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Vietnamese Canadian Federation

Fédération vietnamienne du Canada

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FEDERATION NEWS

Press Release: Protest Against Vietnam – China Border Treaties

Under the co-ordination of the Vietnamese Canadian Federation, the Vietnamese communities of Toronto, Montreal, and Ottawa will stage a demonstration on Saturday April 27 in front of the embassies of Communist Vietnam and China to protest against the recently implemented Vietnam - China border treaties.

Over the last three years, the Vietnamese Communist Party has ordered the Government of the Socialist Republic of Vietnam to sign two treaties with the People's Republic of China: one on land borders on December 30, 1999 and the other on the division of territorial waters in the Gulf of Tonkin on December 25, 2000. These treaties did not become public until June 2001 when it was suddenly announced that the first treaty had been ratified a few days earlier by the National Assembly, but in reality it was ratified only by the National Assembly's Standing Committee.

The Government of Vietnam has kept all information regarding these treaties from its people, including the 400 representatives in the National Assembly of Vietnam, and the international community. Nevertheless, on

December 27, 2001, the first border demarcations officially took place at the border towns of Dongxing (China) and Mong Cai (Vietnam). The new dividing lines in the Gulf of Tonkin show that some 22,000 square miles of Vietnamese territorial waters were ceded to China. These new, unjustly imposed borders and territorial water will mean untold sufferings to the Vietnamese people living in the border areas or off the waters which were ceded to China by the Vietnamese Communist Party.

The Nam Quan Pass, which has been for thousands of years the traditional marker dividing Vietnam from China and a proud symbol of Vietnamese independence, is, under these treaties, now deep inside China.

All the Vietnamese, either in Vietnam or living abroad, resolutely condemn this act of treason committed by the Vietnamese Communist Party. A number of political dissidents have been arrested in Vietnam for voicing their indignation against these treaties.

The demonstration on April 27 in Ottawa is part of a world-wide protest mounted by the overseas Vietnamese community against the sell-out actions of the Vietnamese Communist Party. It will begin at 12:30 p.m. with a ceremony at the Vietnamese Commemorative Monument at the corner of Preston Street and Somerset Street West and will proceed in front of the Vietnamese Embassy on Wilbrod Street and the Chinese Embassy on St. Patrick Street.

Canadian Ambassador to Vietnam Visited Vietnamese Canadian Communities

On the occasion of the meeting in Ottawa last February of all heads of Canadian diplomatic missions in the world,

Ambassador Cécile Latour of the Canadian Embassy in Hanoi visited the Vietnamese communities in Edmonton, Montreal, Ottawa, and Toronto.

In Ottawa, Ambassador Latour met with representatives of the Vietnamese Canadian Federation and other organizations of the Vietnamese community on February 7 at the Vietnamese Canadian Centre. At this meeting, the Executive Committee of the Federation gave the Ambassador a briefing on the Federation's concerns regarding Vietnam. These concerns are summarized as follows.

In the political area:

- Lack of respect for human rights and democracy in Vietnam;
- No freedom of religion;
- No freedom of expression nor freedom of press;
- Elections are meaningless since candidates must be *introduced* by the Front of the Fatherland (Mat Tran To Quoc), an arm of the Vietnamese Communist Party, therefore the National Assembly is only a rubber-stamp body.

In the social area:

- Abject poverty, especially in the countryside;
- Extreme gap between the rich and the poor;
- Formation of NGOs is discouraged; existing NGOs are strictly controlled and monitored by the state;

In the economic area:

- Lack of a transparent legal framework;
- Application of the law is arbitrary;
- Corruption is rampant;
- Discrimination against overseas Vietnamese in business affairs.

Taking note of the fact that Canadian policy towards Vietnam is based on positive engagement (involving trade, aid, and political relations) and encouragement of reforms and greater respect for individual rights, the Federation hopes that the above concerns will be taken into consideration by the government in the development of its policy. The Federation also drew the Ambassador's attention to the indignation of the overseas Vietnamese community with regard to the recently implemented treaties between China and Vietnam whereby the Vietnamese Communist Party agreed to cede a part of the Vietnamese territory, including the historical landmark *Ai Nam Quan* (Nam Quan Pass – at the Vietnam – China border) to China.

In the evening of the same day, the Federation and the Vietnamese Canadian Community Council of the National Capital Region held a banquet at the Vietnam Palace Restaurant in honour of the Ambassador. Over 80 people, including many students and young professionals, attended the banquet. On this occasion, Ambassador Latour gave a talk on her perspective on Vietnam and responded to many questions from the audience. To express the community's thanks to the Ambassador, Danh Nguyen, Chairman of the Community Council, presented her with a picture of the

statue *Refugee Mother and Child* at the Vietnamese Commemorative Monument.

Ambassador Latour was accompanied in her visit by Teresa Parsons, Deputy Director of the Southeast Asia Planning Division of the Canadian International Development Agency (CIDA) and Jeff Senior, Vietnam Desk Officer in the Department of Foreign Affairs and International Trade (DFAIT).

Ambassador Latour's Meeting in Edmonton

The Edmonton Viets Association organized a reception and dinner in honour of Ambassador Latour at its Vietnamese Centre on February 4. About 30 people, including the representatives of religious organizations, senior citizens, students, women, veterans' associations, and news media attended this event.

The President of the Edmonton Viets Association, Huynh Van Dao, gave a briefing on the achievements of the Association, as well as some observations and suggestions on the situation of human rights in Vietnam and Canadian aid policy.

On her part, the Ambassador gave a talk on her perception regarding new developments in Vietnam. She expected that in the future, with an improvement in communications, especially thanks to the widespread use of the internet, the implementation of the trade agreement recently concluded by Vietnam and the U.S., and the newly acquired understanding and political maturity of Vietnamese youths, there is a chance that the situation in Vietnam may improve. She also elaborated that the tenet of Canada's policy towards Communist countries is based on the principle of continuing dialogue in order to create opportunities for democratization. Consequently, through CIDA, Canada is

providing assistance to Vietnam in specific education, administration, women, and health programs, as well as in promoting cultural exchange between the two countries. In her capacity as Canadian Ambassador, she has made numerous efforts to protect the interests of Canadian citizens in Vietnam, especially following the execution of an alleged drug trafficker, Nguyen Thi Hiep, a Canadian citizen of Vietnamese origin, by Vietnamese authorities in April 2000. According to the Ambassador, after many months of hard work, her efforts have led to some concrete results with the agreement between Canada and Vietnam on consular rights last year. The Ambassador also satisfactorily responded to a number of questions from the audience on a wide range of issues including Canadian aid to Vietnam, Vietnamese youths, religious freedom, and human rights in Vietnam.

(Summary of a report prepared by Lan Anh, Edmonton)

Ambassador Latour's Meeting in Toronto

About 30 people participated in the roundtable with Ambassador Latour on February 8 at the University of Toronto, including professors and institute directors of various academic fields from different universities (U of T, Brock U.), CIDA staff, and some international trade lawyers. The Vietnamese Association of Toronto (VAT) was represented by Chi Dang, Nga Vu, and Kristina Stockwood, a journalist and NGO activist who is very knowledgeable about Vietnam, and is involved in activities on freedom of expression in developing countries. The VAT delegation made a number of observations and suggestions at this meeting, as summarized below.

On Civil and Religious Liberties:

- The Canadian government should raise the cases of specific Vietnamese under persecution at the next Plurilateral meeting on Human Rights.
- Embassy officials should try to visit individuals in jail or under house arrest for their peaceful expression, especially those who are in poor health (e.g. Venerable Thich Huyen Quang). These visits have been made by representatives of the Government of Norway (Nov. 2000), the U.S. Congressional Committee on Human Rights in Vietnam (tentatively scheduled for this spring).

On Economic Reforms:

In order to support serious reforms in the legal, administrative, and economic areas, the Canadian government and the donor community should promote a dynamic and independent National Assembly. The most important measure is to urge Hanoi to tolerate independent candidates. On-going measures should include:

- Educational exchanges;
- Making aid conditional upon the government publicizing its budget (which in principle would be monitored by the National Assembly)
- Encouraging the National Assembly to publicize its deliberations/ decisions.

On Legal and Administrative Reforms:

The VAT delegation pointed out the wide discrepancy between what the Vietnamese Communist government says, promises, and

writes into law and reality. Corruption was used as an example. The delegation told roundtable participants about the harassment and detainment of Professor Tran Khue in Saigon, and former military newspaper editor Pham Que Duong in Hanoi following the release of their proposal to the government to form a "People's Association to Support the Government's Anti-Corruption Campaign". It just proved how "truly" committed the government was to tackle the "national problem", to combat corruption. The delegation concluded that rule of law, transparency, good governance are impossible as long as there is a closed political system, and that Canada should help promote political openness.

(Summary of a report prepared by Chi Dang, Toronto)

WORLD NEWS

Two dissidents arrested for publishing documents on the Internet

In a letter addressed to the Vietnamese Minister of Public Security, Lieutenant General Le Minh Huong, Reporters Without Borders (Reporters Sans Frontières - RSF) called for the release of Le Chi Quang and Tran Khue, two Vietnamese dissidents recently arrested for publishing on the Internet documents critical of the government. RSF is preoccupied about the repression against dissidents who use the Internet to provide or obtain information about their country's political situation, and especially concerning relations between Vietnam and China. "As the United Nations Human Rights Commission is about to meet in Geneva, a new wave of repression shows just how much Vietnam is an enemy of free expression," said Robert Ménard, general secretary of RSF.

According to information obtained by RSF, Le Chi Quang, a computer teacher who also has a law degree, was arrested on 21 February 2002 in a cyber café in Hanoi. He was charged with sending "dangerous information" overseas. Police seized computer equipment and documents at his home. Le Chi Quang, 31 years old, was then placed in detention in camp B14 in Ha Dong province (north of the country). His arrest followed the publication on the Internet of a text entitled "Beware of the Northern Empire". This very detailed document discusses the conditions under which Vietnamese authorities signed border agreements with the Beijing government. The document was widely distributed in the Vietnamese community overseas.

On 8 March 2002, police in Ho Chi Minh city searched the home of Tran Khue, a professor of literature and founder of an association that fights against corruption. They seized a computer, a printer, a camera, cell phones and documents belonging to the dissident. On 10 March, he was placed under house arrest according to administrative directive 31/ CP. This decision followed the publication on the Internet of a letter from Tran Khue to Chinese president Jiang Zemin, just before he made an official visit to Vietnam. Tran Khue asked Jiang to re-examine some parts of the Sino-Vietnamese accords. In August 2001, Tran Khue had been arrested and taken to his home after investigating the situation in areas on the Chinese border.

Reporters sans frontières also points out that two other dissidents, Ha Sy Phu and Bui Minh Quoc, are also under house arrest in Dalat (south of the country).

In a report entitled "Enemies of the Internet" (www.rsf.org) published in February 2001,

RSF wrote: " Politics and religion are taboo on the Internet. Almost 2000 sites deemed politically or morally 'dangerous' are 'manually' filtered by the Vietnam Data Corporation (the VDC, which depends on the Posts and Telecommunications administration). Relatives of leaders of the Communist Party's Central Committee run the nation's ISPs. The director of Financing and Promoting Technology (FPT), Truong Gia Binh, is the son-in-law of General Giap, a hero of the war of independence. Recently, an expatriate Vietnamese investor was denied the right to participate in the Internet sector, a domain reserved for the elite."

Letter of Committee to Protect Journalists (CPJ) about writers' safety

March 13, 2002

His Excellency Tran Duc Luong
President, Socialist Republic of Vietnam
c/o Ministry of Foreign Affairs
Hanoi, Vietnam (Fax: 011-84-4-823-1872)

Your Excellency:

The Committee to Protect Journalists (CPJ) is deeply concerned that writer Tran Khue has been detained following a police search of his home. Tran Khue is the third Vietnamese intellectual to face reprisals in the past few months for criticizing bilateral negotiations between China and Vietnam.

On March 8, seven police officers entered and searched Tran Khue's home in Ho Chi Minh City. They confiscated his computer equipment and several documents, according to CPJ sources.

On March 10, Tran Khue sent a message via cell phone to a friend indicating that he was in danger. Since then, all means of

communication with Tran Khue have been cut, and his friends and colleagues are concerned about his safety.

According to CPJ sources, police searched Tran Khue's house for materials relating to an open letter that he sent to Chinese president Jiang Zemin during Jiang's visit to Vietnam in late February. The letter, which was distributed over the Internet, protested recent border accords between the two countries.

(Because of your government's extraordinarily tight control over news and information circulated within the country, CPJ classifies open letters, pamphlets, and other forms of political speech in Vietnam as journalism.)

In recent years, China and Vietnam have signed land and sea border agreements as part of a rapprochement following a 1979 war between the two countries. Several dissidents have criticized the government for agreeing to border concessions without consulting the Vietnamese people.

Tran Khue has been under tight surveillance since September 2001, when he and other dissidents tried to legally register the "National Association to Fight Corruption."

CPJ also calls for the release of two other dissident writers who were detained for similar reasons around the time of President Jiang's visit to Vietnam.

On January 14, Bui Minh Quoc was put under house arrest in Dalat and charged with "possessing anti-government literature," including his own writings.

Prior to his arrest, he had conducted extensive research on Vietnamese territorial

concessions to China, according to international news reports. On February 21, Le Chi Quang was detained at an Internet café and is now being held incommunicado in B14 prison in Thanh Tri district outside Hanoi, according to CPJ sources. He has also been an outspoken critic of the border agreements.

An essay he wrote, titled "Beware of Imperialist China," was widely distributed on the Internet.

As a non-partisan organization of journalists dedicated to the defence of our colleagues world-wide, CPJ condemns your administration's efforts to silence individuals who criticize official policies. We respectfully remind Your Excellency that both the Vietnamese Constitution and the United Nations International Covenant on Civil and Political Rights, which Vietnam has signed, guarantee the right to freedom of expression.

We call for the immediate and unconditional release of Tran Khue, Bui Minh Quoc, and Le Chi Quang. In addition, we respectfully urge Your Excellency to ensure that all journalists in Vietnam are permitted to write and publish without fear of reprisal.

Thank you for your attention to these urgent matters. We await your response.

Sincerely,

Ann Cooper, Executive Director

U.S. to give asylum to 1,000 Vietnamese refugees

PHNOM PENH, March 26 (Reuters) - The United States will grant asylum to some 1,000 refugees who say they fled

persecution in Vietnam last year, a U.N. official said on Tuesday, in a move likely to infuriate Hanoi which has demanded their return.

Sources in Cambodia's remote northeastern Mondulhiri province said the Vietnamese ethnic minority hilltribe people were due to be hurriedly moved to Phnom Penh within days because of fears efforts could be made to force them to return to Vietnam.

The U.N. refugee agency said it had been informed the United States would resettle the hilltribe people but was still awaiting official confirmation from the Cambodian authorities. "This is what we have heard," Nikola Mihajlovic, U.N. refugee agency chief liaison in Cambodia, told Reuters. "We haven't yet been formally approached by the Cambodian side. But we welcome any new initiative that will move toward solving this issue."

More than 1,000 ethnic minority asylum seekers have fled from Vietnam's Central Highlands to Cambodia in the past year after Hanoi quashed hilltribe protests over land rights and religious freedom.

Last Friday the U.N. refugee agency pulled out of an agreement with Hanoi and Phnom Penh to return the refugees to Vietnam, citing alleged coercion to force them to go home and concern for their safety once they were sent back.

MEDIA REVIEW

Le Vietnam, 25 ans après la guerre
(*L'Express du 24/01/2002*)

Chine-Vietnam - Le scandale des frontières

par Sylvaine Pasquier

Les autorités de Hanoi auraient concédé plusieurs milliers de kilomètres carrés de territoire à Pékin, en deux traités restés secrets

"Odieux marchandage, haute trahison" - la colère monte au Vietnam contre les dirigeants communistes, accusés d'avoir bradé des pans entiers du territoire national au profit de la Chine. Relayée par l'opposition et la dissidence, elle s'exprime à l'intérieur même du Parti, débordé les cercles politiques, gagne la société, défiant ainsi les extincteurs de la propagande. Motif de la fronde: deux traités de délimitation frontalière, terrestre et maritime, signés avec Pékin à la fin de 1999 et de 2000. Le 20 décembre dernier, le quotidien Nhan Dan, organe du Parti communiste vietnamien (PCV), annonçait la pose de la première borne - cérémonie qui eut lieu huit jours plus tard à Mong Cai, au nord-est de Hanoi.

Privés de tout autre appui, les hiérarques conservateurs tiennent désormais les "frères" de Pékin pour leurs meilleurs alliés

Jusque-là, les officiels n'ont soufflé mot de ces accords. Leur contenu est tabou - signe qu'il recèle d'inavouables concessions. De quelle ampleur? "Les estimations qui circulent sur place font état de quelque 900 kilomètres carrés de territoire", constate le colonel Bui Tin, ancien rédacteur en chef de Nhan Dan, en exil depuis 1990. Un groupe de dissidents avance des preuves. Exemple: l'ancienne borne n° 1 disposée au temps de la colonisation française à hauteur de la "Porte de Chine" - une antique forteresse aux confins de la province de Lang Son - a été déjà déplacée à l'intérieur du Vietnam. De 4 à 5 kilomètres. "Mais la largeur des

empiétements en compte parfois quarante, souligne Pham Anh Dung, président de la Fédération de défense des droits de l'homme au Vietnam. Rapportée à l'étendue de la frontière commune, 1 300 kilomètres, la superficie perdue atteindrait, selon nos sources, les 15 000 kilomètres carrés." Le chiffre ne fait pas l'unanimité. Quoi qu'il en soit, dans le golfe du Tonkin - haut lieu de pêche et zone stratégique, riche en hydrocarbures - Hanoi abandonnerait 10 000 kilomètres carrés, voire le double. En 1885, le traité Patenôtre avait attribué 38% de ce domaine maritime à la Chine, contre 62% au Vietnam alors sous protectorat français. Aujourd'hui, la part de Pékin serait passée à 47%... Reste le litige le plus épineux, portant sur les îles Paracel et Spratly respectivement occupées par la Chine depuis 1974 et 1988: faute de solution, il est laissé en suspens.

Lettre ouverte et questions précises

Pas la moindre allusion à cette affaire lors du 9e Congrès du PCV, au printemps dernier. En juin, fort de ses cinquante-quatre ans d'appartenance au Parti, un vétéran presque octogénaire, Do Viet Son, interpelle publiquement les dirigeants. Sa lettre ouverte demeure sans réponse. Quelques mois plus tard, elle sera diffusée sur Internet - où un jeune juriste de Hanoi, Le Chi Quang, 30 ans, intervient à son tour avec une batterie de questions très précises. Aussitôt convoqué par la police et désormais sous haute surveillance, il est accusé de "fabrication de fausses nouvelles portant atteinte à la sécurité nationale". En réaction, fin novembre, 26 personnalités politiques du Nord et du Sud - dont le général Tran Do, ancien vice-président de l'Assemblée nationale, le géophysicien Nguyen Thanh Giang, Hoang Minh Chinh, autrefois recteur de l'Institut de philosophie, le général de division Nguyen Ngoc Diep... - s'adressent à

l'Assemblée nationale, lui enjoignant de ne pas ratifier ces traités. C'est chose faite depuis juin 2001, du moins selon des informations répercutées à l'étranger, mais à l'évidence strictement confidentielles au Vietnam. A l'annonce du bornage, certains des protestataires s'obstinent, exigeant des explications publiques.

Face au grand voisin du nord, le Vietnam subirait donc ce qu'il impose lui-même de facto au Cambodge - dont il ronge insidieusement la frontière. Mais qui s'en préoccupe? A la mesure même du contentieux historique à l'égard de la Chine, l'affaire prend une tournure explosive. Elle rejaillit sur le bureau politique du comité central - instance de décision suprême, mise en cause par un nombre croissant de citoyens. Destitué en avril dernier, Le Kha Phieu, ex-secrétaire général du Parti et artisan désigné de la soumission à la Chine, n'y siège plus, mais rien n'a changé sur le fond: "Privés de tout autre appui, les hiérarques communistes les plus conservateurs tiennent désormais les "frères" idéologiques de Pékin pour leurs meilleurs alliés, seuls capables de les aider à conserver le pouvoir", avance Bui Tin. Certains hauts cadres de la diplomatie impliqués dans les négociations ont confié avoir subi de "terribles pressions" du lobby prochinaois aux commandes à Hanoi, leur enjoignant d'obtempérer aux délais et conditions dictés par la Chine. Le mur du silence se lézarde, le pays murmure contre l'humiliation nationale. Signes avant-coureurs d'une crise politique?

BACKGROUND

Sino-Vietnamese Border Issues

By Professor NGUYEN VAN CANH, Ph.D., former Deputy Dean of the Saigon

Faculty of Law before 1975, and currently member of the Hoover Institute, Stanford University.

On December 25, 2000, Tran Duc Luong, President of the Socialist Republic of Vietnam (SRV), went to China on a goodwill visit and signed an agreement with his counterpart on territorial waters in the Gulf of Tonkin. In December 1999, Vietnam had signed a similar agreement about land borders, which was ratified by the Vietnamese National Assembly in June 2000. Neither party made any mention of the Paracels and Spratley Islands. In this article, we will analyze the issues of land and maritime borders between China and Vietnam.

I. The issue of land boundaries

Objectives of the agreement and legal framework for the settlement of border disputes.

On November 5, 1991, Do Muoi, then Secretary general of the Communist Party of Vietnam (CPV), and Vo Van Kiet, then Premier of the SRV, went to Beijing to re-establish diplomatic relations. They also signed three accords. One of these was a temporary accord about land boundaries. It spelled out some basic principles to help both parties maintain peace and stability while waiting for a final solution to border disputes. At issue were security, smuggling, social order, and movement across the border. Both parties planned to conduct talks to settle their differences and were anxious to make the border one of peace and friendship. Back in the late fifties, between 1957 and 1958 in particular, the Labour Party of Vietnam and the Communist Party of China had agreed in their correspondence that the "Sino-Vietnamese boundaries set up

by Sino-French accords are to be respected", and that "the status-quo on the boundaries must be maintained, pending settlement between the two governments. The Sino-French accords and agreements to be signed will serve as bases for negotiations".

They were referring to a series of border agreements the French signed with the Chinese from 1885 to 1895, immediately following their occupation of North Vietnam. The April 25, 1886 Accord signed in Tien-Tsin, the June 26, 1887 Agreement and its supplement, the June 26, 1895 Convention, signed in Beijing, described the specific geographical positions of border markers, natural or man-made monuments or objects as reference points. About 300 markers were subsequently placed at these positions.

Status of boundaries before and after the 17-day war

In February 1979, the CPC deployed some 350,000 troops along the border, then sent an army of 220,000 men into Vietnam. They launched fierce attacks on the 6 Vietnamese provinces stretching along the border. The purpose of the attack, said Dengxiao-ping, was to teach the CPV a lesson for invading Cambodia and toppling the Chinese-backed Khmer Rouge. The Chinese invaders moved deep - sometimes as far as 40 kilometers - into Vietnamese territory. They occupied 23 cities and towns and destroyed some entirely. After 17 days, the CPC declared that the objective of the exercise had been achieved and on March 13, the Chinese army went home. However, Chinese troops were still seen occupying strategic hills and positions which they described as an "area belonging to the Vietnamese territory".

After the war, a Vietnamese customs office

was relocated 480 meters south from the previous site at the Friendship Gate. Though diplomatic relations were re-established in November 1991, land grabbing by the Chinese went on. In May 1992 an armed conflict erupted on Highway 1, in Lang Son province, at a location not far from the Friendship Gate because a Chinese military unit had implanted a new border marker 400 meters inside Vietnamese territory. As of July 1992, the Chinese forces had taken over 36 locations along the border, an area of 8,000 hectares. In subsequent years, Chinese troops would at times cross the border, drive Vietnamese peasants from their villages in the Cao Bang and Lang Son provinces and burn their homes. In some areas, after evicting Vietnamese peasants from their lands, the Chinese would bring their own people and resettle them there.

This land grabbing by the Chinese goes back to the fifties. In 1954, the CPC sent workers to help Vietnam build a railroad from Hanoi to the Friendship Gate. Chinese workers relocated a border marker 300 meters inside Vietnam. Hanoi took it as a mistake by the Chinese workers but the CFIC stated that the position of the marker was exactly where it should be, on the joint border. This conflict was never resolved even though the two countries were close friends during the following two decades.

When the agreement on land border was signed, both countries announced that 70 disputed areas along the 1,300-km border had been taken care of, but the Vietnamese people were not given any specific information - how large these areas were, in what way the conflict was resolved, whether they were returned to Vietnam. They are entitled to know what is going on behind the scenes.

II. Demarcation of the Gulf of Tonkin

The joint declaration made on Dec. 25, 2000 by Tran Duc Luong and Jiang Zemin on the occasion of the signing the accord to demarcate the waters in the Gulf said: "The signing of the border treaty between the two countries and the Agreement on the demarcation of the territorial waters would help create preconditions for making both the land and Gulf borders into borders of friendship and long-lasting stability". This would in turn "strengthen mutual trust and understanding, facilitate the development of each country and make an important contribution to the cause for peace and co-operation and development in the region and the world".

1. Legal basis for negotiations

The "Sino-French accords and agreements to be approved by both sides later on are also used for the negotiation" as in the case of land borders. Therefore, the June 6, 1885 Accord and the Convention of June 6, 1887 regarding the boundaries of the Gulf will serve as "the fundamental principles governing the settlement of the maritime issues between the two countries".

Article 2 of the June 6, 1887 Convention stipulated "Toward Kouang-tong, it is understood that the points of conflict that are situated to the East and Northeast of Monkai, beyond the border as fixed by the Commission on Delimitation, will belong to China. The lands situated to the East of the Meridian of Paris 105 degree 43 of the longitude East, i.e. East of the North-South line passing the Eastern point of the Tch'akou or Ouan-Chau (Tra-co) that forms a border are also attributed to China. The Go-tho islands and other islands to the West of the meridian belong to Annam".

A North-South Red Line drawn on the map, starting at a point located at the joint border in Monkai, was used as reference. Two negotiations were held: one in August 1974 and the other in October 1977 to delineate the Gulf, but with no results.

2. Conflict on line of demarcation

In the meeting that took place in August 1974, the CPV used the 1887 Convention as the basis for negotiation, referring to the Greenwich longitude 108 degree, 3 minutes and 13 seconds East, or the Paris meridian 105 degrees 43 of the longitude East as a demarcation line (the Red Line).

The CPC protested, saying that the Red Line was used only to show who owned the surrounding islands. It was not a demarcation line. As a consequence, the negotiations were deadlocked. By refuting the Red Line as a demarcation line, the CPC claimed that Vietnam occupied two-thirds of the territorial waters of the Gulf and that China was in a very weak position when she signed the Sino-French agreements. It conveniently made no mention of the fact that the French had given China a portion of land in the northernmost part of Lai Chau, province in exchange for the Red Line. The French truly abused their power by illegally transferring Vietnamese land to China.

Vietnam's geographical form is that of the letter S. From the starting point of the S which is located in Monkai - a joint spot between the two countries -to the south, the joint Commission on Delimitation drew the Red Line. The territorial waters to the West of the line belong to Vietnam and those to the East belong to China. Such a division of the ownership of the waters is reasonable and deemed appropriate. It was in

compliance with the theory of Adjacent Territorial Waters governed by the rules of International Public Laws.

Finally, if the Red Line's only purpose is to determine the ownership of the islands in the Gulf, and is not a demarcation line as alleged by the CPC, what is it then since it forms a border dividing the waters? The Chinese continued to abuse their power and unilaterally expand their ownership over the Gulf.

3. Expansion by the CPC

On August 19 and 30, 1992, two Chinese ships were dispatched to the Gulf for a so-called scientific research. Another ship, Phan Dau 5, completed a seismic survey on August 30 in the southern area of the Gulf. On September 30, the Nam Hai 6, an oil-drilling rig, was sent to an area that according to Hanoi was 112 kilometers southeast of the port of Balat. The ships crossed the Red Line and were deep inside Vietnamese waters.

When Hanoi protested, the CPC replied that "the oil research ships operated within Chinese territorial waters, in reference to the line of the Gulf". In 1983, the CPC also produced a new map, drawing a new boundary of the Eastern Sea that they called South China Sea. They claimed that the whole South China Sea - 3 million out of 3.5 million square kilometers of the Gulf of Tonkin - belonged to China.

III. Conclusion

1. The contents of the border negotiations between the CPC and CPV are not disclosed. In Vietnam, only the higher echelons of the CPV know how much land has been lost to China, how much Vietnam

has taken back. The Vietnamese people have the right to ask the CPV to reveal the full terms of the agreement.

2. Based on past evidences that the CPC has taken land from Vietnam, that the CPV has not endeavoured to take it back, and that, in some instances, the CPV has not dared protest against Chinese invasions, the Vietnamese people can reasonably suspect that this is an illegal transfer of Vietnamese land to China. This argument is substantiated by the fact that Pham Van Dong as Premier of the Democratic Republic of Vietnam had, on September 14, 1958, sent an official letter to his Chinese counterpart Chou en Lai, acknowledging that the whole Eastern Sea did indeed belong to China, after the latter declared the region Chinese territory.

3. Throughout the negotiations, Han nianlong, China's Vice minister for South East Asia Affairs and head of the Negotiation Delegation since the 1970's, mentioned that the two communist parties were involved in guidance and decisions.

2. This was strictly their business and had nothing to do with the Vietnamese people. The CPV had no power to represent them. If any agency signed or ratified the agreements, that body was just the CPV's instrument performing its duties to achieve the CPV's goals. Do Muoi who was a secretary general of the CPV, held no position in the SRV government when he went to China in 1991 to sign a joint accord with the CPC that provided directions for the conclusion of the two above-mentioned agreements. These agreements are not binding on the Vietnamese people.

4. The CPV has to answer for any illegal transfer of any part of Vietnamese land to

China under any circumstances, especially if it was made in exchange for support for its leaders to stay in power.

5. For the Vietnamese people, these transactions constitute private business between the two communist parties. If the CPC does not return any portion of land that they have occupied, the agreements are considered null.

For these reasons, Vietnamese Intellectuals Overseas on July 22, 1994, then the Committee To Protect The Territory on April 29, 1995 and December 18, 2000 issued declarations to publicly express their position on the matter.

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