



## Legal Basis Affirms Sovereignty of the State of Vietnam to the Two Archipelagos of Hoang Sa and Truong Sa

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**Abstract.** Historically, Vietnam has experienced many wars against foreign aggression. Most of the ancient national bibliographies in those periods were destroyed by the invaders with the aim of erasing Vietnamese culture to facilitate assimilation. However, only with the remaining main historical documents up to now is enough to prove that the Vietnamese people have had historical sovereignty over the two island districts of Hoang Sa and Truong Sa established in 1982, completely, consistent with the practice as well as international law on the establishment and assertion of territorial sovereignty.

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### 1. Introduction:

The Hoang Sa and Truong Sa archipelagos of Vietnam are composed of many very small coral reefs in the middle of the East Sea. Currently, the two archipelagos are at the center of a complicated dispute between a number of countries along the East Sea. Regarding the settlement of sovereignty disputes over territory, international law has established the principle of establishing sovereignty which is the principle of true possession and real, continuous and peaceful exercise of State power. This principle has been applied by countries and international jurisdictions to resolve many disputes over territorial sovereignty in the world.

Applying the above principle of international law to the two archipelagos of Hoang Sa and Truong Sa, both historical evidence and legal bases show that the State of Vietnam has actually possessed the two archipelagos this hundreds of years. The political institutions of the Vietnamese State in history and up to now have exercised sovereignty here since at least the seventeenth century when the two archipelagos were never under the sovereignty of any country. Since then, Vietnam has continuously and peacefully established and exercised its sovereignty over the Hoang Sa and Truong Sa archipelagos.

The fundamental, long-term and cross-cutting goal and mission of foreign affairs in waters is to establish full sovereignty, firmly manage and protect the sovereignty, sovereign rights and jurisdiction of Vietnam on sea areas and continental shelf, the two archipelagos of Hoang Sa

and Truong Sa and other islands under the sovereignty of the State of Vietnam. In the immediate future, it is necessary to manage and protect the integrity of national sovereignty and interests in the sea and islands, maintain peace, stability and cooperate in the development of marine economic fields. Continue to negotiate with countries that have maritime disputes with Vietnam, build a peaceful, stable sea and cooperate for mutual development. Continuing to assert Vietnam's undisputed sovereignty over the Hoang Sa and Truong Sa archipelagos, affirming Vietnam's sovereignty and sovereignty over the seas, exclusive economic zones and continental shelf according to the regulations of UNCLOS (Dung, N.T 2011).

The history page of Vietnam's sovereignty over the waters and islands of the Fatherland, especially the two archipelagos of Hoang Sa and Truong Sa was written with drops of blood, exchanged for the whole life of the class, excellent child. In the process of establishing sovereignty over the sea and islands, the sovereignty of Vietnam in the two island districts of Hoang Sa and Truong Sa is one of the most beautiful and dramatic pages of the history of thousands of years of building and defending the country. Vietnamese people, but any true Vietnamese should know how to cherish and preserve, not only for today, but for ever after (Ngoc, NQ 2011).

The historical evidence that Vietnam has gathered is plentiful, although as mentioned above, due to the continuous war situation, many ancient Vietnamese bibliographies have been lost and lost. However, the remaining documents up to now and the main history are



still enough to assert the sovereignty of Vietnam over the two archipelagos of Hoang Sa and Truong Sa. Firstly, the Vietnam map of the seventeenth century called the two archipelagos by the name Bai Cat Vang and inscribed in the territory of Binh Son district, Quang Ngai district. Secondly, many ancient Vietnamese documents such as Toan Tap Thien Nam Tu Chi Lo Do Thu (17th century), Phu Bien Tap Luc (1776), Dai Nam Thuc Luc Tien Bien and Chinh Bien (1844-1848), Dai Nam Nhat Thong Chi (1865-1875), the Nguyen dynasty (1802-1945) ... all talked about the two archipelagos of Hoang Sa and Truong Sa such as Golden Sand Beach thousands of miles on the East Sea and the State's dispatch of Hoang Sa went to exploit these archipelagos. Thirdly, many foreign ancient books and maps also show the Hoang Sa and Truong Sa archipelagos under Vietnamese sovereignty. The highest point of Vietnam's claiming and establishment of sovereignty over the Hoang Sa and Truong Sa archipelagos was in 1816 when King Gia Long sent troops to the Hoang Sa archipelago to raise the Vietnamese flag and claim sovereignty.

For a long time, Vietnamese people have always considered the Hoang Sa archipelago and Truong Sa archipelago as a stretch of islands tens of thousands of miles in the East Sea, so it is called Van Ly Truong Sa, or Dai Truong Sa, Bai Cat Vang, etc. ... In fact, the Nguyen lords as well as the Nguyen dynasty later made many actions to continuously appoint people to govern and exploit the islands on both Hoang Sa and Truong Sa archipelagos. The Vietnamese feudal state organized teams of Hoang Sa and Bac Hai to exercise sovereignty and exploit the two archipelagos. The rules for recruiting people, the reward and remuneration regime for teams are clearly regulated by the State. These teams were maintained and operated continuously from the Nguyen Lords (1558 - 1783) to Tay Son (1786 - 1802) and Nguyen Dynasty. The Nguyen Dynasty sent generals Pham Quang Anh (1815), Truong Phuc Si, Pham Van Nguyen, Pham Huu Nhat (1834, 1835, 1836) to Hoang Sa to survey and measure the islands, survey, draw maps, build temples, build stele.

After colonizing Indochina, France continued to manage the two archipelagos in the name of Vietnam by sending warships to patrol to ensure security, prevent smuggling, to allow the Japanese to exploit bird droppings on the island, send ships. De Lanessan studied ocean, geology, biology. From 1930 to 1932, the warships Inconstant, Alerte, La Malicieuse and De Lanessan of the French navy consecutively went to the Paracel Islands. In the early 30s of the 20th century, the French stationed troops in the main islands of the Spratlys. These activities were announced in the Official Gazette of the French Republic of July 26, 1933. In 1933, Governor General of Indochina issued a decree regulating Truong Sa archipelago into Ba Ria province. The French also separated the Hoang Sa archipelago from Nam Nghia

province and placed it in Thua Thien province and placed a unit there. After returning to Indochina, France asked the ROC troops to withdraw from the islands they illegally occupied in 1946 and to replace the Chinese army, rebuild the meteorological station, the radio station.

In 1951, at the San Francisco Conference in the United States, there was a proposal to supplement the draft Peace Treaty requesting the return of the two archipelagos of Hoang Sa and Truong Sa to China. But the Conference rejected this proposal with an overwhelming number of 46 votes for, 3 against and 1 abstain. At the meeting, Foreign Minister Tran Van Huu led the delegation of the National Government of Vietnam, which declared the affirmation of the longstanding Vietnamese sovereignty over the two archipelagos of Hoang Sa and Truong Sa without encountering any objection or advice. save of any country.

In 1956, France transferred the territory of South Vietnam to the Government of the Republic of Vietnam (RVN) and this government allowed the army to take over and organize the two archipelagos administratively (set up one commune in each archipelago. an inland district), building sovereign steles, maintaining meteorological stations. Since the 1950s, the two archipelagos of Hoang Sa and Truong Sa have become more complicated. Taking advantage of the turmoil when France withdrew from Indochina under the Geneva Agreement in 1954, China secretly illegally occupied the eastern group of islands in the Paracel archipelago in 1956. The government of the RVN strongly protested. In 1959 Chinese troops pretending to be fishermen landed on the group of islands west of the Paracel archipelago. The ARVN army discovered, intercepted and arrested 82 Chinese fishermen.

For the group of islands west of the Paracel archipelago, the government of the RVN continued to manage until 1974. In 1974, China used air and navy to occupy the western part of Paracel archipelago. The government of the RVN and the Provisional Revolutionary Government of the Republic of South Vietnam strongly opposed this aggression by China. In 1975, the government of the RVN collapsed, the Navy of Vietnam People's Army fully took over the islands controlled by the ARVN army in the East Sea. The unified Vietnamese State then continued to assert the sovereignty of Vietnamese people over the Hoang Sa and Truong Sa archipelagos, issued many state administrative documents to establish the Hoang Sa and Truong Sa island districts. such as completing administrative administration on these islands. It is evident that until 1988, there was no Chinese presence in the Spratlys. On March 14, 1988, the Chinese Army began to use force to illegally occupy a number of islands in the Spratly archipelago of Vietnam. In the light of international law, Vietnam has sufficient historical evidence and legal basis to assert its long-standing and continuous sovereignty over the two archipelagos of Hoang Sa and Truong Sa.



The 1982 Law of the Sea Convention allows coastal states to enjoy continental shelf status for the exploration and exploitation of resources. This is a specific sovereignty, regardless of the conditions to possess, explore or explicitly declare. Any arbitrary foreign occupation, whether by force or not, is illegal and invalid. Geographically, Tri Ton island, Hoang Sa archipelago is only 135 nautical miles from Quang Ngai and Hoang Sa (Pattle) is only 160 nautical miles from mainland Vietnam. Therefore, the Hoang Sa archipelago is located in the continental shelf of Vietnam which is regulated by the Convention on the Law of the Sea 1982. In terms of geology, the scientific research shows that the Hoang Sa archipelago is a part of Vietnam. Male. In terms of topography, the seabed of the Hoang Sa archipelago is a submerged plateau on the seabed, continuing continental Vietnam. In the Truong Sa archipelago, too, in terms of geology and topography of the seabed of the Spratly Islands is the natural continuation of the Vietnamese continent from the mainland to the sea. Moreover, Tu Chinh beach and Truong Sa island (Spratly) are only 150 to 200 nautical miles from the Vietnamese mainland, within the continental shelf of Vietnam.

## 2. Conclusion:

A very objective requirement for all countries with activities related to the East Sea is to comply with the common law that the international community, including the countries along the East Sea, has been working hard to build. - United Nations Convention on the Law of the Sea 1982. When applying the Convention to exercise its sovereignty and sovereignty over its internal waters, territorial sea, exclusive economic zone and continental shelf, countries The East Sea coast has an obligation to

respect the sovereignty and sovereignty of other South China Sea states over their territorial sea, exclusive economic zone and continental shelf. In the civilized era, the use of force and the threat of using force to coerce the territory of another country is strictly prohibited by international law. Nor will force be the correct way to resolve disputes in the East Sea. Respect for the basic principles of international law, respect the Charter of the United Nations, respect the provisions of the 1982 Law of the Sea Convention, the peaceful settlement of disputes, full implementation of commitments in the DOC, towards the development of a Code of Conduct in the East Sea - COC, working together in the direction of turning the East Sea into a sea of peace, friendship and cooperation is to show the behavior of literary nations. We respect historical truths as well as respect international laws that we have recognized and signed./.

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## References:

1. Dung, N. T. (2011), Speech at the national news gathering ceremony on World Ocean Day June 8 and Vietnam Sea and Islands Week 2011, held in Nha Trang city, Khanh Hoa on June 8, 2011.
2. Ngoc, N. Q. (2011), Sovereignty of Vietnam in Hoang Sa and Truong Sa in the seventeenth, eighteenth, and nineteenth centuries: historical documents and facts. *Journal of Chinese Studies*, No. 6, 2011.

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