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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECT TO ANY FORM OF DETENTION OR IMPRISONMENT
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Report on the mission to the Republic of Korea of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression
Mr. Abid Hussein, submitted pursuant to Commission on Human Rights resolution 1993/45

UN Doc. E/1995/39

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COMMISSION ON HUMAN RIGHTS
Fifty-second session
Agenda item 8 of the provisional agenda

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Report on the mission to the Republic of Korea of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr. Abid Hussain, submitted pursuant to Commission on Human Rights resolution 1993/45

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Introduction

1. This report has been prepared pursuant to resolution 1993/45 of the Commission on Human Rights and decision 1993/268 of the Economic and Social Council. It analyses the information received by the Special Rapporteur on the right to freedom of opinion and expression, Mr. Abid Hussain, during his visit to the Republic of Korea from 25 to 30 June 1995, as well as information received from non-governmental organizations and individuals active in the field of his mandate concerning allegations of violations of the right to freedom of opinion and expression.

2. It had been the Special Rapporteur's intention to visit both the Republic of Korea and the Democratic People's Republic of Korea. However, the Government of the Democratic People's Republic of Korea indicated it was unfortunately not in a position to receive the Special Rapporteur at the time suggested by him. The Special Rapporteur expresses his sincere hope that such a visit will take place in due course, at the Government's earliest convenience.

3. The Special Rapporteur would like to express his gratitude for the cooperation extended to him by the Government of the Republic of Korea in discharging his mandate. He highly appreciates the assistance received from the Government in the organization of his visit. He would like to convey his gratitude especially to the Minister for Foreign Affairs and his staff who arranged meetings with Cabinet members and helped make his visit successful. All but a few of the Special Rapporteur's requests for meetings with government officials were met, even though these requests were forwarded to the Government at very short notice. Furthermore, the Special Rapporteur notes and appreciates the atmosphere of openness in which his visit took place, both in respect of its organization, whereby he was at great liberty to meet with all parties of concern to his mandate, and with respect to the substantive discussions concerning his mandate, which were invariably frank and constructive.

4. The Special Rapporteur would also like to express his appreciation to the Resident Representative and staff of the United Nations Development Programme in Seoul for their efficient organization of his visit.

5. During his visit, the Special Rapporteur met with representatives of the Government and Administration of the Republic of Korea, representatives and members of non-governmental human rights organizations, representatives and members of both officially recognized and unrecognized trade unions, representatives of the media and related organizations, members of the academic community, the judiciary and the legal profession, as well as with individuals who, through their professional activities or other experience, have a special knowledge of the subject-matter of the Special Rapporteur's mandate. He would like to refer especially to meetings, organized by non-governmental organizations, with former detainees and family members of detained persons convicted on charges relating to the National Security Law and involving their exercise of the right to freedom of opinion and expression. The Special Rapporteur was impressed by the courage and determination of the many men and women active in non-governmental organizations. A list of the persons with whom the Special Rapporteur met is

to be found in annex I to this document. It should be noted that this list is not exhaustive. The Special Rapporteur had the opportunity to meet with many other persons in the course of his visit. He would like to thank all persons with whom he met for their generous efforts to assist him during his visit to their country. Furthermore, he would like to clarify that no person with whom he spoke indicated a wish to remain anonymous. At the close of his visit, the Special Rapporteur gave a press conference at which he presented his initial views on the visit. In the present report, the Special Rapporteur considers those issues that were at the forefront of his discussions during his visit and that he deems most important in relation to his mandate.

I. RECENT DEVELOPMENTS

6. At the outset, the Special Rapporteur would like to mention that many measures have been taken by the Government of the Republic of Korea to strengthen the promotion and protection of human rights in general. The Special Rapporteur wishes to mention briefly some important steps, as well as other developments in recent years that have been brought to his attention. This brief account does not aim to present a complete picture of the current state of affairs regarding the protection of human rights in the Republic of Korea. It rather serves to illustrate the context in which his visit took place relating to the protection and promotion of the right to freedom of opinion and expression.

7. In 1993, the Government promulgated an amnesty for some of the prisoners convicted under previous regimes. In the same year, Cabinet Ministers initially expressed a willingness to examine the possibility of replacing the National Security Law with a law on the protection of public order in a democratic society. Some weeks later, however, the Government considered it necessary to retain the National Security Law for as long as the highly precarious security situation of the country would continue. Also in 1993, the Government acknowledged the necessity of revising interrogation procedures in order to prevent ill-treatment of detainees. Thereupon, the Prosecutor General's office announced guidelines to prevent obstruction of the visits of lawyers to detainees under interrogation. Later that year the Supreme Court established the Judicial System Development Committee for the purpose of examining the reform of the judiciary and the National Assembly passed a law restricting the investigative powers of the Agency for National Security Planning. In 1994, a parliamentary Intelligence Committee was established to oversee the Agency's work. In 1995, two months before the Special Rapporteur's visit, the Seoul Appellate Court acquitted defendant Mr. Lee Chang-bok, who had previously been sentenced to a 10-month prison term under the National Security Law. This was a landmark decision as it recognized the obligation to safeguard the right to freedom of expression of the defendant.

8. These steps reflect the extent to which human rights considerations are becoming part of the political and juridical agenda of the Republic of Korea. The Special Rapporteur recalls the general state of affairs of human rights protection in the 1980s and before, and notes the changes that have taken place since then, especially under the current, democratically elected

President, Kim Young-sam, who took office in December 1992 and who has, on many occasions, publicly committed himself to the cause of democracy and human rights.

9. The Special Rapporteur also recalls the comments of the Human Rights Committee on the occasion of its consideration of the initial report submitted by the Republic of Korea under article 40 of the International Covenant on Civil and Political Rights (CCPR/C/79/Add.6). The Human Rights Committee considered ordinary laws and criminal laws to be sufficient to deal with offences against national security. It did not see the necessity for a separate law on national security. It expressed its concern at the continued imprisonment of persons on grounds of their political opinions and recommended that the Republic of Korea should bring its legislation more into line with the provisions of the International Covenant on Civil and Political Rights. The Special Rapporteur also recalls decisions Nos. 29/1994 and 30/1994 adopted, on 29 September 1994, by the Working Group on Arbitrary Detention concerning the cases of three persons detained on charges under the National Security Law, among them Mr. Hwang Sok-yong (see para. 11 below). The Working Group decided these cases of detention were arbitrary in view of their contravening the right to freedom of expression guaranteed under article 19 of the International Covenant on Civil and Political Rights.

10. The Republic of Korea, in recent years, has shown a growing commitment to the values of democracy and respect for human rights, but remains a subject of concern to human rights mechanisms of the United Nations. The Special Rapporteur notes the astonishing level of economic development of the Republic of Korea, which could serve to strengthen further the country's commitment to human rights. It was in this context that the Special Rapporteur visited the Republic of Korea. With the intention of assisting the Government of the Republic of Korea in its continuing efforts to strengthen the protection of human rights, he would like to express his principal observations and concerns on a number of issues regarding the right to freedom of opinion and expression.

II. Principal observations and concerns

The case of Mr. Hwang Sok-yong

11. In his most recent report to the Commission on Human Rights (E/CN.4/1995/32, paras. 116-118), the Special Rapporteur referred to allegations received concerning infringements of the right to freedom of opinion and expression of the writer Mr. Hwang Sok-yong, who has been convicted and sentenced to a seven-year prison term under the National Security Law. The Special Rapporteur appreciated the opportunity of being able to meet in prison with Mr. Hwang, who appeared to be in good health and who shared valuable information with him. In the present report, for the purpose of clarifying some of his concerns, the Special Rapporteur at times refers to statements Mr. Hwang addressed to him. He would like to stress, however, that these references are without prejudice to the examination of the issue of the detention of Mr. Hwang, concerning which the Special Rapporteur is seeking to continue his dialogue with the Government of the Republic of Korea.

황석영

The National Security Law

12. The Special Rapporteur was informed of a number of controversies that have arisen over the exercise of the right to freedom of opinion and expression by certain persons as related to the safeguarding of the national security of the Republic of Korea.

13. The Special Rapporteur notes that article 7(1) of the National Security Law makes it an offence, punishable by up to seven years' imprisonment, for any person to praise, encourage, propagandize or side with the activities of an anti-state organization. Articles 4, 5 and 8 of the National Security Law furthermore make it a punishable offence to collect, divulge or transmit state secrets or materials benefiting the enemy, to receive materials or money from anti-state organizations, and to meet or communicate with members of anti-state organizations.

14. Reportedly, at the time of the Special Rapporteur's visit, several hundred people were either facing arrest or had been arrested, charged or convicted under the National Security Law, mostly under article 7 thereof. Many cases where the right to freedom of expression of defendants has been restricted on the grounds of protecting national security have been brought to the attention of the Special Rapporteur. These cases include convictions on the following grounds: visiting the Democratic People's Republic of Korea without the prior authorization of the authorities of the Republic of Korea; contacting or speaking with citizens or officials of the Democratic People's Republic of Korea and passing on information of a general character to these persons; expressing socialist views in general; criticizing government policy with regard to the Democratic People's Republic of Korea.

15. The Special Rapporteur notes that the right to freedom of expression can, under international human rights law, be restricted only in the most serious cases of threats to national security. He refers in this regard to paragraphs 48 to 51 of his second report to the Commission on Human Rights (E/CN.4/1995/32).

16. The Special Rapporteur notes that only in highly exceptional cases can a nation's security be directly threatened by a person's exercise of the right to freedom of expression. Such a threat would require, at the very least, the clear establishment of the person's ability and intention to cause the taking of actions directly threatening national security, in particular by propagating or inciting the use of violence. In no instance may the exercise of the right to freedom of expression be punished on the mere ground that it might, possibly, jeopardize national security. It is for the State to establish what consequences would ensue and why they would constitute a direct threat to national security.

17. The Special Rapporteur observes a lack of precision with respect to the scope and meaning of some key concepts which arise in the application of the National Security Law. These include "praising, encouraging and propagandizing of activities of an anti-State organization", and "materials benefiting the enemy". He notes with concern that the National Security Law, as interpreted by the courts, criminalizes the expression of thoughts, beliefs or opinions on public matters, including government policies, as well as the

possession of publicly available materials of a general or academic nature. He profoundly regrets that the quotation of publicly available materials and statements of a highly general or even trivial character are being sanctioned on the assumption that, in some way that is not explicitly specified, they benefit an anti-state organization. Moreover, he notes with concern that the rules of evidence applied in cases concerning the National Security Law do not require the establishment of intent or definite awareness on the part of defendants that the acts for which they have been charged (as stipulated in art. 4, paras. (1) to (4) were actually "benefiting the enemy". The Special Rapporteur notes that persons have been convicted on the basis that they should have been aware that their actions, including the mere possession of publicly available academic works, were "benefiting the enemy".

18. The Special Rapporteur notes with great concern that in most of the cases referred to him concerning the application of the National Security Law not very convincing arguments have been presented to justify the restrictions imposed on the right to freedom of expression. He also notes with concern the apparent absence of any consideration of the State's obligation to protect the defendant's right to freedom of expression or of the right to information of the public at large in legal proceedings involving the exercise of the right to freedom of expression and the upholding of national security. The above-mentioned case of Mr. Lee Chang-bok (see para. 7) is a rare exception. Furthermore, to the knowledge of the Special Rapporteur, in none of these cases has a convincing causal link been established between the content of opinions for the expression of which persons have been charged and convicted and a serious and direct political or military threat to the nation. No reference is made to clearly identifiable, adverse consequences for the nation's security of the expression of the opinions in question. Consequently, the necessity for and effectiveness of the restrictions imposed on the right to freedom of opinion and expression cannot be properly considered in these legal proceedings.

19. The Special Rapporteur further notes with concern the broad discretion of the Agency for National Security Planning to investigate cases concerning the safeguarding of national security, and fears its arbitrary exercise. Unfortunately, the Special Rapporteur was not provided with the opportunity to meet officials of the Agency to seek information and clarification on its position with regard to the protection of national security and its application of the powers entrusted to it. The Special Rapporteur learned, however, that officers of the Agency for National Security Planning are apparently in a position to put pressure on persons who are arrested, charged or convicted for statements considered criminal under the National Security Law. The Special Rapporteur fears this might lead to unwarranted interference by the Agency with the due process of the law.

20. The case of Mr. Hwang Sok-yong (see para. 11 above), illustrates this point. He informed the Special Rapporteur that his wife and son were living in the United States of America and could not return to the Republic of Korea because they feared being arrested upon their arrival. Mr. Hwang was convicted on the charge inter alia of having visited the Democratic People's Republic of Korea without authorization from the competent authorities of the Republic of Korea, i.e. the Agency for National Security Planning. His wife and son accompanied Mr. Hwang on this visit and thus, presumably, face

similar charges. However, according to Mr. Hwang, officers of the Agency for National Security Planning promised him his wife and son could return to their country without being arrested if he would cooperate with the Agency's investigation into his case. More recently, it appears, officers of the Agency informed Mr. Hwang that the time was not yet appropriate for the return of his wife and son. The Special Rapporteur fears that the Agency's officers were motivated by considerations quite independent of the case of Mr. Hwang.

21. On the basis of the above considerations, the Special Rapporteur is compelled to conclude that the wording and implementation of the National Security Law of the Republic of Korea fail to offer adequate protection of the right to freedom of opinion and expression as provided for by applicable international human rights law, including article 19 of the Universal Declaration of Human Rights and article 19 of the International Covenant on Civil and Political Rights, to which the Republic of Korea became a party in 1990.

Freedom of opinion

forced to convert
their political convictions

22. It has been brought to the attention of the Special Rapporteur that prisoners who allegedly hold particular political convictions are requested by prison authorities to renounce those convictions. According to the information received by the Special Rapporteur, this practice is based on an administrative regulation issued by the Ministry of Justice in 1969, the purpose of which is to facilitate the social rehabilitation and monitoring of prisoners after their release.

23. If prisoners do not comply with this request, they face sanctions. These include their applications for release on parole not being considered, being deprived of their privileges, and restrictions on their rights with respect to correspondence and visits. }sanctions

24. The Special Rapporteur considers that this practice, irrespective of its purpose, is in breach of the right to freedom of opinion provided for in article 19 of the Universal Declaration on Human Rights and article 19 of the International Covenant on Civil and Political Rights. In this respect, the Special Rapporteur refers to chapter I, section B of his previous report to the Commission on Human Rights (E/CN.4/1995/32), which deals with restrictions and limitations of the right to freedom of expression. He specifically refers to paragraph 39 of that report, wherein he states that no interference with the right to hold opinions is allowed.

25. The Special Rapporteur considers, furthermore, that the said practice violates the right to freedom of opinion and expression of detainees. The Special Rapporteur would like to refer to Principle 6 (1) of the 1957 Standard Minimum Rules for the Treatment of Prisoners and Principle 2 of the 1990 Basic Principles for the Treatment of Prisoners, which prohibits discrimination on grounds of political or other opinion. The practice of sanctioning the non-compliance of prisoners with the request to renounce their ideological convictions is not in conformity with these internationally recognized principles.

26. In some cases brought to the attention of the Special Rapporteur where prisoners do not comply with the request to renounce their political convictions, they apparently do not wish to do so because they consider this as admitting to an opinion which they claim never to have possessed. Quite apart from the consideration that international human rights law does not permit any sanction, legal, administrative or otherwise, for merely holding a political opinion, the subsidiary question arises here of prisoners effectively being asked to incriminate themselves retroactively, which is in contravention of Principle 21.1 of the 1988 Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, which prohibits, inter alia, taking undue advantage of the situation of a detained or imprisoned person for the purpose of compelling him to incriminate himself.

Freedom of expression of detainees

27. The Special Rapporteur has been pleased to learn that, in general, prison conditions have improved considerably in recent years. Yet, he would like to express his concern on some issues relating to the freedom of expression of detainees.

28. The Special Rapporteur notes that the general regime for the administration of prisons is in large measure based on a law on prisons promulgated under Japanese occupation in 1923. He was furthermore informed that prisoners, as well as prison warders, were generally of the opinion that the regime resulting from this law should be changed and adapted to developments that have since taken place in the protection of human rights in general and the rights of prisoners in particular.

29. In reply to a request of the Special Rapporteur, the detained Mr. Hwang Sok-yong informed the Special Rapporteur of a number of incidents relating to his writing activities in prison. Mr. Hwang explained that he needed the approval of the Ministry of Justice for the publication of his books. Mr. Hwang cited as an example his attempt to reprint one of his publications with an updated preface, to be written in prison. He explained that in reply to his request for paper, the prison authorities asked him to indicate the number of pages he envisaged writing and added that if he wanted to write 10 pages they would provide him with 10 blank pages and if he wanted to write 20 pages they would provide him with 20. Mr. Hwang informed the prison authorities that if that were the case he preferred to write the preface in the form of a letter, whereupon the prison authorities provided him with two postcards. After having written his preface using the space available on the two postcards provided to him, Mr. Hwang stated, the prison authorities requested him three times over to rewrite what he had written on those two postcards. In the end, Mr. Hwang explained, after having revised his preface three times, he had effectively been able to use the space available on one of those two postcards.

30. Mr. Hwang furthermore explained that before receiving approval from the prison authorities to write on whatever subject, or even to keep notes or to write on anything personal and not intended for publication, he first had to indicate the subject on which he wanted to write. The subject had then to be reviewed by the Ministry of Justice before paper was made available to him by the prison authorities. Furthermore, what he had written was reviewed by the

prison authorities after completion. Mr. Hwang concluded that he preferred not to write at all under these circumstances, which in his opinion merely led to discussions on what topics were the most appropriate for him to write on.

31. The testimony of Mr. Hwang captures the atmosphere of the prison regime. The Special Rapporteur observes that Mr. Hwang Sok-yong is not free to engage in his writing activities within limits reasonably necessitated by his incarceration. He is concerned that prison conditions in general do not fully reflect applicable standards, including those governing the right to freedom of opinion and expression of detainees. In this connection, the Special Rapporteur would like to refer to the 1990 Basic Principles for the Treatment of Prisoners, of which Principle 5 reads in full:

"Except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration on Human Rights, and, where the State concerned is a party, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and the Optional Protocol thereto, as well as such other rights as are set out in other United Nations covenants."

Freedom of expression in the workplace

32. The Special Rapporteur was informed of a number of problems in the exercise of freedom of expression in the workplace. He notes that article 13 (2) of the Labour Dispute Mediation Act prohibits anyone who has no immediate connection to a workplace where a dispute between workers and employers is taking place from intervening in that dispute. Violation of this prohibition on what is commonly referred to as "third party intervention" carries a maximum penalty of five years' imprisonment. He also notes that article 3 of the Trade Union Law prohibits the establishment of trade unions or trade union federations if these duplicate or interfere with the work and purpose of existing trade unions or trade union federations.

33. The Special Rapporteur notes with concern that a number of persons who have been imparting information to workers on legitimate trade union action or the Government's labour policies have been arrested or are facing arrest on charges of illegal intervention in a labour dispute.

34. The Special Rapporteur holds the view that freedom to associate in trade unions is a prerequisite of the effective collective expression of labour-related opinions, including grievances. Trade unions assist individual workers, among others, in their exercise of the right to seek and receive information for the purpose of arriving at a well-informed opinion on their professional circumstances and activities related thereto. Trade unions, furthermore, make possible public discussion on issues that regard not only their members but society at large, such as legislation on labour, taxation and welfare. As such, they perform an essential function in a democratic society that respects human rights.

35. The Special Rapporteur, taking into account the purpose of trade unions, which is principally to protect the interests of their members, considers that there must be room for more than one union. A worker must be able to choose the union which, in his opinion, protects his interests best. He must also have the freedom to associate with other workers to form a new trade union if he considers that existing trade unions do not effectively protect his interests. In such cases, the forming and joining of a new trade union cannot be construed as interference with the work of pre-existing trade unions.

36. The Special Rapporteur observes that article 3 of the Trade Union Law effectively amounts to a general prohibition on forming or joining a trade union of one's choice. It impairs the legitimate exercise of the right to freedom of opinion and expression in the workplace.

37. The Special Rapporteur also observes that the legal regime covering trade union activities in practice prevents workers from freely seeking, receiving and imparting information essential for forming a balanced opinion on matters relating to their professional activities and development. This includes advice given to workers, irrespective of their union membership, about their labour rights. In addition, the Special Rapporteur has found that this legal regime in practice prevents the full enjoyment of the right to freedom of assembly and association, which is intimately linked to the full enjoyment of the right to freedom of opinion and expression. He refers in particular to the status of the Korean Council of Trade Unions, which is seeking to be established alongside the only legally established nationwide trade union, the Federation of Korean Trade Unions.

38. The Special Rapporteur, considering his mandate, does not wish to address questions uniquely or mainly relating to freedom of assembly and association. Yet, noting the close connection of these freedoms to the freedom of opinion and expression, he would like to recall the recommendations offered to the Government of the Republic of Korea by the Committee on Freedom of Association of the International Labour Organization (ILO) in 1993, which called, *inter alia*, for the repeal of the ban on "third party intervention". Due regard should also be given to two important ILO Conventions: Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise and Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively. Both Conventions have been elaborated upon and clarified by the competent organs of the ILO.

Performance Ethics Committee

39. The Special Rapporteur notes that performing artists in the Republic of Korea are required to submit the text or recording of their performance, prior to its publication, to the Performance Ethics Committee. Under the Performance Act, the Movies Act and the Act concerning Records and Video Materials, the Performance Ethics Committee is empowered to withhold authorization for publication on various grounds, including the upholding of public morals. In practice, the Performance Ethics Committee at times requests performing artists to review their submissions before authorizing publication.

40. The Special Rapporteur considers that any system of prior restraint on freedom of expression carries with it a heavy presumption of invalidity under international human rights law. Any institutionalization of such restraint adds further weight to this presumption. In his opinion, the protection of the right to freedom of opinion and expression and the right to seek, receive and impart information would be better served, not by routinely submitting specific types of expression to prior scrutiny, as is currently the case under the Performance Ethics Committee, but rather by initiating action after publication, if and when required. Such an approach would bring the Committee's considerations on the protection of the public interest into the public arena, which would considerably enhance the degree of public knowledge and appreciation of any necessary protection. It would, furthermore, offer an adequate safeguard against possible unduly restrictive administrative measures. While not excluding the possibility of legitimate and necessary prior restraint on the exercise of the right to freedom of expression, the Special Rapporteur would want to express his concern about leaving such prior constraints on this right, which is vital to a democratic society, to administrative procedure and not public legal procedure.

41. The Special Rapporteur recalls paragraph 55 of his previous report (E/CN.4/1995/32) where he stresses the importance of the protection of freedom of expression of minority views, including those views that might be offensive or disturbing to a majority. Such protection applies especially to views expressed by means of the performing arts, as well as to the arts in general, in view of the special character and function of artistic expression.

Press and media

42. The Special Rapporteur was informed that the situation of the press and media had improved since the previous regime. At the same time, the press today seems to face a number of pressures. These are in part related to its own success, which leads to fierce competition, and in part due to financial difficulties faced by certain press organs, especially those owned by small companies. In other part these pressures stem from the structure of ownership of the press. Press management appears to align closely with the interests of the owner companies, mostly local businesses that have profited from the building boom in recent years. The absence of a strong tradition of editorial independence and balanced labour relations leads to a working climate that can at times cause difficulties for press professionals.

43. In addition, the Special Rapporteur was informed of cases where libel suits have led to the arrest of journalists who reported critically on members of the Government. He was also informed of the imposition of fines following critical news reports. These fines are reportedly of an amount that could threaten the survival of the press and media institutions concerned. In a democratic society, government institutions should be open and responsive to all criticism, even when at times it is critical of personalities. The function of the press as a public watchdog and the right of the public to be informed are of great importance. They should not suffer from a climate in which the press and media fear the consequences of their statements delivered in good faith and in the interest of the public.

Cases of concern to the Special Rapporteur

44. The Special Rapporteur is seeking further information from the Government of the Republic of Korea on a number of persons about whom information received by the Special Rapporteur, both before and during his visit, appears to indicate undue restriction of their right to freedom of opinion and expression. After having carefully considered all information necessary to arrive at a well-informed opinion, the Special Rapporteur will present his observations on these cases, if he sees it to be appropriate.

45. The Special Rapporteur has noted with appreciation the special amnesty granted by the Government, as of 15 August 1995, six weeks after his visit, to a large number of prisoners on the occasion of the fiftieth anniversary of the independence of Korea. He has been informed that some of the persons about whom he expressed his concern have had their prison sentences suspended and have been released.

III. RECOMMENDATIONS

46. On the basis of the principal observations and concerns described in the previous section, the Special Rapporteur would like to make the following recommendations. The Special Rapporteur recalls the constructive nature of the exchange of views with the Government during his visit and is confident that his recommendations will be received in a spirit of mutual commitment to strengthening the protection and promotion of the right to freedom of opinion and expression.

(a) The Government of the Republic of Korea is strongly encouraged to repeal the National Security Law and to consider other means, in accordance with the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, to protect its national security.

(b) The practice of requesting prisoners who allegedly hold political opinions repugnant or unpalatable to the establishment to renounce such opinions should cease. All sanctions under prison or social rehabilitation regimes emanating from non-compliance on the part of prisoners with this request should cease.

(c) All prisoners who are held for their exercise of the right to freedom of opinion and expression should be released unconditionally. The cases of prisoners who have been tried under previous Governments should be reviewed, due account being taken of obligations arising under the International Covenant on Civil and Political Rights. In this respect, the obligation to protect the right to freedom of opinion and expression cannot be seen in isolation from other obligations arising under the Covenant, notably concerning the right to a fair trial.

(d) The Government is encouraged to revise the Labour Dispute Mediation Act and the Trade Union Act so as to facilitate legitimate trade union activities, including the expression of well-informed collective opinions by workers on matters relating to labour disputes and collective bargaining.

(e) The Government is encouraged to continue its efforts to align its national law with the provisions relating to freedom of opinion and expression of the International Covenant on Civil and Political Rights, in particular by introducing more explicit national legislation to facilitate the attainment of a proper balance in the judiciary's efforts to protect human rights in general and the right to freedom of opinion and expression in particular.

(f) The Government is encouraged to take steps to enhance the systematic application of international human rights law in the national legal system, especially concerning the right to freedom of opinion and expression. The Government is invited to consider disseminating appropriate human rights materials, including case-law, to the judiciary and the larger legal profession, and to seek the participation of practising judges and lawyers in seminars or courses on the application of international human rights law.

(g) The Government of the Republic of Korea is encouraged to take the necessary steps to bring its prison regime into accordance with established international principles on the administration of justice so as to protect effectively the right to freedom of opinion and expression of detainees.

(h) The Government is encouraged to limit administrative interference with the right to freedom of expression and to substitute public legal procedure for existing administrative procedure, especially with regard to prior constraints on this right.

Annex

PERSONS WITH WHOM THE SPECIAL RAPPORTEUR MET DURING HIS VISIT

The Government of the Republic of Korea

Mr. GONG Ro-myong	Minister for Foreign Affairs
Mr. KIM Do-hyun	Vice-Minister of Culture and Sports
Mr. KIM Jong-koo	Vice-Minister of Justice
Mr. LEE Kyeong-jae	Vice-Minister of Information

Non-governmental human rights organizations

Mr. KANG Je-yoon	Secretary, Catholic Human Rights Committee
Mr. LEE Sock-bum	Lawyer, Catholic Human Rights Committee
Ms. NAM Kyu-sun	Secretary-General, Human Rights Group "MINKAHYUP"
Mr. LEE Seong-hoon	International Coordinator, Korean Human Rights Network "KOHNET"
Mr. NOH Tae-hoon	Secretary-General, Centre for Human Rights "SARANBANG"
Ms. CHOI Eun-ah	Member, Centre for Human Rights "SARANBANG"
Mr. LEE Suk-tae	Attorney at law, Secretary-General of "MINBYUN" - Lawyers for Democracy
Mr. LEE Don-myung	Senior member, "MINBYUN"
Mr. MOON Dok-su	President, International PEN, the Korean Centre
Mr. LEE Tae-dong	General Secretary, International PEN, the Korean Centre
Mr. CHANG Baek-il	Vice-President, International PEN, the Korean Centre
Mr. KIM Si-chul	Vice-President, International PEN, the Korean Centre
Mr. KIM Moon-soo	Vice-President, International PEN, the Korean Centre

Trade unions and trade union activists

Mr. HEO Young-koo	General Secretary, Korean Council of Trade Unions
Mr. LEE Yong-bum	Executive Committee Member, Korean Council of Trade Unions

Ms. JUNG Hae-sook President, Korean Teachers and Educational Workers Union "CHUNKYOJO"

Mr. LEE Dong-jin Chairperson of Solidarity Committee, "CHINKYOJO"

Mr. SHON Seok-choon Director of Policy Planning, Korean Federation of Press Unions

Media, press and related organizations

Mr. NAM Si-uk President, Korea Newspaper Editors' Association

Mr. HWANG Myong Poet, President, Korean Literary Writers' Association

Mr. JONG Chul-park Secretary-General, Korean Literary Writers' Association

Mr. AHN Jae-hwi President, Journalists' Association of Korea

Academic community

Mr. CHIANG Sang-hwan Assistant Professor, Department of Economics, Gyeong Sang National University

Mr. KIM Chong-yang President, Hanyang University

Mr. KIM Kyung-min Vice-Dean, Office of International Cooperation, Hanyang University

Mr. CHOI Sung-chul Dean, College of Social Sciences, Hanyang University

Mr. OH Myeung-ho Vice-President, Department of Political Science and Diplomacy, Hanyang University

Mr. HAN Sung-joo President, International Relations Institute "ILMIN", Korea University
Former Minister for Foreign Affairs.

Members of the judiciary and the legal profession

Mr. LEE Young-mo Secretary-General, Constitutional Court

Mr. SEO Sang-ho Senior Research Officer of the Constitutional Court,
Presiding High Court Judge

Mr. SUH Sung Vice-Minister of Court Administration, Supreme Court

Mr. PARK Il-hoan Judge

Mr. KIM Yong-dug Judge of Seoul High Court
Planning Director, Ministry of Court Administration,
Supreme Court of Korea

- Mr. KIM Sung-nam Attorney at law
Secretary-General, Korean Bar Association
- Mr. HA Kyung-chull Attorney at law
Executive Director of Human Rights, Korean Bar
Association
- Mr. CHANG Soo-kil Attorney at law
Executive Director of Public Relations, Korean Bar
Association
- Mr. KIM Seon-soo Attorney at law
- Mr. CHUN Jung-bae Attorney at law, representing the singer
Joung Tae-choon

Selected individuals

- Mr. JOUNG Tae-choon Singer
- Mr. HWANG Sok-yong Writer, serving a seven-year prison sentence under
the National Security Law
- Mr. KIM Dae-jung Chairman, Kim Dae-jung Peace Foundation for the
Asia-Pacific Region

SEOUL DECLARATION

for Alternative Development Paradigm

"Strategy for Alternative Development and Solidarity in Asia" was the theme that brought us from 8 countries together in Seoul for a special workshop from July 8th to 9th, 1995. Transcending all the differences and of the development pattern and social situation in each country, we, nevertheless, have come to common understanding and aspirations.

During the Seoul workshop, following the Copenhagen workshop on "Economies of Rapid Growth : Its Implications to Social Development" on March 7th, 1995, we asked ourselves: what are the key aspects of the dominant development paradigm of the world today?; what are the factors that compel a change or revision of this development strategy?; what are the most significant aspects of the impact of that strategy to both the welfare and culture of the people and the sustainability of the society including the environment?; what are the new challenges that the civil society and its actors, especially the social movements, are facing the 21st century?; how are these challenges related to the recent social, economic and political changes?; what are the key guidelines for genuine human security and development?; also, what are the key guidelines for social movements seeking their future tasks to achieve that development strategy?; for our vision, what are the key components for genuine, sustainable human development, and, what are the main obstacles for such development paradigm; what are the areas of priority in our building solidarity specifically in the Asia's regional context?; what are the most essential criticism to the idea of the desirability of strong government or dictatorship for rapid economic growth; what can we draw as lessons from the themes and recommendations put in the Copenhagen Declaration and Program of Action for Social Development; is it possible to have a fairly rapid economic growth without authoritarian state; and, what are the costs for rapid economic development?

Today we live in a world characterized by unjust economic order, an accelerated pace of economic growth, ever-increasing regional integration, environmental crisis, and growing gap between the North and South. The most important issue is the need for recognition of the fact that those problems cannot be effectively addressed without a fundamental shift in the thinking and direction of the local, regional, and global politics, economy and

their management.

Today, there is a growing tendency of multiplicity and diversification of political and economic powers as well as its negative reflections, the increase of self-interested groups. We find, with worry, that there is also a growing dominance of free-market principles that tend to focuss on reduction of social welfare, weakening of trade unionism, increase of unemployment, deepening of the gap between the haves and the have-not's. At the same time, there is a clear move towards regional integration of economy around a few economic superpowers. Rapid development of information technology and flexible production system are inducing unstability of labour market and marginalization of the vulnerable groups such as women and unskilled. In this way, the information technology has a great danger of being used to deepen existing inequalities. Media revolution led and dominated by huge business groups of the first world has global impacts that tend to blow up consumers desires to unregulated levels, and establish exhaustive consumption patterns and culture of violence everywhere.

Today there is a crisis in representative democracy, which can only be healed by social integration and popular participation. Enhancing social integration is a response to the voices of the disadvantaged and marginalized groups. Marginalization is a direct result of authoritarian trends in governance, the crisis in representative democratic system including the role of political parties, and the growing influence of economic powers in the society. Social integration and popular participation are also a response to provide people full access to vary resources and decision-makings needed to fulfill social and human development. From the crisis, we need to proceed, and towards a genuine democracy, we stress the importance of inalienable and universal human rights and the development of mechanisms of popular participation at all levels of decision making as essential elements.

As characteristics of the 1990s, we find that most of the key social issues can not be adequately addressed without consideration of their international contexts. At the same time, we are worried that access to the information of and communication in the international context are often denied to people due to the dominance of the state actors and economic powers. In this regard, recent development of regional and international communications and approaches by non-governmental groups form valuable steps for new alternatives.

Many developing countries in the world now striving for a more effective growth strategy turn their sight to some of the rapidly growing economies. But they often overlook the scope and magnitude of various side-effects and the potential social cost of such growth; ; environmental destruction and social disintegration to name the two key items. At the same

time, the need of a strong authoritarian state leadership is too often accepted without careful examination into its inevitable side-effects such as corruption, expansion of bureaucracy, inefficiency, command-and-obey culture, retardation of the rule law and human rights protection, confusion of security concept, retreat or dependency of the judicial and legislative bodies, and, in sum, retardation of the creativity and self-sustainability of the society. These side-effects inherited in the traditional rapid growth strategy may act together to eventually weaken the nation itself, thus narrowing its potential capacity to deal with new local and international challenges.

In the traditional growth pattern, we should never forget, deeply-rooted gender-role division limit women's participation and creativity too. It is a reality that women in Asia are, in general, excluded in policy decision-making in every sphere including economics, politics, society, education, mass media and culture. We recognize that gender equality has been put aside or even consolidated in the pursuit of economic growth, and that without gender justice there is loss of the vital basis for sustainable and human development.

We could also identify that the global structural adjustment has had great impact to workers, especially women workers, in Asia. We also identified that it has consolidated a new pattern of export-oriented growth and new causes for poverty and environmental destruction.

From these, we need departure. We need to depart from these tradition. There should be an enlightened understanding of the adjusted role of the nation-states and the civil society. Today, nation-states find themselves less effective to deal with the array of issues - some old, some new - that face them. What is also new today is that the interdependence of nations and peoples is wider and deeper. On the people's side, an aspect of this change is the growth of international civil society. In this regard, a wholly new approach is demanded, and this can be vividly summarized as the 'people at the center' approach. The principle of 'people at the center' means a shift of focus from states to people, and the recognition of the essential role of the people in problem solving and vision creating, given their participation and empowerment.

For genuine social development, we need both insight to and departure from tradition. With 'people at the center' principle at the core, we indemnify labour solidarity, community norms, environmental sustainability, and gender justice are key points of departure.

We are concerned that the state-dominated growth-first development yield significant obstacles to human development and sustainability of society. Some far-reaching core obstacles are identified as the negligence of human values and peoples' welfare, human rights violations by the state, the

systematic expansion of bureaucracy and corruption, the exclusion and marginalization of the grass-roots people, double burden on grass-root women, the continuation of patriarchal and gender-discriminatory ideology, increase of social disintegration factors, the increase of social, political, and environmental cost to deal with 'side-effects' of economic development, and the increase of the military and its budget with the justification for national security.

Moreover, when the economy grows and expands at an peculiarly high rate as in Korea, the above problems emerge with multiple magnitude, giving much difficulty to counter. When the society tries the option of keeping up with the growth rate in order to avoid serious repercussions of slowing down, there emerges a momentum of inertia from the past. It inevitably turns to its neighbour peoples and environment for more exploitation in the name of overseas investment. We identify this trend becoming aggressive, as shown in the treatment of migrant workers as well as the local workers in foreign companies in Asia. The aggressiveness combined with unregulated competition of military build up, especially in East Asia hits us with great worry and determination to counter the trend effectively.

In this regard, we need to denounce the rapid growth strategy that lacks communitarian values and respect for human development, and conclude that a development paradigm void of aggressiveness is a precondition for peace and that if export-oriented drive is not adequately regulated, crisis will continue to grow.

Hopes and Vision

Our dominant feeling is still hope. The most notable feature of the past fifty years has been the emancipation and empowerment of people around the world as well as in Asia. We are happy to find that people today have more potential power to set their future than ever before. This is a good starting point for a change.

In all the problems and difficulties in reality, we still find that there have been very active efforts from different parts of Asia, for the pursuit of a genuinely alternative paradigm. We find such moves especially from the self-strife of the peoples who were excluded from the past development. Alternative farming, self-governance experiments, life-cooperatives, urban-rural direct trade movement, search for participatory economy, and participation to local governments are some examples of such moves. Along with these valuable experiments, the tradition of democratic movement of people in the sense of both political and economic democratization forms the ground to grow alternative thinking.

For the concept of sustainability, we today need to give a broader context. It should encompass the followings. People ought to become the focus of development and their needs must be at the center of international cooperation. Development must define not just a future goal but a way to empower people and to make the economy and technology serve people. p.30 Hegel. Sustainability is a departure from short-sighted, unlimited economic growth, uncontrolled consumption, and unregulated competition. The concept of sustainability means that a society should prioritize the need of safety of every person from the threats of hunger, disease, homelessness, crime, repression, and violence. To describe the desired alternatives as an equitable, democratic, and sustainable social and economic development naturally leads to checks or restrains the devastating logic of the present economic principles.

Reflections from the recent international meetings on development such and Rio, Vienna, and Copenhagen conferences, manifest that comprehensive approach is vital for human development. From human rights approach, an alternative development paradigm is a comprehensive fulfillment of all the civil, political, social, economic, and cultural rights stipulated in the major international human rights treaties. In this sense, efforts to follow or make follow the international human rights norms serve as a vital step towards a new development strategy. Human development paradigm is based on the conviction that human rights, peace, and environmental welfare are indivisible and transcend the boundaries set by states in the name of 'national sovereignty'. It is the comprehensive and universalizing logic of people's solidarity, community welfare, equity, and ecological sustainability.

As Aung San Suu Ki has once said, "when economics is regarded as 'the most important key to every lock of every door', it is only natural that the worth of a person should come to be decided largely by their effectiveness and as an economic tool... The different views ultimately reflect differences in how the valuation of the various components of the social and national entity are made, how such basic concepts as poverty, progress, culture, freedom, democracy and human rights are defined and, of crucial importance, who has made the power to determine such values and definitions."

Thus, both the democratic process and people's participation to the process together provide for political and social changes that conform with sustainability. Both democracy and human rights together promote diversity and dynamism without disintegration. It is only by giving firm support to the actors of civil society that seek to empower the people through democratic and participatory means that a nation will achieve its genuine development - with security, peace and international cooperation.

In this regard, social movements with all their issue-based, sectoral, regional and tendency-wise groups should be more effectively and more

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flexibly coordinated and united along with the common focuss on establishing alternative development paradigm. Search for mature and effective solidarity, we believe, is becoming a common interest in many parts of Asia, and will certainly form a basic component of a new paradigm. From everything said above, we articulate essential components of alternative development as follows.

- international labour solidarity,
- establishment of communitarian norms to international order,
- ecological sustainability,
- gender justice,
- principle of popular participation and empowerment

In one expression, again, this is to place people at the center of development. This is the philosophical basis for new paradigm. We draw our future works from this.

(to the workshop participant while a special gratitude is conveyed to Matsui Yayori, who could not participate the workshop, had previously contributed to some of the vital points of our discussion.)

- international labour solidarity,
- establishment of communitarian norms to international order,
- ecological sustainability,
- gender justice,
- principle of popular participation and empowerment

In fulling our vision in the Asian context, in which we recognized the reality of the weak civil society, we should push for dual tasks at the same time, to build people-to-people solidarity and to form highly credible leadership of the civil society. To deal with ever increasing number of difficult problems both in local and international arena, people-based solidarity and good leadership are the two vital promoters of a new future. A change

will be possible if the solidarity and the leadership are equipped with moral, ethical, as well as political vision or a new paradigm for common development of humanity.

We call on our Asian neighbours, in all their diversity, to come and act together for a new orientation of development. Let us not fall back to false lures of the past. A special responsibility devolves on the non-governmental sector towards this goal. We know how close we stand to a total crisis unless we respect the teachings of the past and the suffering people and try hard with a deeper sense of solidarity as peoples than any other times before.

(Many thanks go to the workshop participant while a special gratitude is conveyed to Matsui Yayori, who could not participate the workshop, but previously contributed to some of the vital points of our discussion.)

IN SOUTH KOREAN SOCIETY

Joint Report of 12 Korean NGOs
NGOS' VIEW OF SOCIAL SITUATION

Prepared by

KNFSD

(Korea NGO Forum for Social Development)

2000

WORLD SUMMIT FOR SOCIAL DEVELOPMENT

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< NGO FORUM '95 - Copenhagen >

Joint Report on
Social Situation in Korea

by

KNFSD
(KOREA NGO FORUM FOR SOCIAL DEVELOPMENT)

CCEJ (Citizens' Coalition for Economic Justice)
CISJD (Christian Institute for the Study of Justice and Development)
KCEPM (Korea Christian Ethical Practice Movement)
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NADUK (National Alliance for Democracy and Unification in Korea)
NCUD (National Congress for Unification and Democracy)
SOPA (Solidarity for Participation and Human Rights)
YMCA (National Council of YMCAs of Korea)
YUIM (Yongdengpo Urban Industrial Mission)

Contact Address : Mr. Lee Sun-tae/ KNFSD
35 Choongjeung-No 2 ka, Sodaemun-ku,
Seoul 120-012, Korea
tel : +82-2-312-3317 fax : +82-2-313-0261

인권 자료실	
분류기호	03-27
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사람방 자료

NGO FORUM '95 - COPENHAGEN

03-27

**EFFECTS OF ECONOMIC
DEVELOPMENT
IN SOUTH KOREAN SOCIETY**

Joint Report of 12 Korean NGOs
- NGOs' VIEW OF SOCIAL SITUATION -

Prepared by

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35 Choongjeung-No 2 ka, Sodaemun-ku,
Seoul 120-012, Korea

tel : +82-2-312-3317 fax : +82-2-313-0261

INTRODUCTION

The rapid economic growth of South Korea is not only an often-quoted example of the NIEs (Newly Industrializing Economies), but also an object of journalistic vogue of referring it as a 'miracle'. On the other hand, often-aired scenes from Korea have been the Kwang-Joo people's bloody uprising against the army of the military regime in 1980 and for about two decades the students and workers combating by rock-throwing with the riot-police on the streets. Each of the two contrary discourses has its own grounds, but neither can be said to convey the reality of Korean social situation with full grasp.

This is an attempt of comprehensive reporting the social situation according to the views of some of the major NGOs in Korea vis-a-vis the impact of economic development onto the social development. This report includes the information that are not well known and therefore supplementary or quite contradicting to the governmental one. The members of KNFSD, jointly preparing this report, believe that the Korean's experiences may serve for those who want to avoid the myth of "the economic growth first" and to pursue the goal of sustainable human development (SHD). This report would be, therefore, a good reference for them to better understand the characteristics of the social situation of a country that has gone under a rapid economic growth such as the South Korea's. We of the KNFSD also appreciate this occasion as it was also valuable for us to concentrate our inputs for the equity, integrity and tolerance, imperative for the presently weak society of Korea.

The KNFSD was formed as an open network of non-governmental organizations in Korea in July, 1994 by 12 organizations involved in social development issues. Participating the second and third PrepCom of WSSD, the KNFSD has also organized in Seoul three public workshops on the topics; The Goals of Sustainable Human Development, The World Summit and the Korean Social Situation, and The Korean Pattern of Economic Growth - Is It a Model for Other Countries?. On this basis, it will also hold a special workshop on 'Rapid Economic Growth: Implications to Social Development' on 7 March during the NGO FORUM '95 in Copenhagen. In this process, the KNFSD has provided a quite useful coordination for opinion-gathering in the civil society. However, any meaningful exchange of opinions with the government, as officially proposed by the KNFSD several times, has been impossible due to the government's reluctance.

After both participating and monitoring closely the proceedings of the WSSD, the KNFSD will continue to produce useful information on social development issues in and out of Korea, and work in solidarity with other NGOs abroad to eradicate poverty and unemployment in the world. The KNFSD also acknowledges its member organization SOPA for its work of coordination in producing this report.

28 February, 1995

KNFSD (KOREA NGO FORUM FOR SOCIAL DEVELOPMENT)

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Joint Statement of Korean NGOs on the 1994 APEC Summit

POVERTY IN SOUTH KOREA

SOPA

(Solidarity for Participation and Human Rights)

To eradicate the absolute poverty and to reduce the relative poverty are still important tasks of the South Korean society in terms of social development. However, the issue of poverty has not been substantially noticed due to the wide-spread attention to the Korea's economic growth and the state's irresponsibility as well. The following statistics, although derived from the governmental sources only, and analysis will honestly show the actual situation of the poor, especially the seriousness of the relative poverty and the social inequality in general in South Korea.

1. Poverty Situation in Korean Society

A. The Poor People

- 2 million people or 4.8 percent of the population are absolutely poor.

According to the Ministry of Health and Social Affairs, there are three official groups of people whose livelihood is to be protected by the law. They are named as the target groups for residential protection, self-support protection and facility protection. The total number of people receiving any of the three livelihood protection was 2,001,043 in 1993 according to the Ministry. The number, we can identify as the absolute poverty of South Korea, comprising 4.8 percent of the population.

- 10 percent of the population earn less than the minimum living income.

If we measure the poverty line by the minimum living cost, the number of people with an income less than the minimum, \$US 495 per month, set by the Korea Social Institute for Health (directed by the Ministry) was 10 percent of the population in 1989. This minimum was, however, challenged by the Korea Federation of Trade Unions that claimed the minimum living cost to be \$US 1,260, three times higher than the governmental standards. This is a manifestation of the conflicting view of the actual economic and social situation of the ordinary people in Korea. The grass-roots in general view that their life is much more difficult and living costs much higher than what appears in the official presentations.

- The relative poverty hits 30 percent of the population

By 1989's standards, which are not too much different from the today's, 30 percent of the Korean families spent less than 60 percent of the average expenditure of an urban family.

It is estimated that the average monthly expenditure of an urban family would be close to \$US 1,180 and those who spend less than \$US 710(60%) per month amount to 30 percent of the population in 1992. We call these people the poor in general.

B. Socio-Economic Characteristics of the Poor in Korea

First, the residual rate of the vulnerable groups among the poor is increasing faster.

(1) Among the heads of the poor family, the ratio of the chronic patients and the seriously disabled increased from 17.6 percent in 1966 to 53.9 percent in 1990. The ratio of the disabled in the total population was 2 percent while that among the heads of the poor families was 7.1 in 1990. Moreover, the heads of families who are disabled among those under the residential protection amounted to an astonishing level of 22.3 percent in the same year. This clearly demonstrates how the vulnerable groups are neglected in a society organized for quantitative growth.

(2) Those with little or less education is increasing in its proportion to the poor, too. Among heads of poor families, those who received only elementary education was 59.6 percent in 1981, but increased to 73.8 percent in 1990. It should be noted that the ratio of female heads among the poor families has increased from 8.7 percent in 1964 to 29.4 in 1990 in Seoul.

(3) There are more old people among the family-heads of the poor than in ordinary families. Family-heads older than 60 years were 12.6 percent in 1974, but 25.5 in 1990. The average age difference between the family-heads of the poor and the national average is 8.4 years.

Second, the employment situation is unstable. In 1990, 39.2 percent of the poor family-heads were totally unemployed while 42.5 percent of them worked for simple physical labour or manufacturing labour.

Third, only 21.6 percent of the poor had their own house, while the others had to pay high rent, in 1990. The average size of housing for the poor is about 37 square meters with 1.8 rooms. The facilities are usually very old and inferior.

Fourth, the disadvantage is growing for the poor in medical and health care. Among the poor, those with chronic disease was three times larger in number than in average person in 1989, while 24.8 percent of the poor stopped or gave up the medical care during the treatment in 1990.

Fifth, there are more and more poverty among the rural population. The income of a rural family is decreasing in comparison to that of an urban family. The Korean agriculture still producing rice as a major crop, the situation is expected to become worse because of the unregulated import of rice.

2. Policies to Alleviate Poverty and Their Problems

Other than economic development policies, there have been various social welfare, social service, health, medical, labour, educational, tax, and housing policies to alleviate poverty in Korea. If the system of these policies had functioned in consonance with the goal of social justice, the situation today would have been drastically different. However, the actual course of their implementation was on the contrary and important policy areas such as labour, housing, family, and health-care had not been organized to converge towards an effective poverty-alleviating policies. Consequently, the problem of relative poverty has now become one of the most menacing factor to social integration in South Korea. (The recent incident of some youth's brutal killings of rich people for no other reasons than their hatred of wealth disparity is a striking example.)

If we look at the Livelihood Protection Law and their actual implementation, we can easily see what frustrates social development, especially the poverty alleviation. The major problems are analyzed as:

A. Selecting the Target Groups

According to the government statistics, the target group for livelihood protection is decreasing in its ratio to the population. This is not because of the decrease in number of the absolute poverty, but because of the improper poverty line set too low. In 1992, for example, the poverty income line was in average 55.2% of the income of an average urban family (\$US 1,180 per month, for a four-member family). Though related to the welfare budget, this is too low a criterium to include those who actually need livelihood protection.

Moreover, the poverty line criteria are too uniform to take into consideration the differences in minimum living cost arising from regional characteristics, family size, and family type. This is an example of producing social welfare standards according to the budget limit, rather than the actual reality.

B. Validity of the Level of Protection Measures

The amount of financial protection given to a person is between 42.8 and 43.8 percent (about \$US 70 per month) of the official poverty line in 1993. This has too limited effects of protection.

Other protective measures related to education, job-training, loan, and employment are only applied to a special group, the group for residential protection, which was only 338,168 in number in 1993.

For medical cares, it is unjust that the poor patients have to pay examination fee and to go only the officially designated hospitals. For educational protection, students of the poor families receive no financial support if they go to a humanities high-school and none for

the educational fees other than the basic tuition, either. Financial support for job-training is too low for a person to sustain himself during the course, and loans are extremely difficult to get due to the strict conditions of approval.

In short, the present poverty alleviation policies are far from realizing the idea and principle stipulated in the Constitution; to protect the right to life by imposing to the state the duty to provide minimum standards of living for all people. Moreover, even when there is a little protection from the state, its level is too low to provide a meaningful protection needed. We can say this is in a great contradiction to the level of the nation's economic growth.

C. Social Workers and Service Transfer System

In order to solve the problems mentioned above, the government is recently employing some reform measures including participatory welfare system and increase of social workers to 3,000 in number. These reforms, too, have faced a serious limit mainly due to the lack of public service transfer system, which is more costly. At the same time, the reform measures left a serious weakness because it included little or no human services related to the health and medical cares for the poor groups under the residential and facility protection.

D. Problem of Raising Financial Resources

By the law, 20 percent of the livelihood protection budget is to be drawn from the budget of local autonomy organizations. As the local autonomy system develops through coming elections, however, it is possible to have a great local disparities in income and expenditure, causing serious inequality in social services for the poor. If no measures are taken to control the mobility of the poor caused by this disparity, as it is now, the rights of the poor under the present protection system may be further violated.

CHANGING URBAN SOCIETY AND THE HOUSING PROBLEM

NCUPO

(National Conference of Urban Poor Organizations)

1. Korea's Economic Development and Change in Urban Society

South Korea showed a dramatic rise in the percentage of urban population, from 39.1% in 1960 to more than 80% in 1993. This urbanization may be characterized as three types of concentration: that in metropolitan areas, that in the city of Seoul, and that in the Seoul metropolitan area. This has been the phenomenon called

"over-urbanization, where urbanization surpasses industrialization, leading to the formation of a large informal sector and a large stratum of poor.

The export-led economic policies since the 1960s have brought such quantitative growth as South Korea's GNP coming to rank 15th in the world. South Korea is expected to join the OECD in 1996, and thus may be said to stand on the threshold of becoming an advanced nation. This economic growth was clearly a result of the labor of poorly paid workers and workers in the urban informal sector, but the fruits of this growth went only to a few lucky ones who struck it rich, and to the power elite. The economic growth increased the gap between rich and poor as well as the level of social strife.

In particular, the recent economic structure in cities has shown a relative decline in manufacturing and a relative increase in the service sector, and also a relative decline in labor-intensive industry and a relative increase in capital-intensive industry. Other notable changes are the coming of foreign migrant workers into manufacturing, and the move of manufacturing firms to outside the large urban centers. Following upon these economic structural changes city workers are suffering more unemployment and unstable employment.

2. Poverty and Housing Poverty

As a result of economic development the problem of poverty is changing from that of absolute poverty to that of relative poverty. Formerly, many could not provide their needed food, clothing, and shelter, but now the discrepancy among people in consumption is becoming a major problem. The discrepancy in housing is gradually becoming more severe, and this discrepancy leads to other inequalities as well.

In spite of this, the problem of housing poverty is not well understood in Korea. There is no standard set (housing poverty line, housing minimum standard) on which to base measurements of how many suffer housing poverty. However, if we look at some substitute indicators of housing poverty we find that 2,920,000 households, 25% of the total, are living in one small room, and in Seoul there are 890,000 such households, roughly 30% of the population. Also, in the crowded neighborhoods of the urban poor it is the usual case that there are a greater number of renters than of house or land owners. In the Seoul area there are millions of people living in vinyl houses, shanties, or substandard housing. The cost of housing is so high that it is 7.5 times the average annual income, compared with a 3.4 ratio in the U.S. and a 5.9 ratio in Japan. In 1989, at the time of a sudden rise in rents, 17 persons committed suicide upon their despondency at not being able to pay rent. It is urgent to institute protection for renters.

3. The Government's Housing Policy and a Plan for Housing Security for the Poor

The government's housing policy has been merely to build and sell many houses, that is, it has centered on a program of building and selling with no financial burden for

the government. So it was just like the commercial housing market, based on the calculation of profit and loss. This put strict limits on how much housing could be supplied to low income groups. The Roh government had provided 190,000 units of public long-term lease housing, but in the subsequent civilian government these have been changed to public housing, and the level of investment in such housing has been dwindling. Government investment in housing was 2.3% of its budget in 1989, but in 1993 this dwindled to 1.0%.

There are now two important causes for the more severe housing insecurity of the poor. These are the rising price of land in metropolitan areas and the urban redevelopment projects in poor neighborhoods. Violent evictions are still allowed to take place, such as the April 19, 1994 violent evictions in Haengdang-dong, which are recorded on video. It is a terrible national embarrassment that we as a nation have still not stopped such violent evictions even after, in 1987 at the Berlin Conference on Human Settlements, being branded along with the Union of South Africa as the two nations with the most cruel evictions in the world.

Also, the U.N. Commission on Human Rights, taking the view that the a person's right to housing is to be practiced, has clearly condemned forced evictions as an infringement of human rights, and has recommended that governments take legal measures to ensure secure housing for all persons under threat of forced eviction.

However, in South Korea's housing renewal projects, even though there are provisions in the law for such things as providing temporary housing, guaranteeing entry to public rental housing, substitute housing schemes for redevelopment project residents, using up to 10% of urban planning funds for redevelopment projects, etc., these are not being carried out. Further, corrupt practices are rampant among the redevelopment associations, which are the legally responsible bodies in redevelopment projects. The way of carrying out redevelopment projects has created strife between the association officers and the owners, between the owners and renters, between the renters and the association, between the residents and the government, and between the association and the construction company, and apparently there is no mechanism or institution to manage this.

4. The Role and the Direction for Non-government Organizations and Residents' Organizations.

At present residents of redevelopment areas have on their own engaged themselves in a struggle to gain temporary housing and a guarantee of public rental housing. And beyond that they are even forming production, consumption, and credit associations among themselves.

Furthermore, the residents and the non-government organizations have gone beyond mere fighting and have set up a movement striving for legal and institutional changes. They are trying to correct many of the problems of redevelopment through modifying the redevelopment law, and to this end have formed a committee to promote national assembly action, and have presented to the national assembly a proposal for a modified

redevelopment law. Aside from this they have also broadened their demands to include several other facets of social welfare and social security which the government has not yet adequately provided.

In this process of growth international cooperation has increased in importance. Considering the housing problems being brought upon low income groups by the urbanization process in each country, I suggest we search for a common understanding and common action as follows.

First, in order to work toward solutions to the housing problems of the urban poor it is necessary to have a principle for categorizing the types of low-income housing problems and substandard housing management programs. For example, in Korea in the low-income, substandard housing districts there are many illegal houses built on government property, and the house owners and renters are often living together in the same house, and both may be classed as urban poor.

Next, we should have the principle that, at least in the case of housing for low-income groups, market logic must be abandoned in favor of welfare logic. Also, in Korea we must keep in mind that land and housing will always be under speculation pressure.

Finally, we should maintain the principle of considering the limitations of public resources and raise the level of practicality of our proposals by including means to overcome these limitations.

On the basis of these principles, I can suggest the following directions for improving the housing of low-income groups:

- 1) In areas of illegal and substandard housing, and in areas predominantly poor, and other similar areas, the public authority should itself carry out improvement projects, whereas in areas relatively well-off, or above a certain set standard, such projects should be carried out by private organizations, while being overseen by public officials.
- 2) In cases where the public authority carries out redevelopment projects for the improvement of housing, public land should not be sold to private citizens, but should only be leased, and on this principle the relocation burden of the original residents should be eased, more land made available for public rental housing, and the public nature of the use of land become more evident.
- 3) Measures for renters should center on publicly administered public rental housing, and guaranteeing temporary housing, or a program of substitution housing should be institutionalized in redevelopment projects.
- 4) There must be an absolute ban on the use of violence and forced evictions in the process of redeveloping low-income housing areas.
- 5) Through increasing public support given to financing the cost of public housing improvement projects the burden of low-income groups should be lessened, and the profit on such projects should be returned to the public sector, while speculation should be restricted.
- 6) To seek a solution to the low-income housing problem, there should be formed

committees, with residents taking part, such as a "committee for dialogue and consultation in housing redevelopment districts."

7) Under the aegis of the UN and other international NGOs there should be regional cooperation (e.g. in Asia) in investigating low-income housing problems and in seeking solutions, and making reports, and each country in the region should contribute to a fund for supporting such activity.

ECONOMIC GROWTH AND LABOUR SITUATION

KCTU

(Korea Council of Trade Unions)

The rapid economic growth experienced in South Korea since the early 1970s is often referred to as the "miracle on the Han River," indicating the wonder in which foreigners hold Korean economic development. Average annual growth exceeding 10 percent over two decades has earned Korea the title "Little Dragon of Asia," its growth strategy a focus of intense study and regarded by some as a model to be emulated. However, the systematic and repressive measures applied to control labour in the courses of promoting such rapid industrialization are not widely understood outside Korea.

1. Employment

Korea's export-oriented economy developed with heavy reliance on borrowings from abroad. Foreign debts service imperatives continue to demand a focus on exports. This focus renders the Korean economy vulnerable to changes in the world economic order and to shifts in comparative advantage that are driven by technological change and international monetary policies. The Korean government regarded Korea's loss of comparative advantage in low-technology and labour intensive goods as sufficiently compelling to undertake industrial restructuring in order to sustain economic growth.

Although the whole employment size has been growing steadily accompanied by the economic growth, the industrial restructuring in the recent years brings about high degree of job insecurity and unemployment for the workers. Various economic indices show ascending curve and the size of employment is also getting larger. However, imbalance and problems in labour market are still serious, and accordingly workers' stable living is greatly threatened.

To abridge the recent problems, we can say 'deepening of job instability in the midst of full employment'. While manpower shortage is weighing on the one hand, the workers whose livings are threatened by retrenchment and unstable job are also increasing on the other hand.

Unemployment rate itself is very low, 2.4% in 1994. But unemployment of young workers aged between 15 to 29 is high and growing. Rise of youth unemployment, which has been continuing since 1990, is not dropping in 1994 despite the economic restoration. Youth unemployment can be generally divided into two types. The one is mainly of women workers who had been once engaged in labour intensive light industries like textile and garment, electronics, footwear and leather industries but lost jobs due to their companies' bankruptcy, overseas transfer or trade changes in the process of industrial restructuring commenced from the late 1980s. They are the very victims of restructuring which has been promoted under cover of economic fluctuations without any positive employment strategy or workers involvement. This type of unemployment is still ongoing even in the middle of 1994 when unemployment rate records 2.0%. The other one is the unemployment of women and human science college graduates. The key reason for increase of unemployment of the highly educated is said to be the problems of educational system. Too many college graduates which is far from employment size is said to give rise to this type of unemployment. It is known that they are often going downward to find job or at unstable engagement status like part-time work in order to avoid joblessness.

Non-regular employment, as it were, such unstable employment types as temporary workers, part-timers, dispatched workers, etc. has been growing rapidly. For the non-regular workers, job security is not guaranteed and the working conditions are not protected by laws. Besides, the non-regular employment is very disadvantageous for the workers as they can hardly form or join trade union in a realistic sense. In the past, the non-regular employment has been existing mainly at manufacturing industries, but recently this type of employment is extending for labour cost cut irrespective of manufacturing or non-manufacturing sector. The government does also try to extend the non-regular employment type as shown in the case of the recent move to introduce the Labour Dispatch Act.

Manpower shortage at small and medium size companies has been exacerbated since 1990 when economy was coming into recession and factory closing occurred one after another. As the economy is restoring in 1994, the manpower shortage is further exacerbated. Strange as it is, unemployment is increasing from successive factory closing on the one hand, manpower shortage is deepened on the other hand. The government and employers claim that manpower shortage of small and medium size companies is due to the workers' 'shirking away from manufacturing sector' to avoid hard labour. The genuine reason behind this phenomena, however, must be the low wage and bad working conditions which lead to the shirking from manufacturing sector. Those who shirk from manufacturing industries are not the workers who have been engaging in the manufacturing sector (the average service length of workers engaging in manufacturing industries has been increasing every year) but the 15 to 24 aged young workers who firstly find job. Nobody likes the low waged, unsatisfactory monotonous work and prolonged working hours.

While manpower shortage exacerbating, migrant workers are increasingly coming into Korean labour market. Although the government calculated the number of migrant workers

to be 50 or 60 thousands as of September 1993, it is estimated that actually 40 to 50 thousands more have come in. The Central Association of Small and Medium Size Companies, representing the employers' interests, is proposing to the government that about 60 thousands migrant workers are more in want. The reason why migrant workers are welcomed by employers of small and medium size companies as a solution to manpower shortage is that their wages and other labour costs are much cheaper. The migrant workers are working without any protection afforded by domestic labour related laws, submitting to discrimination.

Differently from the manpower shortage of small and medium size companies, new employment control is introduced mainly at office and management sector and large size companies who are driving labour intensive automation and operation reduction. Employers are introducing performance based personnel policy and wage system with a view to maximum utilization of regular workers while reducing the regular workforce to the possible minimum degree. Similarly, employers are diversifying employment patterns, for example, a small number of regular workers and a large number of non-regular workers, with an intention to minimizing labour costs by making employment size flexible as to the important shift of market. This employment control strategy is extending to public service sectors and the government policy is also supporting this strategy.

Employment insurance system was introduced in 1994. However, the current employment insurance act has the nature of much rather labour market policy to facilitate supply of industrial manpower before the change of labour market than that of social security system. There is a strong suspicion that the employment insurance act is a safety valve to liberalize dismissal as seen from the fact that in conjunction with the introduction of employment security act were relaxed the requisites for dismissal for the reduction of work force. Debates between trade unions and employers on a wide range of employment insurance system, for instance, its coverage, eligibility of beneficiary, payment level and kinds, payment length, fund raising, etc. has been raised but finally to result in the system of meagre social security nature.

2. Repression of Basic Labour Rights

South Korean government's labour policy has long been basically aimed at preventing organisation by workers. After national liberation on August 15, 1945 from Japanese colonial rule, the country was divided between north and south, with a sharp ideological conflict between the left and the right. In the south, the government tried to indoctrinate the people with the notion that a "labour activist is a communist" and suppressed all labour groups except those over which it could exercise control. In the 1970s, substantial foreign capital flowed into South Korea in the form of loans, joint ventures, and technical assistance. The Korean economy was structured to favour labour-intensive, heavy and chemical industries. This spurred the rapid growth of the chaebol, the large business conglomerates that dominate much of the economy, and the class of industrial workers also grew rapidly with a dramatic demographic shift from rural farming to urban employment.

South Korea's industrial revolution of the 1970s and 1980s was fundamentally premised on the exploitation of the workers. In 1970, Chun Tae-il, a young textile worker, committed self-immolation to protest against inhumane working conditions. His death galvanized the labour movement and some democratic unions managed to form but they were suppressed by the brutal Yushin government of President Park Chung-hee.

Since June 1987, however, the progressive labour movement has developed despite continuing government oppression. Independent and democratic unions have been formed among blue and white-collar workers.

In disregard of the developments in the labour movement, and in contrast to some progress toward democratization in other realms, the laws restricting worker rights have undergone only minor changes. The government's underlying policy of suppressing the workers' movement has not changed. On the contrary, the government publicly condemns and defame the democratic labour movement and implements extremely hostile policies towards it. The unleashing draconian repression is clearly delineated by the number of workers imprisoned or dismissed for union involvement: about 2,500 arrested and 7,000 dismissed only for the past 8 years. To support such harsh repression, South Korea has very elaborate legal system. Korean industrial laws consist of individual labour laws and collective labour laws. There are seven individual labour laws including the Labour Standard Act which stipulates working conditions, and four collective labour laws including the Trade Union Act and Labour Dispute Adjustment Act which provide workers' rights to organise, collective bargaining and collective action.

1) Prohibition of Multiple Unionism

Trade Union Act provides that only one union can be established at a company or industry and that union establishment should be reported to administrative authority. The article 3 clause 5 of Trade Union Act prohibits union establishment in case that a trade union has the same organisational subject as an existing trade union or has the purpose to obstruct normal function of existing trade union. By this legislation, formation of any trade union organisation other than the government controlled FKTU has been regarded illegal and so much cruelly repressed in South Korea.

2) Denial of Right to Organise of Public Servants and Teachers

A range of laws prohibit public officials and teachers from undertaking collective action for labour movement, excepting confined number of those who are engaging in de facto manual work. By the legislation, 1.5 million public servants employed in central government and local government are blocked from forming and joining trade unions. In 1989, 45 teachers had been imprisoned and 831 teachers of public schools and 665 teachers of private schools were dismissed for they formed and joined the Korea Teachers and Educational Workers Union.

3) Prohibition of Third Party Intervention

The article 12-2 of Trade Union Act and article 13-2 of Labour Dispute Adjustment Act

provide that 'persons other than an employee who has actual employment relations with the employer, or concerned trade union, or persons other than having legitimate authority under the law' shall not engage in an act of interference for the purpose of manipulating, instigation, obstructing, or any other act to influence the concerned parties in an establishment or dissolution of a trade union, joining or disjoining a trade union, or in collective bargaining with the employer, or in a dispute. This provision has been mobilized as a powerful weapon of state and capital to block solidarity actions of workers during the whole period of 1980s. A number of union leaders and activists have been imprisoned by this provision for they gave support or guidance to other trade unions.

4) Prohibition of Political Activities

The article 12 of Trade Union Act prohibits trade union from exercising its organisational power for political influence by providing;

- a) a trade union shall not be allowed to conduct any act, in the election of any public office, in order to support a specific political party or have a specific person elected,
- b) a trade union shall not be able to collect political funds from its members,
- c) fund for a trade union shall not be diverted to political funds,

5) Prohibition of Labour Dispute Act of Public Servants and Workers of Defense Industry and Compulsory Arbitration for Public Enterprise

By law, labourers working for the national or local government or defense industry specially designated by the Special Law concerning Defense Industry are prohibited from undertaking acts of labour disputes. It deprives completely public employees and workers engaging in defense industry of the right to strike regardless of the nature of their actual jobs. Similarly the government can block strike action at the so called public enterprise; public transportation business; water, electricity, gas supply, and petroleum refinery business; public hygiene and medical business; banking business; broadcasting and communication business. Labour disputes at the public enterprise are always referred to the compulsory arbitration. Furthermore, government sometimes invokes the emergency adjustment, which is followed by ban of strike action, for the labour dispute at large factory, for example, the strike of Hyundai Motor in 1993.

6) Administrative authority's control, intervention, interference to trade union internal affairs

The Trade Union Act has so many articles which enable administrative authority to abusively control, intervene and interfere with trade union activity; 'power to order amendment of or supplementation of union constitution', 'power to order modification of resolution or disposition of trade union', 'power to nominate a convocator of extraordinary general meeting of trade union', 'power to investigate over union affairs', 'power to change or nullify collective bargaining agreement', etc.

7) Restriction on strike action - cooling off period

In South Korea, trade union should report labour dispute occurrence to administrative authority and Labour Relations Commission and for a certain period (cooling-off period, 15 days) can not undertake labour dispute acts. This cooling-off period system tends to impede rather than to help prompt solution of labour dispute and actually employers commit unfair labour practices like maneuvering against strike during the period.

8) Suppression of Strikes by Mobilizing Riot Police Troops

In the years of military government, trade union's strike was a target of military operation. Not only police troop but army was trained usually to put down labour unrest. After Kim Young-sam administration was established, every people believed that such practices were not compatible with the civilian government. The Kim Young-sam government, however, continues to mobilize riot police troops in labour disputes of major private companies occurred in 1994 in the same way as the past military government did and crushed workers' strikes by physical power. Besides the above, the so called public peace related laws like the National Security Law and the Law on Assembly and Demonstration are applied to repress labour movement.

3. Living Conditions and Working Conditions

Nominal wages have steadily increased in the recent years. In 1990, the average monthly wage, all kind of pay including overtime pay, was 642,000 won(800 US\$), in contrast to 1,066,000 won(1,332 US\$), or a 66 percent increase, as of October 1994. Nominal wage increases have not translated into improved living conditions for workers. According to statistics compiled by the Government, the inflation rate in 1990 was 9.4 percent, 9.3 percent in 1991 and 5.6 percent in 1994. But a report by the Bank of Korea showed that only 4.3 percent of Koreans believed the Economic Planning Board's statistics on the consumer price index.

The nominal wages increased are not sufficient to maintain decent living and health standards for workers' families. The government compiled average monthly wage is only 66.7 percent of minimum subsistence costs for a family of four. Because workers cannot meet minimum living costs with their wages, many live under the burden of high debts. According to research conducted in October 1994 by Korean Council of Trade Unions, 79.5 percent of workers' family with four members incurred large debts which averaged 12.4 million won(15,500 US\$) with monthly principal and interest payments of 233,000 won.

According to government's statistics, occupational diseases and industrial accidents are decreasing. But South Korea's rate of industrial accidents of 1.3 workers per every 100 is yet the world's highest. Every year, over 2,000 workers are killed on the job every year and about 5,000 workers are found to be suffering from occupational diseases. However, even this figures do not accurately reflect the degree of the problem of industrial accidents. The government statistics excludes considerable number of workers from its coverage and employers are unwilling to report accidents to avoid the premium rate's rise as well as to escape from paying 70 percent of wages to injured workers during their rehabilitation.

To conclude, Korean model of economic growth is firmly based on harsh exploitation of workers, cruel suppression of workers' basic rights without any consideration of social dimension. This national development strategy prevails unchanged under the so called new civilian government of today.

The Effects on Women of the Korean Economic Development Model

KWAU
(Korea Women's Associations United)

The status of women in Korea falls far behind the extent of economic development which has been achieved. The demands of economic efficiency which have fully exploited the division of labor based on societal notion of sexual roles ("men work, and women look after the family"), particularly those of an industry-dominated, male-dominated society, as stubborn barriers against the social advancement of women. On the one hand, industry, with the support of the government's policies of economic growth, modernization, and emphasis on exports, achieved very rapid growth. On the other hand, this growth was accompanied not only by the oppression of and discrimination against women, but also by the destruction of the environment, the restriction of civil rights, and the exploitation of workers and farmers alike. Women, especially, were the primary victims of the "development dictatorship." First exploited as a form of cheap labor, then as the first targets of lay-offs during the period of industrial structural adjustment, women have bore much of the brunt of development. The underside of Korea's economic development has been that women have been bound by the ideology of patriarchy, so that they have been relegated to the role of looking after their working husbands and raising a new generation of workers. Also, the female labor force has been utilized as industrial reserve labor, to be hired and fired simply according to the adjustments of the supply and demand of labor following fluctuations in the economy. Similarly, in order to keep that female labor force under the joint control of the state and industrial sectors, the notions of patriarchy have constantly been reinforced. Based on these notions, Korean women in all sectors of society have been subjected to sexual discrimination, stripped of their political rights, and struck by sexual violence both in and outside of the family contexts. In conclusion, the status of Korean women has not been elevated, but rather degraded, as a result of the push for economic development.

1. The problem of poverty among women.

- (1) The problem of poverty among low-income, women-headed households.

As a result of Korea's economic development, Korean women were able to break out of the traditional cycle of poverty. Now, however, because the labor force of women is acknowledged only in terms of supplementary household income in Korea society, it is still very difficult for women to become economically self-sufficient. Most women either marry and depend on their husbands for financial support, or work after marriage to help maintain the household budget together with their husbands. But widows, divorced women, women left by their husbands, those whose husbands have lost their ability to work for long periods of time, and single women are faced with inevitable poverty. Also, women who leave their husbands are not entitled to spousal support, and thus face the same dire circumstances. As of 1990, women who headed households numbered 1,106,002, representing 10% of all households. Of these, those who receive some form of public assistance (a monthly allowance for living costs for a family of four is 757,000 won, or roughly US \$950); that is, those who headed families living in a state of absolute poverty numbered 33,766 in 1993. These women live day in and day out, barely able to eke out an existence working as live-in or visiting housekeepers, or doing other odd jobs.

Though the government provides financial assistance for the children's education and independent living of these women in order to alleviate the financial burdens of low-income, women-headed households, these are only temporary solutions, and more substantial measures which strike at the root of the problems are demanded. In other words, the government should provide a basis for the families' independence and self-sufficiency. 1) Recipients of the governmental assistance are allotted a maximum monthly income of 757,000 won to cover the cost of living for a family of four, an amount which is so low that it cannot realistically cover the costs of even the most meager existence in Korea today. Thus, the maximum income amount must be increased. 2) As for the "social welfare" facilities in the form of public housing, the facilities' capacity is insufficient, the facilities themselves are outdated, the living space of each family is cramped, and there are no support measures to help the families become self-sufficient once they leave the facilities. These various problems must be addressed. 3) As part of the larger social support network, informal support networks (family, friends, or neighbor's social organizations) must be activated.

(2) The problem of poverty among women farmworkers.

After the Uruguay Round of GATT negotiations, the market for agricultural products was thrown completely open, and the impoverishment of the farming community is now becoming more and more serious a problem. As healthy males leave rural communities which have already given up on farming as a source of income, and move to urban centers, it would be no exaggeration to claim that Korea's agriculture has been sustained by women farmworkers. Women farmworkers comprise just over one-half (51.7%) of the total farming community population, and comprise more than half (53%) of the total farming labor force. Thus, these women are responsible for a large part of the farming household's economy. However, these women farmworkers are not receiving due credit for fulfilling such an important role, and instead, they are ordained as mere supplementary production labor. Women farmworkers are being alienated from the means of production (e.g., the land, the use of farming tools, etc.), as well as from the

management of farming (e.g., the farming schedules, the selection of crops). As the women farmworkers overwork themselves in these conditions, they are troubled by various farming-related illnesses, and due to the absence or insufficiency of childcare or other social welfare facilities, they are also afflicted by poverty and other suffering.

Therefore, in order to solve the problem of poverty among women farmworkers, the government must acknowledge that they are an important part of the agricultural sector, and their status and power must be elevated accordingly so as to provide the basis for increasing their incomes. Furthermore, in order to improve their overall welfare, the government must execute policy so that women farmworkers can live by the basic human standards to which they are entitled.

2. Problems related to the employment of women in Korea.

(1) The current situation in Korea.

Beginning in the 1960s when Korea began to industrialize, with manufacturing at the center of the export-led growth, the level of women's economic participation underwent considerable growth. In 1964, the percentage of women's participation in the economy was 36.4%, in 1985, it was 40.6%, and in 1993, it was 47.2%. During the last thirty years, Korea witnessed a 10.8% increase in this rate. The young Korean women workers who left the farms for the cities at the start of Korea's industrialization, were the stronghold of Korea's economic development, working long hours for low pay. Two times, once during the late 1970s and once during the late 1980s, women were the first workers to be laid off during the period of industrial structural adjustment programs, and many women workers were caught in a state of unemployment. Korean women workers were used as cheap dispensable servants of the economy; all the profit was extracted from their labor when they were needed, and when their labor was no longer needed, they were nothing more than once-used objects to be discarded. Now, as Korean women workers have started becoming aware of their rights, they are striving to overcome the obstacles of low pay, long hours, inhuman working conditions, and job insecurity so that they can one day be guaranteed the right to lifelong equality in all aspects of employment.

(2) The reality of the current employment situation of Korean women workers.

1) The male and female labor markets are currently divided. Women in manufacturing, particularly in the light industries, are employed in the simple and low wage division, while women in clerical positions are employed for fulfilling simply duties to assist men.

2) Sexual discrimination is very severe in the areas of job recruitment, employment, placement, and promotion.

3) Large-scale unemployment and irregular work (part-time or temporary work) for women workers are on the rise.

The most crucial employment problems which face Korean women workers, unemployment (dismissals) and irregular work, are both on the rise.

1) Unemployment (dismissals)

Since 1986, the structural adjustment programs which the government has been undertaking, especially since the late 1980s when the Korea labor conflicts were at their height, have become increasingly serious. Amidst conditions in which neither the well-balanced development of Korean industry, nor the guarantee of workers' basic living standards are likely, the Korean structural adjustment programs are being carried out to meet the one-sided interests of domestic monopolistic capitalism and the demands of advanced capitalistic countries. Declining industries (textiles, clothing, shoes) are relocated abroad, while growing industries (steel, petrochemicals, electricity, electronics, automobiles, shipbuilding, machinery) are given many incentives to develop. Frontier industries (mobile communications, fiber optics, robotics, precision chemistry) are going to be pursued aggressively. Those who have suffered the most in the name of these interested are women workers. This is due to the fact that women were mostly employed in the light industries, where problems of unemployment and dismissal have been rampant. Unemployment trends are taking form as capital is withdrawn or transferred from foreign-related industries in Korea, investment in declining industries is relocated abroad, small and medium-sized industries lacking economic clout shut down, and companies fail to make their payments, with the result that women suffer mass group dismissals. The following statistics portray the seriousness of these mass group dismissals.

* In 1992, as a result of the suspension of operations or shut-downs of many companies employing over 50 workers, mostly women, about 76,000 workers have been unemployed (a 33.7% increase over the previous year's figures).

* From 1989 to 1991, due to the suspensions of operations or shut-downs of rubber factories in Pusan city which employed mostly women, about 20,000 workers have been unemployed.

* In the case of the Seoul Export Corporation, from 1987 to 1990, 21.1% of the employees were dismissed, and in the Masan Free Export Zone, from 1987 to 1992, 47% of the employees were dismissed.

These workers who were dismissed received no training to obtain other employment or any other support to guarantee their livelihood. The women workers who were unemployed were pushed into the service industries or working as housekeepers. The number of women who have been put out of work has steadily been on the rise, and as of 1993, reached 178,000 women.

2) The increasing use of irregular (part-time, temporary) labor.

Under the guise of rationalization of management of industries, the use of irregular labor, such as temporary or part-time labor, and service corps labor is becoming widespread. It is estimated that overall, one-third of women workers are employed as irregular labor.

A. In the case of service corps labor, there were 400,000 such workers in 1992, of which 51.2% were women. Concentrated mainly in the manufacturing, banking, and

insurance industries, the use of such labor is spreading to all industrial sectors. As of 1993, temporary and part-time women workers numbered 370,000 and 794,000, or 8.4% and 18%, respectively, of all women workers.

B. Despite the fact that these irregular workers do the same work as regular workers, they are discriminated against in terms of wages, days off, promotions, and reinstatement.

On top of this, workers in very small businesses and housekeepers exist on a large scale outside the confines of the Corporation, so that the female labor force is being increasingly marginalized, and the working conditions are increasingly deteriorating.

(3) Alternative measures for job security.

1) Though issues such as the lower pay and blocked employment opportunities of women have long been issues which have been presented as needing solutions, there has been little effective solution yet. In order to achieve the globalization and the strengthening of economic power which the government is pursuing, various measures must be taken at the same time in order to increase industrial technical development and inculcate a strong work ethic in the workers.

2) In particular, employment opportunities free of discrimination still have yet to be made widespread for women. And in order to increase the motivation to work in the working women, it is crucial that the government reform the laws and strengthen their administration of the reforms so that equal working conditions become a widespread reality. When we compare our domestic laws to international standards, such as ILO Conventions and the UN Convention on the Elimination of Discrimination Against Women, it is clear that our laws contain serious problems.

3) Furthermore, married women must be given the opportunity to display their abilities to society, and single women must also be given the opportunity to feel a sense of duty about their jobs, which can be achieved by the government and industries drafting supportive policy concerning household labor and childcare.

4) Therefore, the government must reform the Labor Standards Law and Equal Employment Act to provide legal regulations concerning marriage and resignation to prohibit discrimination in promotion, forced resignation, and sexual harassment in the workplace. Also, employment practices which discriminate on the basis of physical appearance (e.g., height, weight, facial features) while recruiting or hiring must also be thoroughly eradicated through the legislation of regulations.

5) Also, maternity leave after childbirth must be increased to 90 days, the principle of equal pay for equal work must be actualized, joint responsibility of men and women for childcare facilities must be made widespread.

6) The increase of irregular work among women workers who were deprived of their opportunity to get regular work substantially lowers their motivation to work in the long run in direct proportion to the knowledge of how much profits their industries are actually making. This drop in motivation in turn counteracts the economic competitiveness and progress achieved in the manufacturing industries. Excepting unavoidable cases involving special duties, the increase of regular labor should be accomplished through legal regulations, and protective measures must be taken immediately for those who are presently working as irregular labor. Regarding this, we

request that the government enact legislation "regularizing" the labor of those who have been working continuously for at least three months in irregular jobs.

7) Most important of all to the aims of strengthening economic power and steps towards globalization is the increasing of educational opportunities for women so that they can receive school education, employment education, etc. without regard to their type of occupation. Education on sexual equality should be made compulsory.

Job training must be made compulsorily available for women who have been unemployed due to automation of their work or structural adjustments. The government should also introduce a job-training quota system to provide paid job training to women who are already in the workforce. These measures are all effective steps towards achieving economic power.

The employment quota system should be instituted as provisional complementary measures, especially in governmental and other public sector jobs. The government must enact complementary administrative measures, for instance, giving tax credits and other benefits to industries employing primarily women, so that the women in turn can work and be compensated in a just manner.

Equality in work and the use of female labor should not be seen as "welfare" as such. Instead, we must build these foundations through concrete public policy which will actually provide strong support to the government's goals in the long run.

3. Problems of social integration.

There are several dominant factors which impede social integration in Korea society, some of which affect women in particular.

1) Sexual discrimination based on notions of patriarchy, as evident in education, institutions, mass media, culture, etc.

2) An authoritarian and violent culture due to the legacy of military dictatorships.

3) Due to excessive military expenditures, a result of Korea's division, there is a severe lack of social welfare funds to improve the quality of people's lives.

4) As the percentage of women members of the National Assembly, who can participate in the legislative process, is less than 1%, so that the problems affecting women are not accurately reflected in governmental policy.

Of these issues, the ones which most urgently need attention if we are to achieve social integration are those of family violence and sexual violence, which our sexually prejudiced, authoritarian, and violent culture have spawned.

(1) Status of sexual violence and family violence

1) As the statistics which rank Korea as third in the world in terms of the level of sexual violence indicate, women cannot have peace of mind at any time, much less walk alone at night. According to rape statistics, 20 women out of 100,000 have been victims

of rape. When considering the fact that less than 2% of all rapes are ever reported, however, it is clear that the true extent of the problem remains concealed.

2) In the case of family violence, according to the 1989 Korean Gallup poll, 57.5% of all husbands surveyed admitted to having hit their wives at some time or another. In Korean society, spousal abuse is a common and recurrent practice. Also, because the notion that children are the property of, or merely subordinates to, their parents runs deep in our society, the problems of corporal punishment and other cruelty are also severe. According to the report on the Korean Convention to Protect the Child in 1987, 97% of 1,245 children aged 11-12 years had experienced one or more incidents of corporal punishment, and 46% were hit at least once a month, and 18% were hit at least once a week.

(2) Subjects

1) Emergency shelters throughout the country must be instituted for women who have been the victims of physical violence. At these shelters, women who have been victims of sexual or physical violence can receive medical care, protection, and help. Also, these shelters should be able to provide childcare, job counselling, and education to increase awareness of women's issues so that the women can start to lead independent lives. The federal and local governments' duty and responsibility for providing support and security through social welfare funding which will be used to run these shelters must be clearly mandated by the law. Furthermore, it must be made mandatory under the law for privately funded civil organizations to provide support for these governmental projects, and funding must be appropriated so as to render these services truly effective.

2) In cases of severe child abuse and sexual abuse, the children should be given accommodations separate from their abusive parents either temporarily or permanently, and the necessary facilities and programs to carry this out must be mandated by the enactment of new laws.

3) From the perspective of social welfare, the government must take the appropriate steps to prohibit spousal and child abuse, and the Family Violence Prevention Act must be enacted so that those who break the law can be punished under the law.

4) In order to bring about greater social integration, we must enact integrative policy on behalf of women currently living amidst conditions of social disintegration. Through the institution of education stressing the equality of sexes, we can overturn current sexually discriminative notions. And only by bringing about systematic innovations and social welfare programs, an increase in women's political participation, a quota system in employment, and peaceful policy to cleanse our nation of our military-centered culture which only reinforces the patriarchal system, can we forge a society protecting women's political, social, and economic status, as well as comprehensive human rights.

ECONOMIC DEVELOPMENT AND SITUATION OF FARMERS

NADUK

(National Alliance for Democracy and Unification of Korea)

Agriculture is one of the hardest hit sectors in Korea by the accelerated and export-oriented economic development. The impoverishment of farmers and farm-lands, the rapid migration of rural population to cities to form cheap labour, the fierce conflict around the open market policy, and the rapid deterioration of the environment and the urban social situations are all closely related to each other and to the present social characteristics in Korea as well, such as the fast increase of crime rate and crime severity, the instability of the urban poor situation, high cost of housing in cities, etc.

1. Unbalanced growth taken by the developmental authoritarianism has caused the impoverishment of Korea's agriculture.

A. The land ownership dominated by the Japanese, pro-Japanese landlords and their companies under the Japanese imperial rule was not significantly reformed during the U.S. military rule from 1945 to 1948. During that period and on, Korean farmers' struggle for land reform was also subdued by force for political reasons.

B. As an accelerated economic development strategy was taken since the early 1960s, South Korea became in need of all four factors of production; capital, technology, raw materials, and labour force. The first three, she bought and borrowed from abroad while only mobilizing internally the last factor; i.e. cheap labour from the rural population. To maintain the labour cost very low, the costs for agricultural products were also kept very low.

C. Financial investment and support for agriculture was also neglected. The national agricultural budget only consisted of 3.8 percent in 1975 and 17.6 percent in 1990 of the Korea's gross domestic product(GDP). Japan had a budget of 34.2 and 31.9 percent of its GDP for agriculture in 1975 and 1990 respectively.

D. The unbalanced growth policy has clearly impoverished the agricultural sector. This can be easily seen if we compare sectoral growth rates. While non-agricultural and non-forestry sectors kept a growth rate of 8 percent in average, that of the agriculture, forestry, and fishery is a meager 2.2 percent in average. Moreover, the latter growth rate is in the minus coming into the 1990s.

2. The conditions for agricultural production is unstable.

A. The income disparity is increasing between urban and rural families. The governmental statistics show rural families have 89 percent of income compared to the urban families' in 1992. If we take into account the customary transfer of income from rural families to their relatives in the cities, the rural population lives with 72 percent or less of income of their partners' in the cities. Debt is also increasing in rural areas. The rate of increase of debt from 1990 to 1992 was 26.5 percent per year.

B. The number of farmers older than 50 years who actually work in the field was 39.9 percent of the rural population, but grew to 62.4 percent by 1992. The number of families with no successor farmers in their family hit 84 percent in the same year. Similarly, these days, high-schools, technical colleges, and universities related to agriculture have difficulty finding applicants for admission.

C. It is generally recognized that there is a limit to the increase of productivity due to the weak base of agricultural production. Of the total arable acreage, only 31 percent has been readjusted for mechanical cultivation. There are only 40 percent of arable land that can benefit from the agricultural water resources development. Unlike in the rice-field, there are hardly any change in productivity in dry field crops cultivation since decades ago. Consequently, an extreme fluctuation of the prices for agricultural products has become a typical phenomenon in Korea.

3. Conditions are poor to elevate the farm productivity in terms of international competitiveness.

A. The transplant cultivation technology and the large-scale farming method, a governmental policy pursued for decades, has proven ineffective in elevating farm productivity because of various inconsistencies in the overall agricultural investment and policies.

B. High cost of farming machines and unstandardized machine-parts have caused a serious difficulty for farmers to automate their work.

C. Investment and training for new cultivation technology has been poor. Some farmers are now trying to utilize a new 'organic farming method', but with difficulty of popularizing it.

D. Due to the late development of genetic technology, the crop improvement has been negligible - another weakness against the import of crops.

E. The technology for meteorological observations has also been poorly invested, and therefore South Korea is still heavily dependent on Japan for weather forecasting. One of its direct and serious result for agriculture is a poor anti-calamity measures.

F. The poor coordination and inefficiency in agricultural researches among the

governmental and farmers' institutions is another condition limiting the increase of farm productivity.

4. The Korean agriculture is weak to counter the market-maneuvering of the large business groups.

A. There are little protection for farmers from buying goods, machines and materials at the abnormally high prices set by large monopoly companies. The reasons are two-fold : there has been traditionally little protection from the government, and secondly, farmers' voluntary organizations and cooperatives have been systematically weakened or subdued during the decades of military rule.

B. The trade system is too multi-layered. The intermediary profiteering is too serious and almost non-regulated, the intermediary merchants being closely linked to the branches of political parties. Thus, most of the profit drips away from the farmers while their products are sold.

C. The farmers voluntary organizations are not effective, or even repressed for political reasons.

5. The social welfare situation of farmers is extremely poor.

Farmers pay relatively higher sum of medical insurance fee and only receive very minimal pension, financial support for management, and calamity insurance or compensation for occupational accidents, compared to urban citizens. In similar fashion, the educational situation is surprisingly unequal and its fee is also relatively higher a burden for rural families.

6. A large section of farmers are now in either in despair or in crisis mentality for their agricultural activities and life because of the followings; open-market policy and massive import of foreign agricultural products with little protective measures for them, lack of young people who could venture new farming in rural areas, continued policy negligence for agriculture compared to export industries, and high cost of production. (The free-import farm products takes now 89.9 percent of all selling products in Korea. Self-reliance of food rated 34.3 percent and that of rice is only 9 in 1992.)

SOCIAL WELFARE AND NATIONAL MINIMUM STANDARDS OF LIFE IN KOREA

SOPA

(Solidarity for Participation and Human Rights)

During the past 30 years, South Korea has experienced one of the most rapid economic growths in the world. However, Korea's 'economic wealth' has not yet been translated into its 'social and cultural wealth' in relation to provision of the 'quality of life', nor does the social welfare system secure minimum life standards for its weak sectors.

Though South Korea is to enter the OECD soon, its social security today, such as in income, health, education, employment, housing, and social services areas is never comparable to that of the OECD countries, nor to that of 'the average developing countries.

According to Korea Bank, the GNP of Korea reached \$US 328.7 billion in 1994, which is 15th in the world. Its GDP(gross domestic product) is already 10th highest, and its trade is also 10th in magnitude, \$US 166 billion a year. However, recent researches by the Samsung Economic Institute shows that; the public education cost per person is \$US 23, the number of students per teacher, 25; illiteracy rate, 3.7 percent; and the number of medical doctors per thousand patients, 0.73 - as some indications of the poor social welfare.

The social welfare budget is too low. In 1991, the budget for social welfare was only 9.67 percent of the national budget, while Brazil had 19.92, Mexico 12.36, Taiwan 17.0, and Sri Lanka 16.47 percents.

Even though there are 4 of the 5 major social securities now provided by the law - national pension, medical insurance, industrial accident insurance, and employment insurance (the exception being the family allowance system) - , the rate of actual application is low. This means that social services for the majority of people are still dictated dependent by the market economy.

In the case of employment insurance, the system leave 50.1 percent of all employees unapplicable. The national pension system applies to only 30 percent of all employees. 3 million people have limited medical insurance due to their inability to pay the fee, and there are 2.3 million people who receive no medical insurance. The expansion of the medical insurance system - from the large companies to poor people - demonstrates the policy tendency in social welfare.

There are signs that the low level of social welfare system is one of the most important causes for weakening social integrity and increase of both crime rate and severity in

Korea. The culture of rapid economic growth has also influenced the society to neglect more 'slow' sides of development. To many serious observers, the world-highest rate of car accidents and its death rate are also related to this system and culture.

The Need of National Minimum Standards of Living

Like the minimum working hours and wages, minimum standards are requisite for protection of the socially vulnerable groups. Expanded to all facets of life and work, the set of such minimum standards act as guidelines for objective social welfare system, which may be called 'national minimum standards of living (NMS)'. This is also in accordance with the universally recognized economic, social, and cultural rights.

It is the state that should provide the NMS. Being the minimum line standards, the NMS should not depend upon the market economies, and moreover it is universally recognized that the fundamental duty to protect human rights lie on the state.

As economic and social human rights, the NMS should be recognized as legal rights, not just policy programmes. A victim should have the right to compensation in accordance with the ILO conventions and the International Covenant on Economic, Social, and Cultural Rights.

Children, the Disabled, and the Situation of Education

The welfare and human rights of children do not receive much social attention. There are no substantial studies on ill-treatment of children and only a negligible number of actual cases are reported to the authority. As there are no laws to prevent children abuses, it is very difficult to bring the assailants to justice. The government statistics show there are now only 6 thousand runaway children.

There are an estimated number 4 million disabled people in Korea, 67.8 percent of whom have become disabled after their birth. Disability caused by drug misuse and abuse, car accidents, and industrial accidents is increasing in trend. Most of the pedestrian crossings have not been lowered for the disabled. In most cities, it is absolutely impossible of the disabled to travel without aid because of the lack of necessary facilities in the public transportation system. Only 14 percent of the total handicapped students receive special education. The rest are left in regular schools. Cultural discrimination is also subtle and strong, owing its ground to the speed-oriented development culture.

In order to fulfill their economic goals, the past regimes have continuously placed education to a subordinate practice for the national security and economic growth. The major role of education was to produce simple and functional persons necessary for industrialization and defense. This has confined the educational budget to an surprisingly low level, causing poor conditions for education, ill-treatment and massive dismissals of reformist teachers, and high financial burden on parents. Consequently, it is an urgent

appeal of people today to reform the education system to enhance the quality of education and to give values for equality, human rights, and genuine human development. For example, in 6 largest cities, 90.5 percent of all classrooms hold more than 51 students in middle schools, and 96.1 percent in high schools, as of 1990.

The education budget is only 3.76 percent of GNP in 1994, according to the Ministry of Education, Budget Plan. This is lower than the average 3.9 percent of developing countries in 1992 (the OECD Report of 1993)

The impact of the poor educational system and its highly functional and competitive nature is far reaching, making the problem felt in every sector of society. 44 percent of middle school students have expressed examination anxiety and mental confusion. The main cause was found to be the competitive relationship among friends, as a survey of the Youth Opinion Forum showed in 1993. Another consequence is the fact that 40 thousand youth in the country are suffering from drug addiction and 49.6 percent of high-school seniors are addictive smokers, and 13 percent, addictive drinkers, and 12 percent of high-school students suffer from hyperchondria.

SOCIAL IMPACT OF ECONOMIC DEVELOPMENT IN KOREA

NADUK

(National Alliance for Democracy and Unification of Korea)

1. Impact on Political Structure, Democracy, and Human Rights

The impact of the Korea's economic development pattern was of an exceptionally negative nature in the areas of political structure, democracy, and human rights. When Park's regime started to employ export-oriented economic development strategy in 1962, his politics was under systematic control of the U.S. politico-military strategy of the Cold War, including maintenance of the tension of the division of Korea. The nature of the regime, then has propagated to political, legal, and social life of Koreans, characterized as ideological militarization of the society, political repression, repeated human rights violations, contempt for legal procedures, etc. They were propagated and incorporated under the pretext of the need for national security and economic drive.

A. Characteristics of the Korean Economic Development

The basic scheme was to combine foreign capital with cheap local labour force in a very short period. In order to fulfill the goal, the whole nation was reorganized as a huge mobilization unit for accelerated production under a strong state leadership. The economic power was then concentrated into foreign enterprises and some privileged local partners

that later become 'chaebols' (clan-based huge business conglomerates). To give exceptional privileges to and foster the chaebols, the government took the role of mobilizing local resources and labour force. The unfair tax system, systematic bribery, extreme exploitation of young industrial workers soon became prominent characteristics of Korean society. In order to mobilize cheap and efficient young labour from immigrated rural population, the state for decades neglected the most basic rights of the people by force and by ideological brainstorming. This in turn has caused a serious tension between the political power and the grass-roots people for decades - a tremendous social and human cost not often cited.

B. Distortion of Party Politics and Representative Democracy

All facets of democratic political process either vanished or became formalized as dry procedures during the years of military rule. The military excused itself by the need of economic prosperity, because that was the only way they could seek legitimacy. No political parties were allowed to take the government by election until 1987. Opposition parties, though survived, were under a tight control through various laws regulating party activities, political fund, and elections. Progressive parties were totally banned. Surveillance and control of prominent social and political figures were routine. Dissidents and protesters were ruled by the notorious National Security Law, which is still existing to date. Before 1987, important changes of power were all by military coup-d'etat. The free elections, an achievement of decades of people's struggle for democracy, began to be imposed since the mid-1980s, but they have also been stained with briberies, irregularities, government intervention, manipulated regional antagonism, ideological demagoguery, and violence until a few years ago.

C. Lack of Local Autonomy and Blockade to People's Participation to Local Politics

Since the military took the power in 1961, distribution of power to local governments and promotion of people's participation to local assemblies were all banned. All the power was concentrated to the central government while local autonomy was essentially negated. It was only in 1991 that Koreans began to enjoy their rights in the new local autonomy elections. Though they are now expecting more elections in June, the distribution of power to local authorities is a hot debate issue and a source of political conflict as well, since the military heritage of power concentration to central government is still enormous and unchecked.

D. Questioned Independence of the Judiciary, the Police and the Army

The independence of the judicial system is still generally doubted and often quoted as a sign of dictatorial concentration of power in the ruling party. The police and the prosecution have long been considered as mere subordinates of the ruling power, used to repress the democratic and progressive forces in the society. The army has also been a loyal base of the political power, controlled through its security division.

E. Human Rights Violations

Independent trade unionism has long been banned by law while anyone trying to form a democratic union was accused to be leftist. The trade unions today are still unable to launch political activities. Free expression of ideas and right to free associations are still seriously limited by the National Security Law and other laws. All assemblies needed approval of the authority until very recently. When a gathering went on without approval, violent assault and massive arrests followed by the riot-police. As of January, 1995, there are still 110 students, 54 workers, 74 dissidents, and some dozens of long-term political prisoners are in jail in relation to freedoms of expression, thought and association.

F. Control of the Freedom of Thought and Conscientiousness

Until very recently, the ruling power has considered that anti-North, anti-communist sentiment was an effective basis for their maintenance of power. This ideological manipulation was also used to repress dissident opinions in the society. So far, no compensations or corrections have been given to the victims, whatsoever. The most effective tool, the National Security Law has been accused of its serious nature of violating human rights by international communities including the U.N. Human Rights Committee for decades, but there are no attempts in the National Assembly for its immediate abolishment. And, there are still university students and social activists who are being arrested imprisoned for their alleged threat to the national security.

Koreans today are starting a comprehensive assessment of the impact of the economic development to their political, social and cultural lives. It is safe to say that most of the Koreans are embarrassed by the fact that the Korea's economic growth is known to be of some sort of a miracle. It should be noted that the cost for this exceptional growth was even more exceptional. The social cost is already very high - human and social insecurity and signs of social disintegration are grave and expanding -, but more importantly, no one yet can grasp fully how seriously and how far the impact may reach in its negative sense.

KOREAN FEDERATION FOR ENVIRONMENTAL MOVEMENT

KFEM

(Korea Federation of Environmental Movement)

The 2nd Republic of Korea had been hurdled down its political life by a military coup d'etat on May, 16th 1960. Economic development plan, however, had succeeded to arbitrary development plan, got a spotlight until now. Past 30 years, Korea have a

renowned reputation about its expansion of economy scale and uprising of material life.

Even we have reached to this level of affluent society, lost a lot of invaluable, in order to expand economic welfare workers and rural population had suffered one-sided sacrifice. Human rights and in-facto democracy has also suspended. Furthermore, pollution and destruction against environment had put aside. Though Korean government announced anti-pollution acts in 1963, made a Department of Environment in 1979, the critical issues of over-all problems about environment has not solved yet. Water pollution over Han-river & Nak-dong river in 1989 are still critical issues and the decision about nuclear waste depository has been continuing on people's growing concerns. One good news is that a few NGOs which have environmental interest had a good job on these fields. Now we are going to review the economic plans and its background which has brought the main cause if environmental crisis in Korea.

Economic Development and Environmental Pollution in Korea

1) The logic of economic development and Environmental pollution

The remains which is produced by mankind cannot be dealt by natural systems have brought environmental destruction. After blooming of capitalism. Environmental issues had only related with hygiene until those days. Nowadays we are surrounded over-all environmental crisis. Pollution what not had emerged from the course of industrialization, export-drive, & urbanization.

To see the inside of these problems, we should think over political and socio-economical infra structure. Especially five-year economic development plans. Because Korea is one of the typical model country which has a success by government driven economic growth. We are about to focus the specific area concerned with environmental issues.

Through galloping economic development which carried on to get rid of absolute poverty & social depression. Korea government had two main concerns in 60s. One is a deficiency of investment source & effective demand because of social insufficiency, the other is a request for natural resources, which is not available enough in Korea.

Considering these reality, Korean government had chosen the strategies which would induce foreign investment and gave on priority on export industry. These would bring the sacrifice of environment and human rights. In the beginning stage, pollution-oriented foreign capital inducement. Because these are the hard core industries which is confronted against citizens' heavy protest due to pollution. At that time, peoples was only concerned about escape from poverty, and have no time to think of these export-driven growth policy. It was natural that the environmental issues was out of sight from everyday living.

As the policy focus moved to Heavy Industry in the middle of 70's, pollution process has been accelerated. On these days, heavy industry was in the course of strong protest citizens because of pollution, and had a inevitable incentive of moving toward other areas,

especially poor countries.

Korean government had welcomed these trend in view of its economic policy which had a strong weight of heavy industry, and pursued ongoing economic plans driven by export. Even though these strategies had suffered a many hard times during the end of 70's, because the threshold of galloping economic growth for 80's. While the pursuing the maximal growth, Koreans had have a lot of environmental burdens, industry scheme had paralyzed toward over-all pollution at last. Centralized industrial complex, economy of scale brought the rapid urbanization and concentration of industrial economy. The typical example of these processes are Ulsan & Onsan industrial complex. Consequently these & inability in part, and absence of matured citizenship in part.

The priority in economic development in Korea is much similar to use the chemical fertilizer of agriculture. The more farmer use chemicals, the more can worse devastated the land. Even the government present show their policy object is already turned toward the other side because of malfunction from this kind of development policy, however, the government motto which stress the national competitiveness and globalization will also reveal their old growth-priority policy is still pertinacious. As long as this kind of stream of policy is prevailing, we cannot expect a lot of the environmental issues, easily solved in near future.

2) Trend of Environmental Pollution

Air pollution has already reached critical level on end of 70's. Sulfur gas, for instance is more than environmental bench mark 0.05 ppm on early of 80's. Thirty per cent of the number of year has reported it's daily allowances was over. Although government had started regulation of low-sulfur oil, the level of pollution has slightly decreasing, the meaningful improvement has slightly decreasing, the meaningful improvement has not been reached yet. Including acid-rain full problem, Seoul city is notorious for its pollution among the world cities as well as Mexico city.

Secondly, main stream and rivers in Korea had because contaminated from 70's. According to survey result on 1981, major river was classified level two or more. Although these situation has improved partially, the average grade of river has remained on class two.

Wastes came from urban and industrial site is the another issues including depository of landfill. Furthermore dangerous industrial waste has been increasing in the annual ratio of 22.5%. To the contrary these increasing waste problem, the handling technique, system and ratio of recycling is low, that contamination of water and land has pervaded.

Now the pollution spread out from island toward offshore. Contamination over seaside had evoked "Sea of Death".

The Typical Case of Environmental Pollution in Korea

1) The case of Ulsan-Onsan Industrial Complex

Ulsan-Onsan area implies a special meaning to modern Korean history. Shortly after the Korean War, Korea had to depend on America, especially, in development of major heavy chemical industries which accompanied serious pollution problems.

There was not a single reflection of citizen's opinions, regarding such development in the area. Naturally, any possible future contaminations of environment was not even considered at all. As a result of such irresponsible action, now, the Ulsan-Onsan area has become one of the most contaminated areas in the nation. The contamination of the area has resulted in serious heavy metal poisoning among the local people, which is notoriously known as Onsan-Disease. Onsan-Disease, known as Minamata-Disease in Japan, is caused by intake of heavy metal contaminated shell fish. By both the press and environmental groups, this disease was studied and also questioned the Government for prompt action. Nevertheless, the government smoothed the issue by naming the disease simply as a kind of allergic reaction to environment in the area. This "incident" was, therefore, concluded by moving all 4000 affected local people out of the area, under government supervision.

2) The Case of Development of National Park Mt. Deokyu

National Park Deokyu has crucial biogeographic value since it is located at the center of the Sobak Mountains. It includes the habitat of 16 rare or endangered species and its cultural relics have been highly appreciated. The construction projects of Muju Resort and Muju Pumping Power Station which have been in progress since 1984 are remarkable examples of destruction and inappropriate management of Korean national parks for the past 26 years.

Destructive development in Mt. Deokyu which has been deforesting severely to invite 1997 Winter Universiade Games becomes a striking contrast to 1994 Winter Olympics in Lylihamer, which showed such efforts as to protect even a tree. To drive the development, nature-preservation district in Mt. Deokyu was underestimated and Environmental Impact Assessment was poorly implemented - even some parts were made up. If 1997 Winter Universiade Games are prepared and held in this way, it will leave ill fame like 'environmentally unsound international games'.

3) The Case of Development of the West Coast

The Issues and the Counterplan of Environment Policies

Felling keenly the harmful side effects of development, and recognizing it was impossible to neglect them no longer, environment policies began to be introduced from the middle 1970s. Especially, after organizing the Ministry of Environment, various policies to improve the environment such as the introduction of the Environment Impact Assessment, imposing the duty to use gasoline containing low sulfur and constructing were framed and carried out. At the time, however, environment policies didn't produce excellent results because they were consistent in the approach to public treatment on the environmental pollution rather than to the clear and scientific analyses based on environmentalism on the causes of environmental pollution. Moreover, it was very

difficult for a few environmentalists or environmental officials to overcome the power of the main body of the centralized government, official developers, and industrialists.

The developing philosophy dominating our society since 1960 set the goal at them, and environment policies introduced from the late 1970s also couldn't overcome this habitual practice although being economical, economies of scale, comparative priority, and the like cannot be the criteria to determine the means and the end of policies, so we can say it was destined to fail. Considering the Environment Impact Assessment framed epochally in 1977, it doesn't mean the break from the philosophy of development for development's sake. This system reveals many problems such as inadequate prior consultation with the inhabitants in developing area and default of the items on the agenda as well as rough-and-ready, deficient and excessive analyses.

Considering the realities of investment for environment conservation, the level of the gross environmental investment or priority in the government budget tends to be very low even though the level of investment has become higher rapidly since 1980. The absolute scale of public investment related environment in comparison with the seriousness of a pollution level is very low itself. The scale of public environmental investment to GNP is only 0.3%. This is very low level when compared with that of the central government of OECD countries.

With relation to the environment administrative structure, we must say because of centralist policy that gives priority to development there is no proper allotment of roles between the central government and regional so that they may administrate on the basis of the regional natural characteristics. To move into the new environmental development from the development-centered policies.

Fistly, we should turn to development stand that is able to sustain with priority given to environment conservation from the the established economical growth-centered thought or the optional stand, "balance between development and conservation." In other words, the benefits of development and environmental improvement should go around to all the classes including the future generation, and the expenses for this should be equally allotted according to their ability. For this, the equity of the distribution of profits, the equal opportunity of education and employment and the like should be guaranteed.

Secondly, we should be need proper role arrangement between central government and local government. And the firm establishment of the free information law are crucial elements in the further democratization of Korea.

Conclusion

Since the inauguration of Kim, Young Sam administration, a self-professed civil government, concerns regarding environmental issues have become significant while its policy only attempts to take advantage of this matter as a publicity stunt and opportunity for monetary gains failing to get down to the bottom of it. Instead, with slogans like "Let's save our economy.", "There is now an unlimited economic competition underway in the world", and "Existing measures that restrict activities of various corporations will be relieved for the sake of globalization.", the newly packaged ideology of priority for

economic growth hailing from past dictatorships is now being implemented. Reflecting the environmental track record of Kim Young Sam administration are unscrupulous approvals of golf courses to be built around the sources of drinking water along the Han river, the annulment of total volume restriction for toxic wastes and reductions an mandatory employment of environment watchers and simplified requirements for transforming farmland into manufacturing sites, the farmland which has been the last preserver of the country's green.

The wastes control policy which has been a hit of late is a positive one by itself. However, the shortcomings of this policy would be a lack of preparation to support it and a perceived inability to dispose of wastes according to conditions and circumstances of much local area. This represents an administrative practice reflective of centralized governmental control rather than a preferred practice of collecting opinions from citizens or local people and in this way no autonomous and fundamental policy for environmental protection can be made. Though our hopes rest on the era of local autonomy to be launched in full swing now, desired results will not come easily due to policies and systems posing impediments to a realistic implementation of local autonomy. Therefore, environmental movements should also take an active interest in a campaign towards a complete local autonomy.

What represents the process Of social development in Korea was the way that everything else was abandoned just for the sake of economic progress. As a result, democracy was politically crippled and the phenomenon of the rich getting richer and the poor getting poorer was maximized. The ensuing sense of relative deprivation has given birth to deviant culture and created a society where on the one hand a culture of debauchery exists and on the other hand the poisonous air of atrocious gangs like Ji- Jon exists.

On the side of environment, the damage is' greater. Tap water as contaminated as to cause cancer, the need to by air from Sorak mountain, construction of nuclear waste disposal facilities plus the inertia of all of those government policies pushed forward with ruin and for local conditions and local opinions are the consequences of the Korean mode.

Some parts of the Korean society are abetting the policy of "economic growth first" and the recollection of the past without a thorough reflection of the present conditions around us. It is true that many developing countries are snooping around in search of the Korean mode. However, it is the path to death. From now on, we should create a new paradigm designed to overcome those so many errors from the past. This means to establish an environment-friendly awareness and policy-making in order to enhance the quality of human life. Continuous efforts in environmental campaigns to this end will save our land and our lives.

Problems can be found both in the growth-oriented logic that a satiated pig is better than a hungry Socrates and in the idealistic logic that insists on a hungry Socrates and in the idealistic logic that insists on a hungry Socrates. A campaign designed to become a satiated Socrates, this should be the new model for social development preconditioned on an environment-friendly movement. (end of report)

Joint Statement of Korea NGOs on the 1994 APEC Summit

November 15, 1994, Seoul

Signed by:

National Alliance of Democracy and Unification in Korea (NADUK)

Korean Council of Trade Unions (KCTU)

Yongdengpo Urban Industrial Mission

Solidarity for Participation and Human Rights (SOPH)

National Congress for Unification and Democracy in Korea

Christian Institute for the Study of Justice and Development (CISJD)

Korea Women's Associations United (KWAU)

Korea Federation for Environmental Movement (KFEM)

- In alphabetical order

For more information, please contact

SOPH (Tel : 822-796-8364,5 / Fax : 822-793-4745)

CISJD (Tel : 822-312-3319 / Fax : 822-313-0261)

Position of the Korea NGOs on '94 APEC

- Towards People-Centered Development and Transborder Participatory Democracy

Today the second APEC Summit held in Bogor, Indonesia was attended by the presidents or representatives of 18 member states. Since the first APEC Summit in Seattle in November 1993, we have been observing closely the potential impacts of APEC on people in the Asia-Pacific region including Korea. In support of the statement released in Jakarta on November 12 by the NGOs in the Asia-Pacific region, we express our common position based on our reflections and discussions as follows:

Assesment of the APEC process

1.0. APEC, aiming at "Open Regionalism", has organized discussions at various levels in order to 'establish the world's largest free trade zone in the Asia-Pacific region by the year 2020.' We welcome that the governments in the Asia-Pacific region have made concerted efforts to promote cooperation in solving regional problems such as widespread poverty and unemployment. Reviewing the discussions and proposals at '94 APEC, however, we cannot but doubt that APEC can solve the basic socio-economic problems facing the majority of people in the Asia-Pacific region.

1.1. First of all, we note the undemocratic process leading to the '94 APEC Summit.

The proposals set forth by the so-called Eminent Persons Group (EPG) reflect only narrow business interests, rather than the broader interests of the larger sector of society including workers, peasants, urban poor, women, and children, all of whom may suffer adverse effects of APEC. Furthermore, NGOs and labor unions representing civil society were excluded from the proposal-making and decision-making processes from the beginning.

1.2. We worry that APEC neglects social dimensions of economic problems.

APEC has not seriously considered the effects of economic and trade issues on the political and social lives of the people in the region. Due to market expansion and deregulation, transnational corporations (TNCs) have moved into the region with little regard to their ethical and social responsibilities. APEC has not taken the appropriate measures necessary to protect the human rights of socio-economic minorities who may suffer under the Structural Adjustment Program (SAP).

1.3. We note that APEC follows quantity-oriented economic development strategy necessarily accompanied by serious degradation of the environment and violations of human rights.

The World Summit for Social Development (WSSD) will take place in Copenhagen in March 1995. Many governments and non-governmental organizations (NGOs) have directed serious efforts to seek global alternatives to the borderless environmental degradation, widespread structural poverty, unemployment, and other factors contributing to our present global situation in which 30,000 people starve to death every day. APEC, however, is not concerned with these alternative paradigms of "Sustainable Human Development" and "People-Centered Development" which will be discussed at WSSD.

1.4. We worry that the so-called "Development Dictatorship" justified by national security ideology and facilitated by limitless economic competition tends to be reinforced in the APEC process.

State-initiated economic development strategies which exclude voluntary participation of civil society may seem efficient and visibly successful, but in the long run, they will impede social integration as they widen the gap between rich and poor, uproot community values, and reinforce governmental corruption and inefficiency. Many APEC member states still justify their authoritarian rule by putting national security before the people's security.

Our demands of APEC member governments

2.0. Therefore, we strongly urge APEC member states to undertake the following:

2.1. First of all, APEC should try to solve by all possible means urgent human rights problems in the region, such as those in East Timor and Burma (Myanmar). APEC member states should urge the government of Indonesia to respect UN resolutions and to guarantee East Timor's right to self-determination. At the same time, APEC member states should urge the Burmese government to improve their human rights situation, starting with the unconditional lifting of the house arrest of Aung San Su Kyi.

2.2. APEC's economic development strategy should prioritize the full protection of the basic right to survive, the elimination of structural poverty, the reduction of the gap between each nation's rich and poor, as well as the gap between rich and poor countries within the region.

2.3. All APEC member states should ratify and observe major UN human rights treaties, in particular, the International Covenant on Economic, Social, and Cultural Rights (ICESCR) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC).