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# STUDENT ESSAY

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8 DECEMBER 1975

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CURRENT PRACTICE OF THE  
PEOPLE'S REPUBLIC OF CHINA  
WITH REGARD TO INTERNATIONAL LAW

BY

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US ARMY WAR COLLEGE, CARLISLE BARRACKS, PENNSYLVANIA



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PEOPLE'S REPUBLIC OF CHINA  
WITH REGARD TO INTERNATIONAL LAW

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ABSTRACT

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CURRENT PRACTICE OF THE PEOPLE'S  
REPUBLIC OF CHINA WITH REGARD TO  
INTERNATIONAL LAW

Benjamin M. Wall\*

Preface

There is a Chinese saying - I cannot hear what you say, what you do speaks too loudly. Bearing this adage and admonition in mind, this paper has been limited, to the extent possible, to events and not to rhetoric. Of course, there are times when speeches are themselves events, and other times when rhetoric serves as a valuable illuminator of events themselves. Thus, rhetoric and speeches sometimes make their appearance in the following pages. As Dr. Johnson is reputed to have said, "I have never felt the pressure of narrow consistency."

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The views expressed herein are those solely of the author and do not necessarily represent the views of any Federal or State agency.

## Introduction

On October 1, 1949, the People's Republic of China (hereinafter, People's China or PRC) formally declared its control over the land mass known as China. A few months later, the Chinese crews of several vessels, nominally the property of Nationalist China, provided the United States Courts with one of its rare cases of barratry by taking over control of the ships and sailing for Mainland China ports.<sup>1</sup>

In late January, 1974, the PRC moved to seize the Paracels, small dots of possibly oil-bearing land and reefs approximately equidistant from Hainan Island and Da Nang, South Vietnam.<sup>2</sup> (See map, Annex A). The Viets had long disputed Chinese claims to these islands and had authorized exploration for oil there. PRC control was consolidated in late 1974 and early 1975. The rapid eclipse of the Saigon regime offered the opportune time to settle the dispute with little or no physical opposition.

Between those dates of October 1949 and January 1974 People's China has been at different times on every side of every international law issue that has arisen. The purpose of this paper is not to explore each twist and turn of policy, which has already been done in documents



and in outstanding fashion by Cohen and Chiu,<sup>3</sup> but rather to discern, if possible, if there is now a consistent thrust to Chinese practice in the field of international law, now that it has been admitted to the United Nations and can often generate a majority of votes for its programs. We note that G. I. Tunkin, the authority on Soviet practice in International Law, has come around to the view that votes in the General Assembly constitute international precedent that may be followed.<sup>4</sup> This change in view conforms most closely in time to the addition of members to the United Nations and the increasing number of votes going the direction desired by the U.S.S.R.

"Old" China cannot be said to have had a happy experience with Western views of international law. Viewing itself from time to time as either the center of the civilized world or as "the" civilized world (views which for centuries were fairly accurate),<sup>5</sup> the rulers of Old China were not originally amenable to suggestions from Westerners as to how they should conduct relations with foreign states, or even that they should have such relations with foreign states at all. When they finally did concede to Western views, it was usually at the point of a gun and from overwhelming weakness and debility.

(See Annex C, A PRC Interpretation of China's Territorial Losses). China invariably lost these encounters until on occasion it used international law a few times to protect itself.<sup>6</sup> Old China's experience naturally colored the views of the Nationalist Chinese and their successors on the mainland, People's China - views which were understandably not enthusiastically favorable to a system which it viewed as an exploitive tool, not a system of dispute settlement. This paper will also trace, if possible, any change in view as the PRC has joined the world community and has often found itself supported by the "Third World."

#### Sovereignty and Territorial Acquisition

Sovereignty in common conception gets all wrapped up in the flag and territoriality,<sup>7</sup> and the Star Spangled Banner and the Minutemen. Sovereignty in international law is the supreme power of a state within its own territory, and in accord with its own desires, independently to decide its internal and external affairs. The PRC, still stung from the treatment accorded Old China by the West, accepts this principle completely.<sup>8</sup>

##### A. Control of Lands

How, then, does one first acquire that supreme power over a given territory? In the case of the PRC, it

simply forcibly expelled the existing government, the "Kuomintang bandits" or "KMT clique" as they often refer to it. The People's Republic must thus be taken on the pragmatic level, to agree with the Western mode of territorial acquisition of discovery-occupation.<sup>9</sup> Conquest may be regarded as one division of this mode which is classically defined as taking possession of and establishing some kind of administration to show that the territory is really governed by the new possessor.<sup>10</sup> (The discovery and land, or Columbus system, has been generally rejected as too ephemeral.) In pre-imperial days (ca. 700 B.C.) conquest was the usual mode of acquiring territory on the Asian mainland. China became a unit mostly by this method, though there was some cession after conquest and some sale or exchange of lands.<sup>11</sup> (See Annex D for an explanation of Chinese place names).

Having attained working supreme power on the mainland of Asia, the PRC still had the pragmatic and theoretical problems of Taiwan. Taiwan was not only territory irredentia, but was the haven for the Republic of China, pretender to legitimate government on the Asian mainland, and, supplied with U.S. arms, a military threat of some, though perhaps not great, importance. Certainly, protected by the U.S. fleet, it was not an easy target

for subjection. Any Chinese theory on the acquisition of territory and sovereignty must, therefore, accommodate itself to the problem of Taiwan, and incidentally to the minor quarrels over the Paracels (Sisha Islands) with South Vietnam, the Spratley's (Nansha Islands) with the Phillipines and the Senkaku Islands (Tiao-yu-tai) with Japan, South Korea, and the Republic of China.

Thus, we see a succession of denouncements of Western seizure of "unoccupied" lands.<sup>12</sup> At the same time, Chinese writers were speaking of the "principle of national self-determination;"<sup>13</sup> "actions to rectify the unjust situation created by history,"<sup>14</sup> and the free exchange of frontier areas by neighbors.<sup>15</sup>

By 1963, another dispute had arisen, this time with the U.S.S.R., a dispute which has continued to the present. This dispute may well be the reason our present detente with the Soviet Union can be sustained. Forty-five Russian divisions face China. Twenty-seven Russian, plus 31 East German and Polish divisions face NATO. We may thus partially judge how seriously the parties regard the dispute. To most of us in the West, the first sign of dissension was the quarrel accompanied by a few shots over the Ussuri (Wusuli) River, the Amur (Heilung) River, and Damausly (Cheupao) Island. The PRC laid all blame on

the Soviets and pointed out that Russia's claims all stemmed from imperialist actions and unfair treaties.<sup>16.</sup>

The Taiwan issue continues to bubble, but certainly is presently on the back burner. While Vice Premier Teng Hsia<sup>o</sup>-ping recently renewed Chinese insistence that the U.S. "Two Chinas" policy be abrogated on PRC terms, he also emphasized that it was not a matter of urgency.<sup>17.</sup> Twelve delegates from Taiwan attended the First Session of the Fourth National People's Congress of the PRC, held in January, 1975.<sup>18.</sup> All of the PRC's territorial problems and claims are succinctly summarized on the map reproduced as Annex C.<sup>19.</sup>

The smaller islands constitute not a problem of pride or threat to peace as do the Amur and Taiwan, but an economic problem (read "prize") - most of these predominantly uninhabited islets are now found to be sources of oil.<sup>20.</sup> In one case, the Senkaku (Tao-yü-tai) Islands, three countries (Japan, South Korea and the Republic of China) granted exploration rights to foreign private companies. The PRC laid claim to the islets, but was not in a position to take any action until the reversion of Okinawa to Japan, since the United States happened to be in actual possession until May 15, 1972.<sup>21.</sup> The United States had maintained a strict neutral stance, insisting that ownership must be

settled between the parties.<sup>22</sup> Title to this island chain and to the Spratleys will probably be settled by diplomacy. Title to the Paracels has been settled by the landing of Chinese amphibious troops as noted above.

The PRC still holds that Macao and Hong Kong are Chinese territory irredentia, but apparently feels no compulsion to press either issue at the moment.<sup>23</sup>

The PRC attitude toward sovereignty is thus seen to be wholly Western and its approach to territorial problems to be the usual approach of a mixture of pragmatism and legal justification for whatever is viewed as legal at the time. The legal justification is being couched more and more in Western terms, though the doctrine of unequal or unfair treaties, as noted below, had a separate Chinese genesis.

#### B. Control of Sea Areas

With its heavily indented coast, much bedecked with islands, we should find the PRC bidding for a straight baseline as opposed to the normal baseline method of determining its territorial sea. The straight baseline measurement was used by Norway and upheld in the Anglo-Norwegian Fisheries Case by the International Court of Justice.<sup>24</sup> Indeed, when finally forced to take a position by the U.S. convoying of ships to Quemoy in 1958, (that island being 3 miles off the mainland), the PRC opted for

the straight baseline and 12 miles breadth of measuring the territorial sea.<sup>25</sup>

Different rules apply to passage through the high seas - open to all - the territorial seas - open to innocent passage - and the internal or inland sea - closed except by permission. By its adoption of a 12 mile limit and a straight baseline measuring system, the PRC has transformed the Chiungchow Strait between the mainland and Hainan Island (see map, Annex A) into an inland or internal sea.<sup>26</sup> Accordingly, detailed regulations for use of the strait by other than vessels of People's China Registry have been adopted and are minutely enforced. How different from the days foreign gunboats sailed the Chinese rivers at will!

Japan and China, both heavily dependent upon sea resources for food - fish, mollusks, etc., - have had more than one encounter over use of the seas between them, and now that oil and other minerals are to be found on the sea bed, more than one exchange of words over rights to the continental shelf between them. Almost all of these disputes seem to be on their way to agreed settlements or to benign neglect until a settlement can be arranged.<sup>27</sup>

## II

### China and the U.N.

While the United Nations Charter was being drafted, there was a representative from the then Communist Chinese element in the government of China on the delegation in San Francisco. People's China long held the U.N. in high regard, even participating on an ad hoc basis on questions affecting China during the '50's when it was an official opponent of the U.N. It only abandoned its efforts to be part of that international body when it became evident after the Indonesian withdrawal from the UN in 1965 that no one in the UN was listening at the time.<sup>28.</sup>

#### A. Actions since being seated in 1971

Upon being seated as a permanent member of the U.N. in 1971, the PRC first took care to denounce in general all treaties entered into in China's name before that date, except such as it should specifically adhere to thereafter.<sup>29.</sup> Theoretically, this would include the agreement setting up specific UN agencies such as UNESCO, the UN Conference on the Law of the Sea, WHO, etc. As a matter of practice, the PRC has usually simply participated in these agencies if it deemed it appropriate, and ignored them when it deemed them valueless.<sup>30.</sup>

People's China has taken a particularly active part



in the Conference on the Law of the Sea, conferences most recently dealing with mineral rights to the seabed beneath the high seas. These conferences have seen the developed countries with the technology to extract the minerals lined up on one side, and the so-called "Third World" or underdeveloped nations on the other. That is, the U.S., the Western European Countries and the U.S.S.R. have been on one side, and the "Group of 78,"<sup>31</sup> the less industrialized nations, on the other. People's China has been an advocate of the Third World position that these minerals belong to all, ever since its admission to the U.N.<sup>32</sup>

#### B. Payment of Dues

Accustomed as it has been to nit-picking over dues and assessment payments by members of the Eastern Bloc, the U.N. got a surprise when the PRC was seated. Not only did it not quibble over the percentage, but it voluntarily increased its contribution. The Republic of China, knowing since early 1971 that it might not retain its seat, delayed paying its assessment until its fears came to fruition. This left a balance due from "China." While it has not volunteered to make these payments, the PRC has said it would examine payments due special bodies of the U.N. All of this has caused bafflement to Western scholars.<sup>33</sup>

The PRC volunteered to increase its payment to the

U.N. which caused further bafflement. The People's Republic did not deign to explain. The author asked the PRC Mission in Washington, D.C. for an explanation if they cared to. We were courteously referred to the PRC's Permanent Mission to the U.N., which responded with a copy of the 1975 Constitution and two beautiful magazines, one of which contained a complete report of the 1975 First Session of the Fourth National People's Congress of the PRC (which adopted the new Constitution). No letter accompanied the material. Judging from the vast increase in "Third World" members in the U.N., this quote from the press communique after the session appears to be apt and to the point:

"The Congress stressed that we should continue to implement Chairman Mao's revolutionary line in foreign affairs; uphold proletarian internationalism; strengthen our unity with the socialist countries and the oppressed people and oppressed nations of the world; ally ourselves with all the forces that can be allied with; resolutely support the third world in their struggle to win or safeguard national independence, defend state sovereignty and develop national economy; and support the countries and people of the second world in their struggle against superpower control, threats and bullying." 34.

[Emphasis Supplied]

The answer seems evident. The PRC increased its dues as a quiet way of saying to the "Third World" which now

controls the U.N. "We're with you."

### III. The Law of Treaties

As noted above, the PRC, when it was seated in the U.N., specifically denounced all treaties entered into in the name of China, except such as it should specifically thereafter accept. While both Chinese and Western International Law have concepts of "unequal treaties" they seem to have developed separately and independently, the Chinese doctrine springing from the treatment accorded old China at the hands of the imperial powers.<sup>35</sup> To illustrate that this is a Chinese view and not just People's China's view, we note that the term was used first by the Kuomintang in 1923, five years before they overthrew the Empire.<sup>36</sup>

Since the denunciation, the PRC has announced its adherence to some treaties, has by its actions adhered to others, as noted above, and has specifically denounced one treaty that it had already generally denounced.<sup>37</sup> The major U.N. effort on the effect, force and application of international agreements, the Treaty on Treaties,<sup>38</sup> while now complete and open for signature, has not at this writing been signed by People's China. A complete analysis of the PRC's adherence to treaties, along with an analysis of the differences between the Chinese li

(the ideal ought) and fa (the positive ought) has been done by Professor Luke T. Lee.<sup>39.</sup>

As a matter of interest, PRC's liaison office and its members in the United States have diplomatic privileges and immunities by reason of an Executive Order and a statute, not by reason of a treaty.<sup>40.</sup>

#### IV. Extraterritoriality

Overseas, Chinese have always felt a close connection with China as home, whatever the politics of the government in power. From time to time the PRC has appeared to use these ties to make some of its southern neighbors miserable for shorter or longer periods.<sup>41.</sup> South Asian countries with a substantial Chinese population have thus always been slightly nervous about just what the local Chinese might do in the event of a disagreement between the two countries.

In what appeared at the time to be a major step to allay fears of its neighbors to the south, and in what may well have been intended as a model for further agreements, the PRC and Malaysia signed an Agreement in May, 1974, normalizing relations, agreeing not to meddle in each other's affairs, and pointedly noting that neither nation recognized dual nationality, enjoining those Chinese in Malaysia who did not take up Malaysian citizenship to abide by Malaysian law.<sup>42.</sup> The importance intended to be

attached to the agreement is indicated by the fact that it was signed at the Premier-Prime Minister level, rather than the Secretary-Minister level. However, on the 45th Anniversary of the Malay Communist Party, the Chinese Party sent warm greetings of support for "the revolutionary armed struggle of the Malaysia people." Needless to say, this caused great displeasure to the Malaysian government.<sup>43.</sup> The Republic of China still asserts jurisdiction of crimes committed abroad by its citizens,<sup>44.</sup> just as the U.S. used to do with its Consular Courts in China.<sup>45.</sup> It would not be entirely unthinkable, therefore, if the PRC were to do the same.

#### V. Doing Business in China

Just getting a state socialism economy to understand the approach of our modified capitalist economy to trade is a major effort. When there is added to that problem the complication that China has long regarded herself as the center of the Universe, some difficulties mount almost to the height of Everest. Joan Lebold and Jerome Alan Cohen relate the story of the Western businessman who wanted to buy large quantities of canned mandarin orange slices - but on condition that the brand name be changed from "Great Wall" to a name of the businessman's choice - one that his marketing experience told him would sell to the consumer in

the U.S. The Chinese manager refused - after all, "Great Wall" was a perfectly good name, had the respectability of centuries behind it, and needed no change that he could see.<sup>46</sup> Thus, the deal fell through.

On the other hand, the PRC seems to want to attain respectability in the international trading community. In an agreement dated June 4, 1973, the PRC agreed to settle and terminate the loans made by three Canadian Banks to the Chinese Ming Sung Industrial Company, Ltd. in 1946 in the total amount of \$14,469,183.06 (Canadian) in return for clear title to seven aging vessels.<sup>47</sup>

In January, 1974, the PRC and Japan drafted a trade agreement granting reciprocally most-favored-nation treatment on almost all trade matters, providing for the settlement of accounts in Yen, Renminbi or other specified currency, encouraging technological interchange, and providing for arbitration of disputes that could not be settled between the parties. The agreement was not signed, but was provisionally implemented by an exchange of notes subject to its full implementation, in accord with the domestic law<sup>48</sup> of each country. Finland has also negotiated a most-favored-nation agreement with the PRC concerning its vessels in Chinese waters, including repeal of a tax on income earned there.<sup>49</sup>

An American Arbitration Association delegation went to People's China in January, 1975, for discussions intended to lead to more formal talks and an increased understanding of the dispute settlement process in each country. They found the West to be very litigious by comparison to the Chinese, who emphasized first negotiation or mediation, and who seemed to desire to avoid, if at all possible, a final and binding decision by a third party - input by the parties being found highly desirable.<sup>50.</sup>

A ten man delegation, composed mostly of top officials of the state corporations that handle Peking's international trade, recently visited the United States. Despite a two-week whirlwind tour, the most noticeable element of the trip was the displayed lack of interest in America and Americans by the visitors, none of whom had ever been here before.<sup>51.</sup> The American Society of International Law hosted a luncheon meeting for two members of the delegation on September 9, 1975, where it is reported that an active discussion of dispute settlement and other matters were had.<sup>52.</sup>

U.S. Banks have been completely frozen out of the foreign trade arena with Peking, because of the frozen-asset and seized-asset issue. In December, 1950, President Truman froze about \$78,000,000.00 in Chinese funds, mostly held in U.S. banks - the Chinese promptly seized \$196,000,000.00,

mostly in fixed assets claimed by U.S. firms. To establish a correspondent bank relationship, each bank makes a deposit in the other in order to have funds available for quick clearance of transactions. But the Bank of China does not want to make deposits here, lest they be attached and tied up in litigation. The PRC is so cautious that it insisted on special congressional exceptions before it would permit a Chinese archeological exhibit to come to the U.S. The same issue keeps PRC ships, planes and trade fairs from U.S. shores.<sup>53.</sup>

As a final indication of People's China's movement toward full membership in the world community, we note the establishment of diplomatic relations with the Common Market which ranks third as the PRC's trading partners<sup>54.</sup> (after Hong Kong and Japan).

#### CONCLUSION

The PRC, certainly perceiving itself surrounded by unfriendly powers - India and the U.S.S.R. in alliance and South Vietnam with its U.S. built ports and airfields leaning toward the Soviets, is seeking counterweights and counterforces upon which it can rely in the event today's lack of warmth turns into tomorrow's open hostility. It clearly fears war - everywhere is the admonition from Mao, "dig tunnels deep, store grain everywhere."



It has ceased heckling Japan and made great efforts to make Japan a useful trading partner. It has made no recent move to dispose of the foreign enclaves of Hong Kong and Macao. It has reestablished its European trade and formalized its European relationships. And, it has begun talking again to its arch-enemy, the arch-capitalist-imperialist example, the United States.

Along the way of pragmatism, it has found modern Western international law to fit its needs as a new, powerful member of the world community of states. As the PRC seeks respectability and acceptance, we can expect it to rely more and more on the rationale and precedents of international law as the Western world has developed it. As the U.S. position as successor to the French empire in South East Asia is gone, so is the PRC concept of the U.S. as a major threat, and so is the necessity of large doses of rhetoric. All factors of the situation thus point toward a more general use by the PRC of traditional international law and contemporary development of precedent through its voting power in U.N. working bodies.

We are a long way from an entente cordiale between the PRC and the rest of the world, let alone with the U.S.; but the direction is set, and the coming domestic upheaval upon the death of the old leaders and the coming interna-

tional stresses, as remaining open disputes are reduced to settlements, can only be detours along the way to full exercise of membership in the world community by People's China.

Note to Footnotes:

We have adopted the abbreviation system of Professors Cohen and Chiu in People's China and International Law. We reproduce the system at Appendix I to the Footnotes.

FOOTNOTES

1. National Union Fire Ins. Co. v. Republic of China, 254 F. 2d 177 (4th Cir. 1958)
2. N.Y. Times, January 17, 1974, 2:4; also on January 20, 1974, amphibious force landings were reported.
3. Cohen, Jerome A. and Chiu, Hungdah, People's China and International Law, Princeton, New Jersey, Princeton University Press 1974, hereinafter PCIL
4. Tunkin, G.J., Theory of International Law, Trans. by Butler, William E., Cambridge, Mass., Harvard University Press, 1974
5. See Historical Perspective attached as Annex B, from People's Republic of China Atlas, CIA 1971, Supt. of Documents, Wash. D.C.
6. e.g., The incident in the Gulf of Pakai in 1864; PCIL 319
7. Ardrey, The Territorial Imperative, New York Atheneum 1966
8. See, e.g., Yu Fan, "Speaking about the Relationship between China and the Tibetan Region from the Viewpoint of Sovereignty and Suzerainty." JMJP (June 5, 1959)p. 7, Reprinted in PCIL
9. L. Oppenheim, International Law, A Treatise, 544-78 (8th Ed. London, Longmans, Green 1955) Cf. R. Jennings, Acquisition of Territory in International Law (1963)
10. Oppenheim, supra, at 555
11. Te-hsu Ch'eng "International Law in Early China" (1122-249 B.C.) Chinese Social and Political Science Review, 11.1-46-49 (Jan. 1929)
12. See, e.g., Lsin Lu, "A Criticism of Bougeois International Law on the Question of State Territory,"

12. (continued)  
 KCYTYC, No. 7:44-51 (1960); and Shih Sung, Yü Ta-hsin, Lu Ming-hai, and Ts'ao K'o, "An Initial Investigation into the Old Law Viewpoint in the Teaching of International Law," CHYYC, No. 4:15-16 (1958). Both reprinted in part in PCIL
13. "Statement of the Chinese Government in Support of India's Recovery of Goa." PR 4:51:10-11 (Dec. 22, 1961); and Chang Su-p'ing, "Facts on the West Irian Question," JMJP (Feb. 26, 1975) p. 5, Reprinted in PCIL
14. Shao Hsun-cheng, "Chinese Islands in the South China Sea," PC, No. 13:25-27, July 1, 1956; "Chinese Warning on South Vietnamese Intrusions," PR 2.9:9 (Mar. 3, 1959), Reprinted in PCIL
15. "Agreement between PRC and Burma on the Question of Boundaries between the two Countries." January 28, 1960., TYC 1960, IX (1961), 65-68, Reprinted in PCIL. See also, Hinton, Communist China in World Politics, pp. 321-322 (Nepal); AJIL 57.3:713-716 (July, 1963) (Pakistan); Boundary Treaty between PRC and Afghanistan, PR 6.48:7-8 (Nov. 28, 1963)
16. "Statement of the Government of the PRC, May 24, 1969." PR 12.22:3-7 (May 30, 1969) Reprinted in PCIL
17. Wall Street Journal, June 8, 1975
18. "China Pictorial" 3, 1975, Peking 28, China
19. From "PRC Atlas" CIA 1971, Supt.of Doc., Wash.D.C. 20402
20. Emery and Nunö, "Stratigraphy and Petroleum Prospects of Korea Strait and the East China Sea" Report of Geological Investigation No. 1 (June 1967). Tao Cheng, "The Sino Japanese Dispute Over the Tiao-yü-tai" 14 Va. JIL 221 et seq.
21. See Tao Cheng, supra.
22. "Hearings on the Okinawa Reversion Treaty Before the Senate Committee on Foreign Relations" 92nd Congress, 1st Session, at 11 (1971)

23. Observer, "A Warning to the Portuguese Authorities in Macao." JMJP (Oct. 26, 1955, p. 1; NCNA-English, Peking (Oct. 26, 1955), in SCMP, No. 1158:36 (Oct. 27, 1955) Reprinted in PCIL. Commentator "Hong Kong Is Chinese Territory" JMJP, (Aug. 20, 1967) p. 2; NCNA-English, Peking (Aug. 20, 1967) in SCMP, No. 4007:23 (Aug. 23, 1967), Reprinted in PCIL. "Special Committee on Decolonization," U.N. Monthly Chronicle, 9.7:36 (July, 1972)
24. [1951] I.C.J. Rep. 116. The 1958 Geneva Convention on the Territorial Sea recognizes and authorizes the use of Straight Baselines, but that convention remains among those repudiated in gross by the PRC. The USSR uses the normal baseline method, although its commentators recognize the straight baseline method even though it is an adherent to the 1958 Convention. See Butler, Wm. E., "Legal Regime of Russian Territorial Waters" 62 AJIL 51
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26. Fu Chu, Concerning the Question of our Country's Territorial Sea; (Peking 1959) pp. 1-21, 26. Reprinted in PCIL
27. "The People's Republic of China and the Law of the Sea" 63 AJIL 47 (1969)
28. Chiu, Hungdah and Edwards, RR, Communist China's Attitude Toward United Nations, 62 AJIL 20 at 23, 1968
29. Multilateral Treaties in Respect of Which The Secretary General Performs Depository Functions, United Nations, New York, 1974 UN Doc. ST/LEG/SER.0/7
30. See, e.g., Note p. 309, PCIL
31. So-called because that was its original number. There are now about 108 who fit this category.
32. Stevenson, John R. and Oxman, Bernard H., Third Conference on the Law of the Sea, The Caracas Session, 69 AJIL 1, 1975. See also, Sohn, Lewis B., "Voting Procedures in UN Conferences" 69 AJIL 310 at 326

33. "A Note on the Chinese View of United Nations Finances" 69 AJIL 628, 1975
34. "China Pictorial" 3, 1975, Peking 28, China. The other material forwarded was "China Reconstructs" Vol. XXIV, No. 4 Wai Wen Bldg., Peking 37, China; and The Constitution of the PRC, Foreign Language Press, Peking 1975. Neither the Mission in Washington nor the Mission to the United Nations in New York have a listed phone number.
35. See Note, PCIL, pp. 1114-1116
36. See Note, PCIL, p. 1116
37. Multilateral Treaties, supra. The treaty specially denounced was the Special Protocol Concerning Statelessness, The Hague, April 12, 1930. The treaties specifically adhered to, or ratified, are: Convention on the Intergovernmental Consultative Organization, Geneva, 6 March 1948. Amendment to Article 1 of the Charter of the United Nations, adopted by General Assembly Resolution 2847 (XXVI) of 30 December 1971. On Security Council Resolution 350 (1974) approving the disengagement of Israeli and Syrian forces; the PRC and Iraq abstained. 68 AJIL 803
38. 64 AJIL 495.
39. Lee, Luke T., China and International Agreements: A Study of Compliance, Durham, N.C., Rule of Law Press Leiden, 1969
40. Executive Order 11771, 1974: PL 93-22, 1973, 87 Stat.24
41. "Singapore Branch of the Bank of China and Extraterritorial Rights." 64 AJIL 371
42. PRC-Malaysia: Joint Communique on the Normalization of Relations, May 31, 1974, XIII International Legal Materials, 877 (1974)
43. Christian Science Monitor, p. 7, 10/16/75
44. 62 AJIL 987, 1968; 60 AJIL 411, 1966

45. 22 U.S.C.A. 141-183, Repealed by Joint Res. Aug. 1, 1956, c. 807, 70 Stat. 74. The U.S. had previously relinquished its extraterritorial rights in China by treaty. U.S.-China Treaty, signed in Washington June 11, 1943. TS 984, 57 Stat. 767. For current provisions see China, Republic of, and U.S., Agreement on Status of Forces. 4 International Legal Materials, 1090, 1965.
46. Cohen and Cohen, China Today, p. 78, 1975; Harry N. Abrams, Inc., New York
47. Canada - PRC: Agreement on Settlement of Canadian Bank Loan to Ming Sung Industrial Company, June 4, 1974, XIII International Legal Materials 870-871
48. PRC-Japan: Trade Agreement, January 5, 1974, XIII International Legal Materials 872-876
49. Christian Science Monitor, p. 35, 11/20/75
50. Straus, "'Friendly Negotiations' - Chinese Style" News and Views from the AAA, No. 2, March-April 1975
51. Fortune, November 1975, p. 108
52. American Society of International Law Newsletter, September 1975
53. Wall Street Journal, p. 32, October 17, 1975
54. Wall Street Journal, September 16, 1975

Appendix I to Footnotes from PCIL

*Abbreviations*

<b>AJIL</b>	<i>American Journal of International Law</i>
<b>BFSP</b>	<i>British and Foreign State Papers</i>
<b>CB</b>	<i>Current Background</i> . United States Consulate General, Hong Kong
<b>CDSP</b>	<i>Current Digest of the Soviet Press</i>
<b>CFYC</b>	<i>Cheng-fa yen-chiu</i> (Political-legal research)
<b>CHYYC</b>	<i>Chiao-hsieh yü yen-chiu</i> (Teaching and research)
<b>FBIS</b>	<i>Foreign Broadcast Information Service</i>
<b>FEER</b>	<i>Far Eastern Economic Review</i>
<b>FH</b>	<i>Fa-hsieh</i> (Legal studies)
<b>FKHP</b>	<i>Chung-hua jen-min kung-ho-kuo fa-kuei hui-pien</i> (Collection of laws and regulations of the People's Republic of China)
<b>FLHP</b>	<i>Chung-yang jen-min cheng-fu fa-ling hui-pien</i> (Collection of laws and decrees of the Central People's Government)
<b>GAC</b>	<i>Government Administrative Council</i>
<b>JMJP</b>	<i>Jen-min jih-pao</i> (People's daily)
<b>KCWTYC</b>	<i>Kuo-chi wen-t'i yen-chiu</i> (Studies in international problems)
<b>LNTS</b>	<i>League of Nations Treaty Series</i>
<b>NCNA</b>	<i>New China News Agency</i>
<b>PC</b>	<i>People's China</i>
<b>PR</b>	<i>Peking Review</i>
<b>SCMP</b>	<i>Survey of China Mainland Press</i> . United States Consulate General, Hong Kong
<b>SGP</b>	<i>Sovetskoe gosudarstvo i pravo</i> (Soviet state and law)
<b>TIAS</b>	<i>Treaties and Other International Acts Series</i>
<b>TYC</b>	<i>Chung-hua jen-min kung-ho-kuo t'iao-yüeh-chi</i> (Collection of treaties of the People's Republic of China)
<b>UNTS</b>	<i>United Nations Treaty Series</i>
<b>UST</b>	<i>United States Treaties and Other International Agreements</i>
<b>WCC</b>	<i>Chung-hua jen-min kung-ho-kuo wai-wai kuan-hsi wen-chien-chi</i> (Collection of documents relating to the foreign relations of the People's Republic of China)



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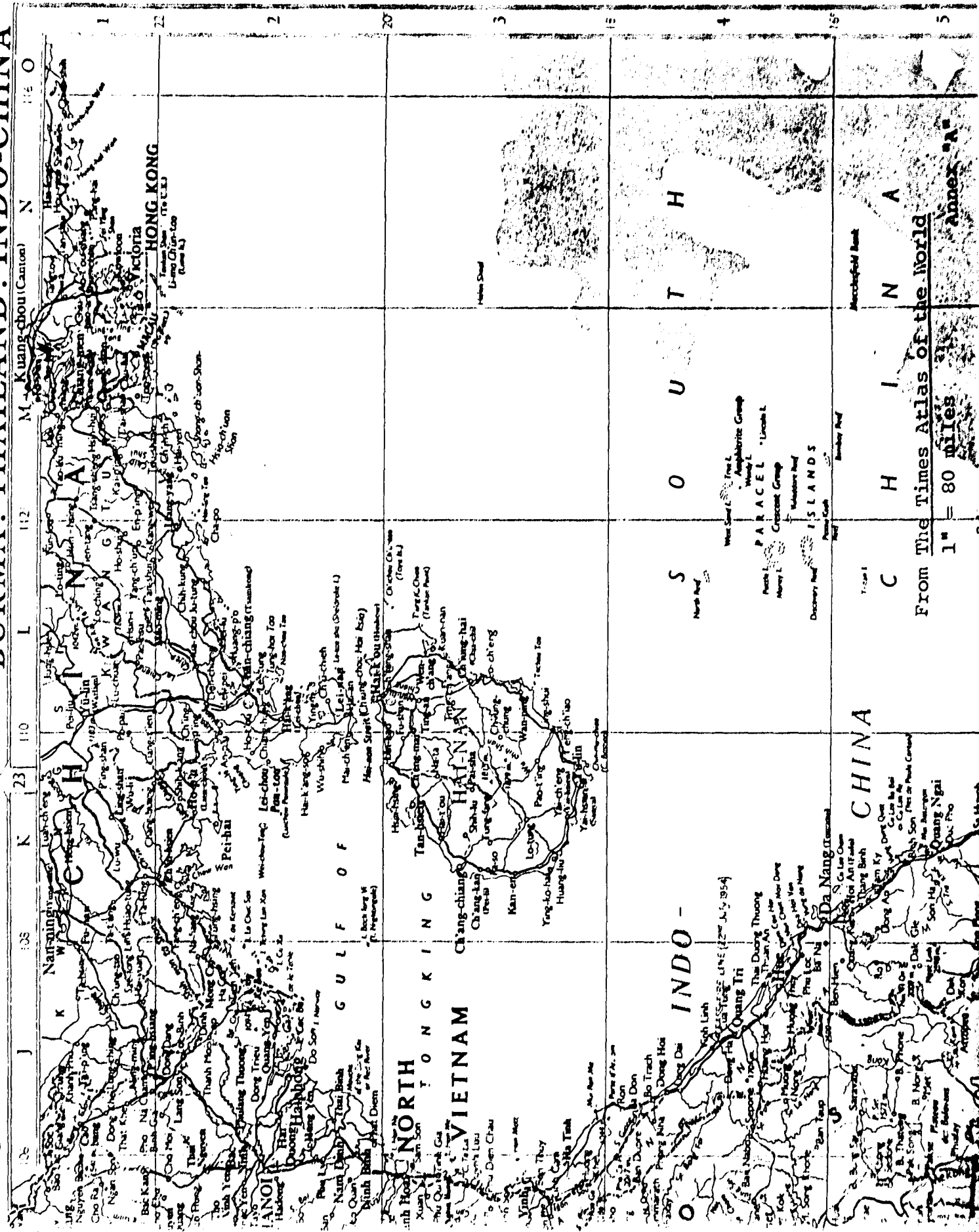
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Wall Street Journal, p. 32, October 17, 1975

ANNEZ "A"

BUKMA: IHALLAND: INDO-CHINA



From The Times Atlas of the World  
 1" = 80 miles

ARLIX "B"

Chinese  
civilization  
develops in North  
China

3000

2000

Development of writing system

1000

Confucius

China  
unified

Great  
comple

Pyramid  
building  
in Egypt

Hammurabi Abraham

Trojan  
War

Homer

Socrates

R



B.C. | A.D.

Great Wall  
completed

Paper  
invented

Period of disunity

Reunification

Chinese culture flourishes  
(sculpture, painting, poetry) 1000

Mongol conquests  
Marco Polo

Roman

Empire

Attila  
Flowering of Indian Culture

Mohammed

Charlemagne

Battle  
of  
Hastings

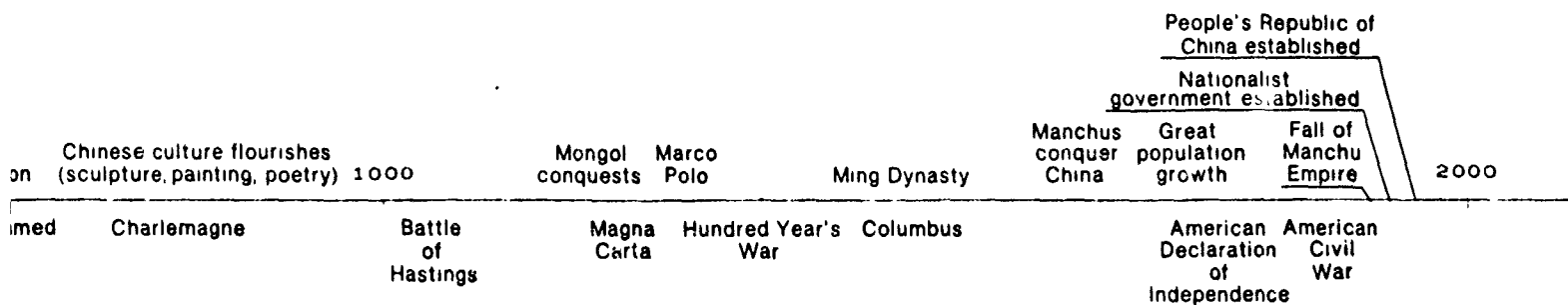
Magna  
Carta

Hundred Y.  
War



Annex "B"

From PRC Atlas, CIA

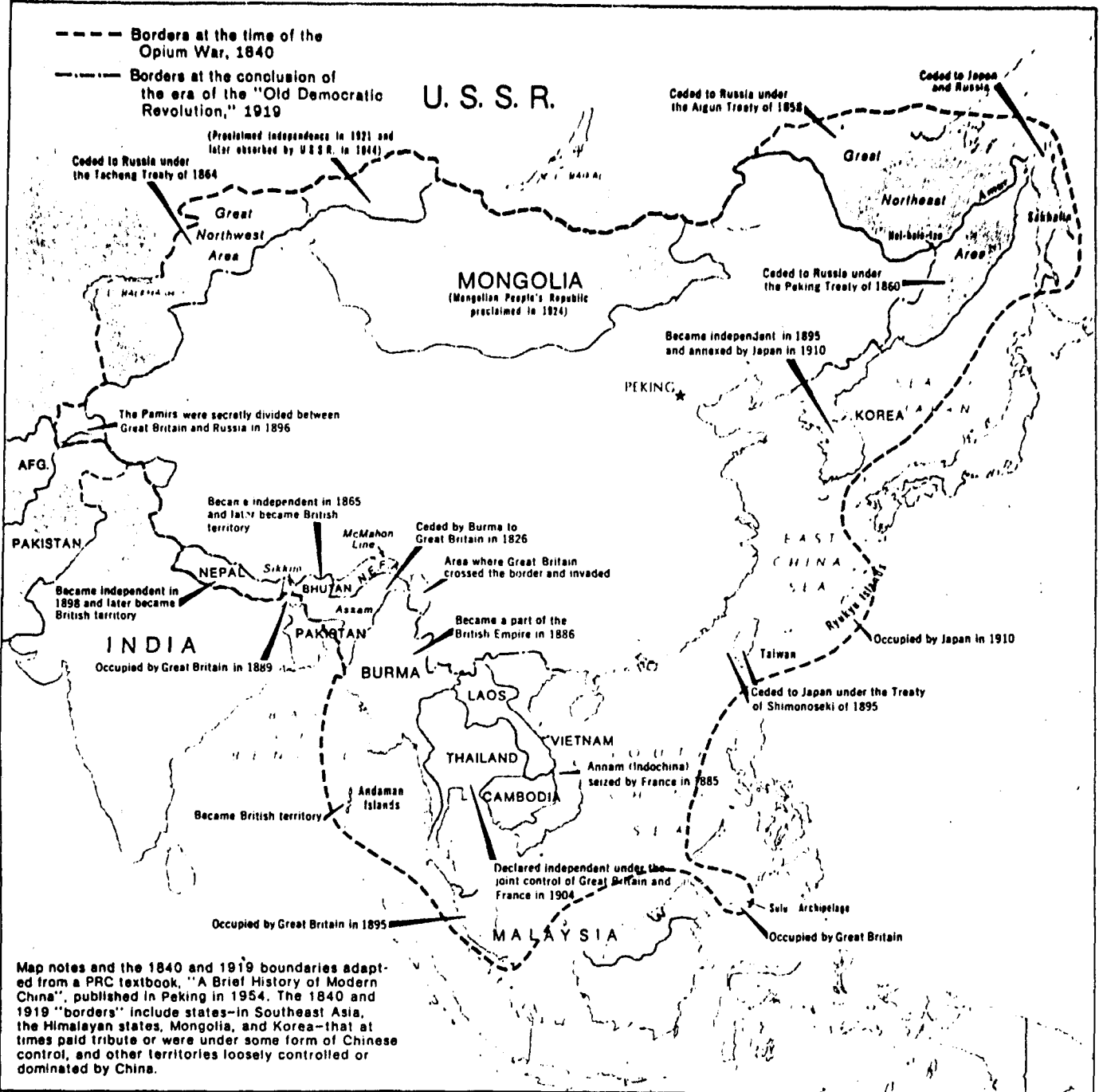


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HISTORICAL PERSPECTIVE

ANNEX "C"

# A PRC Interpretation of China's Territorial Losses



Annex "C" From PRC Atlas CIA

Sino-Soviet frontier talks commenced in late 1969, following several serious border incidents, but visible signs of progress toward agreement are lacking. Although publicizing extensive territorial losses resulting from 19th century Sino-Russian treaties, Peking has indicated a willingness to use the de facto boundary as the basis of a new border settlement. A difficult problem, presumably, has been the ownership of the numerous islands in the Amur and Ussuri—particularly of Hei-hsia-tzu, the large Russian-occupied island adjacent to Khabarovsk at the confluence of the two rivers.

Basic differences concerning the alignment of the

China-India boundary, which were greatly intensified by the 1962 Sino-Indian border war, appear to be too serious to permit resolution in the foreseeable future. China occupies several thousand square miles of desolate plateau and mountain country in the west claimed by India. This disputed territory is crossed by the main Chinese supply route to western Tibet. In the east the de facto border along the high peaks of the Himalayas is the famed McMahon Line, accepted by India but rejected by China. India occupies and administers the rugged hills and mountains of the North East Frontier Agency (N.E.F.A.), most of which is claimed by China.

ANNEX "D"

