



Foreign Position and Foreign Policy of Vietnam on The Determination of The Sea

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Abstract. Maritime delimitation is an international activity aimed at delineating maritime boundaries (internal waters, territorial seas) and maritime boundaries (exclusive economic zones and continental shelves) between two or more countries with coastlines against each other. or contiguous through negotiation, mediation, or other international jurisdictional mechanisms. As a coastal country, it has maritime borders adjacent to many countries in the East Sea region. Over the past time, consistent view of settling disputes at sea with neighboring countries on the basis of respect for independence, sovereignty, and territorial integrity of the country, compliance with international law, especially UNCLOS 1982, through peaceful measures to find a fair solution for all parties, Vietnam has gradually negotiated and signed maritime delimitation agreements with China, the Philippines, Malaysia, Indonesia, Thailand, and Cambodia. The article focuses on analyzing and interpreting Vietnam's foreign policy and stance on maritime delimitation. On that basis, clarifying the success and existence of Vietnam in the process of negotiating maritime delimitation with relevant countries in the region, draws useful lessons to apply in the practice of maritime delimitation between the countries. water in the near future.

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1. Foreign policy and stance of Vietnam on maritime delimitation

Vietnam's foreign policy has had certain changes over the historical periods, but the guiding thought throughout President Ho Chi Minh's time is to uphold the principles of independence, self-reliance, self-reliance, and self-reliance. promote internal resources combined with international cooperation, principles of relations with major countries, approach to the world situation, the times...

From the 6th - 8th National Congress of the Communist Party of Vietnam, Vietnam has implemented the open door policy, the foreign policy of "multi lateralization and diversification of international relations", with the motto: "Vietnam wants to be friends with all countries in the world community, strives for peace, independence and development", affirmed, "Vietnam wants to be friends with all countries in the world community, strives to fight for peace and development..., strive to strengthen relations with neighboring countries and ASEAN countries, constantly strengthen relations with traditional friends, attach importance to relations with developed countries and the Middle political and economic center of the world".

After 15 years of renovation, the 9th National Congress of Delegates has developed the motto of the VIII

National Congress, bringing Vietnam's position to a new height: "Vietnam is ready to be a friend and a reliable partner of countries in the world. international community, strive for peace, independence and development", with the foreign orientation "Improve the efficiency and quality of cooperation with ASEAN countries, build Southeast Asia into a region of peace, not having nuclear weapons, stabilizing cooperation for mutual development". At the 10th National Congress of Deputies, the Communist Party of Vietnam continued to affirm and raise foreign affairs activities to a new height in order to diversify and multilateral international relations, bringing bilateral relations to a new level. into depth, stability, and sustainability.

Regarding the orientation of participation in ASEAN, the XI Congress pointed out that "Actively, actively and responsibly work with other countries to build a strong ASEAN community, strengthen relations with partners, and continue to play an important role. in cooperation frameworks in the Asia-Pacific region", the 12th Congress continued to define "Proactive, active and responsible with ASEAN countries to build a strong Community. Expanding, deepening and improving the effectiveness of the Party's external relations, State diplomacy and people's diplomacy", the XIII Congress affirmed, "Promoting and raising the level of multilateral

diplomacy, closely combining for bilateral relations, well perform international responsibilities, especially in ASEAN, the United Nations and cooperation frameworks in Asia - Pacific. Maintain peace, security, safety, freedom of navigation and overflight in the East Sea, and settle disputes by peaceful means on the basis of international law, especially UNCLOS 1982.

Regarding the issue of maritime delimitation and settlement of disputes at sea, Vietnam's current legal basis is clearly reflected in Article 14 of the 1992 Constitution of the Socialist Republic of Vietnam "The Socialist Republic of Vietnam". means that Vietnam implements the policy of peace, expands exchanges, etc., on the basis of respecting each other's sovereignty and territorial integrity" and the Declaration on the territorial sea, contiguous zone, exclusive economic zone, and continental shelf. on May 13, 1977, affirmed the view that "The Government of the Socialist Republic of Vietnam will, together with relevant parties, negotiate through negotiations on the basis of respecting each other's independence and sovereignty, in accordance with international law and customary international law, dealing with each party's maritime and continental shelf issues".

Vietnam's above point of view was also announced by the National Assembly on June 23, 1994, when it ratified the 1982 UNCLOS, Vietnam "...advocates to settle disputes over territorial sovereignty as well as other disagreements related to the sovereignty of the territory as well as other disagreements related to UNCLOS." The East Sea through peaceful negotiations in the spirit of equality, mutual understanding, and respect, respect for international law, especially the 1982 United Nations Convention on the Law of the Sea, respect for sovereign rights and jurisdiction of coastal states over the exclusive economic zone and continental shelf; While making efforts to promote negotiations to find a basic, long-term solution, the parties concerned should maintain stability on the basis of the status quo, without taking action to further complicate the situation, without using force or threat to use force" (Hang, 2019).

In Clause 3, Article 4 of Vietnam's Law of the Sea 2012 affirms that "The State settles disputes related to seas and islands with other countries by peaceful means, in accordance with the 1982 Law of the Sea Convention, the law of and international practice".

Thus, Vietnam's current basic position towards the settlement of maritime disputes with neighboring countries is on the basis of compliance with international law, especially UNCLOS 1982, through peaceful means. to find a solution that is fair to the parties. In fact, right after the unification of the country, the Government of Vietnam actively researched, planned and signed many agreements and agreements on maritime delimitation with relevant countries, including: about the historic waters of Vietnam - Cambodia in 1982; Agreement on exploitation of overlapping areas between Vietnam and Malaysia in 1992;

Agreement between the Government of Vietnam and the Government of Thailand on the delimitation of maritime boundaries in the Gulf of Thailand in 1997; Agreement between Vietnam and China on the delimitation of territorial sea, exclusive economic zone and continental shelf in the Gulf of Tonkin and Agreement on fisheries cooperation in the Gulf of Tonkin between the Government of Vietnam and the Government of China in 2000 ; Agreement between the Government of Vietnam and the Government of Indonesia on the delimitation of the continental shelf in 2003 and the completion of negotiations on the delimitation of the overlapping exclusive economic zone (EEZ) between the two countries in December 2022 (Baodansinh. 2019).

However, in addition to the achievements achieved in the negotiation of maritime delimitation between Vietnam and other countries in the region, Vietnam still faces difficulties in negotiating the next phase of maritime delimitation, especially the negotiation of maritime delimitation. differences between the parties in terms of sovereignty, sovereign rights, jurisdiction and national interests at sea. Specifically, some sea areas are not clearly demarcated such as the sea bordering China outside the mouth of the Gulf of Tonkin, Cambodia, the Philippines, and Malaysia.

8. Conclusion

Vietnam is one of the countries with a long coastline and a wide sea area, adjacent to many countries in the East Sea region. In order to have a maritime border to ensure fairness, peace and long-term stability, Vietnam has been conducting negotiations on maritime delimitation with countries whose waters are adjacent to our waters in the area. area of the East Sea on the basis of respecting national independence, sovereignty and territorial integrity, complying with international law, especially UNCLOS 1982, through peaceful measures to find a fair solution for the beside.

Vietnam's experience and success in negotiating maritime delimitation with relevant countries in the East Sea region have always been consistent and persistent in its foreign policy of peace, independence, self-reliance, and peaceful cooperation. equality and mutual benefit, ensuring fairness, based on the provisions of international law, international law of the sea, international practice, and the provisions of UNCLOS.

Therefore, in order to contribute to maintaining a peaceful, stable, and developing marine environment in the region, relevant countries, especially ASEAN members, must strengthen cooperation in order to peacefully resolve disputes on the basis of the law. international legal framework as well as existing instruments of ASEAN and between ASEAN and other stakeholders.



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