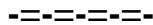


REPUBLIC OF VIETNAM



THE CONTINENTAL SHELF



**Submission
to the Commission on the Limits of the Continental Shelf
pursuant to Article 76, paragraph 8
of the United Nations Convention on the Law of the Sea**

MAIN BODY

REPUBLIC OF VIETNAM

THE CONTINENTAL SHELF

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to the Commission on the Limits of the Continental Shelf
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This dossier is to be submitted to the United Nations Commission on the Limits of the Continental Shelf so as to establish the outer edges of the Continental Shelf of the Republic of Vietnam wherever that shelf extends beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured. The dossier consists of five (5) parts.

Part I presents the legitimacy of the Republic of Vietnam (RVN) which is a State established in accordance with the principles of International Law. Indeed, this State has been recognized by more than 80 countries, including four (France, Great Britain, United States, Republic of China) of the five members of the U.N. Security Council, and admitted to various technical organizations of the United Nations. This legally established State was victim of an armed invasion war waged by the Democratic Republic of Vietnam (DRV) from 1949 to 1975. In spite of repeated interventions from the International Community through three (3) international accords, namely the 1954 Geneva and 1973 Paris Accords, as well as the Final Act of 03/02/1973, the DRV persistently waged three consecutive wars that culminated in their takeover of the RVN on April 30th 1975. Since then the RDV occupied the territory of the RVN and subjugated it under a dictatorial regime doubled with a policy of discrimination and mistreatment of the local population, exactly as a territory under colonial domination.

In consideration of the above, we, the last legal Government of the RVN (Republic of Vietnam) submits this dossier to the Commission on the Limits of the Continental Shelf so as to claim the continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, to safeguard the interests and rights of the people of the RVN, victims of a colonial domination, in accordance with paragraph 1a) of Resolution III of the Third Conference on the Law of the Sea.

Part II delineates the outer limits of the continental shelf, wherever that shelf exceeds 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.

Part III presents the Republic of Vietnam's points of view regarding conflicting claims made by bordering countries in the region.

Part IV lists out documentation source being used for the preparation of the continental shelf submission.

Part V includes appendices consisting of maps and supporting documents.

PART I
LEGITIMACY OF THE REPUBLIC OF VIETNAM

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A/ The continued legality of the State of Vietnam, in accordance with the Principles of International Law.

1. Vietnam was a sovereign State enjoying independence and territorial integrity after the colonial power left the country. Indeed, the people of Vietnam fought continuously and courageously to regain independence from France. On August 3rd, 1949, an agreement was signed by the Emperor Bao Dai on the behalf of Vietnam and French President Vincent Auriol, according to which France gave the sovereignty back to Vietnam from the northernmost fortress of Nam Quan on the Chinese border to the southernmost point of Camau. This gave way to the birth of the “State of Vietnam”, officially recognized by eighty countries in the world. Vietnam has cooperated with all countries for the purpose of consolidating world peace and contributing to the prosperity of the international community. Unfortunately, while the transfer of sovereignty from France to Vietnam was under progress, the People’s Republic of China had strongly incited and supported the Communist parties of Korea and Vietnam with the goal of dismantling the legal governments of these two countries to further the expansion of communism in Asia.

2. To end the war in Vietnam, *the Geneva Agreement, signed on July 20th, 1954* with the abstention of the State of Vietnam to protest against it, partitioned Vietnam into two parts at the 17th parallel. For the sake of peace, world powers had forced the Vietnamese people to accept the partition of their country for the sake of their survival. The Northern part, the Democratic Republic of Vietnam (DRV), was subjugated under the communist regime while in the South, the people, through due democratic process, chose to build a democracy which was called “Republic of Vietnam” (RVN) and recognized by more than 80 countries in the world. But two years later, in 1956, once again the DRV disregarded the commitments they made as spelled out in the Agreement, overtly bringing to the South soldiers, cadres and weapons, with the aim of invading South Vietnam. In reaction to this flagrant violation of the Geneva Accords by the DRV, starting from 1967, several countries in the Free World such as the United States, the Republic of Korea, Thailand, Australia, and New Zealand had sent their troops to South Vietnam to assist the RVN in her self-defense. This war for the Right Cause lasted only six years when Vietnam’s main ally, under the pressure of anti-war movements at home, was forced to seek

a political solution detrimental to its ally.

3. *On January 27th, 1973, the Paris Accords* were signed to end the war and restore peace in Vietnam. Subsequently on *March 2nd, 1973*, twelve states including the five permanent state-members of the U.N. Security Council signed the international *Final Act* in presence of the U.N. General Secretary whose presence was put to use to guarantee the serious implementation of these accords. But once again, the DRV unilaterally violated all its earlier international pledges and provisions of the accords of which they were among the signatories. Foreign troops coming to help have left South Vietnam in execution of the Agreement, while 200,000 North Vietnamese Communists refused to leave and held on firmly in the South, ready to resume military operations. Only one day after the signature of the peace agreement, these 200,000 communist invaders launched massive attacks all over the country to expand their controlled areas so as to subjugate the population of the South to their control. These actions of the Democratic Republic of Vietnam were in flagrant violation of Article 3/c of the Paris Peace Accords (See Appendix C).

4. *The Republic of Vietnam was invaded by the Democratic Republic of Vietnam. In March, 1975*, owing to the massive military and logistic supports from the Soviet Union and China, the DRV openly sent 15 regular divisions across the DMZ (Demilitarized Zone) to invade the RVN, while all its allies have ended all military assistance to the RVN since the previous year. There was no reaction by the signatories of the treaties, let alone corrective actions that should have been taken at once to address such flagrant violations. As a result, the armed forces of the RVN drastically strained under heavy shortage of weapons and ammunitions, were forced to retreat toward the South. Finally the country capital, Saigon, fell into the invaders' hands on April 30th, 1975. The invasion by the DRV was then followed by a systematic annexation and inclusion of the RVN into the then existing North Vietnamese communist regime. Fortunately some three million South Vietnamese successfully fled the country to regroup in the United States, in Europe, Australia, and other countries of the free world. The Free World won the Cold War but the RVN had to pay the bill.

The above historic events eloquently proved the following:

4.1. The democratically elected Government of the Republic of Vietnam, in its quality of the last of the successive legal governments that ruled the country since France gave back to Vietnam its sovereignty in 1949, must be considered as the one and only one legitimate political entity representing

the free will of the people of Vietnam.

4.2. The forceful invasion and occupation of the Republic of Vietnam by the Democratic Republic of Vietnam in 1975 are a flagrant violation of the basic principles of the Rule of Law and a total disregard of all international treaties of which they are signatories.

5. The Republic of Vietnam under communist colonization by the Socialist Republic of Vietnam. Upon occupying the RVN by force, the DRV imprisoned over a half million of former RVN military and government cadres and employees in the so-called re-education camps in North Vietnam. At these prison camps the detainees were submitted to hard labor, endured physical deprivations, malnutrition, lack of medicines and medical attention. They underwent moral humiliation and systematic brainwash under a variety of style, forms and shapes. This overall policy of massive reprisal was applied following the early three-day period immediately after April 30, 1975 during which the communists secretly eliminated by summary executions some 50 thousand former cadres of the RVN, according to most conservative estimates. Their houses and belongings were seized by the victors. Their families were then forced to relocate in remote areas of the jungle, the so-called "new economic zones" where they were condemned to rebuild their lives without tools and support of any kind. Most of them finally managed to return to their home cities, penniless, homeless, jobless while their children were banned from enrolling in the public educational institutions. Instead of unifying the country through free universal suffrage, the DRV annexed the territory of the RVN, placed it under the iron hands of communist rule which renamed itself "Socialist Republic of Vietnam" (SRV). The people of the former RVN have been coerced to live under the one-party dictatorship of Communist North Vietnam. Communist cadres from North Vietnam were sent to the South to govern the South Vietnamese people, flagrantly victims of an open aggression and subsequent occupation. The former people of the defunct RVN, namely South Vietnam have been subjugated under a regime of persecution and exploitation, bringing their social conditions to a status currently much worse than under the French colonization.

B/ Article 73 of the Charter of the United Nations and Resolution III of the United Nations Convention on the Law of the Sea.

The DRV's acts of aggression and occupancy of the territory of the RVN during the last 34 years have not abrogated the three International Treaties: the Geneva Accords of 1954, the Paris Accords of 1973 as well as the Final

Act of March 2, 1973 nor can they obliterate the “de jure” existence and legitimacy under International Law of the Government of the RVN.

As a matter of fact, the Republic of Vietnam has remained a political entity, existing in a much larger geographic area, spreading all over the world, but mostly grouped in North America, Europe and Australia, where three million of Vietnamese refugees have been living and prospering beyond the curse of their motherland invaders. This three million strength citizenry has gloriously succeeded in keeping their yellow flag with three red stripes, maintaining their national anthem, preserving their political identity as a free people with their own overseas organizations and remnants of civil and military organizations as well as members of all branches of government which had been the components of the last and legal government of the Republic of Vietnam before the 1975 invasion. The current spreading of the Vietnamese people from the former RVN to other countries in all over the globe can be compared to the Israel’s Diaspora prior to their return to their motherland in 1948. The legal status of the RVN after 1975 is similar to that of Poland when this state had been divided and annexed to Russia and Germany in the 19th century and during WWII.

In summary:

- 1) The Republic of Vietnam is a legally established State recognized by more than 80 countries that had formally exchanged diplomatic missions with Vietnam. In addition, the RVN was accepted as member of the United Nations, in the status of an observer. In this quality, it had participated as a full member of many international organizations such as:
 - The International Parliamentary Association
 - The Asian Parliamentary Association
 - UNESCO
 - UNICEF
 - The World Health Organization
 - The International Labor Organization, etc ...
- 2) The invasion of the RVN by the DRV followed by a systematic inclusion and forceful of South Vietnam into the then existing North Vietnamese communist regime, has deprived the South Vietnamese people of the right to determine their political future through genuinely free and democratic general elections under international supervision. These actions of the Democratic Republic of Vietnam violated Provision 9, 11 and 15 of the Paris Peace Accords (See Appendix C).
- 3) There has never been an International Treaty or Agreement nullifying

the legal existence of the RVN recognized by most of the free countries of the world. Its territory has been illegally and therefore temporarily occupied, but its political entity has never ceased to exist.

- 4) The Republic of Vietnam had been one of the original State participants attending the International Conference on the Law of the Sea. Indeed, it has effectively attended the First and Second sessions in 1973 and 1974. And while it was participating in the Third Session in April 1975 the invasion by the DRV occurred, thus prohibiting it from signing the Convention on the Law of the Sea.

In view of the above considerations, the last and only legal Government of the RVN submits this dossier to the Commission on the Limits of the Continental Shelf to claim a spread of its continental shelf beyond 200 nautical miles from the baselines at which the breadth of the territorial sea is measured, to safeguard the interests and rights of the people of the RVN, victims of an armed invasion and subsequent colonization, as defined in paragraph 1a) of the Resolution III of the Third Conference on the Law of the Sea.

C/ The issue of the Paracels and Spratlys Archipelagos.

There are currently at least five (5) countries that are having conflicting claims over the Paracels and Spratlys archipelagos. Although the issue of their ownership is not supposed to be solved in this instance of establishing the continental shelf, both issues are so closely related that parallel discussions on both could only help to better understand problems and determine judicious solutions.

1/ Geographic position.

Geographically, the Paracels and the Spratlys groups of islands are located in the eastern territorial water of Vietnam. The Paracels group extends from latitudes 15° to 17° N and from longitudes 111° to 113° E while the Spratlys group stretches from latitudes 7° to 12° N and from longitudes 111° to 117° E.

1.1. The westernmost island of the Paracels group closest to Vietnam's shore is the Triton Island ($15^{\circ}46'59''$ N - $111^{\circ}12'00''$ E) and the northernmost island of this group closest to China is the Pattle Island ($16^{\circ}32'00''$ N - $111^{\circ}00'36''$ E). The distance of the Triton Island to the cape of Batangan of

Vietnam (15^o 14'00"N - 108^o56'00"E) is 135 nautical miles while the distance of the Pattle Island to the shore of China is 235 nautical miles.

The Spratlys group of islands is also located offshore of Vietnam, about 350 nautical miles further South the Paracels. The distance of the largest island of this group, the Spratly Island (08^o38'00"N - 111^o33'00"E), to Camranh of Vietnam is 250 nautical miles while the distance of the same island to the shore of Hainan is 310 nautical miles.

Consequently both groups of Paracels and Spratlys islands, located South of the 17th parallel and overlapping the EEZ jurisdiction and the continental shelf of the Republic of Vietnam (RVN), must belong to Vietnam.

1.2. The Paracels group consists of two sub groups of islands, the Tuyen Duc or An Vinh sub group (Groupe Amphitrite) and the Nguyet Thiem sub group (Groupe Croissant), based on the White Paper of the Republic of Vietnam Foreign Ministry in 1974. The Tuyen Duc sub group consists of a number of islands of which the most important is the Lincoln Island, the largest of the sub group (1.6 square kilometer.) Other islands of this sub group are the Phu Lam Island (Wooded Island, also named "l'Ile Boisee") the only island with woods; the Cu Moc Island (Tree Island) ; the Hon Da Island (Rocky Island); Dao Bac (North Island); Dao Trung (Middle Island); Dao Nam (South Island) and Dao Con Nam (South Bank).

The Spratlys group consists of over 100 islands plus a number of banks, rocks, and reefs. The most important islands of the Spratleys group are:

- Dao Truong Sa (Spratly Island, 8^o 39'N - 111^o 55'E);
- Dao Thai Binh (Itu Aba Island, 10^o 02'N - 114^o 21'E);
- Dao Amboine, (7^o 52'N - 112^o 55'E);
- Dao Song Tu Dong (North East Cay Island) 11^o 27'N - 114^o 21'E);
- Dao Song Tu Tay (South West Cay island)
- Dao Lao Ta (Loaita Island) 10^o 42'N - 114^o 25'E);
- Dao Thi Tu, 11^o 07'N - 14^o 16'E);
- Dao Nam Yet (Nam Yit Island)
- Dao Son Ca (Sand Cay Island)etc...

Due to the rich petroleum resources that lies beneath the Spratlys Islands of Vietnam, many countries nearby such as the Philippines, Brunei, Malaysia, and even a remote country like China, which is as far as 235 nautical miles from the Paracels and 735 nautical miles from the Spratlys, all claim their territorial sovereignty on these groups of islands. Every above countries has now occupied a number of islands on one or both groups, causing an inextricable situation.

Vietnam occupies Spratly Island, Amboyna Island (Amboine), Canada Reef, Central Reef, East Reef, West Reef, Great Discovery Reef, Ladd Reef, Nam Yit, Sin Cowe, South West Cay, Sandy Cay, Pigeon Reef, Pearson Reef and a number of banks. Taiwan occupies Itu Aba Island. The Philippines occupies Commodore, Lankian, Loaita, Mischief, Nashman, Northeast Cay, Pag-Asa, and West York. Malaysia occupies Ardasier, Marivels, and Swallow. Only China has utilized military forces to invade the Spratleys and occupy Collins Reef, Cuateron Reef, Fiery Cross Reef, Johnson Reef, Subi Reef, following a navy battle against Vietnam on March 14, 1988.

2. Evidences of the Territorial Sovereignty of the RVN on the Paracels and Spratlys Archipelagos.

2.1. Based on the old documents and historical evidences presented in the 1974 White Paper on the Paracels and Spratlys Islands by the RVN Ministry of Foreign Affairs, the State of Vietnam has established its sovereignty on the Paracels and Spratlys since the 15th century when Vietnam was called Empire of Annam. This sovereignty has continued through different governments with diverse regimes until April 30, 1975 when the RVN or South Vietnam was militarily invaded and occupied by the Socialist Republic of Vietnam (SRV) or Communist North Vietnam.

The oldest evidence of this sovereignty is the Hong Duc Map officially produced between 1460 and 1497 under the dynasty of King Le Thanh Tong of the Empire of Annam. The most ancient foreign document on this sovereignty was “Le Journal de Batavia de la Compagnie Hollandaise des Indes Orientales” issued in 1637 according to which the Paracels and Spratlys Islands belong to Annam (See the 1974 White Paper at website <http://paracelspratlyislands.blogspot.com/2008/01/white-papers-of-republic-of-vietnam.html>).

2.2. But the most important official document signed by China and France in 1885 was the Treaty of Tientsin in which China recognized the French Protectorate over the Empire of Vietnam whose territory at that time already included these two archipelagoes. At the end of World War II, the victor States met at Cairo in 1943, Yalta and Potsdam in 1945 to sign the treaties that settled territorial litigations and re-established nations conquered by Germany and Japan. These international treaties did not change the status quo on the territorial sovereignty of the Paracels and Spratlys Islands.

2.3. In addition, the three international legal documents, the 1954 Geneva Accords, the 1973 Paris Accords and the Final Act of the International Conference on Vietnam, explicitly in writing, confirmed the territorial sovereignty of the Republic of Vietnam on territorial lands and waters below the 17 parallel, the demarcation line dividing Vietnam in two distinct States, the RDV in the North and the RVN in the South.

2.4. More recently, in a widely published research paper by French Professor Monique-Chemillier-Gendreau entitled “La souverainete sur les Archipels Paracels et Spratlys” (Editions L’Harmattan, Paris, 1996), the author concluded: “Prior to the 20th century, these inhospitable locations would interest nobody but the emperors of Annam who have rationally organized their navy expeditions for seasonal fishing as well as for the capture of goods from shipwrecks in the region”. Speaking about the forceful occupation of the Paracels in 1974 and part of the Spratlys in 1988 by China, the author was more categorical in her remarks: “There is no trace in the history of China according to which any government of this country had ever made, until the middle of the 20th century, any act of authority on the Spratlys, those earthly smuts scattering over 160,000 square kilometers of ocean”.

3/ The Exercise of National Sovereignty of the State of Vietnam on the Paracels and Spratleys Islands.

3.1. The 1974 White Paper of the Foreign Ministry of the Republic of Vietnam (RVN) presented ample evidence of the continuous exercise of national sovereignty of Annam’s monarchies at least since the 18th century, such as the acts of planting trees, putting up stone slabs, collecting material resources on these islands, such as bird manure and precious metals from shipwrecks in these islands and their environment etc. As early as 1930, the French navy and since 1949, the Vietnamese navy (RVN) conducted periodic patrols in these territorial waters as well as planting steles, stone slabs as the proofs of territorial sovereignty on these islands.

3.2. In 1947 Great Britain, one of the five permanent state members of the Security Council of the United Nations, explicitly confirmed the territorial sovereignty of Vietnam on the above two groups of islands. In a diplomatic memorandum to the Australian Ministry of Foreign Affairs, the Ministry of Foreign Affairs of Great Britain and Ireland formally recognized the territorial sovereignty of France as the colonial state that represented Vietnam, its colony, on the Paracels and Spratlys as an integral part of Cochinchina (South Vietnam). Indeed, France had already organized the

military defense and established a weather observatory post on the Spratlys. Upon regaining its independence, the state of Vietnam took over from France these two responsibilities.

3.3. An historic event was brought into relief on September 7, 1951 when an international conference was convened in San Francisco to settle post war litigations following the surrender of Japan to the allied States. Among the topics in the San Francisco Conference agenda was the Japanese previous occupation of the Paracels and the Spratlys. At a plenary session of this conference attended by 51 states, after Japan renounced all rights and claims to the Paracels and Spratlys Islands, Vietnam Prime Minister Tran Van Huu formally declared the reintegration of the two groups of islands back to the territory of Vietnam. There was no protest from any States present in the Conference, China and the Philippines included. Therefore, this should be regarded as a tacit agreement among all attending States, confirming the territorial sovereignty of Vietnam on the Paracels and Spratlys islands.

3.4. Administration wise after the return of full independence to Vietnam in 1948, the Paracels were attached to the province of Thua Thien (Hue), subsequently transferred to the province of Quang Nam by Decree No. 174-NV on July 13, 1961 of the President of the Republic of Vietnam (RVN). At last, the Paracels were incorporated as Dinh Hai Village of the Hoa Vang District, Quang Nam Province by the Ministry of Interior Arrete No 709-BNV/HCDP of October 21, 1969 while the Spratlys were attached to Phuoc Hai Village, Dat Do District, Phuoc Tuy Province by the Ministry of Interior Arrete No. 420-BNV/HCDP of September 6, 1973.

3.5. Following is a broad range of actions by the Vietnamese authorities regarding the Hoang Sa Islands, providing an undeniable evidence of Vietnamese sovereignty. Under President Ngo Dinh Diem of the First Republic of Vietnam, the government has established “the Fertilizer Company of Hoang Sa“ which collected bird manure on the Paracels. In addition, the Pattle Weather Station manned by RVN’s technicians, continued providing the world with meteorological data until its forced closure in 1974. The exploitation of phosphate resumed after 1956 with the following yields: 8000 metric tons from 1957 to 1959, 1570 metric tons in 1960, 2654 metric tons in 1962, etc 1962 and after: 12,000 metric tons. A Vietnamese Navy unit assumed responsibility for the defense of the archipelago in 1956. This unit was relieved the following year by a Marine Company. After 1959, the task was assigned to Regional Forces of Quang Nam Province. Vietnamese warships have patrolled the Hoang Sa waters regularly in order to check illegal occupants on the many islands.

4/ The defense of the legitimate rights over the Paracels and Spratlys.

4.1. On January 19, 1974, a fleet of 11 warships of the People Republic of China (PRC) attacked the Republic of Vietnam's warships on routine patrol in the Vietnam's territorial waters of the Paracels. The RVN navy returned fire for self-defense. Both sides of this naval confrontation suffered material and human casualties. Due to its limited naval forces the RVN withdrew its warships to their naval bases. The PRC took this opportunity to occupy the whole Paracels of Vietnam until now. Right during the naval confrontation, RVN Foreign Minister Vuong Van Bac issued an official Communique to protest the act of aggression and occupation committed by the PRC. The Communique stated:

“As a small nation unjustly attacked by a big military power, the Republic of Vietnam appeals to all justice and peace-loving nations of the world to resolutely condemn the brutal acts of war by Communist China against an independent and sovereign nation, to compel Communist China so as to immediately desist from its dangerous course of action. To allow this daring aggression to go unchecked would only encourage the aggressor to persist in its expansionist policies which would threaten the very existence of the small nations, especially in Asia.”

The forceful capture of the Paracels by the PRC in 1974 was an undeniable evidence of Vietnam's sovereignty since Chinese warships had to attack the RVN's Navy forces that had heroically fought and accepted heavy casualties to preserve their country's territory integrity.

4.2. On January 21, 1974, Foreign Minister Vuong Van Bac convened all chiefs of Diplomatic Missions of Saigon to the Foreign Ministry in order to disseminate and protest the above act of aggression of the PRC. Minister Bac also requested that foreign Missions in Saigon submit to their respective Governments the request of the RVN to strongly intervene and apply appropriate international measures to assist RVN as a State being victim of aggression and occupation. The same day, the Government of the Republic of Vietnam also sent a note to the state Signatories of the Final Act of the International Conference on Vietnam. This document was signed in Paris on January 27, 1973 by 12 countries including the PRC in the presence of the General Secretary of the United Nations. These signatures acknowledged and provided guarantees for the provisions of the Agreement to end the war in Vietnam. The ink of these signatures was still wet. The note of Minister Bac stated:

“The Government of the Republic of Vietnam wishes to call the particular attention of the Parties to Article 1 of the Paris Agreement and Article 4 of

the Act of the Paris International Conference of March 2, 1973 which both solemnly recognized that the territorial integrity of Vietnam must be strictly respected by all states and especially by the signatories of the Final Act. In view of the seriousness of the present situation, the Government of the Republic of Vietnam appeals to the Parties, in the interest of peace and stability in the Western Pacific area, to take all measures which the Parties deem appropriate as provided in Article 7 of the Act of the International Conference on Vietnam” (See Appendix C).

4.3. In other measures taken in the defense of Vietnam’s territorial sovereignty, Foreign Minister Vuong Van Bac of the Republic of Vietnam did solemnly reaffirm before the Third United Nations Conference on the Law of the Sea in Caracas on June 28, 1974, that the Vietnamese people will not yield to the PRC’s act of violence and that they will never cease to claim any part of their occupied insular territories.

It is clear from the above that the administration and economic exploitation following the discovery and progressive taking over of the two archipelagos by Vietnamese Lords since the 18th century, subsequently culminating with the complete integration of the Paracels and Spratlys into the national community by the reigning Nguyen dynasty since the beginning of the 19th century until the present time through various political regimes in the course of Vietnam’s history, have decidedly proved the ownership of Vietnam over the archipelagos in question.

PART II THE CONTINENTAL SHELF CLAIM

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This submission to the Commission on the Limits of the Continental Shelf is made by the Government of the Republic of Vietnam, in support of the establishment of the outer limits of its continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, pursuant to the Resolution III paragraph 1a) of the Third Conference on the Law of the Sea, and to Article 76, Paragraph 8 of the United Nations Convention on the Law of the Sea.

1/ Characteristics of the Continental Shelf of the Republic of Vietnam (RVN).

1.1. *Geographically*, the Continental Shelf of the RVN comprises the land and sea South of the 17th Parallel which was the Demilitarized Zone as specified in the 1954 Geneva Agreement, subsequently confirmed by the 1973 Paris Accords and Final Act on the International Conference on Vietnam. As illustrated in Part I-C, the Paracels and Spratlys Archipelagos are both located below the 17th parallel and entirely within the limits of the Continental Shelf of the RVN. The RVN claims its continental shelf that includes both under and above water territories extending from latitudes 7⁰N to 17⁰ N and from longitudes 113⁰ E to 115⁰E.

The illegal occupation of the Paracels and part of the Spratlys by other coastal states in the region could never affect the sovereignty of the RVN over these archipelagos and their Continental Shelf.

1.2. *Geologically*, the continental shelf of the RVN which comprises the extended area beyond its territorial sea is the natural prolongation of its land territory to the outer edge of the continental margin. Indeed, this continental shelf is the submerged prolongation of the land mass of the RVN which starts from the chain of high plateaus along the border with Laos and Cambodia, which gradually decrease in elevation while reaching the deltas along Central and South Vietnam and going further eastward and southward to the East Sea and the Gulf of Thailand respectively. The entire territorial sea and continental shelf along with the above mentioned archipelagos are undoubtedly the prolongation of the land territory of the RVN.

In addition, as illustrated in the map on Figure 2, the 2000m and 4000m depth contours mostly cover the northern and eastern areas of the East Sea

which are offshore of the Philippines, while much shallower areas extend West and Southwest, longing the RVN coasts and finally widening as they meet the prolongation of the lowlands of South Vietnam better known as the Mekong Delta. The topography of the Paracels seabed shows that it is linked to the RVN beaches, forming a corridor towards RVN's Quang Ngai province through the RVN's Ré island. This shallow corridor has a maximum depth of 500m which depth decreases to around 200 to 400m in its southward course, such as being found at the Tu Chinh contested area. But the most significant remarks were done in 1925 by the famed French geologist, Dr A. Krempt, who was Director of the Oceanographic Institute of Indochina. After 2 years of study and research, taking seabed measurements, analyzing sediments and drawing sea maps, he compiled several reports which finally proved that "geologically, the Paracels are part of Vietnam".

2. Article 76 and the Outer Limits of the Continental Shelf.

2.1 In consideration of the above, the establishment of the outer limit of the RVN continental shelf is based on the provisions of Articles 76.1, 76.3, 76.4 (a)(i), 76.4 (a)(ii), 76.4 (b) and 76.5 of the United Nations Convention on the Law of the Sea. This outer limit consists of a line that stretches from fixed points (FP) "A" to "B" in the North, from FP "B" through "G" in the East, from FP "G" through "K" in the South and finally from FP "K" through "P" in the West.

a) In the North.

The northern line stretches from fixed points "A" to "B". This line coincides with the 17th parallel. The land, territorial sea and the continental shelf below this parallel belong to the RVN, according to the 1954 Geneva Agreement, the 1973 Paris Accords and Final Act on the International Conference of which the People Republic of China and the Socialist Republic of Vietnam were among other the signatories. The fixed point "B" is established beyond 200 miles but does not exceed 350 nautical miles from the baselines from which the breadth of the territorial sea is measured.

b) In the East.

The eastern line stretches from fixed points "B" through "G" which are all established beyond 200 miles from the baselines being used to measure the territorial sea. From Fixed Points "C" through "D3", the outer limit is based on the provisions of Articles 76.1, 76.3, 76.4a (i) and 76.5 of the United Nations Convention on the Law of the Sea, but mainly using the 2500 metre

isobath. The above fixed points from “C” through “D3” do not exceed 100 nautical miles from the 2500 metre isobath line. All Fixed Points on the eastern outer limit from “B” through “G” do not exceed 350 nautical miles from the baselines from which the breadth of the territorial sea is measured.

c) In the South.

The southern line stretches from fixed points “G” through “K” which are all within the RVN’s Exclusive Economic Zone. The outer limit of the RVN’s Exclusive Economic Zone coincides with the Indonesian-Malaysian boundary, the Malaysian-Vietnamese Joint Development Area delimitation, and the Malaysian-Thai Joint Development Area delimitation.

d) In the West.

In the Gulf of Thailand, the western line stretches from fixed points “K” through “P” which are all within the Exclusive Economic Zone of the RVN and positioned on the Cambodian Maritime boundary.

2.2. In accordance with Article 76.7, fixed points on the outer edge of the continental shelf are connected one to another, not exceeding 60 nautical miles in distance, and defined by geographical coordinates latitude and longitude (See Detailed Maps in Appendix A and Table of Coordinates in Appendix B).

The present submission has been done in the time limit for filing (10 years since October 16, 1994 and a 5 years extension until May 13, 2009), without prejudice to any other claims or disputes in existence. Due to the lack of expertise and resources resulting from the colonization of its country and people by the DRV, the RVN would highly appreciate any advice and recommendations of the CLCS so as to complement any documents regarding this submission, especially those related to scientific and technical areas.

PART III DISPUTES

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1. Governing principle

The Republic of Vietnam (RVN) is ready to negotiate with all neighbouring coastal states to find a peaceful solution to any and all differences, on the basis of mutual understanding and cooperation.

2. Anticipated disputes

Before and after the capture of Saigon by the RDV on April 30th, 1975, Thailand, Malaysia and Indonesia behave as respectable members of the United Nations organization. The Republic of Vietnam does not foresee any dispute with these countries regarding the delimitation of the continental shelf. In the contrary, the Republic of Vietnam is concerned about the following countries' policies and unilateral actions:

2.1. *The People Republic of China (PRC)*

As stated previously, the PRC has illegally invaded and occupied the Spratlys and Paracels Islands belonging to The Republic of Vietnam. The conquest of these islands is aimed at allowing the People Republic of China to extend illegally its continental shelf and to control the international seaways.

2.1.1. **Non respect of the U.N Charter.**

“All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.”(art. 4)

The armed invasion of the RVN's Paracels and Spratlys islands in 1974 and 1988 have shown that the People Republic of China did not respect the U.N Charter (Art. 3&4). The occupation of these islands in spite of numerous protestations by the people and the RVN's government constitutes a flagrant violation against the interdiction of acquiring territory by violent means, as stipulated in Art.4 of the U.N. Charter, subsequently confirmed by the U.N.s' resolutions related to the occupation of Jerusalem and the Golan's heights by Israel.

2.1.2. **Non respect of the Final Act of the Paris International Conference on Vietnam.**

On March 2nd 1973, the PRC's Foreign Minister, Mr. CH'I PENG-FEI has signed the Final Act of the International conference on Vietnam, in presence of the U.N. Security Council and of the Secretary-General of the United Nations, that specifically requests all signatories to respect the sovereignty and territorial of the Republic of Vietnam:

Article 4

The Parties to this Act solemnly recognize and strictly respect the fundamental national rights of the Vietnamese people, i.e., the independence, sovereignty, unity, and territorial integrity of Viet-Nam, as well as the right of the South Vietnamese people to self-determination. The Parties to this Act shall strictly respect the Agreement and the Protocols by refraining from any action at variance with their provisions.

Article 5

For the sake of a durable peace in Viet-Nam, the Parties to this Act call on all countries to strictly respect the fundamental national rights of the Vietnamese people, i.e., the independence, sovereignty, unity, and territorial integrity of Viet-Nam and the right of the South Vietnamese people to self-determination and to strictly respect the Agreement and the Protocols by refraining from any action at variance with their provisions.

By invading the above-mentioned islands from the RVN, the PRC repudiated all its promises and turned its back to its international obligations.

2.1.3. Non respect of the U.N.C.L.O.S

Internal waters have been regulated by Article 8 as follows:

Article 8

Internal waters

1. Except as provided in Part IV, waters on the landward side of the baseline of the territorial sea form part of the internal waters of the State.
2. Where the establishment of a straight baseline in accordance with the method set forth in article 7 has the effect of enclosing as internal waters areas which had not previously been considered as such, a right of innocent passage as provided in this Convention shall exist in those waters.
To be qualified as historic waters, these internal waters must meet 3 conditions:
 - a. The internal waters are actually under the coastal state's sovereignty;
 - b. The sovereignty must be continuous and permanent;
 - c. The neighbouring state must recognize the sovereignty of the coastal state.

The South China sea should be renamed Southeast Asian Sea since there are seven bordering States that are, from clockwise, the Philippines, Brunei, Malaysia, Indonesia, Thailand, Vietnam and China. Regardless of whatever it has been called, it could not be considered as "internal" or "historic waters" for any single one of these countries.

The Continental Shelf is defined by Article 76 as follows:

Article 76

Definition of the continental shelf

1. The continental shelf of a coastal State comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles

from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance.

2.
3.
4.
5. The fixed points comprising the line of the outer limits of the Continental shelf on the seabed, drawn in accordance with paragraph 4 (a)(i)and(ii), either shall not exceed 350 nautical miles from the baselines from which the breadth of the territorial sea is measured or shall not exceed 100 nautical miles from the 2,500 metre isobath, which is a line connecting the Depth of 2500 metres.
6. Notwithstanding the provisions of paragraph 5, on submarine ridges, the outer limit of the continental shelf shall not exceed 350 nautical miles from the baselines from which the breadth of the territorial sea is measured .This paragraph does not apply to submarine elevations that are natural components of the continental margin, such as its plateaux, rises, caps, banks and spurs.

The Paracels Islands located in between latitudes 15⁰ and 17⁰ N, are 160 nautical miles from the coast of Vietnam while they are 270 nautical miles away from the Chinese coast. Similarly, the Spratlys islands group, located in between latitudes 7⁰ and 12⁰ N, is only 220 nautical miles from the coast of Vietnam, but 750 nautical miles away from mainland China which starts from well above latitude 17⁰ N. Therefore, it is crystal clear that there is no reason for China to claim its continental shelf extended to more than 750 nautical miles away from its land territory.

It is regrettable that so far the PRC has recourse only to the use of force and intimidation technique that are of nature of obstructing the way to any peaceful solution to the issue of delimitation of the continental shelf. But this does not prevent the RDV to present this submission to the CLCS for examination.

2.2. The Republic of the Philippines.

The Republic of Vietnam wishes to inform the Commission of the possibility of potential overlapping claims to extended continental shelf with the Philippines, but this eventuality would not prevent the Commission from examining submissions of both States.

PART IV
PERSONNEL IN CHARGE &
DOCUMENTATION USED FOR THE SUBMISSION

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Due to the current situation of the Republic of Vietnam's Government in exile, this submission, along with maps, figures, tables, and supporting documents were prepared by former employees and technicians from the Geographic Directorate, Oceanographic Institute, the Petroleum General Directorate, the Oceanographic Services of the Republic of Vietnam's Navy under the coordination of the Prime Minister Office, utilizing documentation and data from these governmental organisms as well as from oil companies operating offshore Vietnam.

PART V APPENDICES



<<<<<<< <<<<<<<Appendix A>>>>>>>>>>>>>>>>>>>

1. Detailed map of the outer limit of the RVN continental shelf
2. Sea depth maps

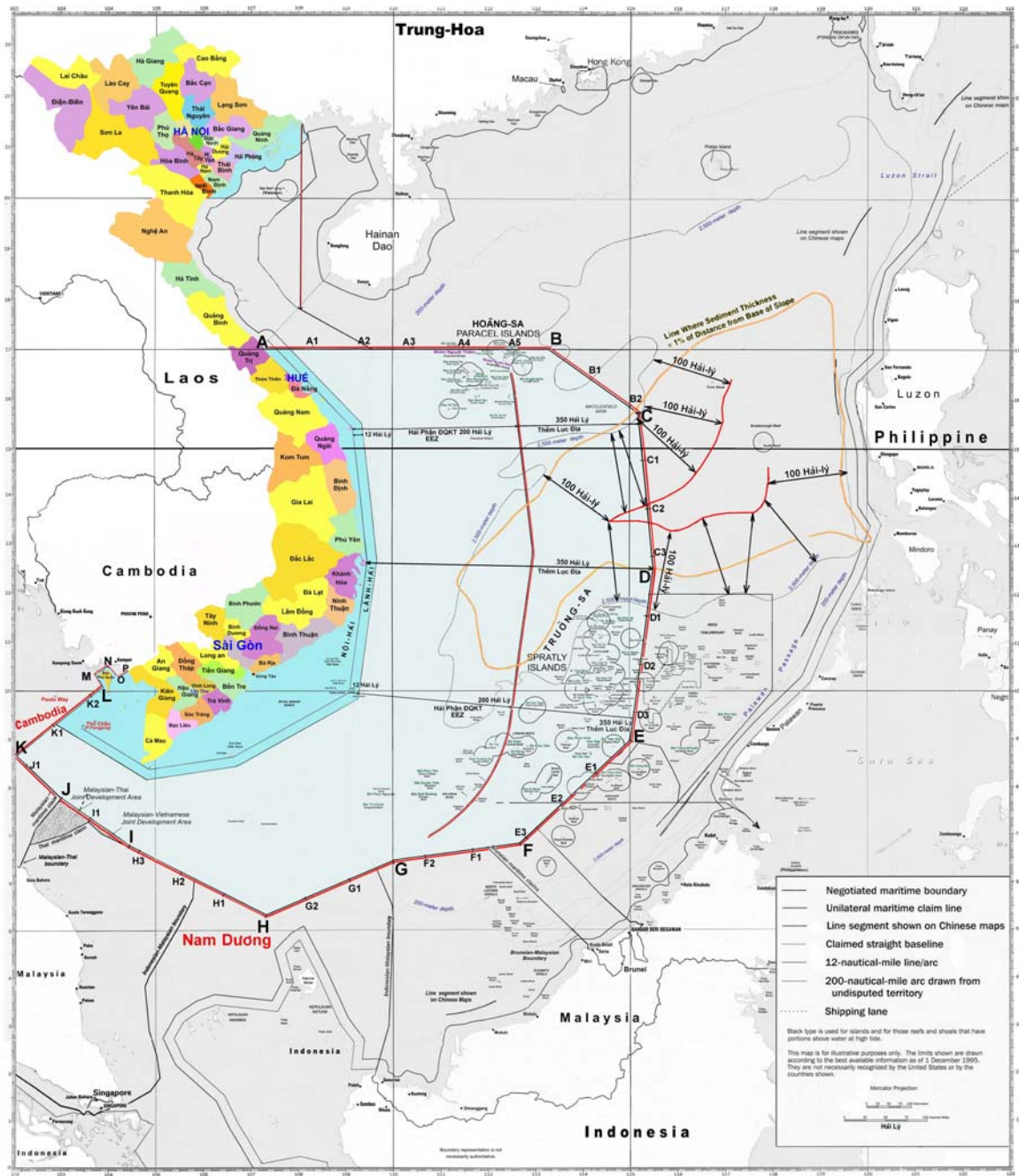


Figure 1: Detailed map of the outer limit of the continental shelf
(Projection: Mercator, December 1995)



“Figure 2: Sea depths maps”

3/ In the South

G	06 ⁰ 25' N	110 ⁰ 00' E
G1	06 ⁰ 02' N	109 ⁰ 04' E
G2	05 ⁰ 39' N	108 ⁰ 08' E
H	05 ⁰ 18' N	107 ⁰ 20' E
H1	05 ⁰ 45' N	106 ⁰ 26' E
H2	06 ⁰ 12' N	105 ⁰ 33' E
H3	06 ⁰ 39' N	104 ⁰ 40' E
I	06 ⁰ 47' N	104 ⁰ 26' E
I1	07 ⁰ 19' N	103 ⁰ 39' E
J	07 ⁰ 47' N	103 ⁰ 00' E
J1	08 ⁰ 27' N	102 ⁰ 17' E

4/ In the West

K	08 ⁰ 40' N	102 ⁰ 04' E
K1	09 ⁰ 16' N	102 ⁰ 52' E
K2	09 ⁰ 51' N	103 ⁰ 40' E
L	10 ⁰ 04' N	103 ⁰ 53' E
M	10 ⁰ 20' N	103 ⁰ 45' E
N	10 ⁰ 30' N	103 ⁰ 58' E
O	10 ⁰ 21' N	104 ⁰ 12' E
P	10 ⁰ 25' N	104 ⁰ 26' E

principles for the exercise of the South Vietnamese people's right to self-determination:

- a) The South Vietnamese people's right to self-determination is sacred, inalienable, and shall be respected by all countries;
- b) The South Vietnamese people shall decide themselves the political future of South Viet-Nam through genuinely free and democratic general elections under international supervision.

Article 11.

Immediately after the cease-fire, the two South Vietnamese parties will:

- achieve national reconciliation and concord, end hatred and enmity, prohibit all acts of reprisal and discrimination against individuals or organizations that have collaborated with one side or the other;
- ensure the democratic liberties of the people: personal freedom, freedom of speech, freedom of the press, freedom of meeting, freedom of organization, freedom of political activities, freedom of belief, freedom of movement, freedom of residence, freedom of work, right to property ownership, and right to free enterprise;
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Article 15.

The reunification of Viet-Nam shall be carried out step by step through peaceful means on the basis of discussions and agreements between North and South Viet-Nam, without coercion or annexation by either party, and without foreign interference. The time for reunification will be agreed upon by North and South Viet-Nam.

Pending reunification:

- a) The military demarcation line between the two zones at the 17th parallel is only provisional and not a political or territorial boundary, as provided for in paragraph 6 of the Final Declaration of the 1954 Geneva Conference.
- b) North and South Viet-Nam shall respect the Demilitarized Zone on either side of the Provisional Military Demarcation Line.

Article 20.

- a) The parties participating in the Conference of Viet-Nam shall strictly respect the 1954 Agreements on Cambodia and the 1962 Geneva Agreements on Laos, which recognize the Cambodian and the Lao people's fundamental national rights, i.e., the independence, sovereignty, unity, and territorial integrity of these countries. The parties shall respect the neutrality of Cambodia and Laos.

The parties participating in the Conference on Viet-Nam undertake to refrain from using the territory of Cambodia and the territory of Laos to encroach on the sovereignty and security of one another and of other countries.

- b) Foreign countries shall put an end to all military activities in Cambodia and Laos, totally withdraw from and refrain from reintroducing into these two countries troops, military advisors and military personnel, armaments, munitions and war material.

*II/Excerpts from the ACT of the International Conference
on Viet-Nam (02/03/1973)*

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**ACT
OF THE INTERNATIONAL CONFERENCE ON VIET-NAM**

The Government of the Republic of Viet-Nam;
The Government of the Union of Soviet Socialist Republics;
The Government of Canada;
The Government of the People's Republic of China;
The Government of the United States of America;
The Government of the French Republic;
The Provisional Revolutionary Government of the Republic of South Viet-Nam;
The Government of the Hungarian People's Republic;
The Government of the Republic of Indonesia;
The Government of the Polish People's Republic;
The Government of the Democratic Republic of Viet-Nam; and
The Government of the United Kingdom of Great Britain and Northern Ireland;

In the presence of the Secretary-General of the United Nations;

With a view to acknowledging the signed Agreements; guaranteeing the ending of the war, the maintenance of peace in Viet-Nam, the respect of the Vietnamese people's fundamental national rights, and the South Vietnamese people's right to self-determination; and contributing to and guaranteeing peace in Indochina;

Have agreed on the following provisions, and undertake to respect and implement them:

Article 1

The parties to this Act solemnly acknowledge, express their approval of, and support the Paris Agreement on Ending the War and restoring Peace in Viet-Nam signed in Paris on January 27, 1973, and the four Protocols to the Agreement signed on the same date (herein-after referred to respectively as the Agreement and the Protocols).

Article 2

The Agreement responds to the aspirations and fundamental national rights of the Vietnamese people, i.e., the independence, sovereignty, unity and territorial integrity of Viet-Nam, to the right of the South Vietnamese people to self-determination, and to the earnest desire for peace shared by all countries in the world. The Agreement constitutes a major contribution to peace, self-determination, national independence, and the improvement of relations among countries. The Agreement and the Protocols should be strictly respected and scrupulously implemented.

Article 3

The parties to this Act solemnly acknowledge the commitments by the parties to the Agreement and the Protocols to strictly respect and scrupulously implement the Agreement and the Protocols.

Article 4

The parties to this Act solemnly recognize and strictly respect the fundamental national rights of the Vietnamese people, i.e., the independence, sovereignty, unity and territorial integrity of Viet-Nam, as well as the right of the South Vietnamese people to self-determination. The parties to this Act shall strictly respect the Agreement and the Protocols by refraining any action at variance to their provisions.

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