

SOME THEORETICAL AND PRACTICAL ISSUES ABOUT THE ROLE OF THE MASSES IN ESTABLISHING AND PROTECTING VIETNAM'S SOVEREIGNTY OVER SEA AND ISLANDS IN HISTORY AND MODERN TIMES

ALGUMAS QUESTÕES TEÓRICAS E PRÁTICAS SOBRE O PAPEL DAS MASSAS NO ESTABELECIMENTO E PROTEÇÃO DA SOBERANIA DO VIETNÃ SOBRE O MAR E AS ILHAS NA HISTÓRIA E NOS TEMPOS MODERNOS*

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Abstract: Sea and islands play a critical role. Currently, evidence-based practice is always required for countries with sea to proclaim to the world their sovereignty over sea and islands. One of the important provisions to establish sovereignty is physical possession and actual, continuous and peaceful exercise of State power. This principle has been adopted by countries and international jurisdictions to resolve many territorial disputes in the world. This study aims to further attest to the international community the establishment of Vietnam's sovereignty through the continuous and peaceful activities, management and exploitation of the masses of the people on sea and islands. The study is based on the research, analysis and proof taken from official historical documents of Vietnam and the world, as well as evidence from history and modern times. From which, undeniable findings are given to affirm Vietnam's sovereignty over sea and islands in accordance with international law.

Keywords: The role of the masses. Protection of sovereignty over sea and islands. Protection of Vietnam's sovereignty over sea and islands. National sovereignty.

Resumo: O mar e as ilhas desempenham um papel fundamental. Atualmente, a prática baseada em evidências é sempre necessária para que os países com mar proclamem ao mundo sua soberania sobre o mar e as ilhas. Uma das disposições importantes para estabelecer a soberania é a posse física e o exercício real, contínuo e pacífico do poder do Estado. Este princípio tem sido adotado por países e jurisdições internacionais para resolver muitas disputas territoriais no mundo. Este estudo

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visa atestar ainda mais à comunidade internacional o estabelecimento da soberania do Vietnã através de atividades contínuas e pacíficas, gerenciamento e exploração das massas de pessoas no mar e nas ilhas. O estudo é baseado em pesquisas, análises e provas retiradas de documentos históricos oficiais do Vietnã e do mundo, assim como provas da história e dos tempos modernos. Dos quais, inegáveis conclusões são dadas para afirmar a soberania do Vietnã sobre o mar e as ilhas, de acordo com o direito internacional.

Palavras-chave: O papel das massas. A proteção da soberania sobre o mar e as ilhas. A proteção da soberania do Vietnã sobre o mar e as ilhas. Soberania nacional.

1. INTRODUCTION

Today, countries with sea always want to show to the world the proof of their sovereignty over the seas and islands of which they claim to be theirs. One of the important provisions that these countries rely on is the principle of establishing sovereignty based on physical possession as well as actual, continuous and peaceful exercise of State power.

This study aims to point out some theoretical and practical issues regarding the role of the masses in the establishment and protection of Vietnam's sovereignty over sea and islands in history and modern times. Determining such sovereignty is of great significance, as the principle mentioned above has been adopted by countries and international jurisdictions to resolve many territorial disputes in the world.

Recently, there have been many research works on the establishment of sovereignty over sea and islands in Vietnam and over the world; however, these works just view the problem from the perspective of state and legal affairs. Therefore, clarifying the theory and practice regarding the role of the masses in the establishment and protection of Vietnam's sovereignty over sea and islands is a new approach. This study only discusses some theoretical and practical issues regarding the role of the masses in the establishment and protection of Vietnam's sovereignty over sea and islands in history and modern times, and its findings are intended to further affirm the theoretical and practical foundation of such sovereignty in accordance with international law.

2. SOME THEORETICAL AND PRACTICAL ISSUES IN HISTORY AND MODERN TIMES ABOUT THE ROLE OF THE MASSES IN ESTABLISHING AND PROTECTING VIETNAM'S SOVEREIGNTY OVER SEA AND ISLANDS

First, the role of the masses in establishing and protecting Vietnam's sovereignty over sea and islands as reflected in Vietnamese documents

National territorial sovereignty refers to the sovereignty established and enforced by the State. In ancient books and documents, it is clearly stated that the two archipelagoes of Hoang Sa (Paracels) and Truong Sa (Spratly) are of the sovereignty of Vietnam through the activities of its people. At first, when Vietnamese people discovered Hoang Sa and Truong Sa, they only knew them as a region of many islands, reefs and sandbanks stretching for several thousand miles without distinguishing between the two archipelagoes. The two were combined and known by the name of Dai Truong Sa - Hoang Sa - Van ly Truong Sa. Later, under the reign of the Nguyen dynasty, each archipelago was given its own name: Hoang Sa (Paracels), and Van ly Truong Sa (Spratly), later Truong Sa for short. *Phu bien tap luc* (Miscellaneous Chronicles of the Pacified Frontier) - the ancient book compiled by the scholar Le Quy Don (1726 -1784) in 1776 - clearly states that Dai Truong Sa island (i.e. Hoang Sa and Truong Sa) belonged to Quang Nghia district (present-day Quang Ngai). Le Quy Don meticulously described the geography and resources of Hoang Sa and Truong Sa, as well as the works of Vietnamese citizens in these two archipelagoes. The book describes: "In Quang Ngai district, off the coast of An Vinh village, Binh Son subdistrict, there is an island called Cu Lao Re stretching over 30 miles. The Tu Chinh settlement, as it is called, has been established here and the people there grow beans. It takes half a day by boat to get there. Further off, there are Dai Truong Sa islands where sea products and ship-wrecked cargoes are available to be collected by the Hoang Sa detachment. It takes three days and nights to reach there by boat. They are near an area called Bac Hai." Next, in *Dai Viet su ky tuc bien* (Later History of Great Viet) (1676-1789) - the official history book compiled by the National History Academy during the Le - Trinh Period, there is a record of Hoang Sa and Truong Sa, the content of which is essentially no different from that of Le Quy Don. *Dai Viet su ky tuc bien* is the work that turns Le Quy Don's scientific and objective records into the content of a national history book, translating his handwriting manuscript into an official document on behalf of the nation.

Also during the reign of the Nguyen dynasty, the imperial court had issued many documents for direct participation in organizing, directing and implementing activities in order to assert sovereignty over sea and islands; notably is the *Chau ban trieu Nguyen* (Imperial Archives of Nguyen Dynasty), a collection of memorials and reports to the imperial court, from the first king of the dynasty - Gia Long (1802) to the last king - Bao Dai (1945), which were seen and commented by the kings. This collection is recognized

by UNESCO as a World Documentary Heritage from the Asia-Pacific region, an original source of information produced during the operation of the state that objectively and honestly reflects the political thought and policies of a dynasty in domestic and foreign affairs. That adds more legal values and international support to the sacred struggle for and maintenance of sovereignty over sea and islands that many generations of Vietnamese people have put in a lot of blood and sweat to pursue.

Also, in *Dai Nam thuc luc chinh bien* (Principle Records of the Great South) (1848), a series of actions by Nguyen kings to consolidate sovereignty over the islands are recorded. This is a history book compiled by the National History Academy of Nguyen dynasty, and talks about Nguyen kings. The part of King Gia Long (1802-1819), King Minh Menh (1820-1840) and King Thieu Tri (1841-1847) was completed in 1848, documenting the fact that the kings directed people to establish and protect the sovereignty over sea and islands. In 1815, King Gia Long "ordered Pham Quang Anh to lead the Hoang Sa detachment to Hoang Sa to survey the sea routes ". In 1816, King Gia Long "ordered a naval unit and the Hoang Sa detachment to sail to Hoang Sa to make a survey of sea routes". In 1833, Kinh Minh Menh ordered Ministry of Public Works: "In our territorial waters off Quang Ngai province, there lie the Hoang Sa islands. From afar, they become merged into the sky and the sea. It is difficult to estimate the depths of the surrounding waters. Recently, foreign merchant ships have often been caught in danger there. Preparations should be made for a team to go there next years to plant trees. The trees will grow up into a luxuriant vegetation that would allow navigators to recognize the areas and avoid shipwrecks. This will be for the benefit of many generations to come." In 1834, Kinh Minh Menh ordered Garrison Commander Truong Phuc Si to lead a naval unit of 20 people to Hoang Sa for a map-drawing assignment.

Other official works compiled and printed by the National History Academy during the reign of the Nguyen dynasty, such as *Kham dinh Dai Nam hoi dien su le* (Collected Statutes and Precedents of Dai Nam) (1843 - 1851), *Dai Nam nhât thong chi* (Geography of United Đại Nam) (1865 - 1882), *Lich trieu hien chuong loai chi* (Accounts on the institutions of successive dynasties) (1821), *Hoang Viet du dia chi* (Geography of the Viet Kingdom) (1833), *Viet su cuong giam khao luoc* (Outline of the Chronicles of the Viet History) (1876) all record similar accounts of Hoang Sa and Truong Sa. Those are all official and genuinely valuable sources about the role of the masses in establishing and protecting the sovereignty over sea and islands.

Later, as the Nguyen dynasty in turn concluded treaties with the French government, Vietnam entered the French colonial period, as called by historians. During this period, the Vietnamese state was weakened, as the French colonial government acted on its behalf in diplomatic relations, while ensuring the sovereignty and territorial integrity of Vietnam. Within the framework of general treaties, the French continued to exercise Vietnam's sovereignty over the two archipelagoes of Hoang Sa and Truong Sa. For its part, the Nguyen dynasty also constantly and by all means asserted Vietnamese sovereignty over Hoang Sa and Truong Sa whenever the opportunity presented. For example, on February 29 of the 13th year of Bao Dai era (i.e. March 30, 1938), King Bao Dai signed the 10th order, which said: "The islands in Hoang Sa have been under the sovereignty of our country for a long time; and under the reign of the previous kings, those islands belong to the territory of Nam Ngai province. As King Gia Long ascended to the throne, this remained unchanged, because the traffic to those islands is made possible through the estuaries of Nam Ngai. Thanks to maritime development, the traffic today has changed. Also, the representative of the Southern government has also visited the islands. Through the representatives of the protectorate government, he proposed to annex the islands of Hoang Sa to Thua Thien province for more convenience."

After the success of the August Revolution (1945), the establishment of the Democratic Republic of Vietnam ended the French colonial period and the existence of the Nguyen dynasty's feudal court. That revoked the legal basis of the treaties previously signed between the Nguyen dynasty and the French. The sovereignty over the entire territory, including Hoang Sa and Truong Sa, was supposed to immediately belong to Vietnamese people. However, with many "twists and turns" of history, there are still many challenges to overcome on the path to reestablish and reaffirm the true sovereignty of Vietnamese people over the two archipelagoes. Even so, in any situation, Vietnamese people always assert their possession of the two archipelagoes, which is supported by the international community.

In 1954, the Geneva Accords recognized Vietnam's independence, sovereignty and territorial integrity - including the country's possession of Hoang Sa and Truong Sa. Located south of the 17th parallel, the two archipelagoes were temporarily under the management of the Southern government while waiting for the reunification of the country through a general election. In April 1956, as French troops withdrew from South Vietnam, the army of South Vietnam government, later the Republic of Vietnam, took over the islands and archipelagoes in the South China Sea. Since 1956, legally and practically, the

government of the Republic of Vietnam continued to take many actions to assert Vietnamese sovereignty over Hoang Sa and Truong Sa. After the great victory in the spring of 1975, Vietnam was reunified. The government of the unified Vietnam then carried on with affirming the country's possession of the two archipelagoes through many practical activities of Vietnamese people.

From April 1975, Vietnam People's Navy took over the entire Truong Sa and other islands in the South China Sea. Subsequently, the unified Vietnam, going by the name of the Socialist Republic of Vietnam and inheriting the right to possess islands and archipelagoes from previous governments in accordance with international law and the continuity of history, is responsible for reinstating and maintaining the protection of Vietnamese sovereignty over Hoang Sa and Truong Sa.

During the Renovation period, the Communist Party of Vietnam and the Vietnamese socialist state have issued many documents to cement the role of the masses in establishing and protecting the possession of sea and islands of Vietnam. Noteworthy documents of the Communist Party of Vietnam include instruments of the National Congresses as well as resolutions and directives, such as: Resolution No. 03-NQ/TW dated May 6, 1993 of the 7th Politburo on a number of tasks for maritime economic development in the immediate years; Directive No. 20-CT/TW dated September 22, 1997 of the 8th Politburo on promoting the development of maritime economy towards industrialization and modernization; Resolution No. 09-NQ/TW dated February 9, 2007 of the 10th Central Executive Committee on "Vietnam's maritime strategy to 2020"; Resolution No. 36-NQ/TW dated October 22, 2018 of the 8th meeting of the 12th Central Executive Committee of the CPV on the Strategy for sustainable development of Vietnam's maritime economy to 2030 with vision to 2045, etc. Regarding instruments of the State, along with the Constitutions in 1980, 1992, 2013, there are Law No. 06/2003/QH11 of the 11th National Assembly on National Border, Law No. 18/2012/QH13 of the 13th National Assembly on Vietnamese Sea; Law No. 66/2020/QH14 of the 14th National Assembly on Vietnamese Border Defense, etc. In general, throughout the establishment and protection of Vietnamese sovereignty over sea and islands from the country's reunification in 1975 to date, in addition to issuing administrative documents for state management of territory on sea and islands, the Communist Party of Vietnam as well as the state and people of Vietnam have had many specific and timely actions to assert such sovereignty.

Second, the role of the masses in establishing and protecting Vietnam's sovereignty over sea and islands as reflected in foreign documents

Western documents recorded the inclusion of the Paracels into the territory of Annam. In 1701, French missionaries on board the *Amphitrite* to China wrote: "Paracel is an archipelago belonging to the Kingdom of Annam"[†]. In 1837, Bishop Jean Louis Taberd noted: "Pracel or Paracels is a labyrinth of small islands, rocks and sandbanks stretching over an area to 11 degrees north latitude and 107 degrees east longitude... The Cochichinese call this archipelago by the name of Cat Vang (Golden Sandbank). Although the archipelago has nothing but rocks and a great depth that promises much inconvenience, King Gia Long still thought of expanding his territory by taking over this sad land. In 1816, he came here and solemnly fixed a flagpole to confirm his official possession of these rocky islands, without anyone contesting him"[‡]. Here, Jean Louis Taberd was referring to the fact that King Gia Long assigned a troop to mark the archipelago and fix a flagpole there in 1819. As early as his ascension to the throne (1802), the king instructed to consolidate activities of the Hoang Sa detachment, which had been founded by Nguyen lords since the 17th century. In the following year, the bishop himself delineated a map, on which Hoang Sa archipelago is clearly noted as "Paracel seu Cat Vang" (Paracel, or Cat Vang). Cat Vang (Golden Sandbank) is the Vietnamese name given to Hoang Sa in official documents. This is good evidence to prove that Vietnamese people named the archipelago known by Westerners as Paracels. Referring to the establishment of sovereignty over sea and islands through the role of people, it is worth mentioning that J.B. Chaigneau, the advisor of the king of Annam, wrote in his memoirs about Cochinchina as follows: "Cochinchina whose king has proclaimed himself Emperor consists of Cochinchina proper and Tonkin, and a number of inhabited off-shore islands and the archipelago of Paracel formed by several uninhabited islets, reefs and rocks. It was only until 1816 that the Emperor took possession of the archipelago"[§].

Regarding activities of the Nguyen dynasty and Vietnamese people to establish and protect sovereignty over sea and islands, page 55 of the book "World, History and Description of peoples, religions and customs of Japan, Indochina,...", published by Dubois de Jancigny in 1850, reads: "We have observed and found that, for 34 years, the Paracels (called Cat Vang by Annam people) is a true matrix of small, rocky islands and sandbanks that are full of mistrust of navigators. This land, which can be considered the wildest and

[†] *Resolutely defending Vietnam's sovereignty over Hoang Sa and Truong Sa*, Culture - Information Publishing House, Hanoi, 2014, p.95.

[‡] J.L. Taberd, *Note on Geography of Cochinchina in The Journal of Bengal*, Calcutta, serie VI, September 1837, pp.737 – 745.

[§] *Bulletin of old friends of Hue*, Issue 2, 1923, p.257.

most incalculable place of the globe, has been possessed by Annam people (Cochichinese). We did not notice whether they have any constructions on these islands (to, possibly, protect their fisheries), but sure enough, King Gia Long added this wreath to his crown, as he personally came to assert his possession of these island. This event took place in 1816, when he solemnly raised the flag of Annam on the archipelago."** Also referring to the role of the masses in establishing sovereignty, in the article entitled "Geography of the Cochinchinese Empire" published in 1849 in London (UK), Gutzlaff also defined that Cat Vang (Paracels) belongs to Cochinchina. He wrote: "Whether the coral animals or other causes contribute to the growth of these rocks we shall not determine; but merely state that the islets rise every year higher and higher, and some of them are now permanently inhabited, through which the waves, only a few years ago, broke with force. They would be of no value if the fisheries were not very productive, and did not remunerate all the perils of the adventurer. From time immemorial, junks in large number from Haenan, have annually visited all these shoals, and proceeded in their excursions as far as the coast of Borneo. Though more than ten percent are annually wrecked, the quantity of fish taken is so great as to ensure all loss, and still leave a very good profit. The Annam government, perceiving the advantages which it might derive if a toll were raise, keeps revenue cutters and a small garrison on the spot to collect the duty on all visitors, and to ensure protection to its own fishermen"††.

The assertion of Vietnamese sovereignty over Hoang Sa and Truong Sa came not only from Westerner; even Chinese books recognize the attribution of these archipelagoes to Annam. That can be read in the preface to the book *Maritime Records* (1842); in which, Yang Bingnan described what were seen and heard by Xie Qinggao, a Chinese sailor who had traveled to many countries and regions: "The Spratly (Van ly Truong Sa) is to the West. The inner and outer currents are strongly separated by sandbanks. The Spratly is a sandy beach in the middle of the sea, stretching thousands of miles, and is a shield for Annam." It can be confirmed that the descriptions of the Paracels (Bai Cat Vang - Golden Sandbank) from foreign sources have proved that Hoang Sa and Truong Sa are of Vietnam's possession through the activities of the masses under the direction of the Nguyen dynasty.

In 1896, Ministry of Colonies and the Government General of Indochina also mentioned the role of Vietnamese people in establishing and protecting the sovereign over

** M.A.Dubois de Jancigny, *World, History and Description of peoples of Japan, Indochina, Ceylon*, Paris éd, Firmin Didot Press, 1850, p..555.

†† Journal of the Geographical Society, Vol. 19 (1849), London, John Murray, 1849, pp.93-94.

sea and islands: "At that time, Mr. Charbrier, a journalist, proposed the intention to place a supply station for fishermen in the Paracels. According to Paul Doumer (Governor-General of French Indochina), Mr. Charbrier's intention did not have the slightest chance of success, but was actually aimed at preventing another power from coveting the islands, and thus perhaps building a lighthouse there would be more beneficial." On November 1, 1933, Issue 2916 of La Nature Newspaper reported that in 1899, Governor-General Paul Doumer ordered to build a lighthouse in the Paracels to ensure maritime safety and support for fishermen. However, this project failed to materialize due to a lack of funding. Nonetheless, the French navy regularly patrolled the waters to maintain security and rescue wrecked ships. In November 1921, French Senator De Monzie wrote to Minister of Colonies about the installation of equipment to ensure the safety of civilians carrying out works in these islands and waters. "The rights of Annam (Vietnam)... regarding Hoang Sa archipelago seem to be undisputed since the 17th century, and these islands are the best place to build a radiotelegraphy station (TSF) for storm forecasting."

In short, theoretically speaking, Vietnam has a lot of documents that firmly assert its sovereignty over Hoang Sa and Truong Sa. Through these documents, the role of the masses in establishing and protecting Vietnamese sovereignty over sea and islands in both theoretical and practical aspects is highlighted.

3. SOME PRACTICAL ISSUES IN HISTORY AND MODERN TIMES ABOUT THE ROLE OF THE MASSES IN ESTABLISHING AND PROTECTING VIETNAM'S SOVEREIGNTY OVER SEA AND ISLANDS

First, activities of the masses in history regarding the establishment and protection of Vietnamese sovereignty over sea and islands

With the vision of the important role of sea and islands, since ancient times, generations of Vietnamese people had been pouring a lot of efforts in exploring, establishing and exercising their sovereignty over sea and islands, including Hoang Sa and Truong Sa archipelagoes before they were claimed by any country. At that time, the two archipelagoes, going by the name of Hoang Sa and Van Ly Truong Sa, respectively, were seen as one area called Bai Cat Vang (Golden Sandbank) by Vietnamese people. Vietnamese people gradually occupied Hoang Sa and Truong Sa since they were still lands without owners, and have been establishing and exercising their sovereignty over them in a practical, comprehensive and continuous way for centuries, in peace and without any

disputes. The history of Vietnam has recorded solid practical foundations of the role of the masses in establishing and protecting sea and islands sovereignty. The White Paper (1981) says: "The Nguyens used to form a 70-strong Hoang Sa detachment made up of An Vinh villagers. It was sent on duty in the third month of every year, taking along enough food for six months. It sailed in five fishing boats and reached the islands after a three days-and-nights voyage. There, the men were left free in their gleanings. They were able to catch birds and fish for additional food. At times they were able to gather from wrecked ships such things as swords, silver or gold ornaments and coins, rings, brassware, tin and lead ingots, guns, ivory, beeswax, chinaware, woolens, etc. They also gathered turtle shells, oysters, sea-cucumbers and conch shells in large quantities. This Hoang Sa detachment would not return home until the eighth month of the year. It used to come ashore by way of Eo Harbour from where it went to Phu Xuan Citadel to hand over the things it had gathered, have them weighed and classified and get a certificate with which its men could go home. The Nguyens also formed Bac Hai teams recruited from among Tu Chinh villagers in Binh Thuan province or the villagers of Canh Duong. The teammates were volunteers and were exempted from personal tax and travelling expenses. They were sent in boats to Bac Hai, Con Lon island and the isles of Ha Tien to gather shipwrecked valuables as well as turtles, oysters, abalones, sea-cucumbers. These teams were placed under the control of the Hoang Sa detachment commander"[‡]. With the formation of naval teams consisting of mostly fishermen to exploit the islands, Nguyen lords and kings clearly demonstrated Vietnam's sovereignty over the sea and islands. This activity was conducted annually and under the state's management. Those who were sent to these islands were exempted from personal tax and travelling expenses, and were rewarded with money. On the contrary, those who failed to complete this task would be punished; the punishment is commensurate with the degree of the fault. Trips and patrols to the islands were held regularly, and only with the king's approval could they be adjourned. Also,

In 1835, King Minh Menh ordered the navy commander Pham Van Nguyen to recruit soldiers, workmen and boatsmen from the provinces of Quang Nghia and Binh Dinh and to transport materials to Hoang Sa "to build a temple (7 *truong* from the ancient shrine). A stele was to be installed on its left and a brick screen in front." The desire of King Minh Mang to assert sovereignty and ensure maritime safety in the waters surrounding the rocky islands was clearly shown. Volume 165 of *Dai Nam thuc luc chinh*

[‡] *White Paper of Ministry of Foreign Affairs of the Socialist Republic of Vietnam*, 1981, pp 9-11.

bien (Principal Records of the Great South) said: "In the year Binh Than, the 17th year of the reign of Minh Mang (1836), Ministry of Public Works reported: Hoang Sa belongs to the sea waters of our country and has a critical role. An order has been given to draw map of this area; however, since it is too large, only a small part can be mapped, and how to do that is still unknown. Every year, people are sent to survey the sea routes. It is recommended that from this year onwards, from the end of the first month of each year, naval soldiers, locally-recruited soldiers and workmen will sail on a boat to arrive at Quang Nghia (Quang Ngai) by the beginning of the second month; the two provinces of Quang Binh and Binh Dinh are assigned to hire 4 boats of fishermen to lead this troop to Hoang Sa." Approving this proposal of Ministry of Public Works, King Minh Menh ordered the navy commander Pham Huu Nhat to head a contingent to Hoang Sa to conduct a survey for map-drawing. The requirements of such work are recorded in detail in *Dai Nam thuc luc chinh bien*: "At whatever place they reach, be it an islet or a sandbank, they will have to examine its length, width, height and perimetre and the depths of the surrounding waters, and to ascertain whether underwater rocks and reefs exist and whether the terrain is difficult or not. All these data must be included in their maps. Moreover, they will have to record the date and the point of their departure, the direction taken and the distance covered. On each arrival, they will also have to locate exactly the names and directions of the coastal provinces facing them and those which are on their right and left, and to note down the estimated distance to the mainland in terms of dam. Upon completion of their tasks, they will have to submit a detailed report." Before departing, navy commander Pham Huu Nhat ordered his men to prepare 10 wooden planks, each is 5 *thuc* long and 3 *tac* wide, engraved with the words: "The 17th year of Minh Mang era, navy commander Pham Huu Nhat, following the king's order to travel to Hoang Sa to conduct a survey for map-drawing, leave this here to remember".

Also, *Dai Nam nhat thong chi* (1882) defined: "The Hoang Sa islands stretch east of Re island, Binh Son sub-district. It takes three to four days to reach there from Sa Ky Beach if the wind is favourable. The islands consist of over 130 islets. From one islet to another is a day's or a few watches' sailing. Among these islands, which are scattered over a length of several thousand miles and popularly called Van Ly Truong Sa, there are strips of yellow sand where fresh water can be found and sea birds flock in very great numbers. Marine products include sea-cucumbers, conches, tortoises, turtles, etc. Cargoes of wrecked vessels amass there."

Beside the exploitation of the islands, people also carry out other activities to establish sovereignty. According to previous international practice as well as the current International Convention on the Law of the Sea, the state that has sovereignty over a particular area of sea and islands is responsible for the salvation and rescue in that area. In this field, *Chau ban trieu Nguyen* has recorded many rescues of foreign merchant ships by Vietnamese people, notably the rescue of the French merchant ship and her captain, Doochily and 15 crew members. Rescues are not only humanitarian, but also the proof of highly responsible action in the management of boundaries and territory of the Nguyen dynasty representing the country with sovereignty over sea and islands.

During the French colonial period, since the signing of the Treaty dated June 6, 1884 with the Nguyen dynasty, France represented Vietnam's interests in foreign relations and the protection of Vietnam's sovereignty and territorial integrity. Concerning the land border between Vietnam and China, the French signed a Treaty with the Qing dynasty in 1887. By 1895, the French again signed a supplement to the 1887 treaty. Within that general framework, the French continued to exercise Vietnam's sovereignty over the two archipelagoes of Hoang Sa and Truong Sa.

Returning to Indochina after the Second World War (1945), in 1947, the French asked the representative of the Allies in Vietnam, i.e. the Republic of China to withdraw their troops from the islands of Hoang Sa and Truong Sa, which they had illegally occupied in late 1946. As the French sent troops to replace the Chinese army, they also built meteorological stations and radiotelegraphy stations in Hoang Sa.

From the 5th to the 8th of September 1951, World War II's Allies held a conference in San Francisco (US) to discuss the issue of ending the war in Asia-Pacific region and establishing relations with Japan in the post-war period. The San Francisco Peace Treaty clearly stated that Japan must relinquish all rights and ambitions regarding the two archipelagoes of Paracels (Hoang Sa) and Spratly (Truong Sa). The treaty also denied Japan's recognition of China's sovereignty over Hoang Sa and the more distant islands in the South. On September 7, 1951, at the San Francisco conference, Prime Minister and Minister of Foreign Affairs Tran Van Huu, representing the Government of the State of Vietnam solemnly declared, in the presence of 51 participating countries, that the two archipelagoes of Hoang Sa and Truong Sa have long been included in the territory of Vietnam. Mr. Huu said: "Vietnam is excited to sign up for this peacemaking. And in order to annul the seeds of possible disputes, we claim our long-standing sovereignty over Hoang Sa and Truong Sa archipelagoes." That claim of the Vietnamese delegation was recorded in

the instrument of the San Francisco conference (1951) with a large majority in favor, and no objections were raised nor any reservations made against the statement by the participating countries. The presence of the State of Vietnam at the San Francisco conference under the auspices of the French government to claim their long-standing sovereignty over Hoang Sa and Truong Sa is an important international event in a chain of events that testified to the legal establishment of sovereignty since very early on, as well as to the actual peaceful, long-lasting and continuous occupation of Hoang Sa and Truong Sa by Vietnamese people.

The legal value of Vietnam's claim to sovereignty over Hoang Sa and Truong Sa at the San Francisco conference was affirmed not only to the countries attending the conference, but also to the ones unable to attend due to the constraints of the Cairo Declaration and the Potsdam Declaration. The assertion of Vietnam's sovereignty at San Francisco conference is clearly a re-establishment and reaffirmation of a long-standing and existing historical truth. Moreover, the Geneva Conference in 1954 about the end of war in Indochina, attended by countries not present at the San Francisco conference also declared its commitment to respect Vietnam's sovereignty over its sea and islands, especially over Hoang Sa and Truong Sa.

Later, Vietnamese sovereignty over Hoang Sa and Truong Sa was also exercised by both the Sai Gon government, and then the provisional revolutionary government of the Republic of South Vietnam.

In summary, through practical activities of the people in Hoang Sa and Truong Sa, the State of Vietnam had claimed its possession of the two archipelagoes. The presence of state-formed Hoang Sa and Bac Hai detachments, on the two archipelagoes to complete state-assigned tasks, as well as the continuous and long-term exploitation of marine sources by the masses, have by themselves been an eloquent and firm evidence of Vietnam's sovereignty over Hoang Sa and Truong Sa. Such possession and exploitation of Vietnam never encounters the opposition of any other country, which further demonstrates that Hoang Sa and Truong Sa have long been a part of Vietnamese territory.

Second, activities of the masses today regarding the establishment and protection of Vietnamese sovereignty over sea and islands

Stemming from the fact that there are people inhabiting Hoang Sa and Truong Sa, as well as the need to manage these two archipelagoes, on December 9, 1982, the Council of Ministers of the Socialist Republic of Vietnam issued a Decree by virtue of which the two archipelago became island districts, Hoang Sa was annexed to Quang Nam - Da Nang

province, and Truong Sa was annexed to Dong Nai province. On December 28, 1982, at the 4th meeting session of the 7th National Assembly of the Socialist Republic of Vietnam, a Decree was issued to sever Truong Sa island district from Dong Nai province and annex it to Phu Khanh province (now Khanh Hoa province). The Resolution dated November 6, 1966 of the 10th meeting session of the 9th National Assembly of the Socialist Republic of Vietnam decided to sever Hoang Sa island district from the former Quang Nam - Da Nang province and annex it to Da Nang, the centrally-run city. The government and people in Hoang Sa and Truong Sa have since been continuously carrying out their duties.

Inheriting and developing our forefathers' sense of sovereignty over sea and islands in the history, as well as having proper awareness of the role and special importance of sea and islands in building and protecting the nation, we have "actively, resolutely, and persistently struggled by appropriate measures to protect our sovereignty over sea, islands and airspace, as well as maintain peace and stability for country development" (Communist Party of Vietnam, *Instruments of the 12th National Congress*, National Politics Publishing House, Hanoi, 2016, p. 146). At the same time, the *Strategy for sustainable development of Vietnamese maritime economy to 2030 with vision to 2045* also states that "the awareness of the entire political system and people of Vietnam (both domestic and overseas) about the role of sea and islands in economic development and national sovereignty protection has been remarkably raised. The sovereignty and national security at sea are also upheld."

Over time, especially since the issuance of Resolution No. 09-NQ/TW dated February 9, 2007 "*On the maritime strategy of Vietnam to 2020*", the State has allocated many investments and promulgated many policies to support fishermen in developing production, such as: Constructing fishing ports and mooring areas for storm sheltering; providing support for shipbuilding and facilities directly serving sea product exploitation; supporting the training and improvement of qualifications for fishermen; organizing fishermen into production teams and groups; implementing many social security policies, solving difficulties, improving lives of fishermen, etc. The implemented policies have been effective in assisting businesses and fishermen to ensure the stable exploitation, aquaculture and processing of aquatic products, gradually eliminating difficulties for fishermen, contributing to poverty reduction and improvement of material life for people in coastal and islandic regions, as well as ensuring sustainable development of fisheries.

Currently, the combined power of the nation, as well as our position and strength in sea and island regions have been increased a lot. The national defense and security arrangement at sea and islands is constantly strengthened. Forces in charge of management

and protection of sea and islands are gradually built and developed stronger and stronger; in which, the Vietnam People's Navy has been prioritized to be modernized and has greatly matured to become the core force in protecting the nation's sovereignty over sea and islands as well as being a reliable support for people to reach out to the sea and develop their economy. Especially, whenever faced with a complicated and stressful situation, the forces at sea always promote the resolution of "the sea and islands will be safe as long as there are still people to protect them" and "not moving an inch"; strictly comply with policies and guidances; wisely, resolutely and persistently defend national sovereignty, interest, security and order at sea; prevent conflicts from happening; maintain a peaceful and stable environment for country development and expansion of cooperation relation to other countries.

Despite these basic advantages, the task of protecting national sovereignty over sea and islands is still facing difficulties and challenges. The international and regional situation is rapidly developing, with new, complicated and unpredictable factors that directly affect the situation in the South China Sea. The strategic competition between powerhouses as well as disputes over territory and sea and island sovereignty in the region are fierce, with potential of raising conflicts and instability.

In the context of globalization, to protect the sovereignty over sea and islands, we need to promote the spirit of self-reliance, combine national strength with the strength of the times, uphold righteousness, enlist international support, "resolutely and persistently fight", increase international cooperation, and "create an intertwinement of interest" in order to "both cooperate and fight". And, it is also necessary to see that resolving disputes in the South China Sea is a long-term task, where it is impossible to be hasty. Instead, persistence is required in seeking peaceful measures to resolve the disputes without further complicating the situation, while still being able to protect our legitimate interests and respect the legitimate interest of other countries on the basis of compliance with international law. Thereby, a favorable environment will be formed for to protect sea and island sovereignty and avoid conflicts, so that our country will not be isolated and can join other countries to build a peaceful and friendly sea region for long-term cooperation, development and stability.

Protecting the sovereignty over sea and islands requires a strict system of policies and laws that complies with international laws and practices. Therefore, on the basis of the guidelines and policies of the CPV and the State, especially the Strategy for National Defense in the new situation, the Law of the Sea of Vietnam, the *Strategy for sustainable*

development of Vietnamese maritime economy to 2030 with vision to 2045, ministries, sectors and localities need to continue to build and improve policies and laws to create a synchronous and unified legal foundation for the management, exercise and protection of sovereignty over sea and islands. The focus must be placed on developing policies to promote potentials and strengths at sea, as well as to combine economic development with national defense and security and protection of sea and islands. That combination must be clearly reflected in the planning, plans and development strategies of the nation as well as of each region, each geographical area and each sector. At the same time, it is necessary to perfect the mechanism of directing, commanding, operating, coordinating and synergizing forces to fight for and protect sea and island sovereignty when there is a situation.

On the other hand, Vietnam must well address the relationship between economy and national defense and security; between exploiting and protecting the sea; and between building strength to exploit the sea and building strength to protect the sea. A strong maritime economy will materially facilitate national defense and security in order to strongly and wholly protect the sea and islands. Vice versa, strong national defense and security will create conditions to protect the sea and islands as well as a favorable and safe environment and space for sustainable maritime economic development. The process of developing maritime economy should be combined with the strengthening of sovereignty protection; the construction of socioeconomic infrastructure at sea and islands to improve people's lives should go hand in hand with modernizing equipment, ports, defense works and population layout. Specialized forces, including the Navy, shall actively participate in the development of national defense and economy at sea and islands and give priority to remote islands where there are still many difficulties, in order to contribute to creating strength and affirming position for the country in the process of exploiting and protecting the sea.

4. CONCLUSION

From several clear reasonings and practices regarding the role of the masses in history as well as at present based on the principles of international laws and practices, the following conclusions can be drawn:

First, from ancient times to date, the masses of the people under the leadership of the Vietnamese state have continuously established, exploited and managed the sovereignty over sea and islands.

Second, the research findings prove that Vietnam has clear evidence to assert its sovereignty over the sea regions and islands claimed by it.

Third, Vietnam always respects international law on principles of establishing and claiming sovereignty. Vietnam expects countries to respect international law and behave in accordance with recognized international legal norms, for a peaceful and prosperous world.

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