

PUBLIC PARTICIPATION IN THE DEMOCRATISATION PROCESS

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Mr Chairman, Distinguished Guests, Ladies and Gentlemen

I am delighted to be here with you today and to participate in the Annual Congress of King Prajadhipok's Institute. As the Director of Australia's democracy promotion institute, the Centre for Democratic Institutions, I see a particular need to work closely with our Thai counterpart in our continuing efforts to strengthen the commitment to democracy in our region.

The topic for today is one of critical importance. I wish to examine it briefly from a historical perspective, looking at the role of civil society in a democracy and then touching on some models from around the region. I will conclude with a few tentative comments on the democratisation process in Thailand.

An Historical Perspective

In the last few years we have witnessed a renewed interest in democracy as the natural form of government for modern society. The trend towards greater democratisation can be seen on every continent. We have seen the fall of dictators in Asia, the fall of the Berlin Wall in Europe and the fall of Apartheid in South Africa. But before we allow ourselves to slip into self-congratulation, it is important to look to the recent past to seek an answer to the question of how sustainable the current trend might be.

Looking at the issue from the perspective of developing countries, this is in fact the third attempt at democratisation in the last half century. The first two attempts were less than fully successful. Broadly speaking, we can describe the first attempt as part of the phenomenon of colonisation and decolonisation. In the final years of colonialism, the European masters attempted to instil in many of their colonies respect for the basic notion of democracy and assisted these countries to develop some of the institutions of democracy like courts and representative assemblies. Thailand is one of the few countries of Asia, Africa and Latin America not to experience colonialism but there were nevertheless impacts even in Thailand from the spread of these European ideas.

I think I can be fairly confident in saying that the democratic institutions designed by the colonial masters and modelled on those of the metropole did not withstand the test of time. Virtually throughout the developing world, there emerged a pattern of what leaders liked to call 'strong government' said to be necessary for 'nation building'. These took the

form of communist systems, military dictatorships of other types of strongman rule.¹ The early post-colonial multi-party electoral systems were swept away in the process.

The second attempt at democratisation in the developing world did not fare much better. This was an attempt very much associated with the Cold War. There was a struggle for the very ownership of the term 'democracy' and claims by both sides of a monopoly on its implementation. We saw the phenomenon of countries incorporating the word into their names in an attempt to gain the political legitimacy which democracy was seen to confer. We saw other countries going through a process of sham elections to maintain the form of electoral democracy while disallowing its substance. Issues like democracy and human rights became powerful propaganda tools with little regard to the actual substance of the terms and little attempt to apply the concepts in practice.

It is important to have regard to these first two attempts at democratisation in the South when we evaluate the current attempt. We are now experiencing what Huntington has described as the global phenomenon of the Third Wave of democratisation.² Huntington traces the Third Wave back to the democratic revolutions on the Iberian peninsula in the 1970s though I tend to think of these cases as part of the reorganisation of post-WWII Europe, albeit 30 years after the war ended. The real impetus for the Third Wave has come with the fall of communism in Europe and the broad acceptance that successful societies adopt market economies and democratic forms of government. Fukuyama gave this notion the colourful description of the 'End of History.'³

The Third Wave of democratisation has been accompanied by the third attempt at democracy promotion in the developing world. In Asia, it was given further impetus by the 1997 financial crisis and the realisation that in many countries the economic and governance foundations were not robust. The question to which I wish to return is what makes this third attempt at democratisation more likely to succeed than the first two attempts.

The Role of Civil Society

The answer can be summarised in two words - civil society. Putnam demonstrated the close linkage between an active civil society sector and a well functioning country.⁴ Both the colonial and the Cold War attempts at democratisation were focused primarily on elites. Sometimes the post-colonial leaders were individually selected by the colonial masters to take over the running of the country. The elites were often given their education in the metropole and thus understood well the European models on which the

¹ Hollifield and Jillson, *The Democratic Transformations - Lessons and Prospects in Pathways to Democracy, the Political Economy of Democratic Transitions*, James F Hollifield and Calvin Jillson (eds), Routledge 2000, 6-10

² Samuel Huntington, *The Third Wave, Democratization in the Late Twentieth Century*, University of Oklahoma Press, 1991

³ Francis Fukuyama, *The End of World History and the Last Man*, the Free Press 1992

⁴ Robert D. Putnam, *Making Democracy Work: Civic Traditions in Modern Italy*, Princeton: Princeton University Press, 1993

newly independent states based their institutions. The focus on the leadership group, often in the armed forces, continued in the Cold War years. The missing element was civil society, that is the people themselves as organised by themselves to pursue what they see as in their interests.

Generally, civil society in the developing world was quite weak up to the time of the Third Wave of democratisation. The occasional trade union or professional group might have taken an interest in politics but the civil society organisation or NGO as we see it today is a relatively recent phenomenon in most developing countries. Today's democratisation process must involve civil society as much as possible. The involvement of civil society in the democratisation process will bring with it a number of benefits:

- It will strengthen the legitimacy of government
- It will act as a factor for accountability
- It will invigorate the public policy debate

Unlike the previous periods, the involvement of civil society in democratisation will give the people ownership over their institutions of governance in a way that was not possible with imposed models managed by hand-picked elites. A perception of ownership of the institutions by civil society should translate into a defence of those institutions by civil society when they come under threat.

There is no single model of democratic consolidation. In some ways, it is necessary for nations to make their own mistakes and learn from them in the development of their societies. Thus the path towards democratic consolidation will not always be straightforward or without setbacks. It should not be forgotten that ancient Greek concepts of democracy were lost to the world for centuries and that democracy in Europe took further centuries of trial and error to develop.

But in our competitive globalised world, nations do not have the luxury of time. It is useful both to study foreign models to see what lessons they may hold and also to try to determine some of the basic principles that should apply.

I would suggest that there are a few basic rules about the operation of civil society that apply universally.

The most obvious is that civil society must be allowed to operate within a climate of respect for human rights. Freedom of speech and freedom of assembly are clearly essential to the proper functioning of all societies and without respect for human rights a democracy will be a hollow shell respecting the forms but not the substance of democratic governance.

Another essential and related feature is the need for a free press. The media is needed to carry messages in both directions, to and from government. The media is also needed as an independent voice and critic. All countries have difficulty living up to this ideal because of issues such as media ownership, tabloid journalism and the impact of global

news organisations. But the ideal remains a valid goal for the proper operation of civil society and the closer any nation gets to that goal the better will it function.

All sides of politics and civil society must eschew violence as a means of expression. This need not rule out civil disobedience in certain circumstances, but there must be a commitment to resolving issues peacefully and constitutionally.

Another issue of universal application is difficult to articulate but it involves the need for civil society to be sufficiently well informed to conduct a rational dialogue with government. The concept of citizen's involvement in this way is sometimes referred to as deliberative democracy.⁵ Effective civil society needs to be led by well-informed people who can contribute constructively to a debate on public policy issues. This is one of the roles that organisations like KPI can help play.

Two Models: the Philippines and Australia

Having attempted to identify the relevant principles, allow me to look at a couple of models of public participation in democracy building in our region. The most striking example in Asia is in the Philippines. On two occasions, the Philippines has witnessed a mass movement of people to drive a corrupt President from office. What we used to call the EDSA people power revolution must now be referred to as EDSA1. EDSA1 in 1986 was a popular struggle to oust a President who had become a dictator, who had rigged the elections and who was plundering the country for personal gain. Constitutional processes were thus a sham manipulated by the President. EDSA1 mobilised the masses delivering a message that ultimately could not be denied. Marcos' fleeing the country resolved any constitutional difficulties.

EDSA2 was played out in January 2001 and has many similarities with EDSA1. Again we have a corrupt and rapacious President and again we have a popular movement demonstrating for his ouster. Again, sadly, the Philippines political system demonstrated its incapacity to deal with the situation. The highlight of this incapacity and the final straw for the protestors was the failure of the Philippine Senate to deal with the impeachment process properly. But Estrada's refusal to resign has created a messy constitutional position based on a murky decision by the Supreme Court to declare the Presidency vacant after the military withdrew its support for the President.

It is noteworthy that in then Vice-President Macapagal Arroyo's letter of 20 January to the Chief Justice she states as reasons for the President's incapacity to govern;

"Almost all of his Cabinet members have resigned, and the Armed Forces of the Philippines and the Philippine National Police have withdrawn their support for (Estrada). Civil society has likewise refused to recognize him as president."⁶

⁵ James Bohman and William Rehg (Editors), *Deliberative Democracy - Essays on Reason and Politics*, MIT Press 1997

⁶ Philippine Daily Enquirer, 17 February 2001, frontpage

Popular peaceful protest is therefore an important weapon of civil society. The sort of mass protest we have witnessed in the Philippines is clearly a last resort when the system has failed. We have seen similar phenomena in Korea, Indonesia and Thailand. But our satisfaction at the passing of a corrupt President should not obscure the fact that the process demonstrated the failure of the political system. The President should have been constitutionally impeached, not chased from Malacanang Palace by protestors who had won the sympathy of the military. None of us can be sure where such a precedent will take us.

Turning to the Australian model, the issues are far less dramatic. One of the laments of political commentators in Australia is that the population is too apathetic and does not take a sufficient interest in politics. While there is truth in that comment, it is also true that there are many keen observers of Australian political processes in the media, academia and the NGO community. There are many ways to keep governments accountable in Australia;

- The Opposition regularly questions the government
- The Parliament, especially through its committee structure, investigates specific issues
- The media is always looking for stories of government mismanagement
- The Freedom of Information Act allows citizens to seek certain information
- Government Ministries all produce reports and maintain informative websites
- Demonstrations remain an important way to draw political attention to issues -the Aboriginal tent embassy has been outside Parliament House for 20 years
- Australian law protects basic freedoms

Each one of these processes can be subjected to criticism but generally they work quite well. Ultimately, of course, there are elections to keep governments honest and effective. In Australia, and now in Thailand, voting is compulsory and so elections become a very valid expression of the views of the citizenry. The Australian system rests on a widely held acceptance of parliamentary democracy, a commitment to rule of law and a sophisticated mass media industry. Civil society in Australia is active and competent. Governments ignore it at their peril.

Thailand's New Constitution

Thailand's system seems to fit in somewhere between the Australian and Philippine models. There is a near universal commitment to constitutional monarchy as the bedrock on which the political system operates and there is an increasingly active civil society both in urban and rural sectors. Thailand has seen mass demonstrations in the past. The current process of constitutional reform is particularly encouraging. In this process Thailand has borrowed from institutions that have worked well in other countries and has also devised uniquely Thai solutions. The new elected Senate is a good example of an institution based on Thai concepts and designed to solve specific Thai problems.

The final ingredient needed to make the new Thai constitution work is time. The new institutions under the Constitution must develop their own processes and personnel. The public and the media must increase their understanding of the new Constitution and tailor their expectations accordingly. The political leadership must learn to operate successfully within the new constraints of the Constitution. All these factors require time, the hardest commodity to harness.

May I conclude by congratulating KPI on its most successful Annual Congress and through King Prajadhipok's Institute congratulate the Thai people for the construction and consolidation of democracy.