

**Research Article****HISTORICAL AND LEGAL BASIS AFFIRMING VIETNAM'S SOVEREIGNTY OVER THE PARACEL ISLANDS*****Dr. Nguyen Thanh Minh**

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Abstract

In the historical process of nation-building and national defense, the issue of establishing and protecting territorial sovereignty has always held a particularly important position for each nation and people. For Vietnam, sovereignty over the seas and islands in the East Sea, including the Paracel Islands, not only has territorial significance but is also linked to strategic interests, national security, and long-term sustainable development. Over many centuries, the Vietnamese State has continuously and peacefully established and exercised sovereignty over the Paracel Islands in accordance with the principles of international law, as demonstrated through a rich system of historical documents, administrative documents, and practical management activities throughout various periods. However, the reality of recent decades shows that the South China Sea in general and the Paracel Islands in particular are becoming hotspots of complex disputes. Especially, China's use of force to occupy the entire Paracel Islands since 1974 has created a dangerous precedent, contradicting the fundamental principles of the United Nations Charter on the prohibition of the use of force in international relations. Furthermore, in recent years, China has continued to carry out a series of activities to consolidate its illegal control in the area, including the reclamation, dredging, and construction of structures on geographical features, most notably at Haisam Reef.

Keywords: Sovereignty, Paracel Islands, Vietnam.

INTRODUCTION**Vietnam's Sovereignty over the Paracel Islands**

The Paracel Islands are an inseparable part of Vietnam's territory, with its sovereignty established very early on by clear historical and legal evidence. However, in recent years, China has carried out many illegal reclamation and construction activities in this area, especially at Hai Sam Reef. The reclamation of Hai Sam Reef is not simply a technical construction act, but is actually a strategic move to change the status quo, increase its presence, and legitimize its baseless sovereignty claims. These actions are taking place in the context of the international community increasingly emphasizing adherence to international law, especially the regulations of the United Nations and the 1982 United Nations Convention on the Law of the Sea (UNCLOS), an important legal document regulating activities in the seas and oceans. The unilateral reclamation and construction by a country in a disputed area, or an area under the sovereignty of another country, not only increases tensions but also undermines the rules-based international legal order. These actions not only seriously infringe upon Vietnam's sovereignty but also violate the provisions of international law, especially UNCLOS. For Vietnam, China's reclamation of Hai Sam Reef in the Hoang Sa (Paracel) Islands constitutes a serious violation of territorial sovereignty, infringing upon Vietnam's sovereign rights and jurisdiction over the sea and related entities. At the same time, this act also violates many important provisions of international law, including the principle of respecting national sovereignty, the obligation not to alter the status quo by unilateral measures, as well as specific provisions on marine environmental protection and the peaceful use of maritime areas.

In this context, a comprehensive analysis and assessment of the legal and practical aspects of China's reclamation of Haisam Reef is absolutely essential. This will not only contribute to clarifying the illegal nature of the aforementioned actions, but also affirm Vietnam's righteous stance in protecting its territorial sovereignty, while simultaneously raising awareness of the role of international law in maintaining peace, stability, and order in the South China Sea. The Paracel Islands are a sacred part of Vietnam's territory, located in the central South China Sea, with a particularly important strategic position in terms of economics, national defense, and maritime security. With over one hundred islands, rocks, and shoals of varying sizes, the archipelago has long served as an important transit point on international trade routes. However, since 1974, the entire Paracel Islands have been illegally occupied by China through the use of force, creating a serious violation of the principle prohibiting the use of force in international relations. However, the actual occupation cannot change the legal nature of sovereignty, because according to international law, territorial sovereignty must be established on legitimate historical and legal grounds, not on acts of forceful occupation. Historically, Vietnam was the first country to discover, occupy, and exercise sovereignty over the Paracel Islands peacefully, continuously, and in an organized manner from a very early period. From the time of the Nguyen Lords, the Hoang Sa and Bac Hai teams were established to exploit resources, survey waterways, and carry out state management tasks in this area. During the Nguyen Dynasty, management activities were further strengthened with the creation of maps, the erection of sovereignty markers, and the issuance of relevant administrative documents. These activities fully meet the criteria of international law regarding the establishment of territorial sovereignty, including effective occupation and the continuous exercise of state power. From a legal standpoint, Vietnam's sovereignty over the Paracel Islands continues to be affirmed through international documents and the practical management of successive governments. In the modern era,

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Vietnam has consistently asserted its sovereignty through diplomatic declarations, official notes, and maritime law enforcement activities. This stance is consistent with the fundamental principles of the United Nations regarding respect for territorial integrity and the peaceful settlement of disputes. Vietnam has full historical and legal grounds to assert its sovereignty over these islands. Vietnamese states throughout history have continuously exercised their sovereignty peacefully and in accordance with international law. Furthermore, according to Vietnam's official position, any foreign activity in the Paracel Islands without Vietnam's permission is considered a violation of sovereignty and has no legal validity. Furthermore, under modern international law, particularly UNCLOS, the sovereign rights and jurisdiction of coastal states are clearly established.

In particular, in the context of the strong development of modern international law, UNCLOS has become a comprehensive legal framework regulating the rights and obligations of states at sea. Accordingly, coastal states have sovereign rights and jurisdiction over the maritime areas and geographical features within their jurisdiction. Although UNCLOS does not directly address the issue of territorial sovereignty over the islands, its provisions contribute to strengthening the legal basis for determining Vietnam's legitimate rights in the Hoang Sa (Paracel) Islands area. At the same time, UNCLOS also emphasizes the obligation of states to respect each other's rights and not to take actions that escalate disputes.

In fact, the Vietnamese State has repeatedly protested and demanded that China cease its violations in the Hoang Sa Islands, while calling for the peaceful resolution of disputes on the basis of international law. This consistent stance clearly demonstrates Vietnam's goodwill in maintaining peace and stability in the region, while affirming the righteousness and legitimacy of its sovereignty claims.

In short, with a rich system of historical evidence, a solid legal basis, and continuous practice of exercising sovereignty, Vietnam has every reason to assert its indisputable sovereignty over the Hoang Sa archipelago. Any external infringement, in any form, is legally invalid and must be condemned in accordance with the standards of international law.

China's Illegal Reclamation Activities on Haisam Reef in the Paracel Islands and the Violation of Sovereignty

Haisam Reef is a geographical entity belonging to the Crescent Islands of the Paracel Islands, a strategically important area in the South China Sea. In recent years, China has carried out a series of large-scale dredging, land reclamation, and infrastructure construction activities on this entity. These activities include expanding the surface area, building docks, logistics facilities, and structures for military purposes. In form, this can be seen as geographical reclamation; however, in essence, it is a strategic move to transform Haisam Reef into an artificial island capable of long-term serving its objectives of controlling the region. It is undeniable that these reclamation activities have multiple objectives. First, from a military perspective, the construction of infrastructure on Haisam Reef allows China to increase its presence and deploy forces, thereby creating an advantage in controlling the surrounding sea and airspace. Second, from an economic and maritime perspective, the reclamation of features in the Paracel

Islands strengthens its control over crucial sea lanes – areas with some of the world's largest international maritime traffic. Finally, and most importantly, these activities aim to gradually legitimize China's unreasonable sovereignty claims through the "establishment of a physical presence," thereby creating confusion about the legal status of the area.

However, from the perspective of international law, these actions constitute a clear violation. Firstly, China's unilateral reclamation and construction on Haisam Reef constitutes a coercive alteration of the status quo in an area that is disputed or under the sovereignty of another nation. This contradicts the spirit of the 2002 Declaration on the Conduct of Parties in the South China Sea (DOC), in which the parties committed to restraint and refraining from activities that would complicate the situation or escalate disputes. Large-scale land reclamation and the construction of military facilities clearly violate this commitment, contributing to increased tensions in the region. More importantly, it must be affirmed that the Paracel Islands, including Hai Sam Reef, are under the legitimate sovereignty of Vietnam. Therefore, any construction, reclamation, or exploitation activities in this area without Vietnam's permission constitute a serious violation of territorial sovereignty. According to the fundamental principles of the United Nations, particularly the principle of respect for the sovereignty and territorial integrity of states, no state has the right to unilaterally conduct activities on the territory of another state. China's actions at Haisam Reef are therefore not only a bilateral violation against Vietnam, but also a challenge to the international legal order.

Furthermore, transforming natural features into artificial islands raises many complex legal issues. According to UNCLOS, artificial islands do not have the same legal status as natural islands and cannot generate new maritime zones. Therefore, China's reclamation of Haisam Reef cannot create any legal basis for expanding its sovereignty or jurisdictional claims at sea. On the contrary, this action could be seen as an abuse of technology to serve political and strategic objectives. In summary, China's reclamation activities at Haisam Reef are not merely a construction project but a deeply calculated strategic move aimed at altering the status quo and reinforcing its unreasonable claims. However, from both a legal and practical standpoint, these actions seriously violate Vietnam's sovereignty, contradict international commitments, and undermine the fundamental principles of international law in the peaceful management and use of maritime areas. Besides infringing on Vietnam's territorial sovereignty, China's reclamation and construction of artificial islands at Haisam Reef also seriously violate the provisions of international law, particularly the provisions of UNCLOS, the comprehensive legal framework governing all activities related to the seas and oceans. As a signatory to UNCLOS, China has an obligation to fully comply with the regulations and principles established in this document. However, in reality, the actions at Haisam Reef demonstrate violations in several different aspects.

First, regarding the legal status of artificial islands, UNCLOS clearly stipulates in Articles 60 and 80 that artificial islands do not have the same legal status as natural islands. They are not entitled to territorial seas, exclusive economic zones, or continental shelves, and their construction cannot alter the legal status of the surrounding seas. This means that China cannot rely on the structures built on Haisam Reef to expand its claims of sovereignty or jurisdiction at sea. Therefore, the

reclamation activities not only fail to create a legitimate legal basis but also demonstrate the abuse of technology to serve political goals, contrary to the spirit of UNCLOS.

Secondly, large-scale dredging, land reclamation, and construction activities at Hai Sam Reef have caused serious negative impacts on the marine environment, violating the obligations to protect and preserve the marine environment as stipulated in UNCLOS, particularly Articles 192, 193, and 196. These activities can destroy coral reef ecosystems, degrade biodiversity, and disrupt the marine environmental balance in the area. According to UNCLOS, states are obligated to take all necessary measures to prevent, mitigate, and control marine environmental pollution. However, China's large-scale reclamation without a transparent environmental impact assessment or international consultation directly violates these obligations.

Thirdly, regarding the obligation of international cooperation as stipulated in UNCLOS, particularly Article 123, which emphasizes the responsibility of coastal states to coordinate the management, protection, and exploitation of resources in enclosed or semi-enclosed seas such as the South China Sea, this includes the exchange of information, cooperation in marine scientific research, and coordinated environmental protection. However, China's unilateral activities at Haisam Reef completely disregard this obligation of cooperation, without consultation or consensus from the relevant states, thereby increasing the risk of conflict and causing instability in the region.

Beyond specific violations of UNCLOS, China's militarization of artificial islands poses serious implications for regional peace and security. Constructions capable of serving military purposes not only alter the strategic balance but also increase the risk of conflict at sea. This contradicts fundamental principles of the United Nations, particularly the principle of peaceful settlement of disputes and the non-threat or use of force in international relations. From the above analysis, it can be seen that China's reclamation of Haisam Reef not only violates Vietnam's sovereignty but also constitutes a serious and systematic violation of international law, especially UNCLOS. These actions not only weaken the effectiveness of international legal norms but also threaten the rules-based order at sea, posing a major challenge to the international community in maintaining peace, stability, and cooperation in the South China Sea.

Conclusion

From a comprehensive analysis of the historical, legal, and practical basis, it can be clearly affirmed that China's reclamation, dredging, and construction activities at Hai Sam Reef in the Hoang Sa (Paracel) Islands are not merely technical activities, but are actually strategically calculated actions aimed at consolidating its illegal control over a territory that is under the indisputable sovereignty of Vietnam. These actions have seriously violated Vietnam's territorial sovereignty, sovereign rights, and jurisdiction, and contradict the fundamental principles of international law. In particular, from an international legal perspective, the aforementioned activities have violated many important provisions of UNCLOS, a document considered the Constitution of the Ocean. From disregarding the legal status of artificial islands and violating marine environmental protection obligations to failing to fulfill

international cooperation obligations, all demonstrate a lack of respect for the rules-based legal order. Furthermore, the militarization of reclaimed land increases the risk of conflict, threatening peace, stability, and maritime security in the South China Sea, one of the world's most important sea lanes. In the context of increasing globalization and international integration, respect for international law, especially United Nations regulations, is not only a legal obligation but also a prerequisite for maintaining overall order and stability. Any unilateral action aimed at changing the status quo, imposing claims by force, or exploiting technological advantages cannot be considered legitimate and must be condemned by the international community. For Vietnam, resolutely and persistently defending its sovereignty over the Hoang Sa (Paracel) Islands is not only a territorial issue but also a sacred responsibility to history and future generations. Vietnam has consistently demonstrated its stance: resolving all disputes peacefully, based on respect for international law and regional agreements. This is not only a choice consistent with global trends but also a sustainable path to ensuring long-term peace and stability. From this, it can be seen that China's reclamation of Haisam Reef is not only a bilateral issue between the two countries, but also a challenge to the entire international maritime law system. Therefore, the international community needs to continue to play a more active role in monitoring, speaking out, and promoting compliance with international law, while demanding an end to actions that increase tension. Only when countries respect common rules and act responsibly will the South China Sea truly become a sea of peace, cooperation, and sustainable development.

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