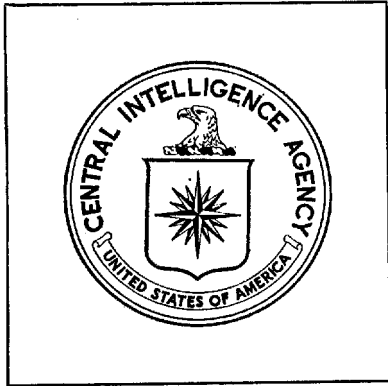


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# Law of the Sea Country Study

*People's Republic of China*

**Secret**

BGI LOS 74-14

June 1974

**NATIONAL SECURITY INFORMATION**  
**Unauthorized Disclosure Subject to Criminal Sanctions**

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§ 5B(1), (2), and (3)  
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Date Impossible to Determine



## Law Of The Sea Country Study Supplement

BGI LOS 74-14 SUPP  
March 1975

### Peoples Republic of China : Caracas and After

Examination of China's performance at Caracas and after reveals that the assessment of Peking's overall views on LOS and its positions on individual LOS issues set forth in the PRC LOS Country Study (BGI 74-14) remains valid. Peking continues to see the whole affair as a contest between the developed countries, primarily the USSR and the United States, and the developing countries. The former are trying to maintain the status quo, while the developing countries seek to remove all man's activities in the marine environment from what they see as a laissez-faire regime and to place them under a regime of precise rules controlled by individual states, regional groups of states, and an international authority.

A new oceans treaty will add relatively little area and few resources to China's jurisdiction. The country already has a wealth of mineral and petroleum reserves on land, and new petroleum reserves are being proven in its continental shelf, well within China's domain under existing international law. China's coastal fisheries are amply stocked for the country's needs. The only foreign fishing fleets in what can reasonably be called Chinese waters are there with Peking's consent through bilateral agreements.

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This supplement was prepared by the Office of Geographic and Cartographic Research to support the NSC Interagency Task Force on the Law of the Sea. The supplement updates, but is not a replacement for, BGI LOS 74-14. Comments and questions may be directed to Code 143, Extension 2257.

China will find a 200-mile coastal state resource zone of limited value. The country's eastern seas are too narrow and the geography of the South China Sea is too complex for simple application of a 200-mile rule. To delimit its outer sea boundaries, China will have to reach agreement with its neighbors -- a practice already recommended by conventional international law. China has no bordering straits that will be affected by broadened territorial seas, and, although the Chinese Navy may in the future begin showing the flag internationally, it will not require greater freedom of navigation than the United States and the USSR are able to extract at the conference.

For China, then, the LOS conference is merely an opportunity to curb the power and influence of the developed countries and to gain for itself some measure of influence and leadership in the Third World. The Chinese made their big move at Geneva in 1973 and at Caracas appeared content to bide their time and said little that was new. Peking can afford to play the waiting game and may try to persuade the developing countries to do the same until their demands are met. To avoid being isolated, however, Peking will join any move by a majority of developing countries to reach accommodations that will produce a treaty.

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FOREWORD

The Law of the Sea Country Studies are prepared to support the NSC Interagency Task Force on the Law of the Sea. The countries to be included in the series are selected on the basis of priorities suggested by the chairman of the Task Force.

Each study has two parts. Part I is an analysis of the primary geographic, economic, and political factors that might influence the country's law of the sea policy, the public and private expressions of that policy, [REDACTED] Part II provides basic data and information bearing on law of the sea matters.

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This study was prepared by the Office of Basic and Geographic Intelligence. Biographic support was provided by the Central Reference Service. The study was coordinated within the Directorate of Intelligence and with the Department of State. Comments and questions may be directed to the LOS Country Studies Working Group, Code 143, Extension 2257.

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THE PEOPLE'S REPUBLIC OF CHINA (PRC)

Part I - Law of the Sea Analysis

A. SUMMARY

China does not have a strong need for a Law of the Sea (LOS) conference. Nature has favored China with a natural resource security that few nations can match. International law provides adequate protection for China's current merchant, fishing, and naval pursuits; protection from such possibly harmful activities as pollution and foreign encroachment of fishing grounds; and an equitable share of the adjacent seabed.



China's participation in the LOS negotiations, its most active involvement in UN affairs since attaining membership in 1971, has been prompted primarily by Peking's desire to achieve leadership of the lesser developed countries (LDC's) in an effort to wrest an "equitable" share of the world's wealth from what it sees as a near developed-country (DC) monopoly. The Chinese will to to Caracas with the idea that the issues are too many and too complex to be resolved at one conference. For this reason they have not researched their own country's LOS interests thoroughly, but have, instead, drawn largely from the positions expressed by the LDC's in formulating their present LOS policy.

In the main, China seeks to insure that all activities in the sea, with the exception of navigation and overflight in the area beyond the territorial sea,\* are strictly controlled. To this end, China will support measures that are compatible with: 1) complete coastal state sovereignty and the regime of innocent passage in the territorial sea, including, at least initially, international straits that lie within the territorial sea; 2) coastal state ownership and management of the coastal state economic zone, with perhaps some sharing of management and benefits with adjacent landlocked and shelf-locked states; and 3) maximum international control of the areas beyond coastal state jurisdiction through an international regime, in which all nations have an equal voice and through which revenues derived from the exploitation of the seabed will be shared equally by all nations.

\*Peking supports freedom of navigation and overflight in the areas beyond the territorial sea.

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B. FACTORS INFLUENCING LOS POLICY

Special Geographic Features

China's entire 8,250-mile\* coastline lies on three semienclosed seas. Two of the seas, the Yellow Sea and the East China Sea, measure less than 400 miles between China and the states opposite. The breadth of the South China Sea between China and the island of Borneo approaches 1,200 miles. All of the Yellow Sea is less than 200-meters deep; whereas, the distance between the China coast and the 200-meter isobath in the East and South China Seas varies from 70 to over 300 miles.

Peking makes no specific claims in the Yellow and East China Seas beyond its 12-mile territorial sea except for the Senkaku Islands, which are also claimed by Taipei and Tokyo. Since 1970 when Peking made sweeping claims regarding its adjacent shelf to counter the claims of Japan and South Korea, the government has moderated its stand, at least on the Yellow and East China Seas, by stating that the jurisdiction of the sea between "China and her neighbors has not yet been delimited" -- an admission, perhaps, of the existence of the legitimate claims of the other countries. Peking does, however, claim numerous islands in the South China Sea, which has placed China in dispute with other states that border that sea over ownership of the Paracel Islands, Pratas Island, and the Spratly Islands. The PRC, along with the ROC, also claims the Macclesfield Bank, a submerged atoll 75 miles east of the Paracels. Lying as little as nine meters below the surface, the bank covers some 225 square miles. A major shipping lane lies between Macclesfield and the Paracels, and the Soviets use the bank as an anchorage. Long dormant, these disputes are coming to the fore as the petroleum-bearing potential of the underlying seabed is increasingly discussed.

Uses of the Sea

Mineral Resources -- There is evidence that the continental shelf adjacent to China is geologically suited for the formation and accumulation of petroleum. The Chinese have, in fact, brought in several wells in the shallow (less than 40 meters depth), near-shore areas of Po Hai; and farther south on the same continental shelf, Gulf Oil has a producing exploratory well 100 miles west of the Senkakus in a Republic of China (ROC) concession, and the North Vietnamese reportedly have hit oil just off Haiphong in the Gulf of Tonkin. Although the PRC's petroleum requirements are met from its land reserves, Peking may plan to pursue its offshore prospects for use as foreign exchange. China has limited indigenous offshore capability, and has ordered offshore drill rigs from Japan and Romania. There are reports of Chinese inquiries into the purchase of American and Western European offshore exploration and drilling equipment.

\*Distances and areas throughout this paper are in nautical miles unless specified otherwise.



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Living Resources -- China's coastal fisheries (China claims a 12-mile exclusive fishing zone) provide at least 90% of the country's total marine fish catch. The country's small deep-sea fishing fleet, limited in capability due to a paucity of modern equipment, regularly travels no farther from the mainland than to the Paracel Islands, 150 miles southeast of Hainan Island in the South China Sea; and there is little need for it to do so. The seas adjacent to the East Asian mainland contain some of the most productive fishing grounds in the world. A vast expanse of shallow shelf water, the occurrence of both warm and cold currents, and an abundant supply of nutrients washed from the mainland combine to bring huge stocks of a wide variety of fish species within easy reach of China's coastal fishing fleets. The bulk of China's marine catch is consumed in the Chinese coastal area; the remainder provides a steady but unspectacular foreign exchange item.

Peking has entered into fishing agreements with Moscow, P'yongyang, Tokyo, and Hanoi. The China-Japan agreement deals only with fishing grounds on the Chinese side of a hypothetical median line in the Yellow and East China Seas, emphasizing the Chinese predilection for coastal fisheries, beyond which fishermen rarely venture.

Marine Transportation -- The bulk of China's foreign seaborne trade is carried by foreign vessels; many of Peking's ships fly U.K., Somali, Liberian, and Panamanian flags. The ships are controlled by Peking, though Polish, Albanian, and Tanzanian capital is involved. China is purchasing ships through Hong-Kong-based companies to increase its own international flag-ship fleet.

The threat posed by ROC naval forces in the Formosa Strait has caused the PRC to split its merchant fleet largely into northern and southern components. The northern component operates on routes to North Korea, Japan, and Canada; the southern component, to North Vietnam, Southern Asia, Africa, and Europe. Occasionally, PRC flag ships operate on routes between Europe and Shanghai, traveling east of Taiwan and through the Ryukyu Islands; the latter contain several passages that are wider than 24 miles. China's leading partners in foreign seaborne trade are Japan, Australia, Canada, Hong Kong, Malaysia, West Germany, Belgium, and Italy.

Naval and Air Transportation Considerations -- The PRC has the largest and fastest growing naval force in non-Soviet East Asia. The size of its submarine force is third only to those of the U.S.S.R. and the United States, and its air arm has over 700 aircraft. Despite its size, the PRC Navy is still primarily a coastal defense force. The Chinese are, however, developing a submarine launched ballistic missile system, an indication that they have plans for more extensive naval operations. It is estimated that the Chinese will be "showing the flag" internationally by the 1980's.

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China operates only one over-water civil air route--between Peking and P'yongyang--but is planning service to Tokyo later this year.

### Political and Other Factors

For China, the LOS negotiations are another episode in the continuing struggle between the "victims of imperialist and colonialist oppression" and the developed countries (DC's), particularly the "superpowers"--a struggle between the "plundered" and the "plunderers." Peking fancys itself the leader of the LDC's, and, by acclaiming and championing their LOS views, hopes to gain recognition as such in its effort to minimize what it sees as almost total DC-control of the seas. Peking looks on the LOS Conference as an opportunity for the LDC's to get their's, hopefully at the expense of the DC's.

In its early involvement in LOS affairs, China gave unreserved support to LDC stands, particularly the right of a state to make unilateral, unlimited claims to the adjacent sea, to set standards, and to exercise enforcement. Later, however, Peking began to modify its stand. Although still an ardent supporter of maximum coastal state control of the coastal zone, Peking has spoken of limits on coastal state control, negotiation, reaching consensus, and regional rather than individual standards. This shift may represent a maturation of the Chinese view of the world, perhaps a result of its participation in the U.N. It may also reflect Peking's realization of the limits on its own options imposed by its semienclosed sea situation. While territorial disputes in the South China Sea may delay implementation of any international LOS standards there, the very breadth of the seas north of Taiwan will preclude establishment of 200-mile or greater coastal economic zones. Peking now must be aware that accommodation with its immediate neighbors is necessary for the peaceful and orderly use of its bordering seas, and has, perhaps, begun to project this idea to the international scene with the realization that certain international standards also are necessary.

### C. LAW OF THE SEA POLICY

#### Territorial Sea

China will probably support the 12-mile territorial sea. Despite Peking's repeated official statements that the individual state has the right to delimit its own territorial sea and voiced opposition to having a 3- or 12-mile limit imposed on the world by the "superpowers," the Chinese will, to avoid alienation of the LDC's and in the interest of world order, agree to an international limit of 12 miles for the territorial seas. Peking may make its support for 12 miles contingent upon the adoption of a 200-mile exclusive coastal economic zone. Peking has indicated that the innocent-passage regime, as now defined, would prevail in the territorial sea.

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Although Peking claims a 12-mile national territorial sea, it has yet to commit itself publicly to a specific figure for the maximum breadth of the international territorial sea. Its early LOS statements used "territorial sea" and "exclusive economic or resource zone" interchangeably and defended the right of the individual state to "reasonably" delimit its own in accordance with the state's geographic and economic circumstances and with due consideration to the claims of adjacent and opposite states. However, in March 1973 in private conversation with U.S. officials, PRC Seabed Committee delegate Shen Wei-liang said that the territorial sea would be much narrower than the economic zone. Later, although still defending the right of the state to delimit its own sea boundaries, Shen said that an international maximum breadth for the territorial sea should be "settled by all states through consultations."

#### Straits

The PRC has thus far opposed an unimpeded transit regime in straits that are overlapped by the territorial sea. Peking considers such straits integral parts of the strait state's sovereign territory and, therefore, under the more restrictive innocent passage regime. Peking's 1973 draft articles (see Annex) stipulate that foreign nonmilitary ships would enjoy innocent passage in such straits and that aircraft would have to comply with the laws of the strait state. The articles further specify that the strait state "may" require foreign military ships either to tender prior notification or seek prior approval from the strait state--leaving approval or disapproval of military transit completely to the discrimination of the strait state. PRC officials have expressed particular fear of submarines operating submerged off their coast. At the August 1972 Seabed Committee meetings, however, PRC delegate Hsia P'u privately indicated to U.S. and U.S.S.R. delegates that unimpeded passage was negotiable. This, together with what is known of China's developing naval capabilities and plans, hint that it may not, in fact, be as wed to the innocent passage rule as it professes. A strict innocent passage regime in straits that are overlapped by extended territorial seas would restrict Chinese naval operations, as well as those of the United States and the U.S.S.R. But the Chinese will probably not actively push for a regime that is less restrictive than innocent passage, being content to conduct naval operations under whatever provisions the United States and the U.S.S.R. are able to negotiate.

A 12-mile territorial sea would change the status of only one Chinese strait, the relatively unimportant 10-mile-wide Hainan Strait. The Chinese, however, already view the strait as internal waters, having included Hainan in the mainland's straight baseline system in their 1958 territorial sea declaration. This same declaration implies that Peking considered the Formosa Strait to be high seas.

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### Islands

The PRC's 1973 draft articles state that the "breadth and limits of the territorial sea as defined by a coastal state are, in principle, applicable to the islands belonging to that state." In practice, the PRC has used islands fringing its mainland as basepoints in the mainland's straight baseline system. Islands that are some distance off shore have separate territorial seas.

### Archipelagos

China's 1973 draft articles define an archipelago as a group of islands "rather close to each other" and allow that the outermost islands may be used as basepoints for a straight baseline system. Presumably, the waters enclosed by the baselines would be classified as internal. China can be expected to support the stand of the archipelago states, whatever it may be at conference time, primarily because these states are LDC's.

China claims three groups of islands that could be technically termed archipelagos--the Senkakus, the Paracels, and the Spratlys. The Paracels and the Spratlys if enclosed with straight baselines would encompass 6,000 and 100,000 square miles, respectively; the Senkakus are spread over a much smaller area. None of the three groups can support sizable permanent habitation, and none contains sea routes. The Paracels and the Spratlys, in fact, contain many hazards to navigation and are systematically avoided. The primary importance of the three groups is economic--each lies on a potentially petroleum-rich seabed.

### Delimitation and Demarcation

The guides for drawing baselines contained in Peking's 1973 draft articles closely follow those set forth in the convention on the Territorial Sea and the Contiguous Zone--low-water lines, low-tide elevations, deeply indented coasts, fringing islands, etc. In drawing its own baselines, China used a reasonable mix of low-water lines along its smooth, regular coasts, and the outermost points on the headlands and fringing islands for its deeply indented and irregular coasts. Article 8 of China's draft articles stipulates that the baseline used to close a bay should not exceed twice the breadth of the territorial sea. When China's 12-mile territorial sea is used as the standard, the length of the Article 8 closing line is identical to that stipulated in Article 7 of the Territorial Sea Convention--24 miles.

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### Semienclosed Seas

Although China has not addressed semienclosed seas as such, it has stated a preference for regional rather than international standards. Paragraph 10 of the continental shelf section of its 16 July 1973 working paper on the sea area within the limits of national jurisdiction (see Annex) urges regional agreements and cooperation among states that share the same continental shelf.

In regard to its own semienclosed sea situation, Peking has expressed the need for reaching accord with its neighbors. The Yellow and East China Seas are suited to a special semienclosed sea regime settlement considering their narrow dimensions, which preclude other than mutually agreeable or median line boundaries, and the fact that the bordering states are culturally related and have growing economic ties.

### Continental Shelf

In its 16 July 1973 working paper on the sea area within the coastal state jurisdiction, Peking supports the right of the coastal state to delimit and claim a reasonable portion of the adjacent continental shelf. The paper further states that the maximum limit should be determined by consultation among states--one of the first hints of PRC consideration of an international limit, although regional limits are certainly not excluded. China has not committed itself to a specific maximum limit, but it does oppose the Soviet 500-meter proposal. State Department Telegram Hong Kong 7506, 25 July 1973, indicated that the Chinese might favor the 200-meter limit.

Peking has said that the resources of the shelf appertain to the coastal state. However, Peking places the shelf's superjacent waters into two categories--those within the coastal state economic zone (Peking favors a 200-mile economic zone) and those beyond. The waters within the zone and their resources would belong to the coastal state; the waters beyond, even though less than 200-meters deep, and their resources would be placed under the jurisdiction of an international regime.

Peking says that the 1958 Geneva Convention on the Continental Shelf, as well as the other three Geneva conventions,\* is out of date, that the convention does not truly reflect the "reasonable demands of the numerous developing countries," having been drafted before many of these countries were independent. Peking has, however, cited the convention's 200-meter limit to support its claim to the Senkakus, and the Chinese 1973 draft proposal and working papers are similar to the convention's in style, language, and substance.

\*Convention on the Territorial Sea and the Contiguous Zone, Convention on the High Seas, Convention on Fishing and Conservation of the Living Resources of the High Seas.

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### Coastal State Jurisdiction Beyond the Territorial Sea

Peking supports the right of the coastal state to reasonably define its own exclusive economic zone out to a distance of 200 miles from the territorial sea baselines. In Peking's proposal, the coastal state would own all resources and control all activities other than navigation and overflight within the zone. China also proposes that the coastal state share with adjacent landlocked and shelf-locked states a "certain proportion of the rights of ownership and jurisdiction" in the zone.

### Fisheries

China will support no measures that tend to erode complete coastal state control of fisheries within the coastal state exclusive economic zone. China has repeatedly castigated distant-water fishing states for "plundering" the resources of other states. The Chinese do, however, approve of bilateral fishing agreements and have themselves entered into several. Only the agreement with North Vietnam is known to contain provisions that allow the PRC to fish in the coastal waters of another state (the PRC has access to two areas in the Gulf of Tonkin).

China's coastal fisheries appear to fill the country's needs, and the Chinese show no desire to develop a distant-water fishing capability. Thus, they have opposed distant-water fishing interests in the LOS negotiations. In their working paper of 2 August 1973 (see Annex), the PRC stated that fishing in the international area beyond the coastal state economic zone should be regulated by an international fishing organization and, pending the establishment of such an organization, that states bordering a given sea area may set up a regional committee to regulate fishing and conserve the resources in the given international area.

### High Seas

The Chinese have not used the term "high seas," *per se*, but their 2 August 1973 working paper on the international sea area applies all of the freedoms except fishing cited in the Convention on the High Seas--freedom of navigation and overflight and freedom to lay submarine cables and pipelines--to the seas beyond the areas of coastal state jurisdiction. Fishing in the international area, as explained under Fisheries, would be regulated by an international organization.

### Deep Seabed

The Chinese want the seabed beyond coastal state jurisdiction to be governed by a strong international regime. In their view, the international regime should be empowered to manage and engage in the

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exploration and exploitation of the international seabed, register claims, issue licenses, and collect fees from other operating agencies (state, private enterprises). The Chinese also propose that the international regime control scientific research in and set pollution standards for the international sea area. To combat its fear of superpower monopoly, Peking wants all nations and all regions equally represented on the regime's council on a rotational basis. Peking opposes the weighted formulas of the United States (industrial nations) and the U.S.S.R. (Eastern European nations) and has specifically stated that the superpowers must not be allowed to dominate the council or have a privileged position on it.

According to its 27 March 1973 press release, China wants revenues derived from exploitation of the deep seabed "shared fairly and equitably by all states on an equal footing irrespective of their size, taking into particular consideration the needs of the developing countries"--a nebulous and idealistic desire, which implies all states are equal, but that the LDC's are more equal than the DC's. The PRC wants all commercial exploitation halted until an LOS treaty that contains authority for an international regime is ratified. The Chinese oppose the U.S. proposal for a provisional application of the LOS Convention during the interim between its signing and ratification.

#### Landlocked States

China has proposed that landlocked states be afforded free access to the international sea area through the land territories, territorial seas, and coastal economic zones of bordering coastal states and, further, that coastal states afford bordering landlocked states a share in the resources and jurisdiction of the coastal state economic zone.

#### Marine Pollution

China's statements indicate support for international pollution control standards, but also support the right of coastal states to impose and enforce additional regional and individual standards in areas under coastal state jurisdiction. China did not attend the IMCO Marine Pollution Conference in London in 1973, but, as an IMCO member, it may sign the protocol.

At the regular IMCO meeting in 1973 the Chinese criticized the composition of IMCO's Council of Maritime Safety on the grounds that it did not reflect IMCO's membership--largely LDC's.

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### Scientific Research

China's 19 July 1973 working paper on marine scientific research (see Annex) calls for: 1) the acquisition of prior consent of the coastal state before carrying out scientific research in the zone under its jurisdiction, 2) the participation of the coastal state in the research activity, and 3) the consent of the coastal state before the results of the research activity are published. The paper also requires that scientific research in the international sea area be governed by the international regime.

### Regional Arrangements

The PRC has proposed regional arrangements and standards as solutions to several LOS issues, i.e., pollution control, resource management and exploitation, and jurisdiction delimitation.

### Settlement of Disputes

At the spring 1973 Seabed Committee meetings both Shen Wei-liang and Hsia P'u made statements relative to dispute settlement. Shen, in private conversation indicated that disputes should be settled directly between the countries involved. He refused to comment on the use of a third party. Hsia, while presenting the PRC's views on the powers of the international regime during general debate on the international deep seabed issue, stated that the regime should not have "sovereignty or jurisdictional powers comparable to those of a State"--a possible implication that Peking does not want the regime empowered to settle disputes.

### Peaceful Uses of the Sea

The Chinese include the "Peaceful Uses of the Sea" theme often in their LOS pronouncements and discussions. Two demands appear repeatedly--the prohibition of nuclear submarines and the requirement that all marine scientific research be for peaceful purposes. The Chinese also oppose the implantation of nuclear weapons on the seabed. Peking signed the Indian Ocean as a Zone of Peace Resolution.

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D. KEY POLICY MAKERS, LOS NEGOTIATORS AND ADVISERS

Interest in LOS matters has been exhibited at the highest levels in Peking. Chou En-lai at state meetings has voiced support for the right of individual countries to make unilateral claims, and Chinese diplomats around the world have done likewise.

Chinese delegates have taken an active part in all Seabed Committee meetings since China's entry into the United Nations in November 1971. Peking's delegation to Caracas will have full authority to negotiate China's demands and will undoubtedly be equipped with fall-back positions on the issues. The delegation would have to query Peking before making major changes and in any unsuspected developments. Shen Wei-liang and Hsia Pu have been the most quoted of the Chinese delegates.



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Name and Title (as they appear on the latest UN listing)	Seabed Committee Session						Org. Conf. Dec 73
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	
Mr. AN Chih-yuan			X				
Mr. CHANG Chi-hsien			X	X			
Mr. CHANG Ping-hsi Chief Engineer of the Bureau of Geology				X	X	X	
*Mr. CHAO Lin Chief, Division of Science and Technology National Bureau of Oceanology				X	X	X	
H.E. Mr. CHEN Chih-fang Ambassador to Switzerland				X			
Mr. CHUNG Chia-mao						X	
*H.E. Mr. CHUANG Yen Ambassador Extraordinary and Plenipotentiary Deputy Permanent Representative to the UN					X		
Mrs. HO Hsi-chia			X				
Mrs. HO Li-liang Counsellor Permanent Mission to the UN			X		X		X
*Mr. HSIA Pu Deputy Director National Bureau of Oceanology				X	X	X	
Mr. HSU Chin-mei Second Secretary Permanent Mission to the UN, Geneva						X	
Mr. HU Chin-lin			X				
Mr. HU Tsuan-chung				X			
Mr. HUANG Chia-hua					X		

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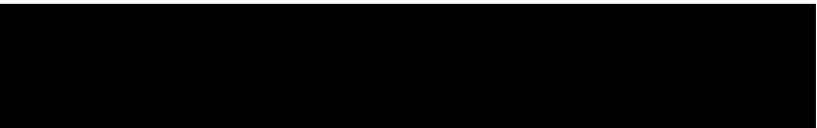
Name and Title	Seabed Committee Session						Org. Conf. Dec 73
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	
Mr. HUANG Shih-kang				X			
Mr. LI Cheng-huan				X			
Mr. LI Sheng-chiao Department of International Organizations Law and Treaty				X	X	X	X
Mr. LIN Cheng					X	X	
Mr. LIN Chia-shen						X	
Mr. LING Ching Deputy Director of the Department of International Organizations Law and Treaty of the Ministry of Foreign Affairs							X
Mr. LO Mei-lung Ministry of Agriculture and Forestry					X	X	
Mr. NI Cheng-yu Legal Expert in the Department of International Organizations Law and Treaties of the Foreign Ministry			X	X		X	
Mr. OUYANG Tsu-pin Deputy Division Chief of the Department of International Organizations Law and Treaties of the Foreign Ministry						X	
Mr. PAO Kuang-tsung Deputy Bureau Director Ministry of Agriculture and Forestry				X		X	

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Name and Title	Seabed Committee Session						Org. Conf. Dec 73
	Mar 71	Jul Aug 71	Feb Mar 72	Jul Aug 72	Mar Apr 73	Jul Aug 73	
Mr. SHEN Chih-cheng Deputy Division Chief of the Bureau of Port Supervision under the Ministry of Communications				X	X	X	
*Mr. SHEN Wei-liang Deputy Director of Department of International Organizations Law and Treaty of the Ministry of Foreign Affairs			X	X	X	X	
Mr. TANG Hsing-po First Secretary Permanent Mission to the UN					X		X
Mr. TSIENG Teh-sheng				X	X	X	
Mr. WANG Teh-chao Director of Research Institute of the National Bureau of Oceanology						X	
Mr. WANG Ying-fan			X				
Mr. WANG Yu-wen			X				
Mr. WU Tsien-min Third Secretary Permanent Mission to the UN			X		X		X
Mr. Yang Chin-sheng					X		
Mr. YEH Shou-cheng					X		
Mr. YU Yuang-tseng					X	X	

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Part II - Background Information

Geography

World region: East Asia  
Category: coastal  
Bordering states: U.S.S.R., Mongolia, North Korea, North Vietnam, Laos, Burma, India, Bhutan, Sikkim, Nepal, Pakistan, Afghanistan  
Bordering bodies of water: Korea Bay, Po Hai, Yellow Sea, East China Sea, South China Sea, Gulf of Tonkin  
Bordering semienclosed sea: Yellow Sea, East China Sea, South China Sea  
Straits: Po Hai Strait (22 mi.), Formosa Strait (74 mi.), Lamma Channel (6 mi.), Hainan Strait (10 mi.)  
Area of continental shelf: 230,100 sq. mi., shared with North Korea, South Korea, Japan, Republic of China (Taiwan), North Vietnam  
Area to 200 mi. limit: 281,000 sq. mi., shared with North Korea, South Korea, Japan, Republic of China (Taiwan), North Vietnam  
Area to edge of continental margin: 281,000 sq. mi.  
Coastline: 9,000 statute miles  
Land: 3.7 million sq. statute mi.  
Population: 920,060,000

Industry and Trade

GNP: \$139 billion, \$160 per capita (1972)  
Major industries: iron and steel, coal, machine building, armaments, textiles  
Exports: \$3.1 billion (f.o.b., 1972); agricultural products, minerals and metals, manufactured goods  
Imports: \$2.8 billion (c.i.f., 1972); grain, chemical fertilizer, industrial raw materials, machinery and equipment  
Major trade partners: Japan, U.S., Hong Kong, West Germany, U.S.S.R., U.K., Singapore/Malaysia, Canada (1973)  
Merchant marine: 364 ships (1,000 GRT or over) totaling 2,239,300 GRT; 22 passenger, 267 cargo, 55 tanker, 12 bulk; in terms of DWT, 46% of the fleet is employed in domestic operations and the remainder in international operations to Southeast Asia, Africa, Europe, Japan, Canada, and South America; China beneficially owns an additional 128 ships (1,000 GRT or over) totaling 1,100,000 GRT which operate primarily under the Somali flag

Marine Fisheries

Catch: 2,311,800 metric tons (1971 est.)  
Economic importance: national - steady but unspectacular foreign exchange earner; local - provides means of livelihood and important source of food for coastal population

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Marine Fisheries (cont'd):

Other fishing areas: coastal fleet fishes off North Vietnam; reportedly China does not plan to engage in distant-water fishing  
Species: yellow croaker, cod, red sea bream, herring, perch, skate, hairtail, mackerel  
Other countries fishing off coast: Japan, North Vietnam

Petroleum Resources

Petroleum: production - 182.5 million 42-gal. bbl. (25.0 million metric tons) onshore; proved recoverable reserves - 20,000 million 42-gal. bbl. (2,700 million metric tons) onshore (1971)  
Natural gas: production - 150 billion cubic feet (4.2 billion cubic meters); proved recoverable reserves - 4,000 billion cubic feet (100 billion cubic meters onshore (1971))

Navy

Ships: Approx. 1,000 combatant units (not including 175 small coastal/river/roadstead patrol boats and 450 landing craft mechanized), supported by 270 auxiliaries and 630 service craft, organized in 3 fleets -- North, East, South Seas; units include 6 guided missile destroyers (SSM), 1 destroyer, 6 destroyer escorts, 4 guided missile escorts, 1 ballistic missile submarine, 1 submarine propulsion unknown (SSU), 60 submarines, 102 guided missile boats, 261 motor torpedo boats, 463 other patrol craft, 40 mine warfare craft, and 54 (plus 22 in merchant service) amphibious vessels

Government Leaders

Head of State: Chairman Mao Tse-tung; Premier of State Council Chou En-lai  
Foreign Minister: Chi P'eng-fei

Multilateral Conventions

Convention on the Inter-Governmental Maritime Consultative Organization (IMCO)

Membership in Organizations Related to LOS Interests

UN. . . . . United Nations  
. . . . . Red Cross

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Present Ocean Claims\*

<u>Type</u>	<u>Date</u>	<u>Terms</u>	<u>Source, Notes</u>
Territorial Sea	1930	3 mi.	<i>1933 Legislative Resolution Codification Conference</i>
	1958	12 mi.	<i>Statement of Sept. 4, 1958 FBIS Text</i>
Continental Shelf	1970		<i>1970/71: Claim made to Shallow Water areas and resources in East China and Yellow Seas</i>
Exclusive Fishing	1958	12 mi.	
Customs		12 mi.	
Straight Baselines	1958		<i>Statement of Sept. 4, 1958 Straight baselines join outermost islands. Gulf of Pohai and Hainan Strait internal waters. Limits in the Seas No. 43</i>

\*Principal source: Limits of the Seas, National Claims to Maritime Jurisdiction, State Dept./INR, March 1973 and Revisions.

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Action on Significant UN Resolutions

Moratorium Resolution (A/RES/2574 D, XXIV, 12/15/69) <i>Pending establishment of international regime, States and persons are bound to refrain from exploiting resources of or laying claim to any part of the seabed and ocean floor beyond the limits of national jurisdiction.</i>	not UN member at that time
LOS Conference (A/RES/2750 C, XXV, 12/17/70) <i>Convene in 1973 a Conference on Law of the Sea to deal with establishment of international regime for the seabed and ocean floor, and enlarge Seabed Committee by 44 members and instruct it to prepare for the conference draft treaty articles embodying international regime.</i>	not UN member at that time
LOS Conference, Timing and Site (A/RES/3029 A, XXVII, 12/18/72)	Adopted w/o vote
Indian Ocean as a Zone of Peace (A/RES/2992, XXVII, 12/15/72) <i>Called upon littoral and hinterland states of Indian Ocean area, permanent members of the Security Council and other major maritime users of Indian Ocean to support concept that Indian Ocean should be zone of peace.</i>	In favor
Landlocked/Shelf-Locked Study Resolution (A/RES/3029 B, XXVII, 12/18/72) <i>Called for study of extent and economic significance, in terms of resources, of international area resulting from each proposal of limits of national jurisdiction presented to Seabed Committee.</i>	Abstain
Peruvian Coastal State Study Resolution (A/RES/3029 C, XXVII, 12/18/72) <i>Called for study of potential economic significance for riparian states, in terms of resources, of each of the proposals on limits of national jurisdiction presented to Seabed Committee.</i>	In favor
Permanent Sovereignty over Natural Resources (A/RES/3016 XXVII, 12/18/72) <i>Reaffirmed right of states to permanent sovereignty over all their natural resources, wherever found.</i>	In favor

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UNITED NATIONS

GENERAL  
ASSEMBLY



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COMMITTEE ON THE PEACEFUL USES OF THE  
SEA-BED AND THE OCEAN FLOOR BEYOND  
THE LIMITS OF NATIONAL JURISDICTION  
SUB-COMMITTEE II

WORKING PAPER  
ON SEA AREA WITHIN THE LIMITS OF NATIONAL JURISDICTION

Submitted by the Chinese Delegation  
16 July 1973

1. Territorial Sea

(1) The territorial sea, as delimited by a coastal State by virtue of sovereignty, is a specified area of sea adjacent to its coast or internal waters, including the airspace over the territorial sea and its bed and subsoil thereof, over which it exercises sovereignty.

(2) A coastal State is entitled to reasonably define the breadth and limits of its territorial sea according to its geographical features and its needs of economic development and national security and having due regard to the legitimate interests of its neighbouring countries and the convenience of international navigation, and shall give publicity thereto.

(3) Coastal States in the same region may, through consultations on an equal footing, define a unified breadth or a limit for the territorial sea in the region.

(4) Coastal States adjacent or opposite to each other shall define the boundaries between their territorial seas on the principles of mutual respect for sovereignty and territorial integrity, equality and reciprocity.

(5) The breadth and limits of the territorial sea as defined by a coastal State are, in principle, applicable to the islands belonging to that State.

(6) An archipelago or an island chain consisting of islands close to each other may be taken as an integral whole in defining the limits of the territorial sea around it.

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page 2

(7) A strait lying within the territorial sea, whether or not it is frequently used for international navigation, forms an inseparable part of the territorial sea of the coastal State.

(8) A coastal State may, for the purpose of regulation of its territorial sea, enact necessary laws and regulations and give publicity thereto. Ships and aircraft of a foreign State, passing through the territorial sea and the airspace thereabove of another State, shall comply with the laws and regulations of the latter State.

Foreign non-military ships enjoy innocent passage through territorial seas.

Passage is innocent when it is not prejudicial to the peace, security and good order of a coastal State.

A coastal State may, in accordance with its laws and regulations, require military ships of foreign States to tender prior notification to, or seek prior approval from, its competent authorities before passing through its territorial sea.

## 2. Exclusive Economic Zone or Exclusive Fishery Zone

(1) A coastal State may reasonably define an exclusive economic zone (hereinafter referred to as the economic zone) beyond and adjacent to its territorial sea in accordance with its geographical and geological conditions, the state of its natural resources and its needs of national economic development.

The outer limit of the economic zone may not, in maximum, exceed 200 nautical miles measured from the baseline of the territorial sea.

(2) All natural resources within the economic zone of a coastal State, including living and non-living resources of the whole water column, sea-bed and its subsoil, are owned by the coastal State.

A coastal State exercises exclusive jurisdiction over its economic zone for the purpose of protecting, using, exploring and exploiting the resources as described in the preceding paragraph.

(3) A coastal State shall, in principle, grant to the landlocked and shelf-locked States adjacent to its territory common enjoyment of a certain proportion of the rights of ownership in its economic zone. The coastal State and its adjacent landlocked and shelf-locked States shall, through consultations on the basis of equality and mutual respect for sovereignty, conclude bilateral or regional agreements on the relevant matters.

(4) The normal navigation and overflight on the water surface of and in the airspace above the economic zone by ships and aircraft of all States shall not be prejudiced. The delineation of the course for laying cables and pipelines in the sea-bed of the economic zone is subject to the consent of the coastal State.

(5) Other States may engage in fishery, mining or other activities in the economic zone of a coastal State pursuant to agreement reached with the coastal State.

(6) A coastal State may enact necessary laws and regulations for the effective regulation of its economic zone.

Other States, in carrying out any activities in the economic zone of a coastal State, are required to observe the relevant laws and regulations of the coastal State.

(7) A coastal State is entitled, when necessary, to deal with unauthorized fishery, mining or other activities in its economic zone and with violations of its relevant laws and regulations even though permission for such activities has been given.

(8) The delimitation of boundaries between the economic zones of coastal States adjacent or opposite to each other shall be jointly determined through consultations on an equal footing.

Coastal States adjacent or opposite to each other shall, on the basis of safeguarding and respecting the sovereignty of each other, conduct necessary consultations to work out reasonable solutions for the exploitation, regulation and other matters relating to the natural resources in the contiguous parts of their economic zones.

(9) The above provisions relating to the economic zone shall also apply to the exclusive fishery zone as reasonably defined by a coastal State beyond its territorial sea, except that the resources in the exclusive fishery zone are confined to the living resources of the water column in the said fishery zone.

### 3. Continental Shelf

(1) By virtue of the principle that the continental shelf is the natural prolongation of the continental territory, a coastal State may reasonably define, according to its specific geographical conditions, the limits of the continental shelf under its exclusive jurisdiction beyond its territorial sea or economic zone. The maximum limits of such continental shelf may be determined among States through consultations.

(2) The natural resources of the continental shelf, including the mineral resources of the sea-bed and subsoil and the living resources of sedentary species, appertain to the coastal State.

(3) The superjacent waters of the continental shelf beyond the territorial sea the economic zone or the fishery zone are not subject to the jurisdiction of the coastal State.

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page 4

The normal navigation and overflight on the superjacent waters of the continental shelf and in the airspace thereabove by ships and aircraft of all States shall not be prejudiced.

(4) A coastal State may enact all necessary laws and regulations for the effective management of its continental shelf.

The delineation of the course for laying submarine cables and pipelines on the continental shelf by a foreign State is subject to the consent of the coastal State.

(5) States adjacent or opposite to each other, the continental shelves of which connect together, shall jointly determine the delimitation of the limits of jurisdiction of the continental shelves through consultations on an equal footing.

(6) States adjacent or opposite to each other, the continental shelves of which connect together, shall, on the basis of safeguarding and respecting the sovereignty of each other, conduct necessary consultations to work out reasonable solutions for the exploitation, regulation and other matters relating to the natural resources in their contiguous parts of the continental shelves.

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COMMITTEE ON THE PEACEFUL USES OF THE  
SEA-BED AND THE OCEAN FLOOR BEYOND  
THE LIMITS OF NATIONAL JURISDICTION  
SUB-COMMITTEE I

WORKING PAPER  
ON GENERAL PRINCIPLES FOR THE INTERNATIONAL SEA AREA

Submitted by the Chinese delegation

(1) The international sea area denotes all the sea and ocean space beyond the limits of national jurisdiction. The international sea area and its resources are, in principle, jointly owned by the people of all countries.

(2) In order to have access to and from the international sea area for trade and other peaceful purposes, land-locked States have the right to pass through the territory, territorial sea and other waters of adjacent coastal States. Coastal States and adjacent land-locked States shall, through consultations on the basis of equality and mutual respect for sovereignty, conclude bilateral or regional agreements on the relevant matters.

(3) Uses of the international sea area shall not prejudice the legitimate interests of other States and the common interests of all States.

(4) Subject to the provisions of paragraph (3) above, ships and aircraft of all States have the right of navigation and overflight in the international sea area and in the airspace thereabove, provided that they fly the flag or show the insignia of the State to which they belong.

(5) Subject to the provisions of paragraph (3) above, all States have the right to lay cables and pipelines on the sea-bed of the international sea area.

(6) Fishing in the international sea area shall be properly regulated to prohibit indiscriminate fishing and other violations of rules and regulations for the conservation of fishery resources.

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\* This document supersedes document A/AC.138/SC.I/L.25 and Corr.1 dated 2 August 1973 and 6 August 1973 respectively.

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page 2

Pending the establishment of a unified international fishery organization, States of a given sea area may set up a regional committee to work out appropriate rules and regulations for the regulation of fishing and the conservation of marine living resources in the international sea area. Fishing vessels of States of other regions may enter the said region for fishing activities provided they comply with the relevant rules and regulations of the region.

(7) The exploration, exploitation and all other activities conducted in the sea-bed, ocean floor and their subsoil of the international sea area shall be governed by the international regime and the international machinery to be established.

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COMMITTEE ON THE PEACEFUL USES OF THE  
SEA-BED AND THE OCEAN FLOOR BEYOND  
THE LIMITS OF NATIONAL JURISDICTION  
SUB-COMMITTEE III

Algeria, Brazil, China, Ethiopia, Egypt, Iran,  
Kenya, Pakistan, Peru, Philippines, Romania,  
Somalia, Trinidad and Tobago, Tunisia, Yugoslavia:

Draft article on consent to conduct marine  
scientific research

Whenever, according to this Convention, the consent of a coastal State is requested for undertaking marine scientific research in the areas under its sovereignty and national jurisdiction the explicit consent of that State shall be obtained before such activity is undertaken.

GE.73-51347



PEOPLE'S REPUBLIC OF CHINA LAW OF THE SEA DRAFT ARTICLES  
(Informally submitted to UN Seabed Committee, March 1973)

PART I  
THE TERRITORIAL SEA AND STRAIT  
SECTION I GENERAL

ARTICLE 1

THE TERRITORIAL SEA, AS DELIMITED BY A COASTAL STATE BY VIRTUE OF ITS SOVEREIGNTY, IS A SPECIFIED BELT OF SEA ADJACENT TO ITS COAST OR INTERNAL WATERS, OVER WHICH IT EXERCISES SOVEREIGNTY.

ARTICLE 2

1. SOVEREIGNTY OVER THE TERRITORIAL SEA EXTENDS TO THE AIRSPACE OVER THE TERRITORIAL SEA AS WELL AS TO ITS BED AND SUBSOIL.
2. A STRAIT LYING WITHIN THE TERRITORIAL SEA (HEREINAFTER REFERRED TO AS TERRITORIAL STRAIT), WHETHER OR NOT IT IS FREQUENTLY USED FOR INTERNATIONAL NAVIGATION, FORMS AN INSEPARABLE PART OF THE TERRITORIAL SEA OF THE COASTAL STATE.

SECTION II  
DELIMITATION OF THE TERRITORIAL SEA

ARTICLE 3

1. A COASTAL STATE IS ENTITLED TO REASONABLY DEFINE, ACCORDING TO ITS GEOGRAPHICAL FEATURES AND ITS NEEDS OF ECONOMIC DEVELOPMENT AND NATIONAL SECURITY, THE BREADTH AND LIMITS OF ITS TERRITORIAL SEA AND SHALL GIVE PUBLICITY THERETO.
2. THE BREADTH AND LIMITS OF THE TERRITORIAL SEA AS DEFINED BY A COASTAL STATE ARE APPLICABLE TO THE ISLANDS BELONGING TO THAT STATE.

ARTICLE 4

COASTAL STATES IN THE SAME REGION MAY, BY AGREEMENT THROUGH CONSULTATIONS, DEFINE A UNIFIED BREADTH FOR THE TERRITORIAL SEAS IN THE REGION.

ARTICLE 5

1. COASTAL STATES ADJACENT OR OPPOSITE TO EACH OTHER SHALL DEFINE THE BOUNDARIES BETWEEN THEIR TERRITORIAL SEAS ON THE PRINCIPLES OF MUTUAL RESPECT FOR SOVEREIGNTY AND TERRITORIAL INTEGRITY, EQUALITY AND RECIPROCITY. NO SUCH STATE IS ENTITLED, FAILING AGREEMENT TO THE CONTRARY OR EXCEPT ON OTHER REASONABLE GROUNDS, TO EXTEND ITS TERRITORIAL SEA BEYOND A MERIDIAN (SIC) LINE.

2. IN CASES WHERE A MERIDIAN (SIC) LINE IS USED TO DELIMIT TERRITORIAL SEAS, EVERY POINT ON THE MERIDIAN (SIC) LINE SHALL BE EQUIDISTANT FROM THE NEAREST POINTS OF THE BASELINES FROM WHICH THE BREADTH OF THE TERRITORIAL SEAS, EVERY POINT ON THE MERIDIAN (SIC) LINE SHALL BE EQUIDISTANT FROM THE NEAREST POINTS OF THE BASELINES FROM WHICH THE BREADTH OF THE TERRITORIAL SEAS OF EACH OF THE TWO STATES CONCERNED IS MEASURED.

SECTION III  
THE BASELINE

ARTICLE 6

A COASTAL STATE MAY ADOPT ITS OWN METHOD OF DRAWING THE BASELINE ACCORDING TO THE TOPOGRAPHICAL FEATURES OF ITS COAST.

ARTICLE 7

1. IN LOCALITIES WHERE THE COASTLINE IS REGULAR OR THE COAST IS LOW AND FLAT, THE METHOD OF NATURAL BASELINES, I.E., TAKING THE LOW-TIDE LINES AS THE BASELINES, MAY BE EMPLOYED FOR MEASURING THE BREADTH OF THE TERRITORIAL SEA.

2. IN LOCALITIES WHERE THE COASTLINE IS INDENTED THE METHOD OF A SERIES OF STRAIGHT BASELINES, I.E., TAKING THE LINES CONNECTING APPROPRIATE PROTRUDING POINTS ON THE COAST AS THE BASELINES, MAY BE EMPLOYED FOR MEASURING THE BREADTH OF THE TERRITORIAL SEA. THE DIRECTION OF SUCH A SERIES OF STRAIGHT BASELINES SHALL BE ROUGHLY IN CONFORMITY WITH THAT OF THE COAST. THE DISTANCE BETWEEN TWO ADJACENT BASEPOINTS SHALL NOT BE TOO LONG.

3. A STATE WITH COASTS OF GREAT LENGTHS AND COMPLICATED TOPOGRAPHY MAY EMPLOY THE METHOD OF MIXED BASELINES, I.E. DRAWING BASELINES IN TURN BY THE METHODS PROVIDED FOR IN PARAGRAPHS 1 AND 2 TO SUIT DIFFERENT CONDITIONS.

ARTICLE 8

1. IF THERE ARE ISLANDS ALONG THE COAST, STRAIGHT LINES CONNECTING THE BASEPOINTS OF THE OUTERMOST ISLANDS MAY SERVE AS BASELINES.

2. IF THE DISTANCE BETWEEN THE BASEPOINTS AT THE ENTRANCE OF A BAY DOES NOT EXCEED TWICE THE BREADTH OF THE TERRITORIAL SEA, THE STRAIGHT LINE LINKING THE TWO POINTS MAY SERVE AS THE BASELINE.

3. IF A RIVER MOUTH JOINS THE SEA DIRECTLY AND THERE IS NO ISLAND OFF IT, THE STRAIGHT LINE CONNECTING THE TWO PROTRUDING POINTS ON THE LOW-TIDE LINE ON EITHER BANK OF THE RIVER MOUTH MAY SERVE AS THE BASELINE.

4. IF REEFS AND BARS ABOVE WATER AT LOW TIDE ARE SITUATED WHOLLY OR PARTLY AT A DISTANCE NOT EXCEEDING THE BREADTH OF THE TERRITORIAL SEA FROM THE MAINLAND OR AN ISLAND, THE LOW-TIDE LINES ON THOSE REEFS AND BARS MAY BE USED AS BASELINES FOR MEASURING THE BREADTH OF THE TERRITORIAL SEA.

ARTICLE 9

IF AN ARCHIPELAGO OR AN ISLAND CHAIN IS COMPOSED OF ISLANDS WHICH ARE RATHER NEAR TO EACH OTHER, IT MAY BE TAKEN AS AN INTEGRATED ENTITY. IN THE CASE OF AN ARCHIPELAGO, THE SERIES OF STRAIGHT LINES CONNECTING THE OUTER BASEPOINTS ON THE OUTER-MOST ISLANDS MAY BE USED AS THE BASELINES. IN THE CASE OF AN ISLAND CHAIN, THE STRAIGHT LINES CONNECTING THE OUTER BASE-POINTS ON THE ISLAND CHAIN MAY BE USED AS THE BASELINES.

SECTION IV  
REGULATION BY A COASTAL STATE OF ITS TERRITORIAL  
SEA AND STRAIT

ARTICLE 10

FOR THE PURPOSES OF REGULATION OF ITS TERRITORIAL SEA AND TERRITORIAL STRAIT, A COASTAL STATE MAY ENACT NECESSARY LAWS AND REGULATIONS AND GIVE PUBLICITY THERETO.

ARTICLE 11

FOREIGN NON-MILITARY SHIPS ENJOY INNOCENT PASSAGE THROUGH TERRITORIAL SEAS AND TERRITORIAL STRAITS.  
PASSAGE IS INNOCENT WHEN IT IS NOT PREJUDICIAL TO THE PEACE, SECURITY AND GOOD ORDER OF A COASTAL STATE AND WHEN THE LAWS AND REGULATIONS OF THE COASTAL STATE ARE COMPLIED WITH.

ARTICLE 12

1. AIRCRAFT AND MILITARY SHIPS OF ANY FOREIGN STATE MAY NOT ENTER A COASTAL STATE'S TERRITORIAL SEA, TERRITORIAL STRAIT AND THE AIRSPACE THEREABOVE WITHOUT THE PRIOR APPROVAL OF THE COASTAL STATE.
2. FOREIGN SUBMARINES ENTERING A COASTAL STATE'S TERRITORIAL SEA OR TERRITORIAL STRAIT WITH PRIOR APPROVAL SHALL NAVIGATE ON THE SURFACE OF THE TERRITORIAL SEA OR TERRITORIAL STRAIT AND DISPLAY THEIR FLAG.
3. IF AIRCRAFT AND MILITARY SHIPS OF ANY FOREIGN STATE INTRUDE INTO A COASTAL STATE'S TERRITORIAL SEA, TERRITORIAL STRAIT AND THE AIRSPACE THEREABOVE WITHOUT PRIOR APPROVAL, THIS SHALL BE CONSIDERED AN ACT ON INFRINGEMENT OF THE SOVEREIGNTY OF THE COASTAL STATE. THE COASTAL STATE IS ENTITLED TO TAKE ANY NECESSARY MEASURES AS MAY BE REQUIRED BY THE SITUATION IN ORDER TO PROTECT ITS SOVEREIGNTY INVIOLETE.

ARTICLE 13

1. SHIPS OF ANY FOREIGN STATE PASSING THROUGH THE TERRITORIAL SEA AND THE TERRITORIAL STRAIT ARE REQUIRED TO TAKE EFFECTIVE MEASURES NOT TO POLLUTE SEA WATER OR DAMAGE ANY FACILITIES, AND VIOLATION OF SUCH RULES SHALL ENTAIL RESPONSIBILITY FOR COMPENSATION.
2. SHIPS OF ANY FOREIGN STATE PASSING THROUGH THE TERRITORIAL SEA AND THE TERRITORIAL STRAIT SHALL NOT HOVER ABOUT, STOP OR ANCHOR EXCEPT WHEN NAVIGATION IS HAMPERED BY FAILURE OF MACHINERY OR WHEN ACCIDENTS ARE CAUSED BY FORCE MAJEURE.

3. IF SHIPS AND AIRCRAFT OF ANY FOREIGN STATE VIOLATE THE LAWS AND REGULATIONS OF A COASTAL STATE, THE COASTAL STATE IS ENTITLED TO GIVE THEM WARNINGS, OR ORDER THEM TO LEAVE ITS TERRITORIAL SEA OR TERRITORIAL STRAIT, AND IN CASE OF A SERIOUS VIOLATION, TO INSPECT ON BOARD, DETAIN, PURSUE, OR PUNISH THEM ACCORDING TO LAW.

ARTICLE 14

1. EXCEPT UNDER SPECIAL CONDITIONS, NO CHARGES OR TOLLS MAY BE LEVIED UPON FOREIGN NONMILITARY SHIPS BY A COASTAL STATE FOR PASSAGE THROUGH ITS TERRITORIAL SEA AND TERRITORIAL STRAIT. PILOTING AND TUGGING SHALL NOT BE COMPULSORY, AND NORMAL NAVIGATION SHALL NOT BE HAMPERED.

2. A COASTAL STATE SHOULD TAKE NECESSARY SAFETY MEASURES TO ASSURE UNIMPEDED PASSAGE THROUGH CHANNELS OF ITS TERRITORIAL SEA AND TERRITORIAL STRAIT, TO KEEP THE LAY-OUT OF ROUTE MARKINGS IN NORMAL CONDITION, AND GIVE TIMELY PUBLICITY TO ANY DANGERS TO NAVIGATION OF WHICH IT HAS KNOWLEDGE.

ARTICLE 15

1. A COASTAL STATE MAY TAKE APPROPRIATE AND NECESSARY MEASURES TO PROTECT THE RESOURCES IN THE WATER, ON THE SEA-BED AND IN THE SUBSOIL THEREOF WITHIN THE LIMITS OF ITS TERRITORIAL SEA AND TERRITORIAL STRAIT.

2. A COASTAL STATE MAY ADOPT REASONABLE MEASURES TO PROTECT THE MARINE ENVIRONMENT OF ITS TERRITORIAL SEA AND TERRITORIAL STRAIT AND PREVENT MARINE POLLUTION.

PART II

THE EXCLUSIVE ECONOMIC ZONE

SECTION I

DELIMITATION AND NATURE OF THE EXCLUSIVE ECONOMIC ZONE

ARTICLE 16

A COASTAL STATE MAY REASONABLY DEFINE ITS EXCLUSIVE ECONOMIC ZONE (HEREINAFTER REFERRED TO AS THE ECONOMIC ZONE) BEYOND ITS TERRITORIAL SEA IN ACCORDANCE WITH ITS GEOGRAPHICAL AND GEOLOGICAL CONDITIONS, THE STATE OF ITS NATURAL RESOURCES, AND ITS NEEDS OF NATIONAL ECONOMIC DEVELOPMENT.

ARTICLE 17

1. ALL NATURAL RESOURCES WITHIN THE ECONOMIC ZONE OF A COASTAL STATE, INCLUDING LIVING AND NON-LIVING RESOURCES OF THE WHOLE WATER COLUMN, SEA-BED AND ITS SUBSOIL, APPERTAIN TO THE COASTAL STATE.

2. A COASTAL STATE EXERCISES EXCLUSIVE JURISDICTION OVER ITS ECONOMIC ZONE FOR THE PURPOSES OF PROTECTING, USING, EXPLORING AND EXPLOITING THE RESOURCES AS DESCRIBED IN PARAGRAPH 1 OF THIS ARTICLE.

THE NORMAL NAVIGATION AND OVERFLIGHT ON THE WATER SURFACE OF AND IN THE AIR SPACE ABOVE THE ECONOMIC ZONE BY SHIPS AND AIRCRAFT OF ALL STATES SHALL NOT BE PREJUDICED, TO LAY SUBMARINE CABLES AND PIPELINES IN THE ECONOMIC ZONE SHALL REQUIRE APPROVAL OF THE COASTAL STATE.

SECTION II  
ACTIVITIES OF OTHER STATES IN THE EXCLUSIVE ECONOMIC ZONE

ARTICLE 19

1. OTHER STATES MAY ENGAGE IN FISHERY, MINING AND OTHER ECONOMIC ACTIVITIES IN THE ECONOMIC ZONE OF A COASTAL STATE PURSUANT TO AGREEMENT REACHED WITH THE COASTAL STATE.
2. SURVEY AND SCIENTIFIC RESEARCH CONDUCTED BY OTHER STATES IN THE ECONOMIC ZONE OF A COASTAL STATE SHALL REQUIRE THE PRIOR APPROVAL OF THE COASTAL STATE.

ARTICLE 20

THE COASTAL STATE SHALL, IN PRINCIPLE, GRANT TO A LAND-LOCKED STATE ADJACENT TO ITS TERRITORY COMMON ENJOYMENT IN CERTAIN PROPORTION OF THE RIGHTS OF OWNERSHIP AND JURISDICTION IN THE ECONOMIC ZONE. THE STATES CONCERNED SHALL SEEK A REASONABLE SOLUTION OF THE MATTER THROUGH CONSULTATIONS.

SECTION III  
REGULATION BY A COASTAL STATE OF ITS EXCLUSIVE ECONOMIC ZONE

ARTICLE 21

A COASTAL STATE MAY ENACT NECESSARY LAWS AND REGULATIONS FOR THE EFFECTIVE REGULATION OF ITS ECONOMIC ZONE.

ARTICLE 22

IN CARRYING OUT ANY ACTIVITIES IN THE ECONOMIC ZONE OF A COASTAL STATE, THE LAWS AND REGULATIONS OF THE STATE RELATING TO THE CONSERVATION OF FISHERY RESOURCES, THE PREVENTION AND ELIMINATION OF POLLUTION OF THE MARINE ENVIRONMENT AS WELL AS THE PROHIBITION OF DAMAGE TO NATURAL RESOURCES MUST BE OBSERVED.

ARTICLE 23

A COASTAL STATE IS ENTITLED, WHEN NECESSARY, TO DEAL WITH UNAUTHORIZED FISHERY, MINING OR OTHER ACTIVITIES IN ITS ECONOMIC ZONE, AND WITH VIOLATIONS OF ITS RELEVANT LAWS AND REGULATIONS EVEN THOUGH IT HAS GIVEN PRIOR APPROVAL FOR SUCH ACTIVITIES.

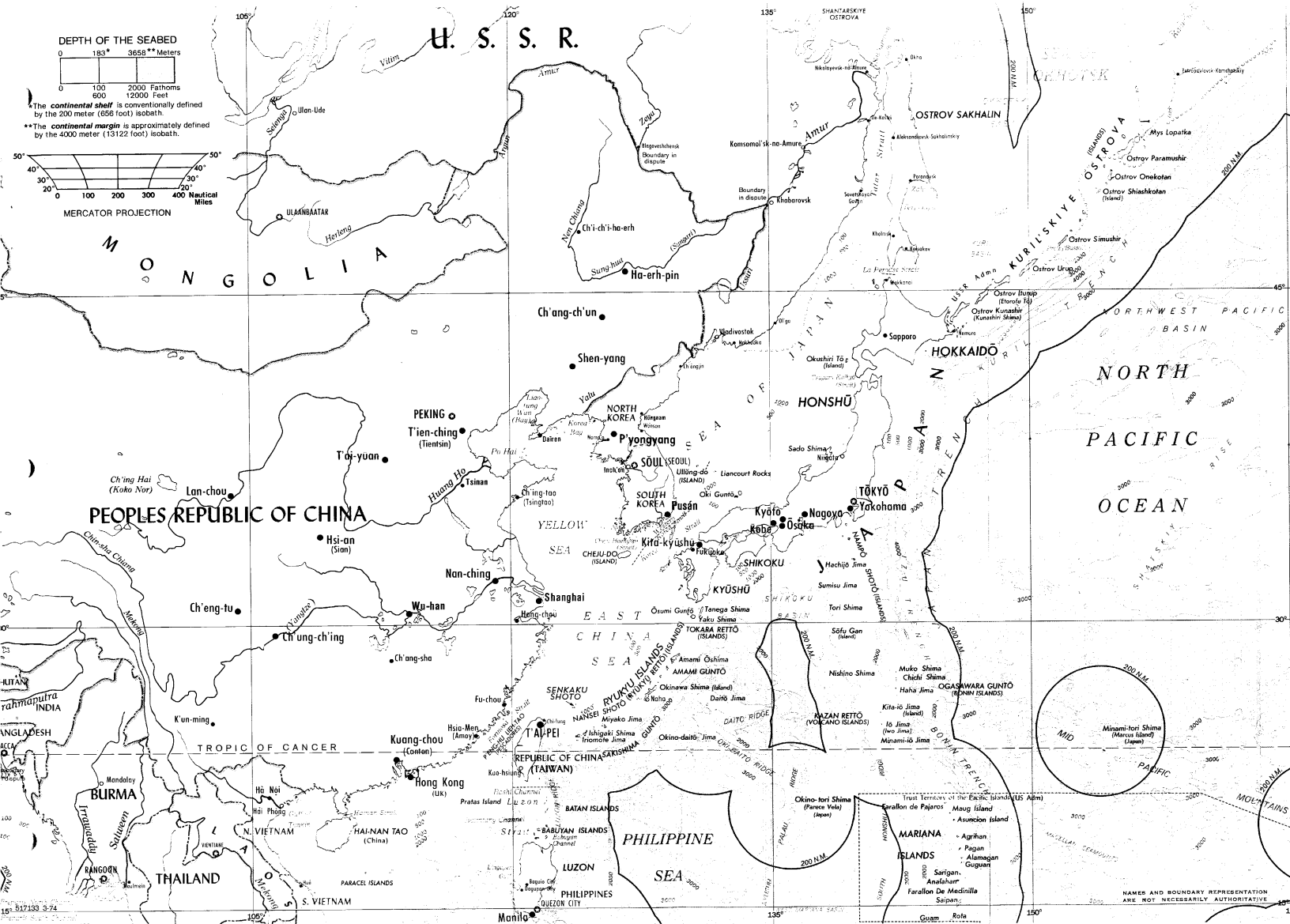
SECTION IV  
RELATIONSHIP BETWEEN NEIGHBOURING STATES

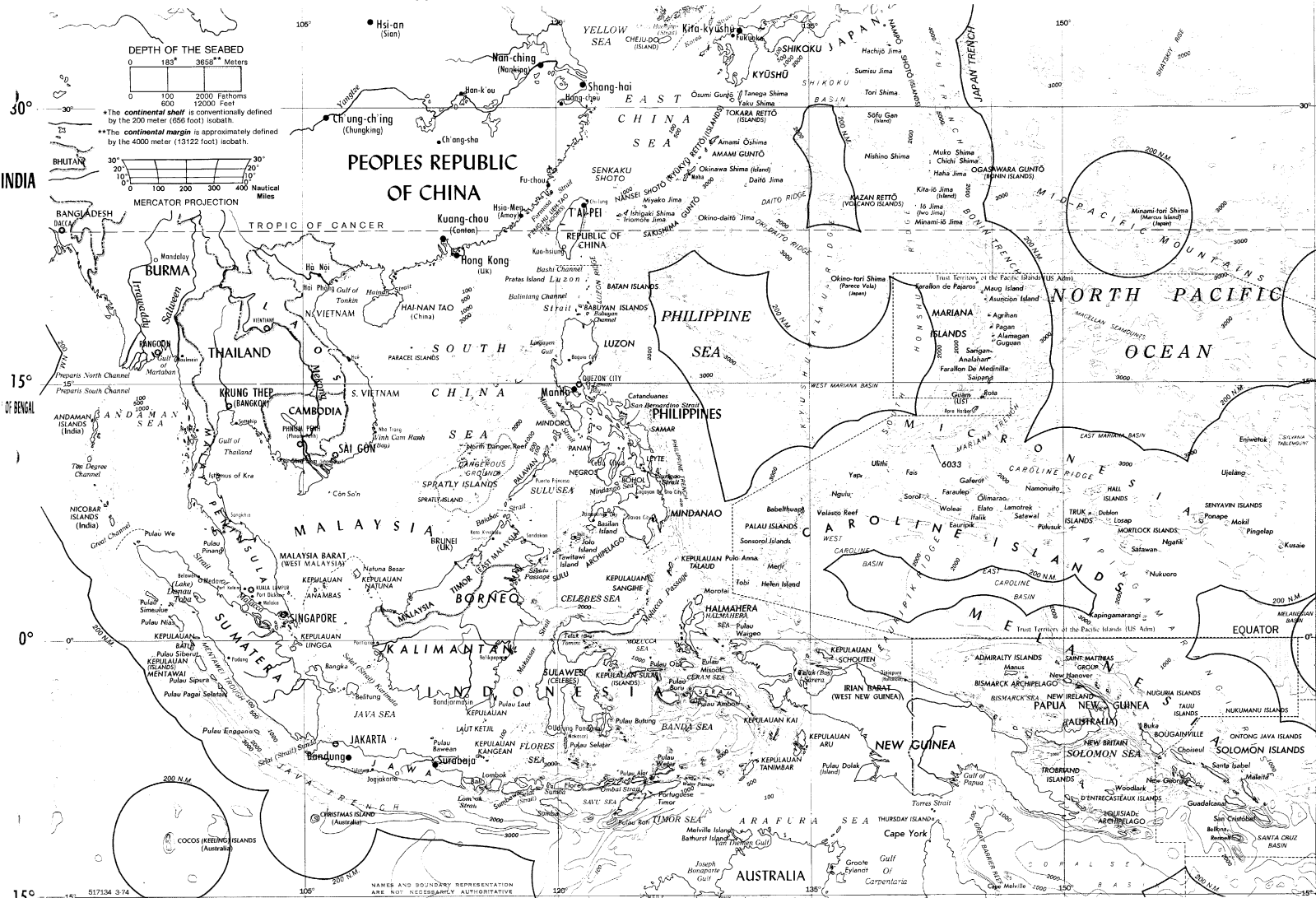
ARTICLE 24

THE DEFINING OF BOUNDARIES BETWEEN THE ECONOMIC ZONES OF COASTAL STATES ADJACENT OR OPPOSITE TO EACH OTHER SHALL BE DETERMINED THROUGH CONSULTATION ON THE BASIS OF EQUALITY AND MUTUAL RESPECT.

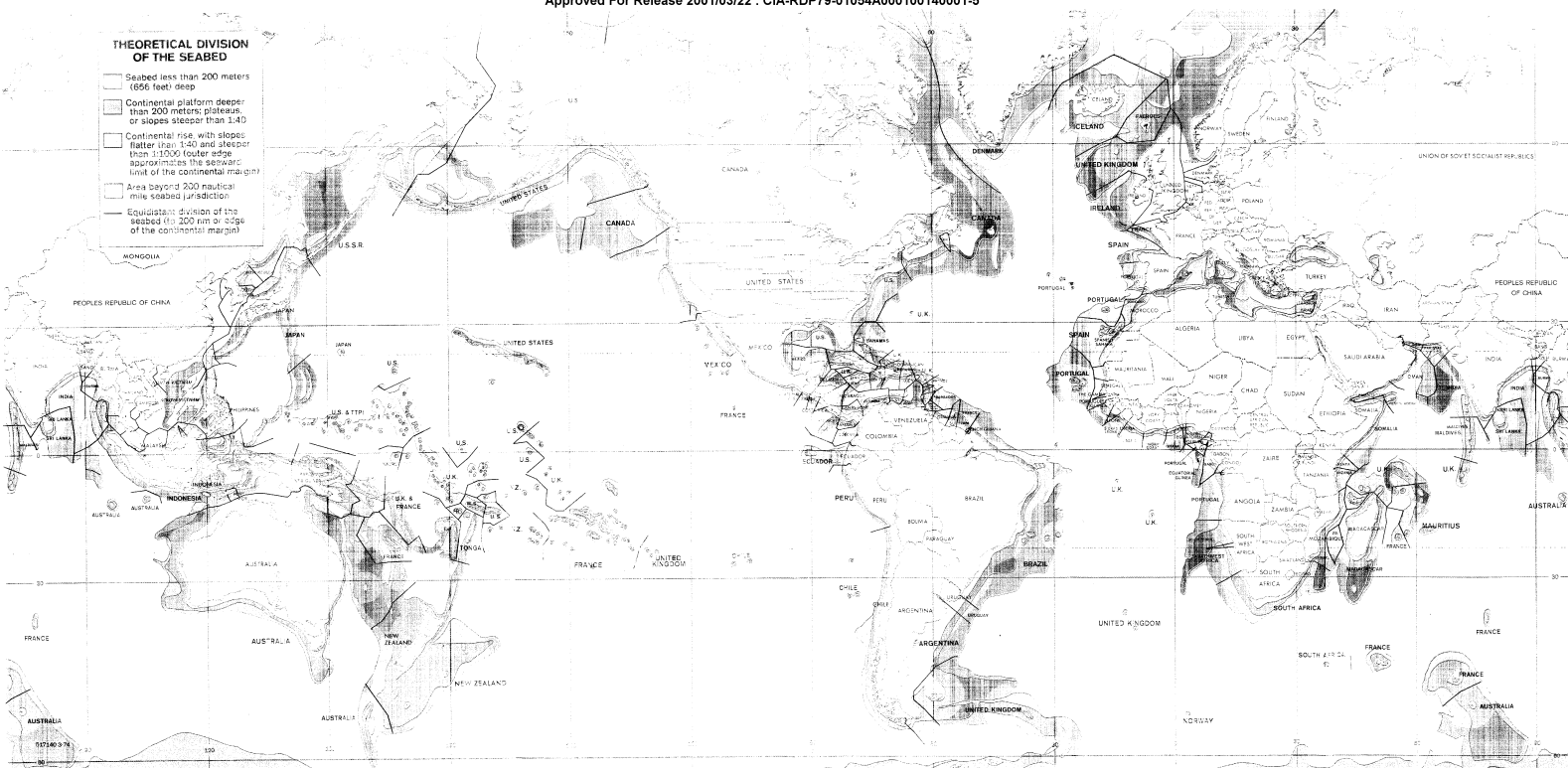
ARTICLE 25

FOR THE EXPLOITATION, REGULATION, SCIENTIFIC RESEARCH AND OTHER ACTIVITIES IN CONNECTION WITH FISH, PETROLEUM, NATURAL GAS AND OTHER RESOURCES IN THE CONTIGUOUS PARTS OF THE ECONOMIC ZONES OF COASTAL STATES ADJACENT OR OPPOSITE TO EACH OTHER, THESE STATES MAY, ON THE BASIS OF SAFEGUARDING AND RESPECTING THEIR RESPECTIVE SOVEREIGNTY, CONDUCT NECESSARY CONSULTATIONS IN SEEKING REASONABLE SOLUTIONS.









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