

[ADRN Issue Briefing]

Direct Democracy: Changing Contexts and Trends in Asia

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Introduction

Direct democracy includes people's initiatives, referendums, and plebiscites where citizens vote on specific policies instead of electing candidates. Some scholars limit the scope of direct democracy to mechanisms where secret balloting is conducted.¹ However, others acknowledge citizen assemblies and public participation in government planning and budgeting as equally important forms of direct democracy.^{2,3,4}

In a new set of studies conducted under the Asia Democracy Research Network, the broader view of direct democracy—one that encompasses both referendums, recall votes for elected officials, and citizen participation in the budget process—was used to examine the nature and characteristics of direct democracy in seven Asian nations. Each country study explored existing direct democracy mechanisms and the contexts that shaped their emergence. The key mechanisms identified in the studies were referendums, recall of public officials, and people's initiatives. The various authors examined the claims for or against these mechanisms, and identified the actors, demographics, and levels of government involved in their implementation. They also explored the effectiveness of direct democracy mechanisms in fostering reform and improving the overall quality of democracy. Finally, they provided overviews of the new trends, including the use of digital technology, that are emerging in the exercise of direct democracy.

¹ David Altman and Clemente T. Sánchez. 2021. "Citizens at the Polls Direct Democracy in the World, 2020." *Taiwan Journal of Democracy*, 17(2).

² Adalmir Marquetti, Carlos E. Schonerwald da Silva, and Al Campbell. 2012. "Participatory economic democracy in action: Participatory budgeting in Porto Alegre, 1989–2004." *Review of Radical Political Economics*, 44(1), 62-81.

³ Yves Cabannes. 2015. "The impact of participatory budgeting on basic services: municipal practices and evidence from the field." *Environment and Urbanization*, 27(1), 257-284.

⁴ Marilyn Marks Rubin and Carol Ebdon. 2020. "Participatory budgeting: direct democracy in action." *Chinese Public Administration Review*, 11(1), 1-5.

Referendums, Recalls, and Petitions

The evolution of direct democracy in Asia can be better understood by looking at the underlying historical context. For instance, the rise of vote-based direct democratic mechanisms can be linked to the international surge of democratization in the 1980s and 1990s.⁵ The Philippines provides an interesting case of instituting direct democracy mechanisms after the removal of an authoritarian government in 1986, as I discuss in my own paper, “Direct Democracy in the Philippines.”⁶ In the Philippines, a new Constitution providing the framework for democratic governance was passed in 1987. Among its key provisions was the people’s initiative, which is one of the modes for amending the Constitution. A people’s initiative requires a petition of at least twelve percent of the total voters registered under the Commission on Elections, among which every legislative district must be represented by at least three per cent of that district’s registered voters.

The Philippine Initiative and Referendum Act of 1989 is an enabling act allowing voters to directly initiate the passage of new laws and to call for national and local referendums. The 2019 plebiscite on Bangsamoro autonomy and the 2021 referendum on the partition of the Palawan province are two recent examples of Philippine direct democracy. These exercises were undertaken to obtain consent from local residents to create a new region, in the case of the Bangsamoro plebiscite, and to get the people’s approval to divide a province, in the case of the Palawan referendum.

The people’s initiative is a mechanism that allows voters to petition the Philippine government to place new policy proposals on the ballot. One such example is the 2014 People’s Initiative Against Pork Barrel (PIAP). In a 2013 political scandal, legislators and officials from national agencies were implicated in the misuse of the Priority Development Assistance Fund (PDAF), a lump-sum discretionary fund allocated to each member of Congress to make spending decisions on priority government projects. The alleged corruption triggered the One Million People’s March and other protest actions. Under the 2014 PIAP’s proposed Pork Barrel Abolition Act, all budgets submitted to Congress would contain only itemized appropriations, except funds for relief and rescue operations during disasters and funds for intelligence work and security. However, this citizen-led initiative did not succeed, as it failed to collect the required number of signatures from voters.

In Thawilwadee Bureekul, Ratchawadee Sangmahamad, and Arithat Bunthueng’s paper, “Direct Democracy in Thailand,” they discuss how the referendum has been used in Thailand to get the people’s approval on changes to the Constitution, including those made in 2007 and the most recent revisions drafted in 2016.⁷ Issues surrounding the Constitution were not fully discussed prior to the 2016 referendum, as the military government curtailed debates and stifled any form of opposition against the proposed charter. When the referendum was held, 61 percent of voters chose to ratify the new Constitution. Under the new constitution, which was officially promulgated in 2017, the prime minister does not need to be an elected member of the House, and would be chosen by the full Parliament, including the 250 members of the Senate who are appointed by the military. That said, the current constitution also provides for a system of people’s initiatives to recommend legislation and recall elected officials. Under this institutional arrangement, at least 10,000 signatures are needed

⁵ Norbert Kersting and Max Grömping. 2022. “Direct democracy integrity and the 2017 constitutional referendum in Turkey: a new research instrument.” *European Political Science*, 21(2), 216-236.

⁶ Francisco A. Magno. 2022. “Direct Democracy in the Philippines.” *Asia Democracy Research Network*.

⁷ Thawilwadee Bureekul, Ratchawadee Sangmahamad, and Arithat Bunthueng. 2022. “Direct Democracy in Thailand.” *Asia Democracy Research Network*.

to petition the House of Representatives to deliberate on proposed policies, as well as to propose local ordinances or to remove local officials. On the other hand, no less than 50,000 voter signatures are necessary to propose amendments to the Constitution.

Referendums have become a political mechanism and no longer reflect the will of the public in Thailand. There is no way to guarantee that a referendum initiated by the people is held. Though people's initiatives have increased in popularity, few bills pass through Parliament and become law, since any budget-related bills must be endorsed by the Prime Minister. The recall mechanism is frequently used, but as a political tool to foster authoritarian control rather than to promote democracy, or as a way for the legislature to remove people from political office in the aftermath of a coup d'état. The first such instance was the recall of a member of the Human Rights Commission by a resolution of the newly formed National Legislative Assembly following the military coup in 2006. Prime Minister Yingluck Shinawatra was also recalled by the National Legislative Assembly, which was established after the 2014 coup.

In the paper "Examining Direct Democracy in Indonesia," Devi Darmawan and Sri Nuryanti explain that the referendum was authorized as a means of amending the 1945 Constitution under Law Number 5/1985.⁸ However, this rule is no longer valid, having been revoked in 1999. A notable example of a referendum being conducted in Indonesia was when the residents of East Timor, which was annexed by Indonesia under the Soeharto presidency during the New Order period, were asked whether they wanted to remain a province of Indonesia or become an independent state. The referendum was held following a United Nations (UN) resolution calling for the right to self-determination of the East Timorese people. The economic crisis and political reforms in Indonesia facilitated the government's decision to hold the May 1998 referendum under UN supervision.

In the Verité Research paper, "Promoting Democracy through Direct Public Engagement: The Sri Lankan Experience," the authors discuss the origins of Sri Lanka's Westminster parliamentary structure, which was introduced in 1944.⁹ The institutions established under this structure were governed by Commonwealth parliamentary traditions, in addition to the constitution that was in effect at the time. Through these traditions, citizens can directly engage in government through instruments including Private Member Bills, Public Petitions, and Parliamentary Questions. However, there are challenges to accessing and being able to meaningfully use these mechanisms. In Sri Lanka, a referendum enables people to directly vote to approve or reject a law or proposal. Articles 85 and 86 of the Constitution empower the President to ask the people to provide consent on any bill through a referendum. However, there has been only one referendum in the country, held in December 1982 when President J.R. Jayawardena proposed extending the term of the existing Parliament for six years without conducting elections. The referendum passed with 54.6 percent of voters approving the proposal, thereby extending the term of the current Parliament for a further six years, through 1989.

In "Direct Democracy's History and Trends in Mongolia," Tamir Chultemsuren explains that Article 24 of the 1992 Constitution of Mongolia contains the provision on people's referendums, while the 1995 Law on People's Referendums specifies that the authority to initiate a national referendum belongs to the President and the Parliament (though approval by one third of its

⁸ Devi Darmawan and Sri Nuryanti. 2022. "Examining Direct Democracy in Indonesia." *Asia Democracy Research Network*.

⁹ Verité Research Legal Research Team. 2022. "Promoting Democracy through Direct Public Engagement: The Sri Lankan Experience." *Asia Democracy Research Network*.

members).¹⁰ The law has several drawbacks, including the restrictions on citizens' rights to initiate a referendum. It lacks clarity on the preconditions for holding a referendum, and imposes limits on successive referendums, since the cost of organizing a referendum is equivalent to that of a general election. Since the law's enactment, not a single referendum has been held in the country. In 2016, the Law on People's Referendums was amended to make it consistent with the Law on General Elections, which incorporated automated election tools into election procedures.

In Malaysia, though there are no legal mechanisms for holding referendums and filing petitions to recall public officials, direct democracy is carried out through non-institutional means. In his paper, "Malaysia's Ongoing Tussle with Democracy," Halmie Azrie Abdul Halim describes how citizen initiatives have been launched through online platforms. For example, a petition called #LetakJawatanTajuddin ('#TajuddinResign') was started on change.org following a Light Rail Transit (LRT) collision in 2021.¹¹ The move sought to remove Dato' Sri Tajuddin Abdul Rahman as Chairman of Prasarana, the public transport company operating the LRT. The petition garnered over 100,000 signatures. Although the government did not formally respond to the petition, Dato' Sri Tajuddin was terminated from the position two days after the train crash.

Participatory Planning and Budgeting

Aside from referendums, recall of public officials, and people's initiatives on policy reform, citizen participation in planning and budgeting, especially at the sub-national level, has become an important feature of direct democracy in Asia. In his paper, "Can Online Citizen Participation Strengthen Direct, Deliberative and Participatory Democracy in India?," Kaustuv Kanti Bandyopadhyay highlights how the emergence of local governance institutions in the early 1990s created significant spaces for public participation in decision-making related to local development.¹² The 73rd and 74th Constitutional Amendment Acts, enacted in 1992, made provisions for Gram Sabha (assemblies of all the eligible voters within the territories of Gram Panchayats) and Ward Committees (committees of elected or nominated members in municipal wards with a population of more than 300,000). The acts detailed the functions of Gram Sabha and Ward Committees, respectively, including participation in planning and monitoring of all local development work. Despite being the only institutionalized space for direct participation, however, the experience of implementing Gram Sabha has been mixed. The efficacy of Ward Committees has been even more disappointing, as most state governments and municipalities have not formed or activated these committees.

In the absence of an institutionalized space for public participation in policy planning and monitoring, several civil society organizations and citizen associations have used social accountability and promoted public participation by engaging in participatory data gathering and analysis, sharing findings with public authorities and the media, and negotiating with public institutions responsible for the implementation of programs and policies. Tools used have included Citizen Report Cards, Community Score Cards, and Social Audits. Such initiatives have helped citizens amplify their voices, but fall short of institutionalization and still struggle to scale up public

¹⁰ Tamir Chultemsuren. 2022. "Direct Democracy's History and Trends in Mongolia." *Asia Democracy Research Network*.

¹¹ Halmie Azrie Abdul Halim. 2022. "Malaysia's Ongoing Tussle With Democracy." *Asia Democracy Research Network*.

¹² Kaustuv Kanti Bandyopadhyay. 2022. "Can Online Public Participation Strengthen Direct, Deliberative, and Participatory Democracy in India?" *Asia Democracy Research Network*.

participation. In cases where Social Audits have been institutionalized, for example in the Mahatma Gandhi National Rural Employment Guarantee Scheme (NREGS), implementation has fallen far short of expectations due to the lackadaisical attitude of public institutions and insufficient capacity of local governments.

In the past two decades, Philippine civil society organizations (CSOs) have become critical players in ensuring the integrity of public service delivery. Formal and informal spaces for citizen participation are now available for issues related to public financial management. With the passage of the Local Government Code of 1991, the Philippines developed a decentralized system of government, which incorporated concepts like devolution, funding of local government units (LGUs), and citizen participation. Local development councils in every province, city, municipality, and barangay determine the use of the local development fund, which represents 20 percent of the Internal Revenue Allotment from the national government. As mandated by the law, a quarter of the seats in these councils and other local special bodies (LSBs) are occupied by CSO representatives.

In certain LGUs in the Philippines, such as Naga City, Quezon City, Cagayan de Oro City, and Dumaguete City, the passage of local ordinances led to the creation of People's Councils, which appoint CSO representatives to LSBs of the city government. In these LGUs, the representation of CSOs in the LSBs usually surpasses the 25 percent minimum requirement under the Local Government Code. The CSO representatives can observe, vote, and participate in the deliberation, prioritization, implementation, and evaluation of city government projects, activities, and programs. They can propose legislation, participate, and vote at the committee level of the elected city legislative council, and act as the people's representatives in the exercise of their right to information on matters of public concern, allowing them access to official records and documents. However, these practices are not standard across the Philippines; CSO participation in many LGUs is nominal and pursued only as a matter of compliance. For participatory planning and budgeting to work well, the Philippines needs to enhance CSO participation in local planning and budgeting through capacity building measures and the development of partnerships with knowledge institutions that will help in data analysis and policy research.

In the case of Thailand, participatory budgeting was first discussed in the Thai National Economic and Social Development Plan for 2008–2012. Section 2 of the Ministry of the Interior's participatory planning and budgeting strategy emphasized the importance of strengthening local communities through the people's budget. At the sub-national level, there are local governments implementing participatory budgeting, such as the Amnat Charoen Provincial Administrative Organization, the Yala Municipality, the Yala Province, the Ko Kha Subdistrict Municipality, and the Lampang Province.

In Indonesia, various non-government organizations provide technical assistance and training at the local level (province, municipality, or village) on planning and budgeting issues. This became especially significant as the national government implemented Village Law No. 6/2014 to accelerate poverty alleviation in the country. The Indonesian government allocates funds to all villages in Indonesia through this program, which has been in effect since 2015. Under the law, villages have the authority to manage their own resources for development purposes. This program has had concrete results, such as the construction of various basic infrastructural amenities in many villages. However, the number of cases of misuse of village funds by village heads shows that there are still serious governance problems relating to program implementation and accountability. In many cases,

problems resulted from the ineffective participation of local residents in program implementation.

In Malaysia, there is an increasing presence of CSOs at government-hosted stakeholder engagement events. Such consultations, either through high-level face-to-face meetings or town hall dialogues, have become more widespread in recent years as the government acknowledges the importance of citizen participation in both nation-building and policymaking. Furthermore, government officials can no longer afford to discount strategic partners or casually dismiss their demands, as doing so would severely hurt their reputation and, consequently, their electability, particularly in city-centric and ethnically mixed seats.

Digital Technology and Online Engagement

The use of digital technology and online engagement platforms as direct democratic mechanisms has garnered significant attention in Asia. In India, several governmental initiatives have tried to leverage technology to consult the public when planning and monitoring policies. For example, Mobile Vaani is a mobile voice media platform created by Gram Vaani. It has a unique model enabling people to call a designated number from their basic analog mobile phone and register their complaints/grievances in their local dialect. The Gram Vaani team monitors the platform and publishes relevant inputs from the people. People can also listen to other people's recordings, enabling two-way communication. Hence, the platform serves to disseminate information on various issues, including health, education, etc., field the concerns of the people, and communicate these concerns with relevant authorities.

Another example of digital support for direct democracy in India is Jandarpan, an initiative of the Samarthan Centre for Development Support, which has been working to enable participatory governance in Madhya Pradesh and Chhattisgarh since 1995. The Jandarpan platform was developed during the pandemic to facilitate migrant workers' access to benefits from public programs. Jandarpan supported migrants who were stuck without any resources during the lockdown. Returning migrants faced multiple challenges in accessing services and entitlements, such as rations, pensions, or livelihoods, from the state government. Toll-free helpline numbers for migrant workers were not always functional. Samarthan decided to develop the interface to streamline communication between citizens and their local administration. In the beginning, they had limited program integration, incorporating only ration access (under the Public Distribution System) and the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS), but they expanded the platform over time. The primary function of the platform is to redress the grievances of citizens who are not receiving the benefits to which they are entitled. The platform mediates between the government and citizens, providing support to citizens in filing their complaints online to help overcome the digital access and literacy gap. The platform also allows administrators to see emerging trends in citizen complaints, which can influence policy planning and implementation.

In Malaysia, the role of social media has evolved to fill the gap in political literacy. Since the twelfth general election of Malaysia (2008), social media has taken center stage. Whenever elections are coming up, infographics begin to pop up all over platforms like Twitter and Facebook on topics ranging from how to register to vote to the proper way to cast a ballot. Social media has also helped to boost movements like Wednesday Vote (Undi Rabu) and Let's Go Home to Vote (Jom Pulang

Undi), which were devised by netizens and CSOs to encourage Malaysian citizens to get out and vote. Many first-time voters gained basic knowledge regarding the state of national politics, voting, and voters' rights from these platforms. However, this type of discourse does not permeate all social media platforms, and is primarily found on Twitter and Instagram, which are dominated by the “woke” left-wing population. Meanwhile, Facebook and WhatsApp, which are dominated by political fundamentalists, are often used to spread right-wing, race-based propaganda, rather than providing educational material on the fundamentals of voting and the importance of each vote, regardless of candidate.

In Thailand, social media and websites like www.change.org have become tools to send signals to the government, especially on important national issues. Citizens and NGOs in Indonesia also use digital technology to access information and ensure accountability in cooperation with open government partnership programs. In Mongolia, the E-Governance program introduced 25 types of their feedback. The service was expanded in 2019 to become the Government Public Communication Center, which receives feedback and provides referrals to relevant government agencies.

The deployment of civic technology in the Philippines helps to enhance citizen participation in monitoring public service delivery. For example, Development LIVE (or DevLIVE) is a mobile application developed by the United Nations Development Programme (UNDP) that has been adopted by the Department of the Interior and Local Government (DILG) as an online platform for collecting citizen feedback on the quality of local infrastructure projects under the Assistance to Disadvantaged Municipalities (ADM) and Assistance to Municipalities (AM) Programs. Through DevLIVE, citizens can monitor and submit observations on specific DILG projects. The feedback structure is pre-programmed, tracking variables related to citizen satisfaction with project visibility, functionality, quality, accessibility, timeliness, relevance, and maintenance.¹³

Conclusion

Key direct democracy mechanisms, such as referendums, recall of public officials, and people's initiatives, are formally entrenched in the legal systems of the majority of Asian countries examined in the studies conducted by this ADRN research group. However, these mechanisms have not been widely applied in practice. Many initiatives at the national level have faltered, though a few cases of successful implementation were seen at the sub-national level. While the principle of democratic governance is extolled in the Constitutional provisions authorizing these direct democratic mechanisms, there are still significant challenges to ensuring that referendums, recall of public officials, and petitions are actually effectively used to promote democracy.

There are encouraging trends among the studies, such as the emergence of formal and informal governance avenues for integrating citizen participation in local planning and budgeting, as well as the utilization of digital platforms to foster social accountability. However, there is still a need to enhance the quality of citizen engagement, as direct democratic mechanisms currently tend to yield less than meaningful results due to the token nature of civil society participation. There is a tendency

¹³ Guce-Medina, Czarina. 2019. “Development LIVE (DevLIVE): Toward a Citizen Participation-Focused Civic Technology for Local Governance in the Philippines.” *Department of Interior and Local Government and United Nations Development Programme*.

for officials elected under the dominant representative democratic system to look down on the mandate of non-elected stakeholders in the policymaking process. This dilutes the effectiveness of direct democracy, which is supposed to amplify the voices of those excluded in candidate-focused voting processes. As such, moving forward, it will be important to consider the role of both representative democratic and direct democratic mechanisms in efforts to foster values, institutional frameworks, and practices that genuinely support democracy in Asian countries. ■

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