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Les océans et le droit de la mer

**Lettre datée du 25 octobre 2017, adressée au Secrétaire général
par le Chargé d'affaires par intérim de la Mission permanente
de la Chine auprès de l'Organisation des Nations Unies**

D'ordre de mon gouvernement, j'ai l'honneur de vous faire tenir ci-joint la note verbale (voir annexe**) adressée au Ministère des affaires étrangères du Viet Nam par le Ministère des affaires étrangères de la Chine, en réponse à la lettre datée du 29 septembre 2017, adressée au Secrétaire général par la Représentante permanente du Viet Nam auprès de l'Organisation des Nations Unies (A/72/389).

Je vous serais reconnaissant de bien vouloir faire distribuer le texte de la présente lettre et de son annexe comme document de l'Assemblée générale, au titre du point 77 a) de l'ordre du jour.

Le Chargé d'affaires par intérim
de la Mission permanente de la
République populaire de Chine
auprès de l'Organisation des Nations Unies,
(Signé) **Wu Haitao**

* Nouveau tirage pour raisons techniques (19 décembre 2017).

** L'annexe au présent rapport est publiée telle que reçue, dans la langue de l'original seulement (en chinois et en anglais).



**Annexe à la lettre datée du 25 octobre 2017, adressée
au Secrétaire général par le Chargé d'affaires par intérim
de la Mission permanente de la Chine auprès de l'Organisation
des Nations Unies**

17 October 2017
Beijing

(2017) Bu Bian Zi No. 81

The Ministry of Foreign Affairs of the People's Republic of China presents its compliments to the Ministry of Foreign Affairs of the Socialist Republic of Vietnam, and with reference to the Diplomatic Notes (No.649/NG-UBBG, No.634/NG-UBBG and No.515/NG-UBBG) concerning matters related to the South China Sea that are annexed to the letter, dated 29 September 2017, from Nguyen Phuong Nga, Permanent Representative of the Socialist Republic of Vietnam to the United Nations, to H.E. Mr. Antonio Guterres, Secretary-General of the United Nations, in which the aforesaid Diplomatic Notes are requested by Vietnam to be circulated, has the honor to reiterate China's positions as follows:

I. Nanhai Zhudao (the South China Sea Islands) are China's inherent territory. China has sovereignty over Nanhai Zhudao, including Xisha Qundao (the Xisha Islands) and Nansha Qundao (the Nansha Islands), and the adjacent waters, and enjoys sovereign rights and jurisdiction over the relevant waters as well as the seabed and subsoil thereof. And this is solidly grounded in history and law.

In disregard of the fact that Vietnam has invaded and illegally occupied by force some islands and reefs of China's Nansha Qundao since the 1970s, Vietnam fabricated in the aforesaid Diplomatic Notes so called historical and legal bases, raised illegal territorial claims to China's Xisha Qundao and Nansha Qundao, and made unfounded accusations against China's usual activities conducted within the scope of its sovereignty, China deplores and is firmly opposed to that.

II. The activities of the Chinese people in the South China Sea date back to over 2,000 years ago. China is the first to have discovered, named, and explored and exploited Nanhai Zhudao and relevant waters, and the first to have continuously, peacefully and effectively exercised sovereignty and jurisdiction over them, establishing China's sovereignty and relevant rights and interests in the South China Sea. Following the end of the Second World War, China recovered Xisha Qundao and Nansha Qundao which had been illegally occupied by Japan during its war of aggression against China and resumed the exercise of sovereignty over them.

In February 1948, the Chinese Government promulgated the dotted line to reaffirm China's territorial sovereignty and relevant rights and interests in the South China Sea. Since the founding of the People's Republic of China, the Chinese Government has further upheld its sovereignty and relevant rights and interests in the South China Sea by measures such as adopting legislations, establishing administration and making diplomatic representations.

III. For quite a long time after the Second World War, many countries in the world, including Vietnam, recognize that Xisha Qundao and Nansha Qundao are part of China's territory. Prior to 1974, none of the successive Vietnamese governments had ever challenged China's sovereignty over Xisha Qundao and Nansha Qundao. Vietnam had officially recognized Xisha Qundao and Nansha Qundao as part of China's territory since ancient times. This position was reflected in its government statements and notes as well as its newspapers, maps and textbooks.

On 4 September 1958, the Chinese Government issued a declaration (see enclosure 1), stating that the breadth of the territorial waters of the People's Republic of China shall be 12 nautical miles and making it clear that "This provision applies to all territories of the People's Republic of China including the Chinese mainland and its coastal islands, as well as Taiwan and its surrounding islands, the Penghu Islands, the Dongsha Islands, the Xisha Islands, the Zhongsha Islands, the Nansha Islands and all other islands belonging to China". Ten days later, Premier Pham Van Dong of the Vietnamese Government sent a diplomatic note (see enclosure 2) to Premier Zhou Enlai of China's State Council, solemnly stating that "the Government of the Democratic Republic of Vietnam recognizes and supports the declaration of the Government of the People's Republic of China on its decision concerning China's territorial sea made on September 4, 1958" and "the Government of the Democratic Republic of Vietnam respects this decision". After 1958, Vietnam made repeated statements to support the Chinese Government's protests against the U.S. military aircraft's violating the territorial airspace of China's Xisha Qundao.

However, starting from the 1970s, in a blatant breach of the *Charter of the United Nations* and the basic norms governing international relations, Vietnam not only made illegal territorial claims to China's Xisha Qundao and Nansha Qundao, but also invaded and illegally occupied some islands and reefs of China's Nansha Qundao by force. Vietnam's relevant acts seriously violate China's territorial sovereignty and maritime rights and interests, and are illegal and void. China is firmly opposed to this, and has continuously demanded Vietnam to stop its acts of violating China's sovereignty.

IV. In January 1974, the Chinese military and people drove the invading army of the Saigon authority of South Vietnam out of Shanhu Dao (the Shanhu Island) and Ganquan Dao (the Ganquan Island) of Xisha Qundao and defended China's territory and sovereignty. In March 1988, the Vietnamese Navy made a forced landing on Chigua Jiao (the Chigua Reef) of China's Nansha Qundao, and wounded Chinese personnel. The Chinese military was forced to counterattack. Vietnam's irresponsible accusations against China's legitimate actions to defend its territorial sovereignty and preserve the safety of lives and properties of its people are totally unacceptable to China.

V. China's routine military training in relevant maritime areas of Xisha Qundao and the commencement of the Nanhai Zhimeng Cruise Liner, are both usual activities of national defense and peaceful construction within the scope of China's sovereignty, and are therefore blameless.

VI. In order to expound systematically China's consistent positions on matters related to the South China Sea, the Chinese Government promulgated respectively on 12 July and 13 July 2016 the *Statement of the Government of the People's Republic of China on China's Territorial Sovereignty and Maritime Rights and Interests in the South China Sea* and the white paper entitled *China Adheres to the Position of Settling Through Negotiation the Relevant Disputes between China and the Philippines in the South China Sea*. Disregarding the basic facts, Vietnam's accusations against the abovementioned documents of China lack basic legal and logic bases, and affect by no means China's territorial sovereignty over Nanhai Zhudao and its relevant rights and interests in the South China Sea. China urges Vietnam to respect China's territorial sovereignty and maritime rights and interests in the South China Sea.

VII. China's sovereignty and relevant rights in the South China Sea, which have ample historical and legal evidences, are established in the long course of history and upheld by successive Chinese Governments. The real intention of Vietnam's attack on China's dotted line is to deny China's territorial sovereignty over Nanhai

Zhudao and cover up the fact that it has invaded and illegally occupied some islands and reefs of China's Nansha Qundao.

VIII. While firmly upholding its territorial sovereignty and maritime rights and interests in the South China Sea, China is always committed to settling the disputes related to Nansha Qundao by peaceful means through negotiation and consultation with sovereign states directly concerned, including Vietnam, and maintaining peace and stability in the South China Sea together with ASEAN Member States. At present, thanks to the joint efforts by China and ASEAN Member States, the situation in the South China Sea has been eased and cooled down, taking on incessantly sound momentums.

China urges once again Vietnam to respect China's territorial sovereignty and maritime rights and interests in the South China Sea, cherish the hard-won sound situation in the South China Sea, and abide by international law including the *Charter of the United Nations* as well as the bilateral documents such as the *Agreement on Basic Principles Guiding the Settlement of the South China Sea Issue Between China and Vietnam*. China also urges Vietnam to implement in good faith the important consensus between the leaders of the two Parties and two countries, end hyping up matters related to the South China Sea on multilateral fora including the United Nations, and work with China in the same direction in continuing to settle the differences between the two countries through negotiation and consultation and explore actively ways to enter into provisional arrangements including joint development, so as to make its due contribution to maintain peace and stability in the South China Sea.

The Ministry of Foreign Affairs of the People's Republic of China avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Socialist Republic of Vietnam the assurances of its highest consideration.

To:
Ministry of Foreign Affairs,
The Socialist Republic of Vietnam
Hanoi

Enclosure 1**DECLARATION OF THE GOVERNMENT OF THE
PEOPLE'S REPUBLIC OF CHINA'S TERRITORIAL SEA**

Beijing, September 4, 1958

The Government of the People's Republic of China declares:

1. The breadth of the territorial sea of the People's Republic of China shall be twelve nautical miles. This provision applies to all territories of the People's Republic of China, including the Chinese mainland and its coastal islands, as well as Taiwan and its surrounding islands, the Penghu Islands, the Dongsha Islands, the Xisha Islands, the Zhongsha Islands, the Nansha Islands and all other islands belonging to China which are separated from the mainland and its coastal islands by the high seas.

2. China's territorial sea along the mainland and its coastal islands takes as its baseline the line composed of the straight lines connecting base-points on the mainland coast and on the outermost of the coastal islands; the water area extending twelve nautical miles outward from this baseline is China's territorial sea. The water areas inside the baseline, including Bohai Bay and the Qiongzhou Straits, are Chinese inland waters. The islands inside the baseline, including Dongyin Island, Gaodeng Island, the Mazu Islands, the Baiquan Islands, Wuqiu Island, the Greater And Lesser Jinmen Islands, Dadan Island, Erdan Island and Dongding Island, are islands of the Chinese inland waters.

3. No foreign vessels for military use and no foreign aircraft may enter China's territorial sea and the air space above it without the permission of the Government of the People's Republic of China.

While navigating Chinese territorial sea, every foreign vessel must observe the relevant laws and regulations laid down by the Government of the People's Republic of China.

4. The principles provided in paragraph 2) and 3) likewise apply to Taiwan and its surrounding islands, the Penghu Islands, the Dongsha Islands, the Xisha Islands, the Zhongsha Islands, the Nansha Islands, and all other islands belonging to China.

The Taiwan and Penghu areas are still occupied by the United States armed force. This is an unlawful encroachment on the territorial integrity and sovereignty of the People's Republic of China. Taiwan, Penghu and such other areas are yet to be recovered, and the Government of the People's Republic of China has the right to recover these areas by all suitable means at a suitable time. This is China's internal affair, in which no foreign interference is tolerated.

Enclosure 2

In its Declaration on September 4, 1958, the Government of the People's Republic of China declared the breadth of its territorial sea to be twelve nautical miles. The Declaration stated solemnly: "This provision applies to all territories of the People's Republic of China, including...the Dongsha Islands, the Xisha Islands, the Zhongsha Islands, the Nansha Islands and all other islands belonging to China." On September 14, 1958 Premier Pham Van Dong of the Government of the Democratic Republic of Viet Nam stated in his Note to Premier Zhou Enlai that the Vietnamese Government "recognizes and supports" the declaration of the Chinese Government on China's territorial sea and "respects this decision". The text of this Note reads: *

Comrade Zhou Enlai,

We have the honour to solemnly inform you, Comrade Premier, that the Government of the Democratic Republic of Viet Nam recognizes and supports the declaration of the Government of the People's Republic of China on its decision concerning China's territorial sea made on September 4, 1958.

The Government of the Democratic Republic of Viet Nam respects this decision and will instruct the responsible state organs that in all their intercourse with the People's Republic of China on the sea, they should strictly respect the decision that the breadth of China's territorial sea is twelve nautical miles.

We extend to you, Comrade Premier, the assurances of our highest consideration.

Pham Van Dong
Premier of the Government of the Democratic
Republic of Viet Nam Hanoi, September 14, 1958

Comrade Zhou Enlai
Premier of the State Council People's
Republic of China *BEIJING*

* Le texte de la note en vietnamien est conservé dans les archives du Secrétariat et peut être consulté sur demande.