

A Partial Amendment to the Law on the Development of Inter-Korean Relations (Alternative bill)

Agenda No.	
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Date of Proposition: 2020. 12.

Chairman of foreign affairs and
Proposer: unification committee

1. Details of alternative proposition

A. The next 2 bills are presented to the Foreign Affairs and Unification Committee and referred to the Subcommittee on Bill Review after explanation of proposals, review reports, and General Debate.

Name of the case	Agenda No.	Proposer	Date of Proposition
A Partial Amendment to the Law on the Development of Inter-Korean Relations	544	24 members including congressman, Kim Hong-gul	2020. 6. 12.
	1221	12 members including congressman, Song Young-gil	2020. 6. 30.

B. As a result of the 3rd review (2020.12.1) by the Subcommittee on Bill Review in 382nd National Assembly (regular session), the committee prepares alternative bill for the above 2 bills by integrating and coordinating the results.

C. The 7th Foreign Affairs and Unification Committee of the 382nd National Assembly (regular session) decided not to refer the above 2 bills to the plenary session as reported by the Subcommittee on Bill Review (2020.12.2), and to propose alternative bill prepared by the Subcommittee on Bill Review.

2. Reasons for Proposal of Alternative bill

The plan is to clearly define the definition of terms in relation to the act of distributing leaflets to North Korea, define violations of inter-Korean agreements (including acts of sending leaflets to the North), prepare provisions for punishment for those who violate them, and add a member recommended by the city and provincial governor's council to the Inter-Korean Relations Development Committee.

3. Main contents of alternative bill

A. Establishing a definition of the area of the Military Demarcation Line and distribution of leaflets, etc. (Article 4 of Proposition).

B. The Act on the Violation of the Inter-Korean Agreement, such as the act of spreading leaflets, broadcasting through speakers, etc., is prescribed, and the provisions for the punishment of those who violate the Act are newly established (Article 24 and 25 of Proposition are newly established).

C. At least one member commissioned by the Chairperson of the Inter-Korean Relations Development Committee shall be recommended by the Council established pursuant to Article 165 Paragraph 1 (1) of the Local Autonomy Act (Paragraph 3 of Article 14 of the Proposition).

Law no.

A Partial Amendment to the Law on the Development of Inter-Korean Relations

The Act on the Development of Inter-Korean Relations shall be partly amended as follows:

Subparagraph 4 through 6 of Article 4 shall be newly established as follows:

4. The term "military demarcation line area" means northern area of the civilian control line under Article 2 subparagraph 7 of the Military Base and Military Facilities Protection Act.
5. The term "leaflets, etc." means flyers, goods (including advertisements **and propaganda materials**, printed materials, auxiliary memory devices, etc.) and money or other property profits.
6. The term "distribution/spread" mean the act of distributing leaflets, etc. to an unspecified number of North Koreans or moving them (including the movement of leaflets, etc. simply through third countries. The same as above) to North Korea without obtaining approval under Article 13 or 20 of the Inter-Korean Exchange and Cooperation Act for the purpose of propaganda, gift, etc.

In Article 14(2), "paragraph 3(2)" shall be referred to as "paragraph 3(2) and (3)", and in the proviso to paragraph 3 of the same Article, **at least one member, that is commissioned by the chairperson, that also falls under subparagraph 3**, and paragraph 3 of the same Article shall be newly established as follows:

3. A person recommended by a consultative body established pursuant to Article 165 Paragraph 1 (1) of the Local Government Act.

In Chapter 4, Article 24 shall be newly established as follows:

Article 24 (Prohibition of Violation of the Inter-Korean Agreement) ① No one shall harm the lives or bodies of the people or cause serious danger by doing any of the following acts:

1. Broadcasting through speakers against North Korea in the Military Demarcation Line
2. Posting visual media (posts) towards North Korea in the Military Demarcation Line
3. Distribution of leaflets, etc.

② The Minister of Unification may, if necessary, request cooperation from the heads of the relevant central administrative agencies or local governments to prevent prohibited acts under each subparagraph of paragraph 1. In such cases, the head of the relevant central administrative agency or the head of a local government shall cooperate, except in extenuating circumstances.

Chapter 5 (Article 25) shall be newly established as follows:

Chapter 5 Penalty

Article 25 (Penalty) ① Those who violate Article 24 (1) shall be sentenced up to not more than three years in prison or 30 million won in fines. However, this shall not apply when the Agreement of South and North Korea is suspended pursuant to Articles 23 (2) and (3) (limited to the provisions of the prohibited acts in each subparagraph pursuant to Article 24 (1)).

② Any attempted crime prescribed in paragraph 1 shall be punished.

A supplementary clause

The Act shall enter into force 3 months after its promulgation.

Comparison between new version and old version

Current Law	Amendment
<p>Article 4 (Definition)</p> <p>The terms used in this Act are defined as follows:</p> <p>1. ~ 3. (Omission)</p> <p><Newly established></p> <p><Newly established></p> <p><Newly established></p>	<p>Article 4 (Definition) -----</p> <p>-----.</p> <p>1. ~ 3. (Same as current law)</p> <p>4. The term "military demarcation line area" means northern area of the civilian control line under Article 2 subparagraph 7 of the Military Base and Military Facilities Protection Act.</p> <p>5. The term "leaflets, etc." means flyers, goods (including advertisements, printed materials, auxiliary memory devices, etc.) and money or other property profits.</p> <p>7. The term "distribution/spread" means the act of distributing leaflets, etc. to an unspecified number of North Koreans or moving them (including the movement of leaflets, etc. simply through third countries. The same as above) to North Korea without obtaining approval under Article 13 or 20 of the Inter-Korean Exchange and Cooperation Act for the purpose of propaganda, gift, etc.</p>
<p>Article 14 (Inter-Korean Relations Development Committee)</p> <p>(Omission)</p> <p>② The Committee shall be comprised of not more than 30 members, including one chairperson, and</p>	<p>Article 14 (Inter-Korean Relations Development Committee) ①</p> <p>(Same as current law)</p> <p>② -----</p> <p>----- Paragraph 3 (2) and (3)-----</p>

<p>the term of office of the members referred to in paragraph 3 (2) shall be two years.</p> <p>③ The Minister of Unification shall be the chairperson, and the following persons shall be the members. However, seven members of subparagraph 2 shall be <u>recommended</u> by the Chairman of the National Assembly.</p> <p>1..2.. (Omission) <Newly established></p> <p>④. ⑤ (Omission) <Newly established></p>	<p>-----</p> <p>③ -----</p> <p>-----, -----</p> <p>-----, at least one member commissioned by the Chairperson shall be pursuant to subparagraph 3.</p> <p>1..2. (Same as current law)</p> <p>3. At least one member commissioned by the Council established pursuant to Article 165 Paragraph 1 Subparagraph 1 of the Local Autonomy Act.</p> <p>④. ⑤ (Same as current law)</p> <p><u>Article 24 (Prohibition of Violation of the Inter-Korean Agreement)</u> ① No one shall harm the lives or bodies of the people or cause serious danger by doing any of the following acts:</p> <p>1. <u>Broadcasting through speakers against North Korea in the Military Demarcation Line</u></p> <p>2. <u>Posting visual media (posts) towards North Korea in the Military Demarcation Line</u></p>
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<p style="text-align: center;"><u><Newly established></u></p> <p><Newly established></p>	<p>3. <u>Distribution of leaflets, etc.</u></p> <p>② The Minister of Unification may, if necessary, request cooperation from the heads of the relevant central administrative agencies or local governments to prevent prohibited acts under each subparagraph of paragraph 1. In such cases, the head of the relevant central administrative agency or the head of a local government shall cooperate, except in extenuating circumstances.</p> <p>Chapter 5 (Article 25) shall be newly established as follows:</p> <p style="text-align: center;"><u>Chapter 5 Penalty</u></p> <p>Article 25 (Penalty) ① Those who violate Article 24 (1) shall be sentenced up to not more than three years in prison or 30 million won in fines. However, this shall not apply when the Agreement of South and North Korea is suspended pursuant to Articles 23 (2) and (3) (limited to the provisions of the prohibited acts in each subparagraph pursuant to Article 24 (1)).</p> <p>② Any attempted crime prescribed in paragraph 1 shall be punished.</p>
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