

ACT ON THE DEFENSE SEA AREAS TO BE PROTECTED

Act No.1311, Mar.23,1963

Amended by Act No.1581, Dec. 16,1963

Act No.2668, Dec. 31,1973

Act No.4615, Dec. 27,1993

Article 1 (Purpose)

The purpose of this Act is to designate the sea area that requires military defense (hereinafter referred to as "defensive sea area"), and to ensure a smooth execution of naval operations by controlling navigation, fishery and other actions within the area.

Article 2 (Designation and Notification)

- (1) The President shall, in wartime, national emergency, and when deemed especially necessary militarily, may, through deliberations at a Cabinet meeting, designate all or part of the territorial waters as the defensive sea area or alter it. *<Amended by Act No. 1581, Dec. 16, 1963; Act No. 4615, Dec. 27, 1993>*
- (2) The President, when it becomes unnecessary militarily, shall, through deliberation at a Cabinet meeting, cancel the designation of the defensive sea area. *<Amended by Act No. 1581, Dec. 16, 1963>*
- (3) Where the President designates or cancels or alters the defensive sea area under the provisions of paragraphs (1) and (2), the Minister of National Defense shall notify it without delay.

Article 3 (Emergency Designation)

- (1) In cases where the President, on emergency grounds in military operations for irregular operations, surface combat, anti-amphibious operations, etc., may not wait until the designation of the defensive sea area, the Chairman of the Joint Chiefs of Staff, the Commander of the Naval Operations Command, or fleet commanders may temporarily designate the area and notify it. *<Amended by Act No. 2668, Dec. 31, 1973; Act No. 4615, Dec. 27, 1993>*
- (2) Any person who temporarily designates the defensive sea area as stipulated under the provisions of paragraph (1) shall, without delay, obtain permission of the President through the Minister of National Defense. *<Amended by Act No. 4615, Dec. 27, 1993>*
- (3) Where the President intends to give permission as stipulated under the provisions of paragraph (2), he shall go through deliberation of a Cabinet meeting. *<Amended by Act No. 2668, Dec. 31, 1973; Act No. 4615, Dec. 27, 1993>*

(4) In paragraph (2), where permission of the President is not obtained, the designation of the defensive sea area becomes ineffective, and the Minister of National Defense shall notify it without delay.

Article 4 (Permission of Entry and Navigation)

Any ship that intends to enter and navigate the defensive sea area shall obtain permission of the Commander of the Naval Operations Command or fleet commanders (hereinafter referred to as "jurisdictional controller"). *<Amended by Act No. 2668, Dec. 31, 1973; Act No. 4615, Dec. 27, 1993>*

Article 5 (Duties of Ships)

All ships within the defensive sea area shall observe the order issued, as deemed necessary for the sake of military operations, by the jurisdictional controller with respect to any matter that falls into any of the following subparagraphs:

1. Horn, flag hoist, flashing light, lighting, wireless radio and other matters regarding signals and communications of ships; and
2. Departing, floating, mooring, changing of course and other matters regarding the navigation of ships.

[This Article Wholly Amended by Act No. 4615, Dec. 27, 1993]

Article 6 (Limitation of Actions, etc.)

(1) The jurisdictional controller may, where deemed necessary for the sake of military operations, limit or prohibit any action that falls under any of the following subparagraphs:

1. Excavation of the seashore;
2. Reclamation or dredging of the sea area;
3. Installation or alteration of facilities;
4. Conduct of maritime transportation;
5. Fishing and picking of the algae;
6. Installation or alteration of buoys, beacons, and other marks;
7. Shooting of various guns or blasting of explosives;
8. Picking of minerals, earth and stones, or earth and sands;
9. Finding of drifting materials or sunken materials; and
10. Other actions that are feared to cause serious obstruction to the execution of military operations.

(2) The jurisdictional controller shall, in cases where he intends to limit or prohibit the actions stipulated under the provisions of paragraph (1), notify them. In this case, with respect to the actions that fall under paragraph (1) 10, he shall notify them with concrete specifications.

(3) Any person or ship that intends to render the actions that are limited or prohibited under the provisions of paragraph (1) shall obtain permission of the jurisdictional controller.

(4) The jurisdictional controller shall, in cases where limitation or prohibition of the actions as stipulated under the provisions of paragraph (1) is no longer necessary, cancel or ease it without delay, and notify about the fact.

(5) The head of the administrative agency concerned may request the cancellation or easing of the limitation or prohibition of the actions stipulated under the provision of paragraph (1).

[This Article Wholly Amended by Act No. 4615, Dec. 27, 1993]

Article 7 (Enforcement of Eviction, etc.)

The jurisdictional controller, with respect to a ship (warships and noncommercial government ships of foreign countries shall be excluded. The same shall be applicable to the provisions below.) stipulated under the provision of Article 4, with respect to any ship that does not observe the order as stipulated under the provisions of Article 5, and with respect to any person or any ship that, without permission, renders the actions that are limited or prohibited as stipulated under the provisions of Article 6 (3), may order or enforce eviction from the defensive sea area or may order measures necessary for the restoration of the site including removal of facilities.

[This Article Wholly Amended by Act No. 4615, Dec. 27, 1993]

Article 8 (Penal Provisions)

(1) The captain or the acting captain of a ship that enters and navigates the defensive sea area without permission as stipulated under the provisions of Article 4 shall be punished by imprisonment for not more than three years or by a fine not more than ten million won.

(2) Any person who, by negligence, commits a crime stipulated under the provisions of paragraph (1) shall be punished by a fine not more than one million won.

[This Article Wholly Amended by Act No. 4615, Dec. 27, 1993]

Article 9 (Penal Provisions)

Any person who does not observe the order enforcement or measures stipulated under the provisions of Article 5 or 7, or who, without permission, renders the actions that are limited or prohibited under the provisions of Article 6 (3) (in the case of a ship, the captain or the acting captain) shall be punished by a fine not more than three million won.

[This Article Wholly Amended by Act No. 4615, Dec. 27, 1993]

Article 10 (Joint Penal Provisions)

Where the representative of a juristic person, or an agent, servant or any other employee of a legal person or an individual commits an offence stipulated under the provisions of Article 8 or 9 with respect to the business of such juristic person or individual, not only shall the wrongdoer be punished but the juristic person or the individual shall be sentenced to a fine as prescribed under the respective Article.

[This Article Newly Inserted by Act No. 4615, Dec. 27, 1993]

Article 11 (Special Case of Warships, etc. of Foreign Countries)

The jurisdictional controller may, in cases where warships or noncommercial government ships of foreign countries violate the provisions of this Act, request their corrections or evictions from the defensive sea area.

[This Article Newly Inserted by Act No. 4615, Dec. 27, 1993]

ADDENDUM

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

ADDENDUM <Act No. 1581, Dec. 16, 1963>

This Act shall enter into force as from the date of enforcement of the amended Constitution promulgated on December 26, 1992.

ADDENDUM <Act No. 2668, Dec. 31, 1973>

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

ADDENDUM <Act No. 4615, Dec. 27, 1993>

This Act shall enter into force as from the 30 days following the date of its promulgation.