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Agenda item 79 (a)

**Oceans and the law of the sea****Letter dated 13 June 2016 from the Permanent Representative of  
Viet Nam to the United Nations addressed to the Secretary-General**

Upon instructions from my Government, I have the honour to transmit to you herewith Viet Nam's diplomatic note (see annex) regarding the letter dated 3 March 2016 from the Permanent Representative of the People's Republic of China to the United Nations addressed to the Secretary-General of the United Nations ([A/70/774](#)) and its annex.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 79 (a).

(Signed) **Nguyen** Phuong Nga  
Ambassador Extraordinary and Plenipotentiary  
Permanent Representative of Viet Nam  
to the United Nations



**Annex to the letter dated 13 June 2016 from the Permanent Representative of Viet Nam to the United Nations addressed to the Secretary-General**

The Permanent Mission of the Socialist Republic of Viet Nam to the United Nations presents its compliments to the Secretary-General of the United Nations and, with reference to the letter dated 3 March 2016 from the Permanent Representative of the People's Republic of China to the United Nations addressed to the Secretary-General ([A/70/774](#)) and its annex, has the honour to state the following:

Viet Nam resolutely opposes and rejects the arguments and position of China as stated in the above-mentioned letter dated 3 March 2016 and its annex. Viet Nam has expressly stated on various occasions its consistent position on the disputes between Viet Nam and China over the Hoang Sa (Paracel) and Truong Sa (Spratly) Archipelagos and related issues in the East Sea (South China Sea) in the notes verbales addressed to the Secretary-General or the permanent missions of Member States of the United Nations, including the letter dated 18 March 2016 from the Permanent Representative of the Socialist Republic of Viet Nam to the United Nations addressed to the Secretary-General ([A/70/795](#)) and its annex and the note verbale dated 10 May 2016 and the note verbale dated 5 February 2016 from the Permanent Mission of the Socialist Republic of Viet Nam to the United Nations addressed to the permanent missions of Member States of the United Nations. Once again, Viet Nam reiterates that Viet Nam possesses ample legal basis and historical evidence to affirm its indisputable sovereignty over the Hoang Sa and Truong Sa Archipelagos and its sovereign rights and jurisdiction within its exclusive economic zone and continental shelf in the East Sea in accordance with international law, particularly the 1982 United Nations Convention on the Law of the Sea. China's illegal occupation of a part of the Hoang Sa Archipelago (in 1956) and then the entire archipelago (in 1974), and more recently a part of the Truong Sa Archipelago (in 1988) through the use of force against Viet Nam cannot deprive Viet Nam of its title of sovereignty over these archipelagos.

Contrary to what China has asserted, the irrevocable fact is that there exists a profound dispute between Viet Nam and China regarding the sovereignty over the Hoang Sa and Truong Sa Archipelagos. The existence of such a dispute was explicitly acknowledged by the Chinese Vice-Premier, Deng Xiaoping, in his meeting with the First Secretary of the Vietnamese Workers' Party, Le Duan, on 24 September 1975. China cannot deny the words of one of its High-level Leaders and reject the existence of the dispute between Viet Nam and China over the Hoang Sa and Truong Sa Archipelagos.

In the annex attached to the above-mentioned letter dated 3 March 2016, China alleged that "Viet Nam had officially recognized that the Xisha Islands and Nansha Islands had been part of Chinese territory since ancient times. This position was reflected in its government statements and notes and official newspapers, in maps published by the Department of Survey and Mapping of the Prime Minister's Office and by the General Staff Department of the Vietnamese People's Army, as well as in textbooks reviewed and published by the Ministry of Education." This is a completely erroneous assertion. Viet Nam has repeatedly reaffirmed that Viet Nam, in all documents that China referred to in its 3 March 2016 letter, did not recognize the Hoang Sa and Truong Sa Archipelagos as part of China's territory, as asserted by

China. In the war against the Democratic Republic of Viet Nam, the President of the United States on 24 April 1965 issued an executive order defining the combat zone engaged by the armed forces of the United States. The Hoang Sa Archipelago is completely located outside this combat zone. Therefore, China's assertion that Viet Nam "made public statements on numerous occasions in support of the efforts by China to safeguard its sovereignty over the airspace of the Xisha Islands" is entirely unfounded.

With regard to the Truong Sa Archipelago, China asserted that "after 1975, ... Viet Nam illegally occupied by force 29 islands and reefs of the Nansha Islands, belonging to China, which has seriously encroached upon the territorial sovereignty of China." This assertion is obviously wrongful and inaccurate. China has never had the title of sovereignty over the Truong Sa Archipelago and merely showed interest in this archipelago in the middle of the twentieth century. China did not have any presence in the Truong Sa Archipelago before occupying a number of geographical features of this archipelago through the use of force in 1988. On the contrary, Viet Nam has long established and maintained its title of sovereignty over the Truong Sa Archipelago in accordance with international law. At the San Francisco peace conference in 1951, Viet Nam's statement affirming its sovereignty over the Truong Sa and Hoang Sa Archipelagos encountered no objections from any participating States. Meanwhile, the conference rejected the Soviet Union's proposal to include on its agenda the question of attribution of these two archipelagos to China. Immediately after French armed forces withdrew from Indochina in 1956, Viet Nam succeeded and assumed the responsibility of the State holding the title of sovereignty over the Truong Sa Archipelago. Viet Nam has ample evidence to assert the control and administration of Viet Nam over the Truong Sa Archipelago from 1956. China's arrival in this area by resorting to the use of force in 1988 cannot change the fact that Viet Nam has the lawful title of sovereignty over the Truong Sa Archipelago.

As the holder of the title of sovereignty over the Hoang Sa and Truong Sa Archipelagos, Viet Nam is fully entitled to reinforce the administration and defence of its territory against any external threat. Nevertheless, as a peace-loving nation and in strict compliance with the spirit and letters of the Declaration on the Conduct of Parties in the South China Sea, Viet Nam, unlike China, has not deployed missiles or any other offensive weapon on the Truong Sa Archipelago. Conversely, it is China that has conducted the large-scale construction of artificial islands and militarization projects in the East Sea, which not only infringe upon Viet Nam's sovereignty, but also pose a direct threat to peace and security, safety and freedoms of navigation in and overflight of the East Sea, violate the relevant regulations of international law, run counter to China's international commitments and violate the Declaration, particularly paragraph 5. Therefore, China's assertion that "the deployment by China of appropriate and necessary national defence facilities on its own territory is the exercise of the rights to self-preservation and self-defence granted by international law" is unacceptable, as the Hoang Sa and Truong Sa Archipelagos are not part of China's territory and this action by China belies the Chinese High-level Leader's commitment that "China does not intend to pursue militarization" in the East Sea.

Once again, Viet Nam demands that China immediately terminate its large-scale construction of artificial islands and militarization process or any other illegal activities in Viet Nam's Hoang Sa and Truong Sa Archipelagos, terminate the

infringement of Viet Nam's sovereignty, legitimate rights and interests in the East Sea, strictly and fully implement the Declaration on the Conduct of Parties in the South China Sea, refrain from actions that further expand and complicate the disputes and contribute to the maintenance of peace, security, stability, the freedoms of navigation and overflight and the protection of the environment in the East Sea. The dispute between Viet Nam and China regarding the sovereignty over the Hoang Sa and Truong Sa Archipelagos is one of legal nature. The two countries are under an obligation to settle their dispute over the Hoang Sa and Truong Sa Archipelagos and other disputes in the East Sea through peaceful means in accordance with international law. Failing the achievement of an agreed solution, the two countries are entitled to use other peaceful means as provided for in Article 33 of the Charter of the United Nations and in article 279 of the 1982 United Nations Convention on the Law of the Sea. The recourse to peaceful means for the settlement of the dispute is a friendly and effective measure to ease tension in the region and offers new prospects for cooperation and development for all coastal States in the East Sea.

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