



## HOUSING RIGHTS

The South Korean Constitution guarantees every citizen's property and housing rights in principle :

**Article 14'. 'Article 16'. 'Article 23 paragraph 1'.** However, the right to property can be circumscribed when there is determined to be a matter of public necessity (Constitutional restrictions: **'Article 23 paragraph 3'.**

The problem is that it is too easy to be recognized as the case of "public necessity". Not only national projects but also private development projects can be recognized as a matter of public necessity.

### • How does the government steal a village?

Process for the Utilization of National Land for National Projects in South Korea National project: national security project, governmental project, and recognized private project :

**Step 1:** expropriation consultation: land owners must sell land at the price fixed by the project itself.

**Step 2:** rulings on expropriation and objections: in cases where there is an objection to the expropriation of land proposal (Step 2), this shall be renegotiated. However, the project itself can not be objected to, rather it is the amount of compensation which can be renegotiated.

**Step 3:** Administrative litigation: if there is an objection to the expropriation decision (Step 2), it goes to administrative litigation, but at this stage there can be no negotiation on other decisions (such as a refusal of expropriation) except for the compensation amount. In cases where the land owner refuses until the end, the compensation amount will be deposited and the project will forcibly proceed. Forced eviction: of the land owner or tenant resists until the end, they will be forcibly evicted.

### •Expropriating for militarization

Just like eviction due to capitalist development projects, eviction due to militarization follows the same procedure for the utilization of land

## HISTORICAL CONTEXT

Korea is one of Asia's most highly-developed countries economically. Until now, the pursuit of economic development is still the main value, which brings lots of forced eviction. But, besides the cause of economic development, **militarization** is another cause of forced eviction often carried out in Korea. Military base construction **never accepts any opposition opinion** from the public and it is always carried out under the name of **public need/interest**. Moreover, there's a trend to disguise the construction of military bases under a form of "civil-military complex (tourist) site" as an economic development just like Jeju civilian-military complex port for tour beauty (Jeju Naval Base).

There are 2 important historical backgrounds to mention here.

- 1) Korea is a divided country, and under this political situation, people are taught that national security is the highest value.
- 2) The geographical location of South Korea is strategically important for the US's military deployment against China. As a divided country, to consolidate the relationship with the US, the Korean government keeps building US bases. Two villages are suffering from forced eviction for construction of new military bases in Korea right now. Gangjeong village in Jeju island has been fighting against the naval base since 2007, and Seongju village in the Korean peninsula has just been confirmed in 2016 as the site for a new Terminal High Altitude Area Defense / THAAD missile base.



Completed Jeju Naval Base with Warship



Military forced evict Gangjeong villagers for building military housing



### Evictions – quantitatively :

The population of residents on Jeju Island that were affected by the Jeju naval base construction both socially and economically was: 650,000 people in 2016.

The population in East Asia that was affected by the global military and diplomacy due to the Jeju naval base construction were: at least 2 billion people.

### Evictions – causes of the problem :

Jeju island, officially designated as Island of World Peace by the Korean government, was on the way of transitional justice to recover from its historical suffering at the hands of the state and military, but this effort has been dramatically twisted after the proceeding of re-militarization, an impact of the new cold war.

The new cold war, basically a competition for money between the US and China, brings a competition for war base construction. The US Pacific Strategy to rebalance its military power to Asia is the cause for the Jeju Naval Base project.

### Evictions – consequences :

Loss of farming land and sea territory that was required for the sustainable living in the farming and fishing village. Destruction of the environment, culture and community. Mental sickness caused by overwhelming state violence. Land and real estate speculation. Becoming homeless in their own homeland.



Source : 江汀村海軍基地反對對策委員會  
Strategic Committee of Anti-introduction of Naval Base for Gangjeong Village

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