

(Translation)

CML/42/2020

The Permanent Mission of the People's Republic of China to the United Nations presents its compliments to the Secretary-General of the United Nations. Recalling its Notes Verbales No. CML/17/2009 and No. CML/18/2009 addressed to His Excellency Ban Ki-moon, the then Secretary-General of the United Nations, by the Permanent Mission of the People's Republic of China to the United Nations in 2009, the Chinese Mission, with regard to the Note Verbale No. 22/HC-2020 dated 30 March 2020 and the Notes Verbales No. 24/HC-2020 and No. 25/HC-2020 dated 10 April 2020 addressed to the Secretary-General of the United Nations by the Permanent Mission of the Socialist Republic of Viet Nam to the United Nations, has the honor to state China's position as follows:

China has sovereignty over Xisha Qundao, Nansha Qundao and their adjacent waters. China has sovereign rights and jurisdiction over the relevant waters as well as the seabed and subsoil thereof. China has historic rights in the South China Sea. China's sovereignty over Nanhai Zhudao and its maritime rights and interests in the South China Sea are established in the long course of historical practice. They have been upheld by successive Chinese Governments and are consistent with international law, including the Charter of the United Nations and the United Nations Convention on the Law of the Sea. The Chinese Government expresses its firm opposition to the contents of Viet Nam's Notes Verbales No. 22/HC-2020, No. 24/HC-2020 and No. 25/HC-2020.

China's sovereignty over Xisha Qundao and Nansha Qundao is widely recognized by the international community. The Government of Viet Nam had also explicitly recognized it. On 4 September 1958, the Chinese Government promulgated the *Declaration of the Government of the People's Republic of China on China's Territorial Sea*, proclaiming a twelve-nautical-mile territorial sea breadth, and stipulating that, "This provision applies to all territories of the People's Republic of China,

including [...] Dongsha Qundao, Xisha Qundao, Zhongsha Qundao, Nansha Qundao and all other islands belonging to China.” On 14 September 1958, Prime Minister Pham Van Dong of Viet Nam sent a diplomat note to Zhou Enlai, Premier of the State Council of China, solemnly stating 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 4 September 1958” and that “the Government of the Democratic Republic of Viet Nam respects this decision”. Prior to the early 1970s, Viet Nam had officially recognized that Xisha Qundao and Nansha Qundao have always been inherent parts of China’s territory since ancient times. This position was reflected in its government statements and notes, as well as its official maps, textbooks and newspapers.

After 1975, Viet Nam violated *estoppel* and made illegal territorial claims to China’s Xisha Qundao and Nansha Qundao. In violation of the purposes and principles of the Charter of the United Nations, Viet Nam sent troops to invade and illegally occupy some islands and reefs of China’s Nansha Qundao by force, attempting to provoke disputes. China always opposes the invasion and illegal occupation by Viet Nam of some islands and reefs of China’s Nansha Qundao, and the activities infringing upon China’s rights and interests in the waters under China’s jurisdiction. China resolutely demands that Viet Nam withdraw all the crews and facilities from the islands and reefs it has invaded and illegally occupied.

The joint submission by Viet Nam and Malaysia dated 6 May 2009 and the submission by Viet Nam dated 7 May 2009 to the Commission on the Limits of the Continental Shelf concerning the outer limits of the continental shelf beyond 200 nautical miles in some areas of the South China Sea have seriously infringed upon China’s sovereignty, sovereign rights and jurisdiction in the South China Sea. China is firmly opposed to this. China’s position on this issue has been stated in the Notes Verbales No. CML/17/2009 and No. CML/18/2009 addressed to His Excellency Ban Ki-moon, the then Secretary-General of the United Nations, by the Permanent Mission of the People’s Republic of China to the United Nations in 2009.

China's position concerning the South China Sea issue is clear and consistent, and has been repeatedly elaborated in the statements issued by the Chinese Government and the relevant Notes Verbales submitted to the United Nations.

The Permanent Mission of the People's Republic of China to the United Nations requests the Secretary-General of the United Nations to circulate this Note Verbale to all States Parties to the United Nations Convention on the Law of the Sea and all Members of the United Nations.

The Permanent Mission of the People's Republic of China to the United Nations avails itself of this opportunity to renew to the Secretary-General of the United Nations the assurances of its highest consideration.

New York, 17 April 2020

H.E. Mr. António Guterres
Secretary-General
United Nations
New York