

Law Viewer

TERRITORIAL SEA AND CONTIGUOUS ZONE ACT

Act No. 3037, Dec. 31, 1977
Amended by Act No. 4986, Dec. 6, 1995
Act No. 10524, Apr. 4, 2011
Act No. 14607, Mar. 21, 2017
Act No. 15429, Mar. 13, 2018

Article 1 (Breadth of Territorial Sea)

The territorial sea of the Republic of Korea shall be the zone not extending beyond 12 nautical miles measured from the baseline: Provided, That in cases of specified areas, the breadth of the territorial sea may be otherwise determined within the breadth of 12 nautical miles, as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 10524, Apr. 4, 2011]

Article 2 (Baseline)

(1)The ordinary baseline for measuring the breadth of the territorial sea shall be the low-water line along the coasts as marked on large-scale charts officially recognized by the Republic of Korea.

(2)In cases of the area of the sea where special geographical circumstances exist, straight lines joining points as prescribed by Presidential Decree may be employed.

[This Article Wholly Amended by Act No. 10524, Apr. 4, 2011]

Article 3 (Internal Waters)

Waters on the landward side of the baseline for measuring the breadth of the territorial sea shall be the internal waters.

[This Article Wholly Amended by Act No. 10524, Apr. 4, 2011]

Article 3-2 (Breadth of Contiguous Zone)

The contiguous zone of the Republic of Korea shall be the zone, excluding the territorial sea of the Republic of Korea, not extending beyond 24 nautical miles outwards measured from the baselines: Provided, That in specified areas, the breath of the contiguous zone may be otherwise determined within 24 nautical miles from the baseline, as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 10524, Apr. 4, 2011]

Article 4 (Delimitation between States with Adjacent or Opposite Coasts)

The delimitation of the territorial sea and contiguous zone between the Republic of Korea and states with adjacent or opposite coasts shall, unless otherwise agreed between the states concerned, be the median line joining every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial sea of each of the two states is measured.

[This Article Wholly Amended by Act No. 10524, Apr. 4, 2011]

Article 5 (Passage of Foreign Vessels)

(1)Foreign ships may enjoy the right of innocent passage through the territorial sea of the Republic of Korea so long as it is not prejudicial to peace, public order, or security of the Republic of Korea. When a foreign warship or government ship operated for non-

commercial purposes intends to pass through the territorial sea, it shall give prior notice to the authorities concerned as prescribed by Presidential Decree.

(2) Passage of a foreign ship shall be considered to be prejudicial to peace, public order, or security of the Republic of Korea, if the ship engages in any of the following activities in the territorial sea: Provided, That this shall not apply to cases where the activities prescribed in subparagraphs 2 through 5, 11, and 13 have been permitted, approved, or given consent by the authorities concerned:

1. Any threat or use of force against the sovereignty, territorial integrity, or independence of the Republic of Korea, or in any other manner in violation of the principles of international law embodied in the Charter of the United Nations;
2. Any exercise or practice with weapons;
3. The launching, landing, or taking on board of any aircraft;
4. The launching, landing, or taking on board of any military device;
5. Underwater navigation;
6. The collection of information prejudicial to the security of the Republic of Korea;
7. The propaganda or instigation prejudicial to the security of the Republic of Korea;
8. The loading or unloading of any commodity, currency, or person which violates the statutes of the Republic of Korea concerning customs, finances, immigration, or health and hygiene;
9. The discharge of pollutants exceeding the standards prescribed by Presidential Decree;
10. Any fishing activities;
11. Conduct of research or survey activities;
12. Any act of interfering with any communications system, or any other facilities or installations of the Republic of Korea;
13. Any other activity prescribed by Presidential Decree not having a direct bearing on passage.

(3) The innocent passage of foreign ships may be temporarily suspended in specified areas of the territorial sea as prescribed by Presidential Decree if such suspension is essential for security of the Republic of Korea.

[This Article Wholly Amended by Act No. 10524, Apr. 4, 2011]

Article 6 (Stopping of Vessels, etc.)

If a foreign ship (excluding foreign warships and government ships operated for non-commercial purposes; hereinafter the same shall apply) is deemed to have violated Article 5, the authorities concerned may stop, search, or seize the ship, or issue other necessary orders or take other necessary measures.

[This Article Wholly Amended by Act No. 10524, Apr. 4, 2011]

Article 6-2 (Power of Competent Authorities in Contiguous Zones)

In the contiguous zone of the Republic of Korea, the competent authorities may exercise their official authority within the extent required for the following purposes, as prescribed by the statutes:

1. Preventing infringement of the statutes of the Republic of Korea concerning customs, finances, immigration, or health and hygiene within the territory or territorial sea of the Republic of Korea;

2. Punishing violations of the statutes of the Republic of Korea concerning customs, finances, immigration, or health and hygiene within the territory or territorial sea of the Republic of Korea.

[This Article Wholly Amended by Act No. 10524, Apr. 4, 2011]

Article 7 (Relationship with Treaties, etc.)

Matters which are not provided for in this Act with regard to the territorial sea and contiguous zone of the Republic of Korea shall be governed by treaties concluded and promulgated in accordance with the Constitution of the Republic of Korea or by generally accepted international laws.

[This Article Newly Inserted by Act No. 14607, Mar. 21, 2017]

Article 8 (Penalty Provisions)

- (1) Crew or other passengers on board of a foreign ship who have violated Article 5 (2) or (3) shall be punished by imprisonment for not more than five years or a fine not exceeding 300 million won, and when necessary in consideration of the circumstances, the relevant ship, its equipment, its catches, or other articles in violation may be confiscated. <Amended by Act No. 15429, Mar. 13, 2018>
- (2) Crew or other passengers on board of a foreign ship who have disobeyed, hindered, or evaded any order issued or measure taken in accordance with Article 6 shall be punished by imprisonment for not more than two years or a fine not exceeding 100 million won. <Amended by Act No. 15429, Mar. 13, 2018>
- (3) In cases of paragraph (1) or (2), imprisonment and fines may be imposed concurrently.
- (4) In applying this Article, if the act referred to in this Article concurrently constitutes a crime under other Acts other than this Act, it shall be punished by the severest punishment among the penalty provisions of each Act.

[This Article Wholly Amended by Act No. 10524, Apr. 4, 2011]

Article 9 (Special Cases concerning Warships, etc.)

If a foreign warship or government ship operated for non-commercial purposes or its crew or passengers on board violate this Act or other relevant statutes, such ship may be required to remedy the violation or to leave the territorial sea.

[This Article Wholly Amended by Act No. 10524, Apr. 4, 2011]

ADDENDUM

This Act shall enter into force on the date as prescribed by the Presidential Decree, within four months from the date of the promulgation of this Act. <This Act shall enter into force on Apr. 30, 1978 under the Presidential Decree (No. 8994) promulgated on Apr. 29, 1978>
ADDENDUM <Act No. 4986, Dec. 6, 1995>

This Act shall enter into force on the date as prescribed by the Presidential Decree within the limit of one year from the date of its promulgation.

ADDENDUM <Act No. 10524, Apr. 4, 2011>

This Act shall enter into force on the date of its promulgation.

ADDENDUM <Act No. 14607, Mar. 21, 2017>

This Act shall enter into force on the date of its promulgation.

ADDENDUM <Act No. 15429, Mar. 13, 2018>

This Act shall enter into force three months after the date of its promulgation.

PC Version

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