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

Republic of Vietnam Ministry of Foreign Affairs Saigon, 1975

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

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

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

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

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

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

Exercise of normal state authority.

The headquarters of a French administrative officer, who also commanded a quard detachment ' was located on Itu Aba Island. Because of the isolation and the hard living conditions on the island, only volunteers to the post were sent there. Sometimes, no government official would volunteer, so the Indochinese authorities had to recruit private citizens by means of contracts which lasted one year. These contracts contained generous allowances and other largesses in an attempt to retain volunteers on the island. One of the a "contract officials," was Mr. Burollaud who held out for 2 years (1938-1940). It was apparently difficult to find a successor for Mr. Burollaud, since the Governor General in Hanoi had to send a note dated August 22, 1940 throughout Indochina (and to the French possession of Kouang-Tcheou-Wan in ichina) to look for a volunteer - who must be a European. The official finally recruited turned-out to be most unlucky, since, according to an eyewitness named Tran Van Manh who was serving at that time with the Itu-Aba Meteorological Station, he was seized and tied to the flag pole by Japanese troops occupying the Spratlys in 1941 (43). Regarding administrative organization, 3 months after the official incorporation of the Spratlys, the Governor General of Indochina signed Decree No. 4762-CP dated December 21, 1933 making the archipelago a part of the Cochinchinese province of Ba-Ria. After Cochinchina was returned to Vietnam, this organization was confirmed in 1956 by a Decree of the President of the Republic of Vietnam (44). Seventeen years later, the Spratlys were attached to a village of the same province (the name of which had in the meantime changed to Phuoc Tuy), the village of Phuoc Hai, Dat Do district (45). State activities on the Spratlys were necessarily restricted because the islands were uninhabited and situated too far away from the mainland. In 1938, the Indochina Meteorological Service set up a weather station on Itu-Aba, which was considered the best place in the South China Sea to provide meteorological data for neigbouring 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 qnd were listed under - French Indochina - Cochinchina,,. The French also continued scientific surveys of the Spratlys after 1933. For instance, a valuable geographic and aeologic study of the Spratlys was made available in the 22nd Report of the Oceanographic Institute of Indochina (46).

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

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

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

The pace of these patrol and control operations were reduced after 1963 due to the war situation in the Republic of Vietnam. That does not mean, however, that Vietnamese rights on the Truong Sa archipelago have been diminished, even if foreign powers were then able to take advantage of the situation to commit illegal intrusion in some of these islands. These rights had been openly established in the name of Vietnam when the French incorporated the archipelago into Indochina. Moreover, these territories were traditionally known and frequented by Vietnamese in the past. The French action of 1933 was entirely in conformity with international rule and practice. It was challenged by no one except Japan, who later relinquished all her claims. An effective presence and a peaceful exercise of sovereignty have been firmly assured. This has only been interrupted once and temporarily when Japan seized the Truong Sa Islands by force in 1941. As in the case of the Hoang Sa Islands, a foreign military presence has not and will not break the will of the Vietnamese to remain as the owner of all their territories. Therefore, let it be reminded that the islands now illegally occupied by foreign troops are indivisible parts of the Truong Sa archipelago which belong to the Vietnamese people.

CHAPTER IV

THE DEFENSE OF THE LEGITIMATE RIGHTS OF VIETNAM

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

Independent Vietnam had later to confront serious challenges to her sovereignty over these islands. At the San Francisco Peace Conference of 1951, Vietnam unequivocally reaffirmed its rights over both archipelagoes. The Vietnamese chief delegate dearly 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. H ever, the confusion resulting from the war allowed other countries make bolder moves toward asserting their groundless claims. Specifically, the Republic of China illegally continued to station on some of the Hoang Sa Islands the troops that had been

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

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

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

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

Chapter II Territory

Article 2

- a) Japan, recognizing the independence of Korea renounces all right, and claim to Korea, including the islands of Quelpart, Port Hamilton and Dagelet.
- (b) Japan renounces all right, title and claim to Formosa and the Pescadores.
- (c) Japan renounces all right, title and claim to the Kurile Islands, and to that portion of Sakhalin and the islands adjacent to it over which Japan acquired sovereignty as a consequence of the Treaty of Portsmouth of September 5, 1905. (d) Japan renounces all right, title and claim in connection with the League of Nations Mandate System, and accepts the action of the United Nation Security Council of April 2, 1947, extending the trusteeship system to the Pacific Islands formerly under mandate to Japan.
- (e) Japan renounces all claim to any right or title to or interest in connection with any part of the Antarctic area, whether deriving from the activities of Japanese nationals or otherwise.
- (f) Japan renounces all right, title and claim to the Spratly Islands and to the Paracel Islands.

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

sub-paragraph (b): rights of China.

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

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

sub-paragraph (f): rights of Vietnam.

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

"1. To Article 2.

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

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

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

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

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

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

The Chinese invasion of January 19-20, 1974.

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

Excellencies, Gentlemen,

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

"The Hoang Sa (Paracel) and Truong Sa (Spratly) archipelagoes are a part of the territory of the Republic of Vietnam. The sovereignty of our country over these archipelagoes based on historical, geographical and legal grounds as well as on effective administration and possession, is an undeniable fact.

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

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

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

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

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

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

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

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

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

Thank you.

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

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

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

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

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

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

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

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

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

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

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

CONCLUSION

UNANIMITY OF THE PEOPLE OF THE REPUBLIC OF VIETNAM AGAINST AGGRESSION

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

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

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

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Notes:

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

- 1. The Atlas is being kept at the "Ecole 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 desigated as the Paracels in the 20th century?br>
- 5. Internationally-known Vietnamese historians have, directly or indirectly, contributed to the task of determining the date of the Do Ba document. Among them are Prof. Hoang Xuan Han and historian Truong Buu Lam, who has been associated with many American universities. Details on this question can be found in Vo Long Te, Les Archipels de Hoang Sa et Truong Sa selon les anciens ouvrages Vietnamiens d'Histoire et de Geographie. Saigon. 1974.
- 6. Summarized and commented in Bulletin de l'Ecole Française d'Extreme Orient, Vol. XXXVI, 1936.
- 7. This term is often used to designate all the distant insular possessions of Vietnam.

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

- 26. E. Cortambert and L. de Rosny, Tableau de la Cochinchine, Paris 1862.-Armand.
- 27. Sauvaire Jourdan "Les Paracels infiniment petite de notre domains colonial" in La Nature, issue of November 1, 1933, Paris.
- 28.Reported by the French Daily?br>
- 29. The French engineer who supervised the work, Mr. Andre Faucheux, is presently 75 years old and lives in Paris.
- 30. ?br>
- 31. Memorandum No. I104 VP/CT/M dated October 30, 1950.
- 32. Memorandum No. 1220-VP/CT/M dated September 17, 1951 and signed by the Director of Political and Legal Affairs, Government Delegation to Central Vietnam.
- 33. Decree No. 174-NV dated July 13, 1961.
- 34. Decree No. 709-BNV/HCDP/26 dated October 21, 1969 signed by Mr. Tran Thien Khiem.
- 35. ?br>
- 36. The coordinates correspond to those of S6ng Tu D6ng (North East Cay) and Shira Island.
- 37. ?br>
- 38. It may be noted that the principles established by the international Court of Justice in the Palmas decision (1928) cannot but reinforce Vietnamese rights, for instance, the emphasis given to the actual exercise of sovereignty over mere geographic contiguity (see Reports of International Arbitral Awards, United Nations. p. 829).
- 39. The lack of seriousness in this undertaking does not deserve further comments. Mr. Tomas Cloma was reported arrested by the Philippine police in November 1974 on charge of committing acts detrimental to state authority on insular territories.
- 40. For instance, a comprehensive study of the Spratlys question by Professor Charles Rousseau in Revue Generale de Droit International Public, July-September 1972, does not mention any sort of Chinese claims to this archipelago prior to 1951.
- 41.New China; bulletin dated February 4, 1974. 42.Far-Eastern Economic Review, HongKong, Dec 21, 1973.
- 43. Mr. Tran Van Manh is presently the Chief of Tuy Hoa Meteorological Service, Republic of Vietnam.
- 44. Decree No. 143-NV signed on October 22, 1956 by the laie President Ngo Dinh Diem.

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

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