

Environmental Impact Assessment in North Korean Environmental Law: Origins, Evolution, and a Comparative Analysis

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Introduction	39
I. The Kim Il-sung Era (1948-1994): The Development of Environmental Law	40
A. The Land Law of 1977 and the Public Health Law of 1980.....	40
B. The Law on the Protection of the Environment of 1986	41
C. The 1992 Amendments to the Constitution	43
II. The Kim Jong-il Era (1994–2011): The Introduction of Environmental Impact Assessment	43
A. The Amendments to the Environmental Protection Law	44
B. The Law on Environmental Impact Assessment.....	45
C. Other Environmental Laws and Regulations	46
III. The Kim Jong-un Era (2011–present): Increasing Use of Environmental Impact Assessments	46
A. The Amendments to the Environmental Protection Law	46
B. Other Environmental Laws and Regulations	47
C. Environmental Impact Assessments in Practice	48
IV. A Comparative Perspective: North Korea and China.....	48
Conclusion.....	50

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INTRODUCTION

“Conservation of biodiversity an urgent task.”¹ “Water resources need to be valued.”² “Proactive measures taken for environmental protection.”³ These headlines represent a small portion of *The Pyongyang Times*’ recent coverage of global and domestic environmental issues. They stand in stark contrast to the coverage by non-North Korean outlets, which have characterized the North Korean environment as being in a state of “collapse so severe it could destabilize the entire country.”⁴ Likewise, one North Korean defector has noted that “[n]ature’ in North Korea is so bleak I am ashamed to even call it that.”⁵ That same defector went on to describe rampant deforestation, air pollution, and water pollution throughout the country.⁶

The contrast between the government’s purported efforts to protect the environment, as described by the *Pyongyang Times*, and the description of the North Korean environment by Western observers and North Korean defectors raises a question: how, if at all, does the North Korean legal system address these pressing challenges? This Article will explore the little-known legal tools that North Korea has adopted in order to address these issues, with a specific focus on the Environmental Protection Law (1986) and the Environmental Impact Assessment Law (2005), because environmental impact assessment can serve as a barometer of the socialist country’s environmental policy. Part I will begin by tracing the evolution of early environmental law from its first appearance under Kim Il-sung, with a particular focus on the adoption of the Land Law of 1977 and the country’s first standalone environmental protection law adopted in 1986. Part II will then trace the evolution of the 1986 law through its subsequent amendments under the Kim Jong-il regime, culminating in an analysis of its first provisions, and later, a standalone law for environmental impact assessments. Part III will discuss further developments related to North Korean laws and regulations on environmental impact assessment. Part IV will then adopt a comparative perspective, assessing the North Korean Law on Environmental Impact Assessment relative to its counterpart in the People’s Republic of China.

1. *Conservation of Biodiversity an Urgent Task*, PYONGYANG TIMES (Apr. 25, 2021), <http://www.pyongyangtimes.com.kp/?bbs=37963>.

2. *Water Resources Need to be Valued*, PYONGYANG TIMES (Mar. 22, 2021), <http://www.pyongyangtimes.com.kp/?bbs=37608>.

3. *Proactive Measures Taken for Environmental Protection*, PYONGYANG TIMES (Mar. 18, 2021), <http://www.pyongyangtimes.com.kp/?bbs=37574>.

4. Phil McKenna, *Inside North Korea’s Environmental Collapse*, PBS NOVA (Mar. 6, 2013), <https://www.pbs.org/wgbh/nova/article/inside-north-koreas-environmental-collapse>.

5. In-hua Kim, *Ask a North Korean: Is North Korea Environmentally-Friendly?*, NK NEWS (Dec. 3, 2019), <https://nknews.org/2019/12/ask-a-north-korean-is-north-korea-environmentally-friendly>.

6. *Id.*

I.

THE KIM IL-SUNG ERA (1948-1994): THE DEVELOPMENT OF ENVIRONMENTAL LAW

Although North Korea has had various regulations on environmental management and protection since its establishment,⁷ those regulations were fragmented and scattered until the enactment of the Environmental Protection Law in 1986. In other words, for decades, there was no comprehensive environmental law in the socialist country; rather, the pre-1986 law addressing environmental problems could best be described as “proto-environmental law.”⁸

A. *The Land Law of 1977 and the Public Health Law of 1980*

The first traces of environmental law in North Korea appear in two separate laws adopted under Kim Il-sung: the Land Law of 1977 and the Public Health Law of 1980. However, as Kim Il-sung made clear in his pamphlet exhorting the Supreme People’s Assembly to adopt the Land Law, *On the Land Law*, the focus of the Land Law itself was economic development, rather than land conservation for its own sake. Land, Kim wrote, “is an important means of production and precious asset which is of great importance in the development of the national economy,” which should be “conserve[d] and administer[ed] . . . with good care and develop[ed] . . . more efficiently so that it is used effectively for the purpose of building the country’s economy.”⁹

Many of the provisions of the Land Law of 1977 reflected this concern with economic development rather than environmental stewardship. For example, Article 17(4) of the Land Law of 1977 called for the master plan for land development to include “[t]he orientation of the construction and readjustment of rivers, lakes, and reservoirs.”¹⁰ Likewise, Article 30 called for afforestation as a means of “harnessing nature to conserve the land, make the country rich and powerful, and ensure prosperity for generations to come.”¹¹ Other provisions related to forestry similarly emphasized the role of forests in economic development.¹²

That said, the Land Law of 1977 also contained early traces of environmental law alongside its emphasis on economic development. For

7. Some examples are Sanlim Boho Yugseonge Gwanhan Gyujeong [Regulations on Protection and Promotion of Forest] July 1949, Hacheon Gwanlie Gwanhan Gyujeong [Regulations on Management of River] Feb. 1949, and Yuyonghan Dongmulgwa Sigmuleul Boho Hamyeo Jeungsig Sikilde Gwanhayeo [Regulations on Protection of Useful Animals and Plants], adopted by the Presidium of the Supreme People’s Assembly, Feb. 1959.

8. See David Schorr, *Historical Analysis in Environmental Law*, in OXFORD HANDBOOK OF LEGAL HISTORY 1001, 1011 (Markus D. Dubber & Christopher Tomlins, eds., 2018).

9. KIM IL-SUNG, *ON THE LAND LAW 2* (1977).

10. Toji Beob [Land Law], adopted by Ordinance No. 9 of the Supreme People’s Assembly, Apr. 29, 1977, art. 17(4).

11. *Id.* art. 30.

12. See, e.g., *id.* art. 35 (“The tree nurseries should produce a large quantity of fast-growing saplings which are of great value to the national economy.”).

example, it required that the master plan for land development include pollution prevention measures.¹³ Article 26 also explicitly prohibited the release of unpurified sewage or “uncleansed toxic material and dirt” into rivers, lakes, and reservoirs.¹⁴ This appears to reflect Kim Il-sung’s concern with pollution at the time. While *On the Land Law* primarily emphasized the importance of land to economic development, it also gave some attention to pollution prevention. Kim wrote that the “general plan of land development should pay due attention to the question of preventing pollution,”¹⁵ noting that those responsible for selecting sites for factories had not paid sufficient attention to the problem of pollution.¹⁶ While only mentioned briefly, preventing pollution appears to have been politically important for Kim, who contrasted his concerns with the “Japanese imperialist villains” who, he claimed, “did not care a bit” if North Koreans “should die of pollution or not.”¹⁷

Environmental law continued to develop after the adoption of the Land Law with the passage of the Public Health Law of 1980. Article 21 of the Public Health Law stated that “[t]he State prevents pollution in all spheres of the national economy in order to protect [the] living environment.”¹⁸ It also stated that factories should, for example, plant trees in order to make sure that the atmosphere and land “are not contaminated by harmful gases and other matters.”¹⁹ Some scholars have identified the Public Health Law of 1980 as “the first to incorporate environmental norms into its text.”²⁰ However, the text suggests that the environmental aspects of the Public Health Law were more aspirational than real, as the law lacked any mechanisms to ensure compliance.

B. *The Law on the Protection of the Environment of 1986*

While the 1977 adoption of the Land Law could be considered the birth date of North Korean environmental law, the country would not adopt its first standalone environmental protection law until nearly a decade later in 1986.²¹ In contrast to both the Land Law of 1977 and the Public Health Law of 1980, the Law on the Protection of the Environment (“Environmental Protection Law”) of

13. *Id.* art. 17(9).

14. *Id.* art. 26.

15. KIM, *supra* note 9, at 6.

16. *Id.*

17. *Id.* at 6–7. *On the Land Law* is not the only time that Kim Il-sung criticized industry for pollution. See Sangmin Nam, *The Legal Development of the Environmental Policy in the Democratic People’s Republic of Korea*, 27 *FORDHAM INT. L.J.* 1322, 1328 (2004) (citing KIM IL SUNG, 3 KIM IL SUNG JEOKAJIB [3 THE COLLECTION OF KIM IL SUNG’S WRITINGS] 202–7 (1979)) (“Kim Il Sung . . . criticized industries and factories for ‘discharging toxic pollution into rivers even though the Korean Workers’ Party put great emphasis on pollution prevention.’”).

18. *Inmin Bogeon Beob* [Public Health Law], adopted by Decision No. 5 of the Standing Meeting of the Supreme People’s Assembly, Apr. 3, 1980, art. 21.

19. *Id.*

20. Nam, *supra* note 17, at 1330.

21. *Hwanyeong Boho Beob* [Law on the Protection of the Environment], adopted by Ordinance No. 5 of the Supreme People’s Assembly, Apr. 9, 1986 [“DPRK Environmental Protection Law (1986)”].

1986 provides a comprehensive approach to environmental issues. In addition to setting forth “fundamental principles” of environmental protection,²² it also sets forth specific prohibitions on activities deemed harmful to the environment, including the hunting and killing of certain animals without permission,²³ the use of vehicles that exceed pollution limits,²⁴ and contaminating water supplies with herbicides and agricultural chemicals.²⁵

Perhaps most importantly, for the first time, Chapter 4 of the 1986 law established a system of government oversight for environmental protection.²⁶ It provided that the “State shall establish a proper system for protecting the environment and strengthen the organizational direction and supervision of the work to improve environmental protection.”²⁷ It further tasked the Administration Council with providing “unified State direction to environmental protection” and establishing a “State pollution surveillance system.”²⁸

The 1986 law also authorized the establishment of a “non-standing environmental protection committee” under the Administration Council in order to “give collective guidance to environmental protection and take any necessary measures promptly.”²⁹ While the non-standing nature of the environmental protection committee suggests that environmental protection may not have had the same stature as other areas of law at the time, it was a meaningful step forward from the Land Law and the Public Health Law, neither of which provided for a government entity tasked specifically with environmental protection.

As part of this apparently enhanced commitment to environmental protection, the law also directed the “organs³⁰ in charge of inspecting completed structures” not to approve structures that had not been furnished with pollution prevention facilities.³¹ Further, under Chapter 5 of the law, which provided for administrative and penal sanctions, the environmental protection agencies were authorized to “halt projects under construction, the operation of factories, and the running of vehicles” if they found violations of environmental regulations.³² Nevertheless, despite these significant developments, North Korea’s approach to

22. *Id.* ch. 1.

23. *Id.* art. 16.

24. *Id.* art. 21.

25. *Id.* arts. 25, 30.

26. *Id.* ch. 4.

27. *Id.* art. 38.

28. *Id.* arts. 39, 45.

29. *Id.* art. 39.

30. This expression, as in the example of “state organ”, has also been used in lieu of “organization” or “institution” in other socialist states such as the former Soviet Union, the PRC, Vietnam, and Cuba. It appears that socialist states have adopted this expression because they have emphasized an organic unity—rather than separation—between the state and its people. See Aurel Braun, *Socialist Concepts of Sovereignty: The Case for Romania*, 7 CASE W. RES. J. INT’L L. 169, 177 (1975).

31. DPRK Environmental Protection Law (1986), art. 44.

32. *Id.* art. 51. Chapter 5 also provides for administrative and penal sanctions where institutions, enterprises, and organizations have brought “grave consequences by seriously damaging, destroying, or polluting the country’s environment.” *Id.* art. 52.

environmental protection at the time “still prioritized land planning over pollution control.”³³

C. *The 1992 Amendments to the Constitution*

The North Korean Constitution was amended on April 9, 1992. Article 57 of the Constitution, a newly added provision, stipulated, “the State shall adopt measures to protect the environment in preference to production, preserve and promote the natural environment and prevent environmental pollution so as to provide the people with a hygienic environment and working conditions.” Like its Chinese counterpart,³⁴ the North Korean Constitution is neither the supreme law of the country³⁵ nor litigable. While not directly actionable, this amendment serves to buttress the North Korean environmental law regime—including the Environmental Protection Law—by establishing its solid legal foundation and by enshrining environmental protection as a fundamental policy of the State.³⁶

II. THE KIM JONG-IL ERA (1994–2011): THE INTRODUCTION OF ENVIRONMENTAL IMPACT ASSESSMENT

Following the death of Kim Il-sung and the ascension of Kim Jong-il, North Korean environmental law continued to evolve. North Korea adopted several environmental laws throughout the 1990s and into the twenty-first century, including the Law on Water Resources (1997), the Law on Prevention of Seawater Pollution (1997), the Law on Protection of Useful Animals (1998), the Law on National Land Environment Protection Control (1998), and the Law on Prevention of Nuclear Contamination (2011).³⁷ Existing North Korean environmental laws also underwent many revisions during the same period. One of the most noteworthy changes was that North Korean environmental protection law evolved from being reactive to being proactive. Specifically, the concept of environmental impact assessments was introduced into North Korean law, beginning with the 2000 amendments to the Environmental Protection Law.³⁸

33. Nam, *supra* note 17, at 1332.

34. In China, individuals cannot invoke constitutional rights before the courts. See JUNWEI FU, MODERN EUROPEAN AND CHINESE CONTRACT LAW: A COMPARATIVE STUDY OF PARTY AUTONOMY 173 (2011). In addition, The Chinese Communist Party has often been considered to be above the law. JAMIE P. HORSLEY, PARTY LEADERSHIP AND RULE OF LAW IN THE XI JINPING ERA, GLOBAL CHINA 1-7 (2019), https://www.brookings.edu/wp-content/uploads/2019/09/FP_20190930_china_legal_development_horsley.pdf.

35. Juliana Dowling & Dae Un Hong, *The Enshrinement of Nuclear Statehood in North Korean Law: Its Implications for Future Denuclearization Talks with North Korea*, 2021 U. ILL. L. REV. ONLINE 48 (2021), <https://www.illinoislawreview.org/online/the-enshrinement-of-nuclear-statehood-in-north-korean-law/>.

36. Gang Won-wu (강원우), *Gonghwagug Hwangyeongbeoblyul Jedoui Hwaglibgwa Geu Ganghwabaljeon* [Establishment, Enhancement, and Development of the Environmental Legal System of the Democratic People’s Republic of Korea], 66 J. Kim Il-sung U. Law, no. 2, 2020, at 29.

37. See *infra* Appendix IV.

38. Hwangyeong Boho Beob [Law on the Protection of the Environment], amended by Decree No. 1676 of the Presidium of the Supreme People’s Assembly, July 24, 2000, art. 42 [“DPRK Environmental Protection Law (2000)”].

After the concept of environmental impact assessment first appeared in an amendment to the Environmental Protection Law, it developed into a standalone law adopted in 2005 and amended in 2007.³⁹

A. *The Amendments to the Environmental Protection Law*

The 2000 amendments to Chapter 4 of the Environmental Protection Law suggest an increasingly important role for environmental law in North Korea. First, rather than a non-standing environmental protection committee, the law provided that the “central land and environmental protection organ shall give guidance to environmental protection under the unified direction of the Cabinet.”⁴⁰ This appears to be the first time that North Korean environmental law established an environmental protection organ with the same status as a land development organ. This new central land and environmental protection organ was further charged with establishing a “nationwide environment-monitoring system to regularly monitor the state of [the] environment, draw up annual plans for environmental protection, and guide their implementation.”⁴¹

Further, Article 42 of the 2000 Environmental Protection Law provided that “[i]nstitutions, enterprises and organizations shall draw up designs and technical tasks from the point of view of environmental protection, *have their impact on [the] environment assessed by a land and environmental protection agency* and obtain agreement of relevant organs.”⁴² The article also provided that such tasks and designs would not be approved unless an environmental impact assessment had been completed.⁴³ This new approach represents a departure from simply requiring pollution prevention and providing for sanctions after a violation occurs, instead allowing for a proactive determination of potential impacts, and perhaps allowing the environmental agencies to suggest less harmful alternatives to proposed plans before they are put into place. However, at the time, the apparent requirements for environmental impact assessments were not spelled out clearly, so the extent to which such assessments were meaningful is unclear from the text of the law.

The Environmental Protection Law was revised again in April 2005. Article 30 of the 2005 Environmental Protection Law provided that “the institutions, enterprises and organizations that wish to produce or import agricultural and other chemicals shall have them *evaluated for their poisonous character and environmental effect* by the state quality control organ and the relevant inspection body.”⁴⁴ This provision suggests the growing awareness of ex-ante environmental protection measures in North Korea, and serves as a prelude to

39. Hwangyeong Yeonghyang Pyeongga Beob [Law on the Environmental Impact Assessment], amended by Decree No. 2195 of the Presidium of the Supreme People’s Assembly, March 27, 2007 [“DPRK EIA Law (2007)”].

40. DPRK Environmental Protection Law (2000), art. 39.

41. *Id.* art. 41.

42. *Id.* art. 42 (emphasis added).

43. *Id.*

44. *See infra* Appendix I (renumbered as Article 31) (emphasis added).

the enactment of the Law on Environmental Impact Assessment, which is discussed below.

In 2011, the Environmental Protection Law was revised twice. The utilization of renewable energy and recycling were first stipulated in the law by the addition of Articles 38 and 40 (renumbered as Articles 39 and 41 in the 2014 Environmental Protection Law, respectively),⁴⁵ which reflect the perennial shortage of resources in North Korea. Another notable change was the sophistication of the system for the control of environmental conditions in institutions, enterprises, and organizations by the addition of Articles 39 and 48 (renumbered as Articles 40 and 51 in the 2014 Environmental Protection Law, respectively).⁴⁶

B. *The Law on Environmental Impact Assessment*

The North Korean government provided detailed requirements for environmental impact assessments when it adopted the Law on Environmental Impact Assessment (“EIA Law”) in November 2005 and amended it in March 2007. The objective of this law was to set forth the guidelines for the preparation and assessment of environmental impact assessments in order to protect and preserve the environment.⁴⁷ To support the assessment process, the law requires the preparation of an environmental impact statement (EIS).⁴⁸

The substantive requirements for the EIS document are set forth in Chapter 2 of the law.⁴⁹ However, the list is rather sparse and provides little in the way of concrete guidance on what should be measured. For example, while the list requires specific features of planning, development, and construction—including the conditions of the area in which the project is to be carried out, forecasts of the environmental impacts, and measures for preventing or reducing negative impact⁵⁰—none of these terms are further defined or detailed in the law. Instead, entities preparing an EIS are simply directed to “conduct an exhaustive and extensive survey of the environmental conditions, specific features of planning, development, and construction,” and the potential resulting environmental changes.⁵¹

The procedural requirements, on the other hand, are more detailed, prescribing who must prepare an EIS (domestic institutions and enterprises as well as foreign-invested enterprises),⁵² the authority of the central land and environmental protection organ to examine EIS submissions,⁵³ the authority of provincial or municipal land and environmental protection organs to examine

45. *See infra* Appendix I.

46. *Id.*

47. DPRK EIA Law (2007), art. 1.

48. *Id.* ch. 2.

49. *Id.* ch. 2.

50. *Id.* art. 13.

51. *Id.* art. 12.

52. *Id.* arts. 9, 15.

53. *Id.* art. 19.

EIS submissions,⁵⁴ and the process for determining whether to approve, reject, or revoke approval of an EIS document.⁵⁵ The EIA Law also provides that the central land and environmental protection organ is to supervise the EIS process and establish a “proper EIS system” in order to do so.⁵⁶ Although the substantive requirements are vague, the law does appear to give significant authority to the land and environmental protection organ to shape the way that projects are carried out.

C. Other Environmental Laws and Regulations

During this period, environmental impact assessment was first stipulated in environmental regulations for special economic zones—the Environmental Protection Regulations for Kaesong (often spelled as Gaeseong outside North Korea) Industrial Complex, adopted in 2006,⁵⁷ and the Regulations on the Protection of the Environment in Mt. Kumgang International Tourism Zone, adopted in 2011.⁵⁸ The provisions regarding environmental impact assessments in said regulations are the products of the enactment of the EIA Law, because the two regulations were adopted after the EIA Law was enacted in 2005.

III. THE KIM JONG-UN ERA (2011–PRESENT): INCREASING USE OF ENVIRONMENTAL IMPACT ASSESSMENTS

North Korea has continued to enact new environment-related laws since Kim Jong-un came into power in December 2011. The Law on Prevention of Air Pollution, the Law on Urban Beautification, the Law on Renewable Energy, and the Law on Recycling Resources were adopted in 2012, 2012, 2013, and 2020, respectively.⁵⁹ The enactment of the last two laws suggests that the perennial lack of resources persists in North Korea.⁶⁰ Various existing environmental laws and regulations have been revised since 2012, including the Environmental Protection Law.

A. The Amendments to the Environmental Protection Law

In 2014, the Environmental Protection Law was revised extensively, including the addition of environmental impact assessments to Article 27 (formerly Article 26) (see Table 1 below). This revision shows that environmental impact assessments are increasingly being widely required and used in various fields in North Korea.

54. *Id.* art. 20.

55. *Id.* arts. 22, 24.

56. *Id.* arts. 30, 31.

57. *See infra* Appendix III.

58. *Id.*

59. Dae Un Hong, *North Korean Laws Since 2016: What They Imply for the Country's Future*, 38 NORTH (Feb. 25, 2021), <https://www.38north.org/2021/02/north-korean-laws-since-2016-what-they-imply-for-the-countrys-future/>.

60. *Id.*

Table 1. Comparison of Article 27 of the Environmental Protection Law

2000 Law	2014 Law
<p>Article 26 (Environmental protection in sea, rivers, lakes and reservoirs)⁶¹ No ship, either sailing or at anchor in the territorial waters or economic waters, at the ports, harbors, and barrages, on the rivers, lakes, and reservoirs of the DPRK shall dump oil, foul water, or garbage therein. Institutions in charge of exploiting natural resources, and institutions, enterprises, and organizations concerned shall not pollute the marine environment while developing marine resources or undertaking construction projects along seashores.</p>	<p>Article 27 (Environmental protection in sea, rivers, lakes and reservoirs)⁶² Any ship, either sailing or at anchor in the territorial waters or economic waters, at the ports, harbors, and barrages, on the rivers, lakes, and reservoirs of the DPRK shall <i>comply with the pollution prevention regulations</i> and shall not dump oil, foul water, or garbage therein. Institutions in charge of exploiting natural resources, and institutions, enterprises, and organizations concerned <i>that wish to develop marine resources or undertake construction projects along seashores</i>, shall <i>have them evaluated for their impact on the marine environment</i> and take measures to prevent marine pollution.</p>

B. Other Environmental Laws and Regulations

Just as the concept of environmental impact assessment first appeared in an article of the Environmental Protection Law and later developed as a standalone law, it was also stipulated in a single provision of the Environmental Protection Regulations of Kaesong Industrial Complex and the Environmental Protection Regulations of Mt. Kumgang International Tourism Zone, and expanded in environmental regulations of other special areas for foreign investment. The Regulations on Environmental Protection in Economic Development Zones⁶³ and Regulations on Environmental Protection in the Rason Economic and Trade Zone,⁶⁴ adopted on February 19, 2014 and July 23, 2014, respectively, each

61. COMM. FOR THE PROMOTION OF EXTERNAL ECON. COOPERATION, COMPILATION OF LAWS AND REGULATIONS (FOR FOREIGN INVESTMENT) 111 (2003) (N. Kor.).

62. See *infra* Appendix I.

63. Economic development zones (EDZs) were first designated in 2013. For more on the EDZs, see generally Choi Eunjoo, *North Korea's Economic Development Zones (EDZ) and Inter-Korean Economic Cooperation*, SEJONG INST. CURRENT ISSUES & POLICIES, Dec. 28, 2018, <https://www.sejong.org/boad/22/egoread.php?bd=23&itm=&txt=&pg=1&seq=4626>.

64. Rason was designated as the first special economic zone of North Korea in December 1991 and was referred to as Rajin-Sonbong until 2000.

contain a full chapter (Chapter 3) on environmental impact assessment.⁶⁵ Although the chapters of the regulations are almost abridged versions of the EIA Law,⁶⁶ North Korea notably made it clear for the first time in Article 19 (“Obligation”) that environmental impact assessment is mandatory for development and construction projects in the economic development zones and the Rason Economic and Trade Zone, and an enterprise shall not be granted an approval for construction without an environmental impact assessment.

C. *Environmental Impact Assessments in Practice*

Environmental impact assessment has not only been enshrined in the Environmental Protection Law, the EIA Law, and environmental regulations, but it has actually been conducted in practice in North Korea under Kim Jong-un. A notable example is the ongoing Tanchon hydroelectric power plant construction project, where scientists and engineers at Kim Il-sung University—the most prestigious university in North Korea—were mobilized to assess the environmental impact of the power plant on the areas surrounding it.⁶⁷ This suggests that the North Korean authorities have had to deal with the unexpected environmental consequences of many development and construction projects, and thus have become increasingly aware of the importance of proactive environmental policy. Even so, however, it is unclear whether the law has had a significant impact on environmental quality in North Korea.⁶⁸

IV. A COMPARATIVE PERSPECTIVE: NORTH KOREA AND CHINA

In the field of EIS, it is appropriate to compare the laws of North Korea and the People’s Republic of China (PRC) because of 1) the geographical proximity of the two countries; 2) North Korea’s economic dependency on the PRC; 3) the similarities in their political structure, history, and culture; and, most importantly, 4) the growing Chinese influence on North Korean law, especially since the dissolution of the Soviet Union.⁶⁹ While North Korean environmental

65. The two regulations are almost identical except that “Economic Development Zones” was replaced by “Rason Economic and Trade Zone” in the latter.

66. See *infra* Appendix III.

67. Park Hyun (박현), Tamgujeon, Changjojeonui Yeolpungeul Sechage Illeukyeo: Dancheon Baljeonso Geonseole Pagyeeondoen Eewolsibchilil Gwahagja, Gisulja Dolgyeogdaeseo [Inspired by The Craze of Exploration and Creation: Scientists and Engineers Dispatched to Tanchon Power Plant Construction], RODONG SINMUN (Dec. 28, 2018), http://www.rodong.rep.kp/ko/index.php?strPageID=SF01_02_01&newsID=2018-12-28-0019. For more on Tanchon power plant project, see Peter Makowsky, *The Tanchon Power Station Project: Progress Lagging*, 38 NORTH (Nov. 25, 2020), <https://www.38north.org/2020/11/tanchon201125/>.

68. Air pollution, for example, remains a significant problem as a result of the country’s dependence on coal-fired power plants. See Jeongmin Kim, *Pyongyang Cloaked in Smog as Fine Dust Descends on North Korea*, NK NEWS (Dec. 11, 2019), <https://nknews.org/2019/12/pyongyang-cloaked-in-smog-as-fine-dust-descends-on-north-korea>.

69. Although the Soviet influence was dominant until the 1950s, the formative period of North Korean law, EIS as understood in the West was not stipulated in Soviet laws at least until the end of 1991.

law has evolved significantly since 1986, a comparative analysis of similar provisions in the law of the PRC reveals that North Korean environmental law remains underdeveloped. The People's Republic of China Law on Environmental Impact Assessment ("PRC EIA Law")—adopted in 2002, three years before its North Korean counterpart—is similar in several ways to the North Korean law. Like the North Korean law, the PRC EIA Law describes both the substantive and procedural requirements that entities engaging in certain actions must follow in conducting an environmental impact assessment.⁷⁰ It also sets forth the consequences for failing to conduct an EIS.⁷¹

However, a closer look at both the substantive and procedural provisions demonstrates that the PRC has taken a more sophisticated approach to its environmental impact assessment law than North Korea. One key difference is the distinct requirements for the assessment of government programs and the assessment of construction projects. For example, Chapter II of the PRC EIA Law contains specific requirements for governmental entities—including local governments and cities—in regard to developing and carrying out government programs such as water conservation, communications, and tourism programs.⁷² When a government program is either found to have potentially unfavorable impacts or to "directly involve the environmental interests of the general public," these entities are also required to seek the opinions of experts and the general public about the draft EIS "by holding demonstration meetings or hearings, or by any other means," unless the government requires confidentiality.⁷³

In contrast, although provincial and municipal governments in North Korea have some authority to carry out an environmental impact assessment, no such public consultation is required under the North Korean law.⁷⁴ While some scholars have found that, in China, "[i]nsufficient EIA disclosure and consultation have . . . caused mistrust among the public toward [the] EIA process,"⁷⁵ the existence of this provision provides an avenue for a potentially more transparent environmental impact assessment process in China than in North Korea.

The separate requirements for construction projects similarly demonstrate a more sophisticated approach to the environmental impact assessment process in

See Aleg Cherp & Svetlana Golubeva, *Environmental Assessment in the Russian Federation: Evolution Through Capacity Building*, 22 *IMPACT ASSESSMENT & PROJECT APPRAISAL* 121, 122 (2004).

70. Zhonghua Renmin Gongheguo Huanjing Yingxiang Pingjia Fa (中华人民共和国环境影响评价法) [Law on Environmental Impact Assessment] (promulgated by the Standing Comm. Nat'l People's Cong., Dec. 29, 2018, effective Dec. 29, 2018), chs. I–III, 2019 *STANDING COMM. NAT'L PEOPLE'S CONG. GAZ.* 181, 181–185 ["PRC EIA Law (2018)"].

71. *E.g.*, *id.* art. 31 (providing for fines of "not less than 1% but not more than 5% of the total investment of the construction project" where an entity unlawfully commences a project without submitting an EIS for approval).

72. *Id.* arts. 7, 8 (describing EIA requirements for "special programs" such as municipal construction, tourism, and communications).

73. *Id.* art. 11. There are similar public comment requirements for construction projects. *Id.* art. 21.

74. DPRK EIA Law (2007), arts. 20, 21.

75. Xin Ren, *Implementation of Environmental Impact Assessment in China*, 15 *J. ENVTL. ASSESSMENT POL'Y & MGMT.* 1350009, 1350009–15 (2013).

China than in North Korea. Article 16, which sets forth the requirements for construction projects, provides that the environmental impact assessment requirements for entities engaged in construction vary according to the project's potential for environmental impact. Under Article 16, construction entities provide a different level of reporting based on the likelihood of significant environmental impacts.⁷⁶ For example, where environmental impacts are significant, a construction entity shall include a more detailed "all-round appraisal of the environmental impacts."⁷⁷ At the other end of the spectrum, when a project is likely to have impacts so minimal that "it is not necessary to conduct an appraisal of the environmental impacts," the entity is only required to fill out a registration form regarding the environmental impacts.⁷⁸ This approach, as opposed to the "one size fits all" approach of the North Korean law, allows for a more tailored process for environmental impact assessment. It is similar to approaches in countries like the United States, which have longstanding and robust environmental impact assessment requirements.⁷⁹

CONCLUSION

Although North Korean environmental law has evolved significantly from its early emphasis on land management and pollution prevention, it remains relatively underdeveloped in comparison with, for example, the environmental impact assessment law of the PRC. Further, although environmental protection is no longer relegated to a non-standing committee, significant environmental issues, such as poor air quality, suggest that environmental protection may remain a relatively low priority. Even so, some analysts have suggested that the government under Kim Jong-un has taken positive steps, such as publishing its intended nationally determined contribution following the Paris Climate Agreement.⁸⁰ Environmental issues may thus be a potential avenue for international engagement with North Korea, the most isolated country in the world.⁸¹ The work of the World Intellectual Property Organization (WIPO) has shown that such constructive engagement is possible.⁸² Perhaps an international environmental organization could build on this approach and provide similar

76. PRC EIA Law (2018), art. 16.

77. *Id.* art. 16(a).

78. *Id.* art. 16(c).

79. For example, regulations implementing the 1970 U.S. National Environmental Policy Act provide a process for conducting an environmental assessment (EA) that supports a "finding of no significant impact." *See, e.g.*, 10 C.F.R. § 1031.322 (2011). A full environmental impact statement is required only if the EA does not support such a finding. *See id.* § 1031.322(a).

80. David Von Hippel & Peter Hayes, *Going Green? N. Korea's Implementation of Global Climate Change Agreements*, NK PRO (June 7, 2017), <https://nknews.org/pro/going-green-north-koreas-implementation-of-global-climate-change-conventions>.

81. *Id.*

82. The World Intellectual Property Organization has provided assistance in crafting North Korean intellectual property law. Dae Un Hong, *Amicable Ties Between North Korea and WIPO: A Model for Constructive Engagement?* J. Int'l Affairs Online (Mar. 5, 2020), <https://jia.sipa.columbia.edu/online-articles/amicable-ties-between-north-korea-and-wipo-model-constructive-engagement>.

assistance in developing a more robust and sophisticated legal framework for environmental protection.

APPENDIX I (UNOFFICIAL TRANSLATION)
LAW OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA ON THE
PROTECTION OF THE ENVIRONMENT

Adopted by Ordinance No. 5 of the Supreme People's Assembly on April 9, 1986, amended by Decree No. 488 of the Presidium of the Supreme People's Assembly on March 4, 1999, amended by Decree No. 1676 of the Presidium of the Supreme People's Assembly on July 24, 2000, amended by Decree No. 1083 of the Presidium of the Supreme People's Assembly on April 19, 2005, amended by Decree No. 1482 of the Presidium of the Supreme People's Assembly on March 22, 2011, amended by Decree No. 1825 of the Presidium of the Supreme People's Assembly on August 23, 2011, amended by Decree No. 3292 of the Presidium of the Supreme People's Assembly on July 24, 2013, and amended by Decree No. 192 of the Presidium of the Supreme People's Assembly on October 22, 2014

Chapter 1 Fundamentals

Article 1 (Nature of environmental protection)

The law of the Democratic People's Republic of Korea (DPRK) on the protection of the environment is has been enacted for the purpose of providing strict guidelines for the preservation and creation of the environment and prevention of environmental pollution, thereby increasing the beauty of the country, protecting and promoting the people's health, and providing them with cultured and hygienic environment and working conditions.

Article 2 (Main principle of environmental protection)

Environmental protection is work that should be tackled consistently by the State and all people.

The State shall further strengthen its environmental protection initiatives to meet the requirements of developing realities and shall systematically increase investment in the field of environmental protection.

Article 3 (Principle of protecting the environment according to a plan)

Implementation of environmental protection on a planned basis is a fundamental guarantee for the proper implementation of the State's environmental protection policy.

The State shall properly design and accurately implement environmental protection plans at the national, regional, and sectoral levels and shall ensure that cities and villages are built and industrial establishments are located in a planned way to prevent pollution and protect the environment.

Article 4 (Principle of prioritizing pollution prevention)

Taking strict measures for preventing pollution before starting any production and construction is an important requirement of environmental protection.

The State shall ensure that institutions, enterprises, and organizations take measures for preventing environmental pollution before starting production and construction and steadily modernize the material and technical means for protecting the environment.

Article 5 (Participation of all people in environmental protection)

Environmental protection is a sublime patriotic project undertaken by the people for the country and their posterity.

The State shall ensure that all people take good care of the country's rivers, mountains, and land and voluntarily take part in the work of improving environmental protection and management.

Article 6 (Implementation of management responsibility system)

To better protect nature and the environment, the State shall implement a management responsibility system in institutions, enterprises, and organizations.

The management responsibility system encompasses the forests, seaside, roads, railroads, embankments, and green belts in the concerned area.

Article 7 (Promotion of scientific research)

The State shall promote scientific research into protecting the environment from pollution, build up scientific institutions to that end, and strengthen guidance on them.

Article 8 (Exchange and cooperation)

The State shall promote exchange and cooperation with foreign countries and international organizations in the field of environmental protection.

Article 9 (Scope of regulation)

This Law stipulates the principles of and guidelines for preventing devastation of the environment caused by pollution of the air, water, soil, and sea; noise; vibration; ground subsidence; bad odor; destruction of the ozone layer; and global warming. This will create a better environment.

Environmental protection matters not provided for in this Law shall be governed by the relevant laws and regulations.

*Chapter 2 Preservation and Improvement of the Natural Environment**Article 10 (Basic requirements)*

Preservation and promotion of the natural environment are basic requirements of environmental protection.

Institutions, enterprises, organizations, and individuals shall preserve, protect, and manage the natural environment so that it may be conducive to the promotion of public health and to their enjoyment of cultural and emotional life.

Article 11 (Designation of reserves and special reserves)

Reserves and special reserves, such as a biosphere reserve, nature conservation reserve, animal reserve, plant reserve, scenic spot reserve, and marine resources reserve, shall be designated for the purpose of protecting the environment.

The reserves and special reserves shall be designated by the Cabinet.

Article 12 (Taking measures for environmental protection)

The land and environmental protection organ and concerned institutions shall regularly conduct a survey and record changes in the natural environment, such as changes in animals and plants, configuration of the ground, and quality of the water and climate, in all the areas including the reserves and special reserves, and take necessary steps to address these changes.

No act that is harmful to the preservation of the natural environment in its original state or to the protection and management thereof shall be committed in the reserves and special reserves.

Article 13 (Preservation of natural scenery)

Institutions, enterprises, organizations, and individuals shall not cut down ornamental trees in and around cities and villages, along roads and railways, and on the banks of lakes and rivers, nor damage or destroy such landscapes as beauty spots, seaside pine groves, swimming beaches, rare rocks and cliffs, attractive and impressive physical features in mountainous areas, and picturesque islands.

The land and environmental protection organ, local people's committee, and concerned institutions, enterprises, and organizations shall ensure that the mountains that are contiguous to the main railroads and roads become thick woodlands, gardens, and orchards, by planting many trees and afforesting mountain plots and shall remove treeless spaces.

Article 14 (Preservation of scenic spots and natural monuments)

Institutions, enterprises, organizations, and individuals shall not develop coal and ore mines in scenic spots, tourist resorts, and holiday centers, nor construct buildings and facilities that are detrimental to environmental

protection, and shall preserve in their original state the caves, waterfalls, remains of old castles, natural monuments, as well as spots of scenic beauty or of historical interest.

Article 15 (Prevention of subsidence)

Institutions, enterprises, and organizations shall adopt appropriate measures to prevent damage to the environment caused by subsidence of the ground when developing mineral resources and building underground structures.

Underground water shall not be drawn from places where damage may be caused by subsidence of the ground.

Article 16 (Prohibition of damage to the balance of the ecological system)

Institutions, enterprises, organizations, and individuals shall not cause hindrance to the protection of the ecological system and preservation and sustainable utilization of biodiversity by damaging the habitats of wild and aquatic animals or by catching animals or collecting plants registered as rare or endangered species.

Animals and plants that are designated by the State as objects of protection and proliferation shall not be caught or collected without permission from the land and environmental protection organ.

Article 17 (Laying out recreational facilities, afforestation)

The land and environmental protection organ, urban management institutions, and concerned institutions, enterprises, and organizations shall lay out parks, recreation grounds, and amusement parks in modern styles in different places and along roads, railways, and rivers, around buildings, on the waste land around buildings, and in public places plant trees, flowers, and turf of good species that can be conducive to environmental protection in a multifaceted way.

Land within 20 meters of the left and right sides of the protection area of the main railway shall be planted with trees and used as a nursery and shall not be used by other institutions, enterprises, organizations, and individuals.

Article 18 (Months for protection and management of land and environment)

The State, with a view to conducting a campaign for land management and environmental protection nation-wide, shall designate general mobilization periods for land management and months for the protection and management of land and environment—namely, months for managing coastal and territorial waters, planting trees, and beautifying towns.

Months for the protection and management of land and environment shall be designated by the Cabinet.

*Chapter 3 Prevention of Environmental Pollution**Article 19 (Compliance with environmental protection criteria)*

Preventing environmental pollution is a prerequisite for preventing environmental damage.

Institutions, enterprises, and organizations shall strictly observe the permitted limits of environmental protection and the environmental protection criteria for pollutant emissions, noise, and vibration.

The environmental protection criteria shall be laid out by the Cabinet.

Article 20 (Installation of gas and dust collectors and air filters)

Institutions, enterprises, and organizations shall install gas and dust collectors and air filters in buildings and facilities to prevent the emission of gas, dust, and bad odors, and maintain and repair furnaces, tanks, pipes, and other facilities on a planned basis.

Boilers that have not undergone technical inspection shall not be operated.

Article 21 (Prohibition of the use of vehicles and equipment that emit gas and smoke beyond limits)

Vehicles that emit harmful gas or black smoke beyond set limits or that may raise dust by carrying unpacked goods or those that are dirty shall be prohibited from operation, and equipment that exceeds permitted noise and vibration levels shall not be operated.

People's security organs shall strictly undertake technical inspections and control of the operation of vehicles to ensure that vehicles discharging harmful gas or black smoke beyond the set limits, exceeding permitted noise and vibration levels, or raising dust, or those that are dirty, are not operated.

Article 22 (Prevention of air pollution caused by abnormal weather conditions)

Where gas, dust, and the like that are emitted may seriously pollute the atmosphere under the influence of abnormal weather conditions, the land and environmental protection organ and concerned institutions, enterprises, and organizations shall control or suspend the use of facilities and operation of vehicles.

Hydrological and meteorological institutions shall inform the land and environmental protection organ and concerned institutions of abnormal weather phenomena.

Article 23 (Disposal of waste material)

Urban management institutions, the local people's committee, and concerned institutions, enterprises, and organizations shall install trash bins, garbage containers, and dumping grounds on a planned basis in streets, villages,

parks, amusement parks, and beaches to enable the sorting of waste before it is thrown away and deal with or remove garbage promptly.

Waste shall not be burned in the residential areas of cities or near the main road, and garbage collected from dumping areas shall be disposed of promptly.

Article 24 (Recycling of urban waste)

Local people's committees and concerned institutions, enterprises, and organizations shall classify urban waste as carbonaceous materials, wastepaper, plastics, rags, cullet, scrap iron, and garbage for organic fertilizer production to ensure the best possible resource recycling.

Article 25 (Purification of wastewater)

Institutions, enterprises, and organizations shall not construct superstructures until they have constructed drainage and sewage treatment facilities for the purification of household sewage and industrial wastewater.

No further construction shall be undertaken without drainage and sewage treatment facilities in place.

Household sewage and industrial wastewater shall be purified before they are discharged, and unpurified wastewater shall not flow into the seas, rivers, lakes, reservoirs, and the like.

Article 26 (Repairing and improving waterworks, purification of drinking water)

Urban management institutions and concerned institutions, enterprises, and organizations shall repair and improve waterworks regularly and strictly filter and purify the water to supply the people with drinking water that meets the water quality standards.

Factories, enterprises, buildings, or facilities shall not be built, nor shall herbicide, insecticide, or other harmful chemicals be used in the areas surrounding water intakes, reservoirs, and drainage outlets.

Article 27 (Environmental protection of the seas, rivers, lakes, and reservoirs)

Any ship, either sailing or at anchor in the territorial or economic waters, at the ports, harbors, and barrages, on the rivers, lakes, and reservoirs of the DPRK shall comply with the pollution prevention regulations and shall not dump oil, foul water, or garbage therein.

Institutions in charge of exploiting natural resources and institutions, enterprises, and organizations that wish to develop marine resources or undertake construction projects along seashores shall have them evaluated for their impact on the marine environment and take measures to prevent marine pollution.

Article 28 (Furnishing ships with pollution prevention equipment)

Institutions, enterprises, and organizations that are engaged in shipping shall furnish their ships with documents, facilities, and equipment regarding pollution prevention as regulated.

The marine affairs control organ shall regularly supervise and control the conditions of ships regarding pollution prevention.

Article 29 (Prevention of pollution by ships)

Institutions, enterprises, and organizations that operate harbors, ports, barrages, and docks shall be furnished with sewage and refuse disposal facilities and shall promptly dispose of sewage and refuse discharged by ships.

Any oil or filth floating in the sea or river shall be purified or skimmed off.

Article 30 (Construction of sewage works and garbage and industrial refuse dumps)

Institutions, enterprises, and organizations shall build sewage works and garbage and industrial refuse dumps in places where there will be no danger of contaminating the seas, rivers, lakes, reservoirs, or sources of drinking water.

Institutions, enterprises, and organizations that develop underground resources shall arrange earth-scraping areas, overburden dumps, coal depots, soot dumps, and slag heaps; avoid polluting or ruining forests, rivers, and farmland; and, when the underground resource development is finished, restore the area to its original state.

If the damaged environment is not restored to its original state, further underground resource development shall not be permitted.

Article 31 (Production or import of chemicals, evaluation of poisonous character)

Institutions, enterprises, and organizations that wish to produce or import agricultural and other chemicals shall have them evaluated for their poisonous character and environmental impact by the competent quality control organ and the competent inspection body.

Agricultural and other chemicals, the use of which was prohibited by the State because of their poisonous character and environmental impact, shall not be produced or imported.

Article 32 (Storage and use of agricultural chemicals, prohibition of sale and supply of polluted agricultural products)

The agricultural guidance organ and concerned institutions, enterprises, and organizations shall store and use agricultural chemicals in accordance with the prescribed rules so that such poisonous materials as organic pollutants or heavy

metals do not float in the air, flow into the seas, rivers, lakes, and reservoirs, or get deposited in the soil.

Agricultural chemicals shall not be sprayed by airplane without the approval of the central land and environmental protection organ.

Where the soil in question exceeds the pollution limit, crops shall be planted only after relevant remedies have been taken, and the agricultural products produced in polluted soil shall not be sold or supplied.

Article 33 (Prevention of pollution by radioactive substances)

Institutions and enterprises that are engaged in the production or handling of radioactive substances shall be equipped with facilities for filtering and purifying gas, dust, wastewater, and refuse, and they shall reduce their radioactivity to below the set limit.

Institutions and enterprises that handle radioactive substances in open conditions shall regularly monitor radioactive pollution in the surrounding area and take relevant actions.

Article 34 (Handling of radioactive substances)

Where a radioactive substance is to be produced, supplied, carried, stored, used, or destroyed, the concerned institutions, enterprises, and organizations shall obtain permission from the nuclear safety control organ or public security organ.

The nuclear safety control organ shall regularly monitor elements that are likely to cause environmental pollution and take appropriate measures.

Article 35 (Prohibition of import of polluted goods)

No polluted foodstuffs, medicines, daily necessities, and animal feed that may damage the environment and public health shall be imported.

Foodstuffs, medicines, daily necessities, and animal feed that are imported by institutions, enterprises, organizations, and individuals shall be quarantined by the competent institutions.

Article 36 (Prohibition of import or introduction into production of waste products, equipment, and technology that might result in environmental destruction)

Waste products and ozone layer depleting substances and equipment and technology involving such matters that might emit harmful substances or make noise or cause vibration resulting in environmental destruction shall not, without the agreement of the central land and environmental protection guidance organ, be imported or introduced into production.

Article 37 (Regular measurement of quantity and density of harmful substances and intensity of noise and vibration)

Institutions, enterprises, and organizations shall regularly measure, analyze, and record the quantity and density of harmful substances emitted during production, as well as the intensity of noise and vibration, and reduce them systematically.

Harmful substances that are not permitted by the land and environmental protection organ or that exceed the permitted limit shall not be emitted.

Article 38 (Relocation of buildings and facilities causing pollution)

The land and environmental protection organ, local people's committee, and concerned institution shall relocate to an area outside the city the factories and enterprises that cause pollution, move railways and freight-transporting roads either to areas outside residential quarters or underground, and relocate houses that are affected by pollution to places with good environmental conditions.

Factories or enterprises that can cause pollution or that require transportation of large volumes of goods shall not be built in the central area of the city, and buildings and facilities without pollution prevention equipment shall not be used.

Article 39 (Development and use of renewable energy resources)

Institutions, enterprises, and organizations shall, in view of environmental protection and the requirement of sustained development of the economy, reduce the use of fossil energy, such as coal and oil, and extensively develop and use solar, geothermal, wind, tidal, and other renewable energy resources.

Article 40 (Introduction of environment authentication system)

Institutions, enterprises, and organizations shall establish an environmental management system, standardize environmental management, and promote authentication for the environmental management system and products.

The authentication of an environmental management system and products shall be undertaken by the competent institution of environmental authentication.

Article 41 (Introduction of technology for the reuse of waste and by-products)

Institutions, enterprises, and organizations shall actively introduce technology for reusing waste and by-products to prevent environmental pollution and economize raw and other materials to the maximum.

*Chapter 4 Guidance and Control of Environmental Protection**Article 42 (Basic requirements)*

Improving guidance and control of environmental protection is an important requirement for the full implementation of the State policy on environmental protection.

The State shall strengthen its direction and control over the work of environmental protection to meet the requirements of developing realities.

Article 43 (Guidance organ)

Guidance on environmental protection shall be undertaken by the central guidance organ of land and environmental protection under the unified direction of the Cabinet.

The central guidance organ of land and environmental protection shall establish a proper system of guidance on environmental protection and constantly improve the guidance methods.

Article 44 (Organization and operation of a non-standing environmental protection committee)

A non-standing environmental protection committee for protection of nature and environment shall be organized and operated in the Cabinet and the people's committee of the province.

Article 45 (Establishment of environment monitoring system, control of environmental conditions)

The central guidance organ of land and environmental protection shall establish a nationwide environment monitoring system; regularly and accurately monitor and control the environmental conditions of the seas, rivers, lakes, reservoirs, and air; devise annual plans for environmental protection; and provide guidance for the implementation of these plans in a responsible manner.

Article 46 (Planning of environmental economic index)

The State planning organ and concerned institution shall properly set the economic index for the sector of environmental protection and include this in the national economic plan for the thorough implementation thereof.

Article 47 (Provision of conditions)

Institutions, enterprises, and organizations shall furnish the land and environmental protection organ and the relevant institutions with the information they require for the monitoring and measurement of environmental protection and shall maintain necessary working conditions.

The State planning organ, labor administration organ, materials supply institutions, and financial and banking institutions shall, in a timely manner, supply sufficient manpower, facilities, materials, and funds for environmental protection.

Article 48 (Environmental impact assessment of construction work)

Construction works designated by the land and environmental protection organ shall be subject to environmental impact assessments.

Institutions, enterprises, and organizations shall draw up technical tasks and construction designs from the perspective of environmental protection.

Technical tasks and construction designs shall not be deliberated and endorsed unless the environmental impact thereof has been assessed by the land and environmental protection organ.

Article 49 (Pollution prevention facilities, inspection of completed structures)

Institutions responsible for the inspection of completed structures shall not give a certificate of pass to structures that are not equipped with pollution prevention facilities.

Article 50 (Environmental protection fund and pollutant emission compensation fee)

Institutions, enterprises, and organizations shall allocate a portion of their income to an environmental protection fund and use it for their own environmental protection projects. Institutions, enterprises, and organizations that emit environmental pollutants, such as wastewater, waste, waste gas, and dust, shall pay pollutant emission compensation fees according to their emissions levels.

Article 51 (Compilation and submission of statistics for environmental condition)

Institutions, enterprises, and organizations shall collect detailed statistical data on the environmental condition of their respective units annually for submission to the concerned land and environmental protection organ and the concerned statistics organ.

The central guidance organ of land and environmental protection and the central statistics organ shall annually prepare a national report on environmental condition for submission to the Cabinet.

Article 52 (Dissemination of scientific information)

Educational institutions and the press shall, in various forms and ways, disseminate scientific information and general knowledge concerning

environmental preservation and protection and widely publicize successes in environmental protection.

Article 53 (Supervision and control)

Supervision and control of environmental protection shall be undertaken by the land and environmental protection organ and the competent control and supervisory organs.

The land and environmental protection organ and the competent control and supervisory organs shall strictly supervise environmental protection to ensure that institutions, enterprises, and organizations as well as individuals actively preserve and protect the environment and implement measure for preventing environmental pollution.

The competent control and supervisory organs in each sector shall not be selfish and interfere with the workings of the land and environmental protection organ, and they shall comply with the unitary control of the land and environmental protection organ.

Article 54 (Responsibility for management and supervision)

Where environmental pollution has occurred, responsibility for the environmental pollution shall, according to the results of an investigation and measurement, be with the concerned institution, enterprise, organization, or supervisory control organization that has caused the pollution or has been in charge of management.

Article 55 (Detention, compensation, fine imposed on foreign vessels or individuals)

Where foreign vessels or individuals have violated the law in the territory of the DPRK, the foreign vessels or individuals shall be detained and fined or shall compensate the damage.

Article 56 (Civil liability)

Where damage has been caused to people's health and the property of the State, social or cooperative organizations, and individuals through environmental destruction, the damaged environment shall be restored to its original state or due compensation shall be made.

Article 57 (Administrative liability)

Officials of institutions, enterprises, and organizations and individual citizens who are responsible for consequences of their violation of this Law shall, depending on the gravity of the offense, be liable for administrative responsibility in the following cases:

1. The area in charge is not properly protected and managed

2. Acts prohibited in nature reserves or special reserves are committed
3. Natural scenery is damaged or destroyed
4. A natural monument is damaged
5. Groundwater is extracted without approval, causing the ground to collapse.
6. A railroad protection area is intruded upon
7. Environmental protection standards are exceeded
8. Vehicles that emit gas and black smoke beyond set limits are operated
9. Garbage is burned near residential areas or major roads
10. Trash bins, garbage containers, and dumping grounds are not provided as specified
11. Garbage is not removed on time
12. Unpurified wastewater is discharged to the seas, rivers, lakes, and reservoirs
13. Marine resources are developed without approval, or a construction project is undertaken along seashores without approval
14. A ship is operated without pollution prevention equipment
15. Chemicals that are harmful to humans or that pollute the air, water, and soil are produced or imported
16. Other violations of environmental protection laws

Article 58 (Penal liability)

Where the acts proscribed in Article 57 amount to the level of crimes, penal liability shall be imposed according to the corresponding provisions of the penal code.

APPENDIX II (UNOFFICIAL TRANSLATION)
LAW OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA ON THE
ENVIRONMENTAL IMPACT ASSESSMENT

Adopted by Decree No. 1367 of the Presidium of the Supreme People's Assembly on November 9, 2005, and amended by Decree No. 2195 of the Presidium of the Supreme People's Assembly on March 27, 2007

Chapter 1 Fundamentals

Article 1 (Objective)

This Law is enacted for the purpose of providing strict guidelines for the preparation, submission, and examination of environmental impact assessment (EIS) documents and the execution of decisions concerning EIS, thereby contributing to the prevention of environmental destruction and damage resulting therefrom and the maintenance of a clean environment.

Article 2 (Definition)

Assessing environmental impact is the important work of forecasting and assessing the impact on the environment of preparing a plan, development and construction, and removing or reducing the negative impact to the minimum.

A plan includes a national land plan and a master plan for construction; development includes development of resources and energy; and construction includes new construction, technical renovation, rehabilitation and reconstruction.

Article 3 (Principle of submission of application for environmental impact assessment)

The first step in conducting an EIS is the submission of an application for EIS.

The State shall ensure that the procedure for submitting an application is properly set and strictly observed.

Article 4 (Principle of examining the EIS document)

Responsible examination of the EIS document is an important requirement for identifying and preventing elements that are likely to cause environmental destruction.

The State shall ensure that scientific accuracy, objectivity, and impartiality are maintained in the examination of the EIS document.

Article 5 (Principle of implementing EIS decisions)

Implementing EIS decisions constitutes a fundamental guarantee for protecting the environment.

The State shall ensure strict compliance with EIS decisions in the formulation of a plan and development and construction.

Article 6 (Principle of investment)

The State shall ensure that the material and technical foundations of the EIS sector are consolidated and the EIS work is conducted on a modern and scientific basis and informatized as required by the era of information industry.

Article 7 (Exchange and cooperation)

The State shall promote exchange and cooperation with foreign countries and international organizations in the field of EIS.

Article 8 (Applicability)

This Law shall apply to institutions, enterprises, organizations, and individuals engaged in formulating plans or in development and construction projects.

This Law shall also apply to foreign-invested enterprises and foreigners undertaking development and construction projects in the territory of the Democratic People's Republic of Korea (DPRK).

Chapter 2 Preparation of Environmental Impact Assessment Document and Submission of Application

Article 9 (Basic requirements for the preparation and application of the EIS document)

Proper preparation and submission of the EIS document constitute important conditions for the accurate assessment of environmental impact.

Institutions, enterprises, and organizations preparing a plan or engaging in development and construction shall truthfully prepare and submit the EIS document.

Article 10 (Institutions responsible for EIS document preparation)

The EIS document shall be prepared by the planning institution and owner institutions, enterprises, or organizations of a building.

If deemed necessary, a scientific research institution or a relevant specialized institution may be requested to prepare the EIS document.

Article 11 (Survey for EIS document preparation)

Institutions, enterprises, organizations, and individuals preparing the EIS document shall conduct an exhaustive and extensive survey of the environmental conditions of the concerned region; specific features of planning, development, and construction; and any environmental change that may result therefrom.

Article 12 (Method for preparing the EIS document)

The EIS documents concerning planning shall be prepared by creating an environmental protection section in the concerned plan, and the EIS documents concerning development and construction shall be prepared by category in consideration of the specific features and scope of the concerned project.

Article 13 (Contents of the EIS document)

The EIS document shall have the following contents:

1. Specific features of planning, development, and construction;
2. Actual conditions of the area in which the planning, development, and construction are to be carried out;
3. Forecasts of the environmental impact of planning, development, and construction; and
4. Measures for preventing or reducing negative impact.

Article 14 (Time of submission of the EIS document)

The EIS document in respect of planning shall be filed prior to the submission of the draft plan for examination, and the EIS document concerning development and construction shall be filed before an application is made for the issuance of a written designation of construction location and comprehensive plan for the construction in question.

Article 15 (Submission of application)

The EIS document shall be submitted to the land and environmental protection organ for examination.

Foreign-invested enterprises and foreigners carrying out development and construction in the territory of the DPRK shall submit the EIS document prepared in the Korean language to the land and environmental protection organ via their agencies. In this case, the agencies shall produce a letter of delegation.

Chapter 3 Examination of the Environmental Impact Assessment Document

Article 16 (Basic requirements for examination of the EIS document)

Examination of the EIS document is an important undertaking for reviewing and dealing with submitted documents.

Examination of the EIS document shall be conducted by the land and environmental protection organ.

The land and environmental protection organ may organize an EIS committee of experts in the relevant fields to examine the EIS document concerning important projects or projects with a serious environmental impact.

Article 17 (Time limit for examination of the EIS document)

The land and environmental protection organ shall examine the EIS document within 30 days of receipt thereof.

In the case of important projects or projects with a serious environmental impact, the time limit for examination may be extended for another 15 days.

Article 18 (Obligations of land and environmental protection organ in the environmental impact assessment)

The land and environmental protection organ shall examine whether the EIS document has been prepared in line with the State's policy on environmental protection and the prescribed criteria.

Article 19 (Examination competence of central land and environmental protection guidance organ)

The following objects shall be subject to examination by the central land and environmental protection guidance organ:

1. National master plan for land development, master plan for land development in principal areas, and master plan for construction subject to the approval of the Cabinet and the State construction supervision organ;
2. Development and construction projects undertaken by national institutions, projects whose designs are subject to the approval of the State construction supervision organ, equity or contractual joint venture enterprises, and wholly foreign-owned enterprises; and
3. Projects with serious environmental impact, even though they are objects of examination of the provincial (or municipality directly under the central authority) land and environmental protection organ.

Article 20 (Examination competence of provincial [or municipality directly under the central authority] land and environmental protection organ)

1. Master plan for land development of the province (or municipality directly under the central authority), municipality (or district), or county, and sector-specific construction plan; and
2. Development and construction projects under the charge of the province (or municipality directly under the central authority), municipality (or district), or county.

Article 21 (Provision of conditions for examination of the EIS document)

The land and environmental protection organ may require the concerned institutions, enterprises, and organizations to provide information and conditions for the examination of the EIS document.

Institutions, enterprises, and organizations shall provide the required information and conditions in a timely manner.

Article 22 (Decision concerning examination of the EIS document)

The land and environmental protection organ shall examine the EIS document, either approve or reject it, and notify the concerned institution, enterprise, or organization of the result in writing. In case of rejection, the reason shall be specified.

Article 23 (Remedying of errors in the EIS document)

Upon being notified of a rejection, institutions, enterprises, and organizations shall remedy the errors and submit the EIS document for re-examination.

The land and environmental protection organ shall examine the document and notify the applicant of the result.

Article 24 (Revocation of approval of the EIS document)

Where the plan in question is changed or is not put into practice within three years of obtaining approval for development and construction, the land and

environmental protection organ may revoke the approval thereof. In such a case, the concerned institution, enterprise, or organization shall have the EIS document re-examined.

Chapter 4 Execution of Decision Concerning the Environmental Impact Assessment

Article 25 (Basic requirement for execution of the EIS decision)

Execution of the EIS decision is compulsory for institutions, enterprises, organizations, and individuals.

Institutions, enterprises, organizations, and individuals shall formulate the plan or undertake development and construction upon obtaining notice of approval of the EIS.

Article 26 (Designing)

The concerned designing institution shall reflect in the technical design the suggestions made in the EIS decision.

Article 27 (Countermeasures for negative impact)

Where negative environmental impact is detected in the course of preparing the plan or in the development and construction, the land and environmental protection organ shall suspend the process. In such a case, countermeasures shall be taken to remove the negative impact.

Article 28 (Inspection of execution of the EIS decision)

The land and environmental protection organ shall inspect the execution of the EIS decision concerning projects subjected to inspection on completion of construction work.

Development and construction projects that fail to meet the requirements of the EIS decision shall not pass the completion inspection.

Article 29 (Disapproval of projects not subjected to environmental impact assessment)

The State construction supervision organ, land and environmental protection organ, State planning organ, financial institution, and concerned institutions shall not grant approval for the planning or development and construction of projects that have not been subjected to the EIS.

Chapter 5 Guidance and Control of the Environmental Impact Assessment Work

Article 30 (Guidance for work concerning EIS)

Guidance for work concerning EIS shall be undertaken by the central land and environmental protection guidance organ under the unified direction of the Cabinet.

The central land and environmental protection guidance organ shall establish a proper EIS system and provide guidance and control thereof on a regular basis.

Article 31 (Supervision and control)

Supervision and control of the work concerning EIS shall be undertaken by the land and environmental protection organ and the concerned supervisory and control organ.

The land and environmental protection organ and concerned supervisory and control organ shall carry out on a regular basis the supervision and control of the EIS and status of execution of the related decision.

Article 32 (Suspension, compensation for damage)

Where EIS has not been conducted, a plan has been formulated, or development and construction have been undertaken in violation of the EIS decision, the concerned project shall be suspended or any damage caused shall be compensated.

Article 33 (Administrative or penal liability)

Officials of the institutions, enterprises, and individual citizens who are responsible for grave consequences in environmental protection caused through their violation of this Law shall, depending on the gravity of the offense, be liable for administrative or penal responsibility.

**APPENDIX III (UNOFFICIAL TRANSLATION)
PROVISIONS ON ENVIRONMENTAL IMPACT ASSESSMENT IN NORTH
KOREAN ENVIRONMENTAL REGULATIONS**

**REGULATIONS OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF
KOREA ON ENVIRONMENTAL PROTECTION IN KAESONG
INDUSTRIAL COMPLEX**

Adopted by Resolution No. 82 of the Presidium of the Supreme People's Assembly on November 21, 2006

Article 13 (Basic Requirements for Prevention of Environmental Pollution)

The Kaesong Industrial Complex (KIC) management organ and the developers shall prepare an environmental impact assessment (EIA) statement or environmental protection plan in relation to the development, construction and operation of the KIC and shall implement the same after having obtained approval from the central industrial zone guidance organ.

The aforesaid EIA statement or environmental protection plan shall include but not be limited to, the proposed plan for development, construction and/or operation of the subject, characteristics thereof, data related to estimation and evaluation of the impact on the environment and countermeasures for the prevention of environmental pollution.”

REGULATIONS OF THE DEMOCRATIC PEOPLE’S REPUBLIC OF
KOREA ON ENVIRONMENTAL PROTECTION IN MT. KUMGANG
INTERNATIONAL TOURISM ZONE

Adopted by Resolution No. 75 of the Presidium of the Supreme People’s Assembly on November 29, 2011

Article 18 (Preparation and Approval of Environmental Impact Assessment Report)

When an enterprise intends to construct a building or facility, it shall prepare an environmental impact assessment (EIA) report and submit it to the International Tourism Zone Management Committee.

The EIA report shall accurately disclose the characteristics of construction objects, predictive evaluation data on the environmental impact of construction, and measures to prevent environmental pollution.

REGULATIONS OF THE DEMOCRATIC PEOPLE’S REPUBLIC OF
KOREA ON ENVIRONMENTAL PROTECTION IN ECONOMIC
DEVELOPMENT ZONES⁸³

Adopted by Resolution No. 165 of the Supreme People’s Assembly on February 19, 2014

*Chapter 3 Environmental Impact Assessment**Article 18 (Institution and Principle)*

Environmental impact assessment (EIA) in the economic development zones (EDZs) shall be performed by the provincial (or municipality directly

83. As mentioned above, the environmental protection regulations for the Rason Economic and Trade Zone (adopted in July 2014) are almost identical to these regulations and thus are omitted in this Appendix.

under the central authority) land and environmental protection organ (hereinafter called the EIA organ) through the EDZ management bodies.

The EIA institution shall ensure scientific accuracy, objectivity and impartiality in EIA according to the state policy and standard of environmental protection.

Article 19 (Obligation)

The enterprises which are going to undertake development and construction projects in the EDZs shall compulsorily receive an EIA.

The EDZ management bodies shall not grant an approval for construction to an enterprise that has not received an EIA.

Article 20 (Preparation of an EIA Document)

An EIA document shall be prepared by a relevant enterprise on the basis of an exhaustive survey of the environmental conditions and specific features of development and construction in the region concerned, and the environmental change that may entail therefrom. In this case the enterprise may ask a specialized organ to produce the EIA document.

An EIA document shall specify such items as specific features of development and construction, estimation and assessment of impact on environment by development and construction, and preventive measures for environmental pollution.

Article 21 (Submission of an EIA Document)

An enterprise shall submit its EIA document to an EIA organ for examination through the EDZ management body.

Article 22 (Screening Period of an EIA Document)

An EIA organ shall screen an EIA document within 15 days of receipt thereof. In this case, it may ask an enterprise concerned to supply necessary materials and conditions.

The screening period of an EIA document may be extended as necessary.

Article 23 (Notification of Results of Examination of an EIA Document)

An EIA organ shall screen on the EIA document and approve or reject it.

In case it has approved an EIA document, it shall send an approval notification to an enterprise concerned, but a rejection notification with an explanation of the reason when rejecting it.

Article 24 (Submission of a Rejected EIA Document)

The enterprise that has been notified of the rejection of its EIA document shall remedy the mistakes and submit the document again to the EIA institution for re-screening.

Article 25 (Implementation of EIA Decision)

The enterprise that has obtained a notification of approval for an EIA document shall enter into procedures for development and construction and correctly execute the EIA decision.

Article 26 (Cancellation and Re-screening of EIA Decision)

Unless development and construction plan is put into practice within 3 years of approval, the approval of EIA shall be revoked.

In case a change is to be made to the scale, feature, location, procedures of production and technology, buildings, facilities of attached buildings of the relevant project the EIA shall be made again.

Article 27 (Countermeasures for Negative Impact)

Where negative environmental impact arises in development and construction, the EIA organ and EDZ management body shall suspend the process and take measures to remove the negative impact.

Article 28 (Confirmation of Execution of EIA Decision)

The EIA organ and EDZ management body shall confirm the execution of EIA decision during their inspection of completion of development and construction projects.

The development and construction projects that have failed to execute the EIA decision of approval shall not pass the completion inspection.

APPENDIX IV LIST OF NORTH KOREAN ENVIRONMENTAL LAWS

Law	Enacted	Revised
Land	1977	1999
Environmental Protection	1986	1999, 2000, 2005, 2011, 2013, 2014
Forest	1992	1999, 2001, 2005, 2008, 2009, 2012, 2013, 2014, 2015, 2017
Prevention of Seawater Pollution	1997	1999, 2014, 2016
Water Resources	1997	1999

Roads	1997	1999, 2001, 2004, 2006, 2007, 2008, 2011, 2013, 2015
Protection of Useful Animals	1998	2000, 2006
National Land Environment Protection Control	1998	2000, 2005
Floodgate	2001	
River	2002	2004, 2013
Environmental Impact Assessment	2005	2007
Tidelands	2005	
Treatment of Wastes and Leftovers	2007	
Taedong River Pollution Prevention	2008	2013, 2014
Nature Reserve	2009	2013
Prevention of Nuclear Contamination	2011	
Prevention of Earthquake and Volcanic Eruption Damage and Rescue	2011	2011
Prevention of Air Pollution	2012	2013
Urban Beautification	2012	2015, 2018
Renewable Energy	2013	
Park and Recreation Area Management	2013	2014
Disaster Prevention, Rescue, and Recovery	2014	2017
Recycling Resources	2020	
Potong River Pollution Prevention	2021	