

**Blueprint
for
ASEAN Democracy
Free and Fair Elections**



Submitted to
Governments of the Association of Southeast Asian Nations
by

**Asian Network for Free Elections
(ANFREL-Foundation)**

In order to consolidate the successful outcome of **ASEAN Summit** th **meeting** in Cha-am, Hua Hin, Thailand held on February 25 and th February 26 2009, the Asian Network for Free Elections (ANFREL-Foundation) underscores the need for further cooperation and collaboration between ASEAN Secretariat, ASEAN governments and the respective civil society in strengthening the process of democratisation using free and fair elections in the Asean region as one of the vital components.

The ASEAN region is diverse and these are not only social, culture and economic, but the striking diversity lies in the outstanding political setup in each of the member states.

In a system of participatory democracy election however seems to be a crucial mechanism for people in handing power to the politicians and political parties

Yet, with the high illiteracy rate in the ASEAN region, in ANFREL's understanding there continues to exist doubts on:

- Whether the voters realize the value of elections in a one-person-one-vote scheme of things where a vote cast could mean a step towards the process of self-empowerment?
- Even if they know how to cast their vote, is there adequate information for the voters regarding the candidates before the voting process to make an informed decision? In other words development of political consciousness.
- Does the voter have any freedom during the whole process to vote without fear and intimidation? This would mean examining the effectiveness of the law and order machinery, policing and security system for managing elections. In this context the role of the Election Commission in conducting

a free and fair election process needs proper scrutiny.

- Are all the stakeholders aware of their respective role in such a vital political exercise?

What percentages of the masses are aware that election is an important part of democracy building, which could change their lives and create a well being for all?



The Universal Declaration of Human Rights (Article 21) projects “the will of the people” as the determinant factor, which gives authority to the governments. However, it is also necessary to remember that the preceding articles 18 (right to freedom of thought, conscience and religion), 19 (freedom of opinion and expression) and 20 (freedom of peaceful assembly and association) are also equally important in order to achieve the objectives of Article 21.

The International Covenant on Civil and Political Rights (1966) also has laid out the legal basis for the principles of democracy under international law, particularly:

- freedom of expression (Article 19);
- The right to peaceful assembly (Article 21¹);
- the right to freedom of association with others (Article 22);
- the right and opportunity to take part in the conduct of public affairs, directly or through freely chosen representatives (Article 25); and
- the right to vote and to be elected at genuine periodic elections, which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors (Article 25).



These principles assume(s) great significance as the ASEAN governments too are aware of the international political standards and the United Nation's Principles on democracy³ as most of them

¹ Universal Declaration of Human Rights, Article 18, 19, 20 and 21. Read at <http://www.un.org/Overview/rights.html#a21> [accessed March 24, 2009].

² See Democracy and the United Nations at <http://www.un.org/events/democracyday/demoun.shtml> [accessed March 24, 2009].

³ Inter Parliamentary Union has played a pioneering role in the development to f-number

are also members ⁴of IPU, an international body that sets up these principles (and normative). Therefore, the government's de-facto subscribes to the international principles and standards developed ⁵ and adopted thereof by the body.

There is need to adhere to the IPU standards as this would help to act as benchmarks in any whatsoever process of democracy building, be it elections or functioning of parliaments. What could be taken note of is that the IPU in its resolution on "Promoting diversity and equal rights for all through universal democratic and electoral standards" has emphasized that, "...as long as the principle of democracy is enshrined in laws that ensure respect for universal standards of equality in political and electoral rights, it may be applied differently, according to the culture, history and constitution of each nation". It is on this basis that it has urged the

of standards and guide lines pertaining to democracy, elections and the working methods of parliaments. Areas of work include :

- Free and Fair Elections
- Universal Declaration on Democracy
- Rights and duties of the opposition in parliament
- Frame work for good practice of democracy by parliaments;

For details please see <http://www.ipu.org/dem-e/standards.htm> [accessed March 24, 2009].

⁴ For details of the membership of Inter Parliamentary Union please see <http://www.ipu.org/english/membshp.htm> [accessed March24,2009]

⁵ Universal Declaration on Democracy, adopted by the IPU Council at its 161st session,Cairo,16September1997, for full text see <http://www.ipu.org/cnl-e/161-dem.htm>[accessedMarch24,2009]; Declaration on Criteria for Free and Fair Elections, unanimously adopted by the IPU Council, at its 154th session, Paris, 26March1994, for full text see <http://www.ipu.org/cnl-e/154-free.htm> [accessed March 24 ,2009]; Additionally also read Guy S. Goodwin-Gill, Free and Fair Elections, IPU, Geneva 2006 available at <http://www.ipu.org/PDF/publications/Free&Fair06 - e.pdf>.

governments and parliaments to implement in earnest the international treaties they have ratified with respect to promoting diversity and universal equality and also to pursue their efforts to fulfill the objectives as set out in the Universal Declaration on Democracy, in particular:

- Ensure that there is a genuine partnership between men and women in the conduct of public affairs; Discriminatory practices that continue to exist against women's participation in public life must be abolished and in its place equal representation and participation of both genders must be encouraged.
- Fully respect human rights, as defined in the relevant international conventions;
- Ensure that parliament is representative of all components of society; This could be treated as an important aspect of democratization wherein political parties need to be sensitized and involved in activities which are ideologically oriented towards social benefits.
- Provide parliament with the requisite means to express the will of the people by legislating and overseeing government action;
- Hold fair elections at regular intervals, on the basis of universal, equal and secret suffrage, thus enabling the people's will to be expressed;
- Ensure compliance with civil and political rights, such as the right to vote and to be elected, the right to freedom of expression and assembly, the right to have access to information and the right to organize political parties and carry out political activities;

- Regulate party activities, funding and Code of Conduct in an impartial manner;
- Regulate individual participation in democratic processes and public life impartially, in order to avoid any discrimination or the risk of intimidation by State and non-State actors;
- Ensure access of all to administrative and judicial remedies and guarantee respect for administrative and judicial decisions;
- Pledge to satisfy the economic and social needs of society's most disadvantaged, thus ensuring their full integration in the democratic process;
- Accommodate the participation of all people in order to safeguard diversity, pluralism and the right to be different in a climate of tolerance;
- Foster decentralized government and administration;



⁶ The resolution was adopted unanimously by the 116th Assembly (NusaDua, Bali, 4May2007) see full text at <http://www.ipu.org/conf-e/116/116-3.htm>[accessed March24,2009].

The ASEAN blueprint is summarized from ANFRELS experiences and 10 years of election observation in ASEAN region apart from the other Asian countries.

The Main Universal Legal Instruments for Elections are:

- Article 21 of Universal Declaration of Human Rights (UDHR) and
- Article 25 International Covenant for Civil and Political Rights (ICCPR)



Currently Indonesia, Philippines, Thailand, Cambodia and Vietnam have ratified the ICCPR, while the others have not signed or ratified some or most of the International Bill of Rights. Other related rights⁷ from the two legal instruments are scrutinized i.e. freedom of opinion, expression, association, movement and peaceful assembly, freedom from discrimination and the right to an effective legal remedy.

⁷ UDHR:Article2,8,13,19,20andICCPR:Article2,3,12,19,21,22



Patient voting at a hospital in Jakarta

Proposed activities to develop an acceptable ASEAN road-map for free and fair elections

The following message is aimed to promote democracy through direct vote and credible elections.

Call for

- All ASEAN nations to un-conditionally ratify the ICCPR and develop internationally acceptable mechanisms at national levels therein. A general awareness needs to be created for adaptability of international mechanisms in a national framework.
- To make people's participation more flexible and open in Vietnam and Laos so as to enable people to take part in government as direct voters or co-opt themselves as political actors either as candidates or political party workers without any hindrance or restriction.

- All countries must establish independent bodies to organize elections in a free, fair and transparent manner.
- Military and its subsidiary institutions should stay away from influencing the electoral process and allow civilian rule to evolve freely. The electoral systems should not allow any military representatives to take seat in any of the houses of parliament. All representatives must come from the electoral processes of free and fair election only. Change undemocratic constitutions, laws and regulations.
- Proper population census and registration.
- Respecting secrecy and equality of eligible voters.
- All government officers and administration bodies should stay neutral and impartial during the elections.
- Comprehensive and consistent voter education and civic education.



Election campaign by a comedian in The Philippines

- Women's participation at all political levels, where need be, set up quota for women, minorities or indigenous people.
- Right to vote for all people, including military personnel, prisoners and religious heads and monks.
- Equal opportunity in campaigning for all candidates and political parties.
- Lastly, all ASEAN members should move further beyond their traditional role and beliefs and governmental attitude of no tolerance that prevents people from participating directly in politics.

Eliminate

- Some provision and acts i.e. Internal Security Act (ISA), State Emergency Act etc that prevent people to exercise their rights accordingly.
- Direct or indirect intervention of the armed forces in the electoral and political process, which is deemed unconstitutional according to international principles.
- Discrimination against participation of women, disabled and elderly people in all forms of the electoral process.

Electoral atmosphere free from

- Violence and fear
- Vote buying and money politics.
- Underage voters
- Voters assuming the identities of others



Enforce

- Law and regulations that provide for action, security and promote democracy
- Undemocratic laws, regulations and practices which hinder progressive participation.
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Promote

- Freedom of expression, peaceful assembly, freedom of movement.
- Ability to access full information of all stakeholders in a balanced manner.
- Freedom of media and reporters.
- Freedom of choice.
- High voter turnout in all areas.

Strengthening

- Civil society to participate in democracy to ensure check and balance.

Encourage

- First time and female voters to vote for the candidate and party of their own choice.

Prevent

- Use of children in conflict situations, political campaigns and violence prone political rallies.

Establish

- Voting mechanisms that may be availed by overseas voters.

Complaint mechanism and an effective response system for all election stakeholders such as candidates and parties. The response system must be timely, accurate with unquestionable integrity.



A ethnic minority casting his vote in Mindanao



Allow

- Local observers in monitoring the electoral process comprehensively
- Accreditation of international observers to observe the elections unhindered.

The suggestions are specifically made keeping election or electoral democracy as the focus for strengthening the process of democratization in the ASEAN region. These suggestions can hopefully towards establishing structural mechanisms for promoting free and fair elections as a vital and significant component of democracy in ASEAN countries.

Political structures of ASEAN

Asian Network for Free Elections (ANFREL-Foundation)- Table I

	Government Type	Head of State	Head of Government	Seats in Parliament (Lower)	Seats in Parliament (Upper)
Brunei	Absolute Monarchy	Monarch	Monarch	45*	
Cambodia	Constitutional Monarchy	Monarch	Prime Minister	123	61
Indonesia	Republic	President	President	560	132
Laos	Communist State	President	Prime Minister	115*	
Malaysia	Constitutional Monarchy	Monarch	Prime Minister	222	70
Myanmar	Military State	President	President	440**	224
Philippines	Republic	President	President	287***	24***
Singapore	Republic	President	Prime Minister	94*	
Thailand	Constitutional Monarchy	Monarch	Prime Minister	500	150
Vietnam	Communist State	President	Prime Minister	493*	

* = Unicameral

** = Elections in five Constituencies in the Shan State of Burma were not held*** = Number of seats changed at the time of census to ensure one

representative for every 250,000 people, or at least one per province

Electoral Systems of ASEAN Asian Network for Free Elections (ANFREL-Foundation)- Table II											
	Monarch	President	Prime Minister	Lower House (seats, voting system)			Upper House (seats, voting system)			Political Party System	Governing Party in Power since
				Direct	Indirect	Appointed	Direct	Indirect	Appointed		
Brunei	Hereditary		Hereditary	15		30, Monarchy Appointment				N/A	1984
Cambodia	Hereditary, Indirectly Elected		Indirectly Elected	123, Closed Party List				4 Appointment, and 57, Elected by Parliament and Commune Councils	2, Monarchy Appointment	Multi-Party System	1981
Indonesia		Two-Round System		560, Open Party List			132, SNTV			Multi-Party System	2004
Laos		Indirectly Elected	Appointed	115, MNTV						One-Party State	1975
Malaysia	Indirectly Elected		Indirectly Elected	222, SMDP			26, Elected by State Assemblies	44, Monarchy Appointment	Multi-Party System	1957	
Myanmar		Indirectly Elected		330 (325), SMDP		110, Military Appointment	168, SNTV		56, Military Appointment	Multi-Party System	1988

Philippines		FPTP		230*, SMDP	57*, Open Party List		24, Plurality- At-Large			Multi- Party System	2010
Singapore		FPTP	Indirectly Elected	≥8, SMDP; ≥21, Party Slate Plurality	≤9, Proportional Representation	≤9, Parliamentary Appointment				Multi- Party System	1963
Thailand	Hereditary		Indirectly Elected	400, MNTV	80, Closed Party List		76, MNTV		74, Government Committee Appointment	Multi- Party System	2008
Vietnam		Indirectly Elected	Appointed (the same system to elect the president)	493, Majority- At-Large						One- Party State	1954 control of the northern half of Vietnam (br/>endorsed by the Geneva conference) and then 1975- reunification

FPTP = First Past The Post

MNTV = Multiple Non-Transferable Vote

SMDP = Single Member District Plurality

* Number of seats change at the time of census to ensure one representative for every 250,000 people, or at least one per province

