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The Korean Buddhist Nun Chiyul (Jiyul) and Ecofeminism: Hunger Strikes, the Lawsuit for Salamanders, and Walking Protests

Chanju Mun assisted by Ronald S. Green

Abstract

Chiyul (b. 1957), a nun of the Chogye Order of Korean Buddhism, led protests against government construction of a KTX (Korea Train eXpress) tunnel passing through Mt. Ch'ŏnsŏng between 2002 and 2006 and participated in protests against the government's nationwide four major rivers restoration project between 2008 and 2012, focusing on the Nakdong River. She has made serious efforts to protect environment as a nun in the culturally and institutionally sexist South Korean Buddhist order in particular and in the culturally, not institutionally, sexist South Korean society in general. She, when on hunger strikes five times totaling more than 341 days, filed along with environmental activists a lawsuit on behalf of salamanders living on the mountain and against the tunnel construction, and petitioned the government to take a proper environmental impact assessment. Although the courts would have accepted an unreasonable assessment of the environmental impact construction of the tunnel on the mountain and ruled in favor of the government's project, Chiyul and environmental activists made Koreans pay attention to the importance of these and related issues through legal procedures. In her later protests against the government's restoration project, she adopted more moderate walking protests than hunger strikes and lawsuits, possibly due to the failure to stop the government though her earlier radical protests.

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1. Introduction

Chiyul (Cho Kyŏngsuk) (b. 1957), a nun of the Chogye (Chogye) Order of Korean Buddhism, the largest denomination of Korean Buddhism, is a Sŏn (Chinese: Chan, Japanese: Zen) practitioner, an environmental activist, a photographer, and a documentary director. She became a novice nun at T'ongdosa Temple near the southern tip of the Korean peninsula in 1992 and was ordained a full nun in 1997. She dedicated herself to meditation practice at the Sŏn center of her resident Naewŏnsa Temple, a branch temple of T'ongdosa Temple. T'ongdosa Temple is one of the order's twenty-five parish head temples. It is considered the most prestigious vinaya (discipline) center of Korean Buddhism and one of three major Buddhist temples of Korea along with Haeinsa Temple and Songgwangsa Temple. Because she was appointed as the manager of the temple's mountain, Chiyul oversaw Mt. Ch'ŏnsŏng where her temple is located.

Before she protested against the government's construction project of KTX (Korea Train eXpress) Wŏnhyo Tunnel passing through Mt. Ch'ŏnsŏng between 2002 and 2006 and the government's nationwide four rivers restoration project between 2008 and 2012, she did not engage in social issues but dedicated herself to Sŏn meditation. However, she became one of four major environmental leaders in South Korean Buddhism, along with Standing Representative Sugyŏng (b. 1951) of the Buddhist Federation for the Environment Movement, Standing Representative Tobŏp (b. 1949) of the Indra Net Life Community, and Leader Bŏmnyun (Ch'oe Sŏkho) (b. 1953) of the Pure Land Society. Unlike her, the other three leaders advocated for democracy and other social issues to some degree in the 1980s Minjung Buddhist Movement.¹

All the above-mentioned major environmental leaders except Chiyul are monks in South Korean Buddhism. Whereas each of the three monk leaders guides and represents an environmental group and receives a strong support from it, she does not have her environmental organization but personally, not institutionally, make efforts to protect environment in South Korea without having a strong, collective and continuous support from an environmental organization, the Chogye Order and the Korean society. Because the Chogye Order culturally and institutionally has the sexist elements² and South Korea is culturally, not legally, the sexist and patriarchal society, she might be hard to represent and guide the environmental group in the Chogye Order of Korean Buddhism in particular and in the South Korean society in general. Even in the difficult situation, she individually voiced up to protect ecosystem (environment) and strongly protested against development as a nun.

Korean Buddhists have experienced three major movements in the postcolonial period, (1) the Buddhist Purification Movement, 1954-70,³ (2) the Minjung Buddhist Movement in 1980s, and (3) the Engaged Buddhist Movement after the 1990s and to the present. The first movement aimed at removing married and non-vegetarian monastic tradition from the Chogye Order. These non-Korean traditions entered the country during the Japanese occupation period, 1910-45. The second movement had three missions, to rid the country of the dictatorship, to end imperialism, and to reunify North and South Korea. As South Korea became democratized, the second movement lost its momentum. However, the movement's third goal has yet to be realized.

Even though Minjung Buddhism, a radical form of Buddhist thought and practice, did not continue in 1990s, members of the movement persisted in social, religious and environmental activism in South Korea in the name of Engaged Buddhism. Progressive monks who participated in the movement established the Praxis Buddhist Monastic Society on October 1, 1992 and have been involved in efforts toward international relief, monastic education, reunification, and social justice since then. Less-progressive monks who were a part of the movement established the Friendly Buddhist Monastic Society at Sudŏksa Temple on November 14-15, 1990 and engaged mainly in monastic education and environmental issues. The latter society's members became environmental activists and its leaders, Tobŏp and Sugyŏng, became two major leaders of the Korean Buddhist Environmental Movement.

Some progressive lay Buddhists who participated in the Minjung Buddhist Movement formed the Pure Land Society in 1988, founded chapters domestically and abroad, and continue to engage in social issues including those pertaining to international relief, reunification and environment. While the Praxis Buddhist Monastic Society and the Friendly Buddhist Monastic Society are two foremost monastic organizations of Engaged Buddhism in South Korea, the Pure Land Society is a major lay organization of South Korean Engaged Buddhism. The Praxis Buddhist Monastic Society and the Pure Land Society respectively represent progressive monastic and lay social organizations in contemporary Korean Buddhism.

Even though the activities of the Buddhist Federation for the Environment Movement and its leader Sugyŏng were also tremendously important in the South Korean Buddhist environmental movement, this article focuses on Chiyul and her activities. Although Korean Buddhists also protested against the government's two large-scale projects, the Saeman'gŭm Reclamation Project and the Road Construction Project Penetrating Mt. Pukhan, that the government concurrently implemented with the large-scale construction project of the KTX Wŏnhyo Tunnel, the front sections of this article focuses on the government's tunnel construction project that directly relate to Chiyul's activities.

Almost all South Korean Buddhist environmental activists participated in protests against the government's large-scale four rivers restoration projects. However, this study is limited to Chiyul's activities against the project. It historically, not philosophically, outlines the background of the lawsuit for salamanders;⁴ the turns to how Chiyul developed her opposition to the tunnel construction project through hunger strikes and the lawsuit for salamanders; and in finally in her walking protests against the government's four rivers restoration projects.

2. The background of the lawsuit for salamanders⁵

On November 2, 1994, Minister Pak Yunhŭn (b. 1935) of the South Korean Government's Ministry of Environment issued to the KTX Construction Authority an environmental impact assessment for the KTX route in Pusan and the South Kyŏngsang Province valid for seven years and authorized construction of a tunnel thorough Mt. Ch'ŏnsŏng. However, it became clear that the government had not properly assessed the impact on the environment, but made an assessment simply to justify the construction. For example, the government did not mention in the assessment the government-designated eleven kinds of natural treasures and nineteen kinds of wild plants, mammals, reptiles and insects, which the Ministry of Environment specified for preservation.

On December 31, 1998, the government designated the Mujech'i Swamp on Mt. Ch'ŏnsŏng as a special protection area for natural ecosystems based on the Natural Environmental Conservation Act. On February 1, 2002, the government designated the Hwaŏm (Flower Ornament) Swamp on Mt. Ch'ŏnsŏng as a wetland reserve based on the Wetland Conservation Act. As seen above, because the government highly evaluated the environment of Mt. Ch'ŏnsŏng after the environmental impact assessment that the government's Ministry of Environment made in 1994, the government's Minister of Environment should have requested that the director of the ministry's affiliate Environmental Policy Institute re-make the environmental impact assessment. However, he did not take any such action.

On December 31, 2001, although the valid date of the environmental impact assessment expired on November 1, 2001, the KTX Construction Authority submitted to the government's Ministry of Environment an official document stating that it had begun construction on December 28, 2000, and thereby escaped reassessment. The government's Ministry of Construction and Transportation and the KTX Construction Authority neglected proper procedures and did not have reasonable methods for groundwater discharge, desertification of high wetland conservation areas, and stability of a tunnel that would pass through a large fault zone. Nor did the Ministry of Environment consider the ecosystem conservation areas, wetland conservation areas, nature conservation areas and provincial park areas when it approved the tunnel construction. Although the construction sites were closely related to the cultural heritage conservation district, the traditional temples preservation district, and historical sites, the Ministry of Culture and Tourism did not even take a survey of the site but approved construction without an agreement with the Chogye Order and its relevant temples, which is required by the government's rules and regulations. The local governments of the City of Yangsan and the South Kyŏngsang Province also did not check the environmental impact but allowed the tunnel construction.

Chiyul and her supporters suggested that the government should properly and reasonably reassess the environmental impact and reconsider the validity of the KTX construction, particularly its Wonhyo Tunnel construction, from environmental, social, economic, and cultural perspectives. Because the government did not listen to their arguments but implemented the construction based on improper assessments, the activists asked the courts for an injunction order against the construction project.

On October 15, 2003, Chiyul and her supporters filed a famous and historical lawsuit on behalf of salamanders, Naewŏnsa Temple, and Mitaam Hermitage. On April 8, 2004, the Ulsan District Court dismissed the injunction application and ruled that salamanders could not be litigants and environmental groups including Naewŏnsa Temple and Mitaam Hermitage could not apply for a provisional disposition to the judicial authority based on the Code of Civil Procedures. On November 29, 2004 and on June 2, 2006, the Pusan High Court and the Supreme Court respectively dismissed their appeal and their re-appeal. Even though their lawsuit was unsuccessful, they reminded Koreans of the importance of an environmental impact assessment and brought to light how the government manipulated the assessment.

3. The pre-trial activities

This section discusses Chiyul's environmental activities from June 2001 to October 15, 2003 when she and environmental activists submitted the famous and historical Lawsuit for Salamanders. In June 2001, the KTX Construction Authority issued an official letter to the Naewŏnsa Temple and asked in it how the temple should be compensated for its loss of land. Recognizing how closely the construction was connected to the temple, Chiyul and Naewŏnsa Temple began to protest against the construction in many ways, asking the government and the Authority to consider an alternative route.

On January 22, 2002, Naewŏnsa Temple and the Measures Committee for the Environmental Conservation of Mt. Ch'ŏnsŏng hosted in the Pusan Station Square a ceremony to establish a walking pilgrimage corps and protested against the constructions of the tunnel set to penetrate Mt. Ch'ŏnsŏng.⁶ The corps, including Chiyul, walked along the KTX routes from Pusan to Seoul in protest between January 22 and February 15. On February 15, more than thirty environmental organizations established the Joint Measures Committee for Wetland Conservation and against the Construction of Illegal Forest Roads on Mt. Ch'ŏnsŏng. They decided to make efforts to have the entire area of Naewŏnsa Temple designated as a Traditional Temple Preservation District, and Hwaŏm Swamp and Milbat (Wheat Field) Swamp specified as Wetland Conservation Districts.⁷ On September 16, Roh Moo-hyun (No Muhyŏn) (1946-2009) was appointed the presidential candidate of the ruling Democratic Party. On October 26, he met with members of the Measures Committee and pledged to them that he would not allow the KTX Construction Authority to make Wŏnhyo Tunnel. On December 4, he officially included this in the book of his public promises as a presidential candidate and said he would review alternative KTX routes if elected. However, after he became the sixteenth president of South Korea on February 25, 2003, he abandoned these promises.

On February 5, 2003, Chiyul asked President Roh to keep his public promises and entered her first hunger strike in front of Pusan City Hall.⁸ She continued the strike for thirtyeight days, until March 14. On March 7, President Roh instructed the Ministry of Construction and Transportation and the KTX Construction Authority to halt construction of the KTX routes between Pusan and the South Kyŏngsang Province and to organize the KTX Route Reconsideration Committee within the office of the Prime Minister.⁹ However, social and religious leaders declined the presidential directive and demanded that the government invalidate the planned KTX routes and make alternative routes as the president promised.

On March 14, Korean Buddhists hosted in front of Pusan City Hall a large Buddhist conference for environmental protection of Mt. Ch'ŏnsŏng and Mt. Kŭmjŏng in which more than 12,000 Buddhists along with other social and religious leaders and activists participated.¹⁰ Chiyul stopped her thirty-eight-day hunger strike after the conference. On March 15, succeeding her hunger strike and the spirit of the conference, Buddhists entered a relay hunger strike without an ending date, protesting against the government's constructions at Mt. Pukhan and Mt. Ch'ŏnsŏng.¹¹ From March 15 to May 1, forty-two Buddhists consecutively entered the strike.¹²

On May 12, a representative of the KTX Construction Authority and a representative of a pro-government environmental organization signed an agreement and officially organized the KTX Routes Reconsideration Committee. On June 12, Chiyul argued that because the reconsideration committee was improperly organized, it would not truly examine natural ecology, ground water, and the stability of the tunnel, and declared that she could not accept any construction.¹³ In fact, the government did not seriously consider rerouting, but sought to make the original route with minimal opposition from Chiyul and Buddhist environmental organizations. Chiyul criticized the government's craftiness in this ploy.

On August 13, because the Ministry of Construction and Transportation attempted to resume tunnel construction based on the approval of the original route by the KTX Routes Reconsideration Committee, Chiyul declared that she would make three thousand prostrations each day and force the government to halt the construction.¹⁴ She also strongly criticized the government's improper organization of the committee and the committee's approval. On September 19, the government announced that it had decided to establish the KTX routes passing through Mt. Kŭmjŏng and Mt. Ch'ŏnsŏng as originally planned.¹⁵

From September 26 to October 3, the National Emergency Measures Committee for the Opposition of the KTX Wŏnhyo Tunnel adopted the religious pilgrimage march of three steps and one prostration from Tibetan Buddhism and marched for 50 kilometers from Pusan Station to the Hwaŏm Swamp of Mt. Ch'ŏnsŏng.¹⁶ More than thirty nuns, including eight Catholic nuns and one nun of Wŏn Buddhism, participated in the march protesting the resumption of the tunnel construction. They demanded that the government stop construction that was destroying the natural environment of Mt. Ch'ŏnsŏng.

4. The activities during the trial period

This section details Chiyul's environmental activities during the trial period from October 15, 2003 to June 2, 2006. On September 30, 2003, the National Emergency Measures Committee announced that it would sue the government's Minister of Environment for properly supervising the environmental impact assessment. They would do so on behalf of salamanders on Mt. Ch'ŏnsŏng, Naewŏnsa Temple and Mitaam Hermitage and would submit an appeal for a preliminary injunction for the government to stop tunnel construction.¹⁷ The Committee referred to a Japanese lawsuit that Attorney Fujiwara Takeji and environmental activists filed on behalf of black rabbits against a developer who attempted to make a golf course. Although they did not win the case, they successfully stopped the developer.

On October 5, Chiyul entered her second hunger strike in front of Pusan City Hall.¹⁸ On October 15, the National Emergency Measures Committee officially submitted to Ulsan District Court their appeal for a preliminary injunction to stop the tunnel construction on Mt. Ch'ŏnsŏng, naming salamanders as plaintiffs and their friends as agents of the plaintiffs. On November 17, after the number of litigants of the lawsuit for salamanders surpassed 100,000 persons, Chiyul stopped her forty-five-day hunger strike.¹⁹ On the same day, the committee declared that it would increase the number of litigants from 100,000 to1,000,000 and would force the president to fulfill his pubic promises.

On November 28, Ulsan District Court hosted the historical trial's first hearing for salamanders, Mitaam Hermitage, Naewŏnsa Temple and the friends of salamanders. Chiyul and the friends of salamanders asked the court to examine the charge that the government's Ministry of Environment excluded consideration of rare wild animals such as salamanders in its

environmental impact assessment of Mt. Ch'ŏnsŏng.²⁰ The court accepted the request of the plaintiffs, decided to conduct the onsite examination at Naewŏnsa Temple and the Hwaŏm Swamp on December 15, and completed the first hearing within ten minutes.

On November 28, lawyers and jurists discussed natural rights, introduced a number of lawsuits for animals in Japan and the United States, and examined how to handle the lawsuit for salamanders at Girl Scouts Hall in Seoul.²¹ They discussed relations between natural rights and lawsuits in an open forum. Attorney Fujiwara Takeji asserted in the forum that although animals could not have legal rights, humans closely related with the natural environment including salamanders could be harmed continuously from the KTX tunnel construction. Kang Chaegyu (b. 1961) of Inje University provided examples of US lawsuits for animals for the forum's audience.

On December 13-15, the National Emergency Measures Committee hosted a special exhibition of art works, ink wash paintings, woodcuts, postcards and photos in Pusan Buddhist Hall and raised funds for the lawsuit.²² On January 7-17, 2004, Chiyul and the friends of salamanders entered a nationwide tour for recruiting one million supporters of the lawsuit and raised funds for it.²³ They received nationwide attention and support. On March 10, as the KTX Construction Authority resumed the construction and deforested Mt. Ch'ŏnsŏng, Chiyul pitched a tent at a construction site, where she entered into intensive prayer.

On April 9, the district court dismissed the application for the provisional injunction to stop the KTX Wonhyo Tunnel's construction.²⁴ Because it considered that salamanders could not file a lawsuit, it ruled that the case was not valid. It also did not accept the validity of the litigants including Chiyul, friends of salamanders, Naewonsa Temple and Mitaam Hermitage. It argued in the ruling that it could not intervene in the destruction of Mt. Ch'onsong's environment and

ecosystems. Chiyul and her supporters criticized the court and immediately decided to appeal the lawsuit to the Pusan High Court.

On June 11, the police arrested Chiyul for staging a campaign against the KTX tunnel construction at a construction site on Mt. Ch'ŏnsŏng, releasing her on the following day.²⁵ On June 30, Chiyul entered her third hunger strike in front of the main gate of the Blue House,²⁶ office of the president of South Korea, and on August 26, she ended her strike after fifty-eight days. Because she did not have the confidence in the court and realized that only President Roh could stop the tunnel construction, she entered her strike in front of the president's office. She also demanded that he keep his promises and let the tunnel construction stopped. She argued that if the government did not halt the tunnel construction, the KTX Construction Authority would complete the construction by the time the final ruling came out.

On July 12, although the Pusan High Court proposed that both sides jointly reassess the environmental impact, the contractors rejected the court's suggestions. On August 3, Buddhist environmental organizations established the Pan-Buddhist Campaign Headquarters to Receive Signatures from one million litigants of the Lawsuit for Salamanders at Chogyesa Temple, the head temple of the Chogye Order.²⁷ The campaign headquarters proposed the following to the order. First, the order's secretary-general should make the government stop tunnel construction before the ruling was made. Second, he should suggest that the government reassess the environmental impact because the one valid for seven years had expired. Third, he should visit Chiyul and ask her to stop her hunger strike. Fourth, he should cooperate with the headquarters and resolve the issues related with the tunnel construction.

On August 3, representatives of Buddhist environmental organizations visited the Blue House's Chamber of the Chief Secretary of Civil and Social Affairs and submitted to the chamber a letter enumerating the following twelve problems of the KTX Wŏnhyo Tunnel construction:²⁸

- The government's Ministry of Environment did not examine the safety of the tunnel excavation based on the tunnel design standards that the government's Ministry of Construction and Transportation made.
- 2. The government's Ministry of Environment did not properly and reasonably make the environmental impact assessment in 1994 and did not report anyone of 40 species of plants and animals on Mt. Ch'ŏnsŏng that the government designated for protection. The government's Ministry of Construction and Transportation and the KTX Construction Authority did not implement the tunnel construction for seven years after the assessment. Therefore, the government should make a reassessment.
- 3. The government did not take measures for protection of the ecological conservation area, wetland area, nature conservation area, and a wildlife sanctuary.
- 4. The government did not check the safety of the 13.27 km tunnel and the train operation.
- The tunnel construction might destroy the ecosystem due to falling groundwater in 22 high swaps and 12 valleys and might generate sediment spill and massive landslides in the future.
- 6.
- 7. Even though the Wŏnhyo Tunnel penetrating Mt. Ch'ŏnsŏng might entail human, natural, and environmental damage in temples and historical sites on the mountain,

including Naewŏnsa Temple, the government did not take any pre-exploratory measures.

- 8. The KTX Construction Authority is also making a route which passes Nop'o Town, Kŭmjŏng District, Pusan through a tunnel and establishing the Blue Dragon Overpass in front of Bŏmŏsa Temple on Mt. Kŭmjŏng. Even though enormous damage to the human and natural environment is expected, the Authority did not make a close investigation of this.
- Although the government's Board of Audit and Inspection concluded in 1994 that the KTX route between Taegu and Pusan might not be economical, the government did not disclose the fact for political reasons.
- 10. Because the government implemented its large-scale projects by hasty preparation as a whole, it wasted the money of taxpayers and destroyed the nation's environment.
- 11. President Roh Moo-hyun made a public promise as a presidential candidate that he would stop the KTX Wonhyo Tunnel construction if he were elected. However, because he did not keep the promise as president, he drastically destroyed credibility of those in the government and made a mockery of Korean Buddhism.

12.²⁹

On August 11-12, even though representatives of the Pan-Buddhist Campaign Headquarters discussed the KTX Wonhyo Tunnel construction with Mun Chaein (b. 1953), chief secretary of civil and social affairs of the president's office, they did not reach an agreement on the issue of environmental impact reassessment. On August 16, representatives of civil, social and religious organizations in Pusan also met Mun at the Blue House but did not arrive at an agreement on the issue. On August 20, religious, civil and social organizations organized the Civil Action Committee for the Lawsuit for Salamanders in front of the Blue House.³⁰

On August 26, Chiyul and Head Paek Kyŏngnae of the South Kyŏngsang Provincial Headquarters of the KTX Construction Authority signed an agreement in which the authority should stop the Wŏnhyo Tunnel construction before the appeal ruling came out, Chiyul should stop her hunger strike, and both sides should accept the ruling. Minister Kwak Kyŏlho of the Ministry of Environment also agreed with representatives of the Civil Action Committee that the government's Ministry of Environment should jointly re-examine the environmental impact of the tunnel construction on Mt. Ch'ŏnsŏng with civil environmental organizations. Therefore, Chiyul ended her hunger strike after fifty-eight days.³¹

On October 14, the government's Ministry of Environment failed to form a joint committee for environment impact reassessment with the Civil Action Committee. Instead, it asked the ministry's affiliate institute, the Korea Environmental Policy Institute, to review the contents of a report of a survey by the Korea Association of Geological Engineering in December 2003 on the natural change of Mt. Ch'ŏnsŏng upon the request of the KTX Construction Authority and to submit its review to the court. On October 27, Chiyul and the Civil Action Committee filed a formal complaint on dereliction of the minister's duty before the prosecution.³² On the same day, Chiyul entered her fourth hunger strike in front of Pusan City Hall and continued the strike for one hundred days until February 2, 2005.

On November 16, the friends of salamanders, plaintiffs in the lawsuit, rejected the high court's mediation proposal that environmental experts whom both defendants and plaintiffs recommend should re-make environmental surveys for six months after the KTX Construction Authority resumes the tunnel construction.³³ On November 17, Chiyul criticized the proposal,

moved from Pusan City Hall Square to Pusan Court and continued her hunger strike there. On November 29, the court dismissed the appeal which salamanders, the friends of salamanders, Naewŏnsa Temple and Mitaam Hermitage filed against the government. Immediately after the dismissal, on November 30, the KTX Construction Authority resumed the tunnel's construction.

On December 6, the Civil Action Committee did not accept the ruling but submitted their re-appeal letter to the Supreme Court in Seoul and on December 15, it revised the letter and resubmitted it to the court.³⁴ From January 27 to February 2 for seven days, the Chogye Order hosted an intensive prayer to save the life of Chiyul and the environment of Mt. Ch'ŏnsŏng at Chogyesa Temple and opposed the government's anti-environmental tunnel construction at the order's level.³⁵ On February 2, Secretary-General Pŏpchang (1941-2005) of the Chogye Order, Cardinal Stephen Kim Sou-hwan (Kim Suhwan, 1922-2009) and celebrities visited the Chŏngt'o (Pure Land) Hall and consoled Chiyul, who had been fasting for ninety-nine days.³⁶

On February 2, religious and Buddhist environmental leaders organized the National Conference for Saving Chiyul at Chogyesa Temple.³⁷ Koreans and Korean Buddhists became extremely concerned that she would die. On February 3, the conference hosted a meeting that more than seventy leaders attended.³⁸ It selected twenty leaders among the seventy, dispatched them to the Blue House to deliver its letter to the president through government officials. Late on the same day, because the government promised her that it would halt the KTX Wŏnhyo Tunnel construction for three months and jointly reassess the environmental impact with environmental organizations, she ended her one-hundred-day hunger strike.³⁹

On March 4, environmental leaders, including Chiyul, and government representatives hosted the first working-level meeting at the Pure Land Hall.⁴⁰ Both sides respectively recommended seven experts. Each specialist of each side represented one of the following seven

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topics, (1) groundwater, (2) geological and tectonic areas, (3) geophysical exploration, (4) the ecosystem, (5) geological engineering, (6) policy and coordination, and (7) liaison and support. Chiyul represented the environment group's sixth area in the reassessment. However, the KTX Construction Authority unreasonably and improperly excluded Chiyul in the joint reassessment at a later time.

On October 28, 2004, prosecutors indicted Chiyul without detention on charges of construction interference twenty-four times between March and May 2004. On March 31, 2005, Ulsan District Court issued a warrant and on October 13 issued a second detention warrant.⁴¹ On November 1, 2006, the court sentenced Chiyul to six months in prison and two-year probation in absentia trial.⁴² On February 9, 2007 and on April 23, 2009, the high court and the Supreme Court respectively dismissed her appeal.⁴³ and her re-appeal.⁴⁴

On September 29, 2005, Chiyul entered and continued her fifth and last hunger strike for more than one hundred days. On February 28, 2006, the government and a pro-government environmental organization announced the results of their joint environmental impact assessment and on March 14, they submitted it to the Supreme Court. On June 2, the Supreme Court completely dismissed the arguments of Chiyul and environmental activists who considered the value of the environmental protection over economic development. The final ruling by the Supreme Court paved a highway to and completely cleared legal obstacles for the government's project.

5. The trial's aftereffects

While progressive Buddhists and Koreans criticized the government's tunnel construction project as unreasonable and improper and highly evaluated Chiyul for her environmental activities against the project, conservative Buddhists and Koreans considered her environmental activities as interferences in the government's proper project, vehemently criticizing her and her actions. While progressive Buddhists and Koreans prioritized environmental protection to economic development, conservative Koreans and Buddhists valued economic development over environmental protection. The debates between the two opposite groups are still ongoing without being resolved in Korean Buddhism and society.

For example, from September 1 to October 1, 2006, a progressive drama company named "Dawn" highly evaluated Chiyul and her environmental activities and performed in small theaters in Pusan a play on Chiyul who made efforts to save salamanders and Mt. Ch'ŏnsŏng and especially on September 1-3, the company let citizen planners and actors participate in and perform the play.⁴⁵

However, conservative politicians, administrators, and major newspapers represented the interests of the conglomerates and the government, distorted the facts, demonized Chiyul and environmental activists, and defended the government's large-scale projects including the KTX construction. Because they have continuously disseminated misinformation, criticized Chiyul, and justified the government's KTX tunnel construction project, Chiyul has continuously sued them and has legally defended her environmental activities from their severe criticisms.

Concretely speaking, on January 6, 2007, Chair Chiyul of the Measures Committee for Environmental Preservation of Mt. Ch'ŏnsŏng sent a questionnaire to the *Chosŏn ilbo*, the very conservative and the largest newspaper company in South Korea, and refuted its December 30, 2006 article in which the newspaper mentioned that almost no groundwater runoff was found despite the KTX Wŏnhyo Tunnel construction.⁴⁶ She pointed out that residents near the KTX tunnel construction site received compensation of several ten million wŏn from the government due to the limited water supply or groundwater runoff.

On June 4, 2009, the Press Arbitration Commission accepted Chiyul's request for arbitration against the three major South Korean newspapers, *Chosŏn ilbo*, *Chung'ang ilbo*, and *Munhwa ilbo*. When the newspapers reported the Supreme Court's April 23, 2009 ruling against Chiyul's interference in the KTX Wŏnhyo Tunnel construction, they extremely inflated the actual amount of damage caused by construction delays from 14,500,000,000 wŏn to 2,500,000,000 wŏn, extended the actual construction delay period from six months to one year, and wrongfully reported that there was almost no groundwater runoff. On June 5, the *Chosŏn ilbo* corrected misreported information in its newspaper.⁴⁷

On September 2 and on September 24, 2009, the Seoul Central District Court respectively ordered the *Chosŏn ilbo* and *Tong'a ilbo* to reimburse 10 wŏn and seven million wŏn to Chiyul for the lawsuits she filed against the newspapers.⁴⁸ The newspapers wrongfully reported in their editorials and articles that the government lost 2.5 trillion wŏn due to the delay of the KTX Wŏnhyo Tunnel construction caused by Chiyul's hunger strikes and interferences. On July 4, 2011, Inch'ŏn District Court ruled that President Pak Sŭnghwan of the Korea Environment Corporation should pay 2 million wŏn to Chiyul due to his wrongful allegations that her hunger strikes caused a loss of 2.5 trillion wŏn to the government.⁴⁹

As introduced above, Chiyul won the lawsuits against the abovementioned defendants. However, strangely enough, even though she filed lawsuits against others with the same allegations, she did not win them. For example, on February 28, 2009, she filed with the same allegations a lawsuit against Judge Kim Chongdae (b. 1948) of the Constitutional Court to the Seoul Central District Court who criticized her protests against the tunnel construction and requested him to compensate her with 20,000,100 wŏn.⁵⁰ However, on April 28, 2010 and on June 17, 2011, the district court⁵¹ and the court of appeals⁵² respectively ruled against her.

On July 25, 2008, Pak Chaewŏn, chief secretary of national planning of the president's office, criticized Chiyul's opposition to the tunnel construction, and claimed that her strikes caused an economic loss of 2,516,100,000,000 wŏn. On October 28, 2008, Chiyul argued that he defamed and insulted her with his wrongful remarks, filed a lawsuit against him to the Seoul Central District Court, and asked him and the government to compensate for damages with 100,000,000 wŏn.⁵³ On July 16, 2010, on March 24,⁵⁴ and on September 7, 2011,⁵⁵ the district court, the Seoul High Court, and the Supreme Court dismissed the suit respectively.

Chiyul has ongoing and unresolved lawsuits. For example, on June 11, 2012, Chiyul argued that Mun Chaein mistakenly described her protest against the tunnel construction in his book entitled *Mun Chaein ui unmyŏng* (Mun Chaein's Fate), filed a lawsuit against him to the Seoul Central District Court, and asked him to correct mistakes in the book, to publish his apology and to compensate her for damages with twenty millions wŏn.⁵⁶ On October 8, 2012, Chiyul argued that the *Chosŏn ilbo* infringed on the civilian rights to properly know the lawsuit for salamanders and defamed her with concocted misinformation, again filed a lawsuit against the newspaper to the Seoul Central District Court, and asked the newspaper to include an apology on its front page and to compensate for her defamation with just one wŏn.⁵⁷

6. Walking protests against the government's four rivers restoration project

Just as environmental activists and organizations protested against the government's large-scale projects including the KTX Wŏnhyo Tunnel construction under the Roh Moo-hyun's regime (February 25, 2003 – February 24, 2008), they also opposed the government's large-scale restoration project of four major South Korean rivers during Lee Myung-bak's (Yi Myŏngbak) (b. 1941) regime (February 25, 2008 – February 24, 2013). Chiyul also actively participated in the opposition of the four rivers project, mainly the Nakdong River project, along with other religious, Buddhist, and environmental activists and attempted to protect the environment of the rivers during that time.

While Chiyul was the most important figure in the protest against the government's Wonhyo Tunnel construction under the Roh regime, she was one of several key South Korean environmental leaders in the opposition to the government's four rivers restoration project under the Lee regime. While the KTX's tunnel construction project was a local environmental issue, the four rivers restoration project was a national environmental issue. Chiyul did not accept the very controversial hunger strikes but continuously walked along the construction sites of the Nakdong River in her protest against the government's four rivers project. She also did not use legal protests against the project possibly due to her previous failures with this tactic.

On November 20-22, 2009, Chiyul and environmental activists made a walking pilgrimage along the Nakdong River from its lower area to its upper one and protested against the project.⁵⁸ The government arranged for the restoration of the Nakdong River 66 % of the total budget of 22 trillion won for its nationwide project. It also planned to restore 334.2 kilometers of the river's 513 kilometers and to construct more than ten dammed pools to secure water in the river. The project would destroy cultural heritage sites and the surrounding landscapes of the four rivers. Even the government's Cultural Heritage Administration estimated

243 temple sites and Buddhist pagodas and 94 government-designated cultural assets around the projected restoration areas of the four rivers would be destroyed.

On March 25, the Chogye Order urged the government to halt the project at the order's level, giving the following four reasons.⁵⁹ First, it argued that the government implemented the project without national consensus, proper legal procedures, and sufficient investigation and preparation. Second, it warned that the project might result in environmental degradation, extinction of plant and animal species, and loss of cultural heritage. Third, it suggested the government should improve the water quality and flood prevention provisions in the tributaries of the four rivers and then establish measures for the mainstream of the rivers. Fourth and lastly, it urged President Lee to not complete the large-scale national project within his term and to properly and reasonably enforce the government policies to save people, nature, and life.

On March 29-30, the Buddhist Federation for the Environment Movement hosted the first exhibition of Chiyul's photos entitled "Feeling the Nakdong River" in a gallery of the Chogyesa Temple and informed Buddhists of the project's anti-environmental realities.⁶⁰ It exhibited photos that Chiyul had taken over a period of a year while walking along the river. On April 2, on April 4, on April 8, and on April 14, it held the exhibition respectively at four major temples in Seoul. On April 17, participants in the large-scale Buddhist ceremony that Buddhist environmental organizations hosted to protect the environment of the four rivers informed Buddhists and the general public of the project's serious environmental problems by directly showing the photos to them.

On April 19-22, Chiyul guided 200 Catholic nuns of the St. Benedict Convent on a waking pilgrimage along the Nakdong River, urging the government to halt the project.⁶¹ From mid-March to late May, Buddhist environmental activists opened three protest headquarters

against the project, establishing them near the Han River and the Kŭm River and at Chogyesa Temple.⁶² Because Chiyul pitched a tent from 2008 near the Nakdong River and was active in protecting the river's environment, they did not need to establish a protest headquarters near the Nakdong River. However, they needed to establish a protest headquarters against the government's project on the Yeongsan River.

On May 31, Munsu of Chibosa Temple in Kunwi, North Kyŏngsang Province left a suicide note, burned himself in protest against the government's four rivers restoration project.⁶³ On June 5, more than 100 monks and 1,500 Buddhist laypeople attended the memorial ceremony for him at Chogyesa Temple to which environmental activists and major opposition politicians participated.⁶⁴ On July 17, more than 500 monks from more than fifty temples, around 10,000 citizens, leaders of other religious and civil organizations, and major opposition politicians attended the memorial ceremony for him at Seoul City Square and protested against the government's project.⁶⁵

From January 14 to March 4, 2011, the Buddhist Federation for the Environment Movement exhibited more than 100 photographs on the environment of the Nakdong River by Chiyul at Chogyesa Temple.⁶⁶ On June 4, Cho Eun-soo (Cho Ŭnsu) of Seoul National University presented a paper entitled "Chiyul's Ecological Movement and Ecofeminism" and academically reviewed her environmental activities at a conference jointly hosted by the Pulgwang Research Institute and Seoul National University Institute of Philosophical Thought on the theme of Korean Buddhism's ecological discourses and ecological movements.⁶⁷

On July 7-30, 2011, Chiyul and professional photographer Pak Yonghun jointly exhibited more than 50 photographs on the Naesŏng River, the first tributary of the Nakdong River, at Chogyesa Temple.⁶⁸ Chiyul visited the river in Ponghwa, North Kyŏngsang Province fifteen

times in the last two years, took photos on the river, organized a group of civilian experts in the field of ecology, birds, mammals, film and cultural assets and attempted to protect the river's environment. She argued that because the Naesŏng River very well preserves the environment of a prototypical river, it should be designated a World Natural Heritage Site.

On March 28, 2013, cinemas began to show across the nation a documentary of 75 minutes entitled "Following the Sandy Naesŏng River" which Chiyul directed.⁶⁹ When the government initiated the construction of the Yŏngju Dam in the river in late 2009, she pitched a tent near the river and began to live there. While living in the tent, she exposed to the public the improper and unreasonable environmental impact assessment that the government made to justify the dam construction, recorded the river's drastic environmental changes and completed the documentary by herself. She critically and vividly discussed serious side effects of the government's four rivers restoration project and made the audience understand the importance of environmental preservation in it.

7. Concluding remarks

The lawsuit for salamanders continued from October 15, 2003 to June 2, 2006 along with another famous lawsuit for the Cancellation of the Government's Saeman'gŭm Reclamation Project from January 21, 2002 to March 16, 2006. These were cornerstones for the development of environmental movements in South Korea even though the Supreme Court prioritized economic development to environmental preservation, dismissed the two cases, and legally backed up the government's large-scale projects. The historical background of the lawsuit for salamanders related with Chiyul and her environmental activities began from June 15, 1990 when the South Korean government determined the KTX route penetrating Mt. Ch'ŏnsŏng with a tunnel of 13.27 km.

3,538 residents and environmental organizations in North Chölla Province filed a lawsuit for the cancellation of the government's Saeman'gum reclamation project and legally protested against the North Chölla Province and the government's Ministry of Agriculture, Forestry and Fisheries.⁷⁰ Salamanders, the friends of salamanders, Naewŏnsa Temple and Mitaam Hermitage filed a lawsuit for salamanders on Mt. Ch'ŏnsŏng and applied a provisional injunction to the court for the government's Ministry of Construction and Transportation and the KTX Construction Authority to stop construction of the KTX Wŏnhyo Tunnel before the proper and reasonable environmental impact assessment was issued. The government did not properly and reasonably investigate the environmental impact but implemented the planned reclamation project and the KTX construction.

Standing Representative Sugyŏng of the Buddhist Federation for the Environment Movement and Representative Father Mun Kyuhyŏn (b. 1949) of the National Association of Catholic Fathers for Social Justice along with other religious leaders of the Protestant Church and Wŏn Buddhism guided the lawsuit for the cancellation of the government's Saeman'gŭm reclamation. They did not accept the earlier protest method of violent demonstrations but the Buddhist peaceful way of practice of three walks and one prostration as a new protest method in opposition to the government's reclamation project.

The two religious leaders, Sugyŏng and Mun Kyuhyŏn, adopted the Buddhist protest method, marched from the reclamation construction site of Haech'ang in North Chŏlla Province on March 28 and arrived at Chogyesa Temple on May 30, 2003. The march covered 310 kilometers over sixty-five days. More than 10,000 citizens participate in it. After popularizing this method, Koreans have often adopted it regardless of their religious affiliations. Moreover, although the project was not closely related to Buddhism, Sugyŏng actively participated in the protest. Except for this protest, Buddhist environmental leaders and organizations used to protest against the government's various projects related to temples on mountains.

Unlike leaders who adopted moderate protest methods, Chiyul adopted an extreme way of protest, entered hunger strikes five times for more than three-hundred-forty-one days and strongly protested against the government's construction of the Wŏnhyo Tunnel. She made the first hunger strike from February 5 to March 14, 2003 for thirty-eight days, the second from October 5 to November 17, 2003 for forty-five days, the third one from June 30 to August 26, 2004 for fifty-eight days, the fourth from October 27, 2004 to February 3, 2005 for one hundred days, and the fifth from September 20, 2005 to late January, 2006 for more than one hundred days.

Although almost no Koreans and Buddhists criticized the protest method of three steps and one prostration that Sugyŏng popularized among environmental activists, some harshly condemned the hunger strikes of Chiyul. While Chiyul attempted to save the environment, she actually risked her life itself. Whereas some Buddhists admired her actions as unselfish ones that only bodhisattvas can do, other Buddhists criticized her hunger strikes as improper for a Buddhist method of protest. However, even though hunger strikes might not be the ideal method of protest, they might be an effective way to oppose the government's development-oriented large-scale projects.

Although Chiyul risked her life in protest against the government's KTX Wŏnhyo Tunnel project, she did not have strong, actual and continuous organizational supports from a number of Buddhist monastics and lay Buddhists.⁷¹ If we rely too heavily on individual actions, we might

easily ignore democratic procedures in environmental movements and produce undesired results in protest.⁷² Therefore, Cho Sŏngt'aek of Korea University wrote a short foreword to a monthly magazine,⁷³ positively evaluated Chiyul's environmental activities and attempted to defend her from the serious attacks of the government and conservative mass media, but he critically reviewed her activities in the following three aspects.⁷⁴

First, he contended in the foreword that Chiyul developed a black-and-white dichotomous logic from the perspective of environment absolutism. While she overemphasized environmental protection, she overly neglected economic development. She did not sincerely listen to the arguments of opposition groups but only pushed them to adopt her arguments. However, although Cho seemed like to evaluate her environmental activities from the ideal perspective, Chiyul might not have had in her mind other effective protest methods against the government and the conservative judiciary except hunger strikes at the time.

Second, he argued that Chiyul advocated elitism and marginalized the participation of the public and environmental activists in the protest.⁷⁵ It is true, as he argued, that Chiyul did not protest against the government's large-scale project of constructing a tunnel on Mt. Ch'ŏnsŏng by being among the number of environmental activists. Even so, although we should not glorify her lengthy and risky hunger strikes, she may have had no choice except to adopt them. Moreover, we cannot deny that the hunger strikes at least guided Koreans and Buddhists to understand the lawsuit for salamanders and environmental issues related with the KTX tunnel construction.

Third, he argued that Chiyul did not oppose her temple and other Buddhist temples in their destruction of the environment by constructing buildings in their territories. This argument appears correct. Even though she entered hunger strikes five times and risked her life to save the environment of Mt. Ch'ŏnsŏng and the lives of engendered plants and animals on the mountain, we did not find that she had protested against environmental destruction of her temple and other Buddhist temples. We should not ignore the fact that many temples have destroyed the environment of mountains on which they were built. It might be true that she protested against the government's project just for the sake of the temple and the Buddhist order with which she is affiliated.

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