

## Policy Brief 1

From the  
**Regional Workshop on Political Transitions and Cross-Border Governance**  
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### **Building Democratic Institutions, Norms, and Practices**

We are witnessing an upsurge in the popularity of democracy as the most critical vehicle to fulfill individual aspirations, articulate interests, and nurture civil society. The Arab Spring that started in 2011 and its aftermath brought the world's attention back to the diverse nature and processes of democratization, with more recent events in Bangladesh, Fiji and Thailand putting the Asia-Pacific regions under the spotlight of challenges of democratic development. In 2010 there was what appeared to be the culmination of a historic shift; democratically elected Governments were in place in all of South Asia including conflict affected states such as Afghanistan and Pakistan and many parts of the rest of Asia such as Thailand. This was a significant achievement that was mirrored by the major expansions of democratic institutions in the region, with more countries than ever also having elected representatives at the local level in addition to national parliaments.<sup>1</sup>

However, five years and one political cycle later, a different picture is emerging. In Afghanistan, Bangladesh, Cambodia, Maldives, Malaysia, Pakistan and Thailand some opposition parties have boycotted elections or refused to accept their results and few people are touting Southeast Asia as a democratic success story. The region displays a continued weakness of democratic institutions, norms and practices even after holding democratic elections, which seriously hampers further progress for democratization (to say nothing of deepening democracy), development, peace and regional stability. Such a democratic rollback would have wide-ranging negative implications including endangering security cooperation in the region, undermining the region's growth and economic interdependence, and causing serious political unrest, even insurgencies, in many Asian nations.

Despite becoming the engine room for the world's economic growth, many countries in the region do not have the uninterrupted history of successive democratically elected governments that builds the necessary democratic capital for stability and peace. This reservoir built across successive electoral cycles is where actors can learn from elections as a repeated game with parties rotating in power over a long series of contests.

There are three main reasons that democracy is stuttering across the region:

The first is a set of inter-related challenges, especially during the early stages of transitions, to **establish democratic institutions, norms and practices**. Constitutional and electoral reforms, checks and balances between the executive and legislative branches, multi-party competition and civil-military relations have been highly contested by vested interests. Other challenges included ensuring independence of the judiciary and access to justice, decentralization of powers and resources to local units of government,

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engagement of civil society, freedom of the media, and the promotion of gender equity and human rights.

The second set of challenges is that new democratic governments often inherit economic circumstances that make delivering on raised **expectations for social and economic opportunities** extremely difficult. Significant progress has been made in terms of economic growth and the reduction of poverty in some countries that have gone through economic transitions, such as China and Vietnam, and those where democracy has consolidated, such as South Korea and India. Many political transitions, however, suffer from the inability of elected governments to provide basic services and livelihoods to the vast majority of citizens.

Finally, the third is that **internal conflicts and cross-border governance mechanisms remain an enduring problem** for Asia. It is no coincidence that countries with protracted internal conflicts such as Afghanistan, Pakistan, Bangladesh, Myanmar and Thailand all have extended political transition processes, while Sri Lanka and Nepal face political turbulence and lingering tensions despite having declared a formal end to their intra-state conflicts. Importantly this has significance for regional security and stability as all internal conflicts have a transnational dimension.

Unpacking the three sets of challenges because of which democracy is stuttering in the region, it is essential to identify core issues under each of these that underlie the overall problematic. This Policy Brief focuses on key issues related to building democratic institutions, norms and practices and their implications for a regional programme on governance.

One of the first major issues in building democratic institutions and norms is how to promote electoral legitimacy. Free, fair, and regular elections are one of the pillars of democratic governance. Such elections confer and sustain political legitimacy because they reflect popular participation, representation and choice in the political process. Contested and regular elections may also bring a correspondence between public policy and the wishes and aspirations of the voters.

However, recent examples of Asian democratic practice have failed to live up to the both of the central elements of this norm; namely competitive selection of leadership and broad-based acceptance of the results. In Afghanistan, the electoral result was rejected and only after lengthy conflict and a period of negotiation, including external mediation among the parties, was a political solution found. In Indonesia, electoral results were subject to an extensive formal legal challenge, which was ultimately rejected by the Constitutional Court. In Pakistan, about two years after the last national election, legitimacy of the electoral outcome is questioned by various political parties and a Joint Investigation Team led by the Chief Justice of Pakistan is determining if electoral rigging took place. Former Prime Minister Thaksin Shinawatra's Thai Rak Thai (TRT) Party won the 2001 and 2005 elections in landslides and its latest incarnation, Pheu Thai Party, also won elections. Yet, the main opposition refused to accept the legitimacy of electoral outcome. These and other cases create a very clear and real need for UNDP assistance as one of the trusted development partners. There needs to be new indicators and measures of "success" for the donor organizations to better interface with countries to strengthen multi-party dialogue and national capacity for electoral reform. Of particular importance is the UNDP support for national capacity development related to legislative frameworks, voter rolls and registration, role of political parties, voter education, and voter operations. Equally important is the need for UNDP support for the engagement of civil society, access to information technology, and the capacity and independence of national electoral management bodies.

The second issue critical to the deepening of democracy is civil-military relations. Although the frequency of military coups has steadily decreased since the mid-1970s, there are ample signs to suggest that the military is still a crucial actor in domestic politics and policymaking in many countries in the region, often playing key roles in state and nation-building, political decision-making, maintaining internal order, and in ensuring national security. Though there are several good examples of civilian oversight of the military in the region (South Korea, India, Mongolia, Indonesia), a number of countries continue to face challenges in this regard. In Myanmar, the military is directly engaged in parliamentary process and controls almost all branches of the Executive branch. In Pakistan, the military continues to be a dominant partner, especially in internal security and foreign policymaking, due to the on-going war against internal security threats and weaknesses of political institutions. Recent military takeover of the directly elected civilian government shows the military's predominance in the Thai political system. The institutionalization of civilian control over the armed forces has in many countries, thus, remained a crucial issue, and in countries such as Thailand there is a deep concern whether the present state of civil-military relations will be detrimental to democratic consolidation. In many of these contexts ambiguous institutional development has accentuated the tentative nature of civilian supremacy. Generally a persistent constraint is the readiness of civil institutions to replace military structures and roles, particularly ineffective law and security agencies that are not up to military capacity. This highlights an underserved dimension of potential UNDP programming in creating discourses on democracy and how to aid in professionalizing the military, with sensitivity to not impacting domestic political processes.

Creating and maintaining citizen trust in democratic institutions including political parties, parliaments and electoral bodies is another critical issue in the process of democratic transition and consolidation. Citizen trust in political institutions is largely a function of the degree with which role of the state lives up to the expectations of citizens. The increased expectations of citizens, resulting from globalization, liberalization processes, and the information and communication revolution, and the resulting divergence is directly responsible for the growing trust gap in Asia and other parts of the world. Given this phenomenon, many countries within the region have experienced a process known as the "hollowing out of the state." While many countries had begun to implement widespread reform measures, such as decentralization and privatization, these reforms were insufficiently accompanied by the strengthening of capacities at the sub-national and local levels. Hence, even though the degree of reform is very high within the region, the degree of capacity to carry out these reforms has been low in many cases. Most countries within Asia and the Pacific were therefore not fully capable of responding to citizen demands due to the weakening power of the executive branch to effectively respond to pressures from various groups. This demands, along with capacity reforms, mechanisms for participation and accountability, leadership and communication, sustainable livelihoods, and investment in marginalized groups (groups that drove the crisis/transition). Through its support for building democratic institutions and norms, UNDP can contribute to promoting trust in the process of governance.

The media plays a significant role in deepening democracy in Asia. Three primary roles of the news media are recognized in the region. As "watch-dogs" media's role is to check and balance the powerful segments of society, help citizens to evaluate the performance of the government, guard the public interest, and to promote government accountability and transparency. As "agenda-setters", the news media functions to raise awareness of social problems, highlight issues of concern to the public, and provide information about potential future challenges and crises. As "gate-keepers" the journalist and broadcasters can bring together actors from the government, civil society, the private sector and political parties to discuss issues of national concern and, thus, promote dialogue and tolerance among

diverse set of interests and communities. Media has been playing a proactive role in political transitions in Indonesia, Pakistan, Myanmar and Nepal.

There are, however, wide gaps between democratic ideals and the practice of media during the political transition process. Ineffective internal codes of conduct, the general weak capacities of journalists and lack of a tradition of fair and balanced reporting have constrained the effective performance of the print, electronic and on-line media in the new democratic set up of Indonesia and Pakistan. Alignment of news media with powerful groups, tightly controlled official information, regulations that limit press freedom, and legal frameworks governing freedom of information have also negatively impact media performance. Finally, in countries with internal conflicts such as Afghanistan, Myanmar, Nepal and Pakistan, the security of journalists and their ability to perform their roles poses serious challenges. Nepal has exemplified the role of the media as a double-edged sword as it can represent ethnic and religious interests as strongly as other elements of civil society. As such the media can impede peace processes and negatively impact political transitions. In Myanmar, the capacity of journalists is extremely weak. The “echo effect” of disinformation dissemination has polarized societies in the region, especially given the proliferation of social media. The rise of social media has increased access to information, but not necessarily increased the quality of this information.

An equally complex reform principle and potential limiting agent of democratic deepening is decentralization and local governance. Decentralization provides a framework for developing the capacity of local government and civil society, giving greater political representation to diverse groups without destabilizing the state, promoting creativity and innovations among the three sets of governance actors, and promoting pro-poor policies. It can promote system-wide participation of individuals, communities, and groups in economic and political decisions.

In view of the above, most of the Asian countries initiated decentralization reforms ranging from political and economic devolution to deconcentration of administration. Indonesia’s “big bang” decentralization programme has been the most comprehensive in scope. It downsized central government and strengthened local administration; increased budget for regions, introduced local elections leading to increased political participation; and provided an institutional framework for creative and good local leadership to produce local innovations. In Pakistan, the 18<sup>th</sup> Amendment to the Constitution led to political and fiscal devolution to provinces for the first time in its history. Cambodia introduced a comprehensive decentralization programme to strengthen communes and local units of government and administration. The implementation of decentralization policies and programmes in Asia, however, has been constrained by numerous factors, including reluctance to blend political devolution and power-sharing with financial and administrative capacity, legacies of centralization in unitary systems of government such as the Philippines, and weak capacities of local governments. It must be emphasized that decentralization is not sustainable when the national political system remains unstable, so it must be viewed within the context of a package of issues that must be addressed and reforms to be made to ease political transitions and deepen democracy. Likewise, as has been done in the past in Pakistan, devolution for the sake of military governments gaining political legitimacy sidesteps much of the other elements of the “package”. UNDP has accumulated considerable experience in supporting decentralization programmes at the country level which needs to be examined to determine the value-added of the regional programme on governance.

State capacity, rule of law and accountability are the core pillars of participatory and effective governance practice. Each of these contribute to democratic governance progress. State capacity is essential to provide security and deliver services to people. Rule of law promotes trust and political legitimacy that ensures sustainability of democracy. Accountability is the core democratic value and

norm that has to be acculturated to in its own right. However, as Fukuyama (2014) argues, there are wide variations in the performance of countries related to each of these dimensions. Singapore and Malaysia score higher than Thailand, the Philippines and Pakistan on both state capacity and rule of law. At the same time, Pakistan, the Philippines and Thailand (before the coup) scored higher on accountability and participatory mechanisms and free press than Singapore and Malaysia. (World Bank: World Governance Indicators). Often, during political transitions there are tensions among state capacity, rule of law and accountability goals. To deepen and sustain democratic governance, the need is to keep a balance among these goals. Without state capacity, the accountability mechanisms including those dealing with the protection of minorities and disadvantaged groups are not implementable and basic services are not effectively delivered to citizens. Without rule of law, accountability of public officials cannot be ensured.

The UNDP Regional Programme on Governance can support the processes of political transitions and governance through direct support to country level programmes and regional level dialogue, analysis and advocacy. The process of political transitions includes multi-dimensional country level initiatives which need different approaches and modes of engagement, including fostering dialogue and strengthening institutions. There continues to be a clear desire and opening for interventions addressing corruption and other limitations on good governance, as well as the persistence of laws against women, minorities and disadvantaged groups. Government transparency and anti-corruption has long been a central element of UNDP programming both globally and regionally, and there have recently been innovative pilot projects in Asia to tackle anti-corruption in Pakistan, the Philippines, Thailand, Indonesia, Vietnam, and China. Democratic transition is a long term process which is often prone to setbacks and reverses. The UNDP Regional Programme could be instrumental in facilitating the sharing of the determinants of these setbacks as well as innovations and good practices in the region. A regional office can offer framework for how we measure “success” in transitions and what were the impacts of certain reforms when linked with certain contexts. In addition to supporting specific country level governance initiatives, one of the primary rationales of the UNDP Regional Programme is to support holistic governance programmes consisting of combination of “entry points” or “service lines” as well as cross-border governance issues that require collaborative efforts of two or more countries in the region.

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