

Sovereignty over the Paracel and Spratley Islands

Monique Chemillier-Gendreau

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Monique Chemillier-Gendreau : Sovereignty over the Paracel and Spratley Islands before purchasing it in order to gage whether or not it would be worth my time, and all praised Sovereignty over the Paracel and Spratley Islands:

4 of 9 people found the following review helpful. Biased in favor of VietnamBy M LaiPerhaps because the author is a French, this book is biased in favor of Vietnam, which kind of inherited France's claim and position. I surmise that the author understands neither Chinese nor Vietnamese. Therefore, all she can analyze may be only materials written in French (or perhaps Vietnamese and/or English). Readers looking for an objective and comprehensive review of the problem will be disappointed. The author apparently understands very little about Chinese history and politics. She is not rigorous at all about the use of the word "China." She got confused between the People's Republic of China (PRC) and China. Sometimes by "China" she means PRC. Sometiems she means whatever state/government there is in the Chinese land. These are two different concepts, just like the Czar Russia and Soviet Union. You can't say Soviet Union did not occupy such-and-such place until 19xx, paying no attention that such-and-such place had been occupied by Czar Russia since the 18th century, for example. For example, the author's bias was shown by her statement that "[Republic of China] Taiwan's claim [of the Spratlys] is highly opportunistic, linked as it is to Taiwan's relief of the islands from Japanese troops after the War (although Taiwan was not authorized to take such action)." Come on, everyone's claim can be said to be "opportunistic" in one sense. And why should Taiwan seek anyone's authorization if she thinks the Spartlays is hers? Is the author suggesting that she should get the authorization from France or Vietnam? And "[o]n two occassions, in 1937 and again in 1947, France has already suggested to China that the matter be referred to the International Court ... But China has turned a deaf ear to all these suggestions." (p.11) Well, the author

conveniently forgot that China was busy fighting with the Japanese in 1937 and the Nationalist government was fighting with the communists in a bitter civil war in 1947. Would any government in the world in these life-and-death situations have the energy to go to the Court? "The assertion of sovereignty by the Vietnamese Government ..., and its control over the main islands of the archipelago, ..." (p.26) The author misleads the readers here because Itu Aba Island (Nan Sha), occupied by the Republic of China (Taiwan) continually since mid-50s, is the largest and "the most important" (p.20) island in the Spratlys. It is interesting to read the author's description of the events in 1909 in pages 99-100. First she said Admiral Li's expedition returned to China "somewhat disillusioned" (according to whom? Was the author there witnessing the "disillusion"?) and she said "This account (whose?) confirms ... the fact that they had not been convinced of their rights to the islands, since they asserted these rights by means of symbolic acts (of raising the flag)." This argument is laughable. So, if one raises a US flag in front of his house, that would mean he is not sure of which country he is in and thus needs to raise a flag to assert it? In a subsequent paragraph, the author writes "The Chinese documents give a different version of the facts. ..." This clearly shows the author's lack of objectivity. She first put forward a description of unknown source that is unfavorable to China, and then mentions the Chinese version of the event, but put doubts into it. The translator did a poor job translating French into English, maybe because he pays little attention to current affairs. In several occasions, he mis-translates PRC as Chinese People's Republic, Republic of China as Chinese Republic, People's Liberation Army (PLA) as People's Army of Liberation, etc. I think this book may be good for someone who seeks a French perspective on the dispute or what is in the French archive. But this book is in no way objective or comprehensive. 3 of 3 people found the following review helpful. Excellent legal analysis of a dangerous dispute. By shopper The Paracel and Spratly disputes are among the most dangerous maritime disputes in the world today. Professor of International Law Chemillier-Gendreau's contribution is that she set forth the legal principles involved and analysed each event and each claim against these principles. By doing this, Chemillier-Gendreau has shone a clear light on the conflicting claims that are often inspired more by greed and nationalism than by justice. This is a must-read for anyone interested in a legal analysis of these disputes. 4 of 4 people found the following review helpful. Accurate objective. By P.Ng The French got involved in Indochina early on; and that is why they got a hold of several historical papers regarding the 2 islands in dispute. The author presents an objective look at the dispute in the area. I wish the author would have written more about the naval fight in 1974 when the Chinese overtook one of the islands from South Vietnam government, and how does it link to Nixon's trip to China and US abandon of South Vietnam.

This exceptional volume deals with the hotly contested legal status of the Paracels and the Spratlys, two inhospitable archipelagos located in the South China Sea, sovereignty over which is disputed by several states. The author investigates the contribution which international law can make towards determining the rights of all parties involved. In order to do so she goes back into history to find out at each stage what the actual situation was and what its legal significance was in terms of the legal categories of the time. The originality of this work, compared to others already published on this topic, lies in its analysis of the valuable French archives. Not only these archives, but also existing legal writings have served as a basis for the investigation into the status of the archipelagos. The book sheds new and significant light on this important question.

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