

## CONTESTED SPACE

### National and Micronational Claims to the Spratly/Truong Sa Islands - A Vietnamese Perspective

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#### Abstract

The archipelago located in the eastern Pacific Ocean around 4-11 degrees North and 109-117 degrees East, known in English language as the Spratly Islands, in Vietnamese as the Truong Sa Islands and in Chinese as the Nansha Islands, has been subject to contesting claims that have intensified in recent decades with the growing perception that the area has substantial sub-surface oil and/or mineral deposits that could prove a lucrative asset to whichever country can establish a definitive claim over and related exploitation of them. Following an account of Vietnam's historical presence in the area, the article discusses some of the more fanciful micronational claims that have been made over the region and Vietnamese efforts to consolidate their claim to sovereignty in the face of contesting claims from other regional powers.

[Editorial Note – *Shima* invites submissions offering other perspectives on disputed island and marine sovereignty issues in the South East Asia Pacific region.]

#### Keywords

Truong Sa, Spratly Islands, Bien Dong, South China Sea, Vietnam, micronations

#### Introduction

The Spratly (henceforth referred to as Truong Sa) Islands are located in the marine area referred to in Vietnam as the Bien Dong (Eastern) Sea and in the West as the South China Sea, between 4-11 degrees North and 109-117 degrees East. The archipelago contains hundreds of scattered islands, isles, shoals, banks, atolls, cays, and reefs (Cordner, 1994; Gjetnes, 2001; Thomas & Dzurek, 1996) (Figure 1). Among those, are some islands with relatively significant size, including Itu-Aba (Ba Binh in Vietnamese),<sup>1</sup> Spratly island (Truong Sa), North-East Cay island (Song Tu Dong), Southwest Cay island (Song Tu Tay), Thitu island (Thi Tu), Loaita island (Loai Ta), Namyt island (Nam Yet) and Sin Cowe island (Sinh Ton). The area of this region is about 180,000 square kilometres and the total land area of these islands and reefs is around 10 square kilometres (Nguyen, 2012). The Truong Sa Islands are adjacent to the western Philippines, east of Vietnam, south of China and Taiwan and north-west of peninsular Malaysia (McDorman, 1993).



Figure 1 – Map of Truong Sa/Spratly Islands (referred to by English language names) and inset showing regional location (source: Magellan, 1997)

While there are many competing national claims over the Truong Sa Islands, its surrounding seas and resources (see Section III below), Vietnam has produced substantial historical documentation and juridical evidence to establish that it had a significant and dominant presence in the Truong Sa Islands that pre-dates any modern claims by other countries and that it has been continuously exercising its sovereignty over the area for many centuries. The bases of other countries' claims is varied and includes historical associations, claims of first discovery and/or arguments relating to countries' continental shelves (Cordner, 1994).

## I. Cultural and Historical Background

Vietnam has a long history of involvement with the waters of Bien Dong and has had a highly developed sea-orientated culture for over a thousand years that is recorded in various cultural contexts (Pham et al, 2010).<sup>2</sup> In terms of more formal documentation of Vietnamese presence in the Truong Sa Islands, there is considerable documentary evidence dating back to the 17th Century that supports Vietnam's claim to historical prominence in the region<sup>3</sup> (much of which has been collated in the Vietnamese Ministry of Foreign Affairs publications [1981 and 1988] listed in the Bibliography to this article)

The first (extant) Vietnamese document to formally record Vietnam's sovereignty over the Bien Dong archipelagos was a volume entitled *Toan Tap Thien Nam Tu Chi Lo Do Thu* ('Route Maps from the Capital to the Four Directions') written by Do Ba Cong Dao sometime in 17th Century (Kelly, 1999; Nguyen, 2012). It refers to the Truong Sa and Hoang Sa (Paracel) archipelagos by a single name, Bai Cat Vang ('Golden Sandbank'), and identifies them as part of Binh Son district, Quang Nghia prefecture<sup>4</sup>, noting that: "In the middle of the sea is a long sandbank, called Bai Cat Vang, with a length of 400 li, spanning the middle of the sea from Dai Chiem to Sa Vinh Seaports" (cited in The National Boundary Commission of Vietnam, 2011: 8). In *Phu Bien Tap Luc* ('Miscellaneous Records on the Pacification of the Frontiers'),<sup>5</sup> a book prepared by Scholar Le Quy Don, the two archipelagos were identified as part of Quang Ngai prefecture:

*In Quang Ngai district, off the coast of An Vinh village, Binh Son subdistrict, there is an island called Cu Lao Re stretching over 30 dams<sup>6</sup>. The Tu Chinh settlement, as it is called, has been established here and the people there grow beans. It takes half a day by boat to get there. Further off, there are Dai Truong Sa islands where sea products and ship-wrecked cargoes are available to be collected by the Hoang Sa detachment. It takes three days and nights to reach there by boat. They are near an area called Bac Hai. (Cited in Ministry of Foreign Affairs, 1981: 8).*

In addition, *Giap Ngo Binh Nam Do* ('A map of Southern Vietnam') drawn in 1774 by the Duke of Doan, Bui The Dat, and a Vietnamese publication entitled *Dai Nam Nhat Thong Toan Do* ('Maps of Vietnam during the Nguyen Dynasties by Phan Huy Chu') published in 1838, clearly indicate Hoang Sa - Van Li Truong Sa as part of Vietnamese territory<sup>7</sup> (Vietnamese Ministry of Foreign Affairs, 1988; Nguyen, 2012).

Van Li Truong Sa ('The Ten thousand li long sandbank') was also described in *Viet Su Cuong Giam Khao Luoc* ('A Brief History of Vietnam') (1877) by Nguyen Thong, who relates that:

*Van Li Truong Sa belongs to Quang Ngai province. Junk sailing castward take just 3 days and 3 nights to reach there... The sand bank stretching from the East to the South, up and down, is as long as a hundred thousand of li,<sup>8</sup> among which are the areas deep enough for ships to anchor. On the bank there's source of freshwater and a variety of birds most which are unknown. There is an old tiled temple and a sign with the engraved inscription 'Van Ly Ba Binh'<sup>9</sup> (Cited in Nguyen, 2012: 107).*

In addition to territorial documentation, another important aspect of Vietnamese sovereignty over the region is its history of sustained management and exploitation of the region's resources. In the periods referred to above, Vietnamese administrations established military outposts in Bien Dong and naval support for these that was also used to collect taxes from visiting foreign vessels and to survey sea routes and draw maps of the region (Pham et al, 2010). Records relate that in the 17th Century Vietnam's Nguyen rulers<sup>10</sup> sent a flotilla of boats each winter to collect various goods from the region (The National Boundary Commission of Vietnam, 2011: 2).

The exploitation and management of the region was also recorded in more detail in *Phu Bien Tap Luc* (1776):

*The Nguyens used to form a 70-strong Hoang Sa detachment made up of An Vinh villagers. It was sent on duty in the third month of every year, taking along enough food for six months. It sailed in five fishing boats and reached the islands after three days and nights voyage. There, the men were left free in their gleanings. They were able to catch birds and fish for additional food. At times they were able to gather from wrecked ships such things as swords, silver or gold ornaments and coins, rings, brassware, tin and lead ingots, guns, ivory, beeswax, chinaware, woolens... The Nguyens also formed Bac Hai teams recruited from among Tu Chinh villagers in Binh Thuan province or the villagers of Canh Duong... The teams were placed under the control of the Hoang Sa detachment commander (Cited in Ministry of Foreign Affairs, 1981: 11).*

Over fifty years later *Dai Nam Thuc Luc Tien Bien* ('Truthful Accounts about Dai Nam Former Dynasties') (1844) detailed the activities of a Hoang Sa detachment of 70 men, recruited from An Vinh villages,<sup>11</sup> who spent five months in the region collecting materials from wrecked ships.

Evidence suggests that the economic exploitation of Truong Sa resources existed from at least the period of the Nguyen Lords (1558 - 1777) and through the Tay Son (1786 - 1802) and Nguyen Dynasties (1802 - 1945). During the Nguyen Dynasties, in particular, the emperors made a concerted effort to consolidate Vietnam's sovereignty over the two offshore archipelagos. In 1816, Emperor Gia Long formally claimed Vietnamese sovereignty over Truong Sa and Hoang Sa archipelagos, with later Nguyen emperors directly administering, exploiting and mapping the region as part of Vietnam's internal territory (Nguyen, 2012). Vietnamese management also included concern about the safety of foreign vessels navigating in their vicinity. For example, in 1833 Emperor Minh Mang wrote a letter to the Ministry of Public Works to warn of dangers faced by foreign vessels in the region, stating that:

*recently, foreign merchant ships have often been caught in danger there. Preparations should be made for a team to go there next year to plant trees. The trees will grow into a luxuriant vegetation that would allow navigators to recognize the areas and avoid shipwrecks. This will be for the benefit of many generations to come. (Cited in Ministry of Foreign Affairs, 1981: 13).*

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The Truong Sa Islands' English language name derives from Richard Spratly, an English whaling captain who was one of the European mariners who sailed through the region in 1843 and affixed his name to Truong Sa island, with that name also being adopted by British authorities for the wider archipelago (Hancox and Prescott (1995: 14-15).

### II. Micronational Claims

As the above accounts suggest, the Truong Sa Islands are located in an area crisscrossed by shipping routes connecting regional ports and through which European colonial ships also transited from the 17th to 20th centuries. This, combined with the limited settlement on the island's few rocky outcrops, has led to some bizarre attempts to assert sovereignty over them by Europeans. The best known - but historically most murky - of these was the claim reputedly made by a British naval captain, usually referred to as James George Meads,<sup>12</sup> in the late 1870s that has been reported in various sources. The most detailed account of this is provided in Samuel Pyeatt Menefee's seminal publication on island micronations 'Republics of the Reefs' (1994), drawing on references to a document and affidavit allegedly filed at the US Embassy in Manila in 1971 that was referred to in a previous source (Menefee, 1994; Samuels, 1982). Accepting the authors' accounts at face value, Meads' claim for sovereignty over the islands appears to have been a personal and opportunistic one. Rather than claiming the area for the British Crown he sought to exercise a personal claim over it. From this point on the narrative begins to become ever more fanciful with a younger relative, Franklin Meads apparently claiming an independent 'Kingdom of Humanity' in the region in the early 20th Century and with individuals allegedly settling on the islands until being forced to leave by Japanese invaders during World War II.<sup>13</sup> Subsequent Internet accounts have embellished this story further and have identified a micronational entity named the 'Republic of Morac-Songhrati-Meads' that allegedly established a "government in exile" in Australia in the 1980s - 1990s (See Bethge, 2005). The Republic's current website<sup>14</sup> prominently states that:

*While the Republic is a new presence on the web, we have a long and proud history dating back over one hundred and twenty years. We also seek your support in our moves to regain sovereignty over our archipelagic paradise from the illegal occupying forces of nations like China, Taiwan and Vietnam who, in complete disregard of international laws and conventions, have invaded our nation and stationed troops throughout the Morac-Songhrati-Meads archipelago. Click here to see the damage caused by invading armies, read about our struggle for Self-Determination and Freedom and to find out what you can do to help us regain our nation. (nd: online)*

Further bizarre micronational claims have also been made, including one by a French swindler operating under the name of the Count Othmar di Schmieder Rocca-Forozata, in the early 1970s and subsequent claims made by entities named the Kingdom of Colonia St John<sup>15</sup> and the Republic of Thaumaturgy,<sup>16</sup> which appear to primarily exist in dubious Internet entries. The one thing that is clear about this bizarre series of micronational claims is that their most concrete existence has been folkloric and that these notional micronations have had close to absolute zero influence on any aspect of the complex territorial disputation over the islets of the region that have occurred since the end of World War II. Indeed, few Vietnamese have any idea of their 'existence'. In

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only one case, that of Tomas Cloma's 1947 claim in the south east of Truong Sa (discussed in Section III below), has a micronational claim had impact at a macro-national level.

### III. Post-War Disputes

As discussed in Section I, a continuous tradition of resource exploitation dating back to the 17th Century; cartographic and documentary evidence of Vietnamese perceptions of their (undisputed) inclusion of the region within their national sphere of influence; a lack of rival national claims on the region; and the lack of contestation of the 1816 declaration of Vietnamese sovereignty over the Truong Sa and Hoang Sa archipelagos; provide a clear underpinning of Vietnam's historical inclusion of the region within its national boundaries prior to the establishment of a French 'protectorate' over Vietnam in 1884. During its 'protectorate' France also consistently affirmed colonial sovereignty over the archipelagos; protested any actions or incidents that violated this sovereignty; co-ordinated naval patrols in the archipelagos in order to ensure security; and committed customs ships to combat smuggling (Kelly, 1999). From 1930, French naval units were stationed on the main Truong Sa islands and on December 21st 1933, the Governor of France's Cochinchina territory, M.J. Krautheimer, signed a decree incorporating the Truong Sa islands within Ba Ria Province (Ministry of Foreign Affairs, 1988). French naval forces subsequently ejected Chinese ships and personnel from parts of the islands in 1938, only to be ejected themselves in 1942 by Japanese invasion forces. Japanese occupation forces withdrew in 1945 and the Chinese navy temporarily replaced them until France pressured them to withdraw in 1946.

The roots of modern debates about sovereignty issues can largely be identified to have emerged out of the traumatic period of post-colonial conflict following the defeat of Japan in 1945, its withdrawal from Indochina, Vietnam's sustained battle for independence from France, and later the civil war in which South Vietnamese forces were supported by the United States. The 1951 San Francisco Peace Treaty, which served to officially end the Pacific War (1941-45) and was intended to resolve various related sovereignty issues (such as those concerning the Truong Sa Islands), was understood by a French sponsored Vietnamese delegation to recognise its historical claim. However the absence of Taiwan and China from the treaty conference (due to disputes over which was the single legitimate government of China<sup>17</sup>) meant that neither of the Chinese governments felt that issues regarding their claims to the area had been resolved (Dzurek, 1996).

Following the end of World War II, the withdrawal of French colonial forces and the fragmentation of Vietnam into the socialist north and capitalist south in 1954, the Saigon Administration, and later on the Provisional Revolutionary Government of the Republic of South Vietnam, continued to exercise control over Truong Sa, reaffirmed its sovereignty and annexed this archipelago to Phuoc Tuy province. The Saigon Administration also built sovereignty steles (monumental slabs) on major islands to materially assert sovereignty (Nguyen, 2012).

Besides Vietnam, China and Taiwan also claim all of Truong Sa archipelago and their surrounding waters (McDorman, 1993), while the Philippines and Malaysia claim sovereignty over portions of Truong Sa, and Brunei claims one reef (Cordner, 1994; Joyner, 1998). Although Vietnam considers the whole of Truong Sa region as part of its

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national territory, some of the other claimant countries have sought to pursue their claims by occupying areas of the archipelago. Since 1988, China has occupied nine reefs<sup>18</sup> (Joyner, 1998) and Taiwan has occupied the largest island, Ba Binh (referred to by Taiwan as Taiping island), based on a claim made in 1947 (McDorman, 1993). Malaysia also occupies four reefs<sup>19</sup> while Brunei has claimed Louisa Reef (Dzurek, 1996; McDorman, 1993). In 1988 Vietnam established military outposts on 21 islands, reefs, shoals and cays and between 1989 to 1991, Vietnam positioned four more outposts on land formations<sup>20</sup> (Thomas and Dzurek, 1996). Three of these Vietnamese controlled islands - Truong Sa, Song Tu Tay and Sinh Ton – have permanent communities, facilities and Buddhist temples on them (Figure 2 below).



Figure 2 – Pagoda on Song Tu Tay island. (Photograph by Le Thao - Ba Ngoc)

In addition to those areas discussed above, a further region is controlled by the Philippines due to that country's strategic acquisition of a micronational claim made by one of its citizens. In 1947, Tomas Cloma, a Filipino fishing fleet operator, asserted that a group of Truong Sa islands to the west of Palawan island in the Philippines were previously undiscovered and did not belong to any regional nation. He named the group as the Kalayaan ('Freedom') Islands and declared the region to be a free autonomous territory in 1956, with a capital on Patag island. Vietnam refuted the claim and Taiwan also responded by sending a naval force to Taiping island, located on the Tizard Bank area, to restrict Cloma's fleet's operations in the area. Cloma nevertheless retained his claim to the area until 1978, when he was pressured into ceding his claim over it to the Philippine Government. In tacit (and opportunistic) recognition of the legitimacy of Clomas's claim, the Philippines then incorporated the islands within their national territory by establishing Kalayaan as a municipality of Palawan island province. Since 1978 the Philippines has maintained a small population there (currently numbering around 200) based on Pagasa island (which is also the location for the municipality's

air-strip) despite Vietnam's claims for sovereignty over the whole Truong Sa area (Baker and Weincek, 2002).

## Conclusion

Since Vietnam's re-unification in 1975, based on the historical evidence summarised in this article and on the basis of the 1982 United Nations Sea Convention on the Law of the Sea (UNCLOS), the Vietnamese Government has claimed a significant portion of Bien Dong, including all the Truong Sa and Hoang Sa archipelagos, based upon a Exclusive Economic Zone (EEZ)<sup>21</sup> of over one million square kilometres and on the continental shelf principle (Nguyen, 1998). These historically rooted claims continue to be opposed by other regional powers (and by the fanciful micronations represented in various websites) and may yet be the cause of significant regional tensions and flashpoints unless international arbitration can be arranged through the agencies of bodies such as the United Nations in which evidence of continuity of historical presence and administrative responsibility can play more of a role than opportunistic occupation and intransigence.

## End Notes

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<sup>1</sup> Itu-Aba is the largest island in this archipelago. It is only 1.4km long and 400 metres wide, with an area of 50 hectares (Cordner, 1994; Dzurek, 1996).

<sup>2</sup> Indeed this involvement is commemorated in several ancient stories, such as that of an individual named Lac Long Quan, who took fifty children to the coast and taught them the skills of fishing and the art of tattoos to scare off sea creatures.

<sup>3</sup> Including *Toan Tap Thien Nam Tu Chi Lo Do Thu* ('Route Maps from the Capital to the Four Directions') (sometime in the 17<sup>th</sup> century), *Phu Bien Tap luc* ('Miscellaneous Records on the Pacification of the Frontiers') (1776), *Lich Trieu Hien Chuong Loai Chi* ('Collection of Regulations under Successive Dynasties' (1821), *Hoang Viet Du Dia Chi* - ('A Geographical Treatise of Imperial Vietnam') (1833), *Dai Nam Nhat Thong Toan Do* - ('A Vietnamese Atlas') (1838), *Dai Nam Thuc Luc Tien Bien va Chinh Bien* ('Truthful Accounts about Dai Nam's Former and Present Dynasties') (1844 - 1848) and *Dai Nam Nhat Thong Chi* - ('A Geography of Unfied Dai Nam') (1882 - 1945).

<sup>4</sup> Now known as Quang Ngai province.

<sup>5</sup> *Phu Bien Tap Luc* is a book on the history, geography, and administration of Southern Vietnam under the Nguyen Lords (1558 - 1777).

<sup>6</sup> *Dam* is an ancient unit of measurement of Vietnamese people. It is equal to half a kilometre.

<sup>7</sup> Those ancient maps are similar to Eastern Sea nautical charts drawn by Portuguese and Dutch from the 16<sup>th</sup> Century on that identify the islands as Vietnamese (Pham, 2009).

<sup>8</sup> *Li* is an old length measurement unit, equivalent to 0.5 km.

<sup>9</sup> The sign translates as 'calm sea for a thousand Li'.

<sup>10</sup> The Nguyen rulers (1558 - 1777) were feudal rulers of Dang Truong (Southern Vietnam), while the Trinh Lords ruled Dang Ngoai (Northern Vietnam). Both of these feudal houses nominally swore their allegiance to the Le Imperial Dynasty.

<sup>11</sup> The soldiers in the attachment and brigades were carefully recruited from fishing families from coastal areas who were well qualified for activities on the sea (Nguyen, 2012).

<sup>12</sup> Although British Royal Navy records indicate that a Captain Mead (ie surname without the final 's') commanded a corvette named Modeste in the South China Seas between 1878-1891. See, for instance, the Modeste's chronology documented online at: [www.pdavis.nl/ShowShip.php?id=119](http://www.pdavis.nl/ShowShip.php?id=119) - accessed January 2014.

<sup>13</sup> Although no evidence of any such habitation has come to light.

<sup>14</sup> [www.angelfire.com/ri/songhrati/](http://www.angelfire.com/ri/songhrati/) - accessed January 2014.

<sup>15</sup> See [www.colonia.asia/index.htm](http://www.colonia.asia/index.htm) - accessed January 2014.

<sup>16</sup> See [www.oocities.org/thaupm/](http://www.oocities.org/thaupm/) - accessed January 2014.

<sup>17</sup> At this time both the Communist regime in Beijing, who controlled continental China, and the Nationalist regime, which had retreated to Taiwan after defeat by Communist forces on the mainland, claimed to be the representative government for all of China/Taiwan.

18 As Dzurek (1996) notes, with the occupation of Mischief in 1995, China expanded its outposts in the area to seven, including South Fiery Cross Reef, Cuarteron Reef, Johnson Reef, Chigua (Hughes Reef), Gaven Reef, Subi Reef, Mischief Reef.

<sup>19</sup> Mariveles Reef, Ardasier Reef, Swallow Reef, Louisa Reef (This reef is a feature Brunei itself claims presumably because of its proximity within 200 nautical miles of Brunei).

<sup>20</sup> Rifleman, Prince of Wales, Vanguard and Prince Consort banks. In 1992, Vietnam adjusted the continental shelf claim to identify a mainland shelf, which incorporates Vanguard and Prince of Wales Banks (Dzurek, 1996).

<sup>21</sup> Articles 55 - 75 of the 1982 UNCLOS define the concept of an EEZ is an area up to 200 nautical miles beyond and adjacent to the territorial shelf.

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