



Overview of the East Sea dispute's current status, proposing solutions to Vietnam, the countries in the region, and the international community

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Abstract

The East Sea is a marine area where there are complex and difficult disputes, conflicts, and contradictions to resolve. Of a global nature, all actions from the parties in the East Sea conflict system threaten national peace, stability, and security, both regionally and internationally. This article focuses on the following: i) The theoretical basis of international maritime disputes; ii) Overview of the current situation of the East Sea dispute; iii) Impacts of the East Sea dispute on Vietnam, countries in the region, and the international community; iv) Proposing solutions for Vietnam, countries in the region, and the international community. By clarifying these issues, the essay gives a more theoretical and practical foundation for Vietnam and other regional countries to modify policies and actions in managing and resolving East Sea disputes, thereby contributing to stability and safeguarding international peace and security.

Keywords: East Sea disputes, solutions, Vietnam, policy adjustments

Introduction

The East Sea is a semi-closed sea surrounded by the mainland of Asia and the eastern coast of the Malacca Peninsula to the west, the island of Taiwan, the Philippines and Kalimantan Island to the east. The South China Sea is surrounded by nine countries (Vietnam, China, the Philippines, Malaysia, Brunei, Indonesia, Thailand, Cambodia, Singapore) and one territory is Taiwan. The East Sea has an area of about 3.5 million km², extending from 2°03' latitude up to 25°10' north latitude and from 100° longitude to 120° east, eight times the width of the Black Sea and 1.2 times the Mediterranean, the average depth of about 1140m, the water mass of about 3,928 million km³. The longest pillar of the East Sea stretches northeast-southwest, from the northern border (Phuket-North Taiwan) to the southern boundary (Sumatra-Bangka-Biliton-Borneo) about 3,520 km long. The widest part of the East Sea is not more than 600 nautical miles (almost 1,200 km), the East Sea connects with the Pacific through the Taiwan Strait (northeast) and the Bashi Strait between the Philippines and Taiwan. To the southwest, the only road directly connecting the East Sea with the Indian Ocean is the Strait of Malacca. To the southeast, countries can go through the deep Mondono Strait and the Balabac Strait to the Sulu Sea. The East Sea is the only sea in the world that connects the three great oceans, the Indian Ocean, the Pacific Ocean and the South Ocean [5].

The East Sea is regarded as a geopolitical-defense-strategic security area of vital importance, the most important in the world, as a survival and development space for countries within and outside the region, including Vietnam. The East Sea, regarded by China as a “core interest”, a “golden fish aquarium,” a “shrine,” and a “living road,” is placed at the heart of the “Chinese Dream” Strategy, the “Belt, Road” Initiative (BRI). At the same time, with China’s unreasonable “nine-pointed line” claim, China has also

demonstrated its ambition to cover more than 80% of the East Sea.

For the United States, the East Sea is regarded as a “national interest”. In the United States’ “Free and Open Indo-Pacific Strategy”, the East Sea is the central point. Along with the United States, a range of international powers and organizations within and outside the region have issued the Indo-Pacific Strategy and Initiative, such as: India, Japan, Korea, the Russian Federation, Canada, Australia, France, Germany, the Netherlands, the European Union (EU), the Organization of Southeast Asian Nations (ASEAN),...and all put the South-East Asia-South Sea region at the center.

From a military point of view, the East Sea is an ideal base for the deployment of naval operations. With the right width and depth, there are many islands, especially China’s Hai Nam Island and Vietnam’s Parcel Islands and Sparty Islands, in the heart of the East Sea, to build supply and shelter bases, supplement supply for military ships, etc., which have been and are a very favorable environment for submarines and surface warships, including aircraft carriers. The islands and archipelagos off the coast of the East Sea, such as Parcel Islands and Sparty Islands, are all centrally located—one of the places with the most cruising maritime routes in the world. These islands play an extremely important role as strategic defense positions for many countries in the East Sea region, as well as logistical facilities for long-range maritime operations, such as the control of maritime routes passing through the East Sea, and for military purposes, such as radar positions, information stations, the construction of stops and refueling stations for ships, etc. Western strategists have argued that the nation that controls the Parcel Islands and Sparty Islands will control the entire East Sea.

For Vietnam, the East Sea is of special importance and immense significance. It is a coastal country with more than 3,260 km of coastline and about 4,000 large and small

islands, including the Paracel Islands and Sparty Islands; out of 63 provinces, the city has 28 provinces; cities with 125 coastal districts; 12 island districts; and almost half of Vietnam's population (over 40 million people) live in coastal provinces and cities. Therefore, the sea of the islands is of paramount importance to Vietnam in its career of building and protecting the country. Due to the characteristics of Vietnam's territory being S-shaped, stretching from North to South, with a narrow width, so that the sea and the islands are the "walls", the "city walls," that protect the country from the east, north-east, and east-south against the invasion of the enemy. It is also the "pillar" that forms the defense contributes to the construction and protection of the people's nation. For thousands of years, the East Sea has not only been a path to life; it's been a space for survival; it has been of special security significance; and it has played an extremely important role in the economy. The sea, the island, is part of the sacred sovereignty of our country, is the space for survival, the gateway to international exchange, and is closely connected with the world. To reach the sea, to exploit, to protect, and to be the master of the sea is a viable choice. determined the survival of the Vietnamese people.

As far as maritime transport is concerned, the East Sea, with its special position on the Pacific-Indian Ocean, Europe-Asia, Middle East-Asia maritime routes, plays an extremely important role in global maritime trade. It's considered the busiest international transportation route in the world. Many countries in the East Asia region have economies that depend on the sea route, such as Vietnam, China, Japan, Korea, Taiwan, the Philippines, Indonesia, Malaysia, Singapore, Cammpuchia, Thailand, Brunei, etc. It is an essential maritime route that transports goods, oil, gas, and commercial resources from the Middle East and Southeast Asia to Japan, Korea, and China. More than 90 percent of the world's commercial goods are shipped by sea, and 45 percent of them pass through the East Sea.

With regard to the potential of marine living and non-living resources, due to the abundance and diversity of natural resources, in particular, including: biological resources (mines); non-life resources (solid minerals, oil, gas, and ice); seemingly endless renewable energy resources (sun, wind, wave, and flow energy); and landscape resources, tourism has and is bringing tremendous value to the social life and economic development of the surrounding countries. It is a very rich reserve of biological resources (seafood) of high nutritional and economic value, coupled with the enormous potential of oil and gas resources, dubbed the "second Persian Gulf", and the huge stock of burning ice is seen as an important factor in increasing the sovereignty claims and unreasonable ambitions of countries within and outside the region, China's excessive demands and ambitions, causing an increasingly intense East Sea dispute.

Currently, the East Sea dispute is a hot global issue. This dispute not only affects the establishment, enforcement, and protection of the sovereignty of the sea, the national islands of Vietnam, and the countries in the East Sea region, as well as the interests of the countries with the rights and interests involved, but also directly threatens the stability and security of the region and the world. Therefore, the author has chosen the issue of the East Sea dispute as the subject of his research. Based on the analysis and interpretation of the theoretical issues of maritime disputes, the author clarifies

the overview of the East Sea dispute, pointing out the implications of this issue. On the basis of these findings, the author proposes a number of responses that are appropriate for Vietnam, the countries in the region, and the international community.

Methodology

The article is based on a combination of different research methods, such as collection methods, documentation processing, table study methods, and synthesis analysis methods. In this, the method of collecting and processing documents is used to search for and gather national and international references to build a database for the implementation of research content. The on-the-board research methodology is used to preliminary evaluate the information available in statistical documents, policy texts, laws, books, newspapers, journals, theses, dissertations, scientific research topics, etc., of national and international agencies, organizations, and individuals related to the theoretical basis of maritime disputes, the status of disputes in the East Sea, and the impact of the East Sea disputes. Analytical and synthesized methods are used to explain the status of disputes in the East Sea, the impact of the disputes, and the proposed response to Vietnam, the countries in the region, and the international community.

The research content of the article is implemented on the basis of methodological materialism approaches, Marx - Lenin views, Ho Chi Minh ideology, and interdisciplinary scientific approaches in legal science, social science, and political science. The data information in the article is primarily secondary data.

Results

The theoretical basis of international maritime disputes

The Vietnamese Dictionary of the Institute of Linguistics of the Vietnam Institute of Social Sciences, published in 1992, explains clearly in paragraph 2 that the meaning of the word "interference" is: The struggle against discord when there is disagreement, usually in the issue of rights between the parties. According to the Black's Law dictionary, "a dispute is a conflict or dispute, a dispute of claims or rights, a claim of rights, claims, or demands from one party that is responded to by a contradictory demand or reasoning of the other party."

In practice, "international arbitration" is understood in a broad and narrow sense. In a broad sense, international disputes involve not only disputes but also states and conflict situations between subjects of international law, but mainly states. Strictly speaking, international disputes include only conflicting relationships between subjects of international law that are expressed through the parties specific to the specific objects of the dispute.

The International Court of Justice's decision of 1924 in the *Mavrommatis* case explained the concept of a dispute as "a legal or practical disagreement, also known as a conflict of legal views or conflicts of interest between two persons." Or in the case of the interpretation of international peace conventions, the International Court of Justice stated: "In this case, there are clearly totally opposing views on whether or not to fulfill the obligations of a particular international treaty. As a result, an international dispute has occurred" ^[14].

Thus, it can be understood in the most general way that international disputes are disagreements or conflicts

between subjects of international law over a problem in international relations.

International maritime disputes are disputes that arise in international maritime relations. Under the 1982 Convention on the Law of the Sea, maritime disputes include disputes relating to: the establishment of sovereignty of States over waters and islands; the exploitation and conservation of marine resources; the protection of the environment and marine scientific research; the exercise of freedoms and equity between States at sea; the use and exploitation of the seabed and ocean; as well as the ground floor of areas outside the jurisdiction of States (the common heritage of mankind).

The 1982 United Nations Convention on the Law of the Sea does not provide a definition of "marine dispute". However, under Article 279 of the Convention, "States parties shall resolve all disputes arising between them concerning the interpretation or application of the Covenant by peaceful means...", maritime disputes may be understood as disputes, conflicts, and conflicts between States on issues relating to the application or interpretation of the 1982 Convention on the Law of the Sea. More specifically, it is a conflict of interest between states in relation to the legal separation of islands and seas and the division, use, and exploitation of seas and oceans and their resources.

Regarding the classification of international maritime disputes, there are many different classification criteria, commonly based on criteria: subject, subject, legal regime, and legal basis. The primary purpose of classifying disputes is to approach the nature of each type of dispute in order to find appropriate solutions for each type. Accordingly: Based on the subject of the dispute, maritime disputes have the following categories: (i) Disputes concerning the separation of waters (internal waters, territorial seas, exclusive economic zones, continental shelf, etc.); (ii) Islands disputes; (iii) Disputes concerning the right to exploit, and use of the seas and oceans.

Depending on the subject of the dispute, the maritime dispute includes: (i) bilateral disputes (e.g., disputes between Britain and Anbani in the Strait of Corfu, between England and Achentina on the Manvinat Islands, between Russia and Japan on the Kuril Island, between China and Japan on the Fish Island, etc.); (ii) multilateral disputes (e.g., China, Taiwan, the Philippines, Malaysia, and Brunei disputing sovereignty over Vietnamese Parcel Islands and Spartly Islands, in the East Sea region).

Based on the legal system, there are types of disputes, such as: (i) disputes relating to waters of the sovereignty of states (sea, territorial sea, etc.); (ii) disputes concerning waters under national sovereignty and jurisdiction (territorial waters, exclusive economic zones, continental shelf); and (iii) disputes relating to waters outside national jurisdiction (High Sea, Zone, etc.).

Based on the legal basis, there are two types of disputes: (i) disputes relating to the interpretation of the content of the Convention; (ii) disputes relating to the application of the provisions of the Convention.

Overview of the current situation of the East Sea dispute

Due to the strategic position of the East Sea and its importance to the countries of the region and the international community, the region has long been the subject of fierce controversy among the countries in the region as a field of influence for the major powers (e.g., the

Chinese Dream Revival Strategy, China's Belt and Road Strategy, the US Indo-Pacific Strategy, India's Indo-Pacific Initiative, etc.), all of which put Southeast Asia and the East Sea at the center. In particular, China's ambition to monopolize the East Sea through its unreasonable "bow's tongue" claim has put the East Sea, which is a cannon of drugs, at risk of exploding at any time.

The East Sea dispute became more complicated by the provisions of the 1982 United Nations Convention on the Law of the Sea. Although the 1982 Convention on the Law of the Sea is a massive, universal multilateral international treaty that contributes to the establishment of a comprehensive, equitable, and peaceful legal order at sea while also contributing to the creation of future-oriented value in line with the goals of sustainable development for mankind^[2], the provisions of the Convention concerning the legal regime of islands and waters allow and encourage coastal states to strengthen their claims of sovereignty in the region of the East Sea. Along with the disputes arising in the process of exploitation and use of the sea, the issue of maritime segregation between the countries in the region in general and Vietnam in particular is still unresolved. There are potentially many disagreements and disputes, and there is a risk of conflict.

The East Sea dispute is the longest, most complex, and most unbalanced dispute ever. Globally speaking, if the East Sea becomes a sea of fire, it will spread rapidly and burn the space for survival and peace not only in the Asia-Pacific region but in the world. Currently, the following main disputes exist in the East Sea:

First, there is the island territorial sovereignty dispute, the most prominent of which is the Vietnamese Parcel Islands Sovereignty dispute between the three parties (Vietnam, China, and Taiwan), the Vietnamese Spratly Islands Sovereignty dispute among the five countries of the six parties (Viet Nam, Chinese, Taiwan, the Philippines, Malaysia), and the Scarborough Bank disputes between the Philippines and China.

Second, the border/sea border dispute, in which the unresolved disputes typically include the maritime dispute between Vietnam and countries such as China in the Gulf of the North; the Philippines and China in the central East Sea; Brunei and Malaysia in the South East Sea; and Malaysia, Cambodia, and Thailand in the Thai Gulf.

Third, the disputes concerning the exercise of rights and obligations in the waters of sovereignty and the rights and jurisdictions of states under the 1982 Convention on the Law of the Sea, in particular disputes relating to the exploitation of marine resources, marine scientific research, freedom of navigation and aviation, etc.

Fourth, the dispute over the exercise of rights and obligations in waters beyond national jurisdiction (sea and zone) under the 1982 Convention on the Law of the Sea.

Fifth, the dispute arises from the unreasonable claims and ambitions of a "bowline" covering about 80% of the East Sea, infringing on Vietnam's sovereignty, sovereign rights, and jurisdiction over countries in the region and seriously affecting the freedom of navigation of other nations, especially the "core interests" of the United States, Japan, India, Russia, and many regional and world powers.

The East Sea dispute is becoming more and more complex and increasingly intense in recent years, rooted in disputes over territorial sovereignty, sovereign rights, sovereignty and jurisdiction over waters, interdependence of interests,

geopolitical aspirations, management, maritime control, strategic aviation, as well as rich resources, and, above all, China's ambition to become the world's dominant.

In recent times, the powers in and out of the region have been accelerating their efforts to assert their position in the East Sea, causing the region to become more volatile, typical of actions such as:

For China: The country continues to push ahead with previously planned activities to realize the Chinese dream. On the one hand, China has deployed the full potential of its "propaganda" through multiple channels; it has used false arguments and false propaganda, promoted all domestic and international propaganda to disprove the truth, blaming other countries; expanded all forms of information (from newspapers, map publications, and the Internet to even economic products, especially maps) to disseminate and widespread dissemination of the unreasonable "courseway" claim worldwide; and strengthened the contestation of arbitral rulings. On the other hand, the country has also promoted legislative activities aimed at establishing the legal basis for the deployment of extension operations in the East Sea, such as the Supplementary Defense Law, as amended on December 26, 2020, which came into force on January 1, 2021, and the Chinese Maritime Police Act, which entered into effect on February 1, 2021, which gave the People's Liberation Army the right to carry out operations both abroad and within China to protect its national interests. China has taken advantage of the law to expand the scope of the "grey zone" conflict, risking becoming a time bomb that complicates the East Sea dispute. Article 2 of China's 2021 Maritime Transport Safety (Amendment) Act extended the scope of the Act from "coastal waters" to "waters under the jurisdiction of the People's Republic of China," and the term is not defined in the Act, so it is rather vague and deliberate. The adoption of ambiguously inaccurate laws allows the country to change its view on the possibility of applying laws based on circumstances at specific times. In addition, in Article 48 of the Law, China also facilitates the interference of its maritime law enforcement forces in the construction of Vietnamese and other countries' artificial buildings and equipment in the East Sea—the region it has claimed. This provision seriously violates the provisions of the safety zone of equipment and artificial works at sea under Articles 60 and 80 of the 1982 UNLCOS; violates the exercise of sovereignty and jurisdiction of Vietnam and the States of the East Sea region, the most direct of which is the right of the coastal state to explore and preserve and manage natural resources, living or non-living, of the waters above the sea floor, the seabed, and the ground floor, as well as other activities aimed at exploration and exploitation of the area for economic purposes, such as the production of energy from water, ocean, and wind; The jurisdiction over the installation and use of artificial islands, equipment, and structures referred to in paragraph 1, article 56; the right to place cable and underground pipelines on the continental shelf referred to in article 79; and the right of the coastal state to freedom of navigation provided for in subparagraph a, paragraph 1 of article 87 of UNCLOS 1982.

On the ground, China has been actively disrupting the expansion of A5 (Indonesia, Malaysia, Brunei, the Philippines, and Vietnam) large-scale oil and gas reserves in the supposedly overlapping A5 economies with China's "illegal nine-track route". Typically, the disruption of the

Kawasari mine expansion, Malaysia's SK316 in Luconia, and Indonesia's Tuna are located 13km from Vietnam's privileged economic zone separation line. Besides, China is also "striking the west" to strengthen the legal systems that it has the advantage of. Among them, the provocative presence of the Yuan Hong 10 survey vessel in the Vanguard Bank on the western shore of the East Sea and the Chinese launch of the light at the Grierson Reef on the eastern shore of the East Sea are actions aimed at distracting public opinion, enabling the country to concentrate on the perfection of the ecological and geological data systems in the East Sea to submit to the United Nations Educational, Scientific, and Cultural Organization, demonstrating its ability to ensure the maritime safety of the country. China has deployed up to five troops to this complex battle with missions of encirclement, siege, and attack, including civilians, naval guards, marines, navies, and finally marine surveillance ships^[18].

For the United States and its allies: These countries, in turn, have issued policies and strategies that affirm that the East Sea is at the heart of the Asia-Pacific strategy, namely:

For the United States: After taking office, President Joe Biden placed great emphasis on advancing the Indo-Pacific strategy as a United States security, economic and foreign priority. With the aim of: (i) joining the world's leading "Islamic" role in the context of China, Russia – the "leading strategic competitor" – is boosting its activities in the region; (ii) Protection of the right to freedom of movement by sea and air; (iii) Effective response to traditional and non-traditional security challenges, ensuring regional security and stability. To this, Washington emphasizes the role of the economic, political and security alliances in which the United States plays a leading role, such as the Diamond Quartet (USA, Japan, Australia and India), the AUKUS Alliance (US, UK, Australia), the "US-Japan-Korea" strategic triangle, the "USA-India- Japan" as the "pillars" of the strategy. At the same time, the United States is closely linked to its allies Japan, Korea, Thailand, the Philippines, and Australia to share responsibilities and interests; expand cooperation with ASEAN countries – an important "chain eye" in shaping regional security structures^[6].

At the same time, the United States is attracting a number of countries by promoting the principle of "free, fair, and go, have," strengthening multilateral and bilateral cooperation, providing economic, financial, and humanitarian assistance, investing in strategic projects, building a code of conduct based on international law and rules, etc. to gather forces and gain an advantage over "adversaries" in the Indian-Pacific region. In particular, Washington is adjusting its strategy to maintain superior military power in critical areas to deter threats, protect national security and interests, and assert the role of "Titanic" leaders in the region and the world.

For France: In recent years, France has stepped up its involvement in the Indo-Pacific region as it has become central to the balance of the world, not only diplomatically but also economically. By February 2022, France had released an updated version of the Indo-Pacific Strategy, committed to strengthening relations with the islands in the region.

In line with its long-standing advocacy of multilateralism, France is trying to find a way to separate itself from the US-Chinese bipolarity by balancing relations with the two

powers. The French Navy has a strong partnership with the United States Navy. In addition to sending liaison officers to the US Indo-Pacific Command, France has also become an observer for US-led exercises, including the Southeast Asian Cooperation and Training Marine Exercise (SEACAT) in Singapore and the Sama-Sama naval exercise in the Philippines in the period 2020–2021. However, France is not a member of the Diamond Quadrant (QUAD), which includes Australia, India, Japan, and the United States. Meanwhile, Admiral Jean-Mathieu Rey, Commander-in-Chief of the French Armed Forces in Asia-Pacific, maintains cooperative relations with China through pragmatic diplomatic policy. France's Indo-Pacific Strategy is fundamentally different in terms of objectives and content from the United States' Indo-Pacific Strategy launched in November 2017. France proposes a “balanced approach” based on a wise “comprehensive strategic partnership” with China.^[17]

For Germany: As a nation that trades around the world, Germany has a significant interest in maintaining and supporting stability, prosperity and freedom in the countries of the Indo-Pacific. More than 20 percent of German trade is conducted in this region. To effectively pursue its interests in the Indo-Pacific, Germany has adopted an approach of long-term political engagement with the region. The German Government Policy guidelines for the Indo-Pacific, adopted in September 2020, serve to guide its strategy. Tangible progress had already been made a year on from the publication of the guidelines, as described in the September 2021 progress report. In view of the challenges facing Europe, the German Government in its second progress report – issued in September 2022 – underscored its intention to continue implementing its policy for the Indo-Pacific and to further broaden its ties with the region. In its third progress report, which was published in September 2023, the German Government describes how it has strengthened the full range of its Indo-Pacific relations.

The core principles of Germany's Indo-Pacific policy are the strengthening of European action, of multilateralism, of a rules-based international order and of human rights, and the United Nations Sustainable Development Goals. The policy guidelines constitute an invitation to all of the region's countries to expand and deepen their cooperation with Germany. It is in this spirit of inclusivity that Germany sees a role for itself in the Indo-Pacific; at the same time, it is keen to ensure that no countries are shut out. However, inclusivity does not mean equidistance from the major powers in the competition of systems. Germany stands up for its principles and is ready and willing to strengthen them together with like-minded partners^[7].

For South Korea: On December 28, 2023, South Korea released a detailed report on its new strategy in the Indo-Pacific region. Accordingly, the South Korean government will pursue nine core principles based on the three principles of cooperation: coverage, trust, and availability. These include: building regional order based on norms and rules; cooperation to promote legal rights and human rights; strengthening nuclear non-proliferation and counter-terrorism efforts across the region; strengthening comprehensive security cooperation; building economic security networks; enhancing cooperation in critical science-technology areas and bridging the digital divide; leading regional cooperation on climate change and energy security; engaging in “contributing diplomacy” through appropriate

development cooperation partnerships; promoting mutual understanding and exchange. This strategy will be an important milestone in safeguarding the national values and interests that South Korea seeks while expanding China's Indian-Pacific foreign policy^[12].

For Japan: As an important US ally in the Asia-Pacific, Japan plays an important role in shaping and advancing the Indo-Pacific strategy. In August 2007, in a speech to the Japanese Parliament, Japanese Prime Minister Shinzo Abe referred to the region as “the merger of two oceans”. Since Japanese Prime Minister Shinzo Abe returned to power for the second time in 2012, and especially in the face of China's strong rise since the 18th Congress of the Communist Party of China, Japan has really devoted its attention to the Indian Ocean. Subsequently, in April 2017, Prime Minister Abe's government launched the “Free and Open Indo-Pacific Strategy” (FOIP), defining Tokyo as expanding its strategic role and vision and “contributing positively to peace” in this vast region. The main objectives of Japan's FOIP are: (i) promote connectivity between Asia, the Middle East, and Africa, where the Indian Ocean is of strategic geopolitical importance to Japan's security; (ii) strengthen Japan's image and global position as a big country; (iii) strengthen our alliance with the United States; and (iv) maintain the balance of influence with China.

In this strategy, Japan emphasizes issues of freedom of navigation, respect, and compliance with the law because, according to Japan, the Indo-Pacific is essentially a maritime area. The 2012 Japanese Defense White Paper states: “Maritime security based on respect for maritime rights and freedom is the foundation of peace and security for Japan, a maritime nation”^[19].

In the Indo-Pacific strategy, former Prime Minister S. Abe committed to strengthening strategic partnerships with India as an essential pillar. Under Prime Minister S. Abe, Japan-India strategic relations were strongly promoted in the economic, security, and military spheres. The tripartite cooperation between Japan, the United States, and India, as well as among the countries in the Quartet, is also an important part of Japan's approach to the Indo-Pacific strategy. Besides, cooperation with the European Union (EU), Britain, and France in the form of a four-party approach is also on Japan's agenda. In addition, Japan is interested in and involved in economic, political, and security issues in Africa, wishing to include the continent in its FOIP strategy. In his speech at the Tokyo International Summit on African Development (TICAD) in August 2016, the Japanese Prime Minister declared: “It is Japan's responsibility to promote the integration of the Pacific and Indian Oceans as well as Asia and Africa to form a free area, based on law and a market economy, free from pressure or coercion, prosperous parties”^[11]. To implement its FOIP strategy, Japan has deployed a series of measures, such as increased participation in multilateral military cooperation with Southeast Asian countries, joint military exercises with India and Australia, the establishment of a military base in Djibouti to support peacekeeping operations in South Sudan, and involvement in a training program for forces in Djibouti. One effective way, playing an important role as a source of “soft power” to strengthen diplomatic influence and serve Japan's direct interests in the Indo-Pacific space, is to provide financial support to a range of countries in the region, such as South Asia, Southeast Asia, and Africa. In May 2015, Japan announced plans to use

\$110 billion for the five-year “Asian-African Growth Corridor” to invest in infrastructure projects connecting the two continents ^[6].

For India: As one of the countries with rights and interests in the East Sea, since 2015, India has shifted its policy focus from the Euro-Atlantic to the Indo-Pacific ^[9]. Subsequently, India’s strategic vision shifted to the Indian-Pacific region, linked to its “Eastern Action” policy, which emphasized its involvement in organizations that focus on ASEAN in the region, such as the Eastern Asia Summit (EAS) and the expanded ASEAN Defense Ministers’ Conference (ADMM+).

The Indo-Pacific Initiative was first announced by Indian Prime Minister N. Modi in a speech at the Shangri-La Dialogue held on June 1, 2018 in Singapore. On November 4, 2019, Prime Minister N. Modi once again referred to this idea at the 14th East Asia Summit (EAS) held in Bangkok, Thailand, which proposed “a collaborative effort to translate the principles of the Indo-Pacific region into concrete actions to ensure a common maritime environment”.

India’s Indo-Pacific Initiative consists of seven pillars (i) and can be divided into six groups: (i) maritime security; (ii) marine ecosystems and marine resources; (iii) building maritime enforcement capacity and sharing information; (iv) disaster risk management and reduction; (v) scientific and technological cooperation; (vi) commercial and maritime connections. India’s approach to this strategy is to embrace and go beyond traditional security issues or geopolitical challenges. At the same time, India wants to promote cooperation on environmental issues related to the marine and ocean sectors. Through the Indo-Pacific Initiative, India aims to play a leading, chairing, and coordinating role in cooperation both within and outside the region, especially with small and medium-sized nations ^[16].

With the announcement of the Indo-Pacific vision, the partnership has become a pillar of India’s strategy to realize this vision. For India, strengthening security cooperation with the United States, promoting a special strategic partnership with Japan, and maintaining relations with Australia are strategic focuses in shaping an economic and security structure in the region, based on the Diamond Quartet alliance. At the same time, in order to connect with the open Indian-Pacific space, India has strengthened its relations with Asian, European, and African countries. Specifically for Africa, India has made significant efforts to establish a new partnership, not only making historic visits to these countries but also announcing the opening of 18 additional diplomatic missions in Africa to strengthen its political and strategic interests. Another innovation in India’s strategic thinking is placing the island nations in the Indian and Pacific in its Indo-Pacific vision. These islands are not only strategically important for India; they are also important for Indian maritime security.

As far as its strategic partner in Southeast Asia is concerned, India has always insisted that ASEAN is the focus of its East Action policy, its deeper commitment, and its more practical action for the region. India strengthens its comprehensive cooperation in the political, security, economic, cultural, and social spheres with Southeast Asian countries and the Mekong subregion; appreciates the central role of ASEAN in the Indo-Pacific region; and positively responds to ASEAN’s “Indo-Pacific Vision” adopted at the 34th ASEAN Summit (June 2019). Recently, India launched the India-ASEAN 2021-2025 Action Plan with the objective

of further enhancing relations with ASEAN countries. Accordingly, cooperation in areas such as trade, investment, counter-terrorism, strengthening defense exercises, coordinated patrols, and effective logistical support mechanisms during humanitarian and natural disasters will be deployed ^[6].

For Australia, this nation has been one of the countries that has been advocating and promoting the Indo-Pacific concept from a very early age. Australia’s 2009 Defense White Paper states: “By 2030, the Indian Ocean, along with the Pacific Ocean, will be central to the Australian maritime strategy and plans” ^[20]. Subsequently, the term Indo-Pacific was mentioned in the 2012 White Paper “Australia in the Asian Century” by the government. In the 2013 Defense White Paper, Australia identified “the rise of the Indo-Pacific as a strategic bow.” Subsequently, the 2016 Defense White Paper and the 2017 Foreign Policy White Paper referred to the Indian-Pacific as an important geopolitical structure to guide Australia’s foreign and security policy. Since then, the Indian-Pacific concept has become a central topic in Australian leadership and academia. On July 1, 2020, Australia announced a new defense strategy under which the Defence Force will shift its focus to strengthening its military power across the Indo-Pacific region.

In the face of changes in the regional security environment, coupled with fierce competition to expand the sphere of influence of the regional powers, Australia has made a strong strategic shift to Asia, actively supporting the US-led Indo-Pacific strategy, emphasizing its important position in the strategy, promoting relations with Asian countries, improving its presence and scope of interest in Southeast Asia, and seeking a more prominent new role in the region. An online ASEAN-Australia Special Ministerial Meeting on June 30, 2020, was also held to strengthen diplomatic and economic relations. At the conference, Australian Foreign Minister Marise Payne reaffirmed that Australia attaches great importance to the role of ASEAN, placing ASEAN at the heart of Australia’s strategy in the Indo-Pacific region. In addition to promoting relations with Asian countries, Australia continues to tighten its relations with the United States, regarding the Australian-US alliance as a pillar of its foreign policy. In addition, Australia has strengthened its cooperation with leading strategic partners such as India and Japan. ^[6]

For the European Union (EU): On April 16, 2021, the EU Council adopted the “EU Strategy for Cooperation in the Indo-Pacific Region”, which emphasizes the objectives (i) which contribute to the stability, security, prosperity, and sustainable development of the region; (ii) promoting democratic values, human rights, and international law; and (iii) demonstrating the role of the EU as an important partner in the region and as a global influencer. The strategy also calls for a meaningful European naval presence in the region ^[15].

The actions of the parties in the past show that today’s East Sea dispute is no longer just a dispute between China and its ASEAN neighbors over conflicting claims in the East Sea, where China claims its historic sovereignty over the entire East Sea, including the Paracel Islands, the Spratly Islands, and the land scattered in these waters. The disputes in the East Sea, as far as China is concerned, have become an international issue. Leaving aside the sovereignty claims that need further consideration by the parties to the dispute, the East Sea issue has now become a global concern for

“protection of global common property” “freedom of movement offshore” and “unrestricted use of international maritime routes”. So, the current disputes are not only a conflict of interest between China and ASEAN but also a dispute between China, the United States, and the international community as a whole, with the parties having interests related to the unrestricted use of international maritime routes in the East Sea.

Impacts of the East Sea dispute on Vietnam, countries in the region, and the international community

With its complex, persistent, and many difficult issues, the East Sea dispute has posed many challenges and implications for the establishment of a peaceful environment in the region and the property and interests of many nations, including Vietnam. It's as follows:

For Vietnam, the East Sea dispute is dangerous to its ownership and national interests, negatively affecting Vietnam's strategy of sustainable maritime economic development through these following actions: (i) hinder the exercise of Vietnam's sovereignty, rights, and jurisdiction over the waters and islands, in particular the Paracel Islands and Sparty Islands, and the unspoiled waters; (ii) encourage Viet Nam to seek compulsory solutions to protect its practical interests in the waters of sovereignty and jurisdiction; (iii) create many direct obstacles to the adoption and implementation of Vietnam's marine socio-economic development strategies; (iv) create negative impacts and challenges to many sectors of Vietnam's marine economy, especially agriculture, mining, seafood processing, marine tourism, oil and gas extraction, transportation, etc.; (v) destroying the livelihoods of fishermen, threatening and causing psychological confusion and fear for the people of the seas and islands; (vi) creating the risk of extinction of natural resources and destruction of the environment. (vii) Internal divisions, weakening, delaying, obstructing, and disrupting international cooperation between Vietnam and ASEAN countries, negatively affecting Vietnam's relations with these countries, especially China/Taiwan, Cambodia, and the Philippines; (viii) forcing Vietnam to take cautious steps, implement multilateralism, and diversify international cooperation on a focused, centralized basis so that it can be balanced with external forces and safeguard its sovereignty as well as other legitimate rights and interests in the South Sea. (ix) Forcing Vietnam to increase defense budget investment, modernize the law enforcement forces at sea, especially the naval, fishing, and maritime police in the regular direction, and equip them with modern weapons.

With regard to the East Sea, the East Sea dispute has: (i) turned the East Sea into a strategic competitive area for the exploitation of energy resources, a fierce competitive front for power between the great powers, especially the United States and China; (ii) Created an arms race in the region, especially between China and a number of countries that are involved in sovereignty disputes, interests in the East Sea, serious threats to regional and global security and stability, as well as potential risks of large-scale military conflict; (iii) divided the ASEAN countries internally, delayed, and hindered the process of discussions on the Code of Conduct in the East Sea (COC); (iv) formed strategic alliances between China on the one hand and the United States and its allies within their influence in the region; (v) forced ASEAN countries to strengthen their military capabilities,

forcing other powers with interests in security and stability in the East Sea to participate in the ASEAN deterrent capacity-building process; (vi) interfered with the political determination of states in resolving disputes over the sovereignty of the seas and islands; obstructing and delaying the process of completion of the establishment of the national sovereignty of the parties through multi-dimensional and multi-frontal influences; (vii) violated to a certain extent the values of the principles in establishing the sovereignty of the sea and the isles; (viii) creation of disproportionate elements in the establishment of maritime sovereignty, island status (unilaterally determined or through a determined agreement for the implementation of a determination) and position in the settlement of disputes relating to establishing maritime, island State; (ix) constituted two trends in the use of the international legal basis for the establishment of national sovereignty over the seas, islands in compliance with or in violation of (violation) of international law for the implementation of the establishing process; (x) Facilitated China's expansion of its territorial sovereignty claims in the East Sea and other waters (the East China Sea, the Yellow Sea).

With regard to the Asia-Pacific region, the East Sea dispute has: (i) led to the polarization of Asia and promoted a new balance of power structure in Asia and the Pacific; (ii) divided the East Asian countries internally, paving the way for external actors to enter the region and stand on the side of countries surrounding China; (iii) Disrupting the peace of the Asia-Pacific region, putting the region at risk of becoming a point of outbreak of conflict between China and the United States, where the two sides fired their first shots, unless China's righteousness voices prevailed, helping China to reduce its policy of “at the mouth of the hole of war” in the East Sea; (iv) To raise international concern about China's actions aimed at imposing sovereignty over the entire waters and island entities in the East Sea as well as affecting the implementation of the commitment of the international community to the maintenance and protection of peace, security and stability in the Southeast Asian region; (v) Create a risk of a Cold War in Asia-Pacific.

For the world, the East Sea dispute has: (i) changed the regional and global landscape, especially the balance of power between countries, forcing major countries to actively adopt policies and strategies to engage more deeply in the East Sea issue, such as: In addition to the US Indo-Pacific Strategy, other countries such as India, Japan, Australia, Britain, France, and Germany, in turn, have presented their own visions and strategies. (ii) formed strategic alliances to counterbalance China, typical of the Quartet (United States, Japan, India, Australia), the Cereal Alliance (U.S., Britain, Australia, Canada, and New Zealand), and the AUKUS Union (US, UK, Australia); (iii) threatened international peace and security, increasing the risk of an arms race and war.

Proposing solutions for Vietnam, countries in the region, and the international community

a. Proposing solutions for Vietnam

The East Sea dispute has a profound, comprehensive impact on every area of Vietnam's socio-economic life, including its positive and negative impacts. However, in an objective and holistic way, it is clear that the negative impact of complex challenges and difficulties will be more than beneficial. In particular, Vietnam is facing the risk of “loss

of sovereignty” over the Paracel Islands and some of the islands and rocks of the Spratly Islands that China and other nations are actually occupying. This fact poses the question for Viet Nam of a comprehensive strategy, from self-reliance and independence to autonomy in national development, especially in the area of economic and defense security, to strengthening its position on the international scene and, in particular, rapidly choosing a suitable solution to the question of the sovereignty of the Paracel Islands and Spratly Islands, as well as other maritime and island disputes. This strategy needs to be formulated and implemented in a scientific and unified manner, with the political determination of the entire party and the people, to ensure the victory of the struggle to defend national sovereignty.

First, in the political sphere, Vietnam needs to: (i) scientificise political activity while enhancing the sophistication, ingenuity and flexibility of political activity; (ii) affirm and strengthen the resolve of the political system, of the entire Party, of all the people in the struggle to defend the sovereignty of the sea and the island nation; (iii) to develop and improve the political and legal system of the Party and the State on the sovereignty of the sea and the national islands and resolutely implement the views, directions and proposals that have been issued in order to enforce and safeguard the sovereignty of the seas and islands in accordance with a unified and effective mechanism; (iv) to improve the entire organization of the Ministry of Foreign Affairs, the entire political system in the island districts, to ensure and sustain the leadership of the Party, the State in the struggle to protect the sovereignty of the sea and the island nation; (v) further promote propaganda, dissemination, education of the views, initiatives, directions and policies of the Party and the State so that all citizens can understand their responsibility in protecting the Fatherland and are ready to contribute together to the common cause of the country.

Second, in diplomatic relations with the parties to the dispute as well as with the international community, Vietnam needs to: (i) uphold the position and consistency of the Party, the State on the sovereignty of the sea, the island nation, on the settlement of disputes, and to condemn and reject the unreasonable, unjustified, and historical claims of the other parties to the dispute; (ii) disclose the conspiracy to seize, resolutely condemn, and defeat acts of violation of the territorial and sovereignty of the States of the East Sea region, and to call for the support of the international community for the defense of Vietnam's maritime and islands; (iii) Develop and strengthen the strength of people's diplomacy, closely coordinate the Party's foreign affairs activities, State diplomacy and people's diplomacy; between political diplomacy, economic diplomacy and cultural diplomacy; between foreign affairs, defence, security; (iv) Continuously strengthen and develop friendly diplomatic relations between Vietnam and the parties to the dispute; (v) To synchronize all solutions in the settlement of maritime and island disputes, in which the legal solution should be regarded as the top priority, focused and key solution, ensuring that Vietnam's legitimate strength and legal basis is developed before the relevant States, especially China – using the dispute settlement mechanisms of the international jurisdictional institutions. The negotiated or political-diplomatic solution at present should only be used as a supporting tool.

Third, for international cooperation, Vietnam needs: (i) Strengthen cooperation with the parties to the dispute in order to strengthen political and diplomatic relations so that appropriate (temporary as well as long-term) solutions can be found soon to resolve the issue of maritime and island sovereignty disputes; (ii) To continue to strengthen and enhance cooperative relations with States within and outside the region in order to be able to exploit, manage and effectively use the resources of the East Sea as well as to establish and perfect the conditions for ensuring the process of defending the sovereignty of the seas and islands; (iii) To strengthen cooperation with international and regional organizations such as the United Nations and ASEAN in order to maximize the role of international organizations in the settlement of disputes over the sovereignty of the seas and islands; (iv) To actively join, establish international and regional organizations and forums to learn, exchange information and experience on the protection of the island sovereignty and attract the interest and support of the international community for the struggle to protect the fatherland of Vietnam.

Fourth, in the field of defence and security, Vietnam needs to: (i) strengthen the absolute, direct leadership of the Party, the unified and centralized management of the State over security protection; (ii) to ensure defence and security in the new situation and to strengthen and strengthen the defense security strength in the operation of the protection of the sovereignty of the sea and the national islands; (iii) improve economic and social development with increased security in the seas; (iv) strongly promote the unified power of the entire nation, of the whole political system, in order to carry out well the objectives of defence and security in the protection of the national sea and island sovereignty; (v) strengthen defense security cooperation with regional states and extend cooperation to non-regional countries.

Fifth, in the field of legislation and law enforcement, Vietnam needs to: (i) formulate policies and maritime strategies that respond to the real situation and keep pace with the regional states; (ii) Building and perfecting the Vietnamese legal system on seas and islands (such as: issuing guidelines for the implementation and completion of the Vietnam Sea Law 2012; developing and finalising regulations on the management and use of waters overlapping with claims of sovereignty; finalizing legal provisions on the principles and directions for the settlement of maritime divisions; establishing and finalisation of regulations for the operation of the settling of disputes between the seas and the islands of Vietnam; (iii) signing and acceding to international treaties on seas, islands, strengthening the effectiveness of the international agreements on the seas in general and on the East Sea in particular; (iv) identify and publish Vietnam's base line system in accordance with the provisions of the 1982 Convention on the Law of the Sea; (v) promote the process of negotiations for the determination and planning of overlapping waters in practice.

b. Proposing solutions for States in the region and the international community

First, build strategic confidence in the East Sea to maintain an enabling environment for promoting cooperation among countries. Trust is an important factor, the root for resolving the sovereignty dispute in the East Sea today ^[1]. Confidence-building in the East Sea needs to be achieved

through: (i) Encourage all parties, including Taiwan, to cooperate in the establishment of an expert working group to unify the list of physical structures in the East Sea and categorize each of these structures into islands, rocks, underground areas,... in a reasonable manner; (ii) Establish continuous, informal non-governmental expert working groups – which may include members other than the parties to the dispute – to propose a series of solutions to each dispute and to hold informal meetings with officials of the parties, jointly or individually, to assess the feasibility of proposals and adjust those proposals. Each expert group may have a neutral headquarters, fixed and hold meetings at different locations. (iii) Recognize the value of the decision of the Philippines-China Arbitration Tribunal of 12 July 2016 in respect of international law. (iv) To make the most of the role of international organizations in resolving disputes in the East Sea.

Second, to take advantage of and promote the role of the Association of Southeast Asian Nations (ASEAN) in maintaining peace and stability in the East Sea. In the context of complex world turmoil, ASEAN has affirmed that it is not only becoming an important political-economic entity in Southeast Asia but is also expanding and promoting its role in the Asia-Pacific region with global prestige and influence. ASEAN has become a nucleus that attracts and connects the participation of 20 partners, including the world's major powers and centers, in the processes of dialogue and cooperation in the region initiated and led by ASEAN itself. Through these relations, ASEAN has gained substantial support from its partners in efforts to promote cooperation and strengthen the Association's regional linkages, as well as jointly address common issues affecting the region, including the East Sea issue. In recent years, ASEAN has been playing an increasingly active role in resolving disputes in the East Sea, especially as ASEAN stepped up its COC negotiations with China as well as promoting the Southern Sea issue on its agenda with its partners^[8]. In order to play this role, policymakers and security leaders in and outside Southeast Asia need to support ASEAN's involvement in the East Sea dispute settlement while making greater contributions to helping ASEAN succeed in its mission, which is crucial for the region's future^[10].

Third, the effort to accelerate negotiations to have a practical, effective Code of Conduct for the East Sea (COC). Currently, the process of building COCs in the East Sea is undergoing a number of positive changes, but there are still some controversies in the COC negotiations, such as scope, legal force, enforcement mechanisms, the role of third parties. This has led to the East Sea increasingly receiving the attention of all the international and regional communities, in which context the position and role of the South Korea Sea in global economic and strategic competition and in the Indian-Pacific are growing^[13]. Accordingly, while enhancing efforts to create effective COCs, countries must seriously and fully implement all provisions of the DOC, thereby contributing to the creation of an enabling environment for the COC negotiation process. In addition, countries need to promote the spirit of “talk and do”, turn political commitments into concrete, relevant actions on the ground, and, at the same time, take the provisions of international law and UNCLOS as the “man-guide” for operations in the East Sea^[3].

Fourth, states are proactive in preventing the risk of unwanted maritime collisions. Coastal states and non-regional states need to develop codes of conduct and standards of behavior for maritime operations, including military, civilian, and maritime law enforcement forces.

Fifth, nations need to boost cooperation for economic recovery and co-development. With the global economy stagnating, the Indo-Pacific region needs to be at the forefront to support the recovery of the world economy. In this context, the East Sea needs to be a space that connects the interests of countries, promotes global trade, and ensures that supply chains are uninterrupted. Strengthen cooperation to protect natural resources, strengthen marine science research, and promote sustainable development in the East Sea. Continuously striving for a peaceful settlement of the overlapping claims in the East Sea. Accordingly, the parties concerned need to strengthen frank dialogue in a spirit of constructive conciliation and inclusion in order to narrow differences and find peaceful solutions to disputes^[4]. Emphasize the view that promotes the spirit of dialogue, promotes multilateralism, respects international law and the Charter of the United Nations, and seeks a just and reasonable peaceful solution to international conflicts.

Conclusions

The East Sea is an area with a very important geostrategic position in the region and the world. The East Sea dispute is the longest-lasting, most complex, and most asymmetrical dispute in the region and the world today. Every negative development and move from the East Sea dispute has raised deep concerns of countries in the region as well as countries around the world about the risks of military conflict. With the increasingly aggressive and defiant actions that China has been carrying out on the fronts, especially the current field front, the risk of military conflict and the risks of disrupting stability and regional security order are no longer potential threats but will be more and more present. Vietnam, countries outside the region, and the international community need to join hands and make efforts to cooperate in the spirit of international law to maintain peace and stability in the East Sea.

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