

Ancient Vietnamese geographical books and maps recorded clearly that Bai Cat Vang, otherwise called Hoang Sa and Truong Sa had long since been a Vietnamese territory.

May we be presented with dates and these maps to be examined by the court?

Beginning in the 17th century a series of Vietnamese atlases noted the existence of a series of islands, the present-day Parcels and Spratly Islands, in the South China Sea.

Beginning in the 3rd^h century Yang Fu of the East Han Dynasty made the reference to the present-day Parcels and Spratly Islands, in the South China Sea.

In Giap Ngo Binh Nam Do, a map of Southern Vietnam, drawn in 1774 by the Duke of Doan, Bai Cat Vang (Hoang Sa & Truong Sa) was specified as part of Vietnamese territory.

In the 18th century, Trinh Doanh barely held control in mainland Vietnam. Financial mismanagement and bad behavior sparked many revolts against his tyrannical rule. Nguyen Lords, Princes of the Royal family, generals, civil mandarins, and common people all revolted against Trinh. Does this meet the objective tests for a recognized sovereign? During Trinh Doanh's reign there was corrupt and ineffective administration, resistance to control of his government, and lack of popular support. During such times how did Trinh Doanh fulfill his legal obligations in exercising control of over territory he specified on a map?

As the sovereign, the Vietnamese feudal state in past centuries has conducted many geographical and resource surveys of the two archipelagos of Hoang Sa and Truong Sa. The results of those surveys have been recorded in Vietnamese literature on geography and history published since the 17th century.

May the surveys be presented for examination?

Aware of the availability of valuable resources in the Truong Sa archipelago, the Vietnamese feudal state set out long ago to exercise sovereignty over and organize the exploitation of this archipelago.

Can you document "long ago" and present this evidence to the court? Is exploitation effective control?

Thus it has been shown in ancient Vietnamese works of history and geography and through testimonies of western navigators and missionaries that the Vietnamese state from one dynasty to another over hundreds of years had continuously exercised its sovereignty over the two archipelagos of Hoang Sa and Truong Sa.

Thus it has been stated not “shown”.

The regular presence of the state-directed Hoang Sa detachments from five to six months annually to perform state-entrusted tasks in these two archipelagoes in itself constitutes irrefutable evidence of the jurisdiction exercised by the Vietnamese state over these two archipelagoes.

Please present this “irrefutable evidence”.

The occupation and exploitation of these two archipelagoes by the Vietnamese state had never encountered protests from any nations including China during this time period or exploration- this further proves that Hoang Sa and Truong Sa have for long been parts of Vietnamese territory.

Though they are not protests other nations have acknowledged Chinese sovereignty over the islands:

Britain

On January 21, 1974, a Senior British diplomat said that, in 1457, Britain sent a note to the PRC in which Britain impliedly recognized China's claim of sovereignty over the islands of Nansha and Xisha.

Recent cases also show Britain's positive reaction to China's claim of sovereignty in the South China Sea Islands. In the British parliament's 1985 Subcommittee Report, Sir Peter Blachen, Chairman of the Subcommittee on Hong Kong Affairs, mentioned that China included the islands in the South China Sea as Chinese territory; no country raised any objection. Since discovery of high petroleum and mineral potential in the South China Sea, the neighboring states have tried to become involved.

Germany

In 1883, Germany surveyed the Nansha Islands. However, Germany abandoned this survey due to protest by the Chinese government. In so doing, Germany recognized China's sovereignty over the Nansha Islands. In international law, this constitutes "implicit recognition" or "acquiescence."

The United States

The U.S. government has taken a position of noninvolvement as to the claim of sovereignty in the South China Sea. In Article 3 of the U.S. Spanish Peace Treaty, the Philippine territory ceded to the United States did not include the Nansha Islands. The World Geographical Names Encyclopedia, published in New York by the Columbia University Press and the American National Geographical Society, listed Parcel Islands and Spratly Islands as Chinese territories with the following statement: Parcel Islands and Xisha Islands of China belong to the part of the Guangdong Province.

Let us also examine recent history of Chinese protest towards outside intervention in the area, keeping in mind France had legitimate control of Vietnam's foreign affairs (1885-

1950).

1885 China officially claimed all islands of the Spratly Group

1898 Specifically excluded from Philippine territory by Treaty of Paris.

1902 Chinese war-ships attacked French bases in the Spratly Islands.

1908 China gave the right to mine guano from the islands to the British Australian Guano LTD.

1930 France occupies Itu Aba Island and Amboyna Cay.

1932 China protests French occupation of the islands.

1932 The Chinese Government set up a committee for the review of Maps of Lands and Waters of China. This committee examined and approved the 132 names of the islands in the South China Sea, all of which belong to Xisha, Zhongsha and Nansha Islands.

1933 France raised first official claim to the Paracel and Spratly Islands after invaded and occupied 9 of Nansha Islands, including Taiping and Zhongye. The Chinese fishermen who lived and worked on the Nansha Islands immediately made a firm resistance against the invasion and the Chinese Government lodged a strong protest with the French Government.

1939-44 The Spratly Islands were invaded and occupied by Japan and used as a submarine base during the Second World War.

1946 China declared the Spratlys as a part of the Guangdong Province, and seized the biggest island of Tai Ping Dao (Itu Aba) and erect marks of sovereignty on the Islands.

1947 The Ministry of Internal Affairs of China renamed 159 islands, reefs, islets and shoals on the South China Sea, including the Nansha Islands. It subsequently publicized all the names for administrative purposes

1946 Claimed by China, part of Guangdong province.

1951 At the San Francisco conference, Japan renounces all rights to the Spratly Islands. No resolution is made on who owns them.

1973 Vietnam begins occupation of Parcel Islands.

1974 China occupies Paracel Islands to the north of the Spratly Islands, taking them from South Vietnam.

1978 China occupies six atolls in the Spratly Islands, taking them from Vietnam.

1988 Chinese and Vietnamese navies clash at Johnson Reef. Two Vietnamese gunboats are sunk and seventy people die. Chinese troops have been garrisoned on the reef.

1992 ASEAN nations and China call for restraint in pursuit of territorial claims in the Spratly Islands.

1992 Officially declared part of China by "Law on the Territorial Sea and the Contiguous Zone."

1995 China occupies Mischief Reef. The Philippines's armed forces discover Chinese-constructed concrete markers on Mischief Reef, within 200 kilometres of Palawan Island, in the Philippines. The Philippines seize Chinese fishing boats and crew, and destroy Chinese markers on Mischief Reef.

2002 Claimants sign the "Declaration on the Conduct of Parties in the South China Sea." A mechanism to ease tension but which fell short of a legally binding code of conduct.

II. France Carried on the Exercise of Sovereignty Over the Spratly Islands on Behalf of Vietnam

On June 6, 1884, The Nguyen Dynasty and the French Government signed a Treaty in which France agreed to represent Vietnam's foreign affairs and was bound to protect Vietnam's sovereignty and territorial integrity. In this framework France carried on the exercise of Vietnamese sovereignty over the two archipelagoes.

Vietnam's claims this treaty states that France was the legitimate agent on their behalf. Therefore, they must observe the 1887 Sino French Convention on Boundary Delimitation stating all islands 108°3' east of Greenwich as Chinese territory.

The French carried out scientific surveys in the Truong Sa archipelago in the late 1920s. Between April 12, 1930 and April 12, 1933 on orders from the French Government, various naval units were successively stationed on the major islands of the Truong Sa archipelago.

This is correct and 1932 China protested these attempts by the French. On September, 18 193, Japan invaded Manchura starting a war that would last fourteen (14) years and the loss of ten million (10,000,000) Chinese lives. French attempts were made during a time period when China was in a weakened state.

On December 21, 1933, Cochinchina's Governor M.J. Krautheimer signed a decree by virtue of which the major islands of the Truong Sa archipelago were annexed to Ba Ria province.

Is a governor of a province an authorized state agent to make foreign policy decisions? Is a decree an accepted international norm of international law binding all states? Cochinchina was an area of southern present day Vietnam ruled by Nguyễn Lords¹ It did not become a single administrative unit until the French seized it in the 1850s. It ceased to exist in 1949. Therefore, it can not be validated as an ancient claim.

¹ Nguyễn Lords http://en.wikipedia.org/wiki/Nguyen_Lords; accessed 14 November 2006

Throughout the years of representing Vietnam externally, the French continued to assert Vietnam's sovereignty over the Hoang Sa and Truong Sa and protest against every encroachment upon Vietnam's sovereignty with regard to these archipelagoes.

*France admitted that they found Chinese fishermen there in the 1930's when the French war ships visited the nine islands. The Chinese fishermen tore the French flag after the ships left the islands.*²

On December 4, 1931, and April 24, 1932, France lodged a protest with the Chinese government over a plan of the authorities of Guangdong province to invite tenders for the exploitation of guano in the Hoang Sa archipelago.

On April 4, 1939, France protested to Japan over the latter's decision to place a number of islands in the Truong Sa archipelago under Japanese jurisdiction.

*Japan did use the Spratly Islands as bases and after the war and implemented the Potsdam Proclamation.*³ *China, in 1946, erected markers of sovereignty on the islands. After the war, neither the French nor the Japanese returned to the islands.*

III. The Defense & Exercise of Vietnam's Sovereignty Over the Spratly Islands Since the End of World War II

On July 7, 1951, Tran Van Huu, head of the Bao Dai Government's delegation to the San Francisco Conference on the peace treaty with Japan declared that the archipelagoes of Hoang Sa and Truong Sa had long been party of Vietnamese territory. The declaration met with no challenge or reservation from any representative of the 51 nations at the Conference.

*Tran Van Huu stated "...As we must frankly profit from all the opportunities offered to us to stifle the germs of discord, we affirm our rights to the Spratly and Paracel islands, which have always belonged to Vietnam".*⁴ *These words express an opportunistic intent in claiming the islands by "profiting" from China's absence from the conference.*

Though the Treaty does not stipulate unequivocally that these islands be returned to China after renunciation, Japan is implicated in its thinking and desire to return these islands to China. The evidence is that in 1952, the year after the San Francisco Treaty was signed, the 15th map of Southeast Asia of the Standard World Atlas, recommended by the signature of the then Japanese Foreign Minister, Matsuzaki, marks as part of China all the Paracel and Spratly islands which Japan had to renounce as stipulated by the Peace

2 Spratly Islands <http://www.my-world-guide.com/country/190> ; accessed 14 November 2006

3 Potsdam Declaration: "It is their purpose that Japan shall be stripped of all the islands in the Pacific which she has seized or occupied since the beginning of the first World War in 1914, and that all the territories Japan has stolen from the Chinese, such as Manchuria, Formosa, and the Pescadores, shall be restored to the Republic of China.:" <http://www.ndl.go.jp/constitution/e/etc/c03.html>; accessed 1 November 2006

4 Ngoc Lan Ministry of Foreign Affairs Socialist republic of Vietnam 1981 THE HOANG SA AND TRUONG SA ARCHIPELAGOES VIETNAMESE TERRITORIES

Treaty. When China took over the Spratly Islands from Japan in 1946, and published new names for each of the Islands, neither Vietnam nor any country protested to China regarding its actions.⁵

This declaration is questionable, was it made by an authorized agent representing Vietnam? Tran Van Huu was Viet Minh deputy military commander between 1950-1952 stationed in southern Vietnam leading communist guerillas.⁶ Bao Dao, whose government was tainted by its collaboration with the Japanese, agreed to abdicate on 25 August 1945 after Japan surrendered in exchange for an appointment as "supreme adviser" to Ho Chi Minh.⁷ Vietnamese communists under Ho Chi Minh declared themselves to be Vietnam's new rulers and proclaimed the Democratic Republic of Vietnam on 2 September 1946.

In early 1950, the French ratified the Elysee Agreement granting Vietnam's independence as an Associated State of the French Union. The French yielded control only pro forma to Bao Dai.⁸ The French did not relinquish military control of Vietnam until 21 July 1954 and had been authorized to conduct Vietnam's foreign affairs by treaty from 6 June 1884 as stated above by the Vietnamese lawyers. Who had legitimate control over Vietnam in 1951 during the San Francisco Conference?

China was divided between the mainland and Formosa Island governments and was not invited to attend due to the fact of uncertainty of which government was legitimate. After examining the previous paragraph, can we be certain if Vietnam's delegation was legitimate? We will agree it was hard for China to protest without knowledge of the declaration.

The Saigon administration, and later on the Provisional Revolutionary Government of the Republic of South Vietnam also continued the exercise of Vietnam's sovereignty over the archipelagoes of Hoang Sa and Truong Sa. The following is evidence of this:

- On October 22, 1956, the Saigon administration annexed the Truong Sa archipelago to Phuoc Tuy province.

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Between 1961 and 1963, the Saigon administration installed sovereignty markers on the major islands of the Truong Sa archipelago.

5 Maritime Jurisdiction in the Three China Seas: Options For Equitable Settlement <http://www.ciaonet.org/wps/guj01/>; accessed 11 November 2006

6 The Cold War Files <http://www.coldwarfiles.org/index.cfm?fuseaction=people.details&thisunit=0&peopleid=71>; accessed 14 November 2006

7 The Cold War Files <http://www.coldwarfiles.org/index.cfm?fuseaction=people.details&thisunit=0&peopleid=60>; accessed 14 November 2006

8 Pro forma court rulings are merely intended to facilitate the legal process (to move matters along).

Exactly nineteen (19) years after the Chinese installed markers.

- On September 6, 1973, the Saigon administration annexed the islands of Truong Sa, An Bang, Itu Aba, Song Tu Dong, Song Tu Tay, Loai Ta and Thi Tu, Nam Ai and Sinh Ton and other adjacent islands to Phuoc Hai village, Dat Do district, Phuoc Tuy province.

Feeling strongly about Vietnam's age-old sovereignty over the two archipelagoes of Hoang Sa and Tuong Sa, the successive administrations of South Vietnam never failed to defend it whenever a foreign country attempted to dispute it or occupied any island in the two archipelagoes.

- On June 1, 1956, the Foreign Ministry of the Saigon administration issued a statement reaffirming Vietnam's sovereignty over the Truong Sa archipelago as the People's Republic of China, Taiwan, and the Republic of the Philippines each claimed that the archipelago belonged to them.
- On April 20, 1971, the Saigon administration again reaffirmed that the Truong Sa archipelago was part of Vietnamese territory in response to Malaysia's claim of sovereignty over some islands in that archipelago.
- The Foreign Minister of the Saigon administration on July 13, 1971 reaffirmed Vietnam's sovereignty over the Truong Sa archipelago.
- On January 20, 1974, in a statement at the first session of the 3rd UNCLOS, the Saigon administration restated that the Hoang Sa and Truong Sa islands were part of Vietnamese territory.
- In a statement issued on February 14, 1974, the Saigon once again reaffirmed that the two archipelagoes had always been part of Vietnam.

After the reunification of Vietnam in 1976, the Government of the Socialist Republic of Vietnam reaffirmed on various occasions Vietnam's sovereignty over the Hoang Sa and Truong Sa archipelagoes.

B. Points of International Law Supporting Vietnam's Claim

I. Vietnam's Discovery Claim

The Vietnamese government fulfills its discovery claim in evidence of its occupation of the Spratly Islands. The only evidence necessary to extend a discovery claim is that there has been effective occupation over a reasonable period of time.

II. Vietnam's Effective Control of the Spratly Islands

Once a state has lacked effective occupation of a territory, said territory can be occupied by another state:

“Established Western legal maxims and practice hold that as long as a prior right is in effect, other states are not allowed to acquire land; this is reserved to the privileged state, if however, the latter omits to take effective possession of the land during the time in which the inchoate title is valid, the land is again considered to be without a master and can be occupied by other states.”ⁱ

As a secondary source of international law, the writings of jurists and publicists add color to an argument. China hopes the court will look to treaties and customary international law as sources to discover a just solution.

Vietnam never relinquished its claim to the Spratly Islands and has always maintained that the islands fall and have since their discovery under the sovereignty of the Vietnamese government.

If true then following Japan's surrender, the Ministry of Internal Affairs of China appointed Xiao Ciyi and Mai Yunyu Special Commissioner to the Xisha and Nansha Islands respectively in 1946 to takeover the two archipelagoes and erect marks of sovereignty on the islands appears to be legitimate as France did not return to the islands.

Definition of Effective Occupation:

In the Island of Palmas, Eastern Greenland, and Clipperton Island cases, the leading authorities on effective occupation laid down that the exercise or display of sovereignty must be (a) peaceful, (b) actual, (c) sufficient to confer a valid title to sovereignty, and (d) continuous.ⁱⁱ

- a. Vietnam's occupation of the Spratly Islands has been peaceful.

Socialist Vietnam became aggressive in the area in 1975. In 1979 they allowed the Soviet Union to use the former U.S. military base at Cam Ranh rent-free. This became a Soviet airbase and largest naval station outside the Warsaw Pact. Using the Soviet Union as an ally to back up their recent seizure of the islands by threat of military force to counter Chinese protests.

Vietnam's occupation has been actual; the Vietnamese government has sent its military to patrol the archipelago and has built sovereignty markers on the main

islands of the archipelago to represent the Vietnamese occupation.

- b. Vietnam's occupation has been sufficient to confer valid title to sovereignty; the Vietnamese government has a long history of claims to the islands and until the 20th century these claims went unchallenged internationally.
- c. Vietnam's occupation has been continuous; at no point in time since claiming the territory has the Vietnamese government withdrawn its claim or removed any sovereignty markers and it continues to hold a presence in the archipelago.

From 1956 onward, Chinese forces happened to occupy the largest island in the Spratlys, which under customary law entitled the Chinese to "en toto" ownership of the archipelago.⁹ Vietnam began to absorb islands during the 1970's while China was occupied with domestic affairs.

III. Vietnam's Uti Possidateis Claim

"As you possess, you shall continue to possess"

"...According to this doctrine the immediate governing factor at the end of a war is the status quo, the positions which the respective belligerents have by that date taken up or occupy."ⁱⁱⁱ

World War II ended in 1945 and Vietnam began conquest of a few of the islands in the 1970's, explain how "As you possess, you shall continue to possess" applies as an immediate governing factor support their claim?

The doctrine of *uti possidateis* applies to this case in that when the French pulled out of their colony of Indochina, Vietnam gained sovereignty over all the French holdings to which the French had been exercising sovereignty on the behalf of the Vietnamese government.

If true then the French on the behalf of the Vietnamese government, had been exercising granted powers in the 1887 Sino French Convention on Boundary Delimitation stating all islands 108°3' east of Greenwich as Chinese territory.

C. China's Lack of a Valid Claim to the Spratly Islands

China's claim to the Spratly Islands is based upon supposed historical territorial claims to the archipelago. However, this claim is severely weakened by the fact that China never

⁹ Lieutenant Michael Studeman, U.S. Navy Calculating China's Advances in the South China Sea <http://www.nwc.navy.mil/press/review/1998/spring/art5-sp8.htm>; accessed 14 November 2006.

officially filed or announced on the international stage any claims to the territory. It was not until the 20th century that the Chinese government attempted to take claim to the archipelago.

Comparing both parties historical claims and maps should we disregard these as evidence in support of our respective claims and use on primary sources of international law and events in the past two (2) centuries?

Prior to the 20th century the Chinese made sporadic expeditions, while the Vietnamese made regular visits to the islands and laid claim to them as early as the 17th century. China's inconsistent exercise of its claim does not reinforce any claim to sovereignty through occupation. The historical claims laid down by the Chinese government have been blanket statements that are not supported by solid evidence.

Chinese people started to develop the Nansha Islands and engage in fishing on the islands as early as in the beginning of the Ming Dynasty (1368-1644AD). At that time, fishermen from Haikou Port, Puqian Port, Qinglan Port and Wenchang County went to the Nansha Islands to fish sea cucumber and other sea produce.

The 1868 Guide to the South China Sea has accounts of the activities of the Chinese fishermen in the Nansha Islands. According to the Guide, "fishermen from Hainan Island went to Zhenhe Isles and Reefs and lived on sea cucumber and shells they got there. The footmarks of fishermen could be found in every isle of the Nansha Islands and some of the fishermen would even live there for a long period of time." Every year, there were small boats departing from Hainan Island for the Nansha Islands to exchange rice and other daily necessities for sea cucumber and shells from the fishermen there. The ships used to leave Hainan Island in December or January every year and return when the southwesterly monsoon started." Since the end of the Qing Dynasty (1862-1890AD), fishermen from Hainan Island and Leizhou Peninsula of China have kept going for fishing on the Nansha Islands. Most of the fishermen come from Wenchang County and Qionghai County. One or two dozens of fishing boats from these two counties would go to the Nansha Islands every year.¹⁰

“Discovery cannot stand alone as a claim”

“There is, however, no evidence proving that mere discovery in the sense of ‘physical’ discovery or simple ‘visual’ apprehension was ever sufficient per se to establish a right to sovereignty or a valid title to, *terra nullius*...”^{iv}

¹⁰Historical Evidence To Support China's Sovereignty over Nansha Islands
<http://community.middlebury.edu/~scs/docs/Historical%20Evidence%20To%20Support%20China's%20Sovereignty%20over%20Nans.htm> ; accessed 11 November 2006

D. Conclusion

- I. The state of Vietnam took effective possession of the Spratly Islands long ago when they were not under the sovereignty of any nation.

Current Vietnamese occupation of a few islands commenced in 1973 and was accelerated in 1975 after the fall of South Vietnam. Previous maps printed by other countries in the world that mark the islands on the South China Sea as part of Chinese territory include:

- 1. The Welt Atlas published by the Federal Republic of Germany in 1954, 1961 and 1970 respectively;*
- 2. World Atlas published by the Soviet Union in 1954 and 1967 respectively;*
- 3. World Atlas published by Romania in 1957;*
- 4. Oxford Australian Atlas and Philips Record Atlas published by Britain in 1957 and Encyclopedia Britannica World Atlas published by Britain in 1958;*
- 5. World Atlas drawn and printed by the mapping unit of the Headquarters of the General Staff of the People's Army of Vietnam in 1960;*
- 6. Haack Welt Atlas published by German Democratic in 1968;*
- 7. Daily Telegraph World Atlas published by Britain in 1968;*
- 8. Atlas International Larousse published by France in 1968 and 1969 respectively;*
- 9. World Map Ordinary published by the Institute Geographique National (IGN) of France in 1968;*
- 10. World Atlas published by the Surveying and Mapping Bureau of the Prime Minister's Office of Vietnam in 1972.*
- 11. China Atlas published by Neibonsya of Japan in 1973.*

- II. Throughout several centuries since then, the state of Vietnam has been effectively and continuously exercising sovereignty over the archipelago.

Which centuries and did Vietnam have effective? Did Vietnam execute continuous control while Japan occupied the islands from 1939-1945?

- III. The state of Vietnam has always actively defended its rights and titles against all schemes and acts of encroachment upon the sovereignty, territorial integrity and interests of Vietnam in connection with the Spratly Islands.

Can the Vietnamese delegation therefore actively defend the following comments made by their officials?¹¹

- Nhan Dan of Vietnam reported in great detail on September 6, 1958 the Chinese Government's Declaration of September 4, 1958 that the breadth of the territorial sea of the People's Republic of China should be 12 nautical miles and that this provision should apply to all territories of the People's Republic of China, including all islands on the South China Sea.*
- On September 14 the same year, Premier Pham Van Dong of the Vietnamese Government solemnly stated in his note to Premier Zhou Enlai that Vietnam*

¹¹ The Issue of South China Sea <http://www.fas.org/news/china/2000/china-000600.htm>; accessed 14 November 2006

"recognizes and supports the Declaration of the Government of the People's Republic of China on China's territorial sea."

- *Vice Foreign Minister Dung Van Khiem of the Democratic Republic of Vietnam received Mr. Li Zhimin, charge d'affaires ad interim of the Chinese Embassy in Vietnam and told him that "according to Vietnamese data, the Xisha and Nansha Islands are historically part of Chinese territory." Mr. Le Doc, Acting Director of the Asian Department of the Vietnamese Foreign Ministry, who was present then, added that "judging from history, these islands were already part of China at the time of the Song Dynasty."*

Conclusion

Vietnam is inconsistent in its claim of continuous sovereignty over the islands. Evidence presented is of a secondary nature in regards to sources of international law. Historic claims by both parties are not evidence enough to obtain sovereignty. China's position has focused on treaty law, events of the past two (2) centuries, and the acknowledgments of other sovereign nations.

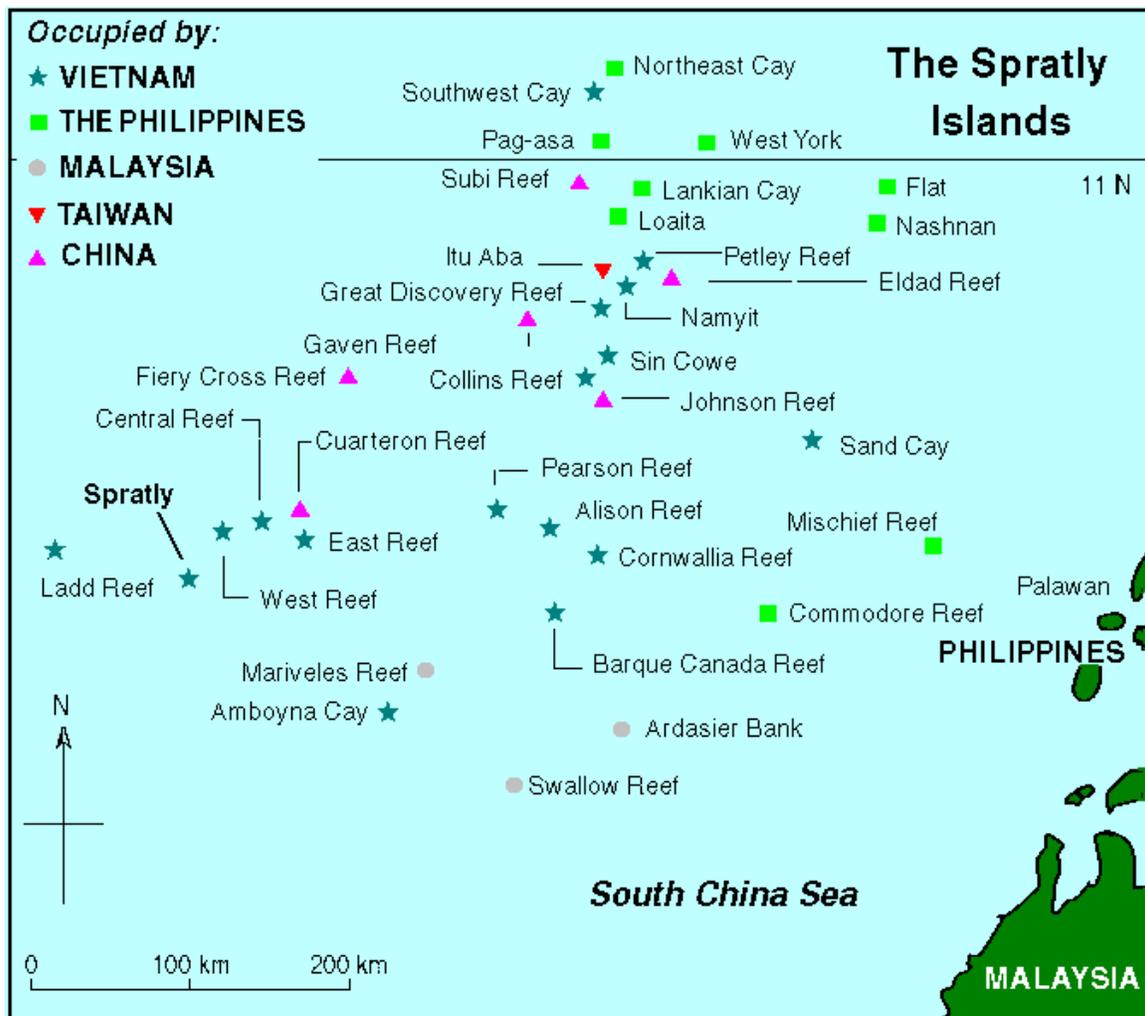
There are two (2) flaws in Vietnam's argument. First, when France attempted to reclaim the islands in the 1930's and lost effective control to Japan, Vietnam did not actively try to succeed France's claim in controlling the islands. Secondly, the use of force to obtain territory from China in the 1970's is counter to modern international law as stated in the U.N. Charter. Vietnam's long term claim of control only dates back to 1973. After the reunification in 1975 of Vietnam in war, efforts were accelerated to absorb the islands. The decades following produced tensions and military clashes. In 2002, In order to reduce tensions in region, Vietnam decided to cease its aggressive stance and became party to "Declaration on the Conduct of Parties in the South China Sea.". Oddly enough, that was the same year Russia, successor to the Soviet Union's control of Cam Ranh base in Vietnam, abandoned the facility.¹² Now faced without a military ally to bolster their aggressive claim, they have resorted to "non compis mentis" claims of long term control in the face of current international law.¹³ Vietnam currently has military installations on a few of the islands counter to their claim of peaceful occupation.

12 RUSSIA'S STRATEGIC RETRENCHMENT CONTINUES.

http://www.jamestown.org/publications_details.php?volume_id=25&&issue_id=2255; accessed 14 November 2006

13 non compis mentis- not of sound mind

Exhibit A



- i *Digest of International Law*. Editor: Marjorie Whiteman. Department of State Publications. December 1963. Volume 2. page 1029.
- ii *Digest of International Law*. Editor: Marjorie Whiteman. Department of State Publications. December 1963. Volume 2. page 1032.
- iii *Digest of International Law*. Editor: Marjorie Whiteman. Department of State Publications. December 1963. Volume 2. page 1032.
- iv *Digest of International Law*. Editor: Marjorie Whiteman. Department of State Publications. December 1963. Volume 2. page 1029.