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Legal Dilemmas in the Protection of Agricultural Interests under Free Trade Agreements: A Case Study of Korean Agriculture

Yinuo Gu[1]

[1] Zhejiang University, Zhejiang, China

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Abstract

Korean agriculture faces persistent structural challenges under the framework of agricultural trade liberalization, reflecting a growing tension between international trade rules and the protection of domestic agricultural interests. The World Trade Organization Agreement on Agriculture and the Korea-United States Free Trade Agreement have progressively constrained the policy space available for traditional agricultural protection through binding provisions on market access, tariff reduction, subsidy discipline, and broader trade liberalization commitments. These legal frameworks have redefined the permissible scope of state intervention in agricultural markets, limiting the effectiveness of conventional border protection instruments. However, the existing rules provide insufficient responses to key domestic concerns, including farmers' livelihoods, the sustainability of vulnerable agricultural sectors, and broader social stability. Against this backdrop, agricultural conflict increasingly reflects a structural legal imbalance between global trade obligations and domestic welfare responsibilities. Therefore, the legal design of agricultural trade liberalization should establish a clearer and more functional balancing mechanism between market opening and the protection of domestic agriculture, ensuring that trade governance remains compatible with social and distributive justice objectives.

Keywords

Agricultural trade governance, Agreement on Agriculture, Korea-United States Free Trade Agreement, Korean agriculture, domestic remedy

1. Introduction

In the process of economic globalization, agricultural trade issues have always been at the forefront of trade negotiations. The protests of South Korean farmers, characterized by long-term persistence, fierce disputes and broad social mobilization, have become a prominent international Symbol of globalization criticism (Organisation for Economic Co-operation and Development, 2024). It not only reflects the strong resistance of agricultural groups to market opening, but also reflects the continuous accumulation of domestic interest distribution imbalance and social anxiety in the context of globalization. From a legal perspective, such protests show an institutional tension between free trade rules and the state's ability to protect agriculture. On the one hand, it is the rigid liberalization rules constructed by the WTO and various FTAs with tariff reduction and subsidy restriction as the core. On the other hand, it is the political responsibility of the state to ensure food security and maintain the livelihood of vulnerable groups. Based on this, the core proposition of this paper is: under the constraints of free trade rules, is the policy space for the state to protect vulnerable industries substantially compressed? How to achieve a balance between international trade obligations and domestic agricultural interests? South Korea as a typical example of a country with strong industry and weak agriculture, its conflict between the deep dependence of South Korea's industry on the global market and the high dependence of agriculture on border protection constitutes a common dilemma is faced by many latecomer countries when participating in globalization. This paper takes the South Korean agriculture as a case, combines the WTO Agricultural Agreement and the Korea-US FTA, analyzes the legal dilemma faced by the national agricultural protection in the process of agricultural trade liberalization, and tries to put forward the possible legal improvement path.

2. Structural Weaknesses of Korean Agriculture and the Legal Background of Farmers' Protests

2.1 Structural Weakness of Korean Agriculture

Agriculture occupies a relatively disadvantaged position in the Korean economy, which is primarily reflected in the constraints of natural resource endowments. South Korea possesses a wide mountainous terrain and limited arable land resources, making it difficult to develop large-scale, intensive and highly mechanized agricultural production. This result in relatively high unit production costs of agricultural products and less competitive advantage in the international market. Therefore, Korean agricultural products have long relied on instruments such as tariff protection to make up for cost disadvantages and maintain market stability. Besides, an imbalanced industrial structure contributes to the continuous outflow of agricultural labor. As a main pillar of domestic economic structure, the manufacturing sector continuously exerts a siphoning effect on the workforce, leading to a sustained migration of young rural workers and an accelerated aging of the agricultural population (Organisation for Economic Co-operation and Development, 2024). The disadvantage of the labor structure weakens the production capacity of the agricultural sector, increasing reliance on domestic policy support to sustain basic production functions. Finally, the separation of land ownership and land-use rights in the process of land circulation intensified the instability of land tenure relations. In large-scale agriculture, the introduction of modern agricultural facilities and the maintenance of land fertility are both long-term and high-cost investments, which depend heavily on stable land-use rights and predictable legal protection of land relations. In recent years, as the total amount of farmland in South Korea has been decreasing, the proportion of leased farmland has been rising (Rhew, C., 2019). The temporality and instability of leasing relationships weaken tenants' expectations of making long-term investments, constituting an institutional barrier to the modernization and transformation of South Korean agriculture. Based on the above three points, the structural weakness of South Korean's agriculture makes it difficult to rely solely on market mechanisms to compete directly with imported agricultural products. Tariff quotas, domestic support policies and price stability mechanisms have thus become important legal tools for the country to fulfill its responsibility to protect its weak industries and maintain the basic operation of agriculture.

2.2 Crisis of Trust in Agricultural Protection among Korean Farmers

The strong resistance of Korean farmers to market liberalization stems from a deep concern that the institutional foundation securing their livelihoods is being undermined. This concern is not confined to the economic dimension of declining competitiveness but extends to the erosion of perceived legal guarantees under the state's agricultural protection framework. First, the contraction of traditional agricultural protection tools and the selective nature of policy have led to a loss of legal security among farmers. As noted earlier, the survival of Korean agriculture has highly depended on tariff barriers and price support mechanisms implemented by the state. However, with the advancement of multilateral rules and bilateral agreements, the scope of domestic regulatory autonomy has been significantly reduced. In the case of rice imports, quantitative import restrictions were replaced with a tariff-rate quota (TRQ) system (Choi, S., Dyck, J., & Childs, N., 2016). This change has shifted protection from a discretionary sovereign instrument into a market-based tariff arrangement subject to economic negotiation. As a result, uncertainty over market access has grown, and farmers have become less confident that state protection will remain reliable. Furthermore, following the Uruguay Round, Korean agricultural policy has increasingly prioritized support for large-scale, young, and full-time farmers (Chung, H., & Veeck, G., 2005, pp. 555-570), indicating a gradual shift from universal protection toward selective support based on competitiveness. For small-scale and traditional farmers, this restructuring undermines the expectation of stable and generalised state protection, thereby eroding their sense of legal security. Second, the uneven distribution of costs and benefits during trade liberalization has raised concerns among agricultural groups regarding distributive justice. Farmers argue that while industrial sectors can avoid the risk of trade retaliation and urban consumers can access cheaper imported agricultural products, the adjustment costs of liberalization fall disproportionately on agricultural producers through legally binding international commitments (Chung, H., & Veeck, G., 2005, pp. 555-570). Without effective compensation mechanisms, such structural imbalance may generate a persistent sense of marginalization among agricultural communities, transforming agricultural protection into a broader issue of how the state reallocates risks, benefits, and social burdens within the legal order of free trade. Finally, external dependence on the production side and substitution on the consumption side have weakened the practical effectiveness of domestic agricultural protection law. On the production side, market opening intensified the risk of reliance on international imported supplies. Taking animal husbandry as an example, the influx of cheap feed such as U.S. corn (U.S. Department of Agriculture, Foreign Agricultural Service, 2023) has made the supply of raw materials in Korean farms more dependent on the international trade environment, reducing domestic control over production costs. On the consumption side, since the aid plan of the United States after the Korean War, South Korea has gradually developed a wheat-based dietary pattern (Park, M. A., 2020), which contributed to a decline in demand for domestic traditional agricultural products (rice). As global supply chains deepen and consumption patterns shift, agriculture is restructured by international markets, reducing the scope and limiting the effectiveness of domestic legal frameworks. As discussed above, the contraction of traditional protection instruments, distributive imbalances, and deep integration into global markets collectively complicate the governance of agricultural protection. These overlapping dynamics ultimately elevate agricultural conflict into a legal question about where the boundaries of state protection lie under the free trade system.

3. Reshaping of Agricultural Protection Space under Agricultural Trade Liberalization Rules

The purpose of agricultural trade liberalization is not to eliminate the possibility for states to protect agriculture, but rather to incorporate state intervention into a predictable and reviewable legal framework through bilateral and multilateral rules. From the Agreement on Agriculture to the KORUS FTA, the core function of international legal rules lies in redefining the legitimate boundaries of state intervention in agricultural markets.

3.1 Agreement on Agriculture

The Agreement on Agriculture (AoA) is the core legal instrument of the agricultural trade regime established after the Uruguay Round. Its principal rules are structured around three pillars: market access, domestic support, and export competition (Cheng, Z., 2023; World Trade Organization, 1994). In terms of market access, the AoA converted highly restrictive non-tariff barriers into ordinary tariff barriers and prohibited members from reintroducing measures that had already undergone tariffication. Although the Special Safeguard provision allows states to impose additional temporary tariffs when agricultural imports increase abnormally or when import prices fall sharply, such measures are subject to multiple restrictions, including trigger conditions, limits on additional duties and also scrutiny under international trade rules (Lim, S. S., 2008, pp. 169-185). Consequently, it only constitutes an exceptional authorization and cannot be used as a general policy tool. In terms of domestic support, the AoA classifies support measures into the Green Box, Blue Box and Amber Box, imposing restrictions on measures directly linked to prices and production levels, while permitting relatively decoupled forms of support centered on income compensation and public services. Korea’s long-standing rice price support policy is a typical Amber Box measure, which was abolished in 2005 and subsequently replaced by direct payment schemes and decoupled income support measures consistent with Green Box standards (Office of the United States Trade Representative, 2007). In terms of export competition, the AoA regulates both direct agricultural export subsidies as well as measures with implicit subsidizing effects. Many major powers used to eliminate domestic overproduction by using substantial fiscal subsidies to dump surplus agricultural products onto international markets, so as to maintain domestic price and income stability. The AoA restricts such practices and compels states to absorb agricultural pressure domestically rather than shifting it onto international markets.

3.2 Korean-United States Free Trade Agreement

The FTA concretizes broad principles of market liberalization into legal obligations with specific content and implementation schedules. Compared with the AoA, the legal obligations established under the FTA are more rigid and irreversible. By restricting both tariff and non-tariff measures, FTA reduces the policy space for states to shield domestic agriculture from external risks. In terms of tariff restrictions, the FTA prohibits either party from raising existing tariffs or introducing new tariffs, making tariff reduction an irreversible process (Office of the United States Trade Representative, 2019). This means that even when the price of imported agricultural products is significantly lower than the domestic price, the government is not allowed to mitigate price shocks through tariffs. Besides, the FTA completely prohibits non-tariff measures and in particular bans measures such as import price requirements, import licensing with performance requirements, and voluntary export restrictions, effectively foreclosing alternative policy avenues to restore agricultural protection in disguise. These constraints have transformed agricultural protection from a multi-regulation system centered on border instruments into a singular market-oriented logic, weakening the government's legal ability for market adjustment and risk buffering. Nevertheless, Korea did not merely passively accept the constraints imposed by the FTA. Through the use of exception clauses, it sought to preserve core national agricultural interests to a certain extent. In order to secure exclusive protection for rice, a crop of exceptional political sensitivity, Korea negotiated differentiated transitional arrangements for certain agricultural products, including transitional periods for tariff reductions and agricultural safeguard measures (Office of the United States Trade Representative, 2019). It secured valuable time for structural adjustment for a limited number of non-negotiable products. At the same time, agricultural safeguard measures, as an important component of the exception regime, continued the special safeguard mechanism established under the AoA. The FTA provides that, when annual import volumes of certain agricultural products exceed specified trigger levels, importing states may temporarily impose higher tariffs. However, these measures are subject to strict temporal and substantive limitations. Once the safeguard period expires or safeguard tariffs are reduced to zero, states may no longer apply or maintain such measures for the relevant products. This demonstrates that agricultural safeguards are, in legal nature, conditional and time-limited emergency remedies rather than long-term protective instruments with unrestricted state discretion.

In conclusion, although the FTA does not directly prescribe the form of domestic protection policies, it imposes institutional constraints on the range of policy instruments available to states. Korea's agricultural protection strategy gradually shifted from border-based measures centered on high tariffs, import restrictions, and quota management toward internal adjustment mechanisms based primarily on domestic subsidies and income support. However, such compensatory measures are generally ex post and conditional, and thus cannot fully replace the functions of traditional border measures. This tension laid the groundwork for the legal dilemmas that emerged in the process of agricultural trade liberalization.

4. Legal Dilemmas Reflected in Korean Agricultural Free Trade

4.1 Conflict between the Principle of Free Trade and Agricultural Protection Policy

While states seek to maintain the non-market value and social attributes of agriculture, market-opening obligations under free trade rules strengthen the logic of treating agriculture as a common commodity sector in market competition. This constitutes the core tension between principles of free trade and agricultural protection policy, imposing profound constraints on legislative practice. The AoA not only requires member states to discipline traditional agricultural subsidies, but also establishes stringent enforcement mechanisms through the Dispute Settlement Mechanism (DSB). Once a state's intervention to protect its agriculture is determined to be trade-distorting, other members may demand the amendment or withdrawal of such measures. If the respondent refuses to comply with the ruling, the prevailing party will be entitled to initiate a cross-sectoral retaliation by imposing retaliatory tariffs on other export industries vital to the national economy, such as South Korea's automobile industry. In order to prove the legitimacy of its protective measures, the state must bear an additional burden of proof. However, due to the highly interpretative ambiguity of WTO rules, it's often difficult for states to accurately evaluate the boundary of compliance of measures. Reviewing WTO dispute cases between 1995 and 2007, complainants prevailed in nearly 90 percent of disputes (Colares, J. F., 2009, pp. 383-435), meaning that the likelihood of respondent states successfully proving the full legality of their domestic protection measures was extremely low. Consequently, under the threat of long litigation and high retaliation, domestic legislators fall into deep self-examination when formulating agricultural relief policies. In the context of international economic law, this legislative compromise induced by the pressure of external review is referred to as Regulatory Chill (Lydgate, E. B., 2012, pp. 157-180). As a result, although states formally retain sovereignty to formulate policies, they proactively downgrade regulations at the initial legislative stage. Agricultural protection thus shifts from a routine governance instrument based on public interests to a conditional and exceptional form of passive protection. To avoid the risk of sanctions, contracting parties tend to abandon forceful traditional border and market intervention measures in favor of rule-exempted safe harbor policies, such as the Green Box measures under the AoA. Although these policies generally enjoy a higher degree of formal compliance, they are largely long-term and structural forms of indirect support that lack the capacity for immediate market-price intervention. As such, they are often ineffective in addressing the price shocks and market displacement caused by sudden, large-scale agricultural imports under free trade conditions. Consequently, while agricultural policies may achieve formal legal compliance, they substantially weaken the state's capacity to provide rapid protection and risk-buffering functions for the agricultural market.

4.2 Tension between International Trade Rules and Protection of Domestic Vulnerable Groups

In the process of agricultural trade liberalization, there is a sharp tension between the universal requirements of international treaties and the particularity of national conditions, highlighting the triple legal dilemmas of subject dislocation, distributional imbalance and procedural legitimacy defect in the transformation of international treaty obligations into domestic law. First, misalignment between the state as the subject of international obligations and the domestic groups affected. At the level of international law, the subject of trade obligations is the state, which assumes market-opening commitments as a whole economy. At the level of domestic law, however, the costs of fulfilling obligations are borne by specific social groups. This kind of system design with the state as the unit unifies the subject of responsibility for international obligations in form, but at the domestic level, it may lead to the separation of the subject of obligation and the subject of actual interests. Second, structural asymmetry between trade liberalization gains and adjustment costs in domestic distribution. Agriculture is constrained by weak natural endowments, which make it particularly vulnerable to external shocks and limit its capacity for rapid structural transformation through market mechanisms. However, when formulating rules, governments often aim at maximizing the overall interests of the country and selectively ignore this particular concern of agriculture. The overall benefits of free trade are dispersed to different industries under the combined effects of factors such as national internal strategic choices, price mechanisms, and industrial restructuring, and the resulting risks and losses are concentrated in structurally weak industries such as agriculture. Third, a lack of procedural legitimacy arising from the insufficient participation of vulnerable groups in rule-making processes. Farmers, as stakeholders who mainly bear the cost of opening up, will shake the legitimacy foundation of trade rules if they lack substantive channels of participation. The negotiation process of the Korea-Chile free trade agreement offers a case of procedural justice failure. Under a representative democratic framework, the National Assembly, as the highest legislative body and the representative body of public voice, should in principle have served as the primary channel for vulnerable farmers to express their interests. However, in the early stage of the negotiations, the South Korean National Assembly did not intervene in a timely manner, nor did it succeed in forming a unified, institutionally binding parliamentary position (Lee, H.-C., 2010, pp. 291-308). Consequently, the demands of the peasant group could not be efficiently conveyed through the Congress and absorbed into the process of policy formation. Once a treaty is concluded, it has the same effect as domestic law. This implies that, once incorporated into the domestic legal system, such rules become continuously binding and hard to challenge or amend, gradually entrenching the existing distributive structure at the institutional level. The Korean case suggests that the constitutional obligation of the state to protect vulnerable industries has, to some extent, been weakened, and that the institutional space for legal remedies available to farmers has correspondingly contracted. Farmers not only bear the asymmetric costs of market liberalization, but also lack effective institutional channels for corrective redress, and thus increasingly rely on ex post state compensation mechanisms for limited risk mitigation. Although such arrangements provide a certain buffering function, they are grounded in a relatively weak legal rationale and are ultimately insufficient to fully offset the structural tensions generated in the process of incorporating international trade rules into domestic law.

4.3 Constraints on Legal Compensation and Social Relief Measures

In response to the immense economic and social pressures brought by market opening, the South Korean government constructed an ex-post domestic relief system centered on the Special Act on Assistance to Farmers, etc. following the Conclusion of Free Trade Agreements. This system introduced relief measures including exit compensation schemes, and competitiveness enhancement measures. However, significant practical challenges emerged during implementation, exposing deep contradictions in the domestic transplantation of modern trade rules. First, the excessive eligibility thresholds for relief and the unreasonable allocation of the burden of proof regarding causality undermined procedural justice. The Special Act stipulates that when the import of specific agricultural products surges due to the entry into force of an FTA and domestic prices fall below the statutory base price, the national treasury shall provide direct deficiency payments to affected farmers (Special Act on Assistance for Farmers, etc. following the Conclusion of Free Trade Agreements, Act No. 14297 (South Korea, 2011)). While this was intended as a robust relief policy to offset short-term market risks, the conditions for triggering relief remain overly stringent due to the lack of rigorous and simplified official assessment models, manifesting in two dimensions: For farmers lacking sufficient legal and educational resources, it is difficult to prove a direct causal relationship between falling prices and increased imports under an FTA. In practice, compensation applications are not only time-consuming, but also frequently rejected by administrative authorities, thus failing to achieve the intended relief effects. Moreover, strict eligibility review procedures exclude real victims from the relief system. According to current regulations, farmers seeking to receive any national direct payments must first complete registration as an Agricultural Business Entity (Act on Fostering and Supporting Agricultural and Fisheries Business Entities (South Korea, 2011)). However, approximately 42% of Korean farmers operate under informal tenancy arrangements without formal written contracts (Choi, J., & Jodlowski, M., 2025). As a result, the relief system fails to reach those most vulnerable to market shocks. Tenant farmers who bear the economic risks of price collapse are excluded due to the lack of formal legal status, while compensation flows to nominal landowners. This institutional contradiction ultimately frustrates procedural justice. Second, the support measures rely largely on one-time compensation and short-term financial investment as core instruments and lack a long-term protective mechanism, which erodes the credibility of legal commitments. According to the industry exit mechanism, for farmers who are affected by FTA shocks and voluntarily give up the production of specific varieties, the government provides a one-time buy-out compensation for business cessation. While cessation compensation appears fair, it effectively severs the long-term livelihoods of elderly farmers, leaving their subsequent social security inadequately protected. More importantly, this relief measure itself faces the risk of exhaustion due to insufficient fiscal budgets. According to predictions by the National Assembly Budget Office, the budget for domestic support measures is shrinking annually (National Assembly Budget Office, 2018), which exposes the vulnerability of the domestic compensation mechanism without rigid legal support. Third, the relief system shows a structural imbalance in the target beneficiaries and fails to establish an equitable and inclusive protection framework. The Special Act authorizes the government to implement WTO Green Box measures, including low-interest loans and subsidies for technological upgrading and facility modernization. However, these measures display a capital bias. Most small-scale elderly farmers cannot afford the costs for technological transformation, nor do they possess the digital literacy to participate in such upgrading processes. In the face of major agricultural exporting countries with economies of scale and entrenched subsidy advantages, such limited technological adjustments are insufficient to reverse the comparative disadvantage. These findings indicate that South Korea’s domestic relief measures have failed to develop a long-term, inclusive risk-sharing mechanism. As formal statutory remedies proved ineffective against volatile market forces, marginalized farmers were driven to the streets, where large-scale protests have become an extra-legal recourse for protection against the forces of free trade.

5. Directions for Improving the Legal Governance of Agricultural Trade Based on the South Korean Case

5.1 International Treaty Level

The AoA stipulates a total of twelve compliant Green Box measures. Although South Korea has nearly exhausted all of these measures, it remains unable to prevent its domestic agricultural issues from becoming increasingly acute. This demonstrates that relying solely on domestic subsidies cannot break through the institutional ceiling; it is necessary to expand the policy space for border instruments from the international treaties. Accordingly, it is necessary to strengthen the special treatment of agriculture through the establishment of a Special Safeguard Mechanism (SSM), transforming temporary liberalization rules into long-term agricultural safeguard mechanisms. This proposal was raised during the Doha Development Round negotiations, in which the Group of 33 Developing Countries consistently advocated the establishment of an SSM that would grant contracting states the right to adopt temporary and lawful border protection measures under specific circumstances without being subject to trade retaliation. It should be noted that although the South Korean government officially renounced its developing country status in 2019 and thereby lost the legal basis for directly invoking the SSM under the current multilateral framework, this development itself exposes the institutional flaw of multilateral rules that rigidly bind a state’s overall economic status to the vulnerability of specific industries. More specifically, the SSM should contain the following legal elements. First, it should establish clear quantitative trigger standards. Traditional general safeguard measures require the invoking state to prove a causal link between a surge in imports and injury to the domestic industry, which is highly prone to triggering legal disputes in practice. It is necessary to establish objective algorithmic models to achieve an exemption from the burden of proof, thereby improving accuracy and shortening the response cycle for relief. Although unified calculation standards for the trigger mechanism have not yet been reached, relevant scholars have proposed possible calculation schemes for this method (Sharma, R., 2006). Second, the implementation of statutory remedies under the principle of proportionality should be subject to limitations on both the scale and duration of tariff increases, in order to prevent the SSM from being abused as a disguised protectionist instrument. Third, it should establish grounds for justification to increase the legal costs of unilateral sanctions and cross-retaliation. In the context of the paralysis of the WTO dispute settlement system, major powers tend to bypass international organizations and directly employ bilateral agreement arbitration or domestic laws to implement unilateral trade retaliation. Striving to establish the SSM as a ground for justification can increase the legal leverage of weaker nations in the event of unilateral sanctions by major powers, providing a solid legal foundation for weaker nations to expand their space for national survival.

5.2 Improvement of Domestic Compensation Legislation

First, loopholes in the domestic relief system should be repaired by relaxing the eligibility criteria for direct compensation. The rigid requirement of current rules for formal agricultural business registration excludes a significant number of tenant farmers engaged in informal or unregistered leasing. The scope of proof materials should be expanded to substantive production behavior proofs such as agricultural material purchase records and agricultural product sales vouchers, so as to protect vulnerable tenants who really bear risks. Second, a robust agricultural income insurance system should be established to strengthen risk resilience. The current business closure compensation scheme relies heavily on the state fiscal reserve and fails to provide farmers with sustainable long-term protection. Through specialized legislation, states may create an agricultural income insurance system in which risks are shared between the government and the market. In the 2014 U.S. farm bill, the United States abolished its long-standing direct payment system and introduced two income protection programs, Agricultural Risk Coverage (ARC) and Price Loss Coverage (PLC), to shield farmers from price and yield risks (U.S. Department of Agriculture, Economic Research Service, 2014). This model offers important implications for both Korea and global agricultural trade governance. Unlike business closure compensation schemes, such systems allow farmers to rely on legally enforceable claims under statutory insurance contracts rather than uncertain subsidies obtained through complex administrative procedures, providing a stable and predictable legal safety net to replace the protection vacuum left by the erosion of traditional tariff barriers. Meanwhile, in response to the capital bias in the existing relief system, a fast-track legal mechanism should be set up for vulnerable farmers, so that the legal safety net covers the marginalized agricultural groups fairly. For instance, a tiered premium subsidy policy could be implemented. For small-scale, elderly and low-income farmers, the state finance should provide a higher proportion of premium subsidies than ordinary farmers. In addition, vulnerable farmers should be allowed to participate in collective insurance schemes. Cooperatives would take on the responsibilities of organizing enrollment, paying premiums, and handling claims procedures on behalf of their members. This arrangement spares individual farmers the procedural burdens and costs that would otherwise fall on them.

5.3 Linking Domestic and International Law

According to Robert Putnam's two-level games theory, decision-makers in international negotiations actually have to deal with two levels of games at the same time — the international and domestic levels. Whether negotiations succeed or not depends on whether they fall within the domestic win-set (Putnam, R. D., 1988, pp. 427-460). Taking South Korea as an example, the government has tried to expand the domestic win-set through ex post compensation promises that lack legal coerciveness, so that more people accept international agreements on agricultural liberalization. However, these promises were never effectively implemented, leading to a breakdown of domestic political trust and ultimately a failure of the domestic bargaining process. This dilemma reveals the essence of the problem: an effective connection mechanism between international law and domestic law must be built. The core function of this mechanism is to institutionally embed the interests of domestic disadvantaged groups into the treaty system in the process of rule formation, so as to provide a more solid legal basis for domestic agricultural protection measures. The United States' Trade Promotion Authority (TPA) provides a valuable reference. Under the TPA framework, Congress sets a series of legally binding negotiating objectives before talks begin, and retains ex post approval and veto powers, forming strong constraints (Congressional Research Service, 2015). From the perspective of a two-level game, the institutional logic of TPA is essentially to prioritise the domestic game, and use the binding principles in domestic law to constrain concessions in international bargaining. Yet Korea cannot simply copy the TPA model. The reasons are both practical and constitutional. For the U.S., with a huge domestic market and economic size, it can pressure its trading partners to accept certain unilateral terms. In contrast, South Korea is a net agricultural importer and lacks the capacity to impose unilateral constraints on its opponents. More fundamentally, under Korea's constitutional structure, the executive branch holds dominant power in diplomatic contracting, while the National Assembly only has ex post approval authority. To impose legal constraints before negotiations may face constitutional challenges. Institutional arrangements suitable for South Korea can be built from two specific directions. The first direction is to establish a statutory review and hearing mechanism centered on procedural justice. Before formally initiating negotiations, the National Assembly should assess the potential impacts on agriculture. During the negotiation process, an emergency questioning and hearing system should also be introduced. If the National Assembly considers that negotiations may seriously harm agricultural interests, it should have the authority to convene hearings, allowing statements from farmers' representatives, agricultural economics research institutions, and government negotiators. Based on these advice, the Assembly may issue formal legislative recommendations, which would enhance the democratic legitimacy of the subsequent approval phase. The second direction is to introduce a legal mechanism named a conditional linkage approval clause during the domestic ratification phase, so as to constrain executive discretion in negotiations. In the treaty ratification bill submitted to the National Assembly, a suspensive condition should be attached, making the treaty's legal effect contingent upon the concurrent implementation of domestic compensation measures, such as the full disbursement of compensation funds and the establishment of an income insurance system. If the government fails to submit and implement a legally binding agricultural compensation package simultaneously, the National Assembly may suspend the approval process or directly exercise its veto power in accordance with the law. This mechanism links the fulfillment of international treaty obligations with the actual capacity of domestic protection, thereby providing a solid legal safeguard for the interests of farmers within the existing constitutional framework.

6. Conclusion

Agricultural trade liberalization involves not only tariff reductions and market-access rules, but also a profound process of legal restructuring and domestic redistribution of interests. Taking South Korea's agriculture as a starting point, this paper analyzes the structural legal dilemmas that latecomer countries and agriculturally vulnerable countries face when integrating into the global trading system. It shows how the WTO Agreement on Agriculture and the KORUS FTA have compressed the policy space for countries to adopt traditional border protection tools through legal obligations. In the transition from international rule-making to the construction of domestic agricultural relief systems, agricultural protection faces legal dilemmas such as subject dislocation, imbalance in interest distribution, and insufficient procedural legitimacy. At the same time, limited by the limitations of institutional design and the lack of relief capacity, it is difficult for vulnerable agricultural groups to obtain full and effective protection. Although this paper strives to provide a comprehensive analysis of these legal dilemmas, there are still certain limitations. Given the limits of the case selection and the lack of empirical support, future academic research can carry out transnational research from the perspective of comparative law to summarize more universal defensive legislative experience. Quantitative analysis could also be included to analyze the sustainability and feasibility of mechanisms such as the agricultural income insurance system through economic measurement, so as to provide a more practical institutional reference for reconciling international trade rules with the protection of vulnerable agricultural groups.

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