Mirage or Reality?

Asia's Emerging Human Rights and Democracy Architecture

by Kelley Currie

PROJECT 2049 INSTITUTE

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The Project 2049 Institute seeks to guide decision makers toward a more secure Asia by the century's mid-point. The organization fills a gap in the public policy realm through forward-looking, region-specific research on alternative security and policy solutions. Its interdisciplinary approach draws on rigorous analysis of socioeconomic, governance, military, environmental, technological and political trends, and input from key players in the region, with an eye toward educating the public and informing policy debate.

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Foreword and Acknowledgements

When we were developing the idea for a research project on the new human rights and democracy promotion mechanisms in Asia, there was some initial skepticism over whether there would be much to report. Over the eighteen months that we refined the scope of the project, conducted countless interviews, worked through piles of secondary sources and completed field research, it became clear just how wrong this skepticism was.

Rather, we ended up having the opposite problem of trying to narrow down the parameters and keep the project manageable. There is a tremendous amount of activity taking place in the field of intergovernmental cooperation on human rights and democracy promotion in Asia, and it is changing the fabric of regional cooperation in Asia.

The question going forward is whether this motion will translate into progress. The answer is a resounding: "we'll see." Many in the region and elsewhere point to the development of these mechanisms themselves as a major event in the context of the region. While this is certainly true, the individuals and countries whose heroic efforts produced these mechanisms now have the dubious reward of new and more difficult fights to give them substance and meaning beyond their current symbolism. It is a fascinating time to be documenting their work.

Having worked on these issues from the government and civil society sides, I came into this project with certain assumptions and expectations, many of which were challenged or upended altogether. I was surprised by the degree to which the ASEAN Intergovernmental Commission on Human Rights (AICHR) emerged as such a meaningful part of this story. I started this project with a low opinion of the AICHR, but ended it with a much more nuanced view and qualified optimism toward this effort.

I was less surprised than amazed by the role of Indonesia in driving the growth in regional cooperation on human rights and democracy promotion. It was incredible to see Indonesia's transformation after working there in the early part of this decade and witnessing the initial stages of its dramatic transition to democracy, then been away from the country for nearly seven years. Today, Indonesian President Susilo Bambang Yudhoyono's government is openly promoting democracy in an unpretentious but unapologetic way. It was a bracing, if at times confusing, experience to hear officials in Jakarta singing democracy's praises at a time when their counterparts in Washington seemed afraid to even say "the 'd' word."

To the extent this project can be considered a success, it is due to the generous assistance and support of many amazing activists, scholars, officials and others from across the region, who gave of their time and knowledge. For their guidance, insights, and giving me access to their excellent

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Finally, while I owe all that is good and useful in this report to the many amazing contributors acknowledged above, I alone bear full responsibility for any errors or omissions.

Kelley Currie
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Cover illustrations: (left to right): 2007 protest in Burma (Associated Press); ASEAN flags (allvoices.com); Indonesian woman casting her vote (the Asia Foundation).

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Executive Summary and Key Findings

This report examines three of Asia's new mechanisms for regional cooperation on human rights and democracy promotion: the ASEAN Intergovernmental Human Rights Commission; the Asia-Pacific Democracy Partnership; and the Bali Democracy Forum. It finds that these new regional human rights and democracy promotion institutions represent an important development in the region, but face a number of serious challenges in the process of institutionalization and in building effectiveness.

Historically, the Asian region has been reluctant to engage in values-oriented diplomacy and often considers expressions of human rights concerns to violate the high-order principle of non-interference in the affairs of other countries. Whether these emerging entities can succeed in establishing themselves as effective mechanisms for cooperation on human rights and democracy promotion at a regional level, as well as in the context of global standards for such bodies, remains an open question at this stage. The outcome is highly dependent on the intensity of interest and commitment as well as the level of capacity of both supporters of regional human rights initiatives and those resisting these trends. Organic regional initiatives have the strongest chance of success, but also face inherent conflicts that could push them off course. There are strong interests from peripheral powers and potentially helpful roles for them in fostering these developments, but the most supportive interventions will be undertaken in the context of looking to and keeping faith with regional leadership.

- While the nascent human rights and democracy promotion groupings in Asia represent a marked step forward, the institutions that have developed to date face serious structural, cultural, and political challenges in becoming effective, substantive mechanisms, as well as significant gaps in capacity, mission, and membership.

- Effective values-based groupings will complement the existing and emerging economic and security architecture of the region. Those who support the emergence of effective human rights architecture should place it firmly in the context of a regional strategy to promote liberalization across the board.

- Indonesia's democratic transition and its decision to emphasize democracy in its foreign policy have emerged as one of the most significant forces driving the development of regional mechanisms for cooperation on human rights and democracy promotion. By the same token, continued Indonesian leadership and political will, or the lack thereof, will in many ways shape the future of these mechanisms.

- Regional civil society focused on raising and expanding human rights and democracy, and governments that lack a genuine commitment to democracy and universality of rights are key countervailing forces that are shaping these institutions. Their positions are largely divergent, but the advent of growing cooperation between regional civil society and Asian democracies is putting significant pressure on the 'spoilers,' and forcing them to adapt.

- Policy approaches that seek to work with the 'bottom-up' aspects of regional cooperation on human rights and democracy will be more successful than those that employ a narrow focus on high-level institutions and interactions between governments.

- Together with Indonesia's leadership, there is an important role for the United States, India, Australia, and others, particularly East Asia's mature democracies, in encouraging the evolution of these new normative institutions in a positive direction. This role goes beyond aid and technical assistance, and extends to serious engagement in an ideational dialogue for the region.

- China's role in shaping these trends is negative in the short term, and will likely continue to be so; but the democratic calculus in the region is also shaping China. The emergence of a democratic consensus that pulls China toward it has important potential implications, and integrating China into such a consensus is an important if often unstated objective for regional normative architecture.

- In a region where democracies have generally benefited from open architecture, inclusive groupings will continue to have higher value and will reflect regional preferences as well. Nonetheless, there remains a valuable role for an effective Asian regional forum in which countries with shared values can work together toward common goals and interests.

Introduction: The Context for Regional Cooperation on Human Rights and Democracy in Asia

This report from the Project 2049 Institute examines the convergence of two trends that have emerged in the Asian region over the past decade: the development of a growing array of regional institutions—often referred to as Asia's 'regional architecture'—and an increasing focus on community building in the region; and the growth of a dynamic civil society at the national and increasingly the regional level that is focused on raising regional standards of human rights and democracy. These trends, together with Indonesia's stunning transformation into a democratic policy innovator with an increasingly values-based foreign policy approach, have converged around and are the main driving forces behind the development of new regional mechanisms to promote regional cooperation in the areas of human rights and democratization.

It has become almost cliché to note that over the past decade a 'noodle bowl' or 'alphabet soup' of regional groupings has emerged in Asia. While the proliferation of groupings and agreements across the region is undeniable, the widely used term 'architecture' implies something that is more solid and deliberate than the current state of affairs suggests in reality.

In examining the broader trend-lines on Asian regionalism, skeptics caution against unrealistic expectations on the degree to which such historically, economically, and politically disparate states can coalesce beyond a superficial level of cooperation through a top-down approach. Razeen Sally of the European Centre for International Political Economy has predicted that even in the most promising area—economic cooperation—the most likely outcome of the current push for Asian regionalism is additional low-common-denominator arrangements that add to the existing 'noodle bowl' but do little to make it more coherent or lead toward real integration.[1] Instead Sally and others note that Asian economic integration is already organically linked to global integration by virtue of the structural underpinnings of East Asian prosperity.

On the other hand, some observers have suggested that regional integration in Asia is moving away from its prior rejection of European models as incompatible and toward acceptance of similar regional institutionalism as it seeks to operationalize regional cooperation on areas of common interest.[2] As Ernest Bower from the Center for Strategic and International Studies has written: "to harvest the benefits of its practical approach (to regionalism) Asia will eventually need to codify advances into global norms to take full advantage of good ideas and best practices, access world markets, and play a responsible leadership role."[3] The hope and expectation is that as Asia expands such rule-based cooperation, the trend toward a more institutionalized form of regionalism is likely to accelerate.

Interestingly, both views suggest that the most effective means of achieving regional integration is a combination of the top-down efforts at institution building with a bottom-up strategy that focuses on opening markets, communications and borders; furthering integration with India; and breaking down internal barriers to cooperation. Even if unilaterally pioneered by individual states, such an approach is more likely to lead to genuine integration than a grandiose strategy of institution building alone. As it is, economic integration is the leading edge of Asian regionalism, and institutions such as the Asia-Pacific Economic Community (APEC) have grown from and responded to a broad regional commitment to market-driven development and trade. With economic development as

regional governments' top priority and the emergence of initiatives, such as the Trans-Pacific Partnership (TPP), this area remains ripe for further growth as the cornerstone of robust regional cooperation.

Security architecture also continues to grow apace with the Association of Southeast Asian States (ASEAN) and U.S. alliance relationships serving as key ballasts. Recent multilateral cooperation is founded upon new, often overlapping and interlocking, cooperation arrangements in areas such as disaster relief and anti-piracy. However, comprehensive security cooperation remains constrained by narrowly cast interests and underlying uncertainty about the intentions of key regional powers.

Within this dynamic environment, the development of regional institutions focused on human rights, democracy, and other normative political issues presents particular challenges. Efforts to promote cooperation on democratization in the region have been called an "elephants' graveyard"[4] by commentators concerned about the relatively unhelpful posture of Asia in the context of a slowdown of democratic advances worldwide.[5] The rise of authoritarian China, the durability of other undemocratic Asian regimes, and new challenges to democratic governance in Thailand and the Philippines has created the impression that democracy is struggling to consolidate and gain traction in the region. Even the stunning democratic transformation of Indonesia and the overall positive democratic trajectory of countries such as Mongolia and Timor-Leste (East Timor) are often overshadowed by negative attention on Islamic extremism or electoral violence.

At a macro level, governments in the region have largely failed to keep pace with the explosive growth of civil society—particularly in Southeast Asia—and popular demands for clean, competent, and representative government. As the region's civil society advanced rapidly, embracing universal standards and developing a dense network of cooperation across borders, its governments took incremental steps interrupted by the occasional backslide. Even among the more mature democracies—Japan, South Korea, and Taiwan—there has been a deficit of regional or international leadership on values-based foreign policy or activism on human rights issues. In a region where both individual countries and regional groupings have cited various cultural, economic, and political justifications for delaying or denying political liberalization, it is unsurprising that the development of regional institutions to promote human rights and democracy has been lagging.

In the past five years, however, there have been significant indications that the gaps are beginning to narrow. The Asian region, particularly Southeast Asia, has recently experienced a dramatic growth in both institutions and discourse around regional cooperation on human rights and democracy. A number of new institutions—governmental, nongovernmental, national, sub-regional, and regional—with a focus on human rights and democracy have emerged. Civil society has begun to translate its explosive growth into a remarkable transformation toward professionalization, greater cohesion, and the beginning of partnerships with willing governments. Today, some of the best known and most respected figures in the region—including, but hardly limited to, several Asian Nobel Peace Prize winners—have their roots in civil society activism. These developments mark a dramatic change from a region that had previously eschewed discussions of human rights problems and internal political issues to the point of pushing forward a regional identity built on the principle of 'non-interference' in the affairs of other countries.

While a number of factors have contributed to this development, it is difficult to overstate the role that Indonesia has played. By embracing democratic values and democracy promotion as an elemental aspect of its foreign policy, the Indonesian leadership has served as a bulwark against both

the global 'democratic recession' and the emergence of the "Beijing Consensus" as an alternative political model.

Despite this generally positive trend, there remains an echo of the old Asian values argument that continues to shape the development of regional human rights and democracy promotion mechanisms. It now appears more in the guise of a national or cultural preference for stability, national integrity, and economic development.[6] Democracy promotion expert Benjamin Reilly at the Australian National University observed a worrying trend of Asian governments appropriating the language and symbolism of democracy but draining the concept of its critical content.[7] But, as in the area of economic integration, the efforts of individual states at the leading edge of democratic transformation—specifically Indonesia—are propelling the region in important and often unexpected ways, and pushing forward an organic convergence on regional norms that are generally recognizable as universal.

This report presents an analysis of the three primary regional intergovernmental mechanisms for cooperation on human rights and democracy promotion that have emerged in Asia in recent years: the ASEAN Intergovernmental Commission on Human Rights (AICHR); the Indonesian government's Bali Democracy Forum (BDF); and the Asia-Pacific Democracy Partnership (APDP). These organizations have self-identified as being the tip of the spear in the area of regional cooperation on human rights and democracy, and operate primarily on a government-to-government basis. In addition to emerging frameworks, this study examined the roles that key countries are playing in moving, or not moving, forward normative regional integration.

These institutions face serious challenges. They are developing in a region that historically has been reluctant to engage in values-oriented diplomacy and has often considered expressions of human rights concerns to violate the high-order principle of non-interference in the affairs of other countries. Organic regional initiatives have the strongest chance of success, but also face inherent conflicts that could serve to push them off course. Ultimately, the future of these institutions will be highly dependent on the intensity of interest and commitment as well as level of capacity of both supporters of regional human rights initiatives and those resisting these trends. Both sides appear to be prepared for a long, intense struggle. Yet, in discussions across the region, those resisting the expansion of regional cooperation on human rights and democracy appeared defensive and buffeted by an emerging democratic sensibility in the region, while the side pushing for greater openness and accountability was upbeat about the prospect for success despite present difficulties.

The ASEAN Intergovernmental Commission on Human Rights (AICHR): Friends with Potential or Missed Connections?

Background and History of the AICHR

The creation of the AICHR has followed a long and tortuous path. ASEAN's decision to develop a human rights mechanism can be traced back to the participation by all then-member states at the 1993 World Conference on Human Rights, held in Vienna, Austria. The resulting Vienna Declaration and Programme of Action emphasized the fundamental role that regional arrangements play in promoting and protecting human rights, and called for "establishing regional and sub-regional arrangements for the promotion and protection of human rights where they do not already exist."[8] At that time, Asia and the Middle East were the only regions without regional human rights mechanisms in place. For ASEAN's community builders, the Vienna Declaration served notice that ASEAN would not be viewed as a serious regional grouping without such a mechanism.

At the ASEAN ministerial meeting in Singapore a month later, the ASEAN Foreign Ministers issued a joint communiqué that "reaffirmed ASEAN's commitment to and respect for human rights and fundamental freedoms as set out in the Vienna Declaration" and further stated that "ASEAN should also consider the establishment of an appropriate regional mechanism on human rights."[9] Yet, the communiqué also provided the caveat that "that the protection and promotion of human rights in the international community should take cognizance of the principles of respect for national sovereignty, territorial integrity and non-interference in the internal affairs of states."[10] These clauses established the awkward framework within which the Southeast Asian nations must attempt to reconcile the Vienna Declaration with the "ASEAN way" of inviolable sovereignty and non-interference in the affairs of others.

For the next decade, little formal progress was made in establishing an ASEAN human rights mechanism. A track two diplomacy process was set up in 1995 through the Working Group for an ASEAN Human Rights Mechanism, a group of prominent civil society and political leaders. The Working Group met regularly with the ASEAN foreign ministers and senior officials, and became officially recognized as an ASEAN dialogue partner. It also set up national level counterparts in six ASEAN countries and 'focal points' within the foreign ministries of the others (Laos, Burma, Vietnam, and Brunei). Nonetheless, little formal action was taken during this period to move forward the process of establishing a regional mechanism.

The lack of progress toward formalization of a democracy and human rights promotion mechanism failed to mirror broader trends within ASEAN. During this period, the region experienced an expansion of democratic governance among leading Southeast Asian countries: democratic transition in Indonesia, restoration of democracy in Thailand, democratic consolidation in the Philippines, and even increasing electoral competition in Malaysia. Civil society organizations, previously atomized or poorly connected outside their home nations, began linking up across the region. By the turn of the century, the Asian values argument—the crux of authoritarian and mixed regimes' resistance to the universality of human rights standards—had lost some steam. However, the ascension of four decidedly non-democratic states—Cambodia, Laos, Myanmar (Burma), and Vietnam (CLMV)—to ASEAN membership slowed momentum on the human rights front.

Nonetheless, as ASEAN embraced regional integration in the 21st century, official support for a human rights mechanism gained ground, albeit with continued caveats and hesitation from some member states. In its 2004 Vientiane Action Programme, ASEAN officially articulated the goal of an ASEAN Charter for the first time.[11] The following year, the senior leaders produced the Kuala Lumpur Declaration on the Establishment of the ASEAN Charter, formally committing them to create a document that would "serve as a legal and institutional framework of ASEAN."[12] The Declaration specifically called for the charter to include "promotion of democracy, human rights, and obligations, transparency and good governance, and strengthening democratic institutions" but did not have an explicit requirement for a mechanism to achieve this.[13]

Negotiations on the draft charter elements dealing with human rights issues were often contentious. According to participants in the sessions, some ASEAN members—particularly Burma—resisted the inclusion of strong language on human rights and democracy. The debate over whether the charter would formally establish a human rights mechanism was among the most intense in ASEAN's history, and the negotiating group was forced to send the issue up to the senior officials for a decision. As a result of the ASEAN's consensus requirements for decision-making, there were fears that Burma would ultimately veto the mechanism. In the end, however, no country voiced objections during the final leaders meeting on the text, and language requiring the establishment of a mechanism was included. Several interviewees credited the strong leadership taken by the Philippines, which held the rotating chair of the key negotiating sessions and the senior leaders' meetings, in making the key charter provisions a reality.

At the 13th ASEAN Summit on November 20, 2007, the ten ASEAN leaders signed the new organizational charter. The final document represented a hobbled compromise that continued the pattern of embracing two incompatible ideas—the promotion and protection of human rights and the principles of non-interference and decision by consensus—as fundamental principles for ASEAN.[14] It also contained the hard-fought Article 14, which directed the formation of an ASEAN human rights mechanism, to be designed through consultation among the ASEAN foreign ministers.

The ministers promptly turned the task of forming the human rights mechanism over to a high-level panel, which met monthly and consulted with civil society groups and existing national human rights mechanisms in member states. Civil society groups and the national commissions also submitted written guidance on what a credible mechanism should look like.

As a result of the tensions inherent in both ASEAN as a group and the parameters of the charter, the negotiations over the mechanism's "terms of reference" (TOR) were as tense and difficult as previous debates over inclusion of human rights and democratic principles. The Indonesian, Philippine, and Thai delegations, backed by an active and vocal civil society, pushed for an empowered mechanism with the authority to investigate specific abuses, while other governments mightily resisted conferring such authority. Another contentious issue concerned the selection of commission members, with civil society calling for open selection processes that promoted independence from the government and the non-democracies insisting on absolute state control over the process and the representatives.

In the end, the TOR largely limited the body to a promotion mandate and left selection (and removal) of representatives up to the complete discretion of individual member states, with no requirement of consultation or independence. A disappointed Indonesian delegation pushed for and secured a mandatory five-year review at which time these issues could be revisited. Having reached consensus

on the TOR after nearly 18 months of intense deliberations, the ASEAN Intergovernmental Commission on Human Rights or AICHR, was formally endorsed on July 20, 2009. For the first time, Asia had an official intergovernmental human rights mechanism.

The Commission has since held three meetings, during which it has discussed its five-year work plan and has attempted to develop rules of procedure (ROPs), a critical step to the functioning of the AICHR. While the work plan has been approved, discussions on the ROPs broke down over the CLMV representatives' rejection of a forward-leaning Indonesian proposal. As of this writing, the ROPs remain an open agenda item.

In addition to continuing the effort to draft the ROPs, the main upcoming task of the AICHR is to begin drafting an ASEAN human rights declaration. This extremely fraught exercise is likely to reengage many of the same challenges that arose in previous negotiations over texts. Central to the process will be a battle over the universality of human rights and the insistence by some members that rights should be interpreted in a regional context and be linked to responsibilities for both governments and individual citizens.

The AICHR also took its first study tour as a group, organized by the U.S. government, in which commissioners visited the United States and met with a range of civil society and governmental offices, as well as with regional and multilateral human rights bodies in Washington and New York. Several commissioners interviewed during the course of the trip were generally pleased with the program, while some who met with the AICHR visitors walked away with the impression that at least a few commissioners did not view this as an opportunity to strengthen the Commission. Additional study tours are planned for 2011.

AICHR's Burma Challenge

In August 2010, the UN Special Envoy for Human Rights in Burma, Mr. Tomas Ojea Quintana, sent the current chair of the AICHR, Vietnamese representative Do Ngoc Son, a request for a meeting with the group. The request was declined almost immediately. Mr. Quintana, who was visiting Jakarta, ended up meeting instead with the Thai and Indonesian commissioners, as well as a number of ASEAN permanent representatives—including, surprisingly, the Burmese permanent representative.

The dilemma presented by Mr. Quintana's meeting request highlights one of most pressing problems of the AICHR: how to establish the institution as the focal point for human rights within ASEAN while simultaneously operating within political and procedural constraints that hamstring the AICHR from dealing with actual, serious human rights violations happening contemporaneously. As the biggest human rights concern in ASEAN at present, Burma throws this dilemma into high relief.

So far, the Commission's instinct has been to take an equivocal stance and try to find ways to gently pull Burma's leadership in a more enlightened direction. The dilemma over Burma reflects the larger split within ASEAN over how best to handle the political situation there. No ASEAN country has publicly backed Mr. Quintana's call for a Commission of Inquiry to examine

allegations the Burmese junta has committed crimes against humanity, but the ASEAN democracies have become increasingly vocal in their individual criticisms of the situation. Indonesia's parliament has been especially active, including calls for the government to consider sanctions if the situation does not improve. Privately, government officials from Asian democracies express puzzlement over how the Burmese military junta could be so proud, having seized power in such an unaccountable fashion. Interestingly, these same government officials also claim to be making inroads with the lower level Burmese officials they are able to liaise with directly. This exemplifies the ASEAN democracies' approach to Burma: a contradictory blend of repugnance and cooperation.

The recent elections in Burma and the release of Nobel Peace Prize laureate Aung San Suu Kyi have presented an interesting test for the AICHR. Widely considered a deeply flawed exercise, the elections nonetheless were welcomed with a positive statement by the ASEAN chair, Vietnam. The official statement from the ASEAN chair welcomed the elections "as a significant step forward in the implementation of the 7-Point Roadmap for Democracy," and "encourage[d] Myanmar to continue to accelerate the process of national reconciliation and democratisation, for stability and development in the country."[15] The Philippines, however, issued a statement condemning the same elections as failing to meet basic standards. Indonesia sent a mixed message, with the foreign ministry statement echoing ASEAN's that "welcomed" the elections, and former Foreign Minister Hassan Wirajuda and Indonesian parliamentarians making more critical statements.[16]

The region's democratic governments welcomed Aung San Suu Kyi's release on November 13—including news reports that she spoke with the President of the Philippines, Benigno "Ninoy" S. Aquino III, by telephone. Indonesia again muddled the message, with Foreign Minister Marty Natalegawa welcoming her release as long overdue, but then saying "[The] release took place barely a week after the election, so we are seeing the potential process of democratization unfolding in Myanmar."[17] Before the November 7 elections, ASEAN reportedly called on the junta to release Aung San Suu Kyi, but there has yet to be an official statement on the matter from ASEAN since her release.

ASEAN Civil Society: Pushing the Process and Keeping the Heat on High

In addition to the governmental efforts to surmount these arduous procedural hurdles, this mechanism should be seen as a result of many years of intense and often frustrating work on the part of regional civil society, with the support of and, increasingly, collusion of the minority of democratic governments within ASEAN. During the past decade, ASEAN's civil society organizations have experienced rapid growth in size, number, and professionalism. There are now regional organizations, such as the Solidarity for Asian People's Advocacy (SAPA), that represent more than 100 national and regional groups, and focus substantial energy and resources to the AICHR.

Civil society groups that had long worked in support of an ASEAN human rights mechanism have expressed disappointment with what they consider the AICHR's weaknesses, specifically the limitation of the Commission's mandate to the promotion of human rights. From their perspective,

the lack of a protection or enforcement mandate will keep the Commission from engaging on the key issues, including the situation in Burma. One journalist referred to it as "stillborn," while a leading consortium of regional civil society organizations has accused it of "hiding behind its limitations" in order to avoid difficult issues.

Despite civil society groups' frustration that the AICHR does not have a strong protection mandate, however, some are cautiously optimistic that the Commission's mandate can be strengthened as member states come to accept the body's existence. The Indonesian Commissioner, long-time civil society activist Rafendi Djamin, indicated he planned to start pushing back on the lack of a protection mandate from his first day. He believes that by the time of the five-year review in 2015 the AICHR could be in a position to drive political reform in the region.

Djamin's position within the AICHR is an interesting one. Indonesia and Thailand were the only two countries (out of ten) to appoint non-governmental representatives to the AICHR (the Philippines appointed a retired ambassador and human rights scholar who led her government's fight for the mechanism). Djamin has commented that his first task is to build a rapport with the other representatives, several of whom represent countries that take a dim view of civil society, while simultaneously maintaining the trust of civil society—not just in Indonesia but throughout the region. He was not the only Indonesian to express this sense that his country was representing regional civil society within ASEAN. A similar message came from officials in the Indonesian Foreign Ministry (DEPLU), who proudly stated that they had carried the mantle of Southeast Asian civil society into the negotiations over the ASEAN charter and the creation of the commission.

At present, civil society groups perform an important function in trying to keep the AICHR honest and on track. Recent reports from the SAPA have been extremely critical, but their criticisms have been substantive and backed with specific recommendations. The next big test they face will be obtaining a fair accreditation process for civil society organizations (CSOs) that wish to work with the Commission. After facing problems in recent ASEAN forums where a single government successfully objected to the participation of particular NGOs or CSOs, these organizations—especially those that deal with the most sensitive and political issues—are understandably wary and bracing for a tough fight. In the words of Sophie Richardson, the Asia Advocacy Director for Human Rights Watch, "Southeast Asia is home to some extraordinary human rights organizations. In order to be credible, the AICHR not only has to adopt universal standards for human rights principles, but has to live up to the standard set by these organizations, in terms of human rights advocacy and protection."

The AICHR's Future: A Fork in the ASEAN Way

The establishment of a human rights mechanism was conceded by skeptical non-democracies on the basis that it was part of the standard repertoire of community building, and therefore a 'necessary evil' for ASEAN to move to the next level as an organization. As scholar James Monro has noted, ASEAN's interest in "conforming to global cultural scripts illustrates how regional human rights institutions have become a 'normal' part of the regional community-building process."[18] Yet, that is not to say that ASEAN's non-democracies want it to be effective or conform to any meaningful standards. Their reluctant acceptance of the mechanism meant that these countries are likely to weaken its mandate and undermine its efficacy, including in the ongoing process of drafting a regional human rights instrument.

Nearly every ASEAN diplomat and most Southeast Asian civil society contacts consulted about the AICHR counseled patience: a 10–20 year timeline to start seeing positive results. One Indonesian civil society leader who was intimately involved with the push for a human rights mechanism expressed frustration that his country often appears to be a 'minority of one' in deliberations on the AICHR, and lamented that the Philippines and Thailand are the only other countries that are interested in an effective mechanism. Activists see the development of an effective mechanism as a key element of a "people-centered ASEAN"—the stated goal of its members.

The biggest challenge remains the tension between human rights activism, in even its mildest form, and the long-standing ASEAN principles of non-interference and inviolable sovereignty. This tension, which has featured prominently in every struggle at every stage in the AICHR's development, will continue to be the defining characteristic of the body. Those pushing for a genuine human rights body have latched onto what they view as pegs for pushing forward with a more activist approach, including fact-finding. The relationship between the commission and regional civil society will be a key element in deciding the former's effectiveness, including whether it is viewed as credible in the region and beyond. Whether member governments like it or not, their credibility on the issue of human rights is viewed as lower than that of their civil society by many outside observers.

This is no less true for the region's democracies, which are viewed as having a particular obligation to push for the AICHR to have the broadest and most substantive possible mandate. Their minority status in absolute terms is often overlooked because formal democracies remain a plurality in terms of the original membership of ASEAN, and their small numbers include the acknowledged regional heavyweight—Indonesia. And while consensus decision-making is much maligned by Asia's civil society activists, as one Indonesian diplomat pointed out, in a vote on almost any human rights issue, "we would always lose, so consensus actually works to our advantage most of the time."[19] Nonetheless, precisely because they are the most responsive to civil society, they can expect to feel the pressure more intensely than their non-democratic yet more problematic colleagues.

It is in this context that the AICHR's focus on drafting a regional human rights declaration or document both excites and worries human rights activists in the region. There is already tension over whether the declaration should be built around the principles enshrined in the Universal Declaration of Human Rights or ASEAN's Bangkok Declaration, with the latter allowing for a more particularized standard. The conceptual clarification of terms is set to be the AICHR's first big test. If the resulting declaration diverges from universal norms, the AICHR is likely to lose much of the goodwill that it has developed to date, and it is likely to be seen as fatally flawed.

On a more logistical level, one issue that requires immediate attention is coordination of the AICHR's work and that of the ASEAN Commission on Women and Children (ACWC). The ACWC has benefited from the fact that its work is more narrowly focused on less controversial areas of human rights and therefore has not been as politicized. The ACWC has been set up under the social/cultural pillar, unlike the AICHR, which is specifically intended to work across the social/cultural, economic and political/security pillars. The ACWC is also, in the words of one activist, more "NGO-friendly" and more accessible as a result of having two members from each country. Since it is not hobbled by some of the AICHR's political constraints, the ACWC has a lead in dealing with concrete issues. Whether this dynamic will materialize in a push to empower the AICHR or in an effort to constrain the ACWC remains to be seen.

Finally, the AICHR suffers from staffing and resource shortfalls that exacerbate its challenges. It currently relies on a modest but dedicated staff operating out of the ASEAN Secretariat, most of who are borrowed from other offices and have other responsibilities. The tough fight over setting up an AICHR secretariat, which has so far seen the other members reject the Philippines' generous offer to house and largely fund a serious body, is a good indicator of how important the secretariat issue is for the future of the AICHR. The creation of the independent Human Rights Resource Center for ASEAN (HRRCA) as well as a new Civil Society Working Group, both of which are meant to support the work of the AICHR, are promising initiatives, but they are being driven by civil society and are not official organs. Nonetheless, the small existing AICHR staff appears open to these and other Track 1.5 diplomatic channels to work with civil society and harness their substantial energy to develop the Commission into an effective mechanism

Ultimately the effectiveness of these and other external initiatives to support the AICHR will depend upon the degree to which the AICHR is willing or able to engage with them—something that remains unclear at this time. AICHR staff emphasized that, while activists and non-ASEAN governments may be frustrated with the present limits of the commission, it is important to see the potential on the education and socialization side of the equation, particularly for ASEAN members whose own civil society and internal mechanisms for human rights promotion were lagging. As several Commission members pointed out in a recent interview, there are tools that can be used to push the envelope even within the constrained TOR, and the democracies on the Commission intend to exploit them to the maximum extent possible.[20]

Optimistically, there is substantial donor interest and potential for even greater support if the AICHR starts to get some traction with its work. The HRRCA in particular has received substantial international donor support and assistance, reflecting the interest of donors in supporting the AICHR and, to some extent, their inability to do so directly. The United States hosted the AICHR representatives for a study tour in Washington and New York, where they met with the Inter-American Human Rights Commission and other human rights organizations. Other exchanges and technical assistance initiatives are planned with an eye toward building up the commission's capacity and profile.

With Indonesia taking the chairmanship of ASEAN in 2011, they will also take over the helm of the AICHR. This will put it in the hands of one of the region's most skillful human rights activists at a critical juncture in its development.

Asia Pacific Democracy Partnership (APDP): Democracies of Asia Unite! Or Not

History and Background of the APDP

While attending the September 2007 Asia Pacific Economic Cooperation (APEC) summit in Sydney, Australia, then-U.S. President George W. Bush proposed "the creation of a new Asia-Pacific democracy partnership. Through this partnership, free nations will work together to support democratic values, strengthen democratic institutions, and assist those who are working to build and sustain free societies across the Asia-Pacific region." This announcement was the culmination of a long-running desire by some of the Bush administration's leading 'freedom agenda' thinkers, and President Bush himself, to see the emergence of a forum for America's democratic Asian allies to bandwagon around human rights and democratization issues in the region.

The administration's concept for the partnership was an action-oriented mechanism, based on shared values and common interests in promoting democracy through specific programs. While policymakers rejected the term "à la carte," there was an emphasis that there would be no legal commitments for membership and all activities would be carried out on a voluntary basis, with members free to pick and choose what they wanted to support based on their own priorities and interests. Within the administration, there were debates about membership. The inclination was to set relatively high standards (that is, only 'real' democracies qualified as participants) but this raised a number of uncomfortable questions, including how to handle the situations of Thailand, a long-time U.S. ally that was in the midst of political turmoil and operating under a military coup, and Taiwan, whose participation would have been precluded by a requirement of statehood.

There was also discussion about whether and how the APDP could relate to the Community of Democracies (CD), including whether it should serve as a regional caucus for the CD and whether the CD membership criteria would be used. In the end, these two associations were mostly accepted but there was a strong desire to avoid the problems that had rendered the CD ineffective by focusing the APDP on programs, specifically election monitoring.

As with previous initiatives of this nature, the Bush administration sought to support continued democratization in the region for both intrinsic reasons as well as a hedge against the perception that the "Beijing Consensus" was an increasingly attractive model for countries in the region. There had long been a concern in Washington that Asia lacked a regional values-based grouping, particularly one in which the U.S. could participate, despite the expansion of democracy in the region. The Clinton administration had fruitless discussions with India on the creation of a Center for Asian Democracy in the late-1990s.[21] The U.S. Congress has also had entertained various proposals to establish a "Helsinki Commission for Asia," modeled on the Commission on Security and Cooperation in Europe.[22] This initiative echoed a 1990 proposal by then-Australian Foreign Minister Gareth Evans for a Commission on Security and Cooperation in Asia which would begin as an exclusively security-focused entity and incorporate a human rights basket at a later date.[23] Yet, these efforts did not progress beyond the discussion stage until the Bush administration's concerted support for the APDP in 2007.

In the months before President Bush's speech calling for the creation of the APDP, U.S. State Department and White House officials consulted extensively with the region's democracies about the formation of a new group. Despite a few countries signing up immediately, the proposal was met with a largely unenthusiastic response. Several countries immediately expressed reservations that the initiative would be viewed as an effort to develop an anti-China bloc, and the Chinese government reportedly contacted several of the countries involved to express their disapproval. Some countries were concerned about the heavy U.S. hand in calling for and driving the creation of the APDP. Others, notably Australia, mentioned their concerns about stepping on the toes of Indonesia, which was talking about launching its own democracy promotion forum.

Nonetheless, the White House moved forward with President Bush's call in the hopes that his public expression of support for the idea would bring around the reluctant allies. While the strong push from the White House ultimately did persuade Japan, South Korea, Australia, and New Zealand to continue discussing the concept, they remained reticent. Furthermore, the key developing democracies of India and Indonesia may have even been alienated by the public call.

Even within the American foreign policy bureaucracy there was little appetite for embarking on the monumental task of creating a new regional institution in the waning months of the outgoing Bush administration. The initiative was not directly assigned to a bureau within the Department of State and it took reminders of the White House's interest to place the APDP on the talking points agenda of the Department's senior officials.

Expectations were low when the relevant countries convened for a preliminary meeting in Bamako, Mali in November 2007 on the sidelines of the annual Community of Democracies meeting. Despite this, the initial APDP organizing meeting was a qualified success. Chaired by former U.S. Deputy Secretary of State John Negroponte, the meeting included representatives from: Australia, Canada, India, Indonesia, Japan, South Korea, Mongolia, and the Philippines (New Zealand did not attend the Bamako conference, but informed the U.S. of its support for the meeting). At the Bamako conference, participants agreed to establish the APDP as an informal partnership with a focus on programmatic support for democracy in the region, and to focus initially on electoral assistance, including fielding regional election observation missions.

After the Bamako meeting, the Mongolian government invited the APDP to send a delegation to observe its July 2008 parliamentary elections. The mission, funded by the U.S. and Japanese governments, included election and government officials, civil society representatives, and one parliamentarian from: Australia, Canada, Timor-Leste, Indonesia, Japan, the Philippines, Republic of Korea, Thailand, and the United States. The mission issued a report deeming the election credible and making a number of recommendations for improvements, and the Mongolian government expressed its appreciation for the effort.

Following the election, there was a second informal planning meeting in Ulaanbaatar, Mongolia. The participants, including representatives from the nine countries taking part in the election mission, the Indian embassy, and the Mongolian government, agreed to hold a senior officials meeting that year, to be hosted by South Korea, who had volunteered to serve as the first chair of the APDP. The Ulaanbaatar meeting called on the senior officials to resolve key issues around the organization's mandate and membership criteria. Thailand, still under a coup government, participated as an observer, and Timor-Leste was invited to join as a full member in good standing.

At the APDP Senior Officials Meeting (SOM) in Seoul on October 31, 2008, representatives from twelve Asia-Pacific countries gather to formally launch the partnership. Thailand was still an observer, but all other countries were present as formal members. The participants agreed to the following regarding the APDP mandate:

- The APDP would focus on practical activities to promote democracy, including continuing a focus on electoral support as a core component of the APDP mandate;
- All APDP activities would be voluntary;
- The APDP should draw up a mission statement;
- Civil society should have an important role in the work of the grouping; and
- The APDP should cooperate with other regional initiatives, "with a view toward making their activities mutually complementary."

Structural issues proved to be more difficult to address. There remained differences within the group regarding membership criteria, particularly how strong the link should be with membership in the Community of Democracies. The group agreed to a set of 'elements' that would serve as interim guidelines: membership will require geographic location in the Asia-Pacific and demonstrated commitment to democracy; membership in the CD is an important factor but not an automatic qualifier; and existing members may recommend aspiring members for consideration at a senior officials' meeting. They also agreed to hold annual senior officials meetings, as well as intercessional meetings as needed. The chairmanship would be held on an annual, rotating basis, and a Steering Group of the past, present, and future chairs could be created "in due course."[24]

Following this, the participating countries agreed to conduct an observer mission for the December 2008 elections in Bangladesh. Subsequently, the APDP observed elections in the Federated States of Micronesia in July 2009. Most recently, the APDP organized election observations missions to the August 2010 parliamentary elections in the Solomon Islands, and for elections in the contentious Bougainville Autonomous Region in Papua New Guinea.

Finding the APDP's Place in the Architecture

Despite the flurry of activities and the basic commitment of 12 countries, the APDP failed to gain much traction in the region, for a variety of reasons, following the Seoul meeting. Some of the reasons are more transitory and indicate a shift toward a positive resolution, while others appear more intractable and likely to continue hampering the emergence of the APDP as a fully functional grouping.

While the merits of the idea were and still are extant, the timing of its launch was inopportune. In the summer of 2007, American credibility in Asia—particularly on the issues of human rights and democracy—was at a low point. While President Bush enjoyed good personal relationships with his counterparts in Japan, South Korea, Australia, and other democratic countries, many of these were facing more pressing electoral challenges at home. There was a broader sense that the U.S. was less engaged in Asia, with its primary interests being the chimera of turning the Six Party Talks on North Korea's nuclear program into a Northeast Asia Peace and Security Mechanism (NEAPSM). At the same time, Beijing's charm offensive in Asia was in full swing. Given a perception of a shifting balance of power in the region, even close allies were careful not to provoke Beijing as they intensely contemplated the consequences of China's rise.

In addition, and arguably more importantly, Southeast Asia was immersed in its own process of community building within the context of ASEAN. Indonesia's increasingly confident, pro-democracy foreign policy and diplomacy should have been a boon to this effort. However, at the time the U.S. was developing the APDP, the Yudhoyono government was seized with its pre-existing priorities of the ASEAN human rights mechanism and the launch of its own democracy promotion initiative, the Bali Democracy Forum. Policymakers in Washington often gave short shrift to these organic regional initiatives because, among other reasons, these Asian forums gave equal time to non-democratic regimes, did not provide for participation by the U.S. and its democratic Asian allies, or appeared to be toothless talk shops when seen from a Washington perspective.

Today, the APDP does not factor heavily into the calculations of key countries in the region when thinking about regional cooperation on democracy promotion. Among the established democracies, with the exception of South Korea, the response remains ambivalent. Japanese officials claimed a continued interest in and support for the grouping, but rumors persist that Japan is planning withdraw from the APDP altogether. Australia has declined to participate in a recent APDP election observation mission in the Pacific Islands citing the marginal value added to their long-running involvement in the area, and New Zealand has indicated that their limited diplomatic resources cannot justify substantial participation in the APDP at this time. While Australia and New Zealand remain formal members of the grouping, their willingness to actively participate in its activities is still an open question. South Korea, the current APDP chair, has been attempting for over a year to find a replacement for itself, and continues to come up empty-handed.

To the extent that the APDP has a profile in Indonesia, it is often negatively perceived among democracy promotion supporters. While Indonesia formally remains a member of APDP, it views the organization as a U.S.-driven project with an underlying anti-China intention. Worse, the Bush administration's decision to launch the APDP at the same time Indonesia was developing the Bali Democracy Forum gave rise to a view of the APDP as a competing organization that distracted the region from Indonesia's bold indigenous effort. This impression lingers to this day, despite the differences between the two, and has led to reluctance on the part of the U.S. to even discuss APDP with the Indonesians. In early planning stages of President Obama's trip to Indonesia, there reportedly was discussion of building a link between the APDP and the democracy pillar of the Comprehensive Partnership Agreement, but this was dropped in light of Indonesia's ongoing discomfort with the APDP.

Today, Thailand, the Philippines, and smaller and transitional democracies, such as Timor-Leste and Mongolia, remain supportive in principle but their support requires reinforcement from the engagement of the larger and better established ones. Even so, the fact that the APDP is important to democratic countries, such as Mongolia, shows that it is filling a niche and meeting a strategic need in the regional architecture. Some countries in the region also appear to be more interested in boosting the APDP over the past year, as China's assertiveness in the region has brought back the concepts of hedging and balancing among like-minded countries.

There also has been some evolution in India's position, which was arguably as hostile to the APDP as to Indonesia in the beginning. After initially resisting participation in the APDP, India has now changed course and is open to expanding its involvement, depending on the direction in which the APDP moves. While India will continue to privilege its involvement in the UN Democracy Fund and its

bilateral technical cooperation initiatives as its primary democracy-promotion mechanisms, its willingness to work within the APDP context is a positive indication of its broader outlook.

By far the most critical issue is the degree to which the U.S. remains committed to the organization. The Obama administration's early ambivalence to the APDP, due to sensitivities over the 'freedom agenda' of its predecessors, has been a major brake on the organization's progress. In the context of an incoming administration where democracy promotion was viewed with suspicion or outright hostility, the APDP suffered from its origins at the Bush White House at a critical time in its development. A laudable effort by its supporters at the State Department's Bureau for Democracy, Human Rights, and Labor convinced the incoming administration of its value, but the Obama administration has yet to show much enthusiasm for APDP.

As a result, questions linger about its viability in the absence of high-level U.S. support. A Bush administration official involved in the initial launch of the APDP voiced concern that while the APDP had been spared from the transition chopping block, it may meet its demise from neglect. The APDP continued to quietly organize election observations in the South Pacific and Bangladesh, but there was no mention of the APDP by senior U.S. officials for nearly the first eighteen months of the Obama administration. The lone public reference to the APDP by a government representative came during congressional testimony in July 2009 when an official noted that the chairman of the subcommittee she was testifying before had led an APDP-organized election observation to Micronesia.

U.S. officials are belatedly finding value in the APDP, but it may be too late. In addition to providing the United States Agency for International Development (USAID) with funding for the spate of APDP election observations over the past year, Assistant Secretary of State for East Asian and Pacific Affairs Kurt Campbell has mentioned the grouping several times in recent speeches. Unfortunately, a key staffer who was responsible for managing the program since 2008—and who is widely viewed as having kept APDP alive up to now—recently left the State Department. Administration officials are reportedly holding internal discussions about the future of the organization as this report goes to print.

On a more positive note, every working diplomat from an Asian democracy interviewed for this report recognized the value of an organization such as the APDP, even if they were less than enthusiastic about the organization itself. Diplomats from participating countries, as well as interested civil society representatives, had numerous suggestions about other activities that the ADPDP could undertake in areas not currently addressed by other regional groupings. These included: donor coordination and project management, particularly on democracy promotion assistance; informal policy coordination; and serving as an informal regional caucus or 'early warning system' for Asian democracies in the context of other forums, such as the Community of Democracies, the UN Human Rights Council, the UN Democracy Fund, and even the Bali Democracy Forum.

The changing regional political climate opens possibilities for re-launching and rebranding the grouping. However, a more democracy promotion-friendly environment alone is not sufficient for this reinvigoration; the perception, in Indonesia and elsewhere that the APDP is in competition with the BDF will also need to be resolved. Moreover, lingering doubts about the Obama administration's commitment to the APDP will continue to discourage both willing allies and those on the fence from investing into the organization.

The APDP and Asian Civil Society: Friends in Need?

One area where the APDP could potentially find needed allies is within the region's civil society. Despite having spent the last few years trying to establish a foothold with Asian democracies, the APDP is virtually unknown within Asia's vibrant civil society aside from a few individuals who participated in election observation missions.

Both the APDP's supporters and Asian civil society can benefit from cooperation. For civil society, the APDP represents a potentially useful forum and partner for the extensive regional networks that have developed over time. By making itself better known among civil society advocates, the APDP may also be able to raise its profile with governments in the region. The Indonesian government is particularly attuned to regional civil society, but has struggled to integrate them into the BDF effectively.

In the area of electoral assistance, there is also substantial convergence of interests. NGOs and CSOs in the region have been very active in election monitoring for many years. The Asian Network for Free Elections (ANFREL), established in 1997, was Asia's first regional network of civil society organizations and remains one of the region's most professional and respected civil society networks. Given the APDP's work in this area, it is a promising partner for cooperation.

Bali Democracy Forum (BDF): Indonesia's Open Invitation

History and Background of the BDF

By mid-2007, as the U.S. was beginning to consult with other Asian democracies about the launch of a new regional grouping, the Indonesian government had already begun talking to its neighbors about its own regional democracy promotion initiative. These discussions had little in the way of detail beyond an explanation that Indonesia's would be an 'inclusive' and 'humble' approach to democracy promotion. The U.S. government, which was not among those initially briefed by the Indonesians, learned about the initiative from allies in the region when it started consultations on the APDP.

However, the BDF was slow to get off the ground. After several false starts, the inaugural 'high-level forum' was set for December 10, 2008 in Bali. During then-Australian Prime Minister Kevin Rudd's visit to Jakarta in June 2008, Indonesia and Australia announced that the latter would co-host the first high-level meeting. After a November planning meeting for the forum, Indonesia's Director of Public Diplomacy Umar Hadi spoke publicly about what the hosts were expecting:

> *The main theme for the forum is 'building and consolidating democracy as a strategic agenda for Asia.'*
>
> *Participants [in the planning session] generally agreed that with some Asian countries now beginning to be powerhouses in the world economy, they should also pay closer attention to their political development.*
>
> *Indonesia has been very humble in our approach… On the one hand, yes, we've been undergoing this democracy transformation for 10 years… [b]ut on the other hand, we see elections aren't everything.*[25]

Hadi's oblique but unsubtle reference to China was notable, given that one of Indonesia's key objections to the APDP was a perception it was 'anti-China.' Yet, here was one of the intellectual architects of the BDF publicly saying that Asian countries lagging in their democratic development were the intended focus of the BDF.

Nonetheless, China and 31 other countries from across a broadly defined Asia, as well as eight observers including the U.S., attended the inaugural 2008 forum. The attendees included several heads of state even though the forum was officially ministerial level. In his opening remarks, Indonesian Foreign Minister Noer Hassan Wirajuda set the tone:

> *[W]e should [not] shy away from focusing on democracy and how it should be promoted. Democracy, after all, is one of the most dominant ideas in the Asian century.*

> *And while democracy is not a panacea, we must also realize that the great challenges of our time require a democratic response. We have to work with democracy on a day-to-day basis, but we must also develop it and sharpen it as an instrument of progress.*[26]

He qualified these stirring statements, however, by assuring the assembly that the development of democracy "can only be a long-term strategic goal" and "a journey of a thousand miles", and that the BDF dialogue would be "based on equality, mutual respect and understanding."

Indonesian President Susilo Bambang Yudhoyono expanded upon his foreign minister's mixed message, both extolling the virtues of democracy and Indonesia's own democratic transition, and expressing a desire to learn from the experience of other participants' political systems—presumably including those of Burma, China, and Qatar. He declared that the purpose of the BDF was not to "debate on a commonly agreed definition—for which I believe there is none," but went on to outline a fairly comprehensive set of "issues relevant to democratic development" that the forum would discuss, including:

> *[R]egular and genuine elections; a multi-party system in a pluralistic and tolerant society; effective parliaments; an independent judiciary; the rule of law; protection and promotion of human rights; good governance; creating an active and vibrant media; benefit of an open dynamic civil society; the role of a professional military in a democratic society [sic], to name a few.*[27]

The agenda of the forum consisted primarily of set-piece speeches given by the various delegates, with an interactive discussion on the topics of: consolidating democratic institutions and processes; democracy and development; democratic culture and participation; and democracy's enabling environment.

The Indonesian government also used the opportunity of the first high-level forum to announce the launch of the Institute for Peace and Democracy (IPD). The Institute was intended to serve as the programmatic arm and permanent think-tank attached to the BDF. Foreign Minister Wirajuda described the IPD, to be housed at Udayana University in Bali, as:

> *An independent non-profit organization, the Institute will support the Forum by organizing workshop [sic], conducting studies and research, networking with related organizations and institutions, and publishing papers and periodicals.*[28]

On December 10–11, 2009, the second high-level BDF meeting was attended by 36 participating countries and 13 observers, with the theme of "Promoting Synergy between Democracy and Development in Asia: Prospects for Regional Cooperation." Japan was the co-host, and was represented by then-Japanese Prime Minister Yukio Hatoyama. The format was similar to the first year, with high-level speeches and the so-called "interactive session." The interactive session's panel on "Democracy and Development in the Information Age" featured the vice-chairman of the Foreign Affairs Committee of China's National People's Congress, urging his fellow delegates to "make good

use of modern communications technology, and play an active role in the promotion of democracy and development."[29]

At the invitation of the Japanese government, a BDF delegation paid an election 'visit' during Japan's 2010 parliamentary elections. Currently, preparations are underway for the third Bali Democracy Forum, which will take place on December 10–11, 2010. It will be co-sponsored by South Korea, and President Lee Myung-Bak is expected to attend.

Indonesia's BDF: Domestic Politics and International Vision

On many levels the BDF is an unprecedented initiative and, like the AICHR, marks a major step forward for Indonesia and the region. As the world's largest Muslim democracy and the largest country in Southeast Asia, Indonesia was already a darling of the democracy promotion community. Indonesia's announcement of the BDF, made within a scant decade of its own relatively peaceful democratic transition, was greeted with nearly universal applause. Even longtime Indonesia-watchers, who were still marveling at the dramatic changes in the country's political life since 1998, were surprised and deeply impressed by the fact that the Indonesian government had decided to launch an explicitly designated democracy promotion effort aimed directly at the recalcitrant authoritarian regimes in its neighborhood. Donors lined up to fund the BDF and the IPD, and the countries of the region have embraced the initiative regardless of their political stripes.

In conversations with Indonesian leaders involved in the conception and early implementation of the BDF, a multi-layered and complex set of reasons for this surprising initiative emerged. Foreign Minister Wirajuda and Umar Hadi, were understood to be leading advocates of and thinkers behind the idea at the Indonesian Foreign Ministry (DEPLU); but the real power supporting it was President Susilo Bambang Yudhoyono.

Since his election in 2004, President Yudhoyono, known popularly by his initials "SBY," had led Indonesia into a period of political stability, and the country has reaped the economic and political benefits. He and a group of his key advisors directly attributed Indonesia's economic success and successful management of several recent crises to its democratic transition. In their view, the New Order regime had driven economic development but the financial crisis in the late 1990s exposed Indonesia's shortcomings in political development. It was only through the *reformasi* process that Indonesia was able to emerge from the financial crisis, as well as respond to subsequent crises such as the 2002 Bali terrorist attack and the 2004 tsunami. This growing confidence that democracy was not only an Indonesian national value, but also a critical resource that contributed to its success, led a cadre within Indonesia's leadership to support a greater emphasis on democracy and human rights in Indonesian foreign policy.

In addition, these Indonesian leaders were troubled that despite the region's economic gains, Asia lagged behind Africa and Latin America in the development of regional human rights and democracy standards and mechanisms. Under SBY's presidency, they were in a position to counter this trend through the exercise of Indonesian leadership. While the AICHR was part of the solution, Indonesian policymakers were well aware of its limitations, including its geographic constraints. They

contemplated creating their own unique forum that could bring in a broader circle of 'Asian' countries, including not only China and the established democracies of northeast and peripheral Asia, but also nations of South and Central Asia and the Middle East. They also saw an opportunity to improve and expand Indonesia's international reputation and profile by taking up the mantle of democratic leadership in Asia.

The BDF was the culmination of this thought process. While it represented a radical departure for the region, its proponents saw it as a logical and very Indonesian initiative. The BDF was portrayed as a means for Indonesia to share its experience as a recently transitioned democracy with countries that were, in its view, pre-transitional. As one Indonesian policymaker involved in the BDF said, "Burma, China, and other countries— even Singapore—are going to have to change politically. Within BDF, we can talk to them about how to make this change and how they can learn from our experience."[30] A non-Indonesian commentator described the BDF as an "express attempt to do something other than regime change by gunpoint"[31]—intentionally drawing a direct contrast to the widespread perception of American-style democracy promotion.

Perhaps most interestingly, in addition to seeing democracy promotion in a regional and foreign policy context, these Indonesian leaders saw the BDF as a way to bootstrap Indonesia's own democratic development and keep it on track. This was a recurring theme in nearly every interview with Indonesian policymakers, journalists, civil society activists, and scholars. While Indonesians see their democracy as having taken root relatively quickly, they are painfully aware of its shortcomings and the challenges that it faces: pervasive corruption and "money politics"; Islamic radicalism and terrorism; and uneven or disrupted economic and social development. These leaders point out that if Indonesia is out talking up democracy to other countries, it creates pressure on Indonesian political leaders to improve democratic practices at home.

BDF and IPD: Serious Effort or a Serial Affect?

As the BDF approaches its third year, the widespread enthusiasm that greeted Indonesia's bold step in launching the forum is being tempered by criticism of and hints of frustration with the quotidian reality. Regional activists and democracy scholars have expressed a number of concerns about the structure and practices of the BDF to date. One of the main concerns raised by civil society advocates is a fear that if the BDF is just a 'comfortable' space where countries can share their particularized views on democracy in the absence of judgment, it will end up providing non-democratic regimes an opportunity to redefine or define-down conceptualizations of democracy. One western democracy promotion expert who has worked with the BDF referred to it as "post-modern democracy promotion," where merely talking about democracy serves as a substitute for taking on the more confrontational and difficult tasks of serious democracy promotion.[32] Another pundit criticized the BDF as based on an erroneous and naïve belief that a country's lack of democracy is merely a function of its authoritarian leaders lacking knowledge about democracy, a problem that can be solved through greater exposure to democratic ideas.[33]

While a number of regime types are represented at the BDF, another leading criticism from both civil society advocates and others is the lack of diversity in terms of participation beyond governmental representatives. Civil society advocates in the region express frustration with what they view as a

missed opportunity to facilitate a direct discussions between civil society and relevant governments on core human rights and democratization issues. CSOs and NGOs are concerned that yet another forum that does not involve any dissenting voices or challenges to the positions of non-democratic regimes could serve to roll back progress made to date. Another Indonesian civil society leader lamented the absence of human rights experts on the board of the Institute for Peace and Democracy, and expressed a combination of bemusement and frustration at the suggestion that Burma's attendance at BDF is having a salutary effect.

It is notable that one of the region's most vibrant and long-standing democracies, Taiwan, has not been invited to participate in this "inclusive" forum. While both Taiwan and Indonesia report that their relationship continues to improve and deepen, the exclusion of Taiwan from a regional democracy-promotion forum is problematic, not just for Taiwan but also for Indonesia. The Taiwanese government has tremendous experience to share, including its experiences with democracy promotion efforts, and it also serves as a rebuke to the notion that Chinese political culture is ill suited to democratic self-governance. To be fair to the Indonesians, Taiwan has not been invited to participate in the APDP, which would arguably a better fit since China is not a participant in the APDP and the U.S. has a leading role.

Several long-time democracy promotion practitioners interviewed for this project expressed specific concerns about the corrosive effect of unchallenged use, or abuse, of the word "democracy" to describe conditions that deviate substantially from the term's traditional meaning. The BDF speeches from China, Burma, and other non-democratic regimes provide a good illustration of the challenges inherent in Indonesia's incremental approach toward democracy promotion. The 2008 BDF speech of the Chinese representative was a particularly compelling example of the kind of Orwellian discourse on democracy that concerns the civil society and the democracy promotion communities. Given by Ambassador Yang Wenchang, the president of the Chinese People's Institute of Foreign Affairs (a government-organized non-governmental organization or GONGO), the lengthy dissertation defended the Chinese Communist Party's authoritarian rule, referring to "political democracy with Chinese characteristics" and the Party's oxymoronic idea of "democratic centralism."

Mr. Yang's speech was not alone in employing an intellectually dishonest definition of democracy. An attendee of the 2009 BDF described as "surreal" the experience of authoritarian Brunei bankrolling a democracy promotion conference, where officials from Burma, China, and Syria extolled the democratic virtues of their respective governments. At that session, the Burmese delegate gave an update on the junta's progress in implementing its "Seven Step Roadmap to a Discipline-Flourishing Democracy," detailing its efforts to "transform the country into a peaceful, prosperous, and modern state that would take its rightful place in the world."[34] While some democracies used their statements to issue mild criticisms of the authoritarians in their midst, attendees reported that the general approach to these regimes' doublespeak was mild applause and uncritical acceptance.

Indonesian officials acknowledge that because the BDF is a "loose" forum, it is possible for countries to hide behind it and use it as political cover, but these officials also caution their neighbors that they are missing a chance to prepare for the inevitable democratic transition that is coming. As one Indonesian official put it: "We don't tell Burma they have to follow Indonesia's example, but we believe it is a better way for Burma to start preparing to have a smooth transition from authoritarian government to democratic government. In the end, it is less disruptive for those now in charge and

everyone else."[35] The Indonesians also dismiss the ability of China or other authoritarian governments to dilute the concept of democracy, arguing those who would subscribe to the definition promoted by China are already disposed to a similar view.

When questioned as to whether their faith in the inevitability of democracy encouraged a passive approach to democracy promotion, Indonesian officials argued that the approach they see employed by the west is largely ineffective because it puts these regimes on the defensive and locks them into their pattern of undemocratic behavior. It is, they contend, both better and possible to convince these countries that they are swimming against the tide of history and fighting the natural end-state of political order. Indonesian officials also believe that through the socialization of undemocratic regimes in the 'comfortable' venue of the BDF, these regimes may become more open to hearing the gospel of democracy from their Indonesian counterparts. One leading Indonesian human rights lawyer, echoing his counterparts at the DEPLU, defended the participation of non-democratic regimes on the grounds that their representatives carry their experiences at the BDF back to their own countries to good effect. (Ironically, Indonesian civil society was often critical when similar arguments were made concerning American security cooperation with the Indonesian military in the 1980s and 1990s.)

The Indonesian government has also faced criticism that it has failed to give the IPD the necessary support and resources necessary for it to develop into a serious programmatic democracy promotion organization. Concerns have been raised over the slow set-up of the Institute as well as its ambiguous legal status, awkward governing structure and lack of programmatic focus. As presently constituted, the Institute is governed and advised by the Indonesian Foreign Ministry, a Board of Governors, and a group of 'patrons.' It also is technically part of the University of Udayana and is required to participate in the 'academic life' of the university, under the supervision of the University's rector.

Furthermore, the Institute only retains one full-time staff member, its executive director Ketut Erawan. Erawan not only is single-handedly responsible for running the IPD, but he also retains teaching responsibilities at both Udayana and another university in Java. While Erawan is well regarded and enthusiastic about developing the IPD, the Institute is in need of a substantial expansion of human resources–including staff with experience in program development and implementation--to manage the tasks for which it was established. The source of delays in hiring additional staff is unclear, but one source suggested that it may be due to the unresolved legal issues and difficulty in identifying qualified persons the DEPLU would approve. A former New Zealand diplomat recently completed a stint as a scholar in residence, and it is unclear when or whether he will be replaced.

Donors have been eager to support the IPD, and remain ready to do so once its legal status and strategy have been settled. One of the biggest donors to the BDF is the Norwegian government, which pledged US$2 million to the BDF in December 2009 to establish an endowment, and has provided additional funds for activities of the IPD. They sponsored a February 2010 workshop titled "Indonesian and Asian Democratic Transition and Reform Experiences," co-organized by IPD and the leading democracy promotion organization International IDEA. All sides were reportedly very satisfied with the workshop. International IDEA even had its regional program director working out of Denpasar for the first six months of 2010. In September, the Norwegians believed they were close

to overcoming the legal and organizational hurdles that had kept them from disbursing the endowment funds since they were pledged the previous year. Despite this logistical hiccup, they remained very enthusiastic about their cooperation with the BDF, and continue to view it as an important element in their expanding regional democracy assistance package.

Not all donors and partners have been as patient as the Norwegians, however. More than one western donor criticized the "per diem" culture of DEPLU (whereby officials attend conferences solely for the per diem payments they receive from the foreign donor agency sponsoring the event). The aforementioned logistical and organizational problems have caused at least one donor to rethink assistance to the BDF, and others have struggled to find a means of supporting the BDF that meets the transparency and aid effectiveness requirements imposed by their own governments.

Regardless of their skepticism, the BDF's critics in Indonesia and elsewhere recognize the significance of its formation and want to see it succeed. Even the BDF's fiercest domestic critics will qualify their critique by noting their belief in the value of having the non-democracies subjected to two days of defending their own systems while participating in candid discussions from genuine democracies about the challenges and rewards of pluralism and representative government. One Indonesian journalist, after making a joke about the BDF being "a meeting of Authoritarians Anonymous," went on to speak approvingly of a media conference organized alongside the 2009 high-level meeting and express his pride that Indonesia was leading the region by through this effort. The civil society activist who complained about the lack of human rights representatives on the IPD board commended the Yudhoyono administration for "putting Indonesia on the democratic map" with the BDF. On balance, the good intentions and sheer novelty of the BDF will continue to propel it forward and encourage participants and even skeptical outsiders to give it the benefit of the doubt. While Indonesia may not convince the skeptics with its combination of high enthusiasm for democracy and low pressure on authoritarians, this approach is very much in line with Indonesian sensibilities about emphasizing the natural appeal of pluralism rather than imposing their views on others, and therefore is unlikely to change.

Shaping the Architecture: The Role of Individual Countries

Indonesia's Gravitational Pull: Moving ASEAN and the Rest of Asia

Under the leadership of President Yudhoyono, Indonesia is emerging as an important voice in support of democracy and human rights in Asia and the Muslim world. With a decade of democratic governance under their belt, the Indonesian people and political class increasingly see their efforts as not only engineering a successful democratic transition, but also as a model for other states in the region. While touting its economic success, and attributing it at least in part to democratic transformation, Indonesia also holds itself out as proof that a country does not need to achieve middle income GDP status to enjoy a successful democracy. It is this self-identity as a democracy that has been the key to Indonesia's emergence as a leader in pushing for higher regional standards in the areas of democracy and human rights.

One of the most striking aspects of Indonesia's democratic foreign policy is a sense of democratic determinism. Leading thinkers and advocates hold strong beliefs that the region's undemocratic countries are either inexorably moving toward democracy because they feel compelled to or because they actually aspire to democracy. In speaking about his efforts to discuss democracy with his colleagues from authoritarian ASEAN members, former Foreign Minister Wirajuda spoke of difficulties of conceptualizing Indonesia's political environment in a positive way because the 'noisy' aspects of Indonesia's democratic transition were seen as chaotic and, therefore, something to be avoided. He talked about how challenging it has been to explain to them that the disorder they see on the surface obscures a more fundamentally stable and resilient society than the tidier-looking, but ultimately more brittle, New Order.

One of the most surprising findings was the commonality of discourse between Indonesia's civil society leaders and foreign ministry officials. The dramatic and rapid change from dictatorship to transitional democracy has had a tremendous impact on the small group of activists pushing democracy and human rights, both inside and outside the New Order regime. Their experience has given both long-suffering activists and senior diplomats a common deep-rooted optimism in the possibility, and even the inexorability, of democratic transformation. Indonesians who would otherwise be professional skeptics state quite plainly that China, Burma, and other non-democratic countries in the region will be moving toward democracy because of the lack of other alternatives. This is, to put it mildly, not a discourse one commonly encounters in the salons of Washington, let alone in Tokyo and Seoul.

But as civil society leader Rafendi Djamin noted, "Indonesia is progressive within ASEAN and Asia, but still very conservative at the international level." The progress of the BDF and the AICHR bears out this analysis. While both institutions are progressive in their local contexts, they are yet to reach the standards of comparable institutions that operate in other regions. Regional civil society, which tends to hold to an international standard and strenuously rejects the idea of a different or lower regional one, continues to push for them to be strengthened and operationalized effectively. The current Indonesian government often finds itself caught between the demands of civil society and its own preferences toward the international standard on one hand, and the resistance and tendency

toward particularization of its regional partners on the other. To date, it has balanced these pressures by treating recalcitrant regional governments with a light diplomatic touch while maintaining at least rhetorical sympathies with civil society. At some point, however, such a balancing act is likely to become untenable.

This tipping point is likely to come sooner rather than later if Indonesia continues to lack strong regional partners in pushing for greater democracy and human rights. Indonesia is currently able to work closely with the Philippines, which largely shares their interest in human rights and democratization, and it sometimes partners with Singapore and Malaysia within ASEAN, particularly when the issue is more focused on good governance and matters related to core institution building. Thailand's internal problems have made it a less reliable partner of late.

When Indonesia takes the ASEAN chair in January 2011, there is broad optimism that it will prioritize democracy on the ASEAN agenda. Prominent Indonesian scholars and activists such as Rizal Sukma and Rafendi Djamin, who will chair the AICHR, have pushed the Indonesian government to use this opportunity to push forward a strong democracy agenda. An effort to do so will likely be particularly tested by Burma.

Beyond ASEAN, Indonesia is reaching out to other democracies in the region. Australia has been an enthusiastic partner, dramatically increasing its democracy funding for Indonesia and serving as the inaugural co-host of the BDF. Australian diplomats speak excitedly of the dramatic transformation of Indonesia from a country of concern, to its frequent partner in advocating democratic standards in the region. Officials interviewed in Japan and South Korea, the immediate past and current hosts of the BDF, respectively, were likewise enthusiastic about the novelty and utility of having a strong partner with shared values and a sense of mission in Southeast Asia.

U.S. President Barack Obama's recent trip to Indonesia also capped an effort to enhance U.S.-Indonesian cooperation across a range of issues, including an emphasis on democracy promotion. Rather than focusing on resolving the tensions between the BDF and the APDP, the U.S. decided to launch a whole new civil society initiative aimed at encouraging Indonesian NGOs to play a leadership role in the region—something they have been doing for many years. Despite this, Indonesia is more open to U.S. overtures in this sensitive area than it has been in recent years and is looking for opportunities to work together—so long as it is a partnership between equals that respects Indonesia's independent foreign policy.

Indonesia and the World Movement for Democracy

One example of how the values in Indonesia's democracy-hued foreign policy are playing out in practice is the country's role as the host of the 2009 "World Movement for Democracy" meeting in Jakarta. The World Movement for Democracy (WMD) is organized by the National Endowment for Democracy (NED), the premier American democracy promotion grant-making institution. The annual WMD meeting brings together democracy activists from around the world and specifically intends to foster greater interconnections among them, with the goal of

encouraging their effectiveness by sharing best practices and building solidarity. The Indonesian organizers even took extraordinary steps to facilitate broad participation through creation of a special visa-on-arrival category.

The conference workshops were organized by Indonesia civil society groups and involved local partners and leaders. One of the primary local partners for the assembly was the Indonesian Community for Democracy, which engages in research on democratic development in Indonesia. Another prominent figure was Rafendi Djamin, who now serves as the Indonesian representative to the AICHR. These are but two examples of the kind of dynamic, professional civil society groups and leaders working across Indonesia to strengthen democracy at the grassroots and national levels.

India: An Elephant Treading Lightly

In the wake of the reformation of U.S.-India relations over the past decade there has been a growing enthusiasm among American policy makers and practitioners for bringing India on board as a major partner in democracy promotion efforts—a 'natural partner' in advancing the tide of democracy in a region that has historically resisted it. Dr. Ashley Tellis, a scholar of the region and a former Bush administration official, is characteristic of this optimistic thinking. Prior to President Obama's recent trip to India, Tellis suggested that the U.S. and India share a critical interest in promoting democracy "not only as an end in itself but also as a strategic means of preventing illiberal polities from exporting their internal struggles over power abroad."[36] Presumably, Tellis is referring primarily to the internal power struggle in Pakistan, but the specter of regional ideational balancing against authoritarian China also looms large in this logic.

Tellis' colleague at the Carnegie Endowment for International Peace, George Perkovich, is representative of the more skeptical view that others take of this convergence over values, particularly any desire on the part of India to promote democracy. Perkovich warns against efforts to instrumentalize India's democracy, noting:

> *Indian leaders do not try to convert others to democracy. Promoting democracy is too redolent of the missionary colonialism that Indians still culturally resist, and it is anathema to the state sovereignty that India still prioritizes.*[37]

One need only point to India's policy on Burma in making this argument.

Part of the gap may lie in India's perception of how the U.S. and other Western countries promote democracy. Indian officials and commentators interviewed for this project criticized Western democracy promotion efforts as being overly ideological, hectoring and prescriptive in nature. While this may have been true in the past, and likely reflects a conflation of democracy promotion with regime change and/or tough diplomacy toward human rights abusers, the current practice in Western democracy promotion efforts is generally much more sophisticated, and closer to India's own technical assistance efforts, than what is widely perceived.[38] Indications that at least part of its

resistance is based on a misunderstanding clear the way for enhanced cooperation through improved communication.

Furthermore, the meme of Indian resistance to overt democracy promotion is not the whole story. As one Indian commentator put it, "Indians are proud of their democracy, and it is true they are not going to go around trying to push it on anyone. It is just not their style. But if they are asked for help by other countries, they will willingly provide it."[39] Indian officials echoed this perspective, highlighting the Indian electoral commission's technical assistance program, which is particularly active in South Asia, and the U.S.-India agreement on promoting open government inked during President Obama's recent visit.

This most recent U.S.-India cooperation on democracy promotion follows the path-breaking initiative that came out of the 2005 trip to India by President George W. Bush. With democracy promotion high on the Bush agenda, the Indian Prime Minister Manmohan Singh gave a landmark speech highlighting the role of democracy in India's foreign policy, in which he said:

> *Liberal democracy is the natural order of political organization in today's world. All alternate systems, authoritarian and majoritarian in varying degrees, are an aberration.*[40]

As the well-known scholar of India's views on democracy, Raja Mohan, has noted in "unabashedly praising liberal democracy and relating India's own democratic system to the current problems of the world," Singh's 2005 comments were a major departure from Indian political and foreign policy tradition.

Thus many in India and elsewhere were surprised when the two countries went further and agreed to develop a mechanism for cooperation, the result of which was the UN Democracy Fund (UNDEF), founded in 2005. Since that time, India has donated more than US$20 million to the UNDEF over the past five years, and has taken an active leadership role in the fund. They have also hosted the WMD, and are participating in the BDF. While India's interest in democracy promotion has ebbed and flowed over the past decade, the general trajectory is a positive one.

As previously noted, even with regard to the APDP, India's attitude has shifted over time. Initially, India was decidedly unenthusiastic about the idea of the APDP and resisted signing on to it. While still far from being excited about the grouping, and reluctant about participating in what it views as 'judgmental' election observations, India is now a member in good standing in the APDP and there are indications it places some value on having a forum where Asia's democratic nations can come together.

More broadly, India recognizes the intrinsic value of the expansion of democracy in the region and has a built-in bias toward it in its present foreign policy. Prime Minister Singh's 2005 speech caused some grumblings among the old non-aligned guard, but the change over time has been palpable. One Indian diplomat explained that New Delhi's relationships with the East Asian democracies have achieved such steady improvement because, as democrats, these countries' leaders better understand each other's limitations and appreciate the true value of established cooperation. Even the skeptical Perkovich recognizes the potential value of the Indian experience, citing the vibrancy and skill of India's non-governmental sector and suggesting the creation of an Indian version of the U.S. Peace Corps to help transfer democratic skills and experience to others.[41] Washington can

rightly claim some credit in moving India down this road over the past decade having highlighted shared values and commitment to democratic government as a key element of improving the U.S.-India bilateral relationship since the latter part of the Clinton administration.

Going forward, there are emerging or potential factors that could push India toward a more engaged role in regional democracy and human rights promotion. Notably, India's burgeoning relationships with the U.S., Japan, South Korea, and other regional democracies; the country's growing self-confidence from continued economic growth; the diminishing appeal of China's model due to its aggressive behavior in the region; and/or the emergence of ideational competition in Asia. Over time, it is reasonable to expect a popular understanding in India that is less shaped by the country's non-aligned, anti-colonial past; that increasingly sees effective, representative democratic governance in the states around it—Pakistan, Nepal, Bangladesh, Sri Lanka, and Burma—as redounding to its benefit; and that envisions New Delhi playing a leading role in supporting those democratic developments. On this last point, the trajectory of Indonesia may be instructive. And, as with Indonesia, one of the most vital contributions India can make to democratization in the region is to continue its important work on its own democratic project.

Australia and New Zealand: Helping Hands from the Periphery

Australia and New Zealand are generous donors to human rights and democracy efforts in the region. Australia is in the process of doubling its entire development assistance budget over the next five years, including dramatic increases in its democracy promotion budget—much of which is spent in Asia. The two countries are generally each other's most reliable partners on regional democracy and human rights initiatives, as their interests and political cultures are closely aligned. They have prioritized democracy and human rights in their foreign policy and see it as part of their national character to do so, but as in the United States, there is often a disconnect between the degree of support from political foreign policy actors and that of the professional foreign policy class. Both countries want to see open regional architecture that permits their active inclusion, as well as that of their American ally. Both have been enthusiastic about *ad hoc* security arrangements ("trilaterals" and "quadrilaterals") as well as major proponents of deepening regional economic integration through market opening agreements. They are, naturally, also heavily focused on the South Pacific island states in terms of both development and democracy assistance.

For Australia, the democratization of Indonesia has been a transformational development. Indonesia's shift from Australia's biggest bilateral human rights problem to a partner in democracy promotion has been a foreign policy boon for successive Australian governments. Australia was an enthusiastic and early supporter of the BDF. Then-Australian Prime Minister Kevin Rudd attended the inaugural BDF meeting as its co-host, and his government doubled their financial contribution to Australia's leading democracy promotion organization, the Centre for Democratic Institutions, to support its work with the BDF's IPD.

While New Zealand prioritizes democracy promotion in its regional foreign policy, as a 'small' country it is more selective about allocation of resources into regional initiatives. It considers the most useful initiatives to be those that focus on the practical and bilateral, such as a program to bring members of other countries' human rights commissions together with their counterparts. New Zealand remains enthusiastic about Indonesia's effort to launch the BDF. They have sent senior officials to the high-level forum, and have provided donor support to the BDF, including seconding a

former ambassador to Indonesia to the IPD for a fellowship. At this time, they are evaluating the results of that effort in order to determine where their limited interventions can be most useful.

Both Australian and New Zealand have shown less enthusiasm for the APDP. Out of a sense of loyalty and alliance with the U.S., both countries signed up initially but their support has always been lukewarm and each has, at various times, questioned the utility of the group. Over the past three years, their initial skepticism may have been justified. From their perspective, they have not seen the value added from this organization that would cause them to divert resources to APDP, and have noted the lack of high-level support for APDP from the Obama administration to justify their own ambivalence. Officials from both countries expressed concerns about organizational overlap with groupings such as the Pacific Islands Forum, the Partnership for Democratic Governance, and the Commonwealth, which are of greater and longer-running strategic importance to them. For instance, both declined to participate in a 2010 APDP-organized election observation mission for the Solomon Islands, preferring instead to move forward with their own missions. This decision reflected both the particular policy considerations toward the Pacific Islands and a sense that the APDP observer mission was not well conceived.

Both countries desire cooperation with the United States and other regional democracies in support of human rights and democracy in Asia, as they are among the biggest beneficiaries of improvements in regional governance, peace, and security. Interviewees from both countries indicated that if the APDP were to have some success or show greater potential to create value for Australian and New Zealand policymakers, or even if the U.S. were to again prioritize it as an important regional mechanism, both countries would likely re-engage in a more meaningful way.

South Korea, Japan, and Taiwan: Punching Below Their Weight but Moving Up

Asia's wealthiest and most established democracies—South Korea, Japan, and Taiwan—would appear to have an intrinsic advantage and interest in engaging in human rights and democracy promotion with their neighbors, yet all three countries have taken *ad hoc* and inconsistent approaches. Japan's imperial history, South Korea's tight focus on the Korean peninsula, and Taiwan's complicated political situation have hampered each country's capacity to exercise leadership on normative issues in Asia. All three are interested in finding a path to greater regional cooperation on human rights and democracy that works within their particular political contexts. Both the dislocation accompanying China's rise and the emergence of Indonesian leadership in this area are creating new imperatives and opportunities for these countries to work together and with other partners to craft a regional effort that privileges cooperation based on democratic values.

The historical hangover of Japanese imperialism has led Tokyo to approach its neighbors gingerly with an emphasis on overseas development assistance (ODA) and a light touch on criticism of political developments. In November 2006, this historical reticence was shattered when then-Foreign Minister Taro Aso presented "values-oriented diplomacy" as a new pillar of Japan's foreign policy, with an idea of fostering an "arc of freedom and prosperity" (AFP) from Asia to Eastern Europe.[42]

Aso's speech signaled a far more outward-looking and pro-active approach to democracy and human rights than was typical of recent post-war Japanese foreign policy. As former Japanese foreign policy official Tomohiko Taniguchi noted in a recent paper: "the AFP policy was Tokyo's branding exercise. Its central aim was to establish Japan's democratic identity and cement its credentials as a reliable

partner for the United States and other peer democracies, thereby widening its strategic position."[43] While some quarters criticized this new 'pillar' as aping the Bush administration's 'freedom agenda' or a self-aggrandizing effort by Aso, others welcomed Japan's increased interest in having a less transactional foreign policy.

In addition to the open talk about Japan's democratic experience and emphasis on human rights promotion, the Koizumi and Abe administrations undertook unprecedented security cooperation efforts that privileged democratic partners. They launched new security-focused diplomatic initiatives with Australia, South Korea, and India, including a U.S.-Japan-Australia trilateral forum and a U.S.-Japan-South Korea-Australia quadrilateral forum. There was even talk of a US-Japan-India trilateral but it was ultimately scuttled, reportedly by the U.S., under Chinese pressure. The Bush administration's initiative to launch the APDP, while rooted in a long-standing interest in a regional grouping of Asian democracies, was also triggered by a Japanese desire for greater cooperation among the region's democracies. While Japan was hoping for something closer to NATO, they signed onto the APDP and were early financial supporters of its activities.

This Japanese foray into values-based diplomacy was stalled in 2009, when the Democratic Party of Japan (DPJ) came into power. The Hatoyama government started out with an explicit focus on improving relations with China, as part of an effort to rebalance its foreign policy away from a perceived over-reliance on the U.S. alliance. It was widely expected that the DPJ would abandon the AFP policy altogether, and they certainly have dropped the term (which was already falling into disuse toward the end of the Abe government, mirroring events in the U.S.). However, the recent escalation of Sino-Japanese tensions over the Senkaku/Diaoyutai Islands has refocused Japan's attention on alliance relations and led to rapprochement with Washington, as well as a re-examination of Japan's underlying strategic posture in the region. As a result, the DPJ has continued to strengthen key elements of the underlying AFP approach, including expanded cooperation with Australia and India.[44]

While the DPJ's efforts are far differently cast than previous rhetoric that positioned Japan as a forward-leaning democracy promoter, Japan has moved ahead with several practical and specific democracy and human rights initiatives. There is a group of DPJ legislators who have a strong interest in regional human rights and democracy issues, and they are leading a push within their party to keep these issues on the agenda. At least partly in response to these legislators, Japan is reportedly taking a more activist approach to Burma that could lead it toward greater involvement in values-focused institutions. Japan is also intrigued by the possibilities of working with Indonesia on these issues, and places a great value on the Indonesian approach. In discussions with one leading Japanese strategic thinker, he spontaneously referred to Indonesia as a potential Southeast Asian partner and a game-changer for Japan.[45] In addition to rapidly expanding economic investment and cooperation, Japan co-hosted the 2009 BDF, hosted a BDF delegation to observe the 2010 Japanese upper house elections, and pledged financial assistance to the BDF.

South Korea has seen a similar transformation of its democracy promotion policies over the past decade. In discussions with foreign policy officials and strategic thinkers in Seoul, their country's 'inward looking' approach to democracy was frequently invoked. While they felt very strongly about the value of democracy in South Korea's economic, political, and social development, they did not feel that Seoul were ready to lead the regional charge to promote democracy. To the extent that Koreans are interested in human rights and democracy, their interests are understandably focused on North Korea. While Korean policymakers have periodically seen a regional dimension as part of

the solution to the human rights crisis on the peninsula, this has not been a consistent feature of its policy. As one Korean scholar noted, "the ROK will participate [in regional democracy initiatives] but the issue is the quality of this participation."[46]

The South Korean approach is illustrated by two domestic democracy promotion initiatives: the Korean Democracy Foundation (KDF) and the May 18 Memorial Foundation. Founded by an act of parliament in 2001, the KDF was set up as a non-profit "for the purpose of enhancing Korean democracy through a variety of projects aimed at inheriting the spirit of the movement."[47] While it primarily focused on strengthening South Korean democracy, near the end of its term the Roh government asked the KDF to develop a regional democracy promotion plan and budgeted funds for its activities. Unfortunately, the KDF released their report and recommendation for an Asian democracy initiative after the change of government. President Lee's administration, wanting to refocus the government's human rights initiatives on North Korea, reprogrammed the funds for the regional program and KDF was never able to implement its plans for broader international outreach.

If the KDF is emblematic of the South Korean government's inconsistent approach, the May 18 Foundation is a good example of how civil society has raced ahead of the government in this area, indicating that policymakers may be misreading the desire of Koreans to lead in this area. Founded by democracy and civil society activists to mark a major event in South Korea's democratic transition, the May 18 Foundation has a dynamic and extensive set of international outreach activities with Asian civil society. Its International Solidarity Program was established to "conduct regular exchange of experience and expertise with governments, human rights institutions, groups for democracy and peace, and other civil society groups in Asia" and "facilitate an exchange of experience and technology (expertise, know-how, and human resources) which goes beyond solely financial support." They are linked up with many of the most active and respected civil society groups and networks in the region, and are themselves well respected as a professional and support organization.

Despite its periodic ambivalence and inward-looking tendencies, the South Korean government is taking steps to broaden its regional democracy promotion footprint and is quietly emerging as a key player. Seoul hosted the official launch meeting for the APDP and served as its first chair. South Korean officials have said that the APDP should be the main mechanism for promoting regional cooperation on democracy promotion. They also specifically expressed a hope that South Korean civil society could play an important role in promoting democracy, owing to the vital part it played in pushing forward the country's own democratic transition. Furthermore, South Korea is the co-host of the third BDF meeting in December 2010. Like their Japanese counterparts, Korean officials are excited about the prospects of working with Indonesia on democracy promotion in the region, and see great potential in expanding this relationship, but have not made a financial commitment to BDF as of this writing.

For Taiwan, the obvious problem of diplomatic non-recognition by most states in the region has forced it into a narrow channel of regional cooperation on human rights and democracy. The Taiwanese government's most direct experiment with overt democracy promotion was the 2002–2003 founding the Taiwan Foundation for Democracy. This quasi-official organ was loosely modeled on the U.S. National Endowment for Democracy, and is primarily a grant-making and research institution that also seeks to promote democracy domestically. While the TFD has provided funds to an array of organizations and has attempted to be active in various democracy promotion forums, it

has suffered from Taiwan's broader political problems, including pressure by the People's Republic of China for countries not to cooperate with it on an official level.

Despite these challenges, Taiwan has an obvious interest in promoting democracy in the region and its government has worked hard to build relations with other democracies in Asia. Given the opportunity to do so, they would eagerly participate in regional mechanisms such as the BDF and the APDP.

The United States: Trying to Find Its Place at the Table

In launching the APDP in September 2007, the Bush administration may have mistakenly overestimated the U.S. capacity to pull the region's democracies toward a higher degree of cooperation on sensitive political issues. By the same token, the Obama administration's approach to human rights and democracy in the region may have led the region's autocrats and its democracies to underestimate American commitment to these issues. Historically, the ebbs and flows of high-level policies on democracy and human rights have often masked the structural continuity of these issues in American foreign policy. In a region where these issues tend to be de-emphasized at senior levels, this can foster an impression that the U.S. is only sporadically interested in the human rights and democracy situation in Asia.

The early days of the Obama administration, in addition to the aforementioned de-emphasizing of the APDP, had a chilling effect on democracy and human rights in the region. Secretary of State Hillary Clinton's February 2009 comment, that pressing China "on those [human rights] issues can't interfere with the global economic crisis, the global climate change crisis, and the security crisis," sent shockwaves through both the American and Asian human rights communities. Concerns mounted throughout 2009 as the Obama administration seemed intent on following up Secretary Clinton's comments by building a partnership with China based on a tacit understanding that the U.S. would ignore or minimize its concerns about human rights. At the same time, U.S.-Japan relations deteriorated, and the U.S. launched a new outreach to the Burmese junta. Across Asia, traditional U.S. allies on regional human rights issues felt sidelined and increasingly concerned that they could no longer count on American leadership.

But as those efforts at cooperation foundered and results from the outreach to China were not forthcoming, the Obama administration appears to have recalibrated. The diplomatic contretemps over a muscular U.S. intervention regarding the South China Sea at the July 2010 ASEAN Regional Forum in Hanoi was viewed as a welcomed effort to push back on China and allowed the U.S. to regain some ground among other Asian countries.

There are some indications that President Obama's November 2010 trip to Asia may represent a further turning point. The inclusion of Asia's four major democracies—India, Indonesia, South Korea, and Japan—was widely seen as a signal that the U.S. was serious about once again privileging its relationships with the region's democracies. President Obama's rhetoric was designed to send such a message. In his major Jakarta speech, he noted that "prosperity without freedom is just another form of poverty" and that "there are aspirations that human beings share—the liberty of knowing that your leader is accountable to you—and that you won't get locked up for disagreeing with them." As part of the Comprehensive Partnership Agreement between the U.S. and Indonesia, President Obama also announced a major new U.S.-Indonesia civil society partnership, with funding of US$15

million over three years to "assist Indonesian civil society groups to share their expertise and experiences outside Indonesia, by developing and implementing democracy, governance, and human rights projects throughout the region in partnership with civil society from the United States and Southeast Asia."[48]

Together with recent presidential speeches at the UN and elsewhere, and Secretary Clinton's vigorous defense of democracy in Krakow in July, there is a growing sense that the administration has found its footing on democracy promotion. While such high-level rhetorical and policy support is an important element, the reality is that the U.S. is engaged in a substantial long-term effort to secure a more democratic Asia, even when its leaders are not talking much about it. Budgets for human rights and democracy programs in the region have grown substantially over the past decade, and are increasingly reliant on local partners from the region's vibrant civil society. In China alone, the growth of rule of law and democracy funds has been dramatic, and now reaches a broad range of local organizations despite an ongoing crackdown on overseas financial support to Chinese NGOs. The level of American diplomatic engagement with Asian civil society has also grown, despite the barriers created by fortress-like U.S. embassies and other security precautions. Nonetheless, there remains tremendous room for growth in this type of outreach and cooperation.

The emerging formal institutions and mechanisms for intergovernmental cooperation are a key element in linking these various substantive efforts into a comprehensive strategy. The Obama administration's current approach relies on a combination of bilateral and *ad hoc* arrangements, regional engagement with ASEAN and the East Asia Summit, and stepped up involvement in global multilateral forums such as the UN Human Rights Council. While there appear to be many moving parts to this approach, it does not currently represent a cohesive or well articulated democracy promotion strategy for the region. At times the U.S. also appears conflicted by residual desire on the part of some American policymakers to work with non-democratic China as the primary U.S. partner in Asia.

The overall trend in the region suggests that the time is right for the U.S. to better integrate democracy and human rights into its overall strategy for the region. The U.S. and other democratic countries in the region increasingly see the need for a functional, multi-layered approach to regional security that encompasses bilateral, trilateral, sub-regional and multilateral relationships that cut across a range of issues beyond the traditional security paradigm. Transparency and common understandings are seen as critical elements in security planning, and there is no coincidence that the most smoothly operating security frameworks in Asia are among countries with shared values. As John Ikenberry of Princeton University has noted, there is a need for other institutions that complement and support the alliance backbone.[49]

The changing environment in Asia calls for a dual agenda: strengthening the alliance, including through a true security dialogue; and broadening the alliance agenda to include global issues such as democracy and human rights. In response to this challenge, scholars such as Dan Twining of the German Marshall Fund of the United States have argued for the U.S. to engage in a policy of "democratic mini-lateralism" that focuses on moving the ideational balance in Asia toward democracy, open markets, and rule-based approaches.[50] Initiatives such as the APDP fit squarely within that approach and could be an important piece of the U.S. security puzzle in Asia. This approach also argues for ongoing bilateral and "other-lateral" sub-dialogues between the U.S. and key states to foster the habits of cooperation and break down misunderstandings about American policies and approaches to democracy and human rights.

China's assertive behavior in the region has created a new opening for the U.S. to push a more forward-leaning democracy promotion effort. Despite the talk of decline and the negative association of American democracy promotion efforts with the wars in Iraq and Afghanistan, U.S. leadership on human rights and democracy issues in Asia continues to be extremely influential. It remains the necessary, if insufficient, element in any robust regional effort. Relationships between Asian democracies often start out running through the United States. This makes the U.S. a key linchpin but does not necessarily mean that it has to be out in front on all efforts. In fact, the best American policy approach would often be to keep the nexus vital while encouraging Asian democracies to move to the fore and take on their own distinct dimension in addressing the issues.

Nowhere will this idea of leadership from behind be more necessary than in the U.S.-Indonesia relationship. Indonesia has stepped into the role of regional leader on issues of human rights and democracy, and the U.S. is in the position of playing catch-up. In some ways, the Yudhoyono government's vision of a democratic Asia is more forward leaning than that held by the Obama administration. Indonesia desires a good relationship with the United States, but it is also fully and seriously committed to maintaining an independent foreign policy. The key will be to calibrate support for what Indonesia is doing in a way that maximizes the best parts of their strategy while pushing them to shore up some of the weaker elements. Moreover, the U.S. must avoid overshadowing Indonesia's efforts or ending up in a public disagreement about regional values-related issues. This does not mean that the two countries should have perfect policy alignment, but it does mean a level of coordination, consultation and explanation that is not currently the habit of either state. Getting this relationship right will be one of the biggest tests of U.S. policy in Asia, but it also has the potential for some of the greatest rewards.

U.S.-Indonesia Cooperation on Democracy: Talking Past Each Other

During its August 2010 visit to Jakarta, the National Security Council staff's Senior Director for Multilateral Affairs and Human Rights, Samantha Power, gave a speech on U.S.-Indonesian cooperation in democracy and human rights promotion.[51] The speech was laden with tributes to Indonesia's democratic progress, including recognition of the Indonesia government's new regional leadership on human rights and democracy. At the same time, it showed that the U.S. government remains behind the curve in fully understanding Indonesian advocacy on these issues.

In particular, Power called on the Indonesian parliament, civil society, and media to "turn outward," seemingly unaware that these civil institutions had been among the most active in the region well before the government discovered its foreign policy voice as a human rights and democracy advocate, and that they continue to be ahead of the government on these issues. This misunderstanding serves to inform the new U.S.-sponsored civil society initiative that was soft-launched during Power's visit. Under IKAT-US (Bahasa Indonesian abbreviation of "Southeast-Asia-U.S. Partnership: Civil Societies Innovating Together") the two governments "will help facilitate partnerships among Indonesian, U.S., and regional civil society organizations."

During conversations in Jakarta the week before Power's visit, several leading Indonesian civil society figures expressed puzzlement about the initiative. While they were happy the White House was interested in their work, they found the premise of a government-sponsored program to facilitate regional civil society cooperation somewhat puzzling. One twenty-year veteran Asian civil society activist, when asked about the initiative, wryly commented that "civil society needs this like a fish needs a bicycle."[52] She then wondered why the U.S. did not "give the money directly to civil society groups already working across boundaries so they can broaden their efforts?"

The misunderstandings are not all on the U.S. side, however. Indonesian interlocutors regularly mischaracterize the APDP and its activities, and ascribe techniques and attitudes to American democracy promotion that were more caricature than reality. While U.S.-Indonesia cooperation has certainly improved, it has a long way to go before either side can take full advantage of the relationship.

China: Not a Role Model?

As the region's largest and most influential non-democracy, China is omnipresent in the background of any discussion about regional cooperation on human rights and democracy in the region. It is largely viewed by civil society actors as a negative influence, if not the largest threat, toward regional human rights trends. Policymakers across the region likewise cited Beijing's lack of accountability at home and in the region as a challenge. From Tokyo to Jakarta, policymakers talked openly of the need to 'balance' China's influence on the region. At the same time, there is a broad appreciation for the economic growth that China has spurred in the region, and there is a heavy reluctance to confront Beijing or to be seen as leading or even involved in any kind of containment strategy directed at China.

The countries of Asia are struggling to deal with China as both their largest trading partner and their most serious potential strategic challenge. While many in the region admire China's economic success, none put the Chinese political system forward as a model, except to suggest that other authoritarian regimes in the region may see it as one. For most of the past decade, China has engaged in a highly successful strategy of reassuring the region through what has been called "smile diplomacy." Books such as Joshua Kurlantzick's 2007 *Charm Offensive: How China's Soft Power is Transforming the World*, chronicled Beijing's diplomatic inroads across Asia. Analysts spoke, gloomily or excitedly depending on their perspectives, of Asian countries seeking condominium under Chinese hegemony as America retreated from the region.

But even as China exerts more influence in Asia, the region is also indirectly pushing back on its big neighbor. Southeast Asian democracies moved forward with the AICHR and the BDF at the height of Beijing's success, signaling that while China may be winning certain battles, the region is still interested in human rights and democracy in a way that was not necessarily on China's agenda. As Chinese diplomatic behavior has taken on a harder edge, these institutions and efforts to promote regional human rights and democracy cooperation have arguably become more significant and gathered momentum.

China is presently adapting to this environment with a multi-pronged strategy. On the one hand, it is engaging in a dialogue about what democracy means, including participating in the BDF and showing a willingness to talk about these issues in friendly forums. Indonesian sources reported that, as an outgrowth of involvement in the BDF, a Chinese delegation had been in Bali over the summer to learn more about Indonesia's democratic transition. While they reported spent much of their time arguing with their Indonesian hosts, the Chinese were genuinely interested in learning about how Indonesia had made its relatively successful move from authoritarian to democratic governance. From white papers on human rights to Premier Wen Jiabao's ostensibly frank discussions with foreign journalists about political reform in China, there are a range of Chinese voices talking about these issues and they appear to reflect a debate within the Chinese intelligentsia and possibly the upper reaches of the party about political reform in China. This debate is increasingly visible to those outside China, and does not go unnoticed in the region.

Beijing is also putting out its own narrative about human rights and democracy that will undoubtedly receive a favorable hearing among Asian governments, especially those who feel they have been on the receiving end of moralizing from the West. The idea that countries should be allowed to develop their own appropriate political systems and place economic development ahead of political liberalization is widely accepted in Asia, and China's political narrative falls squarely in this line of argument. Beijing has also been busily setting up its own regional groupings, such as the Shanghai Cooperation Organization, and making the most of its economic assets, signing a plethora of free trade agreements, including a significant trade pact with ASEAN that is currently coming on line.

Beijing remains extremely sensitive to any effort that is seen as an attempt to encircle it with pro-Western democracies, and has shown a propensity to push back actively when it feels threatened by values-oriented diplomacy. Several governments received inquiries from Chinese diplomats when the U.S. first began talking to them about the APDP, which in some cases included warnings about indulging in anti-China bandwagons.

China's incredible economic success has done much to burnish its political credentials, but democrats across the region continue to argue that Beijing does not present an attractive political model. Their contentions have been helped by China's more assertive posture over the past year. A return to the "smile diplomacy" that earned China such goodwill in years past may serve to undermine the argument for strengthening cooperation among democrats in the region, but such gains are destined to remain transitory for Beijing. The entrenched nature of the underlying causes of China's recent outbursts in the region, together with the desire of many Asian countries to maintain an independent foreign policy and a regional balance that is free from Chinese domination, is such that China's neighbors will remain wary even with a renewal of Beijing's charm offensive.

Conclusion: Trends and Findings

The Substance of Regional Cooperation

The overall trend is positive, with growing institutionalization of diplomatic and political engagement across a range of human rights and democracy issues, and the architecture should keep pace. The nascent human rights and democracy promotion groupings in Asia represent a marked step forward, and the region's democracies deserve the credit for the decisions and actions they have taken to move these processes forward.

The institutions that have developed to date do face serious structural, cultural, and political challenges in becoming effective, substantive mechanisms, as well as significant gaps in capacity, mission, and membership. To some degree these developing institutions are challenging Asian countries of all political stripes. At some point the inherent conflicts that underpin them, particularly the AICHR and to a lesser degree the BDF, must be dealt with. While some conflicts will invariably be seen as intractable, in reality the issue will often be one of sequencing to ensure that matters are taken up at a time and under circumstances to support optimal outcomes in terms of advancing human rights and democracy.

This means that the frontline states—Indonesia, the Philippines, India, Japan, and South Korea—must be more strategic and better coordinated going forward. They must also do more to add to their numbers by helping bring into the fold transitional democracies and countries that are "on the bubble" between pluralism and authoritarianism. Thailand's political crisis in particular requires attention and democratic solidarity, and should serve as a cautionary tale about the ease with which a seemingly secure democracy can backslide. Concerned peripheral states also must work together more closely—as donors and political supporters—to coordinate their efforts.

In discussions about both the APDP and the BDF, various interviewees pointed out that the Commission for Cooperation and Security in Europe (CSCE or Helsinki Commission) started out largely symbolic, but over time it became an effective and important human rights mechanism. While the challenges for the three nascent Asian mechanisms are considerable, none are insurmountable. But nothing should be taken for granted, and each democracy in and around the region can take greater responsibility in shaping regional architecture.

The Shape of Architecture

As with Asian regional architecture, the emerging institutions in the area of human rights and democracy promotion suffer from both overlapping goals and gaps in performance. While it is possible to rationalize the emerging values-oriented architecture, to do so will require flexibility and leadership by key stakeholders. The key will be ensuring that the emerging organizations find their respective niches, while fitting together in a way that makes sense for the region as a whole.

AICHR's near-term role is focused on socialization of the Southeast Asian non-democracies through an incremental process driven primarily by sub-regional governmental and non-governmental actors. Because AICHR's development is taking place in the context of ASEAN community building, it is likely

to continue to emphasize form and process. While expectations should be measured, standards should remain high and it will be incumbent upon Indonesia, the Philippines, and Thailand to ensure that AICHR does not become a backdoor to diluting the universality of human rights principles and democratic practice.

The BDF's more inclusive membership base gives it the potential to have a broader impact, but its informal nature suggests that the impact may also be shallower. The substantive content of the BDF and the IPD will, in the end, be determined by the Indonesian government's efforts and will. Jakarta's current aspirations for the BDF and the IPD are ambitious, but questions linger regarding staying power and seriousness. The IPD currently does not have the resources or independent authority that would allow it to develop serious programmatic and agenda-setting capacities. Donors are ready to help with financial resources, but the Indonesian government needs to provide a clearer strategic and operational framework for them.

Lastly, there is a space and role for the APDP as an effective regional forum in which countries with shared values can work together toward common goals and interests. It presents an opportunity to bridge India, Australia, and the U.S. into East and Southeast Asia's political development in a more active way than their involvement in the BDF. However, the APDP is poorly situated to fulfill this role at present as the perceived rivalry between the APDP and the BDF hampers the development of both. Under these circumstances, it is incumbent on the U.S., as the lead sponsor of the APDP, to show greater flexibility and persistence in working with Indonesia to ensure these two organizations can co-exist and thrive. While the APDP has arguably been more active than the BDF and the IPD, the desire to encourage Indonesia's activism in this area trumps, to some degree, a debate about which organization is most effective. Washington needs to do more to position the APDP in support of the BDF and the IPD, and make that support more tangible. First, however, Washington needs to decide whether it remains committed to both the concept and practical development of the APDP.

Broader Complementarities

In a region where democracies have generally benefited from open architecture, inclusive groupings will continue to have higher value and will reflect regional preferences. In order to be successful and effective, values-based groupings must complement the existing and emerging economic and security architecture of the region. Those countries that support the emergence of effective human rights and democracy promotion architecture should do so in the context of a regional strategy to promote liberalism writ large. This means expanding trade liberalization and security cooperation with new and transitional democracies in a meaningful way, with their development goals in mind. This does not necessarily translate into larger aid budgets; rather, developed democracies should make and fulfill political commitments that have often been difficult for them in the past.

Civil Society

In the struggle over the shape and substance of these institutions, regional civil society organizations that are focused on expanding human rights and democracy are key countervailing forces against the efforts of 'spoiler' governments that lack a genuine commitment to democracy and universality of rights. The positions of civil society and the non-democratic states are largely divergent and they

often talk past each other, but the advent of growing cooperation between regional civil society and Asian democracies is putting significant pressure on the 'spoilers,' and forcing them to adapt.

The region's governments, including the democratic ones, have not kept pace with civil society in terms of either normative convergence or regional and trans-regional cooperation on human rights and governance issues. Supporters of effective regional human rights and democracy promotion mechanisms should seek to incorporate policy approaches that work more effectively with the bottom-up aspects of regional cooperation on human rights and democracy. Regional mechanisms that tap into the broader and more sustainable foundations of widespread participation and grassroots support are more likely to be successful than those that employ a narrow focus on high-level institutions and interactions between governments. For its part, civil society must strike the difficult balance between challenging receptive governments to keep doing better while taking full advantage of openings for effective cooperation with them. Civil society organizations will need to adjust to the idea that partnering with the governments they are monitoring need not compromise their independence.

Indonesia

By intentionally putting its substantial weight on the side of the universality of human rights and democracy, Indonesia is shifting the balance in the region and potentially beyond. Indonesia's democratic transition and its decision to emphasize democracy in its foreign policy have emerged as among the most significant forces driving the development of regional mechanisms for cooperation on human rights and democracy promotion. By the same token, continued Indonesian leadership and political will, or the lack thereof, will in many ways shape the future of all three mechanisms. Indonesia's robust efforts to work with civil society have been path-breaking in the region and are a key element of its current and future success. While Indonesia deserves substantial credit for its leadership in pushing the AICHR and developing the BDF, they cannot rest on these accomplishments. The true tests of both organizations, as well as Indonesian leadership, will be how they deal with the hard cases, such as Burma and China. In the shorter term, there is a need for Indonesia to sharpen its message at key moments and build a more concrete, durable coalition with the region's democratic states.

Other Regional Democracies

Together with Indonesia's leadership, there is an important role for the United States, India, Australia, New Zealand, and others, particularly East Asia's mature democracies, Japan and South Korea, in encouraging the evolution of these new normative institutions in a positive direction. This role goes beyond obvious aid and technical assistance interventions, and extends to serious engagement in an ideational dialogue for the region. There is a certain value—and practical necessity—in different countries taking different approaches, but this value will be maximized if these different approaches are intentional and coordinated rather than *ad hoc*. To the extent possible, the region's immediate and peripheral democracies should avoid being played against each other by its non-democratic states. An effective forum where they can work together can reduce the likelihood of this scenario.

Despite talks of American decline and retreat in Asia, its active leadership and support remains a necessary, albeit currently insufficient, element to the success of efforts to promote regional cooperation on human rights and democracy. New partners and evolving situations will mean adjusting the approach and tactics, but the commitment must remain at a high-level. This means getting serious about whether or not the U.S. wants to see the APDP develop into an effective forum for regional cooperation.

The China Factor

China's role in shaping these trends is broadly perceived as negative in the short term, and will likely continue to be so. The more hopeful analysis is that the democratic calculus in the region is also shaping China, and forcing it to respond by attempting to portray itself as a kind of democracy, in intention if not fact. The emergence of a democratic consensus that has enough strength to pull China toward it has important potential implications for the region and beyond, and the idea of developing such a consensus and integrating China into it is a critical if often unstated driver of efforts to promote regional cooperation on human rights and democracy. China is not reacting passively to developments in values oriented diplomacy and regional cooperation, but rather is employing a sophisticated multi-layered strategy that simultaneously illustrates insecurity and confidence about the "Beijing Consensus" as a model for the region and beyond.

Recommendations

The ASEAN Intergovernmental Commission on Human Rights

- During its chairmanship next year, Indonesia should set the precedent of inviting the AICHR to conduct site visits and field studies of Indonesia's response to both thematic human rights issues the Commission is engaged with during the year, and any particular human rights challenges that Indonesia is facing. Indonesia should attempt hold open sessions to the maximum extent possible, and minimize the degree to which the Commission's business is conducted in executive sessions.

- AICHR should establish clear, objective procedures that will promote the broadest possible interaction with civil society. No single country should be permitted to block legitimate civil society organizations from accreditation. National human rights mechanisms should be automatically accredited as partners of the AICHR.

- The prompt establishment of a permanent and well resourced AICHR secretariat should be a priority, and Indonesia should give serious consideration to the generous offer of the Philippine government in this regard.

- The drafting process for the human rights declaration should be conducted in an open, consultative fashion with extensive and meaningful participation of civil society and national human rights mechanisms. Democratic states should give their delegates firm instructions to coordinate their positions on promotion of the universality of human rights, and flexibility to engage in creative efforts to build protection into the declaration and the AICHR's mandate. Democratic states should be willing to walk away from the process if they are unable to secure core principles in the document text.

- Donors who are sponsoring study tours and other technical assistance to AICHR should work to ensure that the agenda is focused on strengthening the commission and addressing its most pressing concerns. AICHR's democratic members should focus on pursuing those opportunities that present the best chance for real learning by commission members.

- Donors should also continue to support regional civil society organizations and networks that are keeping the pressure on AICHR, particularly those that can undertake documentation, legal work, and other aspects of protection that are currently not being addressed by the AICHR.

The Bali Democracy Forum

- Democratic countries that are supporting and participating in the BDF should explore means of expanding and diversifying participation, such as: including opposition members of parliament and leading democracy promotion experts in

their delegations; and building on and better integrating parallel events for journalists, democracy promotion practitioners, political activists, parliamentarians, and civil society.

- The BDF should consider making the journalists' forum a permanent event and adding a similar side event for democracy promotion NGOs and CSOs.

- The Indonesian government should restructure the IPD governance to give the Institute greater flexibility, independence, and capacity to carry out an ambitious research and programmatic agenda. While donors should take a respectful approach to the BDF and the IPD, they should maintain high standards for planning, feasibility, and matching resources requirements.

The Asia-Pacific Democracy Partnership

- If they intend to maintain the APDP as a going concern, the Obama administration should rebrand and re-launch it as part of an integrated regional democracy promotion strategy with clear and vigorous support from the highest levels of the U.S. government and significant involvement from other regional partners.

- Re-launch of the APDP should include a serious effort to make it a better complement to organic regional mechanisms, including the East Asia Summit and the Bali Democracy Forum. This will require efforts to address Indonesian sensitivities about perceived competition with the BDF and to find an effective operational strategy. This would be an appropriate subject for a regular high-level bilateral dialogue between the U.S. and Indonesia on democracy-related issues.

- A rebranded APDP should shift its focus into areas of work where the BDF, and to a lesser degree the AICHR, is either structurally unsuited or currently lacks capacity to carry out. These could include: donor coordination and project management; informal policy coordination; and serving as an informal regional caucus and 'early warning system' for Asian democracies in the context of other forums, such as the Community of Democracies, the UN Human Rights Council, the UN Democracy Fund, and the Bali Democracy Forum.

- The APDP's election monitoring program should be rebranded as an electoral assistance effort. Several Asian countries remain uncomfortable with the judgment, implied or express, in the election 'monitoring' exercise, but are far more open to a process that is seen as supportive and rooted in technical assistance. This is an issue of perception rather than reality, but perception matters.

- The APDP could also consider taking on a single focal point for an intensive, democracy-focused technical assistance effort, such as a coordinated, multi-donor, multi-stakeholder initiative to support the consolidation of Timor-Leste's democratic institutions. This could include: a comprehensive assessment, a comprehensive plan for programming, initiation of programs based on donors' and partners' comparative advantages, and commitment of resources.

- The APDP should look for opportunities to increase cooperation with regional civil society. The APDP would be a logical focal point for its members' leading democracy promotion entities to network, and could host an annual meeting for the heads of the NED, KDF, BDF, CDI, and comparable organizations in other countries.

More Broadly

- The recently announced U.S.-Indonesia regional civil society initiative should maximize its direct support to Indonesian CSOs that are leading the region on human rights advocacy as well as those that consolidating Indonesian democracy. These funds should also be used, to the extent possible, to help bridge the BDF and the APDP, and foster cooperation between them.

- Donor nations within and outside Asia should maintain, and where possible expand, their vigorous support for bilateral democracy programs in individual countries, particularly Indonesia, and employ broader economic and security policies in the region that support the consolidation of democracy in key frontline states. These programs should be integrally linked with their overall regional strategy.

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[42] Taro Aso, Minister for Foreign Affairs on the Occasion of the Japan Institute of International Affairs Seminar, "Arc of Freedom and Prosperity: Japan's Expanding Diplomatic Horizons," November 30, 2006, http://www.mofa.go.jp/announce/fm/aso/speech0611.html (accessed November 18, 2010).

[43] Tomohiko Taniguchi, "Beyond the 'Arc of Freedom and Prosperity:' Debating Universal Values in Japanese Grand Strategy," German Marshall Fund of the U.S. Asia Paper Series (Washington, D.C., October 2010), 1.

[44] A senior Japanese official interviewed in July 2010 reported that the discussion of a U.S.-Japan-India trilateral is back on the table, but the Indians are requiring a lot of reassurance after Prime Minister Singh got burned by agreeing to the trilateral only to have the U.S. pull the rug out from under him when China vociferously objected to it.

[45] Interview with author, Tokyo, Japan, July 26, 2010.

[46] Interview at the Institute for Foreign Affairs and National Security, Seoul, Republic of Korea, July 26–27, 2010.

[47] Korean Democracy Foundation, http://www.kdemocracy.or.kr/mail/newsletter/mail_200508_main.html (accessed November 30, 2010).

[48] The Office of the Press Secretary, "Indonesia: Follow-Up to the President's Cairo Speech," November 9, 2010, http://www.whitehouse.gov/the-press-office/2010/11/09/indonesia-follow-president-s-cairo-speech (accessed November 19, 2010).

[49] John Ikenberry, "The U.S.-Japan Alliance and the Regional Security Architecture," (Presentation, 150 Years of Amity and 50 Years of Alliance: Adopting an Enhanced Agenda for the U.S.-Japan Partnership Conference, Center for a New American Security, Washington, D.C., June 17–18, 2010).

[50] Dan Twining, "The U.S.-Japan Alliance and the Regional Security Architecture," (Presentation, 150 Years of Amity and 50 Years of Alliance: Adopting an Enhanced Agenda for the U.S.-Japan Partnership Conference, Center for a New American Security, Washington, D.C., June 17–18, 2010).

[51] Samantha Power, "Indonesia and the Role of Emerging Democracies as Global Leaders," (Jakarta, Indonesia, August 2, 2010), http://jakarta.usembassy.gov/news/embassy-news/indonesia-sets-democratic-example-08/04/10.html (accessed December 1, 2010).

[52] Correspondence with author, November 30, 2010.

Appendix: Methodology

The proliferation of regional, sub-regional, governmental, and non-governmental groupings of all types in Asia may be good for regional integration, but the astounding array of entities where cooperation on human rights and democracy might be found or fostered was problematic for the purposes of this time- and resource-limited project. For this reason, the project has focused on three intergovernmental institutions whose explicit purpose was regional cooperation on human rights and democracy, and has only tangentially addressed other regional groupings. While such a focus may place some artificial constraints on the actual representation of regional developments, it was our conclusion that an assessment of policy trends over the medium-to-long term would be best served by focusing on organizations that: (1) self-identify as being the tip of the spear in the area of human rights and democracy; and (2) operate primarily on a government-to-government basis.

There were also difficult choices made in determining which countries should be focal points for field research. The decision to spend a substantial portion of field research time in Indonesia was relatively easy. The location of the ASEAN secretariat in Jakarta and the Indonesian government's sponsorship of the Bali Democracy Forum dictated that this would be a critical destination. As the two wealthiest and most "mature" democracies in the region, Japan and South Korea likewise proved to be important destinations for a discussion about the future of Asian democracy promotion. Had resources and time permitted, the Philippines, Thailand, India, and Australia would have been top choices for additional field research. In lieu of some country visits, the author held extensive discussions via email, telephone and, when possible in Washington, face-to-face meetings with government and non-governmental representatives from across the Asia-Pacific region.

In all, more than 60 individuals from more than a dozen countries were interviewed and made invaluable contributions to the final product. The interviewees included government officials, members of parliament, civil society leaders, academic experts in regional affairs and democracy promotion, journalists, democracy and human rights promotion practitioners, and staff of international organizations. These individuals often spoke off-the-record in order have a candid discussion of sensitive political issues. As a result, the report includes a number of quotes where the speaker agreed to have his or her views published but only without attribution. Most interviews were recorded in order to preserve accuracy and objective rendering of the contents.

In addition, the project relied on an exhaustive review of available literature on regional integration, as well as extensive participation in and monitoring of the rich discourse on Asian regional integration occurring in the scholarly policy community in the form of various events, conferences, and discussion groups organized by our fellow research organizations. While the specific focus of this project on mechanisms for regional cooperation in Asia around normative issues is unique, the excellent work done on various related issues at the Center for Strategic and International Studies, the National Endowment for Democracy's International Forum for Democratic Studies, the Carnegie Endowment for International Peace, the Brookings Institution, the Center for New American Security, the American Enterprise Institute, the Heritage Foundation, the East-West Center, and other outstanding research institutions was invaluable to this project.

This was a comparative project, rather than an empirical one. As such, our findings are impressionistic and are reflective of the external policy environment in Asia during the research period. While the project endeavored to discern the regional trends primarily on the basis of endogenous factors that should be more stable and predictable over time, it is inevitable that the externalities of the U.S.-China relationship and the relationships of other Asian countries with the two dominant regional powers would impact this study. Over the past year in which this research was conducted, the region underwent a decided shift in its views toward and relations with the United States and China. Given the focus on democracy and democracy promotion in this project, this shift undoubtedly impacted the findings and recommendations, as does an assumption that an element of ideational competition between the two regional heavyweights is taking place and will continue to do so.

List of Acronyms:

ACWC	ASEAN Commission on Women and Children
AFP	Arc of freedom and prosperity
AICHR	ASEAN Intergovernmental Commission on Human Rights
ANFREL	Asian Network for Free Elections
APDP	Asia-Pacific Democracy Partnership
APDP SOM	APDP Senior Officials Meeting
APEC	Asia Pacific Economic Cooperation
ASEAN	Association of Southeast Asian Nations
BDF	Bali Democracy Forum
CD	Community of Democracies
CMLV	Cambodia, Myanmar (Burma), Laos, Vietnam
CSCE	Commission for Cooperation and Security in Europe
CSO	Civil society organizations
DEPLU	Departemen Luar Negri (Indonesian Foreign Ministry)
DPJ	Democratic Party of Japan
GDP	Gross domestic product
HRRCA	Human Rights Resource Center for ASEAN
IKAT-US	Southeast-Asia-U.S. Partnership: Civil Societies Innovating Together initiative
IPD	Institute for Peace and Democracy
KDF	Korean Democracy Foundation
NEAPSM	Northeast Asia Peace and Security Mechanism
NED	National Endowment for Democracy
NGO	Non-governmental organization
ROP	Rules of procedure
SAPA	Solidarity for Asian People's Advocacy
SBY	Indonesian President Susilo Bambang Yudhoyono
TFD	Taiwan Foundation for Democracy
TOR	Terms of reference
UN	United Nations
UNDEF	United Nations Democracy Fund
USAID	United States Agency for International Development
WMD	World Movement for Democracy

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