

TAIWAN (Republic of China)

The U.S. recognizes the People's Republic of China as the sole legal government of China, but maintains cultural, commercial and other unofficial relations with Taiwan.

SUMMARY OF CLAIMS

TYPE	DATE	SOURCE	LIMITS	NOTES
TERRITORIAL SEA	Jan 98	Law on the Territorial Sea & Contiguous Zone of the Republic of China	12nm	Notice requirement for foreign military or government vessels, and nuclear-powered vessels, prior to passage through the territorial seas. <i>This requirement is not recognized by the U.S. The U.S. conducted an operational assertion protesting this requirement in 2001.</i>
ARCHIPELAGIC, STRAIGHT BASELINES, & HISTORIC CLAIMS	Jan 98	Law on the Territorial Sea & Contiguous Zone of the Republic of China		Establishes straight baselines. The U.S. conducted an operational assertion protesting this claim in 2001.
CONTIGUOUS ZONE	Jan 98	Law on the Territorial Sea & Contiguous Zone of the Republic of China	24nm	
CONTINENTAL SHELF	Jan 98	Law on the EEZ and the Continental Shelf of the Republic of China	CM	"...through the natural prolongation of its land territory to the outer edge of the continental margin."
FISHING ZONE/EEZ	Jan 98	Law on the EEZ and the Continental Shelf of the Republic of China	200nm	EEZ.

LEGISLATION

Following are extracts from the Law on the Territorial Sea and Contiguous Zone of the Republic of China, approved and effective on 21 January 1998.

Article 1

This Law is enacted to preserve the sovereignty over the territorial sea and the rights over the contiguous zone of the Republic of China.

Matters not covered by this law shall be governed by the provisions of other related laws.

Article 2

The sovereignty of the Republic of China extends to its territorial sea, the air space over its territorial sea, its seabed and its subsoil.

Article 3

The territorial sea of the Republic of China shall be the sea area between the baseline and the outer limits measuring outwardly twelve nautical miles from the baseline.

Article 4

The delimitation of the baseline of the territorial sea of the Republic of China shall be determined by a combination of straight baseline in principle and normal baseline as exception.

Article 5

The baseline and the outer limits of the territorial sea of the Republic of China shall be decided by the Executive Yuan and may be promulgated in parts.

Article 6

In the event that the territorial sea of the Republic of China overlaps with the territorial sea of adjacent or opposite countries, the delimitation shall be the equidistant median line. Where there is an agreement, such an agreement shall govern.

The equidistant median line prescribed in the preceding paragraph is a line on which every point is equidistant from the nearest points on the baseline of the Republic of China and the adjacent or opposite countries.

Article 7

Foreign civil vessels may, under the reciprocity principle, enjoy the right of innocent passage through the territorial sea of the Republic of China as long as the passage is not prejudicial to the peace, good order and security of the Republic of China. Passage shall be continuous and expeditious and be in accordance with this law and other international regulations.

An innocent continuous and expeditious passage, complying with this law and other international regulations as prescribed in the preceding paragraph may include stopping and anchoring under necessity, provided the same are incidental to ordinary navigation or are rendered necessary by force majeure or distress or for the purpose of rendering assistance to persons, vessels or aircraft in danger or distress.

Foreign military or government vessels shall give prior notice to the authorities concerned before their passage through the territorial sea of the Republic of China.

While passing through the territorial sea of the Republic of China, foreign submarines and other underwater vessels are required to navigate on the surface and to display their flags.

Regulations governing innocent passage of foreign vessels shall be decided by the Executive Yuan.

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Article 8

A foreign vessel is not innocent in its passage through the territorial sea of the Republic of China if it engages in any one of the following activities:

1. Any threat or use of force against the sovereignty or territorial integrity of the Republic of China;
2. Any exercise or practice with any kind of weapons;
3. Any act aimed at collecting information to the prejudice of the defense or security of the Republic of China;
4. Any act of propaganda aimed at affecting the defense or security of the Republic of China;
5. The launching or landing of any aircraft or taking on board of any navigation equipment;
6. The launching, landing or taking on board of any military device;
7. The loading or unloading of any commodity, currency or person contrary to the customs, fiscal, trade, inspection, immigration, sanitary or environmental protection laws and regulations of the Republic of China;
8. Any act of serious pollution;
9. Any activity concerning catching living beings;
10. The activity of research or survey;
11. Any act aimed at interfering with any systems of communication or any other facilities or installations of the Republic of China; and
12. Any other activity not having a direct bearing on innocent passage.

Article 9

Foreign nuclear-powered vessels and vessels carrying nuclear or other inherently dangerous or noxious substances shall, when exercising the right of innocent passage through the territorial sea of the Republic of China, carry documents authorized in accordance with international agreements and such vessels shall be permitted and monitored by the Government of the Republic of China. The Executive Yuan shall decide the permission and monitoring regulations.

Article 10

For protecting national security and national interests, the Government of the Republic of China may suspend temporarily in specified areas of its territorial sea the innocent passage of foreign vessels.

The Executive Yuan shall promulgate the specified areas and the duration of suspension of innocent passages as prescribed in the preceding paragraph.

Article 11

The Government of the Republic of China may adopt laws and regulations relating to innocent passage through its territorial sea, in respect of all or any of the followings:

1. The maintenance of navigation safety and the regulation of maritime traffic;
2. The protection of navigational aids and facilities and other installations or facilities;
3. The protection of cables and pipelines;
4. The conservation of living marine resources;
5. The prevention and punishment of infringement of the fisheries laws and regulations of the Republic of China;
6. The preservation of the environment of the Republic of China and the prevention, reduction and control of any possible pollution thereof;
7. The prevention and punishment of any marine scientific research and hydrographic surveys undertaken without prior permission;
8. The prevention and punishment of infringement of the customs, fiscal, immigration or sanitation laws and regulations of the Republic of China; and
9. The prevention and punishment of other activities without direct bearing on innocent passage.

The laws and regulations relating to innocent passage in the territorial sea prescribed in the preceding paragraph shall be duly promulgated by the Executive Yuan.

Article 12

The Government of the Republic of China may, for the purposes of protecting the safety of navigation, prevention of destroying on-the-sea and under-the-sea installations or marine resources as well as the prevention of marine environment pollution, require the foreign vessels exercising the right of innocent passage through its territorial sea to observe designated sea lanes or traffic separation schemes.

The designated sea lanes or traffic separation schemes prescribed in the preceding paragraph shall be established and duly promulgated by the Executive Yuan.

Article 13

In the part of the Taiwan Straits not part of the territorial sea of the Republic of China used for international navigation, the Government of the Republic of China may enact laws and regulations relating to transit passage of foreign vessels and aircraft, in respect of all or any of the followings:

1. The maintenance of navigation safety and the regulation of maritime traffic;
2. The prevention, reduction and control of pollution of the environment;
3. The prohibition of fishing;
4. The prevention and punishment of loading or unloading of any commodity, currency or person in contravention of the customs, fiscal, immigration or sanitary laws and regulations of the Republic of China.

The laws and regulations relating to transit passage prescribed in the preceding paragraph shall be duly promulgated by the Executive Yuan.

Article 14

The contiguous zone of the Republic of China is the sea area contiguous to the outer limits of its territorial sea and to a distance of twenty-four nautical miles measured from the baseline. The outer limits of the contiguous zone shall be decided by the Executive Yuan and may be promulgated in parts.

Article 15

The Government of the Republic of China may enact laws and regulations in its contiguous zone for the following purposes:

1. To prevent infringement of customs, fiscal, trade, inspection, immigration, sanitation or environmental protection laws and regulations within territory and territorial sea, and unauthorized broadcasting; and
2. To punish infringement of customs, fiscal, trade, inspection, immigration, sanitation or environmental protection laws and regulations within the territory and territorial sea, and unauthorized broadcasting.

The Government of the Republic of China may enact laws and regulations to prevent and punish unauthorized broadcasting engaged on the high seas or other sea areas beyond its territorial sea and contiguous zone.

The laws and regulations prescribed in the aforementioned two paragraphs shall be promulgated by the Executive Yuan.

Article 16

All objects of a historical nature or relics found in the territorial sea and the contiguous zone of the Republic of China, while undertaking archaeological and scientific research, or other activities, shall belong to the Republic of China and be administered by the Government in accordance with related laws and regulations.

Article 17

If the authorities of national defense, police, customs or other authorized agencies of the Republic of China consider that a person or an object which is in the territorial sea of the Republic of China or the contiguous zone is engaged in any activity violating laws and regulations of the Republic of China, such authorities may engage in hot pursuit, boarding, inspection, and when necessary, detaining, arresting, or putting in custody such persons or objects.

The authorities prescribed in the preceding paragraph may replace each other consecutively in undertaking hot pursuit, boarding, and inspection.

The following are extracts from the Territorial Waters Bill of January 1998, as published in the Notice to Mariners No. 19 of March 1999.

TABLE C1.T253.
TAIWAN STRAIGHT BASELINE SYSTEM

TAIWAN STRAIGHT BASELINE SYSTEM						
AREA	POINT	POINT NAME	LATITUDE NORTH	LONGITUDE EAST	CONNECTS TO POINT	TYPE OF BASELINE
Taiwan And Its Appurtenant Islands	T1	Sandiaujiu	25°00.60'	122°00.00'	T2	straight
	T2	Mianhuayu 1	25°28.80'	122°05.80'	T3	normal
	T3	Mianhuayu 2	25°29.00'	122°05.80'	T4	straight
	T4	Pengjiayu 1	25°37.50'	122°04.50'	T5	normal
	T5	Pengjiayu 2	25°37.80'	122°03.90'	T6	straight
	T6	Linsanbi	25°17.70'	121°30.40'	T7	straight
	T7	Dajiueshi	25°04.20'	121°05.40'	T8	straight
	T8	Danioulanshan	25°00.55'	121°00.65'	T9	straight
	T9	Wuengungshi	23°47.20'	119°32.00'	T10	straight
	T10	Huayu 1	23°24.80'	119°18.70'	T11	normal
	T11	Huayu 2	23°24.00'	119°18.20'	T12	straight
	T12	Mauyu	23°19.50'	119°18.80'	T13	straight
	T13	Chimeiyu	23°12.00'	119°24.40'	T14	straight
	T14	Liouchiouyu	22°19.10'	120°20.90'	T15	straight
	T15	Chishingyan	21°45.45'	120°48.90'	T16	straight
	T16	Shiaulanyu 1	21°56.70'	121°36.10'	T17	normal
	T17	Shiaulanyu 2	21°57.00'	121°37.10'	T18	straight
	T18	Feiyian	22°41.00'	121°31.00'	T19	straight
	T19	Shtibi	23°29.20'	121°30.53'	T20	straight
	T20	Wushbi	24°28.70'	121°51.10'	T21	straight
	T21	Midau	24°35.90'	121°53.70'	T22	straight
	T22	Gueitouan	24°49.90'	121°57.30'	T1	straight
-	Diauyutai Lieyu (Diauyutai Islands)	-	-	-	normal	
D1	Shibeigiau	20°46.16'	116°45.45'	D2	straight	
Dungsha Chiundau	D2	Dungshabeiijiau	20°44.16'	116°42.13'	D3	normal

TAIWAN STRAIGHT BASELINE SYSTEM						
AREA	POINT	POINT NAME	LATITUDE NORTH	LONGITUDE EAST	CONNECTS TO POINT	TYPE OF BASELINE
(Pratas Islands)	D3	Dungshananjiau	20°41.92'	116°41.30'	D4	straight
	D4	Shinanjiau	20°35.78'	116°44.80'	D1	normal
Jungsha Chiundau (Macclesfield Bank)	-	Huangyiandau	-	-	-	normal
Nansha Chiundau (Spratley Islands)	All islands and atolls of the Nansha Chiundau surrounded by the Chinese traditional U-shape lines are the territory of the Republic of China. The delimitation of the baselines in this region shall be determined by a combination of straight baselines and normal baselines. The related information concerning names of the base points, their co-ordinates, and charts shall be promulgated in the future.					