

Research on Legal Practice of Maritime Cooperation Between China and Vietnam

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Abstract: This paper examines the legal practice of maritime cooperation between China and Vietnam, with a focus on the regulatory frameworks, institutional mechanisms, and legal principles governing their collaboration. The foundation of this cooperation is built on both bilateral and regional frameworks, particularly the China-Vietnam Comprehensive Strategic Partnership and China-ASEAN maritime collaboration. Over the years, legal mechanisms and cooperation frameworks have been established, reinforced by extensive high-level consensus and steady progress in low-sensitivity maritime cooperation. However, significant legal challenges persist, particularly in defining maritime jurisdiction, resolving disputes, and coordinating policies.

Given the growing importance of marine economic development and resource exploitation for China's economic growth, the study of China-Vietnam maritime cooperation is both timely and essential. While existing research largely focuses on China-ASEAN cooperation as a whole or specific maritime issues, there is relatively little systematic analysis of the current status and development of China-Vietnam maritime cooperation. A deeper understanding of bilateral cooperation trends is crucial for advancing pragmatic collaboration and safeguarding China's maritime interests.

From a legal perspective, China and Vietnam have established maritime cooperation at both bilateral and multilateral levels, encompassing key areas such as shipping, fisheries, environmental protection, science and technology, and maritime delimitation. However, there remains a pressing need to enhance the overall intensity of cooperation and expand its scope. This paper explores the future prospects for China-Vietnam maritime

cooperation, emphasizing the necessity of comprehensive legal and strategic planning, the development of the Gulf of Tonkin as a pilot zone for legal experimentation, enhanced China-ASEAN legal coordination, and the role of legal discourse in shaping public and media narratives. Strengthening legal cooperation in maritime affairs will not only contribute to regional stability but also promote the rule of law in international maritime governance.

Keywords: Maritime Law; China-Vietnam Maritime Cooperation; Legal Frameworks; Dispute Resolution

1. The Foundation of China-Vietnam Maritime Cooperation

1.1 Bilateral Cooperation: China-Vietnam Comprehensive Strategic Partnership

China and Vietnam, both socialist countries, share significant common interests in political systems and ideological frameworks. As Vietnam's key neighboring country, China exerts profound political and economic influence. Following the normalization of bilateral relations, cooperation between the two countries has rapidly expanded in politics, economy, culture, and science and technology. Under the guidance of the Sixteen-Character Guideline and the Four Goods Spirit, the China-Vietnam comprehensive strategic partnership has been steadily advancing.^[1] Vietnam attaches great importance to its relationship with China, considering it a priority in its foreign policy. This unique bilateral relationship serves as a fundamental basis for maritime cooperation.

1.2 Regional Cooperation: China-ASEAN Relations and Maritime Collaboration

Since the establishment of dialogue relations, China and ASEAN have committed to peaceful coexistence, enhancing political mutual trust,

deepening economic cooperation, and increasing their international influence, thereby forming a community with a shared future.^[2] Alongside the progress in bilateral political trust and pragmatic cooperation, maritime cooperation has steadily developed. On November 4, 2002, the Declaration on the Conduct of Parties in the South China Sea (DOC) was signed, emphasizing the peaceful resolution of disputes, regional stability, and confidence-building through win-win cooperation. At the 2011 China-ASEAN Leaders' Summit, China established a 3 billion RMB Maritime Cooperation Fund to promote collaboration in maritime scientific research, environmental protection, combating transnational crime, connectivity, navigation safety, and search and rescue operations.

2. Current Status of China-Vietnam Maritime Cooperation

2.1 Establishment of Cooperation Frameworks and Mechanisms

In addition to the *Declaration on the Conduct of Parties in the South China Sea (DOC)*, China and Vietnam have developed a series of bilateral political frameworks and established cooperation mechanisms for maritime collaboration. Key agreements include the *Agreement on the Delimitation of the Gulf of Tonkin* and the *Agreement on Fishery Cooperation in the Gulf of Tonkin*, both signed in 2000, as well as the *Agreement on Basic Principles Guiding the Settlement of Maritime Issues between China and Vietnam* signed in 2011. The *Delimitation Agreement* and the *Fishery Cooperation Agreement* resolved the maritime boundary and fishery cooperation issues in the Gulf of Tonkin, stipulating that both sides should jointly manage fishery resources and establish a transboundary fishing zone with transitional arrangements.

Regarding oil and gas cooperation, both parties respect each other's rights in territorial waters, exclusive economic zones (EEZs), and continental shelves, recognizing each other's exploration and exploitation rights. The development of transboundary resources should be conducted through friendly consultations and joint development. The *Basic Principles Agreement* advocates resolving maritime issues through friendly negotiations, expanding common ground while narrowing differences, and advancing

negotiations on delimiting waters outside the Gulf of Tonkin as well as promoting joint development. It also emphasizes a "gradual approach, tackling easier issues first," particularly in cooperation on low-sensitivity areas.

In 2000, China and Vietnam signed the *Agreement on the Delimitation of Territorial Seas, Exclusive Economic Zones, and Continental Shelves in the Gulf of Tonkin between the People's Republic of China and the Socialist Republic of Vietnam*, which came into effect in 2004. The agreement defined the boundary line between the two countries in the Gulf of Tonkin, consisting of 21 coordinate points connected by 20 straight-line segments. The delimitation resulted in a roughly equal division of maritime areas between the two nations, achieving an equitable outcome satisfactory to both parties.^[3]

On April 29, 2004, the two countries signed the *Supplementary Protocol to the China-Vietnam Agreement on Fishery Cooperation in the Gulf of Tonkin*, which specified the scope and management of the transitional fishing zone. Additionally, the *Regulations on the Conservation and Management of Resources in the Common Fishery Zone of the Gulf of Tonkin* were signed. Within the common fishery zone, fishing activities were allowed for both Chinese and Vietnamese fishing vessels until June 30, 2019, after which the maritime boundary served as the fisheries demarcation line. The transitional fishing zone arrangement, which allowed joint fishing activities, expired on June 30, 2008, and was subsequently managed based on a median line. The boundary delimitation in the Gulf of Tonkin primarily followed a median line approach, resulting in Vietnam obtaining 53% of the maritime area while China received 47%. On the basis of this agreement, both countries signed the *Gulf of Tonkin Fishery Cooperation Agreement*, which defined the common fishery zone, transitional arrangement waters, and buffer zones for small-scale fishing boats, and established the China-Vietnam Gulf of Tonkin Fishery Joint Committee.

In 2011, China and Vietnam signed the *Agreement on Basic Principles Guiding the Settlement of Maritime Issues between China and Vietnam*, reaffirming the principle of "gradual progress, addressing easier issues

first" in resolving maritime disputes. The agreement aimed to steadily advance negotiations on the delimitation of waters outside the Gulf of Tonkin and promote joint development while enhancing cooperation in low-sensitivity areas such as marine environmental protection, scientific research, search and rescue, and disaster mitigation. In March 2015, the China-Vietnam joint working group on maritime development held in-depth discussions on the implementation of this agreement in Da Nang, Vietnam.

In December 2021, the two sides held consultations on signing a new *China-Vietnam Fishery Cooperation Agreement for the Gulf of Tonkin*. Regarding oil and gas cooperation, transboundary oil and gas exploration and development in the Gulf of Tonkin began in 2005, with national oil companies from both countries signing the *Agreement on Oil and Gas Cooperation in the Gulf of Tonkin*.

At present, China and Vietnam have established multiple consultation mechanisms for maritime cooperation:

1. Government-Level Border Negotiation Delegations – These delegations meet irregularly each year to exchange views on maritime issues and oversee three subordinate working groups on maritime affairs.
2. Working Group on Waters Outside the Gulf of Tonkin – As of 2021, this group had held 15 rounds of negotiations, focusing on boundary delimitation and joint development.
3. Working Group on Cooperation in Low-Sensitivity Maritime Areas – This group addresses cooperation in environmental protection, scientific research, search and rescue, and disaster mitigation.

2.2 Extensive Consensus Reached by High-Level Leadership

Through high-level visits and dialogues, China and Vietnam have reached a broad consensus on further deepening maritime cooperation under new circumstances and striving to identify common interests. In June 2013, during Vietnamese President Trương Tấn Sang's visit to China, the two countries signed the China-Vietnam Joint Statement, promoting cooperation in marine environmental protection, oceanographic research, and maritime search and rescue. On October 13, 2013, senior leaders from both nations issued the Joint Statement on Deepening

China-Vietnam Comprehensive Strategic Cooperation in the New Era in Hanoi, agreeing to establish a China-Vietnam joint working group on maritime joint development. They also committed to advancing cooperation projects in low-sensitivity maritime areas while effectively managing maritime disputes and refraining from actions that could complicate or escalate conflicts.

2.3 Steady Progress in Low-Sensitivity Maritime Cooperation

China-Vietnam maritime cooperation has primarily focused on low-sensitivity areas such as environmental protection, tourism, disaster early warning, maritime search and rescue, and security management. In 2003, the China-Vietnam Memorandum of Understanding on Cooperative Research on Marine Wave and Storm Surge Forecasting was signed between China's National Marine Environmental Forecasting Center and Vietnam's Marine Hydrometeorology Center, establishing a long-term scientific collaboration. On October 31, 2005, the China National Offshore Oil Corporation (CNOOC) and the Vietnam Oil and Gas Corporation signed the Framework Agreement on Oil and Gas Cooperation in the Gulf of Tonkin, laying the foundation for the development of oil and gas resources in disputed areas of the South China Sea. Earlier that year, in July, nine cities—Fangchenggang, Beihai, and Qinzhou in Guangxi, along with Zhanjiang, Maoming, and Yangjiang in Guangdong, as well as Haiphong and Ha Long in Vietnam—signed the Declaration on Tourism Cooperation in the Gulf of Tonkin Tourism Circle. On October 13, 2013, China and Vietnam signed the Agreement on Cooperative Research on Integrated Management of the Marine and Island Environment in the Gulf of Tonkin, establishing a consultation mechanism for maritime search and rescue centers.

Maritime cooperation in the Beibu Gulf has reached a relatively mature stage, with established mechanisms playing a significant role. The Beibu Gulf Fisheries Cooperation Committee is responsible for managing fisheries production and resource conservation, formulating annual production plans. The joint Beibu Gulf maritime law enforcement inspections ensure orderly fisheries activities and strengthen enforcement cooperation, while

the joint naval patrols help maintain maritime order and enhance military interaction between the two countries.^[4] Additionally, discussions within the Working Group on the Waters Outside the Beibu Gulf Mouth have focused on joint development. In 2012, China and Vietnam established three cooperation mechanisms, two of which pertain to maritime cooperation: the Expert Working Group on Low-Sensitivity Maritime Cooperation and the Working Group on Joint Maritime Development. Under the framework of low-sensitivity cooperation, projects such as the “Beibu Gulf Fisheries Resource Enhancement and Conservation Cooperation” and the “Beibu Gulf Marine and Island Environment Comprehensive Management Cooperation Study” have been implemented. Furthermore, both parties have explored the signing of the “China-Vietnam Maritime Search and Rescue Cooperation Agreement” and the establishment of a maritime fisheries emergency contact hotline. In 2016, the two countries’ coast guards established a working meeting mechanism to enhance law enforcement cooperation and communication. The China-Vietnam Working Group on the Waters Outside the Beibu Gulf Mouth and the Joint Maritime Development Consultation Working Group have emphasized the implementation of agreements reached by the two countries’ leaders, accelerating negotiations on maritime delimitation and oil and gas development, and advancing discussions on a new Beibu Gulf Fisheries Cooperation Agreement and oil and gas cooperation in undisputed waters. Overall, China and Vietnam have established a relatively comprehensive consultation mechanism on maritime issues, with multiple cooperation channels yielding tangible results.

3. Prospects for China-Vietnam Maritime Cooperation

The Joint Statement between the People's Republic of China and the Socialist Republic of Vietnam on Further Deepening and Enhancing the Comprehensive Strategic Cooperative Partnership and Building a China-Vietnam Community with a Shared Future of Strategic Significance highlights the agreement between both nations to engage in marine and island environmental governance, cooperation on fisheries resource enhancement

and conservation in the Gulf of Tonkin, and the expedited negotiation of a new Gulf of Tonkin Fishery Cooperation Agreement. Additionally, both sides aim to implement the maritime fisheries emergency contact hotline agreement, manage maritime disputes, and safeguard peace and stability in the South China Sea and the broader region.

Both parties remain committed to friendly consultations, reinforcing government-level boundary negotiation delegations and working groups to seek a long-term resolution in line with the Agreement on Basic Principles Guiding the Settlement of Maritime Issues between China and Vietnam, the United Nations Convention on the Law of the Sea (UNCLOS), and other relevant international legal frameworks.^[5] Efforts will be made to accelerate negotiations on joint maritime development and delimitation of the waters outside the Gulf of Tonkin, striving for tangible progress at an early stage. Both sides will continue to deepen cooperation in low-sensitivity maritime areas, enhance fisheries law enforcement and marine biological resource conservation in the South China Sea, strengthen collaboration on maritime search and rescue operations, and advance the full implementation of the Declaration on the Conduct of Parties in the South China Sea (DOC). Furthermore, based on mutual consensus, both parties seek to expedite the conclusion of a Code of Conduct in the South China Sea (COC) consistent with UNCLOS. To ensure stability, both nations will continue to utilize the DOC Senior Officials’ Meeting and Joint Working Group mechanisms to properly manage maritime disputes, prevent the escalation of tensions, and jointly maintain peace and order at sea.

4. Recommendations for Strengthening China-Vietnam Maritime Cooperation

The common aspirations of the Chinese and Vietnamese peoples for peace, stability, and prosperity necessitate higher standards for maritime cooperation. Guided by the consensus reached by national leaders, both sides should strengthen existing mechanisms, deepen bilateral communication, and effectively manage disputes to foster a favorable environment for expanding cooperation. Based on respective capacities and needs, China and Vietnam should continue

to promote new cooperation initiatives in maritime scientific research, fisheries, search and rescue operations, and maritime law enforcement.

4.1 Implementing Comprehensive and Strategic Planning

While pursuing bilateral maritime cooperation, China and Vietnam should also facilitate the implementation of additional cooperation projects within the DOC framework, thereby accelerating consultations on the COC. Both sides must rigorously adhere to the Agreement on Basic Principles Guiding the Settlement of Maritime Issues and actively negotiate joint development initiatives in the South China Sea.

The geographical scope of cooperation could be expanded beyond the Gulf of Tonkin to include the undelimited waters outside the bay, as well as the Paracel and Spratly Islands, extending further to coastal cities such as Guangxi, Hainan, and Guangdong. In terms of cooperation areas, the "gradual approach from easy to difficult" principle should be followed, prioritizing non-sensitive domains such as marine environmental protection, scientific research, search and rescue operations, disaster prevention, connectivity, tourism, and port transportation. Concurrently, efforts should be made to ensure Vietnam's effective implementation of existing agreements.

Given Vietnam's limited financial resources and experience in certain areas, China could adopt a "preemptive development" strategy to encourage Vietnam's active participation. Innovative cooperation models could be explored, such as increasing exchanges in the fisheries sector, facilitating procurement agreements between Chinese enterprises and Vietnamese fishermen, and providing technical and financial support. In more sensitive areas, such as international fisheries disputes, maritime security, military cooperation, and oil and gas exploration, cooperation should be advanced gradually, starting from lower levels before scaling up to more comprehensive engagements.

4.2 Using the Gulf of Tonkin as a Pilot Zone for China-Vietnam Maritime Cooperation

Given the severe depletion of fishery resources in the Gulf of Tonkin, traditional fishing management models are no longer viable. It is

worth exploring whether relevant authorities in both countries could regard the Gulf of Tonkin as a broader ecological zone, taking into account the livelihoods of coastal fishermen while developing new production and management models. The goal would be to establish a well-ordered, sustainably managed, and effectively governed marine ecosystem in the Gulf of Tonkin.^[6]

4.3 Actively Advancing China-ASEAN Cooperation

Following a "golden twenty years" of development, China-ASEAN relations have become increasingly robust. According to expert Arif Havas, ASEAN remains China's best platform for addressing challenges in the South China Sea. China should seize the opportunity presented by the "diamond decade" and the upgrading of the China-ASEAN Free Trade Area (CAFTA), leveraging the *Belt and Road Initiative (BRI)* to deepen maritime cooperation with ASEAN.^[7]

Although Vietnam joined ASEAN relatively late, it has since become a core member. By prioritizing cooperation with Vietnam, China can create a demonstration effect that facilitates broader maritime cooperation with other South China Sea littoral states, thereby adding momentum to the *BRI* strategy. Within the China-ASEAN framework, China should work with Vietnam, the Philippines, Malaysia, and Indonesia to establish a stable maritime cooperation mechanism while preventing external interference. At the same time, China should engage in dialogue with non-regional actors such as the United States, warning them against actions that infringe upon China's sovereignty. It is crucial to ensure that external powers adhere to their commitments of non-alignment while safeguarding freedom of navigation under international law.

4.4 Shaping Public Discourse and Media Narratives

In the information age, China should leverage newspapers, television, and the internet to strengthen public communication with Vietnam, fostering mutual understanding between the two nations. Only by effectively promoting and explaining China's policies can China earn Vietnam's respect and trust. Cooperation achievements should be positively

reported through mainstream media in both countries to prevent misunderstandings and guide public opinion.

While Chinese scholars have gained a stronger voice on South China Sea issues, further academic advancement is necessary. Expanding international cooperation and academic exchanges with experts from Asia, Europe, and the United States will help China strengthen its influence in global maritime discourse and defend its maritime rights.

Historical experience demonstrates that conflict does not resolve boundary disputes—only win-win cooperation can. China and Vietnam share similar political ideologies and maintain close economic and trade relations. By expanding consensus and effectively managing differences, the two nations can maintain peace and stability in the South China Sea, setting an example for regional cooperation. At the same time, while China should promote mutually beneficial cooperation, it must also apply appropriate pressure on Vietnam to prevent excessive actions that could harm bilateral relations.

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