

## CHINA, PEOPLE'S REPUBLIC OF

## SUMMARY OF CLAIMS

TYPE	DATE	SOURCE	LIMITS	NOTES
TERRITORIAL SEA	Feb 1992	Law on the Territorial Sea & Contiguous Zone	12nm	Requires prior permission for innocent passage of foreign military ships. Requires prior permission or an international agreement for foreign aircraft to fly over the territorial sea.  <i>The prior permission requirements are not recognized by the U.S.</i> U.S. protested the requirements in 1992 and 1996 and conducted operational assertions in 1986, 1991, 1992, 1996 and 1997.  Also authorizes PRC to establish sea lanes or traffic separation schemes in the territorial sea for safety of navigation and to "satisfy other requirements"; and claims "Taiwan and the various affiliated islands including Diaoyu Island, Penghu Islands, Dongsha Islands, Xisha [Paracel] Islands, Nansha (Spratly) Islands" and others. ( <i>Claims to several of these islands are disputed by other countries.</i> )
	Jun 1996	Declaration upon Ratification of 1982 LOS Convention		Reaffirms the "right" to <b>request</b> prior notification or approval for innocent passage of foreign warships through its territorial sea.
ARCHELAGIC, STRAIGHT BASELINES, & HISTORIC CLAIMS	Sep 1958	Declaration on the Territorial Sea		Enabling legislation for straight baselines. Bohai Bay (Gulf of Pohai) and Chiungchow (Hainan) Strait claimed as internal waters. (See LIS Nos. <a href="#">43</a> & <a href="#">117</a> .)
	Feb 1992	Law on the Territorial Sea & Contiguous Zone		Enabling legislation for straight baselines.
	May 1996	Declaration on the Baselines of the Territorial Sea		Promulgates <a href="#">geographical coordinates</a> for straight baselines for most of the Chinese coastline and the Xisha (Paracel) Islands. ( <i>Vietnam also claims the Paracel Islands, and protested this and other Chinese claims to the UN in June 1996.</i> )  <i>The straight baseline claims are not recognized by the U.S.</i> U.S. protested claim in 1996 and conducted operational assertion in 1997.

TYPE	DATE	SOURCE	LIMITS	NOTES
CONTIGUOUS ZONE	Feb 1992	Law on the Territorial Sea & Contiguous Zone	24 nm	<p>Claims authority to exercise powers within its contiguous zone to prevent or punish infringement of its <b>security</b>, customs, fiscal, sanitary laws and regulations or entry-exit control within its land territories, internal waters or territorial sea.</p> <p><i>The security claim is not recognized by the U.S. U.S. protested claim in 1992.</i></p>
CONTINENTAL SHELF	Jun 1998	EEZ and Continental Shelf Act	200nm/ CM	<p>Claims natural prolongation of land or 200nm, whichever is greater.</p> <p>Claims jurisdiction with regard to <b>security</b>, customs, fiscal, health and immigration laws and regulations. Claims the laying of submarine cables and pipelines must be authorized.</p>
FISHING ZONE/EEZ	Jun 1998	EEZ and Continental Shelf Act	200nm	<p>Claims jurisdiction with regard to <b>security</b>, customs, fiscal, health and immigration laws and regulations. Claims the laying of submarine cables and pipelines must be authorized.</p>
	Dec 2002	Order No. 75, Surveying and Mapping Law (See below.)		<p>Claims <b>ALL</b> surveying and mapping activities in the territorial air, land and waters, as well as other sea areas under PRC jurisdiction, by foreign entities require approval. Surveying and mapping without approval is considered a criminal offense, and violators can be fined, ordered to leave the country, and/or prosecuted under PRC law.</p> <p><i>The PRC does not distinguish between MSR and military surveys and has interfered with and protested U.S. military survey activities in its EEZ. The U.S. has protested this claim numerous times since this law was passed and conducted operational assertions in FY 2007, 2008 and 2010.</i></p> <p><i>The PRC does not recognize the airspace above its EEZ to be "international airspace" and has interfered with and protested U.S. reconnaissance flights over its EEZ. The U.S. has protested this claim numerous times since this law was passed and conducted operational assertions in FY 2007, 2008 and 2010.</i></p>

TYPE	DATE	SOURCE	LIMITS	NOTES
ENVIRONMENTAL REGULATION	Dec 1983	Regulations on the Control over Prevention of Pollution by Vessels in Sea Waters		No ships are allowed to discharge oils, oil mixtures, wastes and other harmful and poisonous matters into the harbor fresh water areas near river mouths, special maritime protection zones and maritime natural preserves.
	Mar 1985	Regulations on the Control over Dumping Wastes into the Sea Waters		Regulates dumping in territorial sea, continental shelf and other sea areas under PRC jurisdiction. Excludes discharge of wastes arising from the normal operation of vessels, aircraft, or other vehicles. Requires approval to ship wastes through sea areas under PRC jurisdiction for the purpose of dumping or disposing of wastes in sea areas under PRC jurisdiction.
	Apr 2000	Marine Environment Protection Law		Applies to all sea areas claimed by China. Regulates all "units and individuals engaged in navigation, ... scientific research and other operations in the sea areas" under PRC jurisdiction as well as those areas not under PRC jurisdiction that cause pollution to sea areas under PRC jurisdiction. Regulates establishment of marine nature reserves.
MARITIME BOUNDARIES	Dec 2000	Agreement with Vietnam on the Delimitation of the Territorial Sea, EEZ and Continental Shelf in the Gulf of Tonkin (Beibu Bay)		Signed 25 December 2000; EIF 30 June 2004. Promulgates list of <a href="#">geographical coordinates</a> (see page 2 for English translation).
LOS CONVENTION	Dec 1982			Signed Convention.
	Jul 1994			Signed Part XI Agreement.
	Jun 1996			Ratified Convention, with Declaration reaffirming the "right" to <b>request</b> prior notification/approval for innocent passage of foreign warships through its territorial sea; and reaffirming its claim to the disputed Diaoyu, Xisha (Paracel), and Nansha (Spratly) Islands.  Bound by Part XI Agreement.

#### NATIONAL LEGISLATION

The following is extracted from the Surveying and Mapping Law of the People's Republic of China, which was adopted on December 28, 1992, revised on August 29, 2002 and promulgated by Order No. 75 of the President of the People's Republic of China on August 29, 2002.

Chapter I: General Provisions

Article 1

This Law is enacted to strengthen the administration of the surveying and mapping undertaking, promote its development and ensure that it renders service to development of the national economy, the building up of national defence, and progress of the society.

Article 2

All surveying and mapping activities in the territorial air, land and waters of the People's Republic of China, as well as other sea areas under its jurisdiction shall be conducted in compliance with this Law.

For purpose of this Law, surveying and mapping include the activities conducted to determine, collect and formulate the key elements of physical geography or the shapes, sizes, space positions, attributes, etc. of man-made surface installations, as well as to process and provide the data, information and results gained therefrom.

Article 4

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The competent department for surveying and mapping of the army shall be responsible for work of the administration of surveying and mapping done by military departments and shall, in line with the division of its functions and duties specified by the State Council and the Central Military Commission, be responsible for administration of the basic marine surveying and charting.

Article 7

Foreign organizations or individuals that wish to conduct surveying and mapping in the territorial air, land or waters, as well as other sea areas under the jurisdiction of the People's Republic of China shall be subject to approval by the administrative department for surveying and mapping under the State Council and the competent department for surveying and mapping of the army, and they shall observe the provisions of relevant laws and administrative rules and regulations of the People's Republic of China.

Foreign organizations or individuals that wish to conduct surveying and mapping in the territorial air, land or waters of the People's Republic of China shall, as required by law, join hands with the relevant departments or units of the People's Republic of China in the form of Chinese-foreign equity joint venture or Chinese-foreign contractual joint venture and such surveying and mapping may not involve State secrets or endanger State security.

Chapter II : Surveying and Mapping Datums and Systems

Article 9

The State establishes a nationwide unified geodetic coordinate system, plane coordinate system, vertical system, geocentric coordinate system and gravimetric system, and defines the classification of orders and classes and precision of the national geodetic survey, as well as the national basic scale map series and their basic precision. Specific norms and requirements shall be formulated by the administrative department for surveying and mapping under the State Council in conjunction with the relevant departments under the State Council and the competent department for surveying and mapping of the army.

Where it is really necessary to adopt the international coordinate system and this does not endanger State security, the matter shall be subject to approval by the administrative department for surveying and mapping under the State Council and the competent department of survey and mapping of the army.

Chapter III: Basic Surveying and Mapping

Article 11

Basic surveying and mapping is a public welfare undertaking. The State exercises administration over basic surveying and mapping at different levels.

For purpose of this Law, basic surveying and mapping include establishing of the nationwide unified surveying and mapping datums and systems, taking of basic aerial photographs, obtaining of the remote sensing data of basic geographic information, surveying, producing and renewing of the national basic scale map series, photomaps and digital products and establishing and renewing of the basic geographic information system.

Article 13

The competent department for surveying and mapping of the army shall be responsible for working out plans for military surveying and mapping and, in line with the division of functions and duties specified by the State Council and the Central Military Commission, take charge of drawing up plans for basic marine surveying and charting, and make arrangements for their implementation.

Chapter IV: Boundary Surveying and Mapping and Other Surveying and Mapping

Article 16

The national boundaries of the People's Republic of China shall be surveyed and mapped in accordance with the boundary treaties or agreements concluded between the People's Republic of China and its neighboring countries. Standard sample maps defining the international boundaries of the People's Republic of China shall be drafted by the Ministry of Foreign Affairs and the administrative department for surveying and mapping under the State Council and submitted to the State Council for approval and publication.

Chapter VI: Surveying and Mapping Results

Article 29

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If the surveying and mapping results belong to State secrets, the provisions of laws and administrative rules and regulations governing State secrets shall be applied; and in the event they are required to be provided to foreign organizations or individuals, the procedures of examination and approval laid down by the State Council and the Central Military Commission shall be followed.

Article 32

Significant geographic information and data concerning the positions, elevations, depths, areas and lengths of the territorial air, land and waters, as well as other sea areas under the jurisdiction of the People's Republic of China shall be examined and verified by the administrative department for surveying and mapping under the State Council, and then, after consultation with the relevant departments under the State Council and the competent department for surveying and mapping of the army, be submitted to the State Council for approval and published by the State Council or by the department authorized by it.

Article 33

People's governments at all levels shall tighten control over the drawing up, printing, publishing, displaying and carrying of maps so as to guarantee the quality of maps and safeguard the sovereignty, security and interests of the State. Specific measures in this respect shall be formulated by the State Council.

People's governments at all levels shall improve publicity and education among citizens in their awareness of the territory of the State and enhance their awareness of the importance of the State territory.

Chapter VIII: Legal Liabilities

Article 40

Any unit that, in violation of the provisions of this Law, commits one of the following acts shall be given disciplinary warning, ordered to make rectification, and may, in addition, be fined not more than RMB 100,000 yuan; and the persons who are directly in charge and the other persons who are directly responsible shall be given administrative sanctions in accordance with law:

- (1) establishing, without approval, a relatively independent plane coordinate system; and
- (2) when establishing geographic information systems, adopting the basic geographic information and data which do not conform to the norms of the State.

Article 41

Any unit that, in violation of the provisions of this Law, commits one of the following acts, shall be given disciplinary warning, ordered to make rectification, and may, in addition, be fined not more than 100,000 yuan; if the violation constitutes a crime, it shall be investigated for criminal responsibility in accordance with law; and if the violation is not serious enough for criminal punishment, the persons directly in charge and the other persons directly responsible shall be given administrative sanctions in accordance with law:

- (1) when conducting surveying and mapping activities, adopting, without approval, international coordinate systems; and
- (2) publishing, without authorization, significant geographic information and data concerning the territorial air, land and waters, as well as other sea areas under the jurisdiction of the People's Republic of China.

Article 42

Anyone who, in violation of the provisions of this Law, and, without obtaining qualification certificates for surveying and mapping, engages in surveying and mapping activities shall be ordered to desist from the violation; his unlawful gains and surveying and mapping results shall be confiscated; and, in addition, he shall be fined not less than the amount of, but not more than two times the amount of, the remuneration for surveying and mapping agreed upon.

Where a person engages in surveying and mapping activities with his qualification certificate for surveying and mapping obtained by fraudulent means, his certificate shall be revoked, his unlawful gains and surveying and mapping results shall be confiscated, and, in addition, he shall be fined not less than the amount of, but not more than two times the amount of, the remuneration for surveying and mapping agreed upon.

Article 49

Where, in violation of the provisions of this Law, mistakes or omissions are made or secrets are divulged in the maps compiled, printed, published, displayed or carried, which endangers the sovereignty or security of the State and damages the interests of the State and thus constitutes a crime, criminal responsibility shall be investigated in accordance with law; and if the violation is not serious enough for criminal punishment, administrative penalties or sanctions shall be given in accordance with law.

Article 51

Any unit or individual that, in violation of the provisions of this Law, commits one of the following acts shall be ordered to desist from the violation, the surveying and mapping results and tools shall be confiscated, and it/he shall be fined not less than 10,000 yuan but not more than 100,000 yuan; if the circumstances are serious, it/he shall be fined not less than 100,000 but not more than 500,000 yuan and shall be ordered to leave the country within a specified time limit; and if the surveying and mapping results gained belong to State secrets and a crime is constituted, it/he shall be investigated for criminal responsibility in accordance with law:

(1) in the case of foreign organizations or individuals, without approval, engaging in surveying and mapping activities in the territorial air, land and waters, as well as other sea areas under the jurisdiction of the People's Republic of China; and

(2) in the case of foreign organizations or individuals, without joining an equity or contractual joint venture with the relevant department or unit of the People's Republic of China, engaging in surveying and mapping activities in the territorial air, land and waters, as well as other sea areas under the jurisdiction of the People's Republic of China.

Article 52

The administrative penalties involving the downgrading of qualifications, temporary taking away of the qualification certificates for surveying and mapping and revoking of such certificates, as provided for by this Law, shall be decided on by the department that issues such certificates; and the other administrative penalties shall be decided on by the administrative departments for surveying and mapping under the people's governments at or above the county level.

The order for leaving the country within a specified time limit, as provided for in Article 51 of this Law, shall be decided on by the public security organ.

Chapter IX: Supplementary Provisions

Article 55

This Law shall go into effect as of December 1, 2002.