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**Senate Foreign Relations Committee**  
**Subcommittee on East Asia, the Pacific, and International**  
**Cybersecurity Policy**

***“DEMOCRATIC TRANSITIONS IN SOUTHEAST  
ASIA”***

A Testimony by:

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Some observers argue that the process of democratic reform in Southeast Asia has been thrown into reverse gear over the past decade or so. Of course, there are many examples of backsliding and setbacks, but at a macro level, the general trend is toward improving democracy in the region, even if fitfully. Generally, we see the region's growing middle class, as it acquires more education and money along with increased access to technological innovations and social media, clamoring for increased freedoms, more transparency, access to decision-making, stronger institutions, and accountability by its leaders. This is a change from the bad old days when most of the region was ruled mainly by strong men.

The most exciting story at the moment is occurring in **Myanmar/Burma**, where opposition leader Aung San Suu Kyi last week scored a landslide victory over the party of the generals that ran the country for 50 years, despite flaws in the voting process. In the weeks ahead, observers will be watching how the military handles the transition to a democratically elected leader. The election was the culmination of a four-year reform process under which most political prisoners were freed, journalists were given considerable latitude to operate, and the parliament began debating and passing laws and legislation which sometimes bucked the wishes of the ruling elite.

Of course, huge challenges remain going forward including relations between the military and the civilian government, the peace process with the armed ethnic groups, treatment of the Muslim Rohingya who were disenfranchised under the outgoing government, and the need to build the rule of law and tackle economic reforms and development. Nonetheless, Myanmar/Burma today is a much different country than it was a few years ago. Some analysts even wonder if the military's acceptance of the election results in Myanmar/Burma could serve as a role model for its neighbors at a time when their leaders are pulling back from democracy.

In **Indonesia**, by far the largest Southeast Asian country, a new president was sworn in in October 2014 following a highly competitive election that could have turned out quite differently. Less than two decades after authoritarian president Suharto was forced to step down, Indonesia has over the past decade emerged as a model for orderly transfers of power and multi-party democracy in Southeast Asia. Within ASEAN, Indonesia had an important role to play in gradually nudging the former military government in Myanmar/Burma to adopt democratic reforms.

To be sure, problems remain. The anti-corruption agency, a well-respected institution in Indonesia, has lost ground over the past year amid political disputes. Religious minorities, particularly Shia Muslims and Christians, often face discrimination. State security forces still get away with "widespread impunity" for human rights abuses, particularly in the western province of Papua, where a low-level pro-independence insurgency remains active, according to Human Rights Watch.

A large literary festival in Bali was recently forced by authorities to remove a program discussing the 1965 mass killings. Two British filmmakers were recently sentenced to two months in jail for attempting to make a film about piracy in the Strait of Malacca. Widespread corruption remains a problem within the government, the judiciary, and among security forces. At the same time, the army appears to be regaining some political clout and is working to retain its role in internal security.

The **Philippines**, which is preparing for another round of elections next year, might be labeled a “middling” democracy. The 2013 mid-term elections were regarded as generally free and fair by most outside observers, although vote buying was widespread. Political dynasties are thoroughly entrenched in Philippine politics, with the president and three top candidates for the 2016 presidency all part of well-established political families.

Governance remains hobbled by a relatively poor regulatory environment, widespread corruption, and weak rule of law. President Benigno Aquino has made anti-corruption a priority and it has born some fruit. Arrests of some high-profile individuals, including his predecessor Gloria Macapagal-Arroyo, have been touted as evidence of a commitment to tackle corruption, but not all offenders have been brought to justice. Many observers are uncertain whether the Philippines will stay on the path of greater governance reforms after Aquino steps down in mid-2016.

Extrajudicial killings are perhaps the biggest human rights issue in the Philippines. Political rivals are the usual targets, but journalists face serious danger, too. The Philippines is the third most dangerous country in the world for journalists, behind Iraq and Syria.

**Vietnam**, meanwhile, remains an authoritarian state headed by the Communist Party. Elections are held every five years for the National Assembly, but competition is limited to candidates vetted by bodies affiliated with the ruling party. Human rights organizations are concerned about Vietnam’s detention of peaceful activists (often on charges of “abusing democratic freedoms to infringe upon the interests of the state”), strict controls of the press, and the frequent arrests of bloggers. That said, no arrests of bloggers have been reported arrested this year.

While politics is tightly controlled in Vietnam, society is much more open than it was 10 years ago. Unlike in China, the Vietnamese government does not try to control social media discussions or block Facebook. The National Assembly, Vietnam’s lawmaking body, plays an increased government oversight role, frequently calling in ministers for questioning about their policies and requesting government-drafted laws to be amended, rather than merely serving as a rubberstamp for party and government decisions. Most notably, Vietnam has agreed to allow labor unions to form and operate freely from government control under the Trans-Pacific Partnership (TPP) trade agreement.

**Thailand** is one country that has slipped backward on the democracy scale over the past decade. In May 2014, the military ousted the civilian elected government for the second time in eight

years, following six months of disruptive political protests. Once home to the most vibrant media landscape in Southeast Asia, journalists in Thailand were ordered not to publish articles critical of the military, and public gatherings of more than five people were banned. Scores have been detained for participating in illegal gatherings or staging peaceful rallies.

The military considers comments critical of the monarchy (*lèse-majesté*) to be a criminal offense, and has brought more than a dozen cases to the courts, which impose sentences of up to 15 years for offenders. At least two suspects in an ongoing, high-profile *lèse-majesté* case have died in police custody in recent weeks. In September, a journalist was pressed to resign from an English-language paper after he had been detained in a military camp for “attitude adjustment” for critical reporting about the government.

The first attempt by a military-appointed committee to draft a new constitution was rejected by a reform council that was appointed by the military. A second draft is expected by January 2016. If it is approved in a subsequent referendum, elections for a new government could be held around mid-2017.

**Malaysia** is also in a slide toward authoritarianism. Early this year, former opposition leader Anwar Ibrahim was imprisoned for a second time on sodomy charges in an apparent attempt to sideline the charismatic leader. Between February and July, over 150 lawmakers, lawyers, journalists, academics, and activists were detained on charges of sedition or for violating the Peaceful Assemblies Act. Two publications were shut down for several months in July for reporting on apparent mismanagement in the state investment fund 1Malaysia Development Bhd (1MDB). A deputy prime minister and the attorney-general were ousted in July for comments critical of Prime Minister Najib Razak’s handling of the 1MDB scandal.

### **U.S. Policy toward Thailand**

After the coup in Thailand, the U.S. government faced two-competing challenges: support electoral democracy and maintain diplomatic relations with a treaty ally.

The State Department announced immediately that it was reviewing all U.S. assistance to the country, and suspended \$3.5 million in unspent military assistance for training and education programs. It also suspended funds for International Military Education and Training (IMET) that have totaled about \$1.3 million in recent years, and cancelled several military exercises. Washington also scaled back the annual Cobra Gold exercises held in February 2015.

But the United States continued most other engagement and cooperation with Thailand, while urging the military to restore democracy as soon as possible. At the same time, Washington continued to press the military to lift its orders restricting freedom of expression, peaceful assembly and other civil and political rights, and end the use of military tribunals to try civilians.

In responding to Thailand's political crisis, the U.S. government implemented roughly the right policy mix of balancing consistency in U.S. foreign policy supporting democracy and human rights with a focus on sustaining a strong and unified ASEAN as the core of regional and security architecture. U.S.-Thai cooperation runs deep, and to damage these ties risks harming U.S. strategic interests in Southeast Asia. Beyond the annual Cobra Gold exercises and longstanding cooperation on military health research such as drug resistant malaria, the U.S. Embassy in Bangkok is one of the largest in Asia and serves as the base for a raft of U.S. activities in the region, including as the regional headquarters for the U.S. Agency for International Development (USAID), narcotics interdiction, and the Federal Bureau of Investigation.

The United States risks losing geopolitical ground in the region if it fails to manage this difficult patch in Thailand's political development. The military has assumed political control in order to ensure it manages the royal succession after the ailing king dies. More than a few observers say it is unlikely that we will see real democratic elections in Thailand until the succession takes place.

Thailand's relations with China have steadily expanded over the past two decades, and it seems that Beijing incrementally steps up its ties with the Thai military every time Washington pulls back. The United States needs to find ways to demonstrate that it remains a friend of Thailand, one of its longest treaty allies in Asia, and not be seen as turning its back on the country when politics enter a rough patch, while still remaining true to U.S. democratic ideals.

### **Impact of U.S. Pressure versus Cooperation**

It is of critical importance that the United States makes its views on democracy and human rights known to governments in Southeast Asia. But there are few, if any, examples where pressure and sanctions have had the desired effect of pushing a regime to reform, unless it has begun moving in that direction due to internal pressures. Generally, the United States has the most impact as a champion of democracy in the region when it leads by example rather than by carrying a stick.

The junta in Burma/Myanmar refused to budge in the face of years of sanctions from the United States and other western countries until it came to the realization on its own that it was being left far behind by its neighbors. The regime started its reforms by releasing political prisoners and freeing up the media when it recognized it would reap strategic and economic benefits through international engagement. The country's recent elections, which saw the election of Aung San Suu Kyi's party, would have been impossible if the military-backed regime felt it faced pressure and isolation rather than engagement and support from the United States.

Vietnam also stepped up its reforms and eased its tough political controls in the mid-1990s as the United States prepared to lift its trade embargo and normalize relations. Since then, Vietnam has

released more political prisoners (it still holds around 100), and has eased its restrictions on religious groups and the media. Washington got a dividend in its relations with Hanoi from the collapse of the Soviet Union and more recently from China's assertiveness in the South China Sea, which pressed the ruling party to look to expand its foreign relations, including with the United States. Similarly, Vietnam's leadership decided to join the TPP negotiations and agreed to reform its legal system out of its recognition that the government would face greater internal challenges if it does not reform itself and respond to the needs of its citizens.

### **Current U.S. Approach in the Region**

Of course, there were many stakeholders in Myanmar/Burma who deserve credit for working hard to make the recent elections as free and inclusive as they were. But foreign players such as the United States also warrant credit for working hard on a broad range of assistance programs over the last three or four years. USAID played a critical role in building capacity and awareness through its projects targeted on developing rule of law, transparent governance, robust civil society, a vibrant parliamentary system, an independent media, and preparations for elections.

In Vietnam, the United States provided assistance to help the government implement the massive legal and regulatory changes needed to implement the bilateral trade agreement between the two countries and Vietnam's accession to the World Trade Organization. U.S. programs helped train judges and develop the legal system for commercial dispute settlement and protecting intellectual property rights. These programs laid the foundation for the U.S. Embassy to begin advising the National Assembly on revising the country's criminal code.

Similarly, in the Philippines, the USAID has launched a Partnership for Growth program, which seeks to address governance problems, strengthen rule of law and anti-corruption measures, and spread the benefits of fast economic growth to ordinary Filipinos.

These U.S. assistance programs have been highly effective in promoting democracy among countries in the region and could be expanded to include other countries.

Assuming the transition in Myanmar/Burma proceeds relatively smoothly over the next few months, one issue the U.S. government will have to address is military-to-military ties. To be sure, the Myanmar military has been involved in many serious abuses over the past few decades, and reports indicate that it continues to launch air and ground offensives against armed ethnic groups in areas bordering China, even as most of the country held peaceful elections. But if it continues to cooperate with a new civilian government, Washington may want to give the U.S. military a green light to increase contacts with the Myanmar military to ensure that it feels engaged in the transition and sees potential benefits down the road of continuing to support the democratic transition.