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PANORAMA

INSIGHTS INTO ASIAN
AND EUROPEAN AFFAIRS

A FUTURE FOR DEMOCRACY



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Preface

A car is a car. We don't need broad discussions about the constituent elements of a "car", although there are considerable differences between individual types of cars. A limousine is bigger than a small city sprinter; a family sedan is more comfortable than a sports car, which has space for only one or two people but which has a strong and roaring motor. Something that goes on rails, floats in the water or flies in the air may also be a means of transportation but these things are different from a car.

The same logic applies to democracy. Democracy is a specific form of government. Even in those countries where democracy is not "the only game in town", people are well aware of the essence of democracy. We may summarize it in three elements: a meaningful and extensive competition among individuals and organized groups for all effective positions of government power; a highly inclusive level of political participation in the selection of leaders and policies, at least through regular free and fair elections; and a high level of civil and political liberties—freedom of expression, freedom of press, and freedom to form and join organizations. How these elements are organized in an individual country is not so relevant as long as they are recognized and realized in principle. Democracy is democracy, also in its different forms of concretization. Obviously, there exist other forms of government that are not democratic, and although these governments may try to present their regimes as a democracy, one cannot sell people a ship for a car.

Democracy is a relevant issue. In practically all countries of the globe people are looking for democracy, because there is a natural and widespread wish to participate in decisions which affect them directly. People want to speak openly, associate with others, comment on public affairs, and sometimes even criticize their governments and politicians; they want to act, to participate and to vote freely. This has not only been recognized by opinion polls but also by governments and international organizations.

In Asia, for example, the Association of Southeast Asian Nations, in Article 1 of its Charter, adopted in November 2007 in Singapore, outlines as one of the purposes of ASEAN to "strengthen democracy, enhance good governance and the rule of law, and to promote and protect human rights and fundamental freedoms". Hence, we can presume that the promotion and strengthening of democracy is an important objective for the states in this part of the world. However, one should really mean democracy in its essence when referring to this concept in documents and declarations.


The ASEAN Charter underlines the relevance of democracy. Nevertheless, since a few years ago, there has been an international discussion about a certain kind of retreat in the development of democracy, or a "democratic recession". The scepticism has been harboured for instance by conflicts as in the case of Thailand in May 2010, which has

been documented by our cover photo. The optimism that accompanied the processes of regime transformation during the 1990s has given way to some more sceptical perceptions or even frustration with regard to the perspectives to establish democracies all over the world that are characterized by the same basic principles. The end of history is not in sight. Freedom House, a New York-based organization, summarized in its annual survey of global political rights and civil liberties that 2010 was the fifth consecutive year in which global freedom suffered a decline—the longest period of setbacks for freedom in the nearly 40-year history of its report (see: www.freedomhouse.org). This is a worrying trend; at least for those who are convinced that democracy as a form of government corresponds best with the basic needs and interests of human nature. Or to put it in Winston Churchill's famous dictum: "Democracy is the worst form of government, except for all those other forms that have been tried from time to time."

We took the current discussion on democracy and a supposed "democratic recession" as the pretext to ask a number of authors to analyze the democratic development of different countries and regions. According to the character of our journal, we put the main emphasis on Asia. As demonstrated by these articles, several countries seem to lack substantial requisites for sustainable democracy. Among these problematic factors are: the lack of effective checks and balances between the executive and legislative powers, weak parliaments with low levels of representativeness, and political parties without real roots in their societies and poor developed capacities to articulate the social interests. A judicial system which is not independent from political actors and the general weakness of the state of laws are other institutional debilities one can easily discover in weak democracies. Not to mention endemic corruption, which in some countries seriously undermines the state of law and by this also the consolidation of democracy.

Besides these institutional factors, an organized civil society, and particularly a strong, politically self-confident and well-organized industrial working class, can also be identified as a key force in processes of democratization. In Asia, the middle classes seem to be not very keenly in favour of democracy. As Aurel Croissant and Marco Bünte, two authors from Germany represented in this volume, point out with regard to Southeast Asia: "In general, the bourgeoisie and the middle classes have supported their own political inclusion, but at the same time, have favoured political stability, economic development, and secure property rights over the inclusion of subordinate groups and their demand for meaningful political participation, economic redistribution, and social justice." This did not help exactly the development and consolidation of democracy in this region.

Despite those constraints, we are convinced that in general terms, fears of a democratic rollback are unfounded. Democracy is and will be the purpose for political development; as has been underlined by the ASEAN Charter. But we should be honest with the concept. One should not talk about ships or trains when chatting about cars. And when we say democracy we should mean democracy.

A handwritten signature in blue ink that reads "Wilhelm Hofmeister". The signature is written in a cursive, flowing style.

Dr. Wilhelm Hofmeister
Regional Director

Return of the Dictatorships?

Wolfgang Merkel

The optimism that accompanied the 1990s' wave of democratization has faded. Many autocratic regimes are likely to persevere. However, fears of a democratic rollback are unfounded. There will be no concerted swing back to an era of dictatorship—but nor can we expect another burst of democratization.

Only two decades after Eastern Europe rebelled and “real existing socialism” imploded, prognoses for the spread of democracy are increasingly pessimistic. The Washington-based Freedom House titled its 2007 report, “Freedom in Retreat: Is the Tide Turning?” Journal of Democracy’s founding co-editor Larry Diamond called it “The Democratic Rollback.” Yet a look at two decades of democratization research does not deserve the current pessimism. Since the 1980s shifts in the zeitgeist have influenced theoretical paradigms and thus the results of social science research. Two and three decades ago, waves of democratization led to overly optimistic visions and measurements of global democratization. Perhaps the current pessimism regarding autocracy’s rise is an overreaction.

VOTE “YES” FOR DEMOCRACY

In the 1980s, attention was focused on political and civil society actors who were seen as critical to democratic transformations. Socio-economic conditions for democracy, which had been the heart of modernization theory in the 1950s and 60s, vanished from the picture. Democracy appeared possible as long as relevant elites agreed to it, as long as reformers in the opposition and the regime prevailed over hardliners in the authoritarian bunker.

Joseph A. Schumpeter contributed posthumously to this optimism. His thin concept of democracy was accepted uncritically by many scholars of democracy research. The establishment of free, equal, and secret elections seemed sufficient for recognition as a democracy. Against this theoretical and political backdrop, Freedom House included no fewer than 118 of 191 countries among the “electoral democracies” in 1996 (in 1974 there were 39, in 1990, 76). In addition to Finland, Sweden, and Switzerland,

this rubric included Yeltsin's oligarchic kleptocracy, Georgia's corrupt regime, an unchanged Belarus, cronyist Philippines, Bangladesh's anarchy, and civil-war-torn Sierra Leone. The governing logic of the established Western democracies is obviously very different from that of these countries.

Increasingly this minimalist concept of democracy was viewed as insufficient given the varieties of newly emerged democracies. The term "democracy" began to be modified by concepts such as illiberal, delegative, directed, hybrid, or defective. These differentiated concepts proved more productive, and could make it clear that Georgia, Russia, and Venezuela were not the same as Finland, Sweden, and Switzerland. The number of "democracies" decreased accordingly. The rediscovery of structural and cultural barriers to democracy curbed the exaggerated optimism of the global democratization perspectives.

Since the turn of the century, a growing skepticism has emerged in scholarship, journalism, and politics: few additional democratization successes are expected. Path dependency, or historical legacy of an authoritarian past, is taken increasingly seriously. Given the deep and long-term effects of authoritarian legacies, the belief that the actions of individual actors and elites only are decisive has waned. Economically successful autocracies like China and Vietnam, the long-standing semi-authoritarian Singapore model, resource-rich countries like Russia and Venezuela, and rising regional powers like Iran are presented as globally or regionally effective alternatives to rule-of-law democracy.

Do the numbers justify this pessimistic view of the future of democracy? The core group of 29 liberal democracies, specifically the OECD countries minus Mexico and Turkey, faces little danger of sliding into the camp of hybrid or even autocratic regimes. In these countries no regime change can be expected in the short term. Of this camp, South Korea exhibits the most instable elements: the political parties are not rooted in society through programmatic offerings, but essentially through clientelistic links and the latent threats from the nuclear armed north have created powerful institutions—the secret service and military—that are by no means entirely subject to civilian, democratically-legitimized control. But even in South Korea's case many indicators speak against any impending autocratization.

The situation is similar in the relatively consolidated democracies of Latin America, such as Costa Rica, Uruguay, Chile, and, increasingly, Brazil. The actually endangered democracies such as Venezuela, Bolivia, Paraguay, Ecuador, and some of the Central American countries must be categorized as highly "defective democracies," along with Turkey and Mexico. The warlike scenes between the government and the drug gangs in Mexico have revealed there, too, the Latin American sickness of a weak state. And no democracy is possible without a state. The opposite is true in Turkey: the state is strong (perhaps even too strong), since the military forms an additional state within a state. This is not compatible with liberal democratic principles. In addition, there is a

polarization between secular and Islamic forces and the country's political elites and the credibility of both groups is limited.

“FREE” COUNTRIES

If we expand this core group of rule-of-law democracies to include those states still counted as “free” under Freedom House's less demanding labels, we come to 62 democracies. A look at the risk indicators for these “free countries” also signals considerable robustness. Only around 25 percent of these countries have a gross domestic product of less than 6,000 dollars per capita, which, according to modernization researchers, marks the crucial economic threshold for stable democracy. The UN's more complex Human Development Index gives further evidence of these countries' stability. Under its criteria only a few of the 62 countries mentioned fall below the relatively high score of 0.8 (Norway has the world highest HDI of 0.971, Niger the lowest 0.340 in 2007). Finally, the level of modernization of these “free” countries also argues for their democratic stability.

Theoreticians such as John Stuart Mill and Robert Dahl, as well as modern, empirical democracy researchers, see potential risk in too great a degree of ethnic heterogeneity. But less than a third of the 62 countries considered here fall above the mean of 0.5, meaning that they have a potentially problematic high degree of heterogeneity. Political stability, too, is a value that can be measured systematically. The value of this stability, as determined by the World Bank in 2008, is extraordinarily high: only 16.9 percent of the countries fall below the mean value of 0, and can be considered less than stable according to this measurement. The World Bank's index of government efficiency is also illuminating. Here too, the 62 “free” states achieve positive figures. All the marginal measures of risks to democracy presented here are set high. If we take these demanding values as our standard, only between 15 and 33 percent of the 62 “free” countries fall within ranges that suggest instability. These countries then have a thinner consolidating “buffer” than the rest of the “free” countries. Overall, however, the socioeconomic indicators reinforce the observation that most democracies in the “free” category are relatively stable.

DEMOCRATIC VENEER

What is the situation of hybrid regimes? These range from “defective democracies” to “competitive authoritarian regimes,” that is, authoritarian regimes that have stabilized their core authority by introducing elections and other elements of democratic governance. As a rule, hybrid regimes make normative promises of rule of law and democracy that are constantly disavowed in practice. Elections are *de facto* insufficiently competitive due to various manipulations by those in power; the government controls a large part of the media, spends state finances for party purposes, favors or restricts

certain groups; parliament may be freely elected, but the government interferes with norm creation by decree; the courts are de jure independent, but in fact controlled, harassed, and colonized by the executive; governments are elected, but illegitimate actors such as the military, religious leaders, oligarchs, or economic enterprises claim control of certain political domains.

In democracies, the contingency of elections and political results creates legitimacy through processes that are established a priori. This is not possible to the same extent in hybrid regimes. Citizens experience this discrepancy between the formal validity of norms and political reality, and this has the effect of delegitimizing the entire system. Hybrid regimes are less stable than democracies and dictatorships, and they are more numerous than regimes in either of the other two categories. Hybrid regimes face the real threat of reversion to authoritarianism.

AUTOCRATIC REVIVAL

If the thesis of the “reversion to autocratic rule” is accurate, not only would significant numbers of democracies and hybrid regimes move toward autocracy, but existing autocratic regimes would also have to remain sufficiently stable. In 2008 Freedom House classified 43 countries as “unfree.” They are deeply autocratic. In the second half of the twentieth century, military regimes had the shortest duration (nine years), followed by “personalized autocratic regimes” (15 years), and finally one-party regimes (23 years). Military regimes are essentially considered the least unified.

Frequent internal factionalization in the military and rivalries among putschists and non-putschists, hardliners and softliners, and the army, navy and air force are not the only factors contributing to the short duration of military regimes. Military regimes are vulnerable above all due to a lack of institutionalization, absence of a legitimate ideology, and the extensive repression that eats away at legitimacy. Personalized dictatorships frequently end with the death of the leader and are endangered when they face the question of succession. One party regimes are rightly considered especially stable. They gain stability from their comparatively strong institutionalization, systematic control of resources and tools of repression, and an ideology that can create diffuse support. This is true for Stalinist North Korea as well as capitalist-communist China, which maintains a (per)version of Marxist-Leninist ideology to prevent the source of ideological legitimacy from drying up completely.

The three-fold typology, prominent in regime research, of military, one-party, and personalized dictatorships is incomplete. It fails to include at least two variants of undemocratic systems that play a numerically and politically more important role at the start of the 21st century than the disappearing model of the communist one-party regime: failing states and Islamist-Arab dictatorships, which function through a mixture of religious indoctrination and “political rents” from oil reserves.

Both types are probably among the least stable non-democratic regimes. This is true of the Arab petro-dictatorships, frequently pressured by fundamentalist Islamist opposition movements, and certainly of the deteriorating states of Africa and Asia. Of course, instability does not mean that these countries are probable candidates for democratic changes of system. A change from one form of autocratic rule to another seems more realistic. Democracy is impossible without a state.

Typologies aside, the modernization indicators and cultural and state conditions point to the emergence of a relatively stable autocratic camp. We may see transitions in certain regimes between various forms of autocratic rule, but there are no theoretical or empirical indications that major changes in the direction of sustainable democratization are on the horizon.

The excessive optimism that surrounded the last wave of democratization in the 1990s has faded. It now seems unlikely that the number of autocratic regimes will decrease in the near future. However the current fears of the rise of autocracy and the democratic rollback thesis are not supported by either statistics or theoretical arguments. An analysis of the period 1995-2006 shows that more or less the same number of hybrid regimes moved toward democracy as toward autocracy. No return to dictatorship can be expected at present—but neither should we expect a fourth wave of democratization. There is much evidence for continuity of the status quo. The global competition of systems is temporarily frozen—but it is not over.

Wolfgang Merkel is the Director of the Democracy research unit at the Social Science Research Center Berlin.

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Democracy in Southeast Asia—An Assessment of Practices, Problems and Prospects¹

Aurel Croissant and Marco Bünte

INTRODUCTION

Regarding the global future of democracy, it was some 25 years ago when Samuel Huntington wrote an article titled “Will More Countries Become Democratic?” Overall—outside of Latin America—he concluded that the prospects for the (further) extension of democracy were “not great” (Huntington, 1984, p. 218). This conclusion, however, was qualified by his noting that it assumed no major changes in world developments (ibid.). Following the collapse of the Soviet Union eight years later, Francis Fukuyama argued that the liberal values of capitalism and democracy had finally won over the forces of communism, thereby leaving no alternative to democratic liberalism (Fukuyama 1992). Yet another two decades later, Fukuyama’s democracy optimism has been replaced by a new pessimism in democratization studies (Merkel, 2010, p. 17).

The pessimistic assessment of a global “democratic rollback” (Diamond, 2008) is based on three main observations. First, over the past ten years or so, regime changes from dictatorship to democracy and endogenous democratizations, in particular, have become increasingly rare. Apart from Indonesia’s “reformasi” process, most major democratization processes since the late 1990s either were military-enforced regime changes of uncertain outcome (Grimm and Merkel, 2009) or did not fulfill the democratic hopes placed in them, such as the “color revolutions” in Kyrgyzstan, Georgia and Ukraine (Styckow, 2010), and the “cedar revolution” in Lebanon. Second, inasmuch as the latest wave of democratization has seen the collapse of non-democratic regimes around the globe, those that are left are probably the least viable for democracy, either because they lack the socioeconomic and institutional requisites for stable democracy or because they have proven to be highly resilient to the internal and external challenges

¹ The arguments presented in the article derive to a large extent from the discussions, debates and findings of a collaborative research on the crisis of democratic governance in Southeast Asia, growing out of an international conference, “Challenges and Prospects of Democratic Governance in Southeast Asia”, hosted by the Institute of Political Science at the University of Heidelberg, and held in January, 2009 (see Croissant and Bünte, forthcoming).

of democratization (Siaroff, 2009, p. 296; Merkel, 2010, p. 28). Finally, the gap in democratic quality in new democracies is increasingly deepening. On the one hand, a group of about two dozen newly democratized polities have made significant progress toward consolidating as liberal democracies. On the other hand, several nations have made less progress, sometimes far less, as their transition toward liberal democracy appears to have stalled (Croissant and Thiery, 2010) or even failed when fragile democracy regressed into authoritarianism.

Southeast Asia has been no exception to these developments. Among the most inspiring stories of the so-called third wave of democratization (Huntington, 1991) were the 1986 street protests in the Philippines which overthrew President Ferdinand Marcos in the Philippines, and the downfall of Indonesia's President Suharto in 1998. In addition, military rule was replaced in Thailand in 1992. In 1993, the United Nations Transitional Authority (UNTAC) organized the first competitive elections in Cambodia. Finally, in 2002, democratic East Timor became sovereign after the United Nations had successfully conducted national elections (Shin and Tusalem, 2009).

However, expectations regarding the triumph of *liberal* democracy in the region turned out to be premature. Many of the so-called new or emerging democracies have been plagued by ethno-nationalist and communal conflicts, low levels of socio-economic development and a weak rule of law. The Philippines, where "political instability had plagued the country's last autocrat, and it continued to plague his elected successors" (Brownlee, 2007, p. 1) is a prime example of this troubling trend. The most dramatic blow to regional hopes for democracy, however, came in September 2006 with the military coup in Thailand. The coup in Thailand, the erosion of democracy in the Philippines, and the crushing institutional weaknesses of democracy in East Timor indicate that Southeast Asian democracies are not exactly flourishing these days. Furthermore, we still find a variety of political regimes below the democratic threshold: a military government in Myanmar, communist one-party rule in Vietnam and Laos, absolute monarchy in Brunei and "electoral authoritarianism" in Cambodia, Singapore and Malaysia (Diamond, 2008). Moreover, the countries of Southeast Asia represent a wide variety of successful and less successful governing states. In contrast to the simplified view that democracy correlates with successful governance, there is actually a large variety of outcomes in terms of political, social and economic performance in the region.

The purpose of this essay is to discuss the question of democracy and governance in Southeast Asia from a comparative point of view, based on theories and concepts derived from Western political science. The article is divided into four sections, each of which deals with different aspects of this topic. The first section provides a brief overview of the political topography of Southeast Asia. Next, we discuss the issue of democratic consolidation and reversal in the region. The third section provides a brief assessment of governance practices and outcomes in the region, whereas the fourth

section discusses the uncertain prospects for future democratization or “rollback of democracy” in the region.

A POLITICAL TOPOGRAPHY OF SOUTHEAST ASIA

To assess the practices and prospects of democracy in Southeast Asia today, we first have to clarify what is meant by democracy. Democracy, however, is “probably the most complex concept in political science” (Coppedge, 2002, p. 35). There are countless definitions based on hundreds of years of political thinking and decades of academic debate (Held, 2006). Furthermore, democracy is also an “essentially contested concept” (Gallie, 1956): there is widespread agreement on the abstract notion of democracy itself (“people’s sovereignty”); whilst there is endless argument about what might be the best instantiation, or realization of that notion (op. cit., p. 169). Gallie provided detailed arguments as to why democracy is an essentially contested concept. Contemporary studies continue to demonstrate the relevance of his ideas as David Collier and others explain in a recent publication (Collier et al., 2006).²

Having said this, we must note that numerous definitions of democracy derive from different traditions of political thinking. The most influential definition of democracy in the past four decades was set out by Robert Dahl in his work *Polyarchy* (1971). Dahl’s concept of democracy/polyarchy is a minimalist approach. Democracy is more or less defined in two dimensions: “open contestation” and “public competition” (Dahl, 1971, p. 3). While Dahl’s minimalist conception remains popular in scholarship and policy, as Larry Diamond argues, “it has been amplified, or précised to various degrees by several scholars and theorists.” (1999, p. 10). The result has been a constructive process of re-conceptualization of democracy. As a result, Dahl’s procedural conception has been expanded by adding elements which are considered by many scholars as essential components of modern, liberal democracy but which are not covered in Dahl’s minimalist conception, for example provisions for horizontal accountability (checks and balances), the rule of law and the absence of reserved domains for the military or other “veto powers” (Diamond 2008; Merkel 2004).

However, critics point to the fact that many “new democracies” (and a number of old ones, too) have little to offer, outside of elections, which theorists of democracy would associate with the notion of a “liberal democracy”. Rather, the empirical evidence suggests that to a significant extent the third wave of democratization has become less of a triumph of democratic liberalism, but rather a success story for “ambiguous regimes” (Diamond, 2002), “defective” (Merkel, 2004) or “illiberal” democracies (Zakaria, 1997), “competitive” (Levitsky and Way, 2002) and “electoral

² Thus, we believe that our usage and conceptualization of the term democracy is not the only one that can command honest and informed approval. It reflects, however, the most common understanding of democracy as it stands in the comparative politics literature on democracy and democratization.

authoritarianism” (Schedler, 2006). This is especially true in Southeast Asia, where “mixed” political regimes and “defective” democracies have been an integral element of the political spectrum for a number of decades (Croissant, 2004; Case, 2009; Shin and Tusalem, 2009). Although there is some variation in the regime classifications provided by the latest Freedom House and Bertelsmann Transformation-Index evaluations of the status of democracy (see Table 1), it is possible to differentiate three groups of political regimes in the region.

Country	Freedom House (2008) ^a			Bertelsmann Transformation Index (2009) ^b	
	Political rights	Civil liberties	Political regime	Democracy Score	Regime Type
Brunei	6	5	Not free	N/A	N/A
Cambodia	6	5	Not free	4.1	Moderate / electoral authoritarianism
Indonesia	2	3	Free (electoral democracy)	7	Defective democracy
Laos	7	6	Not free	2.8	(closed) Authoritarianism
Malaysia	4	4	Partly free	5.3	Moderate / electoral authoritarianism
Myanmar	7	7	Not free	1.7	(closed) Authoritarianism
Philippines	4	3	Partly free	5.9	Defective democracy
Singapore	5	4	Partly free	5.4	Moderate / electoral authoritarianism
Thailand	5	4	Partly free	5.3	Defective democracy
Timor-Leste	3	4	Partly free (electoral democracy)	N/A	Defective democracy
Vietnam	5	5	Not free	3.3	(closed) Authoritarianism

Table 1: Political regimes in Southeast Asia

^a PR and CL stand for political rights and civil liberties respectively; a score of 1 represents the most free and 7 the least free rating. The ratings reflect an overall judgement based on survey results for the period from January to December 2008. In addition to providing numerical ratings, Freedom House assigns the “electoral democracy” designation to countries that have met certain minimum standards. See <http://www.freedomhouse.org/>; ^b The BTI 2010 provides quantitative measures on five criteria of democracy based on the rule of law for the period from January 2007 to January 2009. Its concept of democracy encompasses more than elections and institutions. It also includes stateness, the rule of law and the separation of powers with horizontal accountability, the strength of civil

society and political participation. The BTI's *Democracy* Status Index is based on the ratings of five criteria and 18 indicators. Each indicator is measured on a scale ranging from one (worst score) to ten (best score). Based on the values of the democracy status index, political systems are classified as democracies, defective democracies, moderate autocracies or autocracies. See <http://www.bertelsmann-transformation-index.de>.

The *first* group consists of “electoral authoritarian regimes” (Schedler, 2006) in Singapore, Malaysia and Cambodia. In all three cases, formal democratic institutions coexist with authoritarian political practices. While elections are the principal means for acquiring political power, “incumbents routinely abuse state resources, deny the opposition adequate media coverage, harass opposition candidates and their supporters, and in some cases manipulate election results” (Levitsky and Way, 2002, p. 61). The salient feature of electoral authoritarianism in Malaysia, however, is that the ruling party coalition faces stiff electoral challengers (as demonstrated by the 2008 election outcome). In contrast Singapore's People's Action Party faces no significant party opposition, whereas the political regime of Prime Minister Hun Sen and his Cambodian People's Party is located somewhere between these two forms of electoral authoritarianism. Although oppositional forces such as political parties and civil society groups have an opportunity to organize and to criticize the government, democratic institutions are flawed, as governments try to minimize the exposure of the political regime to competition and opposition by placing restrictions on the electoral arena, the judiciary, the media and non-governmental organizations (Case, 2002). Yet, the logic of coopting and legitimating in such “electoral authoritarianisms” constrains the “menu of manipulation” (Schedler, 2006) from which governments can choose specific strategies of containment vis-à-vis dissenting voices and political forces.

The *second* category comprises four unambiguously non-democratic regimes. It is a heterogeneous group of single-party rule in Vietnam and Laos, military rule in Myanmar and hereditary monarchy in Brunei. While there are significant differences between the cases with regard to the question of who rules, how and why, all four regimes do not allow for limited political pluralism. Instead, they can correctly be classified as “closed authoritarian regimes” (Diamond, 2002).

The *third* group consists of four countries which have experienced a political transition to democracy in one way or another in the last two decades or so. With the possible exception of Indonesia, however, there has not been much improvement in the democratic quality of these political regimes over this period. More than two decades since the authoritarian regime run by President Ferdinand Marcos broke down, for instance, democratic politics in the Philippines is still tumultuous. Similar to the Philippines, the Thai political system is currently experiencing severe stress. Deep-reaching political conflict escalated in September 2006, when the Thai military staged a coup d'état against PM Thaksin Shinawatra. The parliamentary elections in December 2007 did little to heal existing divisions in Thai society (Chambers, 2010). In contrast to these

two cases of “democratic recession” in the region, Indonesia’s experience of democratic reform seems to indicate a regional success story in democratization. Although many issues and challenges continue to exist, a broad consensus exists in the scholarly literature that these reforms have contributed to the deepening and consolidation of Indonesian democracy considerably (Bünthe and Ufen, 2009). East Timor is the fourth newly democratized Southeast Asian nation. Like the political transition in Cambodia, democratization took place through the aegis of the United Nations. Unlike Cambodia, though, it was an integral part of a larger, multi-faceted process of decolonization and nation-building. In the first few years following the UN mandate, the nation was seen by many as a success story in UN-led nation-building. Following the events in the spring of 2006, when East Timor, and in particular the capital, Dili, exploded into violence, this evaluation changed substantially, however. Nevertheless, one must still acknowledge that meaningful and peaceful parliamentary and presidential elections took place in 2007, which resulted in a change in government. Although the elections were hotly contested and not free of complaints, respect for democratic competition prevailed. Few other “post-colonial” neo-democracies with ruling liberation movement-cum-political parties have experienced such a change of government after founding elections.

PROGRESS AND REGRESS IN DEMOCRATIC CONSOLIDATION

Given the diverging developments of new democracies after the transition to democracy, the issue of democratic consolidation deserves particular attention. While the meaning of consolidation has been much contested among political scientists most scholars agree that the transition to democracy entails the replacement of non-democratic institutions by democratic institutions, whereas the consolidation of democracy involves the legitimization of these institutions and the widespread internalization of the new democratic regime’s basic behavioral norms (Gunther, Diamandouros and Puhle, 1995; Morlino, 1998; Merkel, 1998; Diamond, 1999).

A new democracy, however, cannot be consolidated without fulfilling the criteria for a liberal democracy, including an established and working rule of law, constitutionalism, and, in particular, a clear separation of powers that functions in reality and allows for horizontal accountability, a vibrant and independent civil society, pluralism of political associations and institutions, freedom of media, and popularly elected political authorities who do not have to share the effective power to govern with non-elected or otherwise constitutionally legitimated “veto powers”. Finally, a new democracy can be described as consolidated only when it enjoys “broad and deep legitimation” such that a strong majority of the citizens and the relevant political actors support the democratic regime as the only game in town (Linz and Stepan, 1996, p. 15; Diamond, 1999, p. 65; Merkel, 1998, pp. 59–62).

Recent empirical research on democracy in Southeast Asia provides strong evidence, though, that none of the Southeast Asian democracies fulfill all of these criteria.

With regard to what Juan Linz and Alfred Stepan describe as *constitutional consolidation*, only in Indonesia do “all the actors in the polity become habituated to the fact that political conflict will be resolved according to the established norms and that violations of these norms are likely to be both ineffective and costly” (Linz and Stepan, 1996, p. 5). Here, constitutional amendments passed between 1999 and 2002 have established the basic constituents of democracy, with a clear separation of powers between the executive, legislative, and judicial branches and mechanisms of horizontal accountability, which in daily practice function relatively well (Ziegenhain, 2008). By contrast, semi-presidential democracy in East Timor has been facing intra-executive conflicts between president and prime minister, and subordination of the unicameral parliament to the political hegemony of the ruling Fretilin party (Shoesmith, 2007). Presidentialism in the Philippines also experienced destabilizing crises in 2000–01 and again in 2004–06 (Kasuya, 2005). During the first crisis, a broad coalition of traditional politicians, disloyal military officers, social movements, and religious leaders succeeded in deposing President Estrada by turning the president’s misdemeanors into scandals, rekindling public outrage, and mobilizing mass protests. President Gloria Arroyo, however, survived a similar challenge because she was able to prevent the emergence of an inclusive protest coalition of political parties and social organizations or networks able to mobilize the mass public against her (see Hutchcroft, 2008).

While the Philippines offers an interesting example of what Aníbal Pérez-Liñán (2009) describes as an emerging new pattern of political instability in presidential democracies, characterized by government instability without regime breakdown, Thailand is an extreme case of constitutional breakdown. Traditionally characterized by dispersion of political power, Thailand’s parliamentary democracy was effectively transformed by the Thaksin government into an “elective dictatorship”. This eventually led to the collapse of democracy in September 2006. Since then, and despite the free (but not fair) general elections in December 2007, Thailand has seen a tragic deepening of political polarization and instability (Thitinan, 2008).

Another shortcoming of democratic consolidation in Southeast Asia is the weakness of *political parties and party systems*. Political parties are particularly critical for the consolidation of new democracies because, on the one hand, the representation of the people cannot take place meaningfully unless parties organize that representation (Blondel, Inoguchi and Marsh, 1999, p. 15). This requires a system of well-institutionalized political parties rooted in society. On the other hand, stable configurations of party systems that are well-institutionalized and both moderately polarized and fragmented can promote the effectiveness and efficiency of democratic institutions and thereby contribute to the functioning and legitimacy of the democratic system at large (Bosco and Morlino, 2006; Gunther and Diamond, 2003). However, the transience of political parties in countries such as Thailand and the Philippines makes it difficult for them to develop close links with voters. Furthermore, given that many parties arise

and disappear like soap bubbles, it is difficult to imagine how parties can cooperate and accommodate competing demands from different electorates, because this requires some political certainty. Party inchoateness also creates an intermediary vacuum that can then be filled by populists such as Thaksin in Thailand or Joseph Estrada in the Philippines (Croissant and Völkel, forthcoming; Ufen, 2008).

Third, and connected with problems of constitutional consolidation, at least three out of the four emerging democracies in the region are deficient in terms of “*behavioral consolidation*” (Linz and Stepan, 1996, p. 5). This refers to the political behavior of powerful “informal” political actors who are not legitimized by popular elections or constitutional mandate to exercise political authority, such as the military, key economic elites, or powerful political movements (Merkel, 1998, p. 57). Indonesia’s democratic system has to deal with two potential antidemocratic veto actors: the military and radical Islamic forces. However, Marcus Mietzner (2009) argues that the role of the military in politics has been constrained in recent years, whereas according to Ufen (2009), political Islamic forces in Indonesia are much less radical and antidemocratic than in other Muslim countries in the region and are, in fact, a source for civil society groups. By contrast, in Thailand the question is not whether there are significant political groups that are seriously attempting to overthrow the democratic regime but rather whether there is any significant segment of the political elite that is actually able and willing to defend democracy against anti-Thaksin political forces and “Thaksinistas”.

East Timor and the Philippines have also experienced difficulties in managing antidemocratic actors. For instance, in the Philippines political elites and dynasties dominate the government because they wield considerable political and economic clout; control by the elites continues to be a barrier to reform (McCoy, 2009). Another problem is the insurgent groups that threaten the country’s security. Military involvement in core areas of civilian government and the government’s inaction in response to it also contravene democratic consolidation (Hernandez and Kraft, 2010). Finally, in East Timor the lack of both cooperation between elites and shared commitments to democracy contributes to the precariousness of democracy there. Lacking what Burton, Gunther, and Higley (1992) call structural integration and value consensus, the political elites continue to harbor deep suspicions, “encouraging their use of manipulations, subterfuge, and violence by proxy in their dealings with one another” (Guterres, 2006, p. ۷). While stopping short of outright warring, it is uncertain whether tensions among elites might be contained by the democratic institutions and procedures that have been put in place (*ibid.*).

Recent comparative studies also testify to the shortcomings of democratic consolidation in regard to the emergence of a democratized mass political culture and a vibrant “civil society” in all of the four democracies. Based on data from the Asian Barometer Survey (ABS), Shin and Cho’s analysis (forthcoming), for example, demonstrates the fragility and vagueness of the political cultures that underlie democracy in Southeast

Asia. In addition, Park Chong-min and Lee Jae-chul's analyses suggest that social associations fail to serve as a training ground for democratic values and norms across Southeast Asia (Park and Lee, 2007; Park, forthcoming). While they undoubtedly provide alternative means of political participation, and, through their actions, function as catalysts for the realization of public demands and interests, they contribute very little to the evolution of civic norms, beliefs, and attitudes. Moreover, recent events in Thailand and the Philippines testify to the potential dangers of deep divisions within a society, which are reflected in and shaped by polarized civil society organizations. Increasingly violent street politics and extra-parliamentary protests in both countries remind us of Sheri Berman's warning about spasmodic and politicized civil society activism in weakly institutionalized political systems:

If a country's political institutions are capable of channeling and redressing grievances, then associationism will probably buttress political stability and democracy by placing its resources and beneficial effects in the service of the status quo. [...] If, on the other hand, political institutions are weak and/or the existing political regime is perceived to be ineffectual and illegitimate, then civil society activity may become an alternative to politics for dissatisfied citizens [...]. In such situations, associationism will probably undermine political stability and have negative consequences for democracy by deepening cleavages, furthering dissatisfaction, and providing rich soil for oppositional movements to grow in. (Berman, 2001, p. 40)

Social mobilization in the Philippines and in Thailand outpaced the development of political institutions able to process citizens' participation and demands. This resulted in disorder and political instability and "pulled" the military into politics. Moreover, whether social associationism promotes or damages democratic culture or nurtures the deepening of nascent democracy also depends on the type of association and its aims (Barnes, 2005, p. 9). Altogether, the emerging picture is one of democracy in crisis in large parts of Southeast Asia, with slow progress in democratic deepening in Indonesia and serious setbacks in the Philippines, Thailand, and East Timor.

TOWARD BETTER GOVERNANCE—COMPARING DEMOCRACIES AND NON-DEMOCRACIES

Given the manifold difficulties of democratization and consolidation in Southeast Asia, it comes as no surprise that the actual performance of democratic regimes is often not better on crucial areas of governance than in, for comparison, non-democratic regimes in the region. For example, the intraregional perspective reveals that regime type is not necessarily a good predictor for differences in the countries' human rights records. On the one hand, democracies are more inclined than autocracies to accept the global human rights system and to make commitments to human rights by joining international

treaties or conventions (Rich, forthcoming). On the other hand, Southeast Asian nations—even the most democratic regimes in the region—tend to do poorly on civil liberties and political rights relative to countries in other regions and at similar levels of human and economic development (Peerenboom, 2006). Although most countries in the region perform better under the categories of economic and social rights, relative both to civil and political rights and to other countries in their income group, there is little evidence to support the assumption that this is related to regime type. Rather, wealth appears to explain most of the variation in these categories (*ibid.*, pp. 29–31).

Likewise, democracies are not necessarily more peaceful than non-democracies. Rather, with regard to the aspect of external peacefulness, Rüländ and Nguitragool (forthcoming) mentions “insensitivity to regime type as a characteristic of the three democracies’ security policy, and foreign policy doctrines”. In addition, higher levels of democratization in Southeast Asia do not translate into effectual conflict management (Bertrand; 2004; Trinn, forthcoming). Regarding violent internal and, in particular, cultural conflicts in the region, “democracies are for the most part *more* affected by political conflict than autocratic regimes” (Trinn, forthcoming), whereas “semi-democratic” and “soft authoritarian” regimes that are considered in the broader research literature as the most exposed to a greater risk of experiencing violent conflict are actually the least affected. His comparative analysis suggests that wealth and social demographics, again, explain the variation in conflict “affectedness” better than levels of democratization.

These observations on specific aspects of political performance correlate to a large extent with the results of quantitative comparative research on governance in Southeast Asia. The World Bank Governance Indicators (WBI), for example, distinguishes six main dimensions of governance: (1) voice and accountability, (2) political stability and absence of violence/terrorism, (3) governance effectiveness, (4) regulatory quality, (5) rule of law, and (6) control of corruption (Kaufmann et al., 2009). As Hagopian (2005, pp. 328–30) points out, the first two dimensions—voice and accountability along with political stability—capture the strength of democracy, the second pair—government effectiveness and regulatory quality—its effectiveness, and the last two—rule of law and control of corruption—constitutionalism.

Table 2 shows the 2008 scores for the six dimensions of democratic governance for each Southeast Asian nation. It reveals that neither democratic nor non-democratic political regimes in the region received consistently positive or consistently negative average ratings. Not surprisingly, “electoral democracies” scored better in the dimension of voice and accountability than non-democratic regimes. However, the same is not necessarily true with regard to political stability. In fact, the authoritarian regimes in the region (except for Myanmar) seem to provide better stability than “democratizing” states such as the Philippines, Thailand and East Timor. With regard to the remaining indicators—government effectiveness, regulatory quality, rule of law, and control of

corruption—there is no clear divide between democratic and autocratic political systems. Moreover, the democratic systems do not lead the region in any of the domains in terms of governance performance; rather, Singapore is the leader in five out of the six domains of governance.

Country	Democracy		Effectiveness		Constitutionalism	
	Voice & accountability	Political stability	Government effectiveness	Regulatory quality	Rule of law	Control of corruption
Brunei	-1.00	+ 1.22	+ 0.89	+ 0.83	+ 0.51	+ 0.51
Cambodia	- 0.94	- 0.27	- 0.81	- 0.47	- 1.08	- 1.14
Indonesia	- 0.14	- 1.00	- 0.29	- 0.27	- 0.66	- 0.64
Laos	- 1.71	- 0.01	- 0.84	- 1.25	- 0.90	- 1.23
Malaysia	- 0.58	+ 0.13	+ 1.13	+ 0.27	+ 0.49	+ 0.14
Myanmar	- 2.24	-1.56	- 1.68	- 2.24	- 1.48	- 1.69
Philippines	- 0.20	- 1.41	0.00	- 0.05	- 0.49	- 0.75
Singapore	- 0.41	+ 1.33	+ 2.53	+ 1.92	+ 1.73	+ 2.34
Thailand	- 0.56	- 1.19	+ 0.11	+ 0.26	- 0.03	- 0.38
Timor-Leste	+ 0.15	- 1.13	- 1.00	- 1.40	- 1.15	- 0.89
Vietnam	- 1.62	+ 0.32	- 0.31	- 0.53	- 0.43	- 0.76

Table 2: 2008 WBI scores (from -2.5 to +2.5)

The World Bank Governance Indicators' values for each country are weighted averages of the data available from a variety of sources for that country. With a mean of 0 and a standard deviation of 1, they could range from a low of -2.5 to a high of +2.5. Negative scores indicate sub-standard or relatively poor performance, while positive scores indicate relatively good performance. *Source:* World Bank Governance Indicators, available at <http://info.worldbank.org/governance/wgi/index.asp>

Based on the findings of the World Bank Governance Indicators and other governance measurements such as the Bertelsmann Transformation Index (2010), the political systems in the region can be divided into three broad governance categories that do not necessarily correspond to regime type; these are displayed in Table 3.

		Levels of Good Governance (Dimension II and III)		
		High	Intermediate	Low
Regime Type (Dimension I)	Emerging (defective) Democracies		Indonesia Thailand Philippines	East Timor
	Moderate (electoral) authoritarianism	Singapore Malaysia		Cambodia
	(closed) Autocracies	Brunei	Vietnam	Laos Myanmar

Table 3: Type of political regime and governance categories in South East Asia

The first group consists of Singapore, Brunei and Malaysia. Viewed comparatively, they perform relatively well on most indicators of governance. Both the World Bank Governance Indicators and the management index of the BTI 2010 rank Singapore at the top of the countries in the region in terms of regulatory quality, government effectiveness, (formal) rule of law, and corruption control, followed by the other two countries. They are also the top three Southeast Asian nations in Transparency International's Corruption Perception Index and perform very well on the most common measurements of state strength and state capacity such as BTI's "State Weakness Index" (Bertelsmann Stiftung, 2009) and the "Failed States Index" of the Fund for Peace (2007).

The second category combines Thailand, Indonesia, and the Philippines, and the one-party regime of Vietnam. All four countries exhibit significant shortcomings in terms of rule of law, regulatory quality, and corruption control. There is more close collusion between non-state and state elites, state capacity is much weaker, and governance quality is lower than in the countries in the first group. Furthermore, states in all four countries are less able to provide public goods such as welfare, health, predictable economic institutions, and legal certainty.

The third category includes Cambodia, Laos, Myanmar, and East Timor. These countries perform weakly on most or all of the governance indicators. In Myanmar and East Timor, low governance quality correlates with extremely weak state capabilities and bureaucratic quality. Accordingly, the capability of governments and bureaucracies to effectually implement policy is low. Overall, highly effective public institutions are common in only a very few Southeast Asian countries such as Singapore and, to a lesser extent, in Malaysia and (increasingly) in Vietnam. Otherwise, the state in Southeast Asia is significantly less capable and less immune to the influence of interest groups than it has been in, say, South Korea and Taiwan during the heyday of the developmental state. The links between societal and bureaucratic-political state elites are far closer in Southeast Asia, the interdependencies are greater, and the planning and implementing capacity of state bureaucracies is weaker than in the Northeast Asian countries (see also Rodan, Hewison and Robison, 2002).

PROSPECTS

What are the implications of these observations for the future course of democracy in the region? The continuous shifts between skeptical and optimistic assessments of the global future of democratic governance in comparative politics and empirical democracy research suggest at the least that political scientists are not very good at predicting the future of democracy (see Siaroff, 2009, p. 295). This is especially true for Southeast Asia, as the frequently noted heterogeneity of the region also means that, for all the symptoms of a crisis of democratic governance in the region, differences persist. The contributions in this volume testify to those differences.

Nevertheless, to provide a very general assessment of the prospects of democracy and democratic governance in the region, we can consider certain factors which are conducive or, in turn, obstructive to viable democratization and democratic survival. Against the backdrop of different theories of democratization, Alan Siaroff (2009) and Wolfgang Merkel (2010) have recently developed lists of selected indicators or factors that allow for tentative conclusions on the prospects for either viable democratization (Siaroff) or democratic breakdowns (Merkel). Both authors make prospective assessments by looking through a lens of modernization theory, structuralism, and culturalist theory, therefore focusing their argument on macro- and domestic-structural variables rather than on agential factors.³

A quick glance at their sets of factors which enable or threaten sustainable democracy suggests that all of the emerging democracies in the region display very few of the traits that scholars have identified as propitious for stable democracy. First of all, they are all young and non-liberal (“electoral”, “defective”) democracies. All other things being equal, new and less liberal democracies face a higher risk of authoritarian reversal than long-established liberal democratic polities, because in the latter, the established practices of tamed and consensually unified elite behavior, strong and working institutions of checks and balances, effective mechanisms of representation and interest mediation, and strong mass support render them largely immune against endogenous threats of authoritarian reversal (Siaroff, 2009; Merkel, 2010). This increased risk is clearly the case in Thailand, the Philippines, and East Timor.

Another set of “threatening factors” relates to socioeconomic development and levels of modernization. Modernization theory posits that the odds that a country will sustain democracy are closely related to its level of socioeconomic development (Lipset, 1959). While the “endogenous” variant of this theorem assumes that wealth and socioeconomic modernization *lead* to democracy, the “exogenous” version of modernization theory argues that democracy is not a by-product of development (Boix and Stokes, 2003). However, “[o]nce a country has a democratic regime, its level of economic development has a very strong effect on the probability that democracy will survive” (Przeworski et al., 1996, pp. 40–1). This is because wealth lowers the distributional conflicts within society “through various sociological mechanisms” (Przeworski et al., 2000, p. 101), which helps to stabilize democracy. Other scholars who are interested in the (socio-) economic origins of democracy (and dictatorship) focus on the nature of economic institutions and the extent of income inequality (Acemoglu and Robinson, 2009), the distribution of power resources (Vanhanen, 1997), and the levels of education that help (or obstruct) the emergence of democratic values (Merkel, 2007).

³ This is not because agential factors are irrelevant. Human agency, to borrow from David Dessler’s apt description of the “agency–structure problem”, is always the moving force behind events and the outcomes of political processes, but the choices and strategies of actors “can be realized only in concrete historical circumstances that condition the possibilities for action and influence its course” (Dessler, 1989, p. 443).

However, in terms of per capita annual income adjusted for purchasing power parity in 2007, none of the four Southeast Asian democracies displays high income levels; ironically, Thailand (\$8,135) is the only country that exceeds Adam Przeworski's famous "Argentina threshold" of US\$6,065, above which democracy seems impregnable and can be expected to survive, "come hell or high water" (Przeworski et al., 1996, p. 48).⁴ At the same time, however, income distribution in Thailand (and the Philippines) is more unequal compared to in Indonesia and East Timor.⁵ Economic inequality in itself does not correlate in any simple way with democratic breakdown or antidemocratic populism either (Bermeo, 2009). However, the pervasive income inequality in Thailand and the Philippines, which reflects especially high urban–rural disparities, poses a sharp threat to the survival of democracy. The urban–rural and class divides provide opportunities for political entrepreneurs to mobilize support from subordinate groups by promising to redistribute resources to the poor; at the same time, democracy in Thailand and the Philippines lacks the self-defense mechanisms of established democracies that are necessary to survive the disruptive consequences of class divide (for Thailand, see Croissant, 2008).

While educational indicators are more favorable, all Southeast Asian democracies lack a strong, politically self-confident, and well-organized industrial working class, which some scholars have identified as a key force in processes of democratization in Latin America, the Caribbean, and in Northwest and Southern Europe (Rueschemeyer, Huber-Stephens and Stephens 1992). Furthermore, there is strong evidence that in most Southeast Asian nations, the bourgeoisie has not played the progressive role of a force for democratization that was envisaged by neo-Marxist authors (Sidel, 2008; Thompson, 2010). Likewise, state-dependent, ethnically divided, or otherwise politically and economically vulnerable middle-class actors in Southeast Asia have been far less consistent in favor of democratization than modernization theorists (Lipset, 1959) have suggested. In general, the bourgeoisie and the middle classes have supported their own political inclusion, but at the same time, have favored political stability, economic development, and secure property rights over the inclusion of subordinate groups and their demand for meaningful political participation, economic redistribution, and social justice. Singapore's trajectory, as well as the ambiguity of the Thai and Philippine middle classes toward democracy, illustrates this point (Jones, 1998; Englehart, 2003; Croissant, 2008).

⁴ Przeworski et al. find that no democracy failed above a per capita GDP of \$6055, Argentina's level in 1975. In 2007, GDP per capita (PPP US\$) was 707 in East Timor, 3406 in the Philippines, 3712 in Indonesia, and 8135 in Thailand. Interestingly, the 2006 coup in Thailand would seem to falsify Przeworski's observation. However, the income data used by Przeworski (Penn World Table) are not fully comparable to our data.

⁵ See data provided by World Bank (World Development Indicators) on income share held by the highest 20 percent of population and the Gini Index in the Southeast Asian countries

If we turn our attention to the nations in the region that are not yet democratized, it seems that the socioeconomic and structural conditioning factors for democratization to take place are also not very promising. Relative to other non-democracies in the region and compared with the already emerging democracies in Southeast Asia, the three nations of Singapore, Malaysia, and Brunei are well-educated, high-income societies. Nevertheless, they also lack strong working classes or active middle classes that pressure for democratization. While there is little empirical (or for that matter, theoretical) reason to expect these countries to become democratic in the near future, one might hypothesize from the perspective of modernization theory that, once they have democratized, Singapore, Brunei, and Malaysia might eventually become stable liberal democracies (for Singapore, see Acemoglu and Robinson, 2009, p. 353). This, however, does not apply to countries such as Cambodia, Vietnam, Laos, and Myanmar. They are unlikely candidates for democratization, and are also top candidates for democratic fragility in the unlikely scenario of a major change in political institutions.

Then, there are the threatening factors already discussed above such as the lack of broad and deep legitimation, the relatively low levels of institutionalization of party systems in the new democracies, and the fragile nature of civil–military relations.⁶

In addition, problems of the state’s insufficient institutional capacity in conjunction with the contested government monopoly on the use of force also pose threats to the sustainability of democracy in the region. While non-democratic regimes may be able to survive with low levels of state strength, a functioning and stable democracy is possible only in the presence of a set of effective and capable state institutions. Hence, a certain minimum of state effectiveness is a precondition for stable democracy (Linz and Stepan, 1996). However, processes of democratization in Southeast Asia often undermined or weakened already fragile institutions of the patrimonial state (Hutchcroft, 1998; Marsh, 2006). Compared to the four emerging democracies, some authoritarian regimes enjoy a significantly stronger state, such as in Brunei, Malaysia, Singapore, and, albeit to a lower extent, in Vietnam. Again, theory suggests that the first three polities would enjoy considerably more favorable requisites for sustainable democracy (once democratized) than the rest of the region. Likewise, dictatorships in Myanmar, Laos, and Cambodia exhibit a lack of institutional capacity and administrative capability that makes it highly unlikely that democracy could provide stability or sufficient governance quality.

⁶ In contrast to militarized Myanmar and fragile civil-military relations in Thailand and the Philippines, civil–military relations in Singapore, Malaysia, Vietnam, Laos, and Cambodia are characterized by a relatively low risk of military rule. In non-communist hegemonic party systems, such as in Singapore, Malaysia, and Cambodia, control is exercised by a personal ruler (Prime Minister Hun Sen of Cambodia), includes the fusion of civil–military roles (Singapore), or is safeguarded by informal networking between military officers and the dominant government party (Malaysia). In Vietnam and Laos, military elites occupy high-level positions in state and party (“iron-triangle” of party–army–state relations) and tend to engage more actively in economic activities and in the political decision-making process (Croissant et al., forthcoming).

Other analyses of the preconditions for democracy have posited a negative relationship between democracy and the level of linguistic, religious, or general “ethnic” fractionalization. Higher fractionalization increases the probability for politicized “ethnic divisions”, which in turn hinders democratic conflict management, consensus building, and the process of compromise (Dahl, 1971, p.105). Hence, some scholars suggest that in the twentieth century, “democracy has been significantly more successful in mono-ethnic societies than in ethnically divided and multiethnic societies” (Karatnicky, 2002, p. 107). In this context, studies show that ethnicity and religion are major causes of political conflict in Southeast Asia. At the same time, however, many observers agree that ethnic nationalism and communal violence in Southeast Asia are the outcome of both the political strategies of a country’s elite and their constitutional engineering, rather than being a direct result of ethnic diversity itself (see also Cederman et al., 2009) Nevertheless, the frequently noted social and cultural heterogeneity of Southeast Asian nations provides at least non-conducive requisites for sustainable democracy that demand more capable conflict management, accommodative political strategies, and political institutions that can provide procedures and rules for the de-escalation of such conflicts. Finally, Siaroff (2009, pp. 299-300) argues, the regional location influences the prospects for viable democracy, with Asia or the Middle East providing the most “threatening” regional environments for democracy. We agree with his argument: Southeast Asia with its lack of a strong democratically governed regional leader and, especially, the ASEAN being a regional organization of non- or less-than-liberal democracies offer a less than beneficial context for the regional deepening of fragile democracy.

OUTLOOK

Hence, we conclude that, despite successes in Indonesian democratization so far and variations between individual cases, Southeast Asian democracies generally have to cope with unfavorable structural conditions and largely missing requisites for sustainable democracy, and are therefore at medium to high risk of democratic failure. Of course, such an assessment has its limits, as it largely ignores agential factors such as leadership and elite skillfulness that are also crucial for democratic survival, the deepening of democracy, and improvements in democratic governance. Nevertheless, we need to acknowledge that with regard to the mid-to-long-term prospects for democratic endurance and democratic consolidation, much less the prospects for further democratization processes and better democratic governance, there seems to be little grounds for optimism. If one accepts the argument that economic prosperity, distribution of wealth and power resources, the institutional capacity and strength of states, ethnic fractionalization, the robustness of civil–military relations, and the character of the party system all affect the prospects of liberal democratic development, then it may be naïve to expect too much progress in democratization and democratic governance in this part

of the world. Rather, Southeast Asian nations probably have a long way to go before they will leave behind the current crisis of democratic governance. Based upon the arguments in this article, there is not much reason to believe that the existing fragile democracies will turn into liberal democracies any time soon. Moreover, any short-term prospects for a new “wave” of liberalization and democratization in the region are gloomy indeed.

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Thai Democracy: Recessed, Regressed, Repressed?

Pavin Chachavalpongpun

At dusk, on 19 September 2006, the military staged the 18th coup since Thailand was transformed from an absolute monarchy to a constitutional monarchy in 1932. Tanks rolled onto the streets of Bangkok and were greeted with cheers from the crowd. Bangkok residents were seen offering flowers to Thai soldiers for toppling the elected government of Prime Minister Thaksin Shinawatra. Two years later, the royalist yellow-shirted People's Alliance for Democracy (PAD) organised months-long protests against the elected Thaksin-backed regimes of Samak Sundaravej and Somchai Wongsawat. The PAD members carried the portraits of revered King Bhumibol Adulyadej and proclaimed themselves as guardians of the monarchy against the perceived threat posed by Thaksin and his cohorts. The PAD was successful in creating a state of ungovernability by seizing Thailand's Suvarnabhumi Airport, but failed to remove Thaksin's proxies from politics. The Constitutional Court intervened in the crisis and finally stripped Samak and Somchai of their premierships on rather absurd grounds.¹ And in May last year, the military launched a brutal crackdown against the pro-democracy red-shirted demonstrators at the behest of the Abhisit Vejjajiva government, resulting in 91 people being killed and almost 2,000 injured. In a move deemed as retaliation against the state, the red-shirts allegedly committed arson attacks against public property. Many in the Thai capital praised the Abhisit government's harsh measures against the red-shirted protesters. They were convinced that some of the red-shirts were members of an underground terrorist network. These three incidents raise a crucial, yet disturbing, question: What went wrong with Thai democracy?

Since the military coup in 2006, the Thai crisis has shown no sign of subsiding. All sides of the Thai conflict, while seeking to delegitimize their political adversaries through various means, have claimed to strive towards protecting democracy, even

¹ Samak was charged with conflict of interests since he maintained his cooking television programme while serving as prime minister. Meanwhile, the Court ordered the dissolution of Somchai's party, the People's Power Party, which was the reincarnation of Thaksin's Thai Rak Thai Party, because one of its executive members was found guilty of committing electoral frauds.

when some of their actions were highly despotic. This short essay attempts to answer the above question, in order to foretell the future of democracy in Thailand. It argues that democracy is still a desirable form of government despite the fact that more Thais have increasingly lost their faith and trust in the electoral system. The establishment forces, known to consist of the military, the bureaucracy, and those associated with the monarchy, have frequently overturned election results in the past whenever they found them unacceptable and threatening to their power position, either through military coups, judicial intervention or through the use of undemocratic non-state actors to bring down a supposedly ominous regime. These factors are responsible for what Larry Diamond has called the “democratic recession”.² Meanwhile, they have insisted on maintaining their own kind of democracy—a paradigm that celebrates the benevolence of the rulers, who possess seemingly highly ethical authority. In this paradigm, the monarchy sits on top of the apex of the Thai political structure. Although the role of the Thai King is immense in politics, the subject itself is untouchable and protected by the stiff *lèse-majesté* law. As the current reign is in its twilight years, anxiety has deepened as to what will happen to Thailand in the post-Bhumibol period. This study concludes that to consolidate Thai democracy, a paradigm shift is urgently needed. Simultaneously, faith and trust in the electoral system must be restored. The establishment forces must come to terms with new, uncompromising bottom-up demands: a fairer distribution of political power and national wealth. Failing to respond to such demands could perpetuate political violence and further polarise Thai society. Thailand could fall deeper into a state of democratic recession.

DESIRABLE BUT NOT ATTAINABLE

Democracy is still desirable for Thais even though it might not be attainable with the current political circumstances. It is desirable because it represents the best political option that promotes justice, equal rights, and equal voting power, in a society that has traditionally been structured by rigorous hierarchy and social status. Retrospectively, the economic boom that began in the mid-1980s effectively reshaped the Thai social structure and gradually opened up a space for Thais across different social strata to play a more significant role in politics. The rapid increase in prosperity among the urban workforce, brought on by the demand for skills as a result of the economic boom, enhanced their self-importance and their sensitivity to the political and economic environment.³ But the impact reverberated more in the agrarian sector where the rural poor were introduced to modern life, new technology, higher education and information of

² See Larry Diamond, *The Spirit of Democracy: The Struggle to Build Free Societies throughout the World*, (New York: Henry Holt and Company, 2008).

³ Pasuk Phongpaichit and Chris Baker, *Thailand: Economy and Politics*, (Oxford: Oxford University Press, 2002), p. 463.

more relevance. They called for new policies that would provide them with opportunity and access to public resources, particularly public funds and political power. Yet, such calls have often fallen on deaf ears. Into this space stepped a new breed of Thai politician—the billionaire-turned-prime minister Thaksin who arrived in power in 2001. He saw the advantage of the changing face of Thai society, implementing a series of populist programmes designed to empower his supporters in the far-flung regions of Thailand. Economically, Thaksin fulfilled their dream, by handing out cash to facilitate local businesses and strengthening the country's niche markets to raise its international competitiveness. Politically, Thaksin shared with them a sense of state ownership by reiterating the power of the electoral process. The rural residents, long marginalised in the Thai political landscape, for the first time felt that their vote was actually meaningful. In his interview with *The Times* in 2009, three years after the coup, Thaksin stressed, “We won a landslide—half of parliament's seats—and we formed a coalition government. And it was the first time in Thai history we stayed for a four-year term without the House being dissolved. And it is the first time in Thai history that the prime minister was re-elected for a second term. And the first time in Thai history that we won 377 seats, so that we could form a government without needing a coalition—76 per cent of the parliament's seats at that time...But that became my problem—because I was too popular, being loved by the people too much. That was where my problem comes from.”⁴

The problem Thaksin was talking about became the key accelerator of the Thai democratic recession that has been seen in recent years. During Thaksin's premiership, his mounting political power and popularity upset the traditional elites immensely. To further irritate them, Thaksin was eager to redefine the Thai social structure and shift the political status quo. Under Thaksin, the Thais no longer needed to rely on their benevolent rulers, but rather on an elected regime. Undoubtedly, Thaksin's eagerness was perceived as a threat to the old power in Thailand. His new power structure emerged as a challenge to the old paradigm: it became the root cause of the present crisis. Thai academic Somsak Jeamteerasakul argued that at the core of the crisis lies the gigantic contest between two power blocs, one centred on the elective institutions (for example, parliament, political parties, and politicians), the other on the non-elective ones, with the monarchy itself at the latter's peak.⁵ This essay does not make an assertion that the Thaksin regime was in every sense democratic, since it was also blighted by multiple forms of bad governance, including widespread corruption and human rights abuse. However, it is imperative to underscore that Thaksin's government was elected

⁴ Richard Lloyd Perry, “Thaksin Shinawatra: The Full Transcript of his Interview with The Times”, *Times Online*, 9 November 2009 <<http://www.timesonline.co.uk/tol/news/world/asia/article6909258.ece>> (accessed 19 January 2011).

⁵ His statement can be found at <<http://asiapacific.anu.edu.au/newmandala/2010/12/03/legitimacy-crisis-in-thailand/>> (accessed 19 January 2011). Somsak is a lecturer at Thailand's Thammasat University.

and hence legitimate, and that it continued to receive overwhelming popular support. This hard fact, plus Thaksin's self-appointed role as an agent of change, instigated the establishment forces to take up extra-constitutional devices to get rid of Thaksin and subsequently put a hold on Thai democracy. Ironically, the leader of the coup makers, General Sonthi Boonyaratglin, rationalised the military coup as the only way to save democracy from Thaksin's immoral regime.⁶

However, getting rid of Thaksin has, on the contrary, reinforced the pro-democracy movement in Thailand. It is true that some of the anti-government red-shirted members are supporters of Thaksin. Lately however, the movement has gone beyond performing as a mere proxy of the former prime minister. Today, the red-shirts have a more elaborate pro-democracy agenda and, like Thaksin, continue to challenge the traditional elites and demand the decentralisation of power. After the emergency decree was finally lifted in December 2010, the red-shirted movement returned to the streets of Bangkok to protest against the Abhisit government, considered a puppet of the old power.⁷ The return of the red-shirts has once again signified that democracy is still much needed, even when such a need exposes a dark paradox lurking in the mind of the red-shirts. This paradox is based on an ambivalent view of democracy—the red-shirts have increasingly lost their hope in the electoral process although they acknowledge that democracy remains the only hope as the political solution.

ENEMIES OF DEMOCRACY

What are the “real and present dangers” to Thai democracy? The establishment forces have resorted to diverse strategies and tools as part of safeguarding their power interests. Such strategies and tools serve to demoralise Thai democracy and these are the sources of democratic recession in the kingdom. First, the military's incessant meddling in politics represents the greatest threat to Thai democracy. The army has made no secret about the possibility of staging another coup should the Thai political situation get out of control, a view allegedly endorsed by the current army chief, General Prayuth Chan-ocha. As is commonly believed, the Thai military lacks in professionalism, and indeed fails to maintain an apolitical stance. In Thailand, the military has been tasked to serve the elites' interests, when in fact defending national sovereignty should have been its first priority. Traditional elites have tied the notion of national security

⁶ *Handbook on Thailand's Political Situation*, News Division, Department of Information, Ministry of Foreign Affairs of Thailand, 6 June 2007. The author's own copy.

⁷ Thailand finally lifted the state of emergency that had been in place since April 2010 in Bangkok and three surrounding provinces. The emergency law empowered the military to take charge of security. The government first imposed it in April shortly after anti-government red-shirted demonstrators broke into the country's parliament. The Abhisit government gradually lifted the decree in provinces where it thought security threats had diminished.

tightly with the royal institution, thus inviting the military to become directly involved in politics. Thitinan Pongsudhirak argued that the military has drawn a line in the sand and defined the fault line of Thai politics around the monarch.⁸ This process has consolidated the military's position in the political domain, as manifested in 2008 when it stage-managed the formation of Abhisit's coalition government following the abrupt dissolution of the ruling People's Power Party (PPP), led by Prime Minister Somchai, who happens to be Thaksin's brother-in-law.

The politicised judiciary also poses a threat to democracy. A number of incidents suggest that the Thai court has been exploited as a political tool in castigating the elites' opponents and protecting their allies. For example, in 2008, the Constitutional Court decided to end the political deadlock by removing two prime ministers in Thaksin's camp—a decision made in favour of the elites and the yellow-shirted PAD. Pro-democracy activists compared such action to the court “staging a coup through legal channels.” But when the military-backed Democrat Party, Thailand's oldest political party, was accused of receiving more than US\$8.4 million in illegal donations from a private company for use in the 2005 general election and not declaring it, the Constitutional Court dismissed the dissolution case citing that the complaint filing process lodged by the Election Commission had been unlawful.⁹ In the period leading up to the court verdict, a series of video clips were leaked on YouTube, showing a member of parliament from the Democrat Party appearing to lobby the secretary of the court president, Chai Cholaworn, to go easy on the party, adding more suspicion about the court's supposedly non-political role. To the red-shirts, the court decision was evidently political. The verdict was seen to further aggravate the political situation since it reaffirmed the existence of social injustice and double standards in Thai society.

The military and the politicised court are not the only two instruments employed to belittle Thai democracy. The emerging anti-democracy non-state actors have done great damage to Thailand's democratisation too. The PAD played “mob politics” in order to put pressure on the Thaksin regime and its successors, while often stirring up a sense of nationalism against both its domestic and foreign enemies (Cambodia in particular). It is apparent that the PAD has aligned itself with the Bangkok elites and hence identified Thaksin and his supporters as a menace to democracy and the monarchy. In reality, the PAD itself is hardly a true representative of democracy. Evidence of this is overwhelming in the PAD's version of democracy, called “new politics”. The concept states that 30 percent of a future parliament would consist of elected members while the remaining 70 percent would be appointed. The PAD explained that with this new political model,

⁸ Thitinan Pongsudhirak, “Meaning and Implications of General's Rise”, *Bangkok Post*, 5 October 2010.

⁹ “Peud Kham Winichai Sanratthathammanoon Yokkhamfong Khadiyoobphakprachathipat Doei-la-iaed” [Exposing the Verdict of the Constitutional Court in the Dissolution Case of the Democrat Party: In Details], *Maticchon Online*, 29 November 2010 <http://www.maticchon.co.th/news_detail.php?newsid=1291030368&grpId=no&catid=02> (accessed 21 January 2011).

future politicians would be able to exercise their powers more responsibly with clear limits—an obvious anti-Thaksin measure.¹⁰ Whatever purpose it may serve, the “new politics” concept is certainly a real setback to Thai democracy.

Lastly, in discussing the challenges of Thai democracy, these questions must be asked: Is the monarchical institution compatible with democracy? Can it be used to run a modern state? As the political crisis has increasingly intensified, more aggressive approaches have been adopted by hardcore royalists to ward off their enemies, at the same time as they have been re-glorifying the royal institution. Consequently, the sacralisation of the monarchy and the belief in righteous rule backed by extra-constitutional interventions is at an all-time high. Meanwhile, more *lèse-majesté* cases have been recorded. *Lèse-majesté*, or the crime of injury to the royalty, is defined by Article 112 of the Thai Criminal Code, which states that defamatory, insulting or threatening comments about the king, queen and regent are punishable by 3-15 years in prison. According to global anti-censorship network Global Voices, the Abhisit government has blocked at least 113,000 websites deemed threatening to the monarchy.¹¹ But all these approaches have provoked a deeper rift in society. The re-glorification plot concentrates on the need for Thais to depend on the monarchical institution and its defenders as the ultimate moral authority, especially during a Thai crisis, giving them a legitimate right to interfere in politics, even when this means an interruption to democracy. As the Thais are approaching the end of the current monarch, the royalists have become more anxious about the uncertain political succession, as reflected in a series of leaked US Embassy cables that contained conversations between certain personalities in the Privy Council and the American Ambassador Eric John. The anxiety has driven them to further strengthen the royal power at the expense of seriously supporting democratic consolidation.

CAN THAI DEMOCRACY BE CONSOLIDATED?

Larry Diamond asserted that struggling democracies must be consolidated so that all levels of society become enduringly committed to democracy as the best form of government and to the country’s constitutional norms and restrains.¹² How can Thai democracy be consolidated? Is it possible at all? This essay argues that a political reform is essential in expunging critical hurdles to Thai democracy. As part of the reform, political leaders will have to ensure that the military detaches itself from politics. This

¹⁰ Pavin Chachavalpongpun, “In Thailand with the PAD: ‘New Politics’ or New Communists?”, *Opinion Asia*, 29 September 2008 <<http://opinionasia.com/InThailandwiththePAD>> (accessed 21 January 2011).

¹¹ At <<http://advocacy.globalvoicesonline.org/2010/06/18/thailand-government-shuts-43000-more-websites-for-lese-majeste-plans-to-block-3000-more-total-up-to-113000/>> (accessed 21 January 2011).

¹² Larry Diamond, “Stemming the Democratic Recession”, *FSI Stanford*, 22 September 2008 <http://cddrl.stanford.edu/news/stemming_the_democratic_recession_20080922/> (accessed 21 January 2011).

will be an uphill task because of the mutual benefits found between the military and the traditional elites. Whereas the former needs the latter to legitimise its political role, the latter needs the former to protect its power position. Over the decades, the militarisation of politics has been gradually normalised with the army's occasional interventions in political affairs, especially when Thailand was ruled by weak civilian governments. But when strong civilian regimes were installed, like those of Chatichai Choonhavan (1988-1991) and Thaksin, the military immediately felt vulnerable and often reacted using extreme measures, mostly by staging a coup. But the Thai political situation is more complex today. The Thais have become more "politically conscious". In other words, they have awakened to their true political role. Those from far-flung regions of Thailand have refused to become subservient to the military and the political elites in Bangkok. For the military, the issue today is therefore no longer about whether Thailand has a weak or strong government. The military is more interested in how to manipulate the notion of democracy and how to perpetuate its power in politics. The fact that there has been a split within the military, with the majority remaining supportive of the traditional elites and a tiny portion becoming increasingly sympathetic toward the red-shirts—thus, the so-called watermelon soldiers—has added another layer of difficulty in separating the military from politics.

Next, the debate on the future of the monarchical institution needs to be encouraged. This is because of the inexorable connection between the monarchy, the pace of democratisation and the stability of Thai politics. The monarchy-centric paradigm has competed fiercely with that of electoral democracy and has relied heavily on extra-constitutional elements to sustain its existence. Therefore, a part of the problem with Thai democracy is that the royal institution does not operate to enhance the function of democracy, but instead obstructs it. Can all sides in the Thai conflict depoliticise the monarchy? If yes, then they must be brave enough to initiate an honest discussion on the reform of the much-revered institution. A key question is: How can the monarchy stay above politics and yet not be alienated from Thailand's political life? They must also be prepared to raise untouchable issues like the royal succession and the power transition inside the walls of the palace. But if all political factions are unable to depoliticise the monarchy, then Thai democracy will be at risk since any future political decisions will continue to be based on the approval of the monarchy, not the majority of Thais. If democracy is the only exit to the Thai political impasse, Thai elites, either in the government or those outside the constitutional frameworks, will have to let democracy run its own course. Thai historian Thongchai Winichakul recently suggested that for a short-term solution, discussing the royal succession issue was imperative. The accusation against political opponents that they are a threat to the throne has to discontinue. For a long-term solution, as Thongchai asserted, the royalist democracy or the rule by the high moral authority must come to an end and democracy must be allowed to run its

own course.¹³ The non-elective institutions would only further distance the Thais from democracy.

Ultimately, to stop the process of democratic recession, faith and trust in the electoral process need to be reinstated. In December 2010, Prime Minister Abhisit told the Thai media that he would dissolve parliament during the first quarter of this year and call for an election. Almost at the same time, key members of the opposition Puea Thai Party flew to Beijing to meet with Thaksin, reportedly to lay out several election strategies. The concentration here is on the obvious conundrum: Who will win and how to undermine opponents? But an election in the future will become meaningless if trust and faith among voters is still not present. The 2006 coup served no purpose but to blaspheme Thailand's electoral process. The coup makers might have claimed to be saving Thailand from corrupt politicians—they painted Thaksin as a major hindrance to Thai democracy—but staging a military coup did not contribute to the country's ongoing democratisation either. Eliminating political enemies in this way only reduced the legality of the electoral process. Rebuilding trust and faith in the electoral system is a part of finding a solution to the protracted political crisis. If the Abhisit government is genuine about bringing a close to the political conflict, it must reassure voters that the results of the election will be respected, regardless of which political party comes out on top. Simultaneously, the government will need to convince its backers in high places not to resort to unconstitutional means even if they find the election results unpalatable. More essentially, it is now time for traditional elites to recognise that the Thai political landscape has changed tremendously and that they are no longer the only stakeholders in the political and economic domains. The political space has opened up in the past decade, and this has allowed Thai voters, especially in remote provinces, to directly participate in politics and to claim ownership of their own country. Unless the elites grasp the new rules of the game, elections will remain largely a fraudulent expression of Thai democracy.

Andrew Walker and Nicholas Farrelly of the Australian National University argue that Thailand's fatal flaw is its loss of faith in the electoral process. This loss of faith has opened the way for hardliners to pursue violent alternatives. They said, "Violence on all sides is deplorable, but remember that those who condemn the Red Shirt provocations most vigorously are also those who have consistently denied the legitimacy of their peaceful statements at the ballot box."¹⁴ Unless truly democratic conditions are guaranteed following the upcoming election, political conflict will not end. Measures have to be put in place to assure voters that influential figures will not overturn an unwelcome result, either by coup, compliant judges, or street politics.

¹³ Speech of Thongchai Winichakul on the topic "Is the End of Thailand's Crisis in Sight?" at the Regional Outlook Forum, organised by the Institute of Southeast Asian Studies, Singapore, 12 January 2011.

¹⁴ Andrew Walker and Nicholas Farrelly, "Bangkok: How did it Come to this?", *Inside Story*, 18 May 2010 <<http://inside.org.au/bangkok-how-did-it-come-to-this/>> (accessed 21 January 2010).

CONCLUSION

This essay began with a provocative question: What went wrong with Thai democracy? To make the question gloomier, a recent report released by watchdog group Freedom House showed that Thailand is among 25 countries listed as declining in levels of freedom. The Thai case is intensely complicated. It is certainly more complicated than Larry Diamond would have imagined. There is a clash between two political paradigms: an electoral democracy and a righteous rule led by non-elected benevolent leaders. But because the latter has successfully made a life-long deal with other extra-constitutional actors, specifically the military, it is therefore capable of undermining pro-democracy forces with guns and laws. As a result, Thailand's democracy has gone into recession. To prevent Thai democracy from becoming a thing of the past, political reform is fundamental. In this process, the military and the judiciary must be depoliticised. Equally significant is the fact that Thais must be able to openly discuss the issue related to the royal institution without fear of retribution. This essay concludes that faith and trust among Thai voters in the electoral process must be revived. All parties in the conflict will have to accept election results, and more importantly, a new paradigm shift in which democracy is the only commandment in politics.

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Democracy in Cambodia: Progress, Challenges, and Pathway

Sopheap Chak

Cambodia has been the focus of a great deal of debate and discussion in relation to democracy in recent years. Not just because of Cambodia's tragic experience under one of the world's worst examples of non-democratic government during the Khmer Rouge period, but also because of the enormous amount of time, money and effort invested by the international community in an attempt to create a modern liberal democracy since the end of the civil war in 1991.

The story of Cambodia since the early 1990s is in a number of respects a positive one. The Cambodian people have welcomed lasting peace and stability for the first time in a generation and the country has embarked on an ambitious program of economic development and reconciliation.

Unfortunately, progress towards democracy during this time has not been so successful. There have been moments of hope and genuine steps toward the creation of a democratic system, but these have invariably been followed by reversals and a retreat to authoritarianism. As a result, democracy in Cambodia today continues to face a number of serious challenges. The hope that these challenges would fade away as the country worked its way through a transitional period fades with each passing year.

A series of agreements signed in Paris in 1991¹ brought an end to almost 20 years of violence and civil war in Cambodia. Those agreements authorized the United Nations to enter the country, repatriate refugees, conduct human rights awareness and civic education, and organize a national election. Under the transitional authority put in place by those agreements, a Constitution was developed which provided, and still provides, for both the organizational elements and individual rights and freedoms necessary to establish a fully functioning liberal democracy.²

¹ United Nations, Paris Peace Agreement or Agreement on a Comprehensive Political Settlement on the Cambodian Conflict, October 23, 1991.

² The preamble of the Constitution states: "We, the people of Cambodia,...restore Cambodia into an 'Island of Peace' based on multi-party liberal democratic regime..."

That first election in 1993 was certainly a high point of optimism about the prospects for democracy in Cambodia. Despite the very real threat of violence from the Khmer Rouge, who boycotted the election and launched a military campaign to try and prevent it, the Cambodian people turned out in force to vote—voter turnout approached 90 percent. Not only did they turn out in their thousands, but the people defied most predictions by resisting widespread voter intimidation and control by the former regime and giving the royalist FUNCINPEC party the most seats in the new legislature.

The election was by no means perfect, and incidents of violence, voter intimidation and corruption took place across the country.³ But for many of the 20,000 UN personnel who worked to make the election happen and for democracy advocates the world over, it was an inspirational moment. It demonstrated the universal popularity of democracy—despite enduring hundreds of years of absolute monarchy, colonial rule, and authoritarian regimes of different persuasion, the Cambodian people, like people all over the world, desired the right to participate in their own government. The election also showed the potential of the international community to bring about real change—expensive efforts to promote democracy might be more worthwhile than is sometimes alleged. Most importantly though, it was inspirational because it so clearly showed the value of democracy as a governing mechanism, as the Cambodian people used their voice at the ballot box to reject the status quo.

That same sense of optimism led to the creation of a flourishing civil society in Cambodia during the UN transitional period. Buoyed first by the presence of international peacekeepers and a new peace agreement, and then by the recognition of fundamental freedoms in the new Constitution, a vast range of civic bodies emerged, including political parties, media outlets, local NGOs, human rights groups, trade unions, professional and religious associations, and academic institutes. By 2006 it was estimated that there were 668 active national NGOs and 314 active international NGOs operating in Cambodia, a number of them actively involved in promoting democracy and human rights.⁴

If we fast-forward to today, that sense of hope and optimism from 1993 seems hopelessly misplaced. The Cambodian People's Party, or CPP, has been in power continually since that first election, steadily increasing its majority in the National Assembly in each election so that it exceeded the 75 percent threshold in 2008. At the level of local government, its grip on power is even more complete, where it now controls all but 30

³ See for example, David Ashley, "Between War and Peace: Cambodia 1991 - 1998" in *An International Review of Peace Initiatives ACCORD: Safeguarding Peace: Cambodia's Constitutional Challenge* (London: Conciliation Resources, 1998) pp. 24–25. Available at: <http://www.c-r.org/our-work/accord/cambodia/between-war-peace.php>

⁴ Carmen Malena and Kristina Chhim, *Linking Citizens and the State: An Assessment of Civil Society Contributions to Good Governance in Cambodia* (Phnom Penh: The World Bank, 2009), p. 9.

of the 1621 commune-level authorities.⁵ Its primary opposition in that 1993 election, FUNCINPEC, has been marginalized as a political force following a violent coup in 1997. The leader of the largest remaining opposition party remains in exile and was recently sentenced to a ten-year prison term by a Cambodian court, should he ever return. The CPP retains tight control over broadcast media and regularly uses criminal charges in the courts to suppress criticism and dissenting voices.

DEMOCRACY IN CAMBODIA: PRESSING CONCERNS AND PROGRESS

It is easy to compile a long list of problems with the quality of democracy currently practiced in Cambodia, but perhaps the two most pressing concerns are (i) the state suppression of political opposition and (ii) a substantive lack of freedom of expression and association.

First, state suppression of political opposition. As already mentioned, the leader of the opposition, Sam Rainsy, is in exile and has been convicted twice in his absence by a politically controlled judiciary. In the second of these convictions in September this year he was sentenced to ten years in prison in his absence. Another prominent Sam Rainsy Party figure, Mu Sochua, has recently been convicted of defaming Prime Minister Hun Sen and in the last few weeks the leader of the Human Rights Party was also brought before the courts to face criminal charges. Opposition parties have little access to funding or to the state-controlled media to raise issues or campaign. And it is not just opposition leaders who are targeted—the same pattern of suppression is repeated all the way down to grassroots activists in opposition parties whose attempts to organize and campaign on the ground are subject to government interference, intimidation and harassment.

Second, restrictions on freedom of expression and association. A recent review⁶ by the Cambodian Center for Human Rights (CCHR) found that violations of freedom of expression, while always present in Cambodia to some degree, have recently become more sustained and more entrenched into the political and social climate. Instances of outright suppression through arrest and imprisonment, legal action and police crackdowns have been combined with threats and intimidation to create a shrinking democratic space where criticism of the government is increasingly not tolerated. This

⁵ See Caroline Hughes, “Cambodia in 2008: Consolidation in the Midst of Crisis”, *Asian Survey* Vol XLIX, No. 1, January/February 2009.

⁶ CCHR, *Cambodia Gagged: Democracy at Risk? Report on Freedom of Expression in Cambodia*, September 2010.

pressure has been applied towards all the pillars of Cambodia's democracy⁷: political opponents whose parliamentary impunity has been lifted to allow for politically motivated criminal charges of defamation, disinformation and incitement to be levelled against them; the media—journalists have been imprisoned or threatened with imprisonment or licenses withheld in order to hinder the flow of critical news; lawyers have been threatened with disbarment; human rights defenders have been intimidated, harassed and punished; and the people themselves through the suppression of public protests and mass demonstrations against land grabbing and forced evictions.

Unfortunately for Cambodia, the lack of respect for human rights and democratic values is not confined to the ruling CPP. The main opposition party is also guilty of a failure to demonstrate a clear commitment to democratic values in practice. One of the consistent tactics it has used to build public support has been to stoke and exploit racial tensions against the Vietnamese, through the use of alarmist and racially loaded rhetoric.

Bleak as these developments are, the political situation in Cambodia is never so simple that a catalogue of major failings is sufficient to tell the whole story. While civil society groups should not shy away from criticizing the deficiencies in Cambodian democracy, it is equally important that we acknowledge genuine positive developments when they do occur.

The current ruling government can, for example, be praised for incorporating democratic norms and human rights into a number of pieces of domestic legislation, such as the Land Law and the Labour Law. The recently passed Anti-Corruption Law appears to represent a genuine attempt to address the endemic corruption which has plagued the Cambodian government for some time. There is also a growing number of instances of the government collaborating with civil society groups to improve practices, such as in the area of gender mainstreaming or the ongoing work to establish a national human rights commission. A particularly good example of government collaboration with civil society is CCHR's trial monitoring project, which reviews the Cambodian courts' adherence to fair trial rights on a day-to-day basis in individual trials. CCHR's first bi-annual report found a number of positive developments in the administration of justice (as well as some negative) and was welcomed by court officials, judges, prosecutors and a government council tasked with reforming the judiciary, who took onboard the criticisms and said it would be useful in their attempts to improve the court system. If the government can develop more of these partnerships with civil society groups, there is certainly potential to improve the deficiencies in democratic governance outlined above.

⁷ These actors representing the pillars of democracy are vital for accountability, pluralism and direct participation, which represents the state of liberal multi-party democracy as guaranteed in the Constitution of the Kingdom of Cambodia.

EMERGENCE OF DIGITAL DEMOCRACY IN CAMBODIA

Press freedom in Cambodia has gradually declined from “partly free” in 2008 to “no freedom” in 2009 and 2010 respectively, according to the Freedom House’s survey. Similarly, Cambodia is ranked 128th among 178 countries in the 2010 Press Freedom Index released by Reporters Without Borders.

But the same cannot be said if the medium of publication is the Internet. Rather, online press freedom is emerging as the new “digital democracy” in the country. Compared to other media channels, news online and personal blogs are apparently enjoying more freedom and independence from government censorship and restrictions. A number of websites and blogs are disseminating news, entertaining the public, and mainly serving as a platform for political, economic and social discussions. There is also an increasing number of young people in Cambodia, both male and female, who have joined the Internet bandwagon. While they come from different institutions with varying backgrounds, surfing the Internet for information, interacting on online forums, joining online social networks and creating their own blogs are reportedly their prime online activities. This emerging trend can bring some positive development in Cambodia: first, it can promote gender equality, as many female Internet users indulge in online chats, social networks and blogs; second, access to many news sources can enable people to increase their knowledge and enhance creativity; and third, it can increase the people’s awareness of global developments and make them better prepared to accept or critique changes in their own country that may impact their lives.

But the government’s philosophy of not paying much attention to or restricting online access stems from the fact that Internet penetration is very low in Cambodia. As per 2007 statistics, only an estimated 0.3 percent of the population is connected to the Internet; the figure has slowly increased to 10.4 percent by 2010.⁸ This is due to the high cost of Internet connections as well as computer hardware and software that not many can afford. Besides, the level of computer literacy is also very low. So, Internet censorship by the government is minimal, as Cambodia’s Internet community is relatively very small and spending on technology does not benefit the government or the majority of the population. Besides, the current level of Cambodia’s technological knowledge is still limited.

Prime Minister Hun Sen recently rejected a proposal by a national commission to tax radio and TV users, which could prevent people from accessing the news. The government has also introduced its own website, with the aim of building a public service and disseminating information and news related to the activities of government institutions.

This constructive action reveals government efforts to facilitate and encourage people to access the media. However, there have been crackdowns on websites in the

⁸ Indochina Research, *Cambodian Media Consumption Habits*, a survey finding, July 2010.

past that have spoken against the government or revealed family information and business associations of Hun Sen and his family members. Websites and blogs showing pornography were also pulled down.

Although Cambodia's minister of information claimed that the government did not crack down on websites, there is a tendency to formulate laws to restrict websites that the government deems unfit. The government is now working on a draft law on "broadcasting services used via electronic systems," which intends to control broadcasting of audiovisual data, games, entertainment and online advertisement to ensure that they conform to morality rules. Although the draft law reportedly will not be applied to news websites, it is doubtful if this will happen, as the government would, in all likelihood, censor those news sites that it feels harm its political agenda.

With the government encouraging e-government and e-communication on the Internet, there is, however, hope that there will not be a "great firewall of Cambodia", like China has for filtering Internet content. Neighbouring countries like Myanmar, Thailand and Vietnam have also installed firewalls to filter internet content. Should Cambodia implement such a firewall, the factors discussed above are of less importance and it might mean that not only does Cambodia's democratic system appear to be gradually deteriorating but the country is beginning to lag behind other advanced countries in technology and development.

PATHWAY: WHERE IS CAMBODIA HEADING?

If we were to summarize the current state of democracy in Cambodia we could observe that the legacy of that initial large-scale UN involvement can still be seen today—the democratic Constitution is still there on paper and regular elections are held in which a large majority of the population participates. However, the way the government actually operates in practice fails to provide the rights and freedoms necessary to give those elections meaning and validity. The end result is a system which falls far short of satisfying any definition of "democracy" that is more than superficial. Indeed, Cambodia now appears to be in a delicate holding pattern somewhere between a genuinely democratic system and a formal one-party state.

Of course, Cambodia is not alone in maintaining supposedly democratic procedures while actively suppressing the individual rights and freedoms necessary to create democratic governance in practice. Indeed this broad assessment of the situation places Cambodia into the increasingly common global category of "pseudo-democracies" or "illiberal democracies".⁹

Civil society groups and democracy advocates are always keen to find trends or observe directions of travel, so perhaps we should also ask the question: "where

⁹ For an interesting discussion of this issue see Larry Diamond, "Thinking About Hybrid Regimes", *Journal of Democracy* Volume 13, Number 2, April 2002.

might democracy in Cambodia be heading?” There are probably two paths Cambodia could take from its current situation—either to move back towards the democratic ideal embodied in its Constitution or to reject those remaining vestiges of democracy and completely embrace the one-party state model. Of course, we should not presume that Cambodia will necessarily take either of these paths—it might well continue to maintain its own unique mixture of democratic and authoritarian elements. But there is certainly a fear among civil society groups that recent trends indicate that the government may be drifting closer to a one-party state and further away from democracy.

The two major areas identified above—restrictions on political opposition and lack of freedom of expression—have both become worse in the last two years, although they are not necessarily as bad as they have ever been (a point which is of little comfort given Cambodia’s painful history). One particular development of concern is the prospect of an upcoming crackdown on one of the few bright spots to remain on the Cambodian democratic scene—and another legacy of that era of optimism and hope in the early 1990s—its flourishing civil society sector. A new NGO law has been announced by prominent CPP leaders that will put in place a registration system and set conditions on the operation of NGOs. While the full text of the law has not yet been released, there are genuine fears that it will be used to shut down NGOs critical of the CPP—a concern which has been reflected in public comments from a number of high-profile government figures.

Whatever direction Cambodia does take from here, one of the lessons democracy advocates can draw from the Cambodian experience to date is the importance of implementation of democratic rights and values in practice. Partly as a result of the UN involvement and large sums of foreign aid, Cambodia now has in place a range of formal legal instruments which provide democratic rights and values in some detail—some of these pieces of legislation contain 400 articles spread over 200 pages. In many cases, such as in the Labour Law 1997, this legislation contains some of the most liberal and rights-compliant provisions in Asia, at least on paper. The proliferation of this legislation over the last 20 years reflects the hard work of many democracy and human rights advocates working to either push the government to reform or provide donor funding to carry out the work. As pointed out above, the CPP also deserves credit for working with democracy advocates to pass these laws and create a legal regime which provides for the protection of most fundamental rights.

However, in many cases the presence of this legislation on the books has led to little substantive improvement in the human rights situation on the ground. While it has certainly allowed civil society advocates to point to specific legal violations in relation to human rights abuses, often the government continues to make important decisions independently of this legal framework and relies on its control of the judiciary to ensure that these laws are not applied to restrict their activities.

Obviously we all hope that this investment in the legal framework will pay dividends in the future as eventually governmental practices catch up to the legislation. If the independence of the judiciary can be established then perhaps one day these laws will be enforced. It might be said, of course, that the initial step towards establishing rule of law is putting in place those laws in the first place.

However, there is also a danger that this legislative process can get so far ahead of the change in practices that it is no longer assisting the transition. In some cases it could even make it more difficult. For example, if it becomes such a routine practice to ignore laws and formal decision-making procedures for back-room decisions based on authoritarian criteria, then it will be hard to re-establish the process of making those laws relevant again if or when practices do eventually improve. What would be better is if improvements in the practices of the democratic government could advance at the same pace as the creation of laws.

Naturally, one of the reasons this has not happened is that changing the underlying practices of those in power is much more difficult than creating a new law or Constitution. There is no easy answer here. However, the international community and civil society groups cannot afford to back away from the problem simply because it is difficult—if anything this makes it more important that we work harder to try to address this deficit. CCHR's view is that the primary focus of efforts by democracy advocates from civil society and the international community in Cambodia over the next few years ought to be on reforming these practices.

Given the huge sense of hope and optimism which accompanied the attempt to introduce democracy in the UN transitional period, it is easy to be pessimistic about the current situation in Cambodia. However, focusing too heavily on this negative view is also unlikely to assist in resolving the major challenges Cambodian democracy faces today. The political situation in Cambodia has, after all, swung from terrible suffering to enormous hope and optimism previously. There is no reason to think that it will not swing back from current authoritarian practices towards greater democracy in the future. One way the government might begin such a turnaround is to build on successful recent examples of collaboration with civil society and work with, rather than against, democracy advocates on a wider range of issues. Civil society groups such as CCHR will continue making the case for democracy and are always ready to work constructively with the government to make it happen.

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Democracy in Indonesia: Staggering towards Consolidation

Bob S. Hadiwinata and Ivana Agustin

BACKGROUND

Democratic consolidation in new democracies is indeed an intriguing, if not bewildering, process. This is particularly true for a country with a series of enormous challenges, which include entrenched paternalism, rampant corruption, ethno-religious conflicts, separatism, and extremism. As such, democratic consolidation, defined by Larry Diamond as “the process of achieving broad and deep legitimisation, such that all significant political actors, both the elite and mass levels, believe that the democratic regime is the most right and appropriate for their society, better than any other realistic alternative they can imagine”¹ deserves more serious attention, particularly on how a new democracy went through such a process in the face of outstanding challenges that might have put the democratization into a standstill.

The intriguing process of democratic consolidation is well depicted by democratic theorists. The guru of consolidation theory himself, Larry Diamond, admitted that consolidation is indeed a tricky business that runs the risk of a possible regression or backlash, as he argued: “When we examine closely the character of most third-wave democracies (and some earlier provenance), we find acute problems and vulnerabilities, which can diminish and erode the quality of democracy”.² Such a backlash can be serious to the extent that it may bring democracy to the brink of a total collapse, unless important steps are taken to correct the repercussions, as he stated: “In the coming years, these defects could extinguish democracy altogether in many countries unless they are corrected”.³

After more than a decade of a swift move toward democracy, Indonesia steals the attention of scholars both at home and abroad. Indonesia is considered as a democratic state with the largest Muslim population—indicating a successful combination

¹ Larry Diamond (1999). *Developing Democracy: Toward Consolidation*. Baltimore: The Johns Hopkins University, p. 65.

² *Ibid.*, p. 64.

³ *Ibid.*

between Islam and democracy. It is not an exaggeration when Freedom House brands Indonesia as the most consolidated democracy in Southeast Asia, given recent developments in Cambodia, the Philippines, and Thailand. Many discussions on Indonesia's level of democracy are torn between those who feel that Indonesia's democracy has been consolidated and those who think Indonesia's democracy has regressed. Scholars such as Christoph Schuck, Marco Buente, Andreas Ufen, and some others believe that Indonesia is moving steadily towards a consolidated democracy since the country has successfully conducted fair and peaceful elections in 1999, 2004 and 2009; guaranteed press freedom; succeeded in resolving ethno-religious conflicts peacefully; and have been persistent in nurturing democratic institutions and procedures.⁴ Other observers such as Bob Hadiwinata, Vedi Hadiz, Olle Tornquist, Resy Canonica-Walangitang, and some others, however, are cautious as they think that democracy in Indonesia faces the risk of a possible regression as it is constantly rattled with poor law enforcement, rampant corruption, frauds in local government elections, and an increasing number of extreme Islamic groups who oppose pluralism and intends to replace democracy with Islam orthodoxy.⁵

Bearing in mind these contradicting views, this paper examines how far Indonesia has progressed in its move toward a consolidated democracy and how far it suffers from defects that may cause a breakdown. It argues that no matter how seriously a new democracy nurtures democratic norms, values, institutions and procedures in its attempt to reach a consolidated phase, there is no guarantee that this country will not face a breakdown unless serious attempts are made by the political actors, elites, and all the components in society to foster democratic institutions and procedures, to minimize all anti-democratic elements, and to remove all practices that may put democracy in jeopardy. Such a cautious view seems to have laid a foundation for our analysis on how far Indonesia has moved toward a consolidated democracy.

⁴ Such an optimistic view can be seen in, for example, the works of Christoph Schuck (2007), "The Breakdown of Autocratic Rule: Selected Aspects of Transition Theories as Reflected in Indonesia's Democratization Process". In B.S. Hadiwinata and Christoph Schuck (eds.) *Democracy in Indonesia: Challenge of Consolidation*. Baden-Baden: Nomos; Marco Buente and Andreas Ufen (2009) "The New Order and Its Legacy: Reflections on Democratization in Indonesia". In Marco Buente and Andreas Ufen (eds.). *Democracy in Post-Suharto Indonesia*. London: Routledge; and Andreas Ufen. (2008). "Roots of Democracy: Political Parties Have Stronger Social Roots in Indonesia than Elsewhere in the Region". *Inside Indonesia*, No.92, April-June.

⁵ Such a pessimistic view can be seen in, for example, the works of Bob Hadiwinata (2007). "Civil or Uncivil Society? Islamic Extremism and Democratization in Indonesia". In B.S. Hadiwinata and Christoph Schuck (eds.) *Democracy in Indonesia: Challenge of Consolidation*. Baden-Baden: Nomos; Vedi Hadiz. (2008). "How far to Meaningful Democracy? 1: what you see is what you get", *Inside Indonesia* No.92, April-June; Olle Tornquist (2008). "How far to Meaningful Democracy? 2: Democracy is feasible, but only if Indonesia's democrats take on elite". *Inside Indonesia*, No.92, April-June; and Resy Canonica-Walangitang (2007), "The Tradition of Corruption and the Challenge of Establishing Clean Political Environment in Indonesia". In B.S. Hadiwinata and Christoph Schuck (eds.) *Democracy in Indonesia: Challenge of Consolidation*. Baden-Baden: Nomos.

The discussion will be divided into four parts. The first part overviews the background and the main points raised in this paper. The second part will elaborate on the “democratic consolidation theory” coined by Andreas Schedler, Larry Diamond, and Wolfgang Merkel; and look at how this theory explains the level of democracy in some Southeast Asian new democracies. The third part will discuss the trajectory of Indonesian democracy by looking at the failure of the democratic experiment in the 1950s and the relative success of the 1990s. The fourth part will examine Indonesia’s staggering move toward a consolidated democracy. Although the signs of hope have been undermined by outstanding challenges that may jeopardize the democratic process, such a challenge seems too minor to cause a regression. In this sense, Indonesians can still be proud of keeping democracy as “the only game in town”.

DEMOCRATIC CONSOLIDATION AND REGRESSION IN SOUTHEAST ASIA

Scholars share a great deal of optimism about democracy, as they dubbed the 20th century as “the century of democratization”.⁶ In the era of what Samuel Huntington called the “third wave”, democratization spreading across Southern Europe, Latin America, East and Southeast Asia, generally proceeds in two stages.⁷ First, the *transition* is a rather brief and often dramatic process of ousting the old regime, voting it down or simply disintegrating it. Then comes the second stage, *consolidation*, a longer and more complex phase in which the ruling government tries to extend its support, demonstrates its value, and forms a medium for resolving disputes, advocating interests, and designing policy. Since its emergence, the term “democratic consolidation” has been a debatable concept, and yet, there is no clear consensus on the meaning of democratic consolidation.⁸

How do we measure a “consolidated democracy”? Larry Diamond pointed out three indicators of a consolidated democracy. First, regime performance measured on how the regime performs both economically and politically. Economic performance is important since it signifies political stability that may generate legitimacy, as can be seen in countries such as Peru and Venezuela. Low inflation rates, good growth, and equal distribution are some indicators that are usually used in measuring the regime’s economic performance. Second, political institutions which will boost the country’s ability to respond to society’s demand, and ensure effectiveness in tackling various

⁶ Hans-Jurgen Puhle. (2005). *Democratic Consolidation and ‘Defective Democracies’*. J.W. Goethe University, Frankfurt am Main: Universidad Autonoma de Madrid. p. 2.

⁷ Michael Johnston. (1999). “Corruption and Democratic Consolidation”. Paper presented at Conference on Democracy and Corruption. Princeton: Shelby Cullom Davis Center for Historical Studies, Princeton University.

⁸ Andreas Schedler. (1997). “Concepts of Democratic Consolidation”. Paper presented at Conference of Latin American Studies Association (LASA). Vienna: Institute for Advanced Studies.

problems in society. It concerns three types of political bodies, namely: the bureaucracy, the institutions of democratic representation (political parties, professional associations, mass organizations, parliament, and so forth), and the institutions that strengthen horizontal accountability and the rule of law, such as the judicial system and oversight agencies and auditing. The bureaucracy is expected to be professional, meritocratic, skilful, and well paid so that government services are reliable and the level of corruption can be minimized. On the other hand, political parties as well as the elected legislatures must represent the interests of their constituency. These elected representatives must also have the power to formulate policies that represent the people's will and to challenge as well as verify the policies of the other governmental bodies. Third, the deepening of democracy, which refers to a condition in which political actors respect the autonomy of civil liberties, political rights, and constitutional constraints on state power. Thus, the power within the system must be decentralized and delegated to the lower levels. Independent groups such as the media and civil society organizations need to expand their capacity to monitor the mistreatment of power and compose additional means for stimulating participation and representing interests.⁹

In line with Larry Diamond, German political thinker Wolfgang Merkel proposed the concept of “Embedded Democracy” stating that a new democracy should enable conditions for the “embeddedness” of five major components of democracy, namely: electoral regime, civil rights, political rights of participation, division of powers and horizontal accountability, and the effective power to govern of the democratically newly elected government.¹⁰

Compared to well-established democracies, intermediate regimes have a higher hazard of civil war, as do regimes just emerging from a political transition.¹¹ In Southeast Asia, the rise of ethno-nationalist conflicts in new democracies appears as a bitter reality for many observers. In the region, there remain only four countries (Brunei, Burma, Laos, and Vietnam) which do not hold regular multi-party elections. However, electoral democratization does not guarantee the quality of the elections in the region. In the Philippines, for example, election-related violence has been rampant since 1986. There is ample evidence that fraud, voters' intimidation, cheating, vote-buying, and violence decisively shaped the conduct and outcome of elections.¹² The discussion in this section will focus on three Southeast Asian new democracies, namely

⁹ Larry Diamond (1999). Op. cit, pp. 77-116.

¹⁰ Wolfgang Merkel. (2007). “Embedded and Defective Democracies”. In B.S. Hadiwinata and Christoph Schuck (eds). *Democracy in Indonesia: Challenge of Consolidation*. Baden-Baden: Nomos, pp. 34-40.

¹¹ Aurel Croissant and Sascha Kneip. (2006). “Introduction: Politics and Violence in Southeast Asia in the Early Twenty-First Century”. In Aurel Croissant, Beate Martin and Sascha Kneip (eds.). *The Politics of Death: Political Violence in Southeast Asia*. Munster: LIT Verlag, p. 12.

¹² John T. Sidel. 1999. *Capital, Coercion and Crime: Bossism in the Philippines*. Stanford: Stanford University Press, p. 6.

the Philippines, Cambodia and Thailand; while Indonesia will be discussed separately in the following sections.

In the Philippines, the most notable democratic pitfall is well manifested in elections for local and national leaders, which are tainted with frauds and violence. Election-related violence in the Philippines takes many forms: killings, abductions, terrorism, physical attacks on rallies, and any other acts that result in death, physical injuries, and damage to property. It involves a variety of factors, including political bosses, candidates, goons and private armies, partisan armed groups, and police and military personnel.¹³ Cambodia's current political system, which came into being after UNCTAD-led democratization in 1993, offers another example of election-related violence. Despite the reduced number of deaths in the 2003 election (compared to previous elections), election-related violence in the country became more nuanced and targeted. While the electoral procedures and administration provide the basis for technically competent elections, the political environment is marred by violence, intimidation, and pervasive restrictions on political expression.¹⁴ In Thailand, once portrayed as an example of a consolidated democracy in Southeast Asia, democratization suddenly stalled when the elected government suffered from an acute legitimacy crisis, the dominance of a personal leader (in the case of Thaksin and the Thai-Rak-Thai party), the constant threat of military coups, and an ongoing popular upsurge as manifested in recent violent protests, which brought Bangkok to a standstill. Until now the sign for a stable government in this country seems to be remote.

Political events in the three new democracies in Southeast Asia discussed above do not seem to corroborate Diamond's category of "consolidated democracy" or Merkel's "embedded democracy". While Diamond limited his measurement on the level of consolidated democracy to the Latin America context, Merkel extended his analysis to include Eastern Europe and Asia by proposing three scenarios of the path toward a consolidated democracy, namely: (1) progression scenario, measured from the level of effectiveness, responsiveness, representativeness and check-and-balances as can be seen in the Slovak Republic, Chile, and Taiwan; (2) stability scenario, marked with a combination of formal democratic institutions and semi-autocratic decision-making, a mutual interest between the elite circles and sections in the population supporting the system, and the presence of some minor defects in the democratic institutions and procedures as occurred in Ukraine, Indonesia and the 1990s Philippines; and (3) regression scenario, manifested in a "cycle of political crisis" where the executive overpowers the legislature and the judiciary; the military, militia, entrepreneurs, and landlords secure

¹³ Patrick Patino and Djinora Velasco. 2006. "Violence and Voting in Post-1986 Philippines". In Aurel Croissant, Beate Martin and Sascha Kneip (eds.). *The Politics of Death: Political Violence in Southeast Asia*. Munster: LIT Verlag, pp. 223-234.

¹⁴ Aurel Croissant. 2006. "Introduction". In Aurel Croissant and Beate Martin (eds.). *Between Consolidation and Crisis: Elections and Democracy in Five Nations in Southeast Asia*. Munster: LIT Verlag, p. 20.

“veto powers”; political institutions are tainted with paternalism; and the absence of universal suffrage as manifested in Russia and Belarus.¹⁵ The level of democratic consolidation in contemporary Philippines, Thailand and Cambodia seems to be located between the stability and regression scenarios and definitely not the progression scenario.

INDONESIAN DEMOCRATIC ATTEMPTS: FAILURE OF THE 1950S AND SUCCESS OF THE PRESENT?

Democracy is not new for Indonesia. About a decade after its independence in 1945, Indonesia had made its first attempt to adopt a parliamentary democracy. Herbert Feith, an Australian political scientist, argued that during 1950-1959, Indonesia endorsed democracy in the sense of the recognition of popular participation in politics, the freedom of the press, the presence of an independent judiciary, free election, free association, the creation of a representative government and the presence of an independent parliament.¹⁶ A free general election was held in 1955 and a representative government was established on the basis of a coalition between four major political parties: PNI (Indonesian Nationalist Party) with 22.3 percent of votes, Masyumi (modernist Islamic Party) with 20.9 percent, NU (traditionalist Islamic Party) with 18.4 percent, and the PKI (Indonesian Communist Party) with 16.4 percent.¹⁷

By 1957, however, the democratic experiment began to flounder. Cabinet ministers were caught in endless arguments, which made it difficult for them to devise and implement policies; and wrangles between parliament members made it impossible to maintain the coalition, which subsequently led to a political deadlock. Observers related the collapse of the parliamentary democracy of the 1950s to a number of factors, such as increasing unrest of the masses marked with the rise of the Leftists and other radical groups;¹⁸ a combination of poverty, illiteracy and an embedded authoritarian culture;¹⁹ a deep economic crisis which widened the gap between Java and outer-Java (Sumatra, Sulawesi, Kalimantan, and so on) that led to insurgencies;²⁰ and a leadership

¹⁵ Wolfgang Merkel. (2007). “Embedded and Democratic Democracies”. In Bob S. Hadiwinata and Christoph Schuck (eds.). *Democracy in Indonesia: the Challenge of Consolidation*. Baden-Baden: Nomos Verlag, pp. 56-59.

¹⁶ Herbert Feith (1962). *The Decline of Constitutional Democracy in Indonesia*. Ithaca: Cornell University Press, pp. 38-40.

¹⁷ *Ibid.*, p. 43.

¹⁸ Daniel Lev. (1966). *Transition to Guided Democracy: Indonesian Politics 1957-1959*. Ithaca: Cornell Modern Indonesia Project, p. 75

¹⁹ Merle Ricklefs. (1981). *A History of Modern Indonesia*. London: MacMillan, p. 225.

²⁰ Jamie Mackie. (1994). “Inevitable or Unavoidable? Interpretations of the Collapse of Parliamentary Democracy”. In D. Bourchier and J.D. Legge (eds.). *Democracy in Indonesia, 1950s and 1990s*. Monash Paper on Southeast Asia No.31. Clayton: Monash University.

conflict between what Feith called the “administrators” (leaders with administrative, technical, and legal skills) and the “solidarity makers” (leaders with mass-organizing capacity using integrative symbols and reference to the past glory).²¹ These problems were exacerbated by the Muslims’ plan (led by Masyumi) to reintroduce the Jakarta Charter in the Constitution preamble, which was strongly opposed by the secularist groups led by the PNI. Such a deep-rooted ideological conflict eventually created a deadlock in the parliament. Unable to solve the problem, on July 5, 1959, President Sukarno dissolved the parliament and restored the 1945 Constitution. From then on, until 1965, Sukarno ruled the country under what he termed “Guided Democracy”, in which he concentrated power in his own hands, which marked the end of the first democratic experiment in Indonesia.

Every single change we discover in Indonesian politics nowadays would not have existed without the day President Suharto stepped down—May 21, 1998—following the Asian financial crisis.²² It was the day when people power was born, when the people overthrew the authoritarian regime, who for more than 30 years ruled the country, and replaced it with a more democratic government. Unlike the first experiment of Indonesian democracy in the 1950s, the second attempt of the late 1990s happened in a different context. First, it took place in the context of the third wave global democratization, commensurate with Fukuyama’s “the end of history” that shaped the euphoria of global democracy. Second, it happened in a condition where international donors played a substantial role in nurturing and maintaining democracy across the globe.

In the wake of President Suharto’s resignation, his successor, B.J. Habibie, made some radical political changes in his effort to gain both national and international support, bringing Indonesia much closer to democracy. On November 10-13, 1998, the special session (*sidang istimewa*) of the People’s Consultative Assembly (*Majelis Perwakilan Rakyat/MPR*) issued several controversial bills, among others, annulling the dual function (*dwifungsi*) of the military, restricting the number of terms of the president to a maximum of two periods, removing the president’s power privileges, and terminating the *Pancasila* compulsory training courses for all citizens.²³ In order to maintain national integrity amid the East Timorese demand for self-government, Habibie issued two new laws regarding the process of decentralization. First, Law No.22/1999 on Regional Autonomy²⁴, which gives considerable autonomous power to each province and district; second, Law No.25/1999 on Equal Budget Division²⁵

²¹ Herbert Feith. (1962). *Op.cit.*, pp. 113-122.

²² Alice Donald. (2000). *Rise and Fall of Strongman Suharto*. BBC News, September 28, from <http://news.bbc.co.uk> (accessed on 7 July 2010).

²³ Bob Sugeng Hadiwinata. (2003). *The Politics of NGOs in Indonesia*. London and New York: Routledge Curzon. p. 79.

²⁴ Undang-Undang No.22 tahun 1999 tentang Otonomi Daerah.

²⁵ Undang-Undang No.25 tahun 1999 tentang Perimbangan Keuangan antara Pemerintah Pusat dan Daerah.

between the centre and local governments.²⁶ Such a swift move was taken with a belief that decentralization may boost democratization at local levels and ensure more responsiveness in dealing with various issues in society.

Habibie also issued some popular initiatives, such as releasing political prisoners, improving the protection of human rights, removing control on the media by annulling Ministerial Decree No.01/1984, used by the Suharto government to censor media information²⁷, and reforming the election bill.²⁸ He also took the initiative to accelerate the scheduled 2002 election to 1999 and allowed 48 parties to participate in the political contestation.²⁹ The level of participation of the voters at that time was 90 percent³⁰, which reflects the high expectation and enthusiasm of the people for democracy. The 1999 election was seen as the essential step to move further toward democracy; for that reason there were many international donors that supported this process. At that time, UNDP (United Nations Development Programme) took over and organized as much as US\$90 million financial as well as technical assistance from foreign donors.³¹ It was considered as the largest ever funding to support a national election. Likewise, The Carter Centre and the National Democratic Institute for International Affairs (NDI) also took part as observers for the election process and provided an objective and accurate report to the international community.³²

The relative success of democratic reform in the 1990s can be linked with the active role played by foreign donors in nurturing democratic norms, institutions, and procedures. In the 1990s, international agencies often engaged themselves in the democratization process in two ways. First, organizations such as USAID (United States Agency for International Development), Konrad Adenauer Stiftung (KAS), Friedrich Ebert Stiftung, the Carter Center, IDEA (Institute for Democracy and Electoral Assistance), the Ford Foundation, and many others helped the country to build the basic democratic foundation, which includes the promotion and protection of human rights,

²⁶ Richard Seymour and Sarah Turner. (2002). *Otonomi Daerah: Indonesia's Decentralization Experiment*. *New Zealand Journal of Asian Studies*, Vol.4, No.2), pp. 33-55.

²⁷ Peraturan Menteri No.01 Tahun 1984 tentang Surat Izin Usaha Penerbitan Pers.

²⁸ Denny Indrayana. (2007). *Amandemen UUD 1945 Antara Mitos dan Pembongkaran*. Bandung: Mizan. p. 330-331.

²⁹ After being repressed by the Soekarno and Soeharto governments, in 1998, there were more than 200 political parties in emergence, and 48 of them were allowed to join the free election in 1999.

³⁰ Evan A. Laksamana. (2009). "The Curious Case of Indonesia's Democracy". *Foreign Policy*, December 7.

³¹ United Nations Development Programme. (2004). *Consolidating Democracy: Report on the UNDP Technical Assistance Programme for the 2004 Indonesia Elections*. United Nations Development Programme. Jakarta: United Nations Development Programme Indonesia. p. 18.

³² The Charter Center and the National Democratic Institute. (1999). *Statement of the National Democratic Institute (NDI) and The Charter Center: International Election Observation Delegation to Indonesia's June 7, 1999, Legislative Elections*. The National Democratic Institute and The Charter Center. Jakarta: NDI and The Charter Center. p. 4.

political participation of the people, civil society empowerment, popular sovereignty, good governance, and so forth. Second, foreign agencies also trained the bureaucracy to provide the appropriate public services. Organizations such as the Asia Foundation, German Technical Co-operation (GTZ), and Asian Development Bank (ADB), just to name a few, have been actively involved in the decentralization process.³³ The role of foreign donors was certainly instrumental in keeping the Indonesia democratic process on the right track.

The smooth democratization in the 1990s was briefly disrupted during Abdurrahman Wahid's presidency (1999-2001). Although Wahid (popularly known as Gus Dur) was renowned as being a democratic campaigner, tolerant towards minorities, and strongly respected human rights as manifested in his tireless efforts to substantially reduce the political role of military personnel, to end discrimination against Chinese and Christian minorities, and to uphold religious diversity as opposed to Islam orthodoxy³⁴, he seemed to be poor in terms of managerial skill, as his close associate, Arief Budiman, put it: "He has a good heart. He is not a bandit or a criminal—he is erratic. Basically he could not govern."³⁵ Caught in wrangles with the People's Representative Council (DPR) over a number of issues, which include the *Buloggate*³⁶ and *Bruneigate*³⁷ scandals, his government did not last long. In July 2001 the People's Consultative Assembly (MPR) held a special session, dismissed Gus Dur, and appointed Megawati, the vice president, as Indonesia's fifth president.³⁸

Although Megawati had limited political skills and experiences, during her time, Indonesia made some essential democratic accomplishments. In January 2002, the neglected cases of human rights violations in East Timor were put on trial.³⁹ It was followed by the amendment to the 1945 Constitution on national electoral law, the establishment of the Regional Representative Council (DPD), the formation of a con-

³³ Bob S. Hadiwinata. (2004). "Stirring from Beyond the Borders: International Actors and Democratization in Indonesia". In Norbert Eschborn, Sabine Hackel and Joyce H. Richardson (eds.). *Indonesia Today: Problems and Prospects*. Jakarta: Konrad Adenauer Stiftung, pp. 12-14.

³⁴ Bob S. Hadiwinata. (2003). *The Politics of NGOs in Indonesia: Developing Democracy and Managing a Movement*. London: Routledge-Curzon, p. 79.

³⁵ *Ibid.*, p. 82.

³⁶ *Buloggate* is a term used to describe the misused or illegal use of BULOG (the Indonesian food logistic agency) money, approximately 40 billion *rupiah* (US\$400,000) by Gus Dur's affiliates.

³⁷ *Bruneigate* is a term used by the media to refer to the illegal use of a US\$1 million grant from the Sultan of Brunei by Gus Dur for his personal interests.

³⁸ *Ibid.* p. 88.

³⁹ Amnesty International. (May 18, 2003). *Indonesia POL 10/003/2003*. Retrieved August 16, 2010, from Amnesty International: www.amnesty.org.

stitutional court, and the removal of military representatives⁴⁰ from the parliament in August 2002.⁴¹ Observers welcomed these reforms, as they argued:

These reforms have created new checks and balances and have recognized fundamental human rights. The revised constitution has established a second house of the national legislature to represent the interests of the provinces, created a new court to judge the constitutionality of laws and referee election disputes, and eliminated the legislative seats previously set aside for the nation's military.⁴²

Towards the end of her presidency in 2004, Megawati introduced a new direct election for the president, conducted separately from the election for the legislatures in order to ensure a popular mandate for the elected president and put it into force in the 2004 election. The Carter Center commented on this new invention as “a remarkable logistical accomplishment and an important political milestone”.⁴³

TOWARDS CONSOLIDATION: OPTIMISM AND DESPAIR

If economic stability is considered as one major indicator of political stability that will ensure a consolidated democracy, Indonesia certainly shows a great sign of consolidation. Despite some concerns on the lack of coordination in economic and trade policies, a corrupt bureaucracy,⁴⁴ and unfavourable business laws, Indonesia has made a remarkable recovery. Larry Diamond believes that democracy and economy growth have a reciprocal correlation. He argues that the greater the economic performance of the respective regime, the greater the possibility of democracy to be settled and performed within that country, and vice versa.⁴⁵ In terms of per-capita Gross National Product (GDP), Indonesia managed to regain its growing trend since 2002, indicating a substantial economic recovery. In terms of Foreign Direct Investment (FDI), Indonesia showed a growing trend especially during President Susilo Bambang Yudhoyono's (known as

⁴⁰ It means that for the first time in Indonesian history, there will not be any appointed members in the parliament.

⁴¹ United Nations Development Programme. Op.cit., p. 8.

⁴² The Charter Center and the National Democratic Institute. Op.cit., p. 18.

⁴³ The Charter Center and the National Democratic Institute. Op.cit., p. 18.

⁴⁴ Behind all the remarkable economic performances, Indonesia is still facing problems with respect to an inefficient bureaucracy and corruption involving high-level politicians. The most notable case was the scandal of Bank Century involving two top politicians, (former) governor of Indonesian Central Bank and later vice-president Boediono and (former) Finance Minister Sri Mulyani, who were accused of illegally issuing some 6 trillion rupiah (US\$600 million) to bail out a bankrupt private bank. The public is sceptical towards the disbursement of the money and the lack of the government's willingness to take actions against the two officials. Another example is the legal battles between the National Police and the Indonesia Anti-Corruption Commission (*Komisi Pemberantasan Korupsi / KPK*). These cases have put the credibility of government institutions at stake and produced mistrust of the people toward the government's intention in combating corruption.

⁴⁵ Larry Diamond. (1999). Op. cit., p. 79.

SBY) presidency from 2004, indicating the growing trust of foreign investors on the Indonesian economy. This positive trend is well illustrated in figure 1.

The confidence of foreign investors towards the Indonesian economy under President SBY was remarkably high. After SBY was elected in 2004, more than 300 American companies invested more than \$10 billion in various economic sectors, and approximately 3,500 US businessmen worked in the country.⁴⁶ At that point, Indonesia's real GDP increased to 5.1 %, even in the midst of the tsunami disaster, the global oil crisis, and avian influenza.⁴⁷ In 2008 when the global financial crisis hit almost all countries in the world, Indonesia performed quite well in facing this issue compared to the rest of the world. Even though exports were down, Indonesia still recorded GDP growth at 6.3 per cent and 6.2 per cent in the year 2007 and 2008 respectively.⁴⁸

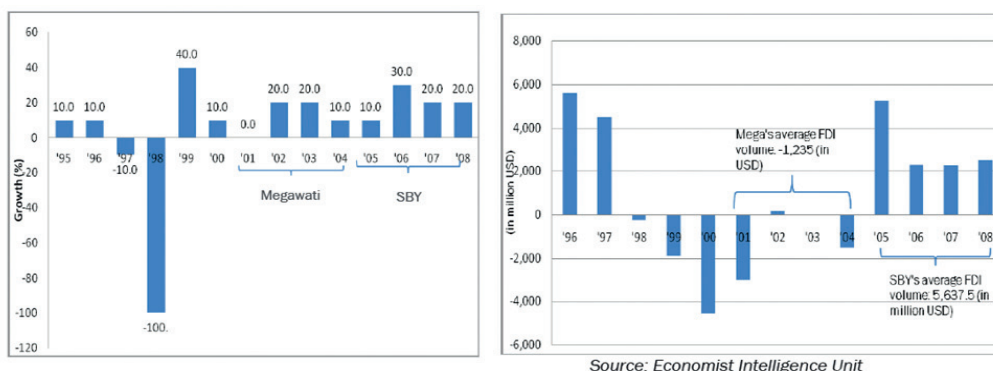


Figure 1. Indonesia Average Per Capita GDP Growth and FDI Rate from 1995 to 2008⁴⁹

Another remarkable economic performance can also be seen in the way in which Indonesia survived the global financial crisis of 2007-2009. Compared to other countries within the Southeast Asia region, Indonesia was considered as the best survivor. In the aftermath of the global financial crisis in 2009, even though Indonesia's economic

⁴⁶ Eric G. John. (2005). Indonesia: Positive Trends and the Implications for U.S. Strategic Interests. *Statement before the Senate Foreign Relations Committee, Subcommittee on East Asian and Pacific Affairs*. September 15. Washington, DC: US State Department.

⁴⁷ Ibid.

⁴⁸ ASEAN Affairs Contributor. (January 2, 2009). *Indonesia GDP at 6.2% in 2008*. ASEAN Affairs: The Voice of Southeast Asia: www.aseanaffairs.com (accessed on August 22, 2010).

⁴⁹ APCO Worldwide. (2009). *Indonesia Presidential Election Results 2009: An Analysis*. APCO Worldwide. Jakarta: APCO Worldwide. p. 3.

performance was not as astonishing as the earlier years, its growth rates was accounted at 6 percent,⁵⁰ putting this country in the top three in the world, after China and India.⁵¹

One important indicator of Indonesia's political performance is indeed the success of the democratically elected government in ending bloody separatist conflicts peacefully, most notably the thirty years of war in Aceh. The change of government in Indonesia as a result of the 2004 elections had indeed turned the direction of the conflict in Aceh. The election of SBY and JK (Jusuf Kalla)—as president and vice president—in the first-ever direct presidential election raised a new hope for the peace process in Aceh. Although SBY is a retired military general, he had been involved (in his capacity as Coordinating Minister for Political and Security Affairs) in a number of peace negotiations for Aceh, Maluku and Poso during 2001-2003. On the ground, however, the peace negotiations during that period were carried out by Jusuf Kalla (then Minister for People's Welfare) and his team. The two prominent figures teamed up and won the 2004 elections. The new government worked on an undisclosed plan for a new peace talk for Aceh. Amid the massive devastation brought by the tsunami, the peace talks resumed in January 2005 in Helsinki. Mediated by CMI (Crisis Management Initiative), an NGO based in Helsinki, the Indonesian government and the Free Aceh Movement (GAM) signed a historic MoU (memorandum of understanding) ending more than three decades of bloody conflicts. The MoU covered several crucial issues, including: (1) a more or less permanent demobilization and demilitarization; (2) the monitoring process and the implementation of the agreement; (3) the granting of amnesty and reintegration of ex-combatants into the society; and (4) the future of Aceh's political status and GAM's involvement in the local politics. It was through this MoU that Aceh earned a special autonomy status and was allowed to establish its own local parties. On December 11, 2006, Aceh held its first direct election and brought Irwandi Yusuf, a former rebellion (GAM) leader, to the governor's seat.⁵² This event signifies how a democratically elected government is willing and prepared to use dialogue in ending a bloody conflict.

With respect to political institutionalization, there is a positive sign of the embeddedness of Indonesian political parties. Marcus Mietzner and Andreas Ufen, along with other political analysts, believe that Indonesian political parties are much better in terms of stability and contribute more to the democratization process compared to par-

⁵⁰ E. Murniningtyas. (2009). Global Financial Crisis: Impact Channels in Indonesia. *3rd China-ASEAN Forum on Social Development and Poverty Reduction, 4th ASEAN+3 High Level Seminar on Poverty Reduction, and Asia-wide Regional High Level Meeting*. Jakarta: ADB. p. 1.

⁵¹ Bank Indonesia: Bank Sentral Republik Indonesia. (2010). *2009 Economic Report on Indonesia*. Bank Indonesia, Directorate of Economic Research and Monetary Policy. Jakarta: Bank Indonesia.

⁵² *Free Aceh (Aceh Merdeka): Free Aceh Movement [Gerakan Aceh Merdeka (GAM)] Aceh: Aceh Security Disturbance Movement (GPK)*. (n.d.) from www.globalsecurity.org (accessed on 16 August 2010).

ties in Thailand and the Philippines.⁵³ In contrast to that of Thailand and the Philippines (the two third wave democratic countries in Southeast Asia), the stability of Indonesian political parties are rooted from the pre-independence era, in which most parties/mass organizations were anti-colonial, highly-politicized, and supported by most Indonesian people. And this condition has been maintained up to the present, which may be considered a remarkable phenomenon for a newly democratic country. In Thailand and the Philippines, the political parties' survival is recorded only up to three years; whilst in Indonesia three major political parties (PPP, PDI, and Golkar) from the 1970s have existed until the present time (2010).⁵⁴

At the same time, the marginalization of the local elites in Indonesia has also contributed to the stability of national parties. Compared to the Philippines and Thailand, where local elites resumed control and played a substantial role in national politics, thus posing a serious challenge to the national stability, the local elites in Indonesia (including former affiliates of the New Order regime) were substantially marginalized and played no significant roles. Moreover, the political economic role of Indonesian political parties is relatively inferior compared to their counterparts in Thailand and the Philippines. They do not have considerable power to influence the political and economic spheres, which substantially limit their influence outside parliament. Mietzner depicts the 2009 election, in which the Democratic Party of SBY won 20 percent of the total votes and re-elected president SBY with over 60 percent of the national votes, as an indication of the readiness of Indonesian voters to elect a leadership and political party representing true democratic values, respect for pluralism, and reliable authorities. The election result, according to Mietzner, is indicative of the fact that Indonesians share the same view of "democracy is the only game in town".⁵⁵ Such a feeling of confidence on democracy was well manifested in Indonesia's initiative to build a democratic platform for Asian countries through discussion and dialogue, as president SBY hosted a Bali Democracy Forum in December 2008 bringing Asian and non-Asian countries together to discuss the importance of democratic values and norms.⁵⁶

Despite accusations of being unprofessional, corrupt-minded, displaying poor performance, and possessing a lack of capacity, the legislatures try to fulfil their role and duties. Law No.27/2009 on the People's Consultative Assembly (MPR), National Parliament (DPR), Local Parliament (DPD), and People's Local Parliament (DPRD) stipulates three main functions of the legislatures, namely: legislating, budgeting, and

⁵³ Ibid. p. 3.

⁵⁴ Marcus Mietzner (2009). "Chaos and Consolidation: The April 2009 Legislative Polls Exposed Weaknesses in Indonesia's Electoral Management, but the Result will Help to Strengthen the Democratic Polity". *Inside Indonesia*, No.97. July – September.

⁵⁵ Ibid.

⁵⁶ "Yudhoyono opens Bali Democracy Forum". *The Jakarta Post*, October 12, 2008.

controlling (performing checks-and-balances).⁵⁷ In reality, however, the Indonesian National Parliament has a tendency to put too much emphasis on their controlling role; and when it comes to the legislation role they often show bad performances.⁵⁸ For example, during the 2004 to 2009 working period: they could only legalize 193 out of 284 bills at the starting point.⁵⁹ It means that each year the DPR could only achieve less than half of their actual targets. Meanwhile, in some cases, they only have to revise the previous bills.

At the beginning of the 2009 to 2014 period, the DPR targeted that as many as 248 draft laws would be passed by the end of the term, while 70 of them would be finished by 2010.⁶⁰ In fact, until June 2010, only 9 draft proposals have been discussed with the government, whilst the rest is still on the drafting and consulting processes.⁶¹ This condition has forced the DPR to lower their target by up to 50 percent in August.⁶² It can therefore be argued that the DPR did not perform well in legislation, indicating their limited capability to work effectively.

Indonesians' view of how their country engages in the democratic process is torn between hopefulness and despair. They are hopeful as the majority of the population think that there is a bright future for Indonesian democracy as indicated in an opinion poll conducted by *Kompas*, the major national daily newspaper in the first quarter of 2010, where 73.2 percent of readers were optimistic about the prospect of Indonesia's democratic system; while at the same time, 61.2 percent of them were anguished about the government's ability to ensure rule of law, 67.5 percent of them were dissatisfied with the way in which the government fights corruption, and another 51.7 percent were disappointed with services from the state bureaucracy.⁶³

As noted earlier, Indonesia has shown all the good signs of democratic consolidation. However, there is concern on the part of Indonesia society about the future of Indonesia's democracy. First, there is public disappointment with the multi-party system, blamed for producing weak post-election governments. Second, there are the drawbacks of decentralization, which include the rise of authoritarian enclaves that open the way for corruption, the burgeoning financial burden in the election of local

⁵⁷ Undang-Undang Republik Indonesia Nomor 27 Tahun 2009 tentang Majelis Permusyawaratan Rakyat (MPR), Dewan Perwakilan Rakyat (DPR), Dewan Perwakilan Daerah (DPD), dan Dewan Perwakilan Rakyat Daerah (DPRD).

⁵⁸ Samsul Maarif. (n.d.). *Fungsi Legilasi DPR, 'Letoy'*. www.jurnalparlemen.com (accessed on 25 August 2010).

⁵⁹ Ibid.

⁶⁰ Sandy. (2010). "Target Muluk Wakil Rakyat". *Tempo*, June 28.

⁶¹ Ibid.

⁶² Amirullah. (2010). *DPR Korting Target Legislasi Hingga 50 Persen*, from www.tempointeraktif.com (accessed on August 25, 2010).

⁶³ B.I. Purwantari (2010). "Jajak Pendapat Kompas: Di Bawah Bayang Suram Kebobrokan Hukum". *Kompas*, July 19.

leaders, and the use of “money politics” at the local level. Third, the rise of religious extremists and other anti-democratic groups, who may forcefully impose undemocratic institutions and norms in society. Although the list can be extended to include the problematic rule of law, poor performance of the bureaucracy, possible infiltration of the remnants of the New Order in political institutions, staggering security sector reform, and so forth, the limited space has forced us to limit our analysis to focus only on the three outstanding challenges noted above, since those three appear to be hot on the agenda and can potentially bring the democratization process to a standstill if not solved.

The reform of the party system, which allowed new parties to be formed, led to a burgeoning number of parties in elections. In the 1999 election, for example, there were 148 parties registered to the Ministry of Justice, of which only 48 survived the scrutiny and were allowed to participate in the election, and 19 parties secured seats in the parliament. In 2004, 112 parties registered, 24 participated in the election, and 16 passed the threshold and secured parliamentary seats. In 2009, there were 79 parties registered, 38 plus 6 local parties for Aceh special province participated in the election, and only 9 passed the threshold and secured seats in the parliament.⁶⁴ Although there is a steady decline in the number of political parties in the national parliament, the public believes that too many parties with an insignificant portion of seats in the parliament contribute to weak post-election governments, which are curtailed from devising and implementing effective policies.

Many political commentators depict how the current multi-party system has confused the presidential system with parliamentary democracy. They argued that a poor combination of presidential with multi-party system will produce a minority president and a divided government, where the elected president is unable to get sufficient support from the parliament and faces constant pressure to compromise his/her policies with other parties. In 2009, although President SBY secured 60 percent of the popular vote in the presidential election to grant him another term, his party, *Partai Demokrat*, only secured 20 percent of votes in the parliament. Unable to form his own government, SBY was forced to form a fragile coalition with other parties such as Golkar, PKS, PKB, PPP, and PAN. The fragility of this coalition was well manifested in the case of Century Bank where SBY was forced by the legislature (*Dewan Perwakilan Rakyat/DPR*) to accept that the bail-out of the faltering bank was illegal and faced constant pressure from the public to put Vice President Boediono and Finance Minister Sri Mulyani on trial for their role in the bail-out.⁶⁵ These events indicate that an ill-fated

⁶⁴ Suwardiman (2010). “Idaman, Kurangi Jumlah Parpol”, *Kompas* July 26.

⁶⁵ Hanta Yudha (2010). “Kerentanan Presidential Multi-Partai”. *Kompas*, July 28; Kacung Marijan (2010). “Sistem Presidential, Bermasalah?”. *Kompas*, July 28; and Budiarto Shambazy (2010). “Presiden Mataram”, *Kompas*, August 21.

combination of presidential and multi-party system will expose conflicts between the presidency and the parliament that may generate an ineffective democratic government.

Realizing the flaw of the multi-party system, Indonesian began to think of a possible lawful limitation of the number of political parties in the political contestation. One possible option is to raise the threshold in the election from the current 2.5 percent to 10 percent or even 15 percent of total votes as one commentator proposed,⁶⁶ others proposed a more stringent precondition in forming a political party and a radical solution by producing a law limiting the number of political faction in the parliament to only two, which would allow political parties to form a more or less permanent coalition in the parliament.⁶⁷ A survey conducted by *Kompas* daily newspaper in 57 cities in 33 provinces in the country shows that 93.8 percent of respondents agree that the number of political parties that participate in the election should be reduced, and only 4.8 percent disagree; 80.2 percent agree with the reduction of political parties in the parliament, and 16.9 percent disagree; and 84.4 percent agree that a multi-party government is ineffective, and only 12.8 percent disagree.⁶⁸

In response to public fear of ineffective government under the multi-party system, the legislature drafted new laws to amend Law No.10/2008 on parliamentary election, Law No.2/2008 on political parties, and Law No.27/2009 on national and local parliament. The proposed amendments will place stiffer rules on the formation of political parties, including the raising of the minimum requirement of members' signatures from 50 to 1,000; the minimum branch offices in 75 percent of total provinces, 75 percent of total districts and/or municipalities, and 50 percent of total sub-districts (*kecamatan*); and the minimum amount of 500 million rupiah (US\$50,000) endowment fund nationally, 100 million rupiah (US\$10,000) at provincial level, and 50 million rupiah (US\$5,000) at district/municipal level. The proposed amendments also raised the threshold from 2.5 percent to 5 percent of total votes, applicable for both national and local parliament for parties to secure seats.⁶⁹

One way to deepen democracy, as democratic consolidation theorists have argued, is to decentralize power, as they believe that devolution of power to local level will enhance efficacy, quality, and legitimacy of democracy. By transferring power to the local level, it is believed that people at grassroots level—including the marginalized—have the chance to learn about democracy, conduct some sort of checks-and-balances,

⁶⁶ Kacung Marijan (2010), op. cit.

⁶⁷ Kiki Syahnakri (2010). "Risiko Multi-partai Bagi Demokrasi Kita", *Kompas*, July 26, and Hanta Yudha (2010), op. cit.

⁶⁸ Suwardiman (2010). "Idaman, Kurangi Jumlah Parpol", *Kompas*, July 26.

⁶⁹ "Perketat Partai Politik". *Kompas*, July 27, 2010.

and channel their aspirations to the local government.⁷⁰ Following the democratic transition in 1998, Indonesia had pursued decentralization by issuing Law No.22/1999 on Regional Autonomy, which gives considerable autonomous power to each province and district, Law No.25/1999 on Equal Budget Division between the centre and local governments, and Law No.32/2004 concerning the Local Government⁷¹ that allows all 33 provinces and 443 districts and municipalities to elect their own leaders.⁷²

Whether or not decentralization enhances efficacy and ensure responsiveness is still debatable. After some years of a swift decentralization, however, Indonesia is facing a drawback. In their writing, Diamond and Tsalik warned that decentralization may create niches for authoritarian figures to consolidate fiefdoms, free from intervention or control by central authorities.⁷³ In Indonesia, with full authority to control budgets, these local authoritarian leaders may quickly misuse their power to extort money to secure their political positions. The most notable case occurred in East Kalimantan province, the richest province, which contributed 70 percent of national income from natural resources (forestry, oil, gas, and coal), where local leaders and officials extorted money for securing their positions as well as for their personal benefits. In this province alone, 14 local authorities, ranging from governor to district/municipality heads, were prosecuted for corruption. The Indonesian Commission for Anti-Corruption (KPK) admitted that East Kalimantan ranks number one in corruption cases all over Indonesia, as indicated by 1,254 reports from this province out of a total of 40,000 reports of corruption cases all over the country. Among those cases, Syaukani, the district head of Kutai Kertanegara, who allegedly extorted 49 billion rupiah (US\$4.9 million) for his personal use, was prosecuted in December 2004 and received a 10-years prison sentence.⁷⁴ The controversy did not end here. On August 17, 2010, President SBY granted a pardon to Syaukani before he finished his sentence, on the grounds that he was seriously ill and therefore needed intensive care; this generated a public uproar.⁷⁵

Another pitfall of decentralization has to do with the practice of “money politics” (vote buying, bribery, election frauds, and so on) and the heavy financial costs endured by candidates in local elections. Siti Zuhro, a researcher on regional autonomy at the Indonesian Institute of Sciences (LIPI), observed that between 2005 and 2008, there

⁷⁰ Larry Diamond and Svetlana Tsalik (1999). “Size and Democracy: the Case for Decentralization”. In Larry Diamond. *Developing Democracy: Toward Consolidation*. Baltimore and London: The Johns Hopkins University Press, pp. 120-122.

⁷¹ UU No. 32 tahun 2004 tentang Pemerintahan Daerah.

⁷² Hafid Abbas. (n.d.). *Decentralization and Local Elites' Role in Promotion of Human Rights*, available at www.unimelb.edu.au (accessed on August 16, 2010).

⁷³ Larry Diamond and Svetlana Tsalik (1999), op cit., p. 133.

⁷⁴ Susana Rita and Ambrosius Harto (2010). “Otonomi Daerah Kalimantan Timur: Korupsi, Potret Buram Birokrasi”. *Kompas*, July 27.

⁷⁵ *Kompas*, August 21, 2010, “Presiden Tak Ikut Campur Tangan”.

were 484 local elections, and between January and July 2010 alone there were 244 local elections at provincial as well as district/municipal levels. It was estimated that a candidate needs to generate at least 20 billion rupiah (US\$2 million) for a governor position and about 5 billion rupiah (US\$500,000) for a district/municipality head position to support their campaign, including costs for advertorials, public rallies, vote buying or even bribes.⁷⁶ Such a heavy financial burden has tended to encourage corruption by the elected candidate, not only to repay his or her electoral expenses, but also to build a network of support to secure his or her position. All in all, Zuhro concluded that local elections have generated a drawback in which local leaders tend to be preoccupied with rhetoric and sometime unrealistic election promises, have a tendency to commit corruption to repay their debts and secure positions, and a tendency to use illegal means (vote buying, bribery, and fraudulence) to win their political positions.⁷⁷

Until recently, religious extremism and other uncivil elements in society that strongly oppose democracy have been considered as a major threat to democracy in Indonesia. Transition theorists believe that for a democracy to be consolidated there must be a strong commitment from both the elite and the mass to regard democracy—including its corresponding laws, institutions and procedures—as the “only game in town”, the only realistically viable framework for governing and advancing the nation’s various interests.⁷⁸ Any rejection of the legitimacy of the democratic system—what Linz called the manifestation of “disloyalty”—will result in fragility, instability, and non-consolidation, or “de-consolidation”. An infant democracy might not be able to withstand the instability caused by organizations or movements that resort to force, fraud, violence, or other illegal means to acquire power or influence government policies. In a consolidated democracy, extremists who have no tolerance towards others are typically relegated to the society’s fringes, where their ability to influence and gain input in mainstream processes is severely limited.⁷⁹ As Diamond stated, “Any democracy will have its share of cranks, extremists, and rejectionists on the margins of political (and social) life. If democracy is to be consolidated, however, these anti-democrats must be truly marginal. In other words, there must be no ‘politically significant’ anti-system (disloyal) parties or organizations.”⁸⁰

In Indonesia, evidence of Linz-style “disloyalty” has come from religious extremist groups and ethno-nationalist organizations established in the 1990s against the backdrop of growing religious and ethnic tensions throughout the country. Although many

⁷⁶ Siti Zuhro (2010). “Rapor Merah Pilkada”, *Kompas* July 26.

⁷⁷ Ibid.

⁷⁸ Juan J. Linz and Alfred Stepan. (1996). *Problems of Democratic Transition and Consolidation: Southern Europe, South America and Post-Communist Europe*, Baltimore: The Johns Hopkins University Press, p. 5.

⁷⁹ Juan Linz. (1978). *The Breakdown of Democratic Regimes: Crisis, Breakdown, and Reequilibration*. (Baltimore: The Johns Hopkins University Press), pp. 28-38.

⁸⁰ Larry Diamond. (1999), op cit., p. 67.

extreme Islamic organizations were formed after the collapse of Suharto's government in 1998, it was during the 1990s when religious extremism started to grow. The rise of Islamic extremism at that time can be linked to three factors. First was the ethno-religious conflict taking place in the former Yugoslavia and the Maluku islands, one of the bloodiest religious conflicts of the post-Cold War era. Feelings of solidarity among Indonesians towards their Muslim brothers quickly turned into anti-Christian sentiment as manifested in the formation of groups such as *Front Pembela Islam* (Islamic Defenders' Front/FPI), who were involved in several attacks on churches, NGOs, and business establishments considered guilty of committing blasphemy, and the *Lasjkar Jihad* (holy war troops), who defended Muslims in their conflict against Christians in Maluku. Second, a sense of "majoritarianism" among Muslim leaders came to the fore. As a majority, Indonesian Muslims believed that they deserved more say in political and economic arenas. A moderate version of this sentiment was manifested in the formation of the ICMI (Association of Indonesian Muslim Intellectuals) to promote Muslim control in social, economic and political spheres. The radical version of this precept was indeed the formation of *Hizbut Tahrir* Indonesia (Indonesian Liberation Party/HTI), who actively campaigned for the formation of a *Daulah Islamiyah* (Islamic state) in Indonesia and strongly denounced democracy.⁸¹ Third, the global war on terrorism targeting Islamic extreme groups have urged Indonesian extreme Islamists to form splinter groups, most notably the *Jama'ah Islamiyah*, who were responsible for various bomb attacks between 2000 and 2009. These groups share a strong intention to replace democracy with Islam's orthodoxy.

Ethnicity has also become an increasingly sensitive issue in Indonesia since the 1990s. The notorious transmigration policy introduced (by the government) during the early 1960s took its toll in the 1990s and recurred in 2002 when bloody conflicts in West and Central Kalimantan broke out between the indigenous Dayak and migrant Madurese, leaving hundreds dead or wounded, and thousands homeless. Anti-Madurese sentiment among indigenous Dayaks has increased over the past decade on the back of a growing sense of marginalization among the Dayaks. Although Madurese migrants constitute only seven percent of the total population in Central Kalimantan, they dominate key jobs in mining, logging, small business and transport. The first generation of Madurese migrants came to Kalimantan during the early 1960s as part of the government's transmigration policy. Their numbers increased significantly during the second influx in the 1970s and 1980s. Some Madurese became successful entrepreneurs running timber companies, petrol stations, hotels, retail shops, marine and land transport companies. However, Madurese prosperity often came at the expense of the indigenous

⁸¹ Bob S. Hadiwinata (2009). "From Heroes to Trouble Makers: Civil Society and Democratization in Indonesia". In Marco Buente and Andreas Ufen (eds.). *Democracy in Post-Suharto Indonesia*. London: Routledge, pp. 353-356.

Dayaks, who were forced to settle in rural areas.⁸² Indicative of how Jakarta's forced migration policy resulted in the redistribution of its own citizens, is how by 2001, when the city of Sampit became the flashpoint of regional ethnic strife, the Madurese constituted 60 percent of the total population.

Ethnic awareness in itself may not be a sufficient factor to incite ethnic violence. But when such awareness becomes entangled with political ambitions among local leaders in competition for power, or embroiled in debates over issues of socio-economic advancement of competing ethnicities, bloody ethnic conflicts often disturb the democratic consolidation process. American political scientist Jack Snyder warned that in many new democracies, the ambitions of chauvinist politicians and others with the power to influence can lead them to promote ethnic hatred as a national cause, enabling them to hijack political discourse and future leaderships, together with the transition to democracy, irrespective of the type or degree of ethnic violence that results, as happened in the former Yugoslavia and post-communist Russia, as well as Rwanda and Burundi.⁸³ In Central Kalimantan, Usop (a recalcitrant local elite) stood as the PDIP (Indonesian Democratic Party of Justice) candidate in the January 2000 election for a provincial governor, competing against Asmawi Agani of Golkar. Although Usop eventually lost the contest, his anti-Madurese rhetoric was welcomed by the Dayaks who felt marginalized.⁸⁴ The anti-Madurese bashing conducted by a Dayak leader in the local election signified the "ethnification of local politics", whereby attempts to revive pre-colonial ethnic identities in fostering support for claims by indigenous groups for control of local resources are made.⁸⁵ Such a practice had incited the bloodiest ethnic conflict in Indonesian history. Given that Indonesia is a pluralist society with dozens of different ethnic groups spread across the archipelago, the incident in Kalimantan has indeed sent a strong message of a possible breakout of ethnic violence that may generate a catastrophe for the country's democracy.

Despite these signs of despair, it appears that under the euphoria of global democratization and the persistent role of international agencies in observing the democratic transition, Indonesia can maintain its way toward a consolidated democracy during its second attempt at democracy. There is a strong reason to believe that although this

⁸² International Crisis Group (ICG). (2002), *Communal Violence in Indonesia: Lesson from Kalimantan*, Jakarta and Brussels: ICG Asia Report No.18, pp. 14-15.

⁸³ Jack Snyder. (2000). *From Voting to Violence: Democratization and Nationalist Conflict*, New York: W.W. Norton & Company.

⁸⁴ Usop was cheered as a "local hero" by Dayaks upon his return from Jakarta where he had faced interrogation by the National Police Office concerning his possible involvement in the massacre of ethnic Madurese. See ICG. (2002). *Communal Violence in Indonesia...*, op cit., p. 6.

⁸⁵ Michael Jacobsen. (2002). *Nation-making and the Politicization of Ethnicity in Post-Suharto Indonesia*, Hong Kong: Working Paper Series No. 26, Southeast Asia Research Centre, The City University of Hong Kong.

country is facing continuous challenges that may put the democratic process into a relapse, the entrenched belief in democracy of the majority of Indonesian elites and the population will certainly help the country to sustain democracy as “the only game in town”.

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The Future of Democracy in Malaysia

James Chin

Malaysia has long been regarded as a successful multi-ethnic and multi-religious country. Since the 1969 racial riots in downtown Kuala Lumpur, the capital city, the country has enjoyed peace and strong economic growth. In fact, Malaysia and Singapore are the only two countries in the region to have enjoyed uninterrupted civilian rule since independence. The other record the country likes to tell the world about is that it has held elections on a regular basis since independence.

On the surface, Malaysia would make a wonderful model for democracy in a plural society. This is in stark contrast to many countries around the world where ethnic and religious conflicts have led to civil wars and failed states.

Yet to describe Malaysia as a democracy would be a fallacy. While the country has all the institutions of a democracy, such as a functioning parliament, a judiciary, an executive, a professional civil service, security forces under civilian control, etc., scratch below the surface and you will find that Malaysia is far from being a functioning democracy as widely understood by the international community. Malaysia is best considered as a “semi-democracy”¹ or an “electoral one party state”.²

FREE BUT UNFAIR ELECTIONS

While elections in Malaysia are held regularly, once every four or five years, these elections are, at best, a referendum on the policies of the government. They are not designed to change the government. The ruling Barisan Nasional (BN or National Front) has won every election since independence in 1957. In fact, it has been so successful that it has been able to win more than two-thirds of the seats in parliament until the 2008 general elections (GE). The two-thirds majority allows BN to alter the Federal

¹ Case, Willaim F., 1993, “Semi-Democracy in Malaysia: Withstanding the Pressures of Regime Change”, *Pacific Affairs* 66, No.2, Summer, pp. 183-205.

² Chin-Huat Wong, James Chin and Norani Othman, “Malaysia – towards a topology of an electoral one-party state”, *Democratization*, Vol. 17, No. 5, October 2010, pp. 918–94.

Constitution at will and this is exactly what has happened. Since independence, the Malaysian Constitution has been amended, on average, twice a year.

The conduct of elections itself leaves much to be desired. The civil service and the rest of the government machinery are partial to the BN during the elections. This is done openly. Ministers campaign openly under the guise of “government business”. The mass media, all controlled by associates of the BN, give scant and negative coverage to the opposition. During the long reign of Mahathir Mohammad, the state-run radio and television station, Radio Television Malaysia (RTM), was mocked by the opposition as “Radio Television Mahathir”.

Worse, the Election Commission (EC) is openly biased towards the BN. Several studies have shown conclusively that the EC abets the BN when it comes to the delineation of constituency boundaries and gerrymandering. There are rural seats with less than ten thousand voters each while urban electorates usually have more than ten thousand voters each. This only makes sense when you realise that the BN usually wins in the rural areas while the urban areas are opposition strongholds. There are also persistent reports of “phantom” voters on the rolls in constituencies where the BN are weak.

WEAK INSTITUTIONS, DOMINANT EXECUTIVE

While elections are not free nor fair, another weak point is the weak institutions. Given that the nation has never seen any other governments other than a BN government, key institutions such as the security forces, police, judiciary, parliament and the civil service are all imbedded with BN supporters. In the states where the opposition rules, it is not uncommon for the civil service to sabotage the work of the opposition state governments.

In some cases, the ordinary people cannot distinguish between the government and the political party in power. Many senior ministers were once members of the civil service. When the United Malays National Organisation (UMNO), the dominant party in the BN, was established in 1946, most of its leaders were civil servants. More than half of the present UMNO MPs had served in the civil service previously.

With the line blurred between the government of the day and BN/UMNO, the standing joke in Malaysia is that key cabinet issues are discussed at UMNO Supreme Council meetings before they are formally “endorsed” at the cabinet level. Given that half of the cabinet comprises UMNO members, there is some truth to the anecdote.

The dominance of the executive is so pervasive that parliament is often used to justify executive decisions. Malaysia has a bi-cameral parliament, a tradition inherited from the British colonial legacy, with a lower house, the *Dewan Rakyat*, and an upper house, the *Dewan Negara*. Members of the *Dewan Rakyat* are elected in single-member constituencies while members of the *Dewan Negara* are selected by both the state and federal governments. The speaker of both houses do not even pretend to be

neutral, often ruling against members of the opposition. Although a committee system exists, it is so dominated by the ruling BN that it never really investigates anything of real substance. It is not uncommon for the BN to rush through several bills in a day. In the past, opposition members complained that they were expected to debate bills that were received on the same day. The importance of parliament is reflected in the way ministers treat parliament. More often than not, ministers do not bother to show up to answer questions, leaving them to parliamentary secretaries instead.

Since the March 2008 GE, parliament has played a bigger role given the larger contingent of opposition party MPs. Ministers are also more careful about their presence given that the government no longer has the luxury of a large majority. However, the problem of the executive dominating parliament and the speaker being biased against the opposition MPs still exists.

ETHNIC AND RELIGIOUS TENSIONS

The biggest barrier to democracy in Malaysia remains ethnic and religious tensions between the Malays and non-Malays. These tensions broke out into racial riots in Kuala Lumpur in 1969. The official explanation goes like this: the ordinary Malays were frustrated that the Chinese controlled the economy and were worried that the Chinese would take over politically as well in the near future.³ The reaction from the government was swift: the federal constitution was suspended and the entire nation came under the control of the National Operations Council (NOC). When parliament was restored a year later, the NOC, under the control of Tun Razak, who became Malaysia's second PM, ensured that slates of new laws were passed. Among them were amendments made to the Sedition Act which made questioning Malay "special rights" found in Article 153 of the Constitution, citizenship for non-Malays, Bahasa Melayu as the national language, the powers and status of the sultans and other political issues a seditious act. The incredible thing about this amendment was that it also prohibited parliament from raising these "sensitive" issues as well. In other words, there was no avenue, not even parliament, to revisit these issues in the future.

The most important public policy that came out of the NOC was the New Economic Policy (NEP), an affirmative action policy to uplift the Malay community, officially termed the *bumiputera*.⁴ As mentioned above, the official explanation for the 1969 riots was economic disparity between the Malays and non-Malays. The NEP thus had two main aims: "poverty eradication regardless of race" and "restructuring society to

³ Majlis Gerakan Negara (Malaysia). The May 13 tragedy: a report (Kuala Lumpur: the National Operations Council. 1969).

⁴ In this article the terms "Malay" and "bumiputera" mean the same thing. Strictly speaking, bumiputera includes the indigenous peoples of Sarawak and Sabah. However, in the normal usage of bumiputera in contemporary Malaysia, they refer to the Malay community.

eliminate the identification of race with economic function". In theory, if these two aims were met, the reduction in inter-ethnic resentment due to socio-economic disparities would enable national unity to be achieved. At face value, this was the right policy given the desperate situation in the aftermath of the most serious ethnic conflict the nation had ever encountered.

In reality, however, at the operational level the NEP became all about quotas and subsidies to the Malay community. Quotas were set for all socio-economic activities, with 30 percent being the minimum. Private companies wishing to list on the stock exchange had to set aside 30 percent of initial public offering (IPO) to bumiputera investors and were required to maintain it even after it was listed. Big foreign investors who wanted to invest in Malaysia or apply for a license were required to have bumiputera partners who were "recommended" by the Ministry of International Trade and Industry (MITI). Government-linked companies (GLCs) were also required to give preference to bumiputera businessmen. Under the Industrial Coordination Act (ICA), large companies were required to have senior bumiputera executives and at least 30 percent of their employees had to be bumiputera.

University intake was another area of the NEP. Quotas were set for the entry of non-Malays. Officially there was supposed to be a ratio of 55:45 bumiputera to non-bumiputera students for intake into public universities. However, the overzealous approach meant that it was more like 70:30. More than 90 percent of government scholarships were awarded to bumiputera. A bumiputera-only university, Universiti Teknologi MARA, was established.

In short, the affirmative action taken by the government began to feel like racial discrimination to the non-Malays. Many Chinese felt like second-class citizens. Rather than promoting unity as envisaged by the original framers of the NEP, the NEP in reality became the main policy to divide the ethnic groups.

Although freedom of religion is guaranteed in the Constitution, it also says in the Constitution that a Malay is a Muslim, and that Islam is the religion of the Federation. Proselytizing to a Muslim is a crime while there are no prohibitions the other way. Since the Malays are the majority and UMNO represents the Malays and Islam, the non-Malays who are mostly non-Muslims feel that the state discriminates against the non-Islamic religions. There is a government department, JAKIM, devoted exclusively to the development of Islam and almost all mosques and imans are paid for by the state. The non-Islamic religions receive grants from the government, and even then, the amount is paltry. For example, the government spent RM428 million to build 611 mosques between 2000 and 2008 while it spent RM3.93mil for kuils, RM3.16mil for temples and RM1.6mil for churches.⁵

⁵ "Parliament: RM428m to build mosques", *The Star*, July 3, 2008.

The rise of Islam in Malaysia has also meant that a significant portion of the Muslim population (currently the Muslim population in Malaysia is about 57 percent) believes that Malaysia should be an Islamic state, *Negara Islam*. In fact, Mahathir announced that Malaysia was an Islamic state, although he was careful enough not to amend the Constitution to formalise it. Since then, all prime ministers have repeated Mahathir's assertion that Malaysia is a *Negara Islam* because the majority of the population is Muslim and because the government pursues Islamic policies.

In sum, there is a clear divide between the Malays and the non-Malays in contemporary Malaysia. Government policies and the bias towards Islam have caused the non-Malays to feel that they are second-class citizens. This ethnic and religious divide makes it harder to promote democracy.

WEAK OPPOSITION AND CIVIL SOCIETY

For the first five decades of independence, the opposition was weakened by its inability to work across ethnic lines. The two main opposition parties are the Democratic Action Party (DAP) and the Parti Islam Malaysia (PAS). DAP catered for the Chinese and Indians, and PAS, as the name suggests, seeks to represent the Malay Muslims. DAP stood for a secular, multi-cultural state while PAS stood for the creation of an Islamic state. Because of this, these two main opposition parties could not work together, thus allowing the BN, a coalition of 14 parties dominated by UMNO and using a common symbol, to win votes across ethnic lines.

This pattern was broken somewhat after 2004 when Anwar Ibrahim was released from prison and managed to create an alliance comprising his Parti Keadilan Rakyat (PKR or Peoples' Justice Party), DAP and PAS. Anwar's PKR was a multi-racial party, allowing him to stand in the middle between DAP and PAS. His charisma, strong international support and standing as a former deputy PM gave Anwar the political weight to lead the alliance, Pakatan Rakyat (PR or Peoples Alliance). Buoyed by their success, in December 2009, the three parties agreed to come together on a common political platform. The common framework sets out in detail what the PR government would do if it comes to power at the federal level. The emphasis was social justice and there was no mention of the Islamic state. Nevertheless, it is clear that the Islamic state issue remains the core divide between DAP/PKR and PAS. DAP/PKR remains committed to a secular state while PAS is still committed to the eventual establishment of an Islamic state.

In contrast with Indonesia or the Philippines, civil society in Malaysia is weak by comparison. Like the wider society, NGOs in Malaysia are also divided by race and religion. There are few NGOs that cross the ethnic and religious barrier and more often than not, these NGOs are small in number and are led by English-educated middle-class Malaysians. They do not reach out to the majority Malay population. NGOs which reach out to this group tend to be Islamic in orientation and/or focus on Malay issues.

Many of these Islamic groups reject western standards of democracy and look towards Iran as the model for an Islamic state.

NGOs become politically powerful once they work in concert with the major political parties. For example, BERSIH, an NGO working on reform of the electoral system, was able to organise a huge rally after it gained the support of the opposition parties such as PAS and DAP.

THE BRIGHT SPARK: THE INTERNET AND YOUNG VOTERS

Although the mainstream media is tightly controlled, the internet is largely free from government censors and control. This came about not because the BN regime believes in a free flow of information. In the 1980s, one of Mahathir's mega-projects was a cyber-corridor, supposedly on par with silicon valley. He named this corridor MSC (Multimedia Super Corridor) and invited the world's top IT companies to invest in it. They told him that on top of the usual financial incentives, they wanted a bill of guarantee that there would be freedom of movement for knowledge workers and that the government would not censor or control the flow of information across the internet. Mahathir accepted the terms without realising that this would also mean that the regime would be unable to censor what was uploaded to the internet. In 1998, *Malaysiakini.com*, an internet news portal, was established to provide news that the mainstream media would not report.⁶ While the mainstream media requires an annual licence to operate, no such licence exists in cyberspace given the MSC's bill of guarantee. *Malaysiakini* has been so successful in providing news that they get harassed regularly by the police. The opposition parties will readily admit that *Malaysiakini* plays a key role in helping them to get the message out.

The persuasive powers of the internet are also reflected in the political blogs. Political blogs such as *Malaysia-Today* play such an important role in exposing high-level maladministration and corruption that the bloggers are considered more trustworthy than newspapers. *Malaysia-Today* and its owner, Raja Petra, are so influential in politics that his writings often elicit an immediate response from the authorities. Raja Petra Kamarudin, or RPK as he is widely known, is now in exile in the UK, after the BN government went after him when he accused Najib, the current prime minister, and his wife, Rosmah, of involvement in the murder of a Mongolian girl to cover up high-level kickbacks from the purchase of second-hand French submarines. Bloggers such as RPK have thousands of loyal followers who faithfully reproduce their postings in other blogs. Some even translate their writings into Bahasa Melayu so that it will reach the Malay masses.

⁶ James Chin, "MalaysiaKini.com and its Impact on Journalism and Politics in Malaysia", in K.C. Ho, Randy Kliver, and C.C. Yang (eds), *Asia.com: Asia Encounters the Internet*, (London: RoutledgeCurzon, 2003), pp. 129-142.

Since the 2008 GE, the number of internet news portals such as *Malaysiakini* have proliferated. Sites such as *Malaysian Insider* and *Free Malaysia Today* are extremely popular with those interested in current affairs. These sites regularly expose corruption and infighting within the BN. They also report in detail high-level shenanigans in the government.

Taken as a whole, the internet has really levelled the field as far as the flow of information is concerned. Although the government still controls the mainstream media and all the television (including cable TV) and radio services, they are losing ground every day as the younger generation turn to online news. The overt bias in reporting by mainstream media has also led to an exodus of older people from newspapers to online news.

The other bright spark is the voting pattern of new voters, numbering about five to six million. Studies have shown clearly that young (under 30) and first time voters favour the opposition. Many of these voters are disenchanted with the racist statements and religious bigotry coming from the ruling BN. They are exposed to a wide array of news and opinion through the internet. Many are unhappy that high-level corruption remains a key problem and would like to see a change of government.⁷ The problem is that voting is not compulsory and many eligible voters, in fact, do not bother to register to vote.

THE PERFECT STORM IN 2008

In the March 2008 GE, the opposition under Anwar was able to deny the BN its usual two-thirds majority at the federal level. In addition, the opposition managed to win five states, including the two most economically advanced states—Penang and Selangor. This was regarded as a watershed moment in Malaysian politics. Many now think that the opposition under Anwar will be able to defeat the BN in the next GE, due by 2013 but likely to be held much earlier. Unfortunately this optimism may be misplaced. The heavy losses suffered by the BN in the 2008 GE were due to a “perfect storm”—a confluence of factors that is unlikely to come around again. These factors include the failure of the Abdullah administration to keep to its core promises made in the 2004 GE, issues with the Indian community, rise of NGOs, corruption at the highest level and Mahathir’s open attacks on Badawi.⁸ It is highly unlikely that we will see another perfect storm in the next GE.

Najib Tun Razak, Badawi’s successor, has shown himself to be much more politically astute than his predecessor. His slogan “1Malaysia” and promises of real economic reforms under his New Economic Model (NEM) appear to have restored

⁷ “BN Youth to tackle ‘young and restless’”, *Malaysiakini*, July 25, 2010.

⁸ James Chin and Wong Chin Huat, “Malaysia’s Electoral Upheaval”, *Journal of Democracy*, Volume 20, Number 3, July 2009 pp. 71-85.

some support to the BN coalition. In the short run Najib will be able to out-fox Anwar and the opposition.

Anwar, meanwhile, is facing another politically-motivated charge of sodomy. Dubbed by some as Sodomy II, there is a real possibility that he will be sent back to prison if found guilty. Anwar's international support, especially among the Americans, appears to be weakening as well.⁹ If Anwar is found guilty and goes to jail, it may aid the opposition if there is a poll but his absence will be a huge blow to the ability of the opposition to give Najib real competition. Anwar is still very much the glue holding the opposition together and it will be much harder for DAP and PAS to work together without Anwar's presence.

CONCLUSION AND PROSPECTS

In summary, there is a serious democracy deficit in Malaysia, caused by a mixture of factors outlined above: weak institutions corrupted by the ruling BN since independence, breakdown in ethnic relations and state-sanctioned ethnic discrimination, religious tensions, and weak opposition and civil society. The reality is that the governing BN does not trust democracy and will not embrace full democracy. In fact the ruling elite fears democracy. This fear is basically centred on two grounds.

First, embracing democracy will probably mean the destruction of BN, especially UMNO. The party has been in power since independence and the cupboard is full of political skeletons. Moreover, the system has enriched the UMNO elites and their associates. These people are extremely wealthy because of the NEP and will hinder any attempts to reform the system. In fact, groups such as Perkasa have openly said there will be a racial war if the "special rights" are removed. Groups such as Perkasa do not work in isolation and are openly racist towards the non-Malays. Their ideology of *Ketuanan Melayu* (Malay Supremacy) has some support from the Malay community after nearly four decades of affirmative action. Second, there is real fear among the ruling elite that full democracy is not possible in a multi-ethnic and multi-religious setting. Without a strong executive, they worry that ethnic and religious tensions may lead to another "513" (the May 13, 1969 racial riots). Some worry that with democracy, they cannot uphold the *Ketuanan Melayu* ideology and that Malays would lose their "special rights" and its economic benefits.

For democracy to take root in Malaysia, the first step is obviously the downfall of the BN government. Without a change of government, it will be impossible to bring about real reforms. Many observers have high hopes that the next GE, most probably

⁹ Despite high expectations, President Obama did not raise the Anwar prosecution issue during his first meeting with Najib in Washington on April 13, 2010. The State Department under Hillary Clinton has not issued any official statements regarding Anwar's trial. This is in stark contrast to the first sodomy trial when the US issued official statements and high-level officials took up the issue with Malaysian authorities.

held by early next year, will see the opposition PR coalition take power and Anwar become the prime minister. Many are of the view that this will strengthen democracy in Malaysia. This, however, is, in my opinion, a too optimistic view of the situation.

While there is no doubt that an opposition victory will lead to more democratic space, for example, giving more space to the media and restoring some level of accountability in public institutions, there is no reason to think that it will be able to overcome the ethnic and religious tensions accumulated since independence. It will take at least one generation for the non-Malays to feel that they are not being treated as second-class citizens in their land of birth. It will also take one generation for the PR to restore the key institutions and separate the institutions from a ruling party.

Moreover, there are *Ketuanan Melayu* believers on the opposition side as well. Many Malays in the opposition will not accept a non-Malay prime minister. Many will also not accept getting rid of the NEP, although they are in favour of affirmative action based on needs rather than race.

The biggest threat to democracy in the long term, however, remains the establishment of an Islamic state and the rise of Islamic fundamentalism. Although the number of Islamic extremists in Malaysia is very small, they are highly organised and have very clear aims. The Islamic state supported by these fundamentalists are modelled on Iran and Saudi Arabia, hardly beacons for democracy. The key to their success will be their influence in the two major Malay parties—UMNO and PAS. At present, their influence is minimal; however, this could easily change overnight.

Malaysia missed out on the *Third Wave Democracy* in the 1970s through to the 1990s. The regime has been able to sustain itself through the clever manipulation of ethnic and religious tensions while the economy grew, allowing the regime to gain a level of legitimacy among the polity. There is no reason to think that the regime is not capable of using new tricks in the coming decade. Real democracy cannot take root in Malaysia until the first step of changing the government is taken. Unlike other one-party states, Malaysia's BN has shown itself to be extremely resourceful and willing to do anything to stay in power. Although it is not capable of embracing democracy, the regime is capable of bringing in enough reforms or cosmetic reforms to allow it to stay in power. In the final analysis, BN will probably be defeated (like the KMT in Taiwan) once the young voters become the majority in the next decade.

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Democratic Deficits in the Philippines

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In the 1960s, the Philippines was second to none except Japan. Five decades later, the Philippines finds itself at the bottom of every list measuring the quality of life and various human development indicators. The only lists in which the Philippines ranks among the top is the list of countries perceived to be the most corrupt and the list of countries most hit by disasters.

Why are we where we are now? What has happened to the promise of democracy that political and economic freedoms will lead to the good life? What happened to the promises of our elected representatives that they are going to represent our best interests? What happened to the political party members who sought our votes but who later on changed their political colours? What happened to the promise of the rule of law? Of predictability of outcomes? Of the value of hard work? Of integrity?

Why are we now the Sick Man of Asia?

The purpose of this study is to identify the areas where democracy has failed us. We call this phenomenon the *democratic deficits in our liberal democracy*. They are deficits in governance. They are deficits in transparency, accountability and predictability. They are deficits in representation. They are deficits in the high number of Filipinos who are not able to obtain education and who are not given an opportunity to improve their lot. They are deficits in the economy, which exports a lot but does not produce employment. They are deficits in the way we treat our minority communities. They are deficits in the relationship between the local government and the national government. They are deficits in the way we degrade our environment, paying little attention to the next generation. Finally, they are deficits in the way health, food, water, shelter and the many other fundamentals of living are neither provided for nor are the opportunities to reach them given. These are the many, many deficits of our democracy.

We shall describe the basic features of those deficits, enumerate the major challenges, and outline what is to be done, culled from previous studies, including our own recommendations, which we think will reduce, if not totally abolish, our democratic deficits. While these deficits are presented as segments, they are interrelated and are linked to each other. In the end, what is crucial in overcoming these *democratic deficits*

is strong political leadership from the top among the three branches of government, and collective political will and commitment that can be harnessed from the citizenry.

The democratic deficits and our recommendations in the area of **Democratic Institutions** are the following:

Political Parties/Electoral Reform. Lack of accountability and responsibility and political turncoatism are democratic deficits that can be addressed in the short to medium term by linking the political life of party members with party membership so that their advancement in politics must rely on the decisions made by their party leaders. Political parties must be required to have clear ways by which they finance their campaign and other activities, and where government financing is absent, the support for the candidate forthcoming from the political party should be clear.

Clear rules of accounting and auditing of party funds within a party must be instituted so that no one person dictates who will get what and how much. The Political Party Reform Bill must be passed into law for better accounting, matching government support for recognized and registered political parties, and limiting election expenses. The election campaign period must be radically shortened to 60 days for the national positions and 30 days for the local positions.

There is a need to reform the party list system in the Philippines along the German way, which is a two-vote system for an individual party candidate and a political party. This will reflect the real intent of giving representation to the marginalized sectors of our society. There is a need to change the system of government from the presidential form to a parliamentary one, which is expected to bring about many changes in the party system because the party or a coalition of parties obtaining the highest number of votes in the legislature gets to form the government of the day; by shifting to a parliamentary system, we will be able to overcome the many complications present in a presidential form of government, compel party loyalty, reduce the campaign period and even reform campaign financing, where the government shares in the campaign finance as a proportion of the votes received by the political party in the previous election.

Political Dynasties. Levelling the playing field is required to address this democratic deficit. Reform of campaign finance must be carried out by re-allocating resources and giving opportunities to less financially endowed but capable candidates to enter the political arena. Reform of the political party must be undertaken in order to change the election campaign period, the procedure for vetting of candidates, the manner of electing through the two-ballot system and others which are all designed not to favour incumbents who have access to and indiscriminately use public resources. There is a need to pass more strict laws sanctioning corruption and misuse of public resources.

Rule of Law and Justice Reform. The Philippines faces many challenges to the rule of law and its justice system. Reforms and other measures dealing with deficits in the justice system must be undertaken for the entire justice sector, which will require

cooperation among the three branches of government. Reform efforts must cover all areas of governance within the sector while paying special attention to access to justice by the poor and disadvantaged.

In enhancing rationalized and coordinated law enforcement, there is a need to: (a) decriminalize certain offenses under the Revised Penal Code and special laws and codify criminal law; (b) design and adopt an integrated criminal justice information system and develop crime classification and crime indicators; (c) adopt a holistic approach to the improvement of the crime investigation system of the police; and (d) remove duplication, overlapping, proliferation and fragmentation of law enforcement functions, reintegrate police functions, and remove institutionalized politicization of the police.

In strengthening the prosecution agencies and re-engineering the public defence system, there is a need to establish the independence of crime investigation and prosecution agencies together with a meaningful operationalization of judicial autonomy, as well as undertake a detailed review and re-engineering of the entire public defence system to improve its capacity to provide services, improve access and efficiency, and strengthen its independence. Efforts must be undertaken to re-engineer the institutional framework of the corrections system, devolve delivery while maintaining strong oversight, and amend the Probation Law to expand its coverage. The laws of the land must be popularized towards better community capacity to demand justice remedies and improve community contribution in providing justice remedies.

There is a need to provide greater access to justice by the poor and disadvantaged through the following: (a) formation of a joint committee of the Supreme Court, the executive branch, IBP and alternative law organizations to coordinate the various legal aid providers in the country; (b) provide regular training for the members of the *Lupong Tagapamayapa*, or peace council, and strengthen the coordination between the Department of Interior and Local Government and the Department of Justice in order to enhance the Barangay Justice System with the possibility of including respected members or elders from the community in the peace council; (c) improve the services of the Court Annexed Mediation (CAM) and Judicial Dispute Resolution (JDR) as components of the Alternative Dispute Resolution (ADR) mechanisms being pursued by the Supreme Court in the lower courts; coverage may be expanded to include other types of cases that have not yet been included that do not involve physical violence; (d) assess possibilities for mainstreaming customary modes of adjudication in the criminal justice system; and (e) expand the “Justice on Wheels” program of the Supreme Court to address the problem of jail congestion through the disposition of cases involving inmates, including minors.

Continuing judicial education must be improved to enhance judicial competence. Various options to enhance judicial independence and fiscal autonomy must be studied. Complaints mechanisms and enhanced record-keeping systems for improved judicial

transparency and accountability must be designed. A comprehensive study of the implications of the power of judicial review must be conducted.

There is a need to act on undue delays in the conduct of trials and large backlogs in the handling of cases by: (a) adopting mechanisms for enforcing strict compliance to mandatory continuous trial and pre-trial; (b) reviewing and improving the rules of court; (c) reviewing the jurisdictional structure of the courts; (d) removing duplication and overlap and clearly defining the operational delineation among the pre-trial system, *barangay* justice system and court annexed mediation system; and (e) promoting the use of Alternative Dispute Resolution (ADR) mechanisms in various agencies in the justice sector.

The various challenges in the Shari'a Courts must be addressed by: (a) creating a societal environment that is based on a unified rule of law; (b) strengthening the Shari'a Legal Education System through both academic and continuing education; (c) improving the system for ensuring the qualification and training of Shari'a lawyers and judges; (d) improving the jurisdictional scope and structure of the Shari'a court system and its rules; (e) developing a Shari'a Code of Ethics; (f) formulating a career development program for Shari'a judges; (g) improving case management capacities and operations; and (h) structuring of Shari'a legal fees and charges.

Other measures for overall justice system reform must be carried out: (a) comprehensive review and codification of laws; (b) assess and evaluate the Medium-Term Development Plan for the Criminal Justice System (2007-2010); (c) follow-through of the implementation of the Court Management Information System (CMIS); (d) follow-through of the objectives of the Judicial Reform Network in the 21st Century (JRN21); and (e) follow-through of the recommendations made in the Asia Pacific Judicial Reform (APJR) Forum 1st Roundtable Discussion (RTD) held on March 16 – 17, 2006, in Australia.

Corruption. Corruption and inefficiency are a lethal combination of deficits that is robbing future generations of Filipinos many opportunities for development while benefiting vested interests. A multi-pronged strategy is required in order to address this grave ill of society, which may have already become systemic. In the political arena, there is a need to reform campaign finance and end or prohibit political dynasties. In the government bureaucracy itself, there is a need to target selected “problem” agencies for government reform by enhancing transparency based on the public’s priority concerns, as well as to strengthen the Office of the Ombudsman and study alternative ways of appointing the Ombudsman other than by the President. The proposals of the various presidential aspirants in the May 2010 elections in relation to bureaucratic reform must be considered.

There is a need to strengthen third-party enforcement in order to reduce or check ineligible, political appointments. Efforts must be undertaken to reform the pay incentive system to make it more competitive and reduce temptations for corruption, as well

as strictly adhere to the merit system of promotion and selection of officers, officials, and managers. Opportunities must be opened to enhance civil society and private sector participation by increasing transparency through public oversight and by preventing corruption through collective action. Government employees themselves must be encouraged to be at the forefront of fighting corruption and inefficiency, such as the innovative approach taken by PSLINK, the confederation of public sector unions of Philippine government employees.

In the fiscal area, a major overhaul of the Philippine tax system must be carried out because exemptions given have created windows of opportunity for taxpayers in the higher income bracket to avoid paying taxes. In terms of financial controls, there is a need to minimize technical jargon and simplify the language of the government budget in order to make it more understandable to the people. The bill on the Freedom of Information Act must be passed to pave the way for the full disclosure of all government transactions involving public interest. There is a need to simplify procurement and limit the boundary exchange processes to the frontline levels in order to totally insulate offices mandated to perform review and inspection functions. Budget processes must be reformed in order to achieve discipline, allocative efficiency and operational efficiency.

Legal-judicial reforms must also be implemented. These include undertaking specific procedural or penal reforms such as: (a) imposition of strict penalties; (b) increasing the penalties for certain offenses; (c) termination and resolution of preliminary investigation proceedings within 30 days; (d) warrant of arrest to be accompanied by writ of attachment of property; (e) conduct of speedy trials or fast-tracking of high profile cases; and (f) no issuance of temporary restraining orders except by the Supreme Court. There is a need to carry out substantive reforms such as: (a) enactment of an additional law with whistle-blower protection provisions; (b) amendments of certain provisions of existing laws that provide opportunities for graft, and updating of the archaic or vintage provisions; (c) codification of the fragmented anti-graft laws; and (d) the integration of the anti-graft provisions of the widely scattered special laws. The possibility of merging the Presidential Commission Against Graft and Corruption with the office of the Ombudsman must be studied. The functions of the Inter-Agency Anti-Graft Coordinating Council to harmonize rules and joint activities must be strengthened.

Local Government-National Government Relations. The need for capacity building in the face of various challenges on the ground is a major democratic deficit that can be addressed in the short to medium term by re-evaluating how resources are allocated and institutional strengthening is coordinated. There is a need to re-examine the Internal Revenue Allotment (IRA) formula such that performance measures and poverty indicators should be included in the bases of the allocation. Alternative ways

of raising revenues by local government units (LGUs) must be explored while more efficient ways of collecting local taxes must be adopted.

There is a need to develop an Integrated Master Plan for capacity building and training for local governments at various levels; the Local Government Academy can coordinate all other education and training agencies. There is a need to professionalize the secretariats of the various leagues of *barangay* chairmen, municipal mayors, city mayors, and provincial governors; exchange programs with other countries which have already experienced the enhancement of their leagues may be carried out. There is a need to identify ways to enable local governments to cooperate and collaborate with one another and with other cities in other parts of the world in many aspects of governance, particularly in the areas of disaster management and environmental protection and preservation. There must be efforts to document and replicate best practices in public sector–private sector collaboration in various local government jurisdictions. Lastly, there is a need to develop, enhance and periodically re-evaluate the performance indicators for LGUs.

Armed Forces of the Philippines (AFP)/Philippine National Police (PNP) Reform. The politicization of the AFP has been manifested in the more than a dozen coup attempts that have occurred in the past 24 years. The politicization of the PNP has been brought about by the influence of local government units through financial support and recruitment recommendations.

With these persistent democratic deficits, selected recommendations from the Davide Commission and Feliciano Commission that have not been implemented but remain relevant to our times are presented.

The following key recommendations contained in the Davide Commission report, among others, must be implemented in order to prevent or deal with coup attempts when they happen: (a) administer a justice and rehabilitation program to military participants; (b) strengthen security measures on those under detention; (c) carry out speedy action on appeals over decisions on AFP court-martials; (d) implement a comprehensive program to provide timely rescue and medical assistance to troops wounded in combat; (e) remove or reassign officers of less than 100 percent loyalty from sensitive positions in the military hierarchy, i.e., intelligence, operations, logistics, and training functions; (f) disband organizations not authorized by the military; (g) observe a systematic selection process for the new Chief of Staff that generates the least controversy about the choice; (h) crackdown by the military on some “big fish” corrupt officers; (i) stop unfair and/or humiliating treatment and criticism of military officers by Congress and other public officials, especially those before the Commission on Appointments; (j) conduct speedy and firm disciplinary action and/or prosecution against members of the military involved in human rights violations as well as of civilian law enforcement personnel involved in victimizing military personnel; (k) encourage the purchase or charter by Congress of its own transportation facilities and prohibition on the use

of military equipment and aircraft; (l) provision of sufficient resources and support to the Deputy Ombudsman for the Military; (m) institutionalize necessary improvements in the military in the areas of promotion and assignments, purchasing and auditing, educational benefits abroad, and compulsory attendance at military command schools (similar improvements may be done for the PNP); and (n) work out a system between the president and the Commission on Appointments by which recommendations for promotions for the AFP can be categorized in practice to avoid the exploitation of the confirmation process for political purposes (this may also be applied to the PNP).

The following key recommendations of the Feliciano Commission report must be implemented: (a) liquidate the AFP Retirement and Separation Benefit System (RSBS) in an orderly manner and return the soldiers' contributions; (b) establish an AFP Service and Insurance System; (c) simplify AFP procurement procedures; (d) strike a balance between the commanders' discretionary powers over the centrally managed funds (CMF) and the amount of CMF in GHQ/service HQ hands; (e) strictly implement control measures over supplies; (f) set tenure limits for AFP finance and procurement officers; (e) establish an autonomous Internal Affairs Office (IAO); (f) reinforce the Office of the Ombudsman by increasing funding and other support; (g) implement full computerization of data on soldiers and their dependents to facilitate processing of death benefits and other benefits; (h) provide for increased allocation of funds for the AFP On-Base Housing Program as well as its Off-Base Housing Program; and (i) ensure the strict implementation of the existing criteria for the awarding of government quarters to officers and enlisted personnel in the active service.

To improve the state of AFP medical services, there is a need to: (a) ensure that part of the funding of the AFP Modernization Program should be dedicated to modernize and upgrade medical services; (b) review the geographic distribution of hospitals; and (c) study the scheme of hiring of doctors as doctors and compensating them according to their level of expertise and experience and not according to rank.

For the PNP, the following must be seriously considered: (a) remove negotiable and highly discretionary support from LGUs; (b) reintegrate authority to the PNP Chief to recruit, appoint and promote and discipline the police force without prejudice to an appropriate civilian review system; and (c) remove LGU authority over the internal administration of the police force.

The democratic deficits and our recommendations in the area of **Social and Economic Systems** are the following:

Education System. With a fast-growing population, there is no alternative but to equip our citizenry with the necessary skills and know-how in order to become productive citizens. After all, the investment with the greatest return is investment in human capital.

With the entire world as our workplace, raising the quality of education and addressing the many deficits therein is imperative. There is a need to synchronize the

curricula between and among basic education and higher education sectors in order to produce college-ready and work-ready graduates. There is a need to increase the budget for education to make it on par with other countries (20 percent of the national budget or 4-4.5 percent of the Gross Domestic Product).

Existing budget policies and governance must be changed from budgeting without accountability to outcome-based budgeting; from annual budgeting to multi-year budgeting, allowing for a spending plan that is realistic and can be planned and programmed; from “structure before strategy” to “strategy driving structure”; “focus on standards” not “standard operating procedures”; from “security of tenure” to “merit-based performance evaluation and rewards”; among others.

There is a need to fully implement the Basic Education Sector Reform Agenda (BESRA) with some amendments, including mother tongue-based multi-lingual education in appropriate areas in the Philippines. The Adopt-a-School Program of the Department of Education must be widely promoted among the private sector, focusing on feeding programs and financial assistance, in order to address the problem of poor families not being able to send their children to school. There is a need to seriously consider adding two more years to basic education (one additional year for elementary school and one additional year for high school) or alternatively lengthen the number of school days and school hours, thereby shortening summer vacation. A national master plan must be adopted in order to establish a new typology of Higher Education Institutions (HEIs) and a rational system of national, regional, provincial and municipal/city universities and colleges, and the regulation of the entry of foreign education institutions into the Philippines. The designation of additional universities must be halted and instead the quality of education in existing universities and colleges, including specializations, must be improved.

One selected university department in every academic discipline must be upgraded into an honest-to-goodness world-class national centre of excellence. Entrepreneurship courses must be integrated in all tertiary degree programs to re-orient students from an employment focus to an entrepreneurial mind-set. The quality of teachers must be developed by revising the bachelor’s education—reversing it from two-thirds teaching methodology and one-third content to two-thirds content and one-third methodology. The salaries of public school teachers at the basic education level must be trebled, while those of faculty at state universities must be doubled, provided they meet certain criteria of qualifications and performance.

Health. The Philippines will be hard-pressed to achieve the Millennium Development Goals for Health if present trends and deficits in the health care system continue. Reforms must be carried out in financing the health care system through multiple funds sourcing. National government spending can be financed through borrowing, including re-financing of existing debts, additional tax sources, and re-allocation from non-social service sectors. For local government units, there can be

mandatory increases in the proportion of IRA to be spent for health. PhilHealth support value for identified services in the basic package may be increased.

This can be financed from the present PhilHealth reserves and increasing premiums collection. There is a need to integrate and strengthen health workforce regulatory functions under one body in order to unify standards and regulations of the production, practice, and deployment of the various health professions. The practice laws of the different health professions must be updated and rationalized, premised on health care being a team effort. Health services (basic/secondary/tertiary) must be organized by revisiting the Local Government Code and its implementation, and integrating and organizing government facilities in accordance with the principles of primary health care based on an updated version of the Alma Ata Declaration. Health regulations (including regulation of pharmaceuticals and other health care goods) must be reviewed and strengthened.

Efforts must be made to improve health governance through the Department of Health (DOH) as lead institution in implementing reforms leading to universal health care, improving provincial-level coordination of local health service delivery, establishing autonomous and authoritative hospital authority or hospital boards, and harnessing community participation at all levels of the management cycle. There is a need to manage and organize health information to maximize its value in reforming the health system. It is imperative to increase access to essential public health services including but not limited to family planning, tetanus toxoid immunization, and condom use for the prevention of HIV/AIDS and sexually transmitted diseases (STD).

Related to this, there is a need to improve access to public health commodities including, but not limited to, contraceptives, micronutrient supplements and essential drugs by strengthening sourcing strategies, wholesaling and distribution strategies and retailing strategies. The Health Sector Expenditure Framework must be linked with the medium-term expenditure framework of the rest of the social sector agencies. Finally, there is a need to promote partnerships with civil society and the private sector in order to ensure full-blown implementation of health sector reforms in pursuit of the overall harmonization effort.

Environment. Considered a biodiversity hotspot, the Philippines is facing various threats to its environment. The people's right to a clean and safe environment and other related rights have been undermined by environmental degradation. The country is also at the centre of the adverse effects of climate change. The environmental development goals contained in Philippine Agenda 21 must be pursued. Measures must be taken to build sustainable cities and undertake renewal of rural areas. These include the implementation of Republic Act 9003 or The Ecological Solid Waste Management Act up to the *barangay* level, facilitating exchange of knowledge and experiences with Asia-Pacific Economic Cooperation (APEC) economies in order to build sustainable cities, and prioritizing the following concerns in the rural areas: (a) areas that may be

reserved for small-scale mining; (b) defensive measures in dealing with forest fires; and (c) the impacts and effects of aerial spraying. Clean technology must be promoted while addressing pollution and environmental damage. The provisions of the Clean Air Act must be strictly implemented. Green chemistry and other clean technologies must be promoted through incentive systems. There is a need to protect the rights of indigenous peoples in order to ensure the integrity and capability of ancestral lands that serve as “environmental havens” and “carbon sinks”. A workable criminal and civil liability framework must be put in place that will serve as a deterrent to and facilitate claims for environmental damage.

A host of climate adaptation and disaster mitigation measures are recommended: (a) passage of a comprehensive disaster management bill; (b) geo-hazard mapping of all regions in the country and the implementation of soil stability measures for landslide-vulnerable areas; (c) crafting a National Adaptation Plan for Climate Change; (d) exploring more effective options for financing disaster risk and relieving the burden of disasters from the public sector, including the idea of a catastrophe insurance pool, and/or contingent credit facilities; (e) pursuing the promotion and undertaking the widespread use of renewable energy and promoting energy efficiency to cut carbon dioxide emission; (f) making information campaigns on disaster risk management more systematic and well coordinated in all locational areas concerned; (g) integrating Disaster Risk Reduction concepts in the curricula of both public and private schools; (h) setting up a system for evaluating the utilization and impact of the Local Calamity Fund (LCF) of local government units; (i) strongly enforcing zone regulations, building codes and related laws in support of disaster risk reduction; and (j) implementing disaster mitigation measures recommended by previous studies for countries in similarly situated areas.

Population. Overpopulation and the increasing number of elderly persons are challenges because of the strain on limited resources for health care, housing and other basic services. Overpopulation can be addressed through a combination of population management, outmigration, and reform of the pension system. Population growth may be controlled by lowering the incidence of unplanned pregnancies through the provision of information on reproductive health to the public, and by allowing people to determine their family size by providing them with information on the use of natural and artificial contraceptives. Depopulation may also be achieved by promoting regulated out-migration of families, which is in fact already being done. There is a need to put measures in place in anticipation of the increased ageing population, such as by possibly merging the Government Service Insurance System (GSIS) and the Social Security System (SSS) and instituting a sustainable pension mechanism for an ageing population. There is a need to rationalize the cost of these two programs and provide a common standard of old-age protection to all workers, regardless of sector of employment. The China model may be worth studying in this respect.

Public-Private Sector Partnership. The absence of a strong partnership between the government and the business/private sector as the engine of growth is a deficit that must be addressed if we would like development to trickle down to the grassroots. The government should prioritize the creation of jobs. This will give stability to employment through a sustained rise of output and productivity, which creates an assurance in the people of improving welfare standards in the country. This can be done through the following: (a) expand opportunities in agriculture and tourism to address the unemployment issue; (b) strengthen the poor physical infrastructure of the country; improving the physical environment and the telecommunications sector would help in the quality of product transportation and develop more efficient business transactions; (c) review laws which have been set for the economy, and revise those which seem to be outdated, especially those which deal with tariff and trade, and investments, including investment incentives; (d) properly implement set rules and regulations for the business sector and removing special treatment for a particular set of businessmen or companies; (e) prioritize drafting policies and programs geared toward facilitating the exit of inefficient firms and entry of new ones; (f) push for agricultural and natural resource research and development programs jointly pursued by both the government and the private sector to increase productivity in these two major sectors; and (g) create and maintain a better finance environment for small and medium enterprises (SMEs).

The democratic deficits and our recommendations on **Special Concerns** are the following:

Insurgencies. The Communist insurgency and the Moro issue have derailed development in the rural areas, particularly in areas in Mindanao where these challenges are rife. Measures must be undertaken in various sectors in order to address these democratic deficits. In the political sector, there is a need to: (a) improve on governance and efficiency in delivering social services to the people; proper implementation of rules and programs to render the best service possible; (b) study the pros and cons of federalism—will it be a better solution to the Mindanao issues, or will it exacerbate differences and problems between the central government and local units? (c) revise and strengthen loophole-riddled laws to decrease so-called “structural weaknesses” brought about by an outdated and compromised legal and justice system; this includes constitutional reforms and further definition and clarification of rules of engagement; (d) implement the complete disarmament of warlords and remove private armies from service to political families in Mindanao and across the country; and (e) enhance connections within the government agencies involved in delivering goods and services to the public, and develop an orderly, more efficient system of networks between the government, civil society and the private sector.

In the economic sector, the following may be carried out immediately: (a) deliver food aid; (b) construct core shelters for displaced individuals and families; (c) provide farm and fishery materials and equipment; (d) rehabilitate damaged health and

educational facilities; and (e) develop health programs dedicated to the care of infants and children. The following may be implemented in the short-term: (a) provide educational assistance to out-of-school youth; (b) rehabilitate access tracks, small bridges and irrigation facilities; (c) develop projects for capacity-building for various local institutions; and (d) implement farm and non-farm livelihood projects.

The following may be implemented in the medium-term: (a) draft feasibility studies for agricultural development and agribusiness prospects; and (b) make and strengthen partnerships between the government and the private sector to push for the development of small and large-scale agricultural businesses.

In the social sector, there is a need to: (a) develop inter-faith dialogues as confidence-building measures to further discuss and understand issues which plague both the Muslim and Christian peoples in Mindanao; (b) enhance the Madrasah educational system to cater to the intellectual and social needs of Muslim children; and (c) decrease and eventually abolish the presence of children involved in conflicts by safeguarding their rights to life and education, and providing rehabilitation services for children who have gone through episodes of being involved in conflict areas.

Food Security. The country has experienced food shortages from time to time, which are a manifestation of how fragile our state of food security is in the Philippines. Food production and agricultural productivity programs must be put in place in order to deal with this deficit. Mindanao should be developed as the country's food basket. However, the other traditional areas for food production should not be neglected.

The following may be undertaken immediately: (a) enhance emergency food assistance nutrition interventions and safety nets, and make them more accessible to all; (b) increase smallholder farmer food production; (c) adjust trade and tax policies; (d) manage macroeconomic implications; and (e) provide immediate supply of seeds, fertilizer, feeds, veterinary drugs/services and small pumps to those in need. For the short term, the following may be implemented: (a) study the proposal to transform the National Food Authority into a post-harvest service institution; coupled with the proposal to impose a ceiling on the retail price of rice (for example PhP33.00) instead of on the farm gate price (which is a lot lower) and help farmers to sell rice directly to consumers at that retail price; (b) remove barriers to domestic trade; (c) rehabilitate small-scale irrigation, storage facilities, farm-to-market roads, soil conservation by cash or food for work; (d) reduce post-harvest crop losses and community-based food stocks; and (e) remove constraints to domestic trade in order to link small farmers to markets.

For the medium to long term, the following may be carried out: (a) improve enabling policy framework; (b) stimulate public-private investment in agriculture; (c) ensure secure access to and better management of natural resources, including land, water and biodiversity; (d) invest in agricultural research; (e) improve rural infrastructure; (f) ensure sustained access to competitive, transparent and private sector-led markets for food produce and quality inputs; (g) support development of producer organizations;

(h) strengthen access of smallholders and other food chain actors to financial and risk management instruments; (i) implement genuine agrarian reform programs which do not patronize selected sectors of society; (j) provide farmers in rural communities with better access to equipment, facilities and other agricultural supplies until they achieve self-sufficiency in producing their own crops for their own families; (k) speed up peace-building processes in Mindanao, which will further ensure food security, not only in that particular region, but also for the whole Philippines; (l) secure public sector partnerships with the private sector and NGOs in research in order to help in the promotion of agricultural development; (m) manage population and improve education; (n) strengthen physical infrastructure, i.e., building more quality farm-to-market roads and better irrigation systems; (o) improve on agricultural technology—this includes finding ways to prolong shelf-life of products while not using expensive and harmful fertilizers and pesticides, increasing the nutrient content of products, and optimizing soil usage through alternate cropping; and (p) improve on aquaculture technology—higher yield from the fisheries sector would lower prices for protein-rich fish, which could be used as substitutes for meat and poultry products.

While most of the recommendations presented herein per issue area can actually be carried out by the concerned cabinet secretaries and their respective departments within the next five years, the new leadership needs to focus on certain urgent tasks that correspond to the most critical democratic deficits. We believe that the most urgent tasks for the new leadership in order to lay down the groundwork for economic development are as follows, in the following order of priority:

1. Corruption/Rule of Law and Justice Reform. Good housekeeping should be the first priority for the new leadership, so as to be effective in implementing all other reforms. Achieving respect for the rule of law and undertaking reforms in the justice system are very much closely related to eradicating corruption and inefficiency in the three branches of government.

2. Insurgencies. Peace is a pre-requisite to development. Unless there is peace in the various regions, especially in Mindanao, it is very difficult, if not impossible, to bring development to those areas, and to the country as a whole, where vast potentials for development remain untapped.

3. Public-Private Sector Partnership. Development can only be pursued if there is a sound working relationship between the government and the private sector.

4. Local-National Government Relations. Implementing policies for development and basic services must be carried out consistently at various levels of governance down to the smallest political unit, which is the *barangay*.

5. Political Parties/Electoral Reform. The new leadership must ensure that a reconfiguration of the political party system as well as the pursuit of electoral reform will be carried out to pave the way for principled and party-based leadership, in contrast to the purely personality-based leadership that we have now. Only by dealing with each

of these democratic deficits in a holistic manner do we have any hope of rising above our own failures as a people. Only by ensuring that our democratic institutions are capable and up to par in coping with our democratic deficits can we be assured of an opportunity to reduce or abolish these deficits.

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The Challenges and Prospect of Taiwan's Democracy

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I. INTRODUCTION

Serious discussions have proliferated in recent years over concerns that democracies throughout the world have been experiencing a political recession, rollback or setback in democratic development. The most explicit warning came from Freedom House's 2010 *Freedom in the World* report. The report stated, "for the fourth consecutive year, declines have trumped gains. This represents the longest continuous period of deterioration in the 40-year history of Freedom in the World, Freedom House's annual assessment of the state of political rights and civil liberties in every country in the world", and came with an alarming subtitle "erosion of freedom intensifies". The premise of that article is that in 2009, there were 40 countries where declines in freedom were registered, representing 20% of the world's polities. In 22 of these countries, the problems were so significant as to merit downgrades in the numerical ratings for political rights or civil liberties; and six countries moved downward in their overall status, either from "Free" to "Partly Free" or from "Partly Free" to "Not Free" (Puddington, 2010).

Prevalent signs of democratic erosion or setbacks in freedom were also cited in the report, for example: the violent repression of Iran's Green Movement protesters (Iran), lengthy prison sentences to peaceful dissidents (China), attacks on leading human rights activists (Russia), and continued terrorist and insurgent violence (Pakistan, Afghanistan, Iraq, Somalia, and Yemen). The overall and dominant pattern has been a growing restriction on the fundamental freedoms of expression and association under persistent authoritarian rules, and the failure to continue democratic progress in some of the previously improving countries due to unchecked corruption and weakness in the rule of law (Puddington, 2010).

Along the same line, Larry Diamond, an expert of third wave democratization, penned his concerns in an essay that appeared in *Foreign Affairs* in 2008 about the resurgence of the predatory state and the democracy in distress. In that essay, he actually listed two critical challenges facing some of the new and emerging democracies in

the world today. The first evident failure is democracies' seeming inability to resolve "governance problems"; the second obvious failure is democracies' inability to meet citizens' "expectations for freedom, justice, a better life, and fairer society" (Diamond, 2008). The first set of problems can be described in terms of ill-management by a democratic government in sustaining and deepening democratic consolidation. The second set of challenges is related to upgrading the quality of democratic governance. In this essay, we shall use the above two criteria, "democratic consolidation" and "democratic quality", to assess the case of Taiwan, a new and young democracy also considered being in distress in Asia.

In 2000, the native Taiwan-born Democratic Progress Party (DPP) took power from the old China-originated authoritarian Kuomintang (KMT), which escaped to Taiwan in 1945 after its defeat by the Chinese Communist Part (CCP) on mainland China. The DPP held onto power for two terms until 2008, when the KMT regained its ruling power status. This essay will tackle the overarching question of what are the factors that contributed to what may be considered a "democratic recession" in Taiwan. To answer this question, this essay will first look at why the DPP did not succeed in governing effectively the first democracy of Taiwan in 2000-2008. The second section will look at how the KMT failed once again to transform and democratize itself since 2008, after eight years of losing power. The third question looks at how external factors such as the People's Republic of China (PRC) have influenced the domestic democratic development of Taiwan over the past 10 years. And finally, what needs to be done in order to fix and remedy the pitfalls already detected in Taiwan's young democratic system, so that democracy can function well and perform better moving forward.

II. TAIWAN'S DEMOCRACY UNDER DPP RULE: 2000-2008

Considered as the first home-grown democratic party in Taiwan, the DPP won the 2000 presidential election largely because of a factional split within the rank-and-file of the KMT. Nevertheless, public expectation that the first regime change would lead to further democratic consolidation was high. After a one-year honeymoon period, the DPP government began to experience many expected and unexpected problems in governing as well as challenges and demands from an old rival but new opposition in the KMT and their former allies in civil society.

A fatal mistake of the ill-prepared decision to terminate the construction of the controversial nuclear power plant provided the opposition KMT with political bullets to restart the unfinished and never-ending attacks on the ruling government. The fact that the KMT still controlled the Legislative Yuan (Taiwan's parliament) made the situation even more difficult for the minority DPP government to execute normal government policies as well as any reform agenda previously promised to civil society.

Over the years, the KMT-controlled Legislative Yuan unilaterally blocked many important policy initiatives, such as the arms purchase packages from the United

States, annual government budget proposals, nomination of constitutional posts of Control Yuan, and the establishment of the National Human Rights Institute, forced the Presidential Office to terminate the Human Rights Advisory Committee, and deferred many times the budget for island-wide flood control programs, among many other regular or special policy packages.

The repeated setbacks in the Legislative Yuan damaged the DPP government's reputation and credibility as an effective democratic government, and weakened domestic and international confidence in its administrative capabilities. The situation worsened the inter-party relations and intensified the political struggles between the ruling and opposition parties inside and outside of the parliament. Without democratically regulated competitive party politics, it is unlikely that any further democratic consolidation can fully institutionalize democracy on the island.

The failure of the DPP government to negotiate with the opposition party after regime change over the politically imbalanced "party politics" was a critical factor contributing to the uncompromisable and irrational inter-party struggles that marred its entire first term. Simply put, the new democratic government apparently could not find an effective way to contain and disarm the "old guards" from the authoritarian past from interfering with democratic governance. These structural arrangements served as impediments that led to an unsatisfactory record in fulfilling campaign promises in making Taiwan society a better one.

The DPP government's relentless push toward democratic consolidation also faced many other obstacles besides constant challenges from the opposition KMT. As an inexperienced new government, the DPP failed to transform the "old bureaucratic structure" deeply shaped by the authoritarian KMT party-state. What appeared to be an irony was that the regime change only brought about a new president, a new premier, and a group of new ministers; the rest of the government machine remained in place. Without successfully converting and reforming the entire old authoritarian bureaucracy, a new democratic government could not really consolidate.

Closely related to this was the failure on the part of the DPP in bringing to bear "transitional justice" by investigating the truth, finding out the perpetrators responsible for the crimes committed during Taiwan's authoritarian past, punishing the criminals and restoring the much-needed social and political trust in government. Though many victims of the decades of white terror and authoritarianism under Martial Law were found and even compensated with money by the DPP, justice in the mind of many civil society groups was, however, still not served. On this mark, some advocacy civil society forces were resentful with the DPP.

The relationship between the two former allies, DPP and civil society, changed soon after the DPP gained power. The political calculation of the DPP became more cautious and pragmatic in dealing with the demands from different constituencies. Social movements presented just one pressure point. The DPP government could no

longer just take one side of an issue without taking in account other equally pressing demands from sometimes adversary sectors such as business interest groups and the conservative bureaucracy.

Although representatives from social movements did gain procedural inputs and influences within the DPP administration, substantial gains in making significant policy changes were nevertheless limited. As analyzed earlier, as a minority government, the DPP was politically weak vis-à-vis the still-strong opposition KMT in pushing major and meaningful yet controversial reform policies. Moreover, in facing the economic crisis over the years of its administration, the DPP was even more hesitant in its original reformist platform ranging from environmentalism, progressive welfare scheme, to labour rights, and consequently, the DPP government took a conservative turn in compromising various promises.

The overall pattern of “partnership” developed between civil society and the DPP over the early years of democratization finally gave way to the emerging pattern of “guardianship” after 2000. A changing political landscape of DPP and civil society relations even shifted to a contentious and precarious one for most of DPP’s two terms until 2008. Some social movements’ activists even criticized the DPP for its betrayal of its moral commitments and campaign promises (Hsiao, 2008:221-227).

The DPP’s eight-year rule proved to be a bittersweet experience for the liberal middle class and pro-reform advocacy civil society movement organizations. There was a bitter sense of collective frustration and anger when they heard about a series of scandal charges on President Chen Shui-bien’s first family toward the end of Chen’s second term. The DPP government was further constrained to regain necessary public trust and support to promote and enact any significant social, political and economic reforms much desired and sought by civil society leaders and social movements’ activists (Hsiao and Ho, 2010). In the end, the call to upgrade the democratic quality by means of various progressive reforms has not been fulfilled, and the democratic DPP was eventually defeated by the neo-conservative KMT in the presidential election in 2008.

III. TAIWAN’S DEMOCRACY AFTER KMT REGAINS POWER: 2008–2010

According to assessments of Taiwan’s democratic system in recent years, there have been growing domestic and international concerns over Taiwan’s eroding democratic freedoms, judicial system and the country’s international relations under the KMT. For example, the Freedom House’s 2010 *Freedom in the World* report downgraded Taiwan’s civil liberties ranking from 1 to 2. Furthermore, Taiwan’s ranking in the corruption index, *Corruption Perceptions Index*, published by Transparency International, an international NGO that monitors corruption, noted in 2009 that Taiwan’s corruption

index rose to No. 37 from No. 34 in 2007. This “downward” trend was accented by the KMT’s return to power after the 2008 presidential election.

While the trend toward a loss of domestic and international confidence in Taiwan’s democracy began before the KMT regained power, as noted in earlier sections, the trend appears to be worsening, and even accelerating as the KMT unsuccessfully tries to grapple with managing the transition from five decades of one-party rule to a young democracy in a pluralistic society.

The measurements that were applied by many assessments indicated a deterioration in the political quality of Taiwan’s democracy. Indeed, political developments since 2008 have accelerated the erosion of domestic and international confidence in the island’s democracy. Whether these attitudinal changes toward Taiwan’s democracy are institutional or political remain to be seen. In other words, it is unclear whether these concerns reflect systemic or political risks of a democratic recession in Taiwan. In either case, however, weakened confidence in democratic institutions and political parties therein could lead to less public participation and weaken democratic legitimacy.

Many people in Taiwan and abroad had hoped that the KMT’s five decades of continuous rule over Taiwan would give it an edge in the governing arena. The voters handed the KMT an overwhelming victory in the 2008 presidential election that gave the party control over both the legislative and executive branch of government. Some experts following Taiwanese politics claim that this shift in public opinion could be attributed to the KMT moving toward a “new political centrism and adapting policies to reflect the preferences of Taiwan’s middle class”—as opposed to the wealthy businessmen that was traditionally seen as its main benefactors after opening up (See CRS Report RS2285333684, *Taiwan’s 2008 President Election*, by Kerry Dumbaugh). For some observers, the KMT presidential victory was seen as as much a “win” for the party as it was a vote of no-confidence for the Chen Administration.

In many ways, the KMT’s decisive parliamentary and presidential election victories in 2008 was a window of opportunity for the party to demonstrate that it had indeed reformed and that Taiwan’s politics had matured and is ready to overcome the political gridlock that dominated the previous administration. However, the reality stood in stark contrast to the rhetoric. President Ma and his close allies campaigned on the deliverables of closer relations with mainland China. Yet, the past two years of complete KMT rule (2008-2010), with practically no oversight of cross-strait negotiations, leave much wanting: unfulfilled campaign promises of reforms and a weakening economy, in light of closer than ever economic relations with China, are both to blame for the president’s low approval ratings, which hover at around 20-30 percent. While always eager to publicly dispel any notion of a backslide in Taiwan’s democracy under KMT’s second watch, even President Ma has had to acknowledge that the ruling party must reflect on their performance because public confidence in Taiwan’s democracy is not strong enough.

The deterioration in Taiwan's democratic ranking since 2008 can be attributed to three prevailing trends.

First, the judicial system's increasing partiality in the prosecution of DPP officials from the previous administration. The frequent instances where prosecutors leaked confidential information to the media reveals an obvious partisan interference in the judicial process—particularly in the case of selecting a presiding judge for former President Chen. Second, incidents of police violence in response to peaceful acts of protest during Chinese envoy Chen Yunlin's visit in November 2008 serve as a case in point of the Taiwanese government's heavy handedness toward restricting the democratic rights of its citizens. Third, the closed nature of the government's institutionalization of cross-Strait relations, which has far-reaching implications for serving as a check and balance against China from having undue influence over Taiwan's democratic process and sovereignty, could affect the long-term security of Taiwan's democracy.

Indeed, Taiwan and China are currently engaged in creating multiple cross-Strait linkages, starting with the Economic Cooperation Framework Agreement (ECFA) that was just signed. The agreement will institutionalize cross-Strait relations on economic tracks and open the door to other channels of cooperation. The economic agreement is not without its political implications. As noted by observers, "the [ECFA] trade deal may further increase the already powerful political influence of Taiwan's pro-China businesses and mainlanders who have invested in the island. This could in turn result in more effective pressure on Taiwan's central and local governments to bow to Beijing on various issues." (*Asia Times Online*, August 5, 2010)

Furthermore, instead of moving forward with domestic reforms, which have been promised by the KMT and President Ma, there have not been any noteworthy new domestic reforms in the first two years of KMT rule other than the reorganization of administrative districts. Instead, the quick turnabout in public opinion toward the president's approval rating seems to reinforce the perception that the victory of the KMT in the 2008 presidential election represents the deep frustration of voters toward eight years of rule under the DPP. As the habits of the old regime resurfaced after the KMT regained power, public opinion quickly turned sour.

The battle for the upcoming mayoral elections in the five direct municipalities in November also demonstrates how the KMT has not rid itself of its ties to local factions, which had been a huge problem for KMT reform. President Ma, who doubles as KMT chairman, has not been able to extract the KMT from factional disputes. Because of these ties, both the party's nomination process and its campaign preparations contain many contradictions. For instance, it was reported that at the KMT's party conference in Tainan County, party representatives from Yunlin, Chiayi and Tainan attributed KMT losses in several Tainan mayoral and county commissioner elections to major party figures messing up. And, according to some analysts: "Currently, the reason for

the DPP's gradual rebound is that they have started to establish personal connection networks. The KMT is doing the exact opposite, as their network of connections is gradually falling apart" (*Taipei Times*, August 11).

It is important to point out that a relatively weak opposition for a good part of the first two years of KMT rule also played a major part in providing fewer incentives or challenges for the KMT to reform. However, in light of the ruling party's poor performance, the opposition was able to make significant gains in the local elections.

IV. THE CHINA FACTOR AND ITS INFLUENCES ON TAIWAN'S DEMOCRATIC CONSOLIDATION

One factor towers above all else in terms of its relevance for Taiwan's eroding democracy. Since the KMT regained power in 2008 and began to pursue a China-friendly policy in international relations, there have been many documented cases that illustrate how closer relations with an authoritarian China have exerted a negative influence on democratic freedom in Taiwan.

Most visibly, the apparent need to be sensitized to Beijing's political sensibilities has led to a growing restriction on Taiwan's ability to uphold its democratic values when it comes to supporting the struggle of human rights, democracy activists and dissidents. Human rights has been a cause that was championed in the prior administrations since Taiwan's first direct presidential election in 1996.

In particular, the cases of His Holiness the Dalai Lama and Rebiya Kadeer stand out. In order to appease China, President Ma restricted Kadeer from coming to Taiwan. Even though there was no legal reason why she should be barred from coming to Taiwan, the KMT's behaviour toward human rights defenders clearly shows that it has de-prioritized human rights in Taiwan's national agenda. Furthermore, President Ma has reportedly cut off relations with some activists, for instance rebuffing prominent Tiananmen Square protest leader Wang Dan, even though commemorating the Tiananmen massacre was one of the president's most public causes before being voted into office.

Furthermore, another example is the public security employed to protect the Chinese delegates during the high-profile visit by Chinese officials. The Taiwanese government's restriction on assembly areas and the waving of the ROC flag were a restriction of people's right to free expression. While these incidents reflect how the attitude of the KMT toward China has affected the democratic rights of Taiwanese citizens, it is hard to gauge the long-term impact of such measures on Taiwan's democracy.

There are also many long-term institutional challenges to Taiwan's democratic development posed by China's growing political and economic influence over Taiwan. Given the nature of these challenges—since it involves changes over a graduated period—it may still be difficult to gather sufficient empirical evidences to conclude that closer relations is necessarily bad for Taiwan's democracy in the long run. Yet, current

trends do suggest that China's influence has the effect of limiting the freedom of expression on Taiwan.

The point is: Taiwanese business stakes in mainland China could increase the likelihood that these businessmen would try to influence the government in Taipei to stabilize relations even if important national security matters may be at jeopardy. The opening up of Taiwan to Chinese capital and tourists could also have the negative net effect of making China issues also a local issue given the amount of capital that is now being invested by Chinese tourists and provincial delegations.

Furthermore, the non-transparent nature of on-going KMT-CCP negotiations would likely result in the lack of continuity and sustainability in the process. There will then be instability if there is a transition and the opposition party DPP regains executive authority. As previous cases indicate, growing cooperation between China and Taiwan may limit the expression of democratic values on Taiwan. Increasingly, Taiwan's government, like that of other countries, may find it difficult to separate its economic and political relations with China. There have been troubling signs of weakening checks and balances; decline in press freedom; erosion of justice; and an increase in corruption that may be leading Taiwan further in a direction that may be backtracking on democracy because of its relationship with China.

There may be an erosion of an independent media in Taiwan as Chinese capital may dominate the telecommunication industries in Taiwan through open liberalization of these specific sectors. The story of Google in China demonstrates the limitations of a foreign company in dealing with the Chinese government's regulations.

Furthermore, China's excessive interference in Taiwan's domestic politics has had the effect of polarizing the island's democratic politics. Given Beijing's preference to deal with KMT, in light of its historical legacy on the mainland, and hostile attitudes toward the DPP's pro-independence platform, Beijing has adopted a comprehensive strategy that involves the use of both soft and hard power, which woos the Taiwanese voters with sweeteners, and alienates the opposition. Furthermore, in light of Beijing's intervention in Taiwanese politics, it is hard to develop a consensus in Taiwan over its China policy.

Therefore, good governance, accountability and transparency, which are the three areas that have been lagging in the current KMT administration's rule, and are based on the fundamental principles of freedom, democracy, justice and human rights, are all the more essential now that the government is moving Taiwan on a path of closer economic ties with China. The democratic recession that Taiwan now faces appears to be the confluence of these two trends that mutually reinforce one another.

V. THE PROSPECT OF DEMOCRACY IN TAIWAN

In this essay, we have documented various flaws of the democratic development process in Taiwan after 2000. Two major criteria are used for such assessment: democratic

consolidation, and institutionalization and democratic quality and societal betterment. In the first eight years under DPP rule after the first democratic regime change, the inexperienced and weak minority government was constantly facing opposition resistance, and the government suffered a great deal from failing to further consolidate Taiwan's new democracy by not ridding many authoritarian legacies, restoring transitional justice and establishing public trust and social equity. Moreover, for insisting on Taiwan's national identity and integrity but without diplomatic sophistication, the DPP government has been facing constant conflicts and clashes with China, and that further transferred into a source of political instability in Taiwan.

The DPP also failed to upgrade the quality of Taiwan's democracy by enacting significant social, political and economic reforms. Nevertheless, democracy in Taiwan was real and definitely not a sheer superficial phenomenon as described by Diamond about some post-communist countries. While the DPP's failures to consolidate democracy and upgrade the quality of Taiwan's democracy could certainly be faulted on the DPP for being poor in governance, Taiwan under DPP did not abuse police and security forces, did not restrict public freedom of speech and association, did not spoil local oligarchies, did not appear as incompetent and indifferent state bureaucracies, did not commit to a widespread and systemic corruption, and venal ruling elites were still accountable to the law and judiciaries, including President Chen Shui-Bian himself.

Therefore, it was true that under the eight years of DPP rule, Taiwan's democratic governance experienced setbacks and difficulties. However, it was not "bad governance" by nature as Diamond might attribute to some declining democracies or persistent authoritarianism. The fatal flaw of Taiwan's democracy has been its failure to establish rules of the game in governing and regulating the infantile party politics under a newborn democracy. The DPP, as a weak ruling party, was of course responsible for being unable to install such political mechanisms. However, the KMT, as a strong opposition party, could not escape being accused of lacking genuine intention to work with its political rival DPP to make democracy a workable one in Taiwan. The pitfall of failing to have a working rule for healthy party negotiation remained the same and perhaps got even worse when KMT regained its absolute power in both the executive and legislative branches since 2008. As the ruling party, the KMT appeared to be indifferent and even arrogant in dealing with the opposition DPP on various political and policy issues.

In this essay, we have demonstrated how the KMT, after losing power in 2000-2008, still does not appear to be determined to fundamentally transform itself into a full fledged democratic party. It has failed to face its authoritarian past and live up to the people's expectations in the past two years of rule. It paid only lip service in dealing with its legally controversial assets; it still refused to accept the historical responsibilities for its past dictatorial and authoritarian rule and crimes committed against many innocent citizens of Taiwan; it still enjoyed the unfair electoral authoritarianism by

controlling many local factions; it certainly did not intend to democratize its Leninist party structures with penetrated party organs in many social and occupational organizations in localities. Finally, for being unwilling to genuinely identify with the newly emergent Taiwanese consciousness, the KMT under President Ma Ying-Jeou did not present itself to be a strong defender for Taiwan's national identity and political status in its first two years of rule, in facing with China's unification pressures.

The China factor, as analyzed in this essay, has appeared to be visible in exerting unexpected influences on Taiwan's democratic consolidation in the past 10 years. Affected by the constant cross-straits tension, 2000-2008 witnessed the China factor emerging to be a destabilizing force in agitating further the DPP-KMT political conflict over the "independence versus unification" ideological disputes. Since 2005, the KMT has begun to develop its alliance with China's CCP, openly aiming to contain and even embarrass DPP politically (Hsiao and Yan, 2006). After the KMT won the presidential election in 2008, the KMT-CCP political link became stronger and tighter through a series of aggressive and unmonitored policy packages of political, economic, trade, tourism, education, and cultural exchange and integration, and that further influenced KMT's own attitudes and position towards the practice of freedom and democracy in Taiwan.

In the last two years, Ma's government has been accused by critics in civil society and DPP for being unfriendly and restrictive to the freedom of association, peaceful rallies and democratic protests by Taiwanese citizens. Ma's KMT regime also appears to be less critical of China's records in human rights and democracy. Therefore, the KMT-CCP tie seems to have made the KMT less of a strong supporter of true democracy for China, and it is leaning towards the new authoritarianism of China. If the China factor was a destabilizing force in Taiwan's democratic consolidation between 2000 and 2008, it has clearly become a negative influence in limiting and restricting Taiwan's democratic development after 2008.

When Diamond phrased "it is the government, stupid" in his article, he was calling for governments to wake up in those at-risk democracies to search for "good governance" solutions to social, economic and political problems. Taiwan may not be on the black list of "at-risk democracies" in the world, but Taiwan's performance has ebbed and flowed in terms of both the civil liberty and political rights criteria in the years since Ma's KMT took power. The declines were caused by the police mistreatment of public rallies and protests during a PRC envoy's visit, the flaw in the protection of criminal defendants' rights during anti-corruption prosecutions, the restrictions on academic freedom in certain political activities, the controversial and disputed reorganization of Public Television Service without defensible legal grounds.

Therefore, democracy in Taiwan has suffered from multiple attacks over the past 10 years: the inexperience of a new democratic government, the arrogance of an old authoritarian party-state, and the interfering external negative influence from the

communist party of the PRC. The situation of Taiwan's new democracy may be described as a "democracy in distress", at least to many critics in Taiwan and the world. However, there is no doubt in many citizens' mind that democracy is still considered a desirable and feasible form of government for Taiwan, in spite of all the recent threats and challenges faced for this new democratic system.

What can be done to fix Taiwan's democracy? The first is that the ruling KMT government must realize that the timely self-democratization of its authoritarian party structure and mindset, the realistic self-criticism of its indifferent attitudes and ineffective management of public affairs, the more cautious and wiser stand and strategies in dealing with China's economic temptation along with its political intention, are crucial to its sustainability and its ability to hang on to power in the remaining two years. The public dissatisfaction, frustration and distrust toward Ma's performance as president of Taiwan have been rising. A familiar situation like the end of Chen's rule may occur again. After all, democracy as a political system may be in jeopardy at the moment, but the critical citizens, vibrant civil society organizations, and reassuring opposition DPP would not tolerate the KMT's effort to halt the democratic consolidation that is essential for upgrading the quality of Taiwan's democracy.

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Democracy in Pakistan

Hasan Askari Rizvi

Pakistan has a troubled track record of democracy. The current efforts to renew democratic governance and political management began with the February 2008 general elections and the establishment of elected governments at the federal and provincial levels in March. This democratic political dispensation has withstood a variety of social, economic, religious and security challenges in 2008-2010. However, it is not yet possible to suggest that democratic institutions and processes have become non-reversible.

This is the fourth attempt to establish a viable and stable civilian democratic political order in Pakistan. The three previous attempts were interrupted by the military's assumption of political power. The first effort to install a democratic political order was initiated in the immediate aftermath of independence in August 1947 and lasted until October 1958, when the Army chief, General Ayub Khan, assumed power. During these years the political institutions and processes degenerated and the bureaucracy and the military gained ascendancy.

The second democratic phase was spread over December 1971 to July 1977, when Zulfikar Ali Bhutto headed the civilian political order. His efforts to consolidate civilian political order and constitutional rule came to an end when the military assumed power under General Zia-ul-Haq.

The third unsuccessful bid to stabilize democracy was made between December 1988 and October 1999. Benazir Bhutto and Nawaz Sharif served two terms each as elected prime ministers. The military top command wielded selective influence on policy making from the sidelines. In October 1999, General Pervez Musharraf displaced Nawaz Sharif's civilian government and returned the country to military rule.

The fourth and present effort to return to a viable democracy is threatened by growing social and political polarization and strife, a troubled economy, poor governance, and religious extremism and terrorism. The devastation caused by the floods in August 2010 increased the economic and political vulnerabilities of the civilian political order. It is therefore not possible to argue that democracy and civilian rule are well established. Their future is uncertain, although all major political parties undertake to protect and advance democracy.

THE DEMOCRACY DEBATE

There is a wide discrepancy between democratic rhetoric and the ground political realities in Pakistan. The politically active circles and societal groups support democracy in principle. They acknowledge the rule of law, socio-economic justice, accountability of the rulers and, above all, fair and free elections as the characteristics of a desirable political system. They subscribe to these principles in their speeches and statements and all political parties emphasize these principles in their election manifestos.

However, these principles are not fully reflected in day-to-day politics. The political realities often negate these principles. Most civilian and military rulers pursue personalization of power and authoritarian political management. They assign a high premium to loyalty on the part of party members and often use state patronage and resources in a highly partisan manner.

The wide gap between the professed democratic values and the operational realities of authoritarianism and non-viable civilian institutions can be described as an important feature of Pakistan's political experience. Consequently, neither has democracy become sustainable nor has authoritarianism and military rule gained legitimacy as a credible alternate to democracy.

Many people also scrutinize democracy on the basis of its quality. They monitor if the rulers implement the basic principles of democracy in letter and spirit. These principles include constitutional liberalism, the rule of law, an independent judiciary, civil and political freedoms and socio-economic equity. If a democratic order falters on these criteria, they question its genuineness and dispute the legitimacy of the rulers.

The repeated failures to set up viable civilian and democratic institutions and processes have not dampened the passions of the politically informed and active people for democracy. One Pakistani writer has described this phenomenon in these words: "Despite democracy languishing for most of the past fifty years, despite being in tantrums, in doldrums, and in utter disarray, the passion for democracy could yet never be extinguished nor dislodged from the deepest recesses of the social consciousness of the general Pakistani populace."¹

Pakistan's political history is characterized by frequent breakdowns of constitutional and political arrangements, atrophy of political institutions and processes, ascendancy of the bureaucracy and the military, and constitutional and political engineering by military rulers to protect their power interests. There are those who argue that western democracy has failed in Pakistan because it does not suit Pakistan. This point of view was projected by the first military regime led by General Ayub Khan, who

¹ Sharif al Mujahid, "Can Pakistan Survive without Democracy," *Business Recorder* (Karachi), August 14, 2010.

claimed that he had evolved a system of guided democracy that suited the “genius” of the people and that this system would prepare the ordinary people for full democracy.²

The other perspective on democracy in Pakistan rejects the notion that it has failed. The argument is that the military and the bureaucracy have dominated the political scene for such a long time that democracy could not be really practiced.³ Ahmad Faruqui lamented that the democratic wave that swept the globe in the eighties and the nineties had “bypassed Pakistan.”⁴ Shamshad Ahmad thought that feudalism was the major obstacle to realization of the ideals of democracy.⁵ A former lieutenant general, Talat Masood, argued that a heavy reliance on the military stifled the evolution of democratic institutions.⁶ Syed Jaffar Ahmed thought that Pakistan’s emergence as a national security state that assigned the highest priority to external security strengthened the military and weakened the political institutions and the society.⁷ These views are shared by Rasul B. Rais who argues that the decline of the political institutions and the ascendancy of the military were linked with Pakistan’s perceived external and internal insecurities.⁸

While recognizing the weakness of the civil society, Marvin Weinbaum argues that the societal forces “are hardly feeble” and that Pakistan could become “both an ideological (Islamic) and a democratic state.” He maintains that the opportunities for the emergence of civil society and civic culture “will be enhanced the longer the period during which democratic practices are allowed to prevail,” and that economic factors are also integral to “a sustainable democracy.”⁹ However, Asir Ajmal maintains that democracy is inconsistent with the spirit of Islam. He argues that Islam does not favour a system of government based on popular sovereignty and equality.¹⁰ These views are shared by a section of Islamic scholars who view democracy as a western implant.

² See Ayub Khan’s autobiography, *Friends not Masters* (Karachi: Oxford University Press, 1967), pp. 207-208, 210-211, 215.

³ Safdar Mahmood writes, “The assumption that democracy has failed in Pakistan is...not justified. In fact, democracy, in the real sense of the word, was never introduced in this country.” See Safdar Mahmood, *Pakistan: Political Roots and Development, 1947-1999* (Karachi: Oxford University Press, 2000), p. 351. See also Adil Najam, “Pakistan and Democracy,” *News* (Lahore), May 6, 2004.

⁴ Ahmad Faruqui, “Are Pakistanis Fit for Democracy,” *Daily Times* (Lahore), March 19, 2006.

⁵ Shamshad Ahmad Khan, “Primacy of Democracy in Pakistan,” *Dawn* (Karachi), August 5, 2006.

⁶ Talat Masood, “Pakistan’s Democratic Predicament,” *ibid.*, July 10, 2006.

⁷ Syed Jaffar Ahmed, “Search for Democracy Still Continues,” *Business Recorder*, August 14, 2006.

⁸ Rasul B Rais, “Security, State and Democracy in Pakistan,” in Marvin G. Weinbaum and Chetan Kumar (eds.), *South Asia Approaches the Millennium: Reexamining National Security* (Boulder: Westview Press, 1995), pp. 63-78.

⁹ Marvin G. Weinbaum, “Civic Culture and Democracy in Pakistan,” *Asian Survey* (Vol. 36 No.7, July 1996), pp. 639-654.

¹⁰ Asir Ajmal, “Democracy and Equality,” *Nation, Sunday Plus*, January 7, 2007.

Mahmood Monshipouri and Amjad Samuel describe Pakistani experiments in democracy as “fickle, fractious and short-lived” and maintain that economic growth cannot facilitate democracy unless it is accompanied by social and political change and expansion of civil society.¹¹

These comments show that the predicament of democracy in Pakistan cannot be explained with reference to a single factor. A host of factors have resulted in repeated constitutional and political breakdowns and malfunctioning of democratic institutions and processes. This article first provides an overview of Pakistan’s political history to outline the repeated failures of democracy and then discusses the major causes and factors that contributed to this problem.

HISTORICAL OVERVIEW: THE CYCLE OF CIVILIAN AND MILITARY RULE

Pakistan has so far experienced four military rules by Army chiefs (October 1958-June 1962, March 1969-December 1971, July 1977-December 1985, October 1999-November 2002). These military rulers were able to civilianize their military rule by taking measured steps that included co-option of a section of the political elite; constitutional changes to ensure the primacy of the ruling generals after the end of direct military rule; exclusion of the political leaders and parties that questioned the civilianization process; and the holding of carefully managed elections. Such post-withdrawal civilianized rules were by Ayub Khan (June 1962-March 1969), Zia-ul-Haq (March 1985-August 1988), and Pervez Musharraf (November 2002-March 2008). One general, Yahya Khan, could not do this because his military regime collapsed after losing the war to India and the establishment of Bangladesh in December 1971.

The period of civilian political rule included: August 1947-October 1958, December 1971-July 1977, December 1988-October 1999, and March 2008 to the writing of this paper. The first phase of civilian rule experienced the gradual erosion of civilian institutions and the rise of the bureaucracy and the military as the key decision makers. In October 1958, the military assumed all power. In other phases of civilian rule, including the current phase, the military exercised influence on external and internal security-related matters from the sidelines and it made sure that its professional and corporate interests were not threatened by the civilian political governments.

Pakistan began its career as an independent state in August 1947 with the parliamentary system of government and it adopted the Government of India Act, 1935, as

¹¹ Mahmood Monshipouri and Amjad Samuel, “Development and Democracy in Pakistan,” *Asian Survey* (Vol. 35 No. 11, November 1995), pp. 973-989.

the interim constitution with some changes to suit the needs of an independent state.¹² The focus of the early rulers of Pakistan was on the survival of the state in the face of internal and external challenges.

Pakistan faced serious internal administrative and management problems caused by the partition of British India. It had to set up a new federal government in Karachi and a provincial government for East Bengal in Dhaka at a time when it lacked civil servants, trained human power and administrative infrastructure. It also had to set up an independent military force after the British Indian military was divided between India and Pakistan. It was also confronted with a difficult law and order situation as communal riots broke out and a mass of humanity migrated to and from Pakistan. The immediate relief to the incoming refugees and their permanent settlement were the toughest administrative and humanitarian problems that consumed much of the state's energy for several years.

On the external front, Pakistan's troubled relations with India arising out of the partition process, especially the first Kashmir War, 1947-48, built security pressure on the new state. Further, Afghanistan's irredentist claims on Pakistani territory also perturbed Pakistani rulers. Consequently, Pakistani rulers were haunted by the fear of the collapse of the Pakistani state due to external and internal security pressures.

Pakistan shaped up as a security state whose priorities favoured a strong and assertive federal government, greater attention to the needs of territorial security, and focus on building a strong and well-equipped military. All this worked to the disadvantage of civilian institutions and process.

Pakistan had inherited weak political institutions, a strong bureaucracy and a strong military. This trend was reinforced by the initial efforts to strengthen internal and external security. This policy favoured state institutions like the bureaucracy and the military at the expense of civilian political institutions like political parties and elected legislature and executive. The imperative of representative governance, constitutionalism and power-sharing were ignored from the beginning.

Pakistan took almost nine years to frame the first constitution, which was enforced on March 23, 1956. By the time the constitution was introduced a strong tradition of violation of norms of parliamentary democracy had been established, and retired and serving top bureaucrats and senior military commanders acquired salience in governance and political management. Governor General Ghulam Muhammad and Governor General/President Iskander Mirza who had bureaucratic-military background

¹² The Government of India Act, 1935 was approved by the British Parliament as the constitution for pre-independence India. However, only the provincial part was implemented in April 1937 after the provincial elections. Both India and Pakistan adopted this as their interim constitution at the time of independence with necessary modifications.

manipulated weak and divided political forces with the blessing of the Army chief and top bureaucrats.¹³

Pakistan had seven prime ministers and eight cabinets during 1947-58. If we exclude the period of the first prime minister, 1947-51, Pakistan had six prime ministers and seven cabinets during 1951-58. It was during these seven years that Pakistan's civilian institutions, already weak and divided, degenerated and failed to assert their primacy over the bureaucracy and the military.¹⁴

Pakistan faced a crisis of leadership with the demise of Mohammad Ali Jinnah, the founder of Pakistan, on September 11, 1948, thirteen months after the establishment of Pakistan. His lieutenant, Liaquat Ali Khan, the first prime minister, 1947-51, attempted to fill the gap but he was assassinated in October 1951. This created a leadership crisis because Jinnah's successors had regional and local stature and did not have a nationwide appeal, which regionalized and factionalized politics. The Muslim League that inherited power from the British at the time of independence could not maintain its momentum and was unable to provide a socio-economic programme that inspired the people in different provinces. The political parties that succeeded the Muslim League suffered from the handicaps that weakened the Muslim League. These handicaps were: weak leadership, internal incoherence, factionalism based on region and personalities of the leaders, and non-existence of an effective political machine for popular mobilization.¹⁵

The acute administrative problems, socio-economic underdevelopment and divided political leadership that lacked popular support enabled the governor general/president to manipulate politics and make or break a government at will. He was supported by the top brass of the Army and the bureaucracy. The political forces could not withstand their pressure.

The Army chief, General Ayub Khan, and President Iskander Mirza had no problem in setting aside the constitution and imposing martial law on October 7, 1958, setting the stage for the first direct military rule in Pakistan.¹⁶

Ayub Khan ruled as the first military ruler from October 1958 to June 1962 and initiated many administrative and political changes. He introduced a Presidential

¹³ For detail of the initial problems and the problems of politics see Lawrence Ziring, *Pakistan in the Twentieth Century: A Political History* (Karachi: Oxford University Press, 1997), pp. 54-199.

¹⁴ For a review of the working of the parliamentary system during 1947-58, see Hamid Yusuf, *Pakistan: A Study of Political Developments, 1947-1997* (Lahore: The Academy, 1998), pp. 31-68.

¹⁵ For details, see M. Rafique Afzal, *Pakistan: History and Politics, 1947-1971* (Karachi: Oxford University Press, 2001), pp. 51-219. See also Ayesha Jalal, *The State of Martial Rule* (Lahore: Vanguard, 1991), pp. 136-276.

¹⁶ Herbert Feldman, *Revolution in Pakistan: A Study of the Martial Law Administration* (London: Oxford University Press, 1967), pp. 1-43.

Constitution on June 8, 1962, civilianizing his rule that ensured the continuity of the key personnel and policies of the military rule period in the post-military rule period.¹⁷

Ayub Khan was replaced by another Army chief, Yahya Khan, on March 25, 1969, when his government was paralyzed by street agitation. Yahya Khan abolished the 1962 Constitution given by Ayub Khan and headed the second military regime, which lacked the capacity to address the demands from East Pakistan for socio-economic justice and political participation. The military resorted to an extremely brutal military operation in East Pakistan from March 25, 1971 onwards. This ended up in the war with India in November-December which Pakistan lost, resulting in the breakup of the original Pakistan, with the exit of its eastern wing, East Pakistan or East Bengal, from the federation and its declaration as the independent state of Bangladesh.

Such a major military and political debacle caused the collapse of General Yahya Khan's military regime. No other general was in a position to take over. Power was therefore transferred on December 20, 1971 to a civilian elected leader, Zulfikar Ali Bhutto, whose Pakistan People's Party had won the largest number of seats in the National Assembly from West Pakistan in the December 1970 general elections.¹⁸

Z.A. Bhutto was the only elected civilian leader to assert civilian primacy over the military during his years in power, i.e., December 20, 1971 to July 5, 1977. His success was owed to his popular base and the damage to the military's reputation because of the military debacle of December 1971. He retired a number of senior officers of the three services and changed the military's command structure. However, his authority over the military eroded as his policy of nationalization alienated powerful economic groups and Islamic elements; he sought the cooperation of the military to pursue his strident approach towards India and employed authoritarian methods to suppress domestic opposition. The opposition launched an anti-Bhutto agitation in March 1977 on the pretext that his government had rigged the 1977 general elections. They also demanded the introduction of Islamic political order as opposed to Bhutto's socialistic policies. Finding Bhutto under siege by the opposition, the Army chief, General Zia-ul-Haq, removed the Bhutto government and imposed martial law in the country on July 5, 1977.¹⁹

General Zia-ul-Haq presided over the third military rule, which was the longest in Pakistan's political history, from July 5, 1977 to December 30, 1985. He secured his rule by seeking the cooperation of orthodox and conservative Islamic parties and groups and tilted state policies decisively in their favour. For the first time in Pakistan's history, the military regime used the state apparatus to impose Islamic injunctions as articulated by orthodox and conservative Islamic clergy in return for their support to the military regime. Western countries, especially the United States, began to

¹⁷ Altaf Gauhar, *Ayub Khan: Pakistan's First Military Ruler* (Lahore: Sangemeel Publications, 1994).

¹⁸ M. Rafique Afzal, *Pakistan*, pp. 356-458.

¹⁹ See for details, Mohammad Waseem, *Politics and the State in Pakistan* (Islamabad: National Institute of Historical and Cultural Research, 1994), pp. 284-348.

support General Zia-ul-Haq's military regime when it joined with the west to build Afghan-Islamic resistance to the Soviet military occupation of Afghanistan. This enabled the Zia regime to obtain US and western economic and diplomatic support, which contributed to the longevity of military rule.

Another consequence of the military regime-US collaboration for promoting the Jihad against the Soviet troops in Afghanistan was the strengthening of Islamic orthodoxy and militancy in Pakistan. These religious elements and the military regime joined together to stifle religious and cultural pluralism and participatory political processes. Further, sophisticated weapons siphoned off from American CIA supplies to the Afghan resistance became available in Pakistan, which different religious, ethnic and criminal groups used to advance their individual agendas. The military government and orthodox Islamic groups engaged in sustained propaganda against democracy. All these adversely affected the prospects of democracy in Pakistan.

General Zia-ul-Haq civilianized his military regime in 1985 by introducing far reaching changes in the 1973 Constitution to strengthen his powers, co-opting a section of the political and religious elite, and holding a carefully regulated party-less elections to the parliament and the provincial assemblies. He ensured his continuation in office after the withdrawal of direct military rule and established a weak civilian government under a docile prime minister in March 1985.

General Zia-ul-Haq found it difficult to work smoothly with the civilian prime minister and removed his government in May 1988. However, before he could manipulate the new elections to install another prime minister of his choice, he died in an air crash on August 17, 1988.²⁰

General Zia-ul-Haq's death paved the way for elected civilian rule that lasted from December 1988 to October 1999. The era of elected civilian rule began with much fanfare when Benazir Bhutto, leader of the Pakistan People's Party (PPP), assumed the office of prime minister. She served as prime minister twice: December 1988-August 1990 and October 1993-November 1996. Nawaz Sharif, leader of the Pakistan Muslim League-Nawaz Group, also served twice as the prime minister: November 1990-July 1993 and February 1997-October 1999.

The period of democratic rule suffered from two deficiencies. First, the quality of democracy was poor because both Benazir Bhutto and Nawaz Sharif could not ensure effective, efficient and corruption free governance and political management. The political parties of these leaders were almost at war with each other. The party in power's main concern was survival of the government, which forced the prime minister to make political compromises. The opposition party left no stone unturned to pull down the

²⁰ For a review of General Zia-ul-Haq's rule, see Hasan Askari Rizvi, *The Military and Politics in Pakistan, 1947-1997* (Lahore: Sangemeel Publications, 2000), pp. 232-266; William L. Richter, "Domestic Politics in the 1980s," in Craig Baxter & Syed Razi Wasti (eds.), *Pakistan: Authoritarianism in 1980s* (Lahore: Vanguard, 1991), pp. 67-87.

government. Consequently, no government could complete its tenure. These were dismissed by the president with the blessings of the Army chief.

Second, the Army chief exercised strong influence on policy making from the sidelines. One major concern of every civilian government during this phase was to avoid the alienation of the Army chief. The strain in the relationship between the Army chief and the prime minister worked to the disadvantage of the latter. Democratic institutions and processes remained insecure during these years.²¹

The military returned to power for the fourth time on October 12, 1999, when the Army chief, General Pervez Musharraf, assumed power after knocking out the civilian government of Nawaz Sharif. He designated himself as the Chief Executive rather than Chief Martial Law Administrator, as was done by his predecessors. Martial law was not imposed but the suspension of the constitution made Pervez Musharraf the supreme authority in Pakistan.²²

Like Ayub Khan and Zia-ul-Haq, Pervez Musharraf managed a careful transition to civilian rule in November 2002 in a manner that did not diminish his powers as the president and the Army chief but brought in a civilian order under his command. This was done by introducing far reaching changes in the 1973 Constitution before restoring it, imposition of constraints on his political adversaries, cooption of a section of the political elite (Pakistan Muslim League Quaid-i-Azam Group led by Chaudhry Shujaat Hussain) and the holding of carefully managed elections in October 2002.

His civilianized political order could not shape up as a viable political system. It remained closely associated with General Pervez Musharraf, who called the shots rather than the prime minister or the elected parliament. His rule ran into serious trouble when he attempted to remove the Chief Justice of the Supreme Court in March 2007 in an arbitrary and unconstitutional manner. The lawyer community and the civil society launched a mass movement against him, which was joined by the political parties.²³ This marked the beginning of the end of his rule. He attempted to salvage his situation by political manoeuvring but this did not work. The verdict of the February 2008 general elections was against him and his allied party, the PMLQ. Musharraf's major political adversaries, the PPP and the PMLN, won the maximum seats at the federal and provincial levels. Despite losing credibility, Musharraf refused to quit the presidency.

²¹ For a review of performance of elected civilian governments during 1988-1999, see Sartaj Aziz, *Between Dreams and Realities: Some Milestones in Pakistan's History* (Karachi: Oxford University Press, 2009), pp. 71-202; Hasan Askari Rizvi, *Military, State and Society in Pakistan* (Houndmills, Basingstoke: Macmillan Press, 2000), pp. 189-232.

²² For General Musharraf's take over, see Owen Bennett Jones, *Pakistan: Eye of the Storm*, 2nd edition (New Haven: Yale University Press, 2002), pp. 35-55.

²³ For an analysis of the lawyers' movement against General Pervez Musharraf, see Azmat Abbas and Saima Jasam, "A Ray of Hope: The Case of Lawyers' Movement in Pakistan," in Heinrich Boll Foundation (ed.), *Pakistan: Reality, Denial and the Complexity of its State* (Berlin: Heinrich-Boll Stiftung, 2009), pp. 140-170.

When the parliament decided to initiate impeachment against Musharraf, he found himself completely isolated and resigned on August 18, 2008, marking the end to his direct and indirect military rule.

Pakistan returned to democracy for the fourth time when a four-party coalition government led by the PPP assumed power at the federal level in March 2008. Elected coalition governments were installed in all four provinces.

The current democratic order faces a dilemma. On the one hand there is widespread support for sustaining the democratic system. On the other hand a large number of people are alienated from the present government due to poor governance, growing socio-economic inequities, steep price hike of essential commodities, periodic shortages of food items, power outages, and inflation and corruption in the official circles, both at the federal and provincial levels. The deteriorating law and order situation and terrorist attacks have created the impression that the elected governments lack the capacity to address these challenges.

Most Islamic parties and circles have initiated an anti-campaign against the elected federal government as a protest against the initiation of security operations against the Pakistani Taliban and other militant groups.

The elected executive and parliament are also under pressure because of the antagonistic disposition of the Supreme Court in the name of judicial activism. The judges often make adverse comments in the courts on the working of the government and, for months, the Supreme Court kept pressure on the federal government for initiating criminal proceedings against President Asif Ali Zardari in Swiss courts, although the Constitution provides immunity to the president against criminal proceedings. Knowing the disposition of the Supreme Court, the opposition is challenging a large number of the policy decisions of the federal government in the Supreme Court. They hope that the Supreme Court would either knock out the federal government or President Zardari.²⁴

Another challenge for the present democratic set up is to maintain smooth interaction with the top brass of the military. Given the traditional political clout of the military, the civilian government has to take into account the sensitivities of the military with reference to their professional and corporate interests. This limits the options of the civil government for pursuing its foreign policy and security agenda.

MAJOR CAUSES OF DEMOCRACY DEFICIT

The aforementioned discourse clearly shows that Pakistan suffers from democracy deficit and various attempts to establish viable representative institutions and processes have not succeeded. A new attempt to return to democracy is underway now

²⁴ Hasan Askari Rizvi, "Living on the Edge," *Daily Times*, March 1, 2010; "Democracy under Siege," *ibid.*, January 21, 2010.

in Pakistan. Some of the major factors that have adversely affected the growth and sustenance of democracy are discussed below.

Institutional Imbalance: Pakistan inherited instituted imbalance from the British at the time of independence, which accentuated over time. The state institutions (the bureaucracy, the military and the intelligence agencies) were more organized and powerful than the political and civilian institutions, i.e., political parties, societal groups, elected assemblies. The political leaders who inherited power at the time of independence lacked the experience of handling the state institutions and the bureaucracy. The imbalance could not be rectified in favour of the political leaders and institution for two inter-related reasons.

First, the weak political institutions inherited by Pakistan could not overcome their weaknesses. Rather, these declined rapidly because the political leadership did not show adequate capacity for coping with the problems in the immediate aftermath of independence and failed to create a coherent and stable government. The Muslim League that led the independence movement could not transform itself from a nationalist movement to a nationwide party that evoked the voluntary loyalty of the diversified Pakistani population. A large number of its leaders hailing from the Pakistani territory had joined the party a couple of years before independence and thus did not have long experience of working together for a shared political agenda. The feudal elements that dominated the Muslim League within a couple of years were not committed to democratization and constitutionalism. Rather, they created personalized alliances to promote personal power agendas. Other political parties were no better and they suffered from weak internal organization, poor leadership and uninspiring programmes. The political leaders could not provide a powerful and coherent leadership to set the state agenda and take effective control of the bureaucracy and the military.

Second, the bureaucracy and the military maintained their professional disposition, characterized by hierarchy, discipline and commitment to the service, which gave them an advantage over the disparate political elite. They relied heavily on the bureaucracy and the military for coping with the problems caused by incoming refugees and for setting up the administrative structure of the new state. Over time, the reliance turned into a dependency relationship, shifting the political initiative out of the hands of the political leaders.

Pakistan experienced the relative decline of civilian institutions and the ascendancy of the bureaucratic-military institution in the first decade of independence. This process was hastened after the people with bureaucratic and military background assumed the office of head of state. Ghulam Mohammad, a former bureaucrat, served as governor general, 1951-55 and Iskander Mirza, who had a mixed army and bureaucracy background, was governor general, 1955-56 and president, 1956-58. They manipulated politics with the support of the top bureaucracy and the military high command.

The military-bureaucracy cooperation strengthened during the military rule when the military ruled the country with the help of the bureaucracy. The military had the upper hand over the bureaucracy. However, the bureaucracy's clout increased vis-à-vis the political forces and the ordinary people. With the exception of the civilian government of Zulfikar Ali Bhutto (December 1971-July 1977), the civilian governments relied heavily on the bureaucracy and attempted to woo the military.

The role of the intelligence agencies in the political domain expanded during the military rule by General Zia-ul-Haq. He relied heavily on the Inter-Services Intelligence (ISI) and the Military Intelligence (MI) to pursue the political agenda. A civilian intelligence agency was also used, i.e., the Intelligence Bureau (IB). The ISI's position was strengthened as it played a key role in building Afghan-Islamic resistance to Soviet troops in Afghanistan with the cooperation of the CIA. Most of the funding to the Afghan-Islamic resistance from the CIA and other sources was processed through the ISI, enabling it to strengthen its influence on the Afghan-Islamic resistance and to use these funds to build its organizational strength. The ISI interfered in the 1988 and 1990 general elections by providing funds and campaign support to the opponents of the PPP led by Benazir Bhutto. Similarly, its blessings helped Nawaz Sharif to obtain two-thirds of the seats in the National Assembly (so-called heavy mandate) in the 1997 elections.

During the military rule of General Pervez Musharraf, the ISI and the MI closely monitored politics and were the main channels of interaction with the political forces. The ISI maintains close connections with the media and the political forces and uses these linkages when and if needed to pursue the Army's political agenda.

Periodic manipulation of politics and political forces by the intelligence agencies has created distortions in the political process that undermine the prospects of a viable democracy.

Military Security Priorities: As discussed in the earlier section, the perceived external threat, mainly from India, and the fear of internal collapse due to the initial problems led the policy makers to assign the highest priority to external and internal security. Consequently, territorial security was assigned precedence over democratization of the polity.

The security priorities shaped Pakistan's political choices that were inimical to promoting participatory governance. The focus was on centralization of power, impatience towards dissent and strengthening of the military. All Pakistani governments assigned more national resources to defence and security than to education, health care and social development. This contributed to atrophy of civilian institutions and democracy.

The troubled relations with India, especially the Indo-Pakistan wars, have caused several distortions in Pakistan's political choices. The threat of India was often invoked in Pakistan to suppress political dissent and to justify delays in holding elections. Pakistan's relationship with the United States focused more on Pakistan's military security needs. The Army chief made a significant contribution to building the alliance

relationship with the US in the mid-1950s. Their reinvigorated relations in 1980s and since September 2001 have been influenced more by security considerations.

Pakistan's security paranoia made it extremely difficult for the rulers to pay adequate attention to strengthening the civilian institutions and processes in the democratic framework. If the relations between India and Pakistan improve the latter would find it easy to function as a normal state oriented towards democracy. It would also be able to pay more attention to societal development, promote socio-cultural and political pluralism and resolve the political and social conflict through dialogue and accommodation. This means that the reduction of external security pressures, especially the improvement of India-Pakistan relations, can facilitate democracy in Pakistan.

Political Consensus Building: The democratic process cannot stabilize unless the key political players evolve a minimum consensus on the operational norms of the political system. This minimum consensus is the beginning point and it needs to expand over time if civilian political institutions and processes are to endure.

Pakistan's political leaders and political parties agree on the need of having democracy but they find it difficult to evolve a widely shared consensus on the details of institutions and processes under the rubric of democracy. Whenever some consensus is managed it cannot last for a long time because the competing political interests either back out or give new meanings to the agreed principles to serve their narrow partisan interests. There is a tendency to support democracy as long as it serves the partisan agenda or its principles are interpreted to justify one's political demands or to question the legitimacy of the political adversary.

Pakistan's two constituent assemblies took almost nine years to frame the first constitution because the political leaders quarrelled over several key constitutional issues, i.e., the nature of federalism, representation of the provinces in federal legislature, especially the issue of representation of the then East Bengal/East Pakistan in the federal legislature, the national language, separate or joint electorate, and presidential or parliamentary system. A consensus evolved on these issues after a long-drawn effort and the 1956 Constitution was introduced but this consensus was frequently ignored or questioned by competing political interests. This consensus broke down completely when the Army chief assumed power in October 1958.

The 1962 Constitution introduced by the military government in June 1962 was based on a selective consensus. A section of the political class, especially the leaders from East Pakistan, questioned its legitimacy. This constitution was set aside when another general, Yahya Khan, assumed power in March 1969.

The 1973 Constitution (the present constitution) represented the widest possible consensus on any constitutional document in Pakistan. However, this was distorted from time to time to serve the interests of the power elite.

The major damage to the consensus on the 1973 Constitution was done by the military regimes of General Zia-ul-Haq and General Pervez Musharraf. Both introduced

far-reaching changes in the constitution in 1985 and 2002 respectively to serve their power interests. Interestingly enough the parliaments approved most of these changes.

The parliament elected in February 2008 appointed an all-party committee to thoroughly review the 1973 Constitution to remove the distortions made by the military rulers. Its recommendations were unanimously approved by the parliament as the 18th Constitutional Amendment (2010), which represented a rare consensus in the parliament. However, a number of political groups and individuals filed writs in the Supreme Court to secure judicial rejection of the consensus-based amendment.

Political Leaders and Political Parties: Democratic evolution is facilitated by political parties and leaders. These engage in interest articulation and aggregation and mobilize popular support for different policy options. In Pakistan, the political parties and leaders were unable to perform these roles, thereby failing to strengthen democracy.

The political parties were not able to fulfil their obligations towards strengthening democracy for a number of reasons. First, political parties faced restrictions on their activities from time to time. The military governments either banned them or placed enormous restrictions on their role.

The first military government (1958-1962) banned the political parties, confiscated their records and disallowed a large number of political leaders from participating in politics for six years, 1960-66.

The second military government (1969-1971) placed restrictions on the activities of political parties. This ban was lifted when the December 1970 elections approached.

The third military government (1977-1987) began with restricting political activity and, in 1979, banned all political parties. It subjected the PPP to punitive action, including an undeclared restriction on the publication of the photograph of its leader, Zulfikar Ali Bhutto, after he was hanged in pursuance of a dubious judgment of the Supreme Court. In 1985 it held party-less elections to exclude the leaders of established political parties.

The fourth military government (1999-2002) did not ban their activities but targeted the PPP and the PMLN for punitive actions.

Political parties have their own problems that adversely affected their roles. Most political parties lack effective internal organization and depend on their leaders who run them like their fiefdoms. The internal pattern of authority has been oligarchic with no established tradition of open competitive internal party elections. As most parties depend on donations from affluent members, they exercise enormous influence in party affairs.

Political parties form electoral alliances and set up coalition governments but these moves are generally temporary in nature because each coalition partner works towards maximizing its gains at the expense of others. The principal partner in a coalition has to make policy compromises and accommodate the partners for distribution

of state patronage and other rewards of power to sustain the coalition government. The imperatives of democracy are often ignored.

Most Pakistani political leaders have a local or regional electoral following, which compromises their capacity for nationwide mobilization. The military regimes co-opt some leaders as a part of their effort to civilianize their character. Such leaders are given nationwide projection but they cannot sustain themselves at the top after losing the blessings of the military and the intelligence agencies.

Only four leaders can be described as having nationwide statures. Muhammad Ali Jinnah, often called the Great Leader, led the independence movement, giving him a charismatic appeal. He died within 13 months of the establishment of Pakistan. The other three leaders met with unnatural deaths. Liaquat Ali Khan, the first prime minister of Pakistan, was assassinated in October 1951 while addressing a public meeting in Rawalpindi. Zulfikar Ali Bhutto, a former prime minister and chairman of the PPP, was executed by the military government of General Zia-ul-Haq in Rawalpindi in April 1979. Benazir Bhutto, a former prime minister and leader of the PPP, was assassinated in December 2007 as she came out of an election rally in Rawalpindi. The leadership crisis has also contributed to a weakening democracy.

Islam and Democracy: The debate on the compatibility of Islam with democracy has also compromised the resolve of a section of politically active circle to pursue democracy. Some religious scholars argue that western democracy and Islam do not go together and that democracy has to adjust to the requirements of Islamic principles and teachings. Some Islamic leaders and parties view elections and democracy as instruments for introducing an Islamic political order. There is no commitment to democracy as such.

Most Pakistanis favour a relationship between Islam and the political system. However, they diverge on the precise nature of this relationship. Most conservative and orthodox clergy favour establishment of a puritanical Islamic state with an emphasis on the regulative, punitive and extractive role of Islamic injunctions.

Others emphasize the egalitarian norms of Islam and view Islamic teachings as sources of guidance and law-making rather than a specific structure of governance. Law-making, in their view, is to be done by an elected legislature that fulfils the basic requirement of a modern democratic order.

Pakistan's constitutions and the ruling elite subscribed to the latter view of the relationship between Islam and the Pakistani political system. The orthodox clergy questioned the Islamic nature of these arrangements but the ruling elite rejected their demands.

General Zia-ul-Haq was the first Pakistani ruler to use the state apparatus to implement the orthodox perspective of Islam in the society. This was done to win over conservative and orthodox Islamic clergy for his military government. However, the greater identification of the state with Islamic orthodoxy accentuated differences

among various Islamic denominational groups. A host of extremist and sectarian groups that emerged during these years used violence against each other. Some of them joined hands with the military government to oppose what they described as western democracy, elections on the basis of universal adult franchise, women rights and equality of all citizens irrespective of religion.

Some of the changes made in the legal and constitutional system by General Zia-ul-Haq to promote Islamic orthodoxy were not changed by his successors because they lacked sufficient political support to confront orthodox Islamic and extreme political right elements. Consequently, a number of laws of the Zia era that are discriminatory towards women and religious minorities and especially the Ahmadiya community are still applicable in Pakistan.

Religious Intolerance and Militancy: There is a perceptible increase in religious and cultural intolerance in Pakistan. Various Islamic vigilante and militant groups and their supporters use violence to impose their vision of Islam. The roots of these trends go back to the days of General Zia-ul-Haq's military government when he encouraged Islamic orthodoxy and militancy as a state policy. The conflicts between various Islamic denominational groups have increased. Invariably the religious groups subscribing to or supporting Islamic militancy are more active in building pressure on those who do not share their perspective on Islam.²⁵

The most serious threat to democracy in Pakistan comes from the Taliban and other militant groups that challenge the Pakistani state by engaging in armed conflict with Pakistan's military or resorting to various kinds of terrorist activities, including suicide attacks, roadside bombings and armed attacks. They aim at overwhelming the Pakistani state by causing instability and chaos.

The Military's Political Stakes: The growth and sustainability of democratic institutions and processes was disrupted periodically by the military's direct assumption of power. The military governments endeavoured to restructure the political system to their preferences, which reflected their ethos of hierarchy, discipline and management rather than political participation and accommodation of diverse perspectives. These military rulers also manipulated the political forces and leaders either to restrict their role or win them over to their side.

The Pakistan military has developed strong stakes in policy making on security and foreign policy issues, making it impossible for civilian leaders to function autonomously or assert their primacy in policy making. Further, the Pakistan military maintains strong interests in governmental affairs because it wants to protect its professional and corporate interests, especially its industrial and commercial activities, which yield financial resources to the military that are beyond parliamentary control.

²⁵ For details of how Pakistan drifted towards militancy and Islamic-sectarianism, see Hassan Abbas, *Pakistan's Drift into Extremism: Allah, the Army, and America's War on Terror* (New Delhi: Pentagon Press, 2005), pp. 89-132, 201-236.

The military's position is also strengthened due to external security pressures. It is viewed as a shield against the threat from India and security pressures from Afghanistan, thereby making it directly relevant to policymaking. The Army and the Air Force are now engaged in counter-terrorism and counter-insurgency operations along with the paramilitary forces. This further underlines the importance of the military. The remarkable effort on the part of the three services of the military, especially the Army, for rescue and relief work for the people affected by the massive floods in August 2010 showed that the military has the organizational capacity and technical skills to cope with the emergency situation. This has helped to improve the military's image in the society.

The position of the civilian government is weak because the political forces are divided and the quality of governance and political management is poor. This makes it difficult for the civilian leaders to deal with the traditionally powerful and assertive military. The civilian government cannot afford to ignore the military's sensitivities regarding its service matters, economic and business interests and the security policy. This reflects negatively on the quality of democracy.

Deficit of Democratic Culture: There is a wide discrepancy between the imperatives of democracy and the disposition of individuals and society in Pakistan. Individual behaviour often manifests non-democratic and authoritarian orientations in family and societal contexts. This creates a strain between the professed values and how the society functions.

Pakistan's semi-feudal and semi-modern Pakistani society did not regularly practise participatory decision-making, conflict resolution through dialogue and accommodation, respect for difference of opinion and religio-cultural pluralism. Pakistan experienced the rise of religious and ethnic intolerance. Different Muslim denominational groups engaged in mutual recrimination and often resorted to violence against each other.

Therefore most of the people commit themselves to democracy only as rhetoric or for criticizing their political adversaries for their alleged violation of democracy. Not to speak of military governments, even civilian rulers have often showed impatience towards dissent.

In Pakistan, defiance of the state authority or laws is viewed as a sign of power. A powerful person is one who can get away with defiance of laws and regulations that apply to ordinary people. Political leaders often preach defiance of state authority and law as a strategy for challenging the government.

Five interrelated developments threaten the sustainability of democracy. First, democracy is threatened if the majority establishes its "tyranny" over the minority and refuses to accommodate the latter's concerns and insecurities. In Pakistan, various hard-line Islamic groups threaten religious minorities in the society and the state is often unable or unwilling to protect their rights as guaranteed by the constitution.

Second, poor governance by the elected government and its inability to reduce the growing economic pressures on the common people are alienating the latter. The ordinary people are hit hard by an acute price hike, periodic shortage of food items and lack of personal security against intimidation by some societal groups. If such alienation is not remedied, the credibility of civilian elected institutions will suffer irreparable damage.

Third, the tone and contents of political discourse between the government and the opposition is non-democratic and extremist. They engage in polemical exchanges and pay little attention, if any, to addressing socio-economic problems. Such a political discourse spoils the environment within which democracy functions.

Fourth, the opposition engages in political campaigns from time to time to malign the government. The widely shared opposition perception is that the failure of the government would facilitate the return of the PMLN to power at the federal level. Since the Supreme Court's judgment on the NRO in December 2009, President Asif Ali Zardari has found himself to be the main target of the opposition propaganda because the opposition thinks that their campaign would encourage the Supreme Court to disqualify him from holding the presidency.

Fifth, an over-active and over-confident Supreme Court stepping frequently into the domains of the executive and the legislature causes insecurity among the already weak civilian and elected political institutions. Any attempt by the Supreme Court to rectify the weaknesses and deficiencies of the current democratic order through its judgments will be counter-productive.²⁶

The societal disposition is predominantly non-democratic and the political class lacks unanimity of views on sustaining democracy. Above all, the Supreme Court's enthusiasm to invoke judicial activism may not necessarily help democracy.

CONCLUDING REMARKS

Given Pakistan's ethnic and regional diversity, democracy can be considered as a natural political system. However, Pakistan has alternated between democracy and military rule. There were four phases of democratic rule and four periods of direct military rule. We can add three phases of civilianized military rule when the military rulers changed to elected governments but there was no meaningful shift in power from the ruling generals and the major policies remained unchanged. A section of the political elite were co-opted into the system and agreed to work within the parameters set out by the generals.

Participatory political institutions and processes did not function long enough to develop strong roots in society and become self-sustaining. Pakistan experienced periodic constitutional and political breakdown, the rise of the bureaucracy and the

²⁶ Hasan Askari Rizvi, "Between Democracy and Anarchy," *Daily Times*, September 13, 2009.

military, and the assumption of power by the generals who tampered with the political system to sustain their primacy in the political system.

If the over ambitious generals did not allow the autonomous growth and sustainability of democratic institutions and processes, the political leaders and societal forces were equally responsible for the abysmal performance of civilian rulers and setbacks to democracy.

A number of factors contributed to the weakening of the political forces and the expansion of the role of the military. These include the poverty of civilian leadership and weak and disparate political parties that could not create a credible civilian alternative to military authoritarian rule. Poor governance and failure to rise above narrow partisan interests weakened their capacity to work together and create broad-based consensus on the basic features of the political system.

The external security paranoia, a neglect of social development and insensitivity to the imperative of a viable economy and good governance made it difficult for civilian leaders to cultivate the voluntary support of the common people. This made them vulnerable to manipulation by the military directly or indirectly through intelligence agencies.

This does not mean that Pakistan is a lost case for democracy. The common people as well as the politically active circles express strong commitment to democracy, constitutionalism, independent judiciary and the rule of law. The authoritarian or military-dominated rule has never been accepted as a normal or desirable political system.

The return of political leaders and political parties in the February 2008 general elections was welcomed in Pakistan and it engendered the hope, once again, that Pakistan would be able to sustain a participatory political system.

The growing role of the electronic and print media and greater activism on the part of the civil society creates the hope that the latest experiment of democracy may be successful. However, the challenges to the revived democracy are numerous and strong. These challenges are posed not only by a self-confident military that wants to protect its professional and corporate interests but also by the failings in the civilian sector. The future of democracy is threatened by poor governance and management by the federal and provincial governments, a troubled economy, declining internal stability and harmony, religious and cultural intolerance, and terrorism.

The future of democracy depends on the transformation of the Pakistani state and society, which is not likely to take place in the near future. There are people in Pakistan who think that the return of Pakistan to democracy will turn Pakistan into a viable democratic state.²⁷ Others do not appear to be so optimistic and express doubts about whether democracy can endure.²⁸ Still others recognize flaws and deficiencies in the

²⁷ Noor-ul-Haq, "Governance and Democracy in Pakistan: Weaknesses, Strengths and Prospects," *IPRI Journal* (Vol.10 No.1, Winter 2010), pp. 1-21.

²⁸ Farrukh Khan Pitafi, "How Not to Run a Democracy," *Daily Times*, August 19, 2010.

present day democracy but want to carry on with this experiment: "...if Pakistan has a future, it has got to be democratic. One must, of course hope for a far better democracy, for governments more attuned to people's needs and less inclined to disregard the popular will. This goal cannot be furthered through yet another military interlude."²⁹

Democracy in Pakistan is on the brink. It can go either way. It can collapse and Pakistan can return to political chaos or military rule of some kind. It can shape up as a stable system through a gradual and sustained process. If Pakistan's political leadership can address its weaknesses and the military shows patience, democracy has prospects in Pakistan. Pakistan can move from "less" to "more" democracy.

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²⁹ Mahir Ali, "Do Not Let Flawed Democracy Drown," *Dawn*, August 18, 2010.

Russian Confusion About Democracy

Fyodor Lukyanov

The history of Russian statehood began about 1200 years ago and this period saw perennial struggles for expansion and centralization with short, and mainly destructive, periods of weakening of centralized power and attempts to build up a more flexible and diversified system of rule. Some historians argue that medieval Russia, as with the rest of Europe at that time, had preconditions for genuinely democratic development at the grassroots level, but this trend was destroyed very early: first, by massive Mongolian invasion and then by growing authoritarianism which accompanied activities by Muscovite Grand Dukes to accumulate all Russian territories under Moscow's rule.

The combined Russian experience of democracy consist of several months in 1917 after the collapse of empire and monarchy plus nearly two decades after another break-up—of the Soviet Union in 1991. The first Russian democratic republic emerged in February 1917 and was marked by total chaos; it ended in October of the same year with a coup d'état staged by Vladimir Lenin and Leon Trotsky's Bolsheviks who installed one of the most oppressive regimes in national history.

The disappearance of Soviet rule paved the way for another democratic chance, which has not been used yet, but is still available almost 20 years after. A critical lack of its own democratic tradition and a split national mentality—which has always been sandwiched between a culturally European population, a partly European history and non-European geopolitics (most rivalry)—make the whole discussion on democracy very interconnected with the question of Russian identity and its positioning in the international arena and in particular its relationship with the West. Today, it is almost impossible to separate Russian debate on democratic development in the country from Russia's foreign policy strategy.

EXIT FROM COMMUNISM

When the Soviet system was about to collapse, liberal-minded intellectuals heatedly discussed the country's economy and future state system, leaving aside its future foreign policy orientation: it was taken for granted that Russia would move beyond the

Iron Curtain, to the West, to the Euro-Atlantic civilization of free democratic states, where the Communists had not let anyone gone.

However, that period had one peculiarity: the progressive idea of a democratization of the Soviet Union and the corresponding foreign policy ideology was advanced by the general secretary of the Soviet Communist Party, Mikhail Gorbachev. In 1988-1989, he came out with a concept of “new political thinking.”¹ However, at that time the attitude of democratic forces toward him began to change. Gorbachev was increasingly viewed as an obstacle to reforms. The Soviet Union was already bursting at the seams under the blows of national democratic movements. The emergence of Boris Yeltsin, whose main goal was to remove Gorbachev from power, made the ideological and political legitimacy of the Soviet leader shrink fast. The revolutionary proposals from the first—and last—president of the USSR, who was the first to declare the desire for a democratic and people-friendly order in Russia and a new world order based on “common human values”, were never translated into life. The West had scarcely come to believe him when he was replaced by other, much more radical, reformers. Gorbachev’s failure was the failure of attempts to make the end of the Cold War into a “joint venture” of the Soviet Union and the West. Worse than that, in Russian people’s mind democracy started to be connected not to freedom and prosperity, but to rapid and fatal decline and the collapse of their habitual way of life.

The opposition between the “winners” and the “losers” in the Cold War seriously affected the further course of events. In the West, it produced a dangerous feeling of triumphalism translated into an arrogant idea about the “end of history”, a feeling of its complete moral and political rightfulness, and confidence that its set of ideas and views had no alternatives. In Russia, it produced a growing desire to take revenge and to “replay” the last round of the Cold War, in which, as many Russian analysts now prefer to think, the Soviet Union did not lose but capitulated. Democracy was started to be interpreted by many among Russians not as a goal itself, but as a means against the Russian future.

The widespread view that the Soviet Union lost the Cold War was the source of a severe political syndrome among the Russian elite, which it has not yet overcome. Historian and diplomat Fyodor Shelov-Kovedyaev pointed out that post-Soviet Russia needs to get rid of the feeling of historical defeat and the feeling of being a victim, and to take a new look at the Soviet Union’s disappearance: “Russians are the most successful nation of the 20th century. We emerged from the past century not as losers but as winners, having successfully coped with two totalitarian regimes—Hitler’s and our own.”² The main ideologist of today’s Russia and deputy chief of staff of the Russian

¹ This concept was set out in Gorbachev’s statements and articles. See, for example, his speech at the UN General Assembly session of December 7, 1988.

² Fyodor Shelov-Kovedyaev. “Russia, an Engine for Global Development”. *Russia in Global Affairs*, July-September, 2006, pp. 36-45.

president, Vladislav Surkov, also speaks of the importance of a positive self-sentiment: “It would not be out of place to note once again: Russia was brought to democracy not by a ‘defeat in the Cold War’ but by the European essence of its culture. I repeat once again: there was no defeat.”³

The Russian democratic movement of the 1980s to early 1990s, led by Boris Yeltsin, borrowed its slogans from the national democratic movements of Eastern Europe and other Soviet republics. Those slogans were democratic values and liberation from the Communist empire. But whereas for Eastern Europe and other Soviet republics the anti-imperial ideas were a goal, for Russian politicians they were a means, as they sought not to liquidate the empire but to get rid of the federal centre’s power. However, when the result was achieved, they found that their habitual and natural country no longer existed.

It would seem that there should be no doubts at the first post-revolutionary stage—the victorious democratic model was *a priori* considered to be the only correct and possible one. Besides, the Russian leadership repeatedly declared its devotion to a pro-Western vector of development. Western-style democracy was officially seen as the goal of Russian political and social transformation.

At the same time, the Russia of the 1990s found itself in a unique situation. The jump from status of one of two superpowers to recipient of humanitarian aid on the verge of collapse came almost overnight and the size of this trauma is underestimated in the West. On the one hand, despite its sharp weakening, it remained a great power with all the required trappings and an ability to influence major global developments and bear the post-imperial burden. On the other hand, it was an object of outside patronage. It is worthwhile to remember that for many Russians, democracy was the main cause of such an abrupt and dramatic transformation.

These two features could be reconciled only if both Russia and its Western partners were really guided by the same values and had a common view of the situation in the world. Then it could be said that the West was simply supporting temporarily its partner, which had found itself in a difficult situation. But since Russia continued viewing itself as an independent force with its own interests that differed from Euro-Atlantic ones, it turned out that the Western aid was payment for Moscow’s renunciation of its own natural foreign policy identity. Due to this contradiction, never declared in public, Russia’s policies over the last almost 20 years (under Yeltsin, Putin and early Medvedev) were driven by a desire to restore the status of a great power capable of conducting an independent policy.

Under Putin, the questions “Whither Russia?” and “What country does it orient itself to?” did not have a clear answer either. In his policy article, “Russia at the Turn of the Millennium”, which was published in Russian newspapers on December 30, 1999,

³ Vladislav Surkov. Natsionalizatsia Budushego (Nationalization of the Future) [in Russian]. *Ekspert*, November 20, 2006. http://www.expert.ru/printissues/expert/2006/43/nacionalizaciya_bodushego/

that is, on the eve of Yeltsin's resignation, Vladimir Putin wrote: "Despite all the difficulties and mistakes, we have embarked on the main route followed by the whole of mankind."⁴ However, he did not explain what route it was. In addition, the author emphasized that "a genuinely successful renewal of our Motherland without any excessive costs cannot be assured by a mere experimentation in Russian conditions with abstract models and schemes taken from foreign text-books. The mechanical copying of other nations' experience will not guarantee success, either."⁵

From the point of view of self-identification, the Goldman Sachs investment bank's 2003 report *Dreaming with BRICs: The Path to 2050* had an unexpected impact on Russia. Its authors argue that "over the next 50 years, Brazil, Russia, India and China—the BRICs economies—could become a much larger force in the world economy."⁶

The economic validity of these forecasts is still disputed, especially now, when Russia dramatically differs from the rest of BRICs as far as the overcoming of the global financial crisis is concerned; yet, their political significance is obvious. First, they strengthened the Kremlin's confidence that the West's global domination—political, economic and intellectual—will not be everlasting. Putin was careful to mention this in his famous Munich speech: "There is no reason to doubt that the economic potential of the new centres of global economic growth [the BRICs] will inevitably be converted into political influence and will strengthen multipolarity."⁷ Beyond that one can also feel doubts in the sustainability of Western-style liberal approaches.

But even more important is the psychological impact of this document. By its mentality, Russia is a typical European nation with a colonial political and psychological legacy. "Not falling out of Europe and sticking to the West is an essential element of building Russia," Surkov wrote in the aforementioned article.⁸ Putin was even more explicit: "Russia was, is and will, of course, be a major European power. Achieved through much suffering by European culture, the ideals of freedom, human rights, justice and democracy have for many centuries been our society's determining values. For three centuries, we—together with the other European nations—passed hand in hand through reforms of Enlightenment, the difficulties of emerging parliamentarianism... and the establishment of similar legal systems."⁹

⁴ Rossiya na rubezhe tysyacheletiy (Russia at the Turn of the Millennium) [in Russian], <http://www.ng.ru/printed/3681>

⁵ Ibid

⁶ <http://www2.goldmansachs.com/insight/research/reports/report6.html>

⁷ Speech and the Following Discussion at the Munich Conference on Security Policy, February 10, 2007. http://www.kremlin.ru/eng/speeches/2007/02/10/0138_type82912type82914type82917type84779_118123.shtml

⁸ Vladislav Surkov. Natsionalizatsia Buduschego (Nationalization of the Future) [in Russian]. *Ekspert*, November 20, 2006. http://www.expert.ru/printissues/expert/2006/43/nacionalizaciya_buduschego/

⁹ Address to the Federal Assembly of the Russian Federation, April 25, 2006. http://www.kremlin.ru/eng/speeches/2005/04/25/2031_type70029type82912_87086.shtml

However, having found itself in the Group Of Leaders-2050, according to Goldman Sachs forecasts dated back to 2003, Russia more and more often tries to identify itself not with the West, that is, not with the developed world, but with the developing world, to which the other “letters” in BRIC belong, despite the economic achievements of those countries.

One can often hear Putin resort to rhetoric reminiscent of the times of the anti-colonial struggle: “I would not like for Europe to be divided...into first and second class people. I don’t want a situation where you would have first class people able to live according to stable and democratic laws, while second class people get told by well-intentioned gentlemen in pith helmets what political course to follow. And if the ungrateful natives object, they will get punished by having bombs dropped on their heads, as in Belgrade.”¹⁰ The president made this statement in December 2004, after the elections in Ukraine. In his last address to the Federal Assembly in April 2007, Putin recalled that even during the colonial era there was “the talk about the civilizing role of colonial powers.” “Today, ‘civilization’ has been replaced by democratization, but the aim is the same—to ensure unilateral gains and one’s own advantage, and to pursue one’s own interests.”¹¹

More interestingly, addressing a forum entitled “Economy of Sovereign Democracy” in July 2006, Surkov described Latin American revolutionary Che Guevara, another anti-colonialist fighter, as his “spiritual forerunner.”¹² He read an excerpt from Guevara’s 1960 speech in Cuba on “Political Sovereignty and Economic Independence,” in which Guevara called for ensuring independence of states from “international oil, tin and coffee monopolies.”¹³

The BRIC concept has become so popular in Russia because this notion has combined several motives important to the Russian elite. First, it is a desire for leadership and the feeling of a reviving country wishing to make up for the time lost in the previous decade. Second, it is resentment at the West, which, from Moscow’s point of view, does not want to treat it as an equal and keeps lecturing it. Third, it is a coincidence of general political approaches to the world order, that is, the multipolarity principle. Fourth, BRICs include exceptional plurality of political models and approaches to democracy. Brazil and India are democratic countries, but their systems are marked by obvious national specificity rooted in their unique traditions, while China is authoritarian. That fact pleases the Russian elite as it shows that liberal democracy is not condition *sine qua non* for national success.

¹⁰ http://www.kremlin.ru/eng/speeches/2004/12/06/1232_type82915_80868.shtml

¹¹ http://www.kremlin.ru/eng/speeches/2007/04/26/1209_type70029type82912_125670.shtml

¹² <http://www.lenta.ru/news/2006/07/11/surkov/>

¹³ For more on this subject, see F. Lukyanov. *Perevoploscheniye Rossii* [in Russian]. Gazeta.Ru, July 22, 2006, <http://test2.gazeta.ru/column/lukyanov/698798.shtml>

WAY TO “SOVEREIGN DEMOCRACY”

Except for the earliest period of democratic romanticism, post-Soviet Russia’s policy has been void of any clear ideological basis. The devotion to democratic values, proclaimed by the Kremlin, has never been fully sincere, while the latent desire to retain great-power status has not materialized into a clear-cut policy line.

After Putin came to power, the words “pragmatism” and “competition” have become key notions in Russia’s foreign policy vocabulary. Whereas at first they were used to describe the situation in the world, by the end of Putin’s presidency both words have acquired an ideological meaning. The transformation of these notions allows us to track changes in the Russian political elite’s outlook.

Even before the 2000 presidential elections, Putin in his *Open Letter to Russian Voters* wrote: “Only the real interests of our country, including economic interests, should be the law for Russian diplomats.”¹⁴ At the same time, he pointed out that “our saving of strength today does not mean that we do not seek external expansion in the good sense of the word. We also envision for ourselves what other countries call zones of vital interest.”¹⁵

If we project this economic notion to other spheres—above all, politics and ideology—we will have a precise description of Russia’s foreign policy. By the way, if we make a historical analogy, Russia fits harmonically into the epoch of early capitalist production. It was at that time that national states were formed in Europe and the modern notion of sovereignty emerged. Russia is going through this stage only now. Therefore “sovereignty” forms the basis of official propaganda in this country. Another reason for emphasis on sovereignty is the scale of collapse which Russian statehood went through in the early 1990s. Fear of being stripped of sovereign status—partly irrational, partly based on the assessment of international processes when sovereign states are undermined by the different impacts of a globalized environment—defines political thinking in Russia.

At the same time Russia would not be satisfied with a purely mercantilist motivation of its actions and seeks to serve as a source for another, different from the Western, international legitimacy. “Russia should continue its civilizing mission on the Eurasian continent. This mission consists in ensuring that democratic values, combined with national interests, enrich and strengthen our historic community,” Vladimir Putin said.¹⁶ “Messianism, the desire to convert others to one’s own religion, is typical of idealism,” Surkov believes. “The Third Rome and the Third International were messianic

¹⁴ Otkrytoye pismo rossiyskim izbiratelyam (Open Letter to Russian Voters) [in Russian], <http://old.polit.ru/documents/185350.html>

¹⁵ Ibid.

¹⁶ Address to the Federal Assembly of the Russian Federation, April 25, 2005, http://president.kremlin.ru/eng/speeches/2005/04/25/2031_type70029type82912_87086.shtml

concepts. No doubt, Messianism is of no use to us now, but the mission of the Russian nation needs to be specified. Without establishing Russia's role among other countries (a modest or noticeable role is a matter open for discussion), without understanding who we are and why we are here, our national life will not be full-fledged."¹⁷

Addressing an International Economic Forum in St. Petersburg in June 2007, Putin said: "At the forum last year, the concept of what were called 'idea-countries' was put forward. Russia is just such a country, a country that seeks to build a fair and just society based above all on moral values, a country that analyzes thoroughly the strategic processes in the world and is committed to strengthening trust between peoples and states."¹⁸

Leonid Polyakov, one of the main thinkers behind the idea of sovereign democracy and professor of Higher School of Economics in Moscow, gives an interesting interpretation of the notion of freedom, which, he claims, is the basis of Russian ideology in Putin's time: "In reality, the value of freedom has been preserved and is actively propagated by the regime in three main areas: economic freedom, freedom as a global competition between different poles, or centres of power, that compete for their national interests, freedom for each country to choose its own form of national governance—that is, freedom from any form of governance being imposed from the outside"¹⁹. This is probably the most frank description of how Russian leaders are trying to bypass Western discourse about freedom and democracy while using the same terms.

According to the view widespread in the West, Russia enjoyed unstable, but real democracy in 1990s, but afterwards this process has been reversed. This picture is rather simplistic, because both the democratic nature of Yeltsin's Russia and the authoritarianism of Putin's are exaggerated.

Andranik Migranyan, one of the most well-known conservative political analysts in the 1990s and early 2000s, tried to summarize the nature of Putin's regime in an article, "What is Putinism", published in 2004, at the end of Vladimir Putin's first presidential term.²⁰ He wrote that the Yeltsin regime, formed after the collapse of the Soviet Union, initially could be described as a "delegative democracy"—a term first proposed by the Argentine political scholar Guillermo O'Donnell. Regimes that emerge during a transition from one system to another are characterized by the presence of a charismatic leader, as well as extremely weak political institutions with no ability for

¹⁷ V. Surkov. *Russkaya Politicheskaya Kultura – Vzglyad iz Utopii* (Russian Political Culture – The View from Utopia) [in Russian], <http://www.edinros.ru/news.html?id=121456>

¹⁸ Speech at the XI St. Petersburg International Economic Forum, http://president.kremlin.ru/eng/speeches/2007/06/10/1823_type84779_133777.shtml

¹⁹ Leonid Polyakov, "An Ideological Self Portrait of the Russian Regime", in *What does Russia Think*, edited by Ivan Krastev, Mark Leonard and Andrew Wilson, pp. 21-24. European Council on Foreign Relations, 2009.

²⁰ Andranik Migranyan, "What is Putinism", *Russia in Global Affairs* No. 2, 2004, http://eng.globalaffairs.ru/number/n_2902

mobilization. There is a lack of feedback between the people, who legitimize a charismatic leader's authority through popular elections, and the leader himself after the elections.

At the initial stage, a charismatic leader, while being extremely popular, can promise a lot of changes but will not be able to achieve his goals. As a result, the leader's charisma is impaired, leading to a loss of support from the population. In this situation, such a regime may develop according to the following two scenarios: if democratic reforms are successful and civil institutions are strengthened, they move toward consolidated democracy; on the other hand, if serious problems block economic and social reforms, the regime may experience a deep crisis, chaos and even the inability to properly govern. At this point, the country may evolve toward a consolidated authoritarianism. The main feature of a delegative democracy is that this regime is not consolidated in principle. Such a regime is incapable of putting forth sensible objectives; it fails to mobilize—via various institutions—financial, institutional, human and information resources that are necessary for resolving problems facing the country.

As the pro-Communist opposition was defeated through the violent dissolution of parliament, which many see, till now, as a turning point from real attempts to build effective democratic institutions, a regime of delegative democracy drifted toward a rather moderate military-bureaucratic consolidation of power. The consequential weakness of Russian society, Migranyan argues, together with the forceful removal of the institutionalized opposition, enabled the decentralized military-bureaucratic authorities to begin the large-scale process of transferring state property into selected private hands. In fact, the authorities no longer expressed the interests of society. Officials failed to formulate common national interests and goals, and to mobilize the necessary resources for achieving them. It was during this period that corrupt government officials merged with the rising Russian businesses. That led to an unparalleled weakening of the state and the emerging of a real danger of continued disintegration, including militant separatism in some Russian regions.

But this decentralization of power, together with the state's loss of central authority, created an illusion of democracy while the regime degraded and the Russian state lost its central authority. An informal power centre, consisting of family members and a group of major oligarchs, around sick president Boris Yeltsin made almost all of the political and personnel decisions.

When Putin was appointed by Yeltsin's group as successor he began to restore a hierarchy of power in all fields from Russian regions to the business community. His attempts to reintroduce the status, rights, powers and capacities of the political institutions faced resistance, which led to the authorities' decision to crush down several of the most powerful business empires, the biggest of which was oil giant YUKOS owned by Mikhail Khodorkovsky. Despite Putin's slogan of "Dictatorship of Law", measures taken against big businessmen were selective and far from legal procedures. The

consolidation of state power naturally enhances the role of law enforcement agencies, which started soon after Putin, a former KGB officer, came to power.

However, Putin's system even at its highest moment, somewhere after 2006, amidst the background of a booming energy conjuncture, was not classically authoritarian. Loyal commentators used to refer to, for example, post-war Italy where a one-and-a-half party system existed for 50 years—democratic rights and freedoms existed for everyone, but the opposition never had a chance to come to power. This was also the case in Japan, Mexico and, for a certain time, in France.

As Migranyan characteristically argues, there is no clear qualitative distinction between authoritarianism—especially at its advanced stages—and democracy. There exists a quantitative difference and an innate organic link between these two types of regimes. In the 20th century, it was no accident that many developed authoritarian regimes broke with the past on the basis of a contract between old and new elites, opening up opportunities for consolidated democracy and civil society's control over the state when the preconditions had become possible.

Loyalists admit that the present regime in Russia can transform in two ways—into bureaucratic authoritarianism or consolidated democracy. From their point of view, the Putin regime possesses certain features which differentiate it from bureaucratic authoritarianism. It can best be described as a plebiscitary democratic regime with a charismatic leader at its helm. This type of regime has already been described by Max Weber: there is a direct relationship between a charismatic leader and the people; the leader's ability to mobilize the masses is great. He controls the institutional system and is also able, while relying on the masses, to overcome the resistance of bureaucracy. Naturally, there is a serious threat that bureaucratic authoritarianism may emerge. Priorities for advancing the regime toward a consolidated democracy include separating the state bureaucratic apparatus from business in order to weed out the roots of corruption. Only an enlightened leader and his administration can achieve this.

Another interesting analysis was offered by Ivan Krastev, who had carefully studied the nature of the Russian political system in the 2000s.²¹ Putin's Russia is not a trivial authoritarian state, he writes, nor can it be described as a transitional democracy. It is, however, a “managed democracy” or, shall we say, an “over-managed democracy”. But even this concept falls short.

Krastev writes that the concept of “sovereign democracy” can be the key to understanding the ambitions, fears and constraints of Putin's regime. The concept of “sovereign democracy” succeeds in confronting the Kremlin's two ideological enemies of choice: the liberal democracy of the West and the populist democracy admired by the

²¹ Ivan Krastev, Russia as the “Other Europe”, *Russia in Global Affairs* No. 4, 2007, http://eng.globalaffairs.ru/number/n_9779

rest. It pretends to reconcile Russia's urgent need for Western-type modernization and Russia's will to defend its independence from the West.

Krastev rightly points out that the concept of "sovereign democracy" originated in the Kremlin's conceptualization of the November 2004 to January 2005 Orange Revolution ("Orange Technologies" in the Kremlin's terms) in Ukraine. Sovereign democracy is Moscow's response to the dangerous combination of populist pressure from below and international pressure from above that destroyed the regime of Leonid Kuchma. The Kiev events embodied the ultimate threat: long distance-controlled popular revolt.

Putin's preventive counter-revolution that followed marked a "regime change" in Russia. The regime of directed democracy that Putin inherited from Boris Yeltsin, in contrast to the classical models of managed democracy, did not imply a ruling party to manage the political process. The key to the system was the creation of a parallel political reality. The key element in the model of directed democracy was that the sources of the legitimacy of the regime lay in the West. Imitating democracy assumes that the imitator accepts (or at least pretends to accept) the superiority of the model he is imitating.

In its social origins, directed democracy reflected the strange relations between the rulers and the ruled in Yeltsin's Russia. Stephen Holmes has acutely portrayed this relationship: "Those at the top neither exploit nor oppress those at the bottom. They do not even govern them; they simply ignore them."

Directed democracy was a political regime that liberates the elites from the necessity of governing and gives them time to take care of their personal business. It was perceived as the best instrument for avoiding a bloody revolution; at the same time, it created room for the "criminal revolution" that transferred much of the nation's wealth into the hands of a few powerful insiders. It was the most suitable regime for a "non-taxing state".

The post-Communist elites discovered the irresistible charm of state weakness, Krastev continues. Russia was a weak state, but it was also a cunning state, one that was quite selective in its weakness. It failed to pay the salaries of workers, but was strong enough to redistribute property and even to repay foreign debts when this was in the interests of the elites. The regime's strategy was to keep up the illusion of political representation, while at the same time preventing the interests and sentiments of the transition's losers from being represented. The model of directed democracy made the elites independent of the citizens' legitimate claims. None of the reforms implemented in Russia in the heyday of directed democracy was initiated by pressure from below. The most vulnerable aspect of Russia's system is this total disregard for the basic needs of the people.

Yeltsin's liberalism and Putin's sovereigntism represent two distinctive but related forms of unrepresentative political systems. They differ in the perceived role of the state in public life and the sources of legitimacy of the two regimes. Another difference

is the price of oil. Yeltsin's "faking democracy" was replaced by Putin's consolidation of state power through nationalization of the elite and the elimination or marginalization of what Vladislav Surkov calls "offshore aristocracy".

The offshore oligarchs were replaced by state-serving oligarchs. This transformation explains one of the puzzles of today's Russia: the form of property—private or public—does not matter when it comes to the big Russian companies. They all are state-minded companies and their economic policies reflect the priorities of the Russian state. Putin offered consumer rights to Russian citizens, but not human rights; state sovereignty, and individual autonomy. Sovereign democracy, in the Kremlin's view, is the Russian version of European civic (non-ethnic) nationalism. The pillars of the project are natural resources, the memory of the Soviet victory in WWII, and the promise of sovereignty.

For the Kremlin, sovereignty means capacity. It implies economic independence, military strength and cultural identity. The other key element of a sovereign state is "nationally minded" elite. The nature of the elite, in the view of the Kremlin's ideologues, is the critical component of a sovereign state. The creation of a nationally minded elite is the primary task of sovereign democracy as a project. Moreover, the need for a nationally minded elite requires a nationally minded democratic theory. Putin's Kremlin has never seen the new democracies of Central Europe as a model for the political development of Russia because, in Moscow's view, the small states of Central Europe have no capacity to be sovereign. They are doomed to gravitate around sovereign poles of power.

The ideologues of sovereign democracy are not interested in the various theories of "Russia's uniqueness" in building their project. The Kremlin's revolt against the Anglo-Saxon theory of liberal democracy, centred on individual rights and the system of checks and balances of power, is rooted neither in criticism of democracy as a form of government nor in theories of Russia's exceptionalism. In constructing the intellectual justification for the model of sovereign democracy, Kremlin ideologues turned to the intellectual legacy of continental Europe—the French political rationalism of Francois Guizot's and Carl Schmitt's "decisionism." Leonid Polyakov describes the Russian concept of freedom as "the survival of the fittest on a global scale—a paradoxical mix of Friedrich Hayek and Carl Schmitt".

What attracts Surkov and his philosophers to the legacies of Guizot and Schmitt is obviously their anti-revolutionism and their fundamental mistrust of the two concepts of the present democratic age—the idea of representation as the expression of the pluralist nature of the modern society, and the idea of popular sovereignty that defines democracy as the rule of the popular will. Anti-populism and anti-pluralism are the two distinctive features of the current regime in Moscow. Following Schmitt, the theorists of sovereign democracy prefer to define democracy as "identity of the governors and the governed".

And, following Guizot, “sovereign” for them is not the people or the voters, but the reason embodied in the consensus of the responsible national elites. In the Kremlin-concocted mixture of Guizot’s anti-populism and Schmitt’s anti-liberalism, elections serve not as an instrument for expressing different and conflicting interests, but in demonstrating the identity of the governors and the governed; not as a mechanism for representing people, but one for representing power before the people. What is at the heart of the Putin’s regime is governmentalization of the state. The Kremlin does not think in terms of the citizen’s rights, but in terms of the population’s needs. The concept of population is contrasted both to the notion of rights at the core of the liberal democratic project and the notion of “the people” that is at the core of the nationalist project. The rights of the citizen-voter that are at the foundations of liberal democracy are, in Putin’s Russia, substituted by the rights of the consumer, tourist and Russian soul-owner.

Schmitt’s definition of the sovereign as “he who decides on the state of exception” perfectly fits the almost metaphysical role of the figure of the president in Russia’s present political system. Schmitt’s definition of democracy in terms of identity, not in terms of representation, does not allow a meaningful distinction between democracy and dictatorship. The Kremlin’s theorists of democracy could also see this as an advantage.

Contrary to the assertions of Putin’s critics, the concept of sovereign democracy does not mark Russia’s break with European tradition, Krastev implies. It embodies Russia’s ideological ambition to be “the other Europe”—an alternative to the European Union. The Kremlin has developed an ideological project that is not only attractive for many in post-Soviet Europe, but a project that presents an existential challenge to the European Union.

“Sovereignty stands for openness, an outlet to the world, and participation in open competition,” Vladislav Surkov said. “I would say that sovereignty is a political synonym of competitiveness.”²² Competition is viewed as an instrument of struggle against the West’s “monopoly”—not so much economic as political and ideological monopoly.

This view is clearly seen in *Survey of the Russian Federation’s Foreign Policy*. “Strong, more self-confident Russia has become an important component part of the positive changes in the world. As a result the equilibrium and competitive environment that were lost with the end of the Cold War are gradually being restored. The object of competition, which is acquiring a civilizational dimension, now consists of value orientations and development models.”²³

²² Speech by the Russian President’s Deputy Chief of Staff and presidential aide Vladislav Surkov to students of the Educational and Personnel Training Center of the United Russia party. February 7, 2006. <http://www.edinros.ru/news.html?id=111148>

²³ *Survey of the Russian Federation’s Foreign Policy*. http://www.mid.ru/brp_4.nsf/e78a48070f128a7b43256999005bcbb3/89a30b3a6b65b4f2c32572d700292f74?OpenDocument

One of the ideologists of “sovereign democracy”, Andrei Kokoshin, appeals to the experience of non-liberal capitalism: “Examples of state-business success stories were found in many European countries (especially in the 1950s-1960s), Japan (up to the early 1990s), Singapore, Taiwan and South Korea. Meanwhile, research of this kind is actively conducted by various research centres in China and India.”²⁴

The growing protectionism in the developed world is seen as evidence of the strength of Russia and other growing nations where state capital dominates.

Sergei Karaganov comes to the conclusion that “Russia, which is a key state for the political and military-political balance in the world from the point of view of competition between political and socio-economic models, has been pushed by history into the centre of a new competitive struggle between the liberal-democratic and authoritarian models of capitalism.”²⁵

Sergei Lavrov sees Russia as the flagship of genuine democratization of international relations: “The primary importance of Putin’s Munich speech is that it helped to foil a conspiracy of silence on fundamental issues concerning the global security architecture, that is, on issues that directly concern everyone. The president’s speech outlined the borders for a ‘territory of freedom’—freedom of thought and freedom of speech in international relations.”²⁶

“While developing democracy in our own country, we are interested in democratizing international relations, as well,” Vladislav Surkov joins in. “There must no room for diktat in these relations. Free nations should compete and cooperate according to fair rules. Russia should help work out fair rules of globalization. We must prevent the monopoly of one or two countries in any vital sphere, and support the creation of new reserve currencies, new transportation and information systems, and new international high-tech centres.”²⁷

A political analyst close to the Kremlin, Gleb Pavlovsky, wrote in September 2007: “By the example of the United States, we see what can happen, if force is misused, even in that most experienced democracy on the planet which starts to see its duty in spreading democracy worldwide.” In Pavlovsky’s view, “there is a universal demand for checking the American expansionism. Checking the U.S. is the global function of Russia’s policy for the next few years.”²⁸

²⁴ Andrei Kokoshin. Real Sovereignty and Sovereign Democracy. *Russia in Global Affairs*, October-December, 2006, <http://eng.globalaffairs.ru/numbers/17/1069.html>

²⁵ Sergei Karaganov. Nastupayet Novaya Epokha (New Epoch Setting In) [in Russian]. *Rossiyskaya Gazeta*, July 6, 2007, <http://www.rg.ru/2007/07/06/karaganov.html>

²⁶ Sergei Lavrov. The Present and the Future of Global Politics. *Russia in Global Affairs*, April-June, 2007, pp. 8-21, <http://eng.globalaffairs.ru/numbers/19/1102.html>

²⁷ Vladislav Surkov. Natsionalizatsia Budushego (Nationalization of the Future) [in Russian]. *Ekspert*, November 20, 2006, http://www.expert.ru/printissues/expert/2006/43/nacionalizaciya_budushego/

²⁸ Gleb Pavlovsky, *Moskovskiy novosti*, September 10, 2007.

MEDVEDEV'S RUSSIA: ATTEMPTS TO INVENT NEW DEMOCRATIC MEANS

Has something changed in the Russian intellectual framework vis-à-vis democracy since Dmitri Medvedev replaced Vladimir Putin as Russian president? The notion of sovereign democracy disappeared entirely from official discourse, which rather confirms that the invention of it was more an instrumental reaction on neoconservative promotion of democracy than an independent theory. Medvedev likes to repeat that democracy is of the highest value and speeding up democratic development is an ultimate goal for the Russian state. In a video blog in late November 2010 he even expressed concern about signs of stagnation in the Russian political model. Vladislav Surkov, founder of the contemporary Russian political system, said at a meeting with American students that the Russian aspiration is to become a modern Western-style democracy and part of the community of developed nations. He also stated that ruling-party United Russia, which now almost automatically wins any elections, should be prepared to work in opposition some day.

But when it comes to political transformation in order to approach those noble goals, all the ruling elite is ready to accomplish are very minor improvements of the current system. Genuine distrust to democratic procedures is rooted in two periods in the previous decades which the current Russian elite comes from.

The first was Gorbachev's perestroika which effectively paved the way to politics for all Russian leaders, including Putin and Medvedev, but also showed for them how quickly the best intentions to liberalize the system can turn into total and irreversible collapse. This "perestroika syndrome" paralyzes any will to change.

The second was the experience of the 1990s, when elections, as frequently happens to immature democracies, turned into competitions of money and sometimes even violence. For example, the last straw which pushed Putin to abolish the election of local governors in regions of the Russian Federation and replace them with appointed officials, was the experience in the Altai region in Siberia. A famous comedian won an election with the support of one of the big corporations and started to destroy the regional economy due to fatal incompetence.

In Russian history the authorities were never patient enough to wait for turbulent early democracy to transform to a more solid shape and become self-sufficient. At the same time the current rulers of Russia are pretty aware that there is no chance to practise old-fashioned authoritarian methods in an open globalized society and that there is a need to combine control and political flexibility. In this context Dmitri Medvedev was talking about new means of safeguarding democracy as opposed to classical ones which the Russian authorities genuinely do not trust. "Thanks to unprecedented access to knowledge and communication, we are reaching a new level of democracy... It is evident that not only indirect or representative democracy are in store for us, but also immediate or direct democracy, democracy where people will be able to instantly

convey what they want and achieve concrete results. Today public views on all major issues are garnered via open debate and informal voting. While obviously this process is not yet institutionalised, sooner or later it will be. It will guide popular will and, ultimately, it will be democracy. Direct and immediate, distinct from that of a thousand years ago, during the times of direct referenda, various popular assemblies and gatherings, but nevertheless not representative. The question is how to regulate this and how to exercise these powers,”²⁹ Medvedev argues.

He is a passionate Internet and blogosphere user and seems to believe that by using these means, society can develop without traditional democratic institutions, for lack of which Russia is frequently criticized. As a result of the power constellation inside the Russian ruling tandem, Medvedev’s competences are limited, but he is trying to find his own ways to influence development, at least through virtual means.

Over the past 25 years, Russia has experienced a series of disappointments. Inside the country, all possible types of social organization have been discredited: socialism, democratic liberalism, and authoritarian progressivism. The world still underestimates the size of the shock to Russian society and its political class, caused by the break-up of the Soviet Union. The collapse had several dimensions: the *status* dimension—the collapse of a superpower that was one of the two pillars of the world order for half a century, and the loss of global political influence. The *geopolitical* dimension—the collapse of a power that had for several centuries structured a vast Eurasian space. The *mental* dimension—Russia lost not only its “colonies” but also territories that it viewed as its natural parts, including Kyiv, the cradle of Russian statehood and the place where the nation was baptized. Twenty-five million Russians became foreigners overnight, without making a move. And, finally, the *socio-economic* dimension—the habitual way of life collapsed for 150 million people, and the majority of the population lost more than gained as a result.

Since then, the Russian nation has been looking for a new identity. The most important thing is that Russia is changing at such a speed that makes it impossible to fix and comprehend any particular moment of its development. Here, however, Russia differs little from the world in which mankind has lived since the beginning of the 21st century.

The disappearance of the gigantic Eurasian empire in December 1991, which for centuries had formed one-sixth of the earth’s surface and for the last 50 years had been one of the two buttresses supporting world order, produced a new reality. For the first time in its history the USA was the world leader, arrogating to itself responsibility for the whole world, while Russia had suffered serious geopolitical defeat and was struggling for its life as a sovereign state.

29 Dmitry Medvedev, Speech at the plenary session of the Global Policy Forum The Modern State: Standards of Democracy and Criteria of Efficiency <http://eng.kremlin.ru/transcripts/928>

Arguments about whether there was any chance of closely integrating Russia into the Western system will probably never end, but if there was a chance, then it was not taken up.

One of the reasons was underestimation of the scale of this task. The wide-spread perception was: liberal economic reforms would sooner or later transform the quality of the Russian state in the same way as it had happened in Central and Eastern Europe. This approach didn't take into account non-economic factors. Unlike other post-communist countries Russia used to be a great power with a strong imperial geopolitical tradition and experience in world domination. Never before were such powers radically transformed without being defeated militarily.

Russia, like the other states in the present fast-changing and very aggressive global environment, is looking for ways to retain its own identity. This process, very difficult per se, is complicated by Russia's internal transformation, whose ultimate goal remains unknown.

Russia constitutes a unique combination. It is a developed state, which has for centuries participated in European and global politics and which has traditionally held conservative positions. At the same time, it is a fast-developing country with an "emerging power" psychology.

Russia is bitterly seeking recognition as a European nation and is offended by Europe's reluctance to recognize it as such. At the same time, it rejects Europe as an alien model (which it has recently found to be economically and politically ineffective) and is gravitating towards South and East Asia, although it has nothing in common with those regions.

Dmitri Medvedev describes Russia as a "young, immature, incomplete and inexperienced" democracy, but, he says, "It's a democracy nevertheless. We are still at the beginning and for this reason we have a lot of work to do". Maybe this is the biggest step forward in Russian perception because traditional approaches were based on the assumption that Russia is not "immature", but entirely different and doesn't need any Western inventions at all. This is promising.

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The State of Democracy in South Africa

Terence Corrigan, Yarik Turianskyi and Steven Gruzd

INTRODUCTION

South Africa is in many ways a polity in flux. Sixteen years after South Africa crossed its democratic threshold, the personalities populating the country's political landscape have changed. Relatively few of the people who loomed large at the negotiations for a democratic dispensation, with the drawing up of the country's 1996 constitution, or even with the country's first all-race parliament are prominent in political life any more. The gradual passing of a generation challenges us to think about the legacy they will leave behind and the stewardship that succeeding generations will need to exercise to maintain it.

One recent passing prompts a unique set of reflections. Dr. Frederik Van Zyl Slabbert, who died some months ago, was a sort of political Renaissance Man. His career had spanned academia, active politics, advocacy and business. During the 1980s he had been part of a pioneering group of white South Africans that had met the then-banned African National Congress (ANC). His thoughts on the state of the country and his reflections on the future were published in a regular stream of books and offer insightful analyses of the South Africa of the moment. Even dated, they remain excellent reads.

Yet at his death, there seemed to be a subtext to many of the tributes and obituaries of a peculiar sense that some potential had not been realised, as though he might have had more to contribute, but that this had not been seized upon. Particular importance was laid on his relationship with Thabo Mbeki—as ANC exile, ANC party functionary, and president—and to the manner in which it had soured. A former associate commented that a fundamental difference had existed between them: Slabbert had sought to help build a durable and effective democracy; Mbeki had aimed for ANC hegemony.¹

This argument might stand as a metaphor for different understandings of the possible trajectory of South Africa's democracy. How do important participants in the

¹ Savage M, "Van Zyl Slabbert and Mbeki", Politicsweb, 30 June 2010, available online at <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71619?oid=184052&sn=Detail>, retrieved 2 July 2010.

country's politics conceive of democracy? Is democratic commitment in South Africa a principled or an instrumental affair? Does current evidence point to a future of stable, consolidated democratic governance or to backsliding and breakdown? These are neither easy nor comfortable questions to answer. But it is on these answers that the future of South Africa as a democracy will turn.

SOUTH AFRICAN DEMOCRACY IN PERSPECTIVE

How do important participants in South Africa's politics conceive of democracy? Is democratic commitment in South Africa a principled or an instrumental affair? Will the future bring stable, consolidated democratic governance or backsliding and breakdown?

“Democratic consolidation” can be defined as the process by which a given polity's democratic form of government becomes the only conceivable option. It implies that the processes and institutions that constitute the formal system function properly, are trusted, and can mediate political competition efficiently, most notably in respect of replacing incumbent governments. It also implies that citizens accept the system and are willing to operate within its rules, whether or not they are successful in any given contest. In short, democracy becomes “the only game in town”. Fundamentally, this paper attempts to establish the extent to which democracy in South Africa has become consolidated.

The American political scientist Francis Fukuyama suggests four levels on which democracy must be consolidated to be secure.² His four levels are:

1. ideology—a conscious commitment to democracy as a preferable alternative to other forms of governance;
2. institutions—the formal rules and governance structures must enable a democratic mode of governance to be practiced;
3. civil society—autonomous social structures that support and interact with political systems; and
4. culture, an “a-rational, ethical habit passed on through tradition”.

These levels represent a continuum from easiest and most rapid to most difficult and slowest in their capacity to consolidate. None is inherently less important, although “cultural” consolidation (level 4) is arguably the point at which democracy solidifies permanently.

This paper explores how South Africa's democratic consolidation is proceeding on all these levels, and especially at the level of democratic culture, defined by Larry Diamond as “a people's predominant beliefs, attitudes, values, ideals, sentiments, and

² Fukuyama F, “The Primacy of Culture”, *Journal of Democracy*, Vol. 6, No. 1, 1 January 1995, pp. 7-14.

evaluations about the political system of its country, and the role of the self in that system”.³ Diamond argues further that⁴

[i]f competition for power is not to become a violent, ruthless, Hobbesian struggle, strong mechanisms are needed to temper and contain it. To a considerable extent, these mechanisms are institutional: a constitution intelligently designed for the particular society, an effective rule of law, and party and electoral systems that give expression to underlying social cleavages while also cross-cutting them and generating incentives for co-operation and power-sharing. However, if such democratic institutions—and their constraints—are to be utilised and honoured, there must develop a deep and intrinsic commitment to them among both elites and the population at large. This conditional commitment to the institutions of democracy is part of what we mean by a democratic culture.

So what happens when people—leaders in particular—simply refuse to be bound by democratic constraints? This paper focuses on trends in the South African political arena and what this suggests for the country’s democratic prospects.

WE’RE ALL DEMOCRATS NOW...?

A commitment to “democracy” can mean different things to different people.⁵ Can we gauge the extent to which democracy, broadly understood, has consolidated on Fukuyama’s first level, ideology, among the population and elites? And what can we deduce about consolidation on level 4, culture, which is harder to measure?

We argue that in the South African context, “democracy” connotes “liberal” democracy. In terms of the country’s formal arrangements, democracy is exercised in terms of the much-lauded 1996 Constitution, which lays down in considerable detail limitations to the state’s freedom of action. The Constitution lays particular stress on individuals’ rights and provides the framework for an open society, equality before the law, and autonomous social organisation.

Political scientists Phillippe Schmitter and Terry Lyn Karl argue that liberal democracy is characterised by two important elements: “contingent consent” and “bounded

³ Diamond L, “Introduction: Political Culture and Democracy”, in Diamond L (ed), *Political Culture and Democracy in Developing Countries*, Boulder and London: Lynn Rienner Publishers, 1994, pp. 7-8.

⁴ Diamond L, “Civil Society and Democratic Consolidation: Building a Culture of Democracy in a New South Africa”, in Giliomee H, Schlemmer L, and Hauptfleisch S (eds), *The Bold Experiment: South Africa’s New Democracy*, Halfway House: Southern Book Publishers, 1994, p. 48.

⁵ In one of the numerous books published in the early 1990s on democracy in South Africa and its possible future, academic JN Cloete identified eight distinct concepts of democracy. (Cloete JN, *Democracy: Prospects for South Africa*, Hatfield: JL Van Schaik, 1993).

uncertainty”⁶. The first idea means that participating parties agree to recognise the winner’s electoral victory in exchange for an assurance that power will not be abused to disadvantage the losers in subsequent elections. The second is that certain ideas are not to be subject to political contestation – constitutional protections being a key expression of this. These elements are particularly important in South Africa, with a heavily dominant ruling party, and social cleavages that play a significant role in determining voter choice. In such a society, the suggestion that power is being used to beget more power will be of greater significance than in a society with frequent or expected changes in government. In dominant party systems overlaid with identity politics, trust between contending parties, especially on the part of those outside of power, will be fragile.

“Liberal” and “constitutional” are crucial qualifiers. In an important contribution to the journal *Foreign Affairs* in 1997,⁷ the American scholar Fareed Zakaria argued persuasively that the growth of democracy worldwide was spawning a species of polity that, while providing for the minimal conditions for democracy (notably regular elections), did not respect the restraints on government power and discretion that was inherent in the *constitutional* and *liberal* tradition with which democracy had hitherto almost instinctively been associated. Large numbers of nominal “democracies” were governed with various degrees of arbitrariness and repression.

Zakaria’s observations analysed a trend connected with the so-called “third wave” of democratisation that began in the 1970s and continued in the 1990s, producing multi-party elections and delegitimizing the one-party state and military rule. But the moniker “democracy” (power exercised by the people) had been invoked for decades to describe a variety of governance systems anathema to the society envisioned in South Africa’s constitution, including the purported “one-party democracy” (where all debate takes place within the ruling party) in Julius Nyerere’s Tanzania, and the so-called “people’s democracies” of the erstwhile Soviet bloc.

At a popular level, commitment to democracy can be measured through survey results.⁸ Various opinion surveys lead to the conclusion that overall, South Africans are committed to democracy, both as a sort of national “brand” and also to some of its key features. The Afrobarometer survey in 2008 found that only 21% of people polled in South Africa were in favour of non-democratic government and one-party rule, with even lower proportions favouring other non-democratic alternatives, such as unlimited presidential power and military rule. It also found that classic liberal values, such as “people’s rights to live freely” are widely supported.⁹ The World Values survey like-

⁶ Schmitter P and Karl TL, “What Democracy is ... and is not”, *Journal of Democracy*, Vol. 2, No. 3, 1991, pp. 78-88.

⁷ Zakaria F, “The Rise of Illiberal Democracies”, *Foreign Affairs*, November December 1997, pp. 22-43.

⁸ This section, its data and insights, draws on work previously done by one of the authors, Corrigan T, “The Dilemma of South Africa’s Political Culture”, Hanns Seidel Foundation, 2010.

⁹ Afrobarometer, *Summary of Results, Round 4 Afrobarometer Survey in South Africa*, 2009, p. 17-19, 24.

wise finds a high degree of support for democracy, on protection from oppression and on the right to choose leaders.¹⁰

But Afrobarometer found that 46% of respondents were either very or fairly dissatisfied with the way democracy *worked* in South Africa, while a similar proportion felt that “if our present system cannot produce results soon, we should try another form of government”. Something short of two-thirds would opt for a non-elected government that could maintain law and order, provide houses and guarantee jobs.¹¹ The World Values Survey correspondingly showed that a majority of South Africans saw democracy in terms of economic upliftment (democracy is, for instance, identified with state aid for the unemployed, redistributive taxes and a prospering economy).¹² It is not possible to say whether people expressing such proclivities would indeed act on them, although there is certainly international precedent for it, and the socio-economic stresses are a major concern for scholars studying democratic transitions and consolidation.

Given the severe socio-economic deprivation under which millions in South Africa suffer, and its historical relationship to racial discrimination under apartheid, an understandable expectation existed that “democracy” (ushered in by the April 1994 elections) would bring with it rapid and substantial material benefits. This has probably not materialised as was hoped. Political scientist Robert Mattes noted that “South Africans’ support for democracy is modest, in part, because they understand democracy to mean the delivery of a range of socio-economic goods, and progress toward this goal has been slow”.¹³

Among the country’s political elite—across party lines—the desirability of “democracy” is not up for debate. The use of the word “democratic” or “democrat” in party names is quite common. Even the post-1994 period is sometimes referenced simply as “democracy”. Open rejection of democracy is only on the insignificant, extreme fringes of the political spectrum. At the elite level, the ideological consolidation is largely complete.

DEMOCRACY AND THE RULING PARTY

However, this apparent consolidation is tempered by asking: “What is *understood* by democracy?” In the South African context, where the ruling ANC dominates the political landscape to such an extent and at this juncture faces no real threats to its power at the polls on a national level, it is important to look at how “democracy” has been historically understood in the ANC. While one could make comparable analyses

¹⁰ See www.worldvaluessurvey.org.

¹¹ Afrobarometer, *Summary of Results, Round 4 Afrobarometer Survey in South Africa*, 2009, p. 27, 22.

¹² See www.worldvaluessurvey.org.

¹³ Mattes R, “South Africa: Democracy without the People”, *Journal of Democracy*, Vol. 13, No. 1, January 2002, p. 33.

of other parties, an understanding of the dominant party's dynamics assumes greater importance.

Historically, the ANC has defined itself not as a political party but as a “national liberation movement”. These were organisations in the developing world, typically left-wing (Soviet bloc-aligned during the Cold War), whose aim was to oust colonial or “neo-colonial” governments. Their belief was that they *embodied* rather than merely *represented* their constituency (often rendered simply as “the people”). In prosecuting liberation struggles, they developed a worldview in which political opponents are frequently cast as enemies, and in which their right to rule indefinitely is seemingly both a logical and moral outcome of history.¹⁴

The concept of “liberation”, meanwhile, is meant to apply to the whole society. It evokes a strong element of revolutionary messianism: the liberation movement wishes not simply to free people from political oppression—something that liberal democrats would be quite sympathetic to—but to *remake society*. In principle, no element of society or human endeavour should be beyond its influence.

All of this sits uneasily with a liberal democracy. The late Frederik Van Zyl Slabbert argued that the ANC was never very comfortable with liberal democracy, since it emphasises limitations on power.¹⁵ The impulses of a liberation movement are to accumulate and exercise as much power as possible. He argued elsewhere:¹⁶

Attempts to circumvent these constraints become the new political game—how is it possible that a movement that epitomises the “will of the people” and/or “the masses” can be constrained in pursuing its mandate? That is why, in a one-dominant-party democracy such as ours, one has to be on the lookout for how key constraining institutions are co-opted, or when the executive begins to ignore the legislature and other organs of government.

It is not entirely clear whether the ANC has a coherent and definitively alternative view of “democracy”. Indeed, denials notwithstanding, the ANC is a deeply fissured organisation, the ideological bases of its various factions at odds with one another. Parts of the ANC may view democracy in a different light from others. The organisation as a whole

¹⁴ For a discussion of the character of liberation movements, see Melber H, “From Liberation Movements to Governments: On Political Culture in Southern Africa”, *African Sociological Review*, 6, (1), 2002, p. 3. (Note: this article was published on pages 161-172 of this journal, but I was unable to obtain a copy; it is, however, available online at www.codesria.org/IMG/pdf/10_melber.pdf, without numbered pages. The page numbers supplied in respect of this article refer to this document, the numbers determined by counting the pages in sequence.); see also Johnson RW, “The final struggle to stay in power”, *Focus*, 25, Second Quarter 2002.

¹⁵ Van Zyl Slabbert F, “Political Culture and the Challenge of Elections”, paper presented at a seminar of the Konrad Adenauer Foundation, Johannesburg, 2005, in “Political Culture in the New South Africa”, Seminar Report No. 16, October 2006, p. 42.

¹⁶ Van Zyl Slabbert F, *The Other Side of History*, Johannesburg and Cape Town: Jonathan Ball Publishers, 2006, p. 163.

proclaims a commitment to a framework it refers to as the national democratic revolution.¹⁷ This is a nebulous concept, and not universally taken seriously,¹⁸ but involves the ANC's aspirations to create a "non-racist, non-sexist and democratic society". Its documents on the matter appear to suggest that the ANC as a party, embodying the historically oppressed, aims to "mobilise" (which seems to imply taking some sort of control over) all important institutions of state and society and to use them to further a programme of aggressive development and redistribution. This will involve a struggle for "hegemony", in which the ANC's discourse will ultimately emerge as the dominant discourse. It also seeks to ensure that black Africans take the leading role in all spheres of activity. While not a plan for a move to socialism, it is regarded by the ANC's leftist alliance partners as a first step in that direction.¹⁹

Arguably, this is intimately linked with the idea of "transformation", another nebulous concept that suggests an axiomatic need for complete change. In practice, it is usually invoked to justify policies of racial redress, such as affirmative action. The clearest definition as such relates to the state:²⁰ "Transformation of the state entails, first and foremost, extending the power of the National Liberation Movement over all levers of power: the army, the police, the bureaucracy, intelligence structures, the judiciary, parastatals, and agencies such as regulatory bodies, the public broadcaster, the central bank and so on."

There are serious grounds for concern about the compatibility of this approach and rhetoric with a liberal democracy, most notably in the implication that the state should be politically partisan and the scope of its interventionist ambitions for the viability of an autonomous civil society. A question-mark lingers over the apparent ideological consolidation of democracy in South Africa. Does the commitment of the ANC to "democracy" mean to a "liberal" democracy, or to some other form? Could such a

¹⁷ This is proclaimed on the homepage of its website, www.anc.org.za.

¹⁸ Van Zyl Slabbert F, "Leninist lingo, accessible as always", *Business Day*, 27 July 2007.

¹⁹ South African Communist Party, "The Road to South African Freedom", Programme of the South African Communist Party, 1962; ANC, "Nation formation and Nation building", Discussion Document, 1997; ANC, "Tasks of the NDR and the Mobilisation of the Motive Forces", Discussion document, 2000; Nzimande B, "What is the National democratic Revolution?", *Red Alert*, Vol 5, No 66, 18 October 2006, available online at <http://www.sacp.org.za/main.php?include=pubs/umsebenzi/2006/no66.html>, retrieved 11 October 2010; Myburgh J, "ANC targets media, judiciary", *Politicsweb*, 23 January 2008, available online at <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71619?oid=85530&sn=Detail>, retrieved 11 October 2010; Kane-Berman J, "ANC knows 'delivery' protests signify a broader popular revolt", *Business Day*, 24 May 2010; Jeffery AJ and Cronje F, "NDR: the cornerstone of any policy analysis of South Africa", Research and Policy Brief, 27 August 2010, available online at <http://www.sairr.org.za/sairr-today-1/research-and-policy-brief-ndr-the-cornerstone-of-any-policy-analysis-of-south-africa-17th-august-2010>, retrieved 11 October 2010.

²⁰ "The State, Property Relations and Social Transformation: A Discussion Paper towards the Alliance Summit", 1997.

form be described as democratic? These questions will be interrogated empirically in subsequent sections.

CONTESTING FOR POWER: THE ELECTORAL CONTINUUM

Since 1994, South Africa has held seven sets of national/provincial and local elections. Candidates meeting registration criteria and depositing sufficient fees are eligible to stand. Elections are managed by the Independent Electoral Commission (IEC), and in general have proceeded fairly well, and are not regarded as high-risk events. Results have been accepted by all parties. Therefore, it seems that the first two levels of consolidation (ideology and institutions) are well accounted for. But what of the cultural level: how does the system operate in practice?

The IEC is the statutory body charged with voter education, overseeing the organisation of the polls, and reconciling the ballots, without showing favour to any party. While the IEC is held in fairly high regard, occasional complaints surface about incompetence, lax adherence to procedure and bias.²¹

What does independence mean?: The independence of the IEC and what that entails has been questioned. For instance, before the 1999 election, the government insisted that only people with bar-coded identity documents could vote. This stood to disenfranchise several hundred thousand voters. The then IEC chairman Justice Johann Kriegler resigned because the government was unwilling to relent, arguing that the independence of the commission had been compromised.²² This suggests that the IEC saw its role and independence largely in terms of dealing with technical and organisational matters, and was seemingly unwilling to confront the government on matters of policy, even when this could have profound effects on the conduct of elections. How then might the IEC behave if more intrusive government action sought to use electoral regulations to tilt advantages in the ruling party's direction?

Abusing incumbency: The incumbent party benefits from its position and access to state resources. For example, the *Sunday Times* reported during the 2009 campaign that state agents and ANC activists had been distributing food aid, but denying it to people identified with opposition parties.²³ This was never convincingly refuted. The scope and impact of these actions—and the extent to which they have the sanction of

²¹ The latter problem appears to be a concern at election time when large numbers of temporary staff are employed to assist the commission on voting day, these often being politicised members of teachers' unions. Allegations have followed about the harassment of opposition party agents, for example. (Personal communications from several opposition activists and officials, 2009.)

²² Johnson RW, *Brave New World: The Beloved Country since the End of Apartheid*, London: Allan Lane, pp. 157-159.

²³ Price C, "ANC lures hungry voters with food", *Sunday Times*, 12 April 2009; "ANC no stranger to the strategy of buying Elections", *The Times*, 21 April 2010.

the ANC, as party or government—is not clear, but it suggests a lack of democratic culture consolidation.

Alternation of power?: A liberal democratic system assumes the prospect of changes in government, and the legitimacy of a plurality of approaches by opposition parties—as groups of fellow citizens—to win support from the voters to do this. Constitutionally, this is clearly the case. Once again, the problems arise on the cultural level in South Africa, with its historic divisions and a dominant party.

Survey evidence suggests that many (particularly black) voters retain a deep sense of identification to the ANC (Afrobarometer found that about 60% of respondents “felt close” to a political party, of whom some two thirds inclined to the ANC, some ten times that of the next largest party, the Democratic Alliance (DA)).²⁴ Arguably, this is compounded by understandings of different groups of the role of opposition parties. Minority communities have generally responded well to the DA’s robust, sometimes belligerent, style. On the other hand, many voters desire an opposition that “assists” the government to improve its performance, as opposed to one that confronts and criticises it.²⁵ Whether a more conciliatory and cooperative stance would yield ballot-box benefits is doubtful. There is little evidence that parties that have tried this route—the New National Party (NNP) and (arguably) the Independent Democrats (ID)—have prospered by it. The NNP collapsed and its remnants were swallowed by the ANC, while the ID was severely reduced in the 2009 election and has recently announced a merger with the DA.

The ANC’s attitude towards the opposition is difficult to assess. At times, there seems an understanding of the legitimacy of opposition groups and their roles. By all accounts, Nelson Mandela was able to maintain cordial relationships with opposition leaders across the spectrum, but many of these relations soured under Thabo Mbeki. Under Kgalema Motlanthe and Jacob Zuma, a more accommodating approach is evident, in part because the ANC-controlled national government has to work with the DA-controlled Western Cape province. However, Zuma’s comments before a *party* audience about the “privilege” of having opposition parties,²⁶ and bestowing ambassadorships on opposition parliamentarians are important positive symbolic steps.

However, the statements of some senior ANC leaders on opposition parties suggest worrying tendencies incompatible with a liberal democracy. In Nelson Mandela’s address at the ANC’s national conference in Mafikeng in 1997, he effectively accused the opposition of treason and collusion with organised crime.²⁷ In the ANC’s weekly *ANC Today* online newsletter, a series of articles entitled “A Fundamental Revolutionary

²⁴ Afrobarometer, *Summary of Results, Round 4 Afrobarometer Survey in South Africa*, 2009, p. 75.

²⁵ Afrobarometer, *Summary of Results, Round 4 Afrobarometer Survey in South Africa*, 2009, p. 20.

²⁶ Address by Jacob Zuma at the opening of the ANC’s National List Conference, Esselen Park, 24 January 2009.

²⁷ Mandela M, *Report by the President of the ANC, Nelson Mandela, to the 50th National Conference of the African National Congress*, 16 December 1997.

Lesson: The Enemy Manoeuvres but it Remains the Enemy” defined the parliamentary opposition as “enemies” and even implied that, while choosing not to do so, it may have been wise to employ “revolutionary force” to suppress its opponents.²⁸ Some Senior ANC leaders have publicly denounced the very legitimacy of the opposition. For example, former ANC chief whip Mbulelo Goniwe declared in parliament in 2005 that the opposition was “here because of the magnanimity of the ANC. If we had chosen the path of Nuremburg trials, all of you would be languishing in jail for the crime of apartheid you committed.”²⁹ Angie Motshekga, the head of the ANC Women’s League, told an interviewer in 2008 that in the opinion of the ANC it was in the interests of democracy to have a “de facto one-party state”. She continued that the opposition attempted to block the ruling party’s policies, and that “to have democracy for the sake of democracy, because you have to be able to change the ruling party, I don’t think we have that luxury.”³⁰

These statements are further evidence of the lack of cultural consolidation (level 4 on Fukuyama’s scale), and the imperfect acceptance of a liberal democratic paradigm. To suggest that opposition parties hinder the attainment of socio-economic goals is to mistake their role; through their critique, a government is forced to test its own policy assumptions. That this may sometimes act as a brake on expeditious attempts to implement contentious policies is a compromise that liberal democracy makes in the interests of accountability.³¹

Passing the baton: Samuel P Huntington argued that key democratic moments occur when an incumbent party loses an election and actually relinquishes power.³² Accepting a democratic defeat is a considerable step towards consolidating democracy (applicable to all of Fukuyama’s levels). Two significant instances reflect on the ANC’s reactions when it has lost power at local and provincial levels.

In local elections in 2006, in the city of Cape Town, no clear winner emerged, meaning that forming a coalition, either around the DA or the ANC, was necessary. The DA was narrowly successful in forming the new city government, effectively ousting the ANC. The (then) ANC-controlled provincial government indicated that it intended to alter the governance system applicable to the city to ensure a broad-based

²⁸ ANC, “A Fundamental Revolutionary Lesson: The Enemy Manoeuvres but it Remains the Enemy”, *ANC Today*, Vol.7, No.33, 24-30 August 2007 – Vol. 7, No. 36, 14-20 September 2007.

²⁹ *Hansard*, National Assembly 25 May 2005.

³⁰ “So many questions”, interview with Angie Motshekga, *Sunday Times*, 26 October 2008.

³¹ One might add that the ANC has pushed ahead with several policy initiatives, in the teeth of opposition, in respect of which serious reconsideration might have been beneficial. It is perhaps ironic that it should fall to Angie Motshekga to declare South Africa’s experiment with Outcomes Based Education dead. This was despite numerous unheeded warnings and criticisms from within parliament and without.

³² Huntington SP, *The Third Wave: Democratisation in the Late Twentieth Century*, Norman: University of Oklahoma Press, 1991, p. 267.

government. The proposed formula would effectively have put the ANC and its allies back in control of the city. It backed off after strong resistance and bad publicity. Max Du Preez, a former “struggle” journalist and sometime ANC sympathiser assessed the situation as follows:³³

The knock-out punch came when I was informed that the ANC in the Western Cape was planning to do by decree what they couldn’t achieve at the ballot box: to take Cape Town mayor Helen Zille’s power away. The ANC statement that it is being done to create an “inclusive city government that will unite the people of the city” was the most cynical political utterance I had heard since before 1994. This was what the ANC’s enemies and the white right wing said before 1994: the ANC will only support democracy as long as their dominance was not threatened. Threaten or beat them at the polls and they’ll pull a Mugabe on us, they said. I always dismissed these critics, calling them reactionaries and racists. You don’t understand the culture of the ANC, I said, you don’t appreciate that the ANC has had a culture of tolerance and democracy since 1912. I lied to my overseas friends. We are not doing fine in South Africa. We’re in trouble. Deep and serious trouble.

In 2009, the DA won control of the Western Cape province with a very thin majority. The result had been widely expected, and days before the election, the Western Cape ANC ceded control of large tracts of provincial land to the national government, with suspicions that this was done with a view to preventing a non-ANC government from performing well.³⁴ The attitude that much of the ANC took towards the DA administration was less in keeping with opposition in a democracy than with enemies on a battlefield. The ANC Youth League and the Umkhonto we Sizwe Veterans Association (a group of former members of the ANC’s military wing) mounted demonstrations against it. Calls to make the province “ungovernable”³⁵ were a clear reference to the township uprisings of the late apartheid era.

In measuring South Africa against the power-transfer criterion, the evidence is at best mixed. In an ideological and institutional sense, it has carried out the democratic

³³ Du Preez, M, “Seeing SA through Fresh Tears”, *Pretoria News*, 5 October 2006.

³⁴ Davies R, “Zille takes issue with ANC land transfer in W Cape”, Mail and Guardian Online, 22 May 2009, available online at <http://www.mg.co.za/article/2009-05-22-zille-takes-issue-with-anc-land-transfer-in-w-cape>; retrieved 28 April 2010; “More Cape land goes to ANC government”, News24, 1 June 2009, available online at <http://www.news24.com/SouthAfrica/Politics/More-Cape-land-goes-to-ANC-govt-20090601>, retrieved 28 April 2010.

³⁵ “MK veterans threaten to make W Cape ungovernable”, Mail and Guardian Online, 13 May 2009, available online at <http://www.mg.co.za/article/2009-05-13-mk-veterans-threaten-to-make-w-cape-ungovernable>, retrieved 15 September 2009; “MK veterans threaten to render W Cape ungovernable”, SABCNews, 13 May 2009, available online at <http://www.sabcnews.co.za/portal/site/SABCNews/menuitem.5c4f8fe7ee929f602ea12ea1674daeb9/?vgnnextoid=740f514c53a31210VgnVCM10000077d4ea9bRCRD&vgnnextfmt=default>, retrieved 15 September 2009.

norms satisfactorily. However, the evidence suggests a ruling party prepared to employ stratagems to undermine an opposition victory, using the letter of the law to undermine its spirit. Equally concerning has been the visceral reaction to electoral defeat, which, while perhaps not shared by the ANC as a whole (in particular those parts of it in office), were reckless and insightful, and betrayed a lack of acceptance of the consequences of democracy. The quality of democratic commitment is thus exposed as being to a large extent instrumental rather than principled. From the Fukuyama perspective, this is further strong evidence of a lack of cultural consolidation.

Facing the future: the ANC is expected to maintain its overall dominance for the foreseeable future. The emotional loyalty that it commands combined with some real successes in service provision and racial solidarity are likely to be major assets at the ballot box. On the other hand, it is undergoing twin crises of coherence and legitimacy. In terms of coherence, its “broad-church” character, useful as a united front against a common enemy in the struggle, is deeply unsuited to coming up with coherent and mutually-acceptable solutions to questions of policy and governance. In 2008, Brian Pottinger presciently called the coalition that brought Jacob Zuma to the leadership of the ANC “implausible”,³⁶ and tensions within the ruling alliance have remained. In terms of legitimacy, while the ANC brand is still highly attractive, the performance of too many of its members—particularly at local government level—has reduced the respect it commanded significantly—something the ANC itself accepts.³⁷ Its performance at local government level has often been wanting.

A loss of power at national government level is not an imminent possibility. However, the above factors, combined with hard work by opposition parties, and any splits from the ANC along the model of the Congress of the People (Cope), could pose challenges at local and provincial level. Such challenges may take the form of outright victories, but could be less dramatic, as in gaining stronger and more assertive representation, with multiplier effects in terms of exposing poor governance.

The ANC has pledged organisational renewal to ensure it is able to keep its advantage. If it succeeds, its dominance may be secure for another generation. However, it seems likely that its internal contradictions will generate stresses that it will increasingly struggle to contain. Its response, then, will most likely focus on curtailing the space for challengers.

What form this “renewal” will take is hard to say, but it could erode the foundations of liberal democracy. Moves against the media (see **The Private Realm** below) are arguably an early example, although not one directly involving its political competitors. From time to time, most recently at the ANC’s National General Council in September 2010, the fate of the provinces was discussed—should they be consolidated into larger

³⁶ Pottinger B, *The Mbeki Legacy*, Cape Town: Zebra, p. 321.

³⁷ See ANC, “Leadership renewal, discipline, and organisational culture”, Discussion Document, 2010.

units or abolished altogether? A similar discussion was reportedly held on curtailing coalition governments, supposedly as they are too fragile to serve for effective service provision.³⁸ Winning control of provincial governments is a major opposition objective, as a stepping stone to national power, and coalition arrangements are an indispensable element of opposition parties' hopes of capturing subnational governments. The impulse to alter the rules of the game as they become inconvenient is concerning.

For those on the losing side, such manoeuvrings suggest that democratic participation is meaningless, since whatever gains they made would be stripped away administratively. The probable result would be to disillusion opposition supporters and prompt their withdrawal from politics. Indeed, actions of this nature would render *liberal* democracy meaningless, but might be viewed as legitimate or defensible in terms of a "revolutionary" mission. The result would be what has been described in Latin America as a *democradura*, or a sham democracy.

THE PEOPLE'S VOICE: PARLIAMENT

A parliament serves two functions crucial for a democracy: representing citizens, and a check on executive power, holding it accountable. The integrity and independence of parliament is entrenched in South Africa's constitution—level one consolidation, as institutions have been firmly established. However, the country's electoral system—closed list proportional representation—is an extreme form of proportionality. Voters vote only for parties for national and provincial legislatures, and must accept the parties' choices of representatives. Voters are forced to choose parties, who in turn choose the individual parliamentarians. This has subsidiary implications both for representation and accountability.

Voters in South Africa are in practice only indirectly represented. There are no official constituencies, although some parties allocate members to particular areas. According to Afrobarometer, some 77% of South Africans do not know who their MP is (and in the survey, another 11% guessed the name incorrectly).³⁹ So relatively little can be done by ordinary citizens to discipline non-performing representatives. The accountability deficit is replicated within the institution itself. But incentives in the system encourage representatives to look "upwards" towards party superiors for their career prospects. They have no alternative institutional support base as a constituency-bound representative might have.

The role of the speaker, who is meant to be a defender and representative of the institution as a whole, seems to be problematic in South Africa. Since 1994, all speakers have been high-profile members of the ANC. This potentially raises a conflict of

³⁸ Hartley W, "Provinces may be scrapped", *Business Day*, 23 June 2006; Boyle B, "ANC to decide of Provinces 'within three months'", *The Times*, 23 September 2010.

³⁹ Afrobarometer, *Summary of Results, Round 4 Afrobarometer Survey in South Africa*, 2009, p. 25.

interest, but could be ameliorated, provided they could demonstrate absolute even-handedness in their dealings with all parties and be protective of parliament in dealing with the executive. A lot therefore rests with the choices and conscience of the incumbent. Dr Frene Ginwala, speaker from 1994 to 2004, was well regarded across party lines, but ultimately chose to protect the ANC over parliament in relation to South Africa's hugely controversial "arms deal".⁴⁰

Two review commissions have suggested reforms to this system (proposing a mixed-member proportional representation system), but no action has followed. These reforms seem unlikely, as the current system suits the incumbents, if not parliament or "democracy". Once again, this demonstrates the incomplete cultural consolidation of liberal democracy. It also speaks to the somewhat debased nature of the institution. Its design would conform to the requirements of democratic consolidation, but in its operations, the democratic consolidation is incomplete.

RULES MADE AND BROKEN: CONSTITUTIONALISM AND THE RULE OF LAW

Constitutionalism refers to the allocation and limitation of governmental power by a system of entrenched provisions which stand above ordinary laws. In a properly functioning constitutional state, these provisions would be accepted for all law-making and government actions. Constitutionalism cannot exist where such provisions are absent or routinely ignored, and where formal and informal systems co-exist, they breed corruption, lack of accountability, disregard for the rule of law, nepotism and authoritarianism.

The rule of law, an intimately related idea, ensures that all citizens have the same set of rights and that conduct is judged in relation to an impartial body of rational law. The rule of law is established if the law is applied consistently and equally, irrespective of the social, financial or political status of a person.

Together, constitutionalism and the rule of law are indispensable to a liberal democracy. Properly respected and applied, they impose restraints on the exercise of power and entrench the rights of the citizen. Indeed, they play the key role in demarcating the "bounded uncertainties" that hold political contenders in the system.

The bedrock of South Africa's constitutional order is the Constitution of 1996. South Africans certainly enjoy *de jure* entrenched, extensive and robust liberal political rights.⁴¹ According to former ANC minister Professor Kader Asmal, the strong Bill of Rights was deliberately intended by the drafters to achieve three things: to grant inalienable rights to those previously without them; to grant *de jure* rights to those

⁴⁰ Feinstein A, *After the Party: a Personal and Political Journey inside the ANC*, Johannesburg and Cape Town: Jonathan Ball Publishers, 2007.

⁴¹ Constitution of the Republic of South Africa, Act 108 of 1996.

who thought they had them under the previous regime; and to ensure the rights of all citizens are upheld.⁴²

One can safely tick boxes for Fukuyama’s first two levels—an ideological commitment to democracy, and institutions, “the formal rules and structures [that] enable a democratic mode of governance to be practiced.”⁴³ But how have these fundamental democratic principles been respected in practice, particularly where the ruling party has an overwhelming majority in parliament, as illustrated by the table below? Does the ANC feel itself bound by the Constitution?

In a formal sense South Africa’s constitution cannot be changed except by special majorities in parliament (typically two thirds). To date, only 16 Amendments have been made to the Constitution.⁴⁴ Fears on the part of the opposition of an imminent change to major constitutional provisions have thus far not materialised. It must be noted that on previous occasions (see table below), the ANC has long had the necessary majority to change the Constitution, yet has not attempted to do so to increase its power and change the terms or limits of its members.

Election year	Number of votes for ANC	Percentage of votes for ANC	Number of ANC seats in National Assembly (total = 400)	Number of National Assembly seats for next biggest party
1994	12,237,655	62.65%	252	82 (NP)
1999	10,601,330	66.35%	266	38 (DP)
2004	10,880,915	69.69%	279	50 (DA)
2009	11,650,748	65.90%	264	67 (DA)

Key

- ANC: African National Congress
 - DA: Democratic Alliance
 - DP: Democratic Party (renamed Democratic Alliance in 2000)
 - NP: National Party (in Government of National Unity until 1996. Merged with ANC in 2005)
- Source: Independent Electoral Commission (IEC) www.elections.org.za

Threats to the constitutional order? Nevertheless, there are fears that the ANC is not committed to the constitution and would try to change it in an attempt to preserve its power. The ANC and its alliance partners have been ambivalent about their intentions. In 1998, the then secretary-general of the ANC, Kgalema Motlanthe, said that a two-thirds majority would enable it to rule “unfettered by constraints”.⁴⁵ He said that with this majority, some of the independent institutions (including, significantly, the Judicial Service Commission, which picks judges—although he later denied having

⁴² Discussion with Professor K Asmal, Cape Town, 29 December 2005.
⁴³ Fukuyama F, “The Primacy of Culture”, *Journal of Democracy*, Vol. 6, No. 1, 1 January 1995, pp. 7-14.
⁴⁴ See the website of the Constitutional Court, <http://www.constitutionalcourt.org.za/site/theconstitution/thetext.htm>, accessed 17 September 2010.
⁴⁵ Paton C and Schmidt M, “Two-thirds Majority: ANC wants ‘Unfettered Power’”, *Sunday Times*, 3 May 1998.

mentioned it) would be reviewed. The ANC's trade union ally, the Congress of South African Trade Unions, for its part envisages a future in which the constitutional order is abolished and replaced with "working class state structures".⁴⁶

This speaks to the issue of what the constitution means—is it a binding settlement or a compromise to be altered as the "balance of forces" changes?⁴⁷ It appears to be the latter for some factions in the ruling party, and is seen in calls to revoke constitutional protection of private property—one MP termed this a "sunset clause", while the leader of the ANC Youth League said that "we are in charge, it's no longer negotiated settlements".⁴⁸ If this happened, it would arguably strike a key part of Schmitter and Karl's contingent consent and bounded uncertainty. It risks alienating large parts of the wealth-holding and wealth-generating classes (disproportionately racial minorities), with implications for the very legitimacy of the political order among them.

There are also concerns about the application of the law. During the "Travelgate scandal", for example, many parliamentarians (probably a majority and overwhelmingly from the ANC) had fraudulently cashed in their travel vouchers with the connivance of travel agents.⁴⁹ However, relatively few were punished or even exposed, and those implicated were saved from being sued, as parliament purchased the debtors book of the travel company.⁵⁰ The parliamentary officer who effectively "blew the whistle" lost his job.⁵¹ The corruption charges laid against ANC and now South African president Jacob Zuma were more serious, implicating him in racketeering, fraud, corruption and money laundering.⁵² These charges were dropped just weeks before the country's general elections in 2009 on technical grounds, but the National Prosecuting Authority (NPA) claimed that "it does not amount to an acquittal", although "it would be unfair

⁴⁶ See "Long Term Revolutionary Demands" in Final Draft Consolidated Resolutions to the Cosatu 10th National Congress, September 2009.

⁴⁷ See Giliomee H, "The Afrikaners: Twenty Traumatic Years", Politicsweb, 1 March 2010, available online at <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71619?oid=163258&sn=Detail>, retrieved 11 October 2010.

⁴⁸ Majavu A, "State must seize land", *Sowetan*, 3 November 2009; Sapa, "Land is next after the nationalisation of mines: Malema", *Business Report*, 9 September 2010.

⁴⁹ Van Gass C, "Travelgate MP's Bid to Use 'Pikoli Loophole' Fails", *Allafrica.com*, available online at <http://allafrica.com/stories/200710090357.html>, retrieved May 12 2009.

⁵⁰ Wannenburg G, "Travelgate legal battle", *IOL*, 1 April 2009, available online at http://www.iol.co.za/index.php?from=rss_South%20Africa&set_id=1&click_id=13&art_id=vn20090401111907826C641756, retrieved 3 April 2009.

⁵¹ Hoffmann P, "Whistleblowers", *Business Day*, 6 October 2010, available online at <http://www.businessday.co.za/articles/Content.aspx?id=122901>, retrieved 6 October 2010.

⁵² "Prosecutors may drop Zuma charges 'within days'", *Mail and Guardian Online*, 29 March 2009, available online at <http://www.mg.co.za/article/2009-03-29-prosecutors-may-drop-zuma-charges-within-days>, accessed 3 April 2009.

as well as unjust to continue with the prosecution.”⁵³ In separate cases, two figures linked to the ANC—parliamentarian Tony Yengeni and businessman Schabir—were convicted of fraud and corruption. Both were paroled on highly doubtful grounds after serving relatively short prison sentences.⁵⁴

Thus, in spite of the existence of a strong constitution, constitutionalism and the rule of law appear to be at risk, through the ruling party attempting to spread its influence, or using administrative opportunities to extricate allies from trouble. This tendency has been restrained by countervailing commitments to constitutionalism and the rule of law by elements within the ANC, and also by a sober realisation that it would be politically damaging for South Africa’s image for the government to interfere too openly with the judiciary. The courts, for their part, have thus proven apt defenders of the constitutional order, although, as one commentator argued, if alone and facing a determined assault, the courts can only do this for so long.⁵⁵

THE PRIVATE REALM: CIVIL SOCIETY AND THE MEDIA

“Civil society”—the various voluntary organisations, autonomous from the state, that provides a means for people collectively to articulate their interests—is a defining feature of liberal democracy. Civil society is a redoubt for activism against encroachment by the state, or other powerful interests. Likewise, a free media (and media organisations not owned by the state) is a necessary conduit for information and ideas to the broader population. South Africa prior to 1994 was an authoritarian and repressive society, but not a totalitarian one. A tradition of a partially free civil society and media formed an important foundation for democracy.

In respect of **civil society**, South Africa is generously served by voluntary, non-governmental groups. These cover a comprehensive range of interests and ideological orientations. Many of them exist explicitly to represent a policy or political position. In general, the rights of civil society to organise and agitate have been recognised. Legislation affecting non-governmental organisations⁵⁶ does not give the government a means to threaten and control them. Civil society groups frequently attempt to in-

⁵³ “Mpshe: Zuma Decision not an Acquittal”, Mail and Guardian Online, available online at <http://www.mg.co.za/article/2009-04-06-mpshe-zuma-decision-not-an-acquittal>, retrieved 13 May 2009.

⁵⁴ “Opposition takes no prisoners on Yengeni”, *Cape Times*, 15 January 2007, available online at <http://www.capetimes.co.za/index.php?fSectionId=3531&fArticleId=qw1168873381882B252>, retrieved 6 October 2010; Newman L, “Parole violation or pardon: it’s a Shaik-up”, IOL, 22 December 2009, available online at <http://www.iol.co.za/news/south-africa/parole-violation-or-pardon-it-s-a-shaik-up-1.468427>, retrieved 6 October 2010.

⁵⁵ Sergeant at the Bar, “Total Onslaught on the Pillars of Democracy”, Mail and Guardian Online, 25 August 2010, available online at <http://www.mg.co.za/article/2010-08-25-total-onslaught-on-the-pillars-of-democracy>, retrieved 10 October 2010.

⁵⁶ Non-Profit Organisations Act, No 71 of 1997.

fluence policy by making submissions to parliament on legislation, by litigating and by visible protest. Both the World Values Survey and Afrobarometer indicate that a comfortable majority of South Africans are prepared to engage in some sort of activism to achieve policy goals.⁵⁷ This is valuable democratic capital.

The relationship between the “activist left” civil society and the ANC deteriorated as the full implications of the ANC’s responsibilities *as government* set in. Early tipping points included attempts to enforce credit control for services in townships (payment levels often hovered in single digits owing to poverty and long-term effects of boycotts), and the government’s 1996 conservative macro-economic programme, *Growth, Employment and Redistribution* (Gear). This was followed by increasing concern about the government’s stance on Aids, corruption (particularly related to a large arms deal) and the situation in Zimbabwe.

Sometimes neglected by analysts of civil society is activism outside the left. Somewhat ironically, the end of apartheid has both freed and forced members of South Africa’s minority groups to organise in defence of their interests. The most prominent of these are the trade union Solidarity and its associated civil rights group, Afriforum. Although often stigmatised as “right wing”, these groups do not pursue separatism, but rather the interests—as they perceive them—of minorities, particularly white Afrikaans-speaking people. Probably their most notable achievement was to agitate, with other predominantly Afrikaner groups, against a bill on property expropriation, which, if passed, would have come close to rendering all property subject to expropriation at ministerial discretion.⁵⁸

In respect of the **media**, South Africa has a range of non-state print and broadcast outlets of various sizes and orientations. As an element of freedom of expression, it is constitutionally protected, and while a number of laws exist that can restrict journalists’ work,⁵⁹ including some hangovers from the pre-democracy era, the media has generally managed to go about its business and has succeeded in highlighting matters of concern for good governance, but which those in power might have preferred to remain undisclosed. Regular complaints have been made about such matters as the quality of journalism and the concentration of ownership, but a majority of South Africans are appreciative of the media’s “watchdog role”.⁶⁰

⁵⁷ Afrobarometer, *Summary of Results, Round 4 Afrobarometer Survey in South Africa*, 2009, p. 13.

⁵⁸ Giliomee H, *The Afrikaners: Biography of a People* (revised edition), Cape Town: Tafelberg, 2009, pp. 707-708.

⁵⁹ Jeffery A, *Chasing the Rainbow: South Africa’s Move from Mandela to Zuma*, Johannesburg: South African Institute of Race Relations, 2010, pp. 124-125.

⁶⁰ Afrobarometer, *Summary of Results, Round 4 Afrobarometer Survey in South Africa*, 2009, p. 11, 20.

The experience of the post-1994 period by the media has important parallels with those of civil society. Although the “mainstream” media⁶¹ had taken a variety of stances vis-à-vis apartheid and the liberation struggle, there was little if any dispute regarding the legitimacy of the democratic order. While there was criticism of aspects of governance, such as the handling of crime, corruption and Aids, the ANC’s democratic credentials were seldom questioned.

A change in the media’s broad attitude towards the ANC and the trajectory of South Africa can be located during Thabo Mbeki’s second term of office. At this point, it became apparent that Mbeki’s government had made some very bad choices, and they were now catching up with the country. The epitomes of this were the “blackouts” that afflicted the country as the electricity supply could no longer match demand,⁶² as well as Mbeki’s denialism of the link between HIV and Aids, which has seriously undermined the state’s response to the epidemic. The consequence has been a media that is far more critical and sceptical than it was a decade ago. This vigilance is to be welcomed.

Taken together therefore, one can conclude that South Africa has undergone a consolidation of democracy at the level of civil society, although perhaps not a complete one.

Portents? If both civil society and the media are showing a degree of assertion that bodes well for the future of democracy, is there another trajectory that bodes ill? At the time of writing, the ANC was discussing two policy ideas that would severely curtail journalism. One was for a Media Appeals Tribunal, which would have the power to sanction journalists for inaccurate or offensive reporting; the other was for a protection of information act, which would prescribe lengthy jail sentences for disclosing a very wide range of information.⁶³ Interestingly, at the time it was under discussion, the American think tank Freedom House released a report arguing that South Africa’s media had declined from a free media to a partly free one. In this, it was following a broader continental trend.⁶⁴ The Media Institute of Southern Africa had noted a similar trend throughout the Southern Africa region.⁶⁵

These proposed measures have galvanised a great deal of public concern. A Right2Know campaign (supported by a number of civil society groups of diverse ideological stripes) has been formed to oppose it. Another group of notables has constituted

⁶¹ This is meant to exclude the so-called “alternative press”, which existed in the 1980s and 1990s, providing news and commentary in support of the liberation struggle. Most of these publications collapsed after 1994 as their funding dried up.

⁶² Pottinger B, *The Mbeki Legacy*, Cape Town: Zebra, 2008, pp. 171-187.

⁶³ Protection of Information Bill No 6 of 2010.

⁶⁴ Van Wyk E, “Gerekende dinksrumsê SA nou net ‘gedeeltlik vry’”, *Rapport*, 7 August 2010.

⁶⁵ Kandiji K and Maluma R, “Media allowed ANC to fast-track the media tribunal”, *The Namibian*, 31 August 2010.

itself as the Council for the Advancement of the South African Constitution (Casac), arguing that some developments are a “cause for concern”.⁶⁶ Reaction from the media to the proposed legislation has been overwhelmingly negative and cynical. Said one editorial:⁶⁷

The tribunal will be there to protect ANC leaders and their hangers-on who are corrupt or greedy and who womanise while preaching honesty, patience and morality to the rest of us. If not, let’s see the file of stories the ANC has collected. Just once, would the sanctimonious secretary-general Gwede Mantashe give us a few examples of the poor being hounded by the press?

Liberal commentator and frequent critic of the ANC, John Kane-Berman, argues that the ANC’s hostility to the media is not an aberration, but is long-standing and ideological,⁶⁸ and that it will likely move on NGOs next.⁶⁹

Certainly, the ANC has attacked the media repeatedly since 1994. At the ANC 1997 conference in Mafeking, former president Nelson Mandela attacked the press for supposedly operating as an opposition group.⁷⁰ Raymond Louw, journalist and media activist, put it succinctly in 2007: “From the president down, the government has on occasion resorted to denigrating critical journalists for ‘lack of responsibility’, ‘racism’, and besmirching South Africa’s good name.”⁷¹

Much the same criticism has been voiced about civil society and NGOs, often accusing them of being beholden to those who fund them. At Mafikeng, Mandela berated NGOs for working as agents of foreign funders.⁷² Thabo Mbeki made similar comments at a conference on the African Peer Review Movement in 2005.⁷³

⁶⁶ Rabkin F, “Elites meet at Lilliesleaf in bid to guard SA from ‘predator state’”, *Business Day*, 17 September 2010.

⁶⁷ “Intolerance drains reason”, *Business Day*, 10 September 2010.

⁶⁸ Kane-Berman J, “ANC’s media clampdown is not the leopard changing his spots”, *Business Day*, 16 August 2010.

⁶⁹ Kane-Berman J, “Ruling party’s antipathy towards NGOs has never gone away”, *Business Day*, 13 August 2010; See also Cronje F, “ANC hit-list also includes civil society and NGO sectors”, Research and Policy Brief, 6 August 2010, available online at <http://www.sairr.org.za/sairr-today-1/research-and-policy-brief-1-2010-anc-hit-list-also-includes-civil-society-and-ngo-sectors-6th-august-2010>, retrieved 11 October 2010.

⁷⁰ Mandela M, *Report by the President of the ANC, Nelson Mandela, to the 50th National Conference of the African National Congress*, 16 December 1997, available online at <http://www.anc.org.za/ancdocs/history/mandela/1997/sp971216.html>, retrieved 28 April 2010.

⁷¹ Quoted in Jeffery, *Chasing the Rainbow*, pp. 128-129.

⁷² Mandela M, *Report by the President of the ANC, Nelson Mandela, to the 50th National Conference of the African National Congress*, 16 December 1997.

⁷³ Herbert R and Gruzid S, *The African Peer Review Mechanism: Lessons from the Pioneers*, Johannesburg: South African Institute of International Affairs, p. 260.

Indeed, part of the ANC's expressed agenda involves the "deployment" of its activists to the media and non-governmental policy institutes,⁷⁴ presumably to ensure these institutions are supportive of the ANC.

Is the ANC acting out of political expediency or to fulfil ideological goals? There are certainly prominent members within its ranks who have defended media freedom and a strong civil society.⁷⁵ On the other hand, the official stance clearly leans towards restriction, especially when seen in terms of its views on transformation and its commitment to the "national democratic revolution". The logical conclusion is that there is a very strong element of ideology at work here. Whether that is the *decisive* factor is difficult to tell, but it is profoundly important for the future of democracy.

First, we can qualify the assessment about the consolidation of democracy at the level of civil society as the ruling party remains ambivalent about it. Second, civil society (and the media) will need to calibrate its response accordingly. Casac, for example, claims not to be opposed to the ANC (indeed, one of its members said that it comes from within the ANC)⁷⁶—instead stating that the constitution is under threat from some (unnamed) "conservative" forces. If the ANC's actions are motivated by opportunism, then collegial persuasion may be productive. If, however, they are ideological (as the evidence would seem to suggest, at least in large part), then persuasion may not work, and it is difficult to imagine any way of opposing this agenda other than by opposing the ANC itself. This in turn creates a profound challenge for civil society, and in particular, those who support the ANC.

THE BUSINESS OF GOVERNANCE: THE STATE OF THE STATE

A liberal democracy must be underwritten by a liberal democratic state. That is, the totality of public institutions and agencies must be fixed on rational, socially agreed objectives that do not unduly favour or disadvantage any political group. The concern here is for the state as a whole, notably the civil service, and the interaction between it and the ruling party. The way the state functions and the implications for the viability of democracy are explored below.

The constitution outlines the organisation of the state: three "spheres" interacting cooperatively with one another, staffed by a professional and career-oriented civil service, and protected by non-partisan security forces. In dealing with its citizens it is meant to function democratically, fairly and transparently. The state is also enjoined to ensure development for all, and has a particular responsibility to ensure that people previously disadvantaged by discrimination are given special assistance. These elements

⁷⁴ ANC, "Cadre Policy and Deployment Strategy", *Umrabulo*, No. 6 1st Quarter 1999.

⁷⁵ See, for example, Sapa, "Sexwale supports Media Freedom", *The Times*, 11 August 2010.

⁷⁶ Paton C, "Pact could mean suicide", *Financial Mail*, 23 September 2010; see also Tabane JJO, "An ANC-led defence of itself", *Sunday Times*, 3 October 2010.

(corresponding to ideology and institutions on the Fukuyama scheme) are compatible with a liberal democracy. The South African state in 1994 was actually an amalgam of various hitherto segregated and nominally independent units,⁷⁷ of various degrees of functionality, the most efficient and skilled elements being those that had governed and serviced the white population. The resources available to it, were, however, extremely run down.

The ANC was determined to “transform” the state. This proceeded on two levels. Initially the focus was on increasing the proportion of black civil servants, especially at senior levels, as an expression of African and black leadership, or to ensure that it was demographically representative. However, “transformation” also came to mean the assertion of *party* control by the ANC over the state and its agencies, in line with its “cadre deployment” programme.⁷⁸ The inevitable consequence was disposing of white employees, who tended to hold the technical and managerial skills needed for the very functionality of the state. Early in this process, several voices, including the auditor general, warned that a loss of skills was compromising the state—but this was dismissed by then deputy president Mbeki, with a strong suggestion that such concerns stemmed from racism.⁷⁹

More damaging than demographic change, was the politicisation of the state, as the ANC sought to ensure that its “cadres” occupied positions. Naturally, this created conflicting lines of loyalty and accountability. In so doing the professionalism of the whole civil service was undermined. It also ensured that tensions within the ANC were replicated in the state. Brian Pottinger makes the following trenchant observation:⁸⁰

Hardly had the edifice been crafted than it began to crack, as it inevitably would. The reasons were simple. The ANC did not have the skills base to control its own party efficiently, let alone the nation. Secondly, the deployment of inexperienced party figures into public-service offices led to a diminution of the offices themselves...

⁷⁷ Various bureaucracies existed for the self-governing and nominally independent homelands, while various segregated departments were intended to service different race groups.

⁷⁸ Transformation has been variously defined as both demographic and political change. However, the most emphatic definition available from the ANC tends toward a political definition. See “The State, Property Relations and Social Transformation: A Discussion Paper towards the Alliance Summit”, 1997.

⁷⁹ The auditor general had said: “Any further loss of skills from departments and institutions is going to cause very grave problems indeed and positive steps to prevent this should be taken as a matter of urgency. If the powers that be do not accord a higher priority to experience, skills and the consequent ability to do the job the capacity to deliver is going to be severely impaired”. (Quoted in Sergeant B, “Dust unto dust, trash unto trash”, Moneyweb, 20 January 2008, available online at <http://www.moneyweb.co.za/mw/view/mw/en/286388/page292676?oid=189674&sn=2009+Detail&pid=292676>, retrieved 13 October 2010); Mbeki T, Speech at the National Assembly during the Debate on Budget Vote No. 2, 10 June 1997.

⁸⁰ Pottinger B, *The Mbeki Legacy*, pp. 38-39.

But the most serious effects of deployment were to be found when the one party in the (de facto) one-party state fractured in the run-up to the 2007 leadership elections. As the bureaucracy turned to counting who was pro-Mbeki and who was pro-Zuma, the already weakened professionalism of the public service took another nosedive. As directors-general hedged their bets by avoiding action on divisive policy issues, the very function of the public service became imperilled.

Cadre deployment was clearly counter-constitutional in its very conception. It was subsequently declared unlawful by a court judgment.⁸¹ At local government level, it proved such a problem that an official report on the problems besetting this sphere referred to this practice diplomatically.⁸²

At the time of writing, legislation was being prepared that would prohibit top party officials from occupying senior positions in local government.⁸³ The purported intention is to depoliticise local government so that it can focus on its administrative and developmental roles. It is not clear whether this represents a change of mind on the merits of cadre deployment. Certainly, President Zuma has defended it and indicated that the programme continues.⁸⁴ A recent report notes that two of its senior members have been “deployed” to “strategic”—these being the police and Human Rights Commission, both of which are enjoined to act in a non-partisan fashion.⁸⁵

An interesting perspective is offered by Patrick Chabal, a respected Africanist, who argues that, in Africa, “despite the formal political structures in place, power transits essentially through the informal sector”⁸⁶ The import of this is that while the formal renunciation of party office may be a prerequisite for a state position, this is no guarantee that informal linkages and loyalties between erstwhile party comrades will not continue to be influential, or that deployment itself might continue on this basis. The only durable solution is elevated standards of professionalism on the part of civil servants and a real commitment to the political neutrality of the state by all parties.

⁸¹ Mlokoti v Amathole District Municipality and Another, case No 1428/2008, available online at <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71619?oid=114427&sn=Detail>, retrieved 9 June 2010; Hoffman P, “Cadre Deployment”, Institute for Accountability in Southern Africa website, 30 March 2010, available online at http://ifaisa.org/Cadre_Deployment.html, retrieved 9 June 2010.

⁸² Department of Cooperative Governance and Traditional Affairs, *State of Local Governance in South Africa*, 2009.

⁸³ Sapa, “Zuma to end cadre deployment in local government”, Times Live, 8 August 2010, available online at <http://www.timeslive.co.za/local/article592783.ece/Zuma-to-end-cadre-deployment-in-local-government>, retrieved 11 October 2010.

⁸⁴ Pressley D, “Zuma defends deployment of ANC cadres”, *Business Report*, 25 March 2010.

⁸⁵ Mantashe G, ANC Secretary General’s Report to NGC, 2010.

⁸⁶ Chabal P, “Power in Africa Reconsidered”, in Engle U and Olsen GR, *The African Exception*, Aldershot and Burlington: Ashgate, 2005, p. 21.

CONCLUSION

Despite the many and serious challenges to democratic consolidation in South Africa raised in this paper, it is important to recognise the considerable strides the country has taken in reform over the last two decades, and particularly against the possible doomsday scenarios that seemed likely in the mid 1980s. South Africa is an ambitious, evolving, developing country, finding its way in the world.

Arguments have been presented that at the level of ideology, the rhetorical commitment to democracy as the only game in town is strong. And at the levels of institutions and civil society, there is increasing (if uneven) democratic consolidation. The biggest threat highlighted is that considerable elements within the ruling party appear not to be fully committed to liberal democracy, and as threats to power increase, so will anti-democratic tendencies. As a recent editorial put it: “The ANC is increasingly showing itself to be in a tense relationship with essential democratic principles”.⁸⁷

A vibrant, active and determined civil society has been viewed as an important guarantor of democracy. As Van Zyl Slabbert eloquently put it:

Even if it is so that some intellectuals in government crave for a “Gramscian hegemony” over the masses, they haven’t got a snowball’s hope in hell. The scope and diversity of civic action simply defies such hegemony.⁸⁸

Civil society of all stripes has recently expressed grave concern about a new raft of media regulations. It remains to be seen whether they will be tempered or shelved due to public activism; recent efforts to halt the disbanding of the highly successful but politically controversial “Scorpions” corruption fighting unit failed miserably. A related open question is the future of the relationship between the ANC and those considerable elements of civil society that feel a powerful attraction to it.

Also important will be the success of opposition groups in contesting for actual power, at least at sub-national level, and whether this can be a stepping stone towards a real, competitive party system. This will require the assent of a critical mass of voters in defined areas, and also the respect for democratic process by the ANC. Neither of these is guaranteed. South Africa needs to guard against becoming a *democradura*, possibly masquerading as a “social democracy” or a “uniquely African democracy”. Many SADC states are arguably in this mould, and it should not be in a race to the bottom.

The country faces enormous developmental challenges and persistent inequality, and for many, democracy has not delivered the promise of a better life for all. How long will poor South Africans keep faith in the liberation movements in the wake of

⁸⁷ Editorial, “Media must be fixed”, *The Southern Cross*, 15-21 September 2010.

⁸⁸ Van Zyl Slabbert F, *The Other Side of History*. Johannesburg and Cape Town, Jonathan Ball Publishers, 2006, p. 152.

crumbling services? If their patience should wear out, how will it be expressed? Will they seek relief through the constitutional and democratic channels or through some other means? How will the state react?

The struggle to make democracy irreversible at all levels is far from over in the Rainbow Nation.

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Democracy in Latin America

Wilhelm Hofmeister

1. INTRODUCTION

Democracy is the preferred form of government in Latin America. This has been constantly proven by opinion polls. For many years now, a constant average of about 75 percent of the citizens of the subcontinent has rated democracy as the best form of government, although it might have its own problems.¹ Due to their constitutions and forms of government, all countries of the region, with the only exception of Cuba, are representative democracies with regular presidential and parliamentary elections.² Since the “third wave of democracy” reached the continent in the early 1980s, this has been the longest period during which all governments have been democratically elected. Although most countries adopted democratic constitutions after their independence in the 1820s, the civil governments have been interrupted by military and authoritarian regimes nearly everywhere. Nowadays, however, the military and economic elites, who previously used their power to boycott and destruct democratically elected and mainly leftist governments, also support the democratic processes. Even several severe political crises in different countries, which in the past would have inevitably caused coup d'états, have been resolved within the democratic rules of the game.

Has thus the desire for democracy shared by most Latin Americans become reality? This is not so obvious at all. As many opinion polls show, with the exception of Uruguay, the overwhelming majority of citizens in Latin America believe that their respective countries are not completely democratic. In 2009, only 13 percent of the citizens in Argentina agreed that their country was completely democratic. In Paraguay and Bolivia only 4 percent and 5 percent respectively agreed on this notion.

This critical assessment is not least a consequence of the lack of trust in the core institutions of the democratic state. Only one-third or less of Latin Americans trust

¹ Cf. Informe Latinobarometro 2009, the most important regular survey on political attitude in Latin America: www.latinobarometro.org/informe_anual_2009.

² We consider here as “Latin America” all former Spanish and Portuguese colonies of the American continent from Mexico in the North to Argentina in the South.

the public administration, the police, the justice, the parliament and the political parties. Although the majority of the citizens agree that democracy would not be possible without political parties, these are, however, the institutions which receive the lowest level of confidence.

In analyzing the development of democracy in Latin America, one should not only look to the formal frame, the constitution, the governmental system, regular elections or the existence of parties and parliaments. Other aspects also have to be taken into account to understand the complexity and diversity of the various forms of democracy in this subcontinent. In particular, the concept of the “quality of democracy” introduced by Larry Diamond and others³ has to be taken into consideration, even if we recognize that this concept is a rather ambiguous element for the measurement and qualification of the group of 19 different states which compose “Latin America”. Therefore, one very important aspect we have to emphasize right from the beginning is: the huge diversity between these countries, not only with regard to their sizes, geography, population sizes, economic development, ethnical compositions, and cultural elements but also with regard to their electoral and governmental systems, the method of making politics (the “political style”), the party systems and the basic comprehension of democracy as well as democratic procedures. The general principles of democracy are implemented in the countries of Latin America in various different ways. This has to be stated in order to prevent any stereotyping. Nevertheless, there are some general trends of political and democratic development which can be observed in at least several of the countries. After reviewing very briefly the political processes in the individual states, we will discuss these trends since they directly affect the development and further consolidation of democracy in the region.

2. “DEMOCRACY” IN LATIN AMERICA

What do Latin Americans understand by “democracy”? In principle, they share the same understanding with the North Americans or Europeans. The constitutions of the states, which came into effect after the wars of independence, have been influenced by the constitution of the United States. Consequently, the citizens are strongly committed to the concept of a liberal, pluralistic and representative democracy which is characterized by three essential elements: a meaningful and extensive competition among individuals and organized groups for all effective positions of government power; a highly inclusive level of political participation in the selection of leaders and policies, at

³ The “quality” of democracy is an important topic in recent analyses on the development of democracy in South America. Cf. Walker 2009 and various contributions in Mainwaring, Scott / Tomothy R Scully (eds.), *Democratic Governance in Latin America*. Stanford: Stanford University Press and Diamond, Larry / Marc F Plattner / Diego Abente Brun (eds.), *Latin America's Struggle for Democracy*. Baltimore: The Johns Hopkins University Press 2008.

least through regular free and fair elections; and a level of civil and political liberties—freedom of expression, freedom of press, and freedom to form and join organizations.⁴ Individual procedures like the electoral system, the governmental system, and the functions and competencies of the president and the parliaments are not of relevance, but rather the adherence of these principal elements. Where these principles are not respected, the democracy is under threat. These are the principles we will bear in mind while considering and evaluating the development of democracy in Latin America.

Another element, however, is of crucial importance for the understanding and acceptance of democracy in the whole of Latin America. Here, democracy is normally understood not only with regard to those more procedural principles but also with a normative element: democracy is expected to be a form of government which, besides ensuring political freedom and participation possibilities, provides an improvement of the living conditions of the people. All over Latin America, democracy is principally considered and accepted in terms of a *social democracy*.⁵

This is not just a theory. In Bolivia, Ecuador, and Venezuela the presidents emphasize that they would honour the social demand of democracy. The price they charge for their social commitment is that other elements of the democratic order are given less attention. But it is difficult to deny these presidents' democratic legitimacy due to their high degree of popular support, which has been proven repeatedly by relatively free and fair elections. All have been re-elected with an overwhelming majority. This corroborates how relevant it is to look at the “quality” of democracy.

3. LATIN AMERICA'S DEMOCRACIES SINCE THE TRANSITION FROM MILITARY RULE

Since the early sixties and during the seventies of the last century, nearly all the countries of Latin America have suffered military coup d'états and long-term military governments. Only Colombia and Costa Rica maintained their century-long civil and democratic political processes. In Venezuela, only in 1958 did a cruel military dictatorship come to an end and the main political parties were able to conclude a democratic consensus on which they protected the country against contagion from the authoritarianism of its neighbours. Mexico also did not experience military rule, but from its revolution (1910 to 1920) until the year 2000, the country has been governed uninterruptedly by a *de facto* one-party regime with an authoritarian character.⁶ The “second wave of democratization” which had started in Latin America after the end of

⁴ Diamond, Larry / Juan Linz / Seymour Martin Lipset (eds.) 1988: *Democracy in Developing Countries*, Vol. 2: Africa, Boulder/London, 1988: xvi.

⁵ Cf Mols, Manfred: *Demokratie in Lateinamerika*. Stuttgart , Berlin , Köln , Mainz: Kohlhammer, 1985, Chp. 1.

⁶ Cf. Manfred Mols: *Mexiko im 20. Jahrhundert. Politisches System, Regierungsprozeß und politische Partizipation*. Paderborn: Schoeningh 1981.

the Second World War abruptly came to an end in most countries in the beginning of the 1960s. The main reason for the military coups had been the fears of local elites, in many cases supported by the United States, of a political take-over by leftist socialist and Marxist political forces. The Cuban Revolution in 1959 and the installation of a communist regime related to the Soviet Union had caused panic in local elites which weakened the young democracies.

The new and “third wave of democratization” reached the continent from the late 1970s onwards. The Andean countries Ecuador, Bolivia, and Peru were the first to start the transition processes in 1978/79.⁷ However, it was not until March 1990 that Chile’s dictator Augusto Pinochet turned the government over to the democratically elected President Patricio Aylwin, who was the candidate of a broad coalition of political parties opposed to the military regime. Before that, Argentina and Uruguay had elected their first presidents already in 1983 and 1985 respectively. In Brazil the first free and direct presidential and parliamentary elections after the handover of the military regime took place in 1989. In February of the same year, the Paraguayan dictator Alfredo Stroessner, who had ruled the country for 35 years, had been overthrown. The Central American countries of Guatemala, El Salvador, Honduras, Nicaragua, and Panama, all of them marked by long-term military governments, and partially by violent internal conflicts, witnessed from the mid-1980s onwards political transition processes led in most cases to precarious democratic regimes which still prevails. It was only in 2000, after years of political reforms which gradually changed the authoritarian character of the regime, that Mexico saw its first president from an opposition party elected.

Even when the armed forces handed over the governments into civilian hands, in most countries in the first years after the transition, they hold on to significant power instruments; at the very least, they lead the monopoly of arms. Generally, they had protected themselves from prosecution for violation of human rights by special amnesty laws and they also reserved some rights of intervention in case of “danger for national security”. It is obvious that in these circumstances, the margin for action of the new democratic governments was relatively limited and they had negotiated arrangements with the outgoing power contenders. The review of the crimes of the military governments and reconciliation within the societies, which would have been important for establishing a democratic political culture, has either not taken place in most of the countries or have started to take place in a measured pace.

The danger of falling back into authoritarianism has not only emanated from the military, as the example of the Peruvian president Alberto Fujimori shows. He was democratically elected in 1990, but used his popularity, which he gained from several

⁷ In Bolivia, however, several military coups interrupted the democratization and only from 1982 on did the democratic process start to consolidate. Cf. Wilhelm Hofmeister: Bolivia: La construcción de la democracia y la evolución del proceso político. In: W. Hofmeister (ed.): Reformas políticas en América Latina. Rio de Janeiro: KAS 2004.

successes against the terrorist group *Sendero Luminoso*, to dissolve Congress and suspend the constitutional rights of the judiciary in 1992. After a change of the constitution and the electoral system, he ruled the country until 2000, legitimated by some kind of plebiscitary rule and the partial support of the military. Fujimori was the first representative of a new type of Latin American populists who gained power through elections, but then disregarded and weakened the democratic institutions.

Fujimori set another precedent which was later imitated by many presidents. He abolished the principle of “*no-reelección*” (non-re-election) of the president. Due to historical experiences, this principle had been fixed in most constitutions to hinder a person from holding on to the presidential position for too long, and turning into an autocrat. In most of the countries of South America, the (democratically elected) presidents followed Fujimori’s example and established the possibility of direct re-election. In most cases, this has been done by questionable legal procedures of changes of the constitutions. Only in Chile and Uruguay do the presidents have to pause for at least one legislative period before they can run again as candidates. Although the re-election of presidents is an instrument in favour of continuity of governments and political processes, which surely is an important prerequisite for successful governance, at the same time, the strengthening of the role of the president can result in autocratic tendencies, as can be observed in Venezuela, Bolivia, and Ecuador. The tendency of “imperial presidents”, which can be observed actually in Latin America (and which will be discussed below), has its causes in the constitutional changes in favour of re-election.

Besides these procedural factors, the economic and social circumstances have burdened the development and consolidation of the Latin American democracy even more. The people expected social progress from democracy. Yet the national treasuries were empty and the civil governments were forced to enact unpopular saving and adjustment measures in order to stop the ubiquitous inflation and create the conditions for new investments. Under the influence of the International Monetary Fund (IMF) and the World Bank, most governments chose to introduce so-called neoliberal reforms which were opposed by trade unions, social organizations and the leftist parties. When outlining the political development in the individual countries, it will become clear that the economic development as well as the economic and social policies had and still have an enormous influence on the political processes.

MAIN FEATURES OF THE DEVELOPMENT OF THE LATIN AMERICAN DEMOCRACIES

If we now take a quick look at the democratic processes of the individual Latin American states, we will discover some common patterns which shall be analyzed in a more systematic form below.⁸

Beginning with *Mexico* in the north, the most populous Spanish speaking country, we have already mentioned its somehow different and proper transition process, not from an authoritarian military regime, but from an authoritarian *de facto* one-party regime. Liberal democracy seems to be rather consolidated as the political regime. The composition of the party spectrum, however, and the correlation of political forces as well as the adherence to traditional ideological positions by the relevant parties and trade unions hinder necessary political reforms and economic adjustments. The spreading violence related to drug trafficking has become a serious challenge for the state which obviously is not able to impose the law and public authority in all parts of its territory. Corruption or fear of personal threat results in the support of drug traffickers by public servants and government authorities. Even if the democratic process is not put in question by any relevant political or social groups, those problems imply particular challenges for the future of the democratic regime.

In Central America, besides the long-time stable democracy of *Costa Rica*, only *El Salvador* and *Panama*, and in a similar way also the Caribbean island state of the *Dominican Republic*, have seen a consolidation of their democratic processes. In 2009, in El Salvador even the party of the former rebel army FMLN could win for the first time the parliamentary and presidential elections. Previously, since the end of the civil war of 1980 to 1991, the government and the parliament had been dominated by the successors and previous supporters of the military regimes. This kind of reconciliation among former enemies has not yet been possible in *Guatemala* and *Honduras*. Although Guatemala has reached a certain level of stability with regard to electoral procedures, the country is still characterized by ongoing violence, corrupt regimes, the exclusion of the native indigenous majority from real political participation, and a high level of poverty. In these circumstances, the “quality” of democracy remains low. In Honduras, a majority of the parliament, with the support of the military, removed and expelled in 2009 the president of the country because they suspected him of trying to install a populist regime like President Hugo Chavez’s in Venezuela. The interim president, however, was rejected by all Latin American countries, who cancelled their

⁸ For an analysis of the political transition processes and the later political reform efforts cf. Wilhelm Hofmeister / Josef Thesing: *La transformación de sistemas políticos en América Latina*. Buenos Aires: CIEDLA 1996; Hofmeister, Wilhelm (ed.): *Reformas políticas en América Latina*. Rio de Janeiro: KAS, 2004 and Diamond, Larry / Marc F Plattner / Diego Abente Brun (eds.) *Latin America’s Struggle for Democracy*. Baltimore: The Johns Hopkins University Press 2008.

diplomatic relations with Honduras (as did all countries of the European Union, but not the United States). Although presidential elections were held in November 2009, the new president is not welcomed by most Latin American countries because the elections took place under conditions of a coup d'état.⁹

The revolution in *Nicaragua* of 1979 had attracted widespread attention and support, mainly by leftist political forces from all over the world. The intention of the *Sandinistas* government to install a certain kind of a socialist regime, however, provoked armed resistance by counter-revolutionary forces supported by the US. After a peace agreement in 1988, the Sandinistas lost the elections in 1990, but the anti-Sandinista coalition was not able to consolidate a liberal democratic regime. Even if there were regularly held elections, the subsequent governments were characterized by corruptive politics and their inability to improve the living conditions of the people. Nicaragua is one of the poorest countries of Latin America. In 2006, the former *guerrilla* leader and the first president of the Sandinistas, Daniel Ortega, won the presidential election. His main support comes from the Venezuelan president Chavez, who provides Ortega with resources to fund some social policy programs. In return, Ortega is a blind supporter of all the ambiguous political actions of his Venezuelan colleague.

If Latin American politics is actually characterized by some remarkable processes of democratic consolidation on the one hand, and the resurgence of populist leaders which put in danger some principles of a democratic regime on the other, then Hugo Chavez clearly is the main figure to represent the latter. In *Venezuela*, he became famous when, as a lieutenant colonel, he led a coup against the liberal economic policy in 1992. After his arrest,¹⁰ conviction and pardon he founded a political movement. In 1998, he was elected president with the highest number of votes for decades (56 percent). Immediately after his inauguration, he obtained a referendum on a constituent assembly in which his party *Movimiento V. República* (MVR) won 90 percent of the mandate. This new “Bolivarian Constitution”, which has been confirmed by a referendum in November 1999, changed the political system fundamentally, since it reduced the parliament to one chamber and strengthened the power of the president. In the new elections of 2000, Chavez was re-elected with almost 60 percent. After that he received quasi-dictatorial authority by Congress in which his party MVR had gained the overwhelming majority. In April 2002, he survived a putsch without damage. In December 2006, Chavez was re-elected with 62 percent of votes. Since then he has pursued the aim of establishing “Socialism of the 20th Century” in Venezuela. In order to achieve

⁹ The neighbors renewed their relations with Honduras, but other Latin American countries rejected, for instance, the participation of the new president at the EU-Latin America summit in May 2010.

¹⁰ For the following paragraphs cf. the various articles in Werz, Nikolaus (ed.): *Lateinamerika. Eine Einführung*. Baden-Baden: Nomos, 2008; Stüwe, Klaus / Stefan Rinke (eds.) 2008: *Die politischen Systeme in Nord- und Lateinamerika: Eine Einführung*. Wiesbaden: Verlag für Sozialwissenschaften 2008; Diamond / Plattner / Abente 2008 (cf. Quote 8).

this goal, he has carried out numerous nationalizations. The parliament gave him free hand to govern widely with decrees.

Due to Venezuela's richness in oil and the high prices of raw materials, Chavez has practically unlimited resources to finance public social programs. Besides, he uses these resources to support presidents in South and Latin America who are in favour of his ideas, mainly in Bolivia and Nicaragua but also in Ecuador and Argentina, and to finance "chauvinistic" movements as well as parties in several other countries.

As Chavez is constantly trying to extend his personal power at the expense of the powers of the parliament, to cut back rights and freedoms of the justice as well as the media, and to bring social organizations into line, he provokes sharp internal and international criticism of his style of governance. Despite the high state incomes, the social indicators have deteriorated since he gained power. Inefficiency and corruption have increased in public companies in the same way as violence and crime on the streets. The "lack of delivery" of its promises to the people by the governments continues, thereby leading to a growing number of Venezuelans withdrawing support from Chavez as was demonstrated in the elections of September 2010. Against his own expectations, Chavez's party PSUV lost their two-thirds majority in the National Assembly and won only a slight majority of 48.3 percent of the votes against the 47.2 percent of the united opposition parties. Because of the character of the constituencies, Chavez's party will hold 96 parliamentary seats, against 64 by the opposition. Nevertheless, the result of the elections demonstrated that Chavez has reached the autumn of his popularity. Even so, he announced after the elections that he would accelerate the social transformation of the state.

The presidents of Bolivia and Ecuador are close allies of Chavez and follow a similar style of governance. Evo Morales was the first *indigena* to be elected president of Bolivia, in December 2005, after his "Movement to Socialism" party (MAS) had caused the fall of two presidents in 2003 and 2005 by mass protests. Similar to Chavez, after his election, Morales obtained a constituent assembly in which his supporters gained the majority and realised basic reforms of the political system. These were demanded by the people and included the possibility of re-electing the president as well. Early presidential elections were won by Morales in December 2009 with a majority of 64 percent of the votes. His party MAS won a two-third majority in both chambers of the Congress. Without a doubt, Morales is democratically legitimized, but there is criticism about his authoritarian administration as well.

Ecuador, after its re-democratization, was extremely affected by political instability. Due to several governmental crises, which were, besides others, caused by riots of a growing *indigena*-movement against neoliberal adjustment measures and mass protests against corruption as well as economic failure, no less than nine presidents had to resign prior to the end of their term in the ten years between 1997 until 2007 and left the country hastily. Since the election of Rafael Correa at the end of 2006, there

is at least a personal stability. His victory had been made possible by his criticism of the neoliberal economic decisions of his predecessor and a campaign against paying the Ecuadorian debts in countries abroad. Like the others he was able to obtain the election of a constituent assembly through political and outer parliamentary pressure on the parliament and the Supreme Court. The new constitution mainly strengthens the powers of the president and forms the basis for his project on “Socialism of the 20th Century”. Early elections were won by him in April 2009 with 52 percent of the votes. Just as his colleagues in Venezuela and Bolivia did, President Correa tried to cut back critical press comments and political opposition.

Colombia is the only country in South America that did not have a military dictatorship in the 20th century. The country has a long tradition of constitutional governments, which from the mid-19th until the early 21st century had been formed by either the conservatists or the liberals. The struggle between these two parties over power and the social inequality have been promoting violent conflicts between government troops, leftist guerrilla movements and rightist paramilitary organizations for decades. Although the elections and democratic governmental turnovers have never been stopped by this, the capacity of the state as well as of the government to control the whole national territory and push through governmental decisions has been and still is limited. It has only been since Alvaro Uribe, the representative of a new party coalition, was elected president in 2002 that some successes in fighting the guerrilla and the closely connected drug mafia could be observed. These successes strengthened his popularity and Uribe used this to adjust the constitution in favour of his re-election in 2006. Despite his ongoing popularity, the Supreme Court stopped his attempt to change the constitution for a second time through which he wanted to achieve another re-election. Subsequently, the former vice president Jun Manuel Santos, being supported by Uribe, was elected president in April 2010. During his whole presidency, Uribe was an antipode to his colleagues in Venezuela and Ecuador with whom he had constant disputes. He had good relations with the USA and stabilized the Colombian economy on the basis of neoliberal concepts.

Since the traumatic experiences with president Fujimori, it appears that there is now certain mistrust towards a strong president in *Peru*. Notwithstanding the possibility of getting re-elected, Fujimori's successor Toledo who had been elected in 2001 as leader of the opposition, lost all his popularity by the end of his time in office, even though his government was quite successful with stabilizing the economy and produced considerable growth rates of the gross domestic product (GDP). His successor Alan Garcia is the long-serving chairman of the traditional social democratic party APRA and had already once served as president from 1985 until 1990. During those years, his regime was characterized by hyperinflation, corruption, economic failure and capital flight. Nevertheless, after beating in June 2006 another candidate who was explicitly supported by Hugo Chavez and fighting for votes from the *indigenas* and the

poor, Garcia continued the liberal market-oriented economic policy of his predecessor and retains the close relationship with the USA. The Peruvian economy is growing, his government is offering social transfer payments in a formerly unknown high amount in order to reduce poverty, and there are no extraordinary political scandals. The popularity of the president, however, is decreasing and his re-election appears to be unlikely.

Chile and Uruguay are the two countries of South America coming back to democratic normality the fastest after the re-democratization. Prior to the time of the military dictatorships, both countries had been called the most stable democracies of the region— although this has not prevented them from experiencing military coups. From 1990 until 2010 a coalition of parties that used to form the democratic opposition against the Pinochet regime ruled *Chile* for 20 years. A liberal market economic policy not only led to a constant growth, but enabled the country to achieve remarkable progresses in reducing poverty, and had an impact on various other social fields like the educational system. The election of the businessman Sebastian Piñera, candidate of the right-wing parties which had supported Pinochet in former times, at the beginning of 2010 was not least a consequence of the generational gap between politicians of the government coalition. Besides, it showed as well that old oppositions are vanishing. It is remarkable that the traditional party system is still working, which has contributed strongly to the stability of the political processes.

In *Uruguay*, the traditional party system is still working as well, but with an important innovation. In 2005, for the first time a representative of leftist parties was elected president. Despite his left-wing background, Tabaré Vázquez distanced himself from the “New Leftist” like Venezuela’s Chavez and practised a market-orientated social democratic policy in a European style. His successful government created the basis for the election of a successor from his own party coalition, who came into office in March 2010.

In *Argentina* the Peronist party has dominated the political process since the first democratically elected president, Raúl Alfonsín from the Radical Party, failed due to the boycott of the Peronistic opposition and the Peronist-controlled mass movements. However, the Peronist party is divided into several groups, which competed in elections against each other, helping the election of another politician of the Radical Party in 1999. There were constant disputes in the centre-left coalition, along with a dramatic deterioration of the economic situation. The growing unemployment rate, combined with the impoverishment of umpteen families, led to protests by the middle class and violent battles of the new unemployment movement, *piqueteros*, and the police forced the president to resign in December 2001. Within the following 13 days the country had five presidents, before it recovered some stability until the end of the legislative period. In May 2003, Nestor Kirchner from one wing of the Peronist party was elected president. He was able to stabilize the economy by restructuring the defaulted debt with a considerable discount of about 66 percent, and, with the help of his ally Hugo

Chavez from Venezuela, he paid off and expelled the International Monetary Fund which he claimed was responsible for the economic problems of the country. Due to his rising popularity, he asked the parliament for extensive legislative competences and ruled mainly by presidential decrees. The popularity of the president allowed him to get his wife Christina elected as his successor in 2007. When everybody expected Nestor Kirchner to run again for president in 2011, his sudden death by a heart attack in October 2010, may be seen as a turning point of the neo-populist regime in Argentina.

In *Paraguay*, the development of democracy has been quite ambivalent as well. After the fall of the long-time ruling dictator Stroessner in February 1989, and the implementation of a new constitution and elections, a civilian became president of the country in May 1993 for the first time in 39 years. However, until 2008, all presidents were members of the former Stroessner party, *Partido Colorado*, which was still dominating the party system. Constant battles for power between various groups within this party led to a permanent climate of political instability, especially since the military as a factor of power has not been isolated. The governmental performance in terms of economy and social policy remained weak. Besides Bolivia, Paraguay is the poorest country of South America and democracy did not bring any visible advantages for the people. The disappointment about the government of *Colorado* and the agreement among the opposition to nominate one common candidate concluded in the election of a non-politician as president in 2008: the former Catholic bishop Fernando Lugo. Becoming famous for his advocacy for the poor, Lugo rhetorically stands for a reform policy strongly influenced by the theology of liberation. But as he has no majority in Congress and depends on the Liberal Party as his coalition partner, Lugo cannot go for any ambitious political projects. Furthermore, his lack of political experiences becomes more and more obvious. Although the election of Lugo was an expression for strengthening the democracy in Paraguay, many hopes for political and social changes might be disappointed.

In *Brazil*, after a shaky start in 1989, democracy contributed to the clear improvement of the living conditions of the people. The first democratically elected president was deposed by the parliament in 1992 due to corruption and mismanagement. But the economic and social policy reforms and efforts of the presidents Fernando Henrique Cardoso (1996-2002) and Luis Inacio Lula da Silva (since 2002) have led to a stabilization of the political system and especially social reforms which helped to make great improvements in alleviating poverty in the biggest and most populous country of South America.¹¹ Even so, corruption and favouritism, the often-seen *clientelismo*, still are also characteristic of the political process, just like the fragmented party system. This produced serious difficulties to form stable parliamentary majorities. Nevertheless, besides some weakness of the political institutions and in the judicial system, the

¹¹ Cf. Wilhelm Hofmeister: *Fernando Henrique Cardoso*. In: Nikolaus Werz (Ed): *Populisten, Revolutionäre, Staatsmänner. Politiker in Lateinamerika*. Frankfurt: Vervuert 2010, pp. 518 – 545.

Brazilian democracy is consolidated. This has been confirmed again by the elections of October 2010, where for the first time a woman has been elected president. Ms Dilma Rousseff of the Workers Party had been strongly supported by her predecessor Lula da Silva and will count on a broad majority of coalition parties in parliament. Together with the extraordinarily positive economic perspectives due to its natural resources and its progressing industry, the outlook for the Brazilian democracy seems extremely positive. This will influence the overall development and prospects of democracy in Latin America.

4. SPECIAL FEATURES AND TRENDS OF THE DEVELOPMENT OF DEMOCRACY IN LATIN AMERICA

Besides the more recent positive signs for further consolidation of democracy in Latin America, the short overview of the political process in individual countries after the end of the military governments also allowed us to perceive some structural problems of the Latin American democracies. The main trends are:

- Regular elections are taking place, and in all countries of the subcontinent—partly for the first time in history in countries like Brazil, Argentina or Paraguay—candidates of the opposition were able to take over government in a democratic change of power. Without a doubt, this is an important hint to the consolidation of democracy.
- The resolution of all government crises of the last few years were achieved in the context of civil order. Several countries experienced severe political crises in the process of which a relatively high number of presidents had to resign before their actual time in office was over. The dismissal or expulsion of the presidents were in most cases a result of mass protests since a remarkable part of the population of the particular country did not feel represented by the president in charge. This indicates a problem of representation.
- The role and position of the presidents have been reinforced at the costs of a weakening of the parliaments. This indicates a problem of the functioning of *checks and balances*, the democratic procedures of controlling and accountability.
- Populism has reappeared as a style of governance. This is an element which burdens the development of democracy.
- The political parties face severe challenges, although they are generally accepted as central institutions of democracy. Many countries show an erosion of the traditional party and party systems which contributes to the empowering of the presidents. At the same time, this development highlights the problem of representation as well as a lack of connection between society and state.

- Democracy has facilitated the emergence of new social movements which achieved a high degree of capacity to act as social agents and strengthen new political forces.
- The *indigenas* who were excluded from political activities have now become important political actors in the countries of Bolivia, Peru, and Ecuador.
- The social political performance capacity of some states has clearly improved. This is especially true for Chile and Brazil, but also for Uruguay, Colombia, and Peru. The prospects to reach the Millennium Development Goals of the United Nations are actually more favourable than some few years ago. This brings an additional social factor in favour of the consolidation of democracy.

PROBLEMS OF THE SYSTEM OF GOVERNMENTS AND THE NEW “HYPER-PRESIDENTIALISM”

Democracy needs time for consolidation, for the development and strengthening of institutions, for the adaption of procedures which lead to more transparency and the rule of law, for the building of parties and social organizations as well as for the development of efficient working relations between the government and the parliament. Maybe the recent progresses in terms of consolidation of the democratic systems in many of the countries of Latin America can be traced back to the factor of time and the adherence to democratic governance despite all problems and defects. The Cold War and other elements, which burdened the development of democracy after the Second World War, are now obsolete. At this point in time, no military officer who possesses a sound mind would try to organize a coup d'état. Even the intention of some governments to establish “socialism of the 21st century” did not provoke any undemocratic reaction. There is no crisis of democracy in Latin America. But there exist some severe difficulties which are closely connected to the familiar institutional patterns of political systems. The various combinations of presidential systems of governance, multiple party systems and the proportional electoral system are seen as relevant factors which caused governmental and representational crises.¹² Some authors argue that the presidential system, which is closely connected to the US model, has some inherent sources of instability. Its combination with a European-inspired proportional electoral system appears as one of the main causes for problems of governance. The use of the majority vote in presidential elections and of the proportional system in parliament elections leads permanently to difficult relationship patterns between the executive and the legislative. Most parliaments have no clear majority and most presidents are forced to build coalitions with unpleasant partners that are of only short duration. In important votings in parliament, the ultimate approach to organizing majorities is quite often the purchase

¹² Cf Diego Abente Brun, *Introduction*, in: Diamond /Plattner / Abente 2008 (cf. Quote 8).

of votes. By this procedure, corruption becomes a structural element of governance. As the corruptive behaviour of parliamentarians and politicians in general are not kept secret, it causes serious damage to the reputation of the democratic regimes.

In the light of missing political reforms that could resolve these structural problems,¹³ a new phenomenon has emerged in recent years called: “hyper-presidentialism”, also known as the “imperial presidentialism”. Almost all the countries of South America, except Chile, Uruguay, and Peru, are affected by this phenomenon, albeit to varying degrees. In Mexico, the president is traditionally very strong, but he has no chance to stay in power. In South America and to some extent also in Central America, the presidents were able to improve their positions within the political systems due to their access to the central instruments of power, such as the public revenues, which have been rising in the context of the positive economic development as well. In case they do not have a majority in parliament, the “imperial presidents” are governing through decrees, which is only possible since the parliaments are too weak to affront those strong presidents. The necessary parliamentary control, the *checks and balances*, transparency and accountability of the president get lost in this context. Instead, the presidents rule in an imperial way. The traditional elements of Latin-American politics are kept inevitably alive through these developments, which are clientelism, patrimonialism and corruption.

It is too early to conclude how long this trend of “hyper-presidentialism” will continue. Certainly, this depends upon the strong personality of the individual presidents. Chavez is losing attractiveness and Nestor Kirchner died. In Brazil, President Lula was smart enough to not go for a change of the constitution in order to open up the possibility of being re-elected. Therewith, he sent a signal not only to his country, but the whole subcontinent.

THE NEOPOPULISM

The “hyper-presidentialism” is closely connected to the reappearance of populism in the region.¹⁴ Populism describes primarily a style of government where the whole political process of a country is focused on one central leader. His government is formed on an alliance between the under- and middle-class and gives the state a crucial role in achieving economic modernization as well as in overcoming social inequality. The social intentions of a populist or, nowadays, the “neopopulist leader”, will rarely be

¹³ Cf. Hofmeister, Wilhelm (Ed.) 2004: *Reformas políticas en América Latina*. Rio de Janeiro: Ed. Fundação Konrad Adenauer 2004.. and Valenzuela, Arturo: *Latin America Presidencies Interrupted*. In: Diamond / Plattner/ Brun, 2008 (cf quote 8), pp. 3 – 17.

¹⁴ Cf. Hofmeister, Wilhelm 2006: *Die Rückkehr des Populismus nach Lateinamerika und die Rolle Brasiliens*, in: KAS- Auslandsinformationen 8/2006, S. 20 – 39.

questioned by anybody. The problem of populism, however, has been and still is that populist leaders try to achieve social integration via corporate and patronage-based patterns of political relations. This in turn hinders or even blocks the institutions of the democratic system such as parties, parliaments, independent justice, opposition or independent media. The leader replaces the intermediate institutions between state and society and suspends the control mechanisms of checks and balances. These are the features of a “neopopulist” regime. “Neopopulists” like Chavez in Venezuela, Morales in Bolivia, and Correa in Ecuador show such characteristics.

PARTIES AND PARTY SYSTEMS

Despite the presidential system, the democracies of Latin America are party democracies as well. Parties fulfil essential functions like organizing election campaigns, forming governments, structuring the legislative procedure and formulating political ideas as well as goals. But the way they fulfil these functions is seen as insufficient and unsatisfactory. Therefore, Latin American parties normally have a bad reputation and they have to face criticism addressed against them. From a general perspective the parties are shaped by corruption, particularistic exercise of power, inability to promote new leaders, demagogic procedures and patronage rhetoric, caudillistic style of leadership and the internal lack of democratic procedures as well as the inability to undertake new challenges and tasks. This might sound stereotypical, but overall it matches the reality.

The insufficient moral and ethnic competencies of the parties and their leaders are of crucial importance in this context. Corruption and ethnic unscrupulousness coupled with a lack of expertise as well as mismanagement are characteristics of many party elites. Democracy is not only a form of government, but also a form of living. In particular, the political leaders are expected by the people to meet the ethic requirements of democracy in their own behaviour. These expectations of the people are not fulfilled in Latin America and that is one reason for the lack of reputation of the parties as well as of politics as a whole.

The Latin American party systems, with few exceptions, are not very strongly institutionalized and only a few parties are in the position to gain a relatively high degree of support over a long period. But in most countries the party systems of today are far more fragmented than 20 years ago. Several former two-party systems have developed into three or even multiple party systems. The party organization is generally weak and the loyalty to the parties is low, which can be concluded from frequent party changes.

Despite this criticism, the existence of parties is basically not questioned in any country. To the contrary, the legitimacy of parties is not least reflected in the high num-

ber of parties as well as the comparatively high number of members.¹⁵ So it can be concluded that the Latin Americans do not want an alternative to parties, but alternative parties.

THE ROLE OF THE CIVIL SOCIETY

Civil social organizations have been growing constantly in number over the past two decades and contribute significantly to the stabilization of democracy in the relevant societies.¹⁶ In different countries parties which had or have a strong basis in civil social organizations came to power. This applies, for example, for the electoral successes of the Labour Party (PT) in Brazil, the *Frente Amplio* in Uruguay and the Movement for Socialism (MAS) in Bolivia.

However, similar tendencies as in the case of the parties can be recognized for the social organizations as well: traditionally strong institutions like the trade unions are weakened; the variety of organizations is not a proof of more influence, but a hint at the fragmentation; many organizations are neither transparent nor do they respect the democratic rules in their internal procedures; in terms of organization they are generally weak and are seldom able to achieve the long-term commitment of their members; the identification with them is more of an ephemeral character. Therefore, the demobilization of the political parties is compensated by the civil social organizations only to a limited extent.

INDIGENOUS MOVEMENTS

The political mobilization and formal integration of the indigenous population in the political systems, especially in those countries with a relatively high number of indigenous people, is an upcoming phenomenon. This development demonstrates the strengthening of the democratic political culture and democratic procedures as a whole. This phenomenon applies especially to Bolivia (71 percent indigenous people), Peru (47 percent indigenous people) and Ecuador (43 percent indigenous people).¹⁷ In Bolivia the indigenous Evo Morales has even been elected and re-elected president. Unlike any other leader, Morales embodies the new self-confidence and the claim to power of the indigenous people—also in its problematic aspects.

¹⁵ This is true for parties in Mexico, Peru, Brazil, Argentina, Paraguay, and Uruguay.

¹⁶ Cf. Ismar, Georg / Mittag, Jürgen (Hrsg) 2009: “*El pueblo unido?*” *Soziale Bewegungen und politischer Protest in der Geschichte Lateinamerikas*, 2009. Münster: Verlag Westfälisches Dampfboot 2009.

¹⁷ Other states with a relatively high number of indigenous people are Guatemala (66 percent), Honduras (15 percent) and Mexico (14 percent). For the following cf. Lee Van Cott, Donna: *From Movements to Parties in Latin America: The Evolution of Ethnic Politics*. Cambridge: University Press, 2005.

In most of the countries of the subcontinent, high formal obstacles for the registration of indigenous organizations and parties have existed for a long time. Indigenous people who wanted to participate in politics had no other choice but to become a member of the patronage, corporatist or leftist parties. However, even they faced the same paternalistic and racist procedures that shaped the conservative parties.

Since the 1970s indigenous organizations have been formed in many places. At first, they concentrated on cultural issues, especially the defence of bilingualism. After the end of the military regimes, representatives of these organizations were able to be elected into the constituent assemblies where they stood up successfully for the political claims and rights of their groups. The political decentralization coupled with the introduction of local elections encouraged the foundation of local indigenous parties and the election of indigenous municipal councils in many places. Very soon, indigenous parties won mandates in national parliaments, in places like Ecuador. In Bolivia, coca planters, other farmers and indigenous organizations founded a party before the local elections of 1995, from which in 1999 the MAS led by Evo Morales emerged.

However, the example of Bolivia also precisely shows the problematic sides of the strengthening of indigenous movements as well. Since ensuring his power by the end of 2006, President Morales has practised a more authoritarian style of reign in the sense of “neopopulism”. Although he gives the majority of the Bolivarian population for the first time the feeling of being taken seriously by the state, he raises questions about his own democratic credibility—and at the same time that of other indigenous movements in the region. Therefore, Bolivia more resembles a semi-authoritarian regime in the style of Hugo Chavez than a model of a multiethnic democracy, which many politicians, representatives of social organizations and observers inside as well as outside of Latin America had hoped it would be.

At the same time the Bolivian case proves that it is problematic for a democracy if ethnic factors determine political life and institutions. Such a “race policy” tends to intensify conflicts along the ethnic dividing line. These tendencies also characterize the behaviour of individual indigenous groups in Peru, Ecuador, Colombia and even Chile, where the political mobilization of indigenous people has taken place in recent years as well, although they are a comparatively small group comprising only 8 percent of the Chilean population.

Despite these deficits and problems, the indigenous movements and parties have contributed significantly to the improvement of the quality of democracy in Latin America in recent years. They anchored the political and civil rights of the indigenous people permanently in their societies. Even if some members of the traditional elites still have problems accepting it, the indigenous people are an important part of the politically active population of today. Especially in those countries like Bolivia, Peru or Ecuador, where they form a big part of the population, the indigenous people will have a permanent influence on political processes.

5. PERSPECTIVES

“A medio camino” (On half way)—this is the title of an extensive analysis of various fields of the political, economic and social development in Latin America, collected by two of the most well-known politicians and scientist of Latin America.¹⁸ In their preface they write:

The democracy that replaced the dictatorial and authoritarian regimes of the 1960s and 1980s was accompanied by great hopes, which were only partly fulfilled. Today you can see worrying signs of wear of their bases and the revival of populist tendencies and anti-democratic values that are part of the contradictory history of the region. For the consolidation of democracy it would be necessary that it satisfies the increasing demands of the people for services, consumption and an improvement of the social situation. In order to achieve these goals, there has to exist a state that would be “politically legitimate, fiscally responsible and technically competent” so that it could cooperate not only with the social organizations but the private sector for the welfare of the society. So far, only a part of the way to this goal has been covered. But if this path is followed, the goal can be achieved.

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This article was translated by Mr. Patrick Rüppel.

¹⁸ Cardoso / Foxley 2009. Fernando Henrique Cardoso became famous as a sociologist and was president of Brazil from 1996 to 2002; Alejandro Foxley became famous as an economist and was *inter alia* minister of foreign affairs and finance starting from the change of regime in Chile. For the following cf. *ibidem*, S. 8.

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