

LƯU VĂN LỢI

**THE SINO-VIETNAMESE  
DIFFERENCE ON THE HOÀNG SA  
AND TRƯỜNG SA ARCHIPELAGOES**

THẾ GIỚI PUBLISHERS  
HANOI — 1996

©Luu Văn Lợi

Thế Giới Publishers, 1996

*Front cover:* Paracels and Spratly on the map Đại Nam nhất thống toàn đồ  
(General map of the Unified Dai Nam) published in the XIXth century.

## CONTENTS

|   |     |
|---|-----|
| Chapter I - Historical title of China concerning the Xisha and the Nansha.  | 9   |
| Chapter II - Juridical title of China regarding the Xisha and the Nansha.   | 19  |
| Chapter III- The historical and juridical title of Vietnam-period before 1884.                                    | 31  |
| Chapter IV - The historical and juridical title of Vietnam-period after 1884.                                     | 49  |
| Chapter V - Peking's propaganda.  | 67  |
| Chapter VI - The sovereignty of Vietnam vis-a-vis the Hoàng Sa and the Trường Sa Archipelagoes is unquestionable. | 81  |
| Notes and References  | 91  |
| • Chronology until 1992   | 95  |
| • Situation of the Paracels and the Spratly at the end of 1993.   | 117 |
| • Some photographic documents on the Paracels and Spratly Archipelagoes.  | 121 |
| • Documents and maps.   | 133 |

At present, there remain many territorial conflicts; the affair that has dragged on the longest must be that of the Malvinas/Falkland. For 160 years, after numerous complicated events, including serious military confrontation, there exists again a phase of endless exchange of notes. Compared with the Malvinas/Falkland affair, the Hoàng Sa - Trường Sa/Xisha- Nansha (the Paracels and the Spratly) conflict seems more explosive because it involves states differing in size and, primarily, in their position which must not be underestimated: all the more so as the conflict is in a highly strategic region where major geo-political stakes are involved. It is a hot point in the literal as well as figurative meaning of the term. So long as the shadow of this conflict falls over the Bien Dong - the South China Sea - there will be no lasting peace in this part of the Pacific, or in South-East Asia.

For three years now, like the settlement of the Cambodian problem, the normalization of relations between Vietnam and China constitutes an important stabilizing factor in the region. Vietnam has become an observer of the ASEAN and its admittance to this organization is but a question of time. (\*)

Between Vietnam and China, relations in all fields are developing, and both sides endeavour to narrow the gaps and to gradually settle the differences. At this favourable juncture, the search for a negotiated solution to the question of the two archipelagoes becomes a necessity for the benefit of the peace and security of SEA.

This study is aimed at examining the respective positions of Vietnam and China to assess the eventual likelihood of successful negotiations between the two countries and to suggest an advisable orientation.

---

\* Since 7/1995. Vietnam has become a full member of the ASEAN.

## CHAPTER I

### HISTORICAL TITLE OF CHINA CONCERNING THE XISHA AND THE NANSHA

The argumentation and the historical title of China concerning the Xisha and the Nansha (Chinese names of the Hoang Sa 'Paracels' and the Tricmg Sa 'Spratly' archipelagoes) are founded in the historical writings from the period of the Three Kingdoms (220-265) to the Qing dynasty (1644-1911), especially in the following documents:

**Nan Zhou Yi Wu Zhi** (Exotic things of the southern regions) by Wan Zhen (period of the Three Kingdoms) discussing strange things in the Southern countries.

**Fu Nan Zhuan** (Account of Funan) by Kang Tai (period of the Three Kingdoms) discussing his ambassadorial mission in Fu Nan.

**Yi Wu Zhi** (Exotic things) from the Yang Fu period of the Oriental Han (25-220) discussing exotic things (also of foreign countries).

**Wu Jing Zong Yao** (General programme of military affairs) by Zeng Gongliang and Ding Du, of the Song dynasty (960-1127), dealing with the military system and important matters relating to national defence.

Ling Wai Dai Da (Information on what is beyond the passes) by Zhou Chufei, of the Song dynasty (1178), mainly addressing the SEA countries. In the passage about the Sea of Giao Chi ancient name of Vietnam) mention is made of the Changsha and the Shitang.

**Zhu Fan Zhi** (Notes on foreign countries) by Zhao Juguo, the Song dynasty (1225), describing foreign countries. A passage mentions the Qianli Changsha, Wanli Shitang as landmarks to situate the Hainan island, such as Champa, Zhenla.

**Dao Ji Zhi Lue** (General glimpse of the islands) by Wang Dayuan, the Yuan dynasty (1349), describing the physical geography, climate, riches and customs of about 100 foreign countries. Wanlishitang is treated in a separate chapter, like other regions.

**Dong Xi Yang Kao** (Studies on the ocean of the East and the West) by Zhang Xie (1618) and Wu Beizhi (about the seven voyages of Zheng He 1405-1433 in the Southern seas and the Indian Ocean) by Mao Yuanli (1628).

**Hai Guo Wen Jian Lu** (Things heard and seen in overseas countries) Qing dynasty, by Zhen Lunchiung. Wanli Changsha and Qianli Shitang are mentioned in a passage on Vietnam on the way from Xiamen to Quang Nam (Vietnam).

**Hai Lu** (Note on sea voyage) by Yang Bingnan, Qing dynasty (1820) discussing the 99 countries and regions of Europe and America. Wanli Changsha and Qianli Shitang are mentioned in a passage on Java. The drawing of hemisphere attached to the book contains Changsha, Qianli Shitang in the SEA region.

**Hai Guo Tu Zhi** (Notes on foreign countries and navigation) by Wei Yuan, Qing dynasty (1848).

**Ying Huan Zhi Lue** (Brief geography of the globe) by Feng Wenzhang in the reign of Daoguang (1848). Changsha and Qianli Shitang are marked on the map of SEA and not on that of China.

Taking into account the mentioned books, there must be about 100 of them. The books in subsequent periods of the Song dynasty are more numerous than those of previous ones. Not one of the books directly speaks of the Xisha and the Nansha, and not one speaks of Chinese sovereignty on the Xisha and Nansha islands. A number of books speak of toponyms such as Qianli Changsha, Wanli Shitang, Qianli Shitang, Jiurulozhou, which are today considered by Chinese researchers as the Xisha and the Nansha.

For the most part, the mentioned books deal with relations, accounts of voyages, monographs and nautical books concerning countries other than China. Some of them describe the activities of Chinese fishermen. Some others are written or related into books accounts by persons who have actually made sea travels such as *Cin Cha Zheng Lan*, *Ying Ya Zheng Lan*, by Fei Cin and Ma Huan respectively who participated in the Zheng He expedition in the

Southern sea, or *Hai Lu*, written by Yang Binhan (period of the Qing) according to the statements of Xie Qinggao (1765-1821), an old Chinese sailor who worked aboard foreign ships and who was knowledgeable about maritime routes and the countries of SEA. Some others were written by ambassadors to SEA, such as *Fu Nan Zhuan* (the account of Funan by Kang Tai ambassador to Funan, the geography of Zhenla by Zhou Dagan, ambassador to Zhenla, the *Hai Guo Guang Ji* (an account of a voyage by the ambassador Wu Hui to Champa). The *Sui Zhi* (History of the Sui) relates the voyage of ambassador Chang Jun across the Bien Dong (Eastern Sea). The other books are by people who did not make sea journeys but who reported the "things heard and seen" in the same way as Zhang Xie when he wrote his *Dong Xi Yang Kao*: by putting questions to people coming from afar whom he met on the wharves (sailors, travellers, etc.).

The Chinese authors evidently studied all the documents more or less relating to the Xisha, but they had to make careful choices, retaining what was right and discarding what was erroneous. It is regrettable that they collected all the found writings without sorting them out, but rather deliberately making deductions or arrangements. For instance, it is written in the *Fu Nan Zhuan*: "In the Zhanghai there are coral shoals; under the shoals there are rocks on which corals grow". But Han Zhenhua explains that these are the Xisha and Nansha archipelagoes. The *Ji Wu Zhi* simply writes: "The reefs of the Zhanghai are found in shallow waters where there are a lot of magnet stones; the large iron - banded junks of foreign countries cannot pass there". According to Han, Zhanghai is the South China Sea "comprising the islands of the Southern sea" (The South China sea has an area of over 3,400,000 km<sup>2</sup>; what does the Zhanghai represent?; the totality of the South China Sea or only a part of that sea, and which part?), and the reefs are those of the islands of the Southern Sea. The *Nan Yue Ji Wu Zhi* (Strange things of the peoples of the South) of the first century writes: Chinese fishermen captured plaices, scaled tortoises; the *Guang Zhou Ji* writes: ancient men found corals while fishing at sea; but Pan Shiing deduces that the Chinese reclaimed and exploited the first islands of the Southern Sea, though these two books speak of the sea in general, not specifying which one. The *Dong Xi Yang Kao* writes: *Qi Zhou Yang* is the maritime zone where the seven islands are found

at 100 *li* (50 km) from Wenchang district. However, it is affirmed that the sea of the Xisha lies several hundreds of kilometers away from Wenchang. The *Zhu Fan Zhi* writes: "Hainan was the Yazhou and the Dan Eu of the Han period". But Han Zhenghua affirms in an explanatory note that the name indicates the Hainan island of today and the *islands belonging to the islands of the Southern Sea* (underlined by the author) in the clear intention of putting it among the Xisha and the Nansha. In the part reserved for Guangnan donglu (presently Guangdong, the *Wu Jing Zong Yao* contains a passage on the royal order of the Song to set up sea patrol posts and a passage about the route from Guangzhou to India, but the Chinese Ministry of Foreign Affairs has made it into the one and only passage in order to pretend that the Chinese navy of that time had carried out patrols in the sea of the Xisha. The *Quan Zhou Fu Zhi* says that General Wu Sheng himself conducted the patrol, starting from Qiongya and passing by Tonggu, Qizhouyang, Sigensha, making a tour of 3,000 *li*. According to these toponyms, it was actually a patrol *around the island of Hainan* (underlined by the author). But the Chinese Ministry of Foreign Affairs has affirmed that General Wu Sheng had made "patrols in the sea of the Xisha".

Regarding the names quoted by the books: Jiurulozhou, Wanli Shitang, Wanli Chengsha, Qianli Shitang, Qizhouyang, Qizhousan, the Chinese authors conclude that: Qizhouyang, Qizhousan indicate the Xisha whereas the other names indicate the Dongsha, Zhungsha, Nansha archipelagoes.

The names Qizhouyang and Qizhousan are most often quoted in the itineraries from Southern China to Vietnam, Champa and further to the South.

In the *Hai Yu*, Huang Zhung in the Ming dynasty (1536) writes:

"Wanli Shitang is found East of the sea of Wu Zhu and Du Zhu" (Wu Zhu is an island situated to the East of the islands Xiang Chuan, Xia Chuan, district of Wan Ninh, Guang Dong. Du Zhu is an island situated to the South-east of the island of Hainan).

"Wanli Changsha lies to the South-east of Wanli Shitang, i.e. the shoals of sand of the barbarous countries of the South-west".

According to the author, Wanli Shitang indicates here "the shoals of sand of the barbarous countries of the South-west". Han



Zhenhua, after omitting the words "the barbarous countries of the South-west", affirms that it is the Xisha and the Zhungsha, although, annotating the book *Dao Ji Zhi Lue* by Wang Dayua, he said that Wanli Shitang indicated all the four archipelagoes Dongsha, Xisha, Zhungsha, Nansha and, annotating the book *Song Hui Yao*, Song dynasty, he said that Wanli Shitang indicated the Zhungsha archipelago. Even Han Zhenhua does not know exactly what Wanli Shitang designates: Zhungsha, Xisha, or both, or even all four archipelagoes? Han is self-contradictory.

The *Zhi Nan Zheng Fa*, at the end of the reign of Kang Xi, writes:

"If one goes beyond Qizhou and in the direction of the East for seven *geng*, one will find Wanli Changsha...if one goes to the East, one will one day see the island Weila before the eyes. Going to the East, after seven *geng*, [one will arrive in] Wanli Shitang."

Presenting the books *Shun Feng Siang Sung* and *Zhi Nan Zheng Fa* in 1961, the China Publishing House (Peking) said:

- "*Wanli Shitang*: from the Vietnamese port of Xinzhou, one goes towards the islands Hiaobei for seven *geng* to the North or from the island Weila towards the East, one can also reach Wanli Shitang, i.e. in the North-east of present day Binh Dinh of Vietnam. This is not likely to be the Southern part of the Xisha archipelago.

*Wanli Changsha*: to the South-east of the island of Hainan, only a seven-*geng* [sail] South of the island Dazhou, is the Northern part of Xisha archipelago."

According to Pan Shiing, the Song had given the Nansha archipelago the name Shitang, Qianlishitang and Wanlishitang. In his turn, he is in contradiction to Han Zhenhua.

Groenevelt, the translator of *Shibi Zhuan* (History of Sibi), the Mongolian general who commanded the expedition of the Yuan against Java in the XIIIth century, estimates that Wanlishitang designates rather the shoal Macclesfield (for Peking, it is the Zhungsha archipelago) which is even now submerged under more than 10m of water.

Qianlishitang, Wanlishitang, Wanlichangsha...In fact, what do these toponyms represent? It seems that Qiangli Changsha is the Xisha (Paracels) and Wanlishitang, the Nansha (Spratly). It is clear

that a scientific examination is necessary to correctly conclude the study of these toponyms.

And where is Jiurulozhou?

The *Wu Jing Zong Yao* indicates the itinerary from Tunmensan to India: "From Tunmensan, with an Eastern wind, going towards the South-west for seven days, one will arrive in Jiurulozhou and in three days more, one will reach Pulasan..." Tunmensan is to the North-west of Jiulong (Hong Kong). Thus, Jiurulozhou is on the route leading to Pulasan (that is to say the island of Cham of Vietnam) and from Tunmensan to Pulasan, it takes 10 days.

In the *Gu Jin Tu Shu Bian*, Zhang Huang the Ming dynasty says that the route from Xiang San (Guangdong) to Champa, Siam passes by Qizhouyang, and it takes 10 days to reach the sea of Vietnam (Wailasan), i.e the island of Cham.

In the *Huang Hua Si Da Zhi*, Jia Shen (730-805), the Tang dynasty, writes: "From Guangzhou by the maritime route to the South-east one reaches Tunmensan, sailing to the West *li* 200, one will reach Jiu Luoshi in two days and Xiang Shi in two days more, and Pulasan in three days more to the South-west". That is to say, from Guangzhou to Pulasan takes nine days. And observing the traditional itinerary of the Chinese, Jiu Luo shi designates the group of seven islands called Qizhou to the North-east of the island of Hainan, and Xiang Shi designates the island Dazhou to the South-east of the same island. Jiurulozhou being three days from Pulasan must be a point between the island of Dazhou and the island of Cham of Vietnam (Pulasan) and on the maritime route along the coast of Hainan towards the South. If Xiang Shi designates the Xisha as Han Zhenhua annotated, it is impossible to make the journey from Tunmensan to Xisha four days by the means of that time.

According to Jia Shen (the Tang), Zeng Gongliang, (the Song), Mat) Yuanji, Zhang Huang, La Rigeng (the Ming), Zhen Lunchiung (the Qing), the route along the coast towards the South, starting from Guangzhou or from Zhejiang, Fujian, is always the same: Tunmensan, the group of seven islands Qizhou, the island of Dazhou or Tou Zhousan, Wailasan (island of Re of Vietnam), the island Yangsiu (Poulo Gambir, Vietnam), Lingsan, Chi Kansan, (the red hills of the province of Binh Thuan, Vietnam), Kouen Louensan (Poulo Condore, Vietnam), the island Pulau Tioman (to the East of

the Malaysian peninsula), Dong Zhousan (on the island Aor to the North-east of Singapore).

What would be the route taken by Zheng He to reach Indonesia and the Indian Ocean?

According to Zhang Xie, the author of *Dong Xi Yang Kao*, there were two routes of communication between China and SEA: the Dongyang route passing by Malacca, Borneo, the Philippines and Formose and the Xiyang route passing by the coast of Vietnam, Malaysia, Java. Zheng He, who had reached Sulu, Lucon (the Philippines), and Borneo, took the Dongyang route. As for the Xiyang route, it follows the coast of Vietnam and Champa. The map drawn by Mao Yuanji in the *Wu Bei Zhi* clearly noted:

"After passing Dong Zhousan, cap at  $350^\circ$  then at  $15^\circ$ , the ship reaches Kouen Louensan and passes outside. From the exterior of Kouen Louensan, cap at  $25^\circ$  for 15 *geng*, the ship arrives in Chi Kansan, then the cap is aimed at  $40^\circ$  then at  $15^\circ$ . From the Lingsan on, the cap is at  $355^\circ$  then at  $345^\circ$  for 5 *geng* and the ship is facing Yangsiu, then reaches Kiao Peisan. From Kiao Peisan, cap is at  $355^\circ$  for 7 *geng* and the ship reaches Wailasan, sailing outside. From the interior of Wailasan, cap is at  $25^\circ$  then at  $15^\circ$  for 21 *geng* and the ship comes to Tou Zhoushan" (translation by Y.Manguin).

In brief, even based on documents quoted by Chinese authors, the following remarks can be made:

1. There are about ten books speaking of the maritime route from Guangzhou to the South of the South Sea or to places named Wanlichangsha, Qianlishitang, etc. But the cited books not relating to the Xisha and Nansha or the knowledge of the Chinese people about these archipelagoes, are 3-4 times more ample. The reader cannot help asking why so many books cited when they are not necessary for the study? Would it be because of the necessity to pad the history of a question for which convincing documents are still lacking or to make it impossible for the reader to discern what is right and what is wrong?

The question of the toponyms of the Xisha and the Nansha cannot be settled by unfounded affirmation, by simple deduction that this is the Xisha and the Nansha and that these archipelagoes have been known by the Chinese people from time immemorial and

named by them, even the names are those of kings, mandarins, or generals... And if the attribution of names to the archipelagoes and the islands was so early, one cannot understand why the map of China printed in 1935 used the names which are simply phonetic transcriptions of international names (such as Amphitrite, Crescent, Lincoln, Pattle, Dido, Bombay, Triton, Duncan) or the simple translation of international names (such as North Reef, Antilope, West island, etc.) Even the name of the Dongsha archipelago was a phonetic transcription of Pratas, and the Nansha archipelago previously was named Đoàn Sa.

2. All the authors have tried to affirm that the Xisha and the Nansha belong to Hainan to deduce that the Southern end of the Chinese frontier is constituted by the afore-said archipelagoes. But their efforts are contradicted by a great number of other Chinese documents.

The *Zhongguo Dilixue Jiaokeshu* (Manual of geography of China) compiled in 1905 and published in 1906 says in the chapter *Generalities*: "In the South at 18°13 latitude North, the terminus being the coast of Yazhou, island of Hainan; in the North at 53°50 latitude North, the terminus being the confluence of the Amour and the Oussouri rivers; in the West at 42°11 longitude East, the farthest end is the mount Tunglinh. From the South to the North, there are over 36° measuring 7,100 *li*, from the East to the West over 61° measuring over 8,800 *li*. The area is 32,605,156 square *li* or 1/4 of Asia, 1/10 of the continents, larger than Europe."

This is in complete conformity with the *Hoang Qing Zhi Sheng Xuan Tu*, *Hoang Chao Yi Tong Yu Di Zong Tu* (General map of the unified Empire) under the reign Guangxi (1894); all of them are official maps, which did not represent the Xisha and the Nansha. In the *Guangdong Yu Di Tu* of the reign of Guangxi (1897) prefaced by the Governor of the two Guang, Zhang Renjun, there is a map of all the provinces of Guangdong and that of Qiongzhoufu which did not represent any archipelago of the Southern sea, in conformity with the legend saying that the southernmost point of the Chinese territory is constituted by "the mountain outside of the port Yulin, Yazhou 18° 9 10 ".

3. In spite of the scarcity of direct writings, it is believable that the Chinese people *have known* since remote times that there were

coral islands in the Southern sea because they have, for a long time engaged in maritime navigation and fishing. But no writing says that they have *occupied* any island. However, there is a great difference between *discovery* and *knowledge*. Everyone knows that simple *knowledge* cannot establish the acquisition of territorial authority. The lengthy discussions on the problem of the *priority of discovery*, the dispute about Canada between Cabot, who had sailed along the Canadian coasts and Cartier who had explored that country, the rivalry between the Frenchman De Brazza and the Belgian Stanley about the question of the Congo, the convening of the 1885 Berlin Congress to determine the principles and the modalities of occupation of land *res nullius* show that discovery alone does not suffice. It must be followed by occupation and the consolidation of that occupation by actual continuous and peaceful performance of state functions.

A State expedition like that of the eunuch Zheng He, having an official title, a powerful armada did not occupy any island in the Bien Dong sea or in the Indian Ocean. What should we say then about the fishermen of Hainan 2000 years ago who could go to sea only when the weather was fine and who had, with greater cause, no possibility to go as far as the islands Nansha of an over 1000km distance from Hainan. In fact, only from the time of the Northern Song (960-1127) on could the Chinese use the navigation compass for sea voyages.

## CHAPTER II

### **JURIDICAL TITLE OF CHINA REGARDING THE XISHA AND THE NANSHA**

After going back 2000 years in history, the Chinese authors could not demonstrate that their country *had discovered* - in the juridical meaning of the term - and *occupied* the Xisha and Nansha archipelagoes. They also made efforts to demonstrate that the Chinese government had long exercised its territorial authority over the said archipelagoes.

In 1932, China advanced the date 1909 as the beginning of the exercise of its territorial authority over the Xisha; this date being that of Admiral Li Zhun's landing on some islands of this archipelago. In 1956-59, when Chinese troops occupied the Eastern part of the Xisha archipelago, China pushed this date back to the XVth century. It pushed the date further back, to the Xth century, in 1975, then to the IVth century in 1988. What must surprise the public is that for the exercise of this double millenary sovereignty, the Chinese Ministry of Foreign Affairs has been able to produce only three facts, three troops of the Chinese administration on the islands of the Southern sea - *in reality only three facts relating to the Xisha islands* - while regarding the Nansha islands, it could not give a single fact. To fill in the gap, Han Zhenhua and Pan Zhiing added some activities of production and even some cultural vestiges on the island Song Tử Đông (North East Cay); for instance, the tombs of two Chinese fishermen of the Qing dynasty.

Following are some proofs furnished by the Ministry of Foreign Affairs and the Chinese authors:

## **1. The Nansha archipelago has been linked with Hainan island since 789.**

Annotating the section concerning Hainan island in the book *Zhu Fan Zhi* by Zhao Juguo, Han Zhenhua wrote: "Qianlichangsha and Wanlishitang already belonged to the Qiong district of Hainan as early as the Song dynasty, Guangnan Donglu, the islands of the Southern sea belonged to the administration of China as early as the 5th year Zheng Yoan of the Tang dynasty (789)". As for Pan Zhiing, he wrote: "The historical writings have shown that the most ancient date of the exercise of sovereignty on the Nansha may go back to the 5th year Zheng Yoan of the Tang. At that time, the Court placed the archipelago of Nansha under the administration of the district of Qiongzhou". In reality, *Zhu Fan Zhi* simply said that the Tang troops reorganized the administration of the districts of Hainan after the annexation and pacification of the island, separating Qionsan from the district of Yazhou and creating the *jun* (military command). Such is history and there is no "linking up" the islands of the Southern sea with Hainan.

## **2. The Song dispatched its navy to patrol the Xisha archipelago**

The documents of 1980 of the Chinese Ministry of Foreign Affairs (MFA) and Han Zhenhua also take recourse in this fact.

As evidence, the MFA document quoted an excerpt of *Wu Jing Zong Yao*, a book on the military policy of the Song and prefaced by King Song Renzong (1023 - 1063):

"The Court of the Northern Song ordered the royal troops to hold garrison, to create posts of maritime patrol" in the Guangnan (presently Guangdong), "to construct keeled warships", "from Tunmensan to go with the East wind in the direction of South-west in seven days, one will reach Jiurulozhou". After this quotation, he affirms that Jiurulozhou is the Xisha archipelago today. "This fact shows that the Court of the Northern Song placed the Xisha archipelago under its administration", that "the Chinese navy carried out patrols in the sea of the Xisha".

In fact here is the *in extenso* excerpt from *Wu Jing Zong Yao*:

"The district of Nanhai of Guangzhou was previously the land of Hundred Yue inhabited by the Man, the Dan. From the Han on, it was placed under the military's command (*jun*). The Tang dynasty made it the Qing Hai Jun Jie Du. Our dynasty liquidated Liu Chang, then created an urban centre, took the armies in hands, pacified the sixteen *zhou* and kept under control the foreign countries, which are favourable for an influx of commercial boats, and the Man and the Han live without any discrimination."

"To order the royal troops to organize their garrisons, to create the posts of maritime patrol in the Guangnan (presently, Guangdong) the two ports in the East and the West, 280 *truong* wide and 200 *li* away from Tunmensan" to "construct keeled warships". From this point in the South-east to the high sea, it is 40 *li* long, 420 *li* in the East is Hui Zhou, 240 *li* in the West is Toan Zhou, 750 *li* in the South is An Zhou, 250 *li* in the North is Tiao Zhou. The route to the South-east is 400 *li*; 20 *li* more and one arrives in Tunmensan, the water there is shallow, one can cover 50 *li* in one day, it is 200 *li* wide."

"From Tunmensan, by the East wind, one goes in the South-west direction, one will arrive in Jiurulozhou in seven days, in Pulaosan (the limits of Huanzhou) in three days more, then going 300 *li* more towards the South, one will arrive in Lingshandong (potable water is found there). Going in the South-west direction, one will reach the lands of Dashifu, Sizi, Qiangzhu. It is impossible to calculate the distances."

Comparing the excerpts of the MFA with the same *in extenso* passage of the *Wu Jing Zong Yao*, it is reasonable to say:

*The creation of posts of maritime patrol at the two ports in the East and the West*, a mere cutting and rearrangement, is related to *the itinerary Jiurulozhou* to conclude that "the Chinese navy carried out patrols in the sea of the Xisha" (Jiurulozhou is therefore assimilated to the Xisha). In fact, the original text does not say that the destination is Jiurulozhou. The itinerary in question is as follows: from Tunmensan to follow the coast until Vietnam, Champa and the countries of the Indian Ocean. But the last words are deleted to make one believe that the itinerary goes only to Jiurulozhou.

So there is no story about the administration of Jiurulozhou (i.e. the Xisha) by the Northern Song nor that of Chinese maritime patrols in the sea of the Xisha.



### 3. Under the Yuan, China made astronomical observations "beyond the Zhouya" (i.e. South of the Hainan island)

It is true that the Yuan Shi speaks of "astronomical observations" of the Yuan empire in these terms:

"The astronomical observations in the world have been carried out in 27 localities, in the East as far as Gaoli, in the West as far as Dianchi, in the South beyond Zhouya, in the North as far as Tiele; it is an action that ancient men had never accomplished".

The Chinese MFA considers this fact an act of exercising sovereignty. For his part, Han Zhenhua said that "the territory of the Yuan included the islands of the Southern sea; not only were mandarins sent there to make astronomical observations, but also astronomic observation base was even installed there in the exercise of Chinese sovereignty."

According to the map of the Yuan Empire in the book *Li Dai Gang Yu Biao* (Maps of the frontiers in successive epochs) drawn by Duan Changji, the Qing dynasty, the Yuan Empire went as far as the island of Liaodong in the East, the source of the Huang He river in the West, the Gobi desert in the North, and the island of Hainan in the South. Gaoli and Tiele were outside the Chinese frontiers at that time. This is in complete conformity with the report by Guo Shengjing to the Emperor saying that the territory was larger than what it had been under the Tang. Therefore, it is necessary to make astronomical observations from all four seas to amend the calendar. The "four seas" means what one has beyond the national frontiers. So these were not observations *under the sky*, that is to say in the country.

In spite of the clarity of the texts, the Chinese authors are obstinate **in** affirming that the observations were carried out inside the Yuan Empire. To make observations under a programme of scientific activities does not confer a title of territorial sovereignty. From 1873 to 1876, the British oceanographic ship *Challenger* covered 69,000 miles across all the seas of the globe. If the Chinese reasoning is applied, all the seas thus covered would belong to Great Britain. Han Zhenhua goes further: he affirms that China during that epoch installed an astronomical observation post on the Xisha<sup>(1)</sup>. It is wondered what the mandarins sent to that post would do: bring along a stick everyday to measure the shade or follow

seismic tremors with the seismograph of Zhang Heng? When the truth is exaggerated, it may be only a lie.

#### **4. Shi Bi of the Yuan went across the Qizhouyang and Wanlishitang.**

The Yuan Shi writes as follows about the expedition conducted by Shi Bi in 1293 to attack Java:

"In the 12th month, Bi led 5,000 men, gathering the troops in Quanzhou; the wind was violent and the sea rough, the junks were violently shaken, and the troops could not eat for several days. After Qizhouyang, Wanlishitang they reached the border between Kiao Che and Champa.

In the 1st month of the following year (1294), they arrived in the islands of Dong Dong, Xi Dong, San Niu, then crossed the immense ocean and laid anchor at the islands of Kanlan, Karimata, Koulan to cut wood and to build canoes to penetrate the interior".

For the return to Quanzhou, Shi Bi spent 68 days and lost over 3,000 men.

In 1975, Li Zhu recalled Shi Bi and considered it a proof that under the Song and the Yuan the seas near the islands of the Southern sea belonged to the maritime space of China. Thus the Shi Bi expedition was turned into a sea patrol. Pan Shiing also said that "since the time of the Yuan, the Chinese navy has placed the Nansha archipelago in the sphere of its patrols", and this general affirmation has no supporting evidence. He affirmed that Shi Bi had led his naval troops to Wanlichangsha.

With regard to the attempt of showing the itinerary followed by Shi Bi, it is simply useless since the *Yuan Shi* clearly says that this route passed by Qizhouyang, Wanlishitang then Kiao Che, Champa by following the coast. Han Zhenhua referred to the history of Shi Bi to affirm that Qizhouyang corresponds to the Xisha, and Wanlishitang to the Nansha.

#### **5. General Wu Sheng patrolled the sea of the Xisha.**

The Chinese MFA mentions the fact that General Wu Sheng carried out patrols in the Xisha sea, and Han Zhenhua again quoted it.

The *Quan Zhou Fu Zhi* writes:

"From Qiongya, General Wu Sheng passed by Tonggu, Qizhouyang, Sigensha, covering 3,000 *li* and himself made the patrols."

When he was deputy-commander of Guangdong from 1710 to 1712, general Wu Sheng created the post of commander of the regional navy. He tried to capture the sea pirates, and to repress the rebels in the region of Jinmen, Xiamen, Pescadores, and Formose. The above mentioned excerpt shows the patrol route that he carried out himself. The points he passed by lay in the coastal region of the island of Hainan and that patrol was, in fact, one around the island of Hainan.

In his *Geography of Guangdong* published in 1909, Li Hanzhung writes more precisely:

"Today, the maritime frontiers are limited in the South by the island of Hainan, beyond this limit is the Qizhouyang. The Admiral commanding the navy of Guangdong stopped his patrol there and returned [to his base]."

#### **6. In 1909, Admiral Li Zhun landed on the Woody island of the Xisha archipelago to affirm Chinese sovereignty.**

By order of the Governor of the two Guang, Zhang Renjun, Admiral Li Zhun conducted three gunboats to the sea of the Xisha. On June 6, 1909, his vessels arrived in the archipelago, landed on the island Phú Lâm (Boisée island - Woody island), hoisted the flag, fired some salvos, then visited some other islands before returning to Canton.

At that time, the Qing were on the brink of collapse and under the increasing pressure of foreign powers which multiplied their demands. Internally, they were hard-pressed by the revolutionary movement which redoubled its activities to seize power. In 1907 the Japanese claimed the Dongsha archipelago (the Pratas). Li Zhun's lightning-demonstration of force against some islands of the Xisha was aimed at calming the popular anger which demanded a firmer attitude vis-a-vis foreign powers. Until the landing of Li Zhun, for several centuries, the Chinese government had tacitly acknowledged that the Hoàng Sa and the Trường Sa belonged to Vietnam. It even

happened once that the authorities of the district of Wenchang had given assistance to the members of the Hoàng Sa Company on duty on the Hoàng Sa in 1753, and had returned them to their country of origin with an official letter to the seigneurs Nguyễn in Phú Xuân.

This sudden change of attitude vis-a-vis the Xisha manifested by the military expedition of Li Zhun was prompted by a long-term scheme of annexing the Xisha and the Nansha in favourable conditions. That was the moment of the withdrawal of France from Indochina and the tardy arrival of Vietnamese relief troops in the Eastern part of the Hoàng Sa archipelago. That was the moment of the signing of the Sino-American joint communique giving China a free hand to annex in 1974 the remaining part of the Hoàng Sa archipelago. That moment was 1988 when Vietnam had to cope with artillery war in the Northern part of the country and encirclement by hostile forces on an international scale, and China began its plans of expansion in the sea Biển Đông.

The landing of Admiral Li Zhun on the Xisha was a violation of the sovereignty of Vietnam, since this archipelago had belonged to Vietnam for a long time.

### **7. The sovereignty of China over the Xisha and the Nansha has been widely recognized internationally.**

The Chinese MFA estimates that the sovereignty of China over these two archipelagoes has been recognized by:

- Many governments (that of Vietnam included);
- Specialized international organizations<sup>(20)</sup>;
- Many encyclopedias and maps of other countries.

It is not necessary to go more deeply into the question of recognition by the specialized international organizations, by encyclopedias and maps because this question is not a crucial one. The Regulations of these international organizations (ICAO, WHO, UIT..) stipulate that all their decisions cannot absolutely signify their recognition of the sovereignty with regard to one certain country or territory. As for the encyclopedias, if there are those which consider the Xisha and the Nansha as belonging to China, there are others which consider them as belonging to Vietnam or to no country. For the maps, lawyers take into consideration maps attached to treaties; other maps have but a minor value.

The present study is mainly aimed at examining the recognition by the concerned governments.

Until 1939, the Hoàng Sa and Trường Sa archipelagoes were always administered by France on behalf of the Annam Empire. Sometimes, China claimed its rights, however it rejected all French proposals regarding a friendly solution or an arbitrated solution. From 1939 on, Japan occupied both of the archipelagoes until their evacuation.

During World War II, US President F. D. Roosevelt, the President of the USSR, J. Stalin, and the British Prime Minister, W. Churchill met three times in Teheran, Yalta, and Postdam to discuss the conduct of the war and their cooperation during and after the war. President Roosevelt, Prime Minister Churchill and Marshal Tchang Kaishek held a secret meeting in Cairo to discuss the efforts to put an end to the war against Japan and the settlement of the Asian territories occupied by Japan. These were extremely important summit conferences to fight fascism and to prepare the way for a better world.

For countries of North Eastern and South Eastern Asia, the particularly important question was that of the territories occupied by the Japanese. At the outcome of the discussion in Cairo, the representatives of the USA, Great Britain and China published a Declaration which reads in part:

"The objective of the three countries is to eliminate Japan from all the territories of the Pacific that it has usurped or occupied since World War I in 1914 and all the territories that Japan has taken from China such as Mandchouria, Formosa, and the Pescadores, will be returned to the Republic of China".

Any observer can easily note that the Cairo Declaration makes no mention of the Paracels and the Spratly archipelagoes that China intendedly considered its own territory. Marshal Tchang Kaishek *attended in person* this summit and had discussions for four days with the American and British leaders without raising the problem of the Xisha and the Nansha in the chapter of territories occupied by Japan. In the said unanimously adopted declaration, there is no reservation or separate statement of the Chinese representative regarding the Paracels and the Spratly archipelagoes. This fact

clearly shows that there was no question of giving back these two archipelagoes to China.

In the 26 July 1945 Postdam Declaration, the American, British, and Chinese leaders affirmed: "The clauses of the Cairo Declaration will be implemented". For its part, after declaring war against Japan, the USSR adhered to this Declaration.

In his 4 December 1950 Declaration, the Minister of FA Zhou Enlai thought the principal foundations for a peace treaty with Japan were in the Cairo Declaration, the Yalta Agreement, the Postdam Proclamation and the essential measures regarding Japan since its surrender<sup>(3)</sup>.

On 12 July 1951, the draft Anglo - American peace treaty with Japan was published. Neither the People's Republic of China nor Taiwan was invited to participate in the Conference in San Francisco. Chinese Minister of FA Zhou Enlai, after commenting point-by-point on the treaty, stated: The archipelagoes of Xisha, Nansha, Pratas, Zhungsha and the island of Nanwei (Spratly island - *author*) have always been in all times Chinese territories<sup>(4)</sup>.

In San Francisco, 51 delegates representing the concerned States demanded the settlement of the question of the Paracels and Spratly archipelagoes in accordance with the Cairo Declaration, the Yalta Agreement and the Postdam Proclamation. The Soviet delegate, A. Gromyko, proposed the transfer of the Paracels and Spratly archipelagoes to China, but his motion was rejected by 46 votes and 1 abstention. The delegate of Vietnam, Prime Minister Trần Văn Hữu, stated: "The Hoàng Sa and Trường Sa archipelagoes have long been Vietnamese territories". There was no protest nor reservation on the part of other delegates.

The peace treaty with Japan was finally signed on 8 September 1951 stipulating in Article 1, Paragraph 7:

"Japan renounces all rights, titles, and revendications regarding the Paracels and the Spratly".

In the Peace Treaty signed on 28 April 1952 between Japan and Taiwan, Article 2 says:

"The two parties recognize that in conformity with Article 2 of the Peace Treaty signed in San Francisco on 8 September 1951 with Japan, the latter has renounced all rights, titles- revendications

concerning Formosa, the Pescadores, as well as the Paracels and Spratly archipelagoes".

So, during and after World War II, all the most important international conferences, which had the purpose of resolving the question of the Asian territories captured or occupied by Japan and in which the highest representative of China participated, refused to hand the Paracels and Spratly archipelagoes to China. Consequently, these archipelagoes must return to France and Vietnam, which had always administered them until the occupation by Japan.

It is clear that there is no such reality as "a large international recognition". It is precisely because the clauses of the Cairo Declaration are so explicit that the Chinese Minister of FA said nothing about it in his document of 30 January 1980. The same is true for the San Francisco Peace treaty, about which he could only recall the fact that the former Japanese Minister of FA, Otara Kissasuo, who did not signed the map attached to the Peace Treaty, did sign those of an atlas, to say the four archipelagoes were "Chinese territories".

\* \* \*

The Chinese authorities have taken recourse to many ancient documents spreading across some 2000 years of history, including some official books, the remaining being books of geography or maritime navigation. The first result obtained is that they have made a profound impression by the number and variety of the documents. However, they have not yet had a convincing effect on the readers. The following remarks can be made:

1. In a conflict on the sovereignty of lands having no owners, especially those disseminated on such large sea expanses as the Paracels and the Spratly, the identification of the toponyms and the locality of each archipelago, island, shoal, and reef are extremely necessary, but the historical writings and the conclusions of the Chinese authors cannot provide any convincing conclusions.

2. The documents have given abundant information on the fact that the Chinese have known the sea and performed maritime navigation. But they are not able, however, to give solid and concrete proofs of the discovery by China in the juridical meaning of the term

of the two archipelagoes or certain islands thereof, particularly of the occupation of the islands, the date and the manner of implementing this occupation.

3. The proofs given for the administration of the islands are essentially related to the Xisha: the "maritime patrols", "the exercise of territorial sovereignty" invoked as examples are but the result of falsification of the texts and have no value. With regard to the Nansha, there are only meaningless details.

4. The three international conferences held during and after World War II (the Cairo summit conference, the conferences at Postdam and San Francisco) systematically rejected the handing over of the Paracels and the Spratly to China.

5. The so-called "inspection" by Admiral Li Zhun in 1909, the occupation of the Hoàng Sa in 1956 and 1974 and a number of shoals and reefs of the Trường Sa archipelago in 1988, 1992, and 1993 are but acts stemming from the use of force in relations between states, contrary to international law and principles of the United Nations. Under international law presently effective, occupation by force does not confer the right to territorial authority.



## CHAPTER III

### **THE HISTORICAL AND JURIDICAL TITLE OF VIETNAM - PERIOD BEFORE 1884**

#### I. THE ĐẠI VIỆT DISCOVERED THE HOÀNG SA

If the Biển Đông (the South China Sea), like the Mediterranean Sea, is a strategical sea, there is, however, a great difference with regard to the history of navigation. As early as the years 3000 B.C. Phoenicians, Carthaginians, Cretans, Romans, and Greeks used that sea as a route of liaison and commerce with other riparian countries and made commercial and cultural exchanges with riparian countries from as far as the Black Sea. Maritime navigation was very developed in the region. On the contrary, in the Biển Đông, situated in a populated region and at the crossroads of several civilizations, for a rather long time the maritime activities of riparian peoples remained limited on a national scale. Movement by sea within the region was already difficult, all the more so with other regions. The reason was that the Biển Đông area is strewn with a multitude of islets and coral shoals which are very dangerous to navigate. Moreover, it is in a region of tropical tempests unbearable for the ships of that time. For these reasons, only after maritime navigation had made great technical progress, for example the possibility of building large ships, the invention of new forms of sails, and especially the invention of the navigation compass, could the ships, going to SEA or starting from there, venture to the high seas. That moment ushered in the era of commercial and cultural exchanges in that region, such as in India, in Western Asia and in Asia Minor.

The first navigators who crossed the Biển Đông were not only the Vietnamese, the Chinese, and the Malays, but also the Arabs, and the Indians. The Arabs came to China in the 8th and 9th centuries. In Quanzhou today, one can still find the mosque Ashab,

the Muslim cemetery Lingshan, a statue of Visnu, a few tombs bearing inscriptions in Arabic. In the 13th century, Marco Polo arrived in Quanzhou, which he considered the biggest commercial port of that age. In 580, the venerable Buddhist priest Vinitaruci came to Vietnam by sea. The Chinese venerable Fa Hien came from India to China also by sea. Since the 13th century, Arab traders sailed to and fro on the Bien Dong and controlled a network of commercial representative offices from India to Quanzhou via Malacca.

The Portuguese were the first Europeans who came to East Asia and SEA: In 1505, they arrived in Malacca, in 1510, in Goa (India).

They were Portuguese, but they flew the flags of the Spanish king. Magellan circumnavigated the globe and occupied the Philippines in 1521. Later, the Spanish installed a colony there in 1527. In spite of the proximity of this archipelago to the Spratly, the Spanish did not occupy any of its islands or shoals.

Over many subsequent centuries, the Chinese had to cope with ethnic peoples of the West and the North, therefore their policy was essentially continental. But since the withdrawal to Hangzhou, the Southern Song could control the coastal region and the Yangzi and ever since they implemented a maritime policy. Under the Ming, emperor Young Le hastily built big boats, called *bao chuan* (treasure ships) and had the great eunuch Zheng He conduct an extremely strong fleet composed of 300 vessels (including 60 *bao chuan*) and nearly 30,000 men to SEA, the Indian Ocean, and the African coasts. These were the seven voyages in the Southern seas carried out by Zheng He over 28 years. Crossing the Bien Dong in the course of nearly 30 years, sometimes passing by the Paracels, Zheng He did not occupy any island or shoal of the Paracels or the Spratly, leaving no trace there.

Succeeding the Ming, the Qing pursued at first the policy of *haifang* (coastal defense) aiming at defending the coasts and the rivers. In the middle of the 19th century, after being defeated in the opium war, they thought to build a modern navy with Europeans as instructors. This policy did not realize its power in time to resist the fleets of Western countries and that of Japan. So, unable to defend themselves on land and having no large vessels, how could they venture into the Biển Đông to lay hold of new lands?

The Dai Viet (ancient name of Vietnam) was a small country spreading along the coast of the Biển Đông. But as early as its creation, it was already a maritime country. War junks engraved on the bronze drums discovered in many parts of Vietnam show that in ancient times, the Vietnamese people already set great store by maritime navigation and reinforcement of naval forces. In the 17th century, the navy of the Nguyen seigneurs twice vanquished the warships of the Dutch. In the 18th century, the fleet of the Tây Sơn destroyed the fleet of Siam at Rạch Gầm- Xoài Mút. During that time, the navy of Cochinchina was provided with ships armed with howitzers and artillery guns.

Faced with the vital necessity of expanding their land, the Nguyễn seigneurs not only continued their march southward, but also made voyages on the high seas to occupy and exploit the islands of Hoàng Sa (i.e. the two archipelagoes).

With the available documents, we can affirm that, at least, since around the 17th century, the Vietnamese feudal state had discovered and occupied the Hoàng Sa (name of the Hoàng Sa and Trường Sa archipelagoes at that time) which did not belong to any state.

## II. THE NGUYEN SEIGNEURS PERFORMED THEIR STATE FUNCTIONS OVER THE HOANG SA

At the beginning, the Vietnamese gave to the newly discovered islands the name in *Nôm* (demotic characters): *Bãi Cát Vàng*. The name *Cát Vàng* was marked on the map of Đồ Bá Công Đạo. The Englishman Gutzlaff, in an article - "*Geography of Cochinchina*" - inserted in the review *Geographical Society of London* of 1849 also calls it *Katvang*<sup>(5)</sup>.

In an article about Vietnam (Memoir on the Geography of Cochinchina) published in the *Journal of the Asiatic Society of Bengal*, September 1837, bishop J.L. Taberd used the name *Catvang*<sup>(6)</sup>.

Dubois de Jancigny, in his book *The Universe, History and Description of All Peoples, their Religions, Customs and Habits: Japan, Indochina, Ceylon, etc.* spoke of Hoàng Sa under the name *Katvang*... It is only later that the name was sinized into Hoàng Sa (which always means "yellow sand").

The Vietnamese feudal state occupied the Hoang Sa through an organization set up by the State. Therefore, it actually occupied the Hoang Sa that the Kergariou-Lochmaria expedition in 1787 - 1788 described the area as composed of two different archipelagoes separated from each other by a 500 km wide channel.<sup>(7)</sup>

The *Thiên Nam tứ chí lộ đồ thư* (Collection of route-maps of the Southern Country) writes;

"In the middle of the sea there is a great sand shoal called *Bãi cát vàng* about 400 *dặm* long and 20 *dặm* wide which spreads on the sea... Each year, the last month of winter, the Nguyen sent there 18 junks to recover the goods, thus obtaining a great quantity of gold, silver, money, arms and ammunitions"<sup>(8)</sup>.

The *Bãi cát vàng* is drawn in front of the district of Bình Sơn of the prefecture of Quảng Nghĩa and the island Cù Lao Ré very far from the coast.

Immediately after its discovery, *Bãi cát vàng* was merged into the territory of Đại Việt, more precisely to the prefecture of Quảng Nghĩa.

*All the official works* of the State written by Institute of National History speak of Hoang Sa.

The *Đại Nam thực lục tiền biên* (1844 - Authentic writings on the Dai Nam) in the part reserved for the Nguyen seigneurs writes:

"At sea beyond the commune of An Vĩnh, district of Bình Sơn, province of Quảng Nghĩa, there are more than 130 shoals and reefs separated from one another by one day or several *geng*. No one knows the length is how many thousand *dặm* (commonly called Vạn Lý Hoàng Sa); there is fresh water and such products as the holothurians, the scaled tortoise, mother-of-pearls, plaices"<sup>(9)</sup>.

The *Đại Nam thực lục chính biên* (1848 - Authentic writings on the Đại Nam) part reserved for the Nguyen kings writes:

"The Hoang Sa are situated in the waters of Quảng Nghĩa, where the sky and the sea intermingle, preventing the evaluation of the depth."<sup>(10)</sup>

And:

"The land of Hoang Sa belongs to our territorial sea and is of great strategic importance..."<sup>(11)</sup>

The *Khâm Định Đại Nam hội điển sự lệ* (Administrative catalogue of the Dai Nam established by imperial order) written from 1834 to 1851 confirms:

"The Hoang Sa are an integral part of our territory and of a great strategic importance".<sup>(12)</sup>

The *Đại Nam nhất thống chí* (Geography of the unified Dai Nam) elaborated from 1865 to 1882 (revised and augmented later), is an official book of the geography of Vietnam written by order of Emperor Tự Đức. In book VI, on the province of Quảng Nghĩa, one finds:

"In the East, the sand shoal of Hoàng Sa spreads and joins the blue sea to make a rampart on the sea; in the West, innumerable rocky walls solidly protect us against the mountain tribes. In the South, in the proximity of the province of Bình Định, the side of Bến Đá constitutes a transversal fortification; in the North, adjoining the province of Quảng Nam, are passes of sandstone which can serve as borders".

"To the East of the island Ré (Ly in Sino-Vietnamese), district of Bình Sơn, are the Hoàng Sa that can be reached from Sa Kỳ coasts in 3 - 4 days and nights with a favorable wind. The archipelago comprises in all more than 130 peaks separated from one another by one day or by a few *geng*. In the middle of the archipelago is the shoal Hoang Sa (yellow sand) which spreads over one doesn't know how many thousand *dặm*, commonly called Vạn Lý Trường Sa (shoal of ten thousand miles); fresh water, sea birds in innumerable flocks, holothurians, snails, goods from the wrecked ships are found there."<sup>(13)</sup>

From the 18th to the 19th centuries, many dignitaries, including the editors and editors-in-chief of the Institute of National History of the Nguyễn dynasty wrote about the Hoang Sa.

In 1776, encyclopedist Lê Quý Đôn, then Deputy-governor of Thuan Hoa, wrote in his book *Phủ Biên Tạp Lục* (Miscellanies on the government of the marches):

"In the offing of the island Re (three or four *geng* from the coast - Author) there is the Great Trường Sa which formerly gave many sea products for sale in different markets. That's why the State organized the Hoàng Sa company to gather the maritime products.

It takes three days and nights to reach the Hoàng Sa, which is close to the Northern country"<sup>(14)</sup>.

In 1821, Phan Huy Chú, a scholar famous for his erudition who was entrusted with important functions, especially those of an editor of the Institute of National History, wrote his voluminous *Lịch Triều hiến chương loại chí* (Settlements of matters by the successive dynasties). He devoted a long passage to the Hoàng Sa (physical geography, organization of the Hoàng Sa company, resources). Here is an excerpt:

"Here (i.e the prefecture of Tư Nghĩa - Author) the potential is significant; rice is abundant; gold, silver, timber, precious stones, aloes wood, benzoin are all of excellent quality; domestic elephants and horses are also numerous. Moreover, there are islands and islets where precious and strange things are found. In this land (the hamlet of An Vĩnh, district of Bình Định, later called Bình Sơn - Author) on the high sea, there are a great number of islands and islets, approximatively 130 peaks, separated one from another by one day or several *geng*. To go by the high seas it takes 3 days and 3 nights to reach the Hoàng Sa"<sup>(15)</sup>.

In 1876, Nguyễn Thông, a dignitary to whom Emperor Tự Đức entrusted the revision of the *Khâm Định Việt sử thông giám cương mục* (Text and comments forming the complete mirror of the history of Vietnam per order of the emperor) wrote the *Việt sử cương giám khảo mục* (Brief history of Vietnam) containing the following passage about the Hoàng Sa:

"Vạn Lý Trường Sa: from the island Lý (commonly called Ngoại La, and Weila by the Chinese) i.e. the island Ré, going to the East, one will arrive in three days and nights"<sup>(16)</sup>.

The Chinese say "to have discovered" (not in the juridical meaning) the Xisha and the Nansha and to have known of their existence. As for the Vietnamese, not only have they known of their existence but they have effectively discovered (in the juridical meaning) the Hoàng Sa and Trường Sa. Nowhere have the Chinese spoken of the occupation of the islands of the southern sea; they knew of them only, while the Vietnamese said they had occupied the Hoàng Sa and Trường Sa.

### III. THE NGUYỄN SEIGNEURS ORGANIZED THE EXPLOITATION OF THE RESOURCES AND THE ADMINISTRATION OF THE ARCHIPELAGOES

Since their appointment by the King Lê as governors of the southern half of the Đại Việt, South of the Đèo Ngang pass, later called Cochinchina, the Nguyễn seigneurs governed a country which was but a coastal band, narrow and unfavourable for cultivation, including: many politically and economically precarious regions. But that country had the great advantage of having longer coasts than the North and bordering the centre of the Biển Đông, which was the platform of the route from Malacca to Canton, Taiwan, and Japan. To profit from this advantage became a state policy for the Nguyen seigneurs, which was composed of the following four points:

1. Organization of the systematic exploitation of the maritime zones.
2. Organization of the control of the sea.
3. Organization of the coastal defense.
4. Organization of the tax collection and commercial exchanges with other countries.

In the course of these activities, the South discovered the islands Cat Vang, far from the coast, which led the Nguyen seigneurs to set up a state organization in charge of their occupation and exploitation.

Composed of tiny islets and coral shoals, the Hoàng Sa has few underground resources. Heated each year at least for six months by the tropical sun and suffering drought, the islands are not favourable for agricultural development. There is a layer of guano which covers the ground and constitutes an excellent manure, but before the 20th century, the Vietnamese did not know its use. Only from the second half of the 20th century were undersea mineral resources discovered, and means available to exploit them.

As the *Đại Nam Nhất thống chí* judiciously assesses, "the country produces a lot of holothurians, tortoise shell, snails with pearl, turtles and contains the merchandise left by wrecked ships".

The Nguyễn seigneurs had a form of organization for the exploitation of the riches, which consisted in creating companies commanded and managed by the government and permitted to

employ specialized personnel, which, in return, received material and political interests. According to the *Phu Bien tap luc*, the State organized the following companies:<sup>(17)</sup>

- Company Thanh Châu specialized in the gathering of swallow nests on the islands near the port Tam Quan, Thời Phú, Nước Ngọt, Nước Mặn (prefecture of Quy Nhơn).

- Company Hải Môn specialized in the fishing of sea products and in collecting merchandise beyond the island Phu Quy.

According to Lê Quý Đôn, the organization and the administration of the companies Hoàng Sa obeyed the following points:

1. The task of the company was to fish for sea products (mother-of-pearls elephants, ear-snails, good-smelling snails, holothurians, tortoise-shell, tortoises...) and to gather the merchandise and objects from wrecked ships (muskets, swords, guns, gold, silver, lead, tin, ivory, porcelain, woollen cloth, cloth, wax etc.).

2. The effective was fixed to 70 men.

3. For the company Hoàng Sa, the recruitment of labour was from the inhabitants of the commune of An Vinh on the island Re, district of Binh Sdn, by order of the inscription to the role.

4. Advantages given to the members of the company Hoàng Sa: the volunteers had the right to an award of service, to the exemption from the personal tax, corvee, tolls. Those who did not fulfil their task were submitted to punishments corresponding to the gravity of the committed fault. The fulfilment of tasks would give right to a certificate of recognition and a reward in cash.

Under the Nguyen emperors, the sanctions remained the same: according to the report of the Ministry of Public Works dated the 13th day, seven month of the 18th year of Minh Mạng's reign (1837), the commander of the naval forces Phạm Văn Biên and the guides Vũ Văn Hùng, Phạm Văn Sinh, and the helmsman Lưu Đức Trực, in the course of a voyage to the Hoàng Sa in 1837, arrived late and, as a result, were punished by flogging. The commander of the garrison Trương Việt Soái, in the course of the voyage in 1836, did not return the maps and for that was condemned to capital punishment, under reserve of the imperial approbation.

5. The duration of the mission was one year: in the 2nd month handing over the order of service; in the 8th month, end of mission



and return. The number of junks in use was 5, the supplies were prepared for 6 months.

Later on, the Nguyen seigneurs organized a new company called Bắc Hải with undetermined effectives to be recruited among the inhabitants from the village Tứ Chính, or from the village Cảnh Dương and placed under the command of the company Hoàng Sa. In view of the large area of the maritime zones of Hoàng Sa, the company Bắc Hải was entrusted with the task of operating from the Trường Sa to Poulo Condore and to Hà Tiên.

The results obtained by the companies depended on the companies themselves. In general, the products of fishing were up to the norms, but the quantity of merchandise or objects gathered was different each year. In his capacity of Deputy governor, Lê Quý Đôn himself made an enquiry:

"I (i.e Lê Quý Đôn - Author) have examined in person the registers of the Cai Đội Thuyền Đức Hầu and found the following:

The year Nhâm Ngọ (1702) the company Hoàng Sa found 30 silver bullions.

The year Giáp Thân (1704) 5,100 *cân* of tin.

The year Ất Dậu (1705) 126 silver bullions.

From the year Kỷ Sửu (1709) to the year Quý Tỵ (1713), i.e. in five years, the company gathered several *cân* of tortoise-shell and holothurians. Sometimes only a few tins of salmon, a few baked-earth bowls and two bronze guns were found"<sup>(18)</sup>.

#### IV. THE NGUYỄN EMPERORS CONSOLIDATED THE SOVEREIGNTY OVER THE TWO ARCHIPELAGOES

After the 1771 insurrection, the Tây Sơn became the rulers of Cochinchina and founded a new dynasty. They attached increasing importance to the development of the navy and the exploitation of the country's maritime position. They maintained the activities of the company Hoàng Sa.

After overthrowing the Tây Sơn with the assistance of France, Gia Long assumed the throne and ushered in the era of the Nguyễn dynasty. He began the reconstruction of the devastated country by

the struggle between the Trịnh and the Nguyễn. At first, he suspended the activities of the company Hoàng Sa to resume them some time later. At least until the reign of Tự Đức, the members of the company Hoàng Sa were glorified as heroes, as evidenced by the funeral oration pronounced at the commemorative ceremony in their honour in their native country.

From 1805 on, Gia Long implemented all over the country a plan aimed at making the inventory of all the lands of each province, each district, and each commune in accordance with common instructions. This plan was continued by Emperor Minh Mạng and completed in 1836, with the achievement of the *Địa bạ Gia Long* (Gia Long land register) .

It is precisely in the framework of this plan that the maintenance of the company Hoàng Sa and its activities were carried out for exploitation purposes and for the topographic measurings of the Hoàng Sa.

J.B.Chaigneau, counsellor of Emperor Gia Long, with the Vietnamese name Nguyễn Văn Thắng, writes in his memoirs:

"Cochinchina, the sovereign of which has today the title of Emperor, is composed of Cochinchina proper, Tonquin, a part of the kingdom of Cambodia, some uninhabited islands not far from the coast and the Paracels archipelago, composed of uninhabited reefs and rocks. It is only in 1816 that the present Emperor took possession of this archipelago".<sup>(19)</sup>

In fact, the Emperor Gia Long did not go to the Hoàng Sa in person, but he sent Phạm Quang Ảnh there.

"In the first month of the year Ất Hợi (1815), the King ordered Phạm Quang Ảnh of the company Hoàng Sa to go to the Hoàng Sa to study and to measure the maritime routes..."<sup>(20)</sup>

"In the year Bính Tý, the 15th year of the reign of Gia Long (1816), the King ordered the navy and the company Hoàng Sa to go in junks to the Hoàng Sa to study and to measure the maritime routes..."<sup>(21)</sup>

The first kings of the Nguyễn dynasty mobilized the company Hoàng Sa to exploit the islands and the shoals of Hoàng Sa, and at the same time, to reconnoitre, measure the islands and the shoals of the archipelago, and to draw its map.

### To consolidate sovereignty

The *Đại Nam Thực Lục chính biên* writes:

"In the eighth month, in autumn, of the year Quý Tỵ, the 14th year of the reign of Minh Mạng (1833)".

"... the King told the Ministry of Public Works: On the Hoàng Sa in the waters of Quảng Nghĩa, in the distance, one can see the sky and the sea join in the same colour, which makes it difficult to estimate the depth of the sea. Recently, commercial vessels sunk there. We have to prepare junks and send our men there next year to build a temple, to erect a stele, and to plant many trees. In the future, the trees will grow and their greenery will help people recognize more easily the islands and the shoals to avoid being wrecked. It s a good work that will last a long time"<sup>(22)</sup>.

- "In the sixth month, in summer, of the year Ất Mùi, 16th year of the reign of Minh Mạng (1835).

- ...last year, the King had the intention of building a temple and of erecting a stele in this place (the Hoàng Sa - Author), but the works were prevented by storms. Order is given now to the Cai Đội of the navy, Phạm Văn Nguyên, to dispatch his men there and to the commander of the garrison, the workers of the provinces of Quảng Nghĩa and Bình Định to ensure the transport of materials for the construction of the temple (7 *trượng* distant from the old temple). To the left of the temple will be erected a stone stele, in front of the temple a windshield. The works must be completed in 10 days and the men must return"<sup>(23)</sup>.

Regarding the construction of the temple, the *Khâm Định Đại Nam hội điển sự lệ* gives the following facts":

"The 16th year of the reign of Minh Mạng (1835), it is respectfully demanded to the King to authorize the construction of a one-room temple in Hoàng Sa (according to the regulations concerning stone houses) to the southwest of the Bach Sa dune, with a stone stele on the left (1 *thước 5 tấc* high, 1 *thước 2 tấc* wide). In front, a stone wall will serve as a windshield, on the right and on the left, trees of different species will be planted"<sup>(24)</sup>

To actively execute topographic measures of the islands and the shoals and to measure the maritime routes.

In the cadastral plan of all the country, King Minh Mạng paid attention to the acceleration of the works on land and to the topographic reconnaissance of the islands in the Hoàng Sa.

According to the *Đại Nam thực lục chính biên*, King Minh Mạng gave general and specific instructions to the Company Hoàng Sa:

"The year Bính Thân , 17th year of the reign of Minh Mạng (1836), the Ministry of Public Works reported: the land of Hoàng Sa belongs to our territorial sea and is of great strategic importance... We have sent our men there to draw maps, but in view of the large area of the sea and of its distance, we have managed to carry it out in one place and we don't know how to continue the work. Each year it is a custom to send our men there to reconnoitre and to accustom ourselves to the maritime routes. From this year on, at the end of each first month, men of the navy, of the coast guard, and of the garrison will be sent on board a large junk to arrive at the beginning of the second month in Quảng Nghĩa, and the two provinces of Quảng Nghĩa and Bình Định will be authorized to hire junks from privates who will serve at the same time as guides in the voyage to the Hoàng Sa. When the junks arrive at an island or a shoal, no matter which one, they will from that point measure the length, the width, the height, the area, the perimeter of that island or shoal, the depth of the surrounding waters, find out the submerged shoals, reefs, if any, specify whether the approach is dangerous or normal, examine well the terrain, measure and draw a sketch. Moreover, considering the day and the port of departure and marking the route and the direction followed to arrive at a given point, they must estimate in *dặm* the length of that route and locate this point in regard to the coast by specifying the province and the district in front, the approximative distance in regard to the coast in *dặm*. All this must be mentioned and reported upon the return.

The King approved the report and gave order to the *Suất Đội* of the navy, Phạm Hữu Nhật, to lead the fleet and to prepare 10 wooden posts to mark the visited places (each post is 5 *thước* long, 5 *tấc* wide, and 1 *tấc* thick). Each post bears the following inscription engraved on one of its faces: the *Chánh Đội trưởng Suất Đội* Phạm Hữu Nhật of the navy has come here to the Hoang Sa for

reconnaissance and topographical measures and leaves this witness-post to mark the fact"<sup>(25)</sup>.

### **To fulfil international obligations**

As said above, in the capacity of the sovereign of Hoàng Sa, in 1833, King Minh Mạng, anxious of their low height in regard to sea level, and of the confusion of the sea and the sky, ordered the Ministry of Public Works to plant a great number of trees, which, when taller, would facilitate the recognition of the coast of the islands and the shoals, and would allow the avoidance of ship wrecks. It was an act evidently inspired by the sense of guaranteeing the security of international navigation in territorial waters.

Long before that, the Nguyễn seigneurs had given assistance to the wrecked ships in the vicinity of the Paracels. At least two instances can be recalled.

The first case is that of the Dutch ship Gootebrok, wrecked in 1634 in the sea of the Paracels. The second is that of three Dutch sailed ships coming back from Japan and going to Batavia in 1714; near the Paracels, they were surprised by a tempest. Two of them were able to avoid danger, the third was wrecked. The survivors, after taking refuge on the islands, found a way to get to Nha Trang (Cochinchina). They were all received by seigneur Nguyễn, who offered them money and rice to continue their way.

These cases of rescuing wrecked ships are evidently cases of rescue by a riparian country in its territorial waters, aren't they?

## **V. ATTITUDE OF OTHER STATES VIS-A-VIS THE SOVEREIGNTY OF THE DAI VIET OVER THE HOANG SA**

On the basis of the available documents, since the 17th century, the Đại Việt had occupied and administered the Hoàng Sa - i.e. the Paracels and Spratly archipelagoes. It was at time when not only the neighbouring countries, such as China, the Philippines, and Malaysia, but other Western powers in quest of new lands and new markets, such as Portugal, Spain, and Holland were also concerned.

At that moment of history, Spain was the ruler of the Philippines; however, the Spanish were not opposed to the occupation of

the archipelagoes by the Đại Việt and did not occupy any islands themselves.

Portugal had made Macao, which it occupied in 1550, an important commercial port. The first European who came to the Dai Viet was a Portuguese. The Portuguese policy at that time aimed at maintaining friendly cooperative relations with the Nguyễn seigneurs. Far from opposing the administration of the Hoàng Sa by the Đại Việt, Portugal helped the Nguyễn seigneurs in the manufacture and purchase of guns.

The Netherlands had two skirmishes on the sea with Cochinchina, not because of the Hoàng Sa, but because of its attempts to contact the Trịnh in the North.

China deserves to be treated separately.

If one thinks of the mass of historical writings related or unrelated to the Xisha and the Nansha published by Peking in increasing number each day, one would think that imperial China would have been the country that was opposed in the strongest way and most frequently to the occupation and the administration of the Hoàng Sa by the Đại Việt; but the unquestionable fact is that until the end of the 19th century, not only for nearly three centuries, China had not raised any protest against the Vietnamese authorities. The reason is simple: the Hoàng Sa did not belong to the territory of the Qing as the books, the manuals of geography and the Chinese maps show the Southern extremity of China being the island of Hainan. The Chinese authorities, as well the Chinese navigators and businessmen who had passed by the Biển Đông and Vietnam, made no statements on this question.

The tacit acknowledgement of the sovereignty of the Đại Việt by China continued for a long period. The Vice-governor of Thuận Hóa, Lê Quý Đôn, wrote in his *Phủ biên tạp lục*:

"The shoals of Hoàng Sa are in the proximity of Lianzhou, island of Hainan. Fishermen of our country sometimes met the fishing junks of the men of the North (the Chinese - Author) on the sea. On the high seas, people of the two countries asked one another about their activities. I myself saw a note which the Mandarin-Chief of the district of Wonchang of Qiongzhou addressed to the prefecture of Thuận Hóa in which he said: "In the 18th year of reign of

Qianlong, ten military men native of the commune of An Vĩnh, company Cát Liêm, district of Chương Nghĩa of Annam, one day in the 7th month, arrived in Wanlichangsha for fishing and gathering merchandise. Eight of them set foot on land, leaving the two others to guard the junk. The mooring rope was broken by the wind, the junk was pushed by the waves as far as the port of Quang Lan, where the local authorities could verify the facts and sent these men to their native country. Seigneur Nguyễn Phúc Chu (rather Nguyễn Phúc Khoát mistakenly written Nguyễn Phúc Chu because the latter had died by that date - Author) ordered the *Cai Bạ* of Thuận Hóa, Thức Lượng Hầu, to make a note in answer<sup>(26)</sup>.

When China has no valuable writings to defend its right of sovereignty over the Xisha and the Nansha, can it use its right of "suzerain" vis-a-vis its "vassal Đại Việt" to pretend that the latter had occupied them on their behalf?

We are facing a complex legal question.

It is true that previously the kings of Đại Việt received the investiture of the Chinese Court to which it had to pay tribute. Deveria, in his book *Histoire des relations de la Chine avec l'Annam du XIIIe au XIXe siècle* writes:

"The word *FAN* which I translate by *vassal* has the literal meaning of *borderland, a hedge* in the sense of immediate neighbouring country and at the same time hedge of China. Combined with the word *THAN* it means "the protector of the throne" and the "defender of frontiers". Under the Northern Song, this title was given to certain dignitaries near the frontiers who enhanced the honour of China, which considered them its subjects, in spite on this fact<sup>(27)</sup>.

The regime of vassality, essentially applied in the Ottoman empire, is a precedent of protectorate. It brought about two kinds of obligations: those of the vassal state (financial tribute and military assistance to the suzerain state), and those of the suzerain state (military aid) to the vassal state.

The Chinese emperor invested the kings of Đại Việt without being obliged to defend their country militarily in case of aggression. The kings of Đại Việt paid tribute to China without being obliged to pay a financial tribute or to offer military assistance. Internally, as

well as externally, the Vietnamese kings had the right to act without having to first consult the Chinese Court (for instance at the signing of treaties with France in the 19th century). The fact of accepting the investiture can be seen as an alignment, an acceptance of ideology, of the culture of China, as today one stands in "the free world" or "the socialist world". With such a distinction between the notion of *hedge-country* and *vassal country*, it is evident that China has no right of "suzerainty" over Vietnam.

Moreover, this little influence of the Celestial Court which would have subsisted was wiped out by the annexation of Vietnam by France in the 19th century.

The treaty of Peace and Alliance concluded between France and Vietnam of 15 March 1874 explicitly states:

*"Article 2.* H. E. the President of the French Republic, recognizing the sovereignty of the King of Annam and his complete independence vis-a-vis any foreign power, whatever this power may be, promises to grant aid and assistance and undertakes to give, upon its demand and without repayment, necessary support to maintain order and tranquillity in its State to defend it against any attack and to destroy the piracy which afflicts parts of the coasts of the kingdom".

*"Article 3:* Recognizing this protection, H.M. the King of Annam undertakes to pursue a foreign policy conforming to that of France and to change nothing of his present diplomatic relations".

The Peace Treaty concluded in Hue on 25 August 1883 stipulates:

*"Article first:* Annam recognizes and accepts the protectorate of France, with the consequences of this mode of relations from the point of view of diplomatic law of Europe, that is to say France will preside over the relations of all foreign powers, including China, with the government of Annam, which can diplomatically communicate with the said powers, only through the intermediary of France".

In the preliminary Convention of Tientsin on 11 May 1884, China undertakes:

"2. To respect at present and in the future, the treaties directly concluded or will be concluded between France and the Court of Hue" (Article 2).



In the Treaty concluded in Huế on 6 June 1884 between France and Annam, it is stipulated that:

*"Article first:* Annam recognizes and accepts the protectorate of France.

France will represent Annam in all its external relations.

The Annamites in foreign countries will be placed under the protection of France".

Thus, what remained of the influence of China on Annam ended with the conclusion of diplomatic acts between France and Annam and between France and China itself. The government of the Qing itself undertook to respect all treaties reached or will be reached between France and Annam.

## VI. THE SITUATION UNTIL THE END OF THE 19TH CENTURY

The situation can be summed up as follows:

-Until the signature in 1884 of the Treaty of protectorate by France and Vietnam, the latter had occupied the Hoàng Sa and Trường Sa archipelagoes without meeting the opposition of any power whatsoever. Max Huber said of the Palmas island: "The territorial sovereignty implies the exclusive right to exercise the State activities"<sup>(28)</sup>. The sovereignty of Vietnam over the Hoàng Sa and the Trường Sa is unquestionable.

- It is important to affirm that the company Hoàng Sa exploited and managed the two archipelagoes. It is possible that the exploitation and the management of the Hoàng Sa archipelago was easier, the said archipelago being nearer the bases of departure of Đại Chiêm and the Sa Kỳ. The maritime zone of the Trường Sa being larger than of the Hoàng Sa (160,000 - 180,000 km<sup>2</sup>), the authorities had to create a second company called Bắc Hải belonging to the company Hoàng Sa, but in charge of the operation in the southern part and the region of Poulo Condore, which remains until now the traditional fishing zone of the inhabitants of the province Bình Thuận.

## CHAPTER IV

### **THE HISTORICAL AND JURIDICAL TITLE OF VIETNAM - PERIOD AFTER 1884**

#### I. THE NEW POLITICAL AND JURIDICAL BACKGROUND OF THE CONFLICT

After the establishment of the French protectorate in Vietnam, the Vietnamese, Indochinese, and international situation was marked by many events, the consequences of which directly influenced the problem of the two archipelagoes. The factors directly related to the study of this problem are as follows:

1. From 1894 onward, Vietnam directly depended on the French Ministry of Colonies; a Vietnam composed of Cochinchina, a colony, Annam and Tonkin nominally protectorates, in fact, is a colony of France. France represented Vietnam in all its foreign affairs primarily in the defense of sovereignty and territory. France represented Vietnam, but territorial sovereignty remained Vietnamese.

After the August 1945 Revolution, the independence of Vietnam was proclaimed and the Democratic Republic of Vietnam was founded. France retook Cochinchina by force and signed the 6th March, 1946 preliminary Accord recognizing the DRVN as a free State having its government, its parliament, its army and its economy. Being a member of the Indochinese Federation and of the French Union, with regard to the Union of the three *kỳ*, the French government would accept the results of a referendum.

However, the French side systematically violated the preliminary Accord and the cease-fire, and by so doing led to the 1946-1954 war. The 1954 Geneva Conference, convened the day after the fall of Điện Biên Phủ, ended with the cessation of the Indochina war and the recognition of the independence, sovereignty, unity and the territorial integrity of Vietnam, which would temporarily be divided

into two zones at the 17th parallel considered the provisional military demarcation line, with the North being entrusted to the DRVN and the South to the State of Vietnam. From then on, the US interfered more and more profoundly in the affairs of South Vietnam, thus provoking a war which would last until 30th April, 1975. In 1976, North and South Vietnam were reunified in a State - the Socialist Republic of Vietnam was founded and exercised its state functions all over the territory, the Hoàng Sa and Trường Sa archipelagoes included.

2. To prepare its attack against the SEA countries in February 1942, Japan occupied the Hoàng Sa and Trường Sa archipelagoes from 1939 onward.

To settle post-war problems, including the problem of the Asian territories occupied by Japan, the leaders of the USA, the USSR, and Great Britain (F.D. Roosevelt, J. Stalin, and W. Churchill) successively met in Teheran, Yalta, and Postdam. F.D. Roosevelt, W. Churchill and Marshall Tchang Kaishek of the Republic of China met in Cairo in 1943 to determine a common platform for the Teheran Conference and published at the end of the summit a declaration (called the Cairo Declaration) saying only that after the war, Manchuria, Formosa, and the Pescadores would be returned to China. The silence of China at this summit regarding the Paracels and the Spratly archipelagoes is tantamount to an abandonment by China of the pretention to these two archipelagoes.

The Cairo declaration, approved by J. Stalin on 30th November, 1943, was once again given confirmation by the USA and Great Britain in their proclamation of Postdam dated 26th July, 1945.

It was also in Postdam that the USA, the USSR, and Great Britain agreed to establish in Indochina two zones of disarmament of the Japanese troops, with the 16th parallel as the border: the Northern zone being entrusted to the troops of the Republic of China, the Southern zone to the Anglo-Indian troops.

On 28th February, 1946 China and France signed the Tchungking Accord under which China would be relieved by France in the disarmament of the Japanese troops and would pull out of Indochina.

Under the preliminary Accord of 6th March, 1946, the Franco-Vietnamese forces would ensure the disarmament of the Japanese troops North of the 16th parallel.

The 8th September, 1951 Peace Treaty of San Francisco clearly stipulates that Japan will renounce all its rights, titles, and pretensions regarding Korea, Formosa, and the Pescadores of China, the Kuriles islands, a part of the Sakhaline island and the neighbouring islands of the Soviet Union, the islands of the Pacific under Japanese mandate, all the parts of the Antarctic resulting from any Japanese activities, and the Spratly and the Paracels archipelagoes.

It was also at the Conference of San Francisco that the Soviet proposal on handing over the Paracels and Spratly archipelagoes to People's China was rejected by a nearly unanimous decision of the participants (46 out of 51 votes). The Chief of the Vietnamese delegation of the State of Vietnam, Trần Văn Hữu, affirmed the sovereignty of Vietnam over the Paracels and the Spratly archipelagoes without meeting any objection or any reservation on the part of any country.

3. When the empire of Qing was overthrown in 1911 by the Revolution of the year Tân Hợi, the Republic of China came into being. In 1949, the government of the Republic of China was defeated and had to retire to Taiwan. The People's Republic of China was founded. Taiwan, a Chinese province, considered itself independent all the same. From 1956 onward, Taiwan occupied the Itu Aba island of the Spratly and considered the Xisha and Nansha archipelagoes Chinese land. The PRC affirmed and claimed its right over these two archipelagoes and effectively occupied the Xisha in two phases (1956 and 1974) and a number of islands and shoals of the Nansha archipelago in 1988.

Politically different, the PRC and Taiwan resemble each other with regard to their pretensions on the Bien Dong. They both reclaim their rights on all the Xisha and Nansha and a maritime frontier called "Frontiers in 9 portions" drawn in spite of international law to secure 3,000,000 km<sup>2</sup> of the Bien Dong, leaving to other riparian countries some 400,000 km<sup>2</sup>.

4. The brusque change of China's attitude

Until the end of the 19th century, China had never opposed the Vietnamese sovereignty over the Hoàng Sa and Trường Sa archipelagoes; more precisely, it had acquiesced this state of affairs. Once, it affirmed that the Xisha archipelago no longer belonged to it. This had to do with the end of the stories about the vessels *Bellonna* (German) and *Imezi Maru* (Japanese), which, transporting copper for English firms, wrecked around 1895-1896 in the Paracels. Their cargo of copper was later plundered by the Chinese, who brought it in junks to Hainan. At the request of the English insurance companies, the British Minister in Peking and the British Consul in Hoihow intervened to recover this copper, but the Chinese authorities affirmed in their answer that the Xisha did not belong to China, that they did not constitute an administrative unit of Hainan and that China had no responsibility whatsoever for the affair.

Early in 1907, the Japanese occupied the Pratas and thereby provoked a violent protest from the Chinese people. In order to save face and to calm the popular anger, the governor of the two Guang, Zheng Renjun, launched a lightning operation on some islands of the Xisha. Having poor knowledge of these islands, he began by sending two gunships to reconnoitre the area in April, 1909, because the Chinese, contrary to all that they had officially declared, had only vague information on Xisha. After receiving intelligence on these islands, at the end of May, 1909, Li Zhun was sent in his turn to the Xisha, with three gunships. After rapidly passing by some islands, he landed on the Woody island and returned to Canton. The document of the Chinese MFA of the PRC calls this expedition "a tour of inspection to reaffirm the Chinese sovereignty"<sup>(29)</sup>.

Such is the truth about the expedition of Li Zhun, which had no other meaning than a brusque change of attitude of China vis-a-vis the Paracels. By a propaganda campaign, the Chinese authorities kept silent until 1921, the date when the Southern government declared the joining of the Xisha to the district of Yahsien (Hainan).

5. From the middle of the 19th century to this day, in the process of evolution of international law towards a modern and progressive juridical and political order, the maintenance of peace, the defence of sovereignty and the territorial acquisition of States have made positive, though insufficient achievements.

*To enrich the rules of territorial acquisition*

Until the end of the 19th century, the acquisition of a territory required an effective occupation followed by certain actions to show that one was the sovereign of the territory, although the two elements - occupation and exercise of the right of sovereignty - were not clearly and solidly defined.

The Berlin General Act of 1885 added two new rules: the necessity of actual occupation of the allegedly acquired territories and the necessity of informing the other States of that occupation. The rules bound only the signatory parties and applied only to Africa. The provisions of the Berlin Act was later abrogated by the Saint-Germain Convention of 10th September, 1919, reserve is made of the principle of commercial equality. However, this is a problem of universal scope. Therefore, the rules of the Berlin Act were applied in many non-African affairs. Many conclusions and decisions have moreover consolidated the principle of effectiveness, among which is the famous sentence of arbiter Max Huber in the Palmas island affair:

**The preservation of peace, the guarantee of the sovereignty and the territory of the States, the affirmation of the principles of equality, friendship and cooperation among the States.**

The UN Charter prescribes first of all that the objective of the World Organization is to spare humanity of the disaster of war, so it has stressed the principle of refraining from the use or the threat of force in international relations and the obligation of the States to settle their differences by peaceful means. The UN has, moreover, approved important resolutions which would serve as premises for a new juridical international order:

Conquest is no longer a legal mode of territorial acquisition by force. The Resolution 26/25 (1970) of the General Assembly explicitly stipulates that:

"The territory of a State cannot be the object of a military occupation as a result of the use of force inconsistent with the provisions of the Charter. The territory of a State cannot be the object of an acquisition by another State by means of threat or use of force. No territorial acquisition by the threat or use of force is recognized to be legal"<sup>(30)</sup>.

With regard to the settlement of international differences, it stipulates that:

"Any State has the obligation to refrain from resorting to the threat or the use of force to violate the existing international frontiers of another State or as a means to settle international differences, including territorial differences and questions relating to the frontiers of the States"<sup>(31)</sup>.

Pursuing, with a firmer attitude, the efforts of the Convention of 18th October, 1907 of the Hague and other acts of the League of Nations, and of the interval of the two World Wars to promote the tendency to peacefully settle international differences, the UN Charter stipulates:

**"Article 33:**

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or agreements, or other peaceful means of their own choice.

2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means".

The 1992 Manila Declaration regarding the peaceful settlement of international differences has concretised this process.

**The conclusion of the Convention of the UN on the Law of the Sea in 1982:**

In the greatest multilateral act of the UN since 1945 until the present day, the Convention of Montego Bay has developed the 1958 Convention of Geneva on the Law of the sea by broadening its content in all aspects through new provisions on the maritime zone, the continental shelf, the zone of high seas outside the jurisdiction of States. It gives new knowledge on the notion of islands, archipelagoes, continental shelf, the maritime zone around islands, the way to draw the maritime frontier, the delimitation of different zones of the sea and of the continental shelf, and raised in consequence the new factors to be taken into account when any question of settling international differences, or new problems of delimitation arise.

## II. THE ADMINISTRATION OF THE TWO ARCHIPELAGOES BY FRANCE UNTIL ITS WITHDRAWAL FROM INDOCHINA

After the installation of the colonial regime in Vietnam, theoretically and effectively France had to defend the sovereignty of the Court of Huế over the two archipelagoes. However, at the beginning of the colonisation, it had to cope with internal and external incidents, both difficult and complex. Internally, there was the uprising of the whole nation, especially in Tonkin, the movement Cần Vương headed by King Hàm Nghi, the insurrections of Đê Thám, Tân Thuật, the movement of the Scholars, the campaign against taxes, the uprising of King Duy Tân, etc. Externally, France had to struggle against hundreds of thousands of the "Pavillions Noirs" (Black Flags) which the Court of the Qing had sent from the High region and Middle region to Tonkin, to settle the frontier question between Tonkin and the provinces Yunnan, Kouangsi, Kouangtong, while desiring to maintain good negotiations to develop commercial relations with Peking, the construction of the railway line between Haiphong - Kunming and the opening of the consulates in Yunnan, Kouangsi and Koungtong. In such a complex situation, the colonial authorities did not understand China, nor the problems of Vietnam. Their priorities were the pacification of Tonkin and Annam, the expulsion of the "Pavillions Noirs", and the consolidation of the protectorate. That is why the question of Hoàng Sa and Trường Sa were given a secondary importance. For them, at that moment the pacification of the hinterland had to prevail over the remote islands.

In 1899, Governor General Paul Doumer proposed to Paris the construction of a lighthouse on the island Hoàng Sa (Pattle) in the Paracels to assist navigation, but the plan failed because of the lack of funds.

When Hoang Sa was violated by Li Zhun, the Consul General of France at Canton, Beauvais, made the following comments: "... it would be easy for us with some research to find arguments to demonstrate our right and the irrefutable proofs of that right. But the thing was not worthwhile; it would be preferable perhaps, after carefully thinking over everything, to close our eyes. An intervention on our part is susceptible of causing a chauvinist movement to



surge up which would do more harm to us"<sup>(32)</sup>. And the French authorities did not make any protest.

From the 1920s on, the fleet of the Indochinese Customs Service multiplied their patrols of the Paracels to combat smuggling.

In 1925, the Oceanographic Institute of Nha Trang sent the trawler *De Lanessan* for reconnoitring the Paracels. Its director, M.A. Krempf was accompanied by other scientists such as Delacour, Jabouille... in charge of geological and biological studies, etc...

Also in 1925, on 3th March, the Minister of War of the Court of Huế Thân Trọng Huề affirmed that the Hoàng Sa had long belonged to Vietnam and there was no question to be discussed about it.

In 1927, the *De Lanessan* made a scientific reconnaissance of the Spratly.

In 1929, the expedition Perrier-Rouville proposed the erection of four lighthouses at the four corners of the Paracels (the Tri Tôn, North-reef, Lincoln and Bombay islands).

Having received a demand from the Societe nouvelle des Phosphates du Tonkin regarding the exploitation of guano on the Hoang Sa, the Governor General of Indochina sent a note dated 17th December, 1928 to the Minister of the Colonies denouncing "the ever increasing megalomania of Chinese nationalism" and affirming clearly: "it is, therefore, high time for us to go on ahead and to affirm the rights that seem recognized by historical documents as well as by geographical realities"<sup>(33)</sup>.

In his report, dated 22nd January, 1929, addressed to the Governor General, the Resident Superior of Annam, Le Fol, underlined the long affirmed rights of Vietnam, recalled the declaration of the Minister Thân Trọng Huề and deplored the negative attitude of the French authorities with regard to the act of Li Zhun.

In 1930, the airplane *la Malicieuse* flew to Hoang Sa.

In March, 1931 the *Inconstant* went to Hoang Sa in June, 1931, it was the turn of the *De Lanessan*, in May, 1932 the gunship *Alerte* went there as well.

From 13th April, 1930 to 12th April, 1933, the French Government sent units of the French navy to successively occupy the principal

islands of the Spratly; Spratly Caye d'Amboine, Itu Aba, the group of two islands, Loại Ta and Thị Tứ, and the dependent islets.

On 21st December, 1933 the Governor of Cochinchina, M.J. Krautheimer signed a Decree joining the aforesaid islands and the dependent ones to the province of Bà Rịa.

On 4th December, 1931 and on 24th April, 1932 the French Government lodged a protest against the Chinese Government for the fact that the then Government of Kouangtoug had the intention of putting out to tender the exploitation of guano on the Hoàng Sa.

On 4th January, 1932 the French Government dispatched to the Chinese Legation in Paris a note affirming French sovereignty over the Paracels islands and proposed to China either a friendly settlement or an arbitrated solution. On 29th September, 1932 the Chinese Legation rejected the French point of view and refused the arbitration offer.

On 24th July, 1933 the French Government informed Japan of the occupation by its naval forces the principal islands of the Spratly and Japan protested against that occupation.

On 18th February, 1937 France sent a note to the Chinese Embassy in which it proposed again a friendly settlement of the difference or a solution by arbitration, China had no follow-up action.

In October, 1937, the French authorities sent the principal engineer J. Gauthier to Hoàng Sa to study the site for the construction of a lighthouse, a base for hydroplanes, and the plan for the installation of a militia group.

On 30th March, 1938, Emperor Bảo Đại joined the Hoàng Sa archipelago to the province of Thừa Thiên (previously, they belonged to the province of Nam Ngãi).

On 15th June, 1938 the Governor General of Indochina, Jules Brévié, created an administrative delegation for the Hoàng Sa islands.

During the same year:

- Erection on the Hoang Sa island (Pattle) of a stele bearing the following inscription: "Republique francaise - Royaume d'Annam - Archipel des Paracels 1816 - ile de Pattle - 1938" (French Republic - Kingdom of Annam, Archipelago of the Paracels 1816 - island of Pattle - 1938).

- Construction of a lighthouse, of two meteorology posts on Pattle and Woody island (later inscribed by the World Meteorological Organization under the code number 48860 and 48859 respectively), of a TSF post on Pattle island of the Paracels, another TSF post on Ba Bình island (Itu Aba) of the Spratly island (Station Cochinchina).

- The dispatch in June of a militia unit to the Paracels.

In 1939, Japan occupied the Spratly archipelago. On 4th April, 1939, the French Government protested against that occupation.

On 5th May, 1939, Governor General Jules Brevie divided the Hoang Sa archipelago into two administrative delegations having their respective headquarters on the island Hoàng Sa (Pattle) and on the island Phú Lâm (Woody island). And the affair stopped here in view of the approach of the World War.

The post-war period witnessed many incidents in Indochina and in the world that influenced the problem of the two archipelagoes:

- The Democratic Republic of Vietnam (DRVN) was founded;

- France recognized the DRVN and the Hồ Chí Minh Government; Later France made war against it and recognized the State of Vietnam and the Bao Dai Government.

- The Republic of China was designated to receive the surrender of Japan in Indochina north of the 16th parallel, but it handed this mission over to France by the 28th February, 1946 Tchungking Accord, Since June, 1946, the Tchang Kaishek troops completely pulled out of Indochina.

- The troops of the Kouomingtang Government were defeated and Tchang Kaishek had to leave the continent to go to Taiwan. On 1st October, 1949, the Peoples Republic of China (PRC) was founded.

- On 8th September, 1951 the Peace Treaty with Japan was signed in San Francisco; it stipulated that Japan had to evacuate Mandchuria, Formosa, and the Pescadores without stipulating that the two archipelagoes (Paracels and Spratly) be returned to China. The Peace Treaty between Japan and the Republic of China signed on 28th April, 1952 also did not say anything about handing over the said archipelagoes to Taiwan.

France at that moment wanted to recuperate the two archipelagoes in question, which it had governed before the war, but it was in a weak position.

In the course of the 11th October, 1946 meeting, the Interministerial Committee on Indochina under the Provisional Government of France decided that it was important to affirm French sovereignty over the archipelago Hoàng Sa and to materialize their re-occupation by the construction of a meteorological post. General Juin, Chief of Staff of the National Defense, thought the construction of a military base on the Paracels useless: "On the contrary, it is in the greatest interest of France to prevent any ambition to occupy these islands by any foreign power, the islands that command access to the future Cam Ranh base, and guard the Cam Ranh-Canton-Shanghai maritime route"<sup>(34)</sup>.

After the publication of the last draft of the Anglo-American Peace Treaty with Japan, on 12th July, 1951 the speaker of the French Ministry of Foreign Affairs welcomed the provisions of the draft and the refusal to give back the Hoàng Sa and Trường Sa archipelagoes to China.

"The Anglo-American draft Peace Treaty, and particularly the clauses relating to territories, corresponds completely to the French Government's point of view. The sovereign right of France over the Spratly islands and the Paracels has been determined"<sup>(35)</sup>.

In this spirit, from 20th to 27th May, 1946 on the order of Admiral Thierry d Argenlieu, High Commissioner in Indochina, the frigate *Escarmouche* made a reconnaissance of the island Pattle after the withdrawal of the Japanese, to assess the situation and to prepare for redress.

On 7th January, 1947, the Weikiaopou of Nankin announced that Chinese troops had retaken the Xisha; more precisely, the Woody island only. This occupation can in no way be interpreted as an act of reception of the Japanese surrender because after the conclusion of the 28th February, 1946 Accord signed in Tchoungking, the Chinese government had handed this task over to France. Moreover, by this date Japanese troops had all withdrawn from the archipelagoes Xisha and Spratly. By this occupation, China had encroached on the rights of Vietnam that France had to defend. On 17th January, 1947, the aviso Tonkinois was

dispatched to Pattle island to demand the Chinese military pull out of Phú Lâm island (Woody island), but the latter refused. The French finally had to install themselves on Hoàng Sa island (Pattle). In the meantime, Paris and Nankin negotiated to try to avoid a great confrontation, without obtaining positive results. On 4th July, 1947 the French MFA proposed to China either a friendly settlement or an arbitrated solution. China refused. For reason of failures in the war against the communists, Taiwan also withdrew its small contingent from Phú Lâm island.

In April, 1949, prince Bửu Lộc, Head of the Office of Bảo Đại, affirmed at a lecture in Saigon the sovereignty of Vietnam vis-a-vis the Paracels<sup>(36)</sup>.

During this period, though France always occupied the islands Hoàng Sa and Trường Sa, it felt it was in a delicate situation. Had there been a request of arbitration by the Hague Tribunal, the request would have been feared, which was logical, because the Bảo Đại Government would be a cosignatory to the request, which would be tantamount to the affirmation of its international personality. Moreover, France was afraid of the objective existence of the Việt Minh adversary, which could act upon the sentence of the Tribunal. As for China, it recognized the government of Taiwan, but also feared that the affair would some day lead to the participation of the Chinese communists, which would be tantamount to the recognition of the Mao Tsetung Government.

For all these reasons, during this period, Paris was hesitating and dared not take a firm attitude. In spite of that, it continued to occupy the Hoàng Sa and Trường Sa archipelagoes and to exercise its state activities.

After the signing of the Peace Treaty of 28th April, 1952 between Japan and Taiwan, the French Ambassador to Tokyo, Dejean, had contacts with a Vice-minister of FA, the Director of the Department of Treaties and particularly with M. Wajima, Deputy-chief of the Japanese delegation to the negotiations with that of Taiwan in preparing the draft treaty. All his Japanese interlocutors affirmed to him that Article 2 of the Japan-Taiwan Peace Treaty simply affirmed the renouncement of Japan already mentioned in the Treaty of San Francisco. Japan did not say anything about the juridical belonging then or in the future of these territories. If it had

been so with regard to Formosa and the Pescadores, it was all the more reason for Japan's position with regard to the Paracels and the Spratly<sup>(37)</sup>.

### III. PERIOD FROM 1954 TO THE PRESENT DAY

According to the 1954 Geneva Agreement, the DRVN governs the zone north of the 17th parallel, while the State of Vietnam (later, the Republic of Vietnam - RVN) governs the zone south, including the two archipelagoes, Hoàng Sa and Trường Sa, pending the reunification of Vietnam through free elections.

Withdrawing from Indochina to be relieved by the USA, France pulled out the totality of the French Expeditionary Corps, including the elements stationed in the Hoàng Sa. Before the arrival of the relief forces of Saigon, Peking occupied the eastern part of the Hoang Sa, and occupied the western part of the archipelago in 1974.

Being conscious of their responsibilities vis-a-vis South Vietnam, the Government of Saigon, then the PRG (Provisional Revolutionary Government of South Vietnam) exercised all their state functions regarding the Hoàng Sa and the Trường Sa as well.

In the Decree dated 22th October, 1956, making modifications to the territorial limits of the provinces and cities of South Vietnam, the President of the Republic of Vietnam (Saigon) joined the archipelago Trường Sa (Spratly) to the province of Phước Tuy. In his Decree dated 13th July, 1961, concerning the reorganization of Hoang Sa that belonged to province Thừa Thiên, he joined the Paracels to the province of Quang Nam and created here an administrative unit called commune Định Hải, district Hòa Vang, province Quảng Nam.

Under the 21st October, 1969 Decision of the Prime Minister of the Republic of Vietnam, the commune Định Hải is joined to the commune Hòa Long, district Hòa Vang, province Quảng Nam.

By Decision dated 6th September, 1973 of the Interior Minister of Saigon in implementation of a Decision of the Cabinet Council, the archipelago Trường Sa was joined to the commune of Phước Hải, district Đất Đỏ, province Phước Tuy.

By Decision dated 9th December, 1982 of the Council of Ministers of the Socialist Republic of Vietnam (SRVN), the territory of the archipelago Trường Sa belonging to district Đất Đỏ, province Phước Tuy was now called district Truong Sa of province Đồng Nai. On 28th December, 1982 the National Assembly of the SRVN decided to join the said district to the province of Phú Khánh (presently, Khánh Hoà).

On 9th December, 1982 the Council of Ministers of the SRVN raised the status of the archipelago Hoàng Sa and called it district Hoàng Sa belonging to Quảng Nam-Đà Nẵng province.

In cases of violation of Vietnamese sovereignty on the two archipelagoes, the Government of the Republic of South Vietnam and the SRVN (from 1976 onward) opportunely raised their protestation and re-affirmed the sovereignty of Vietnam over these archipelagoes.

In April, 1956, the Government of Saigon sent troops to relieve those of France in the western part of the Hoàng Sa archipelago and condemned Peking for having occupied by force its eastern part. On 29th May, China declared to have rights to the Xisha, on 8th June, Minister for FA of the RVN (Saigon) Vũ Văn Mẫu rejected that declaration.

In 1959 South Vietnamese forces broke an attempt by Peking to land "armed fishermen" on Hữu Nhật island (Robert), Duy Mộng (Drumond), and Quang Hòa (Duncan) in the western part of the Hoang Sa, made "82 fishermen" prisoners and confiscated five armed junks.

In January, 1974, when the troops of Peking launched an important air and sea operation to occupy the western part, the Government of the RVN mounted an armed resistance on the islands Hữu Nhật (Robert), Quang Ánh (Money), Duy Mộng (Drumond), Hoàng Sa (Pattle) and immediately informed the President of the Security Council and the Secretary General of the United Nations as well as the governments with which it had established diplomatic relations, and the governments of the States having participated in the Paris Act on Vietnam dated 2nd March, 1973. It published, in addition, a white book about the historical and juridical titles of Vietnam regarding the Hoàng Sa archipelagoes.

At the 2nd session of the 3rd Conference on the Law of the sea in Caracas, the representative of the Saigon Government denounced the occupation of the Hoang Sa archipelago by the People's Republic of China. In March, 1974, at the Conference of ESCAP in Colombo, the Vietnamese representative re-affirmed the sovereignty of Vietnam over the Hoàng Sa and Trường Sa archipelagoes.

At the Consultative Conference in La Celle-Saint-Cloud, the delegation of the RVN proposed to that of the Provisional Revolutionary Government of South Vietnam to issue a joint declaration to condemn the aggressive act of Peking, but the Provisional Revolutionary Government of South Vietnam wanted to make a separate declaration. And on 26th January, 1974, Võ Đông Giang, Deputy-chief of the delegation of the PRG to the Bilateral Military Commission in Saigon, made the following declaration regarding the occupation of the Hoàng Sa archipelago:

"Sovereignty and territorial integrity are sacred problems for every people.

With regard to the problem of frontiers and territories, there exist between neighbouring countries differences left behind by history. These differences, sometimes very complex, call for minute examination.

The countries concerned should examine this problem in a spirit of equality, mutual respect and as good neighbours, and should resolve it through negotiations"<sup>(38)</sup>.

In many international or regional conferences, the representatives of the Republic of Vietnam or the Republic of South Vietnam always defended the sovereignty of Vietnam over the Hoàng Sa and Trường Sa archipelagoes (Conference of WHO, ESCAP, UIT, ICAO, etc.).

Since 1976 the SRVN has sent to the PRC note after note or made declarations to affirm the sovereign rights of Vietnam vis-a-vis the two archipelagoes.

In September, 1979, then in January, 1982 the MFA of the SRVN successively published two white books to reject the unfounded arguments of Peking regarding the two archipelagoes and to reaffirm Vietnamese sovereignty over the said archipelagoes.



The SRVN also protested against the PRC, when the province of Hainan was created, for having included the Hoàng Sa and Trường Sa into that province.

Since 1988 after long preparation, Peking has begun with diligence its march on the Biển Đông.

In February, 1988 a powerful naval force operated in the southern Bien Dong, beginning with the occupation of Đá Chũ Thập (the Fiery Cross Reef), then the seizure of other reefs of the Trường Sa archipelago, bringing about a confrontation with Vietnamese military forces and resulting in three Vietnamese transport means set aflame. A certain number of Vietnamese were killed or wounded, or taken prisoners.

Desiring at the same time to preserve these islands and shoals and to maintain security in the region, adopting an attitude of patience and constructiveness, the SRVN has three times proposed that the PRC find a negotiated solution to the conflict regarding the Trường Sa archipelago, the frontier questions, and the question of Hoàng Sa (Notes dated 17th and 23th March, 1988), and pending the negotiations, refrain from using force to settle the differences and to avoid any confrontation in order to prevent any aggravation of the situation (Note of 26th March, 1988).

It is regrettable that China has persisted in rejecting these proposals and has even permitted new acts of expansionism. It has attempted to enlarge the occupation in the Sea of Trường Sa and to construct steles on two new coral reefs in 1992.

The facts are not limited here. In May, 1992 China's petroleum company (CNOOC) - China National Off-shore Company - signed a contract with the US company Crestone Energy Corporation to authorize the latter to prospect in the Wan An Bei. According to the base lines for measuring the width of the territorial sea of Vietnam that the SRVN published on 12th November, 1982 and officially informed the United Nations, what was called by Peking *Wan An Bei* was precisely the shoal *Tư Chính* (Vanguard Bank) situated on the *continental shelf of Vietnam*. Later on, the Chinese authorities explained that Wan An Bei was "the Chinese territory which formed an enclave in the Vietnamese continental shelf".

Thus, China has not only the conflict of the Hoàng Sa and certain islands of Trường Sa with Vietnam, but it has enlarged the conflict with the addition of this "enclave of Chinese territory" in the Vietnamese continental shelf.

From 1884 until today, in the region and the world, the political situations have witnessed profound changes. In Vietnam there have been two consecutive wars that have lasted 30 years. The American intervention followed the French colonisation, but France and the USA were in the same situation: having to defend the administration they created and supported, while being obliged to negotiate with the other belligerent party a solution to put an end to the war.

In view of the above recalled political and military factors, the struggle for the Hoàng Sa and Trường Sa archipelagoes has become more violent than ever and has experienced rapid developments since the 1980s.

**1. Colonial period:** France had the obligation of defending the sovereignty of the Hoàng Sa and Trường Sa archipelagoes on behalf of the Emperor of Annam. But it sometimes lacked dynamism, either because it wanted to take into account other interests in Franco-Chinese relations, or because it had become weakened after World War II in the Metropole, as well as in Indochina. It limited itself to defending its own interests, instead of taking care concurrently of the, defense of the interests of the Kingdom of Annam. However, in its hesitations, it always continued the occupation of the Hoàng Sa and Trường Sa archipelagoes and, more than once, publicly re-affirmed its rights regarding the said archipelagoes.

**2. Post-colonial period:** The Vietnamese governments, Northern or Southern, anti- or pro-French, anti- or pro-American have always been pre-occupied with the Hoàng Sa and Trường Sa archipelagoes and have manifested the same single position, even before the withdrawal of France from Vietnam. Having replaced France since 1956, the Government of the Republic of Vietnam, then together with the Provisional Revolutionary Government of the Republic of South Vietnam endeavoured to defend the sovereignty over the two archipelagoes, even after the occupation of the Hoàng Sa by China.

After the total liberation of Vietnam and its reunification, the Sino-Vietnamese relations increasingly deteriorated to become an

armed conflict in February 1979, and a hostile policy lasting until the 1980s. This period was characterised by the consolidation of Vietnam's positions in the Trường Sa archipelago, and the intensified State activities by the SRVN while the PRC advanced in south of the Biển Đông and occupied part of the Trường Sa archipelago. The rivalry in the region of the Trường Sa fills the SEA States with anxiety because of the potential conflicts it is hatching.

3. China has produced many historical writings in an attempt to prove that the Xisha and the Nansha are Chinese territories. But its historical title is particularly weak, as none of these writings clearly show that China has occupied any island or shoal in either archipelagoes until the occupation by force of the Hoàng Sa and certain shoals of the Trường Sa. Its juridical title is unfounded and unconvincing for the simple reason that the absence of effective occupation cannot lead to the acquisition of sovereignty.

On the Vietnamese side, since the occupation of Bãi Cát Vàng or the Hoàng Sa (comprising the Hoàng Sa and the Trường Sa presently) by the feudal State of Vietnam and the affirmation of its sovereign title, this title has been incessantly maintained and consolidated by the effective, continuous, and peaceful exercise of state functions.

## CHAPTER V

### PEKING'S PROPAGANDA

Being aware that its historical and juridical titles are not easily defensible before an impartial judge. Peking does its best to exploit the negative points of Hanoi and to abuse the good disposition of the readers in order to have its argumentation approved of.

#### I. PEKING ALLEGES THAT THE HOÀNG SA AND TRƯỜNG SA OF VIETNAM ARE NOT THE XISHA AND NANSHA OF CHINA

The document of the Chinese Ministry of Foreign Affairs quotes two excerpts from the Vietnamese white book of 1979:

"On the high sea, there is an oblong sand shoal called Bãi Cát Vàng (yellow sand shoal). From the Đại Chiêm port, this sand shoal can be reached by crossing the sea in a day and a half, and if one departs from the Sa Kỳ port, the journey will take only half a day" (excerpt from the book *Thiên nam tứ chí lộ đồ thư* (Collection of Road Maps of the Southern Country) - the intentional omission of the detail: a sand shoal 400 dặm long and 20 dặm wide - Author).

"The An Vĩnh village, Bình Sơn district, Quảng Nghĩa prefecture, is in proximity of the sea. To the northeast of this village, there are islands forming over 130 scattered summits. The hills are separated from each other by one day or a few *geng*. On some hills, source water is found. Among these islands, there is the Hoàng Sa Chử, over 30 *li* long: it is a flat and vast island provided with limpid water" (Bad translation, it should be replaced by the following: The An Vĩnh commune, Bình Sơn district, Quảng Nghĩa prefecture, lies in proximity of the sea, off-shore and to the Northeast there are numerous islands forming over 130 summits, separated by the sea from one another by one day or a few *geng* of sailing in junks. On the islands, there is drinking water, in the archipelago, there is a

yellow sand shoal 30 *dặm* long, flat and vast, where the water is clear to the bottom. *Note by the author*<sup>(39)</sup>.

And the said document concludes that "the Hoàng Sa archipelago mentioned by Vietnam do not absolutely constitute the Xisha of China, it can only be the islands and the sand shoals near the Central coast of Vietnam", for the following three reasons:

1. The Hoàng Sa are half a day from Sa Kỳ and a day and a half from Đại Chiêm are at 200 *li* from the Central coast of Vietnam, a distance that could not be covered in one day, considering the technique of that time.

2. In the Xisha archipelago, there is no island 2 km long, but the Vietnamese documents speak about a 30 *li* long shoal.

3. The Xisha archipelago is composed of 35 islands reefs and shoals in all; there are not the so-called 130 summits<sup>(39)</sup>.

Regarding the Trường Sa archipelago of Vietnam, the document gives no clear argumentation, it only vaguely affirms that many ancient books of China and Vietnam mention the Great Trường Sa. But in view of its position, it is clear that it is not the Nansha archipelago of China but the coastal islands and shoals of Vietnam<sup>(39)</sup>.

It is important, first of all, to reach agreement on one thing: the Paracels are the Hoàng Sa of Vietnam and the Xisha of China, and the Spratly are the Trường Sa of Vietnam and the Nansha of China.

What is, at least, unexpected is that since 1956 to this day, Vietnam and China have several times stuck to the Paracels. China actually occupied the eastern part of the Paracels in 1956, failed in the attempt to land on the western part of this archipelago in 1959, but succeeded in occupying it at last in 1974. This area is precisely the Hoàng Sa of Vietnam. Since 1988 China has advanced in the region of the Spratly, where it still occupies a number of shoals. This area is precisely the Trường Sa archipelago of Vietnam. Why is it now that China realizes the existence of other Hoàng Sa and Trường Sa? When the Government of the RVN reproached it for having occupied the Hoàng Sa, would it then become the coastal islands and shoals of Central Vietnam?

Concerning the three reasons invoked by China, they are not convincing to anyone:

1. For the distance between the Hoàng Sa and the Vietnamese coast, Peking quoted an excerpt saying a day and a half's voyage. But why did it not quote the passage just following the page of the same White Book published by Vietnam in 1979?

"Quảng Nghĩa prefecture: at sea from the port of An Vinh commune, Bình Sơn district, there is the Ré island over 30 *dặm* large where Tư Chính village was formerly found. Practising the cultivation of beans, this island can be reached in 4 *geng*; beyond the Ré island, there is the Great Trường Sa *three days and three nights* away from the coast, in proximity of the Sea of the North, where the Hoàng Sa company was previously dispatched to catch sea products and to gather the merchandise coming from wrecked ships".

It is clear that:

- The Ré island (what the Chinese called Wailasan) is 4 *geng* sailing from the coast.

- From the Ré island, it takes three days and three nights to reach the Great Trường Sa (i.e. the Hoàng Sa).

The *Lịch triều hiến chương loại chí* (Settlements of matters by the successive dynasties) by Phan Huy Chú, the *Việt sử cương giám khảo lược* (Brief history of Vietnam) by Nguyễn Thông all speak that it takes 3-4 days and nights to reach Hoàng Sa.

2. The *Thiên nam tứ chí lộ đồ thư* (Collection of road maps of the South Country) writes: "In the middle of the sea there is a long sand shoal called Bãi Cát Vàng (yellow sand shoal) about 400 *dặm* long and 20 *dặm* wide which spreads out on the high sea" (the calligrapher mistakenly put a day and a half).

The *Đại Nam thực lục tiên biên* (1844) (True writings on the Đại Nam), in the part about the Nguyễn seigneurs, writes: "At sea, beyond the An Vĩnh commune, Bình Sơn district, Quảng Nghĩa province, there are over 130 sand shoals and reefs separated from one another by one day or several *geng* of navigation. No body knows how many *dam* the length is (but commonly called Vạn Lý Hoàng Sa).

The *Đại Nam nhất thống chí* (Geography of the Unified Đại Nam) claims:

"To the East of the Ré island (*Lý* in Sino-Vietnamese), Bình Sơn district, are the Hoàng Sa which, from the coasts of Sa Kỳ, one can reach in 3-4 days and nights in favorable wind. The archipelago is

composed of at most 130 summits, distant from one another by one day or some *geng* of navigation. In the middle of the archipelago is the shoal Hoàng Sa (yellow sand) which spreads out *one doesn't know how many thousand dặm*, commonly called Vạn Lý Trường Sa (shoal of ten thousand miles)".

3. At first, the Vietnamese, the Chinese, the Portuguese, and the Spanish, all knew only of the existence in the middle of the Biển Đông of innumerable islands, islets, and reefs forming an archipelago. Only in 1787-1788 did the French Kergariou-Lochmarié expedition determine exactly the position of the Paracel archipelago (Hoàng Sa). It was known then that to the southeast of the Paracels, at a distance of 500 km, there was another archipelago, which would be named the Spratly. At the start, discovering the Hoàng Sa, the Vietnamese knew also that it was a region strewn with a multitude of islands, islets, and shoals, which spread in length without knowing that there were two distinct archipelagoes there. They were aware that the Hoàng Sa (i.e. the two archipelagoes, Hoàng Sa and Trường Sa) was composed of approximately 130 islands, islets, and sand shoals. Now, the number of islands, islets, reefs, and shoals of *the two archipelagoes taken together* gives a figure of about 130, depending on the way of counting.

That the Hoàng Sa and Trường Sa of Vietnam is considered different from the Xisha and the Nansha of China cannot be viewed as a contribution to geographic science. Indeed, it can no way strengthen the argumentation on the Chinese sovereignty vis-a-vis the two archipelagoes.

The Chinese researchers are also to be reproached for having simply quoted an excerpt of Archbishop J.L. Taberd, written in 1837, saying that the southern end of the Paracels was at the 11th parallel and to conclude that this was a serious error, without making allusion to the map *An nam Đại quốc họa đồ* (Map of the Great Country Annam), published in 1838 and attached to the *Dictionnarium latino-annamiticum*. On this map, one can see that between approximately the 17th parallel and longitude 110°, a few islands are drawn with the mention:

## PARACELS

*Seu*

## CAT VANG

For Archbishop Taberd, Paracels and Cát Vàng were very clear notions and he *exactly located* a part of the Paracels *in its place*.

In front of the Paracels are drawn the coastal islands of the Đà Nẵng- Quảng Nghĩa region: Cù Lao Chàm, Cù Lao Ré *seu* Poulo Canton and the two ports, Sa Kỳ and Cửa Đại. This intentional failure to refer to this map is, at the least, indicative of a non-scientific attitude.

## II. TO PRESENT PUBLIC OPINION WITH A FAIT ACCOMPLIS

Situated in the middle of the Bien Dong and disputed by several states, the Hoàng Sa and Trường Sa have, after all, not attracted the attention of public opinion in general. The problem is complex in itself, so it is primarily known to researchers.

With these conditions, Peking has taken advantage of all possible opportunities to obtain a *de facto* recognition of Chinese sovereignty over the said archipelagoes.

### 1. The true significance of zone 6G

In March, 1978 the World Conference on radio-communications administration of the mobile aeronautic service was convened in Geneva without the presence of the delegation of the General Direction of the PTT of Vietnam. The final act of the Conference stipulates: "In the regions where the subdivisions 6D, 6F, and 6G are common, the frequencies allotted to the subdivision of zone 6G must be used uniquely by the aeronautic stations of the People's Republic of China"<sup>(40)</sup>. This means that China has the monopoly on a number of frequencies over a region covering all the Biển Đông, in which there are naturally the Hoàng Sa and Trường Sa archipelagoes. The SRVN protested against the decision of the UIT and refused to accept it because the rules of the UIT clearly stipulate: "The mention of the name of a country or of a geographic zone in the descriptions of maps, as well as the delineation of frontiers on the



maps do not imply any UIT taking of position regarding the political status of that country or that geographic zone, nor any recognition of these frontiers"<sup>(41)</sup>.

In the course of the same Conference, and in spite of that stipulation, in the case of the Hoàng Sa and Trường Sa where there is a conflict of territorial sovereignty, the behaviour is as if the zone belongs to China; whereas, an identical case, that of the Sensaku archipelago where there is a conflict of territorial sovereignty between Japan and China, is treated as a disputed zone and the problem of allotment is left pending.

## **2. The dangerous zones**

On 23rd July, 1979 the Chinese General Direction of Civil Aviation published a communique creating four "dangerous zones" Southwest of the Hainan island and composed of the air space of the Paracels, and demanded that foreign civil airplanes pass it in hours fixed by the Chinese authorities. On 1st September, 1979 Peking published the regulation to be observed by foreign civil planes in the air space of China, that of the Paracels included.

Through these acts, China wants to show that it is effectively the sovereign of the airspace over the Paracels and to oblige other states to recognize its *de facto* rights over the Paracels.

## **3. At the 26th International Geological Congress in Paris**

At this Congress, held in Paris from 7th to 17th July, 1980, the Chinese delegation refrained from speaking about the Xisha and Nansha in plenary sessions, which would have been inappropriate at a scientific congress; but it circulated behind the scenes documents saying that the Xisha and the Nansha belonged to China.

## **4. The FIR Canton and Sanya**

As everyone knows, the ICAO has established on a world scale flight information regions (FIR) managed by determined states.

In Vietnamese airspace, there have been created the FIR Ho Chi Minh and the FIR Hanoi that are confined to the North of the FIR Canton and Hongkong.

Preparing for the 3rd RANS (Conference on air transports in the Asia Pacific region) which would be held in Bangkok from 20th April to 10th May, 1993, as early as the beginning of 1992, China proposed the creation of a new FIR called FIR Sanya, between Canton and Hongkong, including the airspace of the Paracels. The FIR, Canton and Hongkong have been ensuring excellent service; the creation of the FIR Sanya is clearly futile and may even cause difficulties for the air transports in the region. But China persists in maintaining its proposal at RANS III, which, in consequence, hindered the determination of the northern limits of the FIR Ho Chi Minh. In fact, the idea of creating the FIR Sanya is not prompted by a technical necessity in the interest of international air navigation, but by a political need of China: to obtain once again the *de facto* recognition of its sovereignty over the Xisha.

### **5. The two Vietnamese meteorological posts in the Paracels**

Since 1938 the French authorities had installed two meteorological posts on Hoang Sa island (Pattle) and Phú Lâm island (Woody island). Later WMO included these two posts in its world network under the code number 48859 (for Phú Lâm) and 48860 (for Hoàng Sa).

After occupying the western part of the Hoàng Sa archipelago in January, 1974, on 18th September of the same year, the Chinese delegation, at the Meteorological Conference of the Asian region held in Colombo, declared the cessation of the activities of the Vietnamese post installed on Pattle island and registered by the WMO under the code number 48860 and proposed its replacement by a Chinese post installed on the same island under the code number 59985.

All specialized international organizations have stipulated in their regulations that the mention of the name of a country or of a geographic zone on the map does not mean in any way the recognition by these organizations of the political status of the country or the geographic zone. Evidently, anything contrary to this stipulation is null and void. In spite of this, China has always demanded that the Paracels belong to China, in an attempt to affirm its sovereignty.

### III. PEKING AFFIRMS THAT VIETNAM HAS RECOGNIZED THE CHINESE SOVEREIGNTY OVER THE XISHA AND NANSHA

In its propaganda, Peking affirms that Vietnam has recognized the sovereignty of China over the Xisha and has later changed its attitude. As proof, it cited the letter addressed by Prime Minister Phạm Văn Đồng to Prime Minister Zhou Enlai regarding the question of the territorial waters of China, the Declaration of the Government of the DRVN in 1965, where it is said that the Xisha belong to China.

First, about Prime Minister Phạm Văn Đồng's letter.

It should be recalled that it was the period of the cold war. The US imperialists had interfered in Vietnamese affairs in South Vietnam to contain socialism. In spite of their failure in Korea, the hawks in the US military circles called for war against China and the US fleet crisscrossed the Taiwan straight. China had to prepare itself for an eventual adventure with the US fleet, especially since the continuous pounding of Quemoy and Matsou. It is in this context that China announced on 4th September, 1958 its 12-mile territorial waters.

On 14th September, 1958 Prime Minister Phạm Văn Đồng addressed to Prime Minister Zhou Enlai a note, the full text of which reads:

"Comrade Prime Minister,

We have the honour to bring to your knowledge that the Government of the DRVN acknowledges and approves the declaration dated 4th September, 1958 of the Government of the PRC fixing the width of the Chinese territorial waters.

The Government of the DRVN respects this decision and will give instructions to its State bodies to respect the 12-mile width of the territorial waters of China in all their relations in the maritime field with the PRC.

I address to you, comrade Prime Minister, the assurance of my distinguished consideration".

Here, Prime Minister Phạm Văn Đồng had no intention of tackling a juridical question, the question of territory or sovereignty, nor spoke of the Hoàng Sa and the Trường Sa. He was thinking only of one thing: the bellicosity of US imperialism and the

activities of the 7th fleet in the Taiwan straight which were threatening China. These factors led him to make as soon as possible a gesture of support for the fixation of the 12-mile width of the territorial waters so as to help create an obstacle to the US schemes. Honest Vietnamese and Chinese who lived in the 1950s and 1960s should remember the extremely close ties between the two peoples "who are at the same time comrades and brothers", with the same idea as "Chinese and Vietnamese are of the same family"; for them, Prime Minister Phạm Văn Đồng's note was a symbol of Sino-Vietnamese friendship. Any person seeing the note as the recognition of Chinese sovereignty over the Xisha and the Nansha would have gone beyond its content and aim, and would have denied the sacred sentiments which inspired the Vietnamese and the Chinese of that time.

In its 1965 Declaration regarding the fixation of the limits of combat zones by the US military, the DRVN Government said that the Xisha belonged to China. That was true, but it was not a statement abandoning the sovereignty vis-a-vis the Hoàng Sa archipelago nor vis-a-vis the Trường Sa archipelago. It is important to place these facts in their historical context: the years from 1956 to 1965, when the Vietnamese people had to struggle against the intervention and aggression of the US imperialists in the two zones.

We must see the situation of Vietnam at that moment in the light of two factors.

From an administrative point of view, under the provisions of the 1954 Geneva Agreement, Vietnam was temporarily divided into two zones on either side of the 17th parallel, which was considered the provisional military demarcation line, pending reunification. The Government of the Democratic Republic of Vietnam (DRVN) administered the northern part, the Government of the Republic of Vietnam (RVN) the southern part. The Government of RVN took charge of the Hoàng Sa and Trường Sa archipelagoes in 1956, when France withdrew from Indochina, and since then, it had organized the administration, exploration and exploitation of maritime resources, remaining determined to defend the two archipelagoes against the acts and schemes of aggression of Peking, as well as of other countries. It had defended the interests and the sovereignty of Vietnam in different international conferences and organizations. The Provisional Revolutionary Government of the Republic of South

Vietnam, together with that of Saigon, signed the Paris Act on Vietnam and reaffirmed the sovereignty of Vietnam vis-a-vis the Hoàng Sa and Trường Sa archipelagoes. The responsibility for the administration of the territory is here evident.

From the point of view of defense of territorial sovereignty, since 1965 the Vietnamese people had to cope with a local war in the South and a war of destruction in the North, both waged by the US. It was an extremely atrocious war, the most atrocious since World War II, in which the US extremely powerful armed forces resorted to all their war machinery, flying fortresses, electronic machines, and chemical weapons. It was a battle between David and Goliath; it dominated the conscience of the era. Determined not to lose their freedom again, the Vietnamese people were resolute in doing everything possible to repulse aggression; it was a matter of life or death.

The People's Republic of China had raised high the banner of struggle against imperialism after its founding. Ever since, the colonial peoples or those who had just recovered their independence had found in it faith and hope. China did not want a new confrontation with the US, but it strove to raise high the anti-imperialist banner and to continue assistance to the just struggle of various peoples. Moreover, Vietnam was a socialist country, a neighbour and brother of China, with "rivers and mountains joining one another". In such conditions, China had, in fact, become an ally of Vietnam. It did its utmost to help the Vietnamese people politically, morally, and materially as well. It sent to Vietnam armaments, ammunitions, food, and vehicles, and let the aids of the USSR and the East European and other countries pass in transit to Vietnam. The Chinese people were bound to the Vietnamese people like "lips to teeth".

As the US also did not want to have a new confrontation with China, Vietnam tried to involve China as much as possible in its war of resistance. It had sincere confidence in China and thought that once the war ended all territorial problems would be satisfactorily settled between those who were simultaneously "comrades and brothers". In theory as well as in practice for the Vietnamese, it was international solidarity.

The Declarations should be recalled in the spirit of the Vietnamese and the events of the 1950s and 1960s to understand their true meaning, and also to comprehend the actions of their allies at that time.

During the first Indochina war, in 1949, at the request of the Chinese communists in the South, the troops of the People's Army of Vietnam came into the region of One Hundred Thousand Mountains, the great mountain chain between Guangdong and Guangxi, destroyed many military positions of the Tchang Kaishek troops and finally liberated Tchuksan (a locality on Chinese territory). They then handed over Tchuksan to the liberation troops. In implementation of the 1954 Geneva Agreement, in 1955, the French completed their evacuation from North Vietnam, North of the 17th parallel, the island Bạch Long Vĩ included. Busy taking charge and organizing the administration of the land handed over by French troops, North Vietnamese troops were practically incapable of administering an island situated 130 km from Hai Phong, so they had to request China to provisionally ensure the government of that island. The Chinese had agreed finally to return it to the Vietnamese in 1957, to whom they even offered a motor-launch to keep liaison between the island and Hai Phong. The confidence of the Vietnamese in China was at that time so great that after the reconstruction of the Hanoi Đồng Đăng railroad, the General Direction of Railway of Vietnam accepted minutes which mentioned that the juncture, of "the two railways passes by the State frontier" and is actually at a point on the Vietnamese territory 316 m far from the official frontier between the two countries, as marked in the Vietnamese-Chinese Railway Agreement dated 25th May, 1955<sup>(42)</sup>.

Vietnam acted in the same way with regard to their Laos brothers. At the start of the resistance against the US aggression, the Vietnamese side temporarily put certain Vietnamese territories at the disposal of the Lao patriotic forces as bases, such as Na Mèo (Thanh Hóa province), Keng Đu (Nghệ An province). This is just like when the Laos patriotic forces gave their consent to the construction of the Ho Chi Minh trail on part of the Laos territory bordering Vietnam (the liberated regions under the control of the Laos patriotic forces).

At the end of the anti-US war, the SRVN and the LPDR settled in a satisfactory way all their problems: Vietnam gave back to Laos the territories that had been put at its disposal and vice-versa. On 18th July, 1977, the two countries signed the Treaty of delimitation

of the frontier existing at the moment of the Declaration of Independence of their countries in 1945.

In many respects, the present relations between the PLO and the Arab States can be compared to the Sino-Vietnamese relations in the past, both bearing the marks of the combatant solidarity against the common enemy. It is no exaggeration to say that it is a characteristic of the era.

The aforesaid explanations can be either totally accepted or partly accepted or rejected. In spite of that, the above-mentioned declarations cannot be considered an abandonment of the Vietnamese title vis-a-vis the Hoàng Sa and Trường Sa archipelagoes; they continue to remain the image of the finest period of Sino-Vietnamese friendship.

\*\*  
\*

China has attached great importance to the question of maps and has published many of them. It is not an important question however:

1. China has incessantly pretended that the Nanhai islands constitute its southernmost end and marked the fact by many maps. But it has refrained from citing, as proofs, ancient books or maps, saying that the Chinese territory stops at the island of Hainan. For instance, the part in *Generalities* of the *Manual of Geography of China* writes:

"In the South, at 18°13' of latitude North, the terminus being the coast of Yazhou, island of Hainan; in the North, at 53°50' of latitude North, the terminus being the confluence of the Amour river and the Oussouri river. In the West, as far as 42°11' of longitude East, the terminus being the mount Tunglinh. From South to North there are over 36° measuring 7,100 *li*, from East to West, over 61° measuring over 8,000 *li*. The area is 32,605,156 square *li* or 1/4 of Asia, 1/10 of the continents, larger than Europe".

This general view completely corresponds to the *Da Qing Zhi Sheng Quan Tu*, published in 1862, Dong Si reign, and the *Huang Chao Yi Tong Yu Di Zen Tu* (General Map of the Unified Empire), published in 1894, Guang Zi reign, which are all official maps and which have not drawn the Xisha and Nansha archipelagoes.

In the *Guangdong Yu Di Tu* published in 1897 under the reign of Guang Zi and prefaced by the Governor of the two Guang, Zhang Renjun, there is a map of the province of Guangdong and one of Guangzhou, both of them present no archipelago in the South Sea, in conformity with the map-legend marking that the southernmost end of the Chinese territory is "the external point of the port of Yulin, Yazhou".

According to jurisprudence, the value of maps in conflicts about sovereignty is but relative. Regarding the affair Palmas, arbitrator Max Huber made the following remark:

"It is with the greatest circumspection that one can take into account maps to settle a question of sovereignty"<sup>(43)</sup>.

Even more explicitly, he said:

"When the arbitrator is convinced of the existence of determining juridical facts which contradict the affirmations of cartographers whose information sources are unknown, he is at liberty to give no value to the maps, however numerous and appreciated they may be"<sup>(44)</sup>.

The problem of the value of the maps presented by the Chinese side is thus clear.



CHAPTER VI

**THE SOVEREIGNTY OF VIETNAM VIS-A-VIS  
THE HOÀNG SA AND TRƯỜNG SA  
ARCHIPELAGOES IS UNQUESTIONABLE**

From the comparative study of the Vietnamese and Chinese titles vis-a-vis the Hoang Sa and Truong Sa archipelagoes, the following conclusions can be drawn:

I. FROM ANTIQUITY TO 1909

The Chinese party has quoted many books, from the period of the Three Kingdoms (220-265) to contemporary times, particularly the books of the Song, Yuan dynasties and later. Only a few writings can be considered official, the remaining being works of voyage accounts, geography, monographs, etc. All these writings say that the Chinese in the distant past knew of the existence of the Jiuru-luozhou, Shitang, Quanglishitang, Wanlishitang, Changsha, Quanglichangsha, and Wanlichangsha which correspond, according to the given explanations, to the Xisha, Nansha, Dongsha and Zhungsha of today, although the clear distinction between these four archipelagoes is not yet scientifically settled. In the case of the Palmas, a single island had four names and arbitrator Max Huber had to begin with its identification. Thus, given the present situation, when there are a great number of islands and names, the identification of these islands with their precise names cannot be neglected. If one only sees the land without taking any, even a symbolic one, of possession, or if one hears a land spoken about without taking any subsequent action, it cannot be a question of title of sovereignty. To create a title is not enough, the title must be maintained. To create a title and to maintain it are two different things. Suppose that the names invoked by China actually exist. It

is not enough to have a title for, from the juridical point of view, *knowledge* cannot be confused with *discovery* followed by *taking possession* - the first elements for the creation of an original title.

For the period from the Three Kingdoms to 1909, or more than 16 centuries, the Chinese party has been able to give only three facts proving its sovereignty: the so-called maritime patrols in the region of the Xisha, the astronomical observations of Guo Shoujing (1279), and the so-called patrols by General Wu Sheng (early 18th century) down to the Xisha. The first fact results from a falsification of the *Wu Jing Zong Yao*; this book only speaks of the itinerary from Canton to India via Jiurulouzhou for the requirement of the Xisha contention. Under the Yuan, the limits of the Chinese Empire stopped at the island of Hainan; the astronomical observations of Guo Shoujing carried out "beyond the island of Hainan" were then outside the Chinese territory. The third fact is simply the patrols carried out by General Wu Sheng *around the island of Hainan*, and not the patrols in the seas of the Xisha. It should be pointed out that, regarding the exercise of its jurisdiction in the Nansha, China has not been able to produce any valuable evidence; what is called "the sea patrol of the Nansha" was nothing but an expedition of a Mongolian General against Java. The three facts invoked are truly insufficient for so long a period; moreover, they only concern the Xisha.

It can be affirmed that until 1909 China did not once protest against the occupation, exploitation and administration of the Hoang Sa by the Vietnamese feudal State: it had even tacitly recognized this state of affairs. The response of the authorities of Guangdong in the affair of the ships *Bellona* and *Imezi Maru* was a reflection of reality: the Xisha do not belong to China.

Even before the principle of effectiveness stipulated in the General Act of Berlin, the acquisition of territorial sovereignty already included two elements: first, the material element (the *corpus*) i.e. the discovery, and the intentional element (the *animus*). The discovery must be the result of facts of a certain nature and emanate from specific authorities.

Arbitrator Max Huber wrote:

"In the 19th century, considering the majority of the parties of the globe were under the sovereignty of the member States of the Community of Nations and the territories without owners had

become relatively rare, international law took into consideration an existing tendency particularly developed ever since: to constitute a pretension to territorial sovereignty, occupation should be effective, i.e. offer certain guarantees to other states and their nationals"<sup>(45)</sup>.

Of course, the required degree of *effectiveness* during this period was not so stringent as the clauses of the Act of Berlin.

Discovery and following possession and the intention to be the sovereign are the three necessary elements to claim a title of sovereignty, and these are the three things that China does not have.

At least, since the 17th century, the Vietnamese feudal State had discovered the Bãi Cát Vàng (i.e. the Hoang Sa) in the Biển Đông, had reclaimed it and had held it under its jurisdiction.

The criteria required at that time to acquire sovereignty vis-a-vis a land *res nullius* were sufficient for Vietnam.

1. The archipelago was *discovered, occupied, and administered* by the Vietnamese feudal State through the creation of a State organization handling at the same time the tasks of exploiting and governing the islands. The sovereignty title of Vietnam vis-a-vis the Hoang Sa was affirmed, maintained and consolidated at least from the period of the Seigneurs Nguyễn to the installation of the protectorate regime in 1884.

2. The Hoang Sa company was a form of state organization under the Seigneurs Nguyễn governed by rigorous principles of organization and function. "Although continuous in principle, sovereignty cannot be exercised all the time all over the territory. Intermittence and discontinuity compatible with the maintenance of law necessarily varies, depending on the regions being inhabited or uninhabited, or regions surrounded by territories over which sovereignty is incontestably exercised, or in accessible regions, for instance, from the high seas"<sup>(46)</sup>.

Wherever there are no conditions for a continuous sojourn, like in the rigid boreal or austral regions, a continuous occupation is practically impossible. This fact was accepted in the affair of Eastern Greenland. J.P. Ferrier adds the factors of periodicity due to the succession of monsoons, the date of the contract, or the seasonal character: "Intervals of several years have not been considered

incompatible with the maintenance of the sovereign right of the Netherlands over the island of Palmas"<sup>(47)</sup>.

The continuity of the exercise of sovereignty by the Vietnamese feudal State until the colonial period must be understood not only as from one year to another, but for, at least, over two centuries.

1. The Hoang Sa have been placed in the Vietnamese territory, actually in the prefecture of Quảng Nghĩa transformed later to province, as indicated by books of history and geography, elaborated by the History Institute of the Court.

2. Under the plan aimed at establishing the "Đĩa bạ Gia Long" (Land register of Gia Long), from 1805 to 1836, the Nguyễn dynasty sent the Company to Hoang Sa for the establishment of maps and the measuring of maritime routes.

3. Conscious of the responsibilities of his country in the Community of Nations, in 1833, King Minh Mạng gave orders to the Hoàng Sa Company to plant a great number of trees on the Hoàng Sa to allow boats to see the islands from a distance and thereby elude wreckage. From the Seigneurs Nguyễn to the Kings Nguyễn, the Vietnamese feudal State repeatedly rescued endangered ships in Hoàng Sa by supplying food and medicine to survivors. As Huber says, they have thus "offered certain guarantees to other States and their nationals' .

4. For many centuries, there was no dispute whatsoever on the part of other countries, from immediate neighbours, first of all, from China, the Philippines or from Western powers then in quest of new lands and new markets, such as Portugal, Spain, the Netherlands. The fact that China has tacitly recognized the Hoàng Sa Company or declared that the Xisha are not Chinese is acknowledgement of the Vietnamese occupation and abandonment of its title.

"Consolidation can be applied to territories the anterior appurtenance of which to another State cannot be established. It can be acquired not only by explicit acknowledgement, but more easily, by the sufficiently prolonged absence of opposition on the part of the States concerned in contesting the possession!"<sup>(49)</sup>

From 1884 on, with the signing of the Treaty establishing the French protectorate, the situation of the Vietnamese State underwent a fundamental change: France represented Vietnam in its external relations. The sovereignty of Vietnam vis-a-vis the Hoàng Sa and Trường Sa archipelagoes always existed with the only change that France then had to defend it "on behalf of the King of Vietnam".

In brief, until 1909, the historical and juridical title of Vietnam vis-a-vis the two archipelagoes is unquestionable; the Vietnamese sovereignty is real and effective.

## II. FROM 1909 TO THE PRESENT DAY

In 1909, the lightning disembarkation of Admiral Li Zhun, implementing an order of the Governor of the two Guang, Zhung Renjun, on the island Phu Lam (Woody island) marked a sudden change of Chinese attitude regarding the Xisha archipelago: China wanted to affirm the so-called sovereignty *over that archipelago*, which ten years before it considered non-Chinese land. This fact also marked the beginning of a sovereignty conflict with Vietnam.

1. Today, after 85 years, the conflict of the Hoàng Sa including the Trường Sa archipelago has developed in a complex manner and in a complex international background, after the two World Wars and the Cold War. If we examine only the facts related to the conflict of the archipelagoes, we shall see that the internal situation of the States concerned and the international situation have led to a succession of the States and change in the composition of the parties in conflict.

-The application of the provisions of the 1954 Geneva Agreement led to the division of responsibility between the Vietnamese regarding the administration of the Hoàng Sa and Trường Sa archipelagoes: the Democratic Republic of Vietnam, the Republic of Vietnam, the Republic of South Vietnam, and, finally, the Socialist Republic of Vietnam after its reunification.

-In China, three governments have succeeded each other: the Qing dynasty, the Republic of China, and the People's Republic of China. Taiwan continues to exist and maintains its claim relating

to the Xisha and Nansha archipelagoes: it actually occupies the island Itu Aba, the largest island of the Nansha.

- Many parties to the conflict have put an end to their claims and retired from the conflict whereas new parties have emerged. Vietnam has recovered its total independence. Japan has evacuated the two archipelagoes, and has undertaken to renounce any right, any title and any pretention regarding the Paracels and the Spratly. Great Britain has declared its withdrawal from the conflict of the Spratly; on the other hand, since the 1970s the Philippines and Malaysia have occupied a number of islands and shoals in the Spratly. The Philippines reclaims all the Truong Sa archipelago, except the Spratly. The PRC has occupied the Xisha archipelago, and in its march southwards to the Bien Dong Sea, has occupied a number of reefs and shoals and a part of the maritime zones of the Spratly. The present situation is as follows:

The Hoàng Sa archipelago has become a bilateral question between Vietnam and China (including Taiwan).

The Trường Sa archipelago has become a multilateral question between Vietnam and three other countries: China (Taiwan included), the Philippines, and Malaysia.

2. From the above analysis, since 1909, the conflict of the Hoang Sa involved only France and Vietnam (which France represented as of 1884) and China, the only country contesting the rights of France and Vietnam. At that moment, the title of Vietnam regarding the Hoang Sa was achieved and the two archipelagoes became Vietnamese territories. The landing by Admiral Li Zhun on the island Phú Lâm (Woody island) can only be considered an encroachment on the sovereignty of Vietnam. Three times, in 1932, 1937 and 1947, the French Government proposed to the Chinese Government either a friendly settlement or an arbitrated solution, but the Chinese Government rejected the proposals.

The PRC *used force* to seize all of the Hoàng Sa archipelago in two phases, and recently occupied a number of reefs and shoals of the Spratly (from 1988 to 1993), bringing the development of the situation to a particularly serious turning point.

The Charter of the United Nations prohibits the resort to threat or the use of force against the political and territorial independence of the States (Article 2 and relevant provisions).

On the basis of the principle of forbidding the resort to force and the principle of the right of peoples to decide their own affairs, in 1970 the UN General Assembly approved the Declaration regarding the principles of international law concerning the friendly relations and cooperation among different States in accordance with the UN Charter:

"Any State must refrain from any action aimed at breaking partly or totally the territorial unity and integrity of another State or another country".

"The territory of a State cannot be the object of a military occupation resulting from the use of force at variance with the provisions of the UN Charter. The territory of a State cannot be the object of an acquisition by another State as the result of a resort to threat or a use of force; no territorial acquisition obtained by threat or the use of force will be recognized as legal".

"Any State has the obligation to refrain from resorting to threat or to the use of force to violate the existing international frontiers of another State or as a means for the settlement of international differences, including territorial differences and questions relating to the frontiers of States"<sup>(50)</sup>.

The occupation of the Hoàng Sa archipelago and a number of reefs and shoals of the Trường Sa archipelago by force cannot be recognized as legal and cannot, in consequence, constitute territorial sovereignty.

3. During the period from 1909 to its withdrawal from Indochina in 1956, France proved to be hesitating while it was meeting with multiple difficulties in the pacification of Tonkin and had no force to seriously address the distant archipelagoes; and, above all, it did not yet understand the solidity of the Vietnamese titles. Therefore, it did not react in time in face of the Li Zhun's operation. But later, through patrols, reconnaissances, the creation of administrative units, and the installation of a garrison on the Hoàng Sa archipelago, the Indochinese authorities actually exercised the sovereign rights of Vietnam over this archipelago. In the Trường Sa archipelago, the occupation of the principal islands and the dependent islets by French

naval units with official notification to other States further strengthened the title of sovereignty of Vietnam vis-a-vis this archipelago.

On the Vietnamese side, the Government of the RVN, on which fell the administration of South Vietnam, south of the 17th parallel, energetically protested, by diplomatic action and by armed resistance, against the attack on the Hoàng Sa archipelago by the PRC.

It is, however, an undeniable fact that the authorities of the two zones of Vietnam have not at any time renounced the title of sovereignty vis-a-vis the Hoàng Sa and the Trường Sa.

The absence of reaction by the French authorities in the face of the operation of Admiral Li Zhun was, of course, negative, but the evident fact is that France had never renounced Vietnamese sovereignty vis-a-vis the Hoàng Sa and the Trường Sa archipelagoes and had always defended the Vietnamese rights over them until its withdrawal from Indochina. The French authorities did not at any time recognize the Chinese sovereignty; even when they kept silent in the face of such and such act of China, the sovereignty of Vietnam vis-a-vis the archipelagoes remained intact. When there were opportunities, responsible personalities of the Bảo Đại Government reaffirmed the rights of Vietnam over the Hoàng Sa archipelago: the War Minister Thân Trọng Huề; Prince Bửu Lộc, Chief of the Bảo Đại cabinet; the Prime Minister and Minister of Foreign Affairs Trần Văn Hữu.

A territory can be considered abandoned only when the material and intentional elements which coincide to realize sovereignty are both lacking.

"In international law, the *derelictio* results from two elements: materially, the absence of effective administration on the territory in question, and psychologically, the intention of abandoning the territory"<sup>(51)</sup>.

"It follows from these premises that the island of Clipperton was legitimately acquired by France on 17th November, 1858. There was no reason to think that France would subsequently lose its right by *derelictio* because it never had the *animus* to abandon the island, and the fact of failing to exercise its authority in a positive manner does not imply the forfeiture of an acquisition already definitively achieved"<sup>(52)</sup>.



"The fact of having not actually occupied the island has nothing against these titles because for the loss of sovereignty, the abandonment of possession does not suffice. There must be also a renouncement of the *animus possidenti*"<sup>(53)</sup>.

Compared with the Chinese title, the Vietnamese title is obviously superior.

The sovereignty of Vietnam over the Hoàng Sa and the Trường Sa archipelagoes has been legally acquired and effectively exercised in a peaceful manner for several consecutive centuries.

### III. IT IS CLEAR THAT VIETNAM HAS UNDENIABLE RIGHTS OVER THE HOÀNG SA AND TRƯỜNG SA ARCHIPELAGOES

But it is also clear that there is conflict between Vietnam and China about the Hoàng Sa archipelago and between Vietnam, China, the Philippines and Malaysia regarding the Trường Sa archipelago.

The UN Charter stipulates that the parties to an international dispute must find ways to settle it by peaceful negotiations, enquiry, mediation, conciliation, arbitration, judicial settlement, resorting to regional organisms and agreements or by any other peaceful means of their choice.

The consistent policy of the Government of the SRVN consists in peacefully settling any conflict or disagreement with other countries by peaceful means.

Prompted by this policy, the Government of the SRVN has many times - three times in 1988 alone -- proposed to the Government of the PRC that negotiations be pursued in a spirit of equality, mutual respect of independence, sovereignty and territorial integrity.

In September, 1975 the leader of the CPC Deng Xiaoping said to the Vietnamese leader Lê Duẩn:

"The Chinese party has sufficient evidence to demonstrate that the Xisha and Nansha archipelagoes, from the distant past to the present, have been Chinese territories. But according to the principle of friendly negotiation to settle differences, I declare: it is possible to negotiate and to discuss"<sup>(54)</sup>.

After many meetings, even at high levels, the two parties concurred that by late 1994, the experts of the two parties would meet to discuss the questions relating to Biển Đông Sea. Let's hope that the negotiations will take a favourable development.

When the Biển Đông Sea becomes a place of confrontation of different geopolitical interests, a peaceful solution to the problem of the Hoàng Sa and Trường Sa archipelagoes will serve not only the interests of the parties concerned but also those of peace, security, cooperation and development in SEA.

*Hanoi, March 1994*

## NOTES AND REFERENCES

The quotations of the Ministry of Foreign Affairs of the People's Republic of China are excerpted from the 30 January, 1980 document of that Ministry.

The quotations of the group Han Zhenhua are excerpted from the book *Wo Guo Nan Hai Zhu Dao Shi Liao Hui Bian*, published in Peking in 1988.

The quotations of Pan Zhiing are excerpted from his article *Le conflit de souveraineté relatif aux Nansha* published in the journal *Window* (Hongkong) issue of September 3, 1993.

A Chinese *li* is equal to 500 m.

A Chinese *geng* is equal to 2 hours 24 minutes, the Chinese consider a *geng* of navigation by junk corresponds to about 60 *li* (30km).

A Vietnamese *thước* is equal to 40 cm. A

Vietnamese *trượng* is equal to 4m. A

Vietnamese *tấc* is equal to 4cm.

1. *Wo Guo Nan Hai Zhu Dao Shi Liao Hui Bian* of Han Zhenhua, op.cit.

2. Document dated 30th January, 1980 of the Chinese MFA, op.cit.;

3. Declaration dated 4th December, 1950 of Minister of FA Zhou Enlai. *People's China* N°12 of 16th December, 1950.

4. Declaration dated 15th August, 1951 of Minister Zhou Enlai.

5. *Geography of the Cochinchinese Empire* by Gutzlaff in the *Journal of the Geographical Society of London*, 1849. vol XIX p.93.

6. *Note on the Geography of Cochinchina* by Taberd Jean Louis in the *Journal of the Asiatic Society of Bengal*, Sep. 1837. Calcutta, vol. VI. part II. pp.737-745.

*L'Univers, Histoire et Description de tous les peuples, de leurs religions, moers, coutumes: Japon, Indochine, Ceylan, etc*, by Dubois de Jancigny - Firmin Didot Frères Editeurs, 1950.

7. Arrh. Nat. Paris Section Marine: B4 272/276.

8. *Thiên nam chí lộ đồ thư* (Collection of Road Maps of the Southern Countries) by Đỗ Bá alias Đạo Phủ in *Hồng Đức bản đồ* (Atlas Hồng Đức).

9. *Đại Nam thực lục tiền biên* (True Writings on the Dai Nam - part reserved for the previous dynasties), vol.10, by Institute of National History.

10. *Đại Nam thực lục chính biên* (True Writings on the Dai Nam - part reserved for the present dynasty), 2nd series, book 104, by Institute of National History.

11. *Đại Nam thực lục chính biên*, 2nd series, book 165, by Institute of National History.

12. *Đại Nam hội điển sự lệ* (Collection of Codes and Regulations of the Dai Nam composed by Imperial Order), book 207.

13. *Đại Nam nhất thống chí* (Geography of the Unified Dai Nam), book 6, by Institute of National History.

14. *Phủ biên tạp lục* (Miscellanies on the Government of the Marches), book 2, by Lê Quý Đôn.

15. *Lịch triều hiến chương loại chí* (Thematic Collection of Regulations of Successive Dynasties), book 5, Phan Huy Chii.

16. *Việt sử cương giám khảo lược* (Brief History of Vietnam) by Nguyen Thong.

The works mentioned from notes (7) to (15) are kept at the Social Sciences Library, Hanoi.

17 and 18. *Phủ biên tạp lục*, by Lê Quý Đôn, op.cit.

19. *Le Mémoire sur la Cochichine de Jean Baptiste Chaigneau* by Salles A. in *Bulletin des Amis du vieux Hué* N°3 April - June 1923, pp 25-83.

20. *Đại Nam thực lục chính biên*, op.cit.

21. Ibid.
22. Ibid.
23. Ibid.
24. *Đại Nam hội điển sự lệ*, op.cit.
25. *Đại Nam thực lục chính biên*, op.cit.
26. *Phủ biên tạp lục*, op.cit.
27. *Histoire des relations de la Chine avec l'Annam du XIIIe au XIXe siecle* by Deveria.
28. Max Huber's *Sentence* in the Palmas affairs, 1928.
29. Document dated 30th January, 1980 of the Chinese MFA, op.cit.
30. Resolution 26/25/1970 of the UNO :*Declaration of the principles of international law regarding the friendly relations and cooperation between States in conformity with the UN Charter.*
31. Ibid.
32. Note N°92 dated 4th May, 1909 of French consul Beauvais to Canton.
33. Letter N° 2276 dated 17th December, 1928 of M.Rene Robin, Governor General of Indochina p.i. to the Minister of Colonies in Paris.
34. Letter N°499/DN/S Col. dated 7th October, 1946 of Army General Juin, Chief of General Staff of National Defence in Paris.
35. According to Hsinhua of 23<sup>rd</sup> August, 1951.
36. Telegram of 23<sup>rd</sup> April, 1949 of the High Commissioner of Indochina to the Ministry of Foreign Affairs in Paris.
37. Telegram of 13<sup>th</sup> May, 1952 of Ambassador Dejean to Tokyo to the MFA in Paris.
38. *The Hoàng Sa and Truong Sa archipelagoes (Paracels and Spratly) Dossier II - Le Courier du Vietnam*, Hanoi 1984, p. 139.
39. Document of 30<sup>th</sup> January, 1980 of the Chinese MFA, op.cit.
40. Final Act of the World Administrative Conference on radio-communications of the mobile aeronautical service held in July, 1978 in Geneva.
41. Rules of UIT.

42. *The HoàngSa (Paracels) and the Trường Sa (Spratly) archipelagoes and International Law*. Ministry of FA of the SRVN, Hanoi, 1988.

43. Max Huber's *Sentence* of the Palmas affairs 1928.

44. Ibid.

45. Ibid.

46. *Le conflit des iles Paracels et le problème de la souveraineté sur les iles inhabitées* by Jean Pierre Ferrier in the *French Annals of International Law*, 1975.

47. Ibid.

48. Max Huber's *Sentence* in the Palmas affair, 1928

49. *Les problèmes territoriaux dans la jurisprudence de la CIJ* by Suzanne Bastid, RCADI 1962.

50. Resolution 26/25 -- 1970 of the UNO op.cit.

51. *Les iles Falkland (Malouines)* by G.Cohen - Jonathan in the *French Annals of International Law*, 1972.

52. *Sentence* of King Victor Emmanuel in the Clipperton affair.

53. The affair of AVES island (The Netherlands -- Venezuela) 30<sup>th</sup> March, 1865. Collection of international arbitrations.

54. Memorandum of the PRC dated 12<sup>th</sup> May. 1988 regarding the Xisha and Nansha archipelagoes.

## CHRONOLOGY UNTIL 1992

### 15TH CENTURY

From 1405 to 1433: the Great eunuch Zheng He (Ming dynasty) carried out 7 voyages in the Indian Ocean without occupying any islands or shoals of the Paracels or the Spratly archipelagoes.

### 16TH CENTURY

- 1527: Spain installs a colonial regime in the Philippines.
- 1595: The Netherlands approaches the islands of the Sonde (Indonesia).

### 17TH CENTURY

- Creation by the Seigneurs Nguyễn of the Hoang Sa company and of the Bắc Hải section to exploit the Hoang Sa and Truong Sa archipelagoes on behalf of the State. The company is ordered to spend six months each year in the Hoang Sa to gather maritime products and to recover goods of wrecked ships, for the benefit of the Seigneurs Nguyễn.

- *Toàn tập thiên nam chí lộ đồ thư* (Collection of Road Maps of the Southern Countries) of Đỗ Bá alias Đạo Phủ notes that the Hoang Sa and Truong Sa archipelagoes, then designated under the name of *Bãi Cát Vàng*, belonging to the Vietnamese *phủ* of Quang Nghia and that the Seigneurs Nguyễn each year sent there the state company Hoang Sa for control and exploitation purposes.

## 18TH CENTURY

- 1701: The French missionaries go to China on board the *Amphitrite* and write in a letter: "The Paracel is an archipelago dependent on the Annam Empire".

- October 1714: Three sailboats of the Netherlands sink in the Hoang Sa (Paracels). Guided by Vietnamese fishermen, the survivors return to South Vietnam in rafts and present themselves to the Seigneur Nguyen. They are given shelter and food pending their return home.

- 1731: On the maps of the province of Guangdong and of the prefecture of Qiongzhou (island of Hainan) published in the *Guangdong Tong Zhi* (Geography of Guangdong) written in 1731, under the direction of He Yulin, Governor of Guangdong, neither the Xisha (Hoang Sa) nor the Nansha (Truong Sa) archipelago is found.

- 1739: The *Minh Shi* (History of the Ming), volumes 40 and 45, speak of the Chinese national territory and that of Qiongzhou (island of Hainan), with no mention of the Xisha and Nansha archipelagoes.

- 1753: The junk of the Hoang Sa company is blown by a tempest to the port of Quanglan (island of Hainan) and returned later by the Chinese authorities to the Chief-mandarin of Thuan Hoa (Hue). The latter addressed a letter of thanks to the Chinese authorities of Hainan.

- 1758-1768: French Admiral Charles Hector Theodat, count d'Estaing, writes in his *Mémoire pour une entreprise, sur la Cochinchine proposée à De Mangon* (*Memoirs on an Enterprise in Cochinchina Proposed to De Mangon*) that he met with the boats of the Seigneurs Nguyễn patrolling in the area of the Paracels and as far as Hue, there were 400 guns coming from the wrecks on the shoals of the Paracels.

- 1776: Le Quy Don gives in his book *Phủ biên tạp lục* a detailed description of the Hoang Sa and Truong Sa archipelagoes and of the Hoang Sa company, indicating that the said archipelagoes belong to the province of Quảng Nghĩa



- 1784: In the Chinese book of geography *Da Qing Yi Tong Zhi* (Geography of Unified Da Qing) written by the Beaureau of Annals of the Court of the Qing, the map *Huangyu Quantu* (General Map of the Imperial Territory), vol.1, stops at level of the island of Hainan.

- 1786: An order of mission of the Tây Sơn dispatches the marquis Hội Đức of the Hoang Sa company to lead 4 junks to Hoang Sa to gather golden, silver and copper objects and the guns of large and small caliber, as well as maritime products.

- 1787-1788: The Kergariou-Lochmaria mission explicitly defines the position of the Hoang Sa (Paracels) as separate from the Trường Sa archipelago (Spratly), at 500 km to the South.

#### 19TH CENTURY.

- 1802: Emperor Gia Long founds the Nguyễn dynasty.

- 1805: Gia Long gives orders to carry out the inventory of land of the Empire from North to South and to establish a land register, later called the *Gia Long Land Register*. This work is completed in 1836 (reign of Minh Mang).

- 1815: The Cai bạ Phạm Quang Ảnh is ordered to conduct Hoang Sa company to Hoang Sa to study and to draw itineraries, Emperor Gia Long confirms the sovereignty of Vietnam over the Hoang Sa.

- 1816: Naval units and Hoang Sa company units are sent to Hoang Sa for the study of itineraries.

- 1820: Jean Baptiste Chaigneau writes in his report on Cochinchina that the Hoang Sa archipelago (Paracels) belongs to this country.

- 1821: The *Lịch triều hiến chương loại chí* (Thematic Collection of Regulations of Successive Dynasties) compiled by Phan Huy Chú writes that the archipelago Hoang Sa belongs to the prefecture of Tư Nghĩa (province of Quảng Nam).

- 1833: Emperor Minh Mang orders the Ministry of Republic works to prepare junks to erect in Hoang Sa a stele, a temple and to plant trees.

- 1834: Minh Mạng orders Trương Phúc Sĩ, Commander of the garrison, to go to Hoang Sa for map drawing purposes.
- 1835: Emperor Minh Mang dispatches Phạm Văn Nguyên to Hoang Sa to build a temple and a stele there.
- 1836: The Emperor sends Phạm Hữu Nhật to Hoang Sa to complete the investigation and the drawing of maps according to the precise directives of the Emperor.
- The 90 survivors of an English merchant ship wrecked by a reef in Hoang Sa managed to reach the coast of Bình Định (Central Vietnam). On order of the Emperor, assistance was given for them to return to their native country.
- 1838: The *Dictionnarium Latino-annamiticum* by bishop Jean Louis Taberd is published with a map entitled *An Nam Đại Quốc họa đồ* (Map of the Great Country of Annam), in which part of the Hoang Sa archipelago (Paracels) is shown in the offing of the coastal islands of Central Vietnam.
- 1842: Publication of the Chinese book *Hai Lu* (Writings on the Sea) in which its author Wang Pingnan affirms that the *Wanlichangsha* (i.e.the Paracels), constituted by the sand shoals emerging from the sea over some thousand *li*, serve as an enclosure outside Annam.
- 1844: In the Chinese book *Zhong Wai Di Yu Tu Shu* (Collection of Geographic Maps of China and of Other Countries -elaborated in 1844, 20th year of the reign of Guangzi) the map *Huang Zhao Yi Tong Zong Tu* (General Map of the Unified Empire) does not mention the Xisha and the Nansha; on the contrary, they are represented on the map of the countries of the South Sea.
- 1847: According to the report of the Ministry of Public Works to Emperor Thiệu Trị: "the Hoang Sa belong to our territorial waters. It is customary to send there each year war-junks to reconnoitre the maritime itineraries. Considering the great volume of work, we propose that the sending of junks foreseen for this year be postponed until next year". The Emperor notes Approved:
- 1848: The map *Huang Qing Yi Tong Yu, Di Quan Tu* (General Map of the Qing Unified Empire) published in the book *Ying Huan Zhi Lue* (Brief Geography of the Globe) by Peng Wenzhang does not mention the Xisha and the Nansha archipelagoes.

- 1849: In his article *Geography of the Cochinchinese Empire* published in the *Journal of the Geographical Society of London*, Gutzlaff affirms that the King of Cochinchina maintains a fleet and a small garrison on the island Kat Vang (i.e. the Hoang Sa) to impose taxes on the fishermen operating in the region.

- 1850: Publication of the book *L' Univers, histoire et description de tous les peuples, de leurs religions, moers, coutumes: Japon, Indochine, Ceylan, etc.* by Dubois de Jancigny, who affirms: "For 34 years now, the Paracels archipelago designated by the inhabitants of Annam under the name of Cát Vàng (Hoang Sa) has been occupied by Cochinchina".

- 1862: In their book *Tableau de la Cochinchine (Picture of Cochinchina)* E.Cortembert and Léon Rosny mention the Paracels or Kat Vang in the list of islands belonging to Vietnam.

- 1884: Vietnam and France sign the Treaty of 6th June, 1884, by which Vietnam recognizes and accepts the protectorate of France.

China and France sign the preliminary Convention of 11<sup>th</sup> May, 1884 in Tientsin, by which China undertakes to respect all the treaties directly concluded or to be concluded between France and the Court of Hue.

- 1885: On 26<sup>th</sup> February, the General Act of Berlin is signed, stipulating the criteria for the occupation of new lands in Africa, primarily for effective occupation.

- 1894: The *Huang Chao Yi Tong Yu Di Zong Tu* (General Map of the Unified Empire) pulished in the *Huang Chao Yi Tong Yu Di Quan Tu* (Atlas of the Unified Empire) by Feng Dunxiang, Meng Shouyue and Xi Naixin does not mention the Xisha and Nansha archipelagoes. In the legend, it is indicated that the southern borders of the country of the Qing lie at Zhouya (Qiongzhouhu) island of Hainan, at 18° 13' latitude North.

- 1895-1896: the German ship *Bellona* and the Japanese vessel *Imezi Maru* transporting copper for the English wreck at the Hoang Sa and are plundered by the Chinese from Hainan. Responding to Britain's protest, the Governor of two Guang (provinces of Guangton and Guangsi) affirms that the Xisha do not belong to China and refuses all Chinese responsibility in the affair.

- 1898: The Hispano-American Treaty of 10th December clearly defines that the Western frontier of the Philippines is at 118° longitude East, so the Philippino territory does not include any island of the Paracels and the Spratly.

- 1899: The Governor General of Indochina Paul Doumer proposes the construction of a lighthouse at the Paracels, but the project could not be executed due to lack of funds.

## 20TH CENTURY

- 1905: The *Da Qing Di Guo Quan Tu* (General Map of the Great Empire of the Qing) first edition in 1905 and 4th edition in 1910 does not mention the Xisha nor the Nansha.

- 1906: in the part *Generalities* of the *Zhong Guo Di Li Xue Jiao Ke Shu* (Manual of Geography of China), it is written: "The terminus in the South-east is the coast of Yazhou on the island of Qiongzhou, or 18° 13' latitude North".

- 1909: On 6 June, Admiral Li Zhun, ordered by the Governor of the two Guang, led three gunships to the Xisha where he landed on the island of Phú Lâm and went round others before returning to Guangzhou (Canton).

- 1910: Publication of the *Đại Nam Nhất Thống Chí* (Geography of the Unified Dai Nam), volume 6, which reserves two passages to the Hoang Sa and Truong Sa archipelagoes belonging to the province of Quảng Nghĩa.

- 1920: The French Customs begin to strengthen their patrols in the region of Hoang Sa to combat smuggling.

- 1921: On 30 March, the Provincial Authorities of Guangdong let people know that the Southern Military Government has decided to administratively lump together the Xisha with the sub-prefecture Yahien (island of Hainan). The said Government is not recognized by the Central Government nor by the Powers.

- 1925: The dispatch of a scientific mission to the Hoang Sa led by doctor A.Krempf, Director of the Oceanographic Service of Nha Trang. The same mission carries out the studies of the Truong Sa in July 1927.

- On 3 March, the Minister of War of the Court of Huế Thân Trọng Huề affirms that the Hoang Sa have always belonged to Vietnam and there is nothing to be discussed in that issue.

- 1927:

- The trawler *De Lannessan* is sent to the Truong Sa to study the atolls and the deposits of phosphate.

- The Consul General of Japan, Mr. Kurosawa, asks the French Authorities in Indochina for inquiries about the territorial status of the Spratly.

- 1928: On 19 September, the New Society of Phosphate of Tonkin (Hải Phòng) asks the Governor of Cochinchina for the authorization to exploit guano on the Truong Sa archipelago.

- 1929:

- Report dated 22 January to the Governor General of Indochina in which the Resident Superior of Annam, Le Fol, underlines the long established sovereignty of Vietnam over the Hoang Sa archipelago and recalls the statement of the Minister of War Thân Trọng Huề.

- The Perrier-Rouville mission proposes the construction of 4 lighthouses at the four corners of the Hoang Sa archipelago: at Tri Tôn, on the northern island, on the Linh Côn island, and on the Bombay reef.

- On 29 March, the Consul General of France in Manila reports to the French Minister of FA that no islands of the Truong Sa archipelago are represented on the maps edited in the Philippines.

- 1930-1933: From 13 April 1930 to 22 April 1933, units of the French naval forces successively took possession of the principal islands of Truong Sa: Truong Sa, An Bang, Ba Bình, the Cays, Loại Ta, Thị Tú and the dependent islands.

- 1931:

- China claims the exploitation of the deposits of guano of the Hoang Sa archipelago. The French Government revendicates the islands in a Note handed to the Legation of China in Paris on 4 December, 1931.

- Expedition by the *Inconstant* to the Hoang Sa (in March) and by the aviso *La Malicieuse* (in May).

- 1932:

- On 29 April, the French Government sends to the Legation of China in Paris a Note in which it underlines the rights of France over the Paracels and proposes to China either a friendly arrangement or a solution through arbitration.

- On 29 September, the Chinese Legation rejects the French view point and refuses to bring the affair to an arbitrated tribunal.

- On 15 June, the Governor General of Indochina creates the Administrative Delegation of the Hoang Sa.

- 1933:

- On 24 July, the French Government informs the Japanese Government of the occupation of the Truong Sa islands by French naval forces. The Japanese Government protests against this occupation.

- On 26 July, the French Ministry of FA proclaims the occupation by the French navy of the islands of the Truong Sa archipelago (Spratly): Truong Sa, An Bang, the Cays, Loai Ta, Itu Aba, Thi Tu as well as the islets, reefs, and shoals which depend on them.

- On 21 December, the Governor of Cochinchina, J.Krautheimer puts together the Truong Sa archipelago with the province of Ba Ria (Cochinchina).

In the *Zhang Guo Fen Sheng Xin Tu* (New Map of Administrative Divisions of China) edited by the Yongxing Company (Shanghai), the four archipelagoes of the Bien Dong Sea (China Sea) are represented on a map supplementary to that of Guangdong province, including the Hoang Sa and Truong Sa of Vietnam under the Chinese names of Xisha Qundao and Nansha Qundao.

- 1937:

- On 18 February, the French Ministry of FA sends to the Chinese Legation in Paris a Note in which it proposes to the Chinese Government either a friendly settlement or an arbitrated solution of the affair of the Paracels, China does not give response.

- On 28 February, the cruiser *Lamotte-Piquet* goes to the Hoang Sa.

- In October, principal engineer of Public Works J.Gauthier is sent to Hoang Sa to study the choice of landing places and air bases,

the installation of a lighthouse on Pattle island and the conditions for the eventual installation in the Hoang Sa.

- 1938:

- On 30 March, Emperor Bao Dai joins the Hoang Sa dependent on Nam Ngãi with the province of Thừa Thiên.

- On 5 June, the Governor General of Indochina creates an Administrative Delegation in the Hoang Sa.

- Erection on the island Hoang Sa (Pattle) of a stele of sovereignty for the Hoang Sa archipelago bearing the inscription: *République Française - Royaume d'Annam - Archipel des Paracels 1816 - Ile de Pattle - 1938. (French Republic - Annam Kingdom - Paracels Archipelago 1816 - Island of Pattle - 1938).*

- Construction of a lighthouse, of a meteorological station, of a wireless telegraph station on the island Hoang Sa (Hoang Sa archipelago) and the island of Ba Bình (Trường Sa archipelago).

- Dispatch of a detachment of Vietnamese civil guards to the Hoang Sa to keep a garrison.

- 1939:

- On 31 March, the Japanese Ministry of FA proclaims the establishment of Japanese control over the Truong Sa archipelago. The French Government protests against the Japanese occupation and reaffirms the rights of France.

- On 5 April, the Under-Secretary for the Foreign Office declares at the Chamber of Communes: "The Spratly islands are situated to the West of a vast archipelago over which France exercises a full sovereignty under a decree of 1933".

- On 5 May, the Governor General of Indochina, Jules Brevie divides the archipelago into two Administrative Delegations.

- On 1 September, the Second World War breaks out.

- 1943:

- From 23 to 27 November, the Americano-Anglo-Chinese Summit is held in Cairo (F.D. Roosevelt, W. Churchill, Tchang Kaishek) in the Proclamation, (called the Cairo Declaration), it is said that Japan must renounce all rights, titles and pretensions regarding all the islands in the Pacific that it has occupied, and that all the Chinese territories it has occupied such as Manchuria, Formosa and

the Pescadores shall be returned to the Republic of China without saying anything about the Paracels and the Spratly.

- 1945:

- 9 March, Japanese coup d'etat in Indochina.

- From 17 July to 2 August, the Postdam Conference is held (USSR, USA Great Britain), which approves the provisions of the Cairo Declaration and decides to divide the Indochinese theatre into two zones, with the 16th parallel as the demarcation line: the Republic of China receives the surrender of the Japanese forces to the North of 16th parallel, the zone south of the 16th parallel is entrusted to Great Britain.

- On 19 August, victory of the General Insurrection in Hanoi.

- On 2 September, Proclamation of the independence of Vietnam, and the Democratic Republic of Vietnam comes into being.

- Signing of the Act of Japan's surrender. Japanese troops evacuate Indochina.

- 1946:

- On 28 February, France and China sign the Treaty of Tchangking that stipulates the relief of Tchangkaishekist troops in Vietnam by French troops for the reception of surrender of the Japanese forces.

On 6 March, signing of the Preliminary Accord between France and Vietnam in Hanoi stipulating that the DRVN is a free state having its government, army, parliament and finances; it is a part of the Indochinese Federation and of the French Union and France will accept the results of a referendum on the return of Cochinchina to Vietnam.

- From 20 to 27 May, the *Savorgnan de Brazza* reoccupies the Hoang Sa archipelago.

- On 26 June, four warships of the Tchangkaishekist regime land on the Hoang Sa and the Truong Sa under the pretext of disarming the Japanese troops, although these two archipelagoes are south of the 16th parallel, i.e. in the zone entrusted to Great Britain.

- On 11 October, the Interministerial Committee of the French Provisional Government affirms the sovereignty of France vis-a-vis



the Paracels and decides to materialize it by the construction of a meteorological post in the Paracels.

- On 19 December, the war between France and Vietnamese starts.

- 1947:

- 7 January, Nankin announces the occupation of the Xisha archipelago by its troops. In reality they occupies only the Woody island.

- 17 January, the gunship *Le Tonkinois* of the French navy goes to the Paracels to demand that these troops leave the island. As they refuse to do so, the French troops settle themselves on the island Pattle.

- 4 July, the French Ministry of FA proposes to the Nankin Government a friendly settlement or the submission of the affair to the International Tribunal of Arbitration. China refuses again. After their defeat on the continent, the Tchangkaishekist regime withdraws to Taiwan.

- 1949:

- In April, Prince Bửu Lộc, Chief of the Cabinet of Emperor Bảo Đại, declares in Saigon the sovereignty of Vietnam over the Hoang Sa.

- 17 May, the President of the Philippines Quirino declares that the Spratly should belong to his country, but recognizes the meteorological posts installed by France in the Paracels (the post N°48859 on the Woody island, the post N°48860 on the Pattle island) and Spratly (the post N° 48919 on the Itu Aba island).

- 8 March, the French Government and the Bảo Đại Government sign the Halong Bay Agreement returning independence to Vietnam.

- 1 October, the People's Republic of China is founded.

- 1950:

- In April, Chinese nationalist troops evacuate the Woody island.

- 14 October, the French Government officially transfers the control over the Paracels and Spratly archipelagoes to the Bảo Đại Government.

- The *Zhong Hua Ren Min Gong Hua Guo Fen Sheng Jing Tu* (Detailed Map of the Administrative Divisions of the PRC) edited by Peking, mentions the 4 archipelagoes of the China Sea under Chinese names and pushes the Chinese frontier down to the 4th parallel to include almost the totality of the China Sea.

- 1951:

- 17 May, the President of the Philippines Quirino declares to the press that the Spratly archipelago belongs to the Philippines by reason of proximity.

- 19 May, Peking protests against Quirino's affirmation.

- 15 August, in a declaration regarding the draft Peace Treaty with Japan, the Chinese Minister of FA, Zhou Enlai affirms the sovereignty of China over the 4 archipelagoes of the China Sea,

- Conference of San Francisco for the signing of the Peace Treaty with Japan (September, 1951). The Vietnamese Prime Minister Trần Văn Hữu of the Bảo Đại Government solemnly declares without meeting opposition nor reservation of the Conference that the two archipelagoes Hoang Sa (Paracels) and Truong Sa (Spratly) have always been Vietnamese territory. Moreover, 46 of the 51 delegates reject a proposal asking the handing of the Paracels and the Spratly archipelagoes to the PRC. The Peace Treaty stipulates in Article 2 that Japan renounces all rights, titles and claims on the Paracels and Spratly archipelagoes (Hoang Sa and Truong Sa) without saying anything about the Chinese sovereignty.

- 1952:

- 25 March, during a debate at the Assembly of the French Union, regarding the Peace Treaty of San Francisco (8 September), the Vietnamese representatives, Nguyễn Khắc Sửu and Bửu Kỉnh recall the Paracels and the Spratly "are long since part of the territory of Vietnam". Maurice Schuman, Secretary of State for FA affirms: "It is quite exact that the Paracels and the Spratly belong to the domain of the French Union".

24 April, Japan and Nationalist China sign the Peace Treaty in which Japan repeats exactly its undertaking regarding the Paracels and the Spratly in the San Francisco Treaty without saying anything about the Chinese sovereignty in regard to these two archipelagoes.

- 1954:

. Signing of the Geneva Agreement (20 July) in which it is sad that Vietnam is provisionally divided into two zones with the 17th parallel as the provisional military demarcation line. The administration of the said zones is entrusted respectively to the DRVN for the North and the RVN (Republic of Vietnam) for the South.

- 28 April, the RVN relieves France in the Hoang Sa, except the oriental part of the archipelago which has been occupied by Peking troops before the arrival of Saigon troops.

- 1956:

- 8 June, the Saigon Minister for FA, Vũ Văn Mẫu, reaffirms in a statement the right to sovereignty of Vietnam over the Hoang Sa and Truong Sa archipelagoes that has long been acquired.

- 9 June, the French Charge d'affaires in Manila informs the Philippino Government that the French Government has had possession of the Truong Sa archipelago since 1933 (following the different declarations of Manila on the "sovereignty" of the Philip pines vis-a-vis the Spratly).

- 22 August, a unit of the Saigon naval forces plants the banner of the RVN and erects the stele of sovereignty on the Truong Sa island, the principal island of Truong Sa, to reaffirm the Vietnamese rights on this archipelago.

- 20 October, the Saigon administration lumps together the Triiong Sa archipelago and the province of Phước Tuy.

- 1958:

- 4 September, the Chinese Government declares the 12-mile width of the territorial sea of the PRC.

- The Prime Minister of the DRVN, Phạm Văn Đồng, sends a Note to the Peking Government expressing his support of the determination of the Chinese 12-mile-wide territorial sea.

- 1959:

- On the night of 20 - 21 February "Chinese armed fishermen" land on the islands Hữu Nhật, Duy Mộng and Quang Hòa, but they are fought back by the Saigon troops and 82 of them are taken prisoner.

- 1960:

- On 13 July, the Saigon Administration joins the Hoang Sa archipelago with the province of Quảng Nam and creates there a commune called Định Hải, district of Hòa Vang.

- 20 December: Founding of the National Front for the Liberation of South Vietnam (NLF).

- 1962:

- 29 - 30 June, a section of the Saigon navy carries out investigations on the islands Song Tử Đông and Song Tử Tây of the Truong Sa archipelago.

-1963: .

- 19 - 24 May, the Saigon navy carries out investigation and creates steles of Vietnamese sovereignty on the islands Truong Sa, An Bang, Loại Ta, Song Tử Đông and Song Tử Tây of the Truong Sa archipelago.

- 1969:

- 6 June, formation of the Provisional Revolutionary Government of the Republic of South Vietnam (PRG of RSVN).

- 21 October, joining of the Định Hải commune (in the Hoang Sa) to the Hòa Long commune, district of Hòa Vang, province of Quảng Nam.

- 1971:

- 2 February, the Embassy of Malaysia in Saigon asks the Ministry of FA of the RVN whether the islands of the so-called Republic Morac Songhrati-Meade between 9° latitude North and 112° longitude East belong to the RVN.

- 20 April, Saigon informs the Embassy of Malaysia that the Truong Sa archipelago belongs to the territory of Vietnam.

-10 July, the Phillipino president Ferdinand Marcos denounces the Taiwanese forces for usurping the island of Ba Binh (Itu Aba) and recalls the Phillipino view that the Truong Sa archipelago is placed under the *de facto* mandate of the Allies.

The Phillipino navy occupies the islands Vĩnh Viễn, Song Tử Đông, Loại Ta and Thị Tứ, which it respectively names Lawak, Parola, Kota, and Pagasa.

- 13 July Trần Văn Lắm, Minister of FA of Saigon, declares in Manila that the Truong Sa (Spratly) have long belonged to Vietnam.

- 15 July, a communique of the Saigon Administration reaffirms the historical and juridical titles on which the sovereignty of Vietnam over the Trường Sa archipelago is founded.

- 1972:

28 February, President Nixon and Premier Zhou Enlai sign the Shanghai communique.

- 1973:

- 27 January, signing of the Paris Agreement on the cessation of war and reestablishment of peace in Vietnam.

- 2 March, signing of the Act of Paris, by which the belligerent parties, the five Greats and the member countries of the International Commission for control and supervision of the implementation of the 1973 Paris Agreement lend guarantee to the Paris Agreement.

- 6 September, the Saigon Government joins the Truong Sa archipelago to the commune of Phước Hải, district of Đất Đỏ, province of Phước Tuy.

- 1974:

- 11 January, Peking protests against the joining of the Nansha archipelago (Truong Sa) to the commune of Phước Hải.

- 20 January, after the bombardment of the islands of Hữu Nhật (Robert), Quang Ánh (Money), and Hoang Sa (Pattle); the troops of Peking land to seize these islands, so the western part of the Hoàng Sa archipelago falls into the hands of the Chinese troops.

- The representative of the Administration of Saigon to the UNO informs the Security Council and the UN Secretary General of the Chinese aggression against Hoàng Sa. The Saigon Government informs the signatories of the Act of Paris and other countries of the aggression by the PRC against the Hoàng Sa.

- 26 January, the Military Delegation of the PRG of RSVN publishes a 3-point statement regarding the occupation of the western part of the Hoàng Sa by the troops of Peking, proposing the settlement of the dispute by peaceful means.

- 28 January, president Nguyễn Văn Thiệu informs the Chiefs of friendly States of the Chinese aggression against the Hoàng Sa archipelago.

- 30 March, at the Conference of the Economic Council of the Far-East held in Colombo and on 2 July, at the Conference of the UNO on the Law of the Sea held in Caracas, the representatives of the Saigon Government denounced the occupation of the Hoàng Sa by the troops of Peking and reaffirmed the Vietnamese sovereignty over the Hoàng Sa and the Truong Sa as well.

- 1975:

- 14 February, publication by the Ministry of FA of Saigon of the White Book regarding the Hoang Sa and the Truong Sa archipelagoes.

- From 13 April to 28 April, the navy of the DRVN retakes from the Saigon troops the control of the islands of the Trường Sa archipelago.

- 30 April, the fall of the Nguyễn Văn Thiệu Government and liberation of South Vietnam.

- 9 September, the representative of the PRG at the Meteorological Conference for Asia held in Colombo requests the maintenance of the registration in the WMO Synop system of the meteorological station of Vietnam installed on the island Hoàng Sa (Pattle) under number 48860 by reason of Vietnam's sovereignty over the Hoàng Sa.

- 10 September, the PRC affirms in a Note to the Ministry of FA of the DRVN that the Xisha and the Nansha are Chinese territory.

- 24 September, at a meeting with the delegation of the Party and of the Government of Vietnam, Deng Xiaoping recognizes that there exist disputes between the two countries concerning the Xisha and Nansha archipelagoes: "The problem will be naturally the subject of discussion in the future".

- 10 November, the Ministry of FA of the DRVN send to the PRC Ministry of FA a Note recalling the statement by Deng Xiaoping on 24 September and proposing the cessation of all propaganda relating to the conflict of the archipelagoes to create a favourable climate for eventual negotiations. In its answer of 24 November, China rejects the proposal.

- 3 December, the Ambassador of the DRVN to Peking, at a meeting with the Chinese Minister of FA, reaffirms the Vietnamese sovereignty over the Hoàng Sa and Trường Sa archipelagos

- 1976:

- 4 June, the spokesman of the Ministry of FA of the PRC reaffirms the Chinese rights over the 4 archipelagos in the China Sea, including the Xisha and the Nansha, and protests against the exploitation of fuel by the Philippines on the shoal Reed Banks.

- 5 June, the spokesman of the Ministry of FA of the DRVN declares that Vietnam reserves the right to ensure the defense of the Hoàng Sa and Trường Sa archipelagos.

- 2 July, the SRVN is founded, on the basis of the reunification of the two zones North and South.

- 1977:

- 12 May, the Government of the SRVN publishes a statement regarding the sea zones and the continental shelf of Vietnam (for the continental part of Vietnam).

- 7 October, at the talks concerning the frontiers, the chief of the SRVN delegation Phan Hiền proposes the inclusion of the question of the contentious archipelagos in the agenda, his Chinese counterpart Han Nianlong declines the offer,

- 1978:

- 2 March, the Philippines occupy a new island (the Lamkian) and name it Panata. It is the 7th usurpation by Manila after Pagasa, Parola, Kota, Lawak, Likas and Pugad.

- In March, the World Conference on radio-communications administration of the aeronautical mobile service is held in Geneva. The final Acts of the Conference give the PRC a monopoly of frequencies in a vast region including all the China Sea, in which the contentious archipelagos Hoàng Sa and Trường Sa also included; this fact may be interpreted by China as a *de facto* recognition of the so-called rights

of the PRC and all is in contradiction with the regulations of the International Union of Telecommunications (UIT).

- During his trip to the Philippines (in September) and to Malaysia (in October), Prime Minister Phạm Văn Đồng agrees with President Ferdinand Marcos and Prime Minister Hussein On that

the parties concerned shall settle the disputes and dissensions by peaceful means.

- 1979:

- 17 February, a Chinese army of 600,000 men acted with aggression against all the six frontier provinces of North Vietnam. Defeated, it withdrew two weeks later.

- 15 March, publication of White Book by the Ministry of FA of Vietnam regarding the Vietnam - China frontier, certain passages of which concern the Hoàng Sa and Trường Sa archipelagoes.

- 26 April, the negotiations between Vietnam and China begin at the level of Vice-ministers of FA of the SRVN and the PRC for the normalisation of relations between the two countries.

- 3 July, the Civil Aviation Service of China creates 4 dangerous zones in the air space of the Xisha and obliges foreign civil planes to abide by them in an attempt to obtain *de facto* recognition of the Chinese rights over the Xisha.

- 30 July, Peking publishes a document to demonstrate that Vietnam has recognized the Chinese sovereignty over the Xisha and the Nansha.

- On 7 August, the Ministry of FA of the SRVN rejects these tendentious assertions.

- 8 September, the Ministry of FA of the SRVN publishes documents affirming the Vietnamese sovereignty over the Hoàng Sa and Trường Sa archipelagoes.

- 28 September, the Ministry of FA of the SRVN protests against lumping almost the whole of the Hoàng Sa together with the Philippino territory.

- 21 December, Malaysia publishes a map of the territorial sea and the limits of the Malaysian continental shelf with encroachment on the Vietnamese territorial waters in the Trường Sa.

- 1980:

- 30 January, publication by the Ministry FA of the PRC of a document affirming Chinese sovereignty over the Xisha and Nansha archipelagoes.



- 5 February, declaration of the spokesman of the Ministry of FA of the SRVN refusing the falsified documents dated 30 January of the PRC.

- 10 March, the Ministry of FA of the SRVN affirms the sovereignty of Vietnam over the island An Bang and over the Truong Sa archipelago in general, in a Note to the Malaysian Ministry of FA.

- 29 April, the Ministry of FA of the SRVN protests to the Ministry of FA of Malaysia against the publication of a new map by Malaysia, which represents part of the Trường Sa archipelago as Malaysian territory.

- 13 June, the Vietnamese delegation to the Regional Meteorological Conference of WMO demands that the Vietnamese meteorological station on the island of Trường Sa be inscribed to the WMO network.

- 26 July, The Ministry of FA of Taiwan makes public the position of its country regarding the Xisha and Nansha archipelagoes.

- 28 July, the Philippines occupy the reef Condor.

- 1981:

- December, the General Administration of the Post and Telecommunications of the SRVN points out to the President of the IFRB Committee that the SRVN cannot accept the allotment to the PRC of the frequencies reserved for the subdivision of zone 6 G which includes the air space of the Hoàng Sa and Trường Sa archipelagoes.

- 1982:

- January, publication by the Ministry of FA of the SRVN of the White Book *"The Hoang Sa and Truong Sa Archipelagoes: Vietnamese Territories"*.

- 9 February, Taiwan places under its jurisdiction the Xisha and Nansha archipelagoes. On 21 February, the spokesman for the Ministry of FA of the SRVN raises a protest against this decision.

- October, at the Conference of the Plenipotentiaries of the UIT in Nairobi, the Vietnamese delegation rejects the allocation of frequencies of 1978 in the Biển Đông sea in favour of the PRC.

- 12 November, the Government of the SRVN publishes the Declaration regarding the base line serving to measure the width of the territorial sea of the SRVN.

- 9 December, creation of Truong Sa district belonging to Phú Khánh province.

- 1983:

- March, the World Conference on tele-communications administration of the mobile aeronautical service of UIT agrees to examine at the next meeting the Vietnamese proposal regarding a provisional arrangement pending a definitive solution of the allocation of frequencies in the Biển Đông sea.

- 25 April, the Commission of Toponyms of the PRC renames the islands, islets, shoals, and reefs in the Biển Đông sea, including those of the Hoàng Sa and Trường Sa archipelagoes. 9 May, protestation of the SRVN.

- 21 May, signing in Manila of the US-Philippines Treaty of Common Defense which does not consider the Kalayaan archipelago (Philippino name of the Truong Sa) part of the Philippino territory and its defense an objective of the Treaty.

- Replying to the letter dated 22 May, 1983, from Mr. Trần Văn An regarding the illegal registration of the Chinese meteorological stations on the islands Sanhudo and Xisha, Mr. Wiin Nielson, Secretary General of WMO has affirmed that "the appellations used in this publication and the presentation of data therein do not imply any taking position on the part of the Secretariat of WMO relating to the juridical status of the countries, territories, cities or zones, or of their activities, nor to the delineation of their frontiers or limits".

- 25 March, and 7 September, 1983, the Ministry of FA of the SRVN protests against the actions of Malaysia: erection of sovereignty-marks and landing of troops on the island Hoa Lâu (Swallow), in violation of the sovereignty of Vietnam over the Trường Sa archipelago.

- 1984:

- The National Assembly of the PRC declares the creation of the administrative zone of Hainan, including the Xisha and Nansha archipelagoes in this zone. Protestation of the SRVN.

- 1985:

- General Văn Tiến Dũng, Minister of Defense of the SRVN visits the Trường Sa archipelago.

- 1986:

- December, Malaysia occupies the islands Kỳ Vân (Mariveles Reef), Kiêu Ngựa (Ardasier Reef).

- 1987:

- From 16 May to 6 June, Chinese naval manoeuvres in the region of the Truong Sa archipelago.

- 10 November, landing of Chinese naval forces on the reef Luisa (118°6'08").

- 1988:

- 14 March, extremely serious provocations by Chinese naval ships against Vietnamese positions causing great losses to the Vietnamese side: three vessels burnt, 74 persons missing and occupation by Chinese troops of the reefs and shoals: Đá Chữ Thập (Fiery Cross Reef), Đá Châu Viên (Cuarteron Reef), Đá Gaven (Gaven Reef), Đá Gạc Ma (Johnson Reef), Đá Tư Nghĩa, and Đá Subi (Subi Reef).

The Government of the SRVN has informed the UNO, sent many Notes of protestation to the Government of the PRC, particularly those of 17, 23, 26 March, 1988, proposing negotiations for the settlement of the conflict. The PRC continues to occupy the reefs and rejects the proposals.

- 13 April, the PRC creates the province of Hainan, including the Xisha and the Nansha archipelagoes. 14 April, Note of protestation of the Ministry of FA of the SRVN.

- 25 April, the Ministry of FA of the SRVN publishes the document about the situation of Hoàng Sa and Trường Sa, reiterating the proposal of peaceful settlement through negotiation.

- 1989:

- The PRC erects the sovereignty-marks on the reefs and shoals it occupied in 1988.

- 14 August, the Government of the SRVN decides to create an economic, scientific, and service complex in the region of the shoal Tư Chính, Huyện Trân, Quế Đường, Phúc Tân, Phúc Nguyên situated on the Vietnamese continental shelf at 7-8°30' North 109 - 112°20' East.

- 1990:

- 28 April, the Ministry of FA of the SRVN protests against the erection by Chinese troops of a stele on the shoal Ớn Đất (Eldad) in the Trường Sa archipelago.

- 1991:

- 25, May, Peking publishes the results of 8 years of scientific investigations (from 1984) on the Nansha.

- 10 November, the Vietnamese and Chinese leaders sign in Peking a joint communique on the normalisation of relations between the two countries.

- 1992:

- 25 February, the National Assembly of the PRC publishes the Law on the territorial sea and the adjoining zone of the PRC, stipulating that the territorial sea is 12 miles wide and affirming that the Chinese territory includes the 4 archipelagoes Zhonsha, Xisha, Nansha, Tongsha, and that of Sensaku.

- 8 May, the CNOC signs a contract with the US company Crestone, authorizing it to protest and exploit a lot of 25,255 km<sup>2</sup> in the zone called Wan Anpei 21 by the Chinese and situated, in fact, on the continental shelf of the SRVN.

- 16 May, the Ministry of FA of Vietnam declares this signing null and void as it is obviously in violation of the Vietnamese rights on its continental shelf and its exclusive economic zone.

- 21 May, Taiwan approves a law affirming its sovereignty and its territorial sea from its coast including the Nansha and the Sensaku archipelago. 24 May, the Ministry of FA of Vietnam protests against this action of Taiwan and reaffirms its sovereignty over the Hoàng Sa and the Trường Sa.

- 6 July, China erects a sovereignty-mark on the reef Da Lac (2 miles south of Gaven). Protestation from the SRVN on 9 July.

- 1 October, Premier Li Peng declares: "I hope that the question of sovereignty of the Nansha archipelago may be set aside to consider with other countries a common exploitation of it.

- 12 October, Vietnam-China negotiations on the question of frontiers and territory begin in Peking. The two parties exchange views on the land frontiers.

- 24 December, in Hanoi, Premier V6 Van Kiet and Premier Li Peng agree that the two countries will discuss to settle the differences about the frontiers and the territory on land as well as at sea.

SITUATION OF THE PARACELS AND SPRATLY AT  
THE END OF 1993

I. HOÀNG SA ARCHIPELAGO/PARACELS (XISHA IN CHINESE)

Total area of the islands and shoals: 10 km<sup>2</sup> in a zone of 15,000 - 16,000 km<sup>2</sup>. Occupied by the troops of the PRC since 1956 (the eastern part) and 1974 (the western part).

**Islands and shoals**

| <b>Vietnamese name</b> | <b>English name</b> | <b>Chinese name</b>  |
|------------------------|---------------------|----------------------|
| <i>Nhóm Đông</i>       | <i>Amphitrite</i>   | <i>Xuande jiao</i>   |
| Cồn Cát Tây            | West Sand           | Xishazhou            |
| Đảo Cây                | Tree Island         | Shaosu dao           |
| Đảo Bắc                | North Island        | Bei dao              |
| Đảo Trung              | Middle Island       | Zhong dao            |
| Cồn Cát Nam            | South Sand          | Nanshazhou           |
| Đảo Phú Lâm            | Woody Island        | Yongxing             |
| Đảo Linh Côn           | Lincoln Island      | Dong dao             |
| Đảo Nam                | South Island        | Nan dao              |
| <i>Nhóm Tây</i>        | <i>Crescent</i>     | <i>Yongjo qundao</i> |
| Đá Bắc                 | North Reef          | Beijiao              |
| Đảo Hoàng Sa           | Pattle Island       | Shanhu dao           |
| Đảo Hữu Nhật           | Robert Island       | Canquan dao          |
| Đảo Quang Ảnh          | Money Island        | Jinyin dao           |
| Đảo Duy Mộng           | Drumond Island      | Jingqing dao         |
| Đảo Quang Hòa          | Duncan Island       | Chenhang dao         |
| Đảo Tri Tôn            | Triton Island       | Zhongjian dao        |

|                 |                |               |
|-----------------|----------------|---------------|
| Bãi Gò Nô       | Dido Bank      | Xidu tan      |
| Bãi Thủy Tề     | Neptuna Bank   | -             |
| Bãi Quảng Nghĩa | Jehangire Bank | Zhanhan tan   |
| Bãi Châu Nhai   | Bremen Bank    | Ximei tan     |
| Đá Bông Bay     | Bombay Reef    | Langhua jiao  |
| Đá Chim Yến     | Vuladdore Reef | Yuzhuoi jiao  |
| Đá Lôi          | Discovery Reef | Huaguang jiao |
| Đá Bạch Quy     | Passu keh      | Panshi yu     |

## II. TRƯỜNG SA ARCHIPELAGO/ SPRATLY (NANSHA IN CHINESE)

Total area of islands and shoals: 10 km<sup>2</sup>, in a zone of 160,000 - 180,000 km<sup>2</sup>. Vietnamese sovereignty has existed for a long time. The neighbours began to occupy parts of it as of 1956 (Taiwan), in the 1970s (the Philippines) and the 1980s (Malaysia, the People's Republic of China).

### Under Vietnamese control

| <b>Vietnamese name</b> | <b>English name</b>   | <b>Chinese name</b> |
|------------------------|-----------------------|---------------------|
| Đá Lát                 | Ladd Reef             | Riji dao            |
| Đảo Trường             | Spratly Island        | Nanwei dao          |
| Đá Tây                 | West London Reef      | Xi jiao             |
| Đá Giữa                | Central London Reef   | Zheng jiao          |
| Đá Đông                | East London Reef      | Dong jiao           |
| Đảo An Bang            | Amboyan Cay           | Anbo shazhou        |
| Thuyền Chài            | Barque Canada Reef    | Bai jiao            |
| Đá Phan Vinh           | Pearson Reef          | Bisheng jiao        |
| Bãi Tốc Tan            | Alison Reef           | Lisheng jiao        |
| Đá Núi Le              | Cornwallis South Reef | Hanhua jiao         |
| Đá Tiên Nữ             | Tennent Reef          | Tienlan jiao        |
| Đá Lớn                 | Great Discovery Reef  | Daxien jiao         |
| Đá Len Đảo             | Landsdowne Reef       | Qiong jiao          |
| Đá Hi Gen              | -                     | -                   |

|                 |                 |                 |
|-----------------|-----------------|-----------------|
| Đảo Sinh Tồn    | Sin cowe Island | Jinhong dao     |
| Đá Gri-san      |                 |                 |
| Đảo Nam Yết     | Nam yit Island  | Hongxiu dao     |
| Đảo Sơn Ca      | Sand Cay        | Dunqian shazhou |
| Đá Núi Thị      | Petley Reef     | Bolan jiao      |
| Đảo Song Tử Tây | South West Cay  | Nanzi dao       |
| Đá Nam          | South Reef      | Nan jiao        |

### Under Chinese control

| Vietnamese name | English name     | Chinese name |
|-----------------|------------------|--------------|
| Đá Chữ Thập     | Fiery Cross Reef | Yongshu jiao |
| Đá Châu Viên    | Cuarteron Reef   | Huayang jiao |
| Đá Gạc Ma       | Johnson Reef     | Chigua jiao  |
| Đá Hu-gơ        | Hughes Reef      | -            |
| Đá Gaven        | Gaven Reef       | Nanxun jiao  |
| Đá Su-bi        | Subi Reef        | Zhubi jiao   |

### Under Philipino control

| Vietnamese name   | English name     | Philippino name |
|-------------------|------------------|-----------------|
| Đảo Song Tử Đông  | North East Cay   | Parola          |
| Đảo Dừa (Bến Lạc) | West York Island | Likas           |
| Đảo Thị Tứ        | Thitu Island     | Pagasa          |
| Đảo Bình Nguyên   | Flat Island      | Patag           |
| Đảo Vĩnh Viễn     | Nansham Island   | Lawak           |
| Đảo Công Đo       | Commodore Reef   | Rizal           |
| Cồn San Hô Lan    | Lamkian Cay      | Panata          |
| Đảo Loại Ta       | Loaita Island    | Kota            |

**Under Malaysian control**

| <b>Vietnamese name</b> | <b>English name</b> | <b>Malaysian name</b>            |
|------------------------|---------------------|----------------------------------|
| Đá Kỳ Vân Đá           | Mariveles Reef      | Terumbu Mantanani<br>Terumbu Ubi |
| Kiêu Ngựa Đá           | Ardasier Reef       | Terumbu Layang<br>Layang         |
| Hoa Lau                | Swallow Reef        |                                  |

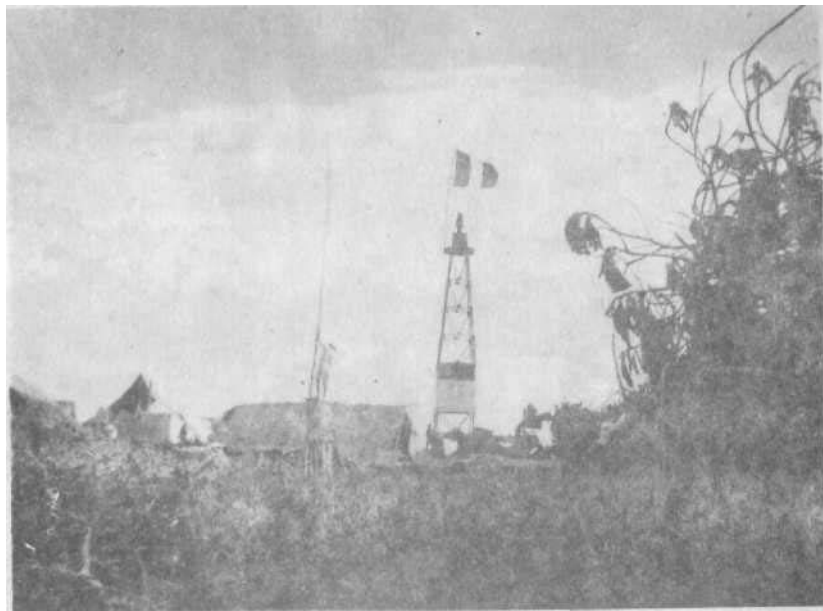
**Under Taiwanese control**

| <b>Vietnamese name</b> | <b>English name</b> | <b>Taiwanese name</b> |
|------------------------|---------------------|-----------------------|
| Đảo Ba Bình            | Itu Aba Island      | Taiping dao           |



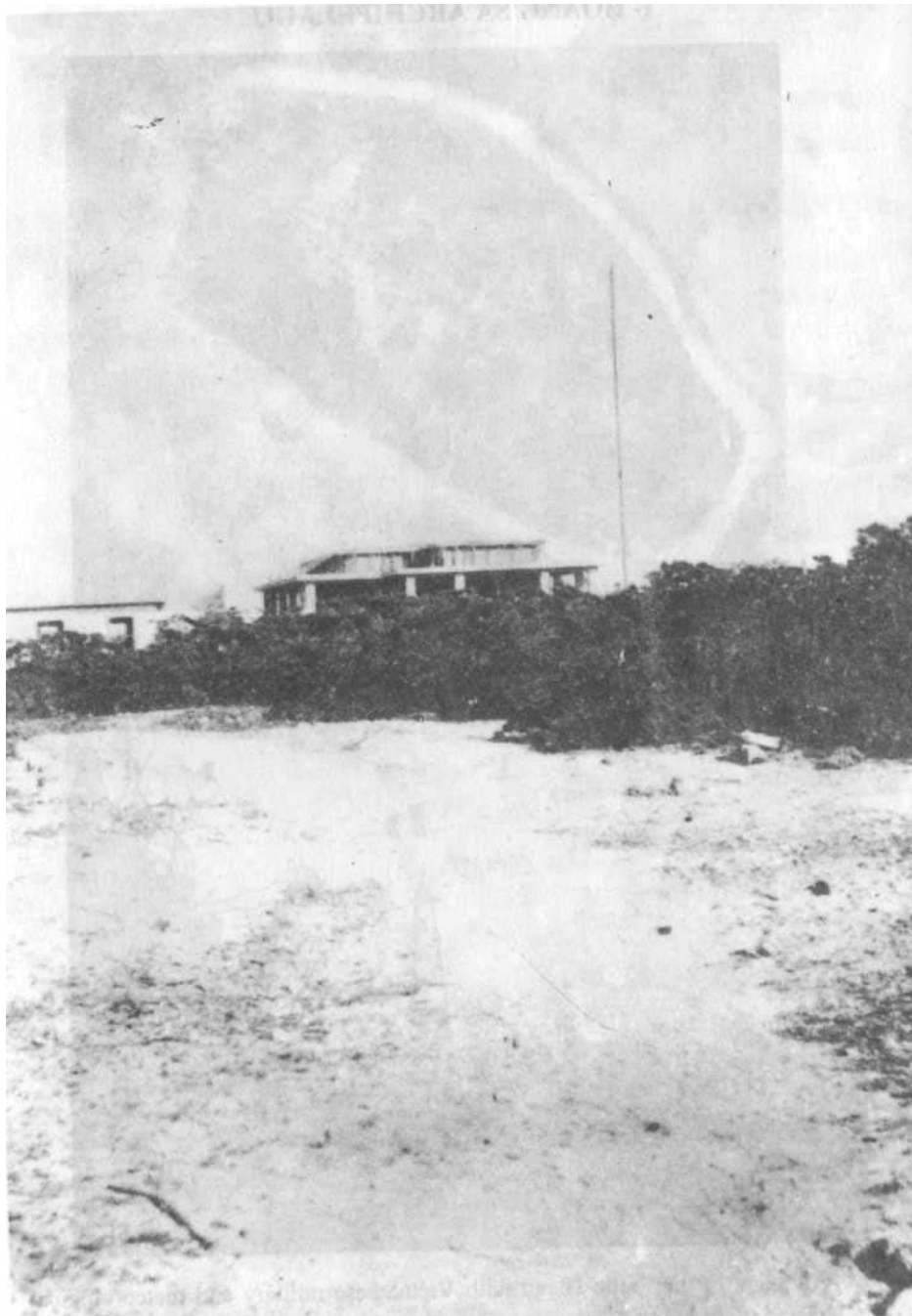
SOME PHOTOGRAPHIC DOCUMENTS ON THE  
PARACELS AND SPRATLY ARCHIPELAGOES

### I- HOANG SA ARCHIPELAGO

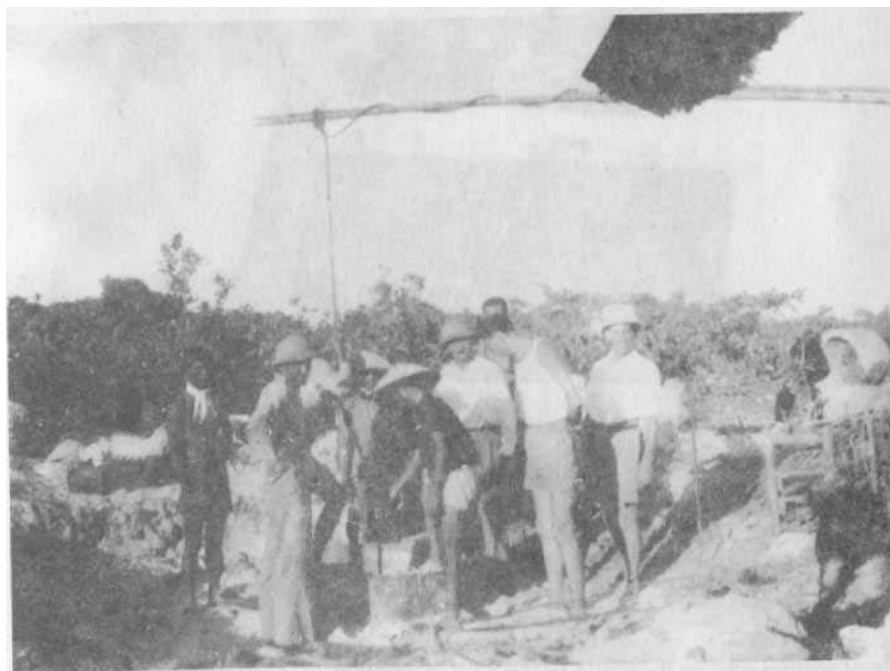
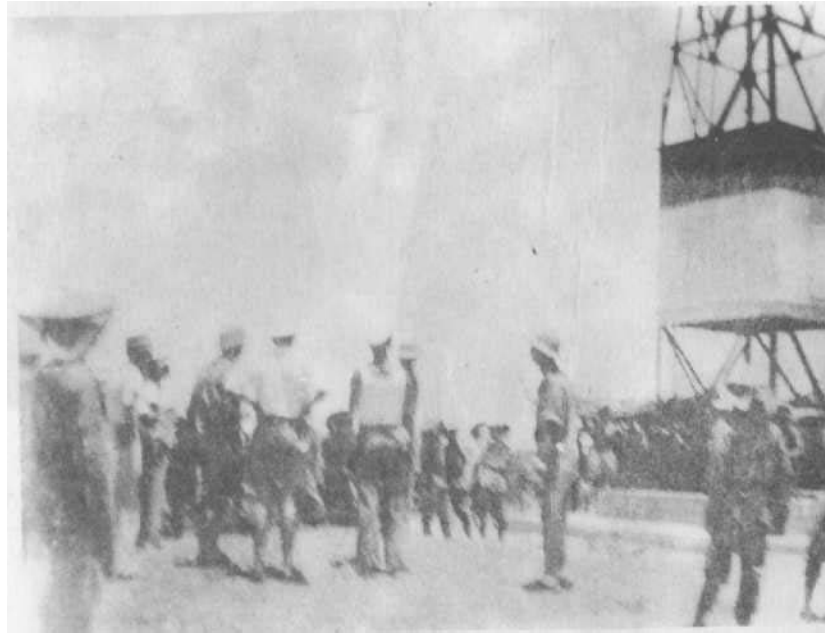


*Upper:* Air view of the Pattle Island with Vietnamese military and meteorological installations in 1968.

*Lower:* the French flag and the signal post are seen on the Pattle Island (during the colonial period)



The TSF post on the Pattle Island in 1939

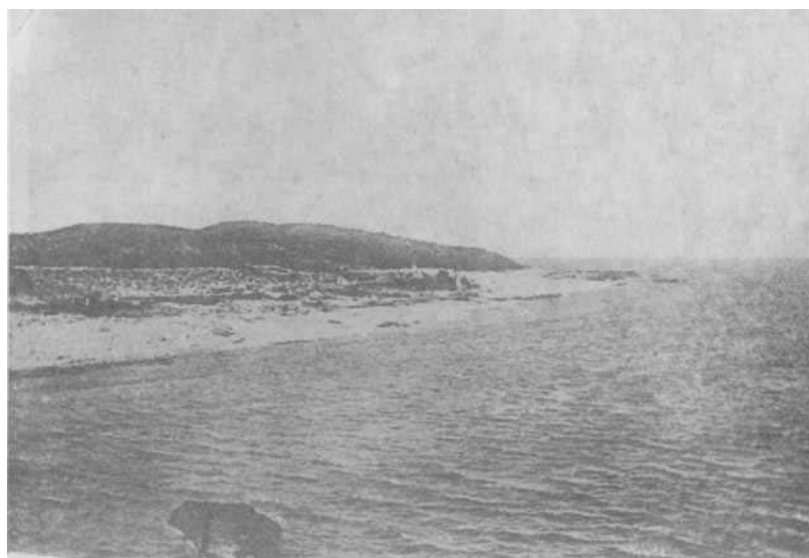
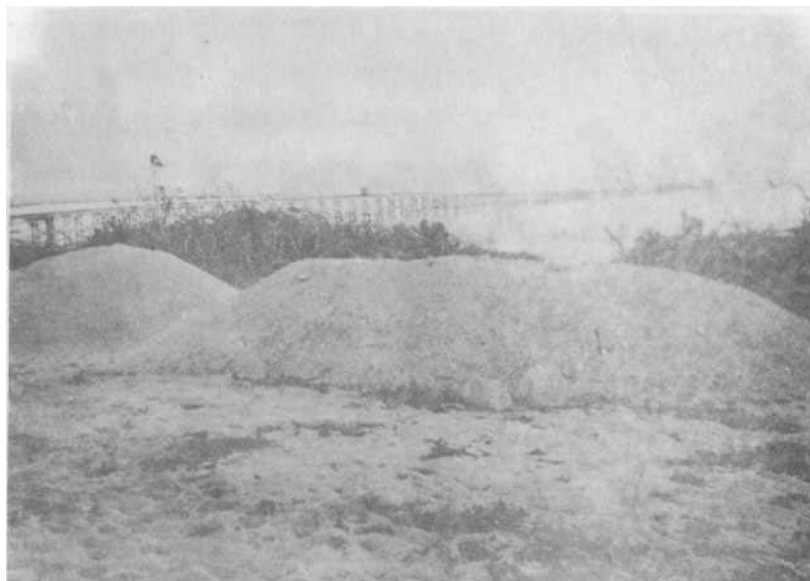


*Upper:* Franco- Vietnamese garrison on the Pattle Island (during the colonial period)

*Lower:* Digging a well for drinking water on the Pattle Island



Stele of sovereignty on the Pattle Island with inscription:  
*"République Française - Royaume d'Annam - Archipel des Paracels -1816 - Ile  
de Pattle-1938"*



*Upper: Hữu Nhật Island, 1929*

*Lower: Lincoln Island, 1925 (Photos by A. Kremf)*



*Upper: Phú Lâm Island, 1925*

*Lower: Vietnamese militia mounting guard on the Tri Tôn Island*

## II- TRƯỜNG SA ARCHIPELAGO



*Upper:* On the Son Ca Island, July 1984

*Lower:* Daily life scene on the Trường Sa Island, July 1984



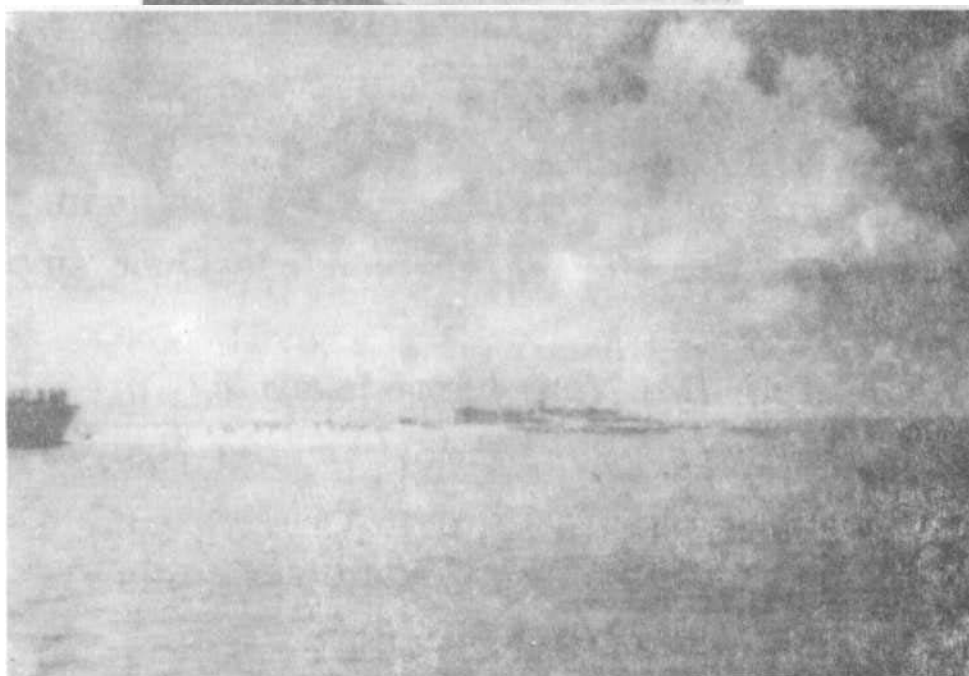


*Upper:* Song Tử Tây Island

*Lower:* Troops on the Song Tử Tây Island

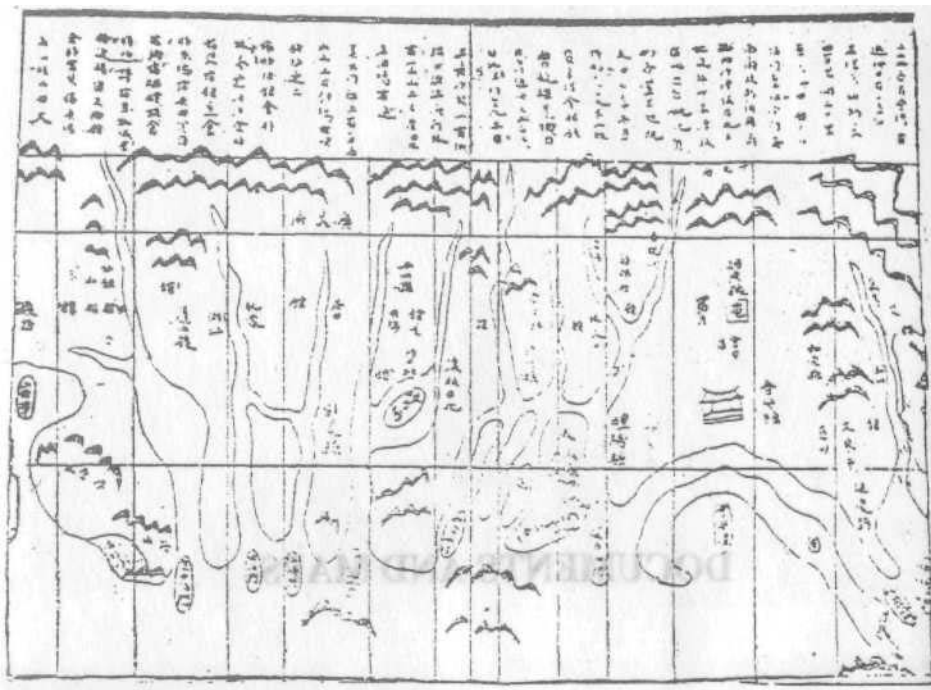


On the Nam Yét Island, July 1984



*Lower:* An Bang Island, July 1984

## **DOCUMENTS AND MAPS**



MAPS OF QUẢNG NGHĨA REGION (in the *Collection of Rout-Maps of the Southern Countries*). In the note, one can read: "On the sea, there is a great sand shoal, 400 *dặm* long, 20 *dặm* wide, called *Bãi Cát Vàng* (yellow sand) which emerges from the depth and faces the coasts from the port of Đại Chiêm to the port of Sa Vinh. Each year, in the last month of Winter, the Nguyễn sent there 18 junks to recuperate goods, obtaining thereby a great quantity of gold, silver, money, rifles and ammunition. From the port of Đại Chiêm, the archipelago can be reached in a day and a half by junk; from the port of Sa Kỳ, it takes half a day".

*(All other documents indicate that it takes 3-4 days and nights to reach the Hoàng Sa. It is evident that in this note the copier has made a mistake)*

外有山名勗勞雉廣可三十餘里舊有四政坊居民口  
田出海四更可到其外大長沙島舊多海物舶貨立黃  
沙隊以隊之行三日夜始到乃近於北海之處

廣義府平山縣安永社大海門

MISCELLANIES ON THE GOVERNMENT OF THE MARCHES by Lê Quý Đôn,  
Vol.2:

"Beyond the high seas belonging to the An Vĩnh commune, sub-prefecture of Bình Sơn, prefecture of Quảng Nghĩa, there is a big island called Island of Ré the width of which can reach over 30 *dặm*... Off the Island of Re is the great Hoang Sa which formerly yielded plenty of sea products for sale in different markets. That's why the State organized a Company called Hoang Sa to harvest sea products. It takes three days and nights to reach the great Hoang Sa, which is also close to the Northern country".

貞所至賊皆披靡歷秦犁北地名出大江與  
 善政兵會於礪淹屯雷嶺許奔眾南南榮  
 四府皆降匿原走尋楓地名居貞遠分遣  
 屬將招撫昆嶺以為聲勢會兩濠乃駐兵  
 先是  
 上聞匿原乞援于父安慮鄒氏因此動兵遂報武  
 昌嶠地名哈地名諸僮長甘野土酋凡山路通眞臘者  
 各令蠻丁偵探消息以聞  
 大南定錄前編卷十  
 秋七月廣義黃沙隊民乘船往黃沙島避風  
 泊入清瓊州洋分請總督厚給送回  
 上令為書遺之廣義平山縣安永社對外有沙洲  
一百三十餘所相去或一日程或  
數更許迤邐不知其幾千亞位稱萬里黃  
沙洲上有開甘泉出焉所產有海參鳳眼  
文螺龜鱉等物  
 國初照黃沙隊七十人以安永社民充之歲以  
 三月乘船往三日夜抵其處採取貨物以  
 八月所納又有北海隊募平關四歲村或  
募關社人充之令駕小船往北角島  
番等處採取貨物亦由黃沙隊計管  
 九月右翼奇掌奇尊室遭又名聯

TRUE WRITINGS ON THE ĐAI NAM (Part reserved for the previous dynasties, Vol 10)

"Beyond the coast of the commune of An Vĩnh, sub-prefecture of Bình Sơn. province of Quảng Nghĩa. there are more than 130 sand heights separated from one another by one day or a few *canh* by junk. They spread out no one knows how many *dặm* and are commonly called "the Yellow Sand of Ten Thousand *dặm*". They contain wells for drinking water; as resources, there are sea cucumbers, tortoise -shells, flower snails, sea tortoises..."

定僕豈不是徒飽官吏私囊民何所利之有至如  
所請十征其一則又屬言利之臣尤爲可鄙夫國  
家經制有常錙銖之利豈屑計較况私買鐵木之  
禁具有嚴條乃敢以此竊陳何也其傳旨飭令迴  
奏賓惶恐上疏請罪遂降二級

帝謂工部曰廣義洋分一帶黃沙之處遠望之則水  
天一色不辨淺深邇來商船常被其害今宜預備  
船艘至來年派往建廟立碑于此又多植樹木他

TRUE WRITINGS ON THE ĐÀI NAM (Principal part, Second reign, Vol.104):

"In the 8th month, in the autumn of the year Quý Ty, the 14th year of the reign of Minh Mạng (1833).

The King said to the Ministry of Public Works: the Hoàng Sa in the waters of Quảng Nghĩa, in the distance, one sees a confusion of sky and sea, both of the same colour; this fact does not permit the evaluation of the depth of the sea. Recently, merchant ships have often wrecked there. We have to prepare junks to be sent there next year with men to build a temple, to erect a stele and to plant trees. In the future, the trees will grow and their greenery will allow people to recognize more easily the islands and the shoals and to avoid wrecks. It is a useful work for many years".

曰長大鬱茂則人易盡謀庶免若後之誤此亦萬世之利也

準在京各色弁兵以九月朔分班休息其例分

為三班者分為二班俟南圻事平仍依向例

帝命兵部傳諭南圻諸道將軍參贊曰近者大兵水

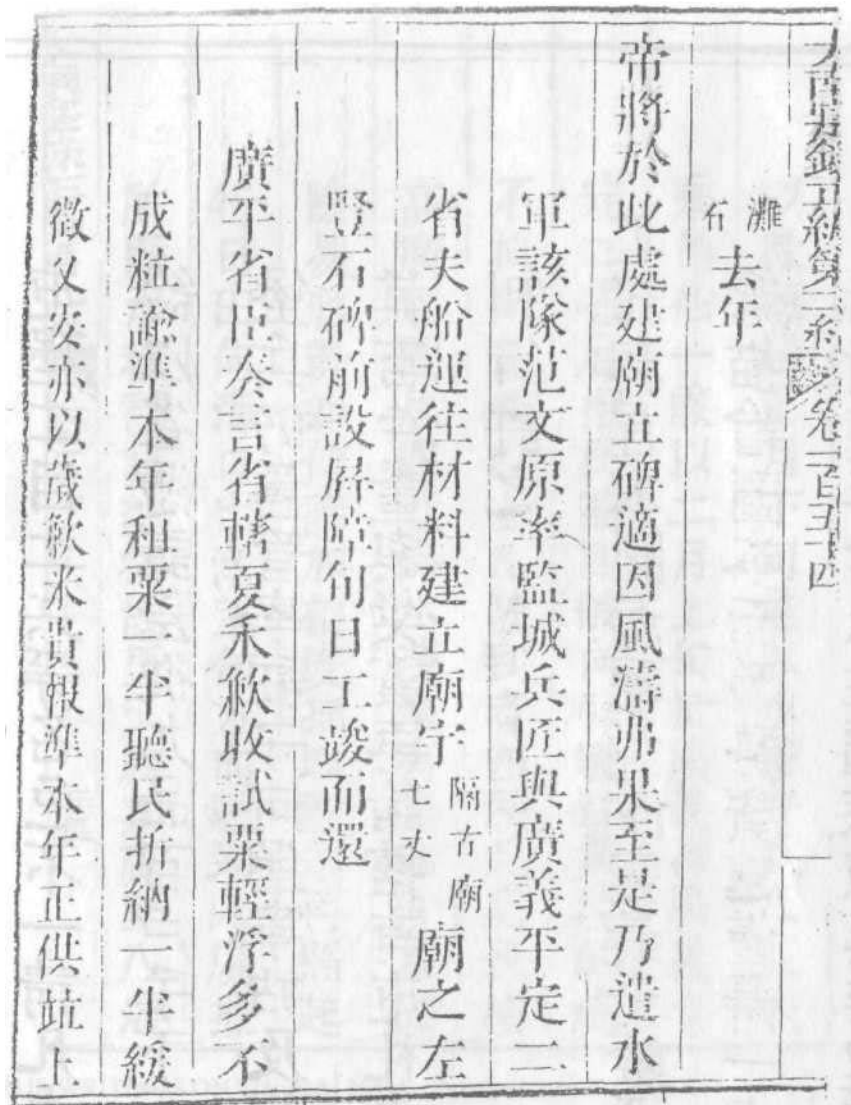
陸齊進連獲勝仗已薄城下盡收倉庫錢米船艘

屈指至茲已逾半月日旆紅旗猶遲捷報今當會

面相商分汛地巡哨俾專責成免致賊乘間漏網

大清聖祖皇帝御筆





TRUE WRITINGS ON THE ĐÀI NAM (Principal part, Second reign, Vol. 154):

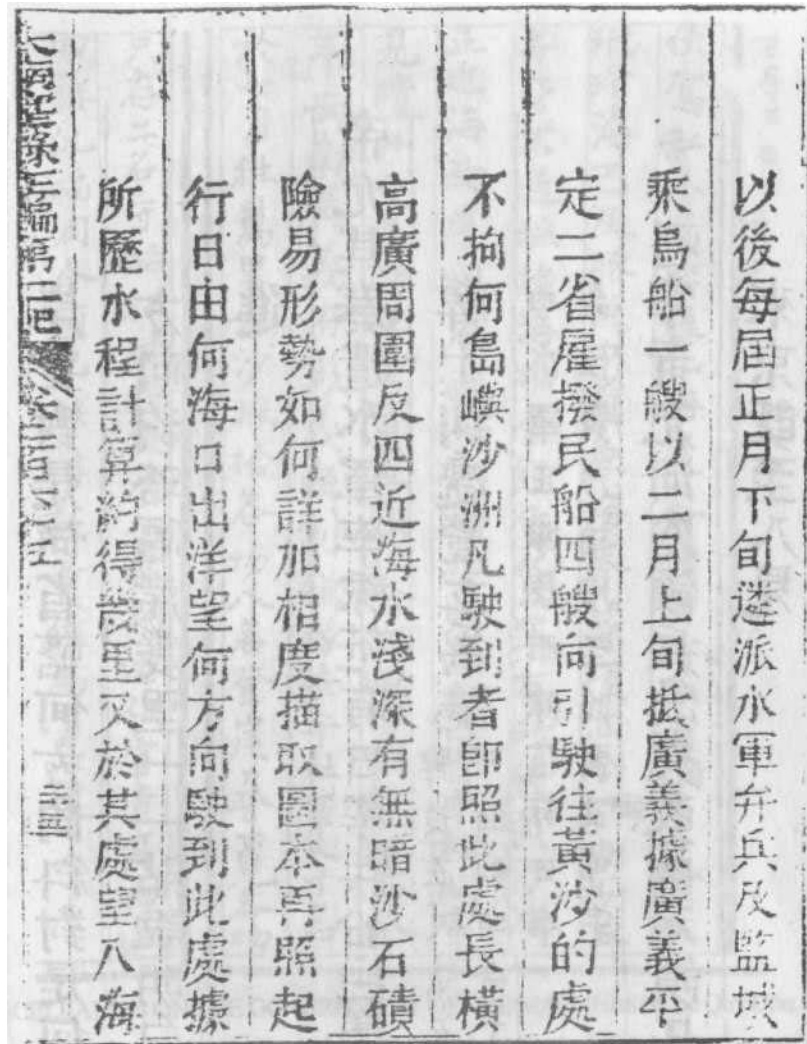
"In the 6th month, in the summer of the year Ất Mùi, the 16th year of the reign of Minh Mang(1835).

...Last year, the King had the intention to build a temple and to erect a stele at this place (on the Hoàng Sa), but the work was prevented by a tempest. The *cai đội* of the navy Phạm Văn Nguyên is now ordered to send his men, and the Commander of the garrison is ordered to dispatch workers from the provinces of Quảng Nghĩa and Bình Định for the transport of necessary materials for the construction of a temple (at 7 *trượng* from the old temple). On the left of the temple, a stone stele will be erected and a windshield built in front of it. The work would be completed in 10 days and the men will return".

屯堡土目土兵等名色不一請凡土司土豪  
給以省憑試差從九品百戶手下土民改爲  
堡兵仍舊管率駐守何堡寧帖及緝犯有功  
其百戶量與獎賞再諸轄有屯札者亦照此  
例行許之

工部奏言本國海疆黃沙處最是險要前者曾  
派描繪圖本而形勢廣遠僅得一處亦未明  
晰所應年常派往遍探以熟海程請自本年

TRUE WRITINGS ON THE ĐAI NAM, (Principal part, Second reign, Vol. 165): "The Hoàng Sa Islands in our maritime territory are of great strategic importance..."



TRUE WRITINGS ON THE ĐAI NAM, (Principal part, Vol. 165):

"Royal instructions for topographical measurements:

As soon as the junks arrive at an island or a shoal (any one), measure from this point the length, the width, the height, the perimeter of that island or shoal, the depth of the surrounding waters: determine the submerged shoals and reefs if any; indicate whether the approach is dangerous or normal; examine the terrain carefully; make measurements and draw sketches. Moreover; count the number of days and indicate the port of departure; mark the itinerary and the direction that have been followed to arrive at a given point, the length of that route should be estimated in *dăm*; situate this point in relation to the coast, specifying the facing province and the district as well as the province and the district on the slant, the approximative distance from the coast (in *dăm*). All this is to be mentioned and reported on return".

岸正對是何省轄何方向斜對是何省轄何  
 方向約略隔岸幾里一一貼說明白遞回呈  
 進  
 帝允其奏遣水軍率隊范有日率兵船往準帶隨木  
 牌十到處登立為誌 牌長五尺闊五寸厚一  
寸面刻明命十七年丙  
申水軍正隊長率隊范有日奉  
命往黃沙相度至此畱誌等字  
 召掌奇克河內領兵段文改南定領兵梁文柳  
 來京既至八見

使駕私小釣船往北海崑崙崙嶼河仙等處採取  
 玳瑁海巴及豚魚力貴魚海參等項亦令伊黃沙渚  
 并管不過採諸海物金銀重貨罕有所得黃沙渚  
 正近海南廉州府船人辰遇北國漁舟洋中相問常  
 見瓊州文昌縣正堂官查順化公文田內稱乾隆十八  
 年安南廣義府彰義縣割錄隊安平社軍人十名  
 於七月往萬里長沙採拾各物八名登岸尋覓各物  
 只存二名守船狂風斷捉漂入青澗港伊官查寔押送  
 回籍沅福洞令順化該簿說量候為書以復

MISCELLANIES ON THE GOVERNMENT OF THE MARCHES by Lê Quý Đôn. Vol. 2:  
 "The Hoàng Sa shoals are situated near Lianzhou, island of Hainan. Fishermen of our  
 country sometimes meet fishing junks of Northerners at sea. At sea, men of the two  
 countries ask one another about their activities. I myself have seen a note of the Chief  
 Mandarin of the Wonchang district belonging to Qiongzhou, addressed to Thuận Hoá,  
 in which it is said: "In the 18th year of the reign of Qianlong, ten soldiers of the commune  
 of An Vĩnh, Company of Cát Liêm, district of Chương Nghĩa of Annam, one day of the  
 7<sup>th</sup> month, arrived in Wanlizhangsha for fishing and gathering goods. Eight of them  
 landed, leaving the two remaining to guard the junk. The mooring rope was broken by  
 wind, the junk was pushed by waves to the port of Quang Lan where the local authorities  
 were able to verify the facts and sent these men back to their native country. Seigneur  
 Nguyễn Phúc Chu (*rather, Nguyễn Phúc Khoát because the copier mistakenly wrote  
 Nguyễn Phúc Chu. the latter had died by then*) ordered the cai bạ of Thuận Hoá, Thúc  
 Lương Hầu, to make a note of response".



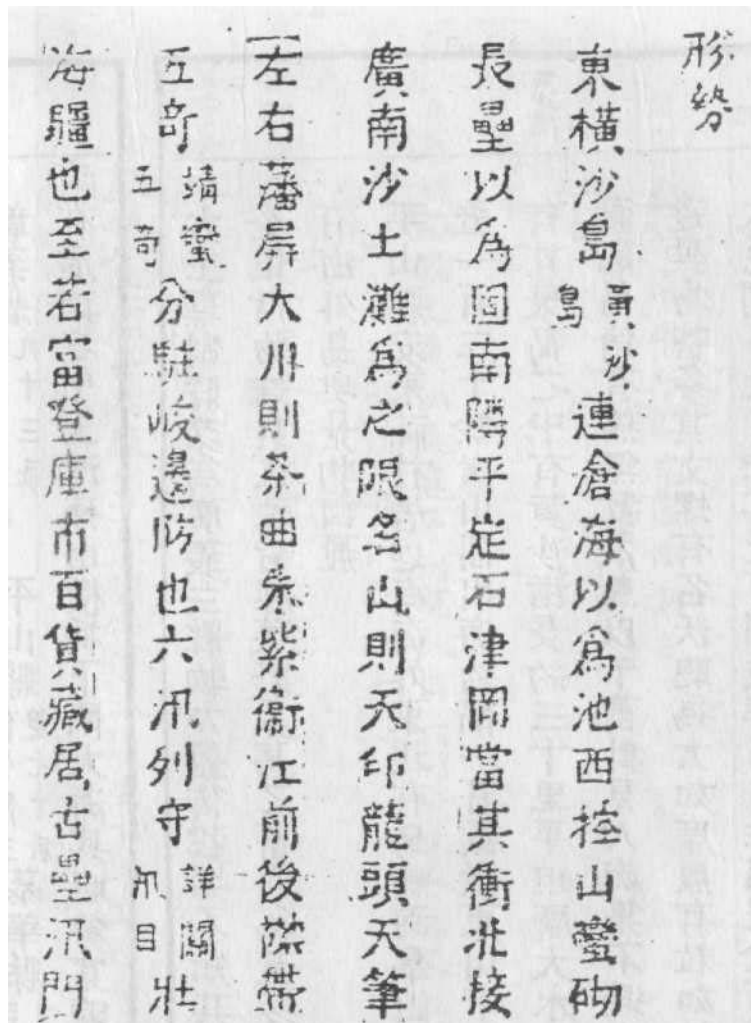
MISCELLANIES ON THE GOVERNMENT OF THE MARCHES by Lê Quý Đôn. Vol. 2:

"I myself (i.e. Lê Quý Đôn) have examined the registers of the *cai đội* Thuyên Đức Hầu and found the following:

The year *Nhâm Ngọ* (1702) the Company found 30 bullions of silver.

The year *Giáp Thân* (1704), 5100 *cân* of tin. The year *Ất Dậu* (1705), 126 bullions of silver.

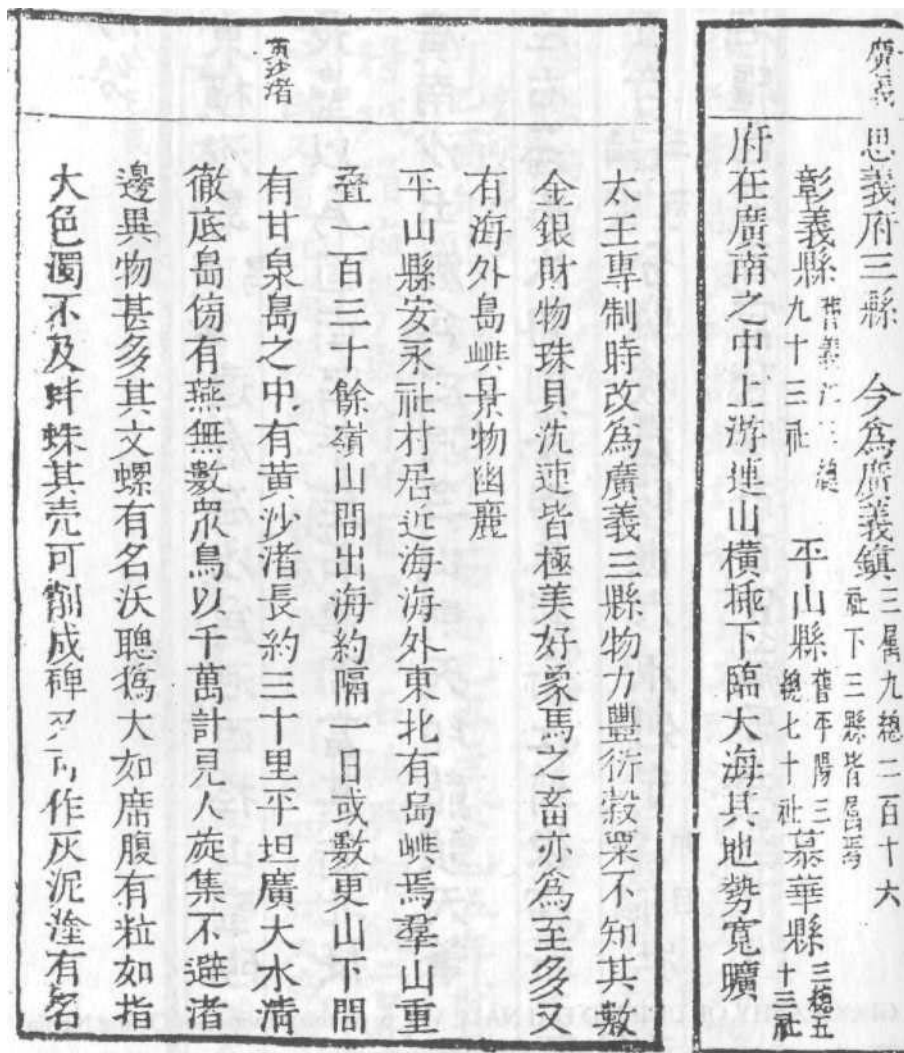
From the year *Kỷ Sửu* (1709) to the year *Quý Tỵ* (1713), for a period of five years, the Company gathered several *cân* of tortoise-shells and holothurians. Sometimes, it only found some tin ingots, some ceramic bowls and two bronze guns".



GEOGRAPHY OF UNIFIED ĐAI NAM, Vol. 6, on the province of Quảng Nghĩa:

"To the east spreads the sand shoal of Hoàng Sa uniting with the blue sea to form a rampart on it. To the west innumerable rocky walls solidly protect us from the mountain tribes. To the south, in the proximity of the province of Bình Định, the flank of Bến Đá constitutes a transverse fortification. In the north, bordering the province of Quảng Nam, are sandstone passes serving as limits.

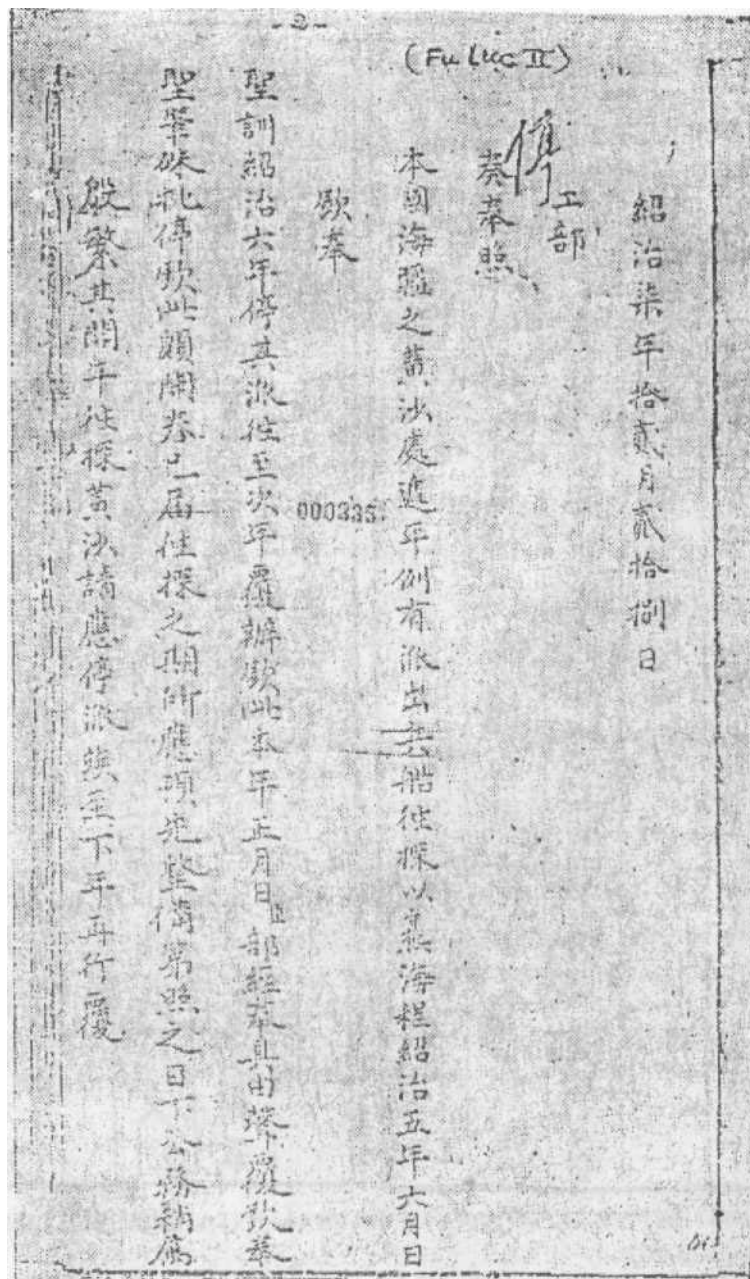
...To the east of the island of Ré, district of Binh Son, are the Hoàng Sa which, from the coast of Sa Kỳ and in favourable wind, can be reached in 3-4 days and nights. The archipelago comprises over 130 heights separated from one another by one day or some *canh* of navigation. In the middle of the archipelago, is the shoal Hoang Sa (Yellow Sand) which spreads on one doesn't know how many *dặm*, commonly called Vạn Lý Trường Sa (Shoal of ten Thousand *dặm*). Drinking water, innumerable sea birds, holothurians, snails, and goods left by wrecked ships are found there".



SELECTION OF SETTLEMENTS OF MATTERS BY THE SUCCESSIVE DYNASTIES, by Phan Huy Chú, Vol.5 :

"Here (i.e.prefecture of Tu Nghĩa) the potential is great: there is plenty of rice, gold, silver, precious stones, timber, aloes wood, and benjoine, all of excellent quality; elephants and domestic horses are also numerous. Moreover, there are islands and islets on which precious stones and strange things are found. In this land (commune of An Vĩnh, district of Bình Dương, later called Bình Sơn) on the high seas, there are over 130 elevated islands and islets separated from one other by one day or some *canh* of navigation. To go by the high seas, it takes three days and three nights to reach Hoàng Sa".





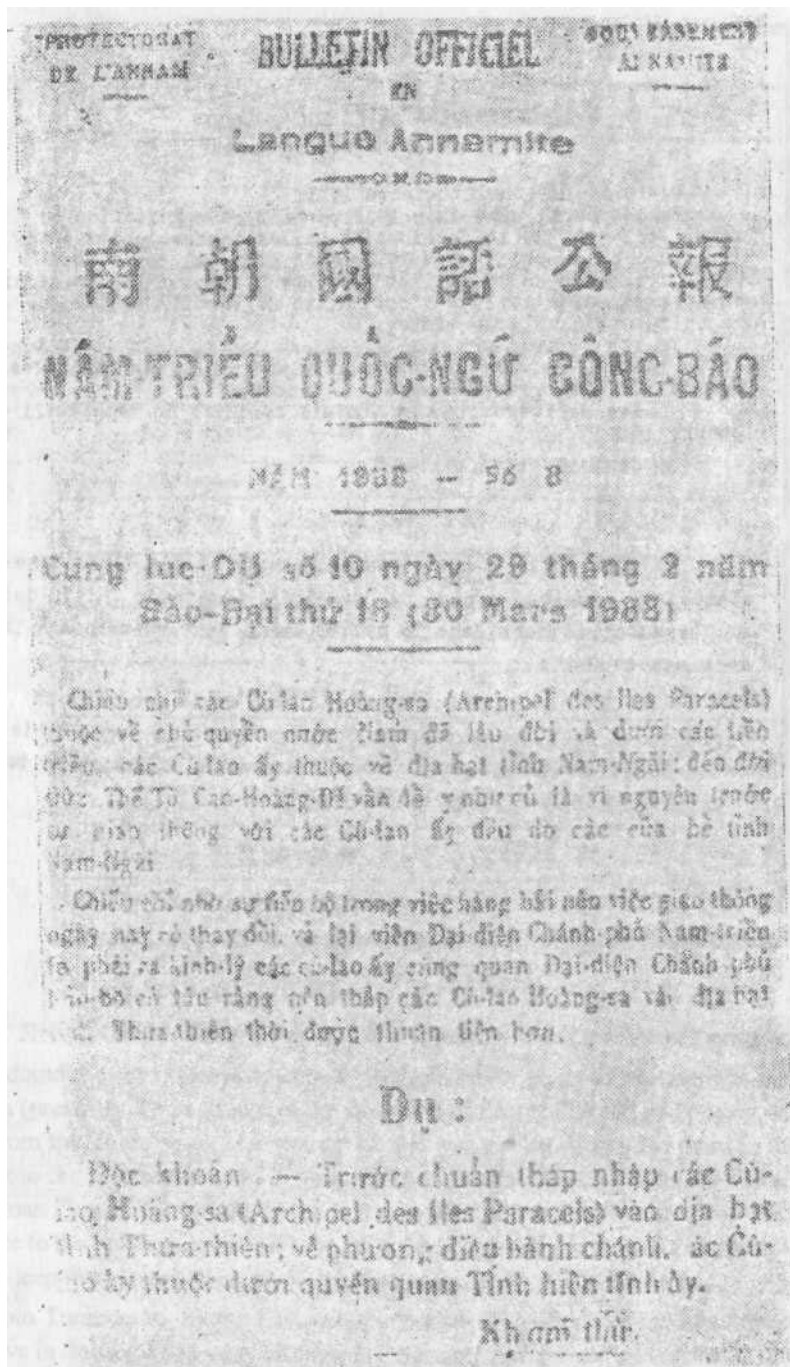
REPORT OF THE MINISTRY OF PUBLIC WORKS TO KING THIẾU TRỊ IN 1847 WHICH READS IN PART:

"The Hoàng Sa belongs to the maritime territory of our country. It is customary that each year we send soldiers and junks to reconnoitre the maritime route. This year, considering the heavy programme of work, it is respectfully requested that H.M. allows the postponement of the work to next year". *The King gave a note in his own hand: "Decided"*.

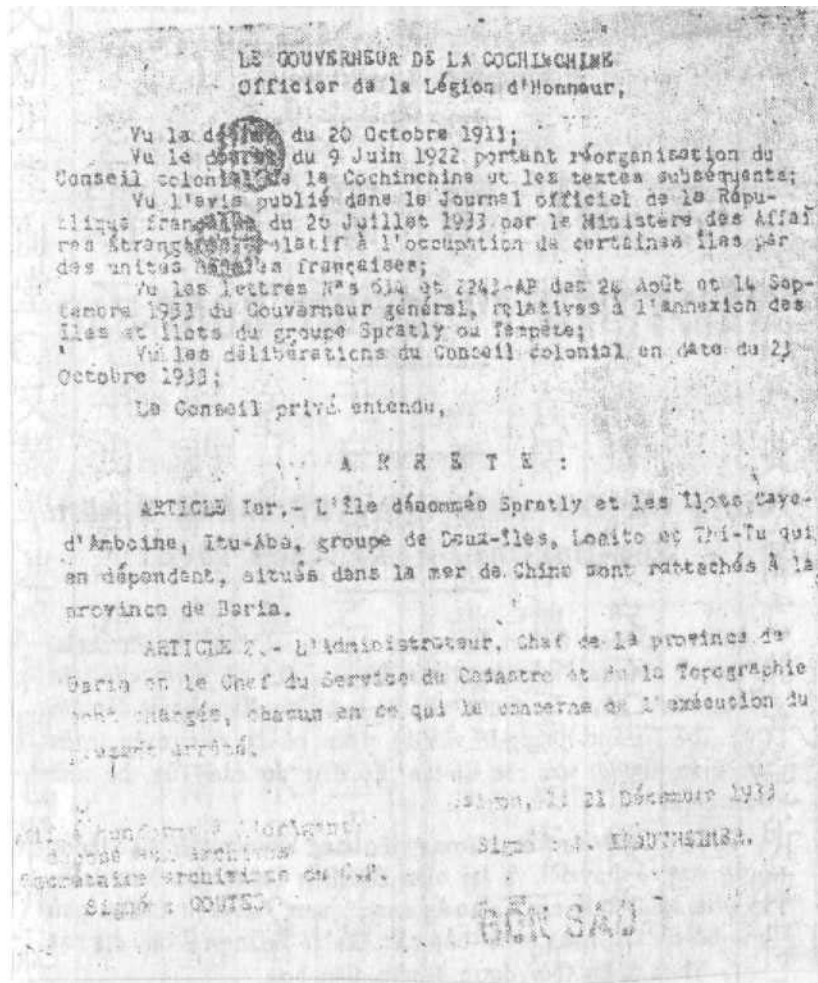
|                              |  |  |                                    |                      |
|------------------------------|--|--|------------------------------------|----------------------|
| 再準擇地建廟以爲此次陣亡將弁祀所俾得永承<br>恩典○又 | 諭曩者高平署布政裴增輝按察范廷擢領兵范文劉<br>從容就義著于該省擇一淨地建立祠宇一所卹爲<br>盡節者勸○十六年奏準廣義建 | 黃沙廟一間 <small>石字<br/>體製</small> 于白沙堆之西南左立石碑 <small>高一<br/>尺五</small><br><small>寸面一<br/>尺二十</small> 前砌屏左右後播植各項木○又議准建 | 原高平布按領兵祀宇一座三間兩端甃壁于該<br>省地轄○十七年山西改建 | 文廟正堂前堂○又議準建邊和陣亡將弁祀所于 |
|------------------------------|--|--|------------------------------------|----------------------|

ADMINISTRATIVE REPERTORY OF ĐAI NAM ESTABLISHED BY IMPERIAL ORDER, Vol. 207:

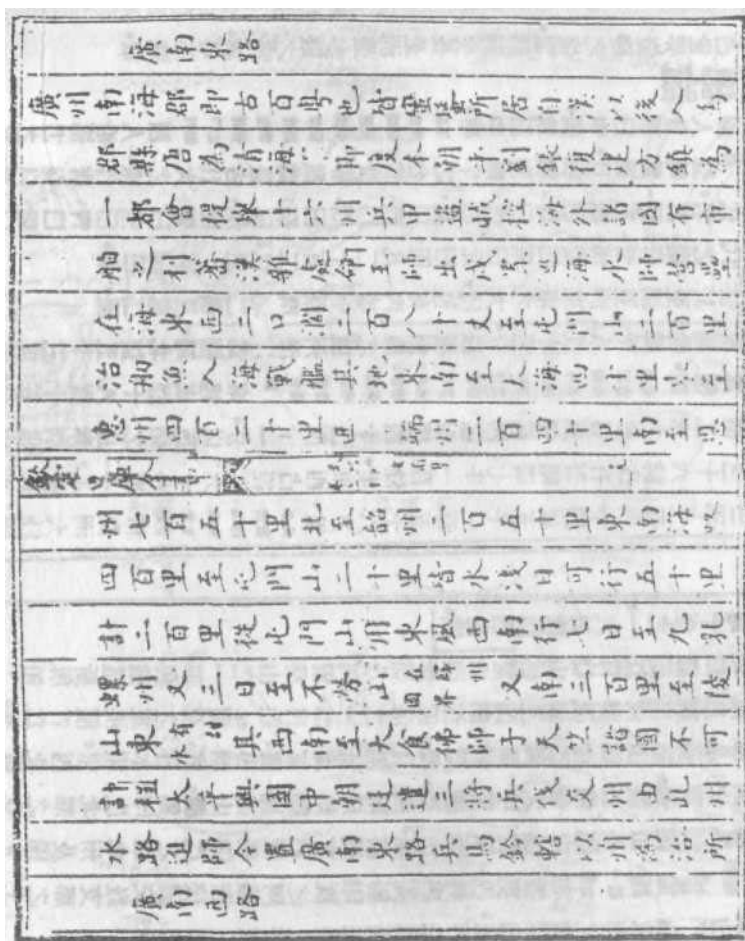
"The 16th year of the reign of Minh Mạng (1835), it is respectfully requested to the King to allow the construction of an one-compartment temple on Hoàng Sa (according to regulations on stone houses), in the south-west of the Bạch Sa dune, with a large stone stele (1 thước 5 tấc high, 1 thước 2 tấc wide) on the left. In front of it, stones will be placed to make a windshield, and on the right and the left, trees of different species will be planted".



Imperial ordinance (*Dụ*) dated 30 March 1938 of H.M. Bảo Đại joining the Hoàng Sa archipelago to the province of Thừa Thiên.

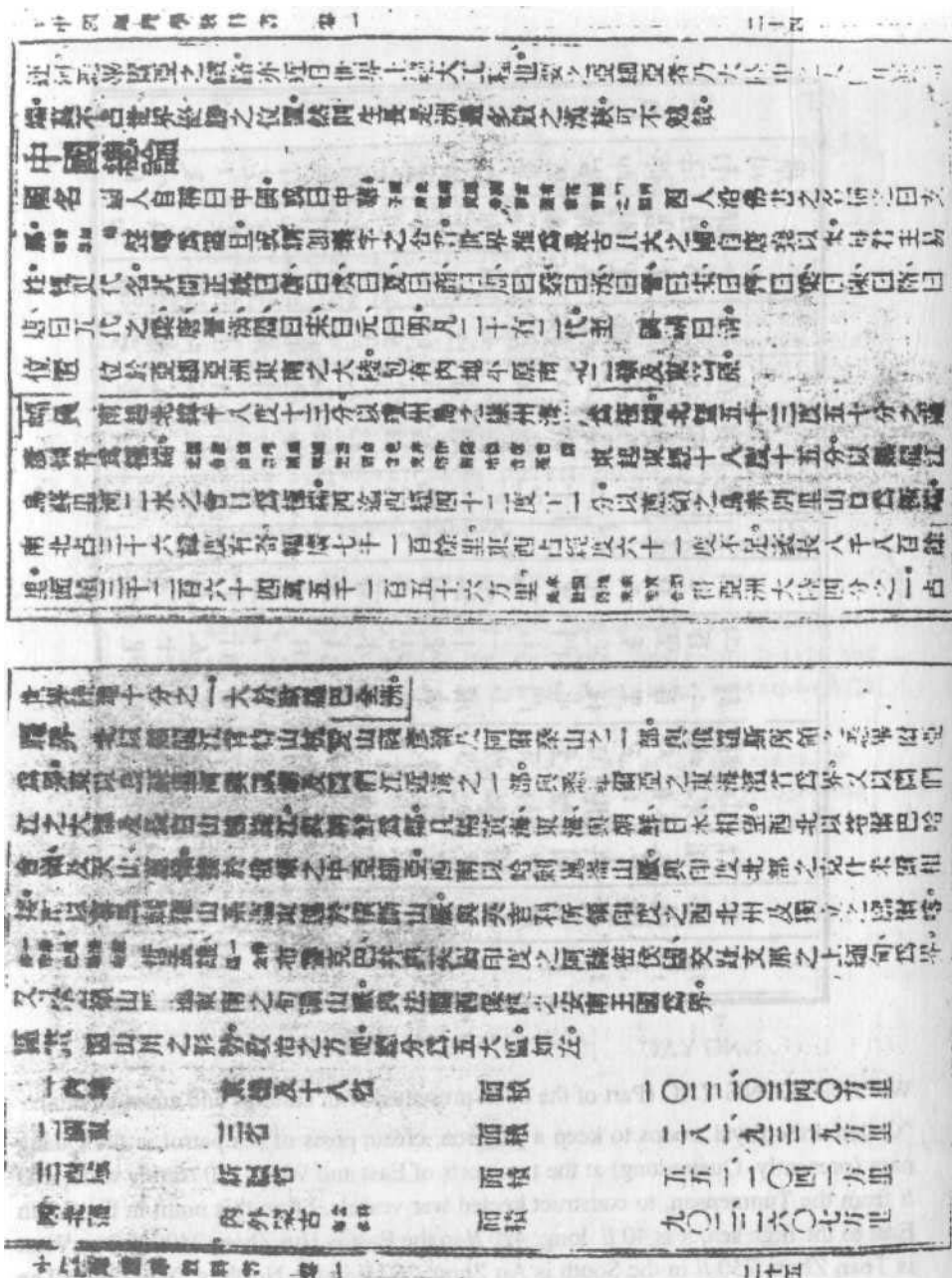


DECISION of the Governor of Cochinchina dated 21 December 1933 joining the islands and islets of the Spratly to the province of Bà Rịa (Cochinchina)



WU JING ZONG YAO

WU JING ZONG YAO (Part of the book presented with cuttings and amendments): "Ordered the royal troops to keep a garrison, create posts of sea patrol in the Quang nam (presently, Quangdong) at the two ports of East and West, 280 *truong* wide, 200 *li* from the Tunmensan, to construct keeled war vessels. From this point in the South East to the high sea, it is 40 *li* long, 420 *li* in the East is Hui Zhou, 240 *li* in the West is Toan Zhou, 750 *li* in the South is An Zhou, 250 *li* in the North is Tiao Zhou . The route to the Southeast is 400 *li* long, after 20 *li*, one will arrive in Tunmensan. Water is not deep there; one can cover 50 *li* in a day; the width is 200 *li*. "From Tunmensan, by the East wind, one goes in the South-west direction, one will arrive in Jiuruluozhou in seven days; in Pulaosan (the limits of Huanzhou) in three more days, then going to the South 300 *li* more, one will arrive in Lingshandong (potable water is found here). Going in the South-west direction, one will reach the lands of Dashifu, Sizi, Southwest Qianzhu; It is impossible to calculate the distances".



EXCERPT FROM THE CHAPTER "GENERALITIES OF THE *Manual of Geography of China*:

"In the South at 18°13' latitude North, the terminus being the coast of Yazhou, island of Hainan; in the North at 53°50' latitude North, the terminus being the confluence of the Amour and the Oussouri rivers; in the West at 42°11' longitude East, the terminus being the mount Tunglinh; From the North to the South there are over 36° measuring 7,100 li; from the East to the West there are over 61° measuring over 8,800 li. The area is 32,605,156 square li or 1/4 of Asia, 1/10 of the continents, larger than Europe".

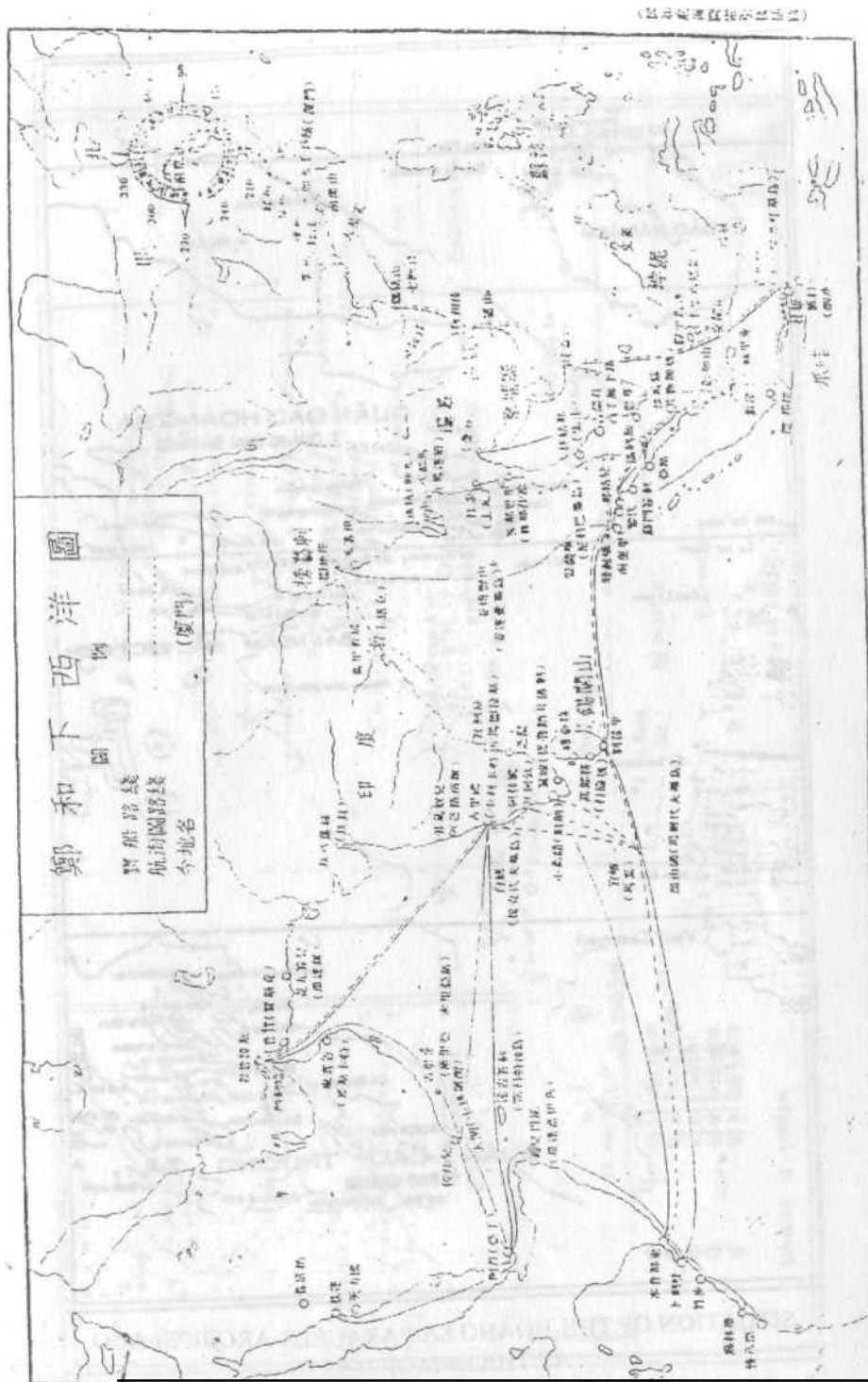


CHINA IN THE TIME OF THE YUAN (According to *Li Dai Gang Yu Biao* - Maps of frontiers in different successive epochs - by Duan Changji)

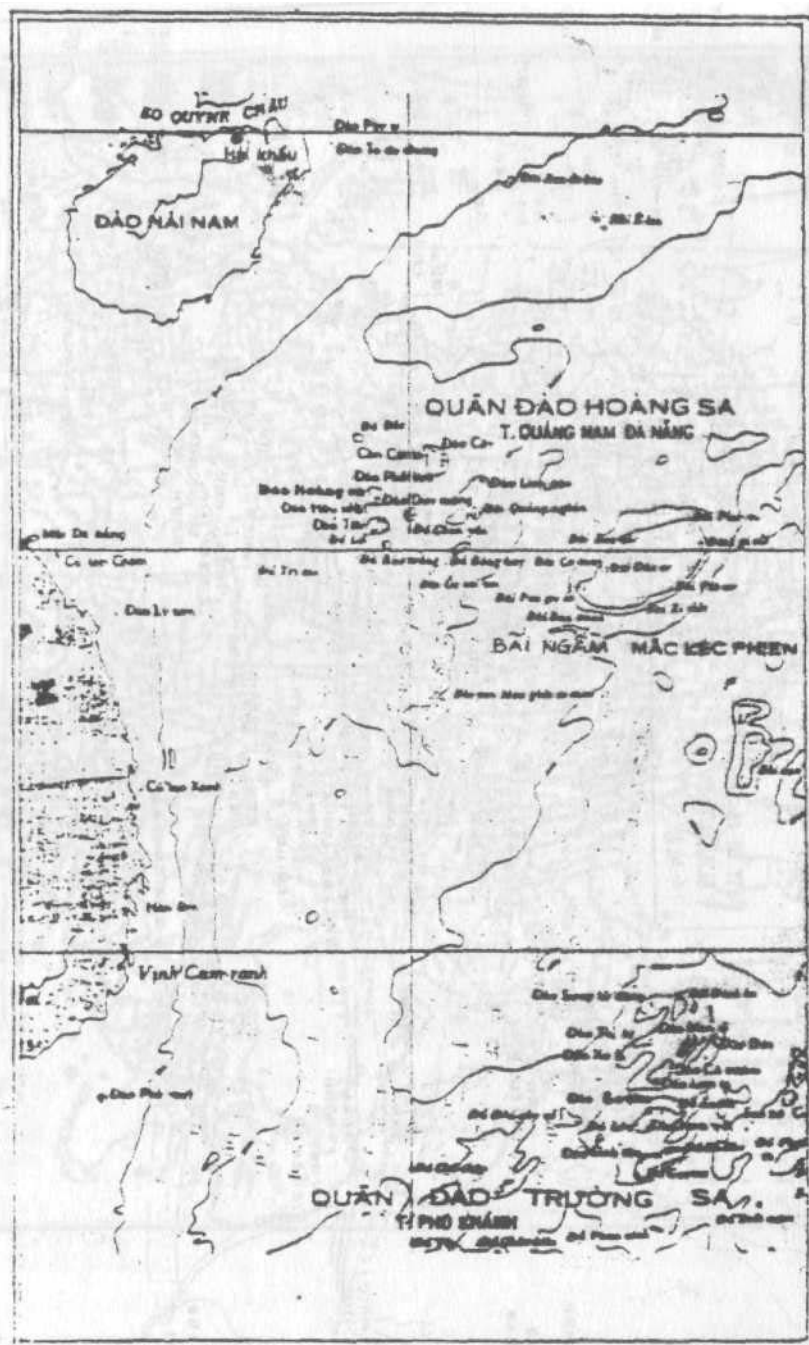


DA QING DI GUO QUAN TU (General map of the Great Empire of the Qing) The map *Da Qing Di Guo*, official map of the Great Empire of the Qing published in 1905, shows the extreme south of the Empire is the island of Hainan; no mention is made of the Xisha and the Nansha.



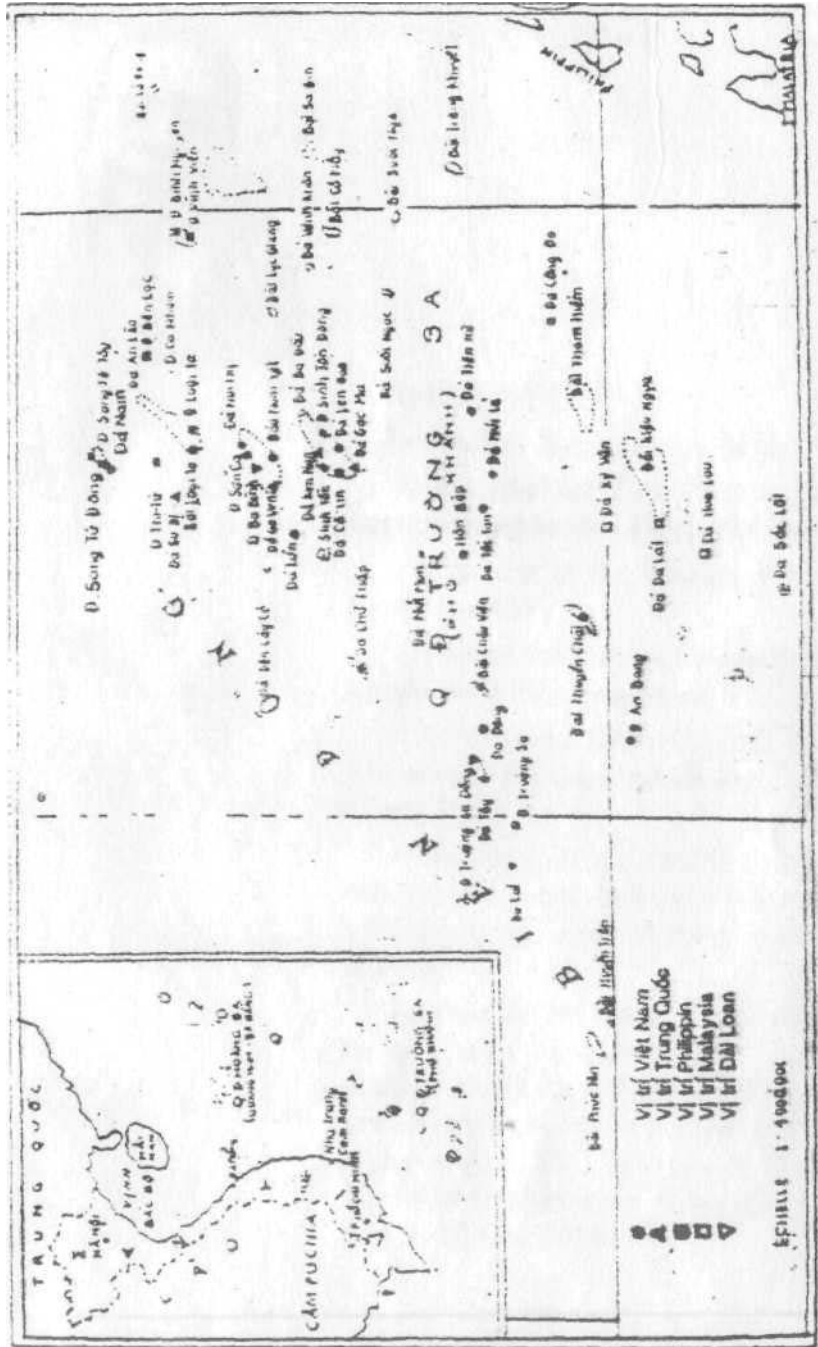


Map of Zheng He's voyages in the China Sea and Indian Ocean in the 15th century (Modern map taken from the book: *Map of the Maritime Itineraries of Zheng He*, edited by the Peking Publishing House in 1961)



SITUATION OF THE HOÀNG SA/PARACELS ARCHIPELAGO  
AT THE END OF 1993

Entirely under Chinese control since 1956 (the eastern part)  
and 1974 (the western part)



SITUATION OF THE TRƯỜNG SA/SPRATLY ARCHIPELAGO AT THE END OF 1993

---

PRINTED IN VIETNAM  
GP: 217/XB/2



*Born in 1913*

Journalist, lawyer and diplomat

- Editor-in-chief of two French language reviews in Hanoi (1945-1946).
- Assistant to the Foreign Minister of the SRV.
- Head of the Border Commission under the SRV Government.
- Participated in the Lê Đức Thọ- Kissinger negotiations at the Paris Peace Talks.
- Currently, consultant for the Institute of Foreign Relations and contributor to the *World Affairs Weekly*(Hanoi).

Author of *Vietnam - US Contacts Prior to the Paris Peace Talks* (1990); *Lê Đức Thọ - Kissinger Negotiations in Paris* (with Nguyễn Anh Vũ - 1996) and *Fifty Years of Vietnamese Diplomacy* -Vol. I. 1945 - 1975.