

## Poor governance in Gangjeong

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The Asian Human Rights Commission (AHRC) is disturbed by the arrest of 29 people for praying in front of the naval base construction site in Gangjeong village, Jeju Island, South Korea on 10 January 2012. Although they were released two days after their arrest, the incident sends the message that the local government can arrest anyone if their actions relate to the construction of the naval base.

Gangjeong village in Jeju Island was designated for a naval base in 2007. Legally, if the government plans to build a facility, the relevant authorities have to obtain the consent of the residents in the area and the decision must be made at a meeting of the villagers. According to an [interview](#) with Mr. Kang Dong-Kyun, the head of Gangjeong village however, a meeting for approval of the naval base was illegally held at that time. Only 87 out of 1,900 villagers took part in the meeting and everything was passed without due process. No investigation has been conducted into the illegalities of the meeting, while construction work is now ongoing.

It is reported that some 94 percent of Jeju Island residents are against the construction of the naval base. These residents have held peaceful protests asking for the withdrawal of the naval base plan, and to leave the island as it was. As more construction was undertaken, more and more people supported the villagers and protested against the naval base. While the local mainstream media is reluctant to take up this issue, alternative media and foreign media including [Al Jazeera](#) have highlighted the protests and construction.

In response to the protests, the government started taking legal action against all those protesting. Catholic priests and activists were repeatedly arrested and released, and [hundreds of villagers](#) have been called by the police for questioning. The villagers consider such legal action as a form of threat, discouraging their protest.

Apart from the impact on the environment and ecology caused by the construction of the naval base, the social impact goes far beyond that of being just a local problem. The villagers lived in the location for several decades by fishing and farming. However, after the area was designated as the naval base without due process, democratic values and process in the village were slowly eroded, and hatred and mistrust among villagers on opposing sides arose. Many families were separated, with fathers supporting the construction and sons opposing it. The situation worsened after legal action against the villagers and activists was taken.

Governance is a process of decision-making and implementation. The government is one of the actors in governance, and the local government of Jeju Island has played a poor role in this process. The very purpose of the government is to provide a place for people to participate and make voluntary decisions to address issues affecting them, not to choose one side and implement its views by force.

In fact, the case of Gangjeong is one of many prevailing in South Korea, where laws

are used to suppress dissent and opposition, regardless of whether such action (and laws) are restricting the fundamental rights of people affected by the law. The National Security Act for instance, is notorious for restricting freedom of opinion and expression. (For more details, please see [AHRC-STM-027-2012](#).) While laws are passed at the National Assembly, the contents are not thoroughly scrutinised, particularly regarding the possibility for the contents to restrict freedom of opinion and expression. At present, law enforcement agencies enforce the law despite the law restricting rights. For instance, the decision making process related to the naval base was not transparent, but in order to proceed with construction, the government took advantage of the process having occurred without investigating its drawbacks.

Legal action against those opposed to the naval base construction in Gangjeong village and the arrest of peaceful demonstrators only demonstrates the serious failure of governance as well as a misleading use of the rule of law under what is in fact rule by law. Under rule by law, a law need only be enforced with due process, without any question on the substance of the law. Under rule of law however, the contents of the law should not infringe on fundamental and constitutional rights. For the last couple of years, the South Korean government has placed an emphasis on law and order, but without paying attention to the substantive requirements of the law, it will turn South Korea into a country where a law benefits a particular group rather than all people.

Having monitored the situation of Gangjeong village as well as the arrest and persecution against the villagers and activists, the Asian Human Rights Commission urges the government of South Korea to stop the arbitrary use of force by the police and military in Jeju Island, guarantee the islanders' right to peaceful assembly and demonstration, and respond to the demands of those affected by the construction. Any policy with no reflection from the affected will only result in further violence and mistrust.