
SUMMARY



Policy Directions for Securing Korean People's Right to the National Territory and Improving the Vulnerable Areas in Korea

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Key words: right to the national territory, vulnerable areas

This study discusses the policy directions for legally institutionalizing Korean people's right to their national territory and improving the vulnerable areas where the right has yet to be guaranteed. My discussion presents the following suggestions.

First, the Korean people's right to the national territory (henceforth, RNT), as a legal measure to actualize and enforce the fundamental rights set forth in the Constitution of Korea, should be stated and defined in the Framework Act on the National Territory (henceforth, FANT) as well as other laws which concern the national territory. Simultaneously, the vulnerable areas where residents' RNT is not fully ensured should be stated and defined in the FANT and other related laws, on the basis of the legal definition and delimitation of the RNT. The right can be defined as the Korean people's right to use the national territory as common good in order to completely meet the socially recognized minimum needs for enjoying their freedom and decent lives.

Second, the Korean national government has to organize and operate a system

of monitoring the vulnerable areas across Korea. In addition, it has to make the system sufficiently supported by the legally-mandated practical definitions and criteria of the vulnerable areas, where residents feel it difficult to occupy safe and livable housing/neighborhoods or to conveniently and safely use public transit. Furthermore, the national government has to prevent or to minimize the occurrence of vulnerable areas where residents are afflicted by healthcare/property damages and related risks resulting from the operation of facilities, which likely pollute and degrade natural environment within and around human settlements. Especially, such environmentally vulnerable areas have to be prevented from being arisen, given the environmental justice as well as stake-holders' effective participation in location decisions of the facilities which potentially generate environmental pollution and degradation.

Third, the national government has to build up and develop the institutional setting where the policy tools to improve the vulnerable areas are continuously implemented in conformance with the RNT. Given this requirement, the government has to revise such policy measures as the Assessment of Spatial Plans on the National Territory and the Survey of the National Territory, which are stated in the FANT, in order to sustain the RNT. Additionally, the national and provincial/municipal governments need to consider systematically conducting ex-ante assessment of the positive and negative impacts which varieties of projects/programmes approved by the national governmental agencies and by the provincial/municipal governments likely have on Korean people's RNT if such projects/programmes are undertaken.