



Promoting Electoral Integrity in

Southeast Asia:

ANFREL and ASEAN

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Introduction

This paper analyses the experience of the Asian Network for Free Elections (ANFREL) in elections observation, in particular looking at the strengths and weaknesses of this regional civil-society led initiative in contributing towards the development of democracy in Asia. Meanwhile, the Association of Southeast Asian Nations (ASEAN) is considering carrying out elections observation missions in the future. This paper looks at the progress of democratization in Southeast Asia; what ASEAN might learn from ANFREL's observation experience; and how official initiatives might complement civil society ones.

ANFREL and ASEAN Basics

There are fundamental differences between ANFREL and ASEAN as regional organizations. ANFREL was established in 1997 as a network of domestic civil society organizations from across Asia. The organization's flagship programmes are elections observation missions (EOMs) in Asian countries. ANFREL has been prolific: it has carried out approximately 50 EOMs, or on average 3.5 EOMs per year since its inception. In addition to carrying out long- and short-term EOMs, ANFREL carries out regular training and capacity-building programmes with its member organizations, and advocacy on a range of elections and democracy related policy issues. ANFREL is comprised of 22 member organizations from 15 countries in Asia, which elect an Executive Council at annual General Assembly meetings. ANFREL focuses on the whole of Asia, and has carried out EOMs from as far west as Afghanistan and as far east as Timor Leste.

ASEAN, meanwhile, is an inter-governmental association comprised of ten Southeast Asian member states. Unlike ANFREL it covers only Southeast Asia, not the whole of Asia. ASEAN was established in 1967, and its initial members were Indonesia, Thailand, the Philippines, Singapore and Malaysia. Membership has since expanded to include Brunei, Burma, Cambodia, Vietnam and Laos. ASEAN's primary focus until recently has been the promotion of regional cooperation on security and economic development. Only recently has ASEAN turned its focus more closely to democratic governance and broached the possibility of carrying out election observation missions in the future.

ASEAN, Democracy and Elections

In the past decade, a number of external imperatives, including the Asian economic crisis of the late 1990s, growth of Chinese economic influence, cross-border terrorism and other issues, have pushed ASEAN to work towards closer economic, social, cultural and political cooperation. In 2003 through the Bali Concord II ASEAN announced its intention to move towards an ASEAN Community, heralding much greater integration between the countries of the region. In 2007 ASEAN reached a watershed by committing to an ASEAN Charter. This constitutes 'an effort to move beyond sovereignty protection to economic,

political security and socio-cultural communities by 2020. The Charter also commits its signatories to democracy (for the first time) and human rights.¹

Following the signing of the Charter, in 2009 ASEAN agreed to a Roadmap towards an ASEAN Community by 2015. The Roadmap describes three key pillars: Economic, Social and Cultural, and Political and Security. The first goal of the Political and Security Pillar is establishing ‘A Rules-based Community of Shared Values and Norms,’ and more explicitly ‘to strengthen democracy, enhance good governance and the rule of law, and to promote and protect human rights and fundamental freedoms.’

The ASEAN Political-Security Community Blueprint (APSC Blueprint) commits ASEAN to the following actions:

- i. Assign appropriate ASEAN sectoral bodies to take necessary measures to promote understanding and appreciation of political systems, culture and history of ASEAN Member States, which will undertake to:
 - Encourage the holding of at least two track-two events per year, including academic conferences, workshops and seminars;
 - Release periodic publications on the dynamics of ASEAN Member States’ political systems, culture and history for dissemination to the public; and
 - Intensify exchange of experience and training courses in order to enhance popular and broader participation.
- i. Hold seminars/workshops to share experiences on democratic institutions, gender mainstreaming, and popular participation; and
- ii. Endeavour to compile best practices of voluntary electoral observations.

The third action signals ASEAN’s intention to look at voluntary regional election observation as a means of furthering the region’s democratic agenda.

ASEAN and Democracy

According to critics, ASEAN has a ‘track record of lofty targets and pedestrian achievements.’² Is this criticism fair, and is ASEAN changing?

Throughout its history, ASEAN has held to strict principles of non-intervention and respect for the sovereignty of its member states. This, and the diversity of systems of governments within the Association, meant that regional promotion of democracy and human rights was not at the top of ASEAN’s agenda.

¹ Sheldon Simon, ASEAN and Multilateralism: The Long, Bumpy Road to Community, *Contemporary Southeast Asia: A Journal of International and Strategic Affairs* - Volume 30, Number 2, August 2008, pp. 264-292, http://mtw160-150.ippl.jhu.edu/login?uri=/journals/contemporary_southeast_asia_a_journal_of_international_and_strategic_affairs/v030/30.2.simon.pdf

² Arnold, Wayne, ‘Historic ASEAN Charter Reveals Divisions,’ *New York Times*, 20 November 2007, <http://www.nytimes.com/2007/11/20/world/asia/20iht-asean.1.8403251.html?pagewanted=all>



The ‘ASEAN Way,’ as contained in ASEAN’s Treaty of Amity and Cooperation in Southeast Asia (TAC) of 1976, emphasized sovereignty and the security focus of the Association through the following principles:

1. Mutual respect for the independence, sovereignty, equality, territorial integrity, and national identity of all nations;
2. The right of every State to lead its national existence free from external interference, subversion or coercion;
3. Non-interference in the internal affairs of one another;
4. Settlement of differences or disputes by peaceful manner;
5. Renunciation of the threat or use of force; and
6. Effective cooperation among themselves.

ASEAN’s governance diversity has until recently meant that this ‘ASEAN Way’ prevailed. As one journalist described it, ASEAN ‘includes fledgling but freewheeling democracies such as the Philippines, economic tigers like Malaysia, an absolute monarchy in Brunei, two developing communist countries in Vietnam and Laos and the now even poorer, military-run Burma.’ ASEAN has been cautious in responding to human rights violations or instability inside its member states ‘even when political instability has regional repercussions.’³ ASEAN’s response to the Burmese junta is an exception to the rule: ASEAN responding vocally to Burmese junta crushing demonstrations in 2007 and calling for inclusive elections in 2010. However,

[The] case of Burma/Myanmar is not representative of how ASEAN responds to domestic political strife or turmoil. Indeed, though the 2004 ASEAN Security Community Plan of Action states unequivocally that ASEAN states ‘shall not condone unconstitutional and undemocratic changes of government’ (ASEAN 2004), ASEAN did not offer any collective response to the 2006 coup in Thailand. Thailand’s bitter political feud between forces loyal to former Premier Thaksin Shinawatra and the latter’s detractors has also failed to elicit ASEAN’s opprobrium or collective commentary. In reaction to the closing down of Suvarnabhumi and Don Mueang airports in November 2008, it was left to individual ASEAN countries like Singapore to call for a peaceful resolution of differences. Meanwhile, both Manila and Kuala Lumpur made clear that they would not offer political refuge to Thaksin.

Most recently, the May 2011 ASEAN Summit—which was meant to move forward on all aspects of regional cooperation—instead became bogged down in the Thai-Cambodia border dispute, the issue of Myanmar’s future ASEAN Chairmanship and other issues.⁴ The Political Security Blueprint 2009-2015, quoted above, commits to a modest set of activities, involving exchanges, publications and seminars, rather than enforceable commitments,

³ See for example, ‘ASEAN summit fails to resolve Thai-Cambodia conflict’, Reuters 8 May, 2011, <http://www.reuters.com/article/2011/05/08/us-asean-idUSTRE74709V20110508>
Bower, Ernie, ‘Has Thailand’s election empowered ASEAN anew?’ CS

⁴ See for example, ‘ASEAN summit fails to resolve Thai-Cambodia conflict’, Reuters 8 May, 2011, <http://www.reuters.com/article/2011/05/08/us-asean-idUSTRE74709V20110508>

standards and sanctions. Nevertheless, it is a positive step forward in terms of democratic dialogue in the region.

2011: Fresh Hope for ASEAN Democracy?

Despite these reservations, ASEAN's progress on shared democratic values has revived somewhat in the second half of 2011, mostly due to Indonesia's leadership and to domestic political developments in its member states. One analyst writing in July 2011 suggests that:

Elections around Southeast Asia have assumed a new and empowering role in defining the region's political outlook. Unlike the Middle East and its Arab Spring, most of Southeast Asia's voters are finding some political space and empowerment within their political systems. The results appear to have the potential to strengthen governance and possibly regional integration.... The majority of ASEAN's new core six [Indonesia, Thailand, Philippines, Malaysia, Singapore, Vietnam] have undergone important recent elections which have resulted in new leadership or refocused incumbents responding to the needs of voters. These include economic development, governance, reform and core requirements such as education, health care and infrastructure.⁵

Under Indonesia's 2011 chairmanship, the first ever forum of ASEAN Electoral Management Bodies (EMBs) was held under the slogan 'Inspiring Credible ASEAN Electoral Management Bodies' in October 2011. The forum, opened by Indonesian President Susilo Bambang Yudhoyono, brought together both EMBs and elections-related civil society organizations, and resulted in a Jakarta Declaration on South East Asian Electoral Community, a nine-point agreement including: improvement of people's participation in the political, economic, social and cultural sectors; promotion of gender equality and the rights of the disabled; improvement of regulations about political parties and donations for political campaigns; and improvement of the technology used to support the election process. The meeting included participants from five ASEAN EMBs only, namely Indonesia, Thailand, Cambodia, Malaysia and the Philippines—in other words, those with EMBs and somewhat credible democratic processes, although this was largely due to administrative issues rather than a political decision.⁶ A few months earlier, the Indonesian Ministry of Foreign Affairs, the NAM-CSSTC and International IDEA convened training for ASEAN member countries entitled 'The Dynamics of Power Sharing'. This is another example of Indonesia's activism in bringing together ASEAN members around democratic issues.⁷

According to one civil society participant, forums such as these help to move forward cooperation towards democracy in a 'non-threatening' way, and inspire government and

⁵ Bower, Ernie, 'Has Thailand's election empowered ASEAN anew?' CSIS, Washington DC, July 21st, 2011, <http://www.eastasiaforum.org/2011/07/21/has-thailand-s-election-empowered-asean-aneu/>

⁶ Interview with an ANFREL partner organization, October 2011

⁷ General information, Constitution Building Training Programme for ASEAN Member Countries: The Dynamics of Power Sharing, 13–17 June 2011, Jakarta, Indonesia, http://www.constitutionnet.org/files/general_information_con_building_training_final.pdf



civil society actors to learn from the experiences of other countries.⁸ The annual Indonesia-led Bali Democracy Forum also helps to exert gentle pressure on countries of the region to improve their performance in and understanding of democratic processes. ‘One of the good things about the BDF is that all sorts of people turn up—including from Myanmar, Vietnam, and so on. It’s good exposure and peer pressure on them.’⁹

In the second half of 2011, even Myanmar, ASEAN’s most problematic member when it comes to democracy and human rights, showed signs of enlightenment. Myanmar authorities have taken significant steps towards what they called ‘disciplined democracy’ which appears to provide greater participation and freedom of expression than have been seen in the country for decades, including a new nominally civilian-led government, release of political prisoners, greater freedoms for opposition leader Aung San Suu Kyi, suspension of an unpopular dam project, unblocking of some Internet news sites, and a new law allowing Burmese workers to join trade unions. Human Rights Watch is cautiously optimistic about the reforms, saying that while there is still a long, long way to go, yet ‘the recent wider reforms have been uncharacteristic of previous regimes.’¹⁰

Some analysts of ASEAN believe the organization is at something of a crossroads. In contemplating what ASEAN might look like in 2030, Amitav Acharya says:

One could imagine ASEAN in 2030 either as the wise counselor of Asia, or the marginalised relic of the past. Approaching its mid-sixties, it could still be at its peak, functioning as a steady and calming influence on the rising upstarts of Asia: India and China. Or it might have lost its bearings, amidst the confusion of profound changes in the regional economic and military balance of power.¹¹

He sees democratic progress and cooperation as key to the Association’s—and the region’s—success:

To avoid the latter, ASEAN’s current leaders must stay united, strengthen mechanisms for cooperation, steadfastly maintain a neutral broker image among the great powers and be attentive to their people’s voices.¹²

ASEAN and Electoral Observation

ASEAN has not so far carried out elections observation. The commitment to ‘endeavour to compile best practices of voluntary electoral observations’ in the ASEAN Political and Security Blueprint is the first time observation has been explicitly mentioned in ASEAN policy. ASEAN has yet to expound on this commitment to explain what types of EOMs it intends to carry out.

Interview with a leader of an ANFREL member organization, October 2011

⁹ Interview with an ANFREL partner organization, October 2011

¹⁰ Alchin, Joseph, ‘Is Burma undergoing real change, or is it all PR?’, *The Christian Science Monitor*, Oct 16, 2011, <http://www.alaskadispatch.com/article/burma-undergoing-real-change-or-it-all-pr>

¹¹ ‘ASEAN in 2030’ Amitav Acharya, *East Asia Forum*, February 15th, 2011, <http://www.eastasiaforum.org/2011/02/15/asean-in-2030/>

¹² *Ibid*

However, electoral exchanges have occurred a number of times between the Elections Management Bodies of Southeast Asia. For example, Thailand's EMB invited observers from other EMBs in the region to observe the July 2011 elections there.¹³ Observers from the EMBs of the 'more democratic' ASEAN countries of Indonesia and the Philippines have been to Cambodia a number of times to observe elections.¹⁴ The Indonesian organization Institute for Peace and Democracy (which was conceived as being the implementing arm of the Bali Democracy Forum) has organized a range of study visits for Asian members of parliament and EMBs to observe elections in other countries in the region. International organizations such as The Asia Foundation frequently organize similar exchanges.

Many inter-governmental regional organizations in other parts of the world undertake elections observation of their own member states, including the African Union, the League of Arab States, and the Pacific Islands Forum. Therefore there are many precedents and lessons to be learned by ASEAN from these processes. In addition, ASEAN has a lot to learn from ANFREL's fourteen years of experience in regional-level observation.

ASEAN Election Observation: Pros and Cons

A number of arguments for and against the usefulness of ASEAN carrying out election observation of its member states were gathered during the research for this paper. They are summarized as follows:

Pros

- Gradual encouragement of democratization: ASEAN observation of elections of its member states would help encourage democratization in a non-interventionist, non-threatening way, thereby upholding ASEAN's deep commitment to sovereignty and non-interference in member state's affairs while still promoting ASEAN's commitments to democracy and human rights.
- A way of starting to implement democracy commitments: ASEAN EOMs might be a realistic way of moving forward the existing commitments to democracy promotion made in recent ASEAN forums and plans. EOMs might represent a concrete step beyond workshops and forums for ASEAN to 'begin to get a handle on regional democracy cooperation.'¹⁵
- Capacity building: Ongoing exposure between EMBs, parliamentarians, executive and other officials will help to build capacity and knowledge of those participating in observation missions. Over time, this capacity building might help develop a cadre of government personnel within ASEAN countries with a range of tools to potentially utilize domestically in strengthening democracy. This comparative experience could also embolden democratic reformers within the governments of

¹³ Correspondence with a staff member of ANFREL, September 2011

¹⁴ Interview with a leader of an ANFREL member organization, October 2011

¹⁵ Interview with an ANFREL partner organization, October 2011



the region. Additionally, joint trainings between EMBs of the region might help to improve elections in ASEAN member countries.

- **Regional standards:** Regional observation at government level could help to promote the creation and enforcement of regional democratic principles and standards. A detailed ASEAN Charter of Democracy and Elections could provide a sound basis for ASEAN EOMs; and ASEAN EOMs could provide input into the monitoring of such a Charter. Before such a Charter was created, ASEAN EOMs could be based on existing more general commitments to strengthening democracy as laid out in the ASEAN Charter and the Political and Security Blueprint, and comment on the implementation of those more general commitments.

Cons

- **Observers from non-democracies:** A number of observers felt that, given that many ASEAN member states were not democracies, EOM members from those countries would have little to offer in terms of improving electoral integrity and democratic governance. One commented: ‘most of the member countries themselves have trouble carrying out credible elections domestically, let alone helping others to improve their own elections.’¹⁶
- **Lack of credibility and conflict of interest:** Official observers, say some people interviewed, will not be willing to criticize elections in neighbouring countries for fear of being criticized themselves, particularly in the light of the above-mentioned fact that a number of ASEAN countries are not yet democratic. It is unlikely that ASEAN observers would be impartial enough to fulfill the internationally accepted Principles and Code of Conduct for International Election Observation agreed in 2005 by observer organizations under the coordination of the UN.¹⁷ Therefore ASEAN EOMs will lack the credibility needed to be of value. In the past, outside observers from EMBs in the region have made private observations rather than public criticisms.¹⁸ Some analysts believe that ASEAN EOMs should only be carried out if a detailed regional charter on elections and democracy is agreed first.¹⁹
- **Legitimizing illegitimate elections:** ASEAN EOMs could even be detrimental to free and fair elections because they might legitimize illegitimate elections due to the member states’ own self-interest in maintaining a non-interventionist stance and maintaining good relationships with neighbouring countries.²⁰

¹⁶ Email exchange with an ANFREL partner organization, September 2011

¹⁷ Interview with an ANFREL partner organization, October 2011. The Declaration can be found at http://www.ndi.org/files/1923_declaration_102705_0.pdf

¹⁸ Interview with a Southeast Asian EMB Commissioner, October 2011

¹⁹ Interview with a leader of an ANFREL member organization, October 2011

²⁰ Interview with an ANFREL partner organization, October 2011

Can ASEAN Learn from and Complement ANFREL?

During its fourteen years of carrying out EOMs, ANFREL has learned much about how to promote electoral integrity—and democracy more broadly—in the Asian context. ASEAN is also interested in promoting democracy through voluntary EOMs. As such, ASEAN can learn from ANFREL's strengths and weaknesses, and possibly fill some of the gaps left by ANFREL's work. It is possible in future that inter-governmental EOMs (by ASEAN) and civil society EOMs (by ANFREL) could complement each other in promoting democracy in Southeast Asia, as has been done in other regions of the world.

However, ASEAN has not yet defined the type of EOMs it would carry out, who would participate in them, their size and duration, the specific policy framework (beyond the Blueprint) under which they would operate, and all other details. Therefore the comments below regarding potential complementarities between ASEAN EOMs and ANFREL ones are still speculative.

ANFREL plays an insider/outsider role when observing Asian elections

On the one hand, ANFREL deploys international observers coming from outside the country with certain standards in mind for what constitutes a free and fair election, and bringing the credibility that external 'objective and impartial' observers bring. On the other hand, ANFREL observers are much closer to their subjects than observers from countries further afield. As stated in ANFREL's 2008 strategic plan, 'ANFREL's observers come from countries at comparable stages of social and political development, they are better able to understand local problems and concerns, and can provide advice based on experience that is more appropriate to the local environment.'²¹ ANFREL sees this 'closeness' as an advantage to its capacity building program as well, as Asian experts are often able to relate well to their trainees' professional and personal backgrounds.

As both insiders and outsiders ANFREL observers may also have more impact in terms of advocacy in some respects. They are able to push for electoral reform without being seen as threatening, interventionist or imperialist - all labels that Western observers are familiar with. In addition, ANFREL is sometimes able to achieve access to countries that are less accessible or inaccessible to individual civil society organizations or to other international EOMs.²²

The flipside of this is that ANFREL statements may have less ability to raise the alarm on gross violations and to publicly shame those who commit them: the 'bully pulpit' power that some international organizations may wield.²³ This is due in part to their insider/outsider status, but also no doubt to their status as a civil society network which lacks the same profile and status as some international organizations. EOMs from organizations such as the EU or OSCE attract attention as they are backed by powerful countries and blocs, and the seniority or even 'political celebrity' status of observation missions from the likes of the Carter Center lend them weight and draw media attention.

²¹ ANFREL Strategic Development Paper 2008 - 2010

²² Interview with a leader of an ANFREL member organization, October 2011

²³ Interview with an ANFREL partner organization, October 2011



Relevance and Complementarities with ASEAN EOMs

ASEAN observers might hold some similar advantages to ANFREL observers in terms of an insider/outsider role. Coming from Southeast Asian countries themselves, they may have a more appropriate analytical framework, and a better ability to provide critical feedback to their Southeast peers, than observers from further afield. However, as discussed above, ASEAN EOMs with official government participants may have less distance (less ‘outsider’ perspective) than ANFREL and more vested interests in reporting their observations in certain ways that might favour their own government’s goals. On the other hand, ASEAN EOM reports may hold more weight and attract greater media attention due to their higher profile as inter-governmental missions that include senior people as observers, and due to the Association’s status as a regional bloc. The extent to which ASEAN realizes these advantages depends on the extent to which ASEAN can establish the independence, consistency of standards and credibility of its EOMs.

A ‘Uniquely Asian’ Approach?

ANFREL presents an approach to electoral observation that is unique in some ways; some would even say ‘uniquely Asian.’ The organization characterizes its approach as mediating between Asian countries and international standards by ‘translating the conventions/treaties on democracy into more practical ways.’²⁴ They try to start conversations, trainings,, briefings and so on by talking about the local context, instead of going straight into what international standards and conventions dictate. They believe that this helps to show that ANFREL understands the local context, and avoids knee-jerk reactions against international conventions and standards that may be seen as Western-driven.²⁵ An ANFREL member organization supported this view saying ‘they don’t bring in theory, they look at the local context.’²⁶

Instead of full-frontal approaches to the governments of the region, ANFREL uses a cautious and gradual approach, selecting issues to advocate for while allowing others to pass without criticism for the time being, or by providing examples of countries where the same issue has been approached in ways that are healthier for democracy and human rights, without demanding that these examples be followed. The examples ANFREL gives are as follows:

We do not jump to ... condemn Indonesia for preventing militaries to exercise their voting rights (even if we want to)... We have not yet proactively criticize[d] Thailand and Burma on the right of Buddhist monks in voting in any election but we progressively talked about it from the lessons learned from Sri Lanka and Cambodia where the monks allowed to exercise their political rights. [We] do not call for women[‘s] rights in front of the media in Afghanistan. This is because there are some political /cultural sensitivity on these issues.²⁷

ANFREL also advocates on issues that it sees as important in Asia that may not appear so crucial to Western countries: for example, the selection process for election commissioners.

²⁴ Correspondence with a staff member of ANFREL, September 2011

²⁵ Ibid.

²⁶ Interview with a leader of an ANFREL member organization, October 2011

²⁷ Correspondence with a staff member of ANFREL, September 2011

In summary, says ANFREL, ‘we tone down on some issues and highlight on some other issues.’²⁸ In taking a cautious advocacy approach, ANFREL is able to ‘support pockets of change as well as national change.’ In Mindanao, for example, ANFREL was able to help prevent electoral violence and fraud at the local level.²⁹

Cultural affinity with the country being observed sometimes helps ANFREL to carry out more appropriate analysis: for example, understanding patron-client relationships better than Western observers might, and having a higher degree of tolerance for this type of political culture. This ensures that it does not always become the central focus for criticism.³⁰ Other analysts suggest that ANFREL may be ‘more tolerant of ambiguities’ and not demanding of black and white answers or quick solutions.³¹

On occasions, however, ANFREL has been seen as ‘too interventionist,’ although ‘they were open to dialogue to resolve these concerns.’³² Many personnel at ANFREL come from a human rights background, that being ‘their DNA,’³³ which may help explain their sometimes outspoken approach. This criticism may also highlight the fact that while ANFREL might work to be sensitive to the Asian cultures represented in its membership, there is of course a huge diversity of cultures within Asia. This includes diversity of social, political and communication cultures, as well as professional cultures, in the sense that human rights activists and government officials, for example, may think very differently. ‘Cultural sensitivity’ therefore cannot be assumed even when Asians are criticizing Asians or when ANFREL as an Asian organization is working hard to ensure Asian-appropriate approaches.

Considering ANFREL’s distinctive processes - its dedication to understanding context and seeking an approach ‘for Asians by Asians’ - some stakeholders expressed surprise that it does not have a research unit to look into elections in Asian countries. ANFREL says this is because much research is done about Asian elections by international organizations, and ANFREL does not want to duplicate those efforts, but rather focus on the limited range of activities it already undertakes. Some observers respect ANFREL’s maintenance of a clear focus on a limited set of activities; while some from member organizations feel that ANFREL could improve its analysis and reporting by working with member organizations on research.³⁴

²⁸ Ibid.

²⁹ Interview with a leader of an ANFREL member organization, October 2011

³⁰ ANFREL emphasizes, however, that the ‘Asian way of democratization’ is different from ‘Asian values’. ‘Asian values’ were the focus of a debate led by Prime Ministers Mahatir of Malaysia and Lee Kuan Yew of Singapore in the 1990s that defended more authoritarian forms of government by challenging the universality of human rights and their appropriateness in the Asian context. One definition of Asian values is: ‘a stress on the community rather than the individual, the privileging of order and harmony over personal freedom, refusal to compartmentalize religion away from other spheres of life, a particular emphasis on saving and thriftiness, an insistence on hard work, a respect for political leadership, a belief that government and business need not necessarily be natural adversaries, and an emphasis on family loyalty.’ <https://digitalcollections.anu.edu.au/html/1885/41912/values.html>

³¹ Interview with an ANFREL partner organization, October 2011

³² Interview with a leader of an ANFREL member organization, October 2011

³³ Interview with an ANFREL partner organization, October 2011

³⁴ Interview with several leaders of ANFREL member organizations, October 2011



Relevance and complementarities with ASEAN EOMs

ASEAN could learn from ANFREL's approach to understanding context over the long term, ensuring a feisty advocacy approach while at the same prioritizing issues on which to speak out and postponing advocacy on issues which may need a more indirect or long-term approach. ANFREL also gives a good example of utilizing cultural affinity when it comes to gaining access, carrying out appropriate analysis, and having impact through advocacy. ANFREL's analytical and advocacy approach is a subtle and flexible one, rather than one proscribed by exact rules and norms. It has been developed over the course of years and relies partly on the instincts of experienced ANFREL staff, and therefore in some ways may be difficult to duplicate.

In addition, ASEAN could fill a gap by providing a strong research and analytical unit that is able to carry out comparative research on the electoral processes, laws, and institutions of member states. This unit could be used to provide pre-deployment briefings of observers, as well as broader analysis to contribute to the development of the ASEAN Political and Security Community. ASEAN's long experience of intra-Southeast Asian diplomacy would help to ensure appropriateness in communication styles and forums, perhaps in ways that are sometimes more subtle than ANFREL's. Compared to ANFREL, ASEAN officials on observation missions are also more likely to have access to high-level officials in the countries monitored, in order to convey recommendations and concerns regarding electoral processes. They may also have the advantage of being able to use more subtle diplomatic channels and to attend closed-door meetings at senior levels in which to convey concerns and recommendations.

In It for the Long Haul

In contrast to other international observer organizations, ANFREL maintains ongoing relationships with its member organizations throughout Asia, and an ongoing watching brief on electoral developments in Asia. They offer 'ongoing moral support'³⁵ to their member organizations. These relationships help to enhance its 'ability to identify and respond to country-specific needs and issues in Asia through years of EOM experiences and its networks in member countries in Asia.'³⁶

ANFREL's consistent, in-depth, critical and ongoing interest in Asian elections is unique. By contrast, the resources of other international organizations are necessarily drawn away to crucial transitional elections (in post-authoritarian or post-secession countries, for example), and this may draw attention away from less 'newsworthy' but still key elections. For example, ANFREL was the only international EOM to observe the important 2011 elections in Thailand, which saw Thailand step away from military rule and political stalemate.³⁷

Moreover, ANFREL is 'truly a network'³⁸ in the sense that it is managed and run by its member organizations and builds on the strengths that they bring, rather than being an

³⁵ Ibid

³⁶ Email with an ANFREL partner organization, September 2011

³⁷ Correspondence with a staff member of ANFREL, September 2011

³⁸ Interview with an ANFREL partner organization, October 2011

autonomous organization that makes decisions separate from its membership base. ANFREL also claims to be a grassroots organization whose member organizations are populated mostly by democracy activists and academics in their respective countries. ANFREL sees itself as emboldening local democracy promoters through its ongoing support and networking:

ANFREL is a regional organization that [is] close to grassroots level more than other international bodies... [We help member organizations to] Bring up confiden[ce] [in themselves] by providing platform[s for them]... We provide an arena for many young people to express their opinion and short cut learning.³⁹

An EMB Commissioner expressed appreciation for ANFREL's contribution to elections not just once but 'over the years' and said they contributed to the integrity of elections 'just by being there.' He gave the example of the issue of voting by detainees. In 2007, ANFREL criticized the Philippines for not allowing prisoners to vote. In 2010, the Philippines had changed this policy—partly as a result of ANFREL's comments—and the change was praised by ANFREL. Detainees voted 'en masse' said the Commissioner, at around 17,000 voters. ANFREL's ability to follow up issues from election to election is valuable, he said.⁴⁰

Relevance and Complementarities with ASEAN EOMs

Long-term relationships between ASEAN member states already exist, and it might be possible to extend this to a long-term engagement where member states provide feedback on each others' elections, follow up key issues, and so on. The commitment to an ASEAN Community by 2015 will likely deepen this long-term engagement and interest between the countries of the region, which will potentially see election observers return to member countries multiple times, strengthening understanding and relationships. While ANFREL is 'truly a network', ASEAN aims to be 'more than just a network', and this has the potential to enhance the contribution made by EOMs.

Capacity Building

One of the pillars of ANFREL's work is the ongoing capacity-building of its member organizations and their volunteers. This capacity-building is different from other capacity-building due to its contextualization, as described by one of ANFREL's donors:

ANFREL can contextualize the election standards and abnormalities that occur in different geographic/cultural settings, train the observers and build the capacity of local partner organizations (and maybe international observer organizations) on how to handle/deal with these country-specific issues, put together a book/manual on lessons learned from ANFREL's experience and use the book/manual to train local groups as well as international election monitoring groups on what to anticipate and how to address issues that might occur during the election monitoring, know what local issues need to be addressed to make the electoral

³⁹ Correspondence with a staff member of ANFREL, September 2011

⁴⁰ Interview with an Southeast Asian EMB Commissioner, October 2011



process to be more democratic and encourage local civil society to engage in addressing these electoral policy issues by providing advocacy training and education (e.g. media advocacy, electoral campaigns, parliamentary watch, etc.)⁴¹

ANFREL's missions themselves are valuable capacity-building tools. Observers from one country travel to another and learn about the political and electoral systems and cultures, as well as good observation practice. This exposure is an invaluable input to reform in their own countries, as well as to future EOMs and regional processes.

Relevance and complementarities with ASEAN EOMs

Capacity-building would likely be one of the most positive outcome from possible future ASEAN EOMs, given the exposure opportunities which EOMs present for their members, particularly in the ASEAN context where member states have a broad range of governance systems. Like ANFREL, ASEAN could build on international standards, and on experience from ongoing EOMs, to develop tailored training courses and manuals to be used in pre-deployment briefings for observers. Taking into account that members of ASEAN EOMs may come from a number of different institutions (parliaments, EMBs, Ministries, and so on) the content and length of pre-deployment trainings would need to be adjusted accordingly. EMB observers, for example, may be able to attend a two-day training but not need an introduction to electoral systems. Observers who are members of parliament, on the other hand, may only be able to attend a half-day pre-deployment briefing but need information on comparative electoral systems. Like ANFREL, ASEAN may need to think about the most appropriate tools for ensuring that the potential of EOMs as capacity-building tools are maximized: for example, by ensuring that senior observers are supported by well-qualified advisors from the ASEAN Secretariat and have appropriate written materials, and so on.

Developing and Implementing Regional Standards

As an independent civil-society based regional organization with a strong sense of what is appropriate and achievable in the various Asian contexts, ANFREL is in a good position to develop and advocate for regional standards on elections and democracy. It has the rare vantage point of a pan-Asian perspective on elections and democracy.

ANFREL hopes, over time, to achieve something akin to the 2007 African Charter on Democracy, Elections and Governance, which has so far been signed by 37 and ratified by eight of the 53 member states of the African Union.⁴² The African Charter is owned and implemented by the African Union, but civil society, in the form of the Electoral Institute for the Sustainability of Democracy in Africa (EISA), was heavily involved in its development (and now in tracking its progress). This is an inspiration for ANFREL.⁴³ Ratifying countries are expected to incorporate implementing legislation into their national laws and report on progress to the AU every two years.

⁴¹ Email exchange with an ANFREL partner organization, September 2011

⁴² <http://www.eisa.org.za/EISA/aucharter.htm>

⁴³ Correspondence with a staff member of ANFREL, September 2011

ANFREL says that there is a demand for regional standards and mechanisms:

Over the years there has been some sort of a consensus amongst organizations and institutions responsible for monitoring elections and democratic transition in Asia that without having good standardised tools, we cannot really be consistent in ensuring that our work is professional and non-partisan in the process of conducting elections. Therefore, time and time again ANFREL, as the only regional face of election monitoring in Asia, has been approached by member organizations and domestic observer groups to use its knowledge and experience gained over the years to build a consensus on using tools that are specifically developed for Asia.⁴⁴

ANFREL is well aware of the obstacles that exist in developing regional standards, in particular the non-interference principles of ASEAN and the economic focus of the regional integration process. ANFREL developed a proposal in 2011 that laid out steps towards developing a regional charter, and is seeking funding for this process.

A binding ASEAN charter on elections and democracy is probably a long way off, given the regional dynamics described above. Nevertheless, ANFREL has so far participated in forums such as one organized for the Southeast Asian region by the Carter Center on the role of Public International Law in promoting elections integrity, and the first ASEAN Election Management Bodies Forum held in Jakarta in October 2011 discussed above. These forums have addressed questions related to the specific concerns and needs of government and civil society in the Asian region when it comes to electoral integrity, and how regional organizations can cooperate to promote credible elections. As such, they have contributed to the potential future creation of more formal standards for the region. The ASEAN EMB meeting agreed on a Declaration which ‘will guide the way forward for cooperation and exchange between Southeast Asian EMBs and commit them to talking to everyone including civil society.’⁴⁵

Relevance and complementarities with ASEAN EOMs

ASEAN EOMs and ASEAN regional standards for elections and democracy would likely be mutually beneficial. In other words, if ASEAN developed a capacity to hold EOMs, it would likely encourage the development and implementation of regional standards. If regional standards were developed, they would likely encourage quality EOMs to help monitor the implementation of those standards. EOMs would have a stronger *raison d’être*, and their monitoring and reporting could be based on a consistent legal framework, which would give more weight to their reports and statements. Most observers believe that the standards should come first, particularly in the ASEAN context where there is such a diversity of governance systems.

At present, ASEAN’s Political and Security Blueprint proposes regular workshops, seminars, trainings, publications, and exchanges of experience, alongside voluntary electoral

⁴⁴ Proposal for a Bangkok Declaration or Asian Charter on Elections, ANFREL, December 2010, p. 6

⁴⁵ Interview with an ANFREL partner organization, October 2011



observation. These exchanges will help to promote common understanding of international standards and Southeast Asian best practice on elections. This should complement ANFREL's push for regional standards on democracy and elections.

Cost-effective ... But Limited by a Small Budget?

International elections observation missions can be costly enterprises. Travel expenses, security costs, observers' fees and other costs frequently run into the millions. The thirteen observation missions run by the European Union in 2006, for example, cost a total of about €27 million, or an average of about €2 million (USD 2.7 million) per mission.⁴⁶

By contrast, ANFREL's mission to the 2011 elections in Thailand cost a total of USD 530,000 for 24 long-term and 30 short-term observers. In the very expensive context of Afghanistan, ANFREL's 20-LTO mission in 2010 cost about USD 500,000, still cheap compared to EU and other international missions.⁴⁷ ANFREL missions are cheaper for a number of reasons: ANFREL observers take shorter flights, because they are traveling only within Asia; observers receive per diems and administrative costs but not high fees; as civil society observers accommodation is generally more modest; security arrangements may not need to be as extensive as they might be for more high-profile, more visible missions such as those of the EU, and so on. ANFREL are 'the definition of sustainable, and until recently have survived on a shoestring'⁴⁸ said one observer. In this respect, ANFREL offers a significant advantage over other international observer missions. ANFREL acknowledges this comparative advantage, stating in their Strategic Plan: 'ANFREL's approach of engaging Asian observers is also extremely cost-effective, providing the benefit of international observation at a fraction of the cost of a typical UN or EU mission.'⁴⁹

The downside of ANFREL's small budget is that it is donor-dependent, raises funds from a range of donors from mission to mission, and only has a very small core budget. Donors have seen the organizations' value and cost-effectiveness, and have provided sufficient funds over the years, but only just. One of the consequences of operating on 'a shoestring' is that it has been hard to retain good staff. While a core of good staff has been with the organization for many years, some much-needed analysts and managers have left the organization due to the limited funds ANFREL has for salaries. Another consequence is that ANFREL is not always able to send long-term observers for as long as its member organizations would like. It therefore misses some key parts of the electoral process, such as candidate nomination and voter education, which are often 'the most vulnerable steps in an election.'⁵⁰

Relevance and complementarities with ASEAN EOMs

ASEAN EOMs would likely be cheaper than other international observation missions, but not as cheap as ANFREL's. This is because ASEAN observers would have less distance to

⁴⁶ http://ec.europa.eu/europeaid/what/human-rights/election_observation_missions/faq_en.htm

⁴⁷ Correspondence with ANFREL staff member, October 2011

⁴⁸ Interview with an ANFREL partner organization, October 2011

⁴⁹ ANFREL Strategic Plan 2008

⁵⁰ Interview with a leader of an ANFREL member organization, October 2011

travel and possibly not incur major fees, as participants would be on the EOM as part of their normal employment. ASEAN's Political and Security Blueprint mentions 'voluntary electoral observation' and therefore presumably means that observers would not be paid fees for their efforts. However, as official missions ASEAN EOMs would probably still run up higher accommodation costs, etc. than civil society missions such as ANFREL's. These financial considerations need to be taken into account, given the many competing priorities in ASEAN governments' budgets.

Another lesson learned is that while there is value in being financially efficient, EOMs need to be adequately resourced to ensure a high quality of observation management, analysis and reporting. In considering EOMs, ASEAN should consider establishing a dedicated unit within the ASEAN Secretariat that manages EOMs and which is properly financed and staffed with both administrative and technical staff who have electoral expertise. As discussed above, a properly resourced research team should also be considered.

Conclusion

Asia as a whole has achieved significant progress towards electoral integrity—and democratic development more broadly—in the past few decades. Southeast Asian countries have had a bumpy ride towards democracy, but the past year has seen positive developments on both regional and domestic levels. Consolidating these gains will require effort at many levels, including domestic and international, government and civil society.

ANFREL EOMs, while not perfect, have shown consistent and persistent efforts to bolster civil society contributions to electoral integrity and democratic progress. Meanwhile, ASEAN is contemplating developing a capacity to run government EOMs in Southeast Asian countries. These efforts could potentially complement ANFREL's efforts by enhancing capacity building amongst government participants, helping to realize regional agreements on democratic principles in practical ways, and providing new 'non-threatening' platforms for commenting on democratic progress in the region. ASEAN can look to ANFREL's example in terms of long-term engagement in EOMs on a 'by Asians for Asians' basis. ASEAN EOMs might have some added advantages over ANFREL's. They may have a higher profile, as government EOMs with potentially senior members; they may be able to commit more resources to planning, training, research and other aspects; they may have greater access than a civil society network has; and they might also be able to utilize diplomatic experience, access and status to influence member states to improve their electoral processes.

There are a number of risks associated with ASEAN EOMs, however, as discussed in this paper. Ideally, in order to counter some of these risks, ASEAN EOMs should be carried out based on a solid, detailed regional agreement on democratic governance. Additionally, ASEAN should study closely EOMs carried out by other regional organizations on other continents to see how they address issues of credibility, impartiality and conflict of interest. In the absence of strong regional agreements and benchmarks on democratic governance, ASEAN EOMs should probably focus on the EOMs' capacity to provide learning exchanges for EMB members, parliamentarians and other participants in observer missions, rather than on their ability to provide impartial commentary on the electoral integrity of Southeast Asian elections.



List of interviewees

Government

Pramono Tantowi, special staff to the chair of Bawaslu, Indonesia

Rene Sarmiento, Commissioner Comelec, Philippines

Domestic Observer Organizations (Members of ANFREL)

Yusfitriadi, National Coordinator, JPPR

Ambassador Henrietta de Villa, National Chairperson, PPCRV

Koul Panha, Executive Director, Comfrel

Donors/International partners of ANFREL

Tim Meisburger, TAF

Andrew Ellis, International IDEA

Lynn Lee, NED

David Carroll and Avery Davis-Roberts, Carter Center

ANFREL

Somsri Hananuntasuk, Executive Director

Bidhayak Das, Capacity Building Coordinator

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