POLITICIANS IN THE REPUBLIC OF CHINA

Vol. 2: Texts and documents

【中華民國人物百科】

A WONDERFUL TAIWAN FORUM publication
Compiled by Tilman Aretz
Taipei 2020
Politicians in the Republic of China

Volume II: Texts and documents

TABLE OF CONTENTS—OVERVIEW

The ROC Constitution ...........................................................................................................9
Selected important texts and documents .............................................................................125
Inaugural addresses by ROC presidents since 1996 ............................................................447
Facts about the “1992 Consensus” .....................................................................................542

DETAILED TABLE OF CONTENTS

The ROC Constitution ...........................................................................................................9

Explanations to the ROC constitution and its revision .........................................................9
  Enactment and features .......................................................................................................9
  Temporary provisions .........................................................................................................9
  First revision ......................................................................................................................10
  Second revision .................................................................................................................10
  Third revision ...................................................................................................................11
  Fourth revision .................................................................................................................11
  Fifth revision ....................................................................................................................12
  Sixth revision ....................................................................................................................12
  Seventh revision ..............................................................................................................13
  Revisions of the ROC Constitution—an overview ............................................................15

The Constitution of the Republic of China .........................................................................15
  Chapter I: General Provisions (Article 1-6) ..................................................................15
Chapter II: Rights and Duties of the People (Article 7-24) ........................................ 16
Chapter III: The National Assembly (Article 25-34) .................................................. 17
Chapter IV: The President (Article 35-52) ....................................................................... 19
Chapter V: Administration (Article 53-61) ...................................................................... 21
Chapter VI: Legislation (Article 62-76) ......................................................................... 23
Chapter VII: Judiciary (Article 77-82) ............................................................................. 24
Chapter VIII: Examination (Article 83-89) .................................................................... 25
Chapter IX: Control (Article 90-106) .............................................................................. 26
Chapter X: Powers of the Central and Local Governments (Article 107-111) ................... 28
Chapter XI: System of Local Government (Article 112-128) ........................................... 30
   Section 1. The Province (Article 112-120) .................................................................. 30
   Section 2. The Hsien (Article 121-128) ..................................................................... 31
Chapter XII: Election, Recall, Initiative, and Referendum (Article 129-136) ................. 32
Chapter XIII: Fundamental National Policies (Article 137-169) .................................... 33
   Section 1. National Defense (Article 137-140) .......................................................... 33
   Section 2. Foreign Policy (Article 141) ...................................................................... 33
   Section 3. National Economy (Article 142-151) ......................................................... 33
   Section 4. Social Security (Article 152-157) .............................................................. 34
   Section 5. Education and Culture (Article 158-167) ................................................... 35
   Section 6. Frontier Regions (Article 168-169) .......................................................... 36
Chapter XIV: Enforcement and Amendment of the Constitution (Article 170-175) .......... 37

~ in Chinese: 中華民國憲法 .................................................................................................. 37
第一章 總綱 (第一條至第六條) ......................................................................................... 38
第二章 人民之權利與義務 (第七條至第二十四條) ..................................................... 38
第三章 國民大會 (第二十五條至第三十四條) .............................................................. 39
第四章 總統 (第三十五條至第五十二條) ..................................................................... 40
第五章 行政 (第五十三條至第六十一條) .................................................................. 41
第六章 立法 (第六十二條至第七十六條) .................................................................... 42
第七章 司法 (第七十七條至第八十二條) .................................................................... 43
第八章 考試 (第八十三條至第八十九條) .................................................................... 43
第九章 監察 (第九十條至第一百零六條) .................................................................... 44
第十章 中央與地方之權限 (第一百零七條至第一百一十一條) .................................. 45
第十ㄧ章 地方制度 (第一百十二條至第一百二十八條) .............................................. 47
   第一節 省 (第一百十二條至第一百二十條) ............................................................ 47
   第二節 縣 (第一百二十一條至第一百二十八條) ..................................................... 47
第十二章 選舉 罷免 創制 複決 (第一百二十九條至第一百三十六條) ........................................................................................................ 48
第十三章 基本國策 (第一百三十七條至第一百六十九條) ........................................................................................................ 48
第一節 國防 (第一百三十七條至第一百四十條) ...................................................................................................................... 48
第二節 外交 (第一百四十條) .................................................................................................................................................. 48
第三節 國民經濟 (第一百四十一條至第一百五十七條) ......................................................................................................... 49
第四節 社會安全 (第一百五十八條至第一百六十七條) ......................................................................................................... 50
第六節 邊疆地區 (第一百六十八條至第一百六十九條) ......................................................................................................... 50
第十四章 憲法之施行及修改 (第一百七十條至第一百七十五條) ............................................................................................ 51

Temporary Provisions Effective During the Period of the Communist Rebellion .................................................................................. 51
~ in Chinese: 動員戡亂時期臨時條款 ................................................................................................................................. 53

The Additional Articles ....................................................................................................................................................... 55
First Revision, 1991—obsolete ........................................................................................................................................ 55
Second Revision, 1992—obsolete ........................................................................................................................................ 58
Third Revision, 1994—obsolete ........................................................................................................................................ 62
Fourth Revision, 1997—obsolete ........................................................................................................................................ 69
Fifth Revision, 1999—void ..................................................................................................................................................... 78
Sixth Revision, 2000 ............................................................................................................................................................. 79
Seventh Revision, 2004/2005 ................................................................................................................................................ 87
~ in Chinese: 中華民國憲法增修條文 ........................................................................................................................................ 96
中華民國憲法第一次增修條文 ........................................................................................................................................ 96
中華民國憲法第二次增修條文 ...................................................................................................................................... 98
中華民國憲法第三次增修條文 ...................................................................................................................................... 101
中華民國憲法第四次增修條文 ...................................................................................................................................... 105
中華民國憲法第五次增修條文 ...................................................................................................................................... 113
中華民國憲法第六次增修條文 ...................................................................................................................................... 117
中華民國憲法第七次增修條文 ...................................................................................................................................... 122

Selected important texts and documents ................................................................. 125

Treaty of Shimonoseki (1895) ............................................................................................................................................... 126
~ in Chinese: 馬關條約 ......................................................................................................................................................... 131
Liaotung Convention (1895) ............................................................................................................................................... 134
~ in Chinese: 中日遼南條約 ................................................................................................................................................... 136
Peace Agreement between the Great Powers and China / Boxer
Protocol (1901) ................................................................................................................................................................. 137
~ in Chinese: 辛丑條約 .................................................. 144
Treaty of Portsmouth (1905) ........................................ 149
~ in Chinese: 樸資茅斯條約 ........................................ 154
Japan’s “21 Demands” to China (1915) ............................ 157
~ in Chinese: 日本的《二十一條要求》 .............................. 160
Treaty of Versailles [Excerpts: Sections on China and Shantung] (1919) ........................................ 161
Montevideo Convention on the Rights and Duties of States (1933) ........................................ 164
The ROC’s Declaration of War Against Japan (1941) .............. 170
~ in Chinese: 中華民國政府對日宣戰布告 .......................... 171
Declaration by United Nations (1942) ................................ 172
~ in Chinese: 聯合國共同宣言 ...................................... 172
Cairo Declaration (1943) ............................................. 173
~ in Chinese: 開羅宣言 .............................................. 174
Agreements reached at the Yalta Conference (1945) ................. 174
Berlin Declaration (1945) .............................................. 182
Potsdam Agreement (1945) ........................................... 188
“Potsdam Declaration” in Chinese: 波茨坦公告 ................... 207
Imperial Rescript on the Termination of the War / Jewel Voice
   Broadcast (1945) .................................................. 209
~ in Chinese: 終戰詔書 .............................................. 211
General Order No. 1 (1945) .......................................... 212
~ in Chinese: 一般命令第一號 ...................................... 216
Japan’s First Instrument of Surrender (1945) ........................ 220
~ in Chinese: 日本投降書 .......................................... 221
Act of Surrender [China Theatre] (1945) ........................... 223
~ in Chinese: 降書 .................................................. 224
Supreme Commander for the Allied Powers Instruction No. 677 (1946) ........................................ 225
San Francisco Peace Treaty (1951) .................................. 227
Treaty of Peace between the ROC and Japan (1952) ................. 242
~ in Chinese: 中華民國與日本國間和平條約 .................... 245
~ in Chinese: 中美共同防禦條約 .................................. 250
The US Congress Formosa Resolution (1955) ........................ 251
Legal Problems Regarding Formosa and the Offshore Islands (1958) ........................................ 252
Treaty of Mutual Cooperation and Security between the US and Japan (1960) ................................. 264
Czyzak Memorandum (1961) .......................................... 267
UN Resolution 1668 (1961) ........................................... 274
~ in Chinese: 聯合國決議一六六八號 ............................... 275
Okinawa Reversion Agreement (1971) ................................................................. 275
Starr Memorandum (1971) ................................................................................. 281
UN Resolution 2758 (1971) ............................................................................... 288
~ in Chinese: 聯合國決議二七五八號 ................................................................. 289
Shanghai Communiqué (1972) ......................................................................... 289
~ in Chinese: 中華人民共和國和美利堅合眾國聯合公報
(《上海公報》) ......................................................................................... 293
Joint Communiqué of the Government of Japan and the Government
of the PRC (1972) ........................................................................................ 296
~ in Chinese: 中華人民共和國政府和日本國政府聯合聲明
( 中日聯合聲明 ) .................................................................................... 298
Treaty of Peace and Friendship between Japan and the PRC (1978) ........... 299
~ in Chinese: 中華人民共和國和日本國和平友好條約（中日和平
友好條約） ............................................................................................. 301
Joint Communiqué of the US and the PRC / Normalization Com-
municiqué (1979) ........................................................................................ 302
~ in Chinese: 美國——中華人民共和國建立外交關係的聯合公報
( 関係正常化公報 ) .................................................................................... 303
Message to Compatriots in Taiwan (1979) .................................................... 304
~ in Chinese: 告台灣同胞書 .......................................................................... 307
Taiwan Relations Act (1979) ........................................................................... 309
~ in Chinese: 台灣關係法 .............................................................................. 319
Nagoya Resolution (1979) ............................................................................. 325
Chairman Ye Jianying’s Elaborations on Policy Concerning Return of Taiwan
To Motherland and Peaceful Unification (1981) ........................................... 326
~ in Chinese: 葉劍英向新華社記者發表的談話（葉九條） ....................... 328
The “Six Assurances” to Taiwan ROC (1982) .............................................. 329
~ in Chinese: 雷根總統的『六項保證』 ......................................................... 330
Joint Communiqué of the PRC and the US (1982) ...................................... 330
~ in Chinese: 中華人民共和國和美利堅合衆國聯合公報
( 八一七公報 ) ......................................................................................... 332
~ in Chinese: 聯合國海洋法公約，第一二一一條 ................................... 333
Deng Xiaoping’s “Six Conceptions” (1983) .................................................. 334
~ in Chinese: 鄧六條 ..................................................................................... 335
The Sino-British Joint Declaration on the Question of Hong Kong (1984) .... 335
~ in Chinese: 中華人民共和國政府和大不列顛及北愛爾蘭聯合王國
政府關於香港問題的聯合聲明 ............................................................. 355
Guidelines for National Unification (1991) ................................................................. 367
~ in Chinese: 國家統一綱領 .................................................................................. 368
Bill Clinton’s “Three No’s” (1998) ........................................................................ 370
~ in Chinese: 克林頓總統的『三不』政策 ............................................................... 370
US Senate Resolution 107 (1998) ......................................................................... 370
US House of Representatives Resolution 301 (1998) ............................................. 372
ROC President Lee Teng-hui’s remarks about the “state-to-state relationship” (1999) ........................................................................................................ 373
~ in Chinese: 李登輝總統關於兩岸『特殊的國與國的關係』 ............................ 374
Declaration on the Conduct of Parties in the South China Sea (2002) ..................... 374
~ in Chinese: 南海各方行為宣言 .......................................................................... 376
Colin Powell’s statement on “one China” and Taiwan (2004) ................................. 378
~ in Chinese: 鮑威爾關於『一個中國』和台灣 ................................................... 378
The “Anti-Secession Law” of the PRC (2005) ......................................................... 378
~ in Chinese: 反分裂國家法 .................................................................................. 381
South China Sea Arbitration—PCA press release (2016) ........................................ 383
Taiwan Travel Act (2018) ...................................................................................... 401
TAIPEI Act of 2019 (2020) .................................................................................. 402
Hong Kong National Security Law (2020) ............................................................. 405
~ in Chinese: 港區國安法 ...................................................................................... 426
Implementation Rules for Article 43 of the HKSAR National Security Law ...... 439
~ in Chinese: 港區國安法第四十三條實施細則 ..................................................... 443

Inaugural addresses by ROC presidents since 1996 ................................. 447
Overview ................................................................................................................. 447
Speech statistics ....................................................................................................... 448
1996—Lee Teng-hui ............................................................................................. 448
~ in Chinese: 民國 85 年李登輝總統就職演說中文全文 ............................... 454
2000—Chen Shui-bian ......................................................................................... 459
~ in Chinese: 民國 89 年陳水扁總統就職演說中文全文 ................................... 466
2004—Chen Shui-bian ......................................................................................... 471
~ in Chinese: 民國 93 年陳水扁總統就職演說中文全文 ................................... 481
2008—Ma Ying-jeou ............................................................................................... 486
~ in Chinese: 民國 97 年馬英九總統就職演說中文全文 ................................... 491
2012—Ma Ying-jeou ............................................................................................... 495
~ in Chinese: 民國 101 年馬英九總統就職演說中文全文 ............................... 505
2016—Tsai Ing-wen ............................................................................................... 511
~ in Chinese: 民國 105 年蔡英文總統就職演說中文全文 ............................... 519
2020—Tsai Ing-wen .................................................................................................................. 526
~ in Chinese: 民國 109 年蔡英文總統就職演說中文全文 .............................................. 535

**Facts about the “1992 Consensus”** ................................................................. 542

- Background ........................................................................................................... 542
- The term “1992 Consensus” ............................................................................... 542
- FCJ coverage ......................................................................................................... 543
- Full texts of relevant articles (1992 and 2006) ..................................................... 544
- Dramatis personae ............................................................................................... 552
- FCJ newspaper clippings October / November 1992 ........................................... 553

**Note:** A scissors symbol (“✂️”) indicates that most parts of the original complete
document which are irrelevant in this context are left out, only the parts pertinent to
the Taiwan–China issue are shown here in this file.

This file constitutes Vol. 2 of the database “Politicians in the Republic of China”.
The first volume of the database can be found [here](#).
For the website “Taiwan politics database”, click [here](#).
The ROC Constitution

EXPLANATIONS TO THE ROC CONSTITUTION AND ITS REVISIONS

Note: The following remarks in this subchapter were provided by the ROC Presidential Office.

Enactment and features

The ROC Constitution was adopted on December 25, 1946, by the National Assembly convened in Nanking. It was promulgated by the National Government on January 1, 1947, and put into effect on December 25 of the same year. In addition to the preamble, the Constitution comprises 175 articles in 14 chapters. In essence the Constitution embodies the ideal of “sovereignty of the people”, guarantees human rights and freedoms, provides for a central government with five branches and a local self-government system, ensures a balanced division of powers between the central and local governments, and stipulates fundamental national policies.

Temporary Provisions

In the face of the Chinese communist threat, the National Assembly on April 18, 1948, added to the Constitution a set of Temporary Provisions Effective during the Period of Communist Rebellion. Promulgated by the National Government on May 10 of the same year, the Temporary Provisions which superseded the Constitution were designed to enhance presidential power during the emergency period of communist uprising. For example, the president was empowered during the Period of Communist Rebellion to take emergency measures to avert imminent danger to the security of the nation or of the people, establish an organ for making major policy decisions concerned with national mobilization and suppression of the Communist rebellion, make adjustments in the administrative and personnel organs of the central government, and initiate regulations governing the elections for additional seats in the three parliamentary bodies. In addition, the Temporary Provisions allowed for the president and the vice president to be re-elected without being subject to the two-term restriction prescribed in Article 47 of the Constitution.
Following a radically changed domestic situation and reduced tension in the Taiwan Strait in the late 1980s, the National Assembly on April 22, 1991, resolved to abolish the Temporary Provisions with a view toward fostering the healthy development of constitutional democracy and enhancing social harmony and progress. On April 30 of the same year, President Lee Teng-hui announced that the Period of Communist Rebellion would be terminated on May 1.

**First revision**

Notwithstanding the termination of the Period of Communist Rebellion, some of the articles in the Constitution remained inapplicable to the Taiwan area. To meet the current demands of constitutional rule before national unification, the First National Assembly, at its second extraordinary session in April 1991, adopted ten amendments to the Constitution. Promulgated by the president on May 1 of the same year, the highlights of these additional articles are: (1) to provide for regular elections for the Legislative Yuan and the National Assembly; (2) to authorize the president to issue emergency decrees to avert imminent danger to the security of the nation or of the people; (3) to stipulate that rights and obligations between people on the two sides of the Taiwan Strait may be specially regulated by law.

**Second revision**

After the Second National Assembly was elected in December 1991, it met for its first extraordinary session from March to May of the following year. On May 27, 1992, eight amendments were adopted by the Assembly and promulgated by the president on May 28. The highlights of these additional articles are as follows: (1) when the National Assembly convenes, it may hear a report on the state of the nation by the president. Beginning with the Third National Assembly, delegates to the National Assembly shall be elected every four years; (2) the president and the vice president shall be elected by the people in the free area of the Republic of China for, at most, two terms of four years each; (3) local self-government is granted a legal basis and the provincial governor and municipal mayors shall be elected by popular vote; (4) members of the Control Yuan, heretofore elected by the provincial and municipal councils, shall be nominated by the president, and presidential nominations to the Examination Yuan, Judicial Yuan, and Control Yuan shall be subject to the consent of the National Assembly; (5) the focus of fundamental national policies is expanded to include promotion of culture, science and technology, environmental protection, and economic development, and to safeguard the interests of women, aborigines, the handicapped, and the people of offshore islands; and (6) the grand justices of the Judicial Yuan shall form a constitutional
tribunal to adjudicate on the dissolution of political parties for constitutional violations.

Third revision

In July 1994, during its fourth extraordinary session, the Second National Assembly adopted ten new amendments to replace the aforementioned eighteen amendments. Promulgated by the president on August 1 of the same year, among other matters these ten articles stipulate that: (1) beginning with the Third National Assembly, the National Assembly shall have a speaker and a deputy speaker; (2) the president and vice president shall be elected by direct popular vote, while a recall of the president and the vice president must be proposed by the National Assembly and such proposal shall be decided by a vote of the people; and (3) presidential orders to appoint or remove from office personnel appointed with the confirmation of the National Assembly or Legislative Yuan in accordance with the Constitution do not require the counter-signature of the premier.

Fourth revision

During its second session, the Third National Assembly adopted eleven new amendments in June and July of 1997 to replace the above-mentioned ten amendments. Promulgated by the president on July 21 of the same year, the most important stipulations are: (1) the president of the Executive Yuan shall be appointed by the president, requiring no consent of the Legislative Yuan; (2) the president may, within ten days following the passage by the Legislative Yuan of a no-confidence vote against the president of the Executive Yuan, declare the dissolution of the Legislative Yuan after consulting with its president; (3) the power to impeach the president or the vice president shall be transferred from the Control Yuan to the Legislative Yuan, and such action shall be initiated for high treason or rebellion only; (4) the Executive Yuan may request the Legislative Yuan to reconsider the passage of a bill that it deems difficult to execute; but, should more than one-half, rather than two-thirds, of the total number of Legislative Yuan members uphold the original passage of the bill, the president of the Executive Yuan shall immediately accept said bill; (5) the Legislative Yuan shall have 225 members starting with the Fourth Legislative Yuan; (6) beginning from the year 2003, the Judicial Yuan shall have 15 grand justices, including a president and a vice president of the Judicial Yuan. Each grand justice of the Judicial Yuan shall serve a term of eight years, independent of the order of appointment to office, and shall not serve consecutive terms; (7) the budget of the Judicial Yuan shall be independent, no longer requiring the approval of the Executive Yuan; (8) Taiwan provincial elections shall be
suspended; Taiwan province shall have a provincial government and a provincial advisory council; the members of the provincial government, one of whom shall be the provincial governor, shall be nominated by the president of the Executive Yuan and appointed by the president of the Republic; (9) the State shall assist and protect the survival and development of small and medium enterprises; and (10) the requirement of minimum funding for education, science and culture shall be abolished.

Fifth revision

On September 3, 1999, the Third National Assembly adopted amendments to Articles 1, 4, 9, and 10 in its fourth session. Promulgated by the president on September 15 of the same year, the amendments provide as follows: (1) The Fourth National Assembly shall have 300 delegates, and beginning with the Fifth National Assembly, the National Assembly shall have 150 delegates, who shall be elected by proportional representation based on the composition of the Legislative Yuan. The seats shall be distributed among the participating political parties, in accordance with the proportion of votes won by the candidates nominated by each party and those members of the parties running as independent candidates. (2) Should an election of the Legislative Yuan be held during the National Assembly's tenure, the National Assembly shall also be re-elected. A delegate who is re-elected may serve consecutive terms. The term of office of the Third National Assembly shall be extended to the day when the term of office of the Fourth Legislative Yuan expires. The provisions of Paragraph 1 of Article 28 of the Constitution shall not apply. (3) The term of office of the Fourth Legislative Yuan shall be extended to June 30, 2002. The Fifth Legislative Yuan shall serve a four-year term of office, beginning on July 1, 2002. A delegate who is re-elected may serve consecutive terms. The election of a new Legislative Yuan shall be held within sixty days before the expiration of the term of office or sixty days after the dissolution of the Legislative Yuan. (4) The State shall emphasize social welfare services. Priority shall be given to funding social relief and assistance, and employment for citizens. (5) The State shall guarantee the welfare and livelihood of retired military servicemen. (6) In addition to the people of Kinmen and Matsu, the State shall now additionally protect and assist the people of Penghu.

Sixth revision

In April 2000, the fifth session of the Third National Assembly amended the Additional Articles of the Constitution on a comprehensive basis. The amendments were approved on April 24, 2000 and were promulgated by the President the next day. Highlights of the amendments were as follows. (1) The National Assembly shall
have 300 delegates, who shall be elected by proportional representation within six months following the Legislative Yuan's publication of its proposal to amend the Constitution or change the nation's territorial boundaries, or three months following its proposal to impeach the president or vice president. The process of proportional representation election shall be prescribed by law. (2) A provisional National Assembly is to vote on the Legislative Yuan's proposal to amend the Constitution, change the nation's territorial boundaries or impeach the president or vice president. (3) The National Assembly shall be convened within ten days after the election outcome is confirmed. The session shall last no more than one month and the tenure of the delegates shall terminate on the day when the session ends. The tenure of the members of the Third National Assembly shall expire on May 19, 2000. (4) Should the office of the vice president become vacant, the power to elect a new vice president shall be transferred to the Legislative Yuan. (5) The recall of the president or the vice president shall be transferred to the Legislative Yuan and voted upon by the entire populace. (6) The Legislative Yuan shall hear a report on the state of the nation by the President during its annual session. (7) The territory of the nation according to its existing national boundaries shall not be altered except by resolution of the Legislative Yuan and consent of the National Assembly. (8) Article 81 of the Constitution and the relevant regulations regarding holding office for life shall not be applicable for a grand justice of the Judicial Yuan unless he has been transferred from the post of judge. (9) The power of consent to confirm the appointment of personnel to the Judicial Yuan, Examination Yuan and Control Yuan nominated by the President shall be transferred to the Legislative Yuan.

Seventh revision

On August 23, 2004, the Fifth Legislative Yuan passed its first proposed revision of the Constitution of the Republic of China since the Constitution was implemented. The Legislative Yuan announced its proposal on August 26, 2004. On June 7, 2005, the National Assembly approved the Legislature's proposed revision to Articles 1, 2, 4, 5, 8, as well as the addition of Article 12 to the Constitution of the ROC. The revision, which came as the 7th revision of the Constitution, was ratified by the president on June 10, 2005. The revised content is as follows:

The territory of the Republic of China, defined by its existing national boundaries, shall not be altered unless initiated upon the proposal of one-fourth of the total members of the Legislative Yuan, passed by at least three-fourths of the members present at a meeting attended by at least three-fourths of the total members of the Legislative Yuan, and sanctioned by electors in the free area of the Republic of China at a referendum held upon expiration of a six-month period of
public announcement of the proposal, wherein the number of valid votes in favor exceeds one-half of the total number of electors.

Amendment of the Constitution shall be initiated upon the proposal of one-fourth of the total members of the Legislative Yuan, passed by at least three-fourths of the members present at a meeting attended by at least three-fourths of the total members of the Legislative Yuan, and sanctioned by electors in the free area of the Republic of China at a referendum held upon expiration of a six-month period of public announcement of the proposal, wherein the number of valid votes in favor exceeds one-half of the total number of electors.

Beginning with the Seventh Legislative Yuan, the Legislative Yuan shall have 113 members, who shall serve a term of four years.

Members to fill the legislative seats shall be elected as follows: (1) Seventy-three members shall be elected from the Special Municipalities, counties, and cities in the free area. At least one member shall be elected from each county and city. These areas shall be divided into electoral constituencies equal in number to the number of members to be elected. (2) Three members each shall be elected from among the lowland and highland aborigines in the free area. (3) A total of thirty-four members shall be elected from the nationwide constituency and among citizens residing abroad. (4) Members to fill the seats shall be elected from the lists of political parties in proportion to the number of votes won by each party that obtains at least 5 percent of the total vote, and the number of elected female members on each party's list shall not be less than one-half of the total number.

Impeachment of the president or the vice president by the Legislative Yuan shall be initiated upon the proposal of more than one-half of the total members of the Legislative Yuan and passed by more than two-thirds of the total members of the Legislative Yuan, whereupon it shall be presented to the grand justices of the Judicial Yuan for adjudication.

The five main points of the seventh revision are as follows:

- Halving the number of seats in the legislature, from 225 to 113.
- Changing the legislative term of office from three to four years.
- Establishing a single-constituency, two-ballot system.
- Abolishing the National Assembly and transferring the power to vote on constitutional amendments from the National Assembly to the voters of Taiwan.
- Transferring the power to impeach the president and the vice president to the grand justices.
Revisions of the ROC Constitution—an overview

<table>
<thead>
<tr>
<th>Revision</th>
<th>Adopted on</th>
<th>Adopted by</th>
<th>Promulgated on</th>
</tr>
</thead>
<tbody>
<tr>
<td>First</td>
<td>April 22, 1991</td>
<td>Second extraordinary session, First NA</td>
<td>May 1, 1991</td>
</tr>
<tr>
<td>Second</td>
<td>May 27, 1992</td>
<td>Special session, Second NA</td>
<td>May 28, 1992</td>
</tr>
<tr>
<td>Fourth</td>
<td>July 18, 1997</td>
<td>Second plenary session, Third NA</td>
<td>July 21, 1997</td>
</tr>
<tr>
<td>Fifth</td>
<td>Sept. 3, 1999</td>
<td>Fourth plenary Session, Third NA</td>
<td>Sept. 15, 1999</td>
</tr>
<tr>
<td>Sixth</td>
<td>April 24, 2000</td>
<td>Fifth plenary session, Third NA</td>
<td>April 25, 2000</td>
</tr>
<tr>
<td>Seventh</td>
<td>Aug. 23, 2004</td>
<td>Fifth Legislative Yuan</td>
<td></td>
</tr>
<tr>
<td></td>
<td>June 7, 2005</td>
<td>Final meeting, ad hoc-NA</td>
<td>June 10, 2005</td>
</tr>
</tbody>
</table>

THE CONSTITUTION OF THE REPUBLIC OF CHINA

(Adopted by the National Assembly on December 25, 1946, promulgated by the National Government on January 1, 1947, and effective from December 25, 1947.)

The National Assembly of the Republic of China, by virtue of the mandate received from the whole body of citizens, in accordance with the teachings bequeathed by Dr. Sun Yat-sen in founding the Republic of China, and in order to consolidate the authority of the State, safeguard the rights of the people, ensure social tranquility, and promote the welfare of the people, do hereby establish this Constitution, to be promulgated throughout the country for faithful and perpetual observance by all.

Chapter I. General Provisions

Article 1  The Republic of China, founded on the Three Principles of the People, shall be a democratic republic of the people, to be governed by the people and for the people.

Article 2  The sovereignty of the Republic of China shall reside in the whole body of citizens.

Article 3  Persons possessing the nationality of the Republic of China shall be citizens of the Republic of China.

Article 4  The territory of the Republic of China according to its existing national boundaries shall not be altered except by resolution of the National Assembly.

Article 5  There shall be equality among the various racial groups in the Republic of China.
Article 6   The national flag of the Republic of China shall be of red ground with a blue sky and a white sun in the upper left corner.

Chapter II. Rights and Duties of the People

Article 7   All citizens of the Republic of China, irrespective of sex, religion, race, class, or party affiliation, shall be equal before the law.

Article 8   Personal freedom shall be guaranteed to the people. Except in case of flagrante delicto as provided by law, no person shall be arrested or detained otherwise than by a judicial or a police organ in accordance with the procedure prescribed by law. No person shall be tried or punished otherwise than by a law court in accordance with the procedure prescribed by law. Any arrest, detention, trial, or punishment which is not in accordance with the procedure prescribed by law may be resisted.

When a person is arrested or detained on suspicion of having committed a crime, the organ making the arrest or detention shall in writing inform the said person, and his designated relative or friend, of the grounds for his arrest or detention, and shall, within 24 hours, turn him over to a competent court for trial. The said person, or any other person, may petition the competent court that a writ be served within 24 hours on the organ making the arrest for the surrender of the said person for trial.

The court shall not reject the petition mentioned in the preceding paragraph, nor shall it order the organ concerned to make an investigation and report first. The organ concerned shall not refuse to execute, or delay in executing, the writ of the court for the surrender of the said person for trial.

When a person is unlawfully arrested or detained by any organ, he or any other person may petition the court for an investigation. The court shall not reject such a petition, and shall, within 24 hours, investigate the action of the organ concerned and deal with the matter in accordance with law.

Article 9   Except those in active military service, no person shall be subject to trial by a military tribunal.

Article 10  The people shall have freedom of residence and of change of residence.

Article 11  The people shall have freedom of speech, teaching, writing and publication.
Article 12 The people shall have freedom of privacy of correspondence.
Article 13 The people shall have freedom of religious belief.
Article 14 The people shall have freedom of assembly and association.
Article 15 The right of existence, the right to work and the right of property shall be guaranteed to the people.
Article 16 The people shall have the right of presenting petitions, lodging complaints, or instituting legal proceedings.
Article 17 The people shall have the right of election, recall, initiative and referendum.
Article 18 The people shall have the right of taking public examinations and of holding public offices.
Article 19 The people shall have the duty of paying taxes in accordance with law.
Article 20 The people shall have the duty of performing military service in accordance with law.
Article 21 The people shall have the right and the duty of receiving citizens’ education.
Article 22 All other freedoms and rights of the people that are not detrimental to social order or public welfare shall be guaranteed under the Constitution.
Article 23 All the freedoms and rights enumerated in the preceding Articles shall not be restricted by law except such as may be necessary to prevent infringement upon the freedoms of other persons, to avert an imminent crisis, to maintain social order or to advance public welfare.
Article 24 Any public functionary who, in violation of law, infringes upon the freedom or right of any person shall, in addition to being subject to disciplinary measures in accordance with law, be held responsible under criminal and civil laws. The injured person may, in accordance with law, claim compensation from the State for damage sustained.

Chapter III. The National Assembly
Article 25 The National Assembly shall, in accordance with the provisions of this Constitution, exercise political powers on behalf of the whole body of citizens.
Article 26 The National Assembly shall be composed of the following delegates:

One delegate shall be elected from each hsien, municipality, or area of equivalent status. In case its population exceeds 500,000, one additional delegate shall be elected for each additional 500,000. Areas equivalent to hsien or municipalities shall be prescribed by law;
Delegates to represent Mongolia shall be elected on the basis of four for each league and one for each Special banner;

The number of delegates to be elected from Tibet shall be prescribed by law;

The number of delegates to be elected by various racial groups in frontier regions shall be prescribed by law;

The number of delegates to be elected by Chinese citizens residing abroad shall be prescribed by law;

The number of delegates to be elected by occupational groups shall be prescribed by law;

The number of delegates to be elected by women's organizations shall be prescribed by law.

**Article 27** The function of the National Assembly shall be as follows:

- To elect the President and the Vice President;
- To recall the President and the Vice President;
- To amend the Constitution; and
- To vote on proposed Constitutional amendments submitted by the Legislative Yuan by way of referendum.

With respect to the rights of initiative and referendum, except as is provided in Items 3 and 4 of the preceding paragraph, the National Assembly shall make regulations pertaining thereto and put them into effect after the above-mentioned two political rights shall have been exercised in one half of the hsien and municipalities of the whole country.

**Article 28** Delegates to the National Assembly shall be elected every six years.

The term of office of the delegates to each National Assembly shall terminate on the day on which the next National Assembly convenes.

No incumbent government official shall, in the electoral area where he holds office, be elected delegate to the National Assembly.

**Article 29** The National Assembly shall be convoked by the President to meet 90 days prior to the date of expiration of each presidential term.

**Article 30** An extraordinary session of the National Assembly shall be convoked in any one of the following circumstances:

- When, in accordance with the provisions of Article 49 of this Constitution, a new President and a new Vice President are to be elected;
- When, by resolution of the Control Yuan, an impeachment of the President or the Vice President is instituted;
When, by resolution of the Legislative Yuan, an amendment to the Constitution is proposed; and
When a meeting is requested by not less than two-fifths of the delegates to the National Assembly.
When an extraordinary session is to be convoked in accordance with Item 1 or Item 2 of the preceding paragraph, the President of the Legislative Yuan shall issue the notice of convocation; when it is to be convoked in accordance with Item 3 or Item 4, it shall be convoked by the President of the Republic.

Article 31 The National Assembly shall meet at the seat of the Central Government.

Article 32 No delegate to the National Assembly shall be held responsible outside the Assembly for opinions expressed or votes cast at meetings of the Assembly.

Article 33 While the Assembly is in session, no delegate to the National Assembly shall, except in case of flagrante delicto, be arrested or detained without the permission of the National Assembly.

Article 34 The organization of the National Assembly, the election and recall of delegates to the National Assembly, and the procedure whereby the National Assembly is to carry out its functions, shall be prescribed by law.

Chapter IV. The President

Article 35 The President shall be the head of the State and shall represent the Republic of China in foreign relations.

Article 36 The President shall have supreme command of the land, sea and air forces of the whole country.

Article 37 The President shall, in accordance with law, promulgate laws and issue mandates with the counter-signature of the President of the Executive Yuan or with the counter-signatures of both the President of Executive Yuan and the Ministers or Chairmen of Commissions concerned.

Article 38 The President shall, in accordance with the provisions of this Constitution, exercise the powers of concluding treaties, declaring war and making peace.

Article 39 The President may, in accordance with law, declare martial law with the approval of, or subject to confirmation by, the Legislative Yuan. When the Legislative Yuan deems it necessary, it may by resolution request the President to terminate martial law.
Article 40  The President shall, in accordance with law, exercise the power of granting amnesties, pardons, remission of sentences and restitution of civil rights.

Article 41  The President shall, in accordance with law, appoint and remove civil and military officials.

Article 42  The President may, in accordance with law, confer honors and decorations.

Article 43  In case of a natural calamity, an epidemic, or a national financial or economic crisis that calls for emergency measures, the President, during the recess of the Legislative Yuan, may, by resolution of the Executive Yuan Council, and in accordance with the Law on Emergency Orders, issue emergency orders, proclaiming such measures as may be necessary to cope with the situation. Such orders shall, within one month after issuance, be presented to the Legislative Yuan for confirmation; in case the Legislative Yuan withholds confirmation, the said orders shall forthwith cease to be valid.

Article 44  In case of disputes between two or more Yuan other than those concerning which there are relevant provisions in this Constitution, the President may call a meeting of the Presidents of the Yuan concerned for consultation with a view to reaching a solution.

Article 45  Any citizen of the Republic of China who has attained the age of 40 years may be elected President or Vice President.

Article 46  The election of the President and the Vice President shall be prescribed by law.

Article 47  The President and the Vice President shall serve a term of six years. They may be re-elected for a second term.

Article 48  The President shall, at the time of assuming office, take the following oath:

"I do solemnly and sincerely swear before the people of the whole country that I will observe the Constitution, faithfully perform my duties, promote the welfare of the people, safeguard the security of the State, and will in no way betray the people's trust. Should I break my oath, I shall be willing to submit myself to severe punishment by the State. This is my solemn oath."

Article 49  In case the office of the President should become vacant, the Vice President shall succeed until the expiration of the original presidential term. In case the office of both the President and the Vice President should become vacant, the President of the Executive Yuan shall act
for the President; and, in accordance with the provisions of Article 30 of this Constitution, an extraordinary session of the National Assembly shall be convoked for the election of a new President and a new Vice President, who shall hold office until the completion of the term left unfinished by the preceding President. In case the President should be unable to attend to office due to any cause, the Vice President shall act for the President. In case both the President and the Vice President should be unable to attend to office, the President of the Executive Yuan shall act for the President.

Article 50 The President shall be relieved of his functions on the day on which his term of office expires. If by that time, the succeeding President has not yet been elected, or if the President-elect and the Vice-President-elect have not yet assumed office, the President of the Executive Yuan shall act for the President.

Article 51 The period during which the President of the Executive Yuan may act for the President shall not exceed three months.

Article 52 The President shall not, without having been recalled, or having been relieved of his functions, be liable to criminal prosecution unless he is charged with having committed an act of rebellion or treason.

Chapter V. Administration

Article 53 The Executive Yuan shall be the highest administrative organ of the state.

Article 54 The Executive Yuan shall have a President, a Vice President, a certain number of Ministers and Chairmen of Commissions, and a certain number of Ministers without Portfolio.

Article 55 The President of the Executive Yuan shall be nominated and, with the consent of the Legislative Yuan, appointed by the President of the Republic.

If, during the recess of the Legislative Yuan, the President of the Executive Yuan should resign or if his office should become vacant, his functions shall be exercised by the Vice President of the Yuan, acting on his behalf, but the President of the Republic shall, within 40 days, request a meeting of the Legislative Yuan to confirm his nominee for the vacancy.

Pending such confirmation, the Vice President of the Executive Yuan shall temporarily exercise the functions of the President of the said Yuan.
Article 56  The Vice President of the Executive Yuan, Ministers and Chairmen of Commissions, and Ministers without Portfolio shall be appointed by the President of the Republic upon the recommendation of the President of the Executive Yuan.

Article 57  The Executive Yuan shall be responsible to the Legislative Yuan in accordance with the following provisions:

The Executive Yuan has the duty to present to the Legislative Yuan a statement of its administrative policies and a report on its administration. While the Legislative Yuan is in session, Members of the Legislative Yuan shall have the right to question the President and the Ministers and Chairmen of Commissions of the Executive Yuan;

If the Legislative Yuan does not concur in any important policy of the Executive Yuan, it may, by resolution, request the Executive Yuan to alter such a policy. With respect to such resolution, the Executive Yuan may, with the approval of the President of the Republic, request the Legislative Yuan for reconsideration. If, after reconsideration, two-thirds of the Members of the Legislative Yuan present at the meeting uphold the original resolution, the President of the Executive Yuan shall either abide by the same or resign from office;

If the Executive Yuan deems a resolution on a statutory, budgetary, or treaty bill passed by the Legislative Yuan difficult of execution, it may, with the approval of the President of the Republic and within ten days after its transmission to the Executive Yuan, request the Legislative Yuan to reconsider the said resolution. If after reconsideration, two-thirds of the Members of the Legislative Yuan present at the meeting uphold the original resolution, the President of the Executive Yuan shall either abide by the same or resign from office.

Article 58  The Executive Yuan shall have an Executive Yuan Council, to be composed of its President, Vice President, various Ministers and Chairmen of Commissions, and Ministers without Portfolio, with its President as Chairman.

Statutory or budgetary bills or bills concerning martial law, amnesty, declaration of war, conclusion of peace, treaties, and other important affairs, all of which are to be submitted to the Legislative Yuan, as well as matters that are of common concern to the various Ministries and Commissions, shall be presented by the President and various Ministers and Chairmen of Commissions of the Executive Yuan to the Executive Yuan Council for decision.
Article 59  The Executive Yuan shall, three months before the beginning of each fiscal year, present to the Legislative Yuan the budgetary bill for the following fiscal year.

Article 60  The Executive Yuan shall, within four months after the end of each fiscal year, present final accounts of revenues and expenditures to the Control Yuan.

Article 61  The organization of the Executive Yuan shall be prescribed by law.

Chapter VI. Legislation

Article 62  The Legislative Yuan shall be the highest legislative organ of the State, to be constituted of members elected by the people. It shall exercise legislative power on behalf of the people.

Article 63  The Legislative Yuan shall have the power to decide by resolution upon statutory or budgetary bills or bills concerning material law, amnesty, declaration of war, conclusion of peace or treaties, and other important affairs of the State.

Article 64  Members of the Legislative Yuan shall be elected in accordance with the following provisions:

Those to be elected from the provinces and by the municipalities under the direct jurisdiction of the Executive Yuan shall be five for each province or municipality with a population of not more than 3,000,000, one additional member shall be elected for each additional 1,000,000 in a province or municipality whose population is over 3,000,000;

Those to be elected from Mongolian Leagues and Banners;
Those to be elected from Tibet;
Those to be elected by various racial groups in frontier regions;
Those to be elected by Chinese citizens residing abroad; and
Those to be elected by occupational groups.

The election of Members of the Legislative Yuan and the number of those to be elected in accordance with Items 2 to 6 of the preceding paragraph shall be prescribed by law. The number of women to be elected under the various items enumerated in the first paragraph shall be prescribed by law.

Article 65  Members of the Legislative Yuan shall serve a term of three years, and shall be re-eligible. The election of Members of the Legislative Yuan shall be completed within three months prior to the expiration of each term.
Article 66  The Legislative Yuan shall have a President and a Vice President, who shall be elected by and from among its Members.

Article 67  The Legislative Yuan may set up various committees.

   Such committees may invite government officials and private persons concerned to be present at their meetings to answer questions.

Article 68  The Legislative Yuan shall hold two sessions each year, and shall convene of its own accord. The first session shall last from February to the end of May, and the second session from September to the end of December. Whenever necessary a session may be prolonged.

Article 69  In any of the following circumstances, the Legislative Yuan may hold an extraordinary session:

   At the request of the President of the Republic;
   Upon the request of not less than one-fourth of its members.

Article 70  The Legislative Yuan shall not make proposals for an increase in the expenditures in the budgetary bill presented by the Executive Yuan.

Article 71  At the meetings of the Legislative Yuan, the Presidents of the various Yuan concerned and the various Ministers and Chairmen of Commissions concerned may be present to give their views.

Article 72  Statutory bills passed by the Legislative Yuan shall be transmitted to the President of the Republic and to the Executive Yuan. The President shall, within ten days after receipt thereof, promulgate them; or he may deal with them in accordance with the provisions of Article 57 of this Constitution.

Article 73  No Member of the Legislative Yuan shall be held responsible outside the Yuan for opinions expressed or votes cast in the Yuan.

Article 74  No Member of the Legislative Yuan shall, except in case of flagrante delicto, be arrested or detained without the permission of the Legislative Yuan.

Article 75  No Member of the Legislative Yuan shall concurrently hold a government post.

Article 76  The organization of the Legislative Yuan shall be prescribed by law.

Chapter VII. Judiciary

Article 77  The Judicial Yuan shall be the highest judicial organ of the State and shall have charge of civil, criminal, and administrative cases, and over cases concerning disciplinary measures against public functionaries.

Article 78  The Judicial Yuan shall interpret the Constitution and shall have the power to unify the interpretation of laws and orders.
Article 79  The Judicial Yuan shall have a President and a Vice President, who shall
be nominated and, with the consent of the Control Yuan, appointed by
the President of the Republic.

The Judicial Yuan shall have a number of Grand Justices to take
charge of matters specified in Article 78 of this Constitution, who shall
be nominated and, with the consent of the Control Yuan, appointed by
the President of the Republic.

Article 80  Judges shall be above partisanship and shall, in accordance with law,
hold trials independently, free from any interference.

Article 81  Judges shall hold office for life. No judge shall be removed from office
unless he has been guilty of a criminal offense or subjected to
disciplinary measure, or declared to be under interdiction. No judge
shall, except in accordance with law, be suspended or transferred or
have his salary reduced.

Article 82  The organization of the Judicial Yuan and of law courts of various
grades shall be prescribed by law.

Chapter VIII. Examination

Article 83  The Examination Yuan shall be the highest examination organ of the
State and shall have charge of matters relating to examination,
employment, registration, service rating, scales of salary, promotion and
transfer, security of tenure, commendation, pecuniary aid in case of
death, retirement and old age pension.

Article 84  The Examination Yuan shall have a President and a Vice President and
a certain number of Members, all of whom shall be nominated and,
with the consent the Control Yuan, appointed by the President of the
Republic.

Article 85  In the selection of public functionaries, a system of open competitive
examination shall be put into operation, and examination shall be held
in different areas, with prescribed numbers of persons to be selected
according to various provinces and areas. No person shall be appointed
to a public office unless he is qualified through examination.

Article 86  The following qualifications shall be determined and registered through
examination by the Examination Yuan in accordance with law:

Qualification for appointment as public functionaries; and
Qualification for practice in specialized professions or as
technicians.
Article 87  The Examination Yuan may, with respect to matters under its charge, present statutory bills to the Legislative Yuan.

Article 88  Members of the Examination Yuan shall be above partisanship and shall independently exercise their functions in accordance with law.

Article 89  The organization of the Examination Yuan shall be prescribed by law.

Chapter IX. Control

Article 90  The Control Yuan shall be the highest control organ of the State and shall exercise the powers of consent, impeachment, censure, and auditing.

Article 91  The Control Yuan shall be composed of Members who shall be elected by Provincial and Municipal Councils, the local Councils of Mongolia and Tibet, and Chinese citizens residing abroad. Their numbers shall be determined in accordance with the following provisions:

- Five Members for each Province;
- Two Members for each municipality under the direct jurisdiction of the Executive Yuan;
- Eight Members for the Mongolian Leagues and Banners;
- Eight Members for Tibet; and
- Eight Members for Chinese citizens residing abroad.

Article 92  The Control Yuan shall have a President and a Vice President, who shall be elected by and from among its Members.

Article 93  Members of the Control Yuan shall serve a term of six years and shall be re-eligible.

Article 94  When the Control Yuan exercises the power of consent in accordance with this Constitution, it shall do so by resolution of a majority of the Members present at the meeting.

Article 95  The Control Yuan may, in the exercise of its power of control, request the Executive Yuan and its Ministries and Commissions to submit to it for perusal the original orders issued by them and all other relevant documents.

Article 96  The Control Yuan may, taking into account the work of the Executive Yuan and its various Ministries and Commissions, set up a certain number of committees to investigate their activities with a view to ascertaining whether or not they are guilty of violation of law or neglect of duty.

Article 97  The Control Yuan may, on the basis of the investigations and resolutions of its committees, propose corrective measures and forward
them to the Executive Yuan and the Ministries and Commissions concerned, directing their attention to effecting improvements.

When the Control Yuan deems a public functionary in the Central Government or in a local government guilty of neglect of duty or violation of law, it may propose corrective measures or institute an impeachment. If it involves a criminal offense, the case shall be turned over to a law court.

Article 98 Impeachment by the Control Yuan of a public functionary in the Central Government or in a local government shall be instituted upon the proposal of one or more than one Member of the Control Yuan and the decision, after due consideration, by a committee composed of not less nine Members.

Article 99 In case of impeachment by the Control Yuan of the personnel of the Judicial Yuan or of the Examination Yuan for neglect of duty or violation of law, the provisions of Articles 95, 97, and 98 of this Constitution shall be applicable.

Article 100 Impeachment by the Control Yuan of the President or the Vice President shall be instituted upon the proposal of not less than one fourth of the whole body of Members of the Control Yuan and the resolution, after due consideration, by the majority of the whole body of members of the Control Yuan, and the same shall be presented to the National Assembly.

Article 101 No Member of the Control Yuan shall be held responsible outside the Yuan for opinions expressed or votes cast in the Yuan.

Article 102 No Member of the Control Yuan shall, except in case of flagrante delicto, be arrested or detained without the permission of the Control Yuan.

Article 103 No member of the Control Yuan shall concurrently hold a public office or engage in any profession.

Article 104 In the Control Yuan, there shall have an Auditor General who shall be nominated and, with the consent of the Legislative Yuan, appointed by the President of the Republic.

Article 105 The Auditor General shall, within three months after presentation by the Executive Yuan of the final accounts of revenues and expenditures, complete the auditing thereof in accordance with law and submit an auditing report to the Legislative Yuan.

Article 106 The organization of the Control Yuan shall be prescribed by law.
Chapter X. Powers of the Central and Local Governments

Article 107  In the following matters, the Central Government shall have the power of legislation and administration:

- Foreign affairs;
- National defense and military affairs concerning national defense;
- Nationality law and criminal, civil, and commercial law;
- Judiciary system;
- Aviation, national highways, state-owned railways, navigation, postal and telecommunication services;
- Central Government finance and national revenues;
- Demarcation of national, provincial, and hsien revenues;
- State-operated economic enterprises;
- Currency system and state banks;
- Weights and measures;
- Foreign trade policies;
- Financial and economic matters affecting foreigners or foreign countries; and
- Other matters relating to the Central Government as provided by this Constitution.

Article 108  In the following matters, the Central Government shall have the power of legislation and administration, but the Central Government may delegate the power of Administration to the provincial and hsien governments:

- General principles of provincial and hsien self-government;
- Division of administrative areas;
- Forestry, industry, mining, and commerce;
- Educational system;
- Banking and exchange system;
- Shipping and deep-sea fishery;
- Public utilities;
- Cooperative enterprises;
- Water and land communication and transportation covering two or more provinces;
- Water conservancy, waterways, agriculture and pastoral enterprises covering two or more provinces;
- Registration, employment, supervision, and security of tenure of officials in Central and local governments;
- Land legislation;

28
Labor legislation and other special legislation;
Eminent domain;
Census-taking and compilation of population statistics for the whole country;
Immigration and land reclamation;
Police system;
Public health;
Relief, pecuniary aid in case of death and aid in case of unemployment; and
Preservation of ancient books and articles and sites of cultural value.

With respect to the various items enumerated in the preceding paragraph, the provinces may enact separate rules and regulations, provided they are not in conflict with national laws.

Article 109 In the following matters, the provinces shall have the power of legislation and administration, but the provinces may delegate the power of administration to the hsien:

Provincial education, public health, industries, and communications;
Management and disposal of provincial property;
Administration of municipalities under provincial jurisdiction;
Province-operated enterprises;
Provincial cooperative enterprises;
Provincial agriculture, forestry, water conservancy, fishery, animal husbandry, and public works;
Provincial finance and revenues;
Provincial debts;
Provincial banks;
Provincial police administration;
Provincial charitable and public welfare works; and
Other matters delegated to the provinces in accordance with national laws.

Except as otherwise provided by law, any of the matters enumerated in the various items of the preceding paragraph, in so far as it covers two or more provinces, may be undertaken jointly by the provinces concerned.

When any province, in undertaking matters listed in any of the items of the first paragraph, finds its funds insufficient, it may, by resolution of the Legislative Yuan, obtain subsidies from the National
Article 110  In the following matters, the hsien shall have the power of legislation and administration:

- Hsien education, public health, industries and communications;
- Management and disposal of hsien property;
- Hsien-operated enterprises;
- Hsien cooperative enterprises;
- Hsien agriculture and forestry, water conservancy, fishery, animal husbandry and public works;
- Hsien finance and revenues;
- Hsien debts;
- Hsien banks;
- Administration of hsien police and defense;
- Hsien charitable and public welfare works; and
- Other matters delegated to the hsien in accordance with national laws and provincial Self-Government Regulations.

Except as otherwise provided by law, any of the matters enumerated in the various items of the preceding paragraph, in so far as it covers two or more hsien, may be undertaken jointly by the hsien concerned.

Article 111  Any matter not enumerated in Articles 107, 108, 109, and 110 shall fall within the jurisdiction of the Central Government, if it is national in nature; of the province, if it is provincial in nature; and of the hsien, if it concerns the hsien. In case of dispute, it shall be settled by the Legislative Yuan.

Chapter XI. System of Local Government

Section 1. The Province

Article 112  A Province may convoke a Provincial Assembly to enact, in accordance with the General Principles of Provincial and Hsien Self-Government, regulations, provided the said regulations are not in conflict with the Constitution.

The organization of the provincial assembly and the election of the delegates shall be prescribed by law.

Article 113  The Provincial Self-Government Regulations shall include the following provisions:

In the province, there shall be a provincial council. Members of the Provincial council shall be elected by the people of the province.
In the province, there shall be a provincial government with a Provincial Governor who be elected by the people of the Province.

Relationship between the province and the hsien.

The legislative power of the province shall be exercised by the Provincial Council.

Article 114 The Provincial Self-Government Regulations shall, after enactment, be forthwith submitted to the Judicial Yuan. The Judicial Yuan, if it deems any part thereof unconstitutional, shall declare null and void the articles repugnant to the Constitution.

Article 115 If, during the enforcement of Provincial Self-Government Regulations, there should arise any serious obstacle in the application of any of the articles contained therein, the Judicial Yuan shall first summon the various parties concerned to present their views; and thereupon the Presidents of the Executive Yuan, Legislative Yuan, Judicial Yuan, Examination Yuan and Control Yuan shall form a Committee, with the President of Judicial Yuan as Chairman, to propose a formula for solution.

Article 116 Provincial rules and regulations that are in conflict with national laws shall be null and void.

Article 117 When doubt arises as to whether or not there is a conflict between provincial rules or regulations and national laws, interpretation thereon shall be made by the Judicial Yuan.

Article 118 The self-government of municipalities under the direct jurisdiction of the Executive Yuan shall be prescribed by law.

Article 119 The local self-government of Mongolian Leagues and Banners shall be prescribed by law.

Article 120 The self-government system of Tibet shall be safeguarded.

Section 2. The Hsien

Article 121 The hsien shall enforce hsien self-government.

Article 122 A hsien may convoke a hsien assembly to enact, in accordance with the General Principles of Provincial and Hsien Self-Government, hsien self-government regulations, provide the said regulations are not in conflict with the Constitution or with provincial self-government regulations.

Article 123 The people of the hsien shall, in accordance with law, exercise the rights of initiative and referendum in matters within the sphere of hsien self-government and shall, in accordance with law, exercise the rights of election and recall of the magistrate and other hsien self-government
Article 124 In the hsien, there shall be a hsien council. Members of the hsien council shall be elected by the people of the hsien.

The legislative power of the hsien shall be exercised by the hsien council.

Article 125 Hsien rules and regulations that are in conflict with national laws, or with provincial rules and regulations, shall be null and void.

Article 126 In the hsien, there shall be a hsien government with hsien magistrate who shall be elected by the people of the hsien.

Article 127 The hsien magistrate shall have charge of hsien self-government and shall administer matters delegated to hsien by the central or provincial government.

Article 128 The provisions governing the hsien shall apply mutatis mutandis to the municipality.

Chapter XII. Election, Recall, Initiative and Referendum

Article 129 The various kinds of elections prescribed in this Constitution, except as otherwise provided by this Constitution, shall be by universal, equal, and direct suffrage and by secret ballot.

Article 130 Any citizen of the Republic of China who has attained the age of 20 years shall have the right of election in accordance with law. Except as otherwise provided by this Constitution or by law, any citizen who has attained the age of 23 years shall have the right of being elected in accordance with law.

Article 131 All candidates in the various kinds of election prescribed in this Constitution shall openly campaign for their election.

Article 132 Intimidation or inducements shall be strictly forbidden in elections. Suits arising in connection with elections shall be tried by courts.

Article 133 A person elected may, in accordance with law, be recalled by his constituency.

Article 134 In the various kinds of election, quotas of successful candidates shall be assigned to women; methods of implementation shall be prescribed by law.

Article 135 The number of delegates to the National Assembly and the manner of their election from people in interior areas, who have their own conditions of living and habits, shall be prescribed by law.

Article 136 The exercise of the rights of initiative and referendum shall be prescribed by law.
Chapter XIII. Fundamental National Policies

Section 1. National Defense

Article 137 The national defense of the Republic of China shall have as its objective the safeguarding of national security and the preservation of world peace.

The organization of national defense shall be prescribed by law.

Article 138 The land, sea, and air forces of the whole country shall be above personal, regional, and party affiliations, shall be loyal to the state and shall protect the people.

Article 139 No political party and no individual shall make use of armed forces as an instrument in the struggle for political powers.

Article 140 No military man in active service may concurrently hold a civil office.

Section 2. Foreign Policy

Article 141 The foreign policy of the Republic of China shall, in a spirit of independence and initiative and on the basis of the principles of equality and reciprocity, cultivate good-neighborliness with other nations, and respect treaties and the interests of Chinese citizens residing abroad, promote international cooperation, advance international justice and ensure world peace.

Section 3. National Economy

Article 142 National economy shall be based on the Principle of People's Livelihood and shall seek to effect equalization of land ownership and restriction of private capital in order to attain a well-balanced sufficiency in national wealth and people's livelihood.

Article 143 All land within the territory of the Republic of China shall belong to the whole body of citizens. Private ownership of land, acquired by the people in accordance with law, shall be protected and restricted by law. Privately-owned land shall be liable to taxation according to its value, and the Government may buy such land according to its value.

Mineral deposits which are embedded in the land, and natural power which may, for economic purpose, be utilized for public benefit shall belong to the State, regardless of the fact that private individuals many have acquired ownership over such land.

If the value of a piece of land has increased, not through the exertion of labor or the employment of capital, the State shall levy thereon an increment tax, the proceeds of which shall be enjoyed by the
people in common.

In the distribution and readjustment of land, the State shall in principle assist self-farming land-owners and persons who make use of the land by themselves, and shall also regulate their appropriate areas of operation.

**Article 144** Public utilities and other enterprises of a monopolistic nature shall, in principle, be under public operation. In cases permitted by law, they may be operated by private citizens.

**Article 145** With respect to private wealth and privately operated enterprises, the State shall restrict them by law if they are deemed detrimental to a balanced development of national wealth and people's livelihood.

Cooperative enterprises shall receive encouragement and assistance from the State.

Private citizens' productive enterprises and foreign trade shall receive encouragement, guidance and protection from the State.

**Article 146** The State shall, by the use of scientific techniques, develop water conservancy, increase the productivity of land, improve agricultural conditions, develop agricultural resources and hasten the industrialization of agriculture.

**Article 147** The Central Government, in order to attain a balanced economic development among the provinces, shall give appropriate aid to poor or unproductive provinces.

The provinces, in order to attain a balanced economic development among the hsien, shall give appropriate aid to poor or unproductive hsien.

**Article 148** Within the territory of the Republic of China, all goods shall be permitted to move freely from place to place.

**Article 149** Financial institutions shall, in accordance with law, be subject to State control.

**Article 150** The State shall extensively establish financial institutions for the common people, with a view to relieving unemployment.

**Article 151** With respect to Chinese citizens residing abroad, the State shall foster and protect development of their economic enterprises.

**Section 4. Social Security**

**Article 152** The State shall provide suitable opportunities for work to people who are able to work.

**Article 153** The State, in order to improve the livelihood of laborers and farmers and to improve their productive skills, shall enact laws and carry out
policies for their protection.

Women and children engaged in labor shall, according to their age and physical condition, be accorded special protection.

Article 154 Capital and labor shall, in accordance with the principles of harmony and cooperation, promote productive enterprises. Conciliation and arbitration of disputes between capital and labor shall be prescribed by law.

Article 155 The State, in order to promote social welfare, shall establish a social insurance system. To the aged and the infirm who are unable to earn a living, and to victims of unusual calamities, the State shall give appropriate assistance and relief.

Article 156 The State, in order to consolidate the foundation of national existence and development, shall protect motherhood and carry out a policy for the promoting of the welfare of women and children.

Article 157 The State, in order to improve national health, shall establish extensive services for sanitation and health protection, and a system of public medical service.

Section 5. Education and Culture

Article 158 Education and culture shall aim at the development among the citizens of the national spirit, the spirit of self-government, national morality, good physique, scientific knowledge and ability to earn a living.

Article 159 All citizens shall have an equal opportunity to receive an education.

Article 160 All children of school age from 6 to 12 years shall receive free primary education. Those from poor families shall be supplied with book by the Government.

All citizens above school age who have not received primary education shall receive supplementary education free of charge and shall also be supplied with books by the Government.

Article 161 The national, provincial, and local government shall extensively establish scholarships to assist students of good scholastic standing and exemplary conduct who lack the means to continue their school education.

Article 162 All public and private educational and cultural institutions in the country shall, in accordance with law, be subject to State supervision.

Article 163 The State shall pay due attention to the balanced development of education in different regions, and shall promote social education in order to raise the cultural standards of the citizens in general. Grants from the National Treasury shall be made to frontier regions and
economically poor areas to help them meet their education and cultural expanse. The Central Government may either itself undertake the more important educational and cultural enterprises in such regions or give them financial assistance.

**Article 164** Expenditures of educational programs, scientific studies and cultural service shall not be, in respect of the Central Government, not less than 15 per cent of the total national budget; in respect of each province, not less than 25 percent of the total provincial budget; and in respect of each municipality or hsien, less than 35 percent of the total municipal or hsien budget. Educational and cultural foundations established in accordance with law shall, together with their property, be protected.

**Article 165** The State shall safeguard the livelihood of those who work in the field of education, sciences and arts, and shall, in accordance with the development of national economy, increase their remuneration from time to time.

**Article 166** The State shall encourage scientific discoveries and inventions, and shall protect ancient sites and articles of historical, cultural or artistic value.

**Article 167** The State shall give encouragement or subsidies to the following enterprises or individuals:

- Educational enterprises in the country which have been operated with good record by private individuals;
- Educational enterprises which have been operated with good record by Chinese citizens residing abroad;
- Persons who have made discoveries or inventions in the field of learning and technology; and
- Persons who have rendered long and meritorious services in the field of education.

**Section 6. Frontier Regions**

**Article 168** The State shall accord to various racial groups in the frontier regions legal protection of their status and shall give special assistance to their local self-government undertakings.

**Article 169** The State shall, in a positive manner, undertake and foster the develop of education, culture, communications, water conservancy, public health and other economic and social enterprises of the various racial group in the frontier regions. With respect to the utilization of land, the State shall, after taking into account the climatic conditions, the nature of the soil, and the life and habits of the people, adopt measures to
protect the land and to assist in its development.

**Chapter XIV. Enforcement and Amendment of the Constitution**

**Article 170** The term "law" as used in this Constitution, shall denote any legislative bill that have been passed by the Legislative Yuan and promulgated by the President of the Republic.

**Article 171** Laws that are in conflict with the Constitution shall be null and void. When doubt arises as to whether or not a law is in conflict with the Constitution, interpretation thereon shall be made by the Judicial Yuan.

**Article 172** Ordinance that are in conflict with the Constitution or with laws shall be null and void.

**Article 173** The Constitution shall be interpreted by the Judicial Yuan.

**Article 174** Amendments to the Constitution shall be made in accordance with one of the following procedures:

- Upon the proposal of one-fifth of the total number of delegates to the National Assembly and by a resolution of three-fourths of the delegates present at a meeting having a quorum of two-thirds of the entire Assembly, the Constitution may be amended.

- Upon the proposal of one-fourth of the members of the Legislative Yuan and by a resolution of three-fourths of the members present at a meeting having a quorum three-fourths of the members of the Yuan, an amendment may be drawn up and submitted to the National Assembly by way of referendum. Such a proposed amendment to the Constitution shall be publicly announced half a year before the National Assembly convenes.

**Article 175** Whenever necessary, enforcement procedures in regard to any matter prescribed in this Constitution shall be separately provided by law.

The preparatory procedures for the enforcement of this Constitution shall be decided upon by the same National Assembly which shall have adopted this Constitution.
第一章 總綱
第一條 中華民國基於三民主義，為民有民治民享之民主共和國。
第二條 中華民國之主權屬於國民全體。
第三條 具有中華民國國籍者為中華民國國民。
第四條 中華民國領土，依其固有之疆域，非經國民大會之決議，不得變更之。
第五條 中華民國各民族一律平等。
第六條 中華民國國旗定為紅地，左上角青天白日。

第二章 人民之權利與義務
第七條 中華民國人民，無分男女，宗教，種族，階級，黨派，在法律上一律平等。
第八條 人民身體之自由應予保障。除現行犯之逮捕由法律另定外，非經司法或警察機關依法定程序，不得逮捕拘禁。非由法院依法定程序，不得審問處罰。非依法定程序之逮捕，拘禁，審問，處罰，得拒絕之。
人民因犯罪嫌疑被逮捕拘禁時，其逮捕拘禁機關應將逮捕拘禁原因，以書面告知本人及其本人指定之親友，並於二十四小時內移送該管法院審問。本人或他人亦得聲請該管法院，於二十四小時內向逮捕之機關提審。法院對於前項聲請，不得拒絕，並不得先令逮捕拘禁之機關查覆。逮捕拘禁之機關，對於法院之提審，不得拒絕或遲延。人民遭受任何機關非法逮捕拘禁時，其本人或他人得向法院聲請追究，法院不得拒絕，並應於二十四小時內向逮捕拘禁之機關追究，依法處理。
第九條 人民除現役軍人外，不受軍事審判。
第十條 人民有居住及遷徙之自由。
第十一條 人民有言論，論述，著作及出版之自由。
第十二條 人民有秘密通訊之自由。
第十三條 人民有信仰宗教之自由。
第十四條 人民有集會及結社之自由。
第十五條 人民之生存權，工作權及財產權，應予保障。
第十六條 人民有請願，訴願及訴訟之權。
第十七條 人民有選舉，罷免，創制及複決之權。
第十八條 人民有應考試服公職之權。
第十九條 人民有依法律納稅之義務。
第二十條 人民有依法律服兵役之義務。
第二十一條 人民有受國民教育之權利與義務。
第二十二条 凡人民之其他自由及权利，不妨害社会秩序公共利益者，均受宪法之保障。
第二十三条 以上各条列举之自由权利，除为防止妨害他人自由，避免紧急危难，维持社会秩序，或增进公共利益所必要者外，不得以法律限制之。
第二十四条 凡公务员违法侵害人民之自由或权利者，除依法律受惩戒外，应负刑事及民事责任。被害人民就其所受损害，得依法律向国家请求赔偿。

第三章 国民大会
第二十五条 国民大会依本宪法之规定，代表全国国民行使政权。
第二十六条 国民大会以左列代表组织之：
一、每县市及其同等区域各选出代表一人，但其人口逾五十万人者，每增加五十万人，增选代表一人。县市同等区域以法律定之。
二、蒙古选出代表，每盟四人，每特别旗一人。
三、西藏选出代表，其名额以法律定之。
四、各民族在边疆地区选出代表，其名额以法律定之。
五、侨居国外之国民选出代表，其名额以法律定之。
六、职业团体选出代表，其名额以法律定之。
七、妇女团体选出代表，其名额以法律定之。
第二十七条 国民大会之职权如左：
一、选举总统副总统。
二、罢免总统副总统。
三、修改宪法。
四、复决立法院所提之宪法修正案。
关于创制复决两权，除前项第三第四两款规定外，俟全国有半数之县市曾经行使创制复决两项政权时，由国民大会制定办法并行使之。
第二十八条 国民大会代表每六年改选一次。
每届国民大会代表之任期至次届国民大会开会之日为止。
现任官吏不得于其任所所在地之选举区当选为国民大会代表。
第二十九条 国民大会于每届总统任满前九十日集会，由总统召集之。
第三十条 国民大会遇有左列情形之一时，召集临时会：
一、依本宪法第四十九条之规定，应补选总统副总统时。
二、依監察院之決議，對於總統副總統提出彈劾案時。
三、依立法院之決議，提出憲法修正案時。
四、國民大會代表五分之二以上請求召開時。

國民大會臨時會，如依前項第一款或第二款應召開時，由
立法院院長通告召開。依第三款或第四款應召開時，由總
統召集之。

第三十一条 國民大會之開會地點在中央政府所在地。
第三十二条 國民大會代表在會議時所為之言論及表決，對會外不負責任。
第三十三条 國民大會代表，除現行犯外，在會期中，非經國民大會許
可，不得逮捕或拘禁。
第三十四条 國民大會之組織，國民大會代表之選舉罷免，及國民大會
行使職權之程序，以法律定之。

第四章 總統
第三十五條 總統為國家元首，對外代表中華民國。
第三十六条 總統統率全國陸海空軍。
第三十七条 總統依法公布法律，發布命令，須經行政院院長之副署，
或行政院院長及有關部會首長之副署。
第三十八条 總統依本憲法之規定，行使締結條約及宣戰媾和之權。
第三十九條 總統依法宣布戒嚴，但須經立法院之通過或追認。立法院
認為必要時，得決議移請總統解嚴。
第四十条 總統依法行使大赦，特赦，減刑及復權之權。
第四十一条 總統依法任免文武官員。
第四十二条 總統依法授與榮典。
第四十三条 國家遇有天然災害，瘟疫，或國家財政經濟上有重大變
故，須為急速處分時，總統於立法院休會期間，得經行政院
院會議決議，依緊急命令法，發布緊急命令，為必要之處
置，但須於發布命令後一個月內提交立法院追認。如立
法院不同意時，該緊急命令立即失效。
第四十四条 總統對於院與院間之爭執，除本憲法有規定者外，得召集
有關各院院長會商解決之。
第四十五条 中華民國國民年滿四十歲者得被選為總統副總統。
第四十六条 總統副總統之選舉，以法律定之。
第四十七条 總統副總統之任期為六年，連選得連任一次。
第四十八条 總統應於就職時宣誓，誓詞如左：
「余謹以至誠，向全國人民宣誓，余必遵守憲法，盡忠職務，增進人民福利，保衛國家，無負國民付託。如違誓言，願受國家嚴厲之制裁。謹誓。」

第四十九條 總統缺位時，由副總統繼任，至總統任期屆滿為止。總統副總統均缺位時，由行政院院長代行其職權，並依本憲法第三十條之規定，召集國民大會臨時會，補選總統、副總統，其任期以補足原任總統未滿之任期為止。

總統因故不能視事時，由副總統代行其職權。總統副總統均不能視事時，由行政院院長代行其職權。

第五十條 總統於任滿之日卸職。如屆期次任總統尚未選出，或選出後總統副總統均未就職時，由行政院院長代行總統職權。

第五十一條 行政院院長代行總統職權時，其期限不得逾三個月。

第五十二條 總統除犯內亂或外患罪外，非經罷免或解職，不受刑事上之訴究。

第五章 行政

第五十三條 行政院為國家最高行政機關。

第五十四條 行政院設院長副院長各一人，各部會首長若干人，及不管部會之政務委員若干人。

第五十五條 行政院院長由總統提名，經立法院同意任命之。立法院休會期間，行政院院長辭職或出缺時，由行政院副院長代理其職務，但總統須於四十日內咨請立法院召集會議，提出行政院院長人選徵求同意。行政院院長職務，在總統所提行政院院長人選未經立法院同意前，由行政院副院長暫行代理。

第五十六條 行政院副院長，各部會首長及不管部會之政務委員，由行政院院長提請總統任命之。

第五十七條 行政院依左列規定，對立法院負責：

一、行政院有向立法院提出施政方針及施政報告之責。立法委員在開會時，有向行政院院長及行政院各部會首長質詢之權。

二、立法院對於行政院之重要政策不贊同時，得以決議移請行政院變更之。行政院對於立法院之決議，得經總統核可，移請立法院覆議。覆議時，如經出席立法委員三分之二維持原決議，行政院院長應即接受該決議或辭職。

三、行政院對於立法院決議之法律案，預算案，條約案，如認為有窒礙難行時，得經總統之核可，於該決議案
送達行政院十日內，移請立法院覆議。覆議時，如經出席立法委員三分之二維持原案，行政院院長應即接受該決議或辭職。

第五十八條 行政院設行政院會議，由行政院院長，副院長，各部會首長及不管部會之政務委員組織之，以院長為主席。行政院院長，各部會首長，須將應行提出於立法院之法律案，預算案，戒嚴案，大赦案，宣戰案，媾和案，條約案及其他重要事項，或涉及各部會共同關係之事項，提出於行政院會議議決之。

第五十九條 行政院於會計年度開始三個月前，應將下年度預算案提出於立法院。

第六十條 行政院於會計年度結束後四個月內，應提出決算於監察院。

第六十一條 行政院之組織，以法律定之。

第六章 立法

第六十二條 立法院為國家最高立法機關，由人民選舉之立法委員組織之，代表人民行使立法權。

第六十三條 立法院有議決法律案，預算案，戒嚴案，大赦案，宣戰案，媾和案，條約案及國家其他重要事項之權。

第六十四條 立法院立法委員依左列規定選出之：

一、各省，各直轄市選出者，其人口在三百萬以下者五人，其人口超過三百萬者，每滿一百萬人增選一人。
二、蒙古各盟旗選出者。
三、西藏選出者。
四、各民族在邊疆地區選出者。
五、僑居國外之國民選出者。
六、職業團體選出者。

立法委員之選舉及前項第二款至第六款立法委員名額之分配，以法律定之。婦女在第一項各款之名額，以法律定之。

第六十五條 立法院立法委員之任期為三年，連選得連任，其選舉於每屆任滿前三個月內完成之。

第六十六條 立法院設院長副院長各一人，由立法委員互選之。

第六十七條 立法院得設各種委員會。
各種委員會得邀請政府人員及社會上有關係人員到會備詢。
第六十八條 立法院會期，每年兩次，自行集會，第一次自二月至五月底，第二次自九月至十二月底，必要時得延長之。

第六十九條 立法院遇有左列情事之一時，得開臨時會：

一、總統之咨請。
二、立法委員四分之一以上之請求。

第七十條 立法院對於行政院所提預算案，不得為增加支出之提議。

第七十一條 立法院開會時，關係院院長及各部會首長得列席陳述意見。

第七十二條 立法院法律案通過後，移送總統及行政院，總統應於收到後十日內公布之，但總統得依照本憲法第五十七條之規定辦理。

第七十三條 立法委員在院內所為之言論及表決，對院外不負責任。

第七十四條 立法委員，除現行犯外，非經立法院許可，不得逮捕或拘留。

第七十五條 立法委員不得兼任官吏。

第七十六條 立法院之組織，以法律定之。

第七章 司法

第七十七條 司法院為國家最高司法機關，掌理民事，刑事，行政訴訟之審判，及公務員之懲戒。

第七十八條 司法院解釋憲法，並有統一解釋法律及命令之權。

第七十九條 司法院設院長副院長各一人，由總統提名，經監察院同意任命之。
司法院設大法官若干人，掌理本憲法第七十八條規定事項，由總統提名，經監察院同意任命之。

第八十條 法官須超出黨派以外，依法律獨立審判，不受任何干涉。

第八十一條 法官為終身職，非受刑事或懲戒處分，或禁治產之宣告，不得免職。非依法律，不得停職，轉任或減俸。

第八十二條 司法院及各級法院之組織，以法律定之。

第八章 考試

第八十三條 考試院為國家最高考試機關，掌理考試，任用，銓敘，考績，級俸，陞遷，保障，褒獎，撫卹，退休，養老等事項。

第八十四條 考試院設院長副院長各一人，考試委員若干人，由總統提名，經監察院同意任命之。
第八十五条 公務人員之選拔，應實行公開競爭之考試制度，並應按省區分別規定名額，分區舉行考試，非經考試及格者，不得任用。

第八十六條 左列資格，應經考試院依法考選銓定之：
一、公務人員任用資格。
二、專門職業及技術人員執業資格。

第八十七條 考試院關於所掌事項，得向立法院提出法律案。

第八十八條 考試委員須超出黨派以外，依據法律獨立行使職權。

第八十九條 考試院之組織，以法律定之。

第九章 監察

第九十条 監察院為國家最高監察機關，行使同意，彈劾，糾舉及審計權。

第九十一条 監察院設監察委員，由各省市議會，蒙古西藏地方議會，及華僑團體選舉之。其名額分配依左列之規定：
一、每省五人。
二、每直轄市二人。
三、蒙古各盟旗共八人。
四、西藏八人。
五、僑居國外之國民八人。

第九十二条 監察院設院長副院長各一人，由監察委員互選之。

第九十三条 監察委員之任期為六年，連選得連任。

第九十四条 監察院依本憲法行使同意權時，由出席委員過半數之議決行之。

第九十五条 監察院為行使監察權，得向行政院及其各部會調閱其所發布之命令及各種有關文件。

第九十六条 監察院得按行政院及其各部會之工作，分設若干委員會，調查一切設施，注意其是否違法或失職。

第九十七条 監察院經各該委員會之審查及決議，得提出糾正案，移送行政人員，認為有失職或違法情事，得提出糾舉案或彈劾案，如涉及刑事，應移送法院辦理。

第九十八条 監察院對於中央及地方公務人員之彈劾案，須經監察委員一人以上之提議，九人以上之審查及決定，始得提出。

第九十九條 監察院對於司法院或考試院人員失職或違法之彈劾，適用本憲法第九十五條，第九十七條，及第九十八條之規定。

第一百條 監察院對於總統副總統之彈劾案，須有全體監察委員四分之一以上之提議，全體監察委員過半數之審查及決議，向國民大會提出之。
第一百零一條　監察委員在院內所為之言論及表決，對院外不負責任。
第一百零二條　監察委員，除現行犯外，非經監察院許可，不得逮捕或拘留。
第一百零三條　監察委員不得兼任其他公職或執行業務。
第一百零四條　監察院設審計長，由總統提名，經立法院同意任命之。
第一百零五條　審計長應於行政院提出決算後三個月內，依法完成其審核，並提出審核報告於立法院。
第一百零六條　監察院之組織，以法律定之。

第十章　中央與地方之權限

第一百零七條　左列事項，由中央立法並執行之：
　一、外交。
　二、國防與國防軍事。
　三、國籍法，及刑事民事商事之法律。
　四、司法制度。
　五、航空，國道，國有鐵路，航政，郵政及電政。
　六、中央財政與國稅。
　七、國稅與省稅縣稅之劃分。
　八、國營經濟事業。
　九、幣制及國家銀行。
　十、度量衡。
　十一、國際貿易政策。
　十二、涉外之財政經濟事項。
　十三、其他依本憲法所定關於中央之事項。

第一百零八條　左列事項，由中央立法並執行之或交由省縣執行之：
　一、省縣自治通則。
　二、行政區劃。
　三、森林，工礦及商業。
　四、教育制度。
　五、銀行及交易所制度。
　六、航業及海洋漁業。
　七、公用事業。
　八、合作事業。
　九、二省以上之水陸交通運輸。
　十、二省以上之水利，河道及農牧事業。
　十一、中央及地方官吏之铨敘，任用，糾察及保障。
　十二、土地法。
　十三、勞動法及其他社會立法。
十四、公用徵收。
十五、全國戶口調查及統計。
十六、移民及墾殖。
十七、警察制度。
十八、公共衛生。
十九、振濟，撫卹及失業救濟。
二十、有關文化之古籍，古物及古蹟之保存。

前項各款，省於不抵觸國家法律內，得制定單行法規。

第一百零九條
左列事項，由省立法並執行之，或交由縣執行之：
一、省教育，衛生，實業及交通。
二、省財產之經營及處分。
三、省市政。
四、省公營事業。
五、省合作事業。
六、省農林，水利，漁牧及工程。
七、省財政及省稅。
八、省債。
九、省銀行。
十、省警政之實施。
十一、省慈善及公益事項。
十二、其他依國家法律賦予之事項。

前項各款，有涉及二省以上者，除法律別有規定外，得由
有關各省共同辦理。各省辦理第一項各款事務，其經費不
足時，經立法院議決，由國庫補助之。

第一百十條
左列事項，由縣立法並執行之：
一、縣教育，衛生，實業及交通。
二、縣財產之經營及處分。
三、縣公營事業。
四、縣合作事業。
五、縣農林，水利，漁牧及工程。
六、縣財政及縣稅。
七、縣債。
八、縣銀行。
九、縣警衛之實施。
十、縣慈善及公益事項。
十一、其他依國家法律及省自治法賦予之事項。

前項各款，有涉及二縣以上者，除法律別有規定外，得由
有關各縣共同辦理。
第一百十一條 除第一百零七條，第一百零八條，第一百零九條及第一百十條列舉事項外，如有未列舉事項發生時，其事務有全國一致之性質者屬於中央，有全省一致之性質者屬於省，有一縣之性質者屬於縣。遇有爭議時，由立法院解決之。

第十一章 地方制度

第一節 省

第一百十二條 省得召集省民代表大會，依據省縣自治通則，制定省自治法，但不得與憲法牴觸。
省民代表大會之組織及選舉，以法律定之。

第一百十三條 省自治法應包含左列各款：
一、省設省議會，省議會議員由省民選舉之。
二、省設省政府，置省長一人。省長由省民選舉之。
三、省與縣之關係。

屬於省之立法權，由省議會行之。

第一百十四條 省自治法制定後，須即送司法院。司法院如認為有違憲之處，應將違憲條文宣布無效。

第一百十五條 省自治法施行中，如因其中某條發生重大障礙，經司法院召集有關方面陳述意見後，由行政院院長，立法院院長，司法院院長，考試院院長與監察院院長組織委員會，以司法院院長為主席，提出方案解決之。

第一百十六條 省法規與國家法律牴觸者無效。

第一百十七條 省法規與國家法律有無牴觸發生疑義時，由司法院解釋之。

第一百十八條 直轄市之自治，以法律定之。

第一百十九條 蒙古各盟旗地方自治制度，以法律定之。

第一百二十條 西藏自治制度，應予以保障。

第二節 縣

第一百二十一條 縣實行縣自治。

第一百二十二條 縣得召集縣民代表大會，依據省縣自治通則，制定縣自治法，但不得與憲法及省自治法牴觸。

第一百二十三條 縣民關於縣自治事項，依法律行使創制複決之權，對於縣長及其他縣自治人員，依法律行使選舉罷免之權。

第一百二十四條 縣設縣議會。縣議會議員由縣民選舉之。屬於縣之立法權，由縣議會行之。

第一百二十五條 縣單行規章，與國家法律或省法規牴觸者無效。

第一百二十六條 縣設縣政府，置縣長一人。縣長由縣民選舉之。
第一百二十七條 縣長辦理縣自治，並執行中央及省委辦事項。

第一百二十八條 市準用縣之規定。

第十二章 選舉 罷免 創制 複決

第一百二十九條 本憲法所規定之各種選舉，除本憲法別有規定外，以普通，平等，直接及無記名投票之方法行之。

第一百三十條 中華民國國民年滿二十歲者，有依法選舉之權利。除本憲法及法律別有規定者外，年滿二十三歲者，有依法被選舉之權利。

第一百三十一條 本憲法所規定各種選舉之候選人，一律公開競選。

第一百三十二條 選舉應嚴禁威脅利誘。選舉訴訟，由法院審判之。

第一百三十三條 被選舉人得由原選舉區依法罷免之。

第一百三十四條 各種選舉，應規定婦女當選名額，其辦法以法律定之。

第一百三十五條 內地生活習慣特殊之國民代表名額及選舉，其辦法以法律定之。

第一百三十六條 創制複決兩權之行使，以法律定之。

第十三章 基本国策

——第一節 國防

第一百三十七條 中華民國之國防，以保衛國家安全，維護世界和平為目的。國防之組織，以法律定之。

第一百三十八條 全國陸海空軍，須超出個人，地域及黨派關係以外，效忠國家，愛護人民。

第一百三十九條 任何黨派及個人不得以武裝力量為政爭之工具。

第一百四十條 現役軍人不得兼任文官。

——第二節 外交

第一百四十一條 中華民國之外交，應本獨立自主之精神，平等互惠之原則，敦睦邦交，尊重條約及聯合國憲章，以保護僑民權益，促進國際合作，提倡國際正義，確保世界和平。

——第三節 國民經濟

第一百四十二條 國民經濟應以民生主義為基本原則，實施平均地權，節制資本，以謀國計民生之均足。

第一百四十三條 中華民國領土內之土地屬於國民全體。人民依法取得之土地所有權，應受法律之保障與限制。私有土地應照價納稅，政府並得照價收買。
附著於土地之礦，及經濟上可供公眾利用之天然力，屬於國家所有，不因人民取得土地所有權而受影響。土地價值非因施以勞力資本而增加者，應由國家徵收土地增值稅，歸人民共享之。
國家對於土地之分配與整理，應以扶植自耕農及自行使用土地人為原則，並規定其適當經營之面積。

第一百四十四條 公用事業及其他有獨佔性之企業，以公營為原則，其經法律許可者，得由國民經營之。

第一百四十五條 國家對於私人財富及私營事業，認為有妨害國計民生之平衡發展者，應以法律限制之。
合作事業應受國家之獎勵與扶助。
國民生產事業及對外貿易，應受國家之獎勵，指導及保護。

第一百四十六條 國家應運用科學技術，以興修水利，增進地力，改善農業環境，規劃土地利用，開發農業資源，促成農業之工業化。

第一百四十七條 中央為謀省與省間之經濟平衡發展，對於貧瘠之省，應酌予補助。
省為謀縣與縣間之經濟平衡發展，對於貧瘠之縣，應酌予補助。

第一百四十八條 中華民國領域內，一切貨物應許自由流通。

第一百四十九條 金融機構，應依法受國家之管理。

第一百五十條 國家應普設平民金融機構，以救濟失業。

第一百五十一條 國家對於僑居國外之國民，應扶助並保護其經濟事業之發展。

———第四節 社會安全

第一百五十二條 人民具有工作能力者，國家應予以適當之工作機會。

第一百五十三條 國家為改良勞工及農民之生活，增進其生產技能，應制定保護勞工及農民之法律，實施保護勞工及農民之政策。婦女兒童從事勞動者，應按其年齡及身體狀態，予以特別之保護。

第一百五十四條 勞資雙方應本協調合作原則，發展生産事業。勞資糾紛之調解與仲裁，以法律定之。

第一百五十五條 國家為謀社會福利，應實施社會保險制度。人民之老弱殘廢，無力生活，及受非常災害者，國家應予以適當之扶助與救濟。
第一百五十六條 國家為奠定民族生存發展之基礎，應保護母性，並實施婦女兒童福利政策。

第一百五十七條 國家為增進民族健康，應普遍推行衛生保健事業及公醫制度。

———第五節 教育文化

第一百五十八條 教育文化，應發展國民之民族精神，自治精神，國民道德，健全體格，科學及生活智能。

第一百五十九條 國民受教育之機會一律平等。

第一百六十條 六歲至十二歲之學齡兒童，一律受基本教育，免納學費。其貧苦者，由政府供給書籍。已逾學齡未受基本教育之國民，一律受補習教育，免納學費，其書籍亦由政府供給。

第一百六十一條 各級政府應廣設獎學金名額，以扶助學行俱優無力升學之學生。

第一百六十二條 全國公私立之教育文化機關，依法律受國家之監督。

第一百六十三條 國家應注重各地區教育之均衡發展，並推行社會教育，以提高一般國民之文化水準，邊遠及貧瘠地區之教育文化經費，由國庫補助之。其重要之教育文化事業，得由中央辦理或補助之。

第一百六十四條 教育，科學，文化之經費，在中央不得少於其預算總額百分之十五，在省不得少於其預算總額百分之二十五，在市縣不得少於其預算總額百分之三十五。其依法設置之教育文化基金及產業，應予以保障。

第一百六十五條 國家應保障教育，科學，藝術工作者之生活，並依國民經濟之進展，隨時提高其待遇。

第一百六十六條 國家應獎勵科學之發明與創造，並保護有關歷史文化藝術之古蹟古物。

第一百六十七條 國家對於左列事業或個人，予以獎勵或補助：

一、國內私人經營之教育事業成績優良者。
二、僑居國外國民之教育事業成績優良者。
三、於學術或技術有發明者。
四、從事教育久於其職而成績優良者。

———第六節 邊疆地區

第一百六十八條 國家對於邊疆地區各民族之地位，應予以合法之保障，並於其地方自治事業，特別予以扶植。
第一百六十條
國家對於邊疆地區各民族之教育、文化、交通、水利、衛生、及其他經濟、社會事業，應積極舉辦，並扶助其發展，對於土地使用，應依其氣候、土壤性質，及人民生活習慣之所宜，予以保障及發展。

第十四章 憲法之施行及修改
第一百七十條 本憲法所稱之法律，謂經立法院通過，總統公布之法律。
第一百七十一條 法律與憲法抵觸者無效。
　　法律與憲法有無抵觸發生疑義時，由司法院解釋之。
第一百七十二條 命令與憲法或法律抵觸者無效。
第一百七十三條 憲法之解釋，由司法院為之。
第一百七十四條 憲法之修改，應依左列程序之一為之：
　　一、由國民大會代表總額五分之一提議，三分之二之出席，及出席代表四分之三之決議，得修改之。
　　二、由立法院立法委員四分之一之提議，四分之三之出席，及出席委員四分之三之決議，擬定憲法修正案，提請國民大會複決。此項憲法修正案應於國民大會開會前半年公告之。
第一百七十五條 本憲法規定事項，有另定實施程序之必要者，以法律定之。
　　本憲法施行之準備程序由制定憲法之國民大會定之。

+++++++++++++++++++++++++++++

TEMPORARY PROVISIONS EFFECTIVE DURING THE PERIOD OF THE COMMUNIST REBELLION

(Adopted by the National Assembly on April 18, 1948, promulgated by the National Government on May 10, 1948, amended by the National Assembly on March 11, 1960, Amended by the extraordinary session of the National Assembly on February 7, 1966, amended by the National Assembly at its ninth plenary meeting March 17, 1972)

In accordance with the procedure prescribed in Paragraph 1 of Article 174 of the Constitution, the following Temporary Provisions to be effective during the Period of Communist Rebellion are hereby enacted:

1. The President during the Period of Communist Rebellion may, by resolution of the Executive Yuan Council, take emergency measures to avert any imminent danger to the security of the State or of the people or to cope with any serious
financial or economic crisis, without being subject to the procedural restrictions prescribed in Article 39 or Article 43 of the Constitution.

2. The emergency measures mentioned in the preceding paragraph may be modified or abrogated by the Legislative Yuan in accordance with Paragraph 2 of Article 57 of the Constitution.

3. During the Period of the Communist Rebellion, the President and the Vice President may be reelected without being subject to the two-term restriction prescribed in Article 47 of the Constitution.

4. During the period of Communist Rebellion, the President is authorized to establish, in accordance with the constitutional system, an organ for making major policy decisions concerned with national mobilization and suppression of the Communist rebellion and for assuming administrative control in war zones.

5. To meet the requirements of national mobilization and suppression of the Communist rebellion, the President may make adjustments in the administrative and personnel organs of the Central Government, as well as their organizations.

6. During the period of national mobilization and the suppression of the Communist rebellion, the President may, in accordance with the following stipulations, initiate and promulgate for enforcement regulations providing for elections to strengthen elective offices at the Central Government level without being subject to the restrictions prescribed in Article 26, Article 64, or Article 91 of the Constitution:

(1) In free areas, additional members of the National Assembly, the Legislative Yuan, and the Control Yuan may be added through regular elections. Members of the Legislative Yuan and Control Yuan that must be elected by Chinese citizens living abroad who are unable to hold elections shall be chosen according to regulations established by the President of the Republic.

(2) Representatives elected to the National Assembly, Legislative Yuan, and Control Yuan in the first elections were chosen through popular vote by the people of the entire nation. These representatives exercise their powers of office in accordance with law; the same principle applies to the representatives elected to fill vacancies or provide additional representation.

Elections for the National Assembly, Legislative Yuan, and Control Yuan shall be held on the Chinese mainland, one by one, as each area is recovered.
(3) Additional members elected to serve in the national Assembly, Legislative Yuan, and Control Yuan, shall exercise the same powers of office in accordance with law as the members elected in the first elections. Additional members of the National Assembly shall stand for reelection every six years; members of the Legislative Yuan, every three years; and members of the Control Yuan, every six years.

7. During the Period of Communist Rebellion, the National Assembly may enact measures to initiate principles concerning Central Government laws and submit Central Government laws to referendum without being subject to the restriction prescribed in Paragraph 2 of Article 27 of the Constitution.

8. During the Period of Communist Rebellion, the President may, when he deems necessary, convocate an extraordinary session of the National Assembly to discuss initiative or referendum measures.

9. The National Assembly shall establish an organ to study, during its recess, problems relating to constitutional rule.

10. The termination of the Period of Communist Rebellion shall be declared by the President.

11. Amendment or abrogation of the Temporary Provisions shall be resolved by the National Assembly.

動員戡亂時期臨時條款

國民大會通過於民國 61 年 3 月 17 日（非現行條文）
公布於民國 61 年 3 月 23 日
中華民國 37 年 4 月 18 日 制定
中華民國 37 年 5 月 10 日 公布國民政府制定公布
民國 43 年 3 月 11 日決議本條款繼續有效第一屆國民大會第二次會議第七次大會決議繼續有效
中華民國 49 年 3 月 11 日 修正
中華民國 49 年 3 月 11 日 公布總統令修正公布
中華民國 55 年 2 月 7 日 修正
中華民國 55 年 2 月 12 日 公布總統令修正公布
中華民國 55 年 3 月 19 日 修正
中華民國 55 年 3 月 22 日 公布總統令修正公布
中華民國 61 年 3 月 17 日 修正
中華民國 61 年 3 月 23 日 公布總統令修正公布全文 11 條
中華民國 80 年 5 月 1 日 總統令公布廢止
茲依照憲法第一百七十四條第一款程序，制定動員戡亂時期臨時條款如下：

第一條（總統緊急處分權）
總統在動員戡亂時期，為避免國家或人民遭遇緊急危難，或應付財政經濟上重大變故，得經行政院會議之決議，為緊急處分，不受憲法第三十九或第四十三條所規定程式之限制。

第二條（立法院緊急處分之變更或廢止權）
前項緊急處分，立法院得依憲法第五十七款第二款規定之程式變更或廢止之。

第三條（總統、副總統得連選連任）
動員戡亂時期，總統副總統得連選連任，不受憲法第四十七條連任一次之限制。

第四條（動員戡亂機構之設置）
動員戡亂時期，本憲政體制授權總統得設置動員戡亂機構，決定動員戡亂有關大政方針，並處理戰地政務。

第五條（中央行政人事機構組織之調整）
總統為適應動員戡亂需要，得調整中央政府之行政機構、人事機構及其組織。

第六條（中央民意代表之增補選）
動員戡亂時期，總統得依下列規定，訂頒辦法充實中央民意代表機構，不受憲法第二十六條、第六十四條及第九十一條之限制：
（一）在自由地區增加中央民意代表名額，定期選舉，其須由僑居國外國民選出之立法委員及監察委員，事實上不能辦理選舉者，得由總統訂定辦法遴選之。
（二）第一屆中央民意代表，係經全國人民選舉所產生，依法行使職權，其增選、補選者亦同。大陸光復地區次第辦理中央民意代表之選舉。
（三）增加名額選出之中央民意代表，與第一屆中央民意代表，依法行使職權。增加名額選出之國民大會代表，每六年改選，立法委員每三年改選，選監察委員每六改選。
第七條（創制複決辦法之制定）
動員戡亂時期，國民大會得制定辦法，創制中央法律原則與複決中央法律，不受憲法第二十七條第二項之限制。

第八條（國民大會臨時會之召集）
在戡亂時期，總統對於創制案或複決案認為有必要時，得召集國民大會臨時會討論之。

第九條（憲政研究機構之設置）
國民大會於閉會期間，設置研究機構，研討憲政有關問題。

第十條（動員戡亂時期之終止）
動員戡亂時期之終止，由總統宣告之。

第十一條（臨時條款之修廢）
臨時條款之修訂或廢止，由國民大會決定之。

THE ADDITIONAL ARTICLES

Additional Articles to the Constitution of the Republic of China
First Revision, 1991
—obsolete—
(Adopted by the National Assembly on April 22, 1991, promulgated by the President on May 1, 1991)

Preamble
To meet the requisites of national unification, the following additional articles are added to the ROC Constitution in accordance with Article 27, Paragraph 1, Item 3, and Article 174, Item 1:

Article 1
Members of the National Assembly shall be elected according to the following regulations without being subject to the restrictions in Articles 26 and 135 of the Constitution:
1. Two members shall be elected from each Special Municipality, each county or city in the free area. However, where the population exceeds 100,000 persons, one member shall be added for each additional 100,000 persons.
2. Three members each shall be elected from lowland and highland aborigines in the free area.
3. Twenty members shall be elected from Chinese citizens living abroad.
4. Eighty members shall be elected from one nationwide constituency.

If the number of seats allotted to a Special Municipality, county or city covered under item one (1) above; or if the number of seats won by a political party under item three (3) or four (4) above is between five and ten, at least one of the seats must be reserved for a woman. Where the number exceeds ten, one seat out of each additional ten must be reserved for a woman.

Article 2
Members of the Legislative Yuan shall be elected according to the following regulations without being subject to the restrictions in Article 64 of the Constitution:
1. Two members shall be elected from each province and each Special Municipality in the free area. Where the population exceeds 200,000 persons, however, one member will be added for each additional 100,000 persons; and where the population exceeds one million persons, one member will be added for each additional 200,000 persons.
2. Three members each shall be elected from lowland and highland aborigines in the free area.
3. Six members shall be elected from Chinese citizens living abroad.
4. Thirty members shall be elected from one nationwide constituency.

If the number of seats allotted to a province or Special Municipality covered under item one (1) above; or if the number of seats won by a political party under item three (3) or four (4) above is between five and ten, then one of the seats shall be reserved for a woman. Where the number exceeds ten, one seat out of each additional ten must be reserved for a woman.

Article 3
Members of the Control Yuan shall be elected by provincial and municipal councils according to the following regulations without being subject to the restrictions in Article 91 of the Constitution:
1. Twenty-five members shall be elected from Taiwan Province of the free area.
2. Ten members shall be elected from each Special Municipality in the free area.
3. Two members shall be elected from Chinese citizens living abroad.
4. Five members shall be elected from one nationwide constituency.

If the number of seats allotted to Taiwan Province or from a Special Municipality covered under item one (1) or two (2) above; or if the number of seats won by a
political party under item four (4) above is between five and ten, then one of the seats shall be reserved for a woman. Where the number of seats exceeds ten, one seat out of each additional ten must be reserved for a woman.

The number of Provincial Assembly members who can be elected to the Control Yuan is limited to two; the number of members from each municipal council who can be elected to the Control Yuan is limited to one.

Article 4
The election and recall of members of the National Assembly, Legislative Yuan, and Control Yuan shall be conducted in accordance with the regulations contained in the Public Officials Election and Recall Law. The members representing Chinese citizens living abroad and nationwide shall be elected by party-list proportional representation.

Article 5
Members of the Second National Assembly shall be elected before December 31, 1991. Their term of office begins on January 1, 1992, and expires on the day when members of the Third National Assembly meet, pursuant to Article 29 of the Constitution prior to the expiration date of the 8th Presidential term in 1996. This is not subject to restrictions imposed by Paragraph 1 of Article 28 of the Constitution. Those additional members of the National Assembly elected in Taiwan pursuant to the Provisional Articles Effective during the Period of National Mobilization for Suppression of the Communist Rebellion shall exercise their powers together with members of the Second National Assembly until January 31, 1993. Members of the Second Legislative Yuan and members of the Second Control Yuan shall be elected prior to January 31, 1993, and shall begin to exercise power on February 1, 1993.

Article 6
An extraordinary session of the National Assembly should be convened by the President within three months after the members of the Second National Assembly are elected so that the National Assembly may exercise powers granted by Article 27, Paragraph 1, Item 3 of the Constitution.

Article 7
The President may, by resolution of the Executive Yuan Council, issue emergency orders to avert an imminent danger to the security of the State or of the people or to cope with any serious financial or economic crisis, without being subject to the restrictions prescribed in Article 43 of the Constitution. However, such orders shall,
within 10 days of issuance, be presented to the Legislative Yuan for confirmation. Should the Legislative Yuan withhold confirmation, the said emergency orders shall forthwith cease to be valid.

Article 8
If the revision of laws originally in effect solely during the Period of National Mobilization for Suppression of the Communist Rebellion is not completed by the termination of the Period of National Mobilization for Suppression of the Communist Rebellion, these laws shall remain in effect until July 31, 1992.

Article 9
To determine major policies for national security, the President may set up the National Security Council and its subsidiary organ, the National Security Bureau. The Executive Yuan may set up the Central Personnel Administration.

The organizations of the above two paragraphs shall be established according to law. Before the legislative process is completed, the former organizational statutes shall remain in force till December 31, 1993.

Article 10
The relationship of rights and obligations between the people of the mainland China area and those of the free area, and the disposition of other affairs shall be specially regulated by law.

Second Revision, 1992
—obsolete—

Article 11
In addition to the exercise of its powers and obligations pursuant to Article 27 of the Constitution, the National Assembly shall also exercise its right to confirm the appointment of personnel nominated by the President in accordance with Additional Article 13, Paragraph 1; Additional Article 14, Paragraph 2; and Additional Article 15, Paragraph 2.

The aforementioned right of confirmation shall be exercised at an extraordinary session of the National Assembly convoked by the President and shall not be subject to the restrictions in Article 30 of the Constitution.

When the National Assembly convenes, it shall hear a report on state of the nation by the President, discuss national affairs, and offer counsel. In the event that the National Assembly has not convened for over a year, the President shall convene an
extraordinary session for the aforementioned purpose notwithstanding the restrictions in Article 30 of the Constitution.
Beginning with the Third National Assembly, delegates to the National Assembly shall be elected every four years and the provisions in Article 28, Paragraph 1 of the Constitution shall not apply.

**Article 12**

Effective from the 1996 election for the ninth-term President and Vice President, the President and the Vice President shall be elected by the entire electorate in the free area of the Republic of China.

The electoral method for the aforementioned election shall be formulated in the Additional Articles to the Constitution at an extraordinary session of the National Assembly to be convoked by the President before May 20, 1995.

Beginning with the ninth presidential term, the term of office for both the President and the Vice President shall be four years. The President and the Vice President may be reelected for a second term; and the provisions in Article 47 of the Constitution shall not apply.

Recall of the President and the Vice President shall be executed in accordance with the following provisions:
1) By a motion to recall put forward by one-fourth of all delegates to the National Assembly, and passed with the concurrence of two-thirds of such delegates.
2) By a resolution to impeach adopted by the Control Yuan, and passed as a resolution to recall by two-thirds of all delegates to the National Assembly.

Should the office of the Vice President become vacant, the President shall nominate a candidate within three months and convocate an extraordinary session of the National Assembly to elect a new Vice President, who shall serve out the original term until its expiration. Should the offices of both the President and the Vice President become vacant, the president of the Legislative Yuan shall serve notice on the National Assembly to convocate an extraordinary session within three months to elect a new President and a new Vice President, who shall serve out each respective original term until its expiration.

**Article 13**

The Judicial Yuan shall have a president, a vice president, and a certain number of Grand Justices, all of whom shall be nominated and, with the consent of the National Assembly, appointed by the President; and the pertinent provisions in Article 79 of the Constitution shall not apply.

The Grand Justices of the Judicial Yuan shall, in addition to discharging their duties according to Article 78 of the Constitution, also form a Constitutional Tribunal to
adjudicate matters relating to the dissolution of unconstitutional political parties. A political party shall be unconstitutional if its goals or activities jeopardize the existence of the Republic of China or free, democratic constitutional order.

**Article 14**
The Examination Yuan shall be the highest examination body of the state, and shall be responsible for the following matters; and the provisions in Article 83 of the Constitution shall not apply:
1) all examination-related matters,
2) all matters relating to the qualification screening, security of tenure, pecuniary aid in case of death, and retirement of civil servants; and
3) all legal matters relating to the employment, discharge, performance evaluation, scale of salaries, promotion, transfer, commendation and award for civil servants.
The Examination Yuan shall have a president, a vice president, and several members, all of whom shall be nominated, and with the consent of the National Assembly, appointed by the President; and the provisions in Article 84 of the Constitution shall not apply.
The provisions in Article 85 of the Constitution concerning holding examinations in different areas, with prescribed numbers of persons to be selected according to various provinces and areas, shall cease to apply.

**Article 15**
The Control Yuan shall be the highest control body of the state and shall exercise the powers of impeachment, censure and audit; and the provisions in Articles 90 and 94 of the Constitution concerning exercising the power of consent shall not apply.
The Control Yuan shall have 29 members, including a president and a vice president, all of whom shall serve a term of six years and shall be nominated, and with the consent of the National Assembly, appointed by the President. The provisions in Articles 91 through 93, and in Additional Articles 3 and 4, as well as Article 5, Paragraph 3 of the Constitution concerning the members of the Control Yuan shall cease to be applicable.
Impeachment proceedings by the Control Yuan against a public functionary in the Central Government, any local government, or against personnel of the Judicial Yuan or the Examination Yuan shall be initiated by two or more members of the Control Yuan, and be investigated and voted upon by a committee of not less than nine of its members notwithstanding the restrictions in Article 98 of the Constitution.
In the case of impeachment by the Control Yuan of Control Yuan personnel for dereliction of duty or violation of the law, the provisions of Article 95 and Article
97, Paragraph 2 of the Constitution, as well as the foregoing paragraph shall apply. A motion by the Control Yuan impeaching the President or the Vice President must be initiated by more than half of all the members of the Control Yuan and passed by more than two-thirds of all such members for it to be submitted to the National Assembly notwithstanding the restrictions in Article 100 of the Constitution. Members of the Control Yuan must be beyond party affiliation and independently exercise their powers and discharge their responsibilities in accordance with the law. The provisions in Articles 101 and 102 of the Constitution shall cease to apply.

Article 16
Provisions of Additional Article 15, Paragraph 2 shall take effect with the nomination of Second Control Yuan members. The Second Control Yuan members shall assume their offices on February 1, 1993. Provisions of Additional Article 15, Paragraph 1, and Paragraphs 3 through 7 shall take effect on the same date. Provisions of Additional Article 13, Paragraph 1 and Article 14, Paragraph 2 relating to the appointment of the personnel of the Judicial Yuan and the Examination Yuan shall take effect on February 1, 1993. Nominations of personnel made before January 31, 1993 shall still be approved by the Control Yuan before appointment by the President. Incumbent personnel, however, need not be renominated and reappointed before the expiration of their terms.

Article 17
The system of local governments in the provinces and counties shall include the following provisions, which shall be established by the enactment of appropriate laws notwithstanding the restrictions in Article 108, Paragraph 1, Item 1; Articles 112 through 115; and Article 122 of the Constitution:
1) There shall be a provincial assembly in each province and a county council in each county. Members of the provincial assembly and the county council shall be elected by the people of the province and the people of the county, respectively.
2) The legislative power of a province and that of a county shall be exercised by the provincial assembly and the county council, respectively.
3) In a province, there shall be a provincial government with a provincial governor. In a county, there shall be a county government with a county magistrate. The provincial governor and the county magistrate shall be elected by the people of the province and the people of the county, respectively.
4) The relationship between the province and the county.
5) The self-governance of provinces is subject to supervision by the Executive Yuan, while the self-governance of counties is subject to supervision by the provincial
government.

Article 18
The State shall encourage development of and investment in science and technology, facilitate the upgrade of industry, promote the modernization of agriculture and fishery, emphasize the exploitation and utilization of water resources, and intensify international economic cooperation.
Environmental and ecological protection shall be given equal consideration with economic and technological development.
The State shall inaugurate universal health insurance coverage and promote the research and development of both modern and traditional medicines.
The State shall protect the dignity of women, safeguard their personal safety, eliminate sexual discrimination, and further substantive equality between the sexes.
The State shall safeguard the rights of the handicapped and disabled to insurance, medical care, education, training, employment assistance, support for daily living needs and relief, so as to help them attain independence and further their careers.
The State shall accord to the aborigines in the free area legal protection of their status and the right to political participation. It shall also provide assistance and encouragement for their education, cultural preservation, social welfare and business undertakings. The same protection and assistance shall be given to the people of Kinmen and Matsu areas.
The State shall accord to Chinese nationals residing overseas protection of their rights to political participation.

Third Revision, 1994
—obsolete—
The following Ten Additional Articles to the ROC Constitution were adopted by the fourth extraordinary session of the Second National Assembly on 28 July 1994, and promulgated by the president on 1 August 1994. They replaced the ten articles adopted in April 1991 (First Revision) and the eight articles adopted in May 1992 (Second Revision). These Ten Additional Articles were replaced by the Eleven Additional Articles adopted in July 1997 (Fourth Revision) and replaced most recently by the Eleven Additional Articles of the Seventh Revision in April 2000.

To meet the requisites of the nation prior to national unification, the following articles of the Republic of China Constitution are added or amended to the Republic of China Constitution in accordance with Article 27, Paragraph 1, Item 3; and Article 174, Item 1:
Article 1

(1) Delegates to the National Assembly shall be elected in accordance with the following provisions, the restrictions in Article 26 and Article 135 of the Constitution notwithstanding:

1. Two delegates shall be elected from each Special Municipality and each county or city in the free area. However, where the population exceeds 100,000, one delegate shall be added for each additional 100,000 persons.
2. Three delegates each shall be elected from among the lowland and highland aborigines in the free area.
3. Twenty delegates shall be elected from among the Chinese citizens who reside abroad.
4. Eighty delegates shall be elected from the nationwide constituency.

(2) Members for the seats set forth in Items 3 and 4 of the preceding paragraph shall be elected in accordance with the formula for proportional representation among political parties. If the number of seats allotted to a Special Municipality, county or city covered under Item 1 above, or if the number of seats won by a political party under Item 3 or 4 above is between five and ten, then one of the seats stipulated in the pertaining item shall be reserved for a female candidate. Where the number exceeds ten, one seat out of each additional ten shall be reserved for a female candidate.

(3) The powers of the National Assembly shall be as follows, and the provisions of Article 27, Paragraph 1, Item 1 and Item 2 of the Constitution shall not apply:

1. To elect the vice president in accordance with Article 2, Paragraph 7 of the Additional Articles when the said office becomes vacant;
2. To recall the president or the vice president in accordance with Article 2, Paragraph 9 of the Additional Articles;
3. To pass a resolution on the impeachment of the President or Vice President instituted by the Control Yuan in accordance with Article Article 2, Paragraph 10 of the Additional Articles;
4. To amend the Constitution in accordance with Article 27, Paragraph 1, Item 3 and Article 174, Item 1 of the Constitution;
5. To vote, in accordance with Article 27, Paragraph 1, Item 4 and Article 174, Item 2 of the Constitution, on the constitutional amendment proposals submitted by the Legislative Yuan; and
6. To confirm, in accordance with Article 4, Paragraph 1; Article 5, Paragraph 2; and Article 6, Paragraph 2 of the Additional Articles, the appointment of personnel nominated by the president.
(4) When the National Assembly meets in accordance with Item 1, or Item 4 through Item 6 of the preceding paragraph, or at the request of not fewer than two-fifths of its delegates, the session shall be convened by the president. When it meets in accordance with Item 2 or Item 3 of the preceding paragraph, the session shall be convoked by the speaker of the National Assembly or by the President of the Legislative Yuan prior to the establishment of the office of the speaker. The provisions of Article 29 and Article 30 of the Constitution shall not apply.

(5) When the National Assembly convenes, it shall hear a report on the state of the nation by the president, discuss national affairs, and offer counsel. In the event that the National Assembly has not convened for a period of one year, the president shall convene an extraordinary session for the aforementioned purpose, the restrictions in Article 30 of the Constitution notwithstanding.

(6) Beginning with the Third National Assembly, delegates to the National Assembly shall be elected every four years. The provisions of Article 28, Paragraph 1 of the Constitution shall not apply.

(7) The term of office for the members of the Second National Assembly shall expire on 19 May 1996, and the term of office for the members of the Third National Assembly shall begin on 20 May 1996. The provisions in Article 28, Paragraph 2 of the Constitution shall not apply.

(8) Beginning with the Third National Assembly, the Assembly shall have a speaker and a deputy speaker who shall be elected by the delegates of the Assembly from amongst themselves. The speaker shall represent the National Assembly and preside over its meetings.

(9) The procedures for the exercise of powers by the National Assembly shall be determined by the Assembly itself. The provisions of Article 34 of the Constitution shall not apply.

Article 2
(1) The president and the vice president shall be directly elected by the entire populace of the free area of the Republic of China. This shall be effective from the election for the ninth-term president and the vice president in 1996. The presidential and the vice presidential candidates shall register jointly and be listed as a pair on the ballot. The pair that receives the highest number of votes shall be elected. Citizens of the free area of the Republic of China residing abroad may return to the ROC to exercise their electoral rights and this shall be stipulated by law.

(2) Presidential orders to appoint or remove from office personnel appointed with the confirmation of the National Assembly or Legislative Yuan in accordance with the Constitution do not require the countersignature of the president of the Executive Yuan. The provisions of Article 37 of the Constitution shall not apply.
(3) Orders to remove the president of the Executive Yuan from office shall take effect after the new nominee to this office has been confirmed by the Legislative Yuan.

(4) The president may, by resolution of the Executive Yuan Council, issue emergency orders and take all necessary measures to avert imminent danger affecting the security of the State or of the people or to cope with any serious financial or economic crisis, the restrictions in Article 43 of the Constitution notwithstanding. However, such orders shall, within ten days of issuance, be presented to the Legislative Yuan for ratification. Should the Legislative Yuan withhold ratification, the said emergency orders shall forthwith cease to be valid.

(5) To determine major policies for national security, the president may establish a National Security Council and its subsidiary organ, the National Security Bureau. The organization of the said organs shall be stipulated by law.

(6) Beginning with the ninth presidential term, the term of office for both the President and the Vice President shall be four years. The President and the Vice President may be reelected for a second term; and the provisions in Article 47 of the Constitution shall not apply.

(7) Should the office of the vice president become vacant, the president shall nominate a candidate within three months and convocate the National Assembly to elect a new vice president, who shall serve out the original term until its expiration.

(8) Should the offices of both the president and the vice president become vacant, the president of the Executive Yuan shall exercise the official powers of the president and the vice president. A new president and a new vice president shall be elected in accordance with Paragraph 1 of this article and shall serve out each respective original term until its expiration. The pertinent provisions of Article 49 of the Constitution shall not apply.

(9) Recall of the president or the vice president shall be motioned by one-fourth of all delegates to the National Assembly, proposed with the concurrence of two-thirds of such delegates, and passed by more than one-half of the valid ballots to recall cast by more than half of all voters in the free area.

(10) The president and the vice president shall be dismissed from office should an impeachment proposal by the Control Yuan submitted to the National Assembly be passed by two-thirds of all delegates in the National Assembly.

Article 3

(1) Members of the Legislative Yuan shall be elected according to the following provisions, the restrictions in Article 64 of the Constitution notwithstanding:

1. Two members shall be elected from each province and each Special Municipality in the free area. Where the population exceeds 200,000, however, one member will
be added for each additional 100,000 persons; and where the population exceeds one million, one member will be added for each additional 200,000 persons.

2. Three members each shall be elected from among the lowland and highland aborigines in the free area.

3. Six members shall be elected from the Chinese citizens who reside abroad.

4. Thirty members shall be elected from the nationwide constituency.

(2) The members set forth in Items 3 and 4 above shall be elected in accordance with the formula for proportional representation among political parties. If the number of seats allotted to a province or Special Municipality set forth in Item 1 above; or if the number of seats won by a political party under Item 3 or 4 above is between five and ten, then one of the seats stipulated in the pertaining paragraph shall be reserved for a female candidate. Where the number exceeds ten, one seat out of each additional ten shall be reserved for a female candidate.

Article 4

(1) The Judicial Yuan shall have a president, a vice president, and a certain number of Grand Justices, all of whom shall be nominated and, with the consent of the National Assembly, appointed by the President, and the pertinent provisions of Article 79 of the Constitution shall not apply.

(2) The grand justices of the Judicial Yuan shall, in addition to discharging their duties in accordance with Article 78 of the Constitution, also form a Constitutional Court to adjudicate matters relating to the dissolution of unconstitutional political parties.

(3) A political party shall be considered unconstitutional if its goals or activities endanger the existence of the Republic of China or the nation's free and democratic constitutional order.

Article 5

(1) The Examination Yuan shall be the highest examination body of the State, and shall be responsible for the following matters; and the provisions of Article 83 of the Constitution shall not apply:

1. All examination-related matters;

2. All matters relating to the qualification screening, security of tenure, pecuniary aid in case of death, and retirement of civil servants; and

3. All Legal matters relating to the employment, discharge, performance evaluation, scale of salaries, promotion, transfer, commendation and award of civil servants.

(2) The Examination Yuan shall have a president, a vice president, and several members, all of whom shall be nominated and, with the consent of the National Assembly, appointed by the president; and the provisions of Article 84 of the
Constitution shall not apply.

(3) The provisions of Article 85 of the Constitution concerning the holding of examinations in different areas, with prescribed numbers of persons to be selected according to various provinces and areas, shall cease to apply.

Article 6

(1) The Control Yuan shall be the highest control body of the State and shall exercise the powers of impeachment, censure and audit; and the provisions of Article 90 and Article 94 of the Constitution concerning the exercise of the power of consent shall not apply.

(2) The Control Yuan shall have 29 members, including a president and a vice president, all of whom shall serve a term of six years. All members shall be nominated and, with the consent of the National Assembly, appointed by the president of the Republic. The provisions of Article 91 through Article 93 of the Constitution shall cease to apply.

(3) Impeachment proceedings by the Control Yuan against a public functionary in the central government, or local governments, or against personnel of the Judicial Yuan or the Examination Yuan, shall be initiated by two or more members of the Control Yuan, and be investigated and voted upon by a committee of not less than nine of its members, the restrictions in Article 98 of the Constitution notwithstanding.

(4) In the case of impeachment by the Control Yuan of Control Yuan personnel for dereliction of duty or violation of the law, the provisions of Article 95 and Article 97, Paragraph 2 of the Constitution, as well as the preceding paragraph, shall apply.

(5) A motion by the Control Yuan impeaching the President or the Vice President must be initiated by more than half of all the members of the Control Yuan and passed by more than two-thirds of all such members for it to be submitted to the National Assembly notwithstanding the restrictions in Article 100 of the Constitution.

(6) Members of the Control Yuan shall be beyond party affiliation and independently exercise their powers and discharge their responsibilities in accordance with the law.

(7) The provisions of Article 101 and Article 102 of the Constitution shall cease to apply.

Article 7

(1) The remuneration or pay of the delegates to the National Assembly and the members of the Legislative Yuan shall be regulated by law.
(2) Except for general annual adjustments, individual regulations on increase of remuneration or pay shall go into effect starting with the subsequent National Assembly or Legislative Yuan.

Article 8
The system of self-government in the provinces and counties shall include the following provisions, which shall be established by the enactment of appropriate laws, the restrictions in Article 108, Paragraph 1, Item 1; Article 112 through Article 115; and Article 122 of the Constitution notwithstanding:
1. There shall be a provincial assembly in each province and a county council in each county. Members of the provincial assembly and the county council shall be elected by the people of the province and the people of the county, respectively.
2. The legislative power of a province and that of a county shall be exercised by the provincial assembly and the county council, respectively.
3. In a province, there shall be a provincial government with a provincial governor. In a county, there shall be a county government with a county magistrate. The provincial governor and the county magistrate shall be elected by the people of the province and the people of the county, respectively.
4. The relationship between the province and the county.
5. The self-governance of province is subject to supervision by the Executive Yuan, while the self-governance of counties is subject to supervision by the provincial government.

Article 9
(1) The State shall encourage development of and investment in science and technology, facilitate industrial upgrading, promote modernization of agriculture and fishery, emphasize exploitation and utilization of water resources, and strengthen international economic cooperation.
(2) Environmental and ecological protection shall be given equal consideration with economic and technological development.
(3) The State shall manage government-run financial organizations in line with the principles of business administration. The management, personnel, budget proposals, final budgets, and audit of the government-run financial organizations shall be specially regulated by law.
(4) The State shall inaugurate universal health insurance and promote the research and development of both modern and traditional medicines.
(5) The State shall protect the dignity of women, safeguard their personal safety, eliminate sexual discrimination, and further substantive gender equality.
(6) The State shall safeguard the rights of the handicapped and disabled to insurance, medical care, education, training, employment assistance, support for daily living needs and relief, so as to help them attain independence and further their careers.
(7) The State shall accord to the aborigines in the free area legal protection of their status and the right to political participation. It shall also provide assistance and encouragement for their education, cultural preservation, social welfare and business undertakings. The same protection and assistance shall be given to the people of Kinmen and Matsu areas.
(8) The State shall accord to Chinese nationals residing overseas protection of their rights to political participation.

Article 10
Rights and obligations between the people of the Chinese mainland area and those of the free area, and the disposition of other related affairs may be specified by law.

Fourth Revision, 1997
—obsolete—
Articles One through Eleven were adopted by the second session of the Third National Assembly at its 32nd plenary meeting on 18 July 1997 in a Fourth Revision of the Constitution, and promulgated by the president on 21 July 1997. These Articles replaced the Ten Additional Articles adopted in the 1994 ThirdRevision and were replaced by the Eleven Additional Articles adopted in 2000.

To meet the requisites of the nation prior to national unification, the following articles of the Republic of China Constitution are added or amended to the Republic of China Constitution in accordance with Article 27, Paragraph 1, Item 3; and Article 174, Item 1:

Article 1
Delegates to the National Assembly shall be elected in accordance with the following provisions, the restrictions in Article 26 and Article 135 of the Constitution notwithstanding:
1. Two delegates shall be elected from each Special Municipality and each county or city in the free area. However, where the population exceeds 100,000, one delegate shall be added for each additional 100,000 persons.
2. Three delegates each shall be elected from among the lowland and highland aborigines in the free area.
3. Twenty delegates shall be elected from among the citizens of the Republic of China who reside abroad.
4. Eighty delegates shall be elected from the nationwide constituency. If the number of delegates to be elected in a Special Municipality, county or city under Item 1 of the preceding paragraph is not fewer than five and not more than ten, one shall be a female delegate; where the number exceeds ten, one of each additional ten shall be a female delegate. The number of delegates to be elected under Item 3 and Item 4 of the preceding paragraph shall be determined according to a formula for proportional representation among political parties; and for every four delegates allotted to a political party, one shall be a female delegate.

The powers of the National Assembly shall be as follows, and the provisions of Article 27, Paragraph 1, Item 1 and Item 2 of the Constitution shall not apply:
1. To elect the vice president in accordance with Article 2, Paragraph 7 of the Additional Articles when the said office becomes vacant;
2. To initiate a recall of the president or the vice president in accordance with Article 2, Paragraph 9 of the Additional Articles;
3. To deliberate, in accordance with Article 2, Paragraph 10 of the Additional Articles, a petition for the impeachment of the president or the vice president initiated by the Legislative Yuan;
4. To amend the Constitution in accordance with Article 27, Paragraph 1, Item 3 and Article 174, Item 1 of the Constitution;
5. To vote, in accordance with Article 27, Paragraph 1, Item 4 and Article 174, Item 2 of the Constitution, on the constitutional amendment proposals submitted by the Legislative Yuan; and
6. To confirm, in accordance with Article 5, Paragraph 1; Article 6, Paragraph 2; and Article 7, Paragraph 2 of the Additional Articles, the appointment of personnel nominated by the president.

When the National Assembly meets in accordance with Item 1, or Item 4 through Item 6 of the preceding paragraph, or at the request of not fewer than two-fifths of its delegates, the session shall be convened by the president. When it meets in accordance with Item 2 or Item 3 of the preceding paragraph, the session shall be convoked by the speaker of the National Assembly. The provisions of Article 29 and Article 30 of the Constitution shall not apply.

When the National Assembly convenes, it may hear a report on the state of the nation by the president, discuss national affairs, and offer counsel. In the event that the National Assembly has not convened for a period of one year, the president shall convene a session for the aforementioned purpose, the restrictions in Article 30 of the Constitution notwithstanding.
Delegates to the National Assembly shall be elected every four years. The provisions of Article 28, Paragraph 1 of the Constitution shall not apply.

The National Assembly shall have a speaker and a deputy speaker who shall be elected by the delegates of the Assembly from amongst themselves. The speaker shall represent the National Assembly and preside over its meetings when that body is in session.

The procedures for the exercise of powers by the National Assembly shall be determined by the Assembly itself. The provisions of Article 34 of the Constitution shall not apply.

**Article 2**

The president and the vice president shall be directly elected by the entire populace of the free area of the Republic of China. This shall be effective from the election for the ninth-term president and the vice president in 1996. The presidential and the vice presidential candidates shall register jointly and be listed as a pair on the ballot. The pair that receives the highest number of votes shall be elected. Citizens of the free area of the Republic of China residing abroad may return to the ROC to exercise their electoral rights and this shall be stipulated by law.

Presidential orders to appoint or remove from office the president of the Executive Yuan or personnel appointed with the confirmation of the National Assembly or Legislative Yuan in accordance with the Constitution, and to dissolve the Legislative Yuan, do not require the countersignature of the president of the Executive Yuan. The provisions of Article 37 of the Constitution shall not apply.

The president may, by resolution of the Executive Yuan Council, issue emergency orders and take all necessary measures to avert imminent danger affecting the security of the State or of the people or to cope with any serious financial or economic crisis, the restrictions in Article 43 of the Constitution notwithstanding. However, such orders shall, within ten days of issuance, be presented to the Legislative Yuan for ratification. Should the Legislative Yuan withhold ratification, the said emergency orders shall forthwith cease to be valid.

To determine major policies for national security, the president may establish a national security council and a subsidiary national security bureau. The organization of the said organs shall be stipulated by law.

The president may, within ten days following passage by the Legislative Yuan of a no-confidence vote against the president of the Executive Yuan, declare the dissolution of the Legislative Yuan after consulting with its president. However, the president shall not dissolve the Legislative Yuan while martial law or an emergency order is in effect. Following the dissolution of the Legislative Yuan, an election for legislators shall be held within 60 days. The new Legislative Yuan shall convene of its
own accord within ten days after the results of the said election have been confirmed, and the term of the said Legislative Yuan shall be reckoned from that date.

The terms of office for both the president and the vice president shall be four years. The president and the vice president may only be reelected to serve one consecutive term; and the provisions of Article 47 of the Constitution shall not apply.

Should the office of the vice president become vacant, the president shall nominate a candidate(s) within three months and convene the National Assembly to elect a new vice president, who shall serve out the original term until its expiration.

Should the offices of both the president and the vice president become vacant, the president of the Executive Yuan shall exercise the official powers of the president and the vice president. A new president and a new vice president shall be elected in accordance with Paragraph 1 of this article and shall serve out each respective original term until its expiration. The pertinent provisions of Article 49 of the Constitution shall not apply.

Recall of the president or the vice president shall be motioned by one-fourth of all delegates to the National Assembly, proposed with the concurrence of two-thirds of such delegates, and passed by more than one-half of the valid ballots in a vote in which more than one-half of the electorate in the free area of the Republic of China takes part.

Should a motion to impeach the president or the vice president initiated and submitted to the National Assembly by the Legislative Yuan be passed by a two-thirds majority of all delegates to the National Assembly, the party impeached shall forthwith be dismissed from office.

**Article 3**

The president of the Executive Yuan shall be appointed by the president. Should the president of the Executive Yuan resign or the office become vacant, the vice president of the Executive Yuan shall temporarily act as the president of the Executive Yuan pending a new appointment by the president. The provisions of Article 55 of the Constitution shall cease to apply.

The Executive Yuan shall be responsible to the Legislative Yuan in accordance with the following provisions; the provisions of Article 57 of the Constitution shall cease to apply:

1. The Executive Yuan has the duty to present to the Legislative Yuan a statement on its administrative policies and a report on its administration. While the Legislative Yuan is in session, its members shall have the right to interpellate the president of the Executive Yuan and the heads of ministries and other organizations under the Executive Yuan.
2. Should the Executive Yuan deem a statutory, budgetary, or treaty bill passed by the Legislative Yuan difficult to execute, the Executive Yuan may, with the approval of the president of the Republic and within ten days of the bill's submission to the Executive Yuan, request the Legislative Yuan to reconsider the bill. The Legislative Yuan shall reach a resolution on the returned bill within 15 days after it is received. Should the Legislative Yuan be in recess, it shall convene of its own accord within seven days and reach a resolution within 15 days after the session begins. Should the Legislative Yuan not reach a resolution within the said period of time, the original bill shall become invalid. Should more than one-half of the total number of Legislative Yuan members uphold the original bill, the president of the Executive Yuan shall immediately accept the said bill.

3. With the signatures of more than one-third of the total number of Legislative Yuan members, the Legislative Yuan may propose a no-confidence vote against the president of the Executive Yuan. Seventy-two hours after the no-confidence motion is made, an open-ballot vote shall be taken within 48 hours. Should more than one-half of the total number of Legislative Yuan members approve the motion, the president of the Executive Yuan shall tender his resignation within ten days, and at the same time may request that the president dissolve the Legislative Yuan. Should the no-confidence motion fail, the Legislative Yuan may not initiate another no-confidence motion against the same president of the Executive Yuan within one year.

The powers, procedures of establishment, and total number of personnel of national organizations shall be subject to standards set forth by law. The structure, system, and number of personnel of each organization shall be determined according to the policies or operations of each organization and in accordance with the law as referred to in the preceding paragraph.

Article 4

Beginning with the Fourth Legislative Yuan, the Legislative Yuan shall have 225 members, who shall be elected in accordance with the following provisions, the restrictions in Article 64 of the Constitution notwithstanding:

1. One hundred and sixty-eight members shall be elected from the Special Municipalities, counties, and cities in the free area. At least one member shall be elected from each county and city.

2. Four members each shall be elected from among the lowland and highland aborigines in the free area.

3. Eight members shall be elected from among the Chinese citizens who reside abroad.

4. Forty-one members shall be elected from the nationwide constituency.
Members for the seats set forth in Item 3 and Item 4 of the preceding paragraph shall be elected according to a formula for proportional representation among political parties. Where the number of seats for each Special Municipality, county, and city as set forth in Item 1, and for each political party as set forth in Item 3 and Item 4, is not fewer than five and not more than ten, one seat shall be reserved for a female candidate. Where the number exceeds ten, one seat out of each additional ten shall be reserved for a female candidate.

Following the dissolution of the Legislative Yuan by the president and prior to the inauguration of its new members, the Legislative Yuan shall be regarded as in recess. Should the president issue an emergency order after dissolving the Legislative Yuan, the Legislative Yuan shall convene of its own accord within three days and ratify the order within seven days after the session begins. However, should the emergency order be issued after the election of new members of the Legislative Yuan, the new members shall ratify the order after their inauguration. Should the Legislative Yuan withhold ratification, the emergency order shall forthwith cease to be valid.

Impeachment of the president or the vice president by the Legislative Yuan for treason or rebellion shall be initiated upon the proposal of more than one-half of all members of the Legislative Yuan and passed by more than two-thirds of all such members, whereupon it shall be submitted to the National Assembly. The provisions of Article 90 and Article 100 of the Constitution and Article 7, Paragraph 1 of the Additional Articles of the Constitution shall not apply.

No member of the Legislative Yuan may, except in case of flagrante delicto, be arrested or detained without the permission of the Legislative Yuan when that body is in session. The provisions of Article 74 of the Constitution shall cease to apply.

Article 5

The Judicial Yuan shall have 15 grand justices. The 15 grand justices, including a president and a vice president of the Judicial Yuan to be selected from amongst them, shall be nominated and, with the consent of the National Assembly, appointed by the president of the Republic. This shall take effect from the year 2003, and the pertinent provisions of Article 79 of the Constitution shall not apply.

Each grand justice of the Judicial Yuan shall serve a term of eight years, independent of the order of appointment to office, and shall not serve a consecutive term. The grand justices serving as president and vice president of the Judicial Yuan shall not enjoy the guarantee of an eight-year term.

Among the grand justices nominated by the president in the year 2003, eight members, including the president and the vice president of the Judicial Yuan, shall serve for four years. The remaining grand justices shall serve for eight years. The provisions of the preceding paragraph regarding term of office shall not apply.
The grand justices of the Judicial Yuan shall, in addition to discharging their duties in accordance with Article 78 of the Constitution, also form a Constitutional Court to adjudicate matters relating to the dissolution of unconstitutional political parties. A political party shall be considered unconstitutional if its goals or activities endanger the existence of the Republic of China or the nation's free and democratic constitutional order. The proposed budget submitted annually by the Judicial Yuan may not be eliminated or reduced by the Executive Yuan; however, the Executive Yuan may indicate its opinions on the budget and include it in the central government's proposed budgetary bill for submission to the Legislative Yuan for deliberation.

Article 6
The Examination Yuan shall be the highest examination body of the State, and shall be responsible for the following matters; and the provisions of Article 83 of the Constitution shall not apply:
1. Holding of examinations;
2. Matters relating to the qualification screening, security of tenure, pecuniary aid in case of death, and retirement of civil servants; and
3. Legal matters relating to the employment, discharge, performance evaluation, scale of salaries, promotion, transfer, commendation and award of civil servants. The Examination Yuan shall have a president, a vice president, and several members, all of whom shall be nominated and, with the consent of the National Assembly, appointed by the president of the Republic; and the provisions of Article 84 of the Constitution shall not apply. The provisions of Article 85 of the Constitution concerning the holding of examinations in different areas, with prescribed numbers of persons to be selected according to various provinces and areas, shall cease to apply.

Article 7
The Control Yuan shall be the highest control body of the State and shall exercise the powers of impeachment, censure and audit; and the provisions of Article 90 and Article 94 of the Constitution concerning the exercise of the power of consent shall not apply. The Control Yuan shall have 29 members, including a president and a vice president, all of whom shall serve a term of six years. All members shall be nominated and, with the consent of the National Assembly, appointed by the president of the Republic. The provisions of Article 91 through Article 93 of the Constitution shall cease to apply.
Impeachment proceedings by the Control Yuan against a public functionary in the central government, or local governments, or against personnel of the Judicial Yuan or the Examination Yuan, shall be initiated by two or more members of the Control Yuan, and be investigated and voted upon by a committee of not less than nine of its members, the restrictions in Article 98 of the Constitution notwithstanding. In the case of impeachment by the Control Yuan of Control Yuan personnel for dereliction of duty or violation of the law, the provisions of Article 95 and Article 97, Paragraph 2 of the Constitution, as well as the preceding paragraph, shall apply. Members of the Control Yuan shall be beyond party affiliation and independently exercise their powers and discharge their responsibilities in accordance with the law. The provisions of Article 101 and Article 102 of the Constitution shall cease to apply.

Article 8
The remuneration or pay of the delegates to the National Assembly and the members of the Legislative Yuan shall be regulated by law. Except for general annual adjustments, individual regulations on increase of remuneration or pay shall go into effect starting with the subsequent National Assembly or Legislative Yuan.

Article 9
The system of self-government in the provinces and counties shall include the following provisions, which shall be established by the enactment of appropriate laws, the restrictions in Article 108, Paragraph 1, Item 1; Article 109; Article 112 through Article 115; and Article 122 of the Constitution notwithstanding:
1. A province shall have a provincial government of nine members, one of whom shall be the provincial governor. All members shall be nominated by the president of the Executive Yuan and appointed by the president of the Republic.
2. A province shall have a provincial advisory council made up of a number of members who shall be nominated by the president of the Executive Yuan and appointed by the president of the Republic.
3. A county shall have a county council, members of which shall be elected by the people of the said county.
4. The legislative powers vested in a county shall be exercised by the county council of the said county.
5. A county shall have a county government headed by a county magistrate who shall be elected by the people of the said county.
6. The relationship between the central government and the provincial and county governments.
7. A province shall execute the orders of the Executive Yuan and supervise matters governed by the counties.

The terms of office of the members of the Tenth Taiwan Provincial Assembly and of the first elected governor of Taiwan Province shall end on December 20, 1998. Elections for members of the Taiwan Provincial Assembly and for the governor of Taiwan Province shall be suspended following the conclusion of the terms of office of the members of the Tenth Taiwan Provincial Assembly and of the first elected governor of Taiwan Province.

Following the suspension of elections for members of the Taiwan Provincial Assembly and for the governor of Taiwan Province, modifications of the functions, operations, and organization of the Taiwan Provincial Government may be specified by law.

Article 10

The State shall encourage development of and investment in science and technology, facilitate industrial upgrading, promote modernization of agriculture and fishery, emphasize exploitation and utilization of water resources, and strengthen international economic cooperation.

Environmental and ecological protection shall be given equal consideration with economic and technological development.

The State shall assist and protect the survival and development of private small and medium-sized enterprises.

The State shall manage government-run financial organizations in line with the principles of business administration. The management, personnel, budget proposals, final budgets, and audit of the said organizations may be specified by law.

The State shall promote universal health insurance and promote the research and development of both modern and traditional medicines.

The State shall protect the dignity of women, safeguard their personal safety, eliminate sexual discrimination, and further substantive gender equality.

The State shall guarantee for physically and mentally handicapped persons insurance, medical care, obstacle-free environments, education and training, vocational guidance, and support and assistance in everyday life, and shall also assist them to attain independence and to develop.

Priority shall be given to funding for education, science, and culture, and in particular funding for compulsory education, the restrictions in Article 164 of the Constitution notwithstanding.

The State affirms cultural pluralism and shall actively preserve and foster the development of aboriginal languages and cultures.
The State shall, in accordance with the will of the ethnic groups, safeguard the status and political participation of the aborigines. The State shall also guarantee and provide assistance and encouragement for aboriginal education, culture, transportation, water conservation, health and medical care, economic activity, land, and social welfare. Measures for this shall be established by law. The same protection and assistance shall be given to the people of the Kinmen and Matsu areas. The State shall accord to nationals of the Republic of China residing overseas protection of their rights to political participation.

Article 11
Rights and obligations between the people of the Chinese mainland area and those of the free area, and the disposition of other related affairs may be specified by law.

Fifth Revision, 1999
—void—
Revised by the fourth session of the third National Assembly on September 3, 1999, and promulgated by the President on September 15, 1999
The Council of Grand Justices, in its Constitutional Interpretation No. 499 made on March 24, 2000, announced that the Additional Articles of the Constitution approved on September 15, 1999, were void, effective immediately. The revised Additional Articles promulgated on July 21, 1997 would remain in effect.

(1) The Fourth National Assembly shall have 300 delegates, and beginning with the Fifth National Assembly, the National Assembly shall have 150 delegates, who shall be elected by proportional representation based on the composition of the Legislative Yuan. The seats shall be distributed among the participating political parties, in accordance with the proportion of votes won by the candidates nominated by each party and those members of the parties running as independent candidates.

(2) Should an election of the Legislative Yuan be held during the National Assembly’s tenure, the National Assembly shall also be reelected. A delegate who is reelected may serve consecutive terms. The term of office of the Third National Assembly shall be extended to the day when the term of office of the Fourth Legislative Yuan expires. The provisions of Paragraph 1 of Article 28 of the Constitution shall not apply.

(3) The term of office of the Fourth Legislative Yuan shall be extended to June 30, 2002. The Fifth Legislative Yuan shall serve a four-year term of office, beginning on July 1, 2002. A delegate who is reelected may serve consecutive terms. The
election of a new Legislative Yuan shall be held within sixty days before the expiration of the term of office or sixty days after the dissolution of the Legislative Yuan.

(4) The State shall emphasize social welfare services. Priority shall be given to funding social relief and assistance, and employment for citizens.

(5) The State shall guarantee the welfare and livelihood of retired military servicemen.

(6) In addition to the people of Kinmen and Matsu, the State shall now additionally protect and assist the people of Penghu.

Sixth Revision, 2000

*Articles One through Eleven were adopted by the fifth session of the Third National Assembly on 24 April 2000 in a Sixth Revision of the Constitution, and promulgated by the president on 25 April 2000. These Articles replaced the Eleven Additional Articles adopted in the 1997 Fourth Revision, which had remained in effect after the Council of Grand Justices declared the articles adopted by the Fifth Revision of 1999 void.*

To meet the requisites of the nation prior to national unification, the following articles of the Republic of China Constitution are added or amended to the Republic of China Constitution in accordance with Article 27, Paragraph 1, Item 3; and Article 174, Item 1:

**Article 1**

Three hundred delegates shall be elected by proportional representation to the National Assembly within three months of the expiration of a six-month period following the public announcement of a proposal by the Legislative Yuan to amend the Constitution or alter the national territory, or within three months of a petition initiated by the Legislative Yuan for the impeachment of the president or the vice president. The restrictions in Article 26, Article 28 and Article 135 of the Constitution shall not apply. The election of the delegates by proportional representation shall be regulated by law.

The powers of the National Assembly shall be as follows, and the provisions of Article 4; Article 27, Paragraph 1, Item 1 through Item3; Article 27, Paragraph 2; and Article 174, Item 1 shall not apply:

1. To vote, in accordance with Article 27, Paragraph 1, Item 4 and Article 174, Item 2 of the Constitution, on Legislative Yuan proposals to amend the Constitution;

2. To vote, in accordance with Article 4, Paragraph 5 of the Additional Articles, on Legislative Yuan proposals to alter the national territory; and
3. To deliberate, in accordance with Article 2, Paragraph 10 of the Additional Articles, a petition for the impeachment of the president or the vice president initiated by the Legislative Yuan.

Delegates to the National Assembly shall convene of their own accord within ten days after the election results have been confirmed and shall remain in session for no more than one month. The provisions of Article 29 and Article 30 of the Constitution shall not apply.

The term of office of the delegates to the National Assembly shall terminate on the last day of the convention, and the provisions of Article 28 of the Constitution shall cease to apply. The term of office of the delegates to the Third National Assembly shall terminate on May 19, 2000. The Organic Law of the National Assembly shall be revised accordingly within two years of the adjustment of the powers and responsibilities of the National Assembly.

Article 2

The president and the vice president shall be directly elected by the entire populace of the free area of the Republic of China. This shall be effective from the election for the ninth-term president and vice president in 1996. The presidential and the vice presidential candidates shall register jointly and be listed as a pair on the ballot. The pair that receives the highest number of votes shall be elected. Citizens of the free area of the Republic of China residing abroad may return to the ROC to exercise their electoral rights and this shall be stipulated by law.

Presidential orders to appoint or remove from office the president of the Executive Yuan or personnel appointed with the confirmation of the Legislative Yuan in accordance with the Constitution, and to dissolve the Legislative Yuan, shall not require the countersignature of the president of the Executive Yuan. The provisions of Article 37 of the Constitution shall not apply.

The president may, by resolution of the Executive Yuan Council, issue emergency decrees and take all necessary measures to avert imminent danger affecting the security of the State or of the people or to cope with any serious financial or economic crisis, the restrictions in Article 43 of the Constitution notwithstanding. However, such decrees shall, within ten days of issuance, be presented to the Legislative Yuan for ratification. Should the Legislative Yuan withhold ratification, the said emergency decrees shall forthwith cease to be valid.

To determine major policies for national security, the president may establish a national security council and a subsidiary national security bureau. The organization of the said organs shall be stipulated by law.

The president may, within ten days following passage by the Legislative Yuan of a no-confidence vote against the president of the Executive Yuan, declare the
dissolution of the Legislative Yuan after consulting with its president. However, the president shall not dissolve the Legislative Yuan while martial law or an emergency decree is in effect. Following the dissolution of the Legislative Yuan, an election for legislators shall be held within 60 days. The new Legislative Yuan shall convene of its own accord within ten days after the results of the said election have been confirmed, and the term of the said Legislative Yuan shall be reckoned from that date.

The terms of office for both the president and the vice president shall be four years. The president and the vice president may only be reelected to serve one consecutive term; and the provisions of Article 47 of the Constitution shall not apply.

Should the office of the vice president become vacant, the president shall nominate a candidate(s) within three months, and the Legislative Yuan shall elect a new vice president, who shall serve the remainder of the original term until its expiration. Should the offices of both the president and the vice president become vacant, the president of the Executive Yuan shall exercise the official powers of the president and the vice president. A new president and a new vice president shall be elected in accordance with Paragraph 1 of this article and shall serve out each respective original term until its expiration. The pertinent provisions of Article 49 of the Constitution shall not apply.

Recall of the president or the vice president shall be initiated upon the proposal of one-fourth of all members of the Legislative Yuan, and also passed by two-thirds of all the members. The final recall must be passed by more than one-half of the valid ballots in a vote in which more than one-half of the electorate in the free area of the Republic of China takes part.

Should a motion to impeach the president or the vice president initiated and submitted to the National Assembly by the Legislative Yuan be passed by a two-thirds majority of all delegates to the National Assembly, the party impeached shall forthwith be dismissed from office.

Article 3
The president of the Executive Yuan shall be appointed by the president. Should the president of the Executive Yuan resign or the office become vacant, the vice president of the Executive Yuan shall temporarily act as the president of the Executive Yuan pending a new appointment by the president. The provisions of Article 55 of the Constitution shall cease to apply.

The Executive Yuan shall be responsible to the Legislative Yuan in accordance with the following provisions; the provisions of Article 57 of the Constitution shall cease to apply:
1. The Executive Yuan has the duty to present to the Legislative Yuan a statement on its administrative policies and a report on its administration. While the Legislative Yuan is in session, its members shall have the right to interpellate the president of the Executive Yuan and the heads of ministries and other organizations under the Executive Yuan.

2. Should the Executive Yuan deem a statutory, budgetary, or treaty bill passed by the Legislative Yuan difficult to execute, the Executive Yuan may, with the approval of the president of the Republic and within ten days of the bill's submission to the Executive Yuan, request the Legislative Yuan to reconsider the bill. The Legislative Yuan shall reach a resolution on the returned bill within 15 days after it is received. Should the Legislative Yuan be in recess, it shall convene of its own accord within seven days and reach a resolution within 15 days after the session begins. Should the Legislative Yuan not reach a resolution within the said period of time, the original bill shall become invalid. Should more than one-half of the total number of Legislative Yuan members uphold the original bill, the president of the Executive Yuan shall immediately accept the said bill.

3. With the signatures of more than one-third of the total number of Legislative Yuan members, the Legislative Yuan may propose a no-confidence vote against the president of the Executive Yuan. Seventy-two hours after the no-confidence motion is made, an open-ballot vote shall be taken within 48 hours. Should more than one-half of the total number of Legislative Yuan members approve the motion, the president of the Executive Yuan shall tender his resignation within ten days, and at the same time may request that the president dissolve the Legislative Yuan. Should the no-confidence motion fail, the Legislative Yuan may not initiate another no-confidence motion against the same president of the Executive Yuan within one year.

The powers, procedures of establishment, and total number of personnel of national organizations shall be subject to standards set forth by law.

The structure, system, and number of personnel of each organization shall be determined according to the policies or operations of each organization and in accordance with the law as referred to in the preceding paragraph.

Article 4

Beginning with the Fourth Legislative Yuan, the Legislative Yuan shall have 225 members, who shall be elected in accordance with the following provisions, the restrictions in Article 64 of the Constitution notwithstanding:

1. One hundred and sixty-eight members shall be elected from the Special Municipalities, counties, and cities in the free area. At least one member shall be elected from each county and city.
2. Four members each shall be elected from among the lowland and highland aborigines in the free area.
3. Eight members shall be elected from among the Chinese citizens who reside abroad.
4. Forty-one members shall be elected from the nationwide constituency.

Members for the seats set forth in Item 3 and Item 4 of the preceding paragraph shall be elected according to a formula for proportional representation among political parties. Where the number of seats for each Special Municipality, county, and city as set forth in Item 1, and for each political party as set forth in Item 3 and Item 4, is not fewer than five and not more than ten, one seat shall be reserved for a female member. Where the number exceeds ten, one seat out of each additional ten shall be reserved for a female member.

When the Legislative Yuan convenes each year, it may hear a report on the state of the nation by the president.

Following the dissolution of the Legislative Yuan by the president and prior to the inauguration of its new members, the Legislative Yuan shall be regarded as in recess. The territory of the Republic of China, defined by its existing national boundaries, shall not be altered unless initiated upon the proposal of one-fourth of all members of the Legislative Yuan, passed by three-fourths of the members of the Legislative Yuan present at a meeting requiring a quorum of three-fourths of all the members, and approved by three-fourths of the delegates to the National Assembly present at a meeting requiring a quorum of two-thirds of all the delegates.

Should the president issue an emergency decree after dissolving the Legislative Yuan, the Legislative Yuan shall convene of its own accord within three days to vote on the ratification of the decree within seven days after the session begins. However, should the emergency decree be issued after the election of new members of the Legislative Yuan, the new members shall vote on the ratification of the decree after their inauguration. Should the Legislative Yuan withhold ratification, the emergency decree shall forthwith be void.

Impeachment of the president or the vice president by the Legislative Yuan shall be initiated upon the proposal of more than one-half of all members of the Legislative Yuan and passed by more than two-thirds of all the members of the Legislative Yuan, whereupon it shall be submitted to the National Assembly. The provisions of Article 90 and Article 100 of the Constitution and Article 7, Paragraph 1 of the Additional Articles of the Constitution shall not apply.

No member of the Legislative Yuan may be arrested or detained without the permission of the Legislative Yuan, when that body is in session, except in case of flagrante delicto. The provisions of Article 74 of the Constitution shall cease to
apply.

Article 5
The Judicial Yuan shall have 15 grand justices. The 15 grand justices, including a president and a vice president of the Judicial Yuan to be selected from amongst them, shall be nominated and, with the consent of the Legislative Yuan, appointed by the president of the Republic. This shall take effect from the year 2003, and the provisions of Article 79 of the Constitution shall not apply. The provisions of Article 81 of the Constitution and pertinent regulations on the lifetime holding of office and payment of salary do not apply to grand justices who did not transfer from the post of a judge.

Each grand justice of the Judicial Yuan shall serve a term of eight years, independent of the order of appointment to office, and shall not serve a consecutive term. The grand justices serving as president and vice president of the Judicial Yuan shall not enjoy the guarantee of an eight-year term.

Among the grand justices nominated by the president in the year 2003, eight members, including the president and the vice president of the Judicial Yuan, shall serve for four years. The remaining grand justices shall serve for eight years. The provisions of the preceding paragraph regarding term of office shall not apply.

The grand justices of the Judicial Yuan shall, in addition to discharging their duties in accordance with Article 78 of the Constitution, also form a Constitutional Court to adjudicate matters relating to the dissolution of unconstitutional political parties.

A political party shall be considered unconstitutional if its goals or activities endanger the existence of the Republic of China or the nation's free and democratic constitutional order.

The proposed budget submitted annually by the Judicial Yuan may not be eliminated or reduced by the Executive Yuan; however, the Executive Yuan may indicate its opinions on the budget and include it in the central government's proposed budgetary bill for submission to the Legislative Yuan for deliberation.

Article 6
The Examination Yuan shall be the highest examination body of the State, and shall be responsible for the following matters; and the provisions of Article 83 of the Constitution shall not apply:

1. Holding of examinations;
2. Matters relating to the qualification screening, security of tenure, pecuniary aid in case of death, and retirement of civil servants; and
3. Legal matters relating to the employment, discharge, performance evaluation, scale of salaries, promotion, transfer, commendation and award of civil servants.
The Examination Yuan shall have a president, a vice president, and several members, all of whom shall be nominated and, with the consent of the Legislative Yuan, appointed by the president of the Republic; and the provisions of Article 84 of the Constitution shall not apply.
The provisions of Article 85 of the Constitution concerning the holding of examinations in different areas, with prescribed numbers of persons to be selected according to various provinces and areas, shall cease to apply.

Article 7
The Control Yuan shall be the highest control body of the State and shall exercise the powers of impeachment, censure and audit; and the pertinent provisions of Article 90 and Article 94 of the Constitution concerning the exercise of the power of consent shall not apply.
The Control Yuan shall have 29 members, including a president and a vice president, all of whom shall serve a term of six years. All members shall be nominated and, with the consent of the Legislative Yuan, appointed by the president of the Republic. The provisions of Article 91 through Article 93 of the Constitution shall cease to apply.
Impeachment proceedings by the Control Yuan against a public functionary in the central government, or local governments, or against personnel of the Judicial Yuan or the Examination Yuan, shall be initiated by two or more members of the Control Yuan, and be investigated and voted upon by a committee of not less than nine of its members, the restrictions in Article 98 of the Constitution notwithstanding.
In the case of impeachment by the Control Yuan of Control Yuan personnel for dereliction of duty or violation of the law, the provisions of Article 95 and Article 97, Paragraph 2 of the Constitution, as well as the preceding paragraph, shall apply.
Members of the Control Yuan shall be beyond party affiliation and independently exercise their powers and discharge their responsibilities in accordance with the law. The provisions of Article 101 and Article 102 of the Constitution shall cease to apply.

Article 8
The remuneration or pay of the members of the Legislative Yuan shall be regulated by law. Except for general annual adjustments, individual regulations on increase of remuneration or pay shall take effect starting with the subsequent Legislative Yuan. Expenses for the convention of the delegates to the National Assembly shall be regulated by law.
Article 9
The system of self-government in the provinces and counties shall include the following provisions, which shall be established by the enactment of appropriate laws, the restrictions in Article 108, Paragraph 1, Item 1; Article 109; Article 112 through Article 115; and Article 122 of the Constitution notwithstanding:
1. A province shall have a provincial government of nine members, one of whom shall be the provincial governor. All members shall be nominated by the president of the Executive Yuan and appointed by the president of the Republic.
2. A province shall have a provincial advisory council made up of a number of members, who shall be nominated by the president of the Executive Yuan and appointed by the president of the Republic.
3. A county shall have a county council, members of which shall be elected by the people of the said county.
4. The legislative powers vested in a county shall be exercised by the county council of the said county.
5. A county shall have a county government headed by a county magistrate who shall be elected by the people of the said county.
6. The relationship between the central government and the provincial and county governments.
7. A province shall execute the orders of the Executive Yuan and supervise matters governed by the counties.
The modifications of the functions, operations, and organization of the Taiwan Provincial Government may be specified by law.

Article 10
The State shall encourage the development of and investment in science and technology, facilitate industrial upgrading, promote modernization of agriculture and fishery, emphasize exploitation and utilization of water resources, and strengthen international economic cooperation.
Environmental and ecological protection shall be given equal consideration with economic and technological development.
The State shall assist and protect the survival and development of private small and medium-sized enterprises.
The State shall manage government-run financial organizations, in accordance with the principles of business administration. The management, personnel, proposed budgets, final budgets, and audits of the said organizations may be specified by law.
The State shall promote universal health insurance and promote the research and development of both modern and traditional medicines.
The State shall protect the dignity of women, safeguard their personal safety, eliminate sexual discrimination, and further substantive gender equality. The State shall guarantee insurance, medical care, obstacle-free environments, education and training, vocational guidance, and support and assistance in everyday life for physically and mentally handicapped persons, and shall also assist them to attain independence and to develop. The State shall emphasize social relief and assistance, welfare services, employment for citizens, social insurance, medical and health care, and other social welfare services. Priority shall be given to funding social relief and assistance, and employment for citizens. The State shall respect military servicemen for their contributions to society, and guarantee studies, employment, medical care, and livelihood for retired servicemen. Priority shall be given to funding for education, science, and culture, and in particular funding for compulsory education, the restrictions in Article 164 of the Constitution notwithstanding. The State affirms cultural pluralism and shall actively preserve and foster the development of aboriginal languages and cultures. The State shall, in accordance with the will of the ethnic groups, safeguard the status and political participation of the aborigines. The State shall also guarantee and provide assistance and encouragement for aboriginal education, culture, transportation, water conservation, health and medical care, economic activity, land, and social welfare, measures for which shall be established by law. The same protection and assistance shall be given to the people of the Penghu, Kinmen, and Matsu areas. The State shall accord to nationals of the Republic of China residing overseas protection of their rights of political participation.

Article 11
Rights and obligations between the people of the Chinese mainland area and those of the free area, and the disposition of other related affairs may be specified by law.

Seventh Revision, 2004/2005
Adopted by the second extraordinary session of the First National Assembly on April 22, 1991, and promulgated by the president on May 1, 1991
Adopted by the extraordinary session of the Second National Assembly on May 27, 1992, and promulgated by the president on May 28, 1992

87
Adopted by the fourth extraordinary session of the Second National Assembly on July 28, 1994, and promulgated by the president on August 1, 1994
Adopted by the second session of the Third National Assembly on July 18, 1997, and promulgated by the president on July 21, 1997
Revised by the fourth session of the Third National Assembly on September 3, 1999, and promulgated by the president on September 15, 1999
The Council of Justices of the Constitutional Court, in its Constitutional Interpretation No. 499 on March 24, 2000, announced that the Additional Articles of the Constitution approved on September 15, 1999, were void, effective immediately. The revised Additional Articles promulgated on July 21, 1997 would remain in effect.
Revised by the fifth session of the Third National Assembly on April 24, 2000, and promulgated by the president on April 25, 2000
Revisions to Articles 1, 2, 4, 5, and 8 of, and addition of Article 12 to, the Additional Articles of the Constitution of the Republic of China, proposed and announced by the Legislative Yuan on August 26, 2004, adopted by the Fourth National Assembly on June 7, 2005, and promulgated by the president on June 10, 2005

To meet the requisites of the nation prior to national unification, the following articles of the ROC Constitution are added or amended to the ROC Constitution in accordance with Article 27, Paragraph 1, Item 3; and Article 174, Item 1:

**Article 1**
The electors of the free area of the Republic of China shall cast ballots at a referendum within three months of the expiration of a six-month period following the public announcement of a proposal passed by the Legislative Yuan on the amendment of the Constitution or alteration of the national territory. The provisions of Article 4 and Article 174 of the Constitution shall not apply.
The provisions of Articles 25 through 34 and Article 135 of the Constitution shall cease to apply.

**Article 2**
The President and the Vice President shall be directly elected by the entire populace of the free area of the Republic of China. This shall be effective from the election for the ninth-term President and Vice President in 1996. The presidential and the vice presidential candidates shall register jointly and be listed as a pair on the ballot. The pair that receives the highest number of votes shall be elected. Citizens of the free area of the Republic of China residing abroad may return to the ROC to exercise their electoral rights and this shall be stipulated by law.
Presidential orders to appoint or remove from office the President of the Executive Yuan or personnel appointed with the confirmation of the Legislative Yuan in accordance with the Constitution, and to dissolve the Legislative Yuan, shall not require the countersignature of the President of the Executive Yuan. The provisions of Article 37 of the Constitution shall not apply.

The President may, by resolution of the Executive Yuan Council, issue emergency decrees and take all necessary measures to avert imminent danger affecting the security of the State or of the people or to cope with any serious financial or economic crisis, the restrictions in Article 43 of the Constitution notwithstanding. However, such decrees shall, within ten days of issuance, be presented to the Legislative Yuan for ratification. Should the Legislative Yuan withhold ratification, the said emergency decrees shall forthwith cease to be valid.

To determine major policies for national security, the President may establish a national security council and a subsidiary national security bureau. The organization of the said organs shall be stipulated by law.

The President may, within ten days following passage by the Legislative Yuan of a no-confidence vote against the President of the Executive Yuan, declare the dissolution of the Legislative Yuan after consulting with its President. However, the President shall not dissolve the Legislative Yuan while martial law or an emergency decree is in effect. Following the dissolution of the Legislative Yuan, an election for legislators shall be held within 60 days. The new Legislative Yuan shall convene of its own accord within ten days after the results of the said election have been confirmed, and the term of the said Legislative Yuan shall be reckoned from that date.

The terms of office for both the President and the Vice President shall be four years. The President and the Vice President may only be reelected to serve one consecutive term; and the provisions of Article 47 of the Constitution shall not apply.

Should the office of the Vice President become vacant, the President shall nominate a candidate(s) within three months, and the Legislative Yuan shall elect a new Vice President, who shall serve the remainder of the original term until its expiration.

Should the offices of both the President and the Vice President become vacant, the President of the Executive Yuan shall exercise the official powers of the President and the Vice President. A new President and a new Vice President shall be elected in accordance with Paragraph 1 of this article and shall serve out each respective original term until its expiration. The pertinent provisions of Article 49 of the Constitution shall not apply.

Recall of the President or the Vice President shall be initiated upon the proposal of one-fourth of all Members of the Legislative Yuan, and also passed by two-thirds of
all the Members. The final recall must be passed by more than one-half of the valid ballots in a vote in which more than one-half of the electorate in the free area of the Republic of China takes part.

Should a motion to impeach the President or the Vice President initiated by the Legislative Yuan and presented to the Justices of the Constitutional Court of the Judicial Yuan for adjudication be upheld by the Constitutional Court, the impeached person shall forthwith be relieved of his duties.

Article 3
The President of the Executive Yuan shall be appointed by the President. Should the President of the Executive Yuan resign or the office become vacant, the Vice President of the Executive Yuan shall temporarily act as the President of the Executive Yuan pending a new appointment by the President. The provisions of Article 55 of the Constitution shall cease to apply.

The Executive Yuan shall be responsible to the Legislative Yuan in accordance with the following provisions; the provisions of Article 57 of the Constitution shall cease to apply:

1. The Executive Yuan has the duty to present to the Legislative Yuan a statement on its administrative policies and a report on its administration. While the Legislative Yuan is in session, its Members shall have the right to interpellate the President of the Executive Yuan and the heads of ministries and other organizations under the Executive Yuan.

2. Should the Executive Yuan deem a statutory, budgetary, or treaty bill passed by the Legislative Yuan difficult to execute, the Executive Yuan may, with the approval of the President of the Republic and within ten days of the bill’s submission to the Executive Yuan, request the Legislative Yuan to reconsider the bill. The Legislative Yuan shall reach a resolution on the returned bill within 15 days after it is received. Should the Legislative Yuan be in recess, it shall convene of its own accord within seven days and reach a resolution within 15 days after the session begins. Should the Legislative Yuan not reach a resolution within the said period of time, the original bill shall become invalid. Should more than one-half of the total number of Legislative Yuan Members uphold the original bill, the President of the Executive Yuan shall immediately accept the said bill.

3. With the signatures of more than one-third of the total number of Legislative Yuan Members, the Legislative Yuan may propose a no-confidence vote against the President of the Executive Yuan. Seventy-two hours after the no-confidence motion is made, an open-ballot vote shall be taken within 48 hours. Should more than one-half of the total number of Legislative Yuan Members approve the motion, the President of the Executive Yuan shall tender his resignation within
10 days, and at the same time may request that the President dissolve the Legislative Yuan. Should the no-confidence motion fail, the Legislative Yuan may not initiate another no-confidence motion against the same President of the Executive Yuan within one year.

The powers, procedures of establishment, and total number of personnel of national organizations shall be subject to standards set forth by law. The structure, system, and number of personnel of each organization shall be determined according to the policies or operations of each organization and in accordance with the law as referred to in the preceding paragraph.

Article 4
Beginning with the Seventh Legislative Yuan, the Legislative Yuan shall have 113 Members, who shall serve a term of four years, which is renewable after reelection. The election of Members of the Legislative Yuan shall be completed within three months prior to the expiration of each term, in accordance with the following provisions, the restrictions in Article 64 and Article 65 of the Constitution notwithstanding:
1. Seventy-three Members shall be elected from the Special Municipalities, counties, and cities in the free area. At least one Member shall be elected from each county and city.
2. Three Members each shall be elected from among the lowland and highland aborigines in the free area.
3. A total of thirty-four Members shall be elected from the nationwide constituency and among citizens residing abroad.

Members for the seats set forth in Subparagraph 1 of the preceding paragraph shall be elected in proportion to the population of each Special Municipality, county, or city, which shall be divided into electoral constituencies equal in number to the number of Members to be elected. Members for the seats set forth in Subparagraph 3 shall be elected from the lists of political parties in proportion to the number of votes won by each party that obtains at least 5 percent of the total vote, and the number of elected female Members on each party’s list shall not be less than one-half of the total number.

When the Legislative Yuan convenes each year, it may hear a report on the state of the nation by the President.

Following the dissolution of the Legislative Yuan by the President and prior to the inauguration of its new Members, the Legislative Yuan shall be regarded as in recess. The territory of the Republic of China, defined by its existing national boundaries, shall not be altered unless initiated upon the proposal of one-fourth of the total Members of the Legislative Yuan, passed by at least three-fourths of the Members
present at a meeting attended by at least three-fourths of the total Members of the Legislative Yuan, and sanctioned by electors in the free area of the Republic of China at a referendum held upon expiration of a six-month period of public announcement of the proposal, wherein the number of valid votes in favor exceeds one-half of the total number of electors.

Should the President issue an emergency decree after dissolving the Legislative Yuan, the Legislative Yuan shall convene of its own accord within three days to vote on the ratification of the decree within seven days after the session begins. However, should the emergency decree be issued after the election of new Members of the Legislative Yuan, the new Members shall vote on the ratification of the decree after their inauguration. Should the Legislative Yuan withhold ratification, the emergency decree shall forthwith be void.

Impeachment of the President or the Vice President by the Legislative Yuan shall be initiated upon the proposal of more than one-half of the total Members of the Legislative Yuan and passed by more than two-thirds of the total Members of the Legislative Yuan, whereupon it shall be presented to the Justices of the Constitutional Court of the Judicial Yuan for adjudication. The provisions of Article 90 and Article 100 of the Constitution and Article 7, Paragraph 1 of the Additional Articles of the Constitution shall not apply.

No Member of the Legislative Yuan may be arrested or detained without the permission of the Legislative Yuan, when that body is in session, except in case of flagrante delicto. The provisions of Article 74 of the Constitution shall cease to apply.

Article 5
The Judicial Yuan shall have 15 Justices of the Constitutional Court. The 15 Justices of the Constitutional Court, including a President and a Vice President of the Judicial Yuan to be selected from amongst them, shall be nominated and, with the consent of the Legislative Yuan, appointed by the President of the Republic. This shall take effect from the year 2003, and the provisions of Article 79 of the Constitution shall not apply. The provisions of Article 81 of the Constitution and pertinent regulations on the lifetime holding of office and payment of salary do not apply to Justices of the Constitutional Court who did not transfer from the post of a judge.

Each Justice of the Constitutional Court of the Judicial Yuan shall serve a term of eight years, independent of the order of appointment to office, and shall not serve a consecutive term. The Justices of the Constitutional Court serving as President and Vice President of the Judicial Yuan shall not enjoy the guarantee of an eight-year term.
Among the Justices of the Constitutional Court nominated by the President in the year 2003, eight Members, including the President and the Vice President of the Judicial Yuan, shall serve for four years. The remaining Justices of the Constitutional Court shall serve for eight years. The provisions of the preceding paragraph regarding term of office shall not apply.

The Justices of the Constitutional Court of the Judicial Yuan shall, in addition to discharging their duties in accordance with Article 78 of the Constitution, form a Constitutional Court to adjudicate matters relating to the impeachment of the President or the Vice President, and the dissolution of unconstitutional political parties.

A political party shall be considered unconstitutional if its goals or activities endanger the existence of the Republic of China or the nation’s free and democratic constitutional order.

The proposed budget submitted annually by the Judicial Yuan may not be eliminated or reduced by the Executive Yuan; however, the Executive Yuan may indicate its opinions on the budget and include it in the central government’s proposed budgetary bill for submission to the Legislative Yuan for deliberation.

Article 6
The Examination Yuan shall be the highest examination body of the State, and shall be responsible for the following matters; and the provisions of Article 83 of the Constitution shall not apply:

1. Holding of examinations.
2. Matters relating to the qualification screening, security of tenure, pecuniary aid in case of death, and retirement of civil servants.
3. Legal matters relating to the employment, discharge, performance evaluation, scale of salaries, promotion, transfer, commendation and award of civil servants.

The Examination Yuan shall have a President, a Vice President, and several Members, all of whom shall be nominated and, with the consent of the Legislative Yuan, appointed by the President of the Republic; and the provisions of Article 84 of the Constitution shall not apply.

The provisions of Article 85 of the Constitution concerning the holding of examinations in different areas, with prescribed numbers of persons to be selected according to various provinces and areas, shall cease to apply.

Article 7
The Control Yuan shall be the highest control body of the State and shall exercise the powers of impeachment, censure and audit; and the pertinent provisions of Article 90 and Article 94 of the Constitution concerning the exercise of the power
of consent shall not apply.
The Control Yuan shall have 29 Members, including a President and a Vice President, all of whom shall serve a term of six years. All Members shall be nominated and, with the consent of the Legislative Yuan, appointed by the President of the Republic. The provisions of Article 91 through Article 93 of the Constitution shall cease to apply.

Impeachment proceedings by the Control Yuan against a public functionary in the central government, or local governments, or against personnel of the Judicial Yuan or the Examination Yuan, shall be initiated by two or more Members of the Control Yuan, and be investigated and voted upon by a committee of not less than nine of its Members, the restrictions in Article 98 of the Constitution notwithstanding. In the case of impeachment by the Control Yuan of Control Yuan personnel for dereliction of duty or violation of the law, the provisions of Article 95 and Article 97, Paragraph 2 of the Constitution, as well as the preceding paragraph, shall apply.

Members of the Control Yuan shall be beyond party affiliation and independently exercise their powers and discharge their responsibilities in accordance with the law. The provisions of Article 101 and Article 102 of the Constitution shall cease to apply.

**Article 8**
The remuneration or pay of the Members of the Legislative Yuan shall be prescribed by law. Except for general annual adjustments, individual provisions on increase of remuneration or pay shall take effect starting with the subsequent Legislative Yuan.

**Article 9**
The system of self-government in the provinces and counties shall include the following provisions, which shall be established by the enactment of appropriate laws, the restrictions in Article 108, Paragraph 1, Item 1; Article 109; Article 112 through Article 115; and Article 122 of the Constitution notwithstanding:

1. A province shall have a provincial government of nine Members, one of whom shall be the Provincial Governor. All Members shall be nominated by the President of the Executive Yuan and appointed by the President of the Republic.
2. A province shall have a provincial advisory council made up of a number of Members, who shall be nominated by the President of the Executive Yuan and appointed by the President of the Republic.
3. A county shall have a county council, Members of which shall be elected by the people of the said county.
4. The legislative powers vested in a county shall be exercised by the county council of the said county.
5. A county shall have a county government headed by a County Magistrate who shall be elected by the people of the said county.
6. The relationship between the central government and the provincial and county governments.
7. A province shall execute the orders of the Executive Yuan and supervise matters governed by the counties.
The modifications of the functions, operations, and organization of the Taiwan Provincial Government may be specified by law.

Article 10
The State shall encourage the development of and investment in science and technology, facilitate industrial upgrading, promote modernization of agriculture and fishery, emphasize exploitation and utilization of water resources, and strengthen international economic cooperation.
Environmental and ecological protection shall be given equal consideration with economic and technological development.
The State shall assist and protect the survival and development of private small and medium-sized enterprises.
The State shall manage government-run financial organizations, in accordance with the principles of business administration. The management, personnel, proposed budgets, final budgets, and audits of the said organizations may be specified by law.
The State shall promote universal health insurance and promote the research and development of both modern and traditional medicines.
The State shall protect the dignity of women, safeguard their personal safety, eliminate sexual discrimination, and further substantive gender equality.
The State shall guarantee insurance, medical care, obstacle-free environments, education and training, vocational guidance, and support and assistance in everyday life for physically and mentally handicapped persons, and shall also assist them to attain independence and to develop.
The State shall emphasize social relief and assistance, welfare services, employment for citizens, social insurance, medical and health care, and other social welfare services. Priority shall be given to funding social relief and assistance, and employment for citizens.
The State shall respect military servicemen for their contributions to society, and guarantee studies, employment, medical care, and livelihood for retired servicemen. Priority shall be given to funding education, science, and culture, and in particular funding for compulsory education, the restrictions in Article 164 of the Constitution.
notwithstanding.
The State affirms cultural pluralism and shall actively preserve and foster the development of aboriginal languages and cultures.
The State shall, in accordance with the will of the ethnic groups, safeguard the status and political participation of the aborigines. The State shall also guarantee and provide assistance and encouragement for aboriginal education, culture, transportation, water conservation, health and medical care, economic activity, land, and social welfare, measures for which shall be established by law. The same protection and assistance shall be given to the people of the Penghu, Kinmen, and Matsu areas.
The State shall accord to nationals of the Republic of China residing overseas protection of their rights of political participation.

Article 11
Rights and obligations between the people of the Chinese mainland area and those of the free area, and the disposition of other related affairs may be specified by law.

Article 12
Amendment of the Constitution shall be initiated upon the proposal of one-fourth of the total Members of the Legislative Yuan, passed by at least three-fourths of the Members present at a meeting attended by at least three-fourths of the total Members of the Legislative Yuan, and sanctioned by electors in the free area of the Republic of China at a referendum held upon expiration of a six-month period of public announcement of the proposal, wherein the number of valid votes in favor exceeds one-half of the total number of electors. The provisions of Article 174 of the Constitution shall not apply.
三、僑居國外國民二十人。
四、全國不分區八十人。

前項第一款每直轄市、縣市選出之名額及第三款、第四款各政黨當選之名額，在五人以上十人以下者，應有婦女當選名額一人，超過十人者，每滿十人應增婦女當選名額一人。

第二條

立法院立法委員依左列規定選出之，不受憲法第六十四條之限制：

一、自由地區每省、直轄市各二人，但其人口逾二十萬人者，每增加十萬人增一人；逾一百萬人者，每增加二十萬人增一人。
二、自由地區平地山胞及山地山胞各三人。
三、僑居國外國民六人。
四、全國不分區三十人。

前項第一款每省、直轄市選出之名額及第三款、第四款各政黨當選之名額，在五人以上十人以下者，應有婦女當選名額一人，超過十人者，每滿十人應增婦女當選名額一人。

第三條

監察院監察委員由省、市議會依左列規定選出之，不受憲法第九十一條之限制：

一、自由地區臺灣省二十五人。
二、自由地區每直轄市各十人。
三、僑居國外國民二人。
四、全國不分區五人。

前項第一款臺灣省、第二款每直轄市選出之名額及第四款各政黨當選之名額，在五人以上十人以下者，應有婦女當選名額一人，超過十人者，每滿十人應增加婦女當選名額一人。

省議員當選為監察委員者，以二人為限；市議員當選為監察委員者，各以一人為限。

第四條

國民大會代表、立法院立法委員、監察院監察委員之選舉罷免，依公職人員選舉罷免法之規定辦理之。僑居國外國民及全國不分區名額，採政黨比例方式選出之。

第五條

國民大會第二屆國民大會代表應於中華民國八十年十二月三十日當選選出，其任期自中華民國八十一年一月一日起至中華民國八十五年國民大會第三屆於第八任總統任滿前依憲法第二十九條規定集會之日止，不受憲法第二十八條第一項之限制。

依動員戡亂時期臨時條款增加名額選出之國民大會代表，於中華民國八十二年一月三十一日前選出，與國民大會第二屆國民大會代表共同行使職權。

立法院第二屆立法委員及監察院第二屆監察委員應於中華民國八十二年一月三十一日前選出，均自中華民國八十二年二月二十七日起任職。
月一日開始行使職權。

第六條 國民大會為行使憲法第二十七條第一項第三款之職權，應於第二屆國民大會代表選出後三個月內由總統召集臨時會。

第七條 總統為避免國家或人民遭遇緊急危難或應付財政經濟上重大變故，得經行政院會議之決議發布緊急命令，為必要之處置，不受憲法第四十三條之限制。但須於發布命令後十日內提交立法院追認，如立法院不同意時，該緊急命令立即失效。

第八條 動員戡亂時期終止時，原僅適用於動員戡亂時期之法律，其修訂未完成程序者，得繼續適用至中華民國八十一年七月三十一日止。

第九條 總統為決定國家安全有關大政方針，得設國家安全會議及所屬國家安全局。

行政院得設人事行政局。

前二項機關之組織均以法律定之，未完成立法程序前，其原有組織法規得繼續適用至中華民國八十二年十二月三十一日止。

第十條 自由地區與大陸地區間人民權利義務關係及其他事務之處理，得以法律為特別之規定。

中華民國憲法第二次增修條文

中華民國八十一年五月二十八日總統華總（一）義字第二六五六號令公布增修條文第十一條至第十八條

為因應國家統一前之需要，依照憲法第二十七條第一項第三款及第一百七十四條第一款之規定，增修本憲法條文如左：

第十一條 國民大會之職權，除依憲法第二十七條之規定外，並依增修條文第十三條第一項、第十四條第二項及第十五條第二項之規定，對總統提名之人員行使同意權。

前項同意權之行使，由總統召集國民大會臨時會為之，不受憲法第三十條之限制。

國民大會集會時，得聽取總統國情報告，並檢討國是，提供建言；如一年內未集會，由總統召集臨時會為之，不受憲法第三十條之限制。
第十二條
國民大會代表自第三屆國民大會代表起，每四年改選一次，不適用憲法第二十八條第一項之規定。

總統、副總統由中華民國自由地區全體人民選舉之，自中華民國八十五年第九任總統、副總統選舉實施。

前項選舉之方式，由總統於中華民國八十四年五月二十日前召集國民大會臨時會，以憲法增修條文定之。

總統、副總統之任期，自第九任總統、副總統起為四年，連選得連任一次，不適用憲法第四十七條之規定。

總統、副總統之罷免，依左列規定：

一、由國民大會代表提出之罷免案，經代表總額四分之一之提議，代表總額三分之二之同意，即為通過。

二、由監察院提出之彈劾案，國民大會為罷免之決議時，經代表總額三分之二之同意，即為通過。

副總統缺位時，由總統於三個月內提名候選人，召集國民大會臨時會補選，繼任至原任期屆滿為止。

第十三條
司法院設院長、副院長各一人，大法官若干人，由總統提名，經國民大會同意任命之，不適用憲法第七十九條之有關規定。

司法院大法官，除依憲法第七十八條之規定外，並組成憲法法庭審理政黨違憲之解散事項。

政黨之目的或其行為，危害中華民國之存在或自由民主之憲政秩序者為違憲。

第十四條
考試院為國家最高考試機關，掌理左列事項，不適用憲法第八十三條之規定：

一、考試。

二、公務人員之銓敘、保障、撫卹、退休。

三、公務人員任免、考績、級俸、陞遷、褒獎之法制事項。

考试院設院長、副院長各一人，考試委員若干人，由總統提名，經國民大會同意任命之，不適用憲法第八十四條之規定。

憲法第八十五條有關按省區分別規定名額，分區舉行考試之規定，停止適用。

第十五條
監察院為國家最高監察機關，行使彈劾、糾舉及審計權，不適用憲法第九十條及第九十四條有關同意權之規定。

監察院設監察委員二十九人，並以其中一人為院長、一人為副院長，任期六年，由總統提名，經國民大會同意任命之。憲法第九十一條至第九十三條、增修條文第三條，及第四條、第五條第三項有關監察委員之規定，停止適用。
監察院對於中央、地方公務人員及司法院、考試院人員之彈劾案，須經監察委員二人以上之提議，九人以上之審查及決定，始得提出，不受憲法第九十八條之限制。

監察院對於監察院人員失職或違法之彈劾，適用憲法第九十五條、第九十七條第二項及前項之規定。

監察院對於總統、副總統之彈劾案，須經全體監察委員過半數之提議，全體監察委員三分之二以上之決議，向國民大會提出，不受憲法第一百條之限制。

監察委員須超出黨派以外，依據法律獨立行使職權。

憲法第一百零一條及第一百零二條之規定，停止適用。

第十六條
增修條文第十五條第二項之規定，自提名第二屆監察委員時施行。

第二屆監察委員於中華民國八十二年二月一日就職，增修條文第十五條第一項及第三項至第七項之規定，亦自同日施行。

增修條文第十三條第一項及第四條第二項有關司法院、考試院人員任命之規定，自中華民國八十二年二月一日施行。中華民國八十二年一月三十一日前之提名，仍由監察院同意任命，但現任人員任期未滿前，無須重新提名任命。

省、縣地方制度，應包含左列各款，以法律定之，不受憲法第一百零八條第一項第一款、第一百十二條及第一百二十二條之限制：

一、省設省議會，縣設縣議會，省議會議員、縣議會議員分別由省民、縣民選舉之。

二、省設省政府，置省長一人，縣設縣政府，置縣長一人，省長、縣長分別由省民、縣民選舉之。

三、省設省議會，縣設縣議會，省議會議員、縣議會議員分別由省民、縣民選舉之。

四、省與縣之關係。

五、省自治之監督機關為行政院，縣自治之監督機關為省政府。

第十七條
國家應獎勵科學技術發展及投資，促進產業升級，推動農漁業現代化，重視水資源之開發利用，加強國際經濟合作。

經濟及科學技術發展，應與環境及生態保護兼籌並顧。

國家應推行全民健康保險，並促進現代和傳統醫藥之研究發展。

國家應維護婦女之人格尊嚴，保障婦女之人身安全，消除性別歧視，促進兩性地位之實際平等。

國家對於殘障者之保險與就醫、教育訓練與就業輔導、生活維護與救濟，應予保障，並扶助其自立與發展。

100
國家對於自由地區山胞之地位及政治參與，應予保障；對其教育文化、社會福利及經濟事業，應予扶助並促其發展。對於金門、馬祖地區人民亦同。

國家對於僑居國外國民之政治參與，應予保障。

中華民國憲法第三次增修條文
中華民國八十三年八月一日總統華總（一）義字第四四八八號令公布修正增修條文第一條至第十八條為第一條至第十條

為因應國家統一前之需要，依照憲法第二十七條第一項第三款及第一百七十四條第一款之規定，增修本憲法條文如左：

第一條

國民大會代表依左列規定選出之，不受憲法第二十六條及第一百三十五條之限制：

一、自由地區每直轄市、縣市各二人，但其人口逾十萬人者，每增加十萬人增一人。
二、自由地區平地原住民及山地原住民各三人。
三、僑居國外國民二十人。
四、全國不分區八十人。

前項第三款及第四款之名額，採政黨比例方式選出之。第一款每直轄市、縣市選出之名額及第三款、第四款各政黨當選之名額，在五人以上十人以下者，應有婦女當選名額一人，超過十人者，每滿十人應增婦女當選名額一人。

國民大會之職權如左，不適用憲法第二十七條第一項第一款、第二款之規定：

一、依增修條文第二條第七項之規定，補選副總統。
二、依增修條文第二條第九項之規定，提出總統、副總統罷免案。
三、依增修條文第二條第十項之規定，議決監察院提出之總統、副總統彈劾案。
四、依憲法第二十七條第一項第三款及第一百七十四條第一款之規定，修改憲法。
五、依憲法第二十七條第一項第四款及第一百七十四條第二款之規定，複決立法院所提之憲法修正案。
六、依增修條文第四條第一項、第五條第二項、第六條第二項之規定，對總統提名任命之人員，行使同意權。
國民大會依前項第一款及第四款至第六款規定集會，或有國民大會代表五分之二以上請求召集會議時，由總統召集之；依前項第二款及第三款之規定集會時，由國民大會議長通告集會，國民大會設議長前，由立法院院長通告集會，不適用憲法第二十九條及三十條之規定。

國民大會集會時，得聽取總統國情報告，並檢討國是，提供建言；如一年內未集會，由總統召集會議為之，不受憲法第三十條之限制。

國民大會代表自第三屆國民大會代表起，每四年改選一次，不適用憲法第二十八條第一項之規定。

國民大會第二屆國民大會代表任期至中華民國八十五年五月十九日止，第三屆國民大會代表任期自中華民國八十五年五月二十日開始，不適用憲法第二十八條第二項之規定。

國民大會自第三屆國民大會起設議長，副議長各一人，由國民大會代表互選之。議長對外代表國民大會，並於開會時主持會議。

國民大會行使職權之程序，由國民大會定之，不適用憲法第三十四條之規定。

第二條

總統、副總統由中華民國自由地區全體人民直接選舉之，自中華民國八十五年第九任總統、副總統選舉實施。總統、副總統候選人應聯名登記，在選票上同列一組圈選，以得票最多之一組為當選。在國外之中華民國自由地區人民返國行使選舉權，以法律定之。

總統發布依憲法經國民大會或立法院同意任命人員之任免命令，無須行政院院長之副署，不適用憲法第三十七條之規定。

行政院院長之免職命令，須新提名之行政院院長經立法院同意後生效。

總統為避免國家或人民遭遇緊急危難或應付財政經濟上重大變故，得經行政院會議決議發布緊急命令，為必要之處置，不受憲法第四十三條之限制。但須於發布命令後十日內提交立法院追認，如立法院不同意時，該緊急命令立即失效。

總統為決定國家安全有關大政方針，得設國家安全會議及所屬國家安全局，其組織以法律定之。

總統、副總統之任期，自第九任總統、副總統起為四年，連選得連任一次，不適用憲法第四十七條之規定。

副總統缺位時，由總統於三個月內提名候選人，召集國民大會補選，繼任至原任期屆滿為止。
總統、副總統均缺位時，由行政院院長代行其職權，並依本條第一項規定補選總統、副總統，繼任至原任期屆滿為止，不適用憲法第四十九條之有關規定。

總統、副總統之罷免案，須經國民大會代表總額四分之一之提議，三分之二之同意後提出，並經中華民國自由地區選舉人總額過半數之投票，有效票過半數同意罷免時，即為通過。

監察院向國民大會提出之總統、副總統彈劾案，經國民大會代表總額三分之二同意時，被彈劾人應即解職。

第三條 立法院立法委員依左列規定選出之，不受憲法第六十四條之限制：

一、自由地區每省、直轄市各二人，但其人口逾二十萬人者，每增加十萬人增一人；逾一百萬人者，每增加二十萬人增一人。
二、自由地區平地原住民及山地原住民各三人。
三、僑居國外國民六人。
四、全國不分區三十人。

前項第三款、第四款名額，採政黨比例方式選出之。第一款每省、直轄市選出之名額及第三款、第四款各政黨當選之名額，在五人以上十人以下者，應有婦女當選名額一人，超過十人者，每滿十人應增婦女當選名額一人。

第四條 司法院設院長、副院長各一人，大法官若干人，由總統提名，經國民大會同意任命之，不適用憲法第七十九條之有關規定。

司法院大法官，除依憲法第七十八條之規定外，並組成憲法庭審理政黨違憲之解散事項。

政黨之目的或其行為，危害中華民國之存在或自由民主之憲政秩序者為違憲。

第五條 考試院為國家最高考試機關，掌理左列事項，不適用憲法第八十三條之規定：

一、考試。
二、公務人員之銓敘、保障、撫卹、退休。
三、公務人員任免、考績、級俸、陞遷、褒獎之法制事項。

考試院設院長、副院長各一人，考試委員若干人，由總統提名，經國民大會同意任命之，不適用憲法第八十四條之規定。

憲法第八十五條有關按省區分別規定名額，分區舉行考試之規定，停止適用。

第六條 監察院為國家最高監察機關，行使彈劾、糾舉及審計權，不適用憲法第九十條及第九十四條有關同意權之規定。

監察院設監察委員二十九人，並以其中一人為院長、一人為副院長，任期六年，由總統提名，經國民大會同意任命之。憲
法第九十一條至第九十三條之規定停止適用。

監察院對於中央、地方公務人員及司法院、考試院人員之彈劾案，須經監察委員二人以上之提議，九人以上之審查及決定，始得提出，不受憲法第九十八條之限制。

監察院對於監察院人員失職或違法之彈劾，適用憲法第九十五條、第九十七條第二項及前項之規定。

監察院對於總統、副總統之彈劾案，須經全體監察委員過半數之提議，全體監察委員三分之二以上之決議，向國民大會提出，不受憲法第一百條之限制。

監察委員須超出黨派以外，依據法律獨立行使職權。

憲法第一百零一條及第一百零二條之規定，停止適用。

第七條　國民大會代表及立法委員之報酬或待遇，應以法律定之。除年度通案調整者外，單獨增加報酬或待遇之規定，應自次屆起實施。

第八條　省、縣地方制度，應包含左列各款，以法律定之，不受憲法第一百零八條第一項第一款、第一百十二條至第一百十五條及第一百二十二條之限制：

一、省設省議會，縣設縣議會，省議會議員、縣議會議員分別由省民、縣民選舉之。

二、屬於省、縣之立法權，由省議會、縣議會分別行之。

三、省設省政府，置省長一人，縣設縣政府，置縣長一人，省長、縣長分別由省民、縣民選舉之。

四、省與縣之關係。

五、省自治之監督機關為行政院，縣自治之監督機關為省政府。

第九條　國家應獎勵科學技術發展及投資，促進產業升級，推動農漁業現代化，重視水資源之開發利用，加強國際經濟合作。

經濟及科學技術發展，應與環境及生態保護兼籌並顧。

國家對於公營金融機構之管理，應本企業化經營之原則；其管理、人事、預算、決算及審計，得以法律為特別之規定。

國家應推行全民健康保險，並促進現代和傳統醫藥之研究發展。

國家應維護婦女之人格尊嚴，保障婦女之人身安全，消除性別歧視，促進兩性地位之實質平等。

國家對於殘障者之保險與就醫、教育訓練與就業輔導、生活維護與救濟，應予保障，並扶助其自立與發展。

國家對於自由地區原住民之地位及政治參與，應予保障；對其教育文化、社會福利及經濟事業，應予扶助並促其發展。對
於金門、馬祖地區人民亦同。

國家對於僑居國外國民之政治參與，應予保障。

第十條

自由地區與大陸地區間人民權利義務關係及其他事務之處理，得以法律為特別之規定。

中華民國憲法第四次增修條文

中華民國八十六年七月二十一日總統華總（一）義字第八六○○一六七○二○號令公布修正增修條文第一條至第十條為第一條至第十一條

為因應國家統一前之需要，依照憲法第二十七條第一項第三款及第一百七十四條第一款之規定，增修本憲法條文 如左：

第一條

國民大會代表依左列規定選出之，不受憲法第二十六條及第一百三十五條之限制：

一、自由地區每直轄市、縣市各二人，但其人口逾十萬人者，每增加十萬人增一人。
二、自由地區平地原住民及山地原住民各三人。
三、僑居國外國民二十人。
四、全國不分區八十人。

前項第一款每直轄市、縣市選出之名額，在五人以上十人以下者，應有婦女當選名額一人，超過十人者，每滿十人，應增婦女當選名額一人。第三款及第四款之名額，採政黨比例方式選出之，各政黨當選之名額，每滿四人，應有婦女當選名額一人。

國民大會之職權如左，不適用憲法第二十七條第一項第一款、第二款之規定：

一、依增修條文第二條第七項之規定，補選副總統。
二、依增修條文第二條第九項之規定，提出總統、副總統罷免案。
三、依增修條文第二條第十項之規定，議決立法院提出之總統、副總統彈劾案。
四、依憲法第二十七條第一項第三款及第一百七十四條第一款之規定，修改憲法。
五、依憲法第二十七條第一項第四款及第一百七十四條第二款之規定，複決立法院所提之憲法修正案。
六、依增修條文第五條第一項、第六條第二項、第七條第二項之規定，對總統提名任命之人員，行使同意權。
國民大會依前項第一款及第四款至第六款規定集會，或有國民大會代表五分之二以上請求召集會議時，由總統召集之；依前項第二款及第三款之規定集會時，由國民大會議長通告集會，不適用憲法第二十九條及第三十條之規定。

國民大會集會時，得聽取總統國情報告，並檢討國是，提供建言；如一年內未集會，由總統召集會議為之，不受憲法第三十條之限制。

國民大會代表每四年改選一次，不適用憲法第二十八條第一項之規定。

國民大會設議長、副議長各一人，由國民大會代表互選之。議長對外代表國民大會，並於開會時主持會議。

國民大會行使職權之程序，由國民大會定之，不適用憲法第三十四條之規定。

第二條

總統、副總統由中華民國自由地區全體人民直接選舉之，自中華民國八十五年第九任總統、副總統選舉實施。總統、副總統候選人應聯名登記，在選票上同列一組圈選，以得票最多之一組為當選。在國外之中華民國自由地區人民返國行使選舉權，以法律定之。

總統發布行政院院長與依憲法經國民大會或立法院同意任命人員之任免命令及解散立法院之命令，無須行政院院長之副署，不適用憲法第三十七條之規定。

總統為避免國家或人民遭遇緊急危難或應付財政經濟上重大變故，得經行政院會議之決議發布緊急命令，為必要之處置，不受憲法第四十三條之限制。但須於發布命令後十日內提交立法院追認，如立法院不同意時，該緊急命令立即失效。

總統為決定國家安全有關大政方針，得設國家安全會議及所屬國家安全局，其組織以法律定之。

總統於立法院通過對行政院院長之不信任案後十日內，經諮詢立法院院長後，得宣告解散立法院。但總統於戒嚴或緊急命令生效期間，不得解散立法院。立法院解散後，應於六十日內舉行立法委員選舉，並於選舉結果確認後十日內自行集會，其任期重新起算。

總統、副總統之任期為四年，連選得連任一次，不適用憲法第四十七條之規定。

副總統缺位時，由總統於三個月內提名候選人，召集國民大會補選，繼任至原任期屆滿為止。

總統、副總統均缺位時，由行政院院長代行其職權，並依本條第一項規定補選總統、副總統，繼任至原任期屆滿為止，不
適用憲法第四十九條之有關規定。

總統、副總統之罷免案，須經國民大會代表總額四分之一之
提議，三分之二之同意後提出，並經中華民國自由地區選舉人
總額過半數之投票，有效票過半數同意罷免時，即為通過。

立法院向國民大會提出之總統、副總統彈劾案，經國民大會
代表總額三分之二同意時，被彈劾人應即解職。

行政院院長由總統任命之。行政院院長辭職或出缺時，在總統
未任命行政院院長前，由行政院副院長暫行代理。憲法第五十
五條之規定，停止適用。

行政院依左列規定，對立法院負責，憲法第五十七條之規
定，停止適用：

一、行政院有向立法院提出施政方針及施政報告之責。立法
委員在開會時，有向行政院院長及行政院各部會首長質詢之權。

二、行政院對於立法院決議之法律案、預算案、條約案，如
認為有窒礙難行時，得經總統之核可，於該決議案送達行政院
十日內，移請立法院覆議。立法院對於行政院移請覆議案，應
於送達十五日內作成決議。如為休會期間，立法院應於七日內
自行集會，並於開議十五日內作成決議。覆議案逾期未議決者，
原決議失效。覆議時，如經全體立法委員二分之一以上決議維
持原案，行政院院長應即接受該決議。

三、立法院得經全體立法委員三分之二以上連署，對行政院
院長提出不信任案。不信任案提出七十二小時後，應於四十八
小時內以記名投票表決之。如經全體立法委員二分之一以上贊
成，行政院院長應於十日內提出辭職，並得同時呈請總統解散
立法院；不信任案如未獲通過，一年內不得對同一行政院院長
再提不信任案。

國家機關之職權、設立程序及總員額，得以法律為準則性之
規定。

各機關之組織、編制及員額，應依前項法律，基於政策或業
務需要決定之。

立法院立法委員自第四屆起二百二十五人，依左列規定選出
之，不受憲法第六十四條之限制：

一、自由地區直轄市、縣市一百六十八人。每縣市至少一人。
二、自由地區平地原住民及山地原住民各四人。
三、僑居國外國民八人。
四、全國不分區四十一人。

前項第三款、第四款名額，採政黨比例方式選出之。第一款
每直轄市、縣市選出之名額及第三款、第四款各政黨當選之名

107
額，在五人以上十人以下者，應有婦女當選名額一人，超過十人者，每滿十人應增婦女當選名額一人。

立法院經總統解散後，在新選出之立法委員就職前，視同休會。

總統於立法院解散後發布緊急命令，立法院應於三日內自行集會，並於開議七日內追認之。但於新任立法委員選舉投票日後發布者，應由新任立法委員於就職後追認之。如立法院不同意時，該緊急命令立即失效。

立法院對於總統、副總統犯內亂或外患罪之彈劾案，須經全體立法委員二分之一以上之提議，全體立法委員三分之二以上之決議，向國民大會提出，不適用憲法第九十條、第一百條及增修條文第七條第一項有關規定。

立法委員除現行犯外，在會期中，非經立法院許可，不得逮捕或拘禁。憲法第七十四條之規定，停止適用。

第五條
司法院設大法官十五人，並以其中一人為院長、一人為副院長，由總統提名，經國民大會同意任命之，自中華民國九十二年起實施，不適用憲法第七十九條之有關規定。

司法院大法官任期八年，不分屆次，個別計算，並不得連任。但並為院長、副院長之大法官，不受任期之保障。

中華民國九十二年總統提名之大法官，其中八位大法官，含院長、副院長，任期四年，其餘大法官任期為八年，不適用前項任期之規定。

司法院大法官，除依憲法第七十八條之規定外，並組成憲法法庭審理政黨違憲之解散事項。

政黨之目的或其行為，危害中華民國之存在或自由民主之憲政秩序者為違憲。

司法院所提出之年度司法概算，行政院不得刪減，但得加註意見，編入中央政府總預算案，送立法院審議。

第六條
考試院為國家最高考試機關，掌理左列事項，不適用憲法第八十三條之規定：

一、考試。

二、公務人員之銓敘、保障、撫卹、退休。

三、公務人員任免、考績、級俸、陞遷、褒獎之法制事項。

考試院設院長、副院長各一人，考試委員若干人，由總統提名，經國民大會同意任命之，不適用憲法第八十四條之規定。

憲法第八十五條有關按省區分別規定名額，分區舉行考試之規定，停止適用。
第七條 監察院為國家最高監察機關，行使彈劾、糾舉及審計權，不適用憲法第九十條及第九十四條有關同意權之規定。

監察院設監察委員二十九人，並以其中一人為院長、一人為副院長，任期六年，由總統提名，經國民大會同意任命之。憲法第九十一条至第九十三條之規定停止適用。

監察院對於中央、地方公務人員及司法院、考試院人員之彈劾案，須經監察委員二人以上之提議，九人以上之審查及決定，始得提出，不受憲法第九十八條之限制。

監察院對於監察院人員失職或違法之彈劾，適用憲法第九十五條、第九十七條及前項之規定。

監察委員須超出黨派以外，依據法律獨立行使職權。

憲法第一百零一條及第一百零二條之規定，停止適用。

第八條 國民大會代表及立法委員之報酬或待遇，應以法律定之。除年度通案調整者外，單獨增加報酬或待遇之規定，應自次屆起實施。

第九條 省、縣地方制度，應包括左列各款，以法律定之，不受憲法第一百零八條第一項第一款、第一百零九條、第一百十二條至第一百十五條及第一百二十二條之限制：

一、省設省政府，置委員九人，其中一人為主席，均由行政院院長提請總統任命之。

二、省設省諮議會，置省諮議會議員若干人，由行政院院長提請總統任命之。

三、縣設縣議會，縣議會議員由縣民選舉之。

四、屬於縣之立法權，由縣議會行之。

五、縣設縣政府，置縣長一人，由縣民選舉之。

六、中央與省、縣之關係。

七、省兼行政院之命，監督縣自治事項。

第十條 台灣省議會議員及第一屆台灣省省長之任期至中華民國八十七年十二月二十日止，台灣省議會議員及台灣省省長之選舉自第十屆台灣省議會議員及第一屆台灣省省長任期之屆滿日起停止辦理。

台灣省議會議員及台灣省省長之選舉停止辦理後，台灣省政府之功能、業務與組織之調整，得以法律為特別之規定。

第十條 國家應獎勵科學技術發展及投資，促進產業升級，推動農漁業現代化，重視水資源之開發利用，加強國際經濟合作。

經濟及科學技術發展，應與環境及生態保護兼籌並顧。

國家對於人民興辦之中小型經濟事業，應扶助並保護其生存與發展。
國家對於公營金融機構之管理，應本企業化經營之原則；其管理、人事、預算、決算及審計，得以法律為特別之規定。

國家應推行全民健康保險，並促進現代和傳統醫藥之研究發展。

國家應維護婦女之人格尊嚴，保障婦女之人身安全，消除性別歧視，促進兩性地位之實質平等。

國家對於身心障礙者之保險與就醫、無障礙環境之建構、教育訓練與就業輔導及生活維護與救助，應予保障，並扶助其自立與發展。

教育、科學、文化之經費，尤其國民教育之經費應優先編列，不受憲法第一百六十四條規定之限制。

國家肯定多元文化，並積極維護發展原住民族語言及文化。

國家應依民族意願，保障原住民族之地位及政治參與，並對其教育文化、交通水利、衛生醫療、經濟能土地及社會福利事業予以保障扶助並促其發展，其辦法另以法律定之。對於金門、馬祖地區人民亦同。

國家應依民族意願，保障原住民族之地位及政治參與，應予保障。

第十一條 自由地區與大陸地區間人民權利義務關係及其他事務之處理，得以法律為特別之規定。

第一條 國民大會代表第四屆為三百人，依左列規定以比例代表方式選出之。並以立法委員選舉，各政黨所推薦及獨立參選之候選人得票數之比例分配當選名額，不受憲法第二十六條及第一百三十五條之限制。比例代表之選舉方法以法律定之。

一、自由地區直轄市、縣市一百九十四人，每縣市至少當選一人。

二、自由地區原住民六人。

三、僑居國外國民十八人。

四、全國不分區八十二人。

國民大會代表自第五屆起為一百五十人，依左列規定以比例代表方式選出之。並以立法委員選舉，各政黨所推薦及獨立參選之候選人得票數之比例分配當選名額，不受憲法第二十六條及第一百三十五條之限制。比例代表之選舉方法以法律定之。

一、自由地區直轄市、縣市一百人，每縣市至少當選一人。

二、自由地區原住民四人。

三、僑居國外國民六人。

四、全國不分區四十人。
國民大會代表之任期為四年，但於任期中遇立法委員改選時同時改選，連選得連任。第三屆國民大會代表任期至第四屆立法委員任期屆滿之日止，不適用憲法第二十八條第一項之規定。

第一項及第二項之第一款各政黨當選之名額，在五人以上十人以下者，應有婦女當選名額一人。第三款及第四款各政黨當選之名額，每滿四人，應有婦女當選名額一人。

國民大會之職權如左，不適用憲法第二十七條第一項第一款、第二款之規定：

一、依増修條文第二條第七項之規定，補選副總統。
二、依増修條文第二條第九項之規定，提出總統、副總統罷免案。
三、依増修條文第二條第十項之規定，議決立法院提出之總統、副總統彈劾案。
四、依憲法第二十七條第一項第三款及第一百七十四條第一款之規定，修改憲法。
五、依憲法第二十七條第一項第四款及第一百七十四條第二款之規定，複決立法院所提之憲法修正案。
六、依増修條文第五條第一項、第六條第二項、第七條第二項之規定，對總統提名任命之人員，行使同意權。

國民大會依前項第一款及第四款至第六款規定集會，或有國民大會代表五分之二以上請求召集會議時，由總統召集之；依前項第二款及第三款之規定集會時，由國民大會議長通告集會，不適用憲法第二十九條及第三十條之規定。

國民大會集會時，得聽取總統國情報告，並檢討國是，提供建言；如一年內未集會，由總統召集會議為之，不受憲法第三十條之限制。

國民大會設議長、副議長各一人，由國民大會代表互選之。議長對外代表國民大會，並於開會時主持會議。

國民大會行使職權之程序，由國民大會定之，不適用憲法第三十四條之規定。

第四條

立法院立法委員自第四屆起二百二十五人，依左列規定選出之，不受憲法第六十四條之限制：

一、自由地區直轄市、縣市一百六十八人。每縣市至少一人。
二、自由地區平地原住民及山地原住民各四人。
三、僑居國外國民八人。
四、全國不分區四十一人。
前項第三款、第四款名額，採政黨比例方式選出之。第一款每直轄市、縣市選出之名額及第三款、第四款各政黨當選之名額，在五人以上十人以下者，應有婦女當選名額一人，超過十人者，每滿十人應增婦女當選名額一人。

第四屆立法委員任期至中華民國九十一年六月三十日止。第五屆立法委員任期自中華民國九十一年七月一日起為四年，連選得連任，其選舉應於每屆任滿前或解散後六十日內完成之，不適用憲法第六十五條之規定。

立法院經總統解散後，在新選出之立法委員就職前，視同休會。

總統於立法院解散後發布緊急命令，立法院應於三日內自行集會，並於開議七日內追認之。但於新任立法委員選舉投票日後發布者，應由新任立法委員於就職後追認之。如立法院不同意時，該緊急命令立即失效。

立法院對於總統、副總統犯內亂或外患罪之彈劾案，須經全體立法委員二分之ㄧ以上之提議，全體立法委員三分之二以上之決議，向國民大會提出，不適用憲法第九十條、第一百條及增修條文第七條第一項有關規定。

立法院除現行犯外，在會期中，非經立法院許可，不得逮捕或拘禁。憲法第七十四條之規定，停止適用。

第九條

省、縣地方制度，應包括左列各款，以法律定之，不受憲法第一百零八條第一項第一款、第一百零九條、第一百十二條至第一百十五條及第一百二十二條之限制：

一、省設省政府，置委員九人，其中一人為主席，均由行政院院長提請總統任命之。

二、省設省諮議會，置省諮議會議員若干人，由行政院院長提請總統任命之。

三、縣設縣議會，縣議會議員由縣民選舉之。

四、屬於縣之立法權，由縣議會行之。

五、縣設縣政府，置縣長一人，由縣民選舉之。

六、中央與省、縣之關係。

七、省承行政院之命，監督縣自治事項。

台灣省政府之功能、業務與組織之調整，得以法律為特別之規定。

第十條

國家應獎勵科學技術發展及投資，促進產業升級，推動農漁業現代化，重視水資源之開發利用，加強國際經濟合作。

經濟及科學技術發展，應與環境及生態保護兼籌並顧。
國家對於人民興辦之中小型經濟事業，應扶助並保護其生存與發展。

國家對於公營金融機構之管理，應本企業化經營之原則；其管理、人事、預算、決算及審計，得以法律為特別之規定。

國家應推行全民健康保險，並促進現代和傳統醫藥之研究發展。

國家應維護婦女之人格尊嚴，保障婦女之人身安全，消除性別歧視，促進兩性地位之實質平等。

國家對於身心障礙者之保險與就醫、無障礙環境之建構、教育訓練與就業輔導及生活維護與救助，應予保障，並扶助其自立與發展。

國家應重視社會救助、福利服務、國民就業、社會保險及醫療保健等社會福利工作；對於社會救助和國民就業等救濟性支出應優先編列。

國家應尊重軍人對社會之貢獻，並對其退役後之就學、就業、就醫、就養予以保障。

教育、科學、文化之經費，尤其國民教育之經費應優先編列，不受憲法第一百六十四條規定之限制。

國家肯定多元文化，並積極維護發展原住民族語言及文化。

國家應依民族意願，保障原住民族之地位及政治參與，並對其教育文化、交通水利、衛生醫療、經濟土地及社會福利事業予以保障扶助並促其發展，其辦法另以法律定之。對於澎湖、金門、馬祖地區人民亦同。

國家對於僑居國外國民之政治參與，應予保障。

中華民國憲法第五次增修條文

中華民國八十八年九月十五日總統華總一義字第八八00二一三三九0號令公布修正增修條文第一條、第四條、第九條及第十條

第一條 國民大會代表第四屆為三百人，依左列規定以比例代表方式選出之。並以立法委員選舉，各政黨所推薦及獨立參選之候選人得票數之比例分配當選名額，不受憲法第二十六條及第一百三十五條之限制。比例代表之選舉方法以法律定之。

一、自由地區直轄市、縣市一百九十四人，每縣市至少當選一人。

二、自由地區原住民六人。

113
三、僑居國外國民十八人。
四、全國不分區八十二人。

國民大會代表自第五屆起為一百五十人，依左列規定以比例代表方式選出之。並以立法委員選舉，各政黨所推薦及獨立參選之候選人得票數之比例分配當選名額，不受憲法第二十六條及第一百三十五條之限制。比例代表之選舉方法以法律定之。

一、自由地區直轄市、縣市一百人，每縣市至少當選一人。
二、自由地區原住民四人。
三、僑居國外國民六人。
四、全國不分區四十人。

國民大會代表之任期為四年，但於任期中遇立法委員改選時同時改選，連選得連任。

第三屆國民大會代表任期至第四屆立法委員任期屆滿之日止，不適用憲法第二十八條第一項之規定。

第一項及第二項之第一款各政黨當選之名額，在五人以上十人以下者，應有婦女當選名額一人。第三款及第四款各政黨當選之名額，每滿四人，應有婦女當選名額一人。

國民大會之職權如左，不適用憲法第二十七條第一項第一款、第二款之規定：

一、依增修條文第二條第七項之規定，補選副總統。
二、依增修條文第二條第九項之規定，提出總統、副總統罷免案。
三、依增修條文第二條第十項之規定，議決立法院提出之總統、副總統彈劾案。
四、依憲法第二十七條第一項第三款及第一百七十四條第一款之規定，修改憲法。
五、依憲法第二十七條第一項第四款及第一百七十四條第二款之規定，複決立法院所提之憲法修正案。
六、依增修條文第五條第一項、第六條第二項、第七條第二項之規定，對總統提名任命之人員，行使同意權。

國民大會依前項第一款及第四款至第六款規定集會，或有國民大會代表五分之二以上請求召集會議時，由總統召集之；依前項第二款及第三款之規定集會時，由國民大會議長通告集會，不適用憲法第二十九條及第三十條之規定。

國民大會集會時，得聽取總統國情報告，並檢討國是，提供建言；如一年內未集會，由總統召集會議為之，不受憲法第三十條之限制。
第四條

立法院立法委員自第四屆起二百二十五人，依左列規定選出之，不受憲法第六十四條之限制：

一、自由地區直轄市、縣市一百六十八人。每縣市至少一人。
二、自由地區平地原住民及山地原住民各四人。
三、僑居國外國民八人。
四、全國不分區四十一人。

前項第三款、第四款名額，採政黨比例方式選出之。第一款每直轄市、縣市選出之名額及第三款、第四款各政黨當選之名額，在五人以上十人以下者，應有婦女當選名額一人；超過十人者，每滿十人應增婦女當選名額一人。

第四屆立法委員任期至中華民國九十一年六月三十日止。第五屆立法委員任期自中華民國九十一年七月一日起為四年，連選得連任，其選舉應於每屆任滿前或解散後六十日內完成之，不適用憲法第六十五條之規定。

立法院經總統解散後，在新選出之立法委員就職前，視同休會。

總統於立法院解散後發布緊急命令，立法院應於三日內自行集會，並於開議七日內追認之。但於新任立法委員選舉投票日後發布者，應由新任立法委員於就職後追認之。如立法院不同意時，該緊急命令立即失效。

立法院對於總統、副總統犯內亂或外患罪之彈劾案，須經全體立法委員二分之一以上之提議，全體立法委員三分之二以上之決議，向國民大會提出，不適用憲法第九十條、第一百條及增修條文第七條第一項有關規定。

立法委員除現行犯外，在會期中，非經立法院許可，不得逮捕或拘禁。憲法第七十四條之規定，停止適用。

第九條

省、縣地方制度，應包括左列各款，以法律定之，不受憲法第一百零八條第一項第一款、第一百零九條、第一百十二條至第一百十五條及第一百二十二條之限制：

一、省設省政府，置委員九人，其中一人為主席，均由行政院院長提請總統任命之。
二、省設省諮議會，置省諮議會議員若干人，由行政院院長提請總統任命之。
三、縣設縣議會，縣議會議員由縣民選舉之。
四、屬於縣之立法權，由縣議會行之。
五、縣設縣政府，置縣長一人，由縣民選舉之。
六、中央與省、縣之關係。
七、省承行政院之命，監督縣自治事項。

台灣省政府之功能、業務與組織之調整，得以法律為特別之規定。

第十條
國家應獎勵科學技術發展及投資，促進產業升級，推動農漁業現代化，重視水資源之開發利用，加強國際經濟合作。

經濟及科學技術發展，應與環境及生態保護兼籌並顧。

國家對於人民興辦之中小型經濟事業，應扶助並保護其生存與發展。

國家對於公營金融機構之管理，應本企業化經營之原則；其管理、人事、預算、決算及審計，得以法律為特別之規定。

國家應推行全民健康保險，並促進現代和傳統醫藥之研究發展。

國家應維護婦女之人格尊嚴，保障婦女之人身安全，消除性別歧視，促進兩性地位之實質平等。

國家對於身心障礙者之保險與就醫、無障礙環境之建構、教育訓練與就業輔導及生活維護與救助，應予保障，並扶助其自立與發展。

國家應重視社會救助、福利服務、國民就業、社會保險及醫療保健等社會福利工作；對於社會救助和國民就業等救濟性支出應優先編列。

國家應尊重軍人對社會之貢獻，並對其退役後之就學、就業、就醫、就養予以保障。

教育、科學、文化之經費，尤其國民教育之經費應優先編列，不受憲法第一百六十四條規定之限制。

國家肯定多元文化，並積極維護發展原住民族語言及文化。

國家應依民族意願，保障原住民族之地位及政治參與，並對其教育文化、交通水利、衛生醫療、經濟土地及社會福利事業予以保障扶助並促其發展，其辦法另以法律定之。對於澎湖、金門、馬祖地區人民亦同。

國家對於僑居國外國民之政治參與，應予保障。
中華民國憲法第六次增修條文
中華民國八十九年四月二十五日華總一義字第八九○○一○八三五○號令
公布第三屆國民大會第五次會議通過修正中華民國憲法增修條文

為因應國家統一前之需要，依照憲法第二十七條第一項第三款及第一百七十四條第一款之規定，增修本憲法條文如左：

第一條

國民大會代表三百人，於立法院提出憲法修正案、領土變更案，經公告半年，或提出總統、副總統彈劾案時，應於三個月內採比例代表制選出之，不受憲法第二十六條、第二十八條及第一百三十五條之限制。比例代表制之選舉方式以法律定之。

國民大會之職權如左，不適用憲法第四條、第二十七條第一項第一款及第二款、第一百七十四條第一款之規定：

一、依憲法第二十七條第一項第四款及第一百七十四條第一款及第二款之規定，複決立法院所提之憲法修正案。

第二條

總統、副總統由中華民國自由地區全體人民直接選舉之，自中華民國八十五年第九任總統、副總統選舉實施。總統、副總統候選人應聯名登記，在選票上同列一組圈選，以得票最多之一組為當選。在國外之中華民國自由地區人民返國行使選舉權，以法律定之。

總統發布行政院院長與依憲法經立法院同意任命人員之任免命令及解散立法院之命令，無須行政院院長之副署，不適用憲法第三十七條之規定。

總統為避免國家或人民遭遇緊急危難或應付財政經濟上重大變故，得經行政院會議之決議發布緊急命令，無必要之處置，不受憲法第四十三條之限制。但須於發布命令後十日內提交立法院追認，如立法院不同意時，該緊急命令立即失效。
總統為決定國家安全有關大政方針，得設國家安全會議及所屬國家安全局，其組織以法律定之。

總統於立法院通過對行政院院長之不信任案後十日內，經諮問立法院院長後，得宣告解散立法院。但總統於戒嚴或緊急命令生效期間，不得解散立法院。立法院解散後，應於六十日內舉行立法委員選舉，並於選舉結果確認後十日內自行集會，其任期重新起算。

總統、副總統之任期為四年，連選得連任一次，不適用憲法第四十七條之規定。

副總統缺位時，總統應於三個月內提名候選人，由立法院補選，繼任至原任期屆滿為止。

總統、副總統均缺位時，由行政院院長代行其職權，並依本條第一項規定補選總統、副總統，繼任至原任期屆滿為止，不適用憲法第四十九條之有關規定。

總統、副總統之罷免案，須經全體立法委員四分之一之提議，全體立法委員三分之二之同意後提出，並經中華民國自由地區選舉人總額過半數之投票，有效票過半數同意罷免時，即為通過。

立法院向國民大會提出之總統、副總統彈劾案，經國民大會代表總額三分之二同意時，被彈劾人應即解職。

行政院院長由總統任命之。行政院院長辭職或出缺時，在總統未任命行政院院長前，由行政院副院長暫行代理。憲法第五十五條之規定，停止適用。

行政院依左列規定，對立法院負責，憲法第五十七條之規定，停止適用：

一、行政院有向立法院提出施政方針及施政報告之責。立法委員在開會時，有向行政院院長及行政院各部會首長質詢之權。

二、行政院對於立法院決議之法律案、預算案、條約案，如認為有窒礙難行時，得經總統之核可，於該決議案送達行政院十日內，移請立法院覆議。立法院對於行政院移請覆議案，應於送達十五日內作成決議。如為休會期間，立法院應於七日內自行集會，並於開議十五日內作成決議。覆議案逾期未議決者，原決議失效。覆議時，如經全體立法委員二分之一以上決議維持原案，行政院院長應即接受該決議。

三、立法院得經全體立法委員三分之二以上連署，對行政院院長提出不信任案。不信任案提出七十二小時後，應於四十八小時內以記名投票表決之。如經全體立法委員二分之一以上贊成，行政院院長應於十日內提出辭職，並得同時呈請總統解散
第四條
立法院立法委員自第四屆起二百二十五人，依左列規定選出之，不受憲法第六十四條之限制：
一、自由地區直轄市、縣市一百六十八人。每縣市至少一人。
二、自由地區平地原住民及山地原住民各四人。
三、僑居國外國民八人。
四、全國不分區四十一人。
前項第三款、第四款名額，採政黨比例方式選出之。第一款每直轄市、縣市選出之名額及第三款、第四款各政黨當選之名額，在五人以上十人以下者，應有婦女當選名額一人，超過十人者，每滿十人應增婦女當選名額一人。
立法院於每年集會時，得聽取總統國情報告。
立法院經總統解散後，在新選出之立法委員就職前，視同休會。
中華民國領土，依其固有之疆域，非經全體立法委員四分之一之提議，全體立法委員四分之三之出席，及出席委員四分之三之決議，並提經國民大會代表總額三分之二之出席，出席代表四分之三之複決同意，不得變更之。
總統於立法院解散後發布緊急命令，立法院應於三日內自行集會，並於開議七日內追認之。但於新任立法委員選舉投票日後發布者，應由新任立法委員於就職後追認之。如立法院不同意時，該緊急命令立即失效。
立法院對於總統、副總統之彈劾案，須經全體立法委員二分之一以上之提議，全體立法委員三分之二以上之決議，向國民大會提出，不適用憲法第九十條、第一百條及增修條文第七條第一項有關規定。
立法委員除現行犯外，在會期中，非經立法院許可，不得逮捕或拘禁。憲法第七十四條之規定，停止適用。
第五條
司法院設大法官十五人，並以其中一人為院長、一人為副院長，由總統提名，經立法院同意任命之，自中華民國九十二年起實施，不適用憲法第七十九條之規定。司法院大法官除法官轉任者外，不適用憲法第八十條及有關法官終身職待遇之規定。
司法院大法官任期八年，不分届次，个别计算，并不得连任。但并为院长、副院长之大法官，不受任期之保障。

中華民國九十二年總統提名之大法官，其中八位大法官，含院长、副院长，任期四年，其餘大法官任期為八年，不適用前項任期之規定。

司法院大法官，除依憲法第七十八條之規定外，並組成憲法法庭審理政黨違憲之解散事項。政黨之目的或其行為，危害中華民國之存在或自由民主之憲政秩序者為違憲。

司法院所提出之年度司法概算，行政院不得删减，但得加註意見，編入中央政府總預算案，送立法院審議。

第六條 考試院為國家最高考試機關，掌理左列事項，不適用憲法第八十三條之規定：
一、考試。
二、公務人員之銓敘、保障、撫卹、退休。
三、公務人員任免、考績、級俸、陞遷、褒獎之法制事項。

考試院設院長、副院長各一人，考試委員若干人，由總統提名，經立法院同意任命之，不適用憲法第八十四條之規定。

憲法第八十五條有關按省區分別規定名額，分區舉行考試之規定，停止適用。

第七條 監察院為國家最高監察機關，行使彈劾、糾舉及審計權，不適用憲法第九十條及第九十四條有關同意權之規定。

監察院設監察委員二十九人，並以其中一人為院長、一人為副院長，任期六年，由總統提名，經立法院同意任命之。憲法第九十一條至第九十三條之規定停止適用。

監察院對於中央、地方公務人員及司法院、考試院人員之彈劾案，須經監察委員二人以上之提議，九人以上之審查及決定，始得提出，不受憲法第九十八條之限制。

監察院對於監察院人員失職或違法之彈劾，適用憲法第九十五条、第九十七條第二項及前項之規定。

監察委員須超出黨派以外，依據法律獨立行使職權。

憲法第一百零一條及第一百零二條之規定，停止適用。

第八條 立法委員之報酬或待遇，應以法律定之。除年度通案調整者外，單獨增加報酬或待遇之規定，應自次屆起實施。國民大會代表集會期間之費用，以法律定之。

第九條 省、縣地方制度，應包括左列各款，以法律定之，不受憲法第一百零一條第一項第一款、第一百零九條、第一百十二條至第一百十五條及第一百二十二條之限制：
一、設省政府，省政府設置委員九人，其中一人為主席，均由行政院院長提請總統任命之。

二、設省諮議會，置省諮議會議員若干人，由行政院院長提請總統任命之。

三、設縣議會，縣議會議員由縣民選舉之。

四、設縣政府，置縣長一人，由縣民選舉之。

五、中央與省、縣之關係。

六、中央與省、縣之關係。

七、省承行政院之命，監督縣自治事項。台灣省政府之功能、業務與組織之調整，以法律為特別之規定。

第十條

國家應獎勵科學技術發展及投資，促進產業升級，推動農漁業現代化，重視水資源之開發利用，加強國際經濟合作。

經濟及科學技術發展，應與環境及生態保護兼顧。

國家對於人民興辦之中小型經濟事業，應扶助並保護其生存與發展。

國家對於公營金融機構之管理，應本企業化經營之原則；其管理、人事、預算、決算及審計，得以法律為特別之規定。

國家應推行全民健康保險，並促進現代和傳統醫藥之研究發展。

國家應維護婦女之人格尊嚴，保障婦女之人身安全，消除性別歧視，促進兩性地位之實質平等。

國家對於身心障礙者之保險與就醫、無障礙環境之建構、教育訓練與就業輔導及生活維護與救助，應予保障，並扶助其自立與發展。

國家應重視社會救助、福利服務、國民就業、社會保障及醫療保健等社會福利工作，對於社會救助和國民就業等救濟性支出應優先編列。

國家應尊重軍人對社會之貢獻，並對其退役後之就學、就業、就醫、就養予以保障。教育、科學、文化之經費，尤其國民教育之經費應優先編列，不受憲法第一百六十四條規定之限制。

國家肯定多元文化，並積極維護發展原住民族語言及文化。國家應依民族意願，保障原住民族之地位及政治參與，並對其教育文化、交通水利、衛生醫療、經濟土地及社會福利事業予以保障扶助並促其發展，其辦法另以法律定之。對於澎湖、金門及馬祖地區人民亦同。

國家對於僑居國外國民之政治參與，應予保障。
第十一條 自由地區與大陸地區間人民權利義務關係及其他事務之處理，
得以法律為特別之規定。

中華民國憲法第七次增修條文
中華民國九十四年六月十日華總一義字第O九四ＯＯＯ八七五五一號令公布
任務型國民大會複決會議通過立法院所提中華民國憲法增修條文修正案
(第七次)

第一章 中華民國自由地區選舉人於立法院提出憲法修正案、領土變更案，經公告半年，應於三個月內投票複決，不適用憲法第四條、
第一百七十四條之規定。憲法第二十五條至第三十四條及第一百三十五条之規定，停止適用。

第二條 總統、副總統由中華民國自由地區全體人民直接選舉之，自中
華民國八十五年第九任總統、副總統選舉實施。總統、副總統候選人應聯名登記，在選票上同列一組圈選，以得票最多之一
組為當選。在國外之中華民國自由地區人民返國行使選舉權，
以法律定之。總統發布行政院院長與依憲法經立法院同意任命
人員之任免命令及解散立法院之命令，無須行政院院長之副
署，不適用憲法第三十七條之規定。

第三條 總統為避免國家或人民遭遇緊急危難或應付財政經濟上重大變故，得經行政院會議之決議發布緊急命令，為必要之處置，
不受憲法第四十三條之限制。但須於發布命令後十日內提交立
法院追認，如立法院不同意時，該緊急命令立即失效。

第四條 總統為決定國家安全有關大政方針，得設國家安全會議及所
屬國家安全局，其組織以法律定之。

第五條 總統於立法院通過對行政院院長之不信任案後十日內，經諮
詢立法院院長後，得宣告解散立法院。但總統於戒嚴或緊急命
令生效期間，不得解散立法院。立法院解散後，應於六十日內
舉行立法委員選舉，並於選舉結果確認後十日內自行集會，其
任期重新起算。 總統、副總統之任期為四年，連選得連任一次，
不適用憲法第四十七條之規定。

第六條 副總統缺位時，總統應於三個月內提名候選人，由立法院補
選，繼任至原任期屆滿為止。

第七條 總統、副總統均缺位時，由行政院院長代行其職權，並依本
條第一項規定補選總統、副總統，繼任至原任期屆滿為止，不
適用憲法第四十九條之有關規定。
總統、副總統之罷免案，須經全體立法委員四分之一之提議，全體立法委員三分之二之同意後提出，並經中華民國自由地區選舉人總額過半數之投票，有效票過半數同意罷免時，即為通過。立法院提出總統、副總統彈劾案，聲請司法院大法官審理，經憲法法庭判決成立時，被彈劾人應即解職。

立法院立法委員自第七屆起一百一十三人，任期四年，連選得連任，於每屆任滿前三個月內，依左列規定選出之，不受憲法第六十四條及第六十五條之限制：
1. 自由地區直轄市、縣市七十三人。每縣市至少一人。
2. 自由地區平地原住民及山地原住民各三人。
3. 全國不分區及僑居國外國民共三十四人。

前項第一款依各直轄市、縣市人口比例分配，並按應選名額劃分同額選舉區選出之。第三款依政黨名單投票選舉之，由獲得百分之五以上政黨選舉票之政黨依得票比率選出之，各政黨當選名單中，婦女不得低於二分之一。

立法院於每年集會時，得聽取總統國情報告。

立法院經總統解散後，在新選出之立法委員就職前，視為休會。

中華民國領土，依其固有疆域，非經全體立法委員四分之一之提議，全體立法委員三分之二之出席，及出席委員三分之三之決議，提出領土變更案，並於公告半年後，經中華民國自由地區選舉人投票複決，有效同意票過選舉人總額之半數，不得變更之。

總統於立法院解散後發布緊急命令，立法院應於三日內自行集會，並於開議七日內追認之。但於新任立法委員選舉投票日後發布者，應由新任立法委員於就職後追認之。如立法院不同意時，該緊急命令立即失效。

立法院對於總統、副總統之彈劾案，須經全體立法委員二分之一以上之提議，全體立法委員三分之二以上之決議，聲請司法院大法官審理，不適用憲法第九十條、第一百條及增修條文第七條第一項有關規定。

立法院對立法委員除行犯外，在會期中，非經立法院許可，不得逮捕或拘禁。憲法第七十四條之規定，停止適用。

司法院設大法官十五人，並以其中一人為院長、一人為副院長，由總統提名，經立法院同意任命之，自中華民國九十二年起實施，不適用憲法第七十九條之規定。司法院大法官除法官轉任者外，不適用憲法第八十條及有關法官終身職待遇之規定。
司法院大法官任期八年，不分届次，个别计算，并不得连任。但并为院长、副院长之大法官，不受任期之保障。

中华民国九十二年总统提名之大法官，其中八位大法官，含院长、副院长，任期四年，其余大法官任期为八年，不适用前项任期之规定。

司法院大法官，除依宪法第七十八条之规定外，并组成宪法法庭审理总统、副总统之弹劾及政党违宪之解散事项。

政党之目的或其行为，危害中华民国之存在或自由民主之宪政秩序者为违宪。

司法院所提出之年度司法概算，行政院不得删减，但得加注意见，编入中央政府总预算案，送立法院审议。

第八条
立法委员之报酬或待遇，应以法律定之。除年度通案调整者外，单独增加报酬或待遇之规定，应自次届起实施。

第十二条
宪法之修改，须经立法院立法委员四分之一之提请，四分之三之出席，及出席委员四分之三之决议，提出宪法修正案，並於公告半年後，经中华民国自由地区选民投票複决，有效同意票过选民总额之半数，即通过之，不适用宪法第一百七十四条之规定。
Selected important texts and documents

In the field of international politics, the status of the ROC has long been highly controversial. Most countries in the world recognize the so-called “One China” principle (yige Zhongguo yuanze 一個中國原則), i.e. its interpretation by the PRC, according to which “there is only one China in the world and Taiwan is a part of that China”. Merely 15 states, most of them with no international importance, maintained formal diplomatic relations with the ROC at the end of 2020. The existence of the ROC is not only denied internationally but also domestically by pro-independence activists in Taiwan who claim that there was no legal foundation for Taiwan to be put under ROC control in 1945, making the now Taipei-based ROC government a “government-in-exile” (liuwang zhengfu 流亡政府).

Please note that the documents shown in this subchapter are listed in chronological order. Most of them were selected for their significance to the status of China and Taiwan/the PRC and the ROC. Others were picked for their significance in the dispute concerning the Diaoyutai Islands (Diaoyutai lieyu 釣魚台列嶼)—called “Senkaku Islands” (Senkaku shotō 尖閣諸島) in Japanese—in the East China Sea which are claimed by the ROC, the PRC, and Japan, or as reference to be used in the controversy about overlapping sovereignty claims in the South China Sea, e.g. the Spratly Islands (nansha qundao 南沙群島).

All documents are presented in original full text, with two exceptions. Because the Treaty of Versailles and the UN Convention on the Law of the Sea (UNCLOS) are far too large to be included here (in fact, UNCLOS is even larger than all other texts in this subchapter combined), only parts deemed relevant by the editor were selected—of the Treaty of Versailles which in the original has 440 articles in 15 parts, ten articles can be read in this subchapter, and one article out of the 320 articles in 17 parts of UNCLOS. A scissors symbol (“✂”) indicates that most of the document’s articles were left out.

As for important quotes like Bill Clinton’s “Three No’s”, Lee Teng-hui’s remarks about the “special state-to-state relationship” between the ROC and the PRC, and Colin Powell’s statement on “one China” and Taiwan, only the paragraph with the actual wording is rendered here. Additional notes from the editor are marked as such and highlighted with a red square (■).
TREATY OF PEACE

His Majesty the Emperor of Japan and His Majesty the Emperor of China, desiring to restore the blessings of peace to their countries and subjects and to remove all cause for future complications, have named as their Plenipotentiaries for the purpose of concluding a Treaty of Peace, that is to say:

His Majesty the Emperor of Japan, Count ITO Hirobumi, Junii, Grand Cross of the Imperial Order of Paullownia, Minister President of State; and Viscount MUTSU Munemitsu, Junii, First Class of the Imperial Order of the Sacred Treasure, Minister of State for Foreign Affairs.

And His Majesty the Emperor of China, LI Hung-chang, Senior Tutor to the Heir Apparent, Senior Grand Secretary of State, Minister Superintendent of Trade for the Northern Ports of China, Viceroy of the province of Chili, and Earl of the First Rank; and LI Ching-fong, Ex-Minister of the Diplomatic Service, of the Second Official Rank:

Who, after having exchanged their full powers, which were found to be in good and proper form, have agreed to the following Articles:—

Article 1
China recognises definitively the full and complete independence and autonomy of Korea, and, in consequence, the payment of tribute and the performance of ceremonies and formalities by Korea to China, in derogation of such independence and autonomy, shall wholly cease for the future.

Article 2
China cedes to Japan in perpetuity and full sovereignty the following territories, together with all fortifications, arsenals, and public property thereon:—

(a) The southern portion of the province of Fêngtien within the following boundaries:

The line of demarcation begins at the mouth of the River Yalu and ascends that stream to the mouth of the River An-ping, from thence the line runs to Fêng-huang, from thence to Hai-cheng, from thence to Ying-kow, forming a line which describes the southern portion of the territory. The places above named are included in the ceded territory. When the line reaches the River Liao at Ying-kow, it follows the course of the stream to its mouth, where it terminates. The mid-channel of the River Liao shall be taken as the line of demarcation.
This cession also includes all islands appertaining or belonging to the province of Fêngtien situated in the eastern portion of the Bay of Liao-tung and the northern portion of the Yellow Sea.

(b) The island of Formosa, together with all islands appertaining or belonging to the said island of Formosa.

(c) The Pescadores Group, that is to say, all islands lying between the 119th and 120th degrees of longitude east of Greenwich and the 23rd and 24th degrees of north latitude.

**Article 3**

The alignment of the frontiers described in the preceding Article, and shown on the annexed map, shall be subject to verification and demarcation on the spot by a Joint Commission of Delimitation, consisting of two or more Japanese and two or more Chinese delegates, to be appointed immediately after the exchange of the ratifications of this Act. In case the boundaries laid down in this Act are found to be defective at any point, either on account of topography or in consideration of good administration, it shall also be the duty of the Delimitation Commission to rectify the same.

The Delimitation Commission will enter upon its duties as soon as possible, and will bring its labours to a conclusion within the period of one year after appointment.

The alignments laid down in this Act shall, however, be maintained until the rectifications of the Delimitation Commission, if any are made, shall have received the approval of the Governments of Japan and China.

**Article 4**

China agrees to pay to Japan as a war indemnity the sum of 200,000,000 Kuping taels; the said sum to be paid in eight instalments. The first instalment of 50,000,000 taels to be paid within six months, and the second instalment of 50,000,000 to be paid within twelve months, after the exchange of the ratifications of this Act. The remaining sum to be paid in six equal instalments as follows: the first of such equal annual instalments to be paid within two years, the second within three years, the third within four years, the fourth within five years, the fifth within six years, and the sixth within seven years, after the exchange of the ratifications of this Act. Interest at the rate of 5 per centum per annum shall begin to run on all unpaid portions of the said indemnity from the date the first instalment falls due.

China shall, however, have the right to pay by anticipation at any time any or all of the said instalments. In case the whole amount of the said indemnity is paid within three years after the exchange of the ratifications of the present Act all
interest shall be waived, and the interest for two years and a half or for any less period, if any already paid, shall be included as part of the principal amount of the indemnity.

Article 5
The inhabitants of the territories ceded to Japan who wish to take up their residence outside the ceded districts shall be at liberty to sell their real property and retire. For this purpose a period of two years from the date of the exchange of ratifications of the present Act shall be granted. At the expiration of that period those of the inhabitants who shall not have left such territories shall, at the option of Japan, be deemed to be Japanese subjects.

Each of the two Governments shall, immediately upon the exchange of the ratifications of the present Act, send one or more Commissioners to Formosa to effect a final transfer of that province, and within the space of two months after the exchange of the ratifications of this Act such transfer shall be completed.

Article 6
All Treaties between Japan and China having come to an end as a consequence of war, China engages, immediately upon the exchange of the ratifications of this Act, to appoint Plenipotentiaries to conclude with the Japanese Plenipotentiaries, a Treaty of Commerce and Navigation and a Convention to regulate Frontier Intercourse and Trade. The Treaties, Conventions, and Regulations now subsisting between China and the European Powers shall serve as a basis for the said Treaty and Convention between Japan and China. From the date of the exchange of ratifications of this Act until the said Treaty and Convention are brought into actual operation, the Japanese Governments, its officials, commerce, navigation, frontier intercourse and trade, industries, ships, and subjects, shall in every respect be accorded by China most favoured nation treatment.

China makes, in addition, the following concessions, to take effect six months after the date of the present Act:—

First.—The following cities, towns, and ports, in addition to those already opened, shall be opened to the trade, residence, industries, and manufactures of Japanese subjects, under the same conditions and with the same privileges and facilities as exist at the present open cities, towns, and ports of China:

- Shashih, in the province of Hupeh.
- Chungking, in the province of Szechwan.
- Suchow, in the province of Kiangsu.
- Hangchow, in the province of Chekiang.
The Japanese Government shall have the right to station consuls at any or all of the above named places.

Second.—Steam navigation for vessels under the Japanese flag, for the conveyance of passengers and cargo, shall be extended to the following places:
- On the Upper Yangtze River, from Ichang to Chungking.
- On the Woosung River and the Canal, from Shanghai to Suchow and Hangchow.

The rules and regulations that now govern the navigation of the inland waters of China by Foreign vessels shall, so far as applicable, be enforced, in respect to the above named routes, until new rules and regulations are conjointly agreed to.

Third.—Japanese subjects purchasing goods or produce in the interior of China, or transporting imported merchandise into the interior of China, shall have the right temporarily to rent or hire warehouses for the storage of the articles so purchased or transported without the payment of any taxes or extractions whatever.

Fourth.—Japanese subjects shall be free to engage in all kinds of manufacturing industries in all the open cities, towns, and ports of China, and shall be at liberty to import into China all kinds of machinery, paying only the stipulated import duties thereon.

All articles manufactured by Japanese subjects in China shall, in respect of inland transit and internal taxes, duties, charges, and exactions of all kinds, and also in respect of warehousing and storage facilities in the interior of China, stand upon the same footing and enjoy the same privileges and exemptions as merchandise imported by Japanese subjects into China.

In the event additional rules and regulations are necessary in connexion with these concessions, they shall be embodied in the Treaty of Commerce and Navigation provided for by this Article.

Article 7
Subject to the provisions of the next succeeding Article, the evacuation of China by the armies of Japan shall be completely effected within three months after the exchange of the ratifications of the present Act.

Article 8
As a guarantee of the faithful performance of the stipulations of this Act, China consents to the temporary occupation by the military forces of Japan of Weihaiwei, in the province of Shantung.

Upon payment of the first two instalments of the war indemnity herein stipulated for and the exchange of the ratifications of the Treaty of Commerce and navigation, the said place shall be evacuated by the Japanese forces, provided the
Chinese Government consents to pledge, under suitable and sufficient arrangements, the Customs revenue of China as security for the payment of the principal and interest of the remaining instalments of the said indemnity. In the event that no such arrangements are concluded, such evacuation shall only take place upon the payment of the final instalment of said indemnity.

It is, however, expressly understood that no such evacuation shall take place until after the exchange of the ratifications of the Treaty of Commerce and Navigation.

Article 8
Immediately upon the exchange of the ratifications of this Act, all prisoners of war then held shall be restored, and China undertakes not to ill-treat or punish prisoners of war so restored to her by Japan. China also engages to at once release all Japanese subjects accused of being military spies or charged with any other military offences. China further engages not to punish in any manner, nor to allow to be punished, those Chinese subjects who have in any manner been compromised in their relations with the Japanese army during the war.

Article 10
All offensive military operations shall cease upon the exchange of the ratifications of this Act.

Article 11
The present Act shall be ratified by their Majesties the Emperor of Japan and the Emperor of China, and the ratifications shall be exchanged at Chefoo on the 8th day of the 5th month of the 28th year of MEIJI, corresponding to the 14th day of the 4th month of the 21st year of KUANG HSÜ.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the same and affixed thereto the seal of their arms.
DONE in Shimonoseki, in duplicate, this 17th day of the fourth month of the 28th year of MEIJI, corresponding to the 23rd day of the 3rd month of the 21st year of KUANG HSÜ.

Count Ito Hirobumi (Junii, Grand Cross of the Imperial Order of Paullownia; Minister President of State; Plenipotentiary of His Majesty the Emperor of Japan)

Viscount Mutsu Munemitsu (Junii, First Class of the Imperial Order of the Sacred Treasure; Minister of State for Foreign Affairs; Plenipotentiary of His Majesty the Emperor of Japan)
馬關條約

大清帝國大皇帝陛下及大日本帝國大皇帝陛下為訂立和約，俾兩國及其臣民重修和平，共用幸福，且杜絶將來紛紜之端，大清帝國大皇帝陛下特簡大清帝國欽差頭等全權大臣太子太傅文華殿大學士北洋通商大臣直隸總督一等肅毅伯爵李鴻章、大清帝國欽差全權大臣二品頂戴前出使大臣李經方、大日本帝國大皇帝陛下特簡大日本帝國全權辦理大臣內閣總理大臣從二位勳一等伯爵伊藤博文、大日本帝國全權辦理大臣外務大臣從二位勳一等子爵陸宗光為全權大臣，彼此校閱所奉諭旨，認明均屬妥實無闕。會同議定各條款，開列於左：

第一款 中國認明朝鮮國確為完全無缺之獨立自主國，故凡有虧損其獨立自主體制，即如該國向中國所修貢獻典禮等，嗣後全行廢決。

第二款 中國將管理下開地方之權，並將該地方所有堡壘軍器工廠及一切屬公對象，永遠讓與日本。

一、下開劃界以內之奉天省南邊地方以鴨綠江溯該江以抵安平河口，又以該河口劃至鳳凰城、海城、及營口而止，劃成折線以南地方。所有前開各城市，皆包括在劃界線內。該線抵營口之遼河後，及順流至海口止，彼此以河中心為界。遼東灣南岸及黃海北岸，在奉天所屬諸島亦一併在所讓界內。

二、臺灣全島及所有附屬各島嶼。

三、澎湖列島，即英國格林尼次東經百十九度起至百二十度止，及北緯三十三度起至二十四度之間諸島嶼。

第三款 前款所載及黏附本國之地圖所劃疆界，俟本約批准互換之後，兩國應各選派官員二名以上，為公同劃定疆界委員，就地踏勘，確定劃界。若遇本國所約疆界於地形或地理所關有礙難不便等情，各該委員等當妥為參酌更改。各該委員等當從速辦理界務，以期奉委之後限一年竣事，但遇各該委員等有所更定劃界，兩國政府未經認準以前，應據本約所定劃界為正。

第四款 中國約將庫平銀二萬萬兩交與日本，作為賠償軍費。該款分作八次交完。第一次五千萬兩，應在本約批准互換六個月內交清。第二次五千萬兩，應在本約批准互換後十二個月內交清。款平分六次，遞年交納，其法列下：第一次平分遞年之款，於
兩年內交清。第二次於三年內交清，第三次於四年內交清，第四次於五年內交清，第五次於六年內交清，第六次於七年內交清。其年分均以本約批准互換之後起算。又第一次賠款交清後，未經交完之款，應按年加每百抽五之息，但無論何時應賠之款或全數或幾分，先期交清，均聽中國之便。如從條約批准互換之日起三年之內能全數還清，除將已付息金或兩年半或不及兩年半於應付本銀扣還外，仍全數免息。

第五款
本約批准互換之後，限兩年之內，日本準中國讓與地方人民願遷居讓與地方之外者，任便變賣所有產業退去界外，但限滿之後尚未遷徙者，酌宜視為日本臣民。又臺灣一省應於本約批准互換後，兩國立即各派大臣至臺灣，限於本約批准後兩個月交接清楚。

第六款
中日兩國所有約章，因此次失和，自屬廢決。中國約俟本約批准之後速派全權大臣與日本所派全權大臣，會同訂立通商行船條約，及陸路通商章程。兩國新訂約章，應以中國與泰西交國見行約章為本。又本國批准互換之日期，新訂約章未經實行之前，所有日本官吏臣民及商業工藝行船隻陸路通商等，與中國最為優待之國禮護視，一律無異。

中國約將下開讓與各款，以兩國全權大臣押蓋印日起，六個月後方可照辦。

第一、見今中國已開通商口岸之外，應準添設下開各處，立為通商口岸以便日本臣民往來僑寓，從事商業工藝製作。所有添設口岸，均照向開通商海口或向開內地鎮市章程一體辦理，應得優例及利益等，亦當一律享受。(一)湖北省荊州府沙市。(二)四川省重慶府。(三)江蘇省蘇州府。(四)浙江省杭州府。日本政府得派遣領事官於前開各口駐紮。

第二、日本輪船得駛入下開各口，附搭行客裝運貨物：(一)從湖北省宜昌溯長江以至四川省重慶府。(二)從上海駛進吳淞江及運河以至蘇州府杭州府。中日兩國未經商定行船章程以前，上開各口行船務依外國船隻駛入中國內地水路見行章程照行。

第三、日本臣民在中國內地購買工貨件，若自生之物，或將進口商貨運往內地之物，欲暫行存棧，除勿庸攬鈔派徵一切旅費外，得暫租棧房存貨。

第四、日本臣民得在中國通商口岸城邑任便從事各項工藝製造，又得將各項機器任便裝運進口，只交所定進口稅。日本臣民在中國製造一切貨物，其於內地運送稅，內地
稅鈔課什派，以及中國內地及寄存棧房之益即照日臣民運入中國之貨物一體辦理，至應優例豁除，亦莫不相同。

嗣後如有因以上加讓之事應增章程規條，即載入本款所稱之行船通商條約內。

第七款 日本軍隊見駐中國境內者，應於本約批准互換之後三個月內撤回，但須照次款所定辦理。

第八款 中國為保證認真實行約內所訂各款，聽允日本軍隊暫佔守山東省威海衛。又於中國將本約所定第一、第二兩次賠款交清，通商行船亦經批准互換之後，中國政府與日本政府確立周全妥善辦法，將通商口岸關稅作為剩款並息之抵押，日本可允撤回軍隊。倘中國不即確定抵押辦法則未經交清未次賠款之前，日本仍不撤回軍隊。

第九款 本約批准互換之後，兩國應將是時所有俘虜盡數交還。中國約將由日本遣還俘虜，並不加以虐待若或置於罪戾。中國約將認為軍事間諜或被嫌逮係之日本臣民，即行釋放，並約此次交仗之所有關涉日本軍隊之中國臣民，概予寬貸，並飭有司不得擅為逮係。

第十款 本約批准互換日起，應按兵息戰。

第十一款 自本約奉大清國大皇帝陛下及日本帝國大皇帝陛下批准之後，定於光緒二十一年四月十四日，即日本明治二十八年五月初八日，在煙臺互換。

為此兩國全權大臣署名蓋印，以昭信守。

大清帝國欽差頭等全權大臣太子太傅文華殿大學士北洋通商大臣直隸總督一等肅毅伯爵李鴻章（押印）

大清帝國欽差全權大臣二品頂戴前出使大臣李經芳（押印）

大日本帝國全權辦理大臣內閣總理大臣從二位一等伯爵伊藤博文（押印）

大日本帝國全權辦理大臣外務大臣從二位勳一等子爵陸奧宗光（押印）

光緒二十一年三月二十三日訂於下之關繕寫兩分。

明治二十八年四月十七日

■ Editor’s note ===============

The Treaty of Shimonoseki (Maguan tiaoyue 馬關條約; title in Japanese: Shimonoseki Jōyaku 下閘條約) was signed at Shimonoseki (下關) on April 17, 1895 and entered into force on May 8, 1895 by the exchange of the instruments of ratification at Chefoo (芝罘).
Liaotung Convention

His Majesty the Emperor of China and His Majesty the Emperor of Japan, desiring to conclude a Convention for the retrocession by Japan of all of the southern portion of the province of Fêngtien to the sovereignty of China, have for that purpose named as their Plenipotentiaries, that is to say:

His Majesty the Emperor of China, LI HUNG-CHANG, Minister Plenipotentiary, Senior Tutor of the Heir Apparent, Senior Grand Secretary of State and Earl of the First Rank, and His Majesty the Emperor of Japan, Baron HAYASHI TADASU, Shoshii, Grand Cross of the Imperial Order of the Sacred Treasure, Grand Officer of the Imperial Order of the Rising Sun, Minister Plenipotentiary and Envoy Extraordinary, who, after having communicated to each other their full powers, which were found to be in good and proper form, have agreed upon the following Articles:—

Article 1
Japan retrocedes to China in perpetuity and full sovereignty the southern portion of the province of Fêngtien, which was ceded to Japan under Article 2 of the Treaty of Shimonoseki on the 23rd day of the 3rd month of the 21st year of KUANG HSÜ, corresponding to the 17th day of the 4th month of the 28th year of MEIJI, together with all fortifications, arsenals, and public property thereon at the time the retroceded territory is completely evacuated by the Japanese forces in accordance with the provisions of Article 3 of this Convention, that is to say, the southern portion of the province of Fêngtien from the mouth of the River Yalu to the mouth of the River An-ping, thence to Feng-huang-ch'ên, thence to Hai-ch'êng and thence to Ying-kow; also all cities and towns to the south of this boundary and all islands appertaining or belonging to the province of Fêngtien situated in the eastern portion of the Bay of Liaotung and in the northern part of the Yellow Sea. Article 3 of the Treaty of Shimonoseki is in consequence suppressed, as are also the provisions in the same Treaty with reference to the conclusion of a Convention to regulate frontier intercourse and trade.

Article 2
As compensation for the southern portion of the province of Fêngtien, the Chinese Government engage to pay to the Japanese Government 30,000,000 Kuping taels on or before the 30th day of the 9th month of the 21st year of KUANG HSÜ, corresponding to the 16th day of the 11th month of the 28th year of MEIJI.
Article 3
Within three months from the day on which China shall have paid to Japan the compensatory indemnity of 30,000,000 Kuping taels provided for in Article 2 of this Convention, the retroceded territory shall be completely evacuated by the Japanese forces.

Article 4
China engages not to punish in any manner, nor to allow to be punished, those Chinese subjects who have in any manner been compromised in connection with the occupation by the Japanese forces of the retroceded territory.

Article 5
The present Convention is signed in duplicate in the Chinese, Japanese, and English languages. All these texts have the same meaning and intention, but in case of any differences of interpretation between the Chinese and Japanese texts, such differences shall be decided by reference to the English text.

Article 6
The present Convention shall be ratified by His Majesty the Emperor of China and His Majesty the Emperor of Japan and the ratifications thereof shall be exchanged at Peking within 21 days from the present date.

IN WITNESS WHEREOF the respective Plenipotentiaries have signed the same and affixed thereto the seal of their arms.
DONE in Peking this 22nd day of the 9th month of the 21st year of KUANG HSÜ, corresponding to the 8th day of the 11th month of the 28th year of MEIJI.

LI HUNG-CHANG 李鴻章, [L.S.]——Minister Plenipotentiary of His Majesty the Emperor of China
   Senior Tutor to the Heir Apparent
   Senior Grand Secretary of State
   Earl of the First Rank

Baron HAYASHI TADASU 林 董, [L.S.]——Shoshii, Grand Cross of the Imperial Order of the Sacred Treasure
   Grand Officer of the Imperial Order of the Rising Sun
   Minister Plenipotentiary and Envoy Extraordinary of His Majesty the Emperor of Japan

135
《中日遼南條約》

大清國大皇帝陛下、大日本國大皇帝陛下欲締結條約，由日本國交還奉天省南邊地方，一切仍歸中國管理。大清國大皇帝陛下特簡欽差全權大臣太子太傅文華殿大學士一等肅毅伯爵李鴻章；大日本國大皇帝陛下特簡欽差駐紮北京全權大臣正四位勳一等男爵林董；均作為全權大臣，互示所奉文憑妥當，議定各條開列于左：

第一款 日本國將光緒二十一年三月二十三日，即明治二十八年四月十七日，訂立下之關條約第二款中國讓與日本國管理之奉天省南邊地方，即從鴨綠江口抵安平河口至鳳凰城、海城及營口而止，以南各城市邑以及遼東灣東岸、黃海北岸奉天所屬諸島嶼，並照本約第三款所定，日本國軍隊一律撤回之時，該地方內所有堡壘、軍器工廠及一切所屬公物件，永遠交還中國。因此下之關條約第三款，並擬訂立陸路通商章程之事，作為罷論。

第二款 中國約，為酬報交還奉天省南邊地方，將庫平銀三千萬兩，迨于光緒二十一年九月二十日，即明治二十八年十-月十六日，交與日本國政府。

第三款 中國將本約第二款所定之酬款庫平銀三千萬兩交與日本國政府，自是日起，五個月以內，日本國軍隊從該交還地方-律撤回。

第四款 中國約，日本國軍隊佔踞之間，所有關涉該國軍隊之中國臣民概予寬貸，並飭有司不得擱為逮係。

第五款 本約繕寫漢文、日本文及英文各二份，校對無偽，署名蓋印，漢文與日本文遇有解譯字義不同之處，以英文為憑。

第六款 本約欽奉大清國大皇帝陛下，大日本國大皇帝陛下批准，自署名蓋印之日起二十一日內，在北京互換。

為此兩國全權大臣署名蓋印，以昭信守。
大清帝國欽差全權大臣太子太傅文華殿大學士。一等肅毅伯爵 李鴻章
大日本帝國欽差駐紮北京全權大臣正四位勳一等男爵 林 董
光緒二十一年九月二十二日
明治二十八年十一月初八日
訂於北京

■ Editor's note ==============
The Liaotung Convention (Liaodong tiaoyue 遼東條約 or Liaodong xieyi 遼東協議) was signed in Beijing on Nov. 8, 1895 and is also known under the following names: Fengtian Peninsula Return Treaty (Fengtian bandao huanfu tiaoyue 奉天半島還付條約), Sino-Japanese Liao-south Treaty (Zhong Ri Liaonian tiaoyue 中日遼南條約), or Treaty of Peking (Beijing tiaoyue 北京條約); in Japanese: Treaty Concerning Fengtien Peninsula Return (Hōten hantō kanpu ni kansuru jōyaku 奉天半島還付に関する条約).
Peace Agreement between the Great Powers and China
Boxer Protocol, signed in Peking on Sept. 7, 1901

The Plenipotentiaries of Germany, M. Alfons Mumm (Freiherr von Schwarzenstein); of Austria-Hungary, Baron Moritz Czikann von Wahlborn; of Belgium, Maurice Joostens; of Spain, M. Bernardo J. de Cólogan; of the United States, Mr. William W. Rockhill; of France, M. Paul Beau; of Great Britain, Sir Ernest Satow; of Italy, Marquis Salvago Raggi; of Japan, M. Jutaro Komura (小村 壽太郎); of the Netherlands, M. Fridolin Marinus Knobel; of Russia, M. Michael de Giers (Михаил Николаевич Гирс); and the Plenipotentiaries of China, His Highness Yi-K’uang (奕劻), Prince of the First Rank; Ch’ing, President of the Board of Foreign Affairs; and his Excellency Li Hung-chang (李鴻章), Count of the First Rank; Su-Yi, Tutor of the Heir Apparent; Grand Secretary of the Wen-Hua Throne Hall, Minister of Commerce, Superintendent of Trade for the North, Governor-General of Chihli, have met for the purpose of declaring that China has complied with the conditions laid down in the note of the 22nd December, 1900, and which were accepted in their entirety by His Majesty the Emperor of China in a Decree dated the 27th December, 1900.

Article 1
1) By an Imperial Edict of the 9th June last, Tsai-Feng, Prince of the First Rank, Chün, was appointed Ambassador of His Majesty the Emperor of China, and directed in that capacity to convey to His Majesty the German Emperor the expression of the regrets of His Majesty the Emperor of China and of the Chinese Government at the assassination of his Excellency the late Baron von Ketteler, German Minister.

Prince Chün left Peking on the 12th July last to carry out the orders which had been given him.

2) The Chinese Government has stated that it will erect on the spot of the assassination of his Excellency the late Baron von Ketteler, commemorative monument worthy of the rank of the deceased, and bearing an inscription in the Latin, German, and Chinese languages which shall express the regrets of His Majesty the Emperor of China for the murder committed.

The Chinese Plenipotentiaries have informed his Excellency the German Plenipotentiary, in a letter dated the 22nd July last, that an arch of the whole width of the street would be erected on the said spot, and that work on it was begun on the 25th June last.
Article 2

1) Imperial Edicts of the 13th and 21st February, 1901, inflicted the following punishments on the principal authors of the attempts and of the crimes committed against the foreign Governments and their nationals:

    Tsa-li, Prince Tuan, and Tsai-Lan, Duke Fu-kuo, were sentenced to be brought before the Autumnal Court of Assize for execution, and it was agreed that if the Emperor saw fit to grant them their lives, they should be exiled to Turkestan, and there imprisoned for life, without the possibility of commutation of these punishments.

    Tsai Hsün, Prince Chuang, Ying-Nien, President of the Court of Censors, and Chao Shu-chiao, President of the Board of Punishments, were condemned to commit suicide.

    Yü Hsien, Governor of Shansi, Chi Hsiu, President of the Board of Rites, and Hsü Cheng-yu, formerly Senior Vice-President of the Board of Punishments, were condemned to death.

    Posthumous degradation was inflicted on Kang Yi, Assistant Grand Secretary, President of the Board of Works; Hsü Tung, Grand Secretary, and Li Ping-heng, former Governor-General of Szu-chuan.

    Imperial Edict of the 13th February last rehabilitated the memories of Hsu Yung-yi, President of the Board of War; Li Shan, President of the Board of Works; Hsu Ching Cheng, Senior Vice-President of the Board of Civil Office; Lien Yuan, Vice-Chancellor of the Grand Council; and Yuan Chang, Vice-President of the Court of Sacrifices, who had been put to death for having protested against the outrageous breaches of international law of last year.

    Prince Chuang committed suicide on the 21st February last; Ying Nien and Chao Shu-chiao on the 24th February; Yu Hsien was executed on the 22nd February; Chi Hsiu and Hsü Cheng-yu on the 26th February; Tung Fu-hsiang, General in Kan-su, has been deprived of his office by Imperial Edict of the 13th February last, pending the determination of the final punishment to be inflicted on him.

    Imperial Edicts, dated the 29th April and 19th August, 1901, have inflicted various punishments on the provincial officials convicted of the crimes and outrages of last summer.

2) An Imperial Edict, promulgated the 19th August, 1901, ordered the suspension of official examinations for five years in all cities where foreigners were massacred or submitted to cruel treatment.
Article 3
So as to make honourable reparation for the assassination of Mr. Sugiyama, Chancellor of the Japanese Legation, His Majesty the Emperor of China, by an Imperial Edict of the 18th June, 1901, appointed Na T'ung, Vice-President of the Board of Finances, to be his Envoy Extraordinary, and specially directed him to convey to His Majesty the Emperor of Japan the expression of the regrets of His Majesty the Emperor of China and of his Government at the assassination of Mr. Sugiyama.

Article 4
The Chinese Government has agreed to erect an expiatory monument in each of the foreign or international cemeteries which were desecrated, and in which the tombs were destroyed.

It has been agreed with the Representatives of the Powers that the Legations interested shall settle the details for the erection of these monuments, China bearing all the expenses thereof, estimated at 10,000 taels, for the cemeteries at Peking and in its neighbourhood, and at 5,000 taels for the cemeteries in the provinces. The amounts have been paid, and the list of these cemeteries is inclosed herewith.

Article 5
China has agreed to prohibit the importation into its territory of arms and ammunition, as well as of materials exclusively used for the manufacture of arms and ammunition.

An Imperial Edict has been issued on the 25th August, forbidding said importation for a term of two years. New Edicts may be issued subsequently extending this by other successive terms of two years in case of necessity recognized by the Powers.

Article 6
By an Imperial Edict dated the 29th May, 1901, His Majesty the Emperor of China agreed to pay the Powers an indemnity of 450,000,000 of Haikwan taels.

This sum represents the total amount of the indemnities for States, Companies, or Societies, private individuals and Chinese, referred to in Article 6 of the note of the 22nd December, 1900.

1) These 450,000,000 constitute a gold debt calculated at the rate of the Haikwan tael to the gold currency of each country, as indicated below:—
This sum in gold shall bear interest at 4 per cent. per annum, and the capital shall be reimbursed by China in thirty-nine years in the manner indicated in the annexed plan of amortization. Capital and interest shall be payable in gold or at the rates of exchange corresponding to the dates at which the different payments fall due.

The amortization shall commence the 1st January, 1902, and shall finish at the end of the year 1940. The amortizations are payable annually, the first payment being fixed on the 1st January, 1903.

Interest shall run from the 1st July, 1901, but the Chinese Government shall have the right to pay off within a term of three years, beginning January 1902, the arrears of the first six months ending the 31st December, 1901, on condition, however, that it pays compound interest at the rate of 4 per cent. a year on the sums the payment of which shall have been thus deferred.

Interest shall be payable semi-annually, the first payment being fixed on the 1st July, 1902.

2) The service of the debt shall take place in Shanghai in the following manner:—

Each Power shall be represented by a Delegate on a Commission of bankers authorized to receive the amount of interest and amortization which shall be paid to it by the Chinese authorities designated for that purpose, to divide it among the interested parties, and to give a receipt for the same.

3) The Chinese Government shall deliver to the Doyen of the Diplomatic Corps at Peking a bond for the lump sum, which shall subsequently be converted into fractional bonds bearing the signature of the Delegates of the Chinese Government designated for that purpose. This operation and all those relating to issuing of the bonds shall be performed by the above-mentioned Commission, in accordance with the instructions which the Powers shall send their Delegates.

4) The proceeds of the revenues assigned to the payment of the bonds shall be paid monthly to the Commission.

5) The revenues assigned as security for the bonds are the following:—

a) The balance of the revenues of the Imperial Maritime Customs, after payment of the interest and amortization of preceding loans secured on these revenues, plus the proceeds of the raising to 5 per cent. effective of the
present tariff of maritime imports, including articles until now on the free list, but exempting rice, foreign cereals, and flour, gold and silver bullion and coin.

b) The revenues of the native Customs, administered in the open ports by the Imperial Maritime Customs.

c) The total revenues of the salt gabelle, exclusive of the fraction previously set aside for other foreign loans.

6) The raising of the present tariff on imports to 5 per cent. effective is agreed to on the conditions mentioned below. It shall be put in force two months after the signing of the present Protocol, and no exceptions shall be made except for merchandise in transit not more than ten days after the said signing.

a) All duties levied on imports ad valorem shall be converted as far as possible and as soon as may be into specific duties.

This conversion shall be made in the following manner:

The average value of merchandise at the time of their landing during the three years 1897, 1898, and 1899, that is to say, the market price less the amount of import duties and incidental expenses, shall be taken as the basis for the valuation of merchandise.

Pending the result of the work of conversion, duties shall be levied ad valorem.

b) The beds of the Rivers Whangpoo and Peiho shall be improved with the financial participation of China.

Article 7

The Chinese Government has agreed that the quarter occupied by the Legations shall be considered as one specially reserved for their use and placed under their exclusive control, in which Chinese shall not have the right to reside, and which may be made defensible.

The limits of this quarter have been fixed as follows on the annexed plan.

- On the east, Ketteler Street (10, 11, 12).
- On the north, the line, 5, 6, 7, 8, 9, 10.
- On the west, the line 1, 2, 3, 4, 5.
- On the south, the line 12—1, drawn along the exterior base of the tartar wall, and following the line of the bastions.

In the Protocol annexed to the letter of the 16th January, 1901, China recognized the right of each Power to maintain a permanent guard in the said quarter for the defence of its Legation.
Article 8
The Chinese Government has consented to raze the forts of Taku, and those which might impede free communication between Peking and the sea. Steps have been taken for carrying this out.

Article 9
The Chinese Government conceded the right to the Powers in the Protocol annexed to the letter of the 16th January, 1901, to occupy certain points, to be determined by an Agreement between them for the maintenance of open communication between the capital and the sea. The points occupied by the Powers are:—


Article 10
The Chinese Government has agreed to post and to have published during two years in all district cities the following Imperial Edicts:—
1) Edict of the 1st February, 1901, prohibiting for ever under pain of death, membership in any anti-foreign society.
2) Edicts of the 13th and 21st February, 29th April and 19th August, 1901, enumerating the punishments inflicted on the guilty.
3) Edict of the 19th August, 1901, prohibiting examinations in all cities where foreigners were massacred or subjected to cruel treatment.
4) Edicts of the 1st February, 1901, declaring all Governors-General, Governors, and provincial or local officials responsible for order in their respective districts, and that in case of new anti-foreign troubles or other infractions of the Treaties which shall not be immediately repressed and the authors of which shall not have been punished, these officials shall be immediately dismissed without possibility of being given new functions or new honours.

The posting of these Edicts is being carried on throughout the Empire.

Article 11
The Chinese Government has agreed to negotiate the amendments deemed necessary by the foreign Governments to the Treaties of Commerce and Navigation and the other subjects concerning commercial relations with the object of facilitating them.

At present, and as a result of the stipulation contained in Article 6 concerning the indemnity, the Chinese Government agrees to assist in the improvement of the courses of the Rivers Peiho and Whang-poo, as stated below.—
1) The works for the improvement of the navigability of the Peiho, begun in 1898 with the co-operation of the Chinese Government, have been resumed under the direction of an International Commission. As soon as the Administration of Tien-tsin shall have been handed back to the Chinese Government it will be in a position to be represented on this Commission, and will pay each year a sum of 60,000 Haikwan taels for maintaining the works.

2) A Conservancy Board, charged with the management and control of the works for straightening the Whangpoo and the improvement of the course of that river, is hereby created.

The Board shall consist of members representing the interests of the Chinese Government and those of foreigners in the shipping trade of Shanghai.

The expenses incurred for the works and the general management of the undertaking are estimated at the annual sum of 460,000 Haikwan taels for the first twenty years. This sum shall be supplied in equal portions by the Chinese Government and the foreign interests concerned.

Article 12
An Imperial Edict of the 24th July, 1901, reformed the Office of Foreign Affairs, Tsung-li Yamen, on the lines indicated by the Powers, that is to say, transformed it into a Ministry of Foreign Affairs, Wai Wu Pu, which takes precedence over the six other Ministries of State; the same Edict appointed the principal Members of this Ministry.

An agreement has also been reached concerning the modification of Court ceremonial as regards the reception of foreign Representatives, and has been the subject of several notes from the Chinese Plenipotentiaries, the substance of which is embodied in a Memorandum herewith annexed.

Finally, it is expressly understood that as regards the declarations specified above and the annexed documents originating with the foreign Plenipotentiaries, the French text only is authoritative.

The Chinese Government having thus complied to the satisfaction of the Powers with the conditions laid down in the above-mentioned note of the 22nd December, 1900, the Powers have agreed to accede to the wish of China to terminate the situation created by the disorders of the summer of 1900. In consequence thereof, the foreign Plenipotentiaries are authorized to declare in the names of their Governments that, with the exception of the Legation guards mentioned in Article VII, the international troops will completely evacuate the city of Peking on the 17th September, 1901, and, with the exception of the localities mentioned in Article IX, will withdraw from the Province of Chihli on the 22nd September, 1901.
The present final Protocol has been drawn up in twelve identical copies, and signed by all the Plenipotentiaries of the contracting countries. One copy shall be given to each of the foreign Plenipotentiaries, and one copy shall be given to the Chinese Plenipotentiaries.

(Signed) A. VON MUMM   B. J. DE CÓLOGAN   ERNEST SATOW
F. M. KNOBEL   M. CZIKANN   W. W. ROCKHILL
SALVAGO RAGGI   M. DE GIERS   M. JOOSTENS
P. BEAU   JUTARO KOMURA [小村 壽太郎]
(Signed) YI K'UANG [奕劻]   LI HUNG-CHANG [李鴻章]

辛丑條約
一九〇一年九月七日，光緒二十七年七月二十五日，北京。
大清欽命全權大臣便宜行事總理外務部事務和碩慶親王；
大清欽差全權大臣便宜行事太子太傅文華殿大學士北洋大臣直隸總督部堂
一等肅毅伯李鴻章；
大德欽差駐扎中華便宜行事大臣穆默；
大奧欽差駐扎中華便宜行事全權大臣齊乾
大比欽差駐扎中華便宜行事全權大臣姚士登；
大日欽差駐扎中華全權大臣葛絡乾；
大美國欽差特辦議和事宜全權大臣柔克義；
大法欽差全權大臣駐扎中國京都總理本國事務便宜行事鮑渥；
大英欽差便宜行事全權大臣薩道義；
大義欽差駐扎中華大臣世襲侯爵薩爾瓦葛；
大日本國欽差全權大臣小村壽太郎；
大和欽差駐扎中華便宜行事全權大臣克羅伯；
大俄欽命全權大臣內廷大夫格爾思；
今日會同聲明，核定大清國按西曆一千九百年十二月二十二日，即中曆光緒二十六年十一月初一日文內各款，當經大清國大皇帝於西曆一千九百年十二月二十七日，即中曆光緒二十六年十一月初六日，降旨全行照允，足適諸國之意妥辦 (附件一)。

第一款
（一）大德國欽差男爵克大臣被戕害一事，前於西曆本年六月初九日，即中曆四月二十三日奉諭旨附件二，欽派醇親王載澧為頭等專使大臣，赴大德國大皇帝前，代表大清國大皇帝暨國家惋惜之意。醇親王已遵旨於西曆本年七月十二日，即中曆五月二十七日自北京起程。

（二）大清國國家業已聲明，在遇害處所豎立銘志之碑，與克大臣品位相配，列敘大清國大皇帝惋惜凶事之旨，書以辣丁德漢各文。前於西曆本年七月二十二日，即中曆六月初七
第二款  
(一) 懲辦傷害諸國國家及人民之首禍諸臣, 將西曆本年二月十三、二十等日, 即中曆上年十二月二十五、本年正月初三等日, 先後降旨所定罪名開列於後附件四、五、六。端郡王載漪、輔國公載瀾均定斬監候罪名, 又約定, 如皇上以為應加恩貸其一死, 即發往新疆永遠監禁, 永不減免。莊親王載勳、都察院左都禦史英年、刑部尚書趙舒翹均定為賜令自盡。山西巡撫毓賢、禮部尚書啟秀、刑部左侍郎徐承煜均定為即行正法。協辦大學士、吏部尚書剛毅、大學士徐桐、前四川總督李秉衡均已身故, 追奪原官, 即行革職。又兵部尚書徐用儀、戶部尚書立山、吏部左侍郎許景澄、內閣學士兼禮部侍郎銜聯元、太常寺卿袁昶, 因上年力駁殊悖諸國義法極惡之罪被害, 於西曆本年二月十三日, 即中曆上年十二月二十五日, 奉上諭開復原官, 以示昭雪附件七。莊親王載勳已於西曆本年二月二十一日, 即中曆正月初三日; 英年趙舒翹已於二十四日, 即初六日, 均自盡。毓賢已於二十二日, 即初四日, 啟秀徐承煜已於二十六日, 即初八日, 均正法。又西曆本年二月十三日, 上諭將甘肅提督董福祥革職, 候應得罪名定讞懲辦。西曆本年四月二十九、六月初三、八月十九等日, 即中曆三月十一、四月十七、七月初六等日, 先後降旨將上年夏間凶慘案內, 所有承認獲咎之各外省官員分別懲辦。(二) 西曆本年八月十九日, 即中曆二十七年七月初六日, 上諭將諸國人民遇害被虐之城鎮, 停止文武各等考試五年附件八。

第三款  
因大日本國使館書記生杉山彬被害, 大清國大皇帝從優榮之典, 已於西曆本年六月十八日, 即中曆五月初三日, 降旨簡派戶部侍郎那桐為專使大臣, 赴大日本國大皇帝前, 代表大清國大皇帝及國家惋惜之意附件九。

第四款  
大清國國家允定在於諸國被汙瀆及挖掘各墳塋, 建立滌垢雪侮之碑, 已與諸國全權大臣會同商定, 其碑由各該國使館督建, 並由中國國家付給估算各費銀兩。京師一帶每處一萬兩, 外省每處五千兩, 此項銀兩業已付清。茲將建碑之墳塋, 開列清單附後附件十。

第五款  
大清國國家允定不準將軍火暨專為製造軍火各種器料運入中國境內, 已於西曆本年八月二十五日, 即中曆二十七年七月十二日, 經大清國欽差全權大臣, 文致大德國欽差全權大臣附件三, 現於遇害處所, 建立牌坊一座, 足滿街衢, 已於西曆本年六月二十五日, 即中曆五月初十日興工。
第六款

按照西曆本年五月二十九日，即中曆四月十二日上諭，大清國大皇帝允定，付諸國償款海關銀四百五十兆兩。此款系西曆一千九百年十二月二十二日，即中曆光緒二十五年十一月初一日條款內第六款所載之各國各會各人及中國人民之賠償總數附件十一。

(甲) 此四百五十兆系照海關銀兩市價易為金款，此市價按諸國各金錢之價易金如左：海關銀一兩，即德國三馬克零五五，即奧國三克勒尼五九五，即美國圓零七四二，即法國三佛郎克七五，即英國三先零，即日本一圓四零七，即荷蘭國一弗樂林七九六，即俄國一魯布四一二。此四百五十兆按年息四厘，正本由中國分三十九年按後附之表各章清還附件十三。本息用金付給，或按應還日期之市價易金付給，還本於一千九百零二年正月初一日起，一千九百四十年終止。還本各款應按每屆一年付還，初次定於一千九百零三年正月初一日付還，利息由一千九百零一年七月初一日起算。惟中國國家亦可將所欠首六個月至一千九百零一年十二月三十一日之息，展在自一千九百零二年正月初一日起，於三年內付還。但所展息款之利，亦應按年四厘付清。又利息每屆六個月付給，初次定於一千九百零二年七月初一日付給。

(乙) 此欠款一切事宜，均在上海辦理如後，諸國各派銀行董事一名，會同將所有由該管之中國官員付給之本利總數收存，分給有干涉者，該銀行出付回執。

(丙) 由中國國家將全數保票一紙，支付駐京諸國欽差領銜大臣手內。此保票以後分作零票，每票上由中國特派之官員畫押。此節以及發票一切事宜，應由以上所述之銀行董事，各遵本國飭令而行。

(丁) 付還保票財源各進款，應每月給銀行董事收存。

(戊) 所定承擔保票之財源開列於後：一、新關各進款俟前已作為擔保之借款各本利付給之後餘剩者，又進口貨稅增至切實值百抽五，將所增之數加之，所有向例進口免稅各貨，除外國運來之米及各雜色糧面，並金銀以及金銀各錢外，均應列入切實值百抽五貨內。二、所有常關各進項，在各通商口岸之常關均歸新關管理。三、所有鹽政各進項，除歸還前泰西借款一宗外，餘剩一併歸入。至進口貨稅增至切實值百抽五，諸國現允可行，惟須二端：一、將現在照
估價抽收進口各稅，凡能改者，皆當急速改為按件抽稅。定辦改稅一層如後：為估算貨價之基，應以一千八百九十七、八、九三年卸貨時各貨牽算價值，乃開除進口稅及雜費總數之市價。其未改以前各該稅，仍照估價徵收。二、北河黃浦兩水路均應改善，中國國家即應撥款相助。增稅一層，俟此條款畫押後兩個月後，即行開辦。除在此畫押日期後至遲十日已在途間之貨外，概不得免抽。

第七款 大清國國家允定各使館境界以為專與住用之處，並獨由使館管理，中國民人概不准在界內居住，亦可自行防守。使館界線於附件之圖上標明如後附件十四：東面之線系崇文門大街，圖上十、十一、十二等字，北面圖上系五、六、七、八、九、十等字之線，西面圖上系一、二、三、四、五等字之線，南面圖上系十二、一等字之線，此線循城牆南址隨城垛而畫。按照西曆一千九百零一年正月十六日，即中曆上年十一月二十五日文內後附之條款，中國國家應允諸國分應自主，常留兵隊分保使館。

第八款 大清國國家應允將大沽砲臺及有礙京師至海通道之各礮台，一律削平，現已設法照辦。

第九款 按照西曆一千九百零一年正月十六日，即中曆上年十一月二十六日文內後附之條款，中國國家應允由諸國分應主辦會同酌定數處，留兵駐守，以保京師至海通道無斷絕之虞。今諸國駐守之處，系黃村郎坊楊村天津軍糧城坡沽砲臺唐山灤州昌黎秦皇島山海关。

第十款 大清國國家允定兩年之久，在各府廳州縣將以後所述之於上諭頒行佈告：
一、西曆本年二月初一日，即中曆上年十二月十三日，上諭以永禁或設或入與諸國仇敵之會，違者皆斬附件十五。
二、西曆本年二月十三、二十一、四月二十九、八月十九等日，即中曆上年十二月十五、三月十一、七月初六等日，上諭一道，犯罪之人如何懲辦之處，均一一載明。
三、西曆本年八月十九日，即中曆七月初六日，上諭以諸國人民遇害被虐各城鎮，停止文武各等考試。
四、西曆本年二月初一日，即中曆上年十二月十三日，上諭以各省督撫文武大吏暨有司各官，於所屬境內均有保平安之責。如複滋傷害諸國人民之事，或再有違約之行，必須立時彈壓懲辦，否則該管之員，即行革職，永不敘用，亦不得開脫別給獎敘附件十六。以上諭旨，現於中國全境慘次張貼。

第十一款 大清國國家允定將通商行船各條約內，諸國視為應行商改之處，及有關通商各他事宜，均行議商，以期妥善簡易。現按照第六款
賠償事宜，約定中國國家應允襄辦改善北河黃浦兩水路，其襄辦各節如左：

一、北河改善河道，在一千八百九十八年會同中國國家所興各工，近由諸國派員重修，一俟治理天津事務交還之後，即可由中國國家派員與諸國所派之員會辦。中國國家應付海關銀每年六萬兩，以養其工。

二、現設立黃浦河道局，經管整理改善水道各工，所派該局各員，均代中國暨諸國保守在滬所有通商之利益。預估後二十年該局各工及經營各費，應每年支用海關銀四十六萬兩，此數平分，半由中國國家付給，半由外國各干涉者出資。該局員差並權責及進款之詳細各節，皆於後附檔內列明附件十七。

第十二款

西曆本年七月二十四日，即中曆六月初九日，降旨將總理各國事務衙門，按照諸國酌定改為外務部，班列六部之前，此上諭內已簡派外務部各王大臣矣附件十八。且變通諸國欽差大臣覲見禮節，均已商定，由中國全權大臣屢次照會在案，此照會在後附之節略內述明附件十九。

茲特為議明以上所述各語，及後附諸國全權大臣所發之文牘，均系以法文為憑。大清國國家既如此，按以上所述，西曆一千九百年十二月二十二日，即中曆光緒二十六年十一月初一日文內存款，足適諸國之意妥辦，則中國願將一千九百年夏間變亂所生之局勢完結，諸國亦照允隨行。是以諸國全權大臣，現奉各本國政府之命，代為聲明，除第七款所述之防守使館兵隊外，諸國兵隊即於西曆一千九百零一年九月十七日，即中曆光緒二十七年八月初五日，全由東城撤退；並除第九款所述各處外，亦於西曆一千九百零一年九月二十二日，即中曆光緒二十七年八月初十日由直隸省撤退。

今將以上條款繕定同文十二份，均由諸中國全權大臣畫押，諸國全權大臣各存一份，中國全權大臣收存一份。

一千九百零一年九月初七日
光緒二十七年七月二十五日
在北京定立

■ Editor’s note =============
In Chinese, the Boxer Protocol is also called Peking Protocol (Beijing yidingshu 北京議定書), likewise in Japanese: Pekin giteisho 北京議定書.
Treaty of Portsmouth

The Emperor of Japan on the one part, and the Emperor of all the Russias, on the other part, animated by a desire to restore the blessings of peace, have resolved to conclude a treaty of peace, and have for this purpose named their plenipotentiaries, that is to say, for his Majesty the Emperor of Japan, Baron Komura Jutaro (小村 壽太郎), Jusami, Grand Cordon of the Imperial Order of the Rising Sun, his Minister for Foreign Affairs, and his Excellency Takahira Kogoro (高平 小五郎), Imperial Order of the Sacred Treasure, his Minister to the United States, and his Majesty the Emperor of all the Russias, his Excellency Sergius Witte (Серге́й Ю́льевич Ви́тте), his Secretary of State and President of the Committee of Ministers of the Empire of Russia, and his Excellency Baron Roman Rosen (Рома́н Рома́нович Ро́зен), Master of the Imperial Court of Russia, his Majesty’s Ambassador to the United States, who, after having exchanged their full powers, which were found to be in good and due form, and concluded the following articles:

Article 1
There shall henceforth be peace and amity between their Majesties the Emperor of Japan and the Emperor of all the Russias, and between their respective States and subjects.

Article 2
The Imperial Russian Government, acknowledging that Japan possesses in Korea paramount political, military and economical interests engages neither to obstruct nor interfere with measures for guidance, protection and control which the Imperial Government of Japan may find necessary to take in Korea. It is understood that Russian subjects in Korea shall be treated in exactly the same manner as the subjects and citizens of other foreign Powers; that is to say, they shall be placed on the same footing as the subjects and citizens of the most favored nation. It is also agreed that, in order to avoid causes of misunderstanding, the two high contracting parties will abstain on the Russian-Korean frontier from taking any military measure which may menace the security of Russian or Korean territory.

Article 3
Japan and Russia mutually engage:

First. — To evacuate completely and simultaneously Manchuria, except the territory affected by the lease of the Liaotung Peninsula, in conformity with the provisions of the additional article I annexed to this treaty, and,
Second. — To restore entirely and completely to the exclusive administration of China all portions of Manchuria now in occupation, or under the control of the Japanese or Russian troops, with the exception of the territory above mentioned.

The Imperial Government of Russia declares that it has not in Manchuria any territorial advantages or preferential or exclusive concessions in the impairment of Chinese sovereignty, or inconsistent with the principle of equal opportunity.

Article 4
Japan and Russia reciprocally engage not to obstruct any general measures common to all countries which China may take for the development of the commerce or industry of Manchuria.

Article 5
The Imperial Russian Government transfers and assigns to the Imperial Government of Japan, with the consent of the Government of China, the lease of Port Arthur, Talien and the adjacent territorial waters, and all rights, privileges and concessions connected with or forming part of such lease, and it also transfers and assigns to the Imperial government of Japan all public works and properties in the territory affected by the above-mentioned lease.

The two contracting parties mutually engage to obtain the consent of the Chinese Government mentioned in the foregoing stipulation.

The Imperial Government of Japan, on its part, undertakes that the proprietary rights of Russian subjects in the territory above referred to shall be perfectly respected.

Article 6
The Imperial Russian Government engages to transfer and assign to the Imperial Government of Japan, without compensation and with the consent of the Chinese Government, the railway between Chang-chunfu and Kuanchangtsu and Port Arthur, and all the branches, together with all the rights, privileges and properties appertaining thereto in that region, as well as all the coal mines in said region belonging to or worked for the benefit of the railway. The two high contracting parties mutually engage to obtain the consent of the Government of China mentioned in the foregoing stipulation.

Article 7
Japan and Russia engage to exploit their respective railways in Manchuria exclusively for commercial and industrial purposes and nowise for strategic purposes. It is understood that this restriction does not apply to the railway in the territory
affected by the lease of the Liaotung Peninsula.

Article 8
The imperial Governments of Japan and Russia with the view to promote and facilitate intercourse and traffic will as soon as possible conclude a separate convention for the regulation of their connecting railway services in Manchuria.

Article 9
The Imperial Russian Government cedes to the Imperial Government of Japan in perpetuity and full sovereignty the southern portion of the Island of Sakhalin and all the islands adjacent thereto and the public works and properties thereon. The fiftieth degree of north latitude is adopted as the northern boundary of the ceded territory. The exact alignment of such territory shall be determined in accordance with the provisions of the additional article II annexed to this treaty.

Japan and Russia mutually agree not to construct in their respective possessions on the Island of Sakhalin or the adjacent islands any fortification or other similar military works. They also respectively engage not to take any military measures which may impede the free navigation of the Strait of La Perouse and the Strait of Tartary.

Article 10
It is reserved to Russian subjects, inhabitants of the territory ceded to Japan, to sell their real property and retire to their country, but if they prefer to remain in the ceded territory they will be maintained protected in the full exercise of their industries and rights of property on condition of submitting to the Japanese laws and jursidiction. Japan shall have full liberty to withdraw the right of residence in or to deport from such territory of any inhabitants who labor under political or administrative disability. She engages, however, that the proprietary rights of such inhabitants shall be fully respected.

Article 11
Russia engages to arrange with Japan for granting to Japanese subjects rights of fishery along the coasts of the Russian possession in the Japan, Okhotsk and Bering Seas.

It is agreed that the foregoing engagement shall not affect rights already belonging to Russian or foreign subjects in those regions.
Article 12
The treaty of commerce and navigation between Japan and Russia having been annulled by the war the Imperial Governments of Japan and Russia engage to adopt as a basis for their commercial relations pending the conclusion of a new treaty of commerce and navigation the basis of the treaty which was in force previous to the present war, the system of reciprocal treatment on the footing of the most favored nation, in which are included import and export duties, customs formalities, transit and tonnage dues and the admission and treatment of agents, subjects and vessels of one country in the territories of the other.

Article 13
As soon as possible after the present treaty comes in force all prisoners of war shall be reciprocally restored. The Imperial Governments of Japan and Russia shall each appoint a special commissioner to take charge of the prisoners. All prisoners in the hands of one Government shall be delivered to and be received by the commissioner of the other Government or by his duly authorized representative in such convenient numbers and at such convenient ports of the delivering State as such delivering State shall notify in advance to the commissioner of the receiving State.

The Governments of Japan and Russia shall present each other as soon as possible after the delivery of the prisoners is completed with a statement of the direct expenditures respectively incurred by them for the care and maintenance of the prisoner from the date of capture or surrender and up to the time of death or delivery. Russia engages to repay as soon as possible after the exchange of statement as above provided the difference between the actual amount so expended by Japan and the actual amount similarly disbursed by Russia.

Article 14
The present treaty shall be ratified by their Majesties the Emperor of Japan and the Emperor of all the Russias. Such ratification shall be with as little delay as possible, and in any case no later than fifty days from the date of the signature of the treaty, to be announced to the Imperial Governments of Japan and Russia respectively through the French Minister at Tokio and the Ambassador of the United States at St. Petersburg, and from the date of the latter of such announcements shall in all its parts come into full force. The formal exchange of ratifications shall take place at Washington as soon as possible.
Article 15
The present treaty shall be signed in duplicate in both the English and French languages. The texts are in absolute conformity, but in case of a discrepancy in the interpretation the French text shall prevail.

Sub-Articles
In conformity with the provisions of articles 3 and 9 of the treaty of the peace between Japan and Russia of this date the undersigned plenipotentiaries have concluded the following additional articles:

SUB-ARTICLE TO ARTICLE 3
The Imperial Governments of Japan and Russia mutually engage to commence the withdrawal of their military forces from the territory of Manchuria simultaneously and immediately after the treaty of peace comes into operation, and within a period of eighteen months after that date the armies of the two countries shall be completely withdrawn from Manchuria, except from the leased territory of the Liaotung Peninsula. The forces of the two countries occupying the front positions shall first be withdrawn.

The high contracting parties reserve to themselves the right to maintain guards to protect their respective railway lines in Manchuria. The number of such guards shall not exceed fifteen per kilometre and within that maximum number the commanders of the Japanese and Russian armies shall by common accord fix the number of such guards to be employed as small as possible while having in view the actual requirements.

The commanders of the Japanese and Russian forces in Manchuria shall agree upon the details of the evacuation in conformity with the above principles and shall take by common accord the measures necessary to carry out the evacuation as soon as possible, and in any case not later than the period of eighteen months.

SUB-ARTICLE TO ARTICLE 9.
As soon as possible after the present treaty comes into force a committee of delimitation composed of an equal number of members is to be appointed by the two high contracting parties which shall on the spot mark in a permanent manner the exact boundary between the Japanese and Russian possessions on the Island of Sakhalin. The commission shall be bound so far as topographical considerations permit to follow the fiftieth parallel of north latitude as the boundary line, and in case any deflections from that line at any points are found to be necessary compensation will be made by correlative deflections at other points. It shall also be the duty of the said commission to prepare a list and a description of the adjacent
islands included in the cession, and finally the commission shall prepare and sign maps showing the boundaries of the ceded territory. The work of the commission shall be subject to the approval of the high contracting parties.

The foregoing additional articles are to be considered ratified with the ratification of the treaty of peace to which they are annexed.

In witness whereof the respective plenipotentiaries have signed and affixed seals to the present treaty of peace.

Done at Portsmouth, New Hampshire, this fifth day of the ninth month of the thirty-eighth year of the Meiji, corresponding to the twenty-third day of August, one thousand nine hundred and five (September 5, 1905).

朴茨茅斯條約
正約
日本國皇帝陛下及全俄國皇帝陛下，欲使兩國及兩國之人民回復平和之幸福，決定訂立講和條約，是以日本國皇帝陛下特派外務部大臣從三位勳一等男爵小村壽太郎及駐紮美國待命全權公使從三份勳一等高平小五郎，全俄國皇帝陛下特派內閣總理大臣威特及駐紮美國特命全權大使俄國御前大臣羅善，為全權委員，各將所奉全權文憑校閱，認明懐屬妥善，會上訂立各條款開列於下：

第一條 日本國至帝陛下與全俄國皇帝陛下間，及兩國並兩國臣民間，當和平親睦。

第二條 俄國政府承認日本國於韓國之政治軍事經濟上均有卓絕之利益，加指導保護監理等事，日本政府視為必要者即可措置，不得阻礙干涉。在韓國之俄國臣民，均應按照最惠國之臣民一律看待，不得歧視。

往締約國為避一切誤解之原因起見，彼此同意於俄韓兩國交界間不得執軍事上之措置，致侵迫俄韓兩國領土之安全。

第三條 日俄兩國互相約定各事如下；
一、除遼東半島租借權所及之地域不計外，所有在滿洲之兵，當按本條約附約第一款所定，由兩國同時全數撤退；
二、除前記之地域外，現被日俄兩國軍隊佔領及管理之滿洲全部，交還中國接收，施行政務；俄國政府聲明在滿洲之領土上利益，或優先的讓與，或專屬的讓與，有侵害中國主權及有違機會均等主義各，一概無之。

第四條 日俄兩國彼此約定，凡中國在滿洲為發達商務工業起見，所有一切辦法列國視為當然者，不得阻礙。

第五條 俄國政府以中國政府之允許，將旅順口、大連灣並其附近領土領水之租借權內一部份之切權利及所讓與者，轉移與日本政府，
俄國政府又將該租界疆域內所造有一切公共營造物及財產，均移讓於日本政府。
兩締約國互約，前條所定者，須商請中國政府允諾。
日本政府允將居住前開各地內之俄國臣民之財產權，當完全尊重。

第六條 俄國政府允將由長春（或寬城子）至旅順口之鐵路及一切支路，並在該地方鐵道內所附屬之一切權利財產，以及在該處鐵道內附屬之一切煤礦，或為鐵道利益起見所經之ㄧ切煤礦，不受補償，且以清國政府允許者均移讓於日本政府。
兩締約國互約前條所定者，須商請中國政府承諾。

第七條 俄俄兩國約在滿洲地方，各自經營專以商工業為目的之鐵道，決不經營以軍事為目的之鐵道。
但遼東半島租借權效力所及地域之鐵道不在此限。

第八條 日本政府及俄國政府，為圖來往輸運均臻便捷起見，妥訂滿洲接
續鐵道營業章程，務須從速另訂別約。

第九條 俄國政府允將庫週島南部及其附近一切島嶼，並各該處之一切公共
營造物及財產之主權，永遠讓與日本政府；其讓與地域之北方境界，以北緯五十度為起點，至該處確界須按照本條約附約第二條所載為准。

日俄兩國彼此商允在庫頁島及其附近島嶼之各自所屬領地內，不築造堡壘及類於堡壘之軍事上工作物；又兩國約定凡軍事上之措
置有礙於宗穀海峽及鞆靼海峽航行自由者，不得施設。

第十條 居住於讓與日本國地域內之俄國人民，可出賣財産，退還本國；
若仍欲留住該地域時，當服從日本國之法律及管轄權。至該住民
經營事業行使財産，當由日本國完全保護，其有不安本分者，日
本國亦當撤回其居住權並放逐之，但該住民之財産當完全尊重。

第十一條 俄國當與日本國協定允准日木國臣民在日本海、鄂霍次克海、白
今海之俄國所屬沿岸一帶有經營漁業之權。
前項約束，經雙方同意，不得影響於俄國及週邊臣民在彼處應有之權利。

第十二條 日俄通商航海條約，因此次戰爭作廢，日本國政府及俄國政府允
諾以開戰前所施行之條約為本，另訂通商航海新約；其未定以前，所有進口稅、出口稅、關章、子口稅、船鈔，並代表臣民船
舶，由此國進彼國領土或由彼國進此國領土時之許可及待遇，均
照相待最優之國辦理。

第十三條 本條約一經施行，速將一切俘虜彼此交還，由日俄兩政府各派接
收俘虜之特別委員一名專司其事，彼此送還時，應由交犯國將在該國某處口岸可交還人數若干，預先知照收犯國，即由兩國專
派員或該員所派之有權代表員照以前通知之口岸人數，彼此交收。
日俄兩國政府一俟交還俘虜完畢後，將虜犯自被擄或投降之日起至死亡或交換之日止，所有因照管：及留養該犯之切費於細帳互相交換後，俄國政府應將日本實用目中，除去俄國實用數目，尚差若干，當由俄國從速償還日本。

第十四條
本條約當由日本國皇帝陛下及全俄國皇帝陛下批准，從速在華盛頓互換，自簽字之日起，無論如何當於五十日以內，由駐紮日本之法國公使及駐紮俄國之美國大使，各通知駐在國政府，宣佈之後，本條約即全部生效。

第十五條
本條約繕就英文法文各兩本，分別簽字，其本文雖全然符合，設有解釋不同之處，以法文為准。為此兩國全權委員署名蓋印，以昭信守。

明治三十八年九月五日
俄曆一九○五年八月二十三日
小村 壽太郎 高平 小五郎 威特 羅善

附約
口俄兩國按照本口所訂講和條約第三條及第九條所載，由兩國全權委員另立附約如下，

第一條
此條應附於正約第三條。日俄兩國政府彼此商允，一俟講和條約施行後即將滿洲地域內軍隊同時開始撤退；自講和條約施行之日起，以十八個月為限，所有兩國在滿洲之軍隊除遼東半島租借地外，一律撤退。

兩國佔領陣地之前敵軍隊當先行撤退。

兩訂約國可留置守備兵保護滿洲各自之鐵道線路，至守備兵人數，每一公里不過十五名之數，由此數內，日俄兩國軍司令官可因時酌減，以至少足用之數為率。

滿洲之日本國及俄國軍司令官，可遵照以上所定，協商撤兵細目，並以必要之方法從速實行撤兵，無論如何不得逾十八個月之限。

第二條
此條應附正約第九條。兩訂約國一俟本約施行後須從速各派數員相等之劃界委員，將庫頁島之俄日兩國所屬確界劃清，以垂久遠。劃界委員應就地形以北緯五十度為境界線，倘遇有不能直劃必須偏出緯度以外時，則偏出緯度若干，當另在他處偏入緯度內若干以補償之。至讓界附近之島嶼，該委員等應備表及詳細書，並將所劃讓地界線繪圖簽名，呈由兩訂約國政府批准。

以上所增條款，當其附屬之講和正約批准時准。

明治三十八年九月五日
Editor’s note =============

In Japanese, the Treaty of Portsmouth is called *Pōtsumu Jōyaku* ポーツマス条約 or *Nichi Ro Kōwa Jōyaku* 日露講和条約.

---

**Japan’s “21 Demands” to China**

**Group I**

*The Japanese Government and the Chinese Government, being desirous to maintain the general peace in the Far East and to strengthen the relations of amity and good neighbourood existing between the two countries, agree to the following articles:*

**Article 1** The Chinese Government engage to give full assent to all matters that the Japanese Government may hereafter agree with the German Government respecting the disposition of all the rights, interests and concessions, which, in virtue of treaties or otherwise, Germany possesses vis-à-vis China in relation to the province of Shantung.

**Article 2** The Chinese Government engage that, within the province of Shantung or along its coast, no territory or island will be ceded or leased to any other Power, under any pretext whatever.

**Article 3** The Chinese Government agree to Japan’s building a railway connecting Chefoo or Lungkow with the Kiaochou Tsinanfu Railway.

**Article 4** The Chinese Government engage to open of their own accord, as soon as possible, certain important cities and towns in the Province of Shantung for the residence and commerce of foreigners. The places to be so opened shall be decided upon in a separate agreement.

**Group II**

The Japanese Government and the Chinese Government, in view of the fact that the Chinese Government has always recognized the predominant position of Japan in South Manchuria and Eastern Inner Mongolia, agree to the following articles:

**Article 1** The two contracting Parties mutually agree that the term of the lease of Port Arthur and Dairen and the term respecting the South Manchuria Railway and the Antung-Mukden Railway shall be extended to a further period of 99 years respectively.
Article 2  The Japanese subjects shall be permitted in South Manchuria and Eastern Inner Mongolia to lease or own land required either for erecting buildings for various commercial and industrial uses or for farming.

Article 3  The Japanese subjects shall have liberty to enter, reside, and travel in South Manchuria and Eastern Inner Mongolia, and to carry on business of various kinds commercial, industrial, and otherwise.

Article 4  The Chinese Government grant to the Japanese subjects the right of mining in South Manchuria and Eastern Inner Mongolia. As regards the mines to be worked, they shall be decided upon in a separate agreement.

Article 5  The Chinese Government agree that the consent of the Japanese Government shall be obtained in advance: (1) whenever it is proposed to grant to other nationals the right of constructing a railway or to obtain from other nationals the supply of funds for constructing a railway in South Manchuria and Eastern Inner Mongolia, and (2) whenever a loan is to be made with any other Power, under security of the taxes of South Manchuria and Eastern Inner Mongolia.

Article 6  The Chinese Government engage that whenever the Chinese Government need the service of political, financial, or military advisers or instructors in South Manchuria or in Eastern Inner Mongolia, Japan shall first be consulted.

Article 7  The Chinese Government agree that the control and management of the Kirin-Chungchun Railway shall be handed over to Japan for a term of 99 years dating from the signing of this treaty.

Group III
The Japanese Government and the Chinese Government, having regard to the close relations existing between Japanese capitalists and the Han-Yeh-Ping Company and desiring to promote the common interests of the two nations, agree to the following articles:

Article 1  The two Contracting Parties mutually agree that when the opportune moment arrives the Han-Yeh-Ping Company shall be made a joint concern of the two nations, and that, without the consent of the Japanese Government, the Chinese Government shall not dispose or permit the Company to dispose of any right or property of the Company.

Article 2  The Chinese Government engage that, as a necessary measure for protection of the invested interests of Japanese capitalists, no mines in the neighbourhood of those owned by the Han-Yeh-Ping Company shall be permitted, without the consent of the said Company, to be worked by
anyone other than the Said Company; and further that whenever it is
proposed to take any other measure which may likely affect the interests
of the said Company directly or indirectly, the consent of the said
Company shall first be obtained.

Group IV
Article 1 The Japanese Government and the Chinese Government, with the object
of effectively preserving the territorial integrity of China, agree to the
following article: The Chinese Government engage not to cede or lease
to any other Power any harbour or bay on or any island along the coast
of China.

Group V
Article 1 The Chinese Central Government to engage influential Japanese as
political, financial, and military advisers.
Article 2 The Chinese Government to grant the Japanese hospitals, temples, and
schools in the interior of China the right to own land.
Article 3 In the face of many police disputes which have hitherto arisen between
Japan and China, causing no little annoyance the police in localities (in
China), where such arrangement: are necessary, to be placed under joint
Japanese and Chinese administration, or Japanese to be employed in
police office in such localities, so as to help at the same time the
improvement of the Chinese Police Service.
Article 4 China to obtain from Japan supply of a certain quantity of arms, or to
establish an arsenal in China under joint Japanese and Chinese
management and to be supplied with experts and materials from Japan.
Article 5 In order to help the development of the Nanchang-Kiukiang Railway,
with which Japanese capitalists are so closely identified, and with due
regard to the negotiations which have been pending between Japan and
China in relation to the railway question in South China, China to agree
to give to Japan the right of constructing a railway to connect Wuchang
with the Kiukiang-Nanchang and Hangchou and between Nanchang and
Chaochou.
Article 6 In view of the relations between the Province of Fukien and Formosa
and of the agreement respecting the non-alienation of that province,
Japan to be consulted first whenever foreign capital is needed in
connection with the railways, mines, and harbour works (including
dockyards) in the Province of Fukien.
Article 7  China to grant to Japanese subjects the right of preaching in China.  
[Jan. 18, 1915]

**日本の《二十一條要求》**

第一號，關於日本繼承德國在山東的特權，共四款：

1. 日本政府擬向德國政府協定之所有德國關於山東省依據條約或其他關係
   對中國政府享有之一切權力利益讓與等項處分，中國政府概行承認。
2. 凡山東省內並沿海一帶土地及各島嶼，無論以何項名目，概不讓與或租
   借與他國。
3. 日本建造由煙臺或龍口接連膠濟路線之鐵路。
4. 中國政府從速自開山東省內各主要城市作為商埠。

第二號，關於「日本國在南滿洲及東部內蒙古享有優越地位」，共七款：

1. 兩訂約國互相約定，將旅順、大連租借期限並南滿洲及安奉兩鐵路期
   限，均展至九十九年為期。
2. 日本臣民在南滿洲及東部內蒙古營造工礦應用房廠，或為耕作，可得
   其須要土地之租借權和所有權。
3. 日本臣民得在南滿洲及東部內蒙古任便居住往來，並經營工礦各項生
   意。
4. 中國政府允將南滿洲及東部內蒙古各礦開採權，許與日本臣民。
5. 中國政府如准許他國在南滿洲及東部蒙古建造鐵路或以該地區課稅作抵
   押他國借款時，應先經日本政府同意而後辦理。
6. 如中國政府在南滿洲及東部內蒙古聘用政治、財政、軍事各顧問教習，
   必須先嚮日本商議。
7. 中國政府允將吉長鐵路管理經營事宜委任日本政府，其年限自本約畫押
   之日起，以九十九年為限。

第三號，關於漢冶萍公司，共二款：

1. 俟將來機會相當，將漢冶萍公司作為兩國合辦事業，未經日本政府之同
   意，所有該公司一切權力產業，中國政府不得自行處分，亦不得使該公
   司任意處分。
2. 所有屬於漢冶萍公司各礦之附近礦山，如未經該公司同意，一概不准該
   公司以外之人開採。

第四號，關於「切實保全中國領土」一款：

1. 中國政府允准，所有中國沿岸港灣及島嶼，概不讓與或租與他國。
第五號，共七款：
1. 在中國中央政府，須聘用有力之日本人充當政治、財政、軍事等項顧問（該條袁世凱未直接同意，由段祺瑞執政時通過）。
2. 所有在中國內地所設日本醫院、寺院、學校等，概允其土地所有權。
3. 須將必要地方之警察作為中日合辦，或在此等地方之警察署內須聘用多數日本人，以資全面籌畫改良中國警察機關。
4. 由日本採辦一定數量之軍械（譬如在中國政府所需軍械之半數以上），或在中國設立日中合辦之軍械廠，聘用日本技師，並採買日本材料。
5. 允將接連武昌與九江、南昌之鐵路，及南昌至杭州、南昌至潮州各鐵路之建築權，許與日本國。
6. 福建省內籌辦鐵路、開礦及整頓海口（船廠在內），如需外國資本時，先嚮日本協商。
7. 允認日本人中國有布教之權。

Editor’s note ================
In Japanese the Twenty-One Demands are called Taika Nijūikkajō Yōkyū对華二十一条要求.

---

**Treaty of Versailles ✽**

[...]

**PART IV: GERMAN RIGHTS AND INTERESTS OUTSIDE GERMANY**

[...]

**Section II. China**

**ARTICLE 128**

Germany renounces in favour of China all benefits and privileges resulting from the provisions of the final Protocol signed at Peking on September 7, 1901, and from all annexes, notes and documents supplementary thereto. She likewise renounces in favour of China any claim to indemnities accruing thereunder subsequent to March 14, 1917.

**ARTICLE 129**

From the coming into force of the present Treaty the High Contracting Parties shall apply, in so far as concerns them respectively:
1. The Arrangement of August 29, 1902, regarding the new Chinese customs tariff;
2. The Arrangement of September 27, 1905, regarding Whang-Poo (黃浦), and the provisional supplementary Arrangement of April 4, 1912. China, however, will
no longer be bound to grant to Germany the advantages or privileges which she allowed Germany under these Arrangements.

ARTICLE 130
Subject to the provisions of Section VIII of this Part, Germany cedes to China all the buildings, wharves and pontoons, barracks, forts, arms and munitions of war, vessels of all kinds, wireless telegraphy installations and other public property belonging to the German Government, which are situated or may be in the German Concessions at Tientsin (天津) and Hankow (漢口) or elsewhere in Chinese territory. It is understood, however, that premises used as diplomatic or consular residences or offices are not included in the above cession, and, furthermore, that no steps shall be taken by the Chinese Government to dispose of the German public and private property situated within the so-called Legation Quarter (東交民巷) at Peking (北京) without the consent of the Diplomatic Representatives of the Powers which, on the coming into force of the present Treaty, remain Parties to the Final Protocol of September 7, 1901.

ARTICLE 131
Germany undertakes to restore to China within twelve months from the coming into force of the present Treaty all the astronomical instruments which her troops in 1900-1901 carried away from China, and to defray all expenses which may be incurred in effecting such restoration, including the expenses of dismounting, packing, transporting, insurance and installation in Peking.

ARTICLE 132
Germany agrees to the abrogation of the leases from the Chinese Government under which the German Concessions at Hankow and Tientsin are now held. China, restored to the full exercise of her sovereign rights in the above areas, declares her intention of opening them to international residence and trade. She further declares that the abrogation of the leases under which these concessions are now held shall not affect the property rights of nationals of Allied and Associated Powers who are holders of lots in these concessions.

ARTICLE 133
Germany waives all claims against the Chinese Government or against any Allied or Associated Government arising out of the internment of German nationals in China and their repatriation. She equally renounces all claims arising out of the capture and condemnation of German ships in China, or the liquidation, sequestration or control of German properties, rights and interests in that country.
since August 14, 1917. This provision, however, shall not affect the rights of the 
parties interested in the proceeds of any such liquidation, which shall be governed 
by the provisions of Part X (Economic Clauses) of the present Treaty.

ARTICLE 134
Germany renounces in favour of the Government of His Britannic Majesty the 
German State property in the British Concession at Shameen (沙面) at Canton (廣 
州). She renounces in favour of the French and Chinese Governments conjointly 
the property of the German school situated in the French Concession at Shanghai 
(上海).
[...]

Section VIII. Shantung
ARTICLE 156
Germany renounces, in favour of Japan, all her rights, title and privileges particularly 
those concerning the territory of Kiaochow (膠州), railways, mines and submarine 
cables which she acquired in virtue of the Treaty concluded by her with China on 
March 6 1898, and of all other arrangements relative to the Province of Shantung 
(山東). All German rights in the Tsingtao-Tsinanfu Railway (膠濟鐵路), including 
it's branch lines together with its subsidiary property of all kinds, stations, shops, 
fixed and rolling stock, mines, plant and material for the exploitation of the mines, 
are and remain acquired by Japan, together with all rights and privileges attaching 
thereto. The German State submarine cables from Tsingtao (青島) to Shanghai and 
from Tsingtao to Chefoo (芝罘), with all the rights, privileges and properties 
attaching thereto, are similarly acquired by Japan, free and clear of all charges and 
encumbrances.

ARTICLE 157
The movable and immovable property owned by the German State in the territory 
of Kiaochow, as well as all the rights which Germany might claim in consequence of 
the works or improvements made or of the expenses incurred by her, directly or 
indirectly, in connection with this territory, are and remain acquired by Japan, free 
and clear of all charges and encumbrances.

ARTICLE 158
Germany shall hand over to Japan within three months from the coming into force 
of the present Treaty the archives, registers, plans, title-deeds and documents of 
every kind, wherever they may be, relating to the administration, whether civil, 
military, financial, judicial or other, of the territory of Kiaochow. Within the same 
period Germany shall give particulars to Japan of all treaties, arrangements or
agreements relating to the rights, title or privileges referred to in the two preceding Articles. [...] 

Editor’s note ================

The Treaty of Versailles (in French: Traité de Versailles, in Chinese: 凡爾賽條約 or Fanersai beyue, in Japanese Verusaiyu Jōyaku) was signed on June 28, 1919 during the Paris Peace Conference which took place between Jan. 18, 1919 and Jan. 21, 1920. Members of the Chinese delegation included Lou Tseng-tsiang (陸徵祥), Wellington Koo (顧維鈞), Thomas Wang (王正廷), Alfred Sao-ke Sze (施肇基), Wei Chen-zu (魏宸組), and Tsao Ju-lin (曹汝霖), leading members of the large Japanese delegation were Marquess Saionji Kinmochi (西園寺 公望), Baron Makino Nobuaki (牧野 伸顕), Viscount Chinda Sutemi (珍田 捨巳), Matsui Keishirō (松井 慶四郎), and Ijuin Hikokichi (伊集院 彦吉). Signatories were the German Reich, the Allied Powers (France, the British Empire, Italy, Japan, and the United States) and other countries including Belgium, Bolivia, Brazil, Cuba, Czechoslovakia, Ecuador, Greece, Guatemala, Haiti, Hejaz (today’s Saudi Arabia), Honduras, Liberia, Nicaragua, Panama, Peru, Poland, Portugal, Romania, Siam (today’s Thailand), Uruguay, and Yugoslavia as well as Australia, Canada, South Africa, India, and New Zealand as part of the British Empire. China’s representatives refused to sign the treaty because many former German concessions in China were not returned but handed to Japan instead.

Montevideo Convention on the Rights and Duties of States

Signed at Montevideo, 26 December 1933
Entered into Force, 26 December 1934
Article 8 reaffirmed by Protocol, 23 December 1936

CONVENTION ON THE RIGHTS AND DUTIES OF STATES

This treaty was signed at the International Conference of American States in Montevideo, Uruguay on December 26, 1933. It entered into force on December 26, 1934. The treaty discusses the definition and rights of statehood.

The Governments represented in the Seventh International Conference of American States:
Wishing to conclude a Convention on Rights and Duties of States, have appointed the following Plenipotentiaries:
Honduras: MIGUEL PAZ BARAONA; AUGUSTO C. COELLO; LUIS BOGRAN
United States of America: CORDELL HULL; ALEXANDER W. WEDDELL; J. REUBEN CLARK; J. BUTLER WRIGHT; SPRUILL BRADEN; Miss SOPHONISBA P. BRECKINRIDGE
El Salvador: HECTOR DAVID CASTRO; ARTURO RAMON AVILA; J. CIPRIANO CASTRO
Dominican Republic: TULIO M. CESTERO
Haiti: JUSTIN BARAU; FRANCIS SALGADO; ANTOINE PIERRE-PAUL; EDMOND MANGONES
Argentina: CARLOS SAAVEDRA LAMAS; JUAN F. CAFFERATA; RAMON S. CASTILLO; CARLOS BREBBIA; ISIDORO RUIZ MORENO; LUIS A. PODESTA COSTA; RAUL PREBISCH; DANIEL ANTOKOLETZ
Venezuela: CESAR ZUMETA; LUIS CHURTON; JOSE RAFAEL MONTLILA
Uruguay: ALBERTO MANE; JUAN JOSE AMEZAGA; JOSE G. ANTUNA; JUAN CARLOS BLANCO; Senora SOFIA A. V. DE DEMICHELI; MARTIN R. ECHEGOYEN; LUIS ALBERTO DE HERRERA; PEDRO MANINI RIOS; MATEO MARQUES CASTRO; RODOLFO MEZZERA; OCTAVIO MORAT; LUIS MORQUIO; TEOFILO PINEYRO CHAIN; DARDO REGULES; JOSE SERRATO; JOSE PEDRO VARELA
Paraguay: JUSTO PASTOR BENITEZ; GERONIMO RIART; HORACIO A. FERNANDEZ; Senorita MARIA F. GONZALEZ
Mexico: JOSE MANUEL PUIG CASAURANC; ALFONSO REYES; BASILIO VADILLO; GENARO V. VASQUEZ; ROMEO ORTEGA; MANUEL J. SIERRA; EDUARDO SUAREZ
Panama: J. D. AROSEMENA; EDUARDO E. HOLGUIN; OSCAR R. MULLER; MAGIN PONS
Bolivia: CASTO ROJAS; DAVID ALVESTEGUI; ARTURO PINTO ESCALIER
Guatemala: ALFREDO SKINNER KLEE; JOSE GONZALEZ CAMPO; CARLOS SALAZAR; MANUEL ARROYO
Brazil: AFRANIO DE MELLO FRANCO; LUCILLO A DA CUNHA BUENO; FRANCISCO LUIS DA SILVA CAMPOS; GILBERTO AMADO; CARLOS CHAGAS; SAMUEL RIBEIRO
Ecuador: AUGUSTO AGUIRRE APARICIO; HUMBERTO ALBORNOZ; ANTONIO PARRA; CARLOS PUIG VILASSAR; ARTURO SCARONE
Nicaragua: LEONARDO ARGUELLO; MANUEL CORDERO REYES; CARLOS CUADRA PASOS
Colombia: ALFONSO LOPEZ; RAIMUNDO RIVAS; JOSE CAMACEO CARRENO
Chile: MIGUEL CRUCHAGA TOCORNAL; OCTAVIO SENORET SILVA; GUSTAVO RIVERA; JOSE RAMON GUTIERREZ; FELIX NIETO DEL RIO; FRANCISCO FIGUEROA SANCHEZ; BENJAMIN COHEN
Peru: ALFREDO SOLE Y MURO; FELIPE BARREDA LAOS; LUIS FERNAN CISNEROS
Cuba: ANGEL ALBERTO GIRAUDY; HERMINIO PORTELL VILA; ALFREDO NOGUEIRA

Who, after having exhibited their Full Powers, which were found to be in good and due order, have agreed upon the following:

**Article 1**
The state as a person of international law should possess the following qualifications:

a) a permanent population; b) a defined territory; c) government; and d) capacity to enter into relations with the other states.

**Article 2**
The federal state shall constitute a sole person in the eyes of international law.

**Article 3**
The political existence of the state is independent of recognition by the other states. Even before recognition the state has the right to defend its integrity and independence, to provide for its conservation and prosperity, and consequently to organize itself as it sees fit, to legislate upon its interests, administer its services, and to define the jurisdiction and competence of its courts.

The exercise of these rights has no other limitation than the exercise of the rights of other states according to international law.

**Article 4**
States are juridically equal, enjoy the same rights, and have equal capacity in their exercise. The rights of each one do not depend upon the power which it possesses to assure its exercise, but upon the simple fact of its existence as a person under international law.

**Article 5**
The fundamental rights of states are not susceptible of being affected in any manner whatsoever.
Article 6
The recognition of a state merely signifies that the state which recognizes it accepts the personality of the other with all the rights and duties determined by international law. Recognition is unconditional and irrevocable.

Article 7
The recognition of a state may be express or tacit. The latter results from any act which implies the intention of recognizing the new state.

Article 8
No state has the right to intervene in the internal or external affairs of another.

Article 9
The jurisdiction of states within the limits of national territory applies to all the inhabitants.

Nationals and foreigners are under the same protection of the law and the national authorities and the foreigners may not claim rights other or more extensive than those of the nationals.

Article 10
The primary interest of states is the conservation of peace. Differences of any nature which arise between them should be settled by recognized pacific methods.

Article 11
The contracting states definitely establish as the rule of their conduct the precise obligation not to recognize territorial acquisitions or special advantages which have been obtained by force whether this consists in the employment of arms, in threatening diplomatic representations, or in any other effective coercive measure. The territory of a state is inviolable and may not be the object of military occupation nor of other measures of force imposed by another state directly or indirectly or for any motive whatever even temporarily.

Article 12
The present Convention shall not affect obligations previously entered into by the High Contracting Parties by virtue of international agreements.

Article 13
The present Convention shall be ratified by the High Contracting Parties in conformity with their respective constitutional procedures. The Minister of Foreign Affairs of the Republic of Uruguay shall transmit authentic certified copies to the
governments for the aforementioned purpose of ratification. The instrument of ratification shall be deposited in the archives of the Pan American Union in Washington, which shall notify the signatory governments of said deposit. Such notification shall be considered as an exchange of ratifications.

Article 14
The present Convention will enter into force between the High Contracting Parties in the order in which they deposit their respective ratifications.

Article 15
The present Convention shall remain in force indefinitely but may be denounced by means of one year's notice given to the Pan American Union, which shall transmit it to the other signatory governments. After the expiration of this period the Convention shall cease in its effects as regards the party which denounces but shall remain in effect for the remaining High Contracting Parties.

Article 16
The present Convention shall be open for the adherence and accession of the States which are not signatories. The corresponding instruments shall be deposited in the archives of the Pan American Union which shall communicate them to the other High Contracting Parties.

In witness whereof, the following Plenipotentiaries have signed this Convention in Spanish, English, Portuguese and French and hereunto affix their respective seals in the city of Montevideo, Republic of Uruguay, this 26th day of December, 1933.

Reservations
The Delegation of the United States of America, in signing the Convention on the Rights and Duties of States, does so with the express reservation presented to the Plenary Session of the Conference on December 22, 1933, which reservation reads as follows:

The Delegation of the United States, in voting “yes” on the final vote on this committee recommendation and proposal, makes the same reservation to the eleven articles of the project or proposal that the United States Delegation made to the first ten articles during the final vote in the full Commission, which reservation is in words as follows:

"The policy and attitude of the United States Government toward every important phase of international relationships in this hemisphere could scarcely be made more clear and definite than they have been made by both word and action especially since March 4. I [Secretary of State Cordell Hull, chairman of U.S.
delegation] have no disposition therefore to indulge in any repetition or rehearsal of these acts and utterances and shall not do so. Every observing person must by this time thoroughly understand that under the Roosevelt Administration the United States Government is as much opposed as any other government to interference with the freedom, the sovereignty, or other internal affairs or processes of the governments of other nations.

"In addition to numerous acts and utterances in connection with the carrying out of these doctrines and policies, President Roosevelt, during recent weeks, gave out a public statement expressing his disposition to open negotiations with the Cuban Government for the purpose of dealing with the treaty which has existed since 1903. I feel safe in undertaking to say that under our support of the general principle of non-intervention as has been suggested, no government need fear any intervention on the part of the United States under the Roosevelt Administration. I think it unfortunate that during the brief period of this Conference there is apparently not time within which to prepare interpretations and definitions of these fundamental terms that are embraced in the report. Such definitions and interpretations would enable every government to proceed in a uniform way without any difference of opinion or of interpretations. I hope that at the earliest possible date such very important work will be done. In the meantime in case of differences of interpretations and also until they (the proposed doctrines and principles) can be worked out and codified for the common use of every government, I desire to say that the United States Government in all of its international associations and relationships and conduct will follow scrupulously the doctrines and policies which it has pursued since March 4 which are embodied in the different addresses of President Roosevelt since that time and in the recent peace address of myself on the 15th day of December before this Conference and in the law of nations as generally recognized and accepted".

The delegates of Brazil and Peru recorded the following private vote with regard to article 11: "That they accept the doctrine in principle but that they do not consider it codifiable because there are some countries which have not yet signed the Anti-War Pact of Rio de Janeiro 4 of which this doctrine is a part and therefore it does not yet constitute positive international law suitable for codification".

Honduras: M. PAZ BARAONA; AUGUSTO C. COELLO; Luls BOGRXN
United States of America: ALEXANDER W. WEDDELL; J. BUTLER WRIGUT
El Salvador: HECTOR DAVID CASTRO; ARTURO R. AVILA
Dominican Republic: TULIO M. CESTERO
Haiti: J. BARAU; F. SALGADO; EDMOND MANGONES; A. PRRE. PAUL
Argentina: CARLOS SAAVEDRA LAMAS; JUAN F. CAFFERATA; RAMON S. CASTILLO; I. Rulz MORENO; L. A. PODESTA COSTA; D. ANTOKOLETZ
Venezuela: LUIS CHURION; J. R. MONTILLA
Uruguay: A. MANE; JOSE PEDRO VARELA; MATEO MARQuEs CASTRO; DARDO REGULES; SOFIA ALVAREZ VIGNOLI DE DEMICIEIELI; TEOFILO PINEYRO CHAIN; LUIS A. DE HERRERA; MARTIN R. EcnEcoYEN; JOSE G. ANTUNA; J. C. BLANCO; PEDRO MANINI RIOS; RODOLFO MEZZERA; OCTAVTO MORATO; LUIS MOROQUIO; JOSE SERRATO
Paraguay: JUSTO PASTOR BENITEZ; MARIA F. GONZALEZ
Mexico: B. VADILLO; M. J. STERRA; EDUARDO SUAREZ
Panama: J. D. AROSEMENTA; MAGIN PONS; EDUARDO E. HOLGUIN
Guatemala: M. ARROYO
Brazil: LUCILLO A. DA CUNHA BUENO; GILBERTO AMADO
Ecuador: A. AGUIRRE APARICIO; H. ALBORNOZ; ANTONIO PARRA V.; C. PUIG V.; ARTURO SCARONE
Nicaragua: LEONARDO ARGUELLO; M. CORDERO REYES; CARLOS CUADRA PASOS
Colombia: ALFONSO LOPEZ; RAIMUNDO RIVAS
Chile: MIGUEL CRUCHAGA; J. RAMON GUTIERREZ; F. FIGUEROA; F. NIETO DEL RIO; B. COHEN
Peru: (with the reservation set forth) ALFREDO SOLF Y MURO
Cuba: ALBERTO GIRAUDY; HERMINIO PORTELL VILA; ING. NOGUEIRA

Editor’s note =============
The “Montevideo Convention on the Rights and Duties of States” is translated as Mengteweiduo guojia quanli yiwu gongyue 蒙特維多國家權利義務公約 in Chinese.

The ROC’s Declaration of War Against Japan
(December 9, 1941)

Japan’s national policy has always aimed at the domination of Asia and mastery of the Pacific. For more than four years China has resolutely resisted Japan’s aggression, regardless of suffering and sacrifice, in order not only to maintain her national independence and freedom but also to uphold international law and justice and to promote world peace and human happiness.
China is a peace-loving nation. In taking up arms in self-defense, China entertained the hope that Japan might yet realise the futility of her plans of conquest. Throughout the struggle all the other powers have shown the utmost forbearance likewise in the hope that Japan might one day repent and mend her ways in the interest of peace in the entire Pacific region.

Unfortunately Japan’s aggressive capacities prove to be incorrigible. After her long and fruitless attempt to conquer China, Japan, far from showing any signs of penitence, has treacherously launched an attack on China’s friends, the United States and Great Britain, thus extending the theater of her aggressive activities and making herself the arch-enemy of justice and world peace.

This latest act of aggression on the part of Japan lays bare her insatiable ambitions and has created a situation that no nation which believes in international good faith and human decency can tolerate.

The Chinese Government hereby formally declares war on Japan. The Chinese Government further declares that all treaties, conventions, agreements and contracts regarding relations between China and Japan are and remain null and void.

1941, December 9. Chairman, Lin Sen

中華民國政府對日宣戰布告
(1941年12月9日)
日本軍閥夙以征服亞洲，並獨霸太平洋為其國策。數年以來，中國不顧一切犧牲，繼續抗戰，其目的不僅在保衛中國之獨立生存，實欲打破日本之侵略野心，維護國際公法、正義及人類福利與世界和平，此中國政府屢經聲明者也。

中國為酷愛和平之民族，過去四年余之神圣抗戰，原期侵略者之日本於遭受實際之懲創後，終能反省。在此時期，各友邦亦極端忍耐，冀其悔禍，俾全太平洋之和平，得以維持。不料強暴成性之日本，執迷不悟，且更悍然向我英、美諸友邦開釁，擴大其戰爭侵略行動，甘為破壞全人類和平與正義之戎首，逞其侵略無厭之野心。舉凡尊重信義之國家，咸屬忍無可忍。茲特正式對日宣戰，昭告中外，所有一切條約、協定、合同，有涉及中、日間之關係者，一律廢止，特此布告。

中華民國三十年十二月九日 主席 林森
Declaration by United Nations
(Subscription to the Principles of the Atlantic Charter, January 1, 1942)

A Joint Declaration by the United States of America, the United Kingdom of Great Britain and Northern Ireland, the Union of Soviet Socialist Republics, China, Australia, Belgium, Canada, Costa Rica, Cuba, Czechoslovakia, Dominican Republic, El Salvador, Greece, Guatemala, Haiti, Honduras, India, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Panama, Poland, South Africa, Yugoslavia.

The Governments signatory hereto,

Having subscribed to a common program of purposes and principles embodied in the Joint Declaration of the President of United States of America and the Prime Minister of the United Kingdom of Great Britain and Northern Ireland dated August 14, 1941, known as the Atlantic Charter.

Being convinced that complete victory over their enemies is essential to defend life, liberty, independence and religious freedom, and to preserve human rights and justice in their own lands as well as in other lands, and that they are now engaged in a common struggle against savage and brutal forces seeking to subjugate the world,

DECLARE:

(1) Each Government pledges itself to employ its full resources, military or economic, against those members of the Tripartite Pact and its adherents with which such government is at war.

(2) Each Government pledges itself to cooperate with the Governments signatory hereto and not to make a separate armistice or peace with the enemies.

The foregoing declaration may be adhered to by other nations which are, or which may be, rendering material assistance and contributions in the struggle for victory over Hitlerism.

DONE at Washington
January First, 1942
[The signatories to the Declaration by United Nations are as listed above.]

聯合國共同宣言

美利堅合衆國、大不列顛及北愛爾蘭聯合王國、蘇維埃社會主義共和國聯盟、中國、澳大利亞、比利時、加拿大、哥斯達黎加、古巴、捷克斯洛伐克、多米尼加共和國、薩爾瓦多、希臘、危地馬拉、海地、洪都拉斯、印度、盧森堡、荷蘭、新西蘭、尼加拉瓜、挪威、巴拿馬、波蘭、南非聯邦和南斯拉夫各國的聯合宣言。
Cairo Declaration

President Roosevelt, Generalissimo Chiang Kai-shek and Prime Minister Mr. Churchill, together with their respective military and diplomatic advisers, have completed a conference in North Africa. The following general statement was issued:

“The several military missions have agreed upon future military operations against Japan. The Three Great Allies expressed their resolve to bring unrelenting pressure against their brutal enemies by sea, land, and air. This pressure is already rising.

“The Three Great Allies are fighting this war to restrain and punish the aggression of Japan. They covet no gain for themselves and have no thought of territorial expansion. It is their purpose that Japan shall be stripped of all the islands in the Pacific which she has seized or occupied since the beginning of the first World War in 1914, and that all the territories Japan has stolen from the Chinese, such as Manchuria, Formosa, and The Pescadores, shall be restored to the Republic of China. Japan will also be expelled from all other territories which she has taken by violence and greed. The aforesaid three great powers, mindful of the enslavement of the people of Korea, are determined that in due course Korea shall become free and independent.

“With these objects in view the three Allies, in harmony with those of the United Nations at war with Japan, will continue to persevere in the serious and prolonged...
operations necessary to procure the unconditional surrender of Japan.”

開羅宣言
羅斯福總統、蔣委員長、邱吉爾首相、偕同各該國軍事與外交顧問人員，在北非舉行會議，業已完畢，茲發表概括之聲明如下：
三國軍事方面人員關於今後對日作戰計劃，已獲得一致意見，我三大盟國決心以不鬆弛之壓力從海陸空各方面加諸殘暴之敵人，此項壓力已經在增長之中。我三大盟國此次進行戰爭之目的，在於制止及懲罰日本之侵略，三國決不為自己圖利，亦無拓展領土之意思。三國之宗旨，在剝奪日本自從一九四四年第一次世界大戰開始後在太平洋上所奪得或佔領之一切島嶼；在使日本所竊取於中國之領土，例如東北四省(2)、臺灣、澎湖群島等，歸還中華民國；其他日本以武力或貪欲所攫取之土地，亦務將日本驅逐出境；我三大盟國稔知朝鮮人民所受之奴隸待遇，決定在相當時期，使朝鮮自由與獨立。根據以上所認定之各項目標，並與其他對日作戰之聯合國(3)目標相一致，我三大盟國將堅忍進行其重大而長期之戰爭，以獲得日本之無條件投降。

■ Editor’s note ================
The Cairo Conference was attended by US President Franklin D. Roosevelt, British Prime Minister Winston Churchill and ROC President Chiang Kai-shek 蔣介石 and took place Nov. 22–26, 1943. The Cairo Declaration (also called “Cairo Communiqué”) was not a treaty, was not signed, and was released via radio broadcast on Dec. 1, 1943. It is called Kairo senyen カイロ宣言 in Japanese.

Agreements reached at the Yalta Conference

PROTOCOL OF PROCEEDINGS OF CRIMEA CONFERENCE
The Crimea Conference of the heads of the Governments of the United States of America, the United Kingdom, and the Union of Soviet Socialist Republics, which took place from Feb. 4 to 11, came to the following conclusions:

I. World organization
It was decided:
1. That a United Nations conference on the proposed world organization should be summoned for Wednesday, 25 April, 1945, and should be held in the United States of America.
2. The nations to be invited to this conference should be:
   (a) the United Nations as they existed on 8 Feb., 1945; and
(b) Such of the Associated Nations as have declared war on the common enemy by 1 March, 1945. (For this purpose, by the term “Associated Nations” was meant the eight Associated Nations and Turkey.) When the conference on world organization is held, the delegates of the United Kingdom and United State of America will support a proposal to admit to original membership two Soviet Socialist Republics, i.e., the Ukraine and White Russia.

3. That the United States Government, on behalf of the three powers, should consult the Government of China and the French Provisional Government in regard to decisions taken at the present conference concerning the proposed world organization.

4. That the text of the invitation to be issued to all the nations which would take part in the United Nations conference should be as follows:

"The Government of the United States of America, on behalf of itself and of the Governments of the United Kingdom, the Union of Soviet Socialist Republics and the Republic of China and of the Provisional Government of the French Republic invite the Government of -------- to send representatives to a conference to be held on 25 April, 1945, or soon thereafter, at San Francisco, in the United States of America, to prepare a charter for a general international organization for the maintenance of international peace and security.

"The above-named Governments suggest that the conference consider as affording a basis for such a Charter the proposals for the establishment of a general international organization which were made public last October as a result of the Dumbarton Oaks conference and which have now been supplemented by the following provisions for Section C of Chapter VI:

C. Voting

"1. Each member of the Security Council should have one vote.

"2. Decisions of the Security Council on procedural matters should be made by an affirmative vote of seven members.

"3. Decisions of the Security Council on all matters should be made by an affirmative vote of seven members, including the concurring votes of the permanent members; provided that, in decisions under Chapter VIII, Section A and under the second sentence of Paragraph 1 of Chapter VIII, Section C, a party to a dispute should abstain from voting.'"

"Further information as to arrangements will be transmitted subsequently.
"In the event that the Government of -------- desires in advance of the conference to present views or comments concerning the proposals, the Government of the United States of America will be pleased to transmit such views and comments to the other participating Governments."
Territorial trusteeship:
It was agreed that the five nations which will have permanent seats on the Security
Council should consult each other prior to the United Nations conference on the
question of territorial trusteeship.
The acceptance of this recommendation is subject to its being made clear that
territorial trusteeship will only apply to
(a) existing mandates of the League of Nations;
(b) territories detached from the enemy as a result of the present war;
(c) any other territory which might voluntarily be placed under trusteeship; and
(d) no discussion of actual territories is contemplated at the forthcoming United
Nations conference or in the preliminary consultations, and it will be a matter
for subsequent agreement which territories within the above categories will be
place under trusteeship.
[Begin first section published Feb. 13, 1945.]

II. Declaration of liberated Europe
The following declaration has been approved:
The Premier of the Union of Soviet Socialist Republics, the Prime Minister of the
United Kingdom and the President of the United States of America have consulted
with each other in the common interests of the people of their countries and those
of liberated Europe. They jointly declare their mutual agreement to concert during
the temporary period of instability in liberated Europe the policies of their three
Governments in assisting the peoples liberated from the domination of Nazi
Germany and the peoples of the former Axis satellite states of Europe to solve by
democratic means their pressing political and economic problems.
The establishment of order in Europe and the rebuilding of national economic life
must be achieved by processes which will enable the liberated peoples to destroy the
last vestiges of nazism and fascism and to create democratic institutions of their own
choice. This is a principle of the Atlantic Charter — the right of all people to choose
the form of government under which they will live — the restoration of sovereign
rights and self-government to those peoples who have been forcibly deprived to
them by the aggressor nations.
To foster the conditions in which the liberated people may exercise these rights, the
three governments will jointly assist the people in any European liberated state or
former Axis state in Europe where, in their judgment conditions require,
(a) to establish conditions of internal peace;
(b) to carry out emergency relief measures for the relief of distressed peoples;
(c) to form interim governmental authorities broadly representative of all
democratic elements in the population and pledged to the earliest possible
establishment through free elections of Governments responsive to the will of the people; and
(d) to facilitate where necessary the holding of such elections.
The three Governments will consult the other United Nations and provisional authorities or other Governments in Europe when matters of direct interest to them are under consideration.
When, in the opinion of the three Governments, conditions in any European liberated state or former Axis satellite in Europe make such action necessary, they will immediately consult together on the measure necessary to discharge the joint responsibilities set forth in this declaration.
By this declaration we reaffirm our faith in the principles of the Atlantic Charter, our pledge in the Declaration by the United Nations and our determination to build in cooperation with other peace-loving nations world order, under law, dedicated to peace, security, freedom and general well-being of all mankind.
In issuing this declaration, the three powers express the hope that the Provisional Government of the French Republic may be associated with them in the procedure suggested.
[End first section published Feb. 13, 1945.]

III. Dismemberment of Germany
It was agreed that Article 12 (a) of the Surrender terms for Germany should be amended to read as follows:
"The United Kingdom, the United States of America and the Union of Soviet Socialist Republics shall possess supreme authority with respect to Germany. In the exercise of such authority they will take such steps, including the complete dismemberment of Germany as they deem requisite for future peace and security."
The study of the procedure of the dismemberment of Germany was referred to a committee consisting of Mr. Anthony Eden, Mr. John Winant, and Mr. Fedor T. Gusev. This body would consider the desirability of associating with it a French representative.

IV. Zone of occupation for the French and control council for Germany
It was agreed that a zone in Germany, to be occupied by the French forces, should be allocated France. This zone would be formed out of the British and American zones and its extent would be settled by the British and Americans in consultation with the French Provisional Government.
It was also agreed that the French Provisional Government should be invited to become a member of the Allied Control Council for Germany.
V. Reparation

The following protocol has been approved:

PROTOCOL

On the Talks Between the Heads of Three Governments at the Crimean Conference on the Question of the German Reparations in Kind

1. Germany must pay in kind for the losses caused by her to the Allied nations in the course of the war. Reparations are to be received in the first instance by those countries which have borne the main burden of the war, have suffered the heaviest losses and have organized victory over the enemy.

2. Reparation in kind is to be exacted from Germany in three following forms:

(a) Removals within two years from the surrender of Germany or the cessation of organized resistance from the national wealth of Germany located on the territory of Germany herself as well as outside her territory (equipment, machine tools, ships, rolling stock, German investments abroad, shares of industrial, transport and other enterprises in Germany, etc.), these removals to be carried out chiefly for the purpose of destroying the war potential of Germany.

(b) Annual deliveries of goods from current production for a period to be fixed.

(c) Use of German labor.

3. For the working out on the above principles of a detailed plan for exaction of reparation from Germany an Allied reparation commission will be set up in Moscow. It will consist of three representatives — one from the Union of Soviet Socialist Republics, one from the United Kingdom and one from the United States of America.

4. With regard to the fixing of the total sum of the reparation as well as the distribution of it among the countries which suffered from the German aggression, the Soviet and American delegations agreed as follows:

"The Moscow reparation commission should take in its initial studies as a basis for discussion the suggestion of the Soviet Government that the total sum of the reparation in accordance with the points (a) and (b) of the Paragraph 2 should be 22 billion dollars and that 50 per cent should go to the Union of Soviet Socialist Republics."

The British delegation was of the opinion that, pending consideration of the reparation question by the Moscow reparation commission, no figures of reparation should be mentioned.

The above Soviet-American proposal has been passed to the Moscow reparation commission as one of the proposals to be considered by the commission.
VI. Major war criminals
The conference agreed that the question of the major war criminals should be the subject of inquiry by the three Foreign Secretaries for report in due course after the close of the conference.
[Begin second section published Feb. 13, 1945.]

VII. Poland
The following declaration on Poland was agreed by the conference:
"A new situation has been created in Poland as a result of her complete liberation by the Red Army. This calls for the establishment of a Polish Provisional Government which can be more broadly based than was possible before the recent liberation of the western part of Poland. The Provisional Government which is now functioning in Poland should therefore be reorganized on a broader democratic basis with the inclusion of democratic leaders from Poland itself and from Poles abroad. This new Government should then be called the Polish Provisional Government of National Unity.

"M. Molotov, Mr. Harriman and Sir A. Clark Kerr are authorized as a commission to consult in the first instance in Moscow with members of the present Provisional Government and with other Polish democratic leaders from within Poland and from abroad, with a view to the reorganization of the present Government along the above lines. This Polish Provisional Government of National Unity shall be pledged to the holding of free and unfettered elections as soon as possible on the basis of universal suffrage and secret ballot. In these elections all democratic and anti-Nazi parties shall have the right to take part and to put forward candidates.

"When a Polish Provisional of Government National Unity has been properly formed in conformity with the above, the Government of the U.S.S.R., which now maintains diplomatic relations with the present Provisional Government of Poland, and the Government of the United Kingdom and the Government of the United States of America will establish diplomatic relations with the new Polish Provisional Government National Unity, and will exchange Ambassadors by whose reports the respective Governments will be kept informed about the situation in Poland.

"The three heads of Government consider that the eastern frontier of Poland should follow the Curzon Line with digressions from it in some regions of five to eight kilometers in favor of Poland. They recognize that Poland must receive substantial accessions in territory in the north and west. They feel that the opinion of the new Polish Provisional Government of National Unity should be sought in due course of the extent of these accessions and that the final delimitation of the western frontier of Poland should thereafter await the peace conference."
VIII. Yugoslavia

It was agreed to recommend to Marshal Tito and to Dr. Ivan Subasitch:

(a) That the Tito-Subasitch agreement should immediately be put into effect and a new government formed on the basis of the agreement.

(b) That as soon as the new Government has been formed it should declare:

(I) That the Anti-Fascist Assembly of the National Liberation (AVNOJ) will be extended to include members of the last Yugoslav Skupstina who have not compromised themselves by collaboration with the enemy, thus forming a body to be known as a temporary Parliament and

(II) That legislative acts passed by the Anti-Fascist Assembly of the National Liberation (AVNOJ) will be subject to subsequent ratification by a Constituent Assembly; and that this statement should be published in the communiqué of the conference.

IX. Italo-Yogoslav frontier — Italo-Austrian frontier

Notes on these subjects were put in by the British delegation and the American and Soviet delegations agreed to consider them and give their views later.

X. Yugoslav-Bulgarian relations

There was an exchange of views between the Foreign Secretaries on the question of the desirability of a Yugoslav-Bulgarian pact of alliance. The question at issue was whether a state still under an armistice regime could be allowed to enter into a treaty with another state. Mr. Eden suggested that the Bulgarian and Yugoslav Governments should be informed that this could not be approved. Mr. Stettinius suggested that the British and American Ambassadors should discuss the matter further with Mr. Molotov in Moscow. Mr. Molotov agreed with the proposal of Mr. Stettinius.

XI. Southeastern Europe

The British delegation put in notes for the consideration of their colleagues on the following subjects:

(a) The Control Commission in Bulgaria.

(b) Greek claims upon Bulgaria, more particularly with reference to reparations.

(c) Oil equipment in Rumania.

XII. Iran

Mr. Eden, Mr. Stettinius and Mr. Molotov exchanged views on the situation in Iran. It was agreed that this matter should be pursued through the diplomatic channel.

[Begin third section published Feb. 13, 1945.]
XIII. Meeting of the three foreign secretaries
The conference agreed that permanent machinery should be set up for consultation between the three Foreign Secretaries; they should meet as often as necessary, probably about every three or four months. These meetings will be held in rotation in the three capitals, the first meeting being held in London.
[End third section published Feb. 13, 1945.]

XIV. The Montreaux Convention and the Straits
It was agreed that at the next meeting of the three Foreign Secretaries to be held in London, they should consider proposals which it was understood the Soviet Government would put forward in relation to the Montreaux Convention, and report to their Governments. The Turkish Government should be informed at the appropriate moment.

The foregoing protocol was approved and signed by the three Foreign Secretaries at the Crimean Conference Feb. 11, 1945.

E. R. Stettinius Jr. Anthony Eden
B. M. Molotov (Вячеслав Михайлович Молотов)

Agreement regarding Japan
The leaders of the three great powers — the Soviet Union, the United States of America and Great Britain — have agreed that in two or three months after Germany has surrendered and the war in Europe is terminated, the Soviet Union shall enter into war against Japan on the side of the Allies on condition that:
1. The status quo in Outer Mongolia (the Mongolian People's Republic) shall be preserved.
2. The former rights of Russia violated by the treacherous attack of Japan in 1904 shall be restored, viz.:
   (a) The southern part of Sakhalin as well as the islands adjacent to it shall be returned to the Soviet Union;
   (b) The commercial port of Dairen shall be internationalized, the pre-eminent interests of the Soviet Union in this port being safeguarded, and the lease of Port Arthur as a naval base of the U.S.S.R. restored;
   (c) The Chinese-Eastern Railroad and the South Manchurian Railroad, which provide an outlet to Dairen, shall be jointly operated by the establishment of a joint Soviet-Chinese company, it being understood that the pre-eminent interests of the Soviet Union shall be safeguarded and that China shall retain sovereignty in Manchuria;
3. The Kurile Islands shall be handed over to the Soviet Union.

It is understood that the agreement concerning Outer Mongolia and the ports and railroads referred to above will require concurrence of Generalissimo Chiang Kai-shek. The President will take measures in order to maintain this concurrence on advice from Marshal Stalin.

The heads of the three great powers have agreed that these claims of the Soviet Union shall be unquestionably fulfilled after Japan has been defeated.

For its part, the Soviet Union expresses its readiness to conclude with the National Government of China a pact of friendship and alliance between the U.S.S.R. and China in order to render assistance to China with its armed forces for the purpose of liberating China from the Japanese yoke.

Franklin D. Roosevelt
Winston S. Churchill
Joseph Stalin (Иосиф Виссарионович Сталин)
February 11, 1945

Editor’s note ===============
Below are the Chinese and Japanese translations for the term “Yalta Conference”.

| Chinese: Yaerda huiyi 雅爾達會議 | Japanese: Yaruta kaidan ヤルタ会談 |

---

**Berlin Declaration**


The German armed forces on land, at sea and in the air have been completely defeated and have surrendered unconditionally and Germany, which bears responsibility for the war, is no longer capable of resisting the will of the victorious Powers. The unconditional surrender of Germany has thereby been effected, and Germany has become subject to such requirements as may now or hereafter be imposed upon her.

There is no central Government or authority in Germany capable of accepting responsibility for the maintenance of order, the administration of the country and compliance with the requirements of the victorious Powers.
It is in these circumstances necessary, without prejudice to any subsequent decisions that may be taken respecting Germany, to make provision for the cessation of any further hostilities on the part of the German armed forces, for the maintenance of order in Germany and for the administration of the country, and to announce the immediate requirements with which Germany must comply.

The Representatives of the Supreme Commands of the United States of America, the Union of Soviet Socialist Republics, the United Kingdom and the French Republic, hereinafter called the “Allied Representatives,” acting by authority of their respective Governments and in the interests of the United Nations, accordingly make the following Declaration:

The Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom, and the Provisional Government of the French Republic, hereby assume supreme authority with respect to Germany, including all the powers possessed by the German Government, the High Command and any state, municipal, or local government or authority. The assumption, for the purposes stated above, of the said authority and powers does not affect the annexation of Germany.

The Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom, and the Provisional Government of the French Republic, will hereafter determine the boundaries of Germany or any part thereof and the status of Germany or of any area at present being part of German territory.

In virtue of the supreme authority and powers thus assumed by the four Governments, the Allied Representatives announce the following requirements arising from the complete defeat and unconditional surrender of Germany with which Germany must comply:

Article 1
Germany, and all German military, naval and air authorities and all forces under German control shall immediately cease hostilities in all theatres of war against the forces of the United Nations on land, at sea and in the air.

Article 2
(a) All armed forces of Germany or under German control, wherever they may be situated, including land, air, anti-aircraft and naval forces, the S.S., S.A. and Gestapo, and all other forces of auxiliary organisations equipped with weapons, shall be completely disarmed, handing over their weapons and equipment to local Allied Commanders or to officers designated by the Allied Representatives.
(b) The personnel of the formations and units of all the forces referred to in paragraph (a) above shall, at the discretion of the Commander-in-Chief of the
Armed Forces of the Allied State concerned, be declared to be prisoners of war, pending further decisions, and shall be subject to such conditions and directions as may be prescribed by the respective Allied Representatives.

(c) All forces referred to in paragraph (a) above, wherever they may be, will remain in their present positions pending instructions from the Allied Representatives.

(d) Evacuation by the said forces of all territories outside the frontiers of Germany as they existed on the 31st December, 1937, will proceed according to instructions to be given by the Allied Representatives.

(e) Detachments of civil police to be armed with small arms only, for the maintenance of order and for guard duties, will be designated by the Allied Representatives.

Article 3

(a) All aircraft of any kind or nationality in Germany or German-occupied or controlled territories or waters, military, naval or civil, other than aircraft in the service of the Allies, will remain on the ground, on the water or aboard ships pending further instructions.

(b) All German or German-controlled aircraft in or over territories or waters not occupied or controlled by Germany will proceed to Germany or to such other place or places as may be specified by the Allied Representatives.

Article 4

(a) All German or German-controlled naval vessels, surface and submarine, auxiliary naval craft, and merchant and other shipping, wherever such vessels may be at the time of this Declaration, and all other merchant ships of whatever nationality in German ports, will remain in or proceed immediately to ports and bases as specified by the Allied Representatives. The crews of such vessels will remain on board pending further instructions.

(b) All ships and vessels of the United Nations, whether or not title has been transferred as the result of prize court or other proceedings, which are at the disposal of Germany or under German control at the time of this Declaration, will proceed at the dates and to the ports or bases specified by the Allied Representatives.

Article 5

(a) All or any of the following articles in the possession of the German armed forces or under German control or at German disposal will be held intact and in good condition at the disposal of the Allied Representatives, for such purposes and at such times and places as they may prescribe:
(i) all arms, ammunition, explosives, military equipment, stores and supplies and other implements of war of all kinds and all other war materials;
(ii) all naval vessels of all classes, both surface and submarine, auxiliary naval craft and all merchant shipping, whether afloat, under repair or construction, built or building;
(iii) all aircraft of all kinds, aviation and anti-aircraft equipment and devices;
(iv) all transportation and communications facilities and equipment, by land, water or air;
(v) all military installations and establishments, including airfields, seaplane bases, ports and naval bases, storage depots, permanent and temporary land and coast fortifications, fortresses and other fortified areas, together with plans and drawings of all such fortifications, installations and establishments;
(vi) all factories, plants, shops, research institutions, laboratories, testing stations, technical data, patents, plans, drawings and inventions, designed or intended to produce or to facilitate the production or use of the articles, materials, and facilities referred to in sub-paragraphs (i), (ii), (iii), (iv) and (v) above or otherwise to further the conduct of war.

(b) At the demand of the Allied Representatives the following will be furnished:
   (i) the labour, services and plant required for the maintenance or operation of any of the six categories mentioned in paragraph (a) above; and
   (ii) any information or records that may be required by the Allied Representatives in connection with the same.

(c) At the demand of the Allied Representatives all facilities will be provided for the movement of Allied troops and agencies, their equipment and supplies, on the railways, roads and other land communications or by sea, river or air. All means of transportation will be maintained in good order and repair, and the labour, services and plant necessary therefor will be furnished.

Article 6
(a) The German authorities will release to the Allied Representatives, in accordance with the procedure to be laid down by them, all prisoners of war at present in their power, belonging to the forces of the United Nations, and will furnish full lists of these persons, indicating the places of their detention in Germany or territory occupied by Germany. Pending the release of such prisoners of war, the German authorities and people will protect them in their persons and property and provide them with adequate food, clothing, shelter, medical attention and money in accordance with their rank or official position.
(b) The German authorities and people will in like manner provide for and release all other nationals of the United Nations who are confined, interned or otherwise under restraint, and all other persons who may be confined, interned or otherwise under restraint for political reasons or as a result of any Nazi action, law or regulation which discriminates on the ground of race, colour, creed or political belief.

(c) The German authorities will, at the demand of the Allied Representatives, hand over control of places of detention to such officers as may be designated for the purpose by the Allied Representatives.

Article 7
The German authorities concerned will furnish to the Allied Representatives:
(a) full information regarding the forces referred to in Article 2 (a), and, in particular, will furnish forthwith all information which the Allied Representatives may require concerning the numbers, locations and dispositions of such forces, whether located inside or outside Germany;
(b) complete and detailed information concerning mines, minefields and other obstacles to movement by land, sea or air, and the safety lanes in connection therewith. All such safety lanes will be kept open and clearly marked; all mines, minefields and other dangerous obstacles will as far as possible be rendered safe, and all aids to navigation will be reinstated. Unarmed German military and civilian personnel with the necessary equipment will be made available and utilized for the above purposes and for the removal of mines, minefields and other obstacles as directed by the Allied Representatives.

Article 8
There shall be no destruction, removal, concealment, transfer or scuttling of, or damage to, any military, naval, air, shipping, port, industrial and other like property and facilities and all records and archives, wherever they may be situated, except as may be directed by the Allied Representatives.

Article 9
Pending the institution of control by the Allied Representatives over all means of communication, all radio and telecommunication installations and other forms of wire or wireless communications, whether ashore or afloat, under German control, will cease transmission except as directed by the Allied Representatives.
Article 10
The forces, ships, aircraft, military equipment, and other property in Germany or in German control or service or at German disposal, of any other country at war with any of the Allies, will be subject to the provisions of this Declaration and of any proclamations, orders, ordinances or instructions issued thereunder.

Article 11
(a) The principal Nazi leaders as specified by the Allied Representatives, and all persons from time to time named or designated by rank, office or employment by the Allied Representatives as being suspected of having committed, ordered or abetted war crimes or analogous offences, will be apprehended and surrendered to the Allied Representatives.
(b) The same will apply in the case of any national of any of the United Nations who is alleged to have committed an offence against his national law, and who may at any time be named or designated by rank, office or employment by the Allied Representatives.
(c) The German authorities and people will comply with any instructions given by the Allied Representatives for the apprehension and surrender of such persons.

Article 12
The Allied Representatives will station forces and civil agencies in any or all parts of Germany as they may determine.

Article 13
(a) In the exercise of the supreme authority with respect to Germany assumed by the Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom, and the Provisional Government of the French Republic, the four Allied Governments will take such steps, including the complete disarmament and demilitarization of Germany, as they deem requisite for future peace and security.
(b) The Allied Representatives will impose on Germany additional political, administrative, economic, financial, military and other requirements arising from the complete defeat of Germany. The Allied Representatives, or persons or agencies duly designated to act on their authority, will issue proclamations, orders, ordinances and instructions for the purpose of laying down such additional requirements, and of giving effect to the other provisions of this Declaration. All German authorities and the German people shall carry out unconditionally the requirements of the Allied Representatives, and shall fully comply with all such proclamations, orders, ordinances and instructions.
Article 14
This Declaration enters into force and effect at the date and hour set forth below. In the event of failure on the part of the German authorities or people promptly and completely to fulfill their obligations hereby or hereafter imposed, the Allied Representatives will take whatever action may be deemed by them to be appropriate under the circumstances.

Article 15
This Declaration is drawn up in the English, Russian, French and German languages. The English, Russian and French are the only authentic texts.

BERLIN, GERMANY, June 5, 1945.
Signed at 1800 hours, Berlin time.

Editor’s note ===============
The Berlin Declaration (in Chinese: Bolin xuanyan 柏林宣言) was signed by the Allied commanders-in-chief:
- Dwight D. Eisenhower for the United States
- Bernard Montgomery for the United Kingdom
- Jean de Lattre de Tassigny for France.
- Georgy Zhukov (Георгий Константинович Жуков) for the Soviet Union

Potsdam Agreement

(A) PROTOCOL OF THE PROCEEDINGS, AUGUST 1, 1945
The Berlin Conference of the three heads of government of the USSR, USA, and UK, which took place from July 17 to August 2, 1945, came to the following conclusions:

I. Establishment of a council of foreign ministers
A. The Conference reached the following agreement for the establishment of a Council of Foreign Ministers to do the necessary preparatory work for the peace settlements:
   (1) There shall be established a Council composed of the Foreign Ministers of the United Kingdom, the Union of Soviet Socialist Republics, China, France, and the United States.
(2) (i) The Council shall normally meet in London which shall be the permanent seat of the joint Secretariat which the Council will form. Each of the Foreign Ministers will be accompanied by a high-ranking Deputy, duly authorized to carry on the work of the Council in the absence of his Foreign Ministers, and by a small staff of technical advisers.

(ii) The first meeting of the Council shall be held in London not later than September 1st 1945. Meetings may be held by common agreement in other capitals as may be agreed from time to time.

(3) (i) As its immediate important task, the Council shall be authorized to draw up, with a view to their submission to the United Nations, treaties of peace with Italy, Rumania, Bulgaria, Hungary and Finland, and to propose settlements of territorial questions outstanding on the termination of the war in Europe. The Council shall be utilized for the preparation of a peace settlement for Germany to be accepted by the Government of Germany when a government adequate for the purpose is established.

(ii) For the discharge of each of these tasks the Council will be composed of the Members representing those States which were signatory to the terms of surrender imposed upon the enemy State concerned. For the purposes of the peace settlement for Italy, France shall be regarded as a signatory to the terms of surrender for Italy. Other Members will be invited to participate when matters directly concerning them are under discussion.

(iii) Other matters may from time to time be referred to the Council by agreement between the Member Governments.

(4) (i) Whenever the Council is considering a question of direct interest to a State not represented thereon, such State should be invited to send representatives to participate in the discussion and study of that question.

(ii) The Council may adapt its procedure to the particular problems under consideration. In some cases it may hold its own preliminary discussions prior to the participation of other interested States. In other cases, the Council may convene a formal conference of the State chiefly interested in seeking a solution of the particular problem.

B. It was agreed that the three Governments should each address an identical invitation to the Governments of China and France to adopt this text and to join in establishing the Council. The text of the approved invitation was as follows:

Council of Foreign Ministers Draft for identical invitation to be sent separately by each of the Three Governments to the Governments of China and France.

The Governments of the United Kingdom, the United States and the U. S. S. R. consider it necessary to begin without delay the essential preparatory work upon the
peace settlements in Europe. To this end they are agreed that there should be established a Council of the Foreign Ministers of the Five Great Powers to prepare treaties of peace with the European enemy States, for submission to the United Nations. The Council would also be empowered to propose settlements of outstanding territorial questions in Europe and to consider such other matters as member Governments might agree to refer to it.

The text adopted by the Three Governments is as follows:

(In here insert final agreed text of the Proposal)

In agreement with the Governments of the United States and U. S. S. R., His Majesty’s Government in the United Kingdom and U. S. S. R., the United States Government, the United Kingdom and the Soviet Government extend a cordial invitation to the Government of China (France) to adopt the text quoted above and to join in setting up the Council. His Majesty’s Government, The United States Government, The Soviet Government attach much importance to the participation of the Chinese Government (French Government) in the proposed arrangements and they hope to receive an early and favorable reply to this invitation.

C. It was understood that the establishment of the Council of Foreign Ministers for the specific purposes named in the text would be without prejudice to the agreement of the Crimea Conference that there should be periodical consultation between the Foreign Secretaries of the United States, the Union of Soviet Socialist Republics and the United Kingdom.

D. The Conference also considered the position of the European Advisory Commission in the light of the Agreement to establish the Council of Foreign Ministers. It was noted with satisfaction that the Commission had ably discharged its principal tasks by the recommendations that it had furnished for the terms of surrender for Germany, for the zones of occupation in Germany and Austria and for the inter-Allied control machinery in those countries. It was felt that further work of a detailed character for the coordination of Allied policy for the control of Germany and Austria would in future fall within the competence of the Control Council at Berlin and the Allied Commission at Vienna. Accordingly it was agreed to recommend that the European Advisory Commission be dissolved.

II. The principles to govern the treatment of Germany in the initial control period

A. POLITICAL PRINCIPLES.

1. In accordance with the Agreement on Control Machinery in Germany, supreme authority in Germany is exercised, on instructions from their respective Governments, by the Commanders-in-Chief of the armed forces of the United States of America, the United Kingdom, the Union of Soviet Socialist Republics,
and the French Republic, each in his own zone of occupation, and also jointly, in matters affecting Germany as a whole, in their capacity as members of the Control Council.

2. So far as is practicable, there shall be uniformity of treatment of the German population throughout Germany.

3. The purposes of the occupation of Germany by which the Control Council shall be guided are:

(i) The complete disarmament and demilitarization of Germany and the elimination or control of all German industry that could be used for military production. To these ends:

(a) All German land, naval and air forces, the SS., SA., SD., and Gestapo, with all their organizations, staffs and institutions, including the General Staff, the Officers’ Corps, Reserve Corps, military schools, war veterans’ organizations and all other military and semi-military organizations, together with all clubs and associations which serve to keep alive the military tradition in Germany, shall be completely and finally abolished in such manner as permanently to prevent the revival or reorganization of German militarism and Nazism;

(b) All arms, ammunition and implements of war and all specialized facilities for their production shall be held at the disposal of the Allies or destroyed. The maintenance and production of all aircraft and all arms. ammunition and implements of war shall be prevented.

(ii) To convince the German people that they have suffered a total military defeat and that they cannot escape responsibility for what they have brought upon themselves, since their own ruthless warfare and the fanatical Nazi resistance have destroyed German economy and made chaos and suffering inevitable.

(iii) To destroy the National Socialist Party and its affiliated and supervised organizations, to dissolve all Nazi institutions, to ensure that they are not revived in any form, and to prevent all Nazi and militarist activity or propaganda.

(iv) To prepare for the eventual reconstruction of German political life on a democratic basis and for eventual peaceful cooperation in international life by Germany.

4. All Nazi laws which provided the basis of the Hitler regime or established discriminations on grounds of race, creed, or political opinion shall be abolished. No such discriminations, whether legal, administrative or otherwise, shall be tolerated.
5. War criminals and those who have participated in planning or carrying out Nazi enterprises involving or resulting in atrocities or war crimes shall be arrested and brought to judgment. Nazi leaders, influential Nazi supporters and high officials of Nazi organizations and institutions and any other persons dangerous to the occupation or its objectives shall be arrested and interned.

6. All members of the Nazi Party who have been more than nominal participants in its activities and all other persons hostile to Allied purposes shall be removed from public and semi-public office, and from positions of responsibility in important private undertakings. Such persons shall be replaced by persons who, by their political and moral qualities, are deemed capable of assisting in developing genuine democratic institutions in Germany.

7. German education shall be so controlled as completely to eliminate Nazi and militarist doctrines and to make possible the successful development of democratic ideas.

8. The judicial system will be reorganized in accordance with the principles of democracy, of justice under law, and of equal rights for all citizens without distinction of race, nationality or religion.

9. The administration in Germany should be directed towards the decentralization of the political structure and the development of local responsibility. To this end:

(i) local self-government shall be restored throughout Germany on democratic principles and in particular through elective councils as rapidly as is consistent with military security and the purposes of military occupation;

(ii) all democratic political parties with rights of assembly and of public discussion shall be allowed and encouraged throughout Germany;

(iii) representative and elective principles shall be introduced into regional, provincial and state (Land) administration as rapidly as may be justified by the successful application of these principles in local self-government;

(iv) for the time being, no central German Government shall be established. Notwithstanding this, however, certain essential central German administrative departments, headed by State Secretaries, shall be established, particularly in the fields of finance, transport, communications, foreign trade and industry. Such departments will act under the direction of the Control Council.

10. Subject to the necessity for maintaining military security, freedom of speech, press and religion shall be permitted, and religious institutions shall be respected. Subject likewise to the maintenance of military security, the formation of free trade unions shall be permitted.
B. ECONOMIC PRINCIPLES.

11. In order to eliminate Germany’s war potential, the production of arms, ammunition and implements of war as well as all types of aircraft and sea-going ships shall be prohibited and prevented. Production of metals, chemicals, machinery and other items that are directly necessary to a war economy shall be rigidly controlled and restricted to Germany’s approved post-war peacetime needs to meet the objectives stated in Paragraph 15. Productive capacity not needed for permitted production shall be removed in accordance with the reparations plan recommended by the Allied Commission on Reparations and approved by the Governments concerned or if not removed shall be destroyed.

12. At the earliest practicable date, the German economy shall be decentralized for the purpose of eliminating the present excessive concentration of economic power as exemplified in particular by cartels, syndicates, trusts and other monopolistic arrangements.

13. In organizing the German Economy, primary emphasis shall be given to the development of agriculture and peaceful domestic industries.

14. During the period of occupation Germany shall be treated as a single economic unit. To this end common policies shall be established in regard to:
   (a) mining and industrial production and its allocation;
   (b) agriculture, forestry and fishing;
   (c) wages, prices and rationing;
   (d) import and export programs for Germany as a whole;
   (e) currency and banking, central taxation and customs;
   (f) reparation and removal of industrial war potential;
   (g) transportation and communications.
In applying these policies account shall be taken, where appropriate, of varying local conditions.

15. Allied controls shall be imposed upon the German economy but only to the extent necessary:
   (a) to carry out programs of industrial disarmament, demilitarization, of reparations, and of approved exports and imports.
   (b) to assure the production and maintenance of goods and services required to meet the needs of the occupying forces and displaced persons in Germany and essential to maintain in Germany average living standards not exceeding the average of the standards of living of European countries. (European countries means all European countries excluding the United Kingdom and the U. S. S. R.).
(c) to ensure in the manner determined by the Control Council the equitable distribution of essential commodities between the several zones so as to produce a balanced economy throughout Germany and reduce the need for imports.

(d) to control German industry and all economic and financial international transactions including exports and imports, with the aim of preventing Germany from developing a war potential and of achieving the other objectives named herein.

(e) to control all German public or private scientific bodies research and experimental institutions, laboratories, et cetera connected with economic activities.

16. In the imposition and maintenance of economic controls established by the Control Council, German administrative machinery shall be created and the German authorities shall be required to the fullest extent practicable to proclaim and assume administration of such controls. Thus it should be brought home to the German people that the responsibility for the administration of such controls and any break-down in these controls will rest with themselves. Any German controls which may run counter to the objectives of occupation will be prohibited.

17. Measures shall be promptly taken:
   (a) to effect essential repair of transport;
   (b) to enlarge coal production;
   (c) to maximize agricultural output; and
   (d) to erect emergency repair of housing and essential utilities.

18. Appropriate steps shall be taken by the Control Council to exercise control and the power of disposition over German-owned external assets not already under the control of United Nations which have taken part in the war against Germany.

19. Payment of Reparations should leave enough resources to enable the German people to subsist without external assistance. In working out the economic balance of Germany the necessary means must be provided to pay for imports approved by the Control Council in Germany. The proceeds of exports from current production and stocks shall be available in the first place for payment for such imports.

The above clause will not apply to the equipment and products referred to in paragraphs 4 (a) and 4 (b) of the Reparations Agreement.
III. Reparations from Germany

1. Reparation claims of the U. S. S. R. shall be met by removals from the zone of Germany occupied by the U. S. S. R., and from appropriate German external assets.

2. The U. S. S. R. undertakes to settle the reparation claims of Poland from its own share of reparations.

3. The reparation claims of the United States, the United Kingdom and other countries entitled to reparations shall be met from the Western Zones and from appropriate German external assets.

4. In addition to the reparations to be taken by the U. S. S. R. from its own zone of occupation, the U. S. S. R. shall receive additionally from the Western Zones:
   (a) 15 per cent of such usable and complete industrial capital equipment, in the first place from the metallurgical, chemical and machine manufacturing industries as is unnecessary for the German peace economy and should be removed from the Western Zones of Germany, in exchange for an equivalent value of food, coal, potash, zinc, timber, clay products, petroleum products, and such other commodities as may be agreed upon.
   (b) 10 per cent of such industrial capital equipment as is unnecessary for the German peace economy and should be removed from the Western Zones, to be transferred to the Soviet Government on reparations account without payment or exchange of any kind in return.

Removals of equipment as provided in (a) and (b) above shall be made simultaneously.

5. The amount of equipment to be removed from the Western Zones on account of reparations must be determined within six months from now at the latest.

6. Removals of industrial capital equipment shall begin as soon as possible and shall be completed within two years from the determination specified in paragraph 5. The delivery of products covered by 4 (a) above shall begin as soon as possible and shall be made by the U. S. S. R. in agreed installments within five years of the date hereof. The determination of the amount and character of the industrial capital equipment unnecessary for the German peace economy and therefore available for reparation shall be made by the Control Council under policies fixed by the Allied Commission on Reparations, with the participation of France, subject to the final approval of the Zone Commander in the Zone from which the equipment is to be removed.

7. Prior to the fixing of the total amount of equipment subject to removal, advance deliveries shall be made in respect to such equipment as will be
determined to be eligible for delivery in accordance with the procedure set forth in the last sentence of paragraph 6.

8. The Soviet Government renounces all claims in respect of reparations to shares of German enterprises which are located in the Western Zones of Germany as well as to German foreign assets in all countries except those specified in paragraph 9 below.

9. The Governments of the U. K. and U. S. A. renounce all claims in respect of reparations to shares of German enterprises which are located in the Eastern Zone of occupation in Germany, as well as to German foreign assets in Bulgaria, Finland, Hungary, Rumania and Eastern Austria.

10. The Soviet Government makes no claims to gold captured by the Allied troops in Germany.

IV. Disposal of the German navy and merchant marine

A. The following principles for the distribution of the German Navy were agreed:

(1) The total strength of the German surface navy, excluding ships sunk and those taken over from Allied Nations, but including ships under construction or repair, shall be divided equally among the U. S. S. R., U. K., and U. S. A.

(2) Ships under construction or repair mean those ships whose construction or repair may be completed within three to six months, according to the type of ship. Whether such ships under construction or repair shall be completed or repaired shall be determined by the technical commission appointed by the Three Powers and referred to below, subject to the principle that their completion or repair must be achieved within the time limits above provided, without any increase of skilled employment in the German shipyards and without permitting the reopening of any German ship building or connected industries. Completion date means the date when a ship is able to go out on its first trip, or, under peacetime standards, would refer to the customary date of delivery by shipyard to the Government.

(3) The larger part of the German submarine fleet shall be sunk. Not more than thirty submarines shall be preserved and divided equally between the U. S. S. R., U. K., and U. S. A. for experimental and technical purposes.

(4) All stocks of armament, ammunition and supplies of the German Navy appertaining to the vessels transferred pursuant to paragraphs (1) and (3) hereof shall be handed over to the respective powers receiving such ships.

(5) The Three Governments agree to constitute a tripartite naval commission comprising two representatives for each government, accompanied by the requisite staff, to submit agreed recommendations to the Three Governments for the allocation of specific German warships and to handle other detailed
matters arising out of the agreement between the Three Governments regarding the German fleet. The Commission will hold its first meeting not later than 15th August, 1945, in Berlin, which shall be its headquarters. Each Delegation on the Commission will have the right on the basis of reciprocity to inspect German warships wherever they may be located.

(6) The Three Governments agreed that transfers, including those of ships under construction and repair, shall be completed as soon as possible, but not later than 15th February, 1946. The Commission will submit fortnightly reports, including proposals for the progressive allocation of the vessels when agreed by the Commission.

B. The following principles for the distribution of the German Merchant Marine were agreed:

(1) The German Merchant Marine, surrendered to the Three Powers and wherever located, shall be divided equally among the U. S. S. R., the U. K., and the U. S. A. The actual transfers of the ships to the respective countries shall take place as soon as practicable after the end of the war against Japan. The United Kingdom and the United States will provide out of their shares of the surrendered German merchant ships appropriate amounts for other Allied States whose merchant marines have suffered heavy losses in the common cause against Germany, except that the Soviet Union shall provide out of its share for Poland.

(2) The allocation, manning, and operation of these ships during the Japanese War period shall fall under the cognizance and authority of the Combined Shipping Adjustment Board and the United Maritime Authority.

(3) While actual transfer of the ships shall be delayed until after the end of the war with Japan, a Tripartite Shipping Commission shall inventory and value all available ships and recommend a specific distribution in accordance with paragraph (1).

(4) German inland and coastal ships determined to be necessary to the maintenance of the basic German peace economy by the Allied Control Council of Germany shall not be included in the shipping pool thus divided among the Three Powers.

(5) The Three Governments agree to constitute a tripartite merchant marine commission comprising two representatives for each Government, accompanied by the requisite staff, to submit agreed recommendations to the Three Governments for the allocation of specific German merchant ships and to handle other detailed matters arising out of the agreement between the Three Governments regarding the German merchant ships. The Commission will hold its first meeting not later than September 1st, 1945, in Berlin, which shall be its
headquarters. Each delegation on the Commission will have the right on the basis of reciprocity to inspect the German merchant ships wherever they may be located.

V. City of Koenigsberg and the adjacent area
The Conference examined a proposal by the Soviet Government to the effect that pending the final determination of territorial questions at the peace settlement, the section of the western frontier of the Union of Soviet Socialist Republics which is adjacent to the Baltic Sea should pass from a point on the eastern shore of the Bay of Danzig to the east, north of Braunsberg-Goldap, to the meeting point of the frontiers of Lithuania, the Polish Republic and East Prussia.

The Conference has agreed in principle to the proposal of the Soviet Government concerning the ultimate transfer to the Soviet Union of the City of Koenigsberg and the area adjacent to it as described above subject to expert examination of the actual frontier.

The President of the United States and the British Prime Minister have declared that they will support the proposal of the Conference at the forthcoming peace settlement.

VI. War criminals
The Three Governments have taken note of the discussions which have been proceeding in recent weeks in London between British, United States, Soviet and French representatives with a view to reaching agreement on the methods of trial of those major war criminals whose crimes under the Moscow Declaration of October, 1943 have no particular geographical localization. The Three Governments reaffirm their intention to bring these criminals to swift and sure justice. They hope that the negotiations in London will result in speedy agreement being reached for this purpose, and they regard it as a matter of great importance that the trial of these major criminals should begin at the earliest possible date. The first list of defendants will be published before 1st September.

VII. Austria
The Conference examined a proposal by the Soviet Government on the extension of the authority of the Austrian Provisional Government to all of Austria.

The three governments agreed that they were prepared to examine this question after the entry of the British and American forces into the city of Vienna.

It was agreed that reparations should not be exacted from Austria.
VIII. Poland
A. DECLARATION.
We have taken note with pleasure of the agreement reached among representative Poles from Poland and abroad which has made possible the formation, in accordance with the decisions reached at the Crimea Conference, of a Polish Provisional Government of National Unity recognized by the Three Powers. The establishment by the British and United States Governments of diplomatic relations with the Polish Provisional Government of National Unity has resulted in the withdrawal of their recognition from the former Polish Government in London, which no longer exists.
The British and United States Governments have taken measures to protect the interest of the Polish Provisional Government of National Unity as the recognized government of the Polish State in the property belonging to the Polish State located in their territories and under their control, whatever the form of this property may be. They have further taken measures to prevent alienation to third parties of such property. All proper facilities will be given to the Polish Provisional Government of National Unity for the exercise of the ordinary legal remedies for the recovery of any property belonging to the Polish State which may have been wrongfully alienated. The Three Powers are anxious to assist the Polish Provisional Government of National Unity in facilitating the return to Poland as soon as practicable of all Poles abroad who wish to go, including members of the Polish Armed Forces and the Merchant Marine. They expect that those Poles who return home shall be accorded personal and property rights on the same basis as all Polish citizens.
The Three Powers note that the Polish Provisional Government of National Unity, in accordance with the decisions of the Crimea Conference, has agreed to the holding of free and unfettered elections as soon as possible on the basis of universal suffrage and secret ballot in which all democratic and anti-Nazi parties shall have the right to take part and to put forward candidates, and that representatives of the Allied press shall enjoy full freedom to report to the world upon developments in Poland before and during the elections.
B. WESTERN FRONTIER OF POLAND.
In conformity with the agreement on Poland reached at the Crimea Conference the three Heads of Government have sought the opinion of the Polish Provisional Government of National Unity in regard to the accession of territory in the north 'end west which Poland should receive. The President of the National Council of Poland and members of the Polish Provisional Government of National Unity have been received at the Conference and have fully presented their views. The three
Heads of Government reaffirm their opinion that the final delimitation of the western frontier of Poland should await the peace settlement. The three Heads of Government agree that, pending the final determination of Poland’s western frontier, the former German territories cast of a line running from the Baltic Sea immediately west of Swinamunde, and thence along the Oder River to the confluence of the western Neisse River and along the Western Neisse to the Czechoslovak frontier, including that portion of East Prussia not placed under the administration of the Union of Soviet Socialist Republics in accordance with the understanding reached at this conference and including the area of the former free city of Danzig, shall be under the administration of the Polish State and for such purposes should not be considered as part of the Soviet zone of occupation in Germany.

IX. Conclusion on peace treaties and admission to the United Nations Organization
The three Governments consider it desirable that the present anomalous position of Italy, Bulgaria, Finland, Hungary and Rumania should be terminated by the conclusion of Peace Treaties. They trust that the other interested Allied Governments will share these views.
For their part the three Governments have included the preparation of a Peace Treaty for Italy as the first among the immediate important tasks to be undertaken by the new Council of Foreign Ministers. Italy was the first of the Axis Powers to break with Germany, to whose defeat she has made a material contribution, and has now joined with the Allies in the struggle against Japan. Italy has freed herself from the Fascist regime and is making good progress towards reestablishment of a democratic government and institutions. The conclusion of such a Peace Treaty with a recognized and democratic Italian Government will make it possible for the three Governments to fulfill their desire to support an application from Italy for membership of the United Nations.
The three Governments have also charged the Council of Foreign Ministers with the task of preparing Peace Treaties for Bulgaria, Finland, Hungary and Rumania. The conclusion of Peace Treaties with recognized democratic governments in these States will also enable the three Governments to support applications from them for membership of the United Nations. The three Governments agree to examine each separately in the near future in the light of the conditions then prevailing, the establishment of diplomatic relations with Finland, Rumania, Bulgaria, and Hungary to the extent possible prior to the conclusion of peace treaties with those countries. The three Governments have no doubt that in view of the changed conditions resulting from the termination of the war in Europe, representatives of the Allied
press will enjoy full freedom to report to the world upon developments in Rumania, Bulgaria, Hungary and Finland.

As regards the admission of other States into the United Nations Organization, Article 4 of the Charter of the United Nations declares that:

1. Membership in the United Nations is open to all other peace-loving States who accept the obligations contained in the present Charter and, in the judgment of the organization, are able and willing to carry out these obligations;

2. The admission of any such State to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

The three Governments, so far as they are concerned, will support applications for membership from those States which have remained neutral during the war and which fulfill the qualifications set out above.

The three Governments feel bound however to make it clear that they for their part would not favour any application for membership put forward by the present Spanish Government, which, having been founded with the support of the Axis Powers, does not, in view of its origins, its nature, its record and its close association with the aggressor States, possess the qualifications necessary to justify such membership.

X. Territorial trusteeship

The Conference examined a proposal by the Soviet Government on the question of trusteeship territories as defined in the decision of the Crimea Conference and in the Charter of the United Nations Organization.

After an exchange of views on this question it was decided that the disposition of any former Italian colonial territories was one to be decided in connection with the preparation of a peace treaty for Italy and that the question of Italian colonial territory would be considered by the September Council of Ministers of Foreign Affairs.

XI. Revised allied control commission procedure in Rumania, Bulgaria, and Hungary

The three Governments took note that the Soviet Representatives on the Allied Control Commissions in Rumania, Bulgaria, and Hungary, have communicated to their United Kingdom and United States colleagues proposals for improving the work of the Control Commissions, now that hostilities in Europe have ceased.

The three Governments agreed that the revision of the procedures of the Allied Control Commissions in these countries would now be undertaken, taking into account the interests and responsibilities of the three Governments which together
presented the terms of armistice to the respective countries, and accepting as a basis, in respect of all three countries, the Soviet Government's proposals for Hungary as annexed hereto. (Annex I)

XII. Orderly transfer of German populations
The Three Governments, having considered the question in all its aspects, recognize that the transfer to Germany of German populations, or elements thereof, remaining in Poland, Czechoslovakia and Hungary, will have to be undertaken. They agree that any transfers that take place should be effected in an orderly and humane manner. Since the influx of a large number of Germans into Germany would increase the burden already resting on the occupying authorities, they consider that the Control Council in Germany should in the first instance examine the problem, with special regard to the question of the equitable distribution of these Germans among the several zones of occupation. They are accordingly instructing their respective representatives on the Control Council to report to their Governments as soon as possible the extent to which such persons have already entered Germany from Poland, Czechoslovakia and Hungary, to submit an estimate of the time and rate at which further transfers could be carried out having regard to the present situation in Germany.

The Czechoslovak Government, the Polish Provisional Government and the Control Council in Hungary are at the same time being informed of the above and are being requested meanwhile to suspend further expulsions pending an examination by the Governments concerned of the report from their representatives on the Control Council.

XIII. Oil equipment in Rumania
The Conference agreed to set up two bilateral commissions of experts, one to be composed of United Kingdom and Soviet Members and one to be composed of United States and Soviet Members, to investigate the facts and examine the documents, as a basis for the settlement of questions arising from the removal of oil equipment in Rumania. It was further agreed that these experts shall begin their work within ten days, on the spot.

XIV. Iran
It was agreed that Allied troops should be withdrawn immediately from Tehran, and that further stages of the withdrawal of troops from Iran should be considered at the meeting of the Council of Foreign Ministers to be held in London in September, 1945.
XV. The international zone of Tangier
A proposal by the Soviet Government was examined and the following decisions were reached:
Having examined the question of the Zone of Tangier, the three Governments have agreed that this Zone, which includes the City of Tangier and the area adjacent to it, in view of its special strategic importance, shall remain international.
The question of Tangier will be discussed in the near future at a meeting in Paris of representatives of the Governments of the Union of Soviet Socialist Republics, the United States of America, the United Kingdom and France.

XVI. The Black Sea Straits
The Three Governments recognized that the Convention concluded at Montreux should be revised as failing to meet present-day conditions.
It was agreed that as the next step the matter should be the subject of direct conversations between each of the three Governments and the Turkish Government.

XVII. International inland waterways
The Conference considered a proposal of the U. S. Delegation on this subject and agreed to refer it for consideration to the forthcoming meeting of the Council of Foreign Ministers in London.

XVIII. European inland transport conference
The British and U. S. Delegations to the Conference informed the Soviet Delegation of the desire of the British and U. S. Governments to reconvene the European Inland Transport Conference and stated that they would welcome assurance that the Soviet Government would participate in the work of the reconvened conference.
The Soviet Government agreed that it would participate in this conference.

XIX. Directives to military commanders on allied control council for Germany
The Three Governments agreed that each would send a directive to its representative on the Control Council for Germany informing him of all decisions of the Conference affecting matters within the scope of his duties.

XX. Use of allied property for satellite reparations or war trophies
The proposal (Annex II) presented by the United States Delegation was accepted in principle by the Conference, but the drafting of an agreement on the matter was left to be worked out through diplomatic channels.
XXI. Military talks

During the Conference there were meetings between the Chiefs of Staff of the Three Governments on military matters of common interest.

Annex I

TEXT OF A LETTER TRANSMITTED ON JULY 12 TO THE REPRESENTATIVES OF THE U. S. AND U. K. GOVERNMENTS ON THE ALLIED CONTROL COMMISSION IN HUNGARY

In view of the changed situation in connection with the termination of the war against Germany, the Soviet Government finds it necessary to establish the following order of work for the Allied Control Commission in Hungary.

1. During the period up to the conclusion of peace with Hungary the President (or Vice-President) of the ACC will regularly call conferences with the British and American representatives for the purpose of discussing the most important questions relating to the work of the ACC. The conferences will be called once in 10 days, or more frequently in case of need. Directives of the ACC on questions or principle will be issued to the Hungarian authorities by the President of the Allied Control Commission after agreement on these directives with the English and American representatives.

2. The British and American representatives in the ACC will take part in general conferences of heads of divisions and delegates of the ACC, convoked by the President of the ACC, which meetings will be regular in nature. The British and American representatives will also participate personally or through their representatives in appropriate instances in mixed commissions created by the President of the ACC for questions connected with the execution by the ACC of its functions.

3. Free movement by the American and British representatives in the country will be permitted provided that the ACC is previously informed of the time and route of the journeys.

4. All questions connected with permission for the entrance and exit of members of the staff of the British and American representatives in Hungary will be decided on the spot by the President of the ACC within a time limit of not more than one week.

5. The bringing in and sending out by plane of mail, cargoes and diplomatic couriers will be carried out by the British and American representatives on the ACC under arrangements and within time limits established by the ACC, or in special cases by previous coordination with the President of the ACC.
I consider it necessary to add to the above that in all other points the existing Statutes regarding the ACC in Hungary, which was confirmed on January 20, 1945, shall remain in force in the future.

Annex II

USE OF ALLIED PROPERTY FOR SATELITE REPARATIONS OR WAR TROPHIES

1. The burden of reparation and “war trophies” should not fall on Allied nationals.

2. Capital Equipment-We object to the removal of such Allied property as reparations, “war trophies”, or under any other guise. Loss would accrue to Allied nationals as a result of destruction of plants and the consequent loss of markets and trading connections. Seizure of Allied property makes impossible the fulfillment by the satellite of its obligation under the armistice to restore intact the rights and interests of the Allied Nations and their nationals.

The United States looks to the other occupying powers for the return of any equipment already removed and the cessation of removals. Where such equipment will not or cannot be returned, the U. S. will demand of the satellite adequate, effective and prompt compensation to American nationals, and that such compensation have priority equal to that of the reparations payment.

These principles apply to all property wholly or substantially owned by Allied nationals. In the event of removals of property in which the American as well as the entire Allied interest is less than substantial, the U. S. expects adequate, effective, and prompt compensation.

3. Current Production-While the U. S. does not oppose reparation out of current production of Allied investments, the satellite must provide immediate and adequate compensation to the Allied nationals including sufficient foreign exchange or products so that they can recover reasonable foreign currency expenditures and transfer a reasonable return on their investment. Such compensation must also have equal priority with reparations.

We deem it essential that the satellites not conclude treaties, agreements or arrangements which deny to Allied nationals access, on equal terms, to their trade, raw materials and industry; and appropriately modify any existing arrangements which may have that effect.

(B) PROCLAMATION DEFINING TERMS FOR JAPANESE SURRENDER, JULY 26, 1945

(1) We—The President of the United States, the President of the National Government of the Republic of China, and the Prime Minister of Great Britain,
representing the hundreds of millions of our countrymen, have conferred and agree that Japan shall be given an opportunity to end this war.

(2) The prodigious land, sea and air forces of the United States, the British Empire and of China, many times reinforced by their armies and air fleets from the west, are poised to strike the final blows upon Japan. This military power is sustained and inspired by the determination of all the Allied Nations to prosecute the war against Japan until she ceases to resist.

(3) The result of the futile and senseless German resistance to the might of the aroused free peoples of the world stands forth in awful clarity as an example to the people of Japan. The might that now converges on Japan is immeasurably greater than that which, when applied to the resisting Nazis, necessarily laid waste to the lands, the industry and the method of life of the whole German people. The full application of our military power, backed by our resolve, all mean the inevitable and complete destruction of the Japanese armed forces and just as inevitably the utter devastation of the Japanese homeland.

(4) The time has come for Japan to decide whether she will continue to be controlled by those self-willed militaristic advisers whose unintelligent calculations have brought the Empire of Japan to the threshold of annihilation, or whether she will follow the path of reason.

(5) Following are our terms. We will not deviate from them. There are no alternatives. We shall brook no delay.

(6) There must be eliminated for all time the authority and influence of those who have deceived and misled the people of Japan into embarking on world conquest, for we insist that a new order of peace security and justice will be impossible until irresponsible militarism is driven from the world.

(7) Until such a new order is established and until there is convincing proof that Japan's war-making power is destroyed, points in Japanese territory to be designated by the Allies shall be occupied to secure the achievement of the basic objectives we are here setting forth.

(8) The terms of the Cairo Declaration shall be carried out and Japanese sovereignty shall be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku and such minor islands as we determine.

(9) The Japanese military forces, after being completely disarmed, shall be permitted to return to their homes with the opportunity to lead peaceful and productive lives.

(10) We do not intend that the Japanese shall be enslaved as a race or destroyed as a nation, but stern justice shall be meted out to all war criminals, including those who have visited cruelties upon our prisoners. The Japanese Government shall
remove all obstacles to the revival and strengthening of democratic tendencies among the Japanese people. Freedom of speech, of religion, and of thought, as well as respect for the fundamental human rights shall be established.

(11) Japan shall be permitted to maintain such industries as will sustain her economy and permit the exaction of just reparations in kind, but not those [industries] which would enable her to re-arm for war. To this end, access to, as distinguished from control of, raw materials shall be permitted. Eventual Japanese participation in world trade relations shall be permitted.

(12) The occupying forces of the Allies shall be withdrawn from Japan as soon as these objectives have been accomplished and there has been established in accordance with the freely expressed will of the Japanese people a peacefully inclined and responsible government.

(13) We call upon the government of Japan to proclaim now the unconditional surrender of all Japanese armed forces, and to provide proper and adequate assurances of their good faith in such action. The alternative for Japan is prompt and utter destruction.

■ Editor’s note ===============

The “Potsdam Agreement” was the result of the Potsdam Conference which took place from July 17 to Aug. 2, 1945 in Germany’s Potsdam. The delegations of the three participating powers were represented by US President Harry S. Truman, the British Prime Minister—before July 26 Winston S. Churchill, after that Clement Attlee—and the Premier of the USSR Joseph V. Stalin (Иосиф Виссарионович Сталин). What is shown above as “b) Proclamation Defining Terms for Japanese Surrender” also became known as “Potsdam Declaration” issued by US President Truman, UK Prime Minister Churchill and ROC Chairman of the Nationalist Government Chiang Kai-shek 蔣介石.

Below are the Chinese and Japanese translations for both terms “Potsdam Agreement” and “Potsdam Declaration”.

<table>
<thead>
<tr>
<th>English</th>
<th>Chinese</th>
<th>Japanese</th>
</tr>
</thead>
<tbody>
<tr>
<td>Potsdam Agreement</td>
<td>Pocitan xieding</td>
<td>Potsudamu kyōtei 波茨達姆協定</td>
</tr>
<tr>
<td>Potsdam Declaration</td>
<td>Pocitan gonggao</td>
<td>Potsudamu sengen 波茨達姆宣言</td>
</tr>
</tbody>
</table>

The Chinese translation of the Potsdam Declaration’s full text is shown below.

《波茨坦公告》（1945 年 7 月 26 日）
美、英、中三國政府領袖公告：
(一) 余等：美國總統、中國國民政府主席及英國首相代表余等億萬國民，業經會商，並同意對日本應予以一機會，以結束此次戰事。
(二) 美國、英帝國及中國之龐大陸、海、空部隊，業已增強多倍，其
由西方調來之軍隊及空軍，即將予日本以最後之打擊，彼等之武
力受所有同盟國之決心之支持及鼓勵，對日作戰，不至其停止抵
抗不止。

(三) 德國無效果及無意抵抗全世界激起之自由人之力量，所得之結
果，彰彰在前，可為日本人民之殷鑒。此種力量當其對付抵抗之
納粹時，不得不將德國人民全體之土地、工業及其生活方式摧殘
殆盡。但現在集中對待日本之力量則較之之為龐大，不可衡量。
吾等之軍力，加以吾人之堅決意志為後盾，若予以全部實施，必
將使日本軍隊完全毀滅，無可逃遁，而日本之本土亦必終歸全部
殘毀。

(四) 現時業已到來，日本必須決定一途，其將繼續受其一意孤行計算
錯誤，使日本帝國已陷于完全毀滅之境之軍人之統制，即或走向
理智之路。

(五) 以下為吾人之條件，吾人決不更改，亦無其他另一方式。猶豫遷
延，更為吾人所不容許。

(六) 欺騙及錯誤領導日本人民使其妄欲征服世界者之威權及勢力，必
須永久剔除。蓋吾人坚持非將負責之窮兵騷武主義驅出世界，則
和平安全及正義之新秩序勢不可能。

(七) 直至如此之新秩序成立時，及直至日本製造戰爭之力量業已毀
滅，有確定可信之証據時，日本領土經盟國之指定，必須佔領，
俾吾人在此陳述之基本目的得以完成。

(八) 《開羅宣言》之條件必將實施，而日本之主權必將限於本州、北
海道、九州、四國及吾人所決定之其他小島之內。

(九) 日本軍隊在完全解除武裝以後，將被允許返其家鄉，得有和平及
生產生活之機會。

(十) 吾人無意奴役日本民族或消滅其國家，但對於戰罪人犯，包括虐
待吾人俘虜在內，將處以法律之裁判，日本政府必須將阻止日本
人民民主趨勢在內之復興及增強之所有障礙予以消除，言論、宗
教及思想自由以及對於基本人權之重視必須成立。

(十一) 日本將被允許維持其經濟所必需及可以償付貨物賠款之工業，但
可以使其重新武裝作戰之工業不在其內。為此目的，可准其獲得
原料，以別于統制原料，日本最後參加國際貿易關係當可准許。

(十二) 上述目的達到及依據日本人民自由之意志成立一傾向和平及負責
之政府後，同盟國佔領軍隊當即撤退。

(十三) 吾人通告日本政府立即宣布所有日本武裝部隊無條件投降，並對
此種行動誠意實行予以適當之各項保証，除此一途，日本即將迅
速完全毀滅。

208
Imperial Rescript on the Termination of the War (Jewel Voice Broadcast)

TO OUR GOOD AND LOYAL SUBJECTS:

After pondering deeply the general trends of the world and the actual conditions obtaining in Our Empire today, We have decided to effect a settlement of the present situation by resorting to an extraordinary measure.

We have ordered Our Government to communicate to the Governments of the United States, Great Britain, China and the Soviet Union that Our Empire accepts the provisions of their Joint Declaration.

To strive for the common prosperity and happiness of all nations as well as the security and well-being of Our subjects is the solemn obligation which has been handed down by Our Imperial Ancestors and which lies close to Our heart.

Indeed, We declared war on America and Britain out of Our sincere desire to ensure Japan's self-preservation and the stabilization of East Asia, it being far from Our thought either to infringe upon the sovereignty of other nations or to embark upon territorial aggrandizement.

But now the war has lasted for nearly four years. Despite the best that has been done by everyone — the gallant fighting of the military and naval forces, the diligence and assiduity of Our servants of the State, and the devoted service of one hundred million people — the war situation has developed not necessarily to Japan's advantage, while the general trends of the world have all turned against her interest.

Moreover, the enemy has begun to employ a new and most cruel bomb, the power of which to do damage is, indeed, incalculable, taking the toll of many innocent lives. Should We continue to fight, not only would it result in an ultimate collapse and obliteration of the Japanese nation, but also it would lead to the total extinction of human civilization.

Such being the case, how are We to save the millions of Our subjects, or to atone Ourselves before the hallowed spirits of Our Imperial Ancestors? This is the reason why We have ordered the acceptance of the provisions of the Joint Declaration of the Powers.

We cannot but express the deepest sense of regret to Our Allied nations of East Asia, who have consistently cooperated with the Empire towards the emancipation of East Asia.

The thought of those officers and men as well as others who have fallen in the fields of battle, those who died at their posts of duty, or those who met with
untimely death and all their bereaved families, pains Our heart night and day.

The welfare of the wounded and the war-sufferers, and of those who have lost their homes and livelihood, are the objects of Our profound solicitude.

The hardships and sufferings to which Our nation is to be subjected hereafter will be certainly great. We are keenly aware of the inmost feelings of all of you, Our subjects. However, it is according to the dictates of time and fate that We have resolved to pave the way for a grand peace for all the generations to come by enduring the unendurable and suffering what is unsufferable.

Having been able to safeguard and maintain the structure of the Imperial State, We are always with you, Our good and loyal subjects, relying upon your sincerity and integrity.

Beware most strictly of any outbursts of emotion which may engender needless complications, or any fraternal contention and strike which may create confusion, lead you astray and cause you to lose the confidence of the world.

Let the entire nation continue as one family from generation to generation, ever firm in its faith in the imperishability of its sacred land, and mindful of its heavy burden of responsibility, and of the long road before it.

Unite your total strength, to be devoted to construction for the future. Cultivate the ways of rectitude, foster nobility of spirit, and work with resolution — so that you may enhance the innate glory of the Imperial State and keep pace with the progress of the world.

Hirohito [signature and official seal] August 14, 1945
Prime Minister
Baron Kantarō Suzuki (signature)
Navy Minister
Yonai Mitsumasa (signature)
Minister of Justice
Matsuzaka Hiromasa (signature)
Army Minister
Korechika Anami (signature)
Minister of Munitions
Toyoda Teijirō (signature)
Minister of Health
Okada Tadahiko (signature)
Minister of State
Sakurai Hyōgorō (signature)
Minister of State
Sakonji Seizō (signature)
Minister of State
Simomura Hirosi (signature)
Finance Minister
Hirose Toyosaku (signature)
Minister of Education
Ōta Kōzō (signature)
Minister of Agriculture and Forestry
Ishiguro Tadaatsu (signature)
Interior Minister
Abe Genki (signature)
Minister of Foreign Affairs
Tōgō Shigenori (signature)
and Minister for Greater East Asia
終戰詔書

惟天下之大勢，睹本朝之現狀，欲取非常之措施，收拾時局。茲佈告天下：朕已諭令廷臣通告美、英、支、蘇四國，願受諾其共同宣言。

朕纘承洪緒，錫福生民。曩者，本朝傳檄四方，戰與英美，本求社稷於億萬斯年之舉，兼定東亞安寧平和之意。至如破國之宗社、奪領邦之故土，悉非朕意。今征伐已曆四載，雖我將兵驍勇善戰，百官有司勵精圖治，一億眾庶奉公體國，然時局每況愈下，失勢之徵已現。及今，夷軍彈石之殘虐，頻殺無辜，惨害生靈，實難逆料。如若征伐相續，則我生民不存於世，被髮左衽之期重現；如此，則朕何以保全億兆赤子、何面目復見列祖列宗乎？此朕所以敕令廷臣接受聯軍之誥者也。

至若同事業之盟邦，朕遺餘恨也。然念及臣工黔首曝屍於沙場，忠志之士殉國於內外，遺屬之狀慵天，朕五臟為之俱裂。而殘喘之生民，或負戰傷、禍難，或失家業、生計，朕所視之，深為軫念。故日後國朝所受之苦非常，臣民衷情之表勝往；雖時運之所趨，然朕欲忍所難忍、耐所難耐，以開太平于萬世。

朕於茲得護國體，賴爾等忠良之精誠，並與臣民之同在。若夫為情所激、妄滋事端，或同胞相煎、擾亂時局，何至迷途於大道、失信於天下哉？斯之謬誤，朕當深鑒。今誠宜舉國一家，子孫相傳，信神州之不沉，保家國於不滅，念任重而道遠，傾全力於建設，篤守道義，鞏固志操，誓必揚國體之精華，期同步天下之進化。於戲，咨爾多方，宜悉朕意。

裕仁（簽字蓋章） 昭和二十年八月十四日

內閣總理大臣男爵 　　鈴木 貫太郎（簽字）
海軍大臣 　　米內 光政（簽字）
司法大臣 　　松阪 廣政（簽字）
陸軍大臣 　　阿南 惟幾（簽字）
軍需大臣 　　豐田 貞次郎（簽字）
厚生大臣 　　岡田 忠彥（簽字）
國務大臣 　　櫻井 兵五郎（簽字）
國務大臣 　　左近司 政三（簽字）
國務大臣 　　下村 宏（簽字）
大藏大臣 　　廣瀨 豐作（簽字）
文部大臣 　　太田 耕造（簽字）
農商大臣 　　石黒 忠篤（簽字）
內務大臣 　　安倍 源基（簽字）
外務大臣兼大東亞大臣 　　東郷 茂德（簽字）
Editor’s note ===============

General Order No. 1

J.C.S. 1467/2
17 August 1945
JOINT CHIEFS OF STAFF
INSTRUMENTS FOR THE SURRENDER OF JAPAN
GENERAL ORDER NO. 1

Note by the Secretaries
General order No. 1 (Enclosure), as approved by the President for issue by the Japanese Imperial General Headquarters by direction of the Emperor, is circulated for information.
The President approved it with the understanding that it is subject to change both by further instructions issued through the Joint Chiefs of Staff and by changes in matters of detail made by the Supreme Commander for the Allied Powers in the light of the operational situation as known by him.
ENCLOSURE (GENERAL ORDER NO. 1) SWNCC21/8

General Order No. 1
MILITARY AND NAVAL
1. The Imperial General Headquarters by direction of the Emperor, and pursuant to the surrender to the Supreme Commander for the Allied Powers of all Japanese armed forces by the Emperor, hereby orders all of its commanders in Japan and abroad to cause the Japanese armed forces and Japanese-controlled forces under their command to cease hostilities at once, to lay down their arms, to remain in their present locations and to surrender unconditionally to commanders acting on behalf of the United States, the Republic of China, the United Kingdom and the British Empire, and the Union of Soviet Socialist Republics, as indicated hereafter or as may be further directed by the Supreme
Commander for the Allied Powers. Immediate contact will be made with the indicated commanders, or their designated representatives, subject to any changes in detail prescribed by the Supreme Commander for the Allied Powers, and their instructions will be completely and immediately carried out.

a. The senior Japanese commanders and all ground, sea, air and auxiliary forces within China (excluding Manchuria), Formosa and French Indo-China north of 16 north latitude shall surrender to Generalissimo Chiang Kai-shek.

b. The senior Japanese commanders and all ground, sea, air and auxiliary forces within Manchuria, Korea north of 38 north latitude and Karafuto shall surrender to the Commander in Chief of Soviet Forces in the Far East.

c. The senior Japanese commanders and all ground, sea, air and auxiliary forces within the Andamans, Nicobars, Burma, Thailand, French Indo-China south of 16 degrees north latitude, Malaya, Borneo, Netherlands Indies, New Guinea, Bismarcks and the Solomons, shall surrender to (the Supreme Allied Commander South East Asia Command or the Commanding General, Australian Forces—the exact breakdown between Mountbatten and the Australians to be arranged between them and the details of this paragraph then prepared by the Supreme Commander for the Allied Powers).

d. The senior Japanese commanders and all ground, sea, air and auxiliary forces in the Japanese Mandated Islands, Ryukyus, Bonins, and other Pacific Islands shall surrender to the Commander in Chief U. S. Pacific Fleet.

e. The Imperial General Headquarters, its senior commanders, and all ground, sea, air and auxiliary forces in the main islands of Japan, minor islands adjacent thereto, Korea south of 38 north latitude, and the Philippines shall surrender to the Commander in Chief, U. S. Army Forces in the Pacific.

f. The above indicated commanders are the only representatives of the Allied Powers empowered to accept surrenders and all surrenders of Japanese Forces shall be made only to them or to their representatives.

The Japanese Imperial General Headquarters further orders its commanders in Japan and abroad to disarm completely all forces of Japan or under Japanese control, wherever they may be situated and to deliver intact and in safe and good condition all weapons and equipment at such time and at such places as may be prescribed by the Allied Commanders indicated above. (Pending further instructions, the Japanese police force in the main islands of Japan will be exempt from this disarmament provision. The police force will remain at their posts and shall be held responsible for the preservation of law and order. The strength and arms of such a police force will be prescribed.)
2. The Japanese Imperial General Headquarters shall furnish to the Supreme Commander for the Allied Powers, within (time limit) of receipt of this order, complete information with respect to Japan and all areas under Japanese control as follows:
   (a) Lists of all land, air and anti-aircraft units showing locations and strengths in officers and men.
   (b) Lists of all aircraft, military, naval and civil giving complete information as to the number, type, location and condition of such aircraft.
   (c) Lists of all Japanese and Japanese-controlled naval vessels, surface and submarine and auxiliary naval craft in or out of commission and under construction giving their position, condition and movement.
   (d) Lists of all Japanese and Japanese-controlled merchant ships of over 100 gross tons, in or out of commission and under construction, including merchant ships formerly belonging to any of the United Nations which are now in Japanese hands, giving their position condition and movement.
   (e) Complete and detailed information, accompanied by maps, showing location and layouts of all mines, minefields and other obstacles to movement by land, sea or air and the safety lanes in connection therewith.
   (f) Locations and descriptions of all military installations and establishments, including airfields, seaplane bases, anti-aircraft defenses, ports and naval bases, storage depots, permanent and temporary land and coast fortifications, fortresses and other fortified areas.
   (g) Locations of all camps and other places of detention of United Nations prisoners of war and civilian internees.
3. Japanese armed forces and civil aviation authorities will insure that all Japanese military, naval and civil aircraft remain on the ground on the water or abroad ship until further notification of the disposition to be made of them.
4. Japanese or Japanese-controlled naval or merchant vessels of all types will be maintained without damage and will undertake no movement pending instructions from the Supreme Commander for the Allied Powers. Vessels at sea will immediately render harmless and throw overboard explosives of all types. Vessels not at sea will immediately remove explosives of all types to safe storage ashore.
5. Responsible Japanese or Japanese-controlled military and civil authorities will insure that:
   a. All Japanese mines, minefields and other obstacles to movement by land, sea and air, wherever located, be removed according to instructions of the Supreme Commander for the Allied Powers.
b. All aids to navigation be reestablished at once.
c. All safety lanes be kept open and clearly marked pending accomplishment of a. above.

6. Responsible Japanese and Japanese-controlled military and civil authorities will hold intact and in good condition pending further instructions from the Supreme Commander for the Allied Powers the following:
   a. All arms, ammunition, explosives, military equipment, stores and supplies and other implements of war of all kinds and all other war material (except as specifically prescribed in Section 4 of this order).
b. All land, water and air transportation and communication facilities and equipment.
c. All military installations and establishments, including airfields, seaplane bases, anti-aircraft defenses, ports and naval bases, storage depots, permanent and temporary land and coast fortifications, fortresses and other fortified areas, together with plans and drawings of all such fortifications, installations and establishments.
d. All factories, plants, shops, research institutions, laboratories, testing stations, technical data, patents, plans, drawings and inventions designed or intended to produce or facilitate the production or use of all implements of war and other material and property used by or intended for use by any military or paramilitary organizations in connection with their operations.

7. The Japanese Imperial General Headquarters shall furnish to the Supreme Commander for the Allied Powers, within (time limit) of receipt of this order, complete lists of all the items specified in paragraph a, b and d of Section 6 above, indicating the numbers, types and locations of each.

8. The manufacture and distribution of all arms, ammunition and implements of war will cease forthwith.

9. With respect to United Nations prisoners of war and civilian internees in the hands of Japanese or Japanese-controlled authorities:
   a. The safety and well-being of all United Nations prisoners of war and civilian internees will be scrupulously preserved to include the administrative and supply services essential to provide adequate food shelter, clothing and medical care until such responsibility is undertaken by the Supreme Commander for the Allied Powers;
   b. Each camp or other place of detention of United Nations prisoners of war and civilian internees together with nits equipment, stores, records, arms and ammunition will be delivered immediately to the command of the senior officer or designated representative of the prisoner of war and civilian
internees;
c. As directed by the Supreme Commander for the Allied Powers, prisoners of war and civilian internees will be transported to places of safety where they can be accepted by allied authorities;
d. The Japanese Imperial General Headquarters will furnish to the Supreme Commander for the Allied Powers, within (time limit) of the receipt of this order, complete lists of all United Nations prisoners of war and civilian internees, indicating their location.

10. All Japanese and Japanese-controlled military and civil authorities shall aid and assist the occupation of Japan and Japanese-controlled areas by forces of the Allied Powers.

11. The Japanese Imperial General Headquarters and appropriate Japanese officials shall be prepared on instructions from Allied occupation commanders to collect and deliver all arms in the possession of the Japanese civilian population.

12. This and all subsequent instructions issued by the Supreme Commander for the Allied Powers or other allied military authorities will be scrupulously and promptly obeyed by Japanese and Japanese-controlled military and civil officials and private persons. Any delay or failure to comply with the provisions of this or subsequent orders and any action which the Supreme Commander for the Allied Powers determines to be detrimental to the Allied Powers, will incur drastic and summary punishment at the hands of allied military authorities and the Japanese Government.
丙、在安達曼群島、尼科巴群島、緬甸、泰國、北緯十六度以南之
法屬印度支那、馬來亞、婆羅洲、荷屬印度、新幾內亞、俾斯
麥群島及所羅門群島境內之日軍高階司令官及所有陸、海、空
軍及輔助部隊應向東南亞盟軍司令部最高統帥或澳大利亞軍隊
之司令官投降，蒙巴頓與澳軍之確實劃分，由其自行商定後，
再由盟軍最高統帥對於此節詳細規定。

丁、在日本委任統治各島、琉球群島、小笠原群島及其他太平洋島
嶼之日軍高階司令官及所有陸、海、空軍及輔助部隊應向美國
太平洋艦隊總司令投降。

戊、日本帝國大本營在日本主要島嶼、附近各小島、北緯三十八度
以南之朝鮮半島及菲律賓之日軍高階司令官及所有陸、海、空
軍及輔助部隊應向美國太平洋艦隊陸軍總司令投降。

己、上述各指定司令官為唯一授權接受投降之同盟國代表，所有日
本軍隊應只向彼等或其代表投降。

日本帝國大本營且命令其在日本及國外之各司令官，將日軍部隊及
在日本策劃下之部隊，無論在哪何地點完全解除武器，並在同盟國司
令官所指定之時間及地點，將所有武器及裝備完整與安全的繳出( 在
日本本土之日本警察，在另有命令以前，得免受此項解除武裝之規
定。警察部隊各留崗位，並應負責維持法律與秩序。此類警察部隊
之人數及武裝另行規定之 )。

二、日本帝國大本營應在收到此命令( 若干日 ) 內，以關於日本及在日本
管制下各地區之全部情報供給盟軍最高統帥，如下：

甲、關於一切陸上、空中及防空單位之明細表，說明此類官佐士兵
之地點與人數。

乙、所有陸軍、海軍和民用飛機之數量、型式、位置及狀態的完整
資料明細表。

丙、日本帝國及日本帝國控制下之所有海軍艦艇明細表，如水上及
潛艇和輔導海軍艦艇，無論其係服役中、非服役中或建造中，
均須提出其位置、狀態和航行資料。

丁、日本帝國及日本帝國控制下總噸數超過一百噸之商船明細表
( 包括以往曾屬於同盟國，但現為日本帝國權力範圍內者 )，無
論其係服役中、非服役中或建造中，均須提出其位置、狀態和
航行資料。

戊、現出所有地雷、水雷及其他對陸、海、空造成行動障礙之障礙
物的位置與佈局，以及與上述相關之安全通道的完整、詳細且
附有地圖之資料。
己、包含機場、水上飛機基地、防空設施、港口及海軍基地、油庫、常設與臨時的陸上及海岸防禦碉堡、要塞及其他設防區在內之所有軍事設施和建築之位置及說明。
庚、所有同盟國俘虜及被拘留平民之收容所或其他拘留場所的位置。
三、在接獲進一步部署的通知之前，日軍及民間航空當局之一切日本帝國陸、海軍及民用航空機，須確實停留於其所在之陸上、海上及艦上之定點。
四、在接獲盟軍最高統帥指示之前，日本帝國或日本帝國控制下之所有型式的海軍艦艇或商船，須毫無損傷地加以保存且不得加以移動。至於航海上之船舶須立即放下武器使其無害，並將所有種類之爆炸物拋入海中，而非航海上之船舶則須立即使所有種類之爆炸物移至岸上安全貯藏處所。
五、日本帝國及日本帝國控制下負有責任之軍事政府及民間政府，須確實執行下列事項：
甲、所有日本帝國內埋藏地雷、水雷及其他對陸、海、空行動之障礙物，無其位於任何地點，均須依盟軍最高統帥之指示予以去除。
乙、立即修復所有便於航海之設施。
丙、在前項實施完成之前，須開放且明白標示所有安全通路。
六、日本帝國及日本帝國控制下負有責任之軍事政府及民間政府，在接獲盟軍最高統帥進一步指示之前，應將下列事物保持原狀且儘量維持良好狀態。
甲、所有種類之武器、彈藥、爆炸物、軍用裝備、貯藏品、軍需品、軍用器材，及一切軍用物資 ( 除本命令第四項之特別規定外 )。
乙、所有陸上、水上及空中運輸和通訊設施與設備。
丙、所有機場、水上飛機基地、防空設施、港口及海軍基地、油庫、常設與臨時的陸上及海岸防禦碉堡，要塞及其他設防區，包含所有這些防禦設施、軍事設施和建築之圖面。
丁、所有工廠、製造場所、工作場所、研究所、實驗所、試驗所、技術數據、專利、設計、圖面及發明，以用來設計或意圖製造、或促成生產，做為提供任何軍事機關或準軍事組織運作所使用，或意圖使用的所有軍用器材與其他物資，及做為物業用途。
七、日本帝國大本營於接獲本命令後，應毫無延遲即上面第六項甲、乙、丁中指出之所有項目，將其關於各自數量、型式及位置之完整明細表，提供給盟軍最高統帥。
八、所有兵器、彈藥及軍用器材之製造及分配應立即終止。
九、關於日本帝國或日本帝國控制下之政權掌握之同盟國俘虜及被拘留平民：
甲、須嚴謹的維持所有同盟國俘虜及被拘留平民之安全及福祉，至盟軍最高統帥接替其責任為止，須提供包括充足的食物、住所、服裝及醫療在內之必要的管理及補給業務。
乙、應立即將同盟國俘虜及被拘留平民所在之收容所及其他拘留所之設備、貯藏品、記錄、武器及彈藥，移交給俘虜及被拘留平民裡面的高階軍官或指定之代表，並置於其指揮之下。
丙、依盟軍最高統帥所指示之地點，將俘虜及被拘留平民運送至同盟國當局能交接之安全處所。
丁、日本帝國大本營於接獲本命令之後，應毫無延遲地將所有同盟國俘虜及被拘留平民所在地點之明細表，提供給盟軍最高統帥。

十、所有日本帝國及日本帝國統治下之軍事政府及民間政府，應協助同盟國軍隊佔領日本帝國及日本帝國統治地域。
十一、日本帝國大本營及日本帝國軍官應做成準備，在同盟國佔領軍司令部有所指示之際，收集且移交一般日本帝國國民所有之一切武器。
十二、日本帝國及日本帝國統治下之軍部、行政官員及無官職人員，應嚴格且迅速服從本命令及爾後盟軍最高統帥所發出之一切指示，若有遲延或不遵守本命令和爾後任何命令之規定者，以及被盟軍最高統帥認為係對同盟國有害之行為時，同盟國軍事當局及日本帝國政府將立即加以懲罰。

■ Editor’s note ===============
General Order No. 1 was General Douglas MacArthur’s first order to the forces of the Empire of Japan following the surrender of Japan, and its final form was approved by US President Harry S. Truman on Aug. 17, 1945. It instructed Japanese forces to surrender to designated Allied commanders, reveal all current military deployments, and preserve military equipment for later disarmament. General Order No. 1 became known to the world when it was announced at the Japanese Surrender Ceremony on Sept. 2, 1945, being issued by Japan’s Imperial General Headquarters that day. Please note that this document is also often referred to as “SCAP General Order No. 1”, SCAP standing for “Supreme Commander for the Allied Powers” or “Supreme Command of Allies in the Pacific” (in Chinese: zhù Rì měng jūn zōng sī lǐng 駐日盟軍總司令, in Japanese: rengō kokugun saikō shireikan sōshireibu 連合国軍最高司令官総司令部). Some sources use the heading “Surrender Order of the Imperial General Headquarters of Japan”.

219
Japan’s First Instrument of Surrender

We, acting by command of and in behalf of the Emperor of Japan, the Japanese Government and the Japanese Imperial General Headquarters, hereby accept the provisions set forth in the declaration issued by the Heads of the Governments of the United States, China, and Great Britain on 26 July 1945 at Potsdam, and subsequently adhered to by the Union of Soviet Socialist Republics, which four powers are hereafter referred to as the Allied Powers.

We hereby proclaim the unconditional surrender to the Allied Powers of the Japanese Imperial General Headquarters and of all Japanese armed forces and all armed forces under the Japanese control wherever situated.

We hereby command all Japanese forces wherever situated and the Japanese people to cease hostilities forthwith, to preserve and save from damage all ships, aircraft, and military and civil property and to comply with all requirements which may be imposed by the Supreme Commander for the Allied Powers or by agencies of the Japanese Government at his direction.

We hereby command the Japanese Imperial Headquarters to issue at once orders to the Commanders of all Japanese forces and all forces under Japanese control wherever situated to surrender unconditionally themselves and all forces under their control.

We hereby command all civil, military and naval officials to obey and enforce all proclamations, and orders and directives deemed by the Supreme Commander for the Allied Powers to be proper to effectuate this surrender and issued by him or under his authority and we direct all such officials to remain at their posts and to continue to perform their non-combatant duties unless specifically relieved by him or under his authority.

We hereby undertake for the Emperor, the Japanese Government and their successors to carry out the provisions of the Potsdam Declaration in good faith, and to issue whatever orders and take whatever actions may be required by the Supreme Commander for the Allied Powers or by any other designated representative of the Allied Powers for the purpose of giving effect to that Declaration.

We hereby command the Japanese Imperial Government and the Japanese Imperial General Headquarters at once to liberate all allied prisoners of war and civilian internees now under Japanese control and to provide for their protection, care, maintenance and immediate transportation to places as directed.

220
The authority of the Emperor and the Japanese Government to rule the state shall be subject to the Supreme Commander for the Allied Powers who will take such steps as he deems proper to effectuate these terms of surrender.

Signed at TOKYO BAY, JAPAN at 0904 I on the SECOND day of SEPTEMBER, 1945

Mamoru Shigemitsu (By Command and on Behalf of the Emperor of Japan and the Japanese Government)

Yoshijiro Umezu (By Command and on Behalf of the Japanese Imperial General Headquarters)

Accepted at TOKYO BAY, JAPAN at 0903 I on the SECOND day of SEPTEMBER, 1945, for the United States, Republic of China, United Kingdom and the Union of Soviet Socialist Republics, and in the interests of the other United Nations at war with Japan.

Douglas MacArthur (Supreme Commander for the Allied Powers)

C. W. Nimitz (United States Representative)

Hsu Yung-ch’ang (Republic of China Representative)

Bruce Fraser (United Kingdom Representative)

Kuzma Derevyanko (Union of Soviet Socialist Republics Representative)

Thomas Blamey (Commonwealth of Australia Representative)

L. Moore Cosgrave (Dominion of Canada Representative)

Jacques LeClerc (Provisional Government of the French Republic Representative)

C. E. L. Helfrich (Kingdom of the Netherlands Representative)

Leonard M. Isitt (Dominion of New Zealand Representative)

日本投降書
餘等茲對合衆國、中華民國及大不列顛帝國，各國政府首腦於1945年7月26日於波茨坦宣佈，爾後由蘇維埃社會主義共和國聯邦之參加宣言條款，並根據日本國政府、天皇及日本帝國大本營之命令代表受諾之；右述四國以後稱之爲聯合國。

餘等此佈告，無論日本帝國、大本營及任何地方所有之日本國軍隊與日本國所支配下之一切軍隊，悉對聯合國無條件投降。

餘等茲命令任何地方之一切日本國軍隊及日本國臣民，即刻停止敵對行為，保存所有船舶及軍用財產，且防止損毀，並服從聯合國最高司令官及其指示，對日本國政府之各機關所課之一切要求應予以應諾。

餘等此命令日本帝國大本營，對於任何地方之一切日本國軍隊，及由日本國支配下之一切軍隊指揮官，速即發佈其本身或其支配下之一切軍隊無條件投降之命令。
餘等茲對所有官廳、陸軍及海軍之職員，命令其遵守且施行聯合國最高司令官為實施此投降之檔,認為適當而由其自己發出或根據其委任發出之一切佈告及指示,且命令右開職員除由聯合國最高司令官,或根據其事務委任與解除其任務以外均須留於各自原有地位，且仍繼續行使各個之非戰鬥任務。

餘等茲為天皇、日本國政府及其繼續者，承約切實履行波茨坦宣言之條款，發佈為實施該宣言之聯合國最高司令官及其他特派聯合國代表要求之一切命令，且實施一切措置。

餘等茲對日本國政府及日本帝國大本營命令，即速解放現由日本國支配下,所有聯合國俘虜及被拘留者，且執行對彼等之保護，津貼給養及對指定地點迅速運輸等措置。

天皇及日本國政府統治國家之權，限置於為實施投降條款採用認為適當措置之聯合國最高司令官之限制下。

1945年9月2日午前9時4分於東京灣密蘇裏號艦上簽字之，並根據大日本帝國天皇陛下及日本國政府之命令且以其名義。

根據日本帝國大本營之命令且以其名義  重光 葵
梅津 美治郎

1945年9月2日午前9時4分於東京灣為合衆國、中華民國、聯合王國及蘇維埃社會主義共和國聯邦及與日本國存在戰爭狀態之其他聯合國之利益受諾之。

聯合國最高司令官  道格拉斯・麥克阿瑟 元帥
合衆國代表  尼米茲 元帥
中華民國代表  徐永昌 上將
聯合王國代表  福拉塞 上將
蘇維埃社會主義共和國代表  狄裏夫揚柯 中將
澳大利亞聯邦代表  布萊梅
加拿大代表  哥斯格洛夫
法蘭西代表  萊克勒
荷蘭代表  赫夫裏區
新西蘭代表  依西特

Editor's note ===============

In Japanese, this document is called “Nipponno kōfuku bunsho” (日本の降伏文書). Kuzma Derevyanko in Cyrillic is Кузьма Николаевич Деревянко.
Act of Surrender

1. The Emperor of Japan, the Japanese government and the Japanese Imperial General Headquarters, having recognized the complete military defeat of the Japanese military forces by the Allied forces and having surrendered unconditionally to the Supreme Commander for the Allied powers.

2. The Supreme Commander for the Allied powers directed by his General Order No. 1 that the senior commanders and all ground, sea, air and auxiliary forces of Japan within China excluding Manchuria, Formosa and French Indo-China north of 16 degrees north latitude shall surrender to Generalissimo Chiang Kai-shek.

3. We, the Japanese Commanders of all Japanese forces and auxiliaries in the areas named above, also recognizing the complete military defeat of the Japanese military forces by the Allied forces, hereby surrender unconditionally all of the forces under our command to Generalissimo Chiang Kai-shek.

4. All the Japanese forces hereby surrendered will cease hostilities and will remain at the stations they now occupy. They are now non-combatant troops and in due course will be demobilized.

5. They will assemble, preserve without damage, and turn over to the forces specified by Generalissimo Chiang Kai-shek, all arms, ammunition, equipment, supplies, records, information and other assets of any kind belonging to the Japanese forces. Pending specific instructions, all Japanese aircraft, naval units, and merchant ships in the areas named above will be held without damage where they are at present located.

6. All the Allied prisoners of war and civilian internees now under Japanese control in the areas named above will be liberated at once and the Japanese forces will provide protection, care, maintenance, and transportation to places as directed.

7. Henceforth, all the Japanese forces, hereby surrendered, will be subject to the control of Generalissimo Chiang Kai-shek. Their movements and activities will be dictated by him, and they will obey only the orders and proclamations issued, or authorised, by him, or the orders of their Japanese commanders based upon his instructions.

8. This act of surrender and all subsequent orders and proclamations of Generalissimo Chiang Kai-shek to the surrender forces will be issued at once to the appropriate subordinate commanders and forces and it will be the responsibility of all Japanese commanders and forces to see that such proclamations and orders are immediately and completely complied with.
9. For any failure or delay, by any member of the forces surrendered hereby to act in accordance with this act of surrender or future orders or proclamations of the Generalissimo, he will summarily and drastically punish both the violator and his responsible commanders.

Lieutenant General Okamura Yasuji [岡村寧次], Signatory under orders of the Emperor of Japan, the Japanese government and the Japanese Imperial General Headquarters, and Commander of the Japanese Forces in Central China. (Signature and official seal)

Signed at 9.00 a.m. on Sept. 9 in the 20th year of Showa (1945 AD) in Nanjing, Republic of China.

The Representative of the Republic of China, the United States of America, the United Kingdom of Great Britain, the Union of Soviet Socialist Republics, and the other Allied Forces at war with Japan, accepted this act of surrender at 9.00 a.m. on Sept. 9 in the 34th year of the Republic of China (1945 AD) in Nanjing, Republic of China.

Army General Ho Ying-chen [何應欽], Special Envoy of Supreme Commander in the China Theatre Generalissimo Chiang Kai-shek, and Commander-in-Chief of the Chinese Army. (Signature and official seal)

降書

一、日本帝國政府及日本帝國大本營已向聯合國最高統帥無條件投降。
二、聯合國最高統帥第一號命令規定在「中華民國(東三省除外)臺灣與越南南北緯十六度以北地區內之日本全部陸、海、空軍與輔助部隊應向蔣委員長投降」。
三、吾等在上述區域內之全部日本陸海空軍及輔助部隊之將領，願率領所屬部隊，向蔣委員長無條件投降。
四、本官當立即命令所有上第二款所述區域內之全部日本陸、海、空各級指揮官，及其所屬部隊與所控制之部隊，向蔣委員長特派受降代表中國戰區中國陸軍總司令何應欽上將及何應欽上將指定之各地區受降主官投降。
五、投降之全部日本陸、海、空軍立即停止敵對行動，暫留原地待命，所有武器、彈藥、裝具、器材、補給品、情報資料、地圖、文獻檔案及其他一切資產等，當暫時保管。所有航空器及飛機場一切設備，艦艇、船舶、車輛、碼頭、工廠、倉庫及一切建築物，以及現在上第二款所述地區內日本陸、海、空軍或其控制之部隊所有或所控制之軍用或民用財產，亦均保持完整，全部待繳於蔣委員長及其代表何應欽上將所指定之部隊及政府機關代表接收。
六、上第二款所述區域內日本陸、海、空軍所俘聯合國戰俘及拘留之人民，立予釋放，並保護送至指定地點。
七、自此以後，所有上第二款所述區域內之日本陸、海、空軍當即服從蔣委員長之節制，並接受蔣委員長及其代表何應欽上將所頒發之命令。
八、本官對本降書所列各款及蔣委員長與其代表何應欽上將以後對投降日軍所頒發之命令，當立即對各級軍官及士兵轉達遵照，上第二款所述地區之所有日本軍官佐士兵，均須負完全履行此項命令之責。
九、投降之日本陸、海、空軍任何人員，對於本降書所列各款及蔣委員長與其代表何應欽上將嗣後所授之命令，倘有未能履行或遲延情事，各級負責官長及違反命令者願受懲罰。

奉日本帝國政府及日本帝國大本營命簽字人中國派遣軍總司令官陸軍大將岡村寧次（簽字蓋章）
昭和二十年（公曆一九四五年）九月九日午前九時零分簽字於中華民國南京。代表中華民國、美利堅合眾國，大不列顛聯合王國、蘇維埃社會主義共和國聯邦，並為對日本作戰之其他聯合國之利益，接受本降書於中華民國三十四年（公曆一九四五年）九月九日午前九時零分簽字於中華民國南京。中國戰區最高統帥特級上將蔣中正特派代表中國陸軍總司令陸軍一級上將何應欽（簽字蓋章）

Supreme Commander for the Allied Powers Instruction No. 677

Governmental and Administrative Separation of Certain Outlying Areas from Japan
GENERAL HEADQUARTERS of Supreme Commander for Allied Powers

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500
20 January 1946
AG 091 (29 Jan 46) GS
(SCAPIN - 677)
MEMORANDUM FOR: IMPERIAL JAPANESE GOVERNMENT.
THROUGH: Central Liaison Office, Tokyo.
SUBJECT: Governmental and Administrative Separation of Certain Outlying Areas from Japan.

1. The Imperial Japanese Government is directed to cease exercising, or attempting to exercise, governmental or administrative authority over any area outside of
Japan, or over any government officials and employees or any other persons within such areas.

2. Except as authorized by this Headquarters, the Imperial Japanese Government will not communicate with government officials and employees or with any other persons outside of Japan for any purpose other than the routine operation of authorized shipping, communications and weather services.

3. For the purpose of this directive, Japan is defined to include the four main islands of Japan (Hokkaido, Honshu, Kyushu and Shikoku) and the approximately 1,000 smaller adjacent islands, including the Tsushima Islands and the Ryukyu (Nansei) Islands north of 30° North Latitude (excluding Kuchinoshima Island); and excluding (a) Utsuryo (Ulung) Island, Liancourt Rocks (Take Island) and Quelpart (Saishu or Cheju) Island, (b) the Ryukyu (Nansei) Islands south of 30° North Latitude (including Kuchinoshima Island), the Izu, Nanpo, Bonin (Ogasawara) and Volcano (Kazan or Iwo) Island Groups, and all the other outlying Pacific Islands (including the Daito (Ohigashi or Oagari) Island Group, and Parece Vela (Okino-tori), Marcus (Minami-tori) and Ganges (Nakano-tori) Islands], and (c) the Kurile (Chishima) Islands, the Habomai (Hapomaze) Island Group (including Suisho, Yuri, Akiyuri, Shibotsu and Taraku Islands) and Shikotan Island.

4. Further areas specifically excluded from the governmental and administrative jurisdiction of the Imperial Japanese Government are the following: (a) all Pacific Islands seized or occupied under mandate or otherwise by Japan since the beginning of the World War in 1914, (b) Manchuria, Formosa and the Pescadores, (c) Korea, and (d) Karafuto.

5. The definition of Japan contained in this directive shall also apply to all future directives, memoranda and orders from this Headquarters unless otherwise specified therein.

6. Nothing in this directive shall be construed as an indication of Allied policy relating to the ultimate determination of the minor islands referred to in Article 8 of the Potsdam Declaration.

7. The Imperial Japanese Government will prepare and submit to this Headquarters a report of all governmental agencies in Japan the functions of which pertain to areas outside a statement as defined in this directive. Such report will include a statement of the functions, organization and personnel of each of the agencies concerned.

8. All records of the agencies referred to in paragraph 7 above will be preserved and kept available for inspection by this Headquarters.

FOR THE SUPREME COMMANDER: H.W. Allen
San Francisco Peace Treaty

Signed at San Francisco, 8 September 1951
Initial entry into force: 28 April 1952

TREATY OF PEACE WITH JAPAN
WHEREAS the Allied Powers and Japan are resolved that henceforth their relations shall be those of nations which, as sovereign equals, cooperate in friendly association to promote their common welfare and to maintain international peace and security, and are therefore desirous of concluding a Treaty of Peace which will settle questions still outstanding as a result of the existence of a state of war between them;
WHEREAS Japan for its part declares its intention to apply for membership in the United Nations and in all circumstances to conform to the principles of the Charter of the United Nations; to strive to realize the objectives of the Universal Declaration of Human Rights; to seek to create within Japan conditions of stability and well-being as defined in Articles 55 and 56 of the Charter of the United Nations and already initiated by post-surrender Japanese legislation; and in public and private trade and commerce to conform to internationally accepted fair practices;
WHEREAS the Allied Powers welcome the intentions of Japan set out in the foregoing paragraph;
THE ALLIED POWERS AND JAPAN have therefore determined to conclude the present Treaty of Peace, and have accordingly appointed the undersigned Plenipotentiaries, who, after presentation of their full powers, found in good and due form, have agreed on the following provisions:

CHAPTER I———PEACE

Article 1
(a) The state of war between Japan and each of the Allied Powers is terminated as from the date on which the present Treaty comes into force between Japan and the Allied Power concerned as provided for in Article 23.
(b) The Allied Powers recognize the full sovereignty of the Japanese people over Japan and its territorial waters.
CHAPTER II———TERRITORY

Article 2
(a) Japan recognizing the independence of Korea, renounces all right, title and claim to Korea, including the islands of Quelpart, Port Hamilton and Dagelet.
(b) Japan renounces all right, title and claim to Formosa and the Pescadores.
(c) Japan renounces all right, title and claim to the Kurile Islands, and to that portion of Sakhalin and the islands adjacent to it over which Japan acquired sovereignty as a consequence of the Treaty of Portsmouth of 5 September 1905.
(d) Japan renounces all right, title and claim in connection with the League of Nations Mandate System, and accepts the action of the United Nations Security Council of 2 April 1947, extending the trusteeship system to the Pacific Islands formerly under mandate to Japan.
(e) Japan renounces all claim to any right or title to or interest in connection with any part of the Antarctic area, whether deriving from the activities of Japanese nationals or otherwise.
(f) Japan renounces all right, title and claim to the Spratly Islands and to the Paracel Islands.

Article 3
Japan will concur in any proposal of the United States to the United Nations to place under its trusteeship system, with the United States as the sole administering authority, Nansei Shoto south of 29 deg. north latitude (including the Ryukyu Islands and the Daito Islands), Nanpo Shoto south of Sofu Gan (including the Bonin Islands, Rosario Island and the Volcano Islands) and Parece Vela and Marcus Island. Pending the making of such a proposal and affirmative action thereon, the United States will have the right to exercise all and any powers of administration, legislation and jurisdiction over the territory and inhabitants of these islands, including their territorial waters.

Article 4
(a) Subject to the provisions of paragraph (b) of this Article, the disposition of property of Japan and of its nationals in the areas referred to in Article 2, and their claims, including debts, against the authorities presently administering such areas and the residents (including juridical persons) thereof, and the disposition in Japan of property of such authorities and residents, and of claims, including debts, of such authorities and residents against Japan and its nationals, shall be the subject of special arrangements between Japan and such authorities. The property of any of
the Allied Powers or its nationals in the areas referred to in Article 2 shall, insofar as
this has not already been done, be returned by the administering authority in the
condition in which it now exists. (The term nationals whenever used in the present
Treaty includes juridical persons.)
(b) Japan recognizes the validity of dispositions of property of Japan and Japanese
nationals made by or pursuant to directives of the United States Military
Government in any of the areas referred to in Articles 2 and 3.
(c) Japanese owned submarine cables connection Japan with territory removed from
Japanese control pursuant to the present Treaty shall be equally divided, Japan
retaining the Japanese terminal and adjoining half of the cable, and the detached
territory the remainder of the cable and connecting terminal facilities.

CHAPTER III——SECURITY

Article 5
(a) Japan accepts the obligations set forth in Article 2 of the Charter of the United
Nations, and in particular the obligations
   (i) to settle its international disputes by peaceful means in such a manner that
   international peace and security, and justice, are not endangered;
   (ii) to refrain in its international relations from the threat or use of force
   against the territorial integrity or political independence of any State or in
   any other manner inconsistent with the Purposes of the United Nations;
   (iii) to give the United Nations every assistance in any action it takes in
   accordance with the Charter and to refrain from giving assistance to any
   State against which the United Nations may take preventive or enforcement
   action.
(b) The Allied Powers confirm that they will be guided by the principles of Article 2
of the Charter of the United Nations in their relations with Japan.
(c) The Allied Powers for their part recognize that Japan as a sovereign nation
possesses the inherent right of individual or collective self-defense referred to in
Article 51 of the Charter of the United Nations and that Japan may voluntarily enter
into collective security arrangements.

Article 6
(a) All occupation forces of the Allied Powers shall be withdrawn from Japan as
soon as possible after the coming into force of the present Treaty, and in any case
not later than 90 days thereafter. Nothing in this provision shall, however, prevent
the stationing or retention of foreign armed forces in Japanese territory under or in
consequence of any bilateral or multilateral agreements which have been or may be
made between one or more of the Allied Powers, on the one hand, and Japan on the other.

(b) The provisions of Article 9 of the Potsdam Proclamation of 26 July 1945, dealing with the return of Japanese military forces to their homes, to the extent not already completed, will be carried out.

(c) All Japanese property for which compensation has not already been paid, which was supplied for the use of the occupation forces and which remains in the possession of those forces at the time of the coming into force of the present Treaty, shall be returned to the Japanese Government within the same 90 days unless other arrangements are made by mutual agreement.

CHAPTER IV——POLITICAL AND ECONOMIC CLAUSES

Article 7

(a) Each of the Allied Powers, within one year after the present Treaty has come into force between it and Japan, will notify Japan which of its prewar bilateral treaties or conventions with Japan it wishes to continue in force or revive, and any treaties or conventions so notified shall continue in force or by revived subject only to such amendments as may be necessary to ensure conformity with the present Treaty. The treaties and conventions so notified shall be considered as having been continued in force or revived three months after the date of notification and shall be registered with the Secretariat of the United Nations. All such treaties and conventions as to which Japan is not so notified shall be regarded as abrogated.

(b) Any notification made under paragraph (a) of this Article may except from the operation or revival of a treaty or convention any territory for the international relations of which the notifying Power is responsible, until three months after the date on which notice is given to Japan that such exception shall cease to apply.

Article 8

(a) Japan will recognize the full force of all treaties now or hereafter concluded by the Allied Powers for terminating the state of war initiated on 1 September 1939, as well as any other arrangements by the Allied Powers for or in connection with the restoration of peace. Japan also accepts the arrangements made for terminating the former League of Nations and Permanent Court of International Justice.

(b) Japan renounces all such rights and interests as it may derive from being a signatory power of the Conventions of St. Germain-en-Laye of 10 September 1919, and the Straits Agreement of Montreux of 20 July 1936, and from Article 16 of the Treaty of Peace with Turkey signed at Lausanne on 24 July 1923.
(c) Japan renounces all rights, title and interests acquired under, and is discharged from all obligations resulting from, the Agreement between Germany and the Creditor Powers of 20 January 1930 and its Annexes, including the Trust Agreement, dated 17 May 1930, the Convention of 20 January 1930, respecting the Bank for International Settlements; and the Statutes of the Bank for International Settlements. Japan will notify to the Ministry of Foreign Affairs in Paris within six months of the first coming into force of the present Treaty its renunciation of the rights, title and interests referred to in this paragraph.

Article 9
Japan will enter promptly into negotiations with the Allied Powers so desiring for the conclusion of bilateral and multilateral agreements providing for the regulation or limitation of fishing and the conservation and development of fisheries on the high seas.

Article 10
Japan renounces all special rights and interests in China, including all benefits and privileges resulting from the provisions of the final Protocol signed at Peking on 7 September 1901, and all annexes, notes and documents supplementary thereto, and agrees to the abrogation in respect to Japan of the said protocol, annexes, notes and documents.

Article 11
Japan accepts the judgments of the International Military Tribunal for the Far East and of other Allied War Crimes Courts both within and outside Japan, and will carry out the sentences imposed thereby upon Japanese nationals imprisoned in Japan. The power to grant clemency, to reduce sentences and to parole with respect to such prisoners may not be exercised except on the decision of the Government or Governments which imposed the sentence in each instance, and on recommendation of Japan. In the case of persons sentenced by the International Military Tribunal for the Far East, such power may not be exercised except on the decision of a majority of the Governments represented on the Tribunal, and on the recommendation of Japan.

Article 12
(a) Japan declares its readiness promptly to enter into negotiations for the conclusion with each of the Allied Powers of treaties or agreements to place their trading, maritime and other commercial relations on a stable and friendly basis.
(b) Pending the conclusion of the relevant treaty or agreement, Japan will, during a period of four years from the first coming into force of the present Treaty

(1) accord to each of the Allied Powers, its nationals, products and vessels

(i) most-favoured-nation treatment with respect to customs duties, charges, restrictions and other regulations on or in connection with the importation and exportation of goods;

(ii) national treatment with respect to shipping, navigation and imported goods, and with respect to natural and juridical persons and their interests — such treatment to include all matters pertaining to the levying and collection of taxes, access to the courts, the making and performance of contracts, rights to property (tangible and intangible), participating in juridical entities constituted under Japanese law, and generally the conduct of all kinds of business and professional activities;

(2) ensure that external purchases and sales of Japanese state trading enterprises shall be based solely on commercial considerations.

(c) In respect to any matter, however, Japan shall be obliged to accord to an Allied Power national treatment, or most-favoured-nation treatment, only to the extent that the Allied Power concerned accords Japan national treatment or most-favoured-nation treatment, as the case may be, in respect of the same matter. The reciprocity envisaged in the foregoing sentence shall be determined, in the case of products, vessels and juridical entities of, and persons domiciled in, any non-metropolitan territory of an Allied Power, and in the case of juridical entities of, and persons domiciled in, any state or province of an Allied Power having a federal government, by reference to the treatment accorded to Japan in such territory, state or province.

(d) In the application of this Article, a discriminatory measure shall not be considered to derogate from the grant of national or most-favoured-nation treatment, as the case may be, if such measure is based on an exception customarily provided for in the commercial treaties of the party applying it, or on the need to safeguard that party's external financial position or balance of payments (except in respect to shipping and navigation), or on the need to maintain its essential security interests, and provided such measure is proportionate to the circumstances and not applied in an arbitrary or unreasonable manner.

(e) Japan's obligations under this Article shall not be affected by the exercise of any Allied rights under Article 14 of the present Treaty; nor shall the provisions of this Article be understood as limiting the undertakings assumed by Japan by virtue of Article 15 of the Treaty.
Article 13
(a) Japan will enter into negotiations with any of the Allied Powers, promptly upon the request of such Power or Powers, for the conclusion of bilateral or multilateral agreements relating to international civil air transport.
(b) Pending the conclusion of such agreement or agreements, Japan will, during a period of four years from the first coming into force of the present Treaty, extend to such Power treatment not less favorable with respect to air-traffic rights and privileges than those exercised by any such Powers at the date of such coming into force, and will accord complete equality of opportunity in respect to the operation and development of air services.
(c) Pending its becoming a party to the Convention on International Civil Aviation in accordance with Article 93 thereof, Japan will give effect to the provisions of that Convention applicable to the international navigation of aircraft, and will give effect to the standards, practices and procedures adopted as annexes to the Convention in accordance with the terms of the Convention.

CHAPTER V——CLAIMS AND PROPERTY

Article 14
(a) It is recognized that Japan should pay reparations to the Allied Powers for the damage and suffering caused by it during the war. Nevertheless it is also recognized that the resources of Japan are not presently sufficient, if it is to maintain a viable economy, to make complete reparation for all such damage and suffering and at the same time meet its other obligations.
Therefore,

1. Japan will promptly enter into negotiations with Allied Powers so desiring, whose present territories were occupied by Japanese forces and damaged by Japan, with a view to assisting to compensate those countries for the cost of repairing the damage done, by making available the services of the Japanese people in production, salvaging and other work for the Allied Powers in question. Such arrangements shall avoid the imposition of additional liabilities on other Allied Powers, and, where the manufacturing of raw materials is called for, they shall be supplied by the Allied Powers in question, so as not to throw any foreign exchange burden upon Japan.

2. (I) Subject to the provisions of subparagraph (II) below, each of the Allied Powers shall have the right to seize, retain, liquidate or otherwise dispose of all property, rights and interests of
   (a) Japan and Japanese nationals,
(b) persons acting for or on behalf of Japan or Japanese nationals, and
(c) entities owned or controlled by Japan or Japanese nationals,
which on the first coming into force of the present Treaty were subject to its jurisdiction. The property, rights and interests specified in this subparagraph shall include those now blocked, vested or in the possession or under the control of enemy property authorities of Allied Powers, which belong to, or were held or managed on behalf of, any of the persons or entities mentioned in (a), (b) or (c) above at the time such assets came under the controls of such authorities.

(II) The following shall be excepted from the right specified in subparagraph (I) above:

(i) property of Japanese natural persons who during the war resided with the permission of the Government concerned in the territory of one of the Allied Powers, other than territory occupied by Japan, except property subjected to restrictions during the war and not released from such restrictions as of the date of the first coming into force of the present Treaty;

(ii) all real property, furniture and fixtures owned by the Government of Japan and used for diplomatic or consular purposes, and all personal furniture and furnishings and other private property not of an investment nature which was normally necessary for the carrying out of diplomatic and consular functions, owned by Japanese diplomatic and consular personnel;

(iii) property belonging to religious bodies or private charitable institutions and used exclusively for religious or charitable purposes;

(iv) property, rights and interests which have come within its jurisdiction in consequence of the resumption of trade and financial relations subsequent to 2 September 1945, between the country concerned and Japan, except such as have resulted from transactions contrary to the laws of the Allied Power concerned;

(v) obligations of Japan or Japanese nationals, any right, title or interest in tangible property located in Japan, interests in enterprises organized under the laws of Japan, or any paper evidence thereof; provided that this exception shall only apply to obligations of Japan and its nationals expressed in Japanese currency.

(III) Property referred to in exceptions (i) through (v) above shall be returned subject to reasonable expenses for its preservation and administration. If any such property has been liquidated the proceeds shall be returned instead.
(IV) The right to seize, retain, liquidate or otherwise dispose of property as provided in subparagraph (I) above shall be exercised in accordance with the laws of the Allied Power concerned, and the owner shall have only such rights as may be given him by those laws.

(V) The Allied Powers agree to deal with Japanese trademarks and literary and artistic property rights on a basis as favorable to Japan as circumstances ruling in each country will permit.

(b) Except as otherwise provided in the present Treaty, the Allied Powers waive all reparations claims of the Allied Powers, other claims of the Allied Powers and their nationals arising out of any actions taken by Japan and its nationals in the course of the prosecution of the war, and claims of the Allied Powers for direct military costs of occupation.

Article 15
(a) Upon application made within nine months of the coming into force of the present Treaty between Japan and the Allied Power concerned, Japan will, within six months of the date of such application, return the property, tangible and intangible, and all rights or interests of any kind in Japan of each Allied Power and its nationals which was within Japan at any time between 7 December 1941 and 2 September 1945, unless the owner has freely disposed thereof without duress or fraud. Such property shall be returned free of all encumbrances and charges to which it may have become subject because of the war, and without any charges for its return. Property whose return is not applied for by or on behalf of the owner or by his Government within the prescribed period may be disposed of by the Japanese Government as it may determine. In cases where such property was within Japan on 7 December 1941, and cannot be returned or has suffered injury or damage as a result of the war, compensation will be made on terms not less favorable than the terms provided in the draft Allied Powers Property Compensation Law approved by the Japanese Cabinet on 13 July 1951.

(b) With respect to industrial property rights impaired during the war, Japan will continue to accord to the Allied Powers and their nationals benefits no less than those heretofore accorded by Cabinet Orders No. 309 effective 1 September 1949, No. 12 effective 28 January 1950, and No. 9 effective 1 February 1950, all as now amended, provided such nationals have applied for such benefits within the time limits prescribed therein.

(c) (i) Japan acknowledges that the literary and artistic property rights which existed in Japan on 6 December 1941, in respect to the published and unpublished works of the Allied Powers and their nationals have continued in force since that date, and recognizes those rights which have arisen, or but for the war
would have arisen, in Japan since that date, by the operation of any conventions and agreements to which Japan was a party on that date, irrespective of whether or not such conventions or agreements were abrogated or suspended upon or since the outbreak of war by the domestic law of Japan or of the Allied Power concerned.

(ii) Without the need for application by the proprietor of the right and without the payment of any fee or compliance with any other formality, the period from 7 December 1941 until the coming into force of the present Treaty between Japan and the Allied Power concerned shall be excluded from the running of the normal term of such rights; and such period, with an additional period of six months, shall be excluded from the time within which a literary work must be translated into Japanese in order to obtain translating rights in Japan.

Article 16
As an expression of its desire to indemnify those members of the armed forces of the Allied Powers who suffered undue hardships while prisoners of war of Japan, Japan will transfer its assets and those of its nationals in countries which were neutral during the war, or which were at war with any of the Allied Powers, or, at its option, the equivalent of such assets, to the International Committee of the Red Cross which shall liquidate such assets and distribute the resultant fund to appropriate national agencies, for the benefit of former prisoners of war and their families on such basis as it may determine to be equitable. The categories of assets described in Article 14(a)2(II)(ii) through (v) of the present Treaty shall be excepted from transfer, as well as assets of Japanese natural persons not residents of Japan on the first coming into force of the Treaty. It is equally understood that the transfer provision of this Article has no application to the 19,770 shares in the Bank for International Settlements presently owned by Japanese financial institutions.

Article 17
(a) Upon the request of any of the Allied Powers, the Japanese Government shall review and revise in conformity with international law any decision or order of the Japanese Prize Courts in cases involving ownership rights of nationals of that Allied Power and shall supply copies of all documents comprising the records of these cases, including the decisions taken and orders issued. In any case in which such review or revision shows that restoration is due, the provisions of Article 15 shall apply to the property concerned.
(b) The Japanese Government shall take the necessary measures to enable nationals of any of the Allied Powers at any time within one year from the coming into force
of the present Treaty between Japan and the Allied Power concerned to submit to the appropriate Japanese authorities for review any judgment given by a Japanese court between 7 December 1941 and such coming into force, in any proceedings in which any such national was unable to make adequate presentation of his case either as plaintiff or defendant. The Japanese Government shall provide that, where the national has suffered injury by reason of any such judgment, he shall be restored in the position in which he was before the judgment was given or shall be afforded such relief as may be just and equitable in the circumstances.

Article 18
(a) It is recognized that the intervention of the state of war has not affected the obligation to pay pecuniary debts arising out of obligations and contracts (including those in respect of bonds) which existed and rights which were acquired before the existence of a state of war, and which are due by the Government or nationals of Japan to the Government or nationals of one of the Allied Powers, or are due by the Government or nationals of one of the Allied Powers to the Government or nationals of Japan. The intervention of a state of war shall equally not be regarded as affecting the obligation to consider on their merits claims for loss or damage to property or for personal injury or death which arose before the existence of a state of war, and which may be presented or re-presented by the Government of one of the Allied Powers to the Government of Japan, or by the Government of Japan to any of the Governments of the Allied Powers. The provisions of this paragraph are without prejudice to the rights conferred by Article 14.
(b) Japan affirms its liability for the prewar external debt of the Japanese State and for debts of corporate bodies subsequently declared to be liabilities of the Japanese State, and expresses its intention to enter into negotiations at an early date with its creditors with respect to the resumption of payments on those debts; to encourage negotiations in respect to other prewar claims and obligations; and to facilitate the transfer of sums accordingly.

Article 19
(a) Japan waives all claims of Japan and its nationals against the Allied Powers and their nationals arising out of the war or out of actions taken because of the existence of a state of war, and waives all claims arising from the presence, operations or actions of forces or authorities of any of the Allied Powers in Japanese territory prior to the coming into force of the present Treaty.
(b) The foregoing waiver includes any claims arising out of actions taken by any of the Allied Powers with respect to Japanese ships between 1 September 1939 and the coming into force of the present Treaty, as well as any claims and debts arising in
respect to Japanese prisoners of war and civilian internees in the hands of the Allied Powers, but does not include Japanese claims specifically recognized in the laws of any Allied Power enacted since 2 September 1945.

(c) Subject to reciprocal renunciation, the Japanese Government also renounces all claims (including debts) against Germany and German nationals on behalf of the Japanese Government and Japanese nationals, including intergovernmental claims and claims for loss or damage sustained during the war, but excepting (a) claims in respect of contracts entered into and rights acquired before 1 September 1939, and (b) claims arising out of trade and financial relations between Japan and Germany after 2 September 1945. Such renunciation shall not prejudice actions taken in accordance with Articles 16 and 20 of the present Treaty.

(d) Japan recognizes the validity of all acts and omissions done during the period of occupation under or in consequence of directives of the occupation authorities or authorized by Japanese law at that time, and will take no action subjecting Allied nationals to civil or criminal liability arising out of such acts or omissions.

Article 20

Japan will take all necessary measures to ensure such disposition of German assets in Japan as has been or may be determined by those powers entitled under the Protocol of the proceedings of the Berlin Conference of 1945 to dispose of those assets, and pending the final disposition of such assets will be responsible for the conservation and administration thereof.

Article 21

Notwithstanding the provisions of Article 25 of the present Treaty, China shall be entitled to the benefits of Articles 10 and 14(a); and Korea to the benefits of Articles 2, 4, 9 and 12 of the present Treaty.

CHAPTER VI——SETTLEMENT OF DISPUTES

Article 22

If in the opinion of any Party to the present Treaty there has arisen a dispute concerning the interpretation or execution of the Treaty, which is not settled by reference to a special claims tribunal or by other agreed means, the dispute shall, at the request of any party thereto, be referred for decision to the International Court of Justice. Japan and those Allied Powers which are not already parties to the Statute of the International Court of Justice will deposit with the Registrar of the Court, at the time of their respective ratifications of the present Treaty, and in conformity with the resolution of the United Nations Security Council, dated 15 October 1946,
a general declaration accepting the jurisdiction, without special agreement, of the Court generally in respect to all disputes of the character referred to in this Article.

CHAPTER VII——FINAL CLAUSES

Article 23
(a) The present Treaty shall be ratified by the States which sign it, including Japan, and will come into force for all the States which have then ratified it, when instruments of ratification have been deposited by Japan and by a majority, including the United States of America as the principal occupying Power, of the following States, namely Australia, Canada, Ceylon, France, Indonesia, the Kingdom of the Netherlands, New Zealand, Pakistan, the Republic of the Philippines, the United Kingdom of Great Britain and Northern Ireland, and the United States of America. The present Treaty shall come into force of each State which subsequently ratifies it, on the date of the deposit of its instrument of ratification.
(b) If the Treaty has not come into force within nine months after the date of the deposit of Japan's ratification, any State which has ratified it may bring the Treaty into force between itself and Japan by a notification to that effect given to the Governments of Japan and the United States of America not later than three years after the date of deposit of Japan's ratification.

Article 24
All instruments of ratification shall be deposited with the Government of the United States of America which will notify all the signatory States of each such deposit, of the date of the coming into force of the Treaty under paragraph (a) of Article 23, and of any notifications made under paragraph (b) of Article 23.

Article 25
For the purposes of the present Treaty the Allied Powers shall be the States at war with Japan, or any State which previously formed a part of the territory of a State named in Article 23, provided that in each case the State concerned has signed and ratified the Treaty. Subject to the provisions of Article 21, the present Treaty shall not confer any rights, titles or benefits on any State which is not an Allied Power as herein defined; nor shall any right, title or interest of Japan be deemed to be diminished or prejudiced by any provision of the Treaty in favour of a State which is not an Allied Power as so defined.
Article 26
Japan will be prepared to conclude with any State which signed or adhered to the United Nations Declaration of 1 January 1942, and which is at war with Japan, or with any State which previously formed a part of the territory of a State named in Article 23, which is not a signatory of the present Treaty, a bilateral Treaty of Peace on the same or substantially the same terms as are provided for in the present Treaty, but this obligation on the part of Japan will expire three years after the first coming into force of the present Treaty. Should Japan make a peace settlement or war claims settlement with any State granting that State greater advantages than those provided by the present Treaty, those same advantages shall be extended to the parties to the present Treaty.

Article 27
The present Treaty shall be deposited in the archives of the Government of the United States of America which shall furnish each signatory State with a certified copy thereof.

IN FAITH WHEREOF the undersigned Plenipotentiaries have signed the present Treaty.
DONE at the city of San Francisco this eighth day of September 1951, in the English, French, and Spanish languages, all being equally authentic, and in the Japanese language.

For Argentina: Hipólito J. PAZ
For Australia: Percy C. SPENDER
For Belgium: Paul VAN ZEELAND SILVERCRUYS
For Bolivia: Luis GUACHALLA
For Brazil: Carlos MARTINS, A. DE MELLO-FRANCO
For Cambodia: PHLENG
For Canada: Lester B. PEARSON, R.W. MAYHEW
For Ceylon: J.R. JAYEWARDENE, G.C.S. COREA, R.G. SENANAYAKE
For Chile: F. NIETO DEL RÍO
For Colombia: Cipriano RESTREPO JARAMILLO, Sebastián OSPINA
For Costa Rica: J. Rafael OREAMUNO, V. VARGAS, Luis DOBLES SANCHEZ
For Cuba: O. GANS, L. MACHADO, Joaquín MEYER
For the Dominican Republic: V. ORDÓÑEZ, Luis F. THOMEN
For Ecuador: A. QUEVEDO, R.G. VALENZUELA
For Egypt: Kamil A. RAHIM
For El Salvador: Héctor DAVID CASTRO, Luis RIVAS PALACIOS
For Ethiopia: Men YAYEJIRAD
For France: SCHUMANN, H. BONNET, Paul-Émile NAGGIAR
For Greece: A.G. POLITIS
For Guatemala: E. CASTILLO A., A.M. ORELLANA, J. MENDOZA
For Haiti: Jacques N. LÉGER, Gust. LARAQUE
For Honduras: J.E. VALENZUELA, Roberto GÁLVEZ B., Raúl ALVARADO T.
For Indonesia: Ahmad SUBARDJO
For Iran: A.G. ARDALAN
For Iraq: A.I. BAKR
For Laos: SAVANG
For Lebanon: Charles MALIK
For Liberia: Gabriel L. DENNIS, James ANDERSON, Raymond HORACE, J. Rudolf GRIMES
For the Grand Duchy of Luxembourg: Hugues LE GALLAIS
For Mexico: Rafael DE LA COLINA, Gustavo DÍAZ ORDAZ, A.P. GASGA
For the Netherlands: D.U. STIKKER, J.H. VAN ROIJEN
For New Zealand: C. BERENDSEN
For Nicaragua: G. SEVILLA SACASA, Gustavo MANZANARES
For Norway: Wilhelm Munthe MORGENSTERNE
For Pakistan: ZAFRULLAH KHAN
For Panama: Ignacio MOLINO, José A. REMON, Alfredo ALEMÁN, J. CORDOVEZ
For Peru: Luis Oscar BOETTNER
For the Republic of the Philippines: Carlos P. RÓMULO, J.M. ELIZALDE, Vicente FRANCISCO, Diosdado MACAPAGAL, Emiliano T. TIRONA, V.G. SINCO
For Saudi Arabia: Asad AL-FAQIH
For Syria: F. EL-KHOURI
For Turkey: Feridun C. ERKIN
For the Union of South Africa: G.P. JOOSTE
For the United Kingdom of Great Britain and Northern Ireland: Herbert MORRISON, Kenneth YOUNGER, Oliver FRANKS
For the United States of America: Dean ACHESON, John Foster DULLES, Alexander WILEY, John J. SPARKMAN
For Uruguay: José A. MORA
For Venezuela: Antonio M. ARAUJO, R. GALLEGOS M.
For Viet-Nam: TRAN Van Huu 陳文友, T. VINH, D. THANH, BUU KINH
For Japan: Shigeru YOSHIDA 吉田 茂, Hayato IKE DA 池田 勇人, Gizo TOMABECHI 苄米地 義三, Niro HOSHIJIMA 星島 二郎, Muneyoshi
Editor’s note ============
Neither the ROC nor the PRC were invited to the San Francisco Peace Conference which took place Sept. 4–8, 1951, and neither were parties to the San Francisco Peace Treaty (SFPT). The ROC concluded a separate peace treaty with Japan in 1952 (see below). Of the 51 nations that had sent delegates to the conference, three (Czechoslovakia, Poland and the Soviet Union) did not sign the SFPT, India and Burma were not present at the conference at all.


<table>
<thead>
<tr>
<th>Chinese:</th>
<th>Japanese:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jiujinshan heyue 舊金山和約</td>
<td>Nippon kokutono heiwa jöyaku 日本国との平和条約</td>
</tr>
</tbody>
</table>

---

**Treaty of Peace between the ROC and Japan**

Signed at Taipei on April 28, 1952
Entered into force on August 5, 1952, by the exchange of the instruments of ratification at Taipei

**TREATY OF PEACE**
The Republic of China and Japan,
Considering their mutual desire for good neighbourliness in view of their historical and cultural ties and geographical proximity; Realising the importance of their close cooperation to the promotion of their common welfare and to the maintenance of international peace and security; Recognising the need for a settlement of problems that have arisen as a result of the existence of a state of war between them; Have resolved to conclude a Treaty of Peace and have accordingly appointed as their Plenipotentiaries,
His Excellency the President of the Republic of China: Mr. YEH KUNG-CHAO;
The Government of Japan: Mr. ISAO KAWADA
Who, having communicated to each other their full powers found to be in good and due form, have agreed upon the following Articles:—

**Article 1**
The state of war between the Republic of China and Japan is terminated as from the date on which the present Treaty enters into force.
Article 2
It is recognised that under Article 2 of the Treaty of Peace which Japan signed at the city of San Francisco on 8 September 1951 (hereinafter referred to as the San Francisco Treaty), Japan has renounced all right, title, and claim to Taiwan (Formosa) and Penghu (the Pescadores) as well as the Spratley Islands and the Paracel Islands.

Article 3
The disposition of property of Japan and its nationals in Taiwan (Formosa) and Penghu (the Pescadores), and their claims, including debts, against the authorities of the Republic of China in Taiwan (Formosa) and Penghu (the Pescadores) and the residents thereof, and the disposition in Japan of property of such authorities and residents and their claims, including debts, against Japan and its nationals, shall be the subject of special arrangements between the Government of the Republic of China and the Government of Japan. The terms nationals and residents include juridical persons.

Article 4
It is recognised that all treaties, conventions, and agreements concluded before 9 December 1941 between Japan and China have become null and void as a consequence of the war.

Article 5
It is recognised that under the provisions of Article 10 of the San Francisco Treaty, Japan has renounced all special rights and its interests in China, including all benefits and privileges resulting from the provisions of the final Protocol signed at Peking on 7 September 1901, and all annexes, notes, and documents supplementary thereto, and has agreed to the abrogation in respect to Japan of the said protocol, annexes, notes, and documents.

Article 6
(a) The Republic of China and Japan will be guided by the principles of Article 2 of the Charter of the United Nations in their mutual relations.
(b) The Republic of China and Japan will cooperate in accordance with the principles of the Charter of the United Nations and, in particular, will promote their common welfare through friendly cooperation in the economic field.

Article 7
The Republic of China and Japan will endeavour to conclude, as soon as possible, a treaty or agreement to place their trading, maritime, and other commercial relations,
on a stable and friendly basis.

**Article 8**
The Republic of China and Japan will endeavour to conclude, as soon as possible, an agreement relating to civil air transport.

**Article 9**
The Republic of China and Japan will endeavour to conclude, as soon as possible, an agreement providing for the regulation or limitation of fishing and the conservation and development of fisheries on the high seas.

**Article 10**
For the purposes of the present Treaty, nationals of the Republic of China shall be deemed to include all the inhabitants and former inhabitants of Taiwan (Formosa) and Penghu (the Pescadores) and their descendents who are of the Chinese nationality in accordance with the laws and regulations which have been or may hereafter be enforced by the Republic of China in Taiwan (Formosa) and Penghu (the Pescadores); and juridical persons of the Republic of China shall be deemed to include all those registered under the laws and regulations which have been or may hereafter be enforced by the Republic of China in Taiwan (Formosa) and Penghu (the Pescadores).

**Article 11**
Unless otherwise provided for in the present Treaty and the documents supplementary thereto, any problem arising between the Republic of China and Japan as a result of the existence of a state of war shall be settled in accordance with the relevant provisions of the San Francisco Treaty.

**Article 12**
Any dispute that may arise out of the interpretation or application of the present Treaty shall be settled by negotiation or other pacific means.

**Article 13**
The present Treaty shall be ratified and the instruments of ratification shall be exchanged at Taipei as soon as possible. The present Treaty shall enter into force as from the date on which such instruments of ratification are exchanged.

**Article 14**
The present Treaty shall be in the Chinese, Japanese, and English languages. In case of any divergence of interpretation, the English text shall prevail.
In witness whereof the respective Plenipotentiaries have signed the present Treaty and have affixed thereto their seals.

Done in duplicate at Taipei, this Twenty Eighth day of the Fourth month of the Forty First year of the REPUBLIC OF CHINA, corresponding to the Twenty Eighth day of the Fourth month of the Twenty Seventh year of SHOWA of Japan and to the Twenty Eighth day of April in the year One Thousand Nine Hundred and Fifty Two.

YEH KUNG-CHAO, [L.S.] Minister of Foreign Affairs and Plenipotentiary of the Republic of China

ISAO KAWADA, [L.S.] Minister of Foreign Affairs and Plenipotentiary of Japan

中華民國與日本國間和平條約
【中華民國與日本國間和平條約：
民國四十一年四月二十八日簽訂，民國四十一年八月五日互換批准書，民國四十一年八月五日生效】

中華民國與日本國
鑒於兩國由於其歷史文化關係及領土鄰近而產生之相互睦鄰願望；
了解兩國之密切合作對於增進其共同福利及維持世界和平與安全，均屬重要；
均認由於兩國間戰爭狀態之存在而引起之各項問題，亟待解決；
爰經決定締結和平條約，並為此各派全權代表如左：
中華民國 estoy閣下：葉公超先生；日本國政府：河田烈先生；
各該全權代表經將其所奉全權證書提出互相校閱，認為均屬妥善，爰議定條款如左：

第一條 中華民國與日本國間之戰爭狀態，自本約發生效力之日起，即告終止。

第二條 茲承認依照公曆一千九百五十一年九月八日在美利堅合眾國金山市簽訂之對日和平條約（以下簡稱金山和約）第二條，日本國業已放棄對於臺灣及澎湖群島以及南沙群島及西沙群島之一切權利、權利名義與要求。

第三條 關於日本國及國民在臺灣及澎湖之財產及其對於在臺灣及澎湖之中華民國當局及居民所作要求（包括債權在內）之處置，及該中華民國當局及居民在日本國之財產及其對於日本國及日本國國民所作要求（包括債權在內）之處置，應由中華民國政府與日本國
政府間另商特別處理辦法。本約任何條款所用「國民」及「居民」等名詞，均包括法人在內。

第四條 役承認中國與日本國間在中華民國三十年即公曆一千九百四十年十二月九日以前所締結之切條約、專約及協定，均因戰爭結果而歸無效。

第五條 役承認依照金山和約第十條之規定，日本國業已放棄在中國之一切特殊權利及利益。包括由於中華民國紀元十一年即公曆一千九百零一年九月七日在北京簽訂之最後議定書與一切附件及補充之各換文暨文件所產生之切利益與特權；並已同意就關於日本國方面廢除該議定書、附件、換文及文件。

第六條 (甲) 中華民國與日本國在其相互之關係上，願各遵聯合國憲章第二條之各項原則 (乙) 中華民國與日本國願依聯合國憲章之原則彼此合作，並特願經由經濟方面之友好合作，促進兩國之共同福利。

第七條 中華民國與日本國願儘速商訂一項條約或協定，藉以將兩國貿易、航業及其他商務關係，置於穩定與友好之基礎上。

第八條 中華民國與日本國願儘速商訂一項關於民用航空運輸之協定。

第九條 中華民國與日本國願儘速締結一項為規範或限制捕魚、及保存暨開發公海漁業之協定。

第十條 就本約而言，中華民國國民應認為包括依照中華民國在臺灣及澎湖所已施行或將來可能施行之法律規章而具有中國國籍之一切臺灣及澎湖居民及前屬臺灣及澎湖之居民及其後裔；中華民國法人應認為包括依照中華民國在臺灣及澎湖所已施行或將來可能施行之法律規章所登記之一切法人。

第十一條 除本約及其補充文件另有規定外，凡在中華民國與日本國間因戰爭狀態存在之結果而引起之任何問題，均應依照金山和約之有關規定予以解決。

第十二條 凡因本約之解釋或適用可能發生之任何爭執，應以磋商或其他和平方式解決之。

第十三條 本約應予批准，批准文件應儘速在臺北互換。本約應自批准文件互換之日起發生效力。

第十四條 本約應分繕中文、日文及英文。遇有解釋不同，應以英文本為準。

为此，雙方全權代表各於本約簽字蓋印，以昭信守。

本約共繕二份，於中華民國四十一年四月二十八日即日本國昭和二十七年四月二十八日即公曆一千九百五十二年四月二十八日訂於臺北。
Editor’s note ==============
The Treaty of Peace between the ROC and Japan/Sino-Japanese Peace Treaty (abbrev. Zhong Ri heping tiaoyue 中日和平条约 or Zhong Ri heyue 中日和約) is commonly also known as the Treaty of Taipei (Taipei heyue 台北和約); in Japanese: Nippon kokuto Chuka minkoku tono aidano heiwa jōyaku 日本国と中華民国との間の平和条約.

Sino-American Mutual Defense Treaty

Treaty signed at Washington December 2, 1954;  
Ratification advised by the Senate of the United States of America February 9, 1955;  
Ratified by the President of the United States of America February 11,1955;  
Ratified by the Republic of China February 15, 1955;  
Ratifications exchanged at Taipei March 3, 1955;  
Proclaimed by the President of the United States of America April 1,1955;  
And exchange of notes  
Signed at Washington December 10, 1954

By THE PRESIDENT OF THE UNITED STATES OF AMERICA
A PROCLAMATION
WHEREAS the Mutual Defense Treaty between the United States of America and the Republic of China was signed at Washington on December 2, 1954 by their respective plenipotentiaries, the original of which Treaty in the English and Chinese languages is word for word as follows:

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CHINA
The Parties to this Treaty,
Reaffirming their faith in the purposes and principles of the Charter of the United Nations and their desire to live in peace with all peoples and all Governments, and desiring to strengthen the fabric of peace in the West Pacific Area,
Recalling with mutual pride the relationship which brought their two peoples together in a common bond of sympathy and mutual ideals to fight side by side against imperialist aggression during the last war,
Desiring to declare publicly and formally their sense of unity and their common determination to defend themselves against external armed attack, so that no potential aggressor could be under the illusion that either of them stands alone in the West Pacific Area, and
Desiring further to strengthen their present efforts for collective defense for the preservation of peace and security pending the development of a more comprehensive system of regional security in the West Pacific Area,
Have agreed as follows:

Article 1
The Parties undertake, as set forth in the Charter of the United Nations, to settle any international dispute in which they may be involved by peaceful means in such a manner that international peace, security and justice are not endangered and to refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations.

Article 2
In order more effectively to achieve the objective of this Treaty, the Parties separately and jointly by self-help and mutual aid will maintain and develop their individual and collective capacity to resist armed attack and communist subversive activities directed from without against their territorial integrity and political stability.

Article 3
The Parties undertake to strengthen their free institutions and to cooperate with each other in the development of economic progress and social well-being and to further their individual and collective efforts toward these ends.

Article 4
The Parties, through their Foreign Ministers or their deputies, will consult together from time to time regarding the implementation of this Treaty.

Article 5
Each Party recognizes that an armed attack in the West Pacific Area directed against the territories of either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations. Such measures shall be terminated when the Security Council has taken the measures necessary to
Article 6
For the purposes of Articles II and V, the terms "territorial" and "territories" shall mean in respect of the Republic of China, Taiwan and the Pescadores: and in respect of the United States of America, the island territories in the West Pacific under its jurisdiction. The provisions of Articles II and V will be applicable to such other territories as may be determined by mutual agreement.

Article 7
The Government of the Republic of China grants, and the Government of the United States of America accepts, the right to dispose such United States land, air and sea forces in and about Taiwan and the Pescadores as may be required for their defense, as determined by mutual agreement.

Article 8
This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.

Article 9
This Treaty shall be ratified by the United States of America and the Republic of China in accordance with their respective constitutional processes and will come into force when instruments of ratification thereof have been exchanged by them at Taipei.

Article 10
This Treaty shall remain in force indefinitely. Either Party may terminate it one year after notice has been given to the other Party.

IN WITNESS WHEREOF the undersigned Plenipotentiaries have signed this Treaty.
DONE in duplicate, in the English and Chinese languages, at Washington on this second day of December of the Year One Thousand Nine Hundred and Fifty-four, corresponding to the second day of the twelfth month of the Forty-third year of the Republic of China.

FOR THE UNITED STATES OF AMERICA: John Foster Dulles
FOR THE REPUBLIC OF CHINA: George K. C. Yeh
美利堅合眾國、中華民國共同防禦條約

本條約締約國

茲重申其對聯合國憲章之宗旨與原則之信心，及其與所有人民及政府和平相處之願望，並欲增強西太平洋區域之和平結構；

以光榮之同感，追溯上次大戰期間，兩國人民為對抗帝國主義侵略，而在相互同情與共同理想之結合下，團結一致併肩作戰之關係；

願公開正式宣告其團結之精誠，及為其自衛而抵禦外來武裝攻擊之共同決心，俾使任何潛在之侵略者存有任一締約國在西太平洋區域立於孤立地位之妄想；並

願加強兩國為維護和平與安全而建立集體防禦之現有努力，以待西太平洋區域安全制度之發展；

茲議訂下列各條款。

第一条 本條約締約國承允依照聯合國憲章之規定，以不危及國際和平安全與正義之和平方法，解決可能牽涉兩國之任何國際爭議，並在其國際關係中，不以任何與聯合國宗旨相悖之方式，作武力之威脅或使用武力。

第二条 为期更有效達成本條約之目的起見，締約國將個別並聯合以自助及互助之方式，維持並發展其個別及集體之能力，以抵抗武裝攻擊，及由國外指揮之危害其領土完整與政治安定之共產顛覆活動。

第三条 締約國承允加強其自由制度，彼此合作以發展其經濟進步與社會福利，並為達到此等目的，而增加其個別與集體之努力。

第四条 締約國將經由其外交部部長或其代表，就本條約之實施隨時會商。

第五条 每一締約國承認對在西太平洋區域內任一締約國領土之武裝攻擊，即將危及其本身之和平與安全。茲並宣告將依其憲法程序採取行動，以對付此共同危機。

任何此項武裝攻擊及因而採取之一切措施，應立即報告聯合國安全理事會。此等措施應於安全理事會採取恢復並維持國際和平與安全之必要措施時予以終止。

第六条 為適用於第二條及第五條之目的，所有『領土』等辭，就中華民國而言，應指台灣與澎湖；就美利堅合眾國而言，應指西太平洋區域內在其管轄下之各島嶼領土。第二條及第五條之規定，並將適用於共同協議所決定之其他領土。

第七条 中華民國政府給予，美利堅合眾國政府接受，依共同協議之決定，在台灣澎湖及其附近，為其防衛所需而部署美國陸海空軍。
之權利。

第八條 本條約並不影響，且不應被解釋為影響，締約國在聯合國憲章下之權利及義務，或聯合國為維持國際和平與安全所負之責任。

第九條 本條約應由美利堅合眾國與中華民國各依其憲法程序以批准，並將於在台北互換批准書之日起發生效力。

第十條 本條約應無限期有效。任一締約國得於廢約之通知送達另一締約國一年後，予以終止。

為此，下開各全權代表爰於本條約簽字，以昭信守。

本條約用英文及中文各繕二份。

公曆一千九百五十四年十二月二日
中華民國四十三年十二月二日訂於華盛頓。

美利堅合眾國代表：約翰・福斯特・杜勒斯【John Foster Dulles】
中華民國代表：葉公超

The US Congress Formosa Resolution

[Approved by House vote 409-3 on January 25, 1955 and by Senate vote 85-3 on January 28, 1955]

U.S. Congressional Authorization for the President to Employ the Armed Forces of the United States to Protect Formosa, the Pescadores, and Related Positions and Territories of That Area

Whereas the primary purpose of the United States, in its relations with all other nations, is to develop and sustain a just and enduring peace for all; and Whereas certain territories in the West Pacific under the jurisdiction of the Republic of China are now under armed attack, and threats and declarations have been and are being made by the Chinese Communists that such armed attack is in aid of and in preparation for armed attack on Formosa and the Pescadores;

Whereas such armed attack if continued would gravely endanger the peace and security of the West Pacific Area and particularly of Formosa and the Pescadores; and

Whereas the secure possession by friendly governments of the Western Pacific Island chain, of which Formosa is a part, is essential to the vital interests of the United States and all friendly nations in or bordering upon the Pacific Ocean; and
Whereas the President of the United States on January 6, 1955, submitted to the Senate for its advice and consent to ratification a Mutual Defense Treaty between the United States of America and the Republic of China, which recognizes that an armed attack in the West Pacific Area directed against territories, therein described, in the region of Formosa and the Pescadores, would be dangerous to the peace and safety of the parties to the treaty:

Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

That the President of the United States be and he hereby is authorized to employ the Armed Forces of the United States as he deems necessary for the specific purpose of securing and protecting Formosa and the Pescadores against armed attack, this authority to include the securing and protection of such related positions and territories of that area now in friendly hands and the taking of such other measures as he judges to be required or appropriate in assuring the defense of Formosa and the Pescadores.

This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, and shall so report to the Congress.

Editor’s note ===============

In Chinese, the Formosa Resolution by the US Congress (Meiguo guohui 美國國會) is called Taiwan jueyi’an 台灣決議案 or Fuermosha jueyi’an 福爾摩沙決議案. US President Dwight D. Eisenhower signed it into law on Jan. 29, 1955. It was repealed by the US Congress on Oct. 26, 1974.

Legal Problems Regarding Formosa and the Offshore Islands

By Ely Maurer
Assistant Legal Adviser for Far Eastern Affairs

Since August 23, when the Chinese Communists began their massive bombardment of Quemoy, no item has received as much coverage in the world press as the problems of Formosa and the offshore islands. We are now in a period of relative calm. However, in the 4 months that have elapsed since August 23 considerable discussion and world anxiety have been generated by the matter. In this discussion there have been intertwined elements of policy and of law. I do not intend here to
go into the policy issues. I appreciate the opportunity you have afforded me to take up the legal problems. With respect to the questions of law these involve a blend of national and international aspects.

Before going into the legal problems it is desirable to review briefly the geographical and historical background of Formosa and the offshore islands.

Background

Formosa, or Taiwan, is an island about 100 miles from the mainland of China. It has an area equal to that of Maryland and a population of about 10 million people, comprising 8.5 million persons of Chinese descent, 1.5 million mainland Chinese, and 100,000 aborigines. Close to and westward of Formosa are the Pescadores Islands, or Penghus. I shall use the term “Formosa” hereafter as also covering these islands.

Close to the mainland of China, in the vicinity of the city of Amoy and about 5 miles away, is the Quemoy group of islands consisting mainly of Big Quemoy, Little Quemoy, and the two tiny Tan Islands.

About 120 miles up the mainland coast and in the vicinity of Foochow and about 10 miles off the coast is the Matsu group of islands.

Both these groups are in the control of the Republic of China. I shall hereafter speak of them as the offshore islands. These islands have been for a very long time under Chinese sovereignty.

Since the middle of the 17th century and up to 1895 Formosa was a part of the Chinese Empire. In 1895 under the Treaty of Shimonoseki China ceded Formosa to Japan. In the Cairo conference in November 1943 the United States, United Kingdom, and China declared it was their “purpose” that Manchuria, Formosa, and the Pescadores “shall be restored to the Republic of China.” Thereafter in August 1945 in the Potsdam conference the United States, United Kingdom, and China declared that “the terms of the Cairo Declaration shall be carried out.” This Potsdam declaration was subsequently adhered to by the U.S.S.R. On September 2, 1945, the Japanese Government, in the instrument of surrender, accepted the provisions of the declaration. The Supreme Allied Commander for the Allied Powers then issued Directive No. 1, under which the Japanese Imperial Headquarters issued General Order No. 1 requiring Japanese commanders in Formosa to surrender to Generalissimo Chiang Kai-shek of the Republic of China. Since September 1945 the United States and the other Allied Powers have accepted the exercise of Chinese authority over the island. In article 2 of the Japanese Peace Treaty, which entered into force April 28, 1952, Japan renounced all “right, title and claim” to Formosa. Neither this agreement nor any other agreement thereafter has purported to transfer the sovereignty of Formosa to China.
In the meantime, since the end of the war in 1945, the Chinese Communists had been engaged in open hostilities with the Republic of China. On October 1, 1949, they proclaimed the establishment of the People's Republic of China. Two days later the Soviet Union established diplomatic relations with this regime. The Chinese Communists made their first attempt to capture Quemoy in late 1949 and were repulsed with heavy losses by the Chinese Government on October 27. The Chinese Government had been transferring its offices to Taipei, Formosa, and early in December 1949 Taipei became the provisional capital of the Republic of China.

On January 5, 1950, President Truman, in a public statement regarding Formosa, declared that the United States had no predatory designs on Formosa or on any other Chinese territory, did not seek any special privileges therein, and would not pursue a course which would lead to involvement in the civil conflict in China. However, when the Communists attacked the Republic of Korea on June 25, 1950, President Truman issued a public statement noting that the Communists had made clear their intent to use armed invasion and war for purposes of conquest and had defied the Security Council of the United Nations. He thereupon ordered the Seventh Fleet “to prevent any attacks on Formosa” and as a corollary called upon the Chinese Government to cease all operations against the mainland. In addition he stated that “The determination of the future status of Formosa must await the restoration of security in the Pacific, a peace settlement with Japan, or consideration by the United Nations.”

On August 24, 1950, the Chinese Communist regime sent a telegram to the President of the United Nations Security Council calling President Truman's action “a direct armed aggression on the territory of China and a total violation of the United Nations Charter.” In a statement on the same day the State Department said the United States would welcome the United Nations consideration of the problem, and on September 21 we formally asked that it be put on the agenda of the General Assembly. The United States made this request at a time when there seemed to be a reasonable prospect that peace and security could be restored in Korea. When these hopes were destroyed by Chinese Communist intervention in Korea, the United States on November 15 asked that consideration of the Formosa question be deferred. In the meantime the Soviet Union had initiated resolutions in the General Assembly and Security Council of the United Nations condemning the United States for alleged “armed invasion” of Formosa. The General Assembly never endorsed the charges, and they were dropped. The Security Council defeated the Soviet resolution on November 30 by a vote of 9 to 1.

In July of 1954, at the time when the Geneva Accords were being negotiated to end hostilities in Indochina, the Chinese Communist regime launched a massive
propaganda campaign for the “liberation of Taiwan.” On September 3 the Chinese Communists began a heavy bombardment of the island of Quemoy, and military attacks spread to coastal islands including the Tachen Islands to the north. Against this background the United States–Republic of China Mutual Defense Treaty was signed on December 2, 1954. The territorial coverage of the treaty in respect of China was limited to Formosa. The treaty was accompanied by an exchange of notes of December 10 by which the United States and the Republic of China undertook not to use force from the Formosa area or the offshore islands except by joint agreement or in self-defense. It might be pointed out that these defensive arrangements merely formalized and did not in any way extend the United States undertaking for the defense of Formosa going back to June 1950.

The Peiping regime propaganda campaign was stepped up throughout December and January, and the Chinese Communists launched heavy aerial bombardment on the coastal islands and invaded and seized Ichiang Island. These actions were accompanied by broadcast declarations that the actions were preliminary to the taking of Formosa. Following these attacks President Eisenhower on January 24, 1955, requested a resolution from Congress publicly establishing the authority of the President to employ United States forces as he deemed necessary to secure and protect Formosa from armed attack. This joint resolution was passed January 29. The United States also supported in the United Nations Security Council a New Zealand proposal for the consideration of the question of hostilities in the offshore-island area. However, the Peiping regime refused the invitation of the Security Council to be present and participate in the discussion. The Chinese Communists said that the New Zealand resolution was not within the competence of the United Nations because the liberation of Formosa and other coastal islands was a matter of “sovereign right” and an internal affair.

In several statements made in 1955 the President and the Secretary of State reiterated the desire of the United States to find a peaceful solution to the tension in the Formosa area, and ambassadorial talks were opened in Geneva in 1955 with the Chinese Communists relating to this subject as well as other topics. However, these conversations proved abortive since the Chinese Communists refused to agree to a proposal which concerned renunciation of force in the Formosa area.

During the period from February 1955 up to August 23 of this year the Chinese Communist attacks on the Republic of China were relatively infrequent. Then on August 23 the Chinese Communists commenced a massive bombardment of the Quemoy Islands, once again resorting to armed force and precipitating a grave situation in the Formosan Straits. From the beginning of the attacks the United States has shown a desire for a peaceful resolution of the crisis in the Formosa
When the Chinese Communists on September 6 stated a willingness to resume the suspended ambassadorial talks at Geneva, the United States welcomed the prospect. Since that time the United States has, in talks now taking place in Warsaw, been seeking to obtain a cessation of Chinese Communist attacks. 

On October 5 the Chinese Communists announced a 1-week suspension of the bombardment, conditional on the discontinuance of the United States escort activities. The Department of State issued a statement welcoming the Communist move and expressing the hope it foreshadowed a permanent end to the attacks. At the end of the week the Chinese Communists extended their cease-fire for another 2 weeks. However, on October 20, justifying their action on alleged escorting activities, the Chinese Communists resumed bombardment but announced shortly thereafter that bombardment of certain areas on Quemoy would only take place on odd numbered days. Since that time bombardment has greatly diminished.

As a result of meetings between Secretary Dulles and Chiang Kai-shek pursuant to article IV of the Mutual Defense Treaty a joint communique was issued on October 23. In this communique it was recognized that under the present conditions the defense of the offshore islands is “closely related” to the defense of Formosa. Further, the Republic of China stated that the “principal means” of restoring freedom to its people on the mainland is the implementation of Dr. Sun Yat-sen’s “three people's principles” and “not the use of force.”

This then brings us up to the present. On the basis of this background we can now go into the legal issues presented.

National Legal Problems

The legal problems concerning Formosa and the offshore islands break down into two main subdivisions: (a) the legal problems with respect to the authority of the Executive under United States law, and (b) the authority of the United States Government under international law. It may be best to consider the national aspect first.

In January 1955, in a period in which the Chinese Communists were taking menacing actions with respect to the offshore islands and Formosa and after we had signed a Mutual Defense Treaty with the Republic of China, the President sent a message to Congress urging a resolution by Congress authorizing him, if necessary, to take military action in the Formosa area. The message recited that Formosa constituted a part of the vital island chain of defenses of the United States and free nations in the Western Pacific. The President alluded to Quemoy as “one of the natural approaches to Formosa” and said that attacks upon the offshore islands have been asserted by the Chinese Communists themselves to be “a prelude to the conquest of Formosa.” The President then said:
But, unhappily, the danger of armed attack directed against that area compels us to take into account closely related localities and actions which, under current conditions, might determine the failure or success of such an attack. The authority that may be accorded by the Congress would be used only in situations which are recognizable as parts of, or definite preliminaries to, an attack against the main positions of Formosa and the Pescadores.

After serious debate Congress passed House Joint Resolution 159 (Public Law 4, 84th Congress, 1st session, chapter 4). This resolution reads in pertinent part:

... the President of the United States be and he is hereby authorized to employ the Armed Forces of the United States as he deems necessary for the specific purpose of securing and protecting Formosa and the Pescadores against armed attack, this authority to include the securing and protection of such related positions and territories of that area now in friendly hands and the taking of such other measures as he judges to be required or appropriate in assuring the defense of Formosa and the Pescadores.

In the light of the above, let us first take up the question of the authority of the President to take military action to defend Formosa. In this connection it should be recalled that under article V of the Mutual Defense Treaty between the United States and the Government of China it is provided that an armed attack on the territories of one of the parties would be dangerous to the other party's peace and security and the other party declare that it would act to meet the common danger “in accordance with its constitutional processes.” Under article VI the term “territories” in respect to the Republic of China is limited to Formosa (and the Pescadores). Thus if an armed attack took place on Formosa the question might arise as to the content of the phrase “in accordance with its constitutional processes.” It might be argued that it is only Congress which could take action under the constitutional provision giving it the power to declare war. However, as is well known, it is considered that the President has a large power to take military action in emergency situations for the defense of the United States without awaiting action by Congress. In the present situation, House Joint Resolution 159 eliminates any problem on this score since, in the words of the President's message, the resolution clearly and publicly establishes the authority of the President to take military action in the defense of Formosa as he deems necessary.

The second question concerns the authority of the President to take action to defend the offshore islands. The Mutual Defense Treaty does not cover in its territorial scope the offshore islands, and there is no commitment therein of United States action in their defense. However, House Joint Resolution 159 authorizes the
President to protect “such related positions and territories of that area now in friendly hands” and to take “such other measures as he judges to be required or appropriate in assuring the defense of Formosa and the Pescadores.” What is the meaning of this clause?

It has been argued that the phrase “related positions and territories” refers only to areas that are necessary from the standpoint of military tactics for the defense of Formosa. Thus, this argument runs, the President has only the power to defend Quemoy if Quemoy in a military sense is essential to the defense of Formosa, so that if Quemoy fell the defense of Formosa would be tactically impossible. The argument continues that, since Quemoy is not essential in this sense, the President has no authority to defend it.

It is our view that the language with respect to the offshore islands, read in its natural sense and with relation to the background message of the President and the debate in Congress, permits a broader meaning. (1) The word “related” would seem logically to cover the situation where the position or territory in question is not “essential” to the defense of Formosa but one in which the loss of the position or territory would make that defense harder or more difficult. (2) More importantly, the word “related” would appear to cover the situation in which the offshore islands are part and parcel of a general plan for the seizure of Formosa or preliminary thereto. In the present situation it is evident from the innumerable statements issued by the Chinese Communists that they view their whole action with respect to the offshore islands as related in this way to the “liberation” of Formosa. (3) Further, it is improper in our view to give a too physical interpretation to the word “related.” In this connection it might be pointed out that the offshore islands constitute an extremely important psychological element in the will to resist of the defenders of Formosa. In this sense the loss of the offshore islands is quite clearly related to the defense of Formosa. (4) Fourthly, emphasis should be given to the language “such related positions” as “he judges to be required or appropriate” in assuring the defense of Formosa. Implicit in this language is that discretion is lodged in the President to determine what related positions are required or appropriate in the defense of Formosa. (5) Fifthly, it should be emphasized the President has also power to take “such other measures as he judges to be required or appropriate” in the defense of Formosa, and this is not tied down to any phrase as to “related positions.”

Considering the cumulative effect of all these points and taking into account the inherent constitutional powers of the President, it is our view that the President has an extremely broad latitude of decision with respect to taking action to defend the offshore islands. In this connection it will be recalled that in the joint communique
issued on October 23 at Taipei, at the conclusion of the Dulles-Chiang discussions, it was stated that “It was recognized that under the present conditions the defense of the Quemoys, together with the Matsus, is closely related” to the defense of Formosa.

International Legal Problems

On the international front it is best to examine the problem of Formosa separately from the problem of the offshore islands.

In giving the historical background of Formosa it has been pointed out that at Cairo the Allies stated it was their purpose to restore Formosa to Chinese sovereignty and that at the end of the war the Republic of China receive the surrender of Japanese forces on Formosa. It has also been pointed out that under the Japanese Peace Treaty Japan renounced all right, title, and claim to Formosa. However, neither in that treaty nor in any other treaty has there been any definitive cession to China of Formosa. The situation is, then, one where the Allied Powers still have to come to some agreement or treaty with respect to the status of Formosa. Any action, therefore, of the Chinese Communist regime to seize Formosa constitutes an attempt to seize by force territory which does not belong to it. Such a seizure is prohibited by international law and the United Nations Charter as an attempt to settle a claim to territory by force. It would thus appear that the United States is within its legal rights in taking action to defend Formosa.

With respect to the offshore islands the situation is admittedly somewhat different. There is no question that these islands are a part of the state of China. It may be admitted further that these islands are close to the mainland of China. However, the offshore islands have been in the possession and effective control of the Government of the Republic of China since its inception, except for the period of the Japanese war. Since 1949 a status quo has come into existence vis-a-vis the Peiping regime. It is this status quo which the Chinese Communists have threatened with the menace of armed force. It is our view that we have here in fact a situation comparable to that which obtained in Korea preceding the invasion of south Korea by north Korea. In other words, the action of the Chinese Communists in taking warlike measures is an effort to change the status quo and to gain additional territory by force in violation of the prohibitions of the United Nations Charter.

It has been urged that this is essentially a civil war and therefore it is improper for the United States to participate with the Government of the Republic of China in defense of the offshore islands. It should first be pointed out that it is too narrow to look upon the conflict merely as a civil war. Even as early as the end of the war with Japan the Soviet Union, in violation of its treaty with the Chinese Nationalists, turned over large stores of equipment and in other ways furnished material aid to
the Chinese Communists. Since that time the Soviet Union has continued giving large assistance to the Chinese Communist regime. Thus much of the ammunition, artillery, and planes that are at present being used by that regime derive from Russian sources. And the Soviet Union is allied by military treaty with the Chinese regime. On the other hand the United States has vital interests in the Formosa area and is allied with the Republic of China in a Mutual Defense Treaty and has agreements to supply arms for defensive purposes. In the circumstances it seems fair to say that we are here involved in what is realistically an international dispute which the Communist regime is attempting to settle by force.

Further with respect to the argument that this is a civil war, it will be recalled that this was the same argument that was made by Vishinsky regarding the north Korean invasion of south Korea. It was an argument however which the United Nations paid no heed to but, instead, viewed the action of the north Koreans as one of aggression which came under the ban of the United Nations Charter. Secretary Dulles has summarized the situation forcefully in a speech before the United Nations General Assembly on September 18. He said:

1. The Chinese Communist regime has never during its 9 years of existence exercised authority over Taiwan, the Penghus, or the Quemoy or Matsu Islands.
2. The Chinese Communist regime is now attempting to extend its authority to these areas by the use of naked force.

The issue is thus a simple one: armed conquest.

In 1950 the United Nations met that issue squarely. By overwhelming vote it found that the attack of north Korea to “unify” Korea was armed aggression. It condemned the Chinese Communist regime as an aggressor because of its part in that armed attack.

I do not ignore the argument that today’s Chinese Communist attack is a “civil war” operation. Mr. Vishinsky made a parallel argument in 1950. He told us that the war in Korea was purely a “civil war” and that outsiders who intervened were “aggressors.” The United Nations overwhelmingly rejected that contention. ...

The fact is that, when one regime attempts by force to take additional territory which has long been under the authority of another government, recognized as such by a respectable part of the world community, that is a use of force which endangers world order.

On this phase of the matter it is our view, then, that the United States would be justified from an international standpoint in cooperating with the Republic of China in the defense of the offshore islands and Formosa.
Recognition of Communist China

Related to the problems of Formosa and the offshore islands is the question of the recognition policy of the United States. The United States Government has been criticized for its failure to recognize the Chinese Communist regime, some commentators taking the view that, since the Communist regime controls the great mass of mainland China as well as its 600 million inhabitants, the United States must accord recognition. It is the view of the United States Government that international law does not require one government to accord diplomatic recognition to another government. It is our view that the matter of diplomatic recognition is one solely to be determined as the national interest dictates, and in this case on an examination of all facets of the subject the United States Government believes that it would be contrary to our national interest to accord recognition. The various considerations involved in reaching this conclusion were spelled out in press release No. 459 of August 11, 1958, issued by the State Department. 10 This press release embodied the text of a memorandum sent by the Department to its missions abroad.

It is true that, in reviewing whether we should extend recognition, the United States Government, in this as well as in previous administrations, has looked to certain factors which are generally considered significant. These factors are (1) whether the government in question is in control of a certain territory, (2) whether the government reflects the will of the nation substantially declared, (3) whether the government is prepared to honor its international obligations. While the United States examines these factors, we do not view recognition as required upon a satisfactory finding with respect to these factors. Even if that were our view, there is serious question whether the Chinese Communist regime can in any way be considered to reflect the will of the nation; and there is no doubt, in view of flagrant past treaty violations and violations of the United Nations Charter and violations of international law and in view of statements made by the Chinese Communist regime about disregarding preexisting treaties, that the Chinese Communist regime is not prepared to honor its international obligations. Thus, even on this view, the Chinese Communists are not entitled to recognition.

As Secretary Dulles has pointed out, however, our failure to recognize the Chinese Communist regime has not meant that we refuse to deal with them where it is essential to our purpose and inures to our benefit. Thus we are at present carrying on conversations in Warsaw as we have carried on conversations in Geneva; we dealt with them in the Korean armistice negotiations; we dealt with them with respect to the cease-fires in Indochina; and we are prepared to deal with them whenever we believe it to be in the interest of the United States to do so.
Territorial Sea

As a collateral legal issue related to the Formosa Straits area there has arisen the question of the extent of the territorial sea. The Chinese Communist regime in a declaration dated September 4, 1958 declared their territorial sea to extend to 12 miles. In addition, their declaration indicated that they viewed the baselines from which the 12 miles were to be calculated as being points connecting basepoints on the mainland and on certain islands offshore. On the ground of this declaration they considered all the waters around the Quemoys and Matsus and areas well into the Formosa Straits as being internal or territorial waters, and they have charged the United States forces with more than 40 intrusions of such internal or territorial waters by warships and aircraft. The United States position on this matter is quite clear. The United States only recognizes the Government of the Republic of China; and as far as the United States is concerned the declaration of the Chinese Communist regime has therefore no force or validity. In addition the United States considers that international law recognizes only a 3-mile limit, that it is not possible for a country by unilateral action to take unto itself that which is the common property of all nations, and that this is, moreover, in violation of the universally accepted principle of the freedom of the high seas. The United States position finds support in the report of the United Nations International Law Commission wherein it is stated that “international law does not require states to recognize a breadth [of territorial sea] beyond 3 miles.”

Further, a country is not free to choose whether its territorial sea will be measured from the lowwater mark on the coast, which is the normal baseline, or whether it will use straight baselines connecting salient points or offshore islands. While article 4 of the Geneva Convention on the Territorial Sea and the Contiguous Zone adopted by the recent Geneva Conference on Law of the Sea permits the establishment of straight baselines in localities where the coastline is deeply indented and cut into or if there is a fringe of islands along the coast in its immediate vicinity, it is clear that the Chinese coast along which the straight lines described in the statement of September 4 are drawn does not conform to the geographic conditions which are set forth in article 4. There is even less legal basis for drawing straight baselines from outermost points on a group of islands and claiming waters thereby included as internal waters. Similar attempts by other countries to claim, as internal waters, large areas of high seas within groups of islands or archipelagoes have been protested by many countries. The straight baselines described in the statement of September 4, 1958, are accordingly regarded by the United States as completely arbitrary and without any basis in recognized international law.
Another problem has been raised in the press with respect to United States escort activities of vessels of the Republic of China. Heretofore the United States vessels have avoided entering the territorial sea around Quemoy and the other offshore islands. The question has been raised whether in so doing we have been giving some implied recognition to the claim of the Chinese Communist regime as to its right to this territorial sea. Nothing could be further from the fact. Since the Government of the Republic of China is in effective control of Quemoy and the other offshore islands, we consider that it has the right to the territorial sea around these islands, just as it has the right to the territorial sea around Formosa. Moreover, just as our warships have, with the consent of the Government of the Republic of China, moved through the territorial sea of Formosa, so similarly with the consent of the Government of the Republic of China they could move through the territorial sea of Quemoy and the other offshore islands. There is no question that the Government of the Republic of China would be willing to give the United States such permission with respect to Quemoy and the offshore islands. However, the United States has thought it best as a matter of policy to keep United States warships in what are clearly international waters near Quemoy and the other offshore islands.

Conclusion

In conclusion, it is our view that from a national and international standpoint the President may properly use United States armed forces for the defense of Formosa and the offshore islands; the United States is not required to recognize the Chinese Communist regime; the declaration by the Chinese Communist regime regarding a 12-mile territorial sea has no validity.

Footnotes
1 Address made before Washington Chapter of the Federal Bar Association at Washington, D. C., on Nov. 20 (press release 723 dated Nov. 28).
2 BULLETIN of Jan. 16, 1950, p. 79.
3 Ibid., July 3, 1950, p. 5.
4 For background and text, see ibid., Dec. 13, 1954, p. 895.
6 For President Eisenhower’s message to Congress and text of the resolution, see ibid., Feb., 7, 1955, p. 211.
7 Ibid., Oct. 27, 1958, p. 650.
8 For text of the communique and a statement by Secretary Dulles, see ibid., Nov. 10, 1958, p. 721.
9 Ibid., Oct. 6, 1958, p. 525.
10 Ibid., Sept. 8, 1958, p. 385.
Treaty of Mutual Cooperation and Security between the US and Japan

Japan and the United States of America,
Desiring to strengthen the bonds of peace and friendship traditionally existing between them, and to uphold the principles of democracy, individual liberty, and the rule of law,
Desiring further to encourage closer economic cooperation between them and to promote conditions of economic stability and well-being in their countries,
Reaffirming their faith in the purposes and principles of the Charter of the United Nations, and their desire to live in peace with all peoples and all governments,
Recognizing that they have the inherent right of individual or collective self-defense as affirmed in the Charter of the United Nations,
Considering that they have a common concern in the maintenance of international peace and security in the Far East,
Having resolved to conclude a treaty of mutual cooperation and security,
Therefore agree as follows:

Article 1
The Parties undertake, as set forth in the Charter of the United Nations, to settle any international disputes in which they may be involved by peaceful means in such a manner that international peace and security and justice are not endangered and to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations. The Parties will endeavor in concert with other peace-loving countries to strengthen the United Nations so that its mission of maintaining international peace and security may be discharged more effectively.

Article 2
The Parties will contribute toward the further development of peaceful and friendly international relations by strengthening their free institutions, by bringing about a better understanding of the principles upon which these institutions are founded, and by promoting conditions of stability and well-being. They will seek to eliminate
conflict in their international economic policies and will encourage economic collaboration between them.

Article 3
The Parties, individually and in cooperation with each other, by means of continuous and effective self-help and mutual aid will maintain and develop, subject to their constitutional provisions, their capacities to resist armed attack.

Article 4
The Parties will consult together from time to time regarding the implementation of this Treaty, and, at the request of either Party, whenever the security of Japan or international peace and security in the Far East is threatened.

Article 5
Each Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes. Any such armed attack and all measures taken as a result thereof shall be immediately reported to the Security Council of the United Nations in accordance with the provisions of Article 51 of the Charter. Such measures shall be terminated when the Security Council has taken the measures necessary to restore and maintain international peace and security.

Article 6
For the purpose of contributing to the security of Japan and the maintenance of international peace and security in the Far East, the United States of America is granted the use by its land, air and naval forces of facilities and areas in Japan. The use of these facilities and areas as well as the status of United States armed forces in Japan shall be governed by a separate agreement, replacing the Administrative Agreement under Article III of the Security Treaty between Japan and the United States of America, signed at Tokyo on February 28, 1952, as amended, and by such other arrangements as may be agreed upon.

Article 7
This Treaty does not affect and shall not be interpreted as affecting in any way the rights and obligations of the Parties under the Charter of the United Nations or the responsibility of the United Nations for the maintenance of international peace and security.
Article 8
This Treaty shall be ratified by Japan and the United States of America in accordance with their respective constitutional processes and will enter into force on the date on which the instruments of ratification thereof have been exchanged by them in Tokyo.

Article 9
The Security Treaty between Japan and the United States of America signed at the city of San Francisco on September 8, 1951 shall expire upon the entering into force of this Treaty.

Article 10
This Treaty shall remain in force until in the opinion of the Governments of Japan and the United States of America there shall have come into force such United Nations arrangements as will satisfactorily provide for the maintenance of international peace and security in the Japan area. However, after the Treaty has been in force for ten years, either Party may give notice to the other Party of its intention to terminate the Treaty, in which case the Treaty shall terminate one year after such notice has been given.

In witness whereof the undersigned Plenipotentiaries have signed this Treaty.
Done in duplicate at Washington in the Japanese and English languages, both equally authentic, this 19th day of January, 1960.

FOR JAPAN: Nobusuke Kishi 岸信介 ミツジロ石井 光次郎
Koichiro Asakai 朝海浩一郎 Aiichiro Fujiyama 藤山愛一郎
Tadashi Adachi 足立正

FOR THE UNITED STATES OF AMERICA: Christian A. Herter
J. Graham Parsons Douglas MacArthur 2nd

Editor’s note ==============
The Treaty of Mutual Cooperation and Security between the United States and Japan is called as follows in Chinese and Japanese:

<table>
<thead>
<tr>
<th>Chinese:</th>
<th>Japanese:</th>
</tr>
</thead>
<tbody>
<tr>
<td>MeiLijing hezhongguo yu Riben guo zhi anquan baozhang tiaoyue 美利堅合眾國與日本國之安全保障條約, abbrev. Mei Ri anbao tiaoyue 美日安保條約</td>
<td>Nippon kokuto Amerika gasshū koku tono aidanō sógo kyōryoku oyobi anzen hoshō jōyaku 日本国とアメリカ合衆国との間の相互協力及び安全保障条約</td>
</tr>
</tbody>
</table>
Czyzak Memorandum

US Department of State
Memorandum from the Assistant Legal Adviser for Far Eastern Affairs (L/FE - John J. Czyzak) to Mr. Abram Chayes, Legal Adviser
February 3, 1961
Subject: “Legal Status of Formosa (Taiwan) and the Pescadores Islands (Penghu)”

HISTORY OF STATUS OF FORMOSA AND THE PESCADORES

Prior to the Korean Hostilities

From the middle of the 17th century to 1895, Formosa and the Pescadores were part of the Chinese Empire. China then ceded these islands to Japan in 1895 in the Treaty of Shimonoseki.

When China declared war on Japan on December 9, 1941, she also declared that all treaties concerning the relations between China and Japan “are and remain null and void”.

In the Cairo Declaration of 1943, the United States, Great Britain and China stated it to be their purpose that “all the territories that Japan has stolen from the Chinese, such as ... Formosa and the Pescadores, shall be restored to the Republic of China”. These same three governments on July 26, 1945 issued the Potsdam Proclamation declaring that “the terms of the Cairo Declaration shall be carried out and Japanese sovereignty shall be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku and such minor islands as we determine”. On August 8, 1945 the Soviet Union adhered to the Potsdam Proclamation. In the Instrument of Surrender signed September 2, 1945, the Japanese Government accepted its provisions.

Pursuant to Japanese Imperial General Headquarters General Order No. 1 issued at the direction of the Supreme Commander for the Allied Powers (SCAP), Japanese commanders in Formosa surrendered to Generalissimo Chiang Kai-shek “acting on behalf of the United States, the Republic of China, the United Kingdom and the British Empire, and the Union of Soviet Socialist Republics”. Continuously since that time, the Government of the Republic of China has occupied and administered Formosa and the Pescadores and subsequent to the surrender declared Formosa to be a part of China. Although there is no indication that the United States ever received official notification of such declaration, it can be said that the United States was aware of the fact that the Republic of China treated Formosa as a part of China. The view of the United States government in the post-war period, however, was typified by a statement on April 11, 1947 of Acting Secretary Acheson that the
transfer of sovereignty over Formosa to China “has not yet been formalized”. Sovereignty, it would appear, remained in Japan.

After a prolonged period of civil strife, the Chinese Communists succeeded in driving the Government of the Republic of China off the Chinese mainland. On October 1, 1949 the Chinese Communists proclaimed the establishment of the Peoples Republic of China. The seat of the Government of the Republic of China was transferred to Formosa, and in early December 1949, Taipei became its provisional capital.

The Korean Conflict

The outbreak of hostilities in Korea on June 25, 1950 brought to the fore the question of the status of Formosa and the Pescadores. President Truman, in ordering the U.S. Seventh Fleet to prevent any attack on Formosa, stated that “the determination of the future status of Formosa must await the restoration of security in the Pacific, a peace settlement with Japan, or consideration by the United Nations”.


“The action of the United States was expressly stated to be without prejudice to the future political settlement of the status of the island. The actual status of the island is that it is territory taken from Japan by the victory of the allied forces in the Pacific. Like other such territories, its legal status cannot be fixed until there is international action to determine its future. The Chinese Government was asked by the Allies to take the surrender of the Japanese forces on the Island. That is the reason the Chinese are there now.”

By a letter dated September 20, 1950, the United States requested that the question of Formosa be placed on the agenda of the fifth session of the U.N. General Assembly. In an explanatory note of September 21, the United States, citing the Cairo and Potsdam declarations and the Japanese surrender, stated nevertheless:

“Formal transfer of Formosa to China was to await the conclusion of peace with Japan or some other appropriate formal act.”

Consideration of this item by the General Assembly was eventually postponed.

Meanwhile the Soviet Union submitted a draft resolution to the UN Security Council condemning the United States for acts of aggression and intervention in the internal affairs of China. The USSR also proposed for inclusion on the agenda of the fifth regular session of the General Assembly the question of “American aggression against China”. In both cases the USSR asserted that Taiwan was an inalienable part of the territory of China. The U.S. delegate in Committee One, John
Foster Dulles, answered the Soviet complaint of aggression in part as follows:

“In connection with this whole question of Formosa, I think it is wise for us to bear in mind that Formosa is still affected with an international interest. It is a former Japanese colony in the process of detachment. The United States certainly is entitled to some voice in the determination of the future of Formosa, because if it were not for the tremendous military effort and the great sacrifice which the United States made in that area of the world, none of us here today would be sitting around talking about Formosa.

“The United States, as one of the principal victors in the war against Japan, has a legitimate voice in what President Truman referred to as the "determination of the future status of Formosa," which he says, "must await the restoration of security in the Pacific, a peace settlement with Japan or consideration by the United Nations.”

The Security Council defeated the Soviet resolution, and the General Assembly failed to endorse the charges against the U.S.

**Japanese Peace Treaty**

In September and October 1950, the United States proposed in a brief statement to the members of the Far Eastern Commission general principles for a Peace Treaty with Japan.

In an aide memoire dated November 20, 1950, the USSR commented:

“2. By the Cairo Declaration of December 1, 1943 ... and the Potsdam Agreement of July 26, 1945 ... the question of returning Formosa and the Pescadores to China was decided. In a similar manner the Yalta Agreement of February 11, 1945 ... decided the questions of returning the southern part of Sakhalin Island and the adjacent islands to the Soviet Union and handing over to her the Kurile Islands.”

The United States replied in an aide memoire dated December 27, 1950:

“... 2. The Cairo Declaration of 1943 stated the purpose to restore 'Manchuria, Formosa and the Pescadores to the Republic of China.' That declaration, like other wartime declarations such as those of Yalta and Potsdam, was in the opinion of the United States Government subject to any final peace settlement where all relevant factors should be considered ...”

From September 4 to 8, 1951 a conference for the conclusion and signature of a Treaty of Peace with Japan was held at San Francisco. China was not represented at the Conference because of the disagreement among the participants as to who actually represented the government of that country. Reflecting this disagreement is
Article 2 of the Peace Treaty as it was signed on September 8 which reads in its pertinent part:

“(b) Japan renounces all right, title and claim to Formosa and the Pescadores.”

John Foster Dulles, U.S. delegate at the Conference, commented on this provision in Article 2:

Some Allied Powers suggested that Article 2 should not merely delimit Japanese sovereignty according to Potsdam, but specify precisely the ultimate disposition of each of the ex-Japanese territories. This, admittedly, would have been neater. But it would have raised questions as to which there are now no agreed answers. We had either to give Japan peace on the Potsdam surrender terms or deny peace to Japan while the allies quarrel about what shall be done with what Japan is prepared, and required, to give up. Clearly, the wise course was to proceed now, so far as Japan is concerned, leaving the future to resolve doubts by invoking international solvents other than this treaty.”

The delegate of the United Kingdom remarked:

“The treaty also provides for Japan to renounce its sovereignty over Formosa and the Pescadores Islands. The treaty itself does not determine the future of these islands.”

The USSR refused to sign the Treaty. It objected, among other things, to the provision regarding Formosa and the Pescadores:

“... this draft grossly violates the indisputable rights of China to the return of integral parts of Chinese territory; Taiwan, the Pescadores, the Paracel and other islands ... the draft contains only a reference to the renunciation by Japan of its rights to these territories but intentionally omits any mention of the further fate of these territories.”

It is clear from these and other statements made at San Francisco, that sovereignty over Formosa and the Pescadores was not considered to have finally been determined by the Peace Treaty.

The Senate Committee on Foreign Relations also took this view. In its Report on the Treaty dated February 14, 1952, the Committee stated:

“It is important to remember that Article 2 is a renunciatory article and makes no provision for the power or powers which are to succeeded Japan in the possession of and sovereignty over the ceded territory.

“During the negotiation of the Treaty some of the Allied Powers expressed the view that Article 2 of the treaty should not only relieve Japan of its sovereignty over the territories in question but should
indicate specifically what disposition was to be made of each of them. The committee believes, however, that this would have been an unwise course to pursue. It might have raised differences among the allies which would have complicated and prolonged the conclusions of the peace. Under the circumstances it seems far better to have the treaty enter into force now, leaving to the future the final disposition of such areas as South Sakhalin and the Kuriles.”

Although China was not a party to the San Francisco Treaty, a separate Treaty of Peace between the Republic of China and Japan was signed in Taipei on April 28, 1952. Article II of that treaty provided:

“It is recognized that under Article 2 of the Treaty of Peace with Japan signed at the city of San Francisco in the United States of America on September 8, 1951 ... Japan has renounced all right, title and claim to Taiwan (Formosa) and Penghu (the Pescadores) as well as the Spratly Islands and the Paracel Islands.”

Article 25 of the Treaty stated that the Treaty shall not confer any rights, title or benefits on any state not a party to the Treaty.

**Chinese Mutual Defense Treaty and the Formosa Resolution**

Against the background of a massive Chinese Communist propaganda campaign for the "liberation" of Taiwan, supplemented by military action against Quemoy and other offshore islands, the United States and the Republic of China signed a Mutual defense Treaty on December 2, 1954. The first paragraph of Article V of the Treaty reads:

“Each Party recognizes that an armed attack in the West Pacific Area directed against the territories of either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.”

Article VI provides that for the purpose of Article V the term “territories” shall mean in respect to the Republic of China, “Taiwan and the Pescadores”. In an exchange of notes accompanying the Treaty, there appears the statement, “The Republic of China effectively controls both the territory described in Article VI of the Treaty of Mutual Defense . . . and other territory”.

In its report on the Treaty, the Senate Committee on Foreign Relations briefly discussed the question of the status of Formosa and the Pescadores:

“By the peace treaty of September 8, 1951, signed with the United States and other powers, Japan renounced 'all right, title and claim to Formosa and the Pescadores.' The treaty did not specify the nation to
which such right, title and claim passed. Although the Republic of China was not a signatory to the Treaty, it and the parties at the conference expressly recognized that it did not dispose finally of Formosa and the Pescadores . . . .

“Secretary Dulles informed the committee that the reference in Article V to 'the territories of either of the Parties' was language carefully chosen to avoid denoting anything one way or another as to their sovereignty.

“It is the view of the committee that the coming into force of the present treaty will not modify or affect the existing legal status of Formosa and the Pescadores. The treaty appears to be wholly consistent with all actions taken by the United States in this matter since the end of World War II, and does not introduce any basically new element in our relations with the territories in question . . . .

“To avoid any possibility of misunderstanding on this aspect of the treaty, the committee decided it would be useful to include in this report the following statement: It is the understanding of the Senate that nothing in the treaty shall be construed as affecting or modifying the legal status or sovereignty of the territories to which it applies.”

The question of the status of Formosa and the Pescadores was again discussed on January 24, 1955, before a joint executive session of the Senate committees on Foreign Relations and Armed Services, in connection with the Formosa Resolution. It is understood that during the course of these hearings, Secretary Dulles indicated that sovereignty over Formosa and the Pescadores was not considered to have been transferred to the Republic of China in the Japanese Peace Treaty and that the question of sovereignty over these islands was not yet finally determined.

DISCUSSION

It may be well at this time to examine the various legal theories outlined [in] this memorandum regarding the status of Formosa and the Pescadores in the light of the historical analysis set forth above.

1. The most tenable theory regarding the status of Formosa and the Pescadores is that sovereignty over the islands has not yet been finally determined. The Cairo and Potsdam declarations were statements of intention on the part of the Allied Powers that the islands would return to “the Republic of China”. Chiang Kai-shek was authorized by the Allied Powers to take the surrender of the Japanese on the islands, and the Government of the Republic of China has continued to occupy and administer the islands ever since. This surrender by Japan of Formosa and the Pescadores, although providing a legal basis for the continued occupation and
administration of the islands by the Government of the Republic of China, would not appear to have effected a transfer of sovereignty to the Republic of China.

Because of differences among the Allied Powers as to who represented China, no agreement on the disposition of Formosa and the Pescadores could be reached in the Japanese Peace Treaty. That the San Francisco Peace Treaty was intended to divest Japan of its sovereignty over the islands without transferring that sovereignty to any other country is abundantly clear from the record. There does not appear to have occurred anything subsequent to the Peace Treaty which can be said to have effected a transfer of that sovereignty.

An analogy to the status of Formosa as described may be found in the case of Cuba after the Spanish-American War. By Article I of the treaty of peace between the United States and Spain of December 10, 1898, Spain relinquished “all claim of sovereignty over and title to Cuba”. Although the treaty named the United States as occupying power for the relinquished territory, it did not specify to whom sovereignty was to be transferred.

It may be well to point out that the legal status of the offshore islands, the Quemoy and Matsu groups, is different from that of Formosa and the Pescadores as described here. The offshore islands, although like Formosa and the Pescadores under the control of the Republic of China, have always been considered as part of “China”. As Secretary Dulles explained:

“The legal position is different . . . , by virtue of the fact that technical sovereignty over Formosa and the Pescadores has never been settled. That is because the Japanese Peace Treaty merely involves a renunciation by Japan of its right and title to these islands. But the future title is not determined by the Japanese Peace Treaty nor is it determined by the Peace Treaty which was concluded between the Republic of China and Japan. Therefore the juridical status of these islands, Formosa and the Pescadores, is different from the juridical status of the offshore islands which have always been Chinese territory.”

The usual way in which a formal transfer of territory is effected under international law is by cession, which typically consists of an agreement between the ceding and acquiring state. No such cession has occurred here. As has been seen, the Republic of China did declare the islands to be a part of China subsequent to the surrender, and such declaration might be considered an annexation of this territory. However, in view of the fact that Chiang Kai-shek, in accepting the Japanese surrender, was acting on behalf of the Allied Powers, it may be questioned whether any such attempted annexation would have validity in international law. Normally, military occupation does not have the effect of transferring sovereignty over the occupied
territory to the occupant. Furthermore, the whole history of the San Francisco and Sino-Japanese Peace Treaties casts doubt on this interpretation.

... it has been contended that the transfer of Formosa and the Pescadores to Japan in the Treaty of Shimonoseki was null and void in that these islands had been taken away from China at that time by force, contrary to international law. However, it is generally accepted that international law as it existed at that time disregarded “the effect of coercion in the conclusion of a treaty imposed by the victor upon the vanquished State” [I Oppenheim, International Law 891 (8th ed. Lauterpacht 1955)].

On February 11, 1945, at Yalta, Churchill, Roosevelt, and Stalin agreed that the USSR would enter the war against Japan on condition, among others, that the southern part of Sakhalin and all the islands adjacent to it “shall be returned to the Soviet Union” and that the Kurile Islands “shall be handed over the Soviet Union”. The Yalta agreement like the Cairo declaration has been considered by the United States to be a statement of intention rather than as creating binding international commitments.

The question of the status of Formosa and the Pescadores must be viewed in the light of a parallel question regarding the Kurile Islands, the southern portions of Sakhalin and certain islands adjacent to it. Pursuant to the same instrument which directed Chiang Kai-shek to accept the Japanese surrender on Formosa and the Pescadores, the Soviet Union accepted the Japanese surrender on these islands had has continuously thereafter controlled and administered them. The USSR purported to annex the islands by a decree of February 2, 1946. The United States Government has maintained, however, that the USSR does not possess sovereignty over them.

---

**UN Resolution 1668**

United Nations
General Assembly—Sixteenth Session


*The General Assembly,*

*Noting* that a serious divergence of views exists among Member States concerning the representation of a founder Member who is named in the Charter of the United Nations,

*Recalling* that this matter has been described repeatedly in the General Assembly by all segments of opinion as vital and crucial and that on numerous occasions its
inclusion in the agenda has been requested under rule 15 of the Assembly’s rules of procedure as an item of an important and urgent character,

Recalling further the recommendation contained in its resolution 396 (V) of 14 December 1950 that, whenever more than one authority claims to be the government entitled to represent a Member State in the United Nations and this question becomes the subject of controversy in the United Nations, the question should be considered in the light of the purposes and principles of the Charter and the circumstances of each case,

Decides, in accordance with Article 18 of the Charter of the United Nations, that any proposal to change the representation of China is an important question.

1080th plenary meeting,
15 December 1961.

Okinawa Reversion Agreement

Agreement Between the United States of America and Japan Concerning the Ryukyu Islands and the Daito Islands
Washington and Tokyo (simultaneously), 17th June, 1971

The United States of America and Japan
Noting that the President of the United States of America and the Prime Minister of Japan reviewed together on November 19, 20, and 21, 1969 the status of the Ryukyu Islands the Daito Islands, referred to as “Okinawa” in the Joint Communique between the President and the Prime Minister issued on November 21, 1969, and agreed that the Government of the United States of America and the Government of Japan should enter immediately into consultations regarding the specific arrangements for accomplishing the early reversion of these islands to Japan;

Noting that the two Governments have conducted such consultations and have reaffirmed that the reversion of these islands to Japan be carried out on the basis of the said Joint Communique;

Considering the United States of America desires, with respect to the Ryukyu Islands and the Daito Islands, to relinquish in favour of Japan all rights and interests under Article III of the Treaty of Peace with Japan signed at the City of San Francisco on September 8, 1951, and thereby to have relinquished all its rights and interests in all territories under the said Article; and Considering further that Japan is willing to assume full responsibility and authority for the exercise of all powers of administration, legislation and jurisdiction over the territory and inhabitants of the Ryukyu Islands and the Daito Islands;

Therefore, have agreed as follows:

Article 1

1. With respect to the Ryukyu Islands and the Daito Islands, as defined in paragraph 2 below, the United States of America relinquishes in favour of Japan all rights and interests under Article III of the Treaty of Peace with Japan signed at the City of San Francisco on September 8, 1951, effective as of the date of entry into force of this Agreement. Japan, as of such date, assumes full responsibility and authority for the exercise of all and any powers of administration, legislation and jurisdiction over the territory and inhabitants of the said islands.

2. For the purpose of this Agreement, the term “the Ryukyu Islands and the Daito Islands” means all the territories and their territorial waters with respect to which the right to exercise all and any powers of administration, legislation and jurisdiction was accorded to the United States of America under Article III of the Treaty of Peace with Japan other than those with respect to which such right has already been returned to Japan in accordance with the Agreement concerning the Amami Islands and the Agreement concerning Nanpo Shoto and Other Islands signed between the United States of America and Japan, respectively on December 24, 1953 and April 5, 1968.
Article 2
It is confirmed that treaties, conventions and other agreements concluded between the United States of America and Japan, including, but without limitation, the Treaty of Mutual Cooperation and Security between the United States of America and Japan signed at Washington on January 19, 1960, and its related arrangements and the Treaty of Friendship, Commerce and Navigation between the United States of America and Japan signed at Tokyo on April 2, 1953, become applicable to the Ryukyu Islands and the Daito Islands as of the date of entry into force of this Agreement.

Article 3
1. Japan will grant the United States of America on the date of entry into force of this Agreement the use of facilities and areas in the Ryukyu Islands and the Daito Islands in accordance with the Treaty of Mutual Cooperation and Security between the United States of America and Japan signed at Washington on January 19, 1960 and its related arrangements.
2. In the application of Article IV of the Agreement under Article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan, regarding Facilities and Areas and the Status of the United States Armed Forces in Japan signed on January 19, 1960, to the facilities and areas the use of which will be granted in accordance with paragraph 1 above to the United States of America on the date of entry into force of this Agreement, it is understood that the phrase “the condition in which they were at the time they became available to the United States Armed Forces” in paragraph I of the said Article IV refers to the condition in which the facilities and areas first came into the use of the United States Armed Forces, and that the term “improvements” in paragraph 2 of the said Article includes those made prior to the date of entry into force of this Agreement.

Article 4
1. Japan waives all claims of Japan and its nations against the United States of America and its nationals and against the local authorities of the Ryukyu Islands and the Daito Islands, arising from the presence, operations or actions of forces or authorities of the United States of America in these islands, or from the presence, operations or actions of forces or authorities of the United States of America having had any effect upon these islands, prior to the date of entry into force of this Agreement.
2. The waiver in paragraph 1 above does not, however, include claims of Japanese nationals specifically recognized in the laws of the United States of America or the
local laws of these islands applicable during the period of United States administration of these islands. The Government of the United States of America is authorised to maintain its duly empowered officials in the Ryukyu Islands and the Daito Islands in order to deal with and settle such claims on and after the date of entry into force of this Agreement in accordance with the procedures to be established in consultation with the Government of Japan.

3. The Government of the United States of America will make ex gratia contributions for restoration of lands to the nationals of Japan whose lands in the Ryukyu Islands and the Daito Islands were damaged prior to July 1, 1950, while placed under the use of United States authorities, and were released from their use after June 30, 1961 and before the date of entry into force of this Agreement. Such contributions will be made in an equitable manner in relation under High Commissioner Ordinance Number 60 of 1967 to claims for damages done prior to July 1, 1950 to the lands released prior to July 1, 1961.

4. Japan recognizes the validity of all acts and omissions done during the period of the United States administration of the Ryukyu Islands and the Daito Islands under or in consequence of directives of the United States or local authorities, authorised by existing law during that period, and will take no action subjecting the United States nationals or the residents of these islands to civil or criminal liability arising out of such acts of omissions.

Article 5

1. Japan recognizes the validity of, and will continue in full force and effect, final judgements in civil cases rendered by any court in the Ryukyu Islands and the Daito Islands prior to the date of entry into force of this Agreement, provided that such recognition or continuation would not be contrary to public policy.

2. Without in any way adversely affecting the substantive rights and positions of the litigants concerned, Japan will assume jurisdiction over and continue judgement and execution of any civil case pending as of the date of entry into force of this Agreement in any court in the Ryukyu Islands and the Daito Islands.

3. Without in any way adversely affecting the substantive rights of the accused or suspect concerned, Japan will assume jurisdiction over, and may continue or institute proceedings with respect to, any criminal cases with which any court in the Ryukyu Islands and the Daito Islands is seized as of the date of entry into force of this Agreement or would have been seized had the proceedings been instituted prior to such date.

4. Japan may continue the execution of any final judgements rendered in criminal cases by any court in the Ryukyu Islands and the Daito Islands.
Article 6

1. The properties of the Ryukyu Electric Power Corporation, the Ryukyu Domestic Water Corporation and the Ryukyu Development Loan Corporation shall be transferred to the Government of Japan on the date of entry into force of this Agreement, and the rights and obligations of the said Corporations shall be assumed by the Government of Japan on that date on conformity with the laws and regulations of Japan.

2. All other properties of the Government of the United States of America, existing in the Ryukyu Islands and the Daito Islands as of the date of entry into force of this Agreement and located outside the facilities and areas provided on that date in accordance with Article III of this Agreement, shall be transferred to the Government of Japan on that date, except for those that are located on the lands returned to the landowners concerned before the date of entry into force of this Agreement and for those the title to which will be retained by the Government of the United States of America after that date with the consent of the Government of Japan.

3. Such lands in the Ryukyu Islands and the Daito Islands reclaimed by the Government of the United States of America and such other reclaimed lands acquired by it in these islands are held by the Government of the United States of America as of the date of entry into force of this Agreement become the property of the Government of Japan on that date.

4. The United States of America is not obliged to compensate Japan or its nationals for any alteration made prior to the date of entry into force of this agreement to the lands upon which the properties transferred to the Government of Japan under paragraphs I and 2 above are located.

Article 7

Considering, inter alia, that United States assets are being transferred to the Government of Japan under Article VI of this Agreement, that the Government of the United States of America is carrying out the return of the Ryukyu Islands and the Daito Islands to Japan in a manner consistent with the policy of the Government of Japan as specified in paragraph 8 of the Joint Communique of November 21, 1969, and that the Government of the United States of America will bear extra costs, particularly in the area of employment after reversion, the Government of Japan will pay to the Government of the United States of America in United States dollars a total amount of three hundred and twenty million United States dollars (U.S. $320,000,000) over a period of five years from the date of entry into force of this Agreement. Of the said amount, the Government of Japan will pay one hundred million United States dollars (U.S. $100,000,000) within one week
after the date of entry into force of this Agreement and the remainder in four equal annual instalments in June of each calendar year subsequent to the year in which this Agreement enters into force.

Article 8
The Government of Japan consents to the continued operation by the Government of the United States of America of the Voice of America relay station on Okinawa island for a period of five years from the date of entry into force of this Agreement in accordance with the arrangements to be concluded between the two Governments. The two Governments shall enter into consultation two years after the date of entry into force of this Agreement on future operation of the Voice of America on Okinawa Island.

Article 9
This Agreement shall be ratified and the instruments of ratification shall be exchanged at Tokyo. This Agreement shall enter into force two months after the date of exchange of the instruments of ratification.

IN WITNESS WHEREOF, the undersigned, being duly authorised by their respective Governments, have signed this Agreement.
DONE at Washington and Tokyo, this seventeenth day of June, 1971, in duplicate in the English and Japanese language, both equally authentic.

For the United States of America: WILLIAM P. ROGERS
For Japan: KIICHI AICHI

Editor’s note =============
The U.S. reverted the islands to Japan on May 15, 1972.
The Okinawa Reversion Agreement is called as follows in Chinese and Japanese:

<table>
<thead>
<tr>
<th>Chinese:</th>
<th>Japanese:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chongsheng guihuan xieding 冲繩歸還協定</td>
<td>Okinawa benkan kyōtei 沖縄返還協定</td>
</tr>
</tbody>
</table>

The full formal title (Agreement between Japan and the United States of America Concerning the Ryukyu Islands and the Daito Islands) translates to Japanese as follows: Ryūkyū shoto oyobi Daitō shoto ni kansuru Nippon kokuto Amerika gasshū koku to no kyōtei 琉球諸島及び大東諸島に関する日本国とアメリカ合衆国との間の協定.
Starr Memorandum

US Department of State
Memorandum from the Assistant Legal Adviser for East Asia and the Pacific (L/EA - Robert I. Starr) to the Director of the Office of Republic of China Affairs (Charles T. Sylvester)
July 13, 1971
Subject: “Legal Status of Taiwan”

You have asked for a comprehensive memorandum analyzing the question of the legal status of Taiwan in terms suitable for Congressional presentation. Attached is a paper that should serve this purpose. It is drawn mainly from the February 3, 1961 Czyzak memorandum, and contains no sensitive information or reference to classified documents.

Concurrence: L – Mr. Salans
L:L/EA:RIStarr:cdj: 7/13/71 ex 28900

Legal Status of Taiwan

Prior to the Korean Hostilities

From the middle of the 17th century to 1895, Formosa (Taiwan) and the Pescadores (Penghu) were part of the Chinese Empire. China then ceded these islands to Japan in 1895 in the Sino-Japanese Treaty of Shimonoseki.

In the Cairo Declaration of 1943, the United States, Great Britain, and China stated it to be their purpose that “all the territories that Japan has stolen from the Chinese, such as…Formosa and the Pescadores, shall be restored to the Republic of China”. These same three governments on July 26, 1945 issued the Potsdam Proclamation declaring that “the terms of the Cairo Declaration shall be carried out and Japanese sovereignty shall be limited to the islands of Honshu, Hokkaido, Kyushu, Shikoku, and such minor islands as we determine”. On August 8, 1945 the Soviet Union adhered to the Potsdam Proclamation. By an Imperial Rescript of September 2, 1945, the Japanese Emperor accepted the terms of the Potsdam Declaration, and in the Instrument of Surrender signed on the same date, the Japanese Government “and their successors” undertook to carry out the provisions of the Declaration.

Pursuant to Japanese Imperial General Headquarters General Order No. 1, issued at the direction of the Supreme Commander for the Allied Powers (SCAP), Japanese commanders in Formosa surrendered to Generalissimo Chiang Kai-shek “acting on behalf of the United States, the Republic of China, the United Kingdom
and the British Empire, and the Union of Soviet Socialist Republics”. Continuously since that time, the Government of the Republic of China has occupied and exercised authority over Formosa and the Pescadores.

The view of the U.S. in the intermediate post-war period was typified by a statement on April 11, 1947 of then Acting Secretary of State Acheson, in a letter to Senator Ball, that the transfer of sovereignty over Formosa to China “has not yet been formalized”.

After a prolonged period of civil strife the Chinese Communists succeeded in driving the Government of the Republic of China off the Chinese mainland. On October 1, 1949 the Chinese Communists proclaimed the establishment of the People’s Republic of China. The seat of the Government of the Republic of China was transferred to Formosa, and in early December 1949, Taipei became its provisional capital.

Shortly thereafter, President Truman, in a statement of January 5, 1950, referred to a U.N. General Assembly Resolution of December 8, 1949, (Res. 291(IV)) which called on all states to refrain from “(a) seeking to acquire spheres of influence or to create foreign controlled regimes within the territory of China; (b) seeking to obtain special rights or privileges within the territory of China”. He said:

“A specific application of the foregoing principles is seen in the present situation with respect to Formosa …

“The United States has no predatory designs on Formosa or on any other Chinese territory. The United States has no desire to obtain special rights or privileges or to establish military bases on Formosa at this time… the United States Government will no pursue a course which will lead to involvement in the civil conflict in China.”

The Korean Conflict

The outbreak of hostilities in Korea on June 25, 1950 brought to the fore the question of the status of Formosa and the Pescadores. President Truman ordered the U.S. Seventh Fleet to prevent any attack on Formosa, and as a corollary called upon the Chinese Government on Formosa to cease all operations against the mainland. In addition, he stated that “the determination of the future status of Formosa must await the restoration of security in the Pacific, a peace settlement with Japan, or consideration by the United Nations”.

On August 24, 1950 the United States explained its position to the United Nations Security Council in the following terms:

“The action of the United States was expressly to be without prejudice to the future political settlement of the status of the island. The actual status of the island is that it is territory taken from Japan by
the victory of the allied forces in the Pacific. Like other such territories, its legal status cannot be fixed until there is international action to determine its future. The Chinese Government was asked by the allies to take the surrender of the Japanese forces on the Island. That is the reason the Chinese are there now.

By a letter dated September 20, 1950, the United States requested that the question of Formosa be placed on the agenda of the fifth session of the U.N. General Assembly. In an explanatory note of September 21, the United States, citing the Cairo and Potsdam declarations and the Japanese surrender, stated nevertheless:

“Formal transfer of Formosa to China was to await the conclusion of peace with Japan or some other appropriate formal act.”

That note also stated:

“The Government of the United States has made it abundantly clear that the measures it has taken with respect to Formosa were without prejudice to the long-term political status of Formosa, and the United States has no territorial ambitions and seeks no special position of privilege with respect to Formosa. The United States believes further that the future of Formosa and of the nearly eight million people inhabited there should be settled by peaceful means in accordance with the Charter of the United Nations.”

**Japanese Peace Treaty**

From September 4 to 8, 1951 a conference for the conclusion and signature of a Treaty of Peace was held at San Francisco. China was not represented at the Conference because of the disagreement among the participants as to who actually represented the government of that country. Reflecting this disagreement is article 2 of the Peace Treaty, which reads in its pertinent part:

“(b) Japan renounces all right, title, and claim to Formosa and the Pescadores.”

John Foster Dulles, U.S. delegate at the Conference, commented on this provision in article 2:

“Some Allied Powers suggested that article 2 should not merely delimit Japanese sovereignty according to Potsdam, but specify precisely the ultimate disposition of each of the ex-Japanese territories. This, admittedly, would have been neater. But it would have raised questions as to which there are now no agreed answers. We had either to give Japan peace on the Potsdam Surrender Terms or deny peace to Japan while the allies quarrel about what shall be done with what Japan is prepared, and required, to give up. Clearly, the wise course was to
proceed now, so far as Japan is concerned, leaving the future to resolve doubts by invoking international solvents other than this treaty.”

The delegate of the United Kingdom remarked:

“The treaty also provides for Japan to renounce its sovereignty over Formosa and the Pescadores Islands. The treaty itself does not determine the future of these islands.”

The USSR refused to sign the Treaty. It objected, among other things, to the provision regarding Formosa and the Pescadores:

“….this draft grossly violates the indisputable rights of China to the return of integral parts of Chinese territory: Taiwan, the Pescadores, the Paracel and other islands…. The draft contains only a reference to the renunciation by Japan of its rights to these territories but intentionally omits any mention of the further fate of these territories.”

It is clear from these and other statements made at San Francisco, that although the Treaty provision constituted an appropriate act of renunciation by Japan, the future status of Formosa and the Pescadores was not considered to have finally been determined by the Peace Treaty.

The Senate Committee on Foreign Relations also took this view. In its Report on the Treaty dated February 14, 1952, the Committee stated:

“It is important to remember that article 2 is a renunciatory article and makes no provision for the power or powers which are to succeed Japan in the possession of and sovereignty over the ceded territory.

“During the negotiation of the Treaty some of the Allied Powers expressed the view that article 2 of the treaty should not only relieve Japan of its sovereignty over the territories in question but should indicate specifically what disposition was to be made of each of them. The committee believes, however, that this would have complicated and prolonged the conclusion of the peace. Under the circumstances it seems far better to have the treaty enter into force now, leaving to the future the final disposition of such areas as South Sakhalin and the Kuriles.”

Although China was not a party to the San Francisco Treaty, a separate Treaty of Peace between the Republic of China and Japan was signed in Taipei on April 28, 1952. Article II of that treaty provided:

“It is recognized that under Article 2 of the Treaty of Peace with Japan signed at the city of San Francisco in the united States of America on September 8, 1951..., Japan has renounced all right, title and claim to Taiwan (Formosa) and Penghu (the Pescadores)....”
Explaining this provision to the Legislative Yuan, Foreign Minister Yeh of the Republic of China stated that under the San Francisco Peace Treaty “no provision was made for the return [of these islands] to China.” He continued:

“Inasmuch as these territories were originally owned by us and as they are now under our control and, furthermore, Japan has renounced in the Sino-Japanese peace treaty these territories under the San Francisco Treaty of Peace, they are, therefore, in fact restored to us.”

At another point, Foreign Minister Yeh stated that “no provision has been made either in the San Francisco Treaty of Peace as to the future of Taiwan and Penghu”. During the interpellations of the Sino-Japanese Peace Treaty in the Legislative Yuan, the Foreign Minister was asked, “What is the status of Formosa and the Pescadores?” He replied:

“Formosa and the Pescadores were formerly Chinese territories. As Japan has renounced her claim to Formosa and the Pescadores, only China has the right to take them over. In fact, we are controlling them now, and undoubtedly they constitute a part of our territories. However, the delicate international situation makes it that they do not belong to us. Under present circumstances, Japan has no right to transfer Formosa and the Pescadores to us; nor can we accept such a transfer from Japan even if she so wishes… In the Sino-Japanese peace treaty, we have made provisions to signify that residents including juristic persons of Formosa and the Pescadores bear Chinese nationality, and this provision may serve to mend any future gaps when Formosa and the Pescadores are restored to us.”

*Chinese Mutual Defense Treaty*

Against the background of a Chinese Communist propaganda campaign in July, 1954 for the “liberation” of Taiwan, supplemented in September, 1954 by military action against Quemoy and other offshore islands, the United States and the Republic of China signed a Mutual Defense Treaty on December 2, 1954. The first paragraph of Article V of the Treaty reads:

“Each Party recognizes that an armed attack in the West Pacific Area directed against the territories of either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.”

Article VI provides that for the purpose of Article V the term “territories” shall mean in respect to the Republic of China, “Taiwan and the Pescadores”. In an exchange of notes accompanying the Treaty, there appears the statement, “The
Republic of China effectively controls both the territory described in Article VI of the Treaty... and other territory”.

In its report on the Treaty, the Senate Committee of Foreign Relations discussed the question of the true status of Formosa and the Pescadores:

“By the peace treaty of September 8, 1951, signed with the United States and other powers, Japan renounced ‘all right, title and claim to Formosa and the Pescadores.’ The treaty did not specify the nation to which such right, title and claim passed. Although the Republic of China was not a signatory to the Treaty, it recognized that it did not dispose finally of Formosa and the Pescadores....

“...he (Secretary Dulles) informed the committee that the reference in article V to ‘the territories of either of the Parties’ was language carefully chosen to avoid denoting anything one way or the other as to their sovereignty.

“It is the view of the committee that the coming in to force of the present treaty will not modify or affect the existing legal status of Formosa and the Pescadores. The treaty appears to be wholly consistent with all actions taken by the United States in this matter since the end of World War II, and does not introduce any basically new element in our relations with the territories in question. Both by act and by implication we have accepted the Nationalist Government as the lawful authority on Formosa.”

To avoid any possibility of misunderstanding on this aspect of the treaty, the committee decided it would be useful to include in this report the following statement: “It is the understanding of the Senate that nothing in the treaty shall be construed as affecting or modifying the legal status or sovereignty of the territories to which it applies.”

In presenting the Committee’s report to the Senate on February 9, 1955, Senator Walter George referred to the question of the legal status of Taiwan: “The view was advance during committee’s consideration of the treaty that it may have the effect of recognizing that the government of Chiang Kai-shek has sovereignty over Formosa and the Pescadores.”

On the one hand, reference was made to the Cairo Declaration which stated that Japan was to be stripped of her island territories in the Pacific and that territories stolen from the Chinese such as Formosa and the Pescadores shall be restored to the Republic of China. On the other hand, reference was made to the fact that while Japan renounced all right, title and claim to Formosa and the Pescadores, such title was not conveyed to any nation. After full exploration of this matter with Secretary
Dulles, the committee decided that this treaty was not a competent instrument to resolve doubts about sovereignty over Formosa. It agreed to include in its report the following statement:

“It is the understanding of the Senate that nothing in the present treaty shall be construed as affecting or modifying the legal status or the sovereignty of the territories referred to in article VI.

In other words, so far as the United States in concerned, it is our understanding that the legal status of the territories referred to in article VI, namely, Formosa and the Pescadores – whatever their status may be – is not altered in any way by the conclusion of this treaty.”

**Quemoy and Matsu**

It may be well to note the special status of the offshore islands, the Quemoy and Matsu groups, in contrast to that of Formosa and the Pescadores as described here. The offshore islands have always been considered as part of “China”. As Secretary Dulles explained in 1954:

“The legal position is different..., by virtue of the fact that technical sovereignty over Formosa and the Pescadores has never been settled. That is because the Japanese Peace Treaty merely involves a renunciation by Japan of its right and title to these islands. But the future title is not determined by the Japanese Peace Treaty nor is it determined by the Peace Treaty which was concluded between the Republic of China and Japan. Therefore the juridical status of these islands, Formosa and the Pescadores, is different from the juridical status of the offshore islands which have always been Chinese territory.”

**Recent Restatement of the United States Position**

The position of the United States was set forth by the States Department in connection with the 1970 Hearings before the Subcommittee on the United States Security Agreements and Commitments Abroad of the Senate Committee on Foreign Relations (91st Cong., 2d Sess):


“Article 2 of the Japanese Peace treaty, signed on September 8, 1951 at San Francisco, provides that ‘Japan renounces all right, title and claim to Formosa and the Pescadores’. The same language was used in Article 2 of the Treaty of Peace between China and Japan signed on April 28, 1952. In neither treaty did Japan cede this area to any particular entity. As Taiwan and the Pescadores are not covered by any existing international disposition, sovereignty over the area is an unsettled question subject to future
international resolution. Both the Republic of China and the Chinese Communists disagree with this conclusion and consider that Taiwan and the Pescadores are part of the sovereign state of China. The United States recognized the Government of the Republic of Taiwan as legitimately occupying and exercising jurisdiction over Taiwan and the Pescadores.”

The future relationship of Taiwan to mainland China and the resolution of disputes dividing the governments in Taipei and Peking involve issues that the United States cannot resolve. We have made clear that our primary concern is that these issues should be resolved by peaceful means, without resort to the use of force. Until such a resolution is achieved we may continue to deal respectively with the government of the People’s Republic of China and the Government of the Republic of China on matters affecting mutual interests, accepting the practical situation as we find it.

---

**UN Resolution 2758**

United Nations
General Assembly—Twenty-sixth Session

2758 (XXVI). Restoration of the lawful rights of the People’s Republic of China in the United Nations

*The General Assembly,*

*Recalling* the principles of the Charter of the United Nations,

*Considering* the restoration of the lawful rights of the People’s Republic of China is essential both for the protection of the Charter of the United Nations and for the cause that the United Nations must serve under the Charter,

*Recognizing* that the representatives of the Government of the People’s Republic of China are the only lawful representatives of China to the United Nations and that the People’s Republic of China is one of the five permanent members of the Security Council,

*Decides* to restore all its rights to the People’s Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the United Nations and in all the organizations related to it.

*1976th plenary meeting,*

*25 October 1971.*
**Shanghai Communiqué**

1. President Richard Nixon of the United States of America visited the People's Republic of China at the invitation of Premier Chou En-lai of the People's Republic of China from February 21 to February 28, 1972. Accompanying the President were Mrs. Nixon, U.S. Secretary of State William Rogers, Assistant to the President Dr. Henry Kissinger, and other American officials.

   2. President Nixon met with Chairman Mao Tsetung of the Communist Party of China on February 21. The two leaders had a serious and frank exchange of views on Sino-U.S. relations and world affairs.

   3. During the visit, extensive, earnest and frank discussions were held between President Nixon and Premier Chou En-lai on the normalization of relations between the United States of America and the People's Republic of China, as well as on other matters of interest to both sides. In addition, Secretary of State William Rogers and Foreign Minister Chi Peng-fei held talks in the same spirit.

   4. President Nixon and his party visited Peking and viewed cultural, industrial and agricultural sites, and they also toured Hangchow and Shanghai where, continuing discussions with Chinese leaders, they viewed similar places of interest.

   5. The leaders of the People's Republic of China and the United States of America found it beneficial to have this opportunity, after so many years without contact, to present candidly to one another their views on a variety of issues. They
reviewed the international situation in which important changes and great upheavals are taking place and expounded their respective positions and attitudes.

6. The Chinese side stated: Wherever there is oppression, there is resistance. Countries want independence, nations want liberation and the people want revolution—this has become the irresistible trend of history. All nations, big or small, should be equal: big nations should not bully the small and strong nations should not bully the weak. China will never be a superpower and it opposes hegemony and power politics of any kind. The Chinese side stated that it firmly supports the struggles of all the oppressed people and nations for freedom and liberation and that the people of all countries have the right to choose their social systems according their own wishes and the right to safeguard the independence, sovereignty and territorial integrity of their own countries and oppose foreign aggression, interference, control and subversion. All foreign troops should be withdrawn to their own countries. The Chinese side expressed its firm support to the peoples of Viet Nam, Laos and Cambodia in their efforts for the attainment of their goal and its firm support to the seven-point proposal of the Provisional Revolutionary Government of the Republic of South Viet Nam and the elaboration of February this year on the two key problems in the proposal, and to the Joint Declaration of the Summit Conference of the Indochinese Peoples. It firmly supports the eight-point program for the peaceful unification of Korea put forward by the Government of the Democratic People's Republic of Korea on April 12, 1971, and the stand for the abolition of the “U.N. Commission for the Unification and Rehabilitation of Korea”. It firmly opposes the revival and outward expansion of Japanese militarism and firmly supports the Japanese people's desire to build an independent, democratic, peaceful and neutral Japan. It firmly maintains that India and Pakistan should, in accordance with the United Nations resolutions on the Indo-Pakistan question, immediately withdraw all their forces to their respective territories and to their own sides of the ceasefire line in Jammu and Kashmir and firmly supports the Pakistan Government and people in their struggle to preserve their independence and sovereignty and the people of Jammu and Kashmir in their struggle for the right of self-determination.

7. The U.S. side stated: Peace in Asia and peace in the world requires efforts both to reduce immediate tensions and to eliminate the basic causes of conflict. The United States will work for a just and secure peace: just, because it fulfills the aspirations of peoples and nations for freedom and progress; secure, because it removes the danger of foreign aggression. The United States supports individual freedom and social progress for all the peoples of the world, free of outside pressure or intervention. The United States believes that the effort to reduce
tensions is served by improving communication between countries that have different ideologies so as to lessen the risks of confrontation through accident, miscalculation or misunderstanding. Countries should treat each other with mutual respect and be willing to compete peacefully, letting performance be the ultimate judge. No country should claim infallibility and each country should be prepared to reexamine its own attitudes for the common good. The United States stressed that the peoples of Indochina should be allowed to determine their destiny without outside intervention; its constant primary objective has been a negotiated solution; the eight-point proposal put forward by the Republic of Viet Nam and the United States on January 27, 1972 represents a basis for the attainment of that objective; in the absence of a negotiated settlement the United States envisages the ultimate withdrawal of all U.S. forces from the region consistent with the aim of self-determination for each country of Indochina. The United States will maintain its close ties with and support for the Republic of Korea; the United States will support efforts of the Republic of Korea to seek a relaxation of tension and increased communication in the Korean peninsula. The United States places the highest value on its friendly relations with Japan; it will continue to develop the existing close bonds. Consistent with the United Nations Security Council Resolution of December 21, 1971, the United States favors the continuation of the ceasefire between India and Pakistan and the withdrawal of all military forces to within their own territories and to their own sides of the ceasefire line in Jammu and Kashmir; the United States supports the right of the peoples of South Asia to shape their own future in peace, free of military threat, and without having the area become the subject of great power rivalry.

8. There are essential differences between China and the United States in their social systems and foreign policies. However, the two sides agreed that countries, regardless of their social systems, should conduct their relations on the principles of respect for the sovereignty and territorial integrity of all states, non-aggression against other states, non-interference in the internal affairs of other states, equality and mutual benefit, and peaceful coexistence. International disputes should be settled on this basis, without resorting to the use or threat of force. The United States and the People's Republic of China are prepared to apply these principles to their mutual relations.

9. With these principles of international relations in mind the two sides stated that:

- progress toward the normalization of relations between China and the United States is in the interests of all countries;
- both wish to reduce the danger of international military conflict;
• neither should seek hegemony in the Asia-Pacific region and each is opposed to efforts by any other country or group of countries to establish such hegemony; and
• neither is prepared to negotiate on behalf of any third party or to enter into agreements or understandings with the other directed at other states.

10. Both sides are of the view that it would be against the interests of the peoples of the world for any major country to collude with another against other countries, or for major countries to divide up the world into spheres of interest.

11. The two sides reviewed the long-standing serious disputes between China and the United States. The Chinese side reaffirmed its position: the Taiwan question is the crucial question obstructing the normalization of relations between China and the United States; the Government of the People's Republic of China is the sole legal government of China; Taiwan is a province of China which has long been returned to the motherland; the liberation of Taiwan is China's internal affair in which no other country has the right to interfere; and all U.S. forces and military installations must be withdrawn from Taiwan. The Chinese Government firmly opposes any activities which aim at the creation of "one China, one Taiwan", "one China, two governments", "two Chinas", an "independent Taiwan" or advocate that "the status of Taiwan remains to be determined".

12. The U.S. side declared: The United States acknowledges that all Chinese on either side of the Taiwan Strait maintain there is but one China and that Taiwan is a part of China. The United States Government does not challenge that position. It reaffirms its interest in a peaceful settlement of the Taiwan question by the Chinese themselves. With this prospect in mind, it affirms the ultimate objective of the withdrawal of all U.S. forces and military installations from Taiwan. In the meantime, it will progressively reduce its forces and military installations on Taiwan as the tension in the area diminishes. The two sides agreed that it is desirable to broaden the understanding between the two peoples. To this end, they discussed specific areas in such fields as science, technology, culture, sports and journalism, in which people-to-people contacts and exchanges would be mutually beneficial. Each side undertakes to facilitate the further development of such contacts and exchanges.

13. Both sides view bilateral trade as another area from which mutual benefit can be derived, and agreed that economic relations based on equality and mutual benefit are in the interest of the peoples of the two countries. They agree to facilitate the progressive development of trade between their two countries.

14. The two sides agreed that they will stay in contact through various channels, including the sending of a senior U.S. representative to Peking from time to time for concrete consultations to further the normalization of relations between the two
countries and continue to exchange views on issues of common interest.

15. The two sides expressed the hope that the gains achieved during this visit would open up new prospects for the relations between the two countries. They believe that the normalization of relations between the two countries is not only in the interest of the Chinese and American peoples but also contributes to the relaxation of tension in Asia and the world.

16. President Nixon, Mrs. Nixon and the American party expressed their appreciation for the gracious hospitality shown them by the Government and people of the People's Republic of China.

中華人民共和國和美利堅合眾國聯合公報（《上海公報》）
（1972年2月28日）

1. 應中華人民共和國總理周恩來的邀請, 美利堅合眾國總統理查德·尼克松自一九七二年二月二十一日至二月二十八日訪問了中華人民共和國。陪同總統的有尼克松夫人、美國國務卿威廉·羅杰斯、總統助理亨利·基辛格博適和其他美國官員。

2. 尼克松總統于二月二十一日會見了中國共產黨主席毛澤東。兩位領導人就中美關係和國際事務認真、坦率地交換了意見。

3. 訪問中, 尼克松總統和周恩來總理就美利堅合眾國和中華人民共和國關係正常化以及雙方關心的其他問題進行了廣泛、認真和坦率的討論。此外，國務卿威廉·羅杰斯和外交部長姬鵬飛也以同樣精神進行了會談。

4. 尼克松總統及其一行訪問了北京，參觀了文化、工業和商業項目，還訪問了杭州和上海，在那裡繼續同中國領導人進行討論，並參觀了類似的項目。

5. 中華人民共和國和美利堅合眾國領導人經過這麼多年一直沒有接觸之後，現在有機會坦率地互相介紹彼此對各種問題的觀點，對此，雙方認為是有益的。他們回顧了經歷著重大變化和巨大動盪的國際形勢，闡明了各自的立場和態度。

6. 中國方面聲明：那裡有壓迫，那裡就有反抗。國家要獨立，民族要解放，人民要革命，已成為不可抗拒的歷史潮流。國家不分大小，應該一律平等，大國不應欺負小國，強國不應欺負弱國。中國決不做超級大國，並且反對任何霸權主權和強權政治。中國方面表示：堅決支持一切被壓迫人民和被壓迫民族除爭取自由、解放的鬥爭，各國人民有權按自己意願，選擇本國的社會制度，有權維護本國獨立、主權和領土完整，反對外來侵略、干涉、控制和顛覆。一切外國軍隊都應撤回本國去。中國方面表示：堅決支持越南、柬埔寨三國人民為實現自己的目標所作的努力，堅決支持越南南方共和臨時革命政府的七點建議以及在今年二月對其中兩個關鍵問題的說明和印度支那人民最高級會議聯合聲明；堅決支持朝鮮民主主義

293
人民共和國政府一九七一年四月十二日提出的朝鮮和平統一的八點方案和取消“聯合國韓國統一復興委員會”主張；堅決反對日本軍國主義的復活和對外擴張，堅決支持日本人民要求建立一個獨立、民主、和平和中立的日本的願望；堅決主張印度和巴基斯坦按照聯合國關於印巴問題的決議，立即把自己的軍隊全部撤回到本國境內以及查莫和克什米爾停火線的各自一方，堅決支持巴基斯坦政府和人民維護獨立、主權的鬥爭以及查莫和克什米爾人民爭取自決權的鬥爭。

7. 美國方面聲明：為了亞洲和世界的和平，需要對緩和當前的緊張局勢和消除衝突的基本原因作出努力。美國將致力於建立公正而穩定的和平。這種和平是公正的，因為它滿足各國人民和各國爭取自由和進步的願望。這種和平是穩定的，因為它消除去外來侵略的危險。美國支持全世界各國人民在沒有外來壓力和干預的情況下取得個人自由和社會進步。美國相信，改進具有不同意勢形態的國與國之間的聯繫，以便減少由事故、錯誤估計或誤會而引起的對峙的危險，有助於緩和緊張局勢的努力。各國應該互相尊重並願進行和平競賽，讓行動作出最後判斷。任何國家都不應自稱一慣正確，各國都要準備為共同的利益重新檢查自己的態度。美國強調：應該允許印度支那各國人民在不受外來干涉的情況下決定自己的命運；美國一慣的首要目標是談判解決。越南共和國和美國在一九七二年一月二十七日提出的八點建議提供了實現這個目標的基礎；在談判得不到解決時，美國預計在符合印度支那每個國家自決這一目標的情況下以這個地區最終撤出所有美國軍隊。美國將支持其與大韓民國的密切聯繫和對它的支持；美國將支持大韓民國為謀求在朝鮮半島緩和及緊張局勢和增加聯繫的努力。美國最高層次地珍視同日本的友好關係，並將繼續發展現存的緊密紐帶。按照一九七一年十二月廿一日聯合國安全理事會的決議，美國贊成印度和巴基斯坦之間的停火繼續下去，並把全部軍事力量撤至本國境內以及查莫和克什米爾停火線的各自一方；美國支持南亞各國人民和平地、不受軍事威脅地建設自己的未來的權力，而不使這個地區成為大國競爭的目標。

8. 中美兩國的社會制度和對外政策有著本質的區別。但是，雙方同意，各國不論社會制度如何，都應該根據尊重各國主權和領土完整、不侵犯別國、不干涉別國內政、平等互利、和平共處的原則來處理國與國之間的關係。國際爭端因在此基礎上予以解決，而不訴諸武力和武力威脅。美國和中華人民共和國準備在它們的相互關係中實行這些原則。

9. 考慮到國際關係的上述這些原則，雙方聲明：
——中美兩國關係走向正常化是符合所有國家的利益的；
——雙方都希望減少國際軍事衝突的危險；
——任何一方都不應該在亞洲太平洋地區謀求霸權，每一方都反對任何其他國家或國家集團建立這種霸權的努力。
任何一方都不准備代表任何第三方進行談判，也不准備同對方達成針對其他國家的協定或諒解。

10. 雙方都認為，任何大國與另一大國進行勾結反對其他國家，或者大國在世界上劃分利益範圍，那都是違背世界各國人民利益的。

11. 雙方重申了中美兩國之間長期存在的嚴重爭端。中國方面重申自己的立場；台灣問題是阻礙中美兩國關係正常化的關鍵問題；中華人民共和國政府是中國的唯一合法政府；台灣是中國的一個省，早已歸還祖國；解放台灣是中國內政，別國無權干涉；全部美國武裝力量和軍事設施必須從台灣撤走。中國政府堅決反對任何旨在製造"一中一台"，"一個中國、兩個政府"、"兩個中國"、"台灣獨立"和鼓吹"台灣地位未定"的活動。

12. 美國方面聲明：美國認識到，在台灣海峽兩邊的所有中國人都認為只有一個中國，台灣是中國的一部份。美國政府對這一立場不提出異議。它重申它對由中國人自己和平解決台灣問題的關心。考慮到這一前景，它確認從台灣撤出全部美國武裝力量和軍事設施的最終目標。在此期間，它將隨著這個地區緊張局勢的緩和逐步減少它在台灣的武裝力量和軍事設施。雙方同意，擴大兩國人民之間的瞭解是可取的。為此目的，它們就科學、技術、文化、體育和新聞等方面的具體領域進行了討論。在這些領域中進行人民之間的聯繫和交流將會是互相有利的。雙方各自承諾對進一步發展這種聯繫和交流提供便利。

13. 雙方把雙邊貿易看作是另一個可以帶來互利的領域，並一致認為平等互利的經濟關係是符合兩國人民的利益的。它們同意為逐步發展兩國間的貿易提供便利。

14. 雙方同意，它們將通過不同渠道保持接觸，包括不定期地派遣美國高級代表前來北京，就促進兩國關係正常化進行具體磋商並繼續就共同關心的問題交換意見。

15. 雙方希望，這次訪問的成果將為兩國關係開闢新的前景。雙方相信，兩國關係正常化不僅符合中美兩國人民的利益，而且會對緩和亞洲及世界緊張局勢作出貢獻。

16. 尼克松總統、尼克松夫人及美方一行對中華人民共和國政府和人民給予他們有禮貌的款待，表示感謝。

Editor’s note ===============
The 1972 Shanghai Communiqué is the first of the “Three Joint Communiqués” (sāngé liánhé gōngbào 三個聯合公報) between the US and the PRC, the other two being the 1979 Joint Communiqué on the Establishment of Diplomatic Relations and the 1982 August 17th Communiqué. Together with the Taiwan Relations Act of 1979 and the Six Assurances of 1982, they are regarded the foundation for the US-PRC relations.
Joint Communiqué of the Government of Japan and the Government of the PRC

September 29, 1972

Prime Minister Kakuei Tanaka of Japan visited the People's Republic of China at the invitation of Premier of the State Council Chou En-lai of the People's Republic of China from September 25 to September 30, 1972. Accompanying Prime Minister Tanaka were Minister for Foreign Affairs Masayoshi Ohira, Chief Cabinet Secretary Susumu Nikaido and other government officials.

Chairman Mao Tse-tung met Prime Minister Kakuei Tanaka on September 27. They had an earnest and friendly conversation.

Prime Minister Tanaka and Minister for Foreign Affairs Ohira had an earnest and frank exchange of views with Premier Chou En-lai and Minister for Foreign Affairs Chi Peng-fei in a friendly atmosphere throughout on the question of the normalization of relations between Japan and China and other problems between the two countries as well as on other matters of interest to both sides, and agreed to issue the following Joint Communique of the two Governments:

Japan and China are neighbouring countries, separated only by a strip of water with a long history of traditional friendship. The peoples of the two countries earnestly desire to put an end to the abnormal state of affairs that has hitherto existed between the two countries. The realization of the aspiration of the two peoples for the termination of the state of war and the normalization of relations between Japan and China will add a new page to the annals of relations between the two countries.

The Japanese side is keenly conscious of the responsibility for the serious damage that Japan caused in the past to the Chinese people through war, and deeply reproaches itself. Further, the Japanese side reaffirms its position that it intends to realize the normalization of relations between the two countries from the stand of fully understanding “the three principles for the restoration of relations” put forward by the Government of the People's Republic of China. The Chinese side expresses its welcome for this.

In spite of the differences in their social systems existing between the two countries, the two countries should, and can, establish relations of peace and friendship. The normalization of relations and development of good-neighborly and friendly relations between the two countries are in the interests of the two peoples and will contribute to the relaxation of tension in Asia and peace in the world.
1. The abnormal state of affairs that has hitherto existed between Japan and the People's Republic of China is terminated on the date on which this Joint Communiqué is issued.


3. The Government of the People's Republic of China reiterates that Taiwan is an inalienable part of the territory of the People's Republic of China. The Government of Japan fully understands and respects this stand of the Government of the People's Republic of China, and it firmly maintains its stand under Article 8 of the Postdam Proclamation.

4. The Government of Japan and the Government of People's Republic of China have decided to establish diplomatic relations as from September 29, 1972. The two Governments have decided to take all necessary measures for the establishment and the performance of the functions of each other's embassy in their respective capitals in accordance with international law and practice, and to exchange ambassadors as speedily as possible.

5. The Government of the People's Republic of China declares that in the interest of the friendship between the Chinese and the Japanese peoples, it renounces its demand for war reparation from Japan.

6. The Government of Japan and the Government of the People's Republic of China agree to establish relations of perpetual peace and friendship between the two countries on the basis of the principles of mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other's internal affairs, equality and mutual benefit and peaceful co-existence.

The two Governments confirm that, in conformity with the foregoing principles and the principles of the Charter of the United Nations, Japan and China shall in their mutual relations settle all disputes by peaceful means and shall refrain from the use or threat of force.

7. The normalization of relations between Japan and China is not directed against any third country. Neither of the two countries should seek hegemony in the Asia-Pacific region and each is opposed to efforts by any other country or group of countries to establish such hegemony.

8. The Government of Japan and the Government of the People's Republic of China have agreed that, with a view to solidifying and developing the relations of peace and friendship between the two countries, the two Governments will enter into negotiations for the purpose of concluding a treaty of peace and friendship.

9. The Government of Japan and the Government of the People's Republic of China have agreed that, with a view to further promoting relations between the two
countries and to expanding interchanges of people, the two Governments will, as necessary and taking account of the existing non-governmental arrangements, enter into negotiations for the purpose of concluding agreements concerning such matters as trade, shipping, aviation, and fisheries.

Done at Peking, September 29, 1972

Prime Minister of Japan, Tanaka Kakuei
Minister for Foreign Affairs of Japan, Ohira Masayoshi
Premier of the State Council of the People's Republic of China, Zhou Enlai
Minister for Foreign Affairs of the People's Republic of China, Ji Pengfei

中華人民共和國政府和日本國政府聯合聲明(中日聯合聲明)
(1972年9月29日)

日本國內閣總理大臣田中角榮應中華人民共和國國務院總理周恩來的邀請，於一九七二年九月二十五日至九月三十日訪問了中華人民共和國。陪同田中角榮總理大臣的有大平正芳外務大臣、二階堂進內閣官房長官以及其他政府官員。

毛澤東主席於九月二十七日會見了田中角榮總理大臣。雙方進行了真誠、友好的談話。周恩來總理、姬鵬飛外交部長和田中角榮總理大臣、大平正芳外務大臣，始終在友好氛圍中，以中日兩國邦交正常化問題為中心，就兩國間的各項問題，以及雙方關心的其他問題，真誠、坦率地交換了意見，同意發表兩國政府的下述聯合聲明：

中日兩國是一衣帶水的鄰邦，有著悠久的傳統友好的歷史。兩國人民切望結束迄今存在於兩國間的不正常狀態。戰爭狀態的結束，中日邦交的正常化，兩國人民這種願望的實現，將揭開兩國關係史上新的一頁。

日本方面痛感日本國過去由於戰爭給中國人民造成的重大損害的責任，表示深刻的反省。日本方面重申站在充分理解中華人民共和國政府提出的“複交三原則”的立場上，謀求實現日中邦交正化這一見解。中國方面對此表示歡迎。

中日兩國儘管社會制度不同，應該而且可以建立和平友好關係。兩國邦交正常化，發展兩國的睦鄰友好關係，是符合兩國人民利益的，也是對緩和亞洲緊張局勢和維護世界和平的貢獻。

(一)自本聲明公佈之日起，中華人民共和國和日本國之間迄今為止的不正常狀態宣告結束。

(二)日本國政府承認中華人民共和國政府是中國的唯一合法政府。

(三)中華人民共和國政府重申：臺灣是中華人民共和國領土不可分割的一部分。日本國政府充分理解和尊重中華人民共和國政府的這一立場，並堅持遵循波茨坦公告第八條的立場。
(四) 中華人民共和國政府和日本國政府決定自一九七二年九月二十九日起建立外交關係。兩國政府決定，按照國際法和國際慣例，在各自的首都為對方大使館的建立和履行職務採取一切必要的措施，並儘快互換大使。
(五) 中華人民共和國政府宣佈：為了中日兩國人民的友好，放棄對日本國的戰爭賠償要求。
(六) 中華人民共和國政府和日本國政府同意在互相尊重主權和領土完整、互不侵犯、互不干涉內政、平等互利、和平共處各項原則的基礎上，建立兩國間持久的和平友好關係。根據上述原則和聯合國憲章的原則，兩國政府確認，在相互關係中，用和平手段解決一切爭端，而不訴諸武力和武力威脅。
(七) 中日邦交正常化，不是針對第三國的。兩國任何一方都不應在亞洲和太平洋地區謀求霸權，每一方都反對任何其他國家或集団建立這種霸權的努力。
(八) 中華人民共和國政府和日本國政府為了鞏固和發展兩國間的和平友好關係，同意進行以締結和平友好條約為目的的談判。
(九) 中華人民共和國政府和日本國政府為進一步發展兩國間的關係和擴大人員往來，根據需要並考慮到已有的民間協定，同意進行以締結貿易、航海、航空、漁業等協定為目的的談判。

日本國內閣總理大臣  田中角榮（簽字）
日本國外務大臣  大平正芳（簽字）
中華人民共和國國務院總理  周恩來（簽字）
中華人民共和國外交部長  姬鵬飛（簽字）
一九七二年九月二十九日於北京

Editor's note ===========
In Japanese, the “Joint Communiqué of the Government of Japan and the Government of the PRC” is called as follows: Nippon koku seifuto Chūgoku jimmin kyōwakoku seijun kyōdō seimei 日本国政府と中華人民共和国政府の共同声明.

Treaty of Peace and Friendship between Japan and the PRC

Japan and the People's Republic of China,

Recalling with satisfaction that since the Government of Japan and the Government of the People's Republic of China issued a Joint Communiqué in Peking on September 29, 1972, the friendly relations between the two Governments and the peoples of the two countries have developed greatly on a new basis.

Confirming that the above-mentioned Joint Communiqué constitutes the basis of the relations of peace and friendship between the two countries and that the
principles enunciated in the Joint Communique should be strictly observed.

Confirming that the principles of the Charter of the United Nations should be fully respected.

Hoping to contribute to peace and stability in Asia and in the world.

For the purpose of solidifying and developing the relations of peace and friendship between the two countries.

Have resolved to conclude a Treaty of Peace and Friendship and for that purpose have appointed as their Plenipotentiaries:

- Japan: Minister for Foreign Affairs Sunao Sonoda
- People’s Republic of China: Minister of Foreign Affairs Huang Hua

Who, having communicated to each other their full powers, found to be in good and due form, have agreed as follows:

Article 1

1. The Contracting Parties shall develop relations of perpetual peace and friendship between the two countries on the basis of the principles of mutual respect for sovereignty and territorial integrity, mutual non-aggression, non-interference in each other’s internal affairs, equality and mutual benefit and peaceful co-existence.

2. The Contracting Parties confirm that, in conformity with the foregoing principles and the principles of the Charter of the United Nations, they shall in their mutual relations settle all disputes by peaceful means and shall refrain from the use or threat of force.

Article 2

The Contracting Parties declare that neither of them should seek hegemony in the Asia-Pacific region or in any other region and that each is opposed to efforts by any other country or group of countries to establish such hegemony.

Article 3

The Contracting parties shall, in the good-neighborly and friendly spirit and in conformity with the principles of equality and mutual benefit and non-interference in each other’s internal affairs, endeavor to further develop economic and cultural relations between the two countries and to promote exchanges between the peoples of the two countries.

Article 4

The present Treaty shall not affect the position of either Contracting Party regarding its relations with third countries.
Article 5
1. The present Treaty shall be ratified and shall enter into force on the date of the exchange of instruments of ratification which shall take place at Tokyo. The present Treaty shall remain in force for ten years and thereafter shall continue to be in force until terminated in accordance with the provisions of paragraph 2.
2. Either Contracting Party may, by giving one year's written notice to the other Contracting Party, terminate the present Treaty at the end of the initial ten-year period or at any time thereafter.

IN WITNESS WHEREOF, the respective Plenipotentiaries have signed the present Treaty and have affixed thereto their seals.

DONE in duplicate, in the Japanese and Chinese languages, both texts being equally authentic, at Peking, this twelfth day of August, 1978.

For the People's Republic of China: Huang Hua (signature)
For Japan: Sunao Sonoda (signature)
雙方全權代表互相校閱全權證書，認為妥善後，達成協議如下：

第一條 一、締約雙方應在互相尊重主權和領土完整、互不侵犯、互不干涉內政、平等互利、和平共處各項原則的基礎上，發展兩國間持久的和平友好關係。

二、根據上述各項原則和聯合國憲章的原則，締約雙方確認，在相互關係中，用和平手段解決一切爭端，而不訴諸武力和武力威脅。

第二條 締約雙方表明：任何一方都不應在亞洲和太平洋地區或其他任何地區謀求霸權，並反對任何其他國家或國家集團建立這種霸權的努力。

第三條 締約雙方將本著睦鄰友好的精神，按照平等互利和互不干涉內政的原則，為進一步發展兩國之間的經濟關係和文化關係，促進兩國人民的往來而努力。

第四條 本條約不影響締約各方同第三國關係的立場。

第五條 一、本條約須經批准，自在東京交換批准書之日起生效。本條約有效期為十年。十年以後，在根據本條第二款的規定宣佈終止以前，將繼續有效。

二、締約任何一方在最初十年期滿時或在其後的任何時候，可以在一年以前，以書面預先通知締約另一方，終止本條約。

雙方全權代表在本條約上簽字蓋章，以昭信守。

本條約於一九七八年八月十二日在北京簽訂，共兩份，每份都用中文和日文寫成，兩種文本具有同等效力。

中華人民共和國全權代表 黃華（簽字）
日本國全權代表 園田 直（簽字）

--- Editor’s note =============

In Japanese, the “Treaty of Peace and Friendship between Japan and the PRC” is called as follows: Nippon kokuto Chūgoku jimmin kyōwakoku tono aidano beiwā yūkō jōyaku

日本国と中華人民共和国との間の平和友好条約.

Joint Communiqué of the US and the PRC (Normalization Communiqué)

January 1, 1979
(The communiqué was released on December 15, 1978, in Washington and Beijing.)
1. The United States of America and the People's Republic of China have agreed to recognize each other and to establish diplomatic relations as of January 1, 1979.

2. The United States of America recognizes the Government of the People's Republic of China as the sole legal Government of China. Within this context, the people of the United States will maintain cultural, commercial, and other unofficial relations with the people of Taiwan.

3. The United States of America and the People's Republic of China reaffirm the principles agreed on by the two sides in the Shanghai Communiqué and emphasize once again that:

4. Both wish to reduce the danger of international military conflict.

5. Neither should seek hegemony in the Asia-Pacific region or in any other region of the world and each is opposed to efforts by any other country or group of countries to establish such hegemony.

6. Neither is prepared to negotiate on behalf of any third party or to enter into agreements or understandings with the other directed at other states.

7. 美利堅合眾國政府承認中國的立場，即只有一個中國，台灣是中國的一部份。
8. 雙方認為，中美關係正常化不僅符合中國人民和美國人民的利益，而且有助於亞洲和世界的和平事實。
中華人民共和國和美利堅合眾國將於一九七九年三月一日互派大使並建立大使館。

Message to Compatriots in Taiwan

January 1, 1979
(The Standing Committee of the Fifth National People's Congress at its Fifth Plenary Session on December 26, 1978 adopted after discussion a message to compatriots in Taiwan.)

Dear Compatriots in Taiwan:

Today is New Year's Day 1979. We hereby extend our cordial and sincere greetings to you on behalf of the people of all nationalities on the mainland of our motherland.

As an old saying goes, “When festival times come round people think all the more of their loved ones.” On this happy occasion as we celebrate New Year's Day, our thoughts turn all the more to our kith and kin, our old folks, our brothers and sisters, in Taiwan. We know you have the motherland and your kinsfolk on the mainland in mind too. This mutual feeling of many years standing grows with each passing day. From the day when Taiwan was unfortunately separated from the motherland in 1949, we have not been able to communicate with or visit each other, our motherland has not been able to achieve reunification, relatives have been unable to get together, and our nation, country and people have suffered greatly as a result. All Chinese compatriots and people of Chinese descent throughout the world look forward to an early end to this regrettable state of affairs.

The Chinese nation is a great nation. It accounts for almost a quarter of the world’s population and has a long history and brilliant culture, and its outstanding contributions to world civilization and human progress are universally recognized. Taiwan has been an inalienable part of China since ancient times. The Chinese nation has great vitality and cohesion. Throughout its history, foreign invasions and internal strife have failed to split our nation permanently. Taiwan’s separation from the motherland for nearly 30 years has been artificial and against our national interests and aspirations, and this state of affairs must not be allowed to continue.
Every Chinese, in Taiwan or on the mainland, has a compelling responsibility for the survival, growth and prosperity of the Chinese nation. The important task of reunifying our motherland, on which hinges the future of the whole nation, now lies before us all; it is an issue no one can evade or should try to. If we do not quickly set about ending this disunity so that our motherland is reunified at an early date, how can we answer our ancestors and explain to our descendants? This sentiment is shared by all. Who among the descendants of the Yellow Emperor wishes to go down in history as a traitor?

Radical changes have taken place in China’s status in the world over the past 30 years. Our country’s international prestige is rising constantly and its international role becomes ever more important. The people and governments of almost all countries place tremendous hopes on us in the struggle against hegemonism and in safeguarding peace and stability in Asia and the world as a whole. Every Chinese is proud to see the growing strength and prosperity of our motherland. If we can end the present disunity and join forces soon, there will be no end to our contributions to the future of mankind. Early reunification of our motherland is not only the common desire of all the people of China, including our compatriots in Taiwan, but the common wish of all peace-loving peoples and countries the world over.

Reunification of China today is consonant with popular sentiment and the general trend of development. The world in general recognizes only one China, with the government of the People’s Republic of China as its sole legal government. The recent conclusion of the China-Japan Treaty of Peace and Friendship and the normalization of relations between China and the United States show still more clearly that no one can stop this trend. The present situation in the motherland, one of stability and unity, is better than ever. The people of all nationalities on the mainland are working hard with one will for the great goal of the four modernizations. It is our fervent hope that Taiwan returns to the embrace of the motherland at an early date so that we can work together for the great cause of national development. Our state leaders have firmly declared that they will take present realities into account in accomplishing the great cause of reunifying the motherland and respect the status quo on Taiwan and the opinions of people in all walks of life there and adopt reasonable policies and measures in settling the question of reunification so as not to cause the people of Taiwan any losses. On the other hand, people in all walks of life in Taiwan have expressed their yearning for their homeland and old friends, stated their desire “to identify themselves with and rejoin their kinsmen,” and raised diverse proposals which are expressions of their earnest hope for an early return to the embrace of the motherland. As all conditions now are favourable for reunification and everything is set, no one should go against
the will of the nation and against the trend of history.

We place hopes on the 17 million people on Taiwan and also the Taiwan authorities. The Taiwan authorities have always taken a firm stand of one China and have been opposed to an independent Taiwan. We have this stand in common and it is the basis for our co-operation. Our position has always been that all patriots belong to one family. The responsibility for reunifying the motherland rests with each of us. We hope the Taiwan authorities will treasure national interests and make valuable contributions to the reunification of the motherland.

The Chinese government has ordered the People’s Liberation Army to stop the bombardment of Jinmen (Quemoy) and other islands as from today. A state of military confrontation between the two sides still exists along the Taiwan Straits. This can only breed man-made tension. We hold that first of all this military confrontation should be ended through discussion between the government of the People’s Republic of China and the Taiwan authorities so as to create the necessary prerequisites and a secure environment for the two sides to make contacts and exchanges in whatever area.

The prolonged separation has led to inadequate mutual understanding between the compatriots on the mainland and on Taiwan and various inconveniences for both sides. Since overseas Chinese residing in faraway foreign lands can return for visits and tours and hold reunions with their families, why can’t compatriots living so near, on the mainland and on Taiwan, visit each other freely? We hold that there is no reason for such barriers to remain. We hope that at an early date transportation and postal services between both sides will be established to make it easier for compatriots of both sides to have direct contact, write to each other, visit relatives and friends, exchange tours and visits and carry out academic, cultural, sports and technological interchanges.

Economically speaking, Taiwan and the mainland of the motherland were originally one entity. Unfortunately, economic ties have been suspended for many years. Construction is going ahead vigorously on the motherland and it is our wish that Taiwan also grows economically more prosperous. There is every reason for us to develop trade between us, each making up what the other lacks, and carry out economic exchanges. This is mutually required and will benefit both parties without doing any harm to either.

Dear compatriots in Taiwan,

The bright future of our great motherland belongs to us and to you. The reunification of the motherland is the sacred mission history has handed to our generation. Times are moving ahead and the situation is developing. The earlier we fulfil this mission, the sooner we can jointly write an unprecedented, brilliant page in
the history for our country, catch up with advanced powers and work together with them for world peace, prosperity and progress. Let us join hands and work together for this glorious goal!

告台灣同胞書

中華人民共和國全國人大常委會告台灣同胞書
（一九七九年一月一日，第五屆全國人民代表大會常務委員會於一九七八年十二月二十六日舉行第五次會議討論通過）

親愛的台灣同胞：

今天是一九七九年元旦。我們代表祖國大陸的各族人民，向諸位同胞致以親切的問候和衷心的祝賀。

昔人有言：“每逢佳節倍思親”。在這歡度新年的時刻，我們更加想念自己的親骨肉——台灣的父老兄弟姐妹。我們知道，你們也無限懷念祖國和大陸上的親人。這種綿延了多少歲月的相互思念之情與日俱增。自從一九四九年台灣同祖國不幸分離以來，我們之間音訊不通，來往斷絕，祖國不能統一，親人無從團聚，民族、國家和人民都受到了巨大的損失。所有中國同胞以及全球華裔，無不盼望早日結束這種令人痛心的局面。

我們中華民族是偉大的民族，占世界人口近四分之一，享有悠久的歷史和優秀的文化，對世界文明和人類發展的卓越貢獻，舉世共認。台灣自古就是中國不可分割的一部分。中華民族是具有強大的生命力和凝聚力的。儘管歷史上有過多少次外族入侵和內部紛爭，都不曾使我們的民族陷於長久分裂。近三十年台灣同祖國的分離，是人為的，是違反我們民族的利益和願望的，決不能再這樣下去了。每一個中國人，不論是生活在台灣的還是生活在大陸上的，都對中華民族的生存、發展和繁榮負有不容推諉的責任。統一祖國這樣一個關係全民族前途的重大任務，現在擺在我們大家的面前，誰也不能回避，誰也不應回避。如果我們還不儘快結束目前這種分裂局面，早日實現祖國的統一，我們何以告慰於列祖列宗？何以自解於子孫後代？人同此心，心同此理，凡屬黃帝子孫，誰願成為民族的千古罪人？

近三十年來，中國在世界上的地位已發生根本變化。我國國際地位越來越高，國際作用越來越重要。各國人民和政府為了反對霸權主義、維護亞洲和世界的和平穩定，幾乎不對我們寄予極大期望。每一個中國人都為祖國的日見強盛而感到自豪。我們如果儘快結束目前的分裂局面，把力量合到一起，則所能貢獻於人類前途者，自更不可限量。早日實現祖國統一，不僅是全中國人民包括台灣同胞的共同心願，也是全世界一切愛好和平的人民和國家的共同希望。

今天，實現中國的統一，是人心所向，大勢所趨。世界上普遍承認只有一个中國，承認中華人民共和國政府是中國唯一合法的政府。最近中日和平
友好條約的簽定，和中美兩國關係正常化的實現，更可見潮流所至，實非任何人所得而阻止。目前祖國安定團結，形勢比以往任何時候都好。在大陸上的各族人民，正在為實現四個現代化的偉大目標而同心戮力。我們殷切期望台灣早日歸回祖國，共同發展建國大業。我們的國家領導人已經表示決心，一定要考慮現實情況，完成祖國統一大業，在解決統一問題時尊重台灣現狀和台灣各界人士的意見，採取合情合理的政策和辦法，不使台灣人民蒙受損失。台灣各界人士也紛紛抒發懷鄉思舊之情，訴述“認同回歸”之願，提出種種建議，熱烈盼望早日回到祖國的懷抱。時至今日，種種條件都對統一有利，可謂萬事俱備，任何人都不應當拂逆民族的意志，違背歷史的潮流。

我們寄希望於一千七百萬台灣人民，也寄希望於台灣當局。台灣當局貫徹堅持一個中國的立場，反對台灣獨立。這就是我們共同的立場，合作的基礎。我們一貫主張愛國一家。統一祖國，人人有責。希望台灣當局以民族利益為重，對實現祖國統一的事業作出寶貴的貢獻。

中國政府已經命令人民解放軍從今天起停止對金門等島嶼的炮擊。台灣海峽目前仍然存在著雙方的軍事對峙，這只能製造人為的緊張。我們認為，首先應當通過中華人民共和國政府和台灣當局之間的商談結束這種軍事對峙狀態，以便為雙方的任何一種範圍的交往接觸創造必要的前提和安全的環境。

由於長期隔絕，大陸和台灣的同胞互不瞭解，對於雙方造成各種不便。遠居海外的許多僑胞都能回國觀光，與家人團聚。為什麼近在咫尺的大陸和台灣的同胞卻不能自由來往呢？我們認為這種藩籬沒有理由繼續存在。我們希望雙方儘快實現通航通郵，以利雙方同胞直接接觸，互通訊息，探親訪友，旅遊參觀，進行學術文化體育工藝觀摩。

台灣和祖國大陸，在經濟上本來是一個整體。這些年來，經濟聯繫不幸中斷。現在，祖國的建設正在蓬勃發展，我們也希望台灣的經濟日趨繁榮。我們相互之間完全應當發展貿易，互通有無，進行經濟交流。這是相互的需要，對任何一方都有利而無害。

親愛的台灣同胞！

我們偉大祖國的美好前途，既屬於我們，也屬於你們。統一祖國，是歷史賦於我們這一代人的神聖使命。時代在前進，形勢在發展。我們早一天完成這一使命，就可以早一天共同創造我國空前未有的光輝燦爛的歷史，而與各先進強國並駕齊驅，共謀世界的和平、繁榮和進步。讓我們攜起手來，為這一光榮目標共同奮鬥！
Taiwan Relations Act

Public Law 96-8 96th Congress
An Act:
To help maintain peace, security, and stability in the Western Pacific and to promote the foreign policy of the United States by authorizing the continuation of commercial, cultural, and other relations between the people of the United States and the people on Taiwan, and for other purposes.
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE
Section 1.
This Act may be cited as the “Taiwan Relations Act”.

FINDINGS AND DECLARATION OF POLICY
Section 2.
(a) The President—having terminated governmental relations between the United States and the governing authorities on Taiwan recognized by the United States as the Republic of China prior to January 1, 1979, the Congress finds that the enactment of this Act is necessary—
(1) to help maintain peace, security, and stability in the Western Pacific; and
(2) to promote the foreign policy of the United States by authorizing the continuation of commercial, cultural, and other relations between the people of the United States and the people on Taiwan.

(b) It is the policy of the United States—
(1) to preserve and promote extensive, close, and friendly commercial, cultural, and other relations between the people of the United States and the people on Taiwan, as well as the people on the China mainland and all other peoples of the Western Pacific area;
(2) to declare that peace and stability in the area are in the political, security, and economic interests of the United States, and are matters of international concern;
(3) to make clear that the United States decision to establish diplomatic relations with the People’s Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means;
(4) to consider any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States;
(5) to provide Taiwan with arms of a defensive character; and
(6) to maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan.
(c) Nothing contained in this Act shall contravene the interest of the United States in human rights, especially with respect to the human rights of all the approximately eighteen million inhabitants of Taiwan. The preservation and enhancement of the human rights of all the people on Taiwan are hereby reaffirmed as objectives of the United States.

IMPLEMENTATION OF UNITED STATES POLICY WITH REGARD TO TAIWAN

Section 3.
(a) In furtherance of the policy set forth in section 2 of this Act, the United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.
(b) The President and the Congress shall determine the nature and quantity of such defense articles and services based solely upon their judgment of the needs of Taiwan, in accordance with procedures established by law. Such determination of Taiwan’s defense needs shall include review by United States military authorities in connection with recommendations to the President and the Congress.
(c) The President is directed to inform the Congress promptly of any threat to the security or the social or economic system of the people on Taiwan and any danger to the interests of the United States arising therefrom. The President and the Congress shall determine, in accordance with constitutional processes, appropriate action by the United States in response to any such danger.

APPLICATION OF LAWS; INTERNATIONAL AGREEMENTS

Section 4.
(a) The absence of diplomatic relations or recognition shall not affect the application of the laws of the United States with respect to Taiwan, and the laws of the United States shall apply with respect to Taiwan in the manner that the laws of the United States applied with respect to Taiwan prior to January 1, 1979.
(b) The application of subsection (a) of this section shall include, but shall not be limited to, the following:

1. Whenever the laws of the United States refer or relate to foreign countries, nations, states, governments, or similar entities, such terms shall include and such laws shall apply with such respect to Taiwan.

2. Whenever authorized by or pursuant to the laws of the United States to conduct or carry out programs, transactions, or other relations with respect to foreign countries, nations, states, governments, or similar entities, the President or any agency of the United States Government is authorized to conduct and carry out, in accordance with section 6 of this Act, such programs, transactions, and other relations with respect to Taiwan (including, but not limited to, the performance of services for the United States through contracts with commercial entities on Taiwan), in accordance with the applicable laws of the United States.

3. (A) The absence of diplomatic relations and recognition with respect to Taiwan shall not abrogate, infringe, modify, deny, or otherwise affect in any way any rights or obligations (including but not limited to those involving contracts, debts, or property interests of any kind) under the laws of the United States heretofore or hereafter acquired by or with respect to Taiwan.

(B) For all purposes under the laws of the United States, including actions in any court in the United States, recognition of the People’s Republic of China shall not affect in any way the ownership of or other rights or interests in properties, tangible and intangible, and other things of value, owned or held on or prior to December 31, 1978, or thereafter acquired or earned by the governing authorities on Taiwan.

4. Whenever the application of the laws of the United States depends upon the law that is or was applicable on Taiwan or compliance therewith, the law applied by the people on Taiwan shall be considered the applicable law for that purpose.

5. Nothing in this Act, nor the facts of the President’s action in extending diplomatic recognition to the People’s Republic of China, the absence of diplomatic relations between the people on Taiwan and the United States, or the lack of recognition by the United States, and attendant circumstances thereto, shall be construed in any administrative or judicial proceeding as a basis for any United States Government agency, commission, or department to make a finding of fact or determination of law, under the Atomic Energy Act of 1954 and the Nuclear Non-Proliferation Act of 1978, to deny an
export license application or to revoke an existing export license for nuclear exports to Taiwan.

(6) For purposes of the Immigration and Nationality Act, Taiwan may be treated in the manner specified in the first sentence of section 202(b) of that Act.

(7) The capacity of Taiwan to sue and be sued in courts in the United States, in accordance with the laws of the United States, shall not be abrogated, infringed, modified, denied, or otherwise affected in any way by the absence of diplomatic relations or recognition.

(8) No requirement, whether expressed or implied, under the laws of the United States with respect to maintenance of diplomatic relations or recognition shall be applicable with respect to Taiwan.

(c) For all purposes, including actions in any court in the United States, the Congress approves the continuation in force of all treaties and other international agreements, including multilateral conventions, entered into by the United States and the governing authorities on Taiwan recognized by the United States as the Republic of China prior to January 1, 1979, and in force between them on December 31, 1978, unless and until terminated in accordance with law.

(d) Nothing in this Act may be construed as a basis for supporting the exclusion or expulsion of Taiwan from continued membership in any international financial institution or any other international organization.

OVERSEAS PRIVATE INVESTMENT CORPORATION

Section 5.

(a) During the three-year period beginning on the date of enactment of this Act, the $1,000 per capita income restriction in insurance, clause (2) of the second undesignated paragraph of section 231 of the reinsurance, Foreign Assistance Act of 1961 shall not restrict the activities of the Overseas Private Investment Corporation in determining whether to provide any insurance, reinsurance, loans, or guarantees with respect to investment projects on Taiwan.

(b) Except as provided in subsection (a) of this section, in issuing insurance, reinsurance, loans, or guarantees with respect to investment projects on Taiwan, the Overseas Private Insurance Corporation shall apply the same criteria as those applicable in other parts of the world.

THE AMERICAN INSTITUTE OF TAIWAN

Section 6.

(a) Programs, transactions, and other relations conducted or carried out by the President or any agency of the United States Government with respect to Taiwan
shall, in the manner and to the extent directed by the President, be conducted and carried out by or through—

(1) The American Institute in Taiwan, a nonprofit corporation incorporated under the laws of the District of Columbia, or

(2) such comparable successor nongovernmental entity as the President may designate, (hereafter in this Act referred to as the “Institute”).

(b) Whenever the President or any agency of the United States Government is authorized or required by or pursuant to the laws of the United States to enter into, perform, enforce, or have in force an agreement or transaction relative to Taiwan, such agreement or transaction shall be entered into, performed, and enforced, in the manner and to the extent directed by the President, by or through the Institute.

(c) To the extent that any law, rule, regulation, or ordinance of the District of Columbia, or of any State or political subdivision thereof in which the Institute is incorporated or doing business, impedes or otherwise interferes with the performance of the functions of the Institute pursuant to this Act; such law, rule, regulation, or ordinance shall be deemed to be preempted by this Act.

SERVICES BY THE INSTITUTE TO UNITED STATES CITIZENS ON TAIWAN

Section 7.

(a) The Institute may authorize any of its employees on Taiwan—

(1) to administer to or take from any person an oath, affirmation, affidavit, or deposition, and to perform any notarial act which any notary public is required or authorized by law to perform within the United States;

(2) To act as provisional conservator of the personal estates of deceased United States citizens; and

(3) to assist and protect the interests of United States persons by performing other acts such as are authorized to be performed outside the United States for consular purposes by such laws of the United States as the President may specify.

(b) Acts performed by authorized employees of the Institute under this section shall be valid, and of like force and effect within the United States, as if performed by any other person authorized under the laws of the United States to perform such acts.

TAX EXEMPT STATUS OF THE INSTITUTE

Section 8.
(a) The Institute, its property, and its income are exempt from all taxation now or hereafter imposed by the United States (except to the extent that section 11(a)(3) of this Act requires the imposition of taxes imposed under chapter 21 of the Internal Revenue Code of 1954, relating to the Federal Insurance Contributions Act) or by State or local taxing authority of the United States.

(1) For purposes of the Internal Revenue Code of 1954, the Institute shall be treated as an organization described in sections 170(b)(1)(A), 170(c), 2055(a), 2106(a)(2)(A), 2522(a), and 2522(b).

FURNISHING PROPERTY AND SERVICES TO AND OBTAINING SERVICES FROM THE INSTITUTE

Section 9.

(a) Any agency of the United States Government is authorized to sell, loan, or lease property (including interests therein) to, and to perform administrative and technical support functions and services for the operations of, the Institute upon such terms and conditions as the President may direct. Reimbursements to agencies under this subsection shall be credited to the current applicable appropriation of the agency concerned.

(b) Any agency of the United States Government is authorized to acquire and accept services from the Institute upon such terms and conditions as the President may direct. Whenever the President determines it to be in furtherance of the purposes of this Act, the procurement of services by such agencies from the Institute may be effected without regard to such laws of the United States normally applicable to the acquisition of services by such agencies as the President may specify by Executive order.

(c) Any agency of the United States Government making funds available to the Institute in accordance with this Act shall make arrangements with the Institute for the Comptroller General of the United States to have access to the books and records of the Institute and the opportunity to audit the operations of the Institute.

TAIWAN INSTRUMENTALITY

Section 10.

(a) Whenever the President or any agency of the United States Government is authorized or required by or pursuant to the laws of the United States to render or provide to or to receive or accept from Taiwan, any performance, communication, assurance, undertaking, or other action, such action shall, in the manner and to the extent directed by the President, be rendered or provided to, or received or accepted from, an instrumentality established by Taiwan which the
President determines has the necessary authority under the laws applied by the people on Taiwan to provide assurances and take other actions on behalf of Taiwan in accordance with this Act.

(b) The President is requested to extend to the instrumentality established by Taiwan the same number of offices and complement of personnel as were previously operated in the United States by the governing authorities on Taiwan recognized as the Republic of China prior to January 1, 1979.

(c) Upon the granting by Taiwan of comparable privileges and immunities with respect to the Institute and its appropriate personnel, the President is authorized to extend with respect to the Taiwan instrumentality and its appropriate personnel, such privileges and immunities (subject to appropriate conditions and obligations) as may be necessary for the effective performance of their functions.

SEPARATION OF GOVERNMENT PERSONNEL FOR EMPLOYMENT WITH THE INSTITUTE

Section 11.

(a) (1) Under such terms and conditions as the President may direct, any agency of the United States Government may separate from Government service for a specified period any officer or employee of that agency who accepts employment with the Institute.

(2) An officer or employee separated by an agency under paragraph (1) of this subsection for employment with the Institute shall be entitled upon termination of such employment to reemployment or reinstatement with such agency (or a successor agency) in an appropriate position with the attendant rights, privileges, and benefits with the officer or employee would have had or acquired had he or she not been so separated, subject to such time period and other conditions as the President may prescribe.

(3) An officer or employee entitled to reemployment or reinstatement rights under paragraph (2) of this subsection shall, while continuously employed by the Institute with no break in continuity of service, continue to participate in any benefit program in which such officer or employee was participating prior to employment by the Institute, including programs for compensation for job-related death, injury, or illness; programs for health and life insurance; programs for annual, sick, and other statutory leave; and programs for retirement under any system established by the laws of the United States; except that employment with the Institute shall be the basis for participation in such programs only to the extent that employee deductions and employer contributions, as required, in payment for such participation for the period of
employment with the Institute, are currently deposited in the program's or system's fund or depository. Death or retirement of any such officer or employee during approved service with the Institute and prior to reemployment or reinstatement shall be considered a death in or retirement from Government service for purposes of any employee or survivor benefits acquired by reason of service with an agency of the United States Government.

(4) Any officer or employee of an agency of the United States Government who entered into service with the Institute on approved leave of absence without pay prior to the enactment of this Act shall receive the benefits of this section for the period of such service.

(b) Any agency of the United States Government employing alien personnel on Taiwan may transfer such personnel, with accrued allowances, benefits, and rights, to the Institute without a break in service for purposes of retirement and other benefits, including continued participation in any system established by the laws of the United States for the retirement of employees in which the alien was participating prior to the transfer to the Institute, except that employment with the Institute shall be creditable for retirement purposes only to the extent that employee deductions and employer contributions, as required, in payment for such participation for the period of employment with the Institute, are currently deposited in the system's fund or depository.

(c) Employees of the Institute shall not be employees of the United States and, in representing the Institute, shall be exempt from section 207 of title 18, United States Code.

(1) For purposes of sections 911 and 913 of the Internal Revenue Code of 1954, amounts paid by the Institute to its employees shall not be treated as earned income. Amounts received by employees of the Institute shall not be included in gross income, and shall be exempt from taxation, to the extent that they are equivalent to amounts received by civilian officers and employees of the Government of the United States as allowances and benefits which are exempt from taxation under section 912 of such Code.

(2) Except to the extent required by subsection (a)(3) of this section, service performed in the employ of the Institute shall not constitute employment for purposes of chapter 21 of such Code and title II of the Social Security Act.

REPORTING REQUIREMENT

Section 12.
(a) The Secretary of State shall transmit to the Congress the text of any agreement to which the Institute is a party. However, any such agreement the immediate public disclosure of which would, in the opinion of the President, be prejudicial to the national security of the United States shall not be so transmitted to the Congress but shall be transmitted to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives under an appropriate injunction of secrecy to be removed only upon due notice from the President.

(b) For purposes of subsection (a), the term “agreement” includes—

(1) any agreement entered into between the Institute and the governing authorities on Taiwan or the instrumentality established by Taiwan; and

(2) any agreement entered into between the Institute and an agency of the United States Government.

(c) Agreements and transactions made or to be made by or through the Institute shall be subject to the same congressional notification, review, and approval requirements and procedures as if such agreements and transactions were made by or through the agency of the United States Government on behalf of which the Institute is acting.

(d) During the two-year period beginning on the effective date of this Act, the Secretary of State shall transmit to the Speaker of the House and Senate House of Representatives and the Committee on Foreign Relations of Foreign Relations the Senate, every six months, a report describing and reviewing economic relations between the United States and Taiwan, noting any interference with normal commercial relations.

RULES AND REGULATIONS

Section 13.
The President is authorized to prescribe such rules and regulations as he may deem appropriate to carry out the purposes of this Act. During the three-year period beginning on the effective date of this Act, such rules and regulations shall be transmitted promptly to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate. Such action shall not, however, relieve the Institute of the responsibilities placed upon it by this Act.

CONGRESSIONAL OVERSIGHT

Section 14.

(a) The Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, and other appropriate committees of the Congress shall monitor—
(1) the implementation of the provisions of this Act;
(2) the operation and procedures of the Institute;
(3) the legal and technical aspects of the continuing relationship between the United States and Taiwan; and
(4) the implementation of the policies of the United States concerning security and cooperation in East Asia.

(b) Such committees shall report, as appropriate, to their respective Houses on the results of their monitoring.

DEFINITIONS

Section 15.
For purposes of this Act—

(1) the term “laws of the United States” includes any statute, rule, regulation, ordinance, order, or judicial rule of decision of the United States or any political subdivision thereof; and

(2) the term “Taiwan” includes, as the context may require, the islands of Taiwan and the Pescadores, the people on those islands, corporations and other entities and associations created or organized under the laws applied on those islands, and the governing authorities on Taiwan recognized by the United States as the Republic of China prior to January 1, 1979, and any successor governing authorities (including political subdivisions, agencies, and instrumentalities thereof).

AUTHORIZATION OF APPRIATIONS

Section 16.
In addition to funds otherwise available to carry out the provisions of this Act, there are authorized to be appropriated to the Secretary of State for the fiscal year 1980 such funds as may be necessary to carry out such provisions. Such funds are authorized to remain available until expended.

SEVERABILITY OF PROVISIONS

Section 17.
If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of such provision to any other person or circumstance shall not be affected thereby.

EFFECTIVE DATE

Section 18.
This Act shall be effective as of January 1, 1979. Approved April 10, 1979.
台灣關係法
(本譯文僅供參考，引用請以原始英文條文為依歸)
January 1, 1979
臺灣關係法
Public Law 96-8 96th Congress
An Act
本法乃為協助維持西太平洋之和平、安全與穩定，並授權繼續維持美國人民
與在台灣人民間之商業、文化及其他關係，以促進美國外交政策，並為其他
目的。
Be it enacted by the Senate and House of Representatives of the United States of
America in Congress assembled,
簡稱———第一條：
本法律可稱為「臺灣關係法」
政策的判定及聲明———第二條：
( 甲 ) 由於美國總統已終止美國和臺灣統治當局( 在 1979 年 1 月 1 日前美國
承認其為中華民國 ) 間的政府關係，美國國會認為有必要制訂本法：
( 一 ) 有助於維持西太平洋地區的和平、安全及穩定；
( 二 ) 授權繼續維持美國人民及臺灣人民間的商務、文化及其他各種關係，
以促進美國外交政策的推行。
( 乙 ) 美國的政策如下：
( 一 ) 維持及促進美國人民與臺灣之人民間廣泛、密切及友好的商務、文
化及其他各種關係；並且維持及促進美國人民與中國大陸人民及其他西太平
洋地區人民間的同種關係；
 ( 二 ) 表明西太平洋地區的和平及安定符合美國的政治、安全及經濟利益，
而且是國際關切的事務；
( 三 ) 表明美國決定和「中華人民共和國」建立外交關係之舉，是基於臺
灣的前途將以和平方式決定這一期望；
( 四 ) 任何企圖以非和平方式來決定臺灣的前途之舉 -- 包括使用經濟抵
制及禁運手段在內，將被視為對西太平洋地區和平及安定的威脅，而為美國
所嚴重關切；
( 五 ) 提供防禦性武器給臺灣人民；
( 六 ) 維持美國的能力，以抵抗任何訴諸武力、或使用其他方式高壓手段，
而危及臺灣人民安全及社會經濟制度的行動。
( 丙 ) 本法律的任何條款不得違反美國對人權的關切，尤其是對於臺灣地區
一千八百萬名居民人權的關切。茲此重申維護及促進所有臺灣人民的人權是
美國的目標。

美國對臺灣政策的實行———第三條：
( 甲 ) 為了推行本法第二條所明訂的政策，美國將使臺灣能夠獲得數量足以使其維持足夠的自衛能力的防衛物資及技術服務；
( 乙 ) 美國總統和國會將依據他們對臺灣防衛需要的判斷，遵照法定程序，來決定提供上述防衛物資及服務的種類及數量。對臺灣防衛需要的判斷應包括美國軍事當局向總統及國會提供建議時的檢討報告。
( 丙 ) 指示總統如遇臺灣人民的安全或社會經濟制度遭受威脅，因而危及美國利益時，應迅速通知國會。總統和國會將依憲法程序，決定美國應付上述危險所應採取的適當行動。

法律的適用和國際協定———第四條：
( 甲 ) 無論外交關係或承認將不影響美國法律對臺灣的適用，美國法律將繼續對臺灣適用，就像 1979 年 1 月 1 日之前，美國法律對臺灣適用的情形一樣。
( 乙 ) 前項所訂美國法律之適用，包括下述情形，但不限於下述情形：
( 一 ) 當美國法律中提及外國、外國政府或類似實體、或與之有關之時，這些字樣應包括臺灣在內，而且這些法律應對臺灣適用；
( 二 ) 依據美國法律授權規定，美國與外國、外國政府或類似實體所進行或實施各項方案、交往或其他關係，美國總統或美國政府機構獲准，依據本法第六條規定，遵照美國法律同樣與臺灣人民進行或實施上述各項方案、交往或其他關係（包括和臺灣的商業機構締約，為美國提供服務）。
( 三 ) 1 美國對臺灣缺乏外交關係或承認，並不消除、剝奪、修改、拒絕或影響以前或此後臺灣依據美國法律所獲得的任何權利及義務（包括因契約、債務關係及財產權益而發生的權利及義務）。
2 為了各項法律目的，包括在美國法院的訴訟在內，美國承認「中華人民共和國」之舉，不應影響臺灣統治當局在 1978 年 12 月 31 日之前取得或特有的有體財產或無體財產的所有權，或其他權利和利益，也不影響臺灣當局在該日之後所取得的財產。
( 四 ) 當適用美國法律需引據遵照臺灣現行或舊有法律，則臺灣人民所適用的法律應被引據遵照。
( 五 ) 不論本法律任何條款，或是美國總統給予「中華人民共和國」外交承認之舉、或是臺灣人民和美國之間沒有外交關係、美國對臺灣缺乏承認、以及此等相關情勢，均不得被美國政府各部門解釋為，依照 1954 年原子能法及 1978 年防止核子擴散法，在行政或司法程序中決定事實及適用法律時，得以拒絕對臺灣的核子輸出申請，或是撤銷已核准的輸出許可證。
( 六 ) 至於移民及國籍法方面，應根據該法 202 項(b)款規定對待臺灣。
(七) 臺灣依據美國法律在美國法院中起訴或應訴的能力，不應由於欠缺外交關係或承認，而被消除、剝奪、修改、拒絕或影響。

(八) 美國法律中有關維持外交關係或承認的規定，不論明示或默示，均不應對臺灣適用。

(丙) 為了各種目的，包括在美國法院中的訴訟在內，國會同意美國和(美國在1979年1月1日前承認為中華民國的)臺灣當局所締結的一切條約和國際協定(包括多國公約)，至1978年12月31日仍然有效者，將繼續維持效力，直至依法終止為止。

(丁) 本法律任何條款均不得被解釋為，美國贊成把臺灣排除或驅逐出任何國際金融機構或其他國際組織。

美國海外私人投資保證公司———第五條：

(甲) 當本法律生效後三年之內，1961年援外法案231項第2段第2款所訂國民平均所得一千美元限制，將不限制美國海外私人投資保證公司活動，其可決定是否對美國私人在臺投資計畫提供保險、再保險、貸款或保證。

(乙) 除了本條(A.)項另有規定外，美國海外私人投資保證公司在對美國私人在臺投資計畫提供保險、再保險、貸款或保證時，應適用對世界其他地區相同的標準。

美國在台協會———第六條：

(甲) 美國總統或美國政府各部門與臺灣人民進行實施的各項方案、交往或其他關係，應在總統指示的方式或範圍內，經由或透過下述機構來進行實施：

(一) 美國在台協會，這是一個依據哥倫比亞特區法律而成立的一個非營利法人：

(二) 總統所指示成立，繼承上述協會的非政府機構。(以下將簡稱「美國在台協會」為「該協會」。)

(乙) 美國總統或美國政府各部門依據法律授權或要求，與臺灣達成、進行或實施協定或交往安排時，此等協定或交往安排應依美國總統指示的方式或範圍，經由或透過該協會達成、進行或實施。

(丙) 該協會設立或執行業務所依據的哥倫比亞特區、各州或地方政府機構的法律、規章、命令，阻撓或妨礙該協會依據本法律執行業務時，此文法律、規章、命令的效力應次於本法律。

該協會對在臺美國公民所提供的服務———第七條：

(甲) 該協會得授權在臺僱員：

(一) 執行美國法律所規定授權之公證人業務，以採錄證詞，並從事公證業務：

(二) 擔任已故美國公民之遺產臨時保管人：

321
(三) 根據美國總統指示，依照美國法律之規定，執行領事所獲授權執行之其他業務，以協助保護美國人民的利益。

(乙) 該協會雇員獲得授權執行之行為有效力，並在美國境內具有相同效力，如同其他人獲得授權執行此種行為一樣。

該協會的免稅地位——第八條：
該協會、該協會的財產及收入，均免受美國聯邦、各州或地方稅務當局目前或嗣後一切課稅。

對該協會提供財產及服務、以及從該協會獨得之財產及服務——第九條
（甲）美國政府各部門可依總統所指定條件，出售、借貸或租賃財產（包括財產利益）給該協會，或提供行政和技術支援和服務，供該協會執行業務。此等機構提供上述服務之報酬，應列入各機構所獲預算之內。

（乙）美國政府各部門得依總統指示的條件，獲得該協會的服務。當總統認為，為了實施本法律的宗旨有必要時，可由總統頒佈行政命令，使政府各部門獲得上述服務，而不顧上述部門通常獲得上述服務時，所應適用的法律。

（丙）依本法律提供經費給該協會的美國政府各部門，應和該協會達成安排，讓美國政府主計長得查閱該協會的帳冊記錄，並有機會查核該協會經費動用情形。

臺灣機構——第十條：
（甲）美國總統或美國政府各機構依據美國法律授權或要求，向臺灣提供，或由臺灣接受任何服務、連絡、保證、承諾等事項，應在總統指定的方式及範圍內，向臺灣設立的機構提供上述事項，或由這一機構接受上述事項。此一機構乃總統確定依臺灣人民適用的法律而具有必需之權力者，可依據本法案代表臺灣提供保證及採取其他行動者。

（乙）要求總統給予臺灣設立的機構相同數目的辦事處及規定的全體人數，這是指與1979年1月1日以前美國承認為中華民國的台灣當局在美國設立的辦事處及人員相同而言。

（丙）根據臺灣給予美國在臺協會及其適當人員的特權及豁免權，總統已獲授權給予臺灣機構及其適當人員有效履行其功能所需的此種特權及豁免權（要視適當的情況及義務而定）。

公務人員離職受雇於協會——第十一條：
（甲）（一）依據總統可能指示的條件及情況，任何美國政府機構可在一定時間內，使接受服務於美國在臺協會的任何機構職員或雇員脫離政府職務。
(二)任何根據上述(1.)節情況離開該機構而服務於該協會的任何職員或雇員，有權在終止於協會的服務時，以適當的地位重新為原機構(或接替的機構)雇用或復職，該職員或雇員並保有如果未在總統指示的期間及其他情況下離職所應獲得的附帶權利、特權及福利。

(三)在上述(2.)項中有權重新被雇用或復職的職員或雇員，在繼續不斷為該協會服務期間，應可繼續參加未受雇於該協會之前所參加的任何福利計劃，其中包括因公殉職、負傷或患病的補償；衛生計劃及人壽保險；年度休假、病假、及其他例假計劃；美國法律下任何制度的退休安排。此種職員或雇員如果在為該協會服務期間，及重為原機構雇用或復職之前死亡或退休，應視為在公職上死亡或退休。

(四)任何美國政府機構的職員或雇員，在本法案生效前享准保留原職而停薪情況進入該協會者，在服務期間將獲受本條之下的各項福利。

(乙)美國政府任何機構在臺灣雇用外國人員者，可將此種人員調往該協會，要自然增加其津貼、福利及權利，並不得中斷其服務，以免影響退休及其他福利，其中包括繼續參加調往該協會前，法律規定的退休制度。

(丙)該協會的雇用人員不是美國政府的雇用的人員，其在代表該協會時，免於受美國法典第18條 207項之約束。

(丁)(一)依據一九五四年美國國內稅法911及913項，該協會所付予雇用人員之薪水將不視為薪資所得。該協會雇用人員所獲之薪水應予免稅，其程度與美國政府的文職人員情況同。

(二)除了前述(A.)(3.)所述範圍，受雇該協會所作的服務，將不構成社會安全法第二條所述之受雇目的。

有關報告之規定———第十二條：

(甲)國務卿應將該協會為其中一造的任何協定內容全文送交國會。但是，如果總統認為立即公開透露協定內容會危及美國的國家安全，則此種協定不應送交國會，而應在適當的保密命令下，送交參院及眾院的外交委員會，僅於總統發出適當通知時才得解除機密。

(乙)為了(A.)段所述的目的，「協定」一詞包括

(一)該協會與臺灣的治理當局或臺灣設立之機構所達成的任何協定；

(二)該協會與美國各機構達成的任何協定。

(丙)經由該協會所達成的協定及交易，應接受同樣的國會批准、審查、及認可，如同這些協定是經由美國各機構達成一樣，該協會是代表美國政府行事。

(丁)在本法案生效之日起的兩年期間，國務卿應每六個月向眾院議長及參院外交委員會提出一份報告，描述及檢討與臺灣的經濟關係，尤其是對正常經濟關係的任何干預。
規則與章程——第十三條：
授權總統規定適於執行本法案各項目的的規則與章程。在本法案生效之日起三年期間，此種規則與章程應立即送交眾院議長及參院外交委員會。然而，此種規則章程不得解除本法案所賦予該協會的責任。

國會監督———第十四條：
( 甲 ) 美院外交委員會，參院外交委員會及國會其他適當的委員會將監督：
( 一 ) 本法案各條款的執行；
( 二 ) 該協會的作業及程序；
( 三 ) 美國與臺灣繼續維持關係的法律及技術事項；
( 四 ) 有關東亞安全及合作的美國政策的執行。
( 乙 ) 這些委員會將適當地向參院或眾院報告監督的結果。

定義———第十五條：
為本法案的目的
( 甲 ) 「美國法律」一詞，包括美國任何法規、規則、章程、法令、命令、美國及其政治分支機構的司法程序法；
( 乙 ) 「臺灣」一詞將視情況需要，包括臺灣及澎湖列島，這些島上的人民、公司及根據適用於這些島嶼的法律而設立或組成的其他團體及機構，1979 年 1 月 1 日以前美國承認為中華民國的臺灣治理當局，以及任何接替的治理當局（包括政治分支機構、機構等）。

撥款之授權———第十六條：
除了執行本法案各條款另外獲得的經費外，本法案授權國務卿在 1980 會計年度撥用執行本法案所需的經費。此等經費已獲授權保留運用，直到用盡為止。

條款效力———第十七條：
如果本法案的任何條款被視為無效，或條款對任何人或任何情況的適用性無效，則本法案的其他部份，以及此種條款適用於其他個人或情況的情形，並不受影響。

生效日期———第十八條：
本法案應於 1979 年 1 月 1 日生效。
Nagoya Resolution

RESOLUTION OF THE INTERNATIONAL OLYMPIC COMMITTEE
EXECUTIVE BOARD
Nagoya, 25th October 1979

The People’s Republic of China:
Name: Chinese Olympic Committee
NOC anthem, flag and emblem: flag and anthem of People’s Republic of China.
The emblem submitted to and approved by the Executive Board.
Constitution: In order.

Committee based in Taipei:
Name: Chinese Taipei Olympic Committee
NOC anthem, flag and emblem: Other than that used at present and which must be approved by the Executive Board of the IOC.
Constitution: to be amended in conformity with IOC rules by 1st January 1980.
Ye Jianying’s “Nine-Point Policy”

Articles & Documents
Interview With Xinhua Correspondent

Chairman Ye Jianying’s Elaborations on Policy Concerning Return of Taiwan To Motherland and Peaceful Unification

Ye Jianying, Chairman of the Standing Committee of the National People’s Congress, in an interview with a Xinhua correspondent on September 30, 1981, elaborated on the policy concerning the return of Taiwan to the motherland for the realization of China’s peaceful reunification.

The full text of his statement follows:

Today, on the eve of the 32nd anniversary of the founding of the People’s Republic of China and at the approach of the 70th anniversary of the 1911 Revolution, I wish, first of all, to extend my festive greetings and cordial regards to the people of all nationalities throughout the country, including the compatriots in Taiwan, Xianggang (Hong Kong) and Aomen (Macao), and Chinese nationals residing in foreign countries.

On New Year’s Day 1979, the Standing Committee of the National People’s Congress issued a message to the compatriots in Taiwan, in which it proclaimed the policy of striving to reunify the motherland peacefully. The message received warm support and active response from the people of all nationalities throughout China, including the compatriots in Taiwan, Xianggang and Aomen, and those residing abroad. A relaxed atmosphere has set in across the Taiwan Straits. Now, I would taken this opportunity to elaborate on the policy concerning the return of Taiwan to the motherland for the realization of peaceful reunification:

(1) In order to bring an end to the unfortunate separation of the Chinese nation as early as possible, we propose that talks be held between the Communist Party of China and the Kuomintang of China on a reciprocal basis so that the two parties will co-operate for the third time to accomplish the great cause of national reunification. The two sides may first send people to meet for an exhaustive exchange of views.

(2) It is the urgent desire of the people of all nationalities on both sides of the straits to communicate with each other, reunite with their families and relatives, develop trade and increase mutual understanding. We propose that the two sides make arrangements to facilitate the exchange of mails, trade, air and shipping services, family reunions and visits by relatives and tourists as well as academic,
cultural and sports exchanges, and reach an agreement there upon.

(3) After the country is reunified, Taiwan can enjoy a high degree of autonomy as a special administrative region and it can retain its armed forces. The Central Government will not interfere with local affairs on Taiwan.

(4) Taiwan’s current socio-economic system will remain unchanged, so will its way of life and its economic and cultural relations with foreign countries. There will be no encroachment on the proprietary rights and lawful right of inheritance over private property, houses, land and enterprises, or on foreign investments.

(5) People in authority and representative personages of various circles in Taiwan may take up posts of leadership in national political bodies and participate in running the state.

(6) When Taiwan’s local finance is in difficulty, the Central Government may subsidize it as is fit for the circumstances.

(7) For people of all nationalities and public figures of various circles in Taiwan who wish to come and settle on the mainland, it is guaranteed that proper arrangements will be made for them, that there will be no discrimination against them, and that they will have the freedom of entry and exit.

(8) Industrialists and businessmen in Taiwan are welcome to invest and engage in various economic undertakings on the mainland, and their legal rights, interests and profits are guaranteed.

(9) The reunification of the motherland is the responsibility of all Chinese. We sincerely welcome people of all nationalities, public figures of all circles and all mass organizations in Taiwan to make proposals and suggestions regarding affairs of state through various channels and in various ways.

Taiwan’s return to the embrace of the motherland and the accomplishment of the great cause of national reunification is a great and glorious mission history has bequeathed on our generation. China’s reunification and prosperity is in the vital interest of the Chinese people of all nationalities—not only those on the mainland, but those in Taiwan as well. It is also in the interest of peace in the Far East and the world.

We hope that our compatriots in Taiwan will give full play to their patriotism and work energetically for the early realization of the great unity of our nation and share the honor of it. We hope that our compatriots in Xianggang and Aomen and Chinese nationals residing abroad will continue to act in the role of a bridge and contribute their share to the reunification of the motherland.

We hope that the Kuomintang authorities will stick to their one-China position and their opposition to “two Chinas” and that they will put national interests above everything else, forget previous will and join hands with us in accomplishing the
great cause of national reunification and the great goal of making China prosperous and strong, so as to win glory for our ancestors, being benefit to our posterity and write a new and glorious page in the history of the Chinese nation!

*Xinhua News Agency, September 30, 1981, Beijing*

Source: Beijing Review 1981, No. 40 (October 5 edition), p. 10-11; retrieved from Taiwan Info

---

**葉劍英向新華社記者發表的談話**

(1981年9月30日)

今天是中華人民共和國32周年國慶前夕，又欣逢辛亥革命70周年紀念日即將來臨之際，我首先向全國各族人民，包括台灣同胞、港澳同胞以及國外僑胞致以節日祝賀和親切問候。

1979年元旦，全國人民代表大會常務委員會發表《告台灣同胞書》，宣佈了爭取和平統一祖國的大政方針，得到全中國各族人民，包括台灣同胞、港澳同胞以及國外僑胞的熱烈擁護和積極回應。台灣海峽出現了和緩氣氛。現在，我願趁此機會進一步闡明關於台灣回歸祖國，實現和平統一的方針政策：

（一）為了儘早結束中華民族陷於分裂的不幸局面，我們建議舉行中國共產黨和中國國民黨兩黨對等談判，實行第三次合作，共同完成祖國統一大業。雙方可先派人接觸，充分交換意見。

（二）海峽兩岸各族人民迫切希望互通音訊、親人團聚、開展貿易、增進瞭解。我們建議雙方共同為通郵、通商、通航、探親、旅遊以及開展學術、文化、體育交流提供方便，達成有關協議。

（三）國家實現統一後，台灣可作為特別行政區，享有高度的自治權，並可保留軍隊。中央政府不干預台灣地方事務。

（四）台灣現行社會、經濟制度不變，生活方式不變，同外國的經濟、文化關係不變。私人財產、房屋、土地、企業所權、合法繼承權和外國投資不受侵犯。

（五）台灣當局和各界代表人士，可擔全國性政治機構的領導職務，參與國家管理。

（六）台灣地方財政遇有困難時，可由中央政府酌情補助。

（七）台灣各族人民、各界人士願回祖國大陸定居者，保證妥善安排，不受歧視，來去自由。

（八）歡迎台灣工商界人士回祖國大陸投資，興辦各種經濟事業，保證其合法權益和利潤。

（九）統一祖國，人人有責。我們熱誠歡迎台灣各族人民、各界人士、民眾團體通過各種管道、採取各種方式提供建議，共商國事。

台灣回歸祖國，完成統一大業是我們這一代人光榮、偉大的歷史使命。中國的統一和富強，不僅是祖國大陸各族人民的根本利益所在，同樣是台灣
各族同胞的根本利益所在，而且有利於遠東和世界和平。

我們希望廣大台灣同胞，發揚愛國主義精神，積極促進全民族大團結早日實現，共用民族榮譽。希望港澳同胞、國外僑胞繼續努力，發揮橋樑作用，為統一祖國貢獻力量。

我們希望國民黨當局堅持「一個中國」、反對「兩個中國」的立場，以民族大義為重，捐棄前嫌，同我們攜手並進，共同完成統一祖國大業，實現振興中華的宏圖，為列祖列宗爭光，為子孫後代造福，在中華民族歷史上譜寫新的光輝篇章。

中央政府門戶網站 來源：新華社

Editor’s note ===============

The formal term of Ye Jianying’s “Nine-Point Policy” is “Nine Principles for the Peaceful Reunification with Taiwan” (yōnguǎn hépíng tōngyī Tiānmén de jiǔtiáo fāngzhèng 有關和平統一台灣的九條方針政策, abbrev. Ye jiutiao 葉九條), in English it is also often referred to as “Ye’s Nine Principles” or “Nine-Article Statement”. On Jan. 11, 1982 Deng Xiaoping revealed to foreign guests that Ye’s Nine-Point Policy actually means “One Country, Two Systems” (yīguó liǎngzhì 一國兩制, abbrev. 1C2S) and would also apply to the issue of Hong Kong. In this context Deng on June 26, 1983 explained his “Six Conceptions for the Peaceful Reunification” (guányu shìxiān Tiānmén hǎn zǔguó dalú hépíng tōngyí de liùtiáo gòuxiàng 關於實現台灣和祖國大陸和平統一的六條構想, abbrev. Deng liútiao 鄧六條) which are shown further below.

The “Six Assurances” to Taiwan ROC

Note: On July 14, 1982, James Lilley, at the time director of the American Institute in Taiwan (AIT), the US’s nominally unofficial representative body in Taiwan, called on ROC President Chiang Ching-kuo. In US President Ronald Reagan’s name, Lilley delivered orally—not in writing—six assurances regarding US policy toward Taiwan. Lilley explained:

The United States...

● had not agreed to set a date for ending arms sales to the Republic of China;
● had not agreed to hold prior consultations with the PRC regarding arms sales to the Republic of China;
● would not play a mediation role between the PRC and the Republic of China;
● would not revise the Taiwan Relations Act;
● had not altered its position regarding sovereignty over Taiwan; and
would not exert pressure on the Republic of China to enter into negotiations with the PRC.

雷根總統的『六項保證』
1) 美國未同意在對我軍售上，設定結束期限；
2) 美方對北京要求就對我軍售事與其事先諮商事未予同意；
3) 美方無意扮演任何我與中國大陸間調解人的角色；
4) 美方將不同意修改〈台灣關係法〉；
5) 美方並未改變其對台灣主權的一貫立場；
6) 美方不會對我施加壓力與北京進行談判。

Joint Communiqué of the PRC and the US

August 17, 1982

(1) In the Joint Communiqué on the Establishment of Diplomatic Relations on January 1, 1979, issued by the Government of the People’s Republic of China and the Government of the United States of America, the United States of America recognized the Government of the People’s Republic of China as the sole legal Government of China, and it acknowledged the Chinese position that there is but one China and Taiwan is part of China. Within that context, the two sides agreed that the people of the United States would continue to maintain cultural, commercial, and other unofficial relations with the people of Taiwan. On this basis, relations between China and the United States were normalized.

(2) The question of United States arms sales to Taiwan was not settled in the course of negotiations between the two countries on establishing diplomatic relations. The two sides held differing positions, and the Chinese side stated that it would raise the issue again following normalization. Recognizing that this issue would seriously hamper the development of China-United States relations, they have held further discussions on it, during and since the meetings between Premier Zhao Ziyang and President Ronald Reagan and between Vice-Premier and Foreign Minister Huang Hua and Secretary of State Alexander M. Haig, Jr. in October 1981.

(3) Respect for each other’s sovereignty and territorial integrity and non-interference in each other’s internal affairs constitute the fundamental principles guiding China-United States relations. These principles were confirmed in the Shanghai Communiqué of February 28, 1972 and reaffirmed in the Joint Communiqué on the Establishment of Diplomatic Relations which came into effect
on January 1, 1979. Both sides emphatically state that these principles continue to
govern all aspects of their relations.

(4) The Chinese Government reiterates that the question of Taiwan is China’s
internal affair. The Message to Compatriots in Taiwan issued By China on January 1,
1979 promulgated a fundamental policy of striving for peaceful reunification of the
motherland. The Nine-Point Proposal put forward by China on September 30, 1981
represented a further major effort under this fundamental policy to strive for a
peaceful solution to the Taiwan question.

(5) The United States Government attaches great importance to its relations
with China, and reiterates that it has no intention of infringing on Chinese
sovereignty and territorial integrity, or interfering in China’s internal affairs, or
pursuing a policy of “two Chinas” or “one China, one Taiwan.” The United States
Government understands and appreciates the Chinese policy of striving for a
peaceful resolution of the Taiwan question as indicated in China’s Message to
Compatriots in Taiwan issued on January 1, 1979 and the Nine-Point Proposal put
forward by China on September 30, 1981. The new situation which has emerged
with regard to the Taiwan question also provides favorable conditions for the
settlement of China-United States differences over United States arms sales to
Taiwan.

Having in mind the foregoing statements of both sides, the United States
Government states that it does not seek to carry out a long-term policy of arms sales
to Taiwan, that its arms sales to Taiwan will not exceed, either in qualitative or in
quantitative terms, the level of those supplied in recent years since the establishment
of diplomatic relations between China and the United States, and that it intends
gradually to reduce its sale of arms to Taiwan, leading, over a period of time, to a
final resolution. In so stating, the United States acknowledges China’s consistent
position regarding the thorough settlement of this issue.

(6) In order to bring about, over a period of time, a final settlement of the
question of United States arms sales to Taiwan, which is an issue rooted in history,
the two Governments will make every effort to adopt measures and create
conditions conducive to the through settlement of this issue.

(7) The development of United States–China relations is not only in the
interests of the two peoples but also conducive to peace and stability in the world.
The two sides are determined, on the principle of equality and mutual benefit, to
strengthen their ties in the economic, cultural, educational, scientific, technological
and other fields and make strong, joint efforts for the continued development of
relations between the Governments and peoples of the United States and China.
(8) In order to bring about the healthy development of United States–China relations, maintain world peace and oppose aggression and expansion, the two Governments reaffirm the principles agreed on by the two sides in the Shanghai Communique and the Joint Communique on the Establishment of Diplomatic Relations. The two sides will maintain contact and hold appropriate consultations on bilateral and international issues of common interest.

中華人民共和國和美利堅合衊國聯合公報（八一七公報）
(1982年8月17日)

一、在中華人民共和國政府和美利堅合衊國政府發表的一九七九年一月一日建立外交關係的聯合公報中，美利堅合衊國承認中華人民共和國政府是中國的唯一合法政府，並承認中國的立場，即只有一個中國，臺灣是中國的一部分。在此範圍內，雙方同意，美國人民將同臺灣人民繼續保持文化、商務和其他非官方關係。在此基礎上，中美兩國關係實現了正常化。

二、美國向臺灣出售武器的問題在兩國談判建交的過程中沒有得到解決。雙方的立場不一致，中方聲明在正常化以後將再次提出這個問題。雙方認識到這一問題將會嚴重妨礙中美關係的發展，因而在趙紫陽總理與羅納德·雷根總統以及黃華副總理兼外長與亞歷山大·黑格國務卿于一九八一年十月會見時以及在此之前，雙方進一步就此進行了討論。

三、互相尊重主權和領土完整、互不干涉內政是指導中美關係的根本原則。一九七二年二月二十八的上海公報確認了這些原則。一九七九年一月一日生效的建交公報又重申了這些原則。雙方強調聲明，這些原則仍是指導雙方關係所有方面的原則。

四、中國政府重申，臺灣問題是中國的內政。一九七九年一月一日中國發表的告臺灣同胞書宣佈了爭取和平統一祖國的大政方針。一九八一年九月三十日中國提出的九點方針是按照這一大政方針爭取和平解決臺灣問題的進一步重大努力。

五、美國政府非常重視它與中國的關係，並重申，它無意侵犯中國的主權和領土完整，無意干涉中國的內政，也無意執行“兩個中國”或“一中一台”政策。美國政府理解並欣賞一九七九年一月一日中國發表的告臺灣同胞書和一九八一年九月三十日中國提出的九點方針中所表明的中國爭取和平解決臺灣問題的政策。臺灣問題上出現的新形勢也為解決中美兩國在美國售台武器問題上的分歧提供了有利的條件。

六、考慮到雙方的上述聲明，美國政府聲明，它不尋求執行一項長期向臺灣出售武器的政策，它向臺灣出售的武器在性能和數量上將不超過中美建交後近幾年供應的水平，它準備逐步減少它對臺灣的武器出售，並經過一段時間導致最後的解決。在作這樣的聲明時，美國承認中國關於徹底解決這一問題的一貫立場。
七、為了使美國售台武器這個歷史遺留的問題，經過一段時間最終得到解決，兩國政府將盡一切努力，採取措施，創造條件，以利於徹底解決這個問題。

八、中美關係的發展不僅符合兩國人民的利益，而且也有利於世界和平與穩定。雙方決心本著平等互利的原則，加強經濟、文化、教育、科技和其他方面的聯繫，為繼續發展中華兩國政府和人民之間的關係共同作出重大努力。

九、為了使中美關係健康發展和維護世界和平、反對侵略擴張，兩國政府重申上海公報和建交公報中雙方一致同意的各項原則。雙方將就共同關心的雙邊問題和國際問題保持接觸並進行適當的磋商。

UN Convention on the Law of the Sea [Article 121]

Done at Montego Bay, Jamaica, December 10, 1982
Entered into force November 16, 1994

[...]
Part VIII, Article 121 (Regime of islands)
1. An island is a naturally formed area of land, surrounded by water, which is above water at high tide.
2. Except as provided for in paragraph 3, the territorial sea, the contiguous zone, the exclusive economic zone and the continental shelf of an island are determined in accordance with the provisions of this Convention applicable to other land territory.
3. Rocks which cannot sustain human habitation or economic life of their own shall have no EEZ or continental shelf.
[...]

聯合國海洋法公約
一九八二年十二月十日訂于蒙特哥灣
[...]
第八部分 島嶼制度
第一二一一條
島嶼制度
1. 島嶼是四面環水並在高潮時高於水面的自然形成的陸地區域。
2. 除第3款另有規定外，島嶼的領海、毗連區、專屬經濟區和大陸架應按照本公約適用於其他陸地領土的規定加以確定。
Deng Xiaoping’s “Six Conceptions”

Meeting with Professor Yang Liyu from Seton Hall University of the US on June 26, 1983, Deng Xiaoping elaborated the concept of “One Country, Two Systems”.

(1) The core of the Taiwan question is the Taiwan question is the reunification has become the common aspiration of both the Communist Party and the Kuomintang and thus has constituted the ground for the third cooperation between the two parties.

(2) While maintaining the one-China policy, the two sides can adopt different systems, but the People’s Republic of China should be the sole representative of China in the international community.

(3) Taiwan’s “absolute autonomy” is not allowed. The “absolute autonomy” actually means two Chinas. There should be some restrictions on autonomy, and the bottom line is that the interest of a unified state must not be harmed.

(4) After reunification, as a special administrative region, Taiwan can adopt systems different from those on the mainland and enjoys privileges, which other provinces and autonomous regions may not share. The region can have the powers of a legislature, judiciary and final adjudication. The region can also have its own army as long as it poses no threat to the mainland. The central government will not send officials. Affairs pertaining to Taiwan’s political parties, government and army shall be managed by Taiwan itself, while the central government will reserve some positions for Taiwan.

(5) Peaceful reunification does not mean the mainland will swallow Taiwan, or vice versa. To reunify China with the “Three People’s Principles” is not practical.

(6) The proper way for peaceful reunification is to hold negotiations between the Communist Party and the Kuomintang on an equal footing. After the two sides reach an agreement, an official announcement can be made. Foreign powers cannot be allowed to interfere with this affair, because it would otherwise mean China has not achieved independence and would only give use to endless future troubles.
邓小平论以“一国两制”解决台湾问题

1983年6月25日，邓小平在会见美国西东大学教授杨力宇时，阐述了按照「一国两制」解决台湾问题、实现国家统一的构想：

(一) 台湾问题的核心是祖国统一。和平统一已成为国共两党的共同语言。
我们希望国共两党共同完成民族统一，大家都对中华民族作出贡献。

(二) 我们不赞成台湾「完全自治」的提法。自治不能没有限度，有限度就不能「完全」。「完全自治」就是「两个中国」，而不是一个中国。

(三) 制度可以不同，但在国际上代表中国的，只能是中华人民共和国。

(四) 我们承认台湾地方政府在对内政策上可以搞自己的一套。台湾作为特别行政区，虽是地区政府，但同其他省、市乃至自治区的地方政府不同，可以有其他省、市、自治区所没有而为自己所独有的某些权力，条件是不能损害统一的国家的利益。

祖国统一后，台湾特别行政区可以有自己的独立性，可以实行不同于大陆不同的制度。司法独立，终审权不须到北京。台湾还可以有自己的军队，只是不能构成对大陆的威胁。大陆不派人驻台，不仅军队不去，行政人员也不去。台湾的党、政、军等系统，都由台湾自己来管。中央政府还要给台湾留出名额。

(五) 和平统一不是大陆把台湾吃掉，当然也不能是台湾把大陆吃掉。所谓「三民主义统一中国」，这不现实。

(六) 要实现统一，就要有适当方式，所以我们建议举行两党平等会谈，实行第三次合作，而不提中央与地方谈判。双方达成协议后，可以正式宣布。但万万不可让外国插手，那样只能意味著中国还未独立，后患无穷。

■ Editor’s note ==============

Most Chinese sources have omitted the precise numbering which in this version was derived from the website of the PRC embassy in Japan but does not exactly correspond with the numbering shown in the official English version.

The Sino-British Joint Declaration on the Question of Hong Kong

Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People’s Republic of China on the Question of Hong Kong
The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China have reviewed with satisfaction the friendly relations existing between the two Governments and peoples in recent years and agreed that a proper negotiated settlement of the question of Hong Kong, which is left over from the past, is conducive to the maintenance of the prosperity and stability of Hong Kong and to the further strengthening and development of the relations between the two countries on a new basis. To this end, they have, after talks between the delegations of the two Governments, agreed to declare as follows:

1. The Government of the People's Republic of China declares that to recover the Hong Kong area (including Hong Kong Island, Kowloon and the New Territories, hereinafter referred to as Hong Kong) is the common aspiration of the entire Chinese people, and that it has decided to resume the exercise of sovereignty over Hong Kong with effect from 1 July 1997.

2. The Government of the United Kingdom declares that it will restore Hong Kong to the People's Republic of China with effect from 1 July 1997.

3. The Government of the People’s Republic of China declares that the basic policies of the People’s Republic of China regarding Hong Kong are as follows:
   (1) Upholding national unity and territorial integrity and taking account of the history of Hong Kong and its realities, the People's Republic of China has decided to establish, in accordance with the provisions of Article 31 of the Constitution of the People's Republic of China, a Hong Kong Special Administrative Region upon resuming the exercise of sovereignty over Hong Kong.
   (2) The Hong Kong Special Administrative Region will be directly under the authority of the Central People’s Government of the People’s Republic of China. The Hong Kong Special Administrative Region will enjoy a high degree of autonomy, except in foreign and defence affairs which are the responsibilities of the Central People’s Government.
   (3) The Hong Kong Special Administrative Region will be vested with executive, legislative and independent judicial power, including that of final adjudication. The laws currently in force in Hong Kong will remain basically unchanged.
   (4) The Government of the Hong Kong Special Administrative Region will be composed of local inhabitants. The chief executive will be appointed by the Central People’s Government on the basis of the results of elections or consultations to be held locally. Principal officials will be nominated by the chief executive of the Hong Kong Special Administrative Region for appointment by the Central People's Government. Chinese and foreign nationals previously working in the public and police services in the
government departments of Hong Kong may remain in employment. British and other foreign nationals may also be employed to serve as advisers or hold certain public posts in government departments of the Hong Kong Special Administrative Region.

(5) The current social and economic systems in Hong Kong will remain unchanged, and so will the life-style. Rights and freedoms, including those of the person, of speech, of the press, of assembly, of association, of travel, of movement, of correspondence, of strike, of choice of occupation, of academic research and of religious belief will be ensured by law in the Hong Kong Special Administrative Region. Private property, ownership of enterprises, legitimate right of inheritance and foreign investment will be protected by law.

(6) The Hong Kong Special Administrative Region will retain the status of a free port and a separate customs territory.

(7) The Hong Kong Special Administrative Region will retain the status of an international financial centre, and its markets for foreign exchange, gold, securities and futures will continue. There will be free flow of capital. The Hong Kong dollar will continue to circulate and remain freely convertible.

(8) The Hong Kong Special Administrative Region will have independent finances. The Central People’s Government will not levy taxes on the Hong Kong Special Administrative Region.

(9) The Hong Kong Special Administrative Region may establish mutually beneficial economic relations with the United Kingdom and other countries, whose economic interests in Hong Kong will be given due regard.

(10) Using the name of “Hong Kong, China”, the Hong Kong Special Administrative Region may on its own maintain and develop economic and cultural relations and conclude relevant agreements with states, regions and relevant international organisations. The Government of the Hong Kong Special Administrative Region may on its own issue travel documents for entry into and exit from Hong Kong.

(11) The maintenance of public order in the Hong Kong Special Administrative Region will be the responsibility of the Government of the Hong Kong Special Administrative Region.

(12) The above-stated basic policies of the People’s Republic of China regarding Hong Kong and the elaboration of them in Annex I to this Joint Declaration will be stipulated, in a Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China, by the National
People’s Congress of the People’s Republic of China, and they will remain unchanged for 50 years.

4. The Government of the United Kingdom and the Government of the People's Republic of China declare that, during the transitional period between the date of the entry into force of this Joint Declaration and 30 June 1997, the Government of the United Kingdom will be responsible for the administration of Hong Kong with the object of maintaining and preserving its economic prosperity and social stability; and that the Government of the People's Republic of China will give its co-operation in this connection.

5. The Government of the United Kingdom and the Government of the People's Republic of China declare that, in order to ensure a smooth transfer of government in 1997, and with a view to the effective implementation of this Joint Declaration, a Sino-British Joint Liaison Group will be set up when this Joint Declaration enters into force; and that it will be established and will function in accordance with the provisions of Annex II to this Joint Declaration.

6. The Government of the United Kingdom and the Government of the People's Republic of China declare that land leases in Hong Kong and other related matters will be dealt with in accordance with the provisions of Annex III to this Joint Declaration.

7. The Government of the United Kingdom and the Government of the People's Republic of China agree to implement the preceding declarations and the Annexes to this Joint Declaration.

8. This Joint Declaration is subject to ratification and shall enter into force on the date of the exchange of instruments of ratification, which shall take place in Beijing before 30 June 1985. This Joint Declaration and its Annexes shall be equally binding.

Done in duplicate at Beijing on December 19, 1984 in the English and Chinese languages, both texts being equally authentic.

For the Government of the United Kingdom of Great Britain and Northern Ireland
Margaret Thatcher

For the Government of the People's Republic of China
Zhao Ziyang

ANNEX I
Elaboration by the government of the People's Republic of China of its basic policies regarding Hong Kong
The Government of the People's Republic of China elaborates the basic policies of the People's Republic of China regarding Hong Kong as set out in paragraph 3 of the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong as follows:

I. CONSTITUTION

Establishment of the Hong Kong S.A.R.

The Basic Law

The Constitution of the People's Republic of China stipulates in Article 31 "that the state may establish special administrative regions when necessary. The systems to be instituted in special administrative regions shall be prescribed by laws enacted by the National People's Congress in the light of the specific conditions." In accordance with this Article, the People's Republic of China shall, upon the resumption of the exercise of sovereignty over Hong Kong on 1 July 1997, establish the Hong Kong Special Administrative Region of the People's Republic of China. The National People's Congress of the People's Republic of China shall enact and promulgate a Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (hereinafter referred to as the Basic Law) in accordance with the Constitution of the People's Republic of China, stipulating that after the establishment of the Hong Kong Special Administrative Region the socialist system and socialist policies shall not be practised in the Hong Kong Special Administrative Region and that Hong Kong's previous capitalist system and life-style shall remain unchanged for 50 years.

The Hong Kong Special Administrative Region shall be directly under the authority of the Central People's Government of the People's Republic of China and shall enjoy a high degree of autonomy. Except for foreign and defence affairs which are the responsibilities of the Central People's Government, the Hong Kong Special Administrative Region shall be vested with executive, legislative and independent judicial power, including that of final adjudication. The Central People's Government shall authorise the Hong Kong Special Administrative Region to conduct on its own those external affairs specified in Section XI of this Annex.

Chief Executive. Principal Officials. The Legislature

The government and legislature of the Hong Kong Special Administrative Region shall be composed of local inhabitants. The chief executive of the Hong Kong Special Administrative Region shall be selected by election or through consultations held locally and be appointed by the Central People's Government. Principal officials (equivalent to Secretaries) shall be nominated by the chief executive of the Hong Kong Special Administrative Region and appointed by the
Central People's Government. The legislature of the Hong Kong Special Administrative Region shall be constituted by elections. The executive authorities shall abide by the law and shall be accountable to the legislature.

Language

In addition to Chinese, English may also be used in organs of government and in the courts in the Hong Kong Special Administrative Region.

Regional flag and emblem

Apart from displaying the national flag and national emblem of the People's Republic of China, the Hong Kong Special Administrative Region may use a regional flag and emblem of its own.

II. LEGAL SYSTEM

Laws previously in force

After the establishment of the Hong Kong Special Administrative Region, the laws previously in force in Hong Kong (i.e. the common law, rules of equity, ordinances, subordinate legislation and customary law) shall be maintained, save for any that contravene the Basic Law and subject to any amendment by the Hong Kong Special Administrative Region legislature.

Legislative power

The legislative power of the Hong Kong Special Administrative Region shall be vested in the legislature of the Hong Kong Special Administrative Region. The legislature may on its own authority enact laws in accordance with the provisions of the Basic Law and legal procedures, and report them to the Standing Committee of the National People's Congress for the record. Laws enacted by the legislature which are in accordance with the Basic Law and legal procedures shall be regarded as valid.

Laws of the SAR

The laws of the Hong Kong Special Administrative Region shall be the Basic Law, and the laws previously in force in Hong Kong and laws enacted by the Hong Kong Special Administrative Region legislature as above.

III. JUDICIAL SYSTEM

Previous judicial system

After the establishment of the Hong Kong Special Administrative Region, the judicial system previously practised in Hong Kong shall be maintained except for those changes consequent upon the vesting in the courts of the Hong Kong Special Administrative Region of the power of final adjudication.

Judicial power; Precedents

Judicial power in the Hong Kong Special Administrative Region shall be vested in the courts of the Hong Kong Special Administrative Region. The courts shall exercise judicial power independently and free from any interference. Members of
the judiciary shall be immune from legal action in respect of their judicial functions. The courts shall decide cases in accordance with the laws of the Hong Kong Special Administrative Region and may refer to precedents in other common law jurisdictions.

Appointment and removal of judges

Judges of the Hong Kong Special Administrative Region courts shall be appointed by the chief executive of the Hong Kong Special Administrative Region acting in accordance with the recommendation of an independent commission composed of local judges, persons from the legal profession and other eminent persons. Judges shall be chosen by reference to their judicial qualities and may be recruited from other common law jurisdictions. A judge may only be removed for inability to discharge the functions of his office, or for misbehaviour, by the chief executive of the Hong Kong Special Administrative Region acting in accordance with the recommendation of a tribunal appointed by the chief judge of the court of final appeal, consisting of not fewer than three local judges. Additionally, the appointment or removal of principal judges (i.e. those of the highest rank) shall be made by the chief executive with the endorsement of the Hong Kong Special Administrative Region legislature and reported to the Standing Committee of the National People's Congress for the record. The system of appointment and removal of judicial officers other than judges shall be maintained.

Power of final judgment

The power of final judgment of the Hong Kong Special Administrative Region shall be vested in the court of final appeal in the Hong Kong Special Administrative Region, which may as required invite judges from other common law jurisdictions to sit on the court of final appeal.

Prosecutions

A prosecuting authority of the Hong Kong Special Administrative Region shall control criminal prosecutions free from any interference.

Legal practitioners

On the basis of the system previously operating in Hong Kong, the Hong Kong Special Administrative Region Government shall on its own make provision for local lawyers and lawyers from outside the Hong Kong Special Administrative Region to work and practise in the Hong Kong Special Administrative Region.

Reciprocal juridical assistance

The Central People's Government shall assist or authorise the Hong Kong Special Administrative Region Government to make appropriate arrangements for reciprocal juridical assistance with foreign states.

IV. PUBLIC SERVICE
Public servants and members of judiciary previously serving in H.K.

After the establishment of the Hong Kong Special Administrative Region, public servants previously serving in Hong Kong in all government departments, including the police department, and members of the judiciary may all remain in employment and continue their service with pay, allowances, benefits and conditions of service no less favourable than before. The Hong Kong Special Administrative Region Government shall pay to such persons who retire or complete their contracts, as well as to those who have retired before 1 July 1997, or to their dependants, all pensions, gratuities, allowances and benefits due to them on terms no less favourable than before, and irrespective of their nationality or place of residence.

Foreign nationals in public service

The Hong Kong Special Administrative Region Government may employ British and other foreign nationals previously serving in the public service in Hong Kong, and may recruit British and other foreign nationals holding permanent identity cards of the Hong Kong Special Administrative Region to serve as public servants at all levels, except as heads of major government departments (corresponding to branches or departments at Secretary level) including the police department, and as deputy heads of some of those departments. The Hong Kong Special Administrative Region Government may also employ British and other foreign nationals as advisers to government departments and, when there is a need, may recruit qualified candidates from outside the Hong Kong Special Administrative Region to professional and technical posts in government departments. The above shall be employed only in their individual capacities and, like other public servants, shall be responsible to the Hong Kong Special Administrative Region Government.

Appointment and promotion of public servants

The appointment and promotion of public servants shall be on the basis of qualifications, experience and ability. Hong Kong’s previous system of recruitment, employment, assessment, discipline, training and management for the public service (including special bodies for appointment, pay and conditions of service) shall, save for any provisions providing privileged treatment for foreign nationals, be maintained.

V. FINANCE

Budget

The Hong Kong Special Administrative Region shall deal on its own with financial matters, including disposing of its financial resources and drawing up its budgets and its final accounts. The Hong Kong Special Administrative Region shall report its budgets and final accounts to the Central People's Government for the record.
Taxation and public expenditure

The Central People's Government shall not levy taxes on the Hong Kong Special Administrative Region. The Hong Kong Special Administrative Region shall use its financial revenues exclusively for its own purposes and they shall not be handed over to the Central People's Government. The systems by which taxation and public expenditure must be approved by the legislature, and by which there is accountability to the legislature for all public expenditure, and the system for auditing public accounts shall be maintained.

VI. ECONOMIC SYSTEM

Economic and trade system.

Ownership of property

The Hong Kong Special Administrative Region shall maintain the capitalist economic and trade systems previously practised in Hong Kong. The Hong Kong Special Administrative Region Government shall decide its economic and trade policies on its own. Rights concerning the ownership of property, including those relating to acquisition, use, disposal, inheritance and compensation for lawful deprivation (corresponding to the real value of the property concerned, freely convertible and paid without undue delay) shall continue to be protected by law.

Free port and free trade policy

The Hong Kong Special Administrative Region shall retain the status of a free port and continue a free trade policy, including the free movement of goods and capital. The Hong Kong Special Administrative Region may on its own maintain and develop economic and trade relations with all states and regions.

Customs territory.

GATT.

The Hong Kong Special Administrative Region shall be a separate customs territory. It may participate in relevant international organisations and international trade agreements (including preferential trade arrangements), such as the General Agreement on Tariffs and Trade and arrangements regarding international trade in textiles. Export quotas, tariff preferences and other similar arrangements obtained by the Hong Kong Special Administrative Region shall be enjoyed exclusively by the Hong Kong Special Administrative Region. The Hong Kong Special Administrative Region shall have authority to issue its own certificates of origin for products manufactured locally, in accordance with prevailing rules of origin.

Trade missions

The Hong Kong Special Administrative Region may, as necessary, establish official and semi-official economic and trade missions in foreign countries, reporting the establishment of such missions to the Central People's Government for the
VII. MONETARY SYSTEM

Previous monetary and financial systems

The Hong Kong Special Administrative Region shall retain the status of an international financial centre. The monetary and financial systems previously practised in Hong Kong, including the systems of regulation and supervision of deposit taking institutions and financial markets, shall be maintained.

Monetary and financial policies

The Hong Kong Special Administrative Region Government may decide its monetary and financial policies on its own. It shall safeguard the free operation of financial business and the free flow of capital within, into and out of the Hong Kong Special Administrative Region. No exchange control policy shall be applied in the Hong Kong Special Administrative Region. Markets for foreign exchange, gold, securities and futures shall continue.

Hong Kong dollar

The Hong Kong dollar, as the local legal tender, shall continue to circulate and remain freely convertible. The authority to issue Hong Kong currency shall be vested in the Hong Kong Special Administrative Region Government. The Hong Kong Special Administrative Region Government may authorise designated banks to issue or continue to issue Hong Kong currency under statutory authority, after satisfying itself that any issue of currency will be soundly based and that the arrangements for such issue are consistent with the object of maintaining the stability of the currency. Hong Kong currency bearing references inappropriate to the status of Hong Kong as a Special Administrative Region of the People's Republic of China shall be progressively replaced and withdrawn from circulation.

Exchange Fund

The Exchange Fund shall be managed and controlled by the Hong Kong Special Administrative Region Government, primarily for regulating the exchange value of the Hong Kong dollar.

VIII. SHIPPING

Previous systems of shipping management and regulation

The Hong Kong Special Administrative Region shall maintain Hong Kong's previous systems of shipping management and shipping regulation, including the system for regulating conditions of seamen. The specific functions and responsibilities of the Hong Kong Special Administrative Region Government in the field of shipping shall be defined by the Hong Kong Special Administrative Region Government on its own. Private shipping businesses and shipping-related businesses and private container terminals in Hong Kong may continue to operate freely.
Shipping registers and issue of certificates

The Hong Kong Special Administrative Region shall be authorised by the Central People's Government to continue to maintain a shipping register and issue related certificates under its own legislation in the name of 'Hong Kong, China'.

Access to HKSAR ports

With the exception of foreign warships, access for which requires the permission of the Central People's Government, ships shall enjoy access to the ports of the Hong Kong Special Administrative Region in accordance with the laws of the Hong Kong Special Administrative Region.

IX. CIVIL AVIATION

Previous system of civil aviation management

The Hong Kong Special Administrative Region shall maintain the status of Hong Kong as a centre of international and regional aviation. Airlines incorporated and having their principal place of business in Hong Kong and civil aviation related businesses may continue to operate. The Hong Kong Special Administrative Region shall continue the previous system of civil aviation management in Hong Kong, and keep its own aircraft register in accordance with provisions laid down by the Central People's Government concerning nationality marks and registration marks of aircraft. The Hong Kong Special Administrative Region shall be responsible on its own for matters of routine business and technical management of civil aviation, including the management of airports, the provision of air traffic services within the flight information region of the Hong Kong Special Administrative Region, and the discharge of other responsibilities allocated under the regional air navigation procedures of the International Civil Aviation Organisation.

Air services

The Central People's Government shall, in consultation with the Hong Kong Special Administrative Region Government, make arrangements providing for air services between the Hong Kong Special Administrative Region and other parts of the People's Republic of China for airlines incorporated and having their principal place of business in the Hong Kong Special Administrative Region and other airlines of the People's Republic of China. All Air Service Agreements providing for air services between other parts of the People's Republic of China and other states and regions with stops at the Hong Kong Special Administrative Region and air services between the Hong Kong Special Administrative Region and other states and regions with stops at other parts of the People's Republic of China shall be concluded by the Central People's Government. For this purpose, the Central People's Government shall take account of the special conditions and economic interests of the Hong Kong Special Administrative Region and consult the Hong Kong Special
Administrative Region Government. Representatives of the Hong Kong Special Administrative Region Government may participate as members of delegations of the Government of the People's Republic of China in air service consultations with foreign governments concerning arrangements for such services.

**Air Service Agreements**

Acting under specific authorisations from the Central People's Government, the Hong Kong Special Administrative Region Government may:

- renew or amend Air Service Agreements and arrangements previously in force; in principle, all such Agreements and arrangements may be renewed or amended with the rights contained in such previous Agreements and arrangements being as far as possible maintained;
- negotiate and conclude new Air Service Agreements providing routes for airlines incorporated and having their principal place of business in the Hong Kong Special Administrative Region and rights for overflights and technical stops; and
- negotiate and conclude provisional arrangements where no Air Service Agreement with a foreign state or other region is in force.

All scheduled air services to, from or through the Hong Kong Special Administrative Region which do not operate to, from or through the mainland of China shall be regulated by Air Service Agreements or provisional arrangements referred to in this paragraph.

The Central People's Government shall give the Hong Kong Special Administrative Region Government the authority to:

- negotiate and conclude with other authorities all arrangements concerning the implementation of the above Air Service Agreements and provisional arrangements;
- issue licences to airlines incorporated and having their principal place of business in the Hong Kong Special Administrative Region;
- designate such airlines under the above Air Service Agreements and provisional arrangements; and
- issue permits to foreign airlines for services other than those to, from or through the mainland of China.

**X. EDUCATION**

The Hong Kong Special Administrative Region shall maintain the educational system previously practised in Hong Kong. The Hong Kong Special Administrative Region Government shall on its own decide policies in the fields of culture, education, science and technology, including policies regarding the educational system and its administration, the language of instruction, the allocation of funds, the examination system, the system of academic awards and the recognition of
educational and technological qualifications. Institutions of all kinds, including those run by religious and community organisations, may retain their autonomy. They may continue to recruit staff and use teaching materials from outside the Hong Kong Special Administrative Region. Students shall enjoy freedom of choice of education and freedom to pursue their education outside the Hong Kong Special Administrative Region.

XI. FOREIGN AFFAIRS

General

Subject to the principle that foreign affairs are the responsibility of the Central People's Government, representatives of the Hong Kong Special Administrative Region Government may participate, as members of delegations of the Government of the People's Republic of China, in negotiations at the diplomatic level directly affecting the Hong Kong Special Administrative Region conducted by the Central People's Government. The Hong Kong Special Administrative Region may on its own, using the name 'Hong Kong, China', maintain and develop relations and conclude and implement agreements with states, regions and relevant international organisations in the appropriate fields, including the economic, trade, financial and monetary, shipping, communications, touristic, cultural and sporting fields. Representatives of the Hong Kong Special Administrative Region Government may participate, as members of delegations of the Government of the People's Republic of China, in international organisations or conferences in appropriate fields limited to states and affecting the Hong Kong Special Administrative Region, or may attend in such other capacity as may be permitted by the Central People's Government and the organisation or conference concerned, and may express their views in the name of 'Hong Kong, China'. The Hong Kong Special Administrative Region may, using the name 'Hong Kong, China', participate in international organisations and conferences not limited to states.

International agreements

The application to the Hong Kong Special Administrative Region of international agreements to which the People's Republic of China is or becomes a party shall be decided by the Central People's Government, in accordance with the circumstances and needs of the Hong Kong Special Administrative Region, and after seeking the views of the Hong Kong Special Administrative Region Government. International agreements to which the People's Republic of China is not a party but which are implemented in Hong Kong may remain implemented in the Hong Kong Special Administrative Region. The Central People's Government shall, as necessary, authorise or assist the Hong Kong Special Administrative Region Government to make appropriate arrangements for the application to the Hong Kong
Kong Special Administrative Region of other relevant international agreements. The Central People's Government shall take the necessary steps to ensure that the Hong Kong Special Administrative Region shall continue to retain its status in an appropriate capacity in those international organisations of which the People's Republic of China is a member and in which Hong Kong participates in one capacity or another. The Central People's Government shall, where necessary, facilitate the continued participation of the Hong Kong Special Administrative Region in an appropriate capacity in those international organisations in which Hong Kong is a participant in one capacity or another, but of which the People's Republic of China is not a member.

Consular and other missions

Foreign consular and other official or semi-official missions may be established in the Hong Kong Special Administrative Region with the approval of the Central People's Government. Consular and other official missions established in Hong Kong by states which have established formal diplomatic relations with the People's Republic of China may be maintained. According to the circumstances of each case, consular and other official missions of states having no formal diplomatic relations with the People's Republic of China may either be maintained or changed to semi-official missions. States not recognised by the People's Republic of China can only establish non-governmental institutions.

The United Kingdom may establish a Consulate-General in the Hong Kong Special Administrative Region.

XII. DEFENCE

The maintenance of public order in the Hong Kong Special Administrative Region shall be the responsibility of the Hong Kong Special Administrative Region Government. Military forces sent by the Central People's Government to be stationed in the Hong Kong Special Administrative Region for the purpose of defence shall not interfere in the internal affairs of the Hong Kong Special Administrative Region. Expenditure for these military forces shall be borne by the Central People's Government.

XIII. BASIC RIGHTS AND FREEDOMS

General

The Hong Kong Special Administrative Region Government shall protect the rights and freedoms of inhabitants and other persons in the Hong Kong Special Administrative Region according to law. The Hong Kong Special Administrative Region Government shall maintain the rights and freedoms as provided for by the laws previously in force in Hong Kong, including freedom of the person, of speech, of the press, of assembly, of association, to form and join trade unions, of
correspondence, of travel, of movement, of strike, of demonstration, of choice of occupation, of academic research, of belief, inviolability of the home, the freedom to marry and the right to raise a family freely.

Legal advice and judicial remedies

Every person shall have the right to confidential legal advice, access to the courts, representation in the courts by lawyers of his choice, and to obtain judicial remedies. Every person shall have the right to challenge the actions of the executive in the courts.

Religion

Religious organisations and believers may maintain their relations with religious organisations and believers elsewhere, and schools, hospitals and welfare institutions run by religious organisations may be continued. The relationship between religious organisations in the Hong Kong Special Administrative Region and those in other parts of the People's Republic of China shall be based on the principles of non-subordination, non-interference and mutual respect.

International Covenants

The provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as applied to Hong Kong shall remain in force.

XIV. RIGHT OF ABODE, TRAVEL, IMMIGRATION

Right of abode

The following categories of persons shall have the right of abode in the Hong Kong Special Administrative Region, and, in accordance with the law of the Hong Kong Special Administrative Region, be qualified to obtain permanent identity cards issued by the Hong Kong Special Administrative Region Government, which state their right of abode:

- all Chinese nationals who were born or who have ordinarily resided in Hong Kong before or after the establishment of the Hong Kong Special Administrative Region for a continuous period of 7 years or more, and persons of Chinese nationality born outside Hong Kong of such Chinese nationals;
- all other persons who have ordinarily resided in Hong Kong before or after the establishment of the Hong Kong Special Administrative Region for a continuous period of 7 years or more and who have taken Hong Kong as their place of permanent residence before or after the establishment of the Hong Kong Special Administrative Region, and persons under 21 years of age who were born of such persons in Hong Kong before or after the establishment of the Hong Kong Special Administrative Region;
any other person who had the right of abode only in Hong Kong before the establishment of the Hong Kong Special Administrative Region.

Passports etc

The Central People's Government shall authorise the Hong Kong Special Administrative Region Government to issue, in accordance with the law, passports of the Hong Kong Special Administrative Region of the People's Republic of China to all Chinese nationals who hold permanent identity cards of the Hong Kong Special Administrative Region, and travel documents of the Hong Kong Special Administrative Region of the People's Republic of China to all other persons lawfully residing in the Hong Kong Special Administrative Region. The above passports and documents shall be valid for all states and regions and shall record the holder's right to return to the Hong Kong Special Administrative Region.

Use of travel documents

For the purpose of travelling to and from the Hong Kong Special Administrative Region, residents of the Hong Kong Special Administrative Region may use travel documents issued by the Hong Kong Special Administrative Region Government, or by other competent authorities of the People's Republic of China, or of other states. Holders of permanent identity cards of the Hong Kong Special Administrative Region may have this fact stated in their travel documents as evidence that the holders have the right of abode in the Hong Kong Special Administrative Region.

Entry into the Hong Kong Special Administrative Region of persons from other parts of China shall continue to be regulated in accordance with the present practice.

Immigration controls

The Hong Kong Special Administrative Region Government may apply immigration controls on entry, stay in and departure from the Hong Kong Special Administrative Region by persons from foreign states and regions.

Freedom to leave SAR

Unless restrained by law, holders of valid travel documents shall be free to leave the Hong Kong Special Administrative Region without special authorisation.

Visa abolition agreements

The Central People's Government shall assist or authorise the Hong Kong Special Administrative Region Government to conclude visa abolition agreements with states or regions.

ANNEX II

Sino-British Joint Liaison Group
1. In furtherance of their common aim and in order to ensure a smooth transfer of government in 1997, the Government of the United Kingdom and the Government of the People's Republic of China have agreed to continue their discussions in a friendly spirit and to develop the cooperative relationship which already exists between the two Governments over Hong Kong with a view to the effective implementation of the Joint Declaration.

2. In order to meet the requirements for liaison, consultation and the exchange of information, the two Governments have agreed to set up a Joint Liaison Group.

3. The functions of the Joint Liaison Group shall be:
   a) to conduct consultations on the implementation of the Joint Declaration;
   b) to discuss matters relating to the smooth transfer of government in 1997;
   c) to exchange information and conduct consultations on such subjects as may be agreed by the two sides.

Matters on which there is disagreement in the Joint Liaison Group shall be referred to the two Governments for solution through consultations.

4. Matters for consideration during the first half of the period between the establishment of the Joint Liaison Group and 1 July 1997 shall include:
   a) action to be taken by the two Governments to enable the Hong Kong Special Administrative Region to maintain its economic relations as a separate customs territory, and in particular to ensure the maintenance of Hong Kong's participation in the General Agreement on Tariffs and Trade, the Multifibre Arrangement and other international arrangements; and
   b) action to be taken by the two Governments to ensure the continued application of international rights and obligations affecting Hong Kong.

5. The two Governments have agreed that in the second half of the period between the establishment of the Joint Liaison Group and 1 July 1997 there will be need for closer cooperation, which will therefore be intensified during that period. Matters for consideration during this second period shall include:
   a) procedures to be adopted for the smooth transition in 1997;
   b) action to assist the Hong Kong Special Administrative Region to maintain and develop economic and cultural relations and conclude agreements on these matters with states, regions and relevant international organisations.

6. The Joint Liaison Group shall be an organ for liaison and not an organ of power. It shall play no part in the administration of Hong Kong or the Hong Kong Special Administrative Region. Nor shall it have any supervisory role over that administration. The members and supporting staff of the Joint Liaison Group shall only conduct activities within the scope of the functions of the Joint Liaison Group.
7. Each side shall designate a senior representative who shall be of Ambassadorial rank, and four other members of the group. Each side may send up to 20 supporting staff.

8. The Joint Liaison Group shall be established on the entry into force of the Joint Declaration. From 1 July 1988 the Joint Liaison Group shall have its principal base in Hong Kong. The Joint Liaison Group shall continue its work until 1 January 2000.

9. The Joint Liaison Group shall meet in Beijing, London and Hong Kong. It shall meet at least once in each of the three locations in each year. The venue for each meeting shall be agreed between the two sides.

10. Members of the Joint Liaison Group shall enjoy diplomatic privileges and immunities as appropriate when in the three locations. Proceedings of the Joint Liaison Group shall remain confidential unless otherwise agreed between the two sides.

11. The Joint Liaison Group may by agreement between the two sides decide to set up specialist sub-groups to deal with particular subjects requiring expert assistance.

12. Meetings of the Joint Liaison Group and sub-groups may be attended by experts other than the members of the Joint Liaison Group. Each side shall determine the composition of its delegation to particular meetings of the Joint Liaison Group or sub-group in accordance with the subjects to be discussed and the venue chosen.

13. The working procedures of the Joint Liaison Group shall be discussed and decided upon by the two sides within the guidelines laid down in this Annex.

**ANNEX III**

**Land Leases**

The Government of the United Kingdom and the Government of the People's Republic of China have agreed that, with effect from the entry into force of the Joint Declaration, land leases in Hong Kong and other related matters shall be dealt with in accordance with the following provisions:

1. All leases of land granted or decided upon before the entry into force of the Joint Declaration and those granted thereafter in accordance with paragraph 2 or 3 of this Annex, and which extend beyond 30 June 1997, and all rights in relation to such leases shall continue to be recognised and protected under the law of the Hong Kong Special Administrative Region.

2. All leases of land granted by the British Hong Kong Government not containing a right of renewal that expire before 30 June 1997, except short term tenancies and leases for special purposes, may be extended if the lessee so wishes for a period expiring not later than 30 June 2047 without payment of an additional premium. An annual rent shall be charged from the date of extension equivalent to 3 per cent of the rateable value of the property at that date, adjusted in step with any changes in
the rateable value thereafter. In the case of old schedule lots, village lots, small houses and similar rural holdings, where the property was on 30 June 1984 held by, or, in the case of small houses granted after that date, the property is granted to, a person descended through the male line from a person who was in 1898 a resident of an established village in Hong Kong, the rent shall remain unchanged so long as the property is held by that person or by one of his lawful successors in the male line. Where leases of land not having a right of renewal expire after 30 June 1997, they shall be dealt with in accordance with the relevant land laws and policies of the Hong Kong Special Administrative Region.

3. From the entry into force of the Joint Declaration until 30 June 1997, new leases of land may be granted by the British Hong Kong Government for terms expiring not later than 30 June 2047. Such leases shall be granted at a premium and nominal rental until 30 June 1997, after which date they shall not require payment of an additional premium but an annual rent equivalent to 3 per cent of the rateable value of the property at that date, adjusted in step with changes in the rateable value thereafter, shall be charged.

4. The total amount of new land to be granted under paragraph 3 of this Annex shall be limited to 50 hectares a year (excluding land to be granted to the Hong Kong Housing Authority for public rental housing) from the entry into force of the Joint Declaration until 30 June 1997.

5. Modifications of the conditions specified in leases granted by the British Hong Kong Government may continue to be granted before 1 July 1997 at a premium equivalent to the difference between the value of the land under the previous conditions and its value under the modified conditions.

6. From the entry into force of the Joint Declaration until 30 June 1997, premium income obtained by the British Hong Kong Government from land transactions shall, after deduction of the average cost of land production, be shared equally between the British Hong Kong Government and the future Hong Kong Special Administrative Region Government. All the income obtained by the British Hong Kong Government, including the amount of the above-mentioned deduction, shall be put into the Capital Works Reserve Fund for the financing of land development and public works in Hong Kong. The Hong Kong Special Administrative Region Government's share of the premium income shall be deposited in banks incorporated in Hong Kong and shall not be drawn on except for the financing of land development and public works in Hong Kong in accordance with the provisions of paragraph 7(d) of this Annex.

7. A Land Commission shall be established in Hong Kong immediately upon the entry into force of the Joint Declaration. The Land Commission shall be composed
of an equal number of officials designated respectively by the Government of the United Kingdom and the Government of the People's Republic of China together with necessary supporting staff. The officials of the two sides shall be responsible to their respective governments. The Land Commission shall be dissolved on 30 June 1997.

The terms of reference of the Land Commission shall be:

a) to conduct consultations on the implementation of this Annex;
b) to monitor observance of the limit specified in paragraph 4 of this Annex, the amount of land granted to the Hong Kong Housing Authority for public rental housing, and the division and use of premium income referred to in paragraph 6 of this Annex;
c) to consider and decide on proposals from the British Hong Kong Government for increasing the limit referred to in paragraph 4 of this Annex;
d) to examine proposals for drawing on the Hong Kong Special Administrative Region Government’s share of premium income referred to in paragraph 6 of this Annex and to make recommendations to the Chinese side for decision.

Matters on which there is disagreement in the Land Commission shall be referred to the Government of the United Kingdom and the Government of the People's Republic of China for decision.

8. Specific details regarding the establishment of the Land Commission shall be finalised separately by the two sides through consultations.

Memoranda (Exchanged Between the Two Sides)

United Kingdom Memorandum

In connection with the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the question of Hong Kong to be signed this day, the Government of the United Kingdom declares that, subject to the completion of the necessary amendments to the relevant United Kingdom legislation:

a) All persons who on 30 June 1997 are, by virtue of a connection with Hong Kong, British Dependent Territories Citizens (BDTCs) under the law in force in the United Kingdom will cease to be BDTCs with effect from 1 July 1997, but will be eligible to retain an appropriate status which, without conferring the right of abode in the United Kingdom, will entitle them to continue to use passports issued by the Government of the United Kingdom. This status will be acquired by such persons only if they hold or are included in such a British passport issued before 1 July 1997, except that eligible persons born on or after 1 January 1997 but before 1 July 1997 may obtain or be included in such a passport up to 31 December 1997.
b) No person will acquire BDTC status on or after 1 July 1997 by virtue of a connection with Hong Kong. No person born on or after 1 July 1997 will acquire the status referred to as being appropriate in sub-paragraph (a).

c) United Kingdom consular officials in the Hong Kong Special Administrative Region and elsewhere may renew and replace passports of persons mentioned in sub-paragraph (a) and may also issue them to persons, born before 1 July 1997 of such persons, who had previously been included in the passport of their parent.

d) Those who have obtained or been included in passports issued by the Government of the United Kingdom under sub-paragraphs (a) and (c) will be entitled to receive, upon request, British consular services and protection when in third countries.

Beijing, 19 December 1984.

Chinese Memorandum
The Government of the People's Republic of China has received the memorandum from the Government of the United Kingdom of Great Britain and Northern Ireland dated 19 December 1984.

Under the Nationality Law of the People's Republic of China, all Hong Kong Chinese compatriots, whether they are holders of the 'British Dependent Territories Citizens' Passport' or not, are Chinese nationals.

Taking account of the historical background of Hong Kong and its realities, the competent authorities of the Government of the People's Republic of China will, with effect from 1 July 1997, permit Chinese nationals in Hong Kong who were previously called 'British Dependent Territories Citizens' to use travel documents issued by the Government of the United Kingdom for the purpose of travelling to other states and regions.

The above Chinese nationals will not be entitled to British consular protection in the Hong Kong Special Administrative Region and other parts of the People's Republic of China on account of their holding the above-mentioned British travel documents.

Beijing, 19 December 1984.

The Government of the People's Republic of China and the Government of the United Kingdom of Great Britain and Northern Ireland have satisfiedly reviewed the friendly relations between the two governments and peoples during recent years, and agreed that it is advantageous for the maintenance and stability of Hong Kong's prosperity and to further consolidate and develop the relations on a new foundation between the two countries, so they have, after the meeting of their government representatives, agreed to make the following joint statement:

《中華人民共和國政府和大不列顛及北愛爾蘭聯合王國政府關於香港問題的聯合聲明》
中華人民共和國政府和大不列顛及北愛爾蘭聯合王國政府滿意地回顧了近年來兩國政府和兩國人民之間的友好關係，一致認為通過協商妥善地解決歷史上遺留下來的香港問題，有助於維持香港的繁榮與穩定，並有助於兩國關係在新的基礎上進一步鞏固和發展，為此，經過兩國政府代表團的會談，同意聲明如下：
一、中華人民共和國政府聲明：收回香港地區（包括香港島、九龍和“新界”，以下稱香港）是全中國人民的共同願望，中華人民共和國政府決定於一九九七年七月一日對香港恢復行使主權。

二、聯合王國政府聲明：聯合王國政府於一九九七年七月一日將香港交還給中華人民共和國。

三、中華人民共和國政府聲明，中華人民共和國對香港的基本方針政策如下：
（一） 為了維護國家的統一和領土完整，並考慮到香港的歷史和現實情況，中華人民共和國決定在對香港恢復行使主權時，根據中華人民共和國憲法第三十一條的規定，設立香港特別行政區。
（二） 香港特別行政區直轄於中華人民共和國中央人民政府。除外交和國防事務屬中央人民政府管理外，香港特別行政區享有高度的自治權。
（三） 香港特別行政區享有行政管理權、立法權、獨立的司法權和終審權。現行的法律基本不變。
（四） 香港特別行政區政府由當地人組成。行政長官在當地通過選舉或協商產生，由中央人民政府任命。主要官員由香港特別行政區行政長官提名，報中央人民政府任命。原在香港各政府部門任職的中外籍公務、警務人員可以留用。香港特別行政區各政府部門可以聘請英籍人士或其他外籍人士擔任顧問或某些公職。
（五） 香港的現行社會、經濟制度不變；生活方式不變。香港特別行政區依法保障人身、言論、出版、集會、結社、旅行、遷徙、通信、罷工、選擇職業和學術研究以及宗教信仰等各項權利和自由。私人財產、企業所有權、合法繼承權以及外來投資均受法律保護。
（六） 香港特別行政區將保持自由港和獨立關稅地區的地位。
（七） 香港特別行政區將保持國際金融中心的地位，繼續開放外匯、黃金、證券、期貨等市場，資金進出自由。港幣繼續流通，自由兌換。
（八） 香港特別行政區將保持財政獨立。中央人民政府不向香港特別行政區徵稅。
（九） 香港特別行政區可同聯合王國和其他國家建立互利的經濟關係。聯合王國和其他國家在香港的經濟利益將得到照顧。
（十） 香港特別行政區可以“中國香港”的名義單獨地同各國、各地區及有關國際組織保持和發展經濟、文化關係，並簽訂有關協定。香港特別行政區政府可自行簽發出入香港的旅行證件。
（十一） 香港特別行政區的社會治安由香港特別行政區政府負責維持。
(十二) 關於中華人民共和國對香港的上述基本方針政策和本聯合聲明附件一對上述基本方針政策的具體說明，中華人民共和國全國人民代表大會將以中華人民共和國香港特別行政區基本法規定之，並在五十年內不變。

四、中華人民共和國政府和聯合王國政府聲明：自本聯合聲明生效之日起至一九九七年六月三十日止的過渡時期內，聯合王國政府負責香港的行政管理，以維護和保持香港的經濟繁榮和社會穩定；對此，中華人民共和國政府將給予合作。

五、中華人民共和國政府和聯合王國政府聲明：為求本聯合聲明得以有效執行，並保證一九九七年政權的順利交接，在本聯合聲明生效時成立中英聯合聯絡小組；聯合聯絡小組將根據本聯合聲明附件二的規定建立和履行職責。

六、中華人民共和國政府和聯合王國政府聲明：關於香港土地契約和其他有關事項，將根據本聯合聲明附件三的規定處理。

七、中華人民共和國政府和聯合王國政府同意，上述各項聲明和本聯合聲明的附件均將付諸實施。

八、本聯合聲明須經批准，並自互換批准書之日起生效。批准書應於一九八五年六月三十日前在北京互換。本聯合聲明及其附件具有同等約束力。一九八四年十二月十九日在北京簽訂，共兩份，每份都用中文和英文寫成，兩種文本具有同等效力。

中華人民共和國政府代表
趙紫陽 (簽字)

大不列顛及北愛爾蘭聯合王國政府代表
瑪格麗特・柴契爾 (簽字)

附件一

中華人民共和國政府對香港的基本方針政策的具體說明
中華人民共和國政府就中華人民共和國政府和大不列顛及北愛爾蘭聯合王國政府關於香港問題的聯合聲明第三款所載中華人民共和國對香港的基本方針政策，具體說明如下：

<一>

中華人民共和國憲法第三十一条規定：“國家在必要時得設立特別行政區。在特別行政區內實行的制度按照具體情況由全國人民代表大會以法律規定。” 據此，中華人民共和國將在一九九七年七月一日對香港恢復行使主權時，設立中華人民共和國香港特別行政區。中華人民共和國全國人民代表大會將根據中華人民共和國憲法制定並頒布中華人民共和國香港特別行政區基本法（以下簡稱《基本法》），規定香港特別行政區成立後不實行社會主義的制度和政策，保持香港原有的資本主義制度和生活方式，五十年不變。

香港特別行政區直轄於中華人民共和國中央人民政府，並享有高度的自治權。除外交和國防事務屬中央人民政府管理外，香港特別行政區享有行政
管理權、立法權、獨立的司法權和終審權。中央人民政府授權香港特別行政區自行處理本附件第十一節所規定的各項涉外事務。

香港特別行政區政府和立法機關由當地人組成。香港特別行政區行政長官在當地通過選舉或協商產生，由中央人民政府任命。香港特別行政區政府的主要官員（相當於“司”級官員）由香港特別行政區行政長官提名，報請中央人民政府任命。香港特別行政區立法機關由選舉產生。行政機關必須遵守法律，對立法機關負責。

香港特別行政區的政府機關和法院，除使用中文外，還可使用英文。

香港特別行政區除懸掛中華人民共和國國旗和國徽外，還可以使用區旗和區徽。

香港特別行政區成立後，香港原有法律（即普通法及衡平法、條例、附屬立法、習慣法）除與《基本法》相抵觸或香港特別行政區的立法機關作出修改者外，予以保留。

香港特別行政區的立法權屬於香港特別行政區立法機關。立法機關可根據《基本法》的規定並依照法定程序制定法律，報中華人民共和國全國人民代表大會常務委員會備案。立法機關制定的法律凡符合《基本法》和法定程序者，均屬有效。

在香港特別行政區實行的法律為《基本法》，以及上述香港原有法律和香港特別行政區立法機關制定的法律。

香港特別行政區成立後，除因香港特別行政區法院享有終審權而產生的變化外，原在香港實行的司法體制予以保留。

香港特別行政區的審判權屬於香港特別行政區法院。法院獨立進行審判，不受任何干涉。司法人員履行審判職責的行為不受法律追究。法院依照香港特別行政區的法律審判案件，其他普通法適用地區的司法判例可作參考。

香港特別行政區法院的法官，根據當地法官和法律界及其他方面知名人士組成的獨立委員會的推薦，由行政長官予以任命。法官應根據本人的司法才能選用，並可從其他普通法適用地區聘用。法官只有在無力履行職責或行為不檢的情況下，才能由行政長官根據終審法院首席法官任命的不少於三名當地法官組成的審議庭的建議，予以免職。主要法官（即最高一級法官）的任命和免職，還須由行政長官徵得香港特別行政區立法機關的同意並報全國人民代表大會常務委員會備案。法官以外的其他司法人員的任免制度繼續保持。

香港特別行政區的終審權屬於香港特別行政區終審法院。終審法院可根據需要邀請其他普通法適用地區的法官參加審判。

香港特別行政區的檢察機關主管刑事檢察工作，不受任何干涉。
香港特別行政區政府可參照原在香港實行的辦法，作出有關當地和外來的律師在香港特別行政區工作和執業的規定。

中央人民政府將協助或授權香港特別行政區政府同外國就司法互助關係作出適當安排。

四

香港特別行政區成立後，原在香港各政府部門（包括警察部門）任職的公務人員和司法人員均可留用，繼續工作；其薪金、津貼、福利待遇和服務條件不低於原來的標準。對退休或約滿離職的人員，包括一九九七年七月一日以前退休的人員，不論其所屬國籍或居住地點，香港特別行政區政府將按不低於原來的標準向他們或其家屬支付應得的退休金、酬金、津貼及福利費。

香港特別行政區政府可任用原香港公務人員中的或持有香港特別行政區永久性居民身份證的英籍和其他外籍人士擔任政府部門的各級公務人員，各主要政府部門，（相當於“司”級部門，包括警察部門）的正職和某些主要政府部門的副職除外。香港特別行政區政府還可聘請英籍和其他外籍人士擔任政府部門的顧問；必要時並可從香港特別行政區以外聘請合格人員擔任政府部門的專業和技術職務。上述人士只能以個人身份受聘，並和其他公務人員一樣對香港特別行政區政府負責。

五

香港特別行政區自行管理財政事務，包括支配財政資源，編製財政預算和決算。香港特別行政區的預決算須報中央人民政府備案。

中央人民政府不向香港特別行政區徵稅。香港特別行政區的財政收入全部用於自身需要，不上繳中央人民政府。徵稅和公共開支經立法機關批准、公共開支向立法機關負責和公共帳目的審計等制度，予以保留。

六

香港特別行政區保持原在香港實行的資本主義經濟制度和貿易制度。香港特別行政區政府自行制定經濟和貿易政策。財產所有權，包括財產的取得、使用、處置和繼承的權利，以及依法徵用財產得到補償（補償相當於該財產的實際價值、可自由兌換、不無故遲延支付）的權利，繼續受法律保護。香港特別行政區將保持自由港地位，並繼續實行自由貿易政策，包括貨物和資本的自由流動。香港特別行政區可單獨同各國、各地區保持和發展經濟和貿易關係。

香港特別行政區為單獨的關稅地區。香港特別行政區可參加關稅和貿易總協定、關於國際紡織品貿易安排等有關的國際組織和國際貿易協定，包括優惠貿易安排。香港特別行政區取得的出口配額、關稅優惠和達成的其他類
似安排，全由香港特別行政區享有。香港特別行政區有權根據當時的產地規則，對在當地製造的產品簽發產地來源證。

香港特別行政區可根據需要在外國設立官方或半官方的經濟和貿易機構，並報中央人民政府備案。

<七>

香港特別行政區將保持國際金融中心的地位。原在香港實行的貨幣金融制度，包括對接受存款機構和金融市場的管理和監督制度，予以保留。

香港特別行政區政府可自行制定貨幣金融政策，並保障金融企業的經營自由以及資金在香港特別行政區流動和進出香港特別行政區的自由。香港特別行政區不實行外匯管制政策。外匯、黃金、證券、期貨市場繼續開放。

港元作為當地的法定貨幣，繼續流通，自由兌換。港幣發行權屬香港特別行政區政府，在確知港幣的發行基礎是健全的以及有關發行的安排符合保持港幣穩定的目的的情況下，香港特別行政區政府可授權指定銀行根據法定權限發行或繼續發行香港貨幣。凡所帶標誌與中華人民共和國香港特別行政區地位不符的香港貨幣，將逐步更換和退出流通。

外匯基金由香港特別行政區政府管理和支配，主要用於調節港元匯價。

<八>

香港特別行政區保持原在香港實行的航運經營和管理體制，包括有關海員的管理體制。香港特別行政區政府可自行規定在航運方面的具體職能和責任。香港的私營航運及與航運有關的企業和私營集裝箱碼頭，可繼續自由經營。

香港特別行政區經中央人民政府授權繼續進行船舶登記，並可根據法律以“中國香港”名義頒發有關證件。

除外國軍用船隻進入香港特別行政區須經中央人民政府特別許可外，其他船舶可根據香港特別行政區法律進出其港口。

<九>

香港特別行政區將保持香港作為國際和區域航空中心的地位。在香港註冊並以香港為主要營業地的航空公司和與民用航空有關的行業可繼續經營。香港特別行政區機場和香港特別行政區政府設在香港的民用航空管理機構，並按中央人民政府關於航空機場標誌和登記標誌的規定，設置自己的機場登記冊。香港特別行政區政府負責民用航空的日常業務和技術管理，包括機場管理，在香港特別行政區飛行情報區內提供空中交通服務，以及履行國際民用航空組織的區域性航空規劃程序所規定的其他職責。

中央人民政府經同香港特別行政區政府磋商作出安排，為在香港特別行政區註冊並以香港特別行政區為主要營業地的航空公司和中華人民共和國的其他航空公司，提供香港特別行政區和中華人民共和國其他地區之間的往返航班。凡涉及中華人民共和國其他地區與其他國家和地區的往返並經停香港特別行政區的航班，和涉及香港特別行政區與其他國家和地區的往返並經
停中華人民共和國其他地區航班的民用航空運輸協定，由中央人民政府簽訂。為此，中央人民政府將考慮香港特別行政區的特殊情況和經濟利益，並同香港特別行政區政府磋商。中央人民政府在同外國政府商談有關此類航班的安排時，香港特別行政區政府的代表可作為中華人民共和國政府代表團成員參加。

經中央人民政府具體授權，香港特別行政區政府可以：對原有的民用航空運輸協定和協議續簽或修改，這些協定和協議原則上都可以續簽或修改，原協定和協議規定的權利盡可能保留；談判簽訂新的民用航空運輸協定，為在香港特別行政區註冊並以香港特別行政區為主要營業地的航空公司提供航線，以及過境和技術停降權利；在同外國和其它地區沒有民用航空運輸協定的情況下，談判簽訂臨時協議。凡不涉及往返、經停中國內地而只往返，經常停香港特別行政區的定期航班，均由本段所述的民用航空運輸協定或臨時協議加以規定。

中央人民政府授權香港特別行政區政府：同其他當局商談並簽訂有關執行上述民用航空運輸協定和臨時協議的各項安排；對在香港特別行政區註冊並以香港特別行政區為主要營業地的航空公司簽發執照；按照上述民用航空運輸協定和臨時協議指定航空公司；對外國航空公司除往返、經停中國內地的航班以外的其他航班簽發許可證。

香港特別行政區保持原在香港實行的教育制度。香港特別行政區政府自行制定有關文化、教育和科學技術方面的政策，包括教育體制及管理、教學語言、經費分配、考試制度、學位制度、承認學歷及技術資格等政策。各類院校，包括宗教及社會團體所辦院校，均可保留其自主性，並可繼續從香港特別行政區以外招聘教職員，選用教材。學生享有選擇院校和在香港特別行政區以外求學的自由。

在外交事務屬中央人民政府管理的原則下，香港特別行政區政府的代表，可作為中華人民共和國政府代表團的成員，參加由中央人民政府進行的與香港特別行政區直接有關的外交談判。香港特別行政區可以“中國香港”的名義，以經濟、貿易、金融、航運、通訊、旅遊、文化、體育等領域單獨或同世界各國、各地區及有關國際組織保持和發展關係，並簽訂和履行有關協定。對以國家為單位參加的、與香港特別行政區有關的、適當領域的國際組織和國際會議，香港特別行政區政府的代表可作為中華人民共和國政府代表團的成員或以中央人民政府和上述有關國際組織或國際會議允許的身份參加，並以“中國香港”的名義發表意見。對不以國家為單位參加的國際組織和國際會議，香港特別行政區可以“中國香港”的名義參加。

中華人民共和國締結的國際協定，中央人民政府可根據香港特別行政區的情況和需要，在徵詢香港特別行政區政府的意見後，決定是否適用於香港
特別行政區。中華人民共和國尚未參加但已適用於香港的國際協定仍可繼續適用。中央人民政府根據需要授權或協助香港特別行政區政府作出適當安排，使其他有關的國際協定適用於香港特別行政區。對中華人民共和國已經參加而香港目前也以某種形式參加的國際組織，中央人民政府將採取必要措施使香港特別行政區以適當形式繼續保持在這些組織中的地位。對中華人民共和國尚未參加而香港目前以某種形式參加的國際組織，中央人民政府將根據需要使香港特別行政區以適當形式繼續參加這些組織。

外國在香港特別行政區設立領事機構或其他官方、半官方機構，須經中央人民政府批准。同中華人民共和國建立正式外交關係的國家在香港設立的領事機構和其他官方機構，可予保留；尚未同中華人民共和國建立正式外交關係國家的領事機構和其他官方機構，可根據情況予以保留或改為半官方機構；尚未為中華人民共和國承認的國家，只能設立民間機構。

聯合王國可在香港特別行政區設立總領事館。

香港特別行政區的社會治安由香港特別行政區政府負責維持。中央人民政府派出駐香港特別行政區負責防務的部隊不干預香港特別行政區的內部事務，駐軍軍費由中央人民政府負擔。

香港特別行政區政府依法保障香港特別行政區居民和其他人的權利和自由。香港特別行政區政府保持香港原有法律中所規定的權利和自由，包括人身、言論、出版、集會、結社、組織和參加工會、通信、旅行、遷徙、罷工、遊行、選擇職業、學術研究和信仰自由、住宅不受侵犯、婚姻自由以及自願生育的權利。

任何人均有權得到秘密法律諮詢、向法院提起訴訟、選擇律師在法庭上為其代理以及獲得司法補救。任何人均有權對行政部門的行為向法院申訴。

宗教組織和教徒可同其他地方的宗教組織和教徒保持關係，宗教組織所辦學校、醫院、福利機構等均可繼續存在。香港特別行政區的宗教組織與中華人民共和國其他地區宗教組織的關係應以互不隸屬、互不干涉和互相尊重的原則為基礎。

《公民權利和政治權利國際公約》和《經濟、社會與文化權利的國際公約》適用於香港的規定將繼續有效。

在香港特別行政區有居留權並有資格按香港特別行政區的法律獲得香港特別行政區政府簽發的載明此項權利的永久性居民身份證者為：在香港特別行政區成立以前或以後在香港出生或通常居住連續七年以上的中國公民及其在香港以外所生的中國籍子女；在香港特別行政區成立以前或以後在香港出生且以香港為永久居住地的其他人及其在香港特別行政區成立以前或以後在香港出生的未滿二十一歲的子女；以及在香港特別行政區成立以前或以後在香港以外出生的未滿二十一歲的子女。
政區成立前只在香港有居留權的其他人。

中央人民政府授權香港特別行政區政府依照法律，給持有香港特別行政區永久性居民身份證的中國公民簽發中華人民共和國香港特別行政區護照，並給在香港特別行政區的其他合法居留者簽發中華人民共和國香港特別行政區其他旅行證件。上述護照和證件，前往各國和各地區有效，並載明持有人有返回香港特別行政區的權利。

香港特別行政區居民出入當地，可使用香港特別行政區政府或中華人民共和國其他主管部門，或其他國家主管部門簽發的旅行證件。凡持有香港特別行政區永久性居民身份證者，其旅行證件可載明此項事實，以證明其在香港特別行政區有居留權。

對中國其他地區的人進入香港特別行政區將按現在實行的辦法管理。

對其他國家和地區的人入境、逗留和離境，香港特別行政區政府可實行出入境管制。

有效旅行證件持有人，除非受到法律制止，可自由離開香港特別行政區。

中央人民政府將協助或授權香港特別行政區政府同各國或各地區締結互免簽證協定。

附件二
關於中英聯合聯絡小組
一、為促進雙方共同目標，並為保證一九九七年政權的順利交接，中華人民共和國政府和聯合王國政府同意，繼續以友好的精神進行討論並促進兩國政府在香港問題上已有的合作關係，以求《聯合聲明》得以有效執行。

二、為了進行聯絡、磋商及交換情況的需要，兩國政府同意成立聯合聯絡小組。

三、聯合聯絡小組的職責為：
(一) 就《聯合聲明》的實施進行磋商；
(二) 討論與一九九七年政權順利交接有關的事宜；
(三) 就雙方商定的事項交換情況並進行磋商。

聯合聯絡小組未能取得一致意見的問題，提交兩國政府通過協商解決。

四、在聯合聯絡小組成立到一九九七年七月一日的前半段時期中審議的事項包括：
(一) 兩國政府為使香港特別行政區作為獨立關稅地區保持其經濟關係，特別是為確保香港特別行政區繼續參加關稅及貿易總協定、多種纖維協定及其他國際性安排所需採取的行動；
(二) 兩國政府為確保同香港有關的國際權利與義務繼續適用所需採取的行動。
五、兩國政府同意，在聯合聯絡小組成立到一九九七年七月一日的後半段時期中，有必要進行更密切的合作，因此屆時將加強合作，在此第二階段時期中審議的事項包括：

（一）為一九九七年順利過渡所要採取的措施；
（二）為協助香港特別行政區同各國、各地區及有關國際組織保持和發展經濟、文化關係並就此類事項簽訂協議所需採取的行動。

六、聯合聯絡小組是聯絡機構而不是權力機構，不參與香港或香港特別行政區的行政管理，也不對之起監督作用。聯合聯絡小組的成員和工作人員只在聯合聯絡小組職責範圍內進行活動。

七、雙方各指派一名大使級的首席代表和另外四名小組成員。每方可派不超過二十名的工作者。

八、聯合聯絡小組在《聯合聲明》生效時成立。聯合聯絡小組自一九八八年七月一日起以香港為主要駐地。聯合聯絡小組將繼續工作到二○○○年一月一日為止。

九、聯合聯絡小組在北京、倫敦和香港開會。每年至少在上述三地各開會一次。每次開會地點由雙方商定。

十、聯合聯絡小組成員在上述三地享有相應的外交特權與豁免。除非雙方另有協議，聯合聯絡小組討論情況須加以保密。

十一、經雙方協議，聯合聯絡小組可決定設立專家小組以處理需要專家協助的具體事項。

十二、聯合聯絡小組成員以外的專家可參加聯合聯絡小組和專家小組的會議。每方按照討論的問題和選定的地點，決定其參加聯合聯絡小組或專家小組每次會議的人員組成。

十三、聯合聯絡小組的工作程序由雙方按照本附件規定討論決定。

附件三
關於土地契約
中華人民共和國政府和聯合王國政府同意自《聯合聲明》生效之日起，按下列規定處理關於香港土地契約和其他有關事項：

一、《聯合聲明》生效前批出或決定的超越一九九七年六月三十日年期的所有土地契約和與土地契約有關的一切權利，以及該聲明生效後根據本附件第二款或第三款批出的超越一九九七年六月三十日年期的所有土地契約和與土地契約有關的一切權利，按照香港特別行政區的法律繼續予以承認和保護。

二、除了短期租約和特殊用途的契約外，已由香港英國政府批出的一九九七年六月三十日以前滿期而沒有續期權利的土地契約，如承租人願意，均可續期到不超過四七年六月三十日，不補地價。從續期之日起，每年交納相等於當日該土地應課差餉租值百分之三的租金，此後，隨應課差餉租值的改
變而調整租金。至於舊批約地段、鄉村屋地、丁屋地和類似的農村土地，如該土地在一九八四年六月三十日的承租人，或在該日以後批出的丁屋地的承租人，其父系為一八九八年在香港的原有鄉村居民，只要該土地的承租人仍為該人或其合法父系繼承人，租金將維持不變。一九九七年六月三十日以後滿期而沒有續期權利的土地契約，將按照香港特別行政區有關的土地法律及政策處理。

三、從《聯合聲明》生效之日起至一九九七年六月三十日止，香港英國政府可以批出租期不超過二○四年六月三十日的新的土地契約。該項土地的承租人須交納地價並交納名義租金至一九九七年六月三十日，該日以後不補地價，但需每年交納相當於當日該土地應課差餉租值百分之三的租金，此後，隨應課差餉租值的改變而調整租金。

四、從《聯合聲明》生效之日起至一九九七年六月三十日止，根據本附件第三款所批出的新土地，每年限於五十公頃，不包括批給香港房屋委員會建造出租的公共房屋所用的土地。

五、在一九九七年七月一日之前，可繼續批准修改香港英國政府所批出的土地契約規定的土地使用條件，補交的地價為原有條件的土地價值和修改條件後的土地價值之間的差額。

六、從《聯合聲明》生效之日起至一九九七年六月三十日止，香港英國政府從土地交易所得的地價收入，在扣除開發土地平均成本的款項後，均等平分，分別歸香港英國政府和日後的香港特別行政區政府所有。屬於香港英國政府所得的全部收入，包括上述扣除的款項，均撥入“基本工程儲備基金”，用於香港土地開發和公共工程。屬於香港特別行政區政府的地價收入部分，將存入在香港註冊的銀行，除按照本附件第七款(四)的規定用於香港土地開發和公共工程外，不得動用。

七、《聯合聲明》生效之日起，立即在香港成立土地委員會。土地委員會由中華人民共和國政府和聯合王國政府指派同等人數的官員組成，輔以必要的工作人員。雙方官員向各自的政府負責。土地委員會將於一九九七年六月三十日解散。

土地委員會的職權範圍為：

(一) 就本附件的實施進行磋商；
(二) 監察本附件第四款規定的限額，批給香港房屋委員會建造出租的公共房屋所用的土地數量，以及本附件第六款關於地價收入的分配和使用的執行；
(三) 根據香港英國政府提出的建議，考慮並決定提高本附件第四款所述的限額數量；
(四) 審核關於擬動用本附件第六款所述的屬於香港特別行政區政府的地價收入部分的建議，並提出意見，供中方決定。
土地委員會未能取得一致意見的問題，提交中華人民共和國政府和聯合王國政府決定。

八、有關建立土地委員會的細則，由雙方另行商定。

雙方交換的備忘錄
備忘錄（英方）
聯繫到今天簽訂的大不列顛及北愛爾蘭聯合王國政府和中華人民共和國政府關於香港問題的聯合聲明，聯合王國政府聲明，在完成對聯合王國有關立法的必要修改的情況下，

一、凡根據聯合王國實行的法律，在 1997 年 6 月 30 日於香港的關係為英國屬土公民者，從 1997 年 7 月 1 日起，不再是英國屬土公民，但將有資格保留某種適當地位，使其可繼續使用聯合王國政府簽發的護照，而不賦予在聯合王國的居留權。取得這種地位的人，必須為持有在 1997 年 7 月 1 日以前簽發的該種英國護照或包括在該種護照上的人，於 1997 年 1 月 1 日或該日以後、1997 年 7 月 1 日以前出生的有資格的人，可在 1997 年 12 月 31 日截止的期間內取得該種護照或包括在該種護照上。

二、在 1997 年 7 月 1 日或該日以後，任何人不得於同香港的關係而取得英國屬土公民的地位。凡在 1997 年 7 月 1 日或該日以後出生者，不得取得第一節中所述的適當地位。

三、在香港特別行政區和其他地方的聯合王國的領事官員可為第一節中提及的人所持的護照延長期限和予以更換，亦可給他們在 1997 年 7 月 1 日前出生並且原來包括在他們護照上的子女簽發護照。

四、根據第一節和第三節已領取聯合王國政府簽發的護照的人或包括在該護照上的人，經請求有權在第三國獲得英國的領事服務和保護。

備忘錄（中方）
中華人民共和國政府收到了大不列顛及北愛爾蘭聯合王國政府 1984 年 12 月 19 日的備忘錄。

根據中華人民共和國國籍法，所有香港中國同胞，不論其是否持有“英國屬土公民護照”，都是中國公民。

考慮到香港的歷史背景和現實情況，中華人民共和國政府主管部門自 1997 年 7 月 1 日起，允許原被稱為“英國屬土公民”的香港中國公民使用由聯合王國政府簽發的旅行證件去其他國家和地區旅行。

上述中國公民在香港特別行政區和中華人民共和國其他地區不得因其持有上述英國旅行證件而享受英國的領事保護的權利。

備忘錄（中方）
中華人民共和國外交部（印）
1984 年 12 月 19 日
Guidelines for National Unification

Adopted by the National Unification Council at its third meeting on February 23, 1991, and by the Executive Yuan Council at its 2223rd meeting on March 14, 1991.

I. Foreword
The unification of China is meant to bring about a strong and prosperous nation with a long-lasting, bright future for its people; it is the common wish of Chinese people at home and abroad. After an appropriate period of forthright exchange, cooperation and consultation conducted under the principles of reason, peace, parity, and reciprocity, the two sides of the Taiwan Straits should foster a consensus of democracy, freedom, and equal prosperity and together build anew a unified China. Based on this understanding, these Guidelines have been specially formulated with the express hope that all Chinese throughout the world will work with one mind toward their fulfillment.

II. Goal
To establish a democratic, free and equitably prosperous China.

III. Principles
Both the mainland and Taiwan areas are parts of Chinese territory. Helping to bring about national unification should be the common responsibility of all Chinese people. The unification of China should be for the welfare of all its people and not be subject to partisan conflict. China’s unification should aim at promoting Chinese culture, safeguarding human dignity, guaranteeing fundamental human rights, and practicing democracy and the rule of law. The timing and manner of China’s unification should first respect the rights and interests of the people in the Taiwan area, and protect their security and welfare. It should be achieved in gradual phases under the principles of reason, peace, parity, and reciprocity.

IV. Process
1. Short term, a phase of exchanges and reciprocity.
   (1) To enhance understanding through exchanges between the two sides of the Strait and eliminate hostility through reciprocity; and to establish a mutually benign relationship by not endangering each other’s security and stability while in the midst of exchanges and not denying the other’s existence as a political entity while in the midst of effecting reciprocity.
2. To set up an order for exchanges across the Strait, to draw up regulations for such exchanges, and to establish intermediary organizations so as to protect people’s rights and interests on both sides of the Strait; to gradually ease various restrictions and expand people-to-people contacts so as to promote the social prosperity of both sides.

3. In order to improve the people’s welfare on both sides of the Strait with the ultimate objective of unifying the nation, in the mainland area economic reform should be carried out forthrightly, the expression of public opinion there should be gradually allowed, and both democracy and the rule of law should be implemented while in the Taiwan area efforts should be made to accelerate constitutional reform and promote national development to establish a society of equitable prosperity.

4. The two sides of the Strait should end the state of hostility and, under the principle of one China solve all disputes through peaceful means, and furthermore respect, not reject, each other in the international community, so as to move toward a phase of mutual trust and cooperation.

2. Medium term, a phase of mutual trust and cooperation.

(1) Both sides of the Strait should establish official communication channels on equal footing.

(2) Direct postal, transport and commercial links should be allowed and both sides should jointly develop the southeastern coastal area of the Chinese mainland and then gradually extend this development to other areas of the mainland in order to narrow the gap in living standards between the two sides.

(3) Both sides of the Strait should work together and assist each other in taking part in international organizations and activities.

(4) Mutual visits by high-ranking officials on both sides should be promoted to create favorable conditions for consultation and unification.

3. Long term, a phase of consultation and unification

A consultative organization for unification should be established through which both sides, in accordance with the will of the people in both the mainland and Taiwan areas, and while adhering to the goals of democracy, economic freedom, social justice and nationalization of the armed forces, jointly discuss the grand task of unification and map out a constitutional system to establish a democratic, free, and equitably prosperous China.

國家統一綱領
中華民國八十年二月二十三日國家統一委員會第三次會議通過，
中華民國八十年三月十四日行政院第二二二三次會議通過

中華民國九十五年三月一日行政院第二九八0次院會決定「『國家統一綱領』終止適用」函知本院所屬各機關查照

壹、前言

中國的統一，在謀求國家的富強與民族長遠的發展，也是海內外中國人共同的願望。海峽兩岸應在理性、和平、對等、互惠的前提下，經過適當時期的坦誠交流、合作、協商，建立民主、自由、均富的共識，共同重建一個統一的中國。基此認識，特制訂本綱領，務期海內外全體中國人同心協力，共圖貫徹。

貳、目標
建立民主、自由、均富的中國。

參、原則
一、大陸與台灣均是中國的領土，促成國家的統一，應是中國人共同的責任。
二、中國的統一，應以全民的福祉為依歸，而不是黨派之爭。
三、中國的統一，應以發揚中華文化，維護人性尊嚴，保障基本人權，實踐民主法治為宗旨。
四、中國的統一，其時機與方式，首應尊重台灣地區人民的權益並維護其安全與福祉，在理性、和平、對等、互惠的原則下，分階段逐步達成。

肆、進程
一、近程——交流互惠階段
（一）以交流促進瞭解，以互惠化解敵意；在交流中不危及對方的安全與安定，在互惠中不否定對方為政治實體，以建立良性互動關係。
（二）建立兩岸交流秩序，制訂交流規範，設立中介機構，以維護兩岸人民權益；逐步放寬各項限制，擴大兩岸民間交流，以促進雙方社會繁榮。
（三）在國家統一的目標下，為增進兩岸人民福祉：大陸地區應積極推動經濟改革，逐步開放輿論，實行民主法治；台灣地區則應加速憲政改革，推動國家建設，建立均富社會。
（四）兩岸應摒除敵對狀態，並在一個中國的原則下，以和平方式解決一切爭端，在國際間相互尊重，互不排斥，以利進入互信合作階段。

二、中程——互信合作階段
三、遠程---協商統一階段
成立兩岸統一協商機構，依據兩岸人民意願，秉持政治民主、經濟自由、社會公平及軍隊國家化的原则，共商統一大業，研訂憲政體制，以建立民主、自由、均富的中國。

Bill Clinton’s “Three No’s”

On June 30, 1998, during his nine-day state visit to the PRC, US President Bill Clinton made a statement on his new Taiwan position at the Shanghai Library (上海圖書館):

[...] I had a chance to reiterate our Taiwan policy, which is that we don't support independence for Taiwan, or two Chinas, or one Taiwan—one China. And we don't believe that Taiwan should be a member of any organization for which statehood is a requirement. [...]
Whereas in March 1996, the People’s Republic of China held provocative military maneuvers, including missile launch exercises in the Taiwan Strait, in an attempt to intimidate the people of Taiwan during their historic, free and democratic presidential election;

Whereas officials of the People’s Republic of China refuse to renounce the use of force against democratic Taiwan;

Whereas Taiwan has achieved significant political and economic strength as one of the world’s premier democracies and as the nineteenth largest economy in the world;

Whereas Taiwan is the seventh largest trading partner of the United States and imports more than twice as much annually from the United States as does the People’s Republic of China; and

Whereas no treaties exist between the People’s Republic of China and Taiwan that determine the future status of Taiwan: Now therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) affirms its longstanding commitment to Taiwan and the people of Taiwan in accordance with the Taiwan Relations Act (Public Law 96-8);

(2) affirms its expectation, consistent with the Taiwan Relations Act, that the future of Taiwan will be determined by peaceful means, and considers any effort to determine the future of Taiwan by other than peaceful means a threat to the peace and security of the Western Pacific and of grave concern to the United States;

(3) affirms its commitment, consistent with the Taiwan Relations Act, to make available to Taiwan such defense articles and defense services in such quantities as may be necessary to enable Taiwan to maintain a sufficient self-defense capability;

(4) affirms its commitment, consistent with the Taiwan Relations Act, that only the President and Congress shall determine the nature and quantity of defense articles and services for Taiwan based solely upon their judgment of the needs of Taiwan; and

(5) urges the President of the United States to seek a public renunciation by the People’s Republic of China of any use of force, or threat to use force, against democratic Taiwan.

The title was amended so as to read: ‘Affirming U.S. Commitments Under the Taiwan Relations Act’.

[July 10, 1998]
Editor’s note ===============

The title of this document can be translated to Chinese as follows: Meiguo canyi yuan yilingqi hao gong tong jueyi’an 美國參議院 107 號共同決議案.

US House of Representatives Resolution 301

Whereas at no time since the establishment of the People’s Republic of China on October 1, 1949, has Taiwan been under the control of the People’s Republic of China;
Whereas the United States began its long, peaceful, friendly relationship with Taiwan in 1949;
Whereas since the enactment of the Taiwan Relations Act in 1979, the policy of the United States has been based on the expectation that the future relationship between the People’s Republic of China and Taiwan would be determined by peaceful means;
Whereas in March 1996, the People’s Republic of China held provocative military maneuvers including missile launch exercises in the Taiwan Strait, in an attempt to intimidate the people of Taiwan during their historic, free, and democratic Presidential election;
Whereas officials of the People’s Republic of China refuse to renounce the use of force against democratic Taiwan;
Whereas Taiwan has achieved significant political and economic strength as one of the world’s premier democracies and as the 19th largest economy in the world;
Whereas Taiwan is the 7th largest trading partner of the United States;
Whereas no agreements exist between the People’s Republic of China and Taiwan that determine the future status of Taiwan; and
Whereas the House of Representatives passed a resolution by a vote of 411-0 in June 1998 urging the President to seek, during his recent summit meeting in Beijing, a public renunciation by the People’s Republic of China of any use of force, or threat of use of force, against democratic Taiwan: Now, therefore, be it Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) affirms its longstanding commitment to Taiwan and the people of Taiwan in accordance with the Taiwan Relations Act (Public Law 96-8);
(2) affirms its expectation, consistent with the Taiwan Relations Act, that the future status of Taiwan will be determined by peaceful means, and that the people of both sides of the Taiwan Strait should determine their own future, and
considers any effort to determine or influence the future status of Taiwan by other than peaceful means a threat to the peace and security of the Western Pacific region and of grave concern to the United States;

(3) affirms its commitment, consistent with the Taiwan Relations Act, to make available to Taiwan such defense articles and defense services, including appropriate ballistic missile defenses, in such quantities as may be necessary to enable Taiwan to maintain a sufficient self-defense capability;

(4) affirms its commitment, consistent with the Taiwan Relations Act, that only the President and Congress shall determine the nature and quantity of defense articles and services for Taiwan based solely upon their judgment of the defensive needs of Taiwan;

(5) urges the President, once again, to seek a public renunciation by the People’s Republic of China of any use of force, or threat of use of force, against the free people of Taiwan; and

(6) affirms its strong support, in accordance with the spirit of the Taiwan Relations Act, of appropriate membership for Taiwan in international financial institutions and other international organizations.

[July 20, 1998]

■ Editor’s note ===============

The title of this document can be translated to Chinese as follows: Meiguo zhongyi yuan sanlingyi hao gongtong jueyi an 美国众议院 301 號共同決議案.

---

**ROC President Lee Teng-hui’s remarks about the “state-to-state relationship” extant between the ROC and the PRC**

On July 9, 1999, ROC president Lee Teng-hui made a statement on the relations between the ROC and the PRC during an interview with journalists of German broadcasting station DEUTSCHE WELLE:

[...] The 1991 constitutional amendments have designated cross-strait relations as a state-to-state relationship or at least a special state-to-state relationship, rather than an internal relationship between a legitimate government and a renegade group, or between a central government and a local government. Thus, the Beijing authorities’ characterization of Taiwan as a “renegade province” is historically and legally untrue. [...]
李登輝總統關於兩岸『特殊的國與國的關係』

[...] 一九九一年修憲以來，已將兩岸關係定位在國家與國家，至少是特殊的國與國的關係，而非一合法政府，一叛亂團體，或一中央政府，一地方政府的「一個中國」的內部關係。所以，您提到北京政府將台灣視為「叛離的一省」，這完全昧於歷史與法律上的事實。[...]

---

Declaration on the Conduct of Parties in the South China Sea

The Governments of the Member States of ASEAN and the Government of the People's Republic of China,
REAFFIRMING their determination to consolidate and develop the friendship and cooperation existing between their people and governments with the view to promoting a 21st century-oriented partnership of good neighbourliness and mutual trust;
COGNIZANT of the need to promote a peaceful, friendly and harmonious environment in the South China Sea between ASEAN and China for the enhancement of peace, stability, economic growth and prosperity in the region;
COMMITTED to enhancing the principles and objectives of the 1997 Joint Statement of the Meeting of the Heads of State/Government of the Member States of ASEAN and President of the People's Republic of China;
DESIRING to enhance favourable conditions for a peaceful and durable solution of differences and disputes among countries concerned;
HEREBY DECLARE the following:
1. The Parties reaffirm their commitment to the purposes and principles of the Charter of the United Nations, the 1982 UN Convention on the Law of the Sea, the Treaty of Amity and Cooperation in Southeast Asia, the Five Principles of Peaceful Coexistence, and other universally recognized principles of international law which shall serve as the basic norms governing state-to-state relations;
2. The Parties are committed to exploring ways for building trust and confidence in accordance with the above-mentioned principles and on the basis of equality and mutual respect;
3. The Parties reaffirm their respect for and commitment to the freedom of navigation in and overflight above the South China Sea as provided for by the universally recognized principles of international law, including the 1982 UN Convention on the Law of the Sea;

374
4. The Parties concerned undertake to resolve their territorial and jurisdictional disputes by peaceful means, without resorting to the threat or use of force, through friendly consultations and negotiations by sovereign states directly concerned, in accordance with universally recognized principles of international law, including the 1982 UN Convention on the Law of the Sea;

5. The Parties undertake to exercise self-restraint in the conduct of activities that would complicate or escalate disputes and affect peace and stability including, among others, refraining from action of inhabiting on the presently uninhabited islands, reefs, shoals, cays, and other features and to handle their differences in a constructive manner.

Pending the peaceful settlement of territorial and jurisdictional disputes, the Parties concerned undertake to intensify efforts to seek ways, in the spirit of cooperation and understanding, to build trust and confidence between and among them, including:

a. holding dialogues and exchange of views as appropriate between their defense and military officials;
b. ensuring just and humane treatment of all persons who are either in danger or in distress;
c. notifying, on a voluntary basis, other Parties concerned of any impending joint/combined military exercise; and
d. exchanging, on a voluntary basis, relevant information.

6. Pending a comprehensive and durable settlement of the disputes, the Parties concerned may explore or undertake cooperative activities. These may include the following:

a. marine environmental protection;
b. marine scientific research;
c. safety of navigation and communication at sea;
d. search and rescue operation; and
e. combating transnational crime, including but not limited to trafficking in illicit drugs, piracy and armed robbery at sea, and illegal traffic in arms.

The modalities, scope and locations, in respect of bilateral and multilateral cooperation should be agreed upon by the Parties concerned prior to their actual implementation.

7. The Parties concerned stand ready to continue their consultations and dialogues concerning relevant issues, through modalities to be agreed by them, including regular consultations on the observance of this Declaration, for the purpose of promoting good neighbourliness and transparency, establishing harmony, mutual understanding and cooperation, and facilitating peaceful resolution of disputes
among them;
8. The Parties undertake to respect the provisions of this Declaration and take
actions consistent therewith;
9. The Parties encourage other countries to respect the principles contained in this
Declaration;
10. The Parties concerned reaffirm that the adoption of a code of conduct in the
South China Sea would further promote peace and stability in the region and
agree to work, on the basis of consensus, towards the eventual attainment of this
objective.

Done on the Fourth Day of November in the Year Two Thousand and Two in
Phnom Penh, the Kingdom of Cambodia.

For Brunei Darussalam: Mohamed Bolkiah, Minister of Foreign Affairs
For the People's Republic of China: Wang Yi 王毅, Special Envoy and Vice Minister
of Foreign Affairs
For the Kingdom of Cambodia: Hor Namhong, Senior Minister and Minister of
Foreign Affairs and International Cooperation
For the Republic of Indonesia: Dr. Hassan Wirayuda, Minister of Foreign Affairs
For the Lao People's Democratic Republic: Somsavat Lengsavad, Deputy Prime
Minister and Minister of Foreign Affairs
For Malaysia: Datuk Seri Syed Hamid Albar, Minister of Foreign Affairs
For the Union of Myanmar: Win Aung, Minister of Foreign Affairs
For the Republic of the Philippines: Blas F. Ople, Secretary of Foreign Affairs
For the Republic of Singapore: Prof. S. Jayakumar, Minister of Foreign Affairs
For the Kingdom of Thailand: Dr. Surakiart Sathirathai, Minister of Foreign Affairs
For the Socialist Republic of Viet Nam: Nguyen Dy Nien 阮怡年, Minister of
Foreign Affairs

《南海各方行為宣言》
中華人民共和國和東盟各成員國政府，重申各方決心鞏固和發展各國人民
和政府之間業已存在的友誼與合作，以促進面向 21 世紀睦鄰互信夥伴關
係；
認識到為增進本地區的和平、穩定、經濟發展與繁榮，中國和東盟有必要
促進南海地區和平、友好與和諧的環境；
承諾促進 1997 年中華人民共和國與東盟成員國國家元首或政府首腦會晤《聯
合聲明》所確立的原則和目標；
希望為和平與永久解決有關國家間的分歧和爭議創造有利條件；
謹發表如下宣言：
一、各方重申以《聯合國憲章》宗旨和原則、1982年《聯合國海洋法公約》、《東南亞友好合作條約》、和平共處五項原則以及其它公認的國際法原則作為處理國家間關係的基本準則。

二、各方承諾根據上述原則，在平等和相互尊重的基礎上，探討建立信任的途徑。

三、各方重申尊重並承諾，包括1982年《聯合國海洋法公約》在內的公認的國際法原則所規定的在南海的航行及飛越自由。

四、有關各方承諾根據公認的國際法原則，包括1982年《聯合國海洋法公約》，由直接有關的主權國家通過友好磋商和談判，以和平方式解決它們的領土和管轄權爭議，而不訴諸武力或以武力相威脅。

五、各方承諾保持自我克制，不採取使爭議複雜化、擴大化和影響和平與穩定的行動，包括不在現無人居住的島、礁、灘、沙或其它自然構造上採取居住的行動，並以建設性的方式處理它們的分歧。

在和平解決它們的領土和管轄權爭議之前，有關各方承諾本著合作與諒解的精神，努力尋求各種途徑建立相互信任，包括：
(一) 在各方國防及軍隊官員之間開展適當的對話和交換意見；
(二) 保證對處於危險境地的所有公民予以公正和人道的待遇；
(三) 在自願基礎上向其它有關各方通報即將舉行的聯合軍事演習；
(四) 在自願基礎上相互通報有關情況。

六、在全面和永久解決爭議之前，有關各方可探討或開展合作，可包括以下領域：
(一) 海洋環保；
(二) 海洋科學研究；
(三) 海上航行和交通安全；
(四) 搜尋與救助；
(五) 打擊跨國犯罪，包括但不限於打擊毒品走私、海盜和海上武裝搶劫以及軍火走私。

在具體實施之前，有關各方應就雙邊及多邊合作的模式、範圍和地點取得一致意見。

七、有關各方願通過各方同意的模式，就有關問題繼續進行磋商和對話，包括對遵守本宣言問題舉行定期磋商，以增進睦鄰友好關係和提高透明度，創造和諧、相互理解與合作，推動以和平方式解決彼此間爭議。

八、各方承諾尊重本宣言的條款並採取與宣言相一致的行動。

九、各方鼓勵其他國家尊重本宣言所包含的原則。

十、有關各方重申制定南海行為準則將進一步促進本地區和平與穩定，並同意在各方協商一致的基礎上，朝最終達成該目標而努力。

本宣言於2002年11月4日在柬埔寨王國金邊簽署。
Colin Powell’s statement on “one China” and Taiwan


[...] Our policy is clear, there is only one China. Taiwan is not independent. It does not enjoy sovereignty as a nation, and that remains our policy, our firm policy. [...]
ANTI-SECESSION LAW
(Adopted at the Third Session of the Tenth National People’s Congress on March 14, 2005)

Article 1
This Law is formulated, in accordance with the Constitution, for the purpose of opposing and checking Taiwan’s secession from China by secessionists in the name of “Taiwan independence”, promoting peaceful national reunification, maintaining peace and stability in the Taiwan Straits, preserving China’s sovereignty and territorial integrity, and safeguarding the fundamental interests of the Chinese nation.

Article 2
There is only one China in the world. Both the mainland and Taiwan belong to one China. China’s sovereignty and territorial integrity brook no division. Safeguarding China’s sovereignty and territorial integrity is the common obligation of all Chinese people, the Taiwan compatriots included.

Taiwan is part of China. The state shall never allow the “Taiwan independence” secessionist forces to make Taiwan secede from China under any name or by any means.

Article 3
The Taiwan question is one that is left over from China’s civil war of the late 1940s.

Solving the Taiwan question and achieving national reunification is China’s internal affair, which subjects to no interference by any outside forces.

Article 4
Accomplishing the great task of reunifying the motherland is the sacred duty of all Chinese people, the Taiwan compatriots included.

Article 5
Upholding the principle of one China is the basis of peaceful reunification of the country.

To reunify the country through peaceful means best serves the fundamental interests of the compatriots on both sides of the Taiwan Straits. The state shall do its utmost with maximum sincerity to achieve a peaceful reunification.

After the country is reunified peacefully, Taiwan may practice systems different from those on the mainland and enjoy a high degree of autonomy.
Article 6
The state shall take the following measures to maintain peace and stability in the Taiwan Straits and promote cross-Strait relations:
(1) to encourage and facilitate personnel exchanges across the Straits for greater mutual understanding and mutual trust;
(2) to encourage and facilitate economic exchanges and cooperation, realize direct links of trade, mail and air and shipping services, and bring about closer economic ties between the two sides of the Straits to their mutual benefit;
(3) to encourage and facilitate cross-Strait exchanges in education, science, technology, culture, health and sports, and work together to carry forward the proud Chinese cultural traditions;
(4) to encourage and facilitate cross-Strait cooperation in combating crimes; and
(5) to encourage and facilitate other activities that are conducive to peace and stability in the Taiwan Straits and stronger cross-Strait relations.
The state protects the rights and interests of the Taiwan compatriots in accordance with law.

Article 7
The state stands for the achievement of peaceful reunification through consultations and negotiations on an equal footing between the two sides of the Taiwan Straits. These consultations and negotiations may be conducted in steps and phases and with flexible and varied modalities.

The two sides of the Taiwan Straits may consult and negotiate on the following matters:
(1) officially ending the state of hostility between the two sides;
(2) mapping out the development of cross-Strait relations;
(3) steps and arrangements for peaceful national reunification;
(4) the political status of the Taiwan authorities;
(5) the Taiwan region’s room of international operation that is compatible with its status; and
(6) other matters concerning the achievement of peaceful national reunification.

Article 8
In the event that the “Taiwan independence” secessionist forces should act under any name or by any means to cause the fact of Taiwan’s secession from China, or that major incidents entailing Taiwan’s secession from China should occur, or that possibilities for a peaceful reunification should be completely exhausted, the state
shall employ non-peaceful means and other necessary measures to protect China’s sovereignty and territorial integrity.

The State Council and the Central Military Commission shall decide on and execute the non-peaceful means and other necessary measures as provided for in the preceding paragraph and shall promptly report to the Standing Committee of the National People’s Congress.

Article 9
In the event of employing and executing non-peaceful means and other necessary measures as provided for in this Law, the state shall exert its utmost to protect the lives, property and other legitimate rights and interests of Taiwan civilians and foreign nationals in Taiwan, and to minimize losses. At the same time, the state shall protect the rights and interests of the Taiwan compatriots in other parts of China in accordance with law.

Article 10
This Law shall come into force on the day of its promulgation.
第六條 國家採取下列措施，維護臺灣海峽地區和平穩定，促進兩岸關係:

(一) 鼓勵和推動兩岸人員往來，增進了解，增強互信；
(二) 鼓勵和推動兩岸教育、科技、文化、衛生、體育、宗教交流，
    共同弘揚中華文化的優秀傳統；
(三) 鼓勵和推動兩岸經濟交流與合作，直接通郵通航通商，
    密切兩岸經濟關係，互利互惠；
(四) 鼓勵和推動兩岸共同打擊犯罪；
(五) 鼓勵和推動有利於維護臺灣海峽地區和平穩定、促進兩岸關係的其他活動。

國家依法保護臺灣同胞的權利和利益。

第七條 國家主張通過臺灣海峽兩岸平等的協商和談判，實現和平統一。協商和談判可以有步驟、分階段進行，方式可以靈活多樣。臺灣海峽兩岸可以就下列事項進行協商和談判:

(一) 正式結束兩岸敵對狀態；
(二) 開展兩岸關係的規劃；
(三) 和平統一的步驟和安排；
(四) 臺灣當局的政治地位；
(五) 臺灣地區在國際上與其地位相適應的活動空間；
(六) 與實現和平統一有關的其他任何問題。

第八條 “台獨”分裂勢力以任何名義、任何方式造成臺灣從中國分裂出去的事實，或者發生將會導致臺灣從中國分裂出去的重大事變，或者和平統一的可能性完全喪失，國家得採取非和平方式及其他必要措施，捍衛國家主權和領土完整。

依照前款規定採取非和平方式及其他必要措施，由國務院、中央軍事委員會決定和組織實施，並及時向全國人民代表大會常務委員會報告。

第九條 依照本法規定採取非和平方式及其他必要措施並組織實施時，國家盡最大可能保護臺灣平民和在臺灣的外國人的生命財產安全和其他正當權益，減少損失；同時，國家依法保護臺灣同胞在中國其他地區的權利和利益。

第十條 本法自公佈之日起施行。
South China Sea Arbitration—PCA Press Release

Permanent Court of Arbitration  
Peace Palace, Carnegieplein 2,  
2517 KJ The Hague, Netherlands  
Telephone: +31 70 302 4165  
Facsimile: +31 70 302 4167  
E-Mail: bureau@pca-cpa.org  
Website: www.pca-cpa.org

Cour Permanente d’Arbitrage  
Palais de la Paix, Carnegieplein 2,  
2517 KJ La Haye, Pays-Bas  
Téléphone: +31 70 302 4165  
Télécopie: +31 70 302 4167  
Courriel: bureau@pca-cpa.org  
Site Internet: www.pca-cpa.org

PRESS RELEASE

THE SOUTH CHINA SEA ARBITRATION  
(THE REPUBLIC OF THE PHILIPPINES V. THE PEOPLE’S REPUBLIC OF CHINA)

The Hague, 12 July 2016

The Tribunal Renders Its Award

A unanimous Award has been issued today by the Tribunal constituted under Annex VII to the United Nations Convention on the Law of the Sea (the “Convention”) in the arbitration instituted by the Republic of the Philippines against the People’s Republic of China.

This arbitration concerned the role of historic rights and the source of maritime entitlements in the South China Sea, the status of certain maritime features and the maritime entitlements they are capable of generating, and the lawfulness of certain actions by China that were alleged by the Philippines to violate the Convention. In light of limitations on compulsory dispute settlement under the Convention, the Tribunal has emphasized that it does not rule on any question of sovereignty over land territory and does not delimit any boundary between the Parties.

China has repeatedly stated that “it will neither accept nor participate in the arbitration unilaterally initiated by the Philippines.” Annex VII, however, provides that the “[a]bsence of a party or failure of a party to defend its case shall not constitute a bar to the proceedings.” Annex VII also provides that, in the event that a party does not participate in the proceedings, a tribunal “must satisfy itself not only that it has jurisdiction over the dispute but also that the claim is well founded in fact and law.” Accordingly, throughout these proceedings, the Tribunal has taken steps to test the accuracy of the Philippines’ claims, including by requesting further written submissions from the Philippines, by questioning the Philippines both prior
to and during two hearings, by appointing independent experts to report to the Tribunal on technical matters, and by obtaining historical evidence concerning features in the South China Sea and providing it to the Parties for comment.

China has also made clear—through the publication of a Position Paper in December 2014 and in other official statements—that, in its view, the Tribunal lacks jurisdiction in this matter. Article 288 of the Convention provides that: “In the event of a dispute as to whether a court or tribunal has jurisdiction, the matter shall be settled by decision of that court or tribunal.” Accordingly, the Tribunal convened a hearing on jurisdiction and admissibility in July 2015 and rendered an Award on Jurisdiction and Admissibility on 29 October 2015, deciding some issues of jurisdiction and deferring others for further consideration. The Tribunal then convened a hearing on the merits from 24 to 30 November 2015.

The Award of today’s date addresses the issues of jurisdiction not decided in the Award on Jurisdiction and Admissibility and the merits of the Philippines’ claims over which the Tribunal has jurisdiction. The Award is final and binding, as set out in Article 296 of the Convention and Article 11 of Annex VII.

**Historic Rights and the ‘Nine-Dash Line’**: The Tribunal found that it has jurisdiction to consider the Parties’ dispute concerning historic rights and the source of maritime entitlements in the South China Sea. On the merits, the Tribunal concluded that the Convention comprehensively allocates rights to maritime areas and that protections for pre-existing rights to resources were considered, but not adopted in the Convention. Accordingly, the Tribunal concluded that, to the extent China had historic rights to resources in the waters of the South China Sea, such rights were extinguished to the extent they were incompatible with the exclusive economic zones provided for in the Convention. The Tribunal also noted that, although Chinese navigators and fishermen, as well as those of other States, had historically made use of the islands in the South China Sea, there was no evidence that China had historically exercised exclusive control over the waters or their resources. The Tribunal concluded that there was no legal basis for China to claim historic rights to resources within the sea areas falling within the ‘nine-dash line’.

**Status of Features**: The Tribunal next considered entitlements to maritime areas and the status of features. The Tribunal first undertook an evaluation of whether certain reefs claimed by China are above water at high tide. Features that are above water at high tide generate an entitlement to at least a 12 nautical mile territorial sea, whereas features that are submerged at high tide do not. The Tribunal noted that the reefs have been heavily modified by land reclamation and construction, recalled that the Convention classifies features on their natural condition, and relied on historical
materials in evaluating the features. The Tribunal then considered whether any of the features claimed by China could generate maritime zones beyond 12 nautical miles. Under the Convention, islands generate an exclusive economic zone of 200 nautical miles and a continental shelf, but “[r]ocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf.” The Tribunal concluded that this provision depends upon the objective capacity of a feature, in its natural condition, to sustain either a stable community of people or economic activity that is not dependent on outside resources or purely extractive in nature. The Tribunal noted that the current presence of official personnel on many of the features is dependent on outside support and not reflective of the capacity of the features. The Tribunal found historical evidence to be more relevant and noted that the Spratly Islands were historically used by small groups of fishermen and that several Japanese fishing and guano mining enterprises were attempted. The Tribunal concluded that such transient use does not constitute inhabitation by a stable community and that all of the historical economic activity had been extractive. Accordingly, the Tribunal concluded that none of the Spratly Islands is capable of generating extended maritime zones. The Tribunal also held that the Spratly Islands cannot generate maritime zones collectively as a unit. Having found that none of the features claimed by China was capable of generating an exclusive economic zone, the Tribunal found that it could—without delimiting a boundary—declare that certain sea areas are within the exclusive economic zone of the Philippines, because those areas are not overlapped by any possible entitlement of China.

**Lawfulness of Chinese Actions:** The Tribunal next considered the lawfulness of Chinese actions in the South China Sea. Having found that certain areas are within the exclusive economic zone of the Philippines, the Tribunal found that China had violated the Philippines’ sovereign rights in its exclusive economic zone by (a) interfering with Philippine fishing and petroleum exploration, (b) constructing artificial islands and (c) failing to prevent Chinese fishermen from fishing in the zone. The Tribunal also held that fishermen from the Philippines (like those from China) had traditional fishing rights at Scarborough Shoal and that China had interfered with these rights in restricting access. The Tribunal further held that Chinese law enforcement vessels had unlawfully created a serious risk of collision when they physically obstructed Philippine vessels.

**Harm to Marine Environment:** The Tribunal considered the effect on the marine environment of China’s recent large-scale land reclamation and construction of artificial islands at seven features in the Spratly Islands and found that China had caused severe harm to the coral reef environment and violated its obligation to
preserve and protect fragile ecosystems and the habitat of depleted, threatened, or endangered species. The Tribunal also found that Chinese authorities were aware that Chinese fishermen have harvested endangered sea turtles, coral, and giant clams on a substantial scale in the South China Sea (using methods that inflict severe damage on the coral reef environment) and had not fulfilled their obligations to stop such activities.

**Aggravation of Dispute:** Finally, the Tribunal considered whether China’s actions since the commencement of the arbitration had aggravated the dispute between the Parties. The Tribunal found that it lacked jurisdiction to consider the implications of a stand-off between Philippine marines and Chinese naval and law enforcement vessels at Second Thomas Shoal, holding that this dispute involved military activities and was therefore excluded from compulsory settlement. The Tribunal found, however, that China’s recent large-scale land reclamation and construction of artificial islands was incompatible with the obligations on a State during dispute resolution proceedings, insofar as China has inflicted irreparable harm to the marine environment, built a large artificial island in the Philippines’ exclusive economic zone, and destroyed evidence of the natural condition of features in the South China Sea that formed part of the Parties’ dispute.

An expanded summary of the Tribunal’s decisions is set out below.

The Tribunal was constituted on 21 June 2013 pursuant to the procedure set out in Annex VII of the Convention to decide the dispute presented by the Philippines. The Tribunal is composed of Judge Thomas A. Mensah of Ghana, Judge Jean-Pierre Cot of France, Judge Stanislaw Pawlak of Poland, Professor Alfred H.A. Soons of the Netherlands, and Judge Rüdiger Wolfrum of Germany. Judge Thomas A. Mensah serves as President of the Tribunal. The Permanent Court of Arbitration acts as the Registry in the proceedings.

Further information about the case may be found at www.pcadcases.com/web/view/7, including the Award on Jurisdiction and Admissibility, the Rules of Procedure, earlier Press Releases, hearing transcripts, and photographs. Procedural Orders, submissions by the Philippines, and reports by the Tribunal’s experts will be made available in due course, as will unofficial Chinese translations of the Tribunal’s Awards.

**Background to the Permanent Court of Arbitration**

The Permanent Court of Arbitration (PCA) is an intergovernmental organization established by the 1899 Hague Convention on the Pacific Settlement of International Disputes. The PCA has 121 Member States. Headquartered at the Peace Palace in The Hague, the Netherlands, the PCA facilitates arbitration,
conciliation, fact-finding, and other dispute resolution proceedings among various combinations of States, State entities, intergovernmental organizations, and private parties. The PCA’s International Bureau is currently administering 8 interstate disputes, 73 investor-State arbitrations, and 34 cases arising under contracts involving a State or other public entity. The PCA has administered 12 cases initiated by States under Annex VII to the United Nations Convention on the Law of the Sea.

In July 2013, the Tribunal in the South China Sea Arbitration appointed the PCA to serve as Registry for the proceedings. The Tribunal’s Rules of Procedure provide that the PCA shall “maintain an archive of the arbitral proceedings and provide appropriate registry services as directed by the Arbitral Tribunal.” Such services include assisting with the identification and appointment of experts; publishing information about the arbitration and issuing press releases; organizing the hearings at the Peace Palace in The Hague; and the financial management of the case, which involves holding a deposit for expenses in the arbitration, such as to pay arbitrator fees, experts, technical support, court reporters etc. The Registry also serves as the channel of communications amongst the Parties and the Tribunal and observer States.

Photograph: Hearing in session, July 2015, Peace Palace, The Hague. Clockwise from top left: Registrar and PCA Senior Legal Counsel Judith Levine; Judge Stanislaw Pawlak; Professor Alfred H. A. Soons; Judge Thomas A. Mensah (Presiding Arbitrator); Judge Jean-Pierre Cot; Judge Rüdiger Wolfrum; PCA Senior Legal Counsel Garth Schofield; former Secretary for Foreign Affairs of the Philippines, Mr. Albert F. Del Rosario; former Solicitor General Mr. Florin T. Hilbay, Counsel for the Philippines; Mr. Paul S. Reichler; Professor Philippe Sands; Professor Bernard H. Oxman; Professor Alan E. Boyle; Mr. Lawrence H. Martin.

**SUMMARY OF THE TRIBUNAL’S DECISIONS ON ITS JURISDICTION AND ON THE MERITS OF THE PHILIPPINES’ CLAIMS**

1. Background to the Arbitration

The South China Sea Arbitration between the Philippines and China concerned an application by the Philippines for rulings in respect of four matters concerning the relationship between the Philippines and China in the South China Sea. First, the Philippines sought a ruling on the source of the Parties’ rights and obligations in the South China Sea and the effect of the United Nations Convention on the Law of the Sea (“Convention”) on China’s claims to historic rights within its so-called ‘nine-dash line’. Second, the Philippines sought a ruling on whether certain maritime features claimed by both China and the Philippines are properly characterized as islands, rocks, low-tide elevations or submerged banks under the Convention. The
status of these features under the Convention determines the maritime zones they are capable of generating. Third, the Philippines sought rulings on whether certain Chinese actions in the South China Sea have violated the Convention, by interfering with the exercise of the Philippines’ sovereign rights and freedoms under the Convention or through construction and fishing activities that have harmed the marine environment. Finally, the Philippines sought a ruling that certain actions taken by China, in particular its large-scale land reclamation and construction of artificial islands in the Spratly Islands since this arbitration was commenced, have unlawfully aggravated and extended the Parties’ dispute.

The Chinese Government has adhered to the position of neither accepting nor participating in these arbitral proceedings. It has reiterated this position in diplomatic notes, in the “Position Paper of the Government of the People’s Republic of China on the Matter of Jurisdiction in the South China Sea Arbitration Initiated by the Republic of the Philippines” dated 7 December 2014 (“China’s Position Paper”), in letters to members of the Tribunal from the Chinese Ambassador to the Kingdom of the Netherlands, and in many public statements. The Chinese Government has also made clear that these statements and documents “shall by no means be interpreted as China’s participation in the arbitral proceeding in any form.”

Two provisions of the Convention address the situation of a party that objects to the jurisdiction of a tribunal and declines to participate in the proceedings:

(a) Article 288 of the Convention provides that: “In the event of a dispute as to whether a court or tribunal has jurisdiction, the matter shall be settled by decision of that court or tribunal.”

(b) Article 9 of Annex VII to the Convention provides that:

If one of the parties to the dispute does not appear before the arbitral tribunal or fails to defend its case, the other party may request the tribunal to continue the proceedings and to make its award. Absence of a party or failure of a party to defend its case shall not constitute a bar to the proceedings. Before making its award, the arbitral tribunal must satisfy itself not only that it has jurisdiction over the dispute but also that the claim is well founded in fact and law.

Throughout these proceedings, the Tribunal has taken a number of steps to fulfil its duty to satisfy itself as to whether it has jurisdiction and whether the Philippines’ claims are “well founded in fact and law”. With respect to jurisdiction, the Tribunal decided to treat China’s informal communications as equivalent to an objection to jurisdiction, convened a Hearing on Jurisdiction and Admissibility on 7 to 13 July
2015, questioned the Philippines both before and during the hearing on matters of jurisdiction, including potential issues not raised in China’s informal communications, and issued an Award on Jurisdiction and Admissibility on 29 October 2015 (the “Award on Jurisdiction”), deciding some issues of jurisdiction and deferring others for further consideration in conjunction with the merits of the Philippines’ claims. With respect to the merits, the Tribunal sought to test the accuracy of the Philippines’ claims by requesting further written submissions from the Philippines, by convening a hearing on the merits from 24 to 30 November 2015, by questioning the Philippines both before and during the hearing with respect to its claims, by appointing independent experts to report to the Tribunal on technical matters, and by obtaining historical records and hydrographic survey data for the South China Sea from the archives of the United Kingdom Hydrographic Office, the National Library of France, and the French National Overseas Archives and providing it to the Parties for comment, along with other relevant materials in the public domain.

2. The Parties’ Positions

The Philippines made 15 Submissions in these proceedings, requesting the Tribunal to find that:

(1) China’s maritime entitlements in the South China Sea, like those of the Philippines, may not extend beyond those expressly permitted by the United Nations Convention on the Law of the Sea;

(2) China’s claims to sovereign rights jurisdiction, and to “historic rights”, with respect to the maritime areas of the South China Sea encompassed by the so-called “nine-dash line” are contrary to the Convention and without lawful effect to the extent that they exceed the geographic and substantive limits of China’s maritime entitlements expressly permitted by UNCLOS;

(3) Scarborough Shoal generates no entitlement to an exclusive economic zone or continental shelf;

(4) Mischief Reef, Second Thomas Shoal, and Subi Reef are low-tide elevations that do not generate entitlement to a territorial sea, exclusive economic zone or continental shelf, and are not features that are capable of appropriation by occupation or otherwise;

(5) Mischief Reef and Second Thomas Shoal are part of the exclusive economic zone and continental shelf of the Philippines;

(6) Gaven Reef and McKennan Reef (including Hughes Reef) are low-tide elevations that do not generate entitlement to a territorial sea, exclusive economic zone or continental shelf, but their low-water line may be used to
determine the baseline from which the breadth of the territorial sea of Namyit and Sin Cowe, respectively, is measured;

(7) Johnson Reef, Cuarteron Reef and Fiery Cross Reef generate no entitlement to an exclusive economic zone or continental shelf;

(8) China has unlawfully interfered with the enjoyment and exercise of the sovereign rights of the Philippines with respect to the living and non-living resources of its exclusive economic zone and continental shelf;

(9) China has unlawfully failed to prevent its nationals and vessels from exploiting the living resources in the exclusive economic zone of the Philippines;

(10) China has unlawfully prevented Philippine fishermen from pursuing their livelihoods by interfering with traditional fishing activities at Scarborough Shoal;

(11) China has violated its obligations under the Convention to protect and preserve the marine environment at Scarborough Shoal, Second Thomas Shoal, Cuarteron Reef, Fiery Cross Reef, Gaven Reef, Johnson Reef, Hughes Reef and Subi Reef;

(12) China’s occupation of and construction activities on Mischief Reef
    (a) violate the provisions of the Convention concerning artificial islands, installations and structures;
    (b) violate China’s duties to protect and preserve the marine environment under the Convention; and
    (c) constitute unlawful acts of attempted appropriation in violation of the Convention;

(13) China has breached its obligations under the Convention by operating its law enforcement vessels in a dangerous manner, causing serious risk of collision to Philippine vessels navigating in the vicinity of Scarborough Shoal;

(14) Since the commencement of this arbitration in January 2013, China has unlawfully aggravated and extended the dispute by, among other things:
    (a) interfering with the Philippines’ rights of navigation in the waters at, and adjacent to, Second Thomas Shoal;
    (b) preventing the rotation and resupply of Philippine personnel stationed at Second Thomas Shoal;
    (c) endangering the health and well-being of Philippine personnel stationed at Second Thomas Shoal; and
(d) conducting dredging, artificial island-building and construction activities at Mischief Reef, Cuarteron Reef, Fiery Cross Reef, Gaven Reef, Johnson Reef, Hughes Reef and Subi Reef; and

(15) China shall respect the rights and freedoms of the Philippines under the Convention, shall comply with its duties under the Convention, including those relevant to the protection and preservation of the marine environment in the South China Sea, and shall exercise its rights and freedoms in the South China Sea with due regard to those of the Philippines under the Convention.

With respect to jurisdiction, the Philippines has asked the Tribunal to declare that the Philippines’ claims “are entirely within its jurisdiction and are fully admissible.” China does not accept and is not participating in this arbitration but stated its position that the Tribunal “does not have jurisdiction over this case.” In its Position Paper, China advanced the following arguments:

– The essence of the subject-matter of the arbitration is the territorial sovereignty over several maritime features in the South China Sea, which is beyond the scope of the Convention and does not concern the interpretation or application of the Convention;

– China and the Philippines have agreed, through bilateral instruments and the Declaration on the Conduct of Parties in the South China Sea, to settle their relevant disputes through negotiations. By unilaterally initiating the present arbitration, the Philippines has breached its obligation under international law;

– Even assuming, arguendo, that the subject-matter of the arbitration were concerned with the interpretation or application of the Convention, that subject-matter would constitute an integral part of maritime delimitation between the two countries, thus falling within the scope of the declaration filed by China in 2006 in accordance with the Convention, which excludes, inter alia, disputes concerning maritime delimitation from compulsory arbitration and other compulsory dispute settlement procedures;

Although China has not made equivalent public statements with respect to the merits of the majority of the Philippines’ claims, the Tribunal has sought throughout the proceedings to ascertain China’s position on the basis of its contemporaneous public statements and diplomatic correspondence.

3. The Tribunal’s Decisions on the Scope of its Jurisdiction

The Tribunal has addressed the scope of its jurisdiction to consider the Philippines’ claims both in its Award on Jurisdiction, to the extent that issues of jurisdiction
could be decided as a preliminary matter, and in its Award of 12 July 2016, to the extent that issues of jurisdiction were intertwined with the merits of the Philippines’ claims. The Tribunal’s Award of 12 July 2016 also incorporates and reaffirms the decisions on jurisdiction taken in the Award on Jurisdiction.

For completeness, the Tribunal’s decisions on jurisdiction in both awards are summarized here together.

a. Preliminary Matters

In its Award on Jurisdiction, the Tribunal considered a number of preliminary matters with respect to its jurisdiction. The Tribunal noted that both the Philippines and China are parties to the Convention and that the Convention does not permit a State to except itself generally from the mechanism for the resolution of disputes set out in the Convention. The Tribunal held that China’s non-participation does not deprive the Tribunal of jurisdiction and that the Tribunal had been properly constituted pursuant to the provisions of Annex VII to the Convention, which include a procedure to form a tribunal even in the absence of one party. Finally, the Tribunal rejected an argument set out in China’s Position Paper and held that the mere act of unilaterally initiating an arbitration cannot constitute an abuse of the Convention.

b. Existence of a Dispute Concerning Interpretation and Application of the Convention

In its Award on Jurisdiction, the Tribunal considered whether the Parties’ disputes concerned the interpretation or application of the Convention, which is a requirement for resort to the dispute settlement mechanisms of the Convention.

The Tribunal rejected the argument set out in China’s Position Paper that the Parties’ dispute is actually about territorial sovereignty and therefore not a matter concerning the Convention. The Tribunal accepted that there is a dispute between the Parties concerning sovereignty over islands in the South China Sea, but held that the matters submitted to arbitration by the Philippines do not concern sovereignty. The Tribunal considered that it would not need to implicitly decide sovereignty to address the Philippines’ Submissions and that doing so would not advance the sovereignty claims of either Party to islands in the South China Sea.

The Tribunal also rejected the argument set out in China’s Position Paper that the Parties’ dispute is actually about maritime boundary delimitation and therefore excluded from dispute settlement by Article 298 of the Convention and a declaration that China made on 25 August 2006 pursuant to that Article. The Tribunal noted that a dispute concerning whether a State has an entitlement to a maritime zone is a distinct matter from the delimitation of maritime zones in an area
in which they overlap. The Tribunal noted that entitlements, together with a wide variety of other issues, are commonly considered in a boundary delimitation, but can also arise in other contexts. The Tribunal held that it does not follow that a dispute over each of these issues is necessarily a dispute over boundary delimitation.

Finally, the Tribunal held that each of the Philippines’ Submissions reflected a dispute concerning the Convention. In doing so, the Tribunal emphasized (a) that a dispute concerning the interaction between the Convention and other rights (including any Chinese “historic rights”) is a dispute concerning the Convention and (b) that where China has not clearly stated its position, the existence of a dispute may be inferred from the conduct of a State or from silence and is a matter to be determined objectively.

c. Involvement of Indispensable Third-Parties

In its Award on Jurisdiction, the Tribunal considered whether the absence from this arbitration of other States that have made claims to the islands of the South China Sea would be a bar to the Tribunal’s jurisdiction. The Tribunal noted that the rights of other States would not form “the very subject-matter of the decision,” the standard for a third-party to be indispensable. The Tribunal further noted that in December 2014, Viet Nam had submitted a statement to the Tribunal, in which Viet Nam asserted that it has “no doubt that the Tribunal has jurisdiction in these proceedings.” The Tribunal also noted that Viet Nam, Malaysia, and Indonesia had attended the hearing on jurisdiction as observers, without any State raising the argument that its participation was indispensable.

In its Award of 12 July 2016, the Tribunal noted that it had received a communication from Malaysia on 23 June 2016, recalling Malaysia’s claims in the South China Sea. The Tribunal compared its decisions on the merits of the Philippines’ Submissions with the rights claimed by Malaysia and reaffirmed its decision that Malaysia is not an indispensable party and that Malaysia’s interests in the South China Sea do not prevent the Tribunal from addressing the Philippines’ Submissions.

d. Preconditions to Jurisdiction

In its Award on Jurisdiction, the Tribunal considered the applicability of Articles 281 and 282 of the Convention, which may prevent a State from making use of the mechanisms under the Convention if they have already agreed to another means of dispute resolution.

The Tribunal rejected the argument set out in China’s Position Paper that the 2002 China–ASEAN Declaration on the Conduct of Parties in the South China Sea prevented the Philippines from initiating arbitration. The Tribunal held that the
Declaration is a political agreement and not legally binding, does not provide a mechanism for binding settlement, does not exclude other means of dispute settlement, and therefore does not restrict the Tribunal’s jurisdiction under Articles 281 or 282. The Tribunal also considered the Treaty of Amity and Cooperation in Southeast Asia, and the Convention on Biological Diversity, and a series of joint statements issued by the Philippines and China referring to the resolution of disputes through negotiations and concluded that none of these instruments constitute an agreement that would prevent the Philippines from bringing its claims to arbitration.

The Tribunal further held that the Parties had exchanged views regarding the settlement of their disputes, as required by Article 283 of the Convention, before the Philippines initiated the arbitration. The Tribunal concluded that this requirement was met in the record of diplomatic communications between the Philippines and China, in which the Philippines expressed a clear preference for multilateral negotiations involving the other States surrounding the South China Sea, while China insisted that only bilateral talks could be considered.

e. Exceptions and Limitations to Jurisdiction

In its Award of 12 July 2016, the Tribunal considered whether the Philippines’ Submissions concerning Chinese historic rights and the ‘nine-dash line’ were affected by the exception from jurisdiction for disputes concerning “historic title” in Article 298 of the Convention. The Tribunal reviewed the meaning of “historic title” in the law of the sea and held that this refers to claims of historic sovereignty over bays and other near-shore waters. Reviewing China’s claims and conduct in the South China Sea, the Tribunal concluded that China claims historic rights to resources within the ‘nine-dash line’, but does not claim historic title over the waters of the South China Sea. Accordingly, the Tribunal concluded that it had jurisdiction to consider the Philippines’ claims concerning historic rights and, as between the Philippines and China, the ‘nine-dash line’.

In its Award of 12 July 2016, the Tribunal also considered whether the Philippines’ Submissions were affected by the exception from jurisdiction in Article 298 for disputes concerning sea boundary delimitation. The Tribunal had already found in its Award on Jurisdiction that the Philippines’ Submissions do not concern boundary delimitation as such, but noted that several of the Philippines’ Submissions were dependent on certain areas forming part of the Philippines’ exclusive economic zone. The Tribunal held that it could only address such submissions if there was no possibility that China could have an entitlement to an exclusive economic zone overlapping that of the Philippines and deferred a final decision on its jurisdiction.
In its Award of 12 July 2016, the Tribunal reviewed evidence about the reefs and islands claimed by China in the South China Sea and concluded that none is capable of generating an entitlement to an exclusive economic zone. Because China has no possible entitlement to an exclusive economic zone overlapping that of the Philippines in the Spratly Islands, the Tribunal held that the Philippines’ submissions were not dependent on a prior delimitation of a boundary.

In its Award of 12 July 2016, the Tribunal also considered whether the Philippines’ Submissions were affected by the exception from jurisdiction in Article 298 for disputes concerning law enforcement activities in the exclusive economic zone. The Tribunal recalled that the exception in Article 298 would apply only if the Philippines’ Submissions related to law enforcement activities in China’s exclusive economic zone. Because, however, the Philippines’ Submissions related to events in the Philippines’ own exclusive economic zone or in the territorial sea, the Tribunal concluded that Article 298 did not pose an obstacle to its jurisdiction.

Lastly, in its Award of 12 July 2016, the Tribunal considered whether the Philippines’ submissions were affected by the exception from jurisdiction in Article 298 for disputes concerning military activities. The Tribunal considered that the stand-off between Philippine marines on Second Thomas Shoal and Chinese naval and law enforcement vessels constituted military activities and concluded that it lacked jurisdiction over the Philippines’ Submission No. 14(a)-(c). The Tribunal also considered whether China’s land reclamation and construction of artificial islands at seven features in the Spratly Islands constituted military activities, but noted that China had repeatedly emphasized the non-military nature of its actions and had stated at the highest level that it would not militarize its presence in the Spratlys. The Tribunal decided that it would not deem activities to be military in nature when China itself had repeatedly affirmed the opposite. Accordingly, the Tribunal concluded that Article 298 did not pose an obstacle to its jurisdiction.

4. The Tribunal’s Decisions on the Merits of the Philippines’ Claims

   a. The ‘Nine-Dash Line’ and China’s Claim to Historic Rights in the Maritime Areas of the South China Sea

In its Award of 12 July 2016, the Tribunal considered the implications of China’s ‘nine-dash line’ and whether China has historic rights to resources in the South China Sea beyond the limits of the maritime zones that it is entitled to pursuant to the Convention.

The Tribunal examined the history of the Convention and its provisions concerning maritime zones and concluded that the Convention was intended to comprehensively allocate the rights of States to maritime areas. The Tribunal noted
that the question of pre-existing rights to resources (in particular fishing resources) was carefully considered during the negotiations on the creation of the exclusive economic zone and that a number of States wished to preserve historic fishing rights in the new zone. This position was rejected, however, and the final text of the Convention gives other States only a limited right of access to fisheries in the exclusive economic zone (in the event the coastal State cannot harvest the full allowable catch) and no rights to petroleum or mineral resources. The Tribunal found that China’s claim to historic rights to resources was incompatible with the detailed allocation of rights and maritime zones in the Convention and concluded that, to the extent China had historic rights to resources in the waters of the South China Sea, such rights were extinguished by the entry into force of the Convention to the extent they were incompatible with the Convention’s system of maritime zones.

The Tribunal also examined the historical record to determine whether China actually had historic rights to resources in the South China Sea prior to the entry into force of the Convention. The Tribunal noted that there is evidence that Chinese navigators and fishermen, as well as those of other States, had historically made use of the islands in the South China Sea, although the Tribunal emphasized that it was not empowered to decide the question of sovereignty over the islands. However, the Tribunal considered that prior to the Convention, the waters of the South China Sea beyond the territorial sea were legally part of the high seas, in which vessels from any State could freely navigate and fish. Accordingly, the Tribunal concluded that historical navigation and fishing by China in the waters of the South China Sea represented the exercise of high seas freedoms, rather than a historic right, and that there was no evidence that China had historically exercised exclusive control over the waters of the South China Sea or prevented other States from exploiting their resources.

Accordingly, the Tribunal concluded that, as between the Philippines and China, there was no legal basis for China to claim historic rights to resources, in excess of the rights provided for by the Convention, within the sea areas falling within the ‘nine-dash line’.

**b. The Status of Features in the South China Sea**

In its Award of 12 July 2016, the Tribunal considered the status of features in the South China Sea and the entitlements to maritime areas that China could potentially claim pursuant to the Convention.

The Tribunal first undertook a technical evaluation as to whether certain coral reefs claimed by China are or are not above water at high tide. Under Articles 13 and 121
of the Convention, features that are above water at high tide generate an entitlement to at least a 12 nautical mile territorial sea, whereas features that are submerged at high tide generate no entitlement to maritime zones. The Tribunal noted that many of the reefs in the South China Sea have been heavily modified by recent land reclamation and construction and recalled that the Convention classifies features on the basis of their natural condition. The Tribunal appointed an expert hydrographer to assist it in evaluating the Philippines’ technical evidence and relied heavily on archival materials and historical hydrographic surveys in evaluating the features. The Tribunal agreed with the Philippines that Scarborough Shoal, Johnson Reef, Cuerteron Reef, and Fiery Cross Reef are high-tide features and that Subi Reef, Hughes Reef, Mischief Reef, and Second Thomas Shoal were submerged at high tide in their natural condition. However, the Tribunal disagreed with the Philippines regarding the status of Gaven Reef (North) and McKennan Reef and concluded that both are high tide features.

The Tribunal then considered whether any of the features claimed by China could generate an entitlement to maritime zones beyond 12 nautical miles. Under Article 121 of the Convention, islands generate an entitlement to an exclusive economic zone of 200 nautical miles and to a continental shelf, but “[r]ocks which cannot sustain human habitation or economic life of their own shall have no exclusive economic zone or continental shelf.” The Tribunal noted that this provision was closely linked to the expansion of coastal State jurisdiction with the creation of the exclusive economic zone and was intended to prevent insignificant features from generating large entitlements to maritime zones that would infringe on the entitlements of inhabited territory or on the high seas and the area of the seabed reserved for the common heritage of mankind. The Tribunal interpreted Article 121 and concluded that the entitlements of a feature depend on (a) the objective capacity of a feature, (b) in its natural condition, to sustain either (c) a stable community of people or (d) economic activity that is neither dependent on outside resources nor purely extractive in nature.

The Tribunal noted that many of the features in the Spratly Islands are currently controlled by one or another of the littoral States, which have constructed installations and maintain personnel there. The Tribunal considered these modern presences to be dependent on outside resources and support and noted that many of the features have been modified to improve their habitability, including through land reclamation and the construction of infrastructure such as desalination plants. The Tribunal concluded that the current presence of official personnel on many of the features does not establish their capacity, in their natural condition, to sustain a stable community of people and considered that historical evidence of habitation or
economic life was more relevant to the objective capacity of the features. Examining the historical record, the Tribunal noted that the Spratly Islands were historically used by small groups of fishermen from China, as well as other States, and that several Japanese fishing and guano mining enterprises were attempted in the 1920s and 1930s. The Tribunal concluded that temporary use of the features by fishermen did not amount to inhabitation by a stable community and that all of the historical economic activity had been extractive in nature. Accordingly, the Tribunal concluded that all of the high-tide features in the Spratly Islands (including, for example, Itu Aba, Thitu, West York Island, Spratly Island, North-East Cay, South-West Cay) are legally “rocks” that do not generate an exclusive economic zone or continental shelf.

The Tribunal also held that the Convention does not provide for a group of islands such as the Spratly Islands to generate maritime zones collectively as a unit.

c. Chinese Activities in the South China Sea

In its Award of 12 July 2016, the Tribunal considered the lawfulness under the Convention of various Chinese actions in the South China Sea.

Having found that Mischief Reef, Second Thomas Shoal and Reed Bank are submerged at high tide, form part of the exclusive economic zone and continental shelf of the Philippines, and are not overlapped by any possible entitlement of China, the Tribunal concluded that the Convention is clear in allocating sovereign rights to the Philippines with respect to sea areas in its exclusive economic zone. The Tribunal found as a matter of fact that China had (a) interfered with Philippine petroleum exploration at Reed Bank, (b) purported to prohibit fishing by Philippine vessels within the Philippines’ exclusive economic zone, (c) protected and failed to prevent Chinese fishermen from fishing within the Philippines’ exclusive economic zone at Mischief Reef and Second Thomas Shoal, and (d) constructed installations and artificial islands at Mischief Reef without the authorization of the Philippines. The Tribunal therefore concluded that China had violated the Philippines’ sovereign rights with respect to its exclusive economic zone and continental shelf.

The Tribunal next examined traditional fishing at Scarborough Shoal and concluded that fishermen from the Philippines, as well as fishermen from China and other countries, had long fished at the Shoal and had traditional fishing rights in the area. Because Scarborough Shoal is above water at high tide, it generates an entitlement to a territorial sea, its surrounding waters do not form part of the exclusive economic zone, and traditional fishing rights were not extinguished by the Convention. Although the Tribunal emphasized that it was not deciding sovereignty over Scarborough Shoal, it found that China had violated its duty to respect to the traditional fishing rights of Philippine fishermen by halting access to the Shoal after
May 2012. The Tribunal noted, however, that it would reach the same conclusion with respect to the traditional fishing rights of Chinese fishermen if the Philippines were to prevent fishing by Chinese nationals at Scarborough Shoal.

The Tribunal also considered the effect of China’s actions on the marine environment. In doing so, the Tribunal was assisted by three independent experts on coral reef biology who were appointed to assist it in evaluating the available scientific evidence and the Philippines’ expert reports. The Tribunal found that China’s recent large scale land reclamation and construction of artificial islands at seven features in the Spratly Islands has caused severe harm to the coral reef environment and that China has violated its obligation under Articles 192 and 194 of the Convention to preserve and protect the marine environment with respect to fragile ecosystems and the habitat of depleted, threatened, or endangered species. The Tribunal also found that Chinese fishermen have engaged in the harvesting of endangered sea turtles, coral, and giant clams on a substantial scale in the South China Sea, using methods that inflict severe damage on the coral reef environment. The Tribunal found that Chinese authorities were aware of these activities and failed to fulfill their due diligence obligations under the Convention to stop them.

Finally, the Tribunal considered the lawfulness of the conduct of Chinese law enforcement vessels at Scarborough Shoal on two occasions in April and May 2012 when Chinese vessels had sought to physically obstruct Philippine vessels from approaching or gaining entrance to the Shoal. In doing so, the Tribunal was assisted by an independent expert on navigational safety who was appointed to assist it in reviewing the written reports provided by the officers of the Philippine vessels and the expert evidence on navigational safety provided by the Philippines. The Tribunal found that Chinese law enforcement vessels had repeatedly approached the Philippine vessels at high speed and sought to cross ahead of them at close distances, creating serious risk of collision and danger to Philippine ships and personnel. The Tribunal concluded that China had breached its obligations under the Convention on the International Regulations for Preventing Collisions at Sea, 1972, and Article 94 the Convention concerning maritime safety.

d. Aggravation of the Dispute between the Parties

In its Award of 12 July 2016, the Tribunal considered whether China’s recent large-scale land reclamation and construction of artificial islands at seven features in the Spratly Islands since the commencement of the arbitration had aggravated the dispute between the Parties. The Tribunal recalled that there exists a duty on parties engaged in a dispute settlement procedure to refrain from aggravating or extending the dispute or disputes at issue during the pendency of the settlement process. The
Tribunal noted that China has (a) built a large artificial island on Mischief Reef, a low-tide elevation located in the exclusive economic zone of the Philippines; (b) caused permanent, irreparable harm to the coral reef ecosystem and (c) permanently destroyed evidence of the natural condition of the features in question. The Tribunal concluded that China had violated its obligations to refrain from aggravating or extending the Parties’ disputes during the pendency of the settlement process.

e. Future Conduct of the Parties

Finally, the Tribunal considered the Philippines’ request for a declaration that, going forward, China shall respect the rights and freedoms of the Philippines and comply with its duties under the Convention. In this respect, the Tribunal noted that both the Philippines and China have repeatedly accepted that the Convention and general obligations of good faith define and regulate their conduct. The Tribunal considered that the root of the disputes at issue in this arbitration lies not in any intention on the part of China or the Philippines to infringe on the legal rights of the other, but rather in fundamentally different understandings of their respective rights under the Convention in the waters of the South China Sea. The Tribunal recalled that it is a fundamental principle of international law that bad faith is not presumed and noted that Article 11 of Annex VII provides that the “award . . . shall be complied with by the parties to the dispute.” The Tribunal therefore considered that no further declaration was necessary.

■ Editor’s note ==============

On Jan. 22, 2013, the Republic of the Philippines instituted arbitral proceedings against the People’s Republic of China (PRC) under Annex VII to the United Nations Convention on the Law of the Sea (UNCLOS). The arbitration concerned the role of historic rights and the source of maritime entitlements in the South China Sea, the status of certain maritime features in the South China Sea, and the lawfulness of certain actions by the PRC in the South China Sea that the Philippines alleged to be in violation of UNCLOS. The PRC adopted a position of non-acceptance and non-participation in the proceedings. The Permanent Court of Arbitration (PCA) based in The Hague (Netherlands) served as Registry in this arbitration. Relevant case information is listed on the PCA website (click here), the full texts of the South China Sea Arbitration Award of July 12, 2016 can be found on that website as well—PCA Case Nº 2013-19 (English, PDF, 501 pages) and its unofficial Chinese translation (南海問題仲裁 2016 年 7 月 12 日裁决非官方翻譯, PDF, 345 pages). For above press release click here. Please note that the PCA ruling in the South China Sea arbitration was rejected by both the PRC and the ROC.
Taiwan Travel Act

Public Law 115-135  
115th Congress  
Mar. 16, 2018—[H.R.535] - Taiwan Travel Act  

An Act  
To encourage visits between the United States and Taiwan at all levels, and for other purposes.  

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,  

SECTION 1. SHORT TITLE.  
This Act may be cited as the “Taiwan Travel Act”.  

SEC. 2. FINDINGS.  
Congress finds the following:  
(1) The Taiwan Relations Act (22 U.S.C. 3301 et seq.), enacted in 1979, has continued for 37 years to be a cornerstone of relations between the United States and Taiwan and has served as an anchor for peace and security in the Western Pacific area.  
(2) The Taiwan Relations Act declares that peace and stability in the Western Pacific area are in the political, security, and economic interests of the United States and are matters of international concern.  
(3) The United States considers any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States.  
(4) Taiwan has succeeded in a momentous transition to democracy beginning in the late 1980s and has been a beacon of democracy in Asia, and Taiwan's democratic achievements inspire many countries and people in the region.  
(5) Visits to a country by United States Cabinet members and other high-ranking officials are an indicator of the breadth and depth of ties between the United States and such country.  
(6) Since the enactment of the Taiwan Relations Act, relations between the United States and Taiwan have suffered from insufficient high-level communication due to the self-imposed restrictions that the United States maintains on high-level visits with Taiwan.
SEC. 3. SENSE OF CONGRESS; STATEMENT OF POLICY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should encourage visits between officials from the United States and Taiwan at all levels.

(b) STATEMENT OF POLICY.—It should be the policy of the United States to—

(1) allow officials at all levels of the United States Government, including Cabinet-level national security officials, general officers, and other executive branch officials, to travel to Taiwan to meet their Taiwanese counterparts;

(2) allow high-level officials of Taiwan to enter the United States, under conditions which demonstrate appropriate respect for the dignity of such officials, and to meet with officials of the United States, including officials from the Department of State and the Department of Defense and other Cabinet agencies; and

(3) encourage the Taipei Economic and Cultural Representative Office, and any other instrumentality established by Taiwan, to conduct business in the United States, including activities which involve participation by Members of Congress, officials of Federal, State, or local governments of the United States, or any high-level official of Taiwan.

Approved March 16, 2018.

LEGISLATIVE HISTORY—H.R. 535:
Jan. 9, considered and passed House.
Feb. 28, considered and passed Senate.

TAIPEI Act of 2019

Public Law 116-135
116th Congress

An Act
To express United States support for Taiwan’s diplomatic alliances around the world.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

This Act may be cited as the “Taiwan Allies International Protection and Enhancement Initiative (TAIPEI) Act of 2019”.

SEC. 2. DIPLOMATIC RELATIONS WITH TAIWAN.

(a) Findings.—Congress makes the following findings:

(1) The Taiwan Relations Act of 1979 (Public Law 96-8) states that it is the policy of the United States “to preserve and promote extensive, close, and friendly commercial, cultural, and other relations between the people of the United States and the people on Taiwan”.

(2) The Taiwan Relations Act of 1979 states that it is the policy of the United States “to maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people on Taiwan”.

(3) Taiwan is a free, democratic, and prosperous nation of 23,000,000 people and an important contributor to peace and stability around the world.

(4) Since the election of President Tsai Ing-wen as President of Taiwan in 2016, the Government of the People’s Republic of China has intensified its efforts to pressure Taiwan.

(5) Since 2016, the Gambia, Sao Tome and Principe, Panama, the Dominican Republic, Burkina Faso, El Salvador, the Solomon Islands, and Kiribati have severed diplomatic relations with Taiwan in favor of diplomatic relations with China.

(6) Taiwan currently maintains full diplomatic relations with 15 nations around the world.

(7) Taiwan’s unique relationship with the United States, Australia, India, Japan, and other countries are of significant benefit in strengthening Taiwan’s economy and preserving its international space.

(8) According to President Tsai Ing-wen, the severance of diplomatic ties with Taiwan in favor of diplomatic relations with China is “part of a series of diplomatic and military acts of coercion” by China.

(9) The Asia Reassurance Initiative Act of 2018 (Public Law 115-409) states that—

(A) it is United States policy “to support the close economic, political, and security relationship between Taiwan and the United States”; and

(B) the President should—

(i) “conduct regular transfers of defense articles to Taiwan that are tailored to meet the existing and likely future threats from the People’s
Republic of China, including supporting the efforts of Taiwan to develop and integrate asymmetric capabilities, as appropriate, including mobile, survivable, and cost-effective capabilities, into its military forces”; and
(ii) “encourage the travel of high-level United States officials to Taiwan, in accordance with the Taiwan Travel Act”.

SEC. 3. SENSE OF CONGRESS ON TRADE AND ECONOMIC RELATIONS WITH TAIWAN.
It is the sense of Congress that—
(1) the United States and Taiwan have built a strong economic partnership, with the United States now Taiwan’s second largest trading partner and with Taiwan the 11th largest trading partner of the United States and a key destination for United States agricultural exports;
(2) strong United States-Taiwan economic relations have been a positive factor in stimulating economic growth and job creation for the people of both the United States and Taiwan; and
(3) the United States Trade Representative should consult with Congress on opportunities for further strengthening bilateral trade and economic relations between the United States and Taiwan.

SEC. 4. POLICY OF THE UNITED STATES WITH REGARD TO TAIWAN’S PARTICIPATION IN INTERNATIONAL ORGANIZATIONS.
It should be the policy of the United States—
(1) to advocate, as appropriate—
(A) for Taiwan’s membership in all international organizations in which statehood is not a requirement and in which the United States is also a participant; and
(B) for Taiwan to be granted observer status in other appropriate international organizations;
(2) to instruct, as appropriate, representatives of the United States Government in all organizations described in paragraph (1) to use the voice, vote, and influence of the United States to advocate for Taiwan’s membership or observer status in such organizations; and
(3) for the President or the President’s designees to advocate, as appropriate, for Taiwan’s membership or observer status in all organizations described in paragraph (1) as part of any relevant bilateral engagements between the United States and the People’s Republic of China, including leader summits and the U.S.-China Comprehensive Economic Dialogue.
SEC. 5. STRENGTHENING OF TIES WITH TAIWAN.

(a) Sense of Congress.—It is the sense of Congress that the United States Government should—

(1) support Taiwan in strengthening its official diplomatic relationships as well as other partnerships with countries in the Indo-Pacific region and around the world;

(2) consider, in certain cases as appropriate and in alignment with United States interests, increasing its economic, security, and diplomatic engagement with nations that have demonstrably strengthened, enhanced, or upgraded relations with Taiwan; and

(3) consider, in certain cases as appropriate, in alignment with United States foreign policy interests and in consultation with Congress, altering its economic, security, and diplomatic engagement with nations that take serious or significant actions to undermine the security or prosperity of Taiwan.

(b) Report.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for five years, the Secretary of State shall report to the appropriate congressional committees on the steps taken in accordance with subsection (a).

(c) Appropriate Congressional Committees Defined.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Foreign Relations, the Committee on Appropriations, and the Committee on Finance of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Appropriations, and the Committee on Ways and Means of the House of Representatives.

Approved March 26, 2020.

LEGISLATIVE HISTORY—S. 1678:
CONGRESSIONAL RECORD:
              Mar. 11, Senate concurred in House amendment.

Hong Kong National Security Law

The Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region
Contents

Chapter I General Principles
Chapter II The Duties and the Government Bodies of the Hong Kong Special Administrative Region for Safeguarding National Security
  Part 1: Duties
  Part 2: Government Bodies
Chapter III Offences and Penalties
  Part 1: Secession
  Part 2: Subversion
  Part 3: Terrorist Activities
  Part 4: Collusion with a Foreign Country or with External Elements to Endanger National Security
  Part 5: Other Provisions on Penalty
  Part 6: Scope of Application
Chapter IV Jurisdiction, Applicable Law and Procedure
Chapter V Office for Safeguarding National Security of the Central People’s Government in the Hong Kong Special Administrative Region
Chapter VI Supplementary Provisions

Chapter I: General Principles

Article 1

This Law is enacted, in accordance with the Constitution of the People’s Republic of China, the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China, and the Decision of the National People’s Congress on Establishing and Improving the Legal System and Enforcement Mechanisms for Safeguarding National Security in the Hong Kong Special Administrative Region, for the purpose of:

- ensuring the resolute, full and faithful implementation of the policy of One Country, Two Systems under which the people of Hong Kong administer Hong Kong with a high degree of autonomy;
- safeguarding national security;
- preventing, suppressing and imposing punishment for the offences of secession, subversion, organisation and perpetration of terrorist activities, and collusion with a foreign country or with external elements to endanger national security in relation to the Hong Kong Special Administrative Region;
● maintaining prosperity and stability of the Hong Kong Special Administrative Region; and
● protecting the lawful rights and interests of the residents of the Hong Kong Special Administrative Region.

Article 2
The provisions in Articles 1 and 12 of the Basic Law of the Hong Kong Special Administrative Region on the legal status of the Hong Kong Special Administrative Region are the fundamental provisions in the Basic Law. No institution, organisation or individual in the Region shall contravene these provisions in exercising their rights and freedoms.

Article 3
The Central People’s Government has an overarching responsibility for national security affairs relating to the Hong Kong Special Administrative Region.

It is the duty of the Hong Kong Special Administrative Region under the Constitution to safeguard national security and the Region shall perform the duty accordingly.

The executive authorities, legislature and judiciary of the Region shall effectively prevent, suppress and impose punishment for any act or activity endangering national security in accordance with this Law and other relevant laws.

Article 4
Human rights shall be respected and protected in safeguarding national security in the Hong Kong Special Administrative Region. The rights and freedoms, including the freedoms of speech, of the press, of publication, of association, of assembly, of procession and of demonstration, which the residents of the Region enjoy under the Basic Law of the Hong Kong Special Administrative Region and the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as applied to Hong Kong, shall be protected in accordance with the law.

Article 5
The principle of the rule of law shall be adhered to in preventing, suppressing, and imposing punishment for offences endangering national security. A person who commits an act which constitutes an offence under the law shall be convicted and punished in accordance with the law. No one shall be convicted and punished for an act which does not constitute an offence under the law.
A person is presumed innocent until convicted by a judicial body. The right to defend himself or herself and other rights in judicial proceedings that a criminal suspect, defendant, and other parties in judicial proceedings are entitled to under the law shall be protected. No one shall be liable to be tried or punished again for an offence for which he or she has already been finally convicted or acquitted in judicial proceedings.

Article 6

It is the common responsibility of all the people of China, including the people of Hong Kong, to safeguard the sovereignty, unification and territorial integrity of the People’s Republic of China.

Any institution, organisation or individual in the Hong Kong Special Administrative Region shall abide by this Law and the laws of the Region in relation to the safeguarding of national security, and shall not engage in any act or activity which endangers national security.

A resident of the Region who stands for election or assumes public office shall confirm in writing or take an oath to uphold the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China and swear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China in accordance with the law.

Chapter II: The Duties and the Government Bodies of the Hong Kong Special Administrative Region for Safeguarding National Security

Part 1: Duties

Article 7

The Hong Kong Special Administrative Region shall complete, as early as possible, legislation for safeguarding national security as stipulated in the Basic Law of the Hong Kong Special Administrative Region and shall refine relevant laws.

Article 8

In order to safeguard national security effectively, the law enforcement and judicial authorities of the Hong Kong Special Administrative Region shall fully enforce this Law and the laws in force in the Region concerning the prevention of, suppression of, and imposition of punishment for acts and activities endangering national security.
Article 9

The Hong Kong Special Administrative Region shall strengthen its work on safeguarding national security and prevention of terrorist activities. The Government of the Hong Kong Special Administrative Region shall take necessary measures to strengthen public communication, guidance, supervision and regulation over matters concerning national security, including those relating to schools, universities, social organisations, the media, and the internet.

Article 10

The Hong Kong Special Administrative Region shall promote national security education in schools and universities and through social organisations, the media, the internet and other means to raise the awareness of Hong Kong residents of national security and of the obligation to abide by the law.

Article 11

The Chief Executive of the Hong Kong Special Administrative Region shall be accountable to the Central People’s Government for affairs relating to safeguarding national security in the Hong Kong Special Administrative Region and shall submit an annual report on the performance of duties of the Region in safeguarding national security.

The Chief Executive shall, at the request of the Central People’s Government, submit in a timely manner a report on specific matters relating to safeguarding national security.

Part 2: Government Bodies

Article 12

The Hong Kong Special Administrative Region shall establish the Committee for Safeguarding National Security. The Committee shall be responsible for affairs relating to and assume primary responsibility for safeguarding national security in the Region. It shall be under the supervision of and accountable to the Central People’s Government.

Article 13

The Chief Executive shall be the chairperson of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region. The other members of the Committee shall be the Chief Secretary for Administration, the Financial Secretary, the Secretary for Justice, the Secretary for Security, the Commissioner of Police, the head of the department for safeguarding national
security of the Hong Kong Police Force established under Article 16 of this Law, the Director of Immigration, the Commissioner of Customs and Excise, and the Director of the Chief Executive’s Office.

A secretariat headed by a Secretary-General shall be established under the Committee. The Secretary-General shall be appointed by the Central People’s Government upon nomination by the Chief Executive.

Article 14

The duties and functions of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region shall be:

(1) analysing and assessing developments in relation to safeguarding national security in the Hong Kong Special Administrative Region, making work plans, and formulating policies for safeguarding national security in the Region;

(2) advancing the development of the legal system and enforcement mechanisms of the Region for safeguarding national security; and

(3) coordinating major work and significant operations for safeguarding national security in the Region.

No institution, organisation or individual in the Region shall interfere with the work of the Committee. Information relating to the work of the Committee shall not be subject to disclosure. Decisions made by the Committee shall not be amenable to judicial review.

Article 15

The Committee for Safeguarding National Security of the Hong Kong Special Administrative Region shall have a National Security Adviser, who shall be designated by the Central People’s Government and provide advice on matters relating to the duties and functions of the Committee. The National Security Adviser shall sit in on meetings of the Committee.

Article 16

The Police Force of the Hong Kong Special Administrative Region shall establish a department for safeguarding national security with law enforcement capacity.

The head of the department for safeguarding national security of the Hong Kong Police Force shall be appointed by the Chief Executive. The Chief Executive shall seek in writing the opinion of the Office established under Article 48 of this Law before making the appointment. When assuming office, the head of the department for safeguarding national security of the Hong Kong Police Force shall swear to uphold the Basic Law of the Hong Kong Special Administrative Region of the
People’s Republic of China, swear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China, and swear to abide by the law and to observe the obligation of secrecy.

The department for safeguarding national security of the Hong Kong Police Force may recruit qualified professionals and technical personnel from outside the Hong Kong Special Administrative Region to provide assistance in the performance of duties for safeguarding national security.

Article 17

The duties and functions of the department for safeguarding national security of the Hong Kong Police Force shall be:
(1) collecting and analysing intelligence and information concerning national security;
(2) planning, coordinating and enforcing measures and operations for safeguarding national security;
(3) investigating offences endangering national security;
(4) conducting counter-interference investigation and national security review;
(5) carrying out tasks of safeguarding national security assigned by the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region; and
(6) performing other duties and functions necessary for the enforcement of this Law.

Article 18

The Department of Justice of the Hong Kong Special Administrative Region shall establish a specialised prosecution division responsible for the prosecution of offences endangering national security and other related legal work. The prosecutors of this division shall be appointed by the Secretary for Justice after obtaining the consent of the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region.

The head of the specialised prosecution division of the Department of Justice shall be appointed by the Chief Executive, who shall seek in writing the opinion of the Office established under Article 48 of this Law before making the appointment. When assuming office, the head of the specialised prosecution division shall swear to uphold the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China, swear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China, and swear to abide by the law and to observe the obligation of secrecy.
Article 19

The Financial Secretary of the Hong Kong Special Administrative Region shall, upon approval of the Chief Executive, appropriate from the general revenue a special fund to meet the expenditure for safeguarding national security and approve the establishment of relevant posts, which are not subject to any restrictions in the relevant provisions of the laws in force in the Region. The Financial Secretary shall submit an annual report on the control and management of the fund for this purpose to the Legislative Council of the Hong Kong Special Administrative Region.

CHAPTER III: OFFENCES AND PENALTIES

Part 1: Secession

Article 20

A person who organises, plans, commits or participates in any of the following acts, whether or not by force or threat of force, with a view to committing secession or undermining national unification shall be guilty of an offence:
(1) separating the Hong Kong Special Administrative Region or any other part of the People's Republic of China from the People's Republic of China;
(2) altering by unlawful means the legal status of the Hong Kong Special Administrative Region or of any other part of the People's Republic of China; or
(3) surrendering the Hong Kong Special Administrative Region or any other part of the People's Republic of China to a foreign country.

A person who is a principal offender or a person who commits an offence of a grave nature shall be sentenced to life imprisonment or fixed-term imprisonment of not less than ten years; a person who actively participates in the offence shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years; and other participants shall be sentenced to fixed-term imprisonment of not more than three years, short-term detention or restriction.

Article 21

A person who incites, assists in, abets or provides pecuniary or other financial assistance or property for the commission by other persons of the offence under Article 20 of this Law shall be guilty of an offence. If the circumstances of the offence committed by a person are of a serious nature, the person shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years; if the circumstances of the offence committed by a person are of a minor nature, the person shall be sentenced to fixed-term imprisonment of not more than five years, short-term detention or restriction.
Part 2: Subversion

Article 22

A person who organises, plans, commits or participates in any of the following acts by force or threat of force or other unlawful means with a view to subverting the State power shall be guilty of an offence:

1. overthrowing or undermining the basic system of the People’s Republic of China established by the Constitution of the People’s Republic of China;
2. overthrowing the body of central power of the People’s Republic of China or the body of power of the Hong Kong Special Administrative Region;
3. seriously interfering in, disrupting, or undermining the performance of duties and functions in accordance with the law by the body of central power of the People’s Republic of China or the body of power of the Hong Kong Special Administrative Region; or
4. attacking or damaging the premises and facilities used by the body of power of the Hong Kong Special Administrative Region to perform its duties and functions, rendering it incapable of performing its normal duties and functions.

A person who is a principal offender or a person who commits an offence of a grave nature shall be sentenced to life imprisonment or fixed-term imprisonment of not less than ten years; a person who actively participates in the offence shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years; and other participants shall be sentenced to fixed-term imprisonment of not more than three years, short-term detention or restriction.

Article 23

A person who incites, assists in, abets or provides pecuniary or other financial assistance or property for the commission by other persons of the offence under Article 22 of this Law shall be guilty of an offence. If the circumstances of the offence committed by a person are of a serious nature, the person shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years; if the circumstances of the offence committed by a person are of a minor nature, the person shall be sentenced to fixed-term imprisonment of not more than five years, short-term detention or restriction.

Part 3: Terrorist Activities
Article 24

A person who organises, plans, commits, participates in or threatens to commit any of the following terrorist activities causing or intended to cause grave harm to the society with a view to coercing the Central People’s Government, the Government of the Hong Kong Special Administrative Region or an international organisation or intimidating the public in order to pursue political agenda shall be guilty of an offence:

1. serious violence against a person or persons;
2. explosion, arson, or dissemination of poisonous or radioactive substances, pathogens of infectious diseases or other substances;
3. sabotage of means of transport, transport facilities, electric power or gas facilities, or other combustible or explosible facilities;
4. serious interruption or sabotage of electronic control systems for providing and managing public services such as water, electric power, gas, transport, telecommunications and the internet; or
5. other dangerous activities which seriously jeopardise public health, safety or security.

A person who commits the offence causing serious bodily injury, death or significant loss of public or private property shall be sentenced to life imprisonment or fixed-term imprisonment of not less than ten years; in other circumstances, a person who commits the offence shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years.

Article 25

A person who organises or takes charge of a terrorist organisation shall be guilty of an offence and shall be sentenced to life imprisonment or fixed-term imprisonment of not less than ten years, and shall be subject to confiscation of property; a person who actively participates in a terrorist organisation shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years and shall be imposed with a criminal fine; and other participants shall be sentenced to fixed-term imprisonment of not more than three years, short-term detention or restriction, and shall be liable to a criminal fine.

For the purpose of this Law, a terrorist organisation means an organisation which commits or intends to commit the offence under Article 24 of this Law or participates or assists in the commission of the offence.

Article 26

A person who provides support, assistance or facility such as training, weapons, information, funds, supplies, labour, transport, technologies or venues to a terrorist
organisation or a terrorist, or for the commission of a terrorist activity; or manufactures or illegally possesses substances such as explosive, poisonous or radioactive substances and pathogens of infectious diseases or uses other means to prepare for the commission of a terrorist activity, shall be guilty of an offence. If the circumstances of the offence committed by a person are of a serious nature, the person shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years, and shall be imposed with a criminal fine or subject to confiscation of property; in other circumstances, a person shall be sentenced to fixed-term imprisonment of not more than five years, short-term detention or restriction, and shall be imposed with a criminal fine.

If the act referred to in the preceding paragraph also constitutes other offences, the person who commits the act shall be convicted and sentenced for the offence that carries a more severe penalty.

Article 27

A person who advocates terrorism or incites the commission of a terrorist activity shall be guilty of an offence. If the circumstances of the offence committed by a person are of a serious nature, the person shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years, and shall be imposed with a criminal fine or subject to confiscation of property; in other circumstances, a person shall be sentenced to fixed-term imprisonment of not more than five years, short-term detention or restriction, and shall be imposed with a criminal fine.

Article 28

The provisions of this Part shall not affect the prosecution of terrorist offences committed in other forms or the imposition of other measures such as freezing of property in accordance with the laws of the Hong Kong Special Administrative Region.

Part 4: Collusion with a Foreign Country or with External Elements to Endanger National Security

Article 29

A person who steals, spies, obtains with payment, or unlawfully provides State secrets or intelligence concerning national security for a foreign country or an institution, organisation or individual outside the mainland, Hong Kong and Macao of the People's Republic of China shall be guilty of an offence; a person who requests a foreign country or an institution, organisation or individual outside the
mainland, Hong Kong and Macao of the People’s Republic of China, or conspires with a foreign country or an institution, organisation or individual outside the mainland, Hong Kong and Macao of the People’s Republic of China, or directly or indirectly receives instructions, control, funding or other kinds of support from a foreign country or an institution, organisation or individual outside the mainland, Hong Kong and Macao of the People’s Republic of China, to commit any of the following acts shall be guilty of an offence:

1. Waging a war against the People’s Republic of China, or using or threatening to use force to seriously undermine the sovereignty, unification and territorial integrity of the People’s Republic of China;
2. Seriously disrupting the formulation and implementation of laws or policies by the Government of the Hong Kong Special Administrative Region or by the Central People’s Government, which is likely to cause serious consequences;
3. Rigging or undermining an election in the Hong Kong Special Administrative Region, which is likely to cause serious consequences;
4. Imposing sanctions or blockade, or engaging in other hostile activities against the Hong Kong Special Administrative Region or the People’s Republic of China; or
5. Provoking by unlawful means hatred among Hong Kong residents towards the Central People’s Government or the Government of the Region, which is likely to cause serious consequences.

A person who commits the offence shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years; a person who commits an offence of a grave nature shall be sentenced to life imprisonment or fixed-term imprisonment of not less than ten years.

The institution, organisation and individual outside the mainland, Hong Kong and Macao of the People’s Republic of China referred to in the first paragraph of this Article shall be convicted and punished for the same offence.

Article 30

A person who conspires with or directly or indirectly receives instructions, control, funding or other kinds of support from a foreign country or an institution, organisation, or individual outside the mainland, Hong Kong and Macao of the People’s Republic of China to commit the offences under Article 20 or 22 of this Law shall be liable to a more severe penalty in accordance with the provisions therein respectively.

Part 5: Other Provisions on Penalty
Article 31
An incorporated or unincorporated body such as a company or an organisation which commits an offence under this Law shall be imposed with a criminal fine.

The operation of an incorporated or unincorporated body such as a company or an organisation shall be suspended or its licence or business permit shall be revoked if the body has been punished for committing an offence under this Law.

Article 32
Proceeds obtained from the commission of an offence under this Law including financial aid, gains and rewards, and funds and tools used or intended to be used in the commission of the offence shall be seized and confiscated.

Article 33
A lighter penalty may be imposed, or the penalty may be reduced or, in the case of a minor offence, exempted, if an offender, criminal suspect, or defendant:

(1) in the process of committing an offence, voluntarily discontinues the commission of the offence or voluntarily and effectively forestalls its consequences;

(2) voluntarily surrenders himself or herself and gives a truthful account of the offence; or

(3) reports on the offence committed by other person, which is verified to be true, or provides material information which assists in solving other criminal case.

Sub-paragraph (2) of the preceding paragraph shall apply to a criminal suspect or defendant who is subjected to mandatory measures and provides a truthful account of other offences committed by him or her under this Law which are unknown to the law enforcement or judicial authorities.

Article 34
A person who is not a permanent resident of the Hong Kong Special Administrative Region may be subject to deportation as the sole or an additional punishment if he or she commits an offence under this Law.

A person who is not a permanent resident of the Region may be subject to deportation if he or she contravenes the provisions of this Law but is not prosecuted for any reason.

Article 35
A person who is convicted of an offence endangering national security by a court shall be disqualified from standing as a candidate in the elections of the Legislative Council and district councils of the Hong Kong Special Administrative
Region, holding any public office in the Region, or serving as a member of the Election Committee for electing the Chief Executive. If a person so convicted is a member of the Legislative Council, a government official, a public servant, a member of the Executive Council, a judge or a judicial officer, or a member of the district councils, who has taken an oath or made a declaration to uphold the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China and swear allegiance to the Hong Kong Special Administrative Region of the People’s Republic of China, he or she shall be removed from his or her office upon conviction, and shall be disqualified from standing for the aforementioned elections or from holding any of the aforementioned posts.

The disqualification and removal from offices referred to in the preceding paragraph shall be announced by the authorities responsible for organising and managing the relevant elections or for the appointment and removal of holders of public office.

Part 6: Scope of Application

Article 36

This Law shall apply to offences under this Law which are committed in the Hong Kong Special Administrative Region by any person. An offence shall be deemed to have been committed in the Region if an act constituting the offence or the consequence of the offence occurs in the Region.

This Law shall also apply to offences under this Law committed on board a vessel or aircraft registered in the Region.

Article 37

This Law shall apply to a person who is a permanent resident of the Hong Kong Special Administrative Region or an incorporated or unincorporated body such as a company or an organisation which is set up in the Region if the person or the body commits an offence under this Law outside the Region.

Article 38

This Law shall apply to offences under this Law committed against the Hong Kong Special Administrative Region from outside the Region by a person who is not a permanent resident of the Region.

Article 39

This Law shall apply to acts committed after its entry into force for the purpose of conviction and imposition of punishment.
CHAPTER IV: JURISDICTION, APPLICABLE LAW AND PROCEDURE

Article 40

The Hong Kong Special Administrative Region shall have jurisdiction over cases concerning offences under this Law, except under the circumstances specified in Article 55 of this Law.

Article 41

This Law and the laws of the Hong Kong Special Administrative Region shall apply to procedural matters, including those related to criminal investigation, prosecution, trial, and execution of penalty, in respect of cases concerning offence endangering national security over which the Region exercises jurisdiction.

No prosecution shall be instituted in respect of an offence endangering national security without the written consent of the Secretary for Justice. This provision shall not prejudice the arrest and detention of a person who is suspected of having committed the offence or the application for bail by the person in accordance with the law.

Cases concerning offence endangering national security within the jurisdiction of the Hong Kong Special Administrative Region shall be tried on indictment.

The trial shall be conducted in an open court. When circumstances arise such as the trial involving State secrets or public order, all or part of the trial shall be closed to the media and the public but the judgment shall be delivered in an open court.

Article 42

When applying the laws in force in the Hong Kong Special Administrative Region concerning matters such as the detention and time limit for trial, the law enforcement and judicial authorities of the Region shall ensure that cases concerning offence endangering national security are handled in a fair and timely manner so as to effectively prevent, suppress and impose punishment for such offence.

No bail shall be granted to a criminal suspect or defendant unless the judge has sufficient grounds for believing that the criminal suspect or defendant will not continue to commit acts endangering national security.

Article 43

When handling cases concerning offence endangering national security, the department for safeguarding national security of the Police Force of the Hong Kong Special Administrative Region may take measures that law enforcement authorities, including the Hong Kong Police Force, are allowed to apply under the laws in force
in the Hong Kong Special Administrative Region in investigating serious crimes, and may also take the following measures:

(1) search of premises, vehicles, vessels, aircraft and other relevant places and electronic devices that may contain evidence of an offence;

(2) ordering any person suspected of having committed an offence endangering national security to surrender travel documents, or prohibiting the person concerned from leaving the Region;

(3) freezing of, applying for restraint order, charging order and confiscation order in respect of, and forfeiture of property used or intended to be used for the commission of the offence, proceeds of crime, or other property relating to the commission of the offence;

(4) requiring a person who published information or the relevant service provider to delete the information or provide assistance;

(5) requiring a political organisation of a foreign country or outside the mainland, Hong Kong and Macao of the People's Republic of China, or an agent of authorities or a political organisation of a foreign country or outside the mainland, Hong Kong and Macao of the People's Republic of China, to provide information;

(6) upon approval of the Chief Executive, carrying out interception of communications and conducting covert surveillance on a person who is suspected, on reasonable grounds, of having involved in the commission of an offence endangering national security; and

(7) requiring a person, who is suspected, on reasonable grounds, of having in possession information or material relevant to investigation, to answer questions and furnish such information or produce such material.

The Committee for Safeguarding National Security of the Hong Kong Special Administrative Region shall be responsible for supervising the implementation of the measures stipulated in the first paragraph of this Article by law enforcement authorities including the department for safeguarding national security of the Hong Kong Police Force.

The Chief Executive shall be authorised, in conjunction with the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region, to make relevant implementation rules for the purpose of applying the measures under the first paragraph of this Article.

**Article 44**

The Chief Executive shall designate a number of judges from the magistrates, the judges of the District Court, the judges of the Court of First Instance and the
Court of Appeal of the High Court, and the judges of the Court of Final Appeal, and may also designate a number of judges from deputy judges or recorders, to handle cases concerning offence endangering national security. Before making such designation, the Chief Executive may consult the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region and the Chief Justice of the Court of Final Appeal. The term of office of the aforementioned designated judges shall be one year.

A person shall not be designated as a judge to adjudicate a case concerning offence endangering national security if he or she has made any statement or behaved in any manner endangering national security. A designated judge shall be removed from the designation list if he or she makes any statement or behaves in any manner endangering national security during the term of office.

The proceedings in relation to the prosecution for offences endangering national security in the magistrates’ courts, the District Court, the High Court and the Court of Final Appeal shall be handled by the designated judges in the respective courts.

Article 45

Unless otherwise provided by this Law, magistrates’ courts, the District Court, the High Court and the Court of Final Appeal shall handle proceedings in relation to the prosecution for offences endangering national security in accordance with the laws of the Hong Kong Special Administrative Region.

Article 46

In criminal proceedings in the Court of First Instance of the High Court concerning offences endangering national security, the Secretary for Justice may issue a certificate directing that the case shall be tried without a jury on the grounds of, among others, the protection of State secrets, involvement of foreign factors in the case, and the protection of personal safety of jurors and their family members. Where the Secretary for Justice has issued the certificate, the case shall be tried in the Court of First Instance without a jury by a panel of three judges.

Where the Secretary for Justice has issued the certificate, the reference to “a jury” or “a verdict of the jury” in any provision of the laws of the Hong Kong Special Administrative Region applicable to the related proceedings shall be construed as referring to the judges or the functions of the judge as a judge of fact.

Article 47

The courts of the Hong Kong Special Administrative Region shall obtain a certificate from the Chief Executive to certify whether an act involves national security or whether the relevant evidence involves State secrets when such questions
arise in the adjudication of a case. The certificate shall be binding on the courts.

CHAPTER V: OFFICE FOR SAFEGUARDING NATIONAL SECURITY OF THE CENTRAL PEOPLE’S GOVERNMENT IN THE HONG KONG SPECIAL ADMINISTRATIVE REGION

Article 48

The Central People’s Government shall establish in the Hong Kong Special Administrative Region an office for safeguarding national security. The Office for Safeguarding National Security of the Central People’s Government in the Hong Kong Special Administrative Region shall perform its mandate for safeguarding national security and exercise relevant powers in accordance with the law.

The staff of the Office shall be jointly dispatched by relevant national security authorities under the Central People’s Government.

Article 49

The Office for Safeguarding National Security of the Central People’s Government in the Hong Kong Special Administrative Region shall perform the following mandate:

(1) analysing and assessing developments in relation to safeguarding national security in the Hong Kong Special Administrative Region, and providing opinions and making proposals on major strategies and important policies for safeguarding national security;

(2) overseeing, guiding, coordinating with, and providing support to the Region in the performance of its duties for safeguarding national security;

(3) collecting and analysing intelligence and information concerning national security; and

(4) handling cases concerning offence endangering national security in accordance with the law.

Article 50

The Office for Safeguarding National Security of the Central People’s Government in the Hong Kong Special Administrative Region shall perform its mandate in strict compliance with the law and be subject to supervision in accordance with the law. It shall not infringe upon the lawful rights and interests of any individual or organisation.

The staff of the Office shall abide by the laws of the Hong Kong Special Administrative Region as well as national laws.
The staff of the Office shall be subject to the supervision of the national supervisory authorities in accordance with the law.

Article 51

The Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region shall be funded by the Central People's Government.

Article 52

The Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region shall strengthen working relations and cooperation with the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region, the Office of the Commissioner of the Ministry of Foreign Affairs in the Hong Kong Special Administrative Region, and the Hong Kong Garrison of the Chinese People's Liberation Army.

Article 53

The Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region shall establish a mechanism of coordination with the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region to oversee and provide guidance on the work of the Hong Kong Special Administrative Region for safeguarding national security.

The working departments of the Office shall establish mechanisms for collaboration with the relevant authorities of the Region responsible for safeguarding national security to enhance information sharing and operations coordination.

Article 54

The Office for Safeguarding National Security of the Central People's Government in the Hong Kong Special Administrative Region and the Office of the Commissioner of the Ministry of Foreign Affairs in the Hong Kong Special Administrative Region shall, together with the Government of the Hong Kong Special Administrative Region, take necessary measures to strengthen the management of and services for organs of foreign countries and international organisations in the Region, as well as non-governmental organisations and news agencies of foreign countries and from outside the mainland, Hong Kong, and Macao of the People's Republic of China in the Region.
Article 55

The Office for Safeguarding National Security of the Central People’s Government in the Hong Kong Special Administrative Region shall, upon approval by the Central People’s Government of a request made by the Government of the Hong Kong Special Administrative Region or by the Office itself, exercise jurisdiction over a case concerning offence endangering national security under this Law, if:

(1) the case is complex due to the involvement of a foreign country or external elements, thus making it difficult for the Region to exercise jurisdiction over the case;

(2) a serious situation occurs where the Government of the Region is unable to effectively enforce this Law; or

(3) a major and imminent threat to national security has occurred.

Article 56

In exercising jurisdiction over a case concerning offence endangering national security pursuant to Article 55 of this Law, the Office for Safeguarding National Security of the Central People’s Government in the Hong Kong Special Administrative Region shall initiate investigation into the case, the Supreme People’s Procuratorate shall designate a prosecuting body to prosecute it, and the Supreme People’s Court shall designate a court to adjudicate it.

Article 57

The Criminal Procedure Law of the People’s Republic of China and other related national laws shall apply to procedural matters, including those related to criminal investigation, examination and prosecution, trial, and execution of penalty, in respect of cases over which jurisdiction is exercised pursuant to Article 55 of this Law.

When exercising jurisdiction over cases pursuant to Article 55 of this Law, the law enforcement and judicial authorities referred to in Article 56 of this Law shall exercise powers in accordance with the law. The legal documents issued by these authorities on their decisions to take mandatory and investigation measures and on their judicial decisions shall have legal force in the Hong Kong Special Administrative Region. The institutions, organisations and individuals concerned must comply with measures taken by the Office for Safeguarding National Security of the Central People’s Government in the Hong Kong Special Administrative Region in accordance with the law.
Article 58

In a case over which jurisdiction is exercised pursuant to Article 55 of this Law, a criminal suspect shall have the right to retain a lawyer to represent him or her from the day he or she first receives inquiry made by the Office for Safeguarding National Security of the Central People’s Government in the Hong Kong Special Administrative Region or from the day a mandatory measure is taken against him or her. A defence lawyer may provide legal assistance to a criminal suspect or defendant in accordance with the law.

A criminal suspect or defendant who is arrested in accordance with the law shall be entitled to a fair trial before a judicial body without undue delay.

Article 59

In a case over which jurisdiction is exercised pursuant to Article 55 of this Law, any person who has information pertaining to an offence endangering national security under this Law is obliged to testify truthfully.

Article 60

The acts performed in the course of duty by the Office for Safeguarding National Security of the Central People’s Government in the Hong Kong Special Administrative Region and its staff in accordance with this Law shall not be subject to the jurisdiction of the Hong Kong Special Administrative Region.

In the course of performing duty, a holder of an identification document or a document of certification issued by the Office and the articles including vehicles used by the holder shall not be subject to inspection, search or detention by law enforcement officers of the Region.

The Office and its staff shall enjoy other rights and immunities provided by laws of the Region.

Article 61

The relevant departments of the Government of the Hong Kong Special Administrative Region shall provide necessary facilitation and support to the Office for Safeguarding National Security of the Central People’s Government in the Hong Kong Special Administrative Region in performing its mandate in accordance with this Law, and shall stop any act obstructing the performance of such mandate and hold those who commit such act liable in accordance with the law.

Chapter VI: Supplementary Provisions
Article 62

This Law shall prevail where provisions of the local laws of the Hong Kong Special Administrative Region are inconsistent with this Law.

Article 63

The law enforcement and judicial authorities and their staff who handle cases concerning offence endangering national security under this Law, or the law enforcement and judicial authorities of the Hong Kong Special Administrative Region and their staff who handle other cases concerning offence endangering national security, shall keep confidential State secrets, trade secrets or personal information which they come to know in the process of handling such cases.

A lawyer who serves as defence counsel or legal representative shall keep confidential State secrets, trade secrets or personal information which he or she comes to know in the practice of law.

The relevant institutions, organisations and individuals who assist with the handling of a case shall keep confidential any information pertaining to the case.

Article 64

In the application of this Law in the Hong Kong Special Administrative Region, the terms “fixed-term imprisonment”, “life imprisonment”, “confiscation of property” and “criminal fine” in this Law respectively mean “imprisonment”, “imprisonment for life”, “confiscation of proceeds of crime” and “fine”; “short-term detention” shall be construed, with reference to the relevant laws of the Region, as “imprisonment”, “detention in a detention centre” or “detention in a training centre”; “restriction” shall be construed, with reference to the relevant laws of the Region, as “community service” or “detention in a reformatory school”; and “revoke licence or business permit” means “revoke registration or exemption from registration, or revoke licence” as provided for in the relevant laws of the Region.

Article 65

The power of interpretation of this Law shall be vested in the Standing Committee of the National People’s Congress.

Article 66

This Law shall come into force on the date of its promulgation.

《中華人民共和國香港特別行政區維護國家安全法》

【第一章 總則】
第一條 為堅定不移並全面準確貫徹「一國兩制」、「港人治港」、高度自治的方針，維護國家安全，防範、制止和懲治與香港特別行政區有關的分裂國家、顛覆國家政權、組織實施恐怖活動和勾結外國或者境外勢力危害國家安全等犯罪，保持香港特別行政區的繁榮和穩定，保障香港特別行政區居民的合法權益，根據中華人民共和國憲法，中華人民共和國香港特別行政區基本法和全國人民代表大會關於建立健全香港特別行政區維護國家安全的法律制度和執行機制的決定，制定本法。

第二條 關於香港特別行政區法律地位的香港特別行政區基本法第一條和第十二條規定是香港特別行政區基本法的根本性條款。香港特別行政區任何機構、組織和個人行使權利和自由，不得違背香港特別行政區基本法第一條和第十二條的規定。

第三條 中央人民政府對香港特別行政區有關的國家安全事務負有根本責任。

香港特別行政區負有維護國家安全的憲制責任，應當履行維護國家安全的職責。

香港特別行政區行政機關、立法機關、司法機關應當依據本法和其他有關法律規定有效防範、制止和懲治危害國家安全的行為和活動。

第四條 香港特別行政區維護國家安全應當尊重和保障人權，依法保護香港特別行政區居民根據香港特別行政區基本法和《公民權利和政治權利國際公約》、《經濟、社會與文化權利的國際公約》適用於香港的有關規定享有的包括言論、新聞、出版的自由，結社、集會、遊行、示威的自由在內的權利和自由。

第五條 防範、制止和懲治危害國家安全犯罪，應當堅持法治原則。法律規定為犯罪行為的，依照法律定罪處刑；法律沒有規定為犯罪行為的，不得定罪處刑。

任何人未經司法機關判罪之前均假定無罪。保障犯罪嫌疑人、被告人和其他訴訟參與人依法享有的辯護權和其他訴訟權利。任何人已經司法程序被最終確定有罪或者宣告無罪的，不得就同一行為再予審判或者懲罰。

第六條 維護國家主權、統一和領土完整是包括香港同胞在內的全中國人民的共同義務。

在香港特別行政區的任何機構、組織和個人都應當遵守本法和香港特別行政區有關維護國家安全的其他法律，不得從事危害國家安全的行為和活動。
香港特別行政區居民在參選或者就任公職時應當依法簽署文件確認或者宣誓擁護中華人民共和國香港特別行政區基本法，效忠中華人民共和國香港特別行政區。

【第二章 香港特別行政區維護國家安全的職責和機構】

● 第一節 職責

第七條 香港特別行政區應當盡早完成香港特別行政區基本法規定的維護國家安全立法，完善相關法律。

第八條 香港特別行政區執法、司法機關應當切實執行本法和香港特別行政區現行法律有關防範、制止和懲治危害國家安全行為和活動的規定，有效維護國家安全。

第九條 香港特別行政區應當加強維護國家安全和防範恐怖活動的工作。對學校、社會團體、媒體、網絡等涉及國家安全的事宜，香港特別行政區政府應當採取必要措施，加強宣傳、指導、監督和管理。

第十條 香港特別行政區應當通過學校、社會團體、媒體、網絡等開展國家安全教育，提高香港特別行政區居民的國家安全意識和守法意識。

第十一條 香港特別行政區行政長官應當就香港特別行政區維護國家安全事務向中央人民政府負責，並就香港特別行政區履行維護國家安全職責的情況提交年度報告。如中央人民政府提出要求，行政長官應當就維護國家安全特定事項及時提交報告。

● 第二節 機構

第十二條 香港特別行政區設立維護國家安全委員會，負責香港特別行政區維護國家安全事務，承擔維護國家安全的主要責任，並接受中央人民政府的監督和問責。

第十三條 香港特別行政區維護國家安全委員會由行政長官擔任主席，成員包括政務司長、財政司長、律政司長、保安局長、警務處長、本法第十六條規定的警務處維護國家安全部門的負責人、入境事務處長、海關關長和行政長官辦公室主任。

香港特別行政區維護國家安全委員會下設秘書處，由秘書長領導。秘書長由行政長官提名，報中央人民政府任命。

第十四條 香港特別行政區維護國家安全委員會的職責為：

(一) 分析研判香港特別行政區維護國家安全形勢，規劃有關工作，制定香港特別行政區維護國家安全政策；
(二) 推进香港特别行政区维护国家安全的法律制度和执行机制建设；
(三) 协调香港特别行政区维护国家安全的重点工作和重大行动。

香港特别行政区维护国家安全委员会的工作不受香港特别行政区任何其他机构、组织和个人的干预，工作信息不予公开。香港特别行政区维护国家安全委员会作出的决定不受司法覆核。

第十五条 香港特别行政区维护国家安全委员会设立国家安全事务顾问，由中央人民政府指派，就香港特别行政区维护国家安全委员会履行职责相关事务提供意见。国家安全事务顾问列席香港特别行政区维护国家安全委员会会议。

第十六条 香港特别行政区政府警务处设立维护国家安全的部门，配备执法力量。

警务处维护国家安全部门负责人由行政长官任命，行政长官任命前须书面征求本法第四十八条规定机构的意见。警务处维护国家安全部门负责人在就职时应当宣誓拥护中华人民共和国香港特别行政区基本法，效忠中华人民共和国香港特别行政区，遵守法律，保守秘密。

警务处维护国家安全部门可以从香港特别行政区以外聘用合格的专案人员和技术人员，协助执行维护国家安全相关任务。

第十七条 警务处维护国家安全部门的职责为：
(一) 收集分析涉及国家安全的情报信息；
(二) 部署、协调、推进维护国家安全的措施和行动；
(三) 调查危害国家安全犯罪案件；
(四) 进行反干预调查和开展国家安全审查；
(五) 承办香港特别行政区维护国家安全委员会交办的维护国家安全工作；
(六) 执行本法所需的其他职责。

第十八条 香港特别行政区律政司设立专门的国家安全犯罪案件检控部门，负责危害国家安全犯罪案件的检控工作和其他相关法律事务。该部门检控官由律政司司长征得香港特别行政区维护国家安全委员会同意后任命。

律政司国家安全犯罪案件检控部门负责人由行政长官任命，行政长官任命前须书面征求本法第四十八条规定机构的意见。律政司国家安全犯罪案件检控部门负责人在就职时应当宣誓拥护中华人民共和国香港特别行政区基本法，效忠中华人民共和国香港特别行政区基本法，效忠中華人民共和國香港特別行政區基本法。
第十九條
經行政長官批准，香港特別行政區政府財政司長應當從政府一般收入中撥出專門款項支付關於維護國家安全的開支並核准所涉及的人員編制，不受香港特別行政區現行有關法律規定的限制。財政司長須每年就該款項的控制和管理向立法會提交報告。

【第三章 罪行和處罰】

● 第一節 分裂國家罪
第二十條
任何人組織、策劃、實施或者參與實施以下旨在分裂國家、破壞國家統一行為之一的，不論是否使用武力或者以武力相威脅，即屬犯罪：
（一）將香港特別行政區或者中華人民共和國其他任何部分從中華人民共和國分離出去；
（二）非法改變香港特別行政區或者中華人民共和國其他任何部分的法律地位；
（三）將香港特別行政區或者中華人民共和國其他任何部分轉歸外國統治。

犯前款罪，對首要分子或者罪行重大的，處無期徒刑或者十年以上有期徒刑；對積極參加的，處三年以上十年以下有期徒刑；對其他參加的，處三年以下有期徒刑、拘役或者管制。

第二十一條
任何人煽動、協助、教唆、以金錢或者其他財物資助他人實施本法第二十條規定的犯罪的，即屬犯罪。情節嚴重的，處五年以上十年以下有期徒刑；情節較輕的，處五年以下有期徒刑、拘役或者管制。

● 第二節 顛覆國家政權罪
第二十二條
任何人組織、策劃、實施或者參與實施以下以武力、威脅使用武力或者其他非法手段旨在顛覆國家政權行為之一的，即屬犯罪：
（一）推翻、破壞中華人民共和國憲法所確立的中華人民共和國根本制度；
（二）推翻中華人民共和國中央政權機關或者香港特別行政區政權機關；
（三）嚴重干擾、阻撓、破壞中華人民共和國中央政權機關或者香港特別行政區政權機關依法履行職能；
(四) 攻擊、破壞香港特別行政區政權機關履職場所及其設施，致使其無法正常履行職能。

犯前款罪，對首要分子或者罪行重大的，處無期徒刑或者十年以上有期徒刑；對積極參加的，處三年以上十年以下有期徒刑；對其他參加的，處三年以下有期徒刑、拘役或者管制。

第二十三條

任何人煽動、協助、教唆、以金錢或者其他財物資助他人實施本法第二十二條規定的犯罪的，即屬犯罪。情節嚴重的，處五年以上十年以下有期徒刑；情節較輕的，處五年以下有期徒刑、拘役或者管制。

● 第三節 恐怖活動罪

第二十四條

為脅迫中央人民政府、香港特別行政區政府或者國際組織或者威嚇公眾以圖實現政治主張，組織、策劃、實施、參與實施或者威脅實施以下造成或者意圖造成嚴重社會危害的恐怖活動之一的，即屬犯罪：

(一) 針對人的嚴重暴力；
(二) 爆炸、縱火或者投放毒害性、放射性、傳染病病原體等物質；
(三) 破壞交通工具、交通設施、電力設備、燃氣設備或者其他易燃易爆設備；
(四) 嚴重干擾、破壞水、電、燃氣、交通、通訊、網絡等公共服務和管理的電子控制系統；
(五) 以其他危險方法嚴重危害公眾健康或者安全。

犯前款罪，致人重傷、死亡或者使公私財產遭受重大損失的，處無期徒刑或者十年以上有期徒刑；其他情形，處三年以上十年以下有期徒刑。

第二十五條

組織、領導恐怖活動組織的，即屬犯罪，處無期徒刑或者十年以上有期徒刑，並處沒收財產；積極參加的，處三年以上十年以下有期徒刑，並處罰金；其他參加的，處三年以下有期徒刑、拘役或者管制，可以並處罰金。

本法所指的恐怖活動組織，是指實施或者意圖實施本法第二十四條規定的恐怖活動罪行或者參與或者協助實施本法第二十四條規定的恐怖活動罪行的組織。

第二十六條

為恐怖活動組織、恐怖活動人員、恐怖活動實施提供培訓、武器、信息、資金、物資、勞務、運輸、技術或者場所等支持、協助、便利，或者製造、非法管有爆炸性、毒害性、放射性、傳染病病原體等物質以及以其他形式準備實施恐怖活動的，即屬犯罪。情節嚴重的，處五年以上十年以下有期徒刑，並處罰...
金或者沒收財產；其他情形，處五年以下有期徒刑、拘役或者管制，並處罰金。
有前款行為，同時構成其他犯罪的，依照處罰較重的規定定罪處罰。

第二十七條 宣揚恐怖主義、煽動實施恐怖活動的，即屬犯罪。情節嚴重的，處五年以上十年以下有期徒刑，並處罰金或者沒收財產；其他情形，處五年以下有期徒刑、拘役或者管制，並處罰金。

第二十八條 本節規定不影響依據香港特別行政區法律對其他形式的恐怖活動犯罪追究刑事責任並採取凍結財產等措施。

第四節 勾結外國或者境外勢力危害國家安全罪

第二十九條 為外國或者境外機構、組織、人員竊取、刺探、收買、非法提供涉及國家安全的國家秘密或者情報的；請求外國或者境外機構、組織、人員實施，與外國或者境外機構、組織、人員串謀實施，或者直接或者間接接受外國或者境外機構、組織、人員的指使、控制、資助或者其他形式的支援實施以下行為之一的，均屬犯罪：
(一) 對中華人民共和國發動戰爭，或者以武力或者武力相威脅，對中華人民共和國主權、統一和領土完整造成嚴重危害；
(二) 對香港特別行政區政府或者中央人民政府制定和執行法律、政策進行嚴重阻撓並可能造成嚴重後果；
(三) 對香港特別行政區選舉進行操控、破壞並可能造成嚴重後果；
(四) 對香港特別行政區或者中華人民共和國進行制裁、封鎖或者採取其他敵對行動；
(五) 通過各種非法方式引發香港特別行政區居民對中央人民政府或者香港特別行政區政府的憎恨並可能造成嚴重後果。

犯前款罪，處三年以上十年以下有期徒刑；罪行重大的，處無期徒刑或者十年以上有期徒刑。

本條第一款規定涉及的境外機構、組織、人員，按共同犯罪定罪處刑。

第三十條 為實施本法第二十條、第二十二條規定的犯罪，與外國或者境外機構、組織、人員串謀，或者直接或者間接接受外國或者境外機構、組織、人員的指使、控制、資助或者其他形式的支援的，依照本法第二十條、第二十二條的規定從重處罰。

第五節 其他處罰規定
第三十一条  公司、團體等法人或者非法人組織實施本法規定的犯罪的，對該組織判處罰金。
公司、團體等法人或者非法人組織因犯本法規定的罪行受到刑事處罰的，應責令其暫停運作或者吊銷其執照或者營業許可證。

第三十二條  因實施本法規定的犯罪而獲得的資助、收益、報酬等違法所得以及用於或者意圖用於犯罪的資金和工具，應當予以追繳、沒收。

第三十三條  有以下情形的，對有關犯罪行為人、犯罪嫌疑人、被告人可以從輕、減輕處罰；犯罪較輕的，可以免除處罰：
（一）在犯罪過程中，自動放棄犯罪或者自動有效地防止犯罪結果發生的；
（二）自動投案，如實供述自己的罪行的；
（三）揭發他人犯罪行為，查證屬實，或者提供重要線索得以偵破其他案件的。
被採取強制措施的犯罪嫌疑人、被告人如實供述執法、司法機關未掌握的本人犯有本法規定的其他罪行的，按前款第二項規定處理。

第三十四條  不具有香港特別行政區永久性居民身分的人實施本法規定的犯罪的，可以獨立適用或者附加適用驅逐出境。
不具有香港特別行政區永久性居民身分的人違反本法規定，因任何原因不對其追究刑事責任的，也可以駁逐出境。

第三十五條  任何人經法院判決犯危害國家安全罪行的，即喪失作為候選人參加香港特別行政區舉行的立法會、區議會選舉或者出任香港特別行政區任何公職或者行政長官選舉委員會委員的資格；曾經宣誓或者聲明擁護中華人民共和國香港特別行政區基本法、效忠中華人民共和國香港特別行政區的立法會議員、政府官員及公務人員、行政會議成員、法官及其他司法人員、區議員，即時喪失該等職務，並喪失參選或者出任上述職務的資格。
前款規定資格或者職務的喪失，由負責組織、管理有關選舉或者公職任免的機構宣布。

● 第六節  効力範圍

第三十六條  任何人在香港特別行政區內實施本法規定的犯罪的，適用本法。犯罪的行為或者結果有一項發生在香港特別行政區內的，就認為是在香港特別行政區內犯罪。
在香港特別行政區註冊的船舶或者航空器內實施本法規定的犯罪的，也適用本法。
第三十七條 香港特別行政區永久性居民或者在香港特別行政區成立的公司、團體等法人或者非法人組織在香港特別行政區以外實施本法規定的犯罪的，適用本法。

第三十八條 不具有香港特別行政區永久性居民身分的人在香港特別行政區以外針對香港特別行政區實施本法規定的犯罪的，適用本法。

第三十九條 本法施行以後的行為，適用本法定罪處刑。

【第四章 案件管轄、法律適用和程序】

第四十條 香港特別行政區對本法規定的犯罪案件行使管轄權，但本法第五十五條規定的情形除外。

第四十一條 香港特別行政區管轄危害國家安全犯罪案件的立案偵查、檢控、審判和刑罰的執行等訴訟程序事宜，適用本法和香港特別行政區本地法律。

未經律政司長書面同意，任何人不得就危害國家安全犯罪案件提出檢控。但該規定不影響就有關犯罪依法逮捕犯罪嫌疑人並將其羈押，也不影響該等犯罪嫌疑人申請保釋。

香港特別行政區管轄的危害國家安全犯罪案件的審判循公訴程序進行。

審判應當公開進行。因為涉及國家秘密、公共秩序等情形不宜公開審理的，禁止新聞界和公眾旁聽全部或者一部分審理程序，但判決結果應當一律公開宣布。

第四十二條 香港特別行政區執法、司法機關在適用香港特別行政區現行法律有關羈押、審理期限等方面的規定時，應當確保危害國家安全犯罪案件公正、及時辦理，有效防範、制止和懲治危害國家安全犯罪。

對犯罪嫌疑人、被告人，除非法官有充足理由相信其不會繼續實施危害國家安全行為的，不得准予保釋。

第四十三條 香港特別行政區政府警務處維護國家安全部門辦理危害國家安全犯罪案件時，可以採取香港特別行政區現行法律准予警方等執法部門在調查嚴重犯罪嫌疑案件時採取的各種措施，並可以採取以下措施：

(一) 搜查可能存有犯罪證據的處所、車輛、船隻、航空器以及其他有關地方和電子設備；
(二) 要求涉嫌實施危害國家安全犯罪行為的人員交出旅行證件或者限制其離境；
(三）對用於或者意圖用於犯罪的財產、因犯罪所得的收益等與犯罪相關的財產，予以凍結，申請限制令、押記令、沒收令以及充公；
(四) 要求信息發布人或者有關服務商移除信息或者提供協助；
(五) 要求外國及境外政治性組織，外國及境外當局或者政治性組織的代理人提供資料；
(六) 經行政長官批准，對有合理理由懷疑涉及實施危害國家安全犯罪的人員進行截取通訊和秘密監察；
(七) 對有合理理由懷疑擁有與偵查有關的資料或者管有有關物料的人員，要求其回答問題和提交資料或者物料。
香港特別行政區維護國家安全委員會對警務處維護國家安全部門等執法機構採取本條第一款規定措施負有監督責任。
授權香港特別行政區行政長官會同香港特別行政區維護國家安全委員會為採取本條第一款規定措施制定相關實施細則。

第四十四條
香港特別行政區行政長官應當從裁判官、區域法院法官、高等法院原訟法庭法官、上訴法庭法官以及終審法院法官中指定若干名法官，也可從暫委或者特委法官中指定若干名法官，負責處理危害國家安全犯罪案件。行政長官指定法官前可徵詢香港特別行政區維護國家安全委員會和終審法院首席法官的意見。上述指定法官任期一年。
凡有危害國家安全言行的，不得被指定為審理危害國家安全犯罪案件的法官。在獲任指定法官期間，如有危害國家安全言行的，終止其指定法官資格。
在裁判法院、區域法院、高等法院和終審法院就危害國家安全犯罪案件提起的刑事檢控程序應當分別由各該法院的指定法官處理。

第四十五條
除本法另有規定外，裁判法院、區域法院、高等法院和終審法院應當按照香港特別行政區的其他法律處理就危害國家安全犯罪案件提起的刑事檢控程序。

第四十六條
對高等法院原訟法庭進行的就危害國家安全犯罪案件提起的刑事檢控程序，律政司長可基於保護國家秘密、案件具有涉外因素或者保障陪審員及其家人的人身安全等理由，發出證書指示相關訴訟毋須在有陪審團的情況下進行審理。凡律政司長發出上述證書，高等法院原訟法庭應當在沒有陪審團的情況下進行審理，並由三名法官組成審判庭。
凡律政司長發出前款規定的證書，適用於相關訴訟的香港特別行政區任何法律條文關於「陪審團」或者「陪審團的裁
第四十七條

香港特別行政區法院在審理案件中遇有涉及有關行為是否涉及國家安全或者有關證據材料是否涉及國家秘密的認定問題，應取得行政長官就該等問題發出的證明書，上述證明書對法院有約束力。

【第五章　中央人民政府駐香港特別行政區維護國家安全機構】

第四十八條　中央人民政府在香港特別行政區設立維護國家安全公署。中央人民政府駐香港特別行政區維護國家安全公署依法履行維護國家安全職責，行使相關權力。

駐香港特別行政區維護國家安全公署人員由中央人民政府維護國家安全的有關機關聯合派出。

第四十九條　駐香港特別行政區維護國家安全公署的職責為：

(一) 分析研判香港特別行政區維護國家安全形勢，就維護國家安全重大戰略和重要政策提出意見和建議；

(二) 監督、指導、協調、支持香港特別行政區履行維護國家安全的職責；

(三) 收集分析國家安全情報信息；

(四) 依法辦理危害國家安全犯罪案件。

第五十條　駐香港特別行政區維護國家安全公署應當嚴格依法履行職責，依法接受監督，不得侵害任何個人和組織的合法權益。

駐香港特別行政區維護國家安全公署人員除須遵守全國性法律外，還應當遵守香港特別行政區法律。

駐香港特別行政區維護國家安全公署人員依法接受國家監察機關的監督。

第五十一條　駐香港特別行政區維護國家安全公署的經費由中央財政保障。

第五十二條　駐香港特別行政區維護國家安全公署應當加強與中央人民政府駐香港特別行政區聯絡辦公室、外交部駐香港特別行政區特派員公署、中國人民解放軍駐香港部隊的工作聯繫和工作協同。

第五十三條　駐香港特別行政區維護國家安全公署應當與香港特別行政區維護國家安全委員會建立協調機制，監督、指導香港特別行政區維護國家安全工作。

駐香港特別行政區維護國家安全公署的工作部門應當與香港特別行政區維護國家安全的有關機關建立協作機制，加強信息共享和行動配合。
第五十四條 駐香港特別行政區維護國家安全公署、外交部駐香港特別行政區特派員公署、香港特別行政區政府和香港特別行政區的外國和境外非政府組織在適合的基礎和條件下，加強對外國和國際組織駐香港特別行政區機構、在香港特別行政區的外國和境外非政府組織和新聞機構的管理和服務。

第五十五條 有以下情形之一的，經香港特別行政區政府或者駐香港特別行政區維護國家安全公署提出，並報中央人民政府批准，由駐香港特別行政區維護國家安全公署對本法規定的危害國家安全犯罪案件行使管轄權：

(一) 案件涉及外國或者境外勢力介入的複雜情況，香港特別行政區管轄確有困難的；
(二) 出現香港特別行政區政府無法有效執行本法的嚴重情況的；
(三) 出現國家全面臨重大現實威脅的情況的。

第五十六條 根據本法第五十五條規定管轄有關危害國家安全犯罪案件時，由駐香港特別行政區維護國家安全公署負責立案偵查，最高人民檢察院指定有關檢察機關行使檢察權，最高人民法院指定有關法院行使審判權。

第五十七條 根據本法第五十五條規定管轄案件的立案偵查、審查起訴、審判和刑罰的執行等訴訟程序事宜，適用《中華人民共和國刑事訴訟法》等相關法律的規定。

根據本法第五十五條規定管轄案件時，本法第五十六條規定的執法、司法機關依法行使相關權力，其為決定採取強制措施、偵查措施和司法裁判而簽發的法律文書在香港特別行政區具有法律效力。對於駐香港特別行政區維護國家安全公署依法採取的措施，有關機構、組織和個人必須遵從。

第五十八條 根據本法第五十五條規定管轄案件時，犯罪嫌疑人自被駐香港特別行政區維護國家安全公署第一次訊問或者採取強制措施之日起，有權委託律師作為辯護人。辯護律師可以依法為犯罪嫌疑人、被告人提供法律幫助。

犯罪嫌疑人、被告人被合法拘捕後，享有盡早接受司法機關公正審判的權利。

第五十九條 根據本法第五十五條規定管轄案件時，任何人如果知道本法規定的危害國家安全犯罪案件情況，都有如實作證的義務。

第六十條 駐香港特別行政區維護國家安全公署及其人員依據本法執行職務的行為，不受香港特別行政區管轄。

持有駐香港特別行政區維護國家安全公署制發的證件或者證明文件的人員和車輛等在執行職務時不受香港特別行政區執法人員檢查、搜查和扣押。
駐香港特別行政區維護國家安全公署及其人員享有香港特別行政區法律規定的其他權利和豁免。

第六十一條 駐香港特別行政區維護國家安全公署依據本法規定履行職責時，香港特別行政區政府有關部門須提供必要的便利和配合，對妨礙有關執行職務的行為依法予以制止並追究責任。

【第六章 附則】

第六十二條 香港特別行政區本地法律規定與本法不一致的，適用本法規定。

第六十三條 辦理本法規定的危害國家安全犯罪案件的有關執法、司法機關及其人員或者辦理其他危害國家安全犯罪案件的香港特別行政區執法、司法機關及其人員，應當對辦案過程中知悉的國家秘密、商業秘密和個人隱私予以保密。

擔任辯護人或者訴訟代理人的律師應當保守在執業活動中知悉的國家秘密、商業秘密和個人隱私。

配合辦案的有關機構、組織和個人應當對案件有關情況予以保密。

第六十四條 香港特別行政區適用本法時，本法規定的「有期徒刑」、「無期徒刑」、「沒收財產」和「罰金」分別指「監禁」、「終身監禁」、「充公犯罪所得」和「罰款」、「拘役」參照適用香港特別行政區相關法律規定的「監禁」、「入勞役中心」、「入教導所」，「管制」參照適用香港特別行政區相關法律規定的「社會服務令」、「入感化院」，「吊銷執照或者營業許可證」指香港特別行政區相關法律規定的「取消註冊或者註冊豁免，或者取消牌照」。

第六十五條 本法的解釋權屬於全國人民代表大會常務委員會。

第六十六條 本法自公布之日起施行。

■ Editor’s note ===============

Following the promulgation of the law on June 30, 2020, the PRC on July 8, 2020 established the Office for Safeguarding National Security of the Central People’s Government in the Hong Kong Special Administrative Region (zhongyang renmin zhengfu zhu Xianggang tebie xingzhenggu weihu guojia anquan gongshu 中央人民政府駐香港特別行政區維護國家安全公署, abbrev. CPGNSO) to ensure and supervise the implementation of the law. The office is not subject to Hong Kong jurisdiction, and the regime in Beijing appointed Zheng Yanxiong 鄭雁雄 (b. 1963, Guangdong) as its inaugural director (shuzhang 署長).
Implementation Rules for Article 43 of the HKSAR National Security Law

Implementation Rules for Article 43 of the Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region

Implementation Rules for Article 43 of the Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (Implementation Rules) were gazetted today (July 6) and will take effect on July 7.

The Standing Committee of the National People’s Congress (NPCSC) passed on June 30 the Law of the People’s Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (the National Security Law) and listed the legislation in Annex III to the Basic Law in accordance with the procedures under Article 18 of the Basic Law. The Hong Kong Special Administrative Region (HKSAR) Government promulgated the National Security Law in the gazette for implementation at 11pm the same day. Article 43 of the National Security Law stipulates various measures that the department for safeguarding national security of the Police Force of HKSAR may take when handling cases concerning offence endangering national security, and authorises the Chief Executive of the HKSAR, in conjunction with the Committee for Safeguarding National Security of the HKSAR (National Security Committee) to make relevant implementation rules for the purpose of applying the measures stipulated under Article 43.

At the first meeting of the National Security Committee today, the Chief Executive, in conjunction with the National Security Committee, exercised the power under Article 43 of the National Security Law to make relevant implementation rules for law enforcement agencies such as the department for safeguarding national security of the Hong Kong Police Force to implement the measures stipulated under Article 43. The Implementation Rules provide for rules that relevant officers should observe when carrying out the specific measures concerned to prevent, suppress and impose punishment for offences endangering national security, and relevant offences and penalties for the effective implementation of the measures, so as to improve the enforcement mechanisms for the HKSAR to safeguard national security.
The Government spokesman pointed out that the aforementioned Implementation Rules, formulated for the exercise of various measures by relevant officers, clearly set out in detail the procedural requirements, circumstances that must be met and conditions for approval, etc. when implementing those measures. The purpose is to ensure that when relevant officers exercise powers and apply measures under Article 43 of the National Security Law to enforce the Law, the objectives of preventing, suppressing and imposing punishment for any acts and activities endangering national security can be achieved, while the requirement under the General Principles of the National Security Law to respect and protect human rights, as well as the protection of various rights and freedom in accordance with the law can be complied with.

The Implementation Rules have the force of law, and details are as follows:

1. Search of Places for Evidence

The relevant rules are formulated with reference to various existing ordinances regarding the permission to conduct urgent search under exceptional circumstances, including the Firearms and Ammunition Ordinance (Cap. 238) and the Import and Export Ordinance (Cap. 60). For investigation of an offence endangering national security, a police officer may apply to a magistrate for a warrant to enter and search a place for evidence. Under exceptional circumstances (for instance, in urgent situations), a police officer not below the rank of Assistant Commissioner of Police may authorise his officers to enter the relevant place to search for evidence without a warrant.

2. Restriction on Persons under Investigation from Leaving Hong Kong

With reference to provisions under the Prevention of Bribery Ordinance (Cap. 201) which restrict a person under investigation from leaving Hong Kong, the rules authorise police officers to apply to a magistrate for a warrant to require a person who is suspected to have committed offences endangering national security to surrender his travel document, and to restrict that person from leaving Hong Kong, lest some of the persons involved in the case abscond overseas. A person who has surrendered a travel document may make application in writing to the Commissioner of Police or to a magistrate for its return and for permission to leave Hong Kong.

3. Freezing, Restraint, Confiscation and Forfeiture of Property Related to Offences Endangering National Security

The arrangements concerned are formulated with reference to the existing powers and provisions under the Organized and Serious Crimes Ordinance (Cap. 455) and the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575). If the Secretary for Security has reasonable grounds to suspect that any property is property related to an offence endangering national security, he may, by notice in
writing, direct that a person must not deal with the property. The Court of First
Instance may, on the application by the Secretary for Justice, order the confiscation
of the property related to the offence. Anyone who knows or suspects that any
property is property related to an offence endangering national security is obliged to
make a disclosure to the Police Force as soon as is reasonably practicable, and must
not disclose to another person any information which is likely to prejudice any inves-
tigation which might be conducted following that first-mentioned disclosure. In
addition, the Secretary for Justice may make an application to the Court of First
Instance for a restraint order or charging order to prohibit any person from dealing
with any realisable property, or impose on any realisable property that is specified in
the order a charge for securing the payment of money to the Government. Furthermore, the Secretary for Justice may also make an application to the court for
confiscating the proceeds arising from an offence endangering national security and
ordering the amount due be paid within a fixed period.

4. Removal of Messages Endangering National Security and Request for Assistance

If the Commissioner of Police has reasonable grounds to suspect that an
electronic message published on an electronic platform is likely to constitute an
offence endangering national security or is likely to cause the occurrence of an
offence endangering national security, he may, with the approval of the Secretary for
Security, authorise a designated police officer to request the relevant message
publisher(s), platform service provider(s), hosting service provider(s) and/or net-
work service provider(s) to remove the message; restrict or cease access by any
person to the message; or restrict or cease access by any person to the platform or
its relevant part(s). It is a reasonable defence if the technology necessary for
complying with the requirement was not reasonably available to the publisher or
relevant service provider; or there was a risk of incurring substantial loss to, or
otherwise substantially prejudicing the right of, a third party.

If the publisher fails to cooperate immediately, and the relevant information on
the Internet will continue to seriously affect members of the public, police officers
may apply to the magistrate for a warrant to seize the relevant electronic device and
take any action for removing that information as soon as practicable. Relevant
officers may also apply to the magistrate for a warrant under specific circumstances
to authorise police officers to request the relevant service provider to provide the
identification record or decryption assistance as the case requires.

5. Requiring Foreign and Taiwan Political Organisations and Agents to Provide
Information on Activities Concerning Hong Kong

If the Commissioner of Police reasonably believes that it is necessary for the
prevention and investigation of an offence endangering national security, the
Commissioner of Police may, with the approval of the Secretary for Security, by written notice served on a foreign political organisation or Taiwan political organisation, or a foreign agent or a Taiwan agent, require the organisation or agent to provide the Commissioner of Police with the prescribed information (including the activities, the personal particulars, as well as the assets, income, sources of income, and expenditure of the organisation in Hong Kong) in a prescribed manner within the specified period. The relevant rules are formulated with reference to the prevailing provisions of the Societies Ordinance (Cap. 151) under which Societies Officers may request the provision of information from societies.

6. Application on Authorisation for Interception of Communications and Covert Surveillance

To effectively prevent and detect offences endangering national security and protect the confidentiality of information related to national security, all applications for interception of communications and covert surveillance operations must be approved by the Chief Executive. Applications for the less intrusive covert surveillance may be made to a directorate officer of the Police Force designated by the Chief Executive. The authorising authority has to ensure that the covert operation concerned satisfies the proportionality and necessity tests before granting the authorisation. According to Article 43 of the National Security Law, the National Security Committee shall be responsible for supervising the implementation of the stipulated measures by the Police Force. On the other hand, the Implementation Rules provide that the Chief Executive may appoint an independent person to assist the National Security Committee in performing the aforementioned supervising responsibility. Furthermore, the Secretary for Security issues Operating Principles and Guidelines for the purpose of providing operating principles and guidance to officers of the HKPF regarding the making of relevant applications and the exercise of powers. Officers of the HKPF are required to comply with the provisions in the Operating Principles and Guidelines when performing any function under the relevant rules. The Operating Principles and Guidelines will be gazetted at the same time with the Implementation Rules.

7. Requirement to Furnish Information and Produce Materials

For the purpose of assisting an investigation into an offence endangering national security or the proceeds obtained with the commission of the relevant offence, the Secretary for Justice or police officers may apply to the court for an order to require the person concerned to answer questions within a specified time period, or to furnish or produce the relevant information or material. The provisions are formulated with reference to the relevant powers and provisions under the Organized and Serious Crimes Ordinance (Cap. 455) and the United
Nations (Anti-Terrorism Measures) Ordinance (Cap. 575) currently.

To ensure the effective implementation of the above relevant measures, there is also a need to provide in the Implementation Rules relevant penalties for contravention of the requirements. For instance, if a person who published a message fails to comply with the requirement of the police to remove the message endangering national security without reasonable excuse, the person is liable on conviction to a fine of $100,000 and to imprisonment for one year. If a service provider fails to comply with the requirement to remove messages endangering national security, or to restrict or cease access to messages or platforms, or the request to provide assistance, the service provider is liable on conviction to a fine of $100,000 and to imprisonment for six months. Furthermore, a foreign political organisation or Taiwan political organisation, or a foreign agent or a Taiwan agent, who fails to provide information as requested by the Police is liable on conviction to a fine of $100,000 and to imprisonment for six months unless it can prove that it has exercised due diligence and there have been reasons beyond its control. If any information provided is false, incorrect, or incomplete, the person who provided the information is liable on conviction to a fine of $100,000 and to imprisonment for two years, unless the person has grounds to believe that the relevant information was true, correct and complete. As for other items, the relevant offences and defence (if specified) are largely the same as the existing provisions in the laws that the Implementation Rules have made reference to. The provision of defence provisions under appropriate circumstances provide appropriate defence for people who fail to comply with the requirements. The above Implementation Rules are in compliance with the requirements concerned under the National Security Law and the Basic Law, including the requirements concerning the respect and protection of human rights.

Government representatives will attend a joint panel meeting of the Panel on Security, the Panel on Administration of Justice and Legal Services and the Panel on Constitutional Affairs of the Legislative Council on July 7 to brief Members on the content of National Security Law and the Implementation Rules.

Monday, July 6, 2020
Issued at HKT 21:51

《中華人民共和國香港特別行政區維護國家安全法第四十三條實施細則》

++++++++++++  +++++++++++  +++++++++++++

《中華人民共和國香港特別行政區維護國家安全法第四十三條實施細則》(《實施細則》) 今日 (七月六日) 刊憲公布，於七月七日生效。
政治家在中华民国

全国人大代表常务委员会（全国人大常委）六月三十日正式通过《中华人民共和国香港特别行政区维护国家安全法》（《国安法》），并按《基本法》第十八条的程序列入《基本法》附件三。香港特别行政区（香港特区）政府于同日晚上十一时刊宪公布实施。《国安法》第四十三条规定特区政府警务处维护国家安全部门办理危害国家安全犯罪案件时可以采取的各种措施，并授权香港特区行政长官会同香港特别行政区维护国家安全委员会（国安委）为采取第四十三条所规定的措施制定相关实施细则。

行政长官在今日首次召开的国安委会议上，会同国安委行使《国安法》第四十三条所授予的权力，为警务处维护国家安全部门等执法机构，制定使用第四十三条所规定的措施的实施细则。《实施细则》包括为相关人员采取该特定措施以防止、制止和惩治危害国家安全罪行时的细则，及为确保有效执行措施所需的相关罪行和罚则，以完善特区维护国家安全的执行机制。

政府发言人指出，上述为相关人员行使各项规定措施所订定的《实施细则》，清晰并详细地列明执行各项措施的程序要求、所需符合的情况和审批的条件等，其目的是确保相关人员在执行《国安法》时，所行使《国安法》第四十三条的权力和采取的措施，既能达到防止、制止和惩治危害国家安全行为和活动的目的，也能同时符合《国安法》总则下对尊重和保障人权以及依法保护各项权利和自由的要求。

《实施细则》具有法律效力，详情如下：

1. 罪证证据而搜查有情地

有关细则参照多条现行法例中有关特殊情况下容许紧急搜查的条文，包括《火器及弹药条例》（第238章）及《进出口条例》（第60章）等。为侦查危害国家安全罪行，警务人员可向裁判官申请手令进入和搜查有情地进行搜查。在特殊情况（如紧急情况下），助理处长级或以上警务人员可授权其人员在无手令的情况下，进入有情地搜查。

2. 限制受调查的人离开香港

参照现行《防止贿赂条例》（第201章）限制受调查人离境的条文，细则授权警务人员可向裁判官申请手令，要求怀疑犯了该等危害国家安全罪行而受调查的人交出旅行证件，并限制其离开香港，以免部分涉案人员潜逃海外。交出旅行证件的人，可以书面向警务处长或裁判官申请发还该旅行证件及批准离开香港。

3. 冻结、限制、没收及充公与危害国家安全罪行相关的财产

有关安排参考现行《有组织及严重罪行条例》（第455章）及《联合国有组织及严重罪行条例》（第575章）相关权力和规定。保安局局长如有合理理由怀疑某财产是危害国家安全罪行相关的财产，可藉书面通知作出指示，任何人不得处理该财产。而原审法庭可在律政司司长的申请下，命令将罪行相关的财产充公。任何人如知悉或怀疑任何财产是危害国家安全罪行相关的财产，
亦有責任在切實可行的情況下盡快向警方披露，以及不得向另一人披露任何相當可能損害或會因應上述的披露而進行的任何調查的資料。律政司司長亦可向原訴法庭申請限制令或押記令，禁止任何人處理任何可變現財產，或指明可變現財產作為押記以擔保向政府繳付款項的命令，並可向法庭申請沒收危害國家安全罪行的犯罪得益，命令在訂定期限內妥為繳付追討款額。

4. 移除危害國家安全的信息及要求協助

如警務處處長有合理理由懷疑在電子平台上發布的電子信息相當可能構成危害國家安全罪行或相當可能會導致危害國家安全罪行的發生，可在保安局局長批准下，授權指定的警務處人員要求有關發布人士、平台服務商、主機服務商及/或網路服務商移除危害國家安全的信息；限制或停止任何人接達該信息；或限制或停止任何人接達該平台或相關部分。但若所需的科技並非發布者或有關服務商合理可得，或有關服務商遵從有關要求有對第三方招致相當程度損失或損害第三方的權利的風險存在，則可為合理辯解。

若有關的信息發布人未即時合作，而有關資訊會繼續在網上嚴重影響公眾，警務人員可向裁判官申請手令檢取有關電子器材，并作出行動盡快移除該信息。有關人員亦可在指定情況向裁判官申請發出手令，授權警務人員，要求有關服務商按情況所需提供有關身分紀錄或解密協助。

5. 向外國及台灣政治性組織及其代理人要求就涉港活動提供資料

警務處處長如合理地相信是防止及偵查危害國家安全罪行所需要的，可在保安局局長批准下，藉向某外國政治性組織或台灣政治性組織，或某外國代理人或台灣代理人，送達書面通知，規定該組織或代理人在指定期限內，按指定方式向警務處處長提交指明資料(包括在香港的活動及個人資料、資產、收入、收入來源及開支)。此細則參考了現有《社團條例》(第151章)，社團事務主任可要求社團提供資料的條文。

6. 進行截取通訊及秘密監察的授權申請

為有效防止和偵測危害國家安全罪行及保護涉及國家安全的資料的機密性，所有截取通訊及秘密監察行動的申請，必須經行政長官批准；而進行侵擾程度較低的秘密監察行動，可向行政長官指定的首長級警務處人員申請。授權當局須確定秘密行動能符合「相稱性」和「必要性」的驗證標準，方可作出授權。根據《國安法》第四十三條，國安委對警務處採取規定的措施負有監督責任，而根據實行細則，行政長官可委任一名獨立人士，協助國安委履行上述的監督責任。此外，保安局局長亦發出《運作原則及指引》，為警務人員如何作出有關申請及行使權力提供運作原則及指引，規定警務處人員在執行有關職能時須予遵守。有關《運作原則及指引》會與《實施細則》同時刊憲。

7. 提供資料和提交物料

為協助偵查危害國家安全罪行，或干犯有關罪行而獲得的得益，律政司司長或警務人員可向法庭申請批准，要求有關人士在指定時限內回答問題，
或提供或交出相關資料或物料。有關條文，參考現行《有組織及嚴重罪行條例》（第 455 章）及《聯合國（反恐怖主義措施）條例》（第 575 章）相關權力和規定。

為確保上述有關措施能有效實施，《實施細則》亦按需要訂定違反規定的相關罰則。舉例而言，若無合理辯解，如信息發布人未有遵從警方移除危害國家安全的信息要求，一經定罪，可被判罰款$100,000 及監禁一年；如有服務商未有遵從移除或限制或停止任何人接達危害國家安全的信息或平台，或提供協助的要求，一經定罪，則可被判罰款$100,000 及監禁六個月。此外，若外國及台灣政治性組織或外國及台灣代理人未有按要求向警方提供資料，除非可證明已經盡力或有非可能控制的原因，否則一經定罪，可被判罰款$100,000 及監禁六個月；而若涉及提供虛假、不正確或不完整的資料，則可被判罰款$100,000 及監禁兩年，但有理由相信有關資料是真實、正確及完整的則屬合理辯解。至於其他的各項，有關的罪行及免責辯護（如有訂明）與所參考的現有法律條文大致相同。在合適的情況下提供辯解條文，可以為無法遵從要求的人提供合適的辯解理由。上述的實施細則符合《國安法》及《基本法》的規定，包括關於尊重和保障人權的規定。

政府代表明日（七月七日）會出席立法會保安事務委員會、司法及法律事務委員會及政制事務委員會聯合會議，向議員講解《國安法》及《實施細則》的內容。
2020年7月6日（星期一）
香港時間 20 時 16 分
Inaugural addresses by ROC presidents since 1996

Overview

Ninth term ROC president (Zhonghua minguo dijiuren zongtong 中華民國第九任總統): 
Lee Teng-hui 李登輝 (party affiliation during presidential term: KMT), inaugurated on May 20, 1996 (Monday). Title of inaugural address—English translation: ‘Manage the Great Taiwan, Nurture a New Chinese Culture’; Chinese original: jingying da Taiwan, jianli xin zhongyuan 《經營大台灣，建立新中原》

Tenth term ROC president (Zhonghua minguo dishiren zongtong 中華民國第十任總統): 
Chen Shui-bian 陳水扁 (party affiliation during presidential term: DPP), inaugurated on May 20, 2000 (Saturday). Title of inaugural address—English translation: ‘Taiwan Stands Up: Toward the Dawn of a Rising Era’; Chinese original: Taiwan zhanqilai—yingjie xiangshang tishengde xin shidai 《台灣站起來——迎接向上提升的新時代》

Eleventh term ROC president (Zhonghua minguo dishiyiren zongtong 中華民國第十一任總統): Chen Shui-bian 陳水扁 (party affiliation during presidential term: DPP), inaugurated on May 20, 2004 (Thursday). Title of inaugural address—Chinese original: wei yongxu Taiwan dianji 《為永續台灣奠基》

Twelfth term ROC president (Zhonghua minguo dishierren zongtong 中華民國第十二任總統): Ma Ying-jeou 馬英九 (party affiliation during presidential term: KMT), inaugurated on May 20, 2008 (Tuesday). Title of inaugural address—English translation: ‘Taiwan’s Renaissance’; Chinese original: renmin fenqi, Taiwan xin sheng 《人民奮起，台灣新生》

Thirteenth term ROC president (Zhonghua minguo dishsanren zongtong 中華民國第十三任總統): Ma Ying-jeou 馬英九 (party affiliation during presidential term: KMT), inaugurated on May 20, 2012 (Sunday). Title of inaugural address—English translation: ‘Upholding Ideals, Working Together for Reform and Creating Greater Well-being for Taiwan’; Chinese original: jianzhi lixiang, xishou gaige, dazao xingfu Taiwan 《堅持理想、攜手改革、打造幸福臺灣》

Fourteenth term ROC president (Zhonghua minguo dishisiren zongtong 中華民國第十四任總統): Tsai Ing-wen 蔡英文 (party affiliation during presidential term: DPP),
inaugurated on May 20, 2016 (Friday). Title of inaugural address—English translation: ‘N/A’; Chinese original: dailing Taiwan yiqi waucheng xinshidai《帶領台灣一起完成新時代》

Fifteenth term ROC president (Zhonghua minguo dishi wun ren zongtong 中華民國第十五任總統): Tsai Ing-wen 蔡英文 (party affiliation during presidential term: DPP), inaugurated on May 20, 2020 (Wednesday). Title of inaugural address—English translation: ‘N/A’; Chinese original: N/A

Speech statistics
Number of words in Chinese original/English translation

<table>
<thead>
<tr>
<th></th>
<th>Chinese original</th>
<th>English translation</th>
<th>Mention of ‘ROC’</th>
<th>Mention of ‘Taiwan’</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lee 1996</td>
<td>4355 words</td>
<td>2853 words</td>
<td>10 times</td>
<td>13 times</td>
</tr>
<tr>
<td>Chen 2000</td>
<td>5319 words</td>
<td>3451 words</td>
<td>9 times</td>
<td>41 times</td>
</tr>
<tr>
<td>Chen 2004</td>
<td>5664 words</td>
<td>4369 words</td>
<td>9 times</td>
<td>48 times</td>
</tr>
<tr>
<td>Ma 2008</td>
<td>3685 words</td>
<td>2176 words</td>
<td>9 times</td>
<td>49 times</td>
</tr>
<tr>
<td>Ma 2012</td>
<td>5933 words</td>
<td>4445 words</td>
<td>12 times</td>
<td>42 times</td>
</tr>
<tr>
<td>Tsai 2016</td>
<td>5982 words</td>
<td>3656 words</td>
<td>5 times</td>
<td>41 times</td>
</tr>
<tr>
<td>Tsai 2020</td>
<td>5897 words</td>
<td>3771 words</td>
<td>5 times</td>
<td>50 times</td>
</tr>
</tbody>
</table>

The number of times the terms ‘ROC’ (Zhonghua minguo 中華民國) and ‘Taiwan’ (台灣/臺灣) were mentioned refers to the Chinese original only, not to the English translation.

1996—Lee Teng-hui

Your Majesty, Your Excellencies, Distinguished Guests, My Fellow Countrymen, Ladies and Gentlemen:

Today we are assembled here to jubilantly and solemnly celebrate the inauguration of the President and the Vice President before all our compatriots. This gathering marks not only the commencement of the ninth-term Presidency and Vice Presidency, but also a fresh beginning for the future of the country and the people.

Today, the 21.3 million people in this country formally march into the new era of “popular sovereignty.”

Today, the Chinese people enter a new frontier full of hope.

Today, we in Taiwan firmly tell the world, with great pride and self-confidence:

—We now stand on the apex of democratic reform and will remain there resolutely.
We have proved eloquently that the Chinese are capable of practicing democracy.

We have effectively expanded the influence of the international democratic camp and made significant contributions to the cause of freedom and democracy. Therefore, this gathering of today does not celebrate the victory of any candidate, or any political party for that matter. It honors a triumph of democracy for the 21.3 million people. It salutes the confirmation of freedom and dignity—the most fundamental human values—in the Taiwan, Penghu, Kinmen and Matsu area.

My fellow countrymen: The doors have opened to full democracy, with all its vigor in full swing. Today, most deserving of a salute are the people of the Republic of China:

—A salute to them for being so resolute and decisive when it comes to the future of the country.
—A salute to them for being so firm and determined when it comes to the defense of democracy.
—A salute to them for being so calm and invincible when it comes to facing up to threats.

From now on, the people as a whole, rather than any individual or any political party, will be invested with the ruling power of the nation. This is free will in full play, the fullest realization of “popular sovereignty,” the real “compliance with the will of Heaven and response to human wishes,” the getting rid of the old and ringing in the new. All the glory belongs to the people.

My fellow countrymen: At this very fresh start of history, we pledge ourselves to launch the new era with a new determination and new deeds. This is our common homeland, and this is the fundamental support we draw upon in our struggle for survival. Fifty years of a common destiny forged in fortune and misfortune have united us all into a closely bound and interdependent community. The first-ever popular presidential election has reconfirmed our collective consciousness that we in Taiwan have to work together as one man.

How to make this land of ours more beautiful and how to make its inhabitants feel safer and live a happier and more harmonious life is the common responsibility of the 21.3 million people!

“Whatever the people desire is always in my heart.” I am fully aware of the needs of the people and I pledge myself to do my best to deserve their trust. But no individual or political party can single-handedly decide a policy of far-reaching importance to the country. The government will soon invite opinion leaders and other representatives from various quarters to exchange views on major topics of
future national development. The consensus that emerges from such meetings will launch the country into a new era.

The election is over, but the promises made during the campaign will be kept and fulfilled as soon as possible. Building a modern country entails the services of all available talents. I am convinced that only when upright, insightful, capable and experienced people, regardless of their political affiliation or social group, participate in the leadership of the government will political stability and national growth be ensured.

The times are changing, so is the social climate. Keeping in the old grooves while refraining from any innovation is doomed to failure. Political maneuvering has no place in political interaction, nor can self-interest have any role in deciding upon a political position. No quarrels can be started under the pretense of representing the will of the voters. A boycott certainly is not the equivalent of checks and balances. The ideal of democracy we are pursuing means not just effective checks and balances; it demands hand-in-hand cooperation for the welfare of the people among the political parties.

Four years will soon pass. We have no time for wavering or waiting. For the purpose of laying a solid and secure foundation for the country and bequeathing a happy and comfortable life to the future generations, let us get off to a very good start today—May 20, 1996.

Firstly, we have to broaden and deepen the democratic exercise. Horizontally, we will share our democratic experience with all Chinese and international friends. Vertically, we will proceed to phase 2 constitutional reform, promote clean elections, ensure clean and efficient government, enhance law and order, restructure the political landscape, and strengthen the multiparty political system, so as to guarantee stability and development for democracy.

Economic growth and political democracy are equally important. Without continued success in economic development, we risk losing everything. We have to make sure that the plan for turning Taiwan into a hub for business operations in the Asia-Pacific region will proceed on schedule so that this country may from a position of strength play a role to be reckoned with in the international community and in the process of national unification. In the meanwhile we have to plan ahead for national development well into the next century, nurture a liberalized and internationalized economic regime in as short as possible a period of time, foster a low-tax, obstacle-free business climate, renovate the land system, improve the small and medium businesses, and greatly enhance national competitiveness. Only when thus prepared will we be able to compete in a new Asia-Pacific age of mutual benefit.
and co-prosperity, thus becoming an indispensable partner for prosperity and development internationally.

At the same time we do not intend to neglect development in non-economic sectors. Our top priorities will be the judicial system, education, culture, and social restructuring, which will have to move ahead in tandem.

Judicial reform should be based above all on the rule of law. All judicial judgments have to be fair and make sure that all are equal before the law. The rule of law being the foundation of democracy, the cause of democracy will be compromised to a serious extent if court rulings are not trusted by the people. The reform will also guarantee full respect for any fundamental human rights including those of prisoners and parties to a law suit. Rectitude and efficiency in the court and prosecutorial system will have to be drastically improved.

Reform in education aims to put into practice a concept of education that imparts happiness, contentment, pluralism and mutual respect. Such education is designed to develop potentialities, respect individualism, promote humanism, and encourage creativeness. All unreasonable restrictions will be removed to allow the emergence of the life education system. Ample room will be reserved for individual originality and personal traits to ensure the continued pursuit of self-growth and self-realization. The new generation will be assisted to know their homeland, love their country and foster a broad international view. Fortified in this manner they can better meet international challenges and map out a bright future for their country in an increasingly competitive global village.

My fellow countrymen: After 5,000 years the Chinese are still going strong solely because they derive sustenance from an excellent culture. Under the strong impact of Western civilization since the mid-19th century, Chinese culture has gone through tribulations and shocks giving rise to a sharp decline in national confidence. Bearing this in mind, I have never stopped thinking about cultural regeneration. I am hoping that the people of Taiwan will nurture a new life culture as well as a broad and long-sighted view of life. The new Chinese culture, with moorings in the immense Chinese heritage, will draw upon Western cultural essence to facilitate adapting to the new climate of the next century.

This is the essence of the concept of “manage the great Taiwan, nurture a new Chinese culture.” All the major cultures originated in a very restricted area. The 5,000-year Chinese culture also rose from a small region called Chung Yuan. Uniquely situated at the confluence of mainland and maritime cultures, Taiwan has been able in recent decades to preserve traditional culture on the one hand and to come into wide contact with Western democracy and science and modern business culture on the other. Equipped with a much higher level of education and
development than in other parts of China, Taiwan is set to gradually exercise its leadership role in cultural development and take upon itself the responsibility for nurturing a new Chinese culture.

Managing the great Taiwan can nurture not just a new culture, but also a new society. With political democracy, Taiwan’s society has become robustly pluralistic. The vigor thus released will provide nourishment for new social life and bring about further progress.

We will regenerate family ethics and build up a strong sense of community beginning at the grass roots. This will enable us to have a harmonious and communicative society where all members can have the joy of family life. People will also be encouraged to live a simple life and treasure all available resources. The land should be used based upon optimum planning, and nature conservation should be promoted to make it possible for future generations to savor the beauty of the landscape. In the same spirit, we will take better care of the disadvantaged groups in the interests of social harmony and human dignity. We also want to have in place a social security system, fair to all and sure to endure, that provides for freedom from want. But this system can only be installed gradually, depending upon the availability of funding support.

At the very time when we are engaged in the task of developing the Republic of China on Taiwan, the overseas Chinese are never out of mind. We do our very best continuing to assist them in developing their careers. The welfare of the Chinese in Hong Kong and Macao has always been of great concern to us. We are ready to lend them a helping hand to help maintain democracy, freedom and prosperity in this area.

Today the existence and development of the Republic of China on Taiwan has won international recognition and respect. In the new international order of today, such basic tenets as democracy, human rights, peace and renunciation of force are universally adhered to; they are in full accord with the ideals upon which our country was founded. We will continue to promote pragmatic diplomacy in compliance with the principles of goodwill and reciprocity. By so doing we will secure for our 21.3 million people enough room for existence and development as well as the respect and treatment they deserve in the international arena.

My fellow countrymen: China has suffered a lot in the 20th century. In the initial stages, it was buffeted with a series of invasions, and over the last 50 years an ideological gap has been responsible for the Chinese-fighting-Chinese tragedy, resulting in confrontation and enmity among the Chinese. I have been of the view that on the threshold of the 21st century the two sides of the Taiwan Straits should
work for ending this historical tragedy and ushering in a new epoch when Chinese should help each other.

It is this consideration that over the past years has been guiding our initiative in promoting a win-win strategy for expanding cross-strait relations leading to eventual national unification, but we are doing this on the premise that the Taiwan, Penghu, Kinmen and Matsu area is well protected and the welfare of its people safeguarded. Unfortunately, the cross-strait relationship has experienced bumps from time to time because the Chinese Communists have refused to admit the very fact that the Republic of China does exist in the area. Beginning last year, the Chinese Communists, because of their opposition to democracy, launched against myself a smear campaign using false charges to damage my credibility, but I simply ignore their irrational behavior and remain patient. An eye for an eye is no solution to an historical question of 50 years.

In an attempt to influence the outcome of the first popular presidential election in March, the Chinese Communists conducted a series of military exercises against Taiwan, but unrivaled restraint prevailed in this country. We know that it is imperative that peace and stability be maintained in the Asia-Pacific region. More important, we would not like to see the sudden disappearance of the economic growth in mainland China that has been made possible with great difficulty by its openness policy over the years. Patience on the part of the 21.3 million people is not tantamount to cowardice. Because we believe quiet tolerance is the only way to dispel enmity bred by confrontation. We will never negotiate under threat of attack, but we do not fear to negotiate. Our position is that dialogue will lead to the resolution of any issues between the two sides of the Taiwan Straits.

The Republic of China has always been a sovereign state. Disputes across the Straits center around system and lifestyle; they have nothing to do with ethnic or cultural identity. Here in this country it is totally unnecessary or impossible to adopt the so-called course of “Taiwan independence.” For over 40 years, the two sides of the Straits have been two separate jurisdictions due to various historical factors, but it is also true that both sides pursue eventual national unification. Only when both sides face up to the facts and engage in dialogue with profound sincerity and patience will they be able to find the solution to the unification question and work for the common welfare of the Chinese people.

Today, I will seriously call upon the two sides of the Straits to deal straightforwardly with the momentous question of how to terminate the state of hostility between them, which will then make a crucial contribution to the historic task of unification. In the future, at the call of my country and with the support of its people, I would like to embark upon a journey of peace to mainland China taking
with me the consensus and will of the 21.3 million people. I am also ready to meet with the top leadership of the Chinese Communists for a direct exchange of views in order to open up a new era of communication and cooperation between the two sides and ensure peace, stability and prosperity in the Asia-Pacific region.

My fellow countrymen: We in Taiwan have realized the Chinese dream. The Chinese of the 20th century have been striving for the realization of a happy, wealthy China and of Dr. Sun Yat-sen’s “popular sovereignty” ideal. For 50 years, we have created in the Taiwan, Penghu, Kinmen and Matsu area an eye-catching “economic miracle” and achieved a world-acclaimed democratic reform. The Chinese who were regarded as dictatorial, feudalistic, penurious, and backward by Western countries one century ago have by now created in the Taiwan area a new land of democracy, wealth and progress, proudly enjoying enthusiastic recognition from the world. This stands for not just a proud achievement of our 21.3 million people; it marks a crucial departure for the Chinese people to rise again to a new height of glory. We believe that whatever is achieved by the Chinese in Taiwan can also be achieved by the Chinese in mainland China. We are willing to provide our developmental experience as an aid in mapping out the direction of development in mainland China. The fruits of our hard work can be used to assist in enhancing the welfare of millions of our compatriots on the mainland. The Chinese on the two sides can thus join forces for the benefit of the prosperity and development of the Chinese nation as a whole.

My fellow countrymen: I wish to take this opportunity to express my heartfelt gratitude for the trust you have reposed in me. Today, I have accepted with humility and solemnity the office of the ninth-term President of the Republic of China at the swearing-in ceremony this morning. I fully understand the meaning of this office as well as the duties of this office. I pledge myself to the complete performance of my duties to the best of my power. I would never fail you! Meanwhile, I sincerely call upon all my fellow citizens to give me wholehearted, unselfish and patient support so that we may stride forward hand in hand into the 21st century. I am convinced that during the next century the Chinese people will be able to achieve the historic enterprise of peaceful unification and do their very part for the peace and development of the world.

May I wish the Republic of China continued prosperity and all the distinguished guests health and happiness.

Thank you!
今天，我們相聚一堂，在廣大同胞的面前，以莊嚴歡欣的心情，舉行慶祝就職大會。這個盛會，不僅是中華民國第九任總統、副總統任期的開始，更是國家前途與民族命運嶄新的開端。
今天，兩千一百三十萬同胞，正式邁進「主權在民」的新時代。
今天，中華民族進入一個充滿希望的新境界。
今天，在台灣的我們，以無比的驕傲與自信，堅定地告訴全世界：我們已經成功地站上民主興革的高峰，且將屹立不搖！我們已經清楚地證明中國人有能力施行民主制度，運用民主政治！我們已經有效地擴大了國際民主陣營的力量，對全人類的自由民主，做出了積極的貢獻！
所以，今天的這個慶典，不是為了慶祝任何一個候選人的勝利，不是為了慶祝任何一個政黨的勝利，而是為了慶祝我們兩千一百三十萬同胞追求民主的共同勝利！是為了人類最基本的價值|自由與尊嚴，在台澎金馬獲得肯定而歡呼！
親愛的全國同胞們：民主的大門已經全然開放，民主的活力正沛然奔放。今天最應該接受喝采的是每一位中華民國的國民。
喝采大家思考國家的未來，如此果斷，毫不猶豫。
喝采大家捍衛民主的決心，如此堅定，毫不動搖。
喝采大家面臨強權的威脅，如此鎮靜，毫不屈服。
從此，統治國家的權力屬於人民全體，不是個人、不是政黨。這是「自由意志」的充分發揮，是「主權在民」的完全落實，是真正的「順乎天，應乎人」，真正的革故鼎新。一切的榮耀，歸於所有的人民。
各位親愛的父老兄弟姊妹：在這個歷史的新起點，我們要以新的決心、新的作為，開展新的時代。這裡是我們共同的家園，是我們生存奮鬥的根本憑藉。五十年來的禍福相共，已經讓我們成為密不可分的生命共同體；而第一次由人民直選總統，更讓我們確立了以台灣為主體的奮鬥意識。
如何讓這塊土地更美麗，讓生活在這裡的人民更安全、更和諧、更幸福，是兩千一百三十萬同胞的共同責任！
「民之所欲，長在我心」，登輝對全國同胞的需求，有充分的領會，也一定會全力以赴，達成付託。然而，影響國家發展深遠的重大政策，不是由一個人或一個政黨就可以決定。因此，登輝將儘快責成政府，針對國家未來發展的重要課題，廣邀各界意見領袖與代表，共商大計，建立共識，開創國家新局。
競選活動雖已結束，但是競選時所作的承諾，一定要切實信守，早日實現。要建設一個現代化國家，有賴各方人才的投入。為追求政局的安定與國力的壯大，登輝認為，政府決策階層的工作，也要不分黨派，不分族群，延攬各界品德良好，能力卓越，見識宏遠，經驗豐富的人才，來擴大參與。
時代已經改變，社會環境也在變。墨守成規，不思突破，注定將被淘汰。我們不能用權謀的眼光，推度政治互動；不能以私利的考量，決定政治立場。打鬧不能代表民意，杯葛也並非就是制衡。我們所追求的民主政治理想，除了有效的監督制衡之外，也要力求不同黨派能夠為了民眾福祉，共同攜手奮進。

四年的時光，轉眼就會過去，我們沒有時間可以猶疑，也沒有時間可以等待。為了國家長治久安的基礎，為了後代幸福安樂的未來，就從今天中華民國八十五年五月二十日起，我們要有一個積極的開始。

首先，我們要提升民主運作的廣度與深度。以廣度而言，我們要與海內外所有的中國人及國際人士，分享民主經驗。以深度而言，我們必須推動第二階段的憲政改革，澄清選舉文化，強化廉能政府，改善社會治安，調整政治生態，落實政黨政治，以確保民主政治的穩定與發展。

經濟發展與政治民主，同等重要。沒有成功的經濟發展，我們會失去一切。為了厚植國家實力，讓中華民國能在國際社會，以至未來國家統一的過程中，扮演舉足輕重的角色，我們必須依據既定時程，如期發展台灣成為「亞太營運中心」，並且同步規劃推動跨世紀的國家建設，償還營造自由化與國際化的經濟體系，建設低稅負、無障礙的企業投資環境，改革土地制度，壯大中小企業，提升國家競爭力，以迎向互利共榮的亞太新世紀，成為國際繁榮發展不可或缺的重要夥伴。

為求均衡發展，我們也將致力內政的革新，並以司法、教育、文化與社會重建為重點，同步並進。

司法改革首要強化法治精神，尤其要站在人民的立場，落實司法審判的公平，真正做到法律之前，人人平等。法治精神是民主政治的基礎，如果司法審判不能受到人民充分的信賴，民主政治勢必受到嚴重的斲傷。司法改革也絕對不能輕忽任何基本人權，包括受刑人及涉訟人在內，均應得到完整的尊重。對於審檢體系的清廉與效率，更要痛下決心，具體改善。

教育改革的重點，則在實踐快樂、滿足、多元，相互尊重的教育理念，以啟發潛能、尊重人本、發展個性、鼓勵創造為目標，解除不合理的束縛，建立終生學習的制度，讓個人創意與特性有充分發揮的空間，不斷追求自我成長與實現。我們要導引新生的一代，認識自己的鄉土，熱愛自己的國家，培養寬廣的國際視野，以在競爭日益激烈的「地球村」中，順利迎接國際挑戰，開拓國家光明前景。

全國同胞們：中華民族能歷五千年而不墜，端賴優秀文化的維繫。然而自十九世紀中葉以來，中華文化在西方文明的強烈衝擊下，備經危疑震撼，致使部分國人的信心動搖，國勢低落。所以，登輝無時無刻不在思考文化的重建與新生。希望在台灣地區的同胞，能建立新的生活文化，培養長遠宏大的人生價值觀，並以我國浩瀚的文化傳統為基礎，汲取西方文化精髓，融合而成新的中華文化，以適應進入二十一世紀後的國內外新環境。
這也就是「經營大台灣，建立新中原」的理念所在。環顧世界文明史上的幾個重要文化，大都發源於一個小的地域，中華民族五千年優秀文化，也起源自中原一隅之地，台灣位於大陸文化與海洋文化的匯集點，近數十年來，因時局變化機緣，不但充分保存固有文化傳統，並且廣泛接觸西方民主、科學及現代工商業社會文化。再加上台灣的教育水準與發展程度，遠超越中國其他地區，勢必逐漸發揮文化主導功能，進而擔負起文化「新中原」的重任。

大台灣的經營，不僅在培育新文化，更在重建新社會。隨著政治的民主開放，台灣社會已呈現蓬勃的多元化景象。我們要運用多元化所釋放的活力，孕育新的社會生命力量，帶動社會的發展與進步。

我們要從基層開始，重振家庭倫理，建立社區意識，確立和諧感通的新社會，使民衆能真正享有家園生活之樂。我們也將從永續發展的觀點，提倡節約簡樸，珍惜現有資源，妥善規劃國土利用，加強生態環境保育，讓後代子孫永遠保有鄉土之美。我們更將本著共促進社會和諧與維護人格尊嚴的原則，加強關懷照顧弱勢團體，並依據財政負擔的能力，循序建立均衡公平、可長可久的社會安全制度，讓全民享有免於匱乏的自由。

當然，我們全心全力在台灣建設中華民國的同時，也不會忘記海外的中國人。我們將盡全力，繼續協助華僑在海外的發展。而港澳地區同胞的生活福祉，更是我們關懷的重點。我們將隨時伸出相互扶持的手，共同維護此一地區的民主、自由、繁榮。

今天，中華民國在台灣的生存與發展，已受到國際社會的肯定與尊重。在新的國際秩序之中，講求民主、尊重人權、崇尚和平，拋棄武力是共同遵守的信條，這與我們的立國精神，正相一致。因此，我們將秉持善意，依循互利的原則，繼續推動務實外交，使我們兩千一百三十萬同胞，擁有必要的生存與發展空間，並進一步在國際社會中獲得應有的尊敬與待遇。

各位親愛的父老兄弟姊妹：二十世紀的中國，是一個苦難的國家。先是外患不斷，而後，五十年來，又因意識形態的不同，造成「中國人打中國人」的悲劇，積累了同胞手足間的對立與仇恨。登輝一向主張，在邁進二十一世紀的前夕，海峽雙方都應致力結束歷史的悲劇，開創「中國人幫中國人」的新局。

因此，六年來，在確保台澎金馬安全與維護全民福祉的前提下，我們無時不以積極主動的作為，務實雙贏的思考，發展兩岸關係，推進國家統一大業。但是，由於中共始終無視於中華民國在台澎金馬地區存在的事實，致使海峽兩岸關係的發展，時生波折。

去年以來，為了反對民主，中共對登輝個人發動一波又一波「欲加之罪，何患無辭」的譴責，但是登輝忍辱負重，不予理會。因為以其人之道還治其人，解決不了累積五十年的歷史問題。
為了影響我們第一次民選總統的選情，中共進行一次又一次的軍事演習，但是我們表現了無比的自制。因為我們知道必須維持亞太地區的和平安定，更重要的是，我們不願意看到中國大陸改革開放後，好不容易建立起來的經濟成果，前功盡棄。兩千一百三十萬同胞的堅忍，不是懦弱。因為我們深信，和平寬容是化解對立仇恨的唯一手段。我們不會受威脅而談判，但是絕不畏懼談判。我們主張，只有透過對談溝通，才能真正解決海峽兩岸的問題。

中華民國本來就是一個主權國家。海峽兩岸沒有民族與文化認同問題，有的只是制度與生活方式之爭。在這裡，我們根本沒有必要，也不可能採行所謂「台獨」的路線。四十多年來，海峽兩岸因為歷史因素，而隔海分治，乃是事實；但是海峽雙方都以追求國家統一為目標，也是事實。兩岸唯有面對這些事實，以最大的誠意與耐心，進行對談溝通，化異求同，才能真正解決國家統一的問題，謀求中華民族的共同福祉。

今天，登輝要鄭重呼籲：海峽兩岸，都應該正視處理結束敵對狀態這項重大問題，以便為追求國家統一的歷史大業，作出關鍵性的貢獻。在未來，只要國家需要，人民支持，登輝願意帶著兩千一百三十萬同胞的共識與意志，訪問中國大陸，從事和平之旅。同時，為了打開海峽兩岸溝通、合作的新紀元，為了確保亞太地區的和平、安定、繁榮，登輝也願意與中共最高領導當局見面，直接交換意見。

全國同胞們：今天我們在台灣實現了中國人的夢想！二十世紀的中國人，奮力追求的是，建設富強康樂的新中國，與實現中山先生「主權在民」的理想。五十年來，我們在台澎金馬的艱苦奮鬥，創造了舉世矚目的「經濟奇蹟」，完成了世人推崇的民主改革。百年以前，在踏入二十世紀之初，曾被西方國家認定為專制、封建、貧窮、落後的中國人，已經在台澎金馬地區開創了民主、富足、進步的新局，傲然面對世人的讚譽。這不但是我們兩千一百三十萬同胞共同的光榮，更是中華民族振衰起敝，再創新機運的關鍵。

我們相信，同樣是中華民族的一份子，在台灣做得到的，在中國大陸也可以做到。因此，我們願意以建設的經驗，導引中國大陸發展的方向，以進步的成果，協助億萬同胞改善生活福祉，進而集合兩岸中國人之力，共謀中華民族的繁榮與發展！

各位親愛的父老兄弟姊妹：登輝要再度對同胞們給予的信賴，表示衷心的感激。今天，登輝以謙卑嚴肅的心情，在宣誓儀式中，接下中華民國第九任總統的重任。我充分瞭解這項職務的意義所在，也完全明白其所包含的責任，我保證將全力以赴，克盡職守，不負國人厚望；同時，也懇求全國同胞真誠、無私、寬容地支持，讓我們能攜手並進，昂然邁向二十一世紀！登輝深信，在二十一世紀，中國人必能完成和平統一的歷史大業，為世界和平與發展，善盡更大的心力！

敬祝中華民國國運昌隆！各位貴賓健康愉快！
Leaders of our friendly nations, honored guests and compatriots from Taiwan and abroad;
This is a glorious moment; it is also a moment of dignity and hope.

I thank our honored guests, who have come here from afar, as well as those friends from around the world who love democracy and care about Taiwan, for sharing this glorious moment with us.

We are here today, not just to celebrate an inauguration, but to witness the hard-won democratic values, and to witness the beginning of a new era.

On the eve of the 21st Century, the people of Taiwan have completed a historic alternation of political parties in power. This is not only the first of its kind in the history of the Republic of China, but also an epochal landmark for Chinese communities around the world. Taiwan has not only set a new model for the Asian experience of democracy, but has also added a moving example to the third wave of democracy the world over.

The election for the 10th-term President of the Republic of China has clearly shown the world that the fruits of freedom and democracy are not easily come by. Twenty-three million people with an unwavering will have allayed enmity with love, overcome intimidation with hope, and conquered fear with faith.

With our sacred votes, we have proven to the world that freedom and democracy are indisputable universal values, and that peace is humanity’s highest goal.

The outcome of Taiwan’s Year 2000 presidential election is not the victory of an individual or a political party. It is a victory of the people, a victory for democracy, because we have, while at the focus of global attention, transcended fear, threats and oppression and bravely risen to our feet together.

Taiwan stands up, demonstrating a firmness of purpose and faith in democracy.

Taiwan stands up, representing the self-confidence of the people and the dignity of the country.

Taiwan stands up, symbolizing the quest for hope and the realization of dreams.

Dear compatriots, let’s always remember this moment; let’s always remember to value and feel gratitude for it, because the fruits of democracy did not come out of the blue. It was realized by going through many perils and dangers, and by experiencing countless hardships. If not for the fearless sacrifice of our democratic forebears, if not for the unswerving faith of the tens of millions of Taiwanese
people in freedom and democracy, we could not possibly be standing on our beloved
land today and celebrate a glorious occasion that belongs to all the people.

Today, it is as if we are standing before a fresh new gate in history. In the
process of democratization, the Taiwanese people have created a brand-new key to
our shared destiny. The new century’s gates of hope are soon to open. We are
humble but not submissive. We are full of self-confidence but not the slightest bit of
self-satisfaction.

Since that moment on March 18 when the election results came to light, I have
accepted the mandate of all Taiwanese people in a most earnest and humble frame
of mind, and have vowed to devote all my efforts, understanding and courage to
assuming the heavy responsibility of this country’s future.

I personally understand that the significance of the alternation of political
parties and the peaceful transition of power lies not in that it is a change of
personnel or political parties. Nor that it is a dynastic change. Rather, it is the return
of state and government power to the people through a democratic procedure. The
people are the true masters of the country, which no individual or political party can
possess. From the head of state to the rank-and-file civil servant—the government
exists for all the people and serves all the people.

The alternation of political parties does not mean an all-out negation of the past.
We should be fair in evaluating the contributions made by those in power
throughout the ages. Mr. Lee Teng-hui deserves our highest praise and heartfelt
honor for his promotion of democratic reforms and for his excellent performance
during his twelve years of leadership.

Taiwan society has rallied and participated energetically in the election. Despite
the diverse views and stances, all individuals share the same intent—to come forward
for the sake of their political ideas and the country’s future. We believe that the end
of an election is the beginning of reconciliation. After the curtain falls on emotional
campaigns, rationality should prevail. Under the supreme principles of national
interests and the welfare of the people, those in power and in opposition should
both fulfill their duties by the people and realize the ideals of fair competition in
party politics, as well as the checks and balances of democratic politics.

A democratic society with fair competition, tolerance and trust is the strongest
impetus for a nation’s development. Placing national interests above those of
political parties, we should solidify the will of the people and seek consensus among
the ruling and opposition parties, to promote the country’s development and
reforms.

“A government for all people” and “rule by the clean and upright” were my
promises to the people during the election period. It is also an important key for
Taiwan society in stepping over its fault lines and exalting to a higher level in the future.

The spirit of a “government for all people” lies in the fact that “the government exists for the people.” The people are the masters and shareholders of the state. The government should rule on the basis of majority public opinion. The interests of the people are absolutely above those of any political party or individual.

I have always taken pride in being a member of the Democratic Progressive Party, but from the moment I take my oath and assume the president’s post, I will put all my efforts into fulfilling my role as a “president for all people.” As in the formation of the new government, we employ people according to their talents and do not discriminate on the basis of ethnicity, gender or party affiliation. We will also place the welfare of the populace as our primary goal in future.

The topmost initiatives of my promise to “rule by the clean and upright” are to eliminate “black gold”—the involvement of organized crime in politics—and to eradicate vote-buying. For a long time, the Taiwanese people have been deeply repelled by money politics and the interference of organized crime. A grassroots vote-buying culture has also robbed the people of their right to elect the wise and the able. These have tainted the development of Taiwan’s democracy.

Today, I am willing to promise hereby that the new government will eliminate vote-buying and crack down on “black gold” politics, so that Taiwan can rise above such downward sinking forces. We must give the people a clean political environment.

In the area of government reforms, we need to establish a government that is clean, efficient, far-sighted, dynamic, highly flexible and responsive, in order to ensure Taiwan’s competitiveness in the face of increasingly fierce global competition. The age of “large and capable” governments has now passed, replaced by “small and effective” governments, which have established partnership relations with the people. We should accelerate the streamlining of government functions and organization and actively expand the role of public participation.

This will not only allow the public to fully utilize their energy but also significantly reduce the government’s burdens.

Similar partnership relations should also be set up between the central and local governments. We want to break the authoritarian attitudes from the days of centralized, money-controlled power. We want to realize the spirit of local autonomy, where the local and central governments share resources and responsibilities, where “the central government will not do what the local governments can do.” Whether in the east, west, north or south, or whether on Taiwan Proper or on offshore islands, all will get balanced, pluralistic development, and the gap between urban and rural
areas will decrease.

Of course, we should understand that the government is no panacea for all problems. The driving force for economic development and societal progress comes from the people. Over the past half-century, the Taiwanese people have toiled hard to create an economic miracle that has won global applause, and to lay the foundation for the survival and development of the Republic of China. Today, facing the impact of the fast-changing information technologies and trade liberalization, Taiwan's industrial development must move toward a knowledge-based economy. High-tech industries need to be constantly innovative, while traditional industries need to undergo transformation and upgrading.

The future government should not necessarily play the role of a “leader” or “manager.” On the contrary, it should be the “supporter” and “service-provider,” as expected by private enterprises. The responsibility of a modern government is to raise administrative efficiency, improve the domestic investment environment, and maintain financial order and stock market stability, so as to allow economic development to move toward full liberalization and internationalization with fair competition. By observing these principles, the vitality of the public will naturally bloom and create a new phase in Taiwan’s economic miracle.

Apart from consolidating our democratic achievements, promoting government reforms, and raising economic competitiveness, the new government’s foremost objective should be to adhere to public opinion and implement reforms, so that the people on this land can live in more dignity, more self-confidence and better quality.

Let our society be not only safe, harmonious and prosperous, but also meet the principles of fairness and justice. As we cultivate the ever-growing abilities of our citizens, we will let our next generation learn in an environment filled with happiness and hope.

The 21st Century will be a time when “the right to a quality life” and “refined lifestyles” are much emphasized. The government will have to bring up solutions for all issues relating to the people’s lives, such as social order, social welfare, environmental protection, land planning, waste treatment, cleaning up rivers and community-building. It will also have to implement these solutions thoroughly.

At present, we need to immediately improve social order and environmental protection, which are important indicators of the quality of life. Building a new social order, we will let the people live and work in peace and without fear. Finding a balance between ecological preservation and economic development, we will develop Taiwan into a sustainable green silicon island.

The integrity of the judiciary is a staunch line of defense for democratic politics and social justice. An impartial, independent judicial system is a safeguard for social
order and a defender of the people’s rights. At present, we still have a long way to go in our judicial reforms. Our compatriots should continue to give the judiciary their calls to action and their ardent expectations. At the same time, we should also restrain our administrative authority and give the judiciary room to operate independently and without interference.

Human resources are Taiwan’s most important resources. Talent is the foundation of the country’s competitiveness, while education is a long-term plan for empowering the people. We will seek a consensus among the ruling and opposition parties, academia and the public to carry on with educational reforms and build a healthy, proactive, lively and innovative education system, which will allow Taiwan to cultivate first-class, outstanding talents amid the fierce international competition. We will let Taiwan move gradually toward a “learning organization” and a “knowledge-based society.” We will also encourage people to take up lifetime learning to fully develop their potential and creativity.

Grassroots community organizations have now been developing around the country, working to explore and preserve the history, culture, geography and ecology of their localities. These are all part of Taiwan culture, whether they are local cultures, mass cultures or high cultures. Due to special historical and geographical factors, Taiwan possesses a wealth of diversified cultural elements. But cultural development is not something that can bring immediate success. Rather, it has to be accumulated bit by bit. We must open our hearts with tolerance and respect, so that our diverse ethnic groups and different regional cultures communicate with each other, and so that Taiwan’s local cultures connect with the cultures of Chinese-speaking communities and other world cultures, and create a new milieu of “a cultural Taiwan in a modern century.”

The September 21 earthquake that occurred last year brought to our land and our compatriots an unprecedented catastrophe, the pain of which is yet to heal. The new government will brook no delay in the reconstruction of disaster areas, including industrial and spiritual recovery. We will work to ensure that care is extended to every victim and rebuild every destroyed place. Here, we would also like to express our highest respect again for all individuals and non-governmental organizations that have selflessly contributed to the rescue and reconstruction work after the disaster. Amid the fierce power of Nature, we have seen Taiwan’s most beautiful compassion, strongest faith and greatest trust. Our compatriots have been injured and wounded during the September 21 earthquake, but with the spirit of a “volunteer Taiwan,” Taiwan’s new family will stand up resolutely on its feet once again.
Dear compatriots, 400 years ago, Taiwan was called “Formosa”—the beautiful island—for its lustrous landscape. Today, Taiwan is manifesting the elegance of a democratic island, once again attracting global attention, as the people on this land create a new page in our history.

We believe that the Republic of China, with its democratic achievements and technological and economic prowess, can certainly continue to play an indispensable role in the international community. In addition to strengthening the existing relations with friendly nations, we want to actively participate in all types of international non-governmental organizations. Through humanitarian care, economic cooperation, cultural exchanges and various other methods, we will actively participate in international affairs, expand Taiwan’s room for survival in the international arena, and contribute to the welfare of the international community.

Besides, we are also willing to promise a more active contribution in safeguarding international human rights. The Republic of China cannot and will not remain outside global human rights trends. We will abide by the Universal Declaration of Human Rights, the International Convention for Civil and Political Rights, and the Vienna Declaration and Program of Action. We will bring the Republic of China back into the international human rights system.

The new government will request the Legislative Yuan to pass and ratify the International Bill of Rights as a domestic law of Taiwan, so that it will formally become the “Taiwan Bill of Rights.” We hope to set up an independent national human rights commission in Taiwan, thereby realizing an action long advocated by the United Nations. We will also invite two outstanding non-governmental organizations, the International Commission of Jurists and Amnesty International, to assist us in our measures to protect human rights and make the Republic of China into a new indicator for human rights in the 21st Century.

We firmly believe that in any time or any corner of the world, the meaning and values of freedom, democracy and human rights cannot be ignored or changed.

The history of the 20th Century left us with a major lesson—that war is a failure of humanity. Waged for whatever purpose or whatever imperious reasons, war is the greatest harm to freedom, democracy and human rights.

Over the past one hundred plus years, China has suffered imperialist aggression, which left indelible wounds in her history. Taiwan’s destiny has been even more arduous, tormented by brute force and the rule of colonialist regimes. These similar historical experiences should bring mutual understanding between the people on both sides of the Taiwan Strait, setting a solid foundation for pursuing freedom, democracy and human rights together. However, due to long periods of separation, the two sides have developed vastly different political systems and lifestyles,
obstructing empathy and friendship between the people on the two sides, and even creating a wall of divisiveness and confrontation.

Today, as the Cold War has ended, it is time for the two sides to cast aside the hostilities left from the old era. We do not need to wait further because now is a new opportunity for the two sides to create an era of reconciliation together.

The people across the Taiwan Strait share the same ancestral, cultural, and historical background. While upholding the principles of democracy and parity, building upon the existing foundations, and constructing conditions for cooperation through goodwill, we believe that the leaders on both sides possess enough wisdom and creativity to jointly deal with the question of a future “one China.”

I fully understand that as the popularly elected 10th-term President of the Republic of China, I must abide by the Constitution, maintain the sovereignty, dignity and security of our country, and ensure the well-being of all citizens. Therefore, as long as the CCP regime has no intention to use military force against Taiwan, I pledge that during my term in office, I will not declare independence, I will not change the national title, I will not push forth the inclusion of the so-called “state-to-state” description in the Constitution, and I will not promote a referendum to change the status quo in regards to the question of independence or unification. Furthermore, the abolition of the National Unification Council or the Guidelines for National Unification will not be an issue.

History has illustrated that war will only create hatred and enmity, with absolutely no benefit to the development of mutual relations. Chinese people emphasize the difference between statesmanship and hegemony, believing in the philosophy that a government which employs benevolence “will please those near and appeal to those from afar,” and “when those afar will not submit, then one must practice kindness and virtue to attract them.” Such Chinese wisdom will remain universal words of value.

Under the leadership of Mr. Deng Xiaoping and Mr. Jiang Zemin, the mainland has created a miracle of economic openness. In Taiwan, over a half century, not only have we created a miracle economy, we have also created the political marvel of democracy. On such a basis, as long as the governments and people on both sides of the Taiwan Strait can interact more, following the principles of “goodwill reconciliation, active cooperation, and permanent peace,” while at the same time respecting the free choice of the people and excluding unnecessary obstacles, both sides of the Strait can make great contributions to the prosperity and stability of the Asia Pacific Region. Both sides will also create a glorious civilization for the world’s humanity.
Dear compatriots, we hope so much to share the moving scene of this moment with all Chinese-speaking people around the world. The wide Ketagelan Boulevard before us was bristling with security guards only a few years ago. The building behind me used to be the Governor General's Mansion during the colonial era. Today, we gather here to extol the glory and joy of democracy with songs of the earth and the voice of the people. With a little reflection, our compatriots should be able to appreciate the deep and far-reaching meaning of this moment:

Authoritarianism and force can only bring surrender for one time, while democracy and freedom are values that will endure forever.

Only by adhering to the will of the people can we pioneer the paths of history and build enduring architecture.

Today, as a son of a tenant farmer and with a poor family background, I have struggled and grown on this land and, after experiencing defeat and tribulation, I have finally won the trust of the people to take up the great responsibility leading the country. My individual achievements are minor, but the message is valuable because each citizen of Formosa is a “child of Taiwan” just like me. In whatever difficult environment, Taiwan will be like a selfless, loving mother, who never stops giving us opportunities and who helps us achieve our beautiful dreams.

The spirit of the “child of Taiwan” reveals to us that even though Taiwan, Penghu, Kinmen and Matsu are tiny islands on the rim of the Pacific, the map of our dreams knows no limits. It extends all the way to the end of the horizon, as long as our 23 million compatriots fear no hardship and move forward hand in hand.

Dear compatriots, this magnificent moment belongs to all the people. All grace and glory belongs to Taiwan—our eternal Mother. Together, let’s extend our gratitude to the earth and respect to the people.

Long live freedom and democracy!
Long live the people of Taiwan!

We pray for the prosperity of the Republic of China, and for the health and happiness of all compatriots and all honored guests!
碑。台灣不只為亞洲的民主經驗樹立了新典範，也為全世界第三波的民主潮流增添了一個感人的例證。

中華民國第十任總統選舉的過程讓全世界清楚的看到，自由民主的果實如此得來不易。兩千三百萬人民以無比堅定的意志，用愛弭平敵意、以希望克服威脅、用信心戰勝了恐懼。

我們用神聖的選票向全世界證明，自由民主是顛撲不滅的普世價值，追求和平更是人類理性的最高目標。

公元 2000 年台灣總統大選的結果，不是個人的勝利或政黨的勝利，而是人民的勝利、民主的勝利。因為，我們在舉世注目的焦點中，一起超越了恐懼、威脅和壓迫，勇敢的站起來！

台灣站起來，展現著理性的堅持和民主的信仰。
台灣站起來，代表著人民的自信和國家的尊嚴。
台灣站起來，象徵著希望的追求和夢想的實現。

親愛的同胞，讓我們永遠記得這一刻，永遠記得珍惜和感恩，因為民主的成果並非憑空而來，而是走過艱難險阻、歷經千辛萬苦才得以實現。如果沒有民主前輩們前仆後繼的無畏犧牲、沒有千萬人民對於自由民主的堅定信仰，我們今天就不可能站在自己親愛的土地上，慶祝這一個屬於全民的光榮盛典。

今天，我們彷彿站在一座嶄新的歷史門前。台灣人民透過民主錘鍊的過程，為我們共同的命運打造了一把全新的鑰匙。新世紀的希望之門即將開啟。我們如此謙卑，但絕不退縮。我們充滿自信，但沒有絲毫自滿。

從三月十八日選舉結果揭曉的那一刻開始，阿扁以最嚴肅而謙卑的心情接受全民的付託，誓言必將竭盡個人的心力、智慧和勇氣，來承擔國家未來的重責大任。

個人深切的瞭解，政黨輪替、政權和平轉移的意義絕對不只是「換人換黨」的人事更替，更不是「改朝換代」的權力轉移，而是透過民主的程序，把國家和政府的權力交還給人民。人民才是國家真正的主人，不是任何個人或政黨所能佔有；政府是為人民而存在的，從國家元首到基層公務員都是全民的公僕。

政黨輪替並不代表對於過去的全盤否定。歷來的執政者為國家人民的付出，我們都應該給予公正的評價。李登輝先生過去十二年主政期間所推動的民主改革與卓越政績，也應該獲得國人最高的推崇與衷心的感念。

在選舉的過程中，台灣社會高度動員、積極參與，儘管有不同的主張和立場，但是每一個人為了政治理念和國家前途挺身而出的初衷是一樣的。我們相信，選舉的結束是和解的開始，激情落幕之後應該是理性的抬頭。在國家利益與人民福祉的最高原則之下，未來不論是執政者或在野者，都應該能不負人民的付託、善盡本身的職責，實現政黨政治公平競爭、民主政治監督制衡的理想。
一個公平競爭、包容信任的民主社會，是國家進步的最大動能。在國家利益高於政黨利益的基礎之上，我們應該凝聚全民的意志與朝野的共識，著手推動國家的進步改革。

「全民政府、清流共治」是阿扁在選舉期間對人民的承諾，也是台灣社會未來要跨越斷層、向上提升的重要關鍵。

「全民政府」的精神在於「政府是為人民而存在的」，人民是國家的主人和股東，政府的施政必須以多數的民意為依歸。人民的利益絕對高於政黨的利益和個人的利益。

阿扁永遠以身為民主進步黨的黨員為榮，但是從宣誓就職的這一刻開始，個人將以全部的心力做好「全民總統」的角色。正如同全民新政府的組成，我們用人唯才、不分族群、不分性別、不分黨派，未來的各項施政也都必須以全民的福祉為目標。

「清流共治」的首要目標是要掃除黑金、杜絕賄選。長期以來，台灣社會黑白不分、黑道金權介入政治的情況已經遭致台灣人民的深惡痛絕。基層選舉買票賄選的文化，不僅剝奪了人民「選賢與能、當家作主」的權利，更讓台灣的民主發展蒙上污名。

今天，阿扁願意在此承諾，新政府將以最大的決心來消除賄選、打擊黑金，讓台灣社會徹底擺脫向下沈淪的力量，讓清流共治向上提升，還給人民一個清明的政治環境。

在活力政府的改造方面，面對日益激烈的全球化競爭，為了確保台灣的競爭力，我們必須建立一個廉潔、效能、有遠見、有活力、有高度彈性和應變力的新政府。「大有為」政府的時代已經過去，取而代之的應該是與民間建立夥伴關係的「小而能」政府。我們應該加速精簡政府的職能與組織，積極擴大民間扮演的角色。如此不僅可以讓民間的活力盡情發揮，也能大幅減輕政府的負擔。

同樣的夥伴關係也應該建立在中央與地方政府之間。我們要打破過去中央集權又集錢的威權心態，落實「地方能做、中央不做」的地方自治精神，讓地方與中央政府一起共享資源、一起承擔責任。無論東西南北、不分本島離島，都能夠獲得均衡多元的發展，拉近城鄉之間的距離。

當然，我們也應該瞭解，政府不是一切問題的答案，人民才是經濟發展與社會進步的原動力。過去半個世紀以來，台灣人民靠著胼手胝足的努力創造了舉世稱羨的經濟奇蹟，也奠定了中華民國生存發展的命脈。如今，面對資訊科技日新月異以及貿易自由化的衝擊，台灣的產業發展必然要走向知識經濟的時代，高科技的產業必須不斷創新，傳統的產業也必然要轉型升級。

未來的政府並不一定要繼續扮演過去「領導者」和「管理者」的角色，反而應該像民間企業所期待的，政府是「支援者」和「服務者」。現代政府的責任在於提高行政的效能、改善國內的投資環境、維持金融秩序與股市的穩定，讓經濟的發展透過公平的競爭走向完全的自由化和國際化。循此原
則，民間的活力自然能夠蓬勃興盛，再創下一個階段的經濟奇蹟。

除了鞏固民主的成果、推動政府的改造、提昇經濟的競爭力之外，新政府的首要施政目標應該是順應民意、厲行改革，讓這塊土地上人民生活中更有尊嚴、更有自信、更有品質。讓我們的社會不僅安全、和諧、富裕，也要符合公平正義。讓我們的下一代在充滿希望與快樂的教育環境中學習，培養國民不斷成長的競爭力。

二十一世紀將是強調「生活者權利」、「精緻化生活」的時代。舉凡與人民生活息息相關的治安改善、社會福利、環境生態、國土規劃、垃圾處理、河川整治、交通整頓、社區營造等問題，政府都必須提出一套解決方案，並透過公權力徹底加以落實。

當前我們必須立即提昇的是治安改善與環境保護這兩大生活品質的重要指標。建立社會新秩序，讓所有的老百姓都能安居樂業，生活沒有恐懼。在生態保育與經濟發展之間取得相容的平衡點，讓台灣成為永續發展的綠色砂島。

司法的尊嚴是民主政治與社會正義的堅強防線。一個公正、獨立的司法體系不僅是社會秩序的維護者，也是人民權益的捍衛者。目前司法的改革還有一段很長的路要走，國人必須繼續給予司法界嚴格的督促與殷切的期盼，在此同時，我們也應該節制行政權力，還給司法獨立運作、不受干擾的空間。

台灣最重要的資源是人力的資源，人才是國家競爭力的根本，教育是「藏富於民」的百年大計。我們將儘速凝聚朝野、學界與民間的共識，持續推動教改的希望工程，建立健康、積極、活潑、創新的教育體制，使台灣在激烈的國際競爭力之下，源源不斷地培育一流、優秀的人才。讓台灣社會逐漸走向「學習型組織」和「知識型社會」，鼓舞人民終身學習、求新求變，充分發揮個人的潛力與創造力。

目前在全國各地普遍發展的草根性社區組織，包括對地方歷史、人文、地理、生態的探索和維護，展現了人文台灣由下而上的民間活力。不管是地方文化、庶民文化或者精緻文化，都是台灣文化整體的一部份。台灣因為特殊的歷史與地理緣故，蘊含了最豐美多樣的文化元素，但是文化建設無法一蹴可幾，而是要靠一點一滴的累積。我們必須敞開心胸、包容尊重，讓多元族群與不同地域的文化相互感通，讓立足台灣的本土文化與華人文化、世界文化自然接軌，創造「文化台灣、世紀維新」的新格局。

去年發生的九二一大地震，讓我們心愛的土地和同胞歷經前所未有的浩劫，傷痛之深至今未能癒合。新政府對於災區的重建工作刻不容緩，包括產業的復甦和心靈的重建，必須做到最後一人的照顧、最後一處的重建完成為止。在此，我們也要對於災後救援與重建過程中，充滿大愛、無私奉獻的所有個人與民間團體，再次表達最高的敬意。在大自然的惡力中，我們看到了台灣最美的慈悲、最強的信念、最大的信任！九二一震災讓同胞受傷跌倒，但是在「志工台灣」的精神中，台灣新家庭一定會重新堅強的站起來！
親愛的同胞，四百年前，台灣因為璀璨的山川風貌被世人稱為「福爾摩沙——美麗之島」。今天，因為這一塊土地上的人民所締造的歷史新頁，台灣重新展現了「民主之島」的風采，再次吸引了全世界的目光。

我們相信，以今日的民主成就加上科技經貿的實力，中華民國一定可以繼續在國際社會中扮演不可或缺的角色。除了持續加強與友邦的實質外交關係之外，我們更要積極參與各種非政府的國際組織。透過人道關懷、經貿合作與文化交流等各種方式，積極參與國際事務，擴大台灣在國際的生存空間，並回饋國際社會。

除此之外，我們也願意承諾對於國際人權的維護做出更積極的貢獻。中華民國不能也不會自外於世界人權的潮流，我們將遵守包括「世界人權宣言」、「公民與政治權利國際公約」以及維也納世界人權會議的宣言和行動綱領，將中華民國重新納入國際人權體系。

新政府將敦請立法院通過批准「國際人權法典」，使其國內法化，成為正式的「台灣人權法典」。我們希望實現聯合國長期所推動的主張，在台灣設立獨立運作的國家人權委員會，並且邀請國際法律人委員會和國際特赦組織這兩個卓越的非政府人權組織，協助我們落實各項人權保護的措施，讓中華民國成為二十一世紀人權的新指標。

我們堅信，不管在任何一個時代、在地球的任何一個角落，自由、民主、人權的意義和價值都不能被漠視或改變。

二十世紀的歷史留給人類一個最大的教訓，那就是——戰爭是人類的失敗。不論目的何在、理由多麼冠冕堂皇，戰爭都是對自由、民主、人權最大的傷害。

過去一百多年來，中國曾經遭受帝國主義的侵略，留下難以抹滅的歷史傷痕。台灣的命運更加坎坷，曾經先後受到強權的欺凌和殖民政權的統治。如此相同的歷史遭遇，理應為兩岸人民之間的相互諒解，為共同追求自由、民主、人權的決心，奠下厚實的基礎。然而，因為長期的隔離，使得雙方發展出截然不同的政治制度和生活方式，從此阻斷了兩岸人民以同理心互相對待的情誼，甚至因為隔離而造成了對立的圍牆。

如今，冷戰已經結束，該是兩岸拋棄舊時代所遺留下來的敵意與對立的時候了。我們無須再等待，因為此刻就是兩岸共創和解時代的新契機。

海峽兩岸人民源自於相同的血緣、文化和歷史背景，我們相信雙方的領導人一定有足夠的智慧與創意，秉持民主對等的原則，在既有的基礎之上，以善意營造合作的條件，共同來處理未來「一個中國」的問題。

本人深切瞭解，身為民選的中華民國第十任總統，自當恪遵憲法，維護國家的主權、尊嚴與安全，確保全體國民的福祉。因此，只要中共無意對台動武，本人保證在任期之內，不會宣佈獨立，不會更改國號，不會推動兩國論入憲，不會推動改變現狀的統獨公投，也沒有廢除國統綱領與國統會的問題。
歷史證明，戰爭只會引來更多的仇恨與敵意，絲毫無助於彼此關係的發展。中國人強調王霸之分，相信行仁政必能使「近者悅、遠者來」、「遠人不服，則修文德以來之」的道理。這些中國人的智慧，即使到了下一個世紀，仍然是放諸四海皆準的至理名言。

大陸在鄧小平先生與江澤民先生的領導下，創造了經濟開放的奇蹟；而台灣在半個世紀以來，不僅創造了經濟奇蹟，也締造了民主的政治奇蹟。在此基礎上，兩岸的政府與人民若能多多交流，秉持「善意和解、積極合作、永久和平」的原則，尊重人民自由意志的選擇，排除不必要種種障礙，海峽兩岸必能為亞太地區的繁榮與穩定做出重大的貢獻，也必將為全體人類創造更輝煌的東方文明。

親愛的同胞，我們多麼希望海內外的華人都能親身體驗、共同分享這一刻的動人情景。眼前開闊的凱達格蘭大道，數年之前仍然戒備森嚴；在我身後的這棟建築，曾經是殖民時代的總督府。今天，我們齊聚在這裡，用土地的樂章和人民的聲音來歌頌民主的光榮喜悅。如果用心體會，海內外同胞應該都能領悟這一刻所代表的深遠意義——

威權和武力只能讓人一時屈服，民主自由才是永垂不朽的價值。
唯有服膺人民的意志，才能開拓歷史的道路、打造不朽的建築。

今天，阿扁以一個佃農之子、貧寒的出身，能夠在這一塊土地上奮鬥成長，歷經挫折與考驗，終於贏得人民的信賴，承擔起領導國家的重責大任。個人的成就如此卑微，但其中隱含的寓意卻彌足可貴。因為，每一位福爾摩沙的子民都和阿扁一樣，都是「台灣之子」。不論在多麼艱困的環境中，台灣都像至愛無私的母親，從不間斷的賜予我們機會，帶領我們實現美好的夢想。

台灣之子的精神啟示著我們：儘管台澎金馬只是太平洋邊的蕞爾小島，只要兩千三百萬同胞不畏艱難、攜手向前，我們夢想的地圖將會無限遠大，一直延伸到地平線的盡頭。

親愛的同胞，這一刻的光榮屬於全體人民，所有的恩典都要歸於台灣——我們永遠的母親。讓我們一起對土地感恩、向人民致敬。

自由民主萬歲！
台灣人民萬歲！
敬祝中華民國國運昌隆！全國同胞和各位嘉賓健康愉快！

2004—Chen Shui-bian

Heads of States, Diplomatic Envoys and Foreign Dignitaries, Distinguished Guests, and Fellow Citizens:

Firstly, I wish to thank our honorable guests, at home and from abroad, who have joined us today for the Inauguration Ceremony of the 11th-Term President and Vice President of the Republic of China. What we have come together to
witness are the progressive steps of Taiwan’s democracy, as well as a story, written jointly by the 23 million people of Taiwan—one that is extraordinary and truly remarkable.

On this joyous occasion of national celebration, I will assume the solemn duty bestowed upon me by the people. At this moment, that which fills my mind is not eloquent words of glory and exaltation, but rather, weighty thoughts of bigger responsibility, greater humility, and deeper self-reflection.

In the final year of the twentieth century, Taiwan crossed a historic doorsill, completing an unprecedented transfer of power between political parties, and ushering in a new era in our nation’s democratic development. In that time of change over—between the old and the new century—our fledgling democracy found itself stumbling down a rugged path of trial and tribulation. Taiwan’s maiden voyage into the new century came wrought with turbulence as the old and the new, the weak and the strong, the emergence of crisis and the rise of opportunity—all came clashing into co-existence.

In the eyes of Chinese societies and other emerging democratic states, Taiwan’s democracy embodies not merely a democratic experimentation; it signifies an exemplary success. The standard of democracy achieved in Western nations is the tried result through the test of time. In comparison, Taiwan’s newfound democracy, after weathering rough waters, has burgeoned into an even more precious accomplishment. Our experience also serves as testament that democracy does not come ready-made, nor is it a Utopian ideal. There is no express train to transport us to the final destination. Democratic advancement occurs only through constant and gradual endeavor, one step at a time.

In the initial stage of Taiwan’s democratization—from lifting of the martial law, complete re-election of the national legislature to direct presidential election—we have vested sovereignty with the people and began fostering Taiwan’s national identity. In the second stage, a greater emphasis is placed on the establishment of a civil society and on the rebuilding of unity through a sense of shared destiny.

From increased community and civic consciousness to broader participation in public affairs and national policymaking—including the holding of a referendum, the rights and duties of citizens in a civil society have been affirmed and further improved; and thereby, the development towards a more matured, rational, and responsive democracy. We must seek to establish a civil society, and through joint participation and collective efforts, to create an identity with this land and a common memory if we are to transcend the limitations of ethnicity, lineage, language and culture, and to build a new and unified sense of shared destiny.
In today’s society, issues of identity and ethnicity are a serious matter that cannot be denied or deliberately overlooked. My colleagues and I, in the Democratic Progressive Party (DPP) as the governing party, will lead the way in addressing such issues. We will take the first step and begin with candid self-reflection.

It was several hundred years ago that the generations before us traversed the “Black-water Channel” (Taiwan Strait) or crossed the great ocean to find a safe haven in Taiwan. No matter what year they arrived, regardless of their ancestral origins and their mother tongues, even in spite of their different hopes and dreams, all are our forefathers; all have settled down here and together faced a common destiny. Whether indigenous peoples or “new settlers,” expatriates living abroad, foreign spouses or immigrant workers who labor under Taiwan’s blazing sun—all have made a unique contribution to this land and each has become an indispensable member of our “New Taiwan” family.

Various ethnic groups, because of their disparate history and distinctive subcultures, understandably hold divergent views and values. Recognizing such inherent differences, we should embrace one another with more tolerance and understanding. The authoritarian government of the past exploited inequality among different ethnic groups, suppressing native languages and cultures. Nonetheless, we must acknowledge that except for a few individuals in power, members of all ethnic groups have been victimized. The February 28 Incident and the “White Terror,” of which the victims include both the “Ben-sheng” (Taiwanese) and the “Wai-sheng” (Mainlanders), were not historical representations of subjugation by ethnic groups, rather, abuse of power by a ruling government.

The fabric of Taiwan society today is comprised mainly of diverse immigrant groups. It is not a minority-ruled colonial state; hence, no single ethnic group alone should undeservingly bear the burden of history. Presently, regardless of one’s birthplace—be it Guangdong or Taitung, regardless of the origin of one’s mother—be it Vietnam or Tainan, and regardless of whether an individual identifies with Taiwan or with the Republic of China, per se, a common destiny has bequeathed upon all of us the same parity and dignity. Therefore, let us relinquish our differentiation between native and foreign, and between minority and majority, for the most complimentary and accurate depiction of present-day Taiwan is of a people “ethnically diverse, but one as a nation.” A shared sense of belonging has become the common denominator among all the 23 million people of Taiwan.

This year’s presidential election was marked by an exceedingly spirited campaign, hitherto unseen in history. The close results have prompted opposition parties to question the process and file legal charges contesting the results of the vote. As the incumbent president, I have, with the utmost sincerity, expressed my highest respect
for the independence and fairness of our judicial system. I have also vowed to accept the result of its investigation regardless of the final outcome. It is my firm belief that abiding by and acceptance of the rule of law is the only conduit through which we can resolve conflicts—for, if we were to rebuke the trust placed by the people in Taiwan’s democracy and independent judiciaries, then the end result would be that “everyone loses.” Today’s timely spring shower will calm our spirits and clear our minds.

In a democratic system, scheduled elections are designed for the exercise of sovereignty by the people. They also provide a channel through which popular will and social values can be regularly reassessed. Fierce competition in the realm of politics forces politicians to undergo the most direct form of evaluation, which often serves as their greatest inspiration. My campaign, likewise, was subjected to rather tough scrutiny during the election, as was my administration, but we have learned and improved as a result. In any election, sharp differences among competing political factions are inevitable. This could include contrasting ideologies, disparity in policy platforms, even variation in methods used to mobilize supporters. However, a democratic election is not equal to a “winner takes all” wager; nor should it lead to purposefully fueled antagonism among voters. The checks and balances system of multi-party politics constitutes a solid framework for democratic governance. An accountable governing party and a loyal opposition, together, represent the voice of the people; both are political assets of a free nation and a free people. Be it the governing party or the opposition, their respective roles are inherently bestowed by the people with an opportunity as well as a responsibility.

In my opinion, the ultimate challenge of this past election lay not as much in garnering a mandate as in the post-election hurdle of how to scale the wall of antagonism, and, in finding ways to reconcile the deep divide caused by distrust. We must not allow the narrow margin of victory to become a source of greater conflict in society. Thus, I hereby pledge to listen, to understand, to abide by laws and reasoning, and to strive to unify the people of Taiwan—so as to dissipate the animosity engendered by the campaign and rebuild a “bridge of trust” between the governing and opposition parties.

Unite Taiwan, stabilize cross-strait relations, seek social harmony, and reinvigorate the economy. These are the earnest hopes of the people and the preeminent mission of my new administration. But none of these objectives can be accomplished through an individual effort, nor can one political party do it alone. I shall go to the people with my plea for support, just as I stand here today, calling on the opposition parties and the voices of public opinion to join me in this historic endeavor.
BELIEVE IN TAIWAN—We must continue to foster national competitiveness and cultivate an atmosphere of humanitarianism, environmental protection, and sustainable development. PERSIST WITH REFORM—We shall forge ahead in response to the people's demand for reform in our political and judicial system, in the educational system, and in our financial and fiscal infrastructures; for improvement in the quality of our media; and, for comprehensive social reform. We shall be empowered by our faith in Taiwan; and we shall persevere in striving to achieve our goals. The efforts put forth today will translate into an enduring legacy for the future generations: a just new Taiwan where social justice, economic justice, fairness in our judicial system, gender justice, and international justice are realized.

In our face-off with increasingly fierce and vigorous competition on the international front, coalescing the power of the people and working expeditiously to enhance the efficiency of government mechanisms—these are tasks vital to Taiwan's sustained development. Yet, we must bear in mind that historic and political circumstances confine us to an existing constitutional framework that now poses the most direct impediment to effective governance.

The Constitution stands as the supreme legal basis of a nation, symbolizing a paramount contract between the government and the people. Our current Constitution was promulgated under circumstances that were very different from the society we know today, and the majority of the articles in the Constitution no longer address the present—much less the future—needs of Taiwan. The promotion of constitutional re-engineering and the re-establishment of the constitutional order are tasks that correspond with the expectations of the people and are in accordance with the consensus shared by all political parties.

The constitutional re-engineering project aims to enhance good governance and increase administrative efficiency, to ensure a solid foundation for democratic rule of law, and to foster long-term stability and prosperity of the nation. There are many problems in our current Constitution that need to be tackled, amongst which the more immediate and obvious include: whether to have a three-branch or five-branch separation of power; whether to adopt a presidential or parliamentary system of government; whether the president should be elected by a relative majority or an absolute majority; reform of the national legislature and relevant articles; the role of the National Assembly and its retainment versus abolishment; whether to suspend or abolish the provincial government; lowering of voting age; modification of compulsory military service requirements; protection of basic human rights and the rights of the disadvantaged; and, principles governing the running of the national economy. Indeed, this will be a project of grand scale that is certain to have significant impact.
To avoid repeating the same mistakes by past administrations—six rounds of constitutional amendments in ten years time—the proposed constitutional reform project must not be monopolized by one person or by a single political party, nor should it be undertaken merely for the short-term. In the future, we will invite members of the ruling party and the opposition parties, as well as legal experts, academic scholars and representatives from all fields and spanning all social classes, to collaborate in forming a “Constitutional Reform Committee.” Our aim will be to generate the highest level of social consensus on the scope and procedure of the constitutional reform, all of which are to be open to public scrutiny.

By the time I complete my presidency in 2008, I hope to hand to the people of Taiwan and to our country a new version of our Constitution—one that is timely, relevant and viable—this is my historic responsibility and my commitment to the people. In the same context, I am fully aware that consensus has yet to be reached on issues related to national sovereignty, territory and the subject of unification/independence; therefore, let me explicitly propose that these particular issues be excluded from the present constitutional re-engineering project. Procedurally, we shall follow the rules set out in the existing Constitution and its amendments. Accordingly, after the passage by the national legislature, members of the first and also the last Ad Hoc National Assembly will be elected and charged with the task of adopting the constitutional reform proposal as passed by the legislature, abolishing the National Assembly, and incorporating into the Constitution the people’s right to referendum on constitutional revision. By so doing, we hope to lay a solid foundation for the long-term development of our constitutional democracy, and the people’s right to referendum on legislative proposals for constitutional revision.

During the last four years, we have witnessed dramatic political and economic changes in the world. Taiwan, in the face of a new international order, must stand firm yet persevere in our ongoing quest to become a better and stronger nation. We must also endeavor to re-position ourselves in equilibrium between global competition and international cooperation.

Taiwan’s long-term friendship with the United States, Japan and our allies in the world has been founded on the safeguarding of our common interests. More importantly, it is an alliance of core values that we share: freedom, democracy, human rights and peace.

Taiwan’s democratic development, and peace and stability in the Taiwan Strait, remains a focal point of international attention. On behalf of our government and people, I would like to once again express our heartfelt gratitude for the friendship that has been extended to us—reminding me of the old adage “together though
The people of Taiwan embrace peace. Needless to say, Taiwan’s national security is of greater concern to us than to anyone else in the world. Faced with an ever-increasing military threat from across the Strait, it is imperative for all the people, including political adversaries, to forge a strong will to defend ourselves, proactively strengthening our defense equipment and upgrading our self-defense capabilities. It is our sincere hope that our friends in the international arena will continue to render their valuable attention and assistance to the cause of peace in the Taiwan Strait and stability in the Asia-Pacific Region. Let us take this opportunity to give a warm round of applause to our international allies for their friendship and dedication.

Taiwan stands ready to continue in its role as active participant and contributor to international society—this is the right of Taiwan’s 23 million people; likewise, it is our duty as citizens of the world community. In the global campaign against terrorism, Taiwan has never been absent. In international humanitarian assistance efforts, Taiwan has always been there. Other recent accomplishments include the founding of the Pacific Democratic Alliance and the establishment of the Taiwan Foundation for Democracy. We can show a vigorous record of participation in international non-governmental organizations (NGO’s), in addition to our collaboration with other members of the global village in advocacy and defense of the universal values of freedom, democracy and human rights.

At present, Taiwan is the world’s fifteenth largest trading nation, with high rankings in international competitiveness. Yet, it took twelve years of strenuous effort for Taiwan to become the 144th member of the World Trade Organization (WTO). We are still fighting relentlessly to join the World Health Organization (WHO). Last year’s outbreak of the SARS epidemic has taught the world a hard lesson, that we are all equals in sickness and disease. Nevertheless, despite the WHO’s creed that health care—encompassing medicine, public health and disease control—is a basic human right and should heed no borders, Taiwan remains unjustly locked out. Let us come together in a continuous effort toward our goal to join the World Health Organization in two years.

Not long ago, the European Union (EU) welcomed the accession of ten new member states. Following several decades of effort, with respect to each individual country and by the free choice of citizens, the EU has successfully integrated the common interests of the people of Europe. Such a valuable experience has far-reaching implications and will impact world order in this new century. From this we see that regional integration is not merely an ongoing but also a future trend. This trend, in addition to globalization, has led to fundamental changes in the conventional thinking of national sovereignty and territorial boundaries, such that
envisioning “universal harmony” will no longer be an intangible ideal.

With the new century upon us, let the leaders on both sides of the Strait, in striving to attain the greatest welfare for their peoples, heed this new trend by adopting a brand new frame of mind—together, let us take a fresh, unparalleled approach in addressing future cross-strait issues.

The peoples on both sides share a common ancestral, cultural and historical heritage. In the past century, both have endured the repression of foreign powers and the domination of authoritarian rule. Both our peoples now share an indomitable resolve to stand up and be the masters of their own destiny, a sentiment that is worthy of our full, mutual understanding.

We can understand why the government on the other side of the Strait, in light of historical complexities and ethnic sentiments, cannot relinquish the insistence on the “One China Principle.” By the same token, the Beijing authorities must understand the deep conviction held by the people of Taiwan to strive for democracy, to love peace, to pursue their dreams free from threat, and, to embrace progress. But if the other side is unable to comprehend that this honest and simple wish represents the aspiration of Taiwan’s 23 million people, if it continues to threaten Taiwan with military force, if it persists in isolating Taiwan diplomatically, if it keeps up irrational efforts to blockade Taiwan’s rightful participation in the international arena, this will only serve to drive the hearts of the Taiwanese people further away and widen the divide in the Strait.

The Republic of China now exists in Taiwan, Penghu (The Pescadores), Kinmen and Matsu. This is a fact. Taiwan’s existence as a member of international society is also a fact. Such realities cannot be negated by anyone for any reason—for therein lies the collective will of the people of Taiwan. A half century of toil and labor by the people of this land has culminated in what is now known as the “Taiwan Experience,” the fruits of which validate the existence of the Republic of China and, what is more, have become the proud assets, not only of the peoples on both sides of the Taiwan Strait, but of all Chinese societies.

History has given rise to the development of two very different political systems as well as two dissimilar ways of life on either side of the Taiwan Strait. However, if we make a concerted effort to find some positive aspect of our differences and commonalities, perhaps we shall discover a wonderful opportunity, a catalyst for building a cooperative and mutually beneficial relationship. Taiwan is a completely free and democratic society. Neither single individual nor political party can make the ultimate choice for the people. If both sides are willing, on the basis of goodwill, to create an environment engendered upon “peaceful development and freedom of choice,” then in the future, the Republic of China and the People’s Republic of
China—or Taiwan and China—can seek to establish relations in any form whatsoever. We would not exclude any possibility, so long as there is the consent of the 23 million people of Taiwan.

For more than a decade, interaction between the peoples on both sides has grown closer and more intense. This development bears great significance and increases the importance of furthering cross-strait relations. In the future, we hope to continue pushing forth current liberalization measures while expanding cross-strait exchange across the spectrum—from journalism and information to education and culture, to economics and trade—and to promote the establishment of channels for resuming cross-strait dialogue and communication. By building bridges, we will aim to close gaps and establish a foundation for mutual trust.

The first two decades of this century will be a crucial time for Taiwan to pursue a comprehensive program of upgrading and transformation; it also represents an opportune moment in history for Mainland China to move forward with democratization and liberalization. Therefore, governments on both sides should seize this timely opportunity to take on the challenges of global competition, advocating for progress and development instead of dwelling on the impasse of political debate. We have taken note that Chinese Communist Party leaders repeatedly emphasize the importance of steady development for the welfare of Mainland China’s 1.3 billion people, hence, the espousal of “peaceful emergence” as its tone for developing international relations. We have no doubt the Beijing authorities recognize that maintaining the peaceful status quo in the Taiwan Strait is of vital importance to sustainable development for our respective sides and for the stability of the Asia-Pacific region as a whole.

It is my belief that both sides must demonstrate a dedicated commitment to national development, and through consultation, establish a dynamic “peace and stability framework” for interactions; that we must work together to guarantee there will be no unilateral change to the status quo in the Taiwan Strait; and, additionally, we must further promote cultural, economic and trade exchanges—including the three links—for only in so doing can we ensure the welfare of our peoples while fulfilling the expectations of the international community.

As the President of the Republic of China, I have been mandated by the people of Taiwan to defend the sovereignty, security and dignity of this nation, to chart our country’s sustainable development, to safeguard peace and stability in the Taiwan Strait, to seek consensus and garner the collective support of all the people, and to carefully manage future relations across the Strait. Today I would like to reaffirm the promises and principles set forth in my inaugural speech in 2000. Those commitments have been honored—they have not changed over the past four years,
nor will they change in the next four years. Upon this foundation, my next step will be to invite both the governing and opposition parties, in conjunction with representatives from various walks of the society, to participate in the establishment of a “Committee for Cross-Strait Peace and Development,” combining the collective insight and wisdom of all parties and our citizenry, to draft the “Guidelines for Cross-Strait Peace and Development.” The goal will be to pave the way for formulating a new relationship of cross-strait peace, stability and sustainable development.

Honorable guests and fellow citizens, if we look at a map of the world, Taiwan, Penghu, Kinmen and Matsu may seem like a tiny cluster of islands in the margins of the Pacific Rim. However, if you take a closer look, what you will discover are orchestral mountain ranges, painted with singing rivers, adorning some of the world’s most bountiful ecological landscapes. Amidst the lush forestry and abundant wildlife, there is a human chain linking together 23 million warm smiles descended from an ethnic rainbow, with a history that spans across centuries and reflects a myriad of cultural heritage juxtaposed with political evolution and economic transformation—enough to fill an encyclopedia. Taiwan is a tolerant, oceanic country, a small but proud island connected to all corners of the world. Galvanizing these attributes will empower us to expand our visions and unleash our minds far beyond the horizon.

The story of Taiwan touches people’s hearts. But, what inspires awe, more than its natural beauty, is the coloring that reflects the triumphant experience of overcoming hardship, trials and tribulations. This is the “Spirit of Taiwan,” a gift passed through the generations, a glow which emits from the faces of the Taiwan people.

Now, the torch of history has once again been passed into my hand; each of you also holds the torch in your hands. I have set a goal for myself, that, during the next four years, I will continue to uphold the principles of sincerity and honesty, compassion and benevolence, unselfishness and impartiality in leading our country down the “middle road.” I ask my fellow compatriots to stand by me in this endeavor. I will be counting on your support and encouragement.

I am just an ordinary man. I have always believed that there is no such thing as a great president, for only a great people can create a great country. Fueled by the power of the people, let us work together. Together, let us lay the foundation for our long-term national development—for sustainable democracy, sustainable reforms, sustainable humanities, and sustainable peace. Let Taiwan, the Republic of China, work toward solidarity and harmony, fairness and justice, prosperity and equality. History has endowed upon me this responsibility. It is a mission entrusted to me by
the people.

On February 28 of this year, more than one million people stood on the land of Formosa, irrespective of ethnic affiliation, age, or gender. Hand in hand, they formed a mesmerizing “wall of democracy” some five hundred kilometers long, spanning the full length of the island and completing a breathtaking portrait of Taiwan. The time has come for Taiwan to stand tall, to reach out with courage and conviction. Let us mark a sustainable and firm place in the world.

My fellow citizens, let us be thankful for this land and let us pay tribute to the greatness of the people. We must unite for the sake of Taiwan. Together, we must defend our Taiwan, as we stride proudly forward into the twenty-first century. Once again let us hand-in-hand author the next chapter in this most inspirational story of twenty-first-century Taiwan.

Finally, let us wish the Republic of China great prosperity. And to all my fellow citizens, dear friends and honorable guests, may health and happiness be with you always.

Thank you.

中華民國各位友邦元首、使節及代表團、各位貴賓、親愛的國人同胞：

感謝來自海內外的各位貴賓，共同參與中華民國第十一任總統、副總統的就職大典。今天我們在這裡所見證的，是台灣民主前進的腳步，也是兩千三百萬人民共同寫下的一個難能可貴的故事。

在此歡欣的國家慶典中，個人承受人民所賦予的莊嚴使命。此時此刻，在我的心中與腦海浮現的並不是華麗的讚詞，而是更大的責任、更多的謙卑、更深的省思。

在二十世紀的最後一年，台灣跨越了首次政黨輪替的歷史門檻，邁向民主發展的新里程。隨著新舊世紀的交替，我們同時走過一段崎嶇艱難的民主道路。在世紀首航的驚濤駭浪之中，舊有與新生並存、脆弱與堅強共生、危機與轉機同在。

對於華人社會以及其他的新興民主國家而言，台灣的民主不僅是一個試煉、也是一個示範。西方的民主政治經過千錘百鍊才有今日的水準，身為年輕的民主國家，歷經挫折磨練的台灣經驗更顯得彌足珍貴。台灣的經驗證明：民主不是坐享其成的烏托邦，也沒有一步到位的直達車，必須一點一滴的耕耘，才有一步一腳印的前進。

在第一波的民主化過程當中，從解除戒嚴、國會全面改選到總統直接民選，我們確立了主權在民的價值觀以及台灣的主體性。第二波的民主工程，重點在於公民社會的建立以及國家共同體的再造。

從社區公民意識的形成，到國家公共政策的參與，包括公民投票的實踐，都是公民社會權利義務的確認和提升，也促使我們發展更成熟、理性、負責任
的民主內涵。透過公民社會的建立，經由個同參與、集體創造的土地認同與共同記憶，才能超越族群、血緣、語言、文化的侷限，邁向一個新的國家共同體的重建。

當前的台灣社會確實存在認同與族群的嚴肅課題，我們不需要掩飾，更不能夠漠視。身為執政者，包括阿扁個人和民主進步黨，都願意率先反省、坦誠面對，並且尋求有效的化解。

回想數百年前，我們的祖先跨越黑水溝，渡海來台尋找安身立命的所在。不論先來後到，儘管來自不同的地方，使用不同的語言，甚至懷抱不同的理想，最後都在這裡落地生根，彼此命運相同、休戚與共。不管是原住民、新住民、旅居海外的僑胞、注入新血的外籍配偶，包括在相同的太陽底下辛勤流汗的外籍勞工，都對這一塊土地有不可抹滅的奉獻，也都是台灣新家庭不可或缺的一部份。

不同的族群或許因為歷史記憶與民族情感而有認同的差異，但是彼此應該相互包容、用心理解。在過去威權戒嚴的時代，曾經存在族群地位的不平等和語言文化的壓抑，但是我們必須認知的是，除了極少數的當權者之外，所有的族群都是相同的受害者。在二二八事件和白色恐怖當中，受難者同時包括本省籍和外省籍，其成因要歸咎於當權者權力的濫用，而非族群的壓迫。

台灣是一個多數移民的社會，不是少數殖民統治的國家，沒有任何一個族群應該背負莫須有的歷史包袱。在今日的台灣，不管你出生在廣東或者台東，不管我們的母親來自越南或者台南，每一個人都擁有同樣的地位和尊嚴。阿扁認為，不管是認同台灣或者認同中華民國，其實都是相同的歸屬。

「族群多元、國家一體」是台灣這一塊土地上最美好完整的圖像，沒有本土和外來之分，也沒有少數和多數之別，兩千三百萬台灣人民應該是一個命運相同、榮辱與共的整數。

這一次的總統大選空前的激烈，選舉結果揭曉之後，在野黨的候選人提出了質疑和訴訟。身為現任的總統，阿扁以最大的誠意表達完全尊重司法的獨立公正，不論結果如何，個人絕對願意坦然接受。阿扁相信，遵循法治、信任司法是解決爭端唯一的路，如果因為一次的選舉而推翻了人民對民主法治與司法獨立的信任，最後只會導致全民皆輸的結果。

今天的下雨來得正是時候，讓我們的激情降溫，讓我們冷靜下來，也讓我們頭腦更加清楚。

民主政治定期選舉的設計，除了實踐主權在民的原理之外，也是人民意向與社會價值的具體檢視。激烈的競爭，可以對政治人物有最直接的檢驗和啟示。包括阿扁個人以及執政的團隊，都在這次的選舉當中接受最嚴格的考驗，並且因此而反省改進。不同的陣營之間，難免有理念的差異、政策的辯論，甚至民眾的動員，但是，民主選舉的結果，不是成王敗寇的結局，更不應該演變為民眾之間的對立。政黨政治監督制衡的設計，乃是民主健全的根基。負責的執政黨以及忠誠的反對黨，都代表國民意志的一部分，也都是國
家人民的政治資產。不管扮演執政或者在野的角色，都是人民所賜與的一個機會，也是一個責任。

個人認為，此次選舉最終的考驗，已經不是跨越多數門檻的問題，而是朝野全民如何跨過對立的圍牆、如何超越信任的鴻溝。不能夠因為選票的距離拉近，而使得社會的矛盾擴大。縱使無法消弭於一時，個人仍將繼續秉持「傾聽、理解、法理、團結」的用心，弭平選舉的對立、重建朝野的信任。

團結台灣、穩定兩岸、安定社會、繁榮經濟，這些都是當前人民殷切的期待，也是政府未來施政的首要。其中任何一項，都不是一人、一黨所能獨力完成，所以我要懇請在野政黨以及社會輿論共同支持鞭策，更要祈求人民賜給阿扁力量。

相信台灣，必須持續創造國家的競爭力，打造一個人文關懷、生態環保的永續家園。堅持改革，是要讓政治、司法、教育、金融、財政、媒體及社會的改革，回應人民長久的期待。相信就有力量，堅持才能實現理想。現在付出的一切努力，是要讓我們的下一代生活在一個符合社會正義、經濟正義、司法正義、性別正義、以及國際正義的公義新台灣。

當前，台灣面對全面、激烈、快速的國際競爭，如何凝聚全民的力量，進一步提升政府的效能已經是攸關國家發展的當務之急。但是，由於特殊的國情以及歷史的因素，使得政府效能的改造，立即面臨憲政體制的難題。

憲政改造的工程，重建憲政秩序，不僅是人民的期望，也已經獲得朝野政黨的共識。

憲政改造的工程是為了政府的良好管理及效能的提升，為了確立民主法治的根基，更是為了國家的長治久安。其中，立即而明顯的問題包括：三權分立或五權憲法、總統制或內閣制、總統選制為相對多數或絕對多數、國會改革及相關的配套條文、國民大會的定位與存廢、省政府組織的存廢、投票年齡的降低、兵役制度的調整、基本人權與弱勢權益的保障、國民經濟條款……等，可以說是工程浩大、影響至深。

為了避免重蹈過去十年內六次修憲的覆轍，憲政改造的工程不應該由一人或一黨主導，更不能只著眼於一時之便。未來，我們將邀請朝野政黨、法界、學界及各領域階層的代表，共同籌組憲政改造委員會，針對憲政改造的範圍及程序尋求社會最大的共識，並且接受人民及輿論的監督。

在2008年阿扁卸任總統之前，能夠交給台灣人民及我們的國家一部合時、合身、合用的新憲法，這是阿扁對歷史的責任，也是對人民的承諾。基於相同的責任與承諾，阿扁也深切瞭解，涉及國家主權、領土及統獨的議題，目前在台灣社會尚未形成絕大多數的共識，所以個人明確的建議這些議題不宜在此次憲改的範圍之內。至於首次憲改的程序，我們仍將依循現行憲法及增修條文的規定，經由國會通過之後，選出第一屆也是最後一屆的任務型國
時代，同時完成憲政改造、廢除國大、以及公投入憲，為民主憲政長遠的發展及未來人民公投複決國會憲改提案奠定開闊的基石。

過去四年，全球政經情勢產生明顯的變化，台灣面對國際新秩序的變動，除了必須自我提升、站穩腳步之外，在全球化的競爭與國際的合作之間，也必須尋求新的立足點。

長久以來，台灣與美、日及許多國際友邦的友誼基礎，不僅在於維護共同的利益，更重要的是建立在自由、民主、人權與和平的「價值同盟」關係。

台灣的民主發展與台海的和平穩定，一直備受國際關注。對於這些天涯若比鄰的友誼，個人要代表我國政府及人民再一次表達由衷的感謝。台灣人民愛好和平，我們絕對比任何人更關心自己的國家安全，面對海峽對岸持續增加的武力威脅，朝野全民應該凝聚堅強的國防意識，積極強化有效的防備，提升自我防衛的能力，也盼望國際社會繼續關注並協助維護台海的和平與亞太地區的穩定。

在此，阿扁號召大家、朝野全民以熱烈的掌聲感謝國際友邦的友誼及真情。

台灣願意持續以積極奉獻的角色參與國際社會，這是兩千三百萬人民應有的權利，也是我們做為世界公民的義務。在全球反恐的浪潮以及國際人道援助的行列中，台灣一直沒有缺席。過去這幾年，我們籌設民主太平洋聯盟、成立民主基金會，積極參與國際非政府組織，與地球村的其他成員共同分享並維護自由、民主、人權的普世價值。

台灣目前是世界第十五大貿易國，各項國際競爭力的評比都名列前茅，我們仍然經過十二年的努力，才得以成為世界貿易組織的第144個會員國，其中的艱辛不可言喻。如今，我們仍在鍥而不捨的努力加入世界衛生組織。去年SARS疫情蔓延的殷鑑不遠，基於醫療、衛生、防疫無國界以及基本人權的普世價值，台灣理應獲得更公平的對待。

在此，阿扁呼籲大家，我們更應團結同心，繼續努力，希望在未來兩年之中完成加入世界衛生組織的心願。

不久之前，歐洲聯盟熱烈的慶祝十個新會員國的加入。歐盟經過數十年的努力，在尊重個別國家及其人民自由意志的選擇之下，成功整合了歐洲人民共同利益的寶貴經驗，對於新世紀的全球局勢產生巨大的影響和衝擊。區域整合不僅是當前、也是未來的趨勢。這種區域整合加上全球化的發展，使得人類社會原有的國家主權原理，乃至於國界的藩籬，都產生結構性的變化。世界大同已經不是遙不可及的夢想。

海峽兩岸新世紀的領導人，為了創造人民最大的福祉，應該都能前瞻這個新趨勢，並且以全新的思維和格局，共同來面對和處理兩岸未來的問題。

兩岸人民曾經擁有共同的血緣、文化和歷史背景，過去一個世紀以來也都遭逢強權的欺凌和專制的統治。如今，兩岸人民都有站起來當家作主的堅強意願，這一點應該能夠獲得彼此充分的理解。
我們可以體會海峽對岸源於歷史情結與民族情感，無法放棄對於「一個中國原則」的堅持。相對的，北京當局也應該要充分瞭解，台灣人民要民主、愛和平、求生存、求發展的堅定信念。如果對岸不能夠體會兩千三百萬人民單純良善的心願，繼續對台灣施加武力的威脅和政治的孤立，無理的將台灣阻絕於國際社會之外，只會讓台灣的民心和海峽的對岸越離越遠。

中華民國在台澎金馬存在、台灣在國際社會存在的事實，不容許任何人以任何理由加以否定，這就是台灣人民集體意志之所在。過去半個世紀以來，兩千三百萬人民胼手胝足所創造的台灣經驗，不僅印證了中華民國存在的正面價值，也應該是華人社會及兩岸人民的共同資產。

歷史的緣故讓兩岸發展出相當不同的政治制度和生活方式，但是如果以積極的態度來看待兩岸發展的「異」與「同」，應該可以善加利用，走向進一步合作互惠的關係。台灣是一個完全自由民主的社會，沒有任何個人或政黨可以代替人民做出最後的選擇。如果兩岸之間能夠本於善意，共同營造一個「和平發展、自由選擇」的環境，未來中華民國與中華人民共和國或者台灣與中國之間，將發展任何形式的關係，只要兩千三百萬台灣人民同意，我們都不排除。

過去十幾年兩岸人民的互動交流，已經發展出極為密切的關係，對於兩岸關係的進展具有重要的價值與意義。未來，我們希望在既有基礎之上，持續放寬並且擴大兩岸新聞、資訊、教育、文化、經貿交流的相關措施，推動兩岸恢復對話與溝通的管道，如此才能拉近彼此的距離，建立互信的基礎。

二十一世紀的前二十年，不僅是台灣要全面向上提升的關鍵轉型期，也是中國大陸邁向民主化及自由化的機遇期，雙方的政府理應掌握機會全力打拼，放眼於全球競爭的趨勢，不要再耗於政治爭辯的僵局。我們已經注意到，中共的領導人近來一再強調穩定發展的重要，強調十三億大陸人民的福祉，並且選擇「和平崛起」做為拓展國際關係的基調。我們也相信，北京當局應該認知維持台海和平的現狀，對於兩岸各自的發展以及亞太區域穩定的重要性。

個人深信，唯有兩岸致力於建設與發展，協商建立一個動態的和平穩定互動架構，共同確保台海的現狀不被片面改變，並且進一步推動包括三通在內的文化經貿往來，才能符合兩岸人民的福祉與國際社會的期待。

身為中華民國的總統，接受台灣人民的付託，個人必須捍衛國家的主權、安全與尊嚴，兼顧國家的永續發展及台海的和平安定，匯聚全民的意志和共識，妥善處理兩岸未來的關係。今天，個人願意在此重申，公元 2000 年 520 就職演說所揭橥的原則和承諾，過去四年沒有改變，未來四年也不會改變。在此基礎之上，阿扁將進一步邀集朝野政黨及社會各界共同參與，成立「兩岸和平發展委員會」，凝聚朝野的智慧與全民的共識，擬定「兩岸和平發展綱領」，共同策進兩岸和平穩定、永續發展的新關係。
各位貴賓、親愛的國人同胞，攤開世界地圖來看，台澎金馬只是太平洋邊的幾個小島，但是如果仔細檢視這些島嶼上美麗的山河、多元的族群、多樣的生態，細數兩千三百萬人民過去幾個世紀所寫下的政治、經濟、文化篇章，你會發現猶如進入一部精彩豐富的百科全書。海洋國家的包容，世界島的開闊，讓這一塊土地上的子民，視野和胸懷隨著地平線無限的延伸。

台灣的故事所以動人，不是因為天生麗質，而是歷經挫折砥礪、苦難鍛鍊之後，所蘊含散發的光彩。這就是「台灣精神」，從我們的祖先一直流傳到我們每一個人的身上。

如今，歷史的火炬再一次交到阿扁的手上，也握在每一位國人同胞的手中。未來四年，阿扁自我期許能夠做到講誠信、存慈悲、大公無私、中道治國，更希望國人同胞給我支持、給我鞭策。

阿扁是一個平凡的人，我一直相信，沒有偉大的總統，只有偉大的人民可以成就偉大的國家。援引人民的力量，為民主永續、改革永續、人文永續、和平永續的國家發展奠基，讓台灣中華民國邁向團結和諧、公平正義、富足均衡、生生不息，這是歷史賦予阿扁的責任，也是人民交付的使命。

今年的 228, 上百萬的民眾站在福爾摩沙這一塊土地上，不分族群、年齡、性別，手牽著手，築成一座長達五百公里的民主長城，完成一幅最美的台灣圖像。台灣不但要站起來，還要勇敢的走出去，在世界地圖上永續發展、屹立不搖。

親愛的國人同胞，讓我們一起對土地感恩、向人民致敬！讓我們繼續團結台灣、守護台灣、牽手向前，再一次寫下二十一世紀動人的台灣故事。

最後，敬祝中華民國國運昌隆！各位鄉親朋友及各位嘉賓健康快樂！

謝謝大家！

2008—Ma Ying-jeou

Heads of State of Our Diplomatic Allies, Distinguished Guests, Overseas Compatriots, My Fellow Taiwanese, and Dear Friends in front of a Television Set or Computer: Good Morning!

I. Historical Significance of the Second Turnover of Power

Earlier this year on March 22, through the presidential election of the Republic of China, the people changed the course of their future. Today we are here not to celebrate the victory of a particular party or individual, but to witness Taiwan pass a historic milestone.

Taiwan’s democracy has been treading down a rocky road, but now it has finally won the chance to enter a smoother path. During that difficult time, political trust
was low, political maneuvering was high, and economic security was gone. Support for Taiwan from abroad had suffered an all-time low. Fortunately, the growing pains of Taiwan’s democracy did not last long compared to those of other young democracies. Through these growing pains, Taiwan’s democracy matured as one can see by the clear choice the people made at this critical moment. The people have chosen clean politics, an open economy, ethnic harmony, and peaceful cross-strait relations to open their arms to the future.

Above all, the people have rediscovered Taiwan’s traditional core values of benevolence, righteousness, diligence, honesty, generosity and industriousness. This remarkable experience has let Taiwan become “a beacon of democracy to Asia and the world.” We, the people of Taiwan, should be proud of ourselves. The Republic of China is now a democracy respected by the international community.

Yet we are still not content. We must better Taiwan’s democracy, enrich its substance, and make it more perfect. To accomplish this, we can rely on the Constitution to protect human rights, uphold law and order, make justice independent and impartial, and breathe new life into civil society. Taiwan’s democracy should not be marred by illegal eavesdropping, arbitrary justice, and political interference in the media or electoral institutions. All of us share this vision for the next phase of political reform.

On the day of Taiwan’s presidential election, hundreds of millions of ethnic Chinese worldwide watched the ballot count on TV and the Internet. Taiwan is the sole ethnic Chinese society to complete a second democratic turnover of power. Ethnic Chinese communities around the world have laid their hopes on this crucial political experiment. By succeeding, we can make unparalleled contributions to the democratic development of all ethnic Chinese communities. This responsibility is ours to fulfill.

II. Mission of the New Era

The new administration’s most urgent task is to lead Taiwan through the daunting challenges from globalization. The world economy is changing profoundly, and newly emerging countries are arising rapidly. We must upgrade Taiwan’s international competitiveness and recover lost opportunities. The uncertainty of the current global economy poses as the main challenge to the revitalization of Taiwan’s economy. Yet, we firmly believe that, with right policies and steadfast determination, our goals are within our grasp.

Islands like Taiwan flourish in an open economy and wither in a closed one. This has been true throughout history. Therefore, we must open up and deregulate the economy to unleash the vitality of the private sector. This will strengthen Taiwan’s comparative advantages. Taiwan’s enterprises should be encouraged to establish
themselves at home, network throughout the Asia-Pacific region, and position themselves globally. Taiwan’s labor force must learn to adapt to rapid technological changes and industrial restructuring. Our youth must develop character, a sense of civic duty, global perspectives and lifelong learning capabilities. All forms of political interference in education must be eradicated. In this era of globalization, the government must satisfy the basic needs of the underprivileged and create opportunities for them to develop. While pursuing growth, we must seek environmental sustainability for Taiwan and the rest of the world.

The new administration must also restore political ethics to regain the people’s trust in the government. We will endeavor to create an environment that is humane, rational and pluralistic—one that fosters political reconciliation and co-existence. We will promote harmony among sub-ethnic groups and between the old and new immigrants, encourage healthy competition in politics, and respect the media’s monitoring of the government and freedom of the press.

The new administration will push for clean politics and set strict standards for the integrity and efficiency of officials. It also will provide a code for the interaction between the public and private sectors to prevent money politics. I hope every civil servant will keep in mind: “Power corrupts, and absolute power corrupts absolutely.” The KMT will honor its sincere commitment to accountability in governance. The new government will be for all the people, remain non-partisan and uphold administrative neutrality. The government will not stand in the way of social progress, but rather serve as the engine that drives it.

As President of the Republic of China, my most solemn duty is to safeguard the Constitution. In a young democracy, respecting the Constitution is more important than amending it. My top priority is to affirm the authority of the Constitution and show the value of abiding by it. Serving by example, I will follow the letter and the spirit of the Constitution, especially the separation of powers. We must ensure that the government is based on the rule of law. The Executive Yuan must answer to the Legislative Yuan. The Judiciary must guarantee the rule of law and protect human rights. The Examination Yuan must make the civil service sound. The Control Yuan must redress mistakes by the government and censure malfeasance by civil servants. All told, we must take this opportunity to re-establish a robust constitutional tradition.

Taiwan has to be a respectable member of the global village. Dignity, autonomy, pragmatism and flexibility should be Taiwan’s guiding principles when developing foreign relations. As a world citizen, the Republic of China will accept its responsibilities in promoting free trade, nonproliferation, anti-global warming measures, counter-terrorism, humanitarian aid, and other global commons. Taiwan
must play a greater role in regional cooperation. By strengthening economic relations with its major trading partners, Taiwan can better integrate itself in East Asia and contribute more to the region’s peace and prosperity.

We will strengthen bilateral relations with the United States, our foremost security ally and trading partner. Taiwan will continue to cherish its diplomatic allies and honor its commitments to them. We will expand cooperation with like-minded countries. On top of that, we will rationalize our defense budget and acquire necessary defensive weaponry to form a solid national defense force. At the same time, we are committed to cross-strait peace and regional stability. The Republic of China must restore its reputation in the international community as a peace-maker.

I sincerely hope that the two sides of the Taiwan Strait can seize this historic opportunity to achieve peace and co-prosperity. Under the principle of “no unification, no independence and no use of force,” as Taiwan’s mainstream public opinion holds it, and under the framework of the ROC Constitution, we will maintain the status quo in the Taiwan Strait. In 1992, the two sides reached a consensus on “one China, respective interpretations.” Many rounds of negotiation were then completed, spurring the development of cross-strait relations. I want to reiterate that, based on the “1992 Consensus,” negotiations should resume at the earliest time possible. As proposed in the Boao Forum on April 12 of this year, let’s “face reality, pioneer a new future, shelve controversies and pursue a win-win solution.” This will allow us to strike a balance as each pursues its own interests. The normalization of economic and cultural relations is the first step to a win-win solution. Accordingly, we are ready to resume consultations. It is our expectation that, with the start of direct charter flights on weekends and the arrival of mainland tourists in early July this year, we will launch a new era of cross-strait relations.

We will also enter consultations with mainland China over Taiwan’s international space and a possible cross-strait peace accord. Taiwan doesn’t just want security and prosperity. It wants dignity. Only when Taiwan is no longer being isolated in the international arena can cross-strait relations move forward with confidence. We have taken note that Mr. Hu Jintao has recently spoken on cross-strait relations three times: first, in a conversation of March 26 with US President George W. Bush on the “1992 Consensus”; second, in his proposed “four continuations” on April 12 at the Boao Forum; and third, on April 29 when he called for “building mutual trust, shelving controversies, finding commonalities despite differences, and creating together a win-win solution” across the Taiwan Strait. His views are very much in line with our own. Here I would like to call upon the two sides to pursue reconciliation and truce in both cross-strait and international arenas. We should help and respect each other in international organizations and activities. In light of our
common Chinese heritage, people on both sides should do their utmost to jointly contribute to the international community without engaging in vicious competition and the waste of resources. I firmly believe that Taiwan and mainland China are open minded enough to find a way to attain peace and co-prosperity.

In resolving cross-strait issues, what matters is not sovereignty but core values and way of life. We care about the welfare of the 1.3 billion people of mainland China, and hope that mainland China will continue to move toward freedom, democracy and prosperity for all the people. This would pave the way for the long-term peaceful development of cross-strait relations.

The damage from the recent earthquake in Sichuan was shocking. All Taiwanese have expressed deep concern and offered immediate emergency assistance. We offer our deepest condolences to the earthquake victims and pay homage to the rescue workers. May the reconstruction of the affected area be completed at the earliest time possible!

III. Taiwan’s Legacy and Vision

Upon being sworn in, I had an epiphany about the significance of accepting responsibility for the 23 million people of Taiwan. Although I have never felt so honored in my life, this is the heaviest responsibility that I have ever shouldered. Taiwan is not my birthplace, but it is where I was raised and the resting place of my family. I am forever grateful to society for accepting and nurturing this post-war immigrant. I will protect Taiwan with all my heart and resolutely move forward. I’ll do my very best!

For over four centuries, this island of ours has welcomed waves of immigrants, nurturing and sheltering us all. It has provided us, our children and grandchildren, and the generations to come a safe haven. With its lofty mountains and vast oceans, Taiwan has invigorated us in mind and spirit. The cultural legacies we inherited over time not only survive on this land, but flourish and evolve, creating a pluralistic and vigorous human landscape.

The Republic of China was reborn on Taiwan. During my presidency, we will celebrate the 100th anniversary of the founding of the Republic of China. This democratic republic, the very first in Asia, spent a short 38 years on the Chinese mainland, but has spent nearly 60 years in Taiwan. During these last six decades, the destinies of the Republic of China and Taiwan have been closely intertwined. Together, the two have experienced times good and bad. On the jagged path toward democracy, the ROC has made great strides. Dr. Sun Yat-sen’s dream for a constitutional democracy was not realized on the Chinese mainland, but today it has taken root, blossomed and borne fruit in Taiwan.
I am confident about Taiwan’s future. Over the years, I have traveled to every corner of the island and talked with people from all walks of life. What impressed me most was that the traditional core values of benevolence, righteousness, diligence, honesty, generosity and industriousness could be seen everywhere in the words and deeds of the Taiwanese people regardless of their location and age. These values have long been ingrained in their character. This is the wellspring of our progress, also lauded as the “Taiwan Spirit.”

One can see that Taiwan is blessed with an excellent geographic location, precious cultural assets, a maturing democracy, innovative entrepreneurship, a pluralistic society, active civic groups, patriotic overseas compatriots, and new immigrants from all over the world. We should couple the “Taiwan Spirit” with our comparative advantages and the principle of “putting Taiwan first for the benefit of the people.” This way we can transform our homeland—Taiwan, Penghu, Kinmen and Matsu—the envy of the world.

To revive Taiwan requires the efforts of both the government and the people. We need the expertise of the private sector, cooperation among all political parties, and participation by all the people. My dear compatriots, from this moment on, we must roll up our sleeves to build up our homeland. Together, we can lay a solid foundation of peace and prosperity for our children, grandchildren and the generations to come. Let’s work hand in hand for our future!

My dear compatriots, please join me:

Long live Taiwan’s democracy!
Long live the Republic of China!
Thank you!

各位友邦元首、各位貴賓、各位僑胞、各位鄉親父老、各位電視機前與網路上的朋友，大家早安，大家好！

一、二次政黨輪替的歷史意義

今年三月二十二日中華民國總統選舉，台灣人民投下了改變台灣未來的一票。今天，我們在這裡不是慶祝政黨或個人的勝利，而是一起見證，台灣的民主跨越了一個歷史性的里程碑。

我們的民主走過了一段顛簸的道路，現在終於有機會邁向成熟的坦途。在過去這段波折的歲月裡，人民對政府的信賴跌到谷底，政治操作扭曲了社會的核心價值，人民失去了經濟安全感，台灣的國際支持也受到空前的折損。值得慶幸的是，跟很多年輕的民主國家相比，我們民主成長的陣痛期並不算長，台灣人民卻能展現日趨成熟的民主風範，在關鍵時刻，作出了明確的抉擇：人民選擇政治清廉、經濟開放、族群和諧、兩岸和平與迎向未來。
尤其重要的是，台灣人民一同找回了善良、正直、勤奮、誠信、包容、進取這些傳統核心價值。這一段不平凡的民主成長經驗，讓我們獲得了「台灣是亞洲和世界民主的燈塔」的讚譽，值得所有台灣人引以為傲。顯然，中華民國已經成為一個受國際社會尊敬的民主國家。

不過，我們不會以此自滿。我們要進一步追求民主品質的提升與民主內涵的充實，讓台灣大步邁向「優質的民主」：在憲政主義的原則下，人權獲得保障、法治得到貫徹、司法獨立而公正、公民社會得以蓬勃發展。台灣的民主將不會再有非法監聽、選擇性辦案、以及政治干預媒體或選務機關的現象。這是我們共同的願景，也是我們下一階段民主改革的目標。

開票當天，全球有數億的華人透過電視與網路的直播，密切關注選舉的結果。因為台灣是全球唯一在中華文化土壤中，順利完成二次政黨輪替的民主範例，是全球華人寄以厚望的政治實驗。如果這個政治實驗能夠成功，我們將為全球華人的民主發展作出史無前例的貢獻，這是我們無法推卸的歷史責任。

二、新時代的任務

未來新政府最緊迫的任務，就是帶領台灣勇敢迎接全球化帶來的巨大挑戰。當前全球經濟正處於巨變之中，新興國家迅速崛起，我們必須快速提升台灣的國際競爭力，挽回過去流失的機會。當前全球經濟環境的不穩定，將是我們振興經濟必須克服的困難。但是，我們深信，只要我們的戰略正確、決心堅定，最後一定能達成我們的預定目標。

台灣是一個海島，開放則興盛、閉鎖則衰敗，這是歷史的鐵律。所以我們要堅持開放、大幅鬆綁、釋放民間的活力、發揮台灣的優勢；我們要引導企業立足台灣、聯結亞太、佈局全球；我們要協助勞工適應快速的科技變遷與產業調整；我們要用心培育我們的下一代，讓他們具有健全人格、公民素養、國際視野與終身學習的能力，並排除各種意識形態對教育的不當干擾。

我們在回應全球化挑戰的同時，一定要維護弱勢群體的基本保障與發展機會，也一定要兼顧台灣與全球生態環境的永續經營。

新政府的另一項重要任務就是導正政治風氣，恢復人民對政府的信賴。我們將共同努力創造一個尊重人性、崇尚理性、保障多元、和解共生的環境。我們將促進族群以及新舊移民間的和諧，倡導政黨良性競爭，並充分尊重媒體的監督與新聞自由。

新政府將樹立廉能政治的新典範，嚴格要求官員的清廉與效能，並重建政商互動規範，防範金權政治的污染。我希望每一位行使公權力的公僕，都牢牢記住「權力使人腐化，絕對的權力使人絕對的腐化」這句著名的警語。我們將身體力行誠信政治，實踐國民黨「完全執政、完全負責」的政見。新政府所有施政都要從全民福祉的高度出發，超越黨派利益，貫徹行政中立。我們要讓政府不再是拖累社會進步的絆腳石，而是引領台灣進步的發動機。

492
我堅信，中華民國總統最神聖的職責就是守護憲法。在一個年輕的民主國家，遵憲與行憲比修憲更重要。為為總統，我的首要任務就是樹立憲法的權威與彰顯守憲的價值。我一定會以身作則，嚴守憲政分際，真正落實權責相符的憲政體制。我們一定要做到：政府全面依法行政，行政院依法對立法院負責，司法機關落實法治人權，考試院健全文官體制，監察院則糾彈違法失職。現在是我們建立優良憲政傳統的最好機會，我們一定要牢牢把握。

我們要讓台灣成為國際社會中受人敬重的成員。我們將以「尊嚴、自主、務實、靈活」作為處理對外關係與爭取國際空間的指導原則。中華民國將善盡其國際公民的責任，在維護自由經濟秩序、禁止核子擴散、防制全球暖化、遏阻恐怖活動、以及加強人道援助等全球議題上，承擔我們應負的責任。我們要積極參與亞太區域合作，進一步加強與主要貿易夥伴的經貿關係，全面融入東亞經濟整合，並對東亞的和平與繁榮作出積極貢獻。

我們要強化與美國這一位安全盟友及貿易夥伴的合作關係；我們也要珍惜邦交國的情誼，信守相互的承諾；我們更要與所有理念相通的國家和衷共濟，擴大合作。我們有防衛台灣安全的決心，將編列合理的國防預算，並採購必要的防衛性武器，以打造一支堅實的國防勁旅。追求兩岸和平與維持區域穩定，是我們不變的目標。台灣要成為和平的締造者，讓國際社會刮目相看。

英九由衷的盼望，海峽兩岸能抓住當前難得的歷史機遇，從今天開始，共同開始和平共榮的歷史新頁。我們將以最符合台灣主流民意的「不統、不獨、不武」理念，在中華民國憲法架構下，維持台灣海峽現狀。一九九二年，兩岸曾達成「九二共識」的共識，隨後並完成多次協商，促成兩岸關係順利發展。英九在此重申，我們今後將繼續在「九二共識」的基礎上，儘早恢復協商，並秉持四月十二日在博鰲論壇中提出的「正視現實，開創未來」，設置爭議，追求雙贏，尋求共同利益的平衡點。兩岸走向雙贏的起點，是經貿往來與文化交流的全面正常化，我們已經做好協商的準備。希望七月即將開始的週末包機直航與大陸觀光客來台，能讓兩岸關係跨入一個嶄新的時代。

未來我們也將與大陸就台灣國際空間與兩岸和平協議進行協商。台灣要安全、要繁榮、更要尊嚴！唯有台灣在國際上不被孤立，兩岸關係才能穩定向前發展。我們注意到胡錦濤先生最近三次有關兩岸關係的談話，分別是三月二十六日與美國布希總統談及「九二共識」、四月十二日在博鰲論壇提出「四個繼續」、以及四月二十九日主張兩岸要「建立互信、設置爭議、求同存異、共創雙贏」，這些觀點都與我方的理念相當一致。因此，英九願意在此誠懇呼籲：兩岸不論在台灣海峽或國際社會，都應該和解休兵，並在國際建構及活動中相互協助、彼此尊重。兩岸人民同屬中華民族，本應各盡所能，齊頭並進，共同貢獻國際社會，而非惡性競爭、虛耗資源。我深信，以世界之大、中華民族智慧之高，台灣與大陸一定可以找到和平共榮之道。
英九堅信，兩岸問題最終解決的關鍵不在主權爭議，而在生活方式與核心價值。我們真誠關心大陸十三億同胞的福祉，由衷期盼中國大陸能繼續走向自由、民主與均富的大道，為兩岸關係的長遠和平發展，創造雙贏的歷史條件。

最近四川發生大地震，災情十分慘重，台灣人民不分黨派，都表達由衷的關切，並願意提供即時的援助，希望救災工作順利，災民安置與災區重建早日完成。

三、台灣的傳承與願景

從宣誓就職的這一刻開始，英九深知個人已肩負二千三百萬人民的付託，這是我一生最光榮的職務，也是我一生最重大的責任。英九雖然不是在台灣出生，但台灣是我成長的故鄉，也是我親人埋骨的所在。我尤其感念台灣社會對我這樣一個戰後新移民的包容之義、栽培之恩與擁抱之情。我義無反顧，別無懸念，只有勇往直前，全力以赴！

四百多年來，台灣這塊土地一直慷慨的接納著先來後到的移民，滋養、庇護著我們，提供我們及後代子孫安身立命的空間，並以高峻的山峰、壯闊的大海，充實、淬礪著我們的心靈。我們繼承的種種歷史文化，不但在這片土地上得到延續，更得到擴增與創新，進而開創出豐盛多元的 PERSONAL_NAME 風景。

中華民國也在台灣得到了新生。在我任內，我們將慶祝中華民國開國一百週年。這一個亞洲最早誕生的民主共和國，在大陸的時間只有三十八年，在台灣的歲月卻將超過一甲子。在這近六十年間，中華民國與台灣的命運已經緊密的結合在一起，共同經歷了艱難險阻與悲歡歲月，更在追求民主的曲折道路上，有了長足的進步。國父孫中山先生的民主憲政理想，當年在大陸未能實現，但今天在台灣終於生根、開花、結果。

面對台灣的未來，英九充滿了信心。多年來我走遍台灣各個角落，在與各行各業的互動之中，最讓我感受深刻的就是：地無分南北，人無分老幼，善良、正直、勤奮、誠信、包容、進取等傳統核心價值，不但洋溢在台灣人的生活言行，也早已深植在台灣人的本性裡。這是台灣一切進步力量的源泉，也是「台灣精神」的真諦。

盱衡時局，環顧東亞，台灣擁有絕佳的地理位置、珍貴的文化資產、深厚的人文素養、日漸成熟的民主、活力創新的企業、多元和諧的社會、活躍海內外的民間組織、遍佈全球的愛鄉僑民，以及來自世界各地的新移民。只要我們秉持「台灣精神」，善用我們的優勢，並堅持「以台灣為主」的施政原則，我們一定可以將台澎金馬建設為舉世稱羨的樂土、我們引以為傲的美麗家園。

台灣的振興不只要靠政府的努力，更要靠人民的力量；需要借重民間的智慧、需要朝野協商合作、需要所有的社會成員積極投入。各位親愛的父老
Historical Significance of the Fifth Direct Presidential Election: Heading Toward a Mature Democracy

On January 14, we smoothly completed the Republic of China’s fifth direct presidential election. This was an important milestone as Taiwan’s democracy heads toward maturity. In a free and fair election, the entire electorate of Taiwan demonstrated a highly developed democratic mindset that won praise from the international community. I would like to commend my opponents, Democratic Progressive Party Chairwoman Tsai Ing-wen and People’s First Party Chairman James Soong, for the democratic spirit they showed in accepting the election results. Friends, let us join together in a cheer for Taiwan’s democracy!

Reflecting on the Past Four Years: Reforms Are Showing Results and the Nation Is Back on Track

Looking back at the past four years, I would like first to specially thank the public for its support. Together, we have weathered the global financial tsunami, allowing Taiwan’s economic growth rate to once again compare favorably among the Four Asian Tigers.

At home, together we have emerged from the destruction brought in August 2009 by Typhoon Morakot, and have rebuilt the disaster-stricken areas. We have restored a high level of ethics in public affairs, safeguarded the spirit of the Constitution and enhanced judicial fairness and transparency. We have also streamlined the central government, and merged or upgraded the status of major cities and counties; both of these undertakings were very major reforms. Moreover, we have vigorously reduced energy use and cut carbon emissions, promoted housing justice, and greatly expanded the social safety net.
We have also created the most peaceful state of cross-strait relations in 60 years, thus winning the trust of our long-time diplomatic partners and the affirmation of the international community. As a result, ROC nationals now enjoy visa-free travel to 127 different countries and territories.

Here I would like to especially thank former Vice President Vincent Siew, former Premier Liu Chao-shiuan, former Premier Wu Den-yih, Premier Sean Chen and all support staff throughout the government, as well as the Legislative Yuan under the leadership of Speaker Wang Jin-pyng. Working hand-in-hand with the public over the last four years, they have all rendered tremendous service to the nation. I am most sincerely grateful for their hard work and contributions, and shall continue to rely on their experience and wisdom.

Golden Decade: Five Pillars to Make Taiwan Robustly Competitive

Looking ahead to the next four years, I shall strive jointly with the entire citizenry to realize the vision of a Golden Decade for our nation. Our objective is to build a nation that enjoys the benefits of peace, justice and well-being. The government has identified five pillars of national growth that it aims to achieve. First, it will enhance the drivers of economic growth. Second, it will create employment and realize social justice. Third, it will develop an environment characterized by low carbon emissions and high reliance on green energy. Fourth, it will build up culture as a source of national strength. And fifth, it will take active steps to cultivate, recruit and retain talent. Accomplishing these tasks will comprehensively bolster Taiwan’s global competitiveness, so that during these four years, Taiwan can achieve a fundamental transformation and create even greater well-being.

Enhancing the drivers of economic growth is the first pillar for bolstering Taiwan’s competitiveness. Further economic liberalization and improvements to our industrial structure constitute the core drivers. We saw the US-Korea Free Trade Agreement come into effect in March of this year, and mainland China is about to begin negotiating a similar agreement with Japan and South Korea later this year. We must step up the pace of liberalization; there can be no further delay. Only if Taiwan opens up to the world will the world embrace Taiwan. In an era when we are confronted by a restructuring of the global political and economic order and a shift in the economic center of gravity toward Asia, we must change from a protectionist mindset and revise outdated legislation. We must eliminate artificial trade and investment barriers and create a genuinely free and open economic environment for Taiwan that is more in line with international practices.

We are planning to establish showcase free economic zones, one of which will be in Kaohsiung. This is a crucial step in Taiwan’s move to becoming a “free trade island”. We must speedily complete follow-up talks under the Cross-Straits
Economic Cooperation Framework Agreement (ECFA) and expedite negotiations on economic cooperation agreements with important trading partners like Singapore and New Zealand. Over the next eight years, we must fully prepare to join the Trans-Pacific Partnership in order to seize the historic opportunity to become further integrated into the global trading system.

Our industrial sector has created many spectacular successes, but it is now faced with longstanding bottlenecks that impede further growth. In the future, we shall actively seek to improve industrial structure and build on the efficiency-driven production model of the past to actively develop a new “innovation-driven” and “value-creating” industrial model. Our strategy is to incorporate special characteristics of services into the manufacturing sector, while at the same time introducing technological and international elements into service industries, and developing the unique character of our traditional industries. Only in this way can our industrial sector become more diverse and create higher added value; and only in this way can our industrial sector genuinely transform and carve out an unassailable niche in the global economy.

The second pillar for bolstering Taiwan’s competitiveness is creating employment and realizing social justice. Market liberalization due to globalization has made job market competition global in nature. We must pursue economic growth if we are to create more job opportunities. Economic growth must spur pay increases across all sectors at the same time, or else it is meaningless. Furthermore, we must firmly uphold fairness and justice, narrow the gap between rich and poor, and ensure that the fruits of economic success are enjoyed by all.

Bringing soundness to the government’s fiscal structure is a top priority. We are endeavoring to realize “taxation commensurate with ability to pay” and “tax justice”, establish a comprehensive social security system, and safeguard the fundamental interests of the disadvantaged. At the same time, we must reasonably allocate basic infrastructure, public services and educational resources, and establish a model for balanced regional development based on local characteristics. Doing so will reduce disparity between urban and rural areas and allow every citizen—regardless of gender, place of residence, ethnicity or social status—an equal opportunity to pursue happiness.

Taiwan’s birth rate has been declining, and its population has been aging, for a long time. These trends are national security issues that must be faced. Therefore, we need to formulate a forward-looking population policy, institute a well thought-out national health insurance program and national pension system, speedily promote a long-term care system, and utilize more complete preschool care and education measures in order to provide strong support for parents and children.
The judiciary is the force for justice which safeguards the interests of the people. Over the past four years, we have completed legislation of the Speedy Trial Act, the Judges Act and the Act Governing Family Matters, and have established the Agency Against Corruption. The Supreme Court practice of not disclosing how cases are assigned to judges is now also history. The judiciary must be independent, but absolutely must not be an island unto itself, nor can it act in a manner that defies the common-sense expectations of the public for a just judiciary. Over the next four years, I shall do everything in my power to promote judicial reform that accords with the direction in which our society is moving. I want our judicial institutions, which were transplanted from the West a century ago, to genuinely take root in Taiwan so that the rule of law becomes a way of life and the safeguarding of human rights becomes an internalized commitment.

The third pillar for bolstering Taiwan’s competitiveness is developing an environment characterized by low carbon emissions and high reliance on green energy. Global climate change and imbalances between resource supply and demand present Taiwan with both challenges and opportunities. In the future, all industries around the world will emphasize green production. Green industry will be a new arena of industrial competition, and consumer behavior must fall in line with the need for energy conservation and reduced carbon emissions. Therefore, we encourage the private sector to step up R&D and investment in green-energy industries, green architecture and green production, so that these become a new economic bright spot that brings employment and development, and gradually turns Taiwan into a “low-carbon, green-energy island”. We must staunchly uphold the ideal of sustainable development and leave our next generation clear skies, clean air and abundant water resources. The mountains, forests, rivers, wetlands and oceans that we pass on to them must be teeming with life and vitality.

In terms of policy, we must ensure that energy prices are reasonable and create the impetus for energy conservation, carbon reduction and increased investment in green-energy industries. We must restore market-based prices for gasoline and electricity, and put into practice the “user pays” principle. Furthermore, we must respond to high public expectations for reform of and greater operational efficiency at state-run corporations in order to create a win-win scenario for consumers and producers.

Building up culture as a source of national strength is the fourth pillar for bolstering Taiwan’s competitiveness. Taiwan has three cultural traits: First, civic spirit is deep-rooted; second, traditional culture is well preserved; and third, the links and transitions between tradition and modernity are sophisticated. Democracy has made our civil society what it is today. It is a civil society in which the atmosphere of
openness and the spirit of freedom have become the soil that nurtures creativity. In this soil of openness and freedom, we have not only preserved traditional culture—such as Taiwanese opera and glove puppetry—but have also developed contemporary cultural brands, such as the Cloud Gate Dance Theatre and the Ju Percussion Group. On the one hand, we are pursuing high technology and internationalization; while on the other, we also champion grassroots access to cultural activities.

It takes an open society to foster ebullient creativity; bold imagination can only be tolerated in a climate of freedom. Taiwan’s creativity is infused into movies, pop music and publications, forming a cultural industry that plays a decisively important role in the Chinese-speaking world. However, there must be a means of achieving integration within the industry so that, by adding value through creativity and utilizing intellectual property mechanisms, we can market our culture globally and transform the value of its content into economic output, which in turn can nurture more creative talent.

Culture is not just art, creativity or an industry; it is also a part of people’s daily lives. Recently the prominent mainland Chinese writer Han Han wrote about what he had personally experienced in Taiwan: A taxi driver who returned a cell phone left in his cab, and an optician who went far out of his way to offer help. Both incidents made a deep impression on him. Similarly, not long ago, a Hualien taxi driver, Zeng Shicheng, discovered that a Japanese passenger had left a wallet behind in his cab. He drove quickly to the wharf but the passenger liner had already left shore. A tugboat pursued the departing liner, and finally, the wallet was returned to its owner via a basket lowered from the passenger ship. I think that such moving acts are reflections of kindness and honesty, core values of Chinese culture that have become part of daily life for people in Taiwan.

We must view culture as a source of national strength. The development of culture is the development of national strength; investment in culture is tantamount to investment in national strength.

The fifth pillar for bolstering Taiwan’s competitiveness is cultivating, recruiting and retaining talent. Since Taiwan lacks natural resources, talent is our most important resource and the key to national development.

We must turn our universities and colleges into cradles of local talent and wellsprings of national competitiveness. Furthermore, we must adopt open-minded, forward-looking policies, and create a livable, friendly, international, non-discriminatory and salary-competitive environment with which to retain outstanding home-grown talent while recruiting outstanding talent from all over the world. In Chinese we speak of “building a nest to attract the phoenix” — in other
words, “build it, and they will come”.

Children are our enduring concern. Every child, rich or poor, should have the chance to develop his or her talent, and to advance—this is the very core of education. In fact, several Taiwanese have come to stand out in their respective fields, including Ang Lee and Xiao Qing-yang in the cultural and creative arena, Billy Chang and Chen Hsinghe of Cirque du Soleil, and Johan Ku and Jason Wu in the world of international fashion and design. Over the past four years, students from Taiwan have won top prizes at various international invention and design fairs. Taiwan has tremendous talent and creativity. We need to work harder at cultivating the next generation by providing quality 12-year public education so that each child can shine.

If we want our nation to develop, then we must reform; if we want reform, then we must bear the short-term pains of adjustment. We absolutely cannot leave the hot potato issues and heavy burdens to the next generation. I am keenly aware that the most important duty and mission of a re-elected president is to work with the people to forge greater well-being. In my second term in office, we must take resolute steps while engaging in timely, in-depth and extensive communication with the public to win its support. Utilizing these five pillars to “create greater well-being for Taiwan” is the goal of my second term. Taiwan needs to become more competitive if it is to survive and the well-being of its people is to be guaranteed.

The Three Legs of National Security: Cross-strait Peace, Viable Diplomacy and a Strong Defense

National security is crucial for the survival of the Republic of China. I believe that Taiwan’s security rests on three legs. The first is the use of cross-strait rapprochement to realize peace in the Taiwan Strait. The second is the use of viable diplomacy to establish more breathing space for ourselves in the international community. And the third is the use of military strength to deter external threats. We must regard each as equally important and develop them in a balanced manner.

The first leg, as I mentioned, is cross-strait rapprochement to realize peace in the Taiwan Strait. Over the past four years, this government has resumed institutionalized cross-strait negotiations, signed 16 bilateral agreements and made cross-strait rapprochement a reality. In the process, we have staunchly maintained the precepts of “parity, dignity and reciprocity” and the principle of “putting Taiwan first for the benefit of the people”. The executive branch has been openly and transparently accountable to the legislature, and stepped up communication with opposition parties in an effort to find consensus. This approach has created institutionalized safeguards for cross-strait rapprochement.

Over the past four years, we have improved cross-strait relations and reduced cross-strait tension. This has brought peace and prosperity and won broad public
support. Nevertheless, a part of the public still has reservations about our mainland policies. Here, I would like to solemnly point out that the Constitution of the Republic of China is the supreme guiding principle for how the government deals with cross-strait relations. Within that constitutional framework, our cross-strait policy must maintain the status quo of “no unification, no independence and no use of force”, and promote peaceful cross-strait development on the basis of the 1992 Consensus, whereby each side acknowledges the existence of “one China”, but maintains its own interpretation of what that means.

When we speak of “one China”, naturally it is the Republic of China. According to our Constitution, the sovereign territory of the Republic of China includes Taiwan and the mainland. At present, the ROC government has authority to govern only in Taiwan, Penghu, Kinmen and Matsu. In other words, over the past two decades, the two sides of the Taiwan Strait have been defined as “one Republic of China, two areas”. This status has remained unchanged throughout the administrations of the past three presidents.

This is an eminently rational and pragmatic definition, and constitutes the basis for assuring the ROC’s long-term development and safeguarding Taiwan’s security. Both sides of the Taiwan Strait ought to squarely face up to this reality, seek common ground while respecting differences, and establish a consensus regarding “mutual non-recognition of sovereignty and mutual non-denial of authority to govern”. Only in this way can the two sides move forward with confidence.

Over the past four years, we have promoted cross-strait ties in accordance with the principles of putting “pressing matters before less pressing ones, easily resolved issues before difficult ones, and economic matters before political ones”. This approach has yielded unprecedented successes in the areas of economic and trade ties, transportation, public health, culture, education, judicial assistance, and financial services.

In the next four years, the two sides of the strait have to open up new areas of cooperation and continue working to consolidate peace, expand prosperity and deepen mutual trust. We also hope that civic groups on both sides of the Taiwan Strait will have more opportunities for exchanges and dialogue focusing on such areas as democracy, human rights, rule of law and civil society, to create an environment more conducive to peaceful cross-strait development.

The people of the two sides of the strait share a common Chinese ethnic heritage. We share common blood lines, history and culture. We both revere our nation’s founding father, Dr. Sun Yat-sen. We cannot forget his precept that “the world is a commonwealth shared by all”, or the ideals of freedom, democracy and equitable distribution of wealth on which he founded this nation.
Taiwan’s experience in establishing democracy proves that it is not impossible for democratic institutions from abroad to take root in an ethnically Chinese society. I fervently look forward to the gradual opening up of greater popular participation in the political process on the mainland, along with steady improvement in human rights and the rule of law, and the autonomous development of civil society. This will further reduce the feeling of “otherness” between people on the two sides of the Taiwan Strait.

The second leg of our national security is the use of viable diplomacy to establish more breathing space for ourselves in the international community and boost our contributions to international society. Over the past four years, rather than adopting “scorched earth diplomacy”, we have chosen “viable diplomacy” and “above-board diplomacy”, providing aid in accordance with the principles of “seeking proper goals, acting lawfully, and exercising effective administration”. We have undertaken cooperation projects with our diplomatic partners, and they have continually spoken up for us at international organizations. We have restored mutual trust with the United States through close cooperation in many areas. This has enabled us to bolster channels of communication and build the most solid “security and economic partnership” of the past 30 years. We have also achieved important breakthroughs in relations with Japan. In addition to establishing a new representative office, we have also made progress in such areas as aviation, culture and investment. Our “special partnership” with Japan represents the friendliest state of bilateral ties in 40 years. The European Union and the European Parliament have both on many occasions issued statements and passed resolutions to support our mainland policy, and to seek stronger trade and economic ties between Taiwan and the EU.

Establishing more breathing room for ourselves in the international community has been an important breakthrough. For the past three years we have attended as an observer at the World Health Assembly after an absence of 38 years, and in 2010 we acceded to the Government Procurement Agreement under the World Trade Organization. The facts prove that progress in the cross-strait relationship does not preclude our achievement of greater international breathing room. On the contrary, the two can even be mutually complementary. Over the next four years, we shall expand our participation in international organizations, including the activities of United Nations agencies that specialize in climate change and civil aviation. We also hope that in international NGOs, the two sides of the Taiwan Strait can demonstrate mutual tolerance and assist each other so that this virtuous circle model exerts an even greater positive effect.
As for contributing more to the international community, Taiwan is endowed with the world’s most precious assets, by which I am referring to the abundant vitality of its civic groups, and the caring spirit of its people.

When Haiti experienced a massive earthquake in January of 2010, I called Chen Shuntian, the head of our special rescue team that had rushed to the disaster area. What I heard on the other end of the line was the sound of excited shouting, since only 15 minutes before they had rescued a victim who was still alive. This was a first for our international rescue team. When Japan was hit by the tsunami in March of last year, NT$6.6 billion in donations were raised through joint private sector and government effort. This was not only the largest amount worldwide; it also exceeded the combined amount donated by over 90 other countries. There is also a girl from Tainan City, Cai Yuhua, who went to the disaster area and quietly helped old people there. People in both Japan and Taiwan were deeply moved by her acts of kindness. And during my trip to Africa in April of this year, I encountered a physician, Dr. Huang Qilin, who has been providing medical care there for nearly 20 years. His unflagging work over the years has showed the warmth and dedication behind the white medical frock of a Taiwan doctor. These examples demonstrate an enthusiasm for life and resilience that is undaunted by difficulty. They have also won us sincere friendship.

The third leg of our national security is a strong national defense to deter external threats. An ancient proverb clearly admonishes us: “Though the world may be at peace, being unprepared to fight invites danger”. We do not seek a fight, but we do not fear it, either. We have made significant progress on this front over the past four years. Our defense industry is now much more self-sufficient. We have strengthened our new-generation fighting capabilities. And our military forces are better prepared to take part in disaster prevention and rescue. At the same time, we have boosted our training programs and dramatically upgraded the physical fitness and fighting skills of our soldiers, while making great strides toward improving discipline and eliminating corruption. These are the concrete results of our efforts to build military preparedness.

In the area of weapons procurement from overseas, the United States has approved three arms sales to Taiwan since I took office, in aggregate totaling US$18.3 billion, and exceeding all previous such sales in terms of quality and amount. This provides us with an appropriate defensive force in the future that will give the government and public greater confidence and willingness to pursue continued stable and solid development of the cross-strait relationship.

Over the next four years, we shall continue to purchase weapons of a defensive nature that we cannot manufacture ourselves, and shall complete the transition to a
volunteer armed force. Necessary supporting measures will also be taken. And, with a “rock solid defense and effective deterrence” military strategy and “innovative and asymmetrical” thinking, we shall establish a streamlined yet professional and sturdy national defense force. At the same time, we shall enhance relations with neighboring countries, actively participate in international affairs, and promote establishment of institutionalized channels for strategic dialogue and cooperation to defend the sovereignty of the Republic of China, safeguard the security of Taiwan and actively make a contribution to regional peace.

Standing at a Historic Watershed: A New Century, a Good Beginning

Fellow countrymen, looking back over the past four years my heart is filled with profound gratitude. We have weathered the global financial tsunami and greeted the ROC Centennial with joy. We have wept at the wounds inflicted by severe natural catastrophes, and rejoiced at the world-beating achievements of our fellow compatriots.

We are a family and Taiwan is home to us all. We strongly believe that no matter what political differences there may be between the ruling and opposition parties, we are still one family. Despite the many difficulties over the past several years between the ruling and opposition parties, I believe we share a common commitment to democracy. On this foundation, we can surely seek consensus and work together to solve problems. Over the past four years, I have continually invited civic groups to engage in dialogue. I sincerely hope to open up dialogue with the opposition leaders as soon as possible. We will show the people that the ruling and opposition parties can not only compete but also cooperate. For the welfare of all our people, let us jointly set a good example for Taiwan’s democracy.

In this, the 101st year of the Republic of China, we stand at a historic watershed. We are very familiar with the struggles that our forefathers have been through over the past century. Looking ahead to the coming century, we have a clear vision of where the nation’s future challenges and opportunities lie. I feel fortunate to be the first person to take the oath of office as president at the very time the Republic of China enters upon its second century. This is indeed a great responsibility.

During this solemn and sacred ceremony, I, as well as the members of my administration, once more accept the responsibilities of this commission from the entire populace. Such a responsibility sits heavily on our shoulders. We must be ever conscious of the risks that face us, while doing everything in our power to fulfill the duties set forth in the Constitution, so that we can live up to the responsibilities entrusted to us by the citizens of this country.

Standing at the starting line of this new century for our Republic, I hope that the work we do now will provide a solid foundation for our children’s further progress,
and that the seedlings we plant today continue to grow and bear fruit to be enjoyed by the next generation. Let us uphold our ideals, work together for reform and create greater well-being for Taiwan.

Thank you!

各位友邦元首、各位貴賓、各位僑胞、各位鄉親父老、各位電視機前與網路上的朋友，大家早安，大家好！

一月十四日，我們順利完成中華民國第五次總統直選。這是臺灣民主邁向成熟的重要里程碑。自由與公正的選舉程序，臺灣全體選民所展現的高度民主素養，都獲得國際社會的讚揚；我也要肯定我的競爭對手—蔡主席英文和宋主席楚瑜在選舉結果揭曉時展現的民主風度。朋友們，讓我們一起，為臺灣民主喝采！

回顧過去四年，首先我要特別感謝全國民眾的支持。我們共同度過金融海嘯的侵襲，讓臺灣經濟成長回到東亞四小龍的前列；我們共同走過八八水災的衝擊，重建我們的家園；我們導正政治風氣，守護憲法精神，提升司法的公正透明；我們完成中央政府精簡與縣市合併升格兩大改革工程；我們力行節能減碳、推動「居住正義」、大幅擴大社會安全網；我們締造了六十年來最和平的臺海情勢，贏得長期盟友的信賴與國際社會的肯定，讓中華民國國民在127個國家與地區，免簽證入境。

在此，英九也要感謝蕭前副總統萬長、劉前院長兆玄、吳前院長敦義、陳院長沖與所有執政團隊夥伴，以及王院長金平所領導的立法院，在過去四年和人民一起打拚。英九由衷感謝大家的辛勞與貢獻，並將繼續借重他們的經驗與智慧。

第一支柱 經濟自由產業優化

展望未來四年，英九要以「黃金十年」的國家願景，和全體國人共同奮鬥。我們的目標，是建設和平、公義與幸福的國家。政府將以「強化經濟成長動能」、「創造就業與落實社會公義」、「打造低碳綠能環境」、「厚植文化國力」、以及「積極培育延攬人才」作為國家發展的五大支柱，以全面提升臺灣的全球競爭力，讓臺灣在這四年脫胎換骨、邁向幸福。

強化經濟成長動能，是提升臺灣競爭力的第一大支柱。動能的核心，在經濟環境自由化和產業結構優質化。

我們看到，美韓自由貿易協定在今年三月生效；中國大陸與日、韓的自由貿易協定談判也將在今年內啟動，我們必須加快自由化的腳步，不能再蹉跎。臺灣向世界開放，世界才會擁抱臺灣。

在全面全球政治經濟秩序重組、經濟重心向亞洲移動的時代，我們必須改變保護主義的思維，翻修不合時宜的法制，排除貿易和投資的障礙，為臺灣打造一個真正自由開放、與國際社會接軌的經濟環境。

505
我們正規劃設立「自由經濟示範區」，高雄就是其中之一，這是臺灣邁向「自由貿易島」關鍵的一步。我們要儘快完成「兩岸經濟合作架構協議」的後續協商，加速與新加坡、紐西蘭等重要貿易夥伴洽簽經濟合作協議，並在未來八內年內做好加入「跨太平洋經濟夥伴協定」的準備，以掌握融入國際經貿體系的歷史機遇。

我國的產業雖然曾经締造過輝煌的成績，但早已面臨成長瓶頸。未來我們要積極推動產業結構優質化，以過去強調效率的生產模式為基礎，積極發展「創新導向」與「價值創造」的新產業模式。

我們的策略是將服務的特質納入製造業，將科技與國際的元素引入服務業，而且建立傳統產業的特色。唯有這樣，我們的產業才能更加多元，創造更高的附加價值；也唯有這樣，我們的產業才能真正脫胎換骨，並且在國際經貿體系中建立無可取代的地位。

提升臺灣競爭力的第二大支柱，就是創造就業與落實社會公義。全球化的開放市場讓就業變成世界性的競爭，我們要追求經濟成長，才能創造更多的就業機會；經濟成長必須促使各行各業的薪資同步調升，否則經濟成長就沒有意義。我們更要堅持公平正義，縮短貧富差距，讓經濟成長的果實，由全民共享。

第二大支柱 創造就業 落實公義

健全政府財政結構是當前要務，我們正努力落實「量能課稅」與「租稅正義」，建構完整的社會安全體系，維護弱勢群體的基本權益。我們同時也要合理配置基礎建設、公共服務及教育資源，建立均衡而各有特色的區域發展模式，以縮短城鄉差距，務必要讓每一個人不分性別、地區、血緣或出身，都有追求幸福的公平機會。

長期的少子女化與高齡化是臺灣必須面對的國安課題，因此，我們需要制訂前瞻性的人口政策，建構周延的全民健保與國民年金制度，並儘速推動長期照護體系，用更完善的幼兒托育及照護措施，提供父母與子女最溫暖的支持力量。

司法是保障人民權益的正義防線。四年来，我們完成「刑事妥速審判法」、「法官法」、「家事事件法」的立法，成立廉政署，最高法院的保密分案制也已走入歷史。

司法必須獨立，但絕對不能孤立，更不能背離人民對司法正義的合理期待。未來四年，英九會竭盡所能，全力推動與社會脈動結合的司法改革，要讓我國百年前從西方移植而來的司法制度，真正在臺灣生根，使法治成為我們生活的方式、人權成為我們內化的價值。

第三大支柱 打造低碳綠能環境

提升臺灣競爭力的第三大支柱，就是打造低碳綠能環境。全球氣候變遷、資源供需失調，對臺灣是挑戰也是機會。未來全球所有的產業都將強調綠色
生產，綠色產業是未來產業競爭的新領域，消費型態也必須符合節能減碳的要求。

因此我們將鼓勵民間擴大對綠能產業、綠色建築與綠色生產的研發與投資，讓綠色產業成為帶動就業與成長的新亮點，讓臺灣一步步成為「低碳綠能島」。我們一定要堅持永續發展的理念，為我們下一代留下清朗的天空，乾淨的空氣，豐沛的水資源，以及生意盎然的山林、溪流、濕地與海洋。

在政策上，我們要讓能源價格合理化，創造節能減碳與促進投資綠能產業的動力。我們要讓油電等公用事業回歸市場機制，落實「使用者付費」的原則；更要進一步回應民意對改革國營事業、提升經營效率的高度期待，創造消費者與生產者雙贏的局面。

第四大支柱 文化建設厚植國力

厚植文化國力，是提升臺灣競爭力的第四大支柱。臺灣有三個文化特質：一是公民素養植根最深厚；二是傳統文化保存最完整；三是傳統與現代的銜接轉化最細緻。民主制度造就了我們的公民社會，公民社會中開放的風氣、自由的精神，成為創作家的土壤。在開放和自由的土壤上，我們既保存了歌仔戲、布袋戲等傳統文化，又發展出雲門舞集、朱宗慶打擊樂團等當代文化品牌。我們一方面追求高科技與國際化，一方面又主張草根民眾的文化公民權。

開放的社會才會有奔放的創意，自由的環境才容許大膽的想像；臺灣的創意注入電影、流行音樂，圖書出版等等，成為文化產業，也都在華文世界有舉足輕重的地位。但是產業必須要有整合工具，把文化價值與內容，透過創意加值與智慧財產機制，轉換成行銷全球的經濟產值，而讓經濟產值又回頭來灌溉我們的創作者。

文化不只是藝文、創意與產業，文化也是人民日常生活的一部分。最近大陸知名作家韓寒發表訪臺親身經歷：計程車司機拾物不昧、眼鏡行老闆熱心助人，都讓他震撼與感動。不久前，有位花蓮運將曾世誠，把日本乘客遺失在車內的皮夾，用飛車、駁船追上已離港的郵輪，最後以吊籃送到失主手中。

英九認為，這些令人動容的善舉，都是因為中華文化中「善良」與「誠信」的核心價值，已經融入臺灣的日常生活。

我們要把文化看做國力，文化的建設，就是國力的建設；文化的投資，就是國力的投資。

第五大支柱 讓大學成人才搖籃

積極培育延攬人才，是我們提升臺灣競爭力的第五大支柱。因為，臺灣缺乏天然資源，人才是我們最重要的資源，也是國家發展的關鍵。

我們要讓大學校園成為培育本土人才的搖籃與國家競爭力的泉源。我們更要以開放前瞻的政策，「築巢引鳳」的方式，打造一個宜居、友善、國際
化、無歧視以及薪資有競爭力的環境，留住本土優秀人才，並延攬全球的優秀人才。孩子是我們永遠的關切。讓每一個孩子，不分貧富都有機會成為國家的人才，擁有上進的機會，這才是教育的核心。事實上，不只李安和蕭青陽在文創領域大放異彩、張逸軍與陳星合都登上太陽劇團的舞臺，古又文和吳季剛也在國際服裝設計界大放光芒。

四年來，我們臺灣子弟更在歐、美、亞等各種國際發明展與設計展中，屢屢拿下總冠軍。臺灣擁有極佳的人才與創造力，我們要更用心培育下一代，提供優質的十二年國民教育，讓每一個生命都能發光發熱。

國家要發展，就必須改革；要改革，就要承受調整的陣痛。我們絕對不能把燙手山芋與沈重包袱留給下一代。英九深知，一位連任總統最重要的責任與使命，就是與人民一起打造幸福的未來。

在未來的任期中，我們要踏出堅定的步伐，進行即時、深入、廣泛的溝通，以爭取民眾的支持。用五大支柱「打造幸福臺灣」，是英九第二任的目標，臺灣要提升競爭力才能生存，人民幸福才有保障。

國防鐵三角第一角 兩岸和解實現和平
國家安全是中華民國生存的關鍵，英九認為，以兩岸和解實現臺海和平，以活路外交拓展國際空間，以國防武力嚇阻外來威脅，是確保臺灣安全的鐵三角，我們必須同等重視、平衡發展。

鐵三角的第一個角，就是以兩岸和解實現臺海和平。四年來，政府堅持「對等、尊嚴、互惠」的理念，「以臺灣為主、對人民有利」的原則，恢復兩岸制度化協商，簽署16項協議，實現兩岸和解。行政部門公開且透明地對國會負責，並加強與在野黨溝通，努力尋求共識，兩岸和解因此建立制度化的保障。

過去四年，我們改善兩岸關係，降低臺海緊張，帶來和平與繁榮，獲得廣大民眾的支持，但仍有部分民眾對我們的大陸政策存有疑慮。英九要在此鄭重指出：中華民國憲法是政府處理兩岸關係的最高指導原則；兩岸政策必須在中華民國憲法架構下，維持臺海「不統、不獨、不武」的現狀，在「九二共識、一中各表」的基礎上，推動兩岸和平發展；而我們所說的「一中」，當然就是中華民國。

依據憲法，中華民國領土主權涵蓋臺灣與大陸，目前政府的統治權僅及於臺、澎、金、馬。換言之，二十年來兩岸的憲法定位就是「一個中華民國，兩個地區」，歷經3位總統，從未改變。這是最低理性務實的定位，也是中華民國長遠發展、保障臺灣安全的憑藉。兩岸之間應該要正視這個現實，求同存異，建立「互不承認主權、互不否認治權」的共識，雙方才能放心向前走。

過去四年，我們依循「先急後緩、先易後難、先經後政」的原則，推動兩岸交流，不論是在經貿、交通、衛生、文化、教育、司法、金融等各方面，
都創下歷史新高的紀錄。未來四年，兩岸要開拓新的合作領域，繼續鞏固和平、擴大繁榮、深化互信。也期盼兩岸民間團體在民主、人權、法治、公民社會等領域，有更多機會交流與對話，為兩岸和平發展創造更有利的環境。

兩岸人民同屬中華民族，都是炎黃子孫，擁有共同的血緣、歷史與文化，也都同樣尊崇國父孫中山先生。我們不能忘記國父「天下為公」的理念，以及自由、民主、均富的建國理想。臺灣實施民主的經驗，證明中華民族的土壤，毫不排斥外來的民主制度。英九衷心期盼中國大陸的政治參與逐步開放，人權與法治日漸完善，公民社會自主成長，以進一步縮短兩岸人民的心理距離。

國防鐵三角第二角 活路外交拓展空間

鐵三角的第二個角，就是以活路外交拓展國際空間並增加國際貢獻。過去四年，我們不採取「烽火外交」，而選擇「活路外交」和「正派外交」，在「目的正當、過程合法、執行有效」的援外原則下，我們與邦交國進行合作計畫，邦交國也在國際組織中不斷為我國仗義執言。我們與美國重建互信，強化溝通管道，在許多領域緊密合作，已建構三十年來最堅實的「安全與經濟夥伴關係」。

我們與日本在設館、航空、文化與投資等領域都展現重要成果，建立四十年來最友好的「特別夥伴關係」。歐盟及歐洲議會分別多次發表聲明及通過決議，支持我們的大陸政策與強化臺歐經貿關係。

拓展國際空間方面，我國在三年前，正式以大會觀察員的身分，回到離開38年的「世界衛生大會」；九十九年又加入世界貿易組織下的「政府採購協定」。

事實證明，兩岸關係的進展與我們國際空間的擴大，不但不必相互衝突，甚至可以相輔相成。未來四年，我們要擴大參與國際組織，包括氣候變遷、民航安全等聯合國專門機構的相關活動。我們也希望在國際非政府組織中，兩岸能彼此包容、相互協助，讓這個良性循環的模式發揮更大的正面效益。

增加國際貢獻方面，臺灣立足世界最寶貴的資產，就是民間組織的充沛活力，以及民胞物與的人道關懷。

九十九年一月海地發生大地震，英九跟趕赴現場的我國特種搜救隊分隊長陳順天通電話，電話那一頭傳來興奮的呼喊聲。因為，15分鐘前他們救出1名生還者，這是我國國際搜救史上的第一次。

去年311日本海嘯，民間和政府合力捐助新臺幣66億元，不但是世界第一，也超過其他九十多國的捐助總額；還有一位到災區為老人默默服務的臺南女孩蔡雨樺，她的善行更感動了兩國人民。

今年四月，英九到非洲遇見了在當地行醫近二十年的黃其麟醫師，他無怨無悔的付出，讓世人看見臺灣醫生沸騰在白袍下的熱血。這些例子說明，臺灣人擁有豐沛的生命熱情與不怕難的韌性，也為臺灣贏得真誠的友誼。
國防鐵三角第三角 武力嚇阻外來威脅

鐵三角的第三個角，就是以國防武力嚇阻外來威脅。「天下雖安，忘戰必危」，古有明訓。我們不求戰，但絕不畏戰。四年來，我們在國防工業自主、強化新一代兵力整建以及災害防救等方面，都有顯著成效。同時，增加訓練能量、大幅提升國軍體能及戰技，而整飭軍紀及反貪防弊，亦有相當成果，這也是我們建軍備戰的具體成效。

在對外軍購方面，英九上任以來，美國已三度同意軍售臺灣，總計 183 億美元，不論是質與量都超越以往。這讓我們未來擁有適當的防衛力量，使政府與人民更有信心與意願，繼續穩健發展兩岸關係。

未來四晶，我們仍將向外採購無法自製的防衛性武器，也將完善募兵制及相關配套，在「防衛固守、有效嚇阻」的戰略下，以「創新、不對稱」思維，建立質少但精的堅強國防武力。同時強化我國與周邊各國關係，積極參與國際事務，推動建立制度化的戰略對話合作管道，以捍衛中華民國主權與保障臺灣安全，並對區域和平做出貢獻。

各位鄉親，回想過去四年，英九內心有深深的感激。我們一起走過金融海嘯的風暴，我們一起迎接建國百年的歡欣，我們曾為天災巨變的創傷流淚，也曾為臺灣子弟在各方面的成就，歡喜難眠。我們就是一家人，臺灣就是我們共同的家園。

朝野關係 儘速對話尋求共識

我們深信，不管朝野之間有什麼歧見，我們都是一家。即使過去幾年朝野和解存在不少困難，但英九相信，民主是我們的共同價值，在這個基礎上，我們一定可以尋求共識，合力解決問題。

四年來，英九持續邀請各種公民團體來對談。英九也誠摯的希望，儘速與在野黨領袖展開對話，我們要讓民眾看到，朝野不是只有相互競爭，也能彼此合作。為了全民福祉，讓我們一起為臺灣民主建立良好的典範。

今年是中華民國第一百零一年，我們正站在歷史的分水嶺上。過去一百年，先人的奮鬥歷程清晰在目；未來一百年，國家的挑戰與機會輪廓鮮明。英九有幸身為中華民國跨入新的一百年第一位宣誓就職的總統，感到責任無比重大。

在此莊嚴而神聖的典禮上，英九與執政團隊再度接受全民的付託，猶如千鈞重擔在肩頭，唯有以如臨深淵的心境，如履薄冰的態度，全力履行憲法所賦予的職責，才能符合國人的信賴與付託。

站在新的一百年起跑點上，英九希望，今天我們奠下的基礎，將成為孩子走向未來的磐石；今天我們種下的幼苗，將不斷長成下一代共享的果實。讓我們一起堅持理想、攜手改革、打造幸福臺灣。

謝謝大家！
Esteemed heads of state and guests from our diplomatic allies, distinguished ambassadors and representatives, dear friends, our fellow citizens across the country:

Our Gratitude and Responsibilities

Just moments ago, in the Presidential Office building, Dr. Chen Chien-jen and I were officially sworn in as the 14th President and Vice President of the Republic of China. We must express our gratitude to this land for nurturing us and to the people for placing their trust in us. Most importantly, we deeply appreciate the democratic institutions of this country, which have allowed us to accomplish Taiwan’s third transition of political power through a peaceful electoral process. We also overcame many uncertainties throughout a four months-long transition period that concluded peacefully today.

Once again, the people of Taiwan have shown the world through our actions that we, as a free and democratic people, are committed to the defense of our freedom and democracy as a way of life. Each and every one of us participated in this journey. My dear fellow Taiwanese, we did it.

I would like to tell you that, regarding the results of the January 16th elections, I have always had one interpretation only. The people elected a new president and new government with one single expectation: solving problems.

At this very moment, Taiwan faces a difficult situation that requires its leaders to shoulder the burdens without hesitation. This is something I will not forget. I would also like to tell you that, the multitude of challenges before us require that we face them honestly and shoulder the responsibilities together.

Therefore, this speech is an invitation. I invite every fellow citizen to carry the future of this country.

It is not the leader who makes a country great; it is the collective striving of the people that makes this country great. A president should not only unite her own supporters; she should unite the entire country. To stand united for change — that is my earnest hope for this country. Here, I sincerely call on everyone to give this country a chance.

Let us leave behind the prejudices and conflicts of the past, and together fulfill the mission that the new era has entrusted to us.

At this moment and as President, I declare to the citizens of this country that my administration will demonstrate resolve in spearheading this country’s reform,
and will never back down.

Building a Better Country for the Younger Generation

The path forward is not a smooth one. Taiwan needs a new government that readily takes on each and every challenge. And it is my job to lead such a government.

Our pension system will go bankrupt without reform.

Our rigid educational system is increasingly out of touch with society. Our energy and resources are limited, and our economy lacks momentum, with the old model of OEM manufacturing facing a bottleneck. This country urgently needs a new model for economic development.

Our population is rapidly aging, while the long-term care system remains inadequate.

Our birthrate remains low, while a sound childcare system seems a distant prospect.

Our environment still suffers from severe pollution.

Our country’s fiscal situation is far from optimistic.

Our judicial system has lost the trust of the people.

Our families are deeply disturbed by food safety scandals.

Our wealth disparities are still widening.

Our social safety net is full of holes.

Most importantly, and I must stress: our young people still suffer from low wages. Their lives are stuck, and they feel helpless and confused about the future.

Young people’s future is the government’s responsibility. If unfriendly structures persist, the situation for young people will never improve, no matter how many elite talents we have. My self-expectation is that, within my term as President, I will tackle this country’s problems step by step, starting with the basic structure.

This is what I want to do for the young people of Taiwan. Although I cannot give every young person a raise instantly, I can promise that the new administration will initiate actions immediately. Please give us some time, and please join us on this journey of reform.

To change young people’s predicament is to change a country’s predicament. When its young people have no future, a country is certain to have no future. It is the solemn duty of the new administration to help young people overcome difficulties, achieve generational justice, and deliver to the next generation a better country.

1. Transforming Economic Structures

To build a better country, going forward, the new administration must accomplish the following tasks. The first is to transform Taiwan’s economic
structure. This is the most formidable task that the new administration must take on. We must not think lightly of ourselves, and we must not lose confidence. Taiwan enjoys many advantages that other countries lack.

We have the vibrancy and resilience of a maritime economy, high quality human resources, the pragmatic and reliable culture of engineers, a well-developed industrial chain, nimble and agile small and medium enterprises, and of course, our relentless entrepreneurial spirit. In order to completely transform Taiwan’s economy, from this moment on, we must bravely chart a different course - and that is to build a “New Model for Economic Development” for Taiwan.

The new administration will pursue a new economic model for sustainable development based on the core values of innovation, employment and equitable distribution. The first step of reform is to strengthen the vitality and autonomy of our economy, reinforce Taiwan’s global and regional connections, and actively participate in multilateral and bilateral economic cooperation as well as free trade negotiations including the TPP and RCEP.

We will also promote a “New Southbound Policy” in order to elevate the scope and diversity of our external economy, and to bid farewell to our past overreliance on a single market.

Furthermore, the new administration believes that the only way for Taiwan to overcome the current economic stagnation is to stimulate new momentum for growth. Our export and domestic demand will serve as twin engines for growth, allowing business production to become closely integrated with the livelihoods of the people, while building close ties between foreign trade and the local economy.

We will prioritize our plans to promote five major innovative industries, with the goal of reshaping Taiwan’s global competitiveness. By protecting labor rights, we will also actively raise productivity and allow wages to grow in lockstep with the economy.

This is a crucial moment for Taiwan’s economic development. We have the resolve and the ability to communicate. Going forward, we have systematic plans to engage in interagency cooperation, in order to consolidate the strength of the entire country and bring forth this new model.

As we pursue economic development, we must not forget our responsibility to the environment. Our New Model for Economic Development will be fully integrated with national land-use planning, regional development and environmental sustainability. Industrial planning strategy and national land-use should not be fragmented or shortsighted.

We must also pursue balanced regional development, which requires planning and coordination by the central administration. And it requires our local
governments to uphold the spirit of regional joint governance.

We must not endlessly expend natural resources and the health of our citizens as we have done in the past. Therefore, we will strictly monitor and control all sources of pollution. We will also bring Taiwan into an age of circular economy, turning waste into renewable resources. We will gradually adjust our energy options based on the concepts of sustainability.

The new administration will seriously address issues related to climate change, land conservation and disaster prevention. After all, we only have one earth, and we only have one Taiwan.

2. Strengthening the Social Safety Net

The second area that the new government must address is to strengthen Taiwan’s social safety net. Over the past few years, several incidents of violent crime affecting the safety of children and youth have shaken our entire society.

However, a government cannot remain in a state of shock. It must demonstrate empathy. No one can endure the pain and suffering on behalf of the victims’ families. However, the government, and especially the first responders, must let the victims and their family members feel that, when unfortunate incidents occur, the government is on their side.

Beyond offering empathy, the government should propose solutions. We must do everything we can to prevent the repeated occurrences of tragedy, by swiftly mending holes in areas such as public safety, education, mental health and social work. The new administration will address these issues with the utmost seriousness and readiness to act, particularly on public safety and anti-drug efforts.

The issue of pension reform is crucial for the survival and development of Taiwan. We should not hesitate, nor should we act in haste. Vice President Chen Chien-jen is spearheading the establishment of a Pension Reform Committee. Previous administrations have devoted some effort to this issue, but public participation was inadequate. The new government will launch a collective negotiation process, because pension reform must unite everyone involved.

For this reason, we will convene a national congress on pension reform that brings together representatives from different social classes and occupations to engage in negotiations on the basis of societal unity. Within a year, we will offer a workable proposal for reform. Whether you are employed in the private or the public sector, life after retirement for every citizen should receive fair protection.

Furthermore, on the issue of long-term care, we will establish a high-quality, affordable and extensive long-term care system. Like pension reform, long-term care is a process of social mobilization. The new administration’s approach is for the government to lead and plan, while encouraging citizens to organize in communities;
through the efforts of collective social assistance, our goal is to build an adequate and comprehensive system.

Every senior citizen can comfortably enjoy life after retirement in a community they are familiar with. Every family will see their burden of care lightened. We cannot leave senior care entirely to the free market. We will take up our responsibilities, plan and implement step by step, and get adequately prepared for the arrival of a hyper-aging society.

3. Social Fairness and Justice

The third area the new government must address is social fairness and justice. On this issue, the new government will continue to work with civil society to align its policies with the values of diversity, equality, openness, transparency, and human rights, so as to deepen and evolve Taiwan’s democratic institutions.

For the new democratic system to move forward, we must first find a way to face the past together. I will establish a Truth and Reconciliation Commission inside the Presidential Office, to address the historical past in the most sincere and cautious manner. The goal of transitional justice is to pursue true social reconciliation, so that all Taiwanese can take to heart the mistakes of that era.

We will begin by investigating and sorting through the facts. Within the next three years, we plan to complete Taiwan’s own investigative report on transitional justice. Follow-up work on transitional justice will then be carried out in accordance with the truth unveiled by the report. We will discover the truth, heal wounds, and clarify responsibilities. From here on out, history will no longer divide Taiwan. Instead, it will propel Taiwan forward.

Also related to fairness and justice, I will uphold the same principles when addressing issues concerning Taiwan’s indigenous peoples. At today’s Inauguration Ceremony, before they sang the national anthem, the indigenous children first sang the traditional melodies of their tribes. This means that we dare not forget who arrived first on this island.

The new government will address issues concerning indigenous peoples with an apologetic attitude. My administration will work to rebuild an indigenous historical perspective, progressively promote indigenous autonomous governance, restore indigenous languages and cultures, and improve the livelihood of indigenous communities.

Next, the new government will actively promote judicial reform. At this juncture, this is the issue the people of Taiwan care the most about. The general sentiment is that the judicial system is not close to the people, and is not trusted by them. It is unable to fight crime effectively, and has lost its function as the last line of defense for justice.
To demonstrate the new government’s resolve, we will hold a national congress on judicial issues this coming October. By allowing public participation and letting in social forces, we will advance judicial reform together. The judicial system must respond to the needs of the people. It will no longer be a judicial system for legal professionals only, but for everyone. Judicial reform is not only the business of legal professionals; it must be inclusive. These are my expectations for judicial reform.

4. Regional Peace and Stability and Cross-Strait Relations

The fourth area for the new government to address is regional peace, stability and development, as well as the proper management of cross-Strait relations. Over the past 30 years, Asia and the world have undergone dramatic changes. And governments have become increasingly concerned over global and regional economic stability and collective security.

Taiwan has always played an indispensable role in the region’s development. But in recent years, regional dynamics have been changing rapidly. If Taiwan does not effectively use its strengths and leverage to proactively participate in regional affairs, it will not only become insignificant, it may even become marginalized and lose the ability to determine its own future.

But where there is crisis, there is opportunity. The present stage of Taiwan's economic development is highly connected and complementary with many countries in the region. If our efforts to build a New Model for Economic Development can be linked to other Asian and Asia-Pacific countries through cooperation, to jointly shape future development strategies, we will not just contribute to the region’s innovation.

We will also contribute greatly to the region’s structural adjustment and sustainable development. Together with other members of this region, we will forge an intimate sense of “economic community.”

We will share resources, talents and markets with other countries to achieve economies of scale and to allow the efficient use of resources. This is the spirit on which our “New Southbound Policy” is based. We will broaden exchanges and cooperation with regional neighbors in areas such as technology, culture and commerce, and expand in particular our dynamic relationships with ASEAN and India.

We are also willing to engage in candid exchanges and pursue possibilities for cooperation and collaboration with the other side of the Strait on our common participation in regional development.

As we actively develop our economy, the security situation in the Asia-Pacific region is becoming increasingly complex. Cross-Strait relations have become an integral part of building regional peace and collective security. In this process,
Taiwan will be a “staunch guardian of peace” that actively participates and is never absent. We will work to maintain peace and stability in cross-Strait relations. We will make efforts to facilitate domestic reconciliation, strengthen our democratic institutions, consolidate consensus, and present a united position to the outside world.

For us to accomplish our goals, dialogue and communication are absolutely crucial. Taiwan will also become a “proactive communicator for peace.” We will establish mechanisms for intensive and routine communications with all parties involved, and exchange views at all times to prevent misjudgment, establish mutual trust, and effectively resolve disputes. We will handle related disputes in adherence to the principles of maintaining peace and sharing interests.

I was elected President in accordance with the Constitution of the Republic of China, thus it is my responsibility to safeguard the sovereignty and territory of the Republic of China; regarding problems arising in the East China Sea and South China Sea, we propose setting aside disputes so as to enable joint development.

We will also work to maintain the existing mechanisms for dialogue and communication across the Taiwan Strait. In 1992, the two institutions representing each side across the Strait (SEF & ARATS), through communication and negotiations, arrived at various joint acknowledgements and understandings.

It was done in a spirit of mutual understanding and a political attitude of seeking common ground while setting aside differences. I respect this historical fact. Since 1992, over twenty years of interactions and negotiations across the Strait have enabled and accumulated outcomes which both sides must collectively cherish and sustain; and it is based on such existing realities and political foundations that the stable and peaceful development of the cross-Strait relationship must be continuously promoted.

The new government will conduct cross-Strait affairs in accordance with the Republic of China Constitution, the Act Governing Relations Between the People of Taiwan Area and the Mainland Area, and other relevant legislation. The two governing parties across the Strait must set aside the baggage of history, and engage in positive dialogue, for the benefit of the people on both sides.

By existing political foundations, I refer to a number of key elements. The first element is the fact of the 1992 talks between the two institutions representing each side across the Strait (SEF & ARATS), when there was joint acknowledgement of setting aside differences to seek common ground. This is a historical fact. The second element is the existing Republic of China constitutional order. The third element pertains to the outcomes of over twenty years of negotiations and interactions across the Strait. And the fourth relates to the democratic principle and
prevailing will of the people of Taiwan.

5. Diplomatic and Global Issues

The fifth area for the new government to take up is to fulfill our duty as a citizen of the world and contribute towards diplomatic and global issues. We will bring Taiwan closer to the world, and the world closer to Taiwan. With us here today are many heads of state and delegations.

I would like to thank them for their longstanding assistance to Taiwan and for giving us the opportunity to participate in the international community. Going forward, through governmental interactions, business investment and people-to-people collaborations, we will continue to share Taiwan’s experience in economic development and build lasting partnerships with our allies.

Taiwan has been a model citizen in global civil society. Since our democratization, we have persisted in upholding the universal values of peace, freedom, democracy and human rights. It is with this spirit that we join the alliance of shared values and concerns for global issues. We will continue to deepen our relationships with friendly democracies including the United States, Japan and Europe to advance multifaceted cooperation on the basis of shared values.

We will proactively participate in international economic and trade cooperation and rule-making, steadfastly defend the global economic order, and integrate into important regional trade and commercial architecture. We will also not be absent on the prevention of global warming and climate change.

We will create within the Executive Yuan an office for energy and carbon-reduction. We will regularly review goals for cutting greenhouse gas emissions in accordance with the agreement negotiated at the COP21 meeting in Paris. Together with friendly nations we will safeguard a sustainable earth.

At the same time, the new government will support and participate in international cooperation on emerging global issues including humanitarian aid, medical assistance, disease prevention and research, anti-terrorism cooperation and jointly tackling transnational crime. Taiwan will be an indispensable partner for the international community.

Conclusion

From the first direct Presidential Election in 1996 to today, exactly 20 years have gone by. Thanks to two decades of hard work by successive governments and civil society, we have overcome many obstacles that emerging democracies must confront. Throughout this process, we have had many touching moments and stories. But like other countries, we have also experienced anxiety, unease, contradictions and conflict.
We have witnessed confrontation within society; confrontation between progressive and conservative forces, between pro-environment and pro-development views, and between political ideologies. These confrontations have sparked the energy for mobilization during election seasons. But also because of these dichotomies, our democracy gradually lost its ability to solve problems.

Democracy is a process. In every era, those who work in politics must recognize clearly the responsibilities they shoulder. Democracy can move forward, but it can also fall backwards. Standing here today, I want to say to everyone: for us, falling backwards is not an option.

The new government’s duty is to move Taiwan’s democracy forward to the next stage: before, democracy was about winning or losing the election. Now, democracy is about the welfare of the people. Before, democracy was a showdown between two opposing values. Now, democracy is a conversation between many diverse values.

To build a “united democracy” that is not hijacked by ideology; to build an “efficient democracy” that responds to the problems of society and economy; to build a “pragmatic democracy” that takes care of the people — this is the significance of the new era.

As long as we believe, the new era will arrive. As long as our leaders have unwavering faith, the new era will be born in the hands of our generation. Dear fellow Taiwanese, this speech is coming to a close, but reforms are just about to start. From this moment on, the weight of the country rests upon the new government. It is my duty for you all to see this country change.

History will remember this courageous generation. This country’s prosperity, dignity, unity, confidence and justice all bear the marks of our struggle. History will remember our courage. It will remember that in the year 2016, we took this country in a new direction. Everyone on this land can be proud of having participated in changing Taiwan.

In the earlier performance, I was really touched by a verse in the lyrics of a song: “Today is the day, my brave fellow Taiwanese.”

Dear fellow citizens, dear 23 million people of Taiwan: the wait is over. Today is the day. Today, tomorrow, and on every day to come, we shall all vow to be a Taiwanese who safeguards democracy, freedom, and this country.

Thank you.
感謝與承擔

就在剛剛，我和陳建仁已經在總統府裡面，正式宣誓就任中華民國第十四任總統與副總統。我們要感謝這塊土地對我們的栽培，感謝人民對我們的信任，以及，最重要的，感謝這個國家的民主機制，讓我們透過和平的選舉過程，實現第三次政黨輪替，並且克服種種不確定因素，順利渡過長達四個月的交接期，完成政權和平移轉。

台灣，再一次用行動告訴世界，作為一群民主人與自由人，我們有堅定的信念，去捍衛民主自由的生活方式。這段旅程，我們每一個人都參與其中。親愛的台灣人民，我們做到了。

我要告訴大家，對於一月十六日的選舉結果，我從來沒有其他的解讀方式。人民選擇了新總統、新政府，所期待的就是四個字：解決問題。此時此刻，台灣的處境很困難，迫切需要執政者義無反顧的承擔。這一點，我不會忘記。

我也要告訴大家，眼前的種種難關，需要我們誠實面對，需要我們共同承擔。所以，這個演說是一個邀請，我要邀請全體國人同胞一起來，扛起這個國家的未來。

國家不會因為領導人而偉大；全體國民的共同奮鬥，才讓這個國家偉大。總統該團結的不只是支持者，總統該團結的是整個國家。團結是為了改變，這是我對這個國家最深切的期待。在這裡，我要誠懇地呼籲，請給這個國家一個機會，讓我們拋下成見，拋下過去的對立，我們一起來完成新時代交給我們的使命。

在我們共同奮鬥的過程中，身為總統，我要向全國人民宣示，未來我和新政府，將領導這個國家的改革，展現決心，絕不退縮。

為年輕人打造一個更好的國家

未來的路並不好走，台灣需要一個正面迎向一切挑戰的新政府，我的責任就是領導這個新政府。

我們的年金制度，如果不改，就會破產。
我們僵化的教育制度，已經逐漸與社會脈動脫節。
我們的能源與資源十分有限，我們的經濟缺乏動能，舊的代工模式已經面臨瓶頸，整個國家極需新的經濟发展模式。
我們的人口結構急速老化，長照體系卻尚未健全。
我們的人口出生率持續低落，完善的托育制度卻始終遙遙無期。
我們環境汙染問題仍然嚴重。
我們國家的財政並不樂觀。
我們的司法已經失去人民的信任。
我們的食品安全問題，困擾著所有家庭。
我們的貧富差距越來越嚴重。
我們的社會安全網還是有很多破洞。
最重要的，我要特別強調，我們的年輕人處於低薪的處境，他們的人生，
動彈不得，對於未來，充滿無奈與茫然。

年輕人的未來是政府的責任。如果不友善的結構沒有改變，再多個人菁
英的出現，都不足以讓整體年輕人的處境變好。我期許自己，在未來的任期
之內，要一步一步，從根本的結構來解決這個國家的問題。

這就是我想為台灣的年輕人做的事。雖然我沒有辦法立刻幫所有的年輕
人加薪，但是我願意承諾，新政府會立刻展開行動。請給我們一點時間，也
請跟我們一起走上改革的這一條路。

改變年輕人的處境，就是改變國家的處境。一個國家的年輕人沒有未來，
這個國家必定沒有未來。幫助年輕人突破困境，實現世代正義，把一個更好
的國家交到下一代手上，就是新政府重大的責任。

第一、经济结构的转型

要打造一個更好的國家，未來，新政府要做到以下幾件事情。

首先，就是讓台灣的經濟結構轉型。這是新政府所必須承擔的最艱鉅使
命。我們不要妄自菲薄，更不要失去信心。台灣有很多別的國家沒有的優勢，
我們有海洋經濟的活力和韧性，高素質的人力資源、務實可靠的工程師文
化、完整的產業鏈、敏捷靈活的中小企業，以及，永不屈服的創業精神。

我們要讓台灣經濟脫胎換骨，就必須從現在起就下定決心，勇敢地走出
另外一條路。這一條路，就是打造台灣經濟發展的新模式。

新政府將打造一個以創新、就業、分配為核心價值，追求永續發展的新
經濟模式。改革的第一步，就是強化經濟的活力與自主性，加強和全球及區
域的連結，積極參與多邊及雙邊經濟合作及自由貿易談判，包括 TPP、RCEP
等，並且，推動新南向政策，提升對外經濟的格局及多元性，告別以往過於
依賴單一市場的現象。

除此之外，新政府相信，唯有激發新的成長動能，我們才能突破當前經
濟的停滯不前。我們會以出口和內需作為雙引擎，讓企業生產和人民生活互
為表裡，讓對外貿易和在地經濟緊密連結。

我們會優先推動五大創新研發計畫，藉著這些產業來重新塑造台灣的全
球競爭力。我們也要積極提升勞動生產力，保障勞工權益，讓薪資和經濟成
長能同步提升。

這是台灣經濟發展的關鍵時刻。我們有決心，也有溝通能力。我們已經
有系統性的規劃，未來，會以跨部會聯手的模式，把整個國家的力量集結起
來，一起來催生這個新模式。

在經濟發展的同時，我們不要忘記對環境的責任。經濟發展的新模式會
和國土規劃、區域發展及環境永續，相互結合。產業的佈局和國土的利用，
應該拋棄零碎的規畫，和短視近利的眼光。我們必須追求區域的均衡發展，
這需要中央來規畫、整合，也需要地方政府充分發揮區域聯合治理的精神。
我們也不能再像過去，無止盡地揮霍自然資源及國民健康。所以，對各種汙染的控制，我們會堅決進步，更要讓台灣走向循環經濟的時代，把廢棄物轉換為再生資源。對於能源的選擇，我們會以永續的觀念去逐步調整。新政府會嚴肅看待氣候變遷、國土保育、災害防治的相關議題，因為，我們只有一個地球，我們也只有一個台灣。

第二、強化社會安全網

新政府必須要承擔的第二件事情，就是強化台灣的社會安全網。這些年，幾件關於兒少安全及隨機殺人的事件，都讓整個社會震驚。不過，一個政府不能永遠在震驚，它必須要有同理心。沒有人可以替受害者家屬承受傷痛，但是，一個政府，尤其是第一線處理問題的人，必須要讓受害者以及家屬覺得，不幸事件發生的時候，政府是站在他們这一邊。

除了同理心之外，政府更應該要提出解決的方法。全力防止悲劇一再發生，從治安、教育、心理健康、社會工作等各個面向，積極把破洞補起來。尤其是治安與反毒的工作，這些事情，新政府會用最嚴肅的態度和行動來面對。

在年金的改革方面，這是攸關台灣生存發展的關鍵改革，我們不應該遲疑，也不可以躁進。由陳建仁副總統擔任召集人的年金改革委員會，已經緊鑼密鼓在籌備之中。過去的政府在這個議題上，曾經有過一些努力。但是，缺乏社會的參與。新政府的做法，是發動一個集體協商，因為年金改革必須是一個透過協商來團結所有人的過程。

這就是為什麼，我們要召開年金改革國是會議，由不同階層、不同職業代表，在社會團結的基礎上，共同協商。一年之內，我們會提出可行的改革方案。無論是勞工還是公務員，每一個國民的退休生活都應該得到公平的保障。

另外，在長期照顧的議題上，我們將會把優質、平價、普及的長期照顧系統建立起來。和年金改革一樣，長照體系也是一個社會總動員的過程。新政府的做法是由政府主導和規劃，鼓勵民間發揮社區主義的精神，透過社會集體互助的力量，來建立一套妥善而完整的體系。每一個老年人都可以在自己熟悉的社區，安心享受老年生活，每一個家庭的照顧壓力將會減輕。照顧老人的工作不能完全讓它變成自由市場。我們會把責任扛起來，按部就班來規劃與執行，為超高齡社會的來臨，做好準備。

第三、社會的公平與正義

新政府要承擔的第三件事情，就是社會的公平與正義。在這個議題上，新政府會持續和公民社會一起合作，讓台灣的政策更符合多元、平等、開放、透明、人權的價值，讓台灣的民主機制更加深化與進化。

新的民主制度要能夠上路，我們必須先找出面對過去的共同方法。未來，我會在總統府成立真相與和解委員會，用最誠懇與謹慎的態度，來處理過去
追求轉型正義的目標是在追求社會的真正和解，讓所有台灣人都記取那個時代的錯誤。

我們將從真相的調查與整理出發，預計在三年之內，完成台灣自己的轉型正義調查報告書。我們將會依據調查報告所揭示的真相，來進行後續的轉型正義工作。挖掘真相、彌平傷痕、釐清責任。從此以後，過去的歷史不再是台灣分裂的原因，而是台灣一起往前走的動力。

同樣在公平正義的議題上，我會秉持相同的原則，來面對原住民族的議題。今天的就職典禮，原住民族的小朋友在唱國歌之前，先唱了他們部落傳統的古調。這象徵了，我們不敢忘記，這個島上先來後到的順序。

新政府會用道歉的態度，來面對原住民族相關議題，重建原民史觀，逐步推動自治，復育語言文化，提升生活照顧，這就是我要領導新政府推動的改變。

接下來，新政府也會積極推動司法改革。這是現階段台灣人民最關心的議題。司法無法親近人民、不被人民信任、司法無法有效打擊犯罪，以及，司法失去作為正義最後一道防線的功能，是人民普遍的感受。

為了展現新政府的決心，我們會在今年十月召開司法國是會議，透過人民實際的參與，讓社會力進來，一起推動司法改革。司法必須回應人民的需求，不再只是法律人的司法，而是全民的司法。司法改革也不只是司法人的家務事，而是全民參與的改革。這就是我對司法改革的期待。

第四、區域的和平穩定發展及兩岸關係

新政府要承擔的第四件事情，是區域的和平穩定與發展，以及妥善處理兩岸關係。過去三十年，無論是對亞洲或是全球，都是變動最劇烈的時期；而全球及區域的經濟穩定和集體安全，也是各國政府越來越關切的課題。

台灣在區域發展當中，一直是不可或缺的角色。但是近年來，區域的情勢快速變動，如果台灣不善用自己的實力和籌碼，積極參與區域事務，不但將會變得無足輕重，甚至可能被邊緣化，喪失對於未來的自主權。

我們有危機，但也有轉機。台灣現階段的經濟發展，和區域中許多國家高度關聯和互補。如果將打造經濟發展新模式的努力，透過和亞洲、乃至亞太區域的國家合作，共同形塑未來的發展策略，不但可以為區域的經濟創新、結構調整和永續發展，做出積極的貢獻，更可以和區域內的成員，建立緊密的「經濟共同體」意識。

我們要和其他國家共享資源、人才與市場，擴大經濟規模，讓資源有效利用。「新南向政策」就是基於這樣的精神。我們會在科技、文化與經貿等各層面，和區域成員廣泛交流合作，尤其是增進與東協、印度的多元關係。為此，我們也願意和對岸，就共同參與區域發展的相關議題，坦誠交換意見，尋求各種合作與協力的可能性。
在積極發展經濟的同時，亞太地區的安全情勢也變得越來越複雜，而兩岸關係，也成為建構區域和平與集體安全的重要一環。這個建構的進程，台灣會做一個「和平的堅定維護者」，積極參與，絕不缺席；我們也將致力維持兩岸關係的和平穩定；我們更會努力促成內部和解，強化民主機制，凝聚共識，形成一致對外的立場。

對話和溝通，是我們達成目標最重要的關鍵。台灣也要成為一個「和平的積極溝通者」，我們將和相關的各方，建立常態、緊密的溝通機制，隨時交換意見，防止誤判，建立互信，有效解決爭議。我們將謹守和平原則、利益共享原則，來處理相關的爭議。

我依照中華民國憲法當選總統，我有責任捍衛中華民國的主權和領土；對於東海及南海問題，我們主張應擱置爭議，共同開發。兩岸之間的對話與溝通，我們也將努力維持現有的機制。1992 年兩岸兩會秉持相互諒解、求同存異的政治思維，進行溝通協商，達成若干的共同認知與諒解，我尊重這個歷史事實。92 年之後，20 年來雙方交流、協商所累積形成的現狀與成果，兩岸都應該共同珍惜與維護，並在這個既有的事實與政治基礎上，持續推動兩岸關係和平穩定發展；新政府會依據中華民國憲法、兩岸人民關係條例及其他相關法律，處理兩岸事務。兩岸的兩個執政黨應該要放下歷史包袱，展開良性對話，造福兩岸人民。

我所講的既有政治基礎，包含幾個關鍵元素，第一，1992 年兩岸兩會會談的歷史事實與求同存異的共同認知，這是歷史事實；第二，中華民國現行憲政體制；第三，兩岸過去 20 多年來協商和交流互動的成果；第四，台灣民主原則及普遍民意。

第五、外交與全球性議題

新政府要承擔的第五件事情，是善盡地球公民的責任，在外交與全球性的議題上做出貢獻。讓台灣走向世界，也要讓世界走進台灣。

現場有許多來自各國的元首與使節團，我要特別謝謝他們，長久以來一直幫助台灣，讓我們有機會參與國際社會。未來，我們會持續透過官方互動、企業投資與民間合作各種方式，分享台灣發展的經驗，與友邦建立永續的夥伴關係。

台灣是全球公民社會的模範生，民主化以來，我們始終堅持和平、自由、民主及人權的普世價值。我們會秉持這個精神，加入全球議題的價值同盟。我們會繼續深化與包括美國、日本、歐洲在內的友好民主國家的關係，在共同的價值基礎上，推動全方位的合作。

我們會積極參與國際經貿合作及規則制定，堅定維護全球的經濟秩序，並且融入重要區域經貿體系。我們也不會在防制全球暖化、氣候變遷的議題上缺席。我們將會在行政院設立專案的能源和減碳辦公室，並且根據 COP21 巴黎協議的規定，定期檢討溫室氣體的減量目標，與友好國家攜手，
共同維護永續的地球。
同時，新政府會支持並參與，全球性新興議題的國際合作，包括人道救援、醫療援助、疾病的防治與研究、反恐合作，以及共同打擊跨國犯罪，讓台灣成為國際社會不可或缺的夥伴。

結語
1996年台灣第一次總統直選，到今天剛好20年。過去20年，在幾任政府以及公民社會的努力之下，我們成功渡過了許多新興民主國家必須面對的難關。在這個過程中，我們曾經有過許多感動人心的時刻和故事，不過，正如同世界上其他國家一樣，我們也曾經有過焦慮、不安、矛盾、與對立。

我們看到了社會的對立，進步與保守的對立，環境與開發的對立，以及，政治意識之間的對立。這些對立，曾經激發出選舉時的動員能量，不過也因為這些對立，我們的民主逐漸失去了解決問題的能力。

民主是一個進程，每一個時代的政治工作者，都要清楚認識他身上所肩負的責任。民主會前進，民主也有可能倒退。今天，我站在這裡，就是要告訴大家，倒退不會是我們的選項。新政府的責任就是把台灣的民主推向下一階段：以前的民主是選舉的輸贏，現在的民主則是關於人民的幸福；以前的民主是兩個價值觀的對決，現在的民主則是不同價值觀的對話。

打造一個沒有被意識形態綁架的「團結的民主」，打造一個可以回應社會與經濟問題的「有效率的民主」，打造一個能夠實質照料人民的「務實的民主」，這就是新時代的意義。

只要我們相信，新時代就會來臨。只要這個國家的主人，有堅定的信念，新時代一定會在我們這一代人的手上誕生。

各位親愛的台灣人民，演講要結束了，改革要開始了。從這一刻起，這個國家的擔子交在新政府身上。我會讓大家看見這個國家的改變。

歷史會記得我們這個勇敢的世代，這個國家的繁榮、尊嚴、團結、自信和公義，都有我們努力的痕跡。歷史會記得我們的勇敢，我們在2016年一起把國家帶向新的方向。這塊土地上的每一個人，都因為參與台灣的改變，而感到驕傲。

剛才表演節目中的一首歌曲當中，有一句讓我我很感動的歌詞：
（台語）現在是彼一天，勇敢ㄟ台灣人。

各位國人同胞，兩千三百萬的台灣人民，等待已經結束，現在就是那一天。今天，明天，未來的每一天，我們都要做一個守護民主、守護自由、守護這個國家的台灣人。

謝謝大家。
2020—Tsai Ing-wen

Vice President Lai, esteemed guests, friends watching on TV and online, my fellow citizens across the country, good morning.

A Taiwanese Community

I feel immensely grateful to stand here once again today and take on the responsibility entrusted to me by the Taiwanese people.

This inauguration ceremony is unique in the history of the Republic of China. What makes it special is not its size or the number of people in attendance. It is special because we know how difficult it has been for us to get to this point.

I want to thank the people of Taiwan for making such a difficult feat possible.

I particularly want to thank a group of people who have not received a lot of attention over the past four months in our fight against COVID-19. I want to thank every single person who waited in line outside of the pharmacy in the early days of the coronavirus outbreak. Thank you for your patience, and thank you for trusting the government. You have shown the world Taiwan’s commitment to civic virtues, even in times of greatest distress.

I also want to thank everyone who was quarantined or isolated at home, putting up with inconvenience in your daily life to keep others safe and healthy. Thank you for exemplifying humanity’s best qualities and helping us successfully bring the coronavirus outbreak under control.

This sense of pride in our country, this community’s shared destiny, and the memories of these past months will live on in all of our hearts. This is what solidarity feels like.

Many ambassadors and representatives from other countries are here today, and I trust that many countries around the world are watching Taiwan as well.

I want to take this opportunity to tell you that the country you see is populated by kind and resilient people. No matter the difficulties we face, we can always count on our democracy, our solidarity, and our sense of responsibility towards each other to help us overcome challenges, weather difficult times, and stand steadfast in the world.

Unprecedented Challenges and Unparalleled Opportunities

From January to now, Taiwan has amazed the international community twice. The first was our democratic elections, and the second was our success in the fight
against COVID-19.

In recent months, Taiwan’s name has appeared in headlines around the world, thanks to our successful containment of the coronavirus outbreak.

“Taiwan” is also emblazoned on the boxes of supplies we are sending abroad. The Taiwanese people have the kindest hearts in the entire world, and we will always offer help to the international community whenever we are able.

I hope that in addition to sharing in a sense of pride and joy, my fellow citizens can take to heart the spirit of “helping ourselves to help others”; “when we help ourselves, others will help us”.

This pandemic has not yet ended, and we must remain vigilant. Even when it ends, its impacts will linger on.

The coronavirus has profoundly affected our world. It has changed the global political and economic order, accelerated and expanded the reorganization of global supply chains, restructured the global economy, and changed the way we live and shop. It has even changed the way the international community views Taiwan and developments in the surrounding region.

These changes present us with both challenges and opportunities. I want to ask that my fellow citizens be prepared, because countless challenges and difficulties remain ahead of us.

Over the next four years, only those who can end the pandemic within their borders, lay out a strategy for their country’s survival and development, and take advantage of opportunities in the complex world of tomorrow, will be able to set themselves apart on the international stage.

It takes more than fervor to govern a country. Leadership means calmly taking the right direction in a changing world. That is precisely what I have done over the past four years.

I said before that I will leave you with a better country. So over the next four years, I will proactively develop our industries, foster a safe society, ensure national security, and deepen our democracy. I am going to reinvent Taiwan and lead our country into the future.

National Development

1. Industrial and Economic Development

I know that the Taiwanese people are most concerned about our industrial and economic development. In 2016, we initiated a new economic development model to help connect Taiwan’s economy to the world. Over the past four years, despite massive changes in the international economy, Taiwan has done more than just weather the storm. Our economic growth has once again topped the Four Asian Tigers, and the stock market index now regularly breaks 10,000 points.
Thanks to our successful control of the pandemic, so far, Taiwan is able to maintain positive economic growth. This is rare in the world. However, we need to continue to take early action on economic relief and revitalization, and do whatever it takes to maintain stable economic growth.

Over the next four years, we will face more intense changes in the global economy and the accelerated reorganization of supply chains. We will continue to implement our Forward-looking Infrastructure Development and trillion NT-dollar investment programs. We will do so in the spirit of “achieving growth through stability, and seizing opportunity amid changes”, in order to secure Taiwan’s economic development over the coming decades.

In terms of industrial development, we are going to take advantage of the opportunities before us in six core strategic industries founded on our 5+2 Innovative Industries Program, to transform Taiwan into a critical force in the global economy.

**Six Core Strategic Industries**

First, we will continue to develop our information and digital industries. We will take advantage of Taiwan’s strengths in the semiconductor and ICT industries to secure a central role in global supply chains, and make Taiwan a major base for the development of next generation technologies, including IoT and AI.

Second, we are going to develop a cybersecurity industry that can integrate with 5G, digital transformation, and our national security. We will strive to create cybersecurity systems and an industrial chain that can protect our country and earn the world’s trust.

Third, we are going to create biotech and medical technology industries integrated with the rest of the world. Throughout this pandemic, Taiwanese teams have proven that they are capable of working with world-class technologies to produce reagents and develop new drugs and vaccines. We are going to give these industries our utmost support, and transform Taiwan into a key force in the global battle against infectious diseases.

Fourth, we are going to develop national defense and strategic industries by integrating military and civilian capabilities. In addition to domestically-produced naval vessel and aircraft programs that are currently underway, we will push harder to promote technological integration between the military and the private sector, to stimulate private sector production capabilities, and advance into the aviation and space industries.

Fifth, we are going to accelerate the development of green energy and renewable energy industries. Over the past four years, renewable energy has experienced explosive growth, and Taiwan has become a hotspot for international investment.
Building on this foundation, I am confident that we will achieve our goal of deriving 20% of our overall energy from green sources by 2025. We are going to make Taiwan a center for green energy in Asia.

Sixth, we are going to establish strategic stockpile industries that can ensure the steady provision of critical supplies. Facing changes to the global order, we need to keep key industrial chains in Taiwan and maintain a certain degree of self-sufficiency in the production of face masks, medical and daily supplies, energy, and food.

In the current international climate, countries that end their dependence on others will have a head start on national development. I would like our friends across all industries to rest assured that our government stands with you. Over the next few years, we have several strategies to drive the growth of our industries.

Industrial Development Strategy

First, we will use domestic demand, particularly demand from the public sector and national security needs, as the basic engine for our industrial development.

A prime example of this is the way strategic demand for face masks and other medical supplies throughout this pandemic has spurred the development of related industries. We can adopt a similar model for our national defense and renewable energy industries to help accelerate their development.

We will continue to organize “national teams”, like our face mask team, according to the size and conditions of different industries. We will utilize our government’s guarantee of domestic demand to establish a global strategic materials manufacturing industry under the “Taiwanese brand” and help it expand into other markets.

We know that financial support is crucial to industrial development. Looking to the future, we will adopt more flexible financial policies, continue to reform financial systems, and use more diverse means to help industries obtain the financing they need.

We will also work to create a safe environment for our industries. Our government is committed to maintaining sound public health and national security systems, a stable society, strong rule of law, and a healthy market. We need to offer these guarantees so that high-tech and strategic industries will be willing to choose Taiwan as their production and R&D base.

We will also continue to guide the global expansion of our industries. We will keep working to sign trade or investment protection agreements with the United States, Japan, and European countries.

As we continue to promote our New Southbound Policy, we will also develop other potential markets and encourage firms to establish operations there, giving our industries an edge when they engage in international cooperation. Overseas
Taiwanese business communities around the world will be our best partners as we seek new international opportunities.

Finally, we have the issue of talent. In order for Taiwan to become a key global economic force, we need a diverse talent pool. My government will bring in the world’s top technical, R&D, and management talents to help globalize Taiwan’s workforce, widen our industries’ horizons, and give them the ability to compete in the international arena.

Looking to the future, Taiwan must further connect with the international community. We will work to cultivate more outstanding bilingual and digital talents, giving our industries a global competitive edge.

Over the next four years, Taiwan’s economy will enter a new stage, complete with more flexible capital and talent flows, more robust industrial capabilities, and closer ties with the world. Together, we are going to enter a new era of shared prosperity.

2. Safe Society: Health and Social Safety Nets to Catch Those Who Need Help

As we develop our industries, we will also keep in mind that the people expect the government to foster a safe society. To be a better country, the government must take on more responsibilities to reduce the burden on the people and mitigate issues in society.

Over the past few years, we have addressed Long-term Care 2.0, childcare, and residential justice issues. Over the next four years, my goal is to weave an even tighter net that can catch every single person who needs help and prevent future tragedies.

● Health and Disease Prevention Safety Net

First, we will strengthen our health and disease prevention safety net. Taiwan is an ageing society, and infectious diseases pose a serious challenge to the health of our people. That is why we need to bolster our disease prevention and treatment capabilities and link industries to make more breakthroughs in vaccine and new drug development, as well as infectious disease prevention and treatment, so that people can enjoy healthy lives and receive better care.

● Mending Gaps in the Social Safety Net

Our second step will be to mend the gaps in our social safety net. Over the past few years, a great deal of discussion has arisen around public safety incidents involving schizophrenia patients. The same goes for other mental illnesses, drug addiction, and domestic violence.
I understand your concerns. These issues are not just the responsibility of individuals or families, they are the responsibility of the government. When families are unable to provide proper care, the government has a duty to step in and help.

I am going to upgrade our social care system, enhance the capabilities of frontline social workers, and improve their work environments, so that they can work at the grassroots and identify people who have fallen through the gaps in our safety net.

We cannot hold medical agencies or individual judges solely responsible for controversies surrounding specific cases. Our judicial and executive branches should reevaluate and optimize these systems and take initiatives to make any necessary legal amendments.


A better country requires a greater emphasis on national security. Over the past four years, we have pushed for national defense reforms, active international participation, and peaceful, stable cross-strait relations. We hope that Taiwan can play a more active role in the peace, stability, and prosperity of the Indo-Pacific region. Over the next four years, the direction of our policies will remain the same, and we will do even more.

- National Defense Reforms

We have three important directions for our national defense reforms. First is accelerating the development of our asymmetrical capabilities. While we work to bolster our defense capabilities, future combat capacity development will also emphasize mobility, countermeasures, and non-traditional asymmetrical capabilities. We will also work to strengthen our defenses against the threats of cyber warfare, cognitive warfare, and “unrestricted” warfare to achieve our strategic goal of multidomain deterrence.

The second is substantive reforms to our military reserve and mobilization systems. We need to enhance the quality of our reserve forces, as well as their weapons, equipment, and training, in order to achieve effective jointness with our regular forces. We also need to establish a standing, interdepartmental system connecting our reserve and mobilization systems. This system will help coordinate personnel and supplies, so that we can successfully mobilize during a transition from peacetime to war.

Third is improvements to our military’s management institutions. Today’s young servicemembers have all grown up in a democratic society, and one of our most important missions will be to find ways for them to better utilize their professional
skills in line with military needs.

Some young servicemembers have difficulties adjusting to military needs, reflecting the gap between today’s society and our military management institutions. We need to work to close that gap. We need to reduce negative societal views of the military and end the gradual erosion of our military’s prestige and morale due to individual incidents caused by imperfect institutions.

Thus, we will improve appeal and counseling mechanisms within the military, establish a fair and equitable incident investigation mechanism, and regularly evaluate personnel placements. In terms of education and training, we will strengthen leadership capacities across all levels of leadership and foster a modern management system that emphasizes professionalism.

We need to strike a balance between the team-oriented military discipline needed for actual combat and society’s respect for the individual.

● Active International Participation

Over the past four years, we have actively taken part in addressing major global issues, including counter-terrorism cooperation, humanitarian assistance, religious freedom, and nontraditional security.

Throughout this global pandemic, we have been praised for providing selfless assistance to the international community wherever we are able.

Taiwan has been deemed a democratic success story, a reliable partner, and a force for good in the world by the international community. All Taiwanese people should take pride in this.

Over the next four years, we will continue to fight for our participation in international organizations, strengthen mutually beneficial cooperation with our allies, and bolster ties with the United States, Japan, Europe, and other like-minded countries.

We will also participate more actively in regional cooperation mechanisms and work hand-in-hand with countries in the region to make concrete contributions to peace, stability, and prosperity in the Indo-Pacific region.

● Peaceful and Stable Cross-strait Relations

In the face of complex and changing cross-strait circumstances, we have made the greatest effort to maintain peace and stability in the Taiwan Strait over the past four years, gaining approval from the international community. We will continue these efforts, and we are willing to engage in dialogue with China and make more concrete contributions to regional security.

Here, I want to reiterate the words “peace, parity, democracy, and dialogue”. We will not accept the Beijing authorities’ use of “one country, two systems” to
downgrade Taiwan and undermine the cross-strait status quo. We stand fast by this principle.

We will continue to handle cross-strait affairs according to the Constitution of the Republic of China and the Act Governing Relations between the People of the Taiwan Area and the Mainland Area. This has been our consistent position for maintaining the peaceful and stable status quo in the Taiwan Strait.

Cross-strait relations have reached a historical turning point. Both sides have a duty to find a way to coexist over the long term and prevent the intensification of antagonism and differences. Faced with changing circumstances, I will hold firm to my principles, adopt an open attitude to resolve issues, and shoulder my responsibilities as President. I also hope that the leader on the other side of the Strait will take on the same responsibility, and work with us to jointly stabilize the long-term development of cross-strait relations.

Strengthening State Institutions and Democracy

While we work to achieve national development, it is crucial that we optimize our government institutions over the next four years. Our Legislative Yuan will establish a constitutional amendment committee, giving us a platform to engage in dialogue and reach a consensus on constitutional reforms pertaining to government systems and people’s rights.

This democratic process will enable the constitutional system to progress with the times and align with the values of Taiwanese society. Our first priority should be to lower the voting age from 20 to 18, an issue on which both the majority and opposition parties are in agreement.

In terms of judicial reform, I delivered on my promise to convene a National Congress on Judicial Reform, and we completed amendments to the Judges Act, the Attorney Regulation Act, the Constitutional Court Procedure Act, and the Labor Incident Act. This is all base work for the further improvement of our judicial system.

However, our judicial reforms are still in transition, and our current progress has not yet met the public’s expectations. I will continue to solicit opinions from across society and keep pressing forward. The people’s dissatisfaction drives us to continue on the path of reform.

Within the next four years, we need to implement a lay judge system, so that citizens can act as lay judges in court and become catalysts for judicial reform. This will help bridge the distance between the people and our judicial system, so that it aligns better with their expectations and earns their trust.

All constitutional institutions must also continue on the path of reform. The Executive Yuan will reevaluate and reinitiate its organizational reform process,
including the establishment of a specialized digital development agency and adjustments to all ministries in line with current needs. This will enable governance capabilities to be more responsive to the needs of national development.

The National Human Rights Commission under the Control Yuan will officially be established in August of this year. This will be a milestone in our journey to place human rights at the center of Taiwan’s national ethos, and marks the start of a new chapter for the Control Yuan.

Our new Examination Yuan team will be instated in September, and I will ask them to propose a comprehensive reform plan and evaluate past policies, so that they can become an effective human resource department that can cultivate the talent a modern government needs.

Conclusion

My fellow citizens, over the past 70 years, the Republic of China (Taiwan) has grown more resilient and unified through countless challenges. We have resisted the pressure of aggression and annexation. We have made the transition from authoritarianism to democracy. Although we were once isolated in the world, we have always persisted in the values of democracy and freedom, no matter the challenges ahead of us. We will always remain committed to our common belief: Taiwan must help ourselves to help others, and when we help ourselves, others will help us.

Many of the heroes in our fight against COVID-19 are here with us today, including members of our national face mask team, our Central Epidemic Command Center’s public health team, and Premier Su Tseng-chang’s team.

There are many more heroes from all walks of life not in attendance today: medical workers, postal workers, pharmacists, convenience store clerks, taxi drivers, and many more.

I may not be able to call out all of your names, but I want everyone to know that Taiwan has overcome countless challenges over the past 70 years, relying on not just one or two heroes, but thanks to countless heroes such as yourselves, working together to turn the wheels of history. You have helped make Taiwan a happy, safe, and prosperous place for generations to come.

I want to express my respect to all of you. Every single person in Taiwan is a hero. Vice President Lai and I are honored to take on the responsibility you have entrusted to us.

Taking on the responsibility of the President of the Republic of China in such difficult times brings me more pressure than joy. But I will not back down, because all of you are with me.
The path forward will not be easy, and greater challenges await us. But we are a country that has persevered through even the greatest hardships. We, the 23 million people, have always been and will always be a community with a shared destiny.

I truly hope that all of my fellow citizens will remember how it felt to come together to overcome the challenges of the past few months. The Republic of China can be united. Taiwan can be safe. Being Taiwanese can be an honor that makes you hold your head high.

My dear citizens, the path ahead of us is long, and we are about to begin a new chapter in Taiwan’s story. Taiwan’s story belongs to each and every one of us, and it needs each and every one of us.

I ask that the 23 million people of Taiwan act as our guides and partners. Let us pool our wisdom and courage and make this country a better place together. Thank you.

賴副總統、現場的各位貴賓、電視機前跟網路上的朋友、全體國人同胞，大家好。

（一）作為共同體的台灣

今天我站在這裡，以無比感恩的心情，再次承擔台灣人民交付給我的責任。

這是中華民國史上，最特別的總統就職典禮。它特別的地方，不在於典禮的規模，也不在於參與的人數，而在於，我們都知道，這一路走來有多麼不容易。

我要感謝台灣人民，是你們讓這麼不容易的事，在台灣發生。

我要特別謝謝一些人，他們在過去這四個月的防疫期間，很少被人提及。我要謝謝每一位在防疫初期，在藥房門口排隊的台灣人民。謝謝你們的耐心，以及謝謝你們對政府的信任。是你們讓全世界看到，台灣，即使在最不安的時刻，也能保持公民的美德。

我也要謝謝那些居家檢疫、居家隔離的人。你們忍受生活的不便，為了保護他人的健康。謝謝你們，展現人性中最善良的一面，成就台灣防疫的成功。

國家的光榮感，生死與共的共同體，這一段記憶，將會存在我們每一個人心中。團結的感覺，就是這個樣子。

我們今天現場，有許多各國使節代表，而且我相信，世界上一定有許多國家，也都在關心台灣。

我想藉著這個機會告訴你們，你們看到的國家，有一群善良而堅韌的人民。這一群人民，無論在多麼艱難的環境中，依然能靠著我們的民主、我們的團結，和我們對彼此的责任感，克服挑戰、度過難關，讓台灣在世界上屹
立不搖。

（二）空前的挑戰和絕佳的機會

從一月到現在，台灣連續兩次讓國際社會驚豔。第一次是我們的民主選舉，第二次則是我們的防疫成績。
過去這一段時間，因為防疫的成功，「台灣」出現在全世界的各大新聞媒體上。
「台灣」也寫在我們一箱又一箱送往國外的物資上頭。台灣人是世界上最良善的一群人，當我們有能力的時候，一定會向國際社會伸出援手。
我也希望全體國人同胞，除了分享光榮跟喜悅之外，也能體會「自助助人、助人自助」的精神。
疫情還沒有完全結束，我們不能有絲毫鬆懈。就算疫情過去了，衝擊也不會立刻散去。
這次疫情對全球的衝擊既深又廣，它改變了全球政治經濟的秩序，不僅加速、加大了全球供應鏈的重組，重新排列了經濟板塊，也改變了人們的生活和消費型態，甚至也改變了國際社會對台灣和周邊情勢的想像。
這些改變是挑戰，但也是機會。我要請所有的國人同胞做好準備，因為接下來，還有各種考驗和難關在等著我們。
未來四年，誰能從疫情中脫困；誰能針對疫情所帶來的改變，研擬國家的生存發展策略。誰能在疫情過後，複雜詭譎的國際情勢間，掌握機會，誰就能讓國家在世界中脫穎而出。
治理國家從來不能依賴激情，而是要在變局中，保持冷靜、指出方向。過去四年，這一點，我做到了。
我說過，我會留下一個更好的國家給各位。所以，下一個四年，在產業發展、社會安定、國家安全、民主深化，這四大面向上，我也會超前部署，讓台灣脫胎換骨，我會帶領台灣迎向未來。

（三）國家建設工程

1. 產業與經濟發展

我知道，台灣人民最關心的，就是我們的產業和經濟的發展。我們在 2016 年啟動了「經濟發展新模式」，致力讓台灣經濟走向世界。四年來，在國際經濟的巨大變局下，台灣不僅挺了過來，經濟成長更回到四小龍的第一名，股市萬點也成為常態。
因為疫情控制得當，台灣至今，仍然可以維持經濟正成長，這是全球少有的。但我們在紓困以及振興經濟上，必須持續超前部署，全力維持經濟穩定成長。
未來四年，我們面對的，是全球經濟更劇烈變動，和供應鏈加速重整的局面。在整體經濟方面，我們將秉持「穩定中追求成長、變局中把握先機」
的政策理念，持续落实前瞻基础建设、兆元投资等重大计画，来巩固未来几十年的经济发展。

在产业发展方面，我们更要抓住时机，在5+2产业创新的既有基础上，打造「六大核心战略产业」，让台湾成为未来全球经济的关键力量。

- 六大核心战略产业

  第一，台湾要持续强化资讯及数位相关产业发展。我们利用半导体和资通讯产业的优勢，全力抢占全球供应鍊的核心地位，让台湾成为下一个世代，资讯科技的重要基地，全力促进物联网和人工智慧的发展。

  第二，台湾要发展可以结合5G时代、数位转型、以及国家安全的资安产业。我们要全力打造可以有效保护自己，也能被世界信赖的资安系统及产业链。

  第三，我们要打造接轨全球的生物及医疗科技产业。这次疫情中，无论是否是试剂製造、或是新药和疫苗的研发，「台湾团队」都有足够的能力，跟全球顶尖技术接轨。我们要全力扶持相关产业，让台湾成为全球克服疫病挑战的关键力量。

  第四，我们要发展军民整合的国防及战略产业。除了已经进行当中的国舰国造、国機国造，我们会更强力推动军民技术整合，激發民間製造能量，更进一步进軍航空及太空產業。

  第五，我们要加速发展绿電及再生能源产业。过去四年，再生能源有飛跃性的发展，台湾成为国际再生能源投资的热點。在這個基礎上，2025年綠能占整体能源百分之二十的目标，我有信心可以达成，台湾将成为亚太綠能中心。

  第六，我们要建構足以确保關鍵物資供應的民生及战備產業。面对未来的全球秩序变化，从口罩、医疗及民生用品、能源到粮食供应，我们要把重要的產業链留在国内，维持一定的自给率。

  在当下的国际局势中，谁能摆脱依賴，谁就掌握国家生存發展的先机。我要请所有產業界的朋友們放心，政府不會讓產業孤單。在未来几年，我们要有幾個主要的策略，来全力带动產業發展。

- 產業發展策略

  首先，我们要将国内需求，作为基础能量，来带动產業發展。尤其是公共部门的需求，以及维持国家安全的基本需求。

  像是在这次疫情中，口罩等防疫物資的戰略需求，帶動了相關產業的發展，就是最好的例子。我們的國防產業和再生能源產業，也都能循著類似的模式，加速發展。

  不只有口罩國家隊，未來，我們也會視各產業的規模及条件，組成國家隊。藉由政府對内部需求的保证，建立「台灣品牌」的全球戰略物資製造業，
並且拓展到其他市場。

再來，我們知道，金融支援是產業發展最重要的環節。未來，我們會採取更靈活的金融政策，持續改革金融體制，運用更多元的金融手段，來協助產業的資金需求。

我們也會全力打造安全的產業環境。政府將致力於維持完善的公衛體系、堅固的國家安全體系、穩定的社會、良好的法治、以及健全的市場。有了這些保證，全球的高科技和戰略性產業，才會願意選擇台灣，作為生產和研發基地。

接下來，我們也要持續引導產業布局全球。和美、日、歐洽簽貿易或投資保障協定，這個目標我們會繼續努力。

我們持續推動新南向政策的同時，也會積極開拓其他有潛力的市場，鼓勵廠商前往布局，為產業的國際合作，創造更有利的條件。當我們在全球尋找工作機會時，各地的台商將會是我們最好的夥伴。

接下來，我們也要持續引導產業布局全球。和美、日、歐洽簽貿易或投資保障協定，這個目標我們會繼續努力。

我們持續推動新南向政策的同時，也會積極開拓其他有潛力的市場，鼓勵廠商前往布局，為產業的國際合作，創造更有利的條件。當我們在全球尋找工作機會時，各地的台商將會是我們最好的夥伴。

最後，則是人才的問題。台灣要成為全球經濟的關鍵力量，就必須匯集各方的人才。蔡英文的政府，會全力爭取國際上最頂尖的技術、研發和管理人才，讓台灣產業的團隊能夠更加國際化，擁有全球競爭的視野和能力。

未來，台灣更要和國際進一步接軌，我們將在雙語國家及數位領域上，培養更多的本土人才和菁英，讓產業有更強的國際競爭力。

未來四年，更融通的金流、更活水的人流、更強勁的產業實力、更與世界緊密連結的台灣，將開啟嶄新的經濟格局，迎向繁榮新時代。

２．社會安定：醫療健康網、社會安全網，接住每個需要幫助的人

產業發展的同時，我們不會忘記社會安定，也是人民對政府的重要期待。一個更好的國家，政府必須要擔起更多責任，來減輕人民的負擔，減少社會的問題。

過去幾年，我們把長照 2.0、幼托照顧、居住正義的問題，一個一個補了起來。未來四年，我的目標，就是要把這張網，做得更銳密，接住每一個需要幫助的人，盡量不要讓憾事再發生。

● 健康防疫安全網

首先，我們要更強化健康和防疫安全網。台灣已經是高齡社會，疫病的流行，對人民的健康是嚴峻的挑戰。因此我們必須強化疫病防治和醫療能量，結合產業，在疫苗和藥物的開發、以及傳染病防治的領域，有更多突破，讓人民可以更健康、受到更好的照顧。

● 社會安全網補漏網

接著，我們要把社會安全網的漏洞補起來。這幾年來，有幾起跟「思覺失調症」患者相關的治安事件，引起很多討論。不只是「思覺失調症」，其
他精神疾病、毒癮、家庭暴力等問題也一樣。
我了解民眾的憂慮，這不只是個人或家庭的事，更是政府的事。當家庭無法妥善照顧這些患者時，政府就有責任介入協助。

我會強化社會照顧體系，提升第一線的社工能量，改善他們的工作環境，讓社工能夠深入最基層，把過去社會安全網沒有接住的人找出來。

另外，對於個案所引發的爭議，我們不能把責任全部推給醫療部門、或個別法官。司法和行政部門，應該要檢討制度、優化制度，該修法的地方，就應該要著手修正。

3. 國家安全：國防事務改革、積極參與國際、兩岸和平穩定

一個更好的國家，也必須重視國家安全。過去四年，我們推動國防事務改革、積極參與國際，維持兩岸關係的和平穩定，希望讓台灣在印太地區的和平、穩定與繁榮，扮演更積極的角色。未來四年，這些政策方向不會改變，我們也會做得更多。

● 國防事務改革

在國防事務改革方面，有三個重要的方向。第一是加速發展「不對稱戰力」。在強化防衛固守能力的同時，未來戰力的發展，將著重機動、反制、非傳統的不對稱戰力；並且能夠有效防衛「網路戰」、「認知戰」、以及「超限戰」的威脅，達成重層嚇阻的戰略目標。

第二是後備動員制度的實質改革。我們要提高後備部隊的人員素質和武器裝備；後備戰力提高，才能有效地跟常備軍隊協同作戰。此外，平常就要建立跨部會的常設後備動員體制，協調人力物力，平戰轉換時，動員才會順利。

第三是改善部隊管理制度。現在的年輕士官兵，都是在民主自由的社會長大，如何讓他們在軍中，發揮更好的戰力和專長，這是必須正視的課題。年輕人從軍出現適應上的問題，反映出社會轉變和軍中管理制度的落差。我們必須把落差補起來，不要因為制度的不周全，影響了社會對軍隊的觀感，也造成軍人的榮譽和士氣，在一個又一個的個案中，被消耗掉。

因此，我們要在制度上，強化軍中申訴關懷機制、建立公允的事件調查機制、以及滾動檢討人事配置。在教育訓練上，則要提升各級幹部領導統御能力，達成管理的現代化、專業化。

我們要在維持戰力的團隊軍紀，以及社會價值對個人的尊重之間，取得均衡。

● 積極參與國際社會

在國際層面，過去四年，我們積極參與各項國際重大議題，包括反恐怖合作、人道援助、宗教自由、以及非傳統安全等重要全球議題。
在這次國際疫情中，我們在能力範圍內，對國際社會展開無私援助，受到了高度肯定。
台灣，已經被國際定位為民主成功故事、可信賴夥伴、世界良善力量，這是台灣人民的共同驕傲。
未來四年，我們會持續爭取參與國際組織，強化和友邦的共榮合作，和美、日、歐等共享價值的國家，深化夥伴關係。
我們也會更積極參與區域的合作機制，和區域相關國家攜手，共同為印太區域的和平、穩定與繁榮，做出實際貢獻。

● 和平穩定的兩岸關係
面對複雜多變的兩岸情勢，過去四年，我們盡力為兩岸和平穩定，做出最大的努力，也獲得國際社會的肯定；我們會持續努力，也願意跟對岸展開對話，為區域安全，做出更具體的貢獻。
我要再次重申「和平、對等、民主、對話」這八個字。我們不會接受北京當局，以「一國兩制」矮化台灣，破壞台海的現狀，這是我們堅定不移的原則。
我們也會持續遵循中華民國憲法，與兩岸人民關係條例，來處理兩岸事務。這是我們維持台海和平穩定現狀的一貫立場。
兩岸關係正處於歷史的轉折點，雙方都有責任，謀求長遠相處之道，避免對立與分歧的擴大。在變局之中，我會堅守原則，並秉持解決問題的開放態度，負起責任，也期盼對岸領導人，能承擔起相對的責任，共同穩定兩岸關係的長遠發展。

（四）國家體制強化及民主深化
未來四年，除了國家建設的工程，政府體制的優化，也非常重要。立法院即將成立修憲委員會，提供一個平台，讓攸關政府制度、以及人民權利的各項憲政體制改革議題，能夠被充分對話、形成共識。
藉由這個民主過程，憲政體制將更能夠與時俱進，契合台灣社會的價值。而朝野都有共識的18歲公民權，更應該優先來推動。
在司法改革方面，上個任期，我實現了「司改國是會議」的承諾，讓「法官法」、「律師法」、「憲法訴訟法」、以及「勞動事件法」陸續完成修法，這都是改善司法體質的基礎工程。
但是司改還在轉型期，現階段的成果，和人民的期待，還有一段距離。我會繼續傾聽各方的意見，不會停下腳步，人民的不滿，就是持續改革的動力。
在未來四年內，國民法官制度一定要上路，讓人民進入法庭擔任國民法官，成為改革的催化劑，讓司法體系與人民的距離不再遙遠，更加符合期待，贏得信賴。
另外，所有憲政機關，都要持續改革的腳步。行政院組織改造工程，將
在重新盤點後再次啟動，包括成立一個專責的數位發展部會，還有與時俱進
地調整各部會，讓政府的治理能力，更貼近國家發展的需要。

監察院的國家人權委員會，將在今年八月掛牌成立，它將是台灣落實「人
權立國」理念的里程碑，也是監察院轉型的起點。

我也會請九月上任的考試院新團隊，提出完整的改革方案，檢討過去的
思維，轉型為稱職的國家人力資源部門，培育現代政府所需的治理人才。

（五）結論

各位國人同胞，過去七十年來，中華民國台灣，在一次又一次的挑戰中，
越發堅韌團結。我們抵抗過侵略併吞的壓力、走出獨裁體制的幽谷，也一度
走在被世界孤立的曠野之中，但無論什麼樣的挑戰，民主自由的價值，一直
是我們的堅持。「自助助人、自助人助」的共同體意識，也始終是我們的信
念。

今天我們的現場，有很多防疫英雄：口罩國家隊上中下游產業成員、疫
情指揮中心的公衛團隊、以及蘇貞昌院長帶領的政府團隊。

還有更多沒有在現場的各行各業防疫英雄們，醫護人員、郵務人員、藥
師、便利商店店員，以及運將朋友等等。

容我無法一一叫出各位的名字，但我想要告訴大家，七十年來，台灣可
以度過一次又一次的挑戰，依靠的從來不是一兩個英雄；而是像各位一樣，
一起轉動歷史巨輪的無名英雄。是因為有你們，台灣世世代代的幸福、安定、
繁榮，才得以延續。

我要向你們所有人致敬。所有的台灣人都是英雄。蔡英文跟賴清德，很
榮幸能在此，接受各位的託付。

能在這樣艱鉅的時刻，承擔中華民國總統的重責大任，我心中的壓力多
過喜悅。不過，我不會退縮，因為我有你們。

未來的路不會一片順遂，挑戰只會越來越多。不過，我們是一個在驚濤
駭浪中走過來的國家。我們兩千三百萬人，是生死與共的命運共同體。過去
是這樣、現在是這樣，未來也是這樣。

我由衷期許所有的國人同胞，要記得過去這幾個月，上下一心、緊緊相
依、克服難關的感動。中華民國可以很團結，台灣可以很安全，當一個台灣
人可以很光榮，可以抬頭挺胸、昂首闊步。

親愛的國人同胞，未來的旅程還很長，台灣的故事，也正在展開下一頁。
台灣的故事，屬於每一個人，也需要每一個台灣人

兩千三百萬的台灣人民，請當我們的導引，請當我們的夥伴，讓我們凝
聚智慧與勇氣，一起打造一個更好的國家。謝謝大家。

541
Facts about the “1992 Consensus”

Background
Since 1949 the relations between China and Taiwan have been characterized by constantly strong tensions. Territory controlled by the Republic of China (ROC) had been shelled for two decades after 1958 by the People’s Republic of China (PRC). Before the early 1990s, no direct negotiations between the two sides took place.

On Nov. 21, 1990 the ROC founded the Straits Exchange Foundation (海峽交流基金會, abbrev. haijihui 海基會 in Chinese and SEF in English), on Dec. 16, 1991 the PRC followed suit with the establishment of the Association for Relations Across the Taiwan Straits (海峽兩岸關係協會, abbrev. haixiehui 海協會 in Chinese and ARATS in English). Representatives of SEF and ARATS first met March 22–27, 1992 in Beijing and have been conducting talks on behalf of their respective government ever since.

The term “1992 Consensus”
In the years after political power in the ROC was handed over from the Chinese Nationalist Party (KMT) to the Democratic Progressive Party (DPP) in May 2000, the term “1992 Consensus” (九二共識) kept popping up in Taiwanese media, and it has played an important role in the debate about the Cross-Strait relations since then. According to the term’s proponents, it refers to a tacit agreement that was supposedly reached when representatives of Taiwan’s SEF and China’s ARATS met in Hong Kong in 1992 (Oct. 28–30), the SEF delegation being led by Shi Hwei-yow 許惠祐 and the ARATS delegation by Zhou Ning 周寧. The term suggests that both sides reached an understanding in Hong Kong about “one China, with each side having its own interpretation” (一個中國，各自表述, abbrev. yi Zhongguo, ge zi biaoshu 一個中各表).

On Feb. 21, 2006 Su Chi 蘇起 admitted that he had in fact invented the term in 2000. In 1992, Su had been deputy director of the KMT’s Department of Mainland Affairs, between February 1999 and May 2000 he headed the ROC’s Mainland Affairs Council (MAC), and between 2005 and 2008 he was member of the ROC Legislative Yuan.
FCJ coverage

The 1992 Hong Kong meeting between SEF and ARATS was covered by The Free China Journal (FCJ), a newspaper published by the ROC’s Government Information Office (GIO). The relevant articles give no indication whatsoever that a consensus on the One China issue was achieved then. The following table lists the headlines of those articles which are shown with their full text below.

<table>
<thead>
<tr>
<th>Date in 1992</th>
<th>FCJ headline</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oct. 28 (Wed)</td>
<td>[News Briefs]</td>
<td>1</td>
</tr>
<tr>
<td>Oct. 30 (Fri)</td>
<td>SEF, ARATS make slow headway</td>
<td>2</td>
</tr>
<tr>
<td>Nov. 3 (Tue)</td>
<td>‘One China’ issue derails talks</td>
<td>2</td>
</tr>
<tr>
<td>Nov. 6 (Fri)</td>
<td>Mainland intransigence halts progress between SEF, ARATS</td>
<td>2</td>
</tr>
<tr>
<td>Nov. 10 (Tue)</td>
<td>Mainland wrecks document talks</td>
<td>2</td>
</tr>
</tbody>
</table>

It should be noted that an SEF-ARATS summit between SEF Chairman Koo Chen-fu 辜振甫 and ARATS Chairman Wang Daohan 汪道涵 took place in 1993 (April 27–29) in Singapore. That meeting was covered by FCJ as well, and in its articles the paper reported the breakthrough that was indeed reached during the 1993 summit.

<table>
<thead>
<tr>
<th>Date in 1993</th>
<th>FCJ headline</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 27 (Tue)</td>
<td>Cross-Straits Koo-Wang talks begin</td>
<td>1</td>
</tr>
<tr>
<td>&quot;</td>
<td>SEF, ARATS begin historic meeting</td>
<td>2</td>
</tr>
<tr>
<td>&quot;</td>
<td>DPP group in Singapore to monitor Koo-Wang talks</td>
<td>2</td>
</tr>
<tr>
<td>April 30 (Fri)</td>
<td>Historic meeting produces 4 agreements</td>
<td>1</td>
</tr>
<tr>
<td>&quot;</td>
<td>Outcome of Koo-Wang talks</td>
<td>2</td>
</tr>
<tr>
<td>&quot;</td>
<td>Cross-Straits conference talk of the town in Taiwan</td>
<td>2</td>
</tr>
<tr>
<td>&quot;</td>
<td>Bridging the cross-Straits gap</td>
<td>6</td>
</tr>
<tr>
<td>&quot;</td>
<td>Sorry, it’s a little early yet for talks on unification</td>
<td>6</td>
</tr>
<tr>
<td>&quot;</td>
<td>Shadow of politics haunts talks</td>
<td>7</td>
</tr>
<tr>
<td>May 4 (Tue)</td>
<td>Koo-Wang talks dawn of new era of negotiation</td>
<td>1</td>
</tr>
<tr>
<td>&quot;</td>
<td>ROC mainland policy unchanged</td>
<td>2</td>
</tr>
<tr>
<td>&quot;</td>
<td>No mainland investment accord</td>
<td>3</td>
</tr>
<tr>
<td>May 7 (Fri)</td>
<td>President Lee stresses Taipei, Peking equal</td>
<td>2</td>
</tr>
</tbody>
</table>

The FCJ coverage’s contrast between the 1992 Hong Kong meeting and the 1993 Singapore summit is striking. As the ROC government had no reason to conceal a breakthrough in cross-strait negotiations, the FCJ coverage of the 1992 Hong Kong meeting serves as further evidence that no consensus was reached and the meeting was in fact a complete failure that yielded no results.
Full texts of relevant articles (1992 and 2006)

Vol. IX, No. 79

News Briefs

Long-halted talks between counterpart organizations on the two sides of the Taiwan Straits are apparently on the verge of picking up once again.

Taiwan’s Straits Exchange Foundation and mainland China’s Association for Relations Across the Taiwan Straits will return to the discussion table Oct. 28. The two-day meeting will take place in Hong Kong, with the SEF delegation headed by Legal Services Department Director Shi Hwei-yow (許惠祐).

Cross-Straits document verification is expected to be the main focus. Negotiators are reportedly hopeful of working out the details for a future agreement on procedures for verifying the documents that Taiwan and mainland residents need to send to the opposite side.

........................................[The Free China Journal—1992, Oct. 28 (Wednesday)]

SEF, ARATS make slow headway

By Tammy C. Peng

Staff Writer

Negotiations between Taiwan and mainland China intermediary agencies finally resumed in Hong Kong this week.

Representatives of Taiwan’s Straits Exchange Foundation met with their counterparts of the mainland’s Association for Relations Across the Taiwan Straits Oct. 28-29.

The second bilateral conference this year, however, has apparently reached a deadlock over the “one China” issue.

As in past meetings between SEF and ARATS, a problem emerged when the mainland representatives insisted on first discussing the principle of “one China”, and including those words in all agreements to be signed between the two sides.

According to ARATS’ Chou Ning (周寧), all matters between the two agencies are “internal affairs of China”.

SEF has rejected the proposal, saying that the discussion of purely general affairs should not involve political principles.

Shi Hwei-yow, head of the SEF delegation, said that there is no “logical connection” between the two organizations’ affairs and the political interpretation of the “one China” principle.
Besides, Shi said, President Lee Teng-hui (李登輝) Premier Hau Pei-tsun (郝柏村) and the National Unification Council have all made the ROC government’s stand on the “one China” principle sufficiently clear.

The NUC in August of this year formally adopted the “one China” principle as follows: “One China refers to the Republic of China that has existed since 1912, with de jure sovereignty over all of China.”

However, the ROC’s current jurisdiction covers only Taiwan, Penghu, Kinmen and Matsu, said the NUC. “Taiwan is part of China, and the Chinese mainland is a part of China as well.”

SEF had hoped to resume the talks that ended fruitlessly in March, when the two sides failed to reach agreement on ways of handling the verification of documents and indirect registered mail. SEF had also hoped to reach an agreement with ARATS at the Hong Kong meeting on a framework for handling similar cases in the future.

The two-day conference, however, made little progress in formulating measures to speed up the often heavy work required in arranging people-to-people exchanges across the Straits.

The two organizations did reach agreement on a few matters. Both sides agreed to act as liaisons between their respective official agencies, such as post offices and municipal authorities.

In addition, the two offices expanded the categories of documents handled from three to seven. People of both sides may soon ask for verification of inheritance, marriage, adoption, identity, birth, tax and academic degrees. SEF also accepted ARATS’ proposal of collecting a fee of at least US$40 per service.

................................................................................................................[The Free China Journal—1992, Oct. 30 (Friday)]

‘One China’ issue derails talks

**SEF, ARATS fail to unravel document verification imbroglio**

By Tammy C. Peng

*Staff Writer*

An extended meeting between representatives of Taiwan’s Straits Exchange Foundation and its mainland counterpart was suspended last week with the two sides reaching little agreement.

The Hong Kong conference between SEF and the Association for Relations Across the Taiwan Straits failed to reach an accord on ways of verifying documents that are necessary for processing Taiwan-mainland non-official exchanges.

In spite of the setback, SEF representatives are staying on in Hong Kong until Nov. 4, hoping to begin another round of talks with ARATS.
SEF and ARATS are private organizations established in 1991 to handle matters related to people-to-people exchanges between the two sides of the Taiwan Straits. The Republic of China government on Taiwan currently prohibits any official contacts with the Chinese Communist regime in the mainland.

An important element of the exchanges is the verification of documents that is often required to process entry and exit permits for residents of both sides, in particular those applying to enter Taiwan.

The Hong Kong meeting, originally scheduled for Oct. 28-29, was aborted when ARATS representatives insisted on discussing the principle of “one China”. They also wanted the phrase incorporated in all agreements to be signed by the two agencies.

SEF delegates said that the meeting was not the proper venue to discuss politics. SEF head delegate Shi Hwei-yow said he sees no “logical connection” between the two organizations’ general goals and the political interpretation of “one China”.

However, when ARATS representatives insisted on pushing the issue, saying that all matters between the two agencies are “internal affairs of China”, Shi was forced to respond by citing the “one China” principle upheld by the ROC government.

Shi said that “one China” refers to the ROC that has existed since 1912 but was only temporarily divided in 1949. Shi explained that because of the event in 1949, “one China” now has two “equal political entities” represented by both the ROC government in Taipei and the Chinese Communist regime in Peking.

Such definition of “one China” is also the “bottom line” that the ROC government is prepared to accept in any talks on Taiwan-mainland exchanges, said Ma Ying-jeou (馬英九), spokesman of the ROC Mainland Affairs Council.

Chen Jung-chieh (陳榮傑), SEF secretary-general, said that despite the suspension of the formal meeting, the decision of the SEF representatives to remain in Hong Kong proved that the ROC was “sincere in seeking a satisfactory end to the talks”.

The ARATS delegation returned to the mainland on Nov. 1, indicating that the group has no intention of continuing the negotiations with SEF.

Chou Ning, head representative of ARATS, suggested upon his departure that if any new talks are to be held, they should either be in Peking, Taipei, Amoy or Kinmen.

.............................................................[The Free China Journal—1992, Nov. 3 (Tuesday)]

Mainland intransigence halts progress between SEF, ARATS
By Tammy C. Peng
Staff Writer
The much publicized meeting between Taiwan and mainland China liaison agencies yawned to a close Nov. 4, having achieved little toward advancing interest of the people they represent.

Negotiators from Taiwan’s Straits Exchange Foundation and the mainland’s Association for Relations Across the Taiwan Straits gathered in Hong Kong Oct. 28 to iron out ways to improve civilian matters. High on the agenda was a method for verifying the documents necessary in cross-Straits non-official exchanges.

The meeting ended prematurely when ARATS representatives insisted on switching from private sector concerns to the political arena to discuss how the Chinese Communists and the ROC government interpret the “one China” principle.

The mainland delegation returned home Nov. 1, as SEF representatives stayed on in Hong Kong hoping the negotiations would resume. On Nov. 4, it became clear that the latest round of SEF-ARATS talks had definitely closed when an ARATS representative informed the mainland’s China News Service that the meeting was “officially over”.

A meeting in March by the counterpart organizations had the same fruitless scenario, with the two sides unable to sign an accord.

The report tried to blame the latest breakdown on SEF, claiming the Taiwan group had “twisted” ARATS’ intentions regarding discussing the “one China” principle.

SEF’s head delegate, Shi Hwei-yow, had told his ARATS counterpart that the meeting was not the proper venue for discussing politics. He had said he saw no “logical connection” between the founding goals of the two private sector organizations and political interpretations of the term “one China”.

SEF, a private agency established last year, has been commissioned by the ROC government to handle affairs related to people-to-people exchanges between Taiwan and the mainland.

‘Political blackmail’ charged
Mainland wrecks document talks
By Tammy C. Peng

The Chinese Communists’ political intent and lack of sincerity were the two main stumbling blocks to the success of a recent meeting between the two Chinese intermediary agencies, the ROC’s Mainland Affairs Council said in a statement Nov. 6.
The MAC, which oversees all matters related to Taiwan-mainland China exchanges, condemned the Chinese Communist authorities for resorting to extraneous matters, resulting in the collapse of the talks.

The Oct. 28-30 conference in Hong Kong over document verification between Taiwan’s Straits Exchange Foundation and the mainland’s Association for Relations Across the Taiwan Straits ended without any agreement after mainland representatives persisted on discussing political matters.

MAC said that issues involving document verification are general affairs that the two agencies can tackle without touching on political issues.

“The Chinese Communists attempted to achieve a breakthrough of their so-called ‘one country, two systems’ tactics by insisting on discussing the ‘one China’ principle,” MAC said. “It was an obvious cover-up of a political blackmail,” MAC added.

Offering a word of comfort to the SEF delegation, Premier Hau Pei-tsun said people should not have high hopes in any negotiations with the Chinese Communists.

Negotiations are often used by the Chinese Communists to achieve political ends, Hau said. Therefore, inconclusive negotiations are not failures, he added.

The meeting in Hong Kong between representatives of SEF and ARATS was the second time this year aimed at ironing out ways to improve civilian matters, particularly the verification of documents necessary in cross-Straits non-official exchanges.

The scheduled two-day meeting, which SEF had proposed to last at least four days, was extended by an extra half-day after the two sides were close to reaching an agreement. However, no specific conclusions were made, and the ARATS delegation left Hong Kong Nov. 1.

Hoping to resume the discussions with their mainland counterparts, SEF representatives stayed on in the British colony and left on Nov. 5, when it became apparent that the talks were unlikely to reopen.

According to the Chinese Communist media, ARATS has said that the meeting with SEF was “officially over”. They also proposed another conference either in Taiwan or in the mainland.

The MAC statement strongly criticized the insincerity of ARATS and its want of authority from the Chinese Communists to discuss pertinent matters out of the open.

MAC said that general affairs and technicalities are problems that should be solved “immediately”, adding that the time for political negotiations are “not yet ripe”.

548
“Even though the Hong Kong meeting has ended, the problems have not disappeared”, said MAC. It urged ARATS to return to the negotiation table at the same venue. “The door to negotiation should not be closed”, the statement said.

SEF is a private organization authorized by the ROC government to handle affairs related to people-to-people exchanges between Taiwan and the mainland. SEF has no authority to discuss political issues, whether with private or official mainland representatives.

Mainland authorities were reported to be eager to reopen negotiations for a proposed meeting between SEF Chairman Koo Chen-fu (辜振甫) and ARATS Chairman Wang Tao-han (汪道涵), but the time and venue have still to be agreed on. The much publicized proposed conference would be the highest-level contact between non-officials of the two sides.

Su Chi admits the ‘1992 consensus’ was made up
By Shih Hsiu-chuan
TAIPEI TIMES
Wednesday, Feb 22, 2006, Page 3

Su said he invented the term in order to break the cross-strait deadlock and alleviate tension.

“[Then president] Lee Teng-hui (李登輝) was not in the know when the term was invented. Lee found out about it later from the newspaper, but he never mentioned later that it was improper,” said Su, who was chairman of the Mainland Affairs Council at the time.

Su made the remarks yesterday in response to Lee who, during a Taiwan Solidarity Union seminar on Monday, said that the so-called “1992 consensus” was a fiction.

“Little monkey boy’s trying to make up history,” Lee said of Su, daring him to respond on the matter.

When asked by reporters for a response yesterday, Su said he did invent the term, which was meant to encourage observers to think that “each side has its own interpretation on the meaning of ‘one China.’”

The term “1992 consensus” is controversial. The KMT has insisted on the existence of a “consensus” between Taiwan and China during a meeting in Hong Kong in November 1992 that both sides should adhere to the “one China” principle.
Since the term appeared, however, the DPP government has insisted that no such consensus existed.

Stating that “no consensus” was reached on the definition of “one China” during the 1992 meeting, President Chen Shui-bian (陳水扁) has said that the “1992 meeting” would be a more appropriate term to describe the conference in Hong Kong.

Su said he made up the term “1992 consensus” as a replacement for the expression “each side with its own interpretation” in order to benefit cross-strait development.

“The wording ‘each side with its own interpretation’ of the ‘one China’ principle had been used from 1992 to 2000. But China didn’t like the ‘each side with its own interpretation’ part and the DPP government didn’t like the part that said ‘one China,’” Su said.

“On account of these differences and the fact they could have led to more cross-strait tension after the DPP took power, I suggested the new term as a common point that was acceptable to both sides so that Taiwan and China could keep up cross-strait exchanges,” he said.

Su said he initially thought the term could contribute to a resumption of cross-strait negotiations and did not think that it would be unacceptable to the DPP government.

http://www.taipeitimes.com/News/taiwan/archives/2006/02/22/2003294106
....................................................................................................................[The Taipei Times—2006, Feb. 22 (Wednesday)]

Su Chi admits creating ‘consensus of 1992’

Wednesday, February 22, 2006

The China Post staff

Kuomintang lawmaker Su Chi admitted yesterday what is known as the “consensus of 1992” is his own handiwork, as former President Lee Teng-hui said it was.

Lee said Sunday he never knew there is any consensus of 1992 and charged Su with creating that non-existent unsigned agreement between Taipei and Beijing.

However, there exists what amounts to a bout de papier or aide memoire type agreement between the Straits Exchange Foundation and the Association of Relations across the Taiwan Strait in 1992.

As an aide memoire, it was unsigned but dated and typed on the paper with the titles of the two quasi-government organizations charged with the conduct of “unofficial” relations between Taiwan and China.

Had it been a bout de papier, it would have been typed on “just paper” and undated.
But the agreement per se is not typed on one piece of paper. Rather the two organizations exchanged their aides memoire to complete the agreement, under which Taipei and Beijing both accept one China whose connotation can be individually and orally stated.

This agreement was characterized by Su, then chairman of the Mainland Affairs Council, as the principle of “one China with different interpretations.”

China did not contest his characterization, however.

“I tried what I could to come up with a solution to the imminent impasse between Taipei and Beijing right after President Chen Shui-bian’s election in 2000,” Su recalled.

Su knew President Chen would never accept the principle of one China with different interpretations. He also knew he had to do something to prevent the stalemate.

“That’s why I decided to repack the principle of ‘one China with different interpretations in the consensus of 1992,” Su pointed out.

He said he did not tell President Lee of his decision and went ahead with the announcement of his creation. “President Lee did not know beforehand,” he continued, “and he came to know only after reading the newspaper.”

“But,” Su pointed out, “President Lee did not complain.”

Lee is now complaining Su was trying to “create history.”


On the other hand, Su said the consensus of 1992 sounds better and is of more use to the ruling Democratic Progressive Party than the principle of one China with different interpretations.

“Well,” the Kuomintang legislator said, “the consensus of 1992 makes it possible for Taipei to differently ‘interpret’ one China.”

Beijing wants dialogue with Taipei in accordance with the consensus of 1992.

However, China now insists on the principle of one China whose connotation can be individually and orally stated. The change came about after James Soong, chairman of the People First Party, met and talked with Hu Jintao, Chinese president, in Beijing in May last year.

https://chinapost.nownews.com/20060222-145363

.......................................................... [The China Post—2006, Feb. 22 (Wednesday)]
**Dramatis personae**

● For Taiwan/ROC

Chen Jung-chieh/Chen Rong-jye 陳榮傑 [Chen Rongjie] (b. 1943, Taiwan), SEF secretary-general 1992–1993


● For China/PRC


Zhou Ning/Chou Ning 周寧 (b. 1960, Beijing), leader of the ARATS delegation in Hong Kong 1992
FCJ newspaper clippings October / November 1992
On the following pages, the FCJ clippings are shown in their original form.

<Wed, Oct. 28, 1992>

Long-halted talks between counterpart organizations on the two sides of the Taiwan Straits are apparently on the verge of picking up once again.

Taiwan’s Straits Exchange Foundation and mainland China’s Association for Relations Across the Taiwan Straits will return to the discussion table Oct. 28. The two-day meeting will take place in Hong Kong, with the SEF delegation headed by Legal Services Department Director Shi Hwei-yow.

Cross-Straits document verification is expected to be the main focus. Negotiators are reportedly hopeful of working out the details for a future agreement on procedures for verifying the documents that Taiwan and mainland residents need to send to the opposite side.
SEF, ARATS make slow headway

By Tammy C. Peng
Staff Writer

Negotiations between Taiwan and mainland China intermediary agencies finally resumed in Hong Kong this week.

Representatives of Taiwan’s Straits Exchange Foundation met with their counterparts of the mainland’s Association for Relations Across the Taiwan Straits Oct. 28-29.

The second bilateral conference this year, however, has apparently reached a deadlock over the “one China” issue.

As in past meetings between SEF and ARATS, a problem emerged when the mainland representatives insisted on first discussing the principle of “one China,” and including those words in all agreements to be signed between the two sides.

According to ARATS’ Chou Ning, all matters between the two agencies are “internal affairs of China.”

SEF has rejected the proposal, saying that the discussion of purely general affairs should not involve political principles.

Shi Hwei-yow, head of the SEF delegation, said that there is no “logical connection” between the organizations’ affairs and the political interpretation of the “one China” principle.

Besides, Shi said, President Lee Teng-hui, Premier Hau Pei-tsun and the National Unification Council have all made the ROC government’s stand on the “one China” principle sufficiently clear.

The NUC in August of this year formally adopted the “one China” principle as follows: “One China refers to the Republic of China that has existed since 1912, with de jure sovereignty over all of China.”

However, the ROC’s current jurisdiction covers only Taiwan, Penghu, Kinmen and Matsu, said the NUC. “Taiwan is part of China, and the Chinese mainland is a part of China as well.”

SEF had hoped to resume the talks that ended fruitlessly in March, when the two sides failed to reach agreement on ways of handling the verification of documents and indirect registered mail. SEF had also hoped to reach an agreement with ARATS at the Hong Kong meeting on a framework for handling similar cases in the future.

The two-day conference, however, made little progress in formulating measures to speed up the often heavy paper work required in arranging people-to-people exchanges across the Straits.

The two organizations did reach agreement on a few matters. Both sides agreed to act as liaisons between their respective official agencies, such as post offices and municipal authorities.

In addition, the two offices expanded the categories of documents handled from three to seven. People of both sides may soon ask for verification of inheritance, marriage, adoption, identity, birth, tax and academic degrees. SEF also accepted ARATS’ proposal of collecting a fee of at least US$40 per service.
‘One China’ issue derailed talks

SEF, ARATS fail to unravel document verification imbroglio

By Tammy C. Peng
Staff Writer

An extended meeting between representatives of Taiwan’s Straits Exchange Foundation and its mainland counterpart was suspended last week with the two sides reaching little agreement.

The Hong Kong conference between SEF and the Association for Relations Across the Taiwan Straits failed to reach an accord on ways of verifying documents that are necessary for processing Taiwan-mainland non-official exchanges.

In spite of the setback, SEF representatives are staying on in Hong Kong until Nov. 4, hoping to begin another round of talks with ARATS.

SEF and ARATS are private organizations established in 1991 to handle matters related to people-to-people exchanges between the two sides of the Taiwan Straits. The Republic of China government on Taiwan currently prohibits any official contacts with the Chinese Communist regime in the mainland.

An important element of the exchanges is the verification of documents that is often required to process entry and exit permits for residents of both sides, in particular those applying to enter Taiwan.

The Hong Kong meeting, originally scheduled for Oct. 28-29, was aborted when ARATS representatives insisted on discussing the principle of “one China.” They also wanted the phrase incorporated in all agreements to be signed by the two agencies.

SEF delegates said that the meeting was not the proper venue to discuss politics.

SEF head delegate Shi Hwei-yow said he sees no “logical connection” between the two organizations’ general goals and the political interpretation of “one China.”

However, when ARATS representatives insisted on pushing the issue, saying that all matters between the two agencies are “internal affairs of China,” Shi was forced to respond by citing the “one China” principle upheld by the ROC government.

Shi said that “one China” refers to the ROC that has existed since 1912 but was only temporarily divided in 1949. Shi explained that because of the event in 1949, “one China” now has two “equal political entities” represented by both the ROC government in Taipei and the Chinese Communist regime in Peking.

Such definition of “one China” is also the “bottom line” that the ROC government is prepared to accept in any talks on Taiwan-mainland exchanges, said Ma Ying-jeou, spokesman of the ROC Mainland Affairs Council.

Chen Jung-chieh, SEF secretary-general, said that despite the suspension of the formal meeting, the decision of the SEF representatives to remain in Hong Kong proved that the ROC was “sincere in seeking a satisfactory end to the talks.”

The ARATS delegation returned to the mainland on Nov. 1, indicating that the group has no intention of continuing the negotiations with SEF.

Chou Ning, head representative of ARATS, suggested upon his departure that if any new talks are to be held, they should either be in Peking, Taipei, Amoy or Kinmen.
Mainland intransigence halts progress between SEF, ARATS

By Tammy C. Peng
Staff Writer

The much-publicized meeting between Taiwan and mainland China liaison agencies yawned to a close Nov. 4, having achieved little toward advancing the interests of the people they represent.

Negotiators from Taiwan’s Straits Exchange Foundation and the mainland’s Association for Relations Across the Taiwan Straits gathered in Hong Kong Oct. 28 to iron out ways to improve civilian matters. High on the agenda was a method for verifying the documents necessary in cross-Straits non-official exchanges.

The meeting ended prematurely when ARATS representatives insisted on switching from private sector concerns to the political arena to discuss how the Chinese Communists and the ROC government interpret the “one China” principle.

The mainland delegation returned home Nov. 1, as SEF representatives stayed on in Hong Kong hoping the negotiations would resume. On Nov. 4, it became clear that the latest round of SEF-ARATS talks had definitely closed when an ARATS representative informed the mainland’s China News Service that the meeting was “officially over.”

A meeting in March by the counterpart organizations had the same fruitless scenario, with the two sides unable to sign an accord.

The report tried to blame the latest breakdown on SEF, claiming the Taiwan group had “twisted” ARATS’ intentions regarding discussing the “one China” principle.

SEF’s head delegate, Shi Hwei-yow, had told his ARATS counterpart that the meeting was not the proper venue for discussing politics. He had said he saw no “logical connection” between the founding goals of the two private sector organizations and political interpretations of the term “one China.”

SEF, a private agency established last year, has been commissioned by the ROC government to handle affairs related to people-to-people exchanges between Taiwan and the mainland.
‘Political blackmail’ charged

Mainland wrecks document talks

By Tammy C. Peng
Staff Writer

The Chinese Communists’ political intent and lack of sincerity were the two main stumbling blocks to the success of a recent meeting between the two Chinese intermediary agencies, the ROC’s Mainland Affairs Council said in a statement Nov. 6.

The MAC, which oversees all matters related to Taiwan-mainland China exchanges, condemned the Chinese Communist authorities for resorting to extraneous matters, resulting in the collapse of the talks.

The Oct. 28-30 conference in Hong Kong over document verification between Taiwan’s Straits Exchange Foundation and the mainland’s Association for Relations Across the Taiwan Straits ended without any agreement after mainland representatives persisted on discussing political matters.

MAC said that issues involving document verification are general affairs that the two agencies can tackle without touching on political issues.

“The Chinese Communists attempted to achieve a breakthrough of their so-called ‘one country, two systems’ tactics by insisting on discussing the ‘one China’ principle,” MAC said. “It was an obvious cover-up of a political blackmail,” MAC added.

Offering a word of comfort to the SEF delegation, Premier Hau Pei-tsun said people should not have high hopes in any negotiation with the Chinese Communists.

Negotiations are often used by the Chinese Communists to achieve political ends, Hau said. Therefore, inconclusive negotiations are not failures, he added.

The meeting in Hong Kong between representatives of SEF and ARATS was the second time this year aimed at ironing out ways to improve civilian matters, particularly the verification of documents necessary in cross-Straits non-official exchanges.

The scheduled two-day meeting, which SEF had proposed to last at least four days, was extended by an extra half-day after the two sides were close to reaching an agreement. However, no specific conclusions were made, and the ARATS delegation left Hong Kong Nov. 1.

Hoping to resume the discussions with their mainland counterparts, SEF representatives stayed on in the British colony and left on Nov. 5, when it became apparent that the talks were unlikely to reopen.

According to the Chinese Communist media, ARATS has said that the meeting with SEF was “officially over.” They also proposed another conference either in Taiwan or in the mainland.

The MAC statement strongly criticized the insincerity of ARATS and its want of authority from the Chinese Communists to discuss pertinent matters out in the open.

MAC said that general affairs and technicalities are problems that should be solved “immediately,” adding that the time for political negotiations are “not yet ripe.”

“Even though the Hong Kong meeting has ended, the problems have not disappeared,” said MAC. It urged ARATS to return to the negotiating table at the same venue. “The door to negotiation should not be closed,” the statement said.

SEF is a private organization authorized by the ROC government to handle affairs related to people-to-people exchanges between Taiwan and the mainland. SEF has no authority to discuss political issues, whether with private or official mainland representatives.

Mainland authorities were reported to be eager to reopen negotiations for a proposed meeting between SEF Chairman Koo Chen-fu and ARATS Chair-man Wang Tao-han, but the time and venue have still to be agreed on. The much publicized proposed conference would be the highest-level contact between non-officials of the two sides.