

ROLE OF POLICIES AND LAWS OF THE COUNTRY IN THE ACTIVITIES OF EXPLOITING AND USING THE EAST SEA***Đỗ Đức Minh**

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Abstract

The paper focuses on research and commentary clarifying some basic theoretical issues about marine policy and law; analyze current situation of policies and laws in the East Sea currently; From there, generalizing matters with ethodological significance to identify and confirm the role of national policies and laws on the use and exploitation of the East Sea in the current context.

Keywords: Role, policy, law, East Sea.**INTRODUCTION****Maritime policy and law**

The sea and ocean are of special economic, political and social importance and are the main development trend for countries around the world. The 21st century is considered the era of "Sea and Ocean", "Sea and Marine Economy",... In the face of the geostrategic shift from land space to sea space, many countries have recently planned their own maritime strategies. At the same time, to adapt and respond to major changes in the world, protect national interests and sovereignty, countries have adjusted their maritime strategies, placing maritime strategies at the center of national strategies.

Marine policy

Is the totality of viewpoints, standards, strategies, contents and methods of action of the state to successfully implement the national strategy and guidelines on management, exploitation and use of seas and islands, development of marine economy and ensuring national defense and security on seas and islands, international cooperation on seas, delimitation of seas, protection and preservation of marine environment. Marine policy is also considered as an effective measure for coastal countries to implement in order to achieve the goals of protecting sea sovereignty and developing marine economy (the top goal), linking sea management with exploitation of seas and islands. From these requirements, coastal countries have formulated marine policies, issued legal documents to stipulate how to implement measures to protect sea and island sovereignty, develop marine economic sectors and at the same time prevent risks of infringement of sea and island sovereignty from outside. The content of the maritime policy is broad and rich, including: Building, restoring and maintaining the position of a maritime power, developing and expanding to the sea to become a maritime power, consolidating national strength. Implementing economic and security strategies from the sea, combining maritime economic development with national defense and security, strengthening military strength,

ensuring safety and security at sea. Ensuring the operations of law enforcement forces at sea (navy, coast guard, fisheries control, border guards, etc.), freedom of navigation and aviation of nations. Developing the marine economy to exploit and manage resources from the sea, develop marine resources; promote and enhance scientific research on the sea, activities in research and development related to the sea, ocean exploration; Developing marine economic sectors (oil and gas; developing seaports and maritime transport; aquaculture, exploitation and processing of seafood; marine tourism services; exploiting coastal mineral sand; developing new coastal economic zones and industrial zones); harmoniously combining resource exploitation and marine environmental protection, exploiting and protecting ocean resources; "investing in developing" the infrastructure system serving the marine economy.

Law of the Sea

As one of the independent branches in the international legal system that appeared in ancient times and plays an important role in international relations. At the beginning of its formation, the law of the sea existed in the form of international customs that were only recognized and applied by a few countries. Through a long process of cooperation and struggle between countries, the law of the sea has increasingly developed and improved, creating a legal environment for the international community in managing, exploiting and using the sea effectively, typically the birth of major international conventions on the law of the sea such as the 1958 and 1982 Conventions on the Law of the Sea. The basic principles of international law of the sea include: The principle of freedom of the seas; The principle of land dominating the sea; The principle of common heritage of mankind; The principle of using the sea for peaceful purposes; The principle of reasonable use and protection of living things at sea; The principle of protecting the marine environment. In particular, the principle of freedom of the seas is a classic principle, codified as a basic principle of the United Nations Convention on the Law of the Sea in 1975 and at the same time still exists as an international custom. Due to the characteristic of not being owned by any country, the legal status of the sea is a free status, understood in two aspects: (i) Recognizing the equality

of rights and interests of all countries on the sea; (ii) There is no discrimination based on the geographical circumstances of any country when participating in the use and exploitation of the sea. This legal nature is expressed and guaranteed by the content of the principle of freedom of the seas: the sea is open to all countries, whether coastal or landlocked. The right to freedom of the seas is exercised under the conditions prescribed by the provisions of the Convention and other rules of international law. In the exclusive economic zone, all States, whether coastal or land-locked, enjoy the freedoms of navigation and over flight and of the laying of submarine cables and pipelines, as well as other internationally lawful uses of the sea associated with these freedoms and consistent with the other provisions of this Convention, including those relating to the operation of ships, aircraft and submarine cables and pipelines. In all areas of the sea that are not included in the exclusive economic zone, in the territorial sea or in the internal waters of a State, or in the archipelagic waters of an archipelagic State, there shall be no restriction in any respect on the freedoms enjoyed by all States in the exclusive economic zone (Article 86).

According to Article 87 of the 1982 Convention on the Law of the Sea, the principle of freedom of the seas is concretized into basic rights:

- Freedom of navigation: this is the traditional freedom, the most important to distinguish the legal nature of the seas from the seas under the sovereignty and jurisdiction of the coastal state, directly related to ships with the nationality of the countries;
- When operating in the high seas, the principle of freedom of the seas means creating for a ship of a certain country not to be subject to the jurisdiction of another country, except the country whose nationality the ship is. According to this freedom, military ships of each country operating on the international seas besides the right of judicial immunity against ships violating their country or ships with violations according to the provisions of the 1982 Convention on the Law of the Sea;
- Other freedoms: freedom of the seas is open to all countries, whether coastal or landlocked, to have the freedom to use the sea as well as enjoy the benefits from the sea. These are the freedoms of aviation, freedom to lay submarine cables and pipelines, freedom to build artificial islands or facilities permitted by international law, freedom to fish, freedom of marine scientific research, etc. The 1982 United Nations Convention on the Law of the Sea also affirms: The seas are used for peaceful purposes (Article 88). The principle of freedom of the seas does not allow any country to legally claim to place a part of the sea under its sovereignty (Article 89). This means that in the seas, all countries enjoy the freedoms stipulated in international law. However, in order to avoid unrestricted freedom or arbitrary use of the high seas, each State shall, in exercising these freedoms, have due regard for the rights and interests of other States in exercising the freedom of the high seas and for the rights recognized in the Convention with regard to activities in the Area.

Policies and laws of countries in the exploitation and use of the East Sea

The East Sea: Overview of the situation in the East Sea With an area of nearly 3,000,000 km², the East Sea is the largest

semi-enclosed sea in the world. The East Sea is of strategic importance to countries in and outside the region, but it also contains the risk of conflict due to persistent disputes over territorial sovereignty and maritime zones between countries in the region. "The position of the East Sea on the map of Asia and the world is assessed according to three criteria: natural position, geo-economic position and geopolitical position. In terms of geo-economics, the East Sea possesses a large source of resources for surrounding peoples, is a vital maritime route for many countries in the world, and also clearly shows the huge difference in economic potential of surrounding countries, thereby giving rise to many different responses to East Sea policy. Geopolitically, due to its "crossroads" and "central" position, the region is a place where many cultures intersect, a land of old and new colonial regimes, a place of confrontation during the Cold War and a place with an international geo-military position. The East Sea has become one of the places where the key interests of countries converge due to its economic potential, strategic security as well as its emerging geopolitical position. For the 9 coastal countries, including China (including Taiwan) to the North; the Philippines to the East; Malaysia, Singapore, Indonesia and Brunei to the South; Thailand, Cambodia and Vietnam to the West, the East Sea has great economic, social and environmental value. The prominent and often mentioned economic potential of the East Sea is its oil and gas resources, diverse biological and marine resources and ideal tourist destinations. As a bridge between the Indian Ocean and the Pacific Ocean, the East Sea has extremely important and crowded shipping routes serving the transportation of more than a quarter of global trade volume. As one of the most important, busy and crowded shipping routes in the world with 3,400 billion in annual cargo traffic, the shipping route through the East Sea is primarily essential for the import and export of goods of countries in and outside the region, especially for China, Korea, Japan, Australia and Africa. The East Sea also has important economic and geopolitical significance for the United States - a country with many oil and gas companies operating in the region while maintaining naval superiority globally.

Sovereignty Disputes in the East Sea

a) Background

Sovereignty disputes in the East Sea include disputes over islands (the Paracel Islands and the Spratly Islands) and maritime areas. In addition, the maritime areas in the East Sea are also the subject of disputes between countries over fishing grounds, resource exploitation (especially oil and gas) and control of a strategic location. Countries indirectly involved in the East Sea are the United States, Japan, Australia and India. Sovereignty disputes in the East Sea between countries in the region have occurred since World War II. Initially, the countries disputed because of the strategic location of the East Sea [1]. For China, the East Sea in general, as well as the Paracel Islands and the Spratly Islands, are important because they are located between the Indian Ocean and the Pacific Ocean, an important strategic area, and the gateway of mainland China to the outside world [2]. For Japan, the South China Sea is a vital traffic route not only to Southeast Asia but also to the Middle East and Europe. The Japanese economy is closely linked to this traffic. For strategic reasons, during World War II, Japan built a submarine base on Itu Aba Island in the Spratly Islands.

Next, after the 1982 United Nations Convention on the Law of the Sea stipulated the exclusive economic zone, the importance of resource exploitation, mainly fishing and oil and gas exploitation, was an additional cause for the dispute [3] (rich fishing opportunities are also a driving force for sovereignty claims). There is much controversy over the territorial waters of the South China Sea and its resources, as the 1982 Convention on the Law of the Sea allows countries to have an exclusive economic zone extending 200 nautical miles (370.6 km) from their territorial waters, so countries around the sea can make claims to large areas, creating areas of potential dispute including:

- Indonesia and China over the waters northeast of the Natuna Islands; - Philippines and China over the Malampaya and Camago gas fields.
- Philippines and China over Scarborough Shoal: sovereignty disputes over the Malampaya and Camago gas fields and over Scarborough Shoal.
- Vietnam and China over the waters west of the Spratly Islands. Some or all of the Spratly Islands are disputed between Vietnam, China, Taiwan, the Philippines and several other countries.
- China is administering the entire Paracel Islands although Vietnam and Taiwan also claim sovereignty.
- Malaysia, Cambodia, Thailand and Vietnam on the areas in the Gulf of Thailand.
- Singapore and Malaysia along the Straits of Johore and the Straits of Singapore.

Both Vietnam and China have strongly claimed sovereignty over the Paracel and Spratly Islands. In 1932, the French government in Indochina occupied the Paracel Islands and then Vietnam (the Republic of Vietnam) continued to hold sovereignty until 1974. China occupied the two islands of Phu Lam and Lin Con since 1956 and is currently occupying the entire Paracel Islands after the Paracel Naval Battle (January 19, 1974) and occupying part of the Spratly Islands since March 14, 1988. This was followed by a series of events that emerged in the relationship between Vietnam and China and related countries. The disputing countries regularly report collisions between naval vessels. ASEAN in general and China always want to ensure that the disputes within the East Sea will not escalate into military conflicts. However, China has declared that it will not hesitate to use force to take the Spratly Islands. This shows that China is capable and willing to react very strongly to actions by other countries that China believes affect its interests in the East Sea. China also opposes the interference of outside countries in the situation in the East Sea.

b) China's nine-dash line

Is the name used to refer to the border line in the East Sea that China advocates and unilaterally declares sovereignty over. In 1947, the government of the Republic of China made a claim to sovereignty over the East Sea with the 11-dash cow tongue line, and it first appeared publicly in February 1948 in the appendix "Map of the location of the South China Sea Islands" of the "Administrative Region Map of the Republic of China" issued by the Regional Bureau of the Ministry of Internal Affairs of the Republic of China. After its establishment in 1949, the People's Republic of China still determined the border in the East Sea according to the "eleven-dash line" of the Republic of China. In 1953, the two segments in the Gulf

of Tonkin were removed, becoming the "nine-dash line". The nine-dash line encompasses four large groups of islands and reefs in the South China Sea, namely the Paracel Islands, Spratly Islands, Pratas Islands and Macclesfield Bank, covering about 75% of the South China Sea's surface area, leaving only about 25% for all the Philippines, Malaysia, Brunei, Indonesia and Vietnam, which together account for an average of 5%. Southeast Asian countries with disputes in the South China Sea have relied on the Association of Southeast Asian Nations (ASEAN) as a mediator to resolve disputes between China and ASEAN members. Agreements between ASEAN countries and China include commitments to notify each other of any military moves in disputed areas and to refrain from building new structures on the islands. China and ASEAN have also begun negotiations to create a code of conduct to ease tensions over the disputed islands, having agreed on the Declaration on the Conduct of Parties in the South China Sea. In July 2011, China, Brunei, Malaysia, the Philippines, Taiwan and Vietnam agreed to a set of preliminary guidelines to resolve disputes. This document is considered "an important milestone in the cooperation between China and ASEAN countries". Some of the contents of the document include "marine environmental protection, scientific research, maritime safety and communications, search and rescue and combating transnational crimes" (however, the issue of oil and gas exploitation has not been resolved). In general, there are mainly two types of border and territorial disputes in the East Sea, namely disputes over island sovereignty and disputes over the delimitation of maritime zones (including the continental shelf). Disputes over island sovereignty are related to the history of occupation and management of islands, rocks and shoals belonging to the two archipelagos of Hoang Sa and Truong Sa located in the central area of the East Sea; Maritime boundary disputes arise from the coastal state extending its maritime zones under the provisions of the 1982 United Nations Convention on the Law of the Sea. From a legal perspective, these two types of disputes are essentially resolved on two different bases. However, in practice, disputes over island sovereignty are often related to disputes over maritime delimitation because the disputed islands themselves also have their own maritime zones. From a geopolitical perspective, both the Paracel and Spratly archipelagos are strategically located. Many opinions say that holding these two archipelagos means controlling important shipping routes in the East Sea, or gaining military superiority in the event of a conflict in the East Sea. This is probably the factor that makes the sovereignty dispute over the two archipelagos, especially Truong Sa, of interest to countries outside the region, stemming from the interest in maintaining freedom of navigation in the East Sea.

The tense situation and risk of conflict arising from sovereignty disputes over the two archipelagos of Hoang Sa and Truong Sa often originate from the use of force to occupy new positions or consolidate presence on the ground and assert claims by unilaterally imposing national laws and enforcing them by force in the waters adjacent to the two archipelagos. The complicated situation of disputes in the East Sea and the risk of conflicts breaking out due to uncontrolled disputes, threatening peace, security, stability and development in Southeast Asia has been an issue for a long time, especially since the 1990s. China continues to use the nine-dash line as a legal basis to threaten and intimidate countries bordering the East Sea, including Vietnam. China disputes the right to manage and use all the archipelagos and sea areas within that

claim, meaning that for almost the entire East Sea, there are places that reach close to the coast of other coastal countries. This claim continues to be pursued by China despite the objections of both claimant and non-claimant countries to the two archipelagos. China has declared its interests in the East Sea as “core interests” – implying that China is willing to use force to protect its interests [4] China is “uncomfortable” with the involvement of the US as well as other third countries in the East Sea, affirming that disputes in the East Sea are China’s own issues with the disputing parties. On the ground, China has stepped up activities in all areas from fishing, scientific research to oil and gas exploration and exploitation with different moves. In the oil and gas sector, in addition to investing heavily to improve exploration and exploitation capabilities in the East Sea, China has also put pressure on foreign oil and gas corporations to force them to withdraw from projects in the area and is ready to obstruct on the ground the exploration and exploitation activities of other countries, even in areas not adjacent to the two disputed archipelagos. With unreasonable and ambiguous claims on both legal and historical grounds, China has expanded the dispute to almost the entire East Sea and has engaged in activities that hinder and threaten the peaceful and legal use of the East Sea by other countries.

Thus, the East Sea is not only a matter of sovereignty disputes and maritime rights but also associated with many related contents such as law, maritime safety, traffic connectivity, sustainable development of the sea (in recent years, the topic frequently mentioned in the East Sea dispute is freedom of navigation). And aggressive actions, imposing claims, combined with information about China's strong increase in budget and naval forces have caused a chain of reactions of concern in the region. Therefore, there have been many international and regional efforts, at different levels, to study and propose measures to control the risk of conflict in the East Sea; many unilateral, bilateral, and multilateral documents and statements have mentioned this issue. Building a Code of Conduct (COC) in the East Sea is a method of conflict control that has been discussed since the late 1990s, with the specific result being that China and 10 ASEAN countries signed the Declaration on the Conduct of Parties in the South China Sea (DOC 2002) in 2002. In reality, the DOC 2002 has been slow to be implemented, not thoroughly complied with by the parties, and in recent years has not helped to limit actions that increase tensions in the East Sea, causing concern for countries in and outside the region. By 2017, ASEAN and China had reached an important milestone in resolving disputes in the East Sea by adopting a draft COC.

c) The ruling of the International Court of Arbitration Since January 2013, the Philippines has officially sued China at the International Court of Arbitration and in March 2014 submitted a detailed dossier (China refused to participate in this international court).

This initiative of the Philippines has been supported by the European Union and the United States, but ASEAN countries have not unanimously supported it. After a process of considering the Philippines' lawsuit against China's "Nine-Dash Line" sovereignty claim in the East Sea, on July 12, 2016, the Permanent Court of Arbitration established under Annex VII of the 1982 United Nations Convention on the Law of the Sea in The Hague, Netherlands (hereinafter referred to as the Arbitral Tribunal) issued a 497-page Award based on

Article 296 of UNCLOS 1982 and Article 11 of Annex VII of UNCLOS 1982, rejecting China's sovereignty claim, declaring that the Philippines won the lawsuit on the East Sea issue and that China's nine-dash line claim has no legal basis and that China does not have "historic rights" to resources within the waters within the "Nine-Dash Line" in the East Sea. However, China did not recognize the Court's ruling and declared that it would continue to protect its rights. The Philippines won the lawsuit but could not change the current situation in the East Sea. China on the one hand tried to On the other hand, China has tried every means, including using scientists, to prove its claims that have been rejected by the ruling. On the ground, China continues to step up its militarization and increase its intrusion into the waters of other countries, but more quietly and silently. The ruling of the Arbitral Tribunal is one of the major obstacles for China on its path to monopolizing the East Sea. Although the ruling of the Arbitral Tribunal on July 12, 2016 has the effect of reducing the disputed area, thereby narrowing the space for China's law enforcement and civilian activities, the ruling has no impact on military activities, and has no impact on China's expansion and strengthening of its military, security, and strategic control in the East Sea. More importantly, the absence of a mechanism to enforce the ruling, along with the Philippines' policy change, has helped China regain the initiative on the diplomatic and strategic chessboard in the East Sea. China has been well prepared to respond and react very strongly (in both words and actions) to the Arbitral Tribunal's ruling. This shows that China is determined to stick to its unreasonable viewpoints and sovereignty claims in the East Sea and this will continue to be a concern of the international community regarding the security and political situation in this sea area. Accordingly, the situation in the East Sea, although calm on the surface, is extremely dangerous because the undercurrents are still flowing strongly. China has maintained a relatively moderate position on the East Sea issue by quietly completing 7 artificial islands in the Spratly Islands and trying to refrain from large-scale aggressive actions. Beijing has even shown goodwill and made efforts to promote discussions with ASEAN on the establishment of a Code of Conduct for this sea area. According to experts, China is seen as applying a two-pronged approach to establish de facto control over the South China Sea: On the one hand, China is stepping up the militarization of its outposts, especially the seven artificial islands in the Spratly Islands, to enhance its military power projection capabilities and deterrence against rivals at sea. On the other hand, Beijing has streamlined its maritime forces and strengthened its command structure to exercise more effective control over the sea. Such signs have increased tensions and promoted the militarization of disputes, increasing the risk of armed clashes in the region and are not at all a good omen for the situation in the South China Sea. That will also provoke reactions from regional actors, including the United States and Japan.

3. The role of national policies and laws on exploitation and use of the East Sea

Policies and laws are important tools for countries to implement state management of the sea (islands). Based on research and interpretation of basic issues on policies and laws, and analysis and identification of practical issues in the East Sea today, it can be seen that the role of policies and laws of countries on the use and exploitation of the East Sea is reflected in the following main contents:

- a) Policies and laws are tools for countries to protect their independence, sovereignty, sovereign rights, national jurisdiction, territorial integrity and implement national goals on the use and exploitation of the East Sea

The system of legal policies, first of all, legal policies on the management, enforcement and protection of sovereignty over seas and islands, are the legal bases and management tools for countries in the East Sea region to protect their independence, sovereignty, sovereign rights, jurisdiction and territorial integrity, including: mainland, airspace, sea, internal waters, territorial sea, continental shelf, and exclusive economic zone of the country. In addition, building and implementing policies and laws of countries in the exploitation and use of the East Sea to realize national goals in the exploitation and use of the East Sea, serving the cause of national construction and development. The United States: is a country that publicly declares its support for freedom of navigation in the East Sea and the settlement of all disputes in the East Sea by peaceful means. Former US Secretary of State Hillary Clinton has spoken out in support of freedom of navigation by reiterating that "freedom of navigation and respect for international law" is a matter of US national interest. The United States regularly conducts many patrols to protect freedom of navigation in the East Sea and participates in military exercises with many countries in the region. In May 2014, the US government proposed a budget of 1.2 billion USD for activities in the East Asia-Pacific region in 2015, including more than 800 million USD for foreign assistance programs, of which 18 million USD will be provided to the Vietnam Coast Guard. In November 2018 - right at the time when Chinese President Xi Jinping visited the Philippines, the US military organized a large-scale exercise, mobilizing the navy and air force in the East Sea and the Taiwan Strait. In general, the US's policy and strategic goals regarding sovereignty disputes in the East Sea are expressed through a 4-point stance: (i) The US urges solutions to enhance "peace, prosperity and security" in the region; (ii) The US disagrees with the threat or use of force to assert sovereignty claims of any state in the East Sea and considers this a serious problem; (iii) The United States stands ready to assist in the peaceful resolution of such claims if requested by the parties; (iv) The United States has a strategic interest in maintaining the safety and freedom of navigation in the South China Sea and considers it fundamental to disagree with any maritime sovereignty claims of any country that are inconsistent with the 1982 United Nations Convention on the Law of the Sea.

China: asserting sovereignty over the East Sea is not only meaningful in terms of economic interests but also in terms of political and historical significance for this country. China has repeatedly declared historical sovereignty over a number of areas in the East Sea, including the Paracel and Spratly Islands,... As the most powerful country and involved in three military conflicts in the disputed territorial area, China's policy plays an important role in shaping the upcoming developments of the dispute as well as the regional security situation. In the near future, Beijing is likely to adopt a decisive but non-confrontational policy in the East Sea dispute. ASEAN: with an area of 4.5 million km², a population of about 575 million people and a gross domestic product (GDP) of about 3,000 billion USD, is considered to be the place with the most dynamic economic development and great attraction in the Asia-Pacific region. The stability and development of most ASEAN countries are mainly dependent on the maritime route

in the East Sea. However, if ASEAN does not fully recognize and unite to deal with the challenges and threats from China, the decades of stability and development of ASEAN will not last. World political analysts all share the same opinion: ASEAN plays a very important role in resolving the East Sea issue, but this role can only be achieved when there is solidarity among ASEAN member countries in unified action in the face of challenges from China. When ASEAN unites to put forth a common stance, the voice of this regional organization will have weight, be heard, and be respected. On the contrary, if ASEAN is divided and divided, ASEAN's voice will be weakened and dominated by big countries. Many political analysts believe that only ASEAN can resolve ASEAN's own problems. To do this, ASEAN must act in unity and promote the bloc's role in handling the East Sea issue. Because with the ability to mobilize and convene forces under the common ASEAN flag, and at the same time relying on the relative synchronization of political interests (shared sovereignty over the East Sea), economy (strengths in rice, agricultural products...) and environment (shared ownership of the Mekong River), ASEAN can build collective strength to regain "balance" against China's arrogant actions of big fish swallowing small fish and disregarding international law. Only by its own solidarity, building a solid "breakwater" to block the fierce waves of China's hegemony moving south, can ASEAN gain the support of the international community in resolving the tension in the East Sea.

Vietnam's sea and island policy

Vietnam is located in the west of the East Sea, with a coastline of about 3,260 km, on the strategic maritime route for international trade and exchange between the Indian Ocean and the Pacific Ocean, where many natural resources are concentrated, accounting for 1/3 of the world's total marine biodiversity. For Vietnam, the sea and islands are not only a part of the sovereignty and sacred sovereign rights of the Fatherland, but also a living and developing space for generations of Vietnamese people; Vietnam's seas have important geopolitical, geo-military, and geo-economic positions in the region and the world. As a maritime nation in the East Sea region, Vietnam has a special position: Vietnam's sea accounts for nearly 1/3 of the area, is a "balcony" facing the Pacific Ocean, has many advantages for trade activities and international integration but is also a key position in terms of national security and defense; creating for Vietnam a key geopolitical and geo-economic position in the development strategy, expanding the influence of major countries in the world, from ancient times to the present. From its natural and historical position, along with the country's current position in the region and the world, Vietnam has had many policies and strategies on the sea, aiming to exploit the maximum potential and advantages at sea, coastal areas and islands, ensuring national defense - security, protecting the environment, protecting the integrity of national sovereignty, contributing to accelerating the industrialization and modernization process, making Vietnam a "strong maritime nation, rich from the sea, sustainable development, prosperity, security and safety". By ratifying the 1982 United Nations Convention on the Law of the Sea, Vietnam demonstrates its determination to work with the international community to build a fair order, encourage development and cooperation at sea. Vietnam has repeatedly expressed its concerns about the complicated developments in the East Sea, including violations of Vietnam's sovereign rights and jurisdiction in its maritime zones as defined in the 1982 UNCLOS. Vietnam also supports all efforts to implement

peaceful measures to resolve disputes in accordance with the United Nations Charter and international law, from negotiation and conciliation to the use of international legal mechanisms.

b) Policies and laws of countries on the use and exploitation of the East Sea affect the maintenance and enforcement of international law and customs

Such as: the United Nations Charter, the United Nations Convention on the Law of the Sea, the ruling of the Permanent Court of Arbitration in the Netherlands on July 12, 2016. The Charter is considered the constitution of the United Nations, and has been adopted by most countries in the world. The Charter affirms the purposes of the United Nations as: (i). To maintain international peace and security, and to achieve that purpose, to take effective collective measures to prevent and eliminate threats to the peace, to prohibit all acts of aggression and other breaches of the peace; to adjust or settle disputes or situations of an international nature that might lead to a breach of the peace, by peaceful means in accordance with the principles of justice and international law; (ii). (iii) To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace; (iv) To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; (v) To be a centre for harmonizing the actions of nations in the achievement of the above-mentioned common purposes (Article 1).

In pursuit of these purposes, the United Nations and its Members shall act in accordance with the principle of the sovereign equality of all States. Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered; to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations; to give the United Nations every assistance in any action it takes in accordance with the present Charter, and to refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action. The United Nations shall ensure that states which are not Members of the United Nations act in accordance with these principles for the maintenance of international peace and security; and to refrain from intervention in matters which are essentially within the domestic jurisdiction of any state... (Article 2). Along with the United Nations Charter, international law is the foundation of equal and fair relations between nations; it plays a role and is important in building a world order based on rules, promoting relations between nations and enhancing multilateral cooperation. Respecting the basic principles of the United Nations Charter and international law in international relations is a decisive factor in ensuring peace and security and is a prerequisite for all activities of the international community. It is also an effective way to prevent conflicts as well as seek lasting solutions to disputes and conflicts; helping parties and regional countries, relevant countries and the international community to achieve fair and reasonable solutions to rights and interests. Therefore, multilateral efforts need to be based on and aim to ensure respect for this foundation. The parties

concerned in the East Sea need to comply with international law, exercise restraint and avoid unilateral actions that complicate the situation and increase tensions, and resolve disputes by peaceful means in accordance with international law, including the 1982 Convention on the Law of the Sea - Charter of the Sea and Oceans - the most important international legal document since World War II, signed and participated by a large number of United Nations member states. In addition, the Judgment of the case between the Philippines and China on the East Sea by the Permanent Court of Arbitration in The Hague (Netherlands) on July 12, 2016 is also considered an important legal basis for Vietnam and countries in the region to study and apply to protect maritime sovereignty peacefully by international law in the context of international integration [5]. c) The policies and laws of countries on the use and exploitation of the East Sea contribute to maintaining peace, security, stability, friendship, cooperation and sustainable development and contribute to ensuring freedom of navigation and freedom of aviation in the East Sea area. China's actions causing tension in the East Sea have violated the provisions of the 1982 Convention on the Law of the Sea and have further complicated the disputes, threatening peace, stability and interests of countries in the region, marine environmental security, and maritime and aviation safety in the East Sea. In particular, the illegal nine-dash line drawn by China covers most of the East Sea. Once China realizes its ambition of the "nine-dash line" to turn the East Sea into its own lake according to its unreasonable and illegal sovereignty claims, not only freedom of navigation and aviation on the vital transport route to the world economy but also peace, security and stability of the region and the world will be seriously threatened. Considering China's maritime ambitions and desire to control the East Sea in practice, ASEAN members and Vietnam, who share the same strategic goals, will face many difficulties in negotiating with China. Therefore, the main leverage of these countries in the negotiations is probably the increasing pressure from the United States and its allies on China on the East Sea issue.

Conclusion

Maintaining a peaceful, stable, cooperative and developing environment in the East Sea is the duty and responsibility of all countries, and the only solution to the peace issue in the East Sea is respect and compliance with international law. Therefore, the parties concerned need to start from the common spirit and responsibility to respect international law and the United Nations Convention on the Law of the Sea, end tense actions, cooperate in good faith to maintain peace, stability and development in the region; maintain the common denominator of ASEAN interests, effectively exploit and protect the resources and environment of the East Sea on the basis of international cooperation.

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