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## **South China Sea Disputes: China Has Evidence of Historical Claims**

*By Li Dexia & Tan Keng Tat*

### **Synopsis**

*China possesses historical references dating back to the Northern Song dynasty (960-1127AD). They cannot be fairly presented in a two-page commentary.*

### **Commentary**

BILL HAYTON, in his RSIS Commentary entitled 'The Paracels: Historical Evidence Must Be Examined,' asserted that "Advocates of the Chinese territorial claim to the islands of the South China Sea frequently cite vague historical references in support of their arguments". This assertion in the 3 July 2014 article has no merit.

China's territorial claim is based on centuries of verifiable historical records, long-term use, treaties, international/customary laws plus records from the prodigious sea voyages of the Yuan and Ming dynasties. China was the world's predominant maritime power between 1292 to 1433.

### **Early Chinese references to Paracels**

To obliquely imply China was incapable of first discovery of islands in the South China Sea flies in the face of logic. To expect anyone to present the litany of verifiable evidence, dating from the Northern Song dynasty would require a monograph, not a two-page commentary. Manila's legal brief to support its claim to some Nansha (Spratly) Islands and the Huangyan (Scarborough) Island, exceeds 4,000 pages.

Hayton's claim that none of the references to ancient documents that mention 'the Sea' or 'islands' can be identified with any specific islands, is baseless.

One of the earliest Chinese references to today's Xisha (Paracels) is the "*Chu Fan Chi*" a 13th century book, translated by Friedrich Hirth and W.W. Rockhill in 1911, into 'Chau Ju-kua: His work on the Chinese and Arab Trade in the 12th and 13th Centuries'. Chau, the customs inspector of foreign trade in Fujian province, wrote "To the East of (Hainan island) are the '*Chien-li chang-sha*' and the '*Wan-li shih-chuang*". Both translators agreed they referred to the Paracels.

In 1292 the Yuan Emperor, who sent a 1,000-ship expeditionary force to Java to attack King Kertanegara for assaulting an envoy, sailed through '*Ch'i-chou yang*' (Paracels) and '*Wan-li shi-tang*'

(Spratlys).

During the Ming dynasty period when China was the world's sole maritime power from 1405-1433, Admiral Zheng He set sail with 317 ships passing through '*Wan-sheng shih tang*' (Paracels) and '*Shih-shing Shi-tang*' (Spratlys) enroute to Champa (part of old Vietnam), Malacca, India and later East Africa.

In 1730, Chen Lun-Chiung's book 'Notes on land across the sea', described the geographical positions of the Paracels and Spratlys. In his 'General map of four seas', the Paracels were described as '*Ch'i-chou yang*' and Spratlys as '*Shih-tang*'.

Chinese records also named the Paracels as *Chi-chou yang shan*, referring to the nine western islets of the Paracels. During the late Qing dynasty, the name *Sisha* (Pinyin: *Xisha*) islands became common. If the Europeans could not sail the high seas then, how could Vietnamese fishermen sail 250 nautical miles to the Paracels in 1405? The Paracels were only recorded in the 'The Complete Map of the Unified Dai Nam' in 1838.

### **Ignoring historical evidence**

Hayton's claim that Xisha "was probably a translation of the English name for West Sand" is clutching at straws. Xisha means Western Beach. His claim of no official Chinese interest in Xisha before 1909 is also incorrect. The 1887 Convention delimitation line between China and Tonkin (Northern Vietnam) stated all isles East of it were assigned to China, which included Xisha.

In 1902 a stone marker was laid there with Chinese inscriptions meaning "In commemoration of inspection". Again in 1907 a naval contingent visited Xisha and established a Chinese marker on *Fu-po tao* (Drummond island).

In 1975, two academics from American law schools, Hungdah Chiu and Choon-ho Park, wrote in the *Ocean Development and Law Journal*: "There is no doubt that China discovered and used the Paracels for several hundred years before Vietnam began asserting its claims in 1802."

To embellish his claims Hayton conveniently ignored historical evidence cited by Dr Li Dexia, to wit :

\*On 15 June 1956 Vice Foreign Minister Ung Van Khiem said "according to Vietnamese data, Xisha and Nansha Islands are historically part of Chinese territory". The Acting Director of the Asian Department, Le Loc added, "judging from history, these islands were already part of China at the time of the Song Dynasty"; and

\*China issued a statement on the territorial sea on 4 September 1958, announcing that it applied to all (of) China's territories, including the Xisha and Nansha Islands. Ten days later, Pham Van Dong sent a diplomatic note to Premier Zhou Enlai, solemnly declaring that "the government of the DRV recognises and supports the declaration of the government of the PRC..."

The paradox is this: If France already had sovereignty over Xisha in 1933 why the need to invade it in 1938? When Japan invaded Xisha in 1939, Japan's *raison d'être* was that during wartime it could annex China's territories.

Dr Li wrote: "After Japan's surrender in 1945, the Islands were returned to China according to the Cairo and Potsdam Declarations." Hayton dismissed this as 'incorrect' because Paracels or Spratlys were not named. But the Cairo Declaration was explicit: "Japan will also be expelled from ALL other territories which she has taken by violence and greed." From 1946 to 1956, except at the 1951 San Francisco Peace Conference, France and the Republic of Vietnam did not challenge China's sovereignty over the islets.

Hayton's assertion that "China, Vietnam and the Philippines claim ownership of large groups of islands as if they are single units" is incorrect. Manila's claim for some Nansha islands only surfaced in 1971 but former colonial masters, Spain and the United States, never ceded them any such islands. Manila does not claim Xisha. Neither does Vietnam claim Dongsha (Pratas) island and Zhongsha (Macclesfield Bank).

Dr Stein Tonnesson, the expert Hayton cited, wrote that, according to London's Public Records Office, "Britain considered Xisha to be Chinese" (territory). Sam Bateman, former Australian naval commodore, said "Vietnam's current claim over Xisha Islands is seriously weakened by North Vietnam's recognition of Chinese sovereignty over the islands in 1958 and its lack of protest between 1958 and 1975".

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