



King Gia Long's Benefits in Ownership: The Paracel Islands In 1816 Viewed from International Principle

Editorial

Nguyen Thanh Minh

Km No. 1, Ha Tri street, Ha Cau ward, Ha Dong district, Hanoi city, Vietnam

thanhminh7589@yahoo.com

Abstract. The process of organizing the exploitation, possession and exercise of sovereignty in the Hoang Sa archipelago, including Truong Sa, was promoted very early from the Nguyen Lords in the 17th century with the Hoang Sa and Bac Hai teams, took place continuously even under the Tay Son dynasty, then at the beginning of the Nguyen dynasty in the 19th century, it was followed by King Gia Long. Although it is only a posterity and only inherits the work that has been done through many dynasties, from the perspective of international public law, it is King Gia Long who has the greatest merit in creating the legal basis. to Vietnam on the issue of establishing the country's sovereignty over the Hoang Sa and Truong Sa archipelagoes, recognized by the international community.

To cite this article

[Minh, N. T. (2022). King Gia Long's Benefits in Ownership: The Paracel Islands In 1816 Viewed from International Principle. *The Journal of Middle East and North Africa Sciences*, 8(08), 1-3]. (P-ISSN 2412- 9763) - (e-ISSN 2412-8937). www.jomenas.org. 1

Keywords: King Gia Long, Possession, Hoang Sa.

1. The Principle of Truly Effective Possession and The Method of Lawful Acquisition of Territory According to Current International Law

According to current international/public international law, "The principle of really effective possession" and "The method of lawful acquisition of territory" include the following contents:

Firstly, about the object of possession: The real possession is only effective/legal for the object of the derelict lands/territories or abandoned/abandoned territories. Derelict territory is land (territory) that has not been claimed by any country, or territory that has never been placed under the administration of a certain country; or are territories formerly belonging to another state, but that state has ceased all activities of state power there and has no intention of restoring them (abandoning), or declaring their renunciation they.

Second, about the subject conducting the appropriation: A truly effective occupation requires that the subject who establishes the title of territorial sovereignty must have the will and the status of a nation. Only the state is the subject of establishing territorial sovereignty, and an individual or a non-governmental organization cannot establish territorial sovereignty for themselves, cannot replace the state function.

Third, on the method of legal acquisition of territory: The method of acquiring territory is only considered legal when the occupation takes place peacefully, and is carried out in a manner that international

law on The acquisition of territory entails not using force to acquire it..

2. The Fundamental Difference According To International Law Between King Gia Long And His Predecessors In The Matter Of Possession Of The Hoang Sa Archipelago

Although the previous lords/kings from the 17th century to the end of Gia Long's reign have continuously organized the exploitation, possession and exercise of sovereignty in the Hoang Sa archipelago, including the Truong Sa; But only since 1816, did King Gia Long change the method of possession of the Hoang Sa archipelago to create a qualitative breakthrough, from which Vietnam officially established national sovereignty over the archipelago. in accordance with international law and practice.

The fundamental difference between King Gia Long and his predecessors/kings in this regard lies in three points:

Firstly, the previous lords/kings in the past few centuries established and used Hoang Sa and Bac Hai teams to present, exploit, possess, and even exercise part of the "jurisdiction" of the such as confiscation of wealth on ships sunk in the Paracels. King Gia Long himself from 1802 to 1815 did the same. The problem lies in the fact that the Hoang Sa and Bac Hai teams are purely professional associations, although organized in the form of "militia" but they are only of a civilian nature and cannot replace the state or state representatives. the country conducts

occupation and claims sovereignty. Therefore, it does not satisfy the principle that the subject of territorial acquisition must be the state of a country in public international law.

Meanwhile, by the decision to send the Navy team of the Hue court to coordinate with the Hoang Sa team to measure, set up landmarks and raise the flag in the Hoang Sa archipelago in 1816; King Gia Long changed the nature of the issue of possession, completely satisfying the content of the principle of effective possession according to international public law, which is the state that conducts the possession of the territory.

The second point, unlike the previous lords/kings, King Gia Long - was followed by King Minh Mang and his descendants, after the act of state possession in the Hoang Sa archipelago in 1816 has continuously carried out a series of powerful actions by the state over the territory it has occupied, such as measuring waterways, construction, controlling tariffs, drawing maps for management and asserting sovereignty... This is completely Satisfying the content of the principle of truly effective possession according to international law is a really effective demonstration of the state's sovereign act.

The third point, the state possession of the Hoang Sa archipelago in 1816 by King Gia Long was later recognized by many countries around the world through geographical works, while the related countries officials were silent or did not voice their objections. This completely satisfies the content of the principle that truly effective possession according to international law is possession recognized by other countries.

Through our own long process of searching, collecting and researching, up to now, we have come to know very convincing evidences, which are international works on world geography that are impressive. made before 1909 (when the local government of China's Guangdong province entered an illegal dispute) recognized King Gia Long's 1816 claim of state possession of the Paracels, published at 8 countries are England, Germany, India, France, Bohemia, Russia, Italy, Spain, including 6 languages: English, German, French, Russian, Italian, and Spanish. As follows:

No. Author/project name/place and publisher Year of publication Country

1. Crawford (John), Journal of an Embassy from the Governor-General of India to the Courts of Siam and Cochin China; exhibiting a view of the actual state of those kingdoms, London: Henry Colburn, New Burlington Street. 1828, England.

2. Crawford (John), Journal of an Embassy: from the Governor-General of India to the Courts of Siam and Cochin China; exhibiting a view of the actual state of those kingdoms, Second Edition, London: H. Colburn and R. Bentley. 1830, English.

3. Crawford (John), Tagebuch der Gesandtschaft an die Höfe von Siam und Cochin-China, Aus dem Englischen,

Weimar: Im Verlage des Großh. Sächs. priv. Landes-Industrie-Comptoirs. 1831, Germany.

4. Dubois de Jancigny (Adolphe Philibert), L'Univers pittoresque, ou Histoire et Description de tous les peuples, de leurs religions, moeurs, coutumes, industrie, Paris: Firmin Didot Frères, Éditeurs. 1850, France.

5. Эйриэ (Eyriès), *Живописное путешествие по Азии*, Переводъ Е. Корша, Издание А. С. Ширяева, Томъ третій, Москва: Типографіи Николая Степанова. 1840, Russia.

6. Eyriès (Jean Baptiste Benoît), Voyage pittoresque en Asia et en Afrique: résumé général des voyages anciens et modernes, Paris: Chez Furne et Ce, Libraires Éditeurs. 1839, France.

7. Eyriès (Jean Baptiste Benoît), Voyage pittoresque en Asia et en Afrique: résumé général des voyages anciens et modernes, Paris: Chez Furne et Ce, Libraires Éditeurs. 1841, France.

8. Eyriès (G. B.), Viaggio pittoresco in Asia ed in Africa. Rissunto generale dei viaggi antichi e moderni, Parte Prima, Prima traduzione italiana di Silvestro Bandarini, Venice: Nazionale di G. Antonelli Ed.. 1856, Italia.

9. Gundry (R. S.), China and her neighbors: France in Indo-China, Russia and China, India and Thibet, London: CHAPMAN and HALL, Ltd... 1893, UK.

10. Hoffmann (Wilhelm), Encyklopädie der Erd-, Völker- und Staatenkunde, Erster Band, A bis I, Leipzig: Arnoldische Buchhandlung. 1862, Germany.

11. J. G. Cotta'schen Buchhandlung, Das Ausland. Ein Tagblatt für Kunde des geistigen und sittlichen Lebens der Völker, mit besonderer Rücksicht auf verwandte Erscheinungen in Deutschland, Dreiundzwanzigster Jahrgang - 1850. April, Stuttgart und Tübingen: Verlag Cottahand's J. 1850, Germany.

12. Negri (Cristoforo), Del vario grado d'importanza degli stati odierni, Milano: Dalla tipografia di Giuseppe Bernardoni di Gio. 1841, Italy.

13. Orbigny (Alcide Dessalines de), Eyriès (Jean Baptiste Benoît), Viaje pintoresco à las dos Américas, Asia y África, Tomo III, Barcelona: Imprenta y Libreria de Juan Oliveres. 1842, Spain.

14. Ritter (Carl), Die Erdkunde von Asien- Band III, Der Süd-Osten von Hoch-Asien, dessen Wassersysteme und Gliederungen gegen Osten und Süden (Die Erdkunde im Verhältniß zur Natur und zur Geschichte des Menschen, Geoverie allgemeals sichere Grundlage des Studiums und Unterrichts in physikalischen und historischen Wissenschaften Vierter Theil, Zweites Buch Asien, Band III), Zweite stark vermehrte und umgearbeitete Ausgabe, Berlin: Gedruckt und verlegt bei Georg Reimer. 1834, Germany.

15. Royal Geographical Society, The Journal of the Royal Geographical Society of London, Volume 19, London: John Murray. 1849, England.

16. Sommer (Johann Gottfried), Taschenbuch zur Verbreitung geographischer Kenntnisse. Eine Übersicht

des Neuesten und Wissens-würdigsten im Gebiete der gesammten Länder- und Völkerkunde, Für 1839, Prag: J. G. Calve'sche Buchhandlung. 1839, Bohemia.

17. Taberd (Jean-Louis), "Note on the Geography of Cochin China", The Journal of the Asiatic Society of Bengal, Volume VI, Part II, No. 69 - September 1837, Calcutta: Printed at the Baptist Mission Press, Circular Road. 1837, India.

3. Illegality in the declaration of possession of the Paracel Islands by the local government of Guangdong province in China in 1909

After 93 years since the event in 1816, King Gia Long took possession of the Hoang Sa archipelago by the state and recognized by the international community, the countries involved were silent or did not raise their objections; Then in 1909, the local government of Guangdong province in China began to jump into a dispute with Vietnam by sending ships to plant a flag to declare possession of the Paracel Islands. That action is completely illegal from an international legal perspective, based on the following points:

Firstly, the Paracel Islands are not derelict or abandoned/abandoned territory. This is a territory that has been occupied by Vietnam for a long time, and has been officially recognized internationally since 1816 during the reign of King Gia Long. from the Nguyen Dynasty to the French colonial period. This violates the content of the principle of truly effective possession under public international law that the subject of possession must be derelict lands/territories or abandoned/abandoned territories.

Second, the act of declaring possession by the local government of Guangdong province in China over the Paracel Islands is not recognized by countries around the world, especially when the relevant countries have voiced their objections, which was directly opposed by the Protectorate Government of France in Vietnam, the entity that inherited Vietnam's national territorial sovereignty from the Nguyen Dynasty by means of treaties of international validity. This violates the content of the principle of truly effective possession according to international public law on possession that must be recognized by other countries, or the relevant countries are silent and do not raise their objections.

Thirdly, other contents in the principle of effective possession under international public law on the continuity of possession have a long enough time to be able to perform acts of state sovereignty; and the actual expression of the state's sovereign act by a series of powerful actions by the

state over the claimed territory... by the local government of Guangdong province in China over the archipelago. Hoang Sa was not satisfied.

In short, the declaration of possession of the Paracel Islands by the local government of Guangdong Province in China in 1909 was completely illegal under international law; Due to the effect of King Gia Long's declaration of official possession of the Paracel Islands in 1816, which was publicly recognized by many countries in the world, the Chinese government (regarded as a country with related) has also been completely silent, without objection for nearly a century.

4. Conclusion

The organization of exploitation, possession and exercise of national sovereignty in the Hoang Sa and Truong Sa archipelagoes has been promoted continuously since the Nguyen Lords in the seventeenth century; But from the perspective of international public law, it was King Gia Long who had the greatest merit in creating an international legal basis for Vietnam on the issue of establishing the nation's sovereignty over these archipelagos. The advantage of Vietnam's current legal dispute over the sovereignty of the Paracel Islands in the international arena, especially to refute the claim of possession of the Paracel Islands by the local government of Guangdong province in China In 1909, it was largely based on the results of the internationally recognized official declaration of state possession under King Gia Long in 1816.

Based on public international law, it can be affirmed that King Gia Long's contribution in establishing and exercising the nation's sovereignty over seas and islands in general, establishing and exercising sovereignty, sovereign rights and jurisdiction. geographical features in the Paracel Islands in particular are extremely important and extremely important to the sovereignty and territorial integrity of the Vietnamese nation, both in the past and in the present. All of the above analysis is a fact that should be properly recognized by history about one of the important contributions to the nation and people of the first emperor of the Nguyen Dynasty.

Corresponding Author:

Nguyen Thanh Minh

Km No. 1, Ha Tri street, Ha Cau ward, Ha Dong district, Hanoi city, Vietnam

E-mail: thanhminh7589@yahoo.com