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This paper is one of a series issued by The Geographer, Bureau of Intelligence and Research of the Department of State. The aim is to set forth the basis for national arrangements for the measurement of the territorial sea or the division of the continental shelf of maritime nations.

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INTERNATIONAL BOUNDARY STUDY

Series A

LIMITS IN THE SEAS

No. 43

STRAIGHT BASELINES: PEOPLE'S REPUBLIC OF CHINA

The Geographer
Office of the Geographer
Bureau of Intelligence and Research

STRAIGHT BASELINES: PEOPLE'S REPUBLIC OF CHINA

The Government of the People's Republic of China (PRC) on September 4, 1958, publicly claimed a 12-nautical-mile territorial sea to be measured from straight baselines. The Peking Review text of September 9, 1958, states:

Document

Declaration on China's Territorial Sea

The Government of the People's Republic of China on September 4 issued the following declaration on China's territorial sea:

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 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 Pohai Bay and the Chiungchow Straits, are Chinese inland waters. The islands inside the baseline, including Tungyin Island, Kaoteng Island, the Matsuo Islands, the Paichuan Islands, Wuchiu Island, the Greater and Lesser Quemoy Islands, Tatan Island, Erhtan Island and Tungting 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 paragraphs 2) and 3) likewise apply to Taiwan and its surrounding islands, the Penghu Islands, the Tungsha Islands, the Hsisha Islands, the Chungsha Islands, the Nansha Islands, and all other islands belonging to China.

The Taiwan and Penghu areas are still occupied by the United States by 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.

Supplemental transmissions expanded slightly on the original text and elaborated on certain motives which may have underlain the original declaration.

Peking NCNA in English Morse to Pyongyang at 1334 GMT September 4 also carried the statement of The Chinese People's Republic regarding establishment of a 12-mile limit in adjacent seas:

"2--China's territorial sea along the mainland and its coastal islands takes as its baseline the line comprising straight lines connecting basepoints on the mainland coast and those on the coastal islands on the outer fringe, and the water area extending 12 nautical miles outward from the baseline is China's territorial sea. The water areas inside the baseline, including the Pohai Bay and the Chungchow Straits, are Chinese inland waters. The islands inside the baseline, including the Tungyin Island, the Kaoteng Island, the Matsu Islands, the Paichuan Islands, the Wuchiu Island, the Greater and Lesser Quemoy Islands, the Tatan Island, the Erhtan Island, and the Tungting Island are islands of the Chinese Inland waters."

The English Broadcast version said this in its final paragraph:

"The Taiwan and Penghu areas are still occupied by the United States by 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."

Additional specific details on the PRC attitudes towards the law of the sea and the exploitation of the seabed are sparse. One major article, printed in Peking in 1959, conversations with foreign diplomats, ship incidents, "serious warnings" and "notices to mariners" constitute the principal source of our information on the subject.

STRAIGHT BASELINES

Due to the non-specific language of the PRC declaration and of the Convention on the Territorial Sea and Contiguous Zone, which authorizes straight baselines, it is not possible to draft a single authoritative system for the mainland. The language is subject to interpretation. Moreover, the Convention, to which the PRC is not party, requires the printing of the lines on charts to which due publicity must be given. The two attached maps illustrate a system which, while hypothetical in many places, may be substantiated in documents and in practice. Further, it should be noted that all islands mentioned in the PRC declaration are either occupied by the armed forces of the Republic of China (ROC) or their sovereignty is disputed with other states. Many of these islands are so situated, however, that they indicate the PRC position toward the drafting of straight baselines.

Basically, Peking appears to have taken a realistic and non-expansive attitude in drafting its straight baselines. Rather than stating that the lines join the outermost points of the outer islands, the declaration notes that mainland points intervene. This decision would act to shorten the length of straight baseline segments and hence to diminish the claim to internal waters and to territorial sea.

GULF OF POHAI

Fu Chu wrote in "Concerning the Question of our Country's Territorial Sea", Peking 1959, that Pohai may be closed: 1) as a normal bay, 2) by straight baselines, and 3) by a claim to historic waters. According to the Convention on the Territorial Sea and Contiguous Zone, the first claim is out of the question because of the width of the bay mouth; the second represents a distinct possibility since the mouth is fringed with islands; the third point, however, goes to the heart of the matter. While the bay has not been listed in standard compilations of historic bays, geographically Pohai is totally enclosed by Chinese territory and the entrance would be completely enveloped by normal 12 nautical mile sea arcs. Fu Chu also notes that "if bays or gulfs have important interest with respect to the national defense and economy of the coastal states and for a long time the coastal states have repeatedly exercised jurisdiction over the bays or gulf, they may be regarded as historic bays.... The famous Gulf of Pohai, Hanchow Bay, Gulf of Chu River mouth are important internal bays of our country. The reason for mentioning the Gulf of Pohai in the Declaration on the Territorial Sea is that it is the largest bay...of our country...it has been constantly under the practical jurisdiction of our country and not

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