

Democracy Regression in Asia and the Role of the International Community

Outcome Report

ASEAN Civil Society Conference / ASEAN People's Forum

April 24, 2015 2:00pm~4:00pm

UTM Space, Kuliah B-6

Kuala Lumpur, Malaysia



[Program]

Time	Moderator and Speakers
14:00	Welcome Remarks Corrina Lopa, SEACA
14:15	Moderator: Anselmo Lee, Co-Convener, Asia Democracy Network Panelists (15 minutes each) Cambodia: Mr. Theng Savoeun, Coordinator, CCFC Coalition of Cambodia Farmers Community Vietnam: Ms. Huynh Thuc, Vietnamese Women for Human Rights Dr. Nguyen Dinh Thang, CEO BPSOS, Inc Pakistan: Mr. Samson Salamat, Director, Centre for Human Rights Education Sri Lanka: Mr. Ruki Fernando, Advisor, INFORM Human Rights Documentation Centre Thailand: Ms. Pornpen Khongkachonkiet, Voice from Thais
15:20	Question and Answers (Q & A) General Discussion
16:00	Wrap-up and concluding remarks

From March 22-24, 2015, approximately 1,400 participants from all across Southeast Asia gathered in solidarity for the ASEAN Civil Society Conference/ASEAN People's Forum (ACSC/APF) in Kuala Lumpur, Malaysia. Hosted in parallel to the ASEAN Summit of Heads of State, the ACSC/APF is a

platform for civil society organizations, non-governmental organizations, people's organizations, and people movements to come together to discuss issues of concern in a variety of sectors such as development, human rights, trade, environment, youth, and culture. A key outcome of this forum is to release a joint statement and recommendations for the ASEAN leaders at the summit as well as developing open spaces for dialogue with the ASEAN leaders.

The Asia Democracy Network (ADN) in partnership with the Southeast Asian Committee for Advocacy (SEACA), and the Asian Forum for Human Rights and Development (FORUM-ASIA) held an inter-regional workshop during the ACSC/APF, on "Strengthening Democracy in Asia and the Role of the Community of Democracies." Panelists from Thailand, Sri Lanka, Vietnam, Pakistan, and Cambodia, spoke on their respective countries' challenges to democracy as well as their efforts to reclaim civil society space. In amidst these challenges, we gauged on how the international community, like the Community of Democracies, can support civil society in reclaiming democracy and civil society space.

Thailand

Ms. Pornpen Khongkachonkiet, Director of Cross Cultural Foundation, emphasized that the ideological and political divide in Thailand has affected democracy to the extent that it brought on the military coup. The military has in the name of "happiness," took control and installed martial law across the land. So there is no impact on tourism and business martial law has technically been lifted, however, it is in no way gives back democratic space to the people. The coup is justified by corruption and improving of infrastructure, the people are not given the opportunity to voice their opinions on these issues. Freedom of expression is strictly prohibited. The continuous political divide will bring no solution for people to reclaim their space. It is time for the international community to become more involved and bring the divided community together.

South Asia

Within vast Asia, there is a lack in inter-regional dialogue. Many of the times, we are limited to the issues to the sub-region we are associated to. To increase solidarity across Asia, ADN and partners have taken the initiative to provide platforms for inter-regional dialogue.

Pakistan

To better illustrate the situation in Pakistan, Mr. Samson Salamat Director of Centre for Human Rights gave a briefing on the state of democracy and its challenges. The fundamental structure of the state poses challenges to democracy in Pakistan. The content of the constitution in itself is discriminatory and does not give political representation and citizenship on an equal basis. A considerable threat to democracy is the institutionalized restrictions on religion that are indicated in the constitution, in which fuels religious extremism and intolerance of minorities. Pakistan has operated through an elected government; however, there are concerns to transparency and credibility of the elections. More so, the real power lies within the military, leading to the lack of rule of law and the rise of impunity. Another challenge would be the general public's misconception of democracy. Democracy is misconceived as a "western" agenda, a rich people's democracy, and that democracy hates Islam. With

the failure of the delivery of democracy in the state, it has been used as a tool to promote anti- human rights and democracy.

Mr. Salamat provided some recommendations on the role of the Community of Democracies and the international organizations can play in the plight for democracy in Pakistan. According to Mr. Salamat the following were suggested:

1. The international community has an important role to play in responding to the human rights conditions of Pakistan, especially to address the issue of militancy which is a threat to the country and the world.
2. Concrete extensive human rights education.
3. International advocacy and lobbying to address issues of Pakistan, pressuring government and state institutions for the protection and promotion of human rights and democracy.
4. Support in the development of mechanisms to assist and protect human rights defenders in Pakistan.
5. International solidarity missions to Pakistan to raise awareness of the situation.



Sri Lanka

With Mahinda Rajapaksa in power for approximately ten years, Sri Lanka has been under the pseudo authoritarian rule with grave limitations to its democracy. To make matters worse since 2009-2014, Rajapaksa and his family had full control of every aspect of the state, such as the judiciary, legislative, cabinet, media, police, military, NGOs, and business. The people of Sri Lanka responded to extensive suppression of the government and exercised their democratic right through peaceful elections. On January 8th, 2015 Maithripala Sirisena, backed by a broad opposition alliance consisting of lawyers, civil society, academics, artists, and clergy, had a landslide victory with an 81% voter turnout. A gradual democratic reform has been set in motion with the new government in office. The president elect has committed to dissolving the parliament in 100 days and push for a constitutional amendment of amendment 19. This amendment seeks to dilute the powers of the president, improve independent institutions, and strengthen checks and balances, good governance, rule of law, media freedom and the independence of the judiciary.

With the new developments in Sri Lanka Mr. Ruki Fernando, long time activist and advisor to INFORM Human Rights Documentation Centre in Colombo, Sri Lanka, shared with us his analysis of the current situation in Sri Lanka and its implications for the future.

According to Mr. Fernando, after 100 days there have been significant improvements. There are a reduction of fear, an increase in freedom, and a gradual progress on critical issues. There have been concrete actions on corruption, including against Rajapaksa. A couple of political prisoners have been released and some of the military occupied land handed over to the people.

Despite the improvements, Sri Lanka still faces challenges to democracy. There are concerns with the treatment of minorities such as the Tamils, Muslims, Hindus, and Christians as well as dissidents. There is still no movement on the Tamil political question and accountability for the war crimes that occurred at the end of the civil war in 2009. Minority representation is also being threatened by electoral reforms.

In the past, the capacity of support for governmental democracy and civil society from the international community was limited to mostly western countries, in exception of India. However, currently the cooperation with the international community extends to exchanges between heads of Sri Lanka and India, Pakistan, China, U.S., and the UK. The role of the international community is important, as the United Nations already failed once when they pulled out of Sri Lanka in 2008 leaving no eyes for accountability towards the end of the brutal civil war. The international community should be vigilant and support political reforms and keep a close watch on human rights especially minority rights and dissent.

In terms of the Community of Democracies, although the 2015 work plan seems rather vague, there are relevant themes for Sri Lanka. The working group on enabling and protecting civil society, freedom of opinion and expression seems like something that can be utilized. Community of Democracies needs to facilitate more input from non-western countries, especially Latin America to be more effective.

Cambodia

To speak about the situation and history of Cambodia, Mr. Theng Savoeun, Secretariat Coordinator of the Coalition of Cambodian Farmer Community participated on the panel. At the end of the war in Cambodia when the peace agreement was in place the first elections were held. A new constitution was established and supreme law put in place, allowing for the creation of more civil society space and democracy.

Currently, there are rising issues of the government giving land to foreign investors and companies for economic purposes. More of these foreign investors have violated human rights in the country. Since 1998, there has been an increase of non-governmental and grassroots groups that have established to combat these issues.

With civil society being fairly young, increasing in number and influence, the government has become concerned and started to take action. Therefore, there have been a number of regulations being passed like the cyber law and NGO laws that limit the freedom of expression, association, and assembly in Cambodia significantly shrinking civil society space.

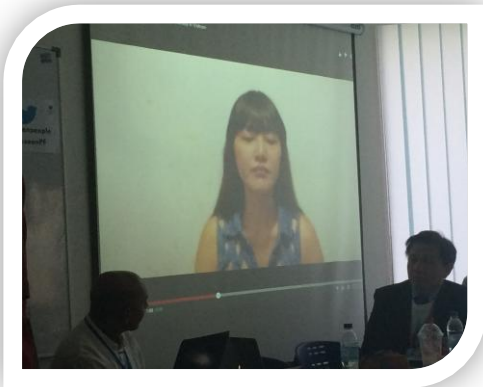
Vietnam

Human rights activists and blogger Ms. Huynh Thuc Vy was not able to personally attend the ACSC/APF due to the heavy oppression and domination of Vietnamese government NGO presence at the event. Throughout the ACSC/APF we were able to hear the perspective of the government NGO representatives therefore, we wanted a balanced viewpoint of the situation inside Vietnam so Ms. Vy sent us a video presentation on the situation of the underground civil society in Vietnam. In addition, Dr. Nguyen Dinh Thang CEO and President of Boat People SOS participate in person on the panel.

She indicated that currently there are two main causes to the lack of democratic process in Vietnam, which are the dictatorial regime and the inability of the people to protect their own fundamental rights. The secondary reasons that fuel the lack of democracy is the systematic oppressive laws that limit the people from exercising their rights in addition to the dominance of fake government NGOs representing civil society. People's fear of association and the lack of ability to associate and organize have given the government of Vietnam to stay persistent.

Vietnam is a single party state and there are strong crackdowns causing difficulty to develop civic space. A key role of the Community of Democracies, United Nations, and the International CSO community in the democratization of Vietnam would be to support the development of this civic space for the people. It is vital that the international community does not indulge the Vietnamese government and rather urge them to reform laws to be more people centered and to comply with international standards of political and civil rights. More importantly, the people of Vietnam needs

capacity building assistance from established democracies and international civil society groups. It is vital to empower and educate the people on the rights they are entitled to so they can take ownership of their rights and demand it from the suppressive government. Training programs to empower groups and leaders, advocacy training, and mobilization training are needed to empower the people to reclaim their space.



Conclusion

A challenge to regional solidarity in facing democratic struggles for the most part lies in the lack of sub-regional cooperation. It is reality that there is a lack of communication and opportunities for different countries to come together and learn about each other's struggles. Through this sharing of information can we understand the underlying common challenges and work in solidarity to overcome them. Through this panel, we were able to identify common democratic challenges. We have found that across Asia religious extremism, ethnic conflict, and shrinking civil society space is an increasing threat to democracy. However, the international community being immersed in specific issues lacks to see the bigger picture and find ways to work together to solve the common challenges.

Overall, it can be concluded that the Community of Democracies (CD) is not visible in the Asian region and many do not know the mechanisms or benefits of the CD. It is recommended the CD and the international community increase its visibility and representation in the region providing support

and assistance in developing regional solidarity, democracy and human rights education, and build people capacity. The Asia region needs to make effort to create a united front in coming face to face with democratic challenges through learning from each other and share best practices.

Recommendations

International Community

- Work towards regional solidarity to create a united front in dealing with threats to democracy and human rights.
- Increase in sub-regional information exchange to better understand situations in other countries and sub-regions to focus on common challenge and collaborate on a common ways forward.
- Attention and advocacy needed on the increasing religious extremism, ethnic conflict, and shrinking of civil society space across Asia.

Community of Democracies (CD)

- Increase visibility, representations, and mechanisms of CD in Asia.
- Increase efforts to support regional cooperation and solidarity.
- Provide assistance in developing regional solidarity, democracy and human rights education, and building people capacity.
- Include more input from non-western countries to become more effective.
- Increased Asian representation in CD.

