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IMPLEMENTATION OF THE DECLARATION ON THE
STRENGTHENING OF INTERNATIONAL SECURITY

SECURITY COUNCIL
Thirty-fourth year

Letter dated 9 April 1979 from the Permanent Representative
of Viet Nam to the United Nations addressed to the
Secretary-General

I have the honour to transmit herewith the text of the memorandum of the Ministry of Foreign Affairs of the Socialist Republic of Viet Nam dated 15 March 1979 concerning the Chinese authorities' provocations and territorial encroachments in the border region of Viet Nam and request that this letter and its enclosure be circulated as an official document of the General Assembly, under item 46 of the preliminary list, and of the Security Council.

(Signed) HA VAN LAU
Ambassador Extraordinary and Plenipotentiary
Permanent Representative to the
United Nations

* A/34/50.

ANNEX

Memorandum dated 15 March 1979 of the Ministry of Foreign
Affairs of the Socialist Republic of Viet Nam concerning
the Chinese authorities' provocations and territorial
encroachments in the border region of Viet Nam

I. ESTABLISHMENT OF THE HISTORICAL BORDER BETWEEN VIET NAM
AND CHINA AND THE 1957-1958 BORDER AGREEMENT BETWEEN
THE TWO COUNTRIES

1. Viet Nam and China are two neighbouring countries having common borders both on land and sea (Bac Bo Gulf). These borders have been established through a long historical process. Before it was placed under French colonial rule, Viet Nam had been an independent and sovereign country having clearly-drawn and stable borders with China.

Nearly 100 years ago, the French Government and the Chinese Ch'ing dynasty signed the 1887 a/ and 1895 b/ Conventions to solve the frontier question between Viet Nam and China, officially recognizing, in the main, the existing border.

The delimitation of the borderline was carried out jointly by the two parties, section by section, from January 1886 to March 1887; on 26 June 1887, the two aforesaid Governments signed a border-delineating convention in Peking. a/ Article 1 of this Convention delimited the portion of border between Viet Nam and the Chinese provinces of Kwang Tung, Kwang Si and part of Yunnan. Article 2 of the Convention delimited the borderline in the Bac Bo Gulf and the portion of border between Viet Nam and the remaining part of Yunnan up to the Da river. Then, the French Government and the Ch'ing dynasty signed in Peking the 20 June 1895 Convention to complement the 1887 Convention, b/ and to give further clarifications on the portion of border between Viet Nam and the Chinese province of Yunnan.

The planting of border-stones was carried out from early 1890 to June 1897. A system of over 310 border-stones concretized the borderline on the terrain. Generally speaking, these border-stones still exist now.

a/ Convention entre la France et la Chine, relative à la Délimitation de la Frontière entre la Chine et le Tonkin (British and Foreign State Papers, 1892-1893, vol. LXXXV, p. 748 (London, Her Majesty's Stationery Office, 1899)).

b/ Convention entre la France et la Chine, complémentaire de la Convention de Délimitation de la Frontière entre le Tonkin et la Chine du 26 Juin 1887 (Ibid., 1894-1895, vol. LXXXVII, p. 523 (London, Her Majesty's Stationery Office, 1900)).

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As a matter of fact, since the signing of the conventions, the successive administrations on both sides have been exercising their sovereignty on the land and in the Bac Bo Gulf areas delimited by this borderline. But reactionary régimes in China prior to 1949 had seized more than 60 places on Vietnamese territory.

Thus, the whole borderline between Viet Nam and China on land and in the Bac Bo Gulf has been clearly delineated in the conventions signed in 1887 and 1895 between the French Government and the Ch'ing dynasty, and officially marked out (on land). This is a complete borderline both on land and in the Bac Bo Gulf, having a historical basis in the age-old political life of the two nations, a solid international legal value, and all practical elements for recognition on the terrain.

Through their exchanges of documents, the Vietnamese and the Chinese Governments have on many occasions confirmed this historical borderline.

However, it is noteworthy that the negotiation and signing of the border-delineating convention was carried out concurrently with the negotiation and signing of the trade convention between France and the Ch'ing dynasty. The latter strove to link these two questions to bring pressure to bear on France. In the course of the negotiations, in order to achieve an early expansion of trade with China, the establishment of French consulates on Chinese territory, and a prompt fulfilment of pacification programmes in Viet Nam, France cut off and gave to the Ch'ing dynasty Bac Luan Cape, the Giang Binh area, Bat Trang - Kien Duyen Canton, Deo Luong Canton, Tu Long Canton and a number of other places, to the detriment of the Vietnamese people.

2. Nevertheless, in November 1957, the Central Committee of the Viet Nam Workers' Party (i.e., the Communist Party of Viet Nam today) proposed to the Chinese side that the two sides maintain the status quo on the borderline left by history; the national border question, in view of its importance, should be settled in accordance with the existing or reaffirmed legal principles, and decisions should be made by the two Governments; all eventual border or territorial disputes should be settled through negotiations. This is a correct, reasonable and sensible policy, in keeping with historical reality and international law. In April 1958, the Central Committee of the Communist Party of China answered that it agreed to the Vietnamese proposal.

The aforesaid agreement between the two parties has a great significance, in principle and in practice, not only for the settlement of border and territorial differences, but also for the building of a borderline of lasting friendship between the two countries. This is the sincere thinking and real desire of the party, Government and people of Viet Nam. That is why the Vietnamese side has always strictly honoured the agreement between the Central Committees of the two parties.

The Chinese attitude is, however, just the reverse. The Chinese side has violated this agreement more and more seriously and failed to respect the principle

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of maintaining the status quo on the borderline left by history. It has encroached since 1949 on Vietnamese territory in 90 other places along the whole borderline between Viet Nam and China.

II. CHINESE ENCROACHMENTS ON VIETNAMESE TERRITORY SINCE 1954

In the past quarter of a century, the Chinese authorities have carried out encroachments on one area after another of Vietnamese territory, from smaller to larger ones, from militarily important to economically important ones. They have resorted to every trick, including odious ones that had not been used even by China's previous reactionary régimes. Hereunder are a number of main tricks:

1. From encroachment for cultivation and settlement purposes to land-grabbing

Turning to account the special feature that, in many places, the two countries have contiguous mountains and are watered by the same rivers, and that the inhabitants on the two sides of the borderline are linked by bounds of parenthood and nationality, the Chinese side sent Chinese to cultivate lands in Vietnamese territory and settled them on the spot, and finally the Chinese authorities arrogantly considered these areas to belong to the Chinese territory.

The Trinh Tuong area in Quang Ninh Province constitutes a typical example of this type of encroachment. This area has been clearly determined by documents, maps and border-stones to belong to the Vietnamese territory: the historical borderline which passes here through a range of high mountains clearly indicates that Trinh Tuong village and the surrounding area belong to the Vietnamese territory. In practice, for generation after generation, the Trinh Tuong inhabitants and the Chinese who came and practised cultivation in Trinh Tuong paid taxes to the Vietnamese authorities. But since 1956, the Chinese side has tried to extend control over the Chinese who had been earning their living in Trinh Tuong by supplying them with ration cards to purchase sugar, cloth and other commodities, and enlisting them into Tung San Commune, Tung Hsing District, Chwang Autonomous Zone, Kwangsi Province. Thus the Chinese authorities overtly shifted a Vietnamese territory 6 kilometres in length and 1.3 kilometres in width into the collective ownership of a Chinese commune and turned it into a Chinese territory. Then they drove away the Vietnamese inhabitants who for many generations had been earning their living in Trinh Tuong, set up telephone lines, arrogated to themselves the right to patrol the area, and unilaterally shifted the borderline to Vietnamese Khau Thuc Hill. Subsequently, they indulged in beating and kidnapping members of Viet Nam's armed security forces patrolling the historical borderline and destroyed crops of the local population. Trinh Tuong is not an isolated case. Over 40 other places have been encroached upon by the Chinese side with similar tricks, for instance, Thanh Loa village, Cao Loc District (border-stones Nos. 25, 26 and 27) in Lang Son Province; Kham Khau (border-stones Nos. 17 and 19) in Cao Bang Province; Ta Lung, Lan Phu Phin, Minh Tan

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(border-stone No. 14) in Ha Tuyen Province; Nam Chay village (border-stones Nos. 2 and 3) in Hoang Lien Son; and an area of over 300 hectares, over 4 kilometres in length and over 1 kilometre in width.

It can be said that this is a silent type of land-grabbing.

2. Turning to account the construction of friendship projects to move the borderline deep into Vietnamese territory

In 1955, in the Friendship Gate area, when helping Viet Nam restore the railroad from the Viet Nam-China border to Yen Vien near Hanoi, the Chinese side, abusing Viet Nam's trust, laid the junction of the Viet Nam-China railway over 300 metres deep inside Vietnamese territory as compared with the historical borderline, and it came to consider this railway junction to be a point on the borderline between the two countries. On 31 December 1974, the Government of the Democratic Republic of Viet Nam proposed that the two Governments instruct the two railway services to readjust the railway junction in conformity with the historical borderline, but the Chinese side flatly refused by promising examination of this question when the whole border problem was discussed by the two sides. Up to now, it has still contended brazenly that this area with the 300 metres of railroad was Chinese territory, claiming that "there cannot be a railroad of one country on the territory of another".

Also in this area, the Chinese side wrecked border-stone No. 18 on the national highway, 100 metres away from the Nam Quan Gate in order to remove all traces of the historical borderline, and planted the zero-kilometre milestone over 100 metres inside Vietnamese territory, considering this a point on the national borderline between the two countries.

Thus the Chinese side has encroached on a whole area stretching from the railway to the highway in Bao Lam village, Van Lang District, Lang Son Province; it is 3.1 kilometres long and situated half a kilometre deep inside Vietnamese territory. In 1975, in the area of border-stone No. 23 (Bao Lam village, Van Lang District, Lang Son Province), a similar attempt was made in the course of the joint laying of a pipe-line across the border: the Vietnamese side proposed that the junction of the pipe-line be located right on the borderline, which was rejected by the Chinese side; the project was therefore left unfinished.

In the construction of bridges across border watercourses the Chinese side drew up engineering projects so as to shift the borderline to China's advantage.

The Hoanh Mo ford in Quang Ninh Province was built in 1968 with Chinese aid. Over a long period after its completion the borderline along the medial line of the river was honoured by both sides; spare building material for repair work was stored on either side in equal quantities as calculated on the basis on the borderline running along the medial line of the river. But as China with ulterior motives had

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built only one water culvert close to the Vietnamese bank, the current shifted its course totally towards the Vietnamese side; then the Chinese side moved the borderline on the ford further towards Vietnamese territory. This trick was also used with regard to the Po Hen ford (Quang Ninh), the Ai Canh Dam (Cao Bang), the Ba Nam Cum Bridge (Lai Chau).

3. Unilateral construction of works at the border encroaching on Vietnamese territory

Both at portions of the border on continuous ground and at those running along watercourses, the Chinese side has undertaken, on its own, construction works with a view to gradually encroaching on Vietnamese territory.

In the vicinity of border-stone No. 53 (Dam Thuy village, Trung Khanh District, Cao Bang Province), the Ban Gioc Falls on the Quy Thuan river has long been Vietnamese, and the Peking authorities have also recognized this fact. On 29 February 1976, the Chinese side mobilized over 2,000 people, including members of the armed forces, to establish a dense defence ring round the whole area of the Ban Gioc Falls on Vietnamese territory, and sent Chinese workers there to hastily build a solid concrete dam across the border river; with this fait accompli, it encroached on Vietnamese territory on the river and at Con Po Thong and then cynically claimed that this islet belongs to China.

The township of Ai Diem (opposite Chi Ma, Lang Son) and Binh Menh (opposite Soc Giang, Cao Bang) situated close to border-stones Nos. 43 and 114, has been expanded by the Chinese side, encroaching on Vietnamese territory from tens to hundreds of metres with houses, schools and streets.

By establishing forest exploitation sites, afforestation work, and setting fire-belts, high-voltage electric lines and telephone lines encroaching on Vietnamese territory, China has turned many other Vietnamese territories into Chinese ones.

4. Borrowing Vietnamese territory and then turning it into Chinese

In a number of areas, complex topographical features cause difficulties to the Chinese population; at the request of the Chinese side, Viet Nam has lent China highways, water points, pasturing lands, firewood sites, graveyards.

However, abusing this goodwill of Viet Nam, the Chinese side has gradually come to regard these borrowed lands as Chinese. The Phia Un area (border-stones Nos. 94-95) in Tra Linh District, Cao Bang Province, is a typical example of this type of encroachment. At first the Chinese side borrowed a trail which was later expanded into a motor road leading to Chinese mines, electric lines were installed,

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the population grew and new villages were established. Basing itself on this fact, the Chinese side has come since 1956 to deny that the historical borderline runs over the top of the Phia Un mountain, but instead claims that the borderline runs quite a distance south of the above-mentioned trail, over 500 metres inside Vietnamese territory. It argues that were it not Chinese territory, how could they have built a motor-road and established a telephone line and so on. The main reason for its encroachment lies in the existence of a manganese deposit in Phia Un area.

5. Removal and legal distortion of national border-stones to change the borderline

In addition to illegal occupation of Vietnamese territory under cover of the shifting at an earlier stage of border-stones, at variance with the principle of maintaining the status quo of the historical borderline, the Chinese side has also shifted, on its own, border-stones at various places; further it has secretly destroyed or taken away those border-stones which are unfavourable to them, such as in Chi Ma (Lang Son) and at border-stone No. 136 in Cao Bang Province. In such cases, it has turned down all Vietnamese proposals for joint investigation and establishing records of the facts. Even in a number of places where the position of the border-stones correspond to the historical borderline, it has sought to distort the facts; thus, it has refused to admit the borderline running between two border-stones in the area of Kim Ma-Kim Ngan-Mau Son (border-stones Nos. 41, 42 and 43) in Lang Son Province, a distance of over 9 kilometres with a width of 2.5 kilometres inside Vietnamese territory and an area of approximately 1,000 hectares; and in the area of Na Pang-Keo Trinh (border-stones Nos. 29, 30 and 31) in Cao Bang Province, 6.45 kilometres in length, 1.3 kilometres in width, and about 200 hectares in area.

6. Building border roads to encroach on Vietnamese territory

To prepare for aggressive attacks against Viet Nam, the Chinese side has carried out for many years on end a big plan of building border roads, allegedly for the purposes of "mechanizing agriculture". Especially since 1974, it has undertaken massive projects of road building; in some places, 8,000 people were mobilized at a time for this job. While building these roads, they destroyed vestiges of the historical borderline; in many places, they have encroached upon Vietnamese territory; from October 1976 to 1977 alone, they encroached upon Vietnamese territory at dozens of points, some with an area of over 32 hectares, 1 kilometre deep inside Vietnamese territory. This was the case in the area between border-stones Nos. 63 and 65 in Tra Linh District, Cao Bang Province, and in the area between border-stones Nos. 1 and 2 in Cao Ma Po, Ha Tuyen Province. Here the encroachment is 4 kilometres long and 2 kilometres deep inside Vietnamese territory.

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7. To draw wrong borderlines on maps printed for Viet Nam

In 1955-1956, Viet Nam requested China's aid for the reprinting of maps of Viet Nam at the 1:100,000 scale. Abusing Viet Nam's trust, the Chinese side drew some portions of the borderline further towards the Vietnamese side, thus turning Vietnamese territories into Chinese. For instance, it changed the drawing in the area of the Ban Gioc Falls (border-stone No. 53) which it wanted to occupy in parts along with Con Po Thoong (Cao Bang Province).

8. Resorting to threats of armed forces and stationing troops to occupy land

In some important areas, the Chinese side has openly used armed forces for encroachment purposes. In Tra Man-Suoi Lung area (border stones Nos. 136-137), Bao Lac district, Cao Bang Province, China in 1953 sent a number of Chinese families to settle on Vietnamese territory and stay there with Vietnamese people; later on, it continued sending out more people, thus establishing three hamlets (with 16 households and 100 persons) called Si Lung after the name of a nearby Chinese village. However, up to 1957, the Chinese side still recognized this area to be Vietnamese. From 1957 onwards it built schools, installed a loud-speaker network, exploited graphite, then brazenly hoisted flags as a sign of Chinese territorial sovereignty. In June 1976, Chinese armed forces were impudently sent in to suppress the struggle of the people and to obstruct Viet Nam's patrolling activities in the area, occupying a Vietnamese area of over 3.2 kilometres possessing a graphite deposit.

A similar situation occurred in the area between border-stones Nos. 2 and 3 in Nam Chay village, Muong Khuong District, Hoang Lien Son Province. In 1967-1968, a number of Meo families from Ma Kwan District, Yunnan Province (China) came to settle down here. The Vietnamese side requested the Chinese side to take these people back to China. Nevertheless the Chinese side turned a deaf ear, and further increased the number to 36 households comprising 152 persons; it levied taxes and supplied the people with ration cards for the purchase of cloth; this Meo hamlet was called "Sin Sai Thang" after the name of a Chinese village, 3 kilometres from the area, on the other side of the border. In spite of repeated protests from the Vietnamese side, the Chinese side failed to take these people home; instead, Chinese armed forces were sent in early 1976 to occupy the area. The Chinese side has now established telephone lines, installed loud-speakers, built schools and set up production teams, regarding the area as a Chinese territory.

9. Occupying the Hoang Sa Islands (Paracels) of Viet Nam

The Hoang Sa Islands (Chinese name: Si Sha) are about 120 miles east of Da Nang. The Vietnamese side possesses documents fully showing that both these islands and the Truong Sa Islands (Chinese name: Nam Sha) farther to the south are

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Vietnamese territory. The Vietnamese people have, for a long time now, discovered and exploited the Hoang Sa Islands, over which the Nguyen Dynasty officially exercised Vietnamese sovereignty. After establishing its protectorate over Viet Nam in the middle of the nineteenth century, France, in the name of Viet Nam, set up on the islands two administrative units and one weather station, which has supplied the World Meteorological Organization with data on a continuing basis over the past decades under the code name of Htang Sa (Spratley). Viet Nam has always exercised sovereignty over these islands. This is clear and undeniable.

However, after the United States withdrawal from Viet Nam under the provisions of the Paris Agreements of 27 January 1973 and at a moment when the Vietnamese people were stepping up their struggle for the liberation of South Viet Nam and the puppet régime in South Viet Nam was about to collapse, the Chinese authorities brazenly used armed force to occupy the Hoang Sa Islands.

The way they occupied the Hoang Sa Islands was the same as the way they had used to encroach on the territory of neighbouring countries. This was an odious betrayal in view of their boasts. The following is a rough account of the event:

(a) On 26 December 1973, the Ministry of Foreign Affairs of the Socialist Republic of Viet Nam informed the Government of the People's Republic of China of Viet Nam's intention to prospect for oil in the Bac Bo Gulf and proposed that negotiations be started in order to officially delimit the border between the two countries in the Bac Bo Gulf.

(b) On 11 January 1974, the spokesman of the Chinese Ministry of Foreign Affairs stated that the Tay Sa (Hoang Sa) and Nam Sa Islands (Truong Sa) were Chinese territory, and that China would not tolerate any encroachment on its sovereignty and territory.

(c) On 18 January 1974, an answer came from the Chinese Government, saying in substance that it agreed to the proposed negotiations regarding the Bac Bo Gulf, but did not agree to the involvement of any third country in the exploration and exploitation of the Gulf. In fact, it wanted to prevent Viet Nam from co-operating with Japan, France and Italy in the exploration and exploitation of the Vietnamese continental shelf in the Bac Bo Gulf.

(d) On 19 January 1974, mobilizing great naval and air forces, China attacked the Sai Gon administration's troops stationed on the Hoang Sa Islands. This aggressive military operation was dubbed "a counter-offensive in self-defence".

Prior to 1973, the Chinese side had indulged in encroachments and provocations in many places on the Viet Nam-China border. Since its occupation of the Hoang Sa Islands, border incidents and land encroachments provoked by the Chinese side against Viet Nam have been increasing in number:

1974:	179 cases
1975:	294 cases
1976:	812 cases
1977:	873 cases
1978:	2,175 cases.

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III. THE TWO ROUNDS OF NEGOTIATIONS BETWEEN THE VIETNAMESE AND THE CHINESE GOVERNMENTS FOR THE SETTLEMENT OF THE BORDER QUESTIONS BETWEEN THE TWO COUNTRIES

In 1957-1958, the two parties agreed that, along with the maintenance of the status quo on the borderline left by history, talks at provincial level would be held to settle specific questions relating to the people's life and the security and order of the border region of the two countries. Since that date there have been a great number of meetings between local authorities which resulted in the working out of certain regulations on the movement, trade, mutual visits, etc., between the population of the frontier provinces. However, the territorial question should be negotiated and settled by the two Governments.

That is why there were two rounds of negotiations at vice-foreign-minister level in 1974 and in 1977-1978.

The first round of negotiations

With a view to furthering national construction, on 26 December 1973, the Vietnamese Government proposed to the Chinese Government that negotiations be held to officially delineate the borderline between Viet Nam and China in the Bac Bo Gulf.

On 18 January 1974, the Chinese Government agreed to negotiate, but insisted on prospection work not being carried out in the rectangular area formed by the 18th to 20th parallels and the 107th and 108th meridians, and on "no third country being allowed to explore the Bac Bo Gulf"; the purpose was to prevent Viet Nam from exploiting the resources of its continental shelf.

The negotiations started on 15 August 1974 in Peking.

The 1887 Convention between France and the Ch'ing dynasty, article 2, stipulates: the meridian 105° 043' east of the Paris Meridian (i.e., the meridian 108° 03'13" east of the Greenwich Meridian) is the borderline between the two countries in the Bac Bo Gulf. The Vietnamese side was prepared to hold discussions with the Chinese side in order to determine the mouth of the Bac Bo Gulf, and thence to officially determine the borderline in the Gulf.

The Chinese side categorically refused to accept article 2 of the 1887 Convention, and to consider the aforesaid meridian as constituting a borderline. They claimed that there had never been any borderline in the Bac Bo Gulf, and that the two countries had to discuss and delineate it. Although the Vietnamese side expressed their readiness to listen to the Chinese views, the Chinese spoke only in general terms, saying that if this meridian was to be adopted, China's share would be "too small", while Viet Nam's would be "too large", therefore there must be a fair and reasonable division; but they did not put forward any concrete plans, and deliberately dragged the negotiations on.

By the end of November 1974, the talks had to be suspended.

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The second round of negotiations

On 18 March 1975, the Chinese Government proposed to the Vietnamese Government that in 1975 negotiations be opened on the land border question between the two countries.

On 12 April 1975 the Vietnamese Government replied that it agreed in principle, but as in the immediate future it had a lot of work to do in view of the developments in the liberation of South Viet Nam, it proposed that the negotiations be postponed to an appropriate date. In the meantime, the Vietnamese side proposed that the two sides resume the talks between border provinces; however, these negotiations also failed to bring about any results; meanwhile, Chinese violations and provocations at the Viet Nam-China border kept increasing in number.

On 7 October 1977, the negotiations were started in Peking between representatives of the Vietnamese and Chinese Governments to solve questions relating to the border on land and in the Bac Bo Gulf.

The Vietnamese side once more reaffirmed that both sides should strictly respect the 1887 and 1895 Conventions relating to the land and sea borders and that it was, therefore, necessary to discuss the whole border question. The Chinese side adamantly insisted on discussing only the question of the land border.

The negotiations were facing difficulties. With a view to bringing them forward, the Vietnamese side agreed to discuss first the land border question, then the question of the border in the Bac Bo Gulf. Nevertheless, the Chinese side refused the discussions. It insisted on the Vietnamese side giving up its view to the effect that there already existed a borderline in the Bac Bo Gulf. And only in that case, would it agree to discuss the land border question.

To seek a way out, the Vietnamese side again proposed that the two sides discuss at once the land border question; as for the differences over the Bac Bo Gulf, each side might maintain its respective views and the question would be discussed later.

On the basis of the proposals made by Viet Nam and China, the Vietnamese side put forth a draft agreement on the national land border between the two countries for joint discussions.

The full text of the draft agreement is as follows:

Draft agreement on the national land border between the
Socialist Republic of Viet Nam and the People's Republic
of China

The Government of the Socialist Republic of Viet Nam and the Government of the People's Republic of China,

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Proceeding from the desire to unceasingly consolidate and strengthen the militant solidarity and the great traditional friendship on the basis of Marxism-Leninism and proletarian internationalism between the Socialist Republic of Viet Nam and the People's Republic of China, between the Vietnamese and the Chinese peoples,

With a view to building up a frontier of lasting friendship between Viet Nam and China, in conformity with the earnest aspirations and fundamental interests of the two peoples,

On the basis of respect for each other's independence, sovereignty and territorial integrity and complete equality and on the principle of respect for the borderline left by history,

Have agreed as follows:

Article 1

The High Contracting Parties officially recognize that the frontier between Viet Nam and China as delimited and marked out under the documents on the frontier line signed by the Government of the French Republic and the Government of the Chinese Ch'ing dynasty is the national frontier line between the Socialist Republic of Viet Nam and the People's Republic of China.

These documents on the frontier line include:

1. The Convention on the delimitation of the borderline between Tonkin and China signed on 26 June 1887 along with the proces-verbaux and delimitation maps enclosed;
2. The complementary Convention to the 26 June 1887 Convention on the delimitation of the borderline between Tonkin and China, signed on 20 June 1895 along with the proces-verbaux and delimitation maps enclosed;
3. The proces-verbaux and maps of the border-stones in implementation of the above Conventions, signed from 15 April 1890 to 13 June 1897, date of the completion of the marking out of the borderline between Tonkin (Viet Nam) and Yunnan Province (China).

In the following articles, the above documents on the borderline will be referred to as "the 1887 Convention and the 1895 Convention".

Article 2

The High Contracting Parties undertake to respect the national borderline between the two countries referred to in article 1.

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The areas administered by either Party beyond the border mentioned in article 1 must be returned to the other Party.

Article 3

The national borderline between the two countries referred to in article 1 is clear in general. In case, after repeated comparisons and studies in conformity with the provisions of the 1887 and 1895 Conventions, it cannot be ascertained to which Party a small number of places on the frontier line belong, the two Parties shall try, through on-the-spot inspections and friendly consultations, to reach a settlement on a fair and logical basis.

Article 4

Both with regard to the border portions running along watercourses and to the islands on the same and in case these border rivers shift course for natural causes, the two Parties shall strictly abide by the provisions of the 1887 and 1895 Conventions concerning the borderline along these watercourses.

No matter how the borderline along watercourses is delimited under the provisions of the 1887 and 1895 Conventions, the borderline on the bridges spanning these watercourses runs exactly along the medial line of the bridges.

Article 5

Within one year of approval by the two Governments of the decision of the Joint Commission referred to in article 7 below regarding each border portion, the population of the area returned by one Party to the other will go back and live in the country of which they hold the nationality.

In case anyone wants to remain, he must register with the local administration so as to become a citizen of the country to which the land is returned.

Article 6

Neither side shall allow its population to cross the border for farming and illegal occupations on the territory of the other side.

In the areas returned to each other, an end shall be put to farming activities across the border immediately after the decisions of the Joint Commission referred to in article 7 below on each section of the borderline are approved by the two Governments.

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Those persons who have grown crops on the territory of the other side shall be allowed to come and care for them until the crops are gathered in, and must respect all laws and regulations of the country.

Article 7

After this agreement comes into force, the two sides will set up a joint Viet Nam-China border commission (the Joint Commission) comprising representatives of the two sides in equal numbers. The Joint Commission shall base itself on the provisions of this Agreement to perform the following duties:

1. To determine concretely on the ground the entire length of the national land border between the two countries under article 1 of this Agreement;
2. To solve on the ground the question of the border sections referred to in articles 2 and 3 of this Agreement. The decisions of the Joint Commission on each section of the borderline are subject to approval by the two Governments;
3. To solve questions related to one party's returning lands to the other;
4. To verify and locate the national border-stones under the 1887 and 1895 Conventions, to put in place the national border-stones which are not in the right positions under the above-mentioned Conventions and to plant complementary border-stones in the places the two sides deem necessary, to solve questions related to the maintenance of the national border-stones;
5. To draft protocols to delimit on the terrain the national land border between the two countries and to draw maps of this borderline with detailed mention of the location of the borderline and the border-stones.

The Joint Commission will begin operations right after its establishment and terminate its duties after the signing of the above-mentioned protocols.

Article 8

The protocol along with the enclosed map referred to in article 7, paragraph 5, will be signed by the two Governments and will be an integral part of this agreement.

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Article 9

This Agreement shall be ratified and shall come into force on the date of exchange of the instruments of ratification.

After this Agreement comes into force and the protocol referred to in article 7, paragraph 5, of this Agreement is signed, all Conventions and documents relating to the land border between the two countries shall immediately lose effect.

Done in on the day
of the year in duplicate in the Vietnamese and Chinese
languages, both texts being authentic.

FOR THE GOVERNMENT
OF THE SOCIALIST REPUBLIC
OF VIET NAM

FOR THE GOVERNMENT
OF THE PEOPLE'S REPUBLIC
OF CHINA

The Chinese side refused to consider the draft agreement. It put forward another proposal which was in fact an amended version of an old one. It was its design to maintain the present state of the borderline (not the status quo of the historical borderline) so as to keep the areas it had occupied by encroachment and to change many border portions to its advantage.

The negotiations dragged on for 10 months without any result. Even at a time when the Chinese side intensified its border provocations, created the Hoa problem, and cut its aid to Viet Nam, the Vietnamese side patiently pursued the talks. But finally, no result was achieved as events proved that the more the Vietnamese side showed goodwill, the more the Chinese side pushed forward its demand. It obdurately tried to carry out its designs of big-Power expansionism; as a result, it did not respond to any proposal of the Vietnamese side. The negotiations on the border question ended in failure; the responsibility for it rested entirely on the Chinese side.

IV. CHINESE PROVOCATIONS AND VIOLATIONS OF THE SOVEREIGNTY AND
TERRITORY OF VIET NAM SINCE 1978

From early 1978 to 17 February 1979, date of the massive invasion of Viet Nam, the Peking authorities, on the one hand, deadlocked the negotiations on the border question and on the other, openly pursued a hysterical anti-Viet Nam policy.

In the border region, the Peking authorities escalated the use of force, intensified provocations and encroachments on the border, sovereignty and territory of Viet Nam:

(a) From early 1978 to August 1978, the Peking authorities provoked, through enticement or constraint, an exodus to China of Hoa people who were leading a

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peaceful life in Viet Nam, mainly in border provinces, in an attempt to create political, social and economic disturbances in Viet Nam which had then to cope with the heavy aftermath of natural calamities without precedent in the past 100 years; at the same time, they prepared the formation of a number of agents required for future aggressive operations. With this perfidious scheme, they enticed about 170,000 Hoa people to go back to China. The most despicable trick was their sudden decision to close the borders while Hoa people were pouring into China in a steady flow. This was to serve as a pretext to instigate these people to oppose the Vietnamese authorities. That was the situation they brought about at the Bac Luan border bridge (Quang Ninh Province), at the Friendship Gate (Lang Son Province); while large numbers of Hoa people were blocked, they sent out their agents along with hooligans to indulge in acts of violence and create disturbances, at the Bac Luan Bridge on 8 August 1978 and at the Friendship Gate on 25 August 1978, killing two members of the Vietnamese security forces and wounding 25 others.

(b) The Peking authorities massed troops (infantry, armour, air force and artillery) close to the border, built fortifications, arranged military positions on the heights all along the border, and evacuated Chinese civilians in the border region to the hinterland. At the same time, the huge propaganda machine of Peking slanderously accused Viet Nam of "violating Chinese territory", and Chinese Vice-Premier Deng Xiao-ping, disregarding all principles of the United Nations, uttered repeated threats about teaching Viet Nam "a lesson" and "punishing Viet Nam".

(c) The Chinese armed forces made repeated encroachments on Vietnamese territory, destroyed barbed wire fences, mine fields and other defensive works of the Vietnamese side.

(d) They intruded into Vietnamese territory and attacked guard posts of the Vietnamese militia and border-guards, opened sniper fire, and kidnapped Vietnamese to China. Hereunder are some examples:

- (i) On 13 October 1978, the Chinese armed forces intruded deep into Vietnamese territory in Pha Long village, Muong Khuong District, Hoang Lien Son Province, ambushed a working group on duty, killed two border guards and abducted Nguyen Dinh Am to China.
- (ii) On 1 November 1978, on Chong Mu Hill, Cao Bang Province, hundreds of Chinese troops, together with over 1,000 Chinese militiamen entered Vietnamese territory, opened fire and attacked a Vietnamese militia group doing their duty on Vietnamese soil.
- (iii) On 23 December 1978, Chinese armed forces crossed the border and launched an attack on a Vietnamese militia group who were doing their duty on Vietnamese territory in the area of border-stone No. 2 (at Binh Nhi, Lang Son Province) and took four persons away to China.

Similar provocations on the whole borderline can be counted by the hundred.

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Since early 1979, the Chinese provocations have been carried out on an increasing scale and involving ever-increasing forces.

(a) Artillery based in China (heavy machine-guns, 82 mm mortars, 75 and 85 mm recoilless guns) brazenly opened fire in the direction of Viet Nam in waves, or for many successive days. A civilian walking on the road, a village, a hamlet, a residential quarter of a town, a workyard, a forest exploitation site, a State farm - all are targets for shelling. Hereunder are some examples:

- (i) On 14 January 1979, Chinese forces shelled Phai Lau hamlet, Binh Lieu District, Quang Ninh Province.
- (ii) On the same day, they shelled the main streets of Lao Cai provincial capital in Hoang Lien Son Province during a rush hour.
- (iii) On 2 February 1979 they shelled the Phuc Hoa sugar refinery and Hung Long hamlet, Qui Thuan village, Quang Hoa District, Cao Bang Province.
- (iv) From 10 January 1979 to 25 January 1979, with different types of infantry weapons and 82 mm mortars, they fired at a Vietnamese border-post in Tra Linh, Cao Bang Province.

(b) With big infantry forces and strong fire support, they attacked and encroached upon Vietnamese territory, for instance:

- (i) On 10 February 1979, over a battalion of the Chinese regular army entered Viet Nam over a distance of 2 kilometres, and occupied the militia's posts in Thanh Loa village, Cao Loc District, Lang Son Province.
- (ii) On 11 February 1979, a company of Chinese regular army occupied the Hang Na-Coc Pheo area, Can Yen village, Thong Nong District, Cao Bang Province.
- (iii) On 15 February 1979, a company of Chinese regular army crossed the border to occupy Na Ke hamlet of Bao Lam village, Van Lang District, Lang Son Province.

All the brazen and increasingly serious acts of provocation, carried out by the Chinese side, especially since 1978, have no other purpose than to make frenzied preparations for a war of aggression against the Vietnamese people. This has been borne out by the facts:

At dawn, on 17 February 1979, the Peking authorities unleashed a war of aggression against Viet Nam involving 600,000 troops from 11 army corps and many independent divisions (among them, a number of divisions specializing in mountain fighting and including people who had been helping Viet Nam to build roads in border areas, and Hoa people who had previously lived in Viet Nam), over 500 tanks and armoured cars, and over 700 planes of different types. On the very first day,

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about 20 Chinese infantry divisions simultaneously attacked six Vietnamese provinces bordering on China: Quang Ninh, Lang Son, Cao Bang, Ha Tuyen, Hoang Lien Son and Lai Chau.

Because of the defeats inflicted by strong ripostes from the Vietnamese people, of strong condemnation by public opinion throughout the world and opposition from the Chinese people, the Peking authorities are withdrawing their troops to China.

Since the beginning of the aggression in Viet Nam, the Chinese aggressors have indulged in wanton shooting, arson, looting, rape, and pitiless massacre with extremely barbarous methods. They broke the victims' skulls with rifle butts, bayoneted them, beheaded them, cut their bodies into pieces, threw grenades into shelters, rounded people up and opened fire on them. The victims were mostly old people, women and children. In Cao Lau, Van Lang (Lang Son), they tore to pieces the body of Vi Viet Luong, a pupil of the fourth form, woke up seven children who were sleeping, shot them dead, then cut their bodies to pieces, and threw them out into the yard. In Thanh Loa village (Lang Son), four Chinese soldiers dragged a school mistress of Tay nationality to a hill, raped her and shot her. In the brick and tile enterprise of Quang Kim village, Bat Xat District (Hoang Lien Son) they killed all the male workers with their B40 guns, raped the women workers and abducted them to China.

What is more serious, at the Bat Xat market (Hoang Lien Son), they beheaded and disembowelled about 100 children, and scattered their bodies.

In the process of their slow withdrawal, the Chinese aggressors have continued to commit numerous crimes against the Vietnamese people. They have shelled and blown up everything still left standing, thus completely destroying Lang Son, Cao Bang and Lao Cai townships. Moreover, they have laid mines everywhere and even poisoned water wells killing or poisoning a number of civilians.

V. THE CORRECT WAY TO A SETTLEMENT OF THE FRONTIER QUESTIONS BETWEEN VIET NAM AND CHINA

The facts expounded above have clearly illustrated the following:

(a) A historical frontier has existed between Viet Nam and China for a long time. It was defined by the 1887 and 1895 Conventions and subsequently clearly marked out along the entire length of the 1,400 kilometres of land border.

(b) Over the past 21 years, the Chinese side, in violation of the agreement between the two countries on the maintenance of the status quo of the frontier left by history, has committed thousands of encroachments on the border, sovereignty and territory of Viet Nam.

(c) The Chinese side has deliberately deadlocked the talks on the border problem between the two countries; it has been intensifying armed provocations

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against Viet Nam and on 17 February 1979, it embarked on a massive invasion of Viet Nam.

In order to conceal the size of the war, to mislead the peoples of China and the world, the Chinese rulers have uttered base lies to the effect that the Vietnamese side indulged in "provocation" and "aggression", thus compelling China to launch a "counter-offensive in self-defence". The same contention about "counter-offensive in self-defence" was made in 1962 during the aggression against India and in 1974 when the Vietnamese islands of Hoang Sa were occupied. When the Chinese rulers talk about a "counter-offensive in self-defence", they are acting like all aggressors.

The Peking rulers have even said that this is only "a limited war" waged by "border-guard forces". In fact, they are clearly waging a large-scale war of aggression aimed at annexing Viet Nam, a war involving, at the outset, the participation of dozens of regular divisions with a troop strength equalling that of the United States at the peak of the United States war of aggression in Viet Nam.

The peoples of the five continents, the Governments of many countries including Deng Xiao-ping's friends in the West, have all called this China's aggression against Viet Nam. The ordinary people in China have also begun to be aware of the adventure that the Chinese rulers are pushing their country into with incalculable consequences.

Why did the Chinese rulers embark on an aggression against Viet Nam although this laid bare their real nature of big-nation expansionism and their nature as aggressors?

The current war of aggression in Viet Nam has its origin in the Chinese rulers' policy of trying to weaken and subjugate Viet Nam, to make it dependent on China, and at the same time, to annex Lao and Kampuchea in order to turn the Indochinese Peninsula into a springboard for the implementation of their big-nation expansionism in South-East Asia. They have suffered repeated setbacks in using the Pol Pot-Ieng Sary clique for attacks against Viet Nam from the south-west, in indulging in armed provocations and increasing military pressure from the North, in using the Hoa people to cause trouble and violence from within, and in trying to stifle Viet Nam by causing other countries to cut their aid at a moment when Viet Nam was facing economic difficulties.

They have also closed the three Vietnamese consulates general in Kunming, Namning and Kwangchau, cut off the international railway and terminated the agreement on exemption of visas for officials of the two countries, with a view to covering up their preparations for military attacks against Viet Nam. Finally the Chinese rulers have rashly embarked on a war of aggression against Viet Nam.

In attacking all the six provinces on the northern border of Viet Nam, they have also attempted to change the borderline, that is to hold on tightly to the areas they

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have previously occupied by encroachment, and at the same time to occupy other places. They themselves have brazenly made this clear when they said that the Chinese troops would withdraw to the other side of "the borderline recognized by China". According to first reports, they have moved border-stones Nos. 41 and 45 at Chi Ma (Lang Son) deep inside Vietnamese territory. Yet they have often declared: "China does not want an inch of land from any countries"!

The stand of the Government of the Socialist Republic of Viet Nam has been made clear in the note dated 2 March 1979 to the Chinese Ministry of Foreign Affairs (A/34/104-S/13134, annex): the Chinese rulers having provoked a war of aggression in Viet Nam must put a permanent end to their aggression; withdraw immediately, completely and unconditionally their troops to the other side of the borderline left by history, as agreed upon between the two sides, and strictly respect the independence, sovereignty and territorial integrity of Viet Nam.

On 6 March 1979, the Vietnamese side stated:

"If China really withdraws all its troops from Vietnamese territory as it has said it will, after the total withdrawal of the Chinese troops to the other side of the historical frontier which the two sides have agreed to respect, the Vietnamese side will be disposed to begin immediately with the Chinese side negotiations at the level of Deputy Minister for Foreign Affairs on the re-establishment of normal relations between the two countries. The place and date will be agreed upon between the two sides." (A/34/107-S/13144, annex)

If the Chinese rulers pursue their policy of aggression against Viet Nam, the Vietnamese people and army, exercising their sacred right of self-defence, will resolutely fight against the aggressors to defend their motherland, and to preserve peace in South-East Asia and the world.

The Vietnamese people are determined to spare no effort to preserve the traditional friendship with the Chinese people.

The Government of the Socialist Republic of Viet Nam firmly demands that the Chinese rulers:

1. Put a permanent end to their aggression; withdraw immediately, completely, and unconditionally all their troops; stop all criminal acts against Viet Nam; strictly respect the independence, sovereignty and territorial integrity of Viet Nam; respect the borderline left by history as agreed upon between the two sides; immediately stop the shifting of border-stones and other acts aimed at changing this borderline.

2. Start, at an early date with the Vietnamese side, the negotiations mentioned in the note sent on 15 March 1979 by the Vietnamese Ministry of Foreign Affairs to the Chinese Ministry of Foreign Affairs (A/34/121-S/13174, annex), with a view to bringing about peace and stability in the border areas, and restoring normal relations between the two countries.

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The Vietnamese Government and people are firmly confident that the fraternal socialist countries, the member countries of the Non-Aligned Movement, the national independent countries, the friendly countries, and peace-loving and justice-loving people in the world will strengthen their solidarity with and support for Viet Nam, in the interests of independence, peace and stability in South-East Asia and in the world.
