

ANNEX 19

Note dated 26 November 1928, addressed to the Under-Directorate for Asia and Oceania

Re: Spratly or Storm Island

The first step is to know the exact terms of the reply to the Japanese inquiry at the beginning of 1928.

The granting by the French State of a permit to prospect for mineral deposits is an act of sovereignty, an act which cannot be performed if the island in question already belongs to or is claimed by some other power.

If the island is at present *terra nullius*, the granting of a permit to prospect, followed by actual operations undertaken by the holder of the concession, and accompanied by any manifestation whatsoever of continuous occupation by the French State (visits by warships, flag, orders issued by the police) would be the kind of act establishing the sovereignty of France over the island in question.

The matter should of course be examined and settled, in consultation with the Ministries of the Navy and the Colonies. The eventual solution might well also be applied to all or some of the other islands in the same group./.

(Signed) illegible

ANNEX 20

Letter No. 2276, dated 17 December 1928, from the Acting Governor General of Indochina, Hanoi, to the Minister for the Colonies, Paris

Re: Rights of sovereignty over the Paracel Islands

The New Phosphates Company of Tonkin has submitted an application to the Government General requesting permission to prospect for mineral deposits in one group of the Paracel Islands. The application was accompanied by four mineral prospecting declarations, together with the correct documents, on which the appropriate duties had been paid. This procedure, though the Company concerned does not know what the eventual legal outcome of its application might be, in a way confers virtual rights upon it, as it were, against the time when the question of the exercise of our sovereignty over the Paracels is settled positively. However, for the time being, any decision, prospecting or settlement must be entirely the responsibility of the individuals concerned.

I have replied to the New Phosphates Company of Tonkin along these lines. In the present state of affairs, the plans it has submitted to me, like all those it previously submitted for that matter, are unlikely to come to anything.

This is not the only instance of a challenge to French sovereignty over the islands surrounding the Indochinese Union. The present Governor of Hainan Island, General Gaston Hoang, recently planned to sail to the Paracels for the purpose of recognizing them as Chinese territory. I do not know whether the trip actually took place, but according to information supplied to me by Reverend Father Savina, a missionary priest who is General Hoang's trusted adviser as well as being our most loyal informant, it would take very little for the intentions of the Governor of Hainan to be put into practice, spurred on by the ever-increasing megalomania of Chinese nationalism. It is therefore time for us to take the initiative and to assert rights which appear to be recognized both in historical documents and by geographical realities. I am in the process of having the Foreign Relations Department prepare a Note summarizing the various aspects of the Paracels question; however I would be most grateful if, pending the Note, you could provide some pointers to enable me to speed up decisions should the Chinese claims become more specific.

Annex 20 211

Your pointers should be seen against the background of the Japanese intentions which were the subject of our letter No. 1763 of 26 December 1927 and your reply No. 77 (Political Directorate) of 12 May 1928./.

(Signed) R. Robin

ANNEX 21

Note No. 268, dated 26 February 1929, from the Minister for Foreign Affairs (Directorate for Asia and Oceania), Paris, to the Minister for the Colonies, Political Directorate, Third Bureau, Paris

Re: Right of sovereignty over the Paracel Islands

By a letter - No. 252 - of 18 February, further to your letter to me of 11 January under the stamp of the Directorate for Economic Affairs, First Bureau, you sent me a copy of a letter from the Governor General of Indochina, No. 2276 of 17 December last, concerning the possible designs of the Chinese Government on the group of islands known as the Paracels.

In that letter, the Indochinese administration now supports the view that France has sovereignty over the archipelago and to that end puts forward historical arguments which it intends to develop in a Note to be sent to you shortly.

As you point out, the Indochinese administration thus appears to advocate, in respect of the Paracels, a position contrary to that decided upon by the French Government in 1921, and which apparently entailed recognizing Chinese sovereignty over the archipelago, subject to the application of the Franco-Chinese Agreements of 2 and 15 March 1897, and of 4 and 10 April 1898.

The letter from the Governor General of Indochina dated 17 December 1928, enclosed with your above-mentioned letter - No. 252 - of 18 February, does not seem to me sufficiently explicit to warrant a change in that attitude.

I would therefore be grateful if you would send me the note announced by Mr Robin at your earliest convenience and once I have it I shall ensure that I give the matter further consideration if necessary./.

ANNEX 22

Letter of 18 February 1929 from the Minister for the Navy, acting Minister for the Colonies, Paris, to the Minister for Foreign Affairs (Directorate for Political Affairs and Trade (Asia - Oceania)), Paris

Re: Rights of sovereignty over the Paracel Islands

Further to my letter No. 125 of 22 February 1929 concerning an application for a mining permit on Storm or Spratly Island, I have the honour to enclose, for your information, a copy of a further letter from the Governor General of Indochina, No. 2276 of 17 December last, this time on the possible designs of the Nationalist Chinese Government on the group of islands known as the Paracels.

I would particularly draw your attention to the paragraph in this document where the acting Governor General of Indochina asks, as a matter of urgency, for pointers he could follow should the Chinese claims become more specific.

In present circumstances, the Indochinese administration's desire for pointers dictating what its conduct should be, if necessary, is legitimate, and I feel it should be granted as soon as possible.

Nonetheless, it will certainly not have escaped your notice that Mr Robin currently supports the argument of national sovereignty, based on historical documents which, so far as my Ministry is aware, have not been mentioned before. Quite the contrary, the position apparently agreed, in 1921 in particular, was to recognize Chinese rights to the islands 'under certain conditions of security and non-cession'.

Pending receipt of the background note announced by Mr Robin, it would now seem that any guidelines issued to the Indochinese Government can now only be a matter of wait and see, unless a summary of the arguments of the local administration is requested forthwith by cable and received by the same means.

I would be most grateful to have your views on this matter at your earliest convenience, which will enable me, with your full consent, to furnish the Governor General of Indochina with the pointers he requests as a matter of urgency.

P.S. As I close this letter, the Ministry has received a report from the Governor General of Indochina on the political and economic situation in China. The following passage in the report relates precisely to the above

question, apparently substantiating the view that the historical rights referred to several times by Mr Robin relate to the Kingdom of Annam:

(...) 'General Gaston Hoang had planned to visit the Paracels, no doubt with the intention of asserting Chinese sovereignty there. Annam however possesses historical rights over this group of uninhabited islands which are much less open to question than any Nationalist China might claim, and France, which has a duty to safeguard the integrity of the kingdom under its protection, would do well not to allow itself to be taken by surprise by the *fait accompli* of Chinese possession which it would no doubt be obliged to accept.'/.

ANNEX 23

*Coded telegram dated 3 April 1929, from the Governor General of
Indochina, Saigon, to the Ministry of the Colonies, Paris*

135 S - Reply 304 of 9 March. Having personally considered matter, do not share view expressed by my predecessor ad interim under No. 2276 of 17 December. In fact, situation has not changed appreciably since Note sent to your Ministry in 1921. New Note would only confirm this. Recent interest in Paracels by several business groups, in the form of actually rather vague applications for mining concessions and certain press articles, frankly does not seem to me to warrant fresh conclusions. In any event, it does not seem best moment at present to re-open any dispute on ownership of said islands.

I therefore still think that, especially in present circumstances, the attitude adopted in 1921 and since maintained, in full agreement with the Ministry of Foreign Affairs, should be adhered to.

(Signed) Pasquier

ANNEX 24

Official telegram of 14 March 1930, from the Governor General of Indochina, Hanoi, to the Ministry of the Colonies, Paris

No. 501

Reference your letter 184 of 31 December last, to which reply sent by mail.

Consul France Canton reports Legation Kwangtung Provincial Council adopted 14 February last resolution to mine guano deposits Paracel Islands at own expense. Remind you French Government has never officially recognized Chinese sovereignty over archipelago, nor definitively abandoned asserting historical and geographical rights Empire of Annam, which it had only considered formally relinquishing for reasons political expediency and in exchange guarantees re non-fortification and non-cession archipelago to foreign powers. Failing such agreement, and question remaining as indicated in my cable No. 135 of 3 April last, we cannot remain indifferent to fresh assertion sovereignty by Chinese authorities. Please inform diplomatic services./.

(Signed) Pasquier

(Certified accurate)

ANNEX 25

Letter of 28 July 1930 from Mr Wilden, Minister Plenipotentiary of the French Republic in China, to Mr A. Briand, Minister for Foreign Affairs

No. 350

Rights of France over the Paracel Islands

By your telegram No. 113 of 6 June last, Your Excellency informed me that the Ministry of the Colonies, reversing its previous position, was preparing to claim sovereignty over the Paracels for the benefit of Annam and asked my opinion on the matter.

By its telegrams No. 117 and No. 239 dated, respectively, 20 March and 27 May last, this Legation has stated its views on the matter. While France has never officially recognized China's rights over the archipelago, the fact nevertheless remains that we have deliberately not lodged any protest at the acts by which that country, in its endeavour periodically to interrupt the prescription which could be invoked against it, has for some years sought to make plain that it considers the Paracels as dependencies of its territory and is attempting to confront us with a *fait accompli*.

ANNEX 26

Letter No. 1512-A.Ex dated 18 October 1930 from the Governor General of Indochina, Hanoi, to the Minister for the Colonies, Paris

Further to your telegram 1164 of 29 August and your communication 149 of 1 September last, I have the honour to enclose herewith the information on the Paracel Islands referred to in my telegram 1343 of 13 August, and which you requested of me on 23 July, further to an inquiry from the Minister for Foreign Affairs.

As stated in my above-mentioned telegram 1343, on receipt of your instructions I set about obtaining as soon as possible, from the services of this Government General and from the consular posts concerned, all the documents which might provide a detailed answer to the three questions put by the Quai d'Orsay, which you forwarded to me in your 1021.

In reply to the first of these questions, please find enclosed certified copies of the documents traced by Mr Le Fol in the archives of the Residency and of the Hue court, as follows:

1. An excerpt from 'Dai Nam-Nhat-Thong-Chi', book 6, (Annals of the Annamese Government), written in characters with a translation into French.

2. An excerpt from 'Nam-Viet Dia-Du', volume 2, (a geographical work compiled under Minh Mang), written in characters with a translation into French.

3. An excerpt from 'Dai-Nam-Nhat-Thong-Chi' (a geographical work by Duy Tan), written in characters with a translation into French.

These documents, to which I have appended four letters and four maps, are the only ones relating to the Paracels which it has been possible to trace in Hue. You will probably find, as I do, that they are sufficient to establish incontrovertibly that Annam took effective possession of the archipelago well before 1909, the date on which the Chinese appear first to have expressed their claims to sovereignty over the Paracels. Indeed, in re-establishing the Hoang-Sa Doi in 1816, Emperor Gia Long himself was merely reviving an old tradition. Under former Annamese dynasties, this doi travelled to the Paracels in the third month of each year, returning in the fifth month to offer the products collected on the islands for sale in the capital.

The expedition ordered by his son Minh Mang is proof of a continuity of views within the Nguyen dynasty, a continuity which the Chinese Government would be hard put to lay claim to itself.

I must particularly emphasize the value of this documentation, which I feel would constitute our best argument in any diplomatic disputes with China.

As for the other questions put by the Minister for Foreign Affairs, I have not been able to assemble such detailed documents as on the first one. Nevertheless, it should be possible to remedy this deficiency, partly by certain responses to my requests for information currently awaited from the Consulates in Hoihow, Pakhoi and Canton, and partly by means of records which my services are still trying to track down or which may be run to earth in the Ministry itself. Actually, it was at the instigation of the Ministry of the Colonies, following a report on the Paracels by the French Consul in Hoihow, that in 1898 Mr Paul Doumer, the then Governor General, commissioned a feasibility study on the construction of a lighthouse on one of the islands. The relevant records have not yet been traced at the Public Works Department. I have given instructions for a search to be made in the central archives of Indochina. It might even be possible to find copies in the archives of the Ministry, which probably received copies of them at the time.

This construction project was not* subsequently abandoned.

I enclose herewith a copy of a letter dated 14-9-1916 from the Head of the Public Works Department and accompanied by an engineer's report on this matter. These two officials saw fit to make a number of reservations on this matter concerning the validity of our rights. There is no reason to accept the assertions made by these technicians based on inaccurate knowledge of the matter from the diplomatic angle. Whatever the case, these documents prove that the French administration has never ceased to show interest in the archipelago. Incidentally, it would be easy to prove that the Paracels are still visited by French nationals. Annamese fishermen sometimes come here during their fishing trips for a perfunctory preparation of their catch. I think I should also add that a number of people representing French business interests in Indochina have contemplated exploiting the islands. I have duly informed you of applications for concessions sent to me on this subject. Please find enclosed a copy of a letter dated 14 August from the Director of the French and Colonial Finance Company concerning a planned expedition to gain a precise idea of what the resources in these islands are.

As for the Ministry's third request, I would ask you kindly to refer to my above-mentioned letter No. 704, in which I gave an account of the looting of the wrecks of the *Bellona* and *Huneji Maru* in 1898.

It is perhaps noteworthy that, the same year the Government General was concerned with the problem of how to guarantee the security of navigation in

* Sic.

the waters of the archipelago, the Chinese Government declared that it had lost interest in the Paracels, deserted islands which belonged no more to China than they did to Annam. It was not realized that an official confirmation of this reply to the British Consul in Canton would constitute a virtually watertight argument in support of our case. I put this interpretation of the matter to the French Minister in Peking, who by telegram of 18—8 last informed me that he was asking our Consul in Canton to question his British colleague on the subject. I shall not hesitate to let you know as soon as I find out. Meanwhile, I enclose herewith a copy of a telegram, No. 104, from Mr Eynard concerning the above-mentioned diplomatic incident.

Please also find enclosed copies of two letters, Nos. 71 and 89, from the French Consulate in Hoihow containing some interesting views on how the Canton Government is pressing China's alleged rights to the Paracels, and a copy of letter No. 149 from the French Consulate in Hong Kong. Attached to the latter is a note on the Paracels by a British national, Mr Dowdal.

Apart from the documentary interest of this note, which sets out the strategic value of the Paracels, the fact that its author spontaneously came to discuss with our Consul the results of his expedition seems indicative of the opinion in foreign circles in southern China on the merits of the Chinese Government's claims. This communication is interesting in the same way as the approach to this Government General by Japan in Hanoi, and which I drew to your attention by my above-mentioned letter No. 704.

(Signed) Pasquier

ANNEX 27

*Telegram of 4 July 1931 from the Ministry of the Colonies to the
Government General [of Indochina]*

No. 680

Reply to your telegram 903 -

Here is summary consultation legal adviser (one word indecipherable)
before Ministry of Foreign Affairs:

Rights Annam, at beginning of the 18th century existed but very hard to
predict outcome arbitration owing to absence for over a century. Also,
documents confirm taking possession of Paracels by Annam mission 1909
and various displays since then by Chinese authorities. Arbitration can only
focus on survival rights Annam in 1909. Legal position Hue could be
strengthened by surveillance mission vessel Paracels archipelago, but this
activity should avoid form taking possession and have appearance of simple
exercise pre-existing sovereign rights.

Cable your views ./.

(Signed) Reynaud

ANNEX 28

Decree by the Governor General of Indochina

The Governor General of Indochina

Grand Officier de la Legion d'Honneur No.

3282

Having regard to the Decrees of 20 October 1911 laying down the powers of the Governor General and the financial and administrative organization of Indochina;

Having regard to the Decree of 5 October 1936;

Having regard to the Decree of 28 December 1931 regulating the allowances and benefits in kind and in cash;

Having regard to Decree No. 156-SC of 15 June 1932 creating an administrative *delegation* in the Paracel Islands under the authority of Thua-thien Province (Annam) and named the *Delegation* of the Paracels;

On the proposal of the Chief Resident of Annam:

DECREES:

Article 1. - Decree No. 156-SC of 15 June 1932 shall be amended as follows:

Article 1. — Two administrative *delegations* shall be created in the Paracel Islands under Thua-thien Province (Annam) and named *Delegation* of the "Crescent and Dependencies" and "Amphitrite and Dependencies". The boundary between these two administrative districts shall be determined by the line of the 112th meridian, except where it intersects Vulladore Reef, which is wholly contained within the *Delegation* of the Crescent.

Article 2. — The officials in charge of these *Delegations* in their capacity as Delegates of the Resident of France at Thua-thien shall reside on Pattle Island and Woody Island respectively.

Article 3. — In this capacity, they shall each, to cover the costs of representation and tours of duty, be entitled to an annual allowance of 400 piastres (400\$00) laid down in the Decree of 28 December 1934. This allowance shall be chargeable to the local budget of Annam, Section 12, Article 6, paragraph 3.

Article 2. — The Secretary General of the Government General of Indochina and the Chief Resident in Annam shall each, in so far as it concerns him, be responsible for the implementation of this Decree.

Hanoi, 5 May 1939

(Signed) J. Brevie

ANNEX 29

Encoded telegram of 8 March 1929

Hanoi

I have informed the Governor of Cochin China that, like you, I have no objection to awarding a mining research permit to the Tonkin Phosphates Company in the Spratly Islands, on the understanding that this permit is issued at the risks and perils of the parties concerned should this group of islands be validly claimed by some other power. Have therefore asked him to consider Spratly Islands as administratively attached to Baria and to accept declaration research subject to reservations spelled out above and inform Phosphates Company above decision, clearly stating those reservations. I have invited him to discuss this matter with the Commander of the Navy and to ask him to consider mission soon with an appropriate unit at his disposal for effective reconnaissance of the island. Also discussion with Commander Bonelli during my forthcoming visit to Cochin China. I would ask you to keep diplomatic services informed of foregoing measures. After my talks with Senior Commander of troops Saigon, I shall contact you in due course with a view to informing, if appropriate, diplomatic services and Ministry of the Navy of any proposals ./.

(Signed) Pasquier

ANNEX 30

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

THE GOVERNOR OF COCHIN CHINA,

Officier de la Legion d'Honneur

Having regard to the Decree of 20 October 1911;

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

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

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

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

Having heard the *Conseil prive*,

DECREES:

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

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

Saigon, 21 December 1933

(Signed) J. Krautheimer

Certified true copy of the original

Filed in the archives of the *Conseil prive*

ANNEX 31

Letter of 30 March 1932 from the Minister for National Defence (Navy) to the Minister for Foreign Affairs - Directorate for Political Affairs and Trade (Asia-Oceania)

Re: Taking possession of the islands west of the Philippines

By letter 110 of 27 February, you asked me to take possession of the islets and reefs situated between latitude 7° and 12° N and west of the triangular American zone of the Treaty of 10 December 1898.

I have the honour to inform you that I am minded to take possession of these islands in order to prevent a foreign power from claiming sovereignty over them.

This pre-emptive taking of possession cannot signify that I have the slightest intention of making use of this archipelago for military purposes.

Please find enclosed with this letter a note from the Hydrographic Service describing the archipelago in question, which is composed of an unexplored part and a part which is better known.

It is not possible to take possession of the unexplored part owing to the dangers to navigation in those waters.

In the better-known part, the idea of taking possession of banks not permanently uncovered, such as Rifleman Bank and Ardasier Bank referred to in letter No. 242 of 27 February 1931 from the Minister for the Colonies, should be abandoned; in reality, such possession would be pointless and contrary to international law; it might serve as a precedent to foreign powers for the purpose of claiming fishing banks or banks adjacent to our coasts yet situated outside our territorial waters.

Only islands which can be occupied should be taken possession of, in other words, those on which men can not only land but also sojourn; reefs, some of whose crowns are constantly above water, do not meet this condition.

In my view it is not necessary to take possession of all the islands which can be occupied. The act of taking possession can have effect within a certain radius around the landing site; if 100 kilometres is accepted as the length of this radius, four landing sites (Nos. 1, 2, 3, and 3 A on the attached sketch, the first of which was occupied on 13 April 1930) would suffice for an affirmation of our sovereignty over virtually all the known part of the archipelago in question.

The act of taking possession would be worded as follows:

'This... day of... 19... I the undersigned... have taken possession, on behalf of France, of... Island situated at... and of the islands or islets situated within a radius of one hundred kilometres from the point indicated above.

(Signature)

This record was also signed by the persons designated below'

(Signatures)

To effect an act of sovereignty over all the known part of the archipelago, it would also be necessary to land at points A and B in the sketch, but as these points do not lend themselves to occupation, they must not form the object of any taking of possession. The landing sites and what might be termed the radius of sovereignty were only given above by way of indication. It will be for the ship responsible for taking possession of the archipelago to land on all the islands which can be occupied and where it is feasible to perform this operation, in order to multiply the points of taking possession and to reduce the radius of sovereignty accordingly.

You asked me to take possession of the archipelago as soon as possible. However, this operation needs to be carried out in very fine weather, which is most likely to occur in the period between the monsoons, in April and September, but as the atmosphere is sometimes disturbed in these waters by typhoons at the September period, it is feared that the operation planned cannot be carried out before April 1933. When I send a copy of this letter to the Commander of the Navy in Indochina, I shall ask him to arrange for the archipelago to be taken possession of as soon as he considers the atmospheric conditions favourable.

ANNEX 32

Note from the Ministry of Foreign Affairs, Directorate for Political Affairs and Trade, (Asia), 10 August 1940

Re: Spratly Islands

The Spratly archipelago, in the China Sea, includes, to the south of Hainan Island and to the west of the coast of Annam, a number of islands and reefs, whose economic and perhaps also strategic value only appears to have become apparent at the end of the last century.

At that time, Japanese fishermen endeavoured to mine the guano covering the uninhabited islands, but very soon abandoned the attempt. Annamese fishermen also put in various appearances and, after aerial reconnaissance exercises by the French Navy, it was realized that this archipelago could perhaps be used as a landing strip for planes, as a base for seaplanes and even as a refuelling stop for ships in the fleet.

In fact, these islands were regarded as *res nullius* until 1930, when the Government General of Indochina and the French Navy began to show interest in the Spratlys. It was decided to incorporate the islands into the French Empire and the act of possession was duly effected by an advice-boat from our Navy. The French flag was raised on the main island. A commemorative boundary-marker containing the documents relating to the taking of possession was erected.

This act of possession formed the object of a decree published in the 'Official Gazette' and attaching the Spratlys to an administrative district of Annam. Foreign powers were informed. Great Britain took formal note of the fact, despite having pointed out that the island had previously been visited by a British ship. Japan was the only country to raise difficulties about recognizing the legality of our act of possession and, alleging that there had been previous incursions by Japanese fishermen and a short-lived attempt to mine phosphates in the archipelago, invoked its titles of first occupant.

Talks were initiated in both Tokyo and Paris regarding the Japanese claims. In the course of one of the discussions held at the Ministry between Mr Seto, Japanese Ambassador, and Mr Leger, in August 1934, it seemed that the Japanese Government was not digging its heels in and that the matter could be regarded as settled.

During the ensuing years, no effort was made, either by Indochina or by the French Navy, to give concrete form to our occupation, while Japanese fishermen continued to appear from time to time.

On the outbreak of the Sino-Japanese War, in August 1937, the Japanese Navy immediately expressed its intention to extend its activity to the waters off southern China. It set a course for the Spratlys, and having arrived there, landed its men then took them off again.

The response to the protest which our Ambassador was instructed to lodge in Tokyo was that the Japanese Government had never recognized the legitimacy of our possession of the archipelago. However, the British for their part reaffirmed their recognition of our sovereignty and proposed that we lease them a site which could be used as an air base. Our reply was that we would be developing such bases ourselves and that, as and when appropriate, would authorize British planes to use them.

Subsequently, the British Ambassador supported his French colleague in his approaches to the *Gaimusho** aimed at ensuring that our rights over the archipelago were respected.

Being determined to gain a foothold in the Spratlys, the Japanese conceived the idea of setting up a company for the mining of guano and exploiting fishery products. The members of this company, who in reality were Formosan militia led by Japanese officers, set up camp and installed a radio station. Finally, to place themselves in a legal position on a par with ours, the Imperial Government published a decree under which the archipelago was annexed to the Japanese Empire and attached to the administrative district of Formosa.

The protests which the French Ambassador was immediately asked to lodge with the Tokyo Government were dismissed out of hand.

The Ministry of the Colonies, in agreement with the Ministry of Foreign Affairs, decided for its part to mark the French presence in the Spratlys and dispatched Annamese militia there, who were also installed in a camp, but who were to behave towards the Japanese like simple fishermen. They set up a radio station and were supplied by a cargo ship which periodically called in there from Annam. At the request of the Ministry, the Navy had a vessel, on a tour of duty in the South China Sea, put in at the Spratlys.

There were moments of quite serious tension in the archipelago between the occupants of the French and Japanese camps. Despite the rebuffs they suffered, our representatives resolutely carried out their mission and, no doubt following instructions received from Tokyo, the Japanese grew more

* *Gaimusho* = Ministry of Foreign Affairs

courteous so that relations between the occupants of the archipelago eventually became correct if not actually cordial.

In the diplomatic arena, the French Government, in its representations to the Japanese Government, invoked the Franco-Japanese Treaty of 1907, affirmed the legitimacy of its rights to the archipelago and, to prevent the conflict from turning sour, even considered putting the matter to international arbitration. The Japanese declined.

Each of the Parties has doggedly maintained its position and the ambiguous situation of the Spratly Islands has so far not altered./.

ANNEX 33

*Letter from General Juin, Chief of Staff of National Defence, to the
Chairman of the Committee on Indochina, 7 October 1946*

Cf: Letter 42/AS from the Ministry of Foreign Affairs transmitted under dispatch note 1048 LC of 20 September 194 *[illegible]*

Re: Parcel Islands

Thank you for sending me the letter quoted in reference from the Ministry of Foreign Affairs asking me to let you know my conclusions on the matter.

There can be no question of establishing a military base in the Paracels; occupying them therefore has no positive military benefit for us. On the other hand, it is of the utmost importance for France to prevent any sign of occupation by a foreign power of the islands which command access to the future base of Cam-Ranh and dominate the sea route Cam-Ranh-Canton-Shanghai.

If it transpires that the occupation of the Paracels leads to a resumption of the discussion on our rights of sovereignty, it will, with the force of the *fait accompli*, consolidate our position in the any future legal debate on this matter between France and China.

(Signed) Juin

ANNEX 34

Confidential Report of 29 January 1947 on French naval mission to Pattle Island from Captain Hennequin, Commander, 8th division of advice-boats and Captain, advice-boat Commandant Duboc, to Rear Admiral, Commander of the Navy in Indochina

References: Instruction N. 52/EMP/TS of 16 January 47
Message 63/EMP/TS of 20 January 47 Instruction
N. 69 EMP/TS of 22 January 47 Instruction N. 33
EM 3 Mar. Ind of 23 January 47

Enclosures: Instructions from Major Delay, Deputy to Colonel in command Nhatrang sector, handed to head of detail party

1. - MOVEMENTS

- 23 January 1330 H Set sail from Saigon
- 24 January 1730 Docked in Nhatrang
- 25 January 1100 Sailed from Nhatrang
- 26 January 1330 Anchored at Pattle Island
- 29 January 1830 Set sail for Tourane.

2. - LANDING OF NATIVE GUARDS AND RE-EMBARKATION OF NAVAL DETACHMENT

26 January

Weather fair - Wind NNE 1 to 2. Lighterage easy and tide favourable for coming alongside jetty.

Landed personnel, with individual kit and weapons.

Radio link established with Nhatrang at 1600 hours.

Unloaded 10 tonnes of equipment and supplies. Towed a water container to the southern shore, together with the whaler to try it out.

At nightfall, wind got up; squalls

27 January

Fresh monsoon, squalls, choppy sea. Lighterage impossible. Link with land only with whaler. Detachment setting up camp.

28 January

Monsoon dropped slightly. Whaler then launch put to sea.

Whaler rowed ashore, southern beach. 12 casks transported one by one in hold. Slow but steady progress in choppy sea.

Launch transported equipment and re-embarked naval detachment from jetty.

29 January

Gradual improvement to fair weather.

Transport operations completed.

At 1600 short ceremony of hauling down the naval colours and hoisting the colours of the relief detachment.

At 1630, Major Delay, Deputy to Colonel in command Nhatrang sector, on mission on board, having carried out a kit inspection and transmitted his instructions to head of detail party, this senior officer and myself left the island.

On our departure, the detachment had 4,000 packs of iron rations and fresh water, including 2,430 packs of 'Pacific' rations.

3. - CURRENT SITUATION OF THE ISLAND

a. - General situation

The naval detachment reported that the situation had remained calm during its stay.

There are some 15 Chinese living on the island where they earn their livelihood from fishing and collecting shells destined for China.

Junks apparently call in to collect what they have caught.

These Chinese seem harmless and are willing to lend a hand for a little food or simply in exchange for the right to pursue their activity. Nevertheless, they could be observers in the pay of the Chinese Government.

Robert Island is deserted.

On Money Island, there is only a handful of fishermen with sampans.

b. - Material situation

I) - The living quarters are dilapidated. The shell of the buildings has suffered damage from shells and machine-gun fire. The woodwork needs repairing. An assistant from the Armed Forces Equipment Department has made a detailed examination.

II) - The water tanks seem to be in good condition. They have a total capacity of some 200 cubic metres. At present, they contain only 28 cubic metres of usable water.

III) - The two wells providing slightly brackish water are in working order. There are apparently also surface springs providing slightly brackish water.

4. - The lighthouse could easily be restored to working order. The tower needs re-pointing and painting. Repairs to ladder and upper safety railing. Repairs to gas piping and reconditioning of burner.

5. - The radio and meteorological station currently consists of only an empty building with no doors or windows. The shed for the meteorological instruments, which is empty, is still standing.

There is no longer any radio equipment from the former station or any meteorological observation instruments.

The two masts, 28 metres high, are in good condition. One of the shrouds is missing from one mast and three from the other.

6. - The maritime facilities need refurbishing but can still be used for docking of motorized craft the size of a launch from a large vessel subject to careful timing and observation of the tides (about 2 hours before to 2 hours after high tide).

Masonry on the slipway: 120 metres. Gauge: 2 metres. The launching cradle and its carriage are in good condition. They permit the hauling up of a craft 15 metres in length, 2.4 metres in the beam and 1 metre draught (about 15 tonnes).

The lighter *Bourrasque* which has run aground on the beach is holed, rotten and beyond repair.

Its hauling winch is also broken.

4. - URGENT REPAIRS REQUIRED

A cursory examination of the present condition of the various facilities suggests some initial steps that might be taken to maintain a force of some 30 men in occupation of the island. These steps are listed in order of priority:

- repairs to guttering and drainpipes,
- provision of a canvas water container with a capacity of 10 cubic metres enabling rapid shipment of drinking water,
- repairs to woodwork in living quarters,
- repairs to shrouds on radio masts,
- repairs to rails on slipway,
- construction of narrow-gauge railway,
- structural repairs to buildings.

5. - MARITIME EQUIPMENT AND LINKS

A station ship which could be hauled up the slipway (the solution opted for in 1938 incidentally) is all that could be supplied to Pattle Island, there being no anchorage sufficiently sheltered from the fresh winds which blow very frequently on the island.

While the possibility of providing the island with a launch of about 15 tonnes which can be hauled up the slipway is under consideration, it would be useful as soon as possible to send a flat sampan to the island equipped with sail and outboard motor, which could easily be hauled up the slipway in its present condition.

This craft would be adequate for showing the flag and for surveillance of the neighbouring atolls.

In our view, fresh supplies to the island will ideally be required once per month, the amounts needed being about 10 tonnes of provisions and 10 tonnes of water.

The supplier must have motorized craft in excellent condition and equipped with gear properly designed for hauling up in choppy seas.

Fresh supplies ideally need to be delivered during periods when the high tide occurs by day. This period would seem to be the one close to the spring tides.

6. - HYDROGRAPHIC INFORMATION

a) - ANCHORAGE The *Commandant Duboc* dropped anchor at 155 some 800 metres from the lighthouse, the depth of the sea at that point being 42 metres, on a seabed of sand and shells, with 4 lengths of chain in the water. The anchor held very well in a fresh wind.

A good mooring mark is the following: proceed in a northerly direction towards the centre of the house to the right of the post of the pontoon and drop anchor when in sight of the rock visible at 306. At that moment, the distance from the east radio mast is 900 metres.

b) - DOCKING

Motorized craft can come alongside the slipway from 2 hours before to 2 hours after high tide, and can then beach on the shore visible between the coral.

7. - CONCLUSIONS

Independently of all other considerations, it seems to us that the substantial facilities built on the island by the Government General and their present state of conservation warrant sufficient effort being made to see that this island remains a possession of Indochina.

Regular operation of the lighthouse and the meteorological station would mean that our occupation could be seen - and to a far from negligible extent - as a form of international co-operation.

This result, it would seem, could be achieved quite quickly without the need for great expenditure.

The present detachment will soon be in a position to transmit a daily summary weather bulletin to Nhatrang and Tourane.

Where deliveries of fresh supplies by sea are concerned, experience has shown that the landing of fresh water in casks is a very heavy burden for the supplier.

These casks have to be delivered either by rowing boat or motorized craft. The detachment currently has a total of 65 such casks.

Until such time as the water tanks are repaired and filled, a canvas water container with a capacity of 10 cubic metres needs to be delivered as soon as possible to the detachment occupying the island and kept there.

On a different topic, we consider that command of the island should ideally be assigned to an officer from the regular army, young, dynamic, full of drive, with a basic knowledge of naval matters, having organizational ability and a pioneering spirit, as well as diplomacy.

Some circumstances might entail skilful negotiations in which imagination and finesse, allied to firmness, would not go amiss.

The island is an ideal spot climatically. Such a post would give an officer whose health has suffered from service in Indochina an opportunity to recover at the same time as performing a useful service to his country.

(Signed) Hennequin

GUIDELINES ON CONDUCT REQUIRED

While strictly carrying out the orders regarding defence, bloody incidents should be avoided. Display a great deal of tact, courtesy and amiability. Convince people that the island is French. Only use force as a last resort.

Various circumstances could arise, such as:

a) A unit from a foreign power could drop anchor off the island.

1. Immediately report this by radio to the Commander of Nhatrang sector, then Tourane.
2. Set the appropriate alarm procedures in motion.
3. Observe the vessel which has moored.
4. If a launch is put to sea and approaches the jetty, the head of the detail party should courteously greet the officer on reconnaissance and ask him for certain information: nationality, purpose of visit, where he hails from, etc. He will explain to him that the island is a French possession, offer him refreshment. But he will not allow men to disembark onto the jetty. He will not allow the officer to venture further onto the island.

If the officer will not be persuaded, the Head of Detachment should stress the fact that the post is in constant radio contact with the Navy, that a cruiser is in these waters, that it has a sizeable complement of men, etc. In other words, bluff to prevent any incident. Keep the Commander informed.

In no circumstances should the head of the detail party agree to board an apparently unfriendly foreign vessel.

b) A number of light craft appear off the island

As in the first case, report back. Set the appropriate alarm procedure in motion. Observe the movements of the craft.

If the craft proceed towards the jetty, signal to the effect that only one craft is authorized to come alongside.

Only permit a person of rank to alight from this craft. Greet him courteously, ask him for certain information: nationality, purpose of his mission, where he hails from, etc. Make him understand that the island is a French possession and that it is strongly defended. Do not permit anyone to venture further onto the island. If the officer insists, 'bluff for all you are worth': constant radio link with the Navy, cruiser

238 *Annex 34*

anticipated within a few hours, heavily armed, large complement of men, etc.

NB: These instructions only cover important incidents. They are meant only as an illustration to indicate the spirit in which the mission assigned must be carried out.

28 January 1947

Major Delay

ANNEX 35

Telegram from Ministry of Foreign Affairs, Nanking, 8 March 1947

No. 319-320

I refer to my telegram No. 298 in clear sent by diplomatic bag.

A further press article, announcing that two Chinese warships are to be dispatched to Woody Island, harks back to the 'instructions' which the Chinese Ambassador is said to have received from his Government with a view to 'negotiations' with the French Government regarding the case of the Paracel Islands. This information, like that contained in my communication referred to above, appears to be contradicted by the information given by the Director for Europe of the *Wai Kiao Pou** to Mr Roux during a general discussion he had with him yesterday.

Mr Yeh, having spontaneously broached the question of the Paracels, in fact drew my Counsellor's attention to the fact that the *Wai Kiao Pou* continued to be under strong pressure from (certain) Chinese departments to secure agreement from the French Government to withdraw the military personnel it has landed on Pattle Island. Yet at the same time, he confirmed to him that, according to the Chinese Government, this withdrawal was to precede any resumption of diplomatic talks aimed at an amicable settlement of the matter and at the conclusion of a special (joint) agreement.

My colleague reiterated our position as set out by the Director for Asia of the Ministry of Foreign Affairs on 30 January (your telegram No. 99 in fine to the Counsellor of the Chinese Embassy) and he stressed the fact that the *Wai Kiao Pou* should give consideration to the formula which I have already suggested to him in accordance with the terms of your telegram No. 160 and which is acceptable to both parties./.

(Signed) Meyrier

Note from the Cipher Department

Telegram No. 298 not yet reached the Cipher Department./.

* *Wai Kiao Pou* = Ministry of Foreign Affairs

ANNEX 36

*Wire from Agence France Presse, Nanking, of 31 May 1947 and telegram of
3 June 1947*

FRANCO-CHINESE RELATIONS

Nanking, 31 May 1947

The People's Political Council this morning adopted some 60 resolutions mostly marking a hardening of the Government's attitude and a more nationalistic stance.

Among the main resolutions adopted was the immediate return of Macao to China and the withdrawal of French forces from the Paracel Islands, 'by force' if necessary.

The Council also decided to protest to France at the discrimination allegedly suffered by Chinese nationals in Indochina.

A motion for the return of Hong Kong to China was not adopted.

The resolution relating to the withdrawal of all French forces from the Paracels states that China must protect its sovereign rights and step up the archipelago's defences. The Ministry of Foreign Affairs declined to comment on this decision by the People's Political Council.

Both France and China are known to claim sovereignty over the Paracel Islands and to have dispatched troops there. France has proposed that the matter be put to arbitration by the International Court of Justice in The Hague but this proposal was not accepted by China./.

TELEGRAM Nanking,

3 June 1947

I feel it my duty to transmit to you, for information, the following text of a motion on the Paracel Islands tabled on 31 May in the People's Political Council:

'In order to rebuild the Paracel Islands and strengthen the defence of our country, we call upon the Government to guarantee our sovereign rights with all its might, to precisely delimit our frontiers, to promote national defence and to reward the servants of China, who have placed all their energies at the service of recovering this territory'.

As the account by the Agence France Presse correspondent in Nanking of this motion submitted to the People's Political Council, among 60 other motions relating to national defence and Chinese foreign policy, was partly inaccurate, I was anxious give you the exact text./.

(Signed) Sivan

ANNEX 37

Telegram, Saigon, 25 January 1951

No. 153 to 155-Urgent

Re: Your telegram No. 60 of 13 January.

Firstly: French presence in Paracel Islands is still confined to Pattle Island, the only habitable island in the western group.

Secondly: It cannot be certified that there is no Chinese occupation of Woody Island, the only habitable island in the eastern group. In fact, to avoid incidents with Chinese Governments, instructions issued, both to successive garrisons on Pattle Island and to naval forces, have always limited our action regarding the eastern group to mere reconnaissance and especially airborne missions, which were necessarily imprecise.

Thirdly: Results of these reconnaissance missions as well as fact that a Chinese garrison could not subsist on Woody Island without periodic supplies which could not go unnoticed, suggest that this island has never been permanently occupied. On the other hand, seasonal fishermen from Hainan Island probably put into Woody Island for short stays.

Fourthly: Pattle Island was reoccupied by a French garrison in late 1946. As approach to island by seasonal fishermen, now Communist in allegiance, could provoke incidents, it was decided in October 1950, in order to avoid any possible dispute with Peking Government, to station a wholly Vietnamese garrison on Pattle Island answerable to the Central Annam Government./.

(Signed) Haussaire

ANNEX 38

Note from the Legal Department, Paris, 6 September 1946

Re: French sovereignty over the Paracels

A. BACKGROUND TO THE PROBLEM

The telegram from Admiral d'Argenlieu reports that a naval reconnaissance mission has been carried out in the Paracel Islands off Indochina, and that the French Navy intends to set up a duty station there.

The Admiral asks what our rights over the Paracels are and what steps have been taken in the past to gain recognition of them.

B. GEOGRAPHICAL AND HISTORICAL DATA

a) Situation of the islands

The Paracel Islands extend from longitude 110° 10' to 112°45' E. They lie 490 kilometres from Hue (Annam) and 350 kilometres from Yulinkiang, a port on the southern coast of the Chinese island of Hainan. The islands, some large and some small, are about 20 in number. Most of them are sandbanks, the others, about a dozen, are formed of rocks; eight are truly islands.

For a long time, these islands appear to have only been frequented, and then intermittently, by fishermen from Annam or China taking turtles and coral. On one of them, Woody Island, a Japanese colony had settled, engaged in mining guano, and was reconnoitred by our advice-boat *Savorgnan de Brazza*.

b) The historical rights of Annam

The first reference to the Paracels appears to be in the annals of the Court of Hue, where it is stated that, in the year 1700, a company was set up to harvest the produce of the sea in the archipelago each year.

This maritime activity continued, more or less intermittently. Then, in 1816, Emperor Gia Long decided to annex the islands to Annam.

c) The Franco-Chinese dispute

In 1909, however, the Cantonese authorities dispatched two exploratory missions and raised the Chinese flag on the islands. In 1920, they proceeded to administratively attach the Paracels to Hainan Island; in 1930, they decided to exploit them.

The Chinese claims were disputed by the French Government, acting on behalf of Annam, its protectorate. On 18 February 1937, in a note to the

Chinese Embassy, France proposed an amicable settlement or, failing this, a settlement by arbitration.

This proposal was not followed up and sovereignty over the islands remained in dispute. In 1938, France decided to occupy the islands. Yet this occupation was carried out with the consent of China, then at war with Japan, and therefore preferring possession of the islands by a friendly government. It was understood that the rights of the two parties were reserved.

d) The Franco-Japanese dispute

Japan challenged the French occupation of the islands without putting forward any strictly legal argument, confining itself to vague assertions, sometimes that the Japanese colony established on Woody Island had been there for 60 years - which militated in favour of the acceptance of Japanese sovereignty by virtue of prior occupation - or else that the islands were under Chinese sovereignty and that Japan was at liberty to take the war there and occupy them.

C. LEGAL SITUATION

As Japan is now out of the picture and as its titles are even more questionable than China's, the question arises as to whether we are justified in asserting our rights over the archipelago and, if so, how.

a) Annexation of the Paracels by Annam in 1816

This annexation, even without effective occupation, seems to have been carried out in conformity with the international law of the time. The annexation therefore conferred legal title on Annam.

However, it is certain that, with the advent of modern principles, this annexation was no longer adequate. France acting on behalf of Annam as a protectorate cannot now oppose the appropriation of a *res derelicta* by a foreign power.¹

b) Indecisive Chinese moves towards appropriation

However before this can happen, it must first be possible to consider the territory formerly occupied as *res derelicta* and the foreign power must have complied with modern international law.

On the latter point, China would not appear to have done more than assert its claims; it would not appear to have gone as far as actual occupation. The rights of Annam thus still hold sway; there has been no interruption in them.

¹ Precedent of the Caroline Islands, mediation by Leo XIII.

c) The French occupation of 1938

If the Paracels had been *res nullius*, this occupation could not have conferred legal title on France, since at the time the Chinese Government formally reserved its rights.

However, in these islands - unlike the Spratlys - it is the rights of Annam and not her own rights which France is asserting; and these rights are based, not on the occupation, but on the historical titles of Annam.

In now occupying the Paracels, France is doing no more than confirming these titles, complying with the requirements of modern international law.

d) Annam's vassalage to China

China's argument that, Annam being in 1816 a vassal of China, to which it paid tribute, Annam's annexations passed to China, cannot be accepted for the reason that, although subordinate to China, Annam constituted a separate legal entity.

D. NECESSITY TO REAFFIRM ANNAM'S RIGHTS

It would seem that, despite the presence of a Japanese company equipped with arms, the French occupation continued until 9 March 1945, the date on which the native guards - in all likelihood Annamese - quit the archipelago.²

The French occupation would appear to have ceased since that date. It needs to be re-established in order to avoid all difficulties which the intervention of a foreign power in the islands could only engender.

Yet there can be no question either of a unilateral annexation, like that of the Spratlys, which resulted in a notification to the Official Gazette or of making provision for this annexation in the peace treaty. As the Paracels belong to Annam there is no reason for us to seek another legal title.

As to whether it is appropriate to include Japan's withdrawal in the peace treaty, as with the Spratlys, consideration should be given to this in due course.

Incidentally, when the Paracels are re-occupied, a certain amount of publicity will be required in order to provoke a reaction from the Powers and ensure that the rights of Annam are solemnly recognized.

Among the countries from which a reaction can be anticipated is China, which should ultimately be offered arbitration proceedings in the event that amicable recognition of Annamese sovereignty cannot be secured.

The choice of arbitration tribunal should be determined by the manner in which the question is raised.

² Telegram of 3 June 1945 from Admiral d'Argenlieu.

In view of the Agreement of 6 March 1946 between France and Vietnam, consideration must be given to the question whether Annam should be involved, in one way or another, in the re-occupation of the Paracels. Prior consultation with the Vietnamese Government would have a number of practical drawbacks; also, it is not possible to hoist the Annamese flag without the participation of representatives of that Government.

As the Agreement of 6 March only recognized Vietnam as possessing rights of domestic sovereignty, its external status being left in abeyance, the situation has not changed. It is for France, on behalf of Annam, to assert its rights in the wider world, France is therefore justified in re-occupying the Paracels on behalf of Annam. It goes without saying that, if there is any reaction from Annam, it will be possible, after the event, to involve it in the operation on the basis of the external status it will be granted./.

ANNEX 39

Letter of 7 May 1951 from the Minister of State with responsibility for relations with Associated States to the Minister for Overseas Territories

Re: Spratly Islands

I have the honour to transmit herewith a letter dated 24 April 1951 by which Mr Edouard F. Miailhe, a French citizen, residing in the Philippines, requests permission to travel to the Spratlys in order to prospect the phosphate resources this archipelago may harbour and also that he be granted a concession as and when appropriate.

The request by Mr Miailhe regarding, among other things, the possible granting of a concession in the Spratlys, raises the problem of the authority with the power to grant him such a concession and therefore of the legal status of these territories in the French Union.

Since 1933, when the French Government effectively took possession of the Spratlys on behalf of France and up to the present day, these islands were included, for administrative purposes, under the former Government General of Indochina to which they had been attached. Political developments since then in the former Indochinese Federation and which resulted in the replacement of the latter by the three new Associated States have in no way prejudiced France's rights over this archipelago. Indeed, at no point in its history did the former Empire of Annam make any claim to these territories, which, furthermore, it has never occupied; and the fact that the Spratlys were for a time attached to Cochin China simply for administrative convenience cannot be relied on by the new State of Vietnam as justification for rights it never possessed.

The dismemberment of the former Indochinese Federation in favour of the three independent States of Vietnam, Cambodia and Laos on the other hand raises the problem of the status of the Spratlys. For these islands cannot remain attached to Cochin China which now no longer comes under French sovereignty; nor can they fall under the political entity 'French Indochina', which has ceased to exist; unless it is considered, in this particular instance, that the French High Commissioner in Saigon should retain the administration of these territories within his powers, it would appear, subject to any observations a legal adviser might find it appropriate to make on this point, that the Spratlys should now come under the French Department of Overseas Territories, on the same basis as other French territories in the Pacific. If this

248 *Annex 39*

principle is accepted, the fact remains that, owing to the strategic position of the Spratlys, the French representative in Indochina should be consulted before any steps whatever are taken regarding these islands.

If you share this view, I should be obliged if you could have your competent technical services study what action could be taken on the request by Mr Miailhe. For my part, I am asking the French High Commissioner in Indochina to let me know whether he can see any reason why this request should not be granted as and when appropriate. I shall not fail to keep you informed of the reply from General de Lattre.

(Signed) Jean Letourneau

ANNEX 40

Letter of 16 June 1955 from General Jacquot, General Commissioner of France and Acting Commander-in-Chief in Indochina, to the Secretary of State with responsibility for relations with Associated States

Saigon. 16 June 1955

No. 3958/SPD/AFG

Re: Sovereignty over the Spratly Islands (Spratly Island and Itu-Aba Island)

Enclosure: map.

1 - The Vietnamese Ministry of Public Works has sounded out the French authorities in Saigon about a possible visit to the Spratlys by an economic mission. The question of sovereignty over the Spratlys is therefore likely to be raised.

This is why I think it might be helpful if I set out in this letter the historical and legal background to the problem of sovereignty over the Spratlys and if you could let me know what the views of the French Government are on this matter.

2 - Geographical position of the Spratlys (see enclosed map)

The Spratlys is the name of a group of islands situated in the South China Sea, some 300 nautical miles east of Cape St. Jacques, and which essentially includes Spratly (or Storm) Island and Itu-Aba Island. These two islands are separated by a distance of 180 nautical miles.

Position of Spratly Island: latitude 8°40' N, longitude 111 °55' E

Position of Itu-Aba Island: latitude 10°22'N, longitude 114°21' E

As the crow flies, Itu-Aba lies 840 kilometres east of Saigon and 600 kilometres from the coast of Annam.

Spratly Island, which is 1,000 metres in length, is flat and uninhabited. Itu-Aba Island, which is 1,300 metres in length, is also flat and uninhabited. The only resource is guano which, prior to World War II, was mined by a Japanese company.

3 - Background

Previously *res nullius*, Itu-Aba was administratively attached to Cochin China in 1929. The official taking of possession was effected by the

250 *Annex 40*

Malicieuse on 18 April 1930 and notified to the Official Gazette on 26 May 1933.

Itu-Aba was occupied by a detachment of the Native Guard of Cochin China from 1938 to 1940. A French meteorological station was apparently set up there in about 1938.

The island has been visited:

- by the *Astrolabe* in 1933
- by the *Dumont d'Urville* in 1938
- by the *Chevreuil* in 1946 - The report of the visit was buried in a cement boundary-marker erected on this occasion.
- by the *Commandant Robert Giraud* in May 1955
- An aerial reconnaissance of the island was made in 1951.

A note dated 6 December 1946 from the Legal Department of the Ministry of Foreign Affairs asserts that there is no disputing the ownership of the Spratly Islands by France.

4 - Foreign designs on the Spratlys

PHILIPPINES

In 1946, the Government of the Philippines manifested the desire to refer the fate 'of certain islands claimed by France' to the United Nations.

In 1950, President Quirino said that 'according to international law, the Spratlys belong to the nearest territory, which is that of the Philippines'.

The same year, Colonel Soriano, a Filipino business magnate, made plans to send a mission to Itu-Aba to investigate the prospects for mining guano. He reportedly obtained a prospecting permit from the French Department of Overseas Territories but subsequently abandoned the idea.

CHINA

In 1950, the Chinese press published articles stating that 'the People's Republic of China will never allow the Spratlys or any other island belonging to China to be seized by a foreign power'.

The Chinese Nationalists had no option but to fall into line.

VIETNAM

Tran Van Huu, President of the Government, reportedly declared that the Spratlys, which had previously been attached to Cochin China, should now be considered Vietnamese territory.

The Japanese disputed our rights to the Spratlys during World War II. However, by the Treaty of San Francisco of 8 September 1951 (Article 2(f)), Japan renounced all rights, titles and claims to the Spratlys.¹

5 - Present situation

Despite the designs on the islands referred to *supra*, it can be accepted that French sovereignty over the Spratlys is beyond dispute.

Nevertheless, it is possible that Vietnam's claims to the Spratlys may assume more concrete form on the pretext that the islands were previously attached to Cochin China.

In reality, that was a purely administrative attachment and nothing obliges us to cede to Vietnam rights previously asserted on behalf of France. In this connection, it should be noted that the secret Agreement dated 15 March 1949, drafted by the French High Commissioner in Indochina, commenting on the Agreements of 8 March 1949, and addressed to H.M. Bao Dai, states that 'the Paracel and Poulo Condor Islands fall under Vietnamese territorial sovereignty', but remains silent on the subject of the Spratlys. Legally speaking, there are therefore no restrictions on France's freedom of action to reserve her rights on the Spratlys.

6 - Conclusions

While the Spratlys are of little interest from the geographical and economic angle, strategically they may become important in future.

Indeed, it is conceivable that these islands, situated close to one of the crossroads of navigation in south-east Asia, could be used, during periods of hostilities, as radar stations or as temporary bases for air and naval personnel, as was the case with numerous atolls in the Pacific during operations against Japan between 1942 and 1945. They might also have a role to play in the commissioning of new weapons such as guided missiles or short takeoff aircraft.

Lastly, were a French oceanic base to be maintained in Indochina, the Spratlys would constitute the maritime advance post of this base and would thus be of manifest strategic interest.

* *

*

¹ And also to the Paracels.

252 *Annex 40*

For these reasons, I consider that, with an eye to the future, France's rights over the Spratlys must be maintained.

May I request you to let me know whether this is indeed the French Government's position. In particular, may I ask you to let me know what attitude to adopt, at my level, should Vietnam's claims to the Spratlys be asserted./.

(Signed) Jacquot

ANNEX 41

Letter dated 29 April 1949 from the Special Delegate of the Wai Kiao Pou to the Provinces of Kwangtung and Kwangsi to the French Consulate in Canton concerning the reconnaissance of an island in the Paracels by a French warship.*

No. 0427

Sir,

I have just received postal telegram No. 3863, dated 28 April 1949, from the Headquarters of the 4th Chinese naval base, which states, among other things:

On 25 April at 1500 hours. French gunboat, registration A.O., approached Lin Island (林島) in our Paracels archipelago. It dropped anchor at 1,500 nautical miles (?) from the island, then decided to sail along the coast. Passing west of the island, it proceeded in a southerly direction, inspecting the coast of the island as far as the south-eastern sector. At 1700 hours, gunboat A.O. headed off in a south-westerly direction and departed. At 1930 hours the same day, I saw a green rocket in the south-west. On the morning of the 26th, I again caught sight of the suspect ship slowly heading north-west. Having established that the visit and reconnaissance by this French ship were unscheduled, the garrison on this island became alarmed and asked me to request your Consulate to investigate this uncalled-for interference and to let me know the purpose of the mission by French gunboat A.O. The garrison would also ask the French Consulate to inform the French authorities that it wishes to receive advance notice of any future visits by French warships in order to avoid any misunderstanding.

I hope you will kindly note this, that you will order an investigation and communicate the findings in your reply.

Seal of the Special Delegate of the *Wai Kiao Pou**

(Signed) T.W. Kwok

* *Wai Kiao Pou* = Ministry of Foreign Affairs

ANNEX 42

Note of 15 May 1950 from the Directorate for Asia-Oceania

Re: Paracels archipelago

I. - DESCRIPTION AND IMPORTANCE

The Paracels archipelago is situated east of the coasts of Annam, 490 kilometres on average from Hue and south-east of Hainan, 350 kilometres from Yulin, the southern port of that island.

The Paracels consist of some 30 islets, reefs and shoals, falling into two groups:

- a) the Crescent group, distributed around Pattle Island, which is 850 metres long and 400 metres wide;
- b) the Amphitrites, grouped around Woody Island, which is 1,800 metres long and 1,200 metres wide.

As the crow flies, 87 kilometres separate Pattle Island from Woody Island; on 19 January 1947, the advice-boat *Tonkinois* sailed from one island to the other in 3 hours and 20 minutes.

At a distance of some 3.5 kilometres south-west of Pattle Island lies Robert Island. Before World War II, a flock of 300 sheep was put out to graze there to provide a supply of fresh meat for the detachments on Pattle Island and Woody Island.

The archipelago has no fresh water and vegetation is sparse; there are phosphate and guano deposits, which can be mined, though this process is problematic.

These islands and reefs are a constant danger to major shipping lanes.

As early as 1899, Governor General Doumer recommended that a lighthouse be built in the islands, yet it was not until October 1937 that a lighthouse, and a radio and weather station, were constructed on Pattle Island. These facilities, which were destroyed during the war in the Pacific, were rebuilt by us in late 1947.

Before World War II, the military authorities attached a certain strategic importance to the Paracels; the staff of the cruiser *Lamotte-Picquet*, instructed to reconnoitre the area on 28 February 1937, formally concluded that France 'must not tolerate any foreign settlement in the archipelago'.

In a letter of 22 October 1946, from the French Minister for Overseas Territories to the High Commissioner in Saigon, Mr Moutet said that, if the

Government was not planning to set up a military base in the Paracels, it was nevertheless of the utmost importance that any moves towards occupation by a foreign power of these lands which commanded access to the future base of Cam-ranh should be prevented.

This attitude certainly changed subsequently. For example, the High Commissioner's diplomatic counsellor wrote to the Ministry on 2 June 1947 that, according to the military authorities themselves and according to the current defence plan of Indochina, possession of the Paracels held no strategic importance, even though it was preferable that no foreign power should gain a foothold there.

It now seems to be agreed that the occupation of the Paracels can serve no useful purpose other than for air and maritime navigation, the safety of which would be substantially enhanced in these dangerous waters if the archipelago was properly equipped with lighthouses, radios, radar, and even landing strips.

II - PROBLEMS OF SOVEREIGNTY

1. NEGATIVE ATTITUDE OF CHINA AND FRANCE UNTIL 1907

Following the sinking of the German ship *Bellona* in the Paracels in 1895, and of the Japanese cargo ship *Imegu-Maru*, in 1896, Chinese fishermen looted the cargo of copper which the ships were carrying and attempted to resell it, at half its value, to the British insurance company. The insurers refused and, at their instigation, the British Minister in Peking and the British Consul in Hoihow intervened with the Chinese authorities in Hainan asking them to have the copper impounded. The mandarins protested, alleging that the Paracels were abandoned, that they belonged neither to China nor to Annam, that they were not administratively attached to any Chinese district and that no special authority was responsible for policing them.

In December 1898, a French citizen requested information from the Ministry of the Colonies on the possibility of setting up stores selling provisions on the islands. The Governor General of Indochina, Mr. Doumer, consulted by his Ministry, replied, in June 1899, that this project had no chance of success and the matter ended there.

2. TAKING OF POSSESSION BY CHINA (1909-1932) [*date unclear*]

In 1907, following Japanese claims on the Pratas Island group (325 kilometres south-east of Hong Kong and 435 [*figure not clear*] kilometres south-west of Formosa), the Viceroy of the Two Kwangs was anxious to

claim for China sovereignty over the groups of islands situated off the Chinese coasts, including the Paracels.

In early 1909, a Chinese mission explored the archipelago and concluded that the phosphate deposits could be mined. A company was to be set up in Kwangtung for this purpose.

In late March 1909, an official Chinese mission solemnly hoisted the Chinese flag on two of the largest islands and a 21-gun salvo was fired.

The plan by a Chinese company to mine the phosphates never bore fruit.

In 1920, a Japanese company, Mitsui Bussan Kaisha, asked Saigon for information on the 'nationality*' of the Paracels. The Commander of the Navy, Captain Rimy, replied that the archipelago was not under French sovereignty.

No doubt as a consequence of this officer's careless reply, the civilian Governor of Kwangtung published in the Province's Official Gazette, dated 2 April 1921, an order of 20 March the same year, by which the heads of the military government of this Province decided to administratively attach the Paracels to the sub-prefecture of Yai Hien (Hainan Island).

The French Government did not lodge any protest and appeared to recognize Chinese sovereignty over the Paracels; it held that the attachment of the archipelago to Hainan entailed the application to this group of islands of the clauses in the 1897 and 1898 Treaties aimed at prohibiting the cession of Hainan to a third power; it appeared to be satisfied with the guarantees given by these Agreements.

3. CONFLICT OF SOVEREIGNTY RAISED BY FRANCE (1932)

By telegram 501 of 14 March 1930, the Governor General of Indochina, Mr Pasquier, announced that the Provincial Council of Kwangtung had adopted a resolution for the mining of the guano deposits in the Paracels. He transmitted this news, at the same time declaring that France had never ceased to assert the historical and geographical rights of the Empire of Annam over these territories.

These rights were allegedly based on:

- a) the report in the annals of the Court of Hue of the creation, in about 1700, of an Annamese company which each year harvested fishery resources in the Paracels;
- b) the solemn taking of possession of the archipelago by the Emperor of Annam, Gia Long, in 1816;
- c) the building of a pagoda and the erection of a monument by the Emperor of Annam, Minh Mang, in 1835.

The Ministry's legal adviser, consulted on two occasions (19 June 1930 and 3 March 1931) considered that the rights of Annam were ancient but insufficiently exercised, while those of China were recent yet frequently displayed. Hence, he considered, our case would be somewhat shaky in the event of arbitration, but that our position could be reinforced by discreet acts of sovereignty.

In view of the practical risk French activities in the islands would incur, as Mr Basdevant advised, it was simply decided to assert our rights in a diplomatic Note, which was handed to the Chinese Legation in Paris on 4 December 1931 (or 4 January 1932; the date is uncertain).

In March 1932, as the Chinese had put the mining of guano in the Paracels up for tender, the French Minister addressed a note of protest to the *Wai Kiao Pou** on 29 April 1932, attaching a copy of the Note of 4 December 1931.

The Chinese reply of 29 September 1932 rejected the French assertions and proclaimed China's own rights. Among the many arguments put forward by the *Wai Kiao Pou** was the fact that Annam had been a vassal of China at the time when Emperor Gia Long had manifested his desire to annex the archipelago.

Numerous Notes were exchanged subsequently between France and China on this subject.

The Chinese claims were disputed by the French Government acting on behalf of the Protectorate Annam. On 18 February 1937, in a Note to the Chinese Embassy, the French Government proposed an amicable settlement or, failing that, arbitration.

This proposal was not followed up and sovereignty over the islands remained in dispute.

4. OCCUPATION BY FRANCE (1937-1945). CHINA MAINTAINS THE PRINCIPLE OF ITS SOVEREIGNTY (1938)

The cruiser *Lamotte-Picquet* reconnoitred the archipelago on 28 February 1937 and reported that the islands were deserted.

A mission was dispatched to the islands from 22 to 30 October 1937 and erected the Pattle lighthouse.

In February 1938, the advice-boat *Savorgnan de Brazza* reported that Japanese civilians were occupying Woody Island. Our reconnaissance and other missions were stepped up. In March 1938, the advice-boat *Marne*, for example, built some stone cairns on the principal islands.

* *Wai Kiao Pou* = Ministry of Foreign Affairs

Lastly, in June 1938, the Government General of Indochina embarked on the wholesale effective occupation of the Paracels.

Through its Ambassador in Paris, the Chinese Government, in a Note of 18 July 1938, took note of the assurance it had received from the Ministry of Foreign Affairs 'that in no manner was this action intended to affect the respective legal positions taken by China and France regarding the sovereignty of these islands or to be prejudicial to a satisfactory settlement of this question in the future'. The same Note very firmly reasserted the principle of China's sovereignty over the Paracels.

From 1938 to 1945, there was no report of any local incident between the French and the Japanese.

On 1 July 1939, the French occupation was displayed as follows:

- a) Pattle Island: lighthouse; radio and meteorological station; 2 large stone buildings; personnel: 1 French inspector and 1 French doctor, 2 Annamese radio and meteorological operatives, 20 native guards, 150 coolies.
- b) Robert Island: 10 native guards, a handful of coolies. A flock of 300 sheep put out to graze on this island provides a supply of fresh meat.
- c) Woody Island: radio, barracks, 1 infirmary: personnel: 1 senior French inspector, 1 Annamese doctor, 30 native guards, a handful of coolies.

The French occupation was apparently to end in uncertain circumstances at the time of the Japanese attack on Indochina, on 9 March 1945.

5. FRANCO-JAPANESE DISPUTE (1938-1945)

Japan challenged the French occupation, even though no strictly legal argument was put forward, Japan confining itself to vague assertions, sometimes that the Japanese colony established on Woody Island had been there for 60 years - which militated in favour of Japanese sovereignty by virtue of prior occupation - or else that the islands were under Chinese sovereignty and that Japan was at liberty to take the war there and occupy them.

As Japan is now out of the picture, the dispute has lapsed of itself.

However, it would be prudent to include in the forthcoming peace treaty a clause by which Japan expressly renounced all its claims to the Paracels.

6. AFTER THE JAPANESE CAPITULATION: RECONNAISSANCE MISSION TO THE PARACELS BY THE FRENCH FRIGATE *ESCARMOUCHE* (20-27 May 1946)

Admiral Thierry d'Argenlieu dispatched the frigate *Escarmouche* on a reconnaissance mission to the Paracels from 20 to 27 May 1946. The islands were uninhabited. Half a section was put ashore on Pattle Island. It was to be re-embarked by the *Savorgnan de Brazza* on 7 June following.

In a letter from Admiral d'Argenlieu to the Chief of Staff of National Defence, on 11 June 1946, our High Commissioner wrote: 'Of itself, this mission marked the re-establishment of French rights. I am reserving the possibility of unofficially informing the local representatives of China, the United States of America and the United Kingdom of the fact...!'

7. REOPENING OF THE DISPUTE OVER SOVEREIGNTY BETWEEN FRANCE AND CHINA

a) French hesitation. On 16 September 1946, the French Minister for Foreign Affairs wrote to the Secretary General of Indochina: 'I think it would be expedient to re-establish a duty station in the Paracels in order to assert our rights there.'

On 22 October 1946, the French Minister for Overseas Territories wrote to our High Commissioner in Saigon: 'It is of the utmost importance that any hint of occupation by a foreign power be prevented, as these islands (the Paracels) command access to the future base of Cam-ranh. The militia post set up there in 1938 therefore needs to be re-established.'

On 23 November 1946, a telegram from Saigon stated that the setting up of a permanent station had not yet received the go ahead.

Meanwhile, our Ambassador in China reported that the Chinese press had announced the departure of a Chinese detachment bound for the Paracels to occupy the islands 'to control piracy'.

On 26 November 1946, the Ministry urged the French Ministry of Overseas Territories to land some troops on the islands without delay.

On 12 December 1946, the High Commissioner telegraphed that, for technical reasons, he would not be able to proceed with the effective occupation of the islands before 15 January 1947.

b) Announcement by the *Wai Kiao Pou** of the occupation of the Paracels by Chinese troops (7 January 1947). At a press conference in Nanking, Mr George Yeh, spokesman for the Ministry of Foreign Affairs, announced on 7 January 1947 that 'the Chinese Government has reoccupied the Paracels and that the Chinese flag once again flies over these islands which have never ceased to belong to China',

c) French protest. On 13 (?) January 1947, our Ambassador handed a Note to the *Wai Kiao Pou** expressing 'the strongest reservations regarding the legal consequences of the occupation of the Paracels by Chinese forces' and recalling the earlier proposals by the French Government for an amicable settlement or for arbitration.

* *Wai Kiao Pou* = Ministry of Foreign Affairs

d) Mission by the advice-boat *Tonkinois* to Woody Island (17 January 1947): the island was effectively occupied by a Chinese detachment: continuation of the mission to Pattle Island, uninhabited; a French detachment was installed there (19 January 1947). The operation aimed at resuming the occupation of the Paracels having been so unhappily delayed, the advice-boat *Tonkinois*, on arriving on 17 January 1947 off Woody Island, in fact found Chinese troops already installed there. The French commander invited the Chinese commander to evacuate the island, offering to take him on board, together with his detachment, and to return them to Tourane. After telegraphing Nanking and requesting instructions from his government, the Chinese commander declined the offer. Thereupon, the advice-boat *Tonkinois* severed contact on 19 January 1947 and, having established, the same day, that Pattle Island was uninhabited, landed a detachment of 20 men there.

e) Diplomatic incident between France and China (January 1947). Either because the conduct of the commander of the *Tonkinois* was inept or because the Chinese commander, wittingly or unwittingly, misrepresented the action of the French officer on Woody Island in his report, the Nanking Government immediately turned this ultimately unimportant matter into an issue of national prestige and blew it up out of all proportion into a major incident; it protested against the French naval operation in the Paracels with extraordinary vehemence and asserted in a welter of publicity that the islands were definitively under its sovereignty.

f) Fruitless negotiations in Paris (February-July 1947). The talks in Nanking on this matter had serious drawbacks owing to the intransigence which the *Wai Kiao Pou** claimed was imposed by Chinese public opinion. On 29 January 1947, the Ministry therefore proposed that the talks be transferred to Paris. The *Wai Kiao Pou** did not oppose this suggestion, yet it was not until 25 February 1947 that the Ambassador initiated the talks laying down the evacuation of Pattle Island by the French detachment as an essential condition. The Ministry therefore came up with various (for China) face-saving formulas designed to lead, through arbitration, to a definitive solution of the Franco-Chinese dispute. The talks were fruitless, apart from highlighting the strong prejudice which the very principle of recourse to arbitration met with on the part of the Nanking Government.

On 4 July 1947, new proposals were put to the Chinese Embassy in the context of a 'plan for the simultaneous settlement of the principal questions

* *Wai Kiao Pou* = Ministry of Foreign Affairs

pending between France and China on the basis of mutual interest'. These proposals fell on stony ground.

g) Abatement of the conflict (1948-1950). Subsequently, and probably owing to the worsening situation of the Nationalist regime at home and abroad, the tension subsided appreciably. At an audience granted by Chiang Kai-shek to our Ambassador in May 1947, the General recalled the importance China attached to the Paracels and indicated that this problem was of particular concern to him; in a purely symbolic motion (No. 345), the Chinese National Assembly, before disbanding for two years, called upon the Government in April 1948 'quickly to put an end to France's possession of the Paracels'. In May 1949, the provincial delegation of the *Wai Kiao Pou** announced the appointment of an 'administrator' for the Paracels, Canton having subsequently fallen into the hands of the Communists in 1949, the case of the Paracels was no longer mentioned.

The Chinese detachment remained on Woody Island while the French detachment was kept on Pattle Island.

III - PRESENT SITUATION (15 May 1950)

1. CHINESE NATIONALIST ACTIVITY (evacuation of Woody Island?)

The Ministry has no precise information on the activities of the Chinese Nationalists in the Paracels.

According to a telegram of 10 May 1950 from our Consul in Hong Kong, reproducing an Associated Press wire published in Taipei on 8 May 1950, 'General Chu Chi-ju, acting chief of staff, today declared that the small Nationalist garrison and naval units based in the Paracels were pulled out last month'. Our Consul in Taipei confirmed this information on 11 May.

It was also reported that Nationalist troops fleeing Hainan had tried to seek refuge in the Paracels.

2. COMMUNIST CHINESE ACTIVITY

Unconfirmed press information (Reuter and United Press, 6 and 7 May 1950) reported that a flotilla of Communist junks had left Hainan in the evening of 6 May to 'liberate' the Paracels. However, our station on Pattle Island has so far noticed nothing, apart, that is, from a collection of unidentified junks around Robert Island (Crescent group) on 7 May.

* *Wai Kiao Pou* = Ministry of Foreign Affairs

3. FRENCH ACTIVITY

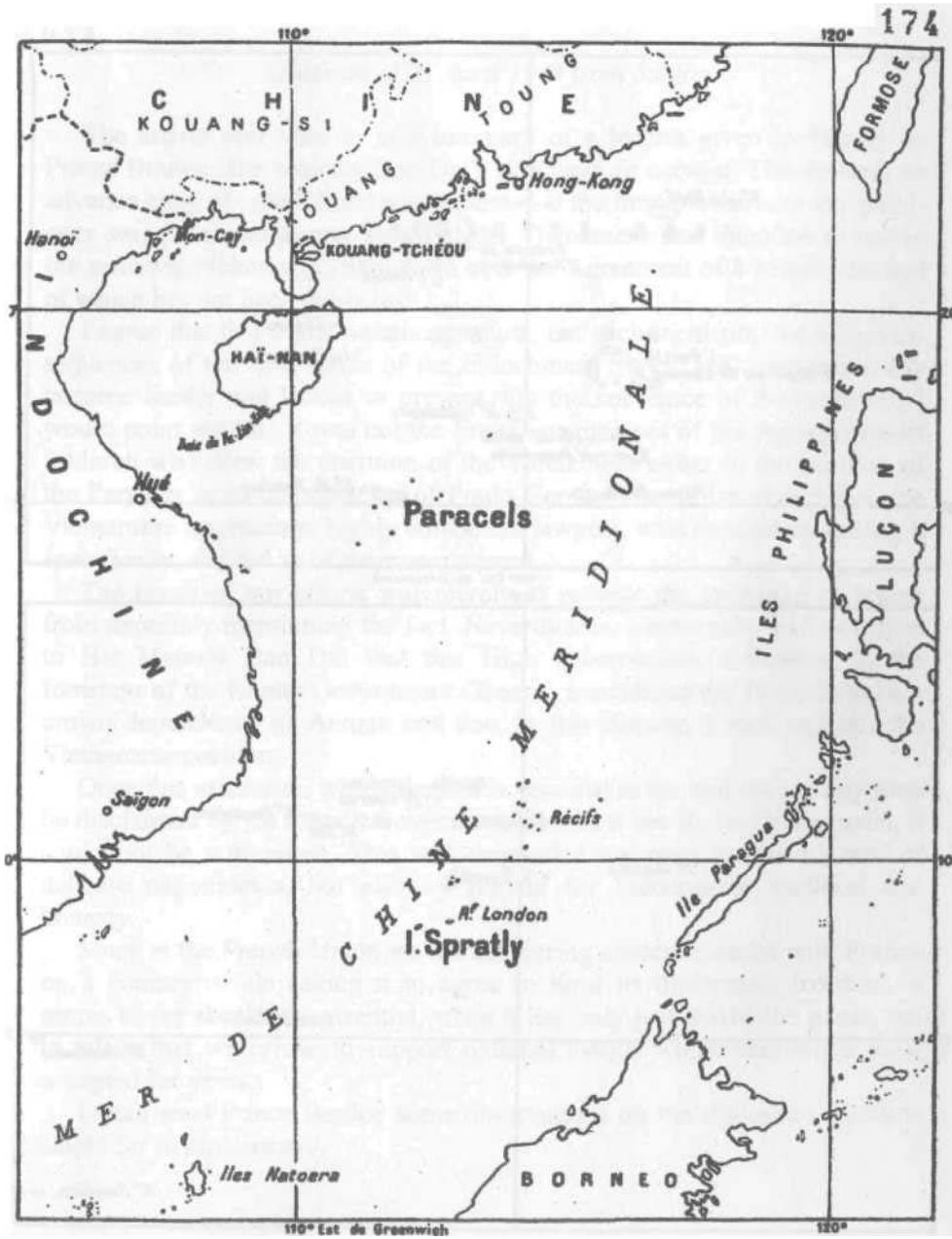
A French detachment is still stationed on Pattle Island. It consists of 2 officers, 10 French nationals and 17 Vietnamese; a ship from the French Navy visits the island once or twice each month.

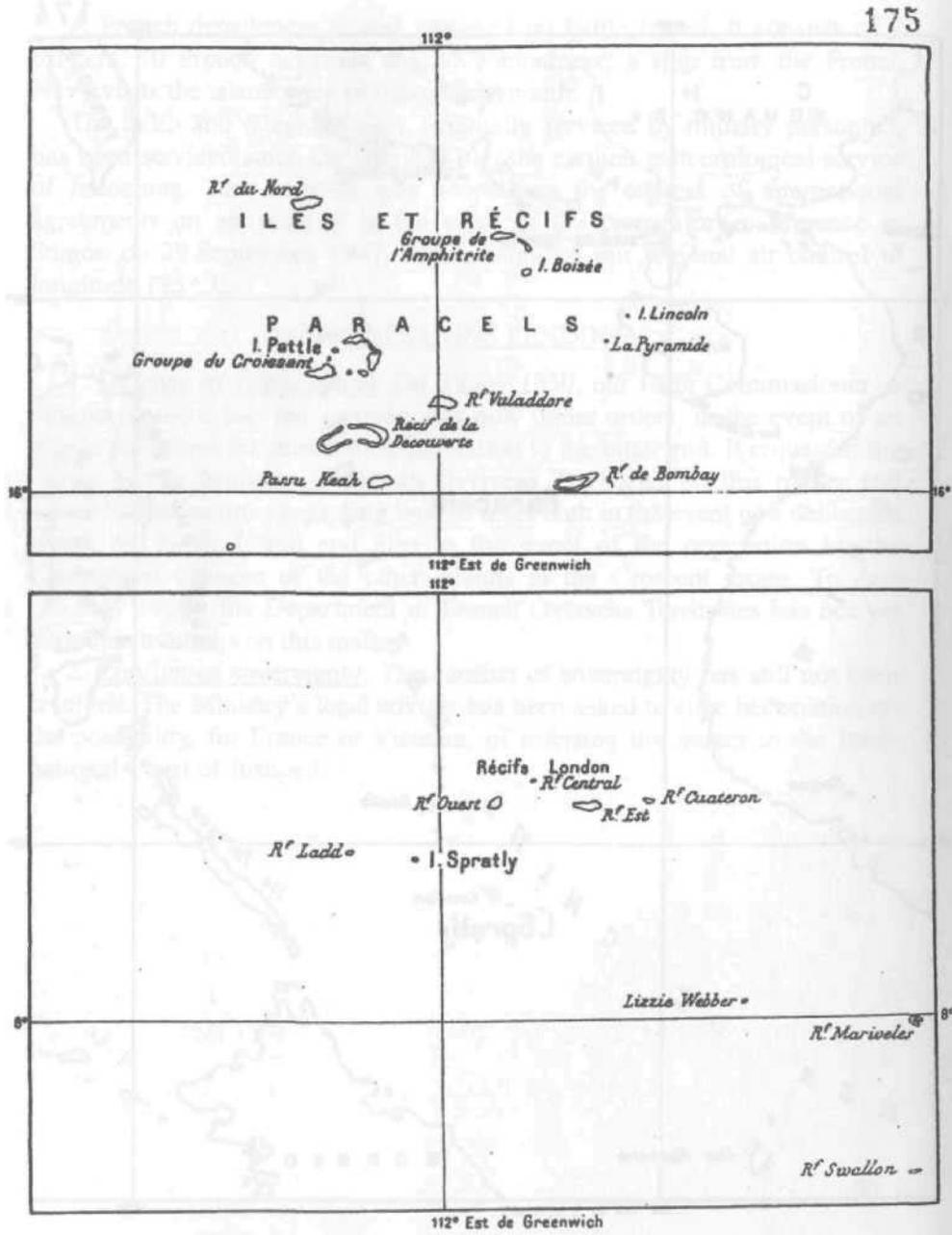
The radio and telegraph post, originally serviced by military personnel, has been serviced since October 1947 by the civilian meteorological service of Indochina. This solution was adopted in the context of international agreements on air security in the wake of the preparatory conference in Saigon on 29 September 1947, which extended our regional air control to longitude 115° E.

IV. QUESTIONS PENDING

1. Defence of Pattle Island. On 8 May 1950, our High Commissioner in Saigon reported that the garrison was now under orders, in the event of an attack, to defend the meteorological station to the bitter end. It requested the advice of the Ministry of French Overseas Territories on this matter and asked for instructions regarding how to react both in the event of a deliberate attack on Pattle Island and also in the event of the occupation by the Communist Chinese of the other islands in the Crescent group. To date (15 May 1950), the Department of French Overseas Territories has not yet issued instructions on this matter.

2. Conflict of sovereignty. The conflict of sovereignty has still not been resolved. The Ministry's legal adviser has been asked to state his opinion on the possibility, for France or Vietnam, of referring the matter to the International Court of Justice./.





ANNEX 43

Telegram of 23 April 1949 from Saigon

The article you refer to is a summary of a lecture given in Saigon by Prince Buuloc, His Majesty Bao Dai's *directeur de cabinet*. This lecture, an advance copy of which I had not requested at the time Vietnamese independence was proclaimed, was aimed at the Vietnamese and intended to revive the somewhat lukewarm enthusiasm over the Agreement of 8 March, the text of which has not been published.

I agree that this event was inopportune, but such incidents, the very consequences of the new status of the Indochinese States, will unquestionably become harder and harder to prevent. On the substance of the question, I would point out that it was not the French negotiators of the Agreements of 8 March who drew the attention of the Vietnamese either to the position of the Paracels or to the situation of Poulo Condor Island, but that it was the Vietnamese negotiators, highly competent lawyers, who insisted on raising it specifically, and did so of their own accord.

The result of our efforts was merely to prevent the exchange of letters from expressly mentioning the fact. Nevertheless, I personally had to affirm to His Majesty Bao Dai that this High Commission, following in the footsteps of the former Government General, considered the Paracels to be a crown dependency of Annam and that, in this dispute, I shall support the Vietnamese position.

Once this assurance, which I repeat is personal to me and may at any time be disclaimed by the French Government should it see fit, had been given, it could not be withdrawn. This was demanded not only by the success of delicate negotiations, but also by respect for Indochinese tradition and honesty.

Since in the French Union we are conferring associate status with France on a country, while asking it to agree to limit its diplomatic freedom, it seems to me absolutely essential, when it has only just joined the game, not to tell it that we refuse to support national claims whose merits we have accepted for years.

I shall send Prince Buuloc some observations on the discretion which is called for in diplomacy./.