

SPECIAL ACT ON THE PRESERVATION OF THE ECOSYSTEMS IN ISLAND AREAS INCLUDING DOKDO

Act No. 5447, Dec. 31, 1997

Amended by Act No. 5982, May 24, 1999

Act No. 6846, Dec. 30, 2002

Act No. 7019, Dec. 30, 2003

Act No. 7167, Feb. 9, 2004

Act No. 8465, May 17, 2007

Act No. 9696, May 21, 2009

Act No. 10612, Apr. 28, 2011

Act No. 10974, Jul. 28, 2011

Act No. 10977, Jul. 28, 2011

Act No. 11257, Feb. 1, 2012

Act No. 12458, Mar. 18, 2014

Article 1 (Purpose)

The purpose of this Act is to provide for fundamental matters concerning the conservation of the natural environment of specified islands, including their diverse natural ecosystems and geographical and geological features, thereby ensuring a clean natural environment wherein all present and future citizens can lead a healthy and comfortable life.

Article 2 (Definitions)

The terms used in this Act shall be defined as follows:

1. The term "specified island" means any island designated and publicly notified by the Minister of Environment as an island with no human inhabitants or with human inhabitants only residing in an extremely limited area (hereinafter referred to as "uninhabited islands, etc."), but with remarkable natural ecosystems, geographical or geological features, or natural environments (hereinafter referred to as "natural ecosystems, etc."), such as Dokdo Island;
2. The term "natural ecosystem" means the physical world or a functional unit consisting of the organism complex in a certain area and the non-living environment sustaining such organism complex, which includes substances naturally created by sedimentation, weathering, erosion, or volcanic activities, such as fossils and stalactites.

Article 3 (Scope of Application)

This Act shall apply to matters concerning the protection of natural ecosystems, etc. on specified islands under the sovereignty of the Republic of Korea, including Dokdo Island.

Article 4 (Designation, etc. of Specified Islands)

(1) The Minister of Environment may designate any of the following islands as a specified island:

1. Islands with an outstanding natural landscape, such as volcanos, parasitic volcanoes, valleys, rivers, lakes, marshes, beaches, shores, and lava caves;
2. Islands necessary for the preservation of water resources, fossils, rare or endangered fauna and flora, or other Korean endemic species;
3. Islands recognized worthy of conservation as habitats or migratory stopover sites of wild animals;
4. Ecologically important islands with a natural forest;
5. Islands with unique geographical or geological features, for which scientific research or conservation is needed;
6. Other islands recommended by the Metropolitan City Mayors, Do Governors, or the Governor of a Special Self-Governing Province (hereinafter referred to as "Mayor/Do Governor") and recognized by the Minister of Environment as necessary for the preservation of natural ecosystems, etc.

(2) If the Minister of Environment intends to designate a specified island, he/she shall consult with the heads of the relevant central administrative agencies and seek opinions from the relevant Mayor/Do Governor. The same shall apply when he/she cancels or alters such designation of a specified island.

(3) When the Minister of Environment designates a specified island or cancels or alters such designation, he/she shall specify and give, without delay, public notice of the name, zone, and size of such island, the date of designation, and other necessary matters, as prescribed by Ordinance of the Ministry of Environment.

(4) No designation of a specified island shall be cancelled, reduced, or altered, except in any of the following cases:

1. Where it is inevitable for military purposes or public interest or where a natural disaster or any other cause or event has made it impractical to retain the island as a specified island;
2. Where such specified island fails to comply with the purposes of the designation to a significant degree and thus it is deemed unnecessary to retain the island as a specified island.

Article 5 (Master Plans for Preservation of Specified Islands)

(1) The Minister of Environment shall prepare a master plan for the preservation of specified islands every ten years (hereinafter referred to as "master plan") for the preservation of natural ecosystems, etc. on specified islands and finalize such plan after consultations with the heads of relevant central administrative agencies.

(2) Master plans under paragraph (1) shall include the following matters:

1. The basic direction for the preservation of natural ecosystems, etc.;

2. Matters concerning the preservation of natural ecosystems, etc.;
 3. Other matters prescribed by Presidential Decree.
- (3) The methods of, and the procedures for, the establishment of master plans under paragraph (1) and other necessary matters shall be prescribed by Presidential Decree.

Article 6 (Basic Investigations, etc.)

- (1) If necessary for designating a specified island or preparing a master plan, the Minister of Environment shall conduct a basic investigation on natural ecosystems, etc. on uninhabited islands, etc.
- (2) The Minister of Environment may conduct a close investigation into any specified island that shows an apparent change in its environment.
- (3) If the Minister of Environment deems necessary, he/she may conduct a basic investigation or close investigation jointly with relevant central administrative agencies, local governments, or non-governmental organizations established for the conservation of the natural environment.
- (4) The details and methods of investigations under paragraphs (1) through (3) and other necessary matters shall be prescribed by Presidential Decree.
- (5) If necessary for conducting investigations under paragraph (1) or (2), the Minister of Environment may request the heads of relevant administrative agencies to furnish him/her with necessary data.

Article 6-2 (Island Researchers)

- (1) If necessary for conducting an investigation under Article 6, the Minister of Environment may commission island researchers.
- (2) Matters concerning the qualifications of island researchers and the procedure for commissioning them shall be prescribed by Ordinance of the Ministry of Environment.

Article 6-3 (Honorary Rangers of Specified Islands)

- (1) The Minister of Environment may commission members of a corporation or organization related to the preservation of a specified island and residents in a nearby area to act as honorary rangers of the specified island to efficiently preserve the specified island.
- (2) The qualifications of, and the methods of commissioning honorary rangers of specified islands and the scope of their activities, and other matters shall be prescribed by Ordinance of the Ministry of Environment.

Article 7 (Access, etc. to another's Land)

- (1) If necessary for investigations under Article 6, the Minister of Environment may permit relevant public officials or researchers under Article 6-2 (hereafter referred to as "relevant public officials, etc. in this Article) to access another person's land or alter or remove obstacles, such as standing trees, soil, and rocks, from the land: Provided, That prior consultation with the Administrator of the Cultural Heritage Administration or the competent Mayor/Do Governor is required for such activities on an island designated as a cultural heritage pursuant to the Cultural Heritage Protection Act (including protective facilities and protective zones thereof; hereinafter the same shall apply).

(2) Public officials, etc. who intend to access another person's land or alter or remove any obstacle from such person's land pursuant to paragraph (1) shall obtain consent from the owner, occupant, or manager thereof (hereafter referred to as "owner, etc." in this Article): Provided, That this shall not apply where 14 days elapse after the relevant fact is posted on the board of the Eup/Myeon/Dong office having jurisdiction over the relevant island or is published on a daily newspaper because the owner, etc. of the land or obstacles is unknown.

(3) No one shall enter another person's residential premises or land enclosed with walls or fences before sunrise or after sunset without the consent of its owner, etc.

(4) No owner, etc. of land shall refuse, interfere with, or evade an investigation under paragraph (1) without a justifiable reason.

(5) Any relevant public official, etc. who intends to gain access to another person's land pursuant to paragraph (1) shall carry with him/her a certificate indicating his/her authority, as prescribed by Ordinance of the Ministry of Environment, and present it to related persons.

Article 8 (Restrictions on Activities)

(1) No one shall conduct, or permit another person to conduct, any of the following activities on a specified island: <Amended by Act No. 10977, Jul. 28, 2011; Act No. 11257, Feb. 1, 2012>

1. Construction or extension of a building or structure;
2. Development for cultivation, reclamation, dredging, or dyking;
3. Development of housing sites, alteration of the form or quality of land, division of land;
4. Reclamation of public waters;
5. Cutting or decomposition of standing trees or bamboo trees;
6. Extraction of soil, sand, gravel, stones or minerals or development of ground water;
7. Pasturing of livestock, capture or culling of wild animals or gathering of their eggs or wild plants;
8. Construction of a road;
9. Taking wild fauna or flora inhabiting, or migrating to, a specified island or natural products existing in a specified island off the island;
10. Bringing the wildlife disrupting ecosystems specified in subparagraph 8 of Article 2 of the Act on Conservation and Use of Biological Diversity into a specified island;
11. Burying or dumping wastes;
12. Cooking foods with inflammable substances or camping;
13. Destruction of the shape of a geological, geographical, or natural product or any other similar activity thereto.

(2) Notwithstanding paragraph (1), paragraph (1) shall not apply to any of the following activities:

1. Activities for military operations, navigation, or relief of victims of a disaster;
2. Activities necessary for the prevention of and response to a natural disaster or other calamities;
3. Activities by the State for the development of marine resources;

4. Development activities pursuant to a project plan under Article 6 (3) of the Islands Development Promotion Act;

5. Activities recognized as necessary by the Administrator of the Cultural Heritage Administration or the competent Mayor/Do Governor pursuant to the Cultural Heritage Protection Act.

(3) Any person who conducts an activity under paragraph (2) shall report details and consequences of such activity to the Minister of Environment or notify him/her of such details, etc., as prescribed by Presidential Decree: Provided, That the foregoing shall not apply to activities conducted with the permission of the Minister of Environment.

Article 9 (Permission)

(1) The Minister of Environment may permit any of the following activities, if he/she considers such activity does not disturb purposes of the designation of specified islands: Provided, That prior consultation with the Administrator of the Cultural Heritage Administration or the competent Mayor/Do Governor is required for such activities on an island designated as a cultural heritage pursuant to the Cultural Heritage Protection Act:

1. Construction by the State or a local government of mountaineering routes, promenades, roads, public toilets, gazeboes, etc.;
2. Activities for research or survey of natural ecosystems, etc.;
3. Repair or upgrading of existing buildings or structures;
4. Other activities recognized as necessary by the Minister of Environment within the extent not deteriorating or altering the original state of natural ecosystems, etc.

(2) The Minister of Environment may attach necessary conditions or a deadline to the permission granted pursuant to paragraph (1).

Article 10 (Prohibition of Access, etc.)

(1) If the Minister of Environment deems it necessary for protecting and developing a specified island or for restoring damaged natural ecosystems, etc., he/she may designate all or some area of such specified island and restrict or prohibit access to the area for a specific period: Provided, That the foregoing shall not apply to any of the following cases:

1. Access for making a living by residents in the island;
2. Access for military activities, navigation, or relief of victims of a disaster;
3. Access for taking measures for the prevention of and response to a natural disaster or other calamities;
4. Access with the permission of the Minister of Environment for research on natural ecosystems, etc.;
5. Access deemed necessary by the Administrator of the Cultural Heritage Administration or the competent Mayor/Do Governor pursuant to the Cultural Heritage Protection Act.

(2) When the Minister of Environment intends to restrict or prohibit access pursuant to paragraph (1), he/she shall give public notice thereof, as prescribed by Ordinance of the Ministry of Environment.

(3) When the Minister of Environment recognizes that grounds of restriction on, or prohibition of, access cease to exist, he/she shall lift such restriction or prohibition without delay and give public notice thereof.

Article 11 (Order, etc. to Restore to Original State)

The Minister of Environment may order a person who has committed an activity in violation of Article 8 (1) (excluding an activity under Article 8 (2)) on a specified island to restore it to the original state within the specified period, and if it is impractical to restore it to the original state, he/she may order the person to take measures corresponding thereto.

Article 12 (Dispositions concerning Violations of Acts or Subordinate Statutes)

(1) If a person falls under any of the following cases, the Minister of Environment may cancel permission rendered to him/her pursuant to this Act or order the person to suspend or alter his/her activities: Provided, That such permission must be cancelled if a person falls under subparagraph 1:

1. A person who obtains permission under Article 9 (1) by fraud or other wrongful means;
2. A person who breaches any condition or deadline of permission under Article 9 (2).

(2) When the Minister of Environment intends to cancel permission pursuant to paragraph (1), he/she shall hold a hearing

Article 12-2 (Purchase of Land, etc.)

(1) If the Minister of Environment deems it necessary for the preservation of natural ecosystems, etc. on a specified island, he/she may purchase land, buildings, or other articles (hereinafter referred to as "land, etc.") through negotiations with their owners.

(2) When the Minister of Environment purchases land, etc. pursuant to paragraph (1), the purchase price of such land, etc. shall be calculated in accordance with the provisions of the Act on Acquisition of and Compensation for Land, etc. for Public Works.

(3) Procedures for the purchase of land, etc. under paragraph (1) and other necessary matters shall be prescribed by Presidential Decree.

Article 12-3 Deleted. <by Act No. 10974, Jul. 28, 2011>

Article 13 (Delegation or Entrustment of Authority)

(1) Authority of the Minister of Environment under this Act may be partially delegated to each Mayor/Do Governor or the head of each regional environmental office, as prescribed by Presidential Decree.

(2) Duties of the Minister of Environment under this Act may be partially entrusted to an environment-related organization, as prescribed by Presidential Decree.

Article 14 (Penal Provisions)

A person who commits an activity falling under Article 8 (1) 1 through 11 and 13 (excluding an activity under Article 8 (2)) shall be punished by imprisonment with prison labor for not more than five years, or by a fine not exceeding fifty million won. <Amended by Act No. 12458, Mar. 18, 2014>

Article 15 (Joint Penal Provisions)

If a representative of a corporation or an agent, employee, or other servant of a corporation or an individual commits an offense under Article 14 in connection with the business of the corporation or the

individual, not only shall such an offender be punished, but also the corporation or the individual shall be punished by a fine under the relevant provisions: Provided, That this shall not apply where such corporation or individual has not been negligent in giving due care and supervision concerning the relevant duties to prevent such offense.

Article 16 (Fines for Negligence)

(1) A person falling under any of the following subparagraphs shall be punished by a fine for negligence not exceeding three million won:

1. A person who refuses, interferes with, or evades an investigation, in violation of Article 7 (4);
2. A person who cooks food with inflammable substances or camps in a specified island, in violation of Article 8 (1) 12;
3. A person who fails to report or notify, in violation of Article 8 (3);
4. A person who gains access to a specified island, in violation of the restriction or prohibition of access under Article 10;
5. A person who fails to comply with an order issued under Article 11.

(2) Fines for negligence under paragraph (1) shall be imposed and collected by the Minister of Environment, as prescribed by Presidential Decree.

ADDENDA

(1) (Enforcement Date) This Act shall enter into force six months after the date of its promulgation.

(2) (Transitional Measures) Article 8 shall not apply to persons who were legitimately conducting activities under any subparagraph of Article 8 (1) in accordance with applicable Acts or subordinate statutes at the time this Act enters into force.

ADDENDA <Act No. 5982, May 24, 1999>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 6 Omitted.

ADDENDA <Act No. 6846, Dec. 30, 2002>

Article 1 (Enforcement Date)

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

Articles 2 through 5 Omitted.

ADDENDUM <Act No. 7019, Dec. 30, 2003>

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Articles 6-2, 12-2, and 12-3 shall enter into force six months after the date of its promulgation.

ADDENDA <Act No. 7167, Feb. 9, 2004>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 30 Omitted.

ADDENDUM <Act No. 8465, May 17, 2007>

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

ADDENDA <Act No. 9696, May 21, 2009>

(1) (Enforcement Date) This Act shall enter into on the date of its promulgation.

(2) (Transitional Measure) Acts performed before this Act enters into force shall be governed by the former penal provisions.

ADDENDA <Act No. 10612, Apr. 28, 2011>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.

(2) (Transitional Measures concerning Ongoing Activities) Any disposition, or any activity by or against an administrative agency as at the time this Act enters into force shall be construed as a disposition or any activity by or against an administrative agency under this Act.

(3) (Transitional Measures concerning Si/Do-Specified Islands) Si/Do-specified islands designated and publicly notified by a Mayor/Do Governor pursuant to the former provisions as at the time this Act enters into force shall be construed as the specified islands designated and publicly notified under Article 4.

ADDENDUM <Act No. 10974, Jul. 28, 2011>

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

ADDENDA <Act No. 10977, Jul. 28, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 11 Omitted.

ADDENDA <Act No. 11257, Feb. 1, 2012>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 4 Omitted.

ADDENDUM <Act No. 12458, Mar. 18, 2014>

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

