



THE EROSION OF DEMOCRACY IN SOUTHEAST ASIA

The future of democracy in Southeast Asia is at risk. Across the region, ruling governments have taken steps to roll back rights protections and undermine democratic institutions.

Just a few years ago, the winds appeared to be blowing in the opposite direction. The prospect of inclusive elections in Cambodia, Indonesia, and Malaysia had many observers believing that durable multi-party democracy was on the horizon. But things have changed dramatically over the past two years, with a military coup in Thailand and the use of extreme authoritarian measures by ruling parties in Cambodia and Malaysia to shut down space for opposition groups.

The region has never been a paragon of human rights or democratic principles, but the current trend is particularly concerning. Human rights abuses have soared, and opposition activists and politicians are increasingly at risk in many countries. Unless this trend is countered, chances of multi-party democracies emerging and flourishing are remote.

The wider threat to democracy in Southeast Asia demands the international community's attention. Contrary to commitments stated in the ASEAN Charter, the regional grouping has been unable to credibly face up to retreating democracy. This has emboldened the more authoritarian governments in the region to act without fear of political or economic consequence. Indeed, rather than feeling pressured to improve civil and political rights or embrace reform, the region's democratic laggards, such as Laos and Vietnam, are entrenching their authoritarian political systems.

The implications for political and economic stability are stark. It is in the interest of ASEAN's partners, including the United States, to speak out against these antidemocratic developments and work to combat this disturbing regional trend.

Thailand

Since seizing power in a coup in May 2014, the Thai military has used a range of authoritarian measures to instill a climate of fear across the country, aiming to silence all dissent and shut down political debate. Article 44 of the military-drafted interim constitution gives junta leader Prayuth Chan-ocha ultimate power to override decisions made by other branches of government, and Prayuth has used this prerogative for decrees that limit the space for free expression. The junta has banned public assemblies, arbitrarily detained hundreds of prominent figures, used military courts to lock up government critics, and instituted severe media censorship. The military has also been accused of using torture and has presided over a marked increase in the number of arrests under Thailand's draconian lèse majesté law, which outlaws criticism of the monarchy.

Thailand's democracy has been under threat for the past decade, as the country has struggled to grapple with a bitter political divide. Nevertheless, the future of democracy in Thailand today is perhaps at its grimmest point in several decades. Despite eloquent assurances to the international community, Thailand's military rulers appear to have little intention to return the country to democratic rule anytime soon. In March, junta leaders put forward a new draft constitution, which would effectively cement a long-term role for the military in Thai politics. The junta has banned criticism and campaigns against the constitution in advance of a referendum planned for August, and some high-ranking officials have hinted that the charter's rejection may further prolong military rule.

Cambodia

Prime Minister Hun Sen, who has ruled Cambodia for over three decades, has moved to consolidate his hold over the political sphere in recent months. Opposition voices, including parliamentarians, have increasingly faced persecution from government authorities, including arrest, imprisonment, and orchestrated violence. Opposition leader Sam Rainsy was stripped of his seat in the National Assembly and remains in exile as a result of politically motivated charges against him. In recent weeks, authorities have arrested prominent civil society activists in connection with an ongoing case against deputy opposition leader Kem Sokha, in which the ruling party has used the courts and the country's Anti-Corruption Unit as tools for political retribution.

Meanwhile, the passage of a highly controversial NGO law last July, described by many in the country as a grave threat to independent civil society, represented a major setback for free association and expression. It was followed in April of this year by the passage of a law on trade unions, which threatens to severely undermine labor rights. The UN Special Rapporteur for Cambodia has said that the political situation is inching ever closer to a "dangerous tipping point." All of this comes against the backdrop of looming local and national elections, scheduled for 2017 and 2018 respectively, which the ruling Cambodian People's Party (CPP) fears it might lose after a worse-than-expected showing in the last general election in 2013.

Malaysia

Since hotly contested elections in 2013, in which the opposition won the popular vote but was denied a parliamentary majority thanks to severe gerrymandering and other electoral manipulation, Malaysia's ruling party has been waging an all-out war on its political competition. Authorities have used existing statutes, which violate international human rights law, including the Sedition Act and sections of the Penal Code, to crack down on opposition voices and undermine free expression. The February 2015 sentencing and imprisonment of Malaysian opposition leader Anwar Ibrahim on politically motivated charges demonstrated the Malaysian judiciary's increasing lack of independence and the disturbing lengths to which the ruling party is willing to go to remain in power.

As Prime Minister Najib Razak faces increasing calls for his resignation as a result of the scandal surrounding the state investment fund known as 1MDB, the repression has only intensified. Authorities have cracked down on media reporting on the scandal, levied charges against leaders of the Bersih campaign, which has organized a series of protests calling for free and fair elections, and increasingly relied on racially divisive rhetoric to consolidate its base of support.

Myanmar

Myanmar has emerged as a rare bright spot in the region. But while the promise of further reform following the resounding National League for Democracy (NLD) victory in the November 2015 election has left many optimistic, the country remains saddled with a fundamentally antidemocratic constitution, which requires the consent of the military to amend. The new government, led by State Counselor Aung San Suu Kyi, will struggle to navigate a complex relationship with the military as it attempts to bring an end to a series of long-running armed conflicts and undo decades of political and economic mismanagement by the former regime. It is far from guaranteed that Myanmar's current promise will yield sustainable democratic change in the months and years to come.

Laos

Laos remains one of the most closed and repressive states in ASEAN. Space for independent civil society is nonexistent, and the government has effectively crushed any discernable opposition through widespread repression that has intensified since the enforced disappearance of prominent civil society activist Sombath Somphone in December 2012. There should be no illusions about the reality of the prevailing fear within Lao society in mentioning issues that are deemed sensitive, including multi-party competition. The Lao government's chairmanship of ASEAN in 2016 has thrust it into the international spotlight, and its lack of openness has undermined its capacity to lead ASEAN as it launches its vaunted Economic Community.

Vietnam

Despite recent openness toward the United States, Vietnam remains an authoritarian state under the control of the Communist Party. The country's recent parliamentary elections, in which all candidates were pre-vetted and most independent contenders were barred from competing, laid bare the complete lack of genuine democratic processes in the country. Freedom of religion and association are severely limited, and leaders and members of independent civic and religious organizations have been the target of government repression, including arrest and torture. In recent months, Vietnamese authorities have intensified their crackdown on human rights defenders, including bloggers and lawyers, and have come down hard on peaceful demonstrators calling for increased transparency and accountability.

The Role of Parliamentarians

As the elected representatives of the people, parliamentarians throughout Southeast Asia, both from the ruling party and the opposition, have a crucial role to play in supporting the development of sustainable democracy in their respective countries. Unfortunately, many parliaments have limited capacity to promote democratic accountability and rights protections in their own countries, and are not yet capable of pushing their regional counterparts on these issues either.

Pro-democracy voices within ASEAN are few and far between, but those voices, including many members of ASEAN Parliamentarians for Human Rights (APHR), are working to highlight these issues on a regional level. Still, these individuals are under constant threat and are being increasingly marginalized in a regional political climate hostile to democracy.

The Role of the United States

The United States has a role to play in working against the troubling regional backsliding. Through concerted public pressure and more low-key lobbying, U.S. policymakers have the potential to help mitigate and perhaps even reverse the trend of democratic erosion.

Crucially, this should involve support to actors within ASEAN, including parliamentarians, working to combat efforts to undermine human rights and democratic principles. These regional leaders would benefit immensely from public support from the United States. The U.S. government should use public pronouncements, as well as bilateral meetings, to condemn human rights violations and lend support to legitimate opposition voices as vital components of multi-party democracy. Sustained dialogue between pro-democracy voices on both continents is also critical as they work together to develop coordinated responses to the myriad threats democracy faces in the region.

Recommendations

Recognize and highlight the erosion of democracy

- Use all possible avenues to increase awareness within the U.S. government of the seriousness of the threat to democracy across Southeast Asia and what it means for U.S. economic and security interests.
- Pressure the Thai junta to repeal restrictions on free expression and assembly.
- Publicly call for the release of jailed Malaysian opposition leader Anwar Ibrahim, as well as an end to persecution of opposition lawmakers and activists in Cambodia.
- Use Laos' chairmanship of ASEAN in 2016 as an opportunity to pressure the Lao government to address serious human rights concerns and end repression against human rights defenders and other civil society actors.

Support pro-democratic voices

- Support all actors working against the erosion of democracy, including opposition parliamentarians, through sustained dialogue and public shows of solidarity.
- Ensure that financial and rhetorical support for civil society includes support for human rights defenders and groups engaged in work on free and fair elections.
- Grant asylum to political dissidents and persecuted opposition party members.
- Ensure that U.S. embassies throughout Southeast Asia protect the identities of civil society actors they meet and the confidentiality of discussions in those meetings.

Apply pressure on key anti-democratic figures

- Pass the Global Magnitsky Act, and use its provisions to ban key Southeast Asian political and military leaders and their families from traveling to the United States.
- Utilize the Specially Designated Nationals (SDN) list to impose targeted sanctions on key figures associated with human rights abuses.
- Reassess U.S. relations with the Thai military regime, including military collaboration. Consider cancelling the Cobra Gold military exercise.
- Suspend training programs of any kind for security forces in Cambodia and Myanmar until those institutions relinquish control and influence over politics.