The Process of Conflict Resolution in Public Project Disputes: Analysis by Settlement Methods*

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Abstract: This study examines thirteen recent public dispute cases in Korea with the objective of analyzing the process of conflict resolution and thereby assessing the role of alternative dispute resolution (ADR) in public disputes. The focus is on dispute cases related to development of, or site selection for, public projects. Based on detailed accounts of events, the nature of the conflict, parties involved, pattern of actions taken, and final outcomes are analyzed. Only five cases were settled by ADR methods, indicating that ADR is rather ineffective in public conflicts. ADR seems to work better in locally confined, structured conflicts where participatory processes are used. An identifiable pattern in attempts at ADR is that ad-hoc committees are formed but often fail to reach agreement or are seen as lacking legitimacy, authority, and impartiality. Policy implications drawn from this study are that a higher priority should be given to developing community-based conflict resolution programs, that ADR should be incorporated into local government regulations to acquire greater legitimacy, and that conflict prevention procedures are a prerequisite for the success of conflict resolution programs.

Keywords: Conflict Resolution, Public Disputes, Public Project Siting, Alternative Dispute Resolution, Consensus Building

INTRODUCTION

Drawing mainly on the experiences of North American and European societies over the last thirty years, consensus-based approaches to resolving social conflicts

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have been promoted by many scholars and practitioners. Known under the generic
term of alternative dispute resolution (ADR), application of these methods in other
countries, where research and practice in the subject is much more recent and limited
in numbers, is being actively pursued.

Korea is one of those countries, confronted by growing outbreaks of complex
social conflicts triggered by controversial public policies. Especially since the democ-
ratization movement in the late 1980s, citizens have become much more active in
speaking out against policy measures that run counter to their interests. In an attempt
to deal with the proliferation of public disputes, the central government has started to
devise a program to promote and facilitate nonadversarial methods of resolving public
disputes. It is still at an embryonic stage, undergoing public discussion and evaluation.

In order to design an effective conflict resolution procedure suitable to Korean
society, an in-depth understanding of the nature of public disputes and the process of
conflict resolution is a prerequisite. There is a need to guard against the tendency to
simply mimic programs and methods applied in western society. During the past ten
years, studies on public disputes in Korea have provided some useful insights (Choe et
al., 2003; Chun, 2003; Jeon, 2002; Jin, 2004; Ju, 2004; Ju and Hong, 2003; Jung,
2000; Kim, 2002; Kim, 2001a, 2001b; Kim, 1997; Kim, 2004; Kim, 2000; Kwon,
1998; Lee and Kwon, 1998; Park, 2000; Park, 1999; Soh, 1999; Yim and Chang,
2004; Yoo et al., 2004). However, most of the studies are based on only one or two
cases and therefore have limitations in identifying general patterns and characteristics
of how conflicts are generated and settled.

This article examines thirteen recent public disputes in Korea with the objective of
analyzing the process of conflict resolution based on methods of settlement and final
outcomes. Among the various public dispute cases, this study selected those related to
development or siting of public projects such as waste disposal facilities, express railways,
industrial complexes, crematoria, and land reclamation, which are the most fre-
quently occurring disputes. Utilizing information in research articles and media reports
of the cases, this study analyzes the nature of the conflicts, parties involved, roles of
the government, patterns of actions taken, and final outcomes in order to identify some
general patterns and characteristics of conflict resolution processes. A modified ver-
sion of the framework presented by Lan (1997) is applied in analyzing the cases.
Based on the findings, this article assesses the role of ADR in Korean public disputes
and draws implications for measures to improve and extend its use. Before the case
analysis is presented, ADR procedures and models are briefly discussed, followed by
a presentation of the framework for conflict resolution utilized in this study.