

## A Reassessment of Public Conflicts and Interests : The Case of the Jeju Naval Base Construction\*

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### Abstract

The Ministry of National Defense designated Gangjeong Village located on the southern shores of Jeju Island as the site for the construction of a naval base in 2007. Since then, the decision has brought about severe conflict among the people concerned, Navy and Jeju local government.

This paper examines the issue of public interest judgment in case of public conflict such as Jeju naval base construction. The fundamentals of the conflict in the case come from the justification on the part of the government's decision. In the case of the navy, through the construction of its base, it purports the abstract concept of national security as its goal. On the other hand, it proceeded with its goal without sufficient evidence and justification as to why there is a need for a naval base in Jeju and why the ideal site has to be Gangjeong Village. The government (navy) is looking at the construction of the base from a national project point of view as a policy while the residents are approaching the problem from the matter of principle of community interest as a whole. This forms the fundamentals of conflict and ultimately has resulted in a practical failure and postponement in the execution of the government policy.

Following the Flathman's argument, this paper has the perspective that securing justification in a public conflict is the fundamental element in judging whether it is for the public interest or not. In order to do this, this paper focuses on the evidence and validity of various arguments surrounding the naval base construction and through them, look closely into the cause and effect of public conflict and ultimately the alternative meaning of public interest. In addition, it seeks to point out the limits of policy approaches and conflicts that appear due to differences in opinions regarding public interest when dealing with public issues that are lacking in values.

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**Key words:** public conflict, Jeju naval base, public interest, justification, principle of consequence, universalizability principle, procedural justification, community value

### I. Raising the Issue

The Ministry of National Defense designated Gangjeong Village located on the southern shores of Jeju Island as the site for the construction of a naval base in 2007. In May of the same year, a survey was carried out by the Jeju Special Self Governing Province which

showed that Gangjeong Village demonstrated the highest approval rating compared to other regions. This resulted in Gangjeong Village being selected as the ideal site. However, in the resident vote that was carried out in August of the same year, it was demonstrated that more than 70% of the villagers opposed the proposition and since then, an active campaign against the said construction of the military base has been vigorously going on to this present day (2013).

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\*This research was supported by the 2013 scientific promotion program funded by Jeju National University

There is great significance in differentiating governmental policy process and policy justification. Dworkin (1978; 1986) differentiates two different kinds of political justification. One is the justification of policy which seeks the expansion of effectiveness in the collective (social) dimension while the other is the justification of principle which emphasizes the rights of an individual or a group. The assertion of a principle becomes possible in the pursuit of the justification of being reasonable. This basically means there is a premise that a society is bound by common principles. However, the justification of government policies is generally acknowledged by welfare seeking logic in the social sense rather than the general principle. In this case, the creation of conflict in the policy process is inevitable because changes occur in the stakeholder relationships as a result of the government's decision.

Even though a policy may be said to be the result of a process of reaching an agreement with sufficient time and evidence, this kind of process doesn't ensure that it offers enough justification in the realization of the policy. In order for a policy proceeding to be a just one, practical reasons for everyone to be convinced in the government's actions must be presented. That is not to say that satisfying the procedural conditions in the policy making process of the government is not important. It is of course of the utmost importance to do this. However, it is a given that some questions are going to be raised about the justification of the public interest seeking method chosen by the government.

The fundamentals of the conflict in the construction of the military base in Jeju come from the justification on the part of the government's decision. In the case of the navy, through the construction of its base, it purports the abstract concept of national security as its goal. On the other hand, it proceeded

with its goal without sufficient evidence and justification as to why there is a need for a naval base in Jeju and why the ideal site has to be Gangjeong Village. The national projects during the past authoritative government were not scrutinized nor were they put up for discussions. Government decisions on issues regarding national security or economic development were especially considered to be automatically for public interest. However, after democratization, according to the relationship changes between the state and citizens as well as the role that a state should play, questions began to be raised as to what is really for public interest. The absence of discussions about public interest appears to lack consistency in the pursuit of logical reasons in such national projects as the construction of the Jeju naval base. It should have been emphasized as a public project for the sake of national security from the beginning. When these assertions didn't convince the related residents, the government changed their emphasis to the economic effect and regional development followed by the establishment of the naval base in seeking a public consensus. To achieve their goal, the civilian and the government associations would jointly visit various naval bases both domestically and internationally. Despite all these efforts, when there were questions still about the validity of these assertions, the navy and the Jeju government, who had been a naval base as equal to that of a public interest venture. The government (navy) is looking at the construction of the base from a national project point of view as a policy while the residents are approaching the problem from the matter of principle of community interest as a whole. In other words, the government is putting forth its justification based on the cause which deems national security to be essential and rather than trying to persuade the residents, it has depended more on the situational logic in the policy making process. This forms the fundamentals of conflict and ultimately has resulted in a practical failure

and postponement in the execution of the government policy.

This paper has the perspective that securing justification in a public conflict is the fundamental element in judging whether the government project is for the public interest or not. In order to do this, this paper will look at the evidence and validity of various arguments surrounding the naval base construction and through them, look closely into the cause and effect of public conflict and ultimately the alternative meaning of public interest. In addition, it seeks to point out the limits of policy approaches and conflicts that appear due to differences in opinions regarding the public interest when dealing with public issues that are lacking in values.

## **II. The Justification of Public Undertakings**

In many cases, government appeals to the public about the good of the whole community to obtain verification and justification for its policies. Often, it emphasizes the perspective of the public good in terms of its justification of its policy without sufficient proof. However, the justification of the policy and the process to realize the policy are two completely different things. A decision can be reached via several alternatives but justification is about what is right, or whether it has value or whether the stakeholders can be persuaded (Bell, 1992:32).

Held (1970: 49-93) suggests three kinds of views in judging public interest. First of all, according to the preponderance model, the public interest is defined as “the necessary methods that are generally needed in achieving the goals popularly sought after by individuals belonging to a society”(Held, 1970: 68). It is possible for the contents of the public interest to be quantitatively measured within this model so the individual interests are gathered together to be analyzed. What the individual prefers constitutes common benefit while the human

beings try to maximize their self-interests as much as possible. When they are judging what is right or wrong, what the individual gains plays the most crucial role. Furthermore, political communities are groups formed by individuals which make the common interest something that a majority of the individuals within the community wants. Therefore, public interest does not benefit all individuals so it is always possible for a clash of public interest and individual interest to happen (Held, 1970: 42-3). The common interest model looks at common interest as equal that of ‘interests that are commonly shared among all participants of a political community’. According to Barry (1965: 190), “common interest are benefits that are shared equally by individuals as part of the public.” If we were to look at common interest as an interest shared between individuals here, it is something that is shared by individuals belonging to that of political communities (region, religious communities etc.). Therefore, the declaration that X becomes common interest implies something more than that of the combined subjective preference of individuals about X. For the common interest model, the core problem lies in how the shared interest is judged and decided on what criteria as individuals belonging to a community (Held, 1970: 99).

The unitary conception model is based on the critique that the elements of value are not properly reflected in the constitution of the two previous public interest views. In the process of judging public interest and what it constitutes, it was asserted that the moral principles and the value system must be considered (Held, 1970: 135). The unitary conception model pays attention to the theory of public interest by Flathman (1966) who focused on the grounds for argument in the justification process which presents evidence that the general public would agree with (Kim, 2006: 180). From this point of view, public interest is a concept that takes on

the normative properties and acts as a priority ground for a policy or legislation. The saying that public interest is a normative concept as well as a moral judge means that what the constitution of the public interest concept is and judging what is common interest lies in a 'principled judgement'(Flathman, 105).

Flathman approaches the matter of public interest from a normative perspective and at the same time from a practical point of view. To judge what constitutes public interest, the party that decides the interest (individual or the state) looks at the pursuit of their own actions (interests) as a justification process for the other party (the public). The most general element which decides this kind of practical discussion process is suggested as 'reasons' (Flathman, 1966: 43-45). Also, the method which explains the decision and actions that are related to the public interest concept is given as 'giving reason', 'being reasonable' or 'resting conclusions upon reasons'. Therefore, a practical justification means that it is giving reason which can reach a certain agreement between parties that have certain preferences or understanding and the minimum elements that would satisfy everything would be the existence of real proof and rules of inference.

Flathman's common interest view is organized into three stages (Flathman, 1966: 104-123; Kim, 2006: 182-188). The first stage consists of the utmost priority moral principles which require fulfillment in discussions related to public interest and suggests 'the principle of consequence' and 'the universalizability principle'. In regards to the former, as a standard for policy evaluation, public interest judgement looks at how the related policy affects the members of the political community and what results it might lead to. In the basis of considering that 'factual relevance and results' are crucial in judging public interest, there is a fundamental principle that undesirable results

must be avoided at all costs. The decision regarding a certain policy's public interest or undesirability must take the specific situation that is happening around the policy into consideration and this is only possible if the generally accepted norms and basic values of the community is taken as the standard norm.

Next, as a principle of universalizability, something that applies to one individual must be appropriate to other people who are in a similar condition (Flathman, 1966: 111-122). In other words, one's assertion must be justifiable and equally applicable to other people who are in the same situation. This means that the interest asserted by an individual must pass the universalizability principles if it needs to be transferred to a public interest. Therefore, if a government can't justify its policy from a universalizability principle, the justification of that policy would become that much more weakened. The significance in Flathman's two principles can be found in that it presents a logical justification standard about specific public interest issues (Bell, 1992: 31-32).

The general community values that have been approved within a political community as political and moral principles that are practical as well are the ones that apply in the concept of public interest in the second stage (Bell, 1992: 34-35). Contradictory opinions may occur surrounding the communal values subject to be judged on whether it is for public interest or not. Therefore, the logical reason why that value is valid rather than the existence of that value accepted and used within the community becomes much more important.

Finally, there is the third stage which takes the specific fact relevance and situation into consideration. This means a decision about public interest is possible only when the applicable situation and the effect that an executed policy would have on individuals

and the society are taken into consideration (Kim, 2006: 188). Ultimately, policy decisions are reached in a specific context. Therefore, executive goals of a specific political community and its political values must be linked to provide justification for the final decision. That kind of justification provides an important reason not only for the opinions that are for and against a particular policy but also in interpreting a policy in a consistent way. That kind of evidence or reason will award legitimacy in the policy surpassing the minimum fulfillment of procedural conditions (Bell, 1992: 33-4).

### **III. The Dispute over the Construction of the Jeju Naval Base**

The conflict in the aftermath of the decision to build a Jeju Naval Base is between the navy and the Jeju Special Self-Governing Province who are trying to build a naval base in the Gangjeong Village in Seogwipo City, Jeju Island, the village residents, and other local civilian organizations who are opposing the decision. The controversy surrounding the Jeju Naval Base began in 1995 when the Ministry of National Defense (MND) reflected the need to build a new naval base in Jeju in its intermediate range defense plan. The ideal site for this was designated to be Hwasoon Harbor located in southern Jeju and in 2002, a request was made to the Ministry of Maritime Affairs and Fisheries (MMAF) for the use of the wharf but the MMAF respected the wishes of Jeju people who opposed the idea and put off the designation request of the wharf for navy use.

The reappearance of the controversy surrounding the naval base construction started when the 'Jeju Naval Base Planning Team', which was formed at the same time of the production of the PR materials of the navy asserting the need of a naval base construction on March 2005, was officialized. Following this, the campaigns by the task force that was

formed in 2002 against the matter resumed as well. The MND let the public know of its firm resolution to proceed with the construction of the naval base and also announced the change in decision of site location from the current Hwasoon Harbor to Wimi Harbor on September 2005. In November 2005, an organization called the 'Island-wide Association for the Jeju Naval Base' was formed and it launched a campaign to get consenting votes. On September 30th 2006, a task force against the naval base construction in Wimi 2-li was officially launched as well bringing the conflict between the two opposing parties to a full out war. This in turn led to a severe conflict between parties for and against the naval base even among the Jeju residents. On April 13th, 2007, the Minister of the National Defense visited Jeju and presented the navy's plan in regards to the naval base. It included the compensation plan in offering the usage of the Alttereu Airfield as well as a supporting fund of 70 billion won.

After the financial support plan for the possible site location of the naval base was announced and while the discussions about the decision method via surveys were being carried out, a new turn of events led to a whole new level of conflict with the selection of Gangjeong Village of Seogwipo City which was not even among the initial candidates for the naval base on April 27th, 2007. The Jeju government carried out two surveys (First round: consenting votes 60.4%, opposing votes 31.5%; Second round: 54.3%, 38.2%) and based on the results, announced that Gangjeong Village of Seogwipo was decided as the final location on May 14th. The navy had initially considered Hwasoon Harbor as the best ideal site but with the administrative procedural burden of obtaining the resident votes as well as passing the regulations of the Central Harbor Policy Deliberation Committee, they agreed to designate Gangjeong Village of Daecheondong, Seogwipo City which was recommended

by the Jeju government as the naval base site over their first preference of Hwasoon Harbor.

The residents of Gangjeong Village who opposed the decision raised the issue of legitimacy in the decision process and proceeded with a resident vote of their own in the village meeting on August 20th, 2007 refusing to accede to the latest decision (Jeju Ilbo, August 22nd, 2007). This marked the beginning of an extremely heated conflict lasting over 6 years between the village people and the Jeju government as well as the navy. The Jeju government announced on September 2008 that they would cultivate the naval base into an integrated one where both civilians and the military have access and enhance the aesthetics of the harbor as well. However, the navy continued to use the term 'naval base' and proceeded with the notice of tender for the construction of the harbor facilities escalating the conflicting emotions (Jeju Ilbo, Dec. 25th, 2008). On January 21st, 2009, the Minister for the National Defense officially gave notice for the actual execution plan of the Jeju naval base project and in retaliation, the Gangjeong Village people filed a lawsuit to nullify the approval (April 20th, 2009). On April 27th, 2009, the Ministry of National Defense, the Ministry of Land, Transport and Maritime Affairs, and the Jeju government signed an MOU to build the Jeju naval base into an aesthetically pleasing harbor for both civilian and military usage. In response, on May 6th, 2009, the Gangjeong Village Association, the Jeju Farmers' Association, 35 various Jeju organizations, as well as political and religious parties all gathered together for the first time since the local elections to start a campaign to recall the Jeju governor who was acting as the chief administrator on this matter.

In the meantime, the Ministry of National Defense submitted a budget request on July 9th, 2009, which included the 98.1 billion

won set aside for the year 2010 to build the Jeju Naval Base to the Ministry of Strategy and Finance. On September 29th, 2009, the Jeju Local Bar Association requested support via a special law to stop the procedure for the naval base construction through a press conference. Some notable events happened within the Jeju Assembly. The Urban and Environmental Committee (UEC) of the Jeju Assembly deliberated over the motion to release the zoning for absolute conservation of Gangjeong Village area and consequently rejected it (2009.12.14). However, not long after that, during the Jeju Provincial Council plenary session, the same motion rejected by UEC and the major other issues related to the naval base construction including the motion for the submitted Environment Impact Statement (12.17.2009) and the basic plan for public waters reclamation (12.22.2009) were introduced by the Chairman's authority and passed expeditiously by the Grand National Party who were at a majority at that time. Consequently, the change in plan of the naval base construction was approved and publicized on March 10th, 2010 by the Ministry of National Defense.

On July 15th 2010, the Seoul Administrative Court partially dismissed the lawsuit regarding the confirmation to nullify the approval to execute the building of military and national defense facility filed by 449 Gangjeong Village residents against the Minister of National Defense. In short, out of the administrative procedures that were related to the naval base construction, the approval of the notice carried out in January of 2009 was deemed to be invalid but the notice of change of plans in 2010 was declared legally valid by the court. With this, the controversy for and against the naval base came to a legal closure.

We can look at the perspectives of the involved parties each in their different positions along with the contents of the conflict in several

ways: First, the position of the Ministry of National Defense who presented the naval base construction from a national security issue, a few residents who accepted this proposal as being favorable and thinking that it could be a turning point in regional development and the position of the Jeju Special Self-Governing Province who agreed with the motion; Second, it is the opposing position of the aforementioned perspective where there is a feeling that there is something amiss and unjust in the building of the naval base in a region which went through suffering and oppression just like the 4.3 Incident interspersed in Jeju's history. In this perspective, there is the assertion of 'Peace Island' in its background. Thirdly, there is the environmental position which oppose the destruction of Jeju's natural environment including that of Gangjeong Village where they feel that any artificial development in itself such as that of a military facility would be negative. Ultimately, along with the differences in perspectives, the navy who forcefully went ahead with the proceedings of the naval base construction and the Jeju government's extreme attempts have all contributed to escalating the conflict by giving way to questions of whether the means were justified, especially in the process of changing the site as well as the procedures concerning the naval base construction and obtaining the consensus from the residents.

#### **IV. The Cause and Results of the Public Conflict: Discussions and Implications**

Flathman asserts that the concept of public interest includes practical and normative standard elements. This should mean that the public benefits of a proposed policy should be easily perceived by the general public in its justification process for them to understand the concept and the contents of public interest. If we were to analyze the results of the conflict and context surrounding the Jeju Naval Base based

on the 3 step process suggested by Flathman which was presented earlier for the discussion of practical actions related to public interest, it is as follows.

##### **1. The Principles of the Outcome**

In the construction of the naval base, the navy is relying on the common interest model. The common interest model looks at common interest as something that benefits all members of a society. The navy gave the example of promoting the regional economic activity as the common interest of Gangjeong Village, which had been selected as the construction site. This was because most residents who have experienced being excluded from regional development feel attracted by the economic activity of the tourism developed sector unlike that of agricultural sectors which have unstable income. As a matter of fact, the fact that Gangjeong Village was underdeveloped acted as the core reason in reaching an early consensus to agree in building the naval base.

In the beginning, the reasons that were put forward were under the pretext of national security reasons such as securing the sea route in Jeju's southern waters. In the initial stage (2002), the main contentions of the Ministry of National Defense were those of 'National Interest' and 'National Security' which would assist in securing sea routes and strategic advantageousness from a national perspective whereby Jeju's safety would be enhanced should a massive scale naval base in Jeju be constructed (Lee, Seo-hyeong, 2002; Jang, Jeong-gil, 2002). In addition, it had announced its plans to place an Aegis warship if necessary due to threats to security as a result of the conflict between China and Japan as part of the purpose of building the Jeju naval base (Navy HQ Briefing on August, 2002). However, with the passage of time, the navy promoted the naval base unlike its initial image as something

more civilian in that the naval base would create 'regional development' and 'job creation' via their facilities such as a marine park, an educational and cultural center, and welfare facilities (Navy HQ, 2007). At this point, the public interest element of 'national security' as a judging element seemed confusing to say the least.

Furthermore, the economic effects followed by the naval base construction appear to have had a lot less positive impact, unlike what the navy is asserting. As a matter of fact, the contention that there will be an influx of more people through regional development appeared quite different in reality (Special Committee for Peace Island of the Catholic Jeju diocese). The perspective of the common interest by the navy actually means that it has lost the ground for it to be effective. The 'Jeju Naval Base Project Team' (<http://jejunbase.navy.mil.kr/>) has emphasized the regional economic development followed by the naval base construction all along. Creation of jobs within the region, enhancing consumption of regional products and vast improvement of the regional commercial activities through the influx of visitors are some of the most representative items (Internal documents of the Jeju Naval Base Project Team, 2010). It is the contention of the residents and civic organizations that the 'economic effect' suggested by the navy are mostly exaggerated. Through the visit to currently existing naval bases, the residents of Gangjeong Village quickly grasped the local situations and have learned that the majority of what the navy is saying has no clear proof. The navy started with the premise of public interest under the pretext of national security but then changed its focus to regional development. This kind of transition demonstrates that national security is competing with economic values. It appeared that in building a naval base with the goal of national security in mind, the logic of the latter was being exploited.

The Jeju local government appears to be depending on the 'preponderance of opinion' model in terms of its standard to decide on public interest. The Jeju government emphasized the justification in attracting the naval base based on a survey. The decision to attract the base based on a provisional village meeting attended by some residents (April 26, 2007) and two resident surveys (1st round: May 4, 2007; 2nd round: May 12, 2007) has become the official proof for Gangjeong Village to be finally designated as the site for the naval base (May 14, 2007). All these happened within a space of a month since Gangjeong Village was mentioned as a candidate for the naval base. The Jeju government promoted this as a case where it was "the first national project decided by the people through a consensus" and a policy making procedure based on "democratic means". Later, they showed a contradictory attitude by denying the autonomy of the self-governing province by saying that "it is not possible to reverse an already decided matter since it was a national policy project" to the resisting residents.

In 2005, the Jeju government reformed all its administrative system to a self-governing province where it entrusts all its right to the governor except matters pertaining to national defense and judicial power. This marked a ground-breaking direction in not only Jeju's history but all of Korea's local autonomy history. The matter of the naval base construction became an issue to profoundly experience just what a self-governing province system means from the residents' point of view. With the system implementation of being the first self-governing province in Korea, the position of the electoral head of the local governments disappeared and other than the governor, all positions became assigned by appointment. With this turn of events, an important political fail-safe system which might

curtail any development predispositions of the 'allmighty' power wielding governor had become ineffectual. The self-governing province administrative system revealed just how political power functioned by itself through the case of the naval base. Even though it is assumed that Jeju practices self-governing administration, the political convention of looking towards the central government for guidance is not that much different from the former courses of actions (Seung-Soo, Ha, 2010).

## 2. The Principles of Universalizability

In the case of the Jeju Naval Base, compared to state policy projects of other cities, it is lacking in equity in terms of supporting statute, principal agent and scale of funding. The Jeju government, the Ministry of National Defense and the Ministry of Land, Transport and Maritime Affairs signed an MOU regarding the Jeju Naval Base immediately after the approval of the Ministry of National Defense's project and filing of the lawsuit to nullify it by the residents after that. However, compared to the cases such as the moving of American Military Base to PyeongTaek and the location of nuclear waste disposal facility to KyungJu, it is definitely lacking in fairness (Shin, Yong-In, 2009). In Pyeongtaek's case, the central government is supporting it based on the principles of the 'Special Law to Support Pyeongtaek', while KyungJu is being supported with 'Special Law to Support Kyeongju'. On the other hand, in Jeju's case, no other special law to support it has been enacted and only an MOU exists. The Jeju MOU has no legal power so it is highly suspect as to whether there is going to be actual realistic support.

In regards to the contents of the support, the 'Special Law to Support PyeongTaek' stipulates that the subjects of its support is 'Pyeongtaek City' making the whole of Pyeongtaek a subsidiary. The 'Special Law to Support

KyungJu' also regards all regions that are to be set up as inclusive and has the whole of Kyeongju as its subjects to give support. On the other hand, in the case of Jeju's MOU, it limits the subjects of its support to only Gangjeong Village. In Jeju's case, if the naval base were to be set up, the value of peace and ecosystem of being a World Natural Heritage by UNESCO would be harmed and the repercussions may be insurmountable. If we were to consider how the whole of Jeju might be affected in the event of an outbreak of a war, it would only be fitting to have whole area of Jeju island as subjects of support as befitting the principles of universalizability.

## 3. Procedural Justification

The decision to set up the naval base in Gangjeong Village was settled at the provisional village meeting on April 26th, 2007. According to the minutes of the fishing village fraternity (Minutes from the fishing village fraternity, April. 25. 2007), the residents were fearful about going against national policy decision and there was certainly a lack of information about the facts pertaining to the naval base. In addition, following the ex-village president's persuasive presentation and tearing through the meeting, the 86 residents who had gathered there unanimously agreed to pass the motion. Furthermore, the press conference of the ex-president at the Jeju Provincial Hall the next day exaggerated the situation. The number of people at the village meeting was amplified from 86 to 150, and it was presented as if the villagers were "requesting" and not "inviting" the naval base to be built. The principal agent of attracting the naval base became suspect as an outside force (the Jeju government and Navy) rather than that of the 'residents'. Suspicions were thrown on whether the autonomous resident decisions were justified. Not only that, it was revealed that the provisional village meeting held that day had violated the village code for

executing the meeting procedure. Additionally, it was revealed that there was a discrepancy in the actual acknowledged motion and the motion during the time of the notification.

The problems in procedure can be confirmed also in the invalidation process of the 'Zoning of Absolute Conservation'(ZAC) of the Jeju Self-governing Province and the project execution approval by the Minister of the National Defense. In January of 2009, the Minister of the National Defense went ahead to approve the project at a stage when no environmental impact statement was submitted, and also when no procedures to release some parts of the ZAC included in the construction site had been launched. The court ruled that the approval to construct the naval base which had commenced without the submission of the environmental impact statement, void. However, after the point of the approval, an environmental impact statement was submitted and it was acknowledged as satisfying the deficiency and the court later ruled that the change of approval plans for the naval base was legally admissible (Marh 10, 2010). This may have satisfied the minimum conditions under the Law of Environmental Impact Statement but even though it should have been viewed as an environmental impact statement that blatantly ignored the principles of procedure, it was still acknowledged in the approval process in the change of plans by the Ministry of National Defense. Jeju's Integrated Impact Evaluation Deliberation Committee postponed the deliberation of the impact statement based on the lack of evidence in areas such as social economic evaluation, alternative methods to preserve the soft coral colony, and the matter of the endangered bioorganism (Latin name : *sesarmops intermedius*, commonly known as the 'chili red' or 'flower' crab) in a meeting held on September 2009. Only three days following this decision, on Saturday September 26th, 2009, a meeting was held again and

a provisional agreement was reached. Even though it was stated that seven prior days of notification must follow according to the environmental impact evaluation ordinance, the deliberation meeting was held only after three days. Furthermore, it was only right that they should have gone through a secondary round of procedures as the problems that were pointed out were no ordinary light ones.

Not only that, if we were to take a look at the legislation article number 4 (approval of executive plan), clause 2 regarding national defense and military facilities, it states that the "Minister of National Defense must review the project's public benefit, appropriateness of location and validity of the executive plan when approving the executive plan under the regulations of article number one." This means that before approving the construction of the naval base, reasonable evidence as to the project's public interest and appropriateness of location must be presented. However, part of the location (about 30 thousand pyeong out of 120 thousand pyeong) set aside for the construction of the naval base facility is included in the 'Zoning of Absolute Conservation' prohibiting any construction whatsoever. Despite this fact, it has been revealed that until the approval was given by the Minister of National Defense (January 2009) of the executive plan for the naval base, the navy's chief of staff who was the executive director of the project had never consulted with the Jeju government who by rights have the jurisdiction over the land (Media Jeju, July 15th, 2010). This is grounds for nullifying the Minister of National Defense's approval about the executive plan (Jeju Local Bar Association, 2009). The residents of the Gangjeong Village consequently filed a lawsuit for confirmation of the invalidation of the change in the ZAC against the Jeju governor (January 25th, 2010). During the proceedings of the lawsuit for the invalidation of the construction of the naval base, the Jeju government omitted

and changed the requirement procedure for the resident opinion hearing which is necessary according to ordinance when changing the designation and status of the ZAC citing the matter as a 'minor item'. In addition, it left behind an indelible negative mark in history by rushing through the agreement procedure in the Jeju Provincial Council required by Special Law (article number 292) when changing the status of a biosphere region. These processes shook the very foundation of the principles of local autonomous constitution by making the standard ordinance and the purpose of the special law nominal. The lack of justification in the procedures demonstrated by the navy and the Jeju government contributed to exacerbate the conflict even more.

#### 4. The Perspective of the Communal Values

There is a word that cannot be ignored when trying to explain the village communities in Jeju commonly referred to as 'gwaendang'. The residents' relationship is implicitly contained within this one simple word. The residents decided to put the matter up for vote with the whole village about the naval base issue by taking the procedural justification into question (June 19, 2007). However, on voting day, the voting process was compromised by the villagers who were proponents of the issue and the vote fell through. This means that the 'gwaendang' relationship which can be said to be the root of the Jeju community was crumbling due to the dividing opinions. They were actually experiencing the disintegration of the community who had co-existed together in the past using words and actions of denial of their relationship with each other. In a community where everyone knows each other's names, the standard norms which direct the relationships within the village become an important foundation. However, with the dilemma regarding the naval base facility, the destruction of the internal order within the village is just one side of the conflict that the

residents have been experiencing directly.

The naval base problem crushed the relationship between 'oneself' and the community and the method to explain their neighbor as "someone's gwaendang, and someone's (same age) friend" came to be branded and replaced with 'opponents' and 'proponents' (Bora Lee 2009: 66). The divided parties of for and against the issue led to a complete deadlock and the feelings of conflict and hatred began. The tragic situation in Gangjeong Village is ostensibly revealed in the plea letter to participate in the resident vote (Aug. 17, 2010) asking about the 'Coping Methods against the Naval Base'. The plea letter written under the name of the village president demonstrates the pain that the residents have been experiencing for the past years after the decision to build the naval base in 2007. It laments that "the neighbors who have been as close as could be have become divided, social intimacy has broken down, gwaendang torn apart, and relationships between seniors and juniors have disappeared all together." This plea letter tells a vivid story about the conflict between the residents that is far more serious than what has been known to the outside.

Behind such extreme conflict as we have seen up to now, it is possible to see that there had been a lack of universalizability and validity of the decision on the naval base location. Not only that, there is the crisis of justification, relationships that have been built over many years and even violence that denies the identity of the village history. Unlike most other regions which have formed a conflicting relationship between the state and residents regarding the military base (Kim Chun-Young, 2002), in the case of Gangjeong Village, the conflict has become internalized between the residents themselves.

## V. Epilogue

The government has the tendency to put forward the idea of public interest to justify its actions without sufficient evidence and discussions to its concept or validity in proceeding with its policies. If it is for public interest by the state, it is more than enough and not enough concern is paid to the discussions about it nor the principle of the issue. The term 'public interest' has been understood as an authoritative concept which people need to obey without question or analyzing the specific contents if it has been decided by the state as being for the public goal and as such has functioned as a "useful tool for the attainment of state ideologies" (Choi, Song-Hwa, 2002: 3-4).

The government has been passive in securing justification or persuading the residents based on the reason that it was a state project in proceeding with the Jeju naval base construction. It wasn't able to present any justifiable evidence for its decisions and thus provided the seed of public conflict. It of course began under the pretext of national security and with the assertion that it will defend the transport route of resources in the southern seas in case of emergency situations. However, it soon appeared to have acknowledged the limits of its military perspective and abandoned the national security argument and started emphasizing the promotion of regional economic development through the construction of the naval base. The navy hypothesized that regional economic development was for the common interest and put forth this argument instead of the abstract public interest concept called national security.

The Jeju local government considered the construction of the naval base as that of a foreign investment. It is looking at this venture as a public good for the residents in that it will bring about regional economic development and job creation. In order to give evidence to

this argument, it approached the issue at hand with a majority vote perspective and exerted efforts in securing justification through a series of opinion surveys.

Flathman looks at public interest as a concept that has elements of value evaluation or norms that lead the public policy into a positive direction. Therefore, he asserted that the decision about public interest should always be made taking the moral principles or the priority value system into consideration. Flathman suggests the principles of universalizability and the principles of avoiding any undesirable results which should be fulfilled from a practical point of view. Unlike the navy's and the Jeju government's assertions, it has been proven that the economic effects are far from satisfactory. The regional development effect followed by a naval base construction has appeared to be a negative one associated with the military features and insufficient in overcoming the negative outcome. In order to transfer Gangjeong Village which is in possession of a community spirit and heaven blessed natural environment into a military base, sufficient and reasonable proof to justify the destruction of its values is required. In order to change the status of the ZAC designated under Jeju Special Law, the navy and the Jeju government should have presented an alternative that would justify why there were no other options to avoid the undesirable outcome. Despite everything, the principle to avoid an undesirable result was not kept by the Jeju government, as shown by a series of poor procedural choices and led to a hasty rather than a cautious environmental impact statement and inappropriate invalidation of the ZAC status.

Not only that, the construction of the Jeju Naval Base was formed through an MOU between the Jeju government and the Ministry of National Defense without the guarantee of the central government unlike the ones of the

transfer of the PyeongTaek American military base and the nuclear waste disposal facility in KyungJu. This goes against the principle of universalizability if one was to consider the normal standard of supporting principal agent, legal basis and scale of financial support.

Justification includes presenting evidence that is convincing about a certain perspective. The evidence can be said to be the logical reason which can be accepted by the others (Alexy, 1989: 202-205). Justification includes intersubjective logic that can demonstrate rightness and be verifiable. From the residents' point of view, the significance that a naval base takes on would be more than that of a policy approach. The existence of a semi-permanent military base of a certain scale in the locality would mean significant changes in the region. The construction of the naval base would also mean the dismantling of the history of a community that Gangjeong Village has built over a long period of time. This in turn means a dissolution of acknowledged values that have been secured for a long time in not only the social and economical perspective but also within the people's lives. Despite that, the legitimate concern and assertion regarding the change of communal values that Jeju and the people in Gangjeong Villiage might go through have been excluded from discussions.

In making public interest decisions, Flathman's point of view looks at the process as a logical justification based on principles and not a process where it simply accumulates preferences of individuals or a process of political reaching of an agreement. It means that demonstrating public interest should be based on logical assertions that follow principles rather than adhering to the outcome of a political process. In short, all things considered, there is a need to differentiate public interest decisions from a majority vote or common interest decisions, especially in the issue of constructing

a naval base in Jeju.

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