

Statement of Peter M. Manikas
Director of Asia Programs, National Democratic Institute

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Subcommittee on Asia & the Pacific
“Retreat or Revival: A Status Report on Democracy in Asia”
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Mr. Chairman and members of the Subcommittee, I appreciate the opportunity to speak about recent events in Hong Kong, Burma/Myanmar and Thailand. I would also like to place my comments in the context of the Southeast and East Asia region.

No single trend defines the direction of democracy in the region. Political developments over the past year have signaled continued advances in the democratic process in some countries and setbacks in others. In some countries, such as Cambodia, Malaysia and Singapore, entrenched ruling parties have faced reinvigorated challenges, with opposition parties making significant gains. National elections in Indonesia saw an historic change in leadership with the potential to deepen its influence as a model for democracy, economic development and stability in the region. Against this trend, political activity has been banned in post-coup Thailand following months of civilian protests, while students and other activist leaders in Hong Kong are vigorously opposing Beijing’s insistence that it vet all candidates for the upcoming Chief Executive election. The rapid pace of reform in Burma/Myanmar that took the world by surprise only a few years ago has demonstrably slowed, and the nation is still grappling with the challenge of transitioning from military rule to a more open political and economic system.

These hearings come at a critical time. In Hong Kong, the Legislative Council will soon vote on whether to accept or reject Beijing’s proposal on universal suffrage. In Thailand, a new constitution drafted by a military-appointed Assembly will be either adopted or rejected by the Thai people. In Burma/Myanmar, general elections will be held in late October or early November, which will likely see the National League for Democracy (NLD) participate for the first time since 1990. These events are pivotal in the sense that they will largely determine the trajectory of democratic development in these countries in the months, and perhaps years ahead. The course of democracy in these countries also may affect the advance of democracy in the region as a whole.

Hong Kong

Since the return of Hong Kong to Chinese sovereignty under the “one country, two systems” framework in 1997, the promise of a democratic electoral framework outlined in Hong Kong’s constitution, the Basic Law, has not progressed according to the expectations of a large segment of the public. The Basic Law states that “the ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures” (Basic Law Art. 45). Currently, the Nominating Committee that elects the Chief Executive consists of 1,200 members belonging to 38 subsectors, including non-democratically selected “functional constituencies.” During the recent government-led consultation process on political reform, citizens discussed the possible addition

of new subsectors to make the committee more inclusive and representative (such as adding new subsectors to represent the interests of women or young voters), but restructuring would necessarily mean disrupting and eliminating existing subsectors or committee members. For these reasons, the Hong Kong government's consultation document suggested that these changes are unlikely (Consultation Document, Chapter 3, Sec. 3.08 p. 10). Similarly, half of Hong Kong's Legislative Council (LegCo) comprises of the same functional constituencies, creating a check over the legislative process.

On August 31, 2014, the National People's Congress issued a Standing Committee decision that would allow Hong Kong citizens to directly vote for their Chief Executive in 2017 but retained restrictive conditions on the nomination procedure of eligible candidates. The Nominating Committee would resemble the previous committee that elected the Chief Executive, with the same number of members belonging to the same limited number of subsectors. Under this framework, Beijing effectively has the discretion to determine the candidates for the Chief Executive position. This political reform proposal triggered 79 days of protest and civil disobedience – what activists and the international media have referred to as the “Umbrella Movement.” In reaction to the movement, a coordinated campaign has been launched to discredit pro-democracy activists and movement organizers. Attacks on leading liberal professors and student leaders in Hong Kong's pro-Beijing media, reports of Hong Kong government interference in academic appointments, and renewed calls for “patriotic education” in Hong Kong schools, have had a chilling effect on freedom of speech, freedom of association, and academic independence. The government's political reform proposal will finally come to a vote by the Legislative Council (LegCo) on Wednesday, June 17. LegCo seems irreconcilably divided between the pan-democrat and pro-establishment party camps.

The government's failure to meet the expectations of a large segment of the public on universal suffrage has left Hong Kong deeply polarized. While several university professors conceived of last year's movement for universal suffrage and articulated many of the guiding principles, young people and student associations drove the mobilization effort and quickly assumed ownership of the movement. The false narrative put forward by Hong Kong and Beijing officials that the student-led activities were instigated by “external” or “foreign forces” may be used as a pretext to re-introduce national security legislation under Article 23 of the Basic Law, which would drastically curtail civil liberties.

NDI has worked in Hong Kong since 1997 and its programs have been conducted at the request of, and in collaboration with, local partners such as universities and civil society organizations. The objectives of NDI programs in Hong Kong have been education and dialogue around comparative electoral models and to better enable citizens to effectively participate in the government-initiated electoral reform process. The Institute's activities are inclusive of the many segments of Hong Kong society – including young people, lower income groups, ethnic minorities, women, and the elderly – and feature a diversity of political viewpoints across party and ideological spectrums. Pro-establishment as well as pan-democrat political party members participate in NDI-sponsored events. Any viewpoint may be expressed at the academic public forums or university-managed websites for which NDI has provided assistance. These are designed to be neutral and educational platforms and do not endorse any particular political position. By creating forums for inclusive political dialogue on various modes of governance,

NDI activities provide a constructive outlet for grassroots voices, an opportunity for education, and the possibility of forging meaningful consensus.

Over the past year, NDI's programs in Hong Kong have engaged students, political parties, and civil society in substantive dialogue on electoral systems and the public consultation process to amend the method of electing the Chief Executive. NDI supported a university partner to build an interactive website that allowed citizens to create their own models of universal suffrage. Online participation reflected the deep level of interest on electoral governance issues, particularly among young people over the past year. During the first official consultation period (December – May 2014), in which citizens could offer their views on universal suffrage, the website received more than 700 models of universal suffrage, many of which were submitted to the Hong Kong government. Communities also formed around co-branded pages on social media, which received even more user traffic than the interactive website. In parallel with these online platforms, local NDI partners organized several public debates offline, where prominent speakers from opposite ends of the political spectrum argued the merits of their proposals for political reform. The online platforms promoted these debates, allowed for sharing of citizen-generated content on relevant topics, and crowd-sourced questions for event speakers.

Burma/Myanmar

Burma/Myanmar's upcoming parliamentary elections, expected to occur in November 2015, will be widely viewed as a test of the country's leadership's commitment to genuine democratic reform and an opportunity to strengthen citizen confidence in the country's ongoing transition from military to civilian rule. Certainly, there has been significant political liberalization, but the transition process has been uneven and the outcome is still uncertain. As a result of the country's long history of political repression, citizens are deeply suspicious of the government's commitment to multiparty democracy and a political process in which they have never been permitted to participate. Moreover, the 2015 elections will not be conducted on a level playing field. The 2008 Constitution provides that 25 percent of the seats in the national and regional legislatures are reserved for the military. With 75 percent of the parliamentary seats in contention, this means that the National League for Democracy (NLD) and other opposition parties will need to win twice as many seats as a party aligned with the military to gain a majority in each chamber. The six-party talks that began in April 2015 between government, opposition and military leaders could lead to agreement on a constitutional reform package that would demonstrate a spirit of compromise among key leaders and institutions and help ensure credible elections in 2015. However, with the election now less than five months away, major constitutional reforms appear unlikely, including a change that would allow opposition leader Aung San Suu Kyi to run for president. The NLD has not ruled out a boycott of the November polls if significant reforms are not adopted.

The effectiveness of the ongoing reforms and the public's view of the upcoming elections will depend in part on the inclusion of all segments of Burma/Myanmar's diverse population. While political space has opened for democratic activists, enforcement of the rights of assembly and expression remains uncertain. Many political prisoners have been conditionally released, others remain in custody, and those who have been discharged are unsure of the extent of their freedom to engage in the political process. Communal violence, continued fighting in ethnic states and

rising social tensions are creating additional challenges which, if left unresolved, could further complicate Burma/Myanmar's democratic transition. Over 100,000 Rohingya are internally displaced in central Rakhine state and hundreds of thousands have fled into neighboring countries. Many of those who have fled have become victims of human trafficking. While progress has been made in negotiating a draft peace agreement between the government and the nation's ethnic groups – which comprise approximately 40 percent of the population – human rights abuses persist, particularly in the border areas. Reforms have had little impact for many who live in remote rural areas. With violence continuing in areas throughout the country, electoral processes in portions of the ethnic states and in remote areas may be at risk. The process of advance voting, a key area of concern during the 2010 elections, has not been accessible to observers, party agents or the media in past elections. Although permitted to vote previously, those with temporary identification papers (“white cards”) – estimated at approximately one million people, primarily Rohingya and other ethnic minorities – will be disenfranchised unless they are able to prove their right to citizenship and obtain national identity cards. In this context, Burma/Myanmar's electoral processes are likely to be intensively examined by all stakeholders in the period leading up to, during, and immediately following the elections.

NDI maintains offices in Yangon and Nay Pyi Taw conducting work with domestic election monitoring groups and with parliament. Nonpartisan citizen observation will be lawful for the first time, as provided in recently released Union Election Commission (UEC) codes of conduct for international and domestic election observers. These regulations reflect many recommendations put forth by Burmese civil society. NDI is working to strengthen the capacity of its civil society partners to observe the 2015 elections across the country in a non-partisan manner. In addition, through the Institute's Parliamentary Resource Center in Nay Pyi Taw, legislators are conducting Internet-based research and engage with a variety of international parliamentary experts to develop greater awareness of democratic norms and practices. In the immediate post-election period, NDI will promote greater opportunities for Burma/Myanmar's citizens to effectively advocate for transparent and responsive governance while promoting a stable parliamentary transition that emphasizes the democratic process as a means of resolving differences.

Thailand

Thailand has now experienced 19 military interventions since the overthrow of the country's absolute monarchy in 1932. Although the military returned the country to elected government within a year following the previous coup in 2006, over a year has elapsed since their 2014 intervention. This latest coup followed months of street protests between “red shirt” supporters of the country's formerly elected Prime Minister Thaksin Shinawatra and the “yellow shirts” aligned with the monarchy and the main opposition Democratic Party. Thaksin remains popular among the urban poor and in the country's rural northeast, while the Democrats have failed to win an election since 2001. Since the coup, however, civil liberties have been sharply curtailed and political parties have remained largely inactive. Section 44 of the interim constitution grants the National Council for Peace and Order (NCPO) broad authority to issue orders to suppress acts deemed detrimental to “national order or security.”

Underlying the current crisis is a lack of consensus among the major political parties about the rules of the game and the constitutional framework under which they are operating. This impasse can only be resolved through agreement among Thailand's leaders on constitutional reforms founded in the will of the people with appropriate checks on the exercise of power by the majority. While this goal appears straightforward, it has proved elusive. In this context, the military's intervention might be seen more as a symptom than the cause of Thailand's current troubles.

Following the coup of May 22, 2014, the military-led NCPO appointed a cabinet and a National Legislative Assembly (NLA) to oversee the day-to-day administration of the country; a National Reform Assembly (NRA), tasked with identifying areas in need of political reform; and a Constitutional Drafting Committee (CDC) to create a new constitution for Thailand. The new draft constitution – written by the military-appointed assembly – sidelines political parties and places checks on elected representatives by elite dominated entities. In response to the public release of the draft in April 2015, many academics, political party representatives, and NRA members expressed concern at several of the provisions, stating that it would make parliament ineffective and unable to carry out its duties. A constitutional referendum is expected to take place in January 2016 that, if passed, would allow for new elections in August or September 2016. The Deputy Prime Minister has outlined four options in case the draft constitution does not receive public approval in a referendum: to set a new National Reform Council (NRC) and a new Constitution Drafting Committee to draft a new charter; to form a panel to craft a new draft without setting up a new NRC; to assign the National Legislative Assembly the task of crafting the new draft; and to assign one organization to choose from the previous charters for reconsideration.

Thais increasingly are demanding more from their government, yet avenues for public and inclusive debate on the draft constitution and subsequent legislation are largely absent. Moreover, across Thailand's political establishment, youth are often sidelined from mainstream politics and are afforded few avenues to contribute constructively to the political process. Based on the last census held in 2007, Thais between the ages of 15 to 26 represent roughly 17 percent of the population (10 million people). With political space constricting throughout the country, Thai youth are turning to social media for political communication and engagement. To enhance prospects for timely and enduring political reforms, NDI is conducting community youth forums throughout the country and, in the coming months, will be working with urban youth on the development of online platforms to engage local government officials. These platforms are needed to enable citizens, particularly youth, to engage constructively in the political process and promote more inclusive and responsive political parties.

Mr. Chairman, the challenge confronting the international community is in how to respond to the changes that are occurring. Persistent engagement is needed to support democratic reforms and to assist those who are committed to advancing the democratic process. NDI hopes that the international community will continue its efforts to help reformers inside and outside of government in pursuing their goals and fulfilling the aspirations of the people throughout the region who are seeking to improve their lives by improving their governance. Information on NDI's programs throughout Asia can be found on our website at www.ndi.org.