State of Democracy in Asia Report
February 2017

The State of Democracy in Asia Report aims to
evaluate the current state of democracy in this dynamically growing region
by providing perspectives and insights from Asian experts.
The report investigates pressing, contemporary issues such as,
is democracy in Asia really receding?
In what areas has democracy tangibly improved?
How can democracy be strengthened?
Drawing on a rich array of data,
this report offers country-specific analysis and
highlights democratic regressions, areas of improvement,
strengths, and vulnerabilities
to provide a snapshot of the state of democracy in Asia today.

Preface

The Asia Democracy Research Network (ADRN) was created in November 2013 to facilitate transnational exchanges and cooperation among research institutions addressing democratic governance in Asian countries. In doing so, our network aims to contribute to the protection and promotion of democracy in the region. Our network members share the purpose of strengthening the Asia Democracy Network (ADN, www.adn21.asia), a newly-created pan-Asian network of all civil society organizations working on democracy and human rights by providing scientific research to practitioners and activists.

There are currently nine democracy research institutions participating in the ADRN, each representing their own country. The state of democracy in each country varies- some are more consolidated, while many are still struggling to consolidate following their democratic transition. We have tried to identify some common challenges and build institutional cooperation to assist democracy in Asia by sharing our perspectives and research findings. One of our goals is to expand our network within the region. Since the formation of the ADRN, the East Asia Institute (EAI, www.eai.or.kr) of South Korea and the Society for Participatory Research in Asia (PRIA, www.pria.org) of India have been serving as co-conveners of the network.

The ADRN has held three workshops so far, two in Seoul and one in Ulaanbaatar, to discuss the challenges Asian democracies are facing and potential research collaboration projects. This report on the State of Democracy in Asia is the first such research collaboration outcome. We hope that offering analytical interpretations of international and local data on the state of democracy in our member countries will prove to be a valuable service to researchers, practitioners, and policy makers who want to understand how Asian countries are performing differently in the diverse dimensions of democracy. The report covers procedural aspects of democracy such as fair elections, political participation, and civic education, as well as substantive aspects of democracy including rule of law, gender equality, corruption, economic inclusiveness, and minority rights. In 2016-2017, ADRN plans to embark on a collaborative project to find how democracy-related research can be translated into successful policies that can make a social impact. We hope to produce another report on this topic in the near future.

This report and its preparatory workshops were funded by the National Endowment for Democracy (NED), a Washington-based grant making foundation. We would like to thank the NED for its generous support. We would also like to convey our appreciation for Ms. HyeeJung Suh of EAI for her hard work coordinating our research and editing this report.
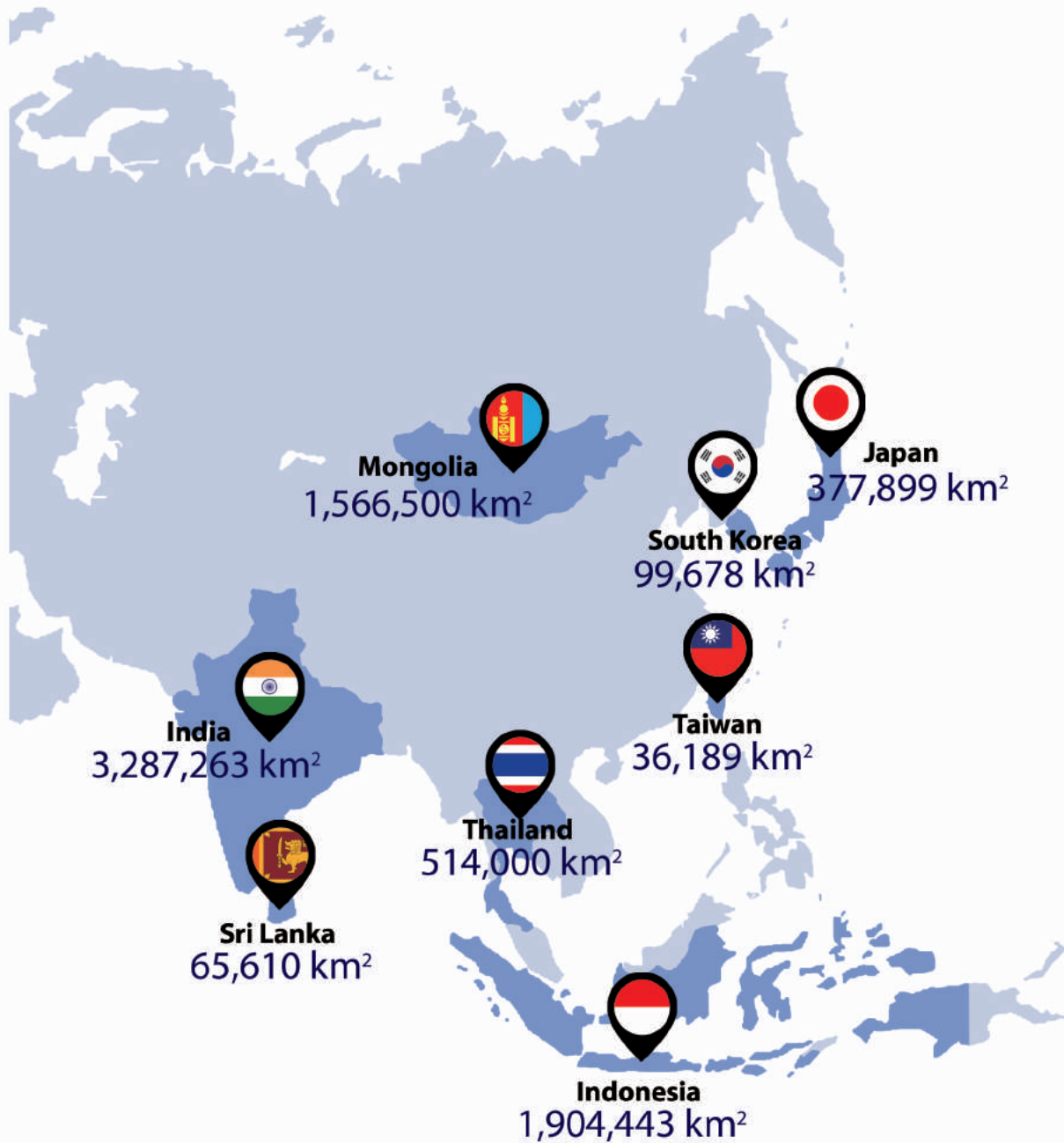

On behalf of the ADRN institutions,

Sook Jong Lee   Kaustuv Bandyopadhyay
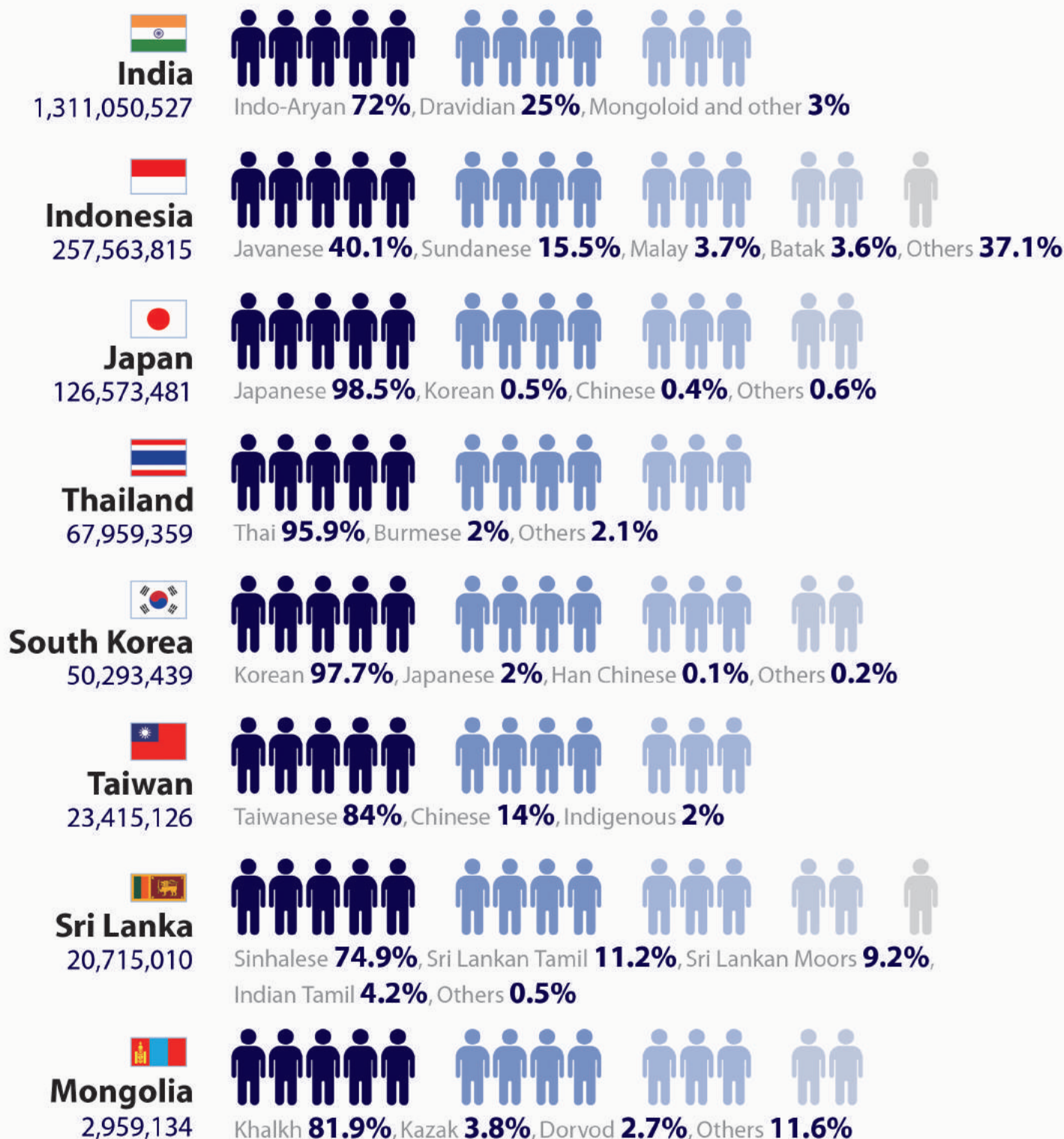President   Director
East Asia Institute   Society for Participatory Research in Asia

Land Size

Mongolia
1,566,500 km²

Japan
377,899 km²

South Korea
99,678 km²

Taiwan
36,189 km²

India
3,287,263 km²

Thailand
514,000 km²

Sri Lanka
65,610 km²

Indonesia
1,904,443 km²

* Economist Intelligence Unit

Population and Ethnic Composition

India
1,311,050,527
Indo-Aryan **72%**, Dravidian **25%**, Mongoloid and other **3%**

Indonesia
257,563,815
Javanese **40.1%**, Sundanese **15.5%**, Malay **3.7%**, Batak **3.6%**, Others **37.1%**

Japan
126,573,481
Japanese **98.5%**, Korean **0.5%**, Chinese **0.4%**, Others **0.6%**

Thailand
67,959,359
Thai **95.9%**, Burmese **2%**, Others **2.1%**

South Korea
50,293,439
Korean **97.7%**, Japanese **2%**, Han Chinese **0.1%**, Others **0.2%**

Taiwan
23,415,126
Taiwanese **84%**, Chinese **14%**, Indigenous **2%**

Sri Lanka
20,715,010
Sinhalese **74.9%**, Sri Lankan Tamil **11.2%**, Sri Lankan Moors **9.2%**, Indian Tamil **4.2%**, Others **0.5%**

Mongolia
2,959,134
Khalkh **81.9%**, Kazak **3.8%**, Dorvod **2.7%**, Others **11.6%**

* CIA World Factbook (2016)
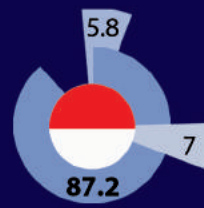* United Nations World Population Prospects (2015)

Background

Major Religion
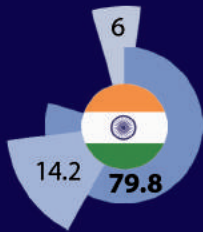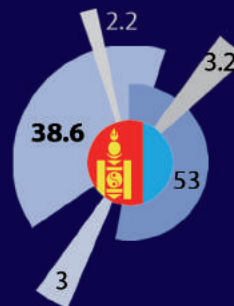
India

Hindu **79.8%**

Muslim 14.2%

Others 6%

6
14.2
79.8

Indonesia
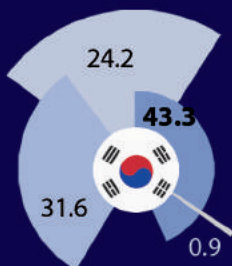
Muslim **87.2%**

Christian 7%

Others 5.8%

5.8
7
87.2
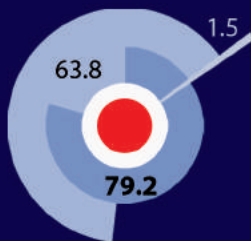
Japan

Shintoism **79.2%**

Buddhism **63.8%**

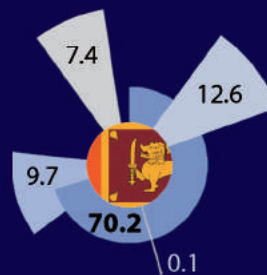Christianity 1.5%

1.5
63.8
79.2

Mongolia

Buddhist **53%**

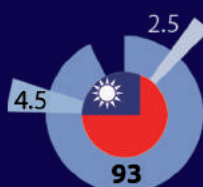None 38.6%

Muslim 3%

Christian 2.2%

Others 3.2%

2.2
3.2
38.6
53
3

South Korea

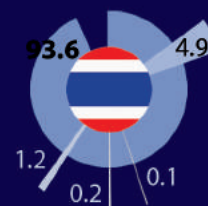None **43.3%**

Christian 31.6%

Buddhist 24.2%

Others 0.9%

24.2
43.3
31.6
0.9

Sri Lanka

Buddhist **70.2%**

Hindu 12.6%

Muslim 9.7%

Christian 7.4%
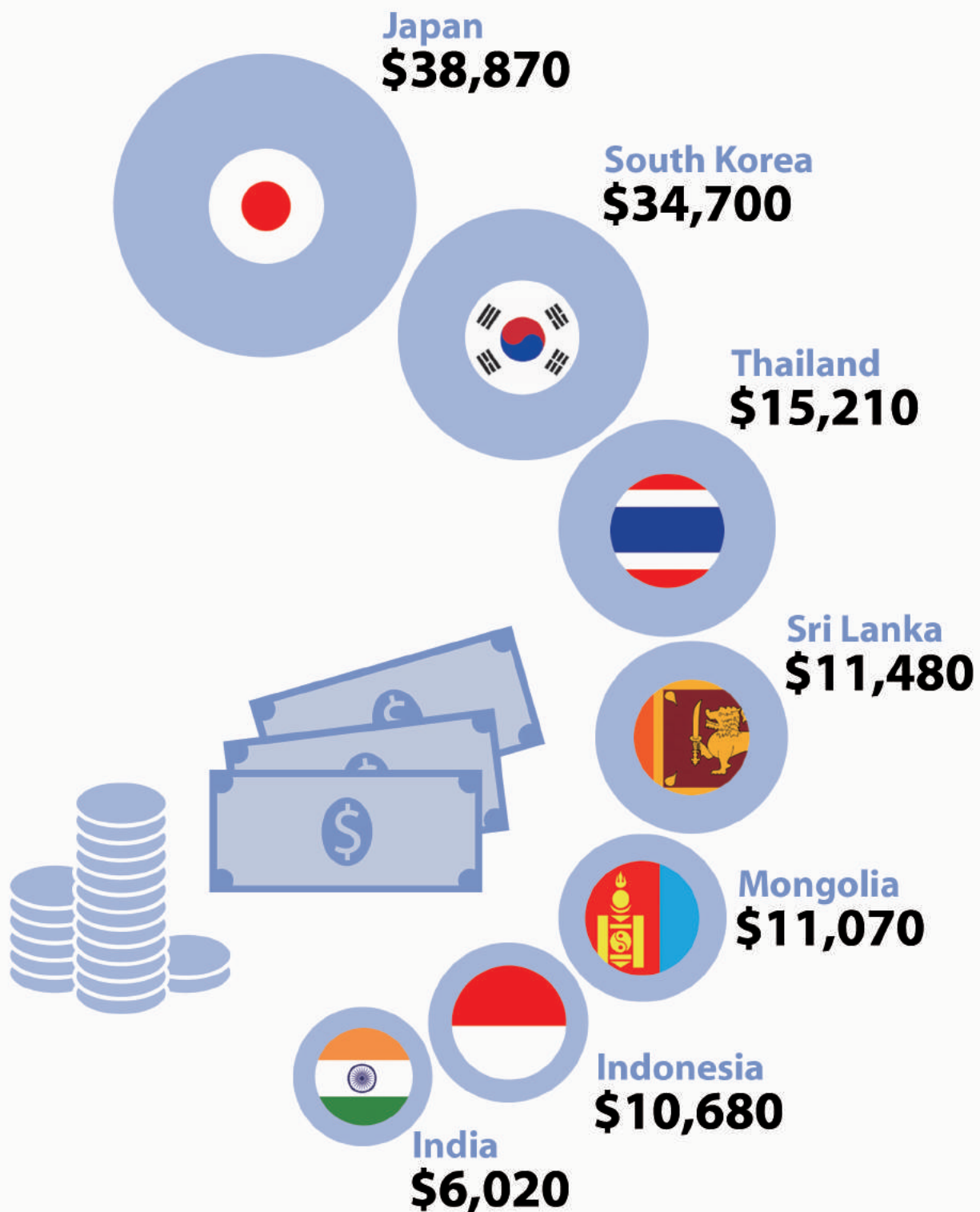
Others 0.1%

7.4
12.6
9.7
70.2
0.1

Taiwan

Buddhist/Taoist **93%**

Christian 4.5%

Others 2.5%

2.5
4.5
93

Thailand

Buddhist **93.6%**

Muslim 4.9%

Christian 1.2%

Others 0.2%

None 0.1%

93.6
4.9
1.2
0.2
0.1

* CIA World Factbook (2016)

Gross National Income per capita, PPP

Japan
$38,870

South Korea
$34,700

Thailand
$15,210

Sri Lanka
$11,480

Mongolia
$11,070

Indonesia
$10,680

India
$6,020

* World Bank, International Comparison Program database (2015)

Economics

GINI Coefficient

(0=perfect equality; 1=perfect inequality)

South Korea
0.302
Rank 25/145

India
0.336
Rank 44/145

Mongolia
0.365
Rank 63/145

Indonesia
0.368
Rank 67/145

Japan
0.379
Rank 72/145

Thailand
0.484
Rank 122/145

Sri Lanka
0.490
Rank 124/145

* CIA World Factbook
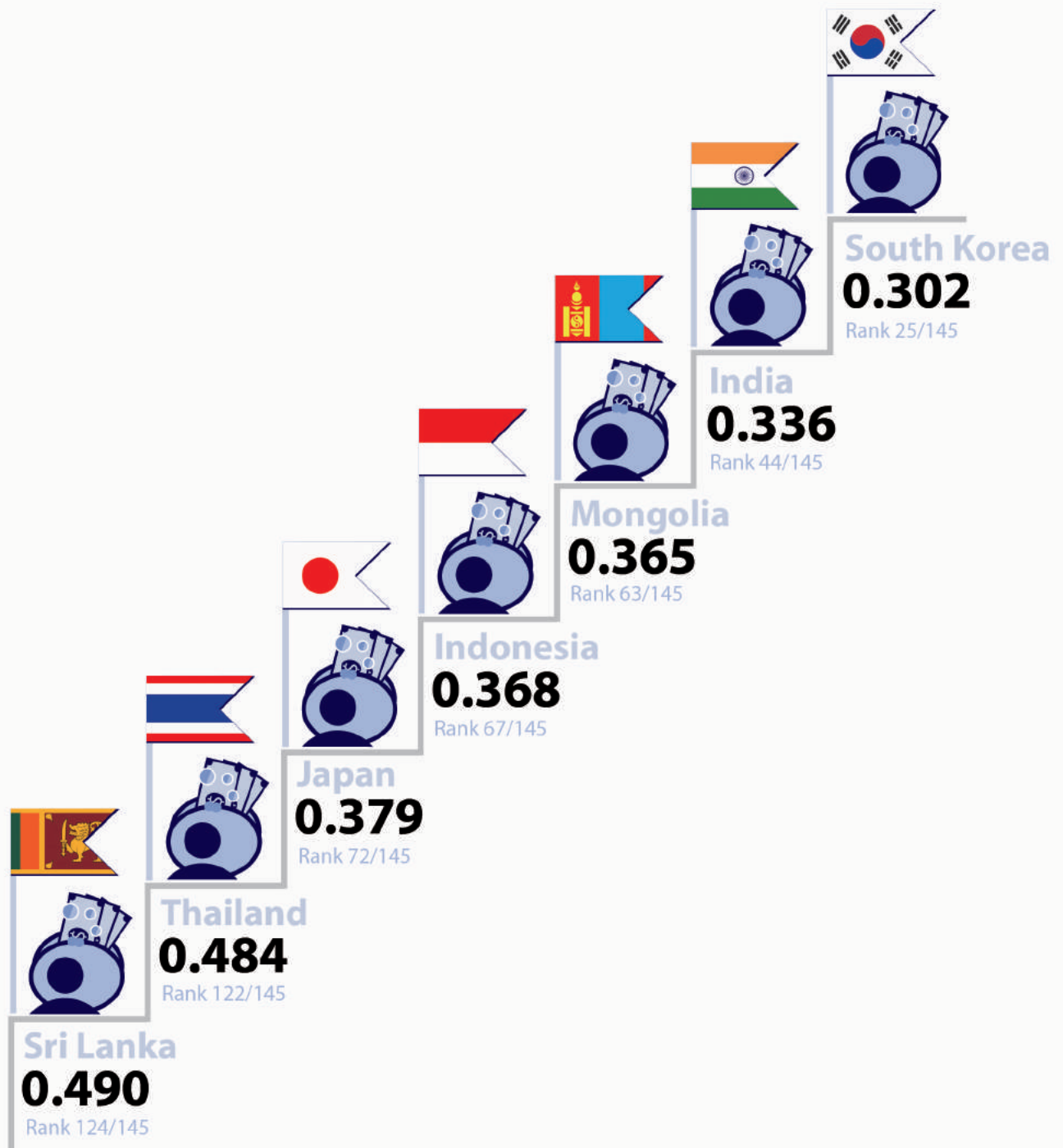
Human Development Index

(0=underdevelopment; 1=development)

0.898

South Korea
Rank: 17/188
Very high

0.891

Japan
Rank: 20/188
Very high

0.882

Taiwan
Rank: 21/188
Very high

0.757

Sri Lanka
Rank: 73/188
High

0.727

Mongolia
Rank: 90/188
High

0.726

Thailand
Rank: 93/188
High

0.684

Indonesia
Rank: 110/188
Medium

0.609

India
Rank: 130/188
Medium

* United Nations Development Programme (2015)
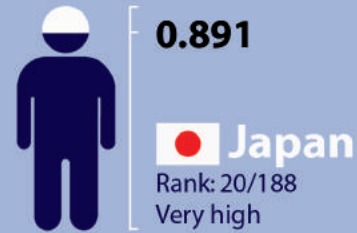
Global Gender Gap Index

(0=perfect disparity; 1=perfect parity)

Mongolia	Rank: 56/145	**0.709**
Thailand	Rank: 60/145	**0.706**
Sri Lanka	Rank: 84/145	**0.686**
Indonesia	Rank: 92/145	**0.681**
Japan	Rank: 101/145	**0.670**
India	Rank: 108/145	**0.664**
South Korea	Rank: 115/145	**0.651**
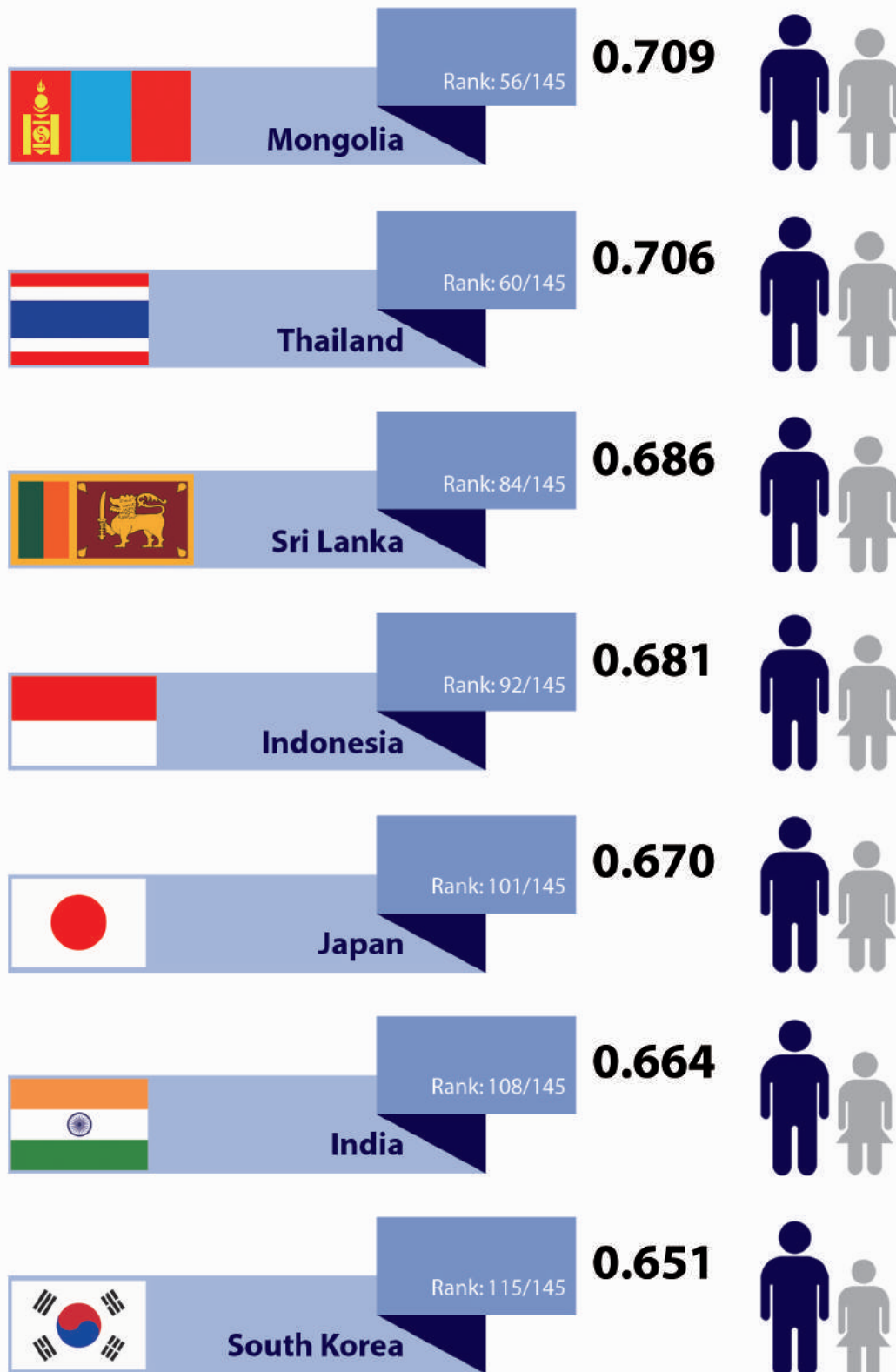
Socio-political Area

Freedom in the World Rating
(1=free; 7=not free)

Japan
1.0
Status: Free

Mongolia
1.5
Status: Free

Taiwan
1.5
Status: Free

South Korea
2.0
Status: Free

India
2.5
Status: Free

Indonesia
3.0
Status: Partly Free

Sri Lanka
5.0
Status: Partly Free

Thailand
5.5
Status: Not Free

* Freedom House data (2015)

Corruption Perception Index

(0=corrupt; 100=clean)

75

Japan
Rank: 18/167

36

Indonesia
Rank: 88/167

62

Taiwan
Rank: 30/167

37

Sri Lanka
Rank: 83/167

56

South Korea
Rank: 37/167

38

Thailand
Rank: 76/167

India
Rank: 76/167

Mongolia
Rank: 72/167

38

39
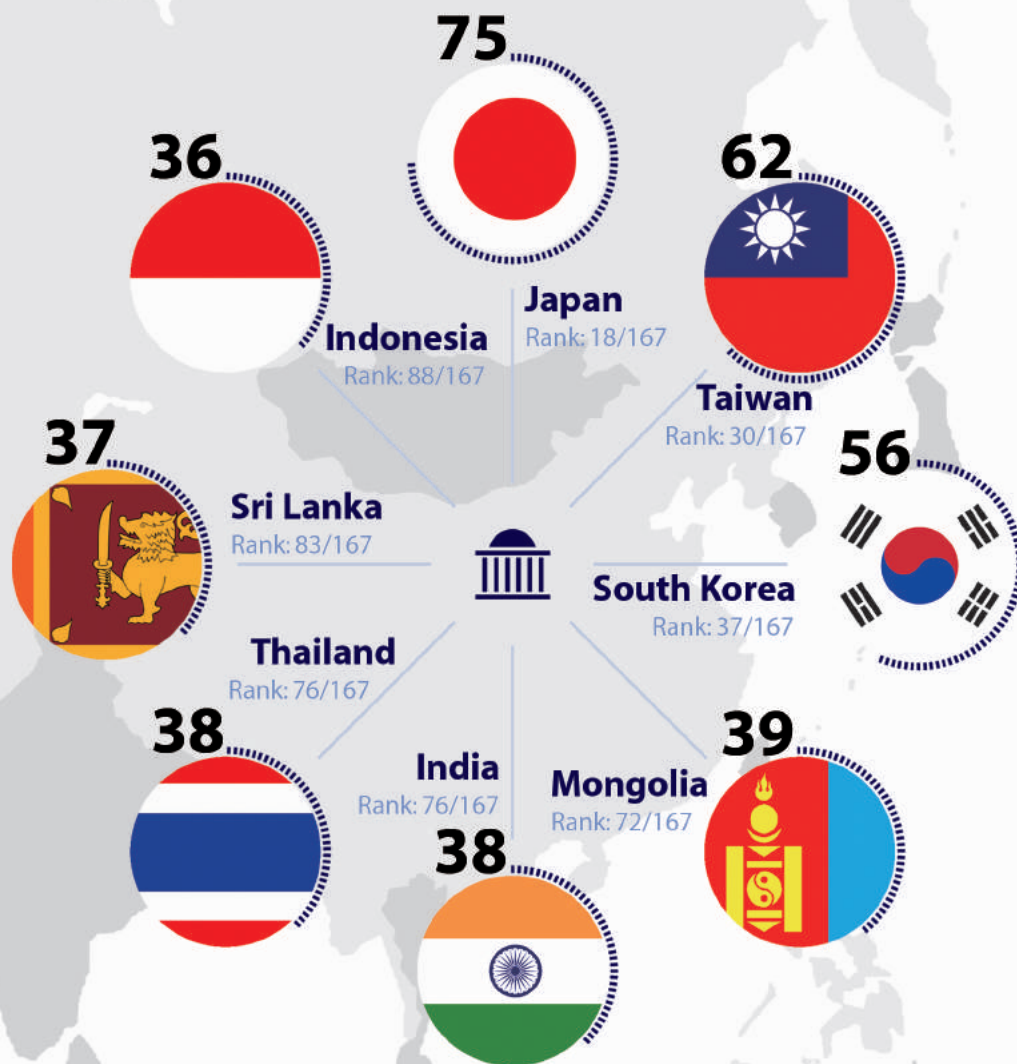
* Transparency International CPI (2015)

Globalization

KOF Globalization Index
(0=least globalized; 100=most globalized)

Mongolia
57.57
Rank: 84/207

South Korea
64.65
Rank: 62/207

Japan
65.87
Rank: 54/207

India
50.77
Rank: 109/207

Thailand
71.02
Rank: 41/207

Indonesia
57.39
Rank: 8 /207

Sri Lanka
51.56
Rank: 106/207

* KOF Index of Globalization (2015)

Asia

Democracy

Research

Network

State of Democracy in Asia
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ADRN Member Institutions

India	Society for Participatory Research in Asia (PRIA)
Indonesia	Centre for Strategic and International Studies (CSIS)
Japan	Genron NPO
South Korea	East Asia Institute (EAI)
Malaysia	Institute for Democracy and Economic Affairs (IDEAS)
Mongolia	Academy of Political Education
Sri Lanka	Centre for Policy Alternatives
Taiwan	Asian Barometer & Academia Sinica
Thailand	King Prajadhipok's Institute

State of Democracy in Asia: India

Kaustuv Bandyopadhyay[1] & Kaustuv Chakrabarti[2]
Society for Participatory Research in Asia

Introduction

The 2014 parliamentary election, which brought the National Democratic Alliance to power under the leadership of Narendra Modi, is considered to have been a free and fair election. Out of 814 million registered voters, 66.38% participated in the election, making it the highest turnout in the history of Indian elections. A number of student movements swept across colleges and universities in India over the last several years. Students are rising as an irrepressible force in defense of not just their own rights, but of everybody who is a victim of majoritarian politics. Civic education is primarily driven by civil society organizations (CSOs). CSOs provide opportunities for young people to engage with social issues in a variety of areas. The courts are traditionally powerful and played an important role in the establishment of the Indian democracy. In recent years they have been actively engaged in redressal of human rights violations. However, a large number of cases are pending in numerous lower courts. Corruption continues to be a major problem in the democratic governance of the country. Despite progressive constitutional provisions, the transfer of functions, functionaries, and finances to local governments is extremely slow. India has a vibrant and independent print and electronic media. In recent years, there have been incidents of violence against a number of journalists. The participation of women in social, political and economic spheres is increasing; however, severe gender disparities persist. Economic growth has been impressive in recent years, but inequality is increasing.

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[1] Director, Society for Participatory Research in Asia (PRIA)
[2] Senior Program Officer, PRIA

1. Procedural
1.1) Fair Elections

Since its independence in 1947, India has held 16 parliamentary elections. The 16th Lok Sabha (House of the People) election in 2014 brought the National Democratic Alliance[3] (NDA) into power at the center with a considerable majority under the leadership of the Bharatiya Janata Party (BJP). A new government was formed replacing the Indian National Congress (INC)-led coalition – the United Progressive Alliance[4] (UPA). The leader of the NDA, Narendra Modi, was sworn in as the Prime Minister of India in May 2014.

The election was held in 29 States and seven Union Territories in the months of April and May 2014, divided into nine phases. The election conducted by the Election Commission of India (ECI) was generally regarded as free and fair. The six national political parties won 342 out of 543 seats. A total of 8,251 candidates were up for election, of whom only 8% were women. There were 62 women members of Parliament (MPs) out of 543 MPs in the 16th Lok Sabha, or 11% of the total. An astounding 814 million voters were listed as eligible on the electoral list. This was about 100 million more than the 2009 election. Approximately 23.1 million, or 2.7%, of the total eligible voters were first time voters aged 18–19 years. 66.38% of all eligible voters participated in the election, making it the highest turnout in the history of Indian elections. There were 930,000 polling stations and 11 million officials supervised the election, which was conducted using electronic voting machines.

A "None of the Above" (NOTA)[5] option was introduced for the first time on ballots in the 2014 election. Approximately six million voters opted for the 'None of The Above' (NOTA) option, which equals 1.1% of the total votes polled for all 543 seats. The 2014 Lok Sabha election results were noteworthy for two reasons. First, BJP single-handedly managed to win a majority in the Lok Sabha, a feat no party has achieved since 1984. Second, no party has received more than 30% of the vote share since the 1991 Lok Sabha elections. In this election, BJP received 31% of the vote, while the incumbent INC managed to receive only 19.31% of the vote.

According to the 2014 flagship report of the Association for Democratic Reform (ADR), 17% of the 8,205 candidates whose criminal backgrounds were analyzed using affidavits that the candidates had submitted with nomination forms declared criminal cases against themselves. The ECI was prompt in uploading the affidavits of the candidates of each constituency on its website. Orders were given by the ECI to make affidavits available within 24 hours of nomination and to upload these affidavits online. Out of the 542 MPs (Lok Sabha) analyzed by ADR, 34% had de-

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[3] A coalition of 45 political parties led by the Bharatiya Janata Party.
[4] In 2014 election, 13 political parties participated under UPA coalition led by the INC.
[5] The Supreme Court of India, in September 2013, upheld the right of voters to reject all candidates contesting elections and directed the ECI to have an NOTA option available in both electronic voting machines and ballot papers in a major electoral reform. The NOTA option gave voters dissatisfied with contesting candidates the opportunity to express their disapproval. Votes cast as NOTA are counted, but are considered 'invalid votes'. Therefore, votes made selecting NOTA do not change the outcome of the election.

clared criminal cases against themselves. The ADR report also analyzed the financial background of the candidates. Out of the 8,205 candidates analyzed, 27% were Crorepatis[6] and out of the 542 MPs analyzed, 82% were Crorepatis. 396 MPs who re-contested their seats in the 2014 election registered an average asset growth of 145% between the Lok Sabha Elections of 2009 and 2014, and 165 re-elected MPs registered an average asset growth rate of 137% for the same period. In the current Cabinet, which was reshuffled in July 2016, 72 Ministers out of the 78 were Crorepatis, as reported by ADR (2016).

1.2) Political Participation

A number of student movements have swept across colleges and universities in India. From #Hokkolorob (make some noise) in West Bengal to #JusticeforRohith in Hyderabad, and to the latest #standwithJNU, students are rising as an irrepressible force in defense of not just their rights, but of everybody who is a victim of majoritarian politics (The Economic Times, 2016).

Incidences of student agitation have increased in the last two years. Students from different parts of the country began protesting after a Dalit student from one of the premier universities of the country (University of Hyderabad) committed suicide on account of alleged caste discrimination by the administration. This came in the wake of a long-drawn out battle between students at the Film and Television Institute of India (FTII) and the government over the surprise appointment of one television actor-turned-politician as Chairman of the Institute by the Ministry of Information and Broadcasting. The students of FTII and many in the film fraternity viewed it as instance of political largesse.

These protests occurred simultaneously with protests against the government's decision to discontinue paid scholarships to research scholars. Then tensions rose at Allahabad University where the first woman president of the student union protested at an event where one of the BJP ministers, known to be a Hindu hardliner, was slated to address the students. In addition, the 'Kiss of Love' and 'Pads against Sexism' campaigns spread like wildfire throughout campuses last year. Jawaharlal Nehru University (JNU) has been the focal point of many protests, major recent flashpoints being the beef ban and the screening of the documentary Muzaffarnagar Baaqi Hai, which details the events that led to the 2013 riots in Muzaffarnagar.

Despite student unions being banned in a majority of colleges and universities, there has been an unprecedented mobilization of students in response to a single pan-India issue – discrimination in higher education. This new wave of protests can be traced back to Occupy UGC, which erupted when the University Grants Commission (UGC) decided to stop the monthly research stipend known as non-net fellowship of Rs.5000 for M.Phil. and Rs.8000 for Ph.D. students.

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[6] Crorepati is an Indian term for a millionaire. One Crore is equivalent to 10 million rupees. Crorepati means an individual whose net worth is equal to or more than 10 million Indian rupees.

In the long term, the present wave of student movements exercising their right to dissent through the use of their freedom of expression and association aims at reclaiming academia both from an exclusivist culture which permeates a large portion of academic institutions, and the increasing influence of privatization in higher education.

1.3) Civic Education

The importance of the civic education system in creating responsible, informed citizens needs no reiteration. The youth of India today need knowledge to make decisions about policy choices and the proper use of authority, along with the skills to voice their concerns, act collectively and hold public officials accountable. Civic Rights Education is the process by which youth are made aware of social and political rights and responsibilities, as well as the principles and practices of action.

There are a number of Indian civil society organizations (CSOs) and institutions providing opportunities for young people to engage with social issues in a variety of areas. Activities range from preparing young people for participation in local governance, to training them to run youth development organizations, to setting up youth resource centers. A key form of active youth citizenship is youth involvement in local government. Organizations such as the Community Development Center in Madhya Pradesh, the Shri Bhuvneshwari Mahila Ashram in Uttarakhand, and Participatory Research in Asia in several Indian states are working to strengthen local governance institutions and involve young people in the process of community development programs and decision making. Additionally, organizations such as YUVA in Mumbai and Yuva Janaagraha in Bangalore are supporting youth participation in political processes by engaging young people in monitoring elections, helping young people identify civic and social issues that matter to them, and equipping them to create change. Project Citizen gives students a chance to become competent and responsible participants in local and state government by implementing projects whereby students select an issue that matters to them, study the issue, meet with relevant government officials, and devise an action plan or alternative policy aimed at addressing the issue.

Another approach to Youth Civic Engagement taken by organizations in India is preparing young people to become citizens through citizenship education, opportunities for exposure to social issues through volunteering, rural camps, internships, action projects, and campaigns. For example, one Delhi-based CSO called Pravah works with adolescents to build youth leadership for social change. It focuses on processes that build self-awareness and critical thinking and that inspire young people to understand social issues and take ownership over common spaces. Many educational institutions have also started programs to encourage student civic participation. For example, St. Stephen's College in Delhi University has an active Social Service League. Its activities include sending volunteers to provide help during natural disasters, organizing blood donation camps, evening classes for poor children, reading to the visually impaired, and so on.

A further form of civic education is the development of youth resource centers. These centers are friendly, non-threatening spaces – often youth led – where young people can meet, discuss

social issues, build skills, and organize and implement collective actions around an issue they feel strongly about. One example is the Thoughtshop Foundation in Kolkata, which has transformed traditional neighborhood clubs into youth resource centers. Additionally, the fields of media, arts, and communications have a huge appeal for young people. Drishti puts media in the hands of young people in grassroots communities and presents them with the opportunity to tell their stories from their own unique perspectives.

The National Service Scheme, popularly known as the NSS, operates under the Ministry of Youth Affairs and Sports Govt. of India and was launched in Gandhiji's Birth Centenary Year 1969. This is one of the largest governmental efforts to provide civic education for students with a primary focus on the building of character through community service. Today, the NSS has more than 3.2 million student volunteers in over 298 Universities and 42 Senior Secondary Councils and Directorates of Vocational Education all over the country.

2. Substantive
2.1) Rule of Law

The World Wide Governance Indicator scheme of the World Bank, which compiles information and assessments from various sources, scored India at -0.06 points for the year 2015 in the Rule of Law category. This scale ranges from -2.5 to 2.5, with a -2.5 indicated very weak governance and 2.5 very strong governance performance. India is ranked in the 55.77 percentile among all countries on a scale of 0 to 100.

Courts in India are commonly regarded as independent from the executive. The Supreme Court is traditionally powerful and played an important role in the establishment of India's democracy. In recent years, the courts have been actively engaged in the redressal of human rights violations. In 2014, the new government introduced a National Judicial Appointment Commission (NJAC) for the appointment of Supreme Court judges. Critics fear a greater influence of the executive over the Supreme Court, while others value the greater transparency of the new system. The exact effects of the new commission remain to be seen. However, the lower courts are functioning badly, mainly because they are chronically understaffed. According to the National Judicial Data Grid (NJDG), there are more than 20 million cases pending in Indian districts courts; two-thirds are criminal cases and one in 10 have been pending for more than 10 years. The data reveals that there is one judge for every 73,000 people in India and on average, 1,350 cases are pending with each judge, who clears 43 cases per month (Firstpost, 2016). According to the latest figures released by the National Crime Records Bureau (NCRB) for 2014, almost 68% of all inmates in the 1,387 jails in the country are under trial, Over 40% of all defendants awaiting trial remain in jail for more than six months before being released on bail. The NCRB data shows that there were 418,536 inmates in various jails despite a capacity of 356,561 (The Indian Express, 2015).

Police violence is common and incidents of custodial deaths, torture and rape are reported. Marginalized groups are particularly affected, such as Dalits. The National Human Rights Commission (NHRC) reported 111 deaths in police custody in the last eight months of 2015. Corruption is common and bribes are often demanded for filing a First Information Report, which is necessary for further investigation (Freedom House Report, 2016).

Various human rights groups have alleged extra judicial violence being perpetrated by the armed forces, which are engaged in fighting different insurgence groups mainly in Jammu and Kashmir, the Northeast, and in Naxalite controlled areas. In so called "disturbed areas" the Armed Forces (Special Powers) Act (AFSPA) is in force, which grants security forces considerable freedom and protects soldiers from prosecution. The armed forces have been accused of extra judicial killings, rape, torture, arbitrary detention, kidnappings, and destruction of homes. The prosecution of the armed forces members requires government approval, which is rarely granted. A number of other laws enable detention by armed forces according to vaguely defined criteria.

According to a study by the University of British Columbia, every year 100,000 women succumb to death by arson – often committed as dowry crimes – and another 125,000 to the consequences of serious injury. These deaths are rarely reported as homicide. Notwithstanding these

high figures, reported cases still represent only a fraction of actual cases, as underreporting of sexual crimes remains a serious problem, especially for India's most vulnerable women. Sexual harassment remains a significant problem in India. The Sexual Harassment of Women in the Workplace (Prevention, Prohibition and Redressal) Act came into force in December 2013. In addition to civil penalties for sexual harassment in the workplace, the Criminal Law (Amendment) Act of 2013 created a new offense of sexual harassment inserted in the Penal Code, and created voyeurism and stalking offenses.

With regards to discrimination based on sexual orientation, in 2013 the Supreme Court overthrew a decision by the Delhi High Court, which had decriminalized consensual homosexual activity. Homosexual activity has thereby been made illegal and may be punished with life imprisonment. The so-called third gender, a term ascribed to a social group whose members are neither male nor female, received legal recognition in 2014, an improvement in anti-discrimination laws.

2.2) Gender Equality

According to the Human Development Report (HDR) 2015, India ranked 130th out of 155 countries in the Gender Inequality Index (GII) for 2014, falling behind Bangladesh and Pakistan, which were ranked 111th and 121st respectively. The index captures inequalities in gender-specific indicators: reproductive health measured by the maternal mortality ratio and adolescent birth rates, empowerment quantified by share of parliamentary seats and attainment in education, and economic activity measured by the labor market participation rate. According to UNDP, over the last couple of years India's GII values have marginally improved from 0.61 to 0.563. The reason for the improvement is mainly due to decreases in the maternal mortality rate and an increase in women's representation in parliaments in this period, though other indicators have remained stagnant.

Women's economic participation in India has been declining over the past decade. A World Bank analysis shows that women's labor force participation declined from 37% to 27% between 2005 and 2012. This rate of female labor force participation is the lowest among the G20 countries (except Saudi Arabia) and puts India in the bottom 10% of all 187 countries of the world. A faster rate of decline has occurred for rural women in the country. This trend is even more surprising in the face of growing enrollment and completion rates in primary and secondary education for women.

Women face a large wage differential in India, especially among unskilled workers. A barely literate man will earn nearly twice as much as a woman with similar skills. The difference decreases somewhat with education, especially in services. The gender wage gap has been shown to influence the unequal distribution of unpaid work at home, often leading women to stay at home. Khera and Nayak (2009) in a survey in rural areas find that many women do not engage in paid work because of the low wage. With large wage differentials, the value of non-market goods production at home can be larger than the market production wage. This may have been reflected in the drop of rural women from unpaid or low paid self-employment, as discussed above, as more men found wage jobs. The rural employment program (Mahatma Gandhi National Rural Em-

ployment Guarantee Program), which offers women equal pay and quotas in rural work programs, has helped raise the participation rate of women in the labor force.

The Report on the Implementation of the Beijing Declaration and Platform for Action pinpoints gender as the most pervasive form of inequality that operates in India across all classes, castes and communities, posing a big challenge despite progressive education policy. Primary and secondary school enrollment and attendance rates are lower for girls than for boys, indicating a preference for sons with regard to access to education. The lack of provision for facilities for girls, such as toilets, reinforces this issue.

Women in India face issues like malnutrition, lack of maternal health, diseases like AIDS and breast cancer, domestic violence, and many more. India has one of the highest rates of malnourished women among developing countries. The lack of maternal health contributes to the economic disparities of mothers and their children. Poor maternal health not only affects a child's health in adverse ways, but also decreases a woman's ability to participate in economic activities. Therefore, national health programs such as the National Rural Health Mission (NRHM) and the Family Welfare Program have been created to address the maternal health care needs of women across India. Although India has witnessed dramatic growth over the last two decades, maternal mortality still remains high in comparison to many developing nations, accounting for 20% of all maternal deaths worldwide between 1992 and 2006. The primary reasons for the high levels of maternal mortality are directly related to economic disparities and cultural constraints limiting access to care. However, maternal mortality is not consistent across all of India or even in a particular state. Urban areas often have a lower overall maternal mortality due to the availability of adequate medical resources. States with higher literacy and growth rates tend to have greater maternal health and also lower infant mortality rates.

Violence against Women is a major issue in India. According to reports from the India National Family Health Survey III (2005-2006), 31% of all women reported having been the victims of physical violence in the last 12 months. However, the actual number of victims may be much higher. The study found that the poorest women fared worst among middle and high-income women. 'Honor' killings remain a serious problem in India, particularly in the states of Punjab, Haryana, and Uttar Pradesh, with one report estimating that more than 1000 women and girls are killed this way each year. Women and girls are killed for marrying or being in relationships without the consent of their families or village elders, or for marrying outside their caste. Sex-selective abortions are a criminal offense. According to the 2011 Census, the birth-sex ratio of the 0 to 1 age group for States and Union Territories indicated that Jammu and Kashmir had birth-sex ratios of 128 boys to 100 girls, Haryana a ratio of 120-100, Punjab 117-100, and the states of Delhi and Uttarakhand ratios of 114-100.

While the global average for Women in Parliament stands at 22.4%, India is ranked 103rd out of 140 countries with women's parliamentary representation at a mere 12%. Within Asia, India is 13th out of 18 countries in this category. Women's representation in Lok Sabha and state legislative assemblies is a source of huge disappointment. Women occupy just 66 seats in the 543 member Lok Sabha, or just 12%. The scenario for women Members of Legislative Assemblies (MLAs)

across all state assemblies in India is even worse, with the national average being a pitiable 9%. The best among them, Bihar, Rajasthan and Haryana, have 14% representation while the worst states are Pondicherry and Nagaland, which have no women MLAs at all.

Women in India are much better represented in the Panchayati Raj Institutions (local governance institutions in rural areas) compared to the Parliament. As per the Ministry of Panchayati Raj, in 2013, there were 1.3 million elected women representatives in PRIs, which constituted 46% of total elected representatives. This is a direct result of the 73rd Constitutional Amendment Act of 1992, which mandated the reservation of at least one-third of the seats of all Panchayats and one-third of the Pradhan (head of the Panchayat) positions for women. This amendment was a landmark for women's political empowerment. In addition, Bihar became the first state to reserve 50% of its seats for women with Madhya Pradesh, Chhattisgarh, Rajasthan and Himachal Pradesh following suit. 54% of the elected PRI representatives in Bihar are women.

The female voter turnout during India's 2014 parliamentary general elections was 65.63%, compared to a turnout rate of 67.09% for men (Election Commission of India, 2014). Increasing the political participation and representation of women in Indian politics requires electoral and parliamentary reforms. The strategy of engaging more Indian women voters has been mentioned already. The number of women standing for elections also needs to increase. The Women's Reservation Bill, therefore, is a crucial first step towards both electoral and parliamentary reforms.

2.3) Corruption

India may be the world's largest democratic society, but that doesn't mean that fighting corruption is easier. Corruption has now settled into almost every corner of India's vast bureaucracy. It's become so bad in recent years that now nearly half of India's population has had first-hand experience paying bribes (Mulberry, 2012).

The government's performance in tackling corruption did not seem to leave a substantial impression on public perception last year, given that the country's score on the Corruption Perceptions Index (CPI) remained unchanged in 2015 from 2014. India was placed 76th out of 168 countries with a score of 38 out of a possible 100 in Transparency International's CPI 2015, improving from its position of 85th and 94th in 2014 and 2013, respectively (Livemint, 2016).

The Chief of the Central Bureau of Investigation (CBI) acknowledged on February 13, 2012 that Indians are the largest depositors of illegal money in banks abroad. With an estimated $500 billion USD hoarded in tax havens, India loses close to $40 billion USD in revenue (Mukhopadhyay, 2012).

According to the Global Corruption Barometer Survey conducted by the Transparency International in 2013, in India, 86% of respondents felt that political parties were corrupt/extremely corrupt; 65% of respondents felt that the parliament/legislature was corrupt/extremely corrupt; 45% of respondents felt that the judiciary was corrupt/extremely corrupt; 75% of respondents felt

that the police were corrupt/extremely corrupt, and 65% of respondents felt that public officials and civil servants were corrupt/extremely corrupt.

The lower levels of the judiciary in particular have been rife with corruption, and most citizens have great difficulty securing justice through the courts. Corruption is entrenched in the law enforcement system (Freedom House, 2016). Political corruption has a negative effect on government efficiency and economic performance. Though politicians and civil servants at all levels are regularly caught accepting bribes or engaging in other corrupt behaviour, a great deal of corruption goes unnoticed and unpunished. This is particularly the case in the energy and construction sectors and in state infrastructure projects more broadly.

Domestic and international pressure has led to legislation aimed at addressing corruption. The Lokpal and Lokayuktas Act of 2014 created independent bodies tasked with receiving complaints of corruption against public servants or politicians, investigating claims, and pursuing convictions through the courts. The Right to Information (RTI) Act of 2005 is being widely used to improve transparency and expose corrupt activities, though there are questions about its enforcement and the government's ability to protect RTI activists (ibid).

2.4) Economic Inclusion

Despite global economic upheaval, India registered robust growth of 7.2% in 2014-15 and 7.6% in 2015-16. It has thus becoming the fastest growing major economy in the world. According to the IMF, India's share in world GDP has increased from an average of 4.8% between 2001 and 2007 to 6.1% between 2008 and 2013, and reached an average of 7.0% between 2014 and 2015 in current PPP terms.

The contribution of the agriculture and allied sectors has been declining. The growth rates in agriculture have been fluctuating, coming in at 1.5% in 2012-13, 4.2% in 2013-14, and (-) 0.2% in 2014-15. These changes in the growth rate in the agriculture sector can explained by the fact that 60% of agriculture in India is rainfall dependent and the period between 2014-2016 saw two consecutive years of less than normal rainfall. The industrial sector has continued to perform well. The growth of the industrial sector, which is comprised of mining and quarrying, manufacturing, electricity, gas, water supply and other utility services, and construction, was 5.9% between 2014 and 2015, as compared to 5.0% between 2013 and 2014. The services sector remains the key driver of India's economic growth. India's services sector growth in the pre-crisis period (2001- 2008) was 9.3% and declined to 8.6% in the post-crisis period. Services sector growth in India accelerated to 10.3% between 2014 and 2015 from 7.8% the previous year (Economic Survey 2015-16).

Despite this impressive economic growth, India is also one of the most unequal countries. According to the 2016 Credit-Suisse Global Wealth Report, the top 1% of Indians own 58.4% of the country's household wealth, defined as the value of financial assets plus real assets such as housing owned by households minus their debts. The bottom half owns less than 3% put together.

India's net Gini index of inequality (based on income net of taxes and transfers) rose from 45.18 in 1990 to 51.36 in 2013.

One of the main reasons for India's lack of productivity is the high proportion of its population engaged in informal employment. The informal non-agricultural employment as a percentage of total non-agricultural employment in India is 83.6%. The reasons for high income inequality include disproportionate returns to education for the well-off, the capture of subsidies by the rich, and the rural-urban income gap, in addition to the initial heavily skewed distribution of wealth, of course (IMF, 2016).

A vast number unskilled workers in India are primarily engaged in less productive informal sectors. According to the NSDC (National Skill Development Corporation), there is a severe quality gap and lack of availability of trainers in the vocational education and training sector. By 2017, the skill gap within the vocational training sector, including both teachers and non-teachers, will be to the tune of 211,000. The workforce requirement is projected to increase to 320,000 by 2022. A host of measures are underway. As for example, the Pradhan Mantri Kaushal Vikas Yojana aims to offer 2.4 million Indian youth meaningful, industry-relevant, skill-based training. Thus far, 438,000 persons have successfully completed training throughout India (Economic Survey 2015-16).

The government is also taking a host of measure to improve financial inclusion. Financial inclusion refers to universal access to a wide range of financial services at a reasonable cost. These include not only banking products but also other financial services, such as insurance and equity products (Planning Commission of India, 2009). There is considerable increase in the opening of basic savings bank deposit accounts during 2015-16 in view of the government's initiative under the Pradhan Mantri Jan Dhan Yojana. For creating a universal social security system for all Indians, especially the poor and the underprivileged, three schemes were launched in 2015 in the insurance and pension sectors – the Pradhan Mantri Suraksha BimaYojana, the Pradhan Mantri Jeevan Jyoti Bima Yojana, and the Atal Pension Yojana.

2.5) Freedom of Expression and Media

The constitution of India does not specifically mention the freedom of press. Freedom of press is implied from Article 19(1)(a) of the Constitution. Thus the press is subject to the restrictions that are provided under Article 19(2) of the Constitution whereby this freedom can be restricted for reasons of the sovereignty and integrity of India, the security of the state, friendly relations with foreign states, public order, preserving decency, preserving morality, in relation to contempt of court, defamation, or incitement to an offense. Laws such as the Official Secrets Act and Prevention of Terrorism Act (POTA) have been used to limit press freedom. POTA was repealed in 2004, but was replaced by the Unlawful Activities (Prevention) Amendment Act of 2012.

Since Independence, state control over the media has been a major constraint to press freedom. This culminated in the 1975 Emergency. With liberalization in the 1990s, private control of

the media increased, leading to greater scrutiny of the government. The Prasar Bharati Act significantly reduced government control over the media.

The Freedom of Press, India Country Report (2015) states that while India's vibrant media remains the freest in South Asia, press freedom is threatened by several factors including legal actions against journalists and editorial interference by media owners in the run-up to the May 2014 parliament elections. According to the report, the continued violence against journalists, attempts at surveillance, and blocking of news channels, among other forms of censorship, were issues of concern during the year. India ranks abysmally low, at 133rd among 180 countries, in the latest annual World Press Freedom Index. The report says, "Journalists and bloggers are attacked and anathematised by various religious groups that are quick to take offense. At the same time, it was difficult for journalists to cover 'sensitive' regions such as Jammu and Kashmir."

In April 2013, the government announced the launch of a new program, the Centralized Monitoring System, which for the first time would provide the government with centralized access to all communications data and content that travels through Indian telecommunications networks. The system would enable the government to listen to telephone calls in real time and read text messages, e-mail, and chat conversations. As noted by the Committee to Protect Journalists (CPJ), the new system, coupled with lengthy jail sentences for failing to comply with a government decryption order, could be used against journalists who routinely rely on encryption and privacy to conduct their work.

Section 66A of the Information Technology Act of 2000 (IT Act) criminalizes online information intended to cause "annoyance or inconvenience," among other loosely worded criteria, and arrests under this provision continued to occur in 2014 and 2015. However, in a landmark judgment in 2015, the Supreme Court struck down Section 66A of the IT Act following a public uproar over threat to privacy. In September 2015, the government withdrew the draft encryption policy which made the storage of all messages, including social media, mandatory for 90 days.

Implementation of the landmark Right to Information (RTI) Act of 2005 has been mixed, with the majority of requests blocked due to the law's broad categorical restrictions on the release of information. The success of the RTI Act has also been hindered by an overall lack of awareness of the rights it guarantees, a large backlog of appeals and requests, and widespread inefficiency within state and local governing bodies. As on August 1, 2016, 34,524 complaints and appeals were pending with Central Information Commission alone, in addition to the number of pending cases with all of the State Information Commissions.

The Press Council of India (PCI), an independent self-regulatory body for print media that is composed of journalists, publishers, and politicians, investigates complaints of misconduct or irresponsible reporting, but does not have punitive powers. The News Broadcasters Association, an industry body that primarily represents the television sector, issued a new set of self-regulatory guidelines in 2009, covering topics including crime, violence, and national security in the wake of the 2008 Mumbai terrorist attack. Politicized interference in editorial content and staffing decisions remain a concern, and appeared to increase in the months surrounding the May 2014 na-

tional elections. Meanwhile, critical journalists and commentators also faced pressure in the form of online harassment and threats.

As per the latest report by the worldwide organization Reporters without Borders, India is among the top three most dangerous countries for journalists, ahead of both Pakistan and Afghanistan. "Indian journalists daring to cover organized crime and its links with politicians have been exposed to a surge in violence, especially violence of criminal origin, since the start of 2015," Reporters without Borders states. One more journalist association, Patrakar Halla Virodhi Kruti Samiti, which works for the protection of journalists, has also stated that the number of attacks on journalists is rising by the day in India. Members of the press are particularly vulnerable in rural areas and insurgency-racked states such as Chhattisgarh, Jammu and Kashmir, Assam, and Manipur, where they continue to face physical violence, harassment, and censorship from the government or militant groups seeking to slant coverage in a certain way.

A senior journalist was shot dead in July 2016 in the Bihar town of Siwan. He had covered Siwan politics and crime extensively and had penned several reports on court proceedings against a former Member of Parliament of Siwan. In February 2016, journalists in Mumbai protested against the ongoing violent threats and attacks on them for questioning government policies. In the same month, hundreds of journalists in the national capital marched from the Press Club of India to the Supreme Court. They were protesting the violence against media persons at the Patiala House Courts during the bail hearing of the President of Jawaharlal Nehru University Student Union.

2.6) Minority Rights and Protection

India is home to diverse religious and ethnic groups. Members of these diverse groups enjoy basic civil and political rights as well as the freedom to practice their beliefs. Unfortunately, this is not always the case. Tensions do exist, and for varying reasons, sometimes these tensions devolve into violence. Tensions may be aggravated by struggles over access to limited resources, particularly land, or by political rivalries. Sometimes localized incidents – street fights, local crime – can escalate. Muslims form a big part of India's marginalized groups. The famous Sacher Report from 2006 stated that 40.7% of India's total Muslim population lag significantly behind in development and face difficulties in receiving services (Sacher Report 2006). Muslims lag behind other Indian communities in terms of most human development indicators.

In the run-up to the 2014 elections, communal tensions escalated between Hindu and Muslim communities, leading to a 30% increase in incidents of communal violence compared to 2012. The central government's Ministry of Home Affairs reported 823 incidents of communal violence in 2013, in which 133 people died and over 2,000 were injured. One of the worst such incidents involved mass violence in September 2013 in Muzaffarnagar district in Uttar Pradesh, during which at least 60 people died.

At least four Muslim men were killed for allegedly possessing or smuggling beef or killing

cows. Some politicians were increasing communal tensions through inflammatory speeches (Amnesty International 2016). Many Muslim men have been arbitrarily detained, interrogated, and tortured after bombing attacks, especially between 2006 and 2008. Authorities have also used draconian and abusive laws, including the Sedition Law and Unlawful Activities (Prevention) Act, to target Muslims.

Dalits (Scheduled Castes) and Adivasis (Scheduled Tribes) still face discrimination and violence. In 2014, 47,000 crimes against members of Scheduled Castes and over 11,000 crimes against members of Scheduled Tribes were reported. Near Delhi, two children were burned to death by allegedly "dominant caste men." Education for those groups can still be difficult to obtain and the 25% quota in schools, reserved for children from disadvantaged families, is only poorly enforced. Dalits also face problems voicing their critiques. For example, a Dalit folk singer was arrested in Tamil Nadu for criticizing the state government in his songs. Sexual violence is especially widespread against women from marginalized communities, and "caste-based village bodies order sexually violent punishments for perceived social transgressions" (ibid).

The impunity of law enforcement bodies, such as the police, is still an important issue. Recently a case against 16 policemen for the alleged killing of 42 Muslim men in Uttar Pradesh in 1987 was dropped for "scanty, unreliable and faulty investigation."

Accountability is a general concern with regard to violence against minority groups. State officials, police personnel and private individuals are not held accountable for crimes against minorities. Police at times do not interfere in the violence while waiting for orders, or receiving orders not to do so. Investigations are many times only conducted after pressure from civil society organizations and human rights groups, and too often end up without results (HRW 2014).

2.7) Decentralization

The 73rd and the 74th Constitutional Amendments (now better known as Part IX and IXA of the Indian Constitution), added in 1993, provided the constitutional framework for constituting democratically elected governance mechanisms at the local level. The provisions in these amendments have had some far reaching implications with respect to democratic governance and local development. By reserving one-third of positions for women and allocating proportionate reservations for other socially excluded and deprived sections (tribal members, Dalits, etc.), the constitutional framework for local governance mechanisms in India provides enormous potential for affirmative action. One of the most important roles for these local governance institutions is to plan for local development and ensure social justice consistent with the needs and aspirations of citizens. The system of local self-governance established in India has the following broad features:

- There are three tiers of elected bodies in rural areas - *Gram Panchayat* at the village level; *Panchayat Samiti* at the block level, and *Zilla Parishad* at the district level. This three-tier system is known as the Panchayati Raj Institutions (PRIs).

- The village assembly of all adult voters is identified as *Gram Sabha*.
- At all tiers of elected representatives, one-third of all seats are reserved for women. Likewise, the reservation of proportionate seats for the socially oppressed (Dalits and tribal members) has also been mandated.
- Regular elections every five years have been constitutionally mandated.
- State Election Commissions have been constitutionally formed to conduct elections for the local bodies.
- The Constitution assigns responsibility to the Panchayats and Municipalities for a number of development areas.
- A constitution for each District Planning Committee (under Part IXA of the Indian Constitution) has been mandated for the purpose of consolidating all bottom-up planning processes undertaken at various levels of the Panchayats and integrating rural and urban planning processes at the district level.
- State Finance Commissions have been constitutionally required to allocate budgetary resources and the power for mobilizing revenue to local bodies.

One of the most profound institutional spaces created by the State through the 73rd Constitutional Amendment Act included the "Gram Sabha" in rural areas. This amendment guaranteed the creation of three-tier Panchayati Raj Institutions (PRIs) in rural areas as the institutions of local governance. The institution of Gram Sabha was envisaged as a space for participatory governance with regard to planning, monitoring, and evaluation of development programs to be implemented by the PRIs. There are an estimated 237,539 Gram Panchayats in the country and each has a Gram Sabha. However, the effectiveness and democratic functioning of Gram Sabha as an inclusive institution continues to be an area of concern. In most cases, the participation of Dalits, women, minorities and other marginalized groups in the decision making process is ignored, repressed, and discouraged.

In the context of urban India, the 74th Constitutional Amendment Act was a milestone as it gave constitutional validity to Urban Local Bodies (ULBs), codified the procedure for their constitution and defined their structures, functions, and resource generation capabilities. The Act aimed at greater clarity between states and urban local governments in terms of devolution of adequate powers, authorities and resources to enable the latter to function as vibrant institutions of local self-governance. The launching of the Jawaharlal Nehru National Urban Renewal Mission (JNNURM) in 2005 also reinforced the commitment towards the devolution of responsibilities at the local level, since access to Mission funds was linked to compulsory fast-track urban reforms for greater autonomy among municipal governments in accordance with the 74th CAA. Its aim was to encourage reforms and expedite planned development of identified cities with a focus on efficiency in urban infrastructure, service delivery, citizen participation, and accountability of ULBs towards citizens. The NDA government in the last two years launched a host of new urban programs – the Atal Mission for Rejuvenation and Urban Transformation (AMRUT), the Smart

Cities Mission, Housing for All, and the Heritage City Development and Augmentation Yojana (HRIDAY).

The current scenario in India's cities, however, shows that devolution has made little progress with a multiplicity of issues plaguing decentralized urban governance. These include a lack of clarity between state and local functional domains leading to an overlapping of functions; encroachment of local functional domain by para-statal structures; limited fiscal domains and autonomy at the local level due to state control over local revenue sources and rates; lack of technical capacity and orientation at the local level towards developmental works; ineffective devolution of welfare and planning functions; and last but not least, the weak role of municipal elected bodies in municipal management.

In 2015, the Prime Minister launched one of most ambitious urban development programs – the Smart Cities Mission in 100 Indian cities. The Prime Minister also announced that each city has to engage with its citizens in the vision and planning of smart city proposals. In many cities with a million-plus residents, a massive number of citizens provided their suggestions and expressed their development choices through a variety of online and face-to-face consultative mechanisms. It was the first time in the history of Indian cities that such massive civic engagement was attempted. However, it was again the urban poor living in thousands of slums and informal settlements who got left out. The format, mechanism and methods chosen for citizen engagement left more than half of the city populations excluded.

2.8) Political Stability

By and large, India is considered to be a politically stable country. This is partially owed to the regular holding of elections at the national, state and local levels which are often characterized by a peaceful transition of political power. A functional parliament and the state legislative assemblies have by and large maintained the basic fabric of a constitutional democracy, with a few exceptions. A robust bureaucracy provides much stability and continuity in the public administration, irrespective of which political party is in power. Despite considerable institutional bottlenecks at the lowest level of the judiciary, the upper level judiciary institutions have remained independent from the interference of political parties, the legislature, and the executive. In recent years, the higher courts have also handed down several landmark judgements and directions towards many governance and political reforms. India has a vibrant and largely independent print and electronic media with incredible outreach. The growing penetration of information and technology provides access to information to the citizens and generates public discourses on issues related to governance and democracy. Indian democracy is blessed with a vibrant and thriving civil society. The diversity of Indian society is literally reflected in the diversity of civil society.

However, communal violence, the threat of terrorism, violent secessionist movements in Kashmir and part of the Northeast, and extremism in Naxalite-Maoist insurgency in large part of rural India pose a grave risk to political stability. In the past, India has experienced its worst ter-

rorist attacks in various major cities. The Naxalite Maoist insurgency has considerable presence in almost 180 districts across 10 states, a swath known as the Red Corridor. In recent years, a number of incidents of communal violence have marred the democratic fabric of the country. In most cases, the government has taken appropriate actions.

3. Conclusion

Democratic governance has been strengthened by a functioning political system. The executive and judiciary have been strong and continue to contribute to the strengthening of the democratic fabric of the country. Challenges remain with regard to overcoming exclusions in society, the polity, and the economy. The full realization of citizenship rights for women, Dalits, tribal members, and minorities continues to be problematic.

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State of Democracy in Asia: Indonesia

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Introduction

Since the reformation in 1998, Indonesia's democratization process has expanded and deepened in many ways. Indonesia's democracy can be argued to be one of the most stable and solidly progressing in the region. Yet, despite its level of consolidation and some claims that it is nearing a full-fledged democracy, there still remain cracks and 'defects' that continue to plague the daily lives of Indonesians.

Indonesia's procedures (elections) and institutions, although imperfect, are one of the more visible strengths of its democracy. The biggest challenges stem from two major issues. The first is rampant corruption and the second is the problem of identity politics, or the politicization of religious and ethnic issues. These two problems have significantly weakened Indonesia's rule of law.

Corruption is pervasive, particularly within the bureaucracy. This is in part a legacy from Suharto's thirty-two year *New Order* regime. The country has, however also evolved into a highly decentralized system after the 1998 reformation.[2]

On this front, Indonesia has seen good progress with the "new wave" of politicians, spearheaded by Joko Widodo (Jokowi) and Basuki Tjahaja Purnama (Ahok).[3] These two politicians, considered to be "outsiders" of the entrenched political "oligarchy," ran as governor and vice-governor respectively in the 2012 Jakarta election.

After 2012, Jokowi ran a close campaign against former New Order military general and son-in-law of Soeharto, Prabowo Soebianto. It was at this point in time, the 2014 presidential election,

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[2] http://siteresources.worldbank.org/INTJUSFORPOOR/Resources/FightingCorruptioninDecentralizedIndonesia.pdf

[3] Kapoor, Kanupriya and Jonathan Thatcher. "Jokowi: The new face of Indonesian politics." *Reuters.* 22 July 2014. Web: http://www.reuters.com/article/us-indonesia-election-jokowi-newsmaker-idUSKBN0FR1MB20140722. Accessed: 23 December 2016

that black campaigns and systematic social media hoaxes based in identity politics (religious and ethnic) began to spread all over the archipelago.[4]

The politicized issue of religious identity within the Indonesian State has been further aggravated in the run-up to the 2017 Jakarta Gubernatorial election. Ahok, the current incumbent, is seeking reelection. Ahok's political opponents have fanned the flames by using incendiary religious sentiments as well as anti-Chinese rhetoric. November 4th and December 2nd, 2016 saw the largest demonstrations in Indonesia's history as people took to the streets to protest against Ahok for alleged blasphemy. This drew the attention of international media, with some painting it as a religious issue. In reality, it was an attack on clean and transparent governance spearheaded by the duo of Jokowi and Ahok.[5]

An examination of the state of Indonesian democracy will note the progress of various democratic indicators. Institutional elements of Indonesia continue to be strong and see relative growth. Yet, Indonesia continues to experience problems on issues of rule of law and corruption, exacerbated by political turmoil as described above.

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[4] http://www.thejakartapost.com/news/2014/07/24/indonesia-s-democracy-in-peril-prevailing.html
[5] http://indonesiaatmelbourne.unimelb.edu.au/bigger-than-ahok-explaining-jakartas-2-december-mass-rally/

1. Procedural
1.1) Fair Elections

Independent monitoring groups have deemed elections in Indonesia to be free and fair. Overall, elections provide equal opportunities for all competing candidates and parties, each of which are able register and compete for office without unreasonable requirements. Forming political parties and participating in elections is relatively unrestricted aside from the administrative requirement of a national presence throughout the archipelago.

Generally, legal institutions have taken root, and are in charge of controlling the electoral procedure. The International Foundation for Electoral Systems (IFES) surveys report that the vast majority of Indonesians increasingly express a general satisfaction with the conduct of elections in the country, which peaked during the April 9th 2014 legislative elections. The Indonesian electorate has positive opinions regarding both the organization of the election and the integrity of the election process. However, as corruption remains a serious problem within Indonesian society, there are concerns about the potential for fraud in the vote counting process. This is helped by the fact that the official count takes place over long periods of time -usually over one month- and involves the aggregation of data at several different administrative levels prior to the national tally. The irregularities reported with regards to the 2014 election, though, remain low.

The Freedom House Freedom in the World 2016 report ranks Indonesia very well in the electoral process category (11 out of 12). The 2016 ranking marked a one point increase over the previous year.

As can be seen in Table 1 and Figure 1, Indonesia's Electoral Process & Pluralism indicator as measured by the Economist Intelligence Unit Democracy Index (based on a scale of 0-10) saw a steady increase between 2007 and 2015. It also shows that electoral processes across the board, from the regional to the national level, improved, albeit slightly, year on year.

Table 1. EIU Democracy Index: Indonesia (2007-2015)

INDONESIAN Democracy	2007	2008	2010	2011	2012	2013	2014	2015
Electoral Process & Pluralism	6.92	6.92	6.92	6.92	6.92	6.92	7.33	7.75
Political Participation	5	5	5.56	5.56	6.11	6.67	6.67	6.67
Civil Liberties	6.76	6.76	7.06	7.06	7.65	6.76	7.35	7.35
Overall	6.41	6.34	6.53	6.53	6.76	6.82	6.95	7.03

Source: Economist Intelligence Unit: compilation of indexes from Index of Democracy 2007-2015

Figure 1. EIU Democracy Index: Indonesia (2007-2015)
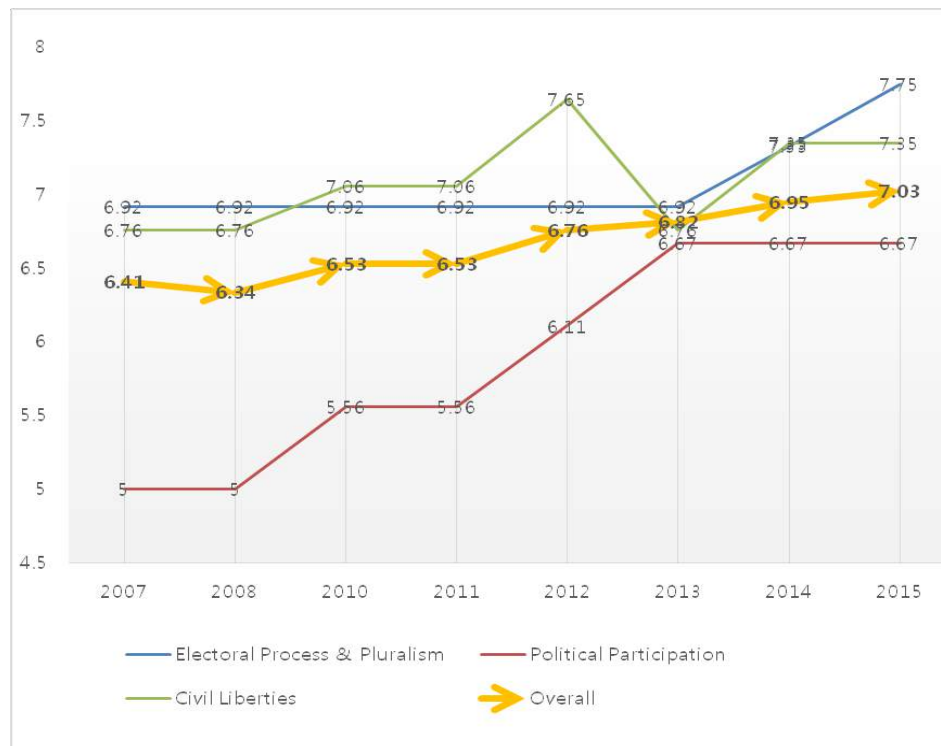
Source: Economist Intelligence Unit

1.2) Political Participation

Significant improvements have been made in Indonesia in terms of participation in the political process. These improvements were particularly notable surrounding the 2014 presidential and parliamentary elections. Table 1 and Figure 1 indicate quite clearly that Indonesian political participation rose around 2012 when Joko Widodo (Jokowi) first appeared on the national political scene.

The Economist Intelligence Unit Political Participation & Pluralism index shows a sharp increase in 2012 which concurs with atmosphere on the ground that time. The rise of Jokowi and Ahok fired up political participation and opinion from segments of society previously not interested in politics (namely the urban middle class and ethnic Chinese Indonesians). Social media was inundated with an unprecedented vibrant political debate among urban youth.[6]

However, the voter turnout indicator paints a slightly different picture. Voter turnout in the new era of democratic Indonesia is still relatively high compared to other democracies, but significantly lower than it was in Soeharto's New Order era. This is generally explained by the fact that voting during that time period was rife with manipulation and institutional mobilization from the state.

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[6] Bollier, Sam. "Indonesia's digerati could be crucial to success in the country's upcoming presidential election." *Aljazeera*. Web: http://www.aljazeera.com/indepth/features/2014/07/voting-worlds-social-media-capital-2014725397392826.html. Accessed: 23 December 2016

Table 2. Parliamentary and Presidential Election Voter Turnout (1971-2014)

	1971	1977	1982	1987	1992	1997	1999	2004	2009	2014
parliamentary Voter Turnout	94.0	90.6%	91.2%	91.3%	90.9%	88.9%	93.3%	84.1%	71.0%	75.1%
presidential election voter turnout	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	68.5%	71.9%	69.6%

Source: IDEA (Institute for Democracy and Electoral Assistance)

Figure 2. Parliamentary and Presidential Election Voter Turnout (1971-2014)
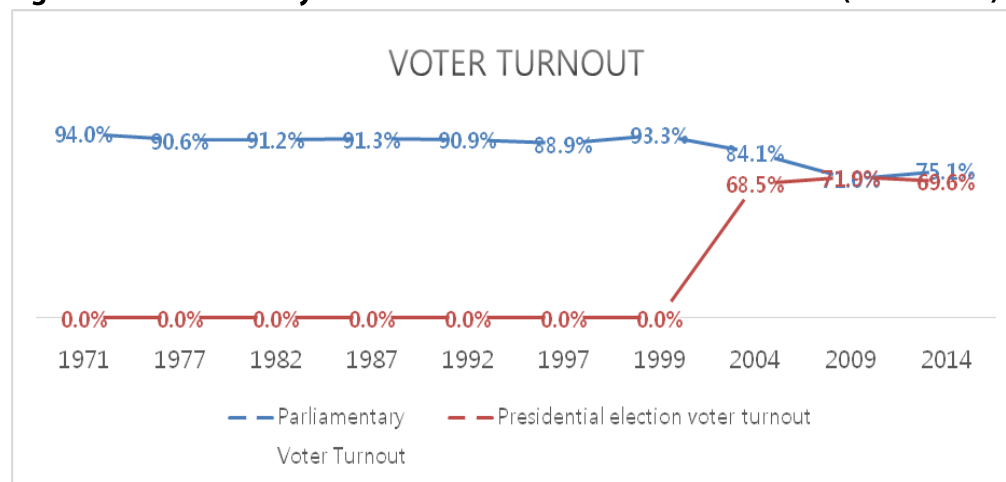
Source: IDEA (Institute for Democracy and Electoral Assistance)

What is important to note is the relative decline of voter turnout following the initial exuberance of genuine voters coming to the polls in 1999. After the fall of Soeharto, the 1999 election is often lauded as the first truly democratic election in Indonesia since 1955. Indonesians flocked to the polls in excitement for the first time as they believed their votes would make a difference, with a whopping 93% of the eligible voting population turning out. The subsequent decline in voter turnout following this remarkable election was a natural cooling off period as the public grew disillusioned with the fact that corruption was still prevalent and their votes did not immediately have the impact they anticipated.

2014 marked a turnaround from this steady decline as the voting populace was re-energized by a new wave of fresh politicians coming in.

Direct presidential elections in Indonesia only began in 2009 after some significant Constitutional amendments were made between 2001 and 2004 that overhauled Indonesia's political system for the better. These amendments strengthened the presidential system and instituted clear checks and balances. They also incorporated much more comprehensive stipulations on human rights as the constitutional rights of individual citizens. The voter turnout for presidential elections is still lower than that for parliamentary elections. This is in part due to the lack of mobilization by party

local cadres. Analysts point to the half-hearted support by Joko Widodo's own coalition, particularly his own party, the PDI-P, during the 2014 presidential election as an example of this.[7]

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[7] https://www.bloomberg.com/news/articles/2014-06-18/widodo-campaign-struggles-as-indonesia-polls-narrow

2. Substantive
2.1) Rule of Law

One of Indonesia's weakest democratic indicators is the rule of law. The Freedom House report of 2016 once again rated Indonesia 5 out of 16 in the rule of law category. One of the biggest problems in Indonesia is the arbitrariness of how the law is often used.

One of the most prominent examples is the Blasphemy Law, which has recently embroiled incumbent Jakarta Governor Basuki Tjahaja Purnama.[8] The application of the law in this case was clearly political and have wreaked havoc over the clarity of the rule of law. The blasphemy law has been used in very problematic ways, often leading to the support of radicalization[9] as well as attacks on political opponents.

Another example is the Information and Electronic Transaction (ITE) law, which has been a favorite tool of local officials and powerful citizens to attack weaker opponents.[10]

Figure 3. Indonesia's Rule of Law Index (1996-2015)
Indonesia: Rule of law index (-2.5 weak; 2.5 strong): For that indicator, The World Bank (govindicators.org) provides data for Indonesia from 1996 to 2015. The average value for Indonesia during that period was -0.65 points with a minimum of -0.97 points in 2002 and a maximum of -0.35 points in 2014.

Source: World Bank – Worldwide Governance Indicators

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[8] http://thediplomat.com/2016/12/can-jakarta-governor-ahok-escape-indonesias-blasphemy-law/
[9] Sundaryani, Fedina S. "Blasphemy Law Sows Radicalization: Experts." *The Jakarta Post.* Web: http://www.thejakartapost.com/news/2015/03/04/blasphemy-law-sows-radicalization-experts.html. Accessed 23 December 2016.
[10] Paper edition. "Ignoring criticism, House to pass draconian ITE bill into law." *The Jakarta Post.* 3 September 2016.

Figure 4. Percentile Rank in the World for Rule of Law in Indonesia (1996-2015)
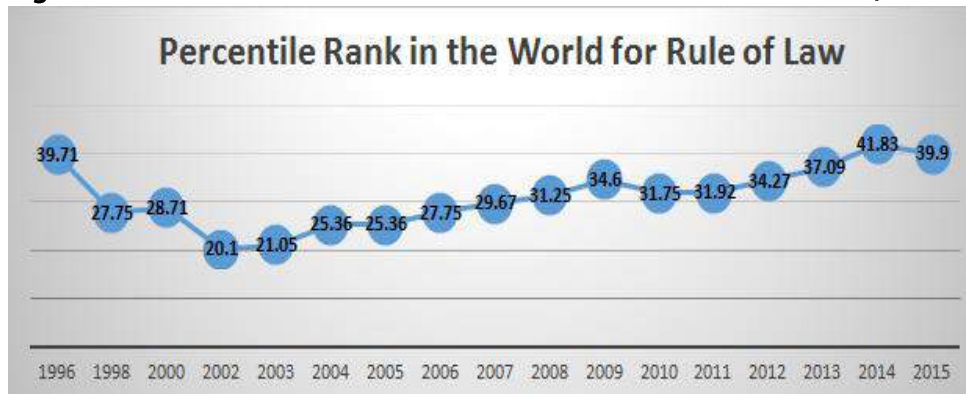
Source: World Bank – Worldwide Governance Indicators

The Rule of Law Index captures perceptions of the extent to which agents have confidence in and abide by the rules of society, particularly with regard to the quality of contract enforcement, property rights, the police, and the courts, as well as the likelihood of crime and violence.[11]

In addition to problems of the arbitrary and political usage of various laws, the most significant problem facing the rule of law in Indonesia is the judiciary and law enforcement, who remain relatively corrupt.[12]

Despite Indonesia's low ranking in the Rule of Law Index, a steady increase in the rule of law can be observed. Each successive government has improved upon the adherence to the rule of law, and the recent rise of Jokowi has continued this trend.

2.2) Gender Equality[13]

It is difficult to pinpoint the exact status of women in Indonesia today. While women have been granted many legal rights, and there are ongoing and repeated efforts towards halting discrimination, social norms, religion, and historical precedents often keep women from living a life of true equal opportunity. In general, Indonesia does relatively well in terms of numbers, and rankings of countries on comparative indexes, particularly because Indonesia's statistics and facts look promising, particularly when compared to other countries in the region. However, while comparative rankings can be important, they do not tell the whole story, as they do not reflect improvements or changes to the overall position of women in the world.

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[11] http://www.theglobaleconomy.com/Indonesia/wb_ruleoflaw/
[12] http://jakartaglobe.id/news/rule-law-seen-indonesias-achilles-heel/
[13] Thanks to Melissa Tustin-Gore for helping with the research & writing of this section.

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Table 3. Human Development Indexes Compared Between Males and Females (2015)

	Life expectancy at birth		Expected years of schooling		GNI per capita		HDI value	
	Female	Male	Female	Male	Female	Male	Female	Male
Indonesia	71	66.9	13.1	12.9	6,485	13,052	0.655	0.706
Philippines	71.8	64.9	11.5	11.1	5,382	10,439	0.649	0.644
China	77.3	74.3	13.2	12.9	10,128	14,795	0.705	0.747
East Asia and the Pacific	76	72.2	13	12.8	9,017	13,780	0.692	0.73

Source: UNDP Human Development Report 2015

Generally, the legal system appears to be fair to women and promote equality. Women are granted equal rights in terms of passport obtainment, legal protection, land ownership, and so on. However, while laws do not seem to explicitly discriminate against women, there are fewer laws and programs designed to assist women. Furthermore, there are no laws protecting women against sexual harassment in the workplace, which is a continuing problem in urban centers. The Social Institutions and Gender Index gives Indonesia a rating of "medium discrimination against women," highlighting that while women have high rates of access to resources and assets, good physical integrity, and civil liberties, the family code remains highly discriminatory and there is a strong bias towards sons. The issues regarding women's position in Indonesia do not appear to stem from the legal system or the government, but rather the culture, meaning they are much harder to gauge.

Indonesia offers some promising figures regarding the role of women in politics. Indonesia has already had a female president, there is a quota that 30% of candidates must be women, and women have a high political participation rate, especially in urban centers. Currently, 8 of 34 of Joko Widodo's ministers are women.

Figure 5. Percentage of Women in Parliament
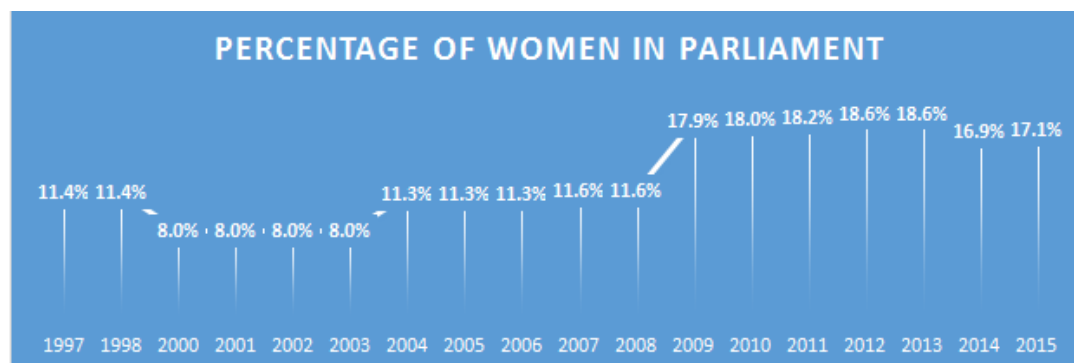
The proportion of women elected to parliament currently stands at 17.1%; however, there are signs that this will increase in the future. Women struggle even more in regional elections, particularly in local direct elections, as there are often additional measurements or requirements that exclude women, such as the ability to lead shalat prayers in Aceh, which only men are permitted to do.

Societal norms affect the position of women much more throughout Indonesia than any legal or political institutions. This can be largely attributed to three main causes: the legacy of the position of women during the Suharto era, traditional beliefs, and some religious interpretations. During the New Order, there was a strong emphasis on "kodrat wanita," or the idea that a woman's social role was preordained by her biological capabilities. There was no similar kodrat for men. This has set a precedence for debates concerning gender that come down to biological differences between men and women. The continuity of the New Order's ideology that women are pillars of the nation, meant to serve men, remains in the consciousness of many throughout the country.

Much of the writing regarding women's issues in Indonesia centers around religion, particularly Islam. This goes hand in hand with the discrepancy of the status of women throughout different regions in Indonesia. For example, in areas that have implemented Sharia Law, it has been much harder for women to gain political and social status, especially compared to large urban centers that tend to be more secular in nature. Some regions justify their practices by claiming that it is part of traditional culture, even if this is a revisionist interpretation of their regional history. In addition, while these groups are fairly small in number, they are given a disproportionately loud voice by the media.

2.3) Corruption[14]

Corruption in Indonesia dates back to the colonial era, although it escalated significantly during President Suharto's highly centralized, clientele-oriented, yet economically successful New Order regime (1965-98). The onset of the *Reformasi* (post-1998) era has thus posed several challenges for Indonesia – a country that had accustomed itself to the New Order culture of systematic bribery.

The fall of the New Order was followed by efforts to decentralize the nation, which afforded greater autonomy to local municipalities but fell short of instituting regional accountability. This lack of transparency, in turn, offered "numerous opportunities" for the manipulation of state funds,[15] thereby paving the way for ensuing corruption.[16]

Indeed, even after 1998, companies have "consistently reported" having to pay bribes to local officials in order to "speed up" administrative processes – constituting a predictable yet middlemen-ridden system that foreign investors have in fact become accustomed to.[17] Such a shift, however, soon proved less "coordinated" and introduced an influx of officials seeking "financial extras."[18] This, combined with a judiciary with a long history of being manipulated and controlled

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[14] Thanks to Julius Utama for help with the research & writing of this section

[15] U4 Anti-Corruption Resource Center, "Causes of Corruption in Indonesia", 5

[16] Eckardt (2008)

[17] World Economic Forum, 2001; World Bank & IFC, 2009

[18] U4 Anti-Corruption Resource Center, "Causes of Corruption in Indonesia", 5

by the executive branch and an abundance of natural resources (i.e., Indonesia's forestry sector) at the discretion of Suharto's allies, ensured that corruption remained common practice.[19]

A crucial impediment to Indonesia's anti-corruption efforts involves the existing laws (i.e., Law No. 31/1999 on the Eradication of Criminal Acts of Corruption, Law No 20/2001 on the Amendment to Law No. 31/1999, and the Indonesian Criminal Code) that exclude foreign officials, public servants, and companies.[20] Although subsequent revisions have expanded the definition of "corruption" and individuals who can be prosecuted for this crime, Indonesia still lacks legislation that covers foreign bribery.

Figure 6. Indonesia Corruption Index (2006-2015)
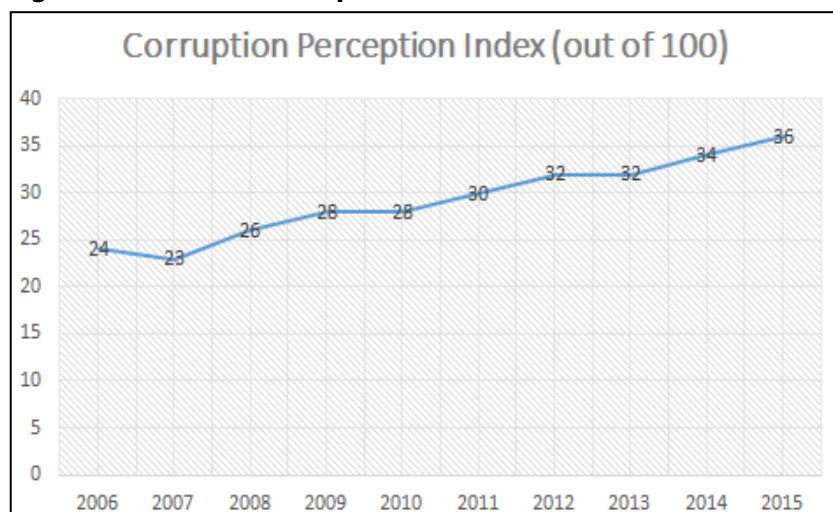
Source: Transparency International (TII)

In 2013, a study by the World Gallup Poll indicated that 88% of Indonesian citizens feel that corruption is "widespread" in their government.[21] In addition, corruption has been cited as a "top concern" for businesses in the region, with 16% indicating it as a "significant barrier".[22]

Several corruption indexes, however, have claimed that the situation is improving. Transparency International ranked Indonesia 88th in 2015 (up from 107th the previous year) in its Corruption Perceptions Index – a measure of *perceived* corruption amongst public officials and politicians. According to this index, Indonesia has improved steadily since 2007.[23] Indonesia has also been working extensively with other anti-corruption institutions (such as South Korea's ACRC), although no official results have been published.[24]

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[19] U4 Anti-Corruption Resource Center, "Causes of Corruption in Indonesia", 6

[20] http://www.mondaq.com/x/160720/White+Collar+Crime+Fraud/Indonesias+AntiCorruption+Laws

[21] 2013 World Gallup Poll

[22] World Economic Forum

[23] http://www.indonesia-investments.com/news/todays-headlines/indonesia-improves-in-transparency-international-s-corruption-index/item6430

[24] http://www.acrc.go.kr/eng/board.do?command=searchDetail&method=searchDetailViewInc&menuId=020501&boardNum=53517

Although corruption is ubiquitous in Indonesia, this is one area where Indonesian democracy has had the solidest and steadiest improvements. The election of the "new wave" politicians like President Joko Widodo and Basuki Tjahaja Purnama in the capital shows strong, systematic institutional and political strength behind efforts to curb corruption.

2.4) Economic Inclusion

The World Bank estimate of 2013 places Indonesia's GINI index at 39.47. The level of inequality in Indonesia is often considered to be high, with the already significant income gap growing faster than the country's neighbors in the region. The first decade of the 2000s saw a sharp increase in Indonesia's GINI coefficient as it went from around 30 in 2000 to nearly 40 in 2013.[25]

The number of poor has steadily decreased according to various thresholds. Yet, the number of conglomerates has been increasing since the rebound from the 1997 economic crisis. Much of the wealth of the country has been concentrated in the hands of a few rich individuals. It was reported by the World Bank that seventy-seven percent of Indonesia's wealth is owned by the richest ten percent.[26]

2.5) Freedom of Expression and Media

Freedom of expression for citizens, academics, and journalists in Indonesia can be generally considered free and vibrant after the 1998 reformation. A freedom of expression& assembly law was passed by parliament in 1999 to solidify those rights following the repression that occurred during Soeharto's thirty-two years of authoritarian rule.

In spite of its tremendous growth in those freedoms since Indonesia entered its democratic era in 1998, challenges, both new and old, that erode democratic consolidation on several fronts continue to emerge. The Indonesian political landscape has been described in part as a "political cartel"[27] in which no true opposition exists. All of the major parties collude to access resources without direct accountability to voters. This "collusion" has produced a number of bills and legislation that has been used both directly and indirectly to silence dissent against strong elites.

Defamation laws in the Indonesian criminal code have been used to silence critics. Political and economic elites use this favorite tool to silence their critics and any outspoken citizens from criticizing local governments and companies.[28]

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[25] http://www.worldbank.org/en/news/feature/2015/12/08/indonesia-rising-divide

[26] http://www.thejakartapost.com/news/2015/12/11/richest-10-percent-own-about-77-percent-indonesia-s-wealth.html

[27] http://www.insideindonesia.org/democracy-yes-accountability-no

[28] https://www.nytimes.com/2014/09/23/world/asia/23indonesia.html

Another potentially problematic law came into effect in 2013, the law on Mass Organizations (UU Ormas), which critics say gives the state too much control over CSOs.[29] This was one of the main reasons that Freedom House downgraded Indonesia's previous ranking of "Free" to "Partly Free."[30] Fluctuations in the trajectory of Indonesia's freedom of expression and assembly/associational rights can be viewed in the graph below. The state of these freedoms is often correlated directly with political events.

Figure 7. Plotting Freedom House's (FH) Civil Rights Indicators
Indexes are inverted to (-) to show better conditions going upwards and worse conditions going downwards (This is done since FH's ratings lower numbered rankings indicate better situations. For the actual indexes refer to appendix A).
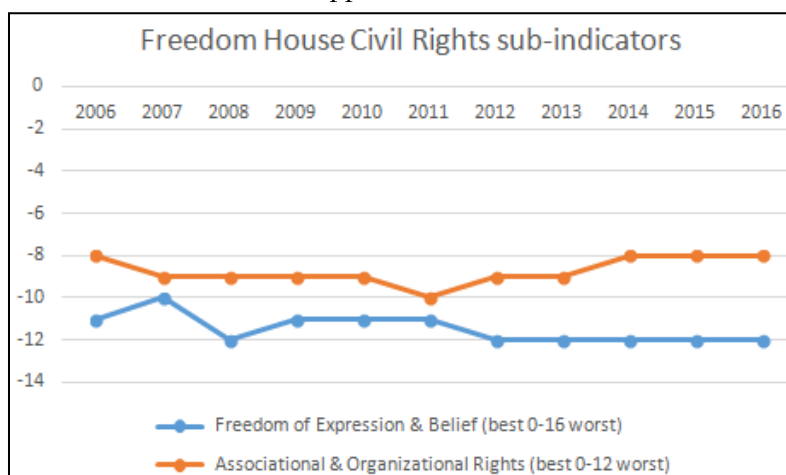
Source: Freedom House

Indonesia is in a unique situation of being neither a religious nor a secular country. The founding fathers intentionally created the country's ideology *Pancasila* as a compromise to the Muslim majority to acknowledge the religious nature of the country, but include other religions as part of its political fabric. Culturally, Indonesia is a very pluralistic country. But this "in-between" situation has been used by political actors to radicalize moderate Muslims and silence critics. One of the most problematic articulations of this strategy is Indonesia's archaic blasphemy law (PNPS 1965).[31]

The most frequent attacks against peaceful assembly come from radical groups attempting to curtail any activity that touches on the following issues (among others): the 1965 communist purges in Indonesia, progressive interpretations of Islam, and at times activities deemed to be improper or immodest.

Assembly of religious worship has also encountered prolonged problems for several years. Church buildings and gatherings have run afoul of a combination of worship house building

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[29] http://www.thejakartapost.com/news/2013/07/02/house-passes-controversial-mass-organization-bill-law.html
[30] https://freedomhouse.org/report/freedom-world/2014/indonesia
[31] https://www.thejakartapost.com/news/2010/02/11/blasphemy-law-a-shackle-indonesian-people.html

regulations that are often deemed inconsistent and radical groups utilizing these regulations to prohibit such structures despite court decisions deeming them legal.[32]

Under the pretext of the 1965 blasphemy laws, many regional governments put forth regional/local regulations that either ban or restrict the movements, practices, or presence of these religious minorities. As of early 2016, many of those local regulations were still in place. Meanwhile, religious groups have been displaced and many are still in limbo as to their official presence.[33]

Internet Freedom

As internet penetration grew and social media in Indonesia increased exponentially[34] over the past few years, parliament came up with a law supposedly intended to regulate cyberspace in Indonesia – inaccurately titled the Law on Information and Electronic Transactions (ITE Law) - in 2008. This law has become a favorite political-economic tool to criminalize political opponents or dissenters on charges ranging from defamation, blasphemy, or inciting discord within society.[35]

As we see in the graph below, Indonesia's freedom on the net and its sub-indicators has remained stagnant at "Partly Free" in Freedom House rankings. Minor fluctuations between progress and regress have been dependent on the use of the ITE to attack political opponents. SafeNet is a Southeast Asian advocacy group that covers legal cases involving the ITE law.[36] The fluctuations on the graph correlate with the number of cases that happened each year in Indonesia.

Figure 8. Plotting Freedom House's (FH) Freedom on the Net.
Indexes are inverted to (-) to show better conditions going upwards and worse conditions going downwards (This is done since FH's ratings lower numbered rankings indicate better situations. For the actual indexes refer to appendix A.)

Source: Freedom House

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[32] http://www.thejakartapost.com/news/2015/12/26/another-churchless-christmas-gki-yasmin-hkbp-filadelfia.html

[33] http://www.thejakartapost.com/news/2013/05/08/sampang-shia-peril.html

[34] https://ondeviceresearch.com/blog/indonesia-social-media-capital-world

[35] https://www.techinasia.com/deeper-indonesias-problematic-internet-law-impede-freedom-expression

[36] http://safenetvoice.org/category/recent-cases/indonesia/
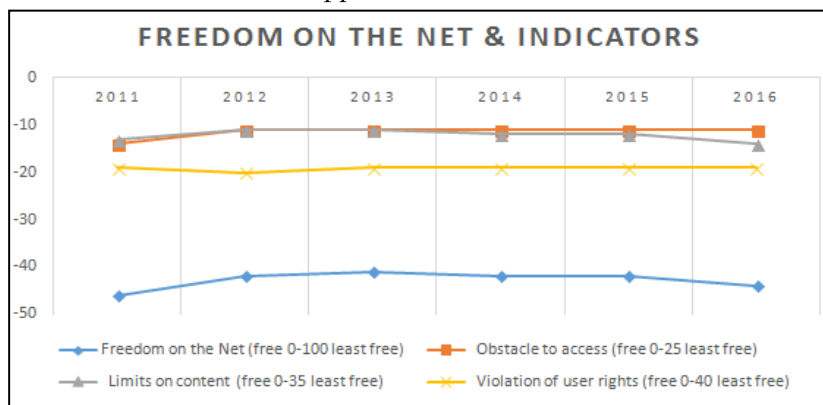
Freedom of the Press

The Indonesian press and media guarantee fair and equal access to all parties. While this might appear on its face to indicate that Indonesian media deserves the ranking of Completely free, the World Press Freedom Index ranked Indonesia 138th worldwide in 2015. In fact, Indonesia's press freedom remains fragile and is hampered by a number of legal and regulatory restrictions.

Reporters and journalists are at times subjected to violence and intimidation, which goes unpunished in many cases. Human rights groups have reported that Indonesian journalists often engage in self-censorship to avoid running afoul of civil and criminal libel/defamation laws. Particularly significant in this regard is the 2008 ITE Law mentioned above, which extended media restrictions to the internet. The law criminalizes the accessing or distribution of information or documents that are deemed 'contrary to the moral norms of Indonesia.'

Moreover, documenting human rights conditions in the provinces of Papua and West Papua is challenging, especially for foreign media, due to restrictions in those areas. Forces hostile to freedom of the press argue for maintaining foreign media access restrictions in Papua in order to prevent anyone from talking to "people who opposed the government."

Figure 9. Indonesia Freedom of the Press Index (2002-2016)
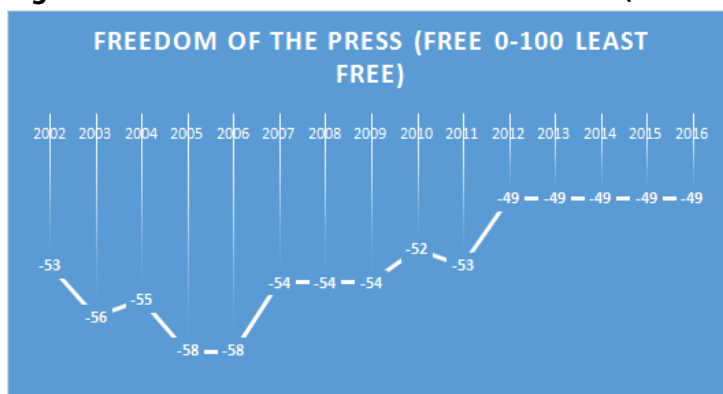
Source: Freedom House

Figure 10. Indonesia: Sub-indicators of Press Freedom (Legal, Political & Economic Environment) (2002-2016)
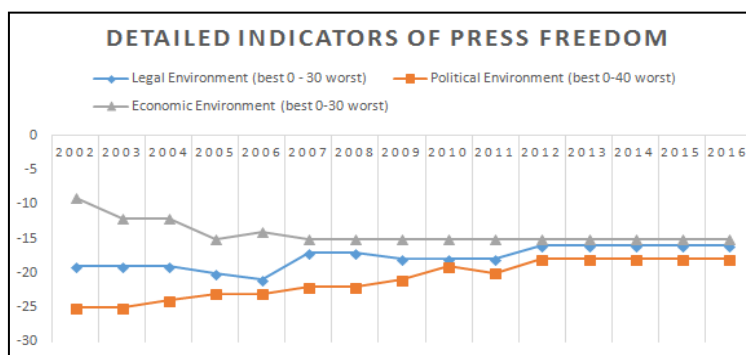
Source: Compiled from Freedom House data

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Another hindrance to press freedom is the monopoly of conglomerates over media outlets. As illustrated in the graph above, political tycoons and businessmen have been steadily acquiring print, television, and online media outlets to advance their political careers since 2004. One research study found that media ownership in Indonesia is concentrated among just thirteen giant groups.[37] This lack of diversity in ownership as well as interests has hampered the publication of truly diverse views and opinions that would provide balance and objectivity. The graph above demonstrates that the sub-indicator of press freedom that brought down the ranking was the economic environment. Economic monopolies have substantially curtailed press freedom.

2.6) Political Stability

Indonesia is one of the more stable democratic countries in the Asia Pacific region. It did experience some turmoil in the beginning of its democratization, as seen in the graph below. Indonesia's political stability plummeted during the fall of Soeharto's authoritarian government. It was further jeopardized by ongoing ethnic conflicts and terrorist attacks between 2000 and 2004.

Indonesia's political stability saw a steadfast increase beginning in 2005 as its democracy consolidated. There was a slight downward slump in 2015 when the new government of political outsider, Joko Widodo was caught in a struggle to control parliament. However, Jokowi appears to have regained his grasp on parliament in 2016. Thus, further strengthening and stabilizing of the political situation in Indonesia has been forecast for the near future.

Figure 11. Indonesia's Political Stability Index (1996-2015)

Indonesia: Political stability index (-2.5 weak; 2.5 strong): For that indicator, The World Bank (govindicators.org) provides data for Indonesia from 1996 to 2015. The average value for Indonesia during that period was -1.19 points with a minimum of -2.12 points (most unstable) in 2003 and a maximum of -0.41 points in 2014 (stable after the successful election of Joko Widodo.)

Source: World Bank – Worldwide Governance Indicators

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[37] http://merlyna.org/2012/02/21/league-of-13-media-concentration-in-indonesia/
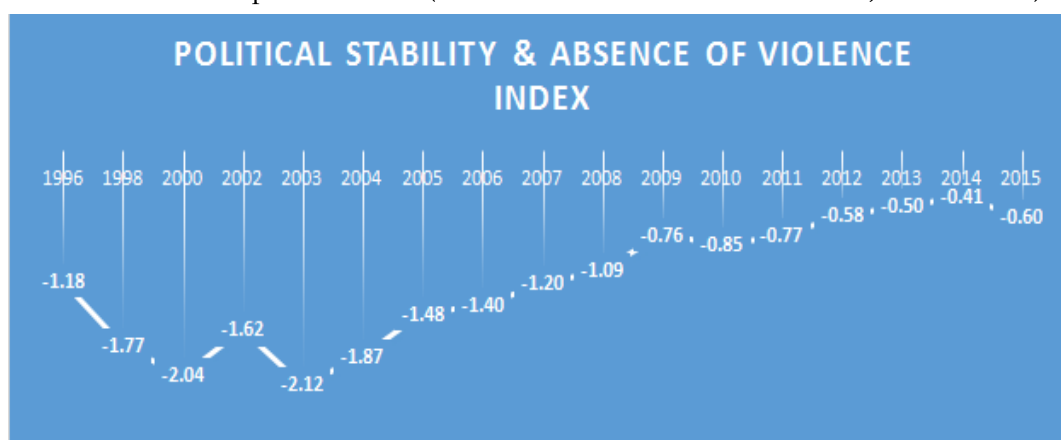
Figure 12. Percentile Rank in the World for Indonesia's Political Stability (1996-2015)
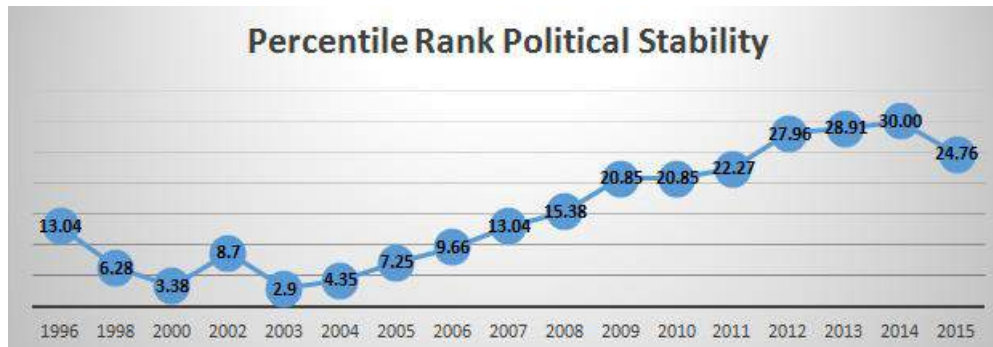
Source: World Bank – Worldwide Governance Indicators

The Political Stability & Absence of Violence/Terrorism Index measures perceptions of the likelihood that the government of Indonesia will be destabilized or overthrown by unconstitutional or violent means, including politically-motivated violence and terrorism.[38] On this count, although Indonesia still ranks negative, it remains stable. The Constitution was amended in 2001-2004 to provide a stable presidential system and preclude politically motivated impeachments, such as the one former president Abdurrahman Wahid experienced in 2001.

Civil-military relations were reconstructed after 1998, when the military returned to the barracks and ceased to have any direct involvement in Indonesian politics. This has ensured a neutral military with a very slim possibility of a military coup. Anti-terrorist efforts have also been very successful in rooting out radical militant organizations since the Bali Bombings in 2003-2004.

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[38] http://www.theglobaleconomy.com/Indonesia/wb_political_stability/

State of Democracy in Asia: Japan

Yasushi Kudo[1]
Genron NPO

Introduction

Japan is a country with a mature democratic system of government in which various legal frameworks have established a firm hold in society. Fundamental human rights are guaranteed under the Constitution, while elections are conducted in a fair manner and corruption has been successfully reduced to a bare minimum. Nonetheless, a point at issue is whether Japanese democracy is functioning at a sufficient level to solve the problems surrounding the country. The Genron NPO, a not-for-profit independent think tank in Japan, has initiated a move to organize a full-fledged public debate on this issue, and conducted a questionnaire survey of Japanese intellectuals as part of its preparations. According to the findings of the survey, 45 percent of the respondents replied that democracy is "functioning appropriately" or "functioning somewhat appropriately." However, a nearly identical 47 percent replied that democracy is "not functioning appropriately" and "somewhat not functioning appropriately." The poll asked those who responded negatively for further elaboration on their responses. Among a host of replies, two stand out. As high as 46 percent said that "winning elections is the primary concern and politicians are not squarely facing their tasks," and 40 percent pointed out the "inability of journalism (or media organizations) to serve as a watchdog over politics and a provider of venues for sound debate."

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[1] President, Genron NPO

Graph 1. Evaluation of the Present State of Democracy in Japan

(No. of respondents: 172)

- Functioning appropriately
- Relatively functioning appropriately
- Neither
- Relatively not functioning appropriately
- Not functioning appropriately
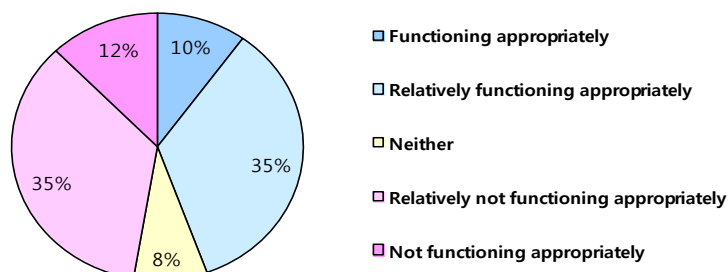
Graph 2. Responses to the Follow-up Question "Why do you think so? Please choose up to two" (asked to those who replied that democracy is either "not functioning" or "somewhat not functioning.")

(No. of respondents: 88)
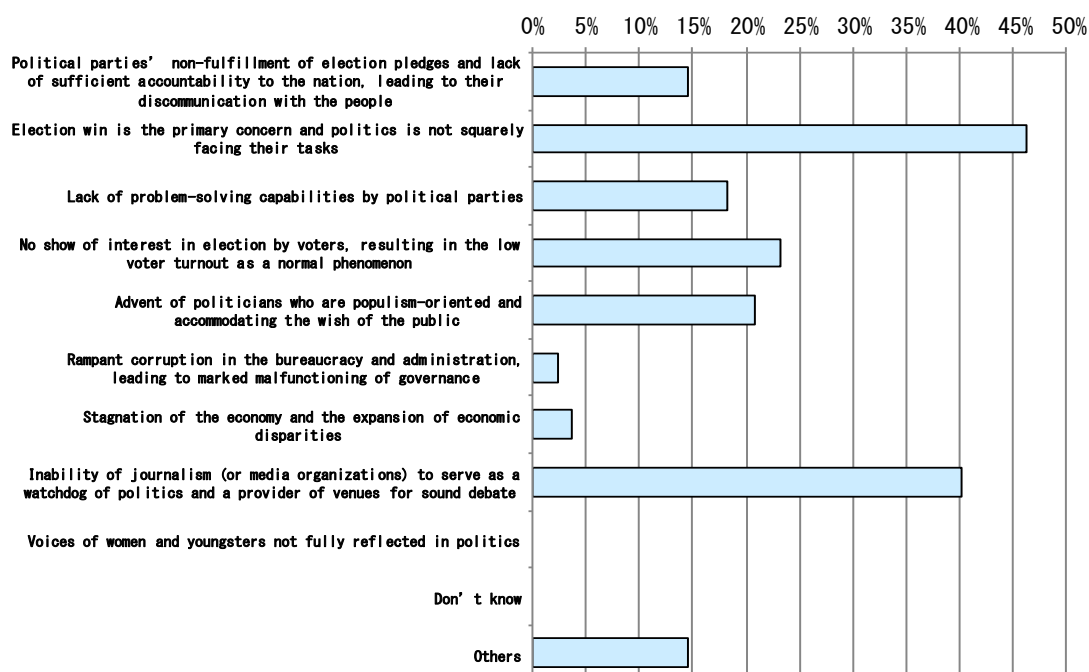
Source: Expert Survey on Democracy, The Genron NPO (2016)

1. Procedural
1.1) Fair Elections

The following laws are in place in Japan and are a good indication that fair elections are being held. The preamble of the Japanese Constitution states as its basic principle that the sovereign power resides with the people, and that the country adheres to a parliamentary democracy as its form of government. Hence, Japanese nationals express their political intentions primarily through elections. Basic principles such as universal suffrage, one person one vote, direct elections, and secret ballots have all been adopted in Japan.

Meanwhile, there is no provision regarding political parties in the Constitution. However, Article 21 of the Constitution stipulates the freedom of assembly and association, and there are various laws such as the National Assembly Law, the Political Funds Control Law, and the Political Party Grant Law that operate on the premise that political parties exist. While Japan has long operated under a dominant-party system in which the Liberal Democratic Party has been in power, there is competition among political parties, and there were, for example, nine political parties that participated in the Lower House elections in 2014.

The Public Offices Election Act provides detailed regulations regarding the election system. This law has various provisions to ensure that elections are held in a fair manner, including the establishment of the administrative authority of the Election Administration Commission, rules regarding the constituency system and the number of parliamentary seats based on rational standards, the system of administrators and witnesses during voting and ballot counting, the time period and method of the election campaign, and the standardization of fees to be adopted in both the Lower and Upper House national elections as well as local elections.

Furthermore, Article 6 of the Public Offices Election Act states that the government and the Election Administration Commission are obliged to provide "*jouji keihatsu* (constant education)" on basic knowledge of politics to voters and candidates in order to conduct a fair and appropriate election. The "*Akarui Senkyo Suishin Undo* (Bright Election Promotion Campaign)," a promotional activity sponsored by the public and private sectors, began in 1952, when violations of the election law were rampant. Since then, the number of such violations has been on the decline. For example, according to data provided by the Election Department of the Local Administration Bureau of the Ministry of Internal Affairs and Communications, there were 25,590 violations of the election law in the 25th election held in 1952, while the number of such violations had decreased to 108 in the 46th election in 2012 and to 78 in the 47th election in 2014.

The report *Democracy Index 2015: Democracy in an Age of Anxiety*, which was published by the Economist Intelligence Unit (EIU), the research division of the British magazine The Economist, gave Japan 9.17 points (out of a maximum of 10) in its "electoral process and pluralism" index, and included Japan in the category of countries with "full democracies." Such an evaluation can be said to be appropriate given the above-mentioned factors.

Graph 3. Cases of Violations of the Public Offices Election Act
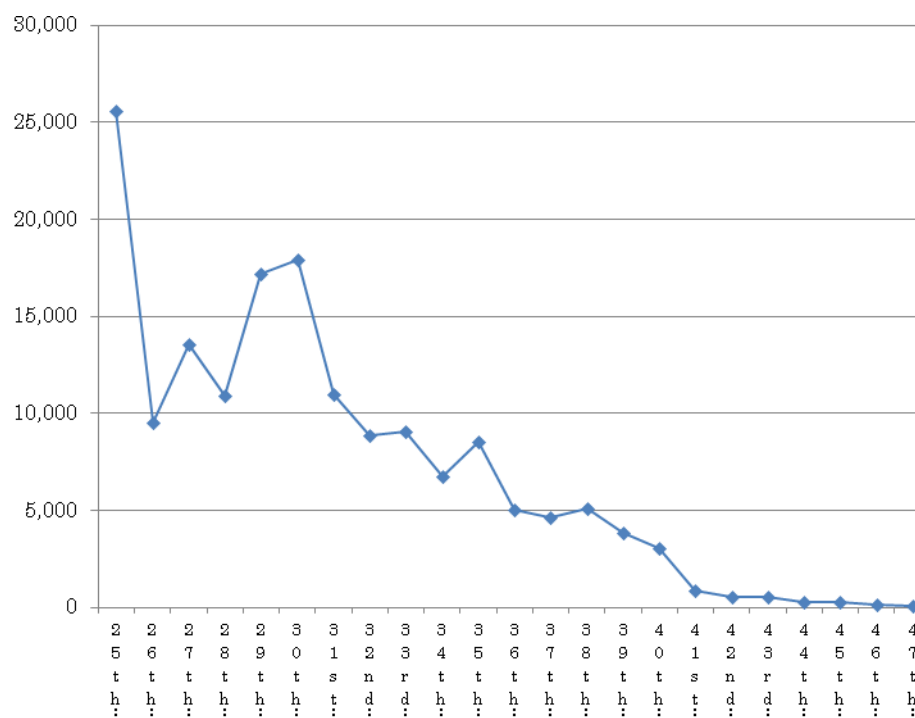
Source: Election Department, the Local Administration Bureau,
the Ministry of Internal Affairs and Communications

1.2) Political Participation

An analysis of Japanese people's political participation shows that Japanese people are less active not only when it comes to voting, but also in other political activities. According to figures on public office elections in Japan, voter turnout is almost always light. Voter turnout was estimated at an average 65.32 percent in the most recent Lower House elections in 37 countries that have the highest level of free democracy but no compulsory voting system, according to criteria used by the Washington-based Freedom House, an international non-government organization. (Source: International IDEA, IDEA vt data EXCEL 2015-05-04) Voter turnout in the 2014 election for the House of Representatives, Japan's Lower House, stood at 52.66 percent, slipping far below the average of the 37 countries included in the report. The House of Representatives election in Japan is the most important one in that it determines Japan's governing regime. Voter turnout is usually higher than in other elections. This means that as far as the latest data are concerned, the participation of the Japanese public in elections is relatively unenthusiastic. In local elections, voter turnout falls below 50 percent very frequently, sometimes reaching as low as the 30 percent range.

A recent noteworthy trend has been an increase in elderly voters relative to the total electorate in Japan amid the continuous aging of society. The increased political influence of senior voters can be seen as the advent of a "silver democracy." Politicians tend to listen more to the voices of elderly voters than they do to the youth. This has made it difficult for Japan to drastically rebuild its social security system. Spending has increased for such purposes as pensions, medical services and nursing care, while budgets for education and child care have shrunk. This leads to a widening of the age-to-age gap in the financial burdens for the national budget, with a higher burden placed on the shoulder of those who are working age in favor of retirees.

The World Values Survey Data report , which is a study of political values that was conducted in 48 countries around the world between 2010 and 2014 is a useful tool for analyzing the level of participation in political events other than public voting. The report examined figures for each of the countries on four kinds of political activities – signing petitions, boycotting, and participating in demonstrations and walkouts. Of the people polled in Japan, 28 percent reported that they have signed petitions before. As this figure is far above the global average of 16.9 percent, Japan ranked ninth in this category. However, Japan's figures in other categories were unimpressive.

The Democracy Index 2015: Democracy in an age of anxiety, the annual Economist Intelligence Unit study, gave Japan a score of 6.11 points out of a maximum of 10 points in the political participation category. The figure was slightly lower than the average score of 7.61 points of the top 20 countries, but it was rather appropriate for Japan in light of the findings mentioned above.

There has been a change in the attitudes of the Japanese public towards demonstrations in recent years. In 2010, rallies were organized across Japan amid increased tension between Japan and China following repeated incursions by Chinese ships into disputed waters near the Japanese-held Senkaku Islands in the East China Sea, and people opposing the restart of Japan's nuclear power plants following the Fukushima disaster in 2011 held a massive rally in front of the Prime Minister's Official Residence in the heart of Tokyo in 2012. More recently, tens of thousands of people took to the streets in the summer of 2015 to protest the government's passing of legislation to enable Japan's greater participation in military activities abroad.

Graph 4. Overall Voter Turnout for House of Representatives Elections
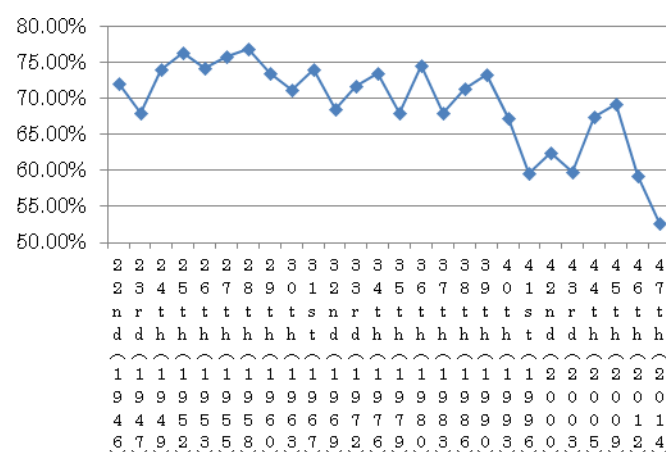
Graph 5. Voter Turnout by Age Bracket for the 2014 House of Representatives Elections

overall voter turnout, at 52.66 percent
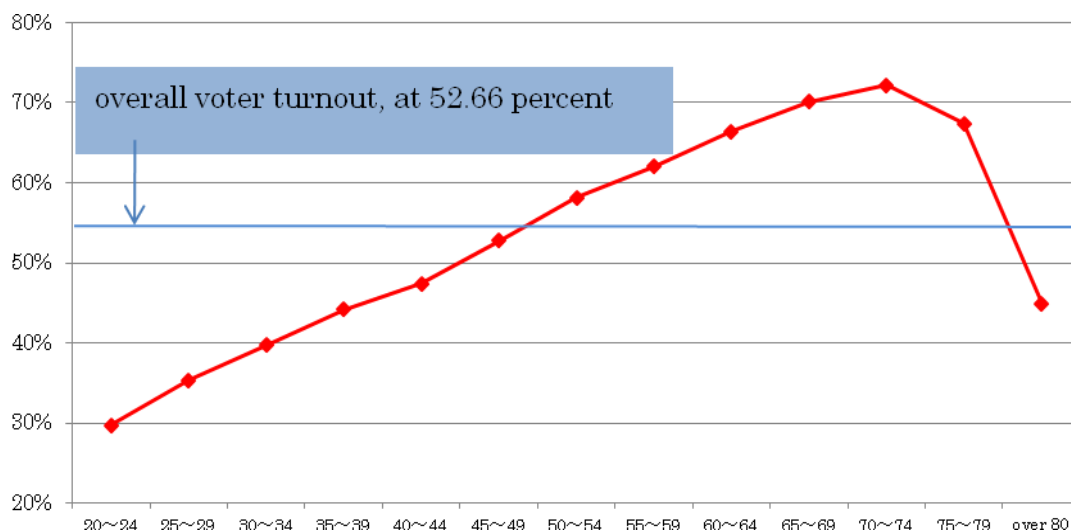
Source: The Association for Promoting Fair Elections (a public interest foundation)

1.3) Civic Education

It is quite questionable whether the importance of voter education has been fully valued by Japan's educational system. The first clause of Article 14 of the Basic Act of Education stipulates that "the political literacy necessary for sensible citizenship must be valued in education." This "political literacy" is generally interpreted to mean (1) broad knowledge about the various institutions that govern contemporary democratic politics, such as political parties, the Constitution, and the autonomy of local governments; (2) an understanding of real politics, and the ability to make impartial and critical judgments, and; (3) the implantation of political ethics and the fostering of political creeds necessary to serve as a sensible citizen in a democratic state.

The reality is that in school, political education is virtually limited to the imposition of knowledge about political institutions, and pupils/students are not taught how to understand real politics, nor how to nurture the ability to make impartial and critical judgments about real politics, to say nothing of matters related to political ethics and political creeds. Behind this insufficiency lies the question of the "political neutrality" of education at school. The second clause of Article 14 of the act stipulates that "the schools prescribed by law shall refrain from political education in favor of or against any specific political party, and from other political activities." This stipulation is aimed at preventing certain ideologies and political creeds from penetrating educational institutions to maintain the political neutrality of education. In the 1950s, Japan's education was marred by ideological strife between the Education Ministry and the leftist-leaning Japan Teachers Union. Due to the battle between conservative and progressive political forces, the necessity of the political neutrality of education was emphasized to an excessive degree, eclipsing the importance of the

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"political education" prescribed in the first clause of Article 14. As a consequence, "de-politicization" has been deeply incorporated in Japan's education.

With the enactment of new legislation in 2015 to lower the voting age to 18 as momentum, an extensive discussion over the desired modality of political education has been ongoing. While maintaining its adherence to the importance of the political neutrality of education, the Education Ministry has shifted its stance towards the positive promotion of political education. For instance, the ministry set up an in-house study panel on the matter and published its final report in June of 2016, which called for an increase in efforts to promote "voter education." According to the ministry's survey on the state of "political literacy education" in schools, 94.4 percent of the nation's senior high schools conducted such education in 2015. However, 89.4 percent of the schools polled replied that they taught their students what the Public Offices Election Law stipulates and the detailed scheme of elections, showing the tendency to overemphasize knowledge rather than critical thinking skills. At the same time, the survey showed signs of improvement in political literacy education overall, as evidenced by the fact that 20.9 percent of the schools had their students discuss Japan's actual political landscape, and 29 percent had their students engage in mock elections and other such hands-on activities.

2. Substantive
2.1) Rule of Law

The rule of law is the legal principle that nations should be governed according to the law, as opposed to the arbitrary decisions of the state or individual officials. This aims to protect the rights and freedoms of the people. In modern Japan, there are four pillars that form the basis of rule of law: guaranteed human rights, the espousal of the Constitution as the supreme law, the importance of judicial power, and the guarantee of appropriate procedures for anyone when a criminal penalty is to be imposed.

Japan's Supreme Court has actually issued rulings of unconstitutionality in only 10 cases thus far. When Japanese courts examine whether a case violates the Constitution, they have tended to take a rather passive attitude while respecting judgments by the executive branch as Japan's policymaker as much as possible. Of particular note is the fact that cases in which a highly politically motivated deed by the state concerning the very basis of the nation's governance have been excluded from judicial examinations, even when legal rulings could be theoretically passed by the court as cases for legal disputes. This being the case, there are some who view the rule of law as not fully functioning in Japan.

2.2) Gender Equality

Women's social participation in such areas as politics and the economy is considerably low in Japan. The percentage of female parliamentarians is 9.5 percent in the Lower House and 15.7 percent in the Upper House, and according to the "Women in National Parliaments" data compiled by the Inter-Parliamentary Union, Japan is ranked 156th among 191 countries (as of January 2016, comparing Lower House memberships). That is the lowest rank among OECD nations. The current global average is 22 percent, a figure that has doubled from 11 percent in 1995 when the World Conference on Women was held. Meanwhile in Japan, while the figure for the Lower House has tripled to 9.5 percent (45 female parliamentarians) in the 2014 general election from the 2.7 percent (14 female parliamentarians) in the 1993 general election, the figure is merely equal to the global average of 20 years ago. Furthermore, the proportion of female ministers in the Cabinet was 22 percent in 2015, ranking Japan 51st out of 145 nations in "The Global Gender Gap Report 2015 (GGGR 2015)," published by the World Economic Forum.
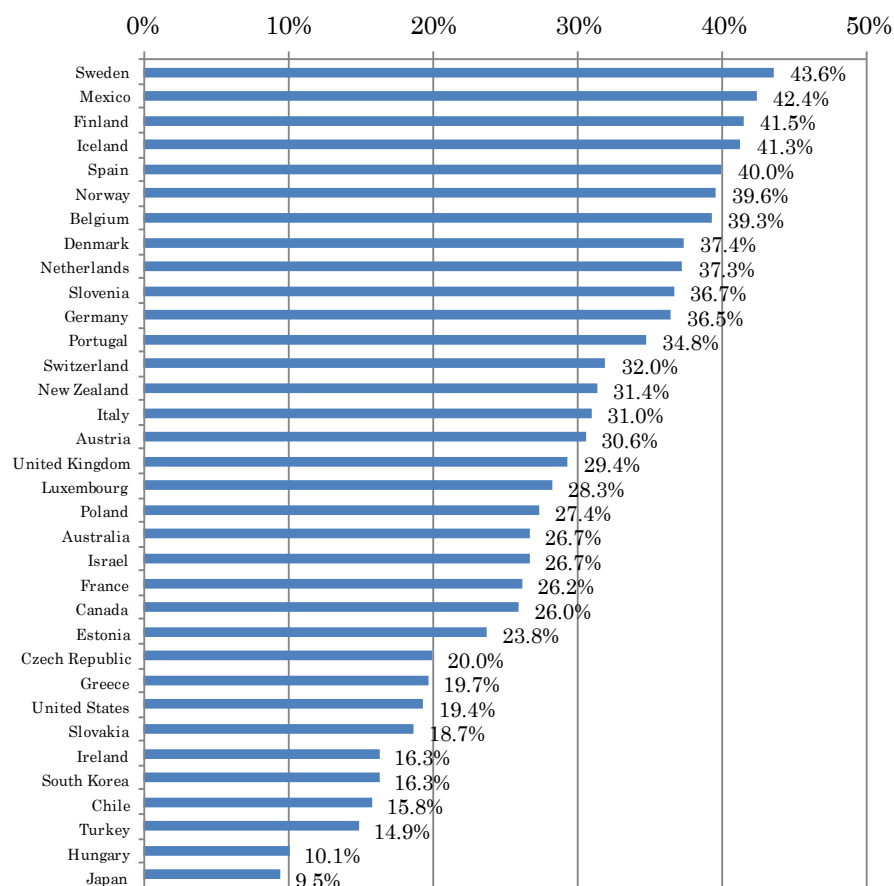
The GGGR 2015 also ranked Japan 116th out of 145 nations for female participation in the economy, with only 9 percent of the country's entire management force in 2015 being women. In 2003, the Japanese government set a target to have women occupying "about 30 percent of leading positions[2] in various fields of society" by 2020, and the current Abe administration is actively

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[2]The government's definition of "leading positions" includes the following: (1) assembly persons, (2) a position of or above managers in organizations and corporations, (3) engaging in a highly specialized profession among specialized or technical occupations

promoting political policies aimed towards women. But the fact is gender equality is not progressing swiftly enough in Japan. For example, in 2015, the Japanese government lowered its target "to see 7 percent (currently 3.5 percent) of female national civil servants take up managerial positions in ministries by the end of fiscal year 2020."

Graph 6. The Proportion of Seats Held by Women in National Parliaments (as of January 2016)

Country	Percentage
Sweden	43.6%
Mexico	42.4%
Finland	41.5%
Iceland	41.3%
Spain	40.0%
Norway	39.6%
Belgium	39.3%
Denmark	37.4%
Netherlands	37.3%
Slovenia	36.7%
Germany	36.5%
Portugal	34.8%
Switzerland	32.0%
New Zealand	31.4%
Italy	31.0%
Austria	30.6%
United Kingdom	29.4%
Luxembourg	28.3%
Poland	27.4%
Australia	26.7%
Israel	26.7%
France	26.2%
Canada	26.0%
Estonia	23.8%
Czech Republic	20.0%
Greece	19.7%
United States	19.4%
Slovakia	18.7%
Ireland	16.3%
South Korea	16.3%
Chile	15.8%
Turkey	14.9%
Hungary	10.1%
Japan	9.5%

Source: "Women in National Parliaments," World Classification of the Inter-Parliamentary Union

2.3) Corruption

The present assessment of anti-corruption in Japan is that measures to fight corruption by politicians are not producing the desired results, whereas measures aimed towards countering acts of corruption by ordinary civil servants are making progress. The National Public Service Ethics Act and the Local Public Service Act prohibit acts by civil servants that may bring about suspicion and distrust from citizens with regards to the execution of their duty, as well as their acceptance of special favors from private businesses. The Penal Code strictly punishes civil servants who accept bribes.

Despite the enforcement of these legal measures, there have been many cases of corruption and scandals involving civil servants. In 1996, for instance, the administrative vice minister of the Health and Welfare Ministry was arrested on bribery charges. Two years later, the Finance Ministry was rocked by a major scandal in which two of the ministry's bank inspectors were arrested for allegedly revealing information to some big banks and securities houses on the timing and locations of upcoming inspections in return for expensive largesse and excessive hospitality.

In response to the succession of corruption cases involving senior government bureaucrats, the Japanese government enacted the National Public Service Ethics Act in 1999, legislation that elaborates on ethics pertaining to the duties of national civil servants. The new law prohibits the receipt of money, articles and other property benefits, or entertainment or gifts from business operators whose interests are related to the duties of civil servants. It stipulates restrictions on contacts between business operators and civil servants, and obligates civil servants to submit a report in the event of the receipt of such gifts or other benefits. Punitive measures against violators of this law are meted out under the strict scrutiny of the third-party National Public Service Ethics Board. Indeed, this ethics law has served as a strong antidote to the problem, resulting in a dramatic shift in the attitudes of civil servants towards corruption. Meanwhile, local governments and specified incorporated local administrative agencies are legally obliged to make efforts to take similar anti-corruption measures, and each local entity must formulate a code of ethics for its employees.

According to the 2015 Corruption Perceptions Index (CPI) report released by Transparency International, the Berlin-based non-governmental organization for the prevention of corruption and bribery in government, Japan shares 18th place with Ireland among the 168 countries included in the report. In 1998, Japan's standing in the same annual survey was 25th, showing a steady rise in its ranking since the enactment of the ethics law. The legislation has been effective in curbing corruption and scandals.

Japan has passed and implemented a variety of additional regulations to fight corruption in politics, including the Public Offices Election Law and the Political Funds Control Law. In 1999, the new legislation was enacted to punish the act of deriving gains in return for the exertion of influence or promise to exert influence upon another civil servant in response to a request. All members of the National Diet, local assemblies and heads of local governments are subject to this law. In spite of these efforts, there have been a number of high-profile money scandals involving politicians, as shown by the fact that four Cabinet ministers have taken responsibility for political funding scandals and resigned from their Cabinet positions since Shinzo Abe formed his Cabinet in December 2012 in his second stint as prime minister. None of the four were indicted and have remained National Diet members. Experts say that these anti-corruption laws governing politicians have many loopholes and are hard to apply due to the strict requirements for indictment. As a result, little headway has been made toward curbing corruption by politicians.

Graph 7. Number of Punitive Measures Taken for Violations of the National Public Service Ethics Act
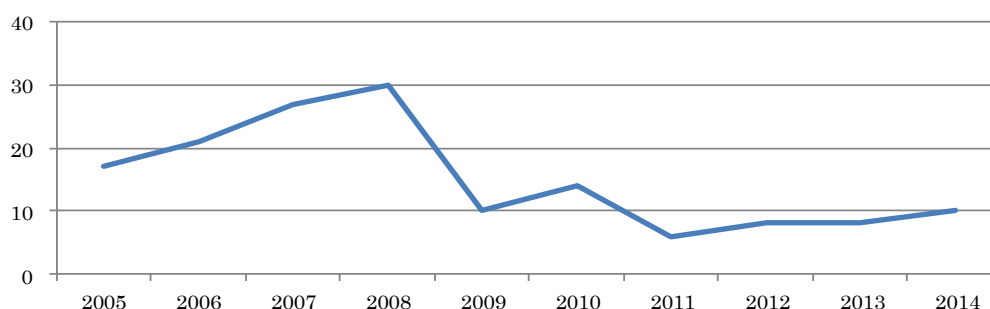
Source: White Paper on Public Employees, the National Personnel Authority

2.4) Economic Inclusion

In Japan, economic disparity as measured by the Gini coefficient is not widening, but the risk of poverty is gradually increasing. Japan's Gini coefficient was 0.361 in 1996, 0.381 in 1999, 0.381 in 2002, 0.387 in 2005 and 0.379 in 2011, indicating that there have been no major changes over the past 10 years. Meanwhile, the Comprehensive Survey of Living Conditions conducted by the Ministry of Health, Labor and Welfare in 2013 asked respondents to mark whether living conditions were "extremely difficult," "rather difficult," "ordinary," "rather affordable" or "very affordable." The proportion of people who responded that living was "extremely difficult" was 27.4 percent of all households, while 32.9 percent answered "rather difficult" and 35.9 percent answered "ordinary." The same survey conducted in 1995 showed 51.8 percent of the respondents indicated their living conditions were "ordinary," indicating that Japanese society has shifted in the last 15 years from where over half of the population felt living conditions were ordinary to over half finding living conditions difficult.

These perceptions of the Japanese population are backed by the poverty rate. According to the Comprehensive Survey of Living Conditions mentioned above, the relative poverty rate in 2012 was 16.1 percent, rising from 13.7 percent in 1994. Compared to international standards, the figure far surpasses the 2010 OECD average of 11.3 percent. The poverty risk is particularly increasing among the aged population, specifically among women aged over 70. The child poverty rate was 16.3 percent in 2012, meaning one in six children are living with half the resources of a child from an average household. Furthermore, the poverty rate of single-parent households was 54.6 percent in 2012, the worst among OECD nations as of 2010.

Elsewhere, according to the Labor Force Survey by the Ministry of Internal Affairs and Communications in 2015, 47.2 percent of men and 53.6 percent of women between the ages of 15 and 24, and 16.5 percent of men and 41.3 percent of women between the ages of 25 and 34 were temporary workers, showing that work among the younger generation is unstable, which in turn

adds to the risk of poverty. It could be said that Japan as a whole has seen poverty continue to rise since 2000.

Graph 8. Relative and Child Poverty Rates in Japan
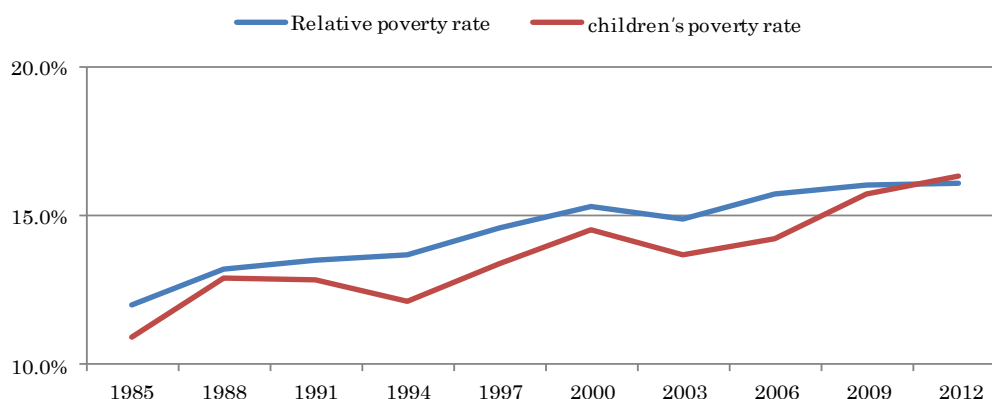
Source: Comprehensive Survey of Living Conditions in 2013, Ministry of Health, Labor and Welfare

2.5) Freedom of Expression and Media

The freedom of the press is strongly protected under the Japanese Constitution. However, it is doubtful whether media organizations, as the bearer of this freedom, have created a favorable environment for free speech that contributes to the development of democracy. According to Article 21 of the Constitution, "Freedom of assembly and association as well as speech, press and all other forms of expression are guaranteed." The freedom of the press is guaranteed as a type of freedom of expression under Article 21. The Supreme Court also stipulates that reporting activities by media organizations are in service of the people's "right to know," since they supply important information that allows people to make judgments and participate in government.

According to the rankings under the World Press Freedom Index for 2016, announced by Reporters without Borders, Japan was ranked as low as 72nd among 180 countries and regions across the globe. It should be remembered that Minister of Internal Affairs and Communications Sanae Takaichi's remarks in the Diet early this year drew criticism as they were seen as threatening to the independence of the media. She is said to have suggested the possibility of ordering TV stations to stop broadcasting when they have repeatedly aired programs that lack political impartiality. But this kind of government pressure cannot be precisely measured with quantitative criterion. It is difficult to actually verify the degree to which the independence of the media is destroyed in these cases.

Relevant systems on the part of news organizations must also be improved from the point of view of securing the independence of the press. Foremost among them is the so-called press club

system, under which registered media companies have booths within government offices, police stations and other public places that give them exclusive access to information there. The media companies involved tend to rely on information provided by "authorities" and compile reports without actually checking the authorized information. This also decreases their enthusiasm about performing their primary role of monitoring those in power.

Japanese opinion leaders have a critical view of these long-sustained systems and practices in Japan's media world. In a Genron NPO questionnaire conducted in August 2016, 40 percent of those who said they believe Japan's democracy fails to fully function mentioned that commercialism is dominant in the country's journalism, as media companies have not thoroughly performed their roles of properly monitoring the government and providing information to the people that is necessary to hold healthy discussions.

2.6) Minority Rights and Protection

There are no religious minorities that receive unreasonable discriminatory treatment from authorities in Japan today. Prior to World War II, the Japanese government gave preferential treatment to State Shinto as the national religion, and indifferent treatment to other religions with a few exceptions. For example, religions such as Christianity and Oomoto-kyo were targets of oppression. In an effort to overcome this past, Article 20 of the Japanese Constitution stipulates that "Freedom of religion is guaranteed to all. No religious organization shall receive any privileges from the State, nor exercise any political authority." This guarantees freedom of religion to all individuals and clearly states the separation of state and church. In addition, Article 14 of the Constitution states that "All people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin," which guarantees that no one will receive unreasonable discriminatory treatment based on one's creed, in other words, one's religious beliefs.

Meanwhile, in regards to ethnic groups, the report by the Japanese government to the United Nations regarding the International Covenant on Civil and Political Rights designates the Ainu people as the only "ethnic minority" defined under Article 27 of said covenant. However, Ainu people also possess Japanese nationality, meaning that they hence also possess the same constitutional human rights, such as the right to vote, that is guaranteed to all Japanese nationals.

2.7) Decentralization

The Japanese Constitution devotes one chapter to local self-government, which is firmly protected as a constitutional system. But it is doubtful as to whether local governments are actually performing their duties independently from the national government.

Article 92 of the Constitution states that "Regulations concerning the organization and operation of local public entities shall be fixed by law in accordance with the principle of local autonomy." The principle of local autonomy as mentioned here has two elements—resident autonomy and group autonomy. Resident autonomy is a democratic element under which local autonomy is performed according to the wishes of local residents. The Constitution calls for electing the chief executive of the local public entity and its assembly members through a direct popular vote. In addition, the Local Autonomy Law embodies this principle by establishing various procedures for direct resident petitions, referendums, resident suits and others.

Group autonomy is a liberalist, decentralization-oriented element under which local autonomy is commissioned to an entity independent from the nation, and is performed under its will and responsibility. The Constitution and the Local Autonomy Law authorize the establishment of prefectures and cities, towns and villages as administrative districts under prefectures, and at the same time give them the right to enact their own regulations and execute administrative duties within the law.

The fiscal system for local governments in Japan is heavily dependent on the central government. There are some independent local taxes levied, but such taxes account for only a small portion of the total tax revenue for local governments. The greater part of local tax revenue is earned through tax grants and disbursements from the national treasury. Tax grants are not allocated to rich local governments with a big population and actively operating business corporations, but there are only 77 out of 1,765 local entities that fit this criteria.

Since the passage of the Decentralization Law in 1999, Japan has been implementing reform measures for decentralization. Some progress has been made in the transfer of rights from the central government to local governments, but there has not been any conspicuous progress in revising the rules on the division of tax sources between the central government and local governments. The current Abe administration emphasizes regional rehabilitation as its pet scheme, but the campaign mainly features measures to stimulate local economies, with little attention paid to proposals for improving the fiscal systems of local governments.

2.8) Political Stability

The National Defense Council, established in 1954 in step with the creation of Japan's Self-Defense Forces, and its successor entity have served an important role in maintaining the civilian control system in Japan throughout the postwar period, adopting basic guidelines for national defense, making plans to improve Japan's defense capabilities, and outlining the defense program (the council was restructured into the National Security Council in 1986).

The number of issues on the agenda of the National Security Council has increased following a series of developments in the security environment surrounding Japan. Among them are North Korea's test-firing of long-range missiles and its nuclear arms development, and Japan's policy of playing a greater role in military activities abroad. Japan launched the current upgraded version of

the National Security Council in 2013 under Prime Minister Abe's administration in order to discuss security-related matters from an even broader point of view, and define a basic course for Japan's defense policy for related government ministries and agencies.

At the core of the current National Security Council is a regular four-way conference, which brings together the prime minister, the chief Cabinet secretary, the foreign minister, and the defense minister approximately every two weeks. The deputy prime minister also attends the meetings. When matters related to people's lives and property are on the agenda, a different ministerial conference is urgently called to determine a basic policy for coping with an emergency. When an SDF unit is to be dispatched on a mission abroad, a conference of nine Cabinet ministers, the four core ministers, the minister for internal affairs and communications, the minister for land, infrastructure, transport and tourism, and three other ministers is called in order to secure closer civilian control of the SDF.

In the wartime years leading up to 1945, Japan saw military officers intervene in politics frequently by using their favored positions under the old Constitution that was established in the Meiji Era. This contributed to the destruction of Japan's constitutional order. But such military intervention cannot occur any longer in today's Japan, because, as described above, the current SDF, Japan's military force, is under the firm grip of the Constitution and the government.

State of Democracy in Asia: South Korea[*]

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Introduction

South Korea's march toward democracy has been a tumultuous and ongoing process. While South Korea has been heralded as a shining beacon of a liberal Asian democracy in a region with more autocratic governments than democratic ones, its status as a "full democracy" was questioned in the most recent Democracy Index 2015 report by the Economist Intelligence Unit released in January 2016. According to the Economist Intelligence Unit, while South Korea may respect basic civil liberties and free and fair elections observed, such democratic deficiencies as "problems in governance, an underdeveloped political culture, and low levels of political participation" remain. With South Korea's demotion to the status of "flawed democracy," this means that no Asian state now meets the classification criteria of a "full democracy."

Against this backdrop, this report evaluates the procedural as well as substantive aspects of democracy in South Korea using both global and local data. The data reveals that while South Korea may have intact democratic institutions and citizen rights are clearly outlined in the Constitution, whether they are respected and functioning properly is a different matter. For example, although global data may rank the state of democracy in South Korea as relatively intact, local data exposes deeper weaknesses and vulnerabilities in the nation's democratic institutions. This gap between democracy as a political institution and democracy as functional practices sometimes ruptures with massive demonstrations against power abuse or corruption. Ongoing massive demonstrations demanding President Park Geun-hye to step down from the presidency reflects the popular resentment against her revealed illicit and unlawful governing behaviours. This kind of

unexpected disruptor cannot be predicted by democracy-related indicators and requires more re-flexive research on the fluid nature of democratic legitimacy and accountability.

It is important to remember that democracy is a process, not an end goal in itself, and South Korea is still marching down the path toward deepening the quality of democracy. This report pinpoints those components of democracy that are currently at risk owing to global trends and governance, providing policymakers, academics, and citizens alike with a comprehensive assessment and guide for the future.

1. Procedural

1.1) Fair Elections

According to the Freedom House data of 2015, South Korea received a relatively high score in the electoral process category (11 out of 12). Articles 114, 115, and 116 of the Constitution of the Republic of Korea clearly outline the role of the election commissions in ensuring the fairness of elections. Article 12 of the Public Official Election Act places the National Election Commission (NEC) in charge of all election affairs, including monitoring for any illegal or unfair dispositions taken by a subordinate election commission.

The overall state of democracy and electoral integrity of South Korea is held in high regard. According to the most recent Perceptions of Electoral Integrity (PEI) data released by the Electoral Integrity Project, which evaluates 180 national parliamentary and presidential contests from 2012 to 2015 in 139 countries worldwide, South Korea ranks at the top in the Asia-Pacific region with a PEI index of 77 and ranking of 15th in the world. In fact, when compared to other OECD members, the overall level of electoral integrity in South Korea, as indicated by the PEI index, is above the OECD average of 73. The only performance indicator where South Korea's score was lower than the OECD average was "electoral laws," which measures whether electoral laws are unfair to smaller parties, favor the governing party, or restrict the voting rights of citizens. For such indicators as "voting process," which looks at whether any fraudulent votes were cast, or "vote count," which evaluates the credibility of election results, South Korea's scores (78 for "voting process" and 95 for "vote count") were very close to those of Denmark (79 for "voting process" and 97 for "vote count"), which is ranked first in the world in terms of electoral integrity.

One of the noteworthy developments in South Korea's electoral system is the implementation of early voting. South Korea implemented the early voting system in 2013 to lengthen the time period during which voters could cast their ballots. Issues of inequality in political participation and representation were raised because some employees were not able to vote on Election Day due to their work schedules.

However, challenges to maintaining a free and fair electoral system remain for South Korea. Instances of state organs meddling in the election process, such as the dissemination of thousands of anti-opposition and pro-government propaganda messages by the National Intelligence Service in the lead-up to the 2012 elections, have undermined confidence in the neutrality of state government agencies. While an independent, constitutional body, namely the NEC, exists to oversee the election procedures, the very nature of its political neutrality and independence is oftentimes questioned. While the fact that three members of the NEC are appointed by the President, three elected by the National Assembly, and three nominated by the Chief Justice of the Supreme Court might illustrate that the NEC has legitimacy in terms of the balance of power, how independent these members are in wielding and exercising their decision making ability is questionable. According to other global data published by the Economist Intelligence Unit, South Korea's score in the Electoral Process and Pluralism arena has been declining in the ten years between 2006 and 2015.

Graph 1. Electoral Process & Pluralism Scores of South Korea (0 to 10 scale)
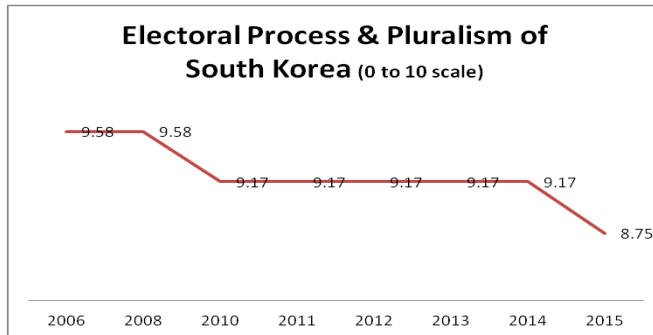

Source: Economist Intelligence Unit, Index of Democracy 2015

1.2) Political Participation

Generally, the political participation and civic engagement of citizens in South Korea is evaluated in a positive light according to both Freedom House (13 out of 16) and Economist data (7.22 out of 10). South Korea ranks among the top tier when it comes to political participation and pluralism. Political pluralism is robust, with multiple parties competing for power and succeeding one another peacefully in government. While power transitions oscillate between the conservative Saenuri Party and the liberal Minjoo Party of Korea, party organizational structures and coalitions are fluid.

While South Korea may have structures and systems intact for its citizens to participate freely in public life, whether they actually do so is another matter. As can be seen in Graph 2, voter turnout ratios in the most recent presidential and general elections, 75.8 percent and 58 percent respectively, are both lower than those in the 13th presidential and the 13th general elections, 89.2 percent and 75.8 percent respectively, which were held in the early period of South Korea's democratization. Whether lower voter turnout rates necessarily signal political apathy or a lack of political participation is debatable. While South Korea's voter turnouts in the most recent presidential and general elections were lower than those in the elections after the democratization, voter turnout rates are on the rise again.

Graph 2. Voter Turnout in Previous Presidential and General Elections
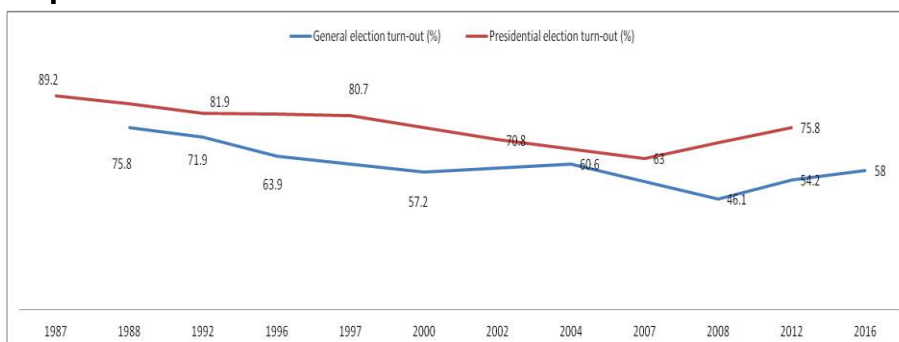
Source: National Election Commission

The relatively high level of the actual political participation or interest in political participation of Korean citizens can be seen in the increasing number of participation in political actions, such as petitions, boycotts, or assemblies. According to the World Values Survey, between 1982 and 2010, the percentage of Koreans who indicated interest in signing a petition hovered around 40 percent. It is interesting to note that from the 1980s up until the early 2000s when the participation rates in more traditional forms of political participation, for example casting ballots in elections, were on decline, non-traditional forms of political participation, such as boycotts or protests, have been trending upward. Since the early 2000s, voter turnout rates have been on the rise and rates of non-traditional political participation have been on the decline. This can also be observed in Graph 4, where more Koreans are turning away from actions such as unofficial strikes and toward lawful, peaceful demonstrations.

Graph 3. Participation Rate for Petition Signing and Boycotts
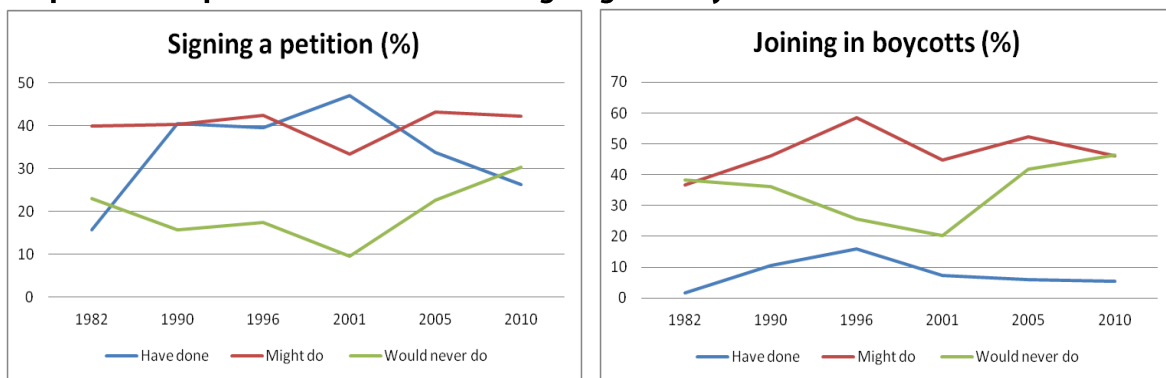
Source: World Values Survey

Graph 4. Participation Rate for Lawful and Unofficial Political Actions
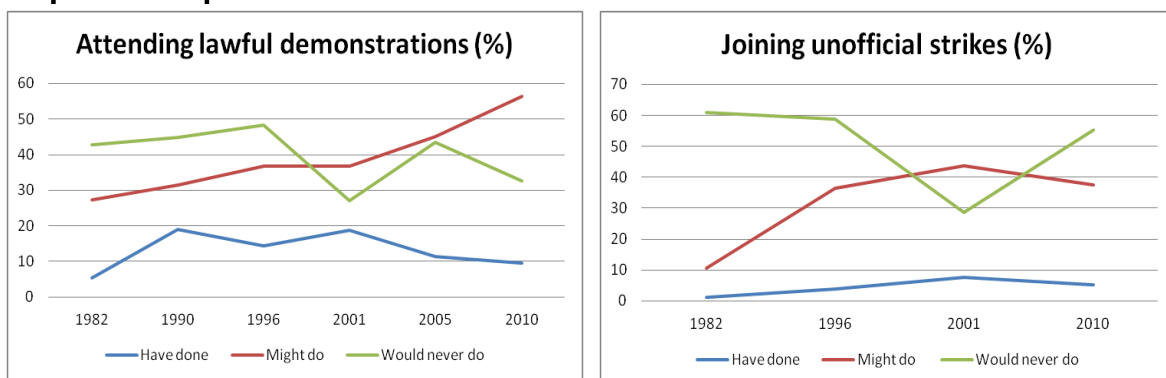
Source: World Values Survey

While the constitution protects the freedoms of assembly and association, some legal provisions conflict with these principles. For example, the Law on Assembly and Demonstration requires that the police be notified of all demonstrations and prohibits any activities that may cause social unrest. In abiding by this legal provision, the police and protesters have both been accused of using violence

and excessive force at times, with local nongovernment organizations alleging that police who mistreat protesters have not been penalized to the same degree that protesters have.

1.3) Civic Education

There are two significant laws that define the concept of civic education in South Korea: the Framework Act on Education and the Lifelong Education Act. According to these legal frameworks, the purpose of civic education is to enable people to become better "democratic citizens." Specifically, Article 2 of the Framework Act on Education states that "the purpose of education is to enable every citizen to lead a life worthy of a human and to contribute to the development of a democratic country and realization of an ideal of human co-prosperity by ensuring the cultivation of character, the development of abilities for an independent life, and the necessary qualities as a democratic citizen under the humanitarian ideal."

In South Korea, civic and citizenship education is taught in the form of moral education, social science, and history. For example, some middle schools include such concepts as human rights, community awareness, democratic participation, internet ethics, or multiculturalism in their social science curricula. Under Park Chung-hee's authoritarian rule in 1974, the government wrote history textbooks that were mandated as part of the history curriculum nationwide. These state-issued history textbooks are often criticized for justifying Park Chung-hee's prolonged dictatorship. When national history and contemporary Korean history were separated into two subjects by the Ministry of Education in 2002, standardized state-published history textbooks were replaced by state-authorized textbooks in contemporary Korean history classes, although the national history curriculum continued to use textbooks written by the government. It was only in 2010 when contemporary and national history were combined into one subject, Korean history, and history textbooks created by independent publishers replaced state-issued textbooks.

If one looks at how South Korean youths are grasping the understanding of their civic and citizenship education, Korean students receive relatively high scores on civic knowledge. According to the International Civic and Citizenship Education Study (ICCS) initiated by the International Association for the Evaluation of Educational Achievement, the average civic knowledge score of South Korea (565, with standard deviation of 1.9) was higher than that of the ICCS Asian average (502, with standard deviation of 1.5) and overall ICCS average (500, with a standard deviation of 0.6).

Challenges remain, however, for South Korea. Textbook issues are particularly controversial in South Korea, mainly because of differences over how to characterize the history of modern Korea, including the Japanese colonialism of the early 20th century, and South Korea's tumultuous and bloody march toward democracy. The current government's decision to replace existing independently published textbooks with a government-issued history textbook by 2017 has met with heavy criticism from the opposition party, some academics, and civic groups that such a move would not only stifle the freedom of expression and discussion, but also present a distorted

South Korea

perspective of the nation's history. Another challenge for South Korea is that while civic knowledge among youths is high, this knowledge is not translated into actual civic engagement or political participation.

Graph 5. Political Participation by Age Group
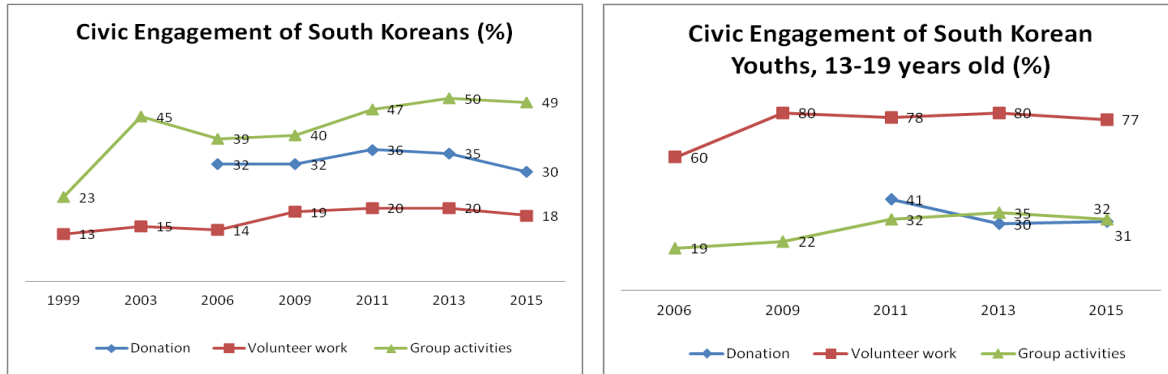
Source: Statistics Korea

2. Substantive
2.1) Rule of Law

One important aspect of the rule of law is the independence of the judiciary, as the autonomy of the courts is integral to equality before the law. South Korea's judiciary is relatively independent, with Freedom House scoring South Korea's rule of law a relatively high 13 out of 16. According to the Worldwide Governance Indicators data, South Korea's overall governance has consistently ranked between 0.8~1.02 out of 2.5 (strong). However, these same indicators, which define the rule of law as the perception of the extent to which agents have confidence in and abide by the rules of society, rank South Korea below the OECD average, which is around 1.27.

Graph 6. Changes in the Rule of Law in South Korea (2000-2014)

Source: Worldwide Governance Indicators

Despite significant achievements toward consolidating the concept of rule of law in the country, some scholars point out that corruption in politics and corporate governance and cultural indifference to the rights of the individual remain as challenges for South Korean rule of law to rise to meet the global standard. For example, residents in South Korea who are not ethnic Koreans face legal and social discrimination. It is difficult for non-Koreans to legally obtain South Korean citizenship, which is granted based on parental ethnicity rather than place of birth, thereby making it harder for foreign residents to access employment or civil services. Even North Korean defectors face social discrimination as a minority class. While the law prohibits gender discrimination in hiring practices, the same protection does not apply to sexual or ethnic minorities. As the basic function of the rule of law is to protect individual rights, the legal status of every individual must be protected and guaranteed institutionally for the rule of law principle to take firm root in South Korea.

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2.2) Gender Equality

In the Human Development Index (HDI) rankings for 2014, South Korea scored a gender inequality index value of 0.125, ranking it 23 out of 155 countries. 77 percent of adult women have reached at least a secondary level of education compared to 89.1 percent of their male counterparts. Female participation in the labor market is 50.1 percent compared to 72.1 percent for men.

Women in South Korea are granted legal equality. However, women face social and employment discrimination in practice, and continue to be underrepresented in government. In 2015, only 16.3 percent of parliamentary seats are held by women (HDI) and 50.8 percent of female employees have experienced sexual discrimination (Statistics Korea). According to the 2015 World Economic Forum Gender Gap Index, Korea ranks 115 out of 145 countries in terms of gender parity. While on a gradual rise, the Gender Gap Index paints a grim picture for South Korean women across the spectrum from economic participation to political empowerment in terms of relative gaps between women and men. South Korea ranks at the bottom when compared to other selected Asian countries. South Korea's performance on gender parity is markedly different across various categories. As can be seen in Graph 7, while Korean men and women do not differ much in terms of education attainment and health, there is greater gender inequality in political participation and empowerment.

Graph 7. Gender Gap Index, Rankings by Asia and the Pacific Region (2015)
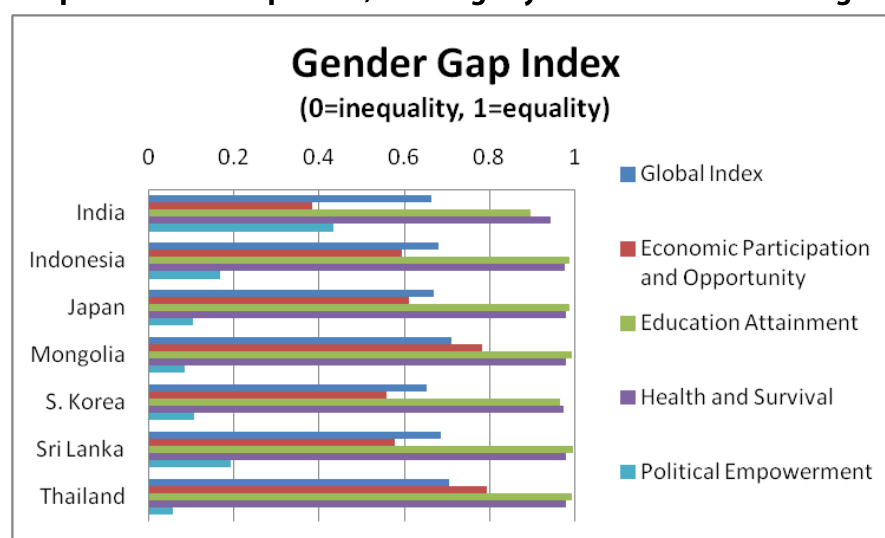

Source: World Economic Forum, Gender Gap Index

2.3) Corruption

According to the Corruption Perceptions Index by Transparency International, which ranks countries by "perceived" levels of corruption as determined through expert assessments and opinion surveys, South Korea is ranked 37 out of 168 countries with a score of 56 out of 100. As Graph

8 indicates, the level of corruption in South Korea as perceived by the public as relatively low in comparison with that of the other Asian countries included in this report.

**Graph 8. Corruption Perception Indices of Selected Asian Countries**
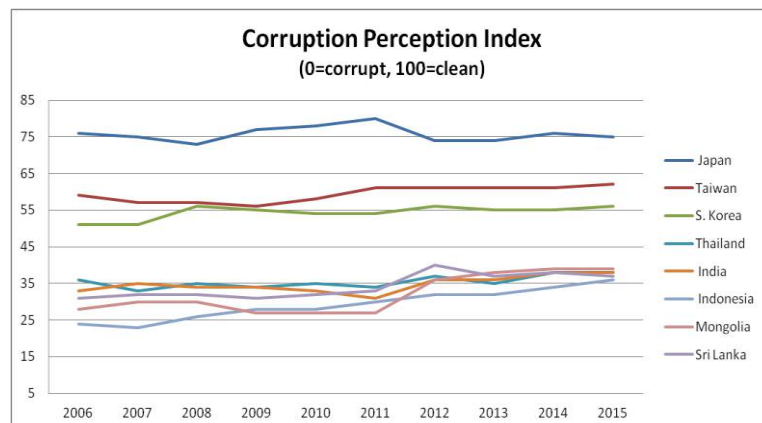
Source: Transparency International

Despite South Korea's seemingly clean status of perceived corruption globally, when South Korea is pitted against other OECD members, its ability to fight against the illegal diversion of public funds, unethical practices of politicians, or undocumented extra payments or bribes is seriously questioned. According to the survey findings by the World Economic Forum, South Korea is ranked as one of the eleven most corrupt countries in the developed world with a corruption score of 3.5 (1 being the most corrupt; 7 being the least corrupt). Corruption is widely perceived to be a serious problem in South Korea domestically; recently, a law was passed which prohibits people from buying a meal worth more than a certain amount (30,000 Korean won or about $26) for public officials, journalists, or anyone who is involved in one's work.

A strong sense of public distrust in government is prevalent and a persistent challenge. According to the Global Corruption Barometer, only 26 percent of South Koreans felt that their government's efforts to fight corruption were effective and as such, only 24 percent of people expressed that from 2007 to 2010 the level of corrupt practices in the country decreased. The South Korean public felt that the institutions most affected by corruption were political parties and the parliament/legislature, receiving a score of 4 on a scale of 1-5 with 5 being extremely corrupt.

Graph 9. Public Perception of Anti-corruption Efforts
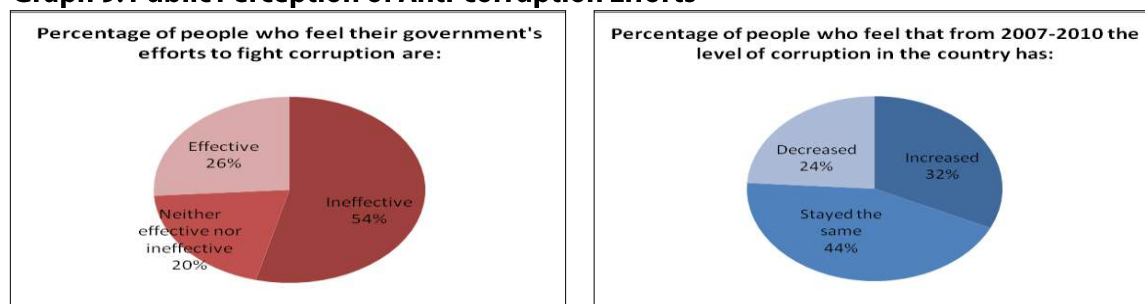

Source: Global Corruption Barometer

2.4) Economic Inclusiveness

According to the conventional income inequality indicators such as the HDI income inequality or Gini coefficient, South Korea is moving toward better income equality. The HDI income inequality indicator rates South Korea's income inequality as 18.4 percent, with 100 percent indicating perfect income inequality. South Korea's Gini coefficient, an indicator with a scale of 0-1 where 1 indicates perfect income inequality, is 0.295. As Graph 10 indicates below, South Korea's income inequality is in fact on the decline.

Graph 10. The Gini Coefficient of South Korea, in terms of Household Disposable Income (0 = Perfect Equality; 1 = Perfect Inequality)
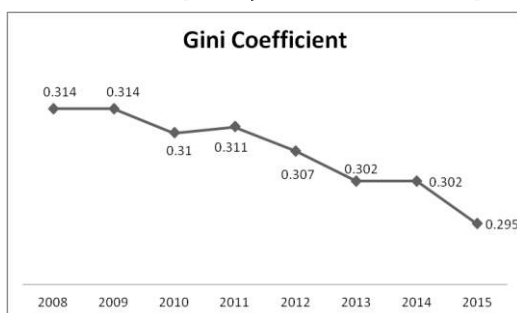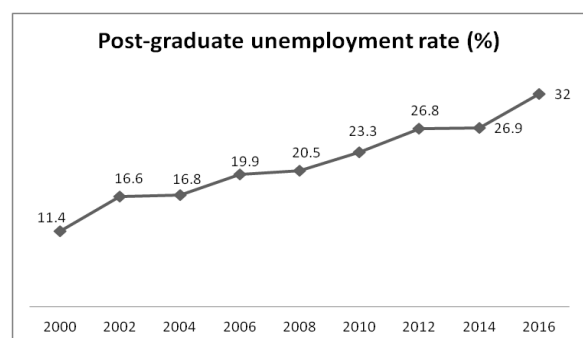

Source: Statistics Korea

However, the reality of economic polarization in South Korea has become a serious issue which has resulted in a series of social problems that plague Korean society. As shown in Graph 11, household debt as a percentage of net disposable income is steadily on the rise despite the current administration's best efforts. According to the Bank of International Settlement, South Korea's household debt-GDP ratio (88.4 percent) is the highest among emerging economies such as Thailand (71.6 percent), Malaysia (71 percent), or Singapore (60.3 percent) and industrial countries such as the U.S. (79.2 percent) or Japan (65.9 percent). The rapid pace at which household debt is growing in comparison with disposable income suggests instability in South Korean household finances and the possibility of low-income households defaulting on their debts in the future.

Graph 11. Household Debt as a Percentage of Net Disposable Income
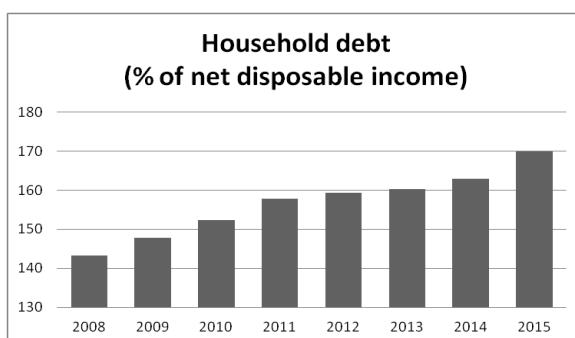
Source: OECD (2016), Household debt

**Graph 12. Post-graduate Unemployment Rate**

Source: Statistics Korea

Instability stemming from economic polarization can also be observed in the labor market. Issues surrounding the increasing unemployment rate of university graduates as indicated by Graph 12 are serious societal problems. In 2016, for example, 32 percent of unemployed people are university graduates, which stands as a stark comparison to 11.4 percent in 2000. The fact that in 1999, when South Korea was still reeling from the aftermath of the Asian Financial Crisis, the percentage of university graduates among unemployed people stood at 12.1 percent paints a grim picture for the current Korean labor market. Another source of instability is the widening gap in the benefits available to regular vs. irregular employees. As indicated by Graph 13, the monthly wages of regular employees increased at a steeper pace than those of irregular employees, thereby further increasing the economic gap between the two groups.

Another serious societal problem created by economic polarization is elderly poverty. Not only is South Korea moving toward an aged society at the fastest pace in the world, but more than half of those above the age of 65 live below the poverty line. This rate is the highest in the OECD. The problem of poverty among the elderly population is expected to worsen as society ages and the elderly population expands.

Graph 13. Monthly Wages of Regular and Irregular Employees (in national currency)
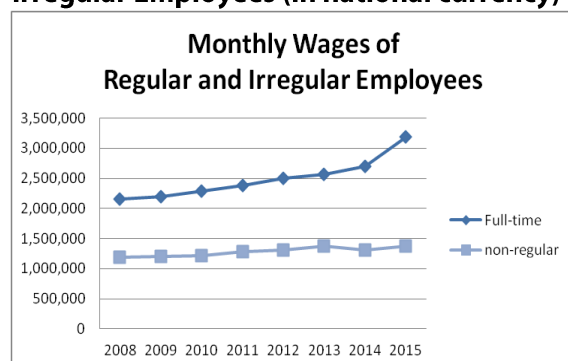
Source: Ministry of Employment and Labor

**Graph 14. Percentage of Persons Aged 65 and Above Living in Poverty**
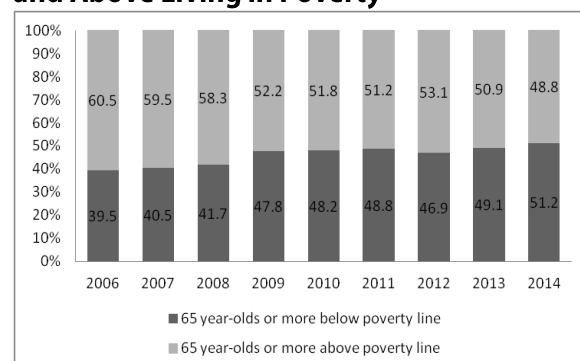
Source: Korea Institute for Health and Social Affairs

2.5) Freedom of Expression and Media

Freedom of expression and media is one area where there is a discrepancy between the conventional international measures and local perceptions. According to the most recent Freedom House data, South Korea receives a score for Internet freedom of 34 out of 100, with 100 being not free. As for the freedom of the press, South Korea scores 33 out of 100, with 100 being not free. On freedom of expression and belief, South Korea scores 12 out of 16, with 16 being free. These scores alone seemingly do not indicate a threat to the guaranteed freedom of expression and media in the country. However, in the time span from 2006 to 2015, on all three indicators, South Korea's freedom of expression and media has been on the decline, as can be seen in Graph 15.
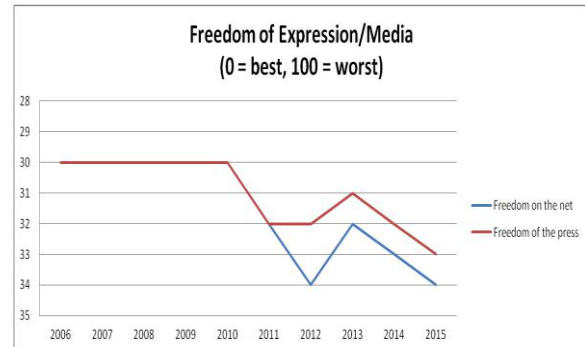
Graph 15. World Press Freedom Index of South Korea
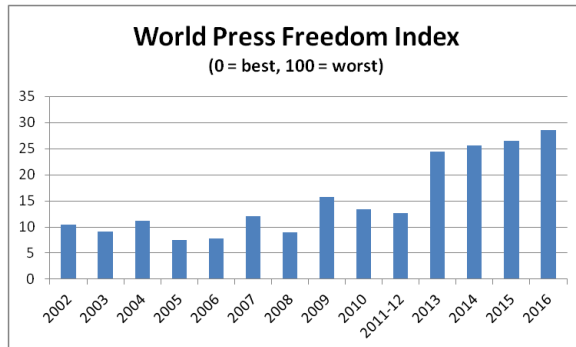
Source: Reporters without Borders

Graph 16. Freedom of Expression and Media in South Korea


Source: Freedom House

With no peace treaty having been signed between South and North Korea, the Korean peninsula is still technically at war. Against this unique background, reliance by South Korean administrations on the National Security Law remains in conflict with the concept of freedom of expression and media. While freedom of the press is protected by the Constitution, Article 7 of the National Security Law clearly prohibits expression praising or sympathizing with North Korea. The thin line between the protection of national security and freedom of expression has been controversial.

Another problematic aspect of the freedom of expression and media in South Korea is online content censorship by the government. In 2014, concerns were raised by non-governmental groups regarding the ability of the Korean Copyright Commission to block websites, citing that under the Korean Copyright Act, only the courts can make such an order. Websites with over 100,000 daily visitors are required to have their users register their real names and social security numbers, and any web posting or articles are suspended or deleted for 30 days as soon as a complaint has been filed. According to Reporters without Borders, the primary reason for self-censorship on the part of the media is South Korea's defamation law, which provides for sentences of up to seven years in prison and has the unique characteristic of applying to statements that are factually true as well as those that are demonstrably false as long as the injured party can prove damage to their reputation.

2.6) Minority Rights and Protection

Known for being one of only a few countries in the world that is overwhelmingly ethnically homogeneous, South Korea is opening its doors to an increasing number of non-Koreans, including foreign migrant workers, non-Koreans who marry Korean nationals, ethnic Koreans from China, and North Korean defectors. As indicated in Graph 17, the resident population of non-Koreans as a percentage of the total population in South Korea has risen to reach 3.69 percent in 2015. It is estimated that foreign residents will make up 5 percent of the total population by 2020 and 9.2 percent in 2050 if the number of incoming migrants continues at the current rate.

Graph 17. Increasing Number/Proportion of Foreign Residents in South Korea
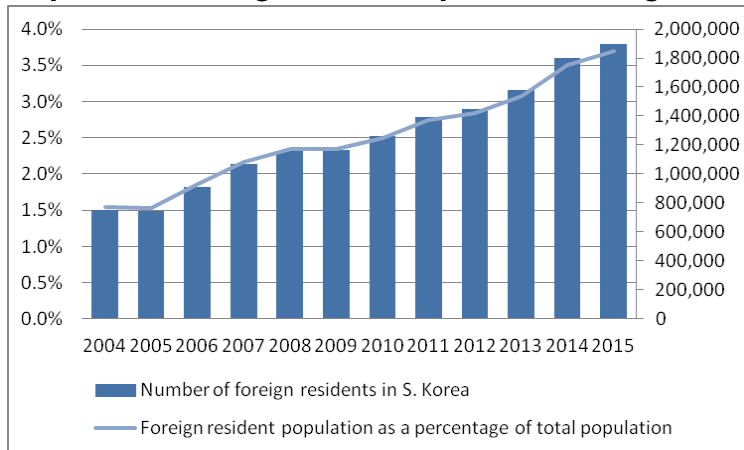
Source: Korea Immigration Service Statistics, Ministry of Justice

In response to the increasing number of foreign migrant workers and non-Koreans who married Korean nationals in the 2000s, South Korea revised the Nationality Act (2004), which allowed non-Koreans to obtain Korean citizenship in the case of the death or disappearance of their Korean spouse or divorce or legal separation initiated by the Korean spouse, as well as custody of children regardless of marriage status. The South Korean government also enacted several laws, such as the Employment Permit System (2003), the Framework Act on the Treatment of Foreigners Residing in the Republic of Korea (2007), and the Support for Multicultural Families Act (2008) to expand the scope of protections and rights granted to non-Koreans residing in the country. Despite these advancements, migrant workers in Korea are still at risk of human rights violations according to Amnesty International. For example, migrant workers need to get permission from their current employers when changing employment, and there have been cases where the wages of migrant workers were withheld and they were forced to work excessively long hours for lower wages than Koreans in similar jobs.

According to studies by the Ministry of Culture, Sports and Tourism in 2012, South Korea's multicultural policy focuses on assimilation, rather than harmonization and the acceptance of diverse cultures and ethnicities. For example, in 2012, 54.4 percent of the government's multicultural programs overwhelmingly focused on promoting assimilation, especially for marriage migrants, followed by 16.1 percent on engaging in cultural experiences and 14.4 percent on enhancing better understanding of each other's cultures.

2.7) Decentralization

The Local Autonomy Act, which was revised in 1988 and created local assemblies in 1991, has been officially enforced in South Korea for approximately 20 years with the election of heads of local government bodies in 1995. However, the realization of local democracy and decentralization in its full context was hindered by the dominant state power and highly centralized control in

South Korea. The decentralization process continued to be limited by financial imbalances between central and local governments, which forced local authorities to depend on transfers from the central government. As shown in Graph 18, while local finances comprise around 40 percent of the country's finances, only 20 percent is allocated to local taxes. One can see that South Korea's taxation system is mainly focused on national taxes despite the administration's efforts to promote decentralization.

Graph 18. Comparison between National and Local Finances/Taxes
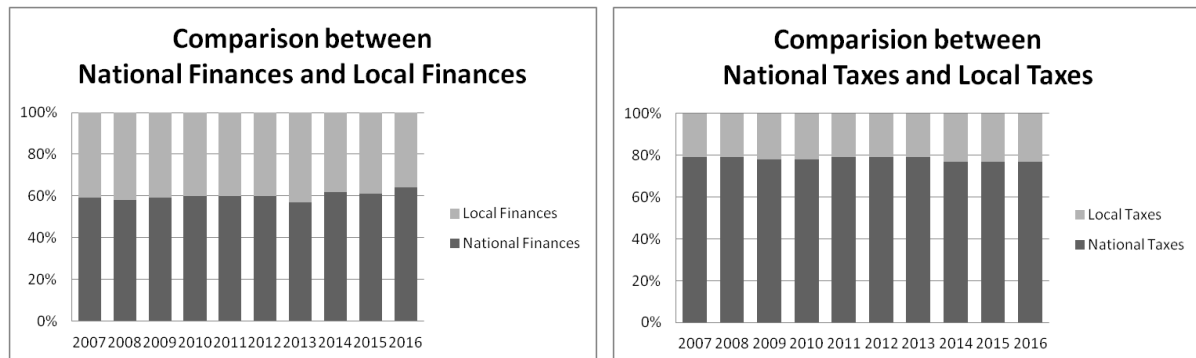
Source: Statistical Yearbook, Ministry of the Interior

Graph 19 below indicates that the consolidated revenue of local government, which is comprised of total revenue minus intergovernmental transfer revenue, is trending downward, while the consolidated expenditure of local governments is on the rise. This increasing gap between the consolidated expenditures and revenues of local governments can force local governments to depend more on the central government, thereby hindering local autonomy and the decentralization process in the long run.

**Graph 19. Local Government Revenue and Expenditures as a Percentage of GDP**
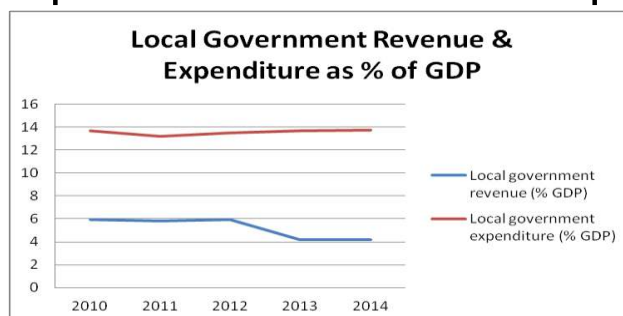
Source: Fiscal Decentralization Database, OECD

Another way of measuring decentralization is to look at financial independence and autonomy. Financial independence measures the amount of local revenue derived from local taxes and non-tax receipts as a share of the local budget. Local autonomy, on the other hand, looks at local revenue, shared tax, and local fiscal compensation funds as a percentage of the total local budget. As indicated in Graph 20, one can see that South Korea's financial independence, as well as financial

autonomy, has been trending downward until 2014-2015, when it rebounded upward. The fact that the financial independence of local South Korean governments was on the downward trend until recently indicates that it has had to rely more on government transfers and local revenue-sharing to manage local finances. From 2014 to 2015, in fact, South Korea's financial autonomy decreased while financial independence increased, which shows that local governments relied less on local revenue-sharing and more on local taxes for revenue. This is indeed a promising sign for South Korea's future toward greater decentralization efforts.

Graph 20. Total Budget, Financial Independence, and Financial Autonomy of Local Governments
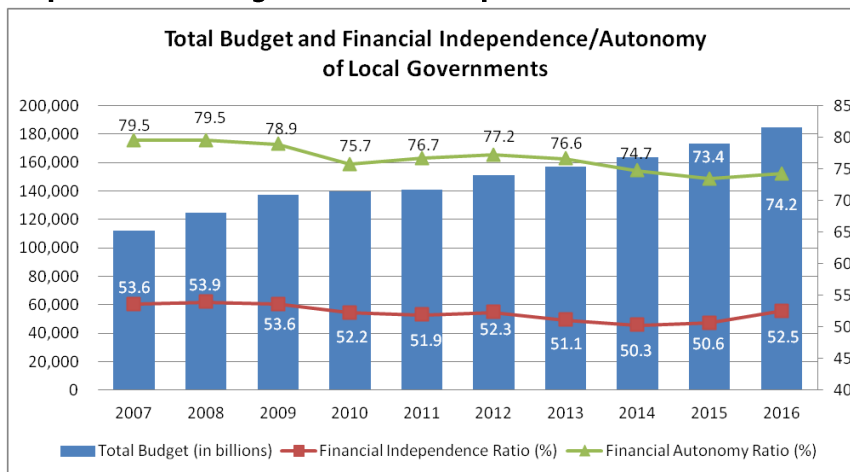

Source: Statistical Yearbook, Ministry of the Interior

2.8) Political Stability

"Political Stability and the Absence of Violence/Terrorism" data within the Worldwide Govern-ance Indicators measures perceptions of the likelihood of political instability and politically-motivated acts of violence, such as terrorism. The indicator ranges from -2.5, indicating weak governance performance, and 2.5, indicating strong governance performance. According to this scale, political stability and the absence of violence and terrorism in South Korea during the time span from 2000 to 2014 appears to be somewhat weak. Taking into account the standard error of each point estimate of governance, however, one does not observe meaningful changes in the level of political stability in South Korea.

Graph 21. Political Stability in South Korea
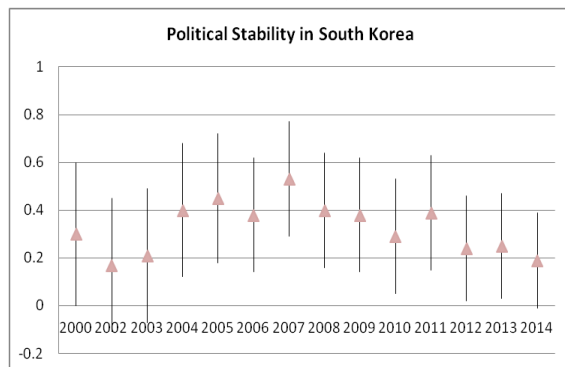
Source: Worldwide Governance Indicators

Graph 22. Political Stability in Selected Countries
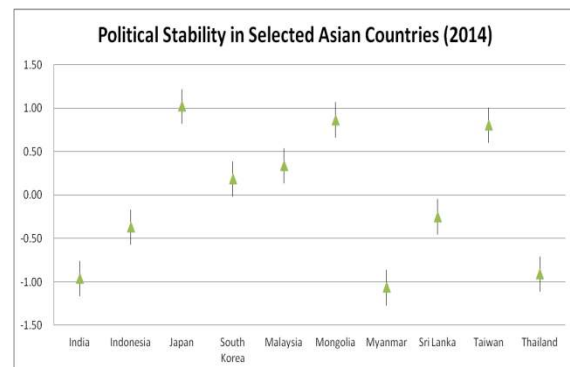
Source: Worldwide Governance Indicators

According to the resources provided by the Belgian public credit insurer Delcredere|Ducroire used by the U.S. Department of Commerce to publish information on global political and security risks, South Korea is assessed to have a war risk of 3 (1 indicating the lowest risk of war and 7 the highest risk of war).

Graph 23. Political Risk Rating in Selected Countries
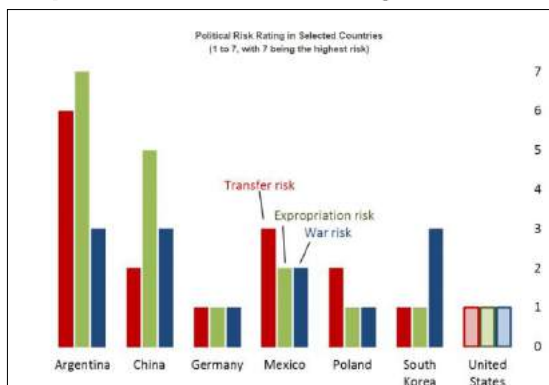
Source: Economics and Statistics Administration analysis using data from the Belgian Export Credit Agency (Office national du ducroire; ONDD)

66

State of Democracy in Asia: Mongolia

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Academy of Political Education

Introduction: Mongolia Heads towards Democracy

It is widely recognized that 2015 was a special year for Mongolia. It was the twenty-fifth anniversary of Mongolia's first multiparty universal elections[2], and it was the year in which Mongolian democracy reached adulthood. The country has consistently been ranked as democratic and free by overseas observers, including Freedom House, the Polity IV Project, and UNDP. However, twenty-five years represents only about one percent of Mongolia's over two millennia of statehood. For a nation whose monarchy had lasted so long and who had experienced seventy years of communist rule, democratization was a giant leap.

During the first democratic election in 1990, the communist party, with a history spanning seven decades, competed against five democratic parties with a history of only five months. At that time, there were very few candidates from the new parties who represented the people, especially in the countryside. It was inevitable that the Mongolian People's Revolutionary Party (MPRP hereafter) would gain eighty percent (343 seats) of the total 430 seats in People's Great Khural. Independent candidates won fifty one seats or around twenty percent, while the newly established democratic parties won only eight percent of all seats.

Furthermore, during the election, representatives for the State Baga Khural, or the Lower house of the Parliament, were elected based on the party lists. Out of the 50 seats of the State Baga Khural, the MPRP won 66 percent, the Democratic party won 26 percent, The Social Democratic Party of Mongolia won 8 percent, and the Mongolian National Progressive party won a total of 6 percent.

With the finalization of the State Baga Khural elections, the democratic movement that started in 1989 saw its first results as the protesters on the streets were represented in both houses of the parliament. 25 years after these historic events, Mr. Bat-Uul, one of the leaders of the democratic movement,

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[1] Chairman, Academy of Political Education
[2] Rossabi, Morris. (2005) *Modern Mongolia: From Khans to Commissars to Capitalists.* Berkley: University of California Press.

weighed in on these elections with the following. "The democratic parties won only 10 percent of the seats at the People's Great Khural and only one-third of the seats at the State Baga Khural. This is a total defeat in current terms. However, we celebrated like victors. This was the first time in Mongolia's long history that a multi-party election was successfully conducted and a clear sign that democracy is taking root in Mongolia.[3]"

What has happened in Mongolia is the first successful transition from totalitarian communism to democracy in Asia. Mongolia may be considered 'one of the more remarkable outliers of the post-communist universe in regards to democratization,' because it is 'the only third wave of democracy east of the Balkans that avoided political erosion and successfully consolidated democracy.[4]' And yet, among the family of third-wave democracies, Mongolia is often regarded as 'one of the least likely cases' to have undergone a successful transition.[5] Despite this assessment, the country is consistently ranked as democratic and free by international observers. (Figure 1)

Figure 1. Freedom House Scores for Mongolia (1999-2015)
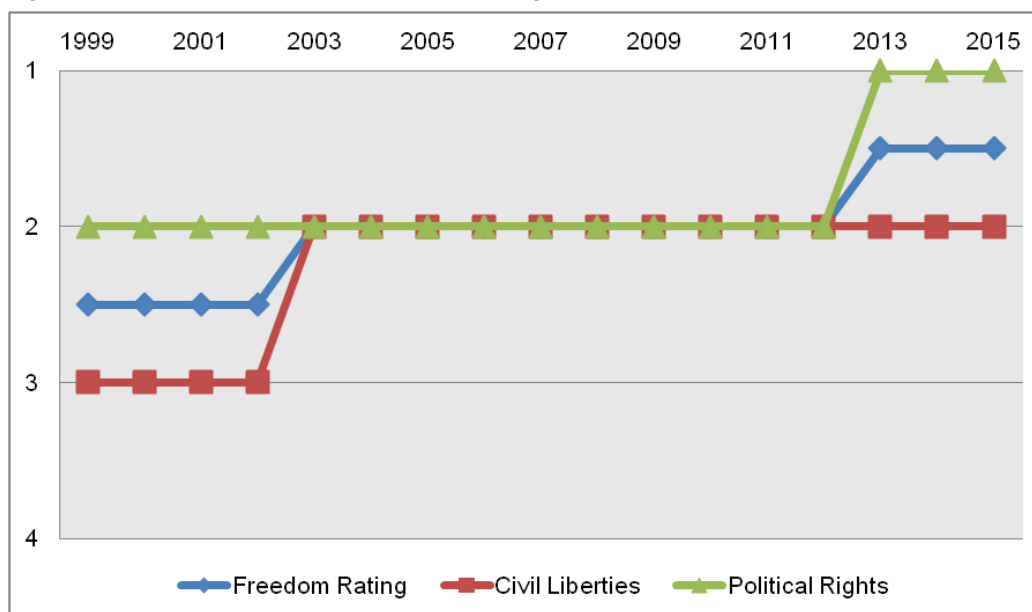
As shown in Figure 1, in 2003, Mongolia received a freedom rating of 2.0, or 'free', and a score of 2.0 for both political rights and civil liberties. Freedom House considered Mongolia to be an 'electoral democracy,' indicating that it possessed the basic properties of a democracy, such as a competitive multiparty system, universal adult suffrage, regularly contested elections, and equal access to the electorate for major political parties. Eleven years later in 2014, Mongolia's freedom rating had risen to 1.5, still rated as 'free', with a political rights score of 1.0 and a civil liberties score of 2.0.

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[3] 24tsag.mn Available at: http://www.24tsag.mn (in Mongolian language).

[4] Fritz, Verena. (2002) *Mongolia: Dependent Democratization.* In *Journal of Communist Studies and Transition Politics.*18(4), p. 75-100.

[5] Pomfret, Richard. (2000) *Transition and Democracy in Mongolia.* In *Europe-Asia Studies.* 52 (1), p. 149-6.

1. Procedural
1.1) Fair Elections

In the last twenty five years Mongolia held thirteen presidential and parliamentary elections. All of these elections were free from major incidents and fraud.[6] Parliamentary and presidential elections in Mongolia are known to be fair, free, and competitive. This greatly contributed to the strengthening of democracy in Mongolia and has become the foundation of society.

Following the first-ever democratic election and formation of the new government in 1990, the process of drawing up the first democratic constitution began. In January 1992, its first democratically elected parliament adopted a constitution, which allows for a multi-party electoral process, and a governmental system that mixes presidential and parliamentary systems. The 1992 Mongolian constitution proclaims that Mongolia is a parliamentary democracy that places a premium on human rights and personal freedom. This stipulation for human rights and basic freedoms is the first codification of the government's commitment to democratic values in Mongolia's more than 2200 years of existence.[7]

According to the constitution, the president is the head of the state and the symbol of the people's unity. The election of the president proceeds in three phases. The first phase involves the nomination of candidates. The constitution allows only the political parties represented in the parliament to nominate candidates. Of these candidates, a majority of voters elects one to the presidency. Finally, the parliament formally recognizes the mandate of the president elected by the voters.[8]

The constitution places much political power on a one-chamber parliament composed of seventy-six legislators who are elected every four years. The political significance of Mongolia's parliament is that it is more powerful than the presidency. The parliament possesses the power of the purse, and it is capable of directing, influencing, advocating, and enacting policy initiatives. These initiatives range from trade investment and economic liberalization to budget allocation for rural development. The presidency, on the other hand, is in large part merely a ceremonial position that represents the country, although the holder of this office does possess the power to veto all or parts of any legislation.

1.2) Political Participation and Support for Democracy

It is incumbent upon new democracies to foster a participation that will endorse the legitimacy of democracy and actively choose it over totalitarianism and other anti-democratic alternatives. Only then can those incomplete democracies endure and grow into complete ones. (Table 1)

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[6] OSCE Report, 2013.

[7] Fritz, Verena. (2002) *Mongolia: Dependent Democratization.* In *Journal of Communist Studies and Transition Politics.*18(4).

[8] Fish, Steven. (1998) *Mongolia: Democracy Without Prerequisites.* In *Journal of Democracy,* 9(3).

Table 1. Desirability, Suitability, Preference, Efficacy and Priority of Democracy (2003-2014)

Opinions Regarding Democracy	ABS I	ABS II	ABS III	ABS IV
Desirable for our country now	91.6	94.4	-	-
Suitable for our country now	86.3	84.4	84.1	-
Effective in solving problems	78.4	77.0	74.6	63.0
Preferable to all other kinds of government	57.1	39.7	48.4	43.7
Prior to Economic Development	48.6	28.0	28.2	25.6
Mean number of items	*3.6*	*3.2*	*2.4*	*2.2*

A vast majority (92-94 percent) of Mongolians articulated a clear desire for democracy, choosing a score of 6 or above (a score of 10 indicates a complete democracy). More notably, a plurality of one-third (30 percent) expressed the desire for complete democracy, choosing 10 on the scale. It is evident that at least in principle, most Mongolians desire to live in a democracy more than in any of its alternatives.

Desirability is not enough, however, to build a democratic nation. Democracy has to be accepted as suitable for the nation's socio-economic condition and other situations. As with desirability, a large majority (more than 80 percent in the first three ABS[9]) believes democracy is suitable for their nation, and more than one-quarter believes it is completely suitable, choosing 10 on the ladder scale. Thus, in addition to viewing democracy as a desirable form of government, many Mongolians also perceive democracy as a suitable regime type that fits in with their societal configurations. For another indicator of general support for democracy as a viable political system, the ABS survey asked respondents whether or not they believe "democracy is capable of solving the problems facing the country." A substantial majority replied affirmatively, asserting democracy's efficacy. This percentage is however, lower than the percentage of those who expressed that democracy was both desirable and suitable, and what is notable that the percentage has declined from 2003-2014 (78 to 63 percent).

Table 1 lists the percentages expressing favorable orientations toward democracy with regard to desirability, suitability, efficacy, preference, and priority. These percentages, when compared, clearly show that Mongolians, like citizens of other new democracies, are more supportive of democracy as a political ideal than as a political enterprise. Even among those who embrace democracy as the best method of governance, it is not widely regarded as a highly salient development goal.

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[9] Asian Barometer Survey. www.asianbarometer.org

2. Substantive
2.1) Rule of Law and Access to Justice

As of the mid 2010s, in Mongolia, there are 429 national laws and 145 international treaties approved by Mongolia or to which Mongolia is a party in force. The "General Guidelines for Improving the Legislation of Mongolia through 2012," which were approved by the State Great Khural Resolution No. 38 on May 14, 2009, have been implemented. No particular changes have been observed in the knowledge and understanding of the public about basic laws according the surveys. Approximately one out of 10 respondents is not knowledgeable about basic human rights laws.

The public is concerned about weak control mechanisms (21.6 percent), low accountability (16.4 percent), corruption (15.7 percent), and the incompetence of civil servants (13.8 percent). More specifically, when asked what the major obstacles to enforcing the law were, 13.8 percent of respondents believed that officials themselves violated the law, 21.6 percent replied that control mechanisms were weak, 16.4 percent viewed accountability as unsatisfactory, and 15.7 percent saw corruption as widespread.[10]

According to the survey, negative evaluations, such as agreement with the statements "the judiciary serves more those who have money and authority (48.3 percent)," "an official can influence the decision-making of the judiciary (39.9 percent)," and "the enforcement of legal verdicts can be manipulated (25.1 percent)," prevailed.

As reported in the Performance Review of the Strategic Plan of Mongolia's Judicial System, unimplemented or failed measures were mostly those related to judicial independence, such as ensuring the financial security of judicial organizations and activities that should have been financed from internal sources of the judiciary. According to the "Judicial Reform Index" survey, which uses internationally applied methodology developed by The United States Bar Association and modifies it in accordance with the Mongolian context, barely 19 percent of experts responded "agree" to the statement "court decisions are respected and enforced by other branches of government," while 43 percent responded with "disagree," and 38 percent responded "don't know."

A cross comparison of this with the State of Democratic Governance (2005 and 2008) surveys shows no positive changes in the public perception.

2.2) Gender Equality

The Human Rights Report (2010) produced by the Mongolian NGO Forum for the UN Human Rights Council underlined that a total of 139 victims of sexual exploitation received assistance from the Gender Equality Center from 2003 to 2009.[11] It is common for victims and witnesses to

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[10] State of Democracy in Mongolia. Sociological Survey Report. 2010.
[11] Human Trafficking and Human Rights, UPR-UNIVERSAL PERIODIC REVIEW Factsheet on Mongolia. 2010.

face the risk of falling under the threat of retaliation by perpetrators and suffer from emotional and psychological damage as they are not provided legal protection.[12]

Implementation of the UN Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriage is poor. There is no legal provision that regulates marriage intermediary activities, and legislation on licensing does not foresee any authority responsible for these matters.

In 2008, 300 cases of human trafficking were recorded and investigated, whereas only 1 case was recorded in 2001. In the first nine months of the reporting period between 2008 and 2010, 16 persons were sentenced for 9 human trafficking crimes.[13]

The Global Human Development Report places Mongolia 94th among 140 countries in terms of the gender development index. In Mongolia, there are 76,369 disabled persons, of which 46 percent are men and 54 percent are women. Though the number of women in managerial positions in first-line and medium levels of administrative (54.6 percent) and support services (71.5 percent) is high, this number is low in political (21.4 percent) and special services (9.1 percent).[14]

In 2008, the Parliament of Mongolia amended the Law on Civil Services for purpose of ensuring better immunity of civil servants and support service positions from politics. Despite the amendment to the law, Mongolian civil servants still report experiencing "turmoil" after each election, which leads to the loss of positions.

2.3) Corruption

Political corruption is widely regarded as the most pervasive and serious obstacle to the consolidation of new democracies. In essence, corruption among democratically elected political leaders indicates the poor substantive quality of democratic rule. One of the most valuable virtues of a democratic government is its capacity to properly deal with the needs of social groups and effectively respond to public demands.[15]

Two-thirds or more (65–78 percent) of respondents said that at the national level, 'almost everyone is corrupt' or 'most officials are corrupt'. This level of perception of corruption remains constant throughout all of the ABS waves. There was evidence in later surveys that the situation improved slightly as most of these percentages exhibited a downward trend (50.4 percent, 43.3 percent, 39.1 percent, and 45 percent). Only a minority of respondents (16.7–25.2 percent) did not perceive most or almost all national government officials to be corrupt in recent years. The situation at the local level seems better, with nearly half of all respondents believing that officials generally are not corrupt. Mongolians typically rank national officials as being more corrupt than

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[12] Survey of National Legislation on Human Trafficking (brochure), Ulaanbaatar. 2010. p. 26.

[13] Ibid.

[14] Statistics on Government Employees Structure and Movement. 2012.

[15] Donatella, della Porta. (2000) *"Social Capital, Beliefs in Government, and Political Corruption."* in *Disaffected Democracies: What's Troubling the Trilateral Countries?* (eds) Susan Pharr and Robert Putnam. Princeton: Princeton University Press.

local officials (71 percent vs. 45 percent in a combined mean of all ABS results), indicating that corruption is more rampant at the national level. A case can therefore be made that corruption is less pervasive at the local level and more pronounced at the national level on the basis of the subjective assessments of the Mongolian public.

Figure 2. Corruption Perceptions in Local and National Governments (2003-2014)
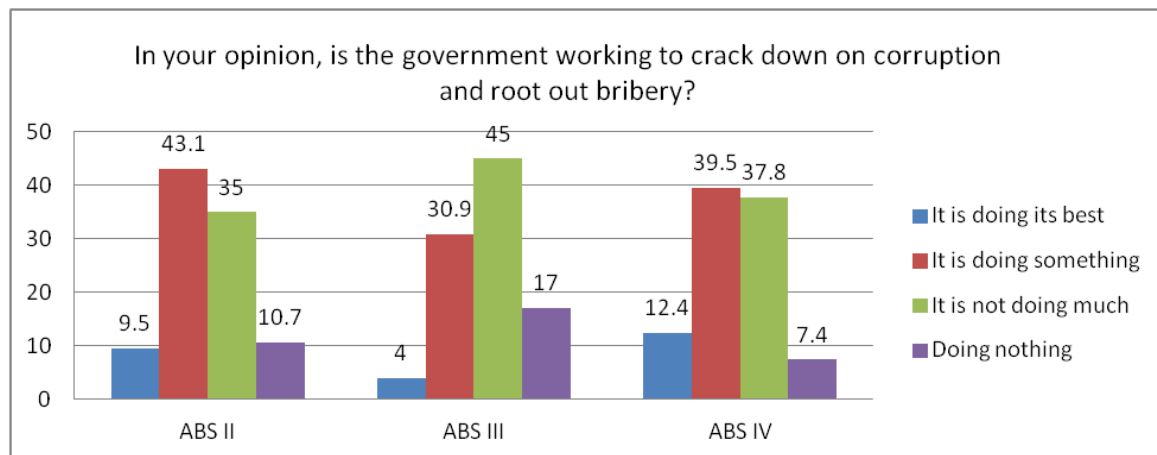
Judging from the assessment of Transparency International, although Mongolia's rank is improving, its corruption score is getting worse. In the Corruption Perceptions Index (CPI) 2004–2011, the country had a score lower than 5 on a scale of 0 (highly corrupt) to 10 (very clean).

Figure 3. Government Efforts to Crack Down on Corruption (2006-2014)
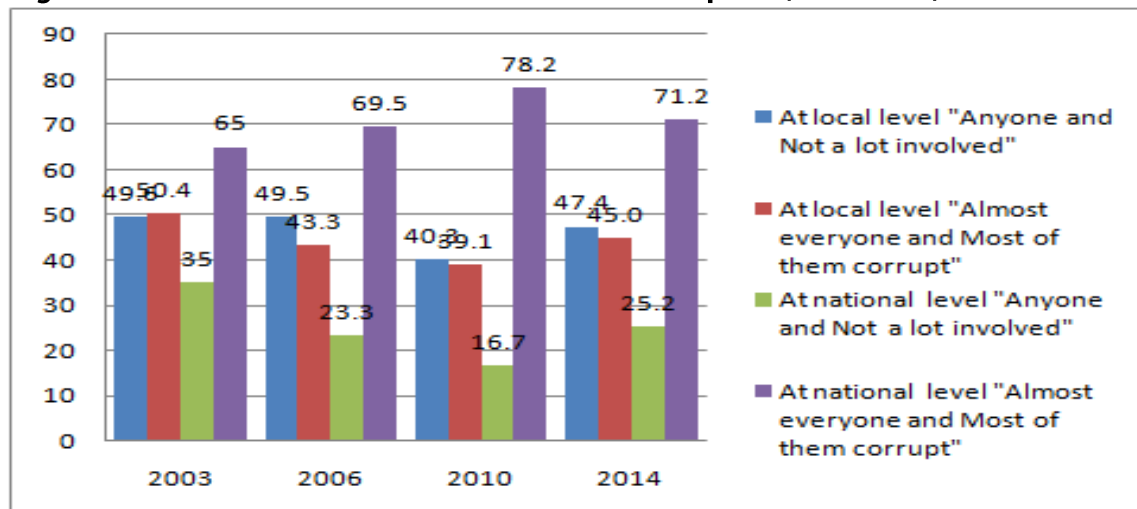
An examination of public perceptions reflected in the ABS results and Mongolia's CPI scores indicates that the Mongolian government has made efforts to crack down on corruption and root out bribery. For example, Mongolia's CPI score was 2.8 (0= highly corrupt, 10 = very clean) in 2006, while in the ABS III, 46 percent of respondents said that the government was 'not doing much' or was 'doing nothing' to fight corruption. The CPI score in 2010 (2.7) was slightly worse,

while the percentage of respondents who said that the government was 'not doing much' or was 'doing nothing' increased to 62 percent. However, when the CPI score improved to 39 (100 = very clean), the proportion of respondents critical of the government's efforts decreased to 45 percent.

In 1996, the Mongolian parliament specifically passed an anticorruption law, which was revised in 2006, and in 2007 it established the Anticorruption Agency. These initiatives have contributed to the establishment of a legal environment for countering corruption and improving citizens' knowledge and perceptions regarding corruption. It is generally apparent from the Transparency International surveys and the ABS that Mongolia's efforts have been effective.

2.4) Economic Inclusion

Between 2011 and 2013, Mongolia had one of the fastest growing economies in the world, achieving double-digit growth on the back of a mining boom. However, the economic tide began to turn as early as 2012, when growth fell to 12.5 percent (from 17.5 percent the previous year), then to 11.6 percent in 2013, 8.1 percent in 2014, and 2.4 percent in 2015.[16]

While the economic downturn presents immediate problems, one of the main long-term challenges for Mongolia has been to ensure that growth is inclusive. Although Mongolia's economic growth has helped to reduce poverty by more than 17 percent in recent years (from 38.8 percent in 2010 to 21.6 percent in 2014 according to the World Bank), the country's Gini coefficient shows that some are benefiting more than others from Mongolia's mineral wealth. In the 1990s, Mongolia's Gini coefficient was 30.3, but by 2006 it had increased to 36.5. After that, it improved slightly, decreasing to 33.1 in 2010. However, the index crept up again to 39 in 2014.[17]

There is always a positive correlation between the human development index and freedom and human rights. For instance, in the late 1990s, Mongolia scored 2.5 for political freedom and 3.0 for civil liberties. This correlates with a score of 0.66 on the human development index.[18] However, fifteen years later, in 2014, the country's political freedom score was 1.5, civil liberties was 2.0, and its human development index had increased to 0.73.[19] Although these numbers are not sufficient to prove that political and human development are progressing hand in hand in Mongolia, it is still a very positive trend. (Figure 4)

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[16] http://www.1212.mn/en/yearbook

[17] Mongolian Statistical Information Service. Available at http://www.1212.mn/en

[18] Freedom House. Available at http://freedomhouse.org/report/freedom-world/Mongolia

[19] National Human Development Report of UNDP. Available at http://www.mn.undp.org/content/mongolia/en/home/library/National-Human-Development-Reports.html

Figure 4. Human Development Index and Freedom Rating (1999-2014)
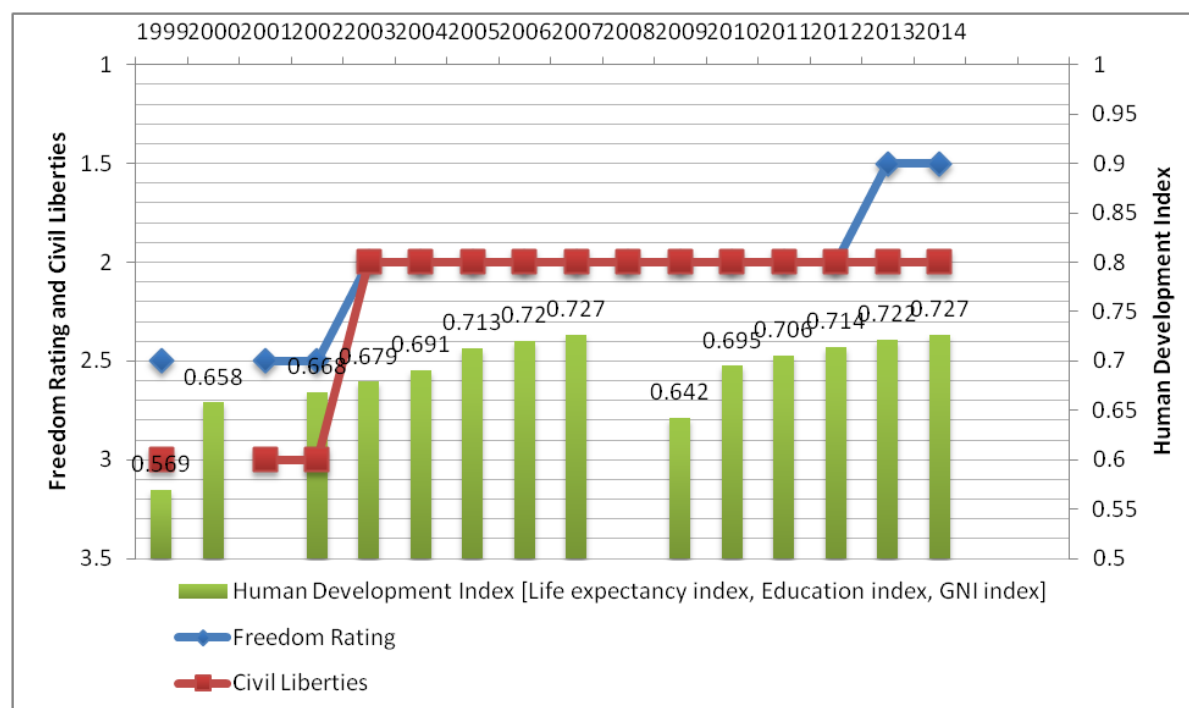
Since 2003, most ABS respondents in Mongolia have been concerned about socio-economic problems in their country (Figure 5), while issues related to political rights and civil liberties are considered to be less important.

Figure 5. Most Important Problems Facing Mongolia (2006-2014)
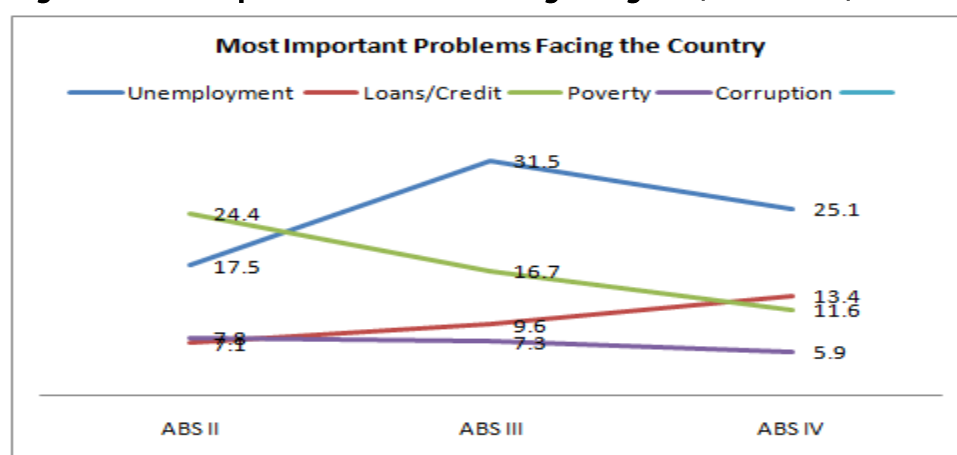
In 2010, 38.8 percent of the population in Mongolia were living in poverty, although this number had dropped to 21.6 percent by 2014. [20]Despite this decline, according to our polls poverty remains one of the top three most pressing social issues in the country (Figure 5). The con-

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[20] World Bank. Available at: http://data.worldbank.org/country/mongolia

nection between poverty and democracy in Mongolia is instructive.[21] The transition to democracy began over twenty years ago and, for first decade, the poverty rate stood at about 40 percent. In the 1990s, much of this economic hardship could be attributed to the disruption caused by changes in the country's political and economic systems. Harsh weather has been an intermittent factor as well. However, there was no significant progress in later years, despite the fact that Mongolia achieved an average annual growth rate of 9 percent over the past decade. The latest available data (2014) show that poverty stands at 21.6 percent, despite the double-digit economic growth between 2012 and 2013. The gap between the rich and poor has continued to grow (the Gini coefficient was 39 in 2014). The lesson to be drawn from this experience is that, early on in the transition process, new democracies should put economic liberty and transparency on a par with other democratic values such as regular elections, the rule of law, human rights, and freedoms of speech and association.[22]

Although some indexes show negative trends, this dual transition still receives a positive evaluation from the public according to the ABS. For example, in 2003, two-thirds of respondents agreed with the statement, 'democracy may have its problems, but it is still the best form of government,' and in the most recent poll in 2014, that percentage increased to 81.7 percent (including those who answered 'strongly agree' and 'agree') (Figure 6).

Figure 6. Democracy is the Best Form of Government (2003-2014)

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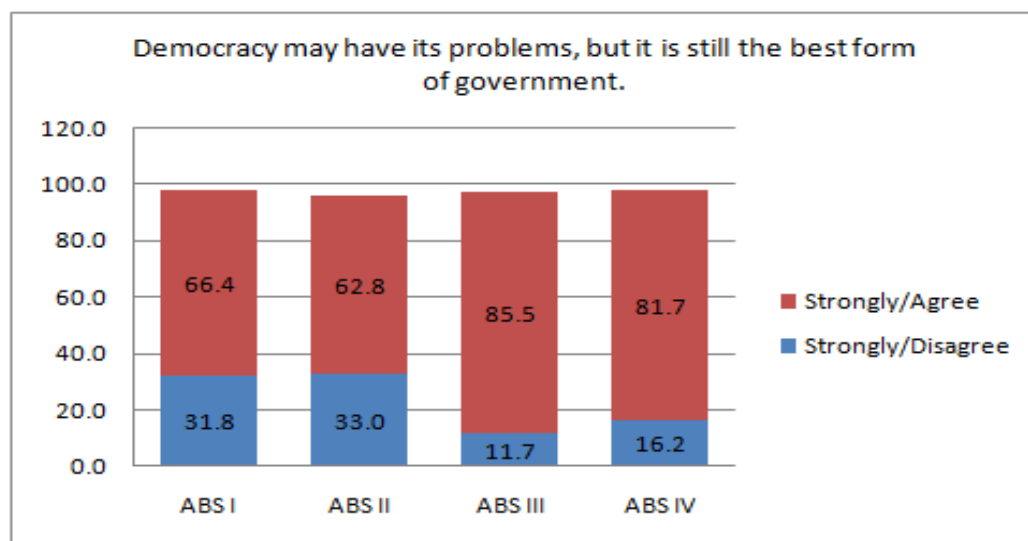
[21] Tuya, Nyamosor. (2013) *Democracy and Poverty: A Lesson from Mongolia.* Available at:
https://www.brookings.edu/opinions/democracy-and-poverty-a-lesson-from-mongolia/
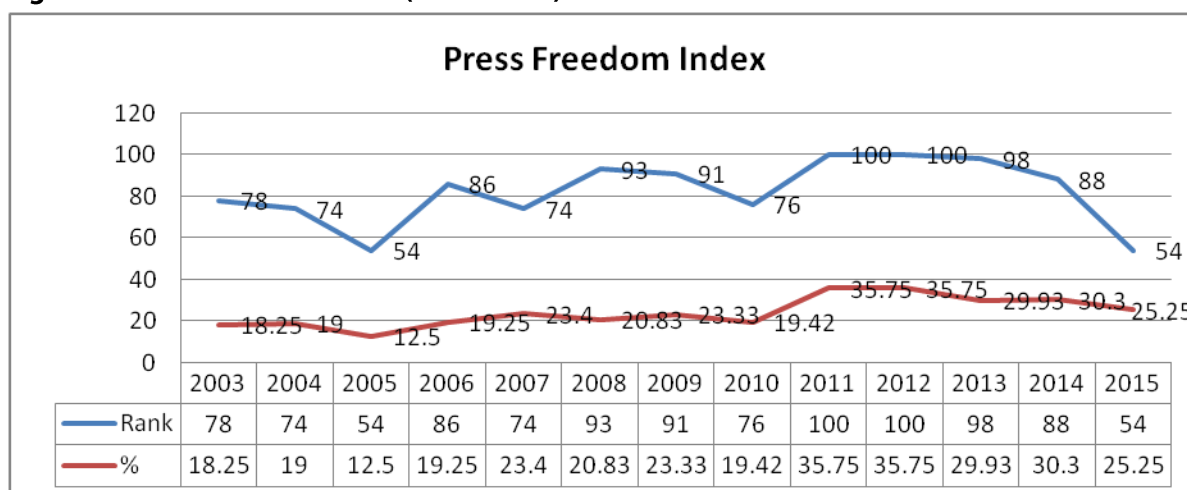[22] Ibid.

2.5) Freedom of Expression and Media

Recently, there has been an upsurge in media dependency, especially from politics. Survey respondents assessed the degree of media independence as follows. According to a cross comparison of media independence levels in 2008 and 2010, in 2010, the number of "totally dependent on politics" responses increased by 6.2 percent, and the number of "generally dependent" responses increased by 5.2 percent and "independent" responses grew by 2.7 percent. Alternatively, the number of "totally dependent on founders and owners" responses increased by 6.7 percent, and "generally dependent" responses increased by 4.0 percent and "independent" responses grew by 3 percent.[23]

At present, 28 percent of citizens are not able to obtain timely information from government agencies, 23.6 percent of citizens do not need to obtain information, 26.7 percent obtain information with difficulties or after search and inquiries, and one out of five citizens can access information easily. This fact exposes a low level of government openness and inadequate government information services.

Figure 7. Press Freedom Index (2003-2015)[24]

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
Rank	78	74	54	86	74	93	91	76	100	100	98	88	54
%	18.25	19	12.5	19.25	23.4	20.83	23.33	19.42	35.75	35.75	29.93	30.3	25.25

2.6) Decentralization

Approval of the Law on Fiscal Responsibility (budget stability) in 2010 and the related amendment of the Law on Public Sector Management and Financing have begun an important policy change towards decentralization and local government independence. Currently, a draft of the new law regarding budgeting is being discussed by the State Great Khural, or State Great Assembly.

Studies of the autonomy of local governments have been presenting finance/budget issues, human resources, decision making, resource allocation, service delivery, and the public provision

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[23] Assessment of Media Independence, 2008 and 2010 (percentage). Source: State of Democracy in Mongolia. 2010.
[24] Reporters Without Borders, https://rsf.org

of information as challenges that need to be addressed. The average score given in the public evaluation of these issues in surveyed provinces was 29.[25] This is a rather disappointing result, as it means that 1 out of 3 respondents sees no autonomy in local governments.

Most citizens are dissatisfied with the levels of openness and transparency in the activities of the bodies of local self-government. According to a survey conducted by the Academy of Management, in 2010,[26] almost half of the surveyed population had never taken part in assemblies of their respective Bagh and Khoroo (the lowest administrative units in the countryside and the city), and barely 16.7 percent attend them regularly. 52 percent of citizens explained the reason for their absence as "not being informed about the assembly."

Assemblies discuss few issues such as the election of the governor and dissemination of the governor's report; thus, citizens have been critical about the lack of information regarding assembly activities.

Citizens who do attend assemblies replied that they participated in decision making at the local level, either through their presence at assemblies or by petitioning local assemblies. 51.9 percent of citizens who do not attend assemblies indicated that there were no other mechanisms to facilitate participation in local decision making processes. Likewise, 88.2 percent of the survey respondents expressed their dissatisfaction with the activities of local citizens' assemblies.

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[25] Mongolian Statistical Bulletin. NSO, 2010.
[26] Local Self-Government: Development and Challenges. Survey Report. Academy of Management. 2010.

3. Conclusion

Mongolia was in the past considered to be a 'least likely'[27]case for democratization compared to other countries in the 'fourth wave' and in the Central Asian region.[28] Now, its political system meets most of the minimal and procedural criteria for a democracy outlined by analysts such as Diamond, and Przeworski, Alvarez, Cheibub, and Limongi,[29] in that it has a competitive and developed political party system and has achieved peaceful and regular transfers of power over seven successive parliamentary elections (1990-2016) and six presidential elections (1993-2013). It was classified as 'least likely' because it lacked the standard prerequisites for democracy from a modernization perspective, and it lacked certain cultural factors that were seen as essential for the development of democracy. Despite these handicaps, however, Mongolia has managed to establish a democratic regime, although most of its post-communist neighbors have remained largely undemocratic.

Mongolia has made extraordinary progress in the development of democracy, and the current process of reflection and assessment offers significant opportunities for Mongolians to mobilize for further democratic reform and improvement. Since the transition, Mongolia has promulgated a liberal democratic constitution, developed a strong and competitive political party system, experienced genuine transfers of civilian power, provided a context in which a vibrant civil society has been able to flourish, and implemented significant free market reforms. However, in addition to these developments, Mongolia still needs to confront important challenges associated with deficiencies in civil and political rights and a lack of basic resources for the provision of economic and social rights.

The majority of Mongolians still believe in the principle of democracy and that democracy and a free market economy are the keys to Mongolia's development. In order to move beyond what theorists call electoral democracy, Mongolia has to overcome many challenges. From the ABS data, we can see that not all of the values of liberal democracy have taken root in Mongolian society. In particular, there is a pressing need for legal procedures and practices to control corruption and the institution of a horizontal system of responsibility. The Mongolian people have expressed a desire for a government that is more responsive to their needs rather than one that tends to employ non-democratic methods. The electoral system needs to be adjusted in such a way as to push out 'dirty' politics, and steps need to be taken to crack down on bribe taking by politicians and to regulate election campaigning. Another area highlighted by the ABS data is the importance of separating the judiciary from politics and guaranteeing judges immunity from prosecution. All of these factors have a direct impact on the legitimacy of democracy, and in the long run they serve as the foundation of a sustainable, democratic system.

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[27] Landman, T. (2003) *Issues and Methods in Comparative Politics: An Introduction*, Second Edition, London: Routledge.
[28] Sabloff, P. (2002) *Why Mongolia? The Political Culture of an Emerging Democracy*. In *Central Asian Survey*, 21 (1): 19-36.
[29] Diamond, L. (1999) *Developing Democracy: Toward Consolidation*. Baltimore: Johns Hopkins University Press. Przeworski, A., Alvarez, M. E., Cheibub, J. A., and Limongi, F. (2000) *Democracy and Development: Political Institutions and Well-Being in the World, 1950-1990*, Cambridge: Cambridge University Press.

4. Appendix
4.1) Detachment from Authoritarianism

Nostalgia for authoritarianism can persist in a country like Mongolia because communist values linger, especially among the older generation. To address these questions, the ABS asked respondents if they would support 'one-party rule' or if they had a preference for a 'strong leader' or military rule. The results, as shown in Table 2, are notable. First, a compelling majority (63–71 percent) of Mongolians are still opposed to the return of the kind of one-party system associated with communism. Second, a larger majority (78–86 percent) does not favor rule by the military, the governmental institution which Mongolians trust the most. But regarding the preference for a 'strong leader', the dynamic is noteworthy. In the 2003 ABS, a clear majority (66 percent) opposed this type of civilian dictatorship. After that, perceptions changed dramatically. People who rejected a 'strong leader' were now in a minority (only one-third of respondents in ABS IV). This finding is troubling because it indicates that economic challenges, corruption, and the gap between the rich and poor may lead to the rise of a political party that promotes the systemic virtues of authoritarianism.

Table 2. Rejection of Authoritarian Forms of Governance (2003-2014)

Opinions Regarding Other Forms of Governance	2003	2006	2010	2014
Reject "strong leader"	66.1	35.8	42.7	34.2
Reject "military rule"	85.8	83.3	86.1	77.8
Reject "one party rule"	72.4	70.4	73.7	66.8
Mean number of items rejected	*2.2*	*1.9*	*2.0*	*1.8*

When these three measures are considered jointly, the aggregate picture raises some cause for concern. In Mongolia, the proportion of respondents rejecting all three authoritarian options is alarmingly low, about one-third. The picture in earlier years was different, with around fifty percent rejecting authoritarianism in 2003. These findings suggest that a significant percentage of Mongolians have yet to detach themselves from authoritarianism even after decades of democratic rule.

In addition, this shows that in Mongolia, as in some other Asian countries, there are many disoriented and confused citizens whose inconsistent political orientations make for a fragile and unstable foundation for democratic legitimacy[30].

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[30] Yu-tzung Chang, Yun-han Chu and Larry Diamond. (2012) *A Longitudinal and Comparative Analysis of Citizens' Orientations toward Democracy and Their Evaluation of the Overall Performance of the Democratic Regime in East Asia.* In Asian Barometer Working Paper Series. 53.

4.2) Civic Space

Following a structural change in the Ministry of Justice and Home Affairs in 2008, a registration department was created from the reorganization and charged with duties of registering and issuing consolidated information on non-governmental organizations (NGOs). As of beginning of 2010, there were around 9000 NGOs registered.[31] There are no trade unions in most state and local administrative organizations. Currently, there are about 500 entities of Buddhist, Christian, Islamic, Bahai, Shamanist and Moon religions officially registered in Mongolia, of which more than 50 percent are Buddhist monasteries and about 40 percent Christian organizations and churches. Mongolian legislation affirms the freedom of conscience and religion.[32]

Only 11.7 percent of respondents in the survey believed that NGOs were active ("very good" and "good") in their local areas, whereas 31 percent replied that there were no NGO activities near them ("bad" and "too bad").[33] This image has remained fairly stable over the recent years. Although assessments of NGO activities varied by regions, in every region, one out of two respondents gave a below-average score, a fact that re-affirms the mediocrity of NGO activities in Mongolia. According to survey results, the image of NGOs in society appears to have improved slightly.

Oddly, the surveys reveal a tendency of deterioration in the roles and duties of NGOs. However, the number of people who chose not to answer this question has decreased, which could be viewed as an improvement in the public image of NGOs.

NGOs are able to function independently from the government. There are no reasons for the government to solicit or pressure NGOs if they are functioning within the framework of laws and regulations, and no such cases of misconduct have been registered yet. Results of the 2010 survey showed that 60.5 percent of the survey respondents were interested in politics at an above average level, while 35.0 percent indicated little or no interest.[34]

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[31] Mongolia Human Rights Report, NHRC. 2010.
[32] Ibid
[33] State of Democracy in Mongolia. Sociological Survey Report. 2010
[34] Ibid

State of Democracy in Asia: Sri Lanka

Paikiasothy Saravanamuttu[1]
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Introduction

While effecting significant change in two national elections in 2015, Sri Lanka faces the both daunting and exciting prospect of restoring governance to all of its peoples with meaningful reconciliation and unity. From constitutional reform to transitional justice and fundamental economic reforms, a host of challenges created and sustained by systemic defects as well as the bad governance and criminality of successive governments must be overcome.

The current government, made up of an unprecedented array of historic political rivals, has launched initiatives on all of these fronts, but lacks a sufficiently clear and cogent communication strategy for its rationale and modus operandi. Consequently, expectation and hope coexist uncomfortably with confusion and frustration at the pace of reform. Accountability, whether it be for the overall scale and rampant financial corruption of the previous regime as highlighted outside the Northern and Eastern regions of the country, or for human rights violations and alleged war crimes as demanded in the North and East, is slow in being delivered. This risks attrition of the expectations and efforts that produced the historic outcomes of the two national elections in 2015.

Perceptions of a lack of coherent and cogent communication of policy vision and direction, as well as birth pangs from necessary reforms initiated by the government, are ironically reinforced by the enabling environment for criticism and dissent ushered in by the electoral victories of 2015. The Freedom House ranking for Sri Lanka in 2016 (https://freedomhouse.org/report/freedom-world/2016/sri-lanka) is Partly Free, with a score of 55 and a rating of 4 for political rights, civil liberties and freedom, respectively.

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[1] Founder Executive Director, Centre for Policy Alternatives

1. Procedural
1.1) Fair Elections

Sri Lankans have exercised the right of universal adult franchise since 1931, and elections have been the basic mechanism for choice and change in this formal- albeit flawed- democracy. The electoral system since independence in 1948 has been one of first-past-the-post (FPTP) with the introduction of district-based proportional representation (PR) in 1988 for election to a unicameral legislature. The latter system of PR, which has been in operation since 1988, has a cutoff point to ensure that smaller parties do not have a disproportionate influence over the formation of government, preferential votes for candidates on party lists to determine who will enter the legislature, and bonus seats for the winning party in each district as well as national list of nominated MPs according to the proportion of votes won in the election. Political parties accordingly have considerable power in the choice of candidates- those standing for election or those nominated for bonus seats and from the national list. Public interest litigation to ensure that voters are fully aware of potential legislators at the time of national elections has not been successful, with the Supreme Court upholding the discretion of the party hierarchy.

The body charged with responsibility for the conduct of elections was the Elections Department headed by an Election Commissioner. Following governance reforms in 2015, this has now been replaced with by an Elections Commission headed by a Chairperson who is assisted by two Commissioners. Appointment to the Commission is by the President on recommendation of the Constitutional Council, which is a ten-member council headed by the Speaker, of which 3 members are from civil society with the remainder nominated by political parties. The Prime Minister and Leader of the Opposition are also members.

The existing system has been criticized on a number of fronts, primarily on the grounds that it facilitates both inter-party and intra-party competition due to preferential voting for candidates on party lists, which frequently results in electoral violence. This has ranged from acts of physical violence, including murder, to widespread electoral malpractice at both the polling and counting stations. In addition, the system necessitates massive expenditure by candidates on account of the basic electoral unit being a district as opposed to a single constituency. Both of these factors also account for the low level of female representation in elections and therefore in the national legislature. Additional concerns with elections relate to the politicization of the state agencies, which are responsible for the actual conduct of elections. These agencies include the civil service and the police as well as the state-controlled media, which undermine the integrity of the electoral system in favor of the ruling party. This was particularly the case following the state capture by the previous Rajapaksa regime. Politicization and restraint exercised by the higher judiciary, lacunae in the law, and the occasional timidity of the Election Commissioner must also be cited in this regard.

While the above concerns have dogged elections in the past, the factors undermining the integrity of the electoral process have not been able to reverse a popular swing as evinced in the last two elections of 2015– presidential in January and general in August. Despite the worst efforts of the Rajapaksa regime – the blatant abuse of state resources, electoral violence and reports that

they were frustrated in their plans to declare a state of emergency and stop the count of votes –the January election result was a clear and unequivocal reflection of the will of the people.

On the 8th of January 2015, Sri Lankan voters did something remarkable and initiated the process of regime change, hitherto thought to be impossible, through the ballot box. Eighty one percent of the population turned out to vote out Mahinda Rajapaksa, a sitting two-term President who was seeking an unprecedented third term and who was known as the hero of the defeat of the Tamil Tigers in 2009. The winning platform was one of restoration of the rule of law, anti-corruption, and transparency and accountability in government built on a base of economic dis-satisfaction. The victorious challenger, Maithreepala Sirisena, was the previously obscure General Secretary of the Rajapaksa-led Sri Lanka Freedom Party (SLFP) and Rajapaksa's Minister of Health. Sirisena was chosen as the common candidate of the broadest opposition alliance in Sri Lanka's political history. His impeccable Sinhala Buddhist majority community credentials en-sured he was a candidate who would split the SLFP vote while at the same time appeal to the mi-norities. Sirisena secured his victory with 85 percent of the minority vote and some 42 percent of the majority vote; Rajapaksa on the other hand won only 13 percent of the minority vote and some 58 percent of the majority vote. The latter statistic was the basis for Rajapaksa's decision to contest the General Election of 17 August 2015 from a district other than his home base.

Upon being elected to the presidency, Sirisena appointed Ranil Wickremesinghe, who had served as two–time Prime Minister, Leader of the Opposition, and leader of the United National Party (UNP), as the head of a coalition government made up of the UNP and the SLFP. This gov-ernment was intended to last for a 100 days, during which time it would reduce the powers of the executive presidency- long seen as facilitating authoritarianism by the executive- re-introduce independent oversight commissions for the police, civil service, elections, and human rights in particular, change the electoral system to a mix of PR and FPTP, and introduce Right to Infor-mation (RTI) legislation. Continuing in office beyond the 100-day deadline, this government re-formed the executive presidency and re-established oversight commissions, including a three-person Election Commission, through the Nineteenth Amendment to the Constitution. After fur-ther changes to the electoral system and RTI were mooted, agreement was not forthcoming and parliament was dissolved. RTI legislation was subsequently passed in 2016.

The general election of 17 August 2015 was also significant in a number of respects. The share of the vote won by Rajapaksa and the SLFP-led United Peoples Freedom Alliance (UPFA) fell from 5.8 million in January to 4.7 million in August 2015. Set against the background of the last general election in 2010, which occurred in the wake of the defeat of the LTTE, there was a considerable swing towards the UNP-led United National Front across the country. In the final analysis, when the votes of the Peoples Liberation Front, also known as the Janatha Vimukthi Peramuna (JVP), and Tamil National Alliance (TNA) are added to the UNF's, the total percent-age of anti-Rajapaksa votes in the election amounted to 56 percent.

There is agreement across the board that the August election was the freest and fairest in re-cent memory. Both the Election Commissioner and the police were able to operate as intended without hindrance or interference and did so, proactively, to ensure adherence to the election

laws. The general political climate was enabling, allowing for the free flow of discussion and debate to an extent not evinced in recent elections.

One outstanding issue with respect to elections is the holding of long-overdue local government elections. Ostensibly, the delay is due to issues connected with the delimitation as the system for local government reverts back to wards as the basic election unit. There is a committee to decide on this and elections can only follow the implementation of its recommendations once they are received. However, there is public speculation that the delay in the committee's report is politically influenced by the divisions within the SLFP and the opportunity that local government elections could provide for supporters of the former president to demonstrate their electoral support.

Electoral reform features prominently in the ongoing constitutional reform process on the grounds that the current PR system, with districts as the basic electoral unit and system of preferential voting for candidates within a party, requires a considerable expenditure of resources, eliminates constituency MPs, encourages intra-party violence, and deters women from coming forward as candidates. While the details are yet to be worked out, there is a general consensus that the system to be adopted should be a multi-member PR system (MMP) akin to those in Germany, Scotland and New Zealand. Voters will be able to vote for a constituency MP of their choice as well as for a party of government of their choice; the number of seats overall will be in proportion to the number of votes secured by the party overall.

1.2) Political Participation

As noted above, the elections of 2015 evinced high levels of political participation, which effected a change previously considered impossible. Since then, the levels of participation as attested to by activity on social media, political demonstrations, and attendance at rallies has been sustained. Citizens have been availing themselves of the greater freedom afforded by regime change to voice their concerns on a number of issues such as trade agreements, private higher educational institutions and privatization in general, the cost of living, and concerns and fears about constitutional reform and transitional justice. However, one issue that highlights the gap between the public and politicians is increased female representation in national politics. There is agreement with respect to a required percentage of candidates at the local and provincial levels of 30 percent and 25 percent respectively. However, this agreement breaks down at the national level, with political parties arguing that increased national level representation should follow the "experiment" at the local and provincial levels.

Polling by the Centre for Policy Alternatives (CPA) in February 2016, (http://www.cpalanka.org), on public perceptions and expectations of democracy and governance reveal that citizens' self-perceptions of empowerment have risen.

On freedom of expression and association with regard to politics, 86.1 percent of respondents indicate that they are free to join any political organization of choice. In 2013 the figure was 71.9 percent.

In 2014, 47.8 percent of respondents indicated that they were free to protest/attend a demonstration against political injustice, while in February 2016 the figure was nearly 70 percent.

Graph 1. How free are you to protest/attend a demonstration against political injustice?
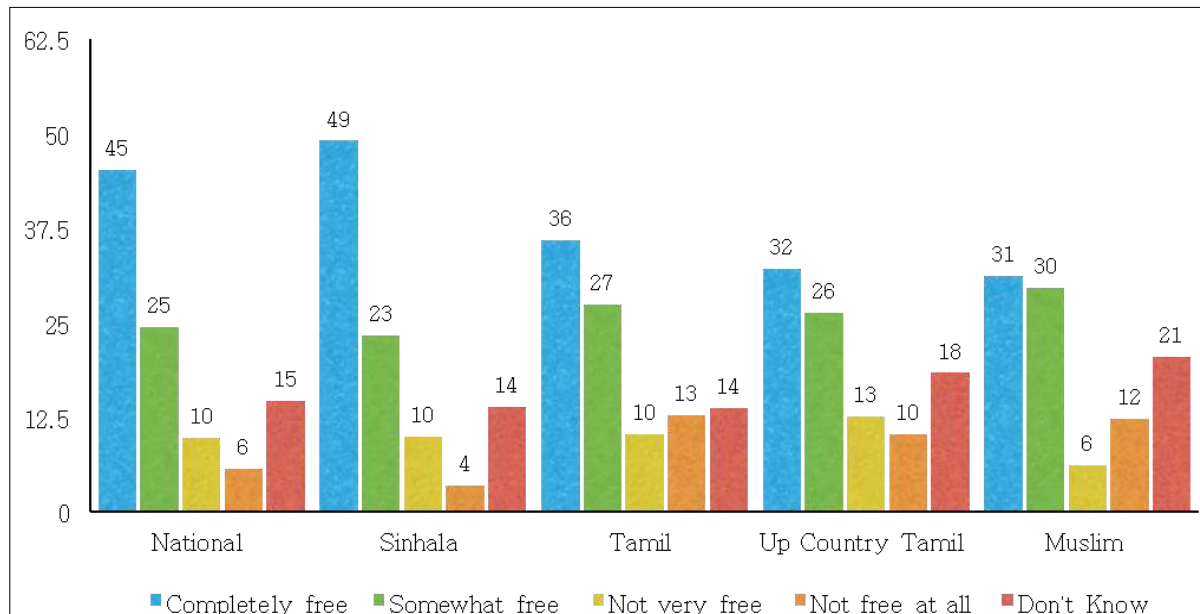
Opinions regarding greater female representation are recorded in the following graph:

Graph 2. Responses to the statement "There should be quotas for female representation in Parliament, Provincial Councils, and Local Government Authorities."
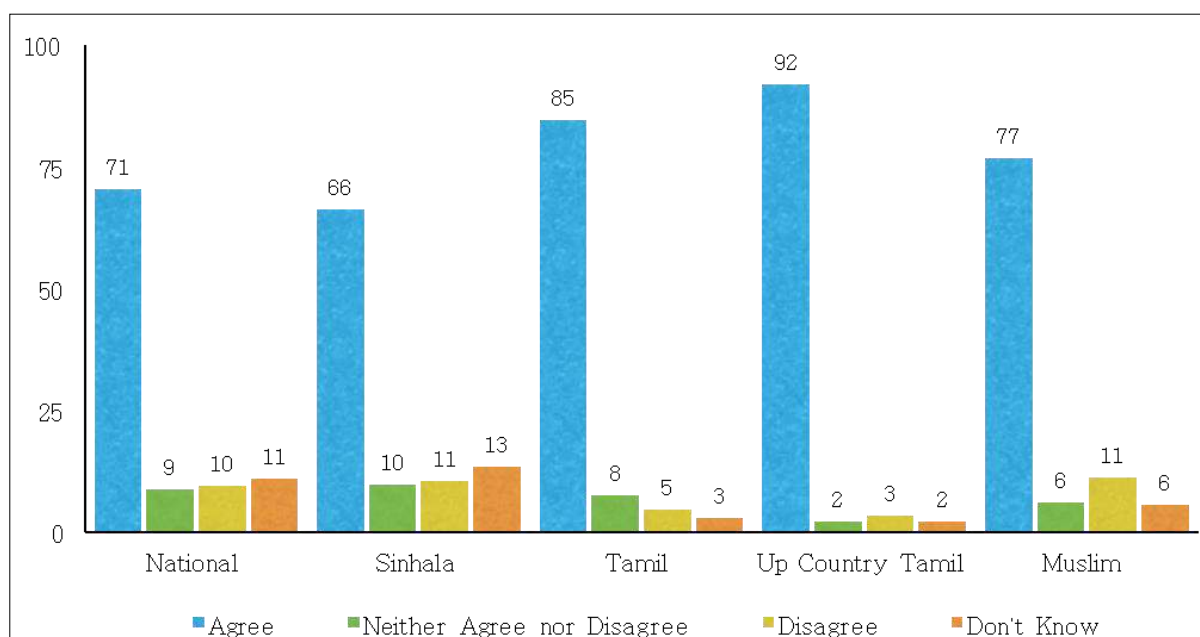
2. Substantive
2.1) Corruption

Given the primacy of anti-corruption in the January 2015 presidential election coupled with the ongoing and frequent revelations on the breadth and scale of alleged corruption by the extended family of Rajapaksa and his cronies while in office, the slow pace of corruption case convictions has eroded the public's confidence in the government's commitment to prosecutions and inspired damaging speculation about deals between politicians and of all politicians being of the same ilk. 58 allegations, which are currently being investigated by the Special Police Investigation Unit (SPIU) and the Financial Crimes Investigation Division (FCID), have been made against the Rajapaksas. In addition, the Criminal Investigations Department (CID) is investigating another 15 cases, and the FCID and SPIU are looking into another 493 and 5 allegations respectively. As critics make their point about low-hanging fruit, the response of the government is that due process must both be done and seen to be done to preempt allegations of a witch hunt. However, as noted earlier, allegations of a "deal" are being made already. The delay on this front may well stem from the failure to identify cases strategically in terms of available evidence and ease of gathering evidence, the complexity of the alleged crimes and, despite offers of assistance from abroad, human resource constraints.

CPA survey results from February 2016 reveal that public faith and confidence in the government's commitment to combat corruption has fallen. In October 2015, 49.6 percent had faith in the government's commitment; 28.1 percent to the contrary. In February 2016, the figures were as follows:

Graph 3. Responses to "In your opinion, has the government done enough to combat corruption?
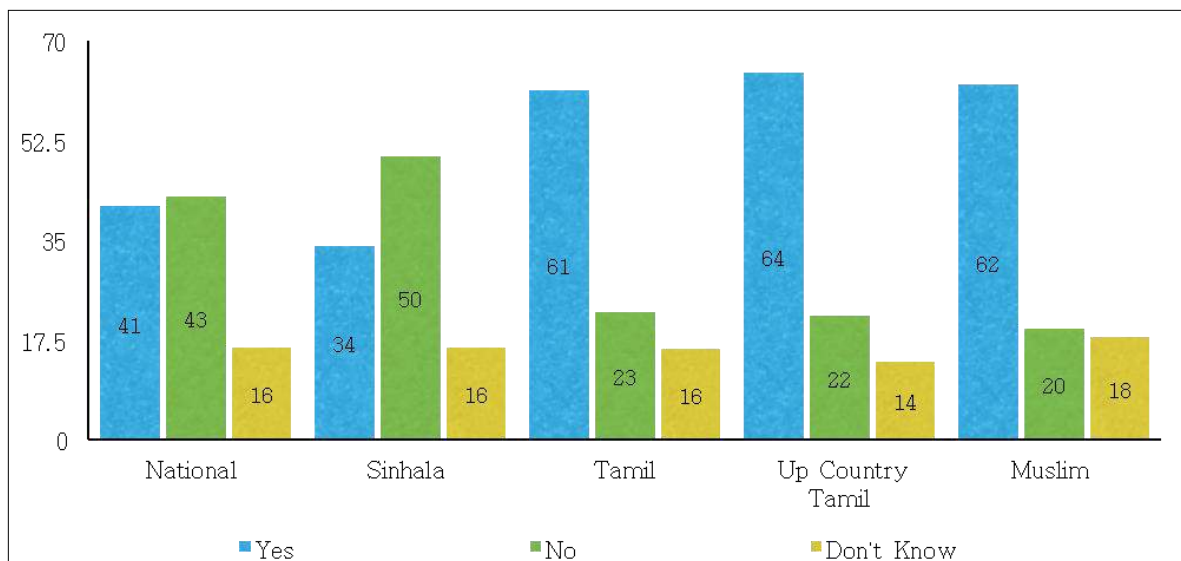
Graph 4. Responses to "Do you think the government is committed to eradicating corruption in the country?"
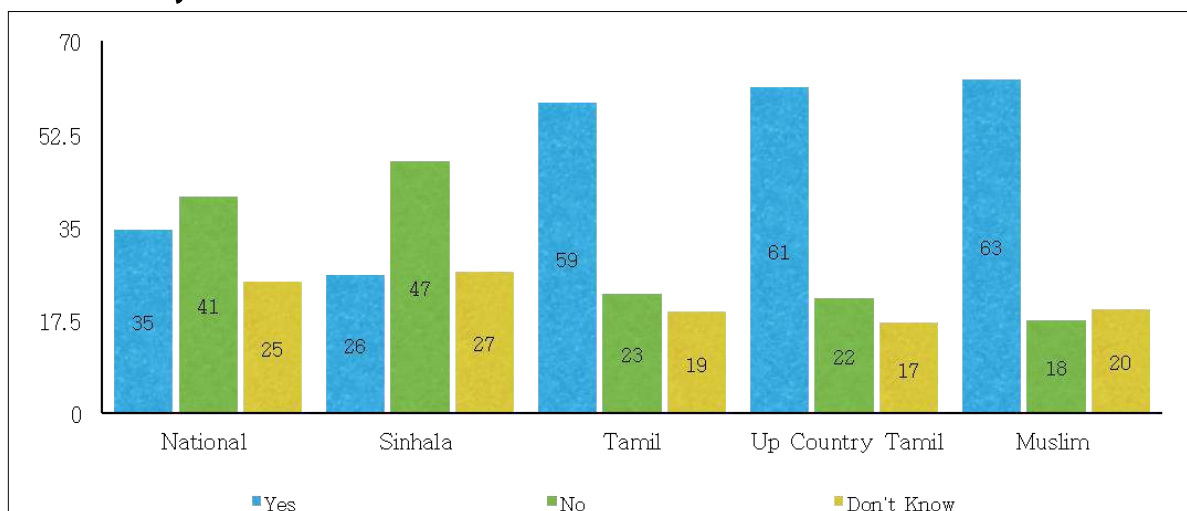
The Transparency International Corruption Perception Index ranked Sri Lanka 83rd out of 168 countries, with a score of 37/100. In 2014, Sri Lanka was ranked 85th with a score of 38, 91st with a score of 37 in 2013, and 79th with a score of 40 in 2012.

2.2) Economic Inclusion

There are a number of challenges on the economic front which are compounded by the systematic looting of the treasury under the previous regime. A UNF government may have dealt with this issue differently if it commanded a simple majority of its own in the legislature. There are the questions of generating growth, dealing with a bloated civil service, debt and unemployment, and the fact that Sri Lanka has an ageing population with implications for the health sector and pension system. In a post-election analysis of the economic challenges ahead, a well-known local economic think tank, the Pathfinder Foundation, opined that the current model of economic development is "…trapping a large number of the population in low income/low productivity livelihoods…..Furthermore, the present model is becoming increasingly unaffordable now that Sri Lanka has graduated to lower-middle-income status. The country is now living beyond its means through increased foreign commercial borrowing rather than highly concessional foreign aid. This is unsustainable. It places the country on a 'flight path to a Greek-style crash" (Sunday Times, 23 August 2015).

There is unpleasant medicine to be swallowed on the economic front and therefore a firm underpinning of political support for unpopular but necessary policies will be crucial. Will the government or a part of it be able to carry the people with them? Since growth is the order of the day, will the government postpone austerity measures even though enacting them sooner might well be safer politically?

What the country has going for it is a commitment to governance and a bipartisan consensus that follows from its two main parties being in government together. A controversy involving the former Governor of the Central Bank over alleged insider trading over a bond issue and the insistence of the government on his retention has dented this, however. In addition, recent developments – for instance, confusion over the imposition of the Value Added Tax (VAT) – indicate that the government has some distance to go with regard to a demonstrably coherent economic policy. Thus far its economic policies have focused on such projects as an emphasis on tourism, the mooted Megapolis development project for the Western Province, and the creation of a International Financial City in the capital Colombo on land reclaimed from the sea with Chinese assistance.

The latter has, on account of its liquidity for foreign direct investment in infrastructural development, increased in salience, despite the accusations of over-reliance on Chinese assistance by the Rajapaksa government. Apart from the International Financial City, Chinese assistance is being sought for development in the South. Previously, the Chinese built an airport and port in the South for the previous regime, which have effectively become white elephants. The government also hopes to be able to regain the previously lost GSP Plus trade concession from the EU, through the ratification and effective implementation of some 27 international human rights instruments and labor standards. Fiscal discipline is being reinforced by an extended loan facility from the International Monetary Fund (IMF). Current projections are that of a trade deficit of US $8.5 billion in 2016, offset by tourist earnings and remittances of US $10 billion, resulting in a current account surplus of around US$1.5 billion which, when added to earning from other services, could result in a current account surplus of around US $3 billion. However, Sri Lanka's exports to the rest of the world have declined every month for the last 16 months, and its import expenditure of US $9.3 billion is 72 percent higher than its export earnings. A reduction of imports is crucial in the face of an inability to increase exports.

Economic factors are undoubtedly pivotal, as always. The generation of a "feel-good" factor on the economy will impact constitutional reform and transitional justice and is an indispensable and integral element complementing the qualitative gains since January 2015 with regard to the enjoyment and protection of civil and political rights and freedoms.

2.3) Minority Rights and Protection

The political and constitutional settlement of the ethnic conflict is more challenging and of pivotal importance to the whole process of constitutional reform. This is because the votes of the Tamil minority will be particularly crucial at the referendum.

Promulgation of a constitutional architecture accommodating the aspirations of all of the peoples of the island has been the central challenge of Sri Lankan politics. The failure to do so has resulted in the loss of life and livelihoods for thousands through riots and an armed conflict lasting nearly 30 years. Politically, the issue revolves around the insistence of the majority Sinhala community that Sri Lanka must be a constitutionally ordained unitary state and the Tamil com-

munity's counterargument that it should be federal. The two republican constitutions of the country, which were promulgated in 1972 and 1978 respectively, embedded the unitary state. In 1987, in the context of the armed ethnic conflict and as a consequence of the Indo-Sri Lanka Accord to end it, a scheme of provincial devolution was introduced via the Thirteenth Amendment to the Constitution and ordinary legislation. However, the balance of powers is heavily weighted in favor of the central government and is therefore seen as an inadequate and insufficient a basis for a settlement.

In addition to the unitary versus federal debate, other issues of relevance here are the constitutional provision according Buddhism, the religion of the majority community "foremost place," and the Tamil demand that the two provinces of the North and East be merged on the grounds that they are majority Tamil and Tamil-speaking provinces. The two provinces were merged following the Accord, but the Supreme Court subsequently demerged them on procedural grounds.

In all likelihood, the issue of unitary versus federal will only be resolved if both labels are omitted from the constitution and appropriate and robust safeguards are included to prevent both secession and the encroachment of the Center on powers granted to the provinces. The Buddhism clause is likely to be retained- attempts to change it would risk certain defeat of the new constitution at a referendum- and the merger issue is likely to be deferred.

Outside the ambit of constitutional reform, there are a number of confidence-building measures which, if pursued, will go a long way towards restoring genuine trust and confidence in the government's commitment to minority rights. These relate to the return of land acquired by the military, some of which has already been returned; the release of political detainees who have been incarcerated, in some cases for over a decade without being charged; the speedy judicial process with respect to those who have been charged; and the repeal of the draconian Prevention of Terrorism Act, which the government is on record as being committed to. In addition, there is the question of the militarization of the North. The government has pledged to reduce the military presence and ensure that the military does not get involved in civilian affairs, including economic issues. Measures taken with respect to the latter have been tardy, and the issue constitutes a rallying point for those who remain unconvinced that the government intends to honor its commitments.

3. Conclusion

The government is simultaneously pursuing constitutional reform, transitional justice, and economic reform. A number of initiatives in this regard have commenced. They have yet to be completed, and there are concerns about a slowing of momentum.

A number of reasons can be cited for the delays in the reform program. Key amongst them is the alliance principally between a section of the SLFP loyal to President Sirisena and the UNP of Prime Minister Wickremesinghe- historic rivals- in a coalition government based primarily on common opposition to the Rajapaksas. It is clear that the governance reforms depend crucially on the interdependence and alliance between the President and the Prime Minister as well as their ability and willingness to consolidate popular support through the communication of a common, cogent and coherent policy program and vision for the country.

Another factor is the continuing popularity of former President Rajapaksa, who is now a member of Parliament after having successfully contested the general election in August 2015. By returning the UNF as the single largest party in the new Parliament, the Sri Lankan electorate dealt Mr. Rajapaksa and his supporters a body blow, but not quite a knockout. The UPFA campaign, ceded to him by the President, won 11 fewer seats than the UNF, indicating that while Mahinda Rajapaksa's appeal may be diminishing, it is not yet gone. He commands a core vote that responds to his majoritarian populism, which is liberally laced with fears about the fate of the Sinhala community under the UNF and over war heroes being turned into war criminals through the upcoming process of transitional justice. Failure on the part of the Sirisena/Wickremesinghe coalition will provide him the opportunity to keep the Rajapaksa dynastic project alive. Consequently, he projects himself as the sword of Damocles hanging over the "yahapalanaya" (governance) project, with well-resourced and attended public and pocket meetings against the current government.

Rajapaksa's popularity has a direct impact on the President's role, particularly in the ruling coalition. In the August general election, the SLFP-led United People's Alliance won 95 seats to the UNP's 106. Of these 95, the President can be assured of roughly 40 of the MPs. Consequently, his biggest concern and dilemma is to hold his party together under his leadership even at the risk of being criticized for thereby demoting his responsibilities as president of the entire country. The UNP/SLFP alliance, and its translation into a majority in the 225-seat legislature, is of pivotal importance to governance reform as the new constitution envisaged requires a two-thirds majority in the legislature.

Sri Lanka has politically had a remarkable eight months in 2015, of previously unthinkable change accompanied by deep-seated challenges and unprecedented opportunity.

Sri Lanka's fate and future as a unified and prosperous functioning democracy lies in the ability of its government and its citizens to consolidate the first, address the second, and grasp the third. The prospects for success could be better; however, on balance they are promising.

4. Appendix
4.1) Constitutional Reform

This is the centerpiece of the government's governance reform program. Key issues that are to be addressed include the abolition of the executive presidency, which is seen to facilitate authoritarianism through the consolidation of considerable powers in that office, and a political and constitutional settlement of the ethnic conflict- an issue that was effectively on the back burner in the 2015 presidential election, lest it upset the broad unity of an even broader coalition of political actors.

In furtherance of constitutional reform, the government has passed a resolution in Parliament turning parliament into a constitutional assembly. The latter, in turn, has a steering committee headed by the Prime Minister to which a number of sub-committees assigned different subjects will report. All committees have sought and received submissions from key stakeholders, and the public at large has been engaged through a consultative process, which has yielded some 6,000 odd submissions. These together constitute the basis of the report submitted to the Constitutional Assembly by the Public Representations Committee.

The reform process will entail the presentation of a draft constitution to the Constitutional Assembly. Once this draft is approved it will move on to the Parliament, where it must be passed by a two-thirds majority of the legislature. Thereafter it will be presented to the country in a referendum and, if approved by a simple majority, promulgated as the fourth constitution of the country.

4.2) Power Sharing between the Executive and Legislative Branches

Consensus more or less exists on the abolition of the executive presidency- an office introduced by the Second Republican Constitution in 1978 which concentrates executive powers in the office of a directly elected executive president. Since its inception, demands have grown for its abolition, and promises made to do so in successive elections have not been met. Given the experience of two insurgencies since 1978 in the South of the country and the armed ethnic conflict in the North and East that has lasted nearly thirty years, the argument in its favor, which is that it makes for stable government, has not been proven. The counterargument, borne out by events, is that the executive presidency facilitates authoritarianism. Reform leading to abolition commenced in 2015 with the Nineteenth Amendment to the Constitution, which clipped the powers of the executive president with respect to the eligibility criteria for office, dissolution of parliament, legal immunity, and term limits. However, a clear consensus is yet to emerge on its replacement, with some concerns that an executive prime minister may well emerge in its place, rather than a more fully fledged parliamentary system with effective checks and balances on the executive.

4.3) Transitional Justice

The current government has committed to a process of transitional justice in the country and, in October 2015, co-sponsored a resolution to this effect at the UN Human Rights Council in Geneva. At the same time, and in fulfillment of a resolution on Sri Lanka passed in the Council in 2014- there were resolutions in 2012 and 13 as well- the Office of the High Commissioner for Human Rights published a report on the last phase of the war. This report confirmed prior local and international accounts of prima facie evidence of war crimes and violations of international humanitarian law committed by government security forces and the Tamil Tigers, as well as confirming the need for investigations.

Accordingly, the government is committed to establishing four mechanisms first proposed at the Human Rights Council which correspond to the four pillars of transitional justice – truth, justice, reparations and guarantees of non-recurrence. Parliament has passed legislation with respect to one of the mechanisms proposed- the Office of Missing Persons- to deal with one of the highest number of disappearances on record anywhere in the world. This is to be followed by the formation of a Truth-seeking Commission as well as an Office of Reparations.

The most controversial issue, however, is the accountability mechanism. This mechanism comprises a special court to deal with the allegations of war crimes and violations of international humanitarian law together with an Office of a Special Counsel, which will serve as the prosecutorial arm of the accountability mechanism. The controversy surrounds the participation of international judges in the special court as provided for in the Geneva resolution. While many in the Tamil community are of the view that the court should be international in composition, or at least majority international- the report from the Office of the High Commissioner calls for a hybrid court - supporters of the former president as well as nationalist elements amongst the majority community maintain that this would be a violation of national sovereignty, and that transitional justice is being used to turn war heroes into war criminals. Both the President and the Prime Minister are on record saying that the court will not have foreign judges. The government-appointed Consultation Task Force on Reconciliation Mechanisms is to present a report on public views of the mechanisms proposed. These mechanisms are expected to be established following submission and publication of this report.

State of Democracy in Asia: Taiwan

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Introduction

Taiwan adopted a semi-presidential system in which the president is directly elected and can nominate the premier. The president can serve up to two terms. The Legislative Yuan, Taiwan's parliament, has 113 members who are elected every four years. It includes 73 geographical seats, 34 party-list seats, and 6 aboriginal seats. In general, Taiwan has a very vibrant democracy. The function of democracy performs quite well in various dimensions. Both presidential and parliamentary elections are considered to be fair and competitive with regards to political participation. In the category of rule of law and corruption, the judicial system is basically independent and impartial and the level of corruption continues to be reduced. Regarding press freedom and civil society participation, both mass media and social media are free of government control. The government does not own or control any major media outlet. The mass media is free to criticize the government without worrying about political interference. Civil society organizations can also freely express their views without government intervention. In addition, Taiwan has both gender and aboriginal quotas in various levels of representative election as part of an effort to ensure the rights of minorities and women. Finally, there is very little violence in Taiwan. Even with mass protests events such as the Sunflower student protest, it is still comparatively peaceful.

The function of democracy in Taiwan also has its flaws. The practice of vote-buying and party assets makes elections an uneven playing field. Despite the growing independence of the judiciary, string-pulling is still quite prevalent in Taiwan. An additional example of the violation of the rule of law is Taipei mayor declining to recognize contracts signed by the previous holders of that office. The potential influence of the Mainland-based Taiwanese businessmen on elections and mass media posts a threat to freedom of the press. For civil society participation, a difficult task is to seek a delicate balance between monitoring the government and hindering political compro-

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mises between political camps. Income inequality has also been on the rise due to globalization and advances in production automation. Economic stagnation has hit the younger generation particularly hard. In addition, there are still elements of procedural unfairness that in part contributes to the economic gap between sub-ethnic groups. Gender equality faces an uphill battle as well. Despite the recent election of the first female president, Tsai Ing-wen, only 14 percent of her first Cabinet is female. Minority rights such as rights for emigrant labor, foreign spouses, and health insurance for students all have room to improve. Finally, Taiwan's nascent democracy has survived the two-turnover test as both parties are willing to handover the executive power to the opposition when they lose the elections. The exciting news covers the fact that neither of the opposition parties, DPP and KMT, were willing to observe the ruling party's legislative power even in the presence of a unified government.

Taiwan is a divided society. There are significant attitude differences between the Pan-blue and Pan-green camps regarding national identity, independence-unification choices, the political relationship between Taiwan and China, and cross-strait economic relationships. Views of trade policies, filibusters in parliament, law enforcement, and several massive social protests has also been highly divided along party lines in recent years. The social divide hinders political parties from seeking common ground and making firm decisions. As of yet, this division is not deep enough to shake the foundation of democracy, but it does play a strong role in shaping the landscape of democratic practice and pose a threat to the health of democracy. The rising social divide in Taiwan in recent years is aggravated by the rise of China and its iron-fisted authoritarianism under President Xi. Taiwan cannot effectively solve the dilemma by itself without changes in China's political system.

1. Procedural

1.1) Fair Elections

Taiwan presidential and parliamentary elections are considered to be fair and competitive (Murkowski, 2016). As of 2016, Taiwan has held six presidential elections and eight parliamentary elections. Taiwan experienced its third transfer of executive power in 2016. The previous two transfers took place in 2000 and 2008. The 2016 election also marks the first parliamentary majority for DPP, which is one of the main parties along with the KMT. Taiwan's democracy proudly passed the two-turnover test proposed by Huntington (1991) in 2008 as both parties have been willing to hand over executive power to the opposition when they lost elections. Freedom House rated Taiwan as free in their 2015 and 2016 reports (Freedom House, 2016). Taiwan received scores of 1 for political rights and 2 for civil liberties.

There are two issues regarding the levelness of the playing field in the elections that need to be pointed out. During the authoritarian period and President Lee's term in office, the KMT accumulated a huge number of assets. After the first party turnover in 2000, KMT placed these assets in a trust. The assets and the benefits it receives each year from this investment give the KMT a disproportionate upper hand in each election. During the 2008 and 2012 presidential and legislative elections, the DPP candidates received a higher number of campaign donations, most of them individual donations, than the KMT candidates. But the KMT camp is able to outspend or rival DPP spending because of the contribution from the KMT asset trust. This funding has given KMT candidates an edge in the election. For example, in 2012 the KMT legislative candidates received on average 3.8 million from the KMT party central, 20 times that available to DPP candidates (The Control Yuan of The Republic of China, 2008, 2012, 2016). In August 2016, the DPP government passed the Handling of Ill-gotten Properties by Political Parties Act to get back the part of the ill-gotten money from the KMT. This will surely level the playing field in future elections. The second issue concerns vote-buying, which is still an important issue in county-level representative elections. According to court files, about 7 percent of candidates were indicted because of vote-buying in the most recent 2014 county representative elections. If we break down the number by party affiliation, 9.5 percent of independent candidates, 9.1 percent of KMT candidates, and 3 percent of DPP candidates were indicted over vote-buying. The vote-buying practice that is associated with KMT candidates essentially undermines the legitimacy of the KMT government and the decisions it made.

1.2) Political Participation

Voter turnout rates in the Taiwanese presidential elections have taken a downturn. The highest turnout rate ever was 82.7 percent in 2000, but it has registered a steady decline since. In 2016, the turnout rate was only 66.3 percent, a 15 percent fall from its peak. Before 2012, presidential elections and the legislative elections were held independently. During the period between 1992 and 2008, the voter turnout rate for the Legislative Yuan elections also witnessed a decline. During

this period, the voter turnout rate in the Legislative Yuan elections was about 15 percent to 20 percent lower than that of the presidential elections (Central election committee, 2016). Since 2012, the two national level elections have been held on the same date. In 2012 and 2016, the turnout rates for the two elections were roughly the same. Holding joint elections has the advantage of boosting the voter turnout rate of the Legislative Yuan. Moreover, concurrent elections also reduce the likelihood of a divided government. Overall, the change in voter turnout rates demonstrates that people are passionate about politics immediately after democratic transition. However, voters gradually find that elections and even party turnover do not lead to significant changes in government policy or their daily lives, and lose some of the incentive to participate. Taiwan's turnout rate is roughly equal to that of the recent general elections in France, Great Britain, and Germany. All three countries have experienced a 10 to 20 percent drop from a peak in 1990s. Declining voter turnout seems to be a common trend across many countries.

In addition to the conventional form of political participation, Taiwanese citizens also engage in non-conventional forms of participation such as signing petitions, protests, and the violent use of force for political purpose. According to the 2015 Asian Barometer Survey (ABS) (National Taiwan University 2015), about 14 percent of Taiwanese have gotten together with others to raise an issue or sign a petition within the past three years. It is close to the regional participation rate in East Asia. In addition, about 11 percent of Taiwanese have attended a demonstration or protest march. This is the second highest number in East Asia and is nearly twice as high as the regional average. If we compare the three waves of the ABS, the percentage of respondents who have participated in protests increased from 6 percent in 2005 to 11 percent in 2015. These figures demonstrate that over time more people are participating in protests. In recent years, this contentious form of political participation is becoming increasingly popular in Taiwan, partly due to the rise of post-materialism and partly due to the inability of the political system to deal with the stagnant economy and rising income inequality. Finally, only about 0.5 percent of Taiwanese have ever used force or violence for a political cause. The number is relatively small and is about one-third of the regional average. The overall picture suggests that over time, Taiwanese citizens have begun to engage more in social protest, but they do not prefer the use of force or violence to express their demands.

1.3) Civic Education

Taiwan has a very high literacy rate after decades of compulsory education. The level of education of the population has increased over the years. After democratization, higher education expanded rapidly. The number of universities increases from 105 in 1986 to 163 in 2012. The number of college students increased from 345,736 in 1986 to 1,259,490 in 2012. There has also been an expansion in the number of postgraduate students in higher education (Chou 2014). As a result, there is an increasing supply of college graduates in the labor market. The increase in college enrollment rates means that more youth are being exposed to liberal democratic values and the free

exchange of ideas. In a standard battery of questions on liberal values in the 2015 ABS, it was found that Taiwanese tend to hold more liberal-leaning views than the rest of the East Asian region as a whole. A great majority of Taiwanese respondents disagree with the following statements: government should consult religious authorities when interpreting the laws; if we have political leaders who are morally upright, we can let them decide everything; government leaders are like the head of a family, we should all follow their decisions; the government should decide whether certain ideas should be allowed to be discussed in society; if the government is constantly monitored and supervised by the legislature, it cannot possibly accomplish great things; the harmony of the community will be disrupted if people organize lots of groups; and when judges decide important cases, they should accept the view of the executive branch. This battery does not measure attitudes about the granting of legislative power to the ruling party who occupies the majority of seats in parliament. We will turn to this issue below. On the other hand, the oversupply of college graduates increases the mismatch between educational attainment and job allocation. This trend increases the degree of discontent among youth toward the existing political and economic regime, such as the patronage and vote-buying practices that the KMT is associated with, the negotiation of trade deals with the authoritarian Beijing government, the primacy of economic growth over environment protection, the pension system that favors civil servants, military and education personnel, and free trade regimes.

As far as the political knowledge of the general public, the 2016 Taiwan Election Democracy Study showed that 80 percent of respondents were able to correctly identify the name of the President of the United States. In contrast, only 30 percent of respondents correctly identified the name of Taiwan's premier. This is an interesting contrast. Under the semi-presidential system, the term of each premier is short. On average, in Taiwan a president will nominate three premiers during their four-year presidential term. When faced with criticism or public discontent, a president can easily use the premier as a scapegoat. Under these circumstances, people can enjoy some de jure, if not de facto, accountability. In fact, it is hard to discern any policy differences between premiers. The main policy direction is generally quite stable during a president's term. In addition, 34 percent of respondents correctly indicated that the Grand Justice is responsible for constitutional interpretation. These results suggest that people may not have a decent understanding of the function of government and the idea of separation of power.

2. Substantive
2.1) Rule of Law

During Taiwan's authoritarian rule and in the decade following democratic transition, political interference with the judiciary was quite prevalent. The KMT could exert influence on the action and decision of the police, prosecutors, and judges. For example, the Minister of Justice was able to ask the police and prosecutors not to take action against likely vote-buying cases. After 2000, the judiciary in Taiwan began a journey towards independence from political authority thanks mainly to party turnover and the reforms pushed by young prosecutors, judges, and lawyers since early 1990s. The judicial system is now basically independent and impartial. According to the 2016 World Bank governance indicator, Taiwan ranks 27 out of 181 countries in the rule of law index (The World Bank, 2016). This indicator captures the quality of contract enforcement, property rights, the police, and the courts, and the extent of crime and violence. We have seen their performance scores in these areas improve during the survey period of 1996 to 2014.

On the other hand, the polls conducted by the Judicial Yuan show that only about 46 percent of people trust the judges. Only 35 percent of respondents believe that judges can make verdicts independently. 76 percent of respondents think that judges tend to discriminate between the rich and the poor (The Judicial Yuan of The Republic of China 2016). There are likely several reasons behind this unfavorable public perception. One important factor involves the role of the court in judging political disputes in recent years. With the rising Blue-Green divide, prosecutors and judges have had to decide on several high-profile cases. The opinions of the public regarding these cases were highly divided along party lines. Proponents from the losing side, including politicians, the media, and activists, fiercely challenged the independence and impartiality of the Judiciary. This situation reduced the trust of the general public in the judicial system. Second, there have been several cases involving corrupt prosecutors and judges in recent years Third, there have been several recent cases where corrupt MPS, cabinet ministers, and presidents were prosecuted and sent to jail. In a divided society, however, a significant portion of people believe these decisions were partisan and illegitimate. They do not necessarily associate this trend with increasing judicial independence. Another issue concerns the interpretation and explanations of the law by different judges. Verdicts over similar types of cases may vary depending on who the judge is. This could also reduce the confidence of the people in the judiciary.

Despite the growing independence of the judiciary, string pulling is still quite prevalent in Taiwan. People like to get things done by resorting to asking elected representatives for special favors. Likely targets for these types of special favors include things like getting hospital beds, transferring public sector jobs, the dismissal of misdemeanor cases, and winning favorable verdicts in judicial cases. For example, some elected representatives use their influence to help constituents get hospital beds. Many constituents believe this is what an elected representative should do. Elected representative consider this a legitimate practice as long as there is no outright violation of the law. Reneging on contracts is another example of a routine violation of the rule of law. For example, in 2015 the newly elected pro-DPP Taipei mayor refused to recognize several BOT

contracts that had been signed by the previous government. This is closely related with the rising party division. He considered these cases to be scandals and the contracts unfairly tilted towards large construction corporations. In one case, the terms of the BOT contract were actually very similar to one signed by the DPP Kaohsiung government. In recent years, the government has incurred a deficit and had insufficient money for public infrastructure projects. Due to budget restrictions, they have had to rely on BOT contracts that bring in private money. The share of profit that the government can claim from these projects is always the issue at question. It gives the opposition camp a point from which to challenge the contracts.

2.2) Gender Equality

Taiwan has a comparatively high degree of female political participation. The public attitude toward female political participation is very positive. In the 2015 ABS, 94.6 percent of respondents disagree with the statement "women should not be involved in politics as much as men", a 14 percent higher than the regional average. In the 2016 legislative election, 38 percent of the total seats were won by women. This figure is higher than in Japan (13.4 percent) and in South Korea (15.7 percent) (Central Election Committee, 2016). Taiwan has gender quotas for various levels of representative election. For the legislative election, 34 out 113 members are elected based on the party-list which sets aside reserved seats for women. For each party, at least half of the legislators elected under this party-list system must be female. In the regional constituencies, the percentage of women candidates and elected women is much lower. The county representative election also reserves seats for female candidates. The quota is about one fourth of the representatives elected in a district, which is comparatively much lower.

In 2016, Taiwan elected Tsai Ing-wen as its first female President. This is, of course, an important milestone. Although Tsai is not the first female head of state in Asia, she is not herself a family member of powerful male politicians and is the first one in her family to become a politician (Teng and Tang, 2016). As for female representation within the Presidential Cabinet, President Ma pledged that female ministers would made up at least one-fourth of the total cabinet members during his first term and one-third in the second. In reality, it was only in his first cabinet in 2008 that the proportion of female cabinet ministers reached 20 percent. After that, the number fluctuated between 13 percent and 14 percent. In addition, most female ministers were in the less important ministries. Despite being the first female president, in Tsai Ing-wen's first cabinet, only 14 percent of the cabinet members are female. This invites criticism from women's issues advocacy groups. In addition to the political side, the Taiwanese Civil Code grants equal rights regarding personal matters such as inheritance and marriage to men and women. However, economically there is still room for improvement in the equality of relations between the sexes in areas such as the percentage of women who are high-ranking executives and the gender pay gap.

2.3) Corruption

In recent years, the practice of bribery and lack of punishment for corruption is less pervasive than before. The independence of the judiciary has improved, as mentioned in the previous section. Following the democratic transition, the mass media and politicians have been eager and fearless about exposing any government scandals. The changes in the level of corruption can first be seen from a comparison of people's perceptions about how widespread corruption and bribe-taking are in their local/municipal government in four waves of the ABS. The percentage of respondents who replied that most officials or almost everyone is corrupt dropped from 46 percent in the first wave (2001) to 35 percent in the fourth wave (2015). Next, according to the 2016 Transparency International Corruption Perception Index, Taiwan ranks 30 out of 165 countries. This index is based on expert opinions. Taiwan ranks fourth in East Asia, just behind Singapore, Japan, and Hong Kong (Transparency International, 2016). According to the organization, better scores are associated with competitive elections, high levels of press freedom, open data on the government budget, and the presence of an impartial and independent judiciary. The previous section discussed the state of fair elections, political participation, and the impartial and independent. We will turn to the freedom of the press later.

In addition, two other factors also play important roles in curbing corruption in Taiwan. The first issue relates to party turnover at both the central and local levels. This turnover affects the government's policies regarding corruption, vote-buying, and the mafia. Traditionally, the KMT government was a coalition of urban elites and local factions. They were more willing to tolerate corruption, especially at the local level. When the DPP took control of the central government in 2000, it launched the "Program for Sweeping away Organized Crime and Corruption", a policy that targeted these problems. In 2008, when KMT regained power, President Ma was less enthusiastic about working closely with the local factions. At the local level, more and more DPP candidates were elected as county mayors. They did not have strong connections to the local factions and have been more willing to use the police to deter vote-buying. The second factor concerns the influence of economic liberalization on the political-business relationship and corrupt practices. In the early 1990s, the Taiwanese government launched a massive economic liberalization program, which included privatizing and deregulating previously monopolized sectors. Many of these policies invited rent-seeking and corruption. In the late 1990s, after creating the pseudo-private companies in which the government controlled less than 50 percent of the total share but still enjoyed a decisive share, the government ceased its push for privatization. During President Chen's term, the banking sector became the main target of reform. As a result, rent-seeking behavior mainly concentrated in the banking sectors. Worrying about potential political backlash and a corruption indictment, President Ma was reluctant to push through any domestic economic liberalization reform. The practice of rent-seeking was reduced further. This trend, however, demonstrates significantly the retarded structural reform in Taiwan.

Although corruption has improved in recent years, there have still been some high-profile cases in recent years. The major corruption cases have been related to public works projects and

state-dominated private companies. This is closely associated with the fact that government is reluctant to push through privatization and instead relies on public work projects to ignite the economy. Some of the high-profile cases are cited here. The first is a slag treatment scandal involving former KMT Vice Chairman and Executive Yuan Secretary General Lin Yi-shih, who have ties to China Steel, a state-dominated private company. The next was a scandal wherein Taipei city council member and KMT party official, Lai Su-ju, solicited a bribe from construction companies seeking a BOT contract from Taipei City. Yeh Shih-wen, Director General of the Construction and Planning Agency, also solicited a bribe from companies seeking an affordable housing project. Finally, in a divided society like Taiwan, public opinion on some high-profile cases was also clearly divided along party lines. For example, in the case of former President Chen, some people consider it to be a model case of receiving bribery and money laundering, but others think it was political persecution of the opposition leader.

2.4) Economic Inclusion

In recent years, due to globalization and advances in production automation, the income gap between the rich and the poor has increased. The household income survey indicates that Taiwan's Gini coefficient was 0.337 in 2015 (Directorate General of Budget, Accounting, and Statistics 2015). This number is roughly equal to Japan and South Korean and much lower than Hong Kong and Singapore. However, after examining overtime trends and pre-redistribution incomes, we did see that income inequality is gradually becoming a serious problem in Taiwan. Based on income tax data, the income ratio of the 5th to 95th percentile was 1:33 in 1998. The number rose to an alarming 1:99 in 2014 (Directorate General of Budget, Accounting, and Statistics 2015), denoting a significant deterioration in income distribution over the last two decades. Compared to other major industrialized countries, tax rates in Taiwan are relatively low, making it difficult to correct the unequal distribution of wealth and opportunity.

In addition to income distribution, Taiwan faces the issue of shrinking economic opportunities for the young generation. Expanding college enrollment rates and shrinking job opportunities are creating a bleak employment market for the young generation. Although the youth unemployment rate in Taiwan is still lower than in other parts of the world, it remains much higher than the adult unemployment rate. The unemployment rate for youth (defined as aged 18 to 24) in Taiwan hit 13 percent in recent years, 2.8 times higher than the rest of the population (Directorate General of Budget, Accounting, and Statistics 2015). In addition to rising youth unemployment, the young generation also faces the problem of underemployment. Many young adults are forced into accepting jobs below their level of education with little chance of upward mobility. This situation has intensified the youth's discontent with the existing political and economic regime. According to a telephone poll, the youth turnout rate was higher than the adult turnout rate in the 2016 general election. In addition, the recent elections saw a pronounced generational gap in party support. For example, in the 2016 presidential election, 73 percent of voters under age 30

voted for the opposition candidate, Tsai Ing-wen. Only 15 percent of young voters voted for the KMT candidate. In contrast, 59 percent of adult voters supported Tsai Ing-wen and 29 percent of this age cohort voted for the KMT candidate.

There is inequality in economic opportunity between ethnic groups as well, although to a lesser extent. We can compare the share of respondents who are public employees or who hold managerial and professional jobs by ethnicity; Holo, Hakka, and Mainlander. The share of respondents who hold a white-collar job is 15 to 20 percent higher among Mainlander group than in the Taiwanese group. Moreover, the gap between Mainlanders and Taiwanese was largely stable, despite some fluctuations over the last twenty years. There are several policies that favor certain ethnic and political groups, especially those who lean towards the Pan-Blue Coalition. These policies to some extent help in freezing the economic gap between different ethnic groups. The first issue is the pension scheme. Taiwan has a very generous civil servant pension system that covers military personnel, civil servants, and public school teachers. The second issue is housing for military personnel and their dependents. The government allocated a budget to build a large number of condominiums across Taiwan. Using government subsidies, these residents can purchase new apartments at roughly 30 percent of the regular housing price. An additional issue concerns the KMT assets that we mentioned above. The perceived economic inequality between ethnic groups induces a great majority of those who lean towards the Pan-Green Coalition to perceive unequal treatment from the government. Although one cannot attribute the inequality in economic status entirely to government economic policies, these policies do help freeze the economic gap between different ethnic groups. Moreover, ABS data also showed that economic inequality and the ensuing perceived unfairness between ethnic groups affects the people's satisfaction with the way democracy is working.

2.5) Freedom of Expression and Media

The media in Taiwan enjoys a much higher degree of freedom than most of its Asian neighbors. The media sector is free from government control and remains fiercely competitive with the mushrooming of television and internet news services. The government does not currently directly own or control any major news outlet. The Taiwanese media is free to criticize politicians and track government scandals without worrying about political persecution. Freedom House rates Taiwan as free in both its 2015 and 2016 reports (Freedom House, 2016). Excluding the small island countries, Taiwan ranks number four in the Asian pacific region, after New Zealand, Australia, and Japan, in the Freedom of Press Index compiled by Freedom House.

Despite the freedom the media enjoy now, the China factor poses a potential threat to press freedom in Taiwan. This mainly comes from the influence of Mainland-based Taiwanese businessmen. Over the past few years, members of this group began to dump their money back in Taiwan and purchase mass media, telecommunication services, real estate, and other companies. These newspaper and TV outlets publish news that is in many cases in line with the stance of the

Beijing government. This force poses a potential threat to the freedom of speech and the fairness of the electoral competition. The influence of money coming from the other side of the Strait makes some people uneasy. So far, Chinese-owned companies are not allowed to invest in certain industries, especially media, telecommunication, infrastructure, and real estate. Given the sheer size of these companies and their ties with the Chinese government, opening the market to them could arouse further concerns.

In Taiwan, all civil society organizations are subject to registration requirements. Civil society organizations are free to register and operate. The number of social organizations increases consistently after democratic transitions. Civil society organizations are free to express their views without government intervention. Workers are free to join trade unions. The union participation rate, however, has declined over time, largely due to the shrinking manufacturing sector in Taiwan. In 2010, the government passed a law that gave greater collective bargaining power to the industrial sector-wide unions. Labor bargaining power was previously restricted to individual factory unions. Another ongoing issue concerns the amendments to the Assembly and Parade Act. Both the DPP and KMT agreed to eliminate the rule requiring that any outdoor protest apply in advance for government approval. However, both parties prefer to place restrictions on the location of social protests to maintain the dispersal power of police forces. Civil society organizations prefer to have the right to stage a protest within some restricted districts, such as the presidential palace and Legislative Yuan, in order to be able to influence government decision-making.

In recent years, civil society organizations have staged several large-scale protests and been able to successfully block government policies.[3] Civil society organizations place more emphasis on the values of free choice, democracy, and post-materialism. As a result, they strongly opposed economic projects that posed a threat to the environment and policies that would have brought Taiwan politically and economically closer to China. Again, Taiwan is a divided society. How people viewed the clash between civil society organizations and the state in recent years was highly divided along party lines. For example, some people consider the Sunflower Movement in 2014 to be a rightful and legitimate action, and therefore also consider the arrest, detainment, and prosecution the participants by the police and the courts as a violation of civil rights. The decision to restrict and expel journalists in order to disperse occupants within the Legislative Yuan and the Executive Yuan denote a serious violation of press freedom. For roughly the other half of Taiwan, the Sunflower Movement was wrongful and illegitimate. Without the presence of filibuster launched by the opposition party, the so-called black-box review surely will not happen. Those opposed to the movement believe that no one should have the right to occupy the Legislative Yuan to disrupt the legislative reviewing process, let alone the Executive Yuan. Only elected representatives have the legitimacy to decide a bill. Therefore, these state actions against the movement were necessary and appropriate.

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[3]Some important events include protest over Hung Chung-chiu, a young soldier's death, Miaoli Dapu land expropriation incident, Sunflower student movement that opposed the approval of a trade agreement with China, and the Wenlin-Yuan urban renewal project.

Over the past few years, the use of internet and in particular the popularity of social media has enabled people to disseminate news and ideas faster. This development strengthens the power of civil society in checking the discretion and encroachment of the state. However, it also creates two problems. The first is the phenomenon of the echo chamber. People gradually get access to political information mainly through social media. This creates a cyber space in which people exchange information only among those who hold the same political views. Next, with the rise in the mobilization power of civil society groups, their ability to influence the legislative agenda also increases. The participation of civil society organizations is important to the legislative process, as they provide decision makers with important information and prevent legislators from violating democratic procedures. In some cases, however, this power prohibits parties from seeking common ground. In a polarized society, seeking common ground is extremely important but hard to achieve, as can be seen through the state of US domestic politics in recent years. The mobilization of the Sunflower student movement in Taiwan provides a clear example. The students were able to force the opposition party to avoid compromising. The review of the Cross-Strait Agreement Supervisory Act, which occurred shortly after the Sunflower Movement, provides another example. The DPP Whip told the KMT Whip that they could not allow the bill to pass quickly because that would not enable them to answer the students. Using executive power to set stricter controls on the inflow of Chinese capital could be one way of finding common ground over trade agreements. Dissuading parties from finding common ground is not helpful for a healthy democracy.

2.6) Minority Rights and Protection

The indigenous people make up about 2 percent of Taiwan's total population. In 2016, for the first time in Taiwan's history, President Tsai Ing-wen formally apologized to the indigenous people for the suffering and injustices they experienced at the hands of the Chinese emigrants who came to this island four centuries ago. A great majority of the traditional hunting grounds and agricultural land were occupied by the Chinese emigrants over this period. Taiwan's indigenous people are an economically and socially marginalized and disadvantaged group. Although Taiwan has an affirmative action policy in high school and college admissions that favors aboriginal students, they have a lower per capita income and higher unemployment rate on average. In addition, six legislative seats are reserved for aboriginal voters. In some cases this gives them a disproportionate influence in legislative review. For example, one aboriginal legislator was able to ask for extra money for an island-wide water infrastructure project to their constituencies. Now a significant amount of indigenous people live in the territory of a national park. These tribes are asking for hunting and fishing rights in these parks.

According to recent government statistics, there are approximately 600,000 documented migrant workers in Taiwan, with the majority coming from Southeast Asia. They work in a number of diverse sectors, including households, construction sites, factories, and the fishing industry. Most work in the sectors that have difficulty recruiting enough local workers. Migrant workers in

the manufacturing and construction sector are subject to the same labor laws and minimum wage requirements as Taiwanese workers. Household migrant workers are currently excluded from Labor Standards Act. In addition, there are violations of migrant worker rights. Some violations include underpayment, long working hours, and poor working conditions. In addition, household migrant workers occasionally encounter sexual abuse and harassment.

One controversial issue is the granting of citizenship to Mainland Chinese and other foreign spouses. There are about 500,000 foreign spouses in Taiwan, and about two thirds of them come from Mainland China. In the past, there was a financial threshold and professional skill requirement that non-Mainland Chinese foreign spouses had to pass. In addition, applicants also had to give up their original nationality before they were eligible to apply for Taiwanese citizenship. For Mainland Chinese spouses, there is no financial requirement or the need to renounce their original citizenship. But the statuary waiting period for Chinese spouses to be able to apply for citizenship is six years, two years longer than a non-Chinese spouse. In recent years, there have been legislative proposals and reviews in Parliament to reduce the inequality in these provisions. The KMT backed the demands of Mainland Chinese spouses to reduce the waiting period from six years to four. The DPP opposed this believing the change would increase the KMT's base. Mainland Chinese spouses feel they are subjected to discrimination and differentiated treatment. In 2016, a legislative amendment that removes the financial threshold, allows for non-Chinese foreign spouses to retain dual citizenship and equalizes the waiting period for all foreign spouses failed to pass.

A related issue is health insurance coverage for international students. All non-Mainland Chinese foreign students are covered by the Taiwan's national health insurance. Students from Mainland China are still excluded from coverage. They cannot purchase insurance, and are instead required to pay the full amount for any medical treatment. Many DPP supporters believe that expanding coverage is tantamount to providing a subsidy to Mainland Chinese students. This argument ignores the fact that students are young and generally do not need medical treatment, as well as the fact that the National Health Insurance Fund could actually benefit financially from expanding coverage.

2.7) Political Stability

The political system in Taiwan is quite peaceful. Violent political and social events are rare. The ABS IV data indicated that very few Taiwanese accept the use of force or violence for political purposes. Taiwan is ranked among the lowest in East Asia in terms of violent political incidents. Only 0.48 percent of respondents indicated that they had participated in the use of force or violence for political purposes, about one third of the regional average of 1.4. There are continuous confrontations between civil society organizations and the state in the form of mass rallies, marches, and demonstrations. But violent and repressive actions by either social organizations or the state are very rare. In several mass protest events in recent years, several hundreds of thou-

sands of people took to the street. These events were all peaceful, without the usual scenes protestors throwing stones and police spraying teargas that are found in other neighboring countries.

Despite the peaceful nature of Taiwanese politics, income and opportunity inequality pose a threat to the stability of the political system. As long-term unemployment and underemployment tend to produce feelings of exclusion and extremism, this situation tends to exaggerate political polarization, which in turn poses a potential threat to a healthy democracy. In particular, the young generation in Taiwan is facing a difficult economic condition. They are much more likely to be discontent with the existing political and economic regime. The ABS shows that in the region as a whole, blue-collar young adults are more likely to use force or violence for political causes. The Taiwanese do not like violent action, so as of now violence is not a big concern. Facing a bleak economic situation, the young generation has chosen to vote against the incumbent party and go against the old political and economic regime. One important impetus behind the Sunflower Movement was the bleak economic conditions faced by the young generation. It is likely that persistent income and opportunity inequality will lead to greater confrontations between the state and civil society groups.

3. Conclusion

The above discussion reveals that Taiwan is a vibrant democracy. Democracy in Taiwan performs quite well in various aspects including free elections, the rule of law, freedom of the press, political participation, anti-corruption, and the protection of minority rights. There are some aspects where the functioning of democracy can be improved. The first one concerns the legacy of the authoritarian regime. The party assets issue and economic opportunity inequality between ethnic groups belong to this category. These issues are under reform and may eventually cease to be a problem. For example, with the passing of the illegal party asset law in 2016, the KMT party asset issue is likely to eventually become history.

The second aspect concerns democratic values, which are an important but often omitted issue. Taiwan's nascent democracy survived the two turnovers of power as both parties have demonstrated a willingness to hand over executive power to the opposition when they lose elections. This exciting achievement covers the fact that neither the DPP nor the KMT were willing to respect the ruling party's legislative power in the case of unified government. Even with a majority in the parliament, the president still could not push their party's policy agenda because of unstoppable filibusters used by the opposition party. Without the handover of both the executive and legislative power from the ruling party to the opposition party after wins in both the presidential and parliamentary elections, one has to question the governability of the political system. The current practice is clearly a violation of the rule of law and democratic values.

The third issue concerns political polarization. Over the past two decades, Taiwan has become more deeply divided along national identity lines. This social divide affects various aspects of the functioning of Taiwan's democracy. It is often argued that tolerance is more important than freedom. Many people in divided societies often omit the importance of tolerance and seeking common ground. Each camp should respect and learn the historical background and perspective of the other camp. Taiwan is a small island and faces imminent political and economic challenges from across the Strait. If Taiwan wants to maintain its democracy and way of life, both parties have to find common ground. Of course, despite the fact that tolerance is more important than freedom, there is no tolerance without equal opportunity. Taiwan needs to address the inequalities between ethnic groups. Issues related to housing for military personnel and their dependents, the pension scheme, housing prices, and party assets should be adequately addressed. Lastly, the social divide diverts the attention of the people away from more important issues such as economic structural reform. It allows parties to exploit their unique political rents and helps politicians skip over fundamental problems and eschew structural reforms. Many structural reforms such as the implementation of a carbon tax and fuel tax, environmental degradation, banking reform, privatization, generational justice, and the signing of trade agreements are all more important than national identity disputes, but are omitted from the political debate. Further issues about political polarization and power sharing are discussed in the appendix.

4. Appendix
4.1) A Political Stalemate and Power Sharing

Taiwan's democracy proudly passed the two-turnover test suggested by Huntington (1991) in 2008, as both parties have proven willing to hand over executive power to the opposition when they lose an election. The smooth transition of executive power has disguised the truth that the majority party is not able to smoothly exercise their lawmaking power. Although both political parties have been willing to accept the electoral outcome, they have not wholeheartedly recognized the ruling legitimacy of the other camp. Because of the dichotomous nature of national identity issues and the lack of democratic norms in the legislative reviewing process, the opposition party tried hard to filibuster the main legislative agenda of the ruling party. The deliberation of any issue related to China is often escalated to the level of saving Taiwan or selling Taiwan. This attitude exists not only among the elite, but also within the public. This national identity cleavage causes people to greatly distrust political actors who represent the other camp. People often question the loyalty of political leaders to Taiwan or the Republic of China. TEDS 2012 survey shows that during President Ma's term, people who consider the rise of China a threat to Taiwan tended to endorse strong checks and balances. In a democracy, checks and balances must follow democratic norms. The due process of democratic decision making should be respected. Since the first party turnover in 2000, gridlock in parliament has become frequent. During President Chen's tenures, the coalition of the KMT and FPF blocked virtually all the major legislative bills introduced by the DPP government. Many of these bills were actually drafted under President Lee's terms. The DPP did the same thing during both of President Ma's terms, upgrading the practice to a new level. Although the KMT has enjoyed a majority of seats in Parliament, it was in many cases unable to push its own agenda forward. Issues relating to direct transportation, beef imports from the United States, the recruitment of college students from Mainland China, the ECFA, and service sector trade agreements are some of the salient examples during President Ma's tenure. Most of the bills are related to Cross-Strait issues. When the DPP came to power in 2016, it immediately wanted to restrict the debating and review process in Parliament. On the other hand, the KMT also quickly turned into a parliamentary fighting machine as it tried to block several DPP initiatives.

Unlike the filibuster rule in the U.S. Congress, where only ongoing, non-stop speech is allowed and recognized, the methods of filibuster that are allowed in Taiwan parliament are quite extensive. Multiple amendments, physical clashes, and blocking the chamber are all permitted in the Legislative Yuan. More importantly there is no clear rule to end the filibuster. Unlike other democracies such as the U.S. and Japan, the Speaker in Taiwan has not been willing to use police force to end a filibuster. Moreover, in several Western democracies, for example the U.S. and France, filibustering is allowed, but there are clear rules and thresholds to end it. Taiwan, as a divided society, only requires a simple majority to pass legislation. It does need a higher threshold to pass any bills related to ethnic issues. But even with a higher quorum, a well-functioning parliament still needs a formal way to end a filibuster. In many cases, a filibuster has ended not be-

cause of a motion to vote, but because of a closed-door party caucus agreement between the Pan-Blue and the Pan-Green camps moderated by the speaker. In these cases, the DPP MPs block the bills to meet the demand of their constituencies. When the parties feel they have perpetuated enough drama to satisfy their constituencies, they may eventually compromise. The US beef cases, Three Links, and Mainland students are some examples of this. The benefit of closed-door meetings is that there are no records of them. Party supporters are not able to track the individual positions of MPs. Individual MPs are not held accountable for the decision to end a block. In contrast, if a roll-call vote is held, no opposition leader or MP dares to make compromises that may irritate their constituencies.

In an ethnically divided society, power sharing is important. In the winner-take-all nature of Taiwan's political system, there is not much room for institutional power sharing. The party who controls the presidency is likely to also control the Parliament. Moreover, the disproportionality of the electoral system aggravates the problem. Thus, when institutional power sharing is absent, tactics such as the division of government, filibustering, closed-door party caucus negotiation, and even the occupation of Parliament essentially serve as non-institutional power-sharing mechanisms. These mechanisms can prevent drastic changes in important policies. In some sense this is a good thing for a divided society. These informal power-sharing mechanisms, however, have their downsides. The first drawback concerns the closed-door party caucus meetings. It bestows veto power on just a few party members. The small circle of party whips can amend and violate committee resolutions. It also provides a rent-seeking opportunity for this small circle of MPs. More importantly, the current system fails to encourage the formation of an accepted quorum. In each legislative battle, there are fierce fights until one side eventually concedes. These fights tear society apart without being able to gradually cultivate democratic norms. There must be a rule governing the resolution of high-profile legislation that both sides explicitly agree on and are willing to observe.

Another problem with this non-institutional power-sharing mechanism is the lack of electoral accountability. It is similar to the divided government situation, where voters cannot tell which party is responsible for the final political and economic outputs. Moreover, in an ethnically divided society, it is often preferable to encourage power sharing. But power sharing also comes with its own problem in that it delays decision making. In some cases, fights in Parliament result in immobilism. In a highly competitive international economic structure, delays and immobilism may put the country's development at a great disadvantage. Finally, because of the non-institutional nature of these power-sharing mechanisms, closed-door dramas may not always go as planned. In some cases, filibusters involve a third player: civil society groups. The Sunflower Movement in March 2014 is a salient example. The issue at stake was not only Taiwan's trading relationship with China but also the impact of this relationship on Taiwan's way of life. After the DPP blocked the agreement in committee for a month, the KMT committee chair suspended the review and sent the bill to the floor for a vote. This sparks massive student protests that occupied the floor of the Legislative Yuan. One reason that the students groups took action was because they believed that the DPP MPs were going to compromise in the review process.

4.2) National Identity and Polarization

The Blue-Green divide became the main theme of Taiwan's political development after 2000. It was an inevitable development in an ethnically divided society where the main parties and mass media gradually diverged along ethnic lines. For the so-called "deep Green" and "deep Blue" voters, it is a struggle between two seemingly irreconcilable claims about statehood and national identity. The evolution of national identity is a lasting tug of war. On the Green side, the Taiwanese nationalists advocate a separate Taiwanese national identity and push for *de jure* independence. On the Blue side, the Chinese nationalists oppose Taiwanese independence and favor the status quo. They may even consider the option of reunification if China eventually democratizes. As the renowned scholar, Fu Hu, pointed out, the national identity division means that elections in Taiwan are not only about the selection of government leaders, but also about the selection of nationality. Both camps fiercely compete to gain control of the state apparatus so that they can control the pace and direction of the Cross-Strait political economic relationship and nation build in the direction of either Taiwanization or Sinicization, and they pay less attention to compromise, tolerance, due process, and rule of law, the critical conditions that make a liberal democracy function (Chu, 2005). Figure 1 shows the change in statehood preference over time, broken down by party identification. There are sizable differences between the two camps. More than 55 percent of DPP leaners endorse Taiwan independence while only 15 percent of KMT leaners endorse this option.

Figure 1. Partisanship and Statehood Preference, 1996-2016

Unit: percentage; Data Source:Taiwan Election and Democracy Study
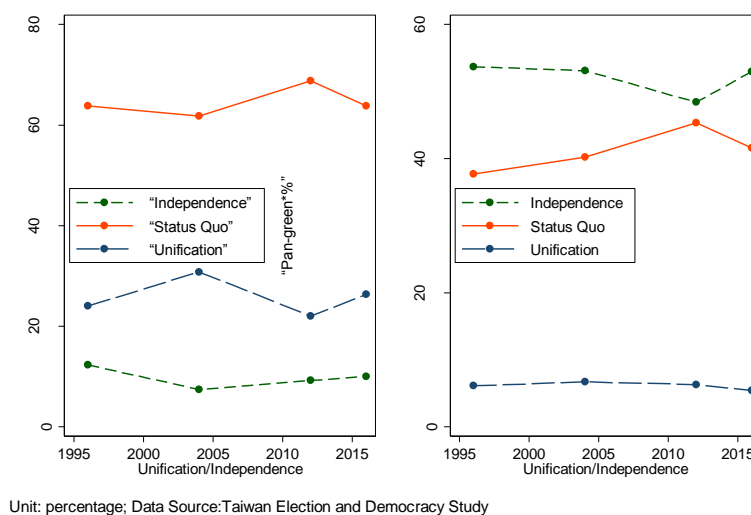
Figure 2 shows that overall attitudes have shifted toward the Taiwanese end over the past 20 years while partisan division has increased. The share of Pan-Green leaners who consider themselves exclusively Taiwanese has increased from 70.6 percent in 1996 to 71.7 percent in 2008, to 84.3 percent in 2012, and become even higher in 2016. The share of Pan-Blue leaners who identify

themselves as Taiwanese has also increased from 25.2 percent in 1996 to nearly 40 percent in 2016. Additionally, the share of Pan-Green leaners who considered themselves exclusively Chinese or both Chinese and Taiwanese decreased significantly, from 29.4 percent in 1996 to less than 20 percent in 2012 and 2016. In contrast, the share of Pan-Blue leaners who saw themselves as exclusively Chinese or holding a dual identity was 74.8 percent in 1996, and was slightly below 60 percent in 2016. Overall, in the Green camps, supporters have converged on the Taiwanese end of the Taiwanese-Chinese spectrum, while Blue camp supporters still largely hold on to their Chinese identity. This is one of the sources of the continuing confrontation in Taiwan politics in recent years.

Figure 2. Partisanship and Ethnic Identity, 1996-2016
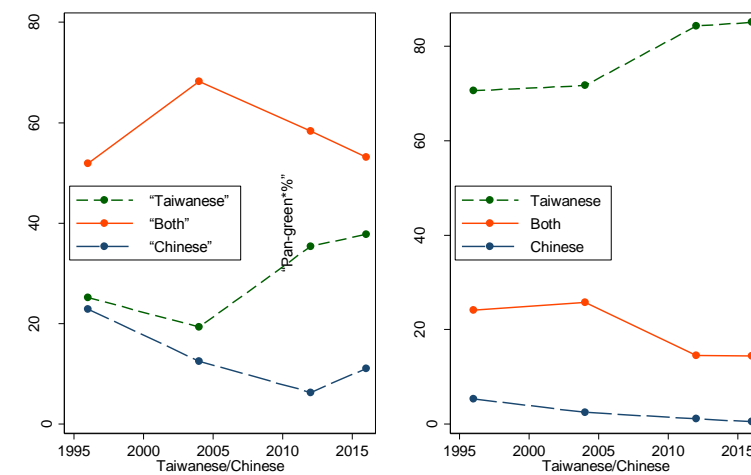
Unit: percentage; Data Source: Taiwan Election and Democracy Study

Over time, the people of Taiwan have gradually developed a strong Taiwanese identity. The change is much more pronounced among the youth in recent years. More and more young people identify themselves as Taiwanese compared to older generations. In 2004, the young generation was about 6 percent more likely than the adult generation to consider themselves Taiwanese. This figure increased to 17 percent more likely in 2012 and 15 percent more likely in 2016. There is also a generational gap reflected in attitudes towards unification and independence. Based on TEDS, in 2004 the young generation was about 5 percent more likely than the adult generation to favor independence. The margin increased to 14 percent in 2012 and 19 percent in 2016. The reason for the fast Taiwanization of the youth is threefold. First, the young generation, and in most cases their parents, grew up entirely in Taiwan. It is natural for them to consider themselves Taiwanese. Second, the division is associated with the textbooks they study in high school. Since 1990s and especially in 2006, the high school curriculum was revised several times to mandate an increase in Taiwanese history and geography coverage and a reinterpretation of the history of Japanese rule and KMT rule. Third, those members of the young generation who grew up in relatively affluent circumstances tend to embrace post-materialist values such as autonomy and self-

expression, the protection of minority rights, and the prioritization of environmental protection over economic development. These values are pretty much at odds with the policies of the government that still rely on investment in the manufacturing sector and public work projects to promote economic growth and create jobs. In addition, they tend to oppose the party that plans to build closer economic ties with authoritarian regimes. The most recent ABS shows that 36 percent of the young generation thinks the influence China has on Taiwan is positive, while 44 percent of adult respondents think so. Related to this, as the young generation did not experience rapid economic development under authoritarian rule, they are less likely to view authoritarian rule as a viable option to promote development. Rather, they see authoritarian rule as a threat to their freedom. The newly formed New Power Party embodies this generational gap. The party was formed by the leaders and supporters of the Sunflower Movement. They do not want to maintain the status quo as the DPP has. Instead, they envision Taiwan as becoming a normal state that will be able to join the UN and other international organizations under the name of Taiwan (Wang, 2016).

After 2008, President Ma's administration implemented direct transportation and sought to sign a free trade agreement with China. The Green camp believes the acceleration of Cross-Strait economic exchanges was detrimental to Taiwan's economic and political autonomy because these exchanges will aggravate Taiwan's economic vulnerability, facilitate Beijing's political infiltration of Taiwanese society, and lead to the erosion of a separate Taiwanese identity. On the economic side, President Ma embraced the "One China, two interpretations" policy, or the so-called 1992 Consensus. The Pan-Green camp believes the One-China policy constrains Taiwan's international space. The policies pursued by President Ma further aggravated the social divide. All in all, the rising social divide essentially affects the performance of democracy in various dimensions in Taiwan. The social divide has its historical roots, but the China factor plays a decisive role in aggravating it. The China factor includes the rising political and military power of China, the more conservative and authoritarian trend of President Xi's term, and the ongoing Cross-Strait economic integration. Taiwan cannot effectively solve the dilemma by itself without changes in China's political system.

State of Democracy in Asia: Thailand

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Introduction

Thailand is a constitutional monarchy with a Prime Minister as the head of the government and a hereditary monarch as the head of state. Thailand is divided into 76 provinces (not including Bangkok Special Administrative Area), 878 districts, 7,255 sub-districts and 74,965 villages. The country has a moderate to high income level, with GDP growth of 0.9 percent in the year 2014 (The World Bank, 2014), and has a GNI per capita based on purchasing power parity (PPP) of US $14,870 (World Bank, 2014).

Thailand is among many countries that oscillate between democratic and non-democratic governance. Absolute monarchy ended in 1932 and Thailand became a constitutional monarchy. However, democratic transition is ongoing and has yet to be consolidated. Thailand has faced political violence and 13 successful coups d'états. Going through some 19 constitutions since 1932, democratic consolidation continues to remain elusive due to many factors, including vested interests, education, culture, socio-economic circumstances, and under-developed democratic values.

This study reports the level of democratization in Thailand in several dimensions: elections, political participation, the rule of law, gender equality, economic inclusiveness, freedom of expression including that of the media, minority protection and rights, corruption, civic education, and political stability.

Primary and secondary data are used, including results from various surveys and citizen surveys by KPI that utilized probability sampling from the national list of eligible voters. In addition, data is used from other sources such as the National Statistical Office, Freedom House, and Worldwide Governance Indicators (WGI).

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1. Procedural

1.1) Fair Elections

According to the Inter-Parliamentary Union (1994), government authority can only derive from the will of the people through the expression of genuine, free, and fair elections held at regular intervals on the basis of universal, equal, and secret suffrage. In 2014, KPI conducted a survey to determine how the public perceived how free and fair the most recent (July 2, 2011) election was. 42.9 percent of people felt the 2011 election was free and fair, but with minor problems, while 33 percent of people felt it was completely free and fair. However, 17.3 percent of people felt that the election was free and fair with major problems, and an additional 6.8 percent felt it was neither free nor fair at all. Moreover, this means that 66.9 percent of the population had at least some reservations, with 24.1 percent having either major problems with the election or seeing it as null and void.

Between 2003 and 2015, KPI surveyed public trust in the Election Commission of Thailand (ECT) as shown in Figure 2. For reference, general election years have been marked in red on the graph, and there is no data available for 2006, which was the year of the first coup d'état since the 1997 Constitution. Trust in the ECT increased from 55.3 percent in 2014 to 64.3 percent in 2015. However, this is down from the period of 2003-2005, during which trust in the ECT was at a high of between 67 and 69.9 percent. Trust then fell between 2005 and 2007, plummeting to below half of the electorate at 47.7 percent, although trust has since gradually and unevenly recovered, with just over two-thirds of the electorate trusting the ECT in 2015.

Figure 1. Percentage of the public opinion "On the whole, how free and fair would you say the last national election was?" (July 3, 2011)
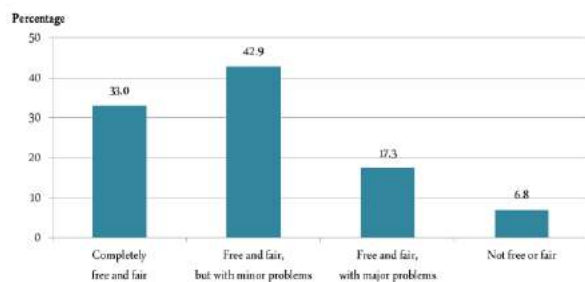
Source: King Prajadhipok's Institute, Asian Barometer Survey, 2014

Figure 2. Percentage of Trust in the Election Commission (2003-2015)
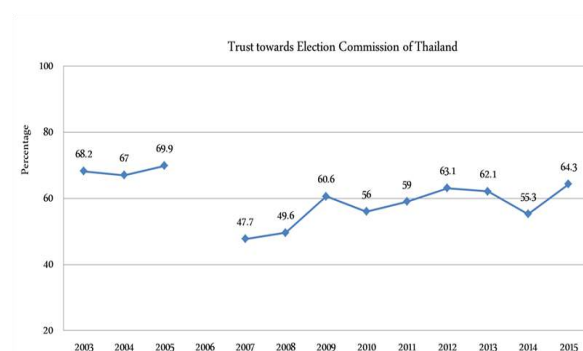
Source: KPI, 2015

The February 2014 election faced significant disruption by anti-government campaigners who recognized neither the authority of Yingluck Shinawatra's government nor the electoral and democratic system in place. The electoral disruption ultimately contributed to Yingluck's downfall along with concerns regarding some proposed and enacted policies. Interestingly, Figure 1 shows that with the

exception of the 2005 election year, trust in the ECT is highest *outside* of election years. This is particularly true of the 2007 and 2014 election years, with the latter contributing to the May 2014 coup d'état.

1.2) Political Participation

Electoral participation is one of the most important components of democracy. Figure 3 shows the turnout rate between 1933 and 2011. In 2011, the turnout rate was 75.03 percent, the highest in Thailand's history. The 2014 election turnout rate has been excluded from this study due to widespread disruption preceding and during the election day, which resulted in the closure of a large number of polling stations and negatively impacted the turnout rate.

Figure 3. Voter turnout in Thailand (1933-2011)
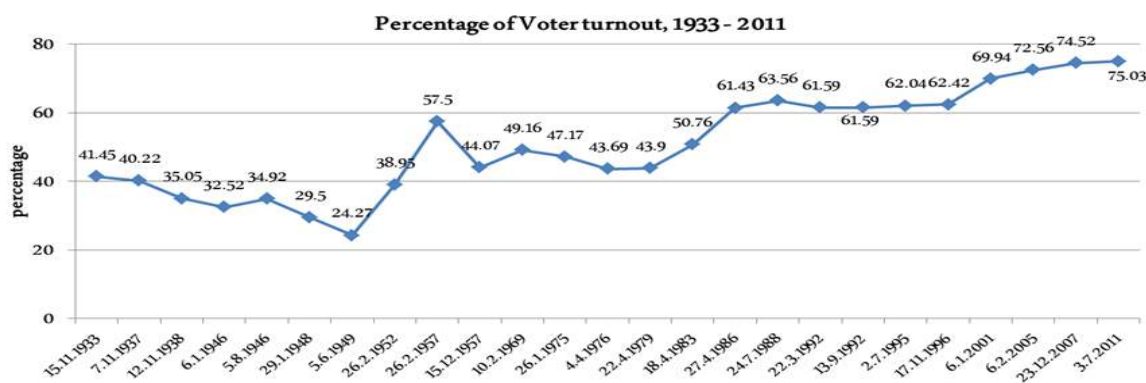
Sources: The Election Commission, 2011

Table 1 shows the results from a KPI survey conducted in 2015, and indicates that most people are generally interested in politics (63.6 percent). However there has been an overall decline in political interest since 2012 (-3.4 percent). Over the same period, those who are "very interested" in politics has increased by 3.6%, showing an increasing polarization between those who are and those who are not interested in politics. This could reflect the current political pause under the military government, in which elections and open political discussion and demonstration is temporarily on hold. In this context, it appears dissatisfaction has led some to feel more frustrated, while a larger group has reacted by seeing political activities and interest as futile.

Table 1. Percentage of People Interested in Politics (2012-2015)

Interest in Politics	2009	2012	2015
Very interested	17.7	15.3 (-2.4)	18.9 (+3.6)
Moderately interested	44.2	51.7 (+7.5)	44.7 (-7)
Not really interested	27.8	23.6 (-4.2)	29.2 (+5.6)
Not interested at all	10.2	9.4 (-0.8)	7.3 (-2.1)
Total interested	61.9	67 (+5.1)	63.6 (-3.4)
Total uninterested	38	33 (-5)	36.5 (+3.5)

Source: KPI, Social Quality Survey, 2015

Figure 4. Percentage of People who Received Political News (2006-2015)
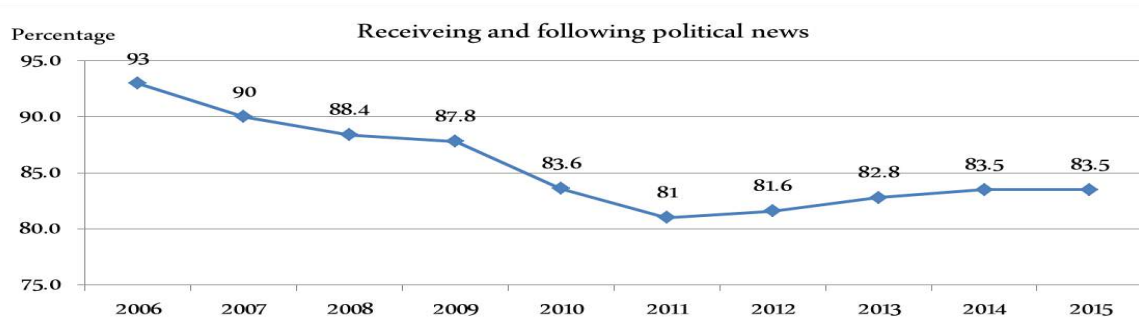
Source: KPI, 2015

Figure 4 shows the proportion of people who received and followed political news between 2006 and 2015. The graph clearly shows that there has been a significant overall decline during this period, falling from a high in 2006, the year of the first coup since the 1997 constitution, and reaching its lowest point in 2011 when Yingluck was elected as Prime Minister. There has been a modest rise in the following of political news since the 2011 election.

1.3) Civic Education

In 2011 and 2012 KPI studied Thai citizenship and identified three groups of citizens; 1) traditionalist or minimalist citizens; 2) community-oriented citizens; and 3) modern or liberal progressive citizens. The study found that the respondents' top three citizenship priorities were: pride in being Thai; working honestly; and utilizing their right to vote (9.42 percent in 2012). This suggests that democratic participation, in addition to hard work and national pride, is an integral part of being Thai.

Figure 5. The average scores of positive citizenship, comparison years 2011 and 2012
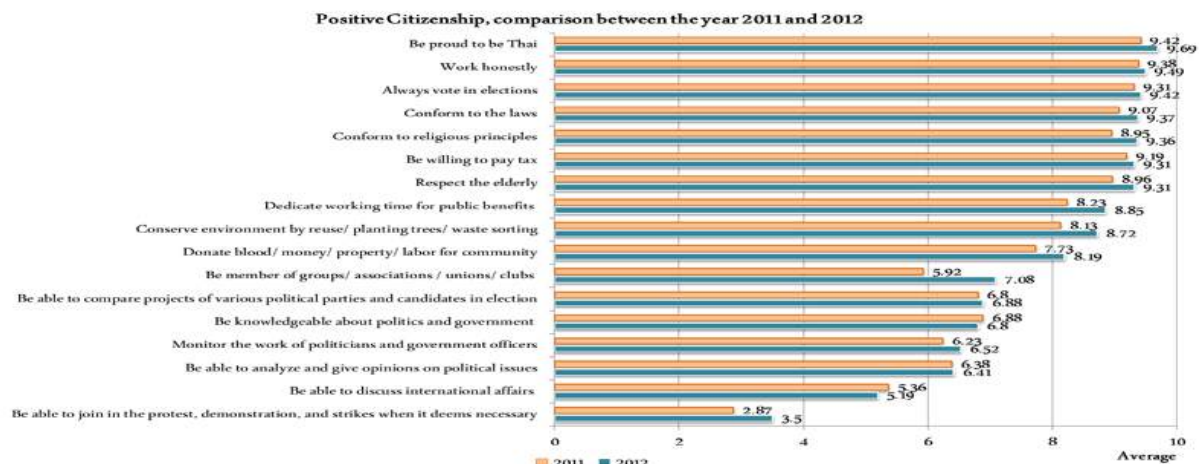
Source: Thawilwadee Bureekul et al., 2010

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Meanwhile, the International Civic and Citizenship Education Study (2009) showed that 38 percent of Thai students had merely a basic understanding of civic knowledge. Around 29 percent of students understood how civic institutions were connected and how they operate. However, 25 percent lacked even a basic conceptual understanding of civic institutions and citizenship, and just 8 percent had sufficient practical civic knowledge.

KPI itself has curricula promoting citizenship, and programs seeking to develop democratic ethics and governance by developing public participatory skills among youths and adults. Beyond the education system, the family is a powerful and critical institution in cultivating understanding of democratic values and principles.

2. Substantive
2.1) Rule of Law

Thailand considers the rule of law to be an important issue that delimits the state's exercise of power and authority, as well as ensuring that the law is enforced evenly, fairly and neutrally (KPI, 2014).

Figure 6. Ranking the rule of law in Thailand (1996-2014)
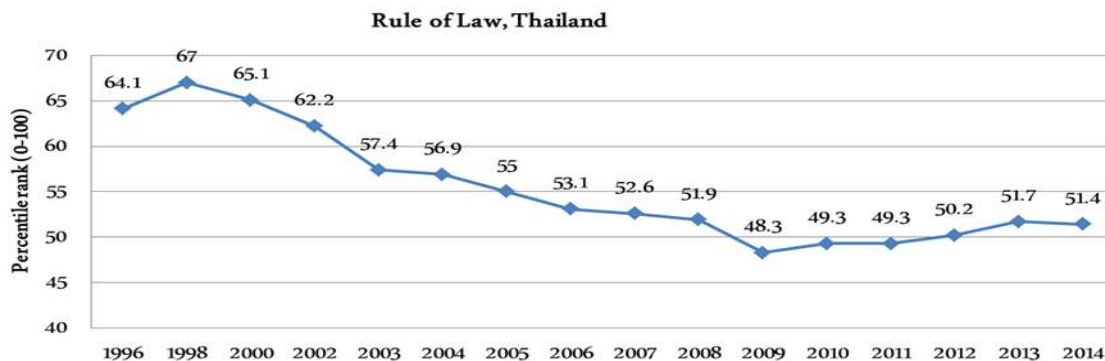
Source: Worldwide Governance Indicators, 2014

The Worldwide Governance Indicators (WGI) project ranked Thailand's rule of law by measuring social awareness, trust, and compliance with the law. In particular, WGI sought to investigate the quality of law enforcement, the right to withhold or occupy assets, the police and courts, and crime and violence. Scored by percentile ranking, between 1999 and 2009 Thailand achieved moderate scores, which declined over time from 67.0 in 1998 down to 48.3 in 2009. Since 2009, Thailand's scores have made a modest and limited recovery (Figure 6).

Figure 7. Trust in police (2003-2015)
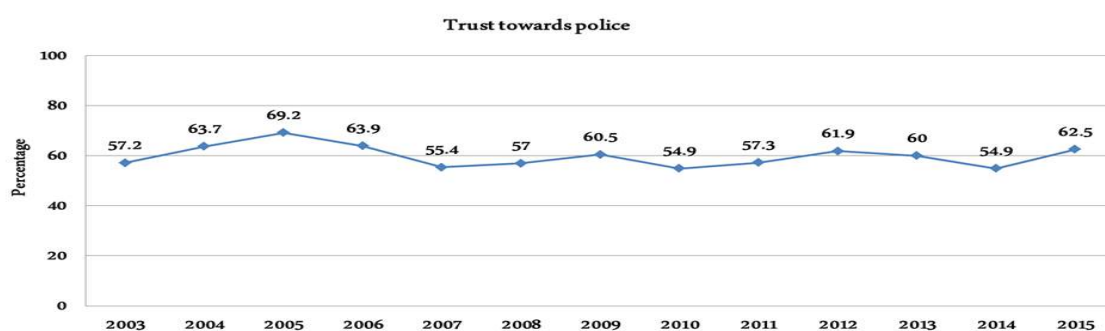
Source: KPI, 2015

Figure 7 shows that between 2003 and 2015, public trust in the police has remained fairly stable, sitting between a low of 55.4 percent (2007) and a high of 69.2 percent (2005). In recent years,

it was found that people showed an increasing trust in the performance of policemen; in 2014, 54.9 percent of people had trust in policemen, but this increased to 62.5 percent in 2015.

Figure 8. Trust in the courts (2003-2015)
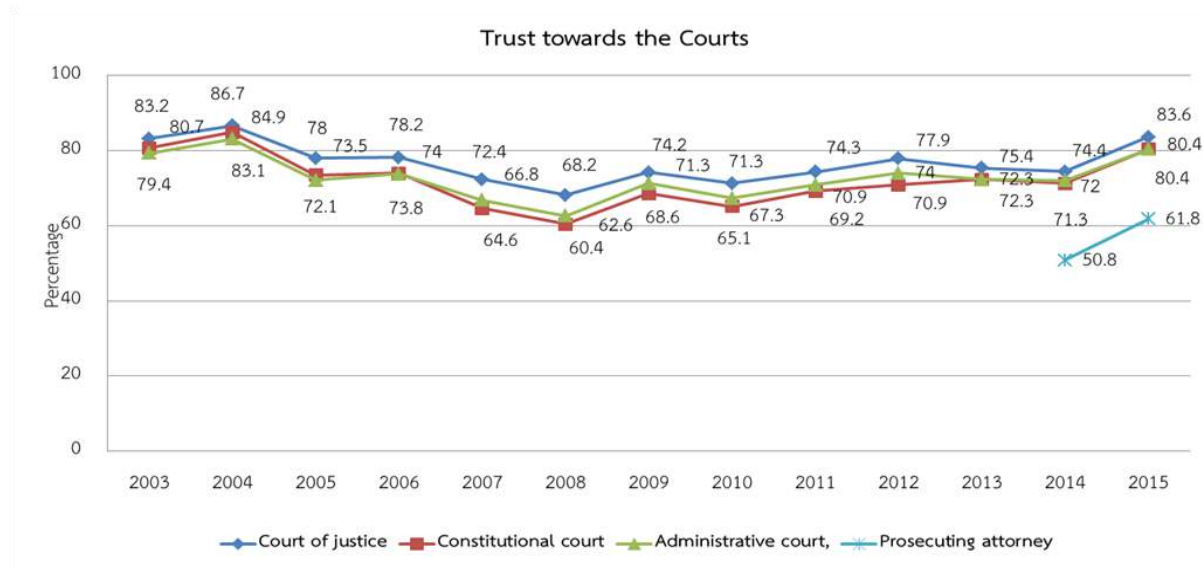
Source: KPI, 2015

In 2015, trust in the performance of the Courts of Justice, the Constitutional Court and the Administrative Courts was around 80 percent, while trust in the Prosecuting Attorney sat at 61.8 percent (Figure 8). This shows a high degree of trust in the courts themselves, if not in the Prosecuting Attorney (despite a significant improvement compared to 2014).

2.2) Gender Equality

Thailand regulates gender equality and requires state organizations to ensure fairness and greater opportunities for female participation in order to maximize equal participation in the decision-making process. In 2013, female representation in political offices increased from 12 percent to 18 percent in the Southeast Asia region (United Nations, 2013). The following details the proportion of females elected to political offices at various levels.

Members of the House of Representatives: In 2007, 8.75 percent of the party list seats and 12.25 percent of the Constituency seats went to women. In 2011, the proportion of women gaining party list seats increased to 15.2 percent, and the percent of women holding Constituency seats also increased to 16 percent (Election Commission, 2011).

Senators: Out of a total of 77 Senators in 2014, 12 were female, thus giving a female representation rate of 15.58 percent (Election Commission, 2014).

Local Politics: Females have the highest rate of representation in the Bangkok Metropolitan Council compared to elsewhere in Thailand, making up 21.31 percent of the members. At the

Sub-district (4.79 percent) and Village (7.42 percent) Headmen level, women are poorly repre-
sented (Department of Provincial administration, 2013; in KPI, 2014).

Government officers and leaders of high-level administration: The proportion of senior
female civil servants decreased from 24.81 percent in 2011 to 20.69 percent in 2014 (Office of the
Civil Service Commission, 2014). However this is not uniform across all ministries, with some
having around- or even over- a 50 percent female employment rate, such as the Ministry of In-
formation and the Ministry of Commerce. Some ministries have seen significant increases in fe-
male participation, while others in turn have seen significant falls in the female employment rate,
such as the fall of 66.67 percent in the Ministry of Tourism and Sport between 2011 and 2014.

On March 13, 2015, Thailand passed the Gender Equality Act B.E. 2558 (2015), illustrating
the increasing importance and recognition of the issue of gender equality in Thailand. We await
the results of the passing of this legislation. This state recognition is supported by increased
participation in politics, and increasing female representation in both elected and ministerial
positions. In addition to increased numbers of females in the decision-making process, gender
dimensions are now being included in fund allocation to ensure that all state programs and
activities are designed and implemented to ensure and reinforce gender equality.
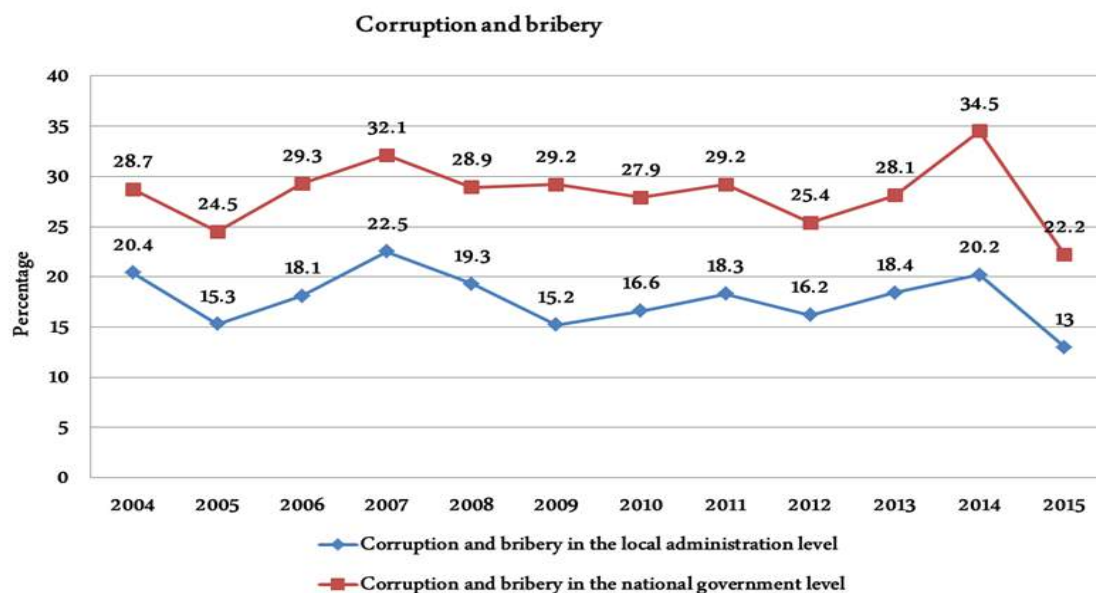
2.3) Corruption

Corruption continues to be an ongoing struggle in Thailand. Thailand's Corruption Perception
Index score for 2015 was 38 out of 100 and unchanged from 2014, thus ranking Thailand 85th out
of 175 countries (Transparency International, 2015).

In addition, the Global Corruption Barometer (Transparency International, 2015) surveyed
public experiences of encountering corruption either personally or secondhand among 12 key insti-
tutions. It found that political parties and police have the highest amount of perceived corruption;
while public officers, members of Parliament and the business sector were the next most
corrupt.

According to KPI's own 2015 research, personal experiences with corruption decreased from
10.4 percent in 2003 to 7 percent in 2005. After 2005 it then rose to a high of 17.4 percent in 2010
before gradually decreasing to 12.1 percent in 2015.

KPI assessed public perceptions of corruption among officials at local and national levels
between 2003 and 2015. The data showed that corruption is perceived as more prevalent at the
local rather than national level. This perception reached a high in 2014, with 34.5 percent of peo-
ple believing local officials were corrupt. However, this rate declined significantly in 2015 to 22.2
percent at the local level and 13 percent at the national level, presumably as a result of the May
2014 coup d'état and subsequent moves to eradicate monetary corruption.

Figure 9. Percentage of people's perceptions of corruption and bribery of officials in local national administrations (2004–2015)

Source: KPI, 2015

Public opinion surveys in Figure 10 reveal that in 2015, 10.4 percent of respondents agreed at least some extent with the statement "Sometimes corruption in government is necessary to get things done", a slightly higher percentage than in 2014. However, when compared to 2005, this proportion has decreased by 9.9 percent.

Figure 10. Belief that "Sometimes corruption in government is necessary to get things done" (2005-2015)
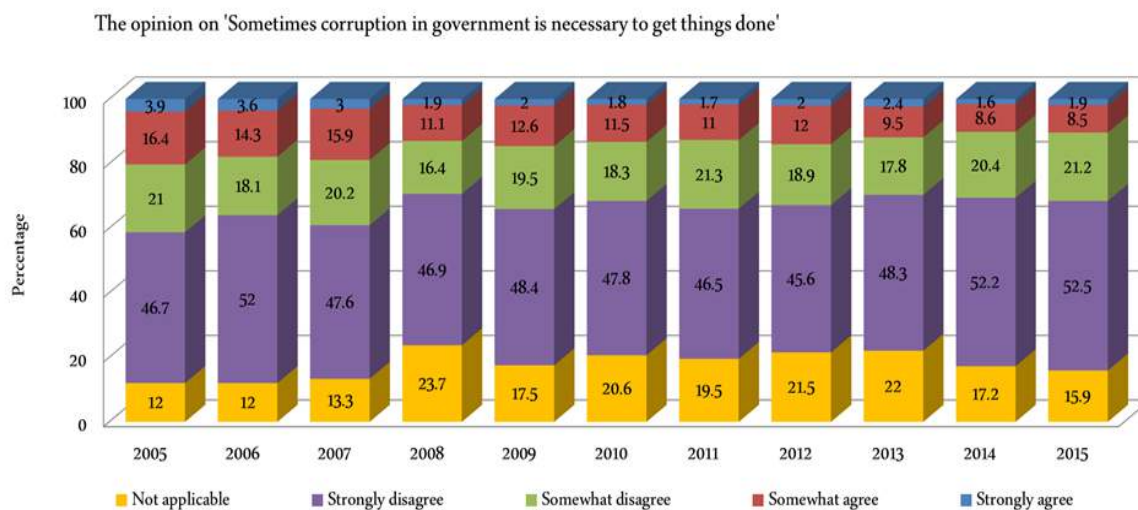
Source: KPI, 2015

In summary, although corruption still exists, as evidenced by Thailand's poor Corruption Perception Index ranking, public reports and perceptions of corruption at the local and national levels suggest that corruption is becoming increasingly unacceptable. Government departments are seeking to protect against corruption in the state and private sectors by collaborating with civil society and, crucially, with the general public to target the roots of corruption.

2.4) Economic Inclusion

In 2015, the Thai economy recovered gradually by 2.8 percent. Public spending was the main growth driver in addition to lower oil prices (Bank of Thailand, 2015). State policies aside, the tourism sector has adapted well to the economic situation, performing more strongly than other service sectors.

Figure 11 found that between the years 2008 and 2015, average monthly household income gradually increased, reaching 27,545 baht in 2015. Concurrently, monthly expenses also rose at a slightly lower rate, leaving a greater amount of excess disposable income.

Despite increasing disposable income, household debt rose annually to reach 163,276 baht in 2015. However, monthly income as a proportion of total debt, despite significant fluctuations, has declined significantly. In 2004, debt equated to almost 40 times the average monthly income, compared to less than 30 times in 2015.

Household disposable income (the difference between household income and expenses) has gradually increased, with significant growth occurring from 2006 onwards. In contrast, household debt has increased in a much more stepped fashion, with some years resulting in large increases and others seeing little difference compared to preceding years. Overall, despite increasing levels of *absolute* debt, there has been an overall reduction in debt relative to income and household expenditure.

Figure 11. Average monthly household income, expenditure, and debt (1998-2015)
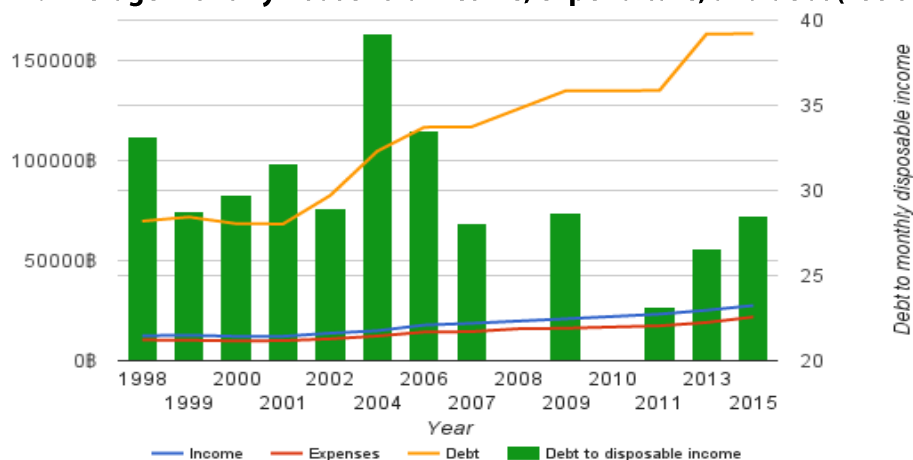
Source: National Statistical Office, 2015

Figure 12 shows that in 2012 the monthly poverty threshold was 2,492 baht per person, and the poverty rate was 12.64 percent. The poverty rate increased between 1998 and 2012, with sharp rises in 2004 and 2011, correlating to the increasing levels of debt in Figure 9. This suggests that while the amount of debt to income and expenses *on average* may be decreasing, this does not reflect the poverty and debt rates among the poorest groups in Thailand. In turn, this may also reflect an increasing economic polarization between the poorest groups and the middle classes.

Figure 12. Poverty rate (1998-2012)
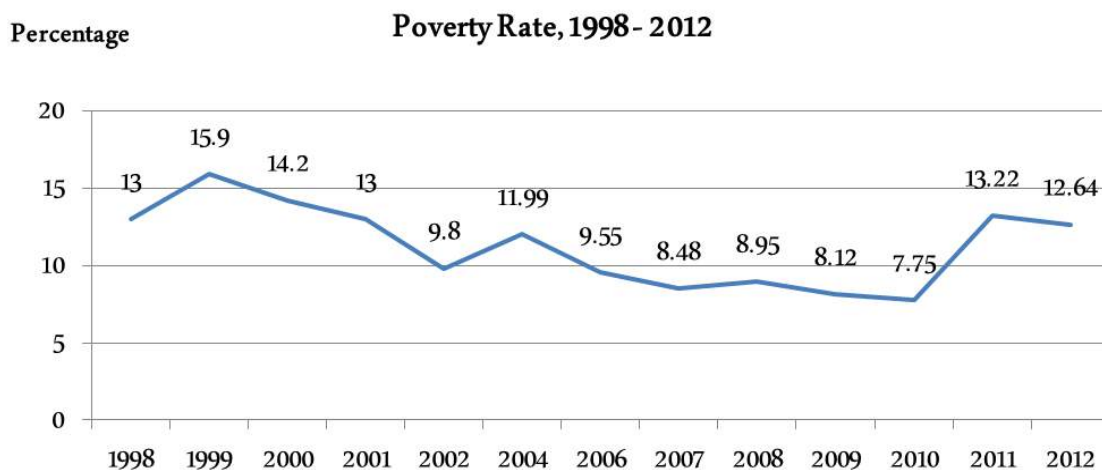
Source: National Statistical Office, 2012

2.5) Freedom of Expression and Media

Freedom of expression through various media channels is considered to be a key characteristic of a democratic society. Figure 13 shows Thailand's scores collated by the Worldwide Governance Indicators on Voice and Accountability. The highest year was 2000 with a rating of 63.46 percent, just prior to the 2001 election. This gradually declined during Thaksin Shinawatra's tenure before dropping dramatically from 45.47 percent in 2005 to 26.92 percent in 2006, the year of the first coup d'état since the 1997 constitution. Modest improvement was made until 2014, when it again dropped in the year of the second coup d'état of the period. This shows, rather unsurprisingly, that military forced changes of government have a severely negative impact on freedom of expression.

Figure 13. Thailand's voice and accountability rankings (1996-2014)
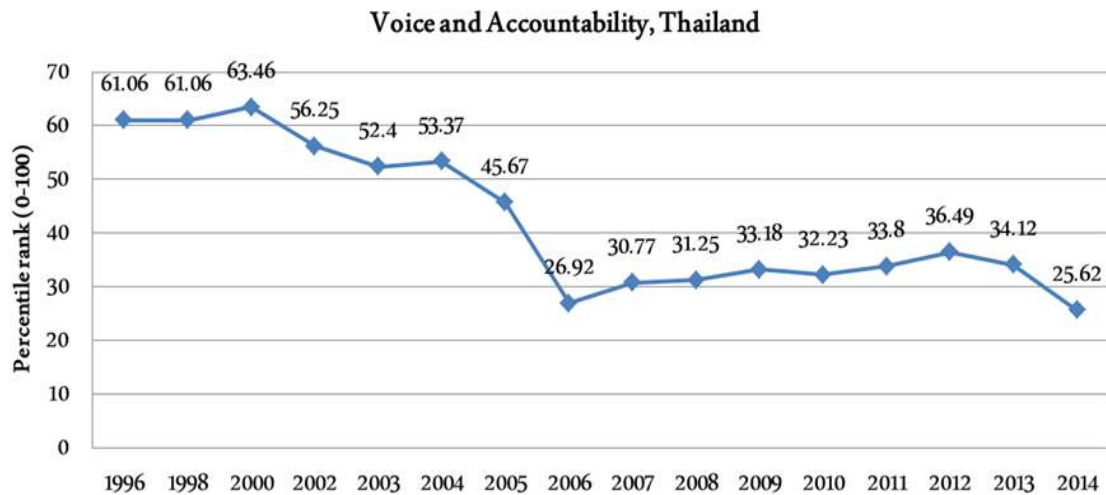
Source: Worldwide Governance Indicators, Voice and Accountability in Thailand, 2014

However, in the 2005 report *Freedom in the World,* Freedom House gave Thailand a 'Freedom Score' of 5.5 out of 7, and a civil liberties score of 5 (the Freedom House ranks 1 as most free and 7 as least free). This reflects the poor conditions of freedom and civil liberty leading up to the 2006 coup d'état.

2.6) Minority Rights and Protection

Thailand embodies diverse cultures and traditions, which can especially be seen among tribal communities with various national backgrounds living in different regions. In administrative terms, Thailand identifies these tribal villagers of various national backgrounds as non-Thai citizens or unregistered individuals, and divides them into four groups: 1) minorities; 2) unregistered/non-citizens; 3) neighboring country labor (Burma, Cambodia, Laos); and 4) Burmese refugees. Despite these different official designations, they are often commonly referred to simply as 'minorities'.

Data on the number of non-citizens collected by the Bureau of Registration Administration in the Department of Provincial Administration in the Ministry of Interior shows that that in 2010 there were 303,610 people classed as minorities. 210,182 of these were designated as 'people of no background'; 2,487,015 as international laborers, and 3,103,471 as refugees (Krittitya Archawanichakul, 2011).

Often, minorities lack the necessary or sufficient documentation evidencing their connection to Thailand, which is further exacerbated by government officials lacking the required knowledge of relevant laws. These problems make identifying the status of each individual much more difficult. In many respects, the rights of these minorities are limited, meaning that there is a large amount of inequality and they have poor access to justice. In particular, it is common for these groups to lack the right to access education.

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In an attempt to begin resolving issues related to nationality and improve how minority groups relate to the state, 10,551 stateless or hill tribe individuals were granted Thai citizenship between January 2014 and June 2015. This was considered a major event for minorities who now come under the remit of the Ministry of Interior and the government. A number of national and international state and NGO departments and organizations place importance on the livelihoods of minorities, and are determined to devise strategies to ensure provision of basic care for minority groups to comply with the Universal Declaration of Human Rights and other international human rights laws.

2.7) Political Stability

Political stability refers to the effective management of the country and the smooth, orderly and peaceful transfer of power between governments. Thailand has had 13 successful coups d'états for various reasons ranging from competition for power between various different factions to indifference to providing good governance for society. The average time between coups d'état is 6 years and 6 months. These frequent undemocratic changes of government have resulted in inconsistent administrative management, with Thailand having undergone 61 changes of government and 29 Prime Ministers since 1932.

The opinions of international organizations studying Thailand generally rate the country's political stability as moderate to weak. For instance, TheGlobalEconomy.com (2014) ranked the political stability of countries using a scoring system between – 2.5 and 2.5, in which -2.5 is the weakest degree of political stability. Thailand achieved a score of - 0.91, which is considered to be a moderately weak level of political stability.

The 'Freedom in the World' (2015) study conducted by Freedom House gave Thailand a score of 6 out of 7 points for political rights, where 1 is excellent and 7 is very poor. This implies that there is a very low level of political freedom in Thailand.

The Worldwide Governance Indicators ranked political stability as well as levels of violence or terrorism in Thailand from 1996 to 2014. From the mid-1990s to the early 2000s, there was a high degree of political stability and a low level of violence and terrorism. However, in 2003 these both began to deteriorate rapidly. In part, this can be explained by the increasing violence in the South of Thailand by separatist groups and the Thaksin government's attempts to resolve the conflict. However, this continued to sink even lower after the 2006 coup d'état before eventually recovering somewhat to pre-2006 coup levels in 2014 as a consequence of the imposition of martial law after May 2014.

Finally, this article has investigated the state of democracy in Thailand using a series of systematic indicators; fair elections, political participation, rule of law, gender equality, economic inclusiveness, freedom of expression and media, minority protection and rights, corruption, civic education, and political stability. In the absence of a current democratically elected government, these criteria expand the notion of democracy to include civic engagement and various issues

facing Thai and non-Thai citizens in terms of their relation to state institutions and their identities. In addition, public trust in state and non-state institutions has been monitored in relation to corruption and the judiciary. Comparing contemporary data (or as recent as possible) against data since the turn of the new millennium, there have been improvements in certain indicators, such as electoral political participation (up to the 2011 election) and gender equality, with modest improvements for minority rights and protection and in reducing corruption. However, a significant number of indicators have experienced a decline, including free and fair elections, the rule of law, freedom of expression, civic education, and political stability. The picture for economic inclusiveness is clearly mixed; while improvements have been made in relative measures in terms of Thailand's GINI coefficient and the ratio between the highest and lowest income quintiles, there has been an undeniable rise in the poverty rate.

As of the time of writing, Thailand has recently approved the August 2016 referendum. After more than a decade of political instability, with governments ranging from democratic populism to military rule, the approval of the new constitution serves to signify the popular desire for stability. It remains to be seen how successfully the new constitution will fare in achieving stability, but Thailand's political precedent suggests this may not be the final incantation.