the first official meeting of the ASEAN Regional Forum (ARF) held in Bangkok, to discuss bilateral relations in general and the border disputes in particular. According to a report carried by the Thai newspaper *The Nation*, quoting China’s foreign affairs spokesman, Shen Guofang, the two sides had agreed to hold talks at the level of Vice-Foreign Minister to discuss joint development in areas with overlapping claims in the South China Sea. The talks also resulted in an agreement on the basic principles concerning the territorial disputes. Shen was quoted as saying that “positive progress” had been made in negotiations between the two governments

³⁹ *BBC/FE*, 2024 (17/6/94): G/1.

⁴⁰ *BBC/FE*, 2027 (21/6/94): B/3-4; and, *FBIS-EAS-94-118* (20/6/94): 67.

⁴¹ *FBIS-EAS-94-128* (5/7/94): 69-70; 94-129 (6/7/94): 66; 94-133 (12/7/94): 68; and, *BBC/FE*, 2028 (4/7/94): G/4; 2046 (13/7/94): G/2.

⁴² *BBC/FE*, 2040 (6/7/94): G/5.

⁴³ *BBC/FE*, 2041 (7/7/94): B/7-8; and, *FBIS-EAS-94-129*, (6/7/94): 66; 94-156 (12/8/94): 67.

and that this had laid a solid foundation for a proper settlement of border and territorial questions through peaceful negotiations. The Thai newspaper also quoted the Vietnamese Foreign Minister, Nguyen Manh Cam, as saying that both countries had agreed to “*exercise self-restraint and not do anything to make the situation deteriorate.*”⁴⁴

Negotiations continued through 1994 with the second round of government-level talks on the border disputes in Hanoi in August. The two sides once again agreed that the territorial issues, including the Spratlys issue, should be settled through negotiations. The Vietnamese reports from these talks concurred with the Chinese versions on most points with the notable difference that Vietnam referred to “*issues related to the East Sea*”, that is the South China Sea as a whole, instead of the Spratly Islands issue alone, as China did. Reportedly, Vietnam reaffirmed its sovereignty claims to the Paracel and Spratly archipelagos and stressed the preservation of its sovereignty, sovereign rights and jurisdiction over its territorial waters and continental shelf.⁴⁵

Of interest in this context are the statements made by Vietnam’s Deputy-Foreign Minister, Vu Koan, in an interview published by the Japanese newspaper *Sankei Shimbun* on 22 August. He elaborated on Vietnam’s stand-point with regard to China’s proposal to engage in joint development in areas of the South China Sea and said that the problem was in which area this would take place. He reiterated that the Chinese contract with an “*American company*” – presumably Crestone – was within Vietnam’s EEZ and continental shelf and not linked to the conflict over the Spratlys. He concluded that China’s intention in proposing joint development was to justify a Chinese presence within Vietnamese waters under the name of joint development.⁴⁶

The second round of government-level talks on the border disputes was held in Hanoi in August⁴⁷ and the pattern of disputes and tension interlaced with negotiations and good bilateral relations continued for the rest of the year. The third round of talks of the joint working group on the land border was held in Hanoi in October.⁴⁸ But China reiterated its “*indisputable*” sovereignty over the Spratly archipelago on 8 September with Vietnam predictably responding by reaffirming its sovereignty claim to these islands.⁴⁹ On October 14, China protested against Vietnamese attempts to invite foreign investors to submit tenders to develop the Gulf of Tonkin. It was stated that the Chinese government had declared that foreign companies were not allowed to engage in activities “*violating China’s rights and interests*” in the Gulf of Tonkin.

⁴⁴ *BBC/FE*, 2057 (26/7/94): B/4. According to a report by *Xinhua News Agency* the Chinese Foreign Minister had said that the two countries had reached agreement on basic principles concerning the border disputes and “*positive progress*” had been made during negotiations, thus laying a “*solid foundation*” for the settlement of disputes (*BBC/FE*, 2058, 27/7/94: G/2).

⁴⁵ *FBIS-EAS-94-159* (17/8/94): 79, 94-161 (19/8/94): 62-63; AND, 94-162 (22/8/94): 80

⁴⁶ Excerpts of the interview in *Sankei Shimbun* have been translated and reproduced in *BBC/FE* 2085 (27/8/94): B/1.

⁴⁷ *BBC/FE*, 2078 (19/8/94): B/6; and, *FBIS-EAS-94-159* (17/8/94): 79; 94-161 (19/8/94): 62-63; and, 94-162 (22/8/94): 80.

⁴⁸ *BBC/FE*, 2140 (31/10/94): B/6.

⁴⁹ For the Chinese statement carried by *Xinhua News Agency* see *BBC/FE*, 2096 G/3 (9/9/94) and for the Vietnamese statement carried by *Voice of Vietnam* see *BBC/FE*, 2098 (12/9/94): B/4.

Vietnam did not respond to the Chinese protest as such, but issued a statement, on 17 October, demanding that China “*inform its own people to stop their chronic violations*” of Vietnam’s territorial waters and EEZ. It is notable however, that both sides also elaborated on the bilateral efforts aimed at achieving a delimitation of the area through negotiations.⁵⁰ On the same day, 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.⁵¹ Finally, 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.⁵²

The visit to Vietnam by Jiang Zemin, Secretary-General of the Central Committee of the Chinese Communist Party (CCP) and Chinese President, on 19-22 November, provided the two countries with another opportunity to address the border issues at the highest political level.⁵³ Their joint communiqué, issued on 21 November, addressed the bilateral border disputes and the two sides “*reaffirmed*” that they would “*persist*” in peaceful negotiations as the avenue to solve their boundary and territorial issues. They also agreed to strive for an early settlement of the disputes relating to the land border and the Gulf of Tonkin in accordance with the agreement on basic principles reached in October 1993. Furthermore, negotiations would be pursued on the “*issue involving the seas*” in order to seek a basic and long term solution which would be acceptable to both sides. It was also agreed to establish an expert group to deal with these issues. Finally, the two sides agreed that pending a settlement of the territorial disputes they would refrain from taking actions which would “*complicate or enlarge the disputes*” and would also refrain from using force or threatening to use force.⁵⁴

Despite these positive agreements to resolve disputes peacefully, differences clearly persisted. Statements made by the two foreign ministers in connection with the summit in Hanoi showed that neither side had renounced its sovereignty claims to the Paracel and Spratly archipelagos. The Vietnamese foreign minister also stated that the issue of oil exploitation in the South China Sea was not discussed at the summit.⁵⁵

3.4 Stability and Continued Talks on Border Issues: December 1994 – March 1996

The territorial disputes were primarily handled through peaceful negotiations for the remainder of 1994 and into 1995. This was exemplified by the third round of talks of the joint working group on the Gulf of Tonkin held in Hanoi in December⁵⁶ and by the fourth round of talks of

⁵⁰ For the Chinese statement carried by *Xinhua News Agency* see *BBC/FE*, 2128 (17/10/94): G/2 and for the Vietnamese response carried by *Voice of Vietnam* see *BBC/FE*, 2130 (19/10/94): B/3-4; and, *FBIS-EAS-94-203* (20/10/94): 84.

⁵¹ *BBC/FE*, 2130 (19/10/94): G/2-3.

⁵² *BBC/FE*, 2132 (21/10/94): B/5.

⁵³ *BBC/FE*, 2158 (21/11/94): B/1.

⁵⁴ For the full text of the *Sino-Vietnamese Joint Communiqué* see *BBC/FE*, 2160 (23/11/94): B/1-2.

⁵⁵ *BBC/FE*, 2161 (24/11/94): B/4-6.

⁵⁶ *BBC/FE*, 2187 (28/12/94): B/5.

the joint working group on the land border held in Beijing in January 1995.⁵⁷ Seemingly the talks on the territorial issues were not affected by a statement from the Chinese foreign ministry which urged Vietnam to cease its geological surveys in the Spratly archipelago because such activities encroached on China's territorial sovereignty.⁵⁸ Vietnam responded by reiterating its own sovereignty claim to the archipelago.⁵⁹

Expert-level talks continued in March with the fourth round of talks by the joint working group on the Gulf of Tonkin in Beijing.⁶⁰ In early May, Vietnam's Foreign Minister, Nguyen Manh Cam, visited Beijing to hold talks with his Chinese counterpart Qian Qichen and they discussed the territorial disputes as well as overall bilateral relations. Both sides agreed on the need to settle the territorial disputes through peaceful negotiations.⁶¹ This high-level meeting was followed by continued talks on border issues at the expert- and government-levels with the fifth rounds of the joint working group on the land border⁶² and the joint working group on the Gulf of Tonkin⁶³ in Hanoi in May and June respectively. In July the third round of talks on the border issues at government-level was held in Beijing⁶⁴ and in October the expert-level talks on the land border continued with the sixth meeting of the joint working group held in Beijing.⁶⁵ A notable development in the context of this seemingly intense bilateral dialogue on the border disputes was the first round of talks of the "*Sino-Vietnamese expert group on maritime issues*" held in Hanoi in November.⁶⁶

It was in this atmosphere of on-going dialogue on the border issues that the Secretary-General of the CPV, Do Muoi, arrived in China for a summit meeting on 26 November.⁶⁷ In the joint communiqué issued on 2 December, the two sides agreed to "*properly*" resolve the issue of territory along the borders on the basis of international law, international practices and through peaceful negotiations. It was also announced that an agreement in principle on railway transportation had been reached.⁶⁸

In an interview with *Voice of Vietnam* following the visit, Vietnam's Foreign Minister, Nguyen Manh Cam, elaborated on the discussions and stated that on the basis of the progress made in

⁵⁷ BBC/FE, 2210 (25/1/95): B/4.

⁵⁸ BBC/FE, 2208 (23/1/95): G/15.

⁵⁹ BBC/FE 2210 (25/1/95) B/4.

⁶⁰ BBC/FE, 2273 (8/4/95): G/1-2. The report carried by the *Voice of Vietnam* did not specify on which date the talks begun only that the "*minutes of the meeting*" were signed on March 31.

⁶¹ BBC/FE, 2307(19/5/95): G/1; and, 2309 (22/5/95): G/1-2.

⁶² BBC/FE, 2315 (29/5/95): B/1.

⁶³ BBC/FE, 2340 (27/6/95): B/1-2.

⁶⁴ BBC/FE, 2356 (15/7/95): G/6-7.

⁶⁵ BBC/FE, 2441 (23/10/95): B/5; and, FBIS-EAS-95-199 (16/10/95): 71.

⁶⁶ BBC/FE, 2463 (17/11/95): B/1.

⁶⁷ BBC/FE, 2474 (30/11/95): G/2-6.

⁶⁸ For the full text of the *Sino-Vietnamese Joint Communiqué* see BBC/FE, 2477 (4/12/95): G/1-2. The agreement on opening the railway links between the two countries relates to two links 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, see BBC/FE, 2477 (4/12/95): B/3; 2494 (23/12/95): B/5; and, 2524 (1/2/96): B/1.

recent expert-level talks on the land border both countries had agreed on “*various principles to open the border rail route.*” He confirmed that expert-level talks would continue on the land border, Gulf of Tonkin and South China Sea. With respect to the land border he said that the two parties had agreed that in order to resolve the issue and achieve the signing of a treaty as soon as possible, all conflicts in border areas should be resolved “*on the spot.*”⁶⁹

During early 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 31 January. Furthermore, work on the repair and upgrading of the two railway links was carried out enabling the resumption of traffic on 14 February.⁷⁰ On the occasion of the official resumption of traffic the Vice-Foreign Ministers met in Lang Son to review the implementation of earlier bilateral agreements and to speed up negotiations on the territorial disputes.⁷¹ These events and the meeting overshadowed the seventh round of talks of the joint working group on the land border held in Hanoi in January.⁷²

It was in this atmosphere of improving bilateral relations and on-going dialogue on the border issues that the two prime ministers met on 29 February in Bangkok ahead of the first Asia-Europe Summit Meeting (ASEM) 1-2 March. Li Peng stated that the two countries had reached “*consensus*” on the border issues. With reference to specific disputes he said that negotiations on the land border had “*entered the substantial stage*” and that talks on “*delineating*” the Gulf of Tonkin were about to be resumed. Vo Van Kiet reportedly agreed and welcomed Li’s views.⁷³ Meanwhile the expert-level talks issues continued during March with the sixth round of talks of the joint working group on the “*delineation*” of the Gulf of Tonkin held in Beijing.⁷⁴

3.5 Increased Tension relating to the South China Sea: April – May 1996

The dialogue over the border issues was brought to an abrupt, albeit temporary, halt during spring 1996. In April, controversy erupted following the signing of a contract between Petrovietnam and Conoco Vietnam Exploration and Production B.G., a US company, for the exploration and exploitation of Vietnamese blocks 133 and 134 in the South China Sea. Vietnam insisted that these blocks were located within its continental shelf and that the area was “*completely*” under Vietnam’s sovereignty and jurisdiction.⁷⁵ China viewed the contract as an encroachment on its sovereignty and its maritime rights and interests, and also took the opportunity to reiterate its “*indisputable*” sovereignty over the Spratly islands. The spokesman for the Chinese foreign ministry claimed that the entire area encompassed by the contract was

⁶⁹ *BBC/FE*, 2479 (6/12/95): B/3-4.

⁷⁰ *BBC/FE*, 2518 (25/1/96): B/4; 2524 (1/2/96): B/1; 2525 (2/2/96): B/4; 2536 (15/2/96): B/4; and, 2539 (19/2/96): G/3.

⁷¹ *BBC/FE*, 2538 (17/2/96): B/5-6.

⁷² *BBC/FE*, 2522 (30/1/96): B/2. The report by the *Voice of Vietnam* did not mention the starting date of the round of talks it just stated that the talks had closed on Friday, i.e. 26 January.

⁷³ *BBC/FE*, 2550 (2/3/96): G/4.

⁷⁴ *BBC/FE*, 2562 (16/3/96): B/5.

⁷⁵ *BBC/FE*, 2586 (15/4/96): B/6; and, 2595 (25/4/96): B/7.

located within the area of the Wan'an Bei-21⁷⁶ contract between the China National Offshore Oil Corporation and Crestone Energy Corporation (see Figure 2).⁷⁷

Another source of tension emerged on 15 May when China issued a statement defining the baselines of its territorial sea adjacent to the Chinese mainland and in relation to the Paracel islands. China stated that this was done in accordance with its 1992 law on the territorial sea and contiguous zone.⁷⁸ Vietnam's reaction came in a foreign ministry statement which reiterated Vietnam's stand that the Chinese law of 1992, stipulating that the Paracel and Spratly archipelagos are Chinese territory, violated Vietnamese sovereignty. Furthermore, it was stated that China's delineation of baselines around the Paracel archipelago was a "severe violation" of Vietnam's territorial sovereignty.⁷⁹ Despite the tension there were also positive developments relating to the border disputes with the eighth round of talks of the joint working group on the land border held in Beijing in May.⁸⁰

3.6 Easing Tension and Focus on Dialogue: June 1996 – February 1997

In June the two sides moved decisively to mend fences. The 8th National Congress of the CPV held in late June gave the Chinese and Vietnamese leaderships the opportunity to display the good and close bilateral relationship between the two countries and the two ruling parties. The Chinese delegation was headed by Prime Minister Li Peng. He met with the Secretary-General of the CPV, Do Muoi, with Vietnam's Prime Minister, Vo Van Kiet, and Foreign Minister, Nguyen Manh Cam, as well as other leading members of the Central Committee. He also delivered a speech at the CPV Congress in which he alluded to the territorial disputes by stating that the two sides would continue their efforts aiming at reaching solutions to unresolved problems in the spirit of "friendly consultation and seeking common ground while reserving differences."⁸¹

Talks at expert level continued with the second round of talks by the joint expert group on the "sea issues" held in Beijing in July⁸² and the seventh meeting of the joint working group on the Gulf of Tonkin held in Hanoi in August.⁸³ Another positive move was the announcement on 20 August that the Tra Vinh-Lung Ping border gate between the Vietnamese province of Cao Bang and the Chinese province of Guangxi had been opened (see Figure 1). This followed an agreement at government level aimed at facilitating commercial and cultural exchanges between people in the border areas.⁸⁴

⁷⁶ "Vietnam's April 1996 award of Blocks 133 and 134 of Conoco of the USA – concessions encompassing approximately half of the Wan'an Bei-21 area". Schofield, C.H. (2000) 'Territorial claims in the South China Sea' in *Financial Times Energy Economist*, Issue 227.

⁷⁷ *BBC/FE*, 2589 (18/4/96): G/2; and, 2590 (19/4/96): G/2.

⁷⁸ *BBC/FE*, 2614 (17/5/96): G/10-12.

⁷⁹ *BBC/FE*, 2615 (18/5/96): B/6.

⁸⁰ *BBC/FE*, 2618 (22/5/96): G/3.

⁸¹ *BBC/FE*, 2651 (29/6/96): B/11 and G/2-3.

⁸² *BBC/FE*, 2662 (12/7/96): B/6; and, 2665 (16/7/96): B/3.

⁸³ *BBC/FE*, 2688 (12/8/96): B/4.

⁸⁴ *BBC/FE*, 2701 (27/8/96): G/1; 2704 (30/8/96): B/5-6; and, 2705 (31/8/96): B/4. See also *BBC SWB Weekly Economic Report. Part Three Asia-Pacific/0450* (28/8/96): WB/2.

Positive developments in bilateral relations could be seen throughout the rest of 1996 and into early 1997. With regard to the border disputes the fourth round of talks at the government-level took place in Hanoi in September,⁸⁵ and at the expert-level the ninth round of talks of the joint working group on the land border also took place in Hanoi in October.⁸⁶

Despite this on-going dialogue, oil exploration activities in the South China Sea re-surfaced as a contentious issue. During a press conference at the ministry of foreign affairs in Hanoi on 5 December, in reply to a question about Vietnam's response to the transfer of the contract originally signed by Crestone Energy Corporation to the Bank and Oil and Gas Group the spokesperson replied that Vietnam had repeatedly confirmed that the Tu Chinh area in the South China Sea was "*conclusively*" within Vietnam's continental shelf. He stated that the move was a violation of Vietnam's sovereignty and that Vietnam regards the contract as invalid "*no matter to whom it was transferred.*"⁸⁷

The issue was brought up again at a press conference at the Vietnamese foreign affairs ministry on 23 January 1997. In the light of the acquisition of Crestone Energy Corporation by Baken Oscar in December 1996, the spokesperson reiterated Vietnam's stand relating to the "*Tu Chinh area*" and said that Vietnam considers the agreement between Crestone and the Chinese Offshore Oil Corporation "*completely illegal and void*", no matter to whom the contract was transferred.⁸⁸

However, from late-January to early-March bilateral relations appeared to remain good and the eighth round of talks of the joint working group on the Gulf of Tonkin was held in Beijing in January.⁸⁹

3.7 Renewed Tension over Oil Exploration in the South China Sea: March – April 1997

3.7.1 The crisis erupts

Apart from the brief controversies in December 1996 and January 1997, all seemed to be evolving well in bilateral relations. Therefore, it came as a surprise when *Voice of Vietnam* announced on 15 March that China had sent its Kanta Oil Platform No.3 together with two pilot ships to carry out exploratory oil drilling in areas lying within Vietnam's claimed continental shelf between the coordinates 17°13'45"N latitude and 108°39'30"E longitude. The report outlined Vietnam's response to the Chinese action and highlighted its demand that China immediately halt activities and withdraw the oil platform and refrain from similar activities in the future.⁹⁰

The first official Chinese reaction came on 18 March when a spokesman of the ministry of foreign affairs said that China's "*normal operations*" within its EEZ and continental shelf was

⁸⁵ *BBC/FE* 2724 (23/9/96): B/4-5.

⁸⁶ *BBC/FE*, 2748 (21/10/96): B/6.

⁸⁷ *BBC/FE*, 2789 (7/12/96): B/3.

⁸⁸ *BBC/FE*, 2826 (25/1/97): B/3.

⁸⁹ *BBC/FE*, 2837 (7/2/97): G/5.

⁹⁰ *BBC/FE*, 2870 (18/3/97): B/4; and, 2871 (19/3/97): B/4.

“*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.⁹¹

On 20 March the Deputy-Head of the Information and Press Commission at Vietnam’s foreign ministry replied to questions by foreign journalists on the controversy. He said that the area in which the Kanta-3 oil rig was operating was “*totally*” within Vietnam’s EEZ and “*territorial shelf*”. He went on to state that Vietnam had conducted seismic surveys in the area since 1983 and that at the appropriate time, it would engage in oil exploration of its own or set up joint ventures with foreign partners. Furthermore, he said that Vietnam was protecting its sovereignty and sovereign rights while at the same pursuing a consistent policy of resolving all disputes through diplomatic channels, and that this approach had been applied in the current situation.⁹²

On 27 March a spokesman of China’s foreign ministry elaborated on the controversy relating to the oil exploration at a regular news conference. He stated that China holds the rights over the EEZ and continental shelf zones, in which its drilling ship operated, in accordance with international law including UNCLOS. He then said that it was “*beyond reproach*” that the ship carried out normal exploration activities in the zones claimed by China. Finally, he emphasised that China “*cherishes*” its friendship and cooperation with Vietnam and “*is ready to hold friendly consultations*” in order to properly solve certain problems in bilateral relations.⁹³

3.7.2 Negotiations relating to the oil-drilling controversy

Efforts to bring about talks between the two countries on this controversial issue were initiated and according to a report carried by *Voice of Vietnam* on 1 April an official from Vietnam’s foreign ministry said that China “*has agreed to talk*” to Vietnam about the issue relating to the “*Chinese oil rig*”.⁹⁴ The next day the same news agency carried another report containing information about an announcement by the Chinese Foreign Ministry, on 1 April, that China would propose that expert-level talks be held with Vietnam to resolve the dispute.⁹⁵

Eventually, talks were held in Beijing on 9-10 April. According to a report by *Vietnam News Agency*, official Vietnamese sources reported that the talks did not result in any bilateral solution of the dispute relating to the operation of the Kanta oil rig. The report also claimed that the expert-level talks were held at Vietnam’s request. Furthermore, the report elaborated on Vietnam’s wish to maintain and develop friendship and cooperation with China and to preserve peace and stability in the region and Vietnam’s consistent stand to solve the “*problem*” through negotiations and to refrain from “*any acts*” that could make the “*dispute*”

⁹¹ BBC/FE, 2872 (20/3/97): G/1.

⁹² BBC/FE, 2874 (22/3/97): B/3.

⁹³ BBC/FE, 2880 (31/3/97): G/15.

⁹⁴ BBC/FE, 2882 (2/4/97): B/3.

⁹⁵ BBC/FE, 2884 (4/4/97): B/7. In this context it can be noted that according a report by *Beijing Review* from the regular news briefings of the Chinese Foreign Ministry on 1 and 3 April, a spokesman of the Ministry said, in response to a question if the Chinese government was “*willing to negotiate*” with Vietnam on the “*issue of the sea border*”, that China hoped that issues like the “*South China Sea and oil drilling*” could be solved through “*expert-level consultations*” (‘Foreign Ministry News Briefings’, *Beijing Review*, 40(16) (21-27/4/97): 10).

more complicated” and adversely affect the “friendship” between the two countries.⁹⁶ Interestingly, on 9 April, a Vietnamese expert was quoted, in a report by *Voice of Vietnam*, as saying that since 1 April the Chinese rig and its tugboats had been withdrawn from Vietnam’s EEZ and continental shelf. Thus, the Chinese action causing the dispute had ceased and Vietnam’s demand for a withdrawal had been satisfied.⁹⁷

3.8 Dialogue Prevails despite Sporadic Tension: April 1997 – September 1998

3.8.1 Dialogue on border issues resumed

Following the controversy China and Vietnam moved to get the dialogue over border disputes back on track. In this context the third round of political consultations between senior officials from the ASEAN and China, held in Anhui Province, China, on 17-18 April, gave the Deputy-Foreign Ministers of Vietnam and China the opportunity to discuss bilateral relations and more specifically the territorial disputes. According to *Vietnam News Agency* both sides agreed to promote talks in order to solve the land border issue, to demarcate the Gulf of Tonkin and to pursue the talks on “issues of territorial water”.⁹⁸ The first expert-level talks to be held after the tension was the third meeting of the joint working group on the “sea issues” held in Hanoi in April⁹⁹ followed in May by the tenth round of expert-level talks on the land border.¹⁰⁰

In connection with the visit by Secretary-General of the CPV, Do Muoi, to China on 14-18 July the border disputes were discussed at the highest political level.¹⁰¹ Do Muoi and his Chinese counterpart Jiang Zemin agreed on the need to accelerate the negotiation process on the remaining issues in bilateral relations including border and territorial issues.¹⁰² In connection with the summit the foreign ministers of the two countries held discussions and particular attention was given to the border disputes. Both ministers stressed the readiness of their

⁹⁶ *BBC/FE*, 2892 (14/4/97): B/3. See also Richardson, M., ‘China-Vietnam Dispute Revives Regional Fears’, *International Herald Tribune* (14/4/97): 4. Richardson refers not only to “Vietnamese Officials” but also to the National Offshore Oil Corporation of China for providing the information. On 15 April a spokesman Chinese Foreign Ministry said, in response to a question by a reporter, that a meeting was held the previous week between China and Vietnam to discuss the “Nansha Islands issue”, i.e. the Spratlys, and both sides had agreed to solve the issue through “constant” consultations. No reference was made to the issue of Chinese oil exploration (*BBC/FE*, 2895 (17/4/97): G/4).

⁹⁷ *BBC/FE*, 2889 (10/4/97): B/3.

⁹⁸ *BBC/FE*, 2900 (23/4/97): G/5.

⁹⁹ *BBC/FE*, 2906 (30/4/97): B/5.

¹⁰⁰ Author’s discussions with officials and researchers in Hanoi in September 1997.

¹⁰¹ *BBC/FE*, 2971 (15/7/97): G/1; 2972 (16/7/97): B/7 and G/1-2; and, 2973 (17/7/97): G/1-5.

¹⁰² *BBC/FE*, 2973 (17/6/97): G/4-5. Information carried by the *Voice of Vietnam*. Following the summit it was reported that the two leaders had agreed on the need to speed up negotiations on territorial issues and make efforts to settle the land border and Gulf of Tonkin disputes with the aim of creating a “peaceful and friendly border line on land and at sea before the turn of the century”. They also agreed to promote negotiations on disputes relating to “territorial water and islands”. The information was carried by the *Vietnam News Agency* quoting the CPV daily *Nhan Dan* (*BBC/FE*, 2977 (22/7/97): B/6). That the end of the year 2000 had been defined as a deadline for reaching agreements on the land border and Gulf of Tonkin issues was confirmed in interviews, by the author, with Vietnamese official in September and November 1997.

respective country to speed up negotiations and consultations on the land border Gulf of Tonkin issues in order to resolve them at an “early date.”¹⁰³

Following the high-level summit, Vietnam’s Foreign Minister, Nguyen Manh Cam, elaborated on the agreements reached in an interview with the daily Vietnamese newspaper *Nhan Dan*. First, in order to create favourable conditions for talks on the land border, on the Gulf of Tonkin and on the sea borders issues both sides were in agreement on maintaining stability and exercising self-restraint by not taking actions that might lead to a deterioration in the situation. Second, both sides agreed to settle “issues relating to boundaries” in the South China Sea and the Gulf of Tonkin on the basis of international law.¹⁰⁴

In parallel with the high-level summit in Beijing the joint working group on the Gulf of Tonkin held its ninth round of talks in Hanoi in July.¹⁰⁵ This was followed in August by the fifth round of government-level talks on the territorial disputes in Beijing.¹⁰⁶

3.8.2 *Tension along the land border*

Bilateral relations developed smoothly during the rest of 1997.¹⁰⁷ However, 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. According to the Vietnamese official, China had in May 1997 built a 1km-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 (see Figure 4). This stone wall extended some 6-8m from the bank at the Dongzhong border post. According to the Vietnamese the construction was a “severe violation” of the “provisional agreement concerning border affairs” dating from November 1991.

Despite Vietnamese attempts, through contacts at district, provincial and government levels, to stop the construction of the wall and then to bring about its removal, the Chinese side refused to yield to these demands. The wall reportedly had detrimental effects during the rainy season, the irrigation system on the Vietnamese side being destroyed, with flash flooding the result causing damage and serious erosion.

In response, Vietnam built a stone wall in late September to prevent further erosion and in order to rebuild the irrigation system. In so doing the Vietnamese stated that they had strictly observed the 1991 agreement by informing the Chinese beforehand about their purpose and action. Despite this, on 11 December 1997 the Chinese began to fill up the border river and

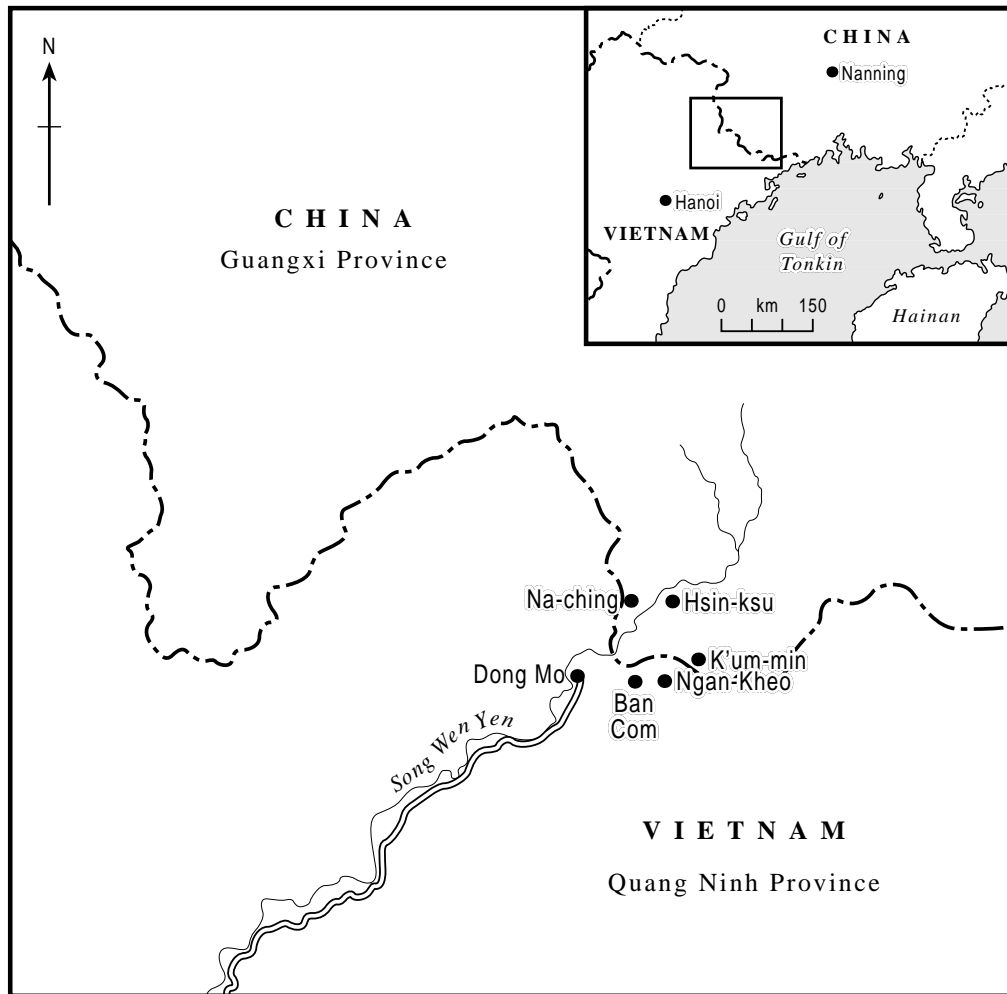
¹⁰³ *BBC/FE*, 2973 (17/6/97): G/2-3.

¹⁰⁴ *BBC/FE*, 2978 (23/7/97): B/5-6.

¹⁰⁵ *BBC/FE*, 2977 (22/7/97): B/5. Information carried by *Vietnam News Agency*.

¹⁰⁶ *BBC/FE*, 3002 (20/8/97): B/3.

¹⁰⁷ According to Lee Lai To there was tension between the two countries when it was learned that China had decided to grant oil an exploration rights to Atlantic Richfield Corporation (ARCO) in an area between Hainan Island and the Vietnamese coast. The Chinese decision was taken on 20 October 1999. Lee notes that the area was not covered by existing treaties nor by the negotiations between the two sides (Lee, 1999: 100). The source used by Lee (Lee, 1999: 134) was *The Strait Times*. No such period of tension nor any Vietnamese reaction can be corroborated from official sources nor from the Vietnamese English and French language press. Furthermore, no reference was made to such a period of tension in interviews, by the author, with Vietnamese officials in November 1997.

Figure 4: Location of Border Encroachments by China

nearly two hectares was reportedly filled in, thus encroaching upon Vietnamese territory. Interestingly, the Vietnamese claimed that the border is clearly defined in the area, so that these events did not occur in a disputed area.¹⁰⁸

The information given in the interview highlights some interesting aspects of the “*provisional agreement concerning border affairs*”, referred to as the “*temporary agreement*” signed on 7 November 1991 to settle disputes along the Sino-Vietnamese border. First, in Clause One, Article One it is stipulated that both parties are to maintain the border at the *status quo* and that neither side is permitted to carry out “*man made action*” which would alter the *status quo*. Second, in Clause One, Article Two, relating to constructions projects along the river banks, it is stipulated that constructions which can affect the river currents can only be carried out by mutual agreement. Furthermore, it is stated that both sides are required to negotiate according to the principles of equality and mutual benefit when dealing with activities relating to river currents in the border area.¹⁰⁹

¹⁰⁸ BBC/FE, 3133 (24/1/98): B/8-9.

¹⁰⁹ BBC/FE, 3133 (24/1/98): B/8.

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.¹¹⁰

The controversy was discussed during the eleventh round of talks of the joint working group on the land border held in Hanoi on 12 to 22 January. No agreement was reported but the two sides were said to have “*frankly exchanged views*” on the matter.¹¹¹

3.8.3 *Interplay between talks on the border disputes and tension relating to the South China Sea*

Following this public display of the dispute in the border area both China and Vietnam reverted to reporting on more positive aspects of bilateral relations and the expert-level talks on border issues were pursued. First, the tenth round of talks of the joint working group on the Gulf of Tonkin was held in Beijing in March,¹¹² the twelfth round of talks of the joint working group on the land border also in Beijing from 26 May to 5 June,¹¹³ and the third, and fourth round of talks between maritime experts from the two countries was held again in Beijing in July.¹¹⁴

Despite these positive developments border issues did cause tension during the same period. On three occasions in April there were official Vietnamese complaints about Chinese plans to use the Paracel islands for tourism and Vietnam reiterated its sovereignty claims to both the Paracel and the Spratly archipelagos.¹¹⁵ In early May Vietnam publicised the release of 53 crewmen from four Chinese fishing vessels which had been seized by Vietnamese naval forces off the coast of Quang Binh Province in late March 1998.¹¹⁶ Then, on 20 May 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. The spokesperson also said that Vietnam had made no attempt to seize the Chinese ship but that Vietnam had asked the Chinese side to withdraw the vessel from Vietnam’s waters.¹¹⁷ The Chinese response came on 21 May when a spokesman for the ministry of foreign affairs, stated that China had “*indisputable*” sovereignty over the Spratly islands and their surrounding waters and that the presence of Chinese ships in these waters for normal activities was within China’s sovereign rights.¹¹⁸

¹¹⁰ *BBC/FE*, 3134 (26/1/98): G/1. Report carried by *Xinhua News Agency* in its domestic service in Chinese.

¹¹¹ *BBC/FE*, 3133 (24/1/98): B/9-10. Report carried by *Voice of Vietnam*.

¹¹² *BBC/FE*, 3190 (1/4/98): B/5-6.

¹¹³ *BBC/FE*, 3249 (10/6/98): B/6-7.

¹¹⁴ *BBC/FE*, 3280 (16/7/98): B/5. This was presumably the fourth round of talks on the so-called “*South China Sea issues*”.

¹¹⁵ *BBC/FE*, 3199 (13/4/98): B/8; 3202 (16/4/98): B/4; and, 3205 (20/4/98): B/6.

¹¹⁶ *BBC/FE*, 3222 (9/5/98): B/6.

¹¹⁷ *BBC/FE*, 3233 (22/5/98): B/11.

¹¹⁸ *BBC/FE*, 3235 (25/5/98): G/1.

Intriguingly, on 22 May the Vietnamese foreign ministry spokesman said that the Chinese 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 continuing policy of settling disputes through diplomatic negotiations. In this spirit Vietnam had "*patiently*" maintained contact with China over the operation of the Chinese ships in Vietnam's sea territory.¹¹⁹ A further source of tension was evidenced by a statement by Vietnam's foreign ministry on 17 July in which it was said that Vietnam was very concerned about a new Chinese law on "*privileged economic zones and continental shelf.*"¹²⁰

There were signs of further tension in the autumn of 1998, when, on 4 September a Vietnamese foreign ministry spokesman stated that Vietnam has "*irrefutable*" sovereignty over the Paracel and Spratly archipelagos. This was in response to newspaper reports that China was conducting scientific surveys in the Spratly archipelago and its adjacent zone which according to the Vietnamese lay "*deep in Vietnam's continental shelf*" in the Tu Chinh area. The spokesperson reiterated the Vietnamese position that Tu Chinh area is within Vietnam's EEZ and continental shelf and that the area "*has no connection*" to the Spratly archipelago; that Vietnam had repeatedly declared that it considers the contract signed by the Chinese with Crestone to be illegal and demands its annulment; and, that the activities of China and Crestone to prospect oil in the Tu Chinh area clearly violate Vietnam's sovereignty.¹²¹

China's response came on 8 September when a spokesman of China's foreign ministry stated that China had made serious representations to Vietnam "*strongly demanding*" that it withdraw from two submerged reefs that it had "*unlawfully occupied.*" The two submerged reefs were referred to as "*Aonan*" and "*Jindun*" located to the south-east of "*Nanhuitan*" in the Spratly Archipelago. China also demanded that Vietnam dismantle all facilities which had and been "*illegally*" erected and that the Vietnamese side guarantee that no such acts of occupation would occur again. The spokesman also reiterated that China has "*indisputable*" sovereignty over the Spratly archipelago and its adjacent waters.¹²²

The next day Vietnam responded to the Chinese accusation by reiterating its sovereignty claim over the Paracel and Spratly archipelagos. It was also stated that the two "*economic-scientific-technological service stations for the Vietnamese fishery*" were civilian facilities and that they were located on the Ba Ke submerged reef area within Vietnam's continental shelf. Furthermore, it was clarified that the submerged reef "*does not belong*" to the Spratly archipelago. Finally, the Vietnamese stated that the operations carried out were "*normal civil*" ones within the country's sovereignty and in accordance with international law, in particular UNCLOS.¹²³

¹¹⁹ BBC/FE 3236 (26/5/98): B/12.

¹²⁰ BBC/FE, 3283 (20/7/98): B/6. *The Law of the People's Republic of China on the Exclusive Economic Zone and the Continental Shelf* was adopted by the National People's Congress on 26 June 1998. For a reproduction of the Chinese language version as well as an unofficial English language translation of the law see Zou Keyuan, 1998: 29-36.

¹²¹ BBC/FE, 3326 (8/9/98): B9.

¹²² BBC/FE, 3328 (10/9/98): G/1.

¹²³ BBC/FE, 3329 (11/9/98): B/10.

Following this public display of tension relating to activities in the South China Sea the two sides reverted back to talks on the border disputes. The sixth round of talks at the government-level was held in Hanoi on 25-26 September.¹²⁴

3.9 The Road to the Land Border Treaty: October 1998 – December 1999

Vietnam's Prime Minister, Phan Van Khai, visited China on 19-23 October 1998.¹²⁵ His Chinese counterpart, Zhu Rongji, noted the "*positive progress*" in the negotiations on border issues and highlighted the 1997 agreement between the two Secretary-Generals that the two countries "*should settle boundary issues and demarcation of the Beibu [Tonkin] Gulf by year 2000.*" Reportedly the Vietnamese Prime Minister echoed these remarks and the two ministers agreed to speed up negotiations to settle the land border and Gulf of Tonkin disputes within the specified timescale.¹²⁶

China's President and Secretary-General of the CCP, Jiang Zemin, also commented on border issues during his talks with the Vietnamese Prime Minister. Jiang expressed his "*delight over the important progress*" made in the government-level negotiations during the "*last year and more.*" He also stressed the importance of resolving the border issues at an early date. Li Peng, Chairman of the Standing Committee of the Chinese National People's Congress, also met with Prime Minister Phan. During the meeting Li expressed his hope that China and Vietnam would make a greater effort to reach agreement on the demarcation of borders before the end of the century. During both these meetings the Vietnamese prime minister also stressed the need to, and importance of, resolving the border issues.¹²⁷

The next high-level meeting between the two countries took place on 17-19 December when Chinese Vice-President, Hu Jintao, visited Vietnam. The two sides reportedly "*affirmed the determination to implement high-level agreements*" between the two countries, in particular the agreements to speed up negotiations on "*border issues*" in order to sign a land border treaty "*before*" the year 2000 and to reach an agreement on the "*delineation*" of the Gulf of Tonkin "*not later*" than the year 2000.¹²⁸

These high-level meetings and the emphasis they put on reaching a land border treaty before the end of 1999 implied that the joint working group on the land border had to speed up its work and it duly met in Hanoi from 7 to 21 January.¹²⁹ Bilateral expert-level talks on the Gulf of Tonkin also continued in 1999 with the eleventh round of talk of the joint working group on the Gulf of Tonkin held in Hanoi in late January.¹³⁰

¹²⁴ BBC/FE, 3345 (30/9/98): B/5.

¹²⁵ BBC/FE, 3360 (17/10/98): G/2; and, 3362 (20/10/98): G/1.

¹²⁶ BBC/FE, 3663 (21/10/98): G/1. Report carried by *Xinhua News Agency*.

¹²⁷ BBC/FE, 3364 (22/10/98): G/1-3. Reports carried by *Xinhua News Agency*.

¹²⁸ BBC/FE, 3414 (19/12/98): B/5-7; and, 3415 (21/12/98): B/5-6. The report on the December 17 talks was carried by *Voice of Vietnam* and the report on the December 18 meeting was carried by *Xinhua News Agency*.

¹²⁹ BBC/FE, 3442 (26/1/99): B/6. Report carried by *Voice of Vietnam*.

¹³⁰ BBC/FE, 3447 (1/2/99): B/4. Report carried by *Voice of Vietnam*.

A high-level visit by the Secretary-General of the CPV, Le Kha Pieu, to China from 25 February to 2 March 1999 provided the opportunity for the leaders to discuss border issues. Already, prior to the visit, Le Kha Pieu had stated, in an interview that he believed that the two countries would “*resolutely reach the target*” of resolving the land border issue in 1999 and that of the Gulf of Tonkin in 2000 “*at the latest.*”¹³¹ During the talks with China’s President, Jiang Zemin, both leaders agreed that it was “*imperative*” to settle “*border and territory problems*” between the two countries through negotiations. They issued a Joint Declaration¹³² on 27 February in Section 3 of which border issues were given particular attention. The text outlines the principles guiding bilateral negotiations and satisfaction is expressed at the positive developments in negotiations in recent years.

The two sides agreed to place the primary issues foremost, to show sympathy and compromise towards each other, to conduct consultations in a fair, rational and friendly fashion and to take into account both international law and “*reality*” when negotiating a settlement of the outstanding territorial border issues. Both sides expressed their determination to accelerate the negotiation process in order to reach a land border treaty in 1999 and to settle the issue of the Gulf of Tonkin in 2000. Furthermore, the two sides agreed to maintain the existing negotiation mechanism on sea issues with the aim of finding a “*basic long-term solution*” through negotiations. On the South China issue the two sides agreed to continue peaceful negotiations to find a “*fundamental and long-term solution*” that both countries could accept. Furthermore, both sides “*affirmed*” that they would not “*carry out acts that would further complicate or fuel disputes.*”¹³³

Despite these positive agreements, Vietnam did display public displeasure at a decision by China to ban fishing in the South China Sea from 1 June to 31 July 1999. The Vietnamese stand was expressed in late March by a spokesperson of the ministry of foreign affairs in response to a question by a journalist. The response did not specifically refer to the Chinese ban on fishing but it reiterated Vietnam’s “*indisputable*” sovereignty over the Paracel and Spratly archipelagos and Vietnam’s “*full sovereign rights over*” its EEZ and continental shelf. Furthermore, it was stated that any action by another country relating to the two archipelagos as well as Vietnam’s EEZ and continental shelf without the consent of the Vietnamese government was a “*violation*” of its sovereign rights over these zones.¹³⁴ Nevertheless, this incident did not affect the talks aiming at resolving the land border issue which continued from

¹³¹ *BBC/FE*, 3470 (27/2/99): G/3. Report carried by *Voice of Vietnam*.

¹³² “Vietnam-China Joint Declaration”, reproduced in *Vietnam Law & Legal Forum*, 5(54) (February 1999): 12-13. The Declaration has also been reproduced as “Vietnam-China Joint Declaration”, *News Bulletin*, No. 128 (2/3/99) (English version on the Vietnamese language news bulletin). From the web site of *Nhan Dan* (<http://www.nhandan.org.vn/>). A Chinese version of the text albeit less detailed was carried by the *Xinhua News Agency* on 27 February 1999 and reproduced in *BBC/FE*, 3471 (1/3/99): G/2-3.

¹³³ *BBC/FE*, 3470 (27/2/99): G/2-3. Reports carried by *Xinhua News Agency* and by *Voice of Vietnam*, respectively. Both reports provide similar information on the land border and Gulf of Tonkin issues. However, only the Vietnamese report includes information about the South China Sea.

¹³⁴ *BBC/FE*, 3496 (30/3/99): B/4. Report carried by *Voice of Vietnam*. See also “Vietnam’s Sovereignty over Paracels and Spratly Archipelagoes Indisputable”, *News Bulletin*, No. 9 (28/3/99) (English language bulletin).

9 March to 5 May with the fourteenth round of talks of the joint working group on the land border.¹³⁵

In mid-May Vietnam's Deputy Prime Minister, Nguyen Tan Dung, visited China and met with China's Prime Minister, Zhu Rongji. They discussed measures to speed up the negotiation process on the land border issue so that a mutual agreement could be concluded in 1999.¹³⁶ The frequency of the rounds of talks of the joint working group on the land border increased with the fifteenth round being held in Hanoi.¹³⁷ The final round took place in early August. That progress was being made in the negotiation process was confirmed by a spokesman of the Chinese foreign ministry at a press conference on 30 November. He said that the two sides had agreed to uphold the principles of "*respecting the overall situation, mutual accommodation, mutual understanding, and fair, reasonable, and friendly consultations*" in order to speed up negotiations.¹³⁸

Further evidence of progress in negotiations came during the visit to Vietnam by China's Prime Minister, Zhu Rongji, on 1-4 December 1999. During his visit Premier Zhu had talks with his Vietnamese counterpart Phan Van Khai, with the Secretary-General of the CPV, Le Kha Pieu, and with the Chairman of the National Assembly Nong Duc Manh.¹³⁹ The two prime ministers were reported as saying that they were satisfied with reports presented by the Vietnamese and Chinese chief negotiators relating to the progress made in the negotiations on the land border issue. They agreed that negotiations should continue in a bid to complete the delineation of the Gulf of Tonkin in 2000. Finally, they stressed the importance of maintaining the *status quo* in the South China Sea while striving to reach a consensus between the concerned countries on a Code of Conduct in the area.

Secretary-General Le Kha Phieu reportedly, praised the results of the bilateral negotiations on the land border issue and the great efforts of the negotiators to fulfil the agreement of their leaders. He also urged the two countries to speedily finalise the technical details in order to pave the way for an agreement to be signed officially by the end of the year, i.e. 1999. He also called for the acceleration of negotiations on the Gulf of Tonkin issue in order to reach an agreement in the year 2000.

On 4 December while speaking at the farewell ceremony, the Vietnamese prime minister reportedly said that the most urgent task, relating to the implementation of bilateral agreements, was to cooperate in order to agree on a common land border and to accelerate the negotiations on the Gulf of Tonkin so that an agreement could be reached in 2000. On the same day the two governments announced that all outstanding problems concerning the land border had been resolved and the negotiations had been successfully concluded. In accordance with the

¹³⁵ "AS1-Vietnam-China-Borders", *BBC Monitoring* (10/5/99). Report carried by *Voice of Vietnam*. See also "Vietnam, China Meet on Land Border", *News Bulletin*, No. 30 (9/5/99).

¹³⁶ "China-Vietnam High Ranking Talks", *Ibid.*, No. 36 (21/5/99).

¹³⁷ *BBC/FE*, 3598 (28/7/99): B/5. Report carried by *Voice of Vietnam*. See also "Vietnam, China Meet on Land Border", *News Bulletin*, No. 68 (24/7/99).

¹³⁸ *BBC/FE*, 3707 (2/12/99): G/6. Report carried by *Xinhua News Agency*. It is notable that the length and outcome of the sixteenth round of talks was not publicised by the two sides. Furthermore, there seems to have been additional talks expert-level held in October 1999. These have not been included into the official count of sixteen rounds of talks (author's discussions with officials and researchers in Hanoi in November 2000).

¹³⁹ *BBC/FE*, 3708 (3/12/99): B/7; and, 3710 (6/12/99): B/5-6.

agreement of the high-level talks in February 1999 the two countries would concentrate their effort on urgently addressing “*technical issues*” in order to “*quickly complete the drafting*” of an agreement on the land border. Furthermore, the two parties would try their best to sign an agreement before the end of the year.¹⁴⁰

Eventually, the *Land Border Treaty* was signed in Hanoi on 30 December 1999 by China’s Foreign Minister, Tang Jiaxuan and his Vietnamese counterpart Nguyen Manh Cam. Both ministers stressed the great significance of the event and argued that the treaty would pave the way for building the common border into one of peace. They also expressed their resolve to continue working closely together to translate the treaty into reality (for an analysis of the Treaty see Section 4). Both sides also affirmed their determination to accelerate the negotiation process in order to reach an agreement on the delimitation of the Gulf of Tonkin in the year 2000.¹⁴¹ The positive statements and the commitment to settle the Gulf of Tonkin dispute were echoed in meetings between the Chinese Foreign Minister and Prime Minister Phan Van Khai on 30 December and between the Chinese Minister and both Secretary-General Le Kha Pieu and President Tran Duc Luong on 31 December.¹⁴²

3.10 Continued Talks on Territorial Issues in 2000 – 2001

3.10.1 The process of ratification of the Land Border Treaty

The first half of 2000 was characterised by a number of high-level references to the importance of the *Land Border Treaty* its implementation and other territorial issues. First, in connection with the celebration of the 50th anniversary of the establishment of diplomatic relations between

¹⁴⁰ Information derived from “Vietnam and China Boost Co-operation”, *News Bulletin*, No. 132 (3/12/99); “Party Leader Seeks to Boost Ties with China” and “Vietnam and China to Sign Land Border Agreement”, in *Ibid.*, No. 132 (3/12/99) (updated version from 4 December); and, “Chinese PM Ends Vietnam Visit, in *Ibid.*, No. 133 (5/12/99). The following information can be derived from reports carried by *Xinhua News Agency*. On 3 December it had been “*announced*” in Hanoi that “*all existing land boundary issues*” between the two countries had been “*solved*” and that a “*formal*” treaty was “*expected to be signed soon*”. The same agency reported that Le Kha Pieu “*hailed*” the agreement as a “*great achievement*”. Zhu “*attributed*” the achievement to the “*political promotion*” by the two Secretary-Generals and the consensus they had reached in February on the signing of a land boundary treaty within 1999. Zhu also expressed the “*hope*” that the “*land boundary teams*” would speed up their preparation for the signing of the land boundary treaty within 1999 (*BBC/FE* 3709 (4/12/99): B/7; and, 3710 (6/12/99): B/5-6). In two reports carried by *Voice of Vietnam* on the visit by the Chinese Premier the Vietnamese Prime Minister was reported to have “*stressed*” that the two countries “*must actively accelerate the implementation of the reached agreements*” (reached at the February 1999 high-level talks in Beijing) in particular the “*delineation*” of both the land border “*route*” and the Gulf of Tonkin, the later “*before*” the end of 2000 (*BBC/FE*, 3710 (6/12/99): B/6; and, 3711 (7/12/99): B/7).

¹⁴¹ “Signature du traité sur la frontière terrestre Vietnam-China”, *Agence vietnamienne de l’information (AVI)* (30/12/99); (hereafter *AVI*), and, “Viet Nam, China sign Land Border Treaty”, *Vietnam News Agency (VNA)* (30/12/99) (hereafter *VNA*). 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 (31/12/99).

¹⁴² “PM Praises Land Border Treaty with China”, in *Ibid.*, No. 146 (31/12/99); and, “Leaders Meet Chinese Foreign Minister”, *Ibid.*, No. 146 (31/12/99) (updated version from 1 January 2000). See also “Le premier ministre Phan Van Khai reçoit le ministre chinois des AE” and “Les dirigeants vietnamiens reçoivent le ministre chinois des AE”, *AVI* (30/12/99); and, “Vietnamese Leaders Receives Chinese Foreign Minister”, *VNA* (31/12/99).

China and Vietnam on 18 January 2000, the leaders of both countries hailed the signing of the *Land Border Treaty* as an important event in bilateral relations.¹⁴³ Second, prior to his first official visit to a foreign country in late February, Vietnam's newly appointed Foreign Minister, Nguyen Dy Nien, elaborated on the major objectives for boosting bilateral ties with China in 2000. He identified three main goals of which two related to territorial issues: the implementation of the *Land Border Treaty* and the acceleration of negotiations in order to reach an agreement on the delimitation of the Gulf of Tonkin.¹⁴⁴ Third, during his four-day visit (24-27 February) to China the Vietnamese foreign minister met with his Chinese counterpart, Tang Jiaxuan, with China's Prime Minister, Zhu Rongji, and with the Chairman of the Standing Committee of the Chinese National People's Congress, Li Peng.

During the talks both parties expressed their satisfaction at the signing of the *Land Border Treaty*, and pledged to work for its early implementation as well as to accelerate the negotiation process in order to resolve the Gulf of Tonkin issue in 2000.¹⁴⁵ Fourth, the Chairman of the Vietnamese National Assembly, Nong Duc Manh, visited China in early April. During his talks with his Chinese counterpart, Li Peng, and with China's President, Jiang Zemin, both sides concurred in their views on border issues. They expressed satisfaction at the signing of the *Land Border Treaty* and they stated their determination to accelerate the negotiations on the Gulf of Tonkin with the goal of reaching an agreement during 2000.¹⁴⁶

The fifth notable event was a meeting between the Chinese Prime Minister, Zhu Rongji, and the Vietnamese Deputy Prime Minister, Nguyen Manh Cam, in China on 10 May. The Chinese Premier informed his Vietnamese guest that the Standing Committee of the National People's Congress had ratified the *Land Border Treaty*. Both leaders concurred on the need to speed up negotiations on the Gulf of Tonkin to reach an agreement in 2000.¹⁴⁷ According to a

¹⁴³ "En l'honneur du 50 anniversaire de l'établissement des relations diplomatiques Vietnam-Chine", *AVI* (17/1/00); and, "Vietnamese, Chinese Leaders Exchange Greetings on Anniversary of Diplomatic Ties", *VNA* (17/1/00). For a report on the Chinese views carried by *Xinhua News Agency* see *BBC/FE*, 3741 (19/1/00): G/6.

¹⁴⁴ The statements were made in an interview with *Nhan Dan* see "Foreign Minister Outlines Goals for Vietnam-China Relations", *News Bulletin*, No. 174 (25/2/00). See also "Foreign Minister Outlines Major Goals for Viet Nam-China Relationship in 2000", *VNA* (24/2/00).

¹⁴⁵ "Foreign Minister Nguyen Dy Nien Starts China Visit" and "Chinese Leaders Receive Vietnamese Foreign Minister", in *Ibid.* (26/2/00); and, "Les hauts dirigeants chinois reçoivent le ministre Nguyen Dy Nien" and "Le ministre des AE Nguyen Dy Nien en visite en Chine", *AVI* (26/2/00). See also "Foreign Minister Meets Chinese Leaders", *News Bulletin*, No. 175 (27/2/00). For reports carried by *Xinhua News Agency* see *BBC/FE*, 3774 (26/2/00): G/1-2; and, 3775 (28/2/00): G/2-3.

¹⁴⁶ According to both Vietnamese and Chinese sources Li Peng only spoke about the Land Border Treaty. According to Vietnamese sources Li Peng "promised to soon ratify" the Land Border Treaty. The Chinese sources made no such reference. For reports carried by *Xinhua News Agency* see *BBC/FE*, 3808: G/1-3 (6/4/00). For Vietnamese reports see "Le président de l'AN Nong Duc Manh entame sa visite en Chine", *AVI* (4/4/00) and "Le président chinois reçoit Nong Duc Manh", in *Ibid.* (5/4/00); and, "Vietnamese and Chinese Legislative Leaders Hold Talks", *VNA* (4/4/00) and "Vietnamese National Assembly Chairman Meets with Chinese President", in *Ibid.* (5/4/00). For a Vietnamese report which does not mention any reference to ratification made by Li Peng see "China, Vietnam Leaders Hold Talks", *News Bulletin*, No. 194 (5/4/00).

¹⁴⁷ "Chinese Premier Lauds Traditional Friendship with Vietnam", in *Ibid.*, No. 211 (11/5/00). See also "Chinese Premier Receives Vietnamese Deputy Prime Minister", *VNA* (10/5/00); and, "Renforcement des relations d'amitié et de coopération Vietnam-Chine", *AVI* (10/5/00).

subsequent Vietnamese report the Chinese decision on the ratification of the treaty was adopted on 29 April.¹⁴⁸

The Vietnamese decision on ratification was made in early June. On 7 June President Tran Duc Luong presented a report on the ratification of the treaty to the National Assembly to consider for approval.¹⁴⁹ Foreign Minister Nguyen Dy Nien made a report explaining the Treaty and the Head of the External Relations Committee of the National Assembly presented a report on the opinions of the Committee, of the Security and Defence Committee, and of the Law Committee on the ratification of the treaty.¹⁵⁰ When the National Assembly closed its session on 9 June it was reported that it had ratified the *Land Border Treaty*.¹⁵¹ Finally, on 19 June the Assembly issued a resolution ratifying the treaty adopted ten days earlier.¹⁵² Under this resolution the Vietnamese government is assigned to instruct “competent” agencies to complete preparations for the signing of a protocol demarcating the borderline, for setting up “landmarks” along the border line and for drawing a “detailed map.” The resolution also deals with the issue of funding for the implementation of the treaty. The government is assigned to adjust and supplement regulations relating to borderline management. Also, the government will, together with China, strictly implement the treaty and to resolve all issues that might arise.¹⁵³

Finally, the ratification process was completed with the exchange of the ratification letters signed by Presidents Tran Duc Luong and Jiang Zemin in Beijing during a visit by Le Cong Phung, Head of the Vietnamese delegation to the border negotiations and his Chinese counterpart Wang Yi. *The Land Border Treaty* officially took effect on 6 July.¹⁵⁴

3.10.2 The road to the agreement on the Gulf of Tonkin

With regard to the negotiations relating to the border issues in the Gulf of Tonkin and in the South China Sea the first high-level discussion took place between Vietnam’s Deputy Foreign Minister, Vu Khoan, and China’s Foreign Minister, Tang Jixuan, in Beijing in late January 2000. They discussed how to accelerate the negotiations on the delineation of the Gulf of Tonkin.¹⁵⁵

¹⁴⁸ “NA Considers Viet Nam-China Land Border Treaty For Approval”, *VNA* (7/6/00).

¹⁴⁹ See note 146.

¹⁵⁰ “Vietnam-China Border Treaty to NA“, *News Bulletin*, No. 225 (8/6/00).

¹⁵¹ “Cloture de la 7e session de l’assemblée nationale”, *AVI* (9/6/00); and, “National Assembly Closes Seventh Session”, *VNA* (9/6/00).

¹⁵² “Publication de la résolution sur la ratification du traité sur les frontières terrestres”, *AVI* (20/6/00).

¹⁵³ “National Assembly Issues Resolution on Ratification of Viet Nam-China land Border Treaty, *VNA* (20/6/00). See also “NA Issues Resolution on Ratification of Vietnam-China Land Border Treaty”, *News Bulletin*, No. 231 (20/6/00). On this issue see also *BBC/FE*, 3874 (23/6/00): B/5, information derived from the web site of the *Voice of Vietnam*.

¹⁵⁴ For a report carried by the *Voice of Vietnam* see *BBC/FE*, 3887 (8/7/00): G/5. See also “Echange d’instruments de ratification du traité frontalier Vietnam-Chine”, *AVI* (7/7/00); and, “Viet Nam-China land Border Treaty Becomes Effective”, *VN* (7/7/00). See also “Vietnam - China Land Border Treaty Takes Effect”, *News Bulletin*, No. 239 (Updated version from 7/7/00).

¹⁵⁵ “Foreign Ministry Delegation Visits Democratic People’s Republic of Korea and China”, *VNA* (29/1/00).

In February the seventh round of talks on border issues at the government-level were held in Beijing.¹⁵⁶ The expert-level talks on the Gulf of Tonkin continued in 2000 with the twelfth round of talks of the joint working group taking place in Beijing in March,¹⁵⁷ and in May the fifth round of talks of the joint working group on the sea issues in Hanoi.¹⁵⁸ The thirteenth expert-level meeting on the Gulf of Tonkin was held in Hanoi in May,¹⁵⁹ followed by the fourteenth expert-level meeting in Beijing in June.¹⁶⁰

In connection with other regional gatherings in Thailand in July Vietnamese Foreign Minister, Nguyen Dy Nien, met his Chinese counterpart, Tang Jiaxuan, and discussed, among other things, measures to speed up negotiations on the “*demarcation*” of the Gulf of Tonkin in order to be able to sign an agreement “*this year*”, i.e. 2000.¹⁶¹

On 11 August Vietnam’s President, Tran Duc Luong, on the occasion of accepting the credentials of a new Chinese Ambassador to Vietnam, elaborated on relations between the two countries and noted that Vietnam and China had signed a land border treaty in December 1991. He then added that the two countries should pay “*close attention*” to the “*work of borderline protection*” as well as “*intensify*” the negotiations on the Gulf of Tonkin “*demarcation*” in order to resolve the issue “*as soon as possible*.”¹⁶²

In September the eighth round of talks on border issues at the government-level was held in Hanoi,¹⁶³ as was the fifteenth round of talks of the joint working group at the expert level on the Gulf of Tonkin.¹⁶⁴

In connection with the visit to China by Vietnam’s Prime Minister, Phan Van Khai, on 25-28 September, the territorial issues were discussed. In talks between the two Prime Ministers, Zhu Rongji stated that the two sides had successfully resolved land border problems and that an

¹⁵⁶ “Vietnamese and Chinese Officials Work on Border Issue”, in *Ibid.* (22/02/00); and, “Le 7e tour de négociations sur la frontière”, *AVI* (22/2/00 2000). See also “Vietnam and China Speed up Border talks”, *News Bulletin*, No. 173 (23/2/00). For a less detailed report carried by *Xinhua News Agency* see *BBC/FE*, 3773 (25/2/00): G/2.

¹⁵⁷ “Vietnam, China Discuss Sea Issues”, *News Bulletin*, No. 211 (11/5/00). See also “5e tour de négociations sur les problèmes maritimes Vietnam-China”, *AVI* (10/5/00); and, “Viet Nam-China Joint Working Group on Sea Issues Meets”, *VNA* (10/5/00).

¹⁵⁸ “Gulf of Tonkin Talks Continue”, *News Bulletin*, No. 188 (updated version from 25/3/00).

¹⁵⁹ “Réunion Vietnam-Chine sur la délimitation du golfe du Bac Bo”, *AVI* (15/5/00); and, “Viet Nam and China Meet on Tonkin Gulf Demarcation”, *VNA* (15/5/00).

¹⁶⁰ “Pourparlers sino-vietnamiens sur la delimitation du golfe do Bac Bo”, *AVI* (29/6/00); and, “Viet Nam, China Resolved to Complete Delineation of Tonkin Gulf this Year”, *VNA* (29/6/00). See also *BBC/FE*, 3881 (1/7/00): G/2-3 for a report from the *Voice Vietnam*. See also “Vietnam, China Meet on Delimitation of Tonkin Gulf”, *News Bulletin*, No. 236 (30/6/00). The latter source refers to discussions on “*concrete contents of the delimitation*”.

¹⁶¹ “Foreign Minister Holds Meetings in Thailand”, *VNA* (29/7/00).

¹⁶² *BBC/FE*, 3918 (14/8/00): B/3. Report carried by the *Xinhua News Agency*.

¹⁶³ *BBC/FE*, 3944 (13/9/00): B/6. Report carried by the *Voice of Vietnam*. See also “Rencontre de chefs de délégations gouvernementales aux negociations vietnamo-chinoises sur la frontière terrestre”, *AVI* (10/9/00); and, “Viet Nam, China Meet in Ha Noi on Border Issues”, *VNA* (10/9/00). See also “Vietnam, China Discuss Border Issues”, *News Bulletin*, No. 293 (11/9/00).

¹⁶⁴ “Réunion du group de travail Vietnam-Chine sur la délimitation du Golfe du Bac Bo”, *AVI* (12/9/00); and, “Viet Nam, China Determined to Complete Bac Bo Gulf Demarcation this Year”, *VNA* (13/9/00).

important task was to conclude the negotiations on the “*demarcation*” of the Gulf of Tonkin before the end of the year. He also noted the two sides had to sign a fishery agreement. Finally, he stressed that resolving the “*existing border and territorial issues*” was an important aspect of bilateral relations. Phan Van Khai, reportedly, concurred with these views and said that he believed that the “*demarcation*” of the Gulf of Tonkin would be completed within the year 2000.¹⁶⁵ Also in talks between the Vietnamese Premier and China’s President, Jiang Zemin, the border issues were discussed. Jiang said that both sides should reach an agreement on the “*demarcation*” of the “*Beibu Bay*” (Gulf of Tonkin) within the year, i.e. 2000.¹⁶⁶ Phan said that he was confident that the “*demarcation*” issue could be settled within the year, i.e. 2000, given the “*intense*” negotiations on the “*demarcation*” of the Gulf and on a fishing agreement.¹⁶⁷

The sixteenth and seventeenth rounds of expert-level talks on the Gulf of Tonkin were held in Beijing in October and November respectively.¹⁶⁸ The two prime ministers met on 25 November, in connection with the Informal ASEAN Summit in Singapore, to discuss the negotiations on the Gulf of Tonkin. Premier Zhu Rongji said that the two sides needed to make “*concerted*” efforts to “*finish*” all the “*substantive*” talks on “*boundary demarcation*” in the “*Beibu Gulf*” (Gulf of Tonkin) as well as on the issue of “*fishery arrangements*” in an effort to sign agreements relating to both issues before the end of the year. Reportedly, Phan Van Khai said that Vietnam agreed to accelerate the talks in order to reach agreements on both boundary demarcation and “*fishery*” in the Gulf of Tonkin within the same time frame.¹⁶⁹

In the process of implementing the Land Border Treaty a Joint Committee for the demarcation of the land border has been established by the two countries. It held its first meeting in Beijing between 19 November and 1 December. The task of the Joint Committee is to work on the demarcation of the borderline and with the setting up of “*landmarks.*” The meeting was,

¹⁶⁵ *BBC/FE*, 3956 (27/9/00): G/2. Report carried by the *Zhongguo Xinwen She News Agency* (Beijing). According to Vietnamese sources Prime Minister Phan Van Khai said that both parties agreed on orientations and measures for future bilateral co-operation and on important issue was the completion of the “*demarcation*” of “*Bac Bo*” (Gulf of Tonkin) (“*Activité du premier ministre Phan Van Khai en Chine*”, *AVI* (26/9/00); and, “*Vietnamese Prime Minister's Activities in China*”, *VNA* (26/9/00). See also “*Chinese leaders receive PM Khai*”, *News Bulletin*, No. 309 (27/9/00)).

¹⁶⁶ *BBC/FE*, 3957 (28/9/00): G/4. Report carried by *Xinhua News Agency*. The negotiations on fishing in the Gulf of Tonkin had been initiated with the first round of talks in April 2000 (“*Bac Bo Gulf Demarcation Agreement Satisfies both Viet Nam and China, Says Foreign Ministry Spokeswoman*”, *VNA* (4/1/01); and, “*L'accord de délimitation du Golfe du Bac Bo est une solution équitable et satisfaisante*”, *AVI* (4/1/01)).

¹⁶⁷ *BBC/FE*, 3957 (28/9/00): G/4. Report carried by *Xinhua News Agency*. The negotiations on fishing in the Gulf of Tonkin had been initiated with the first round of talks in April 2000 (“*Bac Bo Gulf Demarcation Agreement Satisfies both Viet Nam and China, Says Foreign Ministry Spokeswoman*”, *VNA* (4/1/01); and, “*L'accord de délimitation du Golfe du Bac Bo est une solution équitable et satisfaisante*”, *AVI* (4/1/01)).

¹⁶⁸ “*Pourparlers sino-vietnamiens sur la délimitation du Golfe de Bac Bo*”, in *Ibid.* (8/11/00); and, “*Viet Nam, China Determined to Complete Delineation of Tonkin Gulf this Year*”, *VNA* (8/11/00). See also “*Vietnam, China determined to complete Tonkin gulf delimitation*”, *News Bulletin*, No. 352 (9/11/00).

¹⁶⁹ *BBC/FE*, 4008 (27/11/00): S1/6. Report carried by *Xinhua News Agency* (domestic service in “*Chinese*”).

reportedly, held in a “*constructive and friendly atmosphere*” and the discussions focused on issues relating to border demarcation. The two sides reached “*initial results.*”¹⁷⁰

The progress achieved in relation to the Gulf of Tonkin dispute was officially acknowledged following the ninth round of talks at the government-level held in December in Hanoi.¹⁷¹ Later that month it was announced that Vietnam’s President would visit China on 25-29 December. A Vietnamese foreign affairs spokeswoman on 21 December announced that during the forthcoming visit the two countries would sign an agreement on the “*Bac Bo (Tonkin) Gulf delineation*” and an agreement on “*fishing cooperation*” in the Gulf.¹⁷²

On the first day of the visit a Joint Statement for comprehensive cooperation in the new century and four agreements were signed. The Joint Statement was signed by the foreign ministers of the two countries. Among the four agreements two related to the Gulf of Tonkin: the *Agreement on the Demarcation of Waters, Exclusive Economic Zones and Continental Shelves in the Bac Bo (Tonkin) Gulf*, signed by the two foreign ministers, and, the *Agreement on Fishing Cooperation in the Bac Bo Gulf* [Gulf of Tonkin], signed by Vietnam’s Minister of Fisheries and China’s Minister of Agriculture.¹⁷³ In the Joint Statement Article IX is devoted to the territorial issues in bilateral relations¹⁷⁴ (For information on the content of the Statement see Appendix 1) (For an analysis of the two Agreements and the Statement see Section 4).

On 26 December the two Foreign Ministers met and they discussed the passage of ships through the Hainan Strait. They agreed to urge relevant agencies in the two countries to discuss the issue in detail. The Chinese Minister, reportedly, affirmed that China would create favourable conditions for the passing of Vietnamese ships through the Strait.¹⁷⁵

Of relevance in the context of the territorial disputes was the response by a spokesperson of the Ministry of Foreign Affairs of Vietnam in response to a question raised by the *Agence France Press* on 27 December. The question related to Vietnam’s response to a statement made by a

¹⁷⁰ *Ibid.*; 4016 (6/12/00): G/3. Report carried by the web site of the *Voice of Vietnam* (in Vietnamese). See also “Première reunion du comité mixte de delimitation de la frontière terrestre Vietnam-Chine”, *AVI* (1/12/00).

¹⁷¹ “Rencontre vietnamo-chinoise des chefs de délégations de négociations sur les problèmes territoriaux”, *AVI* (15/12/00); and, “Viet Nam, China Meet on Border Issues in Ha Noi”, *VNA* (15/12/00). See also “Vietnam, China meet on border issues”, *News Bulletin*, Nos. 389-390 (16-17/12/00).

¹⁷² “President visit to China to strengthen Vietnam-China co-operation: FM spokesperson”, in *Ibid.*, Nos. 396-397 (23-24/12/00). See also “Conférence de presse périodique du ministère des AE”, *AVI* (22/12/00); and, “President Visit to China to Create new Impetus for Strengthening Viet Nam-China Trust, Cooperation and Friendship”, *VNA* (22/12/00).

¹⁷³ “Viet Nam, China Sign Cooperation Agreements” (25/12/00). From the web site of the *Ministry of Foreign Affairs of Vietnam* (<http://www.mofa.gov.vn/>). The titles of the two agreements are derived from “Viet Nam, China Sign Joint Statement for Comprehensive Cooperation” (25/12/00) from the same web site. See also “China, Vietnam Sign Agreements”, *Beijing Review*, 44(2) (11/1/01): 9-10. This Chinese sources refers the two Agreements as relating to the “*Beibu Bay*”, i.e. the Gulf of Tonkin.

¹⁷⁴ *Ibid.*; “Declaration Vietnam-China sur la coopération au nouveau siècle”, *AVI* (25/12/00); and, “Joint Viet Nam-China Statement for Comprehensive Cooperation (take two)”, *VNA* (26/12/00). See also “Vietnam, China sign joint statement”, *News Bulletin*, No. 399 (26/12/00).

¹⁷⁵ “Entretien Nguyen Dy Nien-Tang Jiaxuan”, *AVI* (27/12/00); and, “Vietnamese and Chinese Foreign Ministers Meet”, *VNA* (27/12/00). See also “Vietnamese and Chinese Foreign Ministers meet” (27/12/00). From the web site of the *Ministry of Foreign Affairs of Vietnam* (<http://www.mofa.gov.vn/>).

spokesperson of China's Foreign Ministry reiterating China's "indisputable" sovereignty over the Spratlys and the surrounding waters. The Vietnamese official reiterated Vietnam's "indisputable" sovereignty to the Paracels and Spratlys while at the same time outlining the agreements reached relating to the "marine issue" in the Joint Statement of 25 December.¹⁷⁶

3.10.3 Developments during 2001

During 2001 China and Vietnam have expressed displeasure with actions taken by the other side in the South China Sea on four occasions.

First, on 13 February China stated that it had indisputable sovereignty over the Paracel and Spratly archipelagos. This came in response to reports about Vietnamese administrative reorganisations affecting the Spratlys. China had demanded "clarifications" from Vietnam.¹⁷⁷ The Vietnamese response was to refer to its stated position on the matter.¹⁷⁸

Second, on 17 April Vietnam asserted its sovereignty claims over the Paracels and Spratlys in response to reports that China was planning considerable development projects in the Paracels.¹⁷⁹

Third, on 17 May Vietnam reasserted its sovereignty claims over the two archipelagos in response to decision by China to ban fishing in the South China Sea from 1 June to 1 August 2001.¹⁸⁰

Fourth, on 25 May Vietnam once more outlined its stand on the status of the Paracels and Spratlys and stated that it "was very concerned" about a Chinese announcement a "sea ban on shooting" in an area around the Paracels from 27 May to 3 June 2001.¹⁸¹

¹⁷⁶ "Answers by MOFA's Spokesperson to foreign correspondents on 27 December 2000". From the web site of the *Ministry of Foreign Affairs of Vietnam* (<http://www.mofa.gov.vn/>). "Evidence Proves Viet Nam's Sovereignty of Paracels and Spratley Islands", *VNA* (28/12/00); and, "Le Vietnam réaffirme sa souveraineté pour les archipels Hoang Sa et Truong Sa", *AVI* (28/12/00). See also *BBC/FE*, 4033 (30/12/00): B/5-6. Report carried by the web site of the *Voice of Vietnam*.

¹⁷⁷ *Ibid.*, 4071 (15/2/01): G/2. Reports carried by *Xinhua News Agency* (in English) and by *Zhongguo Xinwen News Agency* (in Chinese), respectively. Both sources refer to a statement made by a Spokesman of the Chinese Foreign Ministry at a news briefings on February 13 in reply to a question raised on the issue. According to the question raised the Central Committee of the CPV had held a border defence conference in Binh Tuan province and stated that Vietnam would set up "government bodies" on the Spratlys ("Foreign Ministry News Briefing", *Beijing Review*, 44(9) (1/3/01): 12).

¹⁷⁸ "Answers by MOFA's Spokeswoman Phan Thuy Thanh to Foreign Correspondents on 15 February 2001". From the web site of the *Ministry of Foreign Affairs of Vietnam* (<http://www.mofa.gov.vn/>).

¹⁷⁹ Information derived a reports carried by the *Voice of Vietnam* (in Vietnamese) (17/4/01), from *BBC Monitoring* (AS1 AsPol rp).

¹⁸⁰ "Answers by MOFA's Spokesperson to Correspondents on 17 May 2001". From the web site of the *Ministry of Foreign Affairs of Vietnam* (<http://www.mofa.gov.vn/>). "Vietnam reaffirms sovereignty over Hoang Sa and Truong Sa", *News Bulletin*, No. 538 (18/5/01). See also report carried by the *Voice of Vietnam* (in Vietnamese) (17/5/01), from *BBC Monitoring* (AS1 AsPol tbj).

¹⁸¹ "Spokeswoman of Ministry of Foreign Affairs of Vietnam on China's sea ban for live fire exercise on 27 May 2001". From the web site of the *Ministry of Foreign Affairs of Vietnam* (<http://www.mofa.gov.vn/>). See also "Le Vietnam réaffirme sa souveraineté sur Hoang Sa et Truong Sa", *AVI* (27/5/01); "Viet Nam Concerns About China's Forbidding Sea Area for Shooting Exercises", *VNA* (27/5/01); and, "Vietnam is concerned about China's forbidding sea area for shooting exercises",

In terms of talks related to border issues the Joint Committee on the land border demarcation held its second meeting in Hanoi from 15 February to 2 March. The two sides exchange views about nine documents relating to border demarcation. They reached agreement and signed five documents. They also agreed on the work schedule for the joint border demarcation groups. Furthermore, they exchanged planned “landmark” maps, compared “landmark” sites and discussed the “landmark” signals to be used by those involved in the demarcation on the ground.¹⁸² From 22 May to 7 June the Joint Committee on the land border held its third meeting in Beijing. The two sides exchanged views and reached “positive” results in compiling technical documents relating to the border demarcation.¹⁸³

With regard to the expert-level talks on the maritime issues in the South China Sea no talks were held during the first nine months of 2001 but one round of talks was planned to be held later in 2001.¹⁸⁴

4. Assessing the Diplomacy of the Sino-Vietnamese Border Disputes

4.1 General Observations

The border disputes between China and Vietnam have been the most serious source of tension in bilateral relations since full normalisation of relations in November 1991. All the border disputes – those along the land border, in the Gulf of Tonkin and in the South China Sea – caused tension in bilateral relations from May to November 1992. The differences relating to oil exploration in the South China Sea and the signing of contracts with foreign companies for oil exploration were particularly deep from April to June 1994, in April and May 1996 and in March and April 1997. During 1998 there was no extended period of tension relating to the border disputes but shorter periods can be noted, for example in January due to a localised conflict along the land border. There were also brief periods of controversy relating to developments 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. During 2000 the focus was on reaching a settlement of the Gulf of Tonkin dispute and again no significant tension was caused by any of the border disputes. It should be noted that despite the differences relating to the border issues during the 1990s the overall trend seems to have been that bilateral relations were improving and cooperation expanding.

The negotiation processes which resulted in the signing of a *Land Border Treaty* on 30 December 1999 and the *Agreement on the Demarcation of Waters, Exclusive Economic Zones and Continental Shelves in the Gulf of Tonkin* on 25 December 2000, reflects the substantially

News Bulletin, No. 548 (28/5/01). See also a report carried by the *Voice of Vietnam* (in Vietnamese) (27/5/01), from *BBC Monitoring* (AS1 As Pol tbj).

¹⁸² “Réunion comité mixte de delimitation de la frontière terrestre”, *AVI* (2/3/01); “Viet Nam-China Joint Committee for Border Demarcation Meets”, *VNA* (2/3/01); and, “Vietnam, China continues border demarcation process”, *News Bulletin*, Nos. 464-465 (3-4/3/01). See also *BBC/FE*, 4088 (7/3/01): B/7. Report carried by the web site of the *Voice of Vietnam* (in Vietnamese).

¹⁸³ “3e réunion du comité mixte Vietnam-China de demarcation frontalière sur terre”, *AVI* (13/6/01); “Viet Nam, China Meet on Border Issues in Beijing”, *VNA* (13/6/01); and, “Vietnam, China meet on border demarcation”, *News Bulletin*, No. 565 (14/6/01).

¹⁸⁴ Author’s discussions with Vietnamese officials in Hanoi in October 2001.

higher degree of progress made in negotiations on these issues as compared with talks on other territorial disputes in the South China Sea proper in recent years. Little if any progress has been achieved with regard to 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 these disputes 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, while China only wants to discuss the latter. 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 separate from that conflict.

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.¹⁸⁵ 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 it is hardly surprising that the bilateral Sino-Vietnamese expert-level talks on the 'South China Sea issues' seems to making little, if any, progress.

China and Vietnam initiated a system of talks and discussions relating to the border disputes which was both highly structured and extensive. From bottom to top it took the following form: Expert-level talks (on a regular basis); Government-level talks (Deputy/Vice-Minister level meeting once yearly); Foreign Minister-level talks (on a regular basis), and, High-level talks, involving 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 ninth round of talks was held in December 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.¹⁸⁶ 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 seventeen times from March 1994 to the signing of the agreement on the demarcation in December 2000. Talks at the expert level on the border disputes in the South China Sea proper, the so-called "*sea issues*" group, were initiated in November 1995 with the second round of talks in July 1996, the third round in May 1997, the fourth round in July 1998, and the fifth round in May 2000.

The bilateral talks have been positive and constructive and have shown that the two countries wish to handle the disputes by negotiation and peaceful means and refrain from the use of force or the threat to use force. The 1993 agreement was the first formal indication of their commitment and this has been reiterated in the discussions and in the joint communiqués/joint

¹⁸⁵ Author's discussions with Vietnamese officials in Hanoi in September and November 1997, in December 1998, in May 1999, and in November 2000.

¹⁸⁶ 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.

declarations issued in connection with the high-level visits since full normalisation of relations in late 1991.

The agreement reached during the high-level summit in July 1997 to resolve the land border and Gulf of Tonkin disputes by the year 2000 proved to be of crucial importance. By specifying a deadline by which the negotiations must result in agreements, the two secretary generals displayed the political commitment to settle the border issues. They also demonstrated the importance of addressing some of the most pressing disputed issues that prevail in bilateral relations in order to move bilateral cooperation further ahead. The 1997 agreement has been confirmed at the subsequent high-level meetings.

More precise deadlines were set for an agreement on the land boundary before the year 2000 and an agreement on the Gulf of Tonkin by the year 2000, at the latest. These more precise deadlines were clearly articulated in connection with the visit to China by Vietnam's Prime Minister, Phan Van Khai, in October 1999 and in connection with the visit to China by CPV Secretary-General, Le Kha Pieu, in February 1999. The fact that the negotiation process on the land border gained momentum and the rounds of talks increased in frequency and duration during 1999 illustrates the importance of the political decisions in bringing about the settlement of the land border issue. It should also be noted that the negotiation process on the Gulf of Tonkin gained momentum in 2000 with more frequent and lengthier rounds of talks illustrating again the importance of political decisions in bringing about a settlement.

4.2 The Land Border

The *Land Border Treaty*¹⁸⁷ is a 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 from that of the joint working group on the Gulf of Tonkin prior to 1999. During 1999 the joint working group on the land border met on four occasions and the duration of each round was no shorter than two weeks on any of these occasions.¹⁸⁸ The rounds of talks had already increased in duration in 1998, but in 1999 the increase was more evident. This 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 necessary conditions for the signing of a treaty on the settlement of the land border issue.

Reaching the agreement was by no means a simple task given the geographical characteristics of the border areas which encompass both mountainous terrain, which is not easily accessible, and other areas that include rivers (see Section 1.1 and Figure 1). These present their own sets of issues to be settled in the border delimitation process. Adding to those natural difficulties are the movements or destruction of border marks over the decades and activities carried on by the population and local authorities in the border area which have impinged on the borderline. This

¹⁸⁷ For two analyses of the *Land Border Treaty* by Vietnamese scholars see: Nguyen D., 2000: 7-12; and, Nguyen H., 2000: 87-90. For an analysis of the regional implication of the *Land Border Treaty* see Amer, 2000.

¹⁸⁸ As noted in note 144 the length and outcome the sixteenth round of talks was not publicised by the two sides. Furthermore, there seems to have been additional talks expert-level held in October 1999. These have not been included into the official count of 16 rounds of talks (author's discussions with officials and researchers in Hanoi in November 2000).

was evidenced by the incidents and the tension they caused in late 1997 and early 1998. Furthermore, 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 – had left some areas in dispute along the border. One notable area has been highlighted earlier in this study namely the 300m between the provinces of Guangxi and Lang Son which prevented the reopening of the railway between the two countries for several years before an agreement to do so was reached in February 1996. The area had been under Chinese control since the 1979 war 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 Nguyen Manh Cam, following the signing of the treaty, that it does not follow upon a completed demarcation process, that is, the demarcation of the border on the ground and the position of the border markers has yet to be carried out. Furthermore, the two countries have to reach a formal agreement on land border control. Finally, the *Land Border Treaty* had to be ratified by the two countries.¹⁸⁹ The ratification process has now been completed. First, the Standing Committee of the National People's Congress in China ratified the treaty on 29 April 2000 and then Vietnam did so on 9 June through a decision by the National Assembly. This was followed by the exchange of letters of ratification in Beijing and the treaty took effect on 6 July.¹⁹⁰ As for the content of the treaty, the report presented to the Vietnamese National Assembly by President Tran Duc Luong on 7 June shed some light on its structure. It includes a preamble and eight articles, seven of which define "general principles" and one which describes in "detail the direction" of the borderline between the two countries.¹⁹¹

It can be presumed that the *Land Border Treaty* includes at least mechanisms and principles to be applied when the demarcation of the border is carried out on the ground. This should include procedures for settling disputes that may occur during the demarcation process. Since the expert-level joint working group devoted considerable energy to producing 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 if they have not already been settled in the treaty. If in fact there were settled in the treaty then the two parties have agreed on the location of the borderline on a border map, and the current work of the established Joint Committee is to carry out the demarcation on the ground.¹⁹²

The demarcation process will put the treaty and its content to the test. In fact, the demarcation on the ground is likely to be a lengthy process given the complexity prevailing in the border

¹⁸⁹ "Les ministres des AE vietnamien et chinois plaident pour les relations bilaterales", *AVI* (30/12/99); and, "Viet Nam-China Land Border Treaty is Crucial Event in Bilateral Relation, Says Deputy Prime Minister Cam", *VNA* (30/12/99).

¹⁹⁰ See notes 150 to 160.

¹⁹¹ "NA Considers Viet Nam-China Border Treaty for Approval" and "National Assembly Standing Committee Ratifies PM's Personnel Proposals", *VNA* (7/6/00).

¹⁹² Information obtained through author's discussions with Vietnamese officials in Hanoi in October 2001 seems to support the second line of explanation, i.e. that disputes were resolved in the negotiation process and that these compromises have to be implemented on the ground through the demarcation process.

areas as described above.¹⁹³ According to a Vietnamese source the demarcation will take between three and five years. The same sources also include the following information: the two countries have set up twelve groups to demarcate the 1,306km-long border and they will install 1,365 landmarks; Vietnam will be responsible for the even numbered landmarks and China of the uneven.¹⁹⁴

In terms of managing the land border dispute, the *Land Border Treaty* stands out as a most important agreement. One other event, however, stands out as a significant achievement in managing bilateral relations and increasing cooperation prior to the formal resolution of the land border dispute; namely the reopening of the railway in February 1996. The major reason for not resuming the railway traffic earlier during the 1990s was the disputed border area of 300m 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. 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 Boundary Treaty* and the demarcation process to be carried out on the ground all disputed areas along the land border will be settled.

4.3 The Gulf of Tonkin

The negotiation process on the Gulf of Tonkin issues did not enter its final phase during 1999. However, given the political decision taken by the leaders of the two countries that a settlement had to be reached by the end of 2000, the negotiation process had to pick up pace in 2000 in order to meet the deadline. The pattern of negotiations in 2000 shows that this was indeed the case. Five rounds of expert-level talks were held during 2000, in March, May, June, September, October-November, and late November,¹⁹⁵ respectively, as compared to only one round of talks during the whole of 1999.¹⁹⁶ The *Agreement on the Demarcation of Waters, Exclusive*

¹⁹³ The fact that a land boundary demarcation is a complex and lengthy process can be exemplified by the settlement and demarcation of the Lao-Vietnamese boundary. The first agreement was the treaty delimiting the border between the two countries signed on 18 July 1977, a complementing treaty of was signed on 26 January 1986, and a final agreement of the status of the border was signed on 1 March 1990 and ratified on 8 November the same year. For details on the settlement and demarcation of the land border between Laos and Vietnam see Gay, 1995.

¹⁹⁴ 'Frontière. Le Vietnam et la China décidés à installer les bornes', *Le Courrier du Vietnam* (2358) (9/10/01): 3.

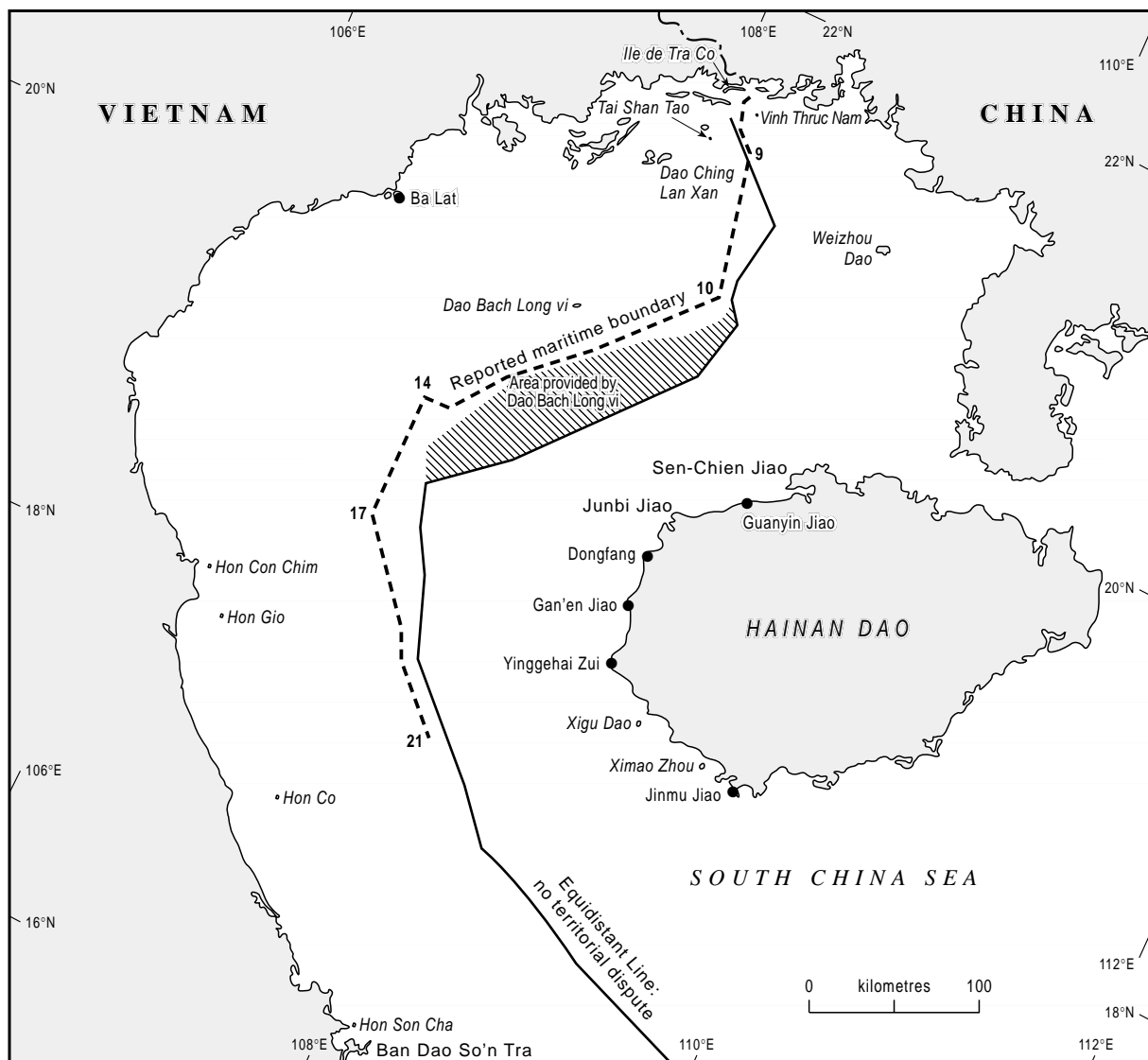
¹⁹⁵ The length and outcome of the seventeenth round of talks scheduled to begin in late November have not been publicised by the two sides therefore it is possible that the seventeenth round of talks extended into early December.

¹⁹⁶ See notes 164, 165, 166, 170, and 174.

Economic Zones and Continental Shelves in the Gulf of Tonkin signed on 25 December 2000¹⁹⁷ differs from the *Land Border Treaty* in that it does stipulate the coordinates for the tracing of the maritime boundary between the two countries in the Gulf of Tonkin while the later only sets the stage for a demarcation process that has yet to be carried out.

Interestingly, this confirms the assumption that since the disputes relating to the Gulf of Tonkin were maritime ones, once solutions had been agreed upon, they could be implemented more rapidly than the *Land Border Treaty*. As the Sino-Vietnamese dispute relating to the Gulf of Tonkin was a bilateral one the crucial issue in the negotiating process was how to reach an agreement on a mutually acceptable framework or model for dividing the Gulf. As displayed by the outcome of the negotiations, once such an agreement was reached the tracing of the maritime boundary was not problematic as it connects the specific coordinates agreed upon.

Figure 5: The Sino-Vietnamese Maritime Boundary in the Gulf of Tonkin



¹⁹⁷ For an early analysis of the Agreements by a Vietnamese scholar see Nguyen, H. T. (2001) 'The settlement of disputes in Bac Bo (Tonkin) Gulf', *Vietnam Law and Legal Forum*, 7(77): 15-16.

The core issue to be settled in the Gulf of Tonkin was which principle to use in order to divide the Gulf. In this context the impact of the islands was of crucial importance, and in particular, the Vietnamese controlled Bach Long Vi Island (see Figure 5). The first question was whether or not it qualifies as an island according to the provisions of UNCLOS. If it did, as argued by Vietnam, then it was entitled to a full suite of maritime zones and would impact on the tracing of a line of equidistance, if this principle was 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, i.e. it should be ‘valued’ fully in the delimitation.¹⁹⁸ On the other hand China had an interest in minimising the impact that the island would have on any agreed delimitation. This could be achieved by arguing either that Bach Long Vi is not an island in accordance with the provisions of UNCLOS or that its impact should be minimised and possibly even be disregarded, i.e. ‘valued’ partially or ignored in the delimitation of the Gulf.¹⁹⁹

For China to argue that Bach Long Vi is not a fully-fledged island under article 121 of UNCLOS would be counterproductive as China had earlier controlled the island and had claimed that it was inhabited before its hand-over to Vietnam in the late 1950s.²⁰⁰ An assessment of the agreed coordinates indicates that the impact of Bach Long Vi was far from being fully ‘valued’ in the delimitation. It would be far fetched to argue that it was ignored in the delimitation but even if it was only partially ‘valued’ it must have been to a very limited degree.

A potentially complicating factor in the negotiation process is likely to have been the status of the *Sino-French Agreement* of 1887. Vietnam would probably not have minded using this to delimit the Gulf of Tonkin since it would generally be to its advantage. China however, would have opposed its use and would probably have argued that the 1887 agreement was only intended to determine administrative control over the islands in the Gulf, by giving those located to the West of the line to France and those located to the East of the line to China, and did not consider jurisdiction of the waters and the seabed.²⁰¹ In the end the agreement reached indicates that even if the status of the *Sino-French Agreement* of 1887 was part of the negotiations, both sides eventually agreed that it would not have an impact on the delimitation of maritime zones in the Gulf of Tonkin.

The increased number of rounds of expert-level talks and indeed of government level talks in 2000 is evidence of the complexities involved in reaching a mutually acceptable compromise in order to sign the delimitation agreement in late December. The political pressure to reach an agreement before the end of the year did engender increased activity to this end. The agreed co-ordinates indicate that the two sides ended up with an agreement on a line of equidistance, albeit one significantly modified, having sorted out their differences relating to the question of how islands should impact on the delimitation, in particular Bach Long Vi Island.

¹⁹⁸ The legal terminology used in this context is derived from Zou, 1999: 246. The article also contains a broader discussion relating the role of islands in boundary delimitation with particular reference to the Gulf of Tonkin (Zou, 1999: 245-247)

¹⁹⁹ Zou, 1999: 245-247.

²⁰⁰ Information derived from Zou Keyuan’s article see Zou, 1999: 245-246 and 253.

²⁰¹ For an argument along similar lines with a parallel being drawn to the ‘Brevié Line’ drawn in 1939 in the Gulf of Thailand see Zou, 1999: 238-240.

Although the issue of fishing in the Gulf of Tonkin is not directly linked to the question of territorial disputes it is still relevant. It is therefore interesting to note that the two countries held six rounds of talks between April and December 2000 on the issue of fishing in the Gulf. The agreement signed on 25 December 2000 included regulations for the establishment of joint fishing areas, cooperation in preserving and “sustainably” exploiting the aquatic resources in the Gulf and regulations for fishing cooperation and scientific research.²⁰²

According to information provided by Dinh Xuan Thao, Director of the Legal Department of the Ministry of Fisheries, the “overlapping fishing zone” covers 33,500km² or 27.9% of the Gulf stretching from 20° N to the closing line of the Gulf with a width of thirty and a half nautical miles. The ‘demarcation’ ensures an average of thirty nautical miles from the Chinese and Vietnam coasts, respectively. The agreement encompasses three principles. First, both countries shall control and inspect their respective EEZ and have the right to oversee vessels fishing legally in the overlapping area. Second, the number of fishing vessels permitted to operate in the overlapping area will be determined on the basis of “equality and catch volume” through joint investigations. Third, both countries have the right to set up joint ventures with third parties in their respective EEZ. The operational period of the agreement has been set at fifteen years (twelve official and three extended years). The two countries have also agreed to a four year transitional period relating to the territorial waters from 20° N northwards, during which fishing vessels from both countries can continue fishing. In addition China and Vietnam have agreed to establish a ten nautical mile by three nautical mile “buffer zone” outside the estuary of the Bac Luan river.²⁰³

Interestingly enough, in order for the fishery agreement to enter into effect there is not only the need for ratification by both countries but also for continued negotiations to reach an agreement on a supplementary protocol for “their transitional area.” Furthermore, the two countries need to establish a joint committee for fishing and this will also involve more talks.²⁰⁴

Having assessed the agreements reached thus far with regard to the land border and to the Gulf of Tonkin as well as the negotiation processes relating to other border disputes it is important to look more closely at the disputes that have not been formally resolved. China and Vietnam have so far been unable to prevent these disputes from causing serious tension in bilateral relations. It is primarily the disputes in the South China Sea proper that have been causing these periods of increased tension.

4.4 The South China Sea

When considering the situation in the South China Sea proper an important element to consider is the way the different parties act, causing increased tension from time to time. Taking into account the number of incidents that have warranted public reactions and criticisms by the other side it should be noted that China bears more responsibility for such actions than Vietnam

²⁰² Information derived from: “Bac Bo Gulf Demarcation Agreement Satisfies both Viet Nam and China, Says Foreign Ministry Spokeswoman”, *VNA* (4/1/01); and, “L’accord de délimitation du Golfe du Bac Bo est une solutions equitable et satisfaisante”, *AVI* (4/1/01).

²⁰³ Information provided by Mr. Dinh is derived from: “Viet Nam-China Fishing Accord in Bac Bo Gulf Opens Way for Comprehensive Cooperation”, *VNA* (16/03/01).

²⁰⁴ *Ibid.* The information about further talks for the establishment of a joint committee for fishing was also brought up in author’s discussions with Vietnamese officials in Hanoi in October 2001.

since the full normalisation of relations in November 1991. Thus, both countries must strive to make greater efforts to refrain from carrying out actions which might provoke an adverse reaction and cause tension in bilateral relations. The pattern of past behaviour suggests that China would need to show greater restraint than Vietnam.

A closer look at the controversies in September 1998 relating to activities in the South China Sea proper display how actions by both sides caused tension in bilateral relations. First, Vietnam protested about Chinese activities in areas of the South China Sea to the east of Vietnam which Vietnam considers to be Vietnamese territorial waters. Second, China protested about the construction of facilities by Vietnam on two submerged reefs. China claimed that these submerged reefs form part of the Spratly archipelago and are, as such, part of China's territory. Therefore, China perceived Vietnam's action as a violation of China's territorial sovereignty. Vietnam argued that the submerged reefs do not form a part of the Spratly archipelago and that they are located within Vietnam's EEZ and continental shelf.

In view of the reoccurring periods of tension arising from such incidents, the two parties need to strive for the establishment of a 'code of conduct' which would prevent their re-occurrence. Such a code 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.²⁰⁵ 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.²⁰⁶ These two agreements and the experiences gained from their implementation could serve as a basis for the establishment of a similar agreement between China and Vietnam.

Given the situation during most of the 1990s the basic rule of a possible 'code of conduct' would be respect for the *status quo* and that both parties refrain from actions which could alter the *status quo* and thus cause tension in relations. The problem is to determine what the *status quo* should be in some of the areas of overlapping claims, in particular in parts of the South China Sea where Vietnam does not recognise China's extensive claims to EEZ and continental shelf areas. These areas were formerly termed historical waters by China but, as shown in an earlier section of this study, China has, through its legislation and statements, gradually turned them into the EEZ and continental shelf of the Paracel and Spratly archipelagos. 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. Whatever the merits of the claims of the two parties and the interpretations of UNCLOS in support of their claims, the issue of utmost importance is to achieve a situation in which both parties refrain from actions which would alter the *status quo*.

²⁰⁵ For details relating to the negotiations see *BBC/FE*, 2378 (10/8/95): B/4-5; 2379 (11/8/95): B/3; 2380 (12/8/95): B/2-3; and; *FBIS-EAS-95-155* (11/8/95): 50; 95-157 (15/8/95): 76-7; 95-158 (16/8/95): 46-7. For the full text of the agreement see *Joint Statement on PCR-RP*, 1999.

²⁰⁶ For details relating to the negotiations see *BBC/FE*, 2456 (9/11/95): B/4; and, 2459 (13/11/95): B/2. For the full text of the agreement see *Joint Statement*, 1999.

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 EEZ 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 cooperation 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 appear to be particularly good since thus far only Vietnam seems to be amenable to the idea. In fact, according to information obtained in Hanoi, during the second half of the 1990s Vietnam did propose that a ‘code of conduct’ be established between China and Vietnam but this proposal was not accepted by China.²⁰⁷

Despite the fact that a formal bilateral ‘code of conduct’ has not been agreed upon between China and Vietnam, developments in 1998, in 1999, in 2000 and during the first nine months of 2001 show that progress in managing the disputes in the South China Sea proper has been achieved. In the following key events and agreements relating to the South China Sea disputes during that period are assessed and their implications discussed.

Although it is risky to draw a conclusion stemming from one incident, it is noteworthy that the 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 similar incidents in March and April 1997. As the public statements were fewer in connection with the May 1998 incident it is difficult to fully assess exactly how it was more successfully managed. Obviously less public rhetoric and more restraint by both parties was a contributing factor. Judging from the Vietnamese statement, an approach combining diplomatic negotiations and patience in dealing with China did bear fruit in this case.

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 tension causing incidents in the South China Sea. However, this should 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 only 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 March and April 1997 during the controversy relating to Chinese oil-drilling in an area of the South China Sea claimed by Vietnam. If this pattern of reaction to actions by the other party prevails in the future then some damage control mechanisms have been developed between the two countries for dealing with border disputes.

The developments in 1999 are further indications of the successful management of the disputes between China and Vietnam in the South China Sea, at least if the situation is assessed on the basis of the level of tension in the area, 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 China’s decision to temporarily ban fishing in the South China Sea. This state of affairs could

²⁰⁷ Author’s discussions with Vietnamese officials in Hanoi in September and November 1997, in December 1998, and in May 1999.

be explained in two ways. Either no action was taken or no incident occurred which could cause tension and therefore no protest or criticism was warranted. In other words, the two countries behaved in a constructive way by respecting the *status quo* and by refraining from actions which would have led to protests by the other side. Or alternatively, both sides opted to deal with the tension causing incidents without resorting to public protest or criticism of the other side, using diplomacy and avoiding public statements. If the second explanation is the case 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 relating to the mode of behaviour to be implemented in order to solve “any differences” in the South China Sea.²⁰⁸

During 2000 no incidents relating to the South China Sea caused tension in bilateral relations, and thus the positive trend in conflict management displayed in 1999 was maintained by the two countries. In fact the two countries moved to put greater emphasis on conflict management in the South China Sea through continued talks, exploring potential cooperation in certain fields and mutual self-restraint through the Joint Statement for comprehensive cooperation signed on 25 December 2000 by the two foreign ministers.²⁰⁹

Developments during 2001 have not been as positive as in 2000. On four occasions there have been official statements by either of the two countries (once by China and three times by Vietnam) protesting about actions carried out by the other side in the South China Sea. However, the complaints have been limited to one statement and no further tension has officially been caused by the actions leading to the protests. Consequently, the two sides have continued to handle the differences in the South China Sea through diplomatic means and extended periods of bilateral tension have been avoided also in 2001.

The provisions relating to the South China Sea in the Joint Declaration of 27 February 1999 and in the Joint Statement of 25 December 2000, respectively, indicate that China and Vietnam are gradually agreeing on an increasingly sophisticated and detailed conflict management scheme to be applied and observed in the South China Sea. The end-goal is a formal settlement of the disputes and pending this long-term ambition the two sides are implementing mechanisms aiming at avoiding the occurrence of potential cases of disputes and avoiding an escalation of disputes that do occur. Although this does not imply that a formal ‘code of conduct’ has been agreed upon nor that one necessarily will be, it is evident that fundamental principles that are essential parts of such a scheme are being agreed upon and implemented by China and Vietnam.

The absence of public dispute relating to the South China Sea issues between China and Vietnam during 1999 and 2000 and the avoidance of extended periods of tension in relations to the differences in 2001 is all the more remarkable given the periodically high-level of tension between China and the Philippines during the same period and also, for the first time in years, tension between Vietnam and the Philippines in the South China Sea in 1999. The tension between China and the Philippines in the South China Sea over the past years indicates that a ‘code of conduct’ in itself is not a guarantee that actions and incidents relating to a disputed area will not cause tension. This is a lesson to be borne in mind by China and Vietnam when they try to implement various approaches to managing their differences in the South China Sea,

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For sources reproducing the text of the Joint Declaration see note 138.

²⁰⁹

For sources reproducing the text of the Joint Statement see notes 179 and 180.

whether these approaches be of the present type or a possible future formal bilateral 'code of conduct'.

5. Conclusions

This study has considered the complexities surrounding the management of border disputes between China and Vietnam. It has been noted that these disputes have been the most serious source of tension in bilateral relations since full normalisation of relations in November 1991. Periods of tension were prevalent up to 1997, but during 1998 there were only shorter periods. During 1999 and 2000 no significant tension was caused by any of the border disputes. It has also been noted that despite the differences relating to the border issues during the 1990s the overall trend throughout the decade seems to have been that bilateral relations improved and cooperation expanded.

The reduction in the number of periods of tension can be attributed to progress in conflict management by the two countries. The most obvious aspect of this is the highly structured and extensive system of talks and discussions relating to the border disputes, which encompassed the three main levels (expert, government and high) in regular meetings over a decade,

This negotiation processes resulted in the signing of a *Land Border Treaty* on 30 December 1999 and of the *Agreement on the Demarcation of Waters, Exclusive Economic Zones and Continental Shelves in the Gulf of Tonkin* on 25 December 2000, major achievements thus far in the settlement of the bilateral border disputes. These two agreements also reflect the substantially greater degree of progress made in negotiations on the land border and the Gulf of Tonkin as compared with talks on other territorial disputes in the South China Sea proper in recent years. Little progress, if any, has been made in the talks relating to 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 these matters 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. 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 separate from that conflict. 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.

Despite the lack of progress in the expert-level talks on the 'South China Sea issues' China and Vietnam have made notable progress in managing potential tension in the South China Sea proper in recent years. This has been brought about both by a change in actual behaviour by the two countries and by agreements on measures to govern behaviour in the South China Sea. The most elaborated examples of such arrangements can be seen in the provisions of the Joint Declaration of 27 February 1999 and in the Joint Statement of 25 December 2000. Although these do not constitute a formal 'code of conduct' between the two countries, fundamental principles that are essential parts of such a scheme are evidently being agreed upon and implemented by the two sides.

Given the considerable progress made in recent years by China and Vietnam in terms of managing their border disputes both sides have to continue working in the same direction. The challenge of conflict management of the disputes in the South China Sea proper is still a major

priority as these disputes are far from being resolved and any formal resolution is unlikely in the foreseeable future. The two countries will need to further develop cooperative measures and conflict management mechanisms to deal with disputes in the South China Sea. Related to this the fact that a *Land Border Treaty* has been signed and ratified does not mean that the process of demarcation on the ground has been completed. On the contrary the demarcation process has to be carried out and this could take years to complete and problems might arise in relation to disputed areas along the border. Such potential problems will force the two countries to implement efficient conflict management mechanisms to deal with them.

A key to the future development of the Sino-Vietnamese relationship is how successfully the two sides handle disputes. Cooperation in different fields and expanding economic interaction has brought about a stable bilateral relationship during the 1990s but re-occurring periods of tension relating to the territorial disputes have prevented this cooperation from reaching its full potential and caused uncertainty about the long term stability of the Sino-Vietnamese relationship. The progress made in recent years in the management of the territorial disputes has contributed to the improvement in bilateral relations and has gradually led to a reduction in the uncertainty about the long term stability of the bilateral relationship. Ongoing talks on the territorial disputes and the agreements reached are evidence that the two sides are striving for a peaceful settlement of the border disputes. As noted above, continued efforts with conflict management on the disputes in the South China Sea proper are essential for the continued development of bilateral relations, as renewed periods of tension would have negative repercussions on the positive achievements in expanding bilateral cooperation.

Appendix 1: Chronology of High Level (presidential and ministerial level), Government Level and Expert Level meetings 1992-2000

High Level shown as: **High Level**; Government Level as: **Government Level**; Expert Level shown as: **Expert Level**

Date	Type of Negotiation	Location	Topic	Outcome
12-15 February 1992	Chinese Foreign Minister Qian Qichen – visit	Vietnam	Border Disputes	Agreement to establish working groups to discuss territorial issues.
18-21 September 1992	Chinese Vice Foreign Minister – visit	Vietnam	Border problems	No agreement, but scheduled further talks in Beijing, October.
12-17 October 1992	Vietnamese & Chinese Experts	China	Second round of talks on general border problems	No substantial outcome.
30 November - 4 December 1992	Chinese Prime Minister Li Peng – visit	Vietnam	General discussion on border problems	No significant progress but emphasised that differences would be settled by negotiation.
7-13 December 1992	Vietnamese Defence Minister General Doan Khue – visit	China	General discussions	No outcome reported.
14-19 February 1993	Vietnamese & Chinese Experts	Vietnam	Second round of talks	No outcome reported.
13-20 May 1993	Chinese Defence Minister Chi Haotian – visit	Vietnam	General Discussions	No outcome reported.
22 July 1993	Chinese & Vietnamese Foreign Ministers	ASEAN meeting Singapore	General Discussions	The two sides “reiterated” that the “existing border and territorial issues” would be resolved through “negotiations.”
23-30 August 1993	Vietnamese Government Delegation	China	First round of talks on border issues	Two sides reached a “general understanding and consensus” on “fundamental principles” for solving the territorial issues.

18-21 October 1993	Chinese Government Delegation	Vietnam	Talks on border issues (First round - continued)	Agreement signed including basic principles for settling the territorial disputes relating to the land border and to the division of the Gulf of Tonkin. Agreed to concentrate on efforts to resolve them. Agreed to set up joint working groups at expert level to deal with them.
9-15 November 1993	Vietnamese President Le Duc Anh – visit	China	Bilateral relations	Both sides “contended” with the recent agreement on principles for resolving the “border issues.” They agreed to settle the remaining issues relating to land and sea borders, through negotiation.
22-25 February 1994	Joint working group on land border	Vietnam	First round of talks	Agreement reached on procedural issues, content of group’s programme and tasks.
22-25 March 1994	Joint working group on Gulf of Tonkin	Vietnam	First round of talks	Discussed working procedures and issues relating to the “demarcation” of the Gulf.
25 June-1 July 1994	Joint working group on land border	China	Second round of talks	No substantial progress.
4-8 July 1994	Joint working group on Gulf of Tonkin	China	Second round of talks	No substantial progress.
22 July 1994	Chinese & Vietnamese Foreign Ministers	Thailand AMM and ARF	Border issues	Agreed to hold talks at vice foreign minister level to discuss joint development in areas with overlapping claims in the South China Sea. Agreement on the basic principles concerning the territorial dispute. Nguyen Manh Cam said both countries had agreed to “exercise self-restraint and not do anything to make the situation deteriorate.”
14-18 August 1994	Government level	Vietnam	Second round of talks	According to <i>Xinhua News Agency</i> , the two sides agreed that the territorial issues, including the Spratly issue, should be settled through negotiations and that both sides would refrain from the use of force or the threat of force. The territorial disputes would not be allowed to affect the normal development of bilateral relations. The Vietnamese reports concurred with the Chinese versions on most points with the notable difference that Vietnam referred to “issues

¹ 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.

14-18 August 1994 (continued)					<i>related to the East Sea</i> , i.e., the South China Sea as a whole, instead of the just the Spratly Islands issue, as China did.
22-27 October 1994	Joint working group on land border	Vietnam	Third round of talks		Nothing substantive reported.
19-22 November 1994	Jiang Zemin, Secretary General of the Central Committee of the Chinese Communist Party (CCP) & Chinese President	Vietnam	Border issues		Joint communiqué, two sides reaffirmed that they would persist in peaceful negotiations to solve boundary and territorial issues. Negotiations would be pursued on the “ <i>issues involving the seas</i> ” in order to seek a basic and long-term solution acceptable to both sides. Agreed to establish an expert group to deal with issues involving the seas. Agreed to refrain from taking actions which would “ <i>complicate or enlarge the disputes</i> ” and refrain from using force or its threat.
20-22 December 1994	Joint working group on Gulf of Tonkin	Vietnam	Third round of talks		Nothing substantive.
16-23 January 1995	Joint working group on land border	China	Fourth round of talks		Resulted in “ <i>certain positive progress.</i> ”
Late March 1995	Joint working group on Gulf of Tonkin	China	Fourth round of talks		No outcome reported.
17-19 May 1995	Vietnam Foreign Minister Nguyen Manh Cam	China	Talks with Chinese counterpart Qian Qichen.		Discussed territorial disputes. Agreed on need to settle territorial disputes through peaceful negotiations.
22-27 May 1995	Joint working group on land border	Vietnam	Fifth round of talks		Resulted in “ <i>some progress.</i> ”
20-22 June 1995	Joint working group on Gulf of Tonkin	Vietnam	Fifth round of talks		No progress was reported but the two sides agreed to continue their negotiations.
11-13 July 1995	Government level	China	Third round of talks		Two sides decided to form a joint group of experts on the sea border to work on territorial issues in the South China Sea.
9-14 October 1995	Joint working group on land border	China	Sixth round of talks		Agreed on a “ <i>number of technical measures leading to the signing of a border agreement.</i> ”
13-15 November 1995	Expert group on maritime issues	Vietnam	First round of talks		According to a report by <i>Xinhua News Agency</i> the two sides exchanged views on substantive matters and reached consensus on work procedures for the settlement of the

13-15 November 1995 (continued)				Spratly dispute through bilateral negotiations in the future. According to this report China favoured a settlement of the Spratly dispute by peaceful means in accordance with legal principles and international law, including UNCLOS, and that China held the opinion that if the dispute could not be settled for the time being the two sides could, as a temporary measure, "put it aside" ² and seek joint development or co-operation.
26 November -2 December 1995		China	Secretary General of the CPV Do Muoi, Chinese counterpart Jiang Zemin, Chinese Prime Minister Li Peng	Joint communiqué issued on 2 December. The two sides agreed to "properly" resolve the "issue of territory along the borders" on the basis of international law, international "practices" and through peaceful negotiations. It was also announced that an agreement "in principle" on railway transportation had been reached.
29 February 1996		Thailand ASEM	Prime Ministers	Li Peng stated the two countries had reached consensus on the border issues. Negotiations on the land border had entered the substantial stage.
5-8 March 1996		China	Joint working group on Gulf of Tonkin	Focused on the "scope, contents and legal basis" of the "demarcation" in the Gulf.
6-11 May 1996		China	Joint working group on land border	Reportedly "positive progress" was made during the talks.
2-7 July 1996		China	Joint working group on "Sea issues"	Agreed that they would continue to seek "long term and basic resolutions" on the basis of international law including UNCLOS.
5-7 August 1996		Vietnam	Joint working group on Gulf of Tonkin	Agreed to solve "all border issues" according to the principles agreed upon in October 1993.

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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 Parcel issue (BBC/FE, 2356 (15/7/95): G/6-7). 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 Parcel Islands and Spratly Islands" (for a translation of the interview see FBIS-EAS-95-187 (27/9/95): 97).

17-20 September 1997	Government level	Vietnam	Fourth round of talks	Discussed how to speed up negotiations and agreed on guidelines for joint working group on land border.
14-18 October 1996	Joint working group on land border	Vietnam	Ninth round of talks	The two sides exchanged views on issues agreed upon during the government-level talks
29-31 January 1997	Joint working group on Gulf of Tonkin	China	Eighth round of talks	Discussed “ <i>various specific points</i> ” relating to the delineation of the Gulf of Tonkin.
17-18 April 1997	Deputy Foreign Ministers	China – ASEAN meeting	Border issues	Agreed to promote talks to solve border issues.
22-25 April 1997	Expert group on maritime issues	Vietnam	Third round of talks	Focused on the “ <i>scope and content</i> ” of negotiations and on the preliminary opinions relating to the possibility for co-operation in certain areas.
7-12 May 1997	Joint working group on land border	China	Tenth round of talks	No outcome reported.
14-18 July 1997	Secretary General of the CPV, Do Muoi	China	Meeting with Chinese counterpart Jiang Zemin	Agreed on need to accelerate negotiations.
16-18 July 1997	Joint working group on Gulf of Tonkin	Vietnam	Ninth round of talks	Discussed the application of international law in “ <i>consideration</i> ” of the natural conditions of the Gulf of Tonkin in order to reach a fair and mutually acceptable solution.
13-15 August 1997	Government level	China	Fifth round of talks	Discussed concrete measures to speed up the negotiations to implement the consensus reached by the Secretary Generals to sign agreements on the land border and Gulf of Tonkin issues by 2000. Also agreed to continue with negotiations on the “ <i>East Sea issues</i> ”, i.e. the South China Sea issues.
12-22 January 1998	Joint working group on land border	Vietnam	Eleventh round of talks	The two sides reviewed the aerial surveys over the border for mapping purposes, exchanged views on the draft agreement on the land border and discussed various conflicts in the border region.

24-30 March 1998	Joint working group on Gulf of Tonkin	Beijing	Tenth round of talks	The two sides appraised the progress made during the previous year and exchanged views on issues related to border delimitation in the Gulf of Tonkin. Both sides concurred on the need to accelerate the talks with the goal of reaching an agreement on how to resolve the demarcation of the Gulf of Tonkin prior to 2000.
26 May-5 June 1998	Joint working group on land border	China	Twelfth round of talks	The two sides agreed to speed up the negotiation process and to shorten the intervals between the talks with the aim of meeting the goal of signing an agreement in 2000.
8-10 July 1998	Expert group on maritime issues	China	Fourth round of talks	The two sides discussed the scope and agenda of the talks and the possibilities for bilateral co-operation on maritime issues.
25-26 September 1998	Government level	Vietnam	Sixth round of talks	No substantive progress.
19-23 October 1998	Vietnamese Prime Minister Phan Van Khai	China	Meeting with Chinese counterpart Zhu Rongji	The two sides agreed to speed up negotiations.
17-19 December 1998	Chinese Vice President Hu Jintao	Vietnam	Talks with Vietnamese	Two sides "affirmed the determination to implement high-level agreements."
7-21 January 1999	Joint working group on land border	Vietnam	Thirteenth round of talks	Some initial results were reached in the search for a solution to the "disputed border areas." Views were also exchanged on the "making of a border map."
26-28 January 1999	Joint working Group on Gulf of Tonkin	Hanoi	Eleventh round of talks	Both sides agreed to accelerate negotiations in order to reach an agreement on the "delineation of the border" in the Gulf of Tonkin "by the year 2000 at the latest."
25 February -2 March 1999	Secretary General CPV Le Kha Pieu	China	Discussions with Chinese counterpart and other high-ranking leaders. Joint Declaration issue on 27 February	In Section 3 of the Joint Declaration the text outlines the principles guiding bilateral negotiations and satisfaction is expressed at the "positive developments" in negotiations in "recent" years. The two sides agreed to "place the primary issues foremost", to show "sympathy and compromise" to each other, to conduct consultations in a "fair, rational and friendly" fashion, and to take into account both international law and "reality" when negotiating a settlement to the "outstanding territorial border issues."

25 February -2 March 1999 (continued)				Both sides expressed their determination to “accelerate” the negotiation process and “raise their working efficiency” in order to reach a land border treaty in 1999 and to settle the issue of “demarcation” of the Gulf of Tonkin in 2000. Furthermore, the two sides agreed to maintain the “existing negotiation mechanism on the sea issues.” 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.” The two sides would refrain from “any actions” that could “further complicate or widen the dispute” and they would refrain from the use of force or the threat to do so. Finally, it was agreed that they would “promptly” conduct discussions and “satisfactorily” solve any differences without allowing them to affect the “normal development of bilateral ties.”
29 March – 5 May 1999	China	Joint working Group on land border	Fourteenth round of talks	Some initial results obtained in the search for solutions to the “demarcation of border areas” relating to which the two sides “held different opinions.” They also compared “notes on drawing a border map” between the two countries. They discussed measures to speed up the negotiation process on the land border issue.
Mid-May 1999	China	Vietnamese Deputy Prime Minister Nguyen Tan Dung	Met Chinese Prime Minister Zhu Rongji	
22 June – 22 July 1999	Vietnam	Joint working Group on land border	Fifteenth round of talks	Some results were reached in the search for a solution to “those border areas where the two sides hold different views.” The work on the border map continued. The two sides exchanged their “solutions to 76 remaining areas” and agreed to “fully consider” the views of the other party for the next round of talks.
Early August-? 1999 (no end date publicised)	(not publicised)	Joint working Group on land border	Sixteenth round of talks	This round was officially the final one in the negotiation process at the expert-level. No outcome was reported.

1-4 December 1999	Chinese Prime Minister Zhu Rongji	Vietnam	Talks with his Vietnamese counterpart and other Vietnamese leaders	All outstanding problems concerning the border had been resolved and the negotiations had been successfully concluded. In accordance with the agreement of the high-level talks in February 1999 the two countries would concentrate their effort on urgently addressing “technical issues” in order to “quickly complete the drafting” of an agreement on the land border.
30-31 December 1999	Chinese Foreign Minister Tang Jiaxuan	Vietnam	Talks with Vietnamese counterpart	Signing of <i>Land Border Treaty</i> , 30 December 1999.
Late January 2000	Vietnamese Deputy Foreign Minister Vu Khoan & China’s Foreign Minister Tang Jixuan	China	Delineation of the Gulf of Tonkin	No outcome reported.
21-22 February 2000	Government Level	China	Seventh round of talks	The two sides reviewed the progress made since the sixth round of talks. In the discussions relating to the land border they reached consensus on measures to be taken following the signing of the Land Border Treaty to ensure “stability and security.” It was decided that until an official agreement on “border management regulations” was signed the two countries would abide by the temporary agreement of 1991 on the “settlement of issues in common border areas.” On the Gulf of Tonkin the two sides agreed detailed measures to accelerate the negotiation process with a view to solving the delimitation issue within 2000, in accordance with the agreement of the political leadership of the two countries and continue with negotiations on the South China Sea issues.
24-27 February 2000	Vietnamese Foreign Minister Nguyen Dy Nien & Chinese Foreign Minister Tang Jiaxuan	China	Land Border Treaty	Pledged to work for early implementation of the Land Border Treaty and accelerate negotiations in order to resolve Gulf of Tonkin issue in 2000.
20-22 March 2000	Joint working group on Gulf of Tonkin	China	Twelfth round of talks	The two sides reviewed their previous talks and continued to discuss related issues. It was agreed to accelerate the negotiation process in order to complete the delimitation in 2000.

9-10 May 2000	Expert group on maritime issues	Vietnam	Fifth round of talks	The two sides reviewed the results of previous rounds of talks and agreed to continue the negotiations with “a view to seeking a basic and long-lasting solution to sea issues.” They also discussed the possibility of co-operating in hydro-meteorology. Both sides expressed the hope that this would contribute to the “promotion of mutual understanding and trust and help maintain peace and stability in the East Sea” (i.e. the South China Sea).
10 May 2000	Chinese Prime Minister Zhu Rongji & Vietnamese Deputy Prime Minister Nguyen Manh Cam Joint working group on Gulf of Tonkin	China	Land Border Treaty	Chinese informed Vietnamese that the <i>Land Border Treaty</i> had been ratified.
11-13 May 2000	Joint working group on Gulf of Tonkin	Vietnam	Thirteenth round of talks	The two sides discussed “details of demarcation” and agreed to speed of the negotiations and take positive steps to finalise the “demarcation” within the year.
26-28 June 2000	Joint working group on Gulf of Tonkin	China	Fourteenth round of talks	The two sides held in-depth discussions on “the specific delineation contents”. It was agreed to speed up the pace of negotiations. Its noteworthy, that the members of the joint working group expressed their “determination to fulfil their task as agreed by the top leaders of the two countries”, i.e. to reach an agreement on the Gulf of Tonkin in 2000.
7-9 September 2000	Government Level	Vietnam	Eighth round of talks	The two sides pledged to do their “best” in order to reach an agreement on the “demarcation” of the Gulf of Tonkin with “this” year i.e. 2000.
8-12 September 2000	Joint working Group on Gulf of Tonkin	Vietnam	Fifteenth round of talks	The two sides affirmed their “determination” to complete the demarcation of the Gulf of Tonkin “this year” as agreed by the “top” leaders of the two countries. On the basis of the results from the government level talks, the two sides discussed at “length” the question of “delineation” and agreed to speed up the process by applying “active, flexible and diverse approaches.”
25-28 September 2000	Vietnamese Prime Minister Phan Van Khai and Chinese Counterpart	China	Talks	The two sides concurred on the need to reach an agreement on the “demarcation” of the Gulf of Tonkin within the year 2000.

30 October – 4 November 2000	Joint Working Group on Gulf of Tonkin	China	Sixteenth round of talks	The two sides reiterated their “ <i>determination</i> ” to complete the negotiation process within this year. Both sides “ <i>continued</i> ” their discussion on the “ <i>contents and technical aspect</i> ” of the “ <i>delimitation</i> ” of the Gulf. They also agreed to “ <i>exert more joint effort</i> ” to reach an agreement.
Late November 2000	Joint Working Group on Gulf of Tonkin		Seventeenth round of talks	This round was officially the final one in the negotiation process at the expert-level. No outcome was reported.
25 November 2000	Prime Ministers of Vietnam and China	Japan and South Korea	Meeting at ASEAN Summit	The two sides agreed to accelerate the talks in order to reach an agreement on boundary delimitation in the Gulf of Tonkin “ <i>before</i> ” the end of the year.
12-14 December 2000	Government Level	Vietnam	Ninth round of talks	The two sides discussed concrete measures to “ <i>fulfil the borderline demarcation</i> ” in the Gulf of Tonkin with a view to signing an agreement within the year. These discussions were made possible by the positive results of the recent round of talks in relation to the demarcation of the Gulf. The two sides had basically completed the negotiations on substantial issues relating to border demarcation in the Gulf.
25-29 December 2000	Vietnamese President and Foreign Minister	China	Visit	Signing of the <i>Agreement on the Demarcation of Waters, Exclusive Economic Zones and Continental Shelves in the Bac Bo (Tonkin) Gulf</i> , by the Foreign Minister, 25 December 2000. Also a Joint Statement for comprehensive cooperation in the new century. On the South China Sea issues they agreed to “ <i>maintain the existing negotiation mechanisms... and to persist in seeking a fundamental and everlasting solution... through peaceful negotiations.</i> ” Pending this they would actively explore possibilities and measures for cooperating in “ <i>environmental protection, meteorology, hydrology, disaster prevention and mitigation.</i> ” They also agreed not to take “ <i>actions to complicate or aggravate disputes</i> ” and not to resort to force or its threat. Furthermore they will consult in a timely manner if a dispute occurs in order to prevent them impeding the development of bilateral relations.

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