

INTRODUCTION

The Royal Government of Bhutan, the Centre for Bhutan Studies and the United Nations Development Programme (UNDP), organised a three-day regional Conference on democracy entitled “Deepening and Sustaining Democracy in Asia” from October 11-14 2009, at the Zhiwa Ling Hotel, Paro.

The inspiration for this Conference emerged from discussions between the Honourable Prime Minister Lyonchhen Jigmi Y Thinley and Mr Ajay Chhibber, United Nations Assistant Secretary General and UNDP Regional Director for Asia and the Pacific. The Conference was held not only to mark the smooth and peaceful democratic transition of Bhutan in 2008, but also as a platform to share lessons and experiences among countries in the region to help strengthen, deepen and sustain the democratic culture and values in Asia.

Cabinet Ministers and Members of Parliament from 13 countries representing South Asian Association for Regional Cooperation (SAARC) and the Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) groups as well as others, participated in the Conference. Representatives of non-governmental and civil society organisations from a number of Asian countries, United Nations and international organisations representatives attended alongside regional journalists and Bhutanese participants. Fifteen internationally acclaimed scholars and experts on democracy presented papers and animated the discussions on a range of topics. Specifically, these were:

- Foundations of Democracy
- Experiences in Democracy
- Civic Rights and Participation
- Elections and Justice
- Accountability and Freedom

These topics provided the opportunity to focus on the basic guiding principles of democracy – freedom of expression, equal access to justice,

and that each country should develop its own tools and mechanisms to put these principles into action.

Foundations of Democracy

The Conference began on a high note with two scholars, Professor Henry Richardson and Dr Peter Hershock, providing the philosophical underpinnings of the concept and foundations of democracy. They focused on the role of happiness in democratic policy-making arguing for the need of people to have the opportunity to form opinions about democracy that go beyond instant responses as in the case of opinion polls but through deliberative processes where dialogue helps people think things through. They also focused on practical intelligence, i.e. the constant opportunity to rethink our aims in the face of new obstacles. They also commented on the usefulness of happiness indices. While these are useful these should be seen as an input in the deliberative process, rather than a tool replacing disciplined deliberative processes. They also explored how Buddhist teachings could contribute to rethinking these issues. The discussions cantered on the importance of deliberation quality, democratic leadership, Gross National Happiness (GNH) as a new paradigm, democracy as an ends or as a means, the role of happiness, so-called Asian values, customising democracy, universality versus particularity, and the scientific approach to democratic practices, such as elections.

Geraldine Fraser-Moleketi (UNDP) spoke about the collectively responsibility of state and non-state actors to strengthen and enforce the rule of law. She dwelled on South Africa's constitutional experience and highlighted efforts to involve citizens and the balancing act to accommodate the views of multiple stakeholders in the constitutional process. However, the experience of democracy of several countries in the region has been mixed. Democracy has been thwarted and reversed but has repeatedly been reformed and rediscovered. The panelist from Nepal, Dr Narayan Khadka, was of the view that sharing democratic lessons and experiences would prevent roll back and the democratic deficit in emerging democracies. In sharing Nepal's constitutional processes the speaker emphasised that while constitutional values guide individual rights, it is a challenge when constitutional values interact with social, cultural, religious and ethnic values in a diverse society like Nepal. Interpretation of constitutional values such as

justice, freedom and equality differ among societal groups particularly between the elite and underprivileged, poor, marginalised and ethnic minorities. Discussions in the session focused on challenges faced in capturing the aspirations of people in the constitution making process, including limitations of identifying a representative group of citizens and balancing conflicting demands in a multi cultural, ethnic and linguistic society.

Experiences in Democracy

“Democracy cannot be imposed on any nation from the outside. Each society must search for its own path rooted in the culture of its people and in its past tradition”. (US President Barack Obama, in an address to the UN General Assembly, September 23 2009)

Experiences in democracy, notably in Sri Lanka, Bhutan and Thailand, animated the initial discussions under this topic. The Chairperson for the panel, the Honourable Tissa Karaliyadda from Sri Lanka, reflected on the recent events in his country, Sri Lanka, and the necessary ingredients for a deepened and sustained democracy. He also stressed that democracy is an ancient feature of Asian culture, deeply rooted in its cultures and societies, and that Asian Democracies can positively impact on global prosperity and peace. The keynote speaker, Dr Nitasha Kaul, argued against the notion of democracy being a Western concept. She presented some “facts, fictions and frictions” about democracy. She also traced the history of the democratic developments in Bhutan to the establishment of the Monarchy in 1907. An overview of the Constitutional review process, which the first elected Parliament undertook as it received the Constitution from the King as a “gift” was also presented by another speaker. The participant from Thailand, Ms Chompoonute Nakornthap, elaborated on his country’s 77 year-long process of democratic development with all its ups and downs: 18 Constitutions, 24 Coup d’états, and 27 Prime Ministers. She also highlighted the similarities between the Kingdoms of Thailand and Bhutan, emphasising the sufficiency economy and the GNH theories as developed by the Royal Heads of State.

The second day of the Conference continued on highlighting experiences in democracy with an overview of the process of democracy in Bangladesh, by the session Chair HE Mr Syed Ashrafal

Islam, from the introduction of the concept by the founding father of the country to the last election in December 2007, which ushered in the current government with a resounding majority after two years of military rule. The two keynote speakers, the Indian Ambassador to Bhutan HE Pavan K Verma, and Dr George Mathew, spoke about democracy in India at the grassroots and about the model of democracy that has evolved in India since independence from colonial rule. While India had opted for the Westminster model of democracy this has grown organically in the Indian milieu. It has become the glue that holds India together. The power has shifted from the political elite to the larger base of the country's poor who have exercised their power through the ballot box changing and removing political parties from power. The marginalised too are making their voice heard through the ballot box and now have leaders in power to represent them. India has also moved from a political system that was dominated by one political party to a shift towards coalition governments. The electorate has become more discriminating and has voted national and regional parties to power keeping their local interests foremost demonstrating that they can be voted out for non-performance. Today the Indian voter is demanding that leaders deliver on their promises.

Grass-roots democracy was legislated through a constitutional amendment in India in 1993 that mandates local elections in all Indian states every five years with one third seats reserved for women. This has transformed the decision making process in India from top down planning and implementation to a bottom up approach. Potentially, the performance of local governments could reflect on the prospects of the State government winning the next election and in turn the outcome of elections at the Centre. However, George Matthews also pointed out that progress in states has been uneven with some Indian states like Kerala having devolved more powers to local governments or Panchayats than others. There is still a need to devolve funds, functions and functionaries.

The panelists, Ms Lalita Panicker and Ms Champika Liyanaarchi, focused on the role of the media in a democracy and how in some countries market forces are driving editorial content shrinking the space for development issues. Concerns about importing models from other

countries were also expressed emphasising that unless there is a demand from within a model imposed from outside was doomed to failure. One panellist cited the Sri Lanka example of devolution introduced to deal with the insurgency in the north. The discussions also explored how Pakistan, Nepal and Indonesia were developing their own approaches to decentralisation and devolution.

Civic Rights and Participation

The Conference then pursued its agenda under the theme of civic rights and participation. The Chair of this session, Mr Pradeep Kumar Gyawali, spoke about the home-grown peace process in Nepal and its historic transition in multiple senses: from a monarchy to a republic, from a unitary to a federalised state, from a recent past of violence to peace and from poverty to prosperity. The role of civic rights and participation is crucial in this momentous process. The session then focused on the role of women in politics, not only in quantity, but also in quality. Women face many barriers to participate in politics, such as gender norms, lack of money, lack of time, political party structures, and exclusion from existing informal political networks. Pauline Tamesis (UNDP) summed up some of the options for overcoming these barriers in politics: voluntary or mandatory quota, establishing women's networks, equipping women elected in office to allow them to deliver, and reviewing electoral laws that may impact on who gets into office and who doesn't. The keynote speaker Sultana Kamal also stressed that quotas alone will not solve the problem. Many social, economic and cultural factors also need to be addressed in order to allow women to engage in politics. A change of mindset is fundamental. A lively discussion also took place on the role of women in Bhutanese politics, and young female students from the Royal Thimphu College participated in this debate.

The last session of the day pursued the discussion on the topic of civic rights and participation. The keynote speaker, Professor Anthony Grayling, provided an overview of the origins of civic rights in the European context and he then warned everyone against the danger of complacency about having acquired freedom. In any society, freedom comes with a price, i.e. eternal vigilance. It's important for citizens to keep watching and complaining. Without this civic engagement and vigilance, civic rights can wither away again. The session then focused

on experiences from Pakistan and Thailand in monitoring the performance of parliament (see www.pildat.org) and measuring the trust of people in democratic institutions. In Thailand, it's remarkable that over the last years the military has enjoyed more trust than any other democratic institution. Notably, politicians, parliament and cabinets score the lowest in these surveys. The panelist from Bhutan highlighted the recent establishment of a series of democratic institutions in Bhutan, and argued now for the need of a culture of democracy, civic education, critical thinking, and intellectual space in order to nurture the democratisation process.

Elections and Justice

On the last day of the Conference, it dedicated one session to elections and justice and another session to accountability and freedom. In the first session, the keynote speaker Professor Michel Balinski presented an emerging scientific (mathematical) approach to voting theory. Although several voting methods exist, notably first-past-the-post, two-past-the-post, Condorcet's method, Borda's method, and alternative vote, all these traditional methods do not work adequately; they often fail to elect the candidate that the voters want. A new alternative methodology was presented by one speaker whereby the voter would grade candidates on a scale from "excellent" to "reject". This new theory is not subject to the deficiencies of the other methods, prevents manipulation of the election and ensures an accurate election outcome in line with the electorate's wishes.

The second keynote speaker Professor John Bronsteen shared his views on the potential role of happiness in justice, notably by looking at some core legal procedures and questioning how they would be affected if determined by considerations of happiness. He expanded, for example, on the length of prison sentences, and their ineffectiveness to deter or to constitute retribution in the light of findings that (un)happiness in prison is not commensurate to the duration of the prison sentence. The speaker also spoke about the difficulties of ex-prisoners (socially, mentally, and professionally) post-prison sentence, and argued for better more humane ways of punishment. One of the panelists also highlighted the restorative dimension of justice (aside from deterrence and retribution), and focused in particular on customary justice systems and institutions. These forms of justice are often deliberative in nature

and may be more effective in terms of restoring peace and order. It's important to engage with these systems, and then to overcome existing deficiencies of patriarchy and gender inequalities such as honour killings.

Accountability and Freedom

The last session of the Conference explored the concepts of accountability and freedom. The Chair of this session Mr Adri Hadi (Indonesia) highlighted that there are many democratic success stories in Asia and invited participants to join in Indonesia's annual Democracy Forum, to be held in Bali on December 10th-11th, 2009. The first key note speaker Dr Sabina Alkire drew upon Amartya Sen's work on freedom, in particular his distinction of agency (the process aspect) and capability (the opportunity aspect). She also highlighted the work of the Sarkozy Commission, presided by Joe Stiglitz, which reviewed the definition of GDP. Its report describes 9 essential dimensions to be taken into account in terms of development, very similar to the GNH dimensions. The report has received positive feedback globally. In 2010, UNDP will dedicate a report to the 20th anniversary of the human development concept. This will be a good opportunity to review its definition. One of the panelists, Ms Raden Siliwanti, then presented the Indonesia Democracy Index. This Index arises from a nationally owned process for assessing and monitoring democratic governance within all 33 provinces in Indonesia. It aims to provide an inclusive and consultative framework for the systematic assessment and monitoring of democratic governance goals and targets expressed in Indonesia's national and regional development plans.

Another panelist, Ms Ati Nubaiti, spoke about the salience of the media in holding the government to account, but also cautioned about some of the pitfalls for the media, such as commercialisation, self-censorship, regressive laws on secrecy, etc. A journalist from the Philippines shared his experience about media literacy programmes for the public to enable them to better understand and use the media.

Summary of Key Messages

Democracy in Asia is both a quest and a struggle. It is a continuously evolving process of self-determination and therefore differs from country to country. It is not an end-product, but a process through

which peoples' participation in governing their own lives is affirmed. A process that is always fragile and needs to be constantly guarded. Democracy needs to be organically grown and should be rooted in the specific culture, history and values of the country. Ideas of how Buddhism can theoretically deepen democracy were articulated. It cannot be imposed from the outside and democratic principles provide the framework for countries to use as a baseline. It is not a perfect system but the only way we know of so far that values participation, rights, accountability and equity.

Alternative measures of development will allow a shift in development priorities and goals. For example, the GNH as a concept for setting development goals shifts the focus on economic growth as driver for development. Growth must be inclusive. Lessons can be learnt from Bhutan's vision and implementation of GNH.

Social exclusion, whether it be due from gender, race, ethnicity or economic status, are against democratic principles and should be addressed to fulfill the promise of democracy. Deliberate efforts need to be taken to ensure inclusive democracy, and Bhutan's 30 year transition process was also examined.

Civic participation is absolutely vital in expanding the base of democracy, as the highest measure of democracy is its measure of participation, and also to empower those without a voice, as democracy is based upon the conviction that there are extraordinary possibilities in ordinary people.

Corruption and inequitable access to rights and basic services are major challenges to democracies in the region. Decentralisation and local governance were cited as important mechanisms for ensuring that grassroots democracy builds the required demand for continued vigilance in the democratic order.

Women in politics and overcoming barriers to their participation are crucial to ensuring the vitality of democracy in the region. Quotas are only the first step, but whether or not to institute them will not be the important question, rather how this discussion will be conducted.

A truly democratic order is not just the electoral system. Rather democratic impulse permeates the society outside and inside the political sphere. Civil liberties are human rights (basic requirement), if we think about a regime of rights where there is a basic minimum. Some civic rights: right to vote, equality before the law, transparency, equality of opportunity (access to education and health care). Independent judiciary, rule of law and free press are important to ensure that civil liberties are protected. Three civil liberties that matter in a genuine democratic order, which are important to prevent misuse of arbitrary exercise of power or influence plus ensure the well-being of the communities are personal autonomy, privacy and freedom of expression.

Conclusions

Democratic experiment in Asia has gone through a tumultuous time. Since its introduction, democracy has been thwarted and diverted by many external and internal factors. The real challenges to deepening and sustaining democracy are how the conflicting values and aspirations of the people can best be managed given the process of change that societies are going through.

The Conference focused on democratic values - the means and ends; strengthening electoral governance and electoral processes, the role of civil society, social capital, the empowerment of women, the growing problem of corruption - as democracy without morality is impossible - the rule of law and role of the judiciary in strengthening democracy, bringing government closer to people and the decentralisation and local governance. As a result, all the participants were made acutely aware that democracy forever teases us with the contrast between its ideals and its realities, between its heroic possibilities and its sorry achievements.

As Asia's governments come in two broad varieties - young, fragile democracies - and older, fragile authoritarian regimes, it was suggested that the art of democratic progress is to preserve order amid change, and to preserve change amid order. One speaker noted the way people in democracies in this region think of the government as something different from themselves - and this continued to be a real handicap. And, of course, sometimes governments have confirmed their opinion.

It was revealed that in many cases, active citizens groups have declined, in favour of the pursuit of personal consumption and enrichment. It is very difficult to have a democracy without citizens and it is impossible to be a citizen if you don't make an effort to understand the most basic activities of your government. Unfortunately, large sections of Asian societies, which are poor, underprivileged, marginalised, and discriminated, do not understand freedom, justice, and equality in the same way the intellectuals, elites and the privileged class understand them. Meanwhile, big business lobby groups have taken over as the prime agents of influence on government.

Another element was the move by several Asian countries to take democracy to the grassroots to widen its base and to make it more inclusive and flexible. While some countries like India, Indonesia and the Philippines have a tradition of sub-national democracy, others like the Maldives, Bangladesh, Bhutan and Afghanistan are re-affirming their commitment to this approach. This forum provided an opportunity to share experiences and to learn from each others' successes and failures.

There was also consensus on the importance of devolving greater powers to local governments, to provide them with the necessary funds, responsibilities and human resources and to make them more accountable.

As a result of these fascinating sessions, it became apparent that democracy is on trial in all areas of the world on a more colossal scale than ever before, making the timing of this Conference crucial. As Noam Chomsky wrote, "In this possibly terminal phase of human existence, democracy and freedom are more than just ideals to be valued - they may be essential to survival..." And, as it was noted at the Conference, the most serious threat to democracy is the notion that it has already been achieved.

There was much debate concerning not just the fact of democracy, but the way in which democracy is exercised that ultimately determines whether democracy itself survives. Unfortunately, it became apparent that the right to be heard does not automatically include the right to be

taken seriously. As of now, it does not guarantee equality of conditions - it only guarantees equality of opportunity.

What emerged during the three day Conference was that despite many setbacks, disillusionment, hardship and slow progress, despite many failures and only limited successes, voters in the region are slowly realising that they can make their political and governmental institutions responsive and accountable, and keep them honest. No one else can. As these sessions reveal, democracy must also allow for compromise, for accommodation, and for the recognition of differences, not merely as tolerable, but as the essence of a rich and rewarding human experience, as it represents the inner soul of the people.

Participants were also made aware that although voting maybe the first duty of democracy, it certainly isn't the last. Democracy is not static. It is a process. It cannot abide apathy. For democracy to work it requires active participation, the individual commitment to a group effort, ongoing dialogue, unrestricted freedom of press and assembly and the free struggle of opinion – and that the best weapon of a democracy is openness. Furthermore, the rights of democracy are not reserved for a select group within society; they are the rights of all the people.

One common, crucial understanding arising from the forum is that more than ever before, there is now a global understanding that long-term social, economic, and environmental development will be impossible without healthy families, communities, and countries. Although the journey ahead is both challenging and formidable, Bhutan, with its emphasis on Gross National Happiness is well set for the future.

Indeed, in his concluding remarks, the Honourable Prime Minister stated that the Conference was “a celebration of the spirit of democracy, of the good and enlightened society that it is expected to promote – of the Gross National Happiness that it must help realise.”