

# OVERSEAS EMERGENCY RELIEF ACT

Act No. 8317, Mar. 29, 2007  
Amended by Act No. 9993, Feb. 4, 2010  
Act No. 10442, Mar. 8, 2011  
Act No. 10819, Jul. 14, 2011  
Act No. 11690, Mar. 23, 2013  
Act No. 12037, Aug. 13, 2013  
Act No. 12844, Nov. 19, 2014

## Article 1 (Purpose)

The purpose of this Act is to contribute to providing rapid rescue of human lives and relief to disaster-affected countries when overseas disasters occur, by prescribing the matters necessary for overseas emergency relief, such as dispatch of emergency relief teams, provision of emergency relief supplies, and support for interim recovery from disasters to affected countries.

## Article 2 (Definitions)

The terms used in this Act shall be defined as follows: *<Amended by Act No. 10819, Jul. 14, 2011>*

1. The term "overseas disaster" means a great deal of damage to property and physical suffering, which are caused by natural disasters, man-made disasters, other calamities or accidents in areas outside the territory of the Republic of Korea;
2. The term "overseas emergency relief" means all activities of providing emergency support to affected countries at governmental level, such as mitigation of or recovery from damage caused by overseas disasters, rescue of human lives, or medical relief work.

## Article 3 (Relationship with other Acts)

With respect to overseas emergency relief, this Act shall take precedence over other Acts.

## Article 4 (Basic Principles of Overseas Emergency Relief)

The Government shall, based on humanitarianism, carry out swift and effective overseas emergency relief in close cooperation with affected countries or international organizations, upon request from the affected countries, taking into account the international and economic standing of the Republic of Korea. *<Amended by Act No. 10819, Jul. 14, 2011>*

## Article 5 (Types of Overseas Emergency Relief)

(1) Overseas emergency relief shall include the following activities: *<Amended by Act No. 10819, Jul. 14, 2011; Act No. No. 12307, Aug. 13, 2013>*

1. Dispatch of overseas emergency relief teams;
2. Provision of relief supplies and equipment, including medical facilities;
3. Cash support;
4. Health care activities;
5. Transportation support;
6. Interim disaster recovery;
7. Other matters prescribed by Presidential Decree.

(2) When providing the support under paragraph (1) 2, the Government shall give due consideration to the possibility that the relief supplies and equipment may be used for purposes other than relief. <Newly Inserted by Act No. No. 12307, Aug. 13, 2013>

#### **Article 6 (Establishment, etc. of Basic Overseas Emergency Relief Measures)**

(1) The Minister of Foreign Affairs shall establish basic overseas emergency relief measures, including any of the following matters, every two years to prepare for overseas disasters based on the type, scale, and nature of disasters, subject to deliberation by the public-private joint council for overseas emergency relief under Article 8 (1): <Amended by Act No. 10819, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12037, Aug. 13, 2013>

1. Organization of an overseas emergency relief team;
2. Scouting, nurturing, and training overseas emergency relief personnel;
3. Stockpiling, storage, maintenance, inspection, etc. of relief supplies and equipment, including medical facilities;
4. Establishment of a system for rapid mobilization and transportation of relief personnel and supplies;
5. Securing resources necessary for overseas emergency relief;
6. Establishment of a cooperative system with private emergency relief organizations;
7. International cooperation with respect to overseas emergency relief;
8. Other matters prescribed by Presidential Decree in connection with overseas emergency relief, such as establishment of a system of cooperation among central administrative agencies.

(2) The Minister of Foreign Affairs shall notify the basic overseas emergency relief measures established under paragraph (1) to the heads of relevant central administrative agencies and require them to implement such measures. <Amended by Act No. 10819, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>

(3) The Minister of Foreign Affairs shall submit a report, each year, to the regular session of the National Assembly on the results of overseas emergency relief activities and the results of assessment, including the following matters: <Newly Inserted by Act No. 10819, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>

1. Details of personnel dispatched to overseas emergency relief teams, required budget, and activities performed;
2. Specific support details, such as emergency relief supplies, equipment, or cash;
3. Health care activities;

4. Status of cooperation with private emergency relief organizations;
5. Improvements with regard to overseas emergency relief;
6. Other important matters concerning overseas emergency relief.

#### **Article 6-2 (Establishment of Health Care Activity System)**

The Government shall have an emergency health care system, which includes the following matters, in normal times in order to perform health care activities referred to in subparagraph 4 of Article 5:

1. Securing health care personnel and equipment;
2. Establishing a medical examination and treatment system;
3. Establishing an overseas transportation system for health care personnel and equipment;
4. Other matters prescribed by Presidential Decree.

#### **Article 7 (Commencement of Overseas Emergency Relief)**

If the Minister of Foreign Affairs receives any request from a country affected by a large-scale disaster overseas prescribed by Presidential Decree or from international organizations, or determines that it is necessary to extend relief, he/she may convene a public-private joint council for overseas emergency relief referred to in Article 8 (1). *<Amended by Act No. 9993, Feb. 4, 2010; Act No. 10819, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>*

#### **Article 8 (Public-Private Joint Council for Overseas Emergency Relief)**

(1) The Government shall establish and operate a public-private joint council for overseas emergency relief (hereinafter referred to as the "Council") with respect to large-scale overseas disasters prescribed by Presidential Decree in order to deliberate and decide on basic matters necessary to facilitate overseas emergency relief operations. *<Amended by Act No. 10819, Jul. 14, 2011>*

(2) The Council shall deliberate and decide on the following matters: *<Newly Inserted by Act No. 10819, Jul. 14, 2011>*

1. Matters concerning whether to provide overseas emergency relief;
2. Matters concerning the details and scale of overseas emergency relief;
3. Matters concerning methods of cooperation with central administrative agencies;
4. Matters concerning methods of cooperation between the Government and the private sector;
5. Matters concerning basic overseas emergency relief measures;
6. Assessment of the results of overseas emergency relief activities;
7. Other important matters concerning overseas emergency relief.

(3) The chairperson of the Council shall be the Minister of Foreign Affairs, and members of the Council shall be determined by Presidential Decree, from among vice minister-level public officials of relevant central administrative agencies, heads of relevant juristic persons and organizations, and experts in the relevant fields. *<Amended by Act No. 9993, Feb. 4, 2010; Act No. 10819, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>*

(4) Matters necessary for the composition, operation, etc. of the Council shall be prescribed by Presidential Decree. *<Amended by Act No. 10819, Jul. 14, 2011>*

### **Article 9 (Consultation, etc. with Heads of Relevant Central Administrative Agencies)**

(1) The Minister of Foreign Affairs shall determine detailed matters under a resolution passed by the Council after consultation with the heads of relevant central administrative agencies. *<Amended by Act No. 10819, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>*

(2) The Minister of Foreign Affairs may make the following requests to the heads of relevant central administrative agencies according to a resolution passed by the Council, and the heads of the relevant central administrative agencies shall, upon receipt of such request, comply therewith, unless there is a compelling reason not to do so: *<Amended by Act No. 10442, Mar. 8, 2011; Act No. 10819, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

1. Requests for the dispatch of military transport aircraft or carrier to the Minister of National Defense to support rapid transport of personnel or supplies for emergency rescue or relief;
2. Requests to the Minister of Health and Welfare, for the selection, organization and dispatch of a health care support team to be sent to a disaster-affected country;
3. Requests to the Minister of Public Safety and Security, for the creation and dispatch of an international relief team to save those living in areas affected by overseas disasters.

(3) Other matters governed by the heads of relevant central administrative agencies and the heads of relevant corporations and organizations shall be prescribed by Presidential Decree.

### **Article 10 (Headquarters for Overseas Emergency Relief)**

(1) The Minister of Foreign Affairs may establish and operate a headquarters for overseas emergency relief (hereinafter referred to as "headquarters for relief") to take measures necessary for the prompt execution of resolutions passed by the Council until the overseas emergency relief activities come to an end. *<Amended by Act No. 10819, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>*

(2) The head of the headquarters for relief shall be the Minister of Foreign Affairs. *<Amended by Act No. 11690, Mar. 23, 2013>*

(3) The head of the headquarters for relief shall conduct all or part of activities prescribed in Article 5 in accordance with the resolutions passed by the Council. *<Amended by Act No. 10819, Jul. 14, 2011>*

(4) The head of the headquarters for relief shall identify and maintain the current overall status of emergency relief activities conducted by domestic corporations, organizations, etc. in terms of details and scale. *<Newly Inserted by Act No. 10819, Jul. 14, 2011>*

(5) Matters necessary for the composition and operation of the headquarters for relief shall be prescribed by Presidential Decree. *<Amended by Act No. 10819, Jul. 14, 2011>*

### **Article 11 (Organization and Dispatch of Overseas Emergency Relief Teams)**

(1) The Minister of Foreign Affairs shall organize an overseas emergency relief team made up of the following organizations or persons in consultation with the heads of relevant central administrative agencies: *<Amended by Act No. 10442, Mar. 8, 2011; Act No. 10819, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>*

1. Deleted; *<by Act No. 10442, Mar. 8, 2011>*

2. International rescue squads under the Act on 119 Rescue and Emergency Medical Services;
3. Fire officers under the Fire Officers Act;
4. Employees of the Korea International Cooperation Agency under the Korea International Cooperation Agency Act or personnel working under the same Act, including Korea's overseas volunteers;
5. International cooperation personnel under the International Cooperation Personnel Act;
6. Health care support teams selected and organized by the National Medical Center or by the Korean Foundation for International Healthcare under the Korean Foundation for International Healthcare Act;
7. Persons who volunteer to provide overseas emergency relief;
8. Other organizations or persons prescribed by Presidential Decree.

(2) The Minister of Foreign Affairs shall dispatch overseas emergency relief teams under a resolution passed by the Council: Provided, That if necessary, he/she may dispatch international relief teams under the Act on 119 Rescue and Emergency Medical Services before the resolution is passed by the Council.

*<Amended by Act No. 10442, Mar. 8, 2011; Act No. 10819, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>*

(3) Other matters necessary for the organization, dispatch and activities of overseas emergency relief teams and the bearing of expenses shall be prescribed by Presidential Decree.

#### **Article 12 (Captain of Overseas Emergency Relief Team)**

(1) The Minister of Foreign Affairs shall appoint or commission a captain of an overseas emergency relief team, from among the relevant public officials or persons who have abundant knowledge in the relevant fields. *<Amended by Act. 11690, Mar. 23, 2013>*

(2) The Minister of Foreign Affairs shall appoint or commission a person designated by the Minister of Public Safety and Security as a person in charge of rescue operations by an overseas emergency relief team. *<Amended by Act. 11690, Mar. 23, 2013; Act No. 12844, Nov. 19, 2014>*

(3) A captain of an overseas emergency relief team shall exercise overall supervision over relief activities in an affected country in close consultation with the heads of competent diplomatic missions, and endeavor to take measures necessary to ensure safety of Korean nationals residing or staying in the affected country when carrying out overseas emergency relief activities.

(4) A captain of an overseas emergency relief team shall establish a cooperative system with other countries, international organizations, domestic and overseas private associations, etc. which participate in emergency relief efforts, in order to effectively carry out emergency relief activities. *<Newly Inserted by Act No. 10819, Jul. 14, 2011>*

#### **Article 13 (Requests for Cooperation from Relevant Agencies)**

The Minister of Foreign Affairs shall, where deemed necessary, request necessary cooperation from the heads of relevant corporations or organizations, such as the provision of personnel, equipment, supplies, and transport equipment. *<Amended by Act No. 10819, Jul. 14, 2011; Act No. 11690, Mar. 23, 2013>*

#### **Article 14 (Assistance to Participants in Overseas Emergency Relief)**

The Minister of Foreign Affairs may subsidize all or part of expenses or provide equipment, supplies, etc. to corporations, organizations or persons participating in overseas emergency relief activities, as prescribed by Presidential Decree. <Amended by Act No. 11690, Mar. 23, 2013>

#### **Article 15 (Compensation, etc. to Participants in Overseas Emergency Relief)**

Where a person who is not a public official participates in overseas emergency relief activities and sustains any of the following damage with respect to overseas emergency relief efforts, the Minister of Foreign Affairs may provide compensation or subsidize medical expenses of the person or the bereaved family thereof as prescribed by Presidential Decree: <Amended by Act. 11690, Mar. 23, 2013>

1. Where the person is deceased (including cases of death due to an injury or disease);
2. Where the person suffers an injury;
3. Where the person suffers a disease;
4. Where the person sustains any damage to property.

#### **Article 16 (Delegation and Entrustment of Authority)**

The Minister of Foreign Affairs may delegate part of his/her authority under this Act to the heads of diplomatic missions, as prescribed by Presidential Decree, or entrust part of his/her authority under this Act to the heads of relevant central administrative agencies or the heads of corporations or organizations prescribed by Presidential Decree. <Amended by Act. 11690, Mar. 23, 2013>

#### **Article 17 (Legal Fiction as Public Official in Application of Penalty Provisions)**

Executive officers and employees of any corporation or organization performing duties entrusted by the Minister of Foreign Affairs under Article 16 shall be deemed public officials in applying penalty provisions under Articles 129 through 132 of the Criminal Act. <Amended by Act. 11690, Mar. 23, 2013>

#### **ADDENDUM**

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

#### **ADDENDUM <Act No. 9993, Feb. 4, 2010>**

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

#### **ADDENDA <Act No. 10442, Mar. 8, 2011>**

#### **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. 10819, Jul. 14, 2011>**

This Act shall enter into force on 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. 12037, Aug. 13, 2013>

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

ADDENDA <Act No. 12844, Nov. 19, 2014>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation: Provided, That part of the Act amended by the Addenda 6 to the Government Organization Act, which was promulgated before the Government Organization Act enters into force but the enforcement date of which has not arrived yet shall enter into force on the enforcement date of such Act.

**Articles 2 through 7 Omitted.**