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# LAW OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA ON EXTERNAL CIVIL RELATIONS

Adopted by Decision No. 62 of the Standing Committee of the Supreme People's Assembly on September 6, 1995, and amended by Decree No. 251 of the Presidium of the Supreme People's Assembly on December 10, 1998

## Chapter 1 Fundamentals

### Article 1 (Objective)

This Law is enacted for the purpose of protecting the rights and interests of the parties involved in external civil relations, as well as to further promote external economic cooperation and exchange.

### Article 2 (Object of regulation)

This Law provides the laws governing the property of and family relations among legal persons and citizens of the DPRK and foreign countries, and prescribes the procedures for the resolution of civil disputes.

### Article 3 (Respect for sovereign rights)

The State shall ensure that the sovereign rights of the parties concerned are respected in external civil relations.

### Article 4 (Equality and mutual benefit)

The State shall ensure that the principles of equality and mutual benefit are adhered to in external civil relations.

### Article 5 (Maintenance of basic principles of legal system of the DPRK)

The State shall ensure that basic principles of the legal system of the DPRK are maintained in external civil relations.

### Article 6 (Validity of relevant treaties)

Where a treaty concluded between the DPRK and a foreign country stipulates otherwise in connection with external civil relations, the treaty shall take precedence. In case of absence of a governing law applicable to the external civil relations concerned, either international practices or the law of the DPRK shall be applicable.

### Article 7 (Law of domicile for those with double nationality)

The law of the domicile shall be applicable to the parties having more than two nationalities in the ways specified hereunder:

1. Where any one of the parties' nationalities is Korean (DPRK), the law of the DPRK shall hold;

2. Where a party's nationalities are all foreign, the law of the country in which the party has residence shall hold; or

3. Where a party has his residence in both countries, the nationalities of which the party has acquired, or where a party has no residence in any of such countries, the law of the country with which the party in question is most closely related shall hold.

**Article 8 (Law of domicile for those with no nationality)**

Where a party with no nationality keeps his residence in a certain country, the law of such country shall be regarded as the law of the domicile. Where, however, a party does not keep his residence in any country or keeps it in several countries, the law of the country in which such a party stays shall be regarded as the law of the domicile.

**Article 9 (Law of domicile for those in a country with different local laws)**

The law of the domicile of a party who has acquired the nationality of a country whose law differs from one locality to another shall be determined by the relevant law of the country concerned. In case of absence of a relevant law the law of the domicile shall be the one of such locality as the party in question belongs to or is most closely related with.

**Article 10 (Those with residence in more than one country)**

The law of the DPRK shall be the law of the domicile for any party keeping his residence both in the DPRK and foreign countries.

Where a party keeps his residence in more than one foreign country, the law of the country in which the party stays shall be regarded as the law of the domicile.

**Article 11 (Those with no fixed residence)**

For a party having no fixed residence in any country, the law of the country in which such party stays shall be regarded as the law of the domicile.

**Article 12 (Law of most closely related country)**

Where it is impossible to confirm the provisions of the law of any foreign country prescribed as the governing law under this Law, the law of the country with which the party is most closely related shall hold. In case of absence of the foregoing law, the law of the DPRK shall be applicable.

**Article 13 (DPRK law as governing law)**

Where the rights and obligations of a party derived from the law of a foreign country, which has been prescribed as the governing law by this Law, or the rights and obligations established in accordance with international practices should conflict with the fundamental principles of the DPRK legal system, the law of the DPRK shall prevail.

**Article 14 (Reference back to law of the DPRK)**

Where the law of a foreign country defined as the governing law under this Law refers back to the law of the DPRK, the latter shall hold.

**Article 15 (Family-related legal act of overseas Koreans)**

Any of such legal acts as marriage, divorce, adoption or guardianship that is performed prior to the effectuation of this Law by a citizen of the DPRK keeping his residence in a foreign country, shall remain valid within the territory of the DPRK provided no reason to justify any nullification of such act is found.

## Chapter 2 Parties Involved in External Civil Relations

### Article 16 (Parties to external civil relations)

The corporate bodies and citizens of the DPRK and foreign countries involved in external civil relations shall be the parties to such relations.

### Article 17 (Rights of legal person)

The capacity of enjoyment of rights of a legal person shall be governed by the law of the country, the nationality of which such legal person has acquired, except for such cases as are otherwise stipulated by the law of the DPRK.

### Article 18 (Legal capacity of citizen)

The legal capacity of a citizen shall be governed by the law of the domicile.

Where the law of the DPRK defines as "major" a citizen of a foreign country who is defined as "minor" under the law of the domicile, any act committed by such citizen within the territory of the DPRK shall be regarded as valid.

The foregoing paragraph shall not be applicable to the matters relating to family and inheritance, as well as any act in connection with immovable properties in foreign countries.

The legal capacity of a citizen of the DPRK having his residence in a foreign country shall be governed by the law of the country in which such citizen resides.

### Article 19 (Authentication of incompetence)

Conditions for authentication of incompetence or partial competence shall be governed by the law of the domicile of the party concerned.

Where, however, a case is not authenticated as incompetence or partial competence under the law of the DPRK, notwithstanding the authentication to that effect under the law of the domicile, the said case may not be authenticated as such.

### Article 20 (Validity of authentication of incompetence or partial competence)

The validity of authentication of incompetence and partial competence shall be governed by the law of the country that has authenticated the case in question.

### Article 21 (Authentication of the missing or the deceased)

The authentication of the missing or the deceased shall be governed by the law of the domicile of the party concerned. However, where the authentication of the missing or the deceased is related with any legal person, citizen or property of the DPRK, the law of the DPRK shall prevail.

## Chapter 3 Property Relations

### Article 22 (Property-related rights)

Such property-related rights as right of possession and ownership shall be governed by the law of the country in which the property in question lies. However, the rights related with such means of transportation as ships and aircraft, as well as with properties in transit shall be governed by the law of the country under whose flag such means of transportation has been traveling, or by the law of the country to which the aforesaid means belong.

#### Article 23 (Intellectual property right)

Rights concerning such intellectual properties as copyright and patent shall be governed by the law of the DPRK. In case relevant provisions have not been made of such rights in the law of the DPRK, relevant international treaty shall be applicable.

#### Article 24 (Property transactions)

Such acts as sales, transportation and conclusion of insurance contracts shall be governed by the law of the country mutually agreed upon by the parties concerned. In case no law has been agreed upon by the parties concerned, the law of the country in which the contract was concluded shall be applicable.

#### Article 25 (Conclusion of contracts by means of cable or correspondence)

Where any contract is to be concluded by means of cable or correspondence between the parties residing in different countries, the law of the country from which a written proposal has been sent out to the other party shall be regarded as the law of the country of act.

In case the place from which such proposal has been forwarded is impossible to be identified, the law of the country in which the place of residence or seat of the proposer is located shall be regarded as the law of the country of act.

#### Article 26 (Mode of property dealing)

A mode of property dealing shall also be regarded as valid if it comes in compliance with the mode set out in the law of the country of act.

#### Article 27 (Property in special economic zone)

Such property relations as establishment of foreign-invested businesses in a special economic zone of the DPRK shall be governed by the law of the DPRK.

#### Article 28 (Marine salvage operations)

In the absence of any law mutually agreed upon by the parties concerned, contracts of marine salvage operations shall be governed by the following laws:

1. In territorial waters, the law of the relevant country;
2. In open seas, the law of the country in which a court of justice having jurisdiction over marine salvage contracts is located; or
3. In case of salvage by several ships of different nationalities in open seas, the law of the country under whose flag the ship in distress has sailed.

#### Article 29 (General average)

General average shall, in the absence of any law mutually agreed upon by the parties concerned, be governed by the law of the country to which the port of destination or the first port of call belongs. In case the parties that have been claimed against are of the same nationality, the law of the country concerned may apply.

#### Article 30 (Proxy, unjust earnings)

Any such act as administration of the other party's properties and work free of legally binding obligations, or any unjust earnings shall be governed by the law of the country in which any act or fact causative thereof has occurred.

#### Article 31 (Illegal act)

Any law-breaking act shall be subject to the law of the country where the said act has been committed.

The foregoing paragraph shall not be applicable in case any act conducted in a foreign country is not prescribed as illegal under the law of the DPRK. In case any such act is prescribed as illegal under the law of the DPRK, the extent of liability shall be as provided for in the law of the DPRK.

#### Article 32 (Collision in open seas)

In case any collision occurs in open seas due to illegal acts of ships of the same nationality, the law of the country under whose flag the ships have been sailing shall hold. However, any collision occurring due to illegal acts of ships of different nationalities shall be governed by the law of the country in which a court of justice having jurisdiction over ship collision is located.

#### Article 33 (Transfer of credit)

Any transfer of credit shall be governed by the law of the country in which the act of transfer has occurred or by the law of the country in which the obligor keeps his residence.

#### Article 34 (Subrogation or cancellation of right of debtor)

Any act of subrogation or cancellation of the right of the debtor by the creditor shall be governed both by the governing law on claim and obligation and the governing law on the right of an debtor before a third party.

### Chapter 4 Family Relations

#### Article 35 (Conditions and mode of marriage)

Conditions of marriage shall be governed by the respective laws of the domicile of the parties to a marriage. Notwithstanding that conditions of marriage are endorsed by the law of the domicile, a marriage shall not be permitted in case of existence of such obstacles to marriage as previous marital status lasting to date, or consanguinity between the parties concerned, all of which have been provided under the law of the DPRK.

The mode of marriage shall be governed by the law of the country in which the parties concerned get married to each other.

#### Article 36 (Validity of marriage)

As regards the validity of a marriage, the law of the domicile of the couple concerned shall hold.

Where the nationalities of a couple differ, the law of the country in which such couple keep their residence shall hold and where the places of residence of the couple differ, the law of the country with which such couple is most closely related to shall be applicable.

#### Article 37 (Divorce, mode)

Divorce shall be governed by the law of the domicile of the parties concerned.

Where the nationalities of the parties to a divorce differ, the law of the country in which they both have residence shall hold, whereas the law of the country with which such persons are most closely related shall hold in case their places of residence differ.

The mode of divorce shall also be regarded as valid if it comes in compliance with the mode as set out in the law of the country in which the divorce takes place.

#### Article 38 (Divorce to which DPRK citizen is party)

Where one of the parties to a divorce is a resident citizen of the DPRK, the law of the DPRK may be applied, notwithstanding Article 37 of this Law.

#### Article 39 (Identification of parenthood)

Any identification of parenthood shall be governed by the law of the domicile of the offspring at the time of his birth, regardless of the marital status of the parents concerned.

#### Article 40 (Adoption, renunciation of adoption)

Adoption and renunciation of adoption shall be governed by the law of the domicile of the adoptive parents. In case the nationalities of adoptive parents differ, the governing law shall be the law of the country in which they both keep their residence.

Where the law of the domicile of the person to be adopted provides that the adoption is conditional on the obtaining of consent of the person to be adopted or a third party or the approval of a State organ, such condition shall be satisfied.

A mode of adoption and renunciation of adoption shall also be regarded as valid if it comes in compliance with the mode set out in the law of the country in which the parties concerned perform either an adoption or renunciation of adoption.

#### Article 41 (Validity of parenthood)

The validity of parenthood shall be governed by the law of the domicile of the offspring.

Where any one party, either the parents or the offspring, is a resident citizen of the DPRK, the law of the DPRK shall hold.

#### Article 42 (Guardianship)

Any guardianship shall be governed by the law of the domicile of the person to be guarded.

The mode of guardianship shall also be regarded as valid if it comes in compliance with the mode set out in the law of the country in which the guardian performs his duty.

#### Article 43 (Designation of guardian by foreigner)

Where any citizen of a foreign country residing or staying in the DPRK does not have a guardian, a guardian may be designated in accordance with the law of the DPRK.

#### Article 44 (Support)

Any support of a person shall be governed by the law of the country in which the dependent has his residence.

Where a dependent is not granted a right to be supported under the law of the country in which he keeps his residence, either the law of the domicile of such dependent or the law of the DPRK shall be applicable.

#### Article 45 (Inheritance of immovable properties)

The inheritance of immovable properties shall be governed by the law of the country in which the heritage exists, whereas the inheritance of movable properties shall be governed by the law of the domicile of the person inheriting them. However, the inheritance of movable properties by a citizen of the DPRK having his residence in a foreign country shall be governed by the law of the last country in which the person inheriting them had his residence.

Where a citizen of the DPRK residing in a foreign country does not have an heir, the heritage shall be inherited by a person who had the most close relationship with the former.

#### Article 46 (Testament, cancellation of testament)

Any testament or cancellation of testament shall be governed by the law of the domicile of the testator.

A mode of testament and cancellation of testament shall also be regarded as valid, provided that they come in compliance with the law of the DPRK, the law of the country in which the act of testament has occurred, the law of the country in which the testator has his residence or the law of the country where the immovable property lies.

#### Article 47 (Family relations of DPRK citizen resident in foreign country)

Any adoption, renunciation of adoption, parenthood, guardianship and testament in connection with a citizen of the DPRK having his residence in a foreign country may be governed by the law of the country in which the said person resides.

## Chapter 5 Settlement of Disputes

### Article 48 (Governing law)

Settlement of disputes in connection with external civil relations shall be governed by the relevant laws of the DPRK, unless otherwise provided in this Law.

### Article 49 (Trial, arbitration)

Jurisdiction of trial or arbitration of any dispute arising from property dealings shall be determined by mutual agreement of the parties concerned.

### Article 50 (Jurisdiction of competent authority over property dealings)

Where the parties concerned have not agreed upon jurisdiction of trial or arbitration of a dispute arising from property dealings, the competent authority of the DPRK shall have jurisdiction over such cases as defined hereunder:

1. In case the defendant has domicile or keeps his residence within the territory of the DPRK;

2. In case loss of property giving rise to a dispute has been incurred within the territory of the DPRK;

3. In case either the property of the defendant or the object being claimed for exists within the territory of the DPRK; or

4. In case the cause giving rise to a dispute is related to any immovable property registered in the DPRK.

### Article 51 (Authentication of incompetence, partial competence, the missing and the deceased)

Any dispute over the authentication of incompetence, partial competence, the missing or the deceased shall come under jurisdiction of the competent authority of the DPRK without distinction as to the nationality and place of residence of the parties concerned, if such dispute is related to the legal person, citizen or property existing in the territory of the DPRK.

### Article 52 (Marriage, divorce)

Any dispute over marriage and divorce shall come under jurisdiction of the competent authority of the DPRK if the defendant keeps his residence in the DPRK or the plaintiff is a resident citizen of the DPRK at the time of institution of the lawsuit.

### Article 53 (Property between couple)

Any dispute over property between a couple shall fall under jurisdiction of the competent authority of the DPRK, provided that the parties concerned have their residence in the DPRK, or that either the defendant or the plaintiff has his residence in the DPRK with relevant property existing in the DPRK territory.

### Article 54 (Adoption, renunciation of adoption, parenthood, guardianship, legal support)

The competent authority of the DPRK shall not have jurisdiction over disputes arising from adoption, renunciation of adoption, parenthood, guardianship and legal support unless the parties concerned keep their residence in the DPRK.

### Article 55 (Inheritance)

Any dispute over inheritance shall come under jurisdiction of the competent authority of the DPRK irrespective of the nationality of the heir and the place of his residence if the said heir is a citizen of the DPRK or the heritage exists in the territory of the DPRK.

### Article 56 (Rejection or suspension of trial or arbitration)

Any trial or arbitration shall be rejected or suspended, notwithstanding the demand made by any party concerned, in such cases as specified hereunder:

1. In case the jurisdiction over the dispute in question is not acknowledged under this Law;
2. In case proceedings for trial or arbitration of the dispute in question has already been initiated in any other country;
3. In case the parties concerned have agreed to suspend the case; or
4. In case there exists any reason justifiable under the law of the DPRK.

#### Article 57 (Request for information of dispute settlement abroad)

The competent authority of the DPRK may request its counterpart of a foreign country to provide it with necessary information concerning collection of evidence, interrogation of witnesses and other formalities for dispute resolution conducted within the territory of that country or endorsement and execution of judgment or ruling given by the competent authority of such country.

#### Article 58 (Authentication of information by foreign country)

Any information submitted by a foreign country to the competent authority of the DPRK, such as records of interrogation of witnesses, exhibits and the like shall be entitled to be used as an evidence in the resolution of a given dispute, subject to the authentication of the foregoing by a notary office of the relevant foreign country.

#### Article 59 (Acknowledgment of judgment made abroad)

Any judgment made by the competent authority of a foreign country shall be acknowledged, subject to an agreement on mutual acknowledgement thereof between the states concerned. However, where a citizen of the DPRK who is a party to the execution of a judgment on family matters given by the competent authority of a foreign country either makes requests for, or agrees to, the execution of such a judgment, it may be valid.

#### Article 60 (Non-acknowledgement of judgment or award made abroad)

The judgment or award rendered by competent authorities of foreign countries shall not be acknowledged in the following cases:

1. In case any such judgment or award conflicts with the fundamental principles of the legal system of the DPRK;
2. In case any such judgment or award is related to a dispute that comes under jurisdiction of the competent authority of the DPRK;
3. In case any such judgment or award is related to a judgment or decision given by the competent authority of the DPRK;
4. In case any such judgment or award is identical with that of a third country acknowledged by the DPRK;
5. In case any such judgment or award has been given in the absence of any party concerned for no warrantable reason; or
6. In case there exists any reason justifiable under the law of the DPRK.

#### Article 61 (Governing articles for execution of foreign judgment or award)

The provisions of Article 59 and Article 60 of this Law shall also be valid for any execution of judgment or award given by a competent authority of a foreign country.

#### Article 62 (Complaint)

In case any party within the territory of the DPRK has an interest in the execution of a judgment or award given by the competent authority of a foreign country, such party may lodge a complaint with the competent authority of the DPRK within 3 months of finalization of such judgment or award.