

ARBITRATION UNDER ANNEX VII OF THE UNITED NATIONS
CONVENTION ON THE LAW OF THE SEA

REPUBLIC OF THE PHILIPPINES

v.

PEOPLE'S REPUBLIC OF CHINA

SUPPLEMENTAL WRITTEN SUBMISSION OF THE PHILIPPINES

VOLUME III
ANNEXES

16 MARCH 2015

VOLUME III

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- Annex 344 United Kingdom Hydrographic Office, *Admiralty Sailing Directions: China Sea Pilot (NP30)*, Vol. 1 (5th ed., 2001)
- Annex 232(bis) Navigation Guarantee Department of the Chinese Navy Headquarters, *China Sailing Directions: South China Sea (A103)* (2011)

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- Annex 345 Republic of the Philippines, Municipality of Kalayaan, “The First 100 Days: Accomplishment Report of Mayor Eugenio B. Bito-Onon, Jr.”
- Annex 346 Republic of the Philippines, Municipality of Kalayaan, *Brochure: Municipality of Kalayaan, Palawan, Philippines*
- Annex 347 Republic of the Philippines, Naval Defense Forces, *Philippine Ports and Harbors, Special Edition: Kalayaan Island Group* (Mar. 1988)
- Annex 92(bis) Republic of the Philippines, Municipality of Kalayaan, *The Comprehensive Development Plan 2010-2016* (5 Apr. 2013)
- Annex 348 Republic of the Philippines, Municipality of Kalayaan, “Historical Background”, *available at* http://kalayaanpalawan.gov.ph/about_the_municipality/historical_background.html (accessed 2 Feb. 2015)
- Annex 349 *Letter* from Rear Adm. Roberto B. Enriquez, Philippines Navy, to Asst. Secretary Benito B. Valeriano, Department of Foreign Affairs, Republic of the Philippines (27 Feb. 2015)
- Annex 350 Republic of the Philippines, Municipality of Kalayaan, “Municipal Background”, *available at* http://www.kalayaanpalawan.gov.ph/about_the_municipality/municipal_background.html (accessed 2 Mar. 2015)

CHINESE GOVERNMENT DOCUMENTS

- Annex 351 *Letter* from Ministry of the Interior of the Republic of China to the Ministry of Foreign Affairs of the Republic of China (9 Oct. 1946), reprinted in *Archival Compilation on South China Sea Islands by Ministry of Foreign Affairs*, Vol. 2, Doc. No. III(1):009 (Republic of China Ministry of Foreign Affairs Research & Planning Committee, ed.) (1995)

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- Annex 352 French Republic, Governor of Cochin China, *Decree* (21 Dec. 1933), reprinted in Monique Chemillier-Gendreau, *Sovereignty over the Paracel and Spratly Islands*
- Annex 353 Republic of Vietnam, Ministry of Foreign Affairs, *White Paper on the Hoang Sa (Paracel) and Truong Sa (Spratly) Islands* (1975)

THIRD-PARTY GOVERNMENT ARCHIVAL DOCUMENTS

- Annex 354 United Kingdom, Foreign Office, *List of Islands and Reefs in the Area Claimed by France* (undated)
- Annex 355 United Kingdom, *Draft Memorandum* (undated)
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- Annex 357 *Memorandum* from Minister of Foreign Affairs, French Republic, to French Embassies in London, Washington, Tokyo, The Hague and Manila (17 Apr. 1929)
- Annex 358 French Republic, Indochina Hydrographic Mission, *Procès-Verbal* (13 Apr. 1930)
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- Annex 369 *Draft Note Verbale* from the Ministry of Foreign Affairs of the French Republic to the Embassies of the United Kingdom, Japan, and the United States in Paris (17 July 1933)
- Annex 370 *Memorandum* from Commanding Officer, H.M.S. “Herald”, to Commander-in-Chief, China Station, British Royal Navy (3 May 1937)
- Annex 371 United Kingdom, Hydrographer, “Probable Utility of Features as Landing Grounds for Air-Craft” (28 Oct. 1937)
- Annex 372 *Memorandum* to Admiralty, United Kingdom (12 Nov. 1937)
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- Annex 374 W.C. Jenk., H.M.S. Herald, United Kingdom, *Report on Suitability of Islands in China Sea for Landing Grounds* (18 Apr. 1938)
- Annex 375 *Message* from H.M.S. “Herald”, United Kingdom, to Commander-in-Chief, China Station, British Royal Navy (25 Apr. 1938)
- Annex 376 *Message* from British Admiralty, to H.M.S. “Herald”, United Kingdom, and Commander-in-Chief, China Station, British Royal Navy (26 April 1938)
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- Annex 378 United Kingdom, Foreign Office, “Islands in the South China Sea” (27 April 1938)
- Annex 379 *Memorandum* from H.M.S. Herald, United Kingdom, to British Admiralty (27 Apr. 1938)
- Annex 380 United Kingdom, *Aide-Mémoire*, No. 172/15G/38 (6 Sept. 1938)
- Annex 381 *Memorandum* from Japan to the United States (31 Mar. 1939)
- Annex 382 *Telegram* from Embassy of the United States in Paris to the Department of State of the United States (5 Apr. 1939)
- Annex 383 *Memorandum* from Consul-General of the Netherlands in Beijing to the Minister of Foreign Affairs of the Netherlands, No. 2928/G-913/513 (4 Sept. 1951)
- Annex 384 *Telegram* Secretary of State for the Colonies, United Kingdom, to Officer Administering the Government of Hong Kong (14 Jan. 1956)
- Annex 385 *Record of Meeting* (United States National Archives Document) (19 Sept. 1956)

Annex 344

United Kingdom Hydrographic Office, *Admiralty Sailing Directions: China Sea Pilot (NP30)*, Vol. 1 (5th ed., 2001)

NP 30



CHINA SEA PILOT

VOLUME I

The west side of the South China Sea from Tanjung Lompat on the eastern side of Peninsula Malaysia to Zhelang Jiao in China; Pulau-Pulau Anambas, Hainan Dao, and the islands and banks bordering the main route from Singapore Strait to Hong Kong.

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2001

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Area formerly covered by:

China Sea Directory Vol. II	First Edition	1868
	Second Edition	1879
	Third Edition	1889
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	Second Edition	1951
	Third Edition	1964
	Fourth Edition	1978

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- 2 Macclesfield Bank (15°50'N, 114°20'E) (2.16). In 1987 an E-going current of ½ to 1 kn was reported over the bank.
- 3 Paracel Islands (16°30'N, 112°00'E). See 2.59.
- 4 Bombay Reef (16°02'N, 112°30'E) (2.61). The current, 3 miles SE of the reef, was reported in 1951 to set 040° at a rate of 1½ to 2 kn.
- 5 Helen Shoal (19°12'N, 113°53'E) (2.17). The current has been found usually to set with the wind.
- 6 St Esprit Shoal (19°33'N, 113°02'E) (2.17). The current has been observed to set generally with the wind.
- 7 Pratas Reef (20°42'N, 116°48'E) (2.72). The currents set in a NE or SW direction according to the prevailing monsoon. At distances of 20 to 50 miles NW, through N to NE and E of Pratas Reef, the currents have been observed to be exceptionally strong. Tide-rips, which occasionally appear like breakers, have been seen.
- 8 Vereker Banks (21°05'N, 116°00'E) (2.17). In February, the prevailing current sets between WNW and WSW with a rate of ½ to 1 kn; at times it sets to windward, and with calm or light SW winds it sets between SSE and ESE at a rate of ¼ to 1 kn.

Major lights

2.12

- Pulau Damar Light (white GRP tower, 10 m in height) (2°45'N, 105°23'E).
- Pulau Mangkai Light (white metal framework tower, 40 m in height) (3°05'N, 105°36'E).
- Udang Oilfield - light on tanker (4°02'N, 106°29'E).
- Bombay Reef (Langhua Jiao) Light (white round concrete tower, 22 m in height) (16°02'N, 112°27'E).
- Lufeng Terminal (LF13-1 platform) (21°35'N, 116°09'E).

Other navigational aids

2.13

- 1 Racons are collocated with:
Pulau Mangkai Light (2.12).
Belida Oilfield storage tanker (4°08'N, 105°08'E) (2.81).
- 2 For Differential GPS corrections NE of Singapore Strait, see 3.20.

Directions

2.14

- 1 The route is described in *Admiralty Ocean Passages for the World*. The information that follows describes the banks and shoals close to the route and other features of navigational significance.
- 2 A shoal patch (4°26'N, 106°33'E), with a depth of 12 m over it, was reported in 1973, a position about 100 miles NE of Pulau Mangkai Light (2.12).
- 3 Charlotte Bank (7°08'N, 107°35'E), with a least depth of 8.7 m over it, lies 25 miles NW of the main route. In 1964, a shoal, with a least depth of 21.5 m over it, was reported to lie 6 miles WNW of Charlotte Bank.
- 4 Scawfell (7°18'N, 106°51'E), 46 miles WNW of Charlotte Bank, has a depth of 9.1 m over it and is composed of coral. When examined by HMS *Waterwitch* in 1908, Scawfell was not marked by discoloured water nor by overfalls.

2.15

- 1 A group of banks lie on the E side of the route between the parallels of 7°20'N and 8°12'E and the meridians of 109°30'E and 110°40'E. Vanguard Bank (7°28'N, 109°37'E), the S bank of the group with a least depth of 16.5 m over it, lies 60 miles SE of the main route. A 20 m patch, reported in 1960 to show muddy discolouration, lies near the E extremity of the bank. Lights are exhibited from two platforms standing on the bank. A depth of 12.5 m, reported 1990, lies 32 miles W of the W extremity of the bank, with depths of 12.5 m and 7.5 m, reported 1992, lying between 5 to 8 miles S of this depth. It has been reported that gas is erupting within 3 miles of position 7°34'N, 108°54'E, approximately 49 miles WNW of the W extremity of Vanguard Bank.
- 2 Prince Consort Bank (7°53'N, 110°00'E), composed of sand and coral, lies 12 miles NE of Vanguard Bank and has a least depth of 18.2 m over it near its NW edge. Depths of 21.5 m and 23.5 m, coral, exist on the W edge of the bank, S of the shallowest part. A light is exhibited from a platform standing on the bank. In 1982, it was reported that both Vanguard and Prince Consort Banks lay 4 miles NW of their charted positions.
- 3 Grainger Bank, coral with a least depth of 10.9 m over it, lies 35 miles ENE of the E end of Vanguard Bank. The coral bottom of this bank is visible over nearly the whole of it. A light is exhibited from a platform standing on the bank.
- 4 Prince of Wales Bank, with a least depth of 7.3 m over it on its W side, lies 12 miles N of Grainger Bank. The bank is of coral formation and the depths over it are very irregular. Alexandra Bank, 2 miles SE of Prince of Wales Bank, has a depth of 5.4 m over it on its E side; the coral bottom of this bank is distinctly visible. Lights are exhibited from platforms standing on these banks.
- 5 **Caution.** Vessels bound between Singapore and Hong Kong should not attempt to pass between these banks, nor between the numerous shoals which exist over the very large area between the parallels of 7°33'N and 12°00'N and the meridians of 111°30'E and 117°44'E.

2.16

- 1 Macclesfield Bank (15°50'N, 114°20'E) is situated E of the main route, its SW extremity lying 66 miles ESE of Bombay Reef (16°02'N, 112°30'E) (2.61). It was discovered by the English ship *Macclesfield* in 1701 and was surveyed in 1892-3. The W portion of the bank has only be partially surveyed. The bank is a below-water atoll, with many patches, over which there are depths of less than 20 m on its edge. The shallowest part of the edge is at the NE end of Pigmy Shoal (16°14'N, 114°48'E) at the NE end of the bank, where there is a depth of 11.9 m. Detached depths of 9 m have been reported 11 miles ESE and 19 miles ENE of the E extremity of Pigmy Shoal.
- 2 Penguin Bank (15°38'N, 113°44'E) lies at the SW end of Macclesfield Bank 73 miles SW of Pigmy Shoal, and has a least depth of 16.5 m over it at its NE end. Within the perimeter shoals (see chart) are several detached shoals, the shallowest of which is Walker Shoal with a depth of 9.1 m over it, which lies near the middle of Macclesfield Bank.
- 3 **Caution.** Macclesfield Bank can generally be seen from aloft. In heavy weather the sea on its edge is high and confused. Mariners are recommended to pass either E or W of the bank as uncharted dangers may exist on it.
- #### 2.17
- 1 Helen Shoal (19°12'N, 113°53'E), situated midway between Macclesfield Bank (2.16) and Hong Kong, 15 miles E of the main route, has a least depth of 10.2 m over it, with depths of over 200 m close round it. The sea breaks over it

Annex 232(bis)

Navigation Guarantee Department of the Chinese Navy Headquarters, *China Sailing Directions: South China Sea (A103)* (2011)

A103

中国航路指南

CHINA SAILING DIRECTIONS

南海海区

SOUTH CHINA SEA



中国人民解放军海军司令部航海保证部

THE NAVIGATION GUARANTEE DEPARTMENT OF
THE CHINESE NAVY HEADQUARTERS

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I. ①zhong... II. ①hai... III. ①Nanhai - sailing direction IV. ①U675.83

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Explanation

1. In order to keep up with the present situation, after the publication of this book, a supplemental volume will typically be made available every two years. The new supplemental volume includes a retained portion from the previous supplemental volume. After the new supplemental volume is published, the previous volume immediately becomes null and void. This book should be used in conjunction with the newest supplemental volume and notice to mariners.
2. The coordinates in the main body text of this book use the CGCS2000 coordinate system. The appendix uses the 1954 Beijing coordinate system.
3. Bearing and orientation refer to the true heading and true bearing; one revolution clockwise from 000° true north is 360°. The target bearing refers to the target orientation as viewed from the sea.
4. Preliminary orientation typically uses the following 16 orientations: north, north-northeast, northeast, east-northeast, east, east-southeast, southeast, south-southeast, south, south-southwest, southwest, west-southwest, west, west-northwest, northwest, and north-northwest. When greater precision is needed, this can be expressed by adding the word “by” after the eight basic orientations.
5. Water depth refers to the depth below the lowest astronomical tide, with meters as the unit. Elevation refers to the height above the 1985 National Height Datum, with meters as the unit.
6. Length and distance units: nautical miles, chains, and meters are used for the sea and kilometers and meters are used for land.
7. Temperature is expressed in degrees Celsius (°C), the amount of precipitation is measured in millimeters (mm), barometric pressure is measured in hectopascals (hPa), wind speed is measured in meters/second (m/s), the wind force is measured using the Beaufort wind force scale, and relative humidity is expressed as a percentage (%).
8. Wind direction, wave direction, and swell direction refer to the direction of coming. The flow direction refers to the direction of going.
9. The numbers listed in parentheses after the names of mountains, islands, and drying reef state the altitude; for example, “Mount Taisen (524),” “Xidan Island (137)” and “Wolong Mountains (315).” Location names listed inside parentheses are secondary names; for example, “Cape of Xuhuang (Cape of Black Village)” and “Zixugong Reef (Perilla Rock).”
10. On the left and right sides of ports and waterways, the harbor incoming direction shall prevail. The left and right banks of the river will be determined facing downstream.
11. Cape (headland) location point refers to the end of the cape jutting out to the sea. Mountain, island, and reef locations refer to where their highest point is located. If their highest point cannot be found, then it refers to their central location. Shoal location refers to the shallowest point of the shoal. If the range is relatively great and the shallowest point is located relatively far from the center, then it refers to the central location of the shoal.

12. The distance between ships and the islands and reefs (when there are no special circumstances) refers to the straight-line distance from the ship to the nearest edge of these target destinations. The distance between two islands and reefs refers to the straight-line distance between their nearest edges.

13. Because there are considerable sediment deposits near some estuaries, the location and span of fishing nets in some sea areas and breeding zones of marine organisms often shift. Therefore, when using the book, one should be attentive to understanding the actual conditions at a particular time and location, in order to ensure navigational safety.

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Section 2 The Xisha and Zhongsha Islands

Sea maps 16010 17010 17100

General Introduction

[...]

The Zhongsha Islands is located within the area surrounded by the Dongsha, Xisha and Nansha Islands. The islands scatter in the sea region of 600 thousand meters in north - south direction, and 440,000 meters in east - west direction at the widest. The Zhongsha Islands include three parts: Zhongsha's Great Rim of the Reef, Huangyan Island (Minzhu Reef) and several other submerged cays. 33 of the islands, rocks, reefs, submerged cays or shoals (1 island, 2 rocks, 2 submerged reefs, 26 submerged cays and 2 submerged shoals) in the Zhongsha Islands have been named.

[171]

Islands and Reefs

[...]

The Zhongsha Islands - The Zhongsha Islands is located within the area surrounded by the Dongsha, Xisha and Nansha Islands. The islands scatter in the sea region of 600 thousand meters in north - south direction, and 440,000 meters in east - west direction at the widest. The Zhongsha Islands include three parts: Zhongsha's Great Rim of the Reef, Huangyan Island (Minzhu Reef) and several other submerged cays. 33 of the islands, rocks, reefs, submerged cays or shoals (1 island, 2 rocks, 2 submerged reefs, 26 submerged cays and 2 submerged shoals) in the Zhongsha Islands have been named.

Zhongsha's Great Rim of the Reef forms as the main body of the Zhongsha Islands. It is located at 200,000 meters from the southeast of Yongxing Island. Among the Nansha Island, the Great Rim of the Reef is the largest atoll. It is in oval shape, extending from northeast towards southwest, with 140 thousand meters long and 61 thousand meters wide. At the outskirts of the Great Rim, there are 20 submerged cays, reefs and shoals. They are in strip shape and normally as long as 3 - 4 thousand meters. Biwei Ansha at the northeast is 15 thousand meters long. The water depth in the smallest is 12 - 20 meters. It has been found that in the east of the lagoon there are 6 submerged cays and reefs, they are as deep as 9 - 16 meters below water. Within the lagoon, the depth is mostly between 60 - 80 meters. It is known that at the southwest, the deepest reaches to 109 meters. The waterways among the submerged cays at the outskirts of the lagoon connect the lagoon with the sea outside. In bad weathers, the billowing waves surge against the edge of the Great Rim, which can be seen from far distance.

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The islands also have 4 named submerged cays scattered around. Those are Xianfa Ansha, Zhongnan Ansha, Yitong Ansha and Shenhu Ansha.

Huangyan Island (Democracy Reef) Located 340 nautical miles southerly of Yongxing Island, it is the only atoll among these islands to be exposed above sea level. Its shape resembles an isosceles triangle, the west side and south side are each 15 km long, and the surface area is approximately 150 sq. km. The reef basin has a crest width of 1 km - 2 km, and the northern part is 3.3 km at its widest part. In general, the water depth is 0.5 meters - 3.5 meters. Hundreds of large reef segments are distributed along the top surface and are 0.3 meters - 3.5 meters above sea level. The North Rock on the northwest end and the South Rock on the southeast end have a surface area of approximately 10 sq. meters. They are respectively 1.5 meters and 1.8 meters above sea level. The water depth within the lagoon is 10 meters - 20 meters. The east side of South Rock has a 400-meter wide waterway, and boats can come in from the open seas to anchor.

Xianfa Ansha (Constitution Submerged Shoal) - Located 150 km northwest of Huangyan Island, with a length of 20 km, with a width of 11 km, with an elliptical shape, and the water depth is 18 meters at the shallowest section.

Zhongnan Ansha (Central South Submerged Shoal) - Located 290 km southwest of Huangyan Island, the water depth is 272 meters at the shallowest section. Together with the Constitutional Submerged Shoal, they rise steeply in the Central Basin.

Yitong Ansha and Shenhu Ansha (Unified Submerged Shoal and Shenhu Submerged Shoal) - Located between the Dongsha Islands and Xisha Islands, they developed on the upper segment of the northern continental slope. At their shallowest sections, the water depth is respectively 10.2 meters and 10.8 meters.

Article III Nansha Islands

Nautical Chart 104 10018 10019 10020 10021 17030 18050

Overview

The Nansha Islands [*English name: Spratly Islands*] were originally called the Tuansha Islands, and they are located between 03°37' - 11°55' north latitude and 109°43' - 117°47' east longitude. The width from north to south is approximately 550 nautical miles, and the length from east to west is approximately 650 nautical miles. To the north it is close by the Xisha Islands, to the south it is close to Kalimantan Island, to the east it is adjacent to the Philippines, and to the west it looks out at the Indo-China Peninsula. Taiping Island is 550 nautical miles north of the Port of Sanya. It is 187 nautical miles east of the Port of Manila. It is 830 nautical miles southwest of Singapore. It is 186 nautical miles west of the Port of Ho Chi Minh. These islands are located at the hub of

the South China Sea navigational route. It is an oil and water supply point for ships, and it is a temporary mooring point for sailing ships. Among the numerous islands in China's South China Sea, the Nansha Islands are the most southern, most widely dispersed, most extensive, and contain the most islands.

The island shoals and submerged sands of Nansha Islands are mostly formed by coral, and most of them are atolls encircling lagoons. The outside of the island and atolls is generally very steep, and the water depth increases suddenly.

The Nansha Islands has approximately a total of 550 islands, sandbars, submerged reef, submerged banks, and submerged sands. Among these, 36 islands, sandbars, and reefs are exposed above the surface of the water during high tide (16 islands and sandbars and 20 reefs). Among these, there are 13 relatively large islands, including Taiping Island, Zhongye Island, Nanqi Island, Xiyue Island, Beizi Island, Hongma Island, Nanyao Island, Anbo Sandbar, Dunqian Sandbar, Mahuan Island, Jinghong Island, and Feixin Island. Among these 13 relatively large islands, Taiping Island is the largest with a surface area of 0.43 sq. km. The total surface area of the remaining islands is only 1.6 sq. km. Hongma Island is the highest at only 6.1 meters.

According to how the Nansha Islands are spread out, they can be broadly divided into eastern, western, and southern groups. The eastern group only has several scattered reef flats. The southern group are all submerged reefs and submerged sands. Only the western group of islands is densely filled with islands and reefs. The islands and reefs in the western group of islands are bounded by 09° north latitude, and they are divided into the northeast and southwest parts. The northeast part has the most islands and reefs. This includes the five reefs of Shuangzi, Zhongye, Daoming, Zhenghe, and Jiuzhang, some scattered islands and reefs. This area is the densest distribution of Nansha Island sea area islands and reefs.

In the middle and eastern areas of the Nansha Islands, submerged reef and dangerous shoals are found everywhere, and the seabed topography is very complex.

Low-lying islands are a main feature of the islands of the Nansha Islands. All of the islands are at an elevation of 3 meters - 4 meters. In general there is soil vegetation, sometimes there is reef towering over, and the island is surrounded by gradual slopes of white sand shores.

Meteorological and Hydrological Conditions

Wind - There are obvious monsoon characteristics, and there is a distinct monsoon period. May-September is the southwest monsoon period, and November to March of the following year is the northeast monsoon period. April and October are the monsoon transition periods. If there is no typhoon activity, the time when wind force is at a minimum is during April and May, usually around level 2 - level 3. In April, most of the wind direction is northeast, and in May, most are east winds. After June, the southwest wind direction is relatively stable, the average wind force increases, and level

4 - level 5 winds have the greatest chance of appearing (accounting for 50%), followed by level 2 - level 3 winds (accounting for 34%). In October, it gradually turns to northeast winds, wind force is relatively small, and level 2 - level 3 winds have the greatest chance of appearing (accounting for 48%), followed by level 4 - level 5 winds (accounting for 39%). From November to January of the following year, the northeast monsoon stabilizes at mainly level 4 - level 5, and at times it can reach level 6 - level 7. The greatest wind speed once reached 35 meters/second. This was mostly the joint impact and result of typhoons and strong cold air. In February-March, the cold air recedes. Even though level 4 - level 5 winds often appear, the chance for level 2 - level 3 winds to appear has also increased. According to fishermen responses, sudden rainstorms often appear in June-August, and the wind force is great. Whenever a dense black cloud appears in the southwest, it means that strong southwest winds will follow. When the winds arrive, they often start out with ...

[...]

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Navigational Aids

Yongshu Reef light beacon - Located at the north end of Yongshu Reef, 13 meters high, steel-frame structure.

Yongshu Reef lighthouse - Located northeast of the Yongshu Reef light beacon, it is a white-colored, octagon-shaped steel and concrete tower. A lantern is installed at the top.

Danwan Reef light beacon - Located at the east end of Danwan Reef, 10 meters high, it is a gray-colored triangle-shaped concrete tower.

[...]

Island and Reef Divisions

[...]

Beizi Island - Located approximately 64 nautical miles due north of Taiping Island, with a length of 825 meters, a width of 244 meters, a surface area of 0.151 sq. km, an altitude of 3.2 meters, a tree top height of about 13 meters, and the island can be seen from approximately seven nautical miles - ten nautical miles away. The island is overgrown with grass, there is an abundance of trees, there are over 100 coconut trees (others say 3-5 trees). The island is 6 meters - 10 meters high, and it has thick-leaf trees. The island is surrounded by an 8 meters - 46 meters wide belt of coral sand. The south part of the island has a small temple that fishermen built by piling up coral.

Nanzi Island - The island has a flat terrain, a length of approximately 670 meters, a width of approximately 283 meters, a surface area of 0.151 sq. km, and an altitude of 4.6 meters. The island is blanketed by green grass, and there are hundreds of coconut trees. The trees are approximately 9.5 meters in height. The island can usually be seen from a distance of 6 nautical miles - 11 nautical miles. Fishing boats can drop their anchors on all sides of the island, and the south side is especially good, where the water depth is 6 meters - 10 meters. The leeward side can provide shelter against level 5 - level 6 winds and provides a half-way point rest stop for Chinese fishermen down south. The northeast end of the island is installed with a diamond-shaped radar reflector, which functions for 15 nautical miles. Commercial ships going from Singapore to Hong Kong and Malaysia also split up here. This island is a breeding ground for seabirds, and there are many bird droppings. The island was heavily excavated for mining in the past.

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Nanzi Island and Beizi Island are located approximately 1.5 nautical miles from each other. The water surface is approximately 9.4 chains in width, and there is a waterway in the middle through which general vessels can navigate. Fishing boats often moor by the island at the two sides of the waterway to take shelter from the north wind.

Gongshi Reef - An exposed reef at the northeast end of the atoll, during the northeast monsoon period, the breaking waves on its northeast side are pronounced. When the weather is clear and there is no wind, this reef appears to be green and white in color, and it is easy to be sighted. There is a waterway between this reef and Beizi Island, but it is not easy to navigate.

Nailuo Reef - Located approximately 3.5 nautical miles southwest of Xizi Island, one part of it is exposed reef basin. During the southwest monsoon period, there are strong breaking waves on its southwest side. When the weather is clear, it appears as a green and white color, and it is easy to be sighted.

Lesi Submerged Shoal - Located approximately 13 nautical miles east-southeast of the Shuangzi reefs, it is an atoll resembling a pear shape. There is a lagoon in the center, the length from north to south is 8.1 nautical miles, the width of the northern part is approximately 6.1 nautical miles. Toward the south it tapers and has a width of approximately 2.7 nautical miles. On all sides there are many shoal patches with a water depth within 18.3 meters, and they are very steep.

Yongdeng Submerged Shoal - Located approximately two nautical miles north of the Lesi submerged shoal, its peripheral area is very steep and is formed of coral. There are many shoal patches with a water depth of less than 18.3 meters surrounding it on its periphery. In the center there is a lagoon with a relatively deep water depth.

Zhongye Reefs - Located approximately 18 nautical miles south of the Shuangzi Reefs, they are comprised of two coral shoals. The two shoals are separated by a 7-chain wide deep-water waterway. Zhongye Island is located at the eastern end of the western side reef basin and is 3.4 meters high. Tiezhi Reef is located at the northeast end of the eastern side reef basin. There are many dangerous reefs on the shoal.

Zhongye Island - Located at the eastern end of the Zhongye Reefs' western side reef basin, approximately 710 meters in length, approximately 570 meters in width, and with a surface area of 0.415 sq. km. The southwest end of the island has over 100 palm trees, it is approximately 5 meters - 7 meters high, and it can be sighted from seven nautical miles - eight nautical miles away. The rest is a growth of shrubs and weeds approximately 1.8 meters in length. Coral shoal extends on all sides of the island, and the shoal edge on the northeast side is approximately five chains away from shore.

The western side reef basin extends from Zhongye Island to the west approximately six nautical miles. Aside from some exposed reef on all sides of the

shoal, it is all shallow shoals with irregular water depths. The Tiexiandong Reef lies approximately 1.5 nautical miles northwest of Zhongye Island. The water depth between this reef and Zhongye Island is 4.5 meters - 14.6 meters. Approximately 1.3 nautical miles southwest of this coral reef lies Tiexianzhong Reef, and on top of it is a sandbar. The opening to the lagoon lies between these two reefs. Approximately two nautical miles southwest of Zhongye Island is an underwater reef.

The eastern side reef basin lies approximately 1.2 nautical miles east of Zhongye Island. It is comprised of a large group of reef and shoal patches. Its western end is located approximately seven chains east of reef extending from Zhongye Island. It expands approximately 4.5 nautical miles from the western end to the northeast direction. Tiezhi Reef lies at its eastern end.

Anchoring ground conditions: Ships without a large draft can drop their anchors at the sandbar on the northwest side of the western side reef basin's south side between the bearing 328° and 036°, where the water depth is greater than 7.3 meters. They can also anchor approximately one nautical mile southwest of Zhongye Island. The water depth there is 18.3 meters, and coral rock can be seen.

Qingbi Reef - Located at the northeast part of the Nansha Islands, it is approximately 12.5 nautical miles southwest of Zhongye Island. The atoll is continuous, there is no reef gateway, it is considered a closed and independent atoll. It has no particularly noticeable natural markers, it is submerged during high tide, and it is exposed during spring tide and low tide.

Xiyue Island - Located east of Zhongye Reefs, it is a solitary island in the middle of the reef, with a length of 720 meters, a width of 440 meters, and a surface area of approximately 0.21 sq. km. The island is around three meters high and is formed by sandy grounds. There are lush trees on the island, there are over 10 coconut trees with a height of 25 meters that can be seen from a distance of eight nautical miles - 10 nautical miles. The island is surrounded by a white sand cay. Outside the sand cay, there is a corral reef basin, on top of which there are boulders and a number of rocks. Exposed during low tide, the water is deeper on the outside of the reef basin. There is a submerged shoal, and the water depth on it is less than two meters. The reef extends two nautical miles toward the northern part of the island. According to fisherman responses, the island shore is located approximately 160 meters - 200 meters from the edge of the reef. All sides of the island have anchoring grounds that are available to general vessels to drop anchors. There is a small bay southeast of the island that can provide shelter from the northeast wind.

Long Shoal - Located approximately 27 nautical miles east of Zhongye Island, it is separated from the eastern edge of the Daoming Reefs by a deepwater waterway approximately 1.3 nautical miles in width, and it extends approximately 20 nautical miles to the northeast. It is a rock cay with a treacherous bottom, and Mengzi Reef is located at its northeast end.

Daoming Reefs - Located approximately 21 nautical miles southeast of the Zhongye Island, its southwest end is located approximately 20 nautical miles north of Taiping Island. The length from the southwest end of this reef to the northeast end is approximately 22 nautical miles. It is approximately seven nautical miles at its widest part. Because it is comprised of a lagoon that is surrounded by some submerged shoals, it is very steep. The water depth on the submerged shoal is very irregular. There is some reef on the south side of these reefs, including two on sandbars, which are respectively the Yangxin Sandbar and Shuanghuang Sandbar. Nanyao Island is located at the southernmost end of Daoming Reefs.

Nanyao Island - Located at the south end of Daoming Reefs and approximately 16 nautical miles north of Zhenghe Reefs. During low tide, the length of this island is approximately 470 meters, the width is 250 meters, the surface area is 0.087 sq. km, the height is approximately 2.5 meters, and it is the lowest-lying island of the Nansha Islands. This island is formed from sandstone. It is surrounded by reefs on all sides, and there are numerous trees growing on the island. Except for the north side, the reef extends approximately five chains toward the sea. In all other directions, the distance that it expands outward is relatively small.

Approximately two nautical miles east-northeast of the Nanyao Island, there is a coral reef that is partly exposed. Approximately two nautical miles west of Nanyao Island, there is a submerged shoal with a 5.4-meter water depth. Approximately five nautical miles northwest of the Nanyao Island, there are two reefs that trend toward the northeast and are separated by approximately one nautical mile. When Nandao Island is in sight at a bearing of 260° , approximately four chains from there can serve as anchoring grounds, and reef rock can be seen. At the southeast part of this island

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is a small bay, it is an anchoring ground to take shelter from the northeast wind, and fishing boats took shelter once here from level 7 - level 8 typhoons.

Yangxin Sandbank - Located approximately 6.5 nautical miles east-northeast of the Nanyao Island, it is located on a reef flat with a diameter of 9 chains. Approximately three nautical miles and four nautical miles northeast of this area is an exposed coral atoll.

Zhenghe Reefs - The main reef group of the Nansha Islands, it is located approximately 15 nautical miles northeast of Xiaoxian Reef. In its center is a big lagoon that is surrounded on all sides by shallow shoals with irregular water depths and some reef rock. The length from east to west is approximately 32 nautical miles, and the width from north to south is approximately 11 nautical miles at its maximum point. There are two islands and one sandbank on this reef group. The tree tops of these two islands can be sighted from the sea beyond a distance of 8 nautical miles - 11 nautical miles. Outside of the shallow shoals surrounding the lagoon, the water depth increases sharply. The water depth at the middle part of the lagoon is mostly 50 meters - 87 meters, but it is interspersed with over 10 coral reefs.

Zhenghe reef group waterways and waterway mid-stream conditions:

1. Approximately 7.5 nautical miles east of Taiping Island, the width is eight chains, and the dredging depth is 18 meters. The flood current flows 189° at a current speed of 1 knot. The ebb current flows 029° at a current speed of 0.8 knots.

2. 3.3 nautical miles east of Taiping Island, the width is 2.1 chains, the dredging depth is 10 meters. The flood current flows 160° at a current speed of 0.8 knots. The ebb current flows 017° with a current speed of 0.8 knots.

3. 1.5 nautical miles east of Taiping Island, the waterway width is 3.2 chains, and the dredging depth is 11.5 meters. The flood current flows 226° with a current speed of 0.5 knots. The ebb current flows 028° with a current speed of 0.8 knots.

4. East of the Taiping Island reef basin, the width is 2.1 chains, and the dredging depth is 18 meters.

5. North of the Hongma Island reef basin, the width is 3.2 chains, and the dredging depth is 18 meters. The flood current flows 314°, and the ebb current flows 175°, and the current speed of both is 1 knot.

6. West of Hongma Island reef basin, the width is 4.3 chains, and the dredging depth is 18 meters. The flood current flows 328° with a current speed of 0.8 knots. The ebb current flows 206° with a current speed of 1.3 knots.

7. Southwest of Taiping Island, the width is great than 5 chains, and the dredging depth is 18 meters. The flood current flows 245° with a current speed of 0.5 knots. The ebb current flows 130° with a current speed of 0.8 knots.

Taiping Island - Located at the northwest end of Zhenghe reef group, it is the largest island in the Nansha Islands. It is also the main island of the Zhenghe reef group. The island is named after the “Taiping Ship” of the Chinese Nationalist Party army that assumed control of the island in 1946. The length of the island from east to west is approximately 1.3 km, the width from north to south is approximately 0.41 km, the surface area is approximately 0.43 sq. km, and the altitude is 4.1 meters high.

This island is surrounded by coral reef, the eastern end extends 2.5 chains, and the western end extends 3.4 chains. The north and south sides of the island are fairly narrow. The narrowest section of the western part of the south side extends approximately 150 meters. A waterway approximately 200 meters in length and approximately five meters wide has been blasted through the southern reef basin. Large ships can only drop their anchors 500 meters away from the south shore (the water depth is around 30 meters, and it is a gravel bottom). Approximately two chains from the east side and northeast side of the island’s eastern end and approximately 1.1 nautical miles west by south, there are shipwrecks exposed above the water.

Within approximately 1.6 nautical miles south of the Taiping Island reef’s western end, the water depth is less than 10 meters. Approximately seven chains southwest of this island, there is a shoal patch with a water depth of 3.6 meters.

Approximately two nautical miles east of Taiping Island, there is a reef rock that is submerged during high tide. There is a submerged shoal with a water depth of 6.4 meters between this reef rock and the island. According to 1954 reports, the nearby water depth becomes shallower.

Dunqian Sandbank - Located 6.5 nautical miles east of Taiping Island, during low tide, the length is approximately 450 meters, the width is approximately 130 meters, and the surface area is 0.1 sq. km. It is 4.5 meters high, and there is no freshwater on the island. There is a shallow shoal between Taiping Island and the sandbank. There is a round-shaped coral reef on the shoal, its diameter is approximately seven chains, and it is submerged during high tide. The waterway between the sandbank and this reef is a good anchoring ground, and the water depth is 12.8 meters - 18 meters.

Bolan Reef - Located approximately six nautical miles east-northeast of the Dunqian Sandbank, it is one end of the coral reef. It is an underwater atoll and is very steep. On this reef there are many submerged shoals with a water depth of 3.5 meters - 8.5 meters.

Anda Reef - Located at the eastern end of the Zhenghe reef group, it is approximately 7 nautical miles southeast of the Bolan Reef. It is an underwater atoll. This atoll is approximately 4.5 nautical miles in length. Its northeast end is both narrow

and steep. There are rocks and reefs that extend one nautical mile northeast. The water depth above it gradually increases to over 91.4 meters.

Hongma Island - Located at the south side of Zhenghe reef group and approximately 12 nautical miles south of Taiping Island, the island is 6.1 meters high and is the highest island of the Nansha Islands. It is approximately 685 meters in length, has a width of approximately 144 meters, and has a surface area of approximately 0.084 sq. km. Small trees grow out in all directions on the island. Coral reef extends out on all sides of this island. The coral reef extending toward the west is approximately 1.2 nautical miles from shore at its farthest point. In all other directions, it does not exceed 4 chains. Approximately 1 nautical mile northeast of this island, there is a shoal patch with a water depth of 4.4 meters. Approximately 2 nautical miles west-southwest of this island, there is a submerged shoal with a water depth of 10 meters.

Nanxun Reef - Located at the southwest end of the Zhenghe reef group, it is comprised of the north and south coral reefs. It appears to be trending from northwest-to-southeast. There is a reef in the southeast direction that is located approximately six nautical miles west of Hongma Island. During high tide, these reef rocks are all submerged by seawater.

Jiuzhang Reefs - Located approximately 25 nautical miles south of the Zhenghe reef group, it is an atoll that appears to be trending from northeast-to-southwest. In the center there is a shoal lagoon with a length of approximately 27 nautical miles and a width of approximately 7 nautical miles. It is surrounded by several waterways that allow entry into the lagoon. However, when there is inclement weather, this area is not suitable to be used as an anchoring ground.

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Jiuzhang reef group includes in total 20 individual reef flats. Among these, there are 2 islands (Jinghong Island, Ranqing Sandbank), and 18 reefs. In clockwise order starting from the western end of the reefs, they are Chigua Reef, Guihan Reef, Hua Reef, Jiyang Reef, Jinghong Reef, Nanmen Reef, Ximen Reef, Dongmen Reef, Anle Reef, Changxian Reef, Zhuquan Reef, Niu'e Reef, Ranqingdong Reef, Ranqing Sandbank, Longxia Reef, Bianshen Reef, Jiuzhang Unnamed Reef (to be named), Zhangxi Reef, Quyuan Reef, and Qiong Reef.

Chigua Reef - Located at the edge of the southwest end of the Jiuzhang reef group's large atoll, the reef flat is low-lying, it has no particularly obvious natural markers. During high tide, it is submerged. During low tide, it is exposed and has a shape resembling a horseshoe.

Dongmen Reef - A part of the Jiuzhang Reef group's compound atoll, it is located at the middle of the northern edge of the large atoll. It is considered a semi-enclosed atoll. The reef flat is relatively low and flat, it is submerged during high tide. During low tide, most of it is exposed.

Jinghong Island - Located at the northwest end of Jiuzhang reef group, it is fairly long from the northeast to southwest with a length of approximately 324 meters. It has a width of approximately 135 meters, the surface area is 0.033 sq. km, and it has a height of 3.6 meters. There are clusters of tropical bushes on the island. Near the reef edge of the island's southwest end, there is a sand beach that is exposed during low tide.

Yongshu Reef - Located at the southeast part of the Nansha Islands and the west end of the Nanhua waterway's south side, the reef is trending from northeast-to-southwest. Most of the atoll is submerged underwater. During high tide, only the western end has 2 sq. meters of natural reef rock exposed. During low tide, there are 7 pieces of reef flat of varying sizes that are exposed.

Fulusi Reef - Located approximately 17 nautical miles west-northwest of the northern end of Daxian Reef, it is an underwater reef rock that is trending from northeast to southwest. It is approximately 1.5 nautical miles in length and approximately 2.3 chains in width. There is a group of submerged reefs to the southwest of this reef's southwest end. In all other waters the water depth is 1.8 meters - 5.5 meters. The edge of this reef is very precipitous and very dangerous.

Daxian Reef - Located approximately 45 nautical miles east-northeast of the Yongshu Reef, most of this reef is exposed on the surface of the sea. In the center there is a lagoon, but there is no waterway or entry point. All the reef rocks are very steep.

Xiaoxian Reef - Located approximately 10 nautical miles east of Daxian Reef's southern end, it is a coral reef that is partially exposed on the surface of the sea when the tide recedes. All sides of the reef are very steep.

Yinqing Reefs - Located in the southeast sea area of the Nansha Islands, it is comprised of four reef rocks that include the West Reef, Middle Reef, East Reef, and Huayang Reef. It extends approximately 38 nautical miles east from West Reef. The reef edges of each reef are all very steep. The reef basins of several reef rocks do not connect with each other. When navigating near this reef, one must be especially careful. When the sun is directly in front of the reef, one may not approach the reef at that time because it is difficult to distinguish between shallow water and breaking waves.

Huayang Reef - Approximately 40 nautical miles slightly westerly of due north from the Yongshu Reef is the easternmost part of the Yinqing Reefs. It is an independent table-like reef with no lagoon in the center of the reef flat. It appears to be trending toward the east and west. During high tide it is submerged. During spring tide and low tide, it is exposed, and its middle part is low and flat.

East Reef - Located approximately 16 nautical miles east of the West Reef, there is a lagoon in the center with a water depth of 7.3 meters - 14.6 meters. There are huge breaking waves on the reef from time to time. On its western end, there are one to two rocks exposed above the sea surface, and the exposed part is 0.9 meters high. There is no way to navigate into the lagoon.

Middle Reef - It is a submerged coral reef, there is a lagoon in the center, and the water depth is 7.3 meters - 14.6 meters. There is a sand beach on the southwest end of Middle Reef, which is reportedly submerged by seawater during the spring tide. Unlike the West and East Reefs, Middle Reef often does not have any obvious breaking waves.

West Reef - It is the westernmost reef of the Yinqing Reefs. Its sides are surrounded by some exposed and scattered coral heads. On its eastern side there is a 0.6 meter high sandbank. At the middle part of the reef, the water depth is 11 meters - 18.3 meters, and there are several coral heads. One can only approach its middle part from the southeast direction. However, due to the presence of several isolated coral reefs, navigating the area is dangerous.

Nanwei Island - The island is located approximately 22.5 nautical miles southwest of the West Reef of the Yinqing Reef group. The island is flat and is blanketed by weeds. During low tide, the island is approximately 390 meters in length, the width is approximately 310 meters, the surface area is 0.171 sq. km., and the height is approximately 2 meters. There are water wells on the island, and the water quality is the best in Nansha. The coast is made up of white-colored coral sand and crushed coral. There is a cairn (rock pile) erected near the center of the island's northern part, and there is a flagpole erected near the center of the island. All sides of the island are surrounded by exposed rock ledges and coral heads. Within the scope of 0.5 nautical miles from the north side of the island, the water depth is less than 5.4 meters. There are many cliffs on the east side of the island, while there are more gradual slopes on the west side.

The shoals to the northeast and southwest of this island can all be used for anchoring. Even during the northeast monsoon, the northeast anchoring ground is still fairly good because the seabed slopes here are very gradual. However, it is not advised for ships to enter waters with water depths of less than 18 meters because the seabed in those places has wide variations up and down.

The tide near this island is a diurnal tide. The greatest tidal range in the summer season is 1.6 meters. The flood current is a southwest current, and the ebb current is a northeast current.

Riji Reef - Located approximately 15 nautical miles west of Nanwei Island, it is made up of a lagoon surrounded by an atoll with a white sand bottom. During low tide, the reef rock is partially exposed above the sea surface. There is almost no way for ships to cross the reef rock to enter the lagoon. After the tide recedes, the northeast, northwest, and southeast directions of the exposed long coral atoll respectively have shipwrecks.

Nanwei Bank - Located approximately 57 nautical miles south by west of Nanwei Island, it is an elliptical-shaped underwater shoal made up of sand and coral. Its length from north to south is approximately 30 nautical miles, its width from east to west is approximately 14.1 nautical miles. The surrounding area is relatively shallow at approximately 7.3 meters. The main ones distributed here are the Pengbo Bao, Ao'nan Submerged Shoal, Jindun Submerged Shoal, and Changjun Submerged Shoal. The center is very deep, and the water depth is between 22 meters - 82 meters. Except for when the weather is very calm, this shoal usually has breaking waves.

Pengbo Bao is located at the northeast end of Nanwei Bank. On it the minimum water depth is 3 meters, and it is the shallowest part of Nanwei Bank.

Jindun Submerged Shoal is located at the southern part of Nanwei Bank. On it, the minimum water depth is 10.9 meters.

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Changjun Submerged Shoal is located at the western part of Nanwei Bank. On it, the minimum water depth is 7.3 meters.

Guangya Bank - Located approximately 70 nautical miles west-northwest of Nanwei Bank, it has a length of approximately 14 nautical miles, a width of approximately 7 nautical miles, and it is all made up of coral reef. On it, the water depth is very irregular. The water depth on its western side is only 7.3 meters. On it, there are also many small reef basins with a water depth of 14.6 meters - 18.3 meters.

Renjun Bank - Located approximately two nautical miles southeast of Guangya Bank, it is an underwater reef flat that appears to be trending toward the north and south, has a length of approximately 6 nautical miles, and has a width of approximately 4 nautical miles. The coral bottom of the entire bank is clearly visible. The water depth on its eastern side is only 5.5 meters.

Lizhun Bank - Located approximately 14 nautical miles south by west of Renjun Bank, it is an underwater reef flat formed by coral. It has a length of approximately 5 nautical miles, it has a length of approximately 2 nautical miles, and on it, the water depth is 10.9 meters - 14.6 meters. Almost all of the coral bank is visible.

Xiwei Bank - Located approximately 28 nautical miles west by north of Lizhun Bank, it is an underwater shoal formed by sand and coral that is approximately 16.2 nautical miles in length and approximately 9 nautical miles in width. The minimum water depth near its northwest side is 18.2 meters.

Wan'an Bank - It is a crescent-shaped reef basin with a length of approximately 34 nautical miles and an average width of approximately 6 nautical miles. The minimum water depth of this bank is 16.4 meters. It is located 60 nautical miles southeast of the navigational route that goes from Hong Kong to Singapore. Its southern end is located 173 nautical miles north-northeast of the North Natuna Islands.

Liyue Bank - It is the largest underwater shoal among the Nansha Islands. Located at the northeast end of the Nansha Islands, it is an irregular shoal, and it only has partially exposed reefs and submerged reefs at the southwest end and northeast end. This bank's maximum length from northeast to southwest is approximately 97 nautical miles, and its maximum width is approximately 66 nautical miles. The north end is Xiongnan Reef with a water depth of 18.2 meters. The southeast end is Yangming Reef, which is an exposed reef. The southwest end is Houteng Reef, which is a group of submerged reefs. The west side is Dayuan Reef. It is a shoal that is trending from northeast to southwest and is shallower than 30 meters.

Nanfang Shoal - Located to the south of Liyue Bank, the reef edges of the two banks are only about 4 nautical miles apart. It is an underwater reef basin that is

trending northeast-to-southwest, has a length of approximately 40 nautical miles, and is approximately 15 nautical miles at its widest point. On it are many shoals shallower than 20 meters and submerged reefs. On the north end there is a shoal with a water depth of 7.5 meters. The east end is Bin Reef, which is an underwater submerged reef basin. Southwest of this reef is a shoal that is shallower than 5.4 meters.

There are many submerged shoals and shallow shoals on the east side of the Liyue Bank and Nanfang Shoal, including Zhongxiao Bank, Yongshi Bank, Shenxian Submerged Shoal, Haima Bank, Xianhou Bank, and Zong Bank.

Feixin Island - Located approximately 6 nautical miles north by east of Mahuan Island, it is a small sandbank that is slightly long and eggplant-shaped. It appears to be trending northeast-to-southwest, has a length of approximately 350 meters, has a width of approximately 221 meters, has a surface area of approximately 0.047 sq. km, and the island is 2.2 meters high. Based on what fishermen have said, this island is not suitable for people to live on. The island is surrounded on all sides by reef rock. No trees grow on the island, and the freshwater is not suitable for drinking. There is also a small island to the northeast of this island. 2 nautical miles northeast and southeast of the coral reef, the water depth is 45 meters, and ships can be anchored here.

Mahuan Island - Located approximately 6.5 nautical miles north of the northeast end of Wufang Reef, it is on the middle part of an exposed coral reef. It is on the same underwater shoal as Feixin Island. This island is very long from east to west. During low tide, its length is approximately 430 meters, its width is 290 meters, and its surface area is approximately 0.074 sq. km. The island is 2.4 meters high. Besides coconut trees growing on the island, there are no other trees. There are weeds growing there over a feet long, and vegetables can be planted. There is a water well in the center part of the island, the quality of the water is fairly good, and it is drinkable. In the past, fishermen from China's Hainan Island had once lived on the island and cultivated it.

Wufang Reef - Located approximately 15 nautical miles south by west of the Mahuan Island, it is a slightly circular-shaped atoll. Most of it is underwater, and some of it is exposed. The water depth within the lagoon is 13 meters - 47.6 meters. The sandy and coral bottoms are anchoring grounds that provide a good anchor grip. However, when there is bad weather, it cannot provide shelter from the wind. There are mainly four locations for entering and exiting the lagoon, which are respectively called the Northwest Entrance, the North Entrance, the Northeast Entrance, and the East Entrance. There are two waterways south of the lagoon with water depths exceeding 18.3 meters, but they are very narrow and they are not suitable for navigation.

Lusha Reef and Sanjiao Reef are respectively located approximately 27 nautical miles and 33 nautical miles southwest of the Wufang Reef. They are both exposed coral reefs.

Meiji Reef - Located at the northeast part of the Nansha Islands, it is due east of the Jiuzhang Reefs, and it is approximately 62 nautical miles from Dongmen Reef. The

reef resembles an elliptical shape, and it is an enclosed, independent atoll. The reef flat is exposed during low tide and is submerged during high tide. The northern part is relatively wide, and the southern part is relatively narrow. There are dozens of reef rocks on the reef flat that range in height from 0.6 meters - 1.3 meters. During half-tide, they can be exposed. The southwest part has three openings to enter the lagoon. The water depth of the lagoon is 10 meters - 28 meters, and there are over 50 points of exposed reef flat scattered throughout. To develop the distant-sea fishing industry, in 1994, China's fishing authorities constructed stilt houses and navigational aid facilities on this reef, set up administrative offices, and created the conditions for distant-sea operations, fishing vessel safety and production, supply, wind protection, and mooring.

Anchoring grounds and the safe anchoring zone within the Meiji Reef are located at the southwest part of the lagoon. In the water areas within the joint line connecting the following five points, the water depth is greater than 10 meters, and the area can provide shelter against level 10 strong winds:

- (1) 9°53'.1N, 115°30'.6E;
- (2) 9°53'.1N, 115°31'.6E;
- (3) 9°54'.2N, 115°31'.5E;
- (4) 9°55'.0N, 115°30'.5E;
- (5) 9°53'.6N, 115°30'.2E.

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Ren'ai Reef - Located approximately 25 nautical miles north by west of Xinyi Reef, it is an exposed coral atoll, trending toward south-north, with a distance of approximately 10 nautical miles, the north side is wide while the south side is narrow. The northern half of the atoll is all connected together, while the southern half is divided into several segments. There are several solitary exposed reefs on the atoll. The water of the lagoon inside the atoll is relatively deep, and its south side has several entry-exit points. Slightly larger vessels can enter and exit. On its northeast side, there is an entry-exit point with a water depth of 27 meters.

Xianbin Reef - Located approximately 36 nautical miles to the east of Ren'ai Reef, it is an underwater atoll. The eastern part is comprised of many pieces of submerged reef. The western half is comprised of a lagoon, submerged shoal, and several reef rocks. During low tide, several pieces of reef rocks on top of the atoll are exposed. On the reef flat, anchoring grounds with a water depth of 18.2 meters and 29 meters can be found. When there is inclement weather, they are not suitable for use.

[...] Approximately 20 nautical miles southwest of Xianbin Reef is the Niuchelun Reef, which is an exposed coral reef.[...]

[...]

Haikou Reef - Located approximately 18 nautical miles northeast of the Banyue Reef, it is a coral atoll. During low tide, the atoll is exposed. Inside the lagoon, the water is relatively deep, and there is no entry-exit opening. During high tide, several solitary reef rocks can be seen on the western end of the atoll. The surrounding areas of the atoll can all be used for anchoring.

Jianzhang Reef - Located approximately 15 nautical miles southeast of Haikou Reef, it is a coral reef. On top of it are a few exposed reef. On the north side reef edge there are two sunken ships that are exposed above the surface of the water, which are very obvious.

Banyue Reef - Located approximately 18 nautical miles southwest of the Haikou Reef, it is a half-moon shaped atoll. When the tide recedes, the atoll may be exposed. The reef's eastern side has a 0.3-meter high reef rock. Inside the atoll, the lagoon water depth is approximately 27.4 meters. There are submerged coral reef underwater. With some, the bottom can be seen, and with some, the bottom cannot be seen. The inner side of the reef edge has a sandy bottom and is a relatively good anchoring ground where 500-ton class vessels can anchor. The waterway for entering the lagoon is located southeast of the atoll with a width of 1 chain and a water depth of 12.8 meters. However, during the northeast monsoon period, it is not suitable for use. During low tide, a stranded ship shows above the water.

[...]

Xinyi Reef - Located approximately 34 nautical miles northwest of Haikou Reef, it is an exposed coral atoll. It is elliptical shaped, the length from east to west is approximately 5 nautical miles, and the length from north to south is approximately 2.3 nautical miles. There are several 1-meter high reef rocks on the atoll. There is an enclosed lagoon in the middle of the atoll. There is no entry-exit opening.

Xian'e Reef - Located approximately 30 nautical miles west by north of Xinyi Reef, it is an exposed coral reef. The distance north to south is approximately 5 nautical miles, and the width is approximately 3 nautical miles. At the north end of the atoll, there is an approximately 1.3-meter high islet. In the center of the atoll there is a lagoon, and its northwest side has an opening that is linked with the lagoon.

[...]

Bisheng Reef - Located approximately 15 nautical miles south by east of Shipan Zi, it is an exposed atoll with a length of approximately 6 nautical miles and a width of approximately 2 nautical miles. There are two sandbanks on the atoll which are all coral sand beaches, there is no vegetation, and the seabirds make a habitat there. The sandbanks located to the northeast of the atoll are approximately 1.8 meters. Those in the southwest part are 0.9 meters high. 2 nautical miles east are three reef rocks 1.5-meter high. Within the atoll there is a lagoon with very deep water. Except for one entrance on the south side available for boats to enter and exit, there are no other entry points. There is a 460-meter wide anchoring ground on the outside of the atoll's northeast end, where the water depth is 47 meters.

Liumen Reef - Located approximately 20 nautical miles southeast of the Bisheng Reef, it is an atoll that is trending northwest-to-southeast. There is a lagoon in the middle. There are 6 openings on the southwest sides of the atoll, and there is no specific information available on them yet. The northern side of the atoll is exposed approximately 0.9 meters. The northwest part of the atoll has a 650-meter wide and 9.1 meters deep lagoon that can be navigated and entered. On the west side and southeast side of the atoll, there are anchoring grounds with a water depth of approximately 60 meters.

Nanhua Reef - Located approximately 6 nautical miles east of the southeastern end of Liumen Reef, it is a coral atoll that is trending toward north and south. There is a lagoon inside with a water depth of 9 meters.

Siling Reef - Located approximately 38 nautical miles northeast of the eastern end of Yuya Submerged Shoal (08°22'N, 115°14'E), it is a coral atoll that is trending toward east and west. It has a length of approximately 6.4 nautical miles, and there are two enclosed lagoons in the center. There are no entry points, and ships cannot enter. During low tide, there can be pedestrian traffic on the reef. The water outside the edge of the reef is suddenly deep, and it is difficult for ships to moor here.

There are many submerged shoals and submerged reefs near the Siling Reef. Approximately 7 nautical miles east of it there are two reefs. Xiaowei Submerged Shoal is located approximately 9 nautical miles north of Siling Reef, and it is a submerged reef. Nanyue Submerged Shoal is located approximately 18 nautical miles northeast of the Siling Reef, and it is a submerged reef.

Yuya Submerged Shoal - Located approximately 48 nautical miles east by north of Nanhai Reef, it is a continuous coral atoll. The length from east to west is approximately 20 nautical miles. The widest part from north to south is approximately 10 nautical miles. There are many coral reef rocks on the atoll, a small portion of them are exposed, and the majority are 5.5 meters - 18.3 meters below water. There is a lagoon in the center part with a water depth of approximately 45 meters. When the weather is good, large fishing vessels can enter the middle part of the lagoon from the north side and moor; there is no place to take shelter from wind. On the east side of the atoll is Xiantou Reef, and there are breaking waves. On the north side is Erjiao Reef. On the west side is Langkou Reef. This reef is a coral reef that is trending toward east and west and is long and narrow. There are many solitary reef rocks on top of it. 370 nautical miles from the west side of Langkou Reef, there is an anchoring ground with a 45-meter water depth.

Nanhai Reef - Located approximately 62 nautical miles south-southeast of Bisheng Reef, and in the middle section of its reef basin, there is a small sandbank that is exposed approximately 1.5 meters. This reef is an exposed atoll that is trending northwest-to-southeast. It is approximately 5.5 nautical miles in length and approximately 1.8 nautical miles in width. In the center are two enclosed lagoons, which have no entry points. This atoll is relatively precipitous, and there are reef rocks on top of it. There are miscellaneous sand beaches, and they are not suitable to use for anchoring.

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Danwan Reef - Located approximately 35 nautical miles south of Nanhai Reef, it is an atoll with a length of approximately 7,500 meters, a width of 2,300 meters, and a height of approximately 3 meters. The water in the lagoon is very deep. There is a noticeable solitary rock to the northeast of the atoll, which is usually exposed. On its southwest end, there is a ship that is exposed above the surface of the water.

Approximately 14 nautical miles to the north and east of Danwan Reef are Guangxing Reef, Guangxing Zi, and Andu Bank. Located to its northeast, Andu Bank is an underwater reef flat that is trending northeast-to-southwest and has a length of approximately 38 nautical miles and at its widest is 18 nautical miles. The water depth above it is 4 meters - 16.4 meters. The shallowest section is located at the northeast end of the reef flat. The southern edge of the reef flat is very steep, and the north side has an underwater submerged reef: Polang Reef. Guangxing Zi Reef is located at the southwest end of the reef flat, and it is an exposed coral bank. Guangxing Reef is approximately 8 nautical miles west of Guangxing Zi Reef, and between them, there is an underwater submerged shoal.

Anbo Sandbank - Located approximately 70 nautical miles east of Nanwei Bank, it is comprised of the east and west parts. The east part is made up of sand and crushed coral. The west part is covered by guano, and sand and gravel is scattered. The sandbank which is exposed above the surface of the water is approximately 213 meters in length, approximately 146 meters in width, and has an altitude of approximately 2.5 meters. Surrounding it are coral reefs that are partially exposed above the surface of the water and approximately 2 chains away from shore. Thus, whenever there are swells, it stirs up huge breaking waves on top of it. There is an approximately 2.7-meters high obelisk on the southwest part of this sandbank.

There is a submerged reef that extends approximately 0.5 nautical miles southwest from Anbo Sandbank. There is an approximately 2 chain-wide shoal that also extends from this sandbank approximately 1 nautical mile northeast. On this shoal, at a distance of 3.5 chains from the sandbank, there is a water depth of 7.3 meters. The water depth on the outer edge of the shoal is 16.5 meters, and the reef edge is very precipitous. However, it is possible to find an anchoring ground with very good shelter.

According to reports, a certain ship during the southwest monsoon period once anchored northeast of the Anbo Sandbank where the water depth on the shoal was 9.1 meters and was able to use the sandbank to take shelter from the wind. The middle section of Anbo Sandbank (a flagpole has been erected) with a bearing of 224°, a distance of 1 nautical mile, a water depth of 14.6 meters; a bearing of 300°, a distance of 2.5 chains, a water depth of 11.8 meters; and a bearing of 300° and a distance of 2.5 chains can all serve as anchoring grounds. The seabed slope near the Anbo Sandbank is at a great incline, and one must take caution when anchoring here.

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还有一些渔船锚地。

西沙群岛是由海底岩石和珊瑚礁构成的一群低平岛礁和沙洲，其中永兴岛、东岛、中建岛较大，面积各约 1.5 平方千米左右，其余较小。除石岛高 13 米外，其余高度均不超过 10 米。各岛屿周围均为珊瑚礁盘所环绕，其外缘为深水。

能见度良好时，船舶在接近群岛时，可见一些岛屿上的树林，水上的礁石及礁缘的浪花，白天在岛礁间航行较易。

西沙群岛位于中国通往新加坡、雅加达方向的航线附近，内有临时避风锚地多处。

中沙群岛位于东沙、西沙、南沙三群岛之间，分布于南北长 600 千米、东西最宽约 440 千米海域。包括中沙大环礁、黄岩岛（民主礁）和其他零星暗沙三部分，共有 33 个已命名的岛、岩、礁、暗沙和暗滩（1 个岛屿、2 个岩石、2 个暗礁、26 个暗沙和 2 个暗滩）。

气象水文

风 季风明显，风向稳定。东北季风期（10 月至次年 4 月），平均风力 4 级~5 级，最大 10 级。西南季风期（5 月—9 月），平均风力 3 级~4 级，夜间风力比白天大，相差可达 2 级。

热带风暴、强热带风暴和台风 群岛受其影响多发生在每年的 7 月—9 月，每年约 3 次~4 次。

气温 该群岛地处亚热带，气温较高。夏季极端最高气温 34.9℃；冬季极端最低气温 15.3℃，年平均气温为 26.3℃。

湿度 年平均相对湿度为 81%。

降水 冬季降水较少，3 月以后逐渐增多。夏季雨量充沛。最大年降水量 1 345.2 毫米；一日间最大降水量 612.2 毫米；降水日数 10 月最多，平均为 18 天；3 月—4 月最少，平均 4 天。

潮汐 该群岛属不正规日潮混合潮，永兴岛平均海面 2.3 米，附近潮差 1.5 米；东岛附近潮差 1.7 米。

海流 该海区的海流流向随季风变化，季风转换期流向不定。5 月—10 月多东北流，流速约 1 节；11 月至次年 4 月多西南流；12 月至次年 1 月流较急，流速 1 节~1.5 节。各岛、礁附近的海流不同。永兴岛、石岛附近有西

至西北流，流速约 0.2 节，间有很缓慢的东流；甘泉岛、金银岛附近多西或西北流，流速 2 节，有时有东北流，流速 0.8 节。

永兴岛与南岛之间的航门有湍流。

助航标志

北礁灯塔 位于西沙群岛的最北端，白色圆柱形混凝土塔，灯高 22.9 米，为北来船舶识别西沙群岛的重要目标。

永兴岛灯桩 位于西沙群岛永兴岛西端，白色圆柱形桩身，灯高 20.2 米。

浪花礁灯塔 位于西沙群岛南部浪花礁的西端，白色圆柱形混凝土塔，灯高 24.2 米，是南来船舶寻找西沙群岛的重要目标。

通航情况

西沙群岛可分为北礁、宣德群岛、东岛及其西南 30 海里以内的礁群、浪花礁、玉琢礁、永乐群岛、华光礁、盘石屿和中建岛等九个礁群，每个礁群都座落在一个水深小于 100 米的大礁盘上，各礁群之间水域较宽广，水深较深。在能见度良好时，可见岛屿上的树木、水上礁石及礁缘浪花，白天在岛礁间航行较易，但由于西沙群岛的夜航设备尚不完善，夜间在岛礁间航行较困难。

岛礁分述

北礁 位于西沙群岛西北端，是一东西长约 6.5 海里，南北宽约 2.4 海里的环礁，大部干出，西侧大部分在水下。环礁内为一礁湖，西部较深，水深变化极不规则，多水深浅于 2 米的点滩，最大水深 27 米；东部较浅，水深浅于 2 米。环礁的西南侧有一开口，舢板可出入礁湖，渔船也可以在礁湖内避 8 级以下季风。

北礁是驶往西沙群岛航路上的一个危险的碍航物。

七连屿 是宣德群岛北部的一列岛洲，包括西沙洲、赵述岛、北岛、中岛、南岛、北沙洲、中沙洲（北、中沙洲也称东沙洲）、南沙洲等八个岛洲，隔宽约 4 海里的深水航门与永兴岛和石岛相对。

七连屿的岛洲分布在两个礁盘上，连接西沙洲和赵述岛的礁盘长约 6 海里，宽约 2 海里；另一礁盘狭长，长约 5 海里，宽约 0.4 海里~1 海里，两礁盘之间为赵述门，宽约 0.5 海里，

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30 米的水域，底质为珊瑚，避西至西北风。但靠近礁滩有许多伸出的珊瑚礁岩，应当小心。

甘泉岛 位于珊瑚岛的西南方约 2 海里处，南隔甘泉门与羚羊礁为邻，甘泉门宽约 5 链。岛呈圆形，原名圆岛，高 8.3 米，面积约 0.3 平方千米。岛上灌木丛生。

岛周围环绕着珊瑚礁，礁缘距岛岸约 200 米以内。北侧礁缘外方有水深小于 5 米的浅滩，延伸约 4 链。岛西南岸的礁缘外约 100 米处，附近水深 10 米，沙石底，可锚泊。该岛与羚羊礁之间水道，可以通航。

浪花礁 位于西沙群岛的东南端，滨涓滩南方 16 海里处，北距永兴岛 48 海里，是西沙群岛的第二大礁。该礁为一东西长约 10 海里、南北宽约 2.7 海里的干出环礁。礁缘深邃，礁上起浪花。

礁内为一礁湖。环礁西南端有一开口，舢板可从此开口进入礁湖。在该开口附近距岸约 2 链~3 链，水深 40 米~60 米，珊瑚底处，可临时锚泊。

浪花礁附近的特点及航行注意事项：

1. 由于浪花礁为干出的环礁，高潮时，其上仅露出个别石块，因此在高潮且又风平浪静时必须加以注意。

2. 浪花礁附近的海水颜色与深水不同，但往往由于天气的变化，观看起来有所不同。

晴天时，深海处水呈蓝、黑色，礁环上呈黄绿色，如同江水。而礁湖呈青绿色。

但在阴天、特别是下雨时，就很难识别海水颜色的变化，即使在很近的距离也不易识别。

3. 有涌浪时，礁环上显现白色浪花。但也要考虑到北风时，只北面有而南面没有的情况，反之亦然。

4. 特别要避免在太阳光高度不很高时对日航行。因为这时太阳光照在海面上的反射光往往刺眼，使前面的目标不易看清。

玉琢礁 位于浪花礁西北约 32 海里处，为一干出的环礁，有风浪时，礁上激起浪花。该礁四周，距礁缘约 50 米，水深 18 米~36 米，可做渔船锚地。曾发现日本渔轮“盛海丸”在礁的西端很近处抛锚。礁的东南端也可做临时锚地。

玉琢礁与浪花礁之间，在大潮高潮时有怒潮，易被误认为礁上的浪花。

华光礁 位于玉琢礁西南约 10 海里处，是

西沙群岛中最大的礁湖。该礁是一东西长约 15 海里，南北宽约 4 海里的干出环礁。环礁外侧深邃。该礁的北侧有一小船入口，水深 1.1 米；南侧有两个入口，西侧的入口宽约 4 链，水深 19.4 米，航道两侧暗礁颇多，100 吨左右的小船可驶入。能见度不良时，寻找航路困难。该礁外侧四周皆有渔船锚地，在下风侧，距礁缘 50 米，水深 12.8 米~29 米，珊瑚底处均可抛锚。

该礁仅西南角有一小沉船（几十吨），高潮时露出。

盘石屿 位于华光礁南方 9 海里处，是一东西长约 5.5 海里的珊瑚环礁西侧礁滩上的低平沙洲，高约 2.5 米。礁外侧深邃。距北侧与南侧礁缘各 70 米~80 米，水深 27 米~45 米，沙石底处，可做渔船锚地。

中建岛 位于西沙群岛西南端，高 2.7 米，面积约 1.5 平方千米，为西沙群岛的第三大岛，岛上地势平坦，南部略高。在大潮或台风过境时，大部分被淹。每年 4 月~7 月，岛上海鸟极多。

该岛四周是宽 0.5 海里~1 海里的珊瑚礁滩，水深不及 2 米，礁缘外侧深邃。距礁缘 50 米，水深 31 米~37 米，沙石底处，可作渔船锚地；东北风时，在岛西南侧礁缘附近抛锚时，水流甚急，应注意。

中沙群岛 位于东沙、西沙、南沙三群岛之间，分布于南北长 600 千米、东西最宽约 440 千米海域。包括中沙大环礁、黄岩岛（民主礁）和其他零星暗沙三部分，共有 33 个已命名的岛、岩、礁、暗沙和暗滩（1 个岛屿、2 个岩石、2 个暗礁、26 个暗沙和 2 个暗滩）。

中沙大环礁为群岛主体，位于西沙群岛永兴岛东南约 200 千米，为南海诸岛中最大珊瑚环礁。略呈椭圆形，自东北向西南展布，长约 140 千米，宽约 61 千米。环礁边缘分布有 20 座暗沙、礁和滩，成条状，一般长 3 千米~4 千米，东北端的比微暗沙长达 15 千米；最小水深 12 米~20 米。礁湖内东半部已查明有 6 座暗沙和暗礁，均在水下 9 米~16 米。礁湖内大部水深 60 米~80 米，已知最深处在西南部，达 109 米。边缘各暗沙间有水道连通礁湖与外海。天气恶劣时，礁缘一带浪涛汹涌，远处即可辨认。

群岛还有 4 个已命名的零星暗沙，有宪法

暗沙、中南暗沙、一统暗沙和神狐暗沙。

黄岩岛(民主礁) 位于永兴岛偏南 340 海里处,为群岛中唯一露出海面的环礁,形似等腰三角形,西边与南边各长 15 千米,面积约 150 平方千米。礁盘顶宽 1 千米~2 千米,北部最宽达 3.3 千米,一般水深 0.5 米~3.5 米,顶面分布有数百个大礁块,高出海面 0.3 米~3.5 米。西北端的北岩和东南端的南岩,面积各约 10 平方米,分别高出海面 1.5 米和 1.8 米。礁湖内水深 10 米~20 米,南岩东侧有一

宽 400 米的通道,小船可由外海入内锚泊。

宪法暗沙 位于黄岩岛西北 150 千米,呈长 20 千米、宽 11 千米椭圆形,最浅处水深 18 米。

中南暗沙 位于黄岩岛西南 290 千米,最浅处水深 272 米,与宪法暗沙皆耸起于中央海盆。

一统暗沙和神狐暗沙 位于东沙群岛与西沙群岛之间,发育在北部大陆坡上段,最浅处水深分别为 10.2 米和 10.8 米。

第三节 南沙群岛

海图 104 10018 10019 10020 10021 17030 18050

概况

南沙群岛,原名团沙群岛,位于北纬 $03^{\circ}37' \sim 11^{\circ}55'$,东经 $109^{\circ}43' \sim 117^{\circ}47'$ 之间,南北宽约 550 海里,东西长约 650 海里。北靠西沙群岛,南近加里曼丹岛,东邻菲律宾,西望中南半岛。其中太平岛北距三亚港 550 海里,东距马尼拉港 187 海里,西南距新加坡 830 海里,西距胡志明港 186 海里,该群岛位于南海航路的要冲,是船舶的油、水补给点和在航船舶的临时锚泊点。南沙群岛是中国南海诸岛中位置最南、分布最广、范围最大、包括的岛屿最多的一个群岛。

南沙群岛的岛礁和暗沙,大部分由珊瑚构成,并且多为环抱着礁湖的环礁。在岛屿和环礁的外侧,一般均甚陡峭,水深急增。南沙群岛大约有岛屿、沙洲、暗礁、暗滩和暗沙共 550 多个,其中高潮时露出水面的岛、洲、礁 36 个(岛屿及沙洲 16 个、礁 20 个),其中较大的岛屿 13 个,有太平岛、中业岛、南威岛、西月岛、北子岛、南子岛、鸿麻岛、南钥岛、安波沙洲、敦谦沙洲、马欢岛、景宏岛、费信岛。在这 13 个较大的岛屿中,太平岛最大,面积为 0.43 平方千米,其余岛屿总面积只有 1.6 平方千米;鸿麻岛最高,仅为 6.1 米。

南沙群岛依其岛礁分布情况,可大至分为东、西、南三群。东群只有几个零星礁滩,南群全是暗礁、暗沙,唯有西群岛礁密布。西群

的岛礁又可以北纬 09° 为界,分为东北和西南两部分。东北部分岛礁最多,包括双子、中业、道明、郑和、九章 5 个群礁及一些零星岛、礁,为南沙群岛海区岛、礁分布最密集的区域。

在南沙群岛的中部和东部区域,暗礁和险滩星罗棋布,海底地貌十分复杂。

低岛是南沙群岛岛屿的主要特征,所有岛屿海拔 3 米~4 米,一般有土壤植被,间或有礁石耸立,岛周围有坡度不大的白色沙滩环绕。

气象水文

风 有明显的季风特征,季风期明显,5 月—9 月为西南季风期,11 月至次年 3 月为东北季风期,4 月和 10 月为季风转换期。如无台风活动,4、5 月是风力最小的时期,一般在 2 级~3 级左右。4 月最多风向为东北,5 月多东风。6 月以后西南风向较为稳定,平均风力增加,以 4 级~5 级风出现机会最多(占 50%),2 级~3 级风次之(占 34%)。10 月渐转为东北风,风力较小,以 2 级~3 级出现的机会最多(占 48%),4 级~5 级次之(占 39%)。11 月至次年 1 月东北季风稳定,以 4 级~5 级为主,有时可达 6 级~7 级,最大风速曾达 35 米/秒,这多半是由台风和强冷空气共同影响而造成的。2 月—3 月冷空气减弱,4 级~5 级风虽经常出现,但 2 级~3 级风出现的机会增多。据渔民反映:6 月—8 月常出现暴风骤雨,风力很大,每当西南方有一块浓密的乌云出现时,就意味

助航标志

永暑礁灯桩 位于永暑礁的北端，高 13 米，钢架结构。

永暑礁灯塔 位于永暑礁灯桩东北方，白色八角形钢筋混凝土塔身，顶部装有灯笼。

弹丸礁灯桩 位于弹丸礁的东端，高 10 米，灰色三角形混凝土塔身。

航行须知

从中国大陆至南沙群岛的整个航行过程中，既要通过浩瀚的南海，又要接近许多险恶的珊瑚礁石，不但航线长，而且航行条件十分复杂。为了保证航行安全，除了应该根据远岸航行的要求，认真做好海图作业，以便随时准确掌握船舶位置之外，还应该了解珊瑚礁区的航行特点和航行方法，以适应在南沙群岛航行的需要。

一、珊瑚礁区的航行特点

1. 无显著的陆标

珊瑚礁区的岛屿大部分是由珊瑚构成，且多半在水下，即使有些是露出水面的，但其高度也很小，如南沙群岛最高的岛为鸿麻岛，它的海拔高度仅 6.1 米，从远处望去是很难发现的。由于这些岛礁不但低矮，而且都很平坦，所以即使使用雷达也很难发现。

2. 水深变化大

在珊瑚礁区附近，海底崎岖不平，地貌十分复杂。由于礁石边缘十分陡峭，所以水深变化非常剧烈，往往在浅滩上水深不过十多米，但在浅滩之外不远却有五、六百米。由于地形的关系，珊瑚礁区的水流情况也比较复杂。

二、珊瑚礁区的安全航行方法

1. 正确选择航线和出航时间

在选择通过珊瑚礁区的航线时，除应按照一般选择航线的方法进行操作外，还应注意以下几个基本原则：

(1) 在白天经过各礁石时，一般应尽可能选择在礁石的上风侧距离 2 海里~3 海里处通过，因为上风方向浪花大，容易发现礁石。珊瑚一般是向上风发展，并在盛行风的一侧较为陡峭。

(2) 在夜间经过各礁石时，必须与礁盘保持足够的距离，要做到即使船位万一发生了最大的误差，也不致于造成触礁，以免夜间由于辨认目标困难而发生危险。

(3) 如无特殊情况应在白天接近礁石和岛屿，并考虑有利的太阳方向和高度，以便较易看到珊瑚礁。

2. 随时准确掌握船位

在珊瑚礁区航行时，由于航程较短，离危险物较近，要随时准确掌握船位。

3. 注意观察和正确识别目标

4. 选好锚地和正确抛锚

在珊瑚礁区内难以找到理想的锚地，只能选在礁盘的下风方向，水深适当的地方（10 米~60 米）进行锚泊。由于礁盘附近海底坡度很大，且底质都是珊瑚底，所以进入锚地应慢速，并不断地进行测深。在深水地方抛锚时，应事先缓慢地松出锚链，切不可骤然抛下，以免造成锚和链的损伤；同时在倒车时也不可过猛，以免拉断锚链，或使锚卡在礁缝里。

岛礁分述

双子群礁 位于南沙群岛的西北端，位于中业岛北方约 21 海里，为一近似菱形的珊瑚环礁，内有礁湖，从其东北端至西南端长约 8.5 海里，宽约 5 海里。该礁除西北有两个小岛（北子岛、南子岛）、东北端和西南端有干出礁（贡土礁、奈罗礁）外，四周皆为浅水环礁，水深不超过 18 米，并有若干水深不及 5 米的危险点滩。环礁外侧水深急增。该礁中部很平坦，水深大部分在 15 米~43 米之间。在适当的光线下，这些暗礁都可以被清楚地看出。在东北季风期，双子群礁的东北端和贡土礁的东北侧，海面常有剧烈的浪花。

北子岛 位于太平岛正北约 64 海里处，长 825 米，宽约 244 米，面积 0.151 平方千米，海拔 3.2 米，树顶高约 13 米，约距其 7 海里~10 海里即可被发现。岛上蔓草，树木颇盛，有椰子树约 100 余棵（一说 3 棵—5 棵），高 6 米~10 米，还有厚叶子树等。岛周围环绕着宽约 8 米~46 米的珊瑚沙带。岛的南部有渔民用珊瑚垒成的小庙。

南子岛 地势平坦，长约 670 米，宽约 283 米，面积约 0.151 平方千米，海拔 4.6 米。岛上绿草成茵，有数百棵椰子树，树高约 9.5 米，一般相距 6 海里~11 海里可望见。岛四周渔船均可抛锚，尤以南侧为好，水深 6 米~10 米；背风处可避 5 级~6 级风，向为中国渔民南下中途休息地点。岛的东北端装有一菱形雷

达反射器,作用距离 15 海里,由新加坡去香港、马尼拉的商船也多在此分路。此岛是海鸟的繁殖地,有许多鸟粪,曾被大量开采。

南子岛和北子岛之间相距约 1.5 海里,水面宽约 9.4 链,中间为一水道,可通航一般船舶。渔船常在该水道两侧靠岛避东北风。

贡士礁 为环礁东北端的干出礁,在东北季风期,它的东北侧浪花显著。晴朗无风天气时,该礁显绿白色,易于发现。它和北子岛之间有一水道,但不易通航。

奈罗礁 位于南子岛西南方约 3.5 海里处,为一部分干出的礁盘。在西南季风期,它的西南侧有猛烈的浪花。晴朗天气时,呈绿白色,易于发现。

乐斯暗沙 位于双子群礁的东东南方约 13 海里处,是一近似梨形的环礁,中间是一礁湖,南北长约 8.1 海里,北部宽约 6.1 海里,往南渐狭,宽约 2.7 海里。四周有许多水深在 18.3 米以内的点滩,很陡峭。

永登暗沙 位于乐斯暗沙的北方约 2 海里处,周围陡深,由珊瑚构成,有许多水深小于 18.3 米的点滩围绕在它的周围,中间有一水深较深的礁湖。

中业群礁 在双子群礁南方约 18 海里处,由两个珊瑚滩组成。两滩之间隔着一条宽约 7 链的深水水道。中业岛位于西侧礁盘东端,高 3.4 米。铁峙礁位于东侧礁盘的东北端。滩上有许多险礁。

中业岛 位于中业群礁的西侧礁盘的东端,长约 710 米,宽约 570 米,面积约 0.415 平方千米。岛上西南端有棕榈树 100 余棵,高约 5 米~7 米,相距 7 海里~8 海里可发现,其余均生长高约 1.8 米的灌木和杂草。该岛四周有珊瑚滩延伸,东北侧的滩缘距岸约 5 链。

西侧礁盘自中业岛向西方扩延约 6 海里,该滩四周除有一些干出礁外,均为水深不规则的浅滩。中业岛西北约 1.5 海里处有铁线东礁,该礁与中业岛之间水深为 4.5 米~14.6 米。该珊瑚礁的西南方约 1.3 海里处,有铁线中礁,其上有一沙洲。该两礁之间为礁湖的入口。在中业岛西南方约 2 海里处有一水下礁石。

东侧礁盘在中业岛东方约 1.2 海里处,由一大群礁石和点滩构成,它的西端位于从中业岛伸出的礁石东方约 7 链。并从西端向东北方扩延约 4.5 海里,其东端为铁峙礁。

锚地情况:吃水不大的船舶可在西侧礁盘的南侧视该滩的西北侧的沙洲方位 328°和 036°之间,水深 7.3 米以上处锚泊。还可以在中业岛的西南方约 1 海里处锚泊,该处水深为 18.3 米,并可看到礁石。

渚碧礁 位于南沙群岛的东北部,在中业岛西南方约 12.5 海里处,环礁连续,无礁门,属封闭型独立环礁,没有特别明显的天然目标,高潮时淹没,大潮低潮时露出。

西月岛 位于中业群礁以东,是在礁石中央的一个孤岛,长 720 米,宽 440 米,面积约 0.21 平方千米,岛高 3 米左右,由沙地构成。岛上树木茂盛,有椰树 10 余棵,高达 25 米,相距 8 海里~10 海里即可发现。岛周围为白色沙滨,沙滨之外为珊瑚礁盘,其上有巨石数块,低潮时干出,礁盘外侧水较深。有一暗礁,其上水深不及 2 米,礁脉向岛的北部延伸 2 海里。据渔民反映,岛岸距礁缘 160 米~200 米左右,外侧水深突增。岛的四周有可供一般船舶锚泊的锚地。岛东南有一小湾,可避东北风。

长滩 位于中业岛东方约 27 海里处,与道明群礁的东北缘隔一宽约 1.3 海里的深水航道,并向东北扩延约 20 海里,为一底质险恶的岩礁脉,蒙自礁位于其东北端。

道明群礁 位于中业岛东南方约 21 海里处,它的西南端位于太平岛的北方约 20 海里。该群礁的西南端至东北端长约 22 海里,最宽处约 7 海里,由一个被一些暗沙围绕着的礁湖组成,很陡峭。暗沙上的水深很不规则。在群礁的南侧有一些礁石,其中两个上有沙洲,分别为杨信沙洲和双黄沙洲;南钥岛位于道明群礁的最南端。

南钥岛 位于道明群礁的南端、郑和群礁的北方约 16 海里。该岛低潮时长约 470 米,宽 250 米,面积 0.087 平方千米,高约 2.5 米,是南沙群岛中最低的一个岛。该岛由沙岩构成,四周岩礁环绕,岛上小树丛生。除在北侧,礁石向海伸出约 5 链外,其他方向向外扩延的距离都较小。

在南钥岛的东东北方约 2 海里处,有一部分干出的珊瑚礁。在南钥岛的西方约 2 海里处,有一水深为 5.4 米的暗沙。在南钥岛的西北方约 5 海里处,有两个成东北走向的礁石,其间相隔约 1 海里。在视南钥岛方位 260°、距离约 4 链处可作锚地,并可看见礁石。在该岛的东

南部有一小湾,为避东北风的锚地,渔船曾在该处避过一次7级~8级台风。

杨信沙洲 位于南钥岛东东北方约6.5海里处,座落于直径为9链的礁滩上。在其东北方3海里和4海里处各有一个干出的珊瑚礁。

郑和群礁 是南沙群岛的主要群礁,位于小现礁的东北方约15海里处。其中央为一大礁湖,四周环绕着深度不规则的浅滩和一些礁石,东西长约32海里,南北宽度最大约11海里,在该群礁上有两个岛和一个沙洲,两岛的树顶在8海里~11海里以外的海上即可发现。礁湖周围浅滩的外侧深度急剧增加,礁湖中部的深度大部分为50米~87米,但其间散布着10多个珊瑚礁。

郑和群礁中的水道及水道中流的情况:

1. 在太平岛以东7.5海里处,宽8链,疏浚深度18米。涨潮流流向 189° ,流速1节;落潮流流向 029° ,流速0.8节。

2. 太平岛以东3.3海里,宽2.1链,疏浚深度10米。涨潮流流向 160° ,流速0.8节;落潮流流向 017° ,流速0.8节。

3. 太平岛以东1.5海里,水道宽3.2链,疏浚深度11.5米;涨潮流流向 226° ,流速0.5节;落潮流流向 028° ,流速0.8节。

4. 太平岛礁盘以东,宽2.1链,疏浚深度18米。

5. 鸿庥岛礁盘以北,宽3.2链,疏浚深度18米;涨潮流流向 314° ,落潮流流向 175° ,流速均为1节。

6. 鸿庥岛礁盘以西,宽4.3链,疏浚深度18米;涨潮流流向 328° ,流速0.8节;落潮流流向 206° ,流速1.3节。

7. 太平岛西南,宽度大于5链,疏浚深度18米;涨潮流流向 245° ,流速0.5节;落潮流流向 130° ,流速0.8节。

太平岛 位于郑和群礁的西北端,是南沙群岛中最大的岛屿,也是郑和群礁的主岛,是以1946年中国国民党军接管该岛的“太平舰”命名的。岛的东长西短,长约1.3千米,南北宽约0.41千米,面积约0.43平方千米,海拔高度为4.1米。

该岛周围被珊瑚礁所环绕,东端延伸2.5链,西端延伸3.4链;岛南北两侧较狭,南侧西部最狭处延伸150米,南部礁盘上已炸出一长约200米,宽5米左右的航道。大船只能在

距南岸500米处抛锚(水深30米左右,碎石底)。该岛的东端的东方、东北方各约2链及西偏南方约1.1海里处各有一露出水面的沉船。

太平岛礁脉西端往南约1.6海里内,水深不及10米。该岛的西南方约7链处有一水深为3.6米的点滩。

在太平岛的东方约2海里处,有一在高潮时被淹没的礁石。这一礁石和岛屿之间有一水深为6.4米的暗沙。据1954年报,附近水深变浅。

敦谦沙洲 位于太平岛东方6.5海里处,低潮时长约450米,宽约130米,面积0.1平方千米。高约4.5米,岛上无淡水。太平岛与沙洲之间有一浅滩,滩中有一圆形珊瑚礁,其直径约7链,高潮时被淹没。沙洲与该礁间的水道,为一良好的锚地,水深12.8米~18米。

舶兰礁 位于敦谦沙洲的东东北方约6海里处,是一珊瑚礁脉的末端,为一水下环礁,很陡峭。在这个礁脉上有多个水深为3.5米~8.5米的暗沙。

安达礁 位于郑和群礁的东端,在舶兰礁的东南方约7海里处,为一水下环礁。该环礁长约4.5海里,其东北端既狭窄又陡峭,并有岩石礁脉向东北方延伸1海里,其上水深逐渐增大到91.4米以上。

鸿庥岛 位于郑和群礁的南侧、太平岛的南方约12海里处,岛高6.1米,为南沙群岛中最高的岛,长约685米,宽约144米,面积约0.084平方千米,岛上遍生小树。该岛四周有珊瑚礁延伸,向西延伸的珊瑚礁距岸最远约1.2海里,其余方向不超过4链。在该岛的东北方约1海里处,有一水深为4.4米的点滩,在该岛的西西南方约2海里处,有一水深为10米的暗沙。

南薰礁 位于郑和群礁的西南端,由南、北两个珊瑚礁组成,呈西北—东南走向。其中东南方的一个礁位于鸿庥岛的西方约6海里处。这些礁石在高潮时,全部被海水淹没。

九章群礁 位于郑和群礁的南方约25海里处,为一呈东北—西南走向的环礁,中间为一长约27海里,宽约7海里的浅滩泻湖,周围有多条通道可进入泻湖,但在天气恶劣时,此区域不宜作为锚地。

九章群礁共包括20个个体礁坪,其中有岛屿2个(景宏岛、染青沙洲)、礁18个。由群

礁的西端起依顺时针次序,依次为赤瓜礁、鬼喊礁、华礁、吉阳礁、景宏岛、南门礁、西门礁、东门礁、安乐礁、长线礁、主权礁、牛轭礁、染青东礁、染青沙洲、龙虾礁、扁参礁、九章无名礁(待命名)、漳溪礁、屈原礁和琼礁。

赤瓜礁 处九章群礁大环礁西南端边缘,礁坪低平,没有特别明显的天然目标,高潮时淹没,低潮时露出,形似马蹄。

东门礁 为九章群礁复合环礁的一部分,座落在大环礁的北部边缘中间,属半封闭型环礁,礁坪较平坦,高潮时被水淹没,低潮时大部分露出。

景宏岛 位于九章群礁的西北端,从东北至西南较长,约 324 米,宽约 135 米,面积 0.033 平方千米,高 3.6 米。岛上丛生热带灌木。靠近该岛的西南端的礁缘上有一低潮时露出的沙滩。

永暑礁 位于南沙群岛的东南部、南华水道南侧西端,礁体东北至西南走向。环礁大部分沉溺于水下,高潮时仅西端有一 2 平方米的天然礁石露出;低潮时,有 7 块大小不等的礁坪露出。

福祿寺礁 位于大现礁北端的西西北方约 17 海里处,为一东北—西南走向的水下礁石,长约 1.5 海里,宽约 2.3 链。在该礁西南端的西南方有一群适淹礁,其他水域的水深为 1.8 米~5.5 米。该礁礁缘十分陡峭,很危险。

大现礁 位于永暑礁的东东北方约 45 海里处,该礁大部分干出海面。其中央有一礁湖,但无通道可入。礁石都十分陡峭。

小现礁 位于大现礁南端的东方约 10 海里处,是退潮时部分露出海面的珊瑚礁,礁的四周陡峭。

尹庆群礁 位于南沙群岛的东南海域,由西礁、中礁、东礁、华阳礁四个礁石组成,从西礁向东延伸约 38 海里,各礁的礁缘都很陡峭,几个礁石的礁盘互不相连。在该礁附近航行时,要特别小心。当太阳在它的前方时,不可向它接近,因为此时难于识别出浅水或浪花。

华阳礁 在永暑礁正南方略偏西约 40 海里处,在尹庆群礁最东部,是一个独立的、礁坪中部没有泻湖的台状礁体,呈东西向。高潮时淹没,大潮低潮时露出,中部低平。

东礁 位于西礁东方约 16 海里,中间有一

礁湖,水深 7.3 米~14.6 米。礁上时有巨大浪花。在它的西端有一、二个干出海面的岩石,干出高度 0.9 米。无通道可以进入礁湖。

中礁 是一个适淹的珊瑚礁,中间有一礁湖,水深 7.3 米~14.6 米。在中礁的西南端有一沙滩,据说,在大潮时会被海水淹没。同西、东礁不同,中礁经常没有明显的浪花。

西礁 是尹庆群礁最西边的一个礁,其周围环绕着一些干出的分散的珊瑚头,在它的东边有一高 0.6 米的沙洲,在礁的中央部分水深 11 米~18.3 米,并有几个珊瑚头。只有从东南方向才可以向它的中央部分接近,但由于许多孤立的珊瑚礁存在,所以航行是危险的。

南威岛 位于尹庆群礁的西礁的西南方约 22.5 海里处。岛面平坦,覆盖杂草。低潮时岛长约 390 米,宽约 310 米,面积 0.171 平方千米,高约 2 米。岛上有水井,水质为南沙最佳。沿岸为白色的珊瑚沙及碎珊瑚。一个堆石标立在该岛北部中心附近,一旗杆立在岛的中心附近。岛的四周围绕着干出的岩架和珊瑚头,岛的北面 0.5 海里范围内水深小于 5.4 米,岛的东面是峭壁陡岩,西面坡度较小些。

该岛的东北方或西南方的浅滩上均可锚泊。即使在东北季风时,东北方的锚地还是较好的,因为该处海底的坡度较小;但船舶不宜进入水深小于 18 米的水域,因为那里海底起伏变化甚大。

该岛附近潮汐属日潮,夏季潮差最大约 1.6 米;涨潮为西南流,落潮为东北流。

日积礁 位于南威岛的西方约 15 海里,由珊瑚环礁围成的礁湖所构成,底质是白沙。在低潮时,礁石部分干出海面,船舶几乎无法越过礁石进入礁湖。在退潮后露出的长形珊瑚环礁的东北、西北及东南方分别有沉船。

南薇滩 位于南威岛南偏西方约 57 海里,是由沙和珊瑚构成的椭圆形水下浅滩,南北长约 30 海里,东西宽约 14.4 海里。周围较浅,约 7.3 米,主要分布有蓬勃堡、奥南暗沙、金盾暗沙和常骏暗沙等;中间较深,水深在 22 米~82 米之间。除了极平静的天气外,这一浅滩一般都有浪花。

蓬勃堡位于南薇滩的东北端,其上最小水深 3 米,是南薇滩的最浅部分。

金盾暗沙位于南薇滩的南部,其上最小水深 10.9 米

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常骏暗沙位于南薇滩的西部，其上最小水深 7.3 米

广雅滩 位于南薇滩的西北方约 70 海里处，长约 14 海里，宽约 7 海里，全部由珊瑚礁构成，其上水深极不规则，其西侧水深仅 7.3 米。其上还有许多水深在 14.6 米~18.3 米的小礁盘。

人骏滩 位于广雅滩的东南方约 2 海里处，呈南北走向、长约 6 海里、宽约 4 海里的水下礁滩，全滩的珊瑚底部皆清晰可见，其东侧水深仅 5.5 米。

李准滩 位于人骏滩的南偏西方约 14 海里处，是由珊瑚构成的水下礁滩，长约 5 海里，宽约 2 海里，其上水深 10.9 米~14.6 米，珊瑚滩几乎全部可见。

西卫滩 位于李准滩的西偏北方约 28 海里处，是由沙和珊瑚构成的南北长约 16.2 海里、宽约 9 海里的水下浅滩。在它的西北侧附近最小水深为 18.2 米。

万安滩 为一新月形的礁盘，长约 34 海里，平均宽约 6 海里，该滩最小水深为 16.4 米，位于香港至新加坡航线的东南方 60 海里处。它的南端位于北纳土纳群岛的北东北方 173 海里。

礼乐滩 是南沙群岛中范围最大的一个水下浅滩，位于南沙群岛的东北端，为一不规则的浅滩，只有在西南端和东南端有部分干出礁和暗礁。该浅滩东北—西南最长约 97 海里，最宽约 66 海里。北端为雄南礁，水深 18.2 米；东南端为阳明礁，为一干出礁；西南端为鲎藤礁，是一片暗礁群；西侧为大渊滩。是一东北—西南走向的浅于 30 米的浅滩。

南方浅滩 位于礼乐滩的南方，两滩礁缘相距仅约 4 海里，为一东北—西南走向的水下礁盘，长约 40 海里，最宽处约 15 海里。其上还有许多浅于 20 米的浅滩、暗礁。北端有一水深 7.5 米的浅滩；东端为彬礁，是一水下暗礁盘，在该礁的西南方有一浅于 5.4 的浅滩。

在礼乐滩和南方浅滩的东侧有许多暗沙、浅滩，其中有忠孝滩、勇士滩、神仙暗沙、海马滩、仙后滩、棕滩等。

费信岛 位于马欢岛的北偏东方约 6 海里处，为一略呈长茄状的小沙洲，呈东北—西南走向，长约 350 米，宽约 221 米，面积约 0.047 平方千米，岛高 2.2 米。据渔民称，该

岛不宜住人。岛的四周礁石环绕。岛上不长树木，淡水不能饮用。在该岛的东北方还有一小洲。在珊瑚礁的东北、东南各 2 海里处，水深 45 米，可锚泊船舶。

5 马欢岛 位于五方礁东北端的北方约 6.5 海里处，在一干出的珊瑚礁中部，与费信岛在同一水下浅滩上。该岛东西较长，低潮时长约 430 米，宽 290 米，面积约 0.074 平方千米。岛高 2.4 米。岛上除椰树外，别无其他树木，10 长有尺余长的杂草，可种蔬菜。岛的中部有一水井，水质较佳，可饮用。中国海南岛渔民过去曾在岛上居住，并进行垦殖。

15 五方礁 位于马欢岛的南偏西方约 15 海里处，为一略呈圆形的环礁，大部分在水下，有部分干出。该礁直径约 8 海里，环礁上有 5 个干出礁。礁湖内水深 13 米~47.6 米，在底质为沙和珊瑚处均可获得锚抓力良好的锚地，但坏天气时，不能避风。进出礁湖的主要出入口有 4 个，分别称为西北入口、北入口、东北入口和东入口。在泻湖的南方有两个水深超过 18.3 米的航道，但很窄，不宜航行。

禄沙礁和三角礁分别位于五方礁的西南方约 27 海里和 33 海里处，均为干出的珊瑚礁。

25 美济礁 位于南沙群岛东北部，在九章群礁的正东方，距东门礁约 62 海里。礁体近似椭圆形，是一个封闭型独立环礁，礁坪低潮时露出，高潮时淹没，北部较宽，南部较窄。礁坪上有数十块高 0.6 米~1.3 米的礁石，半潮时可露出，西南部有 3 个进出泻湖的口门。泻湖水深 10 米~28 米，有 50 多处干出礁坪散落其中。为发展远海捕捞事业，1994 年中国渔政部门在该礁建立了高脚屋、助航标志等设施，设置了办事机构，给远海作业渔船安全生产、补给、防风、锚泊创造了条件。

35 锚地，美济礁内安全的锚泊区位于泻湖的西南部，在以下列五点连线水域内，水深大于 10 米，可避 10 级强风。

(1) 9°53'.1N、115°30'.6E;

(2) 9°53'.1N、115°31'.6E;

(3) 9°54'.2N、115°31'.5E;

(4) 9°55'.0N、115°30'.5E;

(5) 9°53'.6N、115°30'.2E。

45 仁爱礁 位于信义礁的北偏西约 25 海里处，为一干出的珊瑚环礁，南北走向，长约 10 海里，北宽南窄。环礁的北半部连在一起，南

半部分成数段。环礁上有许多孤立的干出礁。环礁内的礁湖水较深，其南方有出入口数个，可进出稍大的船只；在其东北侧有一水深 27 米的进出口。

仙宾礁 位于仁爱礁的东方约 36 海里处，为一水下环礁，东部由多块适淹礁组成，西半部由泻湖、暗滩和几块礁石组成。低潮时，礁环上露出数块礁石和石块。在礁滩上可找到水深为 18.2 米和 29 米的锚地，天气恶劣时，不宜使用。

仙宾礁附近有许多礁石和疑存暗礁。立新礁位于仙宾礁的东北方约 10 海里处，为一暗礁；钟山礁位于仙宾礁的东偏北方约 13 海里处，为一干出礁。在仙宾礁的西南方约 20 海里处为牛车轮礁，为一干出珊瑚礁；在该礁的东南约 13 海里处有片礁，该礁为一适淹礁。蓬勃暗沙位于仙宾礁东端东南方约 24 海里处，为一珊瑚暗礁，在其南侧有露出水面的沉船，在该礁处可见菲律宾山峰。

海口礁 位于半月礁的东北方约 18 海里处，为一珊瑚环礁，低潮时环礁干出。礁湖内水较深，无进出口。高潮时，环礁西端可见几块孤立的礁石。环礁周围均可锚泊。

舰长礁 位于海口礁的东南方约 15 海里处，为一珊瑚礁，其上有少数的干出礁，在北侧礁缘有两艘露出水面的沉船，显著。

半月礁 位于海口礁的西南方约 18 海里处，为一半月形环礁，退潮时环礁可露出，礁的东侧有一高约 0.3 米的礁石。环礁内礁湖水深约 27.4 米，水下有珊瑚暗礁，并且部分可见底，部分不见底。礁缘内侧为沙底，是较好的锚地、可锚泊 500 吨级船舶。进入泻湖的通道位于环礁的东南方，宽约 1 链，水深 12.8 米，但东北季风期不宜使用。有一艘低潮露出的搁浅船。

信义礁 位于海口礁的西北方约 34 海里处，为一干出的珊瑚环礁，成椭圆形，东西长约 5 海里，南北宽约 2.3 海里。环礁上有高 1 米礁石块。环礁中间为一封闭的泻湖，无进出口。

仙娥礁 位于信义礁的西偏北方约 30 海里处，为一干出的珊瑚环礁，南北长约 5 海里，宽约 3 海里。在环礁的北端有一高约 1.3 米的小洲。环礁中间为一礁湖，其西北方有一开口与泻湖相通。

石盘仔 位于景宏岛南方约 54 海里处，为一圆形火山暗礁，最大直径小于 900 米，水深 1.8 米，有变色海水标志。太阳较高时，且同观察者成同一方向，距其 3.5 海里即可发现该标志。

毕生礁 位于石盘仔的南偏东方约 15 海里处，为一干出环礁，长约 6 海里，宽约 2 海里。环礁上有两个沙洲，均为珊瑚沙滩，无草木，海鸟在其上栖息。位于环礁东北方的沙洲，高约 1.8 米；西南部的高约 0.9 米，其东 2 海里处有 1.5 米高的大礁石三块。环礁内为一水很深的礁湖，除南侧有一可供小船进出的入口外，无其他出入口。在环礁的东北端外侧有宽 460 米的锚地，水深 47 米。

六门礁 位于毕生礁的东南方约 20 海里处，为一西北—东南走向的环礁，中间有泻湖。在环礁的西南侧有六个口门，情况不详。环礁北侧干出约 0.9 米。环礁的西北部有一宽 650 米，深 9.1 米的通道可进入泻湖。在环礁的西面和东南面有水深约 60 米的锚地。

南华礁 位于六门礁东南端的东方约 6 海里处，为一南北走向的珊瑚环礁，内有泻湖，水深约 9 米。

司令礁 位于榆亚暗沙东端的东北方约 38 海里处 (08°22'N、115°14'E)，是一东西走向的珊瑚环礁，长约 6.4 海里，中间为两个封闭的泻湖，无出入口，船不能入，低潮时礁上可以行人，礁缘外水突深，船舶难以停泊。

在司令礁附近有许多暗沙及暗礁。其东方约 7 海里处有双礁。校尉暗沙位于司令礁的北方约 9 海里，为一暗礁。南乐暗沙位于司令礁的东北方约 18 海里处，为一暗礁。

榆亚暗沙 位于南海礁的东偏北方约 48 海里，为一不连续的珊瑚环礁，东西长约 20 海里，南北最宽处约 10 海里。环礁上多珊瑚礁石，小部分干出，大部分在水下 5.5 米~18.3 米。中部为一泻湖，水深约 45 米，天气良好时，大渔船可由北侧进入泻湖中部停泊，无避风处。环礁东侧为线头礁，且有浪花；北侧为二角礁；西侧为浪口礁，该礁为东西走向的狭长的珊瑚礁，其上有数个孤立礁石。在浪口礁西侧 370 米处，有一水深 45 米的锚地。

南海礁 位于毕生礁的南东南方约 62 海里处，在其礁盘中部有一干出约 1.5 米的小沙洲。该礁为一西北—东南走向的干出环礁，长约

5.5 海里, 宽约 1.8 海里。中间为封闭的两个泻湖, 无入口。该环礁较陡峭, 上有礁石, 并杂有沙滩, 不宜锚泊。

弹丸礁 位于南海礁的南方 35 海里处, 为一长约 7 500 米、宽 2 300 米、高约 3 米的环礁, 无入口, 礁湖内水很深。在环礁的东北方有一突出的孤石, 平时干出, 其西南端有一露出水面的沉船。

弹丸礁的北及东北约 14 海里, 即为光星礁、光星仔礁和安渡滩, 位于其东北方的安渡滩为一东北—西南走向的长约 38 海里、最宽为 18 海里的水下礁滩, 其上水深 4 米~16.4 米, 最浅处位于礁滩的东北端。滩的南缘陡峭, 北侧有一水下暗礁: 破浪礁。光星仔礁位于礁滩的西南端, 为一干出的珊瑚滩。光星礁在光星仔礁的西方约 8 海里处, 其间有一水下暗滩。

安波沙洲 位于南薇滩的东方约 70 海里处, 由东西两部分组成, 东部由沙及碎珊瑚构成, 西部为鸟粪所覆盖, 并散布沙砾。露出水面的沙洲长约 213 米, 宽约 146 米, 海拔约 2.5 米。在它的周围环绕着部分干出水面、离岸约 2 链的珊瑚礁, 因此, 一有涌浪便在上面激起巨大的浪花。在该沙洲的西南部有一高约 2.7 米的方尖塔。

有一暗礁从安波沙洲向西北方延伸约 0.5 海里; 另有一宽约 2 链的浅滩也从该沙洲向东北方伸出约 1 海里。在这一浅滩上, 离沙洲约 3.5 链处, 水深为 7.3 米, 浅滩的外缘水深为 16.5 米, 礁缘十分陡峭, 但可以找到遮蔽很好的锚地。

据报, 某船曾于西南季风期, 在安波沙洲

5 东北方浅滩上水深为 9.1 米处锚泊, 利用沙洲避风。在视安波沙洲中部(立有旗杆)方位 224°, 距离 1 海里, 水深 14.6 米; 方位 106°, 距离 3.5 链, 水深 11.8 米; 方位 300°, 距离 2.5 链等处都可做为锚地。在安波沙洲附近的海底坡度很大, 锚泊时须注意。

10 **皇路礁** 位于弹丸礁的南偏西方约 30 海里处, 为一长方形的珊瑚环礁, 高约 1.2 米, 礁湖内水很深, 无入口, 在其北、东北、西北和西南方各有一沉船。东南边缘有海拔 0.6 米~1.2 米的礁石数块、东北边缘也有礁石。

南通礁 位于皇路礁的西南方约 43 海里处, 为一近似于三角形的环礁, 高约 0.9 米。礁湖内水很深, 无入口, 部分礁石露出水面。

15 **北康暗沙** 位于南通礁的西南方约 60 海里处, 为一大致南北走向的水下礁滩。长约 30 海里, 最宽处约 13 海里。其上多浅于 10 米的暗礁。盟谊暗沙位于该暗沙的北端, 并设有灯浮, 其上有雷达反射器。其西端为康西暗沙, 南端为干出的南安礁, 南安礁的北面和西面多暗礁。南安礁的南方约 6 海里处有南屏礁, 南屏礁西约 4 海里处有一暗礁。

20 **南康暗沙** 位于南安礁的南方约 32 海里处, 主要有隐波暗沙, 其上水深 8.2 米, 南侧有一露出水面的沉船; 海安礁, 其上水深 4.5 米; 潭门礁、琼台礁、海宁礁在同一礁盘上, 其中琼台礁为一干出的珊瑚礁。

25 **曾母暗沙** 位于海安礁的南方约 65 海里处, 其上水深 21.5 米。其南方、西南方分别有八仙暗沙和立地暗沙。

30

Annex 345

Republic of the Philippines, Municipality of Kalayaan, “The First 100 Days: Accomplishment Report of Mayor Eugenio B. Bito-Onon, Jr.”

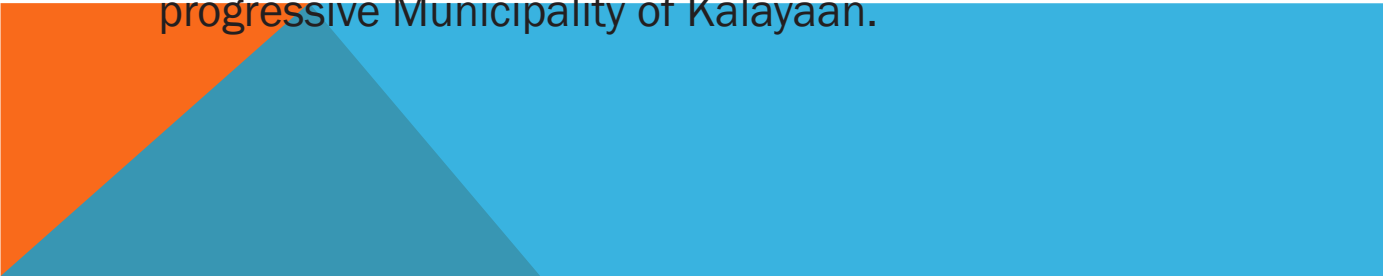


**THE FIRST 100 DAYS
ACCOMPLISHMENT REPORT
OF
MAYOR EUGENIO B. BITO-ONON, JR.
(BASED ON 8-POINT AGENDA)**

INTRODUCTION

The first 100 days of my Administration covers the period of *July 1, 2013 to October 8, 2013.*

On June 30, 2013, I took an oath or affirmation of Office together with the other elective officials of our Municipality and, immediately on July 8, 2013 I presented my 8-Point Agenda during the inaugural session of the Sangguniang Bayan. In the span of 100 days we spearheaded the Programs and Projects under my 8-Point Agenda and accomplishments were made that will strengthen our thrust to a developed and progressive Municipality of Kalayaan.



Executive Agenda #2

ENSURE AN EFFECTIVE IMPLEMENTATION OF A SERVICES AND WELFARE PLAN THAT PROMOTES GOOD HEALTH AND NUTRITION; SUPPORTS THE NATIONAL GOVERNMENT IN ENSURING QUALITY EDUCATION; ADDRESSES HOUSING/SHELTER, SANITARY TOILETS, AND BASIC UTILITY NEEDS SUCH AS WATER SUPPLY AND LIGHTING/ELECTRICITY.

2.1. PROMOTION OF GOOD HEALTH AND NUTRITION:

2.1.1. REHABILITATION OF HEALTH CENTER -

- Phase I completed on July 31, 2013 with the project cost of Php 695,000. Plans and Program of Works for Phase 2 (Finishing Touches) completed with a budget of 600,000.00.
- Plans and Program of Works for Phase II (Finishing Touches) completed with a budget of 600,000.00

REHABILITATION OF HEALTH CENTER



Executive Agenda #2

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2.1 PROMOTION OF GOOD HEALTH AND NUTRITION:

2.1.2. *Placement/Hiring of Medical Personnel* - MOA with DOH extending the RNHeals Program signed composed of 6 nurses and 1 midwife. Counterpart of a monthly honoraria of Php 2,000 provided.

The RNHeals facilitated the following Health and Nutrition Program Implementations:

- Regular Manning and duty at Health Center at Pag-asa

Executive Agenda #2

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RNHEALS Accomplishments

- Pre and Post Natal Care provided for 2 Patients
- Regular Feeding Program Conducted
- Assessed, Transported and Referred the Admission of 5 Patients to Private Clinic and Public Hospital
- Prepared 5 Case Studies and recommended the grant of Financial Assistance.

Assisted in the Conduct of Dental Mission last September 30, 2013

Conducted Medical Check-up to 16 residents bound to Pag-asa

Executive Agenda #2

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2.1 PROMOTION OF GOOD HEALTH AND NUTRITION:

2.1.3. Provision of medicines and medical supplies

- Acquired thru donation the amount Php50,000 from PCSO for the procurement of medicines and medical supplies
- Procured PhP40,000 worth of over-the-counter medicines out of the GAD fund. Said medicines were already sent to Pag-asa for utilization as the need arise.

Executive Agenda #2

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2.1 PROMOTION OF GOOD HEALTH AND NUTRITION:

2.1.4 Dental Mission conducted on September 30, 2013 in Pag-asa in partnership with Naval Forces West (NAVFORWEST) which provided the Dental personnel and Air Transportation. 19 residents with Oral Health problems benefited.





Dental Mission 2013



Executive Agenda #2

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2.1 . PROMOTION OF GOOD HEALTH AND NUTRITION:

2.1.5. Senior Citizen and PWD - Basic Commodities provided to 7 Senior Citizens and 1 PWD and two senior citizens provided with financial assistance.


2.1.6. Children Protection Program - Provision of micronutrient supplement vitamins to 23 children. Another Php17,350 assistance from DSWD for the 3rd Cycle Supplemental Feeding Program of Undernourished Children in Pag-asa acquired thru an extended Memorandum of Agreement.

Executive Agenda #2

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2.1 . PROMOTION OF GOOD HEALTH AND NUTRITION:

2.1.7. GAD Program –

- Provided financial assistance to 17 persons amounting to 33,000.00
 - Health Care Program package (PhilHealth) to 38 personnel and residents of Baranggay Pag-asa on process for next year's enrollment.
- 

Executive Agenda #2

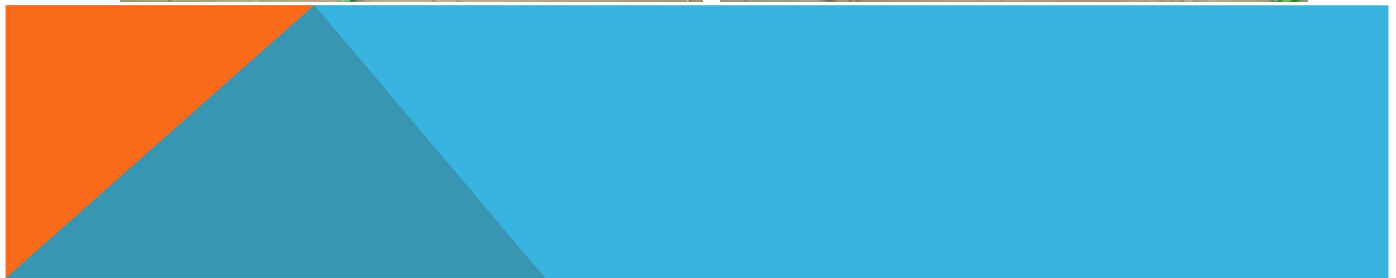
ENSURE AN EFFECTIVE IMPLEMENTATION OF A SERVICES AND WELFARE PLAN THAT PROMOTES GOOD HEALTH AND NUTRITION; SUPPORTS THE NATIONAL GOVERNMENT IN ENSURING QUALITY EDUCATION; ADDRESSES HOUSING/SHELTER, SANITARY TOILETS, AND BASIC UTILITY NEEDS SUCH AS WATER SUPPLY AND LIGHTING/ELECTRICITY.

2.2. QUALITY EDUCATION

2.2.1. Support from various sector :

- Books and school items for the School acquired thru donations from TIMAWA Group and ROTARY CLUB
- 1 Unit Classroom constructed from Ten Moves Foundation finished last August 19, 2013.

SUPPORT FROM VARIOUS SECTORS IN ENSURING QUALITY EDUCATION:



Timawa Group Donation



SCHOOL FUNDED BY THE TEN MOVES FOUNDATION



COMPLETED SCHOOL BUILDING FROM TEN MOVES



Executive Agenda #2

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2.2.1. SUPPORT FROM VARIOUS SECTOR :

- Fund worth of 900,000.00 for construction of School Building acquired from Provincial Government.
- Materials on Bidding



PRE-FAB DESIGN FOR SCHOOL BUILDING FUNDED BY PROVINCIAL GOVERNMENT



Executive Agenda #2

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2.2.2. Support to education from local fund

2.2.2.a Hiring/placement of School Teacher f

- Detail of a License Teacher from the Department of Health coordinated;

- Memorandum of Agreement between the Philippine Coast Guard and Municipality of Kalayaan for the provision of 2 teachers for next school year is in process.

Executive **A**genda #2

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2.2.2.Support to education from local fund

2.2.2.a. Covered Gym/Multipurpose Hall

- Plans and Program of Works for Phase II Completed with a budget of 900,000.00 for CY 2014



PROPOSED DESIGN OF COVERED GYM



Executive **A**genda #2

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2.2.2.Support to education from local fund

- **2.2.2.c Construction of Multi-Purpose Stage**
 - Phase 1 Materials for Construction Procured
 - Phase 2 Plans and Programs of Works Completed with a budget of 250,000.00 for CY 2014



PROPOSED DESIGN OF MULTIPURPOSE STAGE



Executive **A**genda #2

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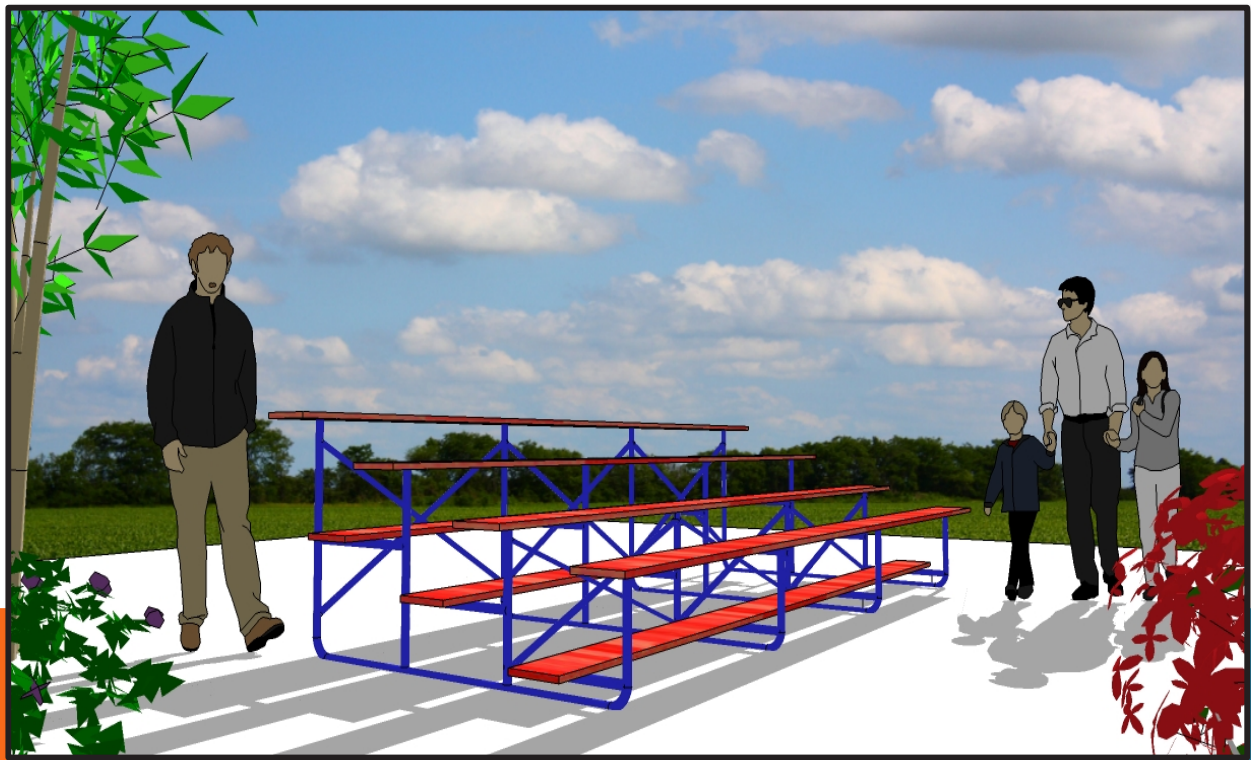
2.2.2.Support to education from local fund

2.2.2.d Construction of Bleachers

- Phase 1 Plans and Program of Works Completed with a budget of 100,000.00 for construction of 2 bleacher with a sitting capacity of 48 persons for CY 2014.



PROPOSED DESIGN OF BLEACHERS



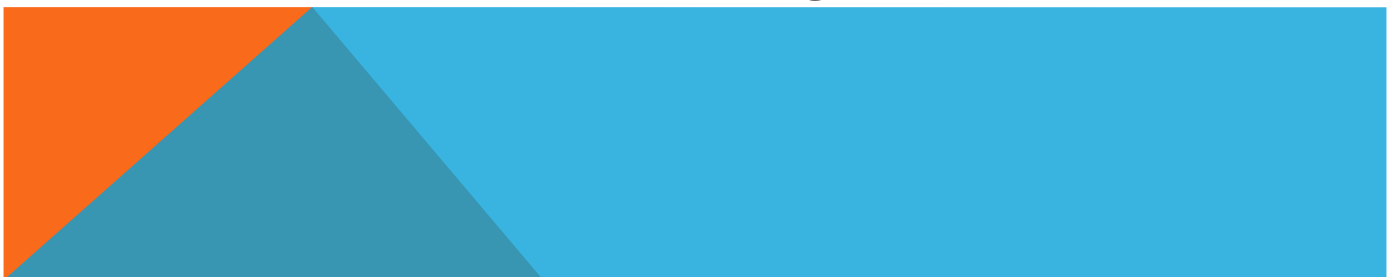
Executive **A**genda #2

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2.2.2.Support to education from local fund

2.2.2.e. Establishment of Public Library

- Books for the library acquired through donation
- Plans and Program for the Construction of Book Shelve Completed with a budget of 50,000.00



MODEL DESIGN FOR PUBLIC LIBRARY



Executive Agenda #2

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2.2.2.Support to education from local fund

2.2.2.f. Renovation of Multi-Purpose Building/Training Center

- 20% of the total Project completed
- Phase 2 Plans and Program of Works Completed with a budget of 2,300,000.00 for CY 2014

MULTIPURPOSE BUILDING/TRAINING CENTER



Executive **A**genda #2

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2.3 Addressing Housing/Shelter, Sanitary Toilets

2.3.1 Construction of Five (5) Units Low-Cost Housing Units

- 4 Units 95% completed (with a budget of 1.2 Million)
- 1 Unit 98% completed (with a budget of 250,000.00)



LOW-COST HOUSING UNITS



Executive **A**genda #2

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2.3 Addressing Housing/Shelter, Sanitary Toilets

2.3.2 .Construction of Additional 9 Units Low-Cost Housing Until 2016

- Plans and Program of Works Completed with a budget of 1,000,000.00 for 2 units for CY 2014

ADDITIONAL LOW-COST HOUSING



Executive Agenda #2

ENSURE AN EFFECTIVE IMPLEMENTATION OF A SERVICES AND WELFARE PLAN THAT PROMOTES GOOD HEALTH AND NUTRITION; SUPPORTS THE NATIONAL GOVERNMENT IN ENSURING QUALITY EDUCATION; ADDRESSES HOUSING/SHELTER, SANITARY TOILETS, AND BASIC UTILITY NEEDS SUCH AS WATER SUPPLY AND LIGHTING/ELECTRICITY.

2.3 Addressing Housing/Shelter, Sanitary Toilets

2.3.3 . Rehabilitation of Municipal Housing Units

- Plans and Program of Works Completed with a budget of 1,700,000.00.
- Rehabilitation started last September 17, 2013



REHABILITATION OF MUNICIPAL HOUSING



Executive **A**genda #2

ENSURE AN EFFECTIVE IMPLEMENTATION OF A SERVICES AND WELFARE PLAN THAT PROMOTES GOOD HEALTH AND NUTRITION; SUPPORTS THE NATIONAL GOVERNMENT IN ENSURING QUALITY EDUCATION; ADDRESSES HOUSING/SHELTER, SANITARY TOILETS, AND BASIC UTILITY NEEDS SUCH AS WATER SUPPLY AND LIGHTING/ELECTRICITY.

2.3 Addressing Housing/Shelter, Sanitary Toilets

2.3.4. Rehabilitation of Public Toilet and Improvement of Septic Tanks

- Rehabilitation of public toilets and Improvement of septic tanks completed on July 25, 2013 with project cost of PhP315,220.



Rehabilitation of Public Toilet and Improvement of Septic Tanks



Executive **A**genda #2

ENSURE AN EFFECTIVE IMPLEMENTATION OF A SERVICES AND WELFARE PLAN THAT PROMOTES GOOD HEALTH AND NUTRITION; SUPPORTS THE NATIONAL GOVERNMENT IN ENSURING QUALITY EDUCATION; ADDRESSES HOUSING/SHELTER, SANITARY TOILETS, AND BASIC UTILITY NEEDS SUCH AS WATER SUPPLY AND LIGHTING/ELECTRICITY.

2.3 Addressing Housing/Shelter, Sanitary Toilets

2.3.5. Establishment of Circumferential Road

Circumferential road established in October

2012



CIRCUMFERENTIAL ROAD





- **Construction of Roadways and Alleys completed on September 14, 2013.**
- **Construction of Circumferential Road completed on September 14, 2013.**

Executive **A**genda #2

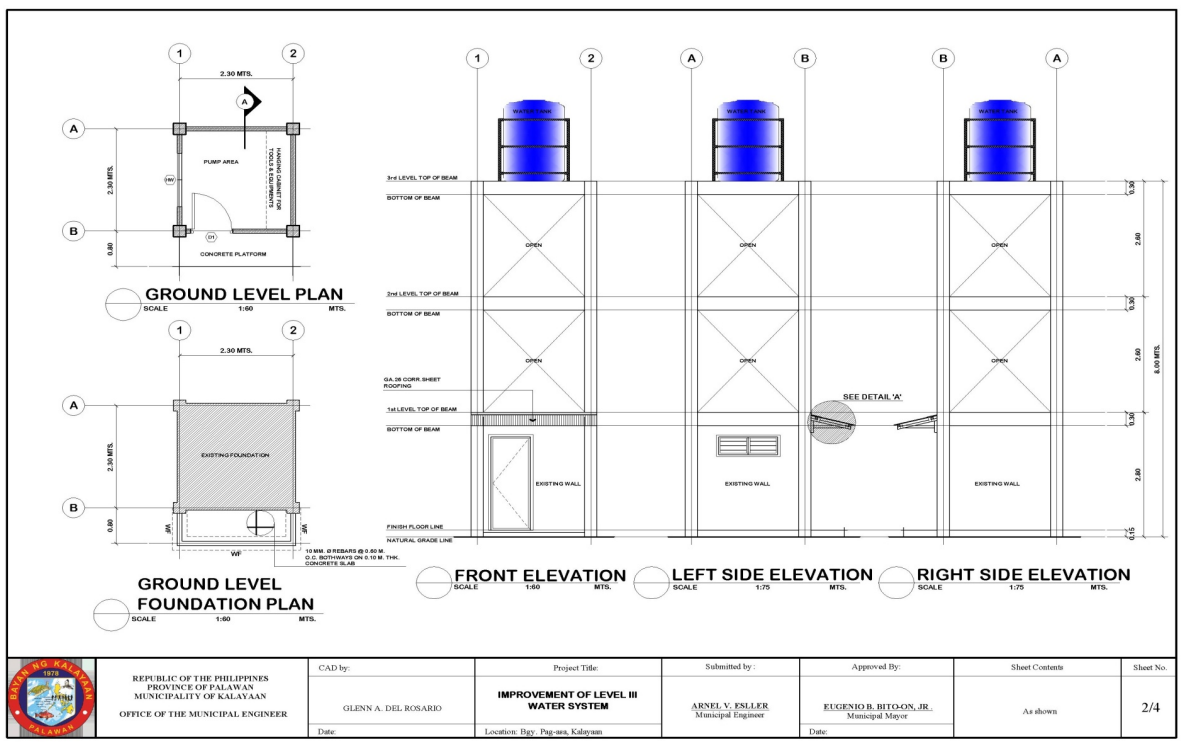
ENSURE AN EFFECTIVE IMPLEMENTATION OF A SERVICES AND WELFARE PLAN THAT PROMOTES GOOD HEALTH AND NUTRITION; SUPPORTS THE NATIONAL GOVERNMENT IN ENSURING QUALITY EDUCATION; ADDRESSES HOUSING/SHELTER, SANITARY TOILETS, AND BASIC UTILITY NEEDS SUCH AS WATER SUPPLY AND LIGHTING/ELECTRICITY.


2.4. Addressing basic utility needs such as water supply and lighting/electricity

2.4.1. . Level 3 Water Filtration System with new source and elevated water tank

Plans and Program of Works completed with a budget of 430,000.00 for CY 2014

LEVEL 3 WATER FILTRATION SYSTEM



	REPUBLIC OF THE PHILIPPINES PROVINCE OF PALAWAN MUNICIPALITY OF KALAYAAN OFFICE OF THE MUNICIPAL ENGINEER	CAD by:	Project Title:	Submitted by:	Approved By:	Sheet Contents:	Sheet No.:
		GLENN A. DEL ROSARIO Date:	IMPROVEMENT OF LEVEL III WATER SYSTEM Location: Bay, Pag-as, Kalayaan	ARNEL V. EMLER Municipal Engineer Date:	EUGENIO B. BITOGON, JR. Municipal Mayor Date:	As shown	2/4

Executive Agenda #2

ENSURE AN EFFECTIVE IMPLEMENTATION OF A SERVICES AND WELFARE PLAN THAT PROMOTES GOOD HEALTH AND NUTRITION; SUPPORTS THE NATIONAL GOVERNMENT IN ENSURING QUALITY EDUCATION; ADDRESSES HOUSING/SHELTER, SANITARY TOILETS, AND BASIC UTILITY NEEDS SUCH AS WATER SUPPLY AND LIGHTING/ELECTRICITY.

2.4. Addressing basic utility needs such as water supply and lighting/electricity

2.4.1 Installation of Additional 10 Units of Solar Street Lights

- Plans and Program of Works completed with a budget of 650,000.00 for CY 2014

SOLAR STREET LIGHTS



Executive **A**genda #2

ENSURE AN EFFECTIVE IMPLEMENTATION OF A SERVICES AND WELFARE PLAN THAT PROMOTES GOOD HEALTH AND NUTRITION; SUPPORTS THE NATIONAL GOVERNMENT IN ENSURING QUALITY EDUCATION; ADDRESSES HOUSING/SHELTER, SANITARY TOILETS, AND BASIC UTILITY NEEDS SUCH AS WATER SUPPLY AND LIGHTING/ELECTRICITY.

2.4. Addressing basic utility needs such as water supply and lighting/electricity

2.4.3. Installation of Additional 20 Units of Solar Home System Project

- Plans and Program of Works completed. The amount of Php 600,000.00 was appropriated for 16 Units for CY 2014

SOLAR HOME SYSTEM PROJECT



Executive **A**genda #2

ENSURE AN EFFECTIVE IMPLEMENTATION OF A SERVICES AND WELFARE PLAN THAT PROMOTES GOOD HEALTH AND NUTRITION; SUPPORTS THE NATIONAL GOVERNMENT IN ENSURING QUALITY EDUCATION; ADDRESSES HOUSING/SHELTER, SANITARY TOILETS, AND BASIC UTILITY NEEDS SUCH AS WATER SUPPLY AND LIGHTING/ELECTRICITY.

2.4. Addressing basic utility needs such as water supply and lighting/electricity

2.4.4. New Power House Building Project

- Plans and Program of Works completed with a budget of 1,000,000.00 for CY 2014

PROPOSED DESIGN FOR POWER HOUSE



Executive Agenda #2

ENSURE AN EFFECTIVE IMPLEMENTATION OF A SERVICES AND WELFARE PLAN THAT PROMOTES GOOD HEALTH AND NUTRITION; SUPPORTS THE NATIONAL GOVERNMENT IN ENSURING QUALITY EDUCATION; ADDRESSES HOUSING/SHELTER, SANITARY TOILETS, AND BASIC UTILITY NEEDS SUCH AS WATER SUPPLY AND LIGHTING/ELECTRICITY.

2.4. Addressing basic utility needs such as water supply and lighting/electricity

2.4.5. 10 KW Solar Power Facility Project (DOE Project)

- Construction of facility completed in 2012 by the DOE contractor, the WPU
- Commissioning and dry-run operation is to be scheduled by the WPU engineers

10 KW SOLAR POWER FACILITY



Annex 346

Republic of the Philippines, Municipality of Kalayaan, *Brochure: Municipality of Kalayaan, Palawan, Philippines*

BACKGROUND

The Municipality of Kalayaan, also known as the Kalayaan Island Group or KIG, is the westernmost municipality of the province of Palawan situated in the South China Sea. Its declared jurisdiction covers a vast area of ocean approximately 64,976 square miles but only lays hold of 7 islands and 2 reefs with an aggregate land area of about 79 hectares. KIG is only a part of a much bigger archipelago of six hundred (600) scattered islands and islets which are internationally known as the SPRATLYS.



The discovery of Kalayaan goes back to the time of Tomas Cloma. He was the first Filipino who discovered and occupied fifty three (53) islets in the South China Sea which he named "Freedomland". On July 6, 1956, Cloma indeed established a

separate government for the archipelago which he declared to the whole world as "The Free Territory of Freedomland". During a period of almost two decades, the turn of events went on beyond his control until on December 4, 1974 he decided to irrevocably cede, transfer and waive in favor of, the Republic of the Philippines whatever and all rights he may have acquired under existing international and Philippine Laws over "The Free Territory of Freedomland."

Out of "The Free Territory of Freedomland", the Municipality of Kalayaan was created when former President Ferdinand E. Marcos signed and issued Presidential Decree 1596 on June 11, 1978.

GENERAL FEATURES

The Municipality of Kalayaan comprises the seven islands and two reefs. The islands consist of: Lawak Island, Patag Island, Likas Island, Kota Island, Panata Island, Pag-asa Island, and Parola Island. The reefs consists of: Ayungin Reef, and Rizal Reef.



Pag-asa Island

PAG-ASA ISLAND is the largest island with an approximate land area of 37 hectares. It is considered as the seat of the local government of Kalayaan.



From Puerto Princesa City, the Island of Pag-asa is located 280 nautical miles away and 579 miles from Metro Manila.

Pag-asa Island is accessible by both sea and air transportation. It has an airstrip of 1.3 kilometers in length, named after the late

General Rancudo, and caters virtually to military aircraft only. For twin engine Islander and Nomad aircrafts, Pag-asa is reached in 2 hours and 30 minutes from Puerto Princesa City Airport, but the C-130 Hercules Transport Plane takes only about an hour and twenty minutes.

For the municipal-owned motor launch, M/L Princess Seagull, Pag-asa Island is reached within 56 hours travel time via Balabac Strait at an approximate speed of 9-10 knots. From Ulugan Bay on the west coast of Palawan, to the west of Puerto Princesa City, the course is shorter and travel time takes about 32 hours with calm and favorable weather condition.

The presence of local government structures, facilities and services are at present concentrated only on Pag-asa Island. Groundwater supply for drinking and household uses in Pag-asa is available and abundant throughout the year. The rest of the islands of Kalayaan take their water for drinking and domestic use from the navy boats or from the rain owing to the presence of high salinity groundwater.

Likas Island

With a land area of about 18.6 hectares, LIKAS ISLAND is the second largest island of Kalayaan and is considered to be a sanctuary or home for giant sea turtle. Likas is 47 nautical miles away from Pag-asa and could be considered to be located



halfway or in the middle of a course track going to Kalayaan's bird island of Lawak.

Parola Island

The island of PAROLA is close to Pag-asa at a distance of 28 nautical miles, but it is intriguingly closest to a Vietnamese held island of Pugad by 1.5 nautical miles. Located northeast of Pag-asa, it takes only two hours and thirty minutes by motorized banca to reach the island.



Kota Island

Located southeast of Pag-asa Island are the islands of Kota and Panata which can be easily reached within two hours and thirty minutes with the use of motorized bancas. Among the islands located nearby Pag-asa, KOTA Island is the



nearest by 20 nautical miles. It has a land area of about 6.45 hectares. This seamount type of island is underlain by calcarenite formation and it fringes the Loaita bank and reef, considered to be one of the very good fishing destinations.

Panata Island

Adjacent to Kota Island at a distance of 8 nautical miles is the island of Panata. From Pag-asa, Panata Island is 26 nautical miles away. It is the smallest island of Kalayaan with a surface area of only 0.44 hectare. Reportedly, this island was more



than 5 hectares in the past, but strong waves brought by typhoons washed out a large portion of the sandy surface of the island leaving behind the calcarenite foundation which can be seen during low tides.

Lawak Island

Situated east of Pag-asa and 100 nautical miles away are Lawak and Patag Islands. Lawak Island with a surface area of 7.39 hectares is home for thousands of migratory sea birds. This island has a small lagoon where young birds amusingly practice to wade and dive, safe from predators of the open sea. Lawak Island is closer to Pag-asa than from any point west of Puerto Princesa City or the mainland of Palawan by about 180 nautical miles.

This distance makes it difficult and costly for ordinary tourist to visit or see the place. However, to most of the Filipino fishermen that makes Kalayaan their fishing destination, Lawak is a usual stop over probably because they want to gather some eggs or have a cold shower or take water from its open shallow dug well.



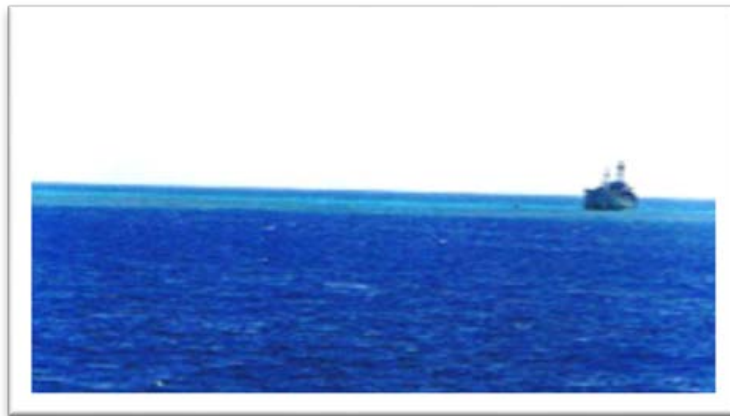
Patag Island

Patag Island is a typical example of a cay. This island changes its shape seasonally as a result of the shifting sand brought about by the waves and wind direction. Patag Island is only 6 nautical miles away from Lawak Island. It is the second smallest island of Kalayaan and has surface area of 0.57 hectare. Similar to Panata Island, Patag is barren of any vegetation.



Ayungin Reef

Located south by about 64 nautical miles from Patag and Lawak is Ayungin Reef. Ayungin is a ridge of sand and coral rocks where a Philippine Navy landing ship was stuck and later became a navy station. From Pag-asa, Ayungin is 127 nautical miles away.



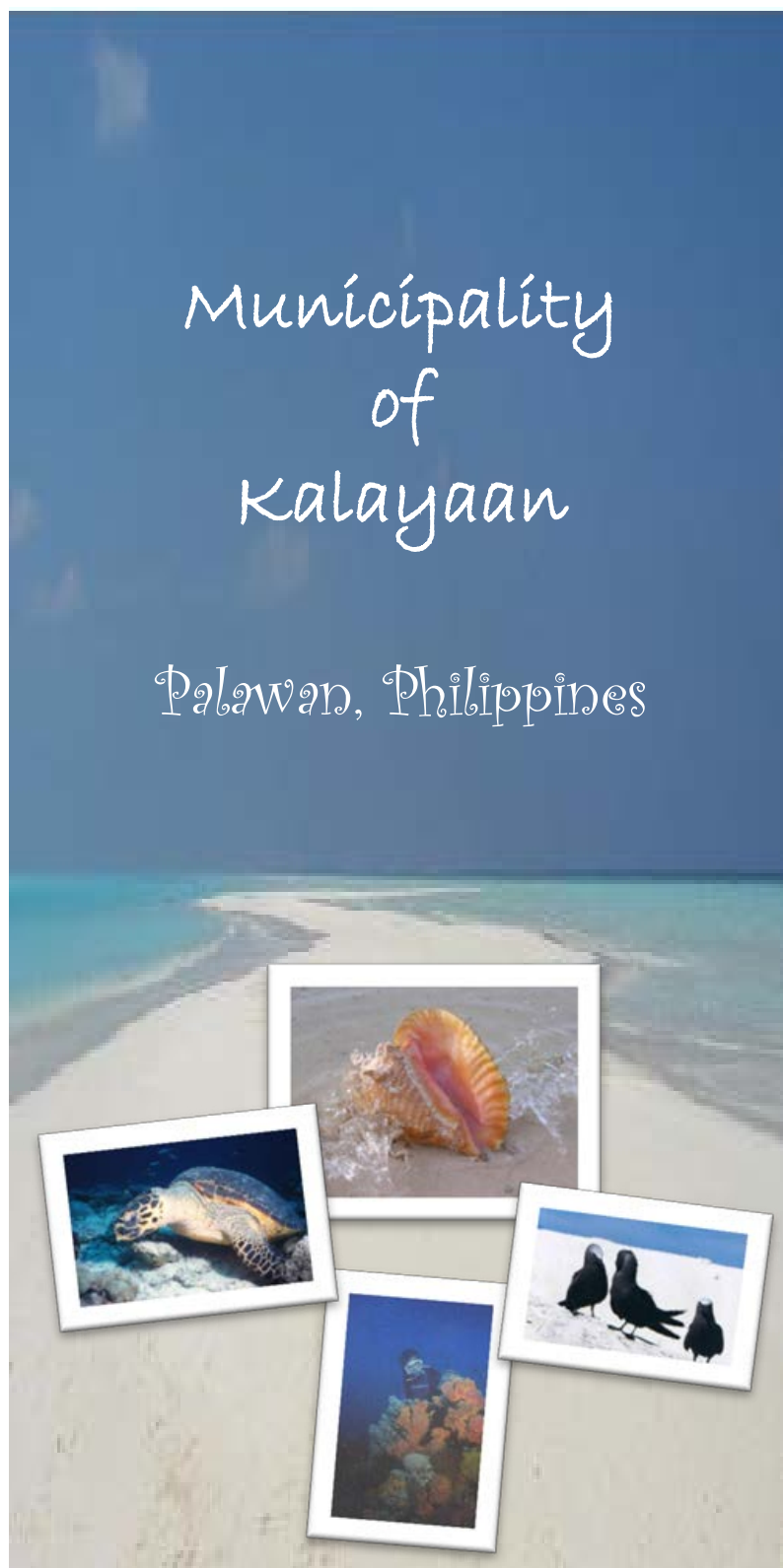
Rizal Reef

Most of the islands of Kalayaan somewhat lie along a straight course track from any point west of Puerto Princesa City to Pag-asa.

Only the fascinating Rizal Reef lie isolated west of Balabac and near the Malaysian border. The presence of two big lagoons located in its eastern and western side could make this area ideal for sea farming.



Rizal Reef is closer to Balabac with 110 nautical miles while Pag-asa is 178 nautical miles away. The existing structures and facilities in this area are manned by the Philippine Navy. In most cases the sight of Filipino fishermen and visitors lighten their sense of isolation.



Municipality of Kalayaan

Palawan, Philippines

Municipality of Kalayaan
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Mariners Plaza Bldg. II, Penegra Rd., San Pedro,
Puerto Princesa City, Palawan, Philippines
Tel./Fax No.: (+63) (048) 434-8532
E-mail Add: lgakalayaan@yahoo.com

Annex 347

Republic of the Philippines, Naval Defense Forces, *Philippine Ports and Harbors, Special Edition: Kalayaan Island Group* (Mar. 1988)

SECRET

PHILIPPINE NAVY
NAVAL DEFENSE FORCES
Naval Base Cavite
Samuel Point, Cavite City



NAVAL DEFENSE FORCES
MARCH 1988

SECRET

ANCHORAGES

PAROLA ISLAND
ANCHORAGE

LOCATION

Parola Island, the northwesternmost island of Kalayaan Island Group is located about 20 miles west of Trident Shoal at latitude $11^{\circ}57'40''N$ and longitude $114^{\circ}48'00''E$. It is about 24 miles north of Pagasa Island and about 52 miles northwest of Likas Island.

COASTAL TOPOGRAPHY

Parola Island is the northernmost island of a small reef cluster marked as North Danger in international charts. The cluster is about 4 miles long and 2 miles wide oriented on a NE-SW axis. Several shoals, reefs and islets including Parola Island compose the reef cluster and are positioned in a circular pattern approximating the configuration of an atoll. These are North Reef, South Reef, Pugad Island (occupied by Vietnamese Forces) and

Parola Island.

Parola Island is about twenty (20) miles west of Trident Shoal. It is covered with grass and shrub growth. It is surrounded by a reef which extends 1/2 mile all around. Landing is suitable at the eastern side. The coastline is white sandy beaches.

STRUCTURAL DEVELOPMENTS

The island is presently occupied by Philippine Forces who are presently developing the island. Among these development are the construction of two (2) one storey-building used as barracks, a flagpole showing the Philippine flag and a 24-foot light pole painted green. Also, a small channel through the reefs surrounding the island, and is suitable for small boats, has been developed on the southeast side of the island leading to the anchorage area 300 yards from the shoreline.

NAVIGATIONAL AIDS/LANDMARK

A lighthouse, located on the southern portion of the Parola Island, has twin red

light flashing every 20 seconds and visible 10 miles offshore. It is constructed atop 24-foot pole painted green.

When making landfall in Parola, the towers located in Pugad could first be seen at a distance of about 12 miles. Thence, Parola will appear later. LARC could be utilized during low and high tide. Passage for small craft is SW of the island.

APPROACH FROM THE SEA

The reef cluster (North Danger) can be approached from all directions by avoiding other shoal clusters of Kalayaan. In entering North Danger as an approach to Parola Island, vessels should use the South Pass and steer course $012^{\circ}T$ when left tranger of the south reef bears $270^{\circ}T$, distance 1.2 miles or else take the same course when left tangent of Pugad Island bears $342^{\circ}T$ distance 3.3 miles. This course leads directly to the anchorage area about 800 yards southeast of Parola Island.

Slow speed is recommended in approaching the area.

HAZARDS TO NAVIGATION

A shallow area of 3 fathoms exist approximately $1/2$ miles NE of South Pass. The bottom is slightly visible during daytime. Discolored water is very evident.

There are two (2) charted reefs in the immediate vicinity of the anchorage which become prominent whenever breakers occur.

ANCHORAGE

The anchorage is located about 600 yards southeast of Parola Island in 7 fathoms, sand and coral bottoms.

HYDROGRAPHY

TIDE AND CURRENT

The mean high water (springs) is $4\frac{1}{2}$ feet, while the mean high water (neaps) is $3\frac{3}{4}$ feet. The mean tide level is $3\frac{1}{2}$ feet.

Strong currents of more than 2 knots

are observed on the anchorage area. Flood sets to the south while the ebb sets in the opposite direction.

SWELL

The bottom is generally composed of coralline sand.

METEOROLOGICAL CONDITIONS

WIND EFFECTS

The anchorage area is not protected from winds generated by both NE and southwest monsoons.

REMARKS:

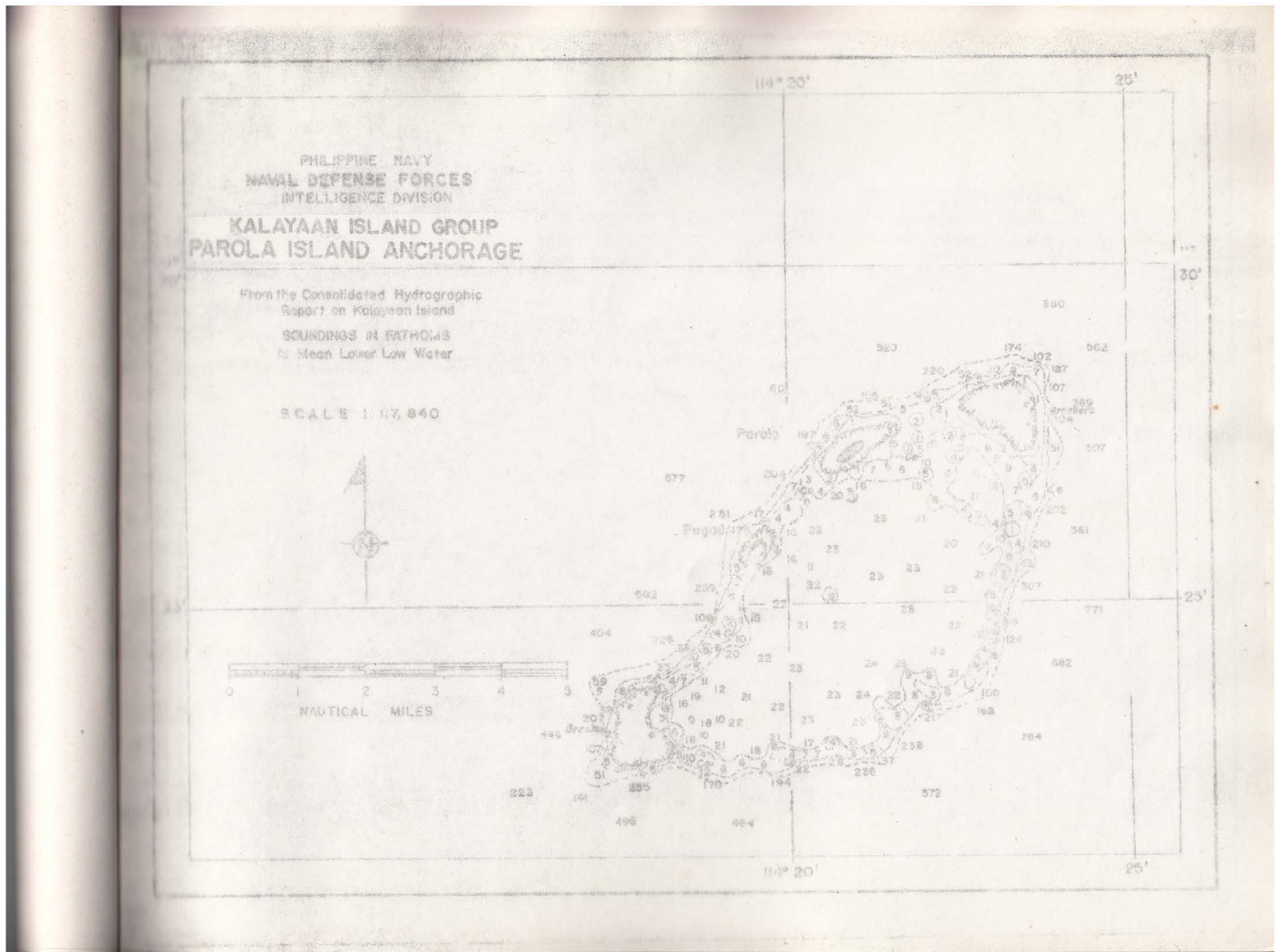
The island has the same topographic characteristics as that of Pagasa Island being flat in nature and inconspicuous.

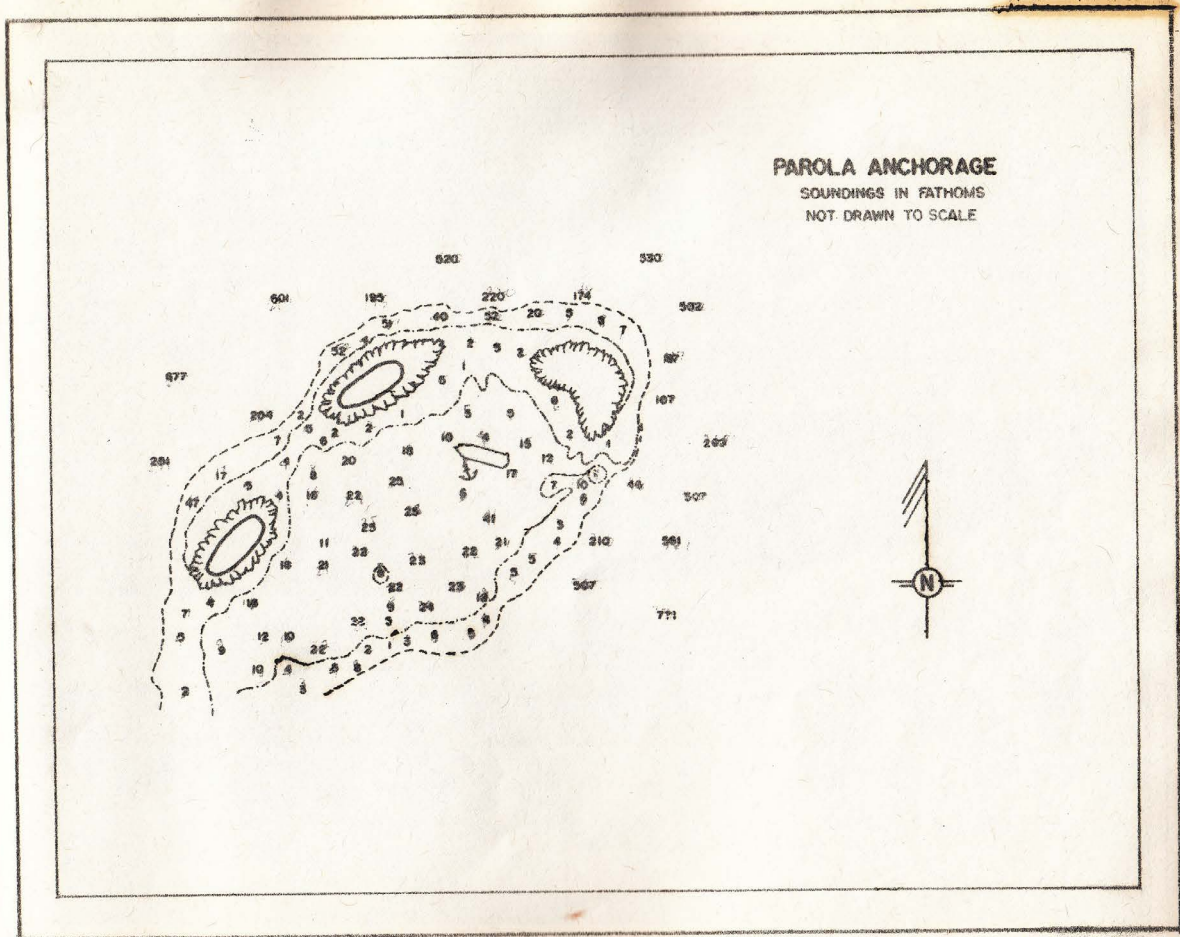
The lighthouse is the only reference during night time.

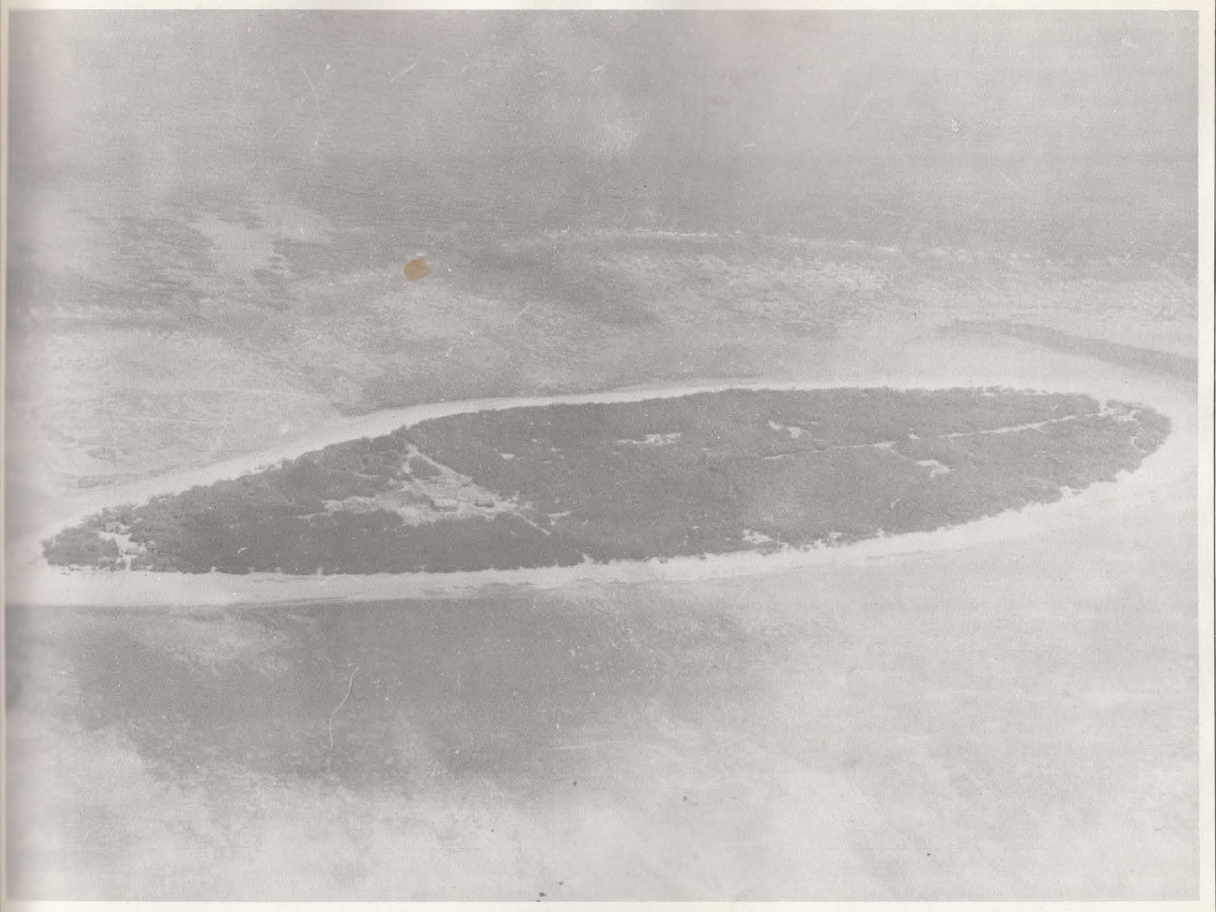
The only source of potable water is rainwater.

Small bancas and rubber boats are the only recommended means of transportation during loading and unloading operations.

Vessels are advised not to come close to about 300 yards to Pugad Island to avoid any encounters from the Vietnamese Armed Forces occupying the island. Vietnamese patrol vessels are expected to be encountered in the area.



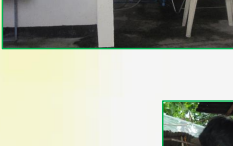
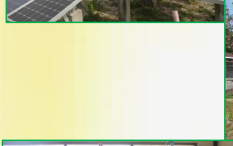




Annex 92(bis)

Republic of the Philippines, Municipality of Kalayaan, *The Comprehensive Development Plan 2010-2016* (5
Apr. 2013)

The Comprehensive Development Plan 2010 – 2016





Republic of the Philippines
Municipality of Kalayaan
MUNICIPAL DEVELOPMENT COUNCIL

Excerpts from the Minutes of Meeting of the Municipal Development Council of the Municipality of Kalayaan Held at Sunlight Hotel, Puerto Princesa City on April 03, 2013 at 8:00 in the morning

In Attendance:

Hon. Eugenio B. Bito-onon, Jr.	Municipal Mayor/ MDC Chairman
Hon. Rosendo L. Mantes	Municipal Vice Mayor
Hon. Roberto M. Del Mundo	Chairman, Institutional Sector Committee
Hon. Noel F. Osorio	Member, Economic Sector Committee
Hon. Roberto D. Saulon	Chairman, Environmental Sector Committee
Hon. Allan D. Delloso	Member, Infrastructure Sector Committee
Hon. Janet Villamor-Espinosa	Member, Social Sector Committee
Hon. Vicencio R. Milan	Chairman, Infrastructure Sector Committee
Hon. Hermosa A. Ornopia	Chairman, Economic Sector Committee
Hon. Mario O. Flores	Chairman, Social Sector Committee
Ms. Cynthia P. Noveno	MLGOO/ Member, Economic Sector Committee
Mr. Jorge G. Misajon	Mun. Admin/Vice Chair, Institutional Sector Committee
Ms. Dina M. Balofiños	MPDC/MDC Sec., Member, Envi. Sector Committee
Ms. Lucila S. Osorio	Mun. Accountant/Vice Chair, Social Sector Committee
Mr. Raul C. Villamor	Mun. Budget Officer/ Vice Chair, Economic Sector Committee
Ms. Ma. Sherlita M. Tamaño	SB Secretary/ Member, Institutional Sector Committee
Mr. Allan B. Arinos	Mun. Assessor/ Vice Chair, Environmental Sector Committee
Engr. Arnel V. Essler	Mun. Engineer/ Vice Chair, Infrastructure Sector Committee
Ms. Inocencia T. Magdayao	HRMO II/ Member, Institutional Sector Committee
Plnsp Rodelio M. Caballes	Chief, Kalayaan MPS/ Member, Social Sector Committee
Mr. Joey Vincent P. Rabanal, RN, MAN	OIC-Health & Social Welfare/ Member, Social Sector Committee
Mr. Jeffrey M. Flores	NGO/ KMPC Board Member/ Member, Economic Sector Committee
Ms. Dianne Melanie W. Pesito	Planning Assistant/ Secretariat
Mr. Alvin M. Natividad	Consultant/ Resource Person
Mr. Angelo P. Elim	HSWS Assistant/ Secretariat
Ms. Myla B. Panganiban	Secretariat
Mr. Zed B. Esmael	Secretariat

Absent:

Hon. Predicando M. Malabayabas	Pres., Liga ng mga Barangay/ Member, Infra Sector Committee
Ms. Jaratia I. Lacod	OIC Mun. Treasurer/ Member, Institutional Sector Committee

Resolution No. 01
Series of 2013

A RESOLUTION ADOPTING AND ENDORSING TO SANGGUNIANG BAYAN THE COMPREHENSIVE DEVELOPMENT PLAN OF THE MUNICIPALITY OF KALAYAAN, PALAWAN FOR THE PERIOD 2010 - 2016

WHEREAS, the formulation of Comprehensive Development Plan was mandated under Section 106 of the RA 7160, otherwise known as Local Government Code of 1991 which provides that each local government

unit shall have a comprehensive multi-sectoral development plan to be initiated by its Municipal Development Council and approved by its Sanggunian;

WHEREAS, this three-chapter Comprehensive Development Plan 2010 to 2016, was formulated utilizing the participatory and inclusive principles of planning that ensures efficiency, effectiveness, transparency and accountability from development planning stage up to utilization of public funds and resources;

WHEREAS, this plan is a comprehensive document that integrates different sectoral programs, projects and activities of the municipality that were identified during the series of MDC Sectoral Committees Planning Workshops starting August 2010 up to September 2012, participated in by members of the Municipal Development Council Sectoral Committees, department head and other stakeholders;

WHEREAS, this document shall serve as basis of the municipality in setting the direction of economic, social, environmental, institutional, and physical (infrastructure) development of the locality and in coordinating development efforts within its administrative jurisdiction;

NOW THEREFORE, upon motion of Hon. Vicencio R. Milan duly seconded by Hon. Roberto D. Saulon, be it;

RESOLVED, as it is hereby resolved, to adopt, as this council hereby adopts the Comprehensive Development Plan of the Municipality of Kalayaan for the period 2010 – 2016 as presented and to endorse the same to the Sangguniang Bayan for appropriate action;

RESOLVED FURTHER, that copies of this resolution be furnished to the Sangguniang Bayan, Office of the Municipal Mayor and other concerned offices/ agencies for their information and appropriate action.


UNANIMOUSLY APPROVED

I HEREBY CERTIFY TO THE CORRECTNESS OF THIS RESOLUTION.



DINA M. BALOFIÑOS
Mun. Planning & Devt. Coordinator
MDC Secretary

APPROVED:



EUGENIO B. BITO-ONON, JR.
Municipal Mayor
MDC Chairman

Date Approved: APR 05 2013

ATTESTED :



VICENCIO R. MILAN
SB Chairman, Committee on Finance,
Budget & Appropriation/MDC Member

SOCIAL SERVICES AND WELFARE

The status of welfare of the Municipality's population can be observed from selected development indicators in the health and nutrition, education, housing and similar subsectors. Status of welfare may also be deduced from the reciprocal development indicators which reflect levels of deprivation, lack of access to various social services, and of poverty in general.

- a. **Literacy level** – The simple literacy rate, which indicates the proportion of the total population that is able to read, write and do simple arithmetic calculations, gives a quick impression of the educational or literacy level. The literacy rate for the whole municipality is 95%.

On basic education, there is no secondary level education in the municipality. Elementary school, which opened June of 2012, enrolled all daycare and kindergarten children in Pag-asa Island.

- b. **Child nutrition** - The general state of health or “unhealthy” of the population is determined by the population of malnourished or underweight children below the age of six (6) years. The critical importance of this age group is that undernourished children of this age acquire a handicap they may not be able to overcome for the rest of their lives. In the Municipality, there are no data indicating incidence of malnutrition of children 6 years and below. This may be due to the fact that they are provided with supplemental feeding, vitamin supplementation, milk supplement and food subsidy by the municipality.
- c. **Access to health care** – incidence of illness and death due to illness is another measure of the degree of “unhealthy” of the population. Among other things, this implies access to appropriate and adequate health care facilities.

Data shown in table 1.4 indicate no death occurred due to illness and accidents.

Table 1.4 Access to Health Care, By Area, 2010
Municipality of Kalayaan, 2010

Indicator	2010
Proportion of children under 5 years old who died of illness (%)	0
Proportion of women who died due to pregnancy per 1000	0
Proportion of births attended to by health personnel (%)	0
Prevalence of HIV/AIDS per 1000 persons	0

The Local Economy

The Primary Sector

1. Agricultural Crops

The Municipal Government maintains a vegetable demo-garden in Pag-asa which provides minimal vegetable requirements for the community. Squash, radish, string bean, eggplant, and green pepper are some of the vegetables that grow in the island. Difficulty are met in planting agricultural crops due to the sandy characteristics of soil in Pag-asa, planting soil are transported from mainland Palawan to provide conducive environment for agricultural products.

Agricultural croplands

The total area planted to crops covered 4,246.144 square meters. Majority of the area are planted with vegetables which forms the demo-garden project of the locality. There is no rice or grain production in the island; the community relies mostly on the rice and basic commodity subsidy provided by the local government.

2. Livestock and poultry

Hog/ Swine

Swine production stopped on 2010 due to high maintenance cost of its operation. The requirement for its production even exceeds the cost provided for human food subsidy.

Goat

The local government maintains a goat raising project in Pag-asa Island in which its primary goal is to support the nutritional requirements of its residents. As of latest survey, the LGU have fifty (50) heads of goat in the island.

Chicken

Backyard growing of chicken is practiced in Pag-asa for domestic consumption. There is no available data on poultry population.

3. Fisheries

Municipal Fisheries

The agriculturist reported 14 motorized private bancas, 2 municipal owned utility motorized banca and 4 non-motor banca in Brgy. Pag-asa. The catch per unit effort (CPUE) of handline fishing in Pag-asa Island was estimated to be 4.2kg/person/hour (Gonzales et.al, 2008) compared to 1 kg/person/hour in Honda Bay (mainland Palawan). Recent survey provides fish production of 10 metric tons per year. The locals resort to drying most of their catch to lengthen its shelf life until transportation becomes available or use it for domestic consumption.

Commercial Fisheries

Commercial fishers from Luzon area (mostly from Batangas and Mindoro) are reported to engage in fishing activities in the municipal waters. Also, commercial fishers from neighboring countries are reportedly seen fishing in the area. No data on the volume of commercial fishing produce is available.

4. Food self-sufficiency assessment

The Municipality of Kalayaan is not self-sufficient in rice because of the absence of farmland in the area. In fact, one hundred percent (100%) are imported from mainland Palawan. Same is true in egg production. Livestock and poultry program supports minimal requirement of the community. Other basic commodities are imported from mainland Palawan and subsidized by the local government.

5. Forestry

Pag-asa Island, the urban area in the municipality, is covered by 44,170.175 square meters (12% of the total land area) of forest. However, no forest-based production activities are present in the area.

6. Agricultural support facilities

- a. Fish handling facility includes three (3) units of multi-freezer storage system maintenance in Pag-asa wherein fishermen can store their catches to extend shelf life.

Currently, the municipality has one service provider of telecommunications systems, Smart Communications which covers Pag-asa Island only. Other options are use of Single-side band radio and use of very high frequency (VHF) radio in the island.

No local radio stations can be accessed in the area. However, provincial and national, and foreign (Chinese and Vietnamese stations) can be dialed using standard radio equipment.

The Pangilinan Group of companies provided several units *Cignal Television Sets* in Barangay Pag-asa, a complete set of digital cable equipment which was distributed in majority of households in the community. Today, people can have access to their favorite Cable and TV shows both local and international.

Personal services

Part time haircutters, manicurist, massage are providing personal services in the area.

Community services

These comprise 1 Municipal Health Center capable to house five (5) patients at a time and a transient house for guest of the Armed Forces of the Philippines.

Tourism

Potential and preferred tourism activities in the area are eco-tourism where it can attract nature lovers, vacationers and researchers. The area also offers superb diving and fishing environment where tourist can enjoy SCUBA diving, snorkeling, fish feeding, skin diving, skin spear diving and game fishing.

ENVIRONMENT AND NATURAL RESOURCES SECTOR

Kalayaan, which forms part of the Philippines' last frontier, is the country's largest municipality in terms of territorial jurisdiction (64,976 square miles). The Kalayaan Island Group is endowed with rich and diverse natural resources, most especially its marine ecosystem. Recent study shows that the waters around Pag-asa island remains a potential fishery ground, in terms of fishery resources, which is worthy of conservation in order to sustain the long term benefit that we are suppose to gain from it.

Given that natural resources can be exploited for economic purposes, it is necessary to properly manage the Municipality's natural resources so that sustainable development can be achieved. This does not mean that these resources cannot be used. However it does require that the use of renewable resources be

Water resources

Pag-asa island is the only island in the municipality that have potable ground water source. The potential fresh water reserve is estimated at 58.44 million gallons and covers an area of 221,400 square meters with vertical water column of five (5.0) meters. With an underlying loose sand-stone formation (calcarenite type), the porosity is estimated at 20 per cent (20%). Permeability is very high and the ground is susceptible to seawater intrusion (underneath) and ground subsidence (on the above). Likewise, water contamination from surface and subsurface seepage is very likely in the absence of a “capping” or a compacted overlying formation (Kalayaan CDP 1994-2004).

Soil types

Soil found in the municipality is mostly composed of fine to coarse sand.

Land Classification

Until present, the municipality is still unclassified as to land classification.

Land and sea cover

Further surveys are needed to determine exact figures on this subject.

Coastline

Same is true in this area, further study is needed to get the exact coastline area.

Coral reefs

Survey results showed that reef fronts surrounding the Pag-asa Island were characterized by grooves cut into the hard limestone surface most likely formed by the repeated pounding of surf and continuous movements of rubbles. This manifest the existence of consistent ocean swells and strong wave action influencing the shape of the physical profile of the reefs surrounding the island. More than 50% of the benthic cover in most stations was composed of dead corals. The average condition of coral reefs in Pag-asa is found to be fair (Gonzales et al, 2008).

Seagrass and seaweeds

A total of two species of seagrass and twenty eight seaweed were recorded in Pag-asa. The seagrass species consist of *Thalassia hemprichii* and *Halodule pinifolia*.

Annex 348

Republic of the Philippines, Municipality of Kalayaan, “Historical Background”, *available at* http://kalayaanpalawan.gov.ph/about_the_municipality/historical_background.html (accessed 2 Feb. 2015)



Tuesday, February 10, 2015 16:03:54 Philippine Standard Time (PST)

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Historical Background

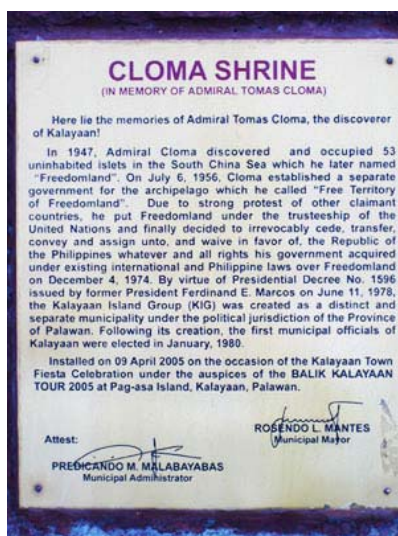
In 1946, Vice President Elpidio Quirino reiterated that the Southern Islands, the forerunner name for Kalayaan, as part of the Philippines.

In 1947, Tomas Cloma, a Filipino adventurer and a fishing magnate, discovered a group of several uninhabited and unoccupied islands/islets in the vastness of the Luzon Sea also called the South China Sea.

On May 11, 1956, together with 40 men, Tomas Cloma and his brother Filemon took formal possession of the islands, lying some 380 miles west of the southern end of Palawan and named it "Free Territory of Freedomland." Four days later on May 15, 1956, Cloma issued and posted copies of his "Notice to the Whole World" on each of the islands as a decisive manifestation of unwavering claim over the territory.



Bust of Tomas Cloma, "discoverer of Kalayaan Island Goup" at Pag-asa Island, Kalayaan, Palawan



Then on May 31, 1956, Tomas Cloma declared the establishment of the Free Territory of Freedomland, ten days after he sent his second representation to the Secretary of Foreign Affairs, informing the latter that the territory.

On July 6, 1956, Cloma declared to the whole world his claim and the establishment of a separate government for the "Free Territory of Freedomland" with its capital on Flat Island (Patag Island). His declaration was met with violent and unfriendly reactions from several neighboring countries especially the Republic of China (ROC; on Taiwan since 1949) when on September 24, 1956 it effectively garrisoned the nearby island of Itu Aba and intercepted Cloma's men and vessels found within its immediate waters. Unable to surmount the difficulties and pressure, he ceded his claim to the Philippines for one peso.

The Spratly Archipelago or the Spratlys is the international reference to the entire archipelago wherein the Kalayaan Chain of Islands is located. In so far as claims are concerned, the People's Republic of China (PRC), claim the entire archipelago. The Philippines essentially claims only the western section of the Spratlys, which is nearest to Palawan. Malaysia occupies five reefs. Brunei claims only a reef in the southern part of the Spratlys which is still underwater

Unlike other claimants, Brunei does not maintain any military presence in the Spratlys.

The dispute exists because of the claims and counterclaims of countries around like the PRC which presently occupies eight (8) islets, the ROC which occupies only one (1) island which is the biggest in land area (approximately 42 hectares) and, Vietnam which occupies 25 islands which China had considered a vassa





state and subject to Chinese sovereignty. Moreover, the display of active interest in the archipelago was triggered by Cloma's declaration and subsequent assertion of the Philippines. In March 1976, President Marcos issued the Letter of Instruction (LOI) No.1-76 organizing the AFP Western Command based in Palawan in response to the heightening conflict of interest in the region and to abate any untoward incident.

To further the claim of the Philippines, on June 11, 1978 President Marcos, by virtue of Presidential Decree No.1596, formally annexed the Kalayaan Islands creating a distinct and separate Municipality known as "Kalayaan" under the political jurisdiction of the Province of Palawan, but under the custody of the Department of National Defense.

The nature by which the Municipality was created by-passed the normal procedures and requirements embodied in the Local Government Code. The Municipality therefore is a creation to facilitate its development and strengthen the Philippine claim.

The first ever recorded election in Kalayaan during the post Marcos dictatorship was on January 30, 1980 where Mr. Aloner M. Herald was elected as the first Municipal Mayor.

But the Municipality of Kalayaan was after the Marcos regime created "demilitarized" on January 18, 1988 and the first appointed Mayor was Alejandro Rodriguez who was subsequently replaced by his appointed Vice-mayor Gaudencio R. Avencena.

The first free election in Kalayaan was held on May 11, 1992 synchronized election, where mostly young Municipal officers under the leadership of Hon. Mayor Gil D. Policarpio served for nine years, equivalent to three (3) terms from 1992-2001.

A new administration assumed office on July 2, 2001 when Hon. Mayor Rosendo L. Mantes won the election on May 14, 2001.

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1 ONLINE

Web Visitor Counter:

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AU	35	AE	29
ID	29	TW	28
FR	25		
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Annex 349

Letter from Rear Adm. Roberto B. Enriquez, Philippines Navy, to Asst. Secretary Benito B. Valeriano, Department of Foreign Affairs, Republic of the Philippines (27 Feb. 2015)



PUNONGHIMPILAN HUKBONG DAGAT NG PILIPINAS
(Headquarters Philippine Navy)
Naval Station Jose Andrada
2335 Pres. M. Roxas Boulevard, Manila

27 FEB 2015

The Honorable
Assistant Secretary BENITO B. VALERIANO
Maritime and Ocean Affairs Office, Office of the Undersecretary for Policy
Department of Foreign Affairs
2330 Roxas Boulevard
Pasay City

Dear Assistant Secretary Valeriano:

This pertains to your letter to J2 dated 24 February 2014 requesting for additional data for supplemental written argument which will be submitted to the Philippine Legal Council handling the Philippines' case before the UN Arbitral Tribunal.

Attached with this letter are this Division's answers to the questions provided by J2 based on N2 intelligence reports and information from troops stationed at Philippine-held features in the Spratlys.

For the information and appreciation of the Assistant Secretary.

Very truly yours,

FOR THE FLAG OFFICER IN COMMAND, PN:


RAMIL ROBERTO B ENRIQUEZ
Captain, PN(GSC)
AC of NS for Intelligence, N2

Additional Data for Supplemental Written Argument

1. Dates of the Philippines' initial occupation of its occupied features:

• LAWAK (Nanshan) Island	-	12 September 1970
• PAGASA (Thitu) Island	-	18 March 1971
• PAROLA (Northeast Cay) Island	-	19 April 1971
• LIKAS (West York) Island	-	19 April 1971
• KOTA (Loaita) Island	-	July 1971
• PATAG (Flat) Island	-	19 June 1977
• PANATA (Lankiam Cay) Island	-	03 March 1978
• RIZAL (Commodore) Reef	-	22 July 1980
• AYUNGIN (Second Thomas) Shoal	-	23 May 1999

2. Number of soldiers stationed on each feature:

• LAWAK (Nanshan) Island	-	Seven (7)
• PAGASA (Thitu) Island	-	Fifteen (15)
• PAROLA (Northeast Cay) Island	-	Seven (7)
• LIKAS (West York) Island	-	Seven (7)
• KOTA (Loaita) Island	-	Seven (7)
• PATAG (Flat) Island	-	Seven (7)
• PANATA (Lankiam Cay) Island	-	Seven (7)
• RIZAL (Commodore) Reef	-	Five (5)
• AYUNGIN (Second Thomas) Shoal	-	Ten (10)

3. Civilians who live on each feature:

- Only PAGASA (Thitu) Island currently has civilian residents.

4. Extent the residents must rely on supplies provided by the mainland:

- Residents of PAGASA (Thitu) Island rely on supplies from the mainland which are transported through flights of the PN Islander. The logistics/supply ship of Naval Forces West also has quarterly trips to the mainland.

5. Features that are accessible only by sea:

- PAGASA (Thitu) Island is the only feature with an airstrip, so the remaining eight (8) features are accessible only by sea.

6. Availability of fresh water on LAWAK (Nanshan) Island and its quality:

- According to the cruise report of the joint national scientific expedition to the Kalayaan Island Group (KIG) by the University of the Philippines (UP), Philippine Atmospheric Geophysical and Astronomical Services Agency (PAGASA) and Philippine Institute of Volcanology and

Seismology (PHIVOLCS) in collaboration with the Armed Forces of the Philippines (AFP) which was conducted from 15 to 23 May 1997, wells were found in the islands of PAGASA (Thitu), PAROLA (Northeast Cay), KOTA (Loaita) and LAWAK (Nanshan). It was not stated, however, if the water found thereat is potable.

7. Alicia Annie (ARELLANO) Reef

- Alicia Annie (ARELLANO) Reef is presently unoccupied. However, the following were observed at the reef during the Maritime Air Surveillance (MAS) conducted by the Philippine Air Force (PAF) over the West Philippine Sea in 2014:
 - On 21 May 2014, one (1) Vietnamese fishing vessel was sighted approximately 4.9 NM NW of the reef.
 - On 03 June 2014, one (1) Vietnamese fishing vessel was sighted anchored approximately 4.9 NM NW of the reef while one (1) Chinese fishing vessel was sighted anchored approximately 33 NM NW of the reef.
 - On 22 October 2014, (1) Chinese fishing vessel and two (2) China Coast Guard (CCG) vessels (BN: 3113 and 1123) were sighted in the vicinity of the reef.

8. Irving (BALAGTAS) Reef

- Irving (BALAGTAS) Reef is also unoccupied. However, on 20 April 2014, one (1) Vietnamese fishing vessel was sighted anchored 8.7 NM SW of the reef.

Annex 350

Republic of the Philippines, Municipality of Kalayaan, "Municipal Background", *available at* http://www.kalayaanpalawan.gov.ph/about_the_municipality/municipal_background.html (accessed 2 Mar. 2015)



Monday, March 02, 2015 14:30:15 Philippine Standard Time (PST)

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Municipal Background

Kalayaan, which forms part of the Philippines' last frontier, is the country's largest municipality in terms of territorial jurisdiction (64,976 square miles). The Kalayaan Island Group is endowed with rich and diverse natural resources, most especially its marine ecosystem. Recent study shows that the waters around Pag-asa island remains a potential fishery ground, in terms of fishery resources, which is worthy of conservation in order to sustain the long term benefit that we are suppose to gain from it.

Given that natural resources can be exploited for economic purposes, it is necessary to properly manage the Municipality's natural resources so that sustainable development can be achieved. This does not mean that these resources cannot be used. However it does require that the use of renewable resources be managed so that their use can be sustained and adverse environmental and social impacts can be avoided. Collective and timely effort is imperative to conserve the municipality's major natural resources for the benefit of the existing and future community. The proper management of these resources will ensure that the community will continue to benefit from these resources.

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resources.



Locational and Land Area

Located west of Palawan, the Municipality is situated in the West Philippine Sea, covering an approximate area of sixty four thousand nine hundred seventy six (64,976) square miles of water and total land area of two hundred ninety (290) square kilometers (based on DBM data). Based on NAMRIA report 2011 (Annex 1), there are total of ninety five (95) islands, cays, shoals and reefs within the area covered by PD 1596, seventy one (71) land formations fall within the Exclusive Economic Zone (EEZ) of the Philippines. Of the seventy one (71), twenty four (24) are occupied by various nations, five (5) (rural areas of Kalayaan) are effectively occupied by the Philippines (Rizal reef, Ayungin reef, Patag Island, Lawak Island and Likas island).

Twenty four (24) land formations are beyond the EEZ, seventeen (17) of this are occupied and the rest unoccupied. Of the twenty four(24), four (4) are effectively being occupied by the Municipality of Kalayaan including its capital, Pag-asa Island, where the seat of government lies.



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FR	25		

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Today:		17
Month:		32
Total:		4830

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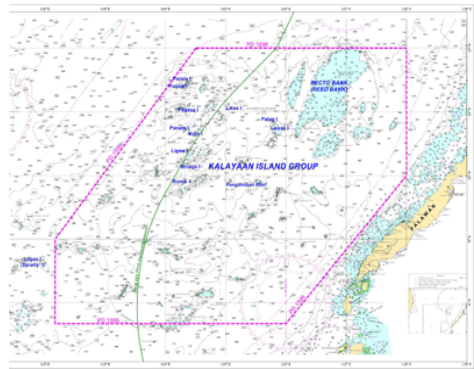
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The municipality is comprised of only one (1) Barangay, with combined land area of 83.69 hectares (based on LGU data).

Population

The Municipality of Kalayaan according to latest national census by NSO (2010) is placed at two hundred twenty two (222). This represents an increase of fifty one percent (51%) over the 2007 census figure. The lone municipality beyond the EEZ of the Philippines accounts for point zero three (0.03) percent of the provincial population.

The population of Kalayaan has shown variation in its growth rate. On 2007, the population decline at fifty one percent (51%) compared to 2000. However, on the



latest census, the data provides an increase of fifty one percent (51%), almost identical to its previous census decrease.

Social Services and Welfare

The status of welfare of the Municipality's population can be observed from selected development indicators in the health and nutrition, education, housing and similar subsectors. Status of welfare may also be deduced from the reciprocal development indicators which reflect levels of deprivation, lack of access to various social services, and of poverty in general.

Literacy Level – The simple literacy rate, which indicates the proportion of the total population that is able to read, write and do simple arithmetic calculations, gives a quick impression of the educational or literacy level. The literacy rate for the whole municipality is 95%. On basic education, there is no secondary level education in the municipality. Elementary school, which opened June of 2012, enrolled all daycare and kindergarten children in Pag-asa Island.



Child Nutrition - The general state of health or "unhealthy" of the population is determined by the population of malnourished or underweight children below the age of six (6) years. The critical importance of this age group is that undernourished children of this age acquire a handicap they may not be able to overcome for the rest of their lives. In the Municipality, there are no data indicating incidence of malnutrition of children 6 years and below. This may be due to the fact that they are provided with supplemental feeding, vitamin supplementation, milk supplement and food subsidy by the municipality.

Access to Health Care – incidence of illness and death due to illness is another measure of the degree of "unhealthy" of the population. Among other things, this implies access to appropriate and adequate health care facilities.

The Local Economy

Agricultural Crops

The Municipal Government maintains a vegetable demo-garden in Pag-asa which provides minimal vegetable requirements for the community. Squash, radish, string bean, eggplant, and green pepper are some of the vegetables that grow in the island. Difficulty are met in planting agricultural crops due to the sandy



characteristics of soil in Pag-asa, planting soil are transported from mainland Palawan to provide conducive environment for agricultural products.

Agricultural Croplands

The total area planted to crops covered 4,246.144 square meters. Majority of the area are planted with vegetables which forms the demo-garden project of the locality. There is no rice or grain production in the



island; the community relies mostly on the rice and basic commodity subsidy provided by the local government.

Livestock and Poultry

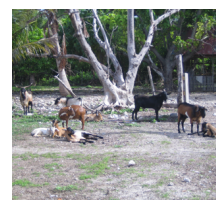
Hog/Swine



Swine production stopped on 2010 due to high maintenance cost of its operation. The requirement for its production even exceeds the cost provided for human food subsidy.

Goat

The local government maintains a goat raising project in Pag-asa Island in which its primary goal is to support the nutritional requirements of its residents. As of latest survey, the LGU have fifty (50) heads of goat in the island.



Chicken

Backyard growing of chicken is practiced in Pag-asa for domestic consumption. There is no available data on poultry population.



Fisheries



Municipal Fisheries

The agriculturist reported 14 motorized private bancas, 2 municipal owned utility motorized banca and 4 non-motor banca in Brgy. Pag-asa. The catch per unit effort (CPUE) of handline fishing in Pag-asa Island was estimated to be 4.2kg/person/hour (Gonzales et.al, 2008) compared to 1 kg/person/hour in Honda Bay (mainland Palawan). Recent survey provides fish production of 10 metric tons per year. The locals resort to drying most of their catch to lengthen its shelf life until transportation becomes available or use it for domestic consumption.

Commercial fishers from Luzon area (mostly from Batangas and Mindoro) are reported to engage in fishing activities in the municipal waters. Also, commercial fishers from neighboring countries are reportedly seen fishing in the area. No data on the volume of commercial fishing produce is available.

Food Self-Sufficiency Assessment

The Municipality of Kalayaan is not self-sufficient in rice because of the absence of farmland in the area. In fact, one hundred percent (100%) are imported from mainland Palawan. Same is true in egg production. Livestock and poultry program supports minimal requirement of the community. Other basic commodities are imported from mainland Palawan and subsidized by the local government.

Forestry

Pag-asa Island, the urban area in the municipality, is covered by 44,170.175 square meters (12% of the total land area) of forest. However, no forest-based production activities are present in the area.

Agricultural Support Facilities

Fish handling facility includes three (3) units of multi-freezer storage system maintenance in Pag-asa wherein fishermen can store their catches to extend shelf life.

Transportation and Communications

Pag-asa island is accessible from mainland Palawan and Manila by military aircraft and private chartered planes. It will take one and a half to three hours travel from both destinations to reach Pag-asa. A joint use memorandum is still in effect wherein commercial and private planes can land to the area to promote economic and tourism endeavors.



Other transportation options going to the municipality is by sea travel, it can be accessed thru a.) **Philippine Navy Vessel going to Kalayaan Island Group (KIG)**, b.) **Municipal of Kalayaan Owned Motor Launch**, and c.) Private Chartered Vessels.



Currently, the municipality has one service provider of telecommunications systems, Smart Communications which covers Pag-asa Island only. Other options are use of Single-side band radio and use of very high frequency (VHF) radio in the island.

No local radio stations can be accessed in the area. However, provincial and national, and foreign (Chinese and Vietnamese stations) can be dialed using standard radio equipment.



The Pangilinan Group of companies provided several units Signal Television Sets in Barangay Pag-asa, a complete set of digital cable equipment which was distributed in majority of households in the community. Today, people can have access to their favorite Cable and TV shows both local and international.

Personal Services



Part time haircutters, manicurist, massage are providing personal services in the area.

Community Services



These comprise one (1) Municipal Health Center capable to house five (5) patients at a time and a Transient House for guest of the Armed Forces of the Philippines.

Tourism

Potential and preferred tourism activities in the area are eco-tourism where it can attract nature lovers, vacationers and researchers. The area also offers superb diving and fishing environment where tourist can enjoy SCUBA diving, snorkeling, fish feeding, skin diving, skin spear diving and game fishing.





Annex 351

Letter from Ministry of the Interior of the Republic of China to the Ministry of Foreign Affairs of the Republic of China (9 Oct. 1946), reprinted in *Archival Compilation on South China Sea Islands by Ministry of Foreign Affairs*, Vol. 2, Doc. No. III(1):009 (Republic of China Ministry of Foreign Affairs Research & Planning Committee, ed.) (1995)

Foreign Ministry Compilation of Files on
South China Sea Islands
(Volume II)



Printed by the Foreign Ministry Research and Design Committee

May 31, 1995, Republic of China

[...]

III(1): 009. [Concerning the case of assisting takeover of the Nanhai Islands, the original text presented to Executive Yuan and other documents are sent herein], from the Ministry of the Interior to the Ministry of Foreign Affairs (October 9, 1946, Fang Zi No. 0012)

Official letter of Ministry of the Interior

Concerning the case of Executive Yuan's Order for assisting the takeover of the Nanhai Islands, the representatives of the Ministry of Foreign Affairs were invited for consultation, and the consultation records along with the "Outline of the locations of the Nanhai Islands" and the list of translated names of the Nanhai Islands are sent in the official letter. To avoid the delay in document circulation among the departments, the Ministry of the Interior was entrusted to submit the consultation records to the Executive Yuan and order Guangdong Provincial Government to comply with such consultation decisions. Additionally, the original text presented to Executive Yuan and the map of the Nansha Islands and brief introductions of the Nansha Islands are attached herein.

Please review.

Best Regards

Ministry of Foreign Affairs

Attached: original text presented to Executive Yuan, the map of the Nansha Islands, and a brief introduction of the Nansha Islands

Minister Zhang Lisheng

Copy of the original text presented to Executive Yuan

Case Attached

Jie Jing Lu Zi No. 308 Order of Executive Yuan issued on September 19 of this year regarding the takeover of the Nansha Islands was copied to Guangdong Provincial Government. Soon after arrival of the letter, we consulted with the Ministry of National Defense and the Ministry of Foreign Affairs about assisting the takeover. Based on the order, having consulted with the Ministry of National Defense and the Ministry of Foreign Affairs, and the representatives of Naval Army General Headquarters in a meeting, it hereby makes the following resolutions accordingly.

1. The scope of takeover is subject to the outline of locations of the Nansha Islands drafted by the Ministry of the Interior, and is submitted to Executive Yuan for approval, to be implemented by Guangdong Provincial Government.

2. The names of the Nansha Islands, reefs, and shoals shall follow the western-translated names for the time being. Our Ministry shall prepare detailed illustration which is merely for reference. After takeover, our Ministry shall rename the islands and announce them for public knowledge.

3. Warships for takeover should be determined and dispatched by the Ministry of National Defense

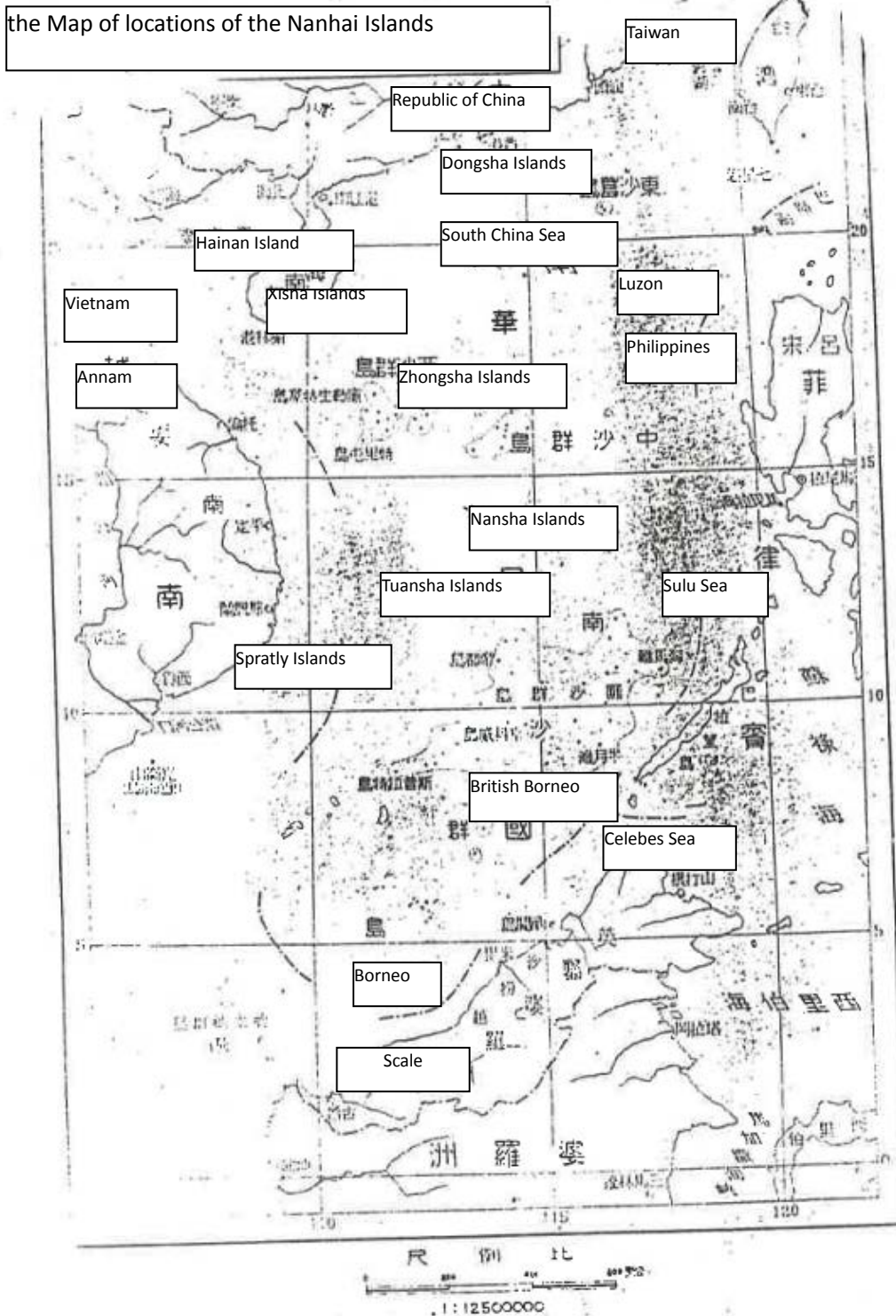
4. Prior to departure for takeover, Guangdong Provincial Government shall make steles to be erected on Itu Aba, Shuangzi Islands (*i.e.* Twin Islands) and Spratly Island of Tuansha Islands and other appropriate islands to indicate the territory of [Republic of] China. Besides, the location of the steles, styles, and inscriptions shall be mailed to the Ministry of the Interior for review.

Thereupon, the map of locations of the Nansha Islands, the map of the Nansha Islands, brief introductions of the Nansha Islands and the name list of the Nansha Islands are submitted hereby for review and an order shall be issued to Guangdong Provincial Government for corresponding implementation. Concerning the scope of takeover and erection of steles, staff shall be dispatched for assistance if necessary. Presented to

Executive Yuan

Attached the map of locations of the Nanhai Islands, the map of the Nansha Islands, brief introduction of the Nansha Islands, and a list of the names of Nanhai Islands Attachment 1. the Map of locations of the Nanhai Islands

[All legible place names have been translated.]



Attachment 2. Brief introduction of the Nansha Islands

The Nansha Islands are the southernmost group of the four groups of islands (the Dongsha Islands, the Xisha Islands, the Zhongsha Islands, and the Nansha Islands) belonging to our country in South China Sea. The islands are made up of coral reefs and have low elevation, with few residents. The islands are scattered about, and the largest group is known as the Tuansha Islands. The remaining islands are located to the southwest, ending with James Shoal in the southernmost point. A selection of the larger islands is hereby described using the materials at hand:

(1) Shuangzi Island (or Twin Islands)

Shuangzi Island (North Danger) were named for their coral reef composition; each is approximately half a mile long. The one in the north is Beizi Island (11°28' north, 114°21' east), and is 10 feet tall. The one in the south is Nanzi Island, 15 feet tall. Between the two cays is a water passage of 1 nautical mile wide and 5 fathoms deep. This leads to a coral lake 20-27 fathoms deep. The cays are both covered in green grass. Beizi Island also has shrubs. Hainan Island fishermen have long come here to collect objects such as sea cucumbers and tortoise shells. Beizi Island also has freshwater wells for drinking.

(2) Thi Tu Island

Thi Tu Island is located at 11°3' north, 114°16' east, and is a sandy island of lower elevation. It is approximately 800 yards long. On the east side of the western shallow beach of Thi Tu Reef is a small water well, next to a few coconut trees and banana trees.

(3) Laita Island

Laita Island (Loaita L. located at 10°41' north, 114°25' east) is 18 nautical miles of 10° in the direction of

Itu Aba. This is a sandy island. The island has a diameter of 300 yards. The shrubs growing on the island are encircled by reefs, as far as half a nautical mile.

(4) Long Island

Long Island (Itu Aba (10°23' north, 114°21' east) is one of two large islands in Tuansha. It is located to the northwest corner of Tuansha and is 3/4 nautical miles long. Sometimes the surrounding reefs are as far as half a nautical mile out, but its boundaries are always clear due to wave breakers. There are small trees and shrubs on the island, and some coconut trees and banana trees as tall as 25 feet next to a well. Hainan Island residents often come here to catch sea cucumbers and look for tortoise shells to make their living; there are also people who permanently live here. The sail boats from Hainan Island bring grains and other necessities to trade for sea cucumbers and other objects with the fishermen. These sail boats usually leave Hainan Island in December or January, and return with the southwest trade wind. The freshwater on Itu Aba is considered sweet dew among the Nansha Islands.

(5) Beixiao Island

Beixiao Island (Sand Cay) is approximately 6 nautical miles east of Itu Aba. It is located at the center of reef 3/4 nautical miles in diameter, and its diameter is approximately 2/4 nautical miles. There is a sandy passage between the reefs, with shrubs growing at 9 feet in elevation, approximately 15 feet tall. Between Sand Cay and Itu Aba is an area of shallow water, and a reef 1400 yards in diameter that is submerged at high tide. However, between Sand Cay and the reef is a safe place to anchor with a depth of 7-10 fathoms.

(6) Nanxiao Island

Nanxiao Island (Namyit I. 10°12' north, 114°21' east) is located on the southern side of the Tuansha Islands. It is 600 yards long and 200 yards wide, and surrounded by reefs. The west side juts out over a nautical mile, and 1/3 nautical miles elsewhere as well. This island is approximately 20 feet tall, and covered in small trees and shrubs.

(7) Spratly Island

Spratly Island is a flat barren island 15 nautical miles east of Ladd Reef. It is approximately 8 feet tall, 500 yards long, and 300 yards wide. It is ringed by bright, clean, and white sands and coral fragments. During breeding seasons, flocks of sea birds on the island can be seen from three to four nautical miles away, appearing like shrubs. The cliffs are precipitous; except when the winds and waves are calm, they beat strongly against the cliffs. Between June and July of each year, turtles come to the island and many can be caught by the cliffs. They also lay many eggs on the southwest corner of the island. There is also a good deal of eggs laid by sea birds.

(8) Amboyna Cay

Amboyna Cay (7°51' north, 112°55' east) is approximately 70 nautical miles to the east of Riffleman B.k and to the southwest of a small coral beach. Its surface area is around 150 yards, and is surrounded by a coral reef 8 feet tall. Sometimes approximately 400 yards are exposed. It is precipitous and breaks waves whenever there is wind. Over 40 years ago, there were signs of small huts constructed from stones, coral, wooden planks, bamboo strips, and materials from old ships, then smeared with white guano. It is speculated that human beings used to live here.

According to Japanese literature, in 1921 Japanese people began a 12-year phosphorus mining effort in Itu Aba, and also on S.W. Cay on North Danger. As of 1929, they had mined 26,000 tons, but the total deposit was estimated to be 250,000 tons. The islands produced important types of fish, such as shark and marlin. In 1940, a plan to construct a fishing port was established, which would (1) construct a 620 meter border dike on the south beach of Itu Aba, (2) construct a docking area 2.5 meters deep and 1300 square meters in area, with a 50 meter port, (3) construct docks and warehouses 175 meters long along the docking area, and (4) purchase dredging vessels, construct

hotels, rent vessels for contact. The above plan began in 1941, and most of the border dike has been constructed, as well as part of the dock warehouses. The ports could be used by fishing boats.

Attachment 3. List of names of the Nanhai Islands

Island name	Old name	Western name
[Island names and Western names are bilingual translations.]		Tung Sha Tao (Pratas I.)
		Hsi-Sha Chun-Tao (Paracel I)
		Chung-Sha Chun-Tao
		(Maceles field B.k)
		Nan-Sha Chun-Tao
		Twan-Sha Chun-Tao
	Tulaitang Island	Trident Shoal
	North Danger Island	North Danger
		N.E. Cay
		S.W. Cay
	Qianjin, Tiedu Island	Lys Shoal
		Thi-Tu I. & Reefs
	Xumei Luowan Island	Subi Reef
		Loaita B.R.
		Lamkiam Cay
	Tiesha Island	Loaita (or South I.)
	Itu Aba Sand Cay	Tizard B.R.
	Itu Aba	
	Sand Cay	
	Petley Reef	
Nanyi Island	Eldad Reef	
Xishi	Gaven Reefs	
	Namyit I.	
	Western (or Flora Temple)R.	

English Translation

Island name	Old name	Western name
[Island names and Western names are bilingual translations.]	Dajianchu Island Yancheng Reef	Discovery Great R. Discovery Small R. Reed Bank Templer Bank Sandy Shoal Sea Horse (or Routh) B. Fairie Queen Lord Aukland Shoal Carnatic Sh. Brown B. Pennsylvania N. Reef Pennsylvania Amy Douglas 3rd Thomas Sh. Flat I. Nanshan I. Mischief West York Ganges N. Reef Ganges Reef Pannsylvania Fiery Cross (or N.W. Investigator R.) Dhault Sh. London Reefs Central Reefs W. Reef E. Reef Cuarteron Reef

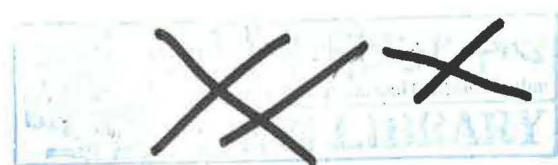
Island name	Old name	Western name
[Island names and Western names are bilingual translations.]	Feiniao Island	Ladd Reef Spratly (or Storm) I. Owen Sh. Stay Sh. Barque Canda Lizzie Weber Pearson Sin Cowe I. Fancy Wreck Sh. Cornwallis South Reef Cay Marino Investigator Sh. Alicia Annie N.E. Shea S.W. Shea Glasgow Commodore Reef N. Viper Sh. (or Seahorse) Viper Sh. 2nd Thomas Sh. Sabina Sh. 1st Thomas Sh. Investigator N.E. Sh. Royal Captain Sh. Half Moon Sh. Director Bombay Sh. Riffleman Bank Bombay Castle

English Translation

Island name	Old name	Western name
[Island names and Western names are bilingual translations.]		Oleana Sh. Kingston Sh. Amboyne Cay Marivelles Reef Ardasier Breakers Gloucestcr Breakers Ardasier B. Swallow Reef Royal Charlotte R. Louisa Reef North Luconia Shoals Friendship Sh. Sea-Horse Breakers South Luconia Sh. Herald Reef Seerra Blanca James Sh.

[...]

外交部南海諸島檔案彙編 (下冊)



外交部研究設計委員會編印
中華民國八十四年五月三十一日

決議：由廣東省政府於出發接收前，預製石碑，以備豎立於長島，雙子島（即二子島）、斯普拉特島等處及其他適當島上，俾顯示為我國領土，並將石碑豎立地點式樣及碑文等函內政部備查。

6.接收後各島礁灘沙名稱應如何改定案：

決議：由內政部參照現有中西譯名擬定呈行院核定後仍由內政部製為詳細圖說公佈週知。

7.關於接收南海各島消息應否暫守秘密案：

決議：在未完全正式接收前，概不發表。

8.接收軍艦應如何派遣案：

決議：請國防部迅予派定

III(1):009、「為奉令籌商協助接收南海諸島一案，抄附呈院原文等件函請查照由」，內政部函外交部（民國三十五年十月九日 方字第〇〇一二號）

內政部公函

案查前奉 院令籌商協助接收南海諸島一案經邀集貴部派員會商並將會商紀錄連同南海諸島位置略圖及諸島譯名表函達鑒照為免輾轉會簽會印延誤時機起見，業由本部依會商決議呈報行政院迅飭廣東省政府遵照辦理各在卷，相應抄附呈院原文並檢同南沙群島圖、南沙群島概況各一份隨函送請查照為荷此致

外交部

附抄呈院原文南沙群島圖、南沙群島概況各一份

部長 張厲生

抄呈院原文

案奉

鈞院本年九月十九日節京陸字第三〇八號訓令，以關於接收南海諸島案抄附廣東省政府原電飭迅即會同國防外交兩部商籌協助進行接收具報等因，奉此遵經函約國防外交兩部及海軍總司令部派員會商當經決議

一、關於接收範圍依照內政部擬製之南海諸島位置略圖所示範圍呈由鈞院核令廣東省政府辦理

二、關於南海各島礁灘沙名稱暫照西圖譯名由部製為詳圖備供依據接收後再由部重予擬定名稱公布週知

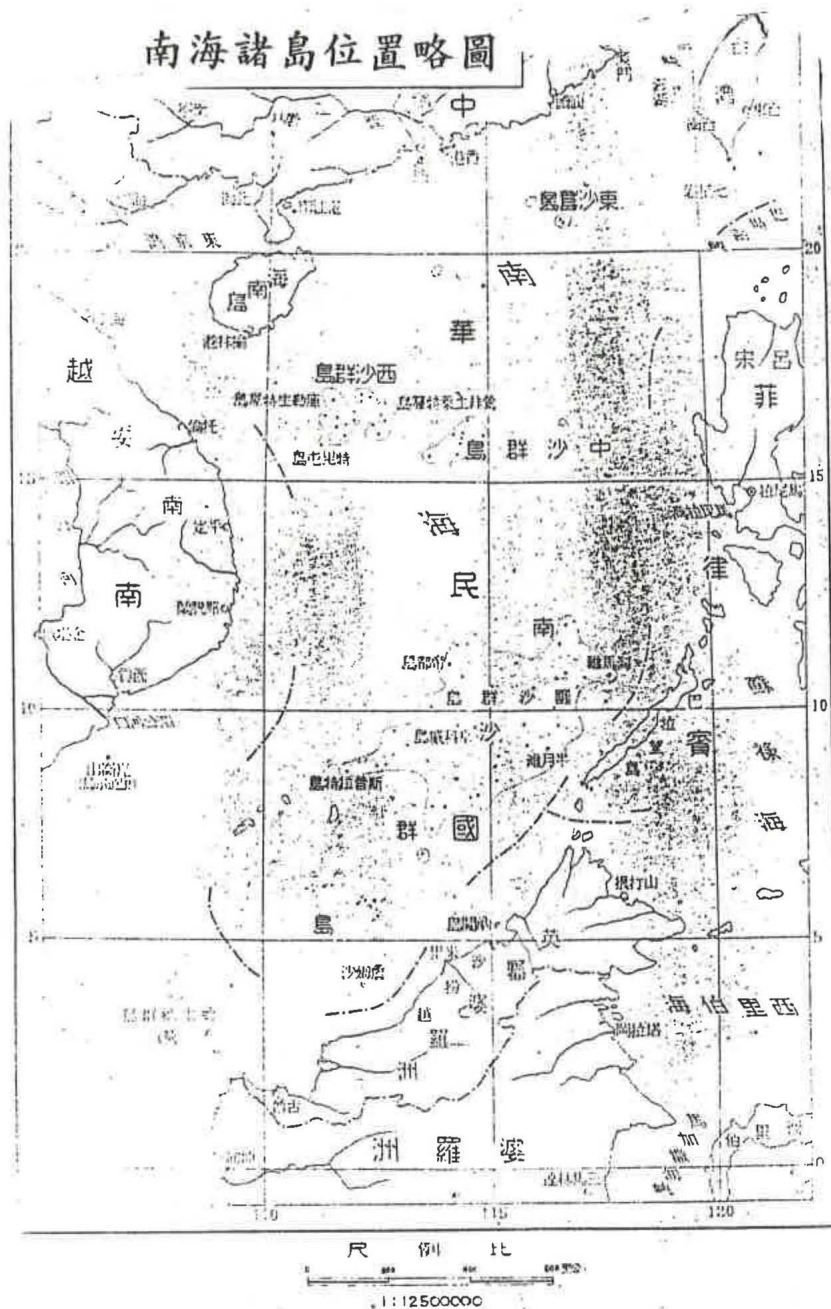
三、接收軍艦由國防部迅予派定

四、於出發接收前由廣東省政府預製石碑以備豎立於團沙群島之長島、雙子島（即二子島）、斯普拉特島等處及其他適當島上，俾顯示為我國領土並將石碑豎立地點式樣及碑文等函內政部備查

奉令前因理合檢附南海諸島位置略圖南沙群島圖、南沙群島概況表及南海諸島名稱一覽表各貳份呈請鑒核迅飭廣東省政府遵照辦理，關於接收範圍及豎立碑石等項如有必要當由部派員前往協辦。謹呈

行政院

附呈南海諸島位置略圖、南沙群島圖、南沙群島概況、南海諸島名稱一覽表
 附件一、南海諸島位置略圖



附件二、南沙群島概況

南沙群島位於我國南海四群島（東沙島、西沙群島、中沙群島、南沙群島）之最南一群我國領土之最南端部也，各島皆由珊瑚礁構成多甚低，居民尚少，各島之羅列紛濶其中最大一群稱團沙群島，餘者分布於其西南方，而止於極南之詹姆沙，今僅就手邊資料所許擇其大者略志如下：

(一) 雙子島（即二子島）

雙子島（North Danger）為珊瑚礁所組成故名各長約半里在北者曰北子島（北緯十一度二十八分東經一百十四度二十一分）高十呎，南曰南子島高十五呎二島之間有水道寬一哩水深約五尋引入礁湖，其中水深二十至二十七尋，各島俱綠草成茵，北子島且生灌木，海南島之漁人恆來此搜集海參、龜甲等物，北子島有淡水井可供飲料。

(二) 帝都島

帝都島（Thi Tu）位北緯十一度三分東經一百十四度十六分為一較低沙島，長約八百碼位於帝都礁上，成為西淺灘之東端，其上有一小井傍有少數椰子樹及甘蕉樹。

(三) 賴他島

賴他島（Loaita L. 北緯十度四十一分東經一百十四度二十五分）在長島 10° 方向，相距十八哩係一沙島直

徑三百碼島上灌木叢生圍以礁石，有遠達半哩者。

(四)長島

長島 (Itu Aba 北緯十度二十三分東經一百十四度二十一分) 爲團沙二大島之一，位於團沙之西北角長四分之三哩，環繞之礁石有時遠達半哩，但其界限恆有破浪可尋，本島叢生小樹及灌木，且在井邊有少數椰子樹及甘蕉樹其頂約高二十五呎。海南島漁民藉捕海參及龜甲以維生計者常來此島間，亦有經年留此者，海南島之帆船則每年攜帶穀類及必需品至此與漁民交易海參及其他物品。此等帆船多於十二月或一月離海南於西南貿易風發現時回航，長島之淡水咸認爲南沙群島中之甘露焉。

(五)北小島

北小島 (Sand Cay) 在長島東約六哩名沙島位於直徑四分之三哩礁石之中央其直徑約四分之二哩，此島乃礁間之惟一沙道生灌木高約九呎，其頂約高十五呎，該島與長島間淺水相連近中央處有直徑一千四百碼之礁石高潮時淹沒，但在本島與該礁石間水深約七至十尋乃安全之錨地。

(六)南小島

南小島 (Namyit I. 北緯十度十二分東經一百十四度二十一分) 位於團沙群島之南邊長六百碼寬二百碼圍繞之礁石，西方伸出達一哩以上，他方亦約三分之一哩，本島高約二十呎叢生小樹及灌木。

(七)斯普拉特島

斯普拉特島 (Spratly L.) 位於拉德礁東方十五哩係不毛平島，約高八呎長五百碼寬三百碼，其邊緣為光耀潔白之沙及破碎珊瑚，當繁殖時間，於三四哩外見海鳥群立島上，酷似灌木叢生，崖壁陡峭除風平浪靜外，激崖破浪頗猛，每年六、七月之交群龜來島，在崖邊能獲取甚多，且有大量之卵在該島之西南隅海鳥卵亦多。

(八)安波那島

安波那島 (Amboyna Cay 北緯七度五十一分東經一百十二度五十五分)，約在來福門灘 (Riffleman B.k) 東方七十哩，且在小珊瑚灘之西南邊廣袤一百五十碼高八呎珊瑚礁環繞，有時顯露約達四百碼且甚陡峭，在任何風波中均有破浪，四十餘年前見有小屋遺跡，係由石塊珊瑚木板竹條舊船材料所構成，塗以白色鳥糞遙想必曾有人類居於斯土也。

根據日本文獻日人於民國十年在長島開採磷礦十二年，復在北險島之南子島開採，至十八年止共採二萬六千噸，但全部蘊藏估計約二十五萬噸，該群島產鮫、旗魚等重要魚類甚多，於民國二十九年定有修建漁港計劃，其概要為(一)於長島南面海濱建造圍堤六百二十公尺(二)其內關水深二·五公尺面積一千三百方公尺之泊船所，港口幅員五十公尺(三)沿泊船所建築長一百七十五公尺之碼頭及倉庫(四)購置濬渫船、建築旅館、租用

聯絡船，上述計劃自一九四一年開始，圍堤已大部築成碼頭倉庫亦已完成一部，港口且能容漁船出入。

附件三、南海諸島名稱一覽表

島名	舊名	西名
東沙島		Tung Sha Tao (Pratas I.)
西沙群島		Hsi-Sha Chun-Tao (Paracel Is.)
中沙群島		Chung-Sha Chun-Tao (Maceles field B.k)
南沙群島		Nan-Sha Chun-Tao
團沙群島		Twan-Sha Chun-Tao
特里賴沙	土來塘島	Trident Shoal
雙子島	北險島	North Danger
北子島		N.E. Cay
南子島		S.W. Cay
來沙		Lys Shoal
帝都島	千津， 鐵都島	Thi-Tu I. & Reefs
沙比礁	須美	Subi Reef
賴他群礁	羅灣島	Loaita B.R.
蘭肯		Lamkiam Cay
賴他島		Loaita (or South I.)
團沙群礁	鐵沙島	Tizard B.R.
長島	伊都阿巴	Itu Aba
北小島	沙島	Sand Cay
舶特來		Petley Reef
厄爾達		Eldad Reef
哥文		Gaven Reefs
南小島	南依島	Namyit I.
西礁	西石	Western (or Flora Temple)R.

島名	舊名	西名
大發見礁	大見出島	Discovery Great R.
小發見礁	岩城礁	Discovery Small R.
利得灘		Reed Bank
台普拉灘		Templer Bank
散得沙		Sandy Shoal
海馬灘		Sea Horse (or Routh) B.
福利后灘		Fairie Queen
奧克蘭沙		Lord Auckland Shoal
喀奈提沙		Carnatic Sh.
棕色灘		Brown B.
北賓礁		Pennsylvania N. Reef
賓礁		Pennsylvania
阿迷達哥拉		Amy Douglas
湯母第三沙		3rd Thomas Sh.
平島		Flat I.
南山島		Nanshan I.
米其夫		Mischief
西約克島		West York
北恆礁		Ganges N. Reef
恆礁		Ganges Reef
賓礁		Pannsylvania
火十字礁		Fiery Cross (or N.W. Investigator R.)
道耳沙		Dhaull Sh.
零丁礁		London Reefs
中礁		Central Reefs
西礁		W. Reef
東礁		E. Reef
加特隆礁		Cuarteron Reef

島名	舊名	西名
拉德礁		Ladd Reef
斯普拉特島		Spratly (or Storm) I.
奧文沙		Owen Sh.
止沙		Stay Sh.
巴克坎達		Barque Canda
立茲韋伯		Lizzie Weber
皮爾孫		Pearson
辛科威島	飛鳥島	Sin Cowe I.
反西來克沙		Fancy Wreck Sh.
南康華里礁		Cornwallis South Reef
克馬利諾		Cay Marino
調查沙		Investigator Sh.
亞里西亞安		Alicia Annie
東北沙		N.E. Shea
西南沙		S.W. Shea
格拉斯哥		Glasgow
艦隊長礁		Commodore Reef
北衛堡灘		N. Viper Sh. (or Seahorse)
衛堡灘		Viper Sh.
湯母第二沙		2nd Thomas Sh.
薩比那沙		Sabina Sh.
湯母第一沙		1st Thomas Sh.
東北調查沙		Investigator N.E. Sh.
船長沙		Royal Captain Sh.
半月沙		Half Moon Sh.
指向礁		Director
旁俾沙		Bombay Sh.
來福門灘		Rifleman Bank
旁俾堡灘		Bombay Castle

島名	舊名	西名
阿連那沙		Oleana Sh.
金斯頓沙		Kingston Sh.
安波那島		Amboyna Cay
馬立夫礁		Marivelles Reef
安達息破浪礁		Ardasier Breakers
格洛塞破浪礁		Gloucester Breakers
阿達西灘		Ardasier B.
燕礁		Swallow Reef
沙洛礁		Royal Charlotte R.
路易沙礁		Louisa Reef
北路科尼沙		North Luconia Shoals
友誼沙		Friendship Sh.
海馬破浪礁		Sea-Horse Breakers
南路科尼沙		South Luconia Sh.
海拉爾礁		Herald Reef
勃蘭克		Seerra Blanca
詹姆沙		James Sh.

III(1):010、「保密（接收諸島案）」；行政院訓令（民國三十五年十月十二日 節京陸字第一五五〇號）

令外交部

內政部為關於接收東沙、西沙、南沙、團沙群島一案經密約國防外交兩部及海軍總司令部派員會商當經決議：

（一）關於接收範圍依照內政部擬製之「南海諸島位置略圖」所示範圍呈由 鈞院核令廣東省政府辦理。

Annex 352

French Republic, Governor of Cochin China, *Decree* (21 Dec. 1933), *reprinted in* Monique Chemillier-Gendreau, *Sovereignty over the Paracel and Spratly Islands*

ANNEX 30

*Decree by the Governor of Cochin China (J. Krautheimer), Saigon,
21 December 1933*

THE GOVERNOR OF COCHIN CHINA,

Officier de la Légion d'Honneur

Having regard to the Decree of 20 October 1911;

Having regard to the Decree of 9 June 1922 for the reorganization of the Colonial Council of Cochin China and to the subsequent texts;

Having regard to the Opinion published in the Official Gazette of the French Republic of 26 July 1933 by the Ministry of Foreign Affairs relating to the occupation of certain islands by French naval units;

Having regard to letter No. 034, and letters No. 2243-AP of 24 August and 14 September 1933 from the Governor General concerning the annexation of the islands and islets in the Spratly or Storm group;

Having regard to the deliberations of the Colonial Council dated 23 October 1933;

Having heard the *Conseil privé*,

DECREES:

ARTICLE 1. – The island named Spratly and the islets named Amboyna Cay, Itu-Aba, Two Islands group, Loaito and Thi-tu which fall under it, situated in the China Sea, shall be attached to Baria Province.

ARTICLE 2. – The Administrator, Head of Baria Province and the Head of the Land Registry and Topography Department shall be responsible, each in so far as it concerns him, for implementing this Decree.

Saigon, 21 December 1933

(Signed) J. Krautheimer

Certified true copy of the original

Filed in the archives of the *Conseil privé*

Annex 353

Republic of Vietnam, Ministry of Foreign Affairs, *White Paper on the Hoang Sa (Paracel) and Truong Sa (Spratly) Islands* (1975)

White Paper on the Hoang Sa (Paracel) and Truong Sa (Spratly) Islands

Republic of Vietnam
Ministry of Foreign Affairs
Saigon, 1975

Table of Contents

1. Foreword
2. Proclamation by the Government of the Republic of Vietnam (1974)
3. The Early Historical Rights of Vietnam
4. First Vietnamese document on the Hoang Sa Islands
5. First evidence from foreign sources
6. Testimony by Vietnamese historian Le Qui Don
7. Confirmation by other foreign sources.

The Philippine government has also argued that the remaining islands of the Spratly archipelago (i.e., those not occupied by Philippine troops) are still - subject to the disposition of Allies in the past world war-. According to this theory, when Japan relinquished its rights over the Spratlys by the San Francisco Peace Treaty, its jurisdiction was assumed by the Allied powers who have, not yet ceded the archipelago to any particular country. No reasoning can be more disputable, since the Spratlys were already and fully part of Vietnamese territory before World War II. These islands were merely seized militarily by Japan and, just like Mindoro or Guam, must simply return to their legitimate owner. It is obvious that military occupation by Japan could not result in any transfer of sovereignty over those islands and that Vietnam was ipso facto reinstated in her lawful rights after the defeat of Japan. In the San Francisco Peace Treaty, it was simply said that:

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

Previously, the Cairo Declaration (1943) the Yalta Agreement and the Potsdam Declaration (1945), which are the basic documents for postwar territorial settlements, contained no clause contrary to the sovereignty of Vietnam over both archipelagoes. There have not been any other legal texts that attribute these territories to any country - as was correctly pointed out by the Philippine government. Thus, all sovereign rights must be returned to their legal titular, i.e., Vietnam which, since 1949 had inherited (or rather retaken) all of the former French rights over these territories. Therefore, the short clause about the Paracels and Spratlys in the San Francisco Peace Treaty was merely designed to confirm that Japan withdrew all her claims in earlier disputes with France.

It is to the credit of the Philippine government that it has not associated itself with the burlesque adventure of one of its private citizens, Mr. Tomas Cloma, who has pretended to - discover - the Vietnamese Truong Sa islands in 1956 and has proclaimed an independent - Freedomland - covering most of this archipelago (39). But the fact remains that Philippine troops are presently stationed on some of the islands described by Mr. Cloma as part of K

Freedomland v. This matter must be settled in accordance with international law and the Charter of the United Nations. The Vietnamese people are entirely confident that the legal and peaceful channels available to solve such disputes will confirm the legitimacy of their rights.

Regarding China, it must be stressed that few people have had knowledge of any Chinese claims over the Spratlys in the past (40). In a sudden move on August. 24, 1951, Netv China in Peking attacked both French and Philippine claims regarding these islands and stated that they must be considered to be - outposts of Chinese national territory -. Subsequently, the People's Republic of China continued to issue statements filled with threats to use force in order to seize the Truong Sa archipelago (41). But it was the Republic of China's government which took the initiative and sent troops from Taiwan to occupy Thai Binh Island (Itu-Aba) on June 8, 1956. Itu-Aba is the largest island of the Spratlys and thus was a kind of - capital - where all French services were centered. As late as December 1973, the Far Eastern Economic Review of Hongkong reported that a marker still stood there with the inscription: (France - Ile ItuAba et Dependances - 10 Aouit 1933 - (42).

Exercise of normal state authority.

The headquarters of a French administrative officer, who also commanded a guard detachment ' was located on Itu Aba Island. Because of the isolation and the hard living conditions on the island, only volunteers to the post were sent there. Sometimes, no government official would volunteer, so the Indochinese authorities had to recruit private citizens by means of contracts which lasted one year. These contracts contained generous allowances and other largesses in an attempt to retain volunteers on the island. One of the a "contract officials," was Mr. Burollaud who held out for 2 years (1938-1940). It was apparently difficult to find a successor for Mr. Burollaud, since the Governor General in Hanoi had to send a note dated August 22, 1940 throughout Indochina (and to the French possession of Kouang-Tcheou-Wan in ichina) to look for a volunteer - who must be a European. The official finally recruited turned-out to be most unlucky, since, according to an eyewitness named Tran Van Manh who was serving at that time with the Itu-Aba Meteorological Station, he was seized and tied to the flag pole by Japanese troops occupying the Spratlys in 1941 (43). Regarding administrative organization, 3 months after the official incorporation of the Spratlys, the Governor General of Indochina signed Decree No. 4762-CP dated December 21, 1933 making the archipelago a part of the Cochinchinese province of Ba-Ria. After Cochinchina was returned to Vietnam, this organization was confirmed in 1956 by a Decree of the President of the Republic of Vietnam (44). Seventeen years later, the Spratlys were attached to a village of the same province (the name of which had in the meantime changed to Phuoc Tuy), the village of Phuoc Hai, Dat Do district (45). State activities on the Spratlys were necessarily restricted because the islands were uninhabited and situated too far away from the mainland. In 1938, the Indochina Meteorological Service set up a weather station on Itu-Aba, which was considered the best place in the South China Sea to provide meteorological data for neighbouring countries. The Station functioned in French hands for over 3 years after which it was reported to have continued operations

under Japanese military occupation. Before the Japanese seizure, the Itu-Aba station was important enough to be given an international code number: 48919. Data provided by the Station were recorded all over the world and were listed under - French Indochina - Cochinchina,,. The French also continued scientific surveys of the Spratlys after 1933. For instance, a valuable geographic and aeologic study of the Spratlys was made available in the 22nd Report of the Oceanographic Institute of Indochina (46).

Thus, on behalf of Vietnam, the French conducted various kinds of activities which substantiate the right to sovereignty over a territory. These also include diplomatic activities to ensure the protection of possession by the authority in control. France defended with success the Spratlys against Japanese aims. The Ministry of Foreign Affairs in Paris protested energetically on April 4, 1939 when Japan announced that she had "placed the islands under her jurisdiction". France remained active right until 1956, the year when all her troops finished their withdrawal from Indochina. ' As late as May 1956, after Mr. Tomas Cloma created his so-called "Freedomland", the French Charge d'Affaires in Manila was reported to have reminded the Philippine government of the French rights resulting from the 1933 occupation (47). At the same period, the French Navy vessel Dumont d'Urville made a visit to Itu-Aba in a demonstration of French - Vietnamese interest in the archipelago. The Republic of Vietnam's Ministry of Foreign Affairs, for its part, issued a statement on June 1, 1956 recalling the Vietnamese rights. Two weeks later, Foreign Minister Vu Van Mau of the Republic of Vietnam reaffirmed at length the rightful position of his country (48). He recalled, among other facts, that five years earlier the head of the Vietnamese Delegation at the San Francisco Peace Conference had solemnly reaffirmed Vietnamese sovereignty over the Truong Sa archipelago and that the statement was not challenged by any participating country, including China and the Philippines.

From 1956 on, in the face of Chinese and Philippine groundless pretenses, the Republic of Vietnam's Navy began to launch various operations to reassert control over the Truong Sa Islands. Crewmembers erected sovereignty steles on almost all of them and built poles to hoist the Vietnamese flag. The cruiser Tuy Dong (HQ-04) was assigned these missions in August 1956. In 1961, the two cruisers Van Kiep and Van Don landed on the islands of Song Tu Tay (South-West Cay) Thi Tu, Loai Ta and An Bang. Two other islands, Truong Sa (Spratly proper) and Nam Ai (Nam Yit) were visited the following year by the cruisers Tuy Dong and Tay Ket. Finally, in 1963, all of the sovereignty steles on the main islands were systematically rebuilt by crew members of the three vessels Huong Giang, Chi Lang and Ky Hoa:

- May 19, 1963 steles on Truong Sa Island (Spratly proper)
- May 20, 1963 steles on An Bang Island
- May 22, 1963 steles on Thi Tu and Loai Ta Islands
- May 24, 1963 steles on Song Tu Dong (North East Cay) and Song Tu Tay (South West Cay).

The pace of these patrol and control operations were reduced after 1963 due to the war situation in the Republic of Vietnam. That does not mean, however, that Vietnamese rights on the Truong Sa archipelago have been diminished, even if foreign powers were then able to take advantage of the situation to

commit illegal intrusion in some of these islands. These rights had been openly established in the name of Vietnam when the French incorporated the archipelago into Indochina. Moreover, these territories were traditionally known and frequented by Vietnamese in the past. The French action of 1933 was entirely in conformity with international rule and practice. It was challenged by no one except Japan, who later relinquished all her claims. An effective presence and a peaceful exercise of sovereignty have been firmly assured. This has only been interrupted once and temporarily when Japan seized the Truong Sa Islands by force in 1941. As in the case of the Hoang Sa Islands, a foreign military presence has not and will not break the will of the Vietnamese to remain as the owner of all their territories. Therefore, let it be reminded that the islands now illegally occupied by foreign troops are indivisible parts of the Truong Sa archipelago which belong to the Vietnamese people.

CHAPTER IV

THE DEFENSE OF THE LEGITIMATE RIGHTS OF VIETNAM

In preceding Chapters, it has been mentioned that the Vietnamese have always assured an appropriate defense of their rights over the Hoang Sa (Paracel) and Truong Sa (Spratly) Islands. Vietnamese or French troops were stationed permanently on both archipelagoes in a display of authority that is inherent to rightful sovereignty. In the diplomatic field, it has been recalled that France remained active until 1956 in the defense of the legitimate title it held on behalf of Vietnam. In 1932, then again in 1939, France issued particularly strong protests against pretenses from China concerning the Paracels and from Japan concerning the Spratlys.

Independent Vietnam had later to confront serious challenges to her sovereignty over these islands. At the San Francisco Peace Conference of 1951, Vietnam unequivocally reaffirmed its rights over both archipelagoes. The Vietnamese chief delegate clearly stated the position that, in settlement of territorial problems resulting from World War II, only Vietnam was entitled to recover the Hoang Sa and Truong Sa Islands from Japan. The defense of this cause continued actively during the following years. In response to the Chinese invasion of January 19-20, 1974, the Republic of Vietnam's soldiers fought heroically in the face of superior military force. Backed by all segments of the population, they kept alive the Vietnamese tradition that the temporary loss of physical control over a territory does not mean the relinquishing of a legitimate right.

From the San Francisco Peace Conference to 1973.

When Japanese military control ended in 1945, the Hoang Sa and Truong Sa Islands returned ipso facto to their legitimate owners. However, the confusion resulting from the war allowed other countries make bolder moves toward asserting their groundless claims. Specifically, the Republic of China illegally continued to station on some of the Hoang Sa Islands the troops that had been

sent there to disarm Japanese soldiers in implementation of the Potsdam agreement. Thus the successive governments of newly independent Vietnam assumed the task of doing their utmost to protect the territorial integrity of the country. The first opportunity to do so was at the San Francisco Conference held in 1951 to work out a peace treaty with Japan. The gathering was attended by delegates from 51 countries. According to agreements reached, Japan renounced all rights and claims to the Paracel and Spratly Islands. The head of the Vietnamese delegation to this Conference was Prime Minister Tran Van Huu, who was also Minister of Foreign Affairs. On September 7, 1951, during the seventh plenary session of the Conference, the Vietnamese delegate made the following statement:

"as we must frankly profit from all the opportunities offered to us to stifle the germs of discord, we affirm our right to the Spratly and Paracel Islands, which have always belonged to Vietnam".

The statement aroused no objections from any of the 51 countries attending the Conference. This must be considered as having been the universal recognition of Vietnamese sovereignty over these islands. The declaration by Premier Huu was designed to reaffirm an existing right, therefore it has an effect erga omnes, i.e., even vis-a-vis those countries not represented at the Conference (for instance, the People's Republic of China).

On the other hand, the full text of Article 2 of the Peace Treaty shows that the two archipelagoes were considered as one single entity in the settlement of territorial matters:

Chapter II Territory

Article 2

a) Japan, recognizing the independence of Korea renounces all right, and claim to Korea, including the islands of Quelpart, Port Hamilton and Dagelet.

(b) Japan renounces all right, title and claim to Formosa and the Pescadores.

(c) Japan renounces all right, title and claim to the Kurile Islands, and to that portion of Sakhalin and the islands adjacent to it over which Japan acquired sovereignty as a consequence of the Treaty of Portsmouth of September 5, 1905. (d) Japan renounces all right, title and claim in connection with the League of Nations Mandate System, and accepts the action of the United Nation Security Council of April 2, 1947, extending the trusteeship system to the Pacific Islands formerly under mandate to Japan.

(e) Japan renounces all claim to any right or title to or interest in connection with any part of the Antarctic area, whether deriving from the activities of Japanese nationals or otherwise.

(f) Japan renounces all right, title and claim to the Spratly Islands and to the Paracel Islands.

The Treaty does not specify which countries were to recover which specific territories renounced by Japan. However, from the above, it is clear that each sub-paragraph is relevant to the rights of one particular country, for example:

sub-paragraph (b) : rights of China.

sub-paragraph (c) : rights of the USSR.

sub-paragraph (d) : rights subsequently conferred upon the United States.

sub-paragraph (f) : rights of Vietnam.

This interpretation was confirmed by the refusal by the Conference to consider a Soviet amendment that would include the Paracels and Spratlys into the sphere of Chinese rights. The Soviet amendment reads as follows:

"1. To Article 2.

"(a) To include, instead of paragraphs (b) and (f), a paragraph reading follows: Japan recognizes full sovereignty of the Chinese People's Republic over Manchuria, the Island of Taiwan (Formosa) with all the islands adjacent to it, the Penlinletao Islands (the Pescadores), the Tunshatsuntao Islands (the Pratas Islands), as well as over the Islands of Sishatsuntao and Chunshatsuntao (the Paracel Islands, the group of Amphitrites, the shoal of Maxfield) and Nanshatsuntao Islands including tile Spratly, and renounces all right, title and claim to the territories named here in.

The Soviet Amendment was defeated during the 8th plenary session of the Conference. The President of the Conference ruled it out of order, the ruling being sustained by a vote of 46 to 3 with 1 abstention (49). Chinese claims to the Paracels and Spratlys were thus overwhelmingly disregarded.

At a later date, the government of the Republic of China restated its claims based on the separate peace treaty between it and Japan (April 28, 1952). Actually, the provision concerning the Paracels and Spratlys in that treaty was an exact restatement of Article 2 (f) of the San Francisco Treaty. Once again, Japan declined to specify in favor of which country it renounced its occupied territories. In any case, it must be stressed again that there exists an elementary principle of law that a state (in this case Japan) cannot transfer more rights than it itself possesses, in accordance with the maxim *Nemo dat quod non habet*. Generally speaking, the illegitimacy of China's claims over the Hoang Sa and Truong Sa archipelagoes is due to the lack of *animus occupandi* on Chinese's part. It is true that fishermen from Hainan Island have frequented these islands in the past and that Chinese travelers occasionally stopped there. But unlike what has been done by Vietnam, activities by private Chinese citizens were never followed by governmental action. As late as 1943, although Marshall Chiang Kai Shek represented the only country having claims to the Paracels and Spratlys at the Cairo Conference, he did not have any reference to these islands included in the final Declaration (which did state that Manchuria, Formosa and the Pescadores must be returned to China). Because of the weakness of its argument, China has always declined all suggestions,

repeatedly made, in the past by France, that the dispute be settled before international courts.

For the same reason, the People's Republic of China had to resort to gratuitous affirmations, threats and violence to assert her claims to the Vietnamese Hoang Sa and Truong Sa Islands. These claims are a mere revival of the old Chinese imperialistic drive known to all South-East Asia nations. The islands, islets, shoals and banks that the People's Republic of China claims as a the outposts of Chinese territory)) cover the entire South China Sea, and would virtually convert the whole sea into a communist Chinese lake.

After the San Francisco Peace Conference, successive Vietnamese Governments have assured a systematic defense of the Hoang Sa and Truong Sa islands by all means available to a sovereign state. After 1956, when stability had returned to the Republic of Vietnam following the Geneva Agreement of 1954, military and diplomatic activities became more intense. As mentioned before, navy patrols were conducted on a regular basis. When deemed necessary, the government of the Republic of Vietnam solemnly reiterated its rights over the islands (statements by the Ministry of Foreign Affairs on June 1, 1956 and July 15, 1971). Necessary steps were also taken vis-a-vis foreign governments in order to assert the Vietnamese title. For instance, a note to the Malaysian Government dated April 20, 1971 contained all the convincing arguments in support of Vietnamese sovereignty. This sovereignty was so evident that it could only be contested through military actions.

The Chinese invasion of January 19-20, 1974.

Before 1974, the People's Republic of China had aired sporadic claims to the Hoang Sa and Truong Sa Islands. Occasionally, it conducted secret actions against the islands, such as the intrusion of - fishermen, into Vietnamese uninhabited territories. However, at the beginning of 1974, the People's Republic of China resorted to blatantly aggressive tactics in order to militarily seize the Hoang Sa archipelago. The following is an account of the invasion made by the Minister of Foreign Affairs of the Republic of Vietnam. In the face of the extremely grave situation created by the PRC's imperialistic action, RVN Foreign Minister Vuong Van Bac summoned the heads of all diplomatic missions in Saigon on January 21st, 1974 and made the following statement:

***Excellencies,
Gentlemen,***

"I have invited you to gather here today to inform you of recent events which have taken place in the area of the Hoang Sa (Paracel) archipelago off the central coast of Vietnam. These events have created an emergency situation susceptible of endangering peace and stability in South East Asia and the world.

"The Hoang Sa (Paracel) and Truong Sa (Spratly) archipelagoes are a part of the territory of the Republic of Vietnam. The sovereignty of our country over

these archipelagoes based on historical, geographical and legal grounds as well as on effective administration and possession, is an undeniable fact.

"On the 11th of January 1974, the Ministry of Foreign Affairs of Red China suddenly claimed sovereignty over these archipelagoes. Our Ministry of Foreign Affairs immediately rejected those unfounded pretensions.

"From then on, Communist China chose to use force to seize that portion of our national territory. It sent men and warships into the area of the islands of Cam Tuyen (Robert), Quang Hoa (Duncan) and Duy Mong (Drumond) of the Hoang Sa (Paracel) archipelago, and landed troops on these islands.

"On January 16, 1974, the Ministry of Foreign Affairs of the Republic of Vietnam issued a statement to denounce these unlawful acts.

"In the meantime, in accordance with international regulations, naval units of the Republic of Vietnam instructed those men and ships violating the land and sea territory of the Republic of Vietnam to leave the area.

"The Red Chinese authorities not only refused to put an end to their unlawful incursions but also sent in additional reinforcements in troops and warships. They opened fire on the troops and naval units of the Republic of Vietnam, causing casualties and material damages. The Ministry of Foreign Affairs of the Republic of Vietnam issued a communiqué on the 19th of January alerting world public opinion on these serious acts of hostility.

"On the 20th of January 1974, the Red Chinese authorities escalate further in the use of force against an independent and sovereign country. They sent their warplanes to bomb three islands : Cam Tuyen (Robert), Vinh Lac (Money) and Hoang Sa (Pattle) where units of the Armed Forces of the Republic of Vietnam were stationing, and also 'landed their troops -with the aim of capturing these islands.

"Communist China is therefore openly using force to invade a portion of the Republic of Vietnam's territory in violation of international law, of the Charter of the United Nations, of the Paris Agreement of January 27, 1973 which it pledged to respect and of the Final Act of March 2, 1973 of the International Conference on Vietnam to which it is a signatory.

"The Government and people of the Republic of Vietnam shall not yield to such brazen acts of aggression. They are determined to safeguard their national territory.

"I kindly request you to report to your Governments on this grave situation. The Government of the Republic of Vietnam also wishes that your Governments would adopt an appropriate attitude and take appropriate action in view of those acts committed recently by the Communist Chinese authorities in the Hoang Sa (Paracels) archipelago, in complete disregard for international law and the sovereignty of other nations.

Thank you.

In the naval battle, the soldiers of the Republic of Vietnam fought heroically although they were outnumbered and outgunned. They suffered 18 deaths and 43 wounded, and, in addition, 48 Vietnamese personnel were illegally detained by the PRC's invaders. Among those were four civilian employees of the Pattle Meteorological Station: this is an evidence that Vietnamese authorities were conducting peaceful activities on the islands before troops had to be sent in to cope with PRC's provocations. Strongly condemned by world opinion, the PRC government had to release these personnel within 3 weeks in an attempt to appease the indignation caused by its blatant violation of the law of nations. Opinions sympathetic to the Republic of Vietnam were expressed everywhere in the world, especially in Asia where Vietnam was often hailed as the nation resisting communist Chinese expansionism. Even the Soviet newspaper Pravda accused the PRC a not to hesitate to resort to arms in order to impose its will in Southeast Asia, specifically on the Paracel and Spratly Islands - (50). Also in Moscow, Tass provided a summary of an article from "New Times - (a Soviet political weekly). The article quoted the PRC's support of separatist movements in Burma, Bangladesh and India among other Peking's provocations in order to - intensify pressures on independent countries of Asia)-. According to -New Times,, this coincided with Peking's military actions on the Paracels (51).

Convinced of its rightful position, the Republic of Vietnam appealed to world opinion and sought the intervention of all bodies that could contribute to a peaceful settlement. As early as January 16, 1974 its Minister for Foreign Affairs sent a note to the President of the Security Council of the United Nations to bring to his attention the grave tensions created by the PRC's false claims. After he had presented arguments in support of Vietnamese' sovereignty over the Hoang Sa Islands, Minister Vuong Van Bac wrote: *"In view of all the Precise facts listed above,, the sudden challenge by Communist China of the Republic of Vietnam's sovereignty over the Paracels archipelago and its violation of the Republic of Vietnamese sovereignty are unacceptable. They constitute a threat to the peace and security of this region.*

"The Government and people of the Republic of Vietnam are determined to defend their sovereignty and their territorial integrity and reserve the right to take all appropriate measures to this end.

"The Republic of Vietnam considers the situation created by the above People's Republic of China's action as one which is likely to endanger international peace and security. Therefore the Government of the Republic of Vietnam wishes to request the Security Council to take all appropriate measures that the Council deems necessary to correct that situation." The Minister addressed the United Nations again on January 20. .1974, while troops of the Republic of Vietnam were still fighting back the PRC's invaders in the Hoang Sa waters. He wrote to the Secretary General of the U.N. to inform him of the hostilities that started on January 19, 1974 when the Chinese landing party opened fire on Vietnamese defenders. After denouncing the clear case of c aggression across international borders, against an independent and sovereign state. Minister Vuong Van Bac requested that the Secretary General, in accordance with Article 99 of the Charter of the United Nations, draw the attention of the Security Council on the grave situation. For its part, K the Government of the Republic of Vietnam accepts in advance the obligations of pacific settlement provided in the Charter

of the United Nations, and - reaffirms its faith on the United Nations and its acceptance of the purposes and principles enunciated in the Charter of the Organization. Although the Government of the Republic of Vietnam was fully aware that the PRC, as a permanent member of the Security Council had the power of veto (a fact which left little hope for any constructive debate or positive action), it chose to request an immediate meeting of the Security Council. The attention of the Council must be drawn on the grave situation resulting from the PRC's aggression because, as Minister Bac pointed out in his note of January 24, 1974 to the Council's President (Ambassador Gondola Facio): *"It behooves the Security Council and its members to fulfill their responsibilities and to decide on what to be done to correct that situation"*. Indeed, the PRC promptly tried to justify its blatant act of invasion by presenting a completely distorted version of the facts. A PRC's statement referred to actions by the Saigon authorities in South Vietnam which sent naval and air forces to encroach on the Yungle Islands of China's Hsisha Islands(!).

In a press conference on January 25, 1974, the President of the Security Council stated that the Vietnamese request had all legal grounds to deserve consideration, therefore he regretted that a Council meeting could not be convened for that purpose.

The legitimacy of its rights motivated the Republic of Vietnam to use all available means of action to defend its just stand. A recourse to the International Court of Justice has been contemplated. On January 22, 1974 the President of the Republic of Vietnam wrote personal letters to the Heads of State in all friendly countries. After he had presented how the PRC's violation of Vietnamese sovereignty created a threat to peace in South East Asia, President Nguyen Van Thieu concluded:

"I am therefore writing to you.... to kindly request that you raise your voice in defense of peace and stability in this area of the world and resolutely condemn the violation by the PRC of the sovereignty of the Republic of Vietnam over the archipelago of Hoang Sa". In other actions taken in defense of Vietnamese sovereignty, the Minister for Foreign Affairs of the Republic of Vietnam solemnly reaffirmed before the 3rd United Nations Conference on the Law of the Sea in Caracas that the Vietnamese people will not yield to the PRC's act of violence and that they will never renounce any part of their insular territories (June 28, 1974). The Government of the Republic of Vietnam also sent a note on January 21, 1974 to the signatories of the Act of the International Conference on Vietnam (March 2, 1973). This document, signed in Paris by 12 countries including the PRC and in the presence of the Secretary General of the United Nations acknowledged, and provided guarantees for, the provisions of the agreement to end the war signed on January 27, 1973. First the Vietnamese note presented the facts related to the PRC's aggression, then it pointed out that:

"It is clear from these developments that the government of the People's Republic of China is deliberately resorting to the use of force as a means of acquiring territories, which is a gross violation of... the Agreement to End the War and Restore Peace in Vietnam signed in Paris on January 27, 1973 and the Act of the International Conference on Vietnam signed at Paris on March 2nd,

1973.

"The Government of the Republic of Vietnam wishes to call the particular attention of the Parties to Article 1 of the Paris Agreement and Article 4 of the Act of the Paris International Conference, which both solemnly recognize that the territorial integrity of Vietnam must be strictly respected by all states and especially by the signatories of the Final Act.

"In view of the seriousness of the present situation, the Government of the Republic of Vietnam appeals to the Parties, in the interest of peace and stability in the Western Pacific area, to take all measures which the Parties deem appropriate as provided in Article 7 of the Act of the international Conference on Vietnam - (52). The PRC's aggressive aims is not limited to the Hoang Sa Islands. There were indications that Chinese troops were preparing to head for the Truong Sa (Spratly) archipelago after they had seized the Paracels on January 20, 1974 (53). On the other hand, in February 1974, the Philippines and the Republic of China also restated their claims to the Truong Sa Islands. The Republic of Vietnam rejected these unfounded claims by separate notes to the Republic of China (January 29, 1974) and to the Philippines (February 12, 1974). But the Government of the Republic of Vietnam also deemed it necessary to make its position clear to x friends and foes alike , and to reiterate its right before an universal audience. Thus, a solemn proclamation at the governmental level was issued on February 14, 1974. This declaration is the text reproduced at the beginning as an introduction to this White Paper.

CONCLUSION

UNANIMITY OF THE PEOPLE OF THE REPUBLIC OF VIETNAM AGAINST AGGRESSION

The events of January 1974 had the effect of cementing the entire Vietnamese nation into a bloc resolutely united in order to defend the national sovereignty. After the invasion by troops of the People's Republic of China, all newspapers (including those of the Opposition) and other media in Saigon unanimously backed the Government of the Republic of Vietnam in its determination to fight for the Hoang Sa Islands. The media's opinion and the feeling of the people can be summarized by the following editorial in the Dan Chu daily: " In the middle of a difficult battle to repulse 400,000 North Vietnamese back to the North and a struggle for economic development, the Paracels battle is another burden on our shoulder. The naval battle between us and China has temporarily ceased with both sides suffering heavy casualties and material damages. But in reality, it was only just a beginning. The method to carry on the fight will be flexible depending on the development of the situation but the goal remains the same. The South Vietnamese will not stay idle, crossing their arms, to see their ancestral inheritance stolen away." Although the Vietnamese are known to be war-weary, enthusiastic mass rallies were held in virtually every city and town to condemn the PRC's aggression. Everywhere the people unanimously adopted resolutions denouncing before public opinion the violation of Vietnamese sovereignty. Most of these resolutions also asked the Government and Armed Forces of the Republic of Vietnam to take appropriate measures against the

invaders. The warship Ly Thuong Kiet received a hero welcome by an overwhelmingly enthusiastic crowd upon its return from the Hoang Sa battle. On January 21, 1974 the Vietnamese Confederation of Labor stated that Communist China committed an extremely serious act infringing on the Republic of Vietnam's sovereignty and crudely challenging the national spirit of the Vietnamese people living from Nam Quan Pass (54) to Ca Mau Cape. , The Saigon Students Union issued a declaration which vehemently denounced the invasion to University students over the world. The War Veterans Association made a solemn proclamation to condemn the - Red China's violation of international law - and expressing deep gratitude to the Vietnamese combatants or their heroic fight against the aggressors. Abroad, Vietnamese students and residents in several countries demonstrated in an attempt to alert world opinion: in Tokyo, Ottawa, New York etc.... Vietnamese students marched against the PRC's diplomatic mission; in Geneva, Vietnamese students went on a hunger strike to draw attention on the PRC's violation of international public order. The indignation of the entire Vietnamese people at home and abroad was reflected in a true manner in the declaration of the National Assembly (Senate and House of Representatives) of the Republic of Vietnam. This declaration says, in part, that Communist China... has clearly demonstrated her scheme of invasion and expansion, (and) poses a serious threat to peace in the Pacific Region. Therefore, the National Assembly denounces to the public opinion at home and abroad Communist China's brutal act of invasion, seriously infringing upon the territorial sovereignty of the Republic of Vietnam and - urgently appeals to the United Nations Security Council, the International Court of Justice and peace-loving countries in the world to take positive actions to put an end to the above-mentioned brutal act..." The people of the Republic of Vietnam are thus unanimous in their determination to defend the integrity of their territory. On behalf of the Vietnamese nation, the Republic of Vietnam resolutely demands that all portions of her territory that are illegally occupied be restored to Vietnamese sovereignty. The Government of the Republic of Vietnam solemnly condemns the brazen act of invasion of the Hoang Sa Islands by troops of the People's Republic of China in January, 1974. It strongly denounces illegal actions against its Truong Sa territories by any other country. It rejects all claims by any power over these Islands and regards attempts to occupy them as violations of international law and of Vietnamese sovereignty. Although deeply committed to the cause of peace, the Republic of Vietnam must reserve the right to consider all means of action if occupying powers decline to follow the lawful and peaceful channels of settlement to restore Vietnamese rights.

The Hoang Sa archipelago and some of the Truong Sa Islands have temporarily been lost. But these insular territories will live for ever in Vietnamese hearts and will some day be restored to the Fatherland.

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Notes:

We are sorry! Due to the printing difficulties, we can not complete the auditing this paper.

1. The Atlas is being kept at the "Ecole Française d'Extrême Orient", Tokyo Bunko Library in Tokyo, Japan, has a microfilm of it under reference number 100891.

2. Ly is an ancient unit of measure (1 ly: 483 meters or 528 yards).

3. Dai Chiem: present-day Cua Dai, province of Quang Nam; Sa Vinh: present-day Sa Huynh, province of Quang Ngai.

4. The author assumedly included in three Hoang Sa archipelagoes main islands and reefs closer to the Vietnamese shore than the islands designated as the Paracels in the 20th century?

5. Internationally-known Vietnamese historians have, directly or indirectly, contributed to the task of determining the date of the Do Ba document. Among them are Prof. Hoang Xuan Han and historian Truong Buu Lam, who has been associated with many American universities. Details on this question can be found in Vo Long Te, *Les Archipels de Hoang Sa et Truong Sa selon les anciens ouvrages Vietnamiens d'Histoire et de Géographie*. - Saigon. 1974.

6. Summarized and commented in *Bulletin de l'Ecole Française d'Extrême Orient*, Vol. XXXVI, 1936.

7. This term is often used to designate all the distant insular possessions of Vietnam.

8. Lettres edifiantes et curieuses des Missionnaires de Chine, quoted in the Revue Indochine, No. 46, p. 7.
9. The document was reprinted in Bulletin des etudes indochinoises, tome XVII, No. 1 Hanoi, 1942.
10. Archives of the French Navy, Ministere de la Marine, Paris. The document was reprinted in Bulletin de la Societe des Etudes indochinoises, tome XVIII, No. 1, Hanoi, 1942.
11. Translation into French from Arrow's book is available in Paul Boudet and Andre Masson. Iconographie historique de l'Indochine Francaise, p. 250-300. Paris, editions G. Van Oest. 1907.
12. Issue of April 1837. pp. 737-745.
13. Jean Baptiste Chaigneau, Notice sur la Cochinchine, presented and commented by A. Salles in Bulletin des amis du Vieux Hue, No. 2, April - June 1923, p. 253-283.
14. History annals called - Dai Nam Thuc Luc Chinh Bien, 1833, 104th Volume).
15. Principle of international law established after the Palmas Island dispute (1928). See United Nations - Reports of International Arbitral Awards, pp. 829-855.
16. History annals Dai Nam Thuc Luc Chinh Bien
17. History annals Dai Nam Thuc Luc Chinh Bien, 165th volume.
18. In Vietnamese: - Dai Nam Nhat Thong Toan Do - Dai Nam is a former name for Vietnam.
19. Dai Nam Thuc Luc Chinh Bien, 154th Volume. The same description is given by the Dai Nam Nhat Thong Chi (Dai Nam Comprehensive Encyclopedia). 6th Volume devoted to Quang Nghia, present day Quang Nam, Province.
20. Truong, xich, thuoc are ancient units of measure (1 truong: 3.91 yards or 3.51 meters ; 1 xich or thuoc : 14.1 inches or 0.36 m.).
21. This isle is erroneously named Ban-Na in other publications, for example Sauvaire Jourdan "Les Paracels infiniment petits de notre domaine colonial.
22. Annals Dai Nam Thuc Luc Chinh Bien, 154th Volume.
23. Kham Dinh Dai Nam Hoi Dien Su Le, or Administrative records of the Dai Nam, Ministry of Public Works, p. 25.
24. History Annals Su Quoc trieu chanh bien toat yeu; Year of original publication unknown. Reprinted in 1935.
25. Map named Tabula Geographica Imperii Annamitici 1838, reprinted in J. Silvestre, l'Empire d'Annam et le peuple annamite, Paris 1889., Felix Alean, editeur

26. E. Cortambert and L. de Rosny, *Tableau de la Cochinchine*, Paris 1862.- Armand.

27. Sauvaire Jourdan "Les Paracels infiniment petite de notre domains colonial" in *La Nature*, issue of November 1, 1933, Paris.

28. Reported by the French Daily?

29. The French engineer who supervised the work, Mr. Andre Fauchoux, is presently 75 years old and lives in Paris.

30. ?

31. Memorandum No. I104 VP/CT/M dated October 30, 1950.

32. Memorandum No. 1220-VP/CT/M dated September 17, 1951 and signed by the Director of Political and Legal Affairs, Government Delegation to Central Vietnam.

33. Decree No. 174-NV dated July 13, 1961.

34. Decree No. 709-BNV/HCDP/26 dated October 21, 1969 signed by Mr. Tran Thien Khiem.

35. ?

36. The coordinates correspond to those of S6ng Tu D6ng (North East Cay) and Shira Island.

37. ?

38. It may be noted that the principles established by the international Court of Justice in the *Palmas* decision (1928) cannot but reinforce Vietnamese rights, for instance, the emphasis given to the actual exercise of sovereignty over mere geographic contiguity (see *Reports of International Arbitral Awards*, United Nations. p. 829).

39. The lack of seriousness in this undertaking does not deserve further comments. Mr. Tomas Cloma was reported arrested by the Philippine police in November 1974 on charge of committing acts detrimental to state authority on insular territories.

40. For instance, a comprehensive study of the Spratlys question by Professor Charles Rousseau in *Revue Generale de Droit International Public*, July-September 1972, does not mention any sort of Chinese claims to this archipelago prior to 1951.

41. *New China*; bulletin dated February 4, 1974.

42. *Far-Eastern Economic Review*, HongKong, Dec 21, 1973.

43. Mr. Tran Van Manh is presently the Chief of Tuy Hoa Meteorological Service, Republic of Vietnam.

44. Decree No. 143-NV signed on October 22, 1956 by the laie President Ngo Dinh Diem.

45. Arrete No. 420-BNV/HCDP/25X signed on September 6, 1973 by the Minister of the Interior.
46. Rapport sur le fonctionnement de l'Institut Oceanographique de l'Indochine, 22, Note, Saigon 1934.
47. Reported by Prof. Charles Rousseau in Revue General de Droit International Public July-September 1972, p.830.
48. Vietnam Press.
49. Conference for the Conclusion and Signature of the Peace Treaty with Japan - Record of Proceedings: U.S. Dept. of State Publication 4392, December 1951. page 292.
50. Agence France Presse news dispatch sent from Moscow, February 10, 1974.
51. Reuter news dispatch from Moscow, February 21, 1974.
52. Article 7 (a): In the event of a violation of the Agreement or the Protocols which threaten the peace, the independence, sovereignty, unity or territorial integrity of Vietnam, or the right of the South Vietnamese people to self-determination, the parties signatory to the Agreement and the protocols shall, either individually or jointly, consult with the other Parties to this Act with a view of determining necessary remedial measures.
53. As presented in Chapter III. on February 4, 1974 the PRC issued a particularly aggressive statement on the Truong Sa archipelago.
54. The Nam Quan pass marks the border between Vietnam and China.

Go to www.spratlys.org

Annex 354

United Kingdom, Foreign Office, *List of Islands and Reefs in the Area Claimed by France* (undated)

ISLANDS AND REEFS IN THE AREA CLAIMED BY FRANCE.

315

<u>Name and Position.</u>	<u>Physical Characteristics.</u>	<u>Dates of discovery by British ships and of surveys by British Ships.</u>	<u>Whether considered of a size and character to justify annexation.</u>	<u>Whether specifically claimed by France.</u>
1. Trident Reef Lat. 11° 28' N. Long. 114° 42' E.	Always under water. Extends about 8 miles in a N. & S. direction.	Surveyed by H.M.S. RIFLEMAN in 1867.	No.	Yes.
2. North Danger Reefs. Lat. 11° 26' N. Long. 114° 20' E.	2 low sandy islands 10' and 15' high respectively and about half a mile in length, covered with stunted trees and coarse grass.	Reported by SOUTH SEA CASTLE in 1762, and by LUCANIA in 1764. Surveyed by Lieut. Ross in 1814. Re-surveyed by H.M.S. RIFLEMAN in 1865.	Yes.	No.
3. Ardasier Bank Lat. 7° 40' N (centre) Long. 114° 18' E.	Entirely submerged.	Surveyed by H.M.S. RIFLEMAN 1867-8.	No.	Yes.
4. RIFLEMAN BANK Lat. 7° 45' N (centre) Long. 111° 40' E	Entirely submerged.	Surveyed by H.M.S. RIFLEMAN 1867-8. Reported earlier by BOMBAY CASTLE.	No.	Yes.
5. Thi-Tu (French Thi-Thai) Lat. 11° 03' N. Long. 114° 18' E.	One island about $\frac{1}{2}$ mile long with a clump of cocconut trees, and a sandy cay.	Reported by ESSEX and by FALMOUTH in 1762. Surveyed by H.M.S. RIFLEMAN 1867.	Yes.	Yes.
6. Loai-Ta Bank and Reefs. Lat. 10° 41' N. Long. 114° 25' E.	One islet about $\frac{1}{4}$ mile long and two sand cays.	Reported by ESSEX and FALMOUTH 1762, and DOLPHIN in 1767. Surveyed by H.M.S. RIFLEMAN 1867.	Doubtful.	Yes.
7. Tizard Bank (Nanyit Island) & (Itu Aba Island). Lat. 10° 12' N. Long. 114° 21' E.	Itu Aba Island is $\frac{3}{4}$ miles long by $\frac{1}{4}$ broad and has a clump of cocconut trees.	Reported by DOLPHIN 1767. Surveyed by H.M.S. RIFLEMAN 1867.	Yes.	Yes.
8. Spratley Island. Lat. 8° 36' N. Long. 111° 55' E.	Bare flat island about 8' high, $2\frac{1}{2}$ cables in length and $1\frac{1}{2}$ cables in breadth. Has some cocconut groves.	Discovered by Whaler CYRUS 1843.	Yes.	Yes.

ISLANDS AND REEFS IN THE AREA CLAIMED BY FRANCE. (contd.)

316

<u>Name and Position.</u>	<u>Physical Characteristics.</u>	<u>Dates of discovery by British ships, and of surveys by British Ships.</u>	<u>Whether considered of a size and character to justify annexation.</u>	<u>Whether specifically claimed by France.</u>
9. Discovery Reef Lat. 10° 08' N. Long. 113° 53' E.	Reef running N. & S. and about 7 miles long with rocks showing above water.	Reported by HARDWICKE in 1744 and by DOLPHIN in 1767. Surveyed by Lieut. Ross about 1814. Re-surveyed by H.M.S. RIFLEMAN 1867.	No.	Yes.
10. Fiery Cross or North West Investigator Reef. Lat. 9° 40' N. Long. 113° 00' E.	Reef about 13 miles long in a N.E. and S.W. direction.	Reported by Capt. Crawford in the INVESTIGATOR. Surveyed by H.M.S. RIFLEMAN 1865.	No.	Yes.
11. London Reefs. (2) Lat. 8° 50' N (centre) Long. 112° 30' E.	Four reefs extending with clear intervals over an area of nearly 40 miles E. and W.	Reported by LONDON 1786. Afterwards reported by several other ships and later surveyed by H.M.S. RIFLEMAN and SARACEN 1864/5.	No.	Yes.
12. Amboyna Cay Lat. 7° 51' N. Long. 112° 53' E.	150 yds. long. 8' high.	Reported by WALPOLE in 1763. Reported by Brig AMBOYNA 1802. Surveyed by H.M.S. RIFLEMAN 1864.	Yes.	Yes. <i>L</i>
13. Swallow Reef. Lat. N. 7° 12' Long. E. 113° 49'	About 4 ^{miles} long in an E. and W. direction. Rocks at E. end 10 ft. high.	Surveyed by H.M.S. RIFLEMAN in 1866.	No.	Yes.

Annex 355

United Kingdom, *Draft Memorandum* (undated)

16.
7

The Colonial Office list of 1891,
an official publication "comprising (inter alia)
"historical and statistical information respecting
"the Colonial Dependencies of Great Britain"
contained on page ~~20~~³¹⁰ the following ~~statement~~^{Statement}:-

Miscellaneous Islands.

X "A number of islands and rocks throughout
"the world are British territory, or under British
"protection, but are not included in any Colony
"or separate Protectorate. Among such may be
"mentioned: x x x x x x x x

"Amboyna Cay and Sprattley Island (lat.
"8° 38' N., 111° 54' E. long: lat. 7° 52' N., 112°
"55' E. long.), two uninhabited sandbanks in the
"middle of the China Sea, lying about 240 miles
"N.W. of Borneo and 100 miles N. of Labuan, were
"annexed in 1877, and leased for guano collection.
"They are annually visited by Chinese junks for
"the purpose of collecting turtle. A fresh lease
"was granted in 1889 to the Central Borneo Com-
"pany, Limited, Winchester House, Old Broad
"Street, E.C."

Subsequent Colonial Office lists have each
year contained similar references to Amboyna
Cay and Sprattley Island. The corresponding
passage ~~in~~^{Office} the Dominions (and Colonial Office
List of ~~1899~~¹⁹³¹) reads as follows:

"A number of islands and rocks throughout the
"world are British territory, or under British
"protection, but are not included in any Colony
"or separate Protectorate. Many of these have no
"permanent inhabitants, but are, or have been,
"leased by the Lords Commissioners of the
"Treasury for guano collection, or for coconut
planting....

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"planting. The rents are paid into the Exchequer.
 "Among such may be mentioned the Ashmore Group
 "(Indian Ocean), Bird Island and Cato Island (in the
 "Norfolk Island Group), Sombrero (West Indies, with a
 "Board of Trade Lighthouse costing £520 annually)
 "Raine Island, Bell Cay and Bramble Cay (near British
 "New Guinea), Caroline Island, Flint Island and
 "Vostoc Island, (Pacific Ocean $9^{\circ}56'$ S. lat. $150^{\circ}6'$ W. long
 "and $11^{\circ}26'$ S. lat., and $151^{\circ}48'$ W. long.), Malden
 "Island ($4^{\circ}1'$ S. lat., $155^{\circ}57'$ W. long.), leased to
 "Messrs. Grice Sumner and Co, and Starbuck Island; also
 "Gough, Nightingale and Inaccessible Islands (in the
 "S. Atlantic), and there are many others.

The Great and little Basses and Minicoy are small
 "islets in the Indian Ocean, with lighthouses maintained
 "by the Board of Trade out of shipping dues levied on
 "vessels passing and collected at Ceylon, Mauritius,
 "Straits and Indian ports.

The Kuria-Muria Islands, five in number, off the
 "South-East coast of Arabia, were ceded by the
 "Imam of Muskat for the purpose of landing the
 "Red Sea telegraph cable.

"Amboyna Cay and Sprattley Islands lat. $8^{\circ}38'$ N.,
 " $111^{\circ}54'$ E. long: lat. $7^{\circ}52'$ N., $112^{\circ}55'$ E. long.),
 "two uninhabited sandbanks in the middle of the China Sea,
 "lying about 240 miles N.W. of Borneo and 100 miles N.
 "of Labuan, were annexed in 1877, and leased for guano
 "collection. They are annually visited by Chinese
 "junks for the purpose of collecting turtle."

The Colonial Office Lists are official publications
 which may be purchased by any person on application

to/.....

to the publishers.

18. On a map of the Malay Archipelago published by the London Geographical Institute, Spratley Island is marked "Br" (British). About 30 modern atlases have been examined and in no case is any ^{sovereignty} nationality attributed to France or to any other nation with the following exceptions:-

In the 1929 (latest) edition of the "Atlante Internationale Del Touring Club Italiana" Spratley Island is clearly marked in red capital letters "BRIT" Ambayna Cay is similarly marked.

Phillips International Atlas of 1931 shows "Storm or Spratley Island" as (BR)"

With these ^{two} exceptions no ^{indication} other recognition of ^{sovereignty} nationality is shown on any map or atlas examined. This, although of negative value, may be of importance in that no mention can be found anywhere of French interests or possessions in that locality.

The Italian atlas mentioned is well known on the Continent as a standard authority.

19
18 It appears from ^{a dispatch of April 19 1900 from} ~~the reports of~~ His Majesty's

Consul General at Saigon that the authorities in the
French Indo-China had for some time been desirous of
of annexing for France a considerable number of the
islands, islets and reefs in that portion of the
China Sea where Spratley Island is situated, ^{by} ~~and~~

18 source

(inter alia) of the deposits of potash and guano on
these islands. Apparently, however, their action was
delayed for some time owing to a doubt as to the
extent to which the United States might claim sovereignty
over them on the ground that they were ~~attached~~
^{had been ceded to the United States as part of the}
^{archipelago of}
to the Philippines under the Treaty of the 10th
December, 1898. (Paper No. ¹² ~~11~~), ~~Art. 1111~~

To be
completed

~~the~~ was issued. 1900
According to this communication of
Under this proclamation it appears that the French
Government claimed sovereignty over all the islands
islets and reefs situated in the zone between the
7th and 12th degrees of north latitude, and to the
west of the triangular zone reserved to American
sovereignty under Article 3 of the Treaty of the
10th December 1898. This zone includes Spratley
Island and certain islets situated close to it, and

111 x 117
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other....

20

From a
Report of the
23 April 1930
from
to a Consul
General at
Singapore
(see paper
No. 13)

By 1930, however, it ^{would} appear that the French authorities had made up their minds with regard to the geographical implications of the Treaty of 1898, and had determined to take the action which they had been contemplating. Accordingly a French ~~vessel~~ ^{As} ^{steep} "Nalissou" ^{on 13th April} on ~~13th April~~ about the 13th April, 1930, visited a number of these islands, including Sprattley Island, and claimed sovereignty over them in the name of the French Republic.

^{It is reported} Further it appears that on Sprattley Island the French vessel discovered ~~two~~ ^{four} marooned Chinese ^{who were thus saved} who they say ~~suffered~~ from starvation.

After the visit of this vessel, the French ~~claimed~~ ^{the communiqué} ~~sovereignty~~ ^{mentioned in communiqué of 13 April 1930} and the French proclamation of

~~the~~ ^{was} issued. (See paper No. ¹³ ~~6~~)

^{According to this communiqué it} Under this proclamation it appears that the French Government claimed sovereignty over all the islands, islets and reefs situated in the zone between the 7th and 12th degrees of north latitude, and to the west of the triangular zone reserved to American sovereignty under Article 3 of the Treaty of the 10th December 1898. This zone includes Sprattley Island and certain islets situated close to it, and

other....

Latitude
111 1117
Kap

other islets which are described by the French as follows:-

"Les récifs du Trident, l'île Thi-Thai, l'île Loai Ta, le récif Tissard, le récif de la Découverte, la Croix de Feu, les récifs London, l'îlet Amboise, le Banc du Rifleman, le Banc Ardoisier, le récif de l'Hirondelle".

The area thus claimed by the French is shown on the annexed sketch map on which Spratley Island and the other principal islands mentioned by the French are shown. (Paper No. ^{14.}) .

21 ~~20~~ On the 23rd April, 1931, His Majesty's Consul General at Saigon reported by telegram to the Foreign Office that the French authorities had announced the annexation of Spratley Island and called attention to the fact that it appeared to be the same as the island which was shown in the Colonial and Dominions Office list as having been annexed by this country in

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1877. He stated that he had called the attention ^{of} ~~to~~ the local French authorities to this apparent mistake but had only received the reply that their action had been taken under the direct instructions of the French Government.

~~22~~ On receipt of this telegram Mr. Campbell, His Majesty's Minister in Paris, acting upon instructions from the Foreign Office, issued after consultation with the Colonial Office, Admiralty and Treasury, presented a note on the 21st May, 1930. (Paper No. 15) to the French Foreign Ministry claiming that Spratley Island and Amboyna Cay had been annexed and become British territory in 1877 by virtue of the permission given to Messrs. Graham and Simpson for the hoisting of the British flag on the islands and of the registration in H.M. Consulate General in Borneo of their claim - a claim which was confirmed subsequently by a formal licence from the Crown; that no abandonment of British sovereignty over these islands had taken place, and that they accordingly remained British territory. The French Ministry of Foreign Affairs were asked to be so good as to notify the French authorities in Indo-China to this effect.. It will be seen that Mr. Campbell's note, which was presented upon instructions issued rather hurriedly and after an unfinished investigation, does not contain a complete or entirely accurate statement of the facts.

23 ~~23~~ On....

22. On the 13th July 1930, the French Ministry of Foreign Affairs returned an interim reply to H.M. Minister's note (Paper No. 16), in which the claim that these islands were British territory was disputed on the grounds (inter alia) that there was no evidence that the British flag had in fact been hoisted on the islands; that Messrs. Graham and Simpson had been officially commissioned to take possession of the islands in the name of Her Britannic Majesty, or that they had in fact ever assumed effective possession of the islands.

This interim reply was followed by a further note of the 28th March 1931 from the French Ministry of Foreign Affairs (Paper No. 2) in which the British claim to sovereignty over these islands was contested as being ill-founded under international law. In this note reliance was placed inter alia on the fact that these islands had not been placed under the administration of any British colony or protectorate, and the claim of Messrs. Graham and Simpson had been registered only in the British Consulate General in Borneo from which it was argued that His Majesty's Government must be presumed to have considered.....

(a) The note also contains a statement to the effect that there is no British island (even the smallest size) which is not attached to some colony or protectorate for administration. This statement is of course incorrect (see paragraph 17 above, quotation from Dominions and Colonial Office Lists)

considered that these islands did not belong to the British Empire and that the only effect of the registration was to establish a right for the individuals in private law.

The French Government argued that there was no evidence of any exercise of authority by this country over these islands, and that they were therefore terra nullius at the time when the French authorities took formal possession of them.

23. No further communication has at present been addressed to the French Government on this subject, and ~~Lord~~ ^{Sir John Simon} desires your advice on the questions referred to in the following paragraphs, in order to assist him in deciding what (if any) further action should be taken in this matter.

24. The first question upon which your advice is desired is whether His Majesty possessed valid rights of sovereignty over Spratley Island and Amboyna Cay in April 1930 at the time when the French Government purported to annex them, a question which turns upon the application of certain principles of international law to the facts of this case. In this connexion I am to invite your attention to the memorandum prepared by the Legal Advisers of this Department (Paper No. ¹⁸ ~~25~~), in particular, to the Clipperton Island case therein referred to.

25. The facts upon which the British claim to sovereignty over these islands must be based would appear to be the following:-

23(a). The French Ministry of A. M. on 20 Nov 1931 informed H.A. Embury in Paris, in reply to a request for information that they know of no formal proclamation having been issued by the French claiming ~~the~~ ^{the} islands and that they were ^{(a) visits..}

(a) Visits to the islands; ^{actual} annual use and occupation.

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The visit to both islands in 1864 by Commander Ward (paragraph 3) in H.M.S. Rifleman; the ~~visit~~ ^{in 1889} ~~in 1889~~ ^{by Captain Carr} ~~in H.M.S. Rifleman~~ ^{in H.M.S. Wanderer} ~~to the islands~~ ^{to the islands} visits of Messrs.

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Graham and Simpson in 1877 (paragraph 3) and in 1879 to Amboyna Cay when during a period of six ^{months} weeks some work was done on this island, and ~~when~~ ^{when} ~~it is~~ ^{it is} probable, though not absolutely certain,

that the British flag was hoisted; There is no evidence that the

British flag was ever hoisted on Spratley Island. It appears that the Central Borneo Company never sent any persons to the islands at all.

No visit in 1889 by Captain Carr in H.M.S. Wanderer to the islands.

(b)....

issue of a formal lease to this company by Lord Knutsford, then Secretary of State for the Colonies;

The passages in the Colonial Office lists from 1891 onwards in which the statement is made that these islands were annexed in 1877.

~~possible~~ Reliance might ^{perhaps} also be placed upon the exercise of jurisdiction in 1879 by the Acting Governor of Labuan when he tried and sentenced the Chinese coolies who had assaulted Mr. Graham and Mr. ^{Helme} Heleson on Amboyna Cay, inasmuch as it would appear that he would have had no jurisdiction over offences committed in Amboyna Cay unless it had been made a dependency of the colony of Labuan. Against this, however, it must be observed that in

1879.....

(b) Assumption of sovereignty over the islands by H.M.G.

The authorisation given to Messrs. Graham and Simpson in 1877 and 1878 to hoist the British flag over the islands, and the registration of their claim in the British Consulate General for Borneo, after a previous provisional registration with the Government of Labuan, and the advertisement of this claim in the Government Gazettes of Hongkong and the Straits Settlement (paragraphs 3 and 8); ~~the~~ registration of the claim of the Central Borneo Company in 1889 with the Government of Labuan after further advertisements in the Government Gazettes of Hongkong and the Straits Settlements (paragraph ~~13~~¹⁴); ~~The~~ subsequent issue of a formal lease to this company by Lord Knutsford, then Secretary of State for the Colonies;

~~The~~ passages in the Colonial Office lists from 1891 onwards in which the statement is made that these islands were annexed in 1877.

~~available~~ Reliance might ^{perhaps} also be placed upon the exercise of jurisdiction in 1879 by the Acting Governor of Labuan when he tried and sentenced the Chinese coolies who had assaulted Mr. Graham and Mr. ~~Heleen~~^{Helme} on Amboyna Cay, inasmuch as it would appear that he would have had no jurisdiction over offences committed in Amboyna Cay unless it had been made a dependency of the colony of Labuan. Against this, however, it must be observed that in

1879 the Colonial Office had clearly disclaimed any intention of including these islands as dependencies of Labuan, and the claim of Messrs. Graham and Simpson had been registered with Mr. Treacher in his capacity as Consul General for Borneo, precisely for this reason, so that Mr. Treacher's ~~subsequent action~~ ^{action in trying} these offenders may have been misconceived.

27 ²⁶ ~~27~~. The fact that neither of these islands had been attached for administrative purposes to any British colony or protectorate is relied upon by the French Government as an argument against the validity of any British claim to sovereignty over them. ~~no doubt~~ therefore you will ^{no doubt} deal with this argument in giving your opinion in answer to the first question, ^{and} ~~you~~ will observe that the statement in the Colonial Office List referred to in paragraph 16¹⁷ makes it impossible to contend that these islands had in fact been attached for administrative purposes to any British colony or protectorate. I am, however, to invite your attention to certain letters exchanged between the Foreign Office, the Colonial Office and the Admiralty (Paper No. ¹⁷ ~~2~~, (1), (2), and (3),) and to request you to give your opinion as to the

whole letter to go on

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(Contd.)

as to the advisability of attaching for administrative purposes the various other miscellaneous islands which are claimed as British to some colony or protectorate, in order to avoid the possibility of British sovereignty over them being challenged, ^{on the ground} or that no provision had been made for their administration. *This is the second question on which your advice is requested.*

28. In the course of inter-departmental correspondence upon this question the view had been expressed in letters from the Foreign Office that, even if further replies were returned to the notes from the French Ministry of Foreign Affairs disputing the British sovereignty over these islands, and ^{even if} putting forward further evidence and arguments in favour of the British claim, ^(was put forward) it was most improbable that the French Government would surrender their claim and accept the view of H.M.G. merely as a result of diplomatic correspondence. Consequently, if it was desired ^{to continue to maintain our} to contest the French claim, ^{& to maintain our sovereignty over these islands} it would be necessary to request the French Government to submit the question of the sovereignty over these islands to the Permanent Court of International Justice, or to an arbitral tribunal, and for H.M.G. to obtain a decision in their favour.

~~You will appreciate that~~ Some of the arguments used by the Ministry of Foreign Affairs in their notes are arguments which, if admitted, might be prejudicial to British claims to sovereignty over certain other islands or territories. It was considered by

the....

the Foreign Office however, that if ~~the~~ further replies were returned to the French notes contesting their annexation of these islands, and if then, upon ~~the~~ French refusal to accept His Majesty's Government's view, the matter were then to be allowed to drop, the result would be more prejudicial than if the matter were to be allowed to drop at the present stage. ^{herd}

on the ground that His Majesty already possessed sovereignty over them

Reading considers, moreover, that if ~~the French~~ ^{British} claim to these islands is disputed further with the French Government, it would then be difficult for His Majesty's Government to drop the matter without demanding a judicial decision or arbitration, though there would, of course, be no need that any such demand should be made in the reply to the French notes of the 13th July, 1930 and the 28th March 1931. (~~Papers Nos. 19 and 20~~).

On the other hand, if it were decided to abandon the claim to Spratley Island and Amboyna Cay, a reply could easily be returned to the French Government which might make it clear that His Majesty's Government in no way admitted the soundness in International Law of some of the arguments put forward in these French notes, although they did not as the result of their further investigation of the facts of the particular case, intend to continue their claim to these islands. In this connexion I

am to invite your attention to a letter from the Treasury

Even the other hand it could be made clear that HMG did not admit that the French Republic had acquired sovereignty

inasmuch as a mere concession was not an international law... but the acceptability of this course

would have the consequence of... claims to... on the Antarctic

(Paper....)

(Paper No. 20) in which a ^{the} contrary view is expressed, namely
 that it may be desirable to return a reply to the French
 Government ~~contesting their claim~~ ^{maintaining our claims} to Amboyna Cay and Spratley
 Island, ^{even} although His Majesty's Government are not prepared to
 demand that this question should be referred to arbitration, if
 the French Government maintain their position.

The ~~third~~ ^{second} question, therefore, upon which your advice is
 requested is whether it is desirable that ^a no further reply to
 the French Government should be made ^{accepting the British} ~~contesting their~~ claim to
 sovereignty over these islands, ^{even though} unless His Majesty's Government
 are ^{not} prepared to request arbitration in the event of the French
 Government maintaining its point of view. *This question is for*

29. I am accordingly to request you to take the enclosed papers
 into your consideration and to favour ^{Sir J. Simon} ~~Lord Reading~~ with your
 opinion.

(a) whether in April 1930 His Majesty possessed under
 international law sovereignty over Spratley Island and/or
 Amboyna Cay.

(b) whether it is desirable that the various miscellaneous
 islands over which His Majesty claims sovereignty should be
 attached for administrative purposes to some colony or protectorate
 in all cases where such action has not already been taken.

(c) Whether...

(c) whether it is advisable that no further reply should be returned to the French Government asserting the claim of His Majesty, ~~and contesting that of the French Republic to sovereignty over Spratley Island and Amboyna, unless His Majesty's Government are prepared in the last resort to request that the question should be submitted to the Permanent Court of International Justice or to arbitration.~~

30. ^{Charles Sumner} Lord Reading would also be grateful for any observations of a general character which you may have to offer on this matter.

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Annex 356

United Kingdom, *Draft Memorandum* (undated)

The following seems to be the essence of this problem

- A. War against France is not even a possibility at present; if it should occur in the future the ownership of these islets by France would not be a matter of first importance to us.
 - B. War against Japan (perhaps allied to a European power) must at present remain a reasonable possibility; in which case the ownership of these islets by Japan would be a most serious matter. Whereas, in this same eventuality, the ownership of these islets by France (even if neutral) would NOT as a matter of real practical politics deter us from making full use of them.
2. Our object, therefore, is not so much to evict the French as to cause the French to evict the Japanese from all the islets which they claim, and for us to annexe all the other islets.
 3. Should we not, therefore, try to reach agreement with the French as to a division of ownership, even abandoning some of our claims (e.g., Spratley Island), on condition that they take and maintain energetic action against the Japanese establishing themselves in this area.
 4. It seems, moreover, that the United States of America can hardly remain entirely disinterested in this southward spread of Japanese influence.
 5. The islets, which can be called habitable in this area, are enumerated in paragraph 4 of my minute in M.05664/37. All that is known about our claims to

North Danger Reef	Thi tu Island
Loai tai	Lan Kiam
Itu aba	Nam Yit
Spratley Island	Amboyna Cay

has already been set out in various papers contained in cases 2429 and 3540: these are tabbed X. The remaining six are dealt with below.

6. Very little information exists about these islets and reefs; there is no doubt that Chinese fishermen from Hainan have visited them, possibly for generations, and some may have been seen by Commander Ward in H.M.S. RIFLEMAN in 1864.

Evidence ...

Evidence of "discovery" is poor.

- West York Island - First appeared on the charts after the British ship WEST YORK was wrecked on it in 1905.
- Flat Island - Known as far back as 1868 - Seen by several ships.
- Nanshan Island - Named by U.S. Vessel NANSHAN which anchored off it - Date cannot be found but it was later than 1879.
- Sin Cowe Island - Known in 1889 but its existence was supposed to be doubtful. Doubt is removed in 1912 Edition of China Pilot Part IV. May have been discovered by Captain Silsbee of the ship COLUMBIA.
- Pearson Reef - Discovered by Captain Pearson of the British ship BAHAMIAN in 1843.
- Mariveles Reef - Named after the Spanish ship MARIVELES which was wrecked there in 1879.

The above rather meagre details comprise all that was known of these six places prior to the time (1928 to 1935) when H.M. ships IROQUOIS and HERALD were employed on confidential surveys of the entire region. The earlier encounters were in the nature of mischances and in most, if not all cases, were wholly unpremeditated.

J. D. K.
12. 4. 38.

Annex 357

Memorandum from Minister of Foreign Affairs, French Republic, to French Embassies in London, Washington, Tokyo, The Hague and Manila (17 Apr. 1929)

English Translation

[stamp:] April 17, 1929
126[Diplomatic] Pouch

ORIGINAL

(E)

Sent

[stamp:]

<p>POLITICAL AND COMMERCIAL DEPARTMENT [illegible] Ser. <u>E</u>, [illegible] <u>513-9 W/2</u> [illegible]</p>
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ASIA-OCEANIA

THE MINISTER OF FOREIGN AFFAIRS
715

In	LONDON	
	WASHINGTON	358
52	TOKYO	
121	THE HAGUE	
	MANILA	8

No.

Re: Spratly Island
(Aka Storm Island)

I have spoken to you on several occasions, most recently last February 7, of the question of territorial sovereignty over a group of islands and islets located between Indochina and the Philippines, which was raised in early 1928 by a *démarche* [diplomatic move or approach] from Mr. Kurosawa, Consul General of Japan in Hanoi. The upshot of the correspondence that I sent to you was that Indochinese authorities had made no response to the *démarche* of the Japanese representative and that the question thus remained unanswered, at least with respect to the relationship between France and Japan.

Mr. Demarçay, 4/16/29

Sent to:
London Washington
Tokyo The Hague
ManilaNavy
Colonies

The problem has been raised again recently, but indirectly, by approaches made, on behalf of the New Phosphates Company of Tonkin [*Société Nouvelle des Phosphates du Tonkin*], to the Ministry of the Colonies and

[stamp:] For the Minister and by authorization
THE UNDER-DIRECTOR FOR ASIA

to the Department. This company wished to obtain a mining research permit in Spratly Island, which is located in the aforementioned group, for purposes of extracting phosphate deposits located there.

Following consultations between officers of the Department and the ministries of the Navy and the Colonies, some of which you are aware of, it was decided that the mining research permit sought by the Phosphates Company of Tonkin would be granted to it by the Government of Cochinchina, with the understanding that the permit was being issued at the risk of the interested parties, this qualification being aimed at the possibility that some power might present valid claims over the group of islets to which Spratly Island belongs.

It seemed necessary, on the other hand, to place Spratly Island under the administration of Baria Province, in order to provide a basis and a justification for the granting of the permit in question.

The Government of Indochina also intends to take measures to have Spratly Island and its environs patrolled by a naval unit detached from the base of Saigon.

In sharing with you, confidentially, the preceding info, I urge you to be fully cognizant of the importance I will attach to receiving any information that comes to your attention concerning any sign of activity by the powers in the area in question.

ASIA-OCEANIA

No.

Re: the
Spratly.

Mr. Demarçay

April 15

Valide

17 AVRIL 1929

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MINUTE

Expedite



DIRECTION POLITIQUE
ET COMMERCIALE

Ser. *E* 513-9 *1/2*

ASIE-OCEANIE

LE MINISTRE DES AFFAIRES ETRANGERES

à LONDRES *715*
 WASHINGTON *358*
 TOKIO
 LA HAYE
 MANILLE *8*

N°

a.s. de l'île Spratly
(ou de la Tempête).

Je vous ai entretenu à diverses reprises, et en dernier lieu le 7 février dernier, de la question de souveraineté territoriale sur un groupe d'îles et d'ilots situé entre l'Indochine et les Philippines, qu'avait soulevée, au début de 1928, une démarche de M. Kurosawa, consul général du Japon à Hanoi. Il résultait de la correspondance que je vous ai communiquée qu'aucune réponse n'avait été faite par les autorités indochinoises à la démarche du représentant japonais et qu'ainsi, au moins en ce qui concerne les rapports de la France et du Japon, la question restait entière.

Le problème s'est trouvé de nouveau posé récemment, mais d'une manière indirecte, par des démarches faites, au nom de la Société Nouvelle des Phosphates du Tonkin, auprès du Ministère des Colonies et du Dé-

M. Demarçay, 16/4/29

Communiqué à:

- Londres
- Washington
- Tokio
- La Haye
- Manille
- Marine
- Colonies

Pour le Ministre et par autorisation
LE SOUS-DIRECTEUR D'ASIE.

partement. Cette société désirait obtenir dans l'île Spratly, située dans le groupe susvisé, un permis de recherches minières aux fins d'exploiter les gisements de phosphate qui s'y trouvent.

A la suite de consultations entre les services du Département et les Ministères de la Marine et des Colonies, dont vous avez eu connaissance en partie, il a été décidé que le permis de recherches minières, sollicité par la société des Phosphates du Tonkin, lui serait accordé par le Gouvernement de la Cochinchine, étant entendu qu'il était délivré aux risques et périls des intéressés, cette restriction visant l'éventualité où des revendications valables seraient présentées par quelque Puissance sur les groupes d'îlots auxquels l'île Spratly appartient.

Il a paru, d'autre part, nécessaire, afin de fournir une base et une justification à l'octroi du permis en question, de rattacher administrativement l'île Spratly à la province de Baria.

Le Gouvernement de l'Indochine compte en outre prendre des dispositions en vue de faire reconnaître l'île Spratly et les parages dans lesquels elle se trouve par une unité de la marine militaire détachée de la base de Saïgon.

En vous communiquant, à titre confidentiel, les renseignements qui précèdent, j'appelle toute votre attention sur l'intérêt que j'attacherais à recevoir les renseignements qui parviendraient à votre connaissance sur toute manifestation d'activité des puissances dans la zone en question.

Annex 358

French Republic, Indochina Hydrographic Mission, *Procès-Verbal* (13 Apr. 1930)

[illegible]

Gunboat "MALICIEUSE"

SPRATLY ISLAND. 8° 39' north

111° 55' Greenwich

Today, the thirteenth day of April, nineteen hundred thirty, Palm Sunday, I took possession of Spratly Island, located at 8° 39' north and 111° 55' Greenwich, and the small islands belonging to the Spratly group, in the name of France.

As a sign thereof, I had the French flag flown over Spratly Island and I had it saluted with a salvo of 21 cannon shots.

Delattre, Lieutenant,
Commander
[signature]

[stamp:]

INDOCHINA NAVY

Commander

[illegible] April 15[illegible] 2054

The officers of the ship and the principal members of the crew signed this report with

me:

Martin de Lassalle
Sublieutenant,
Second officer
[signature]

Queau
Sublieutenant
[signature]

Mr. Chevey
Doctor of Sciences
passenger
[signature]

Glize
1st Engineer
[signature]

Tanguy
Gunner's Mate
[signature]

Gourvennec
Writer's Mate
[signature]

Kurtz
Engineer's Mate
[signature]

Jeste
Fusilier's Mate
[signature]

Le Goff
Boatswain's Mate
[signature]

Mas
Boatswain's Mate
[signature]

Canonnière "MALICIEUSE"

ILE SPRATLY, 8° 39' Nord
III° 55' Greenwich.

Aujourd'hui treize Avril mil neuf cent trente, jour de la fête du dimanche des Rameaux, j'ai pris possession au nom de la FRANCE de l'île SPRATLY située par 8° 39' Nord et III° 55' Greenwich et des flots qui en dépendent.

En signe de quoi, j'ai fait hisser sur l'île SPRATLY le pavillon français et je l'ai fait saluer d'une salve de 21 coups de canon.

MARINE INDOCHINE
Commandant
Reçu le 15 Avril
N° 2054

DELATRE, Lieutenant de Vaisseau,
Commandant,

Delatre

Ont signé avec moi le présent procès verbal, les officiers du bâtiment et les principaux de l'Equipage.

MARTIN DE LASSALLE
Enseigne de Vaisseau
de 1ère classe,
Officier en second,

P. de Lassalle

QUEAU
Enseigne de Vaisseau
de 1ère classe,

Queau

M. CHEVEY,
Docteur en sciences,
passager,

Chevey

GLIZE,
1er maître mécanicien,

Glize

TANGUY,
second maître canonnier,

Tanguy

GOURVENNEC,
second maître fourrier,

Gourvennec

KURTZ,
second maître mécanicien,

Kurtz

JESTE,
second maître fusilier,

Jeste

LE GOFF,
second maître de manoeuvre

Le Goff

MAS,
second maître de manoeuvre,

Mas

Annex 359

Memorandum from the Legal Advisers of the Foreign Office, United Kingdom (10 Nov. 1931)

CONFIDENTIAL.

(14102)

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[W 12921/2378/17 (1931)]

CONSIDERATIONS GOVERNING ACQUISITION OF TERRITORY,
WITH REFERENCE TO THE QUESTION OF SOVEREIGNTY
OVER SPRATLEY ISLAND AND AMBOYNA CAY.*(Memorandum by the Legal Advisers of the Foreign Office.)*

THE authorities on the legal principles involved in the present case fall into three classes:—

- (1) Decisions of international arbitral tribunals.
- (2) The opinions expressed in text books of authority.
- (3) Previous opinions by the Law Officers.

The last class, however, differs from the other two in that these opinions are not published and cannot be used for the purpose of establishing a case against the French Government.

(1) Decisions of Arbitral Tribunals.

There are two decisions of arbitral tribunals which appear to be particularly in point in relation to the present case, namely, the decision of the Permanent Court of Arbitration in an arbitration between the United States of America and the Netherlands relating to the sovereignty over the Island of Palmas, delivered on the 4th April, 1928,⁽¹⁾ and the decision of the King of Italy, acting as arbitrator between the Governments of the French Republic and the Republic of Mexico, relating to the sovereignty over Clipperton Island, delivered on the 23rd January, 1931.⁽²⁾

(A) The Island of Palmas.

The decision in the Island of Palmas case was delivered by Mr. Max Huber, a former President of the Permanent Court of International Justice, acting as sole arbitrator. Considerable weight must be attached to it on account both of the eminence of the arbitrator and the extremely careful reasoning upon which his award is based.

The facts of the Island of Palmas case were roughly as follows: The island, which is inhabited by natives, is situated in the South China seas. The Government of the United States considered that they had acquired sovereignty over it by virtue of the treaty of 1898 between the United States and Spain, under which the archipelago, known as the Philippine Islands, was ceded by Spain to the United States. Article 3 of this treaty defined the boundaries of the archipelago of the Philippine Islands in terms which admittedly extended to and included the Island of Palmas. Accordingly, General Wood, on behalf of the United States, visited the island in 1906, and discovered there certain evidence of the exercise of sovereignty and administration over the island by the Netherlands. The result was a dispute between the two countries as to the sovereignty over the island, and though the award was only delivered in 1928, the facts upon which it is based are those existing in 1906.

It being clear that Spain had transferred to the United States all the rights which she possessed over the island, the question was whether Spain had any sovereignty over the island to cede. The United States claimed that Spain possessed sovereignty over the island (1) by reason of its discovery by Spaniards. The arbitrator accepted the view that the island had been discovered by Spaniards, but held that, under international law, discovery was not sufficient to establish sovereignty. (2) That the Netherlands had by treaty recognised Spanish sovereignty over the island. This contention, which is not relevant to the present

(1) Library Vol. Fo. P. 7 (viii).

(2) L 5015/970/405 of 1931.

case, was rejected. (3) That Spain had, in fact, exercised sovereignty over the island, a contention which was rejected by the arbitrator on the facts, the arbitrator mentioning that Spain had not attached the island to any other territory for the purposes of administration. (4) That the island formed part of the Philippine Islands, which were admittedly under Spanish sovereignty, and therefore came under Spanish sovereignty by the application of the principle of contiguity. The arbitrator held that the principle of contiguity as a ground for sovereignty did not exist in international law as regards territories outside territorial waters, and also found that such a claim was not justified by the geographical facts.

The Netherlands claimed sovereignty over the island on the ground that the natives on the island were under the rule of the Chief of the neighbouring Island of Sangi, and that the Chief of the Island of Sangi had been for more than two centuries under the suzerainty of the Netherlands. The suzerainty had been acquired originally by conventions entered into with the native chiefs by the Dutch East India Company. The arbitrator found the Dutch claim to be well founded, and made his award in favour of the Netherlands.

The award contains statements of the arbitrator's view of international law as regards the requirements which must be fulfilled in order to establish a claim to sovereignty over territory by occupation. The following quotations are extracts from such statements in so far as they appear to be most relevant to the case under consideration:—

(a) " If the contestation is based on the fact that the other party has actually displayed sovereignty, it cannot be sufficient to establish the title by which sovereignty was validly acquired at a certain moment; it must also be shown that the territorial sovereignty has continued to exist, and did exist, at the moment which for the decision of the dispute must be considered as critical. This demonstration consists in the actual display of State activities, such as belongs only to the territorial sovereign " (p. 16).

(b) " The growing insistence with which international law, ever since the middle of the 18th century, has demanded that the occupation shall be effective would be inconceivable if effectiveness were required only for the act of acquisition and not equally for the maintenance of the right. If the effectiveness has above all been insisted on in regard to occupation, this is because the question rarely arises in connexion with territories in which there is already an established order of things. Just as before the rise of international law boundaries of lands were necessarily determined by the fact that the power of a State was exercised within them, so, too, under the reign of international law, the fact of peaceful and continuous display is still one of the most important considerations in establishing boundaries between States " (p. 17).

(c) " Without manifesting its territorial sovereignty in a manner corresponding to circumstances, the State cannot fulfil this duty. Territorial sovereignty cannot limit itself to its negative side, *i.e.*, to excluding the activities of other States " (p. 17).

(d) " Although municipal law, thanks to its complete judicial system, is able to recognise abstract rights of property as existing apart from any material display of them, it has none the less limited their effect by the principles of prescription and the protection of possession. International law, the structure of which is not based on any super-State organisation, cannot be presumed to reduce a right such as territorial sovereignty, with which almost all international relations are bound up, to the category of an abstract right, without concrete manifestations.

" The principle that continuous and peaceful display of the functions of State within a given region is a constituent element of territorial sovereignty is not only based on the conditions of the formation of independent States and their boundaries (as shown by the experience of political history) as well as on an international jurisprudence and doctrine widely accepted; this principle has further been recognised in more than one federal State, where a jurisdiction is

established in order to apply, as need arises, rules of international law to the interstate relations of the States members" (pp. 17-18).

(e) "It may suffice to quote among several non-dissimilar decisions of the Supreme Court of the United States of America, that in the case of the State of Indiana *v.* State of Kentucky (136 U.S. 479), 1890, where the precedent of the case of Rhode Island *v.* Massachusetts (4 How. 591,639) is supported by quotations from Vattel and Wheaton, who both admit prescription founded on length of time as a valid and incontestable title" (p. 18).

(f) "Manifestations of territorial sovereignty assume, it is true, different forms, according to conditions of time and place. Although continuous in principle, sovereignty cannot be exercised in fact at every moment on every point of a territory. The intermittence and discontinuity compatible with the maintenance of the right necessarily differ according as inhabited or uninhabited regions are involved, or regions enclosed within territories in which sovereignty is uncontestedly displayed, or, again, regions accessible from, for instance, the high seas" (p. 18).

(g) "If, however, no conventional line of sufficient topographical precision exists, or if there are gaps in the frontiers otherwise established, or if a conventional line leaves room for doubt, or if, as, *e.g.*, in the case of an island situated in the high seas, the question arises whether a title is valid *erga omnes*, the actual continuous and peaceful display of State functions is, in case of dispute, the sound and natural criterium of territorial sovereignty" (pp. 18-19).

(h) "However, according to the view that has prevailed at any rate since the 19th century, an inchoate title of discovery must be completed within a reasonable period by the effective occupation of the region claimed to be discovered" (p. 27).

(i) "A comparison of the information supplied by the two parties shows that only with the greatest caution can account be taken of maps in deciding a question of sovereignty, at any rate in the case of an island such as Palmas (or Miangas). Any maps which do not precisely indicate the political distribution of territories, and in particular the Island of Palmas (or Miangas), clearly marked as such, must be rejected forthwith, unless they contribute—supposing that they are accurate—to the location of geographical names. Moreover, indications of such a nature are only of value when there is reason to think that the cartographer has not merely referred to already existing maps—as seems very often to be the case—but that he has based his decision on information carefully collected for the purpose. Above all, then, official or semi-official maps seem capable of fulfilling these conditions, and they would be of special interest in cases where they do not assert the sovereignty of the country of which the Government has caused them to be issued.

"If the arbitrator is satisfied as to the existence of legally relevant facts which contradict the statements of cartographers whose sources of information are not known, he can attach no weight to the maps, however numerous and generally appreciated they may be.

"The first condition required of maps that are to serve as evidence on points of law is their geographical accuracy" (pp. 36-37).

(j) "In the last place there remains to be considered *title arising out of contiguity*. Although States have in certain circumstances maintained that islands relatively close to their shores belonged to them in virtue of their geographical situation, it is impossible to show the existence of a rule of positive international law to the effect that islands situated outside territorial waters should belong to a State from the mere fact that its territory forms the *terra firma* (nearest continent or island of considerable size). Not only would it seem that there are no precedents sufficiently frequent and sufficiently precise in their bearing to establish such a rule of international law, but the alleged principle itself is by its very nature so uncertain and contested that even Governments of

the same State have on different occasions maintained contradictory opinions as to its soundness. The principle of contiguity in regard to islands may not be out of place when it is a question of allotting them to one State rather than another, either by agreement between the parties or by a decision not necessarily based on law; but as a rule establishing *ipso jure* the presumption of sovereignty in favour of a particular State, this principle would be in conflict with what has been said as to territorial sovereignty and as to the necessary relation between the right to exclude other States from a region and the duty to display therein the activities of a State. Nor is this principle of contiguity admissible as a legal method of deciding questions of territorial sovereignty; for it is wholly lacking in precision and would in its application lead to arbitrary results. This would be specially true in a case such as that of the island in question, which is not relatively close to one single continent, but forms part of a large archipelago, in which strict delimitations between the different parts are not naturally obvious.

"There lies, however, at the root of the idea of contiguity one point which must be considered also in regard to the Island of Palmas (or Miangas). It has been explained above that, in the exercise of territorial sovereignty, there are necessarily gaps, intermittence in time and discontinuity in space. This phenomenon will be particularly noticeable in the case of colonial territories, partly uninhabited or as yet partly unsubdued. The fact that a State cannot prove display of sovereignty as regards such a portion of territory cannot forthwith be interpreted as showing that sovereignty is inexistent. Each case must be appreciated in accordance with the particular circumstances" (pp. 39-40).

(k) "As regards the territory forming the subject of the present dispute, it must be remembered that it is a somewhat isolated island, and therefore a territory clearly delimited and individualised. It is, moreover, an island permanently inhabited, occupied by a population sufficiently numerous for it to be impossible that acts of administration could be lacking for very long periods. The memoranda of both parties assert that there is communication by boat and even with native craft between the Island of Palmas (or Miangas) and neighbouring regions. The inability in such a case to indicate any acts of public administration makes it difficult to imagine the actual display of sovereignty, even if the sovereignty be regarded as confined within such narrow limits as would be supposed for a small island inhabited exclusively by natives" (p. 40).

(l) "The admission of the existence of territorial sovereignty early in the 18th century and the display of such sovereignty in the 19th century, and particularly in 1906, would not lead, as the Netherlands Government appears to suppose, by analogy with French, Dutch and German civil law, to the conclusion that, unless the contrary is proved, there is a presumption for the existence of sovereignty in the meantime. For the reasons given above, no presumptions of this kind are to be applied in international arbitrations, except under express stipulation. It remains for the tribunal to decide whether or not it is satisfied of the continuous existence of sovereignty, on the ground of evidence as to its display at more or less long intervals" (p. 53).

(m) "Acts characteristic of State authority exercised either by the vassal State or by the suzerain Power in regard precisely to the Island of Palmas (or Miangas) have been established as occurring at different epochs between 1700 and 1898, as well as in the period between 1898 and 1906.

"The acts of indirect or direct display of Netherlands sovereignty at Palmas (or Miangas), especially in the 18th and early 19th centuries, are not numerous, and there are considerable gaps in the evidence of continuous display. But, apart from the consideration that the manifestations of sovereignty over a small and distant island, inhabited only by natives, cannot be expected to be frequent, it is not necessary that the display of sovereignty should go back to a very far-distant period. It may suffice that such display existed in 1898, and had already existed as continuous and peaceful before that date long enough to enable any Power who might have considered herself as possessing sovereignty over the island, or having a claim to sovereignty, to have, according to local

conditions, a reasonable possibility for ascertaining the existence of a state of things contrary to her real or alleged rights.

"It is not necessary that the display of sovereignty should be established as having begun at a precise epoch; it suffices that it had existed at the critical period preceding the year 1898. It is quite natural that the establishment of sovereignty may be the outcome of a slow evolution, of a progressive intensification of State control. This is particularly the case, if sovereignty is acquired by the establishment of the suzerainty of a colonial Power over a native State, and in regard to outlying possessions of such a vassal State" (p. 58).

(n) "As to the conditions of acquisition of sovereignty by way of continuous and peaceful display of State authority (so-called prescription), some of which have been discussed in the United States counter-memorandum, the following must be said:—

"The display has been open and public, that is to say, that it was in conformity with usages as to exercise of sovereignty over colonial States. A clandestine exercise of State authority over an inhabited territory during a considerable length of time would seem to be impossible. An obligation for the Netherlands to notify to other Powers the establishment of suzerainty over the Sangi States or of the display of sovereignty in these territories did not exist" (p. 59).

(o) "The title of discovery, if it had not been already disposed of by the Treaties of Münster and Utrecht, would, under the most favourable and most extensive interpretation, exist only as an inchoate title, as a claim to establish sovereignty by effective occupation. An inchoate title, however, cannot prevail over a definite title founded on continuous and peaceful display of sovereignty.

"The title of contiguity, understood as a basis of territorial sovereignty, has no foundation in international law" (p. 60).

The facts in the case of the Island of Palmas differ from those of the present case in one very important point. The Island of Palmas was an inhabited island, and it may be argued with some force that the various statements of the law contained in the award of Mr. Huber, which appear to be adverse in the case of His Majesty's Government in relation to the necessity of effective exercise of sovereignty, are directed to the case of an inhabited island, and that when this fact is taken into consideration there can be nothing in them inconsistent with the claim of His Majesty's Government in this case. The quotations from Mr. Huber's award set out above and marked (f) and (k) might be relied upon in support of this argument.

(B) *Clipperton Island.*

The facts with regard to the Clipperton Island case were as follows:—

Clipperton Island is a remote island in the Pacific 300 or 400 miles from the coast of Mexico. It contains deposits of guano, and has been at all times either uninhabited or only inhabited on rare occasions. It takes its name from an English adventurer who used at various periods to take refuge there. Though there is no existing evidence of the fact, it was probably first discovered by the Spaniards, and the arbitral award is based upon this assumption.

At the time when it was discovered Spain would appear to have been entitled to claim sovereignty over it under the famous bull of Pope Alexander VI, in which he divided the New World between Spain and Portugal, but there was no evidence to show that Spain had, in fact, taken any particular action with regard to this island other than on some doubtful map where the island is shown as under the Political and Military Government of Spain in Northern America.

In 1832 Mexico separated from Spain. In 1858 a French commissioner cruising in a merchant vessel drew up a formal document, in which, according to orders received from the French Government, he proclaimed and declared the sovereignty of the Emperor Napoleon III over the island as from that date. In the course of the cruise certain geographical investigations were made, and the merchant vessel succeeded with some difficulty in disembarking some of her crew upon the island. The crew, however, withdrew almost immediately. The French commissioner reported the fulfilment of his mission to the French

consulate at Honolulu, and the Government of Hawaii were informed. The French claim to sovereignty over the island was proclaimed in a local paper at Honolulu.

No further action was taken with regard to the island by the French authorities until November 1897, when the island was inspected by the commander of the French Naval Division, who reported that they had found three persons on the island who were collecting guano there on behalf of an American company, and that these persons had hoisted the American flag on the approach of the French ship. On the matter being taken up by the French Government with the United States Government, the latter Government firmly disclaimed any intention of putting forward any claim to sovereignty over Clipperton Island.

In December of the same year, however, the Mexican Government, apparently in ignorance of any French claim to the island and acting upon incorrect intelligence to the effect that the United Kingdom intended to make a claim to the island, despatched a gunboat to the island, which disembarked a detachment of officers and men. The three persons employed by the American company were found still upon the island, and the Mexican gunboat compelled or induced them to lower the American and to hoist the Mexican flag. The Mexican gunboat then left with all her crew.

In January 1899 the French Government learnt of this action on the part of the Mexican Government, and thereupon there ensued a dispute between the two Governments as to the sovereignty over the island. This was eventually referred to the arbitration of the King of Italy under a convention of 1909. The award, however, was only delivered in 1931.

Before the arbitrator the Mexican Government claimed, in the first place, sovereignty over the island as the successor of Spain, on the ground that the island belonged to that part of the Spanish territories which later became Mexican. This claim was rejected in the award on the ground that there was no evidence whatever that Spain, even if she had acquired an inchoate right by virtue of discovery and the Papal Bull, had taken any steps to make her sovereignty over the island effective. The French Government claimed sovereignty over the island by virtue of the annexation of 1858, and the Mexican Government disputed this on the ground that in the interval between 1858 and 1897 the French Government had taken no steps to make this claim to sovereignty over the island effective. On this point, however, judgment was given in the award in favour of France, on the ground, apparently, that, though under international law a State which claims sovereignty by occupation must bring the territory effectively under its sway, and though ordinarily this can only be done by establishing some administration over the territory, such action is not necessary in the case of a completely uninhabited island.

The award in the case of Clipperton Island is not altogether clearly expressed, nor does it contain the wealth of legal reasoning which characterises the award in the case of the Island of Palmas. Nevertheless, the conclusion to be drawn from it appears to be that, in the case of an uninhabited island, an initial formal annexation is, if there is an actual visit to the island, sufficient to create and to continue sovereignty over the island unless there is either an express abandonment or an implied abandonment arising from the acquiescence in its occupation by another Power. The facts of this case are extremely similar to those of the case under consideration. The grounds upon which the decision is based would appear to be conclusive in favour of the claim of the United Kingdom in the present case, if they are legally sound, provided that His Majesty's Government can show (1) that there was a sufficiently formal annexation of Spratley Island and Amboyne Cay in the last century; and (2) the visit of Captain Carr in H.M.S. "Rifleman" in May 1889 to Spratley Island was sufficient, although neither he nor any other person appear to have hoisted the British flag there. The award is, however, perhaps open to the criticism that there would appear to have been another alternative ground upon which the same conclusion in favour of France could have been reached, namely, that, even if France had lost the rights she acquired in 1858 by failure to take any further action, France had again asserted her claim to sovereignty in 1897 only one month before the Mexican Government took action. This claim could not have become weakened by the lapse of only one month before the arrival of the Mexican gunboat. This alternative ground is not relied upon at all in the award. If it

had been made the basis of the decision, the arbitrator could have reached the same result without basing his decision upon reasoning which appears in the light of existing legal authority, at any rate, open to question. It must be noted, however, that there is no evidence in the award that the French Government had attached Clipperton Island to another French territory for administration, and this case affords a very good answer to the French Government's argument upon this point.

(2) *Opinions expressed in Text-Books of Authority.*

The following are references to the relevant portion of a number of the leading text-books of authority:—

Vattel, "Droit des Gens," Vol. 1, ss. 207-208.

Oppenheim, "International Law," Vol. I, 4th edition, pp. 448-460; p. 472 (abandonment). Oppenheim stresses the necessity of—

- (i) A State act for the original taking of possession;
- (ii) Actual possession;
- (iii) Administration.

Hall, "International Law," 8th edition, pp. 125-142. Hall is less definite than Oppenheim. On p. 127 he says:—

"When discovery, coupled with a public assertion of ownership, has been followed up from time to time by further exploration or by temporary lodgments in the country, the existence of a continued interest in it is evident, and the extinction of a proprietary claim may be prevented over a long space of time, unless more definite acts of appropriation by another State are effected without protest or opposition."

Westlake, "International Law," 2nd edition, pp. 98-120.

Phillimore, "International Law," 3rd edition, Vol. I, pp. 329-353. Phillimore emphasises the necessity of continuous use and settlement.

Calvo, "Le Droit international théorique et pratique," 4th edition, Vol. I, pp. 388-389; p. 403.

De Martens, "Traité de Droit international," Vol. I (1883), pp. 461-466.

Moore, "Digest of International Law," Vol. I, ss. 80-81, pp. 258-269.

Fauchille, "Traité de Droit international public," Vol. I, 2nd part (Peace) (1925), pp. 680-750 (in particular, p. 692 and p. 694, where Fauchille expresses disagreement with Pradier Fodéré, who says that a State which has once acquired territory by occupation retains sovereignty over it by a mere declaration of its will, although it has left it unoccupied, pp. 709, 712-715, 718-719).

Fauchille is an author enjoying a high authority in France. His views, as expressed in this work, are based on a somewhat extreme application of the necessity of "effective occupation." He quotes other French authors of lesser authority in a manner which indicates that, though Fauchille would be strongly against any claim by His Majesty's Government in the present case, there are one or two French authors of lesser authority who are more favourable. On one point (the necessity of notification) Fauchille is clearly drawn by his logic to take up a position which is in advance of international practice and contrary to the claims of both France and His Majesty's Government to these islands.

Pradier Fodéré, "Traité de Droit international public, européen et américain," Vol. II (1895), pp. 339-358 and pp. 412-413 (especially p. 343 and p. 413).

Hyde, "International Law," Vol. I (1922), p. 167 and p. 197 (abandonment).

Möller, "International Law in Peace and War" (translated by H. W. Pratt) (1921), pp. 111-113.

Pitt-Cobbett, "Leading Cases in International Law," 3rd edition, pp. 106-107.

Hudson, "Cases on International Law," p. 370, contains the case of *Jones v. U.S.*, also reported in 137 U.S. 202, which is a case turning upon the annexation by the United States of a guano island, and throws some light on the practice of the United States in this matter, but is not otherwise very relevant.

There is also the treatise entitled "L'Occupation des Territoires sans Maitres," by *Salomon* (1889), which is exclusively devoted to this subject, but does not appear to contain very much which cannot be found in the authors mentioned above.

(3) *Previous Law Officers' Opinions.*

There are a number of opinions given by previous Law Officers in cases which bear some resemblance or analogy to the present case. The following seem to be particularly relevant:—

(a) Opinion of Sir J. Halker, Sir Hardinge Giffard and Dr. Deane on the question of the right of Great Britain to sovereignty over the Lacedpede Islands, the 21st February, 1877.

These islands are situated 15 miles from the coast of West Australia and also contain guano deposits. The facts in favour of the British claim to sovereignty were far stronger than in the present case.

Stress is, however, laid in this opinion on the necessity of actual possession and occupation being taken of the territory.

(b) Opinion of Sir J. Holker, Sir Hardinge Giffard, and Dr. Deane of the 11th November, 1878, on the question of the right of Her Majesty's Government to protest against a French annexation, carried out by the Government of New Caledonia of the Chesterfield Islands, on the ground that licences to collect guano upon them had been previously granted by the Governor of New South Wales.

There had been no formal annexation of these islands by the United Kingdom and no actual possession of them had been taken by the licensees at the time of the French annexation, but the French Governor of New Caledonia had been warned of Her Majesty's Government's claim to them before the annexation by his direction. The islands were apparently British by discovery. The Law Officers advised that Her Majesty's Government had no case upon which to dispute the French annexation. In view of the similarity of the facts, this opinion practically covers the present case, so far as Spratley Island, as distinct from Amboyne Cay, is concerned, unless the visit of Captain Carr in 1889 is a sufficient act of taking physical possession.

(c) Opinion of Sir J. Halker, Sir Hardinge Giffard, and Dr. Deane of the 21st March, 1879, on the question of the grant of guano licences in respect of the Laughlan and Purdy Islands.

In this opinion the Law Officers advised that, in order to found a British title, "occupation on behalf of Great Britain shown by clear and positive evidence and a formal declaration that the islands are British territory" was necessary and should precede the granting of any lease or licence.

(d) Opinion of Sir J. Halker, Sir Hardinge Giffard and Dr. Deane of the 20th January, 1880, on the question of a number of licences granted to British subjects on the authority of the Colonial Office to remove guano from uninhabited islands.

In this opinion the Law Officers advised that, "when a licence, in the form adopted under the present system, has been granted by Her Majesty and the licensee has occupied the island to which the licence applies, and notified his occupation by hoisting the British flag, the island in question becomes part of Her Majesty's dominions, and will remain part of such dominions so long as Her Majesty shall find it expedient to retain the sovereignty thereof."

The language of the last part of the above-quoted sentence is strong, but the question as to whether, or, if so, under what conditions, a title acquired in

the above manner might be lost if the occupation was not continued was not put to the Law Officers.

The Colonial Office, however, in instructions issued to the High Commissioner for the Western Pacific in 1889 (Confidential 5932, No. 80), stated the position as follows: "When once a licence has been granted in the name of the Queen and an island occupied under it, the sovereignty of the Queen, in the absence of any declaration to the contrary, continues after the expiration of the licence and the abandonment of occupation by the licensee."

(e) Opinion of Sir Richard Webster and Sir Edward Clarke of the 10th April, 1888.

The Law Officers were asked to advise (1) on the form of the licences at present in use for the purpose of the grant to British subjects of the right to dig guano in uninhabited Pacific islands not hitherto claimed by any foreign Power, but not (previously to the grant of the licence) considered as forming part of Her Majesty's dominions; (2) whether legislation was required to enable jurisdiction to be exercised over offences committed on such islands, or whether the provisions of the British Settlements Acts, 1887, sufficiently met the case.

The Law Officers expressed the opinion, as regards the second question, that the British Settlements Acts, 1887, met the case, and, in giving their opinion on the first question—

- (i) Agreed with the opinion of their predecessors in the passage quoted in (d) above.
- (ii) Expressed the view that it was "desirable that the use of the British flag should be required, so as to show the continuous occupation as a part of the dominions of His Majesty."

The Law Officers' opinion on the first question suggests the conclusion that, in the present case, the documents issued in 1877 by Mr. Treacher to Messrs. Graham, Simpson and James (Paper No. 1, paragraph 3 of the letter to the Law Officers), and by the Acting Governor of Labuan to the Central Borneo Company (Paper No. 9, paragraph 13 of the letter to the Law Officers), were *ultra vires* the authority vested in these officers, and it was no doubt in consequence of this opinion that the licence executed by Lord Knutsford (Paper No. 11, paragraph 15 of the letter to the Law Officers) was substituted for the latter.

In addition to the opinions mentioned above, there are certain others which are relevant to the question under consideration, though they are not so directly in point. The first two deal with the question of contiguity:—

Opinion of Sir William Atherton, Sir Roundell Palmer and Sir Robert Phillimore, of May, 1863, with regard to the Bahama Banks.

Opinion of Sir William Atherton and Sir Roundell Palmer, of the 26th May, 1863, with regard to the islands adjacent to the Colony of Queensland.

Other opinions on occupation are:—

Opinion of Sir J. Holker, Sir Hardinge Giffard and Dr. Deane, of the 12th June, 1877, with regard to the sovereignty over the Cocos and Keeling Islands.

Opinion of Sir Douglas Hogg and Sir T. W. Inskip, of the 3rd January, 1923, on the question of the steps to be taken for the administration of the Ross Sea Dependency.

All the classes of authorities appear to be unanimous that in order to acquire sovereignty by occupation over land which is *terra nullius*, there must be both some form of annexation and some act of physical appropriation. In the present case we cannot rely upon anything which took place earlier than 1877 as the act of formal annexation. We must rely on the authorisation given in 1877-78 to hoist the British flag and/or the licence to the Borneo Company in 1889, coupled with the statements in the Colonial Office List.

It seems equally clear that we cannot rely upon any event which took place before the first registration of the claim of Messrs. Graham and Simpson as the act of physical appropriation. We cannot rely either upon the visit of

H.M.S. "Rifleman" to the island in 1864, because Captain Ward performed no act during that visit, such as hoisting the British flag, which can be relied upon as a formal annexation of the island, or upon the visit of Messrs. Graham and Simpson in September 1877, before the grant of their licence, seeing that this was a purely unauthorised private venture, and in granting the subsequent licence and permission to hoist the British flag, His Majesty's Government did not ratify and adopt as its own anything that they had already done, but gave them a licence to work the islands for guano in the future and to hoist the British flag. At most these events can only be relied upon as acts in the nature of discovery and creating the "inchoate title" which is all that discovery alone can create.

Our claim, therefore, as regards the physical appropriation must be based upon acts which took place at any rate subsequent to the grant of the first licence to these persons. In this respect our case is a little stronger as regards Amboyna Cay than it is as regards Spratley Island, seeing that Mr. Graham did go to Amboyna Cay in May 1879, and remained there for some period and may have hoisted the British flag, whereas neither Messrs. Graham and Simpson nor any other British licensees ever visited Spratley Island at all. Both islands were visited by Captain Kerr in May 1889, so that, in the case of Spratley Island, the visit of Captain Kerr appears to be the only act which can be relied on as the act of physical appropriation. Indeed, perhaps, this visit is perhaps the strongest point we have on this part of the case.

The general conclusion appears to be that the general current of authority is probably against the claim of His Majesty's Government in international law to these islands. On the other hand, some support for such a claim can be found in expressions of opinion in some text-books of lesser authority and stronger support in the decision of the arbitrator in the Clipperton Island case. Even if one may doubt whether the Clipperton Island decision is good law, at any rate so far as the grounds upon which it is based are concerned, the decision is one whose authority it is particularly difficult for the French Government to dispute publicly in an international arbitration.

There are, of course, two questions:—

- (i) Whether His Majesty ever acquired sovereignty over their islands or either of them by occupation.
- (ii) If so, had His Majesty lost his rights of sovereignty before 1930 by abandonment or failure to continue to occupy the islands.

Assuming the first to be answered in our favour, in view of the very great diversity of opinion as to what is necessary to retain a title once acquired it would probably be correct to say that there is at least as much authority in our favour as against us upon the second question.

Foreign Office, November 10, 1931.

Annex 360

Letter from Consul General of the United Kingdom, Saigon, to Secretary of State for Foreign Affairs, United Kingdom, No. W 4148/178/17 (9 Mar. 1932)

Copy

(W 4148/178/17)

BRITISH CONSULATE-GENERAL,

No. 17

SAIGON.

March 9th, 1932.

Sir,

With reference to the second paragraph of your Despatch No. 35 (W 13649/2378/17) of December 5th, 1931, relative to the French Annexation of Spratley Island, I have the honour to submit the following report.

2. I am informed that no official proclamations or instruments of annexation exist relative to this portion of the "domaine colonial français".
3. Nevertheless on orders emanating from France, the naval sloop "Malicieuse" officially took possession of Spratley Island and its contiguous islets on April 13th, 1930. This step was taken to assert the sovereign rights of France over this group of islets but it was not completed by any official instrument attaching them to any province in Indochina.
4. At the same time Monsieur Pasquier, the Governor General, owns to giving some "orders" (not amounting to a proclamation or arrêté) to the Governor of Cochinchina in March 1929. The nominal purpose of these "orders" was to facilitate the operations of a company who, holding a prospecting license, desired to examine the geological possibilities of the group. The effect of these "orders" is that in practice these islands are looked upon administratively as part of the Baria province of the Colony of Cochinchina.
5. According to the Press the date of the above "orders" is given as March 8th, 1925, it seems however more likely that the date, recorded in official correspondence, viz. March 1929, should be correct. It has been impossible to obtain a copy of the "orders".

I have, etc.,

(Signed) F.G. GORTON.
Consul-General.

Copy to Paris.

His Majesty's Principal Secretary of State
for Foreign Affairs,
Foreign Office,
S.W. 1.

FOREIGN OFFICE, S.W.1.

The Law Officers

Gentlemen,

of the Crown.

I have the honour, by direction of Sir John Simon, to lay the annexed papers before you and to request the favour of your opinion upon certain legal questions arising out of a dispute with the French Government as to the claim to sovereignty over certain uninhabited islands in the China Sea, which have been for many years past regarded by His Majesty's Government for a British Territory but which the French Government claim to have annexed in 1930.

1. Spratley (or Storm Island) is a bare flat island about 8 feet high, $2\frac{1}{2}$ cables in length and $1\frac{1}{2}$ cables in breadth, situated in the South China Sea about 230 miles away from the coast of Sarawak and British North Borneo and 240 miles away from French Indo-China.

2. Amboyna Cay (or the Ilôt Amboine) is situated 75 miles to the S.E. of Spratley Island and is 150 yards long and about 8 feet high. Both islands apparently possess deposits of guano, of potash and guano. Spratley Island has been suggested by the Director of the Royal Observatory at Hong Kong as a desirable site for a meteorological observing station. The Admiralty consider that the island possesses a certain importance from a naval point of view, because it lies on the strategic route between Singapore and Hong Kong among a group of islands about half way between these.....

these two places; the location of possible refuelling bases for light forces in the China Sea is at present receiving the attention of the Lords Commissioners and although the utility at the present time of this particular island for naval purposes may be doubtful, there being no safe anchorage in the vicinity, the Lords Commissioners consider it undesirable that the French Government should establish a claim to sovereignty over it.

The Air Ministry consider that these islands would form a possible, though by no means ideal, refuelling point for aircraft.

3. Spratley Island and Amboyna Cay were visited in 1864 by Commander Ward R.N. who surveyed the seas in the neighbourhood in H.M.S. "Riflesman". The ship's log stated that he placed a beacon upon both islands and also planted coconut trees and vegetables.

In September 1877 Mr. G.F. Graham (an American citizen) and Mr. H. Simpson (a British subject) in conjunction with Mr. H.C. James (a British subject, and a merchant at Hong Kong) having visited Spratley Island, and Amboyna Cay, and discovered that they were entirely uninhabited, and that they contained considerable deposits of guano, proceeded to Labuan for the purpose of seeking the permission of the authorities there to hoist the British flag over the island and cay, and of registering their claim against all comers to the land and products of the island and cay.

Mr. Trescher (who held simultaneously the office of Acting Governor of Labuan and Acting Consul General in Borneo, accordingly signed a document (Paper No. 1) dated the 28th October 1877, in which it was recorded that the

claim.....

Hong Kong and Labuan were concerned, there could be no objection to Messrs. Graham and Simpson exploiting the claim was registered in the Colony of Labuan, and that permission was given to Mr. Graham and Mr. Simpson to hoist the British flag over the said island and cay, subject to the approval of Her Britannic Majesty's Secretary of State for Foreign Affairs. The document provided however, that the claim should lapse if, within ten years from the 25th October 1877 the said lands and products were not duly worked and turned to account, and if at any time subsequently they should be left unworked for the space of five years.

In reporting the above to the Foreign Office Mr. Treacher mentioned that it would be of advantage to ships navigating in those parts if there were some place at which shipwrecked mariners could obtain shelter and assistance, and it was the intention of Messrs. Graham Simpson and James to erect some kind of building for their servants on one or both of the islands, should the venture prove practicable. He further stated that Spratley Island was in the main route to China, and Amboyna Cay was near the main route, and both were entirely uninhabited.

4. From investigations made at the Foreign Office at the time it appeared that no foreign government had officially claimed the sovereignty over those islands, and that both islands were so far distant from Borneo on the one side, and the Malay peninsular on the other, that they could not fairly be claimed as dependencies of either of these territories on the ground of contiguity and geographical position.

5. On the Colonial Office being consulted by the Foreign Office they replied that, as far as the Colonies of

Hong.....

Hong Kong and Labuan were concerned, there could be no objection to Messrs. (Graham and Simpson exploiting guano from the islands in question. (Letter from the Foreign Office of the 7th January 1878 and reply from the Colonial Office of 18th January 1878. Paper No. 2).

6. On the 29th January 1878 the Colonial Office were asked by the Foreign Office to express an opinion as to whether the claim of these persons to Spratley Island and Amboyna Cay should be registered with Mr. Treacher as British Consul-General in Borneo or as Governor of Labuan, and whether permission should be granted to them to hoist the British flag on these islands, and what instructions should be sent to Mr. Treacher on this matter. The Colonial Office replied that the islands in question being beyond the limits of the Colony of Labuan, the matter had not appeared to be one in which that Department was directly interested; they considered that the office of the Consul-General in Borneo seemed to be the proper place for the registration of the claim now made to the ownership of Spratley Island and Amboyna Cay; and were of opinion that there appeared to be no objection to allowing the claimants to hoist the British flag in those localities. (Letter from the Foreign Office of the 28th January 1878 and reply from the Colonial Office of 5th February, 1878; Paper No. 3).

7. Mr. Treacher was, therefore, accordingly informed on February 13, 1878, that there appeared to be no objection to the registration in Her Majesty's Consulate-General in Borneo of the claims of Messrs. James, Graham and Simpson to these islands, nor any objection to their hoisting the British flag on Spratley Island and Amboyna Cay.

British flag on them. (Despatch of 13/2/78 from the Foreign Office. Paper No. 4.)

8. In a despatch of October 30, 1879, (Paper No. 5.) reporting that operations had been commenced by Messrs. Graham and Simpson at Amboyna Cay in the previous May, Mr. Treacher stated that, there being no means of giving due publicity in Labuan to the claim of these persons to the localities, he had requested the Governors of Hong Kong and the Straits Settlements to publish in the Government Gazette of their respective Colonies copies of the documents signed by him in 1877. A copy of the notice which was, in response to this request, inserted in the Government Gazette of the Straits Settlement dated 19th November 1879 is attached (Paper No. 6.). It appears from this despatch that Mr. Graham did go to Amboyna Cay in 1879 in May and September and took off two cargoes of guano, and further that he and his assistant Mr. Helms were attacked on Amboyna Cay by their own Chinese coolies, two of whom they shot dead. The other coolies were tried and sentenced at Labuan by Mr. Treacher for this attack. Minutes in Colonial Office papers of 1888-9 raise the question of the jurisdiction of Mr. Treacher to try these men for an offence committed on Amboyna Cay, seeing that the papers of 1877-9 indicated that the islands were beyond the limit of the colony of Labuan. Some work was therefore done on Amboyna Cay in 1879 but none on Spratley Island.

9. No further development affecting Spratley Island occurred until 1888. In that year the Central Borneo Company gave notice to the Colonial Office of their intention to exploit guano upon Spratley Island and Amboyna Cay and
 were.....

abandoned their claims, they did not feel in a position to
were informed by the Colonial Office that a prior claim
to the islands was registered in 1877 at the Consulate-General
in Borneo. The Company stated, however, that the claim
lodged in 1877 having lapsed, a grant of the islands was
given in 1887 to a Mr. Everett, of Singapore, who agreed
to surrender his claim in favour of the Company. On the
matter being referred to the Foreign Office, the Colonial
Office were informed that if the islands had been duly
worked by Messrs. Graham and Simpson, the first period of
their lease would have held good until October 25, 1887, and
if the working had been continued after that date, the grant
would have held good until the islands had been left unworked
by them for the space of five years. The Colonial Office
were informed at the same time that no record existed of
Messrs. Graham and Simpson's grant having lapsed and of a
grant having, in consequence, been made in 1887 to Mr.
Everett, of Singapore. At the suggestion of the Foreign
Office, the Colonial Office ascertained that there was no
notice in the Straits Settlements Government Gazettes
relating to the two islands since the notification of the
grant to Messrs. Simpson and Graham in 1877. The Colonial
Office considered that it was also safe to assume that there
was nothing in the Hong Kong Gazettes on the subject beyond
what appeared in those of the Straits Settlements.

10. In November 1888, the Colonial Office pointed out
that the islands in question not being within the limits
of any colony, applications in connexion with their
commercial developments did not appear directly to concern
that Department and that the application of Messrs. Graham
and Simpson in 1877 had been dealt with by the Foreign
Office. The Colonial Office also stated that as it seemed
possible that the previous occupiers of the islands had
abandoned.....

abandoned their claims, they did not feel in a position to
As the Company stated that they had no further
reply to the Central Borneo Company's application.

11. In November 1888 two despatches were received at
the Foreign Office from Mr. Leys, Her Majesty's Consul-
General for Brunei, (Paper No. 7.) from which it appeared
that the 10 years' grant made to Messrs. Graham and Simpson
in 1877 had lapsed; that Mr. Everett, of Singapore, had
applied for a lease of the guano on the islands and that he
had subsequently waived his claim in favour of the Central
Borneo Company. Although Mr. Leys mentioned that the Acting
Consul-General at Labuan had some doubts whether or not
Messrs. Graham and Simpson's claim had lapsed, he recommended
that the Central Borneo Company should be granted a "lease"
for 5 years on the same terms as were granted in 1877 to
Messrs. Graham and Simpson.

12. Upon receipt of these despatches the Foreign Office,
in December 1888, transmitted copies of them to the Colonial
Office, and stated (Paper No. 8) that provided that satis-
factory proof were forthcoming that Messrs. Graham and
Simpson had withdrawn from the island and cay in question and
had thereby allowed their claim to lapse, and provided that
no other parties had put forward a better claim, the Foreign
Office had no objection to the issue of a document to the
Central Borneo Company similar to that which was given to
Messrs. Graham and Simpson, it being understood that such
document should be registered by the Administrator of Labuan
as such, but not in his capacity as Consul-General. The
Colonial Office instructed the Acting Governor of Labuan to
proceed on the lines suggested by the Foreign Office and
informed the Central Borneo Company that they might be granted
a lease if satisfactory proof that Messrs. Graham and
Simpson had withdrawn was forthcoming.

13.....

13. As the Company stated that they had no further evidence on the point, the Colonial Office requested the Admiralty to instruct a naval vessel to call at the islands and make a report, and as a result in May 1889 the Spratley Island and Amboyna Cay were visited by the Commander of H.M.S. "Wanderer". As regards Spratley Island, the Commander reported that it was uninhabited and unoccupied, and that there were no remains of any kind whatever to show that anybody had ever lived upon the island or worked the guano. The Commander observed footmarks and heaps of dead birds and he came to the conclusion that whoever had been there had landed from a ship or junk, got some birds' flesh and perhaps eggs, and then gone away again. On Amboyna Cay remains of huts, boxes and bottles were found, but the cay was then uninhabited and was thought to have been so for about five years at least.

14. In July 1889, Mr. Hamilton, the Acting Governor of Labuan reported (Paper No. 9) having issued a notice, which was published in the Hong Kong and Straits Settlements Gazettes (Paper No. 10) desiring any person having any claims in respect of Amboyna Cay and Spratley Island to communicate with him before April 30, 1889. As no claims were received, the Acting Governor granted authority to the Central Borneo Company to occupy and work the islands subject to the terms set forth in a proclamation (Enclosure in Paper No. 9) similar to that issued in 1877. It will be seen that this authority was granted by the Acting Governor of Labuan in his capacity as such.

15. In forwarding to the Foreign Office the Admiralty report on the condition of the islands (paragraph 13) and the report of the Acting Governor of Labuan (paragraph 14), the Colonial Office stated that as the islands, having been formerly.....

Miscellaneous Islands.
 formerly licensed by the Crown, remained British territory unless definitely abandoned by the Crown, and as it appeared that the former licencees had completely withdrawn, Lord Knutsford, Secretary of State for the Colonies, proposed to grant a guano lease (to be executed in the usual way by himself and the Lords Commissioners of the Treasury) of the islands to the Central Borneo Company (Limited) "in the form lately adopted, and on conditions as to rent which will be settled after consultation with the Treasury". The lease when issued would take the place of that issued by the Acting Governor of Labuan.

December,
 On (September) 3, 1889, the Foreign Office concurred in the proposal to grant a guano lease of Spratley Island and Amboyna Cay, on the conditions mentioned by the Colonial Office, to the Central Borneo Company.

16. A licence for three years as from the 1st July 1889 and a rent of £15 per annum was granted to the Central Borneo Company (Paper No. 11).

On December 10th 1892 the Colonial Office asked the Central Borneo Company if they wished to renew the licence which had expired on the 30th July 1892, and the Company replied that they did not and the British North Borneo Company were asked to notify the Labuan Government of this fact. No further correspondence on the subject of these islands is in the papers of any Department. There is no evidence that the Central Borneo Company ever took any action under their lease.

17. The Colonial Office list of 1891, an official publication "comprising (inter alia) historical and "statistical information respecting the Colonial Dependencies "of Great Britain" contained on page 310 the following statement:-

Miscellaneous.....

"Island (Miscellaneous Islands. W. Long.), leased to

"A number of islands and rocks throughout the world
"are British territory, or under British protection, but
"are not included in any Colony or separate Protectorate.

"Among such may be mentioned:-

"Island

"Amboyna Cay and Sprattley Island (lat. $8^{\circ} 38' N.$,
" $111^{\circ} 54' E.$ long: lat. $7^{\circ} 52' N.$, $112^{\circ} 55' E.$ long.), two

"uninhabited sandbanks in the middle of the China Sea,
"lying about 240 miles N.W. of Borneo and 100 miles N.

"of Labuan, were annexed in 1877, and leased for guano
"collection. They are annually visited by Chinese junk

"for the purpose of collecting turtle. A fresh lease was
"granted in 1889 to the Central Borneo Company, Limited,

"Winchester House, Old Broad Street, E.C." W. Long.), two

Subsequent Colonial Office lists have each year
contained similar references to Amboyna Cay and Sprattley
Island. The corresponding passage on page 526 of the
Dominions Office and Colonial Office list of 1931 reads
as follows:-

"A number of islands and rocks throughout the
"world are British territory, or under British protection,
"but are not included in any Colony or separate Protectorate.

"Many of these have no permanent inhabitants, but are, or
"have been, leased by the Lords Commissioners of the

"Treasury for guano collection, or for coconut planting.

"The rents are paid into the Exchequer. Among such may be
"mentioned the Ashmore Group (Indian Ocean), Bird Island

"and Cato Island (in the Norfolk Island Group), Sombrero
"(West Indies, with a Board of Trade Lighthouse costing

"£520 annually) Raine Island, Bell Cay and Bramble Cay
"(near British New Guinea), Caroline Island, Flint Island

"and Vostoc Island, (Pacific Ocean $9^{\circ} 56' S.$ lat. $150^{\circ} 6' W.$
"long. and $11^{\circ} 26' lat.$, and $181^{\circ} 48' W.$ long.), Malden

"Island.....

"Island (4° 1' S. lat., 155° 57' W. Long.), leased to Messrs. Grice Sumner and Co, and Starbuck Island; also Gough, Nightingale and Inaccessible Islands (in the S. Atlantic), and there are many others. The Great and little Basses and Minicoy are small islets in the Indian Ocean, with lighthouses maintained by the Board of Trade out of shipping dues levied on vessels passing and collected at Ceylon, Mauritius, Straits and Indian ports. The Kuria-Muria Islands, five in number, off the South-East coast of Arabia, were ceded by the Imam of Muskat for the purpose of landing the Red Sea telegraph cable. Amboyna Cay and Sprattley Islands (lat. 8° 38' N., 111° 54' long; lat. 7° 52' N., 112° 55' E. long.), two uninhabited sandbanks in the middle of the China Sea, lying about 240 miles N.W. of Borneo and 100 miles N. of Labuan, were annexed in 1877, and leased for the purpose of collecting turtle. The Colonial Office Lists are official publications which may be purchased by any person on application to the publishers.

18. On a map of the Malay Archipelago published by the London Geographical Institute, Sprattley Island is marked "Br" (British). About 30 modern atlases have been examined and in no case is any nationality attributed to France or to any other nation with the following exceptions:-

In the 1929 (latest edition of the "Atlante Internationale del Touring Club Italiana" Sprattley Island is clearly marked in red capital letters "BRIT" Amboyna Cay is similarly marked.

Phillips.....

April, Phillips International Atlas of 1931 shows "Storm or Spratley Island" as "BR". With these two exceptions no other recognition of nationality is shown on any map or atlas examined. This, although of negative value, may be of importance in that no mention can be found anywhere of French interests or possessions in that locality.

18. The Italian atlas mentioned is well known on the Continent as a standard authority. It appears from a despatch of April 1930 from His Majesty's Consul General at Saigon that the authorities in French Indo-China had for some time been desirous of annexing for France a considerable number of the islands, islets and reefs in that portion of the China Sea where Spratley Island is situated, for the sake (inter alia) of the deposits of potash and guano on these islands. Apparently, however, their action was delayed for some time owing to a doubt as to the extent to which the United States might claim sovereignty over them on the ground that they had been ceded to the United States as part of the archipelago of the Philippines under the Treaty of the 10th December, 1898. (Paper No. 12), Article III.

20. By 1930, however, it would appear from a despatch of the 23rd April 1930 from His Majesty's Consul General at Saigon (see paper No. 13) that the French authorities had made up their minds with regard to the geographical implications of the Treaty of 1898, and had determined to take the action which they had been contemplating. Accordingly the French sloop "Malicieuse" on about the 13th April.....

by this country in 1897. He stated that he had called the attention of the local French authorities to this

apparent mistake but had only received the news that their action had been taken under the direct instructions of the French Government.

On 23rd April, 1930, visited a number of these islands, including Spratley Island, and claimed sovereignty over them in the name of the French Republic. It is reported that on 23rd April at Spratley Island the French vessel discovered four marooned Chinese who were thus saved from starvation. After the visit of this vessel, the communiqué to the press in Saigon mentioned in Mr. Gorton's despatch was issued. (See paper No. 13). According to this communiqué it appears that the French Government claim sovereignty over all the islands, islets and reefs situated in the zone between the 7th and 12th degrees of north latitude, and to the west of the triangular zone reserved to American sovereignty under Article 3 of the Treaty of the 10th December 1898. This zone includes Spratley Island and certain islets situated close to it, and other islets which are described by the French as follows:-

"Les récifs du Trident, l'île Thi-Thai, l'île Loi Ta, le récif Tizard, le récif de la Découverte, le Croix de Feu, les récifs London, l'île Amboine, le Banc du Rifleman, le Banc Ardoisier, le récif de l'Émirante".

The area thus claimed by the French is shown on the annexed sketch map on which Spratley Island and the other principal islands mentioned by the French are shown. (Paper No. 14).

21. His Majesty's Consul General at Saigon reported by telegram on the 23rd April, 1930, to the Foreign Office that the French authorities had announced the annexation of Spratley Island and called attention to the fact that it appeared to be the same as the island which was shown in the Colonial and Dominions Office list as having been annexed by this country in 1877. He stated that he had called the attention of the local French authorities to this

apparent.....

apparent mistake but had only received the reply that their action had been taken under the direct instructions of the French Government.

22. On receipt of this telegram Mr. Campbell, His Majesty's Minister in Paris, acting upon instructions from the Foreign Office, issued after consultation with the Colonial Office, Admiralty and Treasury, presented a note on the 21st May, 1930 (Paper No. 15) to the French Foreign Ministry claiming that Spratley Island and Amboyna Cay had been annexed and become British territory in 1877 by virtue of the permission given to Messrs. Graham and Simpson for the hoisting of the British flag on the islands and of the registration in H.M. Consulate General in Borneo of their claim - a claim which was confirmed subsequently by a formal licence from the Crown; that no abandonment of British sovereignty over these islands had taken place, and that they accordingly remained British territory. The French Ministry of Foreign Affairs were asked to be so good as to notify the French authorities in Indo-China to this effect. It will be seen that Mr. Campbell's note, which was presented upon instructions issued rather hurriedly and after an unfinished investigation, does not contain a complete or entirely accurate statement of the facts.

23. On the 13th July 1930, the French Ministry of Foreign Affairs returned an interim reply to H.M. Minister's note (Paper No. 16), in which the claim that these islands were British territory was disputed on the grounds (inter alia) that there was no evidence that the British flag had in fact been hoisted on the islands; that Messrs. Graham and Simpson had been officially commissioned to take possession of the islands in the name of Her Britannic Majesty, or that they had in fact ever assumed effective possession of the islands.

This statement is of course incorrect This.....

they proposed forthwith to issue and seal His Majesty's
 This interim reply was followed by a further note of
 the 28th March 1931 from the French Ministry of Foreign
 Affairs (Paper No. 17) in which the British claim to
 sovereignty over these islands was contested as being ill-
 founded under international law. In this note reliance was
 placed inter alia on the fact that these islands had not
 been placed under the administration of any British colony
 or protectorate, ^(a) and the claim of Messrs. Graham and
 Simpson had been registered only in the British Consulate
 General in Borneo from which it was argued that His Majesty's
 Government must be presumed to have considered that these
 islands did not belong to the British Empire and that the
 only effect of the registration was to establish a right
 for the individuals in private law.

The French Government argued that there was no
 evidence of any exercise of authority by this country over
 these islands, and that they were therefore terra nullius
 at the time when the French authorities took formal
 possession of them.

25(a). The French Ministry of Foreign Affairs on the
 30th November 1931 informed His Majesty's Embassy in Paris,
 in reply to a request for information that they know of
 no formal proclamation having been issued by the French
 Government annexing these islands and that they were in
 communication with the Governor General of Indo China
 requesting him to send copies of any proclamations he had
 issued. If it was found that no proclamation had been issued
 they....

(a) The note also contains a statement to the effect that
 there is no British island (even the smallest size) which is
 not attached to some colony or protectorate for administra-
 tion. This statement is of course incorrect (see paragraph
 17 above, quotation from Dominions and Colonial Office Lists

they proposed forthwith to issue one and send His Majesty's Government an official notification of their annexation.

24. No further communication has at present been addressed to the French Government on this subject, and Sir John Simon desires your advice on the questions referred to in the following paragraphs, in order to assist him in deciding what (if any) further action should be taken in this matter.

25. The first question upon which your advice is desired is whether His Majesty possessed valid rights of sovereignty over Spratley Island and Amboyna Cay in April 1930 at the time when the French Government purported to annex them, a question which turns upon the application of certain principles of international law to the facts of this case. In this connexion I am to invite your attention to the memorandum prepared by the Legal Advisers of this Department (Paper No. 18) and, in particular, to the Clipperton Island case therein referred to, in which the statement is made that these

26. The facts upon which the British claim to sovereignty over these islands must be based would appear to be the following:- jurisdiction in 1872 by the Acting Governor

(a) Visits to the islands: actual use and occupation.

The visit to both islands in 1864 by Commander Ward (paragraph 3) in H.M.S. Rifleman; the visits of Messrs. Graham and Simpson in 1877 to both islands (paragraph 3) and in 1879 to Amboyna Cay when during a period of six months some work was done on this island, and when it is probable, though not absolutely certain, that the British flag was hoisted; the visit in 1889 by Captain Carr in H.M.S. Wanderer to both islands. There is no evidence that the British flag was ever hoisted on Spratley Island. It appears that the Central Borneo Company never sent any persons to the islands at all.

(b).....

- (b) Assumption of sovereignty over the islands by
His Majesty's Government.

The authorisation given to Messrs. Graham and Simpson in 1877 and 1878 to hoist the British flag over the islands, and the registration of their claim in the British Consulate General for Borneo, after a previous provisional registration with the Government of Labuan, and the advertisement of this claim in the Government Gazettes of Hongkong and the Straits Settlement (paragraphs 3 and 8); the registration of the claim of the Central Borneo Company in 1889 with the Government of Labuan after further advertisements in the Government Gazettes of Hong Kong and the Straits Settlements (paragraph 14); the subsequent issue of a formal lease to this company by Lord Knutsford, then Secretary of State for the Colonies; the passages in the Colonial Office lists from 1891 onwards in which the statement is made that these islands were annexed in 1877.

Reliance might perhaps also be placed upon the exercise of jurisdiction in 1879 by the acting Governor of Labuan when he tried and sentenced the Chinese coolies who had assaulted Mr. Graham and Mr. Helme on Amboyna Cay, inasmuch as it would appear that he would have had no jurisdiction over offences committed in Amboyna Cay unless it had been made a dependency of the colony of Labuan. Against this, however, it must be observed that in 1879 the Colonial Office had clearly disclaimed any intention of including these islands as dependencies of Labuan, and the claim of Messrs. Graham and Simpson had been registered with Mr. Treacher in his capacity as Consul General for Borneo, precisely for this reason, so that Mr. Treacher's action in trying these offenders may have been misconceived.

27. The fact that neither of these islands had been attached for administrative purposes to any British colony or protectorate is relied upon by the French Government as an argument against the validity of any British claim to sovereignty over them. You will no doubt deal with this argument in giving your opinion in answer to the first question, and will observe that the statement in the Colonial Office List referred to in paragraph 17 makes it impossible to contend that these islands had in fact been attached for administrative purposes to any British colony or protectorate.

I am, however, to invite your attention to certain letters exchanged between the Foreign Office, the Colonial Office and the Admiralty (Paper No. 19 (1), (2) and (3)), and to request you to give your opinion as to the advisability of attaching for administrative purposes to some colony or protectorate, the various other miscellaneous islands which are claimed as British in order to avoid the possibility of British sovereignty over them being challenged, on the ground that no provision had been made for their administration. This is the second question on which your advice is requested.

28. In the course of inter-departmental correspondence upon this question the view had been expressed in letters from the Foreign Office that, even if further replies were returned to the notes from the French Ministry of Foreign Affairs disputing the British sovereignty over these islands, and even if further evidence and arguments in favour of the British claim were put forward, it was most improbable that the French Government would merely as a result of diplomatic correspondence, surrender their claim and accept the view of His Majesty's Government. Consequently, if it was desired to continue

to.....

to maintain our claim to sovereignty over these islands it would be necessary to request the French Government to submit the question of the sovereignty over these islands to the Permanent Court of International Justice, or to an arbitral tribunal and for His Majesty's Government to obtain a decision in their favour.

Some of the arguments used by the Ministry of Foreign Affairs in their notes are arguments which, if admitted, might be prejudicial to British claims to sovereignty over certain other islands or territories. It was considered by the Foreign Office however, that if further replies were returned to the French notes contesting their annexation of these islands, on the ground that His Majesty already possessed sovereignty over them and if then, upon a French refusal to accept His Majesty's Government's view, the matter were then to be allowed to drop, the result would be more prejudicial than if the matter were to be allowed to drop at the present stage. Sir John Simon considers, moreover, that if the British claim to these islands is to be maintained further with the French Government, it would then be difficult for His Majesty's Government to drop the matter without demanding a judicial decision or arbitration, though there would, of course, be no need that any such demand should be made in the reply to the French notes of the 13th July, 1930 and the 28th March 1931.

On the other hand, if it were decided to abandon the claim to Spratley Island and Amboyna Cay, a reply could easily be returned to the French Government which might make it clear that His Majesty's Government in no way admitted the soundness in International Law of some of the arguments put forward in these French notes, although they did not as the result of their further investigation of the facts

of.....

of the particular case, intend to continue their claim to these islands. On the other hand it could be made clear that His Majesty's Government did not admit that the French Republic had at present acquired sovereignty over any of the group of islands inasmuch as a mere annexation was under international law insufficient for this purpose, but the advisability of this course would have to be carefully considered in view of His Majesty's claims to sovereignty in the Antarctic. In this connexion I am to invite your attention to a letter from the Treasury (Paper No. 20) in which a contrary view is expressed, namely that it may be desirable to return a reply to the French Government maintaining our claim to Amboyna Cay and Spratley Island, although His Majesty's Government are not prepared to demand that this question should be referred to arbitration, if the French Government maintain their position.

The third question, therefore, upon which your advice is requested is whether it is desirable that no further reply to the French Government should be made asserting the British claim to sovereignty over these islands, unless His Majesty's Government are prepared to request arbitration in the event of the French Government maintaining its point of view.

29. I am accordingly to request you to take the enclosed papers into your consideration and to favour Sir John Simon with your opinion.

(a) whether in April 1930 His Majesty possessed under international law ^{claim} sovereignty over Spratley Island and/or

Amboyna Cay ^{in the case covered by the PC 13}

(b) whether it is desirable that the various miscellaneous islands over which His Majesty claims

sovereignty.....

sovereignty should be attached for administrative purposes to some colony or protectorate in all cases where such action has not already been taken.

(c) Whether it is advisable that no further reply should be returned to the French Government asserting the claim of His Majesty, to sovereignty over Spratley Island and Amboyna, unless His Majesty's Government are prepared in the last resort to request that the question should be submitted to the Permanent Court of International Justice or to arbitration.

30. Sir John Simon would also be grateful for any observations of a general character which you may have to offer on this matter.

J. G. Herbert Esq.,
Colonial Office,
Downing Street,
S.W.1.

Annex 361

Letter from Foreign Office, United Kingdom, to the Law Officers of the Crown, United Kingdom (29 July 1932)

FRANCE.

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[W 8753/178/17/1932]

No. .

[July 29, 1932.]

Foreign Office to the Law Officers of the Crown.

Gentlemen,

Foreign Office, March 16, 1932.

I HAVE the honour, by direction of Secretary Sir John Simon, to lay the annexed papers before you, and to request the favour of your opinion upon certain legal questions arising out of a dispute with the French Government as to the sovereignty over certain uninhabited islands in the China Sea, which have been for many years past regarded by His Majesty's Government as British territory, but which the French Government claim to have annexed in 1930.

Sovereignty
over
uninhabited
islands.
Cases of
Spratley
Island and
Amboyna
Cay.

2. Spratley (or Storm Island) is a bare flat island about 8 feet high, 2½ cables in length and 1½ cables in breadth, situated in the South China Sea about 280 miles away from the coast of Sarawak and British North Borneo, and 240 miles away from French Indo-China.

Amboyna Cay (or the Ilôt Amboine) is situated 75 miles to the south-east of Spratley Island, and is 150 yards long and about 8 feet high.

Both islands apparently possess deposits of potash and guano. Spratley Island has been suggested by the director of the Royal Observatory, Hong Kong, as a desirable site for a meteorological observing station. The Admiralty and Air Ministry attach importance to the British sovereignty over these islands.

3. Spratley Island and Amboyna Cay were visited in 1864 by Commander Ward, R.N., who surveyed the seas in the neighbourhood in H.M.S. "Rifleman." The ship's log stated that he placed a beacon upon both islands and also planted coconut trees and vegetables.

In September 1877 Mr. G. F. Graham (an United States citizen) and Mr. H. Simpson (a British subject), in conjunction with Mr. H. G. James (a British subject, and a merchant at Hong Kong), having visited Spratley Island and Amboyna Cay, and discovered that they were entirely uninhabited, and that they contained considerable deposits of guano, proceeded to Labuan for the purpose of seeking the permission of the authorities there to hoist the British flag over the island and cay, and of registering their claim against all comers to the land and products of the island and cay.

Mr. Treacher (who held simultaneously the office of Acting Governor of Labuan and Acting Consul-General in Borneo, accordingly signed a document (Paper No. 1), dated the 25th October, 1877, in which it was recorded that the claim was registered in the Colony of Labuan, and that permission was given to Mr. Graham and Mr. Simpson to hoist the British flag over the said island and cay, subject to the approval of Her Britannic Majesty's Secretary of State for Foreign Affairs. The document provided, however, that the claim should lapse if, within ten years from the 25th October, 1877, the said lands and products were not duly worked and turned to account, and if at any time subsequently they should be left unworked for the space of five years.

In reporting the above to the Foreign Office Mr. Treacher mentioned that it would be of advantage to ships navigating in those parts if there were some place at which shipwrecked mariners could obtain shelter and assistance, and it was the intention of Messrs. Graham, Simpson and James to erect some kind of building for their servants on one or both of the islands, should the venture prove practicable. He further stated that Spratley Island was in the main route to China, and Amboyna Cay was near the main route, and both were entirely uninhabited.

4. From investigations made at the Foreign Office at the time, it appeared that no foreign Government had officially claimed the sovereignty over those islands, and that both islands were so far distant from Borneo on the one side, and the Malay Peninsula on the other, that they could not fairly be claimed as dependencies of either of these territories on the ground of contiguity and geographical position.

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B

FRANCE.

5. On the Colonial Office being consulted by the Foreign Office they replied that, as far as the Colonies of Hong Kong and Labuan were concerned, there could be no objection to Messrs. Graham and Simpson exploiting guano from the islands in question. (Letter from the Foreign Office of the 7th January, 1878, and reply from the Colonial Office of the 18th January, 1878 (Paper No. 2).)
6. On the 29th January, 1878, the Colonial Office were asked by the Foreign Office to express an opinion as to whether the claim of these persons to Spratley Island and Amboyna Cay should be registered with Mr. Treacher as British Consul-General in Borneo or as Governor of Labuan, and whether permission should be granted to them to hoist the British flag on these islands, and what instructions should be sent to Mr. Treacher on this matter. The Colonial Office replied that the islands in question being beyond the limits of the Colony of Labuan, the matter had not appeared to be one in which that Department was directly interested; they considered that the office of the Consul-General in Borneo seemed to be the proper place for the registration of the claim now made to the ownership of Spratley Island and Amboyna Cay; and were of opinion that there appeared to be no objection to allowing the claimants to hoist the British flag in those localities. (Letter from the Foreign Office of the 29th January, 1878, and reply from the Colonial Office of the 5th February, 1878 (Paper No. 3).)
7. Mr. Treacher was, therefore, accordingly informed on the 13th February, 1878, that there appeared to be no objection to the registration in Her Majesty's Consulate-General in Borneo of the claims of Messrs. James, Graham and Simpson to these islands, nor any objection to their hoisting the British flag on them. (Despatch of the 13th February, 1878, from the Foreign Office (Paper No. 4).)
8. In a despatch of the 30th October, 1879 (Paper No. 5), reporting that operations had been commenced by Messrs. Graham and Simpson at Amboyna Cay in the previous May, Mr. Treacher stated that, there being no means of giving due publicity in Labuan to the claim of these persons to the localities, he had requested the Governors of Hong Kong and the Straits Settlements to publish in the "Government Gazette" of their respective Colonies copies of the documents signed by him in 1877. A copy of the notice which was, in response to this request, inserted in the "Government Gazette" of the Straits Settlement, dated the 19th November, 1879, is attached (Paper No. 6). It appears from this despatch that Mr. Graham did go to Amboyna Cay in 1879, in May and September, and took off two cargoes of guano, and, further, that he and his assistant, Mr. Helme, were attacked on Amboyna Cay by their own Chinese coolies, two of whom they shot dead. The other coolies were tried and sentenced at Labuan by Mr. Treacher for this attack. Minutes in Colonial Office Papers of 1888-89 raise the question of the jurisdiction of Mr. Treacher to try these men for an offence committed on Amboyna Cay, seeing that the papers of 1877-79 indicated that the islands were beyond the limit of the Colony of Labuan. Some work was therefore done on Amboyna Cay in 1879, but none on Spratley Island.
9. No further development affecting Spratley Island occurred until 1888. In that year the Central Borneo Company gave notice to the Colonial Office of their intention to exploit guano upon Spratley Island and Amboyna Cay, and were informed by the Colonial Office that a prior claim to the islands was registered in 1877 at the consulate-general in Borneo. The company stated, however, that the claim lodged in 1877 having lapsed, a grant of the islands was given in 1887 to a Mr. Everett, of Singapore, who agreed to surrender his claim in favour of the company. On the matter being referred to the Foreign Office, the Colonial Office were informed that if the islands had been duly worked by Messrs. Graham and Simpson, the first period of their lease would have held good until the 25th October, 1887, and if the working had been continued after that date, the grant would have held good until the islands had been left unworked by them for the space of five years. The Colonial Office were informed at the same time that no record existed of Messrs. Graham and Simpson's grant having lapsed and of a grant having, in consequence, been made in 1887 to Mr. Everett, of Singapore. At the suggestion of the Foreign Office, the Colonial Office ascertained that there was no notice in the "Straits Settlements Government Gazettes," relating to the two islands since the notification of the grant to Messrs. Simpson and Graham in 1877. The Colonial Office considered that it

was also safe to assume that there was nothing in the "Hong Kong Gazettes" on the subject beyond what appeared in those of the Straits Settlements.

10. In November 1888 the Colonial Office pointed out that the islands in question not being within the limits of any colony, applications in connexion with their commercial developments did not appear directly to concern that Department and that the application of Messrs. Graham and Simpson in 1877 had been dealt with by the Foreign Office. The Colonial Office also stated that as it seemed possible that the previous occupiers of the islands had abandoned their claims, they did not feel in a position to reply to the Central Borneo Company's application.

11. In November 1888 two despatches were received at the Foreign Office from Mr. Leys, Her Majesty's Consul-General for Brunei (Paper No. 7) from which it appeared that the ten years' grant made to Messrs. Graham and Simpson in 1877 had lapsed; that Mr. Everett, of Singapore, had applied for a lease of the guano on the islands, and that he had subsequently waived his claim in favour of the Central Borneo Company. Although Mr. Leys mentioned that the Acting Consul-General at Labuan had some doubts whether or not Messrs. Graham and Simpson's claim had lapsed, he recommended that the Central Borneo Company should be granted a "lease" for five years on the same terms as were granted in 1877 to Messrs. Graham and Simpson.

12. Upon receipt of these despatches the Foreign Office, in December 1888, transmitted copies of them to the Colonial Office, and stated (Paper No. 8) that provided that satisfactory proof were forthcoming that Messrs. Graham and Simpson had withdrawn from the island and cay in question and had thereby allowed their claim to lapse, and provided that no other parties had put forward a better claim, the Foreign Office had no objection to the issue of a document to the Central Borneo Company similar to that which was given to Messrs. Graham and Simpson, it being understood that such document should be registered by the Administrator of Labuan as such, but not in his capacity as consul-general. The Colonial Office instructed the Acting Governor of Labuan to proceed on the lines suggested by the Foreign Office and informed the Central Borneo Company that they might be granted a lease if satisfactory proof that Messrs. Graham and Simpson had withdrawn was forthcoming.

13. As the company stated that they had no further evidence on the point, the Colonial Office requested the Admiralty to instruct a naval vessel to call at the islands and make a report, and as a result in May 1889 Spratley Island and Amboyna Cay were visited by the Commander of H.M.S. "Wanderer." As regards Spratley Island, the commander reported that it was uninhabited and unoccupied, and that there were no remains of any kind whatever to show that anybody had ever lived upon the island or worked the guano. The commander observed footmarks and heaps of dead birds and he came to the conclusion that whoever had been there had landed from a ship or junk, got some birds' flesh and perhaps eggs, and then gone away again. On Amboyna Cay remains of huts, boxes and bottles were found, but the cay was then uninhabited and was thought to have been so for about five years at least.

14. In July 1889 Mr. Hamilton, the Acting Governor of Labuan, reported (Paper No. 9) having issued a notice, which was published in the "Hong Kong and Straits Settlements Gazettes" (Paper No. 10) desiring any person having any claims in respect of Amboyna Cay and Spratley Island to communicate with him before the 30th April, 1889. As no claims were received, the Acting Governor granted authority to the Central Borneo Company to occupy and work the islands subject to the terms set forth in a proclamation (enclosure in Paper No. 9) similar to that issued in 1877. It will be seen that this authority was granted by the Acting Governor of Labuan in his capacity as such.

15. In forwarding to the Foreign Office the Admiralty report on the condition of the islands (paragraph 13) and the report of the Acting Governor of Labuan (paragraph 14), the Colonial Office stated that as the islands, having been formerly licensed by the Crown, remained British territory unless definitely abandoned by the Crown, and as it appeared that the former licensees had completely withdrawn, Lord Knutsford, Secretary of State for the Colonies, proposed to grant a guano lease (to be executed in the usual way by himself and the Lords Commissioners of the Treasury) of the islands to the Central Borneo

Company (Limited) "in the form lately adopted, and on conditions as to rent which will be settled after consultation with the Treasury." The lease when issued would take the place of that issued by the Acting Governor of Labuan.

On the 3rd September, 1889, the Foreign Office concurred in the proposal to grant a guano lease of Spratley Island and Amboyna Cay, on the conditions mentioned by the Colonial Office to the Central Borneo Company.

16. A licence for three years as from the 1st July, 1889, and a rent of £15 per annum was granted to the Central Borneo Company (Paper No. 11).

On the 10th December, 1892, the Colonial Office asked the Central Borneo Company if they wished to renew the licence which had expired on the 30th July, 1892, and the company replied that they did not and the British North Borneo Company were asked to notify the Labuan Government of this fact. No further material correspondence on the subject of these islands is in the papers of any Department. There is no evidence that the Central Borneo Company ever took any action under their lease.

17. The Colonial Office list of 1891, an official publication "comprising (*inter alia*) historical and statistical information respecting the Colonial Dependencies of Great Britain," contained on p. 310 the following statement:—

"Miscellaneous Islands.

"A number of islands and rocks throughout the world are British territory, or under British protection, but are not included in any Colony or separate Protectorate. Among such may be mentioned:—

* * * * *

"Amboyna Cay and Spratley Island (latitude 8° 38' N., 111° 54' E. longitude; latitude 7° 52' N., 112° 55' E. longitude), two uninhabited sandbanks in the middle of the China Sea, lying about 240 miles north-west of Borneo and 100 miles north of Labuan, were annexed in 1877, and leased for guano collection. They are annually visited by Chinese junks for the purpose of collecting turtle. A fresh lease was granted in 1889 to the Central Borneo Company (Limited), Winchester House, Old Broad Street, E.C."

Subsequent Colonial Office lists have each year contained similar references to Amboyna Cay and Spratley Island. The corresponding passage on p. 526 of the Dominions Office and Colonial Office list of 1931 reads as follows:—

"A number of islands and rocks throughout the world are British territory, or under British protection, but are not included in any Colony or separate Protectorate. Many of these have no permanent inhabitants, but are, or have been, leased by the Lords Commissioners of the Treasury for guano collection, or for coconut planting. The rents are paid into the Exchequer. Among such may be mentioned the Ashmore Group (Indian Ocean), Bird Island and Cato Island (in the Norfolk Island Group), Sombrero (West Indies, with a Board of Trade lighthouse, costing £520 annually), Raine Island, Bell Cay and Bramble Cay (near British New Guinea), Caroline Island, Flint Island and Vostoc Island (Pacific Ocean, 9° 56' S. latitude, 150° 6' W. longitude, and 11° 26' latitude, and 151° 48' W. longitude), Malden Island (4° 1' S. latitude, 155° 57' W. longitude), leased to Messrs. Grice, Sumner and Co., and Starbuck Island; also Gough, Nightingale and inaccessible islands (in the South Atlantic); and there are many others.

"The Great and Little Basses and Minicoy are small islets in the Indian Ocean, with lighthouses maintained by the Board of Trade out of shipping dues levied on vessels passing and collected at Ceylon, Mauritius, Straits and Indian ports.

"The Kuria-Muria Islands, five in number, off the south-east coast of Arabia, were ceded by the Imam of Muskat for the purpose of landing the Red Sea telegraph cable.

"Amboyna Cay and Spratley Islands (latitude 8° 38' N., 111° 54' E. longitude; latitude 7° 52' N., 112° 55' E. longitude), two uninhabited sandbanks in the middle of the China Sea, lying about 240 miles north-west of Borneo and 100 miles north of Labuan, were annexed in 1877, and leased for guano collection. They are annually visited by Chinese junks for the purpose of collecting turtle."

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The Colonial Office lists are official publications which may be purchased by any person on application to the publishers.

18. On a map of the Malay Archipelago, published by the London Geographical Institute, Spratley Island is marked "Br." (British). About thirty modern atlases have been examined, and in no case is any sovereignty attributed to France or to any other nation with the following exceptions:—

In the 1929 (latest) edition of the "Atlante Internationale del Touring Club Italiana," Spratley Island is clearly marked in red capital letters "BRIT." Amboyna Cay is similarly marked.

Philip's International Atlas of 1931 shows "Storm or Spratley Island" as "BR."

With these three exceptions, no indication of sovereignty is shown on any map or atlas examined. This, although of negative value, may be of importance in that no mention can be found anywhere of French interests or possessions in that locality.

The Italian atlas mentioned is well known on the Continent as a standard authority.

19. It appears from a despatch of April 1930 from His Majesty's consul-general at Saigon that the authorities in French Indo-China had for some time been desirous of annexing for France a considerable number of the islands, islets and reefs in that portion of the China Sea where Spratley Island is situated, for the sake (*inter alia*) of the deposits of potash and guano on these islands. Apparently, however, their action was delayed for some time owing to a doubt as to the extent to which the United States might claim sovereignty over them on the ground that they have been ceded to the United States as part of the archipelago of the Philippines under the treaty of the 10th December, 1898 (Paper No. 12), article 3.

20. By 1930, however, it would appear from a despatch of the 23rd April, 1930, from His Majesty's consul-general at Saigon (see Paper No. 13) that the French authorities had made up their minds with regard to the geographical implications of the treaty of 1898, and had determined to take the action which they had been contemplating. Accordingly, the French sloop "Malicieuse" on about the 13th April, 1930, visited a number of these islands, including Spratley Island, and claimed sovereignty over them in the name of the French Republic. It is reported that on Spratley Island the French vessel discovered four marooned Chinese, who were thus saved from starvation. After the visit of this vessel, the communiqué to the press in Saigon mentioned in Mr. Gorton's despatch was issued (see Paper No. 13). According to this communiqué, it appears that the French Government claim sovereignty over all the islands, islets and reefs situated in the zone between the seventh and twelfth degrees of north latitude, and to the west of the triangular zone reserved to American sovereignty under article 3 of the Treaty of the 10th December, 1898. This zone includes Spratley Island and certain islets situated close to it, and other islets which are described by the French as follows:—

"Les récifs du Trident, l'île Thi-Thai, l'île Loi Ta, le récif Tizard, le récif de la Découverte, la Croix de Feu, les récifs London, l'îlot Amboine, le banc du Rifleman, le banc Ardoisier, le récif de l'Hirondelle."

The area thus claimed by the French is shown on the annexed sketch map, on which Spratley Island and the other principal islands mentioned by the French are shown (Paper No. 14).

21. His Majesty's consul-general at Saigon reported by telegram on the 23rd April, 1930, to the Foreign Office that the French authorities had announced the annexation of Spratley Island and called attention to the fact that it appeared to be the same as the island which was shown in the Colonial and Dominions Office list as having been annexed by this country in 1877. He stated that he had called the attention of the local French authorities to this apparent mistake, but had only received the reply that their action had been taken under the direct instructions of the French Government.

22. On receipt of this telegram, Mr. Campbell, His Majesty's Minister in Paris, acting upon instructions from the Foreign Office, issued after consultation

with the Colonial Office, Admiralty and Treasury, presented a note on the 21st May, 1930 (Paper No. 15), to the French Foreign Ministry, claiming that Spratley Island and Amboyna Cay had been annexed and become British territory in 1877 by virtue of the permission given to Messrs. Graham and Simpson for the hoisting of the British flag on the islands and of the registration in His Majesty's consulate-general in Borneo of their claim—a claim which was confirmed subsequently by a formal licence from the Crown; that no abandonment of British sovereignty over these islands had taken place, and that they accordingly remained British territory. The French Ministry of Foreign Affairs were asked to be so good as to notify the French authorities in Indo-China to this effect. It will be seen that Mr. Campbell's note, which was presented upon instructions issued rather hurriedly and after an unfinished investigation, does not contain a complete or entirely accurate statement of the facts.

23. On the 13th July, 1930, the French Ministry of Foreign Affairs returned an interim reply to His Majesty's Minister's note (Paper No. 16), in which the claim that these islands were British territory was disputed on the grounds (*inter alia*) that there was no evidence that the British flag had in fact been hoisted on the islands; that Messrs. Graham and Simpson had been officially commissioned to take possession of the islands in the name of Her Britannic Majesty, or that they had in fact ever assumed effective possession of the islands.

This interim reply was followed by a further note of the 28th March, 1931, from the French Ministry of Foreign Affairs (Paper No. 17), in which the British claim to sovereignty over these islands was contested as being ill-founded under international law. In this note reliance was placed *inter alia* on the fact that these islands had not been placed under the administration of any British Colony or Protectorate,⁽¹⁾ and the claim of Messrs. Graham and Simpson had been registered only in the British consulate-general in Borneo, from which it was argued that His Majesty's Government must be presumed to have considered that these islands did not belong to the British Empire and that the only effect of the registration was to establish a right for the individuals in private law.

The French Government argued that there was no evidence of any exercise of authority by this country over these islands, and that they were therefore *terra nullius* at the time when the French authorities took formal possession of them.

24. The French Ministry of Foreign Affairs on the 30th November, 1931, informed His Majesty's Embassy in Paris, in reply to a request for information, that they know of no formal proclamation having been issued by the French Government annexing these islands and that they were in communication with the Governor-General of Indo-China requesting him to send copies of any proclamations he had issued. If it was found that no proclamation had been issued, they proposed forthwith to issue one, and send His Majesty's Government an official notification of their annexation.

25. No further communication has at present been addressed to the French Government on this subject, and Sir John Simon desires your advice on the questions referred to in the following paragraphs, in order to assist him in deciding what (if any) further action should be taken in this matter.

26. The first question upon which your advice is desired is whether His Majesty possessed valid rights of sovereignty over Spratley Island and Amboyna Cay in April 1930 at the time when the French Government purported to annex them, a question which turns upon the application of certain principles of international law to the facts of this case. In this connexion, I am to invite your attention to the memorandum prepared by the legal advisers of this Department (Paper No. 18) and, in particular, to the Clipperton Island case therein referred to.

27. The facts upon which the British claim to sovereignty over those islands must be based would appear to be the following:—

(a) *Visits to the Islands—Actual Use and Occupation*

The visit to both islands in 1864 by Commander Ward (paragraph 3) in H.M.S. "Rifleman"; the visits of Messrs. Graham and Simpson in 1877 to both

⁽¹⁾ The note also contains a statement to the effect that there is no British island (even the smallest size) which is not attached to some Colony or Protectorate for administration. This statement is of course incorrect (see paragraph 17 above, quotation from Dominions and Colonial Office lists).

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islands (paragraph 3), and in 1879 to Amboyna Cay, when during a period of six months some work was done on this island, and when it is probable, though not absolutely certain, that the British flag was hoisted; the visit in 1889 by H.M.S. "Wanderer" to both islands. There is no evidence that the British flag was ever hoisted on Spratley Island. It appears that the Central Borneo Company never sent any persons to the islands at all.

(b) *Assumption of Sovereignty over the Islands by His Majesty's Government.*

The authorisation given to Messrs. Graham and Simpson in 1877 and 1878 to hoist the British flag over the islands, and the registration of their claim in the British consulate-general for Borneo, after a previous provisional registration with the Government of Labuan, and the advertisement of this claim in the "Government Gazettes" of Hong Kong and the Straits Settlements (paragraphs 3 and 8); the registration of the claim of the Central Borneo Company in 1889 with the Government of Labuan, after further advertisements in the "Government Gazettes" of Hong Kong and the Straits Settlements (paragraph 14); the subsequent issue of a formal lease to this company by Lord Knutsford, then Secretary of State for the Colonies; the passages in the Colonial Office lists from 1891 onwards, in which the statement is made that these islands were annexed in 1887.

Reliance might perhaps also be placed upon the exercise of jurisdiction in 1879 by the Acting Governor of Labuan, when he tried and sentenced the Chinese coolies who had assaulted Mr. Graham and Mr. Helme on Amboyna Cay, inasmuch as it would appear that he would have had no jurisdiction over offences committed in Amboyna Cay unless it had been made a dependency of the Colony of Labuan. Against this, however, it must be observed that in 1879 the Colonial Office had clearly disclaimed any intention of including these islands as dependencies of Labuan, and the claim of Messrs. Graham and Simpson had been registered with Mr. Treacher in his capacity as consul-general for Borneo, precisely for this reason, so that Mr. Treacher's action in trying these offenders may have been misconceived.

27A. The fact that neither of these islands had been attached for administrative purposes to any British Colony or Protectorate is relied upon by the French Government as an argument against the validity of any British claim to sovereignty over them. You will no doubt deal with this argument in giving your opinion in answer to the first question, and will observe that the statement in the Colonial Office list referred to in paragraph 17 makes it impossible to contend that these islands had, in fact, been attached for administrative purposes to any British Colony or Protectorate.

I am, however, to invite your attention to certain letters exchanged between the Foreign Office, the Colonial Office and the Admiralty (Paper No. 19 (1), (2) and (3)), and to request you to give your opinion as to the advisability of attaching for administrative purposes to some Colony or Protectorate the various other miscellaneous islands which are claimed as British, in order to avoid the possibility of British sovereignty over them being challenged, on the ground that no provision had been made for their administration. This is the second question on which your advice is requested.

28. I am accordingly to request you to take the enclosed papers into your consideration and to favour Sir John Simon with your opinion:—

- (a) Whether in April 1930 His Majesty possessed under international law a claim to sovereignty over Spratley Island and/or Amboyna Cay which could be laid before the Permanent Court of International Justice with either the certainty or a reasonable prospect of success.
- (b) Whether it is desirable that the various miscellaneous islands over which His Majesty claims sovereignty should be attached for administrative purposes to some Colony or Protectorate in all cases where such action has not already been taken.

29. Sir John Simon would also be grateful for any observations of a general character which you may have to offer on this matter.

I have, &c.

C. HOWARD SMITH.

List of Papers.

1. Document signed by Mr. W. H. Treacher, October 25, 1877. [W 7183/2378/17/1931.]
- 2.—(1) Foreign Office to Colonial Office, January 7, 1878.
(2) Colonial Office to Foreign Office, January 18, 1878.
[W 7183/2378/17/1931.]
- 3.—(1) Foreign Office to Colonial Office, January 29, 1878.
(2) Colonial Office to Foreign Office, February 5, 1878.
[W 7183/2378/17/1931.]
4. Despatch to Acting Consul-General, Borneo, February 13, 1878. [W 4686/2378/17/1931—Annex (B).]
5. Despatch from Acting Consul-General, Borneo, October 30, 1879. [W 7183/2378/17/1931.]
6. Notice in "Straits Settlements Government Gazette," dated November 19, 1879.
[W 4686/2378/17/1931.]
- 7.—(1) Despatch from Mr. Leys, November 24, 1888.
(2) Despatch from Mr. Leys, November 29, 1888.
[Confidential 5769, Nos. 147 and 149.]
8. Foreign Office to Colonial Office, December 15, 1888. [Confidential 5769, No. 156.]
9. Despatch from Acting Governor of Labuan, July 3, 1889. [Confidential 5957, No. 32.]
- 10.—(1) Notice in "Hong Kong Government Gazette," April 5, 1889.
(2) Notice in "Straits Settlements Government Gazette," March 28, 1889.
[W 4686/2378/17/1931—Annex (C).]
11. Licence granted to Central Borneo Company, October 28, 1889. [W 13065/2378/17/1931.]
12. Treaty of December 10, 1898, between United States and Spain. [Confidential 7262.]
13. Despatch from His Majesty's Consul-General, Saigon, April 23, 1930. [W 5470/4099/17/1930.]
14. Map showing Spratley Island and neighbouring islands.
15. Note sent by His Majesty's Embassy in Paris to French Government, May 21, 1930.
[W 5305/4099/17/1930.]
16. Reply from French Government, July 13, 1930. [W 7274/4099/17/1930.]
17. Further reply from French Government, March 28, 1931. [W 3703/2378/17/1931.]
18. Memorandum by Foreign Office Legal Advisers, November 10, 1931. [W 12921/2378/17/1931.]
- 19.—(1) Foreign Office to Colonial Office, May 12, 1931. [W 4951/2378/17/1931.]
(2) Colonial Office to Foreign Office, June 16, 1931. [W 7183/2378/17/1931.]
(3) Admiralty to Foreign Office, June 16, 1931. [W 7241/2378/17/1931.]

Report.

(a) In our opinion His Majesty's claim to sovereignty over Spratley Island and Amboyna Cay in April 1930 was of so doubtful a nature that it could only be laid before the Permanent Court of International Justice with a faint prospect of success.

It is now well settled in general that an inchoate title to sovereignty may be acquired either by discovery or by reason of circumstances having an effect similar to discovery, but that the inchoate title thus acquired must be perfected within a reasonable time by an open and continuous exercise of sovereignty, of which the most common form is occupation in fact.

In the present case, however, we are not able to infer from the events which took place in 1877-79 any acquisition of even an inchoate title to sovereignty, still less of a title perfected either by actual occupation or by some other open display of State authority. The visit of H.M.S. "Wanderer" in 1889, coupled with the lease granted in that year to the Central Borneo Company, and followed by the statements published from 1891 onwards in the Colonial Office list, would, having regard to the fact that the islands are uninhabited, probably have been held to be sufficient evidence of the continuous display of State authority to negative any suggestion of loss of sovereignty by abandonment, but the necessary foundation is, in our opinion, lacking.

We do not in the facts of this case regard the contention of the French Government, which is based upon the absence of any administrative attachment to a British Colony or Protectorate, as being at all conclusive. The circumstances of the islands, and especially the fact that they have no inhabitants, justify and explain the absence of administrative machinery.

(b) Notwithstanding our opinion as to the effect in this case of the absence of any attachment for administrative purposes to a British Colony or Protectorate, we regard it as most desirable that wherever it is possible in the cases of the various miscellaneous islands in question such an attachment should be formed. Such a connexion will afford good evidence of the continuous exercise of State authority.

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(c) We have not overlooked the decision in the Clipperton Island case and the reasoning on which it was based. In that case there had been an act of unequivocal annexation by France. That fact being established, it was not difficult to hold in a case of an uninhabited island that the rights acquired by such annexation were perfected and were never lost.

T. W. H. INSKIP.
F. B. MERRIMAN.

Law Officers' Department,
July 29, 1932.

Annex 362

Letter from Secretary of the Admiralty, United Kingdom, to Secretary of State for Foreign Affairs, United Kingdom, No. M.02075/32 (14 Nov. 1932)

CONFIDENTIAL.

14th November, 2

M.02075/32.

of the area.
3. From a consideration of early reports it seems to be clear that Spratley Island was discovered and not re-discovered in 1843. The report of the Whaler which appears to have been the first to mention the island.

Sir,
With reference to your letter No. H.8733/178/17 of 12th August, 1932, transmitting a copy of the opinion of the Law Officers of the Crown on the question of the claim to sovereignty over Spratley Island and Amboyna Cay, I am commanded by My Lords Commissioners of the Admiralty to acquaint you, for the information of the Secretary of State for Foreign Affairs, that They have had this question under further consideration, together with that of the French claim to the area between 7° and 12° N. Lat. to the west of the triangle, the rights over which, possessed by Spain, Article 3 of the Treaty of the 10th December, 1898 transferred to the United States.

2. The area claimed by France is somewhat extraordinary in that a portion of it, viz: Vanguard, Prince Consort and Prince of Wales Bank, may be said to be on the Continental shelf of Cochin China, the eastern extreme impinges on the Continental shelf of Palawan Island, while for some curious reason a portion of the Continental shelf of British North Borneo is included at the S.E. corner

The Under Secretary of State,
FOREIGN OFFICE, S.W.1.

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effect similar to discovery title
thus acquired must be perfected within a reasonable time

The Right Honourable
SIR John Simon, G.C.S.I., K.C.V.O.,
O.B.E., K.C., M.P.

of the area.

3. From a further examination of early reports it seems to be clear that Spratley Island was discovered and not re-discovered in 1843. The report of the Whaler CYRUS which appears in the Nautical Magazine Volume XII 1843 reads as follows:-

"March 29th, 1843 - Standing to the East by South with a steady breeze, and fine weather; at 9 a.m. a low sandy island was discovered from the masthead bearing South East by East 4 leagues Noon observations place this danger in 8°40' North, 111°56' East being South a little Westerly 16 miles from the West London Shoal".

This island is referred to in a subsequent paragraph where it is stated that the name "Spratley's Sandy Island" was given to it, from which it is evident that a clear claim to sovereignty under the head of "Discovery" can be established.

4. A good deal of surveying work has been done in earlier days on the islets and reefs on the West and South sides of the danger area, and charts covering some of these are on sale to the public; so that, with reservations resort could be had to a statement of a claim to sovereignty on account of hydrographic work carried out in the past without indicating British surveying activity during recent years.

5. As the discovery of Spratley Island in 1843

would/

effect similar to discovery title
thus acquired must be perfected within a reasonable time

The Right Honourable
Sir John Simon, G.C.S.I., K.C.V.O.,
O.B.E., K.C., M.P.

would seem to give a clear claim to sovereignty under the head of discovery, I am to suggest that the Law Officers of the Crown might again be consulted as to this island.

6. My Lords, as stated above, have the question of the islands and reefs claimed by the French Government under further examination, and I am to request that in the meantime nothing may be done which would prejudice the British position or admit the French claim. My Lords would be glad if any information which may be available at the Foreign Office concerning the islands and reefs could be collected and forwarded to the Admiralty.

7. My Lords assume that, in view of the expression of opinion by the Law Officers that it is most desirable that all territory claimed by this country should, if such is not already the case, be attached for administrative purposes to a British Colony or Protectorate, action will be taken to do so as far as possible.

8. Copies of this letter have been sent to Treasury, Dominions Office, Colonial Office, Air Ministry, and Treasury Solicitor,

I am, Sir,

Your obedient servant,

J. S. BARNES

(Form 107)
R.P.W. 34

Do. Co. etc. this

effect similar to discovery title
thus acquired must be perfected within a reasonable time

The Right Honourable
SIR John Simon, G.C.S.I., K.C.V.O.,
O.B.E., K.C., M.P.

Annex 363

Letter from Secretary of the Admiralty, United Kingdom, to Undersecretary of State, Foreign Office, United Kingdom (8 Feb. 1933)



IMMEDIATE AND CONFIDENTIAL.

L.P.—No. 8.

Any further communication
should be addressed to—The Secretary of the Admiralty,
London, S.W.1

quoting H.03109/33.

Admiralty, S.W.1.

8th February, 1933.

Sir,

I am commanded by My Lords Commissioners of the Admiralty to refer to your letter W.12584/178/17 of 25th November, concerning the claim to sovereignty over Spratley Island and to put forward the following observations for the consideration of the Secretary of State for Foreign Affairs.

2. In the first instance My Lords desire to point out that the statement in paragraph 2 of your letter under reply that They had expressed the opinion that the discovery of Spratley Island in 1843 by the British whaler "Cyrus" gave a clear claim to sovereignty is not quite correct. The opinion referred to only stated that this discovery gave a clear claim under the head of discovery. My Lords appreciated that discovery alone does not give a clear claim.

3. My Lords are also unable to agree with the view, stated in paragraph 3 of your letter, that the opinion of the Law Officers is to the effect that H.M. Government have no title to Spratley Island, ^{or} nor that it included a statement that/

The Under Secretary of State,
Foreign Office,
S. W. 1.

reference to the Law Officers;

(c) and, ^{if H.M. have not a reasonable ability} ~~in the same eventuality,~~
^{to claim to have rights over this island,}
whether there are any legal grounds upon which H.M.G. can protest against a French annexation of these islands as being a violation of any rights of H.M.G.

3/...

that there had never been any open display of sovereignty. As My Lords read it, the opinion of the Law Officers does not go further than to state that the title of H.M. Government is a doubtful one, and while, in view of the ²⁹⁵ great strategic importance they attach to this question, particularly in view of the extension of the French claim to all islands, islets and reefs in a wide area, they are very disappointed that the Law Officers were unable to give an opinion more favourable to the British claim. They consider that the facts are fully sufficient to challenge the very weak French case.

4. With reference to the question as to whether there had been any open display of sovereignty, My Lords would point out that the Law Officers stated that the 1889 and later facts would probably be held to be sufficient evidence of the continuous display of State authority to negative any suggestion of loss of sovereignty by abandonment. Moreover, My Lords consider there are grounds for also claiming that the earlier events also amounted to an open display of sovereignty.

5. The opinion of the Law Officers that the title of H.M. Government is doubtful is mainly based on their inability to infer from the events which took place in 1877-79 any acquisition of even an inchoate title to sovereignty. The Law Officers state, however, that an inchoate title may be
acquired/

reference to the Law Officers;

(c) and, ^{if it is held not a reasonable} ~~in the same eventuality,~~
^{and claim of sovereignty over the islands,}
whether there are any legal grounds upon which H.M.G. can protest against a French annexation of these islands as being a violation of any rights of H.M.G.

acquired by discovery alone. On these grounds My Lords, in their letter of 14th November, attached considerable importance to the new evidence of the discovery of this island by a British vessel in 1843. 296

6. My Lords do not, however, desire the matter to be referred to the Law Officers again merely in the light of this new evidence and, in view of the delay which has already taken place in replying to the French Note of 28th March, 1931, They are of opinion that any further reference to the Law Officers at this stage is undesirable, and they would emphasise the importance of a reply to that Note being sent at an early date.

7. The Law Officers having given their opinion, on the evidence submitted to them, that the title of H.M. Government to Spratley Island and Amboyna Cay is doubtful, it is now necessary to make the fullest possible use of all arguments that can be put forward in support of the British claim and to point out the weakness of the French claim, which extends not only to these two islands but also to the islets and reefs over a wide area. My Lords particularly desire to emphasise that the effectiveness of our protest against the recent French annexation depends mainly on the relative weakness of the two claims and that the Law Officers'

reference to the Law Officers;

(c) and, ^{if H.M. have not a reasonable ability} ~~in the same eventuality,~~
^{and claim to have rights over the islands,}
 whether there are any legal grounds upon which H.M.G. can protest against a French annexation of these islands as being a violation of any rights of H.M.G.

296 A

Officers' opinion does not deal with this point. They presume that as a protest was promptly made against the French annexation, this act can be disregarded in considering the relative weakness of the French claim. This recent act by France might indeed be regarded as definitely unfriendly to this country in view of the well-known facts of the situation.

8. The French Foreign Minister, in replying to the first British protest, uses as his main argument the absence of any administrative attachment to a British colony or protectorate. The Law Officers say, however, that they do not regard this as at all conclusive, in view of the circumstances of the islands and especially the fact that they have no inhabitants.

9. The French Minister states that their recent act of annexation is based on historic rights but does not say what these rights are. He also states that it is based on special maritime interests, particularly the fact that the only line of commercial navigation which actually traverses this zone and which may be required in the future to frequent it more regularly is the service connecting Indo-China to the French oceanic possessions, New Caledonia, New Hebrides, Tahiti. This country might put forward a similar argument

on/

reference to the Law Officers;

if H.P. have a reasonable ability
 (c) and, ~~in the same eventuality,~~
and claim to have rights over the islands.
 whether there are any legal grounds upon which M.M.G. can protest against a French annexation of these islands as being a violation of any rights of M.M.G.

3/...

16
 on these grounds, but it is not considered that it affords any basis in international law for a claim to sovereignty. In any case it would not be necessary for any such line to do more than skirt the zone in question, and it is considered very unlikely that any French vessels do more than this.

297
 10. The fact that no better argument than the foregoing is put forward by the French Government clearly shows the weakness of their case, and My Lords are inclined to the opinion that the French must have received some information of our surveying activities in this region, and being suspicious of our intentions and of what we may have discovered, have put forward this claim with some idea of forestalling us, or of sharing in a general annexation of these islands or of claiming some compensation elsewhere in return for a withdrawal of their claim.

11. The French Note goes on to say that, because of the above-mentioned maritime interests, France, having a particular interest in acquiring a thorough knowledge of the hydrographic conditions of this zone and in facilitating eventually the access of international navigation by buoying and lighting, has the right to consider that by the annexation of 13th April, 1930, her sovereignty extends

over/

reference to the Law Officers;

if H.G. have a reasonable ability
 (c) and, ~~in the same eventuality,~~
and claim to have right over this island.
 whether there are any legal grounds upon which H.M.G. can protest against a French annexation of these islands as being a violation of any rights of H.M.G.

16
 over the whole of the islands, islets and reefs included in the zone in question, i.e. between the 7th and 12th degrees of north latitude and to the west of the triangular zone that article 3 of the treaty of 10th December, 1898, has reserved to American sovereignty. It is then added that this zone includes, in addition to Spratley Island and the immediately adjoining islets, the Trident Reefs, Thi-tu Island, Loi Ta Island, Tizard Reef, Discovery Reef, Fiery Cross Reef, London Reefs, Amboyna Cay, Rifleman Bank, Ardasier Bank, Swallow Reef. This claim, in the opinion of My Lords, has no basis in international law and calls for a strong protest without any further delay.

12. In protesting against the French claim to all islands, etc., in this zone My Lords consider that the discovery and survey work done in this region by British ships should be emphasised and that it should be stated that Great Britain has not claimed ownership of these remote islands and reefs because of their uninhabitable character, but that in any case we cannot acquiesce in any such wholesale annexation in an area in which we have for long been specially interested and have carried out much dangerous survey work.

13.....

reference to the Law Officers;

(c) and, ^{if U.K. have a reasonable ability} in the same eventuality, ^{and claim to sovereignty over this island.} whether there are any legal grounds upon which H.M.G. can protest against a French annexation of these islands as being a violation of any rights of H.M.G.

3/...

13. My Lords would suggest that a further Note to the French Government should now be drafted by the Foreign Office putting forward all relevant facts supporting the British claim to Spratley Island and Amboyna Cay, pointing out the absence of any basis for the recent French act of annexation and the unfriendly nature of this act, in view of the known facts, and strongly protesting against the wholly unjustifiable claim to all islands, islets and reefs in a wide area.

14. My Lords would also suggest that considerable point might be made of the probability that annexation of Spratley Island and Amboyna Cay was carried out, as has been definitely presumed by H.M. Government for a long period, either by one of H.M. Ships or by the concessionnaire as they were authorised, in spite of the fact that at present no formal record of any such annexation can be traced. The early discovery by a British vessel, together with the subsequent open display of sovereignty by this country on numerous occasions, should however, in the opinion of My Lords, provide sufficient grounds for contesting the very weak French claim.

15

reference to the Law Officers;

*if H.M. have not a reasonable
good claim to sovereignty over these islands.*
(c) and, in the same eventuality,
whether there are any legal grounds
upon which H.M.G. can protest against
a French annexation of these islands
as being a violation of any rights of
H.M.G.

15. A copy of this letter has been sent to Colonial Office, Dominions Office, Air Ministry, Treasury and Treasury Solicitor.

300

I am, Sir,

Your obedient Servant,

J.S. Barnes

reference to the Law Officers;

(c) and, ^{if H.M.G. have not a reasonable} ~~in the same eventuality,~~
_{good reason to believe that such a protest}
whether there are any legal grounds upon which H.M.G. can protest against a French annexation of these islands as being a violation of any rights of H.M.G.

Annex 364

Memorandum from the Secretary of the Admiralty, United Kingdom, to Secretary of State for Foreign Affairs,
United Kingdom (23 Feb. 1933)

CONFIDENTIAL.

L.P.—No. 8.

Any further communication
should be addressed to—

The Secretary of the Admiralty,
London, S.W.1.

quoting "N.03109/32.

Admiralty, S.W.1.

VI - 20 23rd February, 1933

312

24 FEB 1933

Sir,

I am commanded by My Lords Commissioners of the Admiralty to forward, for the information of the Secretary of State for Foreign Affairs, in continuation of Admiralty letter N.03109/32 of 8th instant, about the claim to sovereignty over Spratley Island and with reference to paragraphs 11 and 12 thereof, a table showing the islands and the principal banks and reefs in the area adjoining Spratley Island claimed by France, together with brief notes of their physical characteristics, the dates of discovery and survey by British ships, and a provisional opinion as to whether they are of a size and character to justify annexation.

My Lords desire to call particular attention to the dates of discovery and surveys carried out by British ships given in the table and to the following facts which, in their opinion, clearly show that the discovery of these islands and reefs was made by British ships in every case

and/

The Under Secretary of State,
Foreign Office,
S. W. 1.

and that the original as well as the later survey work in this dangerous area has been entirely carried out by British ships.

313

The first eight given in the attached table, except North Danger, appeared on British Admiralty charts for the first time under the above names in 1867. North Danger is shown on British Admiralty charts under that name as far back as 1821. The remainder are shown on 1821 charts as "sand", "reef", "North West Island", "South Island", "shoal and sand" etc., in approximately their correct places, and were generally known as "Horsburgh's N.W. Dangers".

Reference to modern French charts of this locality shows that the English names are reproduced in English with no attempt at any change into the French equivalents.

"La Neptune Orientale", dated 1745, the official French chart of the period, shows no islands or banks in this area of any sort, with the exception of the Macclesfield bank further North which is labelled "anglais".

On a good chart of the China Sea dated 1821 and constructed by James Horsburgh for the use of the "Bombay Marine", the islands situated in this area are given plainly with their English names and there is no indication of French influence, in spite of the considerable interchange of ideas between the French and English Hydrographers of the period.

314

On an early map dating back to about 1750, tracks of various ships are shown, and a few of the above islands and dangers marked. Out of ten ships' tracks only one appears to be French.

The original charts of surveys by British ships of the above named islands, reefs, etc., and of almost every bank, shoal and island in this area, are in the possession of the Admiralty.

A copy of this letter has been sent to Colonial Office, Dominions Office, Air Ministry, Treasury and Treasury Solicitor.

I am, Sir,

Your obedient Servant,

J. S. Burrows

IR.

ISLANDS AND REEFS IN THE AREA CLAIMED BY FRANCE.

315

<u>Name and Position.</u>	<u>Physical Characteristics.</u>	<u>Dates of discovery by British ships and of surveys by British Ships.</u>	<u>Whether considered of a size and character to justify annexation.</u>	<u>Whether specifically claimed by France.</u>
1. Trident Reef Lat. 11° 28' N. Long. 114° 42' E.	Always under water. Extends about 8 miles in a N. & S. direction.	Surveyed by H.M.S. RIFLEMAN in 1867.	No.	Yes.
2. North Danger Reefs. Lat. 11° 26' N. Long. 114° 20' E.	2 low sandy islands 10' and 15' high respectively and about half a mile in length, covered with stunted trees and coarse grass.	Reported by SOUTH SEA CASTLE in 1762, and by LUCANIA in 1764. Surveyed by Lieut. Ross in 1814. Re-surveyed by H.M.S. RIFLEMAN in 1865.	Yes.	No.
3. Ardasier Bank Lat. 7° 40' N (centre) Long. 114° 18' E.	Entirely submerged.	Surveyed by H.M.S. RIFLEMAN 1867-8.	No.	Yes.
4. RIFLEMAN BANK Lat. 7° 45' N (centre) Long. 111° 40' E	Entirely submerged.	Surveyed by H.M.S. RIFLEMAN 1867-8. Reported earlier by BOMBAY CASTLE.	No.	Yes.
5. Thi-Tu (French Thi-Thai) Lat. 11° 03' N. Long. 114° 18' E.	One island about $\frac{1}{2}$ mile long with a clump of cocconut trees, and a sandy cay.	Reported by ESSEX and by FALMOUTH in 1762. Surveyed by H.M.S. RIFLEMAN 1867.	Yes.	Yes.
6. Leai-Ta Bank and Reefs. Lat. 10° 41' N. Long. 114° 25' E.	One islet about $\frac{1}{4}$ mile long and two sand cays.	Reported by ESSEX and FALMOUTH 1762, and DOLPHIN in 1767. Surveyed by H.M.S. RIFLEMAN 1867.	Doubtful.	Yes.
7. Tizard Bank (Nanyit Island) & (Itu Aba Island). Lat. 10° 12' N. Long. 114° 21' E.	Itu Aba Island is $\frac{3}{4}$ miles long by $\frac{1}{4}$ broad and has a clump of cocconut trees.	Reported by DOLPHIN 1767. Surveyed by H.M.S. RIFLEMAN 1867.	Yes.	Yes.
8. Spratley Island. Lat. 8° 38' N. Long. 111° 55' E.	Bare flat island about 8' high. $2\frac{1}{2}$ cables in length and $1\frac{1}{2}$ cables in breadth. Has some cocconut groves.	Discovered by Whaler CYRUS 1843.	Yes.	Yes.

ISLANDS AND REEFS IN THE AREA CLAIMED BY FRANCE. (contd.)

316

<u>Name and Position.</u>	<u>Physical Characteristics.</u>	<u>Dates of discovery by British ships, and of surveys by British Ships.</u>	<u>Whether considered of a size and character to justify annexation.</u>	<u>Whether specifically claimed by France.</u>
9. Discovery Reef Lat. 10° 08' N. Long. 113° 53' E.	Reef running N. & S. and about 7 miles long with rocks showing above water.	Reported by HARDWICKE in 1744 and by DOLPHIN in 1767. Surveyed by Lieut. Ross about 1814. Re-surveyed by H.M.S. RIFLEMAN 1867.	No.	Yes.
10. Fiery Cross or North West Investigator Reef. Lat. 9° 40' N. Long. 113° 00' E.	Reef about 13 miles long in a N.E. and S.W. direction.	Reported by Capt. Crawford in the INVESTIGATOR. Surveyed by H.M.S. RIFLEMAN 1865.	No.	Yes.
11. London Reefs. (2) Lat. 8° 50' N (centre) Long. 112° 30' E.	Four reefs extending with clear intervals over an area of nearly 40 miles E. and W.	Reported by LONDON 1786. Afterwards reported by several other ships and later surveyed by H.M.S. RIFLEMAN and SARACEN 1864/5.	No.	Yes.
12. Amboyne Cay Lat. 7° 51' N. Long. 112° 53' E.	150 yds. long. 8' high.	Reported by WALPOLE in 1783. Reported by Brig AMBOYNA 1802. Surveyed by H.M.S. RIFLEMAN 1864.	Yes.	Yes. <i>L</i>
13. Swallow Reef. Lat. N. 7° 22' Long. E. 113° 44'	^(miles) About 4 $\frac{1}{2}$ long in an E. and W. direction. Rocks at E. end 10 ft. high.	Surveyed by H.M.S. RIFLEMAN in 1866.	No.	Yes.

Annex 365

French Republic, Indochina Hydrographic Mission, *Procès-Verbal* (7 Apr. 1933)

English Translation

154

Hydrographic Mission
in Indochina

At sea. April 7, 1933

“ASTROLABE” Sounder

[stamp:]

MINISTRY OF THE NAVY

428-10

May 31, 1933

2nd Office – GENERAL STAFF – 2nd Office

PROCÈS-VERBAL

On the seventh day of April, nineteen hundred thirty-three, I, the undersigned, Georges Messemaecker, Frigate Captain, Commander of the Laperouse and its tenders, took possession of the small island named Amboyna Cay, located seven degrees and fifty-two minutes north latitude and one hundred twelve degrees and fifty-five minutes east longitude, in the name of France.

The persons indicated below signed this report with me:

Ensign Durand Gasselin
[signature]

Leading Signalman Delfouilloux
[signature]

Leading Radio Officer Bolé
[signature]

Leading Engineer Coader
[signature]

Frigate Captain Messemaecker
[signature]

Mission Hydrographique
d'Indochine

En mer, le 7 Avril 1933

Sondeur "ASTROLABE"



PROCES - VERBAL

Le sept Avril, Mil neuf cent trente trois, je soussigné Georges MEESEMAECKER, Capitaine de Frégate, Commandant le LAPEROUSE et ses Annexes, ai pris possession au nom de la France de l'îlot dénommé CAYE D'AMBONNE situé par sept degrés cinquante deux minutes de latitude Nord, cent douze degrés cinquante cinq minutes de Longitude Est.

Ont signé avec moi, le présent Procès-Verbal, les personnes ci-après désignées :

Enseigne de Vaisseau DURAND GASSELIN

Quartier-Maitre Timonier
DELFUILLLOUX

Quartier-Maitre Radio BOLE

Quartier-Maitre Mécanicien COADER

Capitaine de Frégate MEESEMAECKER

Annex 366

French Republic, Indochina Hydrographic Mission, *Procès-Verbal* (10 Apr. 1933)

Hydrographic Mission
in Indochina

“ASTROLABE” Sounder

At sea. April 10, 1933

[stamp:]

MINISTRY OF THE NAVY

428-10

May 31, 1933

2nd Office – GENERAL STAFF – 2nd Office

REPORT

On the tenth day of April, nineteen hundred thirty-three, I, the undersigned, Georges Messemaecker, Frigate Captain, Commander of the Laperouse and its tenders, took possession of the small island named Itu Aba [Taiping Island], located ten degrees and twenty-two minutes north latitude and one hundred fourteen degrees and twenty-one minutes east longitude, in the name of France.

The persons indicated below signed this report with me:

Lieutenant Mouchez
[signature]

Ensign Durand-Gasselin
[signature]

Ensign Lamoitier
[signature]

Ensign Cagger
[signature]

Frigate Captain Messemaecker
[signature]

15[illegible]

[illegible]
in Indochina

REPORT ON THE TAKEOVER
OF THE “TWO ISLANDS”

[stamp:]
MINISTRY OF THE NAVY
428-10
May 31, 1933

2nd Office – GENERAL STAFF – 2nd Office

On the tenth day of April, nineteen hundred thirty-three, I, Marcel Fontaine, Lieutenant, Commander of the survey ship “ALERTE,” declare that I took possession of the group of TWO ISLANDS located eleven degrees and twenty-nine minutes north latitude and one hundred fourteen degrees and twenty-one minutes east longitude, in the name of France. I named the north island “Alerte” Cay.

[signature]

The persons indicated below signed this report with me:

Chatel
Ensign
[signature]

Michel de Boislisle
Ensign
[signature]

Lasvigne
Ensign
[signature]

155

Mission Hydrographique
d'Indochine

-:-:-

Sondeur " ASTROLABE "

En mer, le Dix Avril 1933



PROCES - VERBAL
-:-:-:-:-:-:-:-:-:-:-:-:-:-:-:-:-

Le Dix Avril, Mil neuf cent trente trois, je soussigné GEORGES MEESEMAECKER, Capitaine de Frégate, Commandant le LAPEROUSE et ses Annexes, ai pris possession au nom de la France, de l'ilot dénommé ITU ABA situé par dix degrés vingt deux minutes de latitude Nord, cent quatorze degrés vingt et une minutes de longitude Est.

Ont signé avec moi le présent Procès-Verbal, les personnes ci-après désignées :

Lieutenant de Vaisseau MOUCHEZ

Enseigne de Vaisseau DURAND- GASSELIK

Mouchez

Durand-Gasselik

Enseigne de Vaisseau LEMOITIER

Enseigne de Vaisseau CAGGER

Lemoitier

Cagger

Capitaine de Frégate MEESEMAECKER

Meesemaeker

MARINE EN INDOCHINE
-:-:-:-:-:-:-:-:-:-:-

PROCES-VERBAL DE PRISE DE POSSESSION 153
DES "DEUX ILES"

-----oooOooo-----



Le Dix Avril Mil neuf cent trente trois, nous FONTAINE, Marcel, Lieutenant de Vaisseau Commandant l'Avisse "ALERTE", déclarons avoir pris possession au nom de la FRANCE, du Groupe des DEUX ILES situé par Onze degrés vingt neuf minutes de latitude Nord et Cent quaterze degrés vingt et une minutes de longitude Est. Nous avons nommé l'Ile Nord, la CAYE de l'"ALERTE".

Fontaine

Ont signé avec moi le présent procès-verbal les personnes ci-après désignées.

CHATEL
Enseigne de Vaisseau

Chatel

MICHEL DE BOISLISLE
Enseigne de Vaisseau

F de Boislesle

LASVIGNE
Enseigne de Vaisseau

L. Lasvigne

Annex 367

French Republic, Indochina Hydrographic Mission, *Procès-Verbal* (11 Apr. 1933)

Hydrographic Mission
in Indochina

At sea. April 11, 1933

“ASTROLABE” Sounder

[stamp:]
MINISTRY OF THE NAVY
428-10
May 31, 1933

2nd Office – GENERAL STAFF – 2nd Office

PROCÈS-VERBAL

On the eleventh day of April, nineteen hundred thirty-three, I, the undersigned, Georges Messemaecker, Frigate Captain, Commander of the Laperouse and its tenders, took possession of the small island named Loaita, located ten degrees and forty-two minutes north latitude and one hundred fourteen degrees and twenty-five minutes east longitude, in the name of France.

The persons indicated below signed this report with me:

Ensign Durand Gasselin
[signature]

Leading Signalman Delfouilloux
[signature]

Leading Ship's Carpenter Foreau
[signature]

Leading Signalman Danhoffer
[signature]

Frigate Captain Messemaecker
[signature]

Mission Hydrographique
d'Indochine
-!-!-!

En mer, le 11 Avril 1933



Sondeur " ASTROLABE "

PROCES - VERBAL
-!-!-!-!-!-!-!-!-!-!-!-!-!

Le Onze Avril Mil neuf cent trente trois, je
soussigné Georges NEESEMAECKER, Capitaine de Frégate,
Commandant le Lapérouse et ses Annexes, ai pris pos-
session au nom de la France de l'îlot dénommé LOAÏTA
situé par dix degrés quarante deux minutes de latitude
Nord, cent quatreze degrés vingt cinq minutes de longi-
tude Est.

Ont signé avec moi le présent Procès-Verbal les
personnes ci-après désignées :

Enseigne de Vaisseau DURAND GASSELIN

Quartier-Maitre Timonier
DELFOUILLOUX

Quartier-Maitre Charpentier FOREAU

Quartier-Maitre Timonier
DAMBOFFER

Capitaine de Frégate NEESEMAECKER

Annex 368

French Republic, Indochina Hydrographic Mission, *Procès-Verbal of Taking Possession of Thi-Tu Island* (12 Apr. 1933)

PROCÈS-VERBAL OF TAKING POSSESSION
OF THI - TU ISLAND

[stamp:]

MINISTRY OF THE NAVY

428-10

May 31, 1933

2nd Office – GENERAL STAFF – 2nd
Office

On the twelfth day of April, nineteen hundred thirty-three, I, Marcel Fontaine, Lieutenant, Commander of the survey ship “ALERTE,” declare that I took possession of Thi - Tu Island, located eleven degrees and seven minutes north latitude and one hundred fourteen degrees and sixteen minutes east longitude, in the name of France.

[signature]

The persons indicated below signed this report with me:

Chatel
Ensign
[signature]

Michel de Boislisle
Ensign
[signature]

Lasvigne
Ensign
[signature]

-:-:-x-:-:-:-

PROCES-VERBAL DE PRISE DE POSSESSION

152

DE L' ILE T H I - T U

-----oOo-----



Le Douze Avril Mil neuf cent trente trois, nous FONTAINE, Marcel, Lieutenant de Vaisseau Commandant l'Avisé " ALERTE ", déclarons avoir pris possession au nom de la F R A N C E de l'ILE T H I - T U, située par Onze degrés sept minutes de latitude Nord et Cent quatorze degrés seize minutes de longitude Est.

Fontaine

Ont signé avec moi le présent procès-verbal les personnes ci-après désignées.

CIBRTEL
Enseigne de Vaisseau

Cibrtel

NICHEL DE BOISLIBLE
Enseigne de Vaisseau

Nichel Boislible

LASVIGNE
Enseigne de Vaisseau

Lasvigne

Annex 369

Draft Note Verbale from the Ministry of Foreign Affairs of the French Republic to the Embassies of the United Kingdom, Japan, and the United States in Paris (17 July 1933)

[stamps:] JULY 24, 1933

P.O. Urgent
E 513-9 [illegible] /2

POLICY DIVISION

Regarding Spratly Island

The Ministry of Foreign Affairs has the honor of notifying the Embassy of
 Great Britain, Japan, the United States ~~the Legation of China~~ that on April 13, 1930,
~~deleted~~ the French government undertook the occupation of Spratly Island by the gunboat “La
 Malicieuse” and, from April 7 to April 12, the occupation of a certain

EMBASSY of GREAT BRITAIN
 of JAPAN
 of the UNITED STATES
 in PARIS

~~LEGATION OF CHINA~~
 PARIS

Mr. [illegible], July 17, 1933

number of small islands, whose position is defined in the appended note, by the survey ships, “Astrolabe” and “Alerte.”

Consequently, the territories in question are from now on under the sovereignty of France.

109

24 JUIL 1933

24 JUIL 1933

P.O. urgent
E: 513-9 $\frac{5}{2}$

DIRECTION POLITIQUE

a.s. de l'île Spratly.

Le Ministère des Affaires Etrangères a l'honneur

de faire savoir à l'Ambassade (de Grande Bretagne)
(du Japon que le Gouverne-
(des Etats-Unis
~~de la Légation de Chine~~)
ment français a fait procéder, à la date du 13 avril

Supprimé

1930, par la canonnière "la Malicieuse", à l'occupation
de l'île Spratly et, du 7 au 12 avril dernier, par les
avisos "Astrolabe" et "Alerte" à celle d'un certain

de GRANDE-BRETAGNE
AMBASSADE DU JAPON
des ETATS-UNIS
à PARIS

~~LEGATION DE CHINE~~
~~Paris~~

M. Coasme, 17 /7/33

nombre d'îlots dont la position est définie dans la
note ci-annexée.

En conséquence, les territoires dont il s'agit
relèvent désormais de la souveraineté française./.

Annex 370

Memorandum from Commanding Officer, H.M.S. "Herald", to Commander-in-Chief, China Station, British Royal Navy (3 May 1937)

MOST SECRET.

SUBJECT:- VISITS TO THIU TU AND ITU ABA ISLANDS.

From THE COMMANDING OFFICER, H. M. S. "HERALD"
at Singapore.

Date 3rd May 1937. No.H. D 1323/2A.

To Commander-in-Chief, China Station,
Copy to Hydrographer of the Navy and O.C. R.A.F.
Far East.

Sir,
I have the honour to report that in accordance with instructions received from the Commander-in-Chief, China Station I visited THIU TU and ITU ABA ISLANDS while on passage from Hong Kong to Singapore.

2. North Danger was made at 0900 on 17th. April and, passing between Thiu Tu and the reefs to the Eastward, "Herald" anchored at 1130 in 9 fathoms with the South West true clump bearing 065° degrees, distant 9 cables.

3. THIU TU ISLAND. There was a heavy swell on the island and landing was difficult owing to the number of rocks on the fringing reef. The best landing in the N.E. Monsoon is in the middle of the West side, where there is a bay in the fringing reef.

The Island is lowlying, apparently level and triangular in shape: the longest side, lying East and West, is about 4 cables in length. None of the sides are straight, the longest straight stretch being about 250 yards on the South side and 150 yards on the North East. When I landed at 1400 the tide was 3 feet below the H.W. line and 4 feet below the scrubby grass and almost impenetrable bush creepers, which cover the Island to a height of about 60 feet except at the S.W. corner, where there is a palm grove.

On the South side the beach is of fine sand to the L.W. Line, which is about 30 yards from the H.W. line. The sand is interspersed with a few pieces of broken coral and is fairly soft, footprints making indentations about one inch deep. The slope is one in 15 for the first 10 yds. decreasing to one in 30 for the remaining 20 yards.

On the West side the sand is coarser, with more broken coral intermingled, and the slope is one in 12 for the first 6 yards from the H.W. line, decreasing to one in 25 up to the L.W. line 25 yards away.

On the N.E. side the beach is steep to and mostly composed of broken coral. It is at most 20 yards wide with a slope of one in 10.

The only sign of human habitation was in the palm grove, where fisherman had landed to burn "joss" as is their custom before fishing. There is a well with brackish but drinkable water about 50 yards from the shore through the palm grove, and a thin concrete base about 6 feet square marks what had apparently once been the foundation of a small hut.

There is also

MOST SECRET.

Page 2.

There is also a concrete block, which might have been a gravestone or an observation stone. On the upper face was carved **5 H**; the remaining lettering can be seen from the attached photograph. (Not to ~~Hydrographic Office~~ O.C., R.A.F.)

The coconut trees as shown on Chart 1201 do not exist.

4. Leaving Thiu Tu Island at 0630 on Sunday, 19th April, and passing close westward of Loia Ta, I proceeded towards Itu Aha Island. About 1100, while HERALD was approaching the island the Japanese Mining Vessel KATSURIKI appeared from behind it, steering to the north-east. She was apparently engaged on surveying operations, as was afterwards confirmed by the fact that large surveying marks had been erected on all reefs and islands, while smaller floating beacons were also in use. Judging by the number of these marks it was obvious that a detailed survey of the whole Tizard Group was in progress.

As it was certain that HERALD must have been seen and, if not already recognised, would be as soon as she turned away, I considered that less suspicion would be aroused if I adhered to my programme and anchored for a few hours off Itu Aha. I therefore continued on my course and, passing close east of the island, came to about 1130 in 12 fathoms with the western edge of Itu Aha bearing 360° distant $5\frac{1}{2}$ cables.

5. KATSURIKI anchored half an hour later about one mile to the eastward, though I am certain her usual billet was in the vicinity of HERALD, as this was the easiest and shortest route to the shore, and was, in fact, that used by KATSURIKI's boats, as the passage over the fringing reef was marked by flags in the coral.

A large party and tents could be seen through the trees ashore and, immediately after KATSURIKI had anchored, a pulling cutter was lowered and sent inshore. During the afternoon practically the whole of her ship's company was landed for rifle drill, ju jitsu, etc in relays, communication being carried out with the pulling cutter assisted by native fishing boats, many of which could be seen pulled up on the sand. About 1300 a surveying motor boat returned to KATSURIKI from the southward and was thence forward used to tow the cutter to the edge of the reef off the marked channel. This motor boat was lugger-like in appearance, about 40 feet long, with a speed of about 8 knots. 2884 was painted on her sides and a clock four **IIII** on the bows.

6. During the afternoon a race was sailed between HERALD's whalers, advantage being taken of the Japanese floating beacons to mark the course, while a fishing party was also sent away.

7. ITU AHA. I landed at 1600 with several officers, who bathed off the S.W. end of the island, and was met by the Naval Lieutenant in charge of the shore party. This officer spoke fair English and, discovering a mutual friend in the Tokio Hyd^c Office we made friendly conversation. He invited me into the camp, which consisted of six large tents, each capable of accommodating about 15 men, while wooden huts could be seen in the background. I learnt that the camp party consisted of 2 officers and 40 men and that the survey would be completed in about 2 months, after which another would be taken in hand. From his knowledge of weather conditions among the islands this officer must have done a previous season in the vicinity.

Little interest . .

MOST SECRET

Page 3.

Little interest was shown in HERALD's movements beyond an enquiry as to her destination i.e. Singapore. It appeared to me, however, that this officer was very surprised and a little apprehensive at my sudden appearance.

Large quantities of surveying stores, beacons, buoys, etc were ashore and it seems probable that KATSURIKI uses this island as a base for operations further afield, as the stores were much in excess of the needs of an ordinary camp party.

A fishing company also live on the island and engage in the turtle industry. There would appear to be about 40 of these men, mostly Formosans by appearance, who live in large wooded huts. The manager of the company, who only understands a few words of English, is Mr. SADAE CHIYA, KAIYOKOYO CO. LTD, TAKAO, FORMOSA. He lives in an attractive little hut of two rooms.

Also on the island are a generator for electric power, and what looked like a small wireless transmitting and receiving set; this latter is natural in a surveying camp party.

I remained in the camp about 20 minutes, returning to the ship a few moments later.

8. The island of ITU ABA is covered with trees and scrub to a height of 99 feet. It is nearly 6 cables long and apparently flat, except towards the south west end, where there is a small hill about 25 feet high.

The beaches resemble those at Thiu Tu. On the south side the sand is about 30 yards wide to the L.W. line, with a slope of about 1 in 12 decreasing to 1 in 25, while on the west and north sides the beaches are steeper and narrower and interspersed with broken coral. At the south-west corner is a triangular area of sand about 70 yards broad and long, with tufts of coarse grass growing in it, but the sand here is very soft and littered with debris cast up by the sea. Nowhere on the beach is there a straight stretch of more than 150 to 200 yards.

9. HERALD weighed at 1800 and proceeded to sea eastward of the island, passing close to KATSURIKI; the usual courtesies were exchanged. Most of her ship's company were on deck, and the number seemed excessive for the size of ship, especially as a camp party was ashore.

KATSURIKI is now fitted with a tripod steel mast, carrying a large lattice work derrick. This is apparently used for hoisting in the surveying motor boats, crutches for two of which could be seen amidships; they take the places of two boats previously hoisted at davits each side aft, the davits now having been removed. The second motor boat was not sighted, so it is probable she also is on detached service.

Directional wireless is also fitted.

A photograph of KATSURIKI is attached. (Not to Hydr nor O.C., R.A.F.)

10. While approaching and until well clear of the islands HERALD maintained wireless silence. Listening watch was kept, but no signals were heard being transmitted by KATSURIKI or from ashore.

11. SPRATLEY ISLAND.

The following remarks re Spratley Island are added at the request of the O.C., R.A.F., Far East from information obtained by HERALD during a visit to the island in April 1936.

Spratley or Storm

MOST SECRET

Page 4.

Spratley or Storm Island is a flat island about 8 feet high, $2\frac{1}{2}$ cables long and $1\frac{1}{2}$ cables wide, with a narrow margin of bright white sand and broken coral. It is covered with short grass and has a clump of coconut trees at its southwest end with isolated trees also towards the northeast. In the clump of trees is a built up well with a good supply of slightly brackish water about 10 feet below the ground.

Anchorage can be obtained on both the northeast and southwest sides of the island.

Between April and July turtle frequent the island, and they may possibly do so at other seasons. Numerous birds, of the noddy, sooty tern and gannet varieties, are also to be found, and their eggs cover the ground between the months mentioned.

12. CONCLUSIONS.

I do not consider the beaches of either THIU TU or ITU ABA suitable as landing grounds for aircraft for the following reasons: -

- (a) Insufficient run.
- (b) Excessive slope of the beaches.
- (c) Softness of the sand.
- (d) Presence of broken coral in the sand.
- (e) Insufficient width of beach except towards Low Water.

As for the islands themselves :

ITU ABA is not flat and there is heavy timber and scrub to be removed.

THIU TU could be cleared at great labour, but little clearing or levelling would be required on Spratley Island. In both cases, however, the composition of the surface of the islands is sand and coarse grass and some facing would have to be laid to provide a sufficiently hard runway for aircraft.

I have the honour to be,

Sir,

Your obedient servant,

W. D. Dady
 Commander in charge
 of survey.

Annex 371

United Kingdom, Hydrographer, "Probable Utility of Features as Landing Grounds for Air-Craft" (28 Oct. 1937)

Register No. *M705664/37*

Minute Sheet No. *1*

At a meeting held at the Foreign Office on 15th October, 1937, it was tentatively agreed that the Foreign Office should approach the French Government again on the matter of these islands, with the object of securing one of them in full sovereignty. The report of this meeting is ~~expected~~ ^{awaited}. Meanwhile it appears that Spratley, Itu Aba and Thiu Thu have all been considered by the Air Ministry as possible landing grounds.

It would be appreciated if Hydrographer would gather all the available information about these islands together for transmission to the Air Ministry, and also state whether there are any other islands in the area claimed by the French which might be suitable. If the negotiations with the French are successful, it will be necessary for the Air Ministry to decide which island is most suitable for their purpose.

Rates

for Head of M.

South China Sea
October, 1937.

DA.

Information as to Islands + reefs in area claimed by French govt - i.e. Column 7 & 12 the parallels
A complete list of islets and reefs in the area

follows. Those marked "N" have not been formally annexed by France.

2. The more important reefs have been divided into four classes, as shown in Column 1, according to their probable utility as landing grounds for air-craft.

Very little information as to the exact extent of the islets exists, or as to their suitability for the development ...

development of aerodromes. The trees and bushes could easily be cut down and it should be possible to make the coral and coral sand into a good surface.

3. If a ship were required to visit and report on all the more important islets (excluding Spratley Island) it would mean a diversion of 200 miles from her normal course through the "Area."

4. Most of the islets are surrounded by a fairly extensive reef which is dry, or nearly dry, at low water. Tidal Range varies from three to five feet.

<u>Class.</u>	<u>Name.</u>	<u>Large scale Chart No.</u>	<u>Latitude Longitude</u>	<u>Remarks.</u>
✓ 1	North Danger Reef.	Z.15	11.26 N 114.20 E	Trees and huts. N.E. Cay 900 yds. by 200 yds. S.W. Cay 600 yds. by 200 yds.
2	West York Island (N)	Z.15	11.05 N 115.02 E	Grass and trees.
✓ 1	Thi tu Island	1201	11.03 N 114.18 E	Trees - 800 yds. by 600 yds.
3	Flat Island (N)	Z.15	10.50 N 115.49 E	Sand cay.
2	Nanshan Island (N)	Z.15	10.44 N 115.48 E	Trees.
✓ 1	Loai tai and	1201	10.40 N 114.25 E	Bushes 400 yds. by 400 yds.
✓ 4	Loai tai Lan Kiam			Sand cay.
✓ 1	Itu Aba and	1201	10.20 N 114.25 E	Trees and bushes 1500 yds. by 400 yds. 400 yds. by 300 yds.
✓ 3	Sand cay. Sand cay			
✓ 2	Nam Yit Island	1201	10.20 N 114.25 E	Trees 500 yds. by 150 yds.
3	Sin Cowe Island (N)	Z.15	9.54 N 114.19 E	12 Feet above H.W. mark.
4	Pearson Reef (N)	Z.15	8.58 N 113.43 E	3 Feet above H.W. mark.
✓ 2	Spratley Island	Z.16	8.38 N 111.56 E	8 Feet above H.W. mark. 500 yds. by 300 yds.

WL 13258/0233 204 7/37 S.E.R. Ltd. Co. 471.

Register No. M.05664/37.

Minute Sheet No. 2

<u>Class.</u>	<u>Name.</u>	<u>Large scale Chart No.</u>	<u>Latitude Longitude</u>	<u>Remarks.</u>
4	Mariveles Reef (N)	Z.16	7.59 N 113.56 E	Sand cay 5 feet above H.W. mark.
✓ 3	Amboyna cay	Z.16	7.51 N 112.56 E	Sand cay 150 yds. in extent - 8 feet above H.W. mark.

Note:- Z.15 and Z.16 are SECRET charts in C.B.01914.

5. There are seven other reefs which though they have portions which do not cover at H.W. are unlikely to be of any value whatsoever except possibly to seaplanes and flying boats.

Irving Reef	(10.53 N 114.56 E
West Reef	(8.51 N 112.17 E
Commodore Reef	(8.22 N 115.15 E
Barque Canada Reef	(8.18 N 113.21 E
✓ Swallow Reef	(7.23 N 113.51 E
Royal Charlotte Reef	(6.56 N 113.35 E
Louisa Reef	(6.20 N 113.14 E

6. Use might be made of the following islands but as they are only about 60 miles off the coast of Cochin China it is highly improbable that the French would renounce sovereignty over them; details are therefore not given.

High Rock	(10.37 N 108.52 E
Pulo Cecir de Mer	(10.33 N 108.58 E
Great Catwick	(10.03 N 108.55 E

Little ...

dev

e

Little Catwick { 10.00 N
{ 109.03 E

Pulo Saputu { 9.58 N
{ 109.07 E

B

Monday SWI

12/Nov

J. A. Koss

Hydrographer.
23 October, 1937.

Sent to F.O. C.O. with No 576/37



M 05461 / 37

SECRET

D-51. (Revised - June, 1930.)

05746

FROM WHOM: Foreign Office DATE: 27.10.37

MARKING TO BOARD: SIGHTING DENS SUBJECT: Case Sovereignty of Spratley Island & the Abaco other islands

FORMER RO Cases 3540 2429

- Draft despatch to Paris on strategic value of islands etc. - Record of Mtg. at F.O. on 15/10/37

Referred to	Date	Referred to	Date	NOTATION ONLY.	
				Referred to	Date

Hydrographer PASS 11/11



Further letter dated 2nd December from Foreign Office inserted:

PASS 10/12

INT 20 DEC 1937 20/12

M 36.

Keith Handley K.W.H. 21/12

Annex 372

Memorandum to Admiralty, United Kingdom (12 Nov. 1937)

SECRET

SOUTH CHINA SEA.

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Information as to Islands and Reefs in Area claimed by French Government - i.e. between 7th and 12th

1 Nanshan Island (N) 2.15 parallels. Trees.

1 Loi tai sand 1201 10.40 N Bushes 400 yds. W
2 Loi Yien Sand cay.
1 Tin Aha sand 1201 10.80 N Trees and bushes
2 Sand cay 1201 114.85 E 1200 yds. by 400 yds.
3 Sand cay 400 yds. by 300 yds.

2. The more important reefs have been divided into four classes, as shown in Column 1, according to their probable utility as landing grounds for air-craft.

Very little information as to the exact extent of the islets exists, or as to their suitability for the development of aerodromes. The trees and bushes could easily be cut down and it should be possible to make the coral and sand into a good surface.

3. If a ship were required to visit and report on all the more important islets (excluding Spratley Island) it would mean a diversion of 200 miles from her normal course through the "Area".

4. Most of the islets are surrounded by a fairly extensive reef which is dry, or nearly dry, at low water. Tidal Range varies from three to five feet.

<u>Class.</u>	<u>Name.</u>	<u>Large scale Chart No.</u>	<u>Latitude</u>	<u>Longitude</u>	<u>Remarks.</u>
1	North Danger Reef.	2.15	11.26 N	114.20 E	Trees and huts. N.E. Cay 900 yds. by 200 yds. S.W. Cay 600 yds. by 200 yds.
2	West York Island (N)	2.15	11.05 N	115.02 E	Grass and trees.
1	Thi tu Island	1201	11.03 N	114.18 E	Trees - 800 yds. by 600 yds.
3	Flat Island (N)	2.15	10.50 N	115.49 E	Sand cay.

Nanshan.....

<u>Class.</u>	<u>Name.</u>	<u>Large scale Chart No.</u>	<u>Latitude Longitude</u>	<u>Remarks.</u>
2	Nanshan Island (N)	Z.15	10.44 N 115.48 E	Trees.
1	Loai tai and	1201	10.40 N 114.25 E	Bushes 400 yds. by 400 yds.
4	Lan Kiam			Sand cay.
1	Itu Aba and	1201	10.20 N 114.25 E	Trees and bushes 1500 yds. by 400 yds.
3	Sand cay			400 yds. by 300 yds.
2	Nam Yit Island	1201	10.20 N 114.25 E	Trees 500 yds. by 150 yds.
3	Sin Cowe Island (N)	Z.15	9.54 N 114.19 E	12 Feet above H.W. mark.
4	Pearson Reef (N)	Z.15	8.58 N 113.43 E	3 Feet above H.W. mark.
2	Spratley Island	Z.16	8.38 N 111.56 E	8 Feet above H.W. mark. 500 yds. by 300 yds.
4	Mariveles Reef (N)	Z.16	7.59 N 113.56 E	Sand cay 5 feet above H.W. mark.
3	Amboyna cay	Z.16	7.51 N 112.56 E	Sand cay 150 yds. in extent - 8 feet above H.W. mark.

NOTE :- Z.15 and Z.16 are SECRET charts in C.B.01914.

5. There are seven other reefs which though they have portions which do not cover at H.W. are unlikely to be of any value whatsoever except possibly to seaplanes and flying boats.

Irving Reef	{ 10.53 N 114.56 E
West Reef	{ 8.51 N 112.17 E
Commodore Reef	{ 8.22 N 115.15 E
Barque Canada Reef	{ 8.18 N 113.21 E
Swallow Reef	{ 7.23 N 113.51 E
Royal Charlotte Reef	{ 6.56 N 113.35 E
Louisa Reef	{ 6.20 N 113.14 E

491

6. Use might be made of the following islands but as they are only about 60 miles off the coast of Cochin China it is highly improbable that the French would renounce sovereignty over them; details are therefore not given.

High Rock	(10.37 N (108.52 E
Pulo Cecir de Mer	(10.33 N (108.58 E
Great Catwick	(10.03 N (108.55 E
Little Catwick	(10.00 N (109.03 E
Pulo Saputu	(9.58 N (109.07 E.

Admiralty, S.W.I.

18th November, 1937.

Annex 373

Draft Letter from Under-Secretary of State for Foreign Affairs, United Kingdom, to Secretary of the Committee for Imperial Defence, United Kingdom, No. 3319/956/61 (Apr. 1938)

Registry No.
3319/956/61.

*1 Galley
1 Annex*

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F. O., S.W.I.

April 1938.

Draft. Paper for

Committee of Imperial
Defence.

*To the
Committee
at work
in the
all the
and*

The Under-Secretary of State for Foreign Affairs presents his compliments to the Secretary of the Committee of Imperial Defence and would be grateful if the Committee might be moved to inform him what armed support it would be possible and desirable to afford to the French Government in the event of the Japanese Government taking forcible measures to deny French sovereignty over certain islands in the South China Seas viz. Spratley, Amboyna Cay, Losita, Thi Tu, Itu Aba and the Two Islands Group.

2. French sovereignty over these islands which are uninhabited was asserted in 1933. His Majesty's Government has previously considered themselves to have a claim to two of the islands, Spratley and Amboyna Cay and, in view of the strategic importance of the islands for the defence of Singapore, ^{Annex} (A), considered the possibility

possibility of disputing the French claim. They were however, advised by the Law Officers of the Crown that no valid British claim to the islands existed or would stand any chance of success if taken to arbitration.

3. The French Government having asserted their sovereignty, seem only to have exercised a loose supervision over the islands, with the result that recently a number of Japanese fishermen, equipped in contravention of French regulations with a wireless sending and receiving set, were found to have established themselves on that one of the islands best suited to form an air reconnaissance post.

This fact was made a basis by the French Government for refusing requests which had in the past been made by His Majesty's Government to obtain the cession or lease of one of these islands for use as an advance air reconnaissance station. The French Government

10
(B) Annex based their refusal on the grounds that the

Japanese

Japanese Government, after apparently acquiescing in the French annexation in 1933, were now disputing the French claim. They regarded the islands as res nullius, and stated that if the French colonial authorities endeavoured to interfere with the Japanese fishermen who were installed on the island of Itu-Aba, the Japanese Government would "take measures for the protection of their rights." The French Government who are known to be extremely nervous of the outcome of any dispute with the Japanese Government seem unwilling to take any firm step to assert their undoubted rights.

4. At an Interdepartmental Meeting held on the 30th March to discuss the action to be taken in view of the situation created by the Japanese refusal to acknowledge French sovereignty over these islands, their strategic importance, both to His Majesty's Government and the French Government, was discussed, and also their strategic importance to the Japanese and whether

whether it was actually of great consequence to His Majesty's Government if the Japanese established themselves there. It was decided, subject to the opinion of the Committee of Imperial Defence, (a) that it was essential to prevent the establishment of Japanese air or submarine bases in the islands; (b) that it was extremely desirable to exclude Japanese nationals from the islands altogether (their presence as observers being both dangerous and likely to lead up to an eventual Japanese claim to sovereignty over the islands); and (c) that in case the French Government were not ready to take action to exclude the Japanese without a promise of support from His Majesty's Government, it would be necessary to discover from the Committee of Imperial Defence exactly how much support it would be possible to promise them.

5. Before examining the possibility of proceeding to forcible measures, however, it seemed advisable to consult His Majesty's

Ambassador

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Ambassador in Tokyo ^{Annex} (5) as to whether in his opinion a mere warning from His Majesty's Government and the French Government in conjunction would be sufficient to induce the Japanese to withdraw their nationals from the islands, and what the Japanese reaction would be to more forcible measures.

6. On receipt of his reply, (D) which showed that such a course would be unlikely to have any useful result, a despatch was addressed to His Majesty's Ambassador in Paris instructing him to inform the French Government that His Majesty's Government are considering the new situation arising out of the French note of the 14th March, and at the same time to enquire to what extent they are bringing the islands under their effective sovereignty by occupying them with natives from Indo-China.

7. The survey ship, H.M.S. Herald, left Hong Kong on the 4th April to survey the area north of the French islands, and to discover whether

stops here

///

7
17
18

whether any further islands have been occupied by the Japanese, and, if any islands are discovered which are of sufficient value from a strategical point of view to warrant their annexation, to annex them. The Herald will also survey the French islands, acting on an assurance from M. Léger to Sir Eric Phipps on the 22nd December that there would be no objection to such a course.

8. The following documents are enclosed:-

(A) A note by the Air Ministry on the strategic considerations involved

(B) A copy of a despatch from His Majesty's Ambassador in Paris, enclosing the text of the French reply to his representations

(C) A copy of the telegram to His Majesty's Ambassador in Tokyo, asking for his views on the possibility of achieving good results by diplomatic pressure.

(D) A copy of his reply.

Annex 374

W.C. Jenk., H.M.S. Herald, United Kingdom, *Report on Suitability of Islands in China Sea for Landing Grounds* (18 Apr. 1938)

COPY.MOST SECRET.

No. 3203/2c(2).

H.M.S. HERALD,
at Jesselton, N. Borneo.

18th April, 1938.

REPORT ON SUITABILITY OF ISLANDS IN CHINA SEA FOR LANDING
GROUNDS.

Sir,

I have the honour to report that investigation of Thi Tu, West York, Nanshan, Flat, Itu Aba, and Spratley (Storm) Islands and Mischief Reef has been completed in accordance with Admiralty Message 1645/28/3 and your O2520 of 13th March, 1938.

2. None of these islands are suitable as landing grounds for airplanes and only in the case of Thi Tu and Itu Aba islands might such grounds be constructed, with an enormous expenditure of material and labour.

Mischief Reef could be used as a float plane or flying boat alighting and re-fuelling base.

3. One Japanese fishing boat was sighted at Thi Tu island and one at Itu Aba. Both had attendant canoes. At Itu Aba a Japanese fishing company is installed with wireless transmitting and receiving set and meteorological instruments. The manager was interviewed and I formed the opinion that the fishing is a "blind" only.

x

x

x

x

x

(b) INVESTIGATION OF ISLANDS.

THI TU ISLAND. Is as described by Commander N.A.C. Hardy in his No. Hd. 1323/2A of 3rd May, 1937. The surface under the scrub with which the island is covered, is a thin crust of conglomerate coral sand. Holes had been dug in many parts as if to determine the composition of the sub-soil. These showed that no great weight could be borne by the surface crust and Mr. Johnson of the Works Department, estimated that many thousands of tons of material would be required to provide a foundation before any surfacing could be attempted. The expense, and difficulty of providing necessary labour would be prohibitive, it is understood. The extent of the island is barely sufficient for "taking off".

WEST YORK ISLAND. Is a flat sandy island with some tall trees. Its maximum extent is 600 yards by 500 yards. The surface is similar to Thi Tu Island. No anchorage is obtainable nearby, and that found by U.S. collier "Nanshan" to the N.N.E. is very exposed. The island is unsuitable both as to surface and extent.

NANSHAN ISLAND. A flat/^{grass}covered island about 8 feet high with some cocconut palms near the centre. Surface is sand and conglomerate sand under the grass. Maximum extent is 250 yards by 170 yards. Unsuitable both as to surface and extent.

FLAT ISLAND. A bare sand cay with much broken coral. Only 120 yards by 40 yards. Shows signs of having been larger and is possibly being gradually washed away. Quite impracticable.

ITU ABA ISLAND. As described by Commander N.A.C. Hardy in his No. 1323/2A of 3rd May, 1937. Surface as Thi Tu Island and many lumps and hollows to be levelled. Expense and labour of putting down foundation and surface would be very great indeed.

SPRATLEY ISLAND. Hardy. Unsuitable in extent and nature of surface. As described by Commander N.A.C. Within the reef no trace of swell is found, any sea being caused by the wind then blowing, and the maximum "fetch" for the sea is only a few miles. With wind force 4 conditions were similar to those in a well sheltered harbour, and it is considered that floatplanes and flying boats could alight and take off under all reasonable weather conditions. A mile run in any direction is available in the western lagoon without the necessity of marking obstructions. Lanes of still greater distance could be used if rocks were marked or limiting buoys used. There should be no difficulty in towing a fuel lighter through the entrance with a small tug, or a fuel craft with own power up to 2000 tons size could steam herself in. Seaplanes alighting to refuel could secure to the craft provided or moorings easily could be laid in the course of one day. Whilst a swell is running outside, the heavy breakers on the surrounding reefs should serve to indicate this landing place from a considerable distance, whilst the presence of a fuel craft would identify it from any possible confusion with other reefs in the area.

INTELLIGENCE.

THI TU ISLAND. One fishing boat, of Japanese appearance, was sighted on the reefs 3 miles eastward of Thi Tu Island when the ship approached. This craft stood over to the island and had anchored on the edge of the reef when ship passed to take up anchorage off the western end of the island. A small sampan under sail stood in from the direction of the north western reefs and passed north of the island as the ship rounded the south eastern end. As the ship anchored, the fishing boat weighed and returned to her original position on the eastern reefs, being joined by the sampan on route. The fishing boat was seen in the same position when ship passed that reef at 1015 next morning.

On the island were found a Chinese shrine with joss sticks, signs of fishermen's occupation - not necessarily recent - a well, and a concrete post in a clearing bearing characters ~~(XX)~~

WEST YORK ISLAND. Has a dried up well. No signs of occupation.

NANSHAN ISLAND. A concrete post with characters similar to that at Thi Tu is near the centre. Three broken small mat sheds were found under the palm clump, with sacks of salt and jars of turtle oil and meat. Many old turtle shells surrounded the camp. There are two shallow wells and a Chinese shrine with joss sticks.

FLAT ISLAND. Has a wooden post with defaced characters similar in appearance to those on the concrete posts before mentioned.

ITU ABA ISLAND. One fishing boat of Japanese type was anchored on the reefs west of the sand cay charted 6 miles eastward of Itu ABA, with four canoes working at the east end of that cay. A Japanese trigonometrical signal of tripodial lattice work form, about 50 feet high, is on the cay. Another similar was seen half capsized on the reefs further east from the cay. A third signal is near the west end of Itu ABA.

On Itu ABA there is a French claimant stone, painted red, white and blue, situated just above high water line near the centre of the south side of the island. It is dated 10th April, 1933. Near it are two concrete posts with characters as that on Thi Tu Island.

Close to the west end of the island on the south side is the entrance to a compound (coral stone walls) in which are a bungalow (managers), store house, two living huts, and wireless and engine sheds - all wood frame buildings with Japanese markings on the boards. Two small wireless masts, lower than tops of surrounding trees, the foundations of old huts, and seven

concrete wells also are enclosed in the compound which is in a very tidy and clean condition. At the north east end of the compound there is a Japanese temple or shrine. At the north end of the compound there is a old truck railway line embankment. This runs through the length of the island, with remains of rails in places.

On landing I was met at the gateway of the compound by a Japanese in white European clothes, a man of from 40 to 50 years age, set in front of his fishing establishment. He conducted me to a table could only converse by writing. He conducted me to a table where I was carried out whilst the R.A.F. By this means a conversation of sorts was carried out whilst the R.A.F. officers (in plain clothes) walked around the island. I ascertained that the Japanese was in fact the manager whom Commander Hardy met last year and that he had been on the island for three years, with two visits to Japan during that time. He stated that his company were engaged in shell fishing but were about to commence phosphate mining and "fish" fishing. He agreed that he had heard working in any case). He further stated (the generator could be lease, he replied that there was no lease but that they conducted business by virtue of ancient right and said he would like to show me proof of that. This proof consisted of a photograph album containing photos of phosphate mining and loading of a Japanese ship of about 2000 tons from a Jetty built out to the edge of the reef (no longer in existence). One section of the album was devoted to Itu Aba and another to N. Danger Reef and only photos to show business activity were included. It was produced as if it were a title deed and obviously had been compiled with some such object in view. The photos were recent prints from very good negatives, but were stated to be taken 40 years ago, or so I understood.

The manager showed me round the compound and was particularly anxious to point out the old foundations of previous huts and a Japanese "temple" which was only a shrine in fact. Another Japanese, his assistant, spoke to him in the compound.

At the end of our first conversation, the manager had apologized for lack of "cheer for your good health" and had then asked if I could let him have beer in exchange for chickens. On our return to the table I took an opportunity unostentatiously but openly, to pocket the paper on which the conversation had been scribbled. A little later he missed this paper and seemed somewhat upset, begging me to return it. I made an expurgated copy for him which he accepted rather unwillingly, indicating that he would prefer the original. However, I had in the meantime taken an opportunity of passing on this paper unseen and having convinced him that the copy given him did not contain any reference to his request for beer he accepted the situation with a fair grace. From his anxiety and bearing, I formed the opinion that he intended to forward the conversation to a superior authority, and did not wish me to do likewise. Complete friendliness prevailed and on my return to the ship I sent him a few bottles of beer, receiving in exchange the attached card - and two chickens.

I am of the opinion that this camp is commercial in name only. There was no apparent employment for the staff of eleven men, nor was there any sign of dumps of produce ready for export, or of stores other than those required for the camp itself. When asked how often a ship called to take away produce and bring supplies, I was told that the fishing boats did that when they had filled up but used Itu Aba as their base whilst fishing. Under those circumstances it is difficult to see for what purpose this elaborate camp is required.

X X X X X X X

SPRATLEY ISLAND. Small matshed camp under palm clump which had been occupied within the past month probably. Camp in tidy condition but otherwise similar to that at Nanshan Island, with turtle oil and meat in jars, old turtle shell, etc. Nothing else of any interest.

X X X X X X X

I am, Sir,
Your obedient Servant,
(sgd.) W.C. Jenk.

Annex 375

Message from H.M.S. "Herald", United Kingdom, to Commander-in-Chief, China Station, British Royal Navy
(25 Apr. 1938)

137

SECRET

M E S S A G E

IN

From H.M.S. HERALD.

DATE 05.4.58.

RECD. 1622.

Naval Cypher (C).

Addressed C. in C. China, repeated Commodore, Malaya,
Admiralty, D.N.I. Captain on Staff, H.M.S. TAMAR.

Your 02520 13th March and Admiralty messages 1645/28/3
and 1548/2/4 all islands visited. None suitable for landing
ground or for construction of ground.

Mischief Reef entered by ship and is suitable for
Seaplanes to alight and to refuel from floating depot.
Additional survey shows Eastern part of Lagoon foul but
Western clear.

One Japanese fishing boat at Thi Tu and one near
Itu Aba. Ostensibly Fishing Station at Itu Aba contains
wireless transmitting and meteorological instruments with
12 men.

Unoccupied native fishing camp at Spratley Island.
No sign of Japanese having been in occupation otherwise.

Proceeding.

1601/15.

D.C.N.S.
P.A.S. (S).
D. of P.
Hydrog.
O.D. (2)
M. 34. (4) (M. 02893/3a)
M. 35.
D.N.I.

M.C.

Annex 376

Message from British Admiralty, to H.M.S. "Herald", United Kingdom, and Commander-in-Chief, China Station, British Royal Navy (26 April 1938)

(40) W1226237056 (to 35 1,000 pads 0/2/1000) JC65Lad Gp62435

SECRET.

MESSAGE.

138
IN OUT

To **H.M.S. HERALD.**
C. in C. China. 579.

DATE **27/26.4.38.**

NAVAL CYPHER (C).

Addressed **H.M.S. HERALD** repeated **Commander-in-Chief, China,**
From Admiralty.

Your 1601/25. Report fully by signal reasons for a
considering **Itu Aha** and **Thi Tu** unsuitable as landing grounds.

1737/26.

for Head of M.

- D.C.N.S.
- P.A.S. (3).
- D. of P.
- HYDROG.
- O.D. (2).
- M.34 (4).
- M.35.
- D.N.I.

H.

Annex 377

Message from H.M.S. "Herald", United Kingdom, to British Admiralty (27 Apr. 1938)

SECRET

MESSAGE

IN 139

From. H.M.S. HERALD.

Date 27/4/38.

Recd. 2243.

Neval Cypher (C).

Addressed. Admiralty, repeated - C. in C. China.

Your 1737 26th April Itu. Abs and Thi Tu Islands considered by R.A.F. Officers barely sufficient in extent for aircraft to take off.

Surface loose fine sand broken Coral and thin crust of conglomerate coral sand too rough as it stands even when whole of the islands cleared of trees.

Surface even if levelled incapable of bearing weight required without foundation being laid over whole island for which no material or labour available locally.

R.A.F. Officers considered cost and time prohibitive for doubtful result. Danger of subsidence of foundation if laid due to seepage owing to porous constitution of island and of sea encroachment when binding property of present vegetation lost by clearing it.

These islands only sandy cays consolidated by growth of trees and scrub.

2230/27.

D.C.N.S.
P.A.S. (3)
D. of P.
Hydrog.
O.D. (2)
M.34 (4)
M.35.
D.N.I.

EW.

Annex 378

United Kingdom, Foreign Office, "Islands in the South China Sea" (27 April 1938)

152

F 4823

6 MAY 1958

Islands in the South China Seas.

The Under-Secretary of State for Foreign Affairs presents his compliments to the Secretary of the Committee of Imperial Defence and would be grateful if the Committee might be moved to inform him what armed support it would be possible and desirable to afford to the French Government in the event of the Japanese Government taking forcible measures to deny French sovereignty over certain islands in the South China Seas viz. Spratley, Amboyna Cay, Loaita, Thi Tu, Itu Aba and the Two Islands Group.

2. French sovereignty over these islands which are uninhabited was asserted in 1933. His Majesty's Government had previously considered themselves to have a claim to two of the islands, Spratley and Amboyna Cay and, in view of the strategic importance of the islands for the defence of Singapore, ^{Annex.} (A), considered the possibility of disputing the French claim. They were however advised by the Law Officers of the Crown that the British claim to these islands was without adequate foundation and they accordingly decided against submitting it to arbitration.

3. The French Government having asserted their sovereignty, seem only to have exercised a loose supervision over the islands, with the result that recently a number of Japanese fishermen, equipped in contravention of French regulations with a wireless sending and receiving set, were found to have established themselves on one of the largest of the islands. This fact was made a basis by the French Government for evading a request recently made by His Majesty's Government to obtain the

cession/

cession or lease of one of these islands for use as an advance air reconnaissance station. The French Government ^{Annex} (B) asked that consideration of this request might be deferred as the Japanese Government, after apparently acquiescing in the French annexation in 1933, were now disputing the French claim and they were anxious to settle this dispute before proceeding further with the question of cession or lease to Great Britain. The Japanese regarded the islands as res nullius, and stated that if the French colonial authorities endeavoured to interfere with the Japanese fishermen who were installed on the island of Itu-Aba, the Japanese Government would "take measures for the protection of their rights." The French Government who are known to be extremely nervous of the outcome of any dispute with the Japanese Government seem unwilling to take any firm step to assert their undoubted rights.

4. At an Interdepartmental Meeting held on the 30th March to discuss the action to be taken in view of the situation created by the Japanese refusal to acknowledge French sovereignty over these islands, their strategic importance, both to His Majesty's Government

and/

3.

On receipt of his reply, (B) which showed that such a course would be unlikely to have any useful result, a dispatch and the French Government, was discussed, and also their strategic importance to the Japanese and whether it was actually of great consequence to His Majesty's Government if the Japanese established themselves there. It was decided, subject to the opinion of the Committee of Imperial Defence, (a) that it was essential to prevent the establishment of Japanese air or submarine bases in the islands; (b) that it was extremely desirable to exclude Japanese nationals from the islands altogether (their presence as observers being both dangerous and likely to lead up to an eventual Japanese claim to sovereignty over the islands); and (c) that in case the French Government were not ready to take action to exclude the Japanese without a promise of support from His Majesty's Government, it would be necessary to discover from the Committee of Imperial Defence exactly how much support it would be possible to promise them.

5. Before examining the possibility of proceeding to forcible measures, however, it seemed advisable to consult His Majesty's Ambassador in Tokyo (C) as to whether in his opinion a mere warning from His Majesty's Government and the French Government in conjunction would be sufficient to induce the Japanese to withdraw their nationals from the islands, and what the Japanese reaction would be to more forcible measures.

6./

6. On receipt of his reply, ^{letter} (D) which showed that such a course would be unlikely to have any useful result, a despatch was addressed to His Majesty's Ambassador in Paris instructing him to inform the French Government that His Majesty's Government are considering the new situation arising out of the French note of the 14th March, and at the same time to enquire to what extent they are bringing the islands under their effective sovereignty by occupying them with natives from Indo-China.

7. The survey ship, H.M.S. Herald, left Hong Kong on the 4th April to visit certain islands in this area not specifically annexed by the French which it was thought might prove suitable for the establishment of an aeroplane landing ground such as His Majesty's Government have had in mind. Should such an island be found the possibility of annexing it would then be considered. Certain of the French islands were also to be visited and their potentialities as landing grounds investigated so that definite information might be at hand for further consideration as to the desirability of continuing to press for the cession or lease of one of them. An assurance was given by Monsieur Delbos to Sir Eric Phipps on 22nd December last that there would be no objection to any survey of these islands which we might wish to make. In making this survey H.M.S. Herald was instructed to report any sign of Japanese activities observed in this area. The survey has been completed and H.M.S. Herald's report is now awaited by the Admiralty.

8. It should be borne in mind that the French have given repeated proofs of their anxiety lest the Japanese shall establish themselves in Hainan or the Paracel Islands, over the latter of which incidentally they claim sovereignty in the name of the Emperor of Annam. It may well be that if we press them to allow us to collaborate with them in asserting and maintaining their sovereign rights over the Spratley group, they will stipulate that any guarantee of support which we may give them in that respect shall apply with equal force in respect of Hainan and the Paracels. On the face of it there seems no reason why we should not agree to this, but the Committee will no doubt wish to examine the matter in all its implications. If the French invite us, as they have done before, to recognise their claim to sovereignty over the Paracels, our reply can only be that we will place no obstacle in the way of any accommodation they may come to with the rival claimants, the Chinese Government.

9. The Committee will no doubt also consider whether, and if so, ^{at} what point and to what extent it will be necessary to consult the Governments of Australia and New Zealand in this matter. It is finally for consideration whether the advice and collaboration of the Netherlands and United States Governments should not also be ^{solicited} ~~solicited~~ as Powers intimately concerned in all problems relating to the defence of this part of the world.

10. The following documents are enclosed:-

(A) A note by the Air Ministry on the strategic considerations involved.

(B)/

(B) A copy of a despatch from His Majesty's Ambassador in Paris, enclosing the text of the French reply to his representations.

(C) A copy of the telegram to His Majesty's Ambassador in Tokyo, asking for his views on the possibility of achieving good results by diplomatic pressure.

(D) A copy of his reply.

FOREIGN OFFICE.

27th April, 1933.

[Faint, mostly illegible text, possibly a list of names or titles]

The Admiralty have approved a proposal for the use of the group, and it is suggested that the use should be made of the group...

Annex 379

Memorandum from H.M.S. Herald, United Kingdom, to British Admiralty (27 Apr. 1938)

SECRET
MESSAGE

From. H.M.S. HERALD.

IN *BM*

Date 27/4/38.

Recd. 2243.

Naval Cypher (C).

Addressed. Admiralty, repeated - C. in C. China.

Your 1737 26th April Itu. Aba and Thi Tu Islands considered by R.A.F. Officers barely sufficient in extent for aircraft to take off.

Surface loose fine sand broken Coral and thin crust of conglomerate coral sand too rough as it stands even when whole of the islands cleared of trees.

Surface even if levelled incapable of bearing weight required without foundation being laid over whole island for which no material or labour available locally.

R.A.F. Officers considered cost and time prohibitive for doubtful result. Danger of subsidence of foundation if laid due to seepage owing to porous constitution of island and of sea encroachment when binding property of present vegetation lost by clearing it.

These islands only sandy cays consolidated by growth of trees and scrub.

2230/27.

D.C.N.S.
P.A.S. (3).
D. of P.
Hydrog.
O.D. (2)
M.34 (4)
M.35.
D.N.I.

Annex 380

United Kingdom, *Aide-Mémoire*, No. 172/15G/38 (6 Sept. 1938)

(172/259/38).

188

Very Confidential.Aide-Mémoire.

With reference to its aide-mémoire (172/15/38) Confidential of April 25th, 1938, regarding the visit to the Spratley archipelago of His Majesty's Ship "Herald", His Majesty's Embassy has the honour to communicate, for the information of the Government of the Republic, the annexed copy of the report of His Majesty's Ship's survey of the Spratley group.

In the opinion of His Majesty's Government in the United Kingdom, the interest taken by the Japanese in these islands is not commercial but is directed towards strategic ends. The Japanese are already in sole occupation of one of the islands (Itu Aba) and there is, in His Majesty's Government's view, a real danger that if the Government of the Republic do not take steps to assert their sovereignty, the Japanese will establish a strong claim to ownership. His Majesty's Government consider that, unless immediate steps are taken to assert French sovereignty over the remaining islands, there is equally a danger that the French authorities may, as in the case of Itu Aba, find that the Japanese have forestalled them. Should the Japanese in the course of time succeed in establishing claims by prescription to sovereignty of this or other islands which are not effectively countered by the Government of the Republic, they will, in the opinion of His Majesty's Government, be in a position to deny access to the islands and to develop secret facilities which would be potentially dangerous both to France and Great Britain. It is in any case felt by His Majesty's Government to be undesirable that a Japanese observation party with wireless transmitting apparatus should remain in Itu Aba, as they may be in a position to observe and report on fleet movements in an emergency.

His Majesty's Government therefore venture to urge upon the Government of the Republic the desirability either of expelling the Japanese settlers or at the least taking steps to place them under

under effective French jurisdiction and to remove the Japanese wireless apparatus. The Government of the Republic at the same time will no doubt also be alive to the expediency of strengthening their claim to sovereignty to this and other islands by settling natives from Indo-China on such of them as are suitable for colonisation.

His Majesty's Government are prepared to lend strong moral support to any diplomatic representations which the Government of the Republic may be disposed to make in support of their action.

6th September, 1938.

Annex 381

Memorandum from Japan to the United States (31 Mar. 1939)

DECLASSIFIED
State Dept. letter, 1-11-72
By JEH, NARA, Date 2-25-87

*Handed in by the 927
Counselor of the Japanese
Embassy on March 31, 1939*

1. The Sinnan Islands, situated in the South China Sea between French Indo-China and the Island of Palawan of the Philippine Islands, comprise small coral reefs which lie within the area marked by the line connecting the following points:

	12°	north latitude	and	117°	east longitude		
9°	30'	"	"	"	"	"	"
8°	"	"	"	116°	"	"	"
7°	"	"	"	114°	"	"	"
7°	"	"	"	111°	30'	"	"
9°	"	"	"	"	"	"	"
12°	"	"	"	114°	"	"	"
12°	"	"	"	117°	"	"	"

8510.017-64

The names of the principal coral reefs of the Sinnan Islands are: Kitahutagozima, Minamihutagozima, Nislaozima, Sankakuzima (Thi tu Island), Nakakozima (Loai ta Island), Kikkozima, Nanyoto, Nagasima (Itu Aba Island), Kitakozima, Minamikoizima, Asukazima, Nisitorisima (Spratly Island) and Marusima (Amboyna Cay).

2. The Sinnan Islands were no State's land until June, 1921, when the Rasa Phosphate Co., a Japanese concern, having made extensive investigation of the Islands since 1917, invested a considerable amount of money in the building of permanent establishments for the development of the Islands. Their enterprise received the full authorization and support of the Japanese Government, which dispatched a naval surveying ship, Koshu, in 1929. In April of the same year a stone monument was built signifying the Japanese occupation, replacing a wooden marker built in 1919. (A more

DECLASSIFIED
State Dept. letter, 1-11-78
By EFH; NARA, Date 2-25-87

Imposing one was erected in August 1938 with due ceremony conducted by the officers and crew of the minelayer Katsuriki.) In 1931, however, the Japanese settlers concerned were obliged to leave the Islands temporarily on account of business depression, but manifested their intention of returning to the Islands by leaving the establishments as they stood. In fact the work of development on the Islands was resumed in 1936 by the Kaiyo Development Co. of Formosa and has continued to date.

*Spelling
taken possession
of by French
in April 13th
1930
Marian Islands
in April 1933*

3. During the absence of the Japanese settlers, in July, 1933, the French Government dispatched a warship and publicly proclaimed their acquisition, contending that the Islands had previously belonged to no State, and sent a notification to that effect to the Japanese Government. *Justified in L. of P. Official Bulletin of July 26, 1933*

Finding itself unable to accept the view of the French Government expressed in the said notification, the Japanese Government, in August of the same year, made friendly representations to the French Government to the effect that the proclamation of acquisition should be withdrawn. Upon refusal on the part of the French Government, the Japanese Government made it clear that they do not in any way recognize the French claim to the Islands, and have taken all necessary measures to ensure the acquisition of the Islands as well as to give protection to the rights and interests therein of the Japanese Government and the Japanese nationals concerned. The cruiser Tatsuta was dispatched to the Islands in 1935 and the minelayer Katsuriki in 1936, 1937 and 1938, and a police officer from the Government-General of Formosa was stationed.

4. In 1937 the French Government, relying solely on the above-mentioned proclamation of acquisition, again claimed the sovereignty of the Islands, and in July of 1938 dispatched to the Islands a merchant vessel, loaded some men

DECLASSIFIED
State Dept. letter, 1-11-72
By SP/Att, NAHA, Date 2-25-87

and materials, and commenced to build establishments. The Japanese Government firmly sustained their refusal to recognize the French contention. At the same time the Japanese authorities on the Islands demanded the withdrawal of the French and objected to the hoisting of the French flag and the landing of goods on the Islands.

5. The Japanese Government, basing their action on the close connection that has existed between the Islands and the Japanese Empire and on the right deriving therefrom under International Law, and motivated by their desire to avoid the possibility of further complications with the French Government, incidental to the hitherto vague administrative status of the Islands, have incorporated the Sinnan Islands in the territory under the jurisdiction of the Government-General of Formosa as of the thirtieth of March, 1939.

Annex 382

Telegram from Embassy of the United States in Paris to the Department of State of the United States (5 Apr. 1939)

DECLASSIFIED
State Dept. History 1-11-78
By SP-11, NARA, Date 2-25-87

PREPARING OFFICE
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NONCONFIDENTIAL CODE
PART AIR
PLAIN

Department of State

Washington,

1939 APR 5 PM 5 42

April 5, 1939

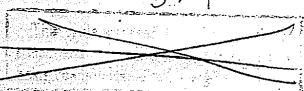
5 PM

AMEMBASSY,

PARIS (FRANCE). DIVISION OF
COMMUNICATIONS
AND RECORDS

8519 D 14/7
238

Your 613, April 1, 3 p.m.



One. The Counselor of the Japanese Embassy called at the Department on March 31 under instruction from his Government and left a paper which in summary contained information as follows:

The Sinnan Islands, among which is included a group described as Spratley Islands, comprise small coral reefs which roughly lie between 7 degrees and 12 degrees north latitude and 111 degrees and 117 degrees east longitude. In 1921 a Japanese phosphate company built permanent establishments for the development of the islands. In 1931 the Japanese settlers were obliged to leave the islands but the work of the development was resumed in 1936 and has continued to date. In 1933 the French Government publicly proclaimed acquisition of the islands and sent a notification to that effect to the Japanese Government. The Japanese Government made it clear that it does not recognize the French claim to the islands and that it has taken all necessary measures to assure Japanese acquisition thereof. In 1937 the French Government again claimed sovereignty over the islands. The

8519.014/7

Enciphered by _____ Japanese

Sent by operator M. _____, 19 _____

DESTROYED
State Dept. letter, 1-11-72
By: [redacted], NADA, Date: 2-25-87

PREPARING OFFICE
WILL INDICATE WHETHER

TELEGRAM SENT

TO BE TRANSMITTED
CONFIDENTIAL CODE
NONCONFIDENTIAL CODE
PARTAIR
PLAIN

Collect
Charge Department
on
Charge to
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Department of State

Washington,

-2-

Japanese authorities on the islands objected to the hoisting of the French flag and demanded the withdrawal of French nationals landed on the islands. The concluding paragraph of the paper sets forth the Japanese Government's position as follows: QUOTE 56/ The Japanese Government, basing their action on the close connection that has existed between the islands and the Japanese Empire and on the right deriving therefrom under International Law, and motivated by their desire to avoid the possibility of further complications with the French Government, incidental to the hitherto vague administrative status of the islands, have incorporated the Sinnan Islands in the territory under the jurisdiction of the Government General of Formosa as of the thirtieth of March, 1939. UNQUOTE.

Two. The Counselor indicated, in response to an inquiry, that his Government was communicating the information contained in the paper informally for the information of the Department. He was informed that the information would be studied by the Department.

FE:JPS
Enciphered by

FE
m/n/d.

En. H. H. W.
W

Hull
D.H.

Sent by operator M., 19

GR
MAY 10 1939 PM

DECLASSIFIED
State Dept. letter, 1-11-78
By JPH, NARA, Date 2-25-87

DEPARTMENT OF STATE

Memorandum of Conversation

DIVISION OF FAR EASTERN AFFAIRS, DATE: March 31, 1939.

SUBJECT: The Sinnan Islands.

PARTICIPANTS: Mr. Yakichiro Suma, Counselor of the Japanese Embassy,
Mr. Hamilton.

COPIES TO:

Office of the Geographer
MAY 29 1939
DEPARTMENT OF STATE

Division of
FAR EASTERN AFFAIRS
APR 8 - 1939
Department of State

ADVISER ON POLITICAL RELATIONS
APR 1 1939
DEPARTMENT OF STATE

LEGAL ADVISER
MAY 31 1939
DEPARTMENT OF STATE

Copies of memo + attached paper sent to Tokyo, Paris, London + Peiping (Chungking)

*0519 D14
ntw
894 D14*

924
BAH
U
FEL
LF
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DOR

Mr. Suma, Counselor of the Japanese Embassy, called at his request. He said that the Japanese Ambassador was absent in Havana where he was presenting his credentials as Japanese Minister to Cuba and that, the Ambassador being away, he had called to communicate on behalf of the Ambassador and under instruction from his Government certain information in regard to the Sinnan Islands. Mr. Suma thereupon handed me the attached paper in which there is described the location of the Sinnan Islands, the Japanese Government's claim in regard to the Islands, action taken by the French Government in reference to the Islands, and the action of the Japanese Government in incorporating the Islands in the territory under the jurisdiction of the Government-General of Formosa as of March 30, 1939. Mr. Suma also handed me the

5116.014/17

ISLAND
F/W/S

DECLASSIFIED
State Dept. letter, 1-11-73
By JEH; NARA, Date 2-25-87

925

- 2 -

the attached map with the statement that the Japanese Embassy here had marked on the map in a red broken line a rough approximation of the area comprising the Islands. I remarked that the Sinman Island group appeared to be very near to the Philippine Islands. I asked Mr. Suma whether he had ever been to the Islands, to which he replied in the negative. I asked him to what use the Islands could be put and he replied that they were useful chiefly by reason of their phosphate deposits.

Mr. Suma said that in reference to islands which had previously been "no State's land" international law provided that a government desiring to acquire such land must have made known its intentions in the matter and must also have set up certain establishments on the islands. He said that the French Government had set up no establishments on the Islands.

At that moment there came to my desk the ticker report from Tokyo in which it was stated that the Japanese Foreign Office had announced today that it had advised France that Japan was annexing the Spratley Island group off the southeast coast of French Indochina. I read the news report aloud to Mr. Suma. I said that there seemed to be an important difference between the information contained in the news report and the information which Mr. Suma had just communicated, namely, that the news report referred to the

Spratley

DECLASSIFIED
State Dept. letter, 1-11-78
By SPK, NARA, Date 1-25-87

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Spratley Island group. I asked whether "Spratley" was another name for "Sinnan". Mr. Suma replied in the negative. He said that the Sinnan Islands comprised a much larger area than Spratley Island.

I said that I understood that Mr. Suma was communicating the information set forth in the attached paper informally and for the information of the Department. He replied in the affirmative and said that his Government was doing this in view of the fact that it had as of yesterday incorporated the Sinnan Islands in the territory under the jurisdiction of the Government-General of Formosa.

I said that we would study the information communicated by Mr. Suma; and that I would bring it to the attention of higher officers of the Department.

Mr. Suma said that if there should be any further data which we would like to have he would be glad, upon request, to endeavor to obtain it.

M. H.

FE:MMH:EJL

DECLASSIFIED
State Dept. letter, 1-11-72
By JBT/NARA, Date 2-25-87

Handed in by the 927
Counselor of the Japanese
Embassy on March 31, 1939

1. The Sinnan Islands, situated in the South China Sea between French Indo-China and the Island of Palawan of the Philippine Islands, comprise small coral reefs which lie within the area marked by the line connecting the following points:

	12°	north latitude	and	117°	east longitude	
9°	30'	"	"	"	"	"
8°	"	"	"	116°	"	"
7°	"	"	"	114°	"	"
7°	"	"	"	111° 30'	"	"
9°	"	"	"	"	"	"
12°	"	"	"	114°	"	"
12°	"	"	"	117°	"	"

8518.117-119

The names of the principal coral reefs of the Sinnan Islands are: Kitahutagozima, Minamihutagozima, Nisiazozima, Sankakuzima (Thi tu Island), Nakakozima (Loai ta Island), Kikkozima, Nanyoto, Nagasima (Itu Aba Island), Kitakozima, Minamikoizima, Asukazima, Nisitorisima (Spratly Island) and Marusima (Amboyna Cay).

2. The Sinnan Islands were no State's land until June, 1921, when the Rasa Phosphate Co., a Japanese concern, having made extensive investigation of the Islands since 1917, invested a considerable amount of money in the building of permanent establishments for the development of the Islands. Their enterprise received the full authorization and support of the Japanese Government, which dispatched a naval surveying ship, Koshu, in 1929. In April of the same year a stone monument was built signifying the Japanese occupation, replacing a wooden marker built in 1919. (A more

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By Et, NARA, Date 2-25-87

Imposing one was erected in August 1938 with due ceremony conducted by the officers and crew of the minelayer Katsuriki.) In 1931, however, the Japanese settlers concerned were obliged to leave the Islands temporarily on account of business depression, but manifested their intention of returning to the Islands by leaving the establishments as they stood. In fact the work of development on the Islands was resumed in 1936 by the Kaiyo Development Co. of Formosa and has continued to date.

Handwritten note:
Hauling
of by French
in April 1930
of the Islands
in April 1933

3. During the absence of the Japanese settlers, in July, 1933, the French Government dispatched a warship and publicly proclaimed their acquisition, contending that the Islands had previously belonged to no State, and sent a notification to that effect to the Japanese Government.

Handwritten note:
Justified
in hope
Official
at
July 26, 1933

Finding itself unable to accept the view of the French Government expressed in the said notification, the Japanese Government, in August of the same year, made friendly representations to the French Government to the effect that the proclamation of acquisition should be withdrawn. Upon refusal on the part of the French Government, the Japanese Government made it clear that they do not in any way recognize the French claim to the Islands, and have taken all necessary measures to ensure the acquisition of the Islands as well as to give protection to the rights and interests therein of the Japanese Government and the Japanese nationals concerned. The cruiser Tatsuta was dispatched to the Islands in 1935 and the minelayer Katsuriki in 1936, 1937 and 1938, and a police officer from the Government-General of Formosa was stationed.

Handwritten note:
Mitsun

4. In 1937 the French Government, relying solely on the above-mentioned proclamation of acquisition, again claimed the sovereignty of the Islands, and in July of 1938 dispatched to the Islands a merchant vessel, landed some

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By SP-1, NARA, Date 2-2-87

and materials, and commenced to build establishments. The Japanese Government firmly sustained their refusal to recognize the French contention. At the same time the Japanese authorities on the Islands demanded the withdrawal of the French and objected to the hoisting of the French flag and the landing of goods on the Islands.

5. The Japanese Government, basing their action on the close connection that has existed between the Islands and the Japanese Empire and on the right deriving therefrom under International Law, and motivated by their desire to avoid the possibility of further complications with the French Government, incidental to the hitherto vague administrative status of the Islands, have incorporated the Sinnan Islands in the territory under the jurisdiction of the Government-General of Formosa as of the thirtieth of March, 1939.

DECLASSIFIED
State Dept. letter, 1-11-78
By: Est, NARA, Date: 2-25-87

DEPARTMENT OF STATE
DIVISION OF FAR EASTERN AFFAIRS
May 13, 1939

FC

The attached draft of a note to the Japanese Ambassador in regard to Japan's claim to the so-called Sinnan Islands was discussed yesterday with Commander Struble and Commander Moulton of the Navy Dept. They took a copy with them for the consideration of other officers of that Department. Today Commander Struble telephoned me that Admiral Leahy had expressed full concurrence in the draft.

Ball
F^E:Ballantine:HJN

DECLASSIFIED
State Dept. letter, 4-11-72
By SPH, NARA, Date 7-25-87

May 17 1939

8516.014

Excellency:

Reference is made to the memorandum, with an accompanying map, left with the Department on March 31 last by Mr. Suga reporting the incorporation of the so-called Sinnan Islands into the territory under the jurisdiction of the Government-General of Formosa as of March 30, 1939. It is stated in the memorandum that the Sinnan Islands comprise small coral reefs which lie within an area described in the memorandum and delimited on the map aforementioned. There are listed in the memorandum the names of what are stated to be the principal coral reefs of the Sinnan Islands, which are in the main situated along the westerly side of the area delimited. Reference is also made in the memorandum to the claims of France to the Islands.

8516.014/17

F/WB

In

His Excellency
Kensuke Horinouchi,
Japanese Ambassador.

DECLASSIFIED
State Dept. Order, 1-11-78
By SPH, NAHA, Date 2-25-87

- 2 -

In 1933 the Government of the United States was informed by the French Government of its claim to sovereignty over certain islands situated along the western side of the area described in the Japanese memorandum. Recently this Government has been informed by the French Government that on February 27, 1939, it had suggested to the Japanese Government that the difference between France and Japan on the subject of the sovereignty of the islands be submitted to the Permanent Court of Arbitration at The Hague. Apart from any question as to the merits of the conflicting claims of France and Japan, it may be observed that, as the Japanese Government is aware, the Government of the United States advocates adjustment of problems in international relations by processes of negotiation, agreement or arbitration.

The Government of the United States does not consider that all islands or reefs which might be situated within the extensive area delimited in the Japanese memorandum, and especially within that considerable part of the area

lying

DECLASSIFIED
State Dept. letter, 1-11-78
By: JBT, NARA, Date: 2-25-87

- 3 -

lying to the eastward and southeastward of any of the islands named in the Japanese memorandum, can properly be treated as one island group, nor does this Government consider that the action of Japan in blanketing within the territory of Japan ~~any~~ islands or reefs, either known or unknown, with respect to which the Japanese Government has heretofore exercised no acts which may properly be regarded as establishing a basis for claim to sovereignty, has any international validity.

Accept, Excellency, the renewed assurances of my highest consideration.

Cordell Hull

A true copy of the original

MAY 15 9 50 PM

Le: BH *W*

FE: JWB: REK

5/11/59

FE *m.m.H.*

PA/H

Le

Ce

[Handwritten signatures and initials]

DECLASSIFIED
State Dept. Letter 1-11-78
By JPH, NARA, Date 2-25-87

1800

TELEGRAM SENT 928

TO BE TRANSMITTED
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NONCONFIDENTIAL CODE
PARTIAL
PLAIN

Department of State

PREPARING OFFICE
WILL INDICATE WHETHER
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Charge Department
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Charge to

1939 MAY 19 PM 3 05

Washington
May 18, 1939.

AMEMBASSY,
TOKYO (JAPAN).

COMMUNICATIONS
SECTION

44M

133

Department's instruction 1705, April 11, 1939.

On May 17 the Department addressed to the Japanese Ambassador a note in which reference was made to the memorandum left by Mr. Suma on March 31 and in which it was stated inter alia that the Government of the United States does not consider that all islands or reefs within the extensive areas delimited in the Japanese memorandum could properly be treated as one island group or that the action of Japan in blanketing within the territory of Japan islands or reefs with respect to which the Japanese Government has heretofore exercised no acts which might properly be regarded as establishing a basis for claim to sovereignty has any international validity.

Text of the note is being mailed.

851G.014/17

FE:JWB:REK

FE

PA/H

MAY 14 1939 PM

F/WB

Enciphered by _____

Sent by operator _____ M. _____ 19 _____

Annex 383

Memorandum from Consul-General of the Netherlands in Beijing to the Minister of Foreign Affairs of the Netherlands, No. 2928/G-913/513 (4 Sept. 1951)

c.c. Peking [Beijing]

September 4, 1951

2928/G-913/513

Islands in the South China Sea.

Among the many objections to the draft Peace Treaty with Japan that were published by the Hsin Hwa [Xinhua] News Agency, there was one regarding the Paracel Islands (approximately 250 km south-east of Hainan and approx. 400 km from Tourane [Da Nang]) and Spratly Island (approx. 450 km from the coast of Indochina and approx. 550 km from the coast of North Borneo) (called Si Sha islands and Nam Wei Island in Chinese). It is namely stipulated in the treaty that Japan shall relinquish all rights to these islands, but not that they will be given back to China. This objection is supported by an excerpt from the Chinese press in which the history of these islands is recounted. For convenience, I would like to attach a copy of this article hereto as well. It seems remarkable that the People's Republic bases its claims on the fact that they are mentioned in old documents and that old Chinese coins were found on one of these islands.

That the sovereignty over these islands was never adequately established is not surprising, once it is known that they are practically uninhabitable. A French weather station is located on one of the Paracel Islands, while the only other island of any significance is uninhabited. This group does provide a good anchorage, but there is no [fresh] water, so that an actual base cannot be established here.

As for Spratly Island, this is a pin-prick on the map that sticks out no more than 8 feet above water at high tide, likewise without [fresh] water, so that at best it would be suited as an observation post.

As far as the British naval authorities are aware in this regard, the French weather station on Pattle in the Paracel group was still in operation last April, and Spratly is wholly uninhabited. According to press reports from Taipei, Nationalist troops are supposed to have withdrawn from both groups; it appears from the above that it is doubtful whether they were ever there.

Remarkably enough, in the aforementioned Communist reports there is no mention of Pratas, an island approximately 350 km to the south-east of Hong Kong and 450 km west south-west of Taiwan. Concerning this island, it is certain that there is still a Nationalist Chinese weather station on it that is of the greatest importance for weather forecasts and particularly for the typhoon observation service of Hong Kong. The island is located on an atoll, and the depth of the access route to the surrounding water is 3.5 fathoms, so that small ships can find shelter here if need be.

The Consul-General,

His Excellency
The Minister of Foreign Affairs,
THE HAGUE

c.c. Peking

4 September 1951

2928/G-913/513

Eilanden in de Zuid-Chinese zee.

Onder de vele protesten welke het Hsin Hwa News Agency heeft gepubliceerd tegen het ontwerp Vredesverdrag met Japan was er een betreffende de Paracel eilanden (ongeveer 250 Km. ten Zuid-Oosten van Hainan en ongeveer 400 Km. van Tourane) en Spratly eiland (ongeveer 450 Km. van de kust van Indo-China en ongeveer 550 Km. van de kust van Noord-Borneo) (in het Chinees Si Sha eilanden en Nam Wei eiland). In het verdrag wordt n.l. bepaald dat Japan alle rechten op deze eilanden opgeeft zonder dat wordt bepaald dat zij aan China worden teruggegeven. Dit protest werd geadstrueerd met een uittreksel uit de Chinese pers waarin de geschiedenis van deze eilanden wordt weergegeven. Gemakshalve moge ik dit artikel in afschrift hierbij voegen. Merkwaaardig doet het aan dat de Volksrepubliek haar aanspraken grondt op het feit dat ze in oude documenten worden genoemd en dat op een dezer eilanden oude Chinese munten werden gevonden.

Dat de soevereiniteit over deze eilanden nooit behoorlijk is vastgelegd is niet te verwonderen indien men weet dat zij praktisch onbewoonbaar zijn. Op een der Paracel eilanden bevindt zich een Frans meteorologisch station, het enige andere eiland van belang is onbewoond. Weliswaar biedt deze groep een goede ankerplaats doch er is geen water, zodat een werkelijk steunpunt er niet kan worden gevestigd.

Wat Spratly eiland betreft, dit is een speldeprik op de kaart dat niet meer dan 8 voet boven hoog water uitsteekt eveneens zonder water zodat het ten hoogste geschikt zou zijn voor waarnemingspost.

Voor zover de Britse marine autoriteiten hier bekend was het Franse meteorologisch station op Pettle in de Paracelgroep in April jl. nog in functie en is Spratly geheel onbezet. Volgens persberichten uit Taipeh zouden nationalistische troepen zijn teruggetrokken van de beide groepen; uit het bovenstaande blijkt dat betwijfeld moet worden of ze er ooit zijn geweest.

Merkwaaardig genoeg is in bovengenoemde communistische berichten geen sprake van Pratas, een eiland ongeveer 350 Km ten Zuidoosten van HongKong en 450 Km West Zuidwest van Taiwan. Van dit eiland staat vast dat er zich nog steeds een nationalistisch Chinees meteorologisch station bevindt dat voor de weervoorspellingen en in het bijzonder voor de taifoo waarschuwingdienst van HongKong van het grootste belang is. Het eiland bevindt zich op een atol, de diepte van de toegang tot het omsloten water bedraagt 3½ vadem zodat kleine schepen er desnoods een toevlucht kunnen vinden.

De Consul-Generaal,

W. H. H. van der Meer

Zijner Excellentie
De Heer Minister van Buitenlandse Zaken,
GRAVENHAGE

Annex 384

Telegram Secretary of State for the Colonies, United Kingdom, to Officer Administering the Government of
Hong Kong (14 Jan. 1956)

~~CONFIDENTIAL~~

FED 517/425/01

D 1081/11

ing

From the Secretary of State for the Colonies.

To the Officer Administering the Government of HONG KONG

Date 14 January, 1956.

No. 69 Saving ~~CONFIDENTIAL~~

NOTHING TO BE WRITTEN ON THIS PAGE

My saving telegram No. 2378 of the 23rd December, 1955.

Status of Spratley Island.

I am advised that the status of Spratley Island in international law is doubtful (although the United Kingdom does not acknowledge the claims of France, China and the Philippines as superior to its own), and it is desirable in consequence to avoid the dilemma which would arise if after a survey the Borneo Pacific Company Limited decided to apply for a licence, since the grant of a licence would purport to resuscitate the United Kingdom claim and a refusal would give the appearance of having given it up altogether.

2. In the circumstances it would be inadvisable to give any encouragement to the Company. You could tell them that various enterprises have tried working these deposits from the first concession in 1877 with little success and that the Japanese, working in the group from 1918, withdrew in 1929. The report of the "Dampier" in 1951 also gives a depressing picture of a long low island only a few feet above sea level, with some signs of war-time Japanese military occupation abandoned after a short period. You may be able to suggest, without raising the question of the status of the island, that these conditions are not such as to justify your encouraging a British firm to undertake the enterprise the company have in mind.

3. I should be grateful to be informed of the outcome.

SECEP.

Annex 385

Record of Meeting (United States National Archives Document) (19 Sept. 1956)

SECRETThis document has 3 pages.
Number 5 of 10 copies. Series A.RECORD OF MEETING

Participants: FE - Mr. H. Jones
 GA - Mr. W. McCaughy
 - Mr. R. Clough
 - Mr. S. Comiskey
 SPA - Mr. J. Bell
 - Mr. E. Foulon
 SEA - Mr. E. Kocher
 - Mr. P. Rattenburg
 Defense-I A - Colonel Patterson

September 19, 1956

Subject: Spratly and Paracel Islands Problem.

The meeting was called by Mr. Jones in response to a request from ISc- Colonel Patterson for State Department views on the Spratly problem. Mr. Gray had received a memorandum from Admiral Radford which stated, in Paragraph 3: "It seems to us that the United States could profitably encourage Viet-Nam, Nationalist China, and the Philippines to affect jointly a procedure which would prevent Chinese occupation or use of the Spratly Group. Cooperative pursuit of this common objective could be arranged without prejudice to future determination of sovereignty and would serve to minimize potential conflicts of interest." Colonel Patterson had asked for an expression of our views which he could use in preparing Mr. Gray's answer to Admiral Radford's suggestion.

Mr. McCaughy asked whether to the knowledge of the Defense Department the Chinese Communists had made any recent passes at the Spratly Islands, or attempts at gaining a foothold there as distinct from their recent moves in the Paracels about which we were aware. Colonel Patterson replied in the negative. He thought Admiral Radford's suggestion did not directly relate to the present situation in the Spratlys, but rather to a recent JCS paper that had been prepared on this subject for Mr. Murphy during Adm. Radford's absence, and which had indicated the JCS viewpoint that these islands should be kept out of enemy hands. Mr. McCaughy stated that to our knowledge the Chinese Communists were not showing any active interest in the Spratlys at this time, aside from propaganda pronouncements. Mr. Jones asked whether it was likely that the Chinese Nationalists would send another vessel to the Spratlys in the near future. Mr. McCaughy replied that any such project had been postponed for the moment and that there were no reports from any quarter of imminent activity in the Spratly area. The present situation was that the Chinese had left a small landing party on Itu Aba and the Vietnamese had been to Spratly Island proper, where they had hauled down the Chinese flag and raised the Vietnamese flag and then evacuated without leaving a party.

Mr. Jones stated that we had given some thought last June during the flurry on the Paracels to the possibility of dividing these islands, with the western half of the Paracels going to the Vietnamese who now occupied it, and the eastern half to the Chinese who had a traditional interest in Woody Island. However, we had not pursued this line of thinking since the Paracels issue had become dormant after June. Mr. Jones had, however, taken note at the time of

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the fact that the Secretary had taken a very serious view of the possibility of further Chinese Communist encroachment in the area. Mr. Jones wondered whether some solution could now be devised.

Mr. Kocher pointed out that the latest Vietnamese views on the subject, specifically in regard to the Spratlys, were that the issue should be submitted to international adjudication by the International Court of Justice. Mr. McConaughy said he did not think that the Chinese Government would consider international adjudication. Mr. Bell suggested that to go to the International Court of Justice might open up numerous subsidiary but politically-loaded questions, such as Chinese representation, etc. After further general debate on the merits of a possible international adjudication and on the general question whether or not the US should get involved in some form of mediation (such as suggesting a specific solution to the parties mainly concerned), Mr. Jones expressed the consensus of the meeting as being that we should seek to preserve the status quo and to minimize any possibility of conflict in the area, but that we should not attempt to resolve the issue by mediation beyond suggesting the desirability of some *de facto* arrangement between the parties. Other participants agreed with Mr. Jones that the best course for the US would be to stay out of the issue as much as possible but to continue to work with the principal parties concerned whenever necessary to encourage a mutually acceptable solution.

Mr. Jones then turned to the question of the applicability of the SEATO Treaty to the particular area of the Pacific Ocean involved. Mr. Jones asked whether it would be possible to work out ahead of time a tripartite request (from the Philippines, China, Viet-Nam), under which we could announce SEATO applicability to the area in case of aggression. Mr. Bell expressed himself against this idea, stating that there was considerable doubt as to whether the SEATO Treaty area encompassed the Spratly and Paracels, and further suggesting that to issue such a pronouncement might be considered highly provocative by the Chinese Communists in view of their presence on Woody Island in the Paracels. Mr. McConaughy suggested that as an alternative we might encourage the three parties principally concerned to issue/public statement that any Chinese Communist move beyond a certain line would run into their joint opposition. It was decided to look further into this possibility.

Mr. Bell thought that we had the best policy right now, and that we should stay definitely out of involvement in this area. Mr. Eattenburg thought instead that we might urge the parties to reach an agreement for mutual sharing of occupation rights in both archipelagoes without resolving the issue of sovereignty. Such a solution could in his view quite conceivably be accepted by both parties if the US firmly presented it as an alternative to the present dangerous vacuum of authority in the area which led to the possibility of serious incidents between our friends and of further Communist maneuvers. Mr. Clough did not believe that the Chinese Nationalists would agree to any scheme for sharing joint occupation rights with the Vietnamese. The Chinese claimed the whole of both archipelagoes and had to keep their entire claim alive owing to the Chinese Communist competition in this field.

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In concluding the meeting, Mr. Jones asked GAA to consult further with the Legal Division of the Department with a view to obtaining L's position as to the applicability of the SALT Treaty in case of aggression in the area of the Pacific Ocean encompassing the Marshall and Spratly Islands. Colonel Patterson stated that he would have sufficient insight into our views to draft a reply from Mr. Gray to Admiral Radford's memorandum. It was agreed that FE would continue to study the problem, and particularly would attempt to devise a policy that might become applicable a) if the Chinese Communists made any further moves in the area, b) if incidents between our friends developed as a result of their separate activities in this region.

Distribution

Defense-ISA	SEC-6
G	L
FE	4/TE
GA - 2	TR
SPA - 2	

FE:GAA:W/Kattenburg:mlf 9/26/56

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