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Vietnamese Claims to the Truong Sa Archipelago [Ed. Spratly Islands]

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[Notes](#)

There is a tide in the affairs of men[1]

On a string of mere flyspeck islands in the middle of the high seas, the military forces of five nations stand arrayed against one another, each prepared to do battle with the others. The land these potential belligerents seek to control is barely any land at all, but rather a group of tiny rocks, many of which are frequently under water. No humans have ever settled there, and for centuries the only nations that knew of their existence recognized them primarily as a hazard to maritime navigation. How then did this chain of islets, which the nations of Asia and the world considered insignificant for so long, suddenly become so important that battles have been fought over them and countries continue to risk war in order to control the chain? The answers are as difficult to see as are the Truong Sa Islands themselves at high tide.

The Socialist Republic of Vietnam is one of the six nations[2] that has laid claim to the Truong Sa archipelago. While all the claimant countries have publicly asserted that each should be the legitimate and sole sovereign of all or part of the archipelago, it is Vietnam that has been one of the most adamant in its claims and that has taken assertive steps in attempting to establish its control over the chain. Its willingness to go so far as to risk war with the mighty People's Republic of China (PRC) is evidence enough that the Truong Sa Islands are extremely important to Vietnam. But why? What are the historical, political, legal, economic, and strategic basis of Vietnam's sovereignty claims to the Truong Sa archipelago, and why is control of these islands so

important to Hanoi?

This paper presents the arguments Vietnam has put forth to substantiate its claims to the islands. It is not intended to validate those arguments but merely to examine the Vietnamese perspective on this issue. To that end, several primary sources--i.e., Vietnamese government documents--have been used for this study. Since these sources are official position papers or policy statements (White Papers) published by Hanoi, their objectivity may be questioned. Whenever possible, information drawn from these documents will be cross-referenced with non-Vietnamese academic works.

The majority of Vietnamese primary sources not only argue Hanoi's case for sovereignty over the Truong Sa but also attempt to refute the claims of other countries, particularly those of China. This repeated countering of Chinese arguments is clearly a result of Beijing's and Taiwan's actions regarding the archipelago, especially in the latter half of this century; but these rebuttals are also indicative of a larger adversarial issue: the historical relationship between Vietnam and China.

The Context of the Dispute

The pasts of the Vietnamese and Chinese peoples have been intertwined since their histories began. Indeed, the prevalent theory about Vietnamese origins is that the original inhabitants of northern Vietnam were descendants of the Yueh migration from southern China. Despite these common beginnings, independent civilizations developed during the Vietnamese pre-historical period, known as Dong-song.

That independent relationship would eventually change, however, at least for Vietnam (known as Van Lang until after 258 B.C.). Since the first Chinese conquest of the Vietnamese kingdom by Trieu Da in 208 B.C.E., there have been at least four periods when China occupied and ruled the 'land of the southern barbarians,' [3] as well as countless other minor invasions and incursions into Vietnam. This historical relationship produced a rather schizophrenic result: generations of Chinese rule introduced technologies, traditions, and advances--such as a written language--that had long-lasting effects on Vietnamese civilization and served to foster closer ties between the two peoples. Yet an independent and nationalistic spirit survived among the people of Vietnam.

This Vietnamese identity, cognizant of its distinctiveness from the Chinese identity, fueled resentment of outside rule and manifested itself through recurring struggles against the perceived occupation of Vietnam's territories by foreign powers--especially China. When viewed through the context of this historical dynamic, the dispute over the Truong Sa Islands appears as a microcosm of the age-old conflict between these two neighbors. To see how this is so, it is important to examine the islands themselves and their role throughout history.

The Truong Sa Islands

The countries disputing the Truong Sa archipelago can rarely find agreement on any issue relating to the island chain, and this includes what to call the disputed islets. Therefore, a brief discussion of the naming convention to be used in this analysis is in order. Throughout this study, the Vietnamese names for the archipelago and its features will be used except where quotation material preclude such reference. Since Vietnam has yet to publish a complete list of names for all the features of the Truong Sa archipelago,[4] the English names will be used whenever there is no known Vietnamese equivalent.

Located in the East Sea (called the South China Sea outside of Vietnam), the Truong Sa archipelago is best known in the West as the Spratly Islands. The area is also frequently referred to as the "Dangerous Ground" because of its hazards to maritime navigation. To both the PRC and the ROC (Republic of China, Taiwan), the islands are known as the Nansha archipelago.

The islands claimed by the Philippines, which do not include the entire Truong Sa archipelago, are called the Kalaya'an Island Group by Manila.[5] While Malaysia maintains Malay names for the islands and features it occupies, Kuala Lumpur's claims also do not include the entire chain, and thus no attempt has been made to rename the whole archipelago. Similarly, Brunei asserts that it is entitled to sovereignty over only two reefs, not the entire chain.[6]

The Truong Sa archipelago incorporates some five actual islands, three cays, 26 reefs, 21 shoals, and ten banks. Only 25 - 35 of these islets are known to be above water at low tide.[7] The largest island in the chain is Dao Thai Binh (also known as Dao Ba Binh), with a total area of .46 square kilometers and a maximum elevation of about 15 feet[8] Truong Sa Island itself is a mere 500 meters long by 300 meters wide with an above sea level elevation of less than eight feet.[9]

Given the minuteness of the Truong Sa Islands, it is not surprising that the archipelago has never supported any indigenous or permanent human settlements apart from the military occupations that began this century. However, the archipelago has been used as a temporary encampment, primarily by fishers, for centuries. In fact, when French naval forces took possession of the Truong Sa Islands in 1933, Chinese fishermen were found on several of the islets in the chain.[10] If no Vietnamese people are native to these islands, then why does Vietnam claim that the archipelago is as dear "to Vietnamese hearts . . . as could be any other part of the fatherland"?[11] The answer lies in the historical relationship between Vietnam and the Truong Sa chain.

"From Time Immemorial"[12]

While the Truong Sa Islands had been utilized for centuries by fishers from various countries, especially from Vietnam and China, the question remains as to which people first discovered the archipelago. Most agree that the Chinese were probably the first to find the islands,[13] although Vietnam contends that "not only the Chinese, but also the Vietnamese, the Malays, the Persians, the Arabs . . . made voyages to and from the waters of the . . . Truong Sa," and that any of these groups could have "discovered" the chain.[14] Vietnam has also declared that "even if it is true that the Chinese discovered these archipelagos," Hanoi will continue to refute China's claim

because discovery alone does "not constitute a legal basis for the Chinese claim that they have been under Chinese jurisdiction." [15]

Regardless of which nation actually discovered the islands, Vietnam maintains that it alone exercised the earliest authority and control over the Truong Sa archipelago. Until the 17th century, no written documents existed to prove this assertion. The first mention of Vietnamese exercise of sovereignty over the island chain appears in an annotated atlas written between 1630 and 1653. Although a 17th century document, textual analysis--including "historical references and linguistic style"--indicates that this early contact with the islands actually began some 200 years earlier, under the reign of King Le Thanh Tong [1460 - 1497]. [16] It was during this period that the Vietnamese began to "organize the exploitation" of both the Truong Sa and the Hoang Sa Archipelago farther to the north. [17] This exploitation consisted of harvesting "valuable sea-products" and conducting salvaging operations to collect cargoes from vessels shipwrecked in the treacherous waters of the Truong Sa. [18] Because of these state-sponsored economic activities, the Le dynasty considered the archipelago to be part of Vietnamese territory. [19]

This de facto sovereignty over the Truong Sa chain is confirmed by European sources. Portuguese and Dutch maps drawn by navigators in the early 17th century identify the islands as Vietnamese. [20] It is important to note, however, that these early maps identify the islands as the Pracel or Parcel archipelago and locate them "in the middle of the East Sea, East [sic] of Vietnam, off the Vietnamese coastal islands." [21] According to Vietnam, the apparent error in positioning the islands was due to the relatively primitive scientific and navigational technology of the time. In addition, the Europeans grouped both the Truong Sa and Hoang Sa archipelagoes together into a single island chain called the Paracels. [22] This imprecision in differentiating the two archipelagoes is consistent with Vietnamese records from the period. Until the 19th century, both islands groups were known by the common name of Bai Cat Vong, also sometimes referred to simply as "Hoang Sa." [23] Regardless of the nomenclature differences, it was during the 17th century that the Truong Sa were placed under the administration of the Binh Son district within the Quang Nghia prefecture of Vietnam. Route Maps from the Capital to the Four Directions by Do Ba Cong Dao provides documentation of sovereignty over the Truong Sa archipelago, the first Vietnamese documentation of formal exercise of authority over the Truong Sa. [24]

Economic exploitation of Truong Sa resources continued through the reign of the Nguyen Lords and their successors, the Tay Son. Aside from harvesting the natural and man-made treasures from these islands, the Vietnamese state also conducted geographical and resource surveys in the archipelago. Descriptions of Bai Cat Vang islands, sea products such as turtles and conch shells, and references to foreign shipwrecks are found in period documents and surveys, including Miscellaneous Records on the Pacification of the Frontiers written in 1776. [25]

State-sponsored occupation of the islands can also be traced to the reign of the Nguyen lords. Salvaging operations became formalized with the establishment of the Hoang Sa detachments or brigades, units comprised of 70 men from the village of An Vinh, the recruitment and organization of which were regulated by the Vietnamese government. These units sailed each March to the Bai Cat Vang island groups to retrieve shipwrecked goods and would normally

remain in the archipelago for up to six months each year. Descriptions of these teams and their activities are found in documents dating from the 1600s, which chronicle such operations into the Nguyen Dynasty in the 19th century.[26] This annual occupation of the archipelagoes is the first documented instance of state-organized physical sovereignty over the Truong Sa.

During the reign of the Nguyen emperors, beginning in 1802, documentation was produced that distinguished the Truong Sa archipelago from the Hoang Sa Islands and identified both as Vietnamese possessions. In 1836, emperor Minh Mang received a report from his Ministry of Public Works that recommended a comprehensive survey of all the East Sea islands because of their "great strategic importance to our maritime borders." [27] The emperor concurred. As a result of these exploration missions, Phan Huy Chu published the "Detailed Map of the Dai Nam," circa 1838. The map "expressly mentioned the Spratlys, under the name Van Ly Truong Sa, as part of Vietnamese territory, although the archipelago was not located at its proper place because of the use of ancient geographic techniques." [28] It was also during these years that European ships frequented the East Sea. With regard to the Truong Sa chain, some European vessels "even made surveys and designated names, as if discovering them for the first time." [29] Nevertheless, the Nguyen dynasty continued to exercise jurisdiction over the Truong Sa Islands without protest from any country until the French protectorate was established over Vietnam in 1884. [30]

The French Colonial Era

On 6 June 1884, France consolidated her occupation of Vietnam, which began in 1852, by forcing the Nguyen Dynasty to sign the Patenotre Treaty. [31] Under terms of that agreement, France was to represent Vietnam's interest in foreign affairs and was "bound to protect Vietnam's sovereignty and territorial integrity." [32] The French began to conduct patrol trips of the East Sea, especially in the area of the Hoang Sa and Truong Sa islands in order "to ensure security and committed customs ships to combating smuggling." [33] French forces exercised further sovereignty over the Truong Sa archipelago on behalf of Vietnam through a 1927 scientific survey of the islands, which was conducted by the crew of the SS De Lanessan. A second expedition to the islands was launched in 1930. During this mission of the ship La Malicieuse , "the French flag was hoisted on the highest point of an island called ile de la Tempete." [34] The mission witnessed the first recorded instance of a sovereignty marker placed on any Truong Sa features. It is interesting to note, however, that the French found Chinese fishermen already present on the island when they arrived but did not attempt to evict them.

In 1933, possibly with an eye toward an increasingly militaristic Japan, the government of France decided to formalize its jurisdiction over the Truong Sa Islands by taking physical possession of the archipelago. Three ships, including the De Lanessan from the original 1927 expedition, sailed to Truong Sa Island to officially establish sovereignty. H. Cucherousset documented the act:

The three vessels first of all visited Spratly and confirmed French possession by means of a document drawn up by the Captains, and placed in a bottle which was subsequently embedded

in cement Then the Astrolabe sailed south west to a point 70 miles from Spratly and 200 miles from Borneo, and arrived at the caye (sandy island) of Amboine, at the northern extremity of the Bombay Castle Shallows. Possession was taken of the island in the manner related above The *Alerte* for its part visited the Thi-Thu reef, at about 20 miles north of the Loaita bank, and took possession of an island and of this atoll, still by means of the same ritual.[35]

In all, French forces took control of nine of the major islands in the archipelago--including Dao Ba Binh, the largest island in the group--during this expedition. On 26 July 1933 France published an official "Notice concerning the occupation of certain islands by French naval units." The notice listed the features possessed by France and stated that the islands would "henceforth come under French sovereignty." [36]

Today the Vietnamese government asserts that only Japan protested the 1933 French sovereignty claims, but evidence exists to support the Chinese position that their country had begun to contest France's jurisdiction a year before. In September 1932 China sent a memorandum to the French government contesting France's sovereignty over the Truong Sa. The argument was based on the Chinese interpretation of the 1887 Sino-French Convention, which delineated the boundary between Vietnam and China. According to the Convention, a straight red line was drawn along the 108 degrees 3 minutes 13 seconds East longitude line from the mainland coast and extending southward through the Bac Bo Gulf. "The Convention specifically states that islands located to the east of this line belong to China and islands lying west of it belong to Annam," but the terminus of the red line was left undefined.[37] In his book *The Sino-Vietnamese Territorial Dispute*, Pao-min Chang made this analysis of the red line ambiguity:

To terminate it at the Vietnamese coast would confine its applicability to the [Bac Bo] Gulf, or, in a more liberal sense, to the entire sea area off Vietnam . . . the second interpretation also allows one to apply the red line to all the islands in the seas off Vietnam.[38]

It was the more liberal interpretation of the accords that the Chinese adopted and which gave rise to their claim of sovereignty over the Truong Sa. Following China's protest, France briefly engaged in diplomacy over the issue with Peking, but the effort did not produce a solution. Seven months later, the 1933 French expedition to the Truong Sa Archipelago was launched amid continued Chinese protests.[39]

Japan also disputed the 1933 French announcement, citing historical evidence of phosphate mining in the Truong Sa by private Japanese citizens.[40] The French authorities not only rejected Tokyo's protest but went one step further by annexing the major islands in the archipelago to Ba Ria Province on 21 December 1933. Continued scientific surveys of the archipelago and the construction of a meteorological station on Dao Thai Binh Island furthered French colonial control of the Truong Sa Islands.[41] The Dao Thai Binh weather facility was listed by the World Meteorological Organization as located in "Cochinchina" (French Vietnam). [42]

World War II and the "Germs of Discord"

On 4 April 1939, the Japanese government issued a statement announcing its decision to "place the Spratly or Tempest islands off the coast of Indochina under Japanese jurisdiction." [43] The French Ministry of Foreign Affairs "protested energetically" in response to the Japanese decree, [44] and France's European ally, the United Kingdom, supported this protest. Three days after the Japanese announcement, the British Foreign Under-secretary Butter articulated his government's position that France exercised full sovereignty over the Spratly archipelago and that "all matters relevant to these islands were a French concern." [45] Tokyo did not immediately move to enforce its sovereignty claim, and France continued to exercise control over the islands through a resident administrative officer and a guard detachment stationed on Dao Thai Binh Island. [46] By 1941, however, Japan was in a position to forcibly occupy the Truong Sa archipelago--and France was in no position to stop it. Japanese troops landed on the islands that year and remained in control of the archipelago until the end of the war. [47]

Under Japan's occupation of the Truong Sa chain, the island of Dao Ba Binh became especially significant in Japanese military operations in the East Sea and Island Southeast Asia. A submarine base was established at the island, which became a staging area to intercept Allied shipping. [48] Its proximity to the Philippine Islands also made Dao Thai Binh an ideal "jumping-off point" for the Japanese invasion of the Philippines. [49] Japan did not restrict itself only to military control of the Truong Sa Archipelago, however. For political administration, the island chain was incorporated into the territory of Taiwan, which was then a Japanese possession. [50] Both the ROC and the PRC have since pointed to this formalization of Taiwanese (and thus Chinese) sovereignty over the Truong Sa group to strengthen their claim to the islands.

Japanese control of the archipelago ended with their defeat in 1945. Yet as the Empire of the Sun set, renewed controversies rose over the Truong Sa. Both France and China articulated their claims to the archipelago, and China sent troops to the Truong Sa Islands for the first time. In response to the Chinese landing forces and erecting sovereignty markers on Dao Ba Binh, France dispatched warships on several occasions to the archipelago, beginning in November 1946. [51] The following year France demanded the withdrawal of all Chinese troops from the East Sea islands but did not take any steps to forcibly evict them from the archipelago. [52] Other events were soon to preoccupy these two nations, as the Communists triumphed in the Chinese Civil War and France began to lose control of her colonies around the world. By 1948 France permanently ceased its maritime patrols of the Truong Sa and all but a small contingent of ROC troops departed the archipelago. [53]

The first post-war assertion of sovereignty by the Vietnamese themselves came at the 1951 San Francisco Conference on the Peace Treaty with Japan. On 7 July 1951 the head of the Vietnamese delegation, Tran Van HUU, addressed the conference on the issue of Truong Sa:

As we must frankly profit from all the opportunities offered to us to stifle the germs of discord, we affirm our rights to the Spratly and Paracel islands, which have always belonged to Vietnam. [54]

This statement "met with no challenge or reservation from any representative of the 51 nations at the conference." [55] However, while not specifically protesting against the Vietnamese declaration, the Soviet Union did introduce an amendment to the Peace Treaty stating in part that "Japan recognizes full sovereignty of the Chinese People's Republic over . . . the Spratly, and renounces all right, title, and claim to the territories named herein." [56] The amendment was defeated when it was ruled out of order, indicating to Vietnam that "Chinese claims to the Paracels and Spratlys were thus overwhelmingly disregarded." [57]

In the final peace treaty Japan renounced "all right, title, and claim to the Spratly Islands," but the signed document failed to specify to which country the islands were ceded. [58] Vietnam chose to sign the treaty as it was without attempting to clarify its sovereignty over the Truong Sa Islands; rather, Vietnam let Tran's statement to the Conference suffice. [59] No further attempts to exercise sovereignty over the islands were made by Vietnam until 1956, when a Filipino businessman made an announcement that surprised all parties concerned.

The Plot Thickens

Director of the Maritime Institute of the Philippines Tomas Cloma issued a "Proclamation to the Whole World" on 15 May 1956. In it he claimed "ownership, by discovery and occupation, of all the territory, 33 islands, sand cays, sand bars, coral reefs and fishing grounds of 64,976 square nautical miles" within the Truong Sa Archipelago. [60] Cloma called this portion of the chain Kalaya'an or 'Freedomland,' and appointed himself the Chair of the Supreme Council. [61]

This new claim spurred Vietnam and the Chinese to action. Saigon, Beijing, and Taipei all reiterated their respective sovereignty claims to the Truong Sa Islands and unanimously protested the Filipino's actions. Furthermore, naval units from Vietnam and the ROC were dispatched to the archipelago, precipitating mutual Vietnamese and Chinese protests. Yet, though Vietnamese forces made landings on Truong Sa Island, Vietnam established no permanent garrison in the island group. [62] However, the Republic of Vietnam officially annexed the entire Truong Sa Archipelago and placed it under the administration of Phuoc Tuy Province on 22 October 1956. [63]

During this period, Saigon no longer spoke for all of Vietnam. By late 1956, the country split into the communist Democratic Republic of Vietnam (DRV) in the north and the pro-Western Republic of Vietnam (RVN) in the south. As a fledgling communist state, the DRV found itself allied with the PRC as "comrades and brothers." [64] Therefore, in 1956, the DRV was placed in the uncomfortable position of either deferring to its newfound Chinese friends and their claims to the Truong Sa Islands or supporting the sovereignty claims of a hostile RVN over a distant part of Vietnam. Hanoi chose to abdicate its claim.

On 15 June 1956, two weeks after the RVN reiterated the Vietnamese claims to the Truong Sa Islands, the DRV Second Foreign Minister told the PRC Charge d'Affaires that "according to Vietnamese data, the Xisha and Nansha Islands are historically part of Chinese territory." [65]

Two years later, the PRC made a declaration defining its territorial waters. This declaration delineated the extent of Chinese territory and included the Truong Sa. In response, the DRV Prime Minister, Pham Van Dong, sent a formal note to PRC Premier Zhou Enlai stating that "The Government of the Democratic Republic of Viet Nam respects this decision." [66]

Despite the DRV's "abdication" of the islands, the RVN continued to assert Vietnamese sovereignty over the archipelago for the next two decades. Saigon's exercise of jurisdiction took various forms, including the placement of sovereignty markers on Truong Sa, An Bang, Song Tu Tay, and other major islands in the chain from 1961 - 1963. Additional scientific surveys were conducted on the islands in 1973. [67] Every time a country issued a claim against the Truong Sa Islands, including the claims that issued by Malaysia beginning in 1971), it was met with an official protest from the RVN. Furthermore, several statements about Vietnam's legitimacy of ownership of the archipelago were made to international organizations, and the first White Paper--an official government statement of position or policy--was issued after the PRC conquered the Hoang Sa Islands in 1974. [68]

In 1976, Vietnam reunified as the Socialist Republic of Vietnam. Within a year the new government reaffirmed its claim: the Truong Sa archipelago belongs to Vietnam. But as the decade drew to a close, new challenges to Vietnam's claim were beginning: a 1978 Philippines Presidential Decree outlined Manila's claims to the islands, and Malaysia published a map of its continental shelf claim that encompasses 12 features of the Truong Sa chain in 1979. [69] With outside claims mounting, Hanoi published a new White Paper entitled Vietnam's Sovereignty over the Hoang Sa and Truong Sa Archipelagos, which again outlined the Vietnamese position and discounted the claims of disputing parties--in particular, those of the PRC. Hanoi's and Beijing's attention was soon focused on a different territorial dispute, however, as the two countries went to war over their mutual land border on 17 February 1979.

Buildup to the Current Situation

By the early 1980's, the claimant countries to the Truong Sa Islands began to feel that actions would speak louder than words. Even while publishing another White Paper in 1982 to further articulate its claims, Vietnam quietly began to occupy several islets in the archipelago and to construct military installations, including an airstrip upon Truong Sa Island. [70] Vietnam was not alone. The Philippines occupied a half dozen features and constructed a 5,500-foot landing strip on Dao Thi Tu. Malaysia also enforced its claim by landing troops on Da Hua Lau in 1983. [71] Yet, despite the military build-up in the islands, conflict did not appear imminent.

Then the PRC arrived. Beginning in 1985, Beijing assumed a renewed interest in the archipelago that coincided with its naval modernization program. By 1987, the PRC Navy began conducting patrols in the waters of the Truong Sa and had even gone so far as to stage a mock amphibious assault on one of the features. Alarmed at this militaristic approach, Vietnam became warned Beijing that such violations of Vietnamese sovereignty would carry "disastrous consequences." [72] For its part, the PRC occupied and began building its first permanent base on Da Chu Thap. Vietnam also continued to occupy features throughout the chain, and by March

1988 Hanoi had troops on 18 islets.[73]

Vietnam did not want to see a PRC base become operational in the Truong Sa archipelago. Given its relative strength in the islands, Hanoi decided that the time had come to stifle Beijing's expansion in the East Sea. On 14 March 1988, the first and only battle over Truong Sa sovereignty occurred. Disagreements exist over which side initiated hostilities, but a gun battle began between PRC and Vietnamese forces after the Chinese landed on Da Gac Ma.[74] When the smoke cleared, three Vietnamese ships were ablaze, 70 Vietnamese troops were dead, and the PRC emerged as victor.[75]

Vietnam did not back down, however. It deployed more than 30 vessels to the Truong Sa archipelago, increased reconnaissance flights over the islands, and occupied three more islets. Determined to hold its ground, Hanoi "warned Beijing that in spite of its massive economic woes, diplomatic isolation, and other internal problems, Vietnam was not going to let the disputed islands go without a fight." [76] This increased military assertiveness by the Vietnamese continued for the remainder of the 1980s, with the Chief of Vietnam's General Staff eventually visiting the archipelago to commemorate the Socialist Republic's liberation of the Truong Sa from the RVN in 1975. While on Dao Nam Yit, he pledged that his country would defend the chain "by all means." [77] Despite the increased tensions, no further fighting occurred.

Vietnam also continued to exercise sovereignty over the islands through more diplomatic methods. A population survey was conducted on the Vietnamese-controlled islets, presumably due to increased civilian settlement in the archipelago. The first organized fishing fleet was dispatched to the region to exploit the East Sea fisheries in the region. Several civilian installations were also constructed, including scientific stations and lighthouses.[78]

While the Vietnamese government continued to publicly reiterate its sovereignty claims and refute all others, it also entered into negotiations over the issue. Indonesia began sponsoring a series of dialogues in the early 1990's to bring together all claimants of the islands to discuss the issue for the first time.[79] In addition Vietnam and the PRC entered into bilateral talks on multiple occasions to discuss territorial disputes, including those concerning the Truong Sa.[80] Today Hanoi continues to repeat its call for "open talks for the settlement of differences concerning the Truong Sa archipelago" [81] and has even indicated that it would accept arbitration by the International Court of Justice on the matter.[82] Despite these efforts, the normalization of relations with the PRC in 1991, and Vietnam's admission to the Association of Southeast Asian Nations in 1995, no agreement has been reached over the islands.

Basis for the Vietnamese Claims

Clearly, Vietnam has had a long historical relationship with the Truong Sa Islands. The Vietnamese history of occupation, exploitation of resources, and administrative control over the archipelago has its earliest recordings in the 1600's, but Vietnam's contact with the chain likely began well before this documentation. This centuries-old exercise of authority over the Truong Sa gives rise to one of Hanoi's legal claims to the features under the principle of terra nullius, or

"land belonging to no state." [83] According to international law, a state can occupy and therefore own such territory, which is exactly what Vietnam claims it did at least as far back as the 17th century: "The state of Vietnam took effective possession of the Hoang Sa and Truong Sa archipelagoes long ago when they were not under the sovereignty of any nation." [84]

Beyond simple occupation, Vietnam points to its historical exercise of control and authority over the island chain. The first recorded instance of this formal sovereignty was the placement of the island group under the administrative authority of the Binh Son district in the 1600's. The pre-colonial Vietnamese governments continued to exercise the state's official, unchallenged control of the archipelago for the next two hundred years. Even after France took control of Vietnam by virtue of the 1887 Treaty, authority over the Truong Sa was maintained and consolidated by the European power on behalf of the Vietnamese state. The French annexation of the islands to Vietnam provides a modern validation of Hanoi's administrative sovereignty claims. [85]

After Japan renounced her claims to the islands following World War II, the RVN further exercised sovereignty over the Truong Sa through its claims to international organizations, protests against assertions of foreign rights in the islands, occupation of the archipelago, and the re-annexation of the chain in 1956. Saigon's heir, the Socialist Republic of Vietnam, has continued to maintain Vietnamese sovereignty to the point of military conflict to defend Hanoi's authority in the Truong Sa Islands. This history of asserting and reinforcing its claims lead the Vietnamese government to proclaim:

The state of Vietnam has always actively defended its rights and titles against all schemes and acts of encroachment upon the sovereignty, territorial integrity and interests of Vietnam in connection with the Hoang Sa and Truong Sa archipelagoes. [86]

While Vietnam's history forms the basis for its claims to the Truong Sa, it is the current situation in the archipelago that strengthens Hanoi's case. Vietnam now occupies as many as 24 features, more than twice as many as any other claimant to the islands. [87] At least five of these features have troops stationed on them, totaling approximately "1,000 soldiers or sailors and some construction workers," according to a 1992 Reuters report. [88] Such de facto control often outweighs even the most convincing historical arguments.

One other basis for Vietnam's claims to the Truong Sa derives from the 1982 Law of the Sea Convention. Article 76 of that agreement is the internationally-accepted definition of the continental shelf. Under terms of this Article, maritime nations may claim exclusive economic zones at sea of up to 200 nautical miles from their baseline shores. Further, such nations may "claim the resources of . . . naturally-extending [continental] shelves out to a maximum distance of 350 [nautical miles]." [89] Since Vietnam believes the Truong Sa Islands do not generate either exclusive economic zones nor continental shelves of their own, its position is that the claimant states "should be entitled to a full 200-nautical-mile exclusive economic zone generated from its main coastal or large-island land areas, and that the high seas area beyond 200 [nautical miles] should be governed by the International Sea-Bed Authority." [90] Although such a claim places only a few of the Truong Sa Islands within Vietnam's zone (and many of the

eastern features in the zones of other claimants, the Vietnamese still maintain their sovereignty claims to the entire archipelago. Therefore, each of the islands would still be Vietnamese--each with an accompanying 12 nautical mile territorial water zone--regardless of the economic zone into which they fell. Furthermore, Vietnam claims its 350 nautical mile continental shelf extending southeastward from its mainland shore toward the Truong Sa group. Vietnam is also not opposed to this provision for other claimants, since the East Palawan Trough and other sea floor geography do not justify the same continental shelf claim toward the Truong Sa by Malaysia, Brunei, or the Philippines.

Vietnam's Interests

The Vietnamese have made it very clear that their nation has a great deal of historical and legal justification for its claims to the Truong Sa Islands. However, the question remains: Is this group of tiny and apparently insignificant islets worth the political effort, expenditure of resources, and the risk of war with the PRC? What are Vietnam's interests in the archipelago? The answer is as tangible as a barrel of oil and as nebulous as a nation's psyche.

In the wake of the 1973 world oil crisis, the RVN issued oil exploration permits to foreign corporations to survey the East Sea, including the area near the Truong Sa Islands, for potential undersea reserves.[91] In 1975, the first oil strike off the Vietnamese coast was announced. For the next dozen years, speculation over the potential for oil in the Truong Sa archipelago was rampant. Yet it was not until November 1987 that any claim of oil discovery surfaced. It was then that the PRC revealed that a survey had uncovered rich oil and gas deposits in the Truong Sa area.[92]

The current view is that oil reserves in the Truong Sa group is likely modest, but the geologic information is still not sufficient for a comprehensive assessment. The PRC estimated reserves of 225 billion barrels of oil equivalent in 1994, but a Russian study the following year stated that the total was only six billion barrels equivalent (70% of which would be natural gas). Major oil companies are also pessimistic, though it is a common tactic for petroleum corporations to downplay the size of new discoveries in order to elicit more favorable exploitation contract terms. Regardless of the size of the reserves, Vietnam hired VietSovpetro in 1994 to begin drilling in a region of the Truong Sa that the PRC had conceded to the Crestone Corporation in 1992. Given the more recent conservative assessments of oil reserves in the archipelago, Vietnam may be less interested in black gold than in reasserting its authority, and therefore claim, in the area and thwarting another PRC attempt to exercise control.[93]

Oil is not the only resource the Truong Sa has to offer. Natural gas reserves in the area are estimated at 0.1 - 1.0 trillion cubic feet, with a 1990 U.S. dollar value of \$0.25 - \$2.5 billion. As is evidenced by the archipelago's history, fishing has traditionally been another area of economic potential for the Truong Sa. A 1993 estimate put the total marine catch for the disputed chain at 10.0 - 99.9 kilograms per kilometer.[94] Control of the continental shelf and the archipelago itself would place Vietnam in a prime position to exploit these resources.

Yet control of the resources beneath the East Sea may not be as important as controlling the resources that pass through it. Some of the world's most important commercial (as well as military) sea lanes, or maritime routes, pass through the East Sea; Mark Valencia has called the region "a nexus of maritime routes." [95] Not only a great deal of Asia's trade, but also much of the entire world's commerce travels along these sea lanes, including over 25% of the world's crude oil, and in particular, the flow between the Persian Gulf and Japan. [96] The ability to affect such vital economic flows as these maritime routes creates a strategic empowerment for any country that can disrupt or ensure this trade. Given Vietnam's desire to expand its economy, maintaining the free flow of commerce is within Hanoi's strategic interest. As one Vietnamese military officer put it, "Security insurance at sea in the sense of creating a stable environment for national . . . development [bears] a long-term and pressing significance, particularly in the context of countries [preparing] to step into the 21st century." [97] Control of the Truong Sa archipelago by Vietnam would create a type of "Strait of Vietnam" through which these sea lanes would then pass. [98]

Commerce is only one consideration of the East Sea maritime routes: the other is military significance. The world's great powers all have national interests in the region's sea-lanes. The United States Navy currently enjoys free and often discreet access through the East Sea, which it uses to maintain a strong military presence in this vital region. Until recently, Russia's only warm-water naval base was at Cam Ranh Bay in Vietnam. Although Soviet forces withdrew from the facility in 1991, there is evidence that some military cooperation continues between the two, [99] possibly even an informal basing rights agreement. If the Russian Navy were to return to Cam Ranh Bay, Vietnamese control of the nearby Truong Sa would allow Moscow to conduct military operations in the region relatively free from the prying eyes of the PRC. [100] By the same token, Beijing is extremely interested in disrupting the regional military hegemony of the Moscow and Hanoi, as well as in denying the Vietnamese any sphere of influence outside of its mainland territory. [101] Vietnam is well aware of the PRC's desire for an increased presence in (and therefore expanded influence over the affairs of) Southeast Asia. Hanoi is also not keen on having what it sees as an enemy establishing a military base on islands that have been used as a staging area for military conquest in the past. [102]

However, denial of military use for East Sea islands led Vietnam to the actions that most severely damaged its claims. The apparent 1956 abdication of the Truong Sa to the PRC, and the subsequent confirmation of this renunciation in 1958, seemed to cede the islands to the Chinese. In 1988, the Socialist Republic of Vietnam acknowledged that these statements had been made but was quick to point out that "it is necessary to replace [these statements] in their historical context." [103] In the document *The Hoang Sa and Truong Sa Archipelagoes and International Law*, the Vietnamese Ministry of Foreign Affairs explained that the nation was embroiled in a desperate war for survival when the statements were made; therefore, what appeared to be a concession of the Truong Sa to the PRC was actually just a strategic move to deny the United States use of the archipelago and the East Sea. Hanoi believed that any PRC sovereignty over the Truong Sa would be temporary: "Viet Nam trusted China in all sincerity and believed that after the war all territorial problems [between the two countries] would be suitably resolved." [104] However, the re-establishment of diplomatic relations with the U.S. in 1972 "resulted in China

turning friend into foe and vice-versa and in China's collusion with the U.S. in its strategy against the Vietnamese people." [105] In short, Vietnam never intended to permanently cede the Truong Sa Islands to the PRC and since their alliance is over, Hanoi wants the archipelago back.

The view of China as an enemy is not a new one. Throughout Vietnamese history the two countries have gone to war on many occasions. In fact, the period of DRV and PRC alliance from 1950 - 1976 was more of an aberration than the norm. Despite the normalization of relations between the two nations in 1991, an air of mistrust seems to permeate Vietnam's interactions with the PRC--especially in the Truong Sa dispute. Insight into the Vietnamese view of PRC's claims to the Truong Sa Islands can be gained by examining the declarations made in each Vietnamese White Paper. For example, the 1982 White Paper states:

The ambition of the Peking authorities over the two Vietnamese archipelagoes of Hoang Sa and Truong Sa manifests all the more clearly their policy of big-nation expansionism and hegemony which is aimed at conquering Vietnam as well as Laos and Kampuchea gradually controlling and eventually turning the East Sea into a Chinese Lake and using the Indochinese peninsula as a springboard for their expansion into South East Asia.[106]

It is this age-old fear of Chinese conquest that seemed to be confirmed in Vietnamese minds when their ally-turned-enemy invaded Vietnam on 17 February 1979. The 1988 battle at Da Gac Ma provided further evidence of Chinese expansionism. If an entire people or a country as a whole can have a psyche or national mindset, then the Vietnamese must have one of resolved defiance when it comes to China. Especially in light of the loss of the Hoang Sa Islands to PRC forces in 1974, it appears that the root of Vietnam's interest in the Truong Sa is more than its historical ties, its legal rights, or its strategic aspirations: it is also the desire to hold the line against any more Chinese encroachment against Vietnam.

Conclusion

The Vietnamese have long been a sea-faring people; even their ancient creation myths indicate as much of a maritime orientation as a terrestrial one. Their sea voyages took them to many lands, and the Truong Sa archipelago was likely one of these. Whether the Vietnamese were the first to discover, administer, or exploit the islands is open to debate, but the long Vietnamese relationship with the Truong Sa chain is undeniable.

Vietnam has demonstrated that it does have historical claims based on first occupation and ancient sovereignty, dating back to the Hoang Sa brigades of the Nguyen Lords in the 17th century. Assertions of that sovereignty occurred over the subsequent 300 years. Hanoi's legal claims are based on this historic exercise of sovereignty and its current control of the majority of the archipelago. Vietnam has demonstrated the political will to retain authority over the islands through its diplomatic and physical defense of the Truong Sa.

Yet the basis for the Vietnamese claims appears to be a justification for a more practical, contemporary agenda of maintaining regional political power and influence in the East Sea as a

counter to perceived Chinese expansion into Southeast Asia. Given the long history of resistance to foreign occupation and the adversarial relationship of the two--not to mention the 1979 invasion, the proxy war in Cambodia, and the 1988 conflict in the Truong Sa themselves--Vietnam's resolved defiance against China is not surprising. Although Hanoi's claims also conflict with those of three fellow ASEAN countries, it is the dispute with the Chinese that dominates the Vietnamese government rhetoric. Despite Vietnam's offer to submit the matter to the International Court of Justice and for multilateral negotiations[107], the continued strength of the Vietnamese military presence in the Truong Sa is evidence that Hanoi is not willing to simply surrender what it considers to be historic territory. Vietnam is thus sure to maintain its claims to and influence over the islands--as sure as the tide washes over a string of sandy cays and reefs, somewhere in the East Sea.

Notes

1 William Shakespeare, *The Tragedy of Julius Caesar* (Indianapolis: Bobbs-Merrill Co., 1969), 128.

2 The other claimants are the People's Republic of China (PRC), the Republic of China (ROC), the Philippines, Malaysia, and Brunei, which is the only claimant state that does not have militarily occupied any of the islands or features.

3 The Chinese name for Vietnam, the characters for which continue to be used today. Steven J. Hood, *Dragons Entangled: Indo-China and the China-Vietnam War* (Armonk, New York: Sharpe, 1992), 5; 161.

4 Pao-min Chang, *The Sino-Vietnamese Territorial Dispute* (New York: Praeger Publishers, 1986), 111.

5 Mark J. Valencia et al., *Sharing the Resources of the South China Sea* (The Hague: Martinus Nijhoff Publishers, 1997), 33-34.

6 Valencia, 38.

7 Valencia, 5.

8 Valencia., 230.

9 Hungdah Chiu and Choon-ho Park, "Legal Status," *Ocean Development and International Law*. 3. 1 (Spring 1975): 23 [note 16] and Valencia, 232.

10 Valencia, 67 [note 120] and Chiu and Park, 8.

11 Republic of Vietnam, Ministry of Foreign Affairs, *White Paper on the Hoang Sa (Paracel) and*

Truong Sa (Spratly) Islands (Saigon: 1975). 7.

12 *Vietnam's Sovereignty Over the Hoang Sa and Truong Sa Archipelagos* (Hanoi: Socialist Republic of Vietnam, Ministry of Foreign Affairs, 1979), 1. The full quotation from this White Book is: "Both Hoang Sa and Truong Sa have, from time immemorial, been part of Vietnam's territory."

13 Chang, *Territorial Dispute*, 16.

14 *The Hoang Sa and Truong Sa Archipelagos and International Law* (Hanoi: Socialist Republic of Vietnam, Ministry of Foreign Affairs, 1988). Excerpts reprinted as "Vietnam Stands for a Peaceful Settlement of the Dispute with China Over the Truong Sa and Hoang Sa Archipelagos," *Vietnam Courier* 1988, no. 7: 11. The point is a valid one; however, it is likely that the Chinese were the most frequent visitors to the islands in ancient times.

15 *The Hoang Sa and Truong Sa Archipelagoes: Vietnamese Territories* (Hanoi: Socialist Republic of Vietnam, Ministry of Foreign Affairs, 1982). Full text reprinted as "Vietnamese White Book: Claim to Paracel and Spratly Islands" in British Broadcasting Corporation, *Summary of World Broadcasts Part III Far East*, no. 6932: A3/10.

16 Republic of Vietnam, 16-8; Valencia, 30; Gerardo Martin C. Valero, *Spratly Archipelago: Is the Question of Sovereignty Still Relevant?* (Quezon City, Philippines: Institute of International Legal Studies, 1993), 18; and Marwyn S. Samuels, *Contest for the South China Sea* (New York: Methuen, 1982), 49 (note 32).

17 Republic of Vietnam, 4. The Hoang Sa islands were conquered militarily by the PRC in 1974.

18 Republic of Vietnam, 4.

19 Valencia, 30.

20 *The Hoang Sa and Truong Sa Archipelagoes: Vietnamese Territories*.

21 *The Hoang Sa and Truong Sa Archipelagoes: Vietnamese Territories*, 1 - 2.

22 *The Hoang Sa and Truong Sa Archipelagoes: Vietnamese Territories*.

23 Socialist Republic of Vietnam, "Peaceful Settlement," 10 and Republic of Vietnam, 31.

24 Socialist Republic of Vietnam, "Peaceful Settlement," 10 and Socialist Republic of Vietnam, *The Hoang Sa and Truong Sa Archipelagoes: Vietnamese Territories*, 3.

25 Socialist Republic of Vietnam, "Peaceful Settlement" 10 and Socialist Republic of Vietnam,

The Hoang Sa and Truong Sa Archipelagoes: Vietnamese Territories, 3.

26 Socialist Republic of Vietnam, "Peaceful Settlement" 10 and Socialist Republic of Vietnam, *The Hoang Sa and Truong Sa Archipelagoes: Vietnamese Territories*, 3; 4 - 5.

27 Republic of Vietnam, 29, 31. The quotation is from the history annals *Dai Nam Thuc Luc Chinh Bien*, vol. 165.

28 Republic of Vietnam, 31-33; 69.

29 Chang, *Territorial Dispute*, 16. In 1843, a British whaling ship, the *Cyrus*, "discovered" Truong Sa Island. The Admiralty in London named it "Spratly Island" after the captain of the *Cyrus* (see Hydrographic Office, The Admiralty, *The China Sea Directory*, Vol. ii, [London: J. D. Potter, 1889], 83).

30 *The Hoang Sa and Truong Sa Archipelagoes: Vietnamese Territories*, 6.

31 Republic of Vietnam, 70, Vietnam's Sovereignty over the Hoang Sa and Truong Sa Archipelagos., 7, and Socialist Republic of Vietnam, "Peaceful Solution," 11.

32 *The Hoang Sa and Truong Sa Archipelagoes: Vietnamese Territories*, 6.

33 Socialist Republic of Vietnam, "Peaceful Solution," 11.

34 Republic of Vietnam. Truong Sa Island was also known as "Tempest Island."

35 Republic of Vietnam, 70 - 71. The quotation is originally from *L'Eveil Economique de l'Indochine* no. 790 (28 May 1933).

36 Republic of Vietnam, 71 - 73; Valencia, 30; and French Ministry of Foreign Affairs, "Notices & Communications," *Journal Officiel de la Republique Francaise* 26 (July 1933): 7837. The date listed in "Notices" for the occupation of Truong Sa Island itself is 13 April 1930, three years before the rest of the archipelago. It is likely that this is the date on which the crew of *La Malicieuse* planted the French flag on "Tempest Island."

37 Chang, *Territorial Dispute*, 13 - 14, 17 and Chiu and Park, "Legal Status" 24 (note 31).

38 Chang, *Territorial Dispute*, 14.

39 Chang, *Territorial Dispute*, 17.

40 Republic of Vietnam, 73.

41 Republic of Vietnam, 78 and *The Hoang Sa and Truong Sa Archipelagoes: Vietnamese Territories*, 7.

42 Republic of Vietnam, 78, 80.

43 Republic of Vietnam,, 74 and *The Hoang Sa and Truong Sa Archipelagoes: Vietnamese Territories*, 7.

44 Republic of Vietnam, 81.

45 Republic of Vietnam,73.

46 Republic of Vietnam, 76.

47 Chiu and Park, 8.

48 Valencia, 21.

49 Lim Teck Ghee and Mark J. Valencia [ed.], *Conflict over Natural Resources in South-East Asia and the Pacific* (Singapore: United Nations University Press, 1990), 105.

50 Chang, *Territorial Dispute*, 17.

51 Chang, *Territorial Dispute*, 17.

52 Chang, *Territorial Dispute*, 17 and Socialist Republic of Vietnam, "Peaceful Settlement," 11.

53 Chang, *Territorial Dispute*, 17-18. The ROC garrison remained on Dao Thai Bin. There are discrepancies as to the amount of time the ROC has occupied this island, but it apparently withdrew forces sometime after 1950 and did not return until it established a permanent garrison in 1956. The ROC detachment is currently estimated at 600 troops, making it the largest concentrated permanent military force in the archipelago.

54 *The Hoang Sa and Truong Sa Archipelagoes: Vietnamese Territories*, 8.

55 *The Hoang Sa and Truong Sa Archipelagoes: Vietnamese Territories*, 8. It is important to note, however, that both the PRC and the ROC were excluded from this conference.

56 Republic of Vietnam, 87.

57 Republic of Vietnam, 88.

58 Republic of Vietnam, 87.

59 Chiu and Park, 28 (note 103).

60 Chiu and Park, 9.

61 Valencia, 34.

62 Chiu and Park, 9; 15. However, the ROC established a permanent presence (see note 54).

63 *The Hoang Sa and Truong Sa Archipelagoes: Vietnamese Territories*, 8.

64 Socialist Republic of Vietnam, "Peaceful Settlement," 12.

65 Valencia, 32 (note a). Xisha is the Chinese name for the Hoang Sa.

66 Valencia, 32 (note b) and Chang, *Territorial Disputes*, 21.

67 *The Hoang Sa and Truong Sa Archipelagoes: Vietnamese Territories*, 8.

68 Republic of Vietnam, 91, 96.

69 Valencia, 34; 36.

70 Chang Pao-min, "A New Scramble for the South China Sea Islands" *Contemporary Southeast Asia*, Vol 12, no. 1 (June 1990): 23.

71 Valencia, 233.

72 Chang, "New Scramble," 24-5.

73 Chang, "New Scramble," 24-5.

74 Chang, "New Scramble," 26.

75 Chang, "New Scramble," 26 and Hood, *Dragons*, 130.

76 Chang "New Scramble," 27.

77 Chang "New Scramble," 35 - 36.

78 Chang "New Scramble," 35-36.

79 Daljit Singh, "A Political Overview of Southeast Asia" *Southeast Asian Affairs* 1992: 9.

80 See generally Ramses Amer, "The Territorial Disputes between China and Vietnam and Regional Stability" *Contemporary Southeast Asia* 19, no. 1 (June 1997).

81 Socialist Republic of Vietnam, "Peaceful Settlement," 13.

82 Valencia, 33.

83 Chiu and Park, 17.

84 *The Hoang Sa and Truong Sa Archipelagoes: Vietnamese Territories*, 9.

85 The legality of this annexation is questionable, however, since China also had claims to the Truong Sa by virtue of occupation by Chinese citizens. See Chiu and Park, 18.

86 *The Hoang Sa and Truong Sa Archipelagoes: Vietnamese Territories*, 9.

87 Valencia, 8. The PRC occupies 8 - 9 features, the Philippines 8, Malaysia 3 - 6, and the ROC only 1. Brunei claims only 2 reefs, but has not occupied any feature in the archipelago.

88 Valencia, 31.

89 Valencia, 31 - 32, 48.

90 Valencia, 31.

91 Chang, *Territorial Dispute*, 22.

92 Hood, *Dragons*, 131 - 132.

93 Valencia, 9 - 11.

94 Ghee, *Natural Resources*, 101, 112.

95 Ghee, 116.

96 Hood, *Dragons*, 129; 175 (note 39) and Robert F. Ichord, Jr., "Southeast Asian Oil and United States Foreign Policy" (unpublished doctoral dissertation), University of Hawai'i (1975), 173.

97 Senior-Colonel Dinh Nho Hong, "Vietnam Armed Forces and Asia-Pacific

Stability" (unpublished paper), Asia Pacific Center for Security Studies (2 October 1997): 14.

98 Recently, others have also reached a similar conclusion. See Bob Catley and Makmur Keliat, *Spratly's: The Dispute in the South China Sea* (Aldershot, UK: Ashgate Publishing, 1997), 93.

99 Raymond L. Garthoff, *The Great Transition* (Washington: The Brookings Institution, 1994), 536.

100 Ghee, *Natural Resources*, 105.

101 Ghee, *Natural Resources*, 105, and Chang, "New Scramble," 34.

102 The Japanese utilized the Truong Sa Islands as a base from which it launched its invasion of the Philippines.

103 Socialist Republic of Vietnam, "Peaceful Settlement," 12.

104 Socialist Republic of Vietnam, "Peaceful Settlement," 12.

105 Socialist Republic of Vietnam, "Peaceful Settlement," 12.

106 *The Hoang Sa and Truong Sa Archipelagoes: Vietnamese Territories*, 14 - 15. Similar statements are found in the 1988 position paper and both the 1979 and 1975 White Papers.

107 Valencia, 91, 94.