

THE NATIONAL ASSEMBLY IN THE NEWLY DEMOCRATIZED KOREAN POLITY

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Abstract: This essay** discusses the Korean National Assembly's change of influence upon public policy since the Democratic Era. In the early phase of the current Era, the first half of the Thirteenth Assembly showed strong signs of policy activism. Later on, however, the legislature slipped back into a modest policy role. As with the Authoritarian Era, the Executive monopolizes the policy making process. Except for changes in constitutional provisions, party politics and legislative organizational features continue to prevent the Assembly from having a strong political voice.

INTRODUCTION

This paper discusses how the performance of the Korean National Assembly with respect to the formation of public policy has changed since the transition into democracy. Over the past decade, Korea has witnessed many competitive elections as its citizens were given more opportunities to participate in the political arena. Democratization has institutionally changed the political environment within the National Assembly. Previously, it was marked by being dominant and authoritative over areas like lawmaking, budget reviews, and legislative oversight. To what extent has the National Assembly departed from this old practice since the democratic transition? The following is an attempt to address this question by studying the difference legislature policy influences between the authoritarian Fifth and democratic Sixth Republics.

Before examining the National Assembly's activity in public policy, this paper first

investigates the conditions surrounding it. Discussed is the context in which the legislative institution finds itself, such as its place in history, the constitutional framework, and the country's political culture. This study also looks into the political parties that internally and externally affect the work of the legislature. In addition, the study briefly turns to the organizational features of the legislative delineating possibilities and drawbacks for the legislature to exert policy influence: typically, legislative members, committees, and staff resources. By highlighting these conditions, one gets a clues as to why the policy activity of the National Assembly has or has not varied over time.

CONDITIONS OF THE NATIONAL ASSEMBLY'S POLICY ACTIVITY

The Democratization of the Korean Polity: Historical Context

Since the inception of the First Republic in 1948, the South Korea government has been marked by political instability. Despite its

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** This is a revised version of the paper presented at the International Political Science Association XVIII World Congress, Quebec, August 1 ~ 5, 2000.

commitments to liberal principles, the First Republic soon degenerated back into authoritarianism as President Syngman Rhee arbitrarily wielded his political power. Rhee's flagrant rigging of the 1960 presidential election triggered student uprisings, which resulted in the downfall of the First Republic. During the Second Republic, Koreans briefly enjoyed democratic politics and a parliamentary form of government. But it was toppled by the military under General Park Chung Hee's command in May 1961. After ruling the country as the junta leader for two and a half years, Park was elected president of the Third Republic. In October 1972, President Park fortified his dictatorial rule by proclaiming martial law and instituting the Fourth Republic. In October 1979, Park was assassinated, which invited another round of military intervention led by General Chun Doo Hwan. Chun rose to the presidency of the Fifth Republic. Faced with massive demonstrations for democracy in June 1987, Chun conceded to popular demands, including the institution of direct popular presidential elections. With a new democratic constitution, the Sixth Republic was inaugurated in February 1988.

As shown in Table 1, this whirlwind of regime changes made the national legislature discontinue its institutional life or unexpectedly abridge its term on several occasions. For example, the Fourth Assembly was cut short due to the uprising in April 1960 and its ensuing constitutional revision. The Fifth Assembly was dissolved as a result of a military coup d'état in 1961. The Eighth Assembly underwent dissolution with the opening of the Fourth Republic under the name of *Yushin* [revitalizing] reform. The Tenth Assembly was forcibly closed by military intervention following President Park's death. And finally, the Twelfth Assembly came to an

early end amid the recent democratic transition.

Notwithstanding her turbulent past, Korea has moved toward a more democratic arrangement in the recent decade. Its official transition to democracy began on June 29, 1987 when Roh Tae Woo, the then presidential candidate of the ruling party appointed by President Chun, announced the restoration of democracy after enormous popular pressure. Shortly afterwards, political leaders from their respective parties began to debate the features of the new constitution. In December 1987, Roh was elected president by direct popular vote for the first time in 16 years. However, his victory was largely due to the fact that two prominent civilian leaders, Kim Young Sam and Kim Dae Jung, split the opposition vote. Kim Young Sam, who joined President Roh's ruling party in early 1990, won the 1992 presidential election, making him the first civilian president since the military intervention in 1961. In December 1997, Kim Dae Jung was elected after three years of unsuccessful campaigning. This marked the first peaceful alternation of presidential power.

Despite these achievements, however, Korea is still in need of democratic reform. Among the political elite, a clear understanding of the rules of the game remains shallow and uncertain. Some politicians want to change the present presidential system of government into a parliamentary one. There exists an on-going controversy over the revision of the National Assembly's current electoral system. Complaints regarding the prosecution's lack of political impartiality are often heard, and political donations from the business still disproportionately favor the ruling coalition against the opposition. Despite their commitment to democratic ideals, citizens are not much supportive of democracy-in-action and even have nostalgia for the authoritarian past

Table 1. A Chronology of the Korean National Assembly.

Republic	Regime Type	System of Government	Assembly Term
First	Authoritarian	Presidential Constituent	May 1948 ~ May 1950
		Second	May 1950 ~ May 1954
		Third	May 1954 ~ May 1958
		Fourth	May 1958 ~ July 1960 (curtailed to the student uprising)
Second	Democratic	Parliamentary Fifth	July 1960 ~ May 1961 (dissolved by the military coup)
Third	Authoritarian	Presidential Sixth	December 1963 ~ June 1967
		Seventh	July 1967 ~ June 1971
		Eighth	July 1971 ~ October 1972 (dissolved due to martial law)
Fourth	Authoritarian	Presidential Tenth	Ninth March 1973 ~ March 1979 March 1979 ~ October 1980 (dissolved by the military coup)
		Fifth	Authoritarian
Sixth	Democratic	Presidential Thirteenth	May 1988 ~ May 1992
		Fourteenth	June 1992 ~ May 1996
		Fifteenth	May 1996 ~ May 2000
		Sixteenth	May 2000 ~ present

due to the country's troubled economy. All in all, the Korean polity is currently a fledgling democracy that needs to be consolidated (See Shin and Diamond, 1999, pp. 1 ~ 42).

Political Culture and Legislative Support

Since the transition into democracy, Koreans have yet to develop a political culture where open competition and pragmatic bargaining is the norm. Significant values from the old Confucian tradition still persist, especially those for resolving conflict among equals, and the emphasis of the form or style of an action rather than its content. Consequently, politicians often show little concern of how substantive issues bear upon the daily lives of its citizens. Being more focused on abstract

principles and perfunctory propriety, legislative conflicts are not likely resolved through negotiated compromises(See C. L. Kim and Pai, 1981, pp. 5 ~ 22; C. L. Kim, 1988a; Park, 1993a).

Koreans seem supportive of democratic policies in the abstract. Even in the authoritarian era of the Fourth Republic, many wanted the National Assembly to actively aid the efforts of democratization. On the other hand, one can define legislative support in a more concrete way as the approval of the legislature existing at that specific point in time. This conception of legislative support is hardly discernible from that concerning the performance of the its proper functions. In this concrete version, only a minority of Koreans accorded their support to the National

Assembly in the authoritarian era (C. L. Kim and Pai, 1981, pp. 38, 251~294; C. L. Kim, Barkan, Turan, and Jewell, 1984, pp. 159~203).

Surveys about public perceptions of the National Assembly and its members in the democratic era suggest the following. During the early phase of democratization, Korean citizens developed high expectations about what the National Assembly could do in a new political environment. Koreans, carried sense of euphoria during the democratic transition, and revealed a more positive and supportive attitude toward the National Assembly than in the authoritarian past. However, this support became increasingly scarce as the people came to notice the serious gap between their expectations and the legislature's job performance. There occurred a sharp decline of legislative support particularly in the second half of the Thirteenth Assembly (K. Kim and Park, 1991, pp. 84~85). A survey administered in 1996 indicated that only three out of seven citizens were satisfied with the national legislature's performance (Shin and Van Der Slik, 1997, pp. 39~64).

Constitutional Change

The constitution of both the Fifth and Sixth Republics provided a presidential system of government. However, there is a striking difference between these two constitutions. More presidential power was given under the Fifth Republic constitution than the Sixth Republic. The military leadership imposed the Fifth Republic constitution, whereas the Sixth Republic constitution was negotiated among political parties. Based on its substantive content and adoption procedure, the Fifth Republic constitution was not democratic by any means, for the president clearly dominated the National Assembly. He had the right to

dissolve the National Assembly for national security reasons whenever he considered it necessary. In case of serious turmoil, the president could exercise its executive authority over the whole range of national affairs. The total annual number of days during which the National Assembly was in session was limited to one hundred and fifty. The constitution of the Sixth Republic, on the other hand, bestowed the National Assembly with a more stronger position: the president would not dissolve the National Assembly; there was no limit to the total number of days in session; and the National Assembly had the power to inspect all aspects of executive operations during every annual regular session.¹⁾

Nevertheless, one cannot say that the present constitution gives equal power to both the president and National Assembly. Unlike the United States prototype of presidentialism, the balance of power favors the president in Korean presidentialism. There are several constitutional constraints upon the national legislature in extending its regular or extraordinary session, in deliberating the national budget, and so on. During periods of serious turmoil, the president can exercise emergency powers bypassing the National Assembly, although these powers are more limited in the constitutional text than was previously.

Political Parties and Inter-Party Dynamics

Korean political parties typically rally behind leaders with charismatic personalities in order

1) The Korean National Assembly meets either in the regular or extraordinary(special) session. The regular session opens annually on September 10 or the next day if the day is a holiday. The duration of this session may not exceed one hundred days. An extraordinary session may be convened at the request of the president or at least one fourth of the total membership. Its duration is limited up to thirty days.

to maintain their political vigor. As *chaebol* conglomerates are known by their owner's name, so too are political parties: the nation's president for the ruling party, and charismatic or popular leaders for the opposition party. Although factions may exist within parties, they are often overcome by the power and influence of the leaders. Indeed, the fate of the whole party, including a split or a formation of a new party, rests upon the actions and decisions of these leaders. Consequently, parties without strong focal leaders are fragile and likely to fall apart.

Political parties do not display much change in either their ideology or policy direction. The political parties represented in the National Assembly are either centrist or conservative, since the ideological horizon of Korean politics have been substantially lowered since the partition of the Korean peninsula. Progressive parties are hardly viable in a political arrangement built around existing parties and established politicians. Politicians with progressive leanings gain access to the national legislature only through the conduit of existing parties.

During the authoritarian era, the ruling and opposing parties were divided over the issue of industrialization and democratization. Since the democratic era, this debate lost much of its vigor as no other major ideology or policy has crystallized in its stead. Of course, as with some policy issues, existing parties may claim different positions even within a narrow ideological spectrum. But no party has fully and consistently transposed its expressed ideological stance into a concrete policy program. A party's crucial electoral base is the native region of its leader. Needless to say, the word "regionalism" succinctly describes Korean party politics.

The emphasis placed on individuals and the lack of ideological distinction help explain the

instability of the Korean party system. Parties are not grounded in anything outside prominent political leaders. Members of the National Assembly determine their party affiliation according to their relations with the leaders. The ever-shifting parties, none of which lasts long enough for a voter to develop political attachment, confuse ordinary citizens in such a way that many are now disillusioned with the existing parties.

In the Thirteenth Assembly election, after the transition into democracy, the president's party failed to gain the majority for the first time in Korea's legislative politics, causing the National Assembly to split to four parties (Park, 1988c; H. N. Kim, 1989). This kind of "divided government" generated an opportunity to develop the politics of coalition building among multiple parties. The National Assembly in the democratic era became more assertive, independent, and vigorous than in the authoritarian past. For example, in the first half of the Thirteenth Assembly, three opposition parties together had the power to reject some important presidential proposals in the legislature. However, in early 1990, the ruling Democratic Justice Party, having found it both time-consuming and difficult to build working majorities, merged with two opposition parties to form the Democratic Liberal Party. The mammoth ruling party would command over a two-thirds majority. In the second half of the Thirteenth Assembly, the ruling party railroaded executive proposals in the legislature.

During the Fourteenth and Fifteenth Assembly elections, the president's party (the Democratic Liberal Party and its successor New Korea Party, respectively) was also unable to obtain a majority of legislative seats (Lee, 1994; Park, 1993b; Leuthold, 1997). But after these elections, the ruling party drew in legislative members from opposition and inde-

pendent parties, eventually elevating themselves to majority status. Kim Dae Jung rose to the presidency in the second year of the Fifteenth Assembly. At that time, President Kim's National Congress for New Politics, a former opposition party, could not command a legislative majority, even after they merged with their junior coalition partner, the United Liberal Democrats. Again, there emerged a possibility of the power balance between the executive and legislative branch. But this possibility vanished when the two parties in the ruling coalition gradually recruited some legislative members from the other side of the aisle and finally attained a combined majority status. Though the largest party, the Grand National Party, formerly the ruling New Korea Party, remained a minority in the second half of the Fifteenth Assembly.

The Sixteenth Assembly election held on April 13, 2000 was a semblance of a two-party system in which no single party took the majority of legislative seats. The opposition Grand National Party finished first, but four seats short of a simple majority. President Kim Dae Jung's party, which changed its name from the National Congress for New Politics to the New Millennium Democratic Party less than three months before the election, gained the second largest share of the seats. The United Liberal Democrats, previously a junior partner in the ruling coalition, finished a distant third, winning less than 20 seats. By National Assembly law, this party is unable to form its own legislative party group. Even when the president's party could team up again with the United Liberal Democrats, the ruling coalition could not make the legislative majority. Since the beginning of the Sixteenth Assembly, whenever a major issue came up for decision, the ruling coalition and the main opposition party would compete to woo the support from a

small number of legislative members unaffiliated with either side.

In both the authoritarian and democratic eras, the strong exercise of party discipline is the norm in the legislative process. Legislative members run the risk of party expulsion if they dare to defy party lines on major issues (C. L. Kim, 1988a; C. L. Kim and Kim, 1995). Such coercion, especially that of the ruling party, bridles legislative members and the influence that the National Assembly has on public policy. The power to nominate a candidate exclusively rests with the party's leader, making a member's loyalty to partisan politics a condition for renomination. The party's financial and organizational support is also crucial for his electoral campaigns and for constituency representational activities (Park, 1988a and 1988b). Moreover, a legislative member loyalty to party leaders can be rewarded for legislative work. For instance, the party whip may assign the member to a preferred standing committee.

The intensity of partisan politics within the National Assembly prevented any possibility of cross-party accommodation and cooperation. There have, for example, been numerous skirmishes waged on the floor, only to result in a legislative deadlock or unilateral domination (Park, 1993a; Kang, 1988). In the Twelfth Assembly of the Fifth Republic, for example, much energy was spent on arguing over whether to rewrite the constitution. The second half of the Thirteenth Assembly also ended in a stalemate over major partisan issues. The Fourteenth Assembly did not proceed smoothly either. In the regular session of 1994, the political tension involved in the issue of prosecuting those involved in the 1979 military takeover prevented the legislature from properly deliberating the budget proposal.

The Fifteenth Assembly was also notoriously

inefficient because of severe inter-party tensions. In March 1998, when President Kim Dae Jung asked the National Assembly to approve his nomination of Kim Jong Pil as the Prime Minister, the opposing majority Grand National Party attempted to overturn it. The vote was abruptly interrupted and remained open-ended for several months until the parties could agree over the balloting procedure. In the middle of 1998, the ruling coalition intentionally made the national legislature dormant for three months without knowing who the next speaker, vice speakers and committee chairs would be. In the meantime, the ruling coalition transformed its former minority status into a majority one by recruiting opposing legislative members. In protest, the opposition boycotted the legislative session and took to the street. A series of controversial issues went unresolved, such as the prosecution's attempt to arrest an opposing legislative member on charges of illegally raising campaign funds in the last presidential race, the government's alleged spying on legislative members, and the ruling coalition's unilateral passage of some major legislative measures. One impasse after another prevented the Fifteenth Assembly from effectively exercising its policy influence.

Legislative Members, Committees, and Staff Resources

Legislatures with significant policy influence have a high turnover rate, measured by the percentage of freshmen members (Mezey, 1979, pp. 249~251). Membership stability is likely to indicate the policy expertise within the legislative body. The military leadership of the Fifth Republic barred most existing politicians from running for the Eleventh Assembly, which raised the percentage of first-term legislative members to seventy-nine percent of

the total membership. In the wake of the abolishment of the political ban, the comparable figure dropped to thirty-nine percent in the Twelfth Assembly. With the democratic opening of the Sixth Republic, the percentage in the Thirteenth Assembly increased again to fifty-five percent. It went down to forty-one percent for the Fourteenth Assembly, showed a slight increase for the present Fifteenth Assembly (forty-six percent), but then decreased down to forty-one percent for the Sixteenth Assembly. One can argue that legislative members were and are, on the whole, not much experienced in legislative work.

The committee system has yet to take firm root in the deliberative process for the National Assembly. Although an elaborate system of specialized committees exists, it does not function as originally intended. Committee deliberations over important matters are highly amenable to partisan skirmishes. Missing are major characteristics of committees in a legislature with robust policy influence, such as a sense of corporate identity, a high level of expertise, and the practice of in-depth review (Park, 1998b).

Staff resources for legislative work have increased steadily, but they are not adequate enough to help legislative members exercise their policy leverage. For instance, the total number of committee staffers was 73 for the Eleventh Assembly, 84 for the Twelfth Assembly, 134 for the Thirteenth Assembly, and 136 for the Fourteenth Assembly. Currently, the size of personal staff available to each legislative member is six, three of which can provide the member with policy assistance. Also, there are a dozen policy specialists for each legislative party group. In addition, there exist support agencies, such as the Office of Legislative Research and Analysis, and the Office of Legislation and Budget.

THE POLICY ACTIVITY OF THE NATIONAL ASSEMBLY

Lawmaking

The executive branch as well as members of the National Assembly can introduce legislative bills. The latter type of legislative proposals are called government bills. Table 2 shows that the average number of bills introduced in a given year was 122 in the Eleventh Assembly and 126 in the Twelfth Assembly. These figures almost doubled in the Thirteenth and Fourteenth Assemblies (235 and 225 bills, respectively), and has roughly quadrupled in the Fifteenth Assembly (488 bills). This sharp increase points to the needs of the legislature with its increasingly demanding workload. It may also result from a growing necessity for specialized laws and proliferating popular demands for government actions [I do not understand this phrase] in a newly emerging democratic regime. However, the remarkable surge in the number of introduced bills is mainly due to the economic structural adjustment and reform initiated by the Kim Dae Jung government. At the very least, one should not correlate the increasing number of proposals to a strong and active National

Assembly *vis-a-vis* the executive branch.

The percentage of member bills among the total bills introduced is sometimes used to measure the initiative of legislative members relative to the executive branch. A relevant question to be raised in this analysis is whether legislative members are more active in the democratic era than in the authoritarian era. The portion of member bills was 41.3% in the Eleventh Assembly, and 55.7% in the Twelfth Assembly. The comparable figure for the Thirteenth, Fourteenth, and Fifteenth Assemblies was 60.7%, 35.5%, and 58.6%, respectively. This reveals that the regime's democratization has no consistent effect upon the initiative pattern of the legislative members.

The executive branch takes the initiative to draft legislative proposals to a greater extent than that suggested by the figures above. This is because legislative members of the ruling party also introduce bills prepared by the executive branch. "Reform measures," such as public official ethical laws and election laws were enacted in the Fourteenth Assembly. This Assembly even made a special law to prosecute those involved in the military coup d'etat and the Kwangju Uprising, along with two former presidents. Actually, most of these bills were initiated and prepared by presidential aides,

Table 2. Number of Bills Introduced. N(%)

Bill Introduction	Fifth Republic Assembly		Sixth Republic Assembly		
	Eleventh	Twelfth	Thirteenth	Fourteenth	Fifteenth
Member	202 (41.3)	211 (55.7)	570 (60.7)	321 (35.6)	1144 (58.6)
Government	287 (58.7)	168 (44.3)	368 (39.3)	581 (64.4)	807 (41.4)
Total	489 (100.0)	379 (100.0)	938 (100.0)	902 (100.0)	1951 (100.0)
Number of bills introduced per year	122	126	235	226	488

Source : The Secretariat of the Korean National Assembly, *Compiled Materials on the National Assembly*, 1995, p. 386; *Report on the Proceedings of the 14th National Assembly*, 1997, p. 171; and <http://www.assembly.go.kr> [all sources in Korean]

and then delivered to the ruling party's legislative members for their formal introduction.

The extent to which the legislative branch influences the executive office depends upon the latter's ability to determine its own legislative agenda. As it stands, the National Assembly is fundamentally unable to control the agenda for reviewing government bills. It has been an established tradition that government bills are introduced mainly during the annual regular session. In 1993, for instance, about eighty-two percent of the total bills were introduced during the regular session or immediately before its opening (The Committee on Institutional Improvements, Korean National Assembly, 1994, p. 269). This suggests that the legislature has limited control over its own legislative agenda by the government.

The success rate of introduced bills is a helpful way to measure the legislature's policy influence. Table 3 indicates that the passage rate of government bills in the democratic era is on the whole lower than that of the authoritarian era. Even still, approximately 79% of government bills were adopted in this legislature. By contrast, the highest passage rate of member bills was only about 41% in the Eleventh Assembly. These figures bespeak of the continued dominance that the executive holds in the democratic era.

The legislature's ability to modify government bills is also indicative of its policy influence through lawmaking. In the National Assembly, the term 'bill amendment' mainly refers to changes in the bill's title or text in accordance with legal formalities, along with other minor adjustments. However, the backbone of an executive proposal remains intact regardless of such amendments. Moreover, the National Assembly does not allot sufficient time to add significant amendments to a bill. Committee and floor procedures for legislation proceed too hastily. For example, the average time elapsed between a bill's introduction and its final passage was seventy-four days in the Eleventh Assembly; eighty in the Twelfth Assembly; forty five in the Thirteenth Assembly; sixty one in the Fourteenth Assembly; and forty nine in the Fifteenth Assembly (See the Committee on Institutional Improvements, Korean National Assembly, 1994, p. 94; K. Kim, 2000, p. 40). Curiously enough, the legislature in the democratic era has a heavier work load than in the authoritarian era. The actual time of deliberation at committee and plenary meetings is likely to be a small portion of the elapsed time: from a few hours to even a few minutes. The National Assembly is often cuts short deliberation as many bills are decided upon at the end of the session. The National Assembly's

Table 3. Number of Bills Passed.

N(%^a)

Bill Introduction	Fifth Republic Assembly		Sixth Republic Assembly		
	Eleventh	Twelfth	Thirteenth	Fourteenth	Fifteenth
Member	83 (41.1)	66 (31.3)	171 (30.0)	119 (37.2)	461 (40.3)
Government	257 (89.5)	156 (92.9)	321 (87.2)	537 (92.4)	659 (81.7)
Total	340 (71.4)	222 (58.6)	492 (52.5)	656 (72.8)	1120 (57.4)

Source : The Secretariat of the Korean National Assembly, *Compiled Materials on the National Assembly*, 1995, p. 387; *Report on the Proceedings of the 14th National Assembly*, 1997, p. 171; and <http://www.assembly.go.kr> [all sources in Korean]

^a The percentages in parentheses are computed based on the number of bills proposed in each category.

inability to reject bills passed by the executive strongly comes out when the president's party or coalition rams a bill through with a snap vote, dubbed *nalch'igi t'onggwa* (snatching the passage of a proposal). In case an important bill supported by the president is strongly opposed by the minority, the president's majority party or coalition often ignores the legal procedure for passing bills. The speaker or other presiding officer loyal to the president curtails questions and debates even when objections are raised in order to railroad the bill through floor votes. This kind of practice has continued in the democratic era except for the first half of the Thirteenth Assembly. During the first half of the Fifteenth Assembly, two controversial bills, one concerned with labor rights and the other with the National Security Planning Agency (later, the National Intelligence Service), exemplified *nalch'igi t'onggwa*. Although both bills were rejected by the opposing parties, in early morning hour of December 26, 1996, the legislative members of the ruling New Korea Party sneaked into the National Assembly building and rushed through the bills in accordance with Kim Young Sam's directive.

More recently, on January 6, 1999, President Kim Dae Jung's ruling coalition unilaterally rammed 66 legislative measures through as the opposing Grand National Party unsuccessfully attempted to block the voting procedure. A motion for granting consent to the Korea-Japan fisheries accord, the teachers' union bill, and economic reform bills was given. On the next day, the ruling majority coalition broke through the opposition's blockade to pass its plan for the upcoming investigative hearing on the former government's economic mismanagement, along with four other bills. Again, on May 4, 1999, amid a bruising scuffle between the legislative members of opposing parties on

the floor, the vice speaker affiliated with the ruling coalition managed to pass the government reorganization bill plus four other controversial bills in just minutes.

Under the constitutional system, the relationship between the president and the legislative branch can be understood in terms of the vetoing power of the president. In the authoritarian Fifth Republic, the president never found it necessary to exercise his vetoing power. In the current Sixth Republic, the presidential veto was used only during the first half of the Thirteenth Assembly (when it was exercised seven times). At that time, the combined opposition majority passed important legislative bills through the legislature against the president's will. What is meant by the lack of presidential veto in the Fifth Republic and most of the Sixth Republic? Certainly, it does not point to mutual cooperation between the president and the legislature as equal partners. But it rather implies the legislature's docile subordination to the executive.

Has there been any change in the interaction between legislative members and interest groups? In the regime where the norm of executive dominance was strong, interest groups strove to approach and influence the executive branch, including the president, and other high-level officials (See Yoon, 1975). On legislative side, however, it was suggested that they seldom came into contact with interest group representatives for legislative work (C. L. Kim and Pai, 1981, p. 155).

Evidence indicates that legislative lobbying has gained some popularity in the democratic era. Immediately after the transition into democracy, former government officials who had been discharged forcedly by the military in 1980 organized themselves and petitioned to the National Assembly to receive government

compensation. In response, the first half of the Thirteenth Assembly, swayed by the opposition majority, met their requests through law. Although the president initially vetoed the bill, it was eventually signed into law after the legislature passed a modified version (J. Kim, 1989). After the democratic transition, the role for legislative lobbying has expanded despite the tendency of the executive branch to dominate the policy process (Y. R. Kim, 1992).

Budget Review

The National Assembly should approve the government's budget proposal prior to its execution. In the course of its examination, the National Assembly set committee review procedures into operation after hearing the budget statement from the executive branch during the plenary session. Each standing committee examines the portion of the budget that concerns their jurisdictional counterpart in the executive branch. At the next stage, the special committee on budget and accounts embarks on an overall examination. After the special committee on budget and accounts adopts a modified budget proposal, it is then reported back to the plenary session for final approval.

The final modifications made by the National Assembly in the original budget proposal are strictly bounded. In both the Fifth and Sixth Republics, changes have come within just one percent of the original proposal, with the exception of the 1990 fiscal year budget. Prior to the Fifth Republic, the last time that the legislature altered the budget proposal by more than one percent was the calendar year of 1974 or the fiscal year of 1975. The legislature is such a passive reviewing body that its budgetary power cannot be a valuable bargaining chip when dealing with executive agencies.

There is no major discernible change in the

National Assembly's budget review between the authoritarian and democratic eras. The legislature's budget review continues to be limited in many important ways. First, the time schedule remains much the same and hardly conducive to a thoroughgoing review. A standing committee's preliminary review lasts five or six days. The overall review of the budget and accounts committee is conducted within two weeks at most. Second, there is a significant constitutional constraint on the deliberation procedures of the National Assembly. If the legislature wants to increase the amount of any item of expenditure or create any new item in the budget, it must obtain the consent of the executive branch in advance. Third, the National Assembly law itself is also restrictive in this regard. A motion for amending the budget proposal in the plenary session requires support by at least fifty members. Furthermore, the budget for the National Intelligence Service²⁾ is only subject to the preliminary review by the intelligence committee in a closed session. It bypasses a comprehensive review by the budget and accounts committee. Last, until the beginning of the Sixteenth Assembly, the budget and accounts committee worked as a temporary special committee that had changed its membership every year and did not deal with fiscal matters on a continual basis.

Legislative members themselves are fully aware that the National Assembly exercises little control over the budget. Members both in the ruling and opposing parties lobby the executive branch to make budget funds available to their district projects during the hot summer days when the Finance and Economy

2) The agency has changed its names twice. It was originally the Central Intelligence Agency, later the National Security Planning Agency, and finally carries the current name.

Ministry prepares for the budget proposal to be submitted to the legislature. (*Chosun Ilbo*, November 2, 1996) In fact, it is well known that legislative members frequently seek favors from bureaucrats outside the deliberative process. Legislative members intercede with the bureaucracy by paying personal visits or making phone calls in order to provide particularized services to individual constituents. In so doing, they try to influence the allocation of scarce governmental resources to better their districts (C. L. Kim and Pai, 1981, pp. 186~217; Kim, Barkan, Turan, and Jewell, 1984, p. 128; Park, 1988a and 1988b).

Legislative Oversight and Control of the Bureaucracy

The National Assembly is constitutionally provided with various means of legislative oversight and control, which includes an annual inspection, specially arranged investigations, and interpellation for questioning ministers either orally or in writing.

Annual Inspection. At the outset of the regular session, the National Assembly set aside a period of twenty days or less for government operation inspections. Each standing committee oversees government ministries or agencies under its jurisdiction. Inspections are conducted in committee rooms or on the site at agencies or other places visited by legislative members. The National Assembly had once lost this inspection power during the authoritarian Fourth and Fifth Republics, but has regained it from the democratic transition.

Based on its substance, legislative inspections can be divided into two types: One is the "policy-oriented" inspection (*chungch'aek kamsa*), while the other is the "politics-dominated" inspection (*chungch'i kamsa*). The former focuses on the analysis and evaluation of

policies, aiming at identifying and solving policy-related problems. Here, legislative members draw upon obtained documents as well as their own expertise to apply objective standards of efficiency and instrumental rationality. The latter, on the other hand, is concerned with the question of right and wrong with respect to a given political issue, leading to the exposure of irregularities and accountability problems. In such an inspection, legislative members are highly sensitive to public opinion. They apply "the logic of politics" and seek partisan interests. During the early phase of the democratic era, in the late 1980's and early 1990's, annual inspections were to a large extent politics-dominated. But later inspections have become increasingly policy-oriented (H. Kim, 1996, pp. 27~30).

There are multi-faceted shortcomings and drawbacks in the effectiveness of the National Assembly's annual inspections. The following are typical problems arising from the incapacity of legislative members to organize and operate their inspections (H. Kim, 1996; and Park and Lim, 1996, p. 85).

The committees for inspection every year choose too many agencies. Some agencies are subject to inspection by multiple committees in the same year. Others are only superficially inspected. Still others undergo no inspection even after they have been selected for the inspection purpose. Legislative members demand agencies to submit irrelevant documents in unreasonably large quantities. For information indispensable to inspection, they rely on administrative agencies more than on their personal staff or other legislative support personnel. Administrative agencies and bureaucrats are reluctant to disclose their information to the public. Information asymmetry is serious between legislative members and bureaucrats.

Too many witnesses are summoned. Legisla-

tive members do not call witnesses selectively to take evidence, but blindly choose blocks of bureaucrats, including agency heads. Most witnesses are questioned perfunctorily. There are several cases in which some witnesses' testimonies are canceled after they have been chosen.

During the inspection, legislative members behave inappropriately. They question in an authoritarian manner. Their questions are wide off the mark, and reveal the lack of expertise. They raise questions without basic research and on rumors' grounds. They seek their own visibility excessively, and also put too much emphasis on their own partisan or district interests. They are obsessed with exposing irregularities. They fail to check up bureaucrats' follow-up action to correct problems revealed in past inspections.

On the other hand, there are also problems with the behavioral patterns of the bureaucrats. The bureaucrats under inspection are said to be unresponsive to documentation queries made by legislative members and any questions they may have to complete their investigation. Furthermore, administrative agencies are slow to respond to proposals given to rectify past malfeasance and inaction pointed out during the inspection and taking further appropriate measures(H. Kim, 1996, pp. 42 ~ 43).

The problems associated with these inspections reveal the deficient oversight that the legislative members have over the bureaucracy. The standard view of bureaucratic dominance over legislative dominance in the authoritarian era still prevails in this democratic era. Administrative agencies are not responsive to the national legislature. Bureaucrats seem to be responsive only to the president with his strong and highly centralized decision-making power.

Special Investigation. The National Assembly is also empowered to investigate specific

matters. The legislature may have either a standing or special committee to conduct such investigations. One-third or more(later, in the Sixteenth Assembly, a quarter or more) of the total membership must request this investigation, but the plan to carry it out must be approved in advance by a simple majority in the plenary session. The investigative hearing may be held as a way of obtaining evidence and testimony. The National Assembly's right to special investigation was not taken away in the authoritarian Fifth Republic, but never exercised at that time. In the Eleventh Assembly, the opposition submitted eleven motions for legislative investigations, but was overruled mainly by the then ruling Democratic Justice Party. The Thirteenth Assembly of the democratic Sixth Republic was most active in performing legislative investigations in its first half. The legislature launched a series of probes into the brutal crackdown of the Kwangju Uprising, one of the most egregious abuses of state power, and the wrongdoing under the rule of President Chun. This former president could not escape from testifying before a hearing panel organized jointly by two special investigative committees. In the Fourteenth Assembly, three investigations were launched about corruption practices and one more regarding the collapse of a large department store building. But no single investigative hearing was held as part of the probing activities, and in two of the four cases the investigation could not be completed due to inter-party disputes.

The National Assembly's ability to conduct investigations depends upon the political climate. During most of the Fourteenth Assembly, when President Kim Young Sam enjoyed a high degree of popularity and a tight grip on the ruling party, the incumbent government was not subject to any serious investigations. When public opinion is positive, the chances

that the National Assembly will conduct legislative investigations are slim.

In early 1997, a major financial scandal surrounding the *Hanbo* business group broke out. Coupled with the passage of two controversial bills late in 1996, the popularity of the president plummeted. Political parties agreed to organize a temporary special committee to investigate the scandal during the first half of the Fifteenth Assembly. The committee held a chain of investigative hearings that not only reached an incumbent cabinet minister, a presidential aide, and senior politicians but also escalated to the president's second son with bribery charges. This kind of investigative activity, never attempted in the authoritarian era and hardly so in the normal years of this democratic era, suggests that the legislature can challenge the president when the political tide is strongly against his favor.

Although the National Assembly's investigative hearings serve as a forum for executive accountability, they have not yet borne enough fruit to dispel public suspicion about the matter under investigation. Two investigations pursued in the second half of the Fifteenth Assembly illustrate this point well. In the so-called "furgate" or "boutique" scandal, a business tycoon was imprisoned on charges of smuggling large sums of U. S. dollars abroad and embezzling company funds. In an attempt to save him from criminal prosecution, the wife of the minister for national unification affairs allegedly asked the businessman's wife to pay for furs for the justice minister's wife. The prosecution's hasty investigation could not clear public suspicions about this matter, and so the legislation and judiciary committee of the National Assembly conducted a series of hearings. Key female witnesses involved in this scandal made contradicting testimonies covered live on television. As expected, the investiga-

tion was hardly able to get to the truth.³⁾ Another scandal involved the former head of the public security department, the supreme prosecutors' office. He was indicted on charges of instigating a labor strike at the Korea Minting and Securities Printing Corporation in order to take credit for cracking down on the illegal strike and facilitating the corporation's restructuring efforts. Although the National Assembly organized a special hearing panel, it again failed to dissipate public misgivings.

Legislative members experienced difficulties obtaining evidence and having access to important documents. They handled witnesses who evaded unfavorable testimonies or who committed perjury in the fear of prosecution with limited skills. Temporary sensationalism surged with legislative investigation, which produced no changes in executive decision-making and implementation. Criticism of the National Assembly's unsuccessful investigations finally led the legislature to pass the independent counsel law demanded by the opposition in the second half of the Fifteenth Assembly.

Interpellation. The plenary session may request the presence of the prime minister, ministers, or other government representatives for interpellation, a procedure through which a legislative body subpoenas the government to account for its actions. The legislative member, who wishes to question a minister or government representative, submits in advance a summary of questions and the length of the time needed to the speaker. The speaker then transmits the summary to the government at least forty-eight hours prior to the interpellation. The speaker is also responsible for, in consultation with floor leaders, deciding the

3) Later, this scandal led to the justice minister's dismissal and arrest.

length of the interpellation period, the number of interpellators in each party group, and their order in which they will be questioned. From the Eleventh Assembly to the first half of the Fourteenth Assembly, an interpellator was normally given no more than thirty minutes. But since the second half of the Fourteenth Assembly the time limit for an interpellating speech has been set to fifteen minutes. In addition, the legislative member may submit written questions to the government through the speaker.

In the democratic Sixth Republic, both ordinary people and legislative members enjoy greater freedom to freely speak about politically sensitive matters than in the previous authoritarian regime. On paper, the constitution of the Fifth Republic guaranteed legislative members protection of parliamentary privileges and immunities, such as the exemption of legal accountability for their opinions officially expressed in the legislature. However, in reality there existed unwritten taboos, called *söngyök*, not to be spoken out in the legislature. These referred to critical remarks about the existing constitutional order, about the behavior of the president and his extended family, and about the president's major policies (C. L. Kim, 1988a). In the Twelfth Assembly, an opposition legislative member was arrested because of his speech criticizing President Chun's authoritarian regime during the interpellation hours. To dodge any controversy, the prosecution technically indicted him on charges of distributing materials containing anti-state remarks to reporters prior to his speech made in the legislature. By contrast, in the Sixth Republic, legislative members are not prohibited freely expressing their opinions concerning any topic in the legislature. This leads one to expect the interpellation can be used a forum for executive accountability.

Despite the member's greater freedom of speech, it is hard to say that floor interpellation really serves its intended purpose. Legislative members rarely raise concise and genuine questions. Some legislative members, forgetting their "proper" role as lawmakers, ask their cabinet minister if he or she has any intention to make such and such laws. There is much doubt as to whether legislative questions will ensure proper executive accountability for policy actions or contribute to the information base upon which they exert a policy influence. On the part of cabinet ministers, they do not seem to provide sincere answers to the questions raised. Interpellation remains tedious, unmoving, and no more than a faint warning against executive mismanagement.

CONCLUSION

With respect to the National Assembly's policy influence, two conflicting images emerge. One image is built upon the long years of authoritarianism and has a lasting impact upon or society today. This portrays the legislature as a weak and marginal policy actor with no policy initiative. Its policy deliberation is perfunctory, superficial and limited in nature. The modification of major executive proposals are not often made, let alone the rejection of such proposals. In brief, the legislature is unable to exercise policy influence independent of the executive. The other image is that of a significant and relatively strong policy actor. The legislature is able to react to the executive's policy initiative. In the process of deliberation, it represents diverse opinions and interests, altering important executive proposals in a meaningful way, and at times rejects them altogether. It may play a secondary policy-making role relative to the executive, but

shows considerable institutional and functional autonomy. This image is a future-oriented one that has emerged in the newly democratized context, but still remains fragile and shaky.

During the early phase of the democratic era, a shift from the old image to a new one seemed certain. In the first two years of the Thirteenth Assembly, the president's party was in the position of the legislative minority and was often overwhelmed by the legislative initiatives made by opposition legislative members. At that time, the legislative arena began to gain an increasing importance as an access point for interest groups. Owing to the newly provided constitutional powers, the National Assembly could show an appreciable sign of activism and legislative oversight. Although these new practices have created an alternative image of legislative power, it has yet to become prevalent in the minds of the people. From the second half of the Thirteenth Assembly on, the legislature has increasingly become relegated to a modest policy actor. The image of the national legislature overshadowed by the executive has turned out to be perennial and predominant. Change is short-lived, but continuity is long lasting in Korean legislative politics.

Why is the National Assembly hesitant about becoming a stronger policy actor than it was in the authoritarian past? This question begs one to look at continuity and change in the conditions impinging upon the legislature's policy influence. The current constitution has set the National Assembly free from the shackles placed by the previous authoritarian regime, and provided it with appropriate means of checking presidential and executive agencies. When it comes to the realities of party politics, however, tenacious old practices die hard. Political parties are not accustomed to making compromises. Party discipline, especially in a party on the ruling side, never ceases to be

strict and demanding. Even in the democratic era, the president and his close aides direct the ruling majority's floor strategies for major bills or other important matters on the legislative agenda. Partisan conflict inhibits the National Assembly from collectively exercising policy influence. The legislative organizational characteristics also show deficiencies in the maintenance of institutional autonomy in relations with the executive branch. The National Assembly lack skilled and experienced members of the old guard when dealing with the president and other high-level officials. The committee system has not taken its root firmly in the legislative process. Specialized staff service remains scantily available to the legislature and its members. Except for constitutional change, all other key conditions remain unfavorable to the strengthening of legislative influence even in the democratic era.

This essay does not toll a bell at the death of the emerging image of National Assembly policy activity. The image of the national legislature as a robust policy actor still lingers around. But it remains feeble and largely irrelevant to the grim actualities of Korean legislative politics. This is why the unceasing search for legislative reform is needed.

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