

BAEKDU-DAEGAN PROTECTION ACT

Act No. 7038, Dec. 31, 2003
Amended by Act No. 7284, Dec. 31, 2004
Act No. 7548, May 31, 2005
Act No. 8506, Jul. 13, 2007
Act No. 8852, Feb. 29, 2008
Act No. 9401, Jan. 30, 2009
Act No. 9479, Mar. 5, 2009
Act No. 10561, Apr. 6, 2011
Act No. 11565, Dec. 18, 2012
Act No. 12414, Mar. 11, 2014
Act No. 14772, Apr. 18, 2017
Act No. 17318, May 26, 2020

Article 1 (Purpose)

The purpose of this Act is to prevent damage to the Baekdu-daegan caused by indiscriminate development by prescribing matters necessary for protecting the Mountain Range, thereby helping preserve national land in an environmentally sound manner and creating a pleasant natural environment.

Article 2 (Definitions)

The terms used in this Act are defined as follows: <Amended on May. 26, 2020>

1. The term "Baekdu-daegan" means a vital mountain range which runs from Mt. Baekdu via Mt. Geumgang, Mt. Seorak, Mt. Taebaek, Mt. Sobaek to Mt. Jiri;
- 1-2. The term "ridgelines" means mountain ranges prescribed by Presidential Decree, which are derived from the Baekdu-daegan and form water divides of major rivers;
2. The term "Baekdu-daegan Protection Areas" means certain areas of the Baekdu-daegan designated and publicly notified by the Minister of the Korea Forest Service as areas requiring special protection in accordance with Article 6.

Article 3 (Relationship to Other Statutes)

This Act shall prevail over other statutes concerning the protection of the Baekdu-daegan and serve as the basis thereof.

Article 3-2 (Basic Principles in Protecting and Managing Baekdu-daegan)

The State and each local government shall adhere to the following basic principles in protecting and managing the Baekdu-daegan:

1. The Baekdu-daegan shall be conserved and managed in a sustainable manner for present and future generations as assets of all citizens;
2. The Baekdu-daegan shall be conserved and managed in order to maintain and promote the functions of nature and the circulation of ecosystems and to minimize impacts of human use and natural disasters;
3. Where damage is incurred by using the Baekdu-daegan, efforts shall be made to restore and reinstate to the utmost extent;
4. The Baekdu-daegan shall be preserved and managed in order to maintain and enhance the connectivity with other mountain ranges, such as ridgelines;
5. Local residents and local communities shall be protected to maintain the sustainability of the Baekdu-daegan.

Article 4 (Establishment of Master Plans for Protection of Baekdu-daegan)

(1) The Minister of Environment shall set principles and standards concerning the establishment of a master plan for the protection of the Baekdu-daegan (hereinafter referred to as "master plan") following consultation with the Minister of the Korea Forest Service: Provided, That the principles and standards may be modified subject to consultation with the Minister of the Korea Forest Service where such modification is deemed unavoidable due to changes in social, economic or regional conditions.

(2) In order to efficiently protect the Baekdu-daegan, the Minister of the Korea Forest Service shall formulate a master plan every 10 years in accordance with the principles and standards under paragraph (1) in consultation with the Minister of Environment.

(3) When the Minister of the Korea Forest Service formulates or modifies a master plan, he or she shall, in advance, consult with the heads of related central administrative agencies and Do Governors.

(4) The master plan shall contain the following:

1. Matters concerning the current status of the Baekdu-daegan and anticipated changes in conditions;
2. Basic directions for the protection of the Baekdu-daegan;
3. Matters concerning projects for the investigation and protection of the natural environment, forest resources, etc. of the Baekdu-daegan;
4. Matters concerning the designation, cancellation of designation, or modification of districts of Baekdu-daegan Protection Areas;
5. Matters concerning the restoration and recovery of the ecosystems and damaged areas of the Baekdu-daegan;

6. Matters concerning the purchase of land in Baekdu-daegan Protection Areas and articles attached to such land, including standing trees, structures, etc. (hereinafter referred to as "land, etc.");
 7. Matters concerning assistance to residents living in Baekdu-daegan Protection Areas or to persons possessing land in Baekdu-daegan Protection Areas;
 8. Matters concerning inter-Korean cooperation relating to the protection of the Baekdu-daegan;
 9. Other matters deemed necessary for the protection of the Baekdu-daegan.
- (5) The Minister of the Korea Forest Service may request the heads of related central administrative agencies or the heads of local governments to submit data or provide cooperation necessary for the establishment and implementation of master plans. In such cases, the heads of related central administrative agencies and local governments requested to provide materials or cooperation shall comply with such request unless there is a compelling reason not to do so.
- (6) When the Minister of the Korea Forest Service has established a master plan, he or she shall notify the heads of related central administrative agencies and Do Governors thereof. The same shall also apply to any modification of such master plan.

Article 5 (Implementation Plans for Protection of Baekdu-daegan)

- (1) The Minister of the Korea Forest Service shall establish an annual implementation plan for the protection of the Baekdu-daegan (hereinafter referred to as "implementation plan") in accordance with the master plan in consultation with the Minister of Environment.
- (2) Article 4 (3), (5) and (6) shall apply mutatis mutandis to the formulation of implementation plans.
- (3) Matters necessary for standards and methods for the formulation of implementation plans, and other relevant matters shall be prescribed by Presidential Decree.

Article 6 (Designation of Baekdu-daegan Protection Areas)

- (1) The Minister of Environment shall set principles and standards concerning the designation of Baekdu-daegan Protection Areas (hereinafter referred to as "Protection Areas") in consultation with the Minister of the Korea Forest Service: Provided, That the principles and standards may be modified subject to consultation with the Minister of the Korea Forest Service where such modification is deemed unavoidable due to changes in social, economic or regional conditions.
- (2) The Minister of the Korea Forest Service may designate certain areas of the Baekdu-daegan deemed to require special protection in terms of the ecosystems, natural landscapes, forests, etc. as Protection Areas in accordance with the principles and standards under the main sentence of paragraph (1) in consultation with the Minister of Environment. In such cases, the Protection Areas shall be classified as follows:
 1. Core districts: Certain areas along the ridge of the Baekdu-daegan intended for special protection;
 2. Buffer districts: Areas adjoining core districts, which are necessary to protect such core districts.
- (3) Article 4 (3), (5) and (6) shall apply mutatis mutandis to procedures for the designation of Protection Areas; however, opinions of residents of the relevant areas may be sought if necessary.

- (4) When the Minister of the Korea Forest Service has designated any Protection Area under paragraph (2), he or she shall publicly notify such fact in the Official Gazette and notify the heads of related central administrative agencies and Do Governors thereof, as prescribed by Presidential Decree.
- (5) The competent Do Governors or heads of Sis/Guns shall produce documents relating to the designation of Protection Areas available for perusal by the general public.

Article 7 (Restrictions on Activities in Protection Areas)

(1) No one shall construct a building, install an artificial structure or any other facility, change the form and quality of land, remove soil and rock, or conduct any other activity similar thereto within the core district of a Protection Area, except in the following cases: <Amended on Mar. 11, 2014; Apr. 18, 2017; May 26, 2020>

1. Installation of national defense or military facilities;

1-2. Searching for and excavating war dead remains under Article 9 of the Act on the Excavation of the Remains of Soldiers Killed in the Korean War.

2. Installation of indispensable official or public facilities, such as roads, railroads, rivers, etc., which are prescribed by Presidential Decree;

3. Installation of natural environment conservation facilities, such as wildlife passages, facilities for the conservation and utilization of the natural environment, and facilities, etc. for ecological restoration;

4. Installation of facilities for the protection of forests, conservation and proliferation of forest resources, and forestry experiment and research, which are prescribed by Presidential Decree;

4-2. Construction and management of mountain trails or hiking trails;

5. Installation of facilities for the restoration, repair, relocation, or preservation, and management of cultural assets or traditional temples, and installation of tombstones, monuments, or other similar facilities relating to cultural assets or traditional temples;

6. Installation of facilities for the use and supply of new and renewable energy under the Act on the Promotion of the Development, Use and Diffusion of New and Renewable Energy;

7. Development of mines under the conditions prescribed by Presidential Decree, such as standards for facilities of mines, restrictions on the area to be developed, and restoration of damaged land;

8. Installation of facilities relating to the livelihood of residents in the relevant areas, such as farmhouses and facilities for agriculture, forestry, or livestock farming, as prescribed by Presidential Decree;

8-2. Establishment of base stations, which are radio stations defined in Article 2 (1) 6 of the Radio Waves Act; Provided, That this shall be limited to cases where the establishment of a base station in the relevant area is inevitable for radio communications for reporting a forest fire, a distress situation, etc.;

9. Installation of appurtenant facilities specified by Presidential Decree, such as electricity, waterworks, and sewerage systems necessary for the maintenance and management of the facilities referred to in subparagraphs 1, 2 through 4, 4-2, 5 through 8, and 8-2;

10. Installation of temporary facilities specified by Presidential Decree, such as temporary access roads, site offices, and workshops for the installation of the facilities referred to in subparagraphs 1, 2 through 4, 4-2, 5 through 8, and 9 (excluding appurtenant facilities necessary for the maintenance and management of facilities referred to in subparagraph 8-2).

(2) No one shall construct a building, install an artificial structure or any other facility, change the form and quality of land, remove soil and rock, or conduct any other activity similar thereto within the buffer district of a Protection Area, except in the following cases: <Amended on Dec. 18, 2012; Mar. 11, 2014; Apr. 18, 2017; May 26, 2020>

1. Installation, etc. of facilities under paragraph (1) 1, 1-2, 2 through 4, 4-2, 5 through 8, and 8-2;
2. Installation of arboretums under subparagraph 1 of Article 2 of the Creation and Furtherance of Arboretums Act, natural recreation forests and healing woods under subparagraphs 2 and 5 of Article 2 of the Forestry Culture and Recreation Act, and other forest facilities for public use prescribed by Presidential Decree;
3. Installation of facilities for forest management, such as forest roads and sheds, etc. for forest management which are prescribed by Presidential Decree;
4. Installation of facilities relating to education, research, and technological development which are prescribed by Presidential Decree;
5. Extension or remodeling of houses owned by farmers, foresters, and fishermen and of religious facilities whose size is equal to or smaller than the size prescribed by Presidential Decree;
6. Installation of facilities prescribed by Presidential Decree, such as facilities, etc. for the supply of electric power, oil, or gas;
7. Strip mining of limestone prescribed by Presidential Decree within authorized or permitted areas for development for each Do, under the related statutes;
8. Installation of facilities for publicity campaigns or training prescribed by Presidential Decree in order to protect the Baekdu-daegan;
9. Erection of personal tombs or charnel tombs for individuals or families reported under the Act on Funeral Services, Etc.: Provided, That this shall be limited to land other than mountainous districts under the Mountainous Districts Management Act;
- 9-2. Installation of livestock industry experience facilities prescribed by Presidential Decree on the grassland developed with permission to create grassland pursuant to Article 5 of the Grassland Act on or before December 31, 2004;
10. Installation of appurtenant facilities prescribed by Presidential Decree, such as electricity, waterworks, and sewerage systems necessary for the maintenance and management of facilities referred to in subparagraphs 1 through 9 and 9-2;
11. Installation of temporary facilities prescribed by Presidential Decree, such as access roads, site offices, and workshops, for the installation of facilities referred to in subparagraphs 1 through 9, 9-2, and 10 (excluding facilities referred to in paragraph (1) 1-2 and 8-2 and appurtenant facilities necessary

for the maintenance and management of the relevant facilities);

12. Deleted. <Apr. 18, 2017>

Article 8 (Advance Consultation)

(1) Where the head of any related administrative agency or the head of any local government intends to render an administrative disposition, such as approval, authorization, permission, etc. under related Acts as necessary to conduct any development activity referred to in each subparagraph of Article 7 (1) and (2), he or she shall, in advance, consult with the Minister of the Korea Forest Service, who shall seek opinions of the Minister of Environment in the course of such consultation.

(2) Where the Minister of the Korea Forest Service deems it necessary for protecting the Baekdu-daegan in having consultation under paragraph (1), he or she may request the reduction or adjustment of the scale or the change of location of such development.

(3) Matters necessary for the scope of and standards and procedures for consultation under paragraph (1) and other related matters shall be prescribed by Presidential Decree.

Article 9 (Cancellation of Designation of Protection Areas)

(1) Where the Minister of the Korea Forest Service deems it unnecessary to maintain the designation of any Protection Area and continue to manage it as such as the original purpose of such designation is no longer valid or any change in natural, social, economic, or regional conditions occurs or where he or she deems it necessary to change the boundaries between core districts and buffer districts, he or she may cancel the designation of such Protection Area or change such boundaries in consultation with the Minister of Environment.

(2) Article 6 shall apply mutatis mutandis to procedures, etc. for the cancellation of designation of Protection Areas or change of boundaries under paragraph (1).

Article 10 (Purchase or Exchange of Land)

(1) Where necessary to achieve the purpose of designation of a Protection Area, the State or any local government may purchase land, etc. in the Protection Area or exchange it with national or public forests in consultation with, or upon receipt of the application of, the owners of such land, etc.: Provided, That the State or any local government may purchase land, etc. outside of a Protection Area prescribed by Presidential Decree if it is necessary to designate such land, etc. as a Protection Area in the future, or it is deemed necessary for efficiently protecting and managing any Protection Area. <Amended on May 26, 2020>

(2) The State Property Act or the Public Property and Commodity Management Act shall apply mutatis mutandis to procedures for the purchase or exchange of land, etc. under paragraph (1) and other necessary matters. <Amended on May 26, 2020>

(3) In cases of a purchase or exchange under paragraph (1), the purchase or exchange price shall be the price calculated pursuant to the Act on the Acquisition of and Compensation for Land, etc. for Public Works Projects. <Amended on May 26, 2020>

Article 10-2 (Request for Purchase of Land)

(1) When a Protection Area has been designated and publicly announced as prescribed in Article 6, any of the following persons who own land, etc. in the same area may request the Minister of the Korea Forest Service to purchase the relevant land, etc.:

1. A person who has been in continued possession of the relevant land, etc. since the designation of the Protection Area;
2. A person who inherited the relevant land, etc. from a person under subparagraph 1 and continues to own the same.

(2) When the Minister of the Korea Forest Service is requested to purchase land, etc. under paragraph (1), he or she shall purchase such land, etc. within the budget.

(3) Article 10 (2) and (3) shall apply mutatis mutandis to the purchase of land, etc. under paragraph (2), and matters necessary for procedures, etc. for the purchase thereof shall be prescribed by Presidential Decree.

Article 11 Deleted. <Mar. 5, 2009>

Article 11-2 (Resident Support Programs)

(1) The Minister of the Korea Forest Service and the heads of local governments shall establish and implement plans for supporting residents living in Protection Areas (including administrative districts of Eups/Myeons/Dongs, part of which are included in Protection Areas) or persons possessing land in Protection Areas (hereinafter referred to as "resident support programs").

(2) The resident support programs shall be classified as follows:

1. Programs for increasing income, such as assistance in the installation of facilities related to agriculture, forestry and livestock industry and in organic farming;
2. Programs for promoting convenience, such as assistance in the installation of waterworks;
3. Programs for installing facilities for the conservation or utilization of the natural environment;
4. Assistance in the restoration and recovery of the Baekdu-daegan or in the installation of facilities for the protection of the Baekdu-daegan;
5. Compensation for decreases in income of persons satisfying the requirements prescribed by Presidential Decree, such as those who refrain from felling trees in order to conserve the ecosystems and natural landscapes of the Baekdu-daegan or to protect and cultivate its forests;
6. Other support programs prescribed by Presidential Decree for providing convenience to, boosting income of, or promoting the welfare of, the residents.

(3) Where necessary to effectively protect and manage the Baekdu-daegan, the Minister of the Korea Forest Service may request persons eligible for the resident support programs or persons who received benefits from the support under paragraphs (1) and (2) to participate in the protection and management activities of the Baekdu-daegan. In such cases, the Minister of the Korea Forest Service may support matters necessary for the protection and management activities. <Newly Inserted on May 26, 2020>

(4) The Minister of the Korea Forest Service may establish a management plan after fact-finding surveys for the purposes of improving the living environment and promoting welfare of residents living in a protection area, and provide budget necessary for such programs preferentially to other programs or request the heads of related administrative agencies to provide support. <Newly Inserted on May 26, 2020>

(5) Matters necessary for procedures for the establishment and implementation of resident support programs, persons eligible for support, standards for support, scope of protection and management activities, etc. under paragraphs (1) through (3) shall be prescribed by Presidential Decree. <Amended on May 26, 2020>

Article 12 (Establishment and Operation of Policy Council)

(1) To promote cooperation necessary to manage the Baekdu-daegan, the Minister of the Korea Forest Service may organize and operate a regional or local policy council in which relevant administrative organs, residents, experts, etc. participate.

(2) Matters necessary for the composition and operation of a policy council under paragraph (1) shall be prescribed by Presidential Decree.

[Previous Article 12 moved to Article 14 <May 26, 2020>]

Article 13 (Expropriation and Use of Land)

(1) Where the Minister of the Korea Forest Service or a local government deems it necessary to install facilities under Article 7 (1) 3 and 4-2, he or she may expropriate or use necessary land, etc.

(2) Where a facility under paragraph (1) is intended to be installed, a facility installation plan shall be formulated and publicly notified under Article 1, as prescribed by Presidential Decree. In such cases, it shall be deemed that a project is approved and project approval is publicly notified under Articles 20 (1) and 22 of the Act on Acquisition of and Compensation for Land for Public Works Projects.

(3) Except as otherwise provided in this Act, the Act on Acquisition of and Compensation for Land, etc. for Public Works shall apply mutatis mutandis to the expropriation or use prescribed in paragraph (1).

[Previous Article 13 moved to Article 15 <May 26, 2020>]

Article 14 (Financial Support for Research, Studies and Technology Development)

(1) The State or local governments may provide funding for academic investigation, research, and technological development relating to the protection of the Baekdu-daegan.

(2) The State or local governments may provide funding for the protection and monitoring of the Baekdu-daegan, restoration of the forest ecosystems, and other activities for the protection of the Baekdu-daegan.
[Moved from Article 12; Previous Article 14 moved to Article 16 <May 26, 2020>]

Article 15 (Delegation and Entrustment of Authority)

(1) The Minister of Environment or the Minister of the Korea Forest Service may delegate part of his or her authority under this Act to any Do Governor, the head of any Si/Gun, the head of any regional environmental office or the head of any regional forest service, as prescribed by Presidential Decree.
(2) The Minister of Environment or the Minister of the Korea Forest Service may entrust part of his or her duties under this Act to related specialized institutions, as prescribed by Presidential Decree.
[Moved from Article 13; Previous Article 15 moved to Article 17 <May 26, 2020>]

Article 16 (Cooperation by Related Institutions)

Where the Minister of Environment and the Minister of the Korea Forest Service deems it necessary to achieve the purpose of this Act, they may request the head of a related central administrative agency or the head of a local government to establish or take necessary measures. In such cases, the head of such related central administrative agency or local government shall comply with such request unless there is a compelling reason not to do so.
[Moved from Article 14; Previous Article 16 moved to Article 18 <May 26, 2020>]

Article 17 (Penalty Provisions)

(1) Any person who conducts any prohibited act in a core district in violation of Article 7 (1), shall be punished by imprisonment with labor for up to seven years or by a fine not exceeding 70 million won.
<Amended on Apr. 18, 2017>
(2) Any person who conducts any prohibited act in a buffer district in violation of Article 7 (2), shall be punished by imprisonment with labor for up to five years or by a fine not exceeding 50 million won.
<Amended on Apr. 18, 2017>
[Moved from Article 15 <May 26, 2020>]

Article 18 (Joint Penalty Provisions)

If the representative of a corporation or an agent or employee of, or any other person employed by, a corporation or an individual commits any violation referred to in Article 17 in conducting the business affairs of the corporation or individual, the corporation or individual shall, in addition to punishing the violator accordingly, be subject to a fine prescribed in the relevant provision: Provided, That the same shall not apply, where such corporation or individual has not been negligent in giving due attention and supervision concerning the relevant business affairs to prevent such violation. <Amended on May 26, 2020>

[Moved from Article 16 <May 26, 2020>]

ADDENDA <Act No. 7038, Dec. 31, 2003>

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

(2) (Transitional Measures) Where any approval, authorization, or permission has been granted for development activities within Baekdu-daegan Protection Areas as at the time this Act enters into force, the provisions of relevant Acts shall apply until such development is completed, notwithstanding the provisions of this Act.

ADDENDA <Act No. 7284, Dec. 31, 2004>

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. 7548, May 31, 2005>

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

ADDENDUM <Act No. 8506, Jul. 13, 2007>

This Decree shall enter into force three 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: Provided, That ... <omitted>... *the amended provisions of a statute, among statutes to be amended under Article 6 of these Addenda, which was promulgated before this Act enters into force but the enforcement date of which has yet to arrive, shall enter into force on the enforcement date of the relevant statute.*

Articles 2 through 7 Omitted.

ADDENDA <Act No. 9401, Jan. 30, 2009>

Article 1 (Enforcement Date)

This Decree shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 11 Omitted.

ADDENDUM <Act No. 9479, Mar. 5, 2009>

This Act shall enter into force on the date of its promulgation: Provided, That the amended provision of Article 7 (2) 11 shall enter into force six months after the date of its promulgation.

ADDENDUM <Act No. 10561, Apr. 6, 2011>

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

ADDENDUM <Act No. 11565, Dec. 18, 2012>

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

ADDENDUM <Act No. 12414, Mar. 11, 2014>

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

ADDENDUM <Act No. 14772, Apr. 18, 2017>

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

ADDENDA <Act No. 17318, May 26, 2020>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 7 (2) 9 shall enter into force on the date of its promulgation.

Article 2 (Relationships to Other Statutes or Regulations)

A citation of the previous provisions of this Act in other statutes or regulations as at the time this Act enters into force shall be deemed a citation of the corresponding provisions of this Act in lieu of the previous provisions, if any provisions corresponding thereto exist in this Act.

Last updated : 2021-10-07