



RESEARCH ARTICLE

Strategic forgetting: Britain, China, and the South China Sea, 1894–1938

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Abstract

This article clarifies a mythologized episode in the early development of the South China Sea disputes and shows how it was later ‘forgotten’ by British policymakers for strategic reasons. Using documents from the UK National Archives it confirms, for the first time, that Qing/Chinese officials did deny responsibility for the Paracel Islands in 1898/1899. It then shows how this correspondence was strategically ignored by British officials during the 1930s in the context of renewed disputes between China, France, and Japan over the sovereignty of the islands. It argues that during the 1930s, British officials sought to bolster the Chinese position in the South China Sea because of a concern that France would remain neutral in any forthcoming conflict. This resulted in Britain taking a view on the sovereignty disputes that was at odds with the evidence in its own archives but which provided useful political support for the Republic of China.

Keywords: South China Sea; sovereignty; France; China, the United Kingdom; Vietnam

Introduction

Geopolitical tension between the United States and China most often takes a physical form in the South China Sea. There are frequent confrontations between warships and aircraft of the two countries’ militaries within an area of the sea demarcated by a ‘U-shaped line’ that has been printed on Chinese maps since 1948. China asserts a territorial claim to all the islands, rocks, and reefs within this line, including the Spratlys in the south (today known in Chinese as the *Nansha* or ‘south sands’), the Paracels in the northwest (*Xisha*—west sands), Pratas in the northeast (*Dongsha*—east sands), and Scarborough Shoal in the east (*Huangyan*—yellow rock) (see [Figure 1](#)). While China asserts that its claims are solid and long-standing, I have previously demonstrated that they emerged gradually and haphazardly between 1907 and 1947.¹ One issue that has remained unresolved, however, is the exact date when China began to assert claims

¹Bill Hayton, ‘The Modern Origins of China’s South China Sea Claims: Maps, Misunderstandings, and the Maritime Geobody’, *Modern China*, vol. 45, no. 2, 2019, pp. 127–170.



Figure 1. The South China Sea in the 1930s. Source: Based upon original map. © Stein Tønnesson, used with permission.

to the islands. Some authors, particularly from France and Vietnam, have maintained that Chinese officials explicitly denied a claim to the Paracel Islands in the late 1890s during a dispute over insurance claims for the cargoes of two ships wrecked on those reefs.² If this could be proved, it would weaken China’s contemporary claims to these islands.

The arguments over these shipwrecks have therefore become an important part of the Vietnamese state narrative about the history of the Paracel Islands. The Islands, which Vietnam calls the *Hoang Sa* (literally ‘yellow sands’), lie south of China’s Hainan Island and east of the Vietnamese coast. They are currently occupied by the People’s Republic of China but are also claimed by Vietnam. In asserting its sovereignty claim to the islands, the Vietnamese government has often cited the case of these shipwrecks as evidence, including in its 2014 Position Paper, which states ‘in the last decade of the nineteenth century when the ships *Bellona* and *Umeji Maru* sank in the *Hoang Sa* archipelago and were looted by Chinese fishermen, the Chinese authorities of Guangdong Province of China argued that the *Hoang Sa* archipelago was abandoned islands which did not belong to China’.³

²For an early French example, see P. A. Lapique, *A propos des Iles Paracels* (Saigon: Les Editions des Extrême-Asie, 1929), p. 4.

³Socialist Republic of Vietnam, ‘Position Paper on VN’s Sovereignty over Hoang Sa’, 7 September 2014. <https://en.baochinhphu.vn/position-paper-on-vns-sovereignty-over-hoang-sa-11120420.htm>, [accessed 26 January 2023].

Vietnamese legal experts have used the same argument. Hong Thao Nguyen [Nguyen Hong Thao in Vietnamese name order], formerly deputy head of Vietnam's National Border Committee who advised on the drafting of Vietnam's 2012 Law of the Sea and led some Vietnamese border negotiations, authored a 2012 article which referred to the shipwrecks and claimed that during discussions about them, 'The Viceroy of Canton countered the protests of the Minister of Great Britain in Peking by stating that: "The Paracels are abandoned islands, which belong no more to China than to Viet Nam, they are not administratively attached to any district of Hainan and no special authority is responsible for policing them."'"⁴

However, Nguyen's evidence for this argument came from French archival documents dated 1921 and 1930, 20 and 30 years after the incidents that are described. They are sourced to Monique Chemillier-Gendreau's book published in French in 1996 (and in English in 2000).⁵ Chemillier-Gendreau's book has an earlier source for the story—a diplomatic despatch from the French consul in Guangdong, Jean-Joseph Beauvais, but even this document dates to 1909, ten years after the events. Given that these are French government sources, dating from periods when the French government was in dispute with the Chinese authorities over the sovereignty of the Paracels and referring to earlier periods without further documentation, it is reasonable to question their accuracy.

Professor Anthony Carty, formerly professor of law at Tsinghua University in Beijing, has attempted to downplay the significance of the shipwrecks for the present-day sovereignty arguments through the deployment of documents from the British government's archives. He asserts that 'An examination of the British Foreign Office records show the Chinese Government refused to consider insurance company claims because Chinese salvage regulations for making claims had not been followed.' In other words, any alleged Chinese statement made in the 1890s had nothing to do with sovereignty but was merely about administrative procedure.

Carty also states that 'the record of the United Kingdom Legation in Peking in 1937 was that the Paracels were assumed to be Chinese also in the late nineteenth century'. He continues, 'Research by the Peking Legation into its own archive of correspondence with the Qing Tungli [sic] reveals the following general comment from the Legation in Peking 24 May 1937 to London, Foreign Office:

"... We have now traced correspondence exchanged between the Legation and the Tsungli Yamen in 1899 and can find no mention of any disclaimer by the Chinese of jurisdiction over the Paracels... Careful search in the Peking archive has failed to reveal any traces of a disclaimer of sovereignty of the Paracels by the Chinese Government (in 1899), but it is possible the French assertion maybe based on a vague reference made by the Commissioner of Customs at Kiungchow..."⁶

⁴Nguyen, Hong Thao, 'Vietnam's Position on the Sovereignty over the Paracels and the Spratlys: Its Maritime Claims', *Journal of East Asia International Law*, vol. 5, no. 1, 2012, pp. 165–211.

⁵Monique Chemillier-Gendreau, *Sovereignty Over the Parcel and Spratlys Islands* (Leiden: Brill Nijhoff, 2000).

⁶Anthony Carty, 'British and French Archives Relating to Ownership of the Parcel Islands 1900–1975', *Jus Gentium: Journal of International Legal History*, vol. 4, no. 2, 2019, p. 346.

In other words, according to Carty, British officials in Peking [Beijing] and London in 1937 concluded that the French government's claims about the Qing officials' denial of sovereignty in 1899 were unfounded. They based their conclusion on their claim that such correspondence did not exist in British archives. In this article, however, I will demonstrate that the correspondence did, and does, exist and that British officials downplayed its significance in the 1930s because, in the face of Japanese expansion in the region, they were attempting to bolster a Chinese claim to sovereignty over the rival French claim.

This archive discovery seems to confirm that the Qing authorities were indeed unaware of the existence of the Paracels in the 1890s. It therefore directly challenges the official narrative put forward by the Chinese government that 'China is the first to have discovered, named, and explored and exploited *Nanhai Zhudao* [the South China Sea archipelago] and relevant waters, and the first to have continuously, peacefully and effectively exercised sovereignty and jurisdiction over them.'⁷ In short, it weakens China's territorial claim to the Parcel Islands.

This research also demonstrates that, in the words of Michael Taussig, 'knowing what not to know' is just as indispensable a form of social and political knowledge as knowing.⁸ The article will show how Britain's strategic needs in East Asia led to the deliberate downplaying or 'forgetting' of important legal evidence because it conflicted with the national interests at the time. This forgetting has had important consequences for the subsequent development of the South China Sea disputes.

1890s: the shipwrecks of the *SS Bellona* and the *Himeji Maru*

On 30 September 1894 a German vessel, the *SS Bellona*, was wrecked on North Reef, the northernmost feature of the Paracel Islands, about 200 kilometres southeast of Hainan. Quite separately, on 1 November 1896, a Japanese vessel, the *Himeji Maru*, was lost on Bombay Reef, the southeasternmost feature of the Paracels. Both ships were carrying large amounts of copper ingots: 4,774 piculs aboard the *Bellona* and 2,520 piculs aboard the *Himeji Maru*. Given that a picul was equivalent to about 60 kilograms, this amounted to around 440 tonnes of metal.⁹

The cargoes were insured at Lloyds of London through the China Traders' Insurance Company Ltd for the *Bellona* and the Canton Insurance Office Ltd for the *Himeji Maru*. The ships did not sink but lay stranded on the reefs. In both cases, heavy monsoon weather prevented the salvaging of the wrecks. By the time salvage crews arrived at the *Bellona* in early 1895, local fishing crews had already helped themselves to most of its contents. Just 537 piculs of copper remained on board. In October that year, the British consul in Canton [Guangzhou], Mr Byron Brenan, wrote to the senior local official,

⁷People's Republic of China, White Paper: 'China Adheres to the Position of Settling through Negotiation the Relevant Disputes between China and the Philippines in the South China Sea' (Beijing, July 2016).

⁸M. Taussig, *Defacement: Public Secrecy and the Labor of the Negative* (Stanford: Stanford University Press, 1999), p. 6.

⁹Details of the cargo from: Letter from Consul Brennan to Viceroy Tan, 5 April 1898, FO 228/1321 To and From Canton, p. 171. Unless otherwise specified, all documents are available in the UK National Archives, Kew. Conversion to kilograms from Geoffrey C. Gunn, 'Note on Weights and Currencies', in *World Trade Systems of the East and West*, Vol. 2 (Leiden: Brill, 2017).

the viceroy (or governor-general) of the Liangguang [the two Guangs: the provinces of Guangxi and Guangdong] Tan Zhonglin, asking him to instruct his staff to recover the stolen metal and seize any of it being shipped out of Hainan. The effort resulted in the return of a fraction of the cargo. By then 3,404 piculs had 'disappeared'. According to the insurers agents' report, clearly identifiable copper ingots from the cargo began turning up in Hong Kong and Singapore. The same thing happened with the cargo from the *Himeji Maru*: 2,465 piculs were missing. The insurers alleged that the total value of the missing copper was HK \$95,316 from the *Bellona* and HK \$164, 346 from the *Himeji Maru*.¹⁰

Arguments about who was responsible for the loss would drag on for five years. An important role was played by the local commissioner of the Imperial Maritime Customs Service (IMCS) on Hainan. The IMCS had the only fleet of ships capable of patrolling the waters off the Chinese coast and its role was to prevent smuggling and ensure that taxes and duties were paid. The IMCS was a hybrid institution, a legacy of the nineteenth-century 'Opium Wars'.¹¹ It was founded in 1861 and was subordinate to the Qing emperor but managed almost entirely by foreigners. Its official loyalties were to the Qing government, but individual managers often had their own sympathies. The local Hainan commissioner was a German named J. F. Schoenicke who was based in Kiungchow (now written as Qiongzhou), a suburb of what is now the city of Haikou (known by foreigners in the 1890s as Hoihow).¹² Schoenicke was also the German vice-consul on the island. Since the Hong Kong-based company hired by the insurance agents to recover the cargo, Schomberg and Company, was also German-owned, most of the dealings were directly with Herr Schoenicke.¹³

Schoenicke seems to have regarded the recovery efforts by the insurance agents as inadequate. That, at least, was the position he took when Viceroy Tan asked him to intervene in the dispute on 29 May 1896. Amid his criticism of the salvage crews' failures, Schoenicke offered the statement that 'the wide ocean is not in anyone's jurisdiction, and seeing that there was no vessel guarding it, the "Bellona's" cargo was ownerless wreckage in the ocean which anyone might gather'.¹⁴ In other words Schoenicke was saying that China took no responsibility for the Paracels. His hybrid position at the IMCS did not make him a representative of the Chinese state, so his comments might not be considered a formal rejection of a territorial claim to the Parcel Islands. As the dispute developed, however, Schoenicke's comments were subsequently adopted and repeated by Viceroy Tan and then the central government in Beijing.

In the meantime, the insurance agents investigated what had happened to the cargoes and took statements from fisherman and other witnesses alleging that 'certain merchant guilds' and senior officials had facilitated the looting, even charging *likin*

¹⁰Letter from Consul Brennan to Viceroy Tan, 5 April 1898, FO 228/1321 To and From Canton, pp. 171–174.

¹¹Hans van der Ven, *Breaking with the Past: The Maritime Customs Service and the Global Origins of Modernity in China* (New York: Columbia University Press, 2014).

¹²For more on the history of Kiungchow/Qiongzhou as a treaty port, see Robert Nield, 'China's Southernmost Treaty Port', *Journal of the Royal Asiatic Society, Hong Kong Branch*, vol. 52, 2012, pp. 63–76.

¹³See, for example, Letter from Mr Schoenicke, Commissioner of Customs, to the Viceroy, enclosure No. 9 in Consul Mansfield's No. 19 General Series of 20 April 1899, FO228/1321, pp. 188–190.

¹⁴Letter from F. Schoenicke, Commissioner of Customs, to Viceroy Tan, June 1896, copy in Despatch from Mansfield, Consul in Canton, 20 April 1899, FO228/1321, pp. 188–190.

(inter-province) tax for the export of the copper from Hainan. On 5 April 1898, having failed to recover the cargo, the agents called upon British diplomats to intervene. Consul Brennan wrote again to Viceroy Tan, alleging that his officials had failed in their duties under Article 19 of the Tientsin Treaty and other regulations concerning the salvaging of wrecks.¹⁵

The viceroy's letter

On 14 April 1898, Viceroy Tan replied to Consul Brennan denying responsibility for the lost cargoes. A transcript of this letter, in both English and Chinese, retained by the British Consulate, is available in the UK National Archives. The viceroy makes several arguments. First, he says that the insurance companies should have made greater efforts to recover the cargoes more promptly, rather than waiting until spring of the following year. Then he claims that the local authorities were not notified about the wrecks and that even if they had been, it would have been impossible to protect them.

This is the crucial section of the letter. In the transcription of the Chinese text, Viceroy Tan asks ‘大海茫茫從何保護 - *Da hai mang mang cong he bao hu*’—‘How can we protect what is in the high seas?’ He is saying, in effect, that the reefs where the two ships were wrecked (in the Paracels) are not his responsibility because they are part of the *da hai mang mang*, which could be translated in this context using the colloquial expression ‘the deep blue sea’ or with a more legally potent term, ‘the high seas’. The Canton Consulate’s own English translation uses the phrase ‘so large an expanse of ocean’. The viceroy made some further points in defence of his administration’s actions and ended the letter with a polite refusal to pay any compensation to the insurance companies at all.¹⁶

The insurance companies disputed all of Viceroy Tan’s assertions. Brennan’s successor as consul, Robert Mansfield, wrote to Tan on 22 July 1898, conveying their arguments. The companies said a guard boat had been despatched to the wreck, but itself got into difficulties and had to leave, and that the looting had taken place while it was absent. They said they had notified local officials about the wrecks, but the officials had chosen to facilitate rather than prevent the theft of the cargoes. Mansfield added that, in the time these arguments had been progressing, the price of copper had risen and that if the case was not resolved quickly, the value of the compensation claim would rise. But once again, Viceroy Tan refused to accept the claim.¹⁷

The insurance agents then escalated the argument to the British Legation in Peking [Beijing], petitioning the minister, Sir Claude Maxwell Macdonald, on 4 April 1899, repeating the arguments that had already been made in the earlier correspondence with the regional viceroy. The total value of the claim was recalculated at \$120,467 for the *Bellona* cargo and \$68,759 for that of the *Himeji Maru*.¹⁸ British diplomats were

¹⁵Letter from Consul Brennan to Viceroy Tan, 5 April 1898, FO 228/1321 To and From Canton, pp. 171–174.

¹⁶Letter from Viceroy Tan to Consul Brennan, 14 April 1898, FO 228/1321 To and From Canton, pp. 175–176.

¹⁷Letter from Consul Brennan to Viceroy Tan, 22 July 1898, FO 228/1321 To and From Canton, pp. 175–176.

¹⁸Petition from the China Traders’ Insurance Company Ltd and the Canton Insurance Office Ltd to Sir Claude Maxwell Macdonald, 4 April 1899, FO 228/1321 To and From Canton, pp. 191–204.

less than enthusiastic about pursuing the claim. This may have been partly because of the rising political tension (the Boxer rebellion was just beginning), partly because it complicated other discussions with the Qing authorities that were ongoing, but also because they did not see much merit in it. Nonetheless, they took up the issue with the Qing central government.

The Yamen's letter

On 27 May 1899, the British Legation forwarded the compensation claim to the Tsungli Yamen [Zongli Yamen], the state body that was, in effect, the Qing/Chinese 'foreign office'. On 8 August 1899, the Yamen replied to Henry Bax-Ironside, the secretary of the British Legation, to deny the claim. In the Legation's English translation of this letter, also available in the UK National Archives, the Yamen argues that 'on a wide expanse of ocean no particular coastguards can be said to be responsible and how can the local authorities protect every spot in hundreds of miles of sea?' A few pages later it reinforces the point, stating that responsibility for compensation 'for the loss due to these unfortunate shipwrecks on the high seas' lay with the insurance companies.¹⁹ It is clear that the Yamen is repeating the original arguments made by Commissioner Schoenicke from Kiungchow.

Corrections on the document make clear that the English wording was checked at the time and verified. It appears to be an authentic and reliable translation. Further research is required to identify exactly how this was phrased in Chinese, although it seems likely that the Yamen used the same wording as the viceroy had done the year before. Unfortunately, the original documents from the Qing officials are likely to have been lost. It seems that the British authorities transcribed communications sent in bulkier formats (such as scrolls) into standard sized books so as to be able to store them more easily and retrieve their contents.²⁰

Whichever British officials transcribed or translated these letters had no interest in minimizing a Chinese territorial claim. In fact, they had the opposite motivation. The British were pressing their Qing counterparts to take responsibility for the loss of the cargo and, by implication, responsibility for the administration of the Paracel Islands so that they would settle the insurance claim. What is striking is that, throughout this dispute, the Qing authorities were at pains to deny responsibility for, and even knowledge of, the Paracel Islands. Ronald C. Po notes that a key maritime map of the Qing period 'divides the maritime frontier into an inner sea space (*neihai*) and an outer sea space (*waihai*)' and that 'the outer sea space was considered a capricious blue-water domain beyond the reach of administrative control and economic extraction'.²¹ The Paracels appear to have been beyond the limit of Qing governance.

In sum, these files in the UK National Archives provide clear evidence that in 1899, Qing Chinese officials did deny responsibility for the administration of the Paracel Islands. In fact, the nature of the letters sent to British officials suggest something

¹⁹Letter from Zongli Yamen to Mr Bax-Ironside, Peking, 8 August 1899, FO 228/1299, pp. 88–91.

²⁰P. D. Coates, 'Documents in Chinese from the Chinese Secretary's Office, British Legation, Peking, 1861–1939', *Modern Asian Studies*, vol. 17, no. 2, 1983, pp. 239–255.

²¹Ronald C. Po, 'Mapping Maritime Power and Control: A Study of the Late Eighteenth Century "Qisheng yanhai tu" (A Coastal Map of the Seven Provinces)', *Late Imperial China*, vol. 37, no. 2, Dec. 2016, pp. 93–136.

more: that they were unaware of the islands' very existence. This runs directly counter to modern assertions of long-standing territorial administration of the islands made by contemporary Chinese authorities and some authors.²² The lack of knowledge about the Paracels among Qing officials is also evident in other sources. For example, the official gazetteer of Guangdong Province from 1897, the *Guangdong Yudi Quantu*, does not include the islands, whereas the edition of the same map published in 1909 (after the events described below) does.²³ A key figure in the events of 1909, Admiral Li Zhun, subsequently asserted that he had no knowledge of the islands before then.²⁴

The 1909 Qing claim to the Paracel Islands

A transformation in the attitude of Qing officials towards the Paracels came about in 1909 as a result of public pressure resulting from disputes with Japan. In the fevered, insurrectionary atmosphere of Guangdong in the late 1900s, public hostility towards foreign interference, and anger at the Qing government's inability to resist it, stimulated a discourse of 'national humiliation' in many port cities, particularly Guangzhou.²⁵ In these circumstances, the news that a Japanese merchant was mining guano on the island of Pratas (between Hong Kong and Taiwan), spread by local newspapers in early 1909, triggered popular protests, petitions to officials, and a new determination among those officials to assert territorial claims to offshore islands.²⁶

In early 1909, the new viceroy of the Liangguang was informed that there might be similar activity on the Paracel Islands and ordered the IMCS to investigate the situation there. This expedition generated considerable coverage in local newspapers, prompting the French consul in Guangzhou, Jean-Joseph Beauvais, to inform Paris. In a despatch from May 1909, referring to actions taken by Annam (at that time a French protectorate) during the nineteenth century, he 'contends that France has as many rights to the islands as China and that it would be easy for us to find arguments to support our claims. However, should the game not be worth the candle, it would be preferable, in his view, to turn a blind eye, since any intervention on our part might lead to a fresh wave of nationalist feeling in the population, more damaging to us than the possession of the Paracel Islands would be useful.'²⁷

In a second despatch, Beauvais pointedly mentioned the shipwrecks, 'recalling that in 1898, during my time in charge of the Vice Consulate of Hoihow, you requested from that post as much information as possible on the Paracels and on any objection

²²People's Republic of China, White Paper; Zhiguo Gao and Bing Bing Jia, 'The Nine-Dash Line in the South China Sea: History, Status, and Implications', *The American Journal of International Law*, vol. 107, no. 1, January 2013, pp. 100–101.

²³For the 1897 map, see Ping Yan and the Ancient Map Research Team, *China in Ancient and Modern Maps* (London: Sotheby's Publications, 1998), p. 147. For the 1909 map, see S. Chen, K. Hammond, A. Gerritsen, S. Wu and J. Zhang, 'Local Gazetteers Research Tools: Overview and Research Application', *Journal of Chinese History*, vol. 4, no. 2, 2020, p. 557.

²⁴Hayton, 'Modern Origins', p. 137.

²⁵Edward J. M. Rhoads, *China's Republican Revolution: The Case of Kwangtung, 1895–1913* (Cambridge, MA: Harvard University Press, 1975), p. 141.

²⁶Hayton, 'Modern Origins', pp. 134–135.

²⁷Note dated 4 May 1909 from Mr Beauvais, Consulate of France in Canton, quoted in Chemillier-Gendreau, *Sovereignty*, pp. 197–198.

which the Chinese Government might have to their occupation. ... precisely at the time you requested information on the intentions of the Chinese Government vis-a-vis the Paracels, an incident occurred which elicited from the Chinese a peremptory denial of ownership'. He then tells the story of the Chinese government rejecting the compensation claim on the grounds 'that the Paracels were not part of the Chinese Empire' before asserting, again, that France 'could perhaps, with a little research, easily find arguments clearly demonstrating our right as well as irrefutable evidence of it'.²⁸ (In 1898, the French authorities were seeking to seize an enclave in southern China. In May of that year, they occupied Guangzhouwan, present-day Zhanjiang, on the Leizhou Peninsula, across the strait from Hoihow.)

The French government, however, chose not to assert any claim to the Paracels in 1909 nor to reject the Qing government's claims. This absence of comment would be (and continues to be) a major problem for subsequent French (and Vietnamese) claims to the islands. At the end of May, IMCS ships were again contracted to voyage to the Paracels. They reached them in early June 1909 and spent two or three days there planting flags and making declarations of sovereignty. The Liangguang authorities' initial enthusiasm towards the islands swiftly dwindled, however, when it became clear that their economic value was small. Neither the Qing state, nor its successor, the Republic of China, built lighthouses or undertook any further acts of administration there for almost 20 years.

1930s: British discussions

Having established that there is, in fact, very detailed evidence of the arguments surrounding the two shipwrecks and the subsequent insurance claims in the British Foreign Office archives, including solid evidence that the Qing Chinese authorities denied responsibility for the Paracels in 1898/1899, we turn now to investigating how that knowledge was used by British officials in the 1930s.

A narrative of developments in the British-Chinese-French-Japanese disputes over the sovereignty of the islands in the South China Sea during the first half of the twentieth century was set out some time ago by Geoffrey Gunn and by Stein Tønnesson. Gunn characterized the contest as primarily one between Britain and France, later joined by Japan.²⁹ Tønnesson outlined the dilemmas facing British and French officials who were increasingly concerned about Japanese occupations of the Paracel and Spratly islands during the 1930s but also unwilling to offer any advantage to each other's sovereignty claims. Tønnesson argues that British officials equivocated over whether the best way to resist Japanese advances in the Spratlys was to support French or Chinese claims or advance their own.³⁰

²⁸Letter dated 4 May 1909 from Mr Beauvais, Consulate of France in Canton, quoted in Chemillier-Gendreau, *Sovereignty*, pp. 200–203.

²⁹Geoffrey C. Gunn, 'Anglo-French Rivalry over the Spratlys 1930–37', in *Fishing in Troubled Waters: Proceedings of an Academic Conference on Territorial Claims in the South China Sea*, (eds) R. D. Hill, Norman G. Owen and E. V. Roberts (Hong Kong: Centre of Asian Studies, University of Hong Kong, 1991), pp. 262–282.

³⁰Stein Tønnesson, 'The South China Sea in the Age of European Decline', *Modern Asian Studies*, vol. 40, no. 1, 2006, pp. 1–57.

Britain had made a claim to Spratly Island and to another feature called Amboyna Cay in 1877 but, in 1930, France asserted a vague claim to Spratly Island 'and all the islands dependent upon it'. The British objected to this wording and sought clarification from France about exactly which features it was claiming.³¹ They did not make their objections public, however. Tønnesson notes that 'the Foreign Office did not want to give up the British claim since it might be pursued in the future, if France should forfeit its claim. Therefore, while not officially protesting the French claim, Britain also did not recognize it. By contrast, the Japanese Ministry of Foreign Affairs officially protested the French annexation.'³² Delicate discussions about the best way to defend national interests in the South China Sea within and between these governments would continue throughout the decade.

First French moves on the Paracels

For the UK, the diplomatic situation regarding the Paracels was different from that concerning the Spratlys because there was no British claim to assert. However, this did not mean the British Foreign Office was sanguine about their fate. On 28 May 1931, the Foreign Office sent a secret telegram to the British Minister in Nanking (Nanjing) saying 'Report has reached us which makes it appear desirable that sovereignty of China over the Paracel Islands should be re-affirmed... please report by telegraph any indications that any Power other than China contemplates affirming sovereignty over the Paracels.'³³ There is no information in the telegram about which 'Power' might be considering such a move but there are only two likely possibilities: Japan and France. At exactly this time, the French Foreign Ministry was debating whether to formally annex the Paracels.³⁴ On 11 April 1931, Benoit-Charles Bergeron, a member of the French Senate representing Marseille (which had close trading links with Indochina) and vice-president of the Naval Committee, had written an article for the Saigon newspaper *l'Opinion* advocating the immediate occupation of the Paracels.³⁵

The Foreign Office's secret telegram prompted some archival research at British diplomatic missions in Asia. In reply, the Peking legation sent a telegram on 2 June 1931, recalling events in 1920 when press reports suggested Japan was about to annex the Paracels. At that time, the Foreign Office had 'suggested that China should be encouraged to assert her sovereignty and with this end in view to erect a light on the reef'. Unfortunately for the British, 'Admiral Sah' of the Chinese Navy did not make such a visit and so a similar suggestion was made to the Chinese Maritime Customs Service (CMCS; the name of the IMCS after 1912) in 1922. The Peking telegram in 1931 ruefully recalled that this visit also did not take place because the Paracels were 'out of the usual beat' of the CMCS. A covering note to this telegram includes handwritten

³¹Geoffrey Marston, 'Abandonment of Territorial Claims: The Cases of Bouvet and Spratly Islands', *British Yearbook of International Law*, vol. 57, no. 1, 1986, pp. 344–346.

³²Tønnesson, 'South China Sea', p. 6.

³³UK Foreign Office, FO Telegram No. 196, 28 May 1931, FO 676/85 Sovereignty over the Paracel Islands 1931–1936.

³⁴Carty, 'British and French Archives', pp. 310–312, citing French archives, Series E, Carton S13, Dossier 9 rd/1, Japan China, volume 743, 1 January 1930–31 May 1932, pp. 238–239.

³⁵Benoit-Charles Bergeron, 'Les îles Paracels sont en grand-garde aux large des côtes d'Annam', *l'Opinion* (Saigon), 11 April 1931. Transcript found in FO 676/98 Sovereignty over the Paracel Islands 1931.

notes of caution from two separate Foreign Office officials, 'We are being urged from home onto very tricky and slippery ground!' reads one. 'This seems a rather delicate matter' reads another.³⁶ It appears that at this time British diplomats felt it would be unwise to be drawn into the territorial disputes over the islands.

Nonetheless, the Foreign Office pursued its inquiries into French intentions towards the Paracels. A letter from Lord Tyrrell, British ambassador in Paris, on 8 July 1931 recounted a meeting with the French Ministry for Foreign Affairs in which the question of Bergeron's article was raised. The British side expressed the hope that 'there was no truth in the rumour that the French Government contemplate the occupation of the Paracel Islands'. Their French counterparts told them that an occupation was, in fact, being contemplated, although this was subject to ongoing legal inquiries. Any future territorial claim, they said, would take the form of a letter to the Chinese authorities followed by a suggestion of arbitration over the rival claims. The French side reportedly drew a distinction between 'claiming sovereignty' and 'annexation', suggesting that their future action might be more symbolic than real.³⁷

The same month, the British consul-general in Canton reported that the Chinese regional government there was considering asking the inspector-general of the CMCS whether his service could construct a lighthouse on the Paracels. The provincial authorities were apparently reluctant to ask the local customs commissioner to undertake the task because he was French. This news was conveyed to London in a despatch from Sir Miles Lampson, the British minister at the Legation in Peking, whose final comment on the subject was, 'I strongly deplore our getting further drawn into this question!'³⁸ The evidence from comments such as these, which pepper British records of the time, is that Foreign Office officials wanted to avoid any entanglement in territorial disputes. Their main interest was in stabilizing the Republic of China and maintaining good diplomatic and trading relations with it.

By August 1931, anxiety about French intentions and hope that a Chinese claim would forestall them, was obvious in British official communications. A memorandum from the Admiralty [British naval headquarters] to the Foreign Office observed that, 'it seems that the Chinese can be relied on to maintain their claims to the islands. It is, however, desirable in the opinions of My Lords [Lords of the Admiralty—naval commanders] that the course of this question should be followed closely to see that the Chinese do not barter away the islands without sufficient cause...'³⁹

The following month, on 18 September 1931, Japan invaded Manchuria. Anthony Best has surveyed British intelligence documents of the period and concluded that for British military planners, 'With the start of the Manchurian crisis... it soon became apparent that Japan's political ambitions in China and its government's inability to control the Imperial Japanese Army (IJA) might lead eventually to a direct confrontation with Britain.'⁴⁰ This feeling was reinforced when, on 7 February 1932, the IJA

³⁶British mission in Peking to HM Minister at Nanking, FO Telegram No. 186, 2 June 1931, FO 676/85.

³⁷Letter from Lord Tyrrell, British ambassador in Paris to Foreign Office, 8 July 1931, FO 676/85.

³⁸Lampson, British Legation, Peking, telegram to Foreign Office No. 245, 8 July 1931, FO 676/98.

³⁹Memorandum from V. W. Baddeley, Admiralty to the Under Secretary of State, Foreign Office, 15 August 1931, FO 676/85.

⁴⁰Anthony Best, 'Constructing an Image: British Intelligence and Whitehall's Perception of Japan, 1931–1939', *Intelligence and National Security*, vol. 11, no. 3, 1996, p. 404.

landed a division at the mouth of the Yangtze River without British intelligence having any prior warning. 'Thus was born an image that was to frighten British military planners throughout the 1930s.' British intelligence resources in Asia were refocused on Japan.⁴¹ While diplomats endeavoured to establish 'an accommodation with Japan within a revised East Asia balance of power', the military leadership began strategic planning for a potential conflict with it.⁴² In March 1932, the British Chiefs of Staff Sub-committee argued that the Manchurian crisis demonstrated that the so-called 'ten year rule'—the strategic assumption that the British empire would not face a major conflict within the subsequent ten years—should be cancelled. Despite financial constraints, this was agreed by the government the same year.⁴³

The situation in China became more complex in December 1931 when sections of the Guomindang opposed to Chiang Kai-shek's policies, notably his desire to avoid direct confrontation with Japan, gathered in the south and formed themselves into an autonomous government: the Southwest Political Council 西南政委會. As a result, there were now two rival Chinese governments claiming authority over the Paracels: one based in Nanjing and another based in Guangzhou.

This was the moment at which the French government finally announced a claim to the Paracels. Paris made its move on 4 December 1931 with a diplomatic *Note Verbale* sent by the French Foreign Ministry to the Chinese Legation in Paris. It stated that France, on behalf of its Indochinese protectorate of Annam, claimed sovereignty over the Paracels, based on Annam's historic activities in the islands and the 1899 rejection of responsibility for the *Bellona* and *Himeji Maru* shipwrecks by the Qing government. It then expressed the hope that the Chinese and French governments could 'examine in a friendly spirit the development of this juridical problem'.⁴⁴ On 7 January 1932, the letter arrived at the Chinese Foreign Ministry in Nanjing.⁴⁵ This was followed by a second *Note* to the Chinese Legation, on 4 February 1932, also asserting France's rights, but offering to take the matter to arbitration should China reject these rights.⁴⁶

These exchanges must have been kept confidential between the two sides because six months later, on 23 July 1932, the secretary of state at the Foreign Office in London wrote to the British ambassador in Paris, Lord Tyrrell, asking whether the French government had indeed sent a letter to the (central) Chinese government claiming sovereignty over the Paracels. The letter was accompanied by despatches sent from Peking and Canton which appear to have been the source of the news of the French annexation. These despatches apparently referred to 'the sinking of two British ships'—presumably a reference to the denial of responsibility for the 1890s shipwrecks which the French government was now using as a key plank of its claim. The Foreign Office was completely confused by this reference, however, with London believing it

⁴¹Ibid., p. 407.

⁴²B. J. C. McKercher, 'National Security and Imperial Defence: British Grand Strategy and Appeasement, 1930–1939', *Diplomacy and Statecraft*, vol. 19, no. 3, 2008, p. 409.

⁴³Robert Paul Shay Jr., *British Rearmament in the Thirties: Politics and Profits* (Princeton: Princeton University Press, 2015), p. 22.

⁴⁴Quoted in Carty, 'British and French Archives', p. 317.

⁴⁵Republic of China Foreign Ministry, *Wai Jiao Bu Gong Bao* [Foreign Ministry Gazette], vol. 6, no. 3, July–Sept 1933, p. 209.

⁴⁶Chemillier-Gendreau, *Sovereignty*, p. 109.

might refer to the wreck of a ship called the *Eliza* on Crescent Reef in the Paracels in 1836!⁴⁷

On 6 September 1932, the Admiralty wrote to the Foreign Office expressing concern about French intentions on the grounds that ‘the Crescent Group of the Paracel Islands will probably prove capable of providing a suitable fleet anchorage’. The Admiralty warned that ‘it is of considerable naval importance that neither France nor any other power than the Chinese should establish a claim to the islands’.⁴⁸ This seems to have encapsulated the British view of the situation. They were concerned about French intentions, believing that French control of the islands would be a problem for the Royal Navy if there were a future conflict with Japan because France would not be a reliable ally. In the words of Greg Kennedy, British strategic planners regarded France as ‘weak and hesitant’ at this time.⁴⁹ The British may also have thought that they would have greater leverage over the Chinese government if they needed support in defending the maritime routes to Hong Kong and Shanghai (although there is no direct evidence of this in the documents examined here). London therefore wanted to support a Chinese claim to the Paracels to thwart French plans.

In November 1932, the British consulate-general in Canton sent a series of telegrams to the British mission in Peking informing them of Chinese plans to develop the Paracels with coastal industries, a wireless station, and lighthouses. These were, presumably, the plans of the Southwest Political Council, rather than the central government. There was no sense of alarm in these reports; indeed, they give the impression that this is exactly what the British authorities want the Chinese government to do.⁵⁰ Unfortunately for the British (and the Chinese), none of these plans came to fruition.

The overall situation in the South China Sea became more complicated on Bastille Day (14 July) 1933 when the French government formally announced the annexation of six of the Spratly Islands by name, including the two previously claimed by the UK: Spratly and Amboyna Cay. Documents in the National Archives suggest that British officials were more sanguine about this claim than about the Paracels. First, they were not confident in the strength of the British claim to Spratly and Amboyna and, secondly, according to Tønnesson, ‘Another reason for the caution of the Foreign Office was that if Britain were to pursue its claim legally, it would have to employ arguments which could be used by other states in relation to other disputed islands, where Britain had much stronger stakes.’⁵¹ In contrast to the Paracels, there was no talk among British officials of bolstering a Chinese claim to the Spratlys as a rival to the French claim because, it appears, British officials had no reason to believe that such a Chinese claim could exist. Meanwhile, both Chinese governments were confused about

⁴⁷C. W. Orde, Secretary of State, Foreign Office to Lord Tyrrell, British Ambassador to Paris, 23 July 1932, FO 676/85.

⁴⁸S. H. Phillips, Admiralty to the Under-Secretary of State, Foreign Office, 26 September 1932, FO 676/85.

⁴⁹Greg Kennedy, *Anglo-American Strategic Relations and the Far East, 1933-1939* (Abingdon: Routledge, 2013), p. 5.

⁵⁰Letter from Herbert Phillips, Consul-General in Canton to E. M. B. Ingram, HM Chargé d’Affaires, British Legation, Peking, 26 November 1932, FO 676/85.

⁵¹Tønnesson, *South China Sea*, p. 6, fn. 13.

which islands the French were now claiming. Within a month, the Nanjing government were satisfied that the Spratlys were different from the Paracels. The Nanjing Foreign Ministry chose not to object to the French annexation of the Spratlys but continued to protest French claims on the Paracels. The rival government in Guangzhou, however, seems not to have accepted that there was a difference between the two sets of islands and continued to assert rhetorical claims to both the Paracels and the Spratlys.⁵²

The shipwrecks rise again

During the early part of 1935, the British Admiralty, increasingly concerned about the possibility of a future war, ordered an investigation into potential safe anchorages in the northern part of the South China Sea. They were interested in identifying places around Hainan Island or the Gulf of Tonkin that would be suitable for secretly refuelling ships or resupplying submarines in any operation to defend Hong Kong. Admiralty officials opened a file entitled 'Advanced Base in the China Seas for War in the Far East' (ADM 116/3605). The researchers noted a general paucity of suitable locations, but one of them was the Paracels. One contribution, a 'Report on Crescent Group (Paracel Islands) by [HMS] "Adventure" 29 April 1935' noted the good anchorages available among the islands where oiling [refuelling] could be carried out without difficulty.⁵³

This led to a more detailed survey of the Paracels by the British hydrographic ship HMS *Herald* from 25–27 November 1936. This expedition, however, triggered a decisive exchange between French and British officials, leading to an unfortunate hardening of the British view based on poor information. On 23 December 1936, the French ambassador to London sent an official protest about HMS *Herald's* activities to the Foreign Office. In an internal note, N. B. Ronald, the under-secretary of state for Foreign Affairs, noted 'This is the first occasion on which the French have thought fit to suggest that such visits should be previously notified to them.'⁵⁴ The French protest letter included details of the legal basis of the French sovereignty claim—including the shipwreck episode—and stating the following 'On this subject, [the French government] believes it must remind the British Government that in 1898, following the shipwrecks of the ships *Bellona* and *Umeji Maru* in these parts... the British consul in Hoi-how [Haikou], having intervened with the Peking government, was told that the question was not within the competence of the latter, the Paracels not being part of the Celestial Empire.'⁵⁵

⁵²Hayton, 'Modern Origins', pp. 146–149; Chen Hsin-chih, 'La Réponse Chinoise à l'Occupation Française des Îles Spratly en 1933', *Guerres mondiales et conflits contemporains*, no. 199, Juillet 2001, pp. 5–24.

⁵³Report on Crescent Group (Paracel Islands) by 'Adventure', 29 April 1935, ADM 116/3605.

⁵⁴Letter from N. B. Ronald, Under-Secretary of State for Foreign Affairs to Secretary of the Admiralty, F 8054/6636/10, 16 January 1937, ADM 116/3605.

⁵⁵'Il croit à ce sujet devoir rappeler au gouvernement britannique que qu'en 1898, à la suite des naufrages des navires *Bellona* et *Umeji Maru* dans ces parages... le consul étant intervenu auprès du gouvernement, il lui fut répondre que le question n'était pas du ressort de ce dernier, "les Paracels ne faisant pas partie du OCéleste Empire". Letter from French Ambassador to Foreign Office, 23 December 1936, ADM 116/3605.

A subsequent letter from the Foreign Office to the Admiralty on 16 January 1937 noted that the French Embassy's protest contained mostly the same information as had been previously given but observed:

The statement that China at one time admitted that the Paracels were not part of the Celestial Empire is, however, new. A careful search of the papers in the archives of this department dealing with the looting of the cargo of the 'Bellona' and 'Umeji (not Unoji) Maru' contain nothing to support this statement. On the contrary, in their correspondence with His Majesty's Legation and with the Insurance companies concerned the Chinese Government based their refusal to entertain any claim for compensation principally on the grounds that the Insurance companies had not taken adequate measures to protect their property and that in any case the Parcel Islands were so far from the coast that it was unreasonable to expect the Chinese Government to take special measures to prevent looting.⁵⁶

This, then, is the heart of the issue. Everything came down to the way the Foreign Office chose to interpret the diplomatic correspondence from the 1890s. But later files in the National Archives tell us that, at this point, the Foreign Office had not reviewed all the archives. In early 1937 they were relying on information gathered by Foreign Office officials in 1932 and 1933. Further documents, in particular the correspondence from the Zongli Yamen in August 1899, would only come to light a few months later. In the meantime, the British officials chose to interpret the documents to which they did have access in the most favourable way possible for the Chinese claim. Rather than seeing evidence for a denial of responsibility for the Paracels or an admission that Qing China did not have administrative control over them, they saw the comments in the files as merely recognizing the technical difficulties of patrolling an offshore archipelago.

Internal discussions continued, and the archives demonstrate that the most important British interest in the dispute was the Royal Navy's desire to maintain naval freedom of action. A minute from the Admiralty's 'M Branch' (responsible for liaison between the head of the Navy and the rest of government) dated 29 January 1937 noted 'So far the Admiralty view has been that it is undesirable that any country other than China should obtain sovereignty over these islands.' It stated, somewhat naively, that 'So far as is known there is no question of any other power e.g. Japan being interested in the Paracels.' S. H. Phillips, resident clerk at the Admiralty, then replied to the Foreign Office, concluding that 'In the opinion of Their Lordships [i.e. the navy chiefs] the Parcel Islands might be of value in certain circumstances, and presumably if the French could establish any real claim to them it would be necessary to notify all visits, and restriction of all forms of surveying might become necessary.'⁵⁷ In a subsequent note, written the following year, Admiral Sir Tom Spencer Vaughan Phillips, the Admiralty's director of plans, was more specific about his concerns, 'if we admit the

⁵⁶Letter from N. B. Ronald, Under-Secretary of State for Foreign Affairs to Secretary of the Admiralty, F 8054/6636/10, 16 January 1937, ADM 116/3605.

⁵⁷Letter from S. H. Phillips, Admiralty to Under-Secretary of State, Foreign Office, M.01155/37, 17 February 1937, ADM 116/3605.

French claim to the islands we automatically debar ourselves from using them in a war in which France is neutral'.⁵⁸ This seems to be the crux of the issue: the British perception that France would not be a reliable partner in any forthcoming conflict with Japan.

John Laffey, in his survey of French policy towards the 'Far East' in the 1930s, describes the attitude of the Paris government in the period between mid-1932 and mid-1937 as 'pessimistic passivity' characterized by 'a vastly over-extended imperial commitment, an inability to reach meaningful accords with other powers interested in the preservation of stability in East Asia, and a combination of arrogance and fear deeply rooted in racism'.⁵⁹ All these factors also applied to the British strategic position, yet the two European 'great powers' were unable to find a working arrangement to shore up their weak positions in East Asia. One result was that the British Foreign Office continued to reject French claims to the Paracels.

Following the discussions within and between the Foreign Office and the Admiralty, the Foreign Office issued a formal reply to the French ambassador in London on 10 March 1937 regarding the French claim to the Paracels. It included the following text:

2. The Republic of China is also understood to claim these sovereign rights over these islands. Pending a settlement by negotiation or the award of some international tribunal His Majesty's Government of the United Kingdom do not feel disposed to express any opinion as to which is the sovereign state.

3. Meanwhile it may be remarked that a careful search of the relevant archives has failed to reveal any trace of such a disclaimer of sovereignty by the Chinese government as is attributed to them in paragraph 5 of the Embassy's aide mémoire.⁶⁰

The rediscovery of the Yamen's letter

It was only after this letter had been sent to the French ambassador that the archivist at the British embassy in Peking, A. T. Cox, discovered the August 1899 letter from the Zongli Yamen and other crucial aspects of the Anglo-Qing correspondence over the looted cargoes. His report, dated 13 May 1937, observes that certain documents had not previously been sent to London, notably 'Canton despatch No. 19 of 20th April 1899', an undated report 'from Mr. Schoenicke, Commissioner of Customs at Kiungchow, to the Viceroy of Kwangtung [Guangdong] and sent by the latter in a despatch to Mr. Acting Consul Fraser at Canton on June 27th 1896', and 'a "despatch" No. 49 of 8 August 1899 from the Tsungli Yamen to Mr Bax Ironside at Peking conveying the text of a communication received from the Governor-General of Liangkuang provinces'. These unsent documents contain all the key statements that might be considered to undermine a Chinese claim of sovereignty and yet they had never been seen by the officials in London before this time. The final paragraph of Mr Cox's report contains one of the

⁵⁸Letter from Admiral Phillips, Director of Plans, Admiralty, 23 February 1938, ADM 1/19951.

⁵⁹John F. Laffey, 'French Far Eastern Policy in the 1930s', *Modern Asian Studies*, vol. 23, no. 1, 1989, pp. 117–149.

⁶⁰Letter from Foreign Office to M. Charbonnière, Ambassador of France, F 980/980/10, 10 March 1937, ADM 116/3605.

key quotes from the Yamen's letter, 'on a wide expanse of ocean no particular coast-guards can be said to be responsible and how can the local authorities protect every spot in hundreds of miles of sea?' but no comment is made about the meaning of the quote nor its legal implications.⁶¹

Cox attached a covering note to his report in which he wrote 'In view of my minute which I attached (and subsequently destroyed) ... [two illegible words] ... I submit the enclosed minute which may show the origin of the French assertion that China disclaimed sovereignty over the Paracels in connection with the wreck of the "Bellona" in 1894.' Quite why he destroyed the minute may never be known, but something intriguing also happened to the formal covering note written by the embassy's Chancery Department to accompany Cox's report when it was sent to the Far East Department of the Foreign Office 'with reference to para 3 of your memo to the French Ambassador of the 10th March 1937'.

The original version of the Chancery Department's note, available in the National Archives, shows that it was drafted but then part of it was subsequently papered over with new text, obscuring the original. The original text is hard to discern but appears to say (with some words unreadable): 'Reference has also been made to the correspondence exchanged with the Tsungli Yamen in 1899 with ... finding ... disclaimer by the then ... of jurisdiction over the Paracels'. There is also a margin note 'I think para 2 is correct. Can you confirm please.' Paragraph 2 was subsequently pasted over with the words 'In 1933 search was made in the C.O.O. files of Chinese correspondence for 1895-98 without result. We have now traced correspondence exchanged between the Legation and the Tsungli Yamen in 1899 on the subject but can find no mention of any disclaimer from the Chinese Government of jurisdiction over the Paracels. Yours ever, Chancery 21/5.'⁶² This pasted-over document is the one that Carty quotes, but it is clear that he was not aware of its extremely convoluted back-story.⁶³

Strategic forgetting

It seems that Mr Cox's archive report was the diplomatic equivalent of an unexploded bomb. No-one wanted to examine it too carefully; it was much better to put it in a safe place and leave it there. Presumably the Foreign Office officials did not want to admit that they had been looking in the wrong place for the material. Nor would they want to admit that they now had evidence which undermined the official position that the British government had made clear to the French just two months before. The Admiralty's continuing insistence that the Navy needed to maintain the possibility of access to the Paracels in case of war gave the Foreign Office added incentive not to go back on anything they had already said. The report and the memo were sent to London on 24 May 1937 where they appear to have been either forgotten or strategically ignored.

⁶¹'Paracel Islands' memorandum from A. T. Cox, archivist at the British Embassy in Peking, 13 May 1937, FO 676/271 French sovereignty over Paracel Islands.

⁶²Letter from Chancery Section, British Embassy, Peking to the Far Eastern Department, Foreign Office, 24 May 1937, FO 676/337.

⁶³Carty, 'British and French Archives', p. 346.

In the words of Michael Taussig, when it comes to strategic policy formulation, 'knowing what not to know' is just as indispensable a form of social and political knowledge as knowing.⁶⁴ If the Foreign Office had been diligent in remembering the 1898/1899 discussions with the Qing authorities over the shipwrecks, the evidence might have undermined Britain's security policies in the 1930s. It was much more convenient for everyone concerned to lock away the inconvenient information and carry on as if it did not exist.

It seems that, having been informed by French officials that British archives contained statements by Chinese officials from the 1890s that undermined the Chinese sovereignty claim, the Foreign Office instituted a very limited search. British officials appear to have been looking for a document specifically disavowing the Paracels but such a document does not ever seem to have existed. There were, however, at least two documents from senior Chinese government sources—Viceroy Tan and the Zongli Yamen—that could be interpreted as implying an absence of sovereign authority and a lack of interest in exercising administration over the islands. A British government that was intent on disproving the Chinese claim would have jumped on these statements and made a legal case from them. However, it is clear from the political context of the late 1930s that highlighting these implications would not have been in the strategic interests of the British government at the time.

In July 1937, Japanese forces attacked and captured the Chinese cities of Beijing and Tianjin, and in August fighting broke out in Shanghai. That month, the Admiralty's 'Plans Division' led by Admiral Phillips held further discussions on alternative anchorages for the fleet. By then they had ruled out everywhere in the region except the Crescent Group of the Paracels and an area on the west coast of the Lei Chow [Leizhou] Peninsula stretching south from the mainland towards Hainan.⁶⁵ As a result, the Admiralty continued to have an interest in denying a French claim to the islands. At no point in these Admiralty files is there any suggestion that Britain and France might need to cooperate in order to resist the Japanese. British planning was based upon the assumption that France would be a problem rather than an ally in any future conflict and that the Chinese government would be much more sympathetic—or at least would be easier to give directions to.

In February 1938, Japanese forces occupied Hainan Island. When, in June 1938, the French Navy voyaged to the Paracels with the intention of establishing a weather and wireless station, they found two Japanese warships already present at the largest feature, Woody Island. The French hoisted a tricolour on Pattle Island instead. Japanese officers objected, pointing out that the islands belonged to Japan, but did not obstruct the landing.⁶⁶ On 2 July, the counsellor of the French Embassy in London called at the Foreign Office to explain developments. There he was reminded that Britain 'had declined to express an opinion on the French claim to sovereignty'. This was now expressed in a form that implied the British government's most important concern at that time was not to damage China's interests: 'His Majesty's Government would

⁶⁴Michael T. Taussig, *Defacement: Public Secrecy and the Labor of the Negative* (Stanford: Stanford University Press, 1999).

⁶⁵Minute by Admiral Sir Tom Spencer Vaughan Phillips, Director of Plans, Admiralty, 19 July 1937, ADM 116/3605.

⁶⁶Tønnesson, 'South China Sea', pp. 11–12.

feel particularly reluctant to press China to give way on such a point in the critical situation in which she now found herself.' Britain offered to help in the negotiations with Japan over the islands, 'short of doing anything which might imply that His Majesty's Government recognised the French claim to sovereignty'.⁶⁷

Conclusion

These archive discoveries revise our understanding of the history of the South China Sea disputes in several ways. They confirm previously unsourced claims that Qing officials did deny responsibility for the Paracel Islands in the context of an argument over their culpability for the theft of two ships' cargoes during the 1890s. This seems to confirm my earlier argument that the earliest signs of official Chinese interest in the islands only date from the Qing expedition to the Paracels in 1909.⁶⁸ This clarification enables us to understand the creation of territorial claims to offshore islands in the South China Sea as a distinctly modern phenomenon, conducted in reflection of European practices and in response to imperial pressures upon Asian states.

Secondly, they demonstrate that, after 1931, British strategic planning for future contingencies in East Asia was characterized by expectations that partnership with China would be more useful than cooperation with France. The British desire to protect trade and other imperial interests in China combined with distrust of French strategic reliability had the effect of tilting British policy in a pro-China direction. In particular, military commanders believed that the defence of the British position in Hong Kong was better served by the Paracel Islands coming under Chinese sovereignty rather than French.

Thirdly, these discoveries show how the British government's position on the sovereignty of the Paracel Islands, ostensibly the fruit of considered legal opinions based upon fair readings of empirical evidence, were, in reality, swayed by both contingency and political necessity. If the records of the diplomatic exchanges from the 1890s had been available to officials in London in the 1930s, rather than stored in the archives of the British Legation in Beijing, the Foreign Office lawyers may have reached different conclusions about the rival French and Chinese claims to the islands. That said, there were also strategic imperatives encouraging British officials to give greater weight to the Chinese claims than to those of France. The decision to view the wording of Qing officials' 1898/1899 letters in the narrowest possible terms, rather than as a denial of territorial ownership, reflected the interests of the British government as a whole. If British interests had required the opposite outcome—a preference for the French claim—these letters could easily have been deployed to that end. The fact that they were not demonstrates the partiality of the officials concerned and their willingness to downplay inconvenient evidence in the interests of state.

The British position strengthened the Chinese claim to the islands and weakened the French and subsequent Vietnamese claims. It continued to do so in subsequent decades. As Carty has noted, in 1959 the British Foreign Office stated

⁶⁷Letter from R. G. Howe, Foreign Office to R. I. Campbell, British Ambassador to Paris, F 7160/287/10, 11 July 1938, ADM 1/19951.

⁶⁸Bill Hayton, 'When Good Lawyers Write Bad History: Unreliable Evidence and the South China Sea Territorial Dispute', *Ocean Development and International Law*, vol. 48, no. 1, 2017, p. 182.

The United Kingdom has never had sufficient interest in the Paracels to put forward a claim on her own account or to dispute the claims of others, and as long as China was not aggressive there was much to be said for acquiescing in her claim. In the different circumstances of today it would be an advantage that the Vietnamese should at least not be dislodged from the islets they now occupy.

Similar views were expressed in internal documents in 1971 and 1975.⁶⁹ These discussions took place without any apparent awareness of the ‘strategic forgetting’ of the 1890s correspondence during the 1930s.

Finally, this account provides an important example of the ways that states can make use of ignorance as well as knowledge. The ‘strategic forgetting’ of the Paracels correspondence was as important to the formulation of the British legal position on the South China Sea disputes during the 1930s as any public declarations or diplomatic exchanges. Nothing needed to be denied, nor did any lies need to be told. The documents could simply be forgotten so that state policy could carry on untroubled by their existence. They disappeared from the state’s institutional memory, lost in the archives until they were discovered decades later.

Competing interests. None.

⁶⁹Carty, ‘British and French Archives’, pp. 342–344.