

Appendix 141 --Taiwan's National Defense Law (2003)

(Note: It has been the consistent practice of the Government of the Republic of China to issue no official translation of enacted laws, and to regard the Chinese text alone as authoritative.)

Chapter 1 -- General Provisions Article 1

The National Defense Law (hereinafter referred to as the Law) is drafted pursuant to Article 137 of the Constitution of the Republic of China. Conditions not stipulated under the Law are subject to other relevant laws.

Article 2

The national defense of the Republic of China is aimed at utilization of comprehensive national power to establish national defense military force, safeguard national security and maintain world peace.

Article 3

The national defense of the Republic of China is of all-out national defense, involving affairs pertaining to military, civil defense and those in political, economic, psychological and technological domains, which may directly or indirectly contribute to the national defense.

Article 4

The national defense military force of the Republic of China consists of army, navy and air force. In wartime, the Ministry of National Defense (MND) may call up other legalized armed units to participate in the order of battle after the permission is granted by the Executive Yuan.

Article 5

The Republic of China Army, Navy and Air Force (ROC Armed Forces) shall abide by the Constitution of the Republic of China, swear allegiance to the nation, protect the people, and perform assigned duties in order to ensure national security.

Article 6

The ROC Armed Forces shall remain neutral from personal, regional and party affiliations in accordance with the Law. Active servicemen are forbidden to undertake the following activities:

1. Assuming positions offered by political parties, political groups and electoral candidates.
2. Forcing active servicemen to join or help political parties, political groups, and electoral candidates.
3. Establishing within military units to promote partisan spheres, party platforms and other propaganda activities.

Any violation in this regard is subject to the MND's disposition by law.

Chapter 2 -- System and Responsibility of National Defense

Article 7

The national defense is structured as follows:

1. President

2. National Security Council
3. Executive Yuan
4. MND

Article 8

The President shall assume the supreme command of army, navy, and air force of the ROC, and is the commander-in-chief of the ROC Armed Forces. He exerts executive authority over the Minister of National Defense, and the Chief of the General Staff (CGS) follows the command of the Minister to lead the ROC Armed Forces.

Article 9

In order to decide major defense policies and guidelines relating to national security or in response to urgent defense situations, the President may convene the National Security Council.

Article 10

The Executive Yuan is responsible for formulation of defense policies, consolidation of overall national power and supervision of its subordinate agencies to conduct relevant defense affairs.

Article 11

The MND is in charge of overall national defense affairs, shall well perform its administrative, command and armament functions. Besides, it shall submit suggestions in defense policies and formulate military strategies accordingly.

Article 12

The position of the Minister of National Defense is of civilian official nature, and he or she shall assume the authority over the overall national defense affairs.

Article 13

The MND has under it the General Staff Headquarters (GSH), serving as the staff organization of command system, and command mechanism of joint operations to the Minister. The GSH is headed by the CGS, who is in charge of military affairs of command system, and assumes the authority to command the ROC Armed Forces under the order of the Minister.

Article 14

Military affairs regarding forces command are as follows:

1. Personnel management and service of the forces
2. Gathering and analysis of military intelligence
3. Planning and implementation of the order of battle and the operation plans
4. Deployment and training of the forces
5. Preparation and implementation of mobilization of the forces
6. Formulation of military doctrine and research and development (R&D) of combat activities
7. Allocation and utilization of military personnel, equipment and supplies
8. Planning and implementation of communication, information and electronic warfare

9. Implementation of political warfare
10. Supervision over tactics and techniques
11. Other military affairs related to forces command

Chapter 3 -- Obligations and Rights of Servicemen

Article 15

Active servicemen shall receive rigorous military training to observe military regulations, maintain strict discipline, obey orders, keep military secrets, and accomplish assigned missions.

Article 16

Active servicemen shall receive due respect for their status; their salaries, insurance, compensation, welfare, award/penalty, and other rights shall be stipulated by law.

Article 17

Education, commission, length of service, assignment, and performance evaluation of officers and non-commissioned officers (NGOs) of the ROC Armed Forces shall be stipulated by law.

Article 18

The rights and benefits for active servicemen, their dependents, and reserves shall be protected by law.

Article 19

The rights of servicemen shall be legally protected when infringed by unlawful or unjust treatments.

Chapter 4 -- Preparedness of National Defense

Article 20

The MND shall, in accordance with an overall military strategy and long-term defense planning of military policies, discreetly formulate the defense budget to meet the force restructuring objectives and military administration plans.

Article 21

The scale of the national defense force shall be determined in accordance with national security requirements, and may be fulfilled according to related conscription laws. In order to maintain a robust reserve force, reservists shall be called upon in peacetime, and receive necessary training by law.

Article 22

Government agencies under the Executive Yuan shall follow national defense policies to consolidate efforts of the private sector to develop defense technology industries. Acquisition of weapon equipment shall firstly consider those built domestically. When it is necessary to pursue outsourcing channels, the acquisition activities shall realize technology transfer policy so as to establish an autonomous national defense infrastructure.

The MND may cooperate or mutually entrust with domestic or foreign, and public or private

corporate bodies to implement R&D, production, maintenance and selling of defense technological products.

In order to develop defense technology industries and their relevant corporate bodies, the MND may entrust the private sector with the management of the MND's subordinate R&D, production and maintenance infrastructures and their relevant facilities.

Above-mentioned two conditions will be stipulated by law.

Article 23

In line with national security requirements, the Executive Yuan may authorize the establishment of emergent or secret defense infrastructures or facilities, and governmental agencies at all levels shall cooperate with such a decision. If the above-mentioned infrastructures or facilities affect citizen's livelihood, the Legislative Yuan may, through its resolutions, request the Executive Yuan direct the MND to undertake relevant improvements or alternations. Any infringement to citizen's rights shall be compensated by law.

Chapter 5 -- All-out Defense Article 24

In line with national defense requirements, the president may promulgate emergency decrees in accordance with the Constitution to specify mobilization tasks, and enforce overall or partial mobilization.

Article 25

In peacetime, the Executive Yuan may designate relevant agencies to formulate required quantities of material in storage, draw up mobilization preparation plans and conduct mobilization exercises. During such exercises, the Executive Yuan may impose requisition of private assets and their operators. Such requisition shall be compensated according to the relevant laws.

The above-mentioned mobilization preparations, material in storage, exercises, requisition, and compensation procedures shall be stipulated accordingly by law.

Article 26

The Executive Yuan shall designate specified agencies to manage affairs pertaining to mobilization and its preparations.

Article 27

In wartimes or on the brink of war, the Executive Yuan and its subordinate agencies, when deeming it necessary for urgent defense purposes, may impose requisition of materials facilities, and human resources.

Article 28

In order to realize all-out defense, safeguard the people and their properties, the Executive Yuan may establish civil defense organizations to offer civil defense trainings or implement exercises in accordance with the Law. Such organizations may in peacetime participate in disaster prevention or medical activities, and in wartime support military missions.

Article 29

Central and local governments shall promote defense education for citizens to increase their defense knowledge and awareness to safeguard the nation, and according to respective authority draw up plans actively to utilize human, material, financial and other kinds of resources needed in defense activities.

Chapter 6 -- National Defense Report

Article 30

The MND shall periodically submit the National Defense Report in order to elaborate national goals, general international situations, military situations, defense policy, restructuring of the armed forces, combat readiness status, utilization of defense resources and the implementation of all-out defense. If national defense policy encounters major changes, the MND shall submit the report in due time.

Article 31

The MND shall periodically submit reports pertaining to Military policy, combat readiness status, and armament status.

Chapter 7 Addenda

Article 32

Military secrets shall be duly protected by the Law. Military secrets shall be classified, and the classification system and the period for declassification shall be regulated by the Law. Any personnel involved in national defense and security affairs shall be legally investigated. The contents and procedures of such investigation shall be decided by the MND.

Article 33

Based on the principle of autonomy and mutual respect, the Republic of China may establish military-to- military cooperative relations or sign treaties or agreements with friendly nations to jointly maintain world peace.

Article 34

When friendly nations dispatch forces or military personnel in the ROC territories, their rights and obligations, and other relevant matters shall be regulated by treaties or agreements between both sides.

Foreign nationals, upon approval granted by the MND and the Ministry of Interior, may serve in the Republic of China Armed Forces.

Article 35

Actual date to implement the Law is decided by the Executive Yuan within three years after the Law is promulgated.

Organization Law of the Ministry of National Defense

Article 1

The Ministry of National Defense (MND) is in charge of the overall national defense affairs of the Republic of China.

Article 2

The MND has the responsibility to instruct and oversee affairs, which the highest-ranking local administrative officials perform on its behalf in their respective regions.

Article 3

When a ranking local administrative official issues a directive or imposes a penalty on affair for which the MND assumes authority, the MND, when deeming such directive or penalty unlawful or beyond the official's authority, may seek approval through the resolution made by the Executive Yuan to revoke or terminate such directive or penalty. If the implementation of such directive or penalty is imminent, the MND may petition the Premier to call off the implementation in question beforehand.

Article 4

The MND has the authority over the following affairs:

1. Planning, recommendation, and implementation of military policy;
2. Planning, rectification, and implementation of military strategy;
3. Planning and implementation of military budgetary plan;
4. Establishment and development of military forces;
5. Research and development of national defense technology and weapons system;
6. Planning and implementation of armament production and construction of national defense infrastructure;
7. Distribution and utilization of national defense human resources;
8. Rectification and implementation of commission, decommission, promotion and transfer of military personnel;
9. Distribution and utilization of national defense resources;
10. Management and implementation of national defense codes and regulations;
11. Planning and implementation of military justice related affairs;
12. Planning and implementation of political warfare;
13. Planning and implementation of reserves mobilization; 14. Integration and assessment of military buildup;
14. Planning and implementation of military history and translation related affairs;
15. Planning, management and implementation of national defense education;
16. Planning, implementation and supervision of other national defense related affairs.

Article 5

The MND has under it the following units, which are responsible for the affairs listed above respectively:

1. Strategy Planning Department
2. Manpower Department
3. Resource Department
4. Legal Service Department
5. Judge Advocates Department
6. Reserve Affairs Department

7. Office of the Minister
8. Military History and Translation Office
9. Office of General Inspector
10. Integration and Evaluation Office

Article 6

The MND has under it the General Staff Headquarters (GSH), serving as the staff of command system, and commanding mechanism of joint operations to the Minister. The GSH is responsible for submitting requirement proposals for military buildup and preparedness, making recommendations on the allocation of defense and military resources, supervising military readiness and military training, setting up the order of battle, planning and implementing combat plans and other relevant commanding affairs. The structure of the HQs of the General Staff will be stipulated by law.

Article 7

The MND has under it the Military Armament Bureau, which is responsible for military armament and preparedness related affairs. The structure of the Military Armament Bureau will be stipulated by law.

Article 8

The MND has under it the Bureau of General Political Warfare, which is responsible for political warfare related affairs. The structure of the Bureau of General Political Warfare will be stipulated by law. The Bureau of General Political Warfare shall be restructured as the Bureau of Political Warfare within three years. Such restructuring process is allowed to have one-year extension if necessary.

Article 9

The MND has under it the Comptroller Bureau, which is responsible for budgetary and auditing related affairs of the armed forces. The structure of the Bureau of Comptroller will be stipulated by law.

Article 9-1

The MND has under it the Medical Bureau, which is responsible for military medical and sanitary service related affairs. The structure of the Medical Bureau will be stipulated separately by the law.

Article 10

The MND has under it Army General Headquarters (GHQs), Navy GHQs, Air Force GHQs, Combined Logistics Command, Reserves Command, Military Police Command and other military organizations. The structure of respective GHQs, commands and organizations will be stipulated separately by law.

The MND may designate the above organizations, whose functions are involved with commanding forces, to be led by the GSH.

Army GHQs, Navy GHQs and Air Force GHQs shall be restructured into Army Command, Navy Command and Air Force Command within three years. Such restructuring process is

allowed to have one-year extension if necessary.

Article 11

The MND, for the purposes of developing military science may establish military research and development agencies

Article 12

The MND, in order to enhance military cooperation with foreign countries, may establish overseas military offices or dispatch military personnel in foreign countries upon the approval of the Executive Yuan.

Article 13

The MND has one minister, whose position shall be Special Appointment Rank. The MND has two deputy ministers, whose position shall be Special Appointment Rank, or General.

Article 14

The MND has 2 permanent vice ministers, whose position is 14th grade of Selected Appointment Rank, or at the rank of Lieutenant General.

Article 15

The MND has 6 to 9 counselors, 3 directors, 6 department chiefs, whose rank shall be 12th grade of Selected Appointment Rank, or at the rank of Lieutenant General; 12 to 18 deputy directors and deputy department chiefs, 22 to 30 division chiefs and directors, whose rank shall be 11th grade of Selected Appointment Rank, or at the rank of Major General; 12 to 30 specialized advisors, whose rank shall be 10th or 11th grade of Selected Appointment Rank, or at the rank of Colonel; 25 to 35 deputy commissioners and division chiefs, whose rank shall be 10th grade of Selected Appointment Rank, or at the rank of colonel; 10 to 20 section chiefs or unit chiefs, whose rank shall be 9th grade of Recommend Appointment Rank, or at the rank of colonel; 10 to 20 secretaries, 3 to 8 technical specialists, 27 to 52 auditors, and 23 to 48 editors, whose rank shall be 8th or 9th grade of Recommend Appointment Rank, or at the rank of Lieutenant Colonel; 10 secretaries, 4 technical specialists, 26 auditors, and 24 editors, whose rank is 10th or 11th grade of Selected Appointment Rank, or at the rank of Colonel; 7 to 15 specialists, whose rank shall be 7' to 9' grade of Recommend Appointment Rank, or at the rank of Major or Lieutenant Colonel; 11 to 22 editors, and 7 to 15 clerks, whose rank shall be 7th to 9th grade of Recommend Appointment Rank, or at the rank of Major or Lieutenant Colonel; 12 to 28 staffs, whose rank shall be 3rd to 5th grade of Delegated Appointment Rank, or at the rank of Captain, Lieutenant or Second Lieutenant; 10-20 recorders, whose rank shall be 1st to 3rd grade of Delegated Appointment Rank; 10 to 20 military judge advocates at the rank of Colonel; 170 to 290 staff officers at the rank of Major or Lieutenant Colonel, and among them there are 57 to 113 staff officers may be ranked as Colonel. Within three years of the promulgation of the Law, the amount of civilian staffs shall be no less than one third of the overall personnel of the MND. Such process may have one-year extension to finish if necessary.

Article 16

The MND has under it the Personnel Office, headed by a director, whose grade shall be 10th

to 11th grade of Selected Appointment Rank, or at the rank of Colonel. The director supervises all personnel management of the MND in accordance with the law. The amount of employees in the Personnel Office shall be fulfilled in accordance with the Law.

Article 17

The MND has under it the Accounting Office, headed by a director, whose position shall be 10th to 11th grade of Selected Appointment Rank, or at the rank of Colonel. The director is responsible for budgetary and accounting affairs of the MND pursuant to legal regulations. The amount of employees in the Accounting Office shall be fulfilled in accordance with the Law.

Article 18

The MND may employ those who are experienced or have done research in defense or military related scientific fields as consultants.

Article 19

In order to properly settle petitions from citizens, the MND has under it the Petition Committee, which shall consist of experts, scholars, or social representatives noted fairness. The committee members are selected by counselors, chiefs of relevant units and the Minister. The amount of committee members in the Petition Committee shall be fulfilled in accordance with the Law.