

中华人民共和国 海洋法规选编

COLLECTION OF THE SEA LAWS AND REGULATIONS
OF THE PEOPLE'S REPUBLIC OF CHINA



海洋出版社

中华人民共和国 海洋法规选编

(修订版)

COLLECTION OF THE SEA LAWS AND REGULATIONS
OF THE PEOPLE'S REPUBLIC OF CHINA

国家海洋局政策法规办公室编

Office of Policy, Law and Regulation
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再 版 说 明

为满足海洋行政管理、海洋开发利用活动、海洋法律事务、教学研究以及外事活动中的需要,1990年在涉海各有关部门和单位的支持与协助下,我们曾组织编印了《中华人民共和国海洋法规选编》。因当时印刷数量有限,加之近年来需求量逐渐增多,致使原有的海洋法规选编被索购一空。

此番,我们在原《中华人民共和国海洋法规选编》的基础上,对收选的法律、法规作了适当的删除和增补,充实了近年来相继出台的涉海现行法律、法规,在编排顺序上也作了相应的调整。再版的《中华人民共和国海洋法规选编》,内容涵盖了基本性海洋法律制度,海洋矿产、海洋渔业、海上交通、海洋环境保护、海洋科学研究、海洋文物等诸方面的法律制度。为适应改革开放和对外交往的需要,采用中英文对照的形式出版,但其中的英文未经立法机关审查,故不具备与中文同等效力。

重新编印《中华人民共和国海洋法规选编》,恰逢第49届联大第131号决议确定的国际海洋年。为维护1982年《联合国海洋法公约》所建立的国际海洋新秩序,世界上不少国家将采取各种方式举办有关的纪念、宣传活动,籍以提高海洋意识,增强海洋法制观念。我国作为拥有广阔海域的沿海国,对在国际海洋年拟开展的一系列活动已作周密部署。此间,推出再版的《中华人民共和国海洋法规选编》,也权作向国际海洋年的献礼。

编 者

1998年3月18日

说 明

《中华人民共和国海洋法规选编》是在现行海洋法律和行政法规基础上编辑的。该书汇集了海洋权益、海洋渔业、海洋石油、海上交通、海洋环境保护、海关、海事等方面的主要法律、法规,较全面地反映了目前我国海洋方面和与海洋直接有关的诸项法律制度,适宜从事海洋管理、海洋开发利用、运输、环保、军事、外交、司法、教学等部门的同志参阅使用。

考虑到海洋法规的涉外性质,为适应对外开放的形势需要,编辑时,采用了中、英文对照的形式。其中属非官方翻译的法律、法规,执行中以中文法规为准。为统一起见,对一些法律、法规名称部分英文字体及个别词语作了技术性处理。同时,考虑到《中国海事仲裁委员会仲裁规则》在海事案件处理中的适用性和重要作用,也将其一并编入。

《中华人民共和国海洋法规选编》在编辑过程中,得到国务院各有关部门的支持。谨此表示谢意。编者水平所限,若有疏漏之处,敬请指正。

编 者

1990年12月5日

Publisher's Note

COLLECTION OF THE SEA LAWS AND REGULATIONS OF THE PEOPLE'S REPUBLIC OF CHINA is edited on the basis of the sea laws and regulations currently in effect. The present publication has compiled main laws and regulations concerning marine rights and interests, fishery, oil industry, traffic at sea, marine environmental protection, the Customs, maritime affairs, etc., representing more comprehensively the legal regime on the seas of China and other related matters in various aspects today. It will be helpful reference to be used by those who work in various units relating to ocean management, marine development and utilization, transportation, environmental protection, military affairs, diplomacy, judicature, teaching, etc.

Considering the foreign character of the sea laws and regulations, in order to meet the needs of the opening to the outside world situation, it is edited both in Chinese and English. The texts in English of some laws and regulations are unofficial versions and subject to their authentic Chinese texts in implementation. For the purpose of uniformity, English scripts of names and words of some laws and regulations have been technically revised. Meanwhile, considering its applicability and importance in the settlement of maritime cases, Arbitration Rules of China Maritime Arbitration Commission is also collected in the present publication.

Our cordial thanks are due to people at various departments

concerned in the State Council who have offered generous help during the time of editing. Being the limit of editor's ability, if there is oversights and omissions, please give us your kind advice.

Editor

December 5, 1990

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中华人民共和国政府关于领海的声明

(一九五八年九月四日)

中华人民共和国政府宣布：

(一)中华人民共和国的领海宽度为十二海里(浬)。这项规定适用于中华人民共和国的一切领土,包括中国大陆及其沿海岛屿,和同大陆及其沿海岛屿隔有公海的台湾及其周围各岛、澎湖列岛、东沙群岛、西沙群岛、中沙群岛、南沙群岛以及其他属于中国的岛屿。

(二)中国大陆及其沿海岛屿的领海以连接大陆岸上和沿海岸外缘岛屿上各基点之间的各直线为基线,从基线向外延伸十二海里(浬)的水域是中国的领海。在基线以内的水域,包括渤海湾、琼州海峡在内都是中国的内海。在基线以内的岛屿,包括东引岛、高登岛、马祖列岛、白犬列岛、乌嵎岛、大小金门岛、大担岛、二担岛、东碇岛在内,都是中国的内海岛屿。

(三)一切外国飞机和军用船舶,未经中华人民共和国政府的许可,不得进入中国的领海和领海上空。

任何外国船舶在中国领海航行,必须遵守中华人民共和国政府的有关法令。

(四)以上(二)(三)两项规定的原则同样适用于台湾及其周围各岛、澎湖列岛、东沙群岛、西沙群岛、中沙群岛、南沙群岛以及其他属于中国的岛屿。

台湾和澎湖地区现在仍然被美国武力侵占,这是侵犯中华人

民共和国领土完整和主权的非法行为。台湾和澎湖等地尚待收复,中华人民共和国政府有权采取一切适当的方法,在适当的时候,收复这些地区,这是中国的内政,不容许外国干涉。