



## Process of Establishment of The State of Vietnam For the Two Islands of Hoang Sa and Truong Sa

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**Abstract.** The State of Vietnam is the only country that has historical documents and legal evidences on establishing sovereignty and exercising sovereignty over the Hoang Sa and Truong Sa archipelagoes. The illegal occupation of the sovereignty over the Hoang Sa archipelago and some rocky islands in the Truong Sa archipelago by some countries in the region is a serious violation of the sovereignty of the State of Vietnam, a violation of the United Nations Charter, the law of the Socialist Republic of Vietnam, international law, international law of the sea. This study will contribute to clarifying and clarifying the process of establishing sovereignty of the State of Vietnam over the Hoang Sa and Truong Sa archipelagoes.

### To cite this article

[Bao, L., V. & Minh, N. T. (2022). Process of Establishment of The State of Vietnam For the Two Islands of Hoang Sa and Truong Sa. *The Journal of Middle East and North Africa Sciences*, 8(03), 1-3]. (P-ISSN 2412- 9763) - (e-ISSN 2412-8937). [www.jomenas.org](http://www.jomenas.org). 1

**Keywords:** Process, establishment, sovereignty, Hoang Sa, Truong Sa.

### 1. Establishing sovereignty in terms of the State of Vietnam in the monarchy time:

Historical sources show that the two archipelagoes of Hoang Sa and Truong Sa are a combination of derelict islands until the seventeenth century. With astronomical knowledge at that time, the two archipelagos were represented as one strip, including Hoang Sa and Van Ly Truong Sa and were originally called by the Vietnamese a short name, Golden Sands. In the first half of the 17th century, Lord Nguyen organized the Hoang Sa Team to get people from An Vinh commune, Binh Son district, Quang Ngai province to the Hoang Sa archipelago to collect goods and tools on aground ships and catch fish. Rare and precious seafood brought back and presented to Lord Nguyen. Lord Nguyen again organized the Bac Hai Team to get people from Tu Chinh village or Canh Duong commune of Binh Thuan government, granting a license to the Truong Sa archipelago with the same task as the Hoang Sa team. These activities are recorded in many important historical documents compiled by prominent historians and officials, some notable authors and works, including:

1. The Compendium of Thien Nam Tu Chi Lo, the letter of Do Ba Tu Cong Dao, compiled in 1686.
2. Phu Bien Tap Luc by Le Quy Don, compiled in 1776
3. The imperial calendar and the charter of the author Phan Huy Chu, compiled in 1821.
4. Dai Nam Thuc Luc Tien Bien, compiled in the period 1844 - 1848.
5. Dai Nam Thuc Luc Chinh Bien, compiled in the period 1844 - 1848.

In addition to the 5 typical works mentioned above, there are many other works, such as Dai Nam Nhat Thong Chi, Quoc Trieu Chinh Bien Compilation of the National History of the Nguyen Dynasty, Kham Dinh Dai Nam Hoi Filling History, etc. , the sovereignty of the two archipelagos and the activities of the Vietnamese feudal court on the two archipelagos are also mentioned in foreign works such as: Diary of Batavia in 1636, Diary of Overseas in 1696, An Nam Dai Quoc 1838 graphics etc..

Along with the task of exploiting seafood and goods on the two archipelagos, Hoang Sa and Truong Sa of the Nguyen Dynasty also took measurements, surveyed, erected steles, planted landmarks, and planted trees on the two archipelagoes continuously for many years. 1834, 1835 and 1836. Through the organization of exploitation of natural resources on the two archipelagoes of Hoang Sa and Truong Sa for many centuries, in practice as well as in terms of legal, historical and cultural aspects. The Nguyen Dynasty had mastered the two archipelagos of Hoang Sa and Truong Sa since they did not belong to any country's territory, turning the two derelict archipelagos into an inseparable part of Vietnam's territory.

### 2. Inheritance of sovereignty from French invasion to 1975:

During the French invasion of Vietnam, on the basis of representing the Hue court, France took many actions to strengthen Vietnam's sovereignty over the two archipelagos of Hoang Sa and Truong Sa by patrolling, controlling and sent out troops to occupy the islands. For

administrative management, the French government at that time merged the Truong Sa archipelago into Ba Ria province<sup>5</sup> and established an administrative unit in the Hoang Sa archipelago in Thua Thien province, allowing many constructions to be built in the two archipelagos island. During the period from 1931 to 1932, France repeatedly opposed China's claim of sovereignty over the Paracel Islands.

After World War II, France returned to the Paracel Islands. On March 8, 1949, France recognized the independence and reunification of Vietnam and on October 14, 1950, France officially handed over the defense of the Paracel Islands to Vietnam. On September 6, 1951, at the San Francisco Conference, Mr. Tran Van Huu was then Prime Minister and Foreign Minister of the Government of South Vietnam, in his speech, he officially declared and affirmed the The long-standing right of the State of Vietnam over the Hoang Sa and Truong Sa archipelagos, the speech reads: And also because it is necessary to take advantage of every opportunity to quell the seeds of disputes in the future. , we claim our longstanding sovereignty over the Spratlys and Paracels islands, which form part of Vietnam (Conference on Summarizing and Signing the Peace Treaty with Japan, Washington D.C., Department of State, 1951, p.119).

After that, the government of the Republic of Vietnam stationed troops on the two archipelagos, taking charge of the management of the two archipelagos in accordance with the responsibility that the 1954 Geneva Agreement on Vietnam gave to the temporary management of half of Vietnam from the parallel of 17 and on while waiting to unify the country by free general elections. During this time, the Vietnamese governments mentioned above have always asserted and maintained their sovereign rights in a continuous and peaceful manner over the Hoang Sa and Truong Sa archipelagos through State activities.

The Saigon government decided to merge the Hoang Sa archipelago in Thua Thien province into Dinh Hai commune in Hoa Vang district, Quang Nam province and decided on the Truong Sa archipelago to be merged into Phuoc Hai commune, Dat Do district, Phuoc province. Tuy<sup>8</sup>. In April 1956, the Saigon government sent troops to replace the French on the islands in the western group of the Hoang Sa archipelago and while not having time to deploy their forces on the islands in the eastern group of the Hoang Sa archipelago, China secretly sent troops to occupy this group of islands.

### 3. Period from 1975 to present:

In January 1974, when China used its air force and navy to capture Vietnam's western group of islands in the Hoang Sa archipelago, the Saigon government accused Beijing of violating Vietnam's sovereignty over the Hoang Sa archipelago. On January 20, 1974, the Provisional Revolutionary Government of the Republic of South Vietnam issued a Statement opposing this action of the

Chinese side. On February 14, 1975, the Ministry of Foreign Affairs of the Saigon government published a White Paper on Vietnam's historical and legal rights to the two archipelagos of Hoang Sa and Truong Sa.

In April 1975, the Vietnamese People's Navy liberated the islands of Truong Sa, Son Ca, Nam Yet, Song Tu Tay, Sinh Ton and An Bang, which were held by the Saigon army. The Provisional Revolutionary Government of the Republic of South Vietnam affirmed Vietnam's sovereignty over the Hoang Sa and Truong Sa archipelagos and claimed for itself the right to protect that sovereignty. After July 2, 1976, the unified State of Vietnam under the name of the Socialist Republic of Vietnam issued many important legal documents directly related to Vietnam's sovereignty over the two archipelagos. Hoang Sa and Truong Sa.

Constitutions of 1980, 1992 and 2013, Law on national borders in 2003, Government declaration dated 12-11-1977 on territorial sea, contiguous zone, exclusive economic zone and continental shelf of Vietnam Male. The Government's declaration on November 12, 1982 on the baselines used to calculate the breadth of Vietnam's territorial sea both affirmed that the Hoang Sa and Truong Sa archipelagos were part of Vietnam's territory and had separate seas. will be specified in detail in subsequent documents.

In the years 1979, 1981 and 1988, the Ministry of Foreign Affairs of the Socialist Republic of Vietnam published the White Papers on Vietnam's sovereignty over the Hoang Sa and Truong Sa archipelagos, which proved that clearly Vietnam's sovereignty over the two archipelagos in all aspects: historical, legal, cultural, economic and practical of international law. Currently, the Hoang Sa archipelago is a district-level administrative unit under Da Nang city and the Truong Sa archipelago is a district-level administrative unit under Khanh Hoa province.

Resolution of the IXth National Assembly of the Socialist Republic of Vietnam, 5th session on June 23, 1994 ratifying the 1982 United Nations Convention on the International Law of the Sea stating: The National Assembly once further affirming Vietnam's sovereignty over the Hoang Sa and Truong Sa archipelagos and advocating to resolve disputes related to the East Sea through peaceful negotiations, in the spirit of equality, mutual understanding and respect. each other, respecting international law, especially the 1982 United Nations Convention on the Law of the Sea (United Nations Convention on the Law of the Sea 1982), respecting the sovereignty and jurisdiction of coastal states over their exclusive economic zone and continental shelf, in When making efforts to promote negotiations to find a basic lasting solution, relevant parties need to maintain stability on the basis of maintaining the status quo, not taking actions to complicate the situation, and not using force. or threaten to use force.

The National Assembly emphasized: It is necessary to distinguish the settlement of disputes over the Hoang Sa and Truong Sa archipelagoes from the issues of protecting the sea areas and continental shelf under Vietnam's sovereignty, sovereign rights and jurisdiction. South, based on the principles and standards of the United Nations Convention on the Law of the Sea 1982 (United Nations Convention on the Law of the Sea 1982).

Vietnam's stance is to actually possess the Hoang Sa and Truong Sa archipelagoes since at least the seventeenth century when the two archipelagos were not yet under the sovereignty of any country and the State of Vietnam had exercised its sovereignty continuously and peacefully in terms of the State over the Hoang Sa and Truong Sa archipelagoes. All acts of foreign countries using force to invade islands, rocks, shoals and shoals on the Hoang Sa and Truong Sa archipelagos under the sovereignty of the State of Vietnam have no legal value and are not considered as acts of law. the legal basis for establishing sovereignty over the territory and is contrary to the basic principles of modern international law.

#### 4. Conclusion:

Compared with the process of establishing and exercising sovereignty of the State of Vietnam over the Hoang Sa and Truong Sa archipelagoes from the 17th century to the early 20th century and up to now, the establishment of Vietnam's sovereignty over the Hoang Sa and Truong Sa archipelagoes. The two archipelagos of Hoang Sa and Truong Sa is an obvious historical - legal fact, which is shown by practical actions on management and administration of the Vietnamese State polities over

the periods in a unique way consistent, open, continuous, peaceful, consistent with the basis of contemporary international law.

Vietnam and ASEAN countries make every effort to build a region of peace, friendship and cooperation, committing to peace, stability, security, safety and freedom of navigation in the East Sea on the basis of law. International law, especially UNCLOS 1982, adheres to the principles of restraint, avoids unilateral actions that complicate the situation, and settles disputes and differences by peaceful means, including legal processes and diplomacy. The Vietnamese people firmly believe that all conflicts in the world can be resolved by peaceful means, firmly believing that countries with different social systems and different forms of consciousness can live together peace be. We firmly believe that such cooperation will benefit both sides and the common cause of world peace.

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Received January 11, 2022; reviewed January 18, 2022; accepted February 04, 2022; published online March 01, 2022