



Electoral  
INTEGRITY

A Kofi Annan Foundation Initiative



Conference Report

# Democracy in Southeast Asia: Achievements, Challenges and Prospects

Kuala Lumpur, Malaysia  
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“Democracy cannot be imposed from outside. Societies must develop their own genuine and sustainable forms of democracy organically, from within.”

# Democracy in Southeast Asia

Achievements, Challenges and Prospects

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# In Memoriam

## Dr. Surin Pitsuwan: A Champion of Democracy

“The Democracy in Southeast Asia: Achievements, Challenges, Prospects” Conference and the report you are now reading would not have been possible without the participation of Surin Pitsuwan, who was a valued member of the Senior Panel of the Electoral Integrity Initiative. Sadly, Surin died suddenly only a couple of months after the conference, on 20 November 2017, lending his foreword, drawn from his closing remarks at the conference, particular significance. I wish to take this opportunity to pay tribute to the remarkable life and career of this gracious diplomat and friend.

Surin Abdul Halim Bin Ismail Pitsuwan was born on 28 October 1949 into a prominent Muslim family in the Thai province of Nakhon Si Thammarat. He travelled to the United States for his higher education, receiving a bachelor’s degree in political science from Claremont Men’s College and his master’s and doctorate in Political Science and Middle Eastern studies from Harvard University. He began his career teaching at Thammasat University in Bangkok.

Surin first won a parliamentary seat as a member of the Democrat Party in 1986. This was the start of a career dedicated to public service both in Thailand and on the world stage. Surin served first as deputy foreign minister and then foreign minister from 1992 to 2001.

In 2008 he was named Secretary General of the Association of Southeast Asian Nations (ASEAN). His tenure came at a critical period for the group as its member States looked to closer integration and began to more

actively address regional conflicts. Under Surin’s leadership, ASEAN dealt with the recovery from the 2008 hurricane, introduced peacekeepers to mediate the conflicts in East Timor and Aceh province, and opened up engagement with Myanmar, among many other achievements. He remained active in both politics and education following his time at ASEAN, serving on the board of a number of Thai and global organisations active in peace and security.

Surin was widely recognised as a skilful bridge-builder, who eased regional tensions and was determined to advance democracy and human rights throughout Southeast Asia. It was in recognition of his commitment to these ideals and his personal qualities that I asked him to join the Electoral Integrity Initiative. He brought all of his characteristic charm, wisdom, and insight to the role and we benefitted enormously from his contributions.

I knew Surin was a man of great personal integrity, fierce intellect, and with the natural ability to bring people together, something he always did with good humour and warmth. He was an exemplary diplomat and worked tirelessly on behalf of his country and convictions. His wisdom and experience will be sorely missed.

Kofi A. Annan

Geneva, February 2018

# Foreword

**By Dr. Surin Pitsuwan, Former Foreign Minister of Thailand and Former Secretary General of ASEAN; Adviser to the Kofi Annan Foundation and International IDEA**

This year we celebrate the 50<sup>th</sup> anniversary of the founding of the Association of Southeast Asian Nations (ASEAN). This historic moment presents an opportunity for us to reflect together on the progress that we have achieved as well as the challenges that face us in our journey ahead as a regional community. One of the most important issues that demands our appraisal as we mark this turning point in ASEAN’s history is the state of democracy in the region.

The spirit of democracy has been an important pillar of ASEAN since its birth. When the five founding countries signed the Bangkok Declaration on 8 August 1967 they undertook to adhere to the principles of the United Nations Charter and, most significantly, as articulated in the last paragraph of the declaration, affirmed that the Association would represent “the collective will of the nations of Southeast Asia to bind themselves together in friendship and cooperation and, through joint efforts and sacrifices, secure for their peoples and for posterity the blessings of peace, freedom and prosperity”.<sup>1</sup>

Thus, ASEAN’s purpose was founded on the very principles of democracy, and on the sacredness of the right of the people and individuals. This original commitment has, in recent years, with the adoption of the ASEAN Charter, the ASEAN Declaration on Human Rights, and the establishment of the ASEAN Community, become institutionalised formally with ASEAN officially embracing and upholding universal human rights, democratic

principles and good governance. It is in this context that this timely and important conference, “Democracy in Southeast Asia: Achievements, Challenges, Prospects”, jointly organised by the Kofi Annan Foundation and the National Human Rights Commission of Malaysia (SUHAKAM), brought together esteemed leaders, scholars and activists from across the region to take stock of the state of democracy in ASEAN.

In the sphere of social and economic development, ASEAN has come a long way. The poverty rate in ASEAN has been reduced from 47% in 1990 to 14% in 2015, and cumulatively we have become the sixth largest economy in the world, with a combined GDP of USD 2.55 trillion. By 2016, life expectancy had risen to 70.9 years from 55.6 years in 1967, 91.1% of ASEAN peoples had access to safe drinking water, and 95% of adults were able to read and write. ASEAN countries are also ahead of or in line with other countries in the Asia-Pacific on most of the Millennium Development Goals.<sup>2</sup>

However, as pointed out by SUHAKAM Chairman Tan Sri Razali Ismail, our socio-economic development has also reinforced an unhelpful tendency by many of the countries in the region to rate economic development higher than democratisation. Development and prosperity have become the State ethos, while less importance has been given to democracy, participation, accountability and transparency. What we need to realise as a region is that democracy is an integral part of development and that in order for our countries to move to the next step of development we need the contribution and participation of all our people, which can only be achieved through greater democratisation. What matters to most





people, as Minister in the Prime Minister’s Department Datuk Mr. Paul Low so aptly expressed, is a “democracy that delivers”. But even while ensuring that democracy brings economic well-being and that it is suited to the particular context and society in question, it is equally important that we in ASEAN uphold rather than diminish the universal standards of democratic government and good governance.

Democracy is a key component in how the governance of our region evolves. Decentralisation, connectivity, inclusivity, equity and closing development divides all imply empowerment of the peripheries and the traditionally marginalised, linking up and incorporating previously isolated areas into broader systems and networks, as well as mutual support, equal entitlement, and reciprocal accountability. From expanding access to services and information, bridging gender development gaps, reforming election monitoring bodies and judicial systems, to defending pluralism and diversity – a deeper commitment to democracy can only strengthen our development vision and prospects.

If political and economic transformation in ASEAN continues at the same or at a greater pace than in the past 50 years, it is even more vital that our institutions be strengthened and prepared to be responsive to the people they serve, a quality inherent in democratic values and institutions built on democratic principles. It is our duty, then, to strive together to build a region where we invest in and nurture democracy together, both to honour the collective vision of our founding fathers and to safeguard a better future for our children.





# I. Executive Summary

During the 70 years that have passed since the end of World War II, and the 35 years since the Cold War, democracy has spread rapidly. In the last two decades alone, more than 50 countries have embraced it, and between 2000 and 2016 all but 11 countries in the world held national elections.<sup>3</sup> However, these democratic advances have been neither linear nor unchallenged.

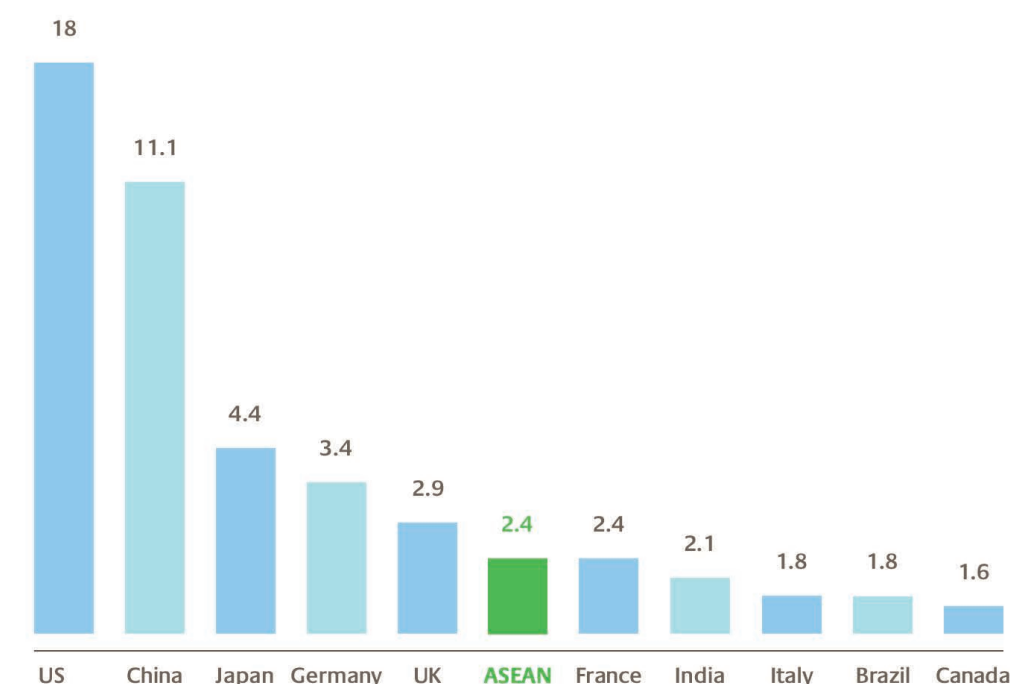
The rise of new populist movements in young and mature democracies alike, coupled with the persistence of practices such as electoral fraud and money politics, confirm that democratic gains can be quickly lost, and that democracy cannot be taken for granted. It needs to be protected and nurtured. Even where progress has been evident, as in women's political representation, it has often been too slow and too uneven.<sup>4</sup> Democracy is being tested daily across the globe.

Southeast Asia has been transformed from a war-affected, impoverished, and fragmented region into one of the world's most economically dynamic areas, home to a large and expanding urban middle class with growing democratic aspirations. Politically, countries that were once deeply divided by the politics of the Cold War have shown solidarity and engaged in regional cooperation as members of the ASEAN Community. As ASEAN turns 50, the region celebrates remarkable achievements in economic growth and in many areas of social development. Poverty has fallen significantly while public access to basic services has markedly advanced.

Unfortunately, democratic developments have not kept pace with Southeast Asia's rapid economic growth and social transformation. While an increasing number of ASEAN countries have transitioned towards or

adopted democracy and democratic principles are now enshrined in ASEAN's key documents, including the ASEAN Charter and ASEAN Declaration of Human Rights, the region still has a difficult relationship with democratic practice. Some ASEAN countries remain under authoritarian forms of government, others are reverting to authoritarianism, while many of the more democratic systems continue to suffer from chronic problems, including money politics, weak electoral justice systems and shrinking civil society space.

## GDP 2016 in US\$ trillion



In 2016 the Economist Intelligence Unit's Democracy Index found no full democracies in Southeast Asia. It classified four countries as 'flawed democracies', three as 'hybrid', and two as 'authoritarian' regimes.<sup>5</sup>

Southeast Asia country ranking and scores in The EIU Democratic Index (2016)

Rank	Country	Score	Electoral process and pluralism	Functioning of government	Political participation	Political culture	Civil liberties	Category
48	Indonesia	6.97	7.75	7.14	6.67	6.25	7.06	Flawed democracy
50	Philippines	6.94	9.17	5.71	7.22	4.38	8.24	Flawed democracy
65	Malaysia	6.54	6.92	7.86	6.11	6.25	5.59	Flawed democracy
70	Singapore	6.38	4.33	7.86	6.11	6.25	7.35	Flawed democracy
100	Thailand	4.92	4.50	3.93	5.00	5.00	6.18	Hybrid regime
112	Cambodia	4.27	3.17	5.71	3.33	5.00	4.12	Hybrid regime
113	Myanmar	4.20	3.17	3.57	4.44	6.88	2.94	Hybrid regime
131	Vietnam	3.38	0.00	3.21	3.89	6.88	2.94	Authoritarian
151	Laos	2.37	0.83	2.86	1.67	5.00	1.47	Authoritarian

Note: Data unavailable for Brunei Darussalam.

The 50<sup>th</sup> anniversary of ASEAN’s formation presented an opportune moment to take stock of the region’s democratic development, to review its economic and social development, and consider how its electoral integrity might be strengthened in the future. It was with this agenda in mind that in September 2017 the Kofi Annan Foundation and SUHAKAM convened a regional conference on *Democracy in Southeast Asia: Achievements, Challenges, Prospects*.

The conference identified the following salient issues facing democracy in Southeast Asia today:

1. A paradigm shift is needed to overcome the perception that there is a trade-off between democracy and development.

A growing body of empirical evidence suggests that democracy and development are mutually reinforcing. Not only have most democracies grown faster than most autocracies but, more importantly, growth has benefited the populations of democracies more. Citizens in poor democracies have better education and healthcare than citizens in poor autocracies, for example.<sup>6</sup>

More robust democracy would assist the countries of the region to reach the next level of development, by mobilising participation, promoting accountability and transparency, investing in public goods, building public spaces, and fostering collaboration and sharing. At the same time, not all models of development are equally supportive of democracy. For development to support democracy it must be inclusive, and assist citizens to overcome social, economic and political barriers to participation in all areas of public life.

Recommendation

Democratic principles must be at the heart of development agendas and should inspire how the future is imagined, presented and implemented.





**2. To curb political violence and inspire political trust, the rule of law and the impartiality of judicial and law enforcement institutions must be strengthened in many countries of Southeast Asia.**

Many Southeast Asian societies suffer from political corruption and periodic political violence. Legal process often gives way to political pressure, making it difficult for judicial officials, parliamentarians, and law enforcement bodies to act with impartiality and independently. This state of affairs erodes public confidence in institutions, creates a trust deficit between citizens and government, and makes it more likely that disputes will again be settled violently.

#### Recommendation

The strengthening of rule of law institutions is central to efforts to create an enabling environment for democratic politics. Enforcement officials must adopt a professional policing culture that protects and serves citizens impartially. Judges must defend the separation of powers and uphold their duty to protect the rights of every citizen by applying the law without favour in accordance with the constitution.

**3. Electoral management bodies (EMBs) must defend their independence, to ensure that elections are conducted and managed with integrity.**

EMBs are responsible for overseeing and managing the conduct of all aspects of elections, from voter registration to the validation of nominations, from vote counting to election disputes. When the public perceives the impartiality of elections to be compromised, it loses faith in the electoral process, the legitimacy of results, and political participation.

#### Recommendation

Judiciaries and EMBs must impartially uphold the right of citizens to participate in political life and ensure that elections are fair and transparent. Citizens should demand their political rights and hold these key institutions to account.

**4. To counter the pervasive influence of money politics and improve the regulation of political finance, stronger regulatory frameworks are required, and stronger political leadership to enforce them.**

In some Southeast Asian countries, political financing is inadequately regulated. Even where laws exist, they are poorly applied, creating an environment that tolerates or encourages undisclosed and opaque political finance. Oversight institutions must appoint leaders based on merit, with a demonstrated track record of integrity. Initiatives to regulate political finance must be accompanied by efforts to address a broader culture of corruption.

Recommendation

Political finance must be subject to robust independent oversight. Political donations and expenditure should be regulated, public financing of political campaigns audited, all donations and expenditures transparently reported, and breaches of political finance regulations investigated and sanctioned.

5. All actors must delink politics from identity, and defend Southeast Asia’s pluralism and diversity because they are the bedrocks of peace, stability and fairness.

Religious, political and ethnic identities are frequently exploited in Southeast Asia to promote conflict, spread discrimination and hate speech, and ultra-nationalist, ethno-nationalist and extreme religious agendas. The diversity of the region’s societies is part of its richness, on which further economic development depends.

Recommendation

Pluralism, inclusion and diversity must be protected by law and policy. Political leaders should defend the rights of all identity groups and speak out when they are abused. Dedicated measures must be adopted to ensure that the distribution of power is fair. Public figures and institutions that violate the law should face sanctions.

6. Barriers to the participation for all citizens in political processes and decision-making must be dismantled and the political rights of all citizens protected.

In Southeast Asia, certain groups, including women, minorities and communities living in remote areas, still face many social, economic and political barriers to meaningful participation in political processes. Their exclusion further disempowers already marginalised communities.

Recommendation

Address barriers to participation of all citizens, paying particular attention to minorities and people who are marginalised. In parallel, encourage broader civic engagement in public affairs.





## II. About the Conference

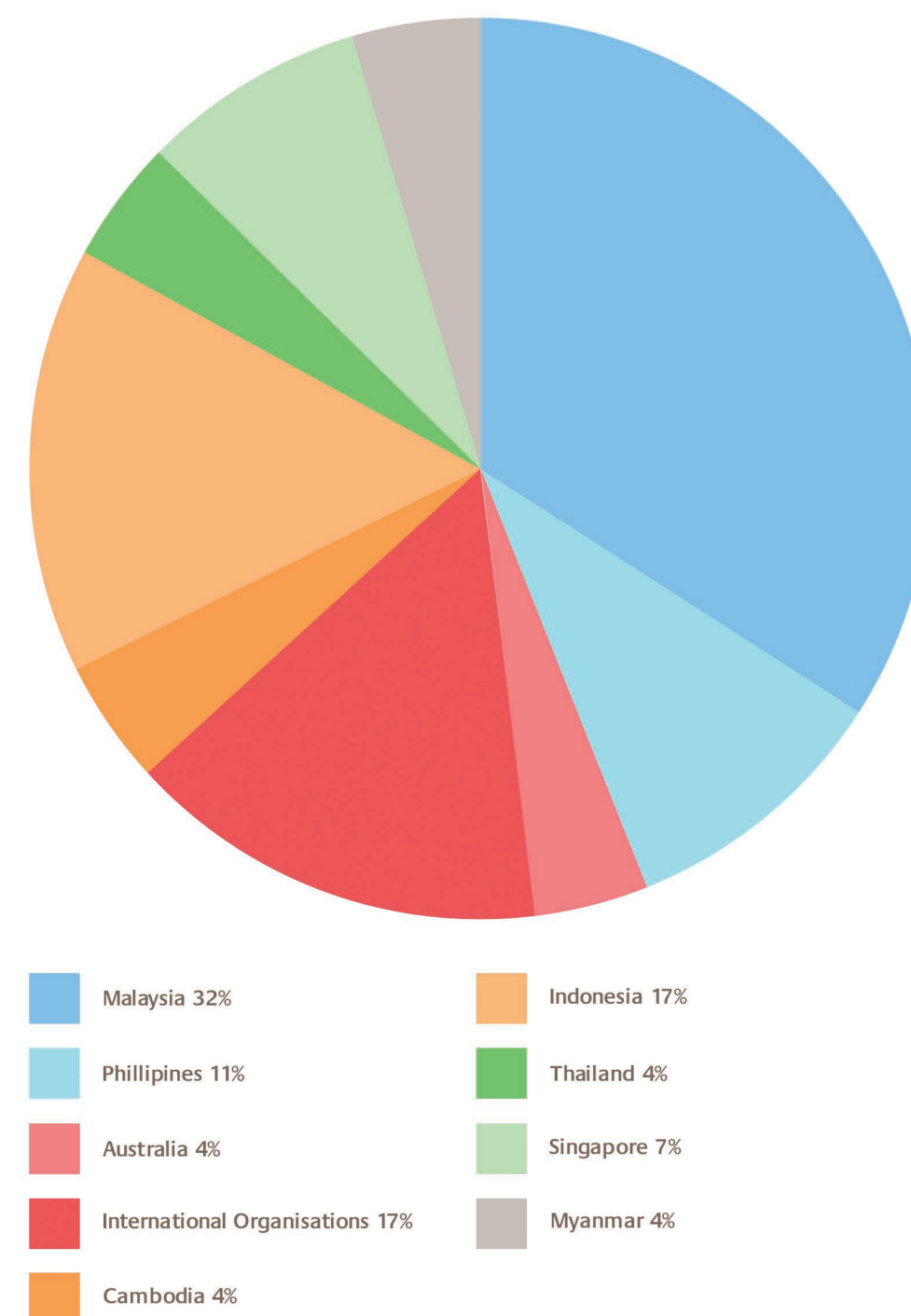
On 2-3 September 2017, the Kofi Annan Foundation and the National Human Rights Commission of Malaysia (*Suruhanjaya Hak Asasi Manusia Malaysia*, SUHAKAM), convened a regional conference on *Democracy in Southeast Asia: Achievements, Challenges, Prospects*. Held on Malaysia's Independence Day to celebrate the 50<sup>th</sup> anniversary of the founding of ASEAN, the conference is one of several regional events that the Electoral Integrity Initiative (EII) has organised to improve understanding of what actions will effectively deepen and strengthen democracy in different regions.

The EII was established in 2012 after the Global Commission on Elections, Democracy and Security, chaired by Kofi Annan, published a seminal report, *Deepening Democracy: A Strategy for Improving the Integrity of Elections World-wide*.

The conference in Kuala Lumpur assembled prominent leaders and public figures from the region as well as representatives from the diplomatic community, electoral and national human rights commissions, specialists in the field of governance, national, regional and international non-governmental organisations, and universities and think tanks.

The aim was to stimulate a dialogue between electoral stakeholders in the region and beyond, to strengthen understanding of the practice of democratic principles and systems, and reinforce the legitimacy of elections, thereby contributing to peace, stability, and human development in Southeast Asia.

### Composition of Participants







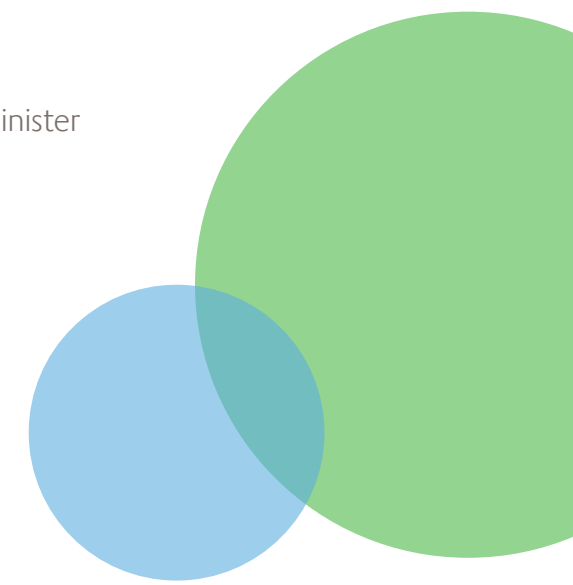
### III. Thematic Panel Sessions

*“How do we measure the quality and maturity of our democracy? By making sure that these things go together rather than choosing between them, namely: freedom and rule of law, liberty and security, human rights and human responsibilities, and democracy and economic prosperity.”*

President Prof. Dr. Haji Susilo Bambang Yudhono,  
former President of Indonesia.

*“Democracy cannot be exported or imported,  
only supported”*

Yves Leterme,  
Secretary-General of International IDEA and former Prime Minister  
of Belgium.





## THE OPENING CEREMONY

Tan Sri Razali Ismail, SUHAKAM's Chairman, welcomed the participants to Kuala Lumpur. He underlined the timeliness and importance of a conference to strengthen democratic governance in the Southeast Asia region as ASEAN celebrated its 50<sup>th</sup> anniversary.

In his opening address, Prime Minister Yves Leterme, former Prime Minister of Belgium underlined what has been achieved since the end of World War II, as well as the challenges that face democracy globally, regionally and nationally. Senator Datuk Paul Low, Minister in the Prime Minister's Department of Malaysia, then considered country experiences. In his keynote address, finally, President Susilo Bambang Yudhono reflected on Indonesia's successful transition from authoritarian to democratic government.

The session highlighted the following key issues:

- **ASEAN's democratic progress is uneven.** While the ASEAN Declaration on Human Rights affirms the commitment of ASEAN to human rights and fundamental freedoms, democratic principles, good governance and the rule of law, the region does not have a uniform and consistent approach of applying these rights and principles across ASEAN's ten Member States. While democracy and human rights are enshrined in the constitutions of most ASEAN countries, major obstacles impede their translation into action. Electoral practices in many ASEAN countries still fall far below international standards. Voter intimidation, vote-buying and the

“In a democracy,  
governments must  
strive to arrive at  
societal consensus  
and this is usually  
achieved through  
elections.”



repression of civil society and the media remain widespread, although such practices are increasingly challenged by citizens across ASEAN, who want their governments to be more accountable and transparent.

- **There is no trade-off between political freedoms and economic development.** As Amartya Sen has argued, protecting civil and political rights can improve economic performance.<sup>7</sup> While it is undoubtedly important to maintain a balance between democratic rights and law and order, that balance should be achieved by deliberation, involving the executive, parliament and civil society, so that restrictions on freedom are perceived to be legitimate rather than an abuse of power.

Participants from Malaysia acknowledged that in their country the views of government are at odds with the views of the opposition and civil society. They noted that the government has recently shown some readiness to search for solutions, in dialogue with civil society.

- **Challenges are global, solutions must be local.** Democracy faces challenges in Southeast Asia but also in mature democracies in Europe and North America. This is a stark reminder that the road to democracy is long and winding and travellers on it sometimes go backwards as well as forward. Progress cannot be taken for granted. It is worrying that the 2017 Freedom House report reported a global weakening in democratic performance in 2016. 67 countries suffered declines in political rights and civil liberties;

for the 11<sup>th</sup> consecutive year, countries in which respect for civil and political rights fell outnumbered countries in which respect for rights improved.<sup>8</sup> The participants took some encouragement from the fact that, of those 67 countries, only three were in Southeast Asia, but they strongly emphasised that **democracy cannot be imposed from outside. Societies must develop their own genuine and sustainable forms of democracy organically, from within.**

- **A loss of faith in democracy has led to the rise of populism, xenophobia, extremism and intolerance.** Growing doubts that democracy is an effective system for managing power and securing prosperity tempt some to explore alternative governance systems. Loss of faith in democracy has encouraged parochialism, populism, xenophobia, identity politics, extremism and conflict. A combination of resilient authoritarian regimes and new violent movements has caused civilian deaths, massive internal displacements and an unprecedented refugee crisis. There is clear evidence that we need constantly to nurture democracy and safeguard it by responses that are flexible, innovative and adapt to emerging circumstances.
- **Successful democratic transition is possible.** President Dr. Susilo Bambang Yudhono shared lessons from Indonesia's successful and historic transition to democracy. Indonesia today has become one of the strongest democracies in Southeast Asia. It has a free and competitive multiparty electoral system and a growing economy, is stable, and plays a larger international role.

Key to this achievement were Indonesia’s people and its institutions, which genuinely embraced and safeguarded the country’s democratic reform. Four factors underpinned success: the strength of civil society, which fought to protect Indonesia’s fragile democracy even in the most difficult times; extensive military reform that reoriented the military’s role from defending national sovereignty and territorial integrity to defending and protecting democracy and reform; the development of strong, effective and accountable institutions that are no longer manipulated by personalities; and, finally, the persistent faith in democracy of Indonesia’s people.



Panel 1

Development and democratisation:  
Friends or foes?

The first panel explored the question of whether democratisation and economic development are mutually reinforcing both in principle and in the particular context of Southeast Asia. Dr. Heyzer began by putting the discussion in its economic and social context. The 21<sup>st</sup> century is characterised by uncertainty, complexity and extreme inequality; wealth and privilege are concentrated in the hands of a global economic and political elite (0.1 percent of the population) in both developed and developing countries.

This inequality has caused a breakdown in trust – first of all in traditional elites and their institutions, which are perceived to be self-serving, and second, in globalisation and democracy. This loss of trust has contributed to the rise of narrow nationalism, far right politics and xenophobia.

We have learned that a country’s integration into the global economy and its benefits does not guarantee political support for democracy. As highlighted by Heru Prasetyo and Sébastien Brack, many economically successful Southeast Asian countries have subordinated civil and political rights to a narrowly defined form of development that privileges social and economic rights.

The session also explored the role that leadership plays in development. Ambassador Kausikan noted government’s role in facilitating social consensus and creating the conditions and terms of co-existence in diverse societies. Ultimately, as all panellists emphasised, it is vital to mainstream democratic values and principles of democratic governance



into development agendas, and to reorient development objectives towards inclusiveness rather than simply economic growth.

The session highlighted the following key issues:

- **Democracy and development are mutually reinforcing, provided growth is inclusive.** While many in Southeast Asia still feel that economic growth is more important than democracy, the evidence suggests that they are mutually reinforcing. Research has shown, for example, that democracies promote economic growth more successfully than autocracies and that citizens in poor democracies have better education and health care than those in poor autocracies. The inclusion of democracy and inclusive governance in the Sustainable Development Goals (SDGs) should therefore advance democratic progress and development worldwide.
- **Democracy is not monolithic, but universal basic principles must be affirmed.** Democracy takes a wide variety of forms across the world, but all democracies share the principle that sovereignty resides in the will of the people. **In a democracy, governments must strive to arrive at societal consensus and this is usually achieved through elections.**

The role of the government and its leaders is to make the best possible choices for the people. Though the public’s policy preferences are not always in their long-term best interest, or feasible, when governments take populist decisions to please their electorates at the expense of the public interest or future generation,

they abdicate from their responsibilities and democratic standards. Democracy is not populism. There is a need to revisit our understanding of democratic institutions and democratic values.

- **The role of leadership and social consensus.** Participants emphasised the importance of leadership, particularly in Southeast Asia, which has a history of strong authoritarian leaders who forged their nations after independence. Former Prime Minister of Singapore, Lee Kuan Yew, was cited in this context. An authoritarian leader who successfully transformed his country from a third-world to a first-world country in a single generation, his leadership always rested on the rule of law and social consent, which are fundamental elements of democracy. He also envisaged that his country would in the future become a democracy. Singapore today is moving from ‘a government for the people’ to ‘government with the people’ and uses democracy and development to promote social cohesion among its diverse population.
- **Corruption.** While democracies are not immune from corruption, which exists in every system, democracies protect societies from corruption more successfully because they have more robust systems of checks and balances. In addition, they tend to protect the freedom of the media, necessary to expose corruption, and the independence of the justice system, necessary to prosecute the powerful.

## Panel 2

### How can election management bodies build legitimacy and trust in the political process?

In Southeast Asia, as Dato' Aishah highlighted, legal frameworks are weak and laws regulating elections are not always implemented. The professionalism and transparency of election management bodies (EMBs) have a decisive influence on whether elections are trustworthy and whether the public have confidence in them.

Mr. Damaso Magbual and Dato' Aishah also underlined how important it is for EMBs, election monitoring bodies and civil society to consult and co-operate. This remains a challenge in certain countries, including Malaysia, where the Election Commission allegedly lacks independence from government. At the same time, good practices do exist in the region. According to Commissioner Hasyim Asy'ari, the Indonesian Election Commission (KPU) has successfully increased the transparency of Indonesia's electoral process and restored public trust in it.

The session highlighted the following points:

- **Legal frameworks and law enforcement are vital to the integrity and credibility of elections.** The legitimacy of electoral processes hinges on an adequate legal framework that is effectively enforced. In many countries, money politics, lack of transparency and political violence are still major challenges. Public trust in the electoral process and its institutions can only be restored by reforms to regulatory frameworks, effectively implemented, supported by more transparent and professional EMBs.

- **EMBs must trust and collaborate with civil society to achieve electoral integrity.** In many Southeast Asian countries, EMBs still mistrust electoral monitoring bodies. The former lack independence and the latter are often harassed to the point of being unable to carry out their mandates.

EMBs should recognise the contributions of electoral monitoring bodies. Their work has raised public awareness and enhanced the quality and transparency of electoral processes. As a result, more voters have wanted to vote and more have been ready to accept election results. Civil society can help to highlight those contributions and create space for constructive engagement.

- **Open, innovative electoral management can increase transparency and confidence.** EMBs should adopt an open and innovative approach to election management and be more transparent. In Indonesia, for example, voting forms used during the election can be photographed by anyone and uploaded to the website of the General Election Commission (KPU). An essential corollary to the credibility of the system is that the Commission has a robust information system, to ensure transparency and protect against fraud.

## Panel 3

### Financing elections without undermining legitimacy

The speakers on this panel shared experiences from the region. In the Philippines, for example, Mr. Luie Tito F. Guia said that civil society had highlighted the issue of campaign financing, inspiring the Commission on Elections in 2011 to establish a unit that holds to account individuals who misuse funds for political interests. Similar mechanisms are lacking in Malaysia, according to Datuk Latifah Merican, though the G25 and a group of NGOs have developed a proposal for reform which includes a new law on political financing that would increase the powers of the Election Commission. Koul Panha, Executive Director of the Committee for Free and Fair Elections (COMFREL) in Cambodia, reported that a Cambodian law prohibits the use of state resources for political interests but fails to impose any form of sanction.

This session highlighted the following issues:

- **Laws and regulations are needed to ensure accountability in elections.** Just as the financing of economic activity requires regulation to ensure accountability and transparency, so too does the financing of elections. In addition, political finance regulations should guarantee equal access to public resources.
- **Independent oversight bodies are vital.** To guarantee their integrity, guidelines on political financing should be drafted by independent oversight bodies. This is essential in order to prevent abuse of positions of power and improper acquisition and expenditure of funds for political purposes.

- **International standards should guide practice.** The regulation and administration of electoral funds should be governed by international standards. ASEAN countries could adopt OECD indicators to distinguish political donations from financial assistance.
- **The role of civil society and citizens.** Civil society and other actors have an important role to play in educating the public about political corruption, political financing and money politics. For their part, citizens must demand changes in the behaviour of politicians.



Day 2

Panel 4

Securing elections:  
Creating a safe environment

This session discussed how to avoid electoral violence. Tan Sri Rastam Mohd Isa, Chairman of the Institute of Strategic and International Studies (ISIS) in Malaysia, highlighted the importance of establishing internationally agreed criteria for assessing whether an electoral environment is safe and whether electoral processes meet international standards. Regionally, ASEAN had not yet drafted its own principles and standards, but some countries, notably Indonesia, already meet many international norms on elections and election procedures.

Commissioner Jerald Joseph (Malaysia) argued that it is critical to protect the fundamental right to vote and that failure to protect that right and condemn violence perpetuates insecure electoral environments. Mr Elijah Lewien shared lessons the Carter Center has learned over the course of observing more than one hundred elections in more than 40 countries. He stressed that electoral violence tends to be caused by identity politics, competition for state resources or poor policing, and often occurs when the result of highly competitive elections is finely balanced or elections are believed to be trafficked or unfair.

This session made the following recommendations:

- **Affirm more clearly that the right to vote is a fundamental human right.** The right to vote for the candidate or party

of one’s choice must be respected and upheld. Elections are a symbol of hope; aspiring to change should not be regarded as a pro-opposition stance. The authorities should promptly and firmly denounce and stop election violence and should cooperate with civil society and the media to promote safe and fair elections.

- **Stronger enforcement and complaint mechanisms are needed; standards and regulations must be observed.** The elements that create a safe environment for elections include adequate laws and regulations, which are enforced, and respect for international standards (such as the compendium of election standards compiled by the EU, and relevant UN resolutions and declarations). Many ASEAN countries lack, and need to create, effective and transparent complaint-handling mechanisms and effective sanctions of violations of electoral law.
- **Violence against women in elections must be addressed.** Violence against women during elections has tended to involve intimidation and psychological violence rather than physical violence. This violence needs to be documented, condemned and prosecuted, and steps taken to prevent it.
- **New challenges.** Elections face new challenges, including the shrinking of civil society space, the difficulty of deploying election observers for long periods of time due to limited resources, not to mention the occasional reluctance of the authorities. Social media also impact the environment for elections, for better and worse, since they have been found to sometimes stoke fear and anger.

New technology is an additional issue. Research shows that countries that employ less technology conduct elections more successfully. **Technology can complicate the conduct of elections because it is hard to audit or monitor. For this reason, it can easily generate public mistrust of election results, which in turn may generate tension or violence.**

- **Mitigation.** The Carter Centre suggested that political violence can be mitigated by:
  1. Cultivating tolerance in society through civic education and the involvement of civil society organisations.
  2. Ensuring that legal frameworks for elections address factors, such as voter intimidation, that subvert the security of electoral environments.
  3. Properly enforcing the rule of law.
  4. Inviting domestic and international observers to monitor elections. Observers can help to identify problems at the start of elections and resolve tensions and violence during them. In addition, their presence can deter electoral violence. Observers who employ Parallel Voter Tabulation (PVT) can use it to detect and deter fraud, or contribute to acceptance of the results by confirming the process was clean.

**“Technology can complicate the conduct of elections because it is hard to audit or monitor. For this reason, it can easily generate public mistrust of election results, which in turn may generate tension or violence.”**



## Panel 5

### How to manage pluralism and identity politics in democracies

In the fifth panel Ms Alissa Wahid described the rise of identity politics in Indonesia and the leaking of religious judgements into public affairs. She deplored the fact that people could be disowned by their communities because they voted for candidates whose religion differed from theirs.

The panel noted that appeals to identity were more about politics than religion *per se*, as Mr Michael Vatikiotis stressed when discussing the implementation of Sharia law. He suggested that in many communities this trend is driven not by religious leaders, but by politicians hoping to win votes by pandering to religious ideas or bigotry.

Referring to the mobilisation of Islamic pressure groups in Indonesia to counter the candidacy of former Jakarta Governor 'Ahok', who is both Christian and Chinese, Michael Vatikiotis regretted that the Indonesian Parliament had not fulfilled its responsibility to assert the principles of pluralism and diversity enshrined in Indonesia's constitution.

In Malaysia, the ruling party has shored up its weakening appeal by playing to religious and ethnic prejudices, and to an extent this has undermined the traditions of pluralism that underpin the stability of the country. YM Tunku Zain Al-'Abidin ibni Tuanku Muhriz observed that politics have always played on divisions; in every country that has an electoral process political activists seek to exploit divisions for electoral gain.

The following issues were highlighted:

- **Poorly regulated democratic politics are a significant threat to pluralism.** It must be recognised that in Southeast Asia the threat to pluralism is real and that poorly regulated democratic politics have contributed significantly to that threat. In consequence, there is an urgent need to introduce reforms, including strong laws against hate speech, and take other steps that will safeguard pluralism and democracy.
- **Leadership critically influences whether identity is exploited for political ends.** In ASEAN, which has a tradition of strong leaders and weak institutions, some leaders have tended to exploit identity politics to increase their electability. However, not all strong leaders have felt obliged to take this course: neither Singapore nor Malaysia did so in the mid-1990s.
- **Civic education strengthens the social fabric of democratic societies.** Civic education helps to strengthen citizenship and build inclusive societies that respect human rights. Too little attention has been paid to maintaining the social fabric of communities, which is the best safeguard of pluralism. A 'whole of society' approach is required.



- **Technology is a double-edged sword.** Technology has many applications. On one hand, it can connect and inform people. On the other, it can divide them and amplify intolerance and hate. **To enhance pluralism and democracy, social media will need to be regulated, and people will need to communicate in more direct and physical ways, face to face.**
- **To address democratic deficits in the region, citizens must take ownership of ASEAN's agenda.** Historically ASEAN has largely been driven by States and élites, even though ASEAN's agenda has slowly embraced democratic values. This democratic deficit can only be overcome by encouraging all communities to take ownership of ASEAN's agenda and promote its principles of democracy, the rule of law and human rights.





## Panel 6

### The key role of CSOs in ensuring respect for political rights, including elections

The final panel focused on the role that civil society plays in upholding political rights. Datuk Dr. Anis Yusaf Yussof discussed the distinction between ‘civil society organisations’ (CSOs) and the narrower term ‘non-governmental organisations’ (NGOs). Mr. Chito Gascon stressed, citing many examples, that CSOs have already played an important role in ASEAN, helping to promote civil and political rights and monitor elections.

Acceptance of CSOs has some way to go in many ASEAN countries, however. Political literacy among ordinary people is still too low; and governments are not sufficiently prepared to hold an open and constructive dialogue with CSOs on issues of common concern. Mr. Shahrul Aman Mohd Sari explained the origins of BERSIH 2.0 in Malaysia. Started by opposition parties, it evolved into a principle-centred coalition that calls for democratization and empowerment of the people. While BERSIH 2.0 is known for its large public assemblies, he noted that it also argues for institutional and electoral reform and voter education and plans over time to establish a symbiotic relationship with the State.

The session addressed the following key issues:

- **CSOs make essential contributions to strengthening and safeguarding democracy.** They:
  1. Deepen and consolidate democracy by monitoring the conduct of elections and advocating for reform.
  2. Empower the public by (inter alia) building social, community and institutional capacity.
  3. Strengthen communities, build solidarity, advocate, and share information, thereby enabling more people to play an active role in society.
  4. Monitor and hold public institutions accountable and play a countervailing role between the market and the State.
  5. Promote the public interest by demanding transparency, accountability and respect for human rights.
  6. Press for and contribute to legal reforms.
  7. Highlight the specific needs of marginalised groups by (inter alia) promoting their participation in the political process.

- **To protect free and fair elections it is necessary to protect human rights.** CSOs promote the rights enshrined in Article 25 of the International Covenant on Civil and Political Rights. Many of these need to be respected for elections to be free and fair. These rights include:
  1. The right to vote.
  2. The right to the opportunity to become a candidate in the election process.
  3. The right to freedom of association and assembly.
  4. The right to freedom of expression and information.
  5. The right to freedom of movement.
  6. The right to freedom from discrimination.
  7. The right to equality before the law and to an effective remedy.
  8. The right to a fair trial.

**CONCLUSION**

The 50th anniversary of ASEAN offered a timely opportunity to reflect on the state of democracy in Southeast Asia, take stock of achievements, and identify challenges to democratic progress. **While Southeast Asia**

**has made tremendous advances in social and economic development over the past 50 years, democracy has evolved unevenly and its progress has not kept pace with economic growth.** Some countries in the region are reverting to authoritarianism and others continue to face chronic problems, including political corruption and weak electoral and justice systems.

The conference identified several recommendations to protect and strengthen democracy in the region. First, democratic principles must be placed at the heart of development agendas and their implementation. Second, rule of law institutions must be strengthened, and the judicial, executive and legislative functions of government separated more strictly. Third, the independence and impartiality of electoral management bodies must be reinforced. Fourth, political finance must be regulated in conjunction with broader anti-corruption efforts. Fifth, political leaders must demonstrate real commitment to protect pluralism and diversity, including through appropriate laws and policies; irrespective of their status, those who violate such laws and principles should be sanctioned. Sixth, measures must be taken to address barriers to political participation for all citizens, including marginalised groups and those with special needs.

In conclusion, **democracy in ASEAN stands at a crossroads.** It will require political determination and accountability, as well as vigorous efforts by all stakeholders in society, to ensure that democracy is protected, strengthened and enhanced during the next phase of the region’s development, in line with ASEAN’s vision to become a people-centred regional community.

## IV. ACKNOWLEDGEMENTS

We wish to acknowledge and thank all the remarkable individuals and organisations who played a role in making this conference a success, whether as keynote speakers, moderators, speakers, participants, or donors.

Our thanks go especially to our partner in Kuala Lumpur, the Human Rights Commission of Malaysia (Suhakam), without whom the conference would not have been possible. Its chairman, Tan Sri Razali, **the Commissioners and the whole staff facilitated the organisation** of the conference and ensured its success.

President Bambang Yudhoyono of Indonesia, who took the time to share his unique experience in steering the democratic transition in his own country and its wider relevance to the region, also deserves our special thanks.

Senator Paul Low, the minister for human rights and good governance in the Prime Minister's Department, represented the Government of Malaysia at the event, delivering one of the opening speeches and hosting the welcome dinner, with skill and goodwill.

Yves Leterme, the secretary-general of the **International Institute for Democracy and Electoral Assistance** (International IDEA), paid us the honour of coming all the way from Sweden to lend his support to the event, sharing his institution's considerable international experience in this area.

Our dear friend Surin Pitsuwan, who **sadly passed away** only a couple of months after the conference, made an impassioned case for democracy in Southeast Asia whose relevance and resonance have only been reinforced by his passing.

We also wish to acknowledge the **supportive** role played by the members of Electoral Integrity Initiative, and in particular those who sent participants to this conference in Kuala Lumpur, namely International IDEA, the Carter Centre, and IFES.

**Finally, we must express our appreciation to the European Union for its generous support.**





V. ANNEXES

Annex 1  
List of Speakers

Welcome and Launch of Conference

Tan Sri Razali Ismail, Chairman of SUHAKAM.

YB Senator Datuk Paul Low Seng Kuan, Minister in the Prime Minister’s Department, Malaysia.

Secretary General Yves Leterme, International IDEA and former Prime Minister of Belgium.

H.E. Susilo Bambang Yudhoyono, Former President of the Republic of Indonesia.

Panel 1. Development and Democratization: Friends or Foes?

*Moderator* Dr. Noeleen Heyzer, Former United Nations Under-Secretary General and former Executive Secretary of UNESCAP.

Bilahari Kausikan, Ambassador-at-Large, Ministry of Foreign Affairs, Singapore.

Heru Prasetyo, Former Deputy Minister in the President’s Delivery Unit, Indonesia.

Sébastien F. Brack, Senior Political Officer and Coordinator of the Electoral Integrity Initiative, Kofi Annan Foundation.

Panel 2. How Can Election Monitoring Bodies Build Legitimacy and Trust in the Political Process?

*Moderator* Beverly G Hagerdon, Senior International Elections Expert, IFES.

Prof. Dato’ Dr Aishah Bidin, Commissioner in SUHAKAM.

Damaso Magbual, Member of the National Council and Founding Member of NAMFREL, Philippines.

Hasyim Asy’ari, Election Commission of Indonesia.

Panel 3. Financing Elections without Undermining Legitimacy.

*Moderator* Leena Rikkilä Tamang, Asia Director, International IDEA.

Luie Tito Ferrer Guia, Commissioner of the Commission on Elections, Philippines.

Datuk Latifah Merican Cheong, G25 and Deputy President of the Malaysian Economic Association.

Koul Panha, Executive Director of the Committee for Free and Fair Elections (COMFREL) in Cambodia.

Panel 4. Securing Elections: Creating a Safe Environment.

Moderator Dr. Ketut Putra Erawan, Executive Director of the Institute of Peace and Democracy, Indonesia.

Tan Sri Rastam Mohd Isa, Chairman of the Institute of Strategic and International Studies (ISIS) in Malaysia.

Jerald Joseph, Commissioner SUHAKAM.

Elijah Lewien, Senior Expert at the Carter Center.

Panel 5. How to Manage Pluralism and Identity Politics in Democracies.

Moderator Dr. Surin Pitsuwan, Former Foreign Minister of Thailand and Secretary General of ASEAN (1949 - 2017).

Alissa Wahid, Founding Director of the Gusdurian Institute Indonesia.

Michael Vatikiotis, Asia Director, Centre for Humanitarian Dialogue.

YM Tunku Zain Al-Abidin Ibni Tuanku Muhriz, Founder of the Institute for Democracy and Economic Affairs, Malaysia.

Panel 6. The Key Role of CSOs in Ensuring Respect for Political Rights, Including Elections.

Moderator Dr. Kyaw Yin Hlaing, Founder Centre for Diversity and National Harmony, Myanmar.

Datuk Dr. Anis Yusal Yusoff, President of the Malaysian Institute of Integrity.

Hon. Jose Luis Martin “Chito” Gascon, Chairperson of the Commission on Human Rights, Philippines.

Shahrul Aman Mohd Saari, Deputy Chairperson of Bersih 2.0.



Annex 2  
Speeches

TAN SRI RAZALI ISMAIL

WELCOMING REMARKS

Your Excellency President Dr. Haji Susilo Bambang Yudhoyono,  
The Sixth President of The Republic of Indonesia,

Your Excellency Prime Minister Yves Camille Désiré Leterme,  
Secretary-General of the International Institute for Democracy and Electoral Assistance (International IDEA) and Former Prime Minister of Belgium,

Yang Berhormat Senator Datuk Paul Low Seng Kuan,  
Minister in the Prime Minister’s Department,

Your Excellency Dr. Surin Pitsuwan,  
Former Secretary-General of ASEAN,

Your Excellencies, Distinguished Guests, Ladies and Gentlemen,

It is my pleasure and honour to welcome you to Kuala Lumpur for this Regional Conference on “Democracy in Southeast Asia: Achievements, Challenges, Prospects”. I am extremely pleased to see that so many of you were able to travel from far and wide to attend this conference. Your presence and participation is a testimony of a strong will to contribute to the discourse on democracy and the integrity of elections in Southeast Asia.

I think there could neither be a better time nor a better place to have this conference on democracy – this year marks the 50th anniversary of ASEAN, the Association of Southeast Asian Nations and two days back on

August 31st, Malaysia celebrated its independence day – our 60th independence day in Malaysia. Malaysia was one of the co-founders of ASEAN 50 years ago.

I must apologise to all who have and to those who have not been able to attend this conference, about the choice of dates and that this opening today falls on Hari Raya Haji or Eid Ul-Adha. It was a decision that had to be taken and my apologies must also be extended to the Kofi Annan Foundation. But whatever the inconvenience, please give special points for the range of subjects that the Kofi Annan Foundation and SUHAKAM have put together as the subject matter of this conference. These subjects are pertinent, timely and of great import.

This conference on democracy and on electoral integrity is a strong call and reminder of our collective responsibility as citizens of ASEAN to appraise the application of democratic principles in Southeast Asia. Equally this conference should serve to remind respective ASEAN Governments of their commitments to democracy. ASEAN Governments generally use their well-deserved record of their progress in the socioeconomic sector to justify their commitment to democracy, even if in varying degrees; and whether they are democracies in progress, or regress; semi-authoritarianism or a monarchy. Arguably most countries and governments rate economic development higher than democratization, and maintain that economic prosperity should come before democratic reforms. No doubt some countries have been able to successfully defend their rule with a strong hand, with their impressive economic growth; adding even more layers to the complexity of the relationship between democracy, economic growth and human rights.

SUHAKAM would affirm that commitment to fundamental rights is a part of a democratic form of government. We would like to emphasise this point because you cannot participate as a citizen in your government if you are excluded from the decision making as a society by lack of education, by discrimination or by other types of restrictions. I think that we can all agree that for democracy to work, every person’s voice matters, even if these voices can carry divergent views and demands.

I can accept that our tremendous diversity and certain circumstances such as cultural differences and religious diversity, which are often said to be the situational uniqueness of ASEAN influence our collective and individual position on human rights. I can also tell you, as Chairman of the National Human Rights Commission that implementation of human rights will only be effective and relevant when it finds effective support within Southeast Asian governments. If the Executive emerges as the dominant element that threatens separation of powers, fundamental to any bonafide democratic system, institutions will suffer, including too the civil service. While the ASEAN Human Rights Declaration reaffirms our adherence to the purposes and principles of human rights and fundamental freedoms, as well as the principles of democracy, the rule of law and good governance, it would be wrong to assume that this alone is enough for ASEAN governments to have a uniform, consistent or unvarying method to interpreting and applying human rights.

Over the years, Malaysia has acceded to and ratified three out of the nine core

human rights treaties; one of the lowest in the region but nevertheless signifying an intention to protect the human rights of its people – an assurance also reflected in Part 2 of the Malaysian Federal Constitution. As with many other countries the fundamental challenge still lies in translating this intention into action, and while some of the implementation has been very notable, other intentions remain uncertain.

While the basis of democracy is made up of electoral integrity, countries in Southeast Asia just as many countries around the world, still face challenges in meeting international standards of electoral integrity. The challenges of electoral integrity are certainly not limited to authoritarian regimes and democracies in progress or regress. Even in countries that maintain that they are democratic, there are situations that include harassment of human rights defenders, restrictions on the freedom of assembly and expression, arresting citizens for participating in peaceful protests, intolerance of critical speech, coercing voters, vote buying, illicit campaign financing and so on. These are serious violations of human rights that undermine electoral integrity.

In ASEAN, there appears to be a stronger need for a much wider and freer civil society space, with more leeway for the contributions of critical or dissenting views to policy-making. And governments in time must learn and be willing to be judged by independent media and civil society. Failure to uphold fundamental freedoms and rule of law will always come with a price – repression of people’s voices and rights will not only contribute to tension, mistrust and eventual rebelliousness but ultimately, such repression can lead to violence. When the people’s rights to freedom of information, expression, peaceful assembly are upheld by the Govern-



ment, they are building the fundamentals of a stronger and more assured society.

Similarly, both governments and political parties must be sensitive to the harm that corruption and impunity are having on democracies. Society is becoming increasingly demanding by the day, forcing those in power to rethink its stance on combating impunity and strengthening accountability. In essence, we have to be able to be critical enough of what we have to improve on.

Elections are among the most vital acts of political expression and abundance and compliance with the high standards of electoral integrity is crucial. Electoral integrity includes among others, principled, ethical and politically accepted codes of conduct; just, fair and inclusive legal frameworks; clean, and transparent elections; the right to participate freely and equally in elections; and apparatuses that protect and safeguard integrity as well as guarantee accountability with full application of the law.

We at the Human Rights Commission of Malaysia (SUHAKAM) believe human rights and democracy pursue a common agenda and the interdependence and combined effect of human rights and democracy is both possible and necessary. Both human rights and democracy are about getting governments to rule in the name of and for the interests of the people. To have democracy means to have human rights. However, realising such affinities is conditional on national factors and perhaps to what extent the principle of separation of powers is adhered to. And so it is not necessarily automatic. It can be a long and winding road.

One of the questions that we hope to answer over the next two days is can we achieve full respect for human rights in the process of pursuing what is meant by democracy by international standards? Consider China where economic rights have been fulfilled over the last few decades, but the protection of civil and political rights is underdeveloped. Does the Chinese model show us that developing countries can successfully adopt different political strategies in governance? Can civil and political rights be fulfilled if socioeconomic rights are deficient? And so, the stability of a democracy really depends on the extent of the balance between these two groups of human rights. Or should we emphasise more on governance rather than democracy. Both are not necessarily synonymous. The liberal democracy of Francis Fukuyama when he crowed about the triumph of democracy as the end point of mankind's ideological evolution is seriously being questioned. This is why we at SUHAKAM agreed to be joint partners in this conference with the Kofi Annan Foundation as these issues are important, relevant and necessary, especially to intensify our individual and collective efforts in specific areas of mutual interest – in this case, electoral integrity and the right to democracy.

Without pre-empting deliberations of the conference it can be underlined that for a democracy such as Malaysia to sustain its legitimacy, there is no other way but to pursue policies that respect and protect the civil and political rights of its citizens and at the same time provide effective responses to their social and economic needs. A balance in the Government's performance in these two areas is crucial. To promote a human rights regime equates to the promotion of democracy.





YB SENATOR DATUK PAUL LOW SENG KUAN, MINISTER IN THE  
PRIME MINISTER’S DEPARTMENT

“Malaysia’s Democratic Experience: Development and  
Human Rights”

Your Excellency President Susilo Bambang Yudhoyono,  
Former President of Indonesia,

Your Excellency Yves Camille Désiré Leterme,  
Secretary-General of the International Institute for Democracy and Elec-  
toral Assistance (International IDEA) and Former Prime Minister of Belgium,

Your Excellency Dr. Surin Pitsuwan,  
Former Secretary-General of ASEAN,

Tan Sri Razali Ismail,  
Chairman of the Human Rights Commission of Malaysia (SUHAKAM),

Esteemed Speakers,

Distinguished Guests,

Ladies and Gentlemen,

It is a great pleasure and duty to represent the Malaysian Government at  
this very important event on “Democracy in Southeast Asia: Achievements,  
Challenges and Prospects”, organised by the Kofi Annan Foundation in

partnership with the Human Rights Commission of Malaysia (SUHAKAM).

This year marks an exceptionally significant milestone for the Southeast  
Asia region as the Association of Southeast Asian Nations or ASEAN cele-  
brates its 50th year of existence. What started off as a five-nation body  
has now become a much-evolved sophisticated entity comprising 10  
member countries, with Timor Leste expected to join ASEAN as the 11th  
member in the near future. Malaysia was one of the Founding Fathers of  
ASEAN who envisioned a regional bloc of economic, social, cultural and  
technical cooperation, among other things, with peace, stability and pros-  
perity at the heart of the body’s raison d’être.

ASEAN has come a long way, and since its inception in 1967, we have wit-  
nessed tremendous progress in various fields in the region. With a popu-  
lation of over 600 million people, ASEAN is now deemed to be one of the  
world’s fastest-growing economies with a combined GDP of 2.6 trillion  
USD. And as one of the most competitive regions at the moment, ASEAN  
is expected to be the fourth largest economy within the next three deca-  
des. Such impressive achievements would not have been feasible if the  
conditions for growth and progress were not established and sustained.  
For instance, the region would not have been as accomplished as it is now  
if it were embroiled in conflict or war. Although Southeast Asia is not 100  
percent free from conflict – and no region in the world is 100 percent  
free from conflict – we must recognise this region’s ability to avoid con-  
frontation and relatively maintain peace and stability. Therefore, upon  
reflection on ASEAN’s 50th anniversary, it would be useful for this confe-  
rence to examine and identify the determining factors of ASEAN’s achie-  
vements and at the same time issues of democracy and human rights.





Democracy provides an enabling environment for stability and growth. Democracy is the embodiment of a system that puts the peoples' interests first and therefore it is arguably the best system of government. And while a minority of the world's countries continue to enforce non-democratic forms of government, the call for more democracies and the strengthening of existing ones remains a high priority in today's world. Malaysia has embraced democratic values since the beginning with a parliamentary system that has parliamentary representation from the ruling and opposition. Malaysia has one of the most pluralistic societies in the world with its racial, cultural, ethnic, linguistic and religious mix. In this context, pluralism is something our generation has to live with and accept, and everything has to be done to protect this as a basis of our democratic equilibrium.

Ladies and Gentlemen,

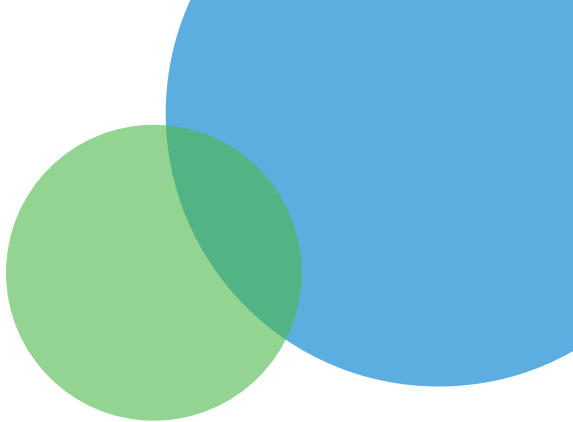
In the context of our region, Southeast Asia is made up of countries with varied levels of economic and social development. Similarly, there are assorted manifestations of the application of democracy in Southeast Asian nations. While we all agree on the foundations and common values of democracy, individual countries of the region may take different paths in the way democracy is implemented. I believe that this situation is the result of the different contexts in which governments operate and the diverse social, cultural, religious and historical backgrounds of the countries in the region.

Side-by-side with democracy is what threatens democracy. I am referring

to extremism and terrorism. In the face of these serious and immediate threats, governments must find ways to devise effective measures to combat and counter such terrorist activities. I am sure you will agree that the threat of extremism must not be taken lightly as it can easily have devastating consequences on national security. And while national security is a matter of paramount importance to all sovereign states, it is essential to underscore that democratic values as well as human rights do not counteract peace and national security. Governments are duty-bound to find and strike the right balance in ensuring security of the country without impinging upon peoples' rights. In a world where terrorist acts can occur almost anywhere, it is without doubt that effective security laws are necessary. However, such laws must be applied appropriately without any form of abuse and therefore safeguards are imperative. On this note, let me state categorically that the Malaysian government is against torture and does not condone any loss of lives in detention or as a result of alleged abuse or mistreatment. As a Minister in-charge of issues of human rights, I have proposed that Malaysia accedes to the Convention against Torture (CAT). I have also begun discussions with the relevant ministries and departments to deal with the mounting issues relating to displaced persons, refugees and stateless persons. Malaysia cannot just take care of its own citizens but must also address the rights of all who reside in the country. We will need the help of the UN on this.

Ladies and Gentlemen,

In 2015, under Malaysia's chairmanship of ASEAN, the ASEAN Community was formally established. This signified the comprehensive integration of ASEAN as an open, dynamic and resilient community espousing greater



economic, political and security, as well as socio-cultural cooperation. It was a proud moment for ASEAN. Nonetheless, critics are arguing that ASEAN has a long way to go before it can truly achieve its aspiration of becoming a rules-based, people-oriented and people-centred community. While not dismissing such criticism, Malaysia, as one of the co-founders of ASEAN, is optimistic that we can accomplish it. But in order for this noble aspiration to come to fruition and to have real meaning to the 600 million citizens of ASEAN, and if ASEAN is serious in realising its Vision 2025, and in making broader strides towards achieving greater prosperity, stability and quality of life for its peoples, we must forge ahead by taking bolder steps and initiatives that go beyond our existing comfort zones.

ASEAN governments must embrace a stronger culture of inclusivity. Given the heterogeneous and colourful nature of the region’s social fabric, we must place emphasis on multi-faith grassroots structures and ensure that our education system incorporates a strong element of inclusivity. We must also recognise and encourage the role of civil society and non-governmental organisations in our democratic processes. I accept for the most part that the public is concerned and the country must provide space and structures for expanded governance at all levels of society. Governments should be open to consultative engagements with stakeholders in the formulation of laws and in policy-making. And only then can we foster a greater sense of ownership and belonging among our peoples.

In conclusion, I believe the holding of this conference is very befitting in light of the challenging times in which we are living, when democracy in Malaysia and in some other countries in the region may be questioned by

some quarters. I hope the conference will provide an avenue for critical and constructive deliberations on the matter at hand, and will have the desirable outcome of identifying and putting forward ideas and propositions which could potentially address and rectify the range of issues that we are facing in the democracies of our region. Thank you and I wish you a fruitful discussion ahead.

**SECRETARY-GENERAL OF INTERNATIONAL  
IDEA YVES LETERME**

**“Democracy and the global challenge of electoral integrity”**

It is an honor for me to be here today to speak in front of this distinguished audience. Southeast Asia has made important strides in its democratic consolidation in the past years and I warmly welcome this opportunity to take stock of the advances and discuss the remaining challenges in the region, which can potentially put at risk some of the democratic gains made.

Let me also start by saying that roadblocks on the democratic path is a phenomenon not just affecting Southeast Asia, but all regions of the world. Recent events in Europe and in the United States provide a stark warning to all of us that democracy should not be taken for granted and that the road to democracy is long and subject to both gains and setbacks. Let me also thank the Kofi Annan Foundation, an appreciated partner to International IDEA – the organization that I am heading – for organizing this timely conference on an important topic for the region. Our partnership dates back many years. In 2012, we co-wrote the Global Commission



Report on the Integrity of Elections and we continue to be engaged as collaborative partners on the Electoral Integrity Initiative.

Let me also give you a brief introduction to what International IDEA is and what it does. We are an intergovernmental organization, with 30 Member States from all continents. We have a mandate to support sustainable democracy worldwide, with headquarters in Stockholm, Sweden, 4 regional offices; an observer office to the UN in New York; an office to the European Union in Brussels; and 9 country offices worldwide.

International IDEA aims to support sustainable democratic change through comparative knowledge and technical assistance in democratic reform, with a focus on electoral processes, constitution-building, democracy and development and political parties and representation. We work with new as well as long-established democracies, helping to develop and strengthen the institutions and culture of democracy.

I will focus my speech on what we see as the main current opportunities and challenges to democracy worldwide. I will end by underscoring the central importance of electoral integrity to democracy and with a plea to countries in Southeast Asia to continue their efforts to consolidate democracy in the region and to ensure that forthcoming elections help further strengthen and deepen democratic processes and practices.

Before I provide an overview of some of the main opportunities and challenges in today’s worldwide democracy landscape, let me first give you an insight into International IDEA’s vision of democracy.

We believe that democracy can never be imposed from the outside, but must be a home-grown process carried out at the individual country level. Democracy cannot be exported or imported, only supported. In our work we draw on the wide variety of democratic experiences from around the world. Hence, for International IDEA, a fundamental principle is that democracy comes in many shapes and forms, formed by historical and cultural trajectories.

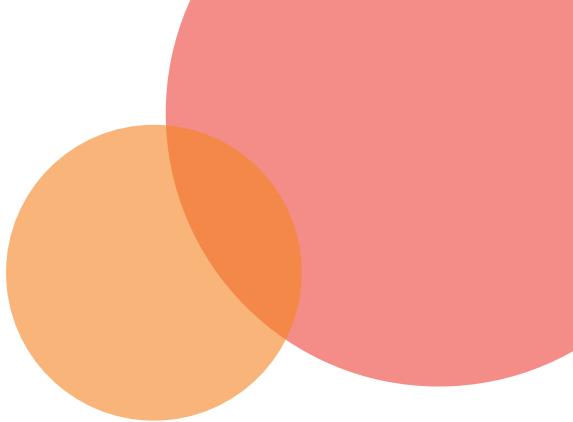
Another key message that I would like to pass on today, is the recognition – that I think many of you are aware of – that democracy building can be challenging and does not necessarily represent a linear path. It is a process, characterized by advances and setbacks, and learning from those setbacks is an important element in building more sustainable democracies.

Finally, I would like to emphasize that democracy cannot be taken for granted and must be constantly nurtured. As we are witnessing today, it is not only new democracies that are vulnerable to democratic backsliding, but even mature democracies, can see democracy corroded. The rise of populism, intolerance, rising inequality, corruption, and reduction of space for civil society and an independent media, are all elements that can reduce the trust and legitimacy in mature democracies as well.

IDEA is currently in the process of developing its first Signature Publication on the Global State of Democracy. The publication will be launched in November 2017.

I will draw on some of the main highlights and preliminary conclusions from





this forthcoming publication to outline what I see as some of the main opportunities and challenges for democracy worldwide.

I would like to start by counteracting the bleak view that is often portrayed in the media on the global state of democracy.

International IDEA holds that democracy has proven resilient over time. Indeed, if a historical perspective is adopted, the analysis and data does not actually support the view that democracy is in decline.

Over the last forty years, one of the significant advances in democracy building has been the growth in the number of democracies in which competitive elections determined government power. These increased from only a quarter of the world’s countries in 1975 to two thirds in 2016. Hence, today, the number of democracies significantly outnumber the number of autocracies and the great majority of democracies created after 1975 still remain democracies today.

Moreover, recent democratic transitions, such as Myanmar and Tunisia represent important achievements for the global advance of democracy as do the introduction of competitive elections and the expansion of rights and freedoms in previously war-torn countries.

Another significant gain has been the progress made in the political representation of women. Women’s representation in parliament has doubled worldwide in the last twenty years (to 23 percent). The efforts made in Southeast Asian countries are commendable (particularly in countries like Timor Leste, the Philippines and Indonesia), where women’s representa-

tion in parliament increased from 9% in 1997 to 20% in 2016, region-wide. However, there is no room for complacency. Additional efforts need to be made to enhance women’s political participation and representation in the region, which still lags behind the global average, as well as regions such as Sub-Saharan Africa (24%). Efforts also need to be pursued to enable other marginalized groups to participate on equal terms in the political process, whatever their religious or ethnic origin.

Another ground-breaking advance for democracy has been the booming of new Information Communication, including social media, which has facilitated a global spread of information – particularly among young people – making it easier for people to make their voice heard and transforming citizen engagement in political life, beyond the realm of electoral participation.

Networked citizens have contributed to change both the interface and expectations of citizens and civil society participation. Increasingly, social media platforms are used for mobilizing support for advocacy campaigns and protest rallies. A renewed energy of citizen expression and participation in different forms has been witnessed around the world in response to perceived threats against democracy, growing inequalities, and protests against austerity measures.

Here, Asia is very much leading the way, with a higher share of internet users than the global average, and an active social media penetration well beyond the global figures. Indeed, the Asian region has an active social media penetration of 47% compared to 37% for the world average. The use of mobile phones is now widespread in Asia, which helps



democratize access to cheap technology, although challenges in access still remain.

The spread of ICT and demands for new forms of citizen participation has enabled democratic innovations, where e-participation and crowdsourcing are increasingly being used not only by civil society, but by governments and political parties for policy innovation, decision making in parliament and constitutional reform processes. These provide opportunities for citizens to take part in proposing and formulating policy, formally the domain of political and expert elites. A number of these democratic innovations are also being tested at the local level.

However, let us also be mindful of the potential downsides of the social media boom in the political debate. While social media facilitates political participation, its requirements for speed and quickly digestible information, may not always be appropriate for enabling long-term democratic processes and a nuanced debate on democracy. Democracy ultimately takes time, and that time perspective may be forgotten in the social media frenzy.

Advances have also been made in enhancing government transparency and access to information. Measures range from measures of fiscal transparency, such as the timely publication of state budgets, public access to information, legislation guaranteeing the public's right to government data, public disclosure of income and assets for elected and senior public officials, and provision of spaces for citizen participation in policymaking and governance. Such openness, facilitated by technological infrastructure and ease of digital data access is an essential enabling condition

for civic activism, investigative journalism and public participation in the affairs of elected governments.

Here, Southeast Asia, also leads the way, with a score of 33, above the world average of 26, with the Philippines and Singapore ranking as 22<sup>nd</sup> and 23<sup>rd</sup> performers in the world (out of 115 countries surveyed) according to the Open Data Barometer. However, here again, efforts need to continue to be pursued to further open up and increase government transparency throughout the region and in those countries lagging behind.<sup>9</sup>

However, despite these positive trends, a number of serious challenges and threats to democracy in the world remain and new ones are emerging, which may endanger gains in new democracies as well as corrode democratic principles and practice in established democracies.

If taking a more recent perspective, some have identified significant declines in the global level of democracy for more than a decade and see clear signs of a reverse wave of democratization. The Freedom House Report of 2017, reports that a total of 67 countries suffered declines in political rights and civil liberties in 2016 (of which 3 were in Southeast Asia<sup>10</sup>), compared with 36 that registered gains (Myanmar being the only one in the region), marking the 11th consecutive year in which declines outnumbered improvements.

While the number of democracies has grown steadily since 1975, however, a remaining challenge is the persistence of autocratic rule in some parts of the world. Indeed, a third of all countries in the world are still under

autocratic rule (including Asia), and these include major regional powers with large populations such as China, Egypt, Russia, and Saudi Arabia.

Moreover, a number of countries that transitioned to democracy during the “Third Wave” (1975-2015) are seeing challenges to their democratic gains, with for example high levels of corruption, armed violence, deepening social and economic inequalities, high levels of poverty, and economic crisis and insecurity, giving way to popular unrest and in some cases nationalist, ethnic, or religious tensions and increasing radicalization.

While electoral advances have been made globally, many countries across the world still suffer from problems of electoral integrity, exacerbated by weak systems of electoral justice. This includes Southeast Asia, in which opposition parties have recently on numerous occasions called into question the validity of electoral processes and their results. While important strides have been made in holding elections in the past years in the regions, there is a need to further strengthen the integrity of its electoral processes, to ensure that trust in democracy is built and is seen as the “only game in town”.

A number of countries are also witnessing democratic ‘backsliding’. This can be in the form of extensions of constitutional term limits (which sometimes leads to the eruption of violent conflict), the increasing concentration of power in executive branches, undermining of the autonomy of the judiciary, blurred boundaries between powers, abuse of state of emergency powers, limitations on political freedoms, restrictions on the media and in some countries, the tight control of democratic competition and restriction of opposition parties.

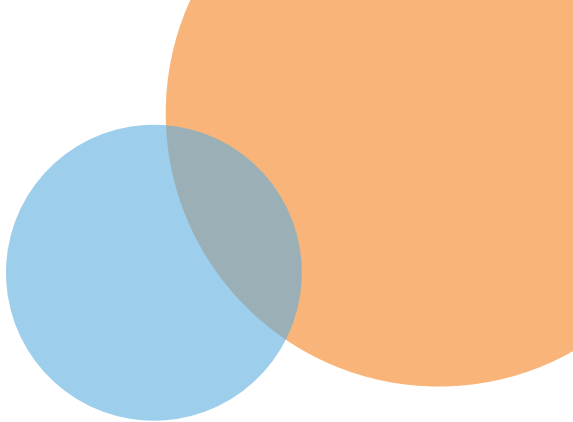
Attempts at curbing civil society action in a number of countries has led to a shrinking space for civil society in some countries, including in some parts of Southeast Asia. A rollback of rights and freedoms is sometimes justified by promises for order and security, as some regions experience growing levels of crime and violence, as well as increasing vulnerability to terrorist attacks.

Another negative trend discernible in transitional democracies is the combination of elements of authoritarianism with democracy, in so-called “hybrid regimes”, across all regions of the world. These often adopt the formal characteristics of democracy while allowing little real competition for power with weak respect for basic political and civil rights. Southeast Asia is not immune to this phenomenon. While in this region, some of the countries have been born as hybrid regimes never fully transitioning to democracy, others have recently backslided from more democratic forms governments into more hybrid ones, something that IDEA views with great concern.

However, democratic backsliding is not just a phenomenon affecting Asia. In some of the mature democracies in the West (both in Europe and the United States), governments stemming from new populist movements with authoritarian tendencies also threaten to roll back human rights, especially for political opposition, minorities and vulnerable populations such as migrants. In Poland, Hungary and Turkey in recent years, populist parties have swept into power and have promptly began to erode fundamental rights. They often place media integrity under pressure with the spread of ‘fake news’ and state-sponsored ‘mis-information’ and propaganda. The behaviour of ‘populist authoritarians’ can represent a threat democracy when populism is combined with efforts to undermine







fundamental rights and freedoms.

Populism and nationalism is on the rise, in both new and older democracies, which risks corroding democracy from within. Populist political parties and leaders successfully exploit their electorates’ insecurities and dissatisfactions, with extremist and exclusionary rhetoric on migration, religion, equality and fairness occupying a more prominent space in the public discourse.

Both old and new democracies alike face challenges in the form widespread discontent with politics, low levels of public trust in traditional democratic institutions, including political parties, an increased disengagement of the electorate – particularly of young people – with political institutions, dissatisfaction with the performance of democracy, and support for undemocratic forms of government and anti-establishment political parties.

In the Middle East, the emergence of ISIS and other extremist groups from the Sunni-Shia conflict and the subsequent anti-ISIS coalition’s military response in Syria and northern Iraq have led to a massive internal displacement and millions seeking refuge in neighbouring countries and beyond. The massive refugee movements and influx of migrants into Europe has had political implications, boosting anti-immigration parties and their candidates.

Moreover, capture, corruption, and the unchecked infusion of money in politics is all too often manifested as un-democratic influence by the powerful few, both in new and established democracies, and contributes

to undermine the trust in democracy, as well as its legitimacy. Together with both incidental and organized crime, political corruption has also undermined democratic developments in parts of Latin America, the West Asia and North Africa region, sub-Saharan Africa and in parts of Asia, while also threatening the health of democracies in Europe and elsewhere. Southeast Asia is not immune to the phenomenon either and serious efforts are needed tackle both corruption and the negative influence of money in politics throughout the region.<sup>11</sup>

Moreover, while progress has been achieved in the political representation of women, considerable representational deficits remain, particularly in formal political structures (only one fifth of parliamentarians in the world are women). However, here efforts are needed not only in Southeast Asia, but also in other regions, including certain countries in Europe that still lag considerably behind (e.g. Hungary<sup>12</sup>). Barriers also persist for the equal political participation and representation of youth, indigenous people, ethnic minorities and other disadvantaged groups. The persistence of gender-based violence across all regions, also contribute to restrict democracy.

The failure of democracy to deliver economic and social benefits in relatively new democracies such as in Latin America and Eastern Europe as well as in the older democracies in the West (including Western Europe and the United States) has been of particular concern. Indeed, in both developed and developing nations, economic inequality is on the rise, posing a potential threat to both economic and social development and political stability, undermining trust in and support for democracy.

Disillusionment with democracy can be seen in an increased disengage-

ment in electoral processes, reflected in for example declining voter turnout in some regions, a trend evident since the 1980s and the weakened democratic mandate that governments receive from this. Voter turnout decline is taking place primarily in Europe and to a lesser extent in Africa and the Americas, while in Asia voter turnout is stable and since 2000, has risen, which is a very positive development.

Democracy’s resilience is being tested daily, across the world. Democracy cannot be taken for granted, and further measures to safeguard democracy through innovative, flexible and adaptive approaches are urgently required of policy makers and citizens.

So how does electoral integrity come into the democratic equation?

While recognizing that elections are not a sufficient condition for democracy, let me however re-emphasize their crucial and the importance of electoral integrity as a sine qua non for legitimate democracies:

Elections are the cornerstone of representative democracy or as Kofi Annan so rightly put it “elections are the indispensable root of democracy”. Through competitive elections, governments obtain their democratic mandate and are held accountable for their performance in office.

As outlined earlier, the world has witnessed impressive gains in the field of elections in the past decades. But as we all know, conducting elections are not sufficient for ensuring genuine democracy. Elections need to be credible, and rules of the democratic game have to be upheld before, during and after elections. The opposition must be

free to organize and campaign without fear of repression and with equally fair chances. Voters must be ensured safety and must be guaranteed the secrecy and integrity of their ballot. And if all this has been ensured, all parties must accept the electoral results without resorting to violence.

The Global Commission Report witnessed of numerous challenges to electoral integrity around the world identified five fundamental conditions for the integrity of elections. Those challenges go well beyond the electoral processes itself (such as for example independent EMBs) but also refer to other preconditions for democracy, such as the respect for the rule of law; institutions and norms of multiparty competition and division of power that ensures a mutual security system among political contenders; removal of barriers for full political participation of all groups in society and respect for political freedoms and rights; and regulated and transparent political finance.

As we have seen, while significant strides have been made, a number of challenges in all these areas remain, worldwide and also in Southeast Asia.

To end, I would like to make a plea, to all nations in Southeast Asia here present, and especially to those who have elections in the near future, is to ensure that the gains made over the past decades in electoral integrity are maintained, and that any tendencies towards sectarianism, hybridization, identity politics and polarization are minimized, to ensure that the gains made in democracy building in Southeast Asia can endure for generations to come.

“While Southeast Asia has made tremendous advances in social and economic development over the past 50 years, democracy has evolved unevenly and its progress has not kept pace with economic growth.”

**H.E. PROF. DR. SUSILO BAMBANG YUDHOYONO,  
6TH PRESIDENT OF INDONESIA**

“The State Of Democracy In Southeast Asia: Achievements,  
Challenges, Prospects“

Bismillahirrahmanirrahim,

Assalamualaikum Warrahmatulahi Wabarakatuh,

Tan Sri Razali Ismail, Chairman, Human Rights Commission of Malaysia  
(SUHAKAM),

Datuk Paul Low Seng Kuan, Minister in the Prime Minister’s Department,  
Malaysia,

Prime Minister Yves Leterme, Secretary-General of the International,  
Institute for Democracy and Electoral Assistance (International IDEA) and  
former Prime Minister of Belgium,

Dr. Surin Pitsuwan, former Secretary-General of the ASEAN, former Minis-  
ter of Foreign Affairs for Thailand,

Dr. Dipo Alam, former Minister of Cabinet Secretary for Indonesia,

Distinguished Speakers and Panelists,



Distinguished Participants, Ladies and Gentlemen,

About a month ago, I received a phone call from my good friend, Mr. Kofi Annan in Rome Italy. He asked me to represent the Kofi Annan Foundation – Electoral Integrity Initiative’s Senior Panel here in Kuala Lumpur.

During our phone conversation, he kindly shared his observation that in some countries, efforts to turn back the clock of democratisation seem to be taking place. And in other parts of the globe, the progress towards a fully democratic system of governance is slowing down – even backsliding.

Mr. Annan believed that I could use the platform of this conference to share my thoughts on, and amplify the call for, the safeguard and advancement of democracy.

Indeed, it is a special privileged for me to accept the invitation.

I share Mr. Annan’s sharp observation, his grave concerns and the purpose of our gathering today. After all, democracy and the promotion of democratic agenda has always been close to my heart and mind.

Therefore, I commend the Kofi Annan Foundation and the Government of Malaysia for organising this important conference in Kuala Lumpur.

As I alluded earlier, as a Southeast Asian, a

believer in democracy, and a benefactor from a democratic system, I attach a great importance to our theme: “The State of Democracy in Southeast Asia: Achievements, Challenges and Prospects”.

It has been nearly three decades since the end of Cold War. I vividly remember that prior and soon after the Cold War was ended, a wave of democracy swept and shocked many pockets of authoritarian countries. Totalitarian and despotic regimes collapsed. The wave was so strong and lengthy that its implications are still traceable today. Perhaps, in retrospect, it was democracy that clearly won the Cold War, and democracies emerged as victor.

I have no doubt that triumphant democracy with its promise of freedom and equality provided a well of optimism for global society. Countries were in race to apply and to implement the true values of democracy. Democracy was seen as the best way out for a better peace, for a prosperous and a more advanced society. Democracy was a new game in town of nations. Democracy, some believed, was a panacea to solve modern socio-political and economic problems.

Alas, the picture is rather mixed nowadays. Democracy starts to suffer from serious challenges in its intended outcomes. Suddenly, people start to feel that democracy does not function and does not work properly, and often does not deliver the prosperity that the people seek. People start to question democracy. During this hard circumstance, people easily put a blame on democracy, – and consequently, move away from it.

The illustration has instilled some sense of urgency, if we want our de-



mocracy to continue functioning and flourish. And I believe that this conference might offer several insights and thoughts on how we can make democracy to function well and to deliver its promises to global society.

Distinguished Participants,

According to several pundits, the number of countries which qualify as democracies or semi-democracies in the world is at its highest today. This is also true for Asia. And it is reasonable to expect that, one way or another, the community of democracies will keep growing, hopefully not just in quantity but also in quality. But ours is also a challenging time because a lot of democracies are in distress, even in serious disarray. The latest countries to join democratic transitions – the so-called Arab Spring countries – are still struggling to achieve stability, unity and growth. Extremism and internal conflicts are still problematic. Some established democracies are experiencing economic gloom. Low confidence in leadership is commonplace, and in some democracies, restless-ness has replaced national self-esteem. Parochial sentiments are growing, as reflected in growing xenophobia and Islamophobia. It is truly not a pleasant and promising picture for democracy and its believers.

Distinguished Scholars,

It is tempting to expect that the bleak state of today’s democracy would continue. But dealing with this worrying phenomenon would require us to understand the challenges democracy is facing today. Let me, then, highlight a few of democracy’s challenges – globally speaking. First, there are attempts to return to authoritarianism – or I would call it a

“set-back of democracy”. There is no single explanation to this. But there is clearly an attempt to swing the pendulum back towards authoritarianism. There are growing doubts about the necessity and merit of democracy. If this trend gains momentum, it is possible that we will see the reversal of democratic expansion that we have seen in recent decades.

Secondly, we need to seriously examine the impact of something that previous generations could neither experience nor imagine: the rise of fake news in politics and its spread at a blinking speed. Yes, lies and fabrication have always been part of politics. But information technology and social media have made this problem rise to a new level and scope. This is not something that will go away any time soon. No one quite know how to deal with it. What is certain is that this problem of fake news will reduce the quality of our politics, and the quality of our democracy. It may also reduce people’s trust both in our leaders and in our media.

Thirdly, the rise of populism is a factor to watch for. I would like to remind this forum that populism is a double-edge sword: it can serve good purpose, or advance bad intention. It can charm as much as it can harm.

A populist leader may try earning his political stock by going the extra mile to deliver public services, to please his constituents. In this way, this “positive” populism is a good thing. But a populist leader may also appeal to the dark side of power by committing short-sighted acts that would excite the people but harm democracy and human rights. Such a “negative” populism would not be a good thing. The trouble is, many politicians are learning that shallow populism can be a short-cut to public office. Meanwhile, leaders who say and stand for the right thing are in danger of

losing office. I see this dilemma of populism as one of the most important to address in this Forum.

Fourth, we need to expect that narrow nationalism and xenophobia will continue to rise. This is mainly due to severe economic stress – both in developed and developing countries – which in some places will induce social resentments towards outsiders. Social resentments divide the society. They break social fabrics, which may well end in violent social conflicts. Security concerns such as terrorist attacks will also spark negative sentiments towards certain groups of people. Demagogues will become more vocal, and more people will accept their message. And good relations between countries may also be affected.

This is not healthy for democracy. In an ideal situation, democracy cultivates the culture of tolerance, while in return, tolerance gives air to democracy to breathe. But I am afraid that we are now at the brink of abnormal circumstances. Thus, it is important for political leaders across national borders to reach out to one another and to support one another in favour of open, inclusive, moderate nationalism. It is important for them to feel that they are not alone in their quest for political decency.

Finally, fifth, there is the challenge of finding balance between the power of governance and freedom.

On the one hand, it is imperative that the state can function properly, and can perform its duties to govern effectively. As we witnessed in many parts of the World, the so-called weak states will not deliver. However, when states are seizing too much power to impose their interests and

wants, they have the tendency to abuse it.

There is a need to provide ample space for freedom to grow in society. There is no doubt freedom is essential to everyone. However, too much freedom can allow you to infringe on the freedom of another person as well as disturbance to good governance. When politics is too noisy, government will not function well and effectively. In short, excessive freedom will create instability.

Lord Acton once reminded us that power tends to corrupt and absolute power corrupts absolutely. From another perspective, I believe that liberty too can corrupt, absolute liberty can corrupt absolutely.

Striking the right balance between the need for an effective governance and the room for freedom is critical for young democracies to be able to progress. If they failed to find this meeting point, the balance is lost and political instability may follow.

Distinguished Participants,

Let me now speak about Indonesia's experience, which has endured a long journey of trial and tribulation with regard to democracy.



The history of democracy in Indonesia can be divided into 4 periods.

The first was the era of liberal democracy, which lasted for 15 years. We simply adopted Western-style democracy, but at that time the people were not ready for the very competitive and free-wheeling politics. It did not take long for this liberal model to crumble.

Next, came the era of what President Soekarno coined as „Guided Democracy“. It was essentially an authoritarian system. President Soekarno, the strong man who stood at the centre of this era, wielded enormous uncontested power. This model also failed.

The third era was authoritarian democracy. There were more freedoms, but it was still authoritarian in nature, with strong emphasis on political stability, national security and economic development. President Suharto commanded overwhelming power in a system marked by weak Parliament. This model lasted around 3 decades.

Finally, the era of reformasi, which began since 1999 until today. This is the time when we embraced the hard-won democracy as universally known, with a free competitive multi-party electoral system.

It began with a very bumpy start, and once it settled, like any other democracy, it continued to be noisy – very noisy. I was fortunate to have the privilege to lead Indonesia during this era. In the years I was President, the Indonesian economy improved significantly, with income per capita tripling within a decade; stability was achieved as I managed to complete 2 full Presidential terms; national security and unity were maintained;

democracy bloomed and we enhanced Indonesia’s international role.

Distinguished Speakers and Panellists,

Indonesia therefore is rather new to democracy. When we held our first free multi-party elections in 1999, Indonesia became the last country to join the „third wave“ of democratization that swept the 20th century.

For many decades, many Indonesians believed that we were not ready for democracy. We had many excuses: that the people were not ready, that they were too poor, that they were not mature enough, not educated enough, and so on. Some even feared Indonesia would turn into an Islamic state if the electoral system were to be opened up. But what happened to Indonesia since 1999 proved these notions wrong.

Yes, our democracy began with a shaky start: with political instability, excessive public protests, ethnic conflicts, and rising separatism. But once the people chose and embraced democracy, they did not let go. They cast their votes to directly elect city majors and regents, members of local and national parliaments, and even their president. For many of us — like for many of you — free and fair election is the simplest way to safeguard and nurture democracy. Since 1999, we have had 3 fair and peaceful general elections, in 2004, 2009 and 2014, and in every one of them, voting turn-out was consistently over 85%, one of the highest in the world. And contrary to what some expected, the Indonesian people, including the poor, voted peacefully, enthusiastically, and responsibly. Indeed, in building democracy, the Indonesian people did not look back a bit: they kept looking ahead, with determination, with audacity, and with hope.



Today, Indonesia is one of the strongest democracies in Southeast Asia. We have enjoyed periodic elections, and peaceful transfers of power. The prospect of a military coup is non-existent – even unimaginable. Our civil society is vibrant and robust. We also happily found out that we did NOT have to choose between democracy and development. Indeed, we can have both simultaneously. As we built our democracy brick by brick, the Indonesian economy continued to grow, and indeed, in average our economic growth was, in time of my presidency, the third after China and India among the G-20. For the first time, Indonesians enjoyed more freedom as well as greater prosperity.

Of course, we still have a lot of unfinished works. Unlike the Indonesia of yesteryear, and unlike many other democracies, Indonesia today is simultaneously a multi-party and multi-ethnic democracy, forming an extremely challenging political landscape. Thus, to make democracy work in such a complex environment we need to constantly improve the quality and maturity of our politics.

How do we measure the quality and maturity of our democracy? Well, by making sure that these things go together rather than choosing between them, namely: freedom and rule of law, liberty and security, human rights and human responsibilities, and democracy and economic prosperity. It is not an “either – or” decision. Each of these elements complements and reinforces one another. If all these things can be to go together in harmony, our democracy will be solid and deliver its promises.

Distinguished Participants,

There are many politicians and academics who have asked the question as to how Indonesia escaped a failed state scenario and became successful democracy. It is a fundamental and important question. There are many explanations for sure, but let me offer a few.

First, the reason democracy survived in Indonesia was, in large part, due to the strength of our civil society. There were times in the beginning when the political elite was in disarray, and the government did not function well due to lack of leadership. During this time, the ship kept afloat because many NGOs and civil society elements fought to preserve our fragile democracy. They championed the reforms, they defended the new freedoms, they pushed for progressive laws, and they helped to convince the public of the merit of democracy.

Secondly, another key factor explaining the success of our democratic transition is our military reforms. Here, I was personally involved in pushing for reforms of the Indonesian military as the military’s chief of socio-political affairs – a position which I held for 2 years. In the end, the military became part of the solution. They developed respect for our newfound democracy and became part of our national reform agenda. During the time I was President, the Indonesian military was very clear that their mission was not just to defend our national sovereignty and territorial integrity: but was also to defend and protect our democracy and reform.

Thirdly, we succeeded because we learned a valuable lesson from the pre-



vious regime: for a political system to be durable, it had to develop strong institutions – it cannot be built on personalities no matter how powerful. There is no substitute to strong, accountable and effective institutions. So, we focused on building the system.

In doing so, we strengthened the Parliament, we solidified the checks and balances, we made sure no politician was stronger than the institution, we enacted the same rule of law for all, we executed elections regularly every 5 years. As a result, the Indonesian democracy today is stronger than ever.

Fourth, we succeeded because we always kept our faith in our democracy. Not everybody in my country believes in democracy. We had our own share of political crisis and financial crisis. Some longed to return to the old way of authoritarianism. During the time of terrorist attacks, some called to restrict newfound freedoms. But for the most part, we never slowed down. The majority of us kept believing that democracy is worth fighting for.



Today, Indonesia is the world’s third largest democracy, after India and the United States. But all is not perfect. I still see problems and challenges, and Indonesia must continue consolidating its democracy, and must ensure that democracy will bring common good to the people.

Distinguished Speakers and Panellists,

Our conviction in democracy — in the forms of freedom, rule of laws, equal opportunities, protection and promotion of human rights et cetera – has emboldened us to instil democratic values in our policies, including foreign policy.

A visible case at point here is our political standpoints in ASEAN. Indonesia was the staunch advocate of the ASEAN Community, which was initiated in 2003 and consists of three pillars, namely: ASEAN Political and Security Community (APSC); ASEAN Economic Community, and; ASEAN Socio-Cultural Community. It is through the APSC that Indonesia, together with other member countries, successfully pushed ASEAN to promote political development in adherence to the principles of democracy and fundamental freedoms as inscribed in the ASEAN Charter. It was a breakthrough and unprecedented.

During the Cold War era and until a few years ago, nobody would dare to envision a transformed ASEAN, whose majority of member states were authoritarian regimes — and whose political and economic systems varied. But look at what ASEAN has achieved in the span of less than 15 years: human rights body, ASEAN Inter-Parliament Assembly, ASEAN Institute of Peace and Reconciliation, just to name a few. All these reflect our determination to promoting democratic values.

In the past, ASEAN often suffered from harsh criticism and being labelled as a democratic association of non-democracies. But we are in a different era now. Perhaps unknown to many, democracy and democratic means were also used to maintain and nurture peace, stability and prosperity of Southeast Asia. I have no doubt that for a diverse region as Southeast Asia,



democracy and democratic values are what keeping us in harmony with one another. This, in turn, ensures peaceful co-existence.

Distinguished Participants,

As a final point, I have no doubt that in the coming decades, the number of democracies around the world will increase. But, the signs of democratic setbacks that happen in our World and the region today cannot be denied and must be prevented and managed well.

Surely, for democracies to be legitimate, they require elections with integrity, whose outcome is accepted by the people because it is credible and the process was free, fair and transparent.

I am glad that in these two days, the Forum will discuss in depth about many aspects of elections such as: election monitoring bodies, financing elections, and key role of Civil Society Organizations (CSOs) in ensuring respect for elections. This is important for Southeast Asia to ensure that the region's next fifty years to be as successful as its last fifty years in democracy.

Therefore, let us continue to work together constructively to build a 21st century world order that is just, progressive and democratic.

Finally, by saying Bismillahirrahmanirrahim – I declare the Regional Conference on Democracy in Southeast Asia is officially opened. I thank you. Wassalamu'alaikum Warrahmatulahi Wabarakatuh.





Annex 3

The Asean Declaration (Bangkok Declaration)  
Bangkok, 8 August 1967

The Presidium Minister for Political Affairs/ Minister for Foreign Affairs of Indonesia, the Deputy Prime Minister of Malaysia, the Secretary of Foreign Affairs of the Philippines, the Minister for Foreign Affairs of Singapore and the Minister of Foreign Affairs of Thailand:

**MINDFUL** of the existence of mutual interests and common problems among countries of Southeast Asia and convinced of the need to strengthen further the existing bonds of regional solidarity and cooperation;

**DESIRING** to establish a firm foundation for common action to promote regional cooperation in Southeast Asia in the spirit of equality and partnership and thereby contribute towards peace, progress and prosperity in the region;

**CONSCIOUS** that in an increasingly interdependent world, the cherished ideals of peace, freedom, social justice and economic well-being are best attained by fostering good understanding, good neighbourliness and meaningful cooperation among the countries of the region already bound together by ties of history and culture;

**CONSIDERING** that the countries of Southeast Asia share a primary responsibility for strengthening the economic and social stability of the region and ensuring their peacefull and progressive national development, and that they are determined to ensure their stability and security from external interference in any form or manifestation in order to preserve their national identities in accordance with the ideals and aspirations of their peoples;

**AFFIRMING** that all foreign bases are temporary and remain only with the expressed concurrence of the countries concerned and are not intended to be used directly or indirectly to subvert the national independence and freedom of States in the area or prejudice the orderly processes of their national development;

**DO HEREBY DECLARE:**

**FIRST**, the establishment of an Association for Regional Cooperation among the countries of Southeast Asia to be known as the Association of Southeast Asian Nations (ASEAN).

**SECOND**, that the aims and purposes of the Association shall be:

1. To accelerate the economic growth, social progress and cultural development in the region through joint endeavours in the spirit of equality and partnership in order to strengthen the foundation for a prosperous and peaceful community of Southeast Asian Nations;
2. To promote regional peace and stability through abiding respect for justice and the rule of law in the relationship among countries of the region and adherence to the principles of the United Nations Charter;



- 3. To promote active collaboration and mutual assistance on matters of common interest in the economic, social, cultural, technical, scientific and administrative fields;
- 4. To provide assistance to each other in the form of training and research facilities in the educational, professional, technical and administrative spheres;
- 5. To collaborate more effectively for the greater utilization of their agriculture and industries, the expansion of their trade, including the study of the problems of international commodity trade, the improvement of their transportation and communications facilities and the raising of the living standards of their peoples;
- 6. To promote Southeast Asian studies;
- 7. To maintain close and beneficial cooperation with existing international and regional organizations with similar aims and purposes, and explore all avenues for even closer cooperation among themselves.

**THIRD,** that to carry out these aims and purposes, the following machinery shall be established:

- a. Annual Meeting of Foreign Ministers, which shall be by rotation and referred to as ASEAN Ministerial Meeting. Special Meetings of Foreign Ministers may be convened as required.
- b. A Standing committee, under the chairmanship of the Foreign Minister of the host country or his representative and having as its members the accredited Ambassadors of the other member countries, to carry on the work of the Association in between Meetings of Foreign Ministers.
- c. Ad-Hoc Committees and Permanent Committees of specialists and officials on specific subjects.
- d. A National Secretariat in each member country to carry out the work of the Association on behalf of that country and to service the Annual or Special Meetings of Foreign Ministers, the Standing Committee and such other committees as may hereafter be established.

**FOURTH**, that the Association is open for participation to all States in the Southeast Asian Region subscribing to the aforementioned aims, principles and purposes.

**FIFTH**, that the Association represents the collective will of the nations of Southeast Asia to bind themselves together in friendship and cooperation and, through joint efforts and sacrifices, secure for their peoples and for posterity the blessings of peace, freedom and prosperity.

**DONE** in Bangkok on the Eighth Day of August in the Year One Thousand Nine Hundred and Sixty-Seven.

“Civic education helps to strengthen citizenship and build inclusive societies that respect human rights.”

Annex 4  
ASEAN Declaration of Human Rights

**WE**, the Heads of State/Government of the Member States of the Association of Southeast Asian Nations (hereinafter referred to as “ASEAN”), namely Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People’s Democratic Republic, Malaysia, the Republic of the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam, on the occasion of the 21st ASEAN Summit in Phnom Penh, Cambodia.

**REAFFIRMING** our adherence to the purposes and principles of ASEAN as enshrined in the ASEAN Charter, in particular the respect for and promotion and protection of human rights and fundamental freedoms, as well as the principles of democracy, the rule of law and good governance;

**REAFFIRMING FURTHER** our commitment to the Universal Declaration of Human Rights, the Charter of the United Nations, the Vienna Declaration and Programme of Action, and other international human rights instruments to which ASEAN Member States are parties;

**REAFFIRMING ALSO** the importance of ASEAN’s efforts in promoting human rights, including the Declaration of the Advancement of Women in the ASEAN Region and the Declaration on the Elimination of Violence against Women in the ASEAN Region;

**CONVINCED** that this Declaration will help establish a framework for human rights cooperation in the region and contribute to the ASEAN community building process;

HEREBY DECLARE AS FOLLOWS:

GENERAL PRINCIPLES

1. All persons are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of humanity.
2. Every person is entitled to the rights and freedoms set forth herein, without distinction of any kind, such as race, gender, age, language, religion, political or other opinion, national or social origin, economic status, birth, disability or other status.
3. Every person has the right of recognition everywhere as a person before the law. Every person is equal before the law. Every person is entitled without discrimination to equal protection of the law.
4. The rights of women, children, the elderly, persons with disabilities, migrant workers, and vulnerable and marginalised groups are an inalienable, integral and indivisible part of human rights and fundamental freedoms.
5. Every person has the right to an effective and enforceable remedy, to be determined by a court or other competent authorities, for acts violating the rights granted to that person by the constitution or by law.

- 6. The enjoyment of human rights and fundamental freedoms must be balanced with the performance of corresponding duties as every person has responsibilities to all other individuals, the community and the society where one lives. It is ultimately the primary responsibility of all ASEAN Member States to promote and protect all human rights and fundamental freedoms.
- 7. All human rights are universal, indivisible, interdependent and interrelated. All human rights and fundamental freedoms in this Declaration must be treated in a fair and equal manner, on the same footing and with the same emphasis. At the same time, the realisation of human rights must be considered in the regional and national context bearing in mind different political, economic, legal, social, cultural, historical and religious backgrounds.
- 8. The human rights and fundamental freedoms of every person shall be exercised with due regard to the human rights and fundamental freedoms of others. The exercise of human rights and fundamental freedoms shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition for the human rights and fundamental freedoms of others, and to meet the just requirements of national security, public order, public health, public safety, public morality, as well as the general welfare of the peoples in a democratic society.
- 9. In the realisation of the human rights and freedoms contained in this Declaration, the principles of impartiality, objectivity, non-selectivity, non-discrimination, non-confrontation and avoidance of

double standards and politicisation, should always be upheld. The process of such realisation shall take into account peoples' participation, inclusivity and the need for accountability.

CIVIL AND POLITICAL RIGHTS

- 10. ASEAN Member States affirm all the civil and political rights in the Universal Declaration of Human Rights. Specifically, ASEAN Member States affirm the following rights and fundamental freedoms:
- 11. Every person has an inherent right to life which shall be protected by law. No person shall be deprived of life save in accordance with law.
- 12. Every person has the right to personal liberty and security. No person shall be subject to arbitrary arrest, search, detention, abduction or any other form of deprivation of liberty.
- 13. No person shall be held in servitude or slavery in any of its forms, or be subject to human smuggling or trafficking in persons, including for the purpose of trafficking in human organs.





- 14. No person shall be subject to torture or to cruel, inhuman or degrading treatment or punishment.
- 15. Every person has the right to freedom of movement and residence within the borders of each State. Every person has the right to leave any country including his or her own, and to return to his or her country.
- 16. Every person has the right to seek and receive asylum in another State in accordance with the laws of such State and applicable international agreements.
- 17. Every person has the right to own, use, dispose of and give that person’s lawfully acquired possessions alone or in association with others. No person shall be arbitrarily deprived of such property.
- 18. Every person has the right to a nationality as prescribed by law. No person shall be arbitrarily deprived of such nationality nor denied the right to change that nationality.
- 19. The family as the natural and fundamental unit of society is entitled to protection by society and each ASEAN Member State. Men and women of full age have the right to marry on the basis of their free and full consent, to found a family and to dissolve a marriage, as prescribed by law.
- 20. (1) Every person charged with a criminal offence shall be presumed innocent until proved guilty according to law in a fair and

public trial, by a competent, independent and impartial tribunal, at which the accused is guaranteed the right to defence.

(2) No person shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed and no person shall suffer greater punishment for an offence than was prescribed by law at the time it was committed.

(3) No person shall be liable to be tried or punished again for an offence for which he or she has already been finally convicted or acquitted in accordance with the law and penal procedure of each ASEAN Member State.

- 21. Every person has the right to be free from arbitrary interference with his or her privacy, family, home or correspondence including personal data, or to attacks upon that person’s honour and reputation. Every person has the right to the protection of the law against such interference or attacks.
- 22. Every person has the right to freedom of thought, conscience and religion. All forms of intolerance, discrimination and incitement of hatred based on religion and beliefs shall be eliminated.
- 23. Every person has the right to freedom of opinion and expression, including freedom to hold opinions without interference and to seek, receive and impart information, whether orally, in writing or

through any other medium of that person's choice.

- 24. Every person has the right to freedom of peaceful assembly.
- 25. (1) Every person who is a citizen of his or her country has the right to participate in the government of his or her country, either directly or indirectly through democratically elected representatives, in accordance with national law.  
  
(2) Every citizen has the right to vote in periodic and genuine elections, which should be by universal and equal suffrage and by secret ballot, guaranteeing the free expression of the will of the electors, in accordance with national law.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS



- 26. ASEAN Member States affirm all the economic, social and cultural rights in the Universal Declaration of Human Rights. Specifically, ASEAN Member States affirm the following:

- 27. (1) Every person has the right to work, to the free choice of employment, to enjoy just, decent and favourable conditions of work and to have access to assistance schemes for the unemployed.  
  
(2) Every person has the right to form trade unions and join the trade union of his or her choice for the protection of his or her interests, in accordance with national laws and regulations.  
  
(3) No child or any young person shall be subjected to economic and social exploitation. Those who employ children and young people in work harmful to their morals or health, dangerous to life, or likely to hamper their normal development, including their education should be punished by law. ASEAN Member States should also set age limits below which the paid employment of child labour should be prohibited and punished by law.
- 28. Every person has the right to an adequate standard of living for himself or herself and his or her family including:
  - a. The right to adequate and affordable food, freedom from hunger and access to safe and nutritious food;
  - b. The right to clothing;
  - c. The right to adequate and affordable housing;
  - d. The right to medical care and necessary social services;
  - e. The right to safe drinking water and sanitation;
  - f. The right to a safe, clean and sustainable environment.

29. (1) Every person has the right to the enjoyment of the highest attainable standard of physical, mental and reproductive health, to basic and affordable health-care services, and to have access to medical facilities.

(2) The ASEAN Member States shall create a positive environment in overcoming stigma, silence, denial and discrimination in the prevention, treatment, care and support of people suffering from communicable diseases, including HIV/AIDS.

30. (1) Every person shall have the right to social security, including social insurance where available, which assists him or her to secure the means for a dignified and decent existence.

(2) Special protection should be accorded to mothers during a reasonable period as determined by national laws and regulations before and after childbirth. During such period, working mothers should be accorded paid leave or leave with adequate social security benefits.

(3) Motherhood and childhood are entitled to special care and assistance. Every child, whether born in or out of wedlock, shall enjoy the same social protection.

31. (1) Every person has the right to education.

(2) Primary education shall be compulsory and made available free to all. Secondary education in its different forms shall be available

and accessible to all through every appropriate means. Technical and vocational education shall be made generally available. Higher education shall be equally accessible to all on the basis of merit.

(3) Education shall be directed to the full development of the human personality and the sense of his or her dignity. Education shall strengthen the respect for human rights and fundamental freedoms in ASEAN Member States. Furthermore, education shall enable all persons to participate effectively in their respective societies, promote understanding, tolerance and friendship among all nations, racial and religious groups, and enhance the activities of ASEAN for the maintenance of peace.

32. Every person has the right, individually or in association with others, to freely take part in cultural life, to enjoy the arts and the benefits of scientific progress and its applications and to benefit from the protection of the moral and material interests resulting from any scientific, literary or appropriate artistic production of which one is the author.

33. ASEAN Member States should take steps, individually and through regional and international assistance and cooperation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realisation of economic, social and cultural rights recognised in this Declaration.

34. ASEAN Member States may determine the extent to which they would guarantee the economic and social rights found in this

Declaration to non-nationals, with due regard to human rights and the organisation and resources of their respective national economies.

RIGHT TO DEVELOPMENT

- 35. The right to development is an inalienable human right by virtue of which every human person and the peoples of ASEAN are entitled to participate in, contribute to, enjoy and benefit equitably and sustainably from economic, social, cultural and political development. The right to development should be fulfilled so as to meet equitably the developmental and environmental needs of present and future generations. While development facilitates and is necessary for the enjoyment of all human rights, the lack of development may not be invoked to justify the violations of internationally recognised human rights.
- 36. ASEAN Member States should adopt meaningful people-oriented and gender responsive development programmes aimed at poverty alleviation, the creation of conditions including the protection and sustainability of the environment for the peoples of ASEAN to enjoy all human rights recognised in this Declaration on an equitable basis, and the progressive narrowing of the development gap within ASEAN.

- 37. ASEAN Member States recognise that the implementation of the right to development requires effective development policies at the national level as well as equitable economic relations, international cooperation and a favourable international economic environment. ASEAN Member States should mainstream the multidimensional aspects of the right to development into the relevant areas of ASEAN community building and beyond, and shall work with the international community to promote equitable and sustainable development, fair trade practices and effective international cooperation.

RIGHT TO PEACE

- 38. Every person and the peoples of ASEAN have the right to enjoy peace within an ASEAN framework of security and stability, neutrality and freedom, such that the rights set forth in this Declaration can be fully realised. To this end, ASEAN Member States should continue to enhance friendship and cooperation in the furtherance of peace, harmony and stability in the region.





## COOPERATION IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

39. ASEAN Member States share a common interest in and commitment to the promotion and protection of human rights and fundamental freedoms which shall be achieved through, inter alia, cooperation with one another as well as with relevant national, regional and international institutions/organisations, in accordance with the ASEAN Charter.
40. Nothing in this Declaration may be interpreted as implying for any State, group or person any right to perform any act aimed at undermining the purposes and principles of ASEAN, or at the destruction of any of the rights and fundamental freedoms set forth in this Declaration and international human rights instruments to which ASEAN Member States are parties. Adopted by the Heads of State/Government of ASEAN Member States at Phnom Penh, Cambodia, this Eighteenth Day of November in the Year Two Thousand and Twelve, in one single original copy in the English Language.





# VI. Bibliography

**1** Bangkok Declaration (1967). At: <http://asean.org/the-asean-declaration-bangkok-declaration-bangkok-8-august-1967/>. **2** For more information on ASEAN’s achievement of the MDGs, see: [http://www.aseanstats.org/wp-content/uploads/2017/08/ASEAN\\_MDG\\_2017.pdf](http://www.aseanstats.org/wp-content/uploads/2017/08/ASEAN_MDG_2017.pdf). **3** Kofi Annan Foundation, *Deepening Democracy*, p. 5. At: <http://www.kofiannanfoundation.org/publications/deepening-democracy-summary/>. **4** UN Women, *Facts and Figures: Leadership and political participation*. At: <http://www.unwomen.org/en/what-we-do/leadership-and-political-participation/facts-and-figures#notes>. **5** The 2016 Index was based on 60 indicators, scored from 1 to 10. No Southeast Asian country scored above 7 overall. Scores of more than 7 were reached only by Indonesia and the Philippines for elections, only by the Philippines for political participation, and only by Malaysia, Singapore and Thailand for functioning of government. At: <https://infographics.economist.com/2017/DemocracyIndex/>. **6** IDEA, *Development First, Democracy Later?* (2014), p. 9. **7** Amartya Sen, *Development as Freedom* (1999). **8** At: <https://freedomhouse.org/report/freedom-world/freedom-world-2017>. **9** e.g. Myanmar, Thailand, Malaysia – although you might want to be careful in singling out specific countries. **10** Philippines, Malaysia and Cambodia – although you might want to be careful in singling out specific countries. See more info in attached note. **Philippines:** *From Human Rights Watch:* Since taking office on June 30, 2016, Philippine President Rodrigo Duterte has carried out a “war on drugs” that has led to the deaths of over 7,000 Filipinos to date, mostly urban poor. At least 2,555 of the killings have been attributed to the Philippine National Police. **Malaysia:** *From Human Rights Watch:* In 2015, the government passed a law permitting suspension of civil liberties in the name of counterterrorism and national security. Police abuse and impunity remain a serious problem, with torture and death in custody.

Refugees and asylum seekers face discrimination and abuse, and remain unable to work, travel, or enroll in government schools. Opposition leader Anwar Ibrahim remains imprisoned on trumped-up sodomy charges after a politically motivated and unjust trial. The government continues to persecute LGBT activists.

**Cambodia:** Prime Minister Hun Sen is severely shrinking the political space in Cambodia ahead of the 2018 elections. In August 2017, NDI was given a week to pack up its office and leave the country with the excuse that their legal status was not approved. Two foreign news outlets in Cambodia (Cambodia Daily) have been threatened with closure as well and there is currently a social media campaign to garner support to allow them to stay. The leader of the opposition Sam Rainsy has been barred from participating in the upcoming elections and has been sent into exile. **11** Only Singapore ranks high on Transparency’s corruption perceptions index in Southeast Asia (84/100). After that only Malaysia ranks slightly above the global average (49 – global average is 43). All other countries rank below (Cambodia 21, Laos 30, Vietnam 33, Indonesia 37). **12** Women’s participation in parliament: Hungary (10%), Malta (12%), Turkey (14.5%), Latvia (16%), Cyprus (18%) and Greece (18%) compared to the average of 20% for Southeast Asia (from IPU website).

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Southeast Asia has been one of the most successful regions of the world in the last half-century, raising the majority of its population out of poverty as it modernised at breakneck speed. Political development has not everywhere kept up with the region's socio-economic development, however, leading to tensions in many countries. Despite a normative commitment to democracy enshrined in the ASEAN Charter, some countries have experienced democratic backsliding while others, like Indonesia, have undergone successful transitions from authoritarian to democratic dispensations.

This report summarises the debates, conclusions and recommendations of the conference held in Kuala Lumpur in September 2017 to look at the achievements, challenges and prospects facing democracy in Southeast Asia. The conference marshalled a unique variety of speakers from across the region, from government, international organisations, diplomacy, civil society, and journalism. It has been published by the organisers to disseminate the conference's ideas and discussions with a view to informing political debate in Southeast Asia.

## The Electoral Integrity Initiative in brief

Elections are the established mechanism for the peaceful arbitration of political rivalry and transfers of power. In practice however, many elections actually prove deeply destabilizing, sometimes triggering conflict and violence. This series of policy briefs is part of the Kofi Annan Foundation's Electoral Integrity Initiative, which advises countries on how to strengthen the integrity and legitimacy of their electoral processes and avoid election related violence. Looking beyond technical requirements, the Foundation focuses on creating conditions for legitimate elections, making it possible to govern in a climate of trust and transparency.

For more information about our ongoing project visit:

[elections.kofiannanfoundation.org](https://elections.kofiannanfoundation.org)

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