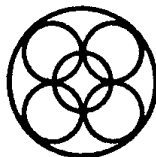


A Publication of the Institute of Asian Affairs in Hamburg

Dieter Heinzig

**DISPUTED ISLANDS
IN THE SOUTH CHINA SEA**

Paracels — Spratlys — Pratas — Macclesfield Bank



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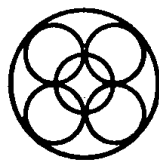
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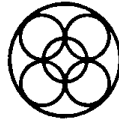
by

DIETER HEINZIG



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VERBUND STIFTUNG DEUTSCHES ÜBERSEE-INSTITUT

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CIP-Kurztitelaufnahme der Deutschen Bibliothek

Heinzig, Dieter

Disputed islands in the South China Sea:
Paracels, Spratlys, Pratas, Macclesfield Bank. —
Wiesbaden: Harrassowitz, 1976.

(A publication of the Institute of Asian
Affairs in Hamburg)

ISBN 3-447-01804-6

This publication was supported by the Federal Institute for East European and International Studies in Cologne.

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ABBREVIATIONS

CYJP	Chung-yang jih-pao (Taipei)
FEER	Far Eastern Economic Review (Hong Kong)
IHT	International Herald Tribune
JMJP	Jen-min jih-pao (Peking)
Keesing	(Keesings) Archiv der Gegenwart, Vienna (Bonn, Zürich)
NCNA	New China News Agency (Peking)
NFHNA	News from Hsinhua News Agency (Peking/London)
NRC	Nachrichtenagentur der Republik China, Bulletin für Europa (Taipei/Vienna)
NZZ	Neue Zürcher Zeitung
SCMP	Survey of China Mainland Press (Hong Kong)
SWB FE	Summary of World Broadcasts, Part 3, The Far East (BBC)

INTRODUCTION

In January 1974 a military conflict broke out between the People's Republic of China (P.R.C.) and the Republic of Vietnam (South Vietnam) in the area of the Paracel Islands. The encounter ended in total victory for the Chinese.

There are several reasons why this conflict attracted worldwide attention. The first question to arise was whether the conflict might be regarded as the first sign of China's foreign policy taking a new tack. Leaving aside Tibet and Taiwan, which both represent problems of their own, it may be said that the P.R. China had not heretofore shown any inclination towards unprovoked territorial expansion by force. Another question was whether the presumed existence of petroleum deposits under the sea-bed or, perhaps, strategical considerations were playing a part in this conflict. At the same time, political observers were reminded of the almost forgotten fact that there was by no means unanimity among the countries bordering on the South China Sea as to the ownership of the archipelagos situated in this region. Another point referred to in current reports on the events was that the Paracel conflict in January 1974 was by no means the sole, but only the most recent, in a series of incidents and disputes over certain groups of islands in this part of the sea that had been going on for a long time.

Covering mainly the period up to the January 1974 conflict the present paper¹ deals with the two last-mentioned issues. The author intends to provide a solid basis of historical information for all those who wish to assess the conflict of January 1974 and any future dispute that may arise in the South China Sea, particularly with regard to the Spratly archipelago where, Hanoi reported, in May 1975 various islands had been occupied by Communist Vietnamese forces.

The first chapter contains an introduction to the geography of the disputed archipelagos. This appears advisable in view of the lack of general awareness of the location and shape of the various islands that has become apparent in the reports on the January 1974 conflict. As it seems highly probable that hostilities may again

¹ The author wishes to thank Dr. Wolfgang Berner for comment and suggestion concerning this manuscript; Mrs. Barbara Langer for valuable aid in editing this book; Mr. Hung-hsiang Chou for assistance in interpreting the more difficult parts of some Chinese texts; Dr. Yu-Hsi Nieh for drawing his attention to some important Chinese sources; Mrs. Waldtraut Jarke for translating the German manuscript into English, and Mr. Robert Taubman and Mr. Erich Tetzlaff for reviewing the translation. He expresses his gratitude to the Federal Institute for East European and International Studies in Cologne, as well as to the Institute of Asian Affairs in Hamburg, for their support which made the publication of this book possible.

break out in this area, in particular clashes over the Spratlys, a geographical stock-taking of the kind proposed here may be considered an investment beneficial to future watchers of the scene in the South China Sea. This part of the world has recently become all the more susceptible to conflicts over the possession of the various islands with the growing interest all states are taking in islands that either have not been claimed or whose ownership is controversial. The question of maritime economic zones remains even more delicate in the case of islands than in that of the continental shelves and will be a subject of negotiation during the next sessions of the UN's Law of the Sea Conference.

In the second and third chapters of this book, the author will give an outline of the rather complicated history of sovereignty in the area of the disputed archipelagos. In doing so, he intends to slot the Paracel conflict of January 1974 into its proper place in the greater context of all the disputes over the possession of islands in the South China Sea, with the object of revealing the historical background of the conflict, thus contributing his share to the understanding of the tensions apparent throughout this region. In the light of this background the author wishes to warn the reader not to regard China's behaviour in the Paracel issue as indicative of a change in her foreign policy course with the ultimate aim of territorial expansion, but only as a reminder that Peking in future be prepared to back up by force certain existing territorial claims, should this prove necessary or opportune.

Leaving out Hainan (which is an island in itself and not an archipelago) and some islands in the immediate vicinity of the bordering countries, the following groups will be understood under the term "archipelagos in the South China Sea" for the purposes of this book:

- | | |
|-----------------------|------------------------|
| (1) the Pratas group | (5) the Badas group |
| (2) the Paracel group | (6) the Tambelan group |
| (3) Macclesfield Bank | (7) the Natuna group |
| (4) the Spratly group | (8) the Anambas group. |

The actual behaviour of the bordering countries during and after the January 1974 conflict and the statements which the various countries made in this connection show that the only archipelagos whose ownership is generally recognized are those specified under (5) to (8) above, which are situated in the extreme south of the region and belong to Indonesia. Sovereignty over the groups specified under (1) to (4) is controversial. They are, as far as was known by autumn of 1975, being claimed by several states, viz.:²

- | | |
|-----------------------|---|
| (1) the Pratas | by the P.R. China and the Republic of China (Taiwan) |
| (2) the Paracels | by the P.R. China, Taiwan, and Vietnam |
| (3) Macclesfield Bank | by the P.R. China and Taiwan |
| (4) the Spratlys | by the P.R. China, Taiwan, the Philippines and Vietnam. |

It is therefore these four archipelagos, whose ownership is controversial, that will be dealt with in the present book.

² For Peking's and Taipei's claims, cf. Charts Nos. 2 and 3 in the Appendix, on which the boundaries are shown.

CHAPTER I

GEOGRAPHY

1. Terminology

The various geographical descriptions, available to the author, of the archipelagos in dispute³ are rather superficial and by no means uniform. It was difficult to come by reasonably accurate charts and maps⁴ and even on some of those the author did manage to obtain, the information differed. The identification of corresponding names on Western and Chinese charts confronted the author with considerable problems.

In the following chapters of this book, the author will use the names normally employed in Western geographical works except as special reasons call for the addition of the corresponding names known to the author will be added to the Western terms in the geographical description of the archipelagos, where the reader may look them up whenever he needs them. In the absence of precise statistics, many of

³ Wherever the information given in this chapter is not supported by the citation of individual references, it is based on the cartographical material specified in Note (4) and on the following publications: — *Chung-kuo fen-sheng ti-t'u*, Peking (?) 1964, and the Taiwanese reprint thereof entitled *Kung-fei ch'i-chü hsia ti Chung-kuo ta-lu fen-sheng ti-t'u*, Taipei 1966, p. 27 b; Nan Hai (Pseud.), *Nan-hai chu tao ti hsing-shih yü li-shih yen-ko*, in: *Hsing-chou chou-k'an* (Singapore), Feb 2, 1974; Hsi-sha ch'ün-tao, in: *Hsing-chou jih-pao* (Singapore), Feb 14, 1974; Jen Yü-ti, *Kurzgefaßte Geographie Chinas*, Peking 1964, p. 186; *Bol'shaya Sovetskaya Entsiklopediya*, Vol. 39, Moscow 1956, p. 195, Vol. 49, Moscow 1957, p. 379; G. A. Theel, *The World Shipping Scene*, Munich 1963, p. 61; Yu-hsi Nieh, *Die Rechtsfrage der Archipele im Südhinesischen Meer*, in: *China aktuell* (Hamburg), February 1974, pp. 25 ff. (with further citations); *Ch'i-shih nien-tai* (Hong Kong), March 1974, pp. 38 ff.; Hsi-sha ch'ün-tao ti i-hsieh i-ming, in: *Ta-kung pao* (Hong Kong), Jan 27, 1974; *China Sea Pilot*, Vol. I, 3rd Edn., Published by the Hydrographer of the Navy, London 1964.

⁴ The chief cartographical material used by the author is specified hereinafter, as follows: *Chung-hua min-kuo ti-t'u chi*, ti szu ts'e, Chung-kuo nan-pu, 2nd Edn., Taipei 1964; *Chung-kuo fen-sheng ti-t'u* (see Note 3 above); *Chung-hua jen-min kung-ho-kuo ti-t'u chi*, Peking 1966, reprinted in Hong Kong in 1971; *Hai-nan tao*, Prepared by the Army Map Service (KCLU), Corps of Engineers, U.S. Army, Washington, D.C., Compiled in 1954, NE 49, Series 1301; *Admiralty Charts* Nos. 2660 B, 1201, 362, 270, 94; *Chung-hua jen-min kung-ho-kuo ti-t'u*, Peking 1957, 6th Edn. 1971; *Haack Weltatlas*, Gotha, Leipzig 1972; *China, Esselte Map Stockholm, Cartographia Budapest* 1967; *Chung-hua jen-min kung-ho-kuo ti-t'u*, Peking 1965, 3rd Edn. 1972; *Chung-hua jen-min kung-ho-kuo ti-t'u*, Peking 1965, 5th Edn. 1974.

the figures given on the following pages have been obtained by interpolation, and should not be regarded as more than rough approximations.

Strictly speaking, only one of the four controversial archipelagos may truly be referred to as a group of islands: the Paracels. The Pratas consist of one island and two sands. Macclesfield Bank is a permanently submerged atoll. The Spratlys are an agglomeration of islands, reefs, and banks scattered over a vast area and separated by distances of up to 1,000 km from each other. Until this day, Western charts have usually refrained from depicting them as one archipelago. The first time they were thus labelled was in 1947 when the Nationalist Chinese government officially introduced the name of "Nan-sha ch'ün-tao" (Southern Archipelago) for these scattered islands.⁵ After 1949 the government in Peking and the countries then belonging to the Eastern bloc adopted this name. The emphasis which Chou En-lai laid on the island of Spratly (Nan-wei in Chinese) in a statement dated August 15, 1951,⁶ in which he claimed the P.R.C.'s ownership of the Hsi-sha, Nan-sha, Chung-sha, and Tung-sha archipelagos and which Peking has repeatedly referred to since, seems to have resulted in the increasing use of the names of "Spratly archipelago", "Spratlys", "Spratleys" or "Spratleis" in Western publications as a collective name for the archipelago in question, so that this term may now be regarded as standard.

For the reasons set forth above, the term "archipelago", as employed in the present paper, has a very comprehensive field of association and the only reason why the author has adopted it is that it has become common usage in all political discussions of the disputes concerning the South China Sea Islands.

2. *General Remarks on the Disputed Archipelagos*

The four archipelagos consist of more than 170 islets, reefs, and banks. The number of islands in the proper sense of the word cannot be determined with any certainty, as there seems to be no complete and precise information on the Spratlys; at any rate, no such information has been published. The most detailed publications available to the author⁷ reveal the existence of 36 islands, including reefs or sand cays of island character (15 in the Paracels, 20 in the Spratlys, and one in the Pratas). Pratas island which covers 12 sq.km is the largest of them. The other islands are much smaller in area: the figure given for the largest of the Paracels, Woody Island, is 1.85 sq.km, the largest of the Spratlys (Itu Aba) covering 0.4 sq.km. As a rule, each of the islands is surrounded by a coral reef circular or oval in shape. As the archi-

⁵ For details, cf. p. 38 of this book.

⁶ For the wording of the relevant passage in Chou En-lai's statement, cf. p. 39 of this book.

⁷ *Admiralty Charts* Nos. 2660 B, 1201, 362, 270, 94.

pelagos are scattered over a vast region of the South China Sea, the distances between them are great, sometimes exceeding 1,000 km.

All the islands are located in the tropical zone. The average annual temperature in this region varies between 15° and 28°C. Annual rainfall averages 2,500 mm. The islands' flora consists primarily of coconut palms, tung oil trees, and quince, pineapple, and banana trees.

The islands have been, and still are, economically important as bases for fishing vessels and as sites of valuable guano deposits. Guano, which on some islands has accumulated to a height of up to 1 metre, is used in the manufacture of high quality fertilizers. The South China Sea is rich in a great variety of edible fish, sea turtles (valuable for their shell), cuttlefish, trepang, shellfish, and oysters. On the islands, fishermen collect swallows' nests, the basic substance of a soup in great demand throughout East and South-East Asia. If the presumed existence of large petroleum deposits under the sea-bed of the surrounding waters is confirmed,⁸ the islands may attain great economic importance.

The islands also serve as advance naval bases of strategic value which may e.g. be of use in the surveillance and control of shipping crossing the South China Sea between the Pacific and Indian Oceans. The most important archipelago strategically is that of the Paracels, because the main shipping route from Hong Kong to Singapore passes between the Paracels and Macclesfield Bank.⁹ Other shipping lanes passing across the South China Sea are used by ships bound from Vladivostok, Pusan, Yokohama, Shimonoseki, Tsingtao, Hong Kong to Singapore and — through the Strait of Malacca — into the Indian Ocean.¹⁰ Chinese publications emphasize the importance of the islands to national defense.¹¹

3. *The Archipelagos in Detail*¹²

Paracel Group (Chin.: Hsi-sha ch'ün-tao; Vietn.: Hoang Sa)¹³.

Geographical position: between 15°46' and 17°8'N. Lat. and 111°11' and 112°54'E. Long.

⁸ In this connection, cf. Wei Ming, *Nan-sha shih-chien pei-ching t'an-so*, in: *Ch'i-shih nien-tai* (Hong Kong), pp. 57 ff.

⁹ *China Sea Pilot*, *loc. cit.* (see Note 3 above), p. 65.

¹⁰ *Ibid.*; G. A. Theel, *loc. cit.* (see Note 3 above).

¹¹ Jen Yü-ti, *loc. cit.* (see Note 3 above).

¹² The information given in this passage comprises only geographical details and, when available, details of the status of the various islands as of autumn of 1975. The question of whether and to what extent islands have been subjected to civilisatory influences is dealt with on pp. 27 ff., 33 ff. of this book.

¹³ Cf. Charts Nos. 4, 5, and 6 in the Appendix to this book.

As a result of the military actions on January 19 and 20, 1974, the whole archipelago is now firmly in Peking's hands.

Its centre is approximately midway between the southern coast of the Chinese island of Hainan (about 350 km southeast of Yülin harbour) and the central Viet-nam coast (about 400 km east of Da Nang). The archipelago comprises 15 islets, covering a total area of about 3 sq.km and more than a dozen partly or temporarily submerged reefs and banks, scattered over an area forming a large oval with a maximum diameter of about 200 km.

The Paracels are generally subdivided into two principal groups, viz.

- 1) AMPHITRITE GROUP (Chin.: Hsüan-teh ch'ün-tao)¹⁴
 Located in the northeastern part of the archipelago and comprising seven islands, as follows:
 - a) *Woody Island* (Chin.: Yung-hsing tao or Lin tao; Vietn.: Da Phu Lam). With its length of 1.8 km and width of 1.1 km, this is the most important of the Paracel islands. Its guano deposits are estimated to have amounted to 140,000 t, one fourth having been removed during the Japanese occupation. The island has a rich vegetation of trees and bushes.
 - b) *Rocky Island* (Chin.: Shih tao; Vietn.: Hon Da). 375 metres long, 340 metres wide, and almost devoid of vegetation.
 - c) *Lincoln Island* (Chin.: Wu-ho tao; Vietn.: Dao Linh Con). Length: 2.3 km, width: 800 metres. The Hong Kong — Singapore shipping route passes not far from the eastern edge of the island.
 - d) *South Island* (Chin.: Nan tao; Vietn.: Dao Nam).
 - e) *Middle Island* (Chin.: Chung tao; Vietn.: Dao Trung).
 - f) *North Island* (Chin.: Pei tao; Vietn.: Dao Bac).
 - g) *Tree Island* (Chin.: Chao-shu tao; Vietn.: Dao Cu Moc).

The Amphitrite Group also includes eight cays and one reef. These are the *West, North, Middle, and South Bank* (Chin.: Hsi-sha, Pei-sha, Chung-sha, and Nan-sha), the four submerged banks — *Iltis Bank* (Chin.: Yin-lo t'an or Yin-li t'an), *Dido Bank* (Chin.: Hsi-tu t'an), *Jehangire Bank* (Chin.: Chan-han t'an), and *Bremen Bank* (Chin.: Pin-mei t'an) — *Bombay Reef* (Chin.: P'eng-p'o chiao) which measures about 20 km from end to end, and two rocks.

- 2) CRESCENT GROUP (Chin.: Yung-lo ch'ün-tao),¹⁵ located in the southwestern part of the archipelago and comprising eight islands, viz.:
 - a) *Robert Island* (Chin.: Kan-ch'üan tao; Vietn.: Dao Cam Tuyen),¹⁶ about 750 metres long and 400 metres wide, covered with rich vegetation and vast guano deposits.
 - b) *Pattle Island* (Chin.: Shan-hu tao; Vietn.: Hoang Sa),¹⁷ about 1 km long and 500 metres wide, covered with vegetation.

¹⁴ Cf. Chart No. 6 in the Appendix to this book.

¹⁵ Cf. Chart No. 5 in the Appendix to this book.

¹⁶ A complete view of Robert Island may be found in *Jen-min hua-pao*, 1974, No. 8, p. 20.

¹⁷ For a complete view of Pattle I. cf. *ibid.*

- c) *Triton Island* (Chin.: Chung-chien tao; Vietn.: Dao Tri Ton)¹⁸, about 1.75 km long and 1.5 km wide, is the largest island of the Crescent group. It has no vegetation.
- d/e) *Duncan Island* (Chin.: Tao-kan ch'ün-tao; Vietn.: Dao Quang Hoa). The Chinese name (ch'ün-tao = archipelago) indicates that there are two Duncan islands, viz.
- d) *Ch'en-hang tao*¹⁹ (Duncan Island proper), covered with plants, more than 1 km long and about 500 metres wide, and
- e) *Kuang-chin tao* (no Western name), a tiny islet located at a distance of a few hundred metres from Ch'en-hang.
- f) *Money Island* (Chin.: Chin-yin tao; Vietn.: Dao Vinh Lac), about 500 metres long and 200 metres wide, covered with brushwood.
- g) *Drummond Island* (Chin.: Chin-ch'ing tao; Vietn.: Dao Duy Mong), about 500 metres long and 300 metres wide.
- h) *Passu Keah* (Chin.: P'an-shih yü; Vietn.: Dao Bach Quy).

The Crescent Group further includes four partly submerged reefs and a sand cay: *Antelope Reef* (Chin.: Ling-yang chiao), length about 6 km, width 3 km; *Discovery Reef* (Chin.: Hua-kuang chiao), with a longitudinal diameter of more than 30 km; *Vuladdore Reef* (Chin.: Yü-cho chiao), with a length of about 15 km and a width of 5 km; *North Reef* (Chin.: Pei chiao); and a brushwood-covered sand-cay called *Shen-p'ing t'an* (of which only the Chinese name is known) on *Observation Bank*.

Spratly Group (Chin.: Nan-sha ch'ün tao; Vietn.: Truong Sa)²⁰.

Geographical position: between 4° and 11°30'N. Lat. and 109°30' and 117°50' E. Long.

At the end of 1974, seven of the twenty islands, islets, reefs, and cays were in South Vietnamese hands: Nam yit (Tizard Bank), the main base, Cay du N.E. (North Danger), Truong Sa (obviously Spratly Island), Sin Cowe (Union Banks & Reefs), and Sin Ton, Sandcay, and Song Tu Tay, which are unidentifiable.²¹ Three or four other islets are occupied by the Philippines, among them Thitu Island, the main base, and Nan-shan Island.²² The island of Itu Aba (Tizard Bank) has, for some

¹⁸ For a complete view of Triton I. cf. *ibid.*

¹⁹ For a partial view of Ch'en-hang cf. *ibid.*, p. 22.

²⁰ Cf. Charts Nos. 7, 8 and 9 in the Appendix of this book.

²¹ Cf. pp. 36 f. of this book. — According to Peking sources, South Vietnam also occupied the island of Nan-tzu, corresponding to South West Cay in the North Danger Group as shown in a Taiwanese atlas (see Note 4 above). The author has, however, been unable to find out whether this island is identical with one of the three unidentified islands referred to by Vietnam. Cf. *Peking Radio* on Feb 4, 1974, as cited in *SWB FE/4519/A3/1* (Feb 6, 1974).

²² Cf. p. 36 of this book.

time, been used as a naval base by Taiwan.²³ In May 1975 various Spratly islands were apparently occupied by Communist troops from Vietnam.

The uncounted islands, including reefs or cays of island character of the Spratlys, probably totalling more than 100, are scattered over a vast area oval in shape and with a maximum diameter of about 1,000 km. The centre of the group is located at a point of about 400 km northeast of the northern tip of Borneo and the Philippine island of Palawan and about 500 km from the South Vietnamese coast. The distance between the Spratlys and the Paracels is about 700 km, between the Spratlys and the Chinese island of Hainan, 1,000 km.

The Spratlys comprise twelve regions with islands, reefs, and cays,²⁴ as follows:

- 1) NORTH DANGER (Chin.: Shuang-tzu chiao)
 - a) *North-East Cay* (Chin.: Pei-tzu tao), about 1 km long and 400 metres wide, is covered with coarse grass and low bushes as well as thickly wooded with trees growing from about 6 to 9 metres.
 - b) *South-West Cay* (Chin.: Nan-tzu tao), about 0.5 km long and 300 metres wide. Vegetation as on North-East Cay. According to official Peking sources, occupied by South Vietnam early in 1974.²⁵
- 2) THI TU ISLAND AND REEFS (Chin.: Chung-yeh tao)
 - a) *Thi tu Island*, about 1.5 km long and 1 km wide. Covered with grass, scrub, and palm-trees. Chief foothold of the Philippines in this region.
 - b) *Sandy Cay*. A tiny islet, without vegetation.
- 3) WEST YORK ISLAND (Chin.: Hsi-yüeh tao).
- 4) LOAI TA ISLAND AND REEFS (Chin.: Tao-ming ch'ün-tao)
 - a) *Loai ta Island* (Chin.: Tao-ming tao). An island of insignificant size covered with mangrove bushes, coconut palms, and bushy trees.
 - b) *Lam kiam Cay* (Chin.: Yang-hsin sha-chou). A tiny sand cay.
 - c) *Loai ta Cay*, as under b).
- 5) IRVING CAY
 - 6a) *Nanshan Island* (Chin.: Ma-huan tao). Occupied by the Philippines.
 - 6b) *Flat Island* (Chin.: Fei-hsin tao).
- 7) TIZARD BANK AND REEFS (Chin.: Cheng-he ch'ün-chiao)^{25a}
 - a) *Itu Aba Island* (Chin.: T'ai-p'ing tao). About 1 km long and 400 metres wide, covered with trees and scrub. Taiwanese naval base.
 - b) *Nam yit Island* (Chin.: Hung-ma tao). Islet of insignificant size, covered with bushes and small trees. Until the end of the Vietnam war, this island was the chief base of the Republic of Vietnam.
 - c) *Sand Cay*, covered with bushes, insignificant in size.

²³ In this connection cf. p. 35 of this book. — For the following sentence, cf. *Hanoi Radio* (home service in Vietnamese) on May 6, 1975, as cited in *SWB/FE/4898/A3/8*.

²⁴ The twelve regions specified in this section are shown, under the same numbers as in the text, in their approximate positions on Chart No. 7 of the Appendix to this book.

²⁵ See Note 21 above (with sources).

^{25a} For Tizard Bank, cf. detail chart No. 8 in the Appendix to this book.

- 8) UNION BANK AND REEFS
- a) *Sin Cowe Island*. Until the end of the Vietnam war, this island was occupied by the Republic of Vietnam.
 - b) (*Sin Cowe*) *Cay*.
- 9) SPRATLY ISLAND (Chin.: Nan-wei tao; Vietn.: Truong Sa)²⁶. About 750 metres long and 400 metres wide. Covered with short green vegetation. Until the end of the Vietnam war, this island was occupied by the Republic of Vietnam.
- 10) COMMODORE REEF (Chin.: Szu-ling chiao)
Sand cay.
- 11) MARIVELES REEF (Chin.: Nan-hao chiao)
Cay.
- 12) AMBOYNA CAY (Chin.: An-po-na sha-chou), consisting of a beach of sand and broken coral, partly covered with a bed of guano.

Pratas Group (Chin.: Tung-sha ch'ün-tao)²⁷

Geographical position: between 20°30' and 21°30'N. Lat. and 116° and 117°E. Long.

This group has apparently been firmly in Taipei's hands for a long time.

It is located about 300 km southeast of Hong Kong, 400 km southwest of Taiwan, and 500 km northwest of Luzon, the largest island of the Philippines. In addition to the island of *Pratas* (Chin.: Tung-sha tao), which is 6 km long and 2 km wide, the group includes two submerged sands (*Pei wei t'an* and *Nan wei t'an*). *Pratas* is covered with tropical plants and guano deposits. It is located near the Hong Kong — Manila shipping route.

Macclesfield Bank (Chin.: Chung-sha ch'ün-tao)²⁸

Geographical position: between 15°20' and 16°20'N. Lat. and 113°40' and 115° E. Long.

This bank is situated about 300 km east-south-east of the Paracels and consists exclusively of submerged coral reefs. The length of the whole bank is about 140 km, its width more than 60 km. At the shoalest part of the edge there is a depth of 11 metres, the depth of the shoalest part of the centre being 9 metres.

²⁶ For Spratly Island, cf. detail chart No. 9 in the Appendix to this book.

²⁷ For the Pratas, cf. detail chart No. 10 in the Appendix to this book.

²⁸ For Macclesfield Bank, cf. detail chart No. 11 in the Appendix to this book.

CHAPTER II

OCCUPATION OF ISLANDS PRIOR TO WORLD WAR II
AND THE CLAIMS INVOLVED*1. Developments up to the End of the 19th Century*

In connection with the conflict of January 1974 in the area of the Paracels, the countries involved attempted in many different ways to assert historical claims to islands in the South China Sea. Thus, Peking declared that all of the four contested archipelagos had "always" (li-lai)²⁹ belonged to China. A few years before, it had claimed that the islands had belonged to China since the 15th century.³⁰ Saigon argued that the Spratlys had been under Vietnamese sovereignty "for centuries".³¹ Neither party, however, had claimed permanent occupation of any one of the islands. Actually it seems impossible to supply proof of permanent sovereignty. In fact, the historical claims — generally implicit ones — rely on the discovery, temporary or repeated occupation, or the maintenance of relations of any kind to the islands.

Peking, Taipei, and the Republic of Vietnam are the only parties to have endeavoured to establish a comprehensive historical argumentation going back to before the 20th century. There cannot be any doubt that in this respect the Chinese are in a more favourable position than the others.

China's Relations to the Islands

Traces of the discovery of islands in the South China Sea by Chinese mariners seem to go back to the Han period. Chinese coins, the oldest dating back to the rule of the Emperor Wang Mang (3 B.C. to 23 A.D.), are said to have been found on the

²⁹ Statement by the Spokesman of the Chinese Foreign Ministry of Jan 11, 1974, as published in *JMJP* Jan 12, 1974.

³⁰ *JMJP* Feb 28, 1959, as cited in *Peking Review*, 1959, No. 9, p. 21.

³¹ Statement by the government of the Republic of Vietnam, dated Jan 12, 1974, as cited in *SWB FE/4499/A3/1* (Jan 14, 1974). — The documentation published by the Republic of Vietnam's Foreign Ministry under the title of *White Paper on the Hoang Sa (Paracel) and Truong Sa (Spratly) Islands*, Saigon 1975, was not available to the author at the time of writing.

Paracels.³² This does not seem too far-fetched, because the *Han Shu*, which was written about 100 A.D., carries reports of long voyages of up to 5 months made by Chinese mariners.³³ A chronicle which appeared in the Eastern Han period (25 to 220 A.D.) mentions the existence of islands in the South China Sea.³⁴ It is reported that the monk Fa Hsien, when returning from India in 414, sailed via the Paracels (ch'i chou yang).³⁵ It is a fact that during the fourth and fifth centuries A.D., Chinese coastal and maritime shipping was flourishing in the South China Sea region and the Chinese fleet was beginning to approach the level of the Arab, Persian, and Indian fleets.³⁶

Chao Ju-shih, in a chronicle written during the Sung period, mentioned for the year 789 A.D. the existence, in a position east of Hainan, of "ch'ien-li ch'ang-sha" (literally "sands a thousand li long") and "wan-li shih-ch'uang" (literally "a ten thousand li rock bed"). It is generally believed that these names cover what is now the Paracels (and Macclesfield Bank?).³⁷ In one of the Sung chronicles, the author refers to the emperor's intention to escape from the advancing Mongols by sea, sailing via "ch'i li yang" (the Paracel archipelago) to "chan ch'eng" (Cochinchina).³⁸ The conclusion we can draw from those reports, i. e. that the Chinese were familiar with the Paracel archipelago in the Sung period or even earlier, is verified by local finds of coins. During World War II and in 1947, Chinese currency dating from the K'ai-yüan title of reign of the Tang Emperor Hsüan Tsung was discovered under the coral reefs of Rocky Island (Chin.: Shih tao), one of the Paracel group.³⁹

We may be sure that General Shih Pi, under orders from Khublai Khan, touched upon the Paracel archipelago and Macclesfield Bank when sailing to Java with an

³² Yeh Han-ming and Wu Jui-ch'ing, Ts'ung li-shih tsai-chi chi yü-t'u k'an nan-hai chu-tao ti chu-ch'üan kuei-shu wen-t'i, in: *Ming pao (yüeh-k'an)*, No. 101, May 1974, p. 19; cf. *Hsing-chou jih-pao* of Feb 10, 1974.

³³ *Han Shu*, Chapter 28 (ti-li chih), Section 2, as reprinted by Chung-hua shu-chü, Peking 1962, p. 1671. — Cf. Feng Ch'eng-ch'ün, *Nan-yang chiao-t'ung shih*, Shanghai 1937, p. 1, as cited by V. Purcell, *The Chinese in Southeast Asia*, London, Kuala Lumpur, Hong Kong 1965, p. 8.

³⁴ *I wu chih* by Yang Fu, in: *Pai-pu ts'ung-shu*, Sect. 93 (Ling-nan i-shu), Book 9, I wu chih, p. 2 a—b.

³⁵ Teng Szu-yü, Nan Chung-kuo hai chu tao-hsü ti chu-ch'üan wen-t'i, in: *Ming pao (yüeh-k'an)*, No. 101, May 1974, p. 3. The relevant passage reads "Chang hai chi t'ou", i. e. "In the South Sea there are uneven elevations".

³⁶ V. Purcell, *loc. cit.* (see Note 33 above), p. 12.

³⁷ *Chu fan chih* by Chao Ju-shih, in: *Pai-pu ts'ung-shu*, Sect. 46 (Hsüeh-ching t'ao-yüan), Book 11, Chu fan chih, pp. 16 a—b, 17 a. — Cf. F. Hirth and W. W. Rockhill, *Chau Ju-kua: His Works on the Chinese and Arab Trade in the Twelfth and Thirteenth Centuries, Entitled Chu-fan-chi*, St. Petersburg 1911, pp. 176, 185 (Note 4). In Hirth's and Rockhill's opinion, "ch'uang" (bed) was mistaken for "t'ang" (dyke, dam).

³⁸ *Sung shih chi-shih pen-mo*, Chapter 180, reprinted by San-min shu-chü publishers, Taipei 1956, p. 437.

³⁹ Yeh Han-ming and Wu Jui-ch'ing, *loc. cit.* (see Note 32 above).

army in 1293.⁴⁰ As is evident from travellers' reports, the eunuch Cheng Ho also sailed via the Paracels in the course of several voyages he made through the South China Sea between 1405 and 1433.⁴¹ It is to this period that the names of Yung Lo and Hsüan Teh date back. These names, which are still in use for the two groups of islands forming the Paracel archipelago, both refer to titles of reign of the Ming Emperors Ch'eng Tsu (1403—1424) and Hsüan Tsung (1426—1435). On a Chinese chart which was published about the middle of the 16th century and depicts the region as known by about 1430, the Paracels archipelago appears as "wan sheng shih-t'ang hsü" or "shih-t'ang" and Macclesfield Bank as "shih-hsing shih-t'ang".⁴² Since then, the Paracels have been mentioned regularly in the works of Chinese geographers (the name employed being usually "ch'i chou yang" = sea of the seven islands), as have the Pratas, which are referred to as "ta tung-sha" (great east sand) or "ch'ien-li shih-t'ang" (1,000 li long stone dam).⁴³ The Chinese had apparently gained a fairly firm footing on the Paracels no later than by the middle of the 19th century. This may be concluded from the fact that in the course of surveying work on Woody Island (Chin.: Yung-hsing tao or Lin tao) in 1947, a Chinese temple, estimated by experts to be more than one hundred years old, was discovered.⁴⁴

No such ancient sources have been found for the Spratlys. The earliest reference to a Chinese presence in this region dates back to 1867, when the crew of a British surveying ship met Chinese fishermen from Hainan on the largest of the Spratly Islands. In accordance with what those fishermen had said (in their Hainan dialect), the British mariners (allegedly) called the island "Itu Aba", a name which is still in use on Western charts.⁴⁵ In Chinese usage, the Spratlys were referred to as "t'uan-sha ch'ün-tao" until shortly after World War I.⁴⁶

In view of these ample references, there cannot be any doubt that the Chinese — both on the mainland and on Taiwan — regard the four disputed archipelagos as

⁴⁰ Here the islands appear under the name of "ch'i chou yang" and "wan-li shih-t'ang", see *Yüan shih*, Vol. 3, Chapter 162, as reprinted by National War College in cooperation with the College of Chinese Culture, Taipei 1967, p. 1731. Cf. O. Franke, *Geschichte des chinesischen Reiches*, Vol. 4, Berlin 1948, p. 463; V. Purcell, *loc. cit.* (see Note 33 above), p. 15; Hirth/Rockhill, *loc. cit.* (see Note 37 above), p. 185 (Note 4).

⁴¹ *Wu-pei chih* by Mao Yüan-i (he uses the name "wan-li shih-t'ang"), as cited by Ch'i Hsin, Nan-hai chu-tao ti chu-ch'üan yü hsi-sha ch'ün-tao chih chan, in: *Ch'i-shih nien-tai*, March 1974, p. 38; *Hsing-ch'a sheng-lan* by Fei Hsin, as cited by Yu-hsi Nieh, Die Rechtsfrage der Archipele im Südhinesischen Meer, in: *China aktuell*, February 1974, p. 26; Hsun-cheng Shao, Chinese Islands in the South China Seas, in: *People's China*, 1956, No. 13, p. 26.

⁴² The chart referred to is the one contained in Mao Yüan-i's *Wu-pei chih*, cf. J. V. G. Mills, *Ma Huan, Ying-yai sheng-lan*, Cambridge 1970, pp. 216 f., 225, 239, 241 f.

⁴³ For the individual sources, cf. Yu-hsi Nieh, *loc. cit.* (see Note 41 above), p. 26, and Teng Szu-yü, *loc. cit.* (see Note 35 above).

⁴⁴ Yeh Han-min and Wu Jui-ch'ing, *loc. cit.* (see Note 32 above), with further sources.

⁴⁵ Ch'i Hsin, *loc. cit.* (see Note 41 above), with further sources.

⁴⁶ Cf. e.g. *Tz'u hai*, 2nd Edn., Shanghai 1948, p. 309. The author already uses the new name of "Nan-sha ch'ün-tao", *loc. cit.*, p. 221.

having been, and still being under Chinese sovereignty or at least part of the Chinese sphere of influence. This is particularly true of the Paracels, of which Kuo Sung-tao, the first Chinese envoy in London, stated succinctly in 1876: "They are Chinese islands (chung-kto shu tao yeh)",⁴⁷ and least true of the Spratlys.

Vietnam's Relations to the Islands

From an historical point of view, the Vietnamese are in a weaker position than the Chinese. To start with, they have difficulty in proving the continuity of their own state and territory from its beginning as the pre-Christian Nam Viet via a status as the Chinese provinces of Chiao-chih, Chiao-chou, and Annam (between 211 B.C. and 939 A.D.), later the Chinese tributary states of Dai Viet (with a short period of independence lasting until 1804) and Vietnam (until 1884), as the component states of French Indochina, to the Vietnam of our day.⁴⁸ On the other hand, the historical events which the Vietnamese side cites to prove the existence of relations with the islands are of a much more recent date than the links on which the Chinese case is based. Moreover, the Vietnamese argumentation, covering the period until the end of the 19th century, refers exclusively to the Paracels. The mere fact that in the early days of the January 1974 conflict the official Saigon media used the wrong names⁴⁹ when trying to support their claims by reference to historical events makes the Vietnamese assertions appear somewhat dubious.

The earliest event on which the Republic of Vietnam officially based a claim is the foundation of the "Doi Hoang Sa" society, reportedly in 1700 with the object of exploiting the Paracel archipelago for commercial purposes.⁵⁰ According to official sources in Saigon, the first Nguyễn emperor, Gia-Long, reactivated this society in 1802 and had the Vietnamese flag hoisted on the Paracels in 1816. His successor Minh Mang is said to have built a pagoda on the rock of Ban Na (which probably formed part of the Paracels) in 1834. According to the same source, the chart issued

⁴⁷ Teng Szu-yü, *loc. cit.* (see Note 35 above), with further sources.

⁴⁸ Cf. Lê Thành Khôi, *3000 Jahre Vietnam*, München 1969, p. 85; H. B. Morse, *The International Relations of the Chinese Empire*, Vol. II, London 1910, pp. 341 f.; J. Buttinger, *Vietnam: A Political History*, New York, Washington 1968, pp. 5, 38 f.; K. C. Chen, *Vietnam and China, 1938—1945*, Princeton, N. J., 1969, pp. 6 ff.

⁴⁹ Statement by the Spokesman of the Foreign Ministry in Saigon on Jan 12, 1974, *Vietnam Press* in Vietnamese, as cited in *SWB FE/4499/A3/1—2* (Jan 14, 1974); *Saigon Radio* (home service) on Jan 14, 1974, as cited in *SWB FE/4501/A3/4* (Jan 16, 1974); Statement by the Foreign Ministry in Saigon on Jan 16, 1974, as cited in *SWB FE/4503/A3/1* (Jan 18, 1974); Military Spokesman in Saigon on Jan 17, 1974, *Vietnam Press* in Vietnamese on Jan 17, 1974, as cited in *SWB FE/4504/A3/4* (Jan 19, 1974).

⁵⁰ The details contained in this paragraph have been taken from: *Summary on the Paracels Islands*, as published by the Embassy of the Republic of Vietnam at Bonn-Bad Godesberg in February, 1974, pp. 1 f.; Spokesman of the Foreign Ministry in Saigon on Jan 12, 1974, *Vietnam Press* in Vietnamese, as cited in *SWB FE/4499/A3/1* (Jan 14, 1974).

by the imperial court of Huê in 1834 shows the Paracel Islands as Vietnamese territory. It was also argued that a geographical standard work compiled between 1865 and 1882 had revealed that the Paracels and Spratlys belonged to Vietnam.

The oldest of the sources cited by the then Saigon government to support their claims⁵¹ dates back to about 1800. These sources were not available to the author. Despite the somewhat scanty material, the existence of relations between Vietnam and the region in dispute, or at least the Paracel Islands, during the first decades of the 19th century may be considered probable. This is confirmed by a French publication of 1843 which flatly states "Le Paracel est un archipel qui dépend de l'Annam".⁵² Provided that the historical information given by Saigon is correct, we may accept that, *as a state*, Vietnam apparently was showing a definite interest in the Paracels somewhat earlier than did China.

2. *Developments Between the End of the 19th Century and World War II*

While during the period considered in the preceding paragraphs no clashes had been reported between the parties interested in the islands, the following period was characterized by a great number of conflicts, and these have continued into our own time. In addition to the parties to the 1974 conflict, France, Japan, and — apparently in just one instance — the German Reich were all involved at some time or other.

Whereas traditionally the islands had served primarily as bases and navigational aids to Chinese mariners, in particular fishermen from Kuangtung province, the appearance of foreign powers in the South China Sea caused China during the last decades of the Manchu period to engage herself *as a state* in defence of national interests.

First Chinese Attempts at Acquiring Sovereignty

The German government reportedly sent a military detachment to the Spratlys in 1883 to carry out survey work. Apparently this work was discontinued under

⁵¹ The sources are the following: J. B. Chaigneau, *Mémoires sur la Cochinchine*, n.p. or d. (Chaigneau lived from 1769 to 1825, according to contemporary information); *Hoang Viet Dia Du* (Geography of the Annamite Empire), n.p. 1835; Mgr. Raberd, *History and Description of the Religion, Customs and Morals of All Peoples*, n.p. 1838; Dai-nam Nhat-thong-chi (according to Lê Thành Khôi, see Note 48 above, the best geographical publication of all, compiled between 1865 and 1882). The sources are given in the list published by the Vietnamese Embassy in Bonn (see Note 50 above).

⁵² *Lettres édifiantes et curieuses*, edited by Panthéon Littéraire, Vol. 3, n. p. 1843, p. 38, as cited in C. Madrolle, La question de Hai-nan et de Paracels, in: *Politique Étrangère*, 1939 (Paris), p. 311.

Chinese pressure after negotiations had taken place.⁵³ Following the Franco-Chinese war of 1884/85, France and China concluded a special border agreement on June 26, 1887, whereby the title to the archipelagos of the South China Sea was implicitly adjudged to China. The agreement contains a statement to this effect: "Les îles qui sont à l'est du méridien de Paris 105°43' de longitude est . . . sont également attribuées à la Chine."⁵⁴

The first clear case of a Chinese government taking possession of parts of this region was in 1902 when the Manchu government, believing it had discovered signs that France intended to occupy the Paracels by mounting an attack from her base in Indochina, dispatched Vice-General Wu Ching-yung and Admiral Li Chun, with the warships "Fu po", "Ch'en hang" and "Kuang chin" in April 1902, to carry out a local inspection of the islands. The expedition hoisted Chinese national flags on several islands and erected a stone monument on North Island (Chin.: Pei tao). This stone, which bore an inscription referring to the inspection together with the year 1902 (28th year of Kuang Hsü), was found in a well preserved state prior to World War II.⁵⁵

In 1907/08 China successfully defended her sovereign rights to the Pratas archipelago. In 1907 a Japanese merchant named Nishizawa Yoshiji, accompanied by more than 100 compatriots, had settled on Pratas, giving the island his name.⁵⁶ On hearing this, the Foreign Ministry in Peking dispatched the governor Jui Fang, Wu Ching-yung, and Li Chun to the island at the head of a military detachment, with orders to explore the island and enter into talks with the Japanese occupants. In addition, the governors of Kuangsi and Kuangtung negotiated with the Japanese consul in Canton. The outcome of these negotiations was that China paid Nishizawa an indemnity of 130,000 silver dollars and Japan, in her turn, recognized the Pratas archipelago as Chinese territory.

Worried by these events, the governor of Kuangtung province had an expeditionary corps, including engineers, chemists, and surveyors, sent to the Paracels under the

⁵³ Yeh Han-ming and Wu Jui-ch'ing, *loc. cit.* (see Note 32 above), p. 18; Hsun-cheng Shao, *loc. cit.* (see Note 41 above). — The author has not made any attempt to substantiate this on the basis of documents from German Record offices. However, according to British sources, a German surveying operation, covering at least the Paracels, was carried out in 1883, cf. *Admiralty Chart No. 94*.

⁵⁴ Text of the agreement as cited in Teng Szu-yü, *loc. cit.* (see Note 35 above); cf. the text, in Chinese, as published in Yeh Han-min and Wu Jui-ch'ing, *loc. cit.* (see Note 32 above), p. 18 f.

⁵⁵ For details of the inspection tour made in 1902, see Ch'i Hsin, *loc. cit.* (see Note 41 above); Yeh Han-min and Wu Jui-ch'ing, *loc. cit.* (see Note 32 above), p. 19; *Hsing-chou chou-k'an* on Feb 10, 1974 (with some further sources).

⁵⁶ For the Pratas incident, cf. Yeh Han-min and Wu Jui-ch'ing, *loc. cit.* (see Note 32 above), p. 19 (with further sources); Yu-hsi Nieh, *loc. cit.* (see Note 41 above), p. 26 (with further sources); Hsun-cheng Shao, *loc. cit.* (see Note 41 above).

command of Wu Ching-yung and Li Chun.⁵⁷ The results of three weeks of exploratory work were summarized in an investigation report (*k'an-ch'a hsi-sha ch'ün-tao pao-kao*) and supplemented by a development plan. In 1908, too, the Pratas and Paracels appeared for the first time in an atlas published by the Kuangtung provincial government, the names of "tung-sha" and "hsi-sha" used in that atlas being still in use today.

In 1917 a Japanese company began to fish the waters around the Spratlys and to exploit the guano deposits for their phosphate content.⁵⁸ A British Admiralty publication dated 1923 says, on the other hand, that Chinese fishermen, regularly supplied with provisions by fishing boats from Hainan, had been living on many of the Spratlys for years.⁵⁹

The first practical steps towards developing and exploiting the Paracels on a large scale were taken by the "Paracel Archipelago Company for Industry and Commerce" (*hsi-sha ch'ün-tao shih-yeh kung-szu*) starting in 1921.⁶⁰ The Chinese government gave the licence for the exploitation of the natural resources and marine products in this region to the head of the company, a Canton merchant named Ho Jui-nien. However, when it was discovered that Ho was no more than a figurehead for the director of the Formosa Monopolies Authority, a Japanese called Ikeda, and that a sizeable proportion of the natural resources of the islands was being shipped to Japan without the Chinese authorities being aware of this, Tai Chi-t'ao, a member of the Chinese National Government, ordered a commission to be set up to investigate the case. As a result of the commission's activity the licence was withdrawn from Ho Jui-nien in 1927/8 and the Japanese had to leave the archipelago. The Kuangtung provincial government then had new development plans drawn up for the Paracels.

Acquisition of the Spratlys and Paracels by France and Japan

Up to the late twenties, the Chinese government had still been capable of consolidating its claim to the archipelagos by several acts of sovereignty, but in the period between 1930 and 1946 it was, with regard to foreign policy, so weak that, apart from raising ineffective protests, China could do nothing but stand by helplessly while the Spratlys and Paracels were occupied by France and later by Japan.

⁵⁷ For this paragraph, cf. Teng Szu-yü, *loc. cit.* (see Note 35 above), p. 3; Yeh Han-ming and Wu Jui-ch'ing, *loc. cit.* (see Note 32 above); *Hsing-chou chou-k'an* of Feb 10, 1974 (where the expedition is erroneously set in the year 1913).

⁵⁸ *Keesing* of Apr 7, 1939, p. 4017 A; Hsun-cheng Shao, *loc. cit.* (see Note 41 above).

⁵⁹ *China Sea Pilot*, 2nd Edn., Vol. 3, London 1923, as cited in Hsun-cheng Shao, *loc. cit.* (see Note 41 above).

⁶⁰ Teng Szu-yü, *loc. cit.* (see Note 35 above), p. 3; Hsun-cheng Shao, *loc. cit.* (see Note 41 above).

France made her first appearance in this region in April 1930 when she sent the gunboat "Le Malicieuse" to reconnoitre the waters surrounding the Spratlys and apparently had one island occupied.⁶¹ In the same year, the Indochinese press published demands for the occupation of the Paracels as a preparatory step towards installing a navigation light and a base for sea planes.⁶² According to recent Saigon sources, Pierre Pasquier, then governor of Indochina, asserted Vietnamese claims to the Paracels in 1931, raising an official protest in 1932 against the exploitation by China of the local guano deposits. This protest was dismissed by the Chinese.⁶³

In the spring of 1933, France occupied the two principal islands, Itu Aba (Chin.: T'ai-p'ing) and Spratly (Chin.: Nan-wei), and seven other islands of the Spratly archipelago.⁶⁴ On July 26, 1933, Paris publicly announced the annexation of those islands.⁶⁵ The text of the declaration of annexation reportedly pointed out that the Spratlys had a resident population of Chinese fishermen of Hainan origin.⁶⁶ The same statement may be found in a contemporary article by a French author.⁶⁷

The Japanese chargé d'affaires in Paris reacted to the annexation of the Spratly archipelago by raising objections with the French government. He said that Japan was unable to approve of the occupation, despite France's assurance that she would fully respect Japanese economic interests.⁶⁸ According to Peking and Taipei sources, the Chinese government also made a démarche in protest against the French action.⁶⁹ This, however, is officially denied by Saigon.⁷⁰ Nanking is further said to have rejected the French assertion that the Paracels belonged to Annam. France had made this claim in a memorandum sent to the Chinese embassy in Paris in connection with the occupation of the Spratlys.⁷¹

⁶¹ C. Madrolle, *loc. cit.* (see Note 52 above); Teng Szu-yü, *loc. cit.* (see Note 35 above). — According to recent South Vietnamese sources, Japan applied to France as early as 1920 for a license to exploit the guano deposits on the Paracels. Saigon argued on these grounds that the Paracel archipelago had been under French administration between 1920 and 1939, cf. *Summary on the Paracels Islands, loc. cit.* (see Note 50 above), p. 2 (without sources).

⁶² C. Madrolle, *loc. cit.* (see Note 52 above), p. 310.

⁶³ *Summary on the Paracels Islands, loc. cit.* (see Note 50 above), p. 2 (without sources).

⁶⁴ *Keesing* of July 27, 1933, p. 952 A; C. Madrolle, *loc. cit.* (see Note 52 above); Teng Szu-yü, *loc. cit.* (see Note 35 above); Yu-hsi Nieh, *loc. cit.* (see Note 41 above), p. 27, with further sources.

⁶⁵ *Journal officiel de la République française* of July 26, 1933, as cited in C. Madrolle, *loc. cit.* (see Note 52 above).

⁶⁶ Thus Ch'i Hsin, *loc. cit.* (see Note 41 above), p. 39.

⁶⁷ *South China Morning Post* of Aug 28, 1933, as cited in Ch'i Hsin, *loc. cit.* (see Note 41), p. 39.

⁶⁸ *Keesing* of Aug 22, 1933, p. 993 H.

⁶⁹ Hsun-cheng Shao, *loc. cit.* (see Note 41 above), p. 27; Wang Szu-you in: *CYJP* of Feb 2, 1974.

⁷⁰ Statement by the Saigon Foreign Ministry of Jan 12, 1974, as cited in *SWB FE/4499/A3/1*.

⁷¹ *Ibid.*

After having installed an intermittent flash-light on the Paracel island of Pattle and a light and meteorological station on the island of Boisée (apparently identical with Woody I.) as early as October 1937, France announced the occupation of the whole archipelago on July 3, 1938.⁷² Contemporary press reports confirm that the islands were actually occupied by French or Annamese troops.⁷³ According to a recent Saigon statement, the occupation had been preceded by an offer from France to China in 1937 to settle the issue peacefully or to subject the case to arbitration.⁷⁴ It appears that the French decision to occupy the islands was the negative outcome of negotiations between Paris and London on the one hand and Japan on the other, with the object of dissuading Japan from occupying Hainan.⁷⁵

China apparently protested through her ambassador Ku Wei-chün,⁷⁶ while the Japanese government contented itself with an indirect protest: On July 4, 1938, the Spokesman of the Japanese Foreign Ministry announced that, though Japan had no knowledge of the occupation of the Paracels, she emphatically denied the right of third parties to occupy, or otherwise claim, any island under Chinese sovereignty.⁷⁷

After the conquest of Hainan in February 1939, Japan occupied the Spratlys, the Paracels, and evidently also the Pratas. The occupation of the Spratlys was completed by the end of March 1939.⁷⁸ The Paracels, too, were occupied in 1939.⁷⁹ No concrete information is available as to the occupation of the Pratas, though all Chinese authors implicitly assume that all the archipelagos of the South China Sea were occupied by the Japanese.⁸⁰ The author has not been able to ascertain whether, or not, there was any fighting between the Japanese invaders and the French garrison troops. According to Taiwanese sources, Tokyo renamed the Spratlys "Shinnan" (New South), placing them, along with the Paracels and Pratas, under the jurisdiction of the authorities of the port of Kaohsiung (Taiwan).⁸¹ The Japanese stationed some troops on Spratly I. while they converted Itu Aba into a submarine base.⁸²

⁷² C. Madrolle, *loc. cit.* (see Note 52 above), p. 310.

⁷³ *Keesing* of July 4, 1938, p. 3624 A.

⁷⁴ *Summary on the Paracels Islands, loc. cit.* (see Note 50 above), p. 2.

⁷⁵ *Keesing* of June 27, 1938, p. 3616 A; *ibid.*, July 4, 1938, p. 3624 A.

⁷⁶ Teng Szu-yü, *loc. cit.* (see Note 35 above), p. 7 (with further sources).

⁷⁷ *Keesing* of July 4, 1938, p. 2634 A.

⁷⁸ *Keesing* of Mar 31, 1939, p. 4007 B.

⁷⁹ *Summary on the Paracels Islands, loc. cit.* (see Note 50 above), p. 2; Wang Szu-you, *loc. cit.* (see Note 69 above).

⁸⁰ Cf. Teng Szu-yü, *loc. cit.* (see Note 35 above), p. 4.; Yu-hsi Nieh, *loc. cit.* (see Note 41 above), p. 27 (implicitly).

⁸¹ Wang Szu-you, *loc. cit.* (see Note 69 above).

⁸² *Ibid.*

In a letter dated April 1939, Paris protested against the Japanese occupation of the Spratlys, referring to the fact that France had annexed the archipelago in 1933.⁸³ Tokyo rejected the protest and argued that the Spratlys had been economically in Japanese hands without interruption since 1917 (for the winning of phosphates and fisheries).⁸⁴ There is, however, no indication of a French *démarche* against the occupation of the Paracels by the Japanese.

⁸³ *Keesing* of Apr 7, 1939, p. 4017 A.

⁸⁴ *Ibid.* — For details of Japanese arguments and actions see Yu-hsi Nieh, *loc. cit.* (see Note 41 above), p. 27 (with further sources).

CHAPTER III

OCCUPATION OF ISLANDS SINCE WORLD WAR II
AND THE CLAIMS INVOLVED1. *The Actual Development*

First Chinese Occupation of Islands After the End of the War

Towards the end of 1946, the Chinese government sent a naval task force to the Paracels and Spratlys to execute demonstrative possessory acts on the spot. According to a report compiled by one of the two commanding officers, the task force, consisting of four warships, sailed from Canton on December 9, 1946.⁸⁵ The "T'ai-p'ing" and the "Chung-yeh" set course for the Spratlys, while the "Yung-hsing" and the "Chung-chien" headed for the Paracels. According to recent Taiwanese sources, the Paracel detail returned to Canton in December, while the other detail remained in the Spratly region until February 1947.⁸⁶

On the orders of Mo Yün-yü, the officer with special powers in charge of the Spratly operation who reached his destination on December 12, 1947, the principal island, Itu Aba, was surveyed, the symbols of Japanese sovereignty replaced by Chinese ones, the Chinese flag hoisted, and a take-over ceremony held.⁸⁷ According to Mo's report, he had found out that the Japanese occupational troops had left the island more than 12 months before. In the light of this report, Itu Aba cannot possibly have been handed over to China by Japan, though Chinese authors often maintain that Japan had ceded all the archipelagos to China at the end of the war.⁸⁸

It is also highly improbable that the Japanese had handed over the Paracels to the Chinese. Not one of the reports dealing with the events in this archipelago during

⁸⁵ Mo Yün-yü's report of 1957, as cited in Ch'i Hsin, *Nan-hai chu-tao ti chu-ch'üan yü hsi-sha ch'ün-tao diih-chan*, in: *Ch'i-shih nien-tai*, March 1974, p. 39. — According to a semi-official version offered by Taipei, all four ships sailed not from Canton, but Yülin (Hainan), the "Yung-hsing" as early as mid-November, see Wang Szu-you in: *CYJP* Feb 2, 1974. — Peking sources say that the Paracels "were returned to the then Chinese government on Nov 27, 1946", *JMJP* Feb 28, 1959, as cited in: *Peking Review*, 1959, No. 9, p. 21.

⁸⁶ *Ibid.*

⁸⁷ Ch'i Hsin, *loc. cit.* (see Note 85 above), p. 39.

⁸⁸ Thus e.g. Teng Szu-yü, *Nan chung-kuo hai chu tao-hsü ti chu-ch'üan wen-t'i*, in: *Ming pao (yüeh-k'an)*, No. 101, May 1974, p. 4; Wang Szu-you, *loc. cit.* (see Note 85 above); *CYJP* (leader), Feb 8, 1974.

1946 and 1947 suggests anything to this effect. In January 1947, the Chinese embassy in Paris published a communiqué announcing the occupation of the Paracels and asserting the Chinese claims to that archipelago.⁸⁹ In this statement, the Chinese underlined their contention that the islands had always belonged to China and had been governed by the Kuangtung provincial authorities. The Chinese government had never relinquished its claim to these islands. It had exchanged notes with France on this issue between 1932 and 1938, and had not accepted the French annexation of the islands in 1938.

Some days later France protested against China's occupation of the Paracel island of Pattle, arguing that the Paracels had traditionally been controlled by the ruler of Annam.⁹⁰ At the same time, France landed troops on Pattle, whereupon the Chinese government registered a written protest with the French ambassador in Nanking.

Developments on the Pratas

This archipelago had evidently remained under Japanese control throughout the war. It has apparently been firmly in Taipei's hands for a long time.⁹¹ The author has been unable to find out when and under what circumstances the control of the group passed from Japan to Nationalist China.

Nor has it been possible to pursue in full the actual developments on the Paracels and the Spratlys since 1947.

Developments on the Paracels

The exchange of notes between Nanking and Paris in January 1947 reveals that both parties had landed troops on Pattle, the principal island of the Crescent group of the Paracel archipelago. Recent official sources in Saigon have it, however, that French armed units had occupied some islands of the Paracel archipelago as early as May 1946. They withdrew (with two officers, ten French soldiers, and 17 Vietnamese) to Pattle after the Chinese had occupied Woody I., the principal island of the Amphitrite group in January 1974.⁹² The same source says that Woody Island was evacuated by National Chinese troops on May, 1950, and was immediately occupied by the People's Liberation Army. While the Saigon source admits that Woody I.

⁸⁹ *Keesing* of Jan 18, 1947, p. 983 A.

⁹⁰ With reference to this and the following paragraph, see *Keesing* of Jan 20, 1947, p. 983 J, and of Jan 28, 1947, p. 990 E.

⁹¹ Cf. *CYJP* Aug 10, 1974 (as cited in *China aktuell*, September 1974, p. 538 f.).

⁹² *Summary on the Paracels Islands*, *loc. cit.* (see Note 50 above), pp. 2 ff.

was still held by the Chinese in January 1974, it does not clearly say how long French and Vietnamese troops had been stationed on Pattle Island.

On February 27 and April 5, 1959, the Foreign Ministry in Peking protested against infringement by Saigon of Chinese sovereign rights in the Paracel archipelago.⁹³ According to Chinese sources, a South Vietnamese gunboat had entered the waters around North Island, one of the Amphitrite group, on February 20, 1959. The following day the Vietnamese had boarded several Chinese fisherboats and questioned one of the fishermen on the situation in the Paracel region. On September 22, the boat landed on the Crescent island of Ch'en-hang, the main island of the Duncan group, where violent fighting was to take place in January 1974. The Vietnamese tore up the Chinese flag, plundered the houses, arrested 82 Chinese fishermen, and seized five fishing boats. According to the same source, the fishermen were taken by force to Da Nang, interrogated, and forced to sign confessions, before being released on March 9. On February 27, two more Chinese fishing boats were stopped by Vietnamese warships. At about the same time, several ships of the Saigon Navy were cruising in the waters of the Crescent group, with South Vietnamese and US aircraft making reconnaissance flights over the whole archipelago. A Vietnamese gunboat is said to have again robbed fishermen based on the island of Ch'en-hang on March 26 and to have threatened to shell the island.

These events and the fact that, according to Chinese sources, Japanese fishermen had devastated installations on North Island on March 12, 1959,⁹⁴ show that, at the time in question, by no means the whole Paracel group was under Peking's military control. According to a Peking report, this motivated the Central Committee of the Chinese Communist Party to start a campaign in the spring of 1959 with the object of inducing Hainan islanders to settle on the Paracels, and in particular on Woody Island.⁹⁵ According to the same source, the new settlers immediately proceeded to establish a telephone system and to construct a radio tower.

In 1960, units of the British Navy observed that Woody Island had four radio masts and one observation tower, that an overhead cable connected the island with the neighbouring islet of Rocky and that extensive work was in progress on the construction of new storage facilities.⁹⁶ This source does not contain any information of a move to civilize the island of Pattle or the other islands of the Crescent group.

In 1971, US reconnaissance planes observed that frequent convoys of Chinese ships were transporting construction materials to the Paracels. In its analysis of the situation, the Pentagon came to the conclusion that Peking intended to establish

⁹³ For this and the following paragraph, cf. *Peking Review*, 1959, No. 9, p. 9; *JMJP* Feb 28, 1959, as cited in: *Peking Review*, 1959, No. 15, p. 18 f.; cf. also *NCNA* Feb 27 and 28, 1959, *SCMP* No. 1966 of Mar 5, 1959, pp. 46 ff., as well as *NCNA* Apr 5, 1959, *SCMP* No. 1988 of Apr 8, 1959, pp. 35 ff.

⁹⁴ *NCNA* Apr 4, 1959, *SCMP* No. 1988 of Apr 8, 1959, p. 35.

⁹⁵ *Peking Radio* (in Chinese) on Sep 22, 1974, as cited in *SWB FE/4715/BII/9* (Sep 28, 1974).

⁹⁶ On this and the two following sentences: *China Sea Pilot*, Vol. I, London 1964, pp. 102 ff.

naval bases on the island.⁹⁷ A press report from the same year states that US observers had noticed that the P.R. China had constructed a port, a dam, and 50 buildings on the islands.⁹⁸ The only two islands named in that report were again Woody I. (in connection with the construction of a canal) and Lincoln I. (where Chinese settlers had been observed). In a series of photographs on the life of the Chinese residents of the Paracels which appeared shortly after the January 1974 conflict in a Peking-oriented review, only one photograph is accompanied by a text revealing the name of the island it depicts: Woody Island.⁹⁹ The photograph shows a number of buildings.

The first time that Peking published a series of photographs on the Paracel archipelago following the January conflict was in the summer of the same year.¹⁰⁰ Of the eight Crescent islands, five are shown in toto or in section (Robert, Pattle, Triton, Drummond, Ch'en-hang). Nothing much can be recognized on Ch'en-hang. Nor are there any traces of civilization to be seen on the photographs of Triton and Drummond. On Robert and Pattle, tents and a total of three radio towers or watch-towers are visible. The only island on which a permanent building, resembling a long shed, can be recognized, is Pattle. There are photographs which show a quay, a vegetable plantation, a primitive road passing through a forest of coconut palm-trees, with trucks, and single-storied buildings but there is no indication which of the islands these photographs depict. The only building of more than one storey to appear on the photographs, according to the accompanying text, is located on Woody Island and serves as a residence for the Revolutionary Committee of the Paracels, Macclesfield Bank, and the Spratlys. This implies that Peking regards Woody as the administrative centre for all the South China Sea archipelagos, with the exception of the Pratas.

All this suggests that, prior to the January 1974 conflict, the only islands permanently occupied and developed in the Paracel archipelago were those of the Amphitrite group, the only country involved being the P.R. China. Neither Peking nor Saigon had made any comparable efforts to develop the Crescent group. It appears, however, that Peking was beginning, towards the end of 1973, to make increasing use of some of the Crescent islands (especially the island of Ch'en-hang) as fishing bases. It is also highly probable that both the Chinese and the South Vietnamese navies were conducting occasional patrol cruises in the Crescent region.

⁹⁷ *New York Times*, July 12, 1971, as cited in: J. A. Cohen and Hungdah Chiu, *People's China and International Law*, Vol. I, Princeton 1974, p. 346; *FEER* 1971, No. 29 (July 17, 1971), p. 4.

⁹⁸ *CYJP* July 8, 1971, with reference to Associated Press, as cited by Yu-hsi Nieh, *Die Rechtsfrage der Archipele im Südkinesischen Meer*, in: *China aktuell*, February 1974, p. 29. The AP office in Frankfurt, however, informed the author on Nov 12, 1974, that no report of this kind could be found either in AP's central office in New York or in the AP's Washington office's archives. — *Ta-kung pao*, a communist paper published in Hong Kong, reported on Jan 26, 1974, that there were a road system, a fertilizer factory, a meteorological station, and business houses "on the major islands".

⁹⁹ *Ch'i-shih nien-tai*, March 1974, pp. 43 ff.

¹⁰⁰ *Jen-min hua-pao*, 1974, No. 8, pp. 20 ff.

Developments in the Spratly Region

National China, the Philippines, and both Vietnams occupied islands in the Spratly region at various times since World War II. The P.R. China remained inactive. There have not even been any reports of the Peking navy having operated in this region at any time before the conflict in January 1974.

According to official Taipei sources, National China has had troops stationed in the Spratly area for a considerable time. The only permanent garrison of recent times, however, seems to be on Itu Aba Island.¹⁰¹ Taiwanese information as to when the troops were first stationed in the region appears somewhat contradictory. A statement made by the Foreign Ministry in Taipei on January 18, 1974, implied that the islands had been occupied by troops since December 1947.¹⁰² In an interview some weeks later,¹⁰³ Prime Minister Chiang Ching-kuo said in one passage that the islands had been under military occupation for years and in another that they had been occupied for decades. A speaker of the Ministry of National Defence in Taipei announced on February 14, 1974, that the Spratlys had been returned to China in 1945 and had since been under continuous occupation by garrisoned troops. That this was not quite correct became apparent when he added that Taiwanese naval craft had been providing a shuttle service between the islands and Taiwan for more than twenty years.¹⁰⁴ On February 7, 1974, the Foreign Minister in Taipei said that the Republic of China had been maintaining a garrison on the Spratlys since December 1949.¹⁰⁵

Contrary to the above statement, the latest edition of the British Navy Sea Pilot for the region mentions for 1959 the existence on Itu Aba of several partially demolished buildings and two wells, but no human settlement.¹⁰⁶ According to the same source, there were no permanent residents and not even buildings on Spratly Island in 1963, the only human artefact being an obelisk, five metres high, which the Pilot does not describe in detail but which may well be the symbol of sovereignty which National China had erected in December, 1946.¹⁰⁷ The Pilot contains two references to human activity in the Spratly region. It first notes that traces of recent habitation had been discovered on Loai ta Island, north of Itu Aba. Then it mentions Chinese fishermen from Hainan who visit the islands of Itu Aba and Nam yit of Tizard Bank every year in December and January and leave again when the southwest monsoon season sets in.¹⁰⁸ According to press reports which appeared in the

¹⁰¹ NRC No. 126 of Aug 13, 1974, p. 1.

¹⁰² CYJP Jan 19, 1974.

¹⁰³ Interview with Roy Rowan (*Time Magazine*), in: NRC No. 35 of Mar 8, 1974, p. 1.

¹⁰⁴ *Freies Asien* (Bonn), No. 8 of Feb 28, 1974, p. 2. — Cf. also Wang Szu-you, *op. cit.* (see Note 85 above).

¹⁰⁵ NRC Feb 11, 1974, p. 1.

¹⁰⁶ *China Sea Pilot*, *loc. cit.* (see Note 96 above), p. 110.

¹⁰⁷ *Ibid.*, pp. 107 f.

¹⁰⁸ *Ibid.*, pp. 110 f.

summer of 1971 and were later confirmed by President Marcos of the Philippines, National Chinese troops were at that time busy emplacing guns on Itu Aba, turning the island into a fortress.¹⁰⁹ In due consideration of all the information available, it seems reasonable to assume that, between the end of 1946 and mid-1971, there were no permanent civilian settlements on the Spratlys nor had any of the islands been occupied by the Taiwanese forces for any length of time.

President Marcos himself announced that the Philippines had occupied three of the Spratly islands between 1970 and 1971.¹¹⁰ As may be gathered from a protest raised by Peking,¹¹¹ two of them were Thitu (about 80 km north of Itu Aba) and Nansha (about 170 km east-north-east of Itu Aba). The islands then occupied by Manila are said to be the ones which a Philippine businessman named Tomas Cloma had reclaimed in 1951, colonizing them with fishermen and craftsmen and proclaiming them the "Free Territory of Freedomland" with government in Manila.¹¹² The present author has been unable to ascertain whether or not there has ever been any connection between Cloma and the state of the Philippines. In summer 1971 it was reported that a Philippine vessel, trying to land on Itu Aba, had been shot at and forced to withdraw by Taiwanese soldiers. This was denied by Taipei.¹¹³ However, the Philippines are reported to have succeeded in taking possession of a fourth Spratly island prior to the spring of 1974.¹¹⁴

South Vietnam seems to have sent troops to the Spratly region for the first time in August or September 1973.¹¹⁵ Whereas less than one hundred men had been stationed on Nam yit island at first, the units were reinforced to a strength of several hundred during the following months, and in particular since the conflict of

¹⁰⁹ J. A. Cohen and Hungdah Chiu, *loc. cit.* (see Note 97), p. 346; *FEER*, 1971, No. 29 (July 17, 1971), p. 4.

¹¹⁰ Yu-hsi Nieh, *op. cit.* (see Note 98 above), p. 28, with further sources. — As early as 1938, the then President of the Philippines is said to have tried to persuade the Japanese government to take part in a joint occupation of the Spratlys, cf. Teng Szu-yü, *loc. cit.* (see Note 88 above), p. 3.

¹¹¹ *NCNA* July 16, 1971, as cited in *SCMP*, July 1971, p. 140.

¹¹² Yu-hsi Nieh, *loc. cit.* (see Note 98 above). — The name "Free Territory of Freedomland", the presidency of Cloma, and the governmental residence at Manila were, however, still referred to in 1974, in letter-heads. — On May 15, 1956, Cloma again raised claims to "33 Spratly islands", *FEER* of Oct 22, 1973, p. 27.

¹¹³ J. A. Cohen and Hungdah Chiu, *loc. cit.* (see Note 97 above), p. 346.

¹¹⁴ *IHT* Mar 28, 1974.

¹¹⁵ This statement is based exclusively on official information from Saigon, cf. *Vietnam Press* (in Vietnamese) of Feb 22, 1974 (as cited in *Monitoring Service of Deutsche Welle* on Feb 22, 1974), *Vietnam Press* (in Vietnamese) on Feb 22, 1974 (as cited in *SWB FE/4535/A3/1* of Feb 25, 1974), *The Times* (from Saigon) Feb 1, 1974. The report per se does not appear unrealistic, however, since the date indicated coincides with the date when the Spratly Islands were incorporated into the South Vietnamese province of Phuoc Thuy to form one administrative unit. This act in turn was corroborated by Peking, together with other Saigon appropriations in the area of the Spratlys, cf. *Vietnam Press* (in Vietnamese) of Jan 12, 1974 (*SWB FE/4499/A3/1* of Jan 14, 1974), *JMJP* Jan 12, 1974, *Peking Radio* (in

January 1974. According to official Saigon sources, the troops were distributed over at least five islands, reefs or cays, with headquarters on Nam yit Island. In May 1975 Hanoi Radio reported the occupation of "various islands of the Spratly archipelago" by Communist Vietnamese troops, without going into detail.¹¹⁶

There is one further event that should be mentioned though at first sight it may appear to be a mere curiosity; it is, however, quite possible that concrete economic interests may loom in the background. On September 28, 1974, the "Republic of Luconia" was founded in Munich, with a man named Aloysius George Guarghias-Irghen appearing as its president.¹¹⁷ The latter had previously represented "Freedomland" in Europe but had obviously left that enterprise in the meantime. The founders of "Luconia" located their state with a declared area of 174,000 sq.km in the southern part of the South China Sea (see Chart 12 in the Appendix), its frontiers passing parallel to the coasts of Sarawak, Brunei, and the south of Sabah. This area covers a number of reefs and sand bars. In an attempt to make their claim to this region legitimate, the founders postulated that Mr. Guarghias-Irghen had flown over the territory in question in 1971, setting foot on the principal island in 1973, and, by doing so, had validly taken possession of this region. The founders' argument that the territory of "Luconia" had never before been claimed by any state is incorrect, as this region is clearly situated within China's frontiers shown in Peking and Taipei charts, and was also claimed by the Republic of Vietnam. Though all this may sound somewhat odd, the news that the Luconian government intended permanently to station a ship in the vicinity of North Luconia cay permits the assumption that their ultimate intention is to prospect the sea-bed for petroleum, and perform test drillings. At present it is impossible to say whether the "Luconia" enterprise serves as a camouflage for a state or for a circle of private businessmen.

English and Chinese) on Jan 11, 1974 (SWB FE/4499/A3/1 of Jan 14, 1974). — For the following sentence, cf. *Vietnam Press* (in Vietnamese) of Feb 22, 1974 (SWB FE/4535/A3/1 of Feb 25, 1974); *IHT* (from Nam yit) Mar 28, 1974, *IHT* Feb 19, 1974; *AP* Feb 18, 1974 (as cited in *NZZ* Feb 20, 1974). — Contrary to these reports, which refer to five islands being occupied, another official Saigon source refers to a total of seven islands, cays, and reefs, including Spratly (Vietn.: Truong Sa), cf. *Vietnam Press* (in Vietnamese) of Feb 22, 1974 (*Monitoring Service of Deutsche Welle* dated Feb 22, 1974). — For the troop reinforcement prior to February 1974, cf. *IHT* Feb 6, 1974.

¹¹⁶ *Hanoi Radio* (home service) on May 6, 1975, as cited in SWB FE/4898/A3/8 of May 8, 1975.

¹¹⁷ In this connection and for the following passage, cf. "*Proklamation der Republik Luconia*" (with appendices), on file with the present author's archives. For the position of "Luconia", cf. chart No. 12 in the Appendix to this book.

2. Diplomatic Events

The First Claims Raised

According to official Taipei sources, the Nanking government had made a statement on December 1, 1947, to the effect that the South China Sea archipelagos in dispute formed part of the Republic of China, at the same time publishing the official names which the Ministry of Domestic Affairs had given to the archipelagos as follows: Tung-sha (Eastern Sands) for the Pratas, Hsi-sha (Western Sands) for the Paracels, Chung-sha (Central Sands) for the Macclesfield Bank, and Nan-sha (Southern Sands) for the Spratlys.¹¹⁸

The P.R. China illustrated its claims by printing on charts published since the seizure of power in 1949 a curved boundary enclosing about three quarters of the South China Sea and passing parallel to and at a distance of between 50 and 100 km from the coasts of Central Vietnam, Sarawak, Brunei, and the West Philippine islands.¹¹⁹ This boundary is essentially identical with the one shown in Taiwanese atlases.¹²⁰ As to the names of the archipelagos, Peking keeps to the terminology adopted by the Nationalist Chinese government in 1947. While the states under Soviet hegemony generally follow Peking's example in their maps and charts,¹²¹ Western publications have avoided this difficulty by wholly or partly refraining from giving any boundaries in the region.

¹¹⁸ Statement made by the Taiwanese Foreign Ministry on Jan 18, 1974, in: *CYJP* Jan 19, 1974.

¹¹⁹ The boundaries drawn by Peking are shown in Chart No. 2 in the Appendix of this book. — This author is in possession of a Peking chart published between 1949 and 1952 which shows the same boundary lines. In addition, cf. the following charts published in Peking: *Chung-kuo fen-sheng ti-t'u* (1964), reprinted in Taiwan in 1966 (see Note 3 above); *Chung-hua jen-min kung-ho-kuo ti-t'u chi* (1966) reprinted in Hongkong in 1971; *Chung-hua jen-min kung-ho-kuo ti-t'u* (1957; 6th Edn. 1971); *Chung-hua jen-min kung-ho-kuo ti-t'u* (1965; 5th Edn. 1974).

¹²⁰ *Chung-hua min-kuo ti-t'u chi*, ti szu ts'e, Chung-kuo nan-pu, 2nd Edn., Taipei 1964, pp. 19/20.

¹²¹ E.g. *Atlas mira*, Moscow 1954, chart No. 141 (no boundary lines drawn, but Spartlys, Paracels and Macclesfield Bank referred to as Chinese); *Československý Vojenský Atlas*, Prague 1965, chart No. 180 (boundary in the southwestern part of the South China Sea following Peking's model), chart No. 182 (no boundary line drawn, but Paracels, Spratlys and Macclesfield Bank as in Peking's model), chart No. 159 (as chart No. 182); *Haack Weltatlas*, Gotha/Leipzig 1972, chart No. 128 (boundary resembling Peking's model); *Bo'shaya Sovetskaya Entsiklopediya*, 2nd Edn., Vol. 21, Moscow 1953, chart following p. 168 (Spratlys shown as Chinese territory by name and boundary line, Pratas shown as Chinese).

The Philippines, too, were beginning to show an interest in the possession of the Spratlys as early as 1946 and 1950¹²², while Vietnam officially claimed the Paracels and Spratlys in 1951.¹²³

The Regulation of the Island Issue in the San Francisco Peace Treaty of 1951 and the Sino-Japanese Peace Treaty of 1952

The first occasion on which the P.R. China and Vietnam expressed their claims to the islands was in the declarations they made in connection with the San Francisco Peace Conference (September 4 to 8, 1951). They continued to use these declarations as a basis throughout the subsequent argumentation.¹²⁴

As a reaction to the publication of the joint US/UK draft for the Peace Treaty with Japan of August 15, 1951, Chou En-lai, then Foreign Minister of the P.R. China, made a statement, also dated August 15, in which he said:

"At the same time the draft deliberately stipulates that Japan shall renounce all claims to Nan-wei Island (meaning Spratly — the author) and to the Hsi-sha archipelago, but does not mention the problem of restitution of sovereignty. In reality, the Hsi-sha archipelago and Nan-wei Island, just as the whole archipelago of Nan-sha, and the Chung-sha and Tung-sha archipelagos, have always been Chinese territory. Though occupied for some time during the war of aggression unleashed by Japanese imperialism, they were taken over by the then Chinese government following Japan's surrender. The Central People's Government of the People's Republic of China declares herewith: The unviolable sovereignty of the People's Republic of China over Nan-wei Island and the Hsi-sha archipelago will by no means be impaired, irrespective of whether the American-British draft for a peace treaty with Japan should make any stipulations and of the nature of any such stipulations."¹²⁵

Vietnam, which, unlike the two Chinas, was present at the San Francisco Conference as a participant and signatory power, declared through her delegates during the seventh plenary session on September 7:

"... we affirm our right to the Spratly and Paracel Islands, which have always belonged to Vietnam."¹²⁶

On September 8, 49 of the 52 participating states signed the Peace Treaty, while the Soviet Union, Poland, and Czechoslovakia refused to sign.¹²⁷ The passage concerning the South China Sea islands in the Treaty (Art. 2 f. in Part II) reads as follows:

¹²² Hsun-cheng Shao, Chinese Islands in the South China Sea, in: *People's China*, 1956, No. 13, p. 27.

¹²³ *Digest of International Law*, Vol. 3, Washington, D.C., 1964, p. 595.

¹²⁴ Statement made by the Peking Foreign Ministry on Jan 20, 1974, in: *JMJP* Jan 21, 1974; Statement by the Spokesman of the Saigon Foreign Ministry on Jan 12, 1974, in: *SWB FE/4499/A3/1—2* (Jan 14, 1974).

¹²⁵ *Chung-hua jen-min kung-ho-kuo tui-wai kuan-hsi wen-chien chi*, Vol. 2, Peking 1961, p. 32.

¹²⁶ *Digest of International Law*, *loc. cit.* (see Note 123 above), p. 595.

¹²⁷ *Keesing* of Sep 8, 1974, p. 3102 F.

"Japan renounces all right, title and claim to the Spratly Islands and to the Paracel Islands."¹²⁸

An application by Mr. Gromyko, the Soviet delegate, for an amendment providing for the transfer of all four archipelagos to the P.R. China had been rejected by 46 votes to 3.¹²⁹ The reason why the Treaty did not clearly specify to whom the said archipelagos — likewise Taiwan and the Pescadores — were to be ascribed, was that the opinions of the signatory powers, in particular the United States of America and the United Kingdom, differed as to which of the Chinese governments was to be regarded as the legitimate one: Peking or Taipei. As only the Spratlys and the Paracels had been referred to in the Treaty, it may be presumed that the Conference had proceeded from the assumption that the Pratas had not been annexed or occupied by Japan, or that they continued to belong to China as evidently as the island of Hainan, which was not mentioned in the Treaty either. Macclesfield Bank was also omitted, because it was apparently — and rightly — not regarded as a genuine group of islands.

Nor does the Peace Treaty of April 28, 1952 between the Republic of China and Japan make any reference to a devolution of sovereignty over the archipelagos that had been given up by Japan. It merely repeats the Japanese renunciation as pronounced in the San Francisco Peace Treaty:

"It is recognized that under Article 2 of the Treaty of Peace with Japan signed at the city of San Francisco in the United States of America on September 8, 1951 . . . , Japan has renounced all right, title and claim to Taiwan (Formosa) and Penghu (the Pescadores) as well as the Spratly Islands and the Paracel Islands."¹³⁰

The Behaviour of Some of the Signatories Following the Conclusion of the Peace Treaties

Some of the powers that had signed the peace treaties have since made statements on the territorial question in which they interpret or disregard some of the stipulations of the treaties.

On February 4, 1955, the British Foreign Minister, Anthony Eden, said before the House of Commons that the Sino-Japanese Peace Treaty had not placed Taiwan and the Pescadores under either Peking's or Taipei's sovereignty and that the question of de jure sovereignty over these islands was uncertain and vague.¹³¹ On December 1, 1954, the US Secretary of State, John Foster Dulles, emphasized in a statement at a press conference that the question of technical sovereignty over

¹²⁸ *Digest of International Law, loc. cit.* (see Note 123 above), p. 594; complete German translation of the Agreement in: *Europa Archiv*, Vol. VII/2 (July to December 1952), pp. 5267 ff.

¹²⁹ *Keesing of Sep 8, 1974*, p. 3102 f.

¹³⁰ Hungdah Chiu (Ed.), *China and the Question of Taiwan*, New York, Washington, London 1973, pp. 245 f.

¹³¹ *Ibid.*

Taiwan and the Pescadores had never been settled, and that the future legal title to those territories had not been determined by either agreement.¹³² Six years later, the State Department announced that the Paracel Islands did not belong to the P.R. China.¹³³ In the Joint Sino-American Communiqué of February 27, 1972 (Shanghai Communiqué), however, Washington expressly declared that it recognized the opinion of the two Chinese states according to which there was only one China, of which Taiwan formed an integral part, and that it respected this point of view.¹³⁴

At first Japan avoided taking a firm stand in the question of sovereignty over the islands which she had renounced.¹³⁵ It was not until September 29, 1972, that Japan finally took sides. In the Joint Sino-Japanese Communiqué which was issued on the establishment of diplomatic relations, Tokyo declared that it recognized the Peking government as the sole legal government of China, understood and respected the Chinese view of Taiwan as an inalienable part of the territory of the P.R.C., and adhered to its own conviction of complying with Article 8 of the Potsdam Declaration.¹³⁶ On the same day, the Japanese Foreign Minister Masayoshi Ohira, while still in Peking, explained the Japanese position,¹³⁷ saying that it was only natural for the Japanese to support the view that Taiwan belonged to China, since Article 8 of the Potsdam Declaration referred to the Declaration of Cairo, which demanded that Taiwan should be returned to China. In a rather vague and imperspicuous manner, befitting the delicacy of the legal situation, Mr. Ohira went on to say that the Peace Treaty between Japan and Taiwan "has lost the meaning of its existence and is declared terminated" (or, according to another translation, had been "terminated" and "lost its significance of existence").

A scrutiny of the peace treaties with Japan and the subsequent behaviour of the signatory states in the territorial question reveals that Taiwan (and implicitly the Pescadores?) which Japan had ceded as a result of the lost war, had been acquired, according to Japanese views, by the P.R.C. and, according to US conceptions, by "China". In the case of all the other territories relinquished by Japan, including the Paracels and the Spratlys, the situation continues to be as open as in the treaties, no reference being made to an assignee.

¹³² *Ibid.*

¹³³ *NCNA* of May 13, 1960, *SCMP* No. 2261 of May 19, 1960, p. 31.

¹³⁴ *NFHNA* of Feb 28, 1972, p. 4.

¹³⁵ F. P. Morello, *The International Legal Status of Formosa*, The Hague 1966, p. 39.

¹³⁶ *NFHNA* of Sep 29, 1972, p. 6.

¹³⁷ For this and for the following sentence, cf. *NFHNA* of Sep 29, 1972, p. 18; *ibid.*, Sep 30, 1972, p. 6; *Kyodo* (in English), *SWB FE/4106/A3/8* (Sep 30, 1972). — Cf. also the statement by the deputy Foreign Minister Hogen of Sep 29, 1972, *Kyodo* (in English), *SWB FE/4106/A3/10* (Sep 30, 1972). The corresponding passage of the Cairo Declaration of Dec 1, 1943, the Proclamation of Potsdam of July 26, 1945, and the Japanese declaration of acceptance have been reprinted in E. Röper, *Geteiltes China*, Mainz 1967, pp. 231, 233 ff.

Renewal of Claims After the Conclusion of the Peace Treaties

In 1956 and 1971 Peking re-affirmed its claims to the four archipelagos, making reference to Chou En-lai's statement of August 15, 1951.¹³⁸ A government statement dated September 4, 1958 again mentioned all the groups of islands in dispute.¹³⁹ Sovereignty over the Paracels was claimed in further statements in 1959 and 1960.¹⁴⁰ Taipei has also repeatedly claimed a title to all four archipelagos. According to Taiwanese sources, declarations and démarches in this respect were again made on July 12, 1971, as well as on January 25, August 9 and 27, and October 26, 1973.¹⁴¹

In the spring of 1956, the Philippine Foreign Minister Carlos Garcia claimed the Spratly archipelago, including the islands of Itu Aba and Spratly, for his country on the grounds of their geographical proximity to the Philippines.¹⁴² At the same time, however, it was announced that Manila intended to enter into negotiations with Taipei to discuss this question.¹⁴³ On July 10, 1971, President Marcos declared at a press conference that the Spratlys were derelict and disputed.¹⁴⁴ Therefore, "occupation and control" would be sufficient for a country to acquire a title to the islands. In accordance with this legal interpretation, the islands, which had meanwhile been occupied by Manila,¹⁴⁵ had now become part of the Philippines.

South Vietnam is said to have renewed its claim to the archipelagos in dispute in the spring of 1956.¹⁴⁶ Besides this information, there were reports from official Saigon sources that the South Vietnamese government, commencing in 1961, had

¹³⁸ Statement made by the Foreign Ministry of May 29, 1956, *Chung-hua jen-min kung-ho-kuo tui-wai kuan-hsi wen-chien chi*, Vol. 4, Peking 1961, p. 61 f.; English text in: *SCMP* No. 1301 of June 4, 1956, p. 20. — Hsinhua report of July 16, 1971, *JMJP* July 17, 1971; English text in: *NFHNA* of July 17, 1971, p. 27 f.; cf. also the speech made by Huang Yung-sheng, Chief of General Staff, on July 16, 1971, *JMJP* July 17, 1971, English text published in: *SWB FE/3738/A3/4* (July 19, 1971).

¹³⁹ Governmental statement on the Chinese territorial waters, *Chung-hua jen-min kung-ho-kuo tui-wai kuan-hsi wen-chien chi*, Vol. 5, Peking 1959, p. 162; English text in: *Peking Review*, 1958, No. 28, p. 21.

¹⁴⁰ Statements made by the Foreign Ministry on Feb 27, 1959, Apr 5, 1959, and May 13, 1960, *Chung-hua jen-min kung-ho-kuo tui-wai kuan-hsi wen-chien chi*, Vol. 6, Peking 1961, pp. 28, 37; *ibid.*, Vol. 7, Peking 1962, p. 154. English texts in: *NCNA* of Feb 27, 1959, Apr 5, 1959, and May 13, 1960 (*SCMP* No. 1966 of Mar 5, 1959, p. 47; No. 1988 of Apr 8, 1959, p. 36; No. 2261 of May 19, 1960, p. 32).

¹⁴¹ *FEER* 1971, No. 29 (July 17, 1971), p. 4; *NRC* No. 9 of Jan 22, 1974.

¹⁴² *NCNA* of May 29, 1956, *SCMP* No. 1301 of June 4, 1956, p. 20.

¹⁴³ *Ibid.*

¹⁴⁴ For this and the following sentence, cf. *FEER* 1971, No. 29 (July 17, 1971), p. 4; *NCNA* of July 16, 1971, *SCMP* No. 7130/1971. — For details, cf. Yu-hsi Nieh, *loc. cit.* (see Note 98 above), pp. 28 f.; J. A. Cohen and Hungdah Chiu, *loc. cit.* (see Note 97 above), p. 346.

¹⁴⁵ See p. 36 of this book.

¹⁴⁶ G. T. Little, Nan-sha ch'ün-tao ti chu-ch'üan wen-t'i, in: *Tung-fang tsa-chih* (Taipei) of Apr 1, 1974, p. 57 (first printed under the title of "Title to the Nan Sha Islands: Prescription Versus Occupation in the South Sea" in an omnibus volume published for the 30th anniversary of the Political Academy in Taipei (Cheng-chih ta-hsüeh) in 1957 (relevant passage on pp. 397 ff.).

issued various decrees relating to the administration of the islands as territory of the Republic of Vietnam. By decree dated July 13, 1961, South Vietnam separated the Paracels from Thua Thien province and incorporated them in Quang Nam province.¹⁴⁷ At the same time, the Vietnamese asserted that a village called Dinh Hai, administratively attached to the Hoa Vang district, had been founded on the islands.¹⁴⁸ If they meant Dinh Hai to be considered a permanent settlement, their assertion must, for the reasons indicated,¹⁴⁹ be regarded with as much scepticism as the statement that a Prime Ministerial decree dated October 21, 1969, had merged this village with another community called Hoa Long.¹⁵⁰ Scepticism would appear to be all the more justified in view of the fact that the South Vietnamese never disclosed on which island the settlement had allegedly been built.

An unusually grave blunder was made by the Spokesman of the Saigon Foreign Ministry who announced on January 12, 1974, that President Ngo Dinh Diem (assassinated in 1963) had incorporated the Spratlys into Ba Ria village in a decree dated October 22, 1966.¹⁵¹ The simultaneous reference to a decree promulgated by President Nguyen Van Thieu in September 1973 to the effect that eleven islands of the Spratly archipelago (and the village of Phuoc Hai) should be placed under the jurisdiction of Dat do district in Phuoc Thuy province¹⁵² appears to be more credible. The administrative measure referred to was corroborated by the P.R.C. in a declaration made by the Spokesman of the Foreign Ministry in Peking on January 11, 1974,¹⁵³ the declaration which proved to be the verbal prologue to the military conflict of January 19 and 20, 1974.

In May 1975, Hanoi which had kept silent during the Chinese take-over of the Paracels in 1974, announced the occupation of various Spratly islands by Communist Vietnamese troops.¹⁵⁴ This attitude may be regarded as evidence of a new self-assurance Hanoi has been developing towards Peking after the victorious conclusion of the Vietnam War. It indicates, moreover, that possible conflicts over the islands of the South China Sea may effect the Spratly region in the first place.

¹⁴⁷ Press statement made by the Spokesman of the Saigon Ministry of Foreign Affairs on Jan 12, 1974, published in *Vietnam Press* (in Vietnamese) on Jan 12, 1974, as reprinted in: *SWB FE/4499/A3/2* (Jan 14, 1974); press statement by the Spokesman of the Saigon Ministry of Foreign Affairs on Jan 16, 1974, *Vietnam Press* (in Vietnamese) on Jan 17, 1974, as reprinted in *SWB FE/4503/A3/1* (Jan 18, 1974). — This author is unable to understand why these statements refer to the "Nansha Islands", while the context clearly shows that they refer to the Paracels.

¹⁴⁸ *Ibid.*

¹⁴⁹ See pp. 33 f. of this book.

¹⁵⁰ Press statement by the Spokesman of the Saigon Ministry of Foreign Affairs of Jan 16, 1974, *loc. cit.* (see Note 147 above).

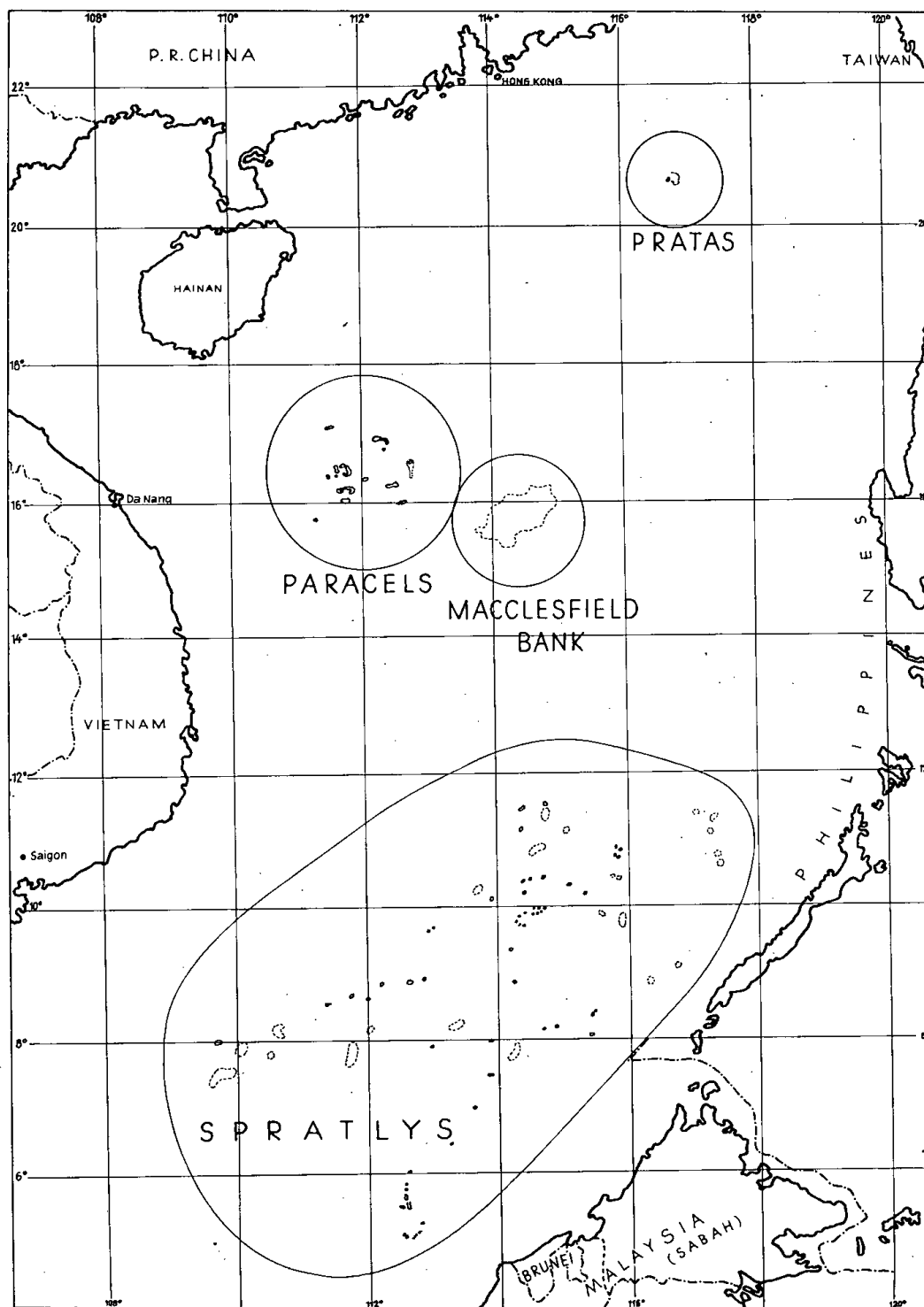
¹⁵¹ *Vietnam Press* (in Vietnamese) on Jan 12, 1974, as reprinted in *SWB FE/4499/A3/2*. Though the context shows that the report deals with the Spratlys, the Vietnamese, for some obscure reasons, used the term "Chungsha Islands" here.

¹⁵² *Ibid.*

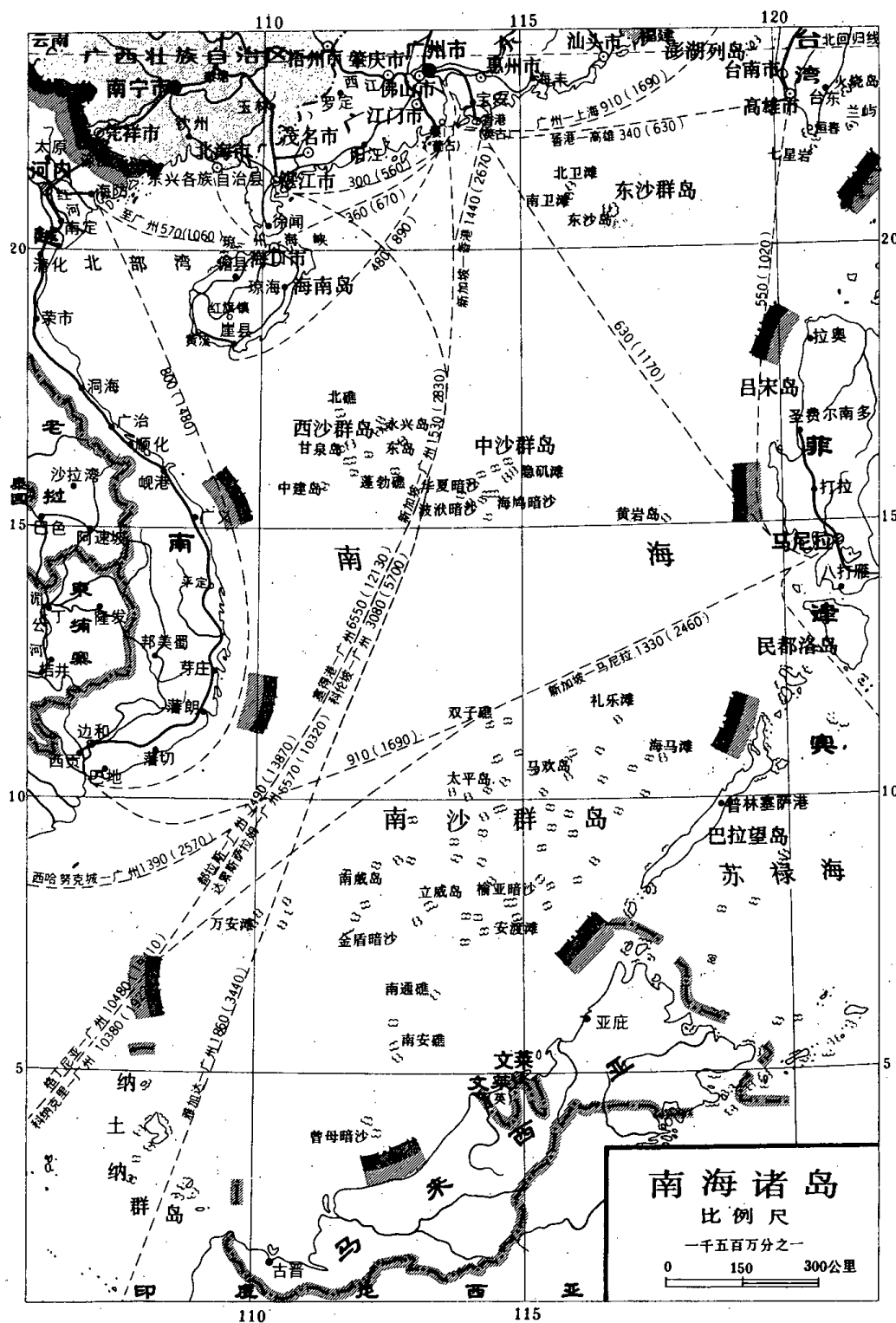
¹⁵³ *JMJP* Jan 12, 1974. — For the question of jurisdiction over the islands, cf. Yu-hsi Nieh, *loc. cit.* (see Note 98 above), p. 25 (with further sources).

¹⁵⁴ *Hanoi Radio* (home service) on May 6, 1975, as reprinted in *SWB FE/4898/A3/8*.

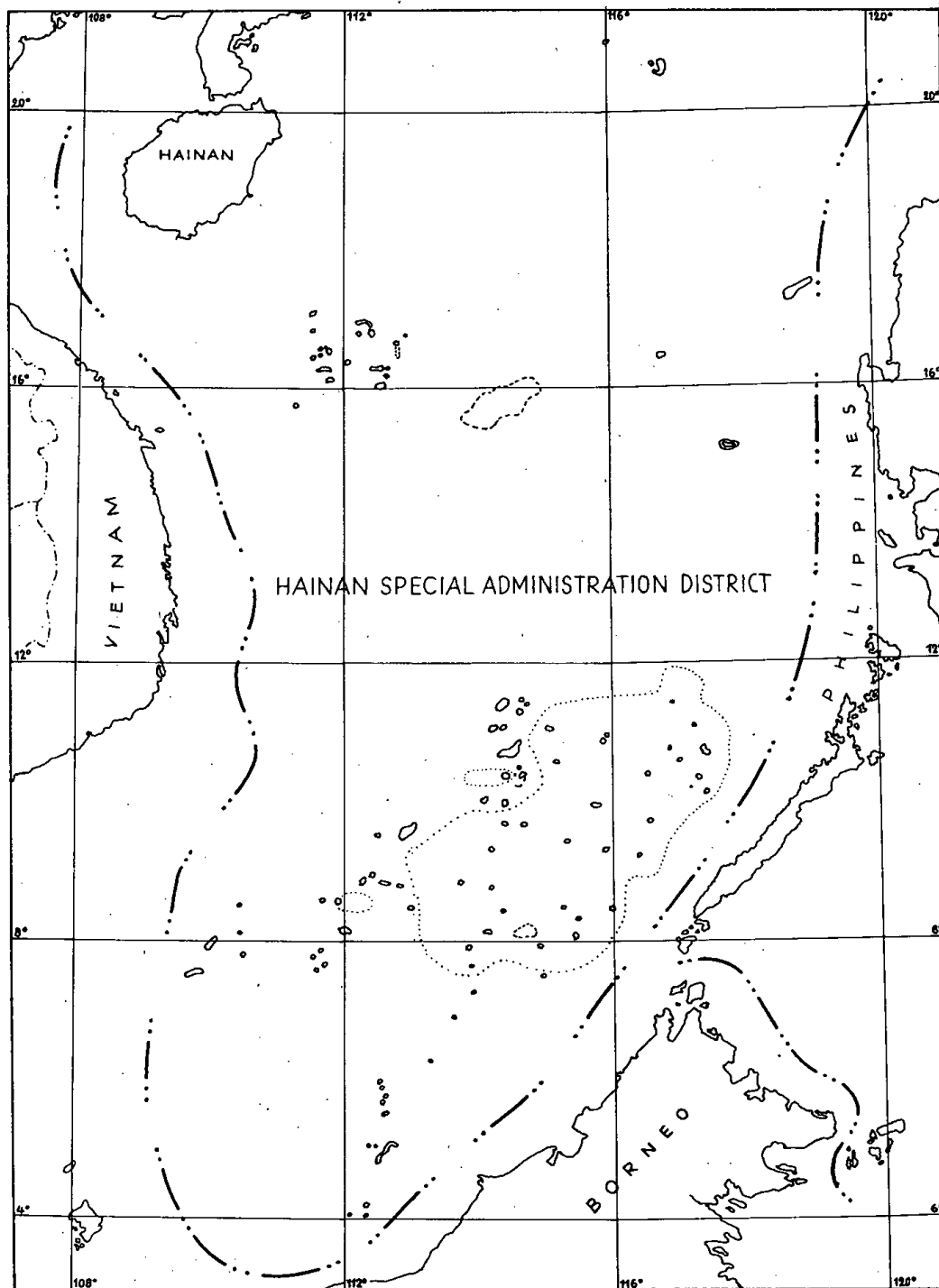
APPENDIX



The Disputed South China Sea Archipelagos. — Mercator Projection — Equatorial Scale
1 : 5 800 000

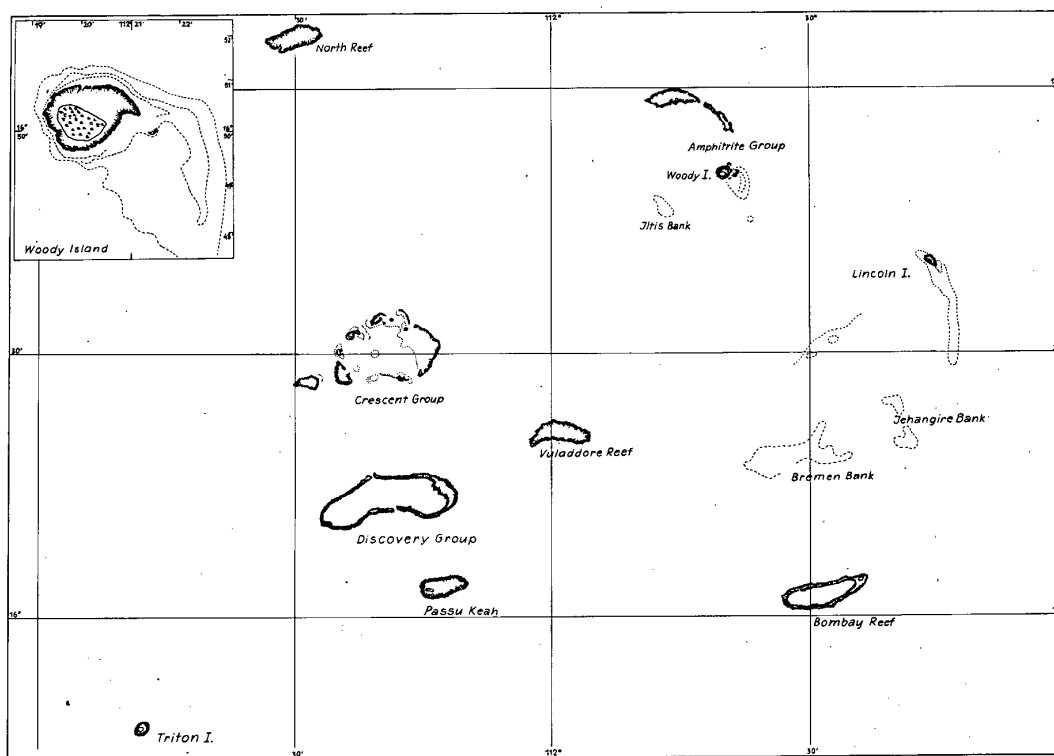


The Boundaries in the South China Sea as Drawn by Peking. — Source: Chung-hua jen-min kung-ho-kuo ti-t'u, Peking 1965, 3rd Edn. 1972 (detail). Scale: 1 : 15 000 000



The Boundaries in the South China Sea as Drawn by Taipei. — Chart based on Chung-hua min-kuo ti-t'u chi, ti szu ts'e, Chung-kuo nan-pu, 2nd Edn., Taipei 1964 (scaled down)

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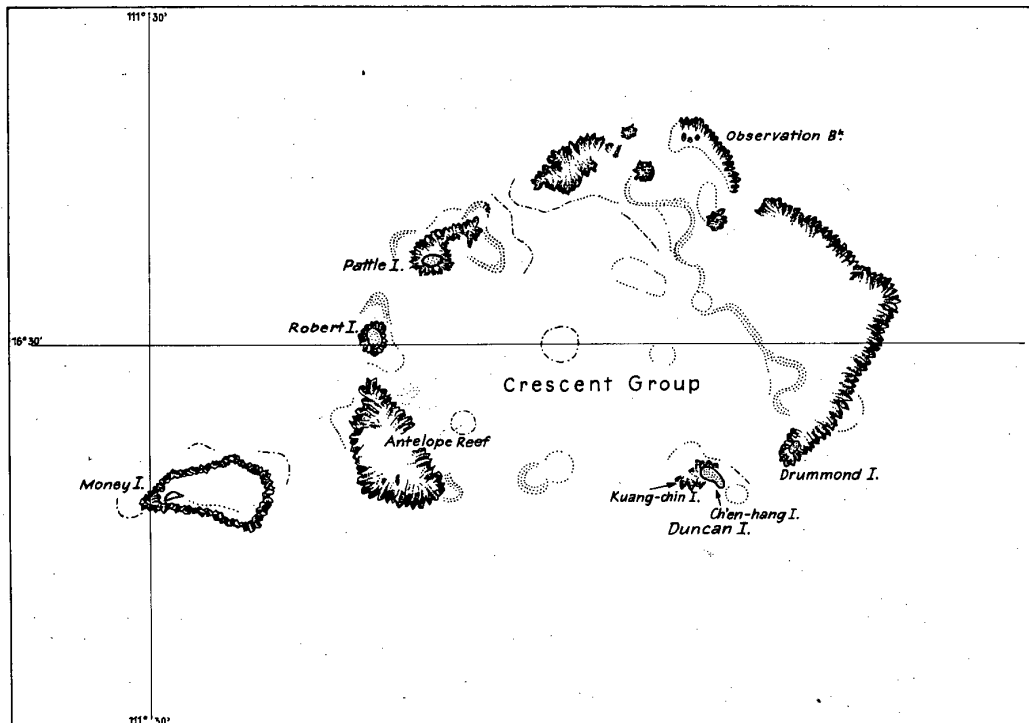


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Chart 4

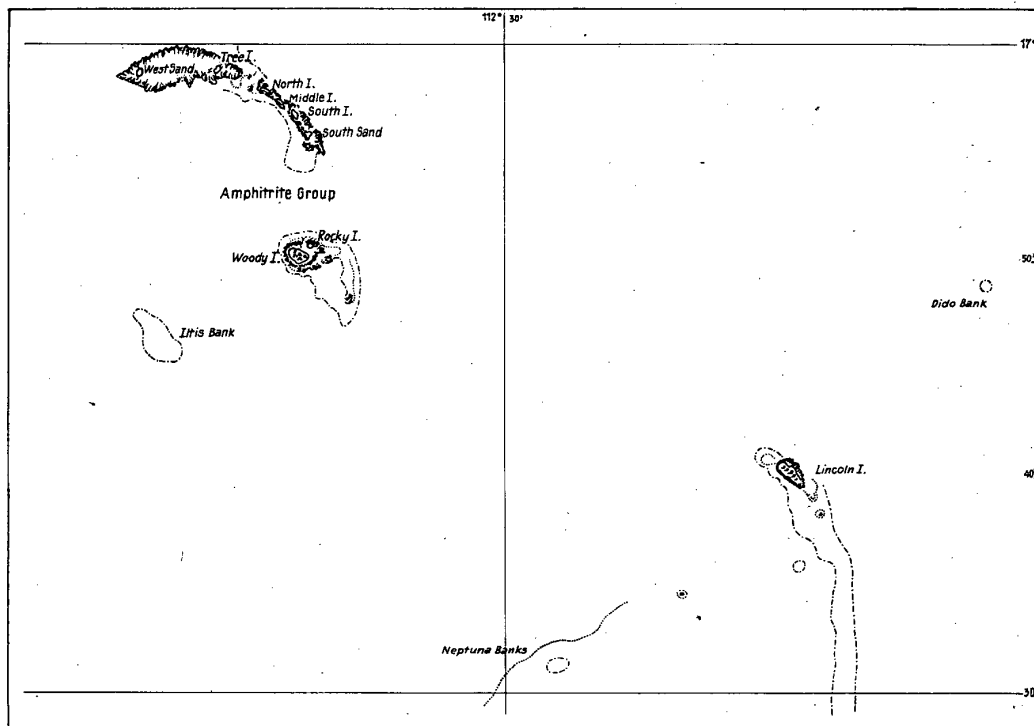
The Paracel Islands. — Chart based on British Admiralty chart No. 94

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The Region Where Fighting Took Place on January 19 and 20, 1974: The Crescent Group (Paracel Islands).
Chart based on British Admiralty chart No. 94 (addenda by the author). Scale: 1 cm = approx. 2 km

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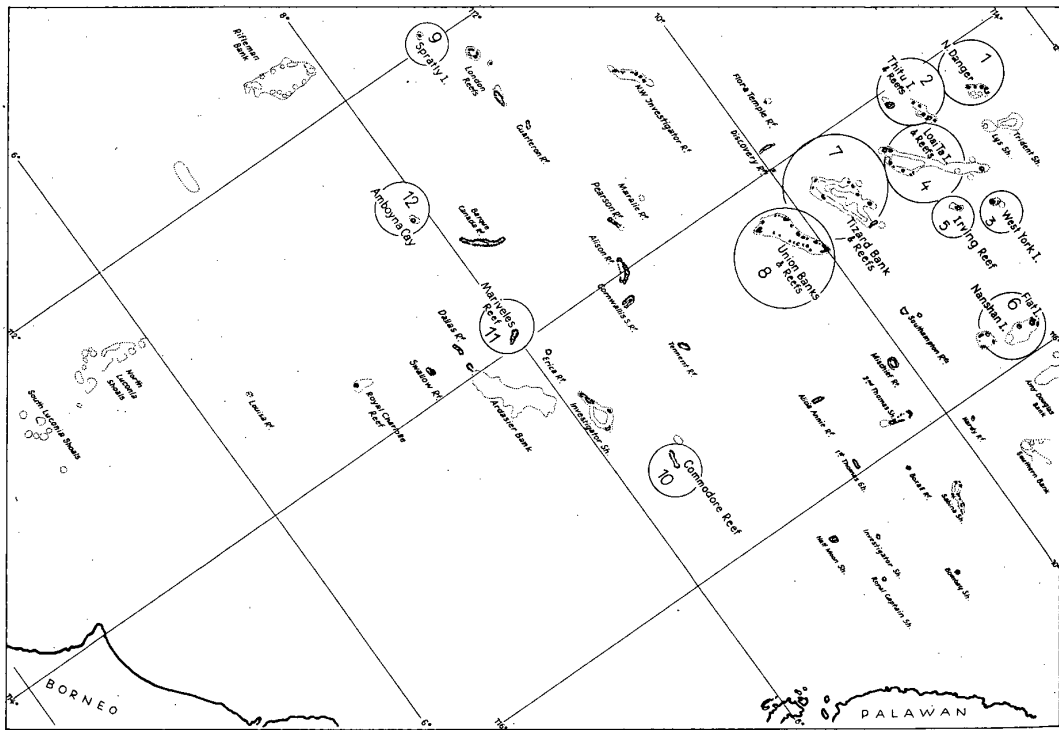


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Chart 6

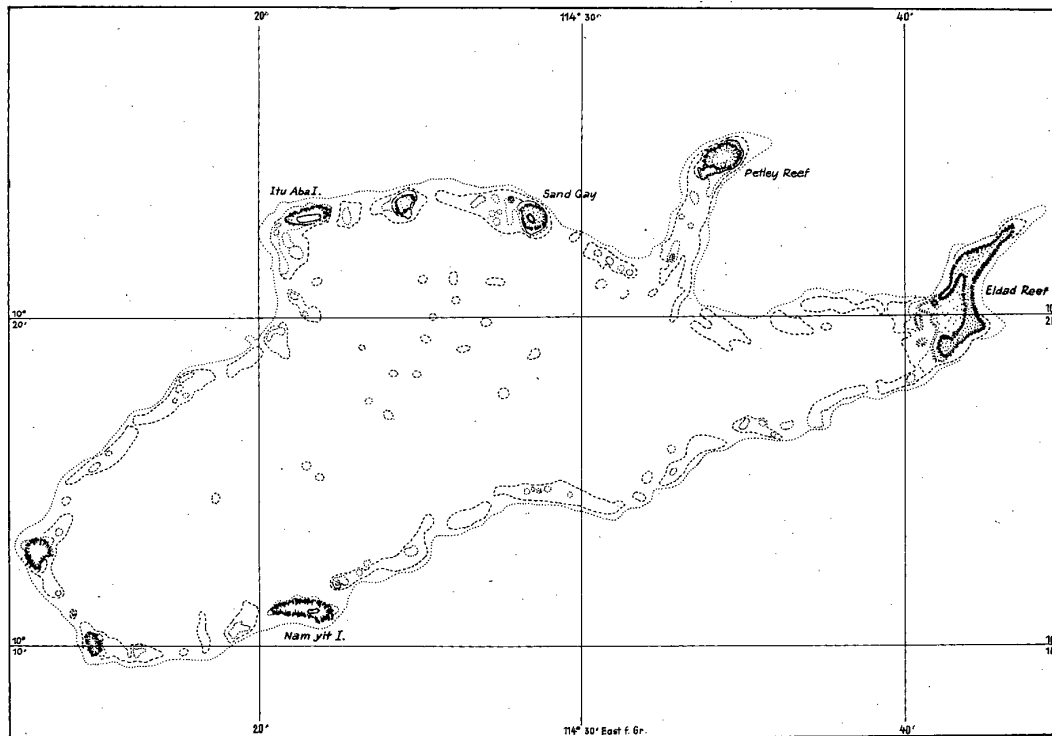
The Amphitrite Group (Paracel Islands). — Chart based on British Admiralty chart No. 94

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The Spratly Islands. — Chart based on British Admiralty chart No. 2660B. The numbered circles refer to the positions of the islands and cays specified under (3) in Chapter I of this book

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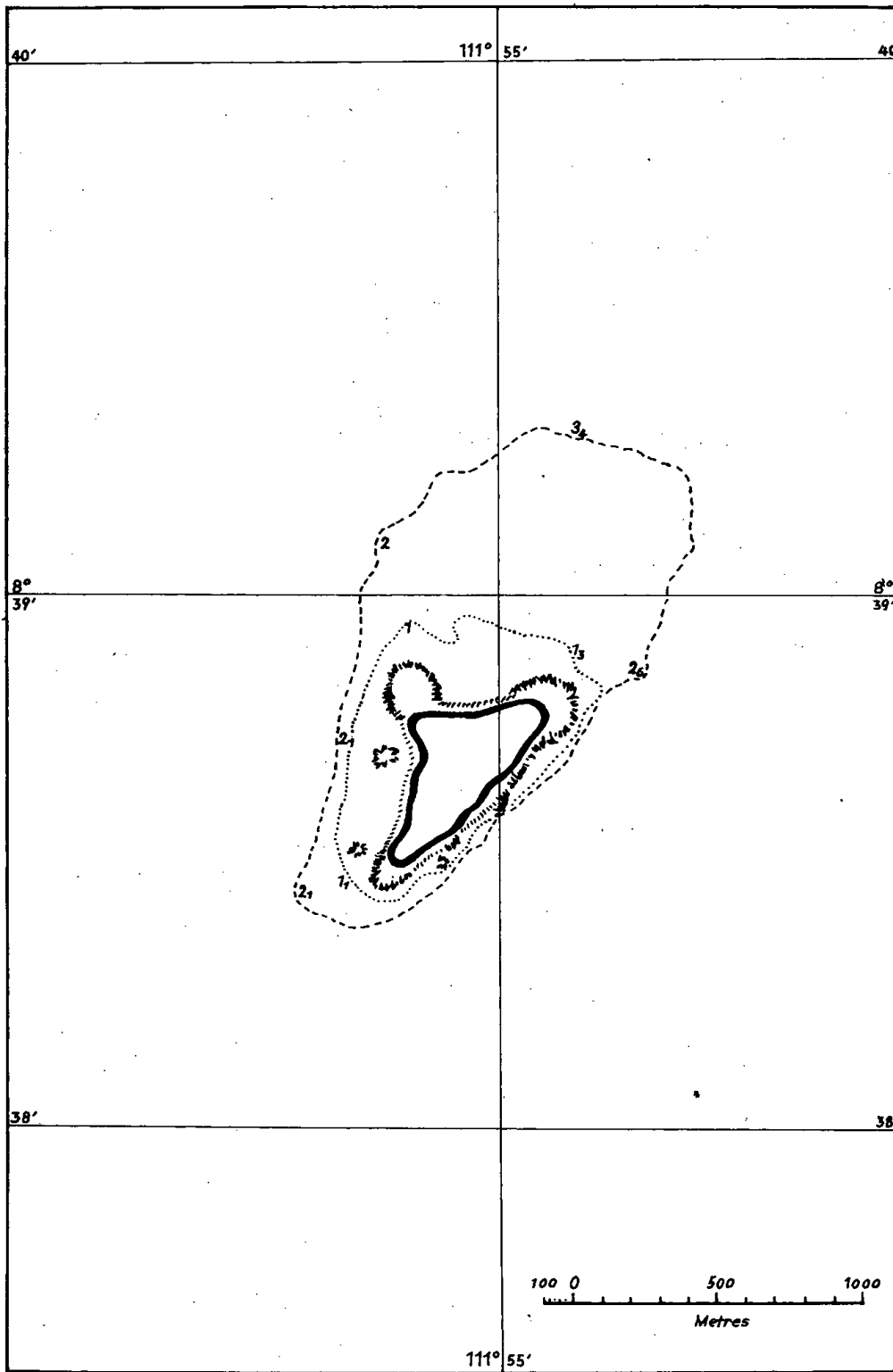


Tizard Bank (Spratly Islands): Itu Aba I., Nam yit I., Sand Cay. — Chart based on British Admiralty chart No. 1201

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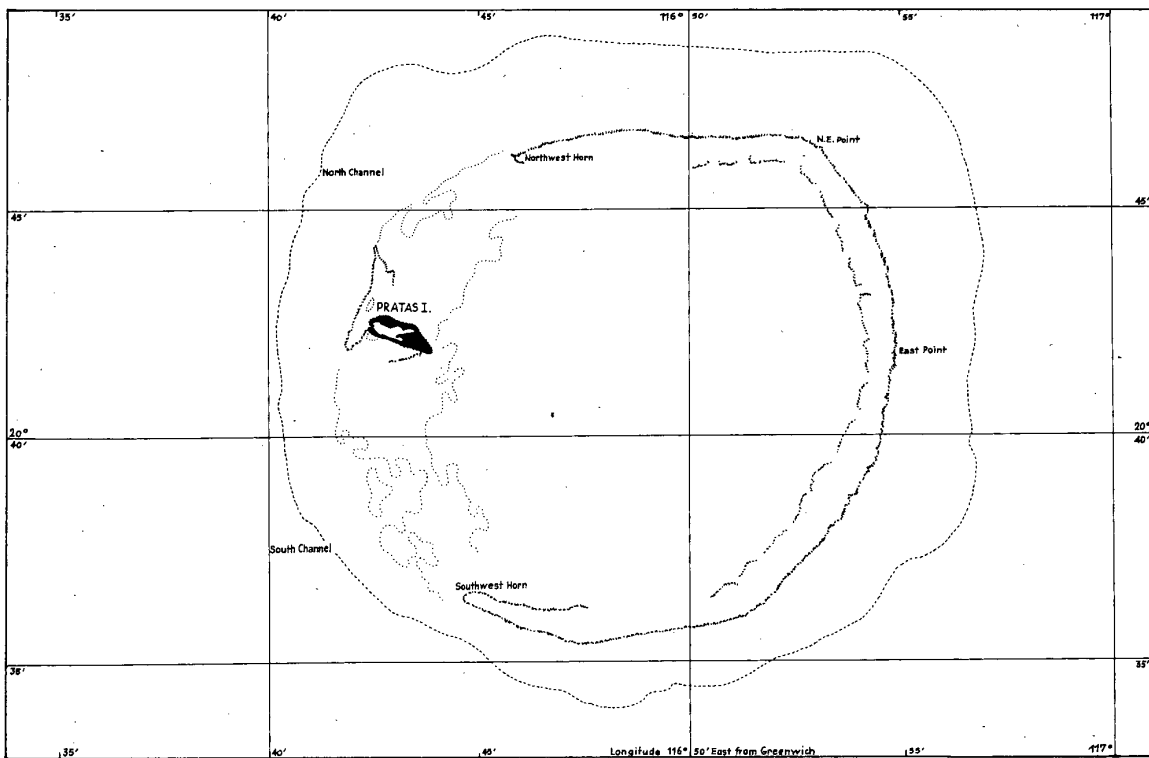
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Chart 8



Spratly Island. — Source: British Admiralty chart No. 1201

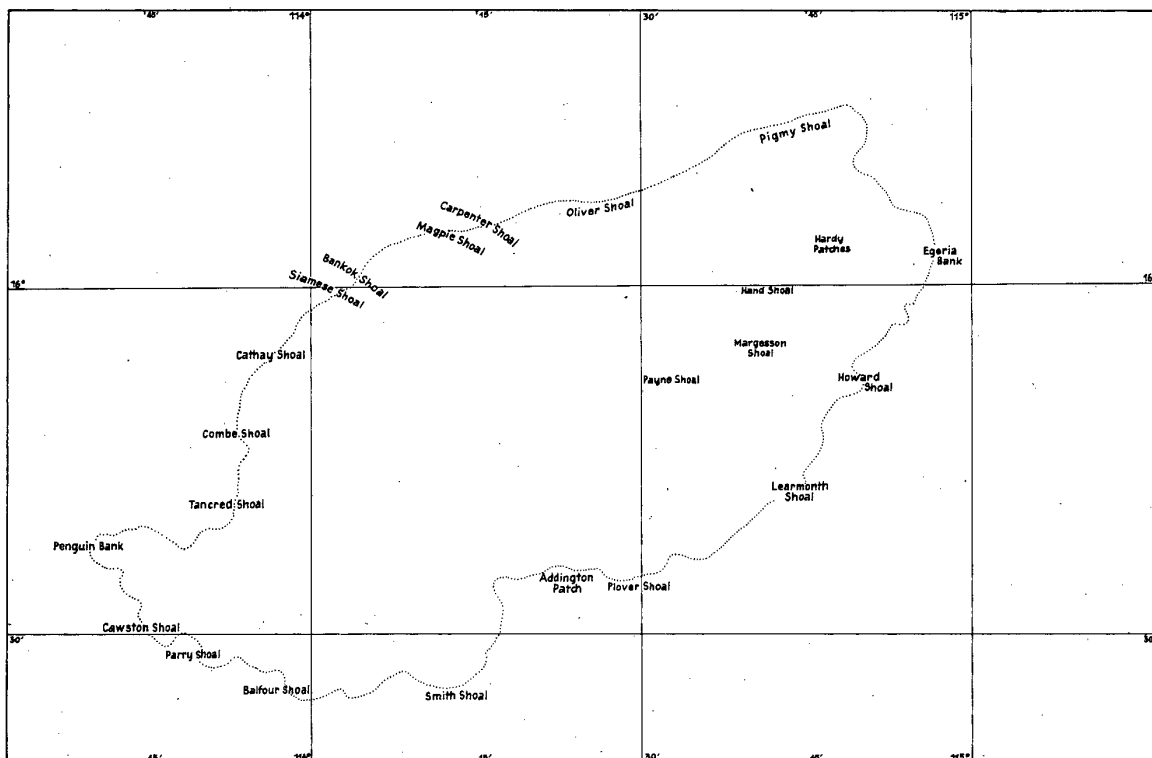
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Pratas Island. — Source: British Admiralty chart No. 362 (reduced)

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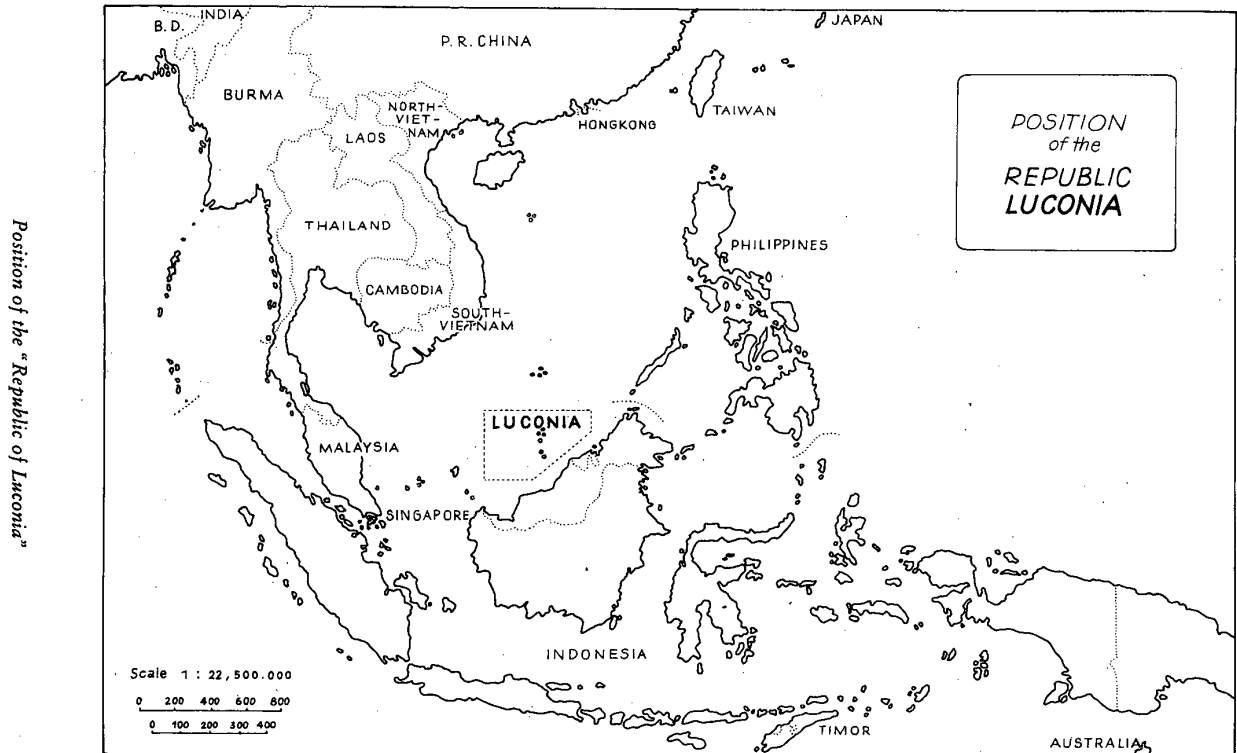
Macclesfield Bank. — Source: British Admiralty chart No. 270 (reduced)

Chart 11

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Chart 12

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