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#### 四、外交部聲明摘錄

##### 中華民國大陸礁層外部界限聲明

中華民國為1958年日內瓦大陸礁層公約之締約國，對於大陸礁層享有國際法之主權權利。1958年公約之原則已為1982年聯合國海洋法公約（以下簡稱《公約》）之相關條款所接納。此外，習慣國際法亦肯定沿岸國具有探勘大陸礁層和開發其自然資源之主權權利。我政府長久以來支持此一基本原則。事實上，我政府於1998年1月21日公布「中華民國專屬經濟海域及大陸礁層法」，並於第2條明文規定，中華民國之大陸礁層，依其陸地領土自然延伸至大陸邊外緣之海底區域。

中華民國政府重申，無論就歷史、地理及國際法而言，釣魚臺列嶼以及南沙群島、西沙群島、中沙群島、東沙群島及其周遭水域乃中華民國固有領土及水域，其主權屬於中華民國，不容置疑。中華民國對上述島嶼及周遭水域、海床及底土享有國際法所賦予之所有權益，任何國家以任何理由或方式予以主張或佔據，在法律上均屬無效。

作為一個沿海國家，中華民國政府自2006年開始依據《公約》第76條與「大陸礁層界限委員會科學暨技術準則」之要求，已積極進行主張大陸礁層外部界限所需相關科學佐證資料之調查及準備工作。

依我政府目前調查所獲得的資料顯示，我國可以臺灣東部大陸邊外緣及向東北方沿東海大陸邊外緣作為延伸大陸礁層之依據，利用相關科學佐證資料可證明，我國在「臺灣東部海域」、「東海海域」的大陸礁層自然延伸範圍超過自領海基線起算200浬，部分與鄰國所主張之大陸礁層重疊。

我政府已召集有關法律、政策、科學與技術等專家，致力於大陸礁層外部界限劃定的準備工作，由於我國並未受邀參與《公約》之談判與簽訂，無法成為《公約》締約國，因此，我國不受《公約》締約國會議第72號決定（SPLOS/72）及第183號決定（SPLOS/183）之拘束，亦即我國對於超過200浬的延伸大陸礁層之主張，不受2009年5月12日期限之限制。在該期限之後，我國繼續保有對於東海、臺灣東部海域及南海海域主張超過200浬大陸礁層外部界限之權利。

《公約》第76條第10款規定，本條的規定不妨害海岸相向或相鄰國家間大陸礁層界限劃定的問題。由於我國就周邊海域與鄰國之劃界仍未產生協議，我國與鄰國間海域劃界問題之解決，將遵守國際法，依衡平原則，以協議劃定。在協議未能達成前，我政府期盼區域內相關各方基於維護區域海洋法秩序之立場，應共同維持區域和平、穩定的發展，並在「共同開發、資源共享」之原則下，務實增進區域內之良性互動關係。

聲明日期 5月12日

No. 003

12 May, 2009

**Declaration of the Republic of China on the Outer Limits of Its Continental Shelf**

The Republic of China (ROC), as a Contracting Party to the 1958 Geneva Convention on the Continental Shelf, enjoys sovereign rights over its continental shelf under international law. The principles of the 1958 Convention have been incorporated into the relevant provisions of the 1982 United Nations Convention on the Law of the Sea (UNCLOS). Moreover, customary international law also confirms that coastal states possess sovereign rights over the exploration of continental shelf and the development of natural resources thereof. This government has long supported such basic tenets. As a matter of fact, this government promulgated the Law on the Exclusive Economic Zone and Continental Shelf of the Republic of China on 21 January 1998, in which Article 2 stipulates that the continental shelf of the Republic of China is the submerged area that extends throughout the natural prolongation of its land territory to the outer edge of the continental margin.

The government of the Republic of China reiterates that the Diaoyutai Islands, Nansha Islands (Spratly Islands), Shisha Islands (Paracel Islands), Chungsha Islands (Macclesfield Islands), and Tungsha Islands (Pratas Islands) as well as their surrounding waters are the inherent territories and waters of the Republic of China based on the indisputable sovereignty titles justified by historic, geographic and international legal grounds. Under international law, the Republic of China enjoys all the rights and interests over the foregoing islands, as well as the surrounding waters and sea-bed and subsoil thereof. The claims made or occupation undertaken over them by any other state for whatever reason and by whatever means will be void and null in the eyes of international law.

As a costal state, the Republic of China since 2006 has actively initiated an investigation and related preparatory work for collecting the scientific data needed to establish its claims over the outer limits of its continental shelf in accordance with Article 76 of the UNCLOS as well as the requirements of the Scientific and Technical Guidelines of the Commission on the Limits of the Continental Shelf.

As indicated by the materials collected through the said investigation undertaken by this government, the continental margin to the east of Taiwan and the continental margin along the East China Sea to the northeast of Taiwan can be used by this country to claim its extended continental shelf. The related scientific evidence proves that the span of natural prolongation of the continental shelf of this country goes beyond 200 nautical miles from the territorial sea baselines in the Eastern Taiwan waters and the East China Sea waters. Parts of such extended continental shelf overlap with the continental shelf claimed by the neighboring countries of the Republic of China.

This government has recruited experts in the legal, policy, scientific and technical fields to complete the preparatory work for the drawing up of the outer limits of the continental shelf of the ROC. As this country was not invited to participate in the negotiation and signing of the UNCLOS, it was unable to become a party state to the UNCLOS. As a result, this government is not legally bound by the SPLOS/72 and SPLOS/183 decisions made by the contracting parties to the UNCLOS. Accordingly, the making of claims over the extended continental shelf by this country is not constrained by the deadline of 12 May 2009. After this date, this country shall remain entitled to make claims on the outer limits of its extended continental shelf beyond 200 nautical miles with respect to the waters of the East China Sea, the Eastern Taiwan, and the South China Sea.

Article 76, paragraph 10 of the UNCLOS provides, “[t]he provisions of this article are without prejudice to the question of delimitation of the continental shelf between States with opposite or adjacent coasts.” Since this country and its neighboring countries have not reached any agreements on the maritime delimitation of the surrounding waters, the resolution of the issues regarding the maritime delimitation between this country and its neighboring countries should be made in accordance with international law and the equitable principle through the conclusion of an agreement. Pending the conclusion of such an agreement, the government of the Republic of China calls upon all concerned parties in the region to assist in preserving the regional maritime legal order. Together we should maintain regional peace and stable development and substantively promote positive relations under the principle of “joint exploitation and resources-sharing.” (E)