

DISTRIBUTION BETWEEN FRANCE AND VIETNAM ON MANAGEMENT OF CHINESE IN VIETNAM (1948-1955)

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Due to the geographical and cultural proximity to Vietnam, the Chinese often came to settle in Vietnam early in large numbers. Most of the local governments in Vietnam had their own rules for managing the Chinese in Vietnam. During the French colonial period, the French authorities signed many agreements with China, including contents on the management of the Chinese in Vietnam. These agreements later became an obstacle to the State of Vietnam's desire of completely control all matters concerning the Hoa (established in 1949). This article deals with the decentralization of powers between the French government and the Vietnamese government in managing the Chinese issue in Vietnam. Thereby, highlighting the characteristics of the Hoa management policy of the French colonial government and of the State of Vietnam in the period of 1948-1954.

Keywords: *Hoa people management; French colonial period; State of Vietnam.*

1. Introduction

Since the Treaty of Ha Long Bay (June 5th, 1948), France has recognized the independence of the Nation of Vietnam, but in many issues belonging to Vietnam's internal affairs, the French colonial government still want to keep power, specifically the management of the Chinese in Vietnam on all aspects: civil status and residence control; real estate ownership; the election of the Chinese Councilors, schools,... This leads to difficulties for Vietnam in solving its internal problems and only further confirms that: the independence of the National Socialist Republic of Vietnam is just a "pseudo-independence". The Chinese in Vietnam during the French colonial period were also known as "Chinese overseas".

2. Research overview

So far, the issue of decentralization between France and the Vietnamese nation on the management of Chinese people in Vietnam has attracted many domestic and international authors, including a number of typical research works as: Alain G. Marsot (1993), "The Chinese Community in Vietnam under the French. San Francisco"; Dao Trinh Nhat (1924), "The force of visitors and the problem of immigration to the South Vietnam", Publishing House Hanoi; Huynh Ngoc Dang, (2005), Scientific History Thesis: "Policies of Vietnamese dynasties towards the Chinese"; Duong Van Huy, "Policy of the Vietnamese feudal government towards the Chinese in the North of the "17th - 18th century", Journal of Southeast Asian

Studies, No. 5/2015; Le Thi Vi Phuong, "Some policies to manage the immigration - residence of Chinese and Khmer people in the South under the Nguyen Dynasty", Ho Chi Minh City Journal of Social Sciences, No. 1, 2016; Nguyen Dinh Co, "The policy of using Chinese people and the exploration of the Southern land of the Nguyen lords in the 17th – 18th centuries", Journal of Chinese Studies, No. 1, 2017... It can be said that the above research works are useful and valuable documents for the author to inherit, supplement, perfect and clarify the research content of this article.

3. Research Method

The article is approached on the basis of several methods such as: Method of collecting secondary documents; logical and historical methods, analytical and synthesis methods, comparison and contrast methods.

4. Research result

4.1. Agreements between France and China on the Chinese issue in Vietnam

4.1.1. Process of residence and the Chinese population in Vietnam during the French colonial period

From 1885 to 1945, the policy of the French colonial government was to thoroughly exploit the new colony, the government could not find manpower in the defeated Vietnamese population, but had to go through the "Chinese overseas" who were settling down crowded here. At the beginning of the French colonial exploitation program in

Vietnam, France's policy towards the migration of the Chinese to Vietnam was to encourage migration in order to supplement the human resources that France needed to exploit this land. Therefore, the French government created favorable conditions for the Chinese to immigrate to Vietnam by being negligent and permissive to stealthy entry; but by the end of the 1930s, immigration was so massive that the French authorities had to take measures to limit immigration by taxing imports, controlling identity cards and passports. Due to the French colonial exploitation policy and war factors, the Chinese population entering Vietnam during the French colonial period often increased dramatically.

When the Second World War ended, by siding with the Allies against fascism, China took advantage of the Potsdam Peace Treaty (July 1945) and began to intervene in Vietnam's internal affairs by asking the French government to be lenient with their expatriates here. Therefore, in addition to France's human resources policy, it was France's concessions to China that brought the Chinese population to live in Vietnam to increase faster.

From the chart 1 of the change of the Chinese population in Vietnam from 1930 to 1950 above, it can be seen that the Chinese often migrated to Vietnam whenever there was a big political upheaval in China:

Before World War II, the number of Chinese emigrating to Vietnam peaked at 57,783 people in 1937, then gradually decreased in 1941, 1942 and the disruption of immigration control due to the invasion of Vietnam by Japan (March 9th, 1945). As for the population of Minh Huong people, according to the 1936 statistics, which is the last statistics of the Department of Statistics of Indochina, there are 93,000 Minh Huong people in Vietnam and the Chinese enjoy the assimilation status of Asian expatriates at 217,000 people. (North Vietnam: 35,000 people, Central Vietnam: 11,000 people, South Vietnam: 171,000 people). While the total population of Vietnam is 18,695,000 people (National Archives Center II. File No. D7-174:7).

4.1.2. Agreements between France and China on the Chinese issue in Vietnam

After the Sino-French War (1885), with the Treaty of Peace, Friendship and Commerce signed in Tianjin on June 9th, 1885 between France and China, passed by the French National Assembly on November 20th, 1885, also known as the Treaty of Tianjin. Article 1 of the Treaty of Tianjin states: "The Chinese who are engaged in farming or formerly soldiers, are now living peacefully in Vietnam, engaged in farming or industrial production or trade, whose conduct is not what to criticize. The safety of people and property will be guaranteed like people protected by France"

(National Archives Center II. File No. D7-174:24).

Immediately after establishing domination in Vietnam, the French government classified the Chinese as Asian foreigners in the Treaty of Tianjin on April 24th, 1886; With the Nan-Ching Compromise of 16/05/1930, the Chinese in Vietnam were elevated to the status of great national foreign power with preferential treatment, equal to European. Especially the benefits of import and export, commercial and industrial activities; In 1944, the French again allowed the Chinese in Vietnam to be given preferential treatment to foreigners, the residence tax was increased to 150 VND/year (National Archives Center II. File No. D7-174:15). In particular, with the Treaty of Chung-King dated February 28th, 1946, France allowed overseas Chinese to freely exploit mines and open industries; In return, the French entered Hai Phong to replace the Republic of China army. In Southern Vietnam, France elevated the Chinese to the status of foreigners with the European regime to take advantage of their abilities. In 1947, Japan invaded China, causing the number of Chinese immigrants to increase in Vietnam, about 2,000 immigrants entered Xom Chieu (Saigon).

When coming to Vietnam, Chinese residents just need to find their state, then go to the Immigration Department to pay an amount of 33 VND/year for residence tax, this amount can be paid in half in advance, the rest when which will continue to pay (National Archives Center II. File No. D7-174:57). While the tax for Vietnamese people is 4 dong/year, the amount of resident tax of overseas Chinese gives France a significant income, so France encourages overseas Chinese to enter Vietnam.

The consequences of the Treaty between France and China on issues related to the management of the Chinese in Vietnam, along with China's refusal to recognize the Vietnamese nation, France became a "convenient intermediary" between Vietnam and the Chinese Consulate is inevitable.

4.2. Decentralization between France and Vietnam on the management of the Chinese in Vietnam

Since 1949, when the French colonial government recognized the "Vietnamese nation" with Bao Dai's advocacy, there were many obstacles in the management of the Chinese in Vietnam between the French authorities and the Vietnamese Government. Therefore, in an Official Letter No. 522 dated July 29th, 1950, the French High Commissioner proposed the Vietnamese Government to limit the authority of each party to the management of the Chinese in Vietnam.

4.2.1. The issue of civil status and residence control of Chinese people in Vietnam

The Chinese (Communist Party of Vietnam,

1995) settled in Vietnam for a long time, during the Trinh-Nguyen period, Lord Trinh in Dang Ngoai forced all overseas Chinese to acquire Vietnamese citizenship and settle in; in contrast, in Dang Trong, the Nguyen lords from the very beginning allowed overseas Chinese to establish Minh Huong commune to collect the remains and “victims of the Ming dynasty”, so the Chinese in Vietnam during this period were also called the Minh Huong people¹.

The first documents mentioning the nationality of the Minh Huong people are the Instruction of 1827 and 1829 of King Minh Mang; 1842 by King Thieu Tri and 1849 by King Tu Duc. Accordingly, the Chinese in Vietnam are exempted from going to the army, from doing string work and exempting some taxes. However, they still enjoy the same political rights as Annamese people. List each decree dated August, 24th, 1933 constituting the Charter of Minh Huong people. This document states that: “as subjects of France or people protected by France, depending on the place of birth, all legal children or illegitimate children born in Indochina of a native couple, or a couple whose one is a foreigner and the other is a native or an Asian or of a couple in which one is an Asian and the other is a native” (National Archives II. File No. D0/79:5). Thus, it is certain that since this decree of the French government took effect, the mixed-Chinese - Annamese people born in the South Vietnam have the status of French subjects; but about people born before the decree of August, 24th, 1933 was issued, there is no definite theory because the decree of August, 24th, 1933 is not retroactive. This makes the issue of nationality of the Minh Huong people quite complicated.

Under the French rule, the Chinese who entered Vietnam were divided into two classes: Tourists, who were only allowed to stay for one month, overdue they had to apply for a visitor's passport to be an immigrant's passport; Foreign people who want to be allowed to stay in Vietnam must meet the following two conditions: has a labor contract with a French enterprise or is recognized by a Chinese state; issued with a Chinese identity card. Therefore, only Chinese in the following cases will retain Chinese nationality: workers in a French factory, or members of a Chinese state, are issued a Chinese identity card.

The following categories of people do not have Chinese nationality:

Firstly, the Minh Huong people: The origin of the Minh Huong people is in China. According to the Decree of August 24th, 1933, the Decree of October 16th, 1936 and the Circulars No. 1365 of September 21st, 1951 and No. 1699 of November 9th, 1951, which stipulate that the Minh Huong people, regardless of year or place of birth, are I am

Vietnamese. To implement the above law, the North Vietnamese Foreign Immigration Office since June 16th, 1952 (the date of the announcement of the Director of the North Vietnamese Public Security Bureau) has no authority to issue Chinese identity cards to the Minh Huong people. It should be noted that while Indochina law considers Minh Huong people to be people with Vietnamese nationality, Chinese law still recognizes them as having Chinese nationality. Therefore, the Minh Huong people in Vietnam have two official nationalities, but in practice, there is little trouble, because very few Minh Huong return to China, from 1906 to 1916 only 1,752 people returned to China (National Archives Center II. File No. D0/79:34). In fact, the Minh Huong people in Vietnam often have two attitudes: the poor Minh Huong ask to assimilate with the Vietnamese, when the Vietnamese nationality is in their favor. They are paid preferential, low tax compared to the tax of foreigners; in the village, they enjoy the rights of the village like the Vietnamese. Meanwhile, the well-off Minh Huong people intentionally kept Chinese nationality to receive special treatment, especially since the date of the Nankin Treaty and the Tchong-King Treaty giving the Chinese in Vietnam many benefits.

Secondly, the Chinese took Vietnamese cards: Those were the Nung people, originally from China, who came to Vietnam from the 16th century. The Nung have two groups: The first group, having lost most of their Chinese customs, lives scattered in Viet Bac from Lao Cai province to Lang Son province. They have Vietnamese nationality; The second group, the Nung group in Hai Ninh, because the French authorities encouraged them to come to Vietnam from China and issued a Vietnamese card, the tax was lighter than that of overseas Chinese. According to statistics in 1934, this Nung group numbered about 40,000 people (National Archives Center II. File No. D7-174:82). They don't fully assimilate, so every time they make a mistake, the authorities deport them back to China, even though they have Vietnamese cards. For Chinese law at that time, they still kept Chinese nationality.

Thirdly, ethnic minorities on the Vietnam-China border, although their roots are in China, but they have Vietnamese nationality. With Article 4 of the agreement signed in Tchong-King, “Chinese overseas will enjoy the same jurisdictional privileges (*privylège juridictionnel*) as the French. Therefore, in terms of civil status, the Chinese follow the French rules; civil status judgments are also heard by French courts. After that, the French courts were replaced by mixed courts with jurisdiction over civil, commercial and criminal matters of foreigners (Chinese in Vietnam). Whenever an overseas Chinese is caught by the Vietnamese Military Police or the Vietnamese Police, he or she must be

¹. Mixed Chinese and Vietnamese

brought before a mixed court (National Archives Center II. Records 1616:5). However, the French Public Security Agency also has the power to arrest illegal overseas Chinese and punish them if their illegal actions affect security inside and outside the French Union. In the event that the Vietnam Public Security Department arrests a Chinese, according to the Franco-Chinese Treaty signed in Nankin in 1930, the information must be reported to the Chinese Consulate.

In order to manage the Chinese in Vietnam, under the control of the French government, in localities or big cities, France has an office of overseas Chinese and in the High Commission, there is a central office of overseas Chinese. The French authorities also suggested to the National Government of Vietnam to set up a specialized agency on the issue of Chinese in Vietnam. However, until Ngo Dinh Diem returned to Vietnam to hold the position of Prime Minister of the National Government of Vietnam on December 10th, 1954, the Prime Minister of the National Government of Vietnam appointed Lys-Kay to hold the position of Surveyor, special Chinese Affairs Officer at the Prime Minister's Palace is in charge of the Chinese issue in Vietnam.

Thus, about the decentralization of management of civil status issues of the Chinese in Vietnam and the National Government of Vietnam mainly based on the old rules, the civil status of the Chinese in Vietnam during this period was quite complicated.

4.2.2. Managing Chinese real estate ownership in Vietnam

With the Treaty of Tianjin (June 9th, 1885) and the Commercial Agreement of Tianjin (April 25th, 1886), overseas Chinese were given the right to forever create real estate, build houses, open trade shops, equal to any foreign Europeans in Vietnam. However, on September 7th, the first year of Bao Dai (October 13rd, 1926), the Southern government promulgates a Circular on the amount of Chinese and Asian foreigners who are not allowed to create Nam Nhan lands. According to the above circular, Chinese people in Vietnam are only allowed to rent real estate in Vietnam for 30 years or less and not buy real estate in Vietnam (Central period of Protecting the National Language of Cong Bao in 1926:123-124).

However, on February 28th, 1946, in Tchung-King, France and China signed a treaty on relations between Indochina and China, allowing the Chinese in Vietnam to buy and own properties in rural and urban areas (National Archives Center II. Records 21362:74). In addition, after 1946, most of the Vietnamese in Hanoi went bankrupt, the Chinese alone did not have to evacuate and had taken over most of the commercial industries, so they had plenty of money available to buy houses, land,...

expand their business. Therefore, at the beginning of December 1949, the Mayor of Hanoi proposed that the National Government of Vietnam take measures to limit the Chinese people's right to private ownership of real estate. However, it was not until 1952 that the Prime Minister of the Republic of Vietnam issued a directive forcing the Chinese to ask for permission before buying real estate in Vietnam (National Archives Center II. File No. 21362:7).

Thus, although the National Government of Vietnam, following the government of the Southern Dynasty, starting in 1949, took measures to prevent the private ownership of real estate by the Chinese in Vietnam, but according to the agreements of France and China, the Chinese are still free to buy and sell real estate. Therefore, the National Government of Vietnam only has to limit the licensing of trading and find ways to prolong it while waiting for the government to issue new regulations that cancel the previous ones. However, in a short time, the National Government of Vietnam also failed to issue any regulations to completely solve the problem of overlapping laws related to the ownership of real estate by the Chinese in Vietnam in the period of 1948-1955.

4.2.3. The power of internal administration for the Chinese in Vietnam

The internal control of the Chinese people in Vietnam by the Vietnamese Government includes the following aspects: control of associations and unions; control schools; control the Chinese Counselors.

4.2.3.1. Manage associations and unions, the Chinese Counselors

The Chinese in Vietnam are allowed to organize into groups, depending on the place of birth, custom called "Bang". The state is allowed to open schools, set up Chambers of Commerce. In 1945, when General Lu Han's army under the decision of the Potsdam Conference entered to occupy North Vietnam to disarm the Japanese army, Chiang Kai-shek's government took this opportunity to pressure the French colonial government to abolish the state regime of the Chinese in Vietnam and replace it with the following groups: The culture, economy and society are directly influenced by the Chinese Consulate. Obviously, this is unacceptable China imposed on Vietnam.

In 1948, the Chinese states were re-established with the name "Chinese Li Su Hui". The Li Su Hui was established as a result of an exchange between the Chinese Foreign Ministry and the French Ambassador, so Decree No. 272/3416 dated August 29th, 1948 according to Article 2, paragraph 3 states: "Before the election of Li Su, Head or Deputy Attorney General of the Chinese Assembly, must send a list of overseas Chinese candidates to the Chinese Consulate for consultation" (National

Archives Center II. File 1616:57). With regard to the management of the election of the Chinese Li Su Hui, the National Government of Vietnam still only follows the “Decree dated September 28th, 1948, changing the State goods into the Chinese Li Su Hui and determine how to elect the guildmasters” (National Archives Center II. Document 1616:58 to manage the social organization of the Chinese in Vietnam. This maintenance, to show respect for the decrees that the French colonial government had signed with China before by the National Government of Vietnam, and at the same time also for the government of Vietnam to control the Chinese in Vietnam in a favorable way. In particular, “the task of implementing the above regulations belongs to the Premier and officials under their authority such as the Mayor, the Governor and the employees of the police and police agencies” (National Archives Center II. File number 1616:60). By the end of 1950, the authority over Li Su Hui, such as the election of Li Su Chief and Li Su deputy, the control of all activities of these unions was still completely in the hands of the French authorities (the Court of Republican Commissioner).

On August 6th, 1950, Decree No. 10, issued by the Führer of the Führer, stipulates the establishment of an association and does not mention the system of Li Su Hui of Overseas Chinese. Therefore, the national government of Vietnam has not yet assumed the management of the election of Chief Li Su and Deputy Li Su of the Chinese Assembly Halls because according to the Franco-Chinese Compromise dated August 20th, 1948, about the election of Chief Li Su and Deputy Li Su, the list of candidates approved by the French government for the Chinese Consul a month in advance” (National Archives Center II. File 1616:75). On the other hand, up to 1951, the National Government of Vietnam could not communicate with China because China had not yet recognized the State of Vietnam. Therefore, it is necessary to have an agreement between France and the VNA on this issue, only if the French Government agrees to allow the National Government of Vietnam to replace the French Government in electing Chief Li Su and Deputy Li Su of the Chinese States, then will this election take place under the complete control and management of the Vietnam according to the principle of internal sovereignty of an “independent country” (National Archives Center II. File 1616:77).

The management of associations and unions of the Chinese people in Vietnam is a domestic administration, which is basically under the jurisdiction of the National Government of Vietnam. However, on the French side, they said that: “The French-Vietnamese compromises do not mention the issue of the Chinese Li Su Hui

(National Archives Center II. Records 1616:85), so the French authorities will interfere in the affairs of Chinese associations and organizations in Vietnam, if it is deemed that there are activities that endanger the security of the Union.

Therefore, while waiting for new regulations, the National Government of Vietnam still has to apply the existing rules. However, inadequacies such as: 1) Will the candidate list of the Chief or Deputy Head of the Department have to be sent to the Consulate for advice or not? 2) The Vietnamese or French authorities are in charge of such consultation. The Vietnamese authorities deal with these two issues as follows: “The list of overseas Chinese candidates for Li Su Chief or Deputy Head of the Chinese Assembly will be sent to the Chinese Consulate for comments. Legally, yes, the election is legal.” (National Archives II. Records 1616:136). In the second issue, “about consultation, it will be handled by the Vietnamese authorities” (National Archives Center II. Dossier 1616:137).

4.2.3.2. School management of overseas Chinese in Vietnam

The regulations that France prescribes for the organization of schools and classes of overseas Chinese in Vietnam include: (1) Decree dated May 14th, 1924 regulating the regulations of private schools, especially Article 5; (2) Decree dated January 27th, 1925 of the old Governor-General, as amended by subsequent decrees (Applying the Decree of May 14th, 1924); (3) Decree of August 13 rd, 1930 on Chinese, Burmese and Malay private schools; (4) Decree dated July 7th, 1932 of the old Governor-General (Applying the Decree dated 13/08/1930); (5) Decrees issued by the Governor of the Vietnam South (July 12th, 1933), Ambassador to Central Vietnam and former Governor of the Vietnam North to apply the decree of July 7th, 1932 of the Governor General of Indochina. The content of the above regulations stipulates that “the task of controlling Chinese schools is carried out by the Inspectors of the Main School Sections under the Mayor, the Governor and the Head of School” (National Archives Center II. Record No. 1616:25).

The regulations set forth by the above documents have common points: Forcing all private schools in Indochina to teach in French or the native language; only two classes of schools are allowed: Schools that use French as a specialized language (French schools, Franco-Vietnamese schools and professional schools), schools that use native language as a special language, i.e., primary schools with only primary schools. 3 grades: 5th grade, 4th grade and 3rd grade; strictly regulate the number of hours French or native language must be taught (Primary level teaches French 5 hours/week, later increases to 9 hours/week; elementary

level: 3 hours/week in French or native language). The French-Hoa Cho Lon School has its own regulations (National Archives Center II. File 2340:5). In general, the French authorities allow overseas Chinese in Vietnam to organize their own schools and classes; textbooks used to teach in overseas Chinese schools brought from China; strictly determine the teaching of specialized languages in Chinese schools.

5. Discussion

Under the French colonial rule, as well as the Vietnamese population, the Chinese community was also affected by the French ruling policies in all aspects. As for social life, although the colonial government still acknowledged the existence of social organizations of the Chinese, they gradually interfered in the activities of those social organizations, strictly control the travel, demographics of the Chinese, especially the migration of the Chinese to work and live in the South. Under the French colonial rule, as well as the Vietnamese population, the Chinese community was also affected by the French ruling policies in all aspects. But besides that, the French government also took advantage of the economic and commercial activities of the Chinese to serve its colonial exploitation policy. The purpose of these policies, in essence, is to implement the divide-and-rule policy, dividing the solidarity and harmony of the Chinese with the local people.

For a long time, traditional social organizations have played an important role in all aspects of the economic, political and cultural life of the Chinese.

The birth and existence of these social organizations is an important premise for the Chinese to stabilize their lives and quickly integrate into the Vietnamese community in Vietnam.

6. Conclusion

Thus, looking at the large numbers of people and the preferential treatment of the colonial regime in some areas, the Chinese in Vietnam during the French colonial period became a powerful force in terms of economy, organization closely and separately in the territory of Vietnam. The decentralization of power between France and the National Government of Vietnam faced many obstacles. The main causes leading to these obstacles can be concluded to have 3 causes as. Firstly, France must implement what was signed with China in the Chinese-French Treaties at Nankin and Chung-King, until the day these treaties are replaced by other treaties. Secondly, France “give itself” to be responsible for the security of the Union, until order was restored. Thirdly, while China has not yet recognized Vietnam, only France has the right to “transact openly” with the Chinese authorities. The decentralization of power between France and the National Government of Vietnam also did not bring positive results and in fact this decentralization was essentially the fact that the French colonial government placed internal limits on the National Government of Vietnam. From that, it can be concluded that the “independence” that the French colonial government “promised” existed only on paper; in fact, many internal issues, including the management of the Chinese in Vietnam by the Government of Vietnam could not be implemented.

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PHÂN QUYỀN GIỮA PHÁP VÀ QUỐC GIA VIỆT NAM VỀ QUẢN LÝ NGƯỜI HOA Ở VIỆT NAM (1948-1955)

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Do sự gần gũi về mặt địa lý và văn hóa với Việt Nam, nên người Hoa đến định cư ở Việt Nam sớm, thường xuyên và với số lượng lớn. Hầu hết, các chính quyền sở tại ở Việt Nam đều có những thể lệ riêng trong việc quản lý người Hoa ở Việt Nam. Thời Pháp thuộc, nhà chức trách Pháp đã ký với Trung Hoa nhiều Hiệp định, trong đó có những nội dung về việc quản lý người Hoa ở Việt Nam. Về sau, những hiệp định này lại trở thành trở ngại cho việc muốn hoàn toàn kiểm soát mọi vấn đề liên quan đến người Hoa ở Việt Nam của Quốc gia Việt Nam. Bài viết này đề cập đến sự phân quyền giữa Chính phủ Pháp và Chính phủ Việt Nam trong việc quản lý vấn đề người Hoa ở Việt Nam. Qua đó, nêu lên những đặc điểm của chính sách quản lý người Hoa của chính quyền thuộc địa Pháp và của Quốc gia Việt Nam thời kỳ 1948-1954.

Từ khóa: *Quản lý người Hoa; Thời Pháp thuộc; Quốc gia Việt Nam.*