

MEMO

Translated by Nguyễn-Quân

Date: June 25, 1957

To: Secretary of State for Agrarian Reform and Land Registration.

From: Mr. Lê-quang-Muoi, Director of Land Conservation

Subject: Approaches to the French Government with the view to the return of land documents now held by the French Colonial Archives in France.

During the past years of war many important documents filed at the Land Bureaus of Bến-tre, Cholon and Soc-trang have been destroyed or lost.

In order to reestablish the lost records, the authorities at that time considered asking French authorities to send to Vietnam copies of the registration books filed at the Colonial Archives in Paris.

By August 1948 Mr. Cavalie, Inspector for Registration and Land Conservation in Saigon Gia-Dinh had been designated for negotiating the return of those documents to Vietnam with the French Overseas Department.

In his memo of November 18, 1948 Mr. Cavalié reported that the Vietnam Government's request had been turned down. The French Government suggested a microfilming operation instead of returning the records, which apparently was rejected by the Vietnamese Government since no more trace of this matter can be found in the files transferred to the Land Conservation Directorate.

In 1950 the Vietnamese Government made another request to the French High Commissariat. This request was also denied on the ground that the concerned documents were the property of the France Domain, in accordance with article 34 of arrêté dated February 12, 1927.

I do not believe the argument set forth by French Government is sound. The reference, quoted art. 34, actually reads:

"Sending of copies of registration book by Land Conservator to the Governor General for deposit at the Colonial Archives, shall be accomplished within 3 days after the completion of the book."

In addition Page 2, Art. 333, Decree July 21, 1925 provides as follows:

"Registration books shall be maintained in two copies and as soon as a book is completed, a copy shall be sent to the Colonial Archives in Paris"

There exists no legal provision which would uphold the argument by which land documents are said to be the property of the French Government's Domain.

The least one could do would be to lean on the following assertion of Mr. Boudillon in his treatise "Le Régime de la Propriété Foncière en Indochine" page 283, art. 353:

"History of the French Colonial empire shows that some time in the past, some colonies have been occupied for decades by foreign forces, causing more or less damage to local archives. Hence it should be advisable to take precautions even in peace time. In Senegal which happened to be under the English rules from 1804 through 1817, very few documents prior to this date have been safeguarded."

The argument by which public archives are the property to the French Government and therefore cannot be transferred or demised, could only stand if pertaining to the french documents and not to materials trusted to the French Archives by Colonies for reasons of security.

For the above mentioned reasons I would suggest that you make new representations to the French Government in order to have all missing land documents returned to our Government.

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As for the microfilming of land documents I presume many difficulties will have to be faced especially in the stocking of negatives. We need air-conditioned rooms and our finances are in the red.

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Approaches to the French Government should indeed be the work of our Foreign Affairs Department. However if that fails I would suggest following the MSUG recommendation of requesting help from UNESCO.

Signed: LE-QUANG-MUOI