

*Book Review***In-Hwan Kim, Explanation of Korean Environmental Laws**

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This book contains a comprehensive explanation of the environmental laws and regulatory system of Korea. The author was a vice-minister of the Ministry of Environment, Korea, before he joined Kyemyung University. He is currently the president of the Korean Association of Environmental Economics. His long-time experience as an environmental expert inspired him to write this book on the environmental laws and regulatory system of Korea. The Korean environmental laws and regulatory system are quite complex and difficult to understand, because the nature of environmental issues is complicated and continues to change. This book is very helpful for understanding the backgrounds and objectives of each environmental act in Korea. This book is an excellent guidebook for professionals, government officers, business people and students interested in studying the environmental issues and regulations of Korea. Therefore, I am pleased to review this book.

In the preface, the author stated, “Environmental problems currently reach a level that threatens our lives, and it is inevitable that business management must respond them promptly and adequately. However, because the laws that address environmental problems are complicated and vast, it is very difficult to access and understand them. Hence, I am writing this book to explain to everyone the environmental laws and regulatory system of Korea in systematic and comprehensive manner.”

By 1997, 26 Korean environmental acts had been legislated since the Korean Environmental Preservation Act was first legislated in 1977. The author notes that each environmental act in Korea has its own bases and objectives, mainly to respond to serious domestic and international environmental issues and problems. Therefore, the introduction of new environmental acts is intended to resolve environmental problems and to implement relevant policies, rather than to develop new environmental concepts or theories of law. In other words, the environmental acts originated from the practical need to address specific environmental problems and to establish a basic legal system and frameworks. The author also argues that environmental problems are basically caused by developments in science and technology, and, therefore, their solutions are also dependent on the development of science and technology. In this sense, acts that address environmental problems created by modern civilization are inevitably based on

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scientific and technical knowledge. As a result, these acts are difficult to understand, because ordinary people, as well as environmental experts and lawyers, often have difficulty comprehending the science and technology behind these laws. Such observations appropriately explain the nature of environmental laws.

According to the author, Korean environmental acts can be divided into five categories: water quality preservation, air quality preservation, waste management, natural environment preservation and environmental management. Water management acts are legislated independently upon demand, which means that each individual act has a specific objective. For instance, the Water Supply Act designates preservation areas for tap water sources that are to be managed by the city or county chief. The basic act in this category is the Water Quality Preservation Act, the objectives of which are to prevent damage to human health and the environment from water pollution and to preserve and manage appropriately the quality of public water resources. The main instrument of this act is the regulation of the total amount of water pollution discharged from any enterprise.

By comparison, air quality is protected by a single environmental act called the Air Quality Preservation Act, legislated in 1990 and amended in 1997. The fundamental determinant of the air quality is how clean the air is. The ultimate goal is to reach the level found in nature. However, the bottom-line is the level that human beings and ecosystem can sustain. To meet this level, it is necessary to establish the criteria for air quality using scientific determinations for human health, ecosystem effects and economic impacts. Obviously, the criteria vary with respect to each pollutant, socioeconomic structure and technology. In Korea, the Environmental Policy Act specifies the criteria for various pollutants. The Air Quality Preservation Act regulates the total emissions of air pollutants from businesses, households and vehicles in detail.

The basic objectives of waste management are to minimize wastes produced by economic activities, to recycle the wastes as much as possible and to treat safely the remaining wastes. To reach these objectives, the Waste Management Act was legislated in 1991 and amended in 1995. In this act, the responsibility for waste management is allocated, and safety standards are strictly regulated. For waste management, a special act encourages the use of facilities, such as incineration, that have difficulties in getting public acceptance. Another act is related to the promotion of resource conservation and reutilization. In this act, recyclable materials (through the deposit-refund system), excess packing and disposable products are regulated.

Historically, the environmental acts and regulatory system in Korea have primarily addressed water pollution, air pollution, and waste management. However, since 1990, the positive concept of preserving the ecosystem itself was introduced into environmental legislation. In 1991, the Natural Environment Preservation Act was legislated to achieve this goal. However, it is fair to say that the act is more a kind of declaration than a regulation. It is necessary to develop and refine this area of law, incorporating more in-depth scientific research. For example, in the context of natural environment preservation, the Toxic Chemical Control Act directly regulates the production, emission, and location of toxic chemicals. Therefore, it is imperative to integrate the National Environmental Policy Act with other acts such as the Toxic Chemical Control Act.

The last category of acts is environmental management. The environmental laws and regulatory system of Korea are characterized by the legislation of individual acts that regulate specific materials or objects. However, environmental management requires an integrated approach. To meet this goal, the Environmental Policy Act was legislated in 1990, in which the fundamental considerations for environmental policies, the support for development of environmental technologies and the policies for compensating the economic costs of environmental improvements are specified in detail. This integrated approach is more effective and convenient to implement. For example, the Environmental Impact Assessment Act, legislated in 1993 and amended in 1997, requires the careful assessment of the environmental impacts of economic development. Under this act, the measures to minimize the environmental impact of specific development projects must be prepared before a project is started. This act is now one of the most important policy instruments for environmental management. Now, the Korean environmental laws and regulatory system are becoming integrated with acts legislated by other ministries. Currently, there are 21 other acts that are related to environmental issues.

In this book, the author explains the details of each environmental act, including its objectives and motivations. This book is an excellent guidebook to understanding the environmental laws and regulatory system in Korea for both ordinary people and experts in environmental areas.