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**PUSH
BACK!**
AGAINST SHRINKING DEMOCRATIC SPACE

EDITORIAL

PUSH BACK! AGAINST SHRINKING DEMOCRATIC SPACE

On 20 November 2019, opposition leader Thanathorn Juangroongruangkit of Future Forward Party (FWP) was stripped of his parliamentary seat by Thailand's military-backed Constitutional Court. Though intended to harass the country's budding opposition, Thanathorn and his party comrades exhibited considerable grace and confidence as they hosted a regional conference on the emerging threats to democracy three days later.

Held in Bangkok from 23 November to 25, the event brought together more than three dozen participants from seven countries, stretching two continents. The conference, which was organized by the Network for Social Democracy in Asia (Socdem Asia), examined the authoritarian consequences of the rising populist movement and the actions that must be undertaken to address this danger.

By comparing the existing academic literature with actual political experience, the conference provided a useful framework to help social democrats: (1) understand the global rise of populism; (2) reflect on the political situation in their respective countries; and (3) develop a unified response to the challenges that they

now commonly face. This enabled the participants to have a shared conception of *populism* as a political doctrine that divides citizens into two competing camps — the exploited “common people” on one hand, and the corrupt and privileged elite on the other.

The conference further unbundled this concept by differentiating the kind of populism that thrives in the industrialized West from the type that is typically found in the developing world. In both the United States and Western Europe for example, populist movements largely reflect the sentiments of rural-based blue-collar workers from the Baby Boomer generation, with their rejection of globalization, the Establishment, and social welfare measures.

But apart from their shared contempt for the elites, populist movements in the Global South have nothing much in common with their Northern counterparts. In the developing world, the populist upsurge is largely driven by the demands of young, middle class urbanites for greater social welfare. Their leaders, at the same time, are also pro-globalization, though they often ride on anti-globalization sentiments to consolidate their power and expand their political base.

However, the conference concluded that these distinctions are largely inconsequential since populist movements (whether from the Global North or the Global South) generally lead to the same outcome: the erosion of civic space. A metaphor that has gained greater currency in recent years, ‘*shrinking civic space*’ does not only refer to reduced opportunities for policy intervention, but also to the deliberate attempt of the state to curtail political dissent and diminish the value of human rights.

By looking at the experience of six Asian countries — India, Myanmar, Thailand, Indonesia, Malaysia and the Philippines — conference participants were able to identify eight (8) strategies that populists and authoritarian regimes employ to gain and maintain power.

To gain mass following and destroy the reputation of the opposition, anti-democratic forces *spread fake news and disinformation* through both social and traditional media. They will then attempt to generate fanatical loyalty from their adherents by polarizing society into “us” and “them.” This is done by *attacking religious and ethnic minorities*, and by *misappropriating religion to promote political extremism*.

Once in power, populist leaders will *seek the support of the military* by giving it a prominent role in the management of the state. If this feat is accomplished, then the government can unleash the armed forces to *intimidate journalists, harass opposition parties, and attack human rights defenders.*

In recent years, populist autocrats have added a new weapon in their arsenal — *lawfare*. Understood as the weaponization of the law by the state to attack activists, journalists and opposition leaders, lawfare is increasingly being used, not only to pervert the law, but to also silence all forms of dissent.

To capture the spirited discussions of the conference, this issue of the *Socdem Asia Quarterly* has brought together selected articles from six of the conference participants. Most of these essays were presented during the event, while the rest are reflection pieces that drew insights and inspiration from the conference.

We begin with a brief analytical article from this publication's editor-in-chief, Francis Isaac. Looking at the region's overall political situation, Isaac highlights the precarious situation of Asian democracy, with at least five electoral democracies “that are now under serious threat of shifting to autocratic rule.” Isaac further adds that though authoritarian rule is often seen as a “necessary precondition for economic growth,” much of Asia's new prosperity “is being concentrated in a small segment of the population, resulting in worsening inequality throughout the entire region.”

From an Asian-wide perspective, we then shift our attention to Thailand with Pannika Wanich's article. A prominent member of Future Forward Party, Pannika's contribution not only underscores the gross inequality in Thai society, but also the continuing collusion between the country's civilian elites and the powerful military establishment. And despite its unpopularity, the regime has managed to remain in power by manipulating the allocation of parliamentary seats and by using the country's legal system to harass the opposition.

Prerna Singh, for her part, looks at the situation of India under Hindu nationalist prime minister Narendra Modi. Though this huge nation of 1.3 billion people is often described as “the world's largest democracy,” India has been experiencing increasing attacks against religious minorities, even as journalists and human rights activists face continuing harassment from rightwing militants. A member of the Delhi Legislative Assembly, Singh asserts that, “authorities regularly use India's sedition law and criminal defamation law to prosecute citizens who criticize government officials.” She also notes that women and girls remain highly vulnerable to misogyny and domestic abuse because of the government's failure to hold public officials accountable.

The Philippines is in a similar situation, with Rodrigo Duterte's election to the presidency in 2016. According to Tomasito Villarin of Akbayan Party, “the Philippines is now considered a fragile democracy,” after “Duterte destroyed democratic institutions built over the last three decades.” The President has also initiated a “state-sponsored war on drugs that has literally riddled (the) capital with dead bodies.” And in a recent move, Duterte has ordered the country's withdrawal from the International Criminal Court, while his government continue to file sedition charges against the political opposition.

The threat to democracy, however, not only comes from authoritarian governments. In Indonesia for example, the main danger arises from extremist groups that are bent on overthrowing the country's secular republican order. As Nasdem Party's Damianus Bilo attests, various radical groups have emerged since *reformasi* “to carry out terrorist activities throughout the country.” These groups, he further adds, are using democratic procedures to undermine democracy, by infiltrating schools, places of worship and other vital social institutions.

But citizens are not simply keeping quiet. They are also fighting back. This is evident in the 2018 electoral victory of *Pakatan Harapan* which ended 61 years of semi-authoritarian rule in Malaysia. In her article, Thulsi Manogaran traces the efforts that the

Malaysian people undertook to end the political dominance of *Barisan Nasional* and usher a new coalition government that promised to end corruption and ensure greater respect for human rights.

The essays in this issue all share a common message: that though civic spaces are rapidly shrinking, those spaces are also being contested. And social democrats do so, not only through electoral engagement, but also through grassroots organizing, protest actions, online campaigns, coalition building and solidarity work.

All these efforts reflect the sheer tenacity of the region's social democrats. And their persistence was best expressed by Pannika Wanich who, during the conference, exclaimed:

“The direction of the tide is towards change. We are not swimming against the tide; we are swimming along with it.”

Socdem Asia Quarterly is published by the Network for Social Democracy in Asia (Socdem Asia) to share perspectives and analyses from leading social democrats from across the Asian region and the rest of the world.

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ASIA'S FRAGILE DEMOCRACIES

By: Francis Isaac

For four straight days in February 1986, Filipinos in the thousands occupied Metro Manila's main thoroughfare to express their disgust against ailing dictator Ferdinand Marcos. Known as the People Power Revolution, this event successfully ended 14 years of authoritarian rule, replacing it with a government headed by housewife-turned-opposition leader Corazon Aquino.

Extensively covered by the foreign press, this bloodless uprising marked, not only the fall of a dictator, but also the beginning of Asia's democratic wave. Writing in 2011, Kate McGeown of the BBC reflected on the legacy of People Power and concluded that the Philippines "had an effect on other nations in the region" by prompting them to "take their own steps towards democratisation."¹

Asia's Democratic Wave

McGeown's statement is difficult to refute. Less than two years after the fall of Marcos, the South Korean regime was forced to hold free elections in December 1987 (the first time in three

decades), after huge demonstrations brought the country to a standstill for months on end.

And almost a thousand miles to the south, Taiwan's Koumintang-led government lifted martial law in July 1987, which was imposed on the island in May 1949. This event led to a long process of political reform, culminating in the country's first direct presidential poll in March 1996.

Further to the east, anger and frustration simmered on the streets of Nepal for 10 straight months, as massive crowds demanded the end of absolute monarchy. Dubbed as the *Jana Andolan* (People's Movement), this popular upsurge culminated in a paralyzing general strike, which forced King Birendra to lift the ban on political parties and handover the reins of power to an interim civilian government.

That same year also marked Mongolia's transition to democracy, when the country's leaders abandoned sixty-nine years of Soviet-style one-party rule and held the first-ever multiparty elections on 29 July.

Fifteen months later, Cambodia's warring political factions signed the Paris Peace Accord, which ended two decades of continuous armed conflict. With the signing of the agreement, Cambodia was placed under the direct supervision of the United Nations, which ended shortly after parliamentary elections were held in May 1993.

Neighboring Thailand also regained its democracy, after massive street protests in Bangkok forced General Suchinda Kraprayoon to resign as Prime Minister in May 1992. With his removal from office, Thailand experienced a brief period of political stability, with elected civilians holding the reins of government.

Asia's democratic wave finally reached its peak in May 1998, when severe economic hardship and widespread public anger forced Indonesian dictator Suharto to resign as President after 31 years in power.

¹ McGeown, Kate (2011). "People Power at 25: Long Road to Philippine Democracy." 25 February. Retrieved from: <http://www.bbc.com/news/world-asia-pacific-12567320>.

While all these events occurred in the Asian region, they also formed part of a larger global phenomenon known as the *third wave of democratization*. Coined by the late Harvard University professor Samuel Huntington, a democratic wave is “a group of transitions from nondemocratic to democratic regimes that occur within a specified period of time and that significantly outnumber transitions in the opposite direction during that period of time.”²

He further argued that two democratic waves had previously occurred in modern history: the first lasted from 1828 to 1926, while the second wave occurred following the end of the Second World War. But the third wave, Huntington claimed, began with the Carnation Revolution of April 1974, when Portugal's 41-year old dictatorship was toppled by a military *coup* of young officers, supported by enthusiastic civilian outpouring on the streets.

Reverse Wave

Unlike the two previous waves which only “affected a small number of countries,”³ Huntington observed that the third democratic wave was “a global one (as it) moved across southern Europe, swept through Latin America, moved to Asia, and decimated dictatorships in the Soviet bloc.”⁴ He, however, warned that each democratic wave is followed by a “reverse wave in which some but not all of the countries that had previously made the transition to democracy reverted to nondemocratic rule.”⁵

Unfortunately, experts believe that we have now reached that point. This was the conclusion of the Varieties of Democracy Institute (V-Dem) — an independent think-tank based in Sweden's University of Gothenburg. In its 2019 *Annual Democracy Report*, V-Dem asserted that “we are undeniably in a ‘third wave of autocratization,’” due to the “weakening rule of law, (even as)



Image: www.officialgazette.gov.ph

“A democratic wave is a group of transitions from nondemocratic to democratic regimes that occur within a specified period of time and that significantly outnumber transitions in the opposite direction during that period of time.

attacks on free media and civil society are increasing in many countries.”⁶

Autocratization, the document clarified, refers to “any substantial and significant worsening on the scale of liberal democracy” which “covers both erosion in democratic countries (democratic backsliding), breakdown of democracy, as well as worsening of conditions in electoral authoritarian countries.”⁷

The Report also provided a four-type classification of political regimes. These are:

- *Liberal democracy*, which is a type of regime that regularly holds free,

fair and competitive elections, with appropriate institutional constraints on the executive.

- *Electoral democracy*, which undertakes *de-facto* free and fair, multiparty elections.
- *Electoral autocracy*, which is a nondemocratic regime that holds *dejure* multiparty elections.
- *Closed autocracy*, which is a type of regime wherein *dejure* multiparty elections are palpably absent.

² Huntington, Samuel. 1991. *The Third Wave: Democratization in the Late Twentieth Century*. Norman, Oklahoma and London: University of Oklahoma Press; p. 15.

³ Ibid., p. 15.

⁴ Ibid., p. 25.

⁵ Ibid., pp. 15-16.

⁶ V-Dem Institute (2019). *Democracy Facing Global Challenges: V-Dem Annual Democracy Report 2019*. Gothenburg; p. 10.

⁷ Ibid., p. 14.



Political Regimes in Asia

Country	Regime Type
Afghanistan	Electoral Autocracy
Bangladesh	Electoral Autocracy
Bhutan	Liberal Democracy
Brunei	Closed Autocracy
Darussalam	Electoral Autocracy
Cambodia	Closed Autocracy
China	Electoral Democracy
IndiaIndonesia	Electoral Democracy
Japan	Liberal Democracy
Korea, North	Closed Autocracy
Korea, South	Electoral Democracy
Laos	Closed Autocracy
Malaysia	Electoral Autocracy

Country	Regime Type
Maldives	Electoral Autocracy
Mongolia	Electoral Democracy
Myanmar	Electoral Autocracy
Nepal	Electoral Democracy
Pakistan	Electoral Autocracy
Philippines	Electoral Democracy
Singapore	Electoral Autocracy
Sri Lanka	Electoral Democracy
Taiwan	Liberal Democracy
Thailand	Closed Autocracy
Timor Leste	Electoral Democracy
Vietnam	Closed Autocracy

Source: V-Dem (2019)

The V-Dem Report further stated that while “democracy still prevails in a majority of countries in the world,” close to “one-third of the world’s population lives in countries undergoing autocratization, surging from 415 million in 2016 to 2.3 billion in 2018.”⁸

Applying V-Dem’s classification on the three sub-regions of East, South and Southeast Asia, one can discern that there are only three (3) full-fledged liberal democracies from a total of 25 countries. And from the 22 non-liberal democracies, only eight (8) countries can be classified as electoral democracies, while the rest are either

categorized as electoral autocracies or closed autocracies. The Report also indicated the precarious situation of democracy in the region, since there are at least five (5) electoral democracies (namely India, Indonesia, Nepal, the Philippines and Sri Lanka) that are now under serious threat of shifting to autocratic rule.

⁸ Ibid., p. 5.

The Network for Social Democracy in Asia (Socdem Asia) has also enriched our understanding of authoritarianism through a conference that was held in Bangkok on 23-25 November 2019. By looking at the experiences of India, Indonesia, Malaysia, Myanmar, Thailand and the Philippines, the Network was able to identify eight (8) strategies that autocrats use in order to gain and preserve power. The first seven strategies are largely conventional, and these are: (1) attacking human rights defenders; (2)

harassment of journalists; (3) peddling fake news and disinformation; (4) harassment of opposition parties and/or leaders; (5) attacks on ethnic and religious minorities; (6) political extremism in the guise of religion; and (7) dominant role of the military.

However, the eighth strategy called *lawfare* has yet to be fully studied. Popularized by Major General Charles Dunlap in his 2001 speech in Harvard University, the term originally referred to the “use of law as a weapon of war.”⁹

But since then, the concept of lawfare has been defined in more negative terms. Writing in the *Fordham International Law Journal* in 2013, Brooke Goldstein and Benjamin Ryberg described lawfare as “the manipulation of Western laws and judicial systems to achieve strategic military and political ends.”¹⁰

At present, lawfare is understood by human rights advocates as the perversion and weaponization of the law by the state to silence dissent.

“Five electoral democracies (India, Indonesia, Nepal, the Philippines and Sri Lanka) are now under serious threat of shifting to autocratic rule.

Autocratic Strategies Used in Six Asian Countries						
Autocratic Strategies	India	Indonesia	Malaysia	Myanmar	Philippines	Thailand
Attack on human rights defenders	X			X	X	
Harassment of journalists			X	X	X	X
Spread of fake news and disinformation					X	
Harassment of opposition parties and/or leaders		X	X		X	X
Attacks on ethnic and religious minorities	X			X		
Political extremism in the guise of religion	X	X		X		
Dominant role of the military				X		X
Lawfare	X		X	X	X	X

Source: Socdem Asia (2019)

⁹Dunlap, Charles Jr. (2001). “Law and Military Interventions: Preserving Humanitarian Values in 21st Conflicts.” Paper presented at the *Humanitarian Challenges in Military Intervention Conference*. Harvard University, Washington DC; 29 November; p. 2.

¹⁰Goldstein, Brooke and Benjamin Ryberg (2013). “The Emerging Face of Lawfare: Legal Maneuvering Designed to Hinder the Exposure of Terrorism and Terror Financing,” in *Fordham International Law Journal*. 36 (3); p. 637.



Image: thediplomat.com

“The authoritarian argument has gained greater convincing power because of Asia's robust economic performance.

Autocratization and Economic Growth

Despite this alarming trend, most Asian elites remain unperturbed, with some even arguing that authoritarian rule is a necessary precondition for economic growth. Their most formidable proponent was the late Lee Kuan Yew, who was Prime Minister of Singapore from June 1959 to November 1990.

In his book *From Third World to First*, Lee argued that “it was not possible to insist that American or European standards of human rights of the late twentieth century be imposed universally” since “different societies had developed separately for thousands of years in disparate ways.”¹¹

And during his visit to Tokyo in 1992, Lee launched an even more scathing criticism of Western-style democracy, insisting that

“A country must first have economic development, then democracy may follow. With a few exceptions, democracy has not brought good government to new developing countries. Democracy has not led to development because the governments did not establish stability and discipline necessary for development.”¹²

But such a perspective is not new and has, in fact, been invoked by Asian dictators as early as the 1960s. Ne Win,¹³ for example, after seizing power in

1962, reportedly declared that “parliamentary democracy is not suitable for Burma;” insisting instead that legislative, executive and judicial authority be assumed by one person—himself.

Recently, the authoritarian argument has gained greater convincing power because of Asia's robust economic performance. From 1990 to 2010 alone, the region had an average annual growth of 7%. Much of this growth was driven by two of the continent's most powerful economies, China and India, which had average yearly GDP growth rates of 9.9% and 6.3% respectively. This meant a three-fold increase in the region's per capita GDP, from \$1,602 in 1990 to \$4,982 in 2010.

¹¹ Lee Kuan Yew (2000). *From Third World to First: The Singapore Story (1965-2000)*. New York: HarperCollins Publishers Inc.; p. 490.

¹² Barr, Michael (2000). “Lee Kuan Yew and the 'Asian Values' Debate.” *Asian Studies Review*, 24 (3); p. 324.

¹³ Ne Win was an army general who became Burma's military dictator from 1962 to 1988, after leading a successful *coup d'etat* against Prime Minister U Nu.

Social Inequality

While Asia's new prosperity cannot be denied, much of this wealth is being concentrated in a small segment of the population, resulting in worsening inequality throughout the entire region. This was, in fact, pointed out in a 2018 report by the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP).

More than a hundred pages long, the document began by acknowledging the “extraordinary development” in the Asian region, particularly in the areas of energy, health care and education, as well as water and sanitation. But these improvements, the report maintains, have been largely uneven, as the “gaps between the rich and the poor...have continued to grow.”¹⁴ UNESCAP further adds that, “economic growth has not been inclusive, leaving millions of people in a disadvantaged and precarious situation.”¹⁵

Using the Asia-Pacific region's Gini coefficient, the report noticed a significant increase in income inequality during a two-decade period, rising 5 percentage points from 33.5 in 1990-1994 to 38.4 in 2010-2014. And for many Asian countries, increased income inequality meant “a higher concentration of wealth among the already rich, or the top 10 per cent of the population.”¹⁶

Ironically, the steepest increase in inequality were recorded in the region's two best performing nations. In India, for example, the top 10% of the population received 54.2% of the total national income; while in China, 41.1% of the country's total income went to the top 10% of their population. This situation, the report notes, has severe consequences, since “inequality reduces the impact of growth on poverty reduction.”¹⁷

A similar conclusion was also reached by scholars Ravi Kanbur, Changyong Rhee and Juzhong Zhuang, who argued that, “rising inequality hampers poverty reduction.”¹⁸ In their 2014 book *Inequality in Asia and the Pacific*, the authors pointed out that if inequality did not increase between the early 1990s and late 2000s, then India would have reduced its poverty rate to 29.5% instead of the actual 32.7%, and that China would have a much lower poverty rate of 4.9% rather 13.2%.

A similar study by scholars Rumki Basu and M. Shamsur Rahman were even more scolding, noting that while Asian

growth has generated great affluence, it has “not translated into better living conditions for its people (since) the pace of improvement has been rather slow.” They further pointed out that while the traditional elite and new middle class benefit from this newfound prosperity, growth is also generating growing income inequality, “whereby superior ‘world class’ facilities are being created for the privileged while the poor receive second-rate treatment, or even become the target of active repression.” This situation has prompted the authors to remark that, “the rhetoric of inclusive growth (goes) hand in hand with elitist policies that often end up promoting a two-track society.”¹⁹

“While Asia's new prosperity cannot be denied, much of this wealth is being concentrated in a small segment of the population.

Image: www.bbc.com



¹⁴ UNESCAP (2018). *Inequality in Asia and the Pacific in the Era of the 2030 Agenda for Sustainable Development*. Bangkok; 5.

¹⁵ Ibid., p. 20.

¹⁶ Ibid., p. 20.

¹⁷ Ibid., p. 4.

¹⁸ Kanbur, Ravi, Changyong Rhee and Juzhong Zhuang, eds. (2014). *Inequality in Asia and the Pacific: Trends, Drivers, and Policy Implications*. London and New York: Routledge; p. 5.

¹⁹ Basu, Rumki and M. Shamsur Rahman, eds. (2017). *Governance in South Asia*. London and New York: Routledge; p. 7.

Rouge One

Fortunately, the combined challenge of autocratization and social inequality have not gone unnoticed. From across the region, Asian social democrats are mounting a strong and vigorous response to defend civil liberties and promote social justice. This is reflected in a recent statement by Akbayan Party Chairperson Risa Hontiveros who, in an apparent response to Rodrigo Duterte's authoritarian tendencies,²⁰ defiantly declared that

We will not be bullied into submission. We will not allow hatred to plunge this country into

darkness. If anything, we will fight harder, and be stronger, because the struggle to defend democracy deserves courage. When cowards attack our democracy, the brave must stand to defend it.

A similarly defiant message was voiced by Thanathorn Juangroongruangkit, former leader of Thailand's Future Forward Party, in his appeal to end the military dictatorship that has ruled his country for the past 15 years:

I believe that all of Thai society is probably already beginning to see that there is no other option: the only exit that remains is returning

Thailand to democracy. So, democracy in this moment in Thailand is not optional, it is the only viable path.

Because of this shared conviction among social democrats, Socdem Asia issued the Kuala Lumpur Declaration on 29 August 2019, which acknowledged “the shrinking spaces in many Asian countries,”²¹ while pledging to “break elitism, exploitation and deception that maintain the status quo.”²² Affirming the “fundamental centrality of human rights,” the statement emphasized the need for a “social democratic alternative” as the Network's response to “neoliberal economics, authoritarian rule and unequal social relations.”²³

And even as they wage the battle for democracy, Asia's social democrats are also addressing the problem of inequality by building the welfare capacities of their respective countries.

In Christian-majority Philippines, for example, Akbayan Party won a bruising 15-year battle with the Catholic Church with the enactment of the Reproductive Health Law in 2012. Meant to reduce maternal mortality and give women greater control over their bodies, the measure guarantees easy access to both natural and artificial contraception, while also ensuring adequate healthcare for all Filipino mothers.

And despite constant attacks from President Duterte and his supporters, Akbayan successfully shepherded the passage of two of the most important health initiatives in the last three years. The first, called the Anti-Hospital Deposit Act of 2017, penalizes hospitals that require payment before providing patients with basic emergency care. And the second measure, known as the Philippine Mental Health Act of 2018, provides affordable and accessible mental health services down to the village level, and guarantees mental health education in schools and workplaces.



Image: foreignbrief.com

“Even as they wage the battle for democracy, Asia's social democrats are also addressing the problem of inequality.

²⁰ Rodrigo Duterte is the current President of the Philippines. Elected in May 2016 in a landslide victory, Duterte remains a highly controversial figure because of his “war on drugs” which has claimed the lives of approximately 26,000 Filipinos. Most of the victims are from low-income families.

²¹ Network for Social Democracy in Asia (2019a). “Breaking Through the Future, the Future is Social Democracy! Kuala Lumpur Declaration.” 29 August; p. 1.

²² Ibid., p. 2.

²³ Ibid., p. 3.

In neighboring Myanmar, the Democratic Party for New Society (DPNS) and the Shan Nationalities League for Democracy (SNLD) have launched a joint campaign for healthcare reform. Their aim is to decentralize the country's overly concentrated healthcare system, in order to reduce bureaucratic rigidity and bring needed medical services closer to the people. If successful, the campaign can introduce amendments to the constitution that would pave the way for a reduced role of the military and establish a new federal setup.

Meanwhile, their sister party Nepali Congress has already introduced several landmark reform measures in education. While leading the campaign against absolute monarchy on one hand, and Maoist militants on the other, Nepal's social democrats were also able to improve the country's literacy rate, increase the number of female teachers and achieve gender parity in schools at all levels.

Alongside these initiatives and other similar national efforts, Socdem Asia is also undertaking various campaigns in order to develop a social welfare model that is appropriate to the context and sensitive to the diverse cultures of the

region. In its *Political Programme*, the Network envisions the creation of a social state through increased "social spending on important welfare services and programs." Socdem Asia believes that doing so will enable the countries in the region to provide "a broad spectrum of basic social services including health, education, clean water, electricity, humane housing, education, adequate and affordable food for all, and living pension and assistance to vulnerable groups."²⁵

Because of this commitment, the Network has been organizing various study sessions and conferences to sharpen its analyses and develop policy alternatives for the Asian continent. In April 2018 for instance, Socdem Asia convened a *Regional Conference on Reimagining an Asian Social Welfare Model* in Manila. Its aim was to envision a social welfare model for the region and develop a collaborative campaign to advance social welfare reforms in the various Asian countries.

A year later, the Network organized a regional conference on *Promoting Inclusive Policy-Making for Social Welfare* in Jakarta, Indonesia. Held on 2-6 December 2019, the event brought together legislators, activists and

scholars to share experiences in their effort to promote social welfare, and develop learning modules on inclusive policy-making.

This conference gave birth to the Socdem Asia Parliamentarians' Caucus, which issued its initial 'Manifesto' on 5 December. In its statement, the Caucus pledged to combat inequality by ensuring "greater access to affordable and quality healthcare."²⁶ This will be done through sound policies that guarantee healthcare services that are accessible to all citizens. The Parliamentarians' Caucus also saw the need to promote quality education that reaches, not only children, but "all citizens, regardless of their gender, race, ethnicity, (or) religious group."²⁷

Of course, we do not expect our labor to quickly bear fruit, especially at this moment when authoritarianism seems ascendant. But if there is one resource that social democrats have in abundance, it is HOPE. And "rebellions," as Star Wars character Jyn Erso succinctly remarks, "are built on hope."

²⁴ Network for Social Democracy in Asia (2019b). 2019 is *Socdem Asia's 10th Year*. Quezon City; p. 6.

²⁵ *Ibid.*, p. 6.

²⁶ *Ibid.*, p. 13.

²⁷ *Ibid.*, p. 13.

THAILAND'S SHRINKING DEMOCRATIC SPACE

By: Pannika Wanich

(This essay is based on a presentation that was delivered by Pannika Wanich, spokesperson of Future Forward Party, in a conference that was organized by Socdem Asia on 24 November 2019 in Bangkok, Thailand. The party was later dissolved by the Thai Constitutional Court in a ruling that was issued on 21 February 2020. As a response to the Court's decision, Future Forward Party has now transformed itself into a social movement called the Progressive Movement.)

Thai Democracy?

Mainstream history books will tell you that Thailand became a democracy in 1932, when absolute monarchy was overthrown. But our country is not a genuine “democracy,” because unlike most Western countries, we have been burdened by a vicious cycle of military coups.

The army is a very powerful institution, which often intervenes in Thai politics. For the past 87 years since we became a “democracy,” the armed forces have launched successive coups to topple civilian governments that they disliked.

In fact, since 1932, Thailand already had 20 constitutions, 29 prime ministers and 13 military coups. This

means that on the average, we have a new constitution every 4 years, a new prime minister every 2.9 years, and a *coup d'etat* every 6 years. These are not statistics that we can be proud of.

Even the last 13 years of Thai politics have been marked by instability. We had a military coup in 2006, which overthrew the government of Thaksin Shinawatra. Four years later, the country witnessed the 2010 massacre that killed 87 people and injured more than 2,000 civilians. And then, the military, headed by its commander-in-chief General Prayut Chan-o-cha, again launched another coup in 2014.

But we saw a glimmer of hope in 2019 with the success of the Future Forward Party (FWP) in the general elections, which surprised everyone.

“Thailand has been burdened by a vicious cycle of military coups.

Image: www.chiangraitimes.com



Inequality: The Rich vs. the Rest

Thailand's economy is highly monopolistic since it is practically controlled by the five richest tycoons of the country. They are the Chearavanont brothers, the Chirathivat family, Chalerm Yoovidhya, Charoen Sirivadhanabhakdi, and Sarath Ratanavadi. According to *Forbes Magazine*, these top tycoons have a combined wealth of THB5.11 trillion (\$156 billion). They also consistently supported all the previous coups that the military had carried out.

And because of its monopolistic economy, Thai society has become the most unequal in the world. According to Credit Suisse's Global Wealth Report 2019, Thailand's richest 1% control 67% of the nation's wealth. They are also richer than 60 million people of the country combined.

FWP: The Formation

Future Forward Party was founded on 15 March 2018. We formed FWP because we wanted to end the vicious cycle of military coups, and the best way to do this is by having representatives in parliament who could restore the people's trust in democracy.

After five years of military rule, ordinary Thais lost appetite in politics. Nobody trusted politicians and nobody trusted existing political parties. That prompted us to form a new party that would help bring about change. We envisioned FWP as a party that would fight for democracy. It would strive to achieve a kind of politics characterized by free and fair elections, and where civilian supremacy over the military was assured — guarantees that are likely taken for granted in the industrialized West. The party's immediate aim, however, is to ensure that there will be no more military coups in the future.

FWP has only been in existence for the past two years, and because it is a young party, many were surprised by its stunning performance in the 2019 general elections.¹ Our victory was a



Image: <http://rappler15.rssing.com>

“We formed Future Forward Party because we wanted to end the vicious cycle of military coups.

reflection of our people's longing for a better future. During the campaign, Future Forward Party was able to attract huge crowds. Most of them did not ask for our party buttons, but they all called for change.

Intra-Party Demographics

We were able to win 81 seats in the last elections. Most of our MPs (members of parliament) are from Bangkok, with 36 in all. We also have 9 MPs from Central Thailand, 10 from Eastern Thailand, 13 from Northern Thailand, 7 from

Northeastern Thailand, and 6 MPs from Southern Thailand.

Our youngest female MP is 27 years old, while our youngest male MP is 26 years old. On the other hand, our oldest male MP is 76 years old, while our oldest female MP is 55 years old. The average age of our MPs is 44.8 years old, which is the youngest average age among all existing parties in the parliament. We are proud of this achievement, but not yet satisfied. Our goal is to make the party's average age even younger.

¹ The 2019 general election was held on 24 March 2019 — *the editor*.

In terms of gender breakdown, our representatives are still predominantly male with 63 men or 79% of our total MPs. Our 13 women MPs only comprise 16% of our total MPs, while we only have 4 LGBT MPs (5%). Future Forward Party has one of highest number of female MPs in the country. However, our current numbers remain unsatisfying because it still falls below the global average of 24%. Other countries have done better. In Sweden, practically half of the members of parliament are women; while in Finland, 46% of their MPs are female. We look up to their achievement. We hope to emulate them by trying to do better in the next election.

Most MPs from traditional parties are usually wealthy old men. FWP tries to break this pattern by ensuring diversity in the party. In fact, our MPs come from diverse backgrounds, which also reflects the diversity of Thai society.

Because they come from every profession possible, our parliamentarians are no different from ordinary people who walk the street or shop in the market.

Manipulation of Seat Allocation

During the election campaign, academics and people from the media were projecting that the opposition coalition would win 254 seats, thereby having a 7-seat advantage over the pro-junta forces with 246 seats. Future Forward Party alone was expected to win 87 seats.

But when the results came in, the Thai Election Commission (EC) decided to use a formula to calculate party-list MPs that finally shove off 7 seats from FWP and then re-allocated those seats to other smaller parties. Consequently, the pro-junta parties were able to gain 254 seats in all, while the opposition was given 246 seats.

Harassment of Opposition Parties

On 20 November 2019, the Constitutional Court decided to strip FWP party leader Thanathorn Juangroongruangkit of his MP status. The Court ruled that Thanathorn violated Thailand's election laws by holding shares in a media company when he ran as an MP candidate, although he had documented evidence showing that he sold all shares before running in the election.

The regime is also suppressing all forms of opposition. On 4 October 2019, a dozen people were charged with sedition after attending a public forum in Pattani² that discussed the issue of constitutional amendments. Those charged included 7 opposition leaders, 3 academics, and 2 activists. Thanathorn was one of those 12 individuals who were charged by the military.

Despite these harassments, FWP remains steadfast in its campaign to amend the current Thai constitution. We believe that the military derives its political strength and legitimacy from the said constitution. If that is amended, then we can painstakingly rebuild democracy in Thailand. However, we can only do so if we generate enough support from the public.

The Story of Nuamthong Priwan

To conclude, let me share the story of Nuamthong Priwan. He was a 60-year old taxi driver who opposed the military coup of 2006. To show his indignation, he spray-painted his taxi with the words, "The junta is destroying country," and then drove it into a military tank.

Nuamthong was later denounced by the deputy spokesperson of the military junta, Akkara Thiproj as an old man seeking publicity. He also belittled Nuamthong by saying that, "No one has enough faith in democracy to fight and die for it." Nuamthong proved the junta wrong when he committed suicide by hanging himself to an overpass bar.

There are many more like Nuamthong in Thailand, and we are all prepared to fight for democracy and for a better future for us all, THE PEOPLE.

“We are all prepared to fight for democracy.

Image: www.pattayamail.com



² Pattani is a province in southern Thailand that has a predominantly Muslim population — *the editor*.

DEMOCRACY AND HUMAN RIGHTS IN MODI'S INDIA

By: Prerna Singh

India's former President, Dr. A.P.J. Abdul Kalam,¹ rightly said that, “in a democracy, the well-being, individuality and happiness of every citizen is important for the overall prosperity, peace and happiness of the nation.”

The Indian Constitution is probably the most rights-based constitution in the world, which provides the ethical foundation of human rights in its Preamble. Its legal expressions, on the other hand, are found in Part-III and Part-IV of the Constitution.

India has taken important strides in recent years by introducing legal reforms with respect to the treatment of women, *dalit*² and various vulnerable groups. More recently, the government proposed a number of measures in Parliament such as the Transgender Person Bill, the Mental Health Care Bill, and the Rights of Persons with Disabilities Bill aimed at advancing the rights of people with disabilities. But in

many areas, the government and local authorities continue to fall short, both with respect to legal reforms and implementation.

India has a federal structure of government. As a practical matter, it is primarily up to state governments to maintain law and order. The central government, however, has often used this as an excuse for its own inaction in addressing human rights concerns, and failed to use its power and influence to compel local governments to protect human rights.

For instance, the current government has failed to promptly condemn attacks against religious minorities or call on state governments to investigate and prosecute those responsible — some of whom are members or supporters of the ruling Bharatiya Janata Party (BJP). Similarly, while state governments have been responsible for using or misusing problematic national laws to restrict

“The current government has failed to promptly condemn attacks against religious minorities.

peaceful expression, the current government has a record of defending such laws and has been unwilling to take legislative steps to repeal or amend them to bring them in line with international human rights standards.

Freedom of Speech Under Fire

Prime Minister Narendra Modi has frequently said that he and his government are committed to upholding the right to freedom of speech. Yet, his government has not only failed to address laws that are frequently used by various state

¹ Dr. Avul Pakir Jainulabdeen Abdul Kalam served as India's President from 25 June 2002 to 25 July 2007 — *the editor*.

² Dalit, which literally means “scattered” or “broken,” refers to the lowest social group in the Hindu caste system — *the editor*.

governments against individuals exercising these rights, but has in fact used them to treat peaceful criticism as a crime.

Authorities regularly use India's sedition law and criminal defamation law to prosecute citizens who criticize government officials. The government has argued before the Indian Supreme Court in support of the criminal defamation law (without offering compelling evidence) that monetary compensation through civil lawsuits is an insufficient remedy for damage to reputation.

Last year, the government also argued to keep Section 66A of the Information Technology Act, a broad legal provision that had been routinely misused to restrict online speech. However, the Supreme Court, in a landmark judgment struck it down, calling it unconstitutional.

Attacks on free speech by the government and its supporters have prompted condemnation from scholars and activists around the world. In a particularly notable incident earlier this year, authorities used the colonial-era sedition law to arrest students and activists at the Jawaharlal Nehru University in Delhi for alleged anti-national speech.

Attacks on Religious Minorities

Religious minorities, especially Muslims and Christians, have come under increasing threat of harassment and violence, and have expressed concern that the authorities are not doing enough to protect them. Since the BJP came to power, several party leaders have made inflammatory remarks against minorities, while militant Hindu groups that claim to support the government have threatened and harassed Muslims and Christians, in some cases even physically attacking them.

The authorities have not robustly pressed for the prosecution of those responsible for violent attacks on minorities. The impunity enjoyed by assailants is contributing to a sense of government indifference to growing risks facing religious minorities.

Dalit Situation

In recent years India has made considerable progress toward protecting the rights of vulnerable populations. In 2015, the government enacted the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Bill, strengthening protections for *dalit* and tribal communities, and making it easier for them to pursue justice. After the 2012 gang rape and murder of a young student in Delhi, the government undertook legal reforms, introducing new and expanded definitions of rape and sexual assault, criminalizing acid attacks, providing for a right to medical treatment, and instituting new procedures to protect the rights of women with disabilities who experience sexual assault. India has also enacted a Right to Education Law guaranteeing free and compulsory elementary education to all children ages 6 to 14 years old.

Moreover, despite legal prohibitions, the practice of “manual scavenging” (i.e., cleaning of human waste from private and public dry toilets, and open drains), a caste-designated occupation that is mainly imposed upon Dalit men and women, has persisted. It is seen that authorities in most areas in India have

institutionalized the practice of local governments and municipalities employing manual scavengers.

The current government launched the ambitious *Swachh Bharat Abhiyan* or the Clean India Campaign in 2014, which includes a plan to eradicate manual scavenging and end open defecation by building more toilets and changing people's attitudes to sanitation.

Vulnerability of Women

Despite strong laws at the national level, women and girls across India continue to suffer routine domestic violence, acid attacks, rape, and murder. The government has failed to hold public officials accountable when they fail to enforce policies designed to protect women and children. In rural areas, discriminatory and abusive practices by local authorities continue unabated. Unofficial village councils in several Indian states, called *khaps*, made up of men from dominant castes who often enjoy political patronage, issue edicts restricting women's mobility and rights, and condemning couples for marrying outside their caste or religion.

“Despite strong laws at the national level, women and girls across India continue to suffer routine domestic violence, acid attacks, rape, and murder.”

Image: www.asianews.it





Image: twocircles.net

“Progress on human rights in India will continue to falter unless the present administration takes better steps to ensure justice and accountability for all citizens.

Kashmir Lockdown

The Jammu and Kashmir Reorganisation Act, 2019, passed by the Indian Parliament on 5 August, received Presidential assent on 9 August 2019. Since the last three months, the communication blackout imposed on the former state of Jammu and Kashmir meant that there were few ways to verify what was actually happening on the ground in the Valley, especially amidst reports of increased military deployment, checking and detention. It was not until October that the Union government decided to ease the blackout.

On 12 October, it was announced that postpaid mobile services would be restored in Kashmir. As of 28 October (around a fortnight after postpaid services were restored) prepaid cellphone services were still barred.

Political leaders in Jammu and Kashmir were detained or placed under house arrest in the lead-up to the abrogation of Article 370,³ and even after it.

The media in Jammu and Kashmir have been facing major issues due to the communication blockade. According to some investigations,

journalists had to visit a government-run, scantily equipped media center in the state capital Srinagar to use the desktops in order to work. Journalists in the Valley were also reportedly facing threats if they published narratives that were critical of the government.

A delegation of opposition leaders — comprising of leaders from the Indian National Congress (INC), Communist Party of India (CPI), Communist Party of India (Marxist) or CPI(M), Dravida Munnetra Kazhagam (DMK), Nationalist Congress Party (NCP), Janata Dal (Secular), Rashtriya Janata Dal (RJD), Loktantrik Janata Dal (LJD) and the All India Trinamool Congress (TMC) — attempted to visit Jammu and Kashmir in August to take stock of the situation on the ground. However, the delegation, that included Congress leader Rahul Gandhi, was not allowed to leave the Srinagar Airport, and was compelled to return to Delhi. The delegation criticized the Indian government and its claims of 'normalcy' in the Valley.

However, just a month later, the Union government allowed 23 European Union MPs to visit Kashmir — a move which drew a lot of criticism. Most of these MPs were from right-leaning political parties. Congress called it a “diplomatic blunder”. Railway services were restored in Kashmir on 12 November, 100 days after the abrogation of Article 370.

Conclusion

Progress on human rights in India will continue to falter unless the present administration takes better steps to ensure justice and accountability for all citizens, protect vulnerable communities, and protect the free exchange of ideas and dissent. The lack of effective implementation of laws and policies remain a persistent challenge. Government officials are not held accountable, and impunity persists for police and other security personnel who are shielded by laws from being prosecuted for serious human rights abuses.

³ Article 370 of the Indian Constitution grants political autonomy to the state of Jammu and Kashmir, allowing it to have a separate flag and its own constitution, while defense and foreign affairs remain the responsibility of the central government. On 5 August 2019, Prime Minister Modi revoked Article 370, triggering widespread protests in the state capital, Srinagar — *the editor*.

GOVERNING BY KILLING: DEMOCRACY UNDER ATTACK IN THE PHILIPPINES

By: Tomasito Villarin

In 2016, the Philippines elected Rodrigo Duterte from southern Philippines as its fifth President. He won under a Constitution that is meant to safeguard basic rights and freedoms after the country's harrowing experience under the Marcos dictatorship. Yet 30 years after, the Philippines is now considered a fragile democracy. There is now a slide into autocratic rule and creeping authoritarianism with incessant attacks waged by the President against the media, the judiciary, legitimate political opposition, and independent constitutional commissions tasked to protect human rights, public accountability of government officials, and audit of government expenditures.

“The Philippines is now considered a fragile democracy.

Image: www.hrw.org





Image: www.newsweek.com

“In less than three years, Duterte destroyed democratic institutions built over the last three decades.

In less than three years, Duterte destroyed democratic institutions built over the last three decades. First to suffer was the rule of law. In a personal vendetta, President Duterte jailed his fiercest critic on human rights, Senator Leila de Lima, on trumped up charges that she orchestrated the drug trade when she was still justice secretary during the Aquino administration. Senator de Lima has now spent more than 1,000 days of unjust incarceration. In the meantime, convicted plunderers like the Marcoses have remained scot-free and are even hailed by Duterte as heroes!

Since Day One of his reign, Duterte has attacked mainstream media while propping up an expansive social media network devoted to spreading fake news and trolling the political opposition. Online news website Rappler has been dealt with close to a dozen lawsuits and arrest warrants issued against its chief editor, Maria Ressa together with her editorial team. ABS-CBN, one of the biggest TV and media outfits in the country, has been singled out by Duterte, objecting over the renewal of its franchise that was set to expire in March 2020.

The judiciary has been stifled with the ouster of its Chief Justice Maria Lourdes Sereno in 2018, on account of a legal technicality invoked by Duterte's Solicitor General. Sereno was considered an 'enemy' by Duterte because of her stinging rebuke of his war on drugs. In an unprecedented move, the judiciary stacked with Duterte's appointees voted 8-6 to remove the Chief Justice. The independent Human Rights Commission (CHR) has been at the receiving end of Duterte's tirades, attacking the Commission for its alleged 'biased' human rights approach — invoking that drug addicts have no rights at all. On several occasions, the President's legislative allies have attempted to withhold the budget of the Commission, while Duterte himself had instructed the police and military not to cooperate with the CHR in order to hamper its investigative powers.

What is appalling for a democracy like the Philippines is the state-sponsored war on drugs that has literally riddled our capital with dead bodies. In various reports, human rights groups have put the figure at 27,000 deaths and rising. It is perhaps the biggest casualty figure of a peace time law and order operations of any country, outside the drug wars in Mexico and Colombia. Unlike these countries, the Philippines have no visible drug cartels running neighborhoods or shooting it out with the police with high-powered firearms.

Recently, Duterte's drug war has been exposed as a failure with his top police official being involved in protecting cops who recycle drugs caught in police operations. Called the 'ninja cops,' the involvement of top officials of the Philippine National Police (PNP) confirm that the drug trade remains robust and point to the failure of Duterte's 'tombstone policy' that has killed 27,000 Filipinos, mostly the poor. Cleansing the whole PNP, not just a few, of its involvement in the drug trade is a condition to make the public believe that Duterte is truly serious in his anti-illegal drugs campaign.

This paramount policy on the war on drugs has pending legal challenges, both in our own Supreme Court and the International Criminal Court.

Duterte's drug war has been described as a 'crime against humanity' for its widespread and systematic application, leading to thousands of deaths. The United Nations, through the Human Rights Council (UNCHR), has also approved a resolution to conduct its own probe. Duterte has rejected all these international bodies investigating the killings in the Philippines and has even withdrawn the Philippines' membership in the International Criminal Court (ICC).

The recent midterm elections saw an overwhelming win for Duterte's political coalition. While it shows proof of his popular support and the decimation of the political opposition, it does not mean, however, that there is consolidation of his social base. In Philippine politics, after the midterm elections, politicians will train their sights on who to support for the next presidential race. It may mark a decline in his political coalition, as shifting alliances will happen.

Months after the midterm elections, the Duterte administration seems to have lost steam and forbearance to address the country's numerous problems — from drugs, to traffic congestion, to corruption — that it unabashedly touted to solve in six months to a year. Instead, it has been busy stomping out critics by filing sedition charges against the political opposition, while its legacy project sputters going to the remaining half of his term. He is also 'outing' people whom he thinks have presidential ambitions. It is also public knowledge and admitted by Duterte that indeed he is not feeling well, thus the need for almost weekly days off from public appearances.

As a public health crisis continues to unravel with the re-emergence of polio and measles, both preventable with vaccines, nowhere has the public been assured that the government is on top of it. As if putting salt to the wound, the Department of Health's budget has been cut, with no viable explanation. Why? Perhaps there is none. Aside from the health budget, Duterte has slashed funds for socialized housing and in-city resettlements. Duterte likewise riled workers when he vetoed the Security of Tenure Bill passed by Congress, invoking the capitalist line that businesses will suffer if employees will be regularized.

“Duterte has been appointing retired military officials to civilian posts in the bureaucracy to court their full support.

Image: www.reuters.com



Duterte has been appointing retired military officials to civilian posts in the bureaucracy to court their full support. The civil service is supposed to be independent of government and is composed mainly of career bureaucrats hired on professional merit rather than appointed or elected, whose institutional tenure typically survives transitions of political leadership. A civil servant or public servant's first priority is to represent the interests of citizens, not only of one person who happens to be the appointing authority. In the case of the Philippines, the President is legally empowered to appoint officials, from Secretary down to the level of director.

The Duterte administration's touted achievements for legacy building like lower crime rates, robust economic growth, low inflation, expanded social services, and improved infrastructure network are losing steam and appeal.

Instead of giving strategic directions and energizing the bureaucracy, his nonchalant and irreverent public pronouncements, like attacking senators who he thinks have presidential ambitions, are *non-sequitur* to building a legacy project of an administration.

Economic growth has slowed down and so has foreign direct investments, this despite the Duterte administration's gung-ho fiscal policies that increased taxes, curbed inflation, and that further liberalized the agriculture sector, resulting in cheaper rice imports while Filipino farmers suffer. *Palay* (unmilled rice) prices have dropped so low that farmers are discouraged to plant with such price being a disincentive while government is offering a PhP15,000 (\$300) loan, with no guarantee that a comprehensive agricultural food security program is in place for the farming sector. Already, the share of



Image: www.forbes.com

“Duterte's China pivot is its Achilles' heel, with the promised loans and investments having yet to materialize.

agriculture to gross domestic product has gone down to 8.7% in 2018 from 9.6% a year before and would most likely go further down due to the government's bias against the sector. With 30% of the labor sector in agriculture, this would mean higher unemployment in the rural areas where poverty is severe.

From a projected economic growth of 6.9% for 2019, the Asian Development Bank lowered it to 6.2%. And for the first quarter of 2019, the economy grew by only 5.6%. While his economic managers pointed blame to this economic slowdown on the delay in the budget approval, public infrastructure spending still did not go up by the third quarter. His centerpiece economic program of 'Build, Build, Build' that is supposed to usher a 'golden age of infrastructure' has not gone full throttle, with only two projects completed so far. As of April 2019, according to the National Economic Development Authority, only 37 or at least half have been approved. Another 29 projects are awaiting approval and nine needs no approval.

Duterte's China pivot is its Achilles' heel, with the promised loans and investments having yet to materialize; while China is busy undertaking island-building activities in the West Philippine Sea. These promised loans are being used as financial leverage that erodes Philippine sovereignty, with us having to pay it with interests higher than what other ODA funding windows are charging.

The Philippines in the global stage is turning heads, not because of its inroads to democracy, but because of the deficits that it has been piling up. It can't be helped that Duterte has a bumbling, twitter-cocky Foreign Affairs Secretary who has been called the “face of defeat” by an international expert on diplomacy. With Secretary Teodoro Locsin as his top diplomat, the Philippines has acted irresponsibly when it lambasted the UN Human Rights Council after it participated in a vote on a resolution to probe the human rights situation in the Philippines. A total of 18 out of 47 member-countries voted in favor of the Iceland-proposed resolution, while 14 countries led by

China and the Philippines opposed the resolution and 15 abstained. UN rights chief Michelle Bachelet was tasked to write a comprehensive report on the situation in the Philippines and present it to the Council in mid-2020. It also urged the government to cooperate with UN offices and mechanisms by facilitating country visits and “refraining from all acts of intimidation or retaliation.”

Now, Malacañang¹ is rejecting all aid, grants and loans from 18 countries that supported the UNHRC resolution that would benefit Filipinos just because of Duterte being 'sore' at all of them. The President has also bristled at any attempt by an international body to investigate his government. Perhaps to stress it's pandering to China in global affairs and spite the UNHRC, the Philippines sided with China, the only two countries that voted against a resolution, in condemning and seeking an end to human rights violations against the Rohingya Muslims and other minorities in Myanmar.

While 2022 is more than two years to go, it is likely that Malacañang's political strategists are already drawing plans and scenarios for Duterte in transition. These scenarios would either lead to a succession or non-succession plan, including a revolutionary government. The Supreme Court will soon decide the electoral protest for the post of Vice President. The camp of Vice President Leni Robredo² is confident of a win based on a recount of votes that padded her lead over Bongbong Marcos, the son of the late dictator. This poses a dilemma as Duterte has publicly opposed Robredo to be his 'survivor' in case anything happens to him. The shift to federalism and charter change is a long shot at the moment, as this contributes to further instability. A declaration of a revolutionary government would have to be triggered by an event bigger than can be imagined and remains the only remaining option. But that exists in the realm of the impossible.

Democracy might be in recession, but Duterte's autocratic methods has stymied economic growth and narrowed the corridors of good governance.

¹ Malacañang Palace is the official residence of the President of the Philippines – *the editor*.

² Leni Robredo belong to the opposition Liberal Party – *the editor*.

BUILDING A MATURE DEMOCRACY

By: Damianus Bilo

There are two ways of understanding democracy. First, it can be described as a system of government that aims to realize the sovereignty of the people (citizen power). At the same time, democracy can also be conceived as a process that seeks to equitably distribute welfare and prosperity to all citizens.

If we accept both definitions as equally valid, then we can further claim that democracy is the best guarantee of human rights. This is so since the purpose of human rights is to promote both popular sovereignty and social justice.

At the same time, we should also be mindful of meaningless democracy, which occurs when democratic procedures are followed but the state is unable to ensure the wellbeing of its people.

The Dilemma of Human Rights Protection and Enforcement of Democracy

Democracy is often equated with human rights. Even though they are closely associated with each other, they remain two distinct concepts. When human rights are respected, then democracy also exists. But not vice versa.

“The purpose of human rights is to promote both popular sovereignty and social justice.

Image: www.thejakartapost.com





Image: www.abc.net.au

“Democratic procedures are often used by extremist groups to undermine democracy.

Having a democracy does not necessarily guarantee that human rights will be respected. In fact, democratic procedures are often used by extremist groups to undermine democracy. They use the education system (especially religious education) to spread their radical message and encourage their followers to commit terror, intimidation and murder.

This situation compels us to pause and reflect on the dilemma that are now being confronted by most democratic governments. On one hand, they are duty-bound to promote open discussion and ensure the free exchange of ideas. On the other hand, governments must also address the threat from radical extremist groups which abuse the freedoms that democracy guarantees.

Indonesian Experience

This dilemma has also been confronted by Indonesia in the course of its history. The country adopted parliamentary democracy (known as the period of Liberal Democracy) during the early

years of independence. On the other hand, Indonesia's present political system has been described by Nasdem Party chairperson Surya Paloh as “super-liberal democracy.”

At the same time, observers claim that Indonesia also experienced authoritarianism because of the imposition of Guided Democracy during the Old Order Period, which was subsequently replaced by Pancasila Democracy during the New Order Era. In reality, these two eras implemented the same system — Guided Democracy — though they differed in both name and style.

Development of Parliamentary Democracy (1950-1959)

This period was the heyday of Indonesian democracy, because almost all the elements of democracy were present in the country's political life. Parliament played a central role in the political process. Its power was demonstrated in the number of no-confidence votes, which led to the resignation of successive cabinets.

The years 1950 to 1959 could be called as the era of Liberal Democracy wherein the President, as head of state, was not the head of the government. This period also saw the development of several political parties, and high political accountability among elected officials.

However, the era of Liberal Democracy ended in failure due to the following:

- Constant bickering among the various political parties.
- The poor socio-economic condition of the country.
- The inability of the Constituent Assembly to draft a permanent constitution that would replace the Provisional Constitution of 1950.
- The convergence of interests between President Sukarno and the Army, who were both dissatisfied with the political situation.

Because of this failure, President Sukarno issued his now-famous Presidential Decree of 5 July 1959, which contained the following:

- The dissolution of the Constituent Assembly.
- The abrogation of the Provisional 1950 Constitution and the restoration of the 1945 Constitution.
- The establishment of the Provisional People's Consultative Assembly¹ and the Temporary Supreme Advisory Council.²

Development of Guided Democracy (1959-1965)

President Sukarno's July 1959 Decree also marked a transition in Indonesian politics, from the period of Liberal Democracy to Guided Democracy. This led to the creation of a new political system that was centered on the decisions of the head of state. Guided Democracy was first conceived as a form of democratic rule that is modelled on the traditional village system of deliberation and consensus. But in practice, considerable power was given to the President as Commander-in-Chief of the Revolution.

¹ The People's Consultative Assembly (*Majelis Permusyawaratan Rakyat*) or MPR is the legislative body of Indonesia — *the editor*.

² The Supreme Advisory Council (*Dewan Pertimbangan Agung*) or DPA was a body composed of senior officials that gave advice to the President on matters of state and foreign affairs. It was dissolved on 31 July 2003 — *the editor*.

One of the major problems during this period was the question of popular political participation. In appearance, the government was formally democratic since it was legitimized through free and fair elections. But in fact, the country had an autocratic government, since elections did not play any significant role in influencing state policy. For this reason, Guided Democracy was often described as an “artificial democracy.”

Governance of the state and nation was under the full control of the President. Because of his extensive powers, the President was able to determine all state policies, including providing opportunities for the Indonesian Communist Party (PKI) to grow and develop.

On the other hand, the political field experienced various political upheavals, all aimed at subverting the power of the President. These tensions prevented development efforts to be properly carried out.

However, ordinary people were hardly affected by all these political conflicts, and their day-to-day lives remained normal. They did feel the impact of the subsequent economic crisis, which made it difficult for them to meet their basic needs.

Development of Democracy in the New Order Government

During the New Order Period, a new political system was adopted called Pancasila Democracy. The country's leaders at that time emphasized that this new political arrangement was in accordance with the official ideology of the Indonesian state — *Pancasila* (Five Principles).

The New Order began as a genuine attempt to bring development to the people of Indonesia. This was reflected in the series of development plans that were packaged in Repelita I, II, III, IV and V.³ Six general elections were also



Image: /www.cfr.org

“With the fall of the New Order regime, Indonesia has entered a new period of democracy.

successfully held during this time — 1971, 1977, 1982, 1987, 1992, and 1997.

However, there was very little democracy during the New Order Period. The reasons were as follows:

- Power circulation at the highest level of the executive branch was practically non-existent.
- The country had a closed system of political recruitment.
- Elections did not embody the spirit of democracy.
- Human rights were hardly recognized or protected.
- There was rampant corruption, collusion and nepotism (*korupsi, kolusi dan nepotisme*) or KKN.

Apart from these conditions, the New Order regime was finally brought down because of the following factors:

- The collapse of the economy.
- The onset of political crisis.
- The Army's refusal to further support the New Order.
- The wave of intense street demonstrations that demanded the resignation of President Suharto.

Development of Democracy in the Reformation Period (1998 to the Present)

With the fall of the New Order regime, Indonesia has entered a new period of democracy. Significant reform measures have been introduced, including major amendments in the 1945 Constitution. These changes in the country's basic law were introduced in order to make it more democratic and prevent the possible return of authoritarian rule.

³ Repelita (*Rencana Pembangunan Lima Tahun*) refers to the series of Five-Year Development Plans of President Suharto. A total of five Repelita were completed while he was still in office — Repelita I (1969-1974), Repelita II (1974-1979), Repelita III (1979-1984), Repelita IV (1984-1989) and Repelita V (1989-1994). The government began implementing Repelita VI in 1994, but it was soon abandoned after Suharto fell from power in 1998 — *the editor*.

The period of *reformasi* began with high expectations, with people believing that democracy will improve their lives and uplift the country. Overall, the Reform Period has been successful in restoring democracy and basic civil liberties, particularly freedom of the press and association. Some of the most important reforms include:

- The holding of more democratic elections (1999-2004).
- Power circulation that now occurs at all levels of government, from the central government down to the village level.
- The process of political recruitment is now openly carried out.

- Basic human rights are respected, protected and promoted.

But as the new reform regime rebuilt Indonesia's democratic institutions, it also repudiated almost all policies of the New Order government, whether good or bad. These include measures that could have been useful in securing people's lives and protecting their rights.

Therefore, we can describe the Reform Era as the period of "super-liberal democracy," since there are people who believe that they can now do anything they want. There are some who interpret democracy as freedom without limits. And the situation becomes dangerous when people who share this mindset become organized,

since they can perform any act of violence without remorse or moral compunction.

Thus, it is not surprising that in this period of "super-liberal democracy," various radical groups have emerged to carry out terrorist activities throughout the country. During the two previous periods of New Order and Guided Democracy, political extremists kept a low profile and had no significant following. But when the gates of democracy were opened, they immediately crawled out of the woodwork and began organizing in the open.

Taking advantage of the freedoms that are now available, extremists infiltrated schools, campuses and places of worship, and used these platforms to spread their anti-democratic ideology. They were also able to gain a foothold in the government and the legislature, which allowed them to influence state policy.

For nearly 40 years since gaining independence, extremist forces hardly existed in Indonesia. But because of current conditions, these groups suddenly grew in less than 20 years.

The Case of Ahok

The case involving Ahok⁴ reflects the growing political clout of the extremists. They engaged the 2017 Jakarta gubernatorial elections to test their influence and their capacity to neutralize pro-democracy leaders. They organized street demonstrations and used terror tactics to harass the government, election officials and even ordinary voters. In the end, their strategy proved effective in preventing Ahok (who is a known pro-democracy leader) to be reelected as Jakarta governor.

The Ahok case, therefore, shows the weaknesses in our democracy, since it is unable to prevent the spread of radicalism and to confront this threat with decisive action. Unfortunately, a weak democracy is a meaningless democracy.

“A weak democracy is a meaningless democracy.”

Image: coconuts.co



⁴ Basuki Tjahaja Purnama, commonly known by his nickname Ahok, was governor of Indonesia's capital Jakarta from 19 November 2014 until 9 May 2017. He was often the target of racist comments from extremist Islamic groups because of his Christian religion and ethnic Chinese background. In May 2017, Ahok was found guilty of blasphemy and of insulting the Qur'an by the North Jakarta District Court. He was released from prison on 24 January 2019 – *the editor*.



Image: www.suamerdeka.com

“The Nasdem Party is supporting all efforts to further deepen democracy in Indonesia.

NasDem Party and the Struggle for Democracy

The Nasdem Party is supporting all efforts to further deepen democracy in Indonesia. This is stated in our manifesto, which states that the party's aim is to build a mature democracy which blends unity and diversity, dynamics and order, competition and equality, freedom and prosperity.

Our goal is to create a strong, citizen-based democracy, with ordinary people actively taking part in the restoration of the ideals of the Indonesian Republic. By placing people at the center of our program, we will be able to create a

society that truly upholds democratic values, protects human rights and provides prosperity for all.

But while the Nasdem Party espouses genuine substantive democracy, it also rejects democracy that does not improve public welfare and merely complicates governance. The Party also repudiates democracy which only results in the routine circulation of power without developing high-quality and exemplary leaders. At the same time, the Nasdem Party renounces democracy that is not oriented towards the public interest. In other words, the Nasdem Party rejects the type of

democracy that is meaningless and empty of content.

Our manifesto further proclaims that the Nasdem Party is resolute in our opposition to all forms of terror and intimidation that could potentially destroy democracy in Indonesia. We made our political stance publicly known when we led thousands of people in a mass gathering in Jakarta on 4 December 2016 to celebrate cultural diversity and promote religious tolerance.⁵

The NasDem Party sees itself as a movement for change, and it aims to mobilize all citizens in its endeavor to restore Indonesia.

⁵The event was called *Kita Indonesia* (We Are Indonesia), and was held two days after anti-Ahok forces held a rally in Central Jakarta – the editor.

“There is an ongoing ideological battle between those who love democracy and those who hate it.

Conclusion

Throughout the world today, there is an ongoing ideological battle between those who love democracy and those who hate it. The outcome of this titanic conflict is far from certain, and victory will not come so easily. It will take commitment, grit and tremendous sacrifice. We should expect that the enemy will use all available means to destroy democracy. And for that reason, we cannot let our guard down. We must be prepared for all possibilities.

Hard work is certainly needed; but it is not enough. The struggle also requires a strong sense of purpose, as well as solidarity from all those who believe in democracy. We must learn from the enemy. They are developing a global movement to oppose democracy. We too, must gather our forces, and create bonds of solidarity to defend our ideals.

And as we struggle, we should also reflect. The case of Ahok should enable us to draw out valuable lessons in combatting extremism. At the same time, it also reveals the limitations of meaningless democracy. As the Ahok case clearly shows, a democracy that is devoid of meaning can be easily be hijacked by anti-democratic forces and use it to destroy democracy from within.



DEFEATING DESPOTISM: THE MALAYSIAN EXPERIENCE

By: Thulsi Manogaran

On 9 May 2018, the electoral coalition *Pakatan Harapan* (PH – Coalition of Hope) came to power in Malaysia. Composed of *Parti Keadilan Rakyat* (PKR – People's Justice Party), *Parti Amanah Negara* (AMANAH – National Trust Party), *Parti Pribumi Bersatu Malaysia* (BERSATU – Malaysian United Indigenous Party), and the Democratic Action Party (DAP), the alliance won 122 out of the total 222 seats in Parliament. The former ruling party, on the other hand, was reduced to 79 seats, while the remaining seats went to smaller political parties.

Days of Gloom

Prior to the 2018 general elections, the country was governed by *Barisan Nasional* (BN – National Front), which was in power for 61 years.¹ It has three main component parties: United Malays National Organisation (UMNO), Malaysian Chinese Association (MCA)

“For 11 consecutive elections, Barisan Nasional always won two-thirds of the seats in Parliament, gaining 146 seats or more.

and Malaysian Indian Congress (MIC). UMNO supposedly represents the Malays of Malaysia, while MCA and MIC represent the country's ethnic Chinese and Indian population respectively.

For 11 consecutive general elections since 1957, BN always won two-thirds of the seats in Parliament, gaining 146 seats or more. This allowed *Barisan Nasional* to repeatedly amend the Constitution with no apparent difficulty. Malaysia is a state practicing constitutional monarchy, with a constitution drafted by the Reid Commission.²

One of the leaders of DAP, Zairil Khir Johari, described the amendments in

the following manner:

“...it is the substance more than the quantity of the amendments that really matters, and on this score constitutional expert Shad Saleem Faruqi³ has opined that fundamental alterations to critical areas have resulted in the dilution of the spirit of the original Merdeka Constitution. In addition, legal scholar H.P. Lee⁴ even describes the changes as amounting to a truncation of safeguards which had been considered by the Reid Commission⁵ as vital for the growth of a viable democratic nation.”

¹ *Barisan Nasional* was the direct successor of the Alliance Party, which was dissolved in 1973 – the editor.

² <https://www.newmandala.org/story-malaysia-constitution/>.

³ Shad Saleem Faruqi is a legal scholar and professor of law at the University of Malaya – the editor.

⁴ Hoon Phun Lee teaches at the Faculty of Law at Monash University – the editor.

⁵ The Reid Commission was an independent five-person body that drafted the Federal Constitution of Malaysia, prior to the country's independence on 31 August 1957. Headed by Baron James Reid, the Commission included members from Australia, India, Pakistan and the United Kingdom – the editor.

These amendments led to the erosion of democracy, since they allowed the former ruling party to enact several emergency laws. These include the Internal Security Act 1960 (ISA), the Security Offences (Special Measures) Act 2012 or SOSMA, and the Prevention of Terrorism Act (POTA) — all of which allow detention without trial. These measures, unfortunately, were often used against political dissidents, journalists and civil society actors. It was so dire that Transparency International called Malaysia a flawed democracy. The democratic spaces were shrinking drastically. The strict divisions between the executive, legislature and the judiciary were blurred. The judiciary was made subservient to the executive. Appointment of judges was made on the advice of the Prime Minister.

This resulted in laws enacted to reduce the authority and jurisdiction of the judiciary and the judiciary was happy to oblige these laws, lamely quoting that it

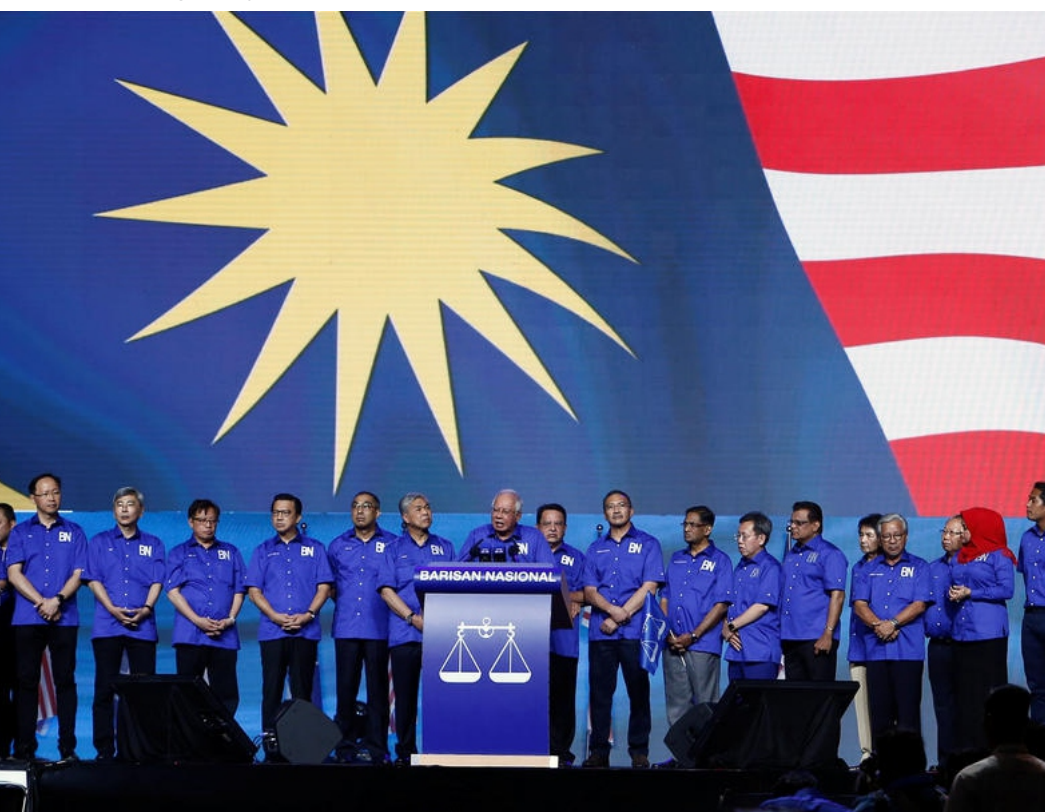
is the people's wish since it came from Parliament. That was the beginning of Malaysia's flawed democracy. The judiciary was not free to protect civil liberty, the very function it was meant to carry out. Therein began the downward spiral that democracy took in Malaysia.

One of the worse incidents of political repression was Operation Lalang in 1987, wherein 106 people (including students, artists, opposition politicians and NGO activists) were arrested by the Royal Malaysian Police to supposedly prevent racial violence.

The amendments also enabled the BN-led government to repeal the Judicial Legal Service Commission, which oversaw the appointments, promotions and transfer of public officers. This specific actions by the authorities weakened separation of powers, and by doing so, practically ended judicial independence and rendered the executive extremely powerful.

“Barisan Nasional began the creation of unequal constituencies through a process called malapportionment.

Image: www.todayonline.com



Malapportionment

Their firm control over Parliament also allowed *Barisan Nasional* to introduce fundamental changes in the electoral system. Knowing that they were already losing ground support, BN began the creation of unequal constituencies through a process called *malapportionment*. This refers to the manipulation of electorate size where one person's vote became worth up to 3-4 times the votes of another person in a different constituency.

Initially, the Malaysian Constitution provided safeguards against malapportionment by stating in its Thirteenth Schedule 2(c) that, “the number of electors within each constituency in a State ought to be approximately equal.” And prior to the first amendment in 1962, the permissible range of deviation from the state average was capped at 15%.

However, an electoral commission nominated and funded by UMNO freely and arbitrarily altered constituency boundaries, to the point that consistently pro-UMNO constituencies had as few as 18,000 voters, while their pro-opposition counterparts had as many as 146,000. The 1962 amendment, for instance, increased the range of permissible deviation from 15% to 33.33%. And 11 years later, the cap was entirely removed in the 1973 amendment.

Because of these amendments, we have several constituencies of varying sizes in terms of the number of voters, with the smallest constituency having 18,000 voters, while the biggest has 148,000 voters. Despite these varying numbers, each constituency only has one representative in Parliament. The large constituencies are mostly located in urban areas, whereas the smaller ones are in rural outskirts where UMNO has the most support. And it was this skewed electoral arrangement that enabled *Barisan Nasional* to dominate the previous general elections.

To fully understand the problem of malapportionment, let us take the case of Penang as an example. Its largest state constituency is Paya Terubong which has 41,707 voters, while the smallest, is Air Putih with 12,752. These are neighboring constituencies and are both urban in character.



Image: www.scmp.com

“Change eventually came, and it began with the first Bersih rally.

Despite their common features, Paya Terubong has three times more voters than Air Putih. In addition, Paya Terubong exceeded the average electorate size in Penang (i.e., 21,694 voters) by 92.25%. There is no conceivable reason for the Election Commission (EC) to create this arrangement, except for the fact that Air Putih and its surrounding constituencies are BN strongholds. Having smaller though more numerous constituencies allow *Barisan Nasional* to gain more seats in Parliament.

We can determine the degree of intra-state malapportionment by calculating the ratio of the largest constituency to the smallest constituency in the same state. In Selangor for example, the ratio is 3.94, which means that a vote in the smallest federal constituency (Sabak Bernam) has nearly four times the value of a vote in the largest federal constituency (Kapar) in that same

state. In other words, if you vote in Kapar, your vote is worth merely a quarter of a vote compared to a voter in Sabak Bernam.

Though Malaysia has become a flawed democracy, most Malaysians initially ignored this fact since the country's economy was well performing. With people living in relative comfort, nobody saw the need to change the government.

Beginning of Change

The shrinking democratic space did not deter dissidents from exercising their freedom of expression. Movements developed around the country to continue the momentum of dissent. And change eventually came. It began with the first Bersih rally⁶ which took place on 10 November 2007. Between 40,000 to 100,000 people gathered in Kuala Lumpur to call for reforms in the

electoral system. Surprisingly, Bersih was initiated by *Parti Islam Se-Malaysia* (PAS) — the country's pan-Islamic party. They were the first to ask for free and fair elections in Malaysia. At that time, they had the right leadership who were willing to work with other political parties and actors. Unfortunately, PAS has changed since then.

The first Bersih was soon followed by the Hindraf rally on 25 November 2007. This mass action was organized by the Hindu Rights Action Force (HINDRAF); and it was able to gather 30,000 people to protest the discriminatory policies against Malaysia's ethnic Indian community.

I was a student at that time, and I remember that I was not able to go to the rally because I had an exam the following day. But my parents did, along with thousands of ordinary middle-class Indians who simply had enough.

⁶ Bersih, which literally means “clean” in Malay, refers to the series of peaceful protests in Malaysia from 2007 to 2016 to demand electoral reform and an end to corruption — *the editor*.

Tiny Speck of Light

After the large protest actions of 2007, we had the 2008 general elections. We were not expecting to do well. But we gave our everything. We chose the best candidates, and for the first time, DAP had candidates in every electoral seat.

Opposition parties won 82 out of the 222 seats in Parliament, or 47.79% of the total votes. BN, on the other hand, only won 140 seats with 51.39% of the vote. The 2008 election was historic because for the time since 1969, the ruling coalition did not win a two-thirds supermajority in the Malaysian Parliament. This meant that *Barisan Nasional* no longer had the numbers to unilaterally pass amendments to the Malaysian Constitution. This was a mark towards claiming back democracy in Malaysia.

The opposition again had a strong showing in the 2013 general elections, winning 50.87% of the votes. But thanks to the shamelessly biased gerrymandering of the country's electoral constituencies, *Barisan Nasional* still won 133 seats (or 59.9% of the seats in Parliament), despite gaining only 47.37% of the popular votes. The opposition, on the other hand, only received 89 seats.

The results of the elections showed the growing disenchantment with *Barisan Nasional*. And the ruling coalition responded by making life even more difficult for the opposition. The crackdown on dissidents got worse.

Crackdown

After BN narrowly won the 2013 general elections, the government launched a wave of arrests, with around 170 sedition charges being filed during a four-year period. Some of the people who were arrested were ordinary citizens who simply voiced their opinions on Facebook and social media.

Academics were also put in jail, such as Dr. Azmi Sharom — an associate professor at University of Malaya's Faculty of Law. He was one of my mentors and taught me constitutional

law. He was arrested for comments he made in a newspaper interview. Dr. Azmi's arrest prompted students to protest and call for his immediate release. We used every opportunity that we had to protest no matter how small or insignificant we thought it would be.

To quell the protests, the government began arresting students. One of those who was seized by the police was Adam Adli, a student activist from the Sultan Idris Education University. He was arrested on 18 May 2013 and charged with sedition, for a speech that he delivered five days earlier at Kuala Lumpur's Chinese Assembly Hall.⁷

And to further keep students in check, the government required all university staff and students to swear allegiance to the *Barisan Nasional* government, rather than the Constitution of Malaysia. They were also forbidden to participate in politics and to express their opinions publicly.

This policy drew heavy criticism from Human Rights Watch (HRW). And in February 2016, HRW deputy Asia director Phil Robertson pointed out that,

“Universities should be places of open debate and discussion. Students should not be penalized for peaceful speech under the guise of enforcing school discipline.”

The government also arrested artists such as cartoonist Zulkiflee Anwar Ulhaque. Known in Malaysia simply as Zunar, he was taken into custody on 10 February 2015 for his drawings that criticized the Malaysian government.⁸

The police also turned its attention on opposition Members of Parliament (MPs), such as Tian Chua who is one of the leading figures of PKR. He was

“The government launched a wave of arrests, with around 170 sedition charges being filed during a four-year period.

arrested on 28 April 2012 during the Bersih 3.0 rally and was later charged with sedition.

And a day before the Bersih 5 rally on 19 November 2016, activist-leader Maria Chin Abdullah was arrested by the Malaysian police under SOSMA. She was then detained for 11 days without trial and without being produced in court.

Whistleblowers, such as Rafizi Ramli, were also prosecuted. Rafizi was an MP who exposed the anomaly in the National Feedlot Corporation (NFC), wherein RM250 million (US\$58.1 million) were allegedly misused by NFC Chair Datuk Dr Mohamad Salleh Ismail, husband of then-UMNO Women's chief Datuk Seri Shahrizat Abdul Jalil. Rafizi got the bank details from a bank officer, which he then revealed to the public. He was later charged under the Banking and Financial Institutions Act (BAFIA) for allegedly exposing confidential bank documents. As a consequence, Rafizi was not able to stand for reelection in the 2018 general elections.

Looking at each of these incidents, it was clear that *Barisan Nasional* was creating a culture of fear in order to maintain itself in power. This was also pointed out in a 2015 report by Human Rights Watch entitled *Creating a Culture of Fear: The Criminalization of Peaceful Expression in Malaysia*. In that document, HRW stated that:

“Many of the individuals Human Rights Watch interviewed referred to a 'culture' or 'climate' of fear in Malaysia. Fear leads to self-censorship, and self-censorship leads to a stifling of the political debate that is at the very core of a democratic society.”

⁷ Adam Adli was acquitted five years later by the Court of Appeal on 22 February 2018 – *the editor*.

⁸ The charges against him were later dropped in 2018 – *the editor*.

1MDB Revelations

In 2015, then-Prime Minister Najib Razak was accused of channeling over RM 2.67 billion (US\$620 million) from the state-run 1Malaysia Development Berhad (1MDB) to his personal bank accounts. The controversy, which later became known as the 1MDB scandal, rocked the ruling coalition to its core.

Deputy Minister Muhyiddin Yassin,⁹ for instance, was removed from office after making remarks that were critical of Najib's handling of the 1MDB scandal. In addition, four other ministers were also sacked; and even Attorney General Abdul Gani Patail was relieved from his position. Activists were also arrested, either for sedition or for allegedly violating the Communications and Multimedia Act 1998 (CMA).

To neutralize the growing opposition, Najib and his allies passed the National Security Act 2015, which was a dictatorial law through and through. It was a cheap excuse to fight terrorism, which gave Najib absolute power to declare an emergency.

I remember I was working with Ambiga Sreenivasan¹⁰ back then. We were all in the office, when suddenly, we got a call from an MP who said that copies of the National Security Council Bill were being distributed in Parliament, and that it was to be debated on the floor within the next two hours.

We immediately convened a team and began studying the Bill. We issued a statement, lobbied in Parliament and called on the other MPs. Unfortunately, Najib still got his way.

“Prime Minister Najib Razak was accused of channeling US\$620 million from the state-run 1MDB to his personal bank accounts.

Image: www.nytimes.com



Of course, we did not take the further repression sitting down. We continued organizing Bersih rallies. We had five Bersih rallies in all. Lawyers also came out to protest, and many joined the Walk for Justice against the Sedition Act. We organized candlelight vigils. Women's groups took to the streets against toxic politics. And we had volunteer cyber-troopers who worked on their own for 24 hours a day so we could engage in social media battles. We took every opportunity that we could to protest.

People's Declaration

And then, our friends from civil society realized that we needed to do something more. We had to do something out of the box. This led to the “*Deklarasi Rakyat*” or People's Declaration, which was first presented to the public on 4 March 2016. It was a document that called for Najib's resignation. It was then distributed to ordinary citizens so that they could sign the Declaration.

Through the People's Declaration, civil society groups started working with *Pakatan Harapan*. And then, former Prime Minister Mahathir Mohamad came out in public and pledged his support to the Declaration.

I remember one evening, I was at the office with the other volunteers, counting all the signed declarations. I was so busy counting. And then, when I turned around, I saw Mahathir himself sitting right beside me, also counting the signed copies. We were that intense.

In the end, we were able to gather 2.5 million signatures from both the urban and rural areas. It was a historic moment for Malaysia. It was not a miracle, but it sent a strong political message for all Malaysians.

⁹ Muhyiddin Yassin is now Malaysia's current Prime Minister. He came to office after Mahathir Mohamad's abrupt resignation on 24 February 2020 – *the editor*.

¹⁰ Ambiga Sreenivasan is a prominent Malaysian lawyer and human rights advocate, who served as chairperson of Bersih 2.0 from 2011 to 2013 – *the editor*.

Social Media Activism

Though Najib ignored calls for him to resign, the People's Declaration galvanized ordinary citizens to action. And this led to different creative forms of political expression, some involving social media.

One example is *Jom Balik Undi*, which literally means "Let's Go Back to Vote." It was started by a small group of young people who realized that the 2018 general elections were scheduled on a weekday — Wednesday, 9 May. They then started a Facebook page that collected requests from people who wanted to go home to vote but have no money or means of transportation for the trip. They then connected people using a ride-sharing scheme that led to a large turnout among young Malaysian voters.

And then, there was the 2018 general elections, and the rest, as they say is history.

Political Reforms

But what have we achieved so far?

The new *Pakatan Harapan* government was able to lower the voting age to 18 years old. Because of this measure, we expect a surge of young voters in the next general elections. We are also currently working with the Election Commission to make voter registration automatic. If we are successful in this effort, then any Malaysian citizen automatically becomes a voter once he or she reaches the age of 18 years old.

We also welcomed the appointments of several reform-minded leaders in important government positions. One of them is human rights lawyer Azhar Azizan Harun who is now the Chair of the EC. Often called in the media as Art Harun, he is known in Malaysia for his frank views and his strong sense of independence.

In June 2019, human rights lawyer Latheefa Koya was appointed as Chief Commissioner of the Malaysian Anti-Corruption Commission (MACC). A former member of PKR, Latheefa has strong links with civil society and was a cofounder of Lawyers for Liberty (LFL). She is the first woman to hold the position of MACC Chief Commissioner.



Image: <http://amalaysianlivingabroad.blogspot.com>

“The People's Declaration galvanized ordinary citizens to action. And this led to different creative forms of political expression, some involving social media.

Earlier in April, another woman, Tengku Maimun was appointed as Chief Justice of the Malaysian Federal Court. She is the first woman in the country's history to reach that position.

There were also other positive developments from the country's judicial branch. One major case involved Tony Pua, an MP from the Democratic Action Party, who sued then-Prime Minister Najib in January

2017 for his involvement in the 1MDB fiasco. The case went all the way to the Federal Court. And then, on 19 November 2019, the Court issued a landmark decision stating that the prime minister, as well as other ministers and public officials, can be sued for misfeasance in public office. This was a welcome development, since it marked the return of judicial independence in Malaysia.

Continuing Challenges

But make no mistake! Our struggle is far from over, and we have met numerous frustrations along the way.

Malaysia, for example, still allows child marriage, and we do not even have data on the number of child brides.

We also still refuse to sign the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), due to the fear from powerful conservative groups that it would strip away privileges for the majority ethnic Malays. The government also withdrew its earlier commitment to sign the Rome Statute of the Criminal Court (ICC).¹¹

In October, the government announced its intention to abolish the death penalty and placed a moratorium on executions pending that action.

However, people are still on death row, and Malaysia still permits the death penalty for various crimes and remains mandatory for 11 other offenses.

And even with *Pakatan Harapan* in power, deaths in police custody remain a problem, since our security forces are still free to act with impunity. In fact, two cases have been reported under our current administration. However, the Prime Minister announced in September that the Enforcement Agencies Integrity Commission (EAIC) would be strengthened and transformed into the long-sought Independent Police Complaints and Misconduct Commission (IPCMC), which will have authority to investigate and punish abusive police officers.

At the same time, the Sedition Act remains in force, with at least three new sedition investigations opened in July and August against individuals

accused of insulting Malaysia's royalty. Despite its election manifesto promising to repeal the Sedition Act, the government had not yet moved to do so at the time of writing. The government also backed away from an election commitment to repeal the Official Secrets Act, saying it would instead be amended.

Source of Hope

Despite these challenges, I remain hopeful because people now are more critical of the government than before. They no longer say, "I don't care about the elections. It doesn't affect me." They now feel that they have real choices, and they see the ballot as an important tool in achieving change.

As long as we have a critical citizenry, the future of Malaysian democracy is assured.

“As long as we have a critical citizenry, the future of Malaysian democracy is assured.”

Image: Muhammad Afendy



¹¹ The Rome Statute is a treaty that established the ICC, which is an international court based in The Hague, the Netherlands to prosecute individuals for crimes of genocide, crimes against humanity, war crimes, and crime of aggression – *the editor*.

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