

# ACT ON THE SUSTAINABLE USE OF DOKDO

Act No. 7497, May 18, 2005

Amended by Act No. 8852, Feb. 29, 2008

Act No. 11367, Feb. 22, 2012

Act No. 11690, Mar. 23, 2013

Act No. 12147, Dec. 30, 2013

Act No. 12478, Mar. 18, 2014

## Article 1 (Purpose)

The purpose of this Act is to contribute to the sustainable use of Dokdo and its neighboring waters by prescribing matters necessary for the use, preservation, management, protection of natural ecosystems, etc. of Dokdo and its neighboring waters. *<Amended by Act No. 11367, Feb. 22, 2012>*

## Article 2 (Fundamental Responsibilities of State and Local Governments)

(1) The State shall develop and implement policies necessary for the preservation and management of Dokdo. *<Newly Inserted by Act No. 11367, Feb. 22, 2012>*

(2) The State and each local government shall ensure that the protection of natural ecosystems of Dokdo and its neighboring waters shall be in harmony and balance with the reasonable management and use of marine fishery resources therein in promoting policies for the sustainable use of Dokdo. *<Amended by Act No. 11367, Feb. 22, 2012>*

(3) The State and each local government shall ensure that the continuous use of Dokdo and its neighboring waters should neither destroy the balance of their natural ecosystems nor degrade their value: Provided, That if the natural environment or landscape of Dokdo and its neighboring waters are destroyed, damaged, or otherwise deteriorated, they shall endeavor to restore or recover such environment or landscape as much as possible. *<Amended by Act No. 11367, Feb. 22, 2012>*

## Article 3 (Definitions)

The definitions of terms used in this Act shall be as follows: *<Amended by Act No. 11367, Feb. 22, 2012>*

1. The term "sustainable use" means ensuring that present and future generations shall have equal opportunities for using or benefitting from Dokdo and its neighboring waters;
2. The term "ecosystem" means the physical world or a functional unit consisting of the organism complex in Dokdo Island and its neighboring waters and the living or non-living environment encompassing such organism complex;

3. The term "marine fishery resources in the waters around Dokdo" means resources that can be tapped or utilized in the waters around Dokdo, including marine biological resources and marine mineral resources, which are useful for the national economy and the life of citizens;

4. The term "Dokdo Volunteer Defense Team" means the organization of 33 voluntary guards who conducted activities for the defense of Dokdo, a territory of the Republic of Korea, from possible Japanese invasion during the period from April 20, 1953, when they landed on Dokdo, until December 30, 1956, when they handed over the guard service and all equipment to the National Police.

#### **Article 4 (Establishment of Master Plans for Sustainable Use of Dokdo)**

(1) The Minister of Oceans and Fisheries shall prepare and finalize a master plan for the sustainable use of Dokdo every five years (hereinafter referred to as "master plan"). *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11690, Mar. 23, 2013>*

(2) When the Minister of Oceans and Fisheries prepares a master plan, he/she shall consult in advance with the heads of relevant central administrative agencies and the heads of local governments. In such cases, the head of a related administrative agency and the head of a local government, upon receipt of a request for consultation, shall present his/her opinion within 30 days after receiving such request unless there is a compelling reason not to do so. *<Amended by Act No. 11367, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013; Act No. 12147, Dec. 30, 2013>*

(3) When the Minister of Oceans and Fisheries intends to finalize a master plan, such plan shall be subject to a deliberation by the Committee on the Sustainable Use of Dokdo established under Article 7. *<Amended by Act No. 11367, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>*

(4) Paragraphs (2) and (3) shall apply mutatis mutandis to amendments to master plans already established: Provided, That deliberation by the Committee on the Sustainable Use of Dokdo under Article 7 may be omitted for amendments to any minor matter prescribed by Presidential Decree. *<Amended by Act No. 11367, Feb. 22, 2012>*

#### **Article 5 (Details of Master Plans)**

Master plans shall include the following: *<Amended by Act No. 11367, Feb. 22, 2012; Act No. 12478, Mar. 18, 2014>*

1. Basic concepts and goals for the sustainable use of Dokdo and its neighboring waters;
2. Matters concerning the conservation of the ecosystems and natural environments of Dokdo and its neighboring waters;
3. Matters concerning the reasonable use of marine fishery resources in the waters around Dokdo;
4. Matters concerning research and surveys for the use of marine fishery resources in the waters around Dokdo;
5. Matters concerning the management and operation of facilities on Dokdo;
6. Matters concerning the promotion of tourism linked to Dokdo;
7. Matters concerning support for residents of Dokdo;

8. Matters concerning support for vessels in service to and from Dokdo;
9. Matters concerning the installment of facilities for research of marine sciences in the environs of Dokdo;
10. Matters concerning support for civil organizations related to Dokdo;
11. Matters concerning education and public relations related to Dokdo;
12. Matters concerning the promotion of international cooperation related to Dokdo;
13. Matters concerning the calculation of costs and expenses for activities referred to in subparagraphs 1 through 12 and a funding plan for such activities;
14. Matters concerning the sustainable use of Dokdo, other than those prescribed in subparagraphs 1 through 12.

#### **Article 6 (Implementation, etc. of Master Plans)**

(1) When the Minister of Oceans and Fisheries finalizes a master plan, he/she shall without delay notify the heads of relevant central administrative agencies and the heads of local governments thereof.

*<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11367, Feb. 22, 2012; Act No.11690, Mar. 23, 2013; Act No. 12147, Dec. 30, 2013>*

(2) The Minister of Oceans and Fisheries shall prepare an implementation plan each year in accordance with a master plan, as prescribed by Presidential Decree. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11367, Feb. 22, 2012; Act No.11690, Mar. 23, 2013>*

(3) The Minister of Oceans and Fisheries shall analyze outcomes of the execution of an implementation plan every other year and reflect such outcomes in master plans. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11367, Feb. 22, 2012; Act No.11690, Mar. 23, 2013>*

(4) The Minister of Oceans and Fisheries may request the heads of relevant central administrative agencies and the heads of local governments to take measures necessary for improving the outcomes of the execution of an implementation plan under paragraph (3). In such cases, the head of a related administrative agency or the head of a local government shall comply with such request unless there is a compelling reason not to do so. *<Newly Inserted by Act No. 12478, Mar. 18, 2014>*

#### **Article 7 (Committee on Sustainable Use of Dokdo)**

(1) There shall be established a Committee on the Sustainable Use of Dokdo (hereinafter referred to as the "Committee") under the authority of the Prime Minister to deliberate on important matters with respect to the sustainable use of Dokdo. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11367, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013; Act No. 12147, Dec. 30, 2013>*

(2) The Committee shall be comprised of no more than 20 members, including one chairperson. *<Amended by Act No. 11367, Feb. 22, 2012>*

(3) The Prime Minister shall take the chair of the Committee, and other members shall be the following persons: *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11367, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013; Act No. 12147, Dec. 30, 2013>*

1. Among the heads of relevant central administrative agencies or the heads of local governments having jurisdiction over Dokdo, those who are prescribed by Presidential Decree;
  2. Among persons with expert knowledge and experience relating to Dokdo, those who are appointed by the Prime Minister.
- (4) The term of office of each member stipulated in paragraph (3) 2 shall be two years, which may be renewed consecutively. *<Amended by Act No. 11367, Feb. 22, 2012>*
- (5) For the efficient operation of the Committee and assistance with deliberation, the Committee shall have one secretary, who shall be the Minister of Oceans and Fisheries. *<Newly Inserted by Act No. 12147, Dec. 30, 2013>*
- (6) There shall be established in the Committee a Working Committee on the Sustainable Use of Dokdo (hereinafter referred to as the "Working Committee") to preview the agenda to be presented to the Committee as well as to deliberate on the agenda delegated by the Committee. *<Newly Inserted by Act No. 12147, Dec. 30, 2013>*
- (7) Matters necessary for the operation of the Committee, organization and operation of the Working Committee and other necessary matters shall be prescribed by Presidential Decree. *<Amended by Act No. 12147, Dec. 30, 2013>*

#### **Article 8 (Establishment, etc. of Database for Sustainable Use of Dokdo)**

- (1) The Minister of Oceans and Fisheries may establish and operate a database for the sustainable use of Dokdo (hereinafter referred to as the "Database") to efficiently generate and distribute knowledge and information about the ecosystems and marine fishery resources of Dokdo and its neighboring waters. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11367, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>*
- (2) The Minister of Oceans and Fisheries may request the heads of relevant administrative agencies to furnish him/her with data necessary for the establishment and operation of the Database. In such cases, the heads of administrative agencies so requested shall comply with such requests, unless there is a compelling reason not to do so. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11367, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>*
- (3) The Minister of Oceans and Fisheries may, if necessary for the efficient establishment and operation of the Database, entrust a specialized institution with the establishment and operation of the Database. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11367, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>*
- (4) Matters necessary for the establishment and operation of the Database and entrustment to a specialized institution shall be prescribed by Presidential Decree. *<Amended by Act No. 11367, Feb. 22, 2012>*

#### **Article 9 (Establishment, etc. of Research Institutes for Sustainable Use of Dokdo)**

- (1) For the purposes of conducting research related to matters referred to in the subparagraphs of Article 5, the Minister of Oceans and Fisheries may establish, or designate and operate research institutes, or request the heads of relevant central administrative agencies to establish, or designate and operate such institutes. *<Amended by Act No. 8852, Feb. 29, 2008; Act No. 11367, Feb. 22, 2012; Act No. 11690, Mar. 23, 2013>*

(2) Matters necessary for the establishment, designation, operation, etc. of the research institutes under paragraph (1) shall be prescribed by Presidential Decree. *<Amended by Act No. 11367, Feb. 22, 2012>*

(3) The State or local governments may subsidize all or some expenses incurred in relation to research and surveys or public relations related to Dokdo carried out by research institutes or civil organizations among matters provided for in the subparagraphs of Article 5. *<Newly Inserted by Act No. 11367, Feb. 22, 2012>*

(4) Matters necessary for methods of selection of research institutes or civil organizations and support therefor, etc. under paragraph (3) shall be prescribed by Presidential Decree. *<Newly Inserted by Act No. 11367, Feb. 22, 2012>*

#### **Article 10 (Support and Memorial Projects, etc. for Dokdo Volunteer Defense Team)**

(1) The State may provide special support to members of the Dokdo Volunteer Defense Team and their bereaved family members in addition to benefits provided under the Act on the Honorable Treatment and Support of Persons, etc. of Distinguished Services to the State. *<Amended by Act No. 11367, Feb. 22, 2012>*

(2) The State and any local government may promote academic research and memorial projects in order to commemorate, succeed to, and extend the patriotic spirit of the Dokdo Volunteer Defense Team for the defense of Dokdo. *<Amended by Act No. 11367, Feb. 22, 2012>*

(3) Matters necessary for providing support under paragraph (1) and the promotion of academic research and memorial projects under paragraph (2) shall be prescribed by Presidential Decree. *<Amended by Act No. 11367, Feb. 22, 2012>*

#### **Article 11 (Burial in National Cemetery)**

The State may bury the body or ashes of any deceased member of the Dokdo Volunteer Defense Team in the National Cemetery, if the deceased member or his bereaved family members so desired or desire: Provided, That remains of the body of a deceased member of the Dokdo Volunteer Defense Team, such as hair and nails, may be buried instead, if it is not possible to find the body. *<Amended by Act No. 11367, Feb. 22, 2012>*

#### **Article 12 (National Subsidies)**

The State may subsidize all or some expenses incurred in implementing projects related to Dokdo carried out by local governments, or related agencies or organizations pursuant to this Act within budgetary limits.

#### **Article 13 (Annual Report)**

(1) The Government shall prepare an annual report on policies implemented and policies to implement in relation to the sustainable use of Dokdo and submit such report to the National Assembly before the opening of its regular meeting every year.

(2) Matters necessary for the preparing of a report under paragraph (1) shall be prescribed by Presidential Decree.

#### **ADDENDUM**

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

ADDENDA <Act No. 8852, Feb. 29, 2008>

**Article 1 (Enforcement Date)**

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

**Articles 2 through 7 Omitted.**

ADDENDUM <Act No. 11367, Feb. 22, 2012>

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

ADDENDA <Act No. 11690, Mar. 23, 2013>

**Article 1 (Enforcement Date)**

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

(2) Omitted.

**Articles 2 through 7 Omitted.**

ADDENDUM <Act No. 12147, Dec. 30, 2013>

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

ADDENDUM <Act No. 12478, Mar. 18, 2014>

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