

Civil Society and Democracy in South and Southeast Asia — An Introduction

Stefan Rother

Summary

This special issue discusses the relationship between civil society and democracy in South and Southeast Asia. The case studies range from the subnational and national to the transnational and regional levels. Based on these case studies from across South and Southeast Asia, the role of civil society in a number of currently unfolding democratic and democratization processes is analyzed. This introduction discusses these various levels of engagement, after first highlighting some principal questions on the role of civil society, its definitions, and its organizational forms.

Keywords: civil society, democratization, alternative regionalism, human rights, social movement, South and Southeast Asia

Stefan Rother is a researcher and lecturer in the Department of Political Science, University of Freiburg, and currently a postdoctoral fellow at the Freiburg Institute for Advanced Studies. His research focus is on transnational migration, global governance, social movements, regional integration, and non-/post-Western theories of international relations.

Introduction

The execution of Mary Jane Veloso, a Filipina national who had been sentenced to death after having been caught in April 2010 at Yogyakarta airport in Indonesia with 2.6 kilograms of heroin in her suitcase, seemed unpreventable come the end of April 2015. Although her supporters claimed that the 30-year-old mother-of-two was herself a victim of trafficking and illegal recruitment, all legal options seemed to have by then been exhausted and her execution by firing squad was thus scheduled for the night of April 28 going into April 29, 2015. When the news spread in the early hours of April 29 that Mary Jane Veloso had in fact been granted a temporary reprieve, the unexpected turn of events was met with relieve in both countries — as well as in the wider region beside.

However the celebratory mood soon gave way to a battle for credit taking: The Philippine Department of Foreign Affairs (DFA) and several Filipino government agencies praised the intervention of President Benigno Aquino III., who had convinced Indonesian President Joko “Jokowi” Widodo through a last-minute appeal to reopen the case of Veloso after the alleged handler of the Filipina had

come forward only hours before the planned execution. President Aquino's style of soft diplomacy was seen as one reason for the second chance at life afforded to Veloso, while the other members of the so-called "Bali 8" were still executed according to the original plan — massive pressure from the convicts' respective governments (such as Australia) notwithstanding.

The mother of Veloso, however, protested that President Aquino should not take any credit, claiming that it was rather the efforts of activist groups, the church, and the media that had helped put a stop to her daughter's execution (ABS-CBNnews.com 2015). Several activist networks that are Asia-based but nevertheless transnational and global in scope, such as Migrante International and the International Migrants' Alliance (IMA), had launched a global campaign in conjunction with the Veloso family in the weeks leading up to the planned execution and provided her with an Australia-based lawyer. Some commentators claimed that these left-leaning groups had only used the case to further their own advocacy (David 2015), and that it was rather the Indonesia-based nongovernmental organization (NGO) Migrant Care that had swayed Jokowi in talks held the afternoon prior to the planned execution. Furthermore, the Association of Southeast Asian Nations (ASEAN) Youth Forum (AYF) proudly emphasized how it had handed a letter written in support of "fellow ASEAN youth" Veloso to Jokowi during an interface session between civil society and heads of states the week before, in Kuala Lumpur (on this, see the contribution of Stefan Rother in this issue).

This very recent and ongoing controversy obviously reveals a lot about the scope of civil society in Southeast Asia, its different factions, and varying agendas. However, the episode is also connected to wider questions of democracy since it touches upon issues such as participation, legitimacy, representation, and state sovereignty: How can "the people" claim agency within and beyond the boundaries of the nation-state and how do nation-states and intergovernmental bodies react to that agency? Does this claimed agency by the people constitute only a challenge to nation-states, or is it also an opportunity for interest representation within and beyond them too? As the example above highlights, transnational civil society may advocate on issues where national governments either cannot or refuse to act precisely out of an unwillingness or inability to interfere in another state's sovereignty. This *modus operandi* is connected to the conflicting understandings of the nation-state across the region, themselves being closely tied to Asian modernity and a consequence of national power still being considered the dominant force in Asia. On the one side are those who thus cling to the notion of sovereignty, while on the other are those who recognize sovereignty's struggle — if not outright inability — to adequately address many national and cross-border issues of this day and age such as human rights, labor concerns, migration, gender politics, and environmental and human security issues.

The contributions in this special issue discuss the role of civil society in a number of democratic and democratization processes in South and Southeast Asia. They do not claim to provide a comprehensive picture of the relationship between civil society and democracy in two such diverse and heterogeneous regions, but aspire rather to the contributing of examples for the various possible levels of analysis — ranging from the subnational and national to the transnational and regional. This introduction discusses these various levels of engagement, after first highlighting some principal questions on the nature of civil society.

The many faces of civil society

For a long time the democratization literature has focused predominantly on institutional matters. When looking at the transformation away from authoritarian rule or the consolidation of democracies, this has led to questions such as whether a presidential, semi-presidential, or parliamentary government is the best form of rule (Linz 1990). This approach has also been applied to the so-called “Third Wave” of democratization (Huntington 1991), under which Asian democracies such as the Philippines are also subsumed. This is somewhat surprising since, as Rollin F. Tusalem has pointed out, the question of whether a strong and dense civil society can facilitate the sustainability of democracy “has captivated and perplexed the minds of scholars since the early 19th century, when Alexis de Tocqueville argued that American civic associationalism facilitated a strong sense of democratic citizenship” (2007: 361).

How can we define civil society?

Like many popular concepts, the term “civil society” has been used so frequently and in so many contexts that as a result its meaning has become rather blurred and thus is now in need of more precise definition. Clearly, subsuming all non-state actors under the umbrella of civil society is not sufficient — since that would, for example, also include terrorist networks. Larry Diamond has proposed a definition that would exclude such actors; for him, civil society encompasses “the realm of organized social life that is open, voluntary, self-generating, at least partially self-supporting, autonomous from the state, [and] that is bound by a legal order or a set of shared collective rules” (1999: 221). This definition is, however, still very broad, since it would by necessity also lead to the inclusion of business organizations — which are more commonly seen as forming a separate category, the private sector. Churches and other forms of organized religion are also usually defined as being distinct from civil society; if they form issue-specific organizations however, then they can be considered faith-based groups within civil society. Other distinct groups include think tanks and expert groups, which are considered epistemic communities (Haas 1992), and trade unions, wherein the concept of social movement unionism has emerged as a bridge to civil society (Scipes 1992).

These exclusions still leave us with a very broad possible field. For the overwhelming majority of scholarly and public discourses, civil society is used with positive connotations and furthermore it is, at least implicitly, assumed that these organizations are at the very least well-intentioned ones. But what about anti-immigrant groups, organizations that condemn homosexuality, or collectives that fight against gun control? In their own perceptions, these groups might see themselves as fighting for the good of the community even when in the eyes of others this view is strongly contested (and, of course, the former might feel the same antipathy about their respective countermovements). While the above examples are more commonly found in Western countries, there have been several academic works on “uncivil society” in Asia too (Beitinger-Lee 2009; Thompson 2010). Such uncivil society groups can “undermine democracy through their racism, secrecy, and frequent resort to violence” (Alagappa 2004: 46). In this special issue, Rinir Sefrani/Patrick Ziegenhain and Andrea Fleschenberg provide examples of such coalitions for the specific cases of Indonesia and Pakistan.

Again, definitions hereof are less than clear-cut: Mark Thompson argues that even the middle class, usually hailed as one of the pillars of democratic consolidation, can be part of uncivil society. He cites examples from Thailand and the Philippines, where “the ‘independent’ and ‘vigorous’ bourgeoisie had a destabilizing impact on democratic politics” (2011: 58). This assessment refers specifically to the controversial role of civil society in the Philippine “People Power II” demonstrations, which removed a populist but democratically elected president from office.

How is civil society organized?

There are a myriad of organizational forms subsumed under the civil society moniker: NGOs, grassroots movements, peoples’ organizations, and more beside. When organizations choose one of these labels for themselves it might be not only to identify who they are but also to distance themselves from others: for example, self-proclaimed grassroots migrant domestic worker organizations in Hong Kong explicitly distance themselves from the “NGOism” of other migrant organizations. They claim that others have long spoken on their behalf in those organizations, but that the time has now come for migrant domestic workers to speak and act for themselves (Rother 2009). The distinction made is thus connected to a claim for legitimacy (see below), and should thus be reflected in the respective organizational form — however in practice any differences are rather blurry. Even movements that originally started out at the grassroots level tend to develop some form of permanent structure (and leadership) over time. Other ad hoc and issue-specific coalitions might only exist for a limited time and dissolve once the issue in question has been addressed, either in their interest or in a manner that leaves no room for successful subsequent organizing. Some loose coalitions might have an inherently limited

lifespan, as Sefsani/Ziegenhain show with regard to civil society support for the Jokowi presidential campaign in Indonesia. A civil society organization might also go out of existence due to a lack of financing: while a grassroots organization might sustain its existence through membership fees, NGOs are often dependent on external funding for that. If the latter’s project-based applications are not successful, or if their permanent donors decide to shift focus, then these organizations might come to face a challenge to their continued existence. The need for third-party funding might also influence the agenda of civil society organizations, if by necessity they have to shift their focus in order to be able to even apply for certain programs. If part of their funding stems from government funds, the legitimacy of civil society might be called into question; if they are mostly funded — or even formed — through government channels then they might constitute (or be perceived as constituting) “fake” civil society, in the form of GONGOs (government organized NGOs, see Rother in this issue). Finally, as the contributions in this special issue demonstrate, the level at which civil society organizing occurs in South and Southeast Asia can reach from the subnational to the regional, while the organizations involved can be part of transnational or global networks.

What is the role of civil society?

At the very basic level, civil society constitutes a form of interest representation beyond — or due to the lack of — conventional forms of participation facilitated by national elections or political party membership. In particular, at levels of engagement beyond the nation-state, such as at the regional one, there might be no established mechanisms for deliberation and civil society might have to fight to even establish such spaces, as Maria-Gabriela Manea and myself both separately discuss in this issue. The strategies employed to this end usually take place in the public sphere; creating or enlarging such a sphere might be part of civil society advocacy. Civil society can see itself predominantly as an observer of the political process, serving therein in a watchdog capacity, but often becomes a political actor in its own right with the aim of mainstreaming its own agenda. This goal can be achieved via an established toolkit, including strategies such as agenda setting, deliberations, blaming, shaming, and naming.

The strategies employed are often related to the political opportunity structures civil society finds available. In a more open environment, civil society might deliberate directly with other relevant actors — usually the state, international organizations, or the private sector. Although the resources at hand are usually not distributed in their favor, civil society might hope for the triumph of the power of persuasion — specifically by providing the better argument for their own particular case and by identifying like-minded actors to serve as supporters. In more institutionalized environments like these, civil society can serve as a transmission belt by articulating the interests of their constituency from the bottom up while also, simultaneously,

informing them about negotiations, policies, and the like from the top down (Nanz/Steffek 2007). As one downside to such arrangements, however, civil society organizations might face accusations of having been coopted by governments and having made too many concessions to the latter in order to even be able to participate in these processes.

If space for deliberation is more limited or if deliberation itself is determined as not being sufficient for the cause, civil society might employ more confrontational tactics such as blaming, shaming, and naming. These might include exposing scandals, highlighting the specific responsibilities of actors such as government institutions, private firms, or private individuals for misguided policies, or using a wider public sphere such as the regional and/or global stage (such as the reporting mechanisms for non-adherence to UN conventions) to embarrass their governments. These strategies might move governments to include civil society in future deliberations, but might also backfire by leading to harsher policies or even targeted restrictive NGO laws — as have recently been promulgated in Cambodia and Malaysia for instance.

No discussion on the role of civil society is complete without highlighting the most controversial question of all: What is their legitimacy? Critics usually highlight the lack of a clear mandate, often murky or insufficient internal democratic processes, and, particularly in the case of NGOs, the description of civil society as a middle-class phenomenon susceptible to the influences of dominant “Western” organizations, funding, and ways of thinking. While this criticism is often valid and important to take onboard, one has to keep in mind that the latter argument is often used by authoritarian regimes in the region in order to discredit human rights NGOs as nothing more than “Western agents”. A less glorified and more realistic perspective on organized civil society might be in order though. While these actors are market participants, and thus competing for resources and influence, they nevertheless do also have the potential to contribute to democratic participation — particularly so in regions with in many cases hitherto at best only a limited performance of formal democratic institutions, as the contributions in this special issue all highlight.

Civil society and democracy: a multi-level perspective

The first two articles of this special issue, by Ririn Sefsani / Patrick Ziegenhain and Lorenz Graitl, discuss the relationship between civil society and democracy on the national and subnational levels. Interestingly, both show an intersection existing between civil society and political parties. In the case of Indonesia, civil society supported the promising candidate of an established party; in the case of India, meanwhile, a new party was formed and several allied civil society leaders joined it after their common goal had been achieved. In his contribution, “The Role of Civil Society in the Creation of India’s New State of Telangana”, Lorenz Graitl uses the

creation of India’s 29th federal state in June 2014 as a case study. He argues that the broad alliance formed was successful not only because it ultimately achieved its goal, the creation of a new state, but also by providing space for marginalized voices in the process. As Graitl points out, the movement for self-governance in Telangana led to the creation of a new civil society whose membership went beyond the educated middle class in urban areas to include activists in rural ones too — and, furthermore, less educated and illiterate people as well. In what he calls a “low-level form of democratization” in the region, interest articulation was established outside the institutional field of parliamentary politics and considerable changes in the media landscape led to an opening up of the public arena. The creation of a new state was not only seen as a goal in itself but also as a way of overcoming the “internal colonization” perpetuated through caste groups and the resulting inequalities in domains such as water access and employment. The next benchmark test for the movement will thus be the provision of solutions to these problems in the wake of the recent federal state’s creation and elections.

That elections are not the end but rather a waypoint for democratic development can also be observed in the case study of Indonesia undertaken by Ririn Sefsani and Patrick Ziegenhain. In their article entitled “Civil Society Support — A Decisive Factor in the Indonesian Presidential Elections in 2014”, the two authors consider the involvement of volunteer groups with pro-democratic goals a significant component of Joko Widodo’s election campaign. While civil society participation is a common feature of electoral campaigns in established democracies, the authors argue that Jokowi’s electoral triumph prevented Indonesian democracy from moving in a more authoritarian direction — or even collapsing altogether. They interpret the political commitment of these civil society organizations as a sign for a deepening of democracy in the country. The significance of this engagement can be seen independent of the actual political performance of Jokowi so far, who during his first months in power has been subject to widespread criticism. It is much too early for substantive assessments to be made, but Jokowi’s controversial policies might have led to Indonesian civil society organizations now redefining their identities: while many were disappointed about the lack of consultation and inclusion in the political process under the new presidency, several of them have since returned to their role as watchdogs and have openly voiced their criticism over issues such as the death penalty.

Andrea Fleschenberg’s contribution, “Mapping Pakistan’s Heterogeneous, Diverse, and Stratified Civil Society and Democratization — Gendered Tales of Collaboration, Networking, and Contestation” provides a rich picture of the many roles that civil society can play in the democratic process. In her analyses of four different examples of gender-specific civil society activism, Fleschenberg finds that, despite stark sociopolitical cleavages and the often adverse sociopolitical climate in which these diverse actors operate, the concept of democracy remains a key reference frame, mission statement, and slogan in their activism. However, in her

view the asymmetrical nature of state–civil society relations leads to a very active but far from strong and ultimately fragmented civil society in the country. One rectifying response to this marginalization can be found in the increasing amount of transnational cooperation and networking of Pakistani organizations now taking place with other NGOs from abroad. Forming such ties can, however, also lead to the questioning of authenticity, and thus legitimacy, in the form of charges of transnational cooptation or even Westernization.

The final two contributions to this special issue look at such transnational civil society networks on the regional level, specifically by analyzing the democratic potential that such activism carries within ASEAN. In her contribution “ASEAN’s Claims to Human Rights and Democracy: What Role for Regional Civil Society?” Gabriela-Maria Manea argues that Southeast Asian regional civil society has consistently developed its capacity to shape human rights regionalism within ASEAN. This has been achieved through a variety of different approaches, ranging from performing the function of a critical observer to adopting strategies to help achieve agency as a norm socializer and creator of alternative human rights discursive positions. Civil society is more or less obliged to resort to these more discursive approaches, because its institutional and structural power in the region remains rather weak at present. Stefan Rother analyzes in his article “Democratizing ASEAN Through ‘Alternative Regionalism’? The ASEAN Civil Society Conference and the ASEAN Youth Forum” two spaces for regional activism. He argues that despite the lack of formal participatory procedures, these fora nonetheless offer a valuable political opportunity structure for civil society by providing space for dialogue and coalition building. They might also provide a space in which to overcome the limitations of activism on the national level — when civil society faces there the severe restrictions imposed by an authoritarian state, they can try to voice their concerns and demands in the less regulated spaces of the regional level instead.

This last observation also opens up key areas for future research. While the contributions in this issue provide important analyses of the various levels at which civil society activism can take place and cash in on its democratizing potential, the linkages and interdependencies of these various levels now deserve much closer attention. Can transnational, translocal, regional, and global connections mutually strengthen civil society’s role in the democratic process; what are the hindrances thereto? Can a multi-level approach contribute to — or conversely weaken — the internal democratic structures of civil society organizations? The contributions in this special issue provide a number of sound cases highlighting the importance of analyzing democratic processes beyond formal institutions. The challenge that now lies ahead is in developing concepts of democracy that recognize this potential, but that also furthermore provide answers to contested issues such as a representation, legitimacy, and the inclusiveness of civil society.

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