Int. j. adv. multidisc. res. stud. 2026; 6(3):1922-1936

Received: 05-05-2026
Accepted: 15-06-2026

International Journal of Advanced Multidisciplinary Research and Studies

ISSN: 2583-049X

Good Faith and Provisional Arrangements in the East Sea: Vietnam's State Practice and ASEAN Implications

Vu Hong Cuong
Hanoi Law University, Vietnam

DOI: https://doi.org/10.62225/2583049X.2026.6.3.6512
Corresponding Author: **Vu Hong Cuong**

Abstract
The growing complexity of maritime disputes in the East Sea poses challenges to the multilateral legal order established by the 1982 United Nations Convention on the Law of the Sea (UNCLOS). This study analyzes how Vietnam operationalizes the principle of good faith (Article 300) and provisional arrangements (Articles 74 and 83) to manage maritime disputes and promote regional stability. Integrating normative doctrinal inquiry with qualitative analysis of State practice, the research evaluates Vietnam's bilateral agreements concerning joint development, maritime delimitation, and fisheries cooperation. The findings demonstrate that Vietnam has consistently utilized institutional and civilian frameworks to transform abstract obligations of conduct into functional maritime cooperation. State practice reveals the efficacy of equitable provisional mechanisms, including joint resource management and adjusted boundary configurations in disputed areas. Furthermore, Vietnam aligns its jurisdictional claims with geoscientific parameters and the regime of islands under Article 121(3), as evidenced by its diplomatic notes and submissions to the Commission on the Limits of the Continental Shelf (CLCS). Consequently, institutionalizing regional mechanisms under UNCLOS Article 123 provides a rules-based framework for preserving stability and ecological cooperation in semi-enclosed seas.

Keywords: UNCLOS 1982, Provisional Arrangements, State Practice, Regime of Islands, Maritime Cooperation

1. Introduction

The endeavour to establish, maintain, and safeguard a global legal order over the oceans is recognised as one of the preeminent achievements of multilateral diplomacy and public international law in the twentieth century, reaching its landmark culmination with the adoption of the 1982 United Nations Convention on the Law of the Sea (UNCLOS). UNCLOS is regarded by the international community as the "Constitution for the Oceans." It is important to note that UNCLOS is not merely an international treaty; it constitutes a comprehensive normative system that establishes a binding legal framework to regulate all aspects of maritime activities[1]. From the delineation of 200-nautical-mile Exclusive Economic Zones (EEZs), the legal regime of the continental shelf, and freedom of navigation, to compulsory dispute settlement mechanisms, UNCLOS has forged a "package deal" that balances the competing interests of coastal states and the international community[2]. Nevertheless, the East Sea[3], a semi-enclosed sea that serves as a vital chokepoint for global maritime trade and harbours significant potential in both hydrocarbon and living marine resources, is currently facing profound and unprecedented structural challenges to its multilateral legal order[4].

The ongoing disputes concerning territorial sovereignty in the East Sea, involving features such as the Paracel and Spratly

[1] Christian Bueger, Timothy Edmunds and Jan Stockbruegger, 'UNCLOS under Fire: Recalibrating Maritime Security Governance' (2025) 74 International & Comparative Law Quarterly 85 <https://doi.org/10.1017/S0020589325101218>

[2] Zhen Sun, 'Finding a Balance in the Exclusive Economic Zone' *Finding a Balance in the Exclusive Economic Zone: Conflict and Stability in the Law of the Sea* (Cambridge University Press 2025) <https://doi.org/10.1017/9781009471329.005> accessed 27 March 2026

[3] The East Sea is known internationally as the South China Sea and is also referred to as the West Philippine Sea.

[4] Robert Beckman, 'The South China Sea Disputes: How States Can Clarify Their Maritime Claims: Flashpoints, Turning Points and Trajectories' *The South China Sea Disputes* (2017) <https://doi.org/10.1142/9789814704984_0012>

Islands, are indicative of the underlying volatility in the region. This volatility can be attributed to the intricate interplay of overlapping sovereign rights and jurisdiction across vast maritime domains among coastal states, namely Vietnam, China, the Philippines, Malaysia, and Brunei[5]. The crux of this rupture within the regional security and legal architecture is a fierce collision between two diametrically opposed jurisprudential paradigms. One theoretical framework staunchly defends a transparent, objective, and rules-based global order, rigorously quantified by geographic distance criteria and geological characteristics in strict adherence to UNCLOS normative standards[6]. In contrast, the opposing paradigm is characterised by the rise of hegemonic claims based on coercive power and unilateral historical interpretations. These claims are most clearly expressed in the illegal nine-dash line and the illegal doctrine of historic rights[7]. Such claims, which are of an exorbitant nature, are in direct opposition to the quantitative legal benchmarks that have been enshrined in Article 121 of UNCLOS with regard to the regime of islands. This is driven by an overarching objective to territorialise international waters and unlawfully misappropriate the legitimate maritime entitlements of coastal States[8].

The systematic erosion of the international legal architecture in the East Sea is acutely exacerbated by the ascendance of grey-zone tactics[9]. These coercive strategies are meticulously calibrated to operate strictly below the threshold of armed conflict. They ruthlessly exploit juridical ambiguities to incrementally alter the status quo de facto, deliberately engineered to circumvent the invocation of the inherent right to legitimate military self-defence[10]. The weaponisation of maritime militia forces, the systematic intimidation targeting lawful offshore hydrocarbon operations, and the pervasive reclamation and militarisation of artificial features have fundamentally fractured strategic trust among regional actors[11]. In order to navigate this intricate geopolitical matrix, it is necessary to rigorously interpret and adhere to the principle of good faith as enshrined in Article 300 of UNCLOS. This must be combined with the operationalisation of the obligation to negotiate provisional arrangements pursuant to Articles 74(3) and 83(3). These elements have become the indispensable jurisprudential prism through which the veritable conduct and strategic calculus of international actors must be appraised[12].

Vietnam, with its extensive coastline and strategic position at the geopolitical epicentre of the East Sea, has been subjected to expansionist maritime assertions. This provides a case study in the operationalisation of legal self-defence[13]. The nation has orchestrated a profound epistemological paradigm shift within its juridical doctrine, transcending a traditionally continental, defensive posture of territorial safeguarding to embrace a comprehensive strategy of national governance by the rule of law across its maritime domain[14]. This strategic trajectory is characterised by the rigorous internalisation of UNCLOS provisions into the domestic legal architecture, most notably expressed through the 2013 Constitution and the 2012 Law of the Sea of Vietnam. Concurrently, the customary principle of pacta sunt servanda has been elevated from mere diplomatic rhetoric to a constitutionally binding legal imperative[15].

---

[5] Clive Schofield, 'Untangling a Complex Web: Understanding Competing Maritime Claims in the South China Sea' in Cheng-Yi Lin and Ian Storey (eds), *The South China Sea Dispute: Navigating Diplomatic and Strategic Tensions* (Cambridge University Press 2017) <https://www.cambridge.org/core/books/south-china-sea-dispute/untangling-a-complex-web-understanding-competing-maritime-claims-in-the-south-china-sea/5CAA47D4B7C8AA97FD35CF9B2D2E73AA> accessed 27 March 2026

[6] Nguyen Dang Nghia, 'Settlement of South China Sea Disputes via Arbitral Tribunals Constituted under Annex VII to the 1982 UNCLOS' Special Issue 01, 2021 Journal of Procuratorial Science (Hanoi Procuratorate University).

[7] 'Limits in the Seas No. 150. People's Republic of China: Maritime Claims in the South China Sea' <https://www.state.gov/wp-content/uploads/2022/01/LIS150-SCS.pdf>; Sophia Kopela, 'Historic Titles and Historic Rights in the Law of the Sea in the Light of the South China Sea Arbitration' (2017) 48 Ocean Development & International Law 181 <https://doi.org/10.1080/00908320.2017.1298948>

[8] BJIL, 'UNCLOS Verdict on South China Sea – Lessons for India?' (18 October 2022) <https://www.berkeleyjournalofinternationallaw.com/post/unclos-verdict-on-south-china-sea-lessons-for-india> accessed 27 March 2026

[9] Yue Ma (마월) and Bonyun Gu (구본윤), 'China's Gray Zone Strategy: The Case of South China Sea Conflict (중국의 회색지대 전략: 남중국해 분쟁 사례를 중심으로)' (2023) 13 Asia Review (아시아리뷰) 31 <https://doi.org/10.24987/SNUACAR.2023.8.13.2.31>; Rob McLaughlin, 'The Law of the Sea and Grey Zone Operations in the South China Sea' <https://www.rsis.edu.sg/wp-content/uploads/2022/04/IP22025.pdf>

[10] Lorenz Langer, 'The South China Sea as a Challenge to International Law and to International Legal Scholarship' (BJIL 2018) <https://doi.org/10.15779/Z389882N33> accessed 27 March 2026

[11] Kapil Bhatia, 'Coercive Gradualism Through Gray Zone Statecraft in the South China Seas: China's Strategy' <https://ndupress.ndu.edu/Media/News/News-Article-View/Article/1676965/coercive-gradualism-through-gray-zone-statecraft-in-the-south-china-seas-chinas/> accessed 27 March 2026

[12] Nguyen Ba Dien, 'Modern International Law of the Sea: Role, Challenges and Proposals' (2021) Vol. 37 VNU Journal of Science: Legal Studies <https://doi.org/https://doi.org/10.25073/2588-1167/vnuls.4350>

[13] Mai Hoa, 'The Strategic Significance of the South China Sea and the Question of Viet Nam's Sovereignty' [2014] Democracy and Law Journal <https://danchuphapluat.vn/vi-tri-chien-luoc-cua-bien-dong-va-van-de-chu-quyen-cua-viet-nam-tren-bien-dong-3527.html> accessed 27 March 2026

[14] Hanh Nguyen, 'Vietnam and the Shift towards Maritime Security Cooperation' *Maritime Cooperation and Security in the Indo-Pacific Region* (Brill Nijhoff 2022) <https://doi.org/10.1163/9789004532847_019> accessed 27 March 2026

[15] Central Committee of the Communist Party of Vietnam, 'Resolution No. 27-NQ/TW dated November 9, 2022, of the

Furthermore, Vietnam has operationalised UNCLOS as a potent "dual-use instrument", thereby simultaneously consolidating the international legitimacy of its sovereign rights and jurisdiction while weaponising these norms to challenge and constrain exorbitant external claims[16]. This strategic posture is most clearly demonstrated in Vietnam's principled flexibility, emphasised by its proactive efforts to negotiate and conclude a series of maritime boundary delimitation agreements and pragmatic provisional arrangements with neighbouring states, including Malaysia, Indonesia, Thailand, and China [17]. Through diverse methodologies, including joint hydrocarbon development and fisheries management, as well as the delimitation of EEZs, Vietnam has empirically demonstrated that strict adherence to the principle of good faith serves as an effective catalyst for resolving deep-seated legal impasses, thereby transforming contested maritime overlaps into conduits for cooperation and mutual development[18].

The present article makes an attempt to meticulously and multidimensionally decode the paradigms through which Vietnam operationalises the principle of good faith and the mandate of provisional arrangements within the corpus of contemporary international law of the sea. A comprehensive and robust array of empirical data was subjected to rigorous analytical scrutiny. This data set included international jurisprudence, bilateral delimitation treaties, joint development modalities, and the strategic deployment of lawfare as manifested in the battle of notes verbales [19] alongside scientific submissions to the Commission on the Limits of the Continental Shelf (CLCS)[20]. The analysis elucidates Vietnam's substantive contributions to the jurisprudential reservoir of international law. Of paramount significance is the study's in-depth examination of how Vietnam interprets and applies Article 121(3) of UNCLOS, strategically wielding it as a juridical mechanism to circumscribe the spatial scope of the disputed maritime domain[21].

The present article employs a comparative and systemic lens to broaden the discursive horizon, thereby offering an evaluation of the strategic and policy ramifications for the Association of Southeast Asian Nations (ASEAN). In an era where the traditional ASEAN Way, inherently predicated upon consensus-building and non-interference, increasingly exposes its structural limitations under the weight of hegemonic pressure, this research scrutinises the potential for elevating the Declaration on the Conduct of Parties in the South China Sea (DOC) and the trajectory of the Code of Conduct (COC) negotiations. The central argument of this thesis is that the future COC must be configured as a strictly legally binding "Implementing Agreement" within the purview of Article 123 of UNCLOS concerning semi-enclosed seas. This would forge a regional security architecture that is transparent, equitable, and firmly anchored in the rule of law[22].

2. Research Method

In order to systematically interrogate the core research problematic, this study employs a pluralistic legal research methodology. The core research problematic is concerned with the mechanisms through which Vietnam operationalises the principles of good faith (Article 300) and provisional arrangements (Articles 74 and 83 of UNCLOS) into binding state practice, alongside the institutional ramifications this normative architecture entails for ASEAN.

Sixth Plenum of the 13th Central Committee of the Communist Party of Vietnam' (*tulieuvankien.dangcongsan.vn*, 9 November 2022) <https://tulieuvankien.dangcongsan.vn/he-thong-van-ban/van-ban-cua-dang/nghi-quyet-so-27-nqtw-ngay-09112022-hoi-nghi-lan-thu-sau-ban-chap-hanh-trung-uong-dang-khoa-xiii-ve-tiep-tuc-xay-dung-va-9016> accessed 27 March 2026; Central Committee of the Communist Party of Vietnam, 'Resolution No. 36-NQ/TW dated October 22, 2018, of the Eighth Plenum of the Party Central Committee' (*tulieuvankien.dangcongsan.vn*, 22 October 2018) <https://tulieuvankien.dangcongsan.vn/he-thong-van-ban/van-ban-cua-dang/nghi-quyet-so-36-nqtw-ngay-22102018-hoi-nghi-lan-thu-tam-ban-chap-hanh-trung-uong-dang-khoa-xii-ve-chien-luoc-phat-trien-ben-4810> accessed 27 March 2026

[16] Vo Ngoc Diep, 'Vietnam's Note Verbale on the South China Sea' (*Asia Maritime Transparency Initiative*, 5 May 2020) <https://amti.csis.org/vietnams-note-verbale-on-the-south-china-sea/> accessed 27 March 2026

[17] Manh Dong, 'Maritime Delimitation between Vietnam and Her Neighboring Countries' <https://www.un.org/depts/los/nippon/unnff_programme_home/alumni/tokyo_alumni_presents_files/alum_tokyo_dong.pdf>; 'Vietnam Tacks Between Cooperation and Struggle in the South China Sea | International Crisis Group' (7 December 2021) <https://www.crisisgroup.org/rpt/asia-pacific/china/318-vietnam-tacks-between-cooperation-and-struggle-south-china-sea> accessed 27 March 2026

[18] Nguyen Hong Thao and Ramses Amer, 'Managing Vietnam's Maritime Boundary Disputes' (2007) 38 Ocean Development & International Law 305 <https://doi.org/10.1080/00908320701530482>

[19] Damos Dumoli Agusman, 'The Battle of Notes Verbales and the Future of the South China Sea: An Indonesia's Perspective' in Lan Anh T Nguyen and Hai Dang Vu (eds), *Viability of UNCLOS amid Emerging Global Maritime Challenges* (Springer Nature 2025) <https://doi.org/10.1007/978-981-97-5838-8_12> accessed 27 March 2026

[20] UN, 'Commission on the Limits of the Continental Shelf (CLCS) Outer Limits of the Continental Shelf beyond 200 Nautical Miles from the Baselines: Submissions to the Commission: Submission by the Socialist Republic of Viet Nam 2009' (2009) <https://www.un.org/depts/los/clcs_new/submissions_files/submission_vnm_37_2009.htm> accessed 28 March 2026; UN, 'Commission on the Limits of the Continental Shelf (CLCS) Outer Limits of the Continental Shelf beyond 200 Nautical Miles from the Baselines: Submissions to the Commission: Submission by the Socialist Republic of Viet Nam 2024' (2024) <https://www.un.org/depts/los/clcs_new/submissions_files/submission_vnm_95_2024.htm> accessed 3 April 2026

[21] Nguyen Dien and others, 'The Note Verbale Battle over the East Sea (2019–2024): An Unprecedented Legal-Diplomatic Fight in Modern World History' (2025) 11 35.

[22] Lan Anh T Nguyen and Hai Dang Vu (eds), *Viability of UNCLOS amid Emerging Global Maritime Challenges* (Springer Nature Singapore 2025) <https://doi.org/10.1007/978-981-97-5838-8> accessed 9 March 2026

The article goes beyond the epistemological limitations of mere descriptive analysis by integrating normative doctrinal inquiry with qualitative empirical assessments of State conduct. This integration enables the capture of the dynamic essence of law in action.

Moreover, the analytical framework is fundamentally anchored in the customary rules of treaty interpretation as codified in Articles 31 and 32 of the 1969 Vienna Convention on the Law of Treaties (VCLT). This jurisprudential construct functions as the paramount hermeneutic lens to decode the intricate normative interplay between the obligation of conduct inherent in the negotiation of provisional arrangements and the overarching imperative to forestall the abuse of rights.

In the pursuit of methodological transparency, empirical verifiability, and the rigorous parameterisation of the data corpus, this research synthesises positive-law and conceptual frameworks, operationalised through a bifurcated data collection strategy.

Firstly, a source-driven strategy is systematically applied to legal instruments and international jurisprudence. This phase involves a thorough textual analysis of UNCLOS (particularly Articles 74, 83, 123, and 300), the 2012 Law of the Sea of Vietnam, and the relevant judicial reasoning established by international adjudicatory bodies concerning the regime of maritime zones and the obligation of good faith.

Secondly, a content-driven strategy, underpinned by purposive sampling techniques, is executed to appraise specific state practice. The qualitative data reveals three bilateral treaties, which are emblematic of distinct technical modalities inherent in provisional arrangements and definitive maritime delimitation. These are the 1992 Vietnam-Malaysia Memorandum of Understanding (a commercial joint development model), the 2000 Vietnam-China Gulf of Tonkin Fishery Cooperation Agreement (a cooperative ecosystem management paradigm), and the 2022 Vietnam-Indonesia Exclusive Economic Zone Delimitation Agreement (a dual-boundary configuration).

Concurrently, a conceptual approach is employed to deconstruct the juridical nature of ASEAN's regional mechanisms, specifically the Declaration on the Conduct of Parties in the South China Sea (DOC) and the prospective Code of Conduct (COC).

Employing qualitative analysis driven by inductive reasoning, this study transcends a mere chronological recounting of legal milestones to systematically distil a replicable normative framework derived from Vietnam's bilateral State practice. This conceptual construct is then utilised to evaluate the legal viability of elevating ASEAN's political consensus, currently encapsulated in the DOC, into a strictly legally binding Implementing Agreement pursuant to Article 123 of UNCLOS, thereby institutionalising and safeguarding regional stability.

3. Results and Discussion

By situating Vietnam's State practice within a rigorous doctrinal dialogue alongside contemporary legal scholarship and international jurisprudence, this research decodes the inherent friction between law in books and law in action, concurrently exposing the critical normative lacunae that pervade the governance architecture of the vital maritime domain in the East Sea.

3.1 Normative foundations and judicial practice: The interplay of good faith and provisional arrangements

Rather than a static tableau of mathematical demarcations, international maritime delimitation law constitutes a dynamic evolution, necessitating sustained, responsible, and bona fide interaction among sovereign states. Doctrinal inquiry indicates that in scenarios where States with opposite or adjacent coasts fail to achieve a definitive delimitation agreement, Articles 74(3) and 83(3) of the UNCLOS, pertaining to the exclusive economic zone and the continental shelf respectively, are engineered to function as the juridical backbone for preserving regional order and peace[23]. It is evident that the provisions under discussion are couched in identical phraseology, thereby mandating a bifurcated set of strictly binding legal obligations upon member states. The first obligation is a positive obligation of conduct, which requires States to "make every effort, in a spirit of understanding and cooperation, to enter into provisional arrangements of a practical nature". The second obligation is a negative obligation of restraint, whereby States, during this transitional period, shall refrain from "jeopardising or hampering the reaching of the final agreement"[24].

The epistemological divide that permeates contemporary legal doctrine is predominantly concerned with the precise conceptualisation of the juridical nature of these obligations. A robust jurisprudential consensus, as established by prominent legal scholars and modern international adjudicatory bodies, definitively demonstrates that the mandate to negotiate provisional arrangements under UNCLOS constitutes an obligation of conduct, rather than an obligation of result[25]. This dichotomous classification system is of profound pragmatic and normative significance. The obligation of result stipulates that a state is bound to achieve a stipulated objective. One such objective could be the obligatory conclusion of a delimitation treaty. In the event that this objective is not met, it is considered a breach of international law ipso facto[26]. Conversely, an obligation of conduct, as delineated by the International Law Commission (ILC), compels a State to deploy appropriate means, necessitating the rigorous exercise of due diligence and the undertaking of proactive measures underpinned by

[23] British Institute of International and Comparative Law, *Report on the Obligations of States under Articles 74(3) and 83(3) of UNCLOS in Respect of Undelimited Maritime Areas / British Institute of International and Comparative Law* (British Institute of International and Comparative Law 2016) <https://www.biicl.org/documents/29_1192_report_on_the_obligations_of_states_under_articles_743_and_833_of_unclos_in_respect_of_undelimited_maritime_areas.pdf>

[24] ibid.

[25] YouLin Zhao, 'Obligation to Negotiate in Resolving Maritime Delimitation Disputes' (2018) 3 Asian Law & Public Policy Review 252 <https://doi.org/10.55662/ALPPR.2018.302>

[26] Alice Ollino (ed), 'The Nature of Due Diligence Obligations' *Due Diligence Obligations in International Law* (Cambridge University Press 2022) <https://doi.org/10.1017/9781009053082.003> accessed 27 March 2026

an authentic animus of good faith[27].

Contemporary judicial trends across international adjudicatory bodies have robustly fortified this doctrinal posture. In the case of the maritime delimitation dispute between Ghana and Côte d'Ivoire, the International Tribunal for the Law of the Sea (ITLOS) delivered a definitive ruling, asserting the obligation of States to engage in meaningful and substantive negotiations[28]. However, it is crucial to note that the Tribunal provided a significant caveat to this principle. Specifically, it was stated that a State does not inherently violate international law merely because negotiations ultimately fail to yield the counterparty's anticipated outcome. This is contingent upon the State's genuine and bona fide intent during the negotiations, and the absence of purposefully engineered claims that serve as an a priori veto[29]. The inherent nature of this obligation of conduct demands the establishment of consultative mechanisms and the transparent dissemination of information, categorically prohibiting any manifestation of intransigence or the arbitrary repudiation of diplomacy[30].

It is precisely at this delicate nexus, between rigorous negotiating endeavours and their legitimate rupture, that the principle of good faith codified in Article 300 of UNCLOS emerges as the paramount mechanism of jurisprudential control[31]. Article 300 stipulates the following: "*Good faith and abuse of rights: States Parties shall fulfil in good faith the obligations assumed under this Convention and shall exercise the rights, jurisdiction and freedoms recognized in this Convention in a manner which would not constitute an abuse of right*"[32]. The execution of good faith in this context is of paramount importance and cannot be reduced to the level of a mere moral diplomatic exhortation. Rather, it constitutes an indispensable norm of hard law, operating as a juridical safeguard clause to guarantee that a State's discretionary latitude is not metamorphosed into an instrument of coercion to subjugate another sovereign entity[33].

However, authoritative doctrinal scholarship, as demonstrated in the reports of the British Institute of International and Comparative Law (BIICL), reveals a significant normative deficiency embedded within the UNCLOS framework. Specifically, the Convention conspicuously fails to prescribe explicit evaluative thresholds to quantify good faith, nor does it furnish an exhaustive catalogue of unilateral conducts that inherently jeopardize or hamper the reaching of a final agreement[34]. This constructive ambiguity, an inevitable byproduct of diplomatic accommodations forged during the UNCLOS III negotiations, has inadvertently engendered an expansive jurisprudential gray zone, ripe for exploitation by States harboring expansionist agendas[35].

In order to address this critical gap, international adjudicatory bodies have been compelled to assume a robust, norm-generating function. A watershed jurisprudential milestone in this evolutionary trajectory is the 2007 Award rendered by the Annex VII Arbitral Tribunal in Guyana v. Suriname[36]. In determining the legality of unilateral activities in undelimited maritime areas, the Tribunal established a paramount legal litmus test, delineating a clear dichotomy between two categories of State conduct: Unilateral activities inducing a permanent physical change to the marine environment, such as the emplacement of fixed drilling installations for commercial hydrocarbon exploitation, were categorically adjudged to constitute a material breach of the obligation not to jeopardise or hamper, as they irrevocably appropriate the resources of the disputed area. Conversely, less intrusive activities that do not alter the status quo, notably seismic surveys or marine scientific research (MSR), may fall within the realm of permissibility, provided the undertaking State acts with bona fide prior notification and a demonstrable readiness to share the acquired data with the counterpart[37]. It is evident that the aforementioned Award provides a substantial interpretative apparatus for smaller sovereign states to utilise in order to legally counteract the coercive and unilateral alteration of the *status quo*.

When applied to the actual circumstances of the East Sea, this shift in legal thinking has resulted in a worrying erosion of the principle of good faith. The unilateral orchestration of large-scale artificial island reclamation, the systematic militarisation of coral reef features, and the coercive deployment of coast guard armadas to forcibly obstruct the legitimate resource exploitation entitlements of adjacent coastal states within their 200-nautical-mile EEZs collectively epitomise quintessential manifestations of the

[27] Hua Zhang, 'The Development of International Law of the Sea by International Courts and Tribunals: A Case Study of Due Diligence Obligation' (2021) 9 The Korean Journal of International and Comparative Law 132 <https://doi.org/10.1163/22134484-12340150>

[28] British Institute of International and Comparative Law, *Report on the Obligations of States under Articles 74(3) and 83(3) of UNCLOS in Respect of Undelimited Maritime Areas / British Institute of International and Comparative Law* (British Institute of International and Comparative Law 2016) <https://www.biicl.org/documents/29_1192_report_on_the_obligations_of_states_under_articles_743_and_833_of_uncl os_in_respect_of_undelimited_maritime_areas.pdf>

[29] Eirini Erasmia-Fasia, 'Delimitation of the Maritime Boundary in the Atlantic Ocean (Ghana/Côte d'Ivoire)' (*Oxford Public International Law*) <https://opil.ouplaw.com/display/10.1093/law-epil/9780199231690/law-9780199231690-e2254> accessed 27 March 2026

[30] Vereinte Nationen (ed), *Handbook on the Delimitation of Maritime Boundaries* (United Nations 2000).

[31] Hyun Jung Kim and Anne Thida Norodom, 'An Appraisal of Article 300 of the United Nations Convention on the Law of the Sea' (2022) 53 Ocean Development & International Law 214 <https://doi.org/10.1080/00908320.2022.2107965>

[32] UN, 'United Nations Convention on the Law of the Sea' <https://www.un.org/depts/los/convention_agreements/texts /unclos/unclos_e.pdf>

[33] Nguyen and Vu (n 22).

[34] British Institute of International and Comparative Law (n 28).

[35] George Barrie, 'The 1982 United Nations Law of the Sea Convention: Unresolved Issues Remain' (2021) 42 Obiter 529 <https://doi.org/10.10520/ejc-obiter_v42_n3_a5>

[36] Benoît de Tréglodé, 'Maritime Boundary Delimitation and Sino-Vietnamese Cooperation in the Gulf of Tonkin (1994-2016)' (2016) 2016 China Perspectives 33 <https://doi.org/10.4000/chinaperspectives.7030>

[37] British Institute of International and Comparative Law (n 28).

abuse of rights. Such actions represent a blatant disregard for the fundamental obligation "not to jeopardise or hinder" the achievement of a definitive agreement, as explicitly stipulated in Articles 74(3), 83(3), and 300 of UNCLOS[38]. In addition to causing irreversible damage to fragile marine ecosystems, these meticulously calibrated grey-zone strategies effectively prevent any possibility of genuine diplomatic negotiations, thereby transforming regional cooperative frameworks into a mere facade for hegemonic power projection[39].

Within this complex geopolitical landscape, the rigorous examination of Vietnam's state practice is of exceptional doctrinal significance. Vietnam has deliberately charted an alternative, rule-based trajectory, eschewing the perilous paradigm of military escalation or the reciprocal mirroring of unlawful conduct via retaliation in kind[40]. The State has consistently implemented Articles 74, 83, and 300 of UNCLOS as the prevailing normative framework, thereby methodically "civilianizing" and "legalizing" its sovereign defense posture [41]. By elevating the imperative of international legal compliance to the zenith of constitutional principle, enshrined within the 2013 Constitution, and comprehensively transposing the UNCLOS regimes into the 2012 Law of the Sea of Vietnam, the nation has effectively forged a flawless domestic microcosm of the "Constitution for the Oceans." This absolute congruence between domestic jurisprudence and international law preemptively nullifies any allegations of an abuse of rights. Concurrently, it metamorphoses strict legal adherence into the most formidable jurisprudential weapon to invalidate exorbitant external claims, thereby safeguarding the foundational integrity of the maritime legal order[42].

3.2 Vietnam's state practice in joint development and cooperative management

The operationalisation of provisional arrangements in Vietnam is not merely rhetorical political commitments; it is a tangible manifestation of a succession of bilateral treaties characterised by pioneering legislative craftsmanship. The State has adopted a principled approach, eschewing the perilous zero-sum, winner-takes-all paradigms that are symptomatic of ultra-nationalist postures. This strategic jurisprudence effectively transposes the abstract normative mandates of Articles 74 and 83 of UNCLOS into pragmatic, functional paradigms of resource governance. Consequently, the empirical case studies derived from Vietnam's maritime boundary delimitations with neighbouring states have substantially enriched the jurisprudential reservoir and the corpus of state practice within the international law of the sea.

The commercial joint development paradigm - The 1992 Vietnam-Malaysia agreement

Representing one of the earliest and most efficacious global operationalisations of the mandate encapsulated in Article 83(3) of UNCLOS, the 1992 Memorandum of Understanding (MOU) forged between the Government of the Socialist Republic of Vietnam and the Government of Malaysia regulates the joint exploration and exploitation of hydrocarbon resources in the Gulf of Thailand [43]. The maritime theatre in question is distinguished by its distinct geomorphological configuration as a shallow and constricted semi-enclosed sea. This results in a complex convergence of overlapping continental shelf entitlements asserted by multiple littoral states [44]. Avoiding the risky option of subjecting an area of approximately 2,800 square nautical miles (equivalent to 7,200 km²), with significant hydrocarbon potential, to long-term legal uncertainty and loss of resources due to ongoing legal disputes, the two governments cleverly defined defined area to operationalise a practical joint development mechanism[45].

The governance architecture of the 1992 MOUs is characterised by the deliberate adoption of a Joint Venture/Commercial Arrangement paradigm [46]. The Vietnamese and Malaysian models diverge starkly from the precedent set by the Malaysia-Thailand joint venture, which necessitated the constitution of a cumbersome, supranational Joint Authority fraught with profound jurisdictional entanglements. In contrast, the Vietnamese and Malaysian models were characterised by pragmatism, with direct operational mandates devolved to their respective state-owned petroleum instrumentalities, PetroVietnam (PVN) and Petronas. Consequently, these national corporate entities are entrusted with the collaborative execution of in situ field operations, systematically operationalised through the

[38] Nguyen Bao Han Tran, 'Vietnam Policy Proposal on Enhanced Non-Aligned Hedging in the South China Sea' (*Synergy: The Journal of Contemporary Asian Studies*, 5 January 2026) <https://utsynergyjournal.org/2026/01/04/vietnam-policy-proposal-on-enhanced-non-aligned-hedging-in-the-south-china-sea/> accessed 9 March 2026

[39] Damos Dumoli Agusman, 'The Battle of Notes Verbales and the Future of the South China Sea: An Indonesia's Perspective' in Lan Anh T Nguyen and Hai Dang Vu (eds), *Viability of UNCLOS amid Emerging Global Maritime Challenges* (Springer Nature 2025) <https://doi.org/10.1007/978-981-97-5838-8_12> accessed 27 March 2026

[40] Cadet Brandon Tran, 'Sino-Vietnamese Defense Relations' (*Army University Press*) <https://www.armyupress.army.mil/Journals/Military-Review/English-Edition-Archives/March-April-2025/Sino-Vietnamese-Defense-Relations/> accessed 9 March 2026

[41] Nguyen Bao Han Tran (n 38).

[42] Le Duc Hanh, 'The Implementation of the 1982 UNCLOS: Viet Nam's Contributions to the Sustainable Development of Seas and Oceans' [2022] National Defence Journal - Ministry of National Defence of Vietnam <https://tapchiqptd.vn/vi/bao-ve-to-quoc/thuc-thi-cong-uoc-lien-hop-quoc-ve-luat-bien-nam-1982-va-dong-gop-cua-viet-nam-trong-phat-/19639.html> accessed 27 March 2026

[43] Keyuan Zou, 'Seeking Joint Development in the East China Sea' *Maritime Cooperation in Semi-Enclosed Seas* (Brill Nijhoff 2019) <https://doi.org/10.1163/9789004396630_007> accessed 9 March 2026

[44] Manh Dong (n 17).

[45] ibid.

[46] David M Ong, 'Joint Exploitation Areas' [2011] Oxford Public International Law <https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e648> accessed 9 March 2026

juridical framework of Production Sharing Contracts (PSCs)[47].

The fundamental tenet underpinning the efficacy of this model is the absolute 50-50 pro rata sharing of investment capital, geological risks, and, most crucially, the derived revenues[48]. This equitable fiscal mechanism effectively neutralises unilateral competitive incentives, the race to the pump phenomenon frequently plaguing cross-border hydrocarbon reservoirs. Of greater significance is the fact that Article 2 of the 1992 MOU meticulously internalises the "without prejudice" clause of UNCLOS, explicitly affirming that commercial activities conducted within the Defined Area do not constitute a legal precedent or in any way impair the sovereign positions of either party[49]. This provides compelling empirical evidence in support of the theory of the softening of territorial conflicts through functional economic intertwinement, thereby paving the way for regional collective prosperity[50].

Ecosystem governance and fisheries management - The 2000 Gulf of tonkin agreement

Distinguished from seabed minerals by their inherent fixity, marine living resources (fisheries) are characterised by a perpetually migratory nature, inextricably contingent upon a unitary organic ecosystem. The 2000 Agreement on Fishery Cooperation in the Gulf of Tonkin between Vietnam and China, which came into effect in 2004, constitutes a pioneering provisional arrangement designed to mitigate resource depletion across a shared maritime expanse of approximately 44,238 km². This area is home to an impressive biodiversity, including over 920 fish species[51].

The Delimitation Agreement established a single maritime boundary encompassing both the EEZ and the continental shelf. However, both States recognised that artificial demarcations are functionally incapable of impeding the transboundary migration of fish stocks[52]. Consequently, the Fishery Agreement established a Common Fishery Zone (CFZ), extending 30.5 nautical miles from the delimitation line on each side (constrained from the 20°N parallel southward)[53]. This domain is subject to the institutional oversight of a Joint Fishery Committee, which is tasked with the rigorous regulation of annual vessel quotas, conservation standards, and the adjudication of enforcement measures against non-compliance[54].

The delimitation of the Gulf of Tonkin exemplifies a masterclass in Vietnamese legal statecraft, wherein the rigid pursuit of maximum entitlements was subordinated to a pragmatic, concession-based application of equitable principles. The island of Bach Long Vi is located in close proximity to the median line and has a permanent population. Theoretically, this justifies maximal maritime projections, which could result in a significant shift in the delimitation boundary towards China's Hainan[55]. It was recognised that an uncompromising insistence on full insular effect would inevitably paralyse negotiations, and thus Vietnam adopted a long-term strategic posture. In a clear demonstration of its bona fides, Vietnam proactively discounted its jurisdictional claims, acquiescing to a 25% partial effect for Bach Long Vi and a 50% half-effect for Con Co in the geometric construction of the boundary[56]. This dynamic led to a highly proportionate allocation of territory, with Vietnam receiving 53.23% of the area against China's 46.77%[57]. This bilateral treaty constitutes a compelling precedent in the law of the sea, affirming that states can selectively waive the full maritime reach of unquestionable Article 121(2) features to secure a definitive, overarching equitable solution[58].

In accordance with a commitment to preserving the empirical integrity of the data corpus, the study also documents objective accounts that expose the pragmatic limitations of the CFZ in situ. When considered away from rigorous scientific application, the coordinated maritime

[47] ibid.

[48] Zou (n 43).

[49] Tien Thanh, 'Petrovietnam and Petronas Sign the Heads of Agreement for the Block PM3 CAA Petroleum Contract' [2025] Vietnam Trade and Industry Review <https://tapchicongthuong.vn/petrovietnam-va-petronas-ky-thoa-thuan-nguyen-tac-chinh-hop-dong-dau-khi-lo-pm3-caa-139233.htm> accessed 28 March 2026

[50] Truong Thuy Tran, 'Balancing over the Sea of Trouble: Vietnam's Maritime Security Challenges and Responses' (Stiftung Wissenschaft und Politik (SWP) và Konrad-Adenauer-Stiftung (KAS) 2015) <https://www.swp-berlin.org/assets/swp/projects/BCAS2015_Tran_Truong_Thuy_Web.pdf>

[51] Isaac B Kardon, 'The Other Gulf of Tonkin Incident: China's Forgotten Maritime Compromise' (*Asia Maritime Transparency Initiative*, 21 October 2015) <https://amti.csis.org/the-other-gulf-of-tonkin-incident-chinas-forgotten-maritime-compromise/> accessed 28 March 2026

[52] 'Agreement between the Socialist Republic of Viet Nam and the People's Republic of China on the Delimitation of the Territorial Sea, the Exclusive Economic Zone and the Continental Shelf of the Two Countries in the Gulf of Tonkin' <https://vnembassy-thehague.mofa.gov.vn/documents/d/guest/ubbg-hiep-inh-giua-nuoc-cong-hoa-xa-hoi-chu-nghia-viet-nam-va-nuoc-cong-hoa-nhan-dan-trung-hoa-ve-phan-inh-lanh-hai-vung-ac-quyen-kinh-te-va-them-luc-ia-trong-vinh-bac-bo-pdf> accessed 9 March 2026

[53] 'Vietnam Tacks Between Cooperation and Struggle in the South China Sea | International Crisis Group' (n 17).

[54] Keyuan Zou, 'Sino-Vietnamese Fishery Agreement for the Gulf of Tonkin' (2002) 17(1) The International Journal of Marine and Coastal Law <https://doi.org/10.1163/15718080220493334> accessed 28 March 2026

[55] Nguyen Thi Hong Van, 'The Principle of Equity in Maritime Delimitation: Practice and Application' [2022] State and Law Review <https://scholar.dlu.edu.vn/thuvienso/bitstream/DLU123456789/182581/1/CVv213S152022013.pdf>

[56] 'Agreement between the Socialist Republic of Viet Nam and the People's Republic of China on the Delimitation of the Territorial Sea, the Exclusive Economic Zone and the Continental Shelf of the Two Countries in the Gulf of Tonkin' (n 52).

[57] ibid.

[58] 'Appendix B: Agreement between the Socialist Republic of Viet Nam and the People's Republic of China on the Delimitation of the Territorial Sea, Exclusive Economic Zone and Continental Shelf between the Two Countries in the Tonkin Gulf' <https://faolex.fao.org/docs/pdf/bi-51871.pdf> accessed 9 March 2026

patrol and inspection apparatus is known to devolve into performative political choreography, as opposed to functioning as a substantive, highly specialised paradigm of ecosystem management. Consequently, localised instances of overexploitation are permitted to persist unabated [59]. Notwithstanding these functional deficits, the Agreement's stringent normative constraints proscribing the use of force against fishers during at-sea boardings and inspections have proven paramount. By legally restricting coercive enforcement measures, the treaty has significantly reduced the violent maritime conflicts and arbitrary vessel seizures that had been a cause of tension in regional geopolitics for many years[60].

The dual-boundary paradigm in the Vietnam-Indonesia maritime delimitation (2003 and 2022)

The southern maritime domain of the East Sea, situated between Vietnam and Indonesia, differs starkly from the Gulf of Tonkin paradigm. This domain has precipitated a formidable geomorphological conundrum. The subsequent decades of protracted diplomatic negotiations exposed a profound jurisprudential fracture: Vietnam's maritime entitlement was initially predicated on the classic doctrine of the natural prolongation of the continental margin. Conversely, Indonesia, operating under the legal regime of an archipelagic state, anchored its counter-claims strictly upon the distance criterion projected from its archipelagic baselines[61].

Despite the initial success of the two States in concluding a continental shelf delimitation agreement in 2003, the subsequent apportionment of the Exclusive Economic Zone (EEZ) remained unresolved for a further two decades (2010–2022), largely due to entrenched differences concerning traditional fishing entitlements[62]. The eventual conclusion of the EEZ Delimitation Agreement in December 2022 signalled the genesis of a dual maritime regimes paradigm [63]. Rather than imposing a single maritime boundary, the two States have pragmatically accommodated objective geographical realities, stipulating a 2022 EEZ boundary that is displaced northward relative to the 2003 continental shelf demarcation[64].

This deliberate bifurcation engenders a de jure jurisdictional gray zone: within a precisely delineated overlapping sector, Vietnam exercises sovereign rights strictly over the hydrocarbon and mineral resources of the seabed and subsoil, whereas Indonesia concurrently wields jurisdiction and exploitation rights over the marine living resources (fisheries) inhabiting the superjacent water column[65]. While this stratified institutional architecture poses formidable operational complexities in situ, necessitating uninterrupted interoperability between the respective Coast Guard contingents to preempt wrongful interdictions, its politico-juridical dividends are incalculable. Beyond the primary objective of safeguarding the socioeconomic livelihoods of affected fishing communities, it has the potential to establish a unified jurisprudential front between two pivotal ASEAN member states. This could result in the direct nullification and categorical severance of the spatial ambit of the unlawful nine-dash line claim asserted by a third party over this maritime area in the East Sea[66].

In summary, both juridical data and empirical evidence converge to unequivocally establish that Vietnam's strategic posture does not constitute a derogation of foundational principles. Instead, it is characterised by a sophisticated form of diplomatic statecraft, firmly grounded in scientific principles, the concept of proportionality, and an unwavering commitment to the rule of law. The subsequent section of this article will elucidate how Vietnam strategically wields the strict technical provisions of UNCLOS to juridically dismantle coercive stratagems in the East Sea.

3.3 The interpretation and application of article 121(3) of UNCLOS in Vietnam's practice

While maintaining an unwavering receptivity to provisional arrangements and equitable delimitation treaties with UNCLOS-compliant neighbouring states, Vietnam has concurrently engineered a methodical and proactive lawfare front to counter expansionist incursions and the subversion of international law aimed at establishing hegemonic dominance over the East Sea[67]. This significant paradigm shift, marked by a transition from reactive diplomatic posturing to the strategic weaponisation of international law as an asymmetric instrument designed to systematically dismantle the adversary's pseudo-legal façade, can be considered a hallmark achievement of Vietnamese diplomatic statecraft in the period following the 2016 South China Sea Arbitral Award[68].

---

[59] 'Vietnam Tacks Between Cooperation and Struggle in the South China Sea | International Crisis Group' (n 17).

[60] Keyuan Zou (n 54).

[61] Rhaptyalyani Herno Della and Tanan Kuntasa, 'Conflict of Maritime Delimitation in Exclusive Economic Zone (EEZ) between Indonesia and Vietnam' (2024) 6 Journal of Maritime Studies and National Integration 117 <https://doi.org/10.14710/jmsni.v6i2.13635>

[62] Nguyen Hong Thao, 'Indonesia- Vietnam Maritime Delimitation: From Single-Line to Double-Line' in Nguyen Hong Thao and Vu Hai Dang (eds), *Asia and UNCLOS 30 Years' Implementation: An Assessment* (Springer Nature 2024) <https://doi.org/10.1007/978-981-97-1556-5_12> accessed 28 March 2026

[63] ibid.

[64] ibid.

[65] Aristyo Rizka Darmawan and John Bradford, 'IP25070 | Problematic Stall: Indonesia-Vietnam EEZ Maritime Delimitation Agreement' [2026] S. Rajaratnam School of International Studies (RSIS), Nanyang Technological University <https://rsis.edu.sg/rsis-publication/idss/ip25070-problematic-stall-indonesia-vietnam-eez-maritime-delimitation-agreement/> accessed 28 March 2026

[66] Thao (n 62).

[67] Viet D Trinh, 'Vietnam's Securitization of the 2014 Oilrig Crisis and its Pursuit of Political Legitimacy' (2025) Volume 25 International Relations of the Asia-Pacific <https://doi.org/https://doi.org/10.1093/irap/lcaf010> accessed 9 March 2026

[68] Leonardo Bernard, Lowell Bautista, Jane Chan, Và Nguyen Thi Lan Anh., 'The Use of "Lawfare" in the South China Sea Disputes: Views from the Philippines, Vietnam, and Indonesia' (2024) Blue Security: A Maritime Affairs Series. La Trobe University <https://www.latrobe.edu.au/asia/documents-la-trobe-asia/blue-security-07.pdf>; Office of the Staff Judge Advocate, 'U.S. Protests China's Maritime Claims in the

The fundamental legal principles that underpin maritime disputes in the East Sea are inherently linked to the interpretation and practical application of the legal regime governing maritime features, as set out in Article 121 of UNCLOS[69]. Despite its brevity, comprising a mere three paragraphs, this pivotal provision wields the dispositive normative authority to dictate the legality of a coastal State's sovereign rights and jurisdiction over millions of square kilometres of maritime domain. Paragraphs 1 and 2 unequivocally stipulate that a naturally formed "island" possesses the inherent capacity to generate a territorial sea, an EEZ, and a continental shelf. Conversely, functioning as a critical normative constraint, Article 121(3) mandates: "*Rocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf*" [70]. For many years, the definitional ambiguity surrounding the thresholds of "economic life" and "human habitation" has been systematically exploited by certain states. This calculated manipulation aims to transfigure diminutive coral reefs into features of exorbitant jurisdictional entitlements[71].

The 2016 Arbitral Award was instrumental in resolving this long-standing jurisprudential ambiguity by establishing an exceptionally evaluative threshold [72]. The Tribunal definitively concluded that the capacity for human habitation is contingent upon the inherent natural carrying capacity of the feature, with particular emphasis on freshwater and arable soil. It is important to note that this capacity cannot be synthetically contrived via artificial land reclamation, the deployment of desalination infrastructure, or the perpetual logistical resupply of military garrisons from the mainland[73]. Consequently, any subsequent artificial interventions engineered to expand or morphologically augment a feature are legally ineffective in altering its original, naturally formed legal classification[74].

The strategic paradigm shift witnessed by Vietnam was brought to fruition during the "Battle of Notes Verbales," a significant event that dominated the United Nations registry throughout the years 2019 and 2020. Malaysia's submission regarding the outer limits of the continental shelf in late 2019 was the catalyst for a cascading systemic reaction, drawing a multitude of great powers and coastal states into direct confrontation over legal language and normative interpretation[75].

This strategic trajectory is epitomised by Note Verbale No. 22/HC-2020, which was formally deposited by the Permanent Mission of Viet Nam to the United Nations on 30 March 2020[76]. The doctrinal and pragmatic aspects of this diplomatic instrument are not confined to its unequivocal reiteration of Viet Nam's indisputable historical and legal sovereignty over the Paracel (Hoang Sa) and Spratly (Truong Sa) archipelagos. Instead, the significance lies in the sophisticated legal art whereby Vietnam, for the first time, formally integrated and operationalised the standards established by the 2016 Arbitral Award within its own jurisprudential argumentation architecture [77]. Notwithstanding its non-party status to the 2016 arbitral proceedings, Vietnam utilised the foundational principle that the authoritative interpretation of a multilateral convention by a competent adjudicatory body projects a normative value, thereby generating implications for other States[78].

On that basis, Vietnam declares that the legal status of the geographical features comprising the Paracel and Spratly Islands, as determined by their natural conditions, is interpreted in accordance with Article 121(3) of UNCLOS 1982 [79]. This interpretation has significant geopolitical implications: First, it undermines the illegal “Four Sha” and “nine-dash line” claims, because when the features in the Spratly and Paracel Islands lack an EEZ, there is no legal basis for drawing maritime zones that overlap with the legitimate 200-nautical-mile EEZ measured from Vietnam’s continental baseline[80]. Second, it clarifies the area identified as disputed. Since the features have a maximum territorial sea of 12 nautical miles, the maritime areas beyond that range will have the status of international waters[81].

In the context of the Note Verbale warfare, it is evident that Vietnam has the capacity for rule-of-law-based statecraft. This assertion is substantiated by the nation's formal submissions to the Commission on the Limits of the Continental Shelf (CLCS), which delineate the outer limits of the continental shelf beyond 200 nautical miles. The 2009 Joint Submission with Malaysia (VNM-M), along with the 2024 Partial Submission for the Central Area (VNM-C), provide compelling empirical evidence of the strategic deployment of advanced geoscientific and bathymetric

South China Sea’ (2021) 97 International Law Studies <https://digital-commons.usnwc.edu/ils/vol97/iss1/14>

[69] Robin R Churchill, *Rocks* (Max Planck Encyclopedias of International Law 2019) <https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e1214> accessed 9 March 2026

[70] UN, ‘Preamble to the United Nations Convention on the Law of the Sea’ <https://www.un.org/depts/los/convention_agreements/texts/unclos/part8.htm> accessed 9 March 2026

[71] Robin R Churchill (n 69).

[72] Michael Sheng-ti Gau, ‘The Interpretation of Article 121(3) of UNCLOS by the Tribunal for the South China Sea Arbitration: A Critique’ (2019) 50 Ocean Development & International Law 49 <https://doi.org/10.1080/00908320.2018.1511083>

[73] Nguyen and Vu (n 22).

[74] Clive Schofield and David Freestone, ‘The Legal Regime of Islands after the South China Sea Award - Orphaned or Influential? An Essay in Honor of Ted L. McDorman’ (2024) 55 Ocean Development & International Law 565 <https://doi.org/10.1080/00908320.2024.2413612>

[75] Jonathan G. Odom, ‘The South China Sea Arbitration Award: Four Years On’ (2020) 33 ASEANFocus <https://doi.org/2424–8045>

[76] ‘Note Verbale No. 22/HC-2020’ <https://www.un.org/Depts/los/clcs_new/submissions_files/mys_12_12_2019/VN22HC-2020vn.pdf> accessed 28 March 2026

[77] Vo Ngoc Diep, ‘Vietnam’s Note Verbale on the South China Sea’ (*Asia Maritime Transparency Initiative*, 5 May 2020) <https://amti.csis.org/vietnams-note-verbale-on-the-south-china-sea/> accessed 9 March 2026

[78] Agusman (n 39).

[79] ‘Note Verbale No. 22/HC-2020’ (n 76).

[80] Jonathan G. Odom (n 75).

[81] ‘Vietnam Adds Voice, Calls for Restraint in Sea Row’ *nationthailand* (11 March 2024) <https://www.nationthailand.com/world/asean/40036272> accessed 9 March 2026

expertise, thereby irrevocably vindicating its sovereign rights[82].

3.4 ASEAN regional mechanisms: DOC and COC as implementing agreements

Vietnam's adept implementation of UNCLOS instruments within its national policy offers a pivotal empirical framework for critically evaluating and recalibrating the multilateral governance architecture of the Association of Southeast Asian Nations (ASEAN) in the East Sea. The ASEAN Way, as it has been termed, has endured across decades. This approach is characterised by its rigid adherence to non-interference, stringent consensus-building, and the prioritisation of informal diplomatic dialogues. This has ostensibly contributed to the preservation of regional stability[83]. However, the absence of effective sanctioning mechanisms, exacerbated by significant power imbalances, has functionally incapacitated the bloc's ability to take decisive collective action, thereby rendering its political commitments highly vulnerable to subversion by external divide and conquer strategies[84].

The 2002 Declaration on the Conduct of Parties in the South China Sea (DOC) is a foundational document within the contemporary regional governance architecture. Despite being frequently marginalised within legal scholarship due to its non-binding political nature [85], the DOC is fundamentally characterised by the quintessential characteristics of a regional 'provisional arrangement'.

Article 5 of the DOC, which stipulates that parties should exercise restraint in activities that could lead to the escalation of disputes, functions as the direct normative expression of the overarching obligation to avoid any actions that could jeopardise or hinder the achievement of a definitive agreement, as explicitly codified in Articles 74(3) and 83(3) of UNCLOS[86]. Vietnam's consistent legal stance asserts that adherence to the DOC is not merely a superficial diplomatic ritual; rather, it constitutes a derived obligation inherently flowing from the principle of good faith enshrined in Article 300 of UNCLOS[87]. Consequently, any unilateral conduct contravening Article 5 of the DOC, such as the massive artificial reclamation of maritime features or the coercive intimidation of legitimate economic operations, does not merely breach a regional political commitment. This constitutes a flagrant abuse of rights and a violation of international law[88].

Addressing the chronic enforcement deficit necessitates a radical transformation of the legal principles that underpin the Code of Conduct in the South China Sea (COC) negotiations. Contrary to the notion of a palliative DOC 2.0, contemporary jurisprudential discourse, in seamless alignment with Vietnam's resolute negotiating posture, unequivocally dictates the instrument's crystallization into a legally binding implementing agreement[89].

The establishment of such an instrument would serve the vital function of UNCLOS implementing agreements, similar to the 1994 Part XI Agreement, the 1995 UNFSA, and the recent BBNJ treaty, by translating broad normative frameworks into actionable, in situ governance [90]. Of particular significance is the geographical reality of the East Sea as a semi-enclosed sea, a factor which gives rise to the peremptory mandate of UNCLOS Article 123. This provision imposes an affirmative obligation on bordering states to cooperate in the management of resources and the environment. It unequivocally positions the COC as the statutory vehicle to operationalise this mandate[91].

The COC has been configured structurally as an implementing agreement. This endows it with the inherent capacity to promulgate granular crisis-management protocols while preserving the without prejudice principle regarding ultimate sovereignty adjudications [92]. In order to prevent an escalation of hostilities at sea, the instrument could consider the implementation of an expanded Code for Unplanned Encounters at Sea (CUES). This would include both coast guard contingents and maritime militias, as well as demarcating transboundary ecological conservation zones and standardising maritime search and rescue (SAR) procedures [93]. Most profoundly, the empirical practice

---

[82] UN, 'Commission on the Limits of the Continental Shelf (CLCS) Outer Limits of the Continental Shelf beyond 200 Nautical Miles from the Baselines: Submissions to the Commission: Submission by the Socialist Republic of Viet Nam 2009' (n 20); UN, 'Commission on the Limits of the Continental Shelf (CLCS) Outer Limits of the Continental Shelf beyond 200 Nautical Miles from the Baselines: Submissions to the Commission: Submission by the Socialist Republic of Viet Nam 2024' (n 20).

[83] Association of Southeast Asian Nations (ed), *The Asean Charter* (7. reprint, ASEAN Secretariat 2010) <https://asean.org/wp-content/uploads/images/archive/publications/ASEAN-Charter.pdf>

[84] Nattapat Limsiritong, Apiradee Springall and Onkanya Rojanawanichkij, 'The Difficulty of ASEAN Decision Making Mode on South China Sea Dispute: The ASEAN Charter Perspective' (2019) 3 Asian Political Science Review 25.

[85] Philippe Gautier, 'Non-Binding Agreements' [2022] Oxford Public International Law <https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e1444> accessed 28 March 2026.

[86] Nguyen and Vu (n 22).

[87] British Institute of International and Comparative Law (n 28).

[88] Basel Khaled al Saeed and others, ''The Application of the Law of the Sea in Enclosed and Semi-Enclosed Seas: A Path to Resolving the South China Sea Dispute' Vol. 30 International Journal of Business, Economics and Law <https://doi.org/ISSN%202289-1552>

[89] Dr LN Nguyen, 'The International Law of the Sea and the South China Sea Disputes' <https://research-portal.uu.nl/ws/files/266445906/Oude_Elferink_Nguyen_-_Final_report_as_published_.pdf>

[90] 'The United Nations Convention on the Law of the Sea'.

[91] Carlyle A. Thayer, 'ASEAN'S Code of Conduct in the South China Sea: A Litmus Test for Community-Building?' [2012] Asia-Pacific Journal: Japan Focus <https://apjjf.org/2012/10/34/carlyle-a-thayer/3813/article> accessed 28 March 2026; Basel Khaled al Saeed and others (n 88).

[92] Nguyen and Vu (n 22).

[93] Naomi Burke and Jill Barrett, 'Obligations of States under Articles 74(3) and 83(3) of UNCLOS in Respect of Undelimited Maritime Areas' [2016] British Institute of International and Comparative Law <https://www.biicl.org/projects/obligations-of-states-under-

derived from Vietnam's pioneering joint development and fisheries management paradigms (negotiated with Malaysia and China) furnishes invaluable doctrinal blueprints. These models demonstrate the operational viability of pro rata 50-50 revenue-sharing mechanisms and synchronised joint patrols within undelimited maritime expanses. Such functional architectures could be formally codified within the annexures of a finalized COC[94].

Vietnam's robust state practice engenders strategic imperatives for the ASEAN bloc. The notion of regional solidarity and institutional consensus, which are often discussed in political discourse, are only truly meaningful when firmly anchored in the principles established by UNCLOS. In order to ensure that the COC materialises as an efficacious and enforceable governance mechanism, it is recommended that the advocacy for embedding peaceful dispute settlement frameworks, specifically the explicit invocation of the compulsory adjudicative procedures mandated under Part XV of UNCLOS, be incorporated within the negotiating draft. This constitutes a sophisticated stratagem of forward legal defence[95]. This preemptive measure unequivocally ensures that any multilateral provisional arrangement operates strictly within the uncompromising ambit of international law. Consequently, it categorically forecloses the risk of the COC being co-opted and metamorphosed into a sub-regional regulatory instrument engineered to supplant, or progressively dilute, the universal normative standards of UNCLOS under the coercive weight of hegemonic pressure[96].

4. Conclusion

Vietnam's strategic paradigm shift within the East Sea, transitioning from a posture of traditional territorial defence to operating as a proactive architect of a rules-based maritime governance order, epitomises the normative resilience of international law in the twenty-first century. This article has systematically substantiated that the obligations of good faith, as codified in Article 300, synergised with the mandates to forge provisional arrangements of a practical nature under Articles 74(3) and 83(3) of UNCLOS, transcend mere rhetorical platitudes or utopian academic constructs. Conversely, upon being synchronously domesticated and operationalised through a doctrine of principled flexibility, these legal frameworks metamorphose into a bifurcated instrument. It is evident that the phenomenon under scrutiny simultaneously serves to establish international legitimacy for the State's administration of its existential maritime domain. Concurrently, it functions as an impenetrable legal bulwark that systematically restricts the spatial trajectory of unilateral expansionism.

A thorough evaluation of the theoretical implications of Vietnam's successful operationalisation of multifaceted delimitation and joint development paradigms, concluded with Malaysia, China, and Indonesia, provides a practice that enriches the doctrinal contours of the obligation of conduct under the international law of the sea. Empirical case studies demonstrate that discrepancies in geographical circumstances, historical contexts, or the distinct legal regimes governing the seabed and the superjacent water column can be resolved through the implementation of sophisticated institutional architectures. The dual-boundary paradigm and pro rata 50-50 revenue-sharing mechanisms are particularly noteworthy in this regard.

Turning to the pragmatic aspects of this confrontation, Vietnam's lawfare strategy in the East Sea has resulted in a systemic structural rupture to legally unsubstantiated historical claims. This was achieved by operationalising the rigorous evaluative thresholds of the 2016 Arbitral Award concerning the regime of rocks (Article 121(3)) via Note Verbale No. 22/HC-2020, synergistically coupled with transparent, geoscientific submissions to the Commission on the Limits of the Continental Shelf (CLCS). By "civilianising" and anchoring its boundary entitlements strictly within rigorous scientific parameters, Vietnam has effectively undermined the purported legitimacy of grey-zone coercive tactics, thereby resolutely safeguarding the spatial and juridical integrity of its lawful EEZ and continental shelf.

Notwithstanding the aforementioned theoretical and practical contributions, this article simultaneously identifies inherent systemic limitations. The genuine observance of legal obligations and the effective operationalisation of provisional arrangements are inextricably contingent upon mutual reciprocity among all state actors. As strategic trust is progressively eroded by significant power imbalances and unilateral actions that result in irreversible physical alterations to the status quo, bilateral mechanisms invariably reach their functional limit. It is precisely at this critical juncture that the intervention of a robust regional multilateral institutional architecture assumes an existential imperative.

In terms of policy implications, the empirical trajectory of Vietnam's state practice issues a compelling caveat to the ASEAN bloc: the traditional ASEAN Way paradigm, heavily predicated upon passive consensus-building and the proliferation of non-binding political declarations, has been rendered jurisprudentially and operationally insufficient to withstand the coercive pressures of the contemporary geopolitical theatre. In order to ensure the preservation of ASEAN centrality and to establish lasting regional peace, the bloc must transform diplomatic rhetoric into a robust institutional foundation.

Consequently, the culmination of the COC negotiations must transcend the illusory comfort of a superficial political compromise. Instead, it is imperative that it is meticulously formulated as a legally binding "Implementing Agreement" that expressly operationalises Article 123 of UNCLOS, which governs enclosed or semi-enclosed seas. In order to

articles-743-and-833-of-unclos-in-respect-of-undelimited-maritime-areas> accessed 9 March 2026

[94] Yi-Hsuan CHEN, 'South China Sea Tension on Fire: China's Recent Moves on Building Artificial Islands in Troubled Waters and Their Implications on Maritime Law' [2015] Maritime Safety and Security Law Journal <http://www.marsafelawjournal.org/wp-content/uploads/2015/11/MarSafeLaw_Journal_Issue_1-2015.pdf>

[95] Duong Van Huy, 'The ASEAN-China Negotiations on the South China Sea Code of Conduct (COC): Current Realities and Future Trajectories' [2023] Vietnam Journal of Social Sciences <https://doi.org/10.56794/KHXHVN.1(181).8-20>

[96] Huy Duong, 'A Fair and Effective Code of Conduct for the South China Sea' (*Asia Maritime Transparency Initiative*, 1 July 2015) <https://amti.csis.org/a-fair-and-effective-code-of-conduct-for-the-south-china-sea/> accessed 28 March 2026

achieve this objective, the COC must ensure the seamless integration of unequivocal technical benchmarks dictating self-restraint, granular frameworks for functional cooperation (notably the protection and preservation of the marine environment, and maritime search and rescue [SAR] operations), and, of paramount importance, a compulsory and legally binding dispute settlement mechanism.

Subsequent research should aim to explore uncharted scholarly territories by prioritising the quantitative assessment of joint development paradigms on the restoration of marine ecosystems. In addition, the feasibility of multilateral coast guard coalitions within the ASEAN framework should be rigorously interrogated. In an era of profound global volatility and systemic risk, the commitment to a "rule-of-law-oriented statecraft" and the adherence to the integrity of UNCLOS, which is unwavering, can be regarded as the most formidable paradigm for ontological survival. Vietnam's consistent strategic course in this regard forms a fundamental cornerstone for the design of a free, equitable and prosperous East Sea for successive generations.

5. References

1. Agreement between the Socialist Republic of Viet Nam and the People's Republic of China on the Delimitation of the Territorial Sea, the Exclusive Economic Zone and the Continental Shelf of the Two Countries in the Gulf of Tonkin. https://vnembassy-thehague.mofa.gov.vn/documents/d/guest/ubbg-hiep-inh-giua-nuoc-cong-hoa-xa-hoi-chu-nghia-viet-nam-va-nuoc-cong-hoa-nhan-dan-trung-hoa-ve-phan-inh-lanh-hai-vung-ac-quyen-kinh-te-va-them-luc-ia-trong-vinh-bac-bo-pdf. Accessed 9 March 2026
2. Agusman DD. The Battle of Notes Verbales and the Future of the South China Sea: An Indonesia's Perspective. In Lan Anh T Nguyen and Hai Dang Vu (eds), Viability of UNCLOS amid Emerging Global Maritime Challenges (Springer Nature 2025). Doi: https://doi.org/10.1007/978-981-97-5838-8_12. Accessed 27 March 2026
3. ——. The Battle of Notes Verbales and the Future of the South China Sea: An Indonesia's Perspective' in Lan Anh T Nguyen and Hai Dang Vu (eds), Viability of UNCLOS amid Emerging Global Maritime Challenges (Springer Nature 2025). Doi: https://doi.org/10.1007/978-981-97-5838-8_12. Accessed 27 March 2026
4. Appendix B: Agreement between the Socialist Republic of Viet Nam and the People's Republic of China on the Delimitation of the Territorial Sea, Exclusive Economic Zone and Continental Shelf between the Two Countries in the Tonkin Gulf. https://faolex.fao.org/docs/pdf/bi-51871.pdf. Accessed 9 March 2026
5. Aristyo Rizka Darmawan, John Bradford. 'IP25070 | Problematic Stall: Indonesia-Vietnam EEZ Maritime Delimitation Agreement' [2026] S. Rajaratnam School of International Studies (RSIS), Nanyang Technological University. https://rsis.edu.sg/rsis-publication/idss/ip25070-problematic-stall-indonesia-vietnam-eez-maritime-delimitation-agreement/. Accessed 28 March 2026
6. Association of Southeast Asian Nations (ed). The Asean Charter (7. reprint, ASEAN Secretariat 2010). https://asean.org/wp-content/uploads/images/archive/publications/ASEAN-Charter.pdf
7. Barrie G. The 1982 United Nations Law of the Sea Convention: Unresolved Issues Remain. Obiter. 2021; 42:529. Doi: https://doi.org/10.10520/ejc-obiter_v42_n3_a5
8. Basel Khaled Al Saeed, et al. The Application of the Law of the Sea in Enclosed and Semi-Enclosed Seas: A Path to Resolving the South China Sea Dispute' Vol. 30 International Journal of Business, Economics and Law. Doi: https://doi.org/ISSN%202289-1552
9. Beckman R. The South China Sea Disputes: How States Can Clarify their Maritime Claims: Flashpoints, Turning Points and Trajectories. The South China Sea Disputes, 2017. Doi: https://doi.org/10.1142/9789814704984_0012
10. BJIL. UNCLOS Verdict on South China Sea - Lessons for India? October 18, 2022. https://www.berkeleyjournalofinternationallaw.com/post/unclos-verdict-on-south-china-sea-lessons-for-india. Accessed 27 March 2026
11. British Institute of International and Comparative Law. Report on the Obligations of States under Articles 74(3) and 83(3) of UNCLOS in Respect of Undelimited Maritime Areas / British Institute of International and Comparative Law. British Institute of International and Comparative Law, 2016. https://www.biicl.org/documents/29_1192_report_on_the_obligations_of_states_under_articles_743_and_833_of_unclos_in_respect_of_undelimited_maritime_areas.pdf
12. ——. Report on the Obligations of States under Articles 74(3) and 83(3) of UNCLOS in Respect of Undelimited Maritime Areas / British Institute of International and Comparative Law. British Institute of International and Comparative Law, 2016. https://www.biicl.org/documents/29_1192_report_on_the_obligations_of_states_under_articles_743_and_833_of_unclos_in_respect_of_undelimited_maritime_areas.pdf
13. Bueger C, Edmunds T, Stockbruegger J. UNCLOS under Fire: Recalibrating Maritime Security Governance. International & Comparative Law Quarterly. 2025; 74:85. Doi: https://doi.org/10.1017/S0020589325101218
14. Cadet Brandon Tran. Sino-Vietnamese Defense Relations. Army University Press. https://www.armyupress.army.mil/Journals/Military-Review/English-Edition-Archives/March-April-2025/Sino-Vietnamese-Defense-Relations/. Accessed 9 March 2026
15. Carlyle A Thayer. ASEAN'S Code of Conduct in the South China Sea: A Litmus Test for Community-Building? Asia-Pacific Journal: Japan Focus, 2012. https://apjjf.org/2012/10/34/carlyle-a-thayer/3813/article. Accessed 28 March 2026
16. Central Committee of the Communist Party of Vietnam. Resolution No. 36-NQ/TW dated October 22, 2018, of the Eighth Plenum of the Party Central Committee. (tulieuvankien.dangcongsan.vn, 22 October 2018) <https://tulieuvankien.dangcongsan.vn/he-thong-van-ban/van-ban-cua-dang/nghi-quyet-so-36-nqtw-ngay-22102018-hoi-nghi-lan-thu-tam-ban-chap-hanh-trung-

uong-dang-khoa-xii-ve-chien-luoc-phat-trien-ben-4810> accessed 27 March 2026
17. ——. Resolution No. 27-NQ/TW dated November 9, 2022, of the Sixth Plenum of the 13th Central Committee of the Communist Party of Vietnam. (tulieuvankien.dangcongsan.vn, 9 November 2022) <https://tulieuvankien.dangcongsan.vn/he-thong-van-ban/van-ban-cua-dang/nghi-quyet-so-27-nqtw-ngay-09112022-hoi-nghi-lan-thu-sau-ban-chap-hanh-trung-uong-dang-khoa-xiii-ve-tiep-tuc-xay-dung-va-9016> accessed 27 March 2026
18. David M Ong. Joint Exploitation Areas. Oxford Public International Law, 2011. https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e648. Accessed 9 March 2026
19. Della RH, Kuntasa T. Conflict of Maritime Delimitation in Exclusive Economic Zone (EEZ) between Indonesia and Vietnam. Journal of Maritime Studies and National Integration. 2024; 6:117. Doi: https://doi.org/10.14710/jmsni.v6i2.13635
20. Dien N, et al. The Note Verbale Battle over the East Sea (2019-2024): An Unprecedented Legal-Diplomatic Fight in Modern World History. 2025; 11:35.
21. Diep VN. Vietnam's Note Verbale on the South China Sea. Asia Maritime Transparency Initiative, May 5, 2020. https://amti.csis.org/vietnams-note-verbale-on-the-south-china-sea/. Accessed 27 March 2026
22. ——. Vietnam's Note Verbale on the South China Sea. Asia Maritime Transparency Initiative, May 5, 2020. https://amti.csis.org/vietnams-note-verbale-on-the-south-china-sea/. Accessed 9 March 2026
23. Duong H. A Fair and Effective Code of Conduct for the South China Sea. Asia Maritime Transparency Initiative, July 1, 2015. https://amti.csis.org/a-fair-and-effective-code-of-conduct-for-the-south-china-sea/. Accessed 28 March 2026
24. Duong Van Huy. The ASEAN-China Negotiations on the South China Sea Code of Conduct (COC): Current Realities and Future Trajectories. Vietnam Journal of Social Sciences, 2023. Doi: https://doi.org/10.56794/KHXHVN.1(181).8-20
25. Eirini Erasmia-Fasia. Delimitation of the Maritime Boundary in the Atlantic Ocean (Ghana/Côte d'Ivoire). Oxford Public International Law. https://opil.ouplaw.com/display/10.1093/law-epil/9780199231690/law-9780199231690-e2254. Accessed 27 March 2026
26. Gau MS. The Interpretation of Article 121(3) of UNCLOS by the Tribunal for the South China Sea Arbitration: A Critique. Ocean Development & International Law. 2019; 50:49. Doi: https://doi.org/10.1080/00908320.2018.1511083
27. Jonathan G Odom. The South China Sea Arbitration Award: Four Years On. ASEANFocus. 2020; 33. Doi: https://doi.org/2424–8045
28. Kapil Bhatia. Coercive Gradualism Through Gray Zone Statecraft in the South China Seas: China's Strategy. https://ndupress.ndu.edu/Media/News/News-Article-View/Article/1676965/coercive-gradualism-through-gray-zone-statecraft-in-the-south-china-seas-chinas/. Accessed 27 March 2026
29. Kardon IB. The Other Gulf of Tonkin Incident: China's Forgotten Maritime Compromise. Asia Maritime Transparency Initiative, October 21, 2015. https://amti.csis.org/the-other-gulf-of-tonkin-incident-chinas-forgotten-maritime-compromise/. Accessed 28 March 2026
30. Keyuan Zou. Sino-Vietnamese Fishery Agreement for the Gulf of Tonkin. The International Journal of Marine and Coastal Law. 2002; 17(1). Doi: https://doi.org/10.1163/15718080220493334. Accessed 28 March 2026
31. Kim HJ, Norodom AT. An Appraisal of Article 300 of the United Nations Convention on the Law of the Sea. Ocean Development & International Law. 2022; 53:214. Doi: https://doi.org/10.1080/00908320.2022.2107965
32. Kopela S. Historic Titles and Historic Rights in the Law of the Sea in the Light of the South China Sea Arbitration. Ocean Development & International Law. 2017; 48:181. Doi: https://doi.org/10.1080/00908320.2017.1298948
33. Langer L. The South China Sea as a Challenge to International Law and to International Legal Scholarship. BJIL, 2018. Doi: https://doi.org/10.15779/Z389882N33. Accessed 27 March 2026
34. Le Duc Hanh. The Implementation of the 1982 UNCLOS: Viet Nam's Contributions to the Sustainable Development of Seas and Oceans. National Defence Journal - Ministry of National Defence of Vietnam, 2022. https://tapchiqptd.vn/vi/bao-ve-to-quoc/thuc-thi-cong-uoc-lien-hop-quoc-ve-luat-bien-nam-1982-va-dong-gop-cua-viet-nam-trong-phat-/19639.html. Accessed 27 March 2026
35. Leonardo Bernard, Lowell Bautista, Jane Chan, Và Nguyen Thi Lan Anh. The Use of "Lawfare" in the South China Sea Disputes: Views from the Philippines, Vietnam, and Indonesia. Blue Security: A Maritime Affairs Series. La Trobe University, 2024. https://www.latrobe.edu.au/asia/documents-la-trobe-asia/blue-security-07.pdf
36. Limits in the Seas No. 150. People's Republic of China: Maritime Claims in the South China Sea. https://www.state.gov/wp-content/uploads/2022/01/LIS150-SCS.pdf
37. Limsiritong N, Springall A, Rojanawanichkij O. The Difficulty of ASEAN Decision Making Mode on South China Sea Dispute: The ASEAN Charter Perspective. Asian Political Science Review. 2019; 3:25.
38. Ma Y, Gu B. China's Gray Zone Strategy: The Case of South China Sea Conflict (중국의 회색지대 전략: 남중국해 분쟁 사례를 중심으로). Asia Review (아시아리뷰). 2023; 13:31. Doi: https://doi.org/10.24987/SNUACAR.2023.8.13.2.31
39. Mai Hoa. The Strategic Significance of the South China Sea and the Question of Viet Nam's Sovereignty. Democracy and Law Journal, 2014. https://danchuphapluat.vn/vi-tri-chien-luoc-cua-bien-dong-va-van-de-chu-quyen-cua-viet-nam-tren-bien-dong-3527.html. Accessed 27 March 2026
40. Manh Dong. Maritime Delimitation between Vietnam and Her Neighboring Countries. https://www.un.org/depts/los/nippon/unnff_programme_home/alumni/tokyo_alumni_presents_files/alum_tokyo_dong.pdf

41. McLaughlin R. The Law of the Sea and Grey Zone Operations in the South China Sea. https://www.rsis.edu.sg/wp-content/uploads/2022/04/IP22025.pdf
42. Naomi Burke, Jill Barrett. Obligations of States under Articles 74(3) and 83(3) of UNCLOS in Respect of Undelimited Maritime Areas. British Institute of International and Comparative Law, 2016. https://www.biicl.org/projects/obligations-of-states-under-articles-743-and-833-of-unclos-in-respect-of-undelimited-maritime-areas. Accessed 9 March 2026
43. Nguyen Ba Dien. Modern International Law of the Sea: Role, Challenges and Proposals. VNU Journal of Science: Legal Studies. 2021; 37. Doi: https://doi.org/https://doi.org/10.25073/2588-1167/vnuls.4350
44. Nguyen Bao Han Tran. Vietnam Policy Proposal on Enhanced Non-Aligned Hedging in the South China Sea. Synergy: The Journal of Contemporary Asian Studies, January 5, 2026. https://utsynergyjournal.org/2026/01/04/vietnam-policy-proposal-on-enhanced-non-aligned-hedging-in-the-south-china-sea/. Accessed 9 March 2026
45. Nguyen Dang Nghia. Settlement of South China Sea Disputes via Arbitral Tribunals Constituted under Annex VII to the 1982 UNCLOS. Journal of Procuratorial Science (Hanoi Procuratorate University). 2021; 1.
46. Nguyen DLN. The International Law of the Sea and the South China Sea Disputes. https://research-portal.uu.nl/ws/files/266445906/Oude_Elferink_Nguyen_-_Final_report_as_published_.pdf
47. Nguyen H. Vietnam and the Shift towards Maritime Security Cooperation. Maritime Cooperation and Security in the Indo-Pacific Region (Brill Nijhoff 2022). https://doi.org/10.1163/9789004532847_019. Accessed 27 March 2026
48. Nguyen LAT, Vu HD (eds). Viability of UNCLOS amid Emerging Global Maritime Challenges. Springer Nature Singapore, 2025. Doi: https://doi.org/10.1007/978-981-97-5838-8. Accessed 9 March 2026
49. Nguyen Thi Hong Van. The Principle of Equity in Maritime Delimitation: Practice and Application. State and Law Review, 2022. https://scholar.dlu.edu.vn/thuvienso/bitstream/DLU123456789/182581/1/CVv213S152022013.pdf
50. Note Verbale No. 22/HC-2020. https://www.un.org/Depts/los/clcs_new/submissions_files/mys_12_12_2019/VN22HC-2020vn.pdf> accessed 28 March 2026
51. Ollino A (ed). The Nature of Due Diligence Obligations. Due Diligence Obligations in International Law, Cambridge University Press, 2022. Doi: https://doi.org/10.1017/9781009053082.003. Accessed 27 March 2026
52. Philippe Gautier. Non-Binding Agreements. Oxford Public International Law, 2022. https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e1444. Accessed 28 March 2026
53. Robin R Churchill. Rocks (Max Planck Encyclopedias of International Law 2019). https://opil.ouplaw.com/display/10.1093/law:epil/9780199231690/law-9780199231690-e1214. Accessed 9 March 2026
54. Schofield C. Untangling a Complex Web: Understanding Competing Maritime Claims in the South China Sea' in Cheng-Yi Lin and Ian Storey (eds). The South China Sea Dispute: Navigating Diplomatic and Strategic Tensions, Cambridge University Press 2017. https://www.cambridge.org/core/books/south-china-sea-dispute/untangling-a-complex-web-understanding-competing-maritime-claims-in-the-south-china-sea/5CAA47D4B7C8AA97FD35CF9B2D2E73AA. Accessed 27 March 2026
55. Schofield C, Freestone D. The Legal Regime of Islands after the South China Sea Award - Orphaned or Influential? An Essay in Honor of Ted L. McDorman. Ocean Development & International Law. 2024; 55:565. Doi: https://doi.org/10.1080/00908320.2024.2413612
56. Staff Judge Advocate O. U.S. Protests China's Maritime Claims in the South China Sea. International Law Studies. 2021; 97. https://digital-commons.usnwc.edu/ils/vol97/iss1/14
57. Sun Z. Finding a Balance in the Exclusive Economic Zone. Finding a Balance in the Exclusive Economic Zone: Conflict and Stability in the Law of the Sea, Cambridge University Press, 2025. Doi: https://doi.org/10.1017/9781009471329.005. Accessed 27 March 2026
58. Thao NH. Indonesia- Vietnam Maritime Delimitation: From Single-Line to Double-Line. In Nguyen Hong Thao and Vu Hai Dang (eds), Asia and UNCLOS 30 Years' Implementation: An Assessment. Springer Nature, 2024. Doi: https://doi.org/10.1007/978-981-97-1556-5_12. Accessed 28 March 2026
59. Thao NH, Amer R. Managing Vietnam's Maritime Boundary Disputes. Ocean Development & International Law. 2007; 38:305. Doi: https://doi.org/10.1080/00908320701530482
60. The United Nations Convention on the Law of the Sea.
61. Tien Thanh. Petrovietnam and Petronas Sign the Heads of Agreement for the Block PM3 CAA Petroleum Contract. Vietnam Trade and Industry Review, 2025. https://tapchicongthuong.vn/petrovietnam-va-petronas-ky-thoa-thuan-nguyen-tac-chinh-hop-dong-dau-khi-lo-pm3-caa-139233.htm. Accessed 28 March 2026
62. Tran TT. Balancing over the Sea of Trouble: Vietnam's Maritime Security Challenges and Responses. (Stiftung Wissenschaft und Politik (SWP) và Konrad-Adenauer-Stiftung (KAS), 2015. https://www.swp-berlin.org/assets/swp/projects/BCAS2015_Tran_Truong_Thuy_Web.pdf
63. Tréglodé B De. Maritime Boundary Delimitation and Sino-Vietnamese Cooperation in the Gulf of Tonkin (1994-2016). China Perspectives, 2016, 33. Doi: https://doi.org/10.4000/chinaperspectives.7030
64. UN. United Nations Convention on the Law of the Sea. https://www.un.org/depts/los/convention_agreements/texts/unclos/unclos_e.pdf
65. ——. Commission on the Limits of the Continental Shelf (CLCS) Outer Limits of the Continental Shelf beyond 200 Nautical Miles from the Baselines: Submissions to the Commission: Submission by the Socialist Republic of Viet Nam 2009, 2009.

https://www.un.org/depts/los/clcs_new/submissions_files/submission_vnm_37_2009.htm. Accessed 28 March 2026
66. ——. Commission on the Limits of the Continental Shelf (CLCS) Outer Limits of the Continental Shelf beyond 200 Nautical Miles from the Baselines: Submissions to the Commission: Submission by the Socialist Republic of Viet Nam 2024, 2024. https://www.un.org/depts/los/clcs_new/submissions_files/submission_vnm_95_2024.htm. Accessed 3 April 2026
67. ——. Preamble to the United Nations Convention on the Law of the Sea. https://www.un.org/depts/los/convention_agreements/texts/unclos/part8.htm. Accessed 9 March 2026
68. Vereinte Nationen (ed), Handbook on the Delimitation of Maritime Boundaries, United Nations, 2000.
69. Viet D Trinh. Vietnam's Securitization of the 2014 Oilrig Crisis and its Pursuit of Political Legitimacy. International Relations of the Asia-Pacific. 2025; 25. Doi: https://doi.org/https://doi.org/10.1093/irap/lcaf010. Accessed 9 March 2026
70. Vietnam Adds Voice, Calls for Restraint in Sea Row. Nationthailand, March 11, 2024. https://www.nationthailand.com/world/asean/40036272. Accessed 9 March 2026
71. Vietnam Tacks Between Cooperation and Struggle in the South China Sea | International Crisis Group, December 7, 2021. https://www.crisisgroup.org/rpt/asia-pacific/china/318-vietnam-tacks-between-cooperation-and-struggle-south-china-sea. Accessed 27 March 2026
72. Yi-Hsuan CHEN. South China Sea Tension on Fire: China's Recent Moves on Building Artificial Islands in Troubled Waters and Their Implications on Maritime Law. Maritime Safety and Security Law Journal, 2015. http://www.marsafelawjournal.org/wp-content/uploads/2015/11/MarSafeLaw_Journal_Issue_1-2015.pdf
73. Zhang H. The Development of International Law of the Sea by International Courts and Tribunals: A Case Study of Due Diligence Obligation. The Korean Journal of International and Comparative Law. 2021; 9:132. Doi: https://doi.org/10.1163/22134484-12340150
74. Zhao Y. Obligation to Negotiate in Resolving Maritime Delimitation Disputes. Asian Law & Public Policy Review. 2018; 3:252. Doi: https://doi.org/10.55662/ALPPR.2018.302
75. Zou K. Seeking Joint Development in the East China Sea. Maritime Cooperation in Semi-Enclosed Seas. Brill Nijhoff, 2019. Doi: https://doi.org/10.1163/9789004396630_007. Accessed 9 March 2026