

Territorial Sea and Contiguous Zone Act
Law No. 3037, Promulgated on 31 December 1977
Amended by Law No. 4986, which was promulgated on 6 December 1995

Article 1
Breadth of Territorial Sea

The territorial sea of the Republic of Korea shall be the area of the sea up to the outer limit of twelve (12) nautical miles measured from the baseline. However, the breadth of the territorial sea may be determined differently in specified areas within the limit of twelve(12) nautical miles in accordance with the Presidential Decree.

Article 2
Baseline

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

(2) In the area of the sea where there are special geographical features, the straight line joining the points as provided for in the Presidential Decree may be employed as the baseline.

Article 3
Internal Waters

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

Article 3-bis
Breadth of Contiguous Zone

The contiguous zone of the Republic of Korea shall be the area of the sea up to the outer limit of twenty-four(24) nautical miles from the baseline, excluding the territorial sea of the Republic of Korea. However, the breadth of the contiguous zone may be determined differently in specified areas within twenty-four(24) nautical miles from the baseline in accordance with the Presidential Decree.

<Newly enacted by Law No. 4986, 6 December 1995>

Article 4
Boundary with Adjacent or Opposite States

The delimitation of the territorial sea and contiguous zone of the Republic of Korea in relation to the territorial sea and contiguous zone of other States with adjacent or opposite coasts, unless otherwise agreed upon between the States concerned, shall be the median line every point of which is equidistant from the nearest point on the baseline of the Republic of Korea and the nearest point on the baseline of the State concerned.

<Amended by Law No. 4986, 6 December 1995>

Article 5
Passage of Foreign Ships

(1) Foreign ships enjoy the right of innocent passage through the territorial sea of the Republic of Korea so long as the passage is not prejudicial to the peace, public order or security of the Republic of Korea. When a foreign warship or a government ship operated for non-commercial purposes intends to pass through the territorial sea, it shall give a prior notice to the authorities concerned under the conditions as provided for by the Presidential Decree.

(2) A foreign ship shall be considered to be prejudicial to the peace, public order or security of the Republic of Korea if it engages in any of the following activities in the territorial sea, except when the activities stipulated in Subparagraphs (b) to (e), (k) and (m) have been authorized, approved or consented to by the authorities concerned:

(a) any threat or use of force against the sovereignty, territorial integrity or independence of the Republic of Korea, or which in any manner violates the principles of international law embodied in the Charter of the United Nations;

(b) any exercise or practice with weapons of any kind;

(c) the launching, landing or loading of any aircraft;

(d) the launching, landing or taking on board of any military device;

(e) submerged navigation;

(f) any act aimed at collecting information to the prejudice of the security of the Republic of Korea;

(g) any act of propaganda or instigation to the prejudice of the security of the Republic of Korea;

(h) the embarking or disembarking of any commodity, currency or person contrary to the regulations of the Republic of Korea on customs, fiscal policies, control of immigration or health and sanitation;

(i) the discharge of pollutants exceeding the standards as provided for in the Presidential Decree;

(j) any fishing activities;

(k) the carrying out of any research or survey activities;

(l) any act aimed at interfering with any systems of communication, or damaging the facilities or installations of the Republic of Korea; and

(m) any other activities provided for in the Presidential Decree which are not directly related to the passage.

(3) The innocent passage of foreign ships may be suspended temporarily in specified areas of the territorial sea in accordance with the Presidential Decree if such suspension is considered to be essential to the security of the Republic of Korea.

Article 6
Stopping of Foreign Ships

If a foreign ship (excluding foreign warships and government ships operated for non-commercial purposes) is suspected of having violated the provisions of Article 5, the authorities concerned may issue necessary orders or take other necessary measures, such as stopping, search or seizure.

Article 6-bis
Power of Competent Authorities in Contiguous Zone

In the contiguous zone of the Republic of Korea, the competent authorities may exercise their official authority to the extent required for the purposes of the following Subparagraphs, under the conditions as provided for by laws and regulations:

(a) prevention of any act violating the relevant laws and regulations of the Republic of Korea concerning customs, fiscal policies, control of immigration or health and sanitation, in the territorial land or sea of the Republic of Korea; and

(b) sanction against any act contrary to the relevant laws and regulations of the Republic of Korea concerning customs, fiscal policies, control of immigration or health and sanitation, in the territorial land or sea of the Republic of Korea.

<Newly Enacted by Law No. 4986, 6 December 1995>

Article 7
Punishment

(1) The crew or other passengers on board a foreign ship who have violated the provisions of Article 5 Paragraph(2) or (3) shall be punished with imprisonment for a period not exceeding five years or with a fine not exceeding two hundred million (200,000,000) Won, and when the circumstances are considered serious, such ship, its equipment, its catch and other unlawful articles may be confiscated.

<Amended by Law No. 4986, 6 December 1995>

(2) The crew or other passengers on board a foreign ship who have disobeyed, hindered or evaded the order issued or the measure taken under Article 6 shall be punished with imprisonment for a period not exceeding two years or with a fine not exceeding ten million(10,000,000) Won.

(3) In the cases of Paragraph (1) and (2) of this Article, the penalty of both imprisonment and a fine may be imposed.

(4) In case the violation of this Article concurrently constitutes crimes under other laws, the severest penalty provided for in the respective laws shall be applied.

Article 8
Exception in Cases of Foreign Warships and Government Ships
Operated for Non-commercial Purposes

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 laws or regulations, such ship may be required to correct the violation or to leave the territorial sea.

Addendum

This Act shall enter into force as of such date within four months from the date of the promulgation of this Act as provided for by the Presidential Decree.

<This Act shall enter into force as of 30 April 1978 under the Presidential Decree No. 8994 promulgated on 9 April 1978.>

Addendum

This Act shall enter into force as of such date within one year from the date of its promulgation as determined by the Presidential Decree. <Law No. 4986, 6 December 1995>).