

White Paper on the Hoang Sa (Paracel) and Truong Sa (Spratly) Islands

Republic of Vietnam
Ministry of Foreign Affairs
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Foreword

The Vietnamese archipelagoes of Hoang Sa (Paracel) and Truong Sa (Spratly) are both situated in the South China Sea off the Republic of Vietnam's shore. Their very modest size by no means lesser the importance given them by the Vietnamese: to Vietnamese hearts, these remote insular territories are as dear as could be any other part of the fatherland. The Hoang Sa Islands to the North were occupied by force of arms by the People's Republic of China on January 20, 1974, following a brazen act of invasion which left the world extremely indignant. As for the Truong Sa Islands 500 km to the South, two other foreign powers are illegally stationing troops on four of the main islands in the archipelago.

The Government of the Republic of Vietnam and the Vietnamese people, determined to defend their sovereignty and the territorial integrity of the country, solemnly denounce the occupation of these Vietnamese territories by foreign troops. Regarding the Hoang Sa (Paracel) Islands, not only was the gross violation of Vietnamese sovereignty by the People's Republic of China a defiance of the law of nations and the Charter of the United Nations: in-as-much as this involved the use of force by a world power against a small country in Asia, it also constitutes a threat to peace and stability in South East Asia. In the case of the Truong Sa (Spratly) Islands, although foreign occupation was not preceded by bloodshed, it nevertheless represents a grave violation of the territorial integrity of the Republic of Vietnam. The rights of the Vietnamese people over those islands have been as firmly established there as on the Hoang Sa archipelago.

The Republic of Vietnam fulfils all the conditions required by international law to assert its claim to possession of these islands. Throughout the course of history, the Vietnamese had already accomplished the gradual consolidation of their rights on the Hoang Sa Islands. By the early 19th century, a systematic policy of effective occupation was implemented by Vietnamese emperors. The Truong Sa Islands, known to and exploited by Vietnamese fishermen and laborers for many centuries, were formally incorporated into Vietnamese territory by France on behalf of Vietnam. On both archipelagoes, Vietnamese civil servants assured a peaceful and effective exercise of Vietnamese jurisdiction. The continuous display of state authority was coupled with the constant Vietnamese will to remain the owner of a legitimate title over those islands. Thus military defense of the archipelagoes and diplomatic activities were put forth in the face of false claims from other countries in the area. Vietnamese rights being indisputable, the People's Republic of China chose to resort to military force in order to assert her sudden claims to the Hoang Sa (Paracel) Islands. Two other foreign powers took advantage of the war situation in

Vietnam to militarily occupy some of the Truong Sa (Spratly) Islands over which they have no legal rights. Since both the Hoang Sa and Truong Sa Archipelagoes are situated below the 17th parallel, this is primarily a matter of concern for the Republic of Vietnam.

This White Paper is designed to demonstrate the validity of the claims made by the Republic of Vietnam. It is also an appeal for justice to the conscience of all law-abiding and peace-loving nations in the world

Proclamation by the Government of the Republic of Vietnam (1974)

The noblest and most imperative task of a Government is to defend the sovereignty, independence and territorial integrity of the Nation. The Government of the Republic of Vietnam is determined to carry out this task, regardless of difficulties it may encounter and regardless of unfounded objections wherever they may come from.

In the face of the illegal military occupation by Communist China of the Paracels Archipelago which is an integral part of the Republic of Vietnam, the Government of the Republic of Vietnam deems it necessary to solemnly declare before world opinion, to friends and foes alike, that :

The Hoang Sa (Paracel) and Truong Sa (Spratly) archipelagoes are an indivisible part of the territory of the Republic of Vietnam. The Government and People of the Republic of Vietnam shall not yield to force and renounce all or part of their sovereignty over those archipelagoes.

As long as one single island of that part of the territory of the Republic of Vietnam is forcibly occupied by another country, the Government and People of the Republic will continue their struggle to recover their legitimate rights.

The illegal occupant will have to bear all responsibility for any tension arising therefrom.

On this occasion, the Government of the Republic of Vietnam also solemnly reaffirms the sovereignty of the Republic of Vietnam over the islands off the shores of Central and South Vietnam, which have been consistently accepted as a part of the territory of the Republic of Vietnam on the basis of undeniable geographic, historical and legal evidence and on account of realities.

The Government of the Republic of Vietnam is determined to defend the sovereignty of the Nation over those islands by all and every means.

In keeping with its traditionally peaceful policy, the Government of the Republic of Vietnam is disposed to solve, through negotiations, international disputes which may arise over those islands, but this does not mean that it shall renounce its

sovereignty over any part of its national territory.

(Proclamation by the Government of the Republic of Vietnam dated February 14, 1974)

The Early Historical Rights of Vietnam

The Vietnamese have had knowledge of the Hoang Sa Islands long before the arrival to the South China Sea of Westerners who publicized internationally the name of "Paracels" for this part of their territory. It has been scientifically determined that the Vietnamese presence on this archipelago started in the 15th century. The systematic exploitation of the islands' resources started early and gradually developed Vietnamese interest in these territories, leading in the 18th century to official state decision such as the formation of the Hoang Sa Company to ensure a rational exploitation of those islands. As evidenced by reliable Vietnamese and foreign sources, Vietnam progressively asserted her rights and the Hoang Sa archipelago was formally taken possession of the Vietnamese authorities in the year 1816.

Geographic position.

The Hoang Sa Archipelago is a string of islets off the Vietnamese coast between 111 and 113 degrees longitude East of Greenwich, and between 15°45' and 17°15' North latitude. The nearest island in the archipelago is roughly at equal distance from the coast of Vietnam and the southern shore of Hainan Island in China. Using Pattle Island (dao Hoang Sa), the largest of the group, as a point of reference, the distances are as follows:

- Pattle to the Vietnamese harbor of Danang: 200 nautical miles.
- Pattle to the closest shore on Hainan: 150 nautical miles.
- Pattle to the closest shore in the Philippines: 450 nautical miles.
- Pattle to the closest shore in Taiwan: 620 nautical miles.

The Hoang Sa Islands are divided into two groups: to the East lies the Tuyen Duc (or Amphitrite) Group and to the West lies the Nguyet Thiem (or Crescent) Group. The main islands are:

Tuyen Duc Group:

- Dao Bac - North Island
- Dao Trung - Middle Island
- Dao Nam - South Island
- Phu Lam - Wooded Island (French: Ile Boisee)

- Hon Da - Rocky Island
- Dao Linh Con - Lincoln Island
- Dao Cu Moc - Tree Island
- Con Nam - South Bank

Nguyet Thiem Group:

- Dao Hoang Sa - Pattle Island
- Dao Cam Tuyen - Robert Island
- Dao Vinh Lac - Money Island
- Dao Quang Hoa - Duncan Island
- Dao Duy Mong - Drummond Island
- Dao Bach Qui - Passu Keah Island
- Dao Tri Ton - Triton Island.

Apart from Pattle, the only other large island is Phu Lam or Wooded Island in the Amphitrite Group. The total surface area of the isles in both Groups barely exceeds 10 square kilometers or about 5 square miles. Most Islets were originally coral reefs and have the appearance of bare sand-banks, except for Wooded Island and Pattle Island, which is known for its coconut trees. The islands are surrounded by rings of reefs which make the approach by vessels very dangerous. An abundance of tortoises, sea slugs and other marine creatures are found there. Rich beds of phosphate have been produced by the interaction of the sea birds' guano with tropical rains and the coral limestone. The climate on the archipelago is marked by constant humidity and little variation in mean temperatures. In economic terms, the Hoang Sa Islands have been frequented long ago by Vietnamese fishermen and in recent times have attracted many companies exploiting phosphate.

First Vietnamese document on the Hoang Sa Islands.

Evidence showing Vietnamese sovereignty over the Hoang Sa Islands extends back over three hundred years. The oldest Vietnamese document on this part of the national heritage is the work done sometime between 1630 and 1653 by a scholar named Do Ba and also known under the penname of Dao Phu. It is a series of maps of Viet Nam which constitutes the third part of the "Hong Duc Atlas" (1): the Atlas started under the reign of Emperor Le Thanh Tong alias Hong Duc (1460-1497). Notes accompanying the maps clearly indicate that as far back as the early 17th century, Vietnamese authorities had been sending, on a regular basis, ships and men to these islands, which at that time were named "Cat Vang" (both "Cat Vang" and "Hoang Sa" mean "yellow sand"). These are the islands now known internationally by the name "Paracels".

The following is the translation of Do Ba's remarks:

"At the village of Kim Ho, on both banks of the river, stand two mountains each containing a gold deposit exploited under government control. On the high sea, a 400-ly long and 200-ly large archipelago (2) called " Bai Cat Vang " (Yellow sand banks) emerges from the deep sea facing the coastline between the harbor of Dai Chiem and the harbor of Sa Vinh (3). During the South-West monsoon season, commercial ships from various countries sailing near the coasts often wreck on the insular territories. The same thing happens during the North-East monsoon season to those ships sailing on the high sea. All the people on board wrecked ships in this area would starve. Various kinds of wrecked cargoes are amassed on these islands. Each year during the last month of winter, the Nguyen rulers send to the islands an 18-junk flotilla in order to salvage them. They obtain big quantities of gold, silver, coins, rifles and ammunitions. From the harbor of Dai Chiem the archipelago is reached after a journey of one-and-a-half day, while one day suffices if one embarks from Sa Ky."(4)

Although geographical descriptions of former times are not as precise as they are now, it is clear from the above that the "yellow sand" or Hoang Sa Islands have been part of the economic heritage of the Empire of Vietnam at least before 1653, the latest year when Do Ba could have completed his map drawing. Moreover, an eminent Vietnamese historian and scholar, Vo Long Te, has been able to determine that, taking into account other factors in the Do Ba's text (e.g. historical references and linguistic style), the salvage expeditions described therein actually started in the 15th century (5).

First evidence from foreign sources.

Vietnamese scholars are not the only people to record that Vietnam, formerly known as the 'empire of Annam', had early displayed state authority over the Hoang Sa Islands. Actually, foreign sources have been even more accurate in regard to the dates concerning Vietnamese sovereignty. As presented above, on the basis of the Do Ba document, economic exploitation of the Hoang Sa Islands by Vietnamese started, at least, before 1653. However as early as 1634, the Journal of Batavia. Published by the Dutch East Indies Company, recorded incidents showing that Vietnamese jurisdiction was then already recognized by citizens of other countries.

According to the Journal of Batavia published in 1634-1636, (6) on July 20, 1634, three Dutch ships named Veenhuizen, Schagen (7) and Grootebroek left Touron (present-day Da Nang) on their way to Formosa, after having come from Batavia (present-day Djakarta). On the 21st, the three ships were caught in a tempest and lost contact with one another. The Veenhuizen arrived in Formosa on August 2 and the Schagen. on August 10. But the Grootebroek capsized near the Paracel Islands, north of the 17th Parallel. Of the cargo estimated at 153,690 florins, only 82,995 florin-worth of goods severe recovered by the surviving crew; the rest went down to the bottom of the sea. Of the ship's company nine men were also missing.

After he had taken every disposition to have the remains of the cargo safely stored on the islands, under the guard of 50 sailors, the captain of the Grootebroek took to sea with another 12 sailors and headed toward the Vietnamese coast to seek help in the realm of the Nguyen Lords. However, when the group reached the mainland, they were taken prisoners by fishermen and their money was confiscated. This led to a dispute with the Vietnamese authorities. The dispute resulted in further visits by Dutch ships to the Vietnamese Court (*and ultimately, to the granting of free trade rights to Dutchmen and the establishment of the first Dutch factory in Vietnam, headed by Abraham Duijcker*). For our purposes here, however, the significant fact was that, when the Grootebroek sank, the sailors chose to go to Vietnam instead of China, although China was nearer. This is undoubtedly because they assumed the country exercising jurisdiction over the site of the wreckage would naturally provide rescue and be more responsive to their claims.

Testimony by Vietnamese historian Le Qui Don.

Other references to the early historical rights of Vietnam over the Hoang Sa Islands (called "Pracels" in the Journal of Batavia account) are made by the Encyclopedist Le Qui Don (1726-1784) in his history work Phu Bien Tap Luc (Miscellaneous Records on the Pacification of the Frontiers). Le Qui Don was a mandarin sent to the South by the Court in order to serve as administrator in the realm recently taken over by the Court from the Nguyen Lords (hence the appellation of "Frontier Provinces" for these lands in the title of the book).

In his work, Le Qui Don recorded many of the things he saw or heard while on duty in the southern realm. As a consequence, there were several references to the islands belonging to the Nguyen realm. The most extensive and precise reference to the Paracel Islands occurs on pages where it is said:

"The village of An Vinh, Binh Son District, Quang Ngai Prefecture, is close by the sea. To the northeast (of the village) there are many islands and miscellaneous rockheads jutting out of the sea, totaling 130 altogether. From the rockheads out to the islands, it sometimes takes a day (by sea) or at least a few watches. On top of the rocks there sometimes are freshwater springs. Linking the islands is a vast strip of yellow sand of over 30 ly in length, a flat and vast expanse where the water is clear and can be seen through to the bottom."

On a following page, the fauna and flora of the Paracels are described in detail, thus allowing one to compare them with later scientific descriptions made in the twentieth century: sea-swallows and their valuable nests (among the thousands of varieties of birds found on the islands), giant conches called "elephant-ear conches", mother-of-pearls, giant tortoises and smaller varieties of turtles, sea urchins, and so forth.

Regarding the usefulness of these islands and their exploitation, Le Qui Don has this to say:

"When they encounter strong winds, large sea-going ships usually take shelter in these islands,".

"In the past, the Nguyen had created a Hoang Sa Company of 70 men, made up of people from An Vinh village. Every year they take turns in going out to the sea, setting out during the first month of the lunar calendar in order to receive instructions regarding their mission. Each man in the company is given six months worth of dry food. They row in five fishing boats and it takes them three days before they reach the islands. They are free to collect anything they want, to catch the birds as they see fit and to fish for food. They (sometimes) find the wreckage of ships which yield such things as bronze swords and copper horses, silver decorations and money, silver rings and other copper products, tin ingots and lead, guns and ivory, golden bee-hive tallow, felt blankets, pottery and so forth. They also collect turtle shells, sea urchins and striped conches in huge quantities.

"This Hoang Sa Company does not come home until the eighth month of the year. They go to Phu Xuan (present-day Hue) to turn in the goods they have collected in order to have them weighed and verified, then get an assessment before they can proceed to sell their striped conches, sea turtles and urchins. Only then is the Company issued a certificate with which they can go home. These annual collections sometimes can be very fruitful and at other times more disappointing, it depends on the year. It sometimes happens that the company can go out and return empty-handed.

"I (Le Qui Don) have had the opportunity to check the records of the former Count of Thuyen Duc and found the following results:

- *"In the year of Nham Ngo (1702), the Hoang Sa Company collected 30 silver ingots.*
- *"In the year of Giap Than (1704), 5,100 catties of tin were brought in.*
- *"In the year of At Dau (1704), 126 ingots of silver were collected.*

"From the year of Ky Suu (1709) to the year of Quy Ti (1713) i.e. during five consecutive years, the company managed to collect only a few catties of tortoise shell and sea urchins. At one time, all they collected included a few bars of tin a few stone bowls and two bronze cannons".

It is clear from the above that in the eighteenth century at least, the Nguyen Lords of southern Vietnam were very much concerned with the economic possibilities of the Hoang Sa (Paracel Islands and in fact actually organized the annual exploitation

of this archipelago. The fact that no counterclaims were made by any other nation is patent proof that the Nguyens' sovereign rights over the islands were not challenged by any country.

Elsewhere in the book, Le Qui Don also records an incident dating from 1753 which throws some light over the question of Chinese-Vietnamese relationships regarding the Paracel Islands. *"The shores of the Hoang Sa Islands are not far from Lien-chou Prefecture in Hainan Province, China. (For that reason) our ships sometimes meet with fishing boats from our Northern neighbor (China) on the high sea. Ship-mates from both countries inquire about one another in the midst of the ocean... On one occasion, there was a report coming from the hall officer in charge of sea traffic investigations in Wen-ch'ang District, Ch'iung-chou Prefecture (Hainan Island, China), which says: "In the eighteenth year of Ch'ien-lung (1753), ten soldiers from An Binh Village belonging to the Cat Liem Company, District of Chuong Nghia, Quang Ngai Prefecture, Annam, set out during, the seventh month to go to the Van Ly Truong Sa (7) to collect sea products. Eight of the ten men went ashore for the collection of products, and two remained on the ship to watch it. A typhoon soon developed w which caused the anchor cord to split, and the two who remained in the ship were washed into the port of Ch'ing-lan. After investigation the Chinese officer found the story to be correct and consequently had the two Vietnamese escorted home to their native village. Lord Nguyen Phuc Chu subsequently had the Governor of Thuan Hoa (present-day Thua Thien) Province, the Count of Thuc Luong, write a courtesy note to the hall officer of Wen-ch'ang to acknowledge his help."*

This story illustrates a number of points, besides the general civility of intercourse already evinced at the time between China and Vietnam. It is apparent from the story that the Chinese officer from Wen-ch'ang was not bothered by the fact that the Vietnamese were intruding into Chinese territorial waters when they went to the Van Ly Truong Sa. The only concern of the officer was to find out whether the statements made by the two Vietnamese sailors had any basis in fact. In other words, the Chinese officer was only worried about the possibility of the Vietnamese being spies sent into Hainan under the pretense of a storm encountered at sea. When this was disproved, the Chinese immediately had the Vietnamese released and dealt with them very kindly by having them escorted home. The whole incident clearly proves that Vietnamese exploitation of the economic resources on the Paracels in the eighteenth century was a very open activity, carried out peacefully and acknowledged by the Chinese to be an exercise of legitimate rights over the islands.

A famous geography book written by Phan Huy Chu and printed in 1834 by the name of Hoang Viet Dia Du Chi contains a text on the Hoang Sa Islands which does not present much that is new in comparison to the information in Le Qui Don's work. Only two minor differences are found:

- The Hoang Sa Company, according to this geographical work, was still composed of 70 men from An Vinh Village. However, they receive dry food

and get instruction to go out to sea in the third month of the lunar calendar (rather than in the first, as recorded by Le Qui Don. They begin their return journey in the sixth month.

- In the eight month, they arrive home through the port of Eo (Thuan An).

From the above, it can be seen that exploitation of the Paracel Islands was becoming an operation of diminishing return in the early nineteenth century, thus necessitating an excursion of two months only, instead of the six-month excursion needed in the eighteenth century. However Vietnamese interests in the islands were not merely economic, as can be seen in the following testimonies.

Confirmation by other foreign sources.

Various foreign authors confirmed that the Hoang Sa Islands were fully part of the Vietnamese territory as early as the 18th century. For instance, testimony in 1701 by a missionary travelling on the *Amphitrite* (reportedly the first French ship to enter South-China Sea late in the 17th century) describing frightening dangers experienced by ships in the vicinity of the Paracels, mentioned specifically that this archipelago be-longed to the Empire of Annam i.e., a former name for Vietnam (8).

Another document dated April 10, 1768 and called "Note sur l'Asie demandee par M. de la Borde a M. d'Estaing" (now held in French archives) (9) provides evidence of intense patrol operations between the Paracels and the coast of Vietnam by Vietnamese naval units. When French Admiral d'Estaing was planning a raid against the Vietnamese city of Hue in order to set a French establishment in Indochina, he reported that Vietnamese vessels frequently cruised between the Paracels and the coast and thus, "would have reported about his approach ". This fact apparently caused him to cancel the raid planned against Vietnam. This demonstrates that as long as two centuries ago, the Hoang Sa Islands were already included in the Vietnamese system of defense and that the most evident acts in the exercise of state jurisdiction were regularly performed by Vietnamese authorities.

In the same document, Admiral d'Estaing also gave various detailed descriptions of the defense installations on the shore. He wrote that "the Hue citadel contained 1,200 cannons, of which 800 were made of bronze, many bearing the arms of Portugal and the date 1661. There were also some smaller pieces (bearing the arms of Cambodia and the monogram of the British Company of India) that had been salvaged from driftwood of wrecked vessels in the Paracels."

In another proposal made in 1758-59 for a French attempt against Vietnam and presented in his *Memoire pour une entreprise sur la Cochinchine proposee a M. de Magon par M. d'Estaing* (10), admiral d'Estaing made another mention of the Hoang Sa Islands in his description of the defense of Lord Vo Vuong's palace. Built

on the bank of a river, he reported "the palace was surrounded by an 8 to 9-foot high wall without any kind of fortification. There were many cannons that were designed for decoration, rather than for use. Admiral d'Estaing put the number of cannons at 400, many being Portuguese pieces "taken here from ships wrecked on the Paracels. "

In a book published in London in 1806: "a Voyage To Cochinchina", John Barrow told the story of a British journey to Vietnam and indicated that the Paracels were part of the Vietnamese economic world. The journey described in the book was made by Count Maccartney, then British Envoy to the Chinese Court. Leaving England on September 2, 1792, Count Maccartney stopped in Tourane (Danang) between May 24 and June 16, 1793 in order to enter into contact with the King of Cochinchina. The 3-week long stay gave John Barrow leisure to study Vietnamese vessels. Therefore, he provided in his book a detailed description of different types of boats used by the Cochinchinese in order to reach, among other places, the Paracel Islands where they collected trepang and swallow nests (11).

Thus Vietnamese and foreign sources agree that the Hoang Sa Islands have for centuries been included within the scope of Vietnamese interests and aims. These sources recognize the perfection of the sovereign title upheld by the Vietnamese in the course of time in relation to a growing number of states. The progressive intensification of Vietnamese control over the Hoang Sa Islands reached a decisive and irreversible point at the beginning of the 19th century, when the reigning Nguyen dynasty developed a systematic policy toward complete integration of the archipelago into the national community.

CHAPTER II

THE EXERCISE OF VIETNAMESE SOVEREIGNTY OVER THE HOANG SA ISLANDS

Historical consolidation of the Vietnamese title to the Hoang Sa Islands continued under the Nguyen dynasty' i.e., after 1802. From that date, it is possible to speak of a Paracel policy , by the successive emperors of Vietnam as manifested through systematic measures taken in the fields of administration, defense,. transports and economic exploitation.

Formal taking of possession by Emperor Gia Long.

The first emperor of the Nguyen dynasty, Gia Long, consecrated the will of the Vietnamese to confirm their sovereignty over the Hoang Sa Islands by formally taking possession of the archipelago. According to various historic sources, in the year 1816 the Vietnamese flag was planted in a formal ceremony on the Paracels. In 1837 the Reverend, Jean-Louis Taberd, then Bishop of Isauropolis, wrote the following in his "Note on the Geography of Cochinchina printed in the Journal of

the Royal Asiatic Society of Bengal, India, (12):

"The Pracel or Paracels is a labyrinth of small islands, rocks and sand-banks, which appears to extend up to the 11st degree of north latitude, in the 107th parallel of longitude from Paris. Some navigators have traversed part of these shoals with a boldness more fortunate than prudent, but others have suffered in the attempt. The Cochin Chinese called them Con-Vang. Although this kind of archipelago presents nothing but rocks and great depths which promise more inconveniences than advantages, the king GIA LONG thought he had increased his dominions by this sorry addition. In 1816, he went with solemnity to plant his flag and take formal possession of these rocks, which it is not likely any body will dispute with him."

The Reverend Jean Louis Taberd was not the only one to give testimony in support of Vietnamese sovereignty over the Paracels. Another foreigner, a Frenchman who spent many years in the Far East and who was a contemporary eyewitness, wrote (13):

"Cochinchina, of which the sovereign king today carries the title of Emperor, includes Cochinchina proper, Tonkin: a few scarcely inhabited islands not far from the coastline and the Parcel archipelago made up of islets, coral reefs and uninhabited rocks. It was in 1816 that the present Emperor (Gia Long) took possession of this archipelago."

Consolidation of sovereignty under subsequent emperors.

Numerous documents in Vietnamese archives give the most convincing facts about the display of the Nguyen dynasty's authority over the Hoang Sa Islands. One of the striking facts was the order given in 1833 by Emperor Minh Mang to his minister of Public Work to plant trees on some of these islands because *"trees will grow up and will offer a luxuriant vegetation that would allow navigators to reconnoiter these vicinities so to avoid having their ships being wrecked in these not very deep waters. This will be for the profit of ten thousand generations to come"* (14). Considering the fact that most ships that sank in the area were foreign-owned, there is no doubt that the Vietnamese executed this act to meet their international responsibilities. Thus, by offering certain guarantees to other states and their nationals, by being an identifiable addressee of international claims regarding the Hoang Sa Islands, Vietnam further asserted her title to the property of these territories (15).

One year later, in 1834, the same emperor Minh Mang sent Garrison Commander Truong Phuc Si and 20 other men to the Hoang Sa archipelago in order to make a map of the area (16). This mission apparently was not carried out to the satisfaction of officials in the Ministry of Public Works who, two years later, reported to the

Emperor that because of the size of the area, *"only one island had been drawn on a map which is not as precise and detailed as we would wish"*. The report added that since these islands were *"of great strategic importance to our maritime borders"*, it would be appropriate to send out missions each year in order to explore the whole archipelago and to get accustomed to the sea routes there.

The report further pointed out that all the islands, islets and mere sand-banks must be surveyed in order to get a description of their relief and size, and to determine coordinates and distances. The Emperor approved the recommendations and sent a Navy team to the Hoang Sa Islands for the purposes set in the report (1836). Ten markers were taken along on the vessel to be planted on the islands which the team would reconnoiter. On each marker was the inscription: *"In the year Binh Than, 17th Year of the reign of Minh Mang, Navy Commander Pham Huu Nhat, commissioned by the Emperor to Hoang Sa to conduct map surveyings, landed at this place and planted this marker so to perpetuate the memory of the event"* (17). The data gathered in the survey were used in the drawing of the remarkable *"Detailed map of the Dai Nam"* (see Fig. 8) (18) achieved circa 1838. Although not locating the two archipelagoes of Hoang Sa and Truong Sa at their proper place, the **"Detailed Map"** had the merit of mentioning these archipelagoes specifically by their names. The islands later known as Paracels and Spratlys were then clearly and indisputably considered parts of the Vietnamese territory.

In other action lying within the normal display of state jurisdiction. Emperor Minh Mang ordered, in the 16th year of his reign (1835), the building of a temple on one of the Hoang Sa Islands. The following is recorded in Vietnamese annals (19): *"Among the Hoang Sa Islands located in the territorial waters of Quang Nghia (present day Quang Nam) Province, there exists the island of Bach Sa (white-sand island) where the vegetation is luxuriant. In the middle of the island is a well and in its South-West part, a temple with a sign on which is, engraved the sentence , "Van Ly Ba Binh" - (the waves calm down over ten thousand leagues). To the North of this isle is another one built with coral with a perimeter measuring 340 truong 2 xich and an altitude of 1 truong 3 thuoc (20). It is as high as the Island of White-Sand and called Ban Than Thach (21). Last year (1834), it was the intention of the Emperor to build there a temple and a stele, but the project was postponed because of unfavorable winds and waves. This year, the Emperor ordered Navy Commander Pham Van Nguyen to head an Elephant Garrison Detachment and boatmen hired in the provinces of Quang Nghia and Binh Dinh to transport materials for the purpose of building a temple on that island. This temple is 7 truong distant from the old one, and has a stonemark to its left and a brick screen in front. Upon completion of the work which lasted 10 days, the team returned home"* (22). Another document indicates that the stonemark just mentioned was 1 thuoc 5 tac high and 1 thuoc 2 tac wide (23). Under the reign of Emperor Minh Mang, communications between the Hoang Sa islands and the mainland were intense enough to justify the construction of a temple dedicated to the Gods of Hoang Sa right on the beach of Quang Ngai in 1835. That city was a main harbour from which boats going to these islands originated (24).

Time has probably erased traces of these works performed almost 140 years ago and for which light materials were largely used. But all the Vietnamese documents quoted are official publications kept until now in Vietnamese archives or prestigious foreign institutions. These reliable recordings of facts in Vietnam's national life demonstrate clearly that one of the major concerns of the Nguyen emperors' territorial policy was to consolidate sovereignty over the Hoang Sa Islands. As a result, Vietnamese jurisdiction became so obvious that contemporary foreign witnesses never thought of it as a contested matter. We already mentioned Bishop Jean-Louis Taberd's and J.B. Chaigneau's testimonies, but other foreign publications of the 19th Century also recognized the Vietnamese possession: a western map drawn in 1838 showed the - Paracel or Cat Vang Islands as part of the Annam Empire (5). A geography book written under the auspices of the (French) Ethnography Society mentioned the Paracels or Kat Vang as one of the very numerous islands and archipelagoes belonging to Vietnam (26). It must be stressed that all French works quoted had been produced at a time when the French did not yet control Vietnam and, therefore, had no interest in defending French claims to sovereignty over these islands.

Preservation of rights under French colonial rule.

In the second half of the 19th century, the Southern part of Vietnam, named Cochinchina, became a French possession (1867). This was followed by the establishment of a French protectorate over the remaining Vietnamese territory (1883). Therefore the French temporarily took over the responsibility to defend the territorial integrity of the "Annam Empire". On behalf of Vietnam, the French continued the normal exercise of sovereignty over the Hoang Sa Islands (Paracels).

They did fulfil their responsibilities. Although kept busy by the task of strengthening their authority on the Indochina mainland, the French colonial government did not forget the far-off islands and took all the necessary measures to ensure an orderly administration, an adequate defense and a better knowledge of what a French author called in 1933 "the infinitely small Paracels of our colonial domain" (27). The Vietnamese title to sovereignty was not only preserved, it was reinforced. On the other hand, numerous scientific studies about the islands were produced which could only be conducted if the Paracels were firmly under French-Vietnamese control.

The international responsibility that the Nguyen emperors had already accepted in regard to navigation of foreign vessels was not neglected by the French, who completed in 1899 a feasibility study for the construction of a lighthouse on one of the Hoang Sa Islands. Unfortunately, this project, which was supported by Indochina Governor General Paul Doumer, could not be realized for lack of funds. However, French patrol vessels assured the security of sea traffic and conducted many rescue operations for wrecked foreign ships in the Paracel. Beginning in 1920, apparently worried by the suspect presence of various kinds of vessels in the

Hoang Sa area, the Indochinese customs authorities started making regular inspections to the islands for the purpose of checking illegal traffic. As early as the end of World War I, the French control was so evident that Japanese nationals called on French Indochina's authorities for the exploitation of phosphate. This was the case of the Mitsui Bussan Kaisha Company, which extracted phosphates for many years from two islands, Ile Boisee (Phu Lam) and Ile Roberts (Cam Tuyen). The Japanese Government, on its part, implicitly recognized French jurisdiction in 1927. In a report to the Minister of Colonies in Paris dated March 20, 1930, the French Governor of Indochina wrote that in 1927, the Japanese consul in Hanoi, Mr. Kurosawa, was instructed by his government to inquire with the French authorities about the status of some groups of islands in the South China Sea. But the Consul declared that, according to instructions from the Japanese Government, the Paracels were expressly left outside of the discussions, the question of ownership of these islands not being a matter of dispute with France (Japan was then involved in controversies over the Truong Sa or Spratly Islands).

The French jurisdiction was sufficiently firm and peaceful to permit such actions as the conduct of scientific surveys on the islands. An impressive list of superior-level scientific studies in all- fields was made available by colonial institutions or private authors. Starting in 1925, with the first recorded scientific mission on the vessel De Lanessan by scientists from the famed Oceanographic Institute of Nha Trang, knowledge about this part of Vietnamese territory increased. The trip by the De Lanessan confirmed the existence of rich beds of phosphate, which became the object of many detailed studies. For example:

- Maurice Clerget, Contribution a l'etude des iles Paracels; les phosphates. Nhatrang, Vietnam 1932.
- A. Lacroix, Les ressources minerales de la France d'Outre-Mer, tome IV (Paracels' phosphate: p. 165), Paris 1935.
- United Nations, ECAFE, Phosphate Resources of Mekong Basin Countries; 4. Vietnam, (1) : Paracel Islands; Bangkok 1972.

The De Lanessan survey mission also proved the existence of a continental shelf which reaches out in platforms from the Vietnamese coast into the sea: the Paracels rest on one of these platforms, and thus are joined to the coast of Vietnam by a submarine plinth. In the following years, the names of many French ships have entered the history of both the Paracel and Spratly archipelagoes: the Alerte, Astrobale, Ingenieur-en-Chef Girod made other survey trips to the Hoang Sa Islands. The result was an increasing number of other scientific publications about these islands in all fields of human concern and activities. Some of these are:

- A. Krempf, La forme des recifs coralliens et le regime des vents alternants, Saigon 1927.

- J. Delacour and P. Jabouille, Oiseaux des îles Paracels, Nha-trang, 1928.
- Numerous reports called Notes of the Oceanographic Institute of Indochina in Nhatrang containing valuable scientific data about the Paracels, for instance the "5th Note" (1925-26) and the "22nd Note" (1934).

French scientists continued to work for Vietnam-in its early years of independence and continued to contribute to our knowledge of these Vietnamese islands. Among them was Mr. E. Saurin, the author of numerous studies of great scientific value:

- Notes sur les îles Paracels (Geologic archives of Vietnam No. 3), Saigon 1955.
- A propos des galets exotiques des îles Paracels (Geologic archives of Vietnam No. 4), Saigon 1957.
- Faune Malacologique terrestre des îles Paracels (Journal de Conchiliologie, Vol. XCVIII), Paris 1958.
- Gasteropodes marins des îles Paracels, Faculty of Sciences, Saigon, Vol. I: 1960; Vol. II: 1961.

Another French scientist, H. Fontaine, produced, 'in cooperation with a Vietnamese colleague a remarkable study of the islands' flora called "Contribution de la connaissance de la flore des îles Paracels" (Faculty of Sciences, Saigon 1957). These scientific achievements, accomplished over a long period of time, could only have been achieved by a country exercising sovereignty over these islands to the fullest extent. As a matter of fact, Vietnam would not run any risk by challenging other countries having a pretense to sovereignty over the Hoang Sa Islands to show the list of scientific publications they had made available in the past.

In their acts mentioned above, the French, who merely took over rights and responsibilities temporarily transferred to them by the people under their "protection", simply assured a normal continuation of jurisdiction on behalf of the Vietnamese. However, in the face of unfounded Chinese claims over and illegal actions connected with, the Hoang Sa Islands in 1932, the French felt that it was necessary to take defensive measures. Since 1909, China has made sporadic claims over the islands. On one occasion during that year, the provincial authorities of Kuang Tung sent gun-boats to conduct a reconnaissance mission there. On March 20, 1921 the Governor of Kuang Tung, signed a peculiar decree annexing the Hoang Sa Islands to the Chinese Island of Hainan. However, his action went unnoticed because it is recorded only in the provincial records therefore, nobody could know about it in order to make comments or to protest. Although not followed by occupation of any sort, actions such as these were enough to cause some preemptive actions by the French. For instance. in 1930 crew-members of La Malicieuse landed on many of the Hoang Sa Islands to plant flags and set up

"sovereignty columns".

More serious was the Chinese intention to invite bids for the exploitation of the islands' phosphate. When the Chinese intent became known, the French Government protested to the Chinese Embassy in Paris by a note dated December 4, 1931. A few months later, when the Chinese effectively called for bids, the Paris Government renewed the protests by a Note dated April 24, 1932. This time the French strongly reaffirmed their rights with substantive supporting arguments, e.g. the former rights exercised by the emperors of Vietnam, the official taking of possession by Emperor Gia Long in 1816, and the sending of Indochinese troops to guard the islands, etc... On September 29, 1932, the Chinese Government rejected the French protest on the ground that at the time Gia Long took possession of the islands, Vietnam was a vassal state of China. It may be true that, as in other periods of its history, Vietnam was then a nominal vassal of China (although it was never quite clear when this situation started or ended),. but it is certain that by this reply China implicitly recognized that Vietnam had asserted its claim to the Hoang Sa Islands. The Chinese Government also appeared confused about the legal distinction between suzerainty and sovereignty: even if Vietnam was a vassal state of China in 1816, the formal relationship of suzerainty could not preclude such Vietnamese acts of sovereignty as the incorporation of new territories.

Convinced of her legitimate rights in the dispute, France by a diplomatic note to China dated February 28, 1937, proposed that a settlement of the conflicting claims be reached through international arbitration. But China knew the risks involved in such a challenge and declined the offer. Thus, the Chinese government simply responded by reaffirming its claim to the islands. That negative attitude caused the French to send military units, composed of Vietnamese soldiers and called Garde Indochinoise, to many of the Hoang Sa Islands (28). These units built many - sovereignty columns -, of which there exists photographic records. The column on Pattle Island contained the following inscription in French:

Republique Francaise
Empire d'Annam
Archipel des Paracels
1816 - Ile de Pattle 1938

These dates marked the taking of possession -by Emperor Gia Long and the year the column was erected (29).

These troops, commanded by French officers, were to stay on the islands until 1956 with a brief interruption after 1941. Men the Japanese seized the Paracels (and the Spratlys) by force in -that year, France was the only power to officially protest against it. ' In 1946, shortly after their return to Indochina at the end of World War II, the French sent troops on. the vessel Savorgnan de Brazza to re-occupy the archipelago. However, events in the French-Vietminh war compelled these troops to withdraw from the Paracels in September, 1946. Informed that Chinese troops

(who had supposedly arrived to disarm defeated Japanese troops pursuant to agreements between the Allied powers) continued to stay on the islands, the French issued a formal protest on January 13, 1947. Then they dispatched the warship *Le Tonkinois* to the area. Crewmembers found Boisee Island (Phu Lam) still occupied (January 17, 1947). The Chinese troops refused to leave and, being outnumbered, the French-Vietnamese soldiers left for Pattle Island where they established their headquarters. They also rebuilt the Weather Station which had operated for 6 years in the past, between 1938 and 1944. The new station became operative in late 1947 and, under international station code 48860, provided the world with meteorological data for 26 more years, until the day when Communist Chinese troops seized the Hoang Sa archipelago by force (January 20, 1974).

Beginning in the 1930's, these disputes, with China had already motivated the French authorities in Indochina to take stronger measures in administrative organization. By Decree No. 156-SC dated June 15, 1932 the Governor General of Indochina gave the Hoang Sa Islands the name of "Delegation des Paracels" - and the status of an administrative unit of Thua Thien Province. This decree was later confirmed by a Vietnamese imperial ordinance signed by Emperor Bao Dai on March 30, 1938 (the confirmation was necessary because, as the ordinance recalled, the Hoang Sa Islands had traditionally been part of Quang Nam and Quang Ngai provinces, from whence communications with the islands had originated). A subsequent Decree of May 5, 1939 by the French Governor General divided the archipelago into two Delegations: Crescent et Dependences, and Amphitrite et Dependences.

These administrative measures were adequately completed by the organization of services on the islands. For instance, health checks were regularly made on the workers, called coolies by the French, during their stay there. Consequently, civil service officers were appointed on a regular basis. These officers had to stay permanently on either Pattle Island (for the Crescent and Dependences Group) or Boisee Island (for the Amphitrite and Dependences Group). However, because of the islands' bad climate, they were allowed long vacations on the mainland and were relieved after short periods. One of these former civil servants is Mr. Mahamedbhay Mohsine, a French citizen of Indian origin who, outraged by the Chinese invasion of 1974, has offered to testify anywhere on the legitimacy of Vietnamese rights. Between May 5, 1939 and March 13, 1942, Mr. Mohsine served as Administrative Officer or Delege administratif for the Paracels. He was first posted on Pattle, then on July 16, 1941 was ordered to relieve a colleague, Deputy-Inspector Willaume, on Boisee. Later Mr. Mohsine was officially recommended for an award of distinction in consideration of his contribution to French colonial expansion in the remotest parts of Indochina (30).

Mr. Mahamedbhay was only one of the many civil servants and military personnel who, by serving the French colonial cause on the Hoang Sa Islands, directly contributed to the preservation of Vietnamese rights which had only temporarily been exercised by the French. At an early stage, French action had been only

intermittent - intermittence which is not at all incompatible with the maintenance of the rights but in the last 30 years of their presence, the French did fulfill all the obligations of a holder of title. Thus the French accomplished a valuable conservator act in the safeguarding of legitimacy for the Vietnamese sovereignty over the Hoang Sa Islands.

Return to Vietnamese sovereignty.

After the French-Vietnamese Agreement of March 8, 1949, Vietnam gradually regained its independence. Although some French troops were intermittently stationed on some of the Hoang Sa Islands until 1956, it was on October 14, 1950 that the French formally turned over the defense of the archipelago to the Vietnamese. General Phan Van Gao, then Governor of Central Vietnam, went in person to Pattle Island to preside over the ceremony. The general made the trip to the remote and isolated island because, as he reported to Prime Minister Tran Van Huu in Saigon:

"I was persuaded that my presence among the Viet Binh Doan (Regional Guard Unit) would have a comforting impact on its morale on the day the unit took over heavy responsibilities" (31).

No doubt Premier Tran Van Huu was pleased by the Governor's initiative, since in the following year (1951) he was to attend the San Francisco Peace Conference with Japan where he solemnly and unequivocally reaffirmed the rights of his country over both the Paracel and Spratly archipelagoes. After its defeat in 1945, Japan had relinquished all its claims to these islands that their forces had occupied. This matter will be discussed further in another chapter.

Reassuming all responsibilities for the Hoang Sa archipelago, the Vietnamese felt that it was more practical to re-incorporate it as part of Quang Nam Province (as things were before the French decree of 1932) because links between these insular territories and the mainland had always originated from the Quang Nam provincial capital of Da Nang. A proposal to that end was made in 1951 by regional authorities in Hue (32), but it was a full ten years later that the President of the Republic, Ngo Dinh Diem, signed a Decree (33) transferring the Hoang Sa Islands from the jurisdiction of Thua Thien Province back to Quang Nam. The entire archipelago was given the status of a "Xa" (village on the mainland).

Administrative organization was again perfected 8 years later: by a Prime Minister's Decree (34) the islands became part of a village on the mainland of Quang Nam, the village of Hoa Long, Hoa Vang District.

Most Vietnamese officials posted on the Hoang Sa Islands were thus from Quang Nam Province and usually detached for about a year from their regular position on the mainland. The first civilian officer to be appointed by an independent Vietnamese Government was M. Nguyen Ba Thuoc (appointed December 14, 1960 by Arrete No. 241-13NV/NV/3). After 1963 however, due to war conditions in the

Republic of Vietnam, the administrative officers- assigned there have always been military men. They were usually NCOs in command of the Regional Forces stationed on Duncan Island. Thus they bore the title of "Duncan Island Chief", concurrently in charge of Administrative affairs for the Hoang Sa Islands.

Whether civilian or military, these officers helped ensure peaceful Vietnamese sovereignty over the islands. Scientific surveys continued, with Vietnamese scientists joining their French colleagues in order to deepen the knowledge about these remote territories. Manned by Vietnamese technicians, the Pattle Weather Station continued providing the world with meteorological data until its forced closure in 1974. The exploitation of phosphate resumed after 1956 with the following yields:

- 1957-58-59 8,000 metric tons
- 1960 1,570 metric tons
- 1961 2,654 metric tons
- 1962 and after 12,000 metric tons extracted, but left on the islands.

In 1956 the Ministry of Economy granted the first license to exploit phosphate on the 3 islands of Vinh Lac (Money Island), Cam Tuyen (Roberts) and Hoang Sa (Pattle) to a Saigon businessman named Le Van Cang. In 1959, a license was issued to the "Vietnam Fertilizers Company" which contracted actual extraction and transportation to a Singapore company Yew Huatt (4, New Bridge Road, Singapore 1). Among other clauses, the Vietnamese Company committed itself to obtain from the Government of the Republic of Vietnam the granting of fiscal exemptions and the privilege to use radio facilities 4 the Pattle Weather Station. After 1960, commercial exploitation of Pattle was granted to the Vietnam Phosphate Company, which stopped all operations in 1963 because of insufficient returns. Interests in phosphate exploitation surfaced again in 1973 when the Republic of Vietnam faced serious problems of fertilizer shortage.

In August of that year, the "Vietnam Fertilizer Industry Company" finished a feasibility study conducted jointly with a Japanese partner, Marubeni Corporation of Tokyo. The survey on the islands lasted two weeks, and Marubeni Corporation provided the engineers needed.

It is no wonder that the exercise of normal sovereignty by the Republic of Vietnam has had to be coupled with actions which are more or less military-oriented. Confronting unfounded claims by China in the Hoang Sa Islands, the Armed Forces of the Republic have been required to display constant vigilance in the defense of this part of Vietnamese territory. As an example, when the Chinese nationalist troops which had refused to leave Phu Lam (Wooded or Boisee) Island in 1947 withdrew in 1950 following Marshall Chiang Kai Shek's defeat, Communist Chinese troops landed there immediately to continue the illegal occupation. A Vietnamese Navy unit assumed responsibility for the defense of the archipelago in 1956. This unit was relieved the following year by a Marine Company. After 1959,

the task was assigned to Regional Forces of Quang Nam Province. Vietnamese warships have patrolled the Hoang Sa waters regularly in order to check illegal occupants on the many islands. In this regard, the People's Republic of China appears to have followed guerrilla-type tactics: it surreptitiously introduced first fishermen, then soldiers onto Vietnamese territory. They even built strong fortifications on the two islands of Phu Lam and Linh Con. On February 22, 1959, the Republic of Vietnam's Navy thwarted this tactic by arresting 80 fishermen from mainland China who had landed on the three islands of Cam Tuyen, Duy Mong and Quang Hoa. These fishermen were humanely treated and promptly released with all their equipment after being taken to Da Nang.

The broad range of actions by the Vietnamese authorities regarding the Hoang Sa Islands provides an undeniable evidence of Vietnamese sovereignty. These actions include, among others, the approval of international contracts connected with the islands' economy ; police operations against aliens; extraction of natural resources ; the providing of guarantees to other states; and so forth. Vietnamese sovereignty was first built between the 15th and 18th centuries, consecrated by the Nguyen emperors, then temporarily assumed by the French, and finally continued in a normal manner by independent Vietnam. The exercise of Vietnamese jurisdiction was effectively displayed under a large variety of forms. It was open, peaceful, and not, like the Communist Chinese claim, asserted *jure belli*. Any interruption of Vietnamese sovereignty was due only to foreign powers' illegal military actions against which Vietnam, or France on behalf of Vietnam, had always protested in a timely fashion. Convinced of their legitimate rights over the Hoang Sa Islands, the Vietnamese will never indulge in compromises in the defense of their territorial integrity (see Chapter IV).

CHAPTER III

THE TRUONG SA (SPRATLY) ISLANDS BELONG TO THE VIETNAMESE

The Vietnamese islands of Truong Sa, known internationally as the Spratly archipelago, are situated off the Republic of Vietnam's coast between approximately 80 and 11040 North latitude. In the course of history, the Vietnamese people have had intermittent contact with these islands known for their dangerous grounds and access. Unlike the case of the Hoang Sa (Paracel) Islands, the former emperors of Vietnam did not have the time to strengthen these contacts through the organization of an administrative jurisdiction. However, the French, who occupied the Southern part of Vietnam known as Cochinchina, took all those measures necessary for the establishment of the legal basis for possession of the Spratly Islands. In 1933, the Spratlys were incorporated into the French colony of Cochinchina and from that year forward have had an adequate administrative structure.

It is true that French jurisdiction was disrupted by the Japanese invasion of 1941. However, shortly after the Japanese defeat in 1945, France returned Cochinchina to Vietnam, which then recovered all the rights attached to the former French colony. Immediately thereafter, Vietnamese sovereignty over the Truong Sa Islands faced groundless claims from other countries in the area which military occupied some of the islands of the archipelago.

Geographic and historic background.

The Truong Sa archipelago is spread over hundreds of miles in the South China Sea. However, it only contains 9 islands of relatively significant:

- Truong Sa or Spratly Island proper.
- An Bang or Amboyna Cay.
- Sinh Ton or Sin Cowe.
- Nam Yet or Nam Yit.
- Thai Binh or Itu-Aba.
- Loai Ta.
- Thi Tu.
- Song Tu Tay or South West Cay.
- Song Tu Dong or North East Cay.

Because of the size of the area, the archipelago is divided into many groups. Using the main island of Spratly (which gave its name to the whole archipelago) as a point of reference, the distances to the shores of surrounding countries are as follows:

- Spratly Island to Phan Thiet (Republic of Vietnam) 280 nautical miles
- Spratly Island to the closest shore of Hainan Island (People's Republic of China) 580 nm
- Spratly Island to the closest shore on Palawan Island (Philippines) 310 nm
- Spratly Island to the closest shore of Taiwan 900 nm

Like the Hoang Sa Islands, the Truong Sa archipelago is composed of little coral islands which are often surrounded by smaller reefs. Because of their proximity to the coast of Vietnam, these islands have always been frequented by fishermen from the southern part of Vietnam. These fishermen made regular expeditions to the islands and sometimes stayed there for prolonged periods of time. Vietnamese history books often made reference to the „Dai Truong Sa Dao-, a term used to designate both the Paracel and Spratly archipelagoes and, more generally, all insular possessions of the Vietnamese (50). The map published circa 1838 by Phan Huy Chu and called "Dai Nam Nhat Thong Toan Do" (fig. 8, page 32) expressly

mentioned the Spratlys, under the name Van Ly Truong Sa, as part of Vietnamese territory, although the archipelago was not located at its proper place because of the use of ancient geographic techniques.

These distant islands were often neglected by the Vietnamese authorities of the time. The emperors did not implement a systematic policy of occupation on the Truong Sa Islands as they had for the other archipelago, Hoang Sa. Furthermore, the Empire of Vietnam lost interest in the islands off the Cochinchinese shore as the French occupation of Cochinchina began in 1852. For their part, the French took some time before consolidating their rights to the Truong Sa archipelago. Their first recorded action was a scientific reconnaissance of the Spratlys by the vessel De Lanessan following its exploration of the Paracels (1927). This scientific mission was followed by an official expedition in 1930 on the sloop la Malicieuse, in the course of which the French flag was hoisted on the highest point of an island called Ile de la Tempete.

Legal basis of Vietnamese possession.

In 1933, the French Government decided to take official possession of the islands. Three ships, the Alerte, the Astrobale and the De Lanessan took part in the expedition. The following are relevant quotations from an account given by H. Cucherousset in L'Eveil economique de l'Indochine (No. 790 of May 28, 1933):

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

"Then the Astrolabe sailed south west to a point 70 miles from Spratley and 200 miles from Borneo, and arrived at the caye (sandy island) of Amboine, at the northern extremity of the Bombay Castle Shallows. Possession was taken of the island in the manner related above. This cave protrudes two meters 40 cm above the sea at high tide.

"Two-thirds of the rock which forms the caye is covered with a thick layer of guano, which the Japanese do not seem to have completely exploited.

"Meanwhile, the Alerte sailed towards the atoll Fiery Cross (or Investigation) at a point about 80 miles north-west of Spratly and equidistant from Cape Padaran and the southern point of Palawan Island. The whole of this vast reef protrudes only at a few points above the surface of the sea.

At the same time the De Lanessan proceeded towards the London reefs, at about 20 miles north-east of Spratly. There it discovered the wreckage of the Francois Xavier, which was wrecked there in 1927 while on its way from Noumea to

Indochina via this part of the China Sea, in which, in spite of its great depth, navigators are not advised to sail too boldly.

"Itu Aba. which is surrounded by a reef, is mentioned in the naval instructions of 1919 as being covered with bushes and thickets with the nests of many sea birds, and a number of banana and coconut trees growing around a well...."

"The De Lanessan and Astrolabe later sailed north where, about 20 miles from the Tizard bank, is situated the Loaita bank, an atoll of the same kind. The two vessels took formal possession of the main island, on which are also to be found the remains of plantations and an unexhausted phosphate working. Loaita Island is a sandy isle, low, covered with bush, and a bare 300 metres in diameter.

"The Alerte for its part visited the Thi-Thu reef, at about 20 miles north of the Loaita bank, and took possession of an island and of this atoll. still by means of the same ritual. This little low and sandy isle possesses a well, a few bushes, and some stunted coconut trees. A fair anchorage is to be found on the southern bank."

Further north still, at the level of Nhatrang, is the atoll named "North Danger", the Alerte took possession of two sandy islands (cayes) where it found some Japanese fishing. The De Lanessan went there too and explored the little island. The latter is perceptibly higher than the others, the highest point reaching 5 metres. The phosphate beds are considerable and were much exploited by the Japanese.

After possession had been taken, the French Ministry of Foreign Affairs published the following notice in the French Journal Officiel dated July 26, 1933 (page 7837)

"Notice concerning the occupation of certain islands by French naval units.

The French government has caused the under mentioned isles and islets to be occupied by French naval units:

1. Spratley Island, situated 8o39' latitude north and 111o55' longitude east of Greenwich, with its dependent isles (Possession taken April 13, 1930).
2. Islet caye of Amboine, situated at 7o52' latitude north and 112o55' longitude east of Greenwich, with its dependent isles (Possession taken April 7, 1933).
3. Itu Aba Island situated at latitude 10o2' north and longitude 114o21' east of Greenwich, with its dependent isles (Possession taken April 10, 1933).
4. Group of two islands situated at latitude 111o29' north and longitude 114o21' east of Greenwich, with their dependent isles (36) (Possession taken April 10, 1933).

5. Loaita island, situated at latitude 10o42' north and longitude 114o25' east of Greenwich, with its dependent islands (Possession taken April 12, 1933).
6. Thi Tu Island. situated at latitude 11o7' north and longitude 114o16' east of Greenwich, with its dependent islands (Possession taken April 12, 1933).

The above-mentioned isles and islets henceforward come under French sovereignty (this notice cancels the previous notice inserted in the Official Journal dated July 25, 1933, page 7784).

Notification of the occupation was made by France to interested countries between July 24 and September 25, 1933. With the exception of Japan, no State which could have had an interest in the matter raised any protest against this act. Three powers in the area remained silent and unconcerned: the United States (then occupying the Philippines), China, and the Netherlands (then occupying Indonesia). In Britain, Foreign Under-secretary Butter declared 6 years later that France exercised full sovereignty over the Spratly archipelago and that all matters relevant to these islands were primarily a French concern (37).

The Japanese protested the French occupation on the ground that, in the past, Japanese subjects had carried out exploitation of phosphate on some of these islands. It was true that Japanese companies had operated on the Spratlys without the permission and knowledge of French authorities. But Japan had never made any attempt toward taking possession of these islands. In 1939., claims by the Japanese militarist government then in power assumed a tougher tone: Japan declared that she had decided to - place the Spratly or Tempest Islands off the coast of Indoch'na under Japanese jurisdiction -. The decision first appeared merely on paper, but was followed two years later by forcible military occupation of the archipelago (1941). In any case, in the San Francisco Peace Treaty of 1951, Japan relinquished all titles and claims to the Paracel and Spratly Islands.

It should also be noted that the French occupation of the Spratly Islands in 1933 did not arouse any protest from the United States government, which was then acting on behalf of the Philippines. Five years earlier, the United States did engage in a dispute with the Netherlands over the island of Palmas off the Philippine coast (38). Since the United States did not act where a Philippine claim could have been made, this indicates that there was no ground for a challenge of French rights on behalf of the Philippines. It was only 35 years after the French took possession of the Spratly Islands that Philippine troops, taking advantage of the war situation in the Republic of Vietnam, surreptitiously occupied some islands in the Vietnamese archipelago:

- Loai Ta 10o41'N - 114o25'E
- Thi Tu 11o03'N - 114o17'E
- Song Tu Dong 11o27'N - 114o21'E

All of these three islands are in the list of islands published in the French Official

Journal of July 26, 1933 which recorded the possession of the Spratlys by French naval units. The present position of the Philippine government that these islands are not part of the Spratly archipelago but only res nullius when Philippine troops occupied them is, therefore, obviously erroneous. All three islands (which were artificially given Malayo-Spanish sounding names) are an integral part of the Vietnamese Truong Sa archipelago. Moreover, it remains to be determined in a common and friendly spirit whether or not some other, smaller, islands occupied by Philippine soldiers are dependent islets of these Vietnamese main islands. In this regard, it should be recalled here that when the French took possession of the Spratlys, they only listed the major islands in the official act and indicated that these islands were incorporated - with their dependent islets.