



# 反分裂國家法

## ANTI-SECESSION LAW

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## 目 錄

反分裂國家法（2005 年 3 月 14 日） .....	（6）
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關於《反分裂國家法（草案）》的說明 （2005 年 3 月 8 日） .....	王兆國（14）
---	---------

第十屆全國人民代表大會法律委員會關於 《反分裂國家法（草案）》審議結果的報告 （2005 年 3 月 10 日） .....	楊景宇（32）
--	---------

## CONTENTS

Anti-Secession Law ( March 14 , 2005 )  
..... ( 7 )

Explanations on the *Anti-Secession Law* ( *Draft* )  
( March 8 , 2005 ) ..... Wang Zhaoguo ( 15 )

Report of the Law Committee of the Tenth National  
People's Congress on Deliberation of the Draft  
Anti-Secession Law  
( March 10 , 2005 ) ..... Yang Jingyu ( 33 )

# 中華人民共和國主席令

## 第三十四號

《反分裂國家法》已由中華人民共和國第十屆全國人民代表大會第三次會議於 2005 年 3 月 14 日通過，現予公佈，自公佈之日起施行。

中華人民共和國主席 胡錦濤

2005 年 3 月 14 日

# **Order of the President of the People's Republic of China**

**No. 34**

The Anti-Secession Law, adopted at the Third Session of the Tenth National People's Congress of the People's Republic of China on March 14, 2005, is hereby promulgated and shall go into effect as of the date of promulgation.

**Hu Jintao**  
President of the People's Republic of China  
March 14, 2005

# 反分裂國家法

(2005 年 3 月 14 日第十屆全國人民  
代表大會第三次會議通過)

**第一條** 爲了反對和遏制“臺獨”分裂勢力分裂國家，促進祖國和平統一，維護臺灣海峽地區和平穩定，維護國家主權和領土完整，維護中華民族的根本利益，根據憲法，制定本法。

**第二條** 世界上只有一個中國，大陸和臺灣同屬一個中國，中國的主權和領土完整不容分割。維護國家主權和領土完整是包括臺灣同胞在內的全中國人民的共同義務。

臺灣是中國的一部分。國家絕不允許“臺獨”分裂勢力以任何名義、任何方式把臺灣從中國分裂出去。



## **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.

**第三條** 臺灣問題是中國內戰的遺留問題。

解決臺灣問題，實現祖國統一，是中國的內部事務，不受任何外國勢力的干涉。

**第四條** 完成統一祖國的大業是包括臺灣同胞在內的全中國人民的神聖職責。

**第五條** 堅持一個中國原則，是實現祖國和平統一的基礎。

以和平方式實現祖國統一，最符合臺灣海峽兩岸同胞的根本利益。國家以最大的誠意，盡最大的努力，實現和平統一。

國家和平統一後，臺灣可以實行不同於大陸的制度，高度自治。

**第六條** 國家採取下列措施，維護臺灣海峽地區和平穩定，發展兩岸關係：

（一）鼓勵和推動兩岸人員往來，增進了解，增強互信；

（二）鼓勵和推動兩岸經濟交流與合作，直接通郵通航通商，密切兩岸經濟關係，互惠互惠；

**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 - Straits 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;

(三) 鼓勵和推動兩岸教育、科技、文化、衛生、體育交流，共同弘揚中華文化的優秀傳統；

(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、發展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) 發展兩岸關係的規劃；

(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** “臺獨”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

(3) to encourage and facilitate cross - Straits 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 - Straits 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 - Straits 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-Straits 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"

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。

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 go into effect as of the date of promulgation.

# 關於《反分裂國家法（草案）》的說明

——2005年3月8日在第十屆全國  
人民代表大會第三次會議上

全國人民代表大會常務委員會副委員長 王兆國

各位代表：

我受全國人大常委會委託，作關於《反分裂國家法（草案）》的說明。

## 一、制定本法的必要性和可行性

解決臺灣問題，完成祖國統一大業，是我們黨和國家的三大歷史任務之一。長期以來，爲了發展臺灣海峽兩岸關係，促進國家和平統一，我們進行了不懈的努力。但是，近一個時期以來，臺灣當局加緊推行“臺獨”分裂活動。在各種不



## **Explanations on the *Anti-Secession Law (Draft)***

——By Wang Zhaoguo, Vice Chairman of the Standing  
Committee of the Tenth National People's Congress  
at its Third Session on March 8, 2005

Fellow Deputies,

I am now entrusted by the Standing Committee of the National People's Congress (NPC) to make explanations on the *Anti-Secession Law (Draft)*.

### **I. The Necessity and Feasibility of Enacting this Law**

Resolving the Taiwan question and accomplishing China's complete reunification is one of the three historic tasks of our Party and our country. We have made unremitting efforts over the years to develop stronger relations between the two sides of the Taiwan Straits and promote a peaceful reunification of the motherland. In recent years, however, the Taiwan authorities have intensified their "Taiwan independence" activities aimed at separating Taiwan from China. Among their escalating secessionist activities of various types, we should be particularly watchful that the Taiwan authorities are trying to use so-called "constitutional" or "legal" means through "referendum" or "constitutional reengineering" to back up their secessionist attempt with so-called "legality" and