

THE KOREAN OPPORTUNITY

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We live in the best of times and the worst of times. The best, because science and technology have opened vistas of advancement with unimagined possibilities. The worst, because these same agents of advancement have equipped humans with the ability to destroy life on our planet in a single burst of nuclear insanity. Industrialization has expanded economic benefits while setting society on a growth trajectory toward its own destructive pollution. Any reversal of these threats will take greater governance skills than the polity has thus far demonstrated under its present structure of representative government.

Representative governments—what we call democracies—have become the typical forms of governance in the world's successful economies. It readily accommodates the autocratic, corporate structure of capitalism and perpetuates the power and interests of elites—the rule by the few over the many.

Capitalism

The construct of capitalism requires that the profits of capital pay for the cost of capital. If that construct is not realized, capital is not created. Who owns the capital after it is paid for by its profits? The answer to that question determines the socioeconomic order of society or who is enriched by the ownership of capital.

Who owns the capital after the profits of its production have paid for it has always been determined by the government forces that control the polity. The private and government design of the corporate industrial, financial and banking institutions established rules and laws

to guarantee that the initial owners of capital and its continued ownership would be dictated by and remain with the elites.

These rules under our system of capitalism and representative government are what guarantee that the rich get richer and the poor poorer. Even with the success of an advancing society and the gains that have benefited almost all people in the last century, still the disparity between the rich and poor continues to grow, as does the injustice and the violence it breeds.

Maturation

The central power of representative government is lawmaking. When denied a role in the use of this central power, citizens gravitate into adolescent behavior. Citizens demand all kinds of services but are reluctant to pay the taxes for them—classic adolescent behavior. Being denied the right to vote directly on public policy issues and to subsequently take responsibility for the consequences of those laws induces civic adolescence.

Direct democracy overcomes this immature behavior the same way we overcome immature behavior in our children by carefully giving them more and more responsibility as they grow and gain experience, thereby preparing them to become mature adults. Because policy decisions in government are only made by our representatives, the present structure of representative government denies citizens the opportunity to take responsibility for the public policies that affect their lives, gain experience and mature to civic adulthood.

The greatest damage to the polity by representative government is the civic adolescence it engenders in its constituents. The greatest good that can come from direct democracy is the civic maturity it will engender in citizens. The civic maturity citizens acquire in taking responsibility for their own self-governance not only benefits the polity, it also adds maturity to individual citizens in their personal, family, institutional and spiritual lives.

Continuity of Failure

Look around the world! No objective observer can judge that our system of governance--representative government--designed two hundred fifty years ago and essentially unaltered since, is a match for our 21st century's human, economic, environmental, scientific and technological demands. The democracies controlled the world in the 20th century – history's bloodiest century. Representative government, even where it is fairly implemented, is an archaic system of an era long gone. Nevertheless, it continues to benefit the existing elites, who, with their myopic greed, maintain the status quo. This is the case even though it is not in the long-term best interests of the elites since they are significant stakeholders in society.

Astute observers and pundits easily describe the problems our societies face and conclude by offering simplistic suggestions such as “*the people should*” or “*the representatives should*” or “*the government should.*”

But the people *can't*. They don't have the power to make laws; they gave their power away on election day. Representatives, who have the power – and though they may be well meaning -- can't either because of human nature, special interests, political parties, and the inordinate influence of elites, all of which contribute to the dysfunctional operation of representative government.

People are left with the hope that new political leaders will emerge to right wrongs and bring change. But the reality of history is best expressed by the French saying: *the more it changes, the more it remains the same.* Nevertheless, some major policy advances do occur.

Grassroots movements have forced upon elites and governments policy changes like woman's suffrage and civil rights among others.

Why is real change so difficult to bring about? And why is structural governmental change almost impossible in democracies? The answer lies in understanding the three options that change offers. Things can improve; things can stay the same; or things can get worse. Elites are obviously well off the way things *are*, and therefore the elites have no incentive to risk change. In fact with their influence over the military, corporations, academe, think-tanks and mainstream media, societies' elites easily thwart any possibility of structural change. Citizens are manipulated to accept deference to authority and a militaristic culture. As a result, citizens

become cynics and consciously or subconsciously lose faith in government; ultimately, citizens lose faith in democracy. So beyond people's natural interests in their families, careers, recreation, and the volunteer efforts of some citizens, our broader civic responsibility is lost.

Is Change Possible?

Of course! That's what the concept of direct democracy is all about. We have seen its sporadic use in governance, even before the advent of representative government. It is now used extensively in the United States, Germany, Uruguay and any number of local and state jurisdictions. But the only country where direct democracy is operable at the federal level is Switzerland. Direct democracy has been a success, even when it is implemented with inadequate or in the absence of deliberative legislative procedures – a necessary part of any effective legislative process. Numerous studies confirm that communities that utilize direct democracy are better governed than those that exist under the monopoly of representative government.

Even with the obvious success of state and local direct-democracy initiative- lawmaking, it has been impossible to advance the initiative process to the national level of government except in Switzerland. Direct democracy threatens to dilute the power of elected representatives, special interests, the media, corporate commercialism and the elites in societies -- hence the silent conspiracy in opposition to the advancement of direct democracy.

The Way Forward

The Swiss concept of direct democracy has been a model to emulate for progressives in Europe, North and South America since the turn of the last century. However, its structural integration with representative government has left those who copied the model unable to expand its scope at the state level or to advance it to the national level. And worse, the existing format of initiative law-making has constrained its supporters with the task of continually fighting a rear-guard action against the malevolent forces in government seeking to deny the people any ability to make laws. The Swiss model works well for the Swiss and is

a beacon for direct democracy, but the Swiss model requires adaptation in order for direct democracy to work well in other successful economic democracies.

My long-time interest in direct democracy has led me to analyze existing legislative practices, to compare procedures from jurisdiction to jurisdiction, and to review academic studies with the goal of improving the procedural legislative process of direct democracy. The State of California has produced excellent proposals that have not been enacted into law -- testimony to the overarching control of elites in America's most progressive state. A vital aspect of initiative lawmaking, and something that exists in all representative legislative bodies, is unfortunately absent in most direct democracy models: deliberative legislative procedures.

My work has led me to design a legally-binding constitutional process to enable people to exercise their sovereign legislative power to enact a constitutional amendment asserting the people's lawmaking powers in every government jurisdiction of the national government's domain. The amendment is accompanied by a national statute establishing legislative procedures so that citizens can deliberatively exercise their legislative responsibilities. It also establishes and defines the duties of a Trust, an agency to administer the people's legislative procedures on their behalf. These two proposals are linked as one legislative package called the National Initiative that is offered by a group of citizens directly to the whole constituency of citizens for their decision, essentially circumventing the government.

My work started in earnest in 1992 with the creation of non-profit foundations to pursue the enactment of the National Initiative in the United States, where enacting the National Initiative will require more than 60 million votes. We have been repeatedly advised to seek a smaller venue. Unfortunately, based on government-and judicially-imposed roadblocks in the U.S. and a similarly frustrating experience in Germany, any effort in a venue lesser than a nation-state would prove fruitless.

I had been searching for an alternate national venue when one came to the fore thanks to the interest of Professor Jung-Ok Lee and the leadership of the Korea Democracy Foundation.

A Korean National Initiative

Koreans are uniquely qualified to accept the concept of direct democracy. Democracy is still fresh and vibrant, as we see with the candle-light protests. It certainly would surprise both Americans and Koreans to know that the Republic of Korea's Constitution is far more democratic than the American Constitution. The American Constitution has been amended twenty-seven times, but not once have these amendments been ratified by the people. Amendments to the Korean Constitution can be ratified only by the people.

The Korean Constitution in its first article acknowledges that: "The sovereignty of the Republic of Korea resides in the people, and all state authority emanates from the people." By contrast, the American Constitution does not clearly define the source of the government's political power. The only references to source are in the Preamble: "We People...do ordain..." and subsequent references in the 9th and 10th amendments.

The Korean Constitution provides for a unicameral legislature and makes no concession to the undemocratic representation of geographic areas as in the U.S. Senate. Nor does the Korean Constitution permit the national electoral process to be controlled by state and local authorities (provinces), which is the practice in the United States – initially established in the U.S. Constitution to protect the institution of slavery. The practice of state and local electoral control continues to this day, corrupting the American electoral process and oftentimes disenfranchising American citizens. To the contrary, elections in Korea are conducted by a constitutionally- mandated national, non-partisan Election Management Committee.

Korea has the opportunity to conduct a credible national referendum on the National Initiative that would be conducted by the Election Management Committee, effectively circumventing the government. The campaign to enact the National Initiative would focus on educating the people about the concept of direct democracy and how it could improve the operation of governance to better reflect the will of the people. When a majority of Korean citizens are prepared to express their interest in voting on the National Initiative, as determined by a national poll, the Election Management Committee would be requested to schedule an election date.

If a majority of Korean citizens vote to enact the National Initiative, it essentially creates a people's legislative body – the Citizens Assembly -- but one without a building such as that which houses the National Assembly. Nor does the Citizens Assembly replace the National Assembly. A Citizens Trust is created to administer the legislative procedures on behalf of the citizens as they vote for or against the major issues that affect their lives. Since the Korean Constitution provides for a non-partisan Election Management Committee to conduct the elections of representative government, it makes sense to capitalize on the efficiency of mandating that the Election Management Committee's responsibilities be expanded to coordinate the scheduling and implementation of all initiative elections with the Citizens Trust.

A Rendezvous With Destiny

The people of South Korea have a rendezvous with destiny – not only because of the improvements they will make in their own system of governance, but because the Korean model of direct democracy will become the modern-day model of human governance for the peoples of all democracies.

The Citizens Assembly of South Korea will be watched and its legislative enactments studied by scholars, students and politicians. The Korean Citizens Assembly will become the standard for a new paradigm of human governance for the 21st century. Koreans will take their rightful place in the pantheon of history with the ancient Greeks and Romans, the Revolutionary American colonists, and the Swiss with their contribution to the advancement of civilization's human governance.

Conclusion

The sponsors of this conference have assembled here in Seoul the modern-day communication pioneers of direct democracy. Their worldwide reports and investigations inspire us all. I congratulate them and our sponsors on the vision for and the success of this conference.

It is with great respect for the knowledge and experience of the conferees that I offer the following suggestion. People the world over cry out for meaningful participation in government, i.e. their own self-governance. Perhaps the advocates of direct democracy should now move beyond education and observation of the concept to the actionable realm of legal enactment, by developing or possibly endorsing a specific legislative proposal such as or similar to the National Initiative that circumvents the roadblocks of representative governments around the world.
