United States Department of State
*Bureau of Oceans and International Environmental and Scientific Affairs*

# Limits in the Seas

## No. 117

## Straight Baseline Claim: China

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# CHINA

July 9, 1996

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## INTRODUCTION

The People's Republic of China issued a Declaration on 15 May 1996 declaring straight baselines along parts of its coast. From these straight baselines China will measure the breadth of its territorial sea, contiguous zone, and its other claimed maritime zones. The Declaration, which is reprinted in Annex I to this study, indicates that only a part of China's straight baselines are being claimed at this point in time: "(China) … hereby announces the baselines of part of its territorial sea adjacent to the mainland and those of the territorial sea adjacent to its Xisha Islands…."[1] The Declaration does not address China's baseline from its land boundary terminus with North Korea to point 1 of the Declaration (including the Bo-Hai area), along its coast in the Gulf of Tonkin, or around other islands it claims in the South China Sea.

China first claimed straight baselines in its Declaration on the Territorial Sea, made on September 4, 1958. In this Declaration China claimed that the baseline for measuring the breadth of its territorial sea is "the line composed of the straight lines connecting basepoints on the mainland coast and on the outermost of the coastal islands." However, no specific geographic coordinates were given to define these base points.[2]

On February 25, 1992, China enacted The Law of the People's Republic of China on the Territorial Sea and the Contiguous Zone (reproduced at Annex 2 of this study). Again, no specifics were given on the baselines other than that found in Article 3 which stated that "the method of straight baselines composed of all the straight lines joining the adjacent base points shall be employed in drawing the baselines of the territorial sea of the People's Republic of China." Neither the 1958 nor the 1992 law make reference to the low-water mark as the normal baseline.

## MAY 15, 1996 DECLARATION

China has claimed two sets of straight baseline systems in this Declaration. This first system comprises 49 base points along features on, and adjacent to, its mainland coast and on Hainan Island beginning at point 1 (Shandonggaojiao) on the eastern tip of the Shandong peninsula situated to the southeast of Bo-Hai, south to point 49 situated on the west coast of Hainan Island. The second system encompasses the Paracel Islands, in the northern part of the South China Sea, with 28 basepoints.

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[1] The Xisha (Paracel) Islands are also claimed by Vietnam. The analysis in this paper of China's straight baseline claim around these islands does not necessarily reflect a recognition by the United States Government of China's sovereignty to these islands.

[2] See Limits in the Seas No. 43, "Straight Baselines, Peoples Republic of China", July 1, 1972 (LIS No. 43). The analysis found in LIS No. 43 was based on this non-specific Declaration. The analysis contained in this present study supersedes that of LIS No. 43.

In its Declaration, China has not provided technical information regarding the base points or baselines. There is no statement of datum, spheroid, or type of "straight" lines to be used.[3]

## BASIS FOR ANALYSIS

The United Nations Convention on the Law of the Sea (LOS Convention) reflects customary international law for the principles that underlie the proper and legal establishment of baselines.[4] The rules for drawing baselines are contained in articles 5-11 and 13-14 of the LOS Convention. Article 5 states that "except where otherwise provided in this Convention, the normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast." Paragraph 1 of Article 7 is the paramount paragraph that establishes the geographical conditions that must be met should a coastal state elect to claim straight baselines in particular locations. This paragraph states that straight baselines may be drawn only in two specific geographic situations, that is, (a) "in localities where the coastline is deeply indented and cut into", or (b), "if there is a fringe of islands along the coast in its immediate vicinity".[5]

The purpose of authorizing the use of straight baselines is to allow the coastal State, at its discretion, to enclose those waters which have, as a result of their close interrelationship with the land, the character of internal waters. According to the LOS Convention, "the sea areas lying within the lines must be sufficiently closely linked to the land domain to be subject to the regime of internal waters".[6] By using straight baselines a State may also eliminate complex patterns, including enclaves, in its territorial sea, that would otherwise result from the use of normal baselines.[7]

A United Nations study stated that when determining whether "conditions apply which would permit the use of straight baselines it is necessary to focus on the spirit as well as the letter of the first paragraph of article 7" (of the LOS Convention).[8] And, as a noted geographer has stated, "proper straight baselines usually have a number of segments, each composed of several legs, interspersed with sections of the low-water mark of island and mainland coasts….The length of individual legs is short and the baseline is rarely more than 24 nautical miles from an exposed coast".[9] Article 14 of the LOS Convention

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[3] The official Chinese charts were not obtainable for this study. This analysis uses charts of a 1:300,000 scale and larger, produced by the U.S. Defense Mapping Agency (DMA). Under Article 16 of the LOS Convention, a State is obligated to give due publicity to either the charts or a listing of geographic coordinates, specifying geodetic datum. Distances are calculated on the World Geodetic System 1984 (WGS 84). All mileage cited in this study unless otherwise noted, are nautical miles. One nautical mile equals 1,852 meters. Straight lines can be depicted as rhumb lines, acres of great circles, or geodesics.

[4] China deposited its instrument of ratification of the LOS Convention on June 6, 1996.

[5] LOS Convention, Article 7(1); also found in Article 4(1) of the Convention on the Territorial Sea and the Contiguous Zone (15 U.S.T. 1606, T.I.A.S. No. 639, 516 U.N.T.S. 205.

[6] LOS Convention, article 7(3).

[7] J. Ashley Roach and Robert W. Smith (Roach and Smith), *United States Responses to Excessive Maritime Claims,* 2nd edition, Martinus Nijhoff Publishers, 1996, p. 60.

[8] United Nations, Baselines: An Examination of the Relevant Provisions of the United Nations Convention on the Law of the Sea, 1989, p. 17.

[9] Victor Prescott, The Maritime Political Boundaries of the World, 1985, p. 69.

acknowledges that a combination of methods is appropriate for determining the type of baselines in particular areas: "The coastal State may determine baselines in turn by any of the methods provided for in the foregoing articles to suit different conditions."

Much of China's coastline does not meet either of the two LOS Convention geographic conditions required for applying straight baselines. And, for the most part, the waters enclosed by the new straight baseline system do not have the close relationship with the land, but rather reflect the characteristics of high seas or territorial sea. In these areas it would be appropriate to use the normal baseline, the low-water line.

## ANALYSIS OF THE BASELINES

### "Mainland" and Hainan Island baseline system

The 48 segments that connect the 49 base points total 1,734.1 miles. China has claimed a continuous set of straight baseline segments from the northeast section of its coast all the way to the west coast of Hainan Island. The segments range in length from 0.1 miles (segment 45-46 on Hainan Island) to 121.7 miles (segment 8-9 off the northeast coast of China). See Annex 3 for a listing of baseline lengths. As shown in Table 1, over half of the baseline segments (25 of the 48 segments) are in excess of 24 miles in length, with 3 (6%) of the segments exceeding 100 miles.

TABLE 1
Length of China's
Mainland and Hainan Island Baseline Segments

| Length (nautical miles) | Number of Segments (percent of total) |
|---|---|
| Less than 24 | 23 (48%) |
| 24.1 to 48 | 9 (19%) |
| 48.1 to 100 | 13 (27%) |
| Greater than 100 | 3 (6%) |

Neither the LOS Convention nor the Convention on the Territorial Sea and the Contiguous Zone place a specific distance limit on the length of a straight baseline. However, several analyses have suggested limits ranging from 24 to 48 miles.[10] The position of the United

[10] See Roach and Smith, p. 64 (24 miles); Robert D. Hodgson and Lewis M. Alexander, "Towards an Objective Analysis of Special Circumstances: Bays, Rivers, Coastal and Oceanic Archipelagoes and Atolls," Law of the Sea Institute Occasional Paper No. 13, 1971, p. 8 (45 miles); Peter B. Beazley, Maritime Limits and Baselines: A Guide to their Delineation, The Hydrographic Society Special Publication No. 2 (2nd ed., revised August 1978), p. 9 (45 miles); Limits in the Seas No. 106,

States is that as a general rule baseline segments should not exceed 24 miles.[11] The following analysis supports 24 miles as the maximum baseline length:

> The 24-mile maximum segment length is implied from a close reading of the relevant articles of the LOS Convention. Article 7(1) speaks of the 'immediate vicinity' of the coast. Article 7(3) states that 'the sea areas lying within the line must be sufficiently closely linked to the land domain to be subject to the regime of internal waters.' In both of these descriptions, the implication is strong that the waters to be internalized would otherwise be part of the territorial sea. It is difficult to envision a situation where international waters (beyond 12 miles from the appropriate low-water line) could be somehow 'sufficiently closely linked' as to be subject to conversion to internal waters.

This implication is reinforced by article 8(2) which guarantees the right of innocent passage in areas converted to internal waters by straight baselines. Innocent passage is a regime applicable to the territorial sea (with a maximum breadth of 12 miles). Preservation of innocent passage carries over pre-existing rights in waters that were territorial in nature before the application of straight baselines. Given this theme of linkage to territorial waters, it follows that, as a rule, no straight baseline segment should exceed 24 miles.[12]

As will be pointed out in the analysis th.at follows, the length and location of many of China's straight baseline segments are such that they do not meet the criteria set forth in the LOS Convention.

Generally, the Chinese coastline from the Shandong peninsula (point 1) to the area of Shanghai (off of which base point 11 is situated) is essentially smooth with no fringing islands. Along this part of the coastline there are a few indentations which may meet the juridical bay criteria.

Base points 1 through 5 (refer to the illustrative map in back of this study) are situated near the Shandong peninsula which is neither deeply indented nor fringed with islands. Between points 2 and 3 there are two indentations in the coast which could have juridical bay closing lines drawn across their respective entrances. Neither juridical bay closing line, however, would affect the measurement of the 12 mile territorial sea as there are other features seaward of the possible closing line. In this particular area (specifically, the territorial sea drawn from baseline segment 2-3) approximately 20 square nautical miles (sq.nm-70 sq. kilometers) of territorial sea is claimed that should remain high seas. A comparable amount of area is claimed as internal waters that should be territorial sea.

The Chinese coastline between base points 5 to 8 is relatively smooth, with a few small indentations that could be closed off by juridical bay closing lines. The city of Qingdao sits on the largest of these juridical bays. Points 6, 7, and 8 are situated on very small islets

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"Developing Standard Guidelines for Evaluating Straight Baselines", August 31, 1987 (48 miles).

[11] U.S. Department of State Dispatch Supplement, "Law of the Sea Convention, Letters of Transmittal and Submittal and Commentary", Vol. 6, February 1995, p.8.

[12] Roach and Smith, footnote 24, pp. 64-65.

adjacent to about 140 miles of coastline (between 119°50'E and 122°15'E). Segments 6-7 and 7-8 are 84.1 and 71.8 miles apart, respectively. The respective distances of points 6, 7, and 8 to the mainland are approximately 5, 16, and 26 miles. There is only one other small islet in the immediate vicinity of segment 6-7 and none near segment 7-8. Given the paucity of islands, this offshore area cannot be considered "fringed" with islands. The territorial sea should be drawn from the "normal" baseline (low-water line) of these islets and from the mainland low-water line (as depicted on official Chinese charts). In this area China has claimed about 1,175 sq.nm (4,023 sq.km.) of territorial sea that should remain high seas, and about 600 sq.nm (2,055 sq.km) of internal waters that should be high seas. In addition, there is a significant area that has been claimed as internal waters that should be territorial seas.

Segments 8-9 (121.7 miles), 9-10 (25.6 miles), and 10-11 (100.2 miles) are situated off the east coast of China in an area of extensive low-tide elevations.[13] On the chart used for this analysis, point 9 is located in the water of less than 3 meters depth.[14] Point 10 is situated on a low-tide elevation that is more than 12 miles from the mainland. There are no islands in the vicinity of the mainland near segments 8-9 and 9-10. With the exception of the several rivers that empty into the Yellow Sea and East China Sea in this area, the mainland coast is relatively smooth.

Under international law, a State may use the low-water line of a low-tide elevation as the baseline from which to measure the territorial sea <u>only</u> if that low-tide elevation is situated wholly or partly at a distance not exceeding the breadth of the territorial sea as measured from the mainland or from an island.[15] In the case of China, the low-water line of any low-tide elevation situated within 12 miles of the mainland or an island could be used to determine the territorial sea limit. There are eight low-tide elevations, including the one on which point 10 sits, depicted on DMA chart 94260 that cannot be used to determine the territorial sea because no part of any of these low-tide elevations are within 12 miles of the mainland or an island.

In addition, straight baselines cannot be drawn to and from low-tide elevations "unless lighthouses or similar installations which are permanently above sea level have been built on them or except in instances where the drawing of baselines to and from such elevations has received general international recognition."[16] It is believed that no such conditions exist in this region off China's coast.

Thus, in the area of segments 8-9, 9-10, and 10-11, the proper baseline would be in the low-water line of the mainland and those low-tide elevations situated in whole, or in part, at a distance no greater than 12 miles from the mainland. As such, in this region China has

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[13] A low-tide elevation, according to article 13 of the LOS Convention, "is a naturally formed area of land which is surrounded by and above water at low tide but submerged at high tide".

[14] Points 9 and 10 were plotted on DMA chart 94260, 5th ed., Aug. 26, 1995, 1:300,000. The chart was compiled, in part, from China chart 9306, 1976 ed., corrected to 1986, 1:300,000.

[15] LOS Convention, article 13.

[16] LOS Convention, article 7(4).

claimed approximately 1,995 sq.nm (6,831 sq.km) of territorial sea that should be high seas, and about 550 sq.nm (1,880 sq.km) of internal waters that should be high seas, and a large area of internal waters that should be territorial sea.

Point 11, which is situated east of Shanghai near the mouth of the Chianggiang (Yangtze River), is on an isolated islet and should not be a part of a straight baseline system.

From about 30°50'N (southeast of Shanghai and landward of point 12) to about 27°30'N, in the vicinity of point 18 (on Nanjishan Liedao), there are fringing islands near the mainland that would meet the fringing islands requirement of article 7(1). However, with the possible exception of points 16 and 17, and perhaps point 18, the other points are situated on small islets isolated from the other coastal islands. Points 12 and 13, for example, appear to be situated on rocks about 60 miles from the mainland and more than 16 miles from the Ma'an Qundao (Ma'an Liedao) island group where straight baselines may be valid. Points 14 and 15 also are situated on islands that do not meet the requirement that the fringe of islands be "along the coast in its immediate vicinity".

Baseline segments connecting points 18 through 24 are located along the western fringe of the Taiwan Strait.[17] While the coastline in this area can be characterized as being deeply indented and fringed with islands, modifications are required in the current baseline system. Points 19 and 20 are on features isolated from the "fringe" by about 21 miles. Segments 18-19 (73.2 miles), 19-20 (14.3 miles), and 20-21 (50.3 miles) enclose waters that are not "closely linked to the land domain".

Similarly, points 22, 23, and 24 are features that are not a part of fringing islands. The coastal area landward of these points do have fringing islands "along the coast in its immediate vicinity" on which straight baselines could be drawn.

Straight baseline segments 24-25 (30.8 miles), 25-26 (1.1 miles), and 26-27 (43.8 miles) are not justifiable in that islets on which points 24, 25, and 26 sit are not fringing islands. The coastline landward of points 24 to 27 does contain several juridical bays and the territorial sea in this area should be drawn from the low-water line of the islands and mainland, and the juridical bay closing lines.

Segments 27-28 (84.6 miles), 28-29 (71.3 miles), 29-30 (66.8 miles), and 30-31 (25.4 miles) connect base points situated on small islets and rocks. The mainland landward of segment 27-28 does have an indentation or two that could be closed off by juridical bay closing lines. Point 28, however, is an isolated islet 19 miles seaward of the mainland. Segments 28-29 and 29-30 enclose Hong Kong and Macao which have not yet come under Chinese sovereignty. Base point 31 is an isolated rock; straight baseline segments would be proper from point 30 extending west northwest which would connect several large coastal islands to the mainland.

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[17] It is noted that base points 19 and 22 are located on islands administered by Taiwan, and that the straight baseline system encloses other islands that are administered by Taiwan.

Baseline segment 31-32 (107.8 miles) connects the rock at point 31 to a small island off the northeast coast of Hainan Island. The segment cuts off the eastern approaches to Hainan Strait, an international strait. Here, China is enclosing large areas of high seas and claiming them as internal waters. Hainan Island has no fringing islands as only a few scattered islands are situated off the coast. Other than a few small juridical bays, the baseline should be the low-water line. The straight baselines have minimal effect on the territorial sea limit.

**Xisha (Paracel Islands)**

China has created 28 basepoints and connected them to enclose the Paracel Islands.[18] Regardless of whose sovereignty the Paracel Islands comes under, straight baselines cannot be drawn in this area. The Paracel Islands comprise about a dozen small islands and reefs scattered over an area approximately 120 miles by 100 miles. The largest islands in the Paracels, Woody Island and Pattle Island, are only 1.62 sq.km (400 acres) and 0.26 sq.km (64 acres), respectively. The remaining features in this area are smaller islets, rocks and reefs, some of which are depicted as being above the tidal datum.[19] While it is possible for an island to meet the requirements of article 7 and to have straight baselines drawn, these standards are not met here. The proper baseline would be the low-water line of the islands and reefs.

China (or Vietnam) would not be allowed to establish archipelagic straight baselines around the Paracel Islands, since the LOS Convention is quite clear in stating that an archipelagic State "means a State constituted wholly by one or more archipelagoes and may include other islands."[20] And, an archipelago "means a group of islands, including parts of islands, interconnecting waters and other natural features which are so closely interrelated that such islands, waters and other natural features form an intrinsic geographic, economic and political, or which historically have been regarded as such".[21] As continental states, China and Vietnam cannot establish archipelagic straight baselines around islands belonging to them.

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[18] Point 28 is connected to point 1 to complete the enclosure.

[19] As shown on DMA 93250, 13th ed., June 17, 1989. This chart was used for the calculations made for the analysis in footnote 19 below.

[20] LOS Convention, article 46.

[21] Ibid. Hypothetically, even if the Paracel Islands were an independent island state, the water/land area ratio required by article 47 of the LOS Convention would be exceeded. The land area, which would include islands, rocks, and the waters surrounded by reefs above water, is about 665 square kilometers; the water area within China's claimed straight baselines is 17,375 square kilometers. The water to land ratio would approximate 26.1:1, far exceeding the maximum allowed ratio of 9:1.

## ANNEX I

## Declaration
## Of the Government of the People's Republic of China
## On the Baseline of the Territorial Sea
## of the People's Republic of China
## 15 May 1996

In accordance with the Law of the People's Republic of China on the Territorial Sea and the Contiguous Zone Adopted and Promulgated on 25 February 1992, the Government of the People's Republic of China hereby announces the baselines of part of its territorial sea adjacent to the mainland and those of its territorial sea to the Xisha Islands as follows:

I. The baseline of part of the territorial sea adjacent to the mainland are composed of all the straight lines joining the adjacent base points listed below:

| | | |
|---|---|---|
| 1. | Shandonggaojiao (1) | |
| 2. | Shandonggaojiao (2) | |
| 3. | Moyedao (1) | 36° 57.8'N 122° 34.2'E |
| 4. | Moyedao (2) | 36° 55.1'N 122° 32.7'E |
| 5. | Moyedao (3) | 36° 53.7'N 122° 31.1'E |
| 6. | Sushandao | 36° 44.8'N 122° 15.8'E |
| 7. | Chaoliandao | 35° 53.6'N 120° 53.1'E |
| 8. | Dashandao | 35° 00.2'N 119° 54.2'E |
| 9. | Macaiheng | 33° 21.8'N 121° 20.8'E |
| 10. | Waikejiao | 33° 00.9'N 121° 38.4'E |
| 11. | Shesshandao | 31° 25.3'N 122° 14.6'E |
| 12. | Haijaio | 30° 44.1'N 123° 09.4'E |
| 13. | Dongnanjiao | 30° 43.5'N 123° 09.7'E |
| 14. | Liangxiongdiyu | 30° 10.1'N 122° 56.7'E |
| 15. | Yushanliedao | 28° 53.3'N 122° 16.5'E |
| 16. | Taizhouliedao (1) | 28° 23.9'N 121° 55.0'E |
| 17. | Taizhouliedao (2) | 28° 23.5'N 121° 54.7'E |
| 18. | Daotiaoshan | 27° 27.9'N 121° 07.8'E |
| 19. | Dongyindao | 26° 22.6'N 120° 30.4'E |
| 20. | Dongshadao | 26° 09.4'N 120° 24.3'E |
| 21. | Niushandao | 25° 25.8'N 119° 56.3'E |
| 22. | Wuqiuyu | 24° 58.6'N 119° 28.7'E |
| 23. | Dongdingdao | 24° 09.7'N 118° 14.2'E |
| 24. | Daganshan | 23° 31.9'N 117° 41.3'E |
| 25. | Nanpengliedao (1) | |
| 26. | Nanpengliedao (2) | 37° 24.0'N 122° 42.3'E |
| 27. | Shibeishanjiao | 37° 13.7'N 122° 42.3'E |
| 28. | Zhentouyan | 22° 18.9'N 115° 07.5'E |
| 29. | Jiapengliedao | 21° 48.5'N 113° 58.0'E |
| 30. | Weijiadao | 21° 34.1'N 112° 47.9'E |
| 31. | Dafanshi | 21° 27.7'N 112° 21.5'E |
| 32. | Qizhouliedao | 19° 53.0'N 111° 16.4'E |
| 33. | Shuangfan | 19° 53.0'N 111° 12.8'E |
| 34. | Dazhoudao (1) | 18° 39.7'N 110° 29.6'E |
| 35. | Dazhoudao (2) | 18° 39.4'N 110° 29.1'E |
| 36. | Shuangfanshi | 18° 26.1'N 110° 08.4'E |
| 37. | Lingshuijiao | 18° 23.0'N 110° 03.0'E |
| 38. | Dongzhou (1) | 18° 11.0'N 109° 42.1'E |
| 39. | Dongzhou (2) | 18° 11.0'N 109° 41.8'E |
| 40. | Jinmujiao | 18° 09.5'N 109° 34.4'E |
| 41. | Shenshijiao | 18° 14.6'N 109° 07.6'E |
| 42. | Xigudao | 18° 19.3'N 108° 57.1'E |
| 43. | Yinggezui (1) | 18° 30.2'N 108° 41.3'E |
| 44. | Yinggezui (2) | 18° 30.4'N 108° 41.1'E |
| 45. | Yinggezui (3) | 18° 31.0'N 108° 40.6'E |
| 46. | Yinggezui (4) | 18° 31.1'N 108° 40.5'E |
| 47. | Gan'enjiao | 18° 50.5'N 108° 37.3'E |
| 48. | Sigengshajiao | 19° 11.6'N 108° 36.0'E |
| 49. | Junbijiao | 19° 21.1'N 108° 38.6'E |
| | | 23° 12.9'N 117° 14.9'E |

II. The baseline of the territorial sea adjacent to the Xisha Islands of the People's Republic of China are composed of all the straight lines joining the adjacent base points listed below:

| | | | | | |
|---|---|---|---|---|---|
| 1. | Dongdao (1) | 16° 40.5'N 112° 44.2'E | 19. | Beijiao (5) | 17° 06.5'N 111° 29.2'E |
| 2. | Dongdao (2) | 16° 40.1'N 112° 44.5'E | 20. | Beijiao (6) | 17° 07.0'N 111° 31.0'E |
| 3. | Dongdao (3) | 16° 39.8'N 112° 44.7'E | 21. | Beijiao (7) | 17° 07.1'N 111° 31.6'E |
| 4. | Langhuajiao (1) | 16° 04.4'N 112° 35.8'E | 22. | Beijiao (8) | 17° 06.9'N 111° 32.0'E |
| 5. | Langhuajiao (2) | 16° 01.9'N 112° 32.7'E | 23. | Zhaoshudao (1) | 16° 59.9'N 112° 14.7'E |
| 6. | Langhuajiao (3) | 16° 01.5'N 112° 31.8'E | 24. | Zhaoshudao (2) | 16° 59.7'N 112° 15.6'E |
| 7. | Langhuajiao (4) | 16° 01.0'N 112° 29.8'E | 25. | Zhaoshudao (3) | 16° 59.4'N 112° 16.6'E |
| 8. | Zhongjiandao (1) | 15° 46.5'N 111° 12.6'E | 26. | Beidao | 16° 58.4'N 112° 18.3'E |
| 15. | Beijiao (1) | 17° 04.9'N 111° 26.9'E | 27. | Zhongdao | 16° 57.6'N 112° 19.6'E |
| 16. | Beijiao (2) | 17° 05.4'N 111° 26.9'E | 28. | Nandao | 16° 56.9'N 112° 20.5'E |
| 17. | Beijiao (3) | 17° 05.7'N 111° 27.2'E | 29. | Dongdao (1) | 16° 40.5'N 112° 44.2'E |
| 18. | Beijiao (4) | 17° 06.0'N 111° 27.8'E | | | |

The Government of the People's Republic of China will announce the remaining baselines of the territorial sea of the People's Republic of China at another time.

## ANNEX 2

### Law of the People's Republic of China on the Territorial Sea and the Contiguous Zone [22]

*(Adopted at the 24th Meeting of the Standing Committee of the Seventh National People's Congress on February 25, 1992)*

**Article 1** This Law is enacted for the People's Republic of China to exercise its sovereignty over its territorial sea and the control over its contiguous zone, and to safeguard its national security and its maritime rights and interests.

**Article 2** The territorial sea of the People's Republic of China is the sea belt adjacent to the land territory and internal waters of the People's Republic of China.

The land territory of the People's Republic of China includes the mainland of the People's Republic of China and its coastal islands; Taiwan and all islands appertaining thereto including the Diaoyu Islands, the Penghu Islands; the Dongsha Islands; the Xisha Islands; the Zhongsha Islands and the Nansha Islands; as well as all the other islands belonging to the People's Republic of China.

The waters on the landward side of the baselines of the territorial sea of the People's Republic of China constitute the internal waters of the People's Republic of China.

**Article 3** The breadth of the territorial sea of the People's Republic of China is twelve nautical miles, measured from the baselines of the territorial sea.

The method of straight baselines composed of all the straight lines joining the adjacent base points shall be employed in drawing the baselines of the territorial sea of the People's Republic of China.

The outer limit of the territorial sea of the People's Republic of China is the line every point of which is at a distance equal to twelve nautical miles from the nearest point of the baseline of the territorial sea.

**Article 4** The contiguous zone of the People's Republic of China is the sea belt adjacent to and beyond the territorial sea. The breadth of the contiguous zone is twelve nautical miles.

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[22] Translated by the Legislative Affairs Commission of the Standing Committee of the National People's Congress of the People's Republic of China.

The outer limit of the contiguous zone of the People's Republic of China is the line every point of which is at a distance equal to twenty four nautical miles from the nearest point of the baseline of the territorial sea.

**Article 5** The sovereignty of the People's Republic of China over its territorial sea extends to the air space over the territorial sea as well as to the bed and subsoil of the territorial sea.

**Article 6** Foreign ships for non-military purposes shall enjoy the right of innocent passage through the territorial sea of the People's Republic of China in accordance with the law.

Foreign ships for military purposes shall be subject to approval by the Government of the People's Republic of China for entering the territorial sea of the People's Republic of China.

**Article 7** Foreign submarines and other underwater vehicles, when passing through the territorial sea of the People's Republic of China, shall navigate on the surface and show their flag.

**Article 8** Foreign ships passing through the territorial sea of the People's Republic of China must comply with the laws and regulations of the People's Republic of China and shall not be prejudicial to the peace, security and good order of the People's Republic of China.

Foreign nuclear-powered ships and ships carrying nuclear, noxious or other dangerous substances, when passing through the territorial sea of the People's Republic of China, must carry relevant documents and take special precautionary measures.

The Government of the People's Republic of China shall have the right to take all necessary measures to prevent and stop non-innocent passage through its territorial sea.

Cases of foreign ships violating the laws or regulations of the People's Republic of China shall be handled by the relevant organs of the People's Republic of China in accordance with the law.

**Article 9** The Government of the People's Republic of China may, for maintaining the safety of navigation or for other special needs, request foreign ships passing through the territorial sea of the People's Republic of China to use the designated sea lanes or to navigate according to the prescribed traffic separation schemes. The specific regulations to this effect shall be promulgated by the Government of the People's Republic of China or its competent authorities concerned.

**Article 10** In the case of violation of the laws or regulations of the People's Republic of China by a foreign ship for military purposes or a foreign government ship for non-commercial purposes when passing through the territorial sea of the People's Republic of China, the competent authorities of the People's Republic of China shall have the right to order it to leave the territorial sea immediately and the flag state shall bear international responsibility for any loss or damage thus caused.

**Article 11** All international organizations, foreign organizations or individuals shall obtain approval from the Government of the People's Republic of China for carrying out scientific research, marine operations or other activities in the territorial sea of the People's Republic of China, and shall comply with the laws and regulations of the People's Republic of China.

All illegal entries into the territorial sea of the People's Republic of China for carrying out scientific research, marine operations or other activities in contravention of the provisions of the preceding paragraph of this Article, shall be dealt with by the relevant organs of the People's Republic of China in accordance with the law.

**Article 12** No aircraft of a foreign state may enter the air space over the territorial sea of the People's Republic of China unless there is a relevant protocol or agreement between the Government of that state and the Government of the People's Republic of China, or approval or acceptance by the Government of the People's Republic of China or the competent authorities authorized by it.

**Article 13** The People's Republic of China has the right to exercise control in the contiguous zone to prevent and impose penalties for activities infringing the laws or regulations concerning security, the customs, finance, sanitation or entry and exit control within its land territory, internal waters or territorial sea.

**Article 14** The competent authorities concerned of the People's Republic of China may, when they have good reasons to believe that a foreign ship has violated the laws or regulations of the People's Republic of China, exercise the right of hot pursuit against the foreign ship.

Such pursuit shall be commenced when the foreign ship or one of its boats or other craft engaged in activities by using the ship pursued as a mother ship is within the internal waters, the territorial sea or the contiguous zone of the People's Republic of China.

## Annex 2
## (cont'd)

## Law of the People's Republic of China on the Territorial Sea and the Contiguous Zone

If the foreign ship is within the contiguous zone of the People's Republic of China, the pursuit may be undertaken only when there has been a violation of the rights as provided for in the relevant laws or regulations listed in Article 13 of this Law.

The pursuit, if not interrupted, may be continued outside the territorial sea or the contiguous zone until the ship pursued enters the territorial sea of its own country or of a third State.

The right of hot pursuit provided for in this Article shall be exercised by ships or aircraft of the People's Republic of China for military purposes, or by ships or aircraft on government service authorized by the Government of the People's Republic of China.

**Article 15** The baselines of the territorial sea of the People's Republic of China shall be promulgated by the Government of the People's Republic of China.

**Article 16** The Government of the People's Republic of China shall formulate the relevant regulations in accordance with this Law.

**Article 17** This Law shall come into force on the date of promulgation.

**Order of the President of**
**the People's Republic of China**
**No. 55**

The Law of the People's Republic of China on the Territorial Sea and the Contiguous Zone, adopted at the 24th Meeting of the Standing Committee of the Seventh National People's Congress of the People's Republic of China on February 25, 1992, is hereby promulgated and shall come into force on the date of promulgation.

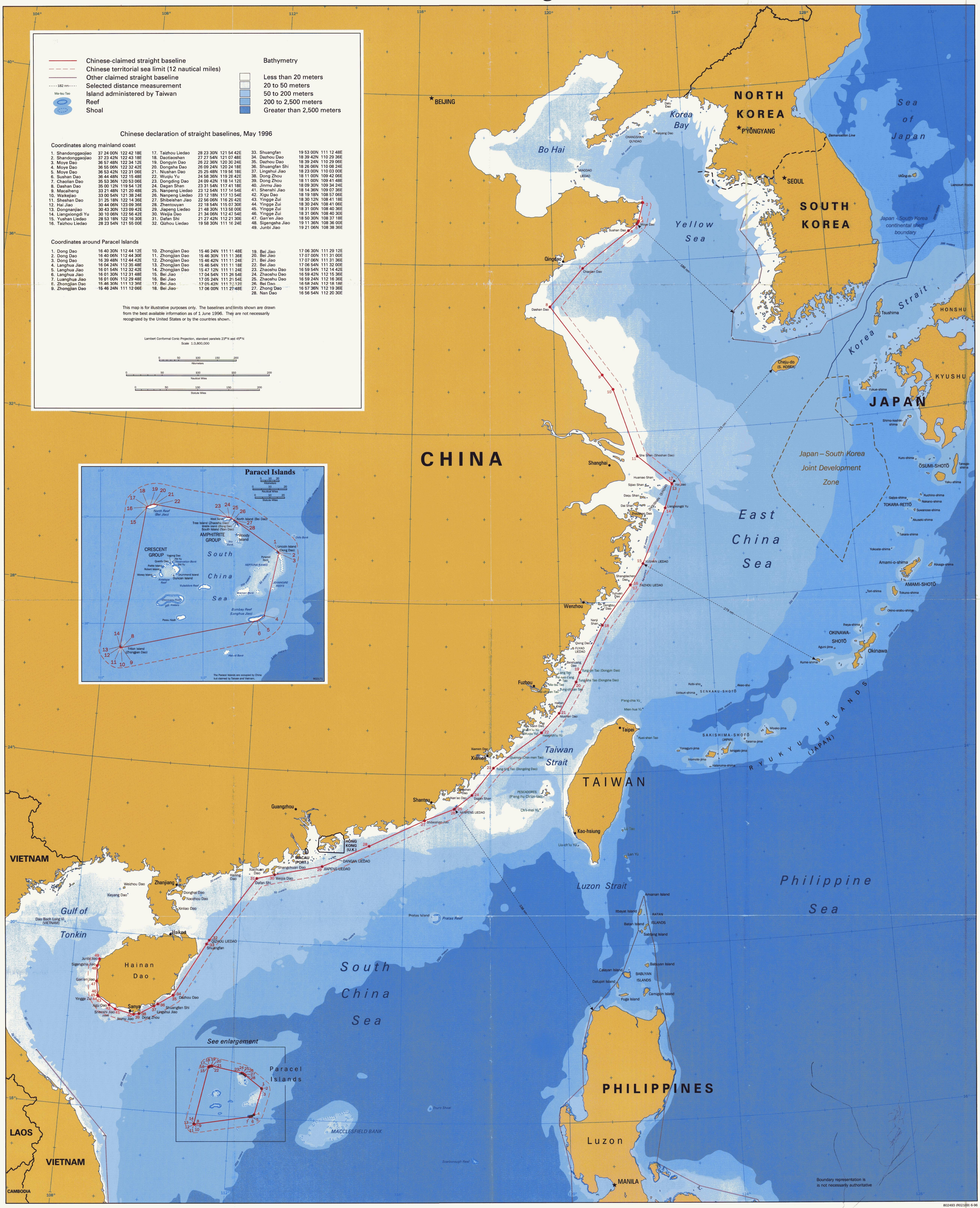
Yang Shangkun
President of the People's Republic of China

February 25, 1992

# ANNEX 3
## China's Straight Baselines
## Segment Lengths and Reference Charts

| Baseline Segment | Distance (nautical miles) | Defense Mapping Agency chart | Baseline Segment | Distance (nautical miles) | Defense Mapping Agency chart |
|---|---|---|---|---|---|
| **I. Mainland** | | | | | |
| 1-2 | 0.3 | 94440 | 25-26 | 1.1 | 94040 |
| 2-3 | 26.7 | 94440 | 26-27 | 43.8 | 94040 |
| 3-4 | 3.0 | 94440 | 27-28 | 84.6 | 93730 |
| 4-5 | 1.9 | 94290 | 28-29 | 71.3 | 93730 |
| 5-6 | 15.2 | 94290 | 29-30 | 66.8 | 93730/93720 |
| 6-7 | 84.1 | 94290 | 30-31 | 25.4 | 93720 |
| 7-8 | 71.8 | 94290 | 31-32 | 107.8 | 93720/93690 |
| 8-9 | 121.7 | 94290/94260 | 32-33 | 6.4 | 93690 |
| 9-10 | 25.6 | 94260 | 33-34 | 83.7 | 93690 |
| 10-11 | 100.2 | 94260 | 34-35 | 0.6 | 93690 |
| 11-12 | 62.5 | 94260 | 35-36 | 23.7 | 93690 |
| 12-13 | 0.6 | 94260 | 36-37 | 6.0 | 93690 |
| 13-14 | 35.2 | 94260 | 37-38 | 23.2 | 93690 |
| 14-15 | 84.2 | 94203/94180 | 38-39 | 0.3 | 93690 |
| 15-16 | 34.9 | 94180 | 39-40 | 7.2 | 93690 |
| 16-17 | 0.5 | 94180 | 40-41 | 26.0 | 93680 |
| 17-18 | 69.3 | 94180 | 41-42 | 11.0 | 93680 |
| 18-19 | 73.2 | 94180 | 42-43 | 18.5 | 93680 |
| 19-20 | 14.3 | 94160 | 43-44 | 0.3 | 93680 |
| 20-21 | 50.3 | 94160 | 44-45 | 0.8 | 93680 |
| 21-22 | 36.9 | 94160 | 45-46 | 0.1 | 93680 |
| 22-23 | 83.6 | 94060 | 46-47 | 19.6 | 93680 |
| 23-24 | 48.3 | 94060 | 47-48 | 21.0 | 93680 |
| 24-25 | 30.8 | 94060 | 48-49 | 9.8 | 93680 |

# ANNEX 3
# (cont'd)
# China's Straight Baselines
# Segment Lengths and Reference Charts

| Baseline Segment | Distance (nautical miles) | Defense Mapping Agency chart | Baseline Segment | Distance (nautical miles) | Defense Mapping Agency chart |
|---|---|---|---|---|---|
| **II. Xisha (Paracel) Islands** | | | | | |
| 1-2 | 0.5 | 93520 | 15-16 | 0.5 | 93520 |
| 2-3 | 0.4 | 93520 | 16-17 | 0.4 | 93520 |
| 3-4 | 36.3 | 93520 | 17-18 | 0.6 | 93520 |
| 4-5 | 3.9 | 93520 | 18-19 | 1.4 | 93520 |
| 5-6 | 1.0 | 93520 | 19-20 | 1.8 | 93520 |
| 6-7 | 2.0 | 93520 | 20-21 | 0.6 | 93520 |
| 7-8 | 75.8 | 93520 | 21-22 | 0.4 | 93520 |
| 8-9 | 0.5 | 93520 | 22-23 | 41.5 | 93520 |
| 9-10 | 0.3 | 93520 | 23-24 | 0.9 | 93520 |
| 10-11 | 0.2 | 93520 | 24-25 | 1.0 | 93520 |
| 11-12 | 0.3 | 93520 | 25-26 | 1.9 | 93520 |
| 12-13 | 0.2 | 93520 | 26-27 | 1.5 | 93520 |
| 13-14 | 0.3 | 93520 | 27-28 | 1.1 | 93520 |
| 14-15 | 78.8 | 93520 | 28- 1 | 28.0 | 93520 |

# China's Claimed Straight Baselines