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Vietnam's Legal Lawfare in the South China Sea: A Rules-Based Alternative to Power Politics

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Policy Brief

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Abstract

The South China sea Dispute has principally been addressed from the views of territorial sovereignty, maritime claims, and great power rivalry. Although there exists a lot of literature on the legal aspects of claims, limited literature is focused on the strategic use of international law by middle powers as a medium of foreign policy. By filling this research gap, the paper focuses on the role of legal diplomacy in Vietnam's South China Sea Strategy and aims to find out whether a rules-based approach can be an alternative to traditional realist power politics in managing a maritime conflict. The paper will attempt to answer two fundamental questions: How did Vietnam use international law to back its maritime claims and can legal diplomacy level off imbalanced power in South China Sea? The methodology consists of a doctrinal analysis and qualitative empirical research is adopted in this paper to provide a normative legal analysis as well as an analysis of primary documents and cases. The former will focus on treaty provisions, the arbitral jurisprudence and international law portions that are relevant to the case, the latter looks at diplomatic documents, state practice, such as Haiyang Shiyou 981 standoff. This paper attempts to provide that Vietnam has used legal lawfare as a strategy by using international law, emphasizing multilateralism and internationalizing the dispute.

Keywords: Vietnam, South China Sea, Legal Diplomacy, UNCLOS, ASEAN, International Law, Maritime Disputes



1. Introduction

The South China Sea serves as the principle place for intense geopolitical friction, resource competition, and overlapping sovereignty claims. Throughout this semi enclosed sea area, the contested Paracel and Spratly archipelagos are subject to competing claims of sovereignty and jurisdiction from many littoral states, with the socialist republic of Vietnam and people's republic of China being most prominent (H. T. Nguyen, 2012). The distribution of power in this dispute is deeply unequal, putting Vietnam, a developing state against China, emerging superpower nation that has increasingly deployed its material capabilities to assert dominance over the maritime space (Nyugen, 2022). To reveal its claims, Beijing has systematically engaged in a wide land reclamation, militarizing artificial features, and the deployment of maritime and paramilitary forces to enforce its expansive, legally unsupported "Nine-Dash Line" (ICG, 2021). This geopolitical landscape has triggered many classical and structural realist observers to conclude that the real power play is in raw power politics, that leaves behind small claimant states with little choice but to actually capitulate or explore external military alignments (Nguyen Dang, 2022). In contrast to realist expectations, Vietnam has not relied solely on traditional material balancing (Vinh, 2015). Instead, Hanoi has built a sophisticated foreign policy instrument known as legal diplomacy. (Borton & Ta, 2016) This strategic posture involves the mobilization of international Legal norms, treaties, and instruments, most notably, the 1982 UNCLOS to shape international narratives, build regional coalitions, and constrain unilateral assertiveness (Nyugen, 2022).

Legal diplomacy here in this context does not present a native adherence to abstract moral rules, albeit, it forms a type of "Strategic Legalism" designed to mitigate material vulnerability by changing the conflict from the play of raw power to the arena of Normative Legitimacy (Hurd, 2020). While there is sufficient existing scholarship on South China Sea that has extensively analysed the geopolitical dynamics of great power rivalry, and the technical doctrines of maritime delimitation, there is a Research Lacunae that concerns the empirical and qualitative operationalization of international law as a diplomatic tool by Developing claimant states (Vinh, 2015).

This paper draws emphasis on this gap by investigating two interrelated research question. First, how has Vietnam employed international legal norms and institutions to advance and legitimize its maritime claims in the South China Sea? Second, to what extent can legal diplomacy mitigate structural power asymmetries in the dispute? To address these, a mixed



doctrinal and qualitative empirical methodology has been employed. The doctrinal part conducts a rigorous analysis of the 1982 UNCLOS, international treaties, state practice, and the landmark 2016 South China Sea Arbitration Award. The qualitative empirical component uses documentary analysis of official Vietnamese diplomatic statements, Note Verbales, and ASEAN communiqués, using the 2014 Haiyang Shiyou-981 oil rig crisis as the primary case study.

By examining these dimensions, this paper determines that Vietnam's Legal diplomacy is not merely rhetorical, but rather serves as an active instrument of asymmetric statecraft (Borton & Ta, 2016). Vietnam has successfully produced a rules-based alternative to power politics via rejection of China's historical claims and alignment with UNCLOS. This strategy in particular has allowed Hanoi to defend its exclusive economic zone and the continental shelf, mobilize international support, and preserve its sovereign rights without triggering a frontal military conflict with its larger neighbour (ICG, 2021). In doing this, Vietnam's diplomatic practice provides important theoretical and empirical insights into the capacity of international law to structure and reshape the parameters of regional security and maritime order (Hurd, 2015).

2. Theoretical and Conceptual Framework

In order to understand the operational dynamics of the legal diplomacy of Vietnam, it becomes necessary to locate the strategy at the intersection of three theoretical pillars in international relations and international law: realism, liberal institutionalism, and strategic legalism. The notion of Realism, in particular the structural realism articulated by scholars such as Hans Morgenthau and John Mearsheimer, maintains a deeply ambivalent view of international law and the multilateral institutions (Nguyen Dang, 2022). For realists, the international system is anarchical in nature, and the behaviour of states is driven primarily by the pursuit of survival, security, and relative power (Pietrasiak & Pieczara, 2019). Through this framework, international law is actually viewed as a mere epiphenomenon of the power balance that lacks an independent causal force. Powerful states comply with legal rules only when it suits their national interests, and they will discard or rather re interpret the rules when they conflict with their strategic objectives (Hurd, 2020). Applying to the South China Sea, realist logic suggests that China's rapid naval modernization and its creation of a military outpost in the Spratly Islands are natural consequences of its growing material power, which cannot be contained by barriers like UNCLOS. Drawing on this perspective, the legal arguments by Vietnam are



secondary to the material balance of power, and its reliance on legal diplomacy is seen as a sign of weakness in the face of structural asymmetry (Nguyen Dang, 2022).

On the contrary, liberal institutionalism, devised by theorists such as Robert Keohane and Joseph Nye, gives a more optimistic evaluation of the role of rules and regulations in mitigating international anarchy (Nyugen, 2022). Liberal institutionalists argue that international regimes establish stable patterns of cooperation by reducing transaction costs, resolving information imbalances, and providing a clear mechanism for dispute settlement. Instrument like UNCLOS serves as the constitution of the oceans, creating a shared framework that structures state behaviour and dictates the acceptable standards of conduct (Nyugen, 2022). Despite under conditions of severe imbalance, institutional frameworks provide smaller states with a platform to gather their diplomatic influence, hold larger powers accountable, and change the payoff structures of aggressive actions. Vietnam's active engagement with UNCLOS and its participation in multilateral forums like ASEAN are rational strategies to socialize China into a rules-based order, thereby reducing the likelihood of militarized conflict and making a cooperative security (Nyugen, 2022).

While both realism and liberalism provide valuable insights, they often treat law and Politics as two different, separate domains, with realism subordinating law to power, and liberalism taking the view of law as a neutral instrument for resolving political disputes (Hurd, 2020). To bridge this divide, the paper engages with the concepts of strategic legalism and legal diplomacy as devised by Shirley Scott, Ian Hurd, and Harold Koh (Hurd, 2015). Theorist Shirley Scott challenges the traditional liberal “rulebook” model of international law, which conceptualizes the legal order as a neutral and an apolitical collection of universal rules (Sanders, 2017). Scott argues that international law is a political arena where the states engage in strategic legalism, that is, the deliberate use of legal arguments, interpretations, and institutions to advance specific foreign policy goals and maximise the national interest (Hurd, 2020). Under this notion, law is not a constraint on power but a distinct form of power itself, used to legitimize one’s own actions while delegitimizing those of rivals (Sanders, 2017).

Ian Hurd provides an explanation by analysing diplomacy as a social practice that takes place within the medium of international law (Hurd, 2015). Hurd shows that in the modern international system, states must at all times reconcile their behaviour with international actors. This need of legal justification is a ubiquitous feature of statecraft, states do not simply ignore rules, but devote significant diplomatic resources in developing legal rationales to show that



their policies conform to international law (Hurd, 2015). This social practice of legal reconciliation is highly productive, it shapes how the states understand their own interests, limiting the range of acceptable diplomatic options, and provides smaller states with a normative vocabulary to challenge the course of action of big powers. Legal Diplomacy is not merely a defensive rhetorical shield but a proactive strategy that uses the socially made authority of international law to generate reputational costs for non-complaint states (Hurd, 2015).

Finally, Harold Koh's theory of the transnational legal process provides a dynamic framework for understanding how international legal norms are generated and interpreted. Koh identifies a three-step cycle of interaction interpretation internationalization (Jefferies, 2025). In this process, global and domestic actors have been interacting in various forums, leading to the interpretation of international norms, which are subsequently internalized into domestic legal systems and certain types of standard operating procedures, creating a "habit of obedience" (Hollis, 2012). Through legal diplomacy, Vietnam actively participates in this transnational legal process, seeking to upload its preferred interpretations of maritime law into the regional and global discourse, while downloading and internalizing the international jurisprudence, for example, the 2016 Arbitration Award, to reform its domestic legal and administrative structures (Nyugen, 2022).

3. Legal Foundations of Vietnam's Maritime Position

The ignition point for Vietnam's legal diplomacy is the establishment of a robust, and internationally recognized legal basis for its maritime claims, well rooted in the principles of the 1982 UNCLOS. Geographically speaking, Vietnam possesses a coastline stretching over 3260 kilometres, with thousands of coastal islands and two major offshore archipelagos: the Paracel islands and Spratly islands (Nyugen, 2022). Vietnam claims to have exercised a peaceful, effective and continuous administration over both archipelago since the seventeenth century, a period during which these features were considered terra nullius, that is, "Nobody's land" (Hong Quan, 2014). These historical claims were formally asserted by successive Vietnamese dynasties and subsequently maintained by the administration of the French and the Republic of Vietnam until the mid-twentieth century (Hong Quan, 2014).

Albeit, the very entry into the force of UNCLOS in 1994 fundamentally transformed the legal architecture of the oceans, establishing a succinct normative framework that replaced historical



title with functional, distance based maritime zones (Nyugen, 2022) Under UNCLOS, coastal states are entitled to a 12 nautical mile territorial sea, a 24 nautical mile contiguous zone, a 200 nautical mile (or beyond, subject to scientific validation by the commission on the limits of the continental shelf) (U.S.-China Economic and Security Review Commission, 2019). Vietnam was amongst the very first signatories to UNCLOS in 1982 and ratified the convention in 1994, thus aligning its domestic legal framework with the treaty provisions (Nyugen, 2022). This process was further culminated in the passage of 2012 law of the sea of Vietnam that integrated the principles of UNCLOS into its domestic law.

This transition to an UNCLOS- complaint model has required Vietnam to address a major legal and diplomatic vulnerability: the controversial 1958 Diplomatic Note that was signed by Hon'ble prime minister Van Dong of the Democratic Republic of Vietnam (North Vietnam) (Hong Quan, 2014). China unilaterally issued a declaration, dated September 4, 1958 claiming a 12 nautical mile territorial sea limit, which it asserted applied to all Chinese territories, including the Paracel and Spratly Islands. Exactly ten days later, the Hon'ble prime Minister Pham van dong sent a diplomatic note to Chinese premier Zhou Enlai, stating that the government of the Democratic Republic of Vietnam recognized and supported China's territorial sea declaration and would direct its agencies to respect the 12-nautical-mile limit (Hong Quan, 2014).

In contemporary disputes, China frequently invokes this 1958 note as a key legal instrument, arguing that it represents a binding, unilateral recognition of sovereignty over the Paracel and Spratly Islands by the Chinese. Beijing asserts that under the international legal principle of estoppel, with reference to the *Eastern Greenland (Denmark v. Norway)* and *Temple of Preah Vihear (Cambodia v. Thailand)* cases, Vietnam is legally barred from asserting rights as it has conceded to the claims by China in a formal, written diplomatic communication (Hong Quan, 2014).

Countering this argument, Vietnamese scholars and diplomats have developed a multi-pronged legal defence based on the principles of treaty interpretation and the historical context of the 1954 Geneva Accords (Hong Quan, 2014). In the first place, arguments have been revolving around the 1954 Geneva accords, which temporarily divided the Vietnam at the seventeenth parallel pending nationwide elections, the territorial administration of the areas south of the parallel, including the Paracel and Spratly islands that were under the sole jurisdiction of the erstwhile state of Vietnam (later the Republic of Vietnam). In the year 1958, there was no



administrative control or legal competence. Under the fundamental rule of international law *nemo dat quod non habet* (no one can give what they do not have), prime minister Pham van Dong lacked the constitutional and international authority to alienate or to recognize the sovereignty over states that were under the control of a separate sovereign entity (Hong Quan, 2014).

In the second place, a strict, textual analysis of the 1958 note reveals that its scope is exceptionally narrow (Hong Quan, 2014). The note strictly refers to the 12 nautical mile breadth of China's territorial sea. This diplomatic move was driven by the forces of the geopolitical exigencies of the cold war, specifically the need to support a fraternal socialist ally during the second Taiwan strait crisis, where China was attempting to prevent US naval incursions near its coast (Hong Quan, 2014). Under international law, unilateral declarations must be interpreted restrictively, and an acknowledgment of the extent of a neighbour's territorial waters cannot be conflated with a formal abdication of historical title to the disputed islands (T. T. Nguyen, 2014). By decoupling the very issue of maritime zone breadth from the issue of territorial sovereignty, Vietnam legal diplomacy successfully maintains the validity of the claims over the two archipelagos while remaining aligned with the rules of treaty interpretation (Hong Quan, 2014).

4. Vietnam's Legal Diplomacy in Practice

In operationalizing its legal strategy, Vietnam has engaged in what regional observers term Note verbale warfare an unprecedented diplomatic confrontation conducted through the formal submission of diplomatic notes and legal arguments to the United Nations and other international bodies (Ba Dien et al., 2025). This practice has evolved through certain three distinct, interlocking phases, through which Hanoi has progressively sharpened its legal arguments, built a robust public record of non- Acquiescence, and aligned its positions with international jurisprudence (Ba Dien et al., 2025).

The first major phase of this legal diplomatic strategy occurred in May 2009, when Vietnam and Malaysia made a joint submission to the commission on the limits of the continental shelf concerning the outer limits of their extended continental shelves in the southern area of the south China Sea (Ba Dien et al., 2025). In consideration, this joint submission was a highly calculated move under Article 76 of UNCLOS (Nyugen, 2022). By utilizing the formal, scientific procedures of the CLCS, Vietnam and Malaysia demonstrated their commitment to



defining their maritime boundaries in strict accordance with geological and geoscientific parameters rather than historical claims. This submission forced China's hand, compelling Beijing to respond on 7th May, 2009, with a Note verbale that formally attached its controversial nine dash line map to the United Nations (Ba Dien et al., 2025). Such has been the case that China was forced to put its expansive claims on the official international record for the first time, allowing Vietnam and other littoral states to target the legal invalidity of the Nine-dash line under UNCLOS, which contains no provision for historic rights that overrides the sovereign zones of coastal states (Borton & Ta, 2016).

The second phase of Vietnam's legal diplomacy was characterised by its strategic navigation of the landmark Philippines v. China Arbitration case initiated in 2013 (Gullett, 2018). Despite the fact that Vietnam did not join the proceedings as a formal party to avoid a complete bilateral rupture with Beijing, Hanoi executed a sophisticated "Backdoor" legal manoeuvre (Kazianis, 2014). On December 5 of 2014, the Ministry of Foreign Affairs of Vietnam transmitted a formal statement to the Annex VII Arbitral Tribunal (Ministry of Foreign Affairs of the Socialist Republic of Viet Nam, 2014). In the statement, Vietnam had requested the tribunal to pay "due regard" to its legal rights and interests, supported the tribunal's jurisdiction over the dispute under Part XV of UNCLOS, and explicitly rejected China's Nine-Dash line's Legal validity. This intervention was significant in terms of politics and legal points, it signalled to the tribunal that a major regional claimant endorsed the legal challenge against China's historic claims, while simultaneously preserving Vietnam's right to initiate its own legal proceedings, shall there be a necessity (Ministry of Foreign Affairs of the Socialist Republic of Viet Nam, 2014).

Following the tribunal's final ruling passed in July of 2016, which resoundingly rejected the legal basis of China's 'Nine dash line' and historic rights, Vietnam's legal diplomacy entered the third and the most explicit phase (H. T. Nguyen & Nguyen, 2021). This phase culminated in the 2020 note verbale debate, triggered by a dispute over Malaysia's 2019 submission to the CLCS (Vo, 2020). On March 30 of 2020, Vietnam submitted a landmark Note Verbale to the United Nations Secretary General that concisely articulated its legal positions in terms directly compatible with the key findings of the Arbitral award awarded in 2016. Vietnam, for the first time in an official state document, invoked the Article 121(3) of UNCLOS to define the legal status of all features in the Paracel and Spratly islands (Vo, 2020).



The language of the 2020 note asserted that none of the high tide features in either of the Archipelago can generate an exclusive economic zone or a continental shelf, as they are a typical of a rock, that is incapable of sustaining any human habitation or an economic life of their own (Vo, 2020). The statement had a great legal implication: by declaring that these features only generate a 12-nautical mile territorial sea, Vietnam efficaciously argues that the vast majority of the South China Sea consists of exclusive economic zones of coastal states, thus eliminating overlapping maritime claims based on narrow features (Vo, 2020).

This alignment with the Arbitral Award of 2016 is indicative of Vietnam's strategic use of international law to delegitimize China's four shas doctrine, which is an attempt by Beijing to claim vast maritime zones by drawing straight baselines around whole island groups in a manner that is incompatible with UNCLOS (Vo, 2020).

5. The 2014 Haiyang Shiyu-981 Oil Rig Crisis

To understand the real-world efficacy of Vietnam's legal diplomacy in mitigating structural power imbalances, it is necessary to analyse the 2014 Haiyang Shiyu-981 oil rig crisis (Nguyen Dang, 2022). This incident is the epitome of the longest and most severe bilateral standoff between Vietnam and China since the stabilization of the relations of the countries in 1991, serving as the empirical test of Vietnam's imbalanced statecraft (Pietrasiak & Pieczara, 2019). On 1st May, 2014, the Chinese state owned China national offshore oil corporation moved its 1billion dollar deepwater drilling rig, Haiyang Shiyu-981, into oil block 143, located 17 nautical miles south of Triton Island (which is the south western most island of the Paracel Archipelago), 120 nautical miles east of Vietnam's Ly Son Island, and 180 nautical miles south of China's Hainan Island (Vietnam Union of Friendship Organizations, 2014). The Oil Rig was accompanied by a large, heavily armed flotilla of over 80 protection vessels, which included the Chinese coast Guard ships, military warships, alongside military vessels. China asserted that the drilling operation was merely a routine activity that was conducted entirely within the undisputed territorial waters and contiguous zone of the Xisha (Paracel) Islands, which were under Chinese administration, as claimed (Vietnam Union of Friendship Organizations, 2014).

Vietnam, with immediate effect, condemned the deployment as a grave violation of its sovereignty rights, and jurisdiction over its exclusive economic zone and continental shelf under Articles 56,57,76, and 77 of UNCLOS (Borton & Ta, 2016). Hanoi argued that triton



island, as a small, deserted high tide features, was a rick under article 121 (3) and could not develop an independent EEZ or continental shelf to overlap with the 200 nautical mile Zone projected from Vietnam's mainland coast (Borton & Ta, 2016). Having faced with an intense maritime coercion, where Chinese vessels sprayed water over Vietnamese civilian law enforcement and fishing boats, leading to the sinking of the Vietnamese fishing vessel (DNa 90152-Ts), Vietnam deployed a multi layered legal diplomacy response (ICG, 2021).

The response revolved around three core diplomatic forums. First, between May 4 and June 4, 2014, the ministry of Foreign Affairs of Vietnam dispatched three successive, highly structured Note Verbales to the Chinese ministry of foreign affairs. The notes formally registered Vietnam's non-compliance, demanded the immediate withdrawal of the rig, and submitted Vietnam's sovereign rights based on precise geodetic parameters and UNLCLOS provisions (Vietnam Union of Friendship Organizations, 2014). Through the establishment of a rigorous and continuous public record of legal opposition, Vietnam prevented China from later claiming that Hanoi had accepted or committed itself to the drilling operation as a historical accomplished fact (Nguyen Dang, 2022).

In the second case, Vietnam had held a series of highly succinct, structured international press conferences in Hanoi (including a major briefing held on June 5th, 2014), bypassing the traditional "megaphone diplomacy" (Calvo, 2015). During these conferences, Vietnamese officials presented empirical radar data, video evidence, and satellite imagery that documented the aggressive manoeuvres of the Chinese flotilla (Embassy of the Socialist Republic of Viet Nam in Germany, 2014). By framing the crisis as violation of international safety-at-sea regulations and UNCLOS article 300 (which mandates the execution of rights in good faith and prohibits the abuse of rights), Vietnam successfully socialized the conflict (Ministry of Foreign Affairs of the Socialist Republic of Viet Nam, 2014). This evidence based legal framing enabled Vietnam to secure strong diplomatic support from external maritime powers, that included the first world western countries, the European Union, United states and south Asian state, Japan, who issued statements condemning unilateral coercion and calling for the preservation of the rules based maritime order (Amer, 2014).

In the third case, through the entire trajectory of the crisis, top Vietnamese officials publicly stated that Hanoi was actively preparing the legal documentation to launch its own international arbitration case against China as per the provisions laid down by part XV of UNCLOS (ICG, 2021). This "second lawsuit" which would have run in parallel lines to the Philippines ongoing



case, created reputational uncertainty for Beijing. For China, facing two major lawsuits from two regional claimants would have led to ramifications, for example, undermining the diplomatic standing of China and exposing its domestic maritime laws to international judicial scrutiny (ICG, 2021).

On July 15th, 2014 China National offshore oil corporation abruptly announced that the drilling operations of HYSY-981 had been completed, and the rig was withdrawn from block 143 and relocated to waters near Hainan Island, a month ahead of its originally scheduled departure on the date of 15th August (Amer, 2014). While Beijing attempted to save face by claiming that the hasty exit was driven by the untenable diplomatic, reputational costs imposed by Vietnam's relentless legal mobilization (Nguyen Dang, 2022) The HYSY-981 case provides a clear empirical demonstration of how legal diplomacy as used by Vietnam, can alleviate power imbalances (Borton & Ta, 2016). By refusing to engage in a hard military escalation, Vietnam had been successful in neutralizing China's material superiority, preserved its sovereign rights, and revealed that international law can serve as a powerful instrument of resistance for smaller states that confront great power coercion (Nguyen Dang, 2022).

6. ASEAN, Multilateralism, and the Rules- Based Order

A critical angle of Vietnam's legal diplomacy is its effort to widen international participation toward the south China Sea dispute through the Association of Southeast Asian Nations (Pietrasiak & Pieczara, 2019). This strategy stands in direct opposition to China's preferred "Dual Track" approach, which insists on resolving territorial disputes strictly through bilateral negotiations between the directly concerned parties, while relegating the broader essence of maritime stability to ASEAN-China forums (Kazianis, 2014). In a bilateral setting China can increase its material superiority by imposing its diplomatic standing to extract concessions from individual, smaller claimants. In contrast, Vietnam's diplomatic practice emphasizes the collective Agency of Asean, seeking to bind Beijing to a framework of rules and regulations that would put a restriction on its freedom of action and raise the costs of revisionism (Pietrasiak & Pieczara, 2019).

The multilateral strategy has been prominent in Vietnam's active participation in the negotiations for a code of conduct in the South China Sea (Pietrasiak & Pieczara, 2019). Moving beyond the politically non-binding 2002 Declaration on the conduct of parties, which has failed to prevent reclamation activities and maritime harassment. Vietnam has repeatedly



Subsequent to this was the landmark 2000 Gulf of Tonkin Agreements with China, thus representing China's only concluded maritime boundary agreement where Vietnam had applied methodology that included a three step UNCLOS delimitation to achieve an outcome accounting for the Bach Long Vi Island (Pietrasiak & Pieczara, 2019). Through the 2003 Continental shelf agreement, Indonesia and Vietnam had signed a EEZ agreement in 2022 (Nyugen, 2022). Using a double line approach in accordance with UNCLOS, the two nations resolved their overlapping claims, bypassing the historic claims by China (Sediti, 2019). This agreement had a cascading effect and signalled a rejection of the "Nine-Dash" line and reinforced a united southeast Asian commitment to international law (Sediti, 2019).

7. Limits and Effectiveness of Legal Diplomacy

The effectiveness of Vietnam's legal diplomacy is constrained by the decentralization of public international law, which structurally lacks a centralized enforcement mechanism (Sediti, 2019). Although UNCLOS does provide binding procedures under part XV, ultimately compliance is dependent on state consent (Nyugen, 2022). This is evident by Beijing's outright rejection of the Arbitral award of 2016 as null and void and its continued use of artificial features (Thanh & Tung, 2018). Forbye, revisionist states have practiced the practice of exploiting legal instabilities to construct narratives of plausible legality of Paragonboat diplomacy using coast guards and maritime militias to circumvent formal legal prohibitions (Sanders, 2017). It also must be considered that legal diplomacy does not erase minor fishing disputes persist between Hanoi and Jakarta despite their 2022 historic EEZ agreement (Vietnam net Global, 2026).

Albeit, dismissal of legal diplomacy and rendering it ineffective overlooks its structural utility (Jefferies, 2025). For instance, it acts as a critical institutional barrier against legal commitments. Under customary international law, silence in the face of an adverse claim can be construed as implicit consent (Hong Cuong & Author, 2026). By registering consistent legal objections through note Verbales, Vietnam ensures that China's presence remains legally contested and prevents unilateral actions from crystalizing into historic title (Vo, 2020) The legal statecraft imposes significant costs on revisionist states, forcing them to balance gains on the water against long term strategic state of isolation (Amer, 2014). Finally, Vietnam has attained a globally recognized vocabulary by aligning its maritime claims with UNCLOS (Khoury, 2024) This shared language has further facilitated a strategic alignment and capacity building partnerships with external maritime powers- including the 1st world and 3rd world countries like United states, Japan, and India, without weakening the formal military alliances Legal diplomacy transforms from a weak exercise to a resilient shield that alters the strategic power balance of regional actors (Hollis, 2012).

8. Conclusion

The paper has demonstrated that Vietnam's legal diplomacy in the south China sea is a highly sophisticated, rules-based strategy that enables a smaller state to respond effectively to major power imbalances. It shows that Vietnam has consistently relied on international jurisprudence, UNCLOS in particular, to strengthen the legitimacy of its maritime claims by aligning domestic legislation with international legal standard, addressing the historical challenges and situations



such as the 1958 Diplomatic Note, and reinforcing its position through diplomatic initiatives such as the Note Verbale exchange following the 2016 Arbitral Award.

The study further assessed the 2014 Haiyang Shiyou-981 oil rig crisis, revealing how legal diplomacy helped in shifting the dispute from military confrontations to a rule based international framework. This particular approach has enabled Vietnam to mobilize support from international actors, impose reputational costs on China, and contribute to the early withdrawal of the oil rig without escalating into armed conflict.

The paper highlights its broader strategic importance by treating the legal diplomacy as an independent instrument of statecraft rather than merely an extension of military or legal analysis. Despite the fact that legal diplomacy cannot fully overcome enforcement challenges or gray zone coercion, it remains an effective tool for resisting legal compliance, thus bolstering international legitimacy and shaping the nature of future negotiations. Vietnam's experience offers a valuable model for medium and small states confronting the power imbalance in Geopolitics through the use of international law.



References Cited:

- Amer, R. (2014). China-Vietnam Drilling Rig Incident: Reflections and Implications. *Policy Brief*. No. 158. Institute for Security and Development Policy. <https://www.files.ethz.ch/isn/185075/2014-amer-china-vietnam-drilling-rig-incident.pdf>
- Ba Dien, N., Cuong, N. H., Thi, N. T. P., & Lien, H. T. (2025). The note verbale battle over the East Sea (2019-2024): An unprecedented legal-diplomatic fight in modern world history. *International Journal of Law*, 11(5), 35–41. <https://www.lawjournals.org/assets/archives/2025/vol11issue5/11104.pdf>
- Borton, J., & Ta, T. Van. (2016, October 10). Vietnam Influences China's Quiet Legal Compliance in South China Sea Dispute. *Geopolitical Monitor*. <https://www.geopoliticalmonitor.com/vietnam-influences-chinas-quiet-legal-compliance-in-south-china-sea-dispute/>
- Calvo, A. (2015). China, the Philippines, Vietnam, and International Arbitration in the South China Sea. *Asia-Pacific Journal*, 13(43), e2. <https://doi.org/10.1017/S1557466015024213>
- Embassy of the Socialist Republic of Viet Nam in Germany. (2014, June 6). *5 June International Press Conference on the situation in the East Sea*. Embassy of the Socialist Republic of Viet Nam in Germany. <https://www.vietnambotschaft.org/international-press-conference-on-the-situation-in-the-east-sea/>
- Gullett, W. (2018). The South China Sea Arbitration's contribution to the concept of juridical islands. *Questions of International Law (QIL), Zoom-In*, 47, 5–38. https://www.qil-qdi.org/wp-content/uploads/2018/02/02_Whats-an-island_GULLET_FIN.pdf
- Hollis, D. B. (2012, October 19). Harold Koh: Twenty-First Century International Law Making. *Opinion Juris*. <https://opiniojuris.org/2012/10/19/harold-koh-twenty-first-century-international-law-making/>
- Hong Cuong, V., & Author, C. (2026). Good Faith and Provisional Arrangements in the East Sea: Vietnam's State Practice and ASEAN Implications. *International Journal of Advanced Multidisciplinary Research and Studies*, 6(3), 1922–1936. <https://doi.org/10.1017/S0020589325101218>
- Hong Quan, N. (2014). China's Claim of Sovereignty in the South China Sea. *USI Journal*, 144 (July-September). <https://usiofindia.org/pdf/usijournal%20july-sept%202014-8-12.pdf>



- Hurd, I. (2015). International law and the politics of diplomacy in Ole Jacob Sending, Vincent Pouliot and Iver B. Neumann eds. *Diplomacy and the Making of World Politics*. Cambridge University Press, 31–54. <https://doi.org/10.1017/CBO9781316162903.002>
- Hurd, I. (2020). The case against international cooperation. *International Theory*. Cambridge University Press, 14(2), 263–284. <https://doi.org/10.1017/S1752971920000470>
- ICG. (2021). *Vietnam Tacks Between Cooperation and Struggle in the South China Sea*. Asia Report. No. 318. https://www.crisisgroup.org/sites/default/files/318-between-cooperation-and-struggle_1.pdf
- Jefferies, R. (2025). Transnational Legal Process, Cognition, and Context. *International Legal Theory and the Cognitive Turn*, 154–176. <https://doi.org/10.1093/9780198909293.003.0008>
- Kazianis, H. J. (2014). *China's 50,000 Secret Weapons in the South China Sea*. <http://nationalinterest.org/feature/china%E2%80%99s-50000-secret-weapons-the-south-china-sea-10973>
- Khoury, N. el. (2024). Chapter 7 Transnational Legal Process: Theory and the Effectiveness of International Human Rights Treaties in: Irrational Human Rights? An Examination of International Human Rights Treaties. In *The South China Sea Dispute as International Law and Politics: Discovering the Role of Law in Times of Power Shift* (Vol. 13, pp. 190–211). BRILL. <https://brill.com/display/book/9789004439764/BP000011.xml>
- Ministry of Foreign Affairs of the Socialist Republic of Viet Nam. (2014). *Statement of the Ministry of Foreign Affairs of the Socialist Republic of Viet Nam to the Tribunal in the Arbitration between the Republic of the Philippines and the People's Republic of China*. <https://iuscogens-vie.org/wp-content/uploads/2018/03/statement-of-mofa-of-vietnam-to-the-tribunal.pdf>
- Nguyen Dang, L. A. (2022). China's Maritime Coercive Diplomacy in the South China Sea since 2011. *Dissertation*. Universität Hamburg. https://ediss.sub.uni-hamburg.de/bitstream/ediss/9450/1/Dissertation_Full%20text.pdf
- Nguyen, H. T. (2012). Vietnam's Position on the Sovereignty over the Paracels & the Spratlys: Its Maritime Claim. *SSRN Electronic Journal*. <https://doi.org/10.2139/SSRN.2123861>
- Nguyen, H. T., & Nguyen, T. L. H. (2021, August 4). Viability of the South China Sea Arbitration Award: An analysis. *Vietnam Law & Legal Forum*. <https://vietnamlawmagazine.vn/viability-of-the-south-china-sea-arbitration-award-an-analysis-37884.html>



- Nguyen, T. T. (2014, June 27). China has no reason when citing the 1958 Diplomatic Note | VOV5.VN. *Voice of Vietnam (VOV)*. <https://vovworld.vn/current-affairs/china-has-no-reason-when-citing-the-1958-diplomatic-note-1798552.vov5>
- Nyugen, T. H. A. (2022, September 20). After 40 Years, UNCLOS Remains Significant to Vietnam *FULCRUM: Analysis on Southeast Asia*. <https://fulcrum.sg/after-40-years-unclos-remains-significant-to-vietnam/>
- Pietrasiak, M., & Pieczara, K. (2019). Vietnam's diplomacy towards the conflict in the South China Sea and its influence on ASEAN. *The Russian Journal of Vietnamese Studies*, 3 (4), 7–17. <https://doi.org/10.24411/2618-9453-2019-10035>
- Sanders, R. (2017). Human rights abuses at the limits of the law: Legal instabilities and vulnerabilities in the 'Global War on Terror.' *Review of International Studies*, 44 (1), 2–23. <https://doi.org/10.1017/S0260210517000377>
- Sediti, B. (2019, October 17). Power Dynamics as an Explanation for Compliance with International Law. *The Yale Review of International Studies*. <https://yris.yira.org/essays/power-dynamics-as-an-explanation-for-compliance-with-international-law/>
- Thanh, D. T., & Tung, V. N. (2018). Vietnam and the South China Sea in the post-arbitral award period. In *NIDS International Symposium on Security Affairs 2017: Maintaining Maritime Order in the Asia-Pacific* National Institute for Defense Studies (NIDS). (pp. 61–74). <https://cpianalysis.org/2017/03/07/china-after-the-south-china->
- U.S.-China Economic and Security Review Commission. (2019). *China and Southeast Asia*. https://www.uscc.gov/sites/default/files/Annual_Report/Chapters/Chapter%203%2C%20Section%202%20-%20China%20and%20Southeast%20Asia.pdf
- Vietnam Union of Friendship Organizations. (2014, May 31). Vietnam sends diplomatic note against China to UN chief. *Vietnam Union of Friendship Organizations*. <https://vufo.org.vn/Vietnam-sends-diplomatic-note-against-China-to-UN-chief-09-286.html?lang=en>
- Vietnamnet Global. (2026, June 18). Vietnam promotes cooperation to ensure maritime safety, security. *Vietnam Net Global*. <https://vietnamnet.vn/en/vietnam-promotes-cooperation-to-ensure-maritime-safety-security-2527112.html>
- Vinh, N. (2015). Vietnam foreign policy: the rationale of its instruments towards China in solving South China Sea disputes since HD-981 incident in 2014. *International Institute of Social*



Sciences, 1–49.

https://thesis.eur.nl/pub/32940/VNguyen_oodledata_temp_turnitintool_1592974514._605_1447232201_3205.pdf

Vo, N. D. (2020, May 5). *Vietnam's Note Verbale on the South China Sea*. *Asia Maritime Transparency Initiative*. <https://amti.csis.org/vietnams-note-verbale-on-the-south-china-sea/>





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