

State Administration and Sovereignty over Paracel and Spratly Archipelagos from 17th Century to 1945

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Abstract: According to international law and conventions, national sovereignty over an area of land or water must be established in the name of a state. Based on these criteria, the paper describes systematically official documents on the performance of administration and sovereignty over the Paracel and the Spratly Archipelagos, including the documents of the Vietnamese feudal governments from the 17th century to 1884, the documents of the colonial government, and the Nguyen dynasty from 1884 to 1945. Since 1600s, the feudal dynasties in Vietnam, including both the central and local authorities, occupied the Paracel and Spratly Archipelagos, as well as other islands and waters, when they remained an unoccupied territory. The occupation and implementation of sovereignty took place, continually, and peacefully. It complied with international law and practice and was recognised and supported by many countries and organisations. They provide convincing legal evidence to prove that Vietnam implemented state administration on the Paracel and the Spratly Archipelagos continually and peacefully from the 17th century to 1945.

Keywords: State administration, sovereignty, Paracel, Spratly, Vietnam.

Subject classification: History

1. Introduction

According to international conventions and public law, the sovereignty over a territorial area in the sea can be only claimed in the name of a state with official documents that have been recognised by foreign countries or international organisations. The sovereignty over an area can be claimed by neither those who discovered, explored, named, or mapped the area nor an economic, social, or cultural organisation or a local government (Nguyen Ba Dien, 2012; Nguyen Trung Tin, 2012; Monique Chemiller-Gendreau, 2011; Dak Nong Online Newspaper, 2019; Minh Duc, 2017). Based on the above-mentioned criteria, Vietnam is recognised to have established its sovereignty over the Spratly and the Paracel Archipelagos for more than three centuries (1626-1945), since the imperial city was built in Phuoc Yen,

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Kim Long and Phu Xuyen (Hue city) by the Nguyen Lords and King Quang Trung and the Nguyen Dynasty afterwards.

The paper describes the role of the Vietnamese Governments in establishing and undertaking the sovereignty over the Spratly and the Paracel Archipelagos, based on official documents such as the national historical literature, geographies; administrative documents (including imperial edicts, royal ordinances, and relevant official documents) that bear the writing and the seal of the kings; decrees of the colonial governments, which are considered to be of high legal validity; and, administrative documents of local authorities (orders and edicts), which were issued from the 17th century to 1945.

2. Vietnamese feudal governmental administration on Spratly and Paracel Archipelagos

According to historical records, the Spratly and the Paracel remained *terrae nullius* (uninhabited land) by the early 17th century. At that time, the two archipelagos were seen together as a group of islands, consisting of both the Spratly and the Paracel Islands, and were named “*Bãi cát vàng*” (Yellow Sandbank) by the Vietnamese (as shown in Vietnam’s ancient map titled “*Toàn tập Thiên Nam tứ chí lộ đồ thư*” (纂集天南四至路圖書 - *Collection of All Road Maps under Southern Skies*²) compiled by Do Ba in 1686.

2.1. State administrative documents relating to Paracel and Spratly Islands under feudal dynasties in period of the Later Le and Tay Son Dynasties

+/ *Supplementary Edition of the Annals of Dai Viet* (“*Đại Việt sử ký tục biên*” - 1676-1789) is a series of National History Bureau compiled in the period of the Le-Trinh regime. In those books, Le Quy Don presented historical records scientifically and objectively and, consequently, his writing was printed and seen as a national official document.

+/ *Legal Proceedings of the Lawsuit between An Bang Ward and My Toan Ward* relating to the sovereignty over Vietnam’s Paracel Archipelago in the period of the Later Le Dynasty were written in Sino characters on *dó* paper (traditional bamboo paper) on the 19th of the ninth lunar month in the 20th year of Canh Hung Era (i.e. 6 November 1759) and bore the seal and signature of Marquis Thuan Duc, Defence Governor of Bien Hai Coast (the present-day Tu Hien Port in Vinh Hien Commune, Phu Loc District, Thua Thien Hue Province). It was released to deal with the lawsuit between the two wards, An Bang Ward (the present-day An Bang Village, Vinh An Commune) and My Toan Ward (the present-day My Loi Village, Vinh My Commune) in Phu Loc District, Thua Thien-Hue Province.

The content of the document can be described briefly as follows: “Marquis Thuan Duc, Defence Governor of the coast approves the lawsuit of My Toan Ward against An Bang

² “Under Southern Skies” in ancient poetry means Dai Viet’s territory - *editor’s note*.

Ward. In the year of Quy Hoi (1743), An Bang Ward forced My Toan Ward to receive Paracel Boat Group navigated by Tin in the contiguous area of the two wards and anchor the boats off the riverbank. In the year of Mau Dan (1758), An Bang Ward required My Toan Ward to share the tax to the boat group, and consequently, each of the two wards paid money to the central office. Now, My Toan Ward urged An Bang Ward to deliver the amount to the boat group, but An Bang Ward deliberately did not deliver it. Thus, My Toan filed a lawsuit. This is to decide that An Bang has to repay an amount of three quan (Vietnamese currency used at that time) to My Toan Ward...” (Da Nang City People’s Committee - Hoang Sa District People’s Committee, 2014, pp.205-206).

Based on the above-mentioned document, the author can assert that the Nguyen Lords sent a group of boats to the Paracel Archipelago to work during 1743-1758. Whenever the group came back from the sea and was involved in an accident off the Tu Hien Coast, people from My Loi Village took part in rescuing the people and provided food for the seamen.

+/ Instruction from of the Senior Lieutenant General and Deputy General Commander of People’s Military Affairs under the Tay Son Dynasty (1786). The instruction promulgated by the Senior Lieutenant General and Deputy General Commander of People’s Military Affairs on the 14th of the second lunar month in the ninth year of the Thai Duc Era (1786) decided “to assign Marquis Hoi Duc of the Paracel naval group to supervise soldiers setting up naval signs and navigating four fishing boats to the Paracel Islands to collect gold, silver, and bronze items, as well as cannons, guns, tortoise shells, and other valuable things to be delivered to the royal court in the imperial city as usual” (Ministry of Foreign Affairs - National Border Committee, 2014, p.16).

Thus, in the period from the Later Le Dynasty to the Tay Son Dynasty, local governments in Vietnam paid attention and established sovereignty over the territorial waters, including the Paracel Archipelago in the East Sea (also known as the South China Sea).

2.2. State administrative documents relating to Paracel and Spratly Archipelagos under Nguyen Dynasty

2.2.1. Documents of the central government

After the Nguyen Dynasty was founded (1802), the Nguyen Kings continued the previous policy of the Nguyen Lords on the Paracel and Spratly Archipelagos, implementing administrative activities in the two archipelagos, such as setting up administrative units on the islands; carrying out mapping, surveying, and rescuing work; planting landmarks of sovereignty; and ensuring maritime security.

The relevant administrative documents of the Nguyen Dynasty consist of the king’s orders, royal edicts, and official documents on the exploitation and administration on the islands. They were original documents, of which many bore the king’s instructions. As a result, they are considered to have high legal validity.

These documents were archived by the Royal cabinet and the National History Bureau and subsequently used as the fundamental materials for historical works of the Nguyen Dynasty such as the *Imperially Ordered Annotated Text Completely Reflecting the History of Viet* (“*Khâm định Việt sử thông giám cương mục*”), the *Prequel Chronicles of Dai Nam* (“*Đại Nam thực lục tiền biên*”), the *Principal Chronicles of Dai Nam* (“*Đại Nam thực lục chính biên*”), *Principal Biographies of Dai Nam* (“*Đại Nam liệt truyện*”), *Minh Mang’s Key Policies* (“*Minh Mạng chính yếu*”), and the *Imperially Ordered Rules of Dai Nam* (“*Khâm định Đại Nam hội điển*”), etc.

In 2013, the National Border Committee (Ministry of Foreign Affairs) released a collection of administrative documents promulgated by the Nguyen Dynasty under the Minh Mang Era (1820-1840) and Thieu Tri Era (1841-1847) on the sovereignty over the Paracel and the Spratly Archipelagos (Ministry of Foreign Affairs - National Border Committee, 2013). They are convincing evidence for the territorial governance of the Vietnamese feudal governments. The documents include:

+/ An administrative document dated to the 27th of the sixth lunar month in the 11th year of the Minh Mang Era (1830), which is the approval of a report submitted by Nguyen Van Ngu, Coastal Defence Commander of Da Nang, telling about the fact that French merchant boats ran aground on a shoal around the Paracel (Ministry of Foreign Affairs - National Border Committee, 2013, p.71).

+/ An administrative document dated to the 15th of the fourth lunar month in the 15th year of the Minh Mang Era (1834), which is a report submitted by the administration and surveillance commissioner of Quang Ngai Province to the king, describing the preparation for sending three large boats to the Paracel Archipelago for an extremely important survey (Ministry of Foreign Affairs - National Border Committee, 2013, pp.99-100).

+/ An administrative document dated to the 13th of the seventh lunar month in the 16th year of the Minh Mang Era (1835), that was submitted from the Ministry of Works to the king, reporting that a group of officials who had been sent to the Paracel Islands for mapping came back later than the deadline and were thus fined (Ministry of Foreign Affairs - National Border Committee, 2013, pp.121-122).

+/ An administrative document dated to the 12th of the second lunar month in the 17th year of the Minh Mang Era (1836). It was submitted by the Ministry of Works, describing an official report of the cabinet saying, “Each of the boats, which were sent to the Paracel Islands for the survey, set up ten wooden stakes of four or five *thước* (Vietnamese ancient unit of length, one *thước* is equivalent to 0.4-0.47m) in length and one *tấc* (equivalent to 10cm) in the thickness into the ground as landmarks of sovereignty. The stakes were inscribed with the following: the 17th year of Minh Mang Era; Year of Binh Than” (Ministry of Foreign Affairs - National Border Committee, 2013, p.127).

+/ An administrative document dated to the 2nd of the fourth lunar intercalary month in the 19th year of the Minh Mang Era (1838). It was a report submitted by the Ministry of Works to the king saying, “According to the king’s approval, officials should have been

sent to the Paracel Islands in the late third lunar month to survey and map, and they will come back in the sixth lunar month. Due to the weather, they have not yet departed for the task and are now waiting for favourable weather conditions” (Ministry of Foreign Affairs - National Border Committee, 2013, p.161).

+/ A report was submitted by the Ministry of Works on the 21st of the sixth lunar month in the 19th year of the Minh Mang Era (1838). It says that a group of officials came back and reported that they surveyed 25 islands in three areas. Of the 25 islands, they visited 13 for the second time and 12 for the first time. “According to Vu Van Hung, a guide of the group, there are four areas at the Paracel Islands. This time, they have surveyed three of the four areas. The rest was in the south, far from other areas. Meanwhile, it was inconvenient to sail to the fourth area due to strong wind. If they waited for convenient wind, it would be late. Thus, another boat will be sent to the area next year. Looking at the four maps they have brought back (of the four maps, three are separate maps of the three areas and one is a map of the whole Paracel) and the fieldwork diary that has not been completed, the Ministry of Works would like to review, revise, and complete them before submitting them to the king” (Ministry of Foreign Affairs - National Border Committee, 2013, p.175).

+/ Administrative documents dated to the 26th of the first lunar month and the 28th of the 12th lunar month in the seventh year of the Thieu Tri Era (1847) (Ministry of Foreign Affairs - National Border Committee, 2013, p.191). It is a report submitted by the Ministry of Works on the postponement of the survey and mapping of the Paracel Islands.

+/ A document issued on the 28th of the 12th lunar month in the seventh year of the Thieu Tri Era asserts, “According to the common rule, the Paracel Islands belong to our coastal area. Every year, we have to send naval boats to the islands to survey maritime routes” (Ministry of Foreign Affairs - National Border Committee, 2013, p.199). This demonstrates that the Vietnamese feudal government considered the Paracel Archipelago as a part of the national territory and carried out frequent activities of administration and exploitation on and around the islands.

2.2.2. Local administrative documents

An order issued by the administration and surveillance commissioner of Quang Ngai Province to the Paracel naval group, which was preserved by the Dang lineage in Dong Hoi Village, An Hai Commune in Ly Son Island as an order of the Nguyen Dynasty concerning the Paracel group as a valuable and spiritual keepsake of the lineage for 176 years (1834-2010). Mr Dang Len is a descendant of Mr Dang Van Siem, the guide of a group of three naval boats carrying 24 seamen who left the mainland on the 15th of the fourth lunar month in the 15th year of the Minh Mang Era (1834) to be on the watch of the Paracel Islands. The document of order contributes to the evidence that Vietnam carried out administration and exploitation activities on the Paracel Islands before 1834. It mentions specific names and home villages of every seaman who was assigned by the royal government to guard the

Paracel Islands, including not only Ly Son Island but also other coastal areas in Quang Ngai Province (Truong Minh Duc, 2014, pp.112-117).

This order and other artefacts relating to the Paracel naval group, such as the graves of soldiers on the Paracel Islands and the annual ceremony in commemoration of these soldiers that has been held over hundreds of years, prove that Vietnamese people came to the islands in the East Sea to set up landmarks and assert sovereignty.

Local governmental edicts appointed the leader of the seaman for the administration and protection of the Paracel Islands and recruited soldiers in Nam Nghia.

+/ *The edict issued by the Nam Nghia Grand Coordinator*. In the 19th year of the Minh Mang Era (Year of Mau Tuat, 1838), Grand Coordinator of Nam Nghia (the present-day Quang Nam and Quang Ngai Provinces) issued an edict saying, “In the Coastal Guard Team No.10, Le Van Uoc has served in the army for a long time and has been very diligent; he is therefore appointed as acting commander of Quang Nam Coastal Guard Team No.1; he is empowered as the team leader to manage the team on his own”. According to the edict, Mr Le Van Uoc born in Ha Ward, Hoa Thanh Commune, An Hoa Canton, Ha Dong District (the present-day Ha Thanh Village, Tam Thanh Commune) was promoted to commander of the Paracel coastal guard team.

+/ *The edict of Ha Dong Prefect*. Pursuant to the order from the superior that appointed Mr Le Van Uoc as commander of the coastal guard team, this edict empowered him to recruit seamen and use a red cloth to make a flag, on which the following sentence was written “Ha Dong Coastal Vanguard Doan Van Dung”.

+/ *The edict issued by Ha Dong Prefect* in the 11th year of the Tu Duc Era (Year of Mau Ngo, 1858). This edict regulated the recruitment of seamen for the coastal guard. Normally, the guard was conducted by the village militia who practised martial training in the daytime and carried out patrols at night; they went into battle, when necessary (Truong Minh Duc, 2014, pp.117-119).

Ancient bibliographies show that together with fishers in Quang Ngai, Binh Dinh, and Thua Thien Provinces, those in Quang Nam Province also took part in the Paracel naval group long ago to protect sovereignty over the archipelago.

2.3. National historical and geographical works

+/ *The Categorised Records of the Institutions of Successive Dynasties* (“*Lịch triều hiến chương loại chí*”) compiled in 1821 by Phan Huy Chu is a Vietnamese encyclopaedia from the 19th century. In the section of geographies, the Paracel Archipelago was described in detail with respect to its location, produce, and the organisation of the Paracel naval group.

Phan Huy Chu wrote: “An Vinh Commune in Binh Duong District is located at the coast. Due northeast, numerous mountains are found on islands in the sea. There are more than 130 mountains. It takes several hours or around a day to travel from the main mountain to others. There are freshwater springs in the mountains. A yellow-sand, flat, and

wide beach runs 30 kilometres along the island. There is a transparent spring at the beach. Many swallow nests are found on the side of the mountain on the island. There are thousands of birds perching all around despite the presence of people. The Paracel Islands are in the sea. During the periods of previous kings of the Nguyen Dynasty, a Paracel naval group consisting of 70 seamen, who came from An Vinh Commune, was founded to guard the islands. Every year, in the third lunar month, a naval group of five boats equipped with food enough for six months departed for the islands. It took three days and three nights to reach the islands. After coming to the island, they searched for many things. In the eighth lunar month, they came back to Yen Mon Port in Phu Xuan Citadel and handed in all those things” (Phan Huy Chu, 2012, p.190).

+/ The *Chronicles of Dai Nam* (“*Đại Nam thực lục*”) is a series of books compiled under the Nguyen Dynasty on historical records in the period of the Nguyen Kings (1802-1945). The first part is written about those in the period of King Gia Long (1802-1819); the second is on the period of King Minh Mang (1820-1840); the third is on the period of King Thieu Tri (1841-1847); and the fourth is on the period of King Tu Duc.

+/ The *Principal Chronicles of Dai Nam* (“*Đại Nam thực lục chính biên*”) compiled in 1848 contain historical records in Gia Long Era since Nguyen Anh came to the throne. They describe several events, such as how the Paracel Islands were occupied; how temples, shrines, and stone landmarks of sovereignty were built; and, how trees were planted, and islands were mapped in the period of the Minh Mang Era.

In 1815, King Gia Long sent a Paracel naval group headed by Pham Quang Anh to the Paracel Islands to do surveying and mapping.

In 1816, King Gia Long ordered the naval troops to cooperate with the Paracel naval group in surveying and mapping the islands and coastlines of the Paracel Archipelago.

In 1833, King Minh Mang instructed the Ministry of Works to prepare boats, which were then sent to the Paracel Islands to build shrines, set up steles, and plant trees in the following year.

In 1834, King Minh Mang sent a naval group of more than 20 seamen headed by Truong Phuc Si to the Paracel Islands to do the mapping.

In 1835, King Minh Mang ordered Pham Van Nguyen, Commander of the Naval Group, to direct soldiers, workers, and boatmen from Quang Binh and Binh Dinh Provinces to carry construction materials to the Paracel Islands to build a shrine with a stele on its left and a screen wall on its front.

In 1836, approving a proposal submitted by the Ministry of Works, King Minh Mang sent a group of naval boats headed by Pham Huu Nhat, Commander of the Naval Group, to the Paracel to do the mapping. The mapping work was described in detail in Book No.165 in Section 2 of the *Principal Chronicles of Dai Nam* as follows:

“No matter which island or yellow-sand beach it is, its length, width, and circumference must be measured. It is also important to see how deep the surrounding sea is, whether there is a reef, and what the island topography looks like. All those things must be estimated to

make maps. At the same time, it is necessary to consider which seaport the boats should leave for the islands, which direction they should follow, and what the distance from the seaport to the islands will be, based on the speed of the boats. Also, it is essential to identify which province those islands face directly, which province they face in a slanting direction, and how far the distance from the islands to the coast is. It is obligatory to write down all the information to be submitted afterwards” (National History Bureau of the Nguyen Dynasty, 2007, p.867).

+/ The *Dai Nam Comprehensive Encyclopaedia* (“*Đại Nam nhất thống chí*”) is a series of Vietnamese official geographical books compiled by the National History Bureau under the reign of King Tu Duc. The compilation started in 1865 and was completed in 1882. In the section on Quang Ngai Province, the Paracel Islands were identified as a part of Quang Ngai, in which exploitation and administration were continually done during the periods of King Gia Long and King Minh Mang. It was written in the book as follows: “Due east of the province, there are Hoanh Sa (i.e. the Paracel) Islands consisting of sand beaches and sea; due southwest, there is a long range of firm mountains; the south of the province is contiguous with Binh Dinh Province; Ben Da Mountain Pass is running across; the north is contiguous with Quang Nam Province...” (National History Bureau of the Nguyen Dynasty, 2013, p.652).

In the *Dai Nam Comprehensive Encyclopaedia*, the geography and produce of the Paracel Islands were described in detail as follows: “The Paracel Archipelago is located due east of Re Island of Binh Son District. When the wind is favourable, it takes three or four days to sail from the Sa Ky Sea to the archipelago. There are more than 130 small islands. It takes a day or several hours to sail from one island to the other. There is a yellow-sand beach, thousands of miles long. It is smooth and flat. The sea is very transparent. There is a freshwater well at the beach. Regarding produce, there are a lot of snails, tortoises, turtles, and things drifting from boats of the Qing people due to storms” (National History Bureau of the Nguyen Dynasty, 2013, p.665).

The books mention the fact that Vietnamese feudal governments carried out continual exploitation and administration around the Paracel Islands as follows:

“At first, the royal court founded a Paracel group consisting of 70 men recruited from An Vinh Commune. Every year, in the third lunar month, they went out to the sea to search for sea products and came back to Tu Hien Port in the eighth lunar month to hand in the products. Then, a team named Bac Hai was founded under the administration of the Paracel group to gather sea products from various islands.

The east islands of the Paracel Archipelago are located near Qiongzhou Prefecture, Hainan of the Qing. In the early period under the reign of King Gia Long, the Paracel group was founded as usual, but it was then dissolved. In the early period under the reign of King Minh Mang, people were ordered to sail to the Paracel Islands to survey maritime routes. They saw a sandbank of 1,070 *trượng* (Vietnamese ancient unit of length, one *trượng* is equivalent to 4,7m) in circumference; the island was covered by green trees; a freshwater

well was found in the centre of the sandbank. There was a temple in the southwest. It is unknown when the temple was built. There was a stele inscribed with four characters “萬里波平” (*Vạn lý ba bình*; i.e. the sea waves are peaceful everywhere in thousands of miles). This island was called Buddhist Temple Mountain. Due east and west of the island, there were coral reefs. It emerges from the sea, forming a dune of 340 *trượng* in circumference, and one *trượng* two *thước* in height next to the sandbank. It was called Ban Than Coral Island. In the 16th year of the Minh Mang Era, people were instructed to carry stones and bricks to the island to build a temple; a stele was also set up on the left of the temple to record the event. Seeds were planted in the ground on the left and the right as well as behind the temple. The soldiers were ordered to build the temple foundation and found more than 2,000 *cân* (Vietnamese ancient unit of weight, one *cân* is equivalent to 1.6kg) of bronze and iron” (National History Bureau of the Nguyen Dynasty, 2013, p.666).

3. French colonial government and Nguyen Dynasty carried out state administration and sovereignty over Paracel and Spratly Archipelagos (1884-1945)

3.1. French colonial government continued to assert, administer, and protect Vietnam's sovereignty over Paracel and Spratly Archipelagos

On 1 September 1858, the French army started to invade Vietnam. On 6 June 1884, the Nguyen royal court in Hue signed the Patenôtre Treaty (Protectorate Treaty). According to the treaty, representing Vietnam, France implemented sovereignty over Vietnam, including the Paracel and the Spratly Archipelagos: “Annam recognises and accepts the protectorate of France. France will represent Annam in all her external relations. Annamese abroad will be placed under the protection of France” (Wikipedia).

Based on the articles of the treaty, since 1884, Vietnam was under the administration of the Ministry of Colonies (France). Vietnam, consisting of Cochinchina, Annam, and Tonkin, was titled the French protectorate, but it was a colony of France. On behalf of Vietnam (the royal court in Hue), France dealt with all foreign affairs with respect to the protection of sovereignty and territory. It is, however, necessary to emphasise that France did all those things in the name of Vietnam, but Vietnam kept the sovereignty over the islands indeed.

In 1899, Paul Doumer, the Governor-general of French Indochina submitted a proposal to the central government in Paris, asking for permission to build a lighthouse on the Paracel Islands (Pattle Islands) to warn and guide ships in the area. The plan to build the lighthouse was then cancelled due to financial shortages.

In 1920, Mitsui Busan Kaisha asked for permission to carry out exploitation on the Paracel Archipelago, but the French Government refused to grant the permission. Since then, the French colonial government-imposed taxes and carried out patrols around the islands.

In March 1921, the governor-general of French Indochina proclaimed that the Spratly and the Paracel Islands were a part of Vietnam's territory under the French protectorate.

Later, the dispute about the sovereignty over the Paracel Archipelago took place, after the local government of South China decided to merge the Paracel (called Xisha by China) into Hainan.

Since 1925, France carried out scientific experiments on the Paracel and Spratly Islands under the supervision of Dr Krempf, Director of the Institute of Oceanography located in Nha Trang. In 1927, France sent a ship named De Lanessan to the Spratly. Later, three other ships, the La Malicieuse, La Alerte, and La Astrobale, came to the Spratly Islands to plant the French flag in the archipelago in 1930.

Since then, the dispute about sovereignty over the Spratly Islands took place. In 1931 and 1932, there was strong opposition to the Chinese claim on sovereignty over the Paracel Islands.

In 1932, China was proposed to submit the dispute about the sovereignty over the archipelagos to the International Court, but China refused to do it (Ministry of Foreign Affairs - National Border Committee, 2014, p.56).

From 1930 to 1933, French naval troops were in turn garrisoned on the main islands of the Spratly Archipelago, including the Spratly (*Trường Sa*), Amboyna Cay (*An Bang*), Taiping (*Ba Bình*), Southwest and Northwest Cays (*Song Tử*), Loaita (*Loài Ta*), and Iron Shoal (*Thị Tử*). This was pronounced in the Governmental Official Gazette of the Republic of France on 26 July 1933 (Ministry of Foreign Affairs - National Border Committee, 2014, p.31). In 1933, the Spratly was regulated to be an administrative unit of Ba Ria Province, according to the decree issued by J. Krautheimer, Governor of Cochinchina (Monique Chemillier - Gendreau, 2011, p.57).

On 13 April 1933, according to the instruction from the Governor-general of French Indochina, a naval group of the Far East Naval Army, consisting of two battleships and two oceanographic research ships headed by Lieutenant-colonel Delattre left Saigon for the Spratly Islands to hold a traditional ceremony of sovereignty. Captains of the ships signed 11 copies of the document recognising the sovereignty. Each of the copies was contained in a bottle stuck on a concrete pillar placed in a fixed position on the islands. Then, the ceremony was held with the hoisting of the French flag and the performance of the buglers' team (Monique Chemillier - Gendreau, 2011, p.57).

In the same year, on 15th of June, the Governor-general of French Indochina issued Decree No.156-SC about establishing an administrative unit on the Paracel Islands under the governance of Thua Thien Province (the present-day Thua Thien-Hue Province) and setting up meteorological stations, of which the station No.48859 was located on Woody Island (*Phú Lâm*) and station No.48860 was on Pattle Island (i.e. Paracel). At that time, the Paracel Islands consisted of two administrative units under the governance of Thua Thien Province. Each of the units was managed by an administrative delegation called *Délégation administrative des Paracels*, including the Administrative Delegation of Croissant and

Adjacent Areas and the Administrative Delegation of Amphitrite and Adjacent Areas. Those delegations were headed by French envoys from Thua Thien Province who were staying and working on Paracel Island (Pattle) and Woody Island (Boisée) (Vietnam News Agency, 2019).

On 21 December 1933, M. J. Krautheimer, Governor of Cochinchina issued Decree No.4702-CCP, merging the Spratly Archipelago and other islets into Ba Ria Province (Monique Chemillier - Gendreau, 2011, p.56).

In 1937, on behalf of the French colonial government, chief engineer Gauthier took a team to the Paracel Island to build a lighthouse and investigate the possibility of building seaports and airports on the island. Over two years, from 1938 to 1939, the construction and investigation activities were implemented by soldiers sent from the mainland to the islands.

In 1938, the Paracel Archipelago was merged into Thua Thien Province. According to the decision of the Governor-general of French Indochina, a military unit was garrisoned; meteorological and radio-telegraphic stations were built; and lighthouses and landmarks of sovereignty were set up on the Paracel Islands.

On 5 May 1939, the Governor-general of French Indochina promulgated Decree No.3282 to replace Decree No.156-SL issued on 15 June 1933, about the establishment of two administrative units on the Paracel Islands under the governance of Thua Thien Province, named “Administrative Delegation of Croissant and Adjacent Areas” and “Administrative Delegation of Amphitrite and Adjacent Areas” (Monique Chemillier - Gendreau, 2011, pp.279-280).

Apart from state documents released by the French protectorate government - such as the proclamations and decrees on the administration relating to the implementation and protection of sovereignty over the Paracel and the Spratly, various agencies of the government of the Republic of France such as the Governmental Official Gazette, the Ministry of Foreign Affairs (the French Embassy and Consulate General), the Ministry of Defence, the Ministry of the Colonies, and the colonial government (the Governors-general of French Indochina, governors, and French resident superiors) also issued 40 official documents that show the implementation and assertion of the sovereignty over the Paracel and Spratly Archipelagos (Monique Chemillier - Gendreau, 2011, pp.213-231).

Of those documents, the letter No.154-K sent by the Resident Superior of Annam on 23 January 1929, to the Governor-general of French Indochina in Hanoi (original version in French) provides information about the implementation of the sovereignty over the Paracel Islands by the Vietnamese dynastic government (Monique Chemillier - Gendreau, 2011, pp.223-225).

3.2. Nguyen Dynasty implemented administration and sovereignty over Paracel and Spratly Archipelagos

During the colonial period, the Nguyen Dynasty was assigned to administer Annam (Central Vietnam). It, therefore, implemented the state administration over the sea in Central Vietnam, including also the Paracel and the Spratly Archipelagos.

Regarding the administration, in 1938, in the name of the Kingdom of Annam, King Bao Dai issued edict No.10 dated to the 29th of the second lunar month in the 13th year of the Bao Dai Era, separating the Paracel Archipelago from Nam Ngai Province and merging it into Thua Thien Province. The edict says: “This edict proclaims that the Paracel Archipelago has been under the sovereignty of Vietnam for a long time, and it was a part of the Nam Ngai Province in the previous dynastic eras. In the period of King Gia Long (*Thế Tổ Cao Hoàng Đế*), it remained the same, as people travelled to those islands from the coast of Nam Ngai Province. Owing to maritime advancements, transport has changed by now. In addition, the representative of the Annam Government who was sent to the islands for inspection and the defence official reported that it would be more convenient if the islands were merged into Thua Thien Province. This edict states that the Paracel Archipelago is merged into Thua Thien Province and the islands are administered by the provincial governor” (Ministry of Foreign Affairs - National Border Committee, 2014, pp.32-33).

Based on the Annam Government’s guideline, the Governor-general of French Indochina issued Decree No.3282 dated 5 May 1939, on establishing an administrative unit in the Paracel Archipelago under the governance of Thua Thien Province. At the same time, the French colonial government set up stone landmarks of sovereignty, built lighthouses and meteorological stations, and sent Vietnamese border defence soldiers to the Paracel Island for protection. The landmarks were inscribed with the following sentence that illustrated Vietnam’s sovereignty over the Paracel Islands since the period of King Gia Long: Republic of France - Kingdom of Annam - Paracel Archipelago 1816 - Pattle Island 1938 (*République Francaise - Empire de Annam - Archipel des Paracels 1816 - Ile de Pattle 1938*). On the landmarks of sovereignty, 1816 was seen as the date of the island occupation, based on the records in the *Chronicles of Dai Nam*: “In the third lunar month of the 15th year in the Gia Long Era (Year of Binh Ty), naval troops and the Paracel group were sent to the Paracel to survey maritime routes” (Principal Version, First Section, Vol. 52) (Ministry of Foreign Affairs - National Border Committee, 2014, pp.35-36).

+/ Administrative documents issued by King Bao Dai to proclaim Vietnam’s sovereignty over the Paracel Archipelago.

An administrative document dated to the 15th of the 12th lunar month in the 13th year of the Bao Dai Era (3 February 1939) on the awards granted to those who were accredited with the protection of the Paracel Islands was published in two copies, one in Vietnamese and the other in French. Each of them was written on a paper sized 21.5cm x 31cm. A paper of such a size was officially used by the Royal Secretariat during the Bao Dai Era. The documents can be translated as follows: On 2 February 1939, Graffeuil, Governor of Annam, sent an official letter to Pham Quynh, General Director of the royal secretariat, asking King Bao Dai to grant the Imperial Order of the Dragon of Annam to Louis Fontan, who just passed away a day before. Earlier, Louis Fontan worked as the first-ranked chief of the Blue-belt Military Group (*Milicien à Ceinture Bleu*) in the Paracel Islands. While working there, he suffered from malaria and died in a hospital in Hue city. After receiving the letter, General Director Pham Quynh asked his subordinate official to make a copy,

which was then submitted together with a report to King Bao Dai on 3 February 1939. After reviewing the documents, the king wrote: “Approved” and signed “BĐ” (i.e., Bao Dai). The fact that the 4-ranking Imperial Order of the Dragon of Annam was granted to Louis Fontan showed a high appreciation of the contribution made by the protectorate officials to the Vietnamese national defence in the Paracel Islands (Truong Minh Duc, 2014, pp.142-143).

+/ Another administrative document dated to the 27th of the 12th lunar month in the 13th year of Bao Dai Era (15 February 1939) on the reward granted to the Blue-belt Military Group was signed twelve days after signing the document on granting the Imperial Order of the Dragon of Annam to Louis Fontan. King Bao Dai approved of this following document granting a reward to the Blue-belt Military Group garrisoned in the Paracel Islands. The administrative document dated to the 27th of the 12th lunar month in the 13th lunar year in the Bao Dai Era (15 February 1939) is a report submitted by the General Director of the Royal Secretariat Pham Quynh to King Bao Dai, asking for granting the 5-ranking Imperial Order of the Dragon of Annam to the Blue-belt Military Group for contribution to the suppression of the rebellion in mountainous areas and the defence of the Paracel Islands. The proposal was then approved by the king and signed with “BĐ”. It is important evidence for demonstrating Vietnam’s sovereignty over the Paracel Archipelago (Truong Minh Duc, 2014, pp.143-144).

The above-mentioned documents show that the French colonial government paid much attention to Vietnam’s sovereignty over the Paracel and Spratly Archipelagos. It emphasised the occupation, exploitation, and protection of sovereignty in the two archipelagos against violations from other countries.

4. Remarks

With a sound vision on the important strategic role of the sea and islands, from the first half of the 17th century, the feudal dynasties in Vietnam, including both the central and local authorities, occupied the Paracel and Spratly Archipelagos, as well as other islands and waters, when they remained an unoccupied territory. The occupation and implementation of sovereignty took place, continually, and peacefully. It complied with international law and practice and was recognised and supported by many countries, organisations, and well-known scholars in the world.

As the rulers of the state in the South, the Nguyen Lords founded the Paracel naval group that consisted of seamen from An Vinh Commune, Binh Son District, Quang Nghia Prefecture. The group was sent to the Paracel Islands to collect tools and other items from boats aground and catch precious sea products to be handed in. The Nguyen Lords also set up another group named Bac Hai that consisted of seamen from Tu Chinh Village and Canh Duong Commune, Binh Tuan Prefecture. The group was licensed to go to the Spratly

Islands for the same goal as that of the Paracel naval group. As shown by the above-mentioned documents, the Vietnamese Government occupied and took sovereignty over the Paracel and Spratly Archipelagos since the 17th century. Since then, the archipelagos have been seen as a part of the national territory of Vietnam.

Further, the Nguyen Dynasty took control over the Paracel and Spratly Archipelagos by exploring and surveying; building temples; planting trees; providing protection for fishers; imposing regulations for punishments and rewards; undertaking duties for international maritime security; and organising rescues. The Vietnamese feudal government satisfied all requirements for the acquisition of sovereignty over the two archipelagos according to international law on the sovereignty over terra nullius.

Although Vietnam used to be a French colony for an extended period, the colonial government was seen as a legal representative for Vietnam's sovereignty in internal and external relations carried out the state administration and territorial control over the Paracel and Spratly Archipelagos.

According to the contemporary international law on the acquisition of sovereignty, a nation is considered to have sovereignty over an area, when it has demonstrated that it occupied, administered, and exploited the area continually and peacefully in the name of the state. Thus, Vietnam surely has sovereignty over the Paracel and Spratly Archipelagos, as the Vietnamese State set up and implemented sovereignty in accordance with the regulations of international law.

5. Conclusion

The documents that have been described systematically by different historical periods prove that the Vietnamese State explored the Paracel and Spratly Archipelagos early and took sovereignty over both and continually since the early 17th century when they remained terra nullius. This is evidence to reaffirm that Vietnam has enough legal and historical grounds to claim its sovereignty over the Paracel and the Spratly Archipelagos.

It is also undeniable that Vietnam has sovereignty over the Paracel and the Spratly Archipelagos presently and that it has authority over the waters, the exclusive economic zones, and the continental shelf according to the United Nations Convention on the Law of the Sea (UNCLOS, 1982). Vietnam is determined and persistent in protecting its territorial sovereignty by carrying out peaceful means within the framework of international law and providing convincing legal and historical proof.

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