

# Implication Measures between SDG and Korean EIA

## - Alternative Dispute Resolutions on Environmental Conflicts of Mungjangdae Hot Spring Resort Development –

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### I. Background and Objective

Since democratization in 1987, as South Korea citizens have pursued quality of life and acknowledged the importance of environmental preservation, environmental conflicts has rapidly increased. EIA as Alternative Dispute Resolutions (ADR) needs to be applied to cope with the environmental conflicts which derived from the intrinsic characters of environment which connotes the concept of 'Tragedy of Commons' and externalities as public goods.

Environmental conflicts were provoked when local residents stood opposite to the regional development projects, especially the construction of environmentally obnoxious facilities. Thus, environmental value should be considered in balance with economic development, and EIA system needs to be established for resolving environmental conflicts by the participative governance of local communities including local residents, administrative authorities and NGOs.

For incorporating EIA into ADR, a local communicative governance which comprising social equity, economic development and environmental integrity can be useful to achieve the implication between EIA and Sustainable Development Goals (SDG). As a case study, 'Mungjangdae Hot Spring Resort Development (MHSRD)' was selected to verify the correlations among EIA, ADR and SDG.

### II. Environmental Conflicts History of MHSRD

#### 1. Defective definition of Hot Spring Act in Korea :

- 1) Water temperature should be above 25°C as eruption state
- 2) Water qualities should not be harmful to human body
- 3) Water quantity should be more than 300m<sup>3</sup>/day as suitable pumping rate

These meager definition of Hot Spring conditions has caused reckless development of Hot Spring Resort in Korea, which has resulted in aquatic ecosystem destruction by water contamination derived from inadequate treatment of sewage effluents.

## 2. EIA Act that Applies to Hot Spring Resort Development in Korea

- 1) Mayor/Governor shall request the head of a local environmental agency to perform a SEIA (Strategic Environmental Impact Assessment) or an EIA for a relevant hot spring development.
- 2) Where the development area of a hot spring is less than 300,000m<sup>2</sup> : To perform a SEIA under the EIA Act prior to approval of a development plan.
- 3) Where the development area of a hot spring is at least 300,000m<sup>2</sup> : To perform an EIA under the EIA Act prior to approval of a development plan. In such cases, a SEIA under the EIA Act shall not be performed.

## 3. Environmental Conflicts History of MHSRD

- 1985.02 : Designation of Hot Spring Hole Protection Zone(5,300,000m<sup>2</sup>) by Kyungsangbukdo Province
1987. 12 : Designation of Munjangdae Hot Spring Resort (956,000m<sup>2</sup>) by Ministry of Culture and Tourism
- 1988.10 : The 1<sup>st</sup> EIA Consultation by National Environmental Administration
- 1989.08 : Approval of 'Munjangdae Hot Spring Resort Development(MHSRD) Plan' by Kyungsangbukdo Province
- 1996.04 : The 1<sup>st</sup> Implementation Permission for MHSRD Project(134,920m<sup>2</sup>) by Sangju City
- 1996.08 : Beginning of Groundwork Construction
- 1996.08 : The 1<sup>st</sup> Litigation for 'Cancellation of Implementation Permission for 'MHSRD Project' by Residents of Koesankun Who Have Lived in the Downstream Area
- 1998.02 : Court's Adjudication of Stoppage of Construction
- 1998.03 : Consultation Alteration of Consultation Contents by Environmental Administrative Agency for Daegu Metropolitan City Region
- 1998.05 : 1989.08 : Alteration of 'MHSRD Plan' by Sangju City
- 2003.05 : The 1<sup>st</sup> Judgement on Revocation to 'MHSRD Permission' by the Supreme Court
- 2004.07 : The 2<sup>nd</sup> Implementation Permission for 'MHSRD Project(215,070m<sup>2</sup>)' by Sangju City in Response to the Reapplication of 'Landowners Association for MHSRD'
- 2005.01 : The 2<sup>nd</sup> Litigation for 'Cancellation of Implementation Permission for 'MHSRD Project' , by Residents of Koesankun Who Have Lived in the Downstream Area
- 2009.05 : Dismissal of Claim to Appellate of 'Cancellation of Implementation

Permission for 'MHSRD Project' by The Daegu High Court

2009.10 : The 2<sup>nd</sup> Judgement on Revocation to 'MHSRD Permission' by the Supreme Court

2015.06 : The 3<sup>rd</sup> EIA Submission for 'MHSRD Project (956,000m<sup>2</sup>)' by 'Landowners Association for MHSRD' Based on Adjustment of Project Site

2015.08 : Retrocession Ruling to EIA of MHSRD by Environmental Administrative Agency for Daegu Metropolitan City Region Based on 1) Insufficiency of Data for Water Quality Prediction, 2) Absence of Public Participation Procedure at Koesankun Afflicted Area

2016.03 : Public Announcement for Public Inspection on EIS Draft for EIA renegotiation

2016.10 : Rejection to Public Inspection on EIS Draft by residents of Koesankun Afflicted Area

#### 4. Predictions of Water Contamination by MHSRD

The construction of the Munjangdae Hot Spring Resort may incur water temperature increase and BOD loadings seriously, which may bring about excessive biomasses of periphyton and phytoplankton in the downstream, and ultimately deteriorate species diversity of aquatic ecosystem

### III. Alternative Dispute Resolution on MHSRD by Applying EIA

#### 1. Environmental Conflicts

Munjangdae area was designated as hot spring district by the governments on Feb. 1<sup>st</sup>, 1985, after then this area was influenced by the full-scale development of hot spring resort. Sangju city, which belongs to Kyungsangbukdo Province propelled actively the hot spring resort development for the vitalization of retarded local economy. Landowners organized 'Landowners Association for MHSRD' as interest group for pushing ahead with the 'MHSRD Plan'.

In response to 'MHSRD Plan' propelled by Sangju city, residents of Koesankun which belongs to Chungcheongbukdo Province who have lived in the downstream area that are influenced by wastewater discharge from 'Landowners Association for MHSRD' established 'Countermeasure Committee for Restraining of MHSRD'. Sympathizing with 'Countermeasure Committee for Restraining of MHSRD', residents of Chungcheongbukdo Province and Environmental Movement Organization combined forces to disintegrate 'MHSRD', which resulted in environmental conflicts between provincial regions.

## 2. Settlement of Environmental Conflicts on MHSRD by EIA

In case of 'MHSRD', it is assumed that the principal factors of conflicts are the confrontation between the local communities for existence right, the insufficient acquisition of information about scarce environmental resources, and the differentiation of relative weights on values about conflict issues related with development profits of landowners, aquatic ecosystem destruction, and water supply source damage to downstream residents.

It is recommendable to recognize that the achievement of integrative governance on the basis of ADR for enhancing mutual benefits of all concerned parties through utilizing the methodology of EIA which is connected with the principles of SDG extensively is attainable.

## IV. Conclusion

To reach ADR on MHSRD, the effective application of EIA which is a scientific and institutional instrument for the implementation of SDG can be a practicable scheme. Hot Spring Act should be amended as legislative approach : 1) Reflect mandatorily the intention of Mayor/Governor in afflicted region when Hot Spring Development plan is permitted. 2) Increase water temperature criteria from 25°C to 40°C above eruption state. As for Tourism Promotion Act amendment, 'Tourism Resort Development Plan' and 'Tourism Resort Development Designation' can be revocable when public interests are infringed significantly by environmental contaminations.

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