

REPUBLIC OF VIETNAM
MINISTRY OF FOREIGN AFFAIRS

WHITE PAPER
ON THE HOANG SA (Paracel)
and
TRUONG SA (Spratly) ISLANDS

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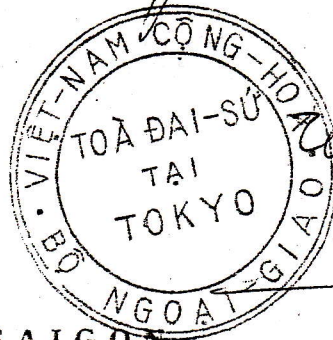
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Keio Jang
giáo sư Nguyễn Khắc Viện



Tokyo 14-2-1975
Dal

SAIGON
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VỤ VIỆT-ĐẮC
ĐỀ NHI THAM-VỤ

CONTENTS

	Page
— Foreword	7
— Proclamation by the Government of the Republic of Vietnam..	11

CHAPTER I

THE EARLY HISTORICAL RIGHTS OF VIETNAM

— Geographic position	13
— First Vietnamese document on the Hoang Sa islands	16
— First evidence from foreign sources	18
— Testimony by Vietnamese historian Lê Qui Dôn	19
— Confirmation by other foreign sources	23

CHAPTER II

THE EXERCISE OF VIETNAMESE SOVEREIGNTY

OVER THE HOANG SA ISLANDS

— Formal taking of possession by Emperor Gia Long.....	27
— Consolidation of sovereignty under subsequent emperors....	29
— Preservation of rights under French colonial rule	36
— Return to Vietnamese sovereignty	47
— <i>Documents on the Vietnamese meteorological stations of the Paracel islands</i>	58

CHAPTER III

THE TRUONG SA (SPRATLY) ISLANDS BELONG
TO THE VIETNAMESE

— Geographic and historic background	67
— Legal basis of Vietnamese possession	70
— Exercise of normal state authority	76

CHAPTER IV

THE DEFENSE OF THE LEGITIMATE RIGHTS
OF VIET NAM

— From the San Francisco Peace Conference to 1973	85
— The Chinese invasion of January 19-20, 1974	91
Conclusion : Unanimity of the people of the Republic of Viet Nam against aggression	98
Selected Bibliography	102

FOREWORD

The Vietnamese archipelagoes of Hoang Sa (Paracel) and Truong Sa (Spratly) are both situated in the South China Sea off the Republic of Vietnam's shore. Their very modest size by no means lessens the importance given them by the Vietnamese: to Vietnamese hearts these remote insular territories are as dear as could be any other part of the fatherland. The Hoang Sa islands to the North were occupied by force of arms by the People's Republic of China on January 20, 1974, following a brazen act of invasion which left the world extremely indignant. As for the Truong Sa islands 500 km to the South, two other foreign powers are illegally stationing troops on four of the main islands in the archipelago.

The Government of the Republic of Vietnam and the Vietnamese people, determined to defend their sovereignty and the territorial integrity of the country, solemnly denounce the occupation of these Vietnamese territories by foreign troops. Regarding the Hoang Sa (Paracel) islands, not only was the gross violation of Vietnamese sovereignty by the People's Republic of China a defiance of the law of nations and the Charter of the United Nations: in-as-much as this involved the use of force by a world power against a small country in Asia, it also constitutes a threat to peace and stability in South East Asia. In the case of the Truong Sa (Spratly) islands, although foreign occupation was not preceded by bloodshed, it nevertheless represents a grave violation of the territorial integrity of the Republic of Vietnam. The rights of the Vietnamese people over those islands have been as firmly established there as on the Hoang Sa archipelago.

The Republic of Vietnam fulfils all the conditions required by international law to assert its claim to possession of these islands. Throughout the course of history, the Vietnamese had already accomplished the gradual consolidation of their rights on the Hoang Sa islands. By the early 19th century, a systematic policy of effective occupation was implemented by Vietnamese emperors. The Truong Sa islands, known to

and exploited by Vietnamese fishermen and laborers for many centuries, were formally incorporated into Vietnamese territory by France on behalf of Vietnam. On both archipelagoes, Vietnamese civil servants assured a peaceful and effective exercise of Vietnamese jurisdiction. The continuous display of state authority was coupled with the constant Vietnamese will to remain the owner of a legitimate title over those islands. Thus military defense of the archipelagoes and diplomatic activities were put forth in the face of false claims from other countries in the area. Vietnamese rights being indisputable, the People's Republic of China chose to resort to military force in order to assert her sudden claims to the Hoang Sa (Paracel) islands. Two other foreign powers took advantage of the war situation in Vietnam to militarily occupy some of the Truong Sa (Spratly) islands over which they have no legal rights. Since both the Hoang Sa and Truong Sa archipelagoes are situated below the 17th parallel, this is primarily a matter of concern for the Republic of Vietnam.

This White Paper is designed to demonstrate the validity of the claims made by the Republic of Vietnam. It is also an appeal for justice to the conscience of all law-abiding and peace-loving nations in the world.

The noblest and most imperative task of a Government is to defend the sovereignty, independence and territorial integrity of the Nation. The Government of the Republic of Vietnam is determined to carry out this task, regardless of difficulties it may encounter and regardless of unfounded objections wherever they may come from.

In the face of the illegal military occupation by Communist China of the Paracels Archipelago which is an integral part of the Republic of Vietnam, the Government of the Republic of Vietnam deems it necessary to solemnly declare before world opinion, to friends and foes alike, that:

The Hoang Sa (Paracel) and Truong Sa (Spratly) archipelagoes are an indivisible part of the territory of the Republic of Vietnam. The Government and People of the Republic of Vietnam shall not yield to force and renounce all or part of their sovereignty over those archipelagoes.

As long as one single island of that part of the territory of the Republic of Vietnam is forcibly occupied by another country, the Government and People of the Republic will continue their struggle to recover their legitimate rights.

The illegal occupant will have to bear all responsibility for any tension arising therefrom.

On this occasion, the Government of the Republic of Vietnam also solemnly reaffirms the sovereignty of the Republic of Vietnam over the islands off the shores of Central and South Vietnam, which have been consistently accepted as a part of the territory of the Republic of Vietnam, on the basis of undeniable geographic, historical and legal evidence and on account of realities.

The Government of the Republic of Vietnam is determined to defend the sovereignty of the Nation over those islands by all and every means.

In keeping with its traditionally peaceful policy, the Government of the Republic of Vietnam is disposed to solve, through negotiations, international disputes which may arise over those islands, but this does not mean that it shall renounce its sovereignty over any part of its national territory.

(Proclamation by the Government of the
Republic of Vietnam
dated February 14, 1974)

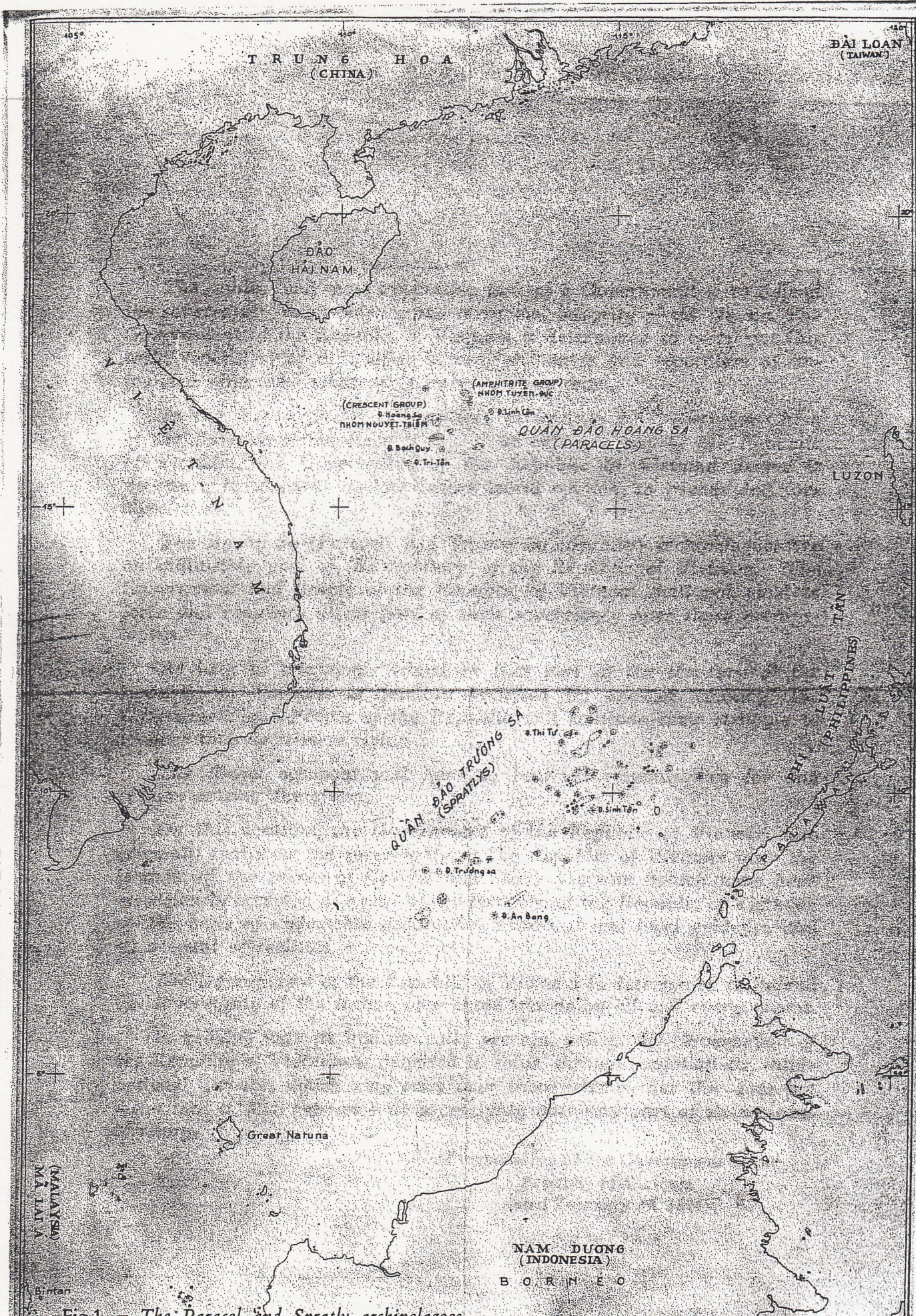


Fig.1 - The Paracel and Spratly archipelagos.

CHAPTER I

THE EARLY HISTORICAL RIGHTS OF VIETNAM

The Vietnamese have had knowledge of the Hoang Sa islands long before the arrival to the South China Sea of Westerners who publicized internationally the name of «Paracels» for this part of their territory. It has been scientifically determined that the Vietnamese presence on the archipelago started in the 15th century. The systematic exploitation of the islands' resources started early and gradually developed Vietnamese interest in these territories, leading in the 18th century to official state actions such as the formation of the *Hoang Sa Company* to ensure a more rational exploitation of those islands. As evidenced by reliable Vietnamese and foreign sources, Vietnam progressively asserted her rights and the Hoang Sa archipelago was formally taken possession of by Vietnamese authorities in the year 1816.

Geographic position.

The Hoang Sa archipelago is a string of islets off the Vietnamese coast between 111 and 113 degrees longitude East of Greenwich, and between 15°45' and 17°15' North latitude. The nearest island in the archipelago is roughly at equal distance from the coast of Vietnam and the southern shore of Hainan island in China. Using Pattle Island (đảo Hoàng Sa), the largest of the group, as a point of reference, the distances are as follows :

- Pattle to the Vietnamese harbour of Danang : 200 nautical miles.
- Pattle to the closest shore on Hainan : 150 nautical miles.
- Pattle to the closest shore in the Philippines : 450 nautical miles.
- Pattle to the closest shore in Taiwan : 620 nautical miles.

The Hoang Sa islands are divided into two groups : to the East lies the Tuyên Duc (or Amphitrite) Group and to the West lies the Nguyễn Thiêm (or Crescent) Group. The main islands are :

Tuyên Duc Group :

- Dao Bac — North Island
- Dao Trung — Middle Island
- Dao Nam — South Island
- Phu Lam — Wooded Island (French : Ile Boisée)
- Hon Da — Rocky Island
- Dao Linh Côn — Lincoln Island
- Dao Cù Múc — Tree Island
- Côn Nam — South Bank

Nguyệt Thiêm Group :

- Dao Hoàng Sa — Pattle Island
- Dao Cam Tuyền — Robert Island
- Dao Vinh Lạc — Money Island
- Dao Quang Hoa — Duncan Island
- Dao Duy Mông — Drummond Island
- Dao Bạch Qui — Passu Keah Island
- Dao Tri Tôn — Triton Island.

Apart from Pattle, the only other large island is Phu Lâm or Wooded Island in the Amphitrite Group. The total surface area of the isles in both Groups barely exceeds 10 square kilometers or about 5 square miles. Most islets were originally coral reefs and have the appearance of bare sandbanks, except for Wooded Island and Pattle Island, which is known for its cononut trees. The islands are surrounded by rings of reefs which make the approach by vessels very dangerous. An abundance of tortoises, sea slugs and other marine creatures are found there. Rich beds of phosphate have been produced by the interaction of the sea birds' guano with tropical rains and the coral limestone. The climate on the archipelago is marked by constant humidity and little variation in mean temperatures. In economic terms, the Hoang Sa Islands have been frequented long ago by Vietnamese fishermen and in recent times have attracted many companies exploiting phosphates.

First Vietnamese document on the Hoang Sa Islands.

Evidence showing Vietnamese sovereignty over the Hoang Sa Islands extends back over three hundred years. The oldest Vietnamese document on this part of the national heritage is the work done sometime between 1630 and 1653 by a scholar named Do Ba and also known under the penname of Dao Phu. It is a series of maps of Viet Nam which constitutes the third part of the "Hong Duc Atlas" (1): the Atlas started under the reign of Emperor Le Thanh Tong alias Hong Duc (1460-1497). Notes accompanying the maps clearly indicate that as far back as the early 17th century, Vietnamese authorities had been sending, on a regular basis, ships and men to these islands, which at that time were named "Cat Vang" (both "Cat Vang" and "Hoang Sa" mean "yellow sand"). These are the islands now known internationally by the name "Paracels".

The following is the translation of Do Ba's remarks:

"At the village of Kim Ho, on both banks of the river, stand two mountains each containing a gold deposit exploited under government control. On the high sea, a 400-ly long and 200-ly large archipelago (2) called "Bai Cat Vang" (Yellow sand banks) emerges from the deep sea facing the coastline between the harbor of Dai Chiem and the harbor of Sa Vinh (3). During the South-West monsoon season, commercial ships from various countries sailing near the coasts often wreck on the insular territories. The same thing happens during the North-East monsoon season to those ships sailing on the high sea. All the people on board wrecked ships in this area would starve. Various kinds of wrecked cargoes are amassed on these islands. Each year during the last month of winter, the Nguyen rulers send to the islands an 18-junk flotilla in order to salvage them.

They obtain big quantities of gold, silver, coins, rifles and ammunitions. From the harbor of Dai Chiem the archipelago is reached after a journey of one-and-a-half day, while one day suffices if one embarks from Sa Ky. (4)"

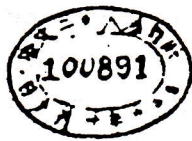
¹ The Atlas is being kept at the "Ecole Francaise d'Extreme Orient", Tokyo Bunko Library in Tokyo, Japan, has a microfilm of it under reference number 100891.

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. This explains why some islands could be reached in one day.

洪德版圖



東洋文庫

Fig.3. - Cover page of the «Hong Duc Atlas»
(microfilm at Toyo Bunko Library, Tokyo)

Although geographical descriptions of former times are not as precise as they are now, it is clear from the above that the « yellow sand » or Hoàng Sa Islands have been part of the economic heritage of the Empire of Vietnam at least before 1653, the latest year when Dô Ba could have completed his map drawing. Moreover, an eminent Vietnamese historian and scholar, Vo Long Tê, has been able to determine that, taking into account other factors in the Dô Ba's text (e.g. historical references and linguistic style), the salvage expeditions described therein actually started in the 15th century (5).

First evidence from foreign sources.

Vietnamese scholars are not the only people to record that Vietnam, formerly known as the Empire of Annam, had early displayed state authority over the Hoàng Sa islands. Actually, foreign sources have been even more accurate in regard to the dates concerning Vietnamese sovereignty. As presented above, on the basis of the Dô Ba document, economic exploitation of the Hoàng Sa islands by Vietnamese started, at least, before 1653. However, as early as 1634, the *Journal of Batavia*, published by the Dutch East Indies Company, recorded incidents showing that Vietnamese jurisdiction was then already recognized by citizens of other countries.

According to the *Journal of Batavia* published in 1634-1636, (6) on July 20, 1634, three Dutch ships named *Veenhuizen*, *Schagen* and *Grootebroek* left Touron (present-day Da Nang) on their way to Formosa, after having come from Batavia (present-day Djakarta). On the 21st, the three ships were caught in a tempest and lost contact with one another. The *Veenhuizen* arrived in Formosa on August 2 and the *Schagen*, on August 10. But the *Grootebroek* capsized near the Paracel islands, north of the 17th Parallel. Of the cargo estimated at 153,690 florins, only 82,995 florin worth of goods were recovered by the surviving crew; the rest went down to the bottom of the sea. Of the ship's company nine men were also missing.

(5) Internationally-known Vietnamese historians have, directly or indirectly, contributed to the task of determining the date of the Dô 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 Tê, *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, Hanoi, 1936.

After he had taken every disposition to have the remains of the cargo safely stored on the islands, under the guard of 50 sailors, the captain of the *Grootebroek* took to sea with another 12 sailors and headed toward the Vietnamese coast to seek help in the realm of the Nguyễn Lords. However, when the group reached the mainland, they were taken prisoners by fishermen and their money was confiscated. This led to a dispute with the Vietnamese authorities. The dispute resulted in further visits by Dutch ships to the Vietnamese Court (and ultimately, to the granting of free trade rights to Dutchmen and the establishment of the first Dutch factory in Vietnam, headed by Abraham Duijcker). For our purposes here, however, the significant fact was that, when the *Grootebroek* sank, the sailors chose to go to Vietnam instead of China, although China was nearer. This is undoubtedly because they assumed the country exercising jurisdiction over the site of the wreckage would naturally provide rescue and be more responsive to their claims.

Testimony by Vietnamese historian Lê Qui Dôn.

Other references to the early historical rights of Vietnam over the Hoang Sa islands (called «Pracels» in the *Journal of Batavia* account) are made by the encyclopedist Lê Qui Dôn (1726-1784) in his history work *Phủ Biên Tập Lục* (Miscellaneous Records on the Pacification of the Frontiers). Lê Qui Dôn was a mandarin sent to the South by the Court in order to serve as administrator in the realm recently taken over by the Court from the Nguyễn Lords (hence the appellation of «Frontier Provinces» for these lands in the title of the book).

In his work, Lê Qui Dôn recorded many of the things he saw or heard while on duty in the southern realm. As a consequence, there were several references to the islands belonging to the Nguyễn realm. The most extensive and precise reference to the Paracel Islands occurs on pages where it is said:

«The village of An Vinh, Binh Son District, Quang Ngai Prefecture, is close by the sea. To the northeast (of the village) there are many islands and miscellaneous rockheads jutting out of the sea, totalling 130 altogether. From the rockheads out to the islands, it sometimes takes a day (by sea) or at least a few watches. On top of the rocks there sometimes are freshwater springs. Linking the islands is a vast strip of yellow sand of over 30 *ly* in length, a flat and vast expanse where the water is crystal clear and can be seen through to the bottom.

On a following page, the fauna and flora of the Paracels are described in detail, thus allowing one to compare them with later scientific descriptions made in the twentieth century : seaswallows and their valuable nests (among the thousands of varieties of birds found on the islands), giant conches called « elephant-ear conches », mother-of-pearls, giant tortoises and smaller varieties of turtles, sea urchins, and so forth.

Regarding the usefulness of these islands and their exploitation, Lê Qui Dôn has this to say : « When they encounter strong winds, large sea-going ships usually take shelter in these islands ».

« In the past, the Nguyễn had created a *Hoang Sa Company* of 70 men, made up of people from An Vinh village. Every year they take turns in going out to the sea, setting out during the first month of the lunar calendar in order to receive instructions regarding their mission. Each man in the company is given six months worth of dry food. They row in five fishing boats and it takes them three days before they reach the islands. They are free to collect anything they want, to catch the birds as they see fit and to fish for food. They (sometimes) find the wreckage of ships which yield such things as bronze swords and copper horses, silver decorations and money, silver rings and other copper products, tin ingots and lead, guns and ivory, golden bee-hive tallow, felt blankets, pottery and so forth. They also collect turtle shells, sea urchins and striped conches in huge quantities.

« This Hoang Sa Company does not come home until the eighth month of the year. They go to Phú Xuan (present-day Hue) to turn in the goods they have collected in order to have them weighed and verified, then get an assessment before they can proceed to sell their striped conches, sea turtles and urchins. Only then is the Company issued a certificate with which they can go home. These annual collections sometimes can be very fruitful and at other times more disappointing, it depends on the year. It sometimes happens that the company can go out and return empty-handed.

« I (Lê Qui Dôn) have had the opportunity to check the records of the former Count of Thuyên Duc and found the following results :

« In the year of Nham Ngo (1702), the Hoàng Sa Company collected 30 silver ingots.

« In the year of Giáp Than (1704), 5,100 catties of tin were brought in.

« In the year of At Dau (1705), 126 ingots of silver were collected.

撫邊雜錄卷之二

奉差順化廣南等道參視參贊軍機順化協鎮
撫右勝奇八侍陪從戶部左侍郎潁城侯黎貴厚撰
昔人有云自有天地即有山河城闕雖有殊而山河不改
省偽莫辰都給事中楊文樞烏州近錄所載順化
處山河海口今則依然而城池驛渡寺塔較異昔辰矣
今畧錄之橫山在布政州近山焦社接安界自遠迢迢

Fig.4. - First page of Lê Quý Đôn's book «Phu Biên Tạp Lục».

« From the year of Ky Suu (1709) to the year of Quy Ti (1713), i.e. during five consecutive years, the company managed to collect only a few cattles of tortoise shell and sea urchins. At one time, all they collected included a few bars of tin, a few stone bowls and two bronze cannons ».

It is clear from the above that in the eighteenth century at least, the Nguyen Lords of southern Vietnam were very much concerned with the conomic possibilities of the Hoàng Sa (Paracel) Islands and in fact actually organized the annual exploitation of this archipelago. The fact that no counterclaims were made by any other nation is patent proof that the Nguyens' sovereign rights over the islands were not challenged by any country.

Elsewhere in the book, Lê Qui Dôn also records an incident dating from 1753 which throws some light over the question of Chinese-Vietnamese relationships regarding the Paracel Islands. « The shores of the Hoàng Sa Islands are not far from Lien-chou Prefecture in Hainan Province, China. (For that reason) our ships sometimes meet with fishing boats from our Northern neighbor (China) on the high sea. Ship-mates from both countries inquire about one another in the midst of the ocean... On one occasion, there was a report coming from the hall officer in charge of sea traffic investigations in Wen-ch'ang District, Ch'iung-chou Prefecture (Hainan Island, China), which says : « In the eighteenth year of Ch'ien-lung (1753), ten soldiers from An Binh Village belonging to the Cat Liem Company, District of Chuong Nghia, Quang Ngai Prefecture, Annam, set out during the seventh month to go to the Van Ly Truong Sa (7) to collect sea products. Eight of the ten men went ashore for the collection of products, and two remained on the ship to watch it. A typhoon soon developed which caused the anchor cord to split, and the two who remained on the ship were washed into the port of Ch'ing-lan. After investigation the Chinese officer found the story to be correct and consequently had the two Vietnamese escorted home to their native village » « Lord Nguyễn Phúc Chu subsequently had the Governor of Thuan Hoa (present-day Thua Thiên) Province, the Count of Thuc Luong, write a courtesy note to the hall officer of Wen-ch'ang to acknowledge his help. »

This story illustrates a number of points, besides the general civility of intercourse already evinced at the time between China and Vietnam. It is apparent from the story that the Chinese officer from Wen-ch'ang

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

was not bothered by the fact that the Vietnamese were intruding into Chinese territorial waters when they went to the *Van Ly Truong Sa*. The only concern of the officer was to find out whether the statements made by the two Vietnamese sailors had any basis in fact. In other words, the Chinese officer was only worried about the possibility of the Vietnamese being spies sent into Hainan under the pretense of a storm encountered at sea. When this was disproved, the Chinese immediately had the Vietnamese released and dealt with them very kindly by having them escorted home. The whole incident clearly proves that Vietnamese exploitation of the economic resources on the Paracels in the eighteenth century was a very open activity, carried out peacefully and acknowledged by the Chinese to be an exercise of legitimate rights over the islands.

A famous geography book written by Phan Huy Chu and printed in 1834 by the name of *Hoàng Việt Địa Dư Chí* contains a text on the Hoàng Sa islands which does not present much that is new in comparison to the information in Lê Qui Dôn's work. Only two minor differences are found :

— The Hoàng Sa Company, according to this geographical work, was still composed of 70 men from An Vinh Village. However, they receive dry food and get instruction to go out to sea in the third month of the lunar calendar (rather than in the first, as recorded by Lê Qui Dôn). They begin their return journey in the sixth month.

— In the eight month, they arrive home through the port of Eo (Thuan An).

From the above, it can be seen that exploitation of the Paracel Islands was becoming an operation of diminishing return in the early nineteenth century, thus necessitating an excursion of two months only, instead of the six-month excursion needed in the eighteenth century. However Vietnamese interests in the islands were not merely economic, as can be seen in the following testimonies.

Confirmation by other foreign sources.

Various foreign authors confirmed that the Hoàng Sa islands were fully part of the Vietnamese territory as early as the 18th century. For instance, testimony in 1701 by a missionary travelling on the *Amphitrite* (reportedly the first French ship to enter South-China Sea late in the 17th century), describing frightening dangers experienced by ships in the

vicinity of the Paracels, mentioned specifically that this archipelago belonged to the Empire of Annam, i.e., a former name for Vietnam (8). Another document dated April 10, 1768 and called *Note sur l'Asie demandée par M. de la Borde à M. d'Estaing* (now held in French archives) (9) provides evidence of intense patrol operations between the Paracels and the coast of Vietnam by Vietnamese naval units. When French Admiral d'Estaing was planning a raid against the Vietnamese city of Huê in order to set a French establishment in Indochina, he reported that Vietnamese vessels frequently cruised between the Paracels and the coast and thus, «would have reported about his approach». This fact apparently caused him to cancel the raid planned against Vietnam. This demonstrates that as long as two centuries ago, the Hoang Sa islands were already included in the Vietnamese system of defense and that the most evident acts in the exercise of state jurisdiction were regularly performed by Vietnamese authorities.

In the same document, Admiral d'Estaing also gave various detailed descriptions of the defense installations on the shore. He wrote that the Huê citadel contained 1,200 cannons, of which 800 were made of bronze, many bearing the arms of Portugal and the date 1661. There were also some smaller pieces (bearing the arms of Cambodia and the monogram of the British Company of India) that had been «salvaged from driftwood of wrecked vessels in the Paracels.»

In another proposal made in 1758-59 for a French attempt against Vietnam and presented in his *Mémoire pour une entreprise sur la Cochinchine proposée à M. de Magnon par M. d'Estaing* (10), Admiral d'Estaing made another mention of the Hoang Sa islands in his description of the defense of Lord Vo Vuong's palace. Built on the bank of a river, he reported, the palace was surrounded by an 8 to 9-foot high wall without any kind of fortification. There were many cannons that were designed for decoration, rather than for use. Admiral d'Estaing put the number of cannons at 400, many being Portuguese pieces «taken here from ships wrecked on the Paracels.»

(8) *Lettres édifiantes et curieuses des Missionnaires de Chine*, quoted in the review *Indochine*, No. 46, p. 7.

(9) The document was reprinted in *Bulletin des études indochinoises*, tome XVII, No. 1, Hanoi, 1942.

(10) Archives of the French Navy, Ministère de la Marine, Paris. The document was reprinted in *Bulletin de la Société des études indochinoises*, tome XVII, No. 1, Hanoi, 1942.

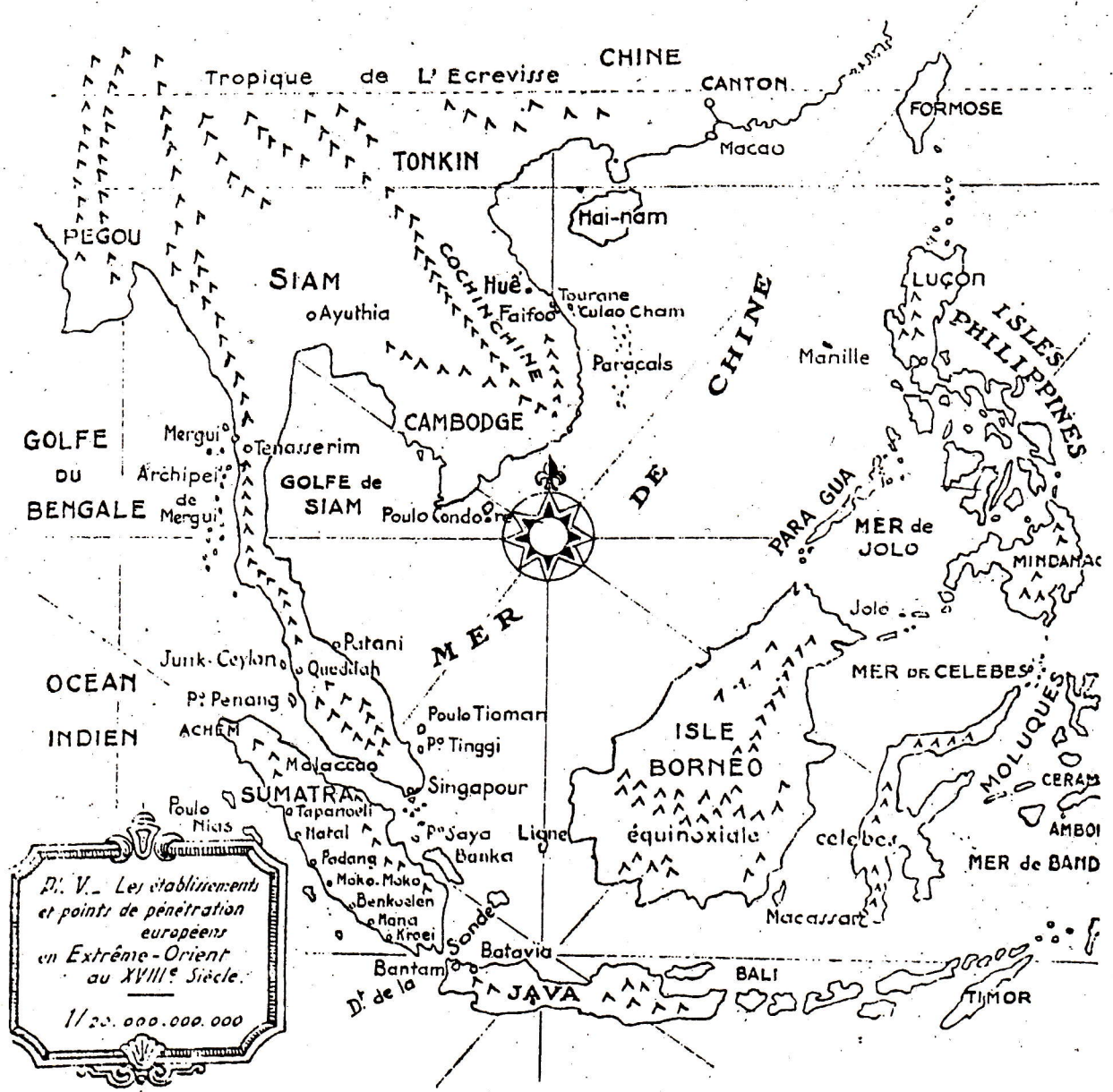


Fig.5. - Map accompanying an article in «Bulletin des études indochinoises» on French attempts against the Annam Empire in the 18th century.

In a book published in London in 1806: *A Voyage To Cochinchina*, John Barrow told the story of a British journey to Vietnam and indicated that the Paracels were part of the Vietnamese economic world. The journey described in the book was made by Count Maccartney, then British Envoy to the Chinese Court. Leaving England on September 2, 1792 Count Maccartney stopped in Tourane (Danang) between May 24 and June 16, 1793 in order to enter into contact with the « King of Cochinchina ». The 3-week long stay gave John Barrow leisure to study Vietnamese vessels. Therefore, he provided in his book a detailed description of different types of boats used by the « Cochinchinese » in order to reach, among other places, the Paracel islands where they collected trepang and swallow nests (11).

Thus Vietnamese and foreign sources agree that the Hoang Sa islands have for centuries been included within the scope of Vietnamese interests and aims. These sources recognize the perfection of the sovereign title upheld by the Vietnamese in the course of time in relation to a growing number of states. The progressive intensification of Vietnamese control over the Hoàng Sa islands reached a decisive and irreversible point at the beginning of the 19th century, when the reigning Nguyễn dynasty developed a systematic policy toward complete integration of the archipelago into the national community.

(11) Translation into French of John Barrow's book is available in Paul Boudet and André Masson, *Iconographie historique de l'Indochine Française*, p. 250-300, Paris, éditions G. Van Oest, 1907.

CHAPTER II

THE EXERCISE OF VIETNAMESE SOVEREIGNTY OVER THE HOANG SA ISLANDS

Historical consolidation of the Vietnamese title to the Hoang Sa islands continued under the Nguyễn dynasty, i.e., after 1802. From that date, it is possible to speak of a « Paracel policy » by the successive emperors of Vietnam as manifested through systematic measures taken in the fields of administration, defense, transports and economic exploitation.

Formal taking of possession by Emperor Gia Long.

The first emperor of the Nguyễn dynasty, Gia Long, consecrated the will of the Vietnamese to confirm their sovereignty over the Hoang Sa islands by formally taking possession of the archipelago. According to various historic sources, in the year 1816 the Vietnamese flag was planted in a formal ceremony on the Paracels. In 1837 the Reverend Jean-Louis Taberd, then Bishop of Isauropolis, wrote the following in his « Note on the Geography of Cochinchina » printed in the *Journal of the Royal Asiatic Society of Bengal, India*, (12) :

« The Pracel or Parocels is a labyrinth of small islands, rocks and sand-banks, which appears to extend up to the 11st degree of north latitude, in the 107th parallel of longitude from Paris. Some navigators have traversed part of these shoals with a boldness more fortunate than prudent, but others have suffered in the attempt. The Cochin Chinese called them Con-uang. Although this kind of archipelago presents nothing but rocks and great depths which promise more inconveniences than advantages, the king GIA LONG thought he had increased his dominions by this sorry addition. In 1816, he went with solemnity to plant his flag and take formal possession of these rocks, which it is not likely any body will dispute with him. »

(12) Issue of April 1837, pp. 737-745.

The rāja having previously been instructed in the doctrines (of the orthodox faith) readily distinguished that these were not bhikkhus, but heretics. Supplying them with white dresses, to be substituted for their sacerdotal yellow robes, he expelled them: the whole of them amounted to sixty thousand.

Then sending for the other priests, he thus questioned them.

“Lords! what faith did the supreme BUDDHO reveal?”

“Mahārāja! the **Wibhajja* faith?”

On receiving this answer, addressing himself to the théro, he asked: “Lord! was the supreme BUDDHO himself of the *Wibhajja* faith?”

Being answered in the affirmative, the rāja then saying “Lord! the religion is now purified: let the priesthood now perform the *Upasatha*,” and conferring on them the royal protection, re-entered the capital.

The priesthood assembling together performed the *Upasatha*. The number of bhikkhus who assembled there was sixty lakhs. The théro MOOGALIPUTTARISSO, suppressing in that community the professions of the creeds of other sects, propounded to them the *Kathāwatthupphākan*. And then selecting, and setting apart, from among the sixty lakhs of bhikkhus, one thousand bhikkhus, from amongst those who were the sustainers of the text of the three *Pitakani*, who had overcome the dominion of sin which is to be subdued, and who were masters of the mysteries of three *Wijja*,—in whatever manner MAHAKASSAPO and YASSO théro had held their convocations, on *Dhammo* and *Winayo*, precisely in the same manner, holding a CONVOCATION, and purifying the whole *Sāsana* from all impurity, he performed the THIRD CONVOCATION. At the close of the CONVOCATION, the earth quaked in various ways.

This CONVOCATION was brought to a close in nine months. It is also called the “SAHASIKA” because the CONVOCATION was composed of a (*sāhasa*) thousand bhikkhus, and on account of two having preceded it, also the (*Tatiya*) THIRD CONVOCATION.

II.—*Note on the Geography of Cochin China, by the Right Rev. JEAN LOUIS, Bishop of Isauropolis, Vic. Apost. of Cochin China. Hon. Mem. As. Soc.*

[Translated from a memoir kindly communicated by the author †.]

Speaking of the geography of Cochin China, M. MALTE BRUN, whose works on this subject are in many respects highly valuable, has not feared to advance that our knowledge of this country has become more obscure the more it has been handled by successive writers, who contradict one another. In spite of the respect due to an author of MALTE BRUN's celebrity, (who nevertheless is, I believe, only a fireside geographer,—or, which is the same thing, a traveller

* Signifies “investigated,” also “verified.”

† We must apologize to the author for presenting his contribution in English, a work of no small trouble by the way to an Editor, but the difficulty of printing in French would have much retarded the journal.—ED.

5 A

#6. — First page of the Rev. Jean Louis Taberd's article in the «*Journal of the Royal Asiatic Society of Bengal*» (1837).

The Reverend Jean Louis Taberd was not the only one to give testimony in support of Vietnamese sovereignty over the Paracels. Another foreigner, a Frenchman who spent many years in the Far East and who was a contemporary eyewitness, wrote (13) :

« *Cochinchina, of which the sovereign king today carries the title of Emperor, includes Cochinchina proper, Tonkin (...), a few scarcely inhabited islands not far from the coastline and the Paracel archipelago made up of islets, coral reefs and uninhabited rocks. It was in 1816 that the present Emperor (Gia Long) took possession of this archipelago* ».

Consolidation of sovereignty under subsequent emperors.

Numerous documents in Vietnamese archives give the most convincing facts about the display of the Nguyễn dynasty's authority over the Hoang Sa islands. One of the striking facts was the order given in 1833 by Emperor Minh Mang to his minister of Public Works to plant trees on some of these islands because « trees will grow up and will offer a luxuriant vegetation that would allow navigators to reconnoiter these vicinities so to avoid having their ships being wrecked in these not very deep waters. This will be for the profit of ten thousand generations to come » (14). Considering the fact that most ships that sank in the area were foreign-owned, there is no doubt that the Vietnamese executed this act to meet their international responsibilities. Thus, by offering certain guarantees to other states and their nationals, by being an identifiable addressee of international claims regarding the Hoang Sa islands, Vietnam further asserted her title to the property of these territories (15).

One year later, in 1834, the same emperor Minh Mang sent Garrison Commander Truong Phuc Si and 20 other men to the Hoang Sa archipelago in order to make a map of the area (16). This mission apparently was not carried out to the satisfaction of officials in the Ministry of Public Works who, two years later, reported to the Emperor that because of the size of the area, « only one island had been drawn on a map which is not as precise and detailed as we would wish ». The report added that since these islands were « of great strategic importance to our maritime

(13) Jean Baptiste Chaigneau, *Notice sur la Cochinchine*, presented and commented by A. Salles in *Bulletin des amis du Vieux Hué*, 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*, 122nd Volume.

大南寔錄正編第二紀卷之一百四

聖祖仁皇帝寔錄

癸巳明命十四年秋八月討逆右道將軍阮文仲

參贊張明講黃登慎兵次高蠻橋北賊徒約

千餘分道一向橋南隱伏一向花峯壘掩擊

黎策阮文兌道兵適原安河總督黎大綱管

將兵象抵習陣原前來策應賊稍卻忽有一

支自西郭林叢中出與之交鋒數合應義鄉

大南寔錄正編第二紀卷之一百四

一

Fig.7. - First page of the 104th Volume of the «Dai Nam Thuc Luc Chinh Bien». These annals recorded many facts about Vietnamese sovereignty over the Paracels.

borders », it would be appropriate to send out missions each year in order to explore the whole archipelago and to get accustomed to the sea routes there. The report further pointed out that all the islands, islets and mere sand-banks must be surveyed in order to get a description of their relief and size, and to determine coordinates and distances. The Emperor approved the recommendations and sent a Navy team to the Hoang Sa islands for the purposes set in the report (1836). Ten markers were taken along on the vessel to be planted on the islands which the team would reconnoiter. On each marker was the inscription: « In the year Binh Thân, 17th Year of the reign of Minh Mang, Navy Commander Pham Hui Nhât, commissioned by the Emperor to Hoang Sa to conduct map surveyings, landed at this place and planted this marker so to perpetuate the memory of the event » (17). The data gathered in the survey were used in the drawing of the remarkable « Detailed map of the Dai Nam » (see Fig. 8) (18) achieved circa 1838. Although not locating the two archipelagoes of Hoang Sa and Truong Sa at their proper place, the « Detailed Map » had the merit of mentioning these archipelagoes specifically by their names. The islands later known as Paracels and Spratlys were then clearly and indisputably considered parts of the Vietnamese territory.

In other action lying within the normal display of state jurisdiction. Emperor Minh Mang ordered, in the 16th year of his reign (1835), the building of a temple on one of the Hoang Sa islands. The following is recorded in Vietnamese annals (19) : « Among the Hoang Sa islands located in the territorial waters of Quang Nghia (present day Quang Nam) Province, there exists the island of Bach Sa (white-sand island) where the vegetation is luxuriant. In the middle of the island is a well and in its South West part, a temple with a sign on which is engraved the sentence « Van Ly Ba Binh » (« the waves calm down over ten thousand leagues »). To the North of this isle is another one built with coral with a perimeter measuring 340 *truong* 2 *xich* and an altitude of 1 *truong* 3 *thuoc* (20). It is as high as the Island of White-Sand and called Bàn Than Thach (21). Last

(17) History annals *Dai Nam Thuc Luc Chinh Bien*, 165th volume.

(18) In Vietnamese : « *Dai Nam Nhât Thông Toàn Đô* ». *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 Nhât Thông 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 », *La Nature* review, Nov. 1, 1933).

大南一統全圖

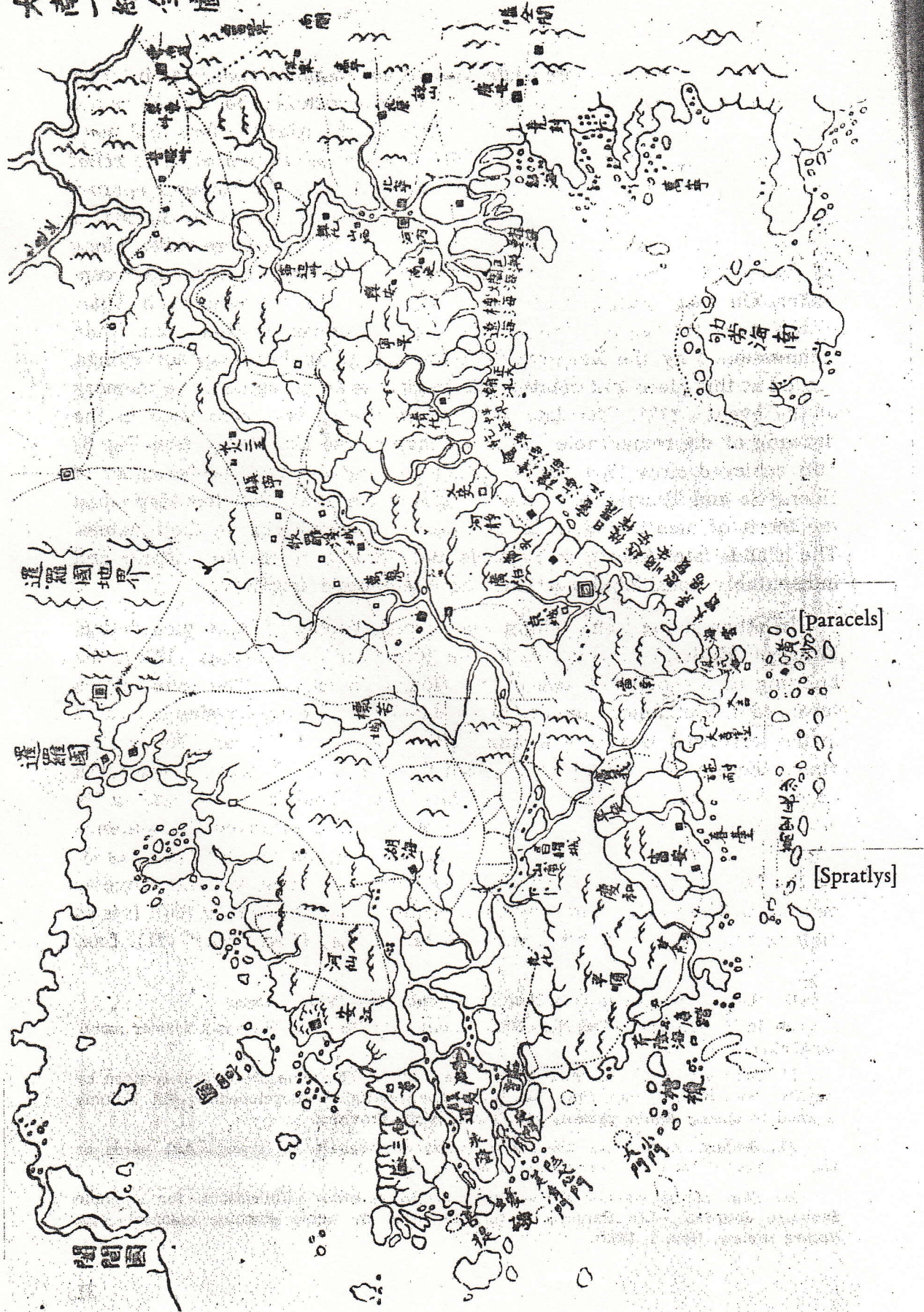


Fig.8. «Detailed map of the Dai Nam».

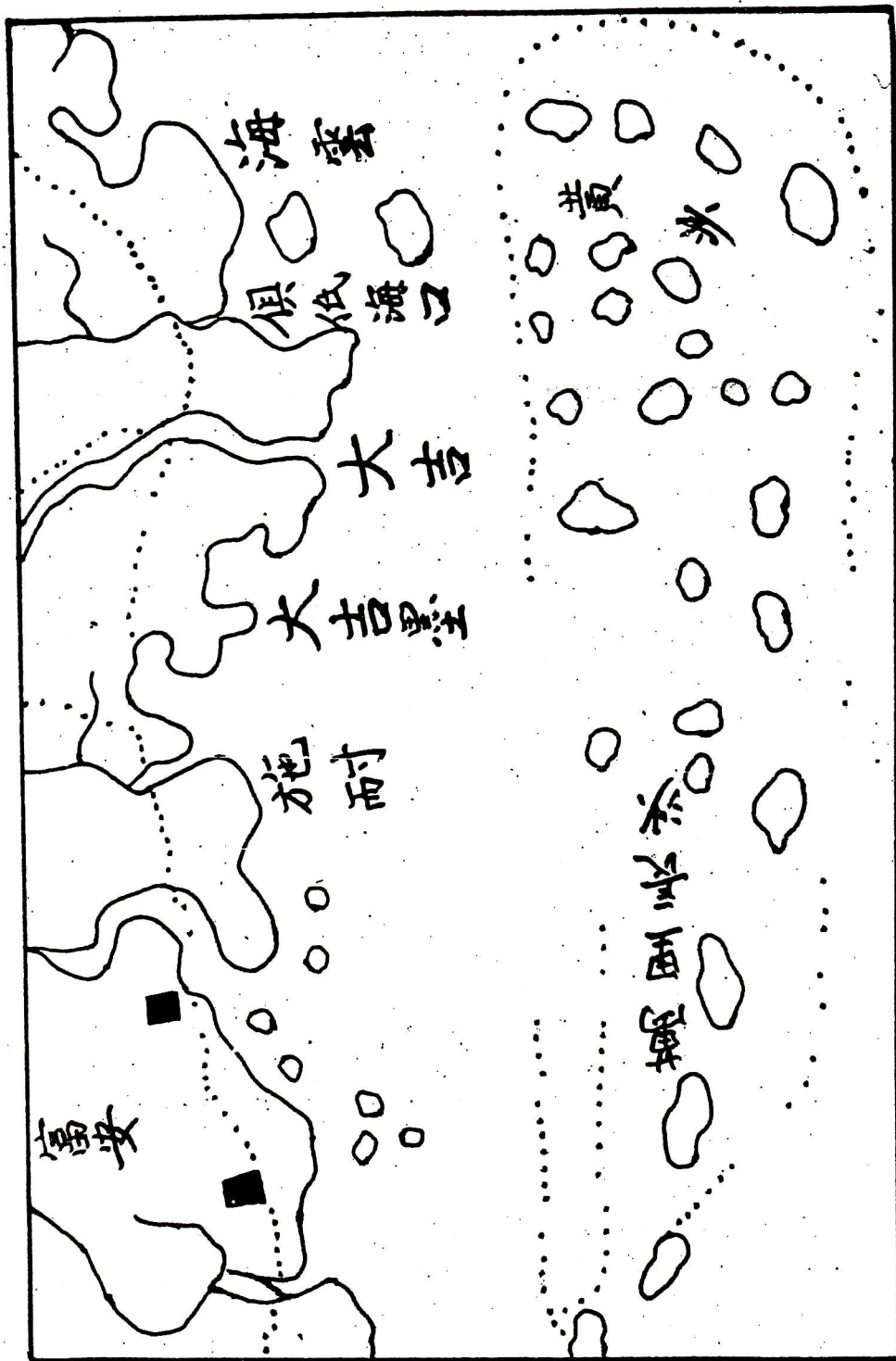


Fig.9. - Enlarged portion of the same map (Paracel and Spratly islands).

year (1834), it was the intention of the Emperor to build there a temple and a stele, but the project was postponed because of unfavorable winds and waves. This year, the Emperor ordered Navy Commander Pham Van Nguyên to head an Elephant Garrison Detachment and boatmen hired in the provinces of Quang Nghia and Binh Dinh to transport materials for the purpose of building a temple on that island. This temple is 7 *truong* distant from the old one, and has a stonemark to its left and a brick screen in front. Upon completion of the work which lasted 10 days, the team returned home » (22). Another document indicates that the stonemark just mentioned was 1 *thuoc* 5 *tac* high and 1 *thuoc* 2 *tac* wide (23). Under the reign of Emperor Minh Mang, communications between the Hoang Sa islands and the mainland were intense enough to justify the construction of a temple dedicated to the Gods of Hoang Sa right on the beach of Quang Ngai in 1835. That city was a main harbour from which boats going to these islands originated (24).

Time has probably erased traces of these works performed almost 140 years ago and for which light materials were largely used. But all the Vietnamese documents quoted are official publications kept until now in Vietnamese archives or prestigious foreign institutions. These reliable recordings of facts in Vietnam's national life demonstrate clearly that one of the major concerns of the Nguyễn emperors' territorial policy was to consolidate sovereignty over the Hoang Sa islands. As a result, Vietnamese jurisdiction became so obvious that contemporary foreign witnesses never thought of it as a contested matter. We already mentioned Bishop Jean-Louis Taberd's and J.B. Chaigneau's testimonies, but other foreign publications of the 19th Century also recognized the Vietnamese possession : a western map drawn in 1838 showed the « Paracel or Cat Vàng » islands as part of the Annam Empire (25). A geography book written under the auspices of the (French) Ethnography Society mentioned the Paracels or Kat Vàng as one of the very numerous islands and archipelagoes belonging to Vietnam (26). It must be stressed that all French works quoted had been produced at a time when the French did not yet control Vietnam and, therefore, had no interest in defending French claims to sovereignty over these islands.

(22) *Annals Dai Nam Thuc Luc Chinh Bien*, 154th Volume.

(23) *Khâm 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, Félix Alcan, éditeur.

(26) E. Cortambert and L. de Rosny, *Tableau de la Cochinchine*, Paris 1862, Armand le Chevalier, éditeur.



Fig.10. - A map of Vietnam drawn by Westerners in 1838. The Paracels were also named «Cát Vàng» (yellow sand).

Preservation of rights under French colonial rule.

In the second half of the 19th century, the Southern part of Vietnam, named Cochinchina, became a French possession (1867). This was followed by the establishment of a French protectorate over the remaining Vietnamese territory (1883). Therefore the French temporarily took over the responsibility to defend the territorial integrity of the «Annam Empire». On behalf of Vietnam, the French continued the normal exercise of sovereignty over the Hoang Sa islands (Paracels).

They did fulfil their responsibilities. Although kept busy by the task of strengthening their authority on the Indochina mainland, the French colonial government did not forget the far-off islands and took all the necessary measures to ensure an orderly administration, an adequate defense and a better knowledge of what a French author called in 1933 «the infinitely small Paracels of our colonial domain» (27). The Vietnamese title to sovereignty was not only preserved, it was reinforced. On the other hand, numerous scientific studies about the islands were produced which could only be conducted if the Paracels were firmly under French-Vietnamese control.

The international responsibility that the Nguyễn emperors had already accepted in regard to navigation of foreign vessels was not neglected by the French, who completed in 1899 a feasibility study for the construction of a lighthouse on one of the Hoang Sa islands. Unfortunately, this project, which was supported by Indochina Governor General Paul Doumer, could not be realized for lack of funds. However, French patrol vessels assured the security of sea traffic and conducted many rescue operations for wrecked foreign ships in the area. Beginning in 1920, apparently worried by the suspect presence of various kinds of vessels in the Hoang Sa area, the Indochinese customs authorities started making regular inspections to the islands for the purpose of checking illegal traffic. As early as the end of World War I, the French control was so evident that Japanese nationals called on French Indochina's authorities for the exploitation of phosphate. This was the case of the *Mitsui Bussan Kaisha* Company, which extracted phosphates for many years from two islands, Ile Boisée (Phu Lâm) and Ile Roberts (Cam Tuyên). The Japanese Government, on its part, implicitly recognized French jurisdiction in 1927. In a report to the Minister of Colonies in Paris dated March 20, 1930, the French

(27) Sauvaire Jourdan « Les Paracels infiniment petits de notre domaine colonial » (*La Nature* review, No. 2916, Nov. 1, 1933).

Governor of Indochina wrote that in 1927, the Japanese consul in Hanoi, Mr. Kurosawa, was instructed by his government to inquire with the French authorities about the status of some groups of islands in the South China Sea. But the Consul declared that, according to instructions from the Japanese Government, the Paracels were expressly left outside of the discussions, the question of ownership of these islands not being a matter of dispute with France (Japan was then involved in controversies over the Truong Sa or Spratly islands).

The French jurisdiction was sufficiently firm and peaceful to permit such actions as the conduct of scientific surveys on the islands. An impressive list of superior-level scientific studies in all fields was made available by colonial institutions or private authors. Starting in 1925, with the first recorded scientific mission on the vessel *De Lanessan* by scientists from the famed Oceanographic Institute of Nha Trang, knowledge about this part of Vietnamese territory increased. The trip by the *De Lanessan* confirmed the existence of rich beds of phosphate, which became the object of many detailed studies. For example :

— Maurice Clerget, *Contribution à l'étude des îles Paracels ; les phosphates*. Nhatrang, Vietnam 1932.

— A. Lacroix, *Les ressources minérales de la France d'Outre-Mer*, tome IV (Paracels' phosphate : p. 165), Paris 1935.

— United Nations, ECAFE, *Phosphate Resources of Mekong Basin Countries ; 4. Vietnam, (1) : Paracel Islands ; Bangkok 1972.*

The *De Lanessan* survey mission also proved the existence of a continental shelf which reaches out in platforms from the Vietnamese coast into the sea : the Paracels rest on one of these platforms, and thus are joined to the coast of Vietnam by a submarine plinth. In the following years, the names of many French ships have entered the history of both the Paracel and Spratly archipelagoes : the *Alerte*, *Astrobale*, *Ingénieur-en-Chef Girod* made other survey trips to the Hoang Sa islands. The result was an increasing number of other scientific publications about these islands in all fields of human concern and activities. Some of these are :

— A. Krempf, *La forme des récifs coralliens et le régime des vents alternants*, Saigon 1927.

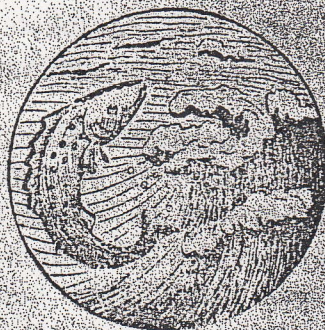
— J. Delacour and P. Jabouille, *Oiseaux des îles Paracels*, Nhatrang 1928.

GOUVERNEMENT GÉNÉRAL DE L'INDOCHINE
INSTITUT OcéANOGRAPHIQUE DE L'INDOCHINE
Institution érigée en Etablissement public doté de la personnalité civile
(Décret du 1^{er} Décembre 1929)

20^e NOTE

Contribution à l'Étude des Iles Paracels
Les Phosphates

par P. Maurice CLERGET
Ancien élève de l'École Polytechnique
Ingénieur civil des Mines



STATION MARITIME DE CAUDA
Province de Nhatrang (Côte d'Annam)

Paru le 10 Décembre 1932.

— Numerous reports called *Notes of the Oceanographic Institute of Indochina in Nhatrang* containing valuable scientific data about the Paracels, for instance the « 5th Note » (1925-26) and the « 22nd Note » (1934).

French scientists continued to work for Vietnam in its early years of independence and continued to contribute to our knowledge of these Vietnamese islands. Among them was Mr. E. Saurin, the author of numerous studies of great scientific value :

— *Notes sur les îles Paracels* (Geologic archives of Vietnam No. 3), Saigon 1955.

— *A propos des objets exotiques des îles Paracels* (Geologic archives of Vietnam No. 4), Saigon 1957.

— *Faune Malacologique terrestre des îles Paracels* (Journal de Conchiliologie, Vol. XCVI), Paris 1958.

— *Gastéropodes marins des îles Paracels*, Faculty of Sciences, Saigon, Vol. I : 1960 ; Vol. II : 1961.

Another French scientist, H. Fontaine, produced, in cooperation with a Vietnamese colleague a remarkable study of the islands' flora called *Contribution à la connaissance de la flore des îles Paracels* (Faculty of Sciences, Saigon 1957). These scientific achievements, accomplished over a long period of time, could only have been achieved by a country exercising sovereignty over these islands to the fullest extent. As a matter of fact, Vietnam would not run any risk by challenging other countries having a pretense to sovereignty over the Hoang Sa islands to show the list of scientific publications they had made available in the past.

In their acts mentioned above, the French, who merely took over rights and responsibilities temporarily transferred to them by the people under their « protection », simply assured a normal continuation of jurisdiction on behalf of the Vietnamese. However, in the face of unfounded Chinese claims over and illegal actions connected with, the Hoang Sa islands in 1932, the French felt that it was necessary to take defensive measures. Since 1909, China has made sporadic claims over the islands. On one occasion during that year, the provincial authorities of Kuang Tung sent gun-boats to conduct a reconnaissance mission there. On March 20, 1921 the Governor of Kuang Tung signed a peculiar decree annexing the Hoang Sa islands to the Chinese island of Hainan. However, his action went unnoticed because it was recorded only in the provincial gazette ;

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(VIỆT-NAM)

CONTRIBUTION N° 63

*Tiré à part des Annales de la Faculté
des Sciences de Saigon, 1962*

LAMELLIBRANCHES DES ILES
PARACELS

par

E. SAURIN

SAIGON
(VIỆT-NAM)

1962

therefore, nobody could know about it in order to make comments or to protest. Although not followed by occupation of any sort, actions such as these were enough to cause some preemptive actions by the French. For instance, in 1930 crew-members of *La Malicieuse* landed on many of the Hoang Sa islands to plant flags and set up « sovereignty columns ».

More serious was the Chinese intention to invite bids for the exploitation of the islands' phosphate. When the Chinese intent became known, the French Government protested to the Chinese Embassy in Paris by a note dated December 4, 1931. A few months later, when the Chinese effectively called for bids, the Paris Government renewed the protests by a Note dated April 24, 1932. This time the French strongly reaffirmed their rights with substantive supporting arguments, e.g. the former rights exercised by the emperors of Vietnam, the official taking of possession by Emperor Gia Long in 1816, and the sending of Indochinese troops to guard the islands, etc... On September 29, 1932, the Chinese Government rejected the French protest on the ground that at the time Gia Long took possession of the islands, Vietnam was a vassal state of China. It may be true that, as in other periods of its history, Vietnam was then a nominal vassal of China (although it was never quite clear when this situation started or ended), but it is certain that by this reply China implicitly recognized that Vietnam had asserted its claim to the Hoang Sa islands. The Chinese Government also appeared confused about the legal distinction between suzerainty and sovereignty : even if Vietnam was a vassal state of China in 1816, the formal relationship of suzerainty could not preclude such Vietnamese acts of sovereignty as the incorporation of new territories.

Convinced of her legitimate rights in the dispute, France by a diplomatic note to China dated February 28, 1937, proposed that a settlement of the conflicting claims be reached through international arbitration. But China knew the risks involved in such a challenge and declined the offer. Thus, the Chinese government simply responded by reaffirming its claim to the islands. That negative attitude caused the French to send military units, composed of Vietnamese soldiers and called *Garde Indochinoise*, to many of the Hoang Sa islands (28). These units built many « sovereignty columns », of which there exists photographic records. The column on Pattle Island contained the following inscription in French :

(28) Reported by the French daily *le Temps*, Paris, July 5, 1938.

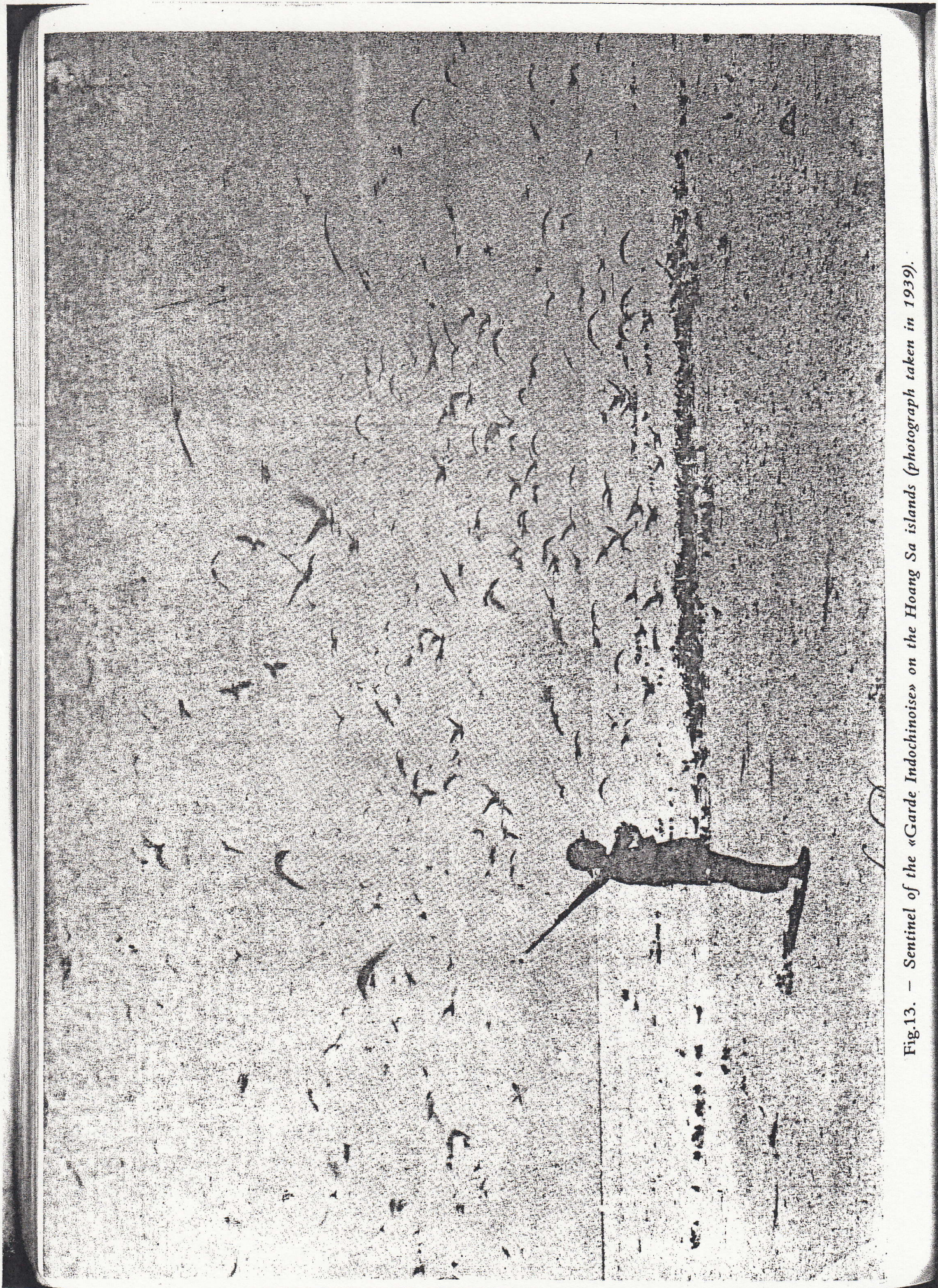


Fig.13. - Sentinel of the «Garde Indochinoise» on the Hoang Sa islands (photograph taken in 1939).

République Française
Empire d'Annam
Archipel des Paracels
1816 — Ile de Pattle — 1938

These dates marked the taking of possession by Emperor Gia Long and the year the column was erected (29).

These troops, commanded by French officers, were to stay on the islands until 1956 with a brief interruption after 1941. When the Japanese seized the Paracels (and the Spratlys) by force in that year, France was the only power to officially protest against it. In 1946, shortly after their return to Indochina at the end of World War II, the French sent troops on the vessel *Savorgnan de Brazza* to re-occupy the archipelago. However, events in the French-Vietminh war compelled these troops to withdraw from the Paracels in September, 1946. Informed that Chinese troops (who had supposedly arrived to disarm defeated Japanese troops pursuant to agreements between the Allied powers) continued to stay on the islands, the French issued a formal protest on January 13, 1947. Then they dispatched the warship *Le Tonkinois* to the area. Crewmembers found Boisée Island (Phu Lam) still occupied (January 17, 1947). The Chinese troops refused to leave and, being outnumbered, the French-Vietnamese soldiers left for Pattle Island where they established their headquarters. They also rebuilt the Weather Station which had operated for 6 years in the past, between 1938 and 1944. The new station became operative in late 1947 and, under international station code 48860, provided the world with meteorological data for 26 more years, until the day when Communist Chinese troops seized the Hoang Sa archipelago by force (January 20, 1974).

Beginning in the 1930's, these disputes with China had already motivated the French authorities in Indochina to take stronger measures in administrative organization. By Decree No. 156-SC dated June 15, 1932 the Governor General of Indochina gave the Hoang Sa islands the name of « Délégation des Paracels » and the status of an administrative unit of Thua Thiên Province. This decree was later confirmed by a Vietnamese imperial ordinance signed by Emperor Bao Dai on March 30, 1938 (the confirmation was necessary because, as the ordinance recalled, the Hoang Sa islands had traditionnally been part of Quang Nam

(29) The French engineer who supervised the work, Mr. André Faucheux, is presently 75 years old and lives in Paris.



Fig.14. - «Sovereignty column» erected by the French on Pattle Island (1938).

Le Gouverneur Général de l'Indochine

N°3282 *Grand Officier de la Légion d'Honneur.*

Vu les décrets du 20 Octobre 1911, portant fixation des pouvoirs du Gouverneur Général et organisation financière et administrative de l'Indochine ;

Vu le décret du 5 Août 1936 ;

Vu l'arrêté du 28 Décembre 1934 portant règlement sur les indemnités et prestations en nature et en deniers ;

Vu l'arrêté N°156-SC du 15 Juin 1932 portant création d'une délégation administrative aux Iles Paracels dépendant de la province de Thua-thiên (Annam) dénommée Délégation des Paracels ;

Sur la proposition du Résident Supérieur en Annam ;

ARRETE :

« Article premier. — L'arrêté N°156-SC du 15 juin 1932 est modifié ainsi qu'il suit :

« Article premier. — Deux délégations administratives sont créées aux Iles Paracels dépendant de la province de Thua-thiên (Annam) sous les noms de Délégation du « Croissant et Dépendances » et de l'« Amphyrite et Dépendances ». La limite entre ces 2 circonscriptions est fixée par le trajet du 112^e méridien, sauf en sa traversée du récif Vuladdore qui est totalement englobé par la délégation du Croissant.

« Art. 2. — Les fonctionnaires placés à la tête de ces Délégations en qualité de Délégués du Résident de France à Thua-thiên résideront respectivement à l'île Pattie et à l'île Boisée.

« Art. 3. — Ils auront droit chacun, en cette qualité, pour frais de représentation et de tournées, à l'indemnité annuelle de Quatre cents piastres (400\$00) prévue à l'arrêté du 28 Décembre 1934. Cette indemnité est imputable au budget local de l'Annam, chapitre 12, article 6, paragraphe 3 ».

Art. 2. — Le Secrétaire Général du Gouvernement Général de l'Indochine et le Résident Supérieur en Annam sont chargés, chacun en ce qui le concerne, de l'exécution du présent arrêté.

Hanoi, le 5 Mai 1939

Signé : J. BRÉVIE

PROTECTORAT
DE L'ANNAM

BULLETIN OFFICIEL

GOVERNEMENT
ANNAMITE

EN

Langue Annamite

—XOXO—

南朝國語公報
NAM-TRIEU QUOC-NGU CÔNG-BÁO

NAM 1938 — Số 8

Cung lục DỤ số 10 ngày 29 tháng 2 năm
Bảo-Đại thứ 13 (30 Mars 1938)

Chiếu chỉ các Cù-lao Hoàng-sa (Archipel des Iles Paracels) thuộc về chủ-quyền nước Nam đã lâu đời và dưới các tiền triều, các Cù-lao ấy thuộc về địa hạt tỉnh Nam-Ngãi; đến đời Đức Thế-Tổ Cao-Hoàng-Đã vẫn đề y như cũ là vì nguyên trước sự giao thông với các Cù-lao ấy đến do các cửa bể tỉnh Nam-Ngãi.

Chiếu chỉ nhờ sự tiến bộ trong việc hàng hải nên việc giao thông ngày nay có thay đổi, và lại viên Đại-diện Chánh-phủ Nam-triều ủy phái ra kinh-lý các cù-lao ấy cùng quan Đại-diện Chánh-phủ Bảo-hộ có tàu rằng nên tháp các Cù-lao Hoàng-sa vào địa hạt tỉnh Thừa-thiên thời được thuận tiện hơn.

Dụ :

Độc khoản . — Trước chuẩn tháp nhập các Cù-lao Hoàng-sa (Archipel des Iles Paracels) vào địa hạt tỉnh Thừa-thiên; về phương diện hành chánh, các Cù-lao ấy thuộc dưới quyền quan Tỉnh hiên tỉnh ấy.

Khâm thư.

and Quang Ngai Provinces, from whence communications with the islands had originated). A subsequent Decree of May 5, 1939 by the French Governor General divided the archipelago into two « Délégations » : Crescent and Dependences, and Amphitrite and Dependences.

These administrative measures were adequately completed by the organization of services on the islands. For instance, health checks were regularly made on the workers, called *coolies* by the French, during their stay there. Consequently, civil service officers were appointed on a regular basis. These officers had to stay permanently on either Pattle Island (for the Crescent and Dependences Group) or Boisée Island (for the Amphitrite and Dependences Group). However, because of the Islands' bad climate, they were allowed long vacations on the mainland and were relieved after short periods. One of these former civil servants is Mr. Mahamedbhay Mohsine, a French citizen of Indian origin who, outraged by the Chinese invasion of 1974, has offered to testify anywhere on the legitimacy of Vietnamese rights. Between May 5, 1939 and March 13, 1942, Mr. Mohsine served as Administrative Officer or *Délégué administratif* for the Paracels. He was first posted on Pattle, then on July 16, 1941 was ordered to relieve a colleague, Deputy-Inspector Willaume, on Boisée. Later Mr. Mohsine was officially recommended for an award of distinction in consideration of his « contribution to French colonial expansion in the remotest parts of Indochina » (30).

Mr. Mahamedbhay was only one of the many civil servants and military personnel who, by serving the French colonial cause on the Hoang Sa islands, directly contributed to the preservation of Vietnamese rights which had only temporarily been exercised by the French. At an early stage, French action had been only intermittent — intermittence which is not at all incompatible with the maintenance of the rights — but in the last 30 years of their presence, the French did fulfill all the obligations of a holder of title. Thus the French accomplished a valuable conservatory act in the safeguarding of legitimacy for the Vietnamese sovereignty over the Hoang Sa islands.

Return to Vietnamese sovereignty.

After the French-Vietnamese Agreement of March 8, 1949, Vietnam gradually regained its independence. Although some French troops were intermittently stationed on some of the Hoang Sa Islands until 1956, it was on October 14, 1950 that the French formally turned over the defense

(30) Mr. Mohsine currently lives at 18-R Vithei Sva, Phnom Penh, Khmer Republic.

no 1351

LE RESIDENT-SUPERIEUR ET ANCIEN

Officier de la Légion d'honneur

A R R E T E

ART. 1er. - Mr. MAHAMEDHAY Mohsine, Garde Principal contractuel de la garde-Indigène, Délégué Administratif à Pattle (Iles Paracels), est désigné pour continuer ses services sous les ordres du Résident-Maire à Tourane.

ART. 2. - Mr. MAHAMEDHAY Mohsine, vivant en famille à la Colonic, ne recevant pas l'ensemblement un déplacement de plus de 150 kms en ligne droite, aura droit, à l'occasion de sa mutation, à l'indemnité de changement de Résidence CENT VINGT Piastres (20000), prévue à l'arrêté du 6 Octobre 1931 susvisé et imputable au Budget Local de l'Ancien, exercice 1941.

ART. 3. - L'Administrateur Directeur des Bureaux, Le Résident de France à Hua-Hièn et le Résident-Maire à Tourane sont chargés, chacun en ce qui le concerne, de l'exécution du présent arrêté.

Huê, le 17 Mai 1941

P. Le Résident Supérieur
signé: JARDIN

Visé au C.F. Le 13/5/41 no 1508



POUR COPIER CONFORME

(F. LE RESIDENT SUPERIEUR HUÉ)
Le Secrétaire Général

[Handwritten signature]

LE RESIDENT SUPERIEUR EN ANNAM
Chevalier de la Légion d'honneur,

VU.....

A R R E T E :

Art. 1er. - Mr MOHSINE MAHAMEDHAY Garde principal contractuel de la Garde-Indigène, est désigné pour remplir sous les ordres du Résident de France à Thu.-Thién, les fonctions de Délégué administratif à la Délégation de l'Amphitrite et dépendances avec résidence à L'île Boisée, en remplacement de Mr VUILLAMÉ sous-Inspecteur hors classe de la Garde-Indigène, appelé à d'autres fonctions.

Art. 2. - Mr MOHSINE MAHAMEDHAY aura droit, en cette qualité et à compter du jour de sa prise effective de service à l'indemnité annuelle pour frais de représentation et de tournées de quatre cents piastres (400.00) prévue à l'arrêté du 28 Décembre 1934 susvisé et imputable au budget local de l'annuaire, exercice 1941.

Art. 3. - L'Administrateur Chef de Cabinet de la Résidence Supérieure en ANNAM et le Résident de France à Thu.-Thién sont chargés, chacun en ce qui le concerne de l'exécution du présent arrêté. /.

é au C.F. le 9/8/41 N° 2674

Rué, le 12 Août 1941
Signé: GRANDJEAN

Pour application,
Le Chef de la 1^{re} Section du Cabinet
Signé: LIACRE

N° 6643-P Pour copie conforme
Rué, le 13 Août 1941
Le Chef du Bureau du Personnel
Signé: Illisible



Extrait conforme,

AKH

A Monsieur Mohsine
Délégué a.p.
Boisée

17 and 18. - Assignments of civil servants from and to various Paracels' posts.

M. Dégandez, sous-Inspecteur de 2^e classe de la Garde Indigène, en service à Pleiku, est désigné pour remplir les fonctions de percepteur de cette province, en remplacement de M. Barthes, Inspecteur de la Garde Indigène, affecté au Cambodge.

Art. 2. — Ce fonctionnaire aura droit, en cette qualité et à compter du jour de sa prise effective de service, à l'indemnité annuelle de responsabilité de trois cents piastres (300\$00) prévue au décret du 11 Juillet 1936 et imputable au budget général de l'Indochine, exercice 1939.

Art. 3. — Il devra, préalablement, à son installation prêter serment dans les conditions fixées par la circulaire N° 465-cb du 27 Avr. 1938.

20 Juillet 1939

Article premier. — M. Vuillaume, Sous-Inspecteur de 1^{ère} classe de la Garde Indigène de l'Indochine, est désigné pour remplir, sous les ordres du Résident de France à Thua-Thien, les fonctions de Délégué administratif à la Délégation du Croissant et Dépendance, en remplacement de M. Brutus, en instance de départ en congé.

Art. 2. — M. Vuillaume aura droit, en cette qualité et à compter du jour de sa prise effective de service, à l'indemnité annuelle pour frais de représentation et de tournées de quatre cents piastres (400\$00), prévue à l'arrêté du 28 Décembre 1934 et imputable au budget local de l'Annam, chapitre 12, article 6, paragraphe 3, exercice 1939.

21 Juillet 1939

Mr. le Dr. Haslé, Médecin lieutenant-colonel des T. C. H. C. chargé de la Direction de l'Institut d'Hygiène et de Bactériologie de l'Annam dit Institut Bourrel, est désigné pour remplir également les fonctions de Médecin-chef de l'Hôpital principal de Hué, en remplacement de M. le Dr. Long, rapatrié.

Mr. le Dr. Haslé aura droit, en cette qualité et à compter du jour de sa prise effective de service à l'indemnité annuelle de huit cent soixante piastres (860\$), prévue à l'arrêté du 28 Décembre 1934.

Cette indemnité est imputable au budget local de l'Annam, exercice 1939, chapitre 32, article 4, paragraphe 3.

Mr. le Dr. Haslé est autorisé à exercer la clientèle européenne seulement à défaut de médecin européen libre.

#19. — Appointment of Inspector Vuillaume as «Délégué administratif» for the Paracels' Crescent group in replacement of Mr. Brutus (Bulletin Administratif de l'Annam dated August 1, 1939).

Bulletin Administratif

DE

L'ANNAM

ANNÉE 1941

N° 23

GOUVERNEMENT GÉNÉRAL

(ARRÊTES)

19 Novembre 1941

Il est donné acte à M. Bui ngoc Phuong de sa renonciation à la demande en concession de la mine « Hung Vuong » enregistrée à la Résidence de Thanh Hoa le 13 Juillet 1938 sous le N° 60.

Art. 2. — M. Wamvick (Victor), marié, vivant en famille à la Colonie, percevra l'indemnité de changement de résidence de 120\$00 (déplacement de plus de 150 kms en ligne droite de Vinh à Saravane). Cette dépense sera imputable au Budget Général — chap.122, article 10, paragr.17, exercice 1941.

3 Décembre 1941

Article premier. — M. Forgeur, Garde principal de 3e cl. de la Garde Indigène de l'Indochine, en service à Phuathien, est désigné pour remplir sous les ordres du Résident de France de cette province, les fonctions de Délégué Administratif à la Délégation du Croissant et Dependances avec résidence à Pattle, en remplacement du S/inspecteur Guégano, appelé à une autre destination.

Art. 2. — M. Forgeur aura droit, en cette qualité et à compter du jour de sa prise effective de service, à l'indemnité annuelle pour frais de représentation et de tournées de quatre cents piastres (400\$) prévue à l'arrêté du 28 Décembre 1934 et imputable au budget local de l'Annam, exercée 1941.

of the archipelago to the Vietnamese. General Phan Van Giao, then Governor of Central Vietnam, went in person to Pattle Island to preside over the ceremony. The general made the trip to the remote and isolated island because, as he reported to Prime Minister Tran Van Huu in Saigon: « I was persuaded that my presence among the Việt Binh Đoàn (Regional Guard Unit) would have a comforting impact on its morale on the day the unit took over heavy responsibilities » (31). No doubt Premier Tran Van Huu was pleased by the Governor's initiative, since in the following year (1951) he was to attend the San Francisco Peace Conference with Japan where he solemnly and unequivocally reaffirmed the rights of his country over both the Paracel and Spratly archipelagoes. After its defeat in 1945, Japan had relinquished all its claims to these islands that their forces had occupied. This matter will be discussed further in another chapter.

Reassuming all responsibilities for the Hoang Sa archipelago, the Vietnamese felt that it was more practical to re-incorporate it as part of Quang Nam Province (as things were before the French decree of 1932) because links between these insular territories and the mainland had always originated from the Quang Nam provincial capital of Đà Nẵng. A proposal to that end was made in 1951 by regional authorities in Huế (32), but it was a full ten years later that the President of the Republic, Ngô Đình Diêm, signed a Decree (33) transferring the Hoàng Sa islands from the jurisdiction of Thừa Thiên Province back to Quang Nam. The entire archipelago was given the status of a « Xa » (village on the mainland). Administrative organization was again perfected 8 years later : by a Prime Minister's Decree (34) the islands became part of a village on the mainland of Quang Nam, the village of Hoa Long, Hoa Vang District.

Most Vietnamese officials posted on the Hoang Sa islands were thus from Quang Nam Province and usually detached for about a year from their regular position on the mainland. The first civilian officer to be appointed by an independent Vietnamese Government was M. Nguyễn Ba Thuoc (appointed December 14, 1960 by Arrêté No. 241-BNV/NV/3). After 1963 however, due to war conditions in the Republic of Vietnam, the

(31) Memorandum No. 1104 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/HCDF/26 dated October 21, 1969 signed by Mr. Trần Thiên Khiêm.

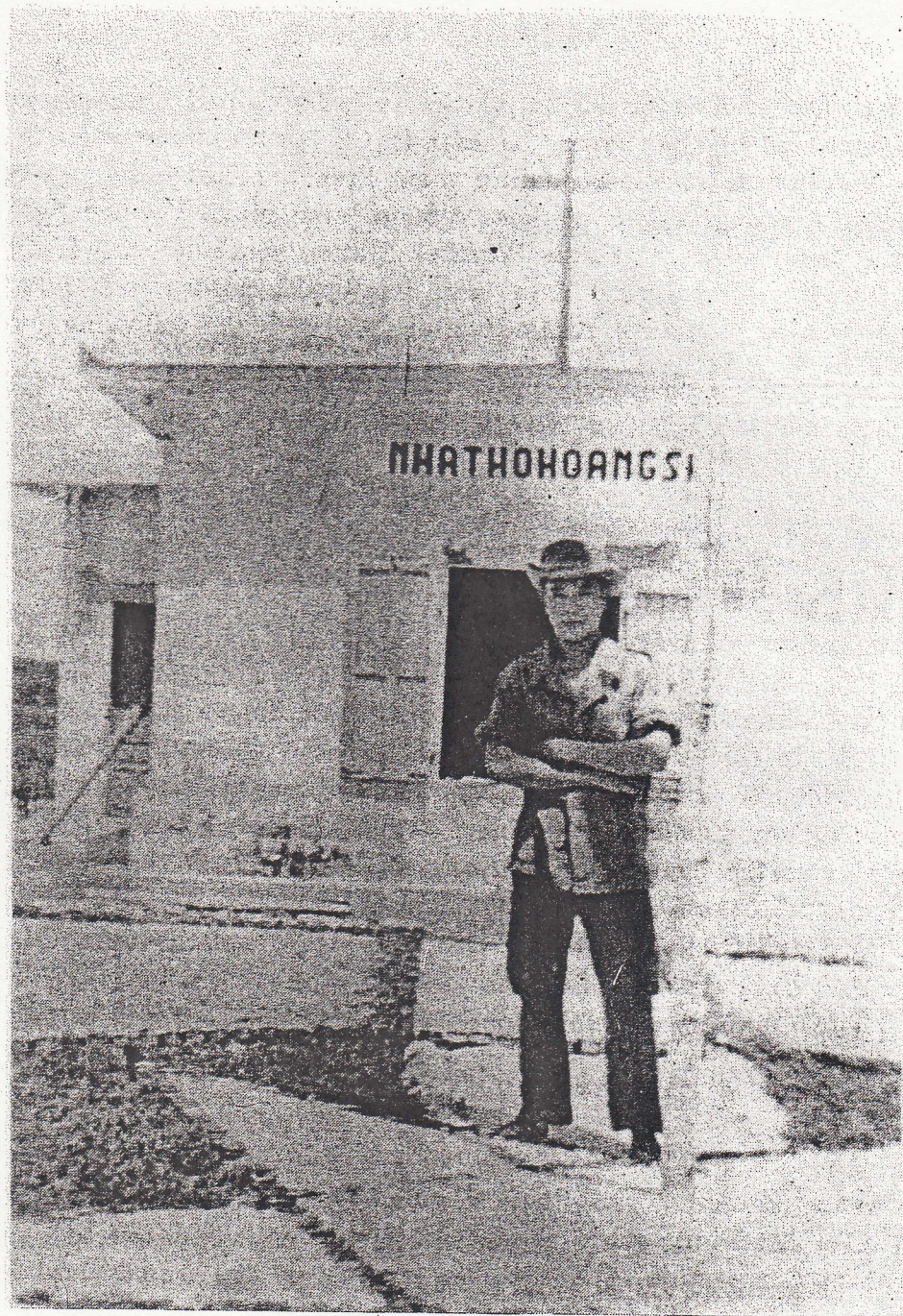


Fig.21. - *A Vietnamese official in front of Pattle Island's Church.*

« administrative officers » assigned there have always been military men. They were usually NCOs in command of the Regional Forces stationed on Duncan Island. Thus they bore the title of « Duncan Island Chief » concurrently in charge of Administrative affairs for the Hoang Sa islands.

Whether civilian or military, these officers helped ensure peaceful Vietnamese sovereignty over the islands. Scientific surveys continued, with Vietnamese scientists joining their French colleagues in order to deepen the knowledge about these remote territories. Manned by Vietnamese technicians, the Pattle Weather Station continued providing the world with meteorological data until its forced closure in 1974. The exploitation of phosphate resumed after 1956 with the following yields :

1957-58-59 : 8,000 metric tons

1960 : 1,570 »

1961 : 2,654 »

1962 and

after : 12,000 metric tons extracted, but left on the islands.

In 1956 the Ministry of Economy granted the first licence to exploit phosphate on the 3 islands of Vinh Lac (Money Island), Cam Tuyền (Roberts) and Hoang Sa (Pattle) to a Saigon businessman named Lê Van Cang. In 1959, a licence was issued to the « Vietnam Fertilizers Company » which contracted actual extraction and transportation to a Singapore company *Yew Huatt* (4, New Bridge Road, Singapore 1). Among other clauses, the Vietnamese Company committed itself to obtain from the Government of the Republic of Vietnam the granting of fiscal exemptions and the privilege to use radio facilities of the Pattle Weather Station. After 1960, commercial exploitation of Pattle was granted to the « Vietnam Phosphate Company » which stopped all operations in 1963 because of insufficient returns. Interests in phosphate exploitation surfaced again in 1973 when the Republic of Vietnam faced serious problems of fertilizer shortage.

In August of that year, the « Vietnam Fertilizer Industry Company » finished a feasibility study conducted jointly with a Japanese partner, *Marubeni Corporation* of Tokyo. The survey on the islands lasted two weeks, and *Marubeni Corporation* provided the engineers needed.

It is no wonder that the exercise of normal sovereignty by the Republic of Vietnam has had to be coupled with actions which are more or less military-oriented. Confronting unfounded claims by China to the

ASIA - ASIE

Index number Climatic indicat ^r	Station	Latitude	Longitude	Height m	Altitude feet above seas
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48800 - 48899

French Indo-China - Indochine Française

Tongking - Tonkin

48800	Lai-chau	N 22° 04'	E 103° 09'	156	512
802	Chapa	N 22° 21'	E 103° 49'	1640	5381
803	Loxay	N 22° 30'	E 103° 57'	183	598
805	Hagiang	N 22° 50'	E 104° 58'	187	614
806	Baolac	N 22° 57'	E 105° 40'	200	656
808	Caobang	N 22° 40'	E 106° 15'	283	928
809	Thai-she	N 22° 15'	E 106° 28'	175	574
810	Bac-kan	N 22° 09'	E 105° 50'	132	433
811	Dien-bien-phu	N 21° 19'	E 103° 01'	560	1837
813	Sonia	N 21° 20'	E 103° 54'	650	2133

48814	Van-vien	N 21° 05'	E 104° 42'	50	164
815	Yen-bay	N 21° 42'	E 104° 52'	55	180
816	Tuyen-quang	N 21° 48'	E 105° 32'	65	213
818	Hoa-binh	N 20° 46'	E 105° 20'	20	66
820	Haroi (Gialam)	N 21° 03'	E 105° 52'	8	26
821	Hanoi (Bach-mai)	N 21° 58'	E 105° 50'	7	23
822	Phuix	N 20° 38'	E 105° 54'	6	20
823	Nam-dinh	N 20° 25'	E 106° 10'	4	13
825	Haiphong	N 20° 49'	E 106° 43'	4	13
826	Phu-lan	N 20° 48'	E 106° 36'	114	371
827	Norways	N 20° 37'	E 107° 09'	101	331
830	Lang-soo	N 21° 50'	E 104° 46'	285	936
833	Hongay	N 20° 57'	E 107° 04'	11	36
834	Gow-kou	N 20° 56'	E 107° 45'	70	230
835	Dinh-lap	N 21° 53'	E 107° 55'	155	507
837	Tien-yen	N 21° 20'	E 107° 25'	107	351
838	Moncay	N 21° 31'	E 107° 58'	9	30
839	Bac-long-vi	N 20° 07'	E 107° 52'	5	16

Annam - Annam

48840	Thanh-hoa	N 19° 48'	E 105° 47'	5	16
842	Hoi-an	N 20° 22'	E 103° 37'	101	328
844	Quang	N 19° 17'	E 104° 35'	128	420
845	Vinh	N 18° 39'	E 105° 40'	5	16
848	Dang-lai	N 17° 50'	E 106° 35'	4	13
849	Dong-ha	N 16° 40'	E 107° 05'	10	33
850	Khe-san	N 16° 39'	E 106° 43'	420	1378
852	Hue (phubai)	N 16° 24'	E 107° 41'	12	39
854	Tien-chai	N 16° 00'	E 108° 16'	155	508
855	Tourane	N 16° 42'	E 108° 12'	8	26
859	Ilot-boise	N 15° 50'	E 112° 21'	3	10
860	Pattle (Paracers)	N 15° 31'	E 111° 37'	6	20

Suppl. No. 36

Ed. 1946

#22. - International code numbers were given to both the Ilot Boise (48859) and Pattle (48860) stations by the World Meteorological Organization.

GOUVERNEMENT GÉNÉRAL DE L'INDOCHINE

ANNALES
DU
SERVICE MÉTÉOROLOGIQUE
DE
L'INDOCHINE

ANNÉES 1938 et 1939

CLIMATOLOGIE



SERVICE MÉTÉOROLOGIQUE
DE L'INDOCHINE
HANOI
1940

Hoàng Sa islands, the Armed Forces of the Republic have been required to display constant vigilance in the defense of this part of Vietnamese territory. As an example, when the Chinese nationalist troops which had refused to leave Phu Lâm (Wooded or Boisée) Island in 1947 withdrew in 1950 following Marshall Chiang Kai Shek's defeat, Communist Chinese troops landed there immediately to continue the illegal occupation. A Vietnamese Navy unit assumed responsibility for the defense of the archipelago in 1956. This unit was relieved the following year by a Marine Company. After 1959, the task was assigned to Regional Forces of Quang Nam Province. Vietnamese warships have patrolled the Hoàng Sa waters regularly in order to check illegal occupants on the many islands. In this regard, the People's Republic of China appears to have followed guerrilla-type tactics: it surreptitiously introduced first fishermen, then soldiers onto Vietnamese territory. They even built strong fortifications on the two islands of Phu Lâm and Linh Côn. On February 22, 1959, the Republic of Vietnam's Navy thwarted this tactic by arresting 80 fishermen from mainland China who had landed on the three islands of Cam Tuyền, Duy Mông and Quang Hoà. These fishermen were humanely treated and promptly released with all their equipment after being taken to Đà Nẵng.

The broad range of actions by the Vietnamese authorities regarding the Hoang Sa islands provides an undeniable evidence of Vietnamese sovereignty. These actions include, among others, the approval of international contracts connected with the islands' economy; police operations against aliens; extraction of natural resources; the providing of guarantees to other states; and so forth. Vietnamese sovereignty was first built between the 15th and 18th centuries, consecrated by the Nguyễn emperors, then temporarily assumed by the French, and finally continued in a normal manner by independent Vietnam. The exercise of Vietnamese jurisdiction was effectively displayed under a large variety of forms. It was open, peaceful, and not, like the Communist Chinese claim, asserted *jure belli*. Any interruption of Vietnamese sovereignty was due only to foreign powers' illegal military actions against which Vietnam, or France on behalf of Vietnam, had always protested in a timely fashion. Convinced of their legitimate rights over the Hoang Sa islands, the Vietnamese will never indulge in compromises in the defense of their territorial integrity (see Chapter IV).

CONTRACT

ON THE EXPLOITATION AND TRANSPORT OF FERTILIZERS ON PATTLE ISLAND

This contract has been concluded between the following undersigned :

A) The Party of the First Part :

1. — Mr. NGUYEN THANH LAP, Forty-seven years of age, citizen of Vietnam, Director General of Vietnam Bank, identity card No. N. 1701/A. 020213 delivered at Saigon (First District) on August 19, 1955, residing at 117 Nguyễn-Huê boulevard, Saigon, President of the Board of Directors of the Vietnam Fertilizers Company,

2. — Mr. MAI VAN HAM, forty-five years of age, citizen of Vietnam, Merchant, identity card No. N.1702/A.029395 delivered at Saigon (Second District) on August 10, 1955, residing at 70-74 Trần-Hung-Dao boulevard, Saigon, Managing Director of the Vietnam Fertilizers Company,

acting jointly as representatives of the Vietnam Fertilizers Company, a joint stock company, whose capital of VN\$ 10,000,000 has been totally paid and whose head office is located at Saigon. 130 Pasteur Street. The said Company has been established under private Articles, at Saigon, on the Ninth day of October 1959, the original text of which was deposited with the Saigon Notary Office on the Nineteenth day of October 1959, and was duly published (Reference : The Official Gazette of the Republic of Vietnam No. 48 issued on November 7, 1959, pages 3951-3954).

Origin of the vested rights of the Vietnam Fertilizers Company :

According to the Decree No. 193/BKT/NKC/ND dated May 12, 1960 by the Ministry of National Economy of the Government of the Republic of Vietnam, the Vietnam Fertilizers Company is entitled to a Mining Licence, except for fuel.

Under the licence No. 1395/BKT/NKC dated November 11, 1960 delivered by the Secretary of State for Economy of the Government of the Republic of Vietnam, the Vietnam Fertilizers Company is authorized to exploit and to dispose of the total quantity of fertilizers on the Pattle, Money, Robert Islands.

Excerpts from the contract between the Vietnam Fertilizers Company and YEW HUAT of Singapore to exploit Paracels' phosphate.

Document (continued)

According to the Minutes dated May 12, 1960, the Board of Directors of the Vietnam Fertilizers Company has decided to empower :

1. — Mr. NGUYEN THANH LAP, in the capacity of President of the Board of Directors of the Company,
2. — Mr. MAI VAN HAM, in the capacity of Managing Director of the Company,

to negotiate, decide, and agree all the conditions and to sign a contract with the YEW HUAT and Co., 4 New Bridge Road, Singapore, engaging YEW HUAT and Co. to do the following work for the Company :

To extract and transport fertilizers from Pattle Island to Saigon.

And,

B) The Parties of the Second Part :

1. — Mr. YEO-CHOO-TENG, born in 1902, British Subject, residing at Singapore, 28 Lichi Avenue, Passeport No. 63418 delivered at Singapore on November 3, 1959, Manager of YEW-HUAT and Co., 4 New Bridge Road, Singapore 1, whose Representatives Office in Vietnam is at No. 190 Vo Tanh Street, Saigon.
2. — Mrs. CHIA KIM NEO, 42 years of age, British Subject, residing at 4 New Bridge Road, Singapore. Partner in the YEW-HUAT and Co.

Mr. YEO-CHOO-TENG and Mrs CHIA-KIM-NEO shall act as representatives of YEW-HUAT and Co., 4 New Bridge Road, Singapore, as well as in their individual capacities so that they shall be jointly and severally responsible and liable.

The two contracting parties have agreed to the following terms and procedures regarding the exploitation and transport of fertilizers on Pattle Island.

A. — THE PURPOSE OF THE CONTRACT.

Article 1. — The Vietnam Fertilizers Company entrusts YEW-HUAT and Co., with the task of extracting fertilizers (phosphates) from Pattle Island and transporting them to Saigon.

Article 2. — YEW-HUAT and Co. accepts and agree to carry out the above said task on behalf of the Vietnam Fertilizers Company under the following conditions :

Extracting fertilizers on the spot and transporting them in bulk by ship from Pattle Island to Saigon.

(...)

Extrait du rapport mensuel de PATTLE au mois de Février 1952.

PERSONNEL

LISTE DU PERSONNEL EN SERVICE A PATTLE AU 29 FEVRIER 1952

NOMS ET PRENOMS	FONCTIONS	GRADES	SITUATION DE FAMILLE
TRAN-VAN-MANH,	Chargé station	Obs. de 5 ^è cl	Marié avec 5 enfants.
NGUYEN-HUYEN-TRONG,	Radiotéle	- de 5 ^è cl	- avec 2 enfants.
VO-VAN-THAN,	Observateur	- stagiaire	- avec 2 enfants.
PHAM-HIEP-BAO,	Observateur	journalier	Célibataire
NGUYEN-VAN-SON,	Radiotéle	journalier	Célibataire

Fait, à Pattle, le 29 Février 1952
Le Chargé de Station Radio-Météo,

Signé - TRAN-VAN-MANH
(cachet)

SERVICE METEOROLOGIQUE
DE L'INDOCHINE

Arrivé le 6 3 1952
N° de dossier n° 2251
à Pattle

VIET-NAM - VIET-NAM

STATION	No.	PER.	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII	ANNUAL
Atmospheric pressure (mb) - Pression atmosphérique (mb)															
Da-Nang (Tourane)	48855	51-60	16.9	11.9	11.0	09.5	06.8	04.4	04.7	0.2	07.1	10.0	14.1	16.1	10.7
Huong-Sa (Pattia)	48860	51-60	16.1	11.7	11.1	11.1	08.4	09.9	06.4	05.1	07.1	10.1	14.1	14.5	11.7
Ana-Trang	48877	51-60	14.0	11.2	12.2	10.7	08.0	06.4	06.7	06.2	07.4	10.1	11.9	11.7	11.7
Saigon	48900	51-60	11.8	10.7	10.3	08.8	07.7	07.4	07.7	07.3	08.4	09.3	10.0	11.1	10.0
Temperature (°C) - Température (°C)															
Da-Nang (Tourane)	48855	51-60	21.2	22.5	22.4	26.3	28.3	29.3	29.1	28.8	27.4	25.4	23.9	21.0	24.7
Huong-Sa (Pattia)	48860	51-60	23.6	24.2	26.4	27.7	25.0	29.2	29.8	28.7	27.8	25.7	24.2	21.0	25.2
Ana-Trang	48877	51-60	24.0	24.9	25.9	27.3	28.1	26.5	28.1	28.1	27.4	26.3	25.4	24.6	26.0
Saigon	48900	51-60	25.8	25.3	27.8	28.8	29.2	27.4	27.1	27.1	26.7	26.0	26.1	25.0	26.0
Vapour pressure (mb) - Tension de la vapeur d'eau (mb)															
Da-Nang (Tourane)	48855	51-60	22.0	23.2	25.8	28.3	30.1	30.4	29.6	30.0	29.6	28.0	25.0	22.0	27.1
Huong-Sa (Pattia)	48860	51-60	24.2	25.4	28.6	31.2	33.7	35.0	33.6	30.9	32.1	29.9	27.0	24.0	29.9
Ana-Trang	48877	51-60	23.3	24.2	26.6	29.2	30.2	29.9	29.3	29.5	29.6	28.5	26.2	24.0	27.5
Saigon	48900	51-60	23.1	23.7	25.4	27.9	29.7	29.8	29.3	29.6	29.6	29.0	27.3	24.0	27.4
Relative humidity (%) - Humidité relative (%)															
Da-Nang (Tourane)	48855	51-60	86	85	81	81	79	76	75	77	82	86	80	73	79
Huong-Sa (Pattia)	48860	51-60	83	84	81	84	85	85	85	84	84	84	80	74	84
Ana-Trang	48877	51-60	79	79	80	81	80	79	78	79	80	84	82	79	80
Saigon	48900	51-60	71	70	78	72	79	83	83	84	85	85	83	77	78
Amount of precipitation (mm) - Hauteur des précipitations (mm)															
Da-Nang (Tourane)	48855	51-60	91	42	39	41	38	130	60	87	283	533	421	206	1979
Huong-Sa (Pattia)	48860	51-60	30	21	28	52	57	135	106	252	228	302	130	57	1242
Ana-Trang	48877	51-60	28	12	16	31	51	49	60	52	127	159	140	143	1095
Saigon	48900	51-60	6	13	12	65	196	185	248	277	292	250	222	17	1868
Number of days with precipitation amount equal to or greater than 1.0 mm															
Nombre de jours avec hauteur des précipitations de 1.0 mm ou plus															
Da-Nang (Tourane)	48855	51-60	9.6	4.5	2.7	3.3	5.9	5.8	4.3	7.2	13.3	15.8	16.7	15.4	100.5
Huong-Sa (Pattia)	48860	51-60	5.2	2.9	2.3	3.5	4.8	6.6	5.2	8.8	12.0	14.2	10.7	10.5	62.2
Ana-Trang	48877	51-60	5.6	3.2	2.4	3.1	5.3	5.4	4.3	6.3	12.9	14.9	13.9	10.0	67.3
Saigon	48900	51-60	1.0	1.2	1.5	4.4	15.5	19.1	18.1	21.5	20.4	18.0	8.9	4.3	113.3

#26. - World Meteorological Organization's recordings of climatological normals for the period 1931 - 1960 (WMO bulletin No. 117-TP-52).



COMMONWEALTH BUREAU OF
METEOROLOGY
DEPARTMENT OF SCIENCE

POSTAL ADDRESS: REGIONAL DIRECTOR, BUREAU OF METEOROLOGY, P.O. BOX 787, CANBERRA CITY, A.C.T. 2601

REGIONAL OFFICE A.C.T.
84 NORTHBOURNE AVE.
BRADDON. A.C.T.

TELEPHONE: 470411
TELEX: AAG2036
TELEGM.: WHR CANBERRA

IN REPLY PLEASE QUOTE.. 30/443

8 November 1974.

Do Thieu Liet,
Embassy of the Republic of
Vietnam,
39 National Circuit,
FORREST. A.C.T. 2603

Dear Sir,

Referring to your enquiry about weather observations from Huang-Sa (Pattle), this is to confirm that our Darwin Regional Office has advised that weather observations have been received in Australia from this station for many years, certainly since well before 1974.

Yours faithfully,

(I.B. Mason)

Acting Regional Director A.C.T.

#27. - *Recording of data in Australia.*

CHAPTER III

THE TRUONG SA (SPRATLY) ISLANDS BELONG TO THE VIETNAMESE

The Vietnamese islands of Truong Sa, known internationally as the Spratly archipelago, are situated off the Republic of Vietnam's coast between approximately 8° and 11°40 North latitude. In the course of history, the Vietnamese people have had intermittent contact with these islands known for their dangerous grounds and access. Unlike the case of the Hoang Sa (Paracel) islands, the former emperors of Vietnam did not have the time to strengthen these contacts through the organization of an administrative jurisdiction. However, the French, who occupied the Southern part of Vietnam known as Cochinchina, took all those measures necessary for the establishment of the legal basis for possession of the Spratly islands. In 1933, the Spratlys were incorporated into the French colony of Cochinchina and from that year forward have had an adequate administrative structure.

It is true that French jurisdiction was disrupted by the Japanese invasion of 1941. However, shortly after the Japanese defeat in 1945, France returned Cochinchina to Vietnam, which then recovered all the rights attached to the former French colony. Immediately thereafter, Vietnamese sovereignty over the Truong Sa islands faced groundless claims from other countries in the area which military occupied some of the islands of the archipelago.

Geographic and historic background.

The Truong Sa archipelago is spread over hundreds of miles in the South China Sea. However, it only contains 9 islands of relatively significant size :

- Truong Sa or Spratly Island proper.
- An Bang or Amboyna Cay.
- Sinh Tôn or Sin Cowe.
- Nam Ai or Nam Yit.
- Thai Binh or Itu-Aba.
- Loai Ta.
- Thi Tu.
- Sông Tu Tây or South West Cay.
- Sông Tu Đông or North East Cay.

Because of the size of the area, the archipelago is divided into many groups. Using the main island of Spratly (which gave its name to the whole archipelago) as a point of reference, the distances to the shores of surrounding countries are as follows :

— Spratly Island to Phan Thiết (Republic of Vietnam)	280 nautical miles
— Spratly Island to the closest shore of Hainan Island (People's Republic of China)	580 »
— Spratly Island to the closest shore on Palawan Island (Philippines)	310 »
— Spratey Island to the closest shore of Taiwan	900 »

Like the Hoang Sa islands, the Truong Sa archipelago is composed of little coral islands which are often surrounded by smaller reefs. Because of their proximity to the coast of Vietnam, these islands have always been frequented by fishermen from the southern part of Vietnam. These fishermen made regular expeditions to the islands and sometimes stayed there for prolonged periods of time. Vietnamese history books often made reference to the « Dai Truong Sa Dao », a term used to designate both the Paracel and Spratly archipelagoes and, more generally, all insular possessions of the Vietnamese (35). The map published circa 1838 by Phan Huy Chu and called « *Dai Nam Nhất Thống Toàn Đồ* » (fig. 8, page 32) expressly mentioned the Spratlys, under the name *Van Ly Truong Sa*, as part of Vietnamese territory, although the archipelago was not located at its proper place because of the use of ancient geographic techniques.

(35) For instance the Annals written by Lê Qui Dôn: *Phu Biên Tập Lục*.

These distant islands were often neglected by the Vietnamese authorities of the time. The emperors did not implement a systematic policy of occupation on the Truong Sa islands as they had for the other archipelago, Hoang Sa. Furthermore, the Empire of Vietnam lost interest in the islands off the Cochinchinese shore as the French occupation of Cochinchina began in 1852. For their part, the French took some time before consolidating their rights to the Truong Sa archipelago. Their first recorded action was a scientific reconnaissance of the Spratlys by the vessel *De Lanessan* following its exploration of the Paracels (1927). This scientific mission was followed by an official expedition in 1930 on the sloop *la Malicieuse*, in the course of which the French flag was hoisted on the highest point of an island called île de la Tempête.

Legal basis of Vietnamese possession.

In 1933, the French Government decided to take official possession of the islands. Three ships, the *Alerte*, the *Astrobale* and the *De Lanessan* took part in the expedition. The following are relevant quotations from an account given by H. Cucherousset in *L'Eveil économique de l'Indochine* (No. 790 of May 28, 1933) :

« The three vessels first of all visited Spratley and confirmed French possession by means of a document drawn up by the Captains, and placed in a bottle which was subsequently embedded in cement.

« Then the *Astrolabe* sailed south west to a point 70 miles from Spratley and 200 miles from Borneo, and arrived at the caye (sandy island) of Amboine, at the northern extremity of the Bombay Castle Shallows. Possession was taken of the island in the manner related above. This caye protrudes two meters 40 cm above the sea at high tide.

« Two-thirds of the rock which forms the caye is covered with a thick layer of guano, which the Japanese do not seem to have completely exploited.

« Meanwhile, the *Alerte* sailed towards the atoll Fiery Cross (or Investigation) at a point about 80 miles north-west of Spratly and equidistant from Cape Pedaran and the southern point of Palawan Island. The whole of this vast reef protrudes only at a few points above the surface of the sea.

« At the same time the *De Lanessan* proceeded towards the London reefs, at about 20 miles north-east of Spratly. There it discovered the wreckage of the *François Xavier*, which was wrecked there in 1927 while on its way from Noumea to Indochina via this part of the China Sea, in which, in spite of its great depth, navigators are not advised to sail too boldly.

« Itu Aba, which is surrounded by a reef, is mentioned in the naval instructions of 1919 as being covered with bushes and thickets with the nests of many sea birds, and a number of banana and coconut trees growing around a well.... »

« The *De Lanessan* and *Astrolabe* later sailed north where, about 20 miles from the Tizard bank, is situated the Loaita bank, an atoll of the same kind. The two vessels took formal possession of the main island, on which are also to be found the remains of plantations and an unexhausted phosphate working. Loaita Island is a sandy isle, low, covered with bush, and a bare 300 metres in diameter. »

« The *Alerte* for its part visited the Thi-Thu reef, at about 20 miles north of the Loaita bank, and took possession of an island and of this atoll still by means of the same ritual. This little low and sandy isle possesses a well, a few bushes, and some stunted coconut trees. A fair anchorage is to be found on the southern bank. »

Further north still, at the level of Nhatrang, is the atoll named « North Danger », the *Alerte* took possession of two sandy islands (cayes) where it found some Japanese fishing. The *De Lanessan* went there too and explored the little island. The latter is perceptibly higher than the others, the highest point reaching 5 metres. The phosphate beds are considerable and were much exploited by the Japanese. »

After possession had been taken, the French Ministry of Foreign Affairs published the following notice in the *French Journal Officiel* dated July 26, 1933 (page 7837) :

« Notice concerning the occupation of certain islands by French naval units.

The French government has caused the undermentioned isles and islets to be occupied by French naval units :

1. Spratley Island, situated 8°39' latitude north and 111°55' longitude east of Greenwich, with its dependent isles

(Possession taken April 13, 1930).

Nominations à des emplois réservés.

MINISTÈRE DES FINANCES

Par arrêté du directeur général des contributions directes, a été nommé commis titulaire de 1^{re} classe M. Herard, candidat militaire bénéficiaire du paragraphe 32 de l'article 2 de la loi du 30 janvier 1923, modifié par celle du 21 juillet 1928, actuellement vérificateur de culture de 8^e classe à la direction de Périgueux, à la direction du département de l'Aisne (1^{er} tour, loi du 30 janvier 1923).

PARTIE NON OFFICIELLE

AVIS & COMMUNICATIONS

Ministère des affaires étrangères.

Avis relatif à l'occupation de certaines îles par des unités navales françaises.

Le Gouvernement français a fait procéder par des unités navales à l'occupation des îles et îlots ci-dessous :

1^o L'île Spratly, située par 8°30' latitude Nord et 111°55' longitude Est Greenwich, ainsi que les îlots qui en dépendent.

(La prise de possession a eu lieu le 12 avril 1933.)

2^o Îlot Cary d'Amboine, situé par 7°52' latitude Nord et 112°35' longitude Est Greenwich, ainsi que les îlots qui en dépendent.

(La prise de possession a eu lieu le 7 avril 1933.)

3^o Îlot Thir Atha, situé par 10°22' latitude Nord et 111°21' longitude Est Greenwich, ainsi que les îlots qui en dépendent.

(La prise de possession a eu lieu le 10 avril 1933.)

4^o Groupe de Deux Îles, situé par 11°29' latitude Nord et 114°21' longitude Est Greenwich, ainsi que les îlots qui en dépendent.

(La prise de possession a eu lieu le 10 avril 1933.)

5^o Îlot Loatio, situé par 10°49' latitude Nord et 114°25' longitude Est Greenwich, ainsi que les îlots qui en dépendent.

(La prise de possession a eu lieu le 11 avril 1933.)

6^o Île Thi Th, située par 11°7' latitude Nord et 114°16' longitude Est Greenwich, ainsi que les îlots qui en dépendent.

(La prise de possession a eu lieu le 12 avril 1933.)

Les îles et îlots susindiqués relèvent désormais de la souveraineté française.

(Cet avis annule le précédent, inséré au Journal officiel en date du 25 juillet 1933, page 7704.)

Ministère de la marine.

Avis de concours pour le recrutement d'agents techniques du service hydrographique.

Un concours pour deux emplois d'agents techniques du service hydrographique de la marine (dessinateurs) sera ouvert le 2 octobre 1933, à Paris, dans les ports militaires, dans les forces navales métropolitaines et à bord des bâtiments hydrographes.

Pour être admis à concourir, les candidats étrangers à la marine devront justifier :

1^o Qu'ils sont Français jouissant de tous leurs droits;

2^o Qu'ils ont accompli la période légale de service militaire ou qu'ils ont suivi les cours de l'école des dessinateurs géographes du service géographique de l'armée;

3^o Qu'ils pourront avoir complété, à l'âge de 60 ans, 30 années de service effectif pour la retraite.

Les demandes de ces candidats doivent être adressées sur papier timbré au ministre de la marine, 43, rue de l'Université, à Paris, avant le 10 septembre 1933.

Chaque candidat devra joindre à sa demande :

1^o Une expédition de son acte de naissance;

2^o Un relevé de ses services militaires;

3^o Un extrait de son casier judiciaire n'ayant pas plus d'un mois de date;

4^o Un certificat de bonne conduite (s'il y a lieu);

5^o Les diplômes ou brevets qui lui auront été délivrés, ou des copies dûment certifiées de ces pièces;

6^o Un certificat médical, n'ayant pas plus d'un mois de date, constatant que le candidat n'est atteint d'aucune affection organique ni d'aucune infirmité le rendant impropre au service des bureaux;

7^o Une note indiquant s'il désire subir une épreuve (facultative) sur les langues anglaise, allemande, espagnole, italienne ou russe.

Les candidats seront soumis, avant leur nomination, à une contre-visite passée par un médecin de la marine.

Pourront prendre part à ce concours, les officiers maritimes, quartiers maîtres et marins, dûment autorisés.

Leurs demandes devront être adressées au ministre de la marine (bureau des équipages de la flotte) avant le 10 septembre 1933.

Elles seront accompagnées des pièces suivantes :

1^o Un état signalétique et des services (n^o 1140);

2^o Un relevé des punitions (n^o 1141 bis);

3^o Un certificat médical analogue à celui qui est exigé des candidats étrangers à la marine.

Les candidats subiront les épreuves de la 1^{re} série dans les centres suivants : Paris, Cherbourg, Brest, Lorient, Rochefort, Toulon et Bizerte, dans les forces navales métropolitaines et à bord des bâtiments hydrographes.

Ces candidats seront appelés, le cas échéant, à Paris, pour y subir les épreuves de la 2^e série (épreuves obligatoires) et les épreuves facultatives.

Le programme et les conditions du concours sont déterminés par l'arrêté ministériel du 24 février 1923, publié au Journal officiel du 28 février 1923 (p. 4940); modifié par l'arrêté du 31 mars 1923, inséré au Journal officiel du 5 avril 1923 (erratum au Journal officiel du 6 avril 1926).

Des traitements alloués aux agents techniques du service hydrographique, varient actuellement de 11.500 fr. à 65.000 fr. par échelons de 3.500 fr.

Ces agents bénéficient, en outre de l'indemnité de résidence à Paris (3.240 fr.) ainsi que des indemnités pour charges de famille.

ACADÉMIE DE MÉDECINE

Séance du mardi 25 juillet 1933.

PRÉSIDENCE DE M. SOUCIÉS.

M. Charles Massie présente l'observation d'une malade atteinte de fièvre puerpérale très grave avec complications multiples (néphrite, myocardite, congestion pulmonaire double) avec hémoculture positive (streptocoque hémolytique). Cette malade a guéri très rapidement par les injections de sérum Vincent.

Un second cas; phlegmon profond du cou considéré comme mortel malgré le traitement chirurgical, a été traité et guéri par la même méthode.

Après avoir pris connaissance du rapport de M. Lormand sur l'emploi du sulfure de carbone pour la désinfection des denrées alimentaires, l'Académie de médecine, sur la demande du ministre de la santé publique, désigne M. Panchet pour procéder dans les laboratoires de l'Académie à de nouvelles expériences.

CHARLES BELLIAU.

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2. Islet caye of Amboine, situated at 7°52' latitude north and 112°55' longitude east of Greenwich, with its dependent isles
(Possession taken April 7, 1933).
3. Itu Aba Island situated at latitude 10°22' north and longitude 114°21' east of Greenwich, with its dependent isles
(Possession taken April 10, 1933).
4. Group of two islands situated at latitude 11°29' north and longitude 114°21' east of Greenwich, with their dependent isles (36)
(Possession taken April 10, 1933).
5. Loaita island, situated at latitude 10°42' north and longitude 114°25' east of Greenwich, with its dependent islands
(Possession taken April 12, 1933).
6. Thi Tu Island. situated at latitude 11°07' north and longitude 114°16' east of Greenwich, with its dependent islands
(Possession taken April 12, 1933).

The above-mentioned isles and islets henceforward come under French sovereignty (this notice cancels the previous notice inserted in the Official Journal dated July 25, 1933, page 7784) ».

Notification of the occupation was made by France to interested countries between July 24 and September 25, 1933. With the exception of Japan, no State which could have had an interest in the matter raised any protest against this act. Three powers in the area remained silent and unconcerned: the United States (then occupying the Philippines), China, and the Netherlands (then occupying Indonesia). In Britain, Foreign Under-secretary Butter declared 6 years later that France exercised full sovereignty over the Spratly archipelago and that all matters relevant to these islands were primarily a French concern (37).

The Japanese protested the French occupation on the ground that, in the past, Japanese subjects had carried out exploitation of phosphate on some of these islands. It was true that Japanese companies had operated on the Spratlys without the permission and knowledge of French authorities. But Japan had never made any attempt toward taking posses-

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

(37) Reported by the French daily *Le Temps*, Paris April 7, 1939.

sion of these islands. In 1939, claims by the Japanese militarist government then in power assumed a tougher tone : Japan declared that she had decided to « place the Spratly or Tempest islands off the coast of Indochina under Japanese jurisdiction ». The decision first appeared merely on paper, but was followed two years later by forcible military occupation of the archipelago (1941). In any case, in the San Francisco Peace Treaty of 1951, Japan relinquished all titles and claims to the Paracel and Spratly islands.

It should also be noted that the French occupation of the Spratly islands in 1933 did not arouse any protest from the United States government, which was then acting on behalf of the Philippines. Five years earlier, the United States did engage in a dispute with the Netherlands over the island of Palmas off the Philippine coast (38). Since the United States did not act where a Philippine claim could have been made, this indicates that there was no ground for a challenge of French rights on behalf of the Philippines. It was only 35 years after the French took possession of the Spratly islands that Philippine troops, taking advantage of the war situation in the Republic of Vietnam, surreptitiously occupied some islands in the Vietnamese archipelago :

Name of island	Coordinates
Loai Ta	10°41'N — 114°25'E
Thi Tu	11°03'N — 114°17'E
Sông Tu Đông	11°27'N — 114°21'E

All of these three islands are in the list of islands published in the French Official Journal of July 26, 1933 which recorded the possession of the Spratlys by French naval units. The present position of the Philippine government that these islands are not part of the Spratly archipelago but only *res nullius* when Philippine troops occupied them is, therefore, obviously erroneous. All three islands (which were artificially given Malayo-Spanish sounding names) are an integral part of the Vietnamese

(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).

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Truong Sa archipelago. Moreover, it remains to be determined in a common and friendly spirit whether or not some other, smaller, islands occupied by Philippine soldiers are dependent islets of these Vietnamese main islands. In this regard, it should be recalled here that when the French took possession of the Spratlys, they only listed the major islands in the official act and indicated that these islands were incorporated « with their dependent islets ».

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 post-war 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 « Freedomland ». 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, *New 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 Itu-Aba et Dépendances — 10 Août 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 « contract officials » was Mr. Burollaud who held

(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 Générale de Droit International Public*, July-September 1972, does not mention any part of Chinese claims to this archipelago prior to 1951.

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

(42) *Far Eastern Economic Review*, Hongkong, December 31, 1973, p. 39.

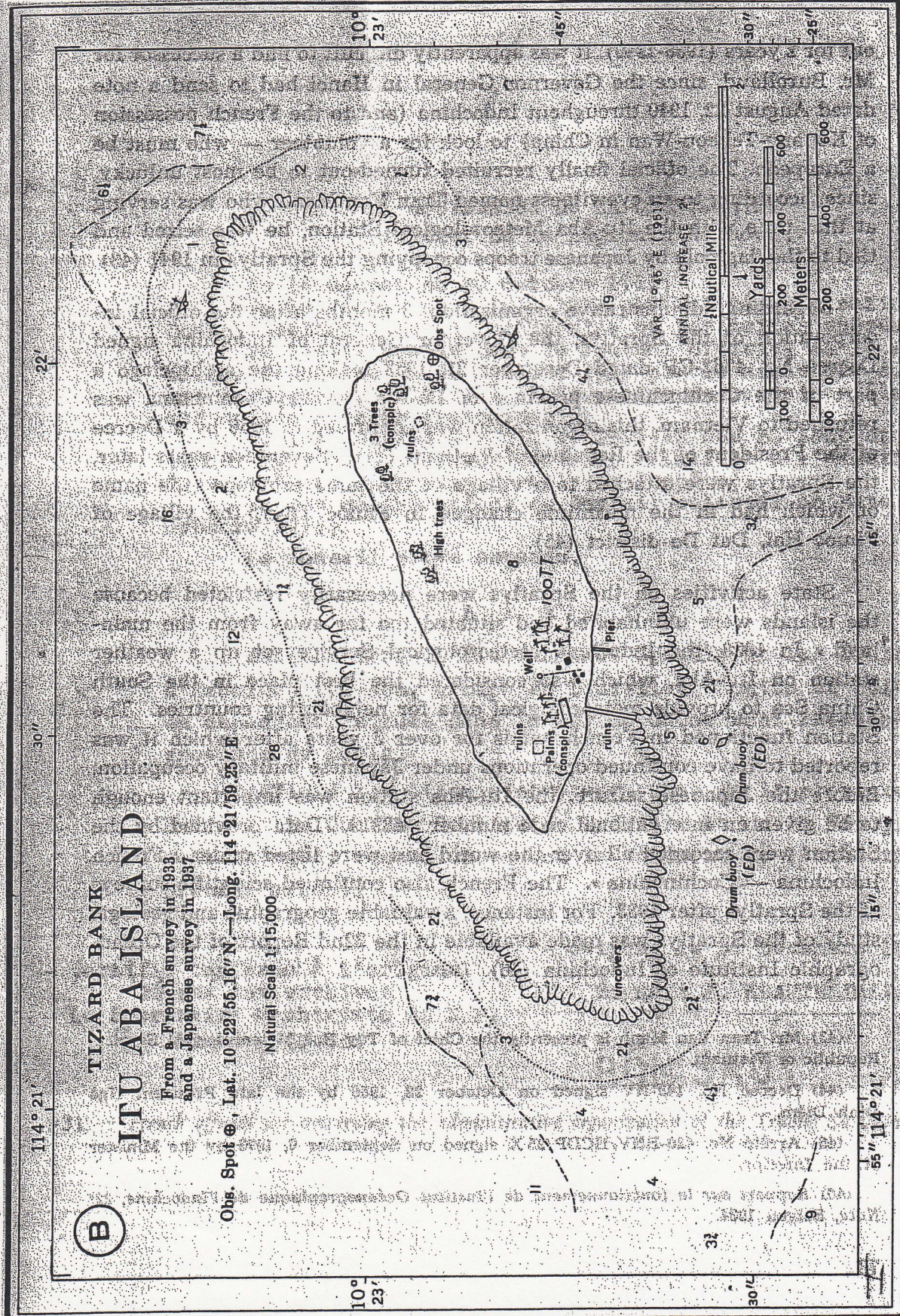


Fig.30. - Itu ABA (Thai Binh) Island.

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 China) 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 (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 geologic study of the Spratlys was made available in the 22nd Report of the Oceanographic Institute of Indochina (46).

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.

4762-C.P.

LE GOUVERNEUR DE LA COCHINCHINE
Officier de la Légion d'Honneur,

Vu le décret du 20 Octobre 1911;
Vu le décret du 9 Juin 1922 portant réorganisation du
Conseil colonial de la Cochinchine et les textes subséquents;
Vu l'avis publié dans le Journal officiel de la Répu-
blique française du 26 Juillet 1933 par le Ministère des Affai-
res Étrangères, relatif à l'occupation de certaines îles par
des unités navales françaises;
Vu les lettres N^{os} 634 et 2243-AP des 24 Août et 14 Sep-
tembre 1933 du Gouverneur général, relatives à l'annexion des
îles et îlots du groupe Spratly ou Tempête;
Vu les délibérations du Conseil colonial en date du 23
Octobre 1933;

Le Conseil privé entendu,

A R R E T E :

ARTICLE 1er.- L'île dénommée Spratly et les îlots Caye-
d'Amboine, Itu-Aba, groupe de Deux-îles, Loaito et Thi-Tu qui
en dépendent, situés dans la mer de Chine sont rattachés à la
province de Baria.

ARTICLE 2.- L'Administrateur, Chef de la province de
Baria et le Chef du Service du Cadastre et de la Topographie
sont chargés, chacun en ce qui le concerne de l'exécution du
présent arrêté.

Saigon, le 21 Décembre 1933

Signé : J. KRAUTHEIMER.

- Certifié conforme à l'original
déposé aux archives
Le Secrétaire archiviste du C.P.
Signé : GOUTES

BON SAO

ASIA - ASIE

Index number of the station	Station	Latitude	Longitude	Height m	Altitude feet
48862	Poulo-Canton	N 15° 23	E 109 08	3	10
863	Quang-ngai	N 15 08	E 108 47	6	20
865	Kontum	N 14 20	E 107 59	530	1.759
866	Pleiku	N 13 59	E 108 00	779	2.556
867	Ankhe	N 13 57	E 108 39	420	1.378
868	Bongson	N 14 26	E 109 01	8	26
870	Quinhon	N 13 46	E 109 13	5	16
871	Poulo-gambir	N 13 36	E 109 21	102	335
873	Tuy-hoa	N 13 05	E 109 17	10	33
874	Varella (phare) (beacon)	N 12 53	E 109 27	86	282
48875	Banmethuot	N 12 40	E 108 01	461	1.513
877	Nhatrang	N 12 15	E 109 12	6	20
878	Honlon (phare) (beacon)	N 12 11	E 109 19	102	335
879	Ban-ngoi (Cam-ranh)	N 11 54	E 109 08	4	13
880	Dalat	N 11 57	E 108 26	1.500	4.921
881	Lien-Khang	N 11 45	E 108 23	357	1.170
883	Djiring	N 11 34	E 108 04	972	3.189
884	Biao	N 11 32	E 107 48	859	2.789
885	Padaran (phare) (beacon)	N 11 11	E 109 01	175	574
887	Phan-thiet (phare)	N 11 13	E 108 41	4	13
888	Lagi	N 10 40	E 107 46	3	10
889	Poulo-ecur-de-mer	N 10 34	E 108 57	7	23

Cochin China - Cochinchine

48892	Honquan (Quanloi)	N 11 40	E 106 38	123	404
895	Tu-dau-mot	N 10 59	E 106 29	5	16
896	Bien-hoa	N 10 57	E 106 49	3	10
900	Saigon (Tan-son-Nhut)	N 10 49	E 106 40	9	30
903	Cap-St-Jacques (phare) (beacon)	N 10 20	E 107 05	175	574
905	Hatien	N 10 23	E 104 29	3	10
907	Rachgia	N 10 00	E 105 05	3	10
909	Chaudon	N 10 42	E 105 07	6	20
910	Cantho	N 10 02	E 105 47	3	10
911	Bentre (Batri)	N 09 59	E 106 37	2	7
913	Soctrang	N 09 36	E 105 56	4	13
914	Camau	N 09 10	E 105 19	2	7
915	Poulo-Dama	N 09 41	E 104 21		
915	Poulo-Obi	N 08 25	E 104 49	325	1.066
918	Poulo-Condore	N 08 46	E 106 35	3	10
X 919	Ituaba	N 10 23	E 114 21	3	10

Laos - Laos

48922	Phong-Saly	N 21 42	E 102 05	1.500	4.921
924	Muong-Sing	N 21 06	E 101 09	800	2.625
926	Banhoueisa	N 20 15	E 100 25	300	984
928	Samneua	N 20 28	E 104 03	944	3.097

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 Chargé 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 Sông Tu Tay (South-West Cay) Thi Tu, Loi 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 crewmembers of the three vessels *Huong Giang*, *Chi Lang* and *Ky Hoa* :

(47) Reported by Prof. Charles Rousseau in *Revue Générale de Droit International Public* — July-September 1972, p.830.

(48) *Vietnam Press* dated June 16, 1956.

- 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 Sông Tu Đông (North East Cay) and Sông Tu Tây (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.

Hanoi, le 22 Août 1940

Mission à Itu Aba

LE GOUVERNEUR GENERAL DE L'INDOCHINE

à Messieurs le Résident-Supérieur au Annam
 le Résident-Supérieur au Tonkin
 le Résident-Supérieur au Laos
 le Résident-Supérieur au Cambodge
 L'Administrateur-Chef du territoire
 de Kouang-Tchéou-Wan

J'ai l'honneur de vous faire connaître que M. BULLAUD ancien Capitaine de la Marine marchande, recruté comme agent contractuel depuis 1938 pour remplir les fonctions de chef de notre détachement à Itu Aba (Iles Spratly) vient de cesser ses services à l'expiration de son contrat.

En vue de pourvoir à son remplacement, je vous serais obligé de vouloir bien faire rechercher dans le pays que vous administrez un candidat européen, fonctionnaire, agent de l'administration ou particulier, capable de remplir la mission à Itu Aba. Il doit à cet effet réunir les conditions suivantes:

- être robuste, intelligent, énergique et de caractère calme;
- posséder une large connaissance des choses de la mer et de la navigation.

Le candidat à recruter serait engagé par un contrat administratif qui resterait strictement confidentiel.

1°) Si le candidat n'est pas fonctionnaire, il sera recruté dans les conditions analogues à celles précédemment consenties à M. BULLAUD, savoir:

- salaire : 5000 par mois,
- durée du contrat: un an renouvelable
- classement au point de vue général des déplacements: 3^e catégorie
- congé: dans les conditions prévues au décret du 14/10/1936.

2°) Si le candidat est fonctionnaire, il sera placé dans la position de congé hors cadres prévue aux règlements sur le solde. Il bénéficiera aux Iles Spratly, de l'indemnité de zone de 1^{ère} catégorie (200) par mois) et des majorations de cette indemnité pour la femme et les enfants, lorsque ceux-ci continuent à résider en Indochine.

Les conditions du contrat à intervenir dans ce cas seront fixées ultérieurement, compte tenu des émoluments perçus par le candidat fonctionnaire au moment de sa mise hors cadres. Le salaire mensuel sera toutes indemnités comprises, au moins égal à 5000 et ne sera, en aucun cas, inférieur à la solde globale perçue en dernier lieu par le fonctionnaire.

L'agent qui sera recruté pour Itu Aba pourra bénéficier du logement avec un ameublement sommaire, et des fournitures gratuites de vivres par les soins de l'Administration indochinoise.

Le temps.....

Le temps passé par le candidat fonctionnaire à Itu-Abu sera, au point de vue des droits à pension et à l'avancement, assimilé à la présence effective de l'intéressé dans son service d'origine, so réserve des retenues pour pension qu'il doit subir sur ses émoluments.

J'attacherai du prix à recevoir dans le plus bref délai les demandes de candidature, ainsi que votre avis personnel sur la valeur des candidats.

Par délégation
Le Secrétaire Général
du Gouvernement Général de l'Indochine
Signé: DELSALLE

Pour ampliation
P. Le Chef du Bureau des Archives
Signé: Illicible

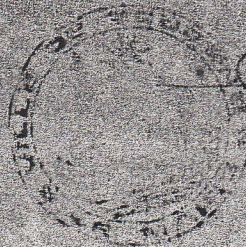
URGENT ET SECRET, - N°5634-P Copie conforme transmise à M. Les Résidents et Résidents-Maires, les Chefs de Services locaux, les Représentants des Services Généraux, les Conseillers des départements des Ministères du Gouvernement unanime et les Chefs de Bureau de la Résidence Supérieure, pour recherches de candidatures éventuelles.

Lué, le 24 Août 1940
P. Le Résident Supérieur et P.O.
L'Administrateur, Chef de Cabinet,
Signé: AURILLAD

N° 2 P

Copie conforme transmise à Messieurs les Délégués de Pattle et de Boisé (Paracels) avec prière de vouloir bien me faire connaître s'ils sont candidats à ce poste, par retour du courrier.

Tourane, le 28 Août 1940
P. Le Résident-Maire et p.o.
Le Secrétaire Municipal,



Handwritten mark or signature

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 to

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, title 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 the Spratly, and renounces all right, title and claim to the territories named herein.

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 travellers 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 « the outposts of Chinese territory » cover the entire South China Sea, and would virtually convert the whole sea into a communist Chinese lake.

(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.

CAIRO DECLARATION

27 November 1943

President Roosevelt, Generalissimo Chiang Kai-shek, and the Prime Minister, Mr. Churchill, together with their respective military and diplomatic advisers, have completed a conference in North Africa. The following general statement has been issued :

« The several military missions have agreed upon future military operations against Japan.

« The three great allies expressed their resolve to bring unrelenting pressure against their brutal enemies by sea, land, and air. This pressure is already rising.

« The three great allies are fighting this war to restrain and punish the aggression of Japan. They covet no gain for themselves and have no thought of territorial expansion.

« It is their purpose that Japan shall be stripped of all the islands in the Pacific which she has seized or occupied since the beginning of the first world war in 1914, and that all the territories that Japan has stolen from the Chinese, such as Manchuria, Formosa, and the Pescadores, shall be restored to the Republic of China.

« Japan will also be expelled from all other territories which she has taken by violence and greed.

« The aforesaid three Great Powers, mindful of the enslavement of the people of Korea, are determined that in due course Korea shall become free and independent.

« With these objectives in view the three allies, in harmony with those of the United Nations at war with Japan, will continue to persevere in the serious and prolonged operations necessary to procure the unconditional surrender of Japan ».

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 (Paracels) 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 communique 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 escalated 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 « not to hesitate to resort to arms in order to impose its will in South-East 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 :

(50) *Agence France Presse* news dispatch sent from Moscow, February 10, 1974.

(51) *Reuter* news dispatch from Moscow, February 21, 1974.

Document

NEWSWEEK, Feb. 4, 1974

As China experts in Hong Kong noted, Peking's new tough line was clearly at odds with the flexible, pragmatic approach to foreign policy that has been the recent hallmark of Premier Chou En-lai. Many recalled that during a comparable incident with Soviet diplomats in 1962, the event passed with hardly any publicity. But this time, observed a Western diplomat, « the Chinese overplayed it unnecessarily. » Some speculated that the affair was deliberately ballyhooed by Peking as an object reminder to the populace of the continuing Soviet threat along China's northern borders. But given even that, it still seemed out of proportion.

Similarly, Peking's tigerish handling of the Paracels question deviated from Chou's normal preference for letting such disputes stew while he contemplates alternatives. Whether offshore oil prospects or some other reason were behind the Chinese claims to the uninhabited island in the South China Sea, « they could have responded far less strongly », said one Western diplomat. « and still make it clear that they wouldn't stand for any nonsense ».

As it turned out, the clobbering of South Vietnamese forces in the fight over the Paracels two weeks ago brought no cheer even to Saigon's archenemies, the Vietnamese Communists. When representatives of Hanoi and the Viet Cong in South Vietnam were asked last week whether the Paracels were Vietnamese or Chinese territory, they could only reply with a red-faced « no comment ».

A moderate opinion on the PRC's invasion of the Paracels.

«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 Vietnam's 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 «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, «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 Organisation». 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 Gonzalo 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 Nguyễn Văn Thiệu 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 Hoàng 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 « 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.

(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.

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 Labour 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 interna-

(54) The Nam Quan pass marks the border between Vietnam and China.



Fig.35. - Demonstration against the PRC's aggression.

tional law » and expressing deep gratitude to the Vietnamese combatants for 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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