

The Strategic Role of the East Sea and Vietnam's Practice of Establishing and Enforcing Maritime Sovereignty from the Perspective of International Law

Dam Thi Diem Hanh

Faculty of Law, Hanoi Open University

 **Lê Lan Anh**

PhD, Faculty of Law, Hanoi Open University

Nguyen Thi Hue

MA, Institute of Social Science Information, VASS

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Abstract

This article analyzes the particularly important geostrategic and geopolitical position of the East Sea (or South China Sea), (known as Biển Đông in Vietnam)—a vital international maritime route connecting global trade, as well as the core living space and security gateway for coastal states, including Vietnam. On this basis, the study scientifically systemizes Vietnam's historical evidence regarding the peaceful and continuous process of establishing and enforcing sovereignty over the Hoang Sa (Paracel) and Truong Sa (Spratly) archipelagos across historical periods. These historical sources are entirely compatible with the principles of effective occupation under international law and the provisions of the 1982 United Nations Convention on the Law of the Sea (UNCLOS 1982). Finally, the article clarifies the current consistent stance of the Party and State of Vietnam in upholding the rule of law, persistently resolving disputes through peaceful means, promoting international cooperation, and leveraging the central role of ASEAN to firmly protect legitimate maritime rights and interests, closely aligned with the orientation of sustainable development for the national marine economy.

Keywords: East Sea; South China Sea; Paracels; Spratlys; maritime sovereignty; UNCLOS 1982.

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Introduction

For every nation, maritime zones and islands constitute not only a sacred and inviolable part of national territory but also play a pivotal role in the cause of state-building, economic development, and sovereignty protection throughout historical epochs. As a coastal state, Vietnam is intrinsically linked to and shares an existential relationship with the East Sea.

Examined on the global and regional geopolitical map, the two archipelagos of Hoang Sa (Paracel) and Truong Sa (Spratly) hold an exceptionally vital strategic position. Situated directly atop key maritime chokepoints and possessing abundant natural resources, this maritime region has perennially attracted significant attention from states both within and outside the region, leading to complex disputes and transforming the area into one of the global flashpoints in recent years. Consequently, safeguarding national sovereignty in general and maritime sovereignty in particular has emerged as an urgent, existential imperative for coastal states.

As a subject possessing legitimate sovereignty and sovereign rights in the East Sea, Vietnam has continuously presented robust historical evidence and legal foundations over many centuries to assert its sovereignty. This study focuses on clarifying the strategic role of the East Sea, the ongoing process of Vietnam's enforcement of sovereignty, and systematizing historical documents and cartographic sources to substantiate the lawful title to the Hoang Sa and Truong Sa archipelagos.

1. The East Sea: A Vital International Maritime Route and Regional Geopolitical Structure

Maritime zones and islands not only constitute the core living space and the inviolable territory of each coastal nation but also serve as the strategic bedrock of a state through historical periods. As a typical maritime state, Vietnam maintains an organic and vital linkage with the geopolitical and geo-economic space of the East Sea.

Viewed through the lens of global geostrategy, the East Sea is a marginal sea spanning approximately 3.5 million square kilometers, bordered by nine states and one territory. This region is highly pivotal as it commands the second busiest international shipping lane in the world, serving as a vital gateway connecting trade between the Indian Ocean and the Pacific Ocean, and linking Europe and the Middle East with East Asia. International maritime statistics indicate that more than 90% of global

commercial trade volume is transported by sea, and over 45% of that volume passes through the East Sea. On average, this maritime zone accommodates an immense daily traffic density of 150 to 200 vessels of various sizes, reaffirming its status as an irreplaceable "crossroad" of the global economy.

By virtue of its immense economic dynamism, rich natural resources (particularly oil, gas, and fisheries reserves), and a network of straits critical to international maritime security, the East Sea has become the epicenter of intense geostrategic competition among major powers. The convergence of competing interests and overlapping maritime claims has rendered this region one of the most complex security flashpoints in the world in recent decades. Within this context, the two archipelagos of Hoang Sa and Truong Sa—located at the center of international shipping lanes across the East Sea—hold an exceptionally critical role regarding Vietnam's national security, defense, and strategic maritime deterrence capabilities. Therefore, the establishment, enforcement, and robust protection of maritime sovereignty and rights over islands constitute not only a sacred historical obligation but also an urgent, existential task for the nation's sustainable development in the new era.

As a lawful actor with full, legitimate, and indisputable sovereignty over the Hoang Sa and Truong Sa archipelagos, the Vietnamese State across historical eras has established its title in a peaceful and continuous manner, aligned with the principles of international law. This process of enforcing sovereignty is documented in a rich repository of official historical records and ancient maps from Vietnam, Western nations, and China, and is fully consistent with the standards of the 1982 United Nations Convention on the Law of the Sea (UNCLOS 1982).

2. Strategic Significance of The East Sea to Vietnam's Development and Enforcement of Sovereignty

For Vietnam, a nation possessing a 3,260 km coastline stretching from North to South and more than 3,000 large and small islands, there exists an existential, organic relationship with the East Sea. This vast maritime zone and continental shelf serve as the direct gateway for international trade and an important space for Vietnam's economic and cultural integration into the world.

From a geo-economic perspective, the East Sea and Vietnam's continental shelf contain immense natural

resource endowments, creating ideal conditions for developing spearhead marine economic sectors. These include: marine capture fisheries and aquaculture, the oil and gas industry, maritime transport, shipbuilding, and marine tourism. The marine fisheries sector not only ensures national food security but also accounts for the third-largest export value in the country's macroeconomic structure. Furthermore, the rich hydrocarbon resources beneath the continental shelf serve as a bedrock for national energy security. Vietnam's coastal areas also hold great exploitation potential for industrial placer ores such as titanium, tin, gold, and high-quality silica sand. In the context of globalization and the burgeoning blue economy trend, the dependency of the Vietnamese economy on maritime space is steadily increasing, making maritime zones and islands an irreplaceable material resource for national sustainable development.

As the sole subject possessing full, lawful, and continuous sovereignty over the Hoang Sa and Truong Sa archipelagos, the Vietnamese State across historical periods has established its title peacefully, in accordance with the principles and customs of international law. This process of enforcing sovereignty is proven systematically and objectively through a vast body of official histories, state administrative documents, and a rich cartographic system from Vietnam, the West, and China. This historical evidence and legal basis are fully compatible with modern international law, particularly UNCLOS 1982, forming a solid foundation for Vietnam to safeguard its legitimate rights in the international arena.

Viewed from the perspective of modern geopolitics and military strategy, the Hoang Sa and Truong Sa archipelagos are not merely isolated offshore geographical features but serve as strategic outposts and defense shields, protecting Vietnam's national defense and security space from the sea. Located centrally and extending along key international shipping lanes, the establishment and enforcement of sovereignty over these archipelagos enable the state to deploy effective observation, monitoring, and control systems over maritime and aerial transits. From these bases, defensive capabilities and responses to both traditional and non-traditional security threats are bolstered, providing a firm strategic posture to protect the mainland.

In terms of national defense, the two archipelagos form a resilient natural defensive arc. Vietnam's lawful administrative and military presence in Hoang Sa and

Truong Sa plays a decisive role in ensuring the integrity of its territorial sea, exclusive economic zone, and continental shelf under international law. This presence acts as a strategic fulcrum for law enforcement forces—such as the Vietnam Coast Guard, the Vietnam Fisheries Surveillance, and the Vietnam People's Navy—to effectively deploy patrols, protect fishermen, and secure maritime economic installations, particularly oil and gas drilling platforms on the continental shelf, against external harassment and incursions.

Beyond traditional security, the strategic location of the two archipelagos is vital for addressing rising non-traditional security challenges in the East Sea. The islands and rocks function as fishery logistics bases, search and rescue hubs, and centers for international humanitarian assistance in the middle of the ocean. In the event of natural disasters, vessel capsizings, or maritime piracy, bases in Truong Sa can respond rapidly, assisting both Vietnamese and international vessels. This reinforces Vietnam's effective administrative management and international responsibility toward maritime safety and stability in one of the world's busiest sea lanes. Consequently, firmly protecting and sustainably developing these archipelagos is an inseparable core element in the overarching national security strategy and the maintenance of regional peace.

3. Historical Foundations and Vietnam's Continuous, Peaceful Process of Maritime Sovereignty Enforcement

3.1. The Feudal Monarchical Period: Peaceful and Continuous Occupation by the Nguyễn Lords and the Nguyễn Dynasty

The history of Vietnam's territorial formation is closely intertwined with the process of seafaring and maritime resource exploitation. Since the Lê Dynasty (15th century), the East Sea had been conceptualized within the strategic development thinking of the Đại Việt state. The nation's southward territorial expansion unfolded not only on land but simultaneously through the occupation and establishment of sovereignty over offshore islands and archipelagos. This provided an important historical foundation for the Nguyễn Lords in Đàng Trong (the Southern Realm) to organize the enforcement of sovereignty over Hoang Sa and Truong Sa from the 17th century. To exercise state control in an organized manner, the Nguyễn Lords established the Hoàng Sa and Bắc Hải flotillas. The duties of these flotillas were carried out continuously: annually, in the second lunar

month, soldiers and conscripted laborers set sail, carrying six months' worth of provisions to perform maritime surveying, gather marine products, salvage cargo from shipwrecks, and return to the imperial court in the eighth lunar month.

By the Nguyễn Dynasty era, maritime sovereignty was further consolidated through more robust administrative and military measures. The Nguyễn Dynasty enacted strict maritime management regulations to suppress piracy and preserve maritime security. Under the direct orders of Emperor Minh Mạng, from 1822 to 1840, the imperial court dispatched over 30 missions of civil and military officials to the sea regions of Ha Chau and Tien Tay Dương to study Western naval tactics and technology. The Emperor also ordered naval forces to Hoang Sa to build shrines, erect sovereign stone steles, plant trees as navigational markers, and draw systematic maps.

3.2. The French Administrative Period (1884 – 1945): Maintaining External Representative Sovereign Title

Following the establishment of its protectorate and the signing of the Treaty of Patenôtre in 1884, the Nguyễn court agreed to let the French Government represent the Vietnamese State in managing foreign relations and protecting territorial integrity. On the basis of this representative title, France executed a continuous series of administrative, legal, and military activities to assert sovereignty over the Hoang Sa and Truong Sa archipelagos. Specifically, the 1887 Boundary Delimitation Convention signed between France and the Qing Dynasty (China) indirectly confirmed that islands situated east of the red line belonged to the territory of Annam. On March 8, 1925, the Governor-General of Indochina issued a declaration affirming that Hoang Sa and Truong Sa were integral components of French territory in Indochina.

In terms of field administration, the French authorities routinely dispatched gunboats for patrols and directed the Indochina Institute of Oceanography in Nha Trang to send the vessel De Lanessan to conduct scientific surveys in Hoang Sa (1925) and Truong Sa (1927). From 1930 to 1933, French troops officially garrisoned the main features of the Truong Sa archipelago—including Truong Sa (Spratly Island), An Bang (Amboyna Cay), Song Tử Đông (North East Cay), Song Tử Tây (South West Cay), Loại Ta (Loaita Island), and Thị Tứ (Thitu Island)—and annexed these features into Bà Rịa

Province. In 1938, the Governor-General of Indochina signed a decree establishing an administrative unit under Thừa Thiên Province to manage the Hoang Sa archipelago, while simultaneously erecting sovereign markers, building a meteorological station, a lighthouse, and a wireless radio station on Itu Aba Island. Faced with incursions by China (Guangdong) in 1931–1932 and Japan in 1939, the French government issued firm diplomatic protests to protect Vietnam's legitimate rights.

3.3. The Period from 1945 to Pre-1975: Continuous Management and Sovereignty Protection amidst Geopolitical Flux

Following the August Revolution of 1945, the Democratic Republic of Vietnam was established, affirming its independence and territorial integrity through the 1946 Constitution. However, a complex historical context created geopolitical vacuums. Republic of China (ROC) troops, under the pretext of disarming Japanese forces as Allies, unlawfully occupied Woody Island (Phú Lâm) in Hoang Sa and Itu Aba Island (Ba Bình) in Truong Sa. Upon returning to Indochina, France demanded the withdrawal of the ROC troops and deployed its own forces as replacements, while continuing to operate meteorological stations and radio transmitters.

In 1949, France established the State of Vietnam (headed by Bảo Đại) and officially transferred the administration of the Hoang Sa and Truong Sa archipelagos to this government on October 14, 1950. A crucial international legal milestone occurred at the 1951 San Francisco Peace Conference, where the head of the State of Vietnam's delegation, Prime Minister Trần Văn Hữu, solemnly declared Vietnam's long-standing sovereignty over Hoang Sa and Truong Sa before 51 participating nations without encountering any objections from the attendees.

Following the 1954 Geneva Accords, Vietnam was temporarily divided into two zones at the 17th parallel. Under the prescribed terms, the Republic of Vietnam (South Vietnam) assumed obligations from France, taking full administrative responsibility for the territory from the 17th parallel southward, including both the Hoang Sa and Truong Sa archipelagos. During the 1954–1975 period, the Republic of Vietnam exercised continuous and peaceful administrative management in accordance with international law. They issued decrees in 1956, 1969, and 1973 annexing these archipelagos into Phước Tuy Province (now part of Bà Rịa - Vũng Tàu)

and consistently protested incursions by foreign states. However, exploiting the war situation and the withdrawal of US troops following the 1973 Paris Peace Accords, the People's Republic of China (PRC) used military force to attack the Republic of Vietnam's forces, illegally occupying the entire Hoang Sa archipelago in January 1974 and several features in the western part of the Truong Sa archipelago. Immediately, both the Provisional Revolutionary Government of the Republic of South Vietnam and the Republic of Vietnam administration issued strong statements condemning this use of force, reaffirming Vietnam's indisputable sovereignty through the publication of White Papers.

3.4. The Period from 1975 to the Present: Comprehensive and Consistent State Management

Following the reunification of the country on April 30, 1975, the entire national territory, including the Hoang Sa and Truong Sa island systems, came under comprehensive government management. The State of the Socialist Republic of Vietnam fully and lawfully inherited the historical title of sovereignty, continuing to enforce continuous and consistent administrative, economic, and defense measures to firmly safeguard the Fatherland's maritime borders and islands.

4. Vietnam's Perspective on Maritime Sovereignty Management and Protection Today

Upholding the Rule of Law and Persisting with Peaceful Measures — The core, overarching perspective of Vietnam in managing and protecting its maritime sovereignty today is placing international law as the supreme foundation. Vietnam asserts it possesses full historical evidence and solid legal bases to substantiate its sovereignty over the Hoang Sa and Truong Sa archipelagos, as well as its sovereign rights and jurisdiction over maritime zones defined in conformity with UNCLOS 1982. Vietnam resolutely rejects all ambiguous maritime claims based on groundless impositions of "historic rights." The management of economic exploitation, scientific research, and maritime patrols is executed based on respect for the integrity of UNCLOS 1982—the document regarded as the "Constitution of the Oceans."

Grounded in this legal foundation, Vietnam persistently advocates for the resolution of all maritime disputes and differences through peaceful means. This position aligns completely with the United Nations Charter and

progressive global trends. Vietnam prioritizes diplomatic tools and bilateral negotiations for issues concerning only two countries, while promoting multilateral mechanisms when disputes affect multiple parties or international maritime safety. Vietnam firmly condemns and rules out the use of force or the threat of force to resolve disputes. This persistence does not equate to compromising on sovereignty; rather, it represents a sophisticated approach to preserving a peaceful and stable environment for macroeconomic development while garnering widespread sympathy and support from the international community.

Leveraging Strength and Binding Economic Development with National Defense —

Another strategic perspective is to protect maritime sovereignty through the synergistic strength of the entire populace and the political system, under the leadership of the Party. Vietnam identifies the people's armed forces—particularly the Navy, Coast Guard, Border Guard, and Fisheries Surveillance—as the core, but the true strength lies in the "people's hearts posture" and the people's security arrangement at sea. Enhancing the awareness and responsibility of every citizen toward maritime sovereignty is deployed synchronously from the mainland to distant islands. This synergetic strength is further reinforced by a peaceful, self-defense national defense policy based on the well-known "Four Nos" principle, affirming that Vietnam's military capabilities are solely intended to protect the country and that Vietnam does not join military alliances to oppose other nations, thereby neutralizing the risk of turning the East Sea into a war zone.

Concurrently, Vietnam's modern maritime management perspective always maintains an organic, tight integration between sustainable marine economic development and the assurance of national defense and security. This is the core substance of the Strategy for Sustainable Development of Vietnam's Marine Economy to 2030, with a vision to 2045. A robust marine economy provides the material conditions to reinforce defense capabilities; conversely, solid national defense and security secure a safe environment for economic activities such as marine capture fisheries, oil and gas exploitation, maritime tourism, and the shipping economy. Supporting fishermen to remain at sea, reorganizing fisheries trade unions, and constructing island district infrastructure not only have economic significance but also constitute the establishment of "living sovereign markers" at sea.

Promoting International Cooperation and ASEAN's Centrality

— In the trend of global integration, Vietnam advocates for the multilateralization and diversification of relationships, actively promoting international maritime cooperation. Vietnam is ready to cooperate with all states within and outside the region on the basis of respect for independence, sovereignty, and international law to address non-traditional security challenges such as climate change, marine pollution, transnational crime, and piracy. Vietnam supports the lawful freedom of navigation and overflight of nations in the East Sea, while welcoming constructive contributions from the international community to maintain a rules-based order.

In particular, Vietnam consistently affirms and leverages the central role of ASEAN in the regional security architecture. Vietnam is committed to fully and seriously implementing the Declaration on the Conduct of Parties in the East Sea (DOC) and is actively negotiating with China alongside other ASEAN member states to achieve an effective, substantive, and legally binding Code of Conduct in the East Sea (COC) at an early date. A united and consensual ASEAN grounded in international law serves as the most important external shield, mitigating pressure from major power competition and preventing unilateral actions that complicate the situation on the ground.

Advocacy for Peaceful Dispute Resolution and Sustainable Marine Economic Orientations

— Regarding disputes and differences in the East Sea, the consistent position of the Party and State of Vietnam is to persist with resolution through peaceful means and diplomatic negotiations, based on a spirit of mutual understanding and respect. Vietnam demands that relevant parties respect the status quo, refrain from using or threatening to use force, and strictly adhere to international law, particularly UNCLOS 1982 and the 2002 DOC signed between ASEAN and China. The ultimate goal is to firmly uphold maritime sovereignty and protect national interests while ensuring a peaceful and stable environment for national economic development, avoiding armed conflicts. Parallel to national defense, the orientation for sustainable marine economic development is codified via Resolution No. 36-NQ/TW (12th Tenure) on the Strategy for Sustainable Development of Vietnam's Marine Economy to 2030, with a vision to 2045. The set objective is to transform Vietnam into a nation strong in the sea, enriched by the sea, prosperous, and secure, generating the momentum to

propel the country into a developing nation with modern industry and high average income in the spirit of the Resolution of the 13th National Party Congress.

Conclusion

Maritime space and islands increasingly hold existential importance for human development and national security. For Vietnam, the East Sea, along with the two archipelagos of Hoang Sa and Truong Sa, constitutes an inseparable part of the nation. Vietnam has consistently demonstrated a proactive stance in protecting its lawful rights and titles against all designs and actions that violate its territorial integrity. The vast repository of official historical records, imperial administrative documents, and ancient cartographic systems from both Vietnam and the international community establishes a resilient chain of historical evidence and solid legal foundations. These are fully compatible with the principles of effective occupation under international law and the provisions of UNCLOS 1982, serving as the scientific framework for Vietnam to continue its diplomatic and legal struggle to safeguard its lawful sovereignty, sovereign rights, and jurisdiction in the East Sea.

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