

Impeachment Ruling

The Constitutional Court (CC) ruled by unanimous decision to uphold the impeachment of Park Geun-hye. It is worthwhile pointing out that two of the eight justices were appointed by the now-deposed former-president (Table 1).¹

Table 1 Justices of the Constitutional Court²

Justices	Recommended by	Appointed Year
Lee Jung-mi	Supreme Court	2011
Kim Yi-su	National Assembly (opposition party)	2012
Lee Jin-sung	Supreme Court	2012
Kim Chang-jong	Supreme Court	2012
Ahn Chang-ho	National Assembly (leading party)	2012
Kang Il-won	National Assembly (bipartisan)	2012
Suh Ki-suk	President Park Guen-hye	2013
Jo Yong-ho	President Park Guen-hye	2013

The court considered five charges leveled against the president.³ In the end, the court rejected the charges regarding improper dismissal, violation of free press, failure to protect citizen lives, and fair implementation of duty as public servant. But it did find significant overreach in executive authority by sharing confidential information with a private citizen and denying connection with this individual, who was personally involved in state affairs.

Table 2 Accused Charges and Ruling

Charges	Details	Ruling
Abuse of authority (to appoint/remove public servants)	Interfered with the Ministry of Culture and Sports internal employment process in pursuit of Choi's private interest	Ruled out – lack of evidence
Violation of free press	Pressured Segye-Ilbo regarding reports about Chung Yun-hoi	Ruled out –lack of evidence

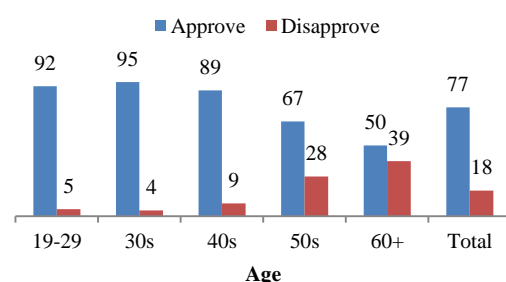
Failure to protect citizen lives	Ill-managed Sewol ferry disaster	Not considered – not a matter of the law
Abuse of presidential authority	Shared confidential documents with a private citizen, forced corporations to make donation to Choi's foundations	In violation
Bribery	Received bribery from conglomerates including Samsung	Not mentioned

On the charge of bribery, the court was silent. It remains to be seen how the ruling may influence the ongoing trial against Lee Jay-yong.

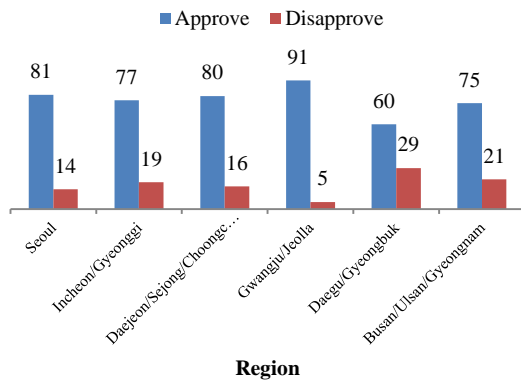
Public Response

All eyes and ears in South Korea were focused on the ruling this morning. Overall, the latest poll by Gallup Korea indicates that 77% of the Korean public supported the president's impeachment. Only 18% opposed. The strongest opposition for the impeachment came from over 60-year-olds with 50% supporting the impeachment and 39% opposing. There were 24 open court floor seats, which fielded 19,000 applications.⁴ A large crowd of proponents and opponents gathered near the courthouse. 270 squadrons of 20,000 police officers and 360 buses were deployed in and around the court.⁵ The Seoul municipal police department issued the highest state of alert.

Approve/Disapprove Impeachment? (By Age)⁶



Do you approve/disapprove President Park's impeachment? (By Region)⁷



Prosecution

The Special Prosecutors concluded the 70-day investigation and will now turn their attention to litigation.⁸ They indicted 30 people, including Lee Jay-yong, Kim Ki-chun and Cho Yun-sun. Investigation will continue for Woo Byung-woo, Choi Soon-sil and companies like Lotte, SK, and CJ.⁹

Former-President Park is likely to face a follow-up investigation by the prosecutors in the coming days. She will be the fourth president to be investigated by the prosecutors after Roh Tae-woo, Chun Doo-hwan and Roh Moo-hyun.¹⁰

What Next? Presidential Election

Prime Minister Hwang Kyo-ahn will serve as the de facto president until the election. According to election laws, the next presidential election must take place within 60 days (May 9) of the Constitutional Court's decision. Also, the election date must be announced by the acting president 50 days prior to election (Mar 20).

Mar 10 (Fri)	<ul style="list-style-type: none"> President Park's impeachment upheld by the Constitutional Court
By Mar 20 (Mon)	<ul style="list-style-type: none"> Prime Minister and Acting President Hwang announces the election date (D-50)
By Mar 26 (Sun)	<ul style="list-style-type: none"> Primaries (20 days prior to candidate registration)
Apr 15 (Sat)-16 (Sun)	<ul style="list-style-type: none"> Registration for candidates (D-24)
May 4 (Thurs)-5 (Fri)	<ul style="list-style-type: none"> Early voting (D-4; two days)
May 9 (Tues)	<ul style="list-style-type: none"> Presidential election No transition period for the incoming President

According to the latest poll, Moon Jae-in is firmly in control of the race for the Blue House. Prime Minister Hwang remains as the only conservative candidate in the top-5 although his rating might take a significant hit from the Constitutional Court's decision.

Presidential Candidate Approval Ratings

Candidate	Party	Feb 28-Mar 2 ¹¹	Mar 7-9 ¹²
Moon Jae-in	TDP	34%	32%
Ahn Hee-jung	TDP	15%	17%
Ahn Cheol-soo	PP	9%	9%
Hwang Kyo-ahn	FKP	8%	9%
Lee Jae-myung	TDP	8%	8%
Yoo Seong-min	RP	1%	1%
Other	-	3%	4%
Don't know/refused	-	21%	19%

How do you evaluate Prime Minister Hwang Kyo-ahn's performance as acting president?¹³

Performing well	34%
Not performing well	57%
Neither	5%
Don't know/refused	5%

Dealing with North Korea

On Mar 6, North Korea launched four ballistic missiles, three of which flew about 1,000 km and entered the Japanese exclusive economic zone (EEZ).¹⁴ The missiles were later identified as Scud-ER (Extended Range).¹⁵

The missile test came as South Korea and the United States were conducting its annual Foal Eagle joint-military exercise, which began on Mar 1.¹⁶ South Korea also concluded the land-swap deal with the Lotte Group.¹⁷ Meanwhile the US military has also begun delivery of THAAD components as of March 6.

China has responded by urging the South Korean government to stop the deployment. Beijing has also promised a strong response.¹⁸ So far, the Chinese public has reacted negatively to Lotte products¹⁹ and travel to South Korea.²⁰ South Korean advertisements in China have also been targeted.²¹

Blue House National Security Chief Kim Kwan-jin was on the phone with the US National Security Advisor H.R. McMaster to reaffirm their commitments to THAAD.²² Defense Minister Han Min-koo also exchanged words with his US

counterpart James Mattis to reaffirm US commitment to South Korea's defense against North Korea.²³ Prime Minister Hwang Kyo-ahn announced that

“THAAD is absolutely necessary” and that Chinese retaliation was expected.²⁴

- 1 “[전문]박근혜 대통령 탄핵 헌법재판소 선고문,” *경향신문*, 2017년 3월 10일.
- 2 <https://www.ccourt.go.kr/cckhome/kor/ccourt/person/person.do#>; “[탄핵심판 카운트다운] 재판관 보수5·진보2·중도1... “사실관계·법리원칙 따라 결론,” *서울신문*, 2017년 3월 1일.
- 3 “[박근혜 운명의 날]탄핵사유 1개라도 ‘헌법·법률 중대한 위반’ 인정되면 파면,” *경향신문*, 2017년 3월 9일; “현재 ‘저희는 입이 없다’... 재판관들, 결정문 초안 회람,” *조선일보*, 2017년 3월 10일.
- 4 “헌재는 정중동 ... 거리선 ‘8대 0 탄핵 믿어’ ‘8인 체제는 무효,’” *중앙일보*, 2017년 3월 10일.
- 5 “헌재앞 ‘탄핵 찬반’ 밤샘집회... 경찰 ‘폭력맨 엄정 대처,’” *동아일보*, 2017년 3월 10일.
- 6 Gallup Korea, date: Feb 28-Mar 2; sample size 1,010; margin of error: ±3.1 at the 95% confidence level.
- 7 Ibid.
- 8 “특검, 40여명 공소유지 투입...삼성·블랙리스트 ‘자신감,’” *뉴스원*, 2017년 3월 10일.
- 9 “박영수 특검팀 90일간 수사, 白書로 만든다,” *조선일보*, 2017년 3월 2일; “[특검 수사 결과 발표]검사 31명 ‘2기 특수본’ 출범...우병우 전담팀 꾸려,” *경향신문*, 2017년 3월 6일.
- 10 “검찰 수사 앞둔 박근혜, 노태우와 전두환의 길 중 무엇 택할까,” *경향신문*, 2017년 3월 10일.
- 11 Ibid.
- 12 Gallup Korea, date: Mar 7-9; sample size 1,005; margin of error: ±3.1 at the 95% confidence level.
- 13 Ibid.
- 14 “北, 동창리 일대서 미사일 4발 동해로 발사...1000km 비행,” *동아일보*, 2017년 3월 6일.
- 15 “합참 ‘6일 발사한 北미사일은 스커드 개량형,’” *조선일보*, 2017년 3월 7일.
- 16 “한·미 독수리 훈련 시작...봄 오면 ‘긴장의 한반도,’” *경향신문*, 2017년 3월 1일.
- 17 “국방부 롯데 ‘사드부지 맞교환’ 계약 체결,” *경향신문*, 2017년 2월 28일.
- 18 “중·사드 배치 잘못된 길...모든 후과는 한국미국 못,” *한겨레*, 2017년 2월 27일.
- 19 “중국 롯데마트에서 사드 항위 시위,” *중앙일보*, 2017년 2월 28일.
- 20 “중 기업들 직원 4천명 한국 관광 등 잇따라 취소,” *경향신문*, 2017년 3월 3일.
- 21 “‘사드 보복’ 중국, 韓 관광상품 광고 전면 금지,” *조선일보*, 2017년 3월 2일.
- 22 “김관진-맥마스터 美안보보좌관 통화서 ‘사드배치 차질없이 추진,’” *조선일보*, 2017년 3월 1일.
- 23 “한·미 국방장관 ‘北 도발에 단호히 대응...사드 부지 확보 높이 평가,’” *중앙일보*, 2017년 3월 1일.
- 24 “황교안 ‘사드 반드시 필요...中 반발 거세질 것 예상, 소통 강화하겠다,’” *동아일보*, 2017년 3월 3일.

The Asan Institute for Policy Studies is an independent, non-partisan think tank with the mandate to undertake policy-relevant research to foster domestic, regional, and international environments conducive to peace and stability on the Korean Peninsula, as well as Korean reunification

Published by The Asan Institute for Policy Studies

Address 11, Gyeonghuigung 1ga-gil, Jongno-gu, Seoul 110-062, Republic of Korea

Website <http://www.asaninst.org>

Email info@asaninst.org

President/Chairman: Hahm Chaibong

Copyright © 2017

Contributing Staff (in alphabetical order by last name):

John J. Lee

Han Minjeong

Editor:

J. James Kim