

DOCUMENTATION

THE SPRATLY ISLANDS DISPUTE

PRC Claim on Spratly Islands Viewed

The Government of Malaysia has issued an important statement as a reaction to the recent claim by the People's Republic of China concerning the Spratly Islands. The Malaysian Foreign Ministry's statement is clearly worded so that there is no scope for any complaint alleging ambiguity.

As always, Malaysia has taken a posture that is in harmony with public international law and usage. The world is aware that the recent Chinese claim concerns sovereignty over the group of islands called the Spratlys. If one were to refer to a map of the South China Sea region, one will be able to see the Spratly group of islands north of the Malaysian town of Bintulu, in the State of Sarawak. The Foreign Ministry is rather puzzled about the claim laid on the whole of the Spratly Islands. Malaysia does not accept and cannot accept the claim by any country, for that matter, over several islands and atolls south of the Spratlys. Also Malaysia is quite clear about the grounds on which it bases its claim to those islands and atolls south of the Spratlys.

Conflicting claims to territory are nothing new in history, of course. Countries have even gone to war about some valuable bits of land or islands in the middle of the ocean. At the same time, international law is very clear about the test it applies to decide to whom a particular area legally belonged. The classic test was that a state has established that it has been exercising peaceful and continuous sovereignty over the island or land area in dispute. In this connection, Malaysia has in the past,

affirmed its jurisdiction and sovereignty over those islands and atolls south of the Spratlys. This had been very categorically sounded out by the Deputy Foreign Minister Toh Muda Dr Abdullah Fadzil Che Wan. The International Law of the Sea has always included the continental shelf. Malaysia notified the world of its sovereignty over the continental shelf officially through a map issued in December 1979. That declaration embodying the legal concept of continental shelf included the islands and atolls south of the Spratlys.

The background to the numerous claims that are being made for the first time by so many nations in different parts of the world is the drive for more resources, particularly petroleum. The Spratly Islands are supposed to have strategic value. In the South China Sea region, four nations are exerting ownership over about 200 tiny islands and reefs not only in the Spratly group, but also further north in the Paracel group. In 1974, China, in fact, seized some islands in the Paracel group which were also claimed by the former South Vietnam. That was in the crucial month before the defeat of the United States and its South Vietnamese allies.

It is in everybody's interest that any kind of international dispute should be settled through peaceful means and not through warfare. The Malaysian community hope that this recent territorial claim will also be settled in accordance with the established principles of international law.

SOURCE: BK290954, Kuala Lumpur International Service, in English, 0800 GMT, 29 February 1988; FBIS-EAS-88-039, 29 February 1988.

Peaceful Settlement of Spratlys Dispute Urged

The Philippine Government Thursday called on China and Vietnam to peacefully settle their naval conflict in the Spratly Islands, and warned both to stay off the portion of the archipelago claimed by Manila.

A Foreign Affairs Department statement said it "views with concern the activities of China and Vietnam in the South China Sea since some of these activities are taking place in Kalayaan, which is Philippine territory".

The Philippines calls eight islands in the Spratlys chain Kalayaan or Freedomland and has stationed marines on them for years.

A Filipino explorer, Tomas Cloma, claimed to have discovered the strategically-located islands in 1956.

"The department hopes and expects that the disputes concerning sovereignty over the Kalayaan islands can be settled peacefully, and that

countries involved do not take unilateral action in violation of Philippine territory," the statement said.

It cited in particular what it said was China's construction of an "observing station" on a reef within the Kalayaan group, and military movements of both countries.

The statement also reminded Beijing of its agreement with Manila that any disputes over the islands would be settled "by peaceful means without resorting to the use or threat of force".

"The Philippines and Vietnam have a bilateral understanding that they will settle all disputes between them by peaceful means," it added.

Malaysia and Taiwan also claim parts or all of the Spratlys, a chain of some 500 small islands and reefs in the South China Sea some 1,500 kilometres (930 miles) from the Chinese coast and some 400 kilometres (250 miles) from Vietnam.

China and Vietnam said their ships exchanged fire in the Spratlys Monday. Each side has accused the other of firing first.

Beijing on Wednesday said there had been Chinese casualties in the incident, the first time either country had mentioned casualties.

Hanoi meanwhile said that three of its ships were still ablaze Wednesday with more than 70 crew on board, and that Chinese warships were preventing rescue vessels approaching.

SOURCE: HK 170437, Hong Kong AFP, in English, 0428 GMT, 17 March 1988; FBIS-EAS-88-052, 17 March 1988.

Philippines issues Statement

The Philippine Foreign Ministry on 17 March issued a statement expressing concern over recent events in the Eastern Sea. The statement expressed the hope that conflicts on sovereignty over islands in this region will be settled peacefully. The statement said that the Philippine and Chinese governments, on the occasion of establishing their diplomatic relations, agreed to settle all conflicts through peaceful measures and non-use of force.

The Philippines and Vietnam have also reached bilateral agreement to settle conflicts through peaceful negotiations.

SOURCE: BK200736, Hanoi Domestic Service, in Vietnamese, 2300 GMT, 19 March 1988; FBIS-EAS-88-054, 21 March 1988.

Agreement Outlined

Vietnam and the Philippines have agreed not to use force in settling disputes and to remain each other's friend forever.

On 30 March 1988, Vice Chairman of the Council of Ministers and Foreign Minister Nguyen Co Thach received a delegation of the National Defense and Security Committee of the Philippine House of Representatives which is composed of the committee chairman Jose C. Yap, Representative Roke Aplan, and accompanying members.

At the reception, both sides agreed as follows:

1. The entire territories of the Philippine Republic and the SRV will not be used by foreign countries as hostile bases to oppose each other.
2. The Philippine Republic and the SRV will not use force to settle differences including that involving the Truong Sa [Spratly Islands]. The unique way of settlement is through holding talks.
3. The Philippine Republic and the SRV will remain each other's friend forever.

SOURCE: BK021209, Hanoi Domestic Service, in Vietnamese, 1100 GMT, 2 April 1988; FBIS-EAS-88-064, 4 April 1988.