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- Civil-society Support — A Decisive Factor in the Indonesian Presidential Elections in 2014
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- Mapping Pakistan's Heterogeneous, Diverse, and Stratified Civil Society and Democratization — Gendered Tales of Collaboration, Networking, and Contestation
- ASEAN's Claims to Human Rights and Democracy: What Role for Regional Civil Society?
- Democratizing ASEAN Through "Alternative Regionalism"? The ASEAN Civil Society Conference and the ASEAN Youth Forum

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## Civil Society and Democracy in South and Southeast Asia — An Introduction

Stefan Rother

### Summary

This special issue discusses the relationship between civil society and democracy in South and Southeast Asia. The case studies range from the subnational and national to the transnational and regional levels. Based on these case studies from across South and Southeast Asia, the role of civil society in a number of currently unfolding democratic and democratization processes is analyzed. This introduction discusses these various levels of engagement, after first highlighting some principal questions on the role of civil society, its definitions, and its organizational forms.

**Keywords:** civil society, democratization, alternative regionalism, human rights, social movement, South and Southeast Asia

**Stefan Rother** is a researcher and lecturer in the Department of Political Science, University of Freiburg, and currently a postdoctoral fellow at the Freiburg Institute for Advanced Studies. His research focus is on transnational migration, global governance, social movements, regional integration, and non-/post-Western theories of international relations.

### Introduction

The execution of Mary Jane Veloso, a Filipina national who had been sentenced to death after having been caught in April 2010 at Yogyakarta airport in Indonesia with 2.6 kilograms of heroin in her suitcase, seemed unpreventable come the end of April 2015. Although her supporters claimed that the 30-year-old mother-of-two was herself a victim of trafficking and illegal recruitment, all legal options seemed to have by then been exhausted and her execution by firing squad was thus scheduled for the night of April 28 going into April 29, 2015. When the news spread in the early hours of April 29 that Mary Jane Veloso had in fact been granted a temporary reprieve, the unexpected turn of events was met with relieve in both countries — as well as in the wider region beside.

However the celebratory mood soon gave way to a battle for credit taking: The Philippine Department of Foreign Affairs (DFA) and several Filipino government agencies praised the intervention of President Benigno Aquino III., who had convinced Indonesian President Joko “Jokowi” Widodo through a last-minute appeal to reopen the case of Veloso after the alleged handler of the Filipina had

come forward only hours before the planned execution. President Aquino's style of soft diplomacy was seen as one reason for the second chance at life afforded to Veloso, while the other members of the so-called "Bali 8" were still executed according to the original plan — massive pressure from the convicts' respective governments (such as Australia) notwithstanding.

The mother of Veloso, however, protested that President Aquino should not take any credit, claiming that it was rather the efforts of activist groups, the church, and the media that had helped put a stop to her daughter's execution (ABS-CBNnews.com 2015). Several activist networks that are Asia-based but nevertheless transnational and global in scope, such as Migrant International and the International Migrants' Alliance (IMA), had launched a global campaign in conjunction with the Veloso family in the weeks leading up to the planned execution and provided her with an Australia-based lawyer. Some commentators claimed that these left-leaning groups had only used the case to further their own advocacy (David 2015), and that it was rather the Indonesia-based nongovernmental organization (NGO) Migrant Care that had swayed Jokowi in talks held the afternoon prior to the planned execution. Furthermore, the Association of Southeast Asian Nations (ASEAN) Youth Forum (AYF) proudly emphasized how it had handed a letter written in support of "fellow ASEAN youth" Veloso to Jokowi during an interface session between civil society and heads of states the week before, in Kuala Lumpur (on this, see the contribution of Stefan Rother in this issue).

This very recent and ongoing controversy obviously reveals a lot about the scope of civil society in Southeast Asia, its different factions, and varying agendas. However, the episode is also connected to wider questions of democracy since it touches upon issues such as participation, legitimacy, representation, and state sovereignty: How can "the people" claim agency within and beyond the boundaries of the nation-state and how do nation-states and intergovernmental bodies react to that agency? Does this claimed agency by the people constitute only a challenge to nation-states, or is it also an opportunity for interest representation within and beyond them too? As the example above highlights, transnational civil society may advocate on issues where national governments either cannot or refuse to act precisely out of an unwillingness or inability to interfere in another state's sovereignty. This modus operandi is connected to the conflicting understandings of the nation-state across the region, themselves being closely tied to Asian modernity and a consequence of national power still being considered the dominant force in Asia. On the one side are those who thus cling to the notion of sovereignty, while on the other are those who recognize sovereignty's struggle — if not outright inability — to adequately address many national and cross-border issues of this day and age such as human rights, labor concerns, migration, gender politics, and environmental and human security issues.

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The contributions in this special issue discuss the role of civil society in a number of democratic and democratization processes in South and Southeast Asia. They do not claim to provide a comprehensive picture of the relationship between civil society and democracy in two such diverse and heterogeneous regions, but aspire rather to the contributing of examples for the various possible levels of analysis — ranging from the subnational and national to the transnational and regional. This introduction discusses these various levels of engagement, after first highlighting some principal questions on the nature of civil society.

### **The many faces of civil society**

For a long time the democratization literature has focused predominantly on institutional matters. When looking at the transformation away from authoritarian rule or the consolidation of democracies, this has led to questions such as whether a presidential, semi-presidential, or parliamentary government is the best form of rule (Linz 1990). This approach has also been applied to the so-called “Third Wave” of democratization (Huntington 1991), under which Asian democracies such as the Philippines are also subsumed. This is somewhat surprising since, as Rollin F. Tusalem has pointed out, the question of whether a strong and dense civil society can facilitate the sustainability of democracy “has captivated and perplexed the minds of scholars since the early 19th century, when Alexis de Tocqueville argued that American civic associationalism facilitated a strong sense of democratic citizenship” (2007: 361).

### **How can we define civil society?**

Like many popular concepts, the term “civil society” has been used so frequently and in so many contexts that as a result its meaning has become rather blurred and thus is now in need of more precise definition. Clearly, subsuming all non-state actors under the umbrella of civil society is not sufficient — since that would, for example, also include terrorist networks. Larry Diamond has proposed a definition that would exclude such actors; for him, civil society encompasses “the realm of organized social life that is open, voluntary, self-generating, at least partially self-supporting, autonomous from the state, [and] that is bound by a legal order or a set of shared collective rules” (1999: 221). This definition is, however, still very broad, since it would by necessity also lead to the inclusion of business organizations — which are more commonly seen as forming a separate category, the private sector. Churches and other forms of organized religion are also usually defined as being distinct from civil society; if they form issue-specific organizations however, then they can be considered faith-based groups within civil society. Other distinct groups include think tanks and expert groups, which are considered epistemic communities (Haas 1992), and trade unions, wherein the concept of social movement unionism has emerged as a bridge to civil society (Scipes 1992).

These exclusions still leave us with a very broad possible field. For the overwhelming majority of scholarly and public discourses, civil society is used with positive connotations and furthermore it is, at least implicitly, assumed that these organizations are at the very least well-intentioned ones. But what about anti-immigrant groups, organizations that condemn homosexuality, or collectives that fight against gun control? In their own perceptions, these groups might see themselves as fighting for the good of the community even when in the eyes of others this view is strongly contested (and, of course, the former might feel the same antipathy about their respective countermovements). While the above examples are more commonly found in Western countries, there have been several academic works on “uncivil society” in Asia too (Beitinger-Lee 2009; Thompson 2010). Such uncivil society groups can “undermine democracy through their racism, secrecy, and frequent resort to violence” (Alagappa 2004: 46). In this special issue, Ririn Sefrani/Patrick Ziegenhain and Andrea Fleschenberg provide examples of such coalitions for the specific cases of Indonesia and Pakistan.

Again, definitions hereof are less than clear-cut: Mark Thompson argues that even the middle class, usually hailed as one of the pillars of democratic consolidation, can be part of uncivil society. He cites examples from Thailand and the Philippines, where “the ‘independent’ and ‘vigorous’ bourgeoisie had a destabilizing impact on democratic politics” (2011: 58). This assessment refers specifically to the controversial role of civil society in the Philippine “People Power II” demonstrations, which removed a populist but democratically elected president from office.

### **How is civil society organized?**

There are a myriad of organizational forms subsumed under the civil society moniker: NGOs, grassroots movements, peoples’ organizations, and more beside. When organizations choose one of these labels for themselves it might be not only to identify who they are but also to distance themselves from others: for example, self-proclaimed grassroots migrant domestic worker organizations in Hong Kong explicitly distance themselves from the “NGOism” of other migrant organizations. They claim that others have long spoken on their behalf in those organizations, but that the time has now come for migrant domestic workers to speak and act for themselves (Rother 2009). The distinction made is thus connected to a claim for legitimacy (see below), and should thus be reflected in the respective organizational form — however in practice any differences are rather blurry. Even movements that originally started out at the grassroots level tend to develop some form of permanent structure (and leadership) over time. Other ad hoc and issue-specific coalitions might only exist for a limited time and dissolve once the issue in question has been addressed, either in their interest or in a manner that leaves no room for successful subsequent organizing. Some loose coalitions might have an inherently limited

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lifespan, as Sefsani/Ziegenhain show with regard to civil society support for the Jokowi presidential campaign in Indonesia. A civil society organization might also go out of existence due to a lack of financing: while a grassroots organization might sustain its existence through membership fees, NGOs are often dependent on external funding for that. If the latter's project-based applications are not successful, or if their permanent donors decide to shift focus, then these organizations might come to face a challenge to their continued existence. The need for third-party funding might also influence the agenda of civil society organizations, if by necessity they have to shift their focus in order to be able to even apply for certain programs. If part of their funding stems from government funds, the legitimacy of civil society might be called into question; if they are mostly funded — or even formed — through government channels then they might constitute (or be perceived as constituting) “fake” civil society, in the form of GONGOs (government organized NGOs, see Rother in this issue). Finally, as the contributions in this special issue demonstrate, the level at which civil society organizing occurs in South and Southeast Asia can reach from the subnational to the regional, while the organizations involved can be part of transnational or global networks.

### **What is the role of civil society?**

At the very basic level, civil society constitutes a form of interest representation beyond — or due to the lack of — conventional forms of participation facilitated by national elections or political party membership. In particular, at levels of engagement beyond the nation-state, such as at the regional one, there might be no established mechanisms for deliberation and civil society might have to fight to even establish such spaces, as Maria-Gabriela Manea and myself both separately discuss in this issue. The strategies employed to this end usually take place in the public sphere; creating or enlarging such a sphere might be part of civil society advocacy. Civil society can see itself predominantly as an observer of the political process, serving therein in a watchdog capacity, but often becomes a political actor in its own right with the aim of mainstreaming its own agenda. This goal can be achieved via an established toolkit, including strategies such as agenda setting, deliberations, blaming, shaming, and naming.

The strategies employed are often related to the political opportunity structures civil society finds available. In a more open environment, civil society might deliberate directly with other relevant actors — usually the state, international organizations, or the private sector. Although the resources at hand are usually not distributed in their favor, civil society might hope for the triumph of the power of persuasion — specifically by providing the better argument for their own particular case and by identifying like-minded actors to serve as supporters. In more institutionalized environments like these, civil society can serve as a transmission belt by articulating the interests of their constituency from the bottom up while also, simultaneously,

informing them about negotiations, policies, and the like from the top down (Nanz/Steffek 2007). As one downside to such arrangements, however, civil society organizations might face accusations of having being coopted by governments and having made too many concessions to the latter in order to even be able to participate in these processes.

If space for deliberation is more limited or if deliberation itself is determined as not being sufficient for the cause, civil society might employ more confrontational tactics such as blaming, shaming, and naming. These might include exposing scandals, highlighting the specific responsibilities of actors such as government institutions, private firms, or private individuals for misguided policies, or using a wider public sphere such as the regional and/or global stage (such as the reporting mechanisms for non-adherence to UN conventions) to embarrass their governments. These strategies might move governments to include civil society in future deliberations, but might also backfire by leading to harsher policies or even targeted restrictive NGO laws — as have recently been promulgated in Cambodia and Malaysia for instance.

No discussion on the role of civil society is complete without highlighting the most controversial question of all: What is their legitimacy? Critics usually highlight the lack of a clear mandate, often murky or insufficient internal democratic processes, and, particularly in the case of NGOs, the description of civil society as a middle-class phenomenon susceptible to the influences of dominant “Western” organizations, funding, and ways of thinking. While this criticism is often valid and important to take onboard, one has to keep in mind that the latter argument is often used by authoritarian regimes in the region in order to discredit human rights NGOs as nothing more than “Western agents”. A less glorified and more realistic perspective on organized civil society might be in order though. While these actors are market participants, and thus competing for resources and influence, they nevertheless do also have the potential to contribute to democratic participation — particularly so in regions with in many cases hitherto at best only a limited performance of formal democratic institutions, as the contributions in this special issue all highlight.

### **Civil society and democracy: a multi-level perspective**

The first two articles of this special issue, by Ririn Sefsani / Patrick Ziegenhain and Lorenz Graitl, discuss the relationship between civil society and democracy on the national and subnational levels. Interestingly, both show an intersection existing between civil society and political parties. In the case of Indonesia, civil society supported the promising candidate of an established party; in the case of India, meanwhile, a new party was formed and several allied civil society leaders joined it after their common goal had been achieved. In his contribution, “The Role of Civil Society in the Creation of India’s New State of Telangana”, Lorenz Graitl uses the

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creation of India's 29th federal state in June 2014 as a case study. He argues that the broad alliance formed was successful not only because it ultimately achieved its goal, the creation of a new state, but also by providing space for marginalized voices in the process. As Graitl points out, the movement for self-governance in Telangana led to the creation of a new civil society whose membership went beyond the educated middle class in urban areas to include activists in rural ones too — and, furthermore, less educated and illiterate people as well. In what he calls a “low-level form of democratization” in the region, interest articulation was established outside the institutional field of parliamentary politics and considerable changes in the media landscape led to an opening up of the public arena. The creation of a new state was not only seen as a goal in itself but also as a way of overcoming the “internal colonization” perpetuated through caste groups and the resulting inequalities in domains such as water access and employment. The next benchmark test for the movement will thus be the provision of solutions to these problems in the wake of the recent federal state's creation and elections.

That elections are not the end but rather a waypoint for democratic development can also be observed in the case study of Indonesia undertaken by Ririn Sefsani and Patrick Ziegenhain. In their article entitled “Civil Society Support — A Decisive Factor in the Indonesian Presidential Elections in 2014”, the two authors consider the involvement of volunteer groups with pro-democratic goals a significant component of Joko Widodo's election campaign. While civil society participation is a common feature of electoral campaigns in established democracies, the authors argue that Jokowi's electoral triumph prevented Indonesian democracy from moving in a more authoritarian direction — or even collapsing altogether. They interpret the political commitment of these civil society organizations as a sign for a deepening of democracy in the country. The significance of this engagement can be seen independent of the actual political performance of Jokowi so far, who during his first months in power has been subject to widespread criticism. It is much too early for substantive assessments to be made, but Jokowi's controversial policies might have led to Indonesian civil society organizations now redefining their identities: while many were disappointed about the lack of consultation and inclusion in the political process under the new presidency, several of them have since returned to their role as watchdogs and have openly voiced their criticism over issues such as the death penalty.

Andrea Fleschenberg's contribution, “Mapping Pakistan's Heterogeneous, Diverse, and Stratified Civil Society and Democratization — Gendered Tales of Collaboration, Networking, and Contestation” provides a rich picture of the many roles that civil society can play in the democratic process. In her analyses of four different examples of gender-specific civil society activism, Fleschenberg finds that, despite stark sociopolitical cleavages and the often adverse sociopolitical climate in which these diverse actors operate, the concept of democracy remains a key reference frame, mission statement, and slogan in their activism. However, in her

view the asymmetrical nature of state–civil society relations leads to a very active but far from strong and ultimately fragmented civil society in the country. One rectifying response to this marginalization can be found in the increasing amount of transnational cooperation and networking of Pakistani organizations now taking place with other NGOs from abroad. Forming such ties can, however, also lead to the questioning of authenticity, and thus legitimacy, in the form of charges of transnational cooptation or even Westernization.

The final two contributions to this special issue look at such transnational civil society networks on the regional level, specifically by analyzing the democratic potential that such activism carries within ASEAN. In her contribution “ASEAN’s Claims to Human Rights and Democracy: What Role for Regional Civil Society?” Gabriela-Maria Manea argues that Southeast Asian regional civil society has consistently developed its capacity to shape human rights regionalism within ASEAN. This has been achieved through a variety of different approaches, ranging from performing the function of a critical observer to adopting strategies to help achieve agency as a norm socializer and creator of alternative human rights discursive positions. Civil society is more or less obliged to resort to these more discursive approaches, because its institutional and structural power in the region remains rather weak at present. Stefan Rother analyzes in his article “Democratizing ASEAN Through ‘Alternative Regionalism’? The ASEAN Civil Society Conference and the ASEAN Youth Forum” two spaces for regional activism. He argues that despite the lack of formal participatory procedures, these fora nonetheless offer a valuable political opportunity structure for civil society by providing space for dialogue and coalition building. They might also provide a space in which to overcome the limitations of activism on the national level — when civil society faces there the severe restrictions imposed by an authoritarian state, they can try to voice their concerns and demands in the less regulated spaces of the regional level instead.

This last observation also opens up key areas for future research. While the contributions in this issue provide important analyses of the various levels at which civil society activism can take place and cash in on its democratizing potential, the linkages and interdependencies of these various levels now deserve much closer attention. Can transnational, translocal, regional, and global connections mutually strengthen civil society’s role in the democratic process; what are the hindrances thereto? Can a multi-level approach contribute to — or conversely weaken — the internal democratic structures of civil society organizations? The contributions in this special issue provide a number of sound cases highlighting the importance of analyzing democratic processes beyond formal institutions. The challenge that now lies ahead is in developing concepts of democracy that recognize this potential, but that also furthermore provide answers to contested issues such as a representation, legitimacy, and the inclusiveness of civil society.

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Refereed article

## Democratizing ASEAN through “Alternative Regionalism”? The ASEAN Civil Society Conference and the ASEAN Youth Forum

Stefan Rother<sup>1</sup>

### Summary

This article is situated in the literature on the democratization of international institutions. The research puzzle presented is how civil society can increase participation in a regional organization with mostly nondemocratic member states and which has very limited space for non-state political engagement. This increased participation is seen as a building block for democratization, since it leads to the representation of otherwise marginalized, ignored, or even oppressed groups. The case study examined here is that of a regional organization from the Global South, the Association of Southeast Asian Nations (ASEAN) — with its declared goal of becoming a “people-centered” community. Civil society participation can be of particular relevance for such organizations, since some of their member states might be far from representing or even listening to the voices of “their people,” notably if these individuals belong to marginalized or oppositional groups. Based on the concept of “alternative regionalism” (Igarashi 2011), this article examines the efforts to create and widen the space for civil society participation in ASEAN, its challenges, and the potential for the democratization of this regional organization. It is discussed whether the ASEAN Civil Society Conference/ASEAN Peoples’ Forum (ACSC/APF) and the ASEAN Youth Forum (AYF) between them have the potential to democratize ASEAN from below.

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## Introduction

“ASEAN should not be apologetic for holding on to its top-down approach, as it is an intergovernmental organization. The voice of the people and their aspirations are heard and channeled through their respective governmental representatives.”

Thus wrote Tang Siew Mun, a senior fellow at the Institute of Southeast Asian Studies (ISEAS) in Singapore, in an editorial piece for the Singaporean newspaper *The Straits Times* on January 29, 2015 entitled “Keeping the Momentum of ASEAN’s Community-Building.” The Malaysian scholar goes on to reject the notion that the self-proclaimed concept of ASEAN as a “people-centered” organization is to be linked with its “democratization” and the “creation of a participatory and inclusive entity.” While Mun’s assessment might be an accurate reflection of the positions held by the majority of governments in the region, this paper here takes a decidedly different, bottom-up perspective. Based on the concept of “alternative regionalism” (Igarashi 2011), it examines the efforts to create and widen the space for civil society participation in ASEAN, its challenges, and the potential for the democratization of this regional organization. It thus aims to contribute to the wider literature on the democratization of global governance and its institutions, a body of work that has so far paid only scant attention to participatory spaces in the regional organizations of the Global South. Civil society participation could, however, be of particular relevance for these organizations, since some of their member states might be far from representing or even listening to the voices of “their people,” notably if these individuals belong to marginalized or oppositional groups.

ASEAN presents itself as a promising case study for a number of reasons. Its ten member states are characterized by very heterogeneous — and variable — levels of political freedom. In addition, more than a decade has passed since ASEAN first declared as its aim for it to become a people-centered community by “building a caring and sharing society which is inclusive and harmonious where the well-being, livelihood, and welfare of the peoples are enhanced” (ASEAN 2009: 1). However, these ambitious goals stand in marked contrast to the observed reality that in many of the member states civil liberties have actually been on the decline in these years while civil society has continued to struggle to gain participatory space. In countries with a restrictive — if not outright hostile — attitude toward civil society in particular, the membership in a transnational civil society network can provide such participatory spaces beyond the nation-state. In recent years, the ASEAN level has increasingly become a point of focus for these networks. This adds a vertical dimension to Keck and Sikkinks’ (1998) boomerang model: national nongovernmental organizations (NGOs) do not only, or even primarily, look for support from other nation-states but also use the regional as well as global levels to further their advocacy work.

One of the most visible spaces for regional civil society advocacy in ASEAN has been the ASEAN Civil Society Conference/ASEAN Peoples’ Forum (ACSC/APF).

After several years of tussling with the rotational host governments, it was a long-term pariah member of the organization who would eventually host the largest gathering of ASEAN civil society to date: In March 2014 more than 3000 participants attended the ACSC/APF in Myanmar. The meeting was also invigorated by the preceding ASEAN Youth Forum (AYF), with both events providing space to make the voices of oft-marginalized groups such as migrant workers, LGBTIQ,<sup>2</sup> sex workers, and refugees heard. However, while the participants were able to make progress on claiming space during the meeting, they faced the challenge of their delegates being replaced in the interface session with heads of the member states: several governments demanded to substitute civil society delegates with their own nominees. Similar nondemocratic practices from above could also be observed during the 2015 meeting in Malaysia, where states such as Laos furthermore tried to intimidate civil society organizers into not addressing politically sensitive issues. Based on my participation in the Yangon and Kuala Lumpur meetings and extended fieldwork and research on civil society within ASEAN, this article analyzes the potential that civil society has to democratize ASEAN from below — as well as the often contradictory strategies employed by the member states. The puzzle presented here is thus how can civil society voice its demands and increase its participation in a regional organization made up of mostly nondemocratic member states and with very limited space for non-state political engagement. This increased participation is seen as a building block for democratization, since it leads to the representation of otherwise marginalized, ignored, or even oppressed groups.

In the following I will first discuss the democratization of regional institutions, then transnational political space, as well as the concept of alternative regionalism. I will then apply this framework to various levels of civil society participation. The main focus will be on the ACSC/APF and to some degree the AYF, which can both be categorized as “inside” events wherein civil society representatives are striving for the balance between formal interactions with (and sometimes dependent on) states on the one hand and using and expanding their space to bring forward their own agenda on the other. There are, however, also more independent and alternative “outside” spaces for regional civil society activism emerging from below.

### **The democratization of international institutions**

In the last fifteen years research on democratic governance beyond the nation-state (Zürn 2000) and on the democratization of global governance (Patomäki 2003; Scholte 2011) has been steadily increasing in volume. Within this field, regional organizations unfortunately remain a largely under-researched topic — with the notable exception of the European Union (EU), with a prominent debate raging about whether the organization is characterized by a “democratic deficit”

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2 An inclusive term used for Lesbian, Gay, Bisexual, Trans, Intersex, Queer, or Questioning.

(Moravcsik 2002; Follesdal und Hix 2006). Regional organizations of the Global South have mostly been absent from these discussions; that said, in the past few years several studies on ASEAN’s engagement of civil society have emerged (Collins 2013; Gerard 2014; for an early article on “participatory regionalism”, see Acharya 2003).

There has been some vagueness of definition on what exactly is meant by the democratization of global governance and international institutions. If one would strictly focus on the internal democratic structures, then equal rights for the members — usually nation-states — of these organizations and the democratic procedures of decision-making would be important. One could take a strictly hierarchical view, in line with the quote at the beginning of this article, and assume that nation-states are the legitimate and sole representatives of the interests of their respective citizens. Yet globalization has put into question this representation monopoly of governments, since current arrangements to regulate political issues above and beyond the nation-state “rest — at best — on very limited explicit consent from the affected populations” (Scholte 2002: 289).

A special case in the realm of international organizations is the tripartite structure of the International Labour Organization with its “Parliament of Labour,” the International Labour Conference, wherein states are not only represented by government delegates but also by two organized interest groups — those of employers and workers. Such forms of a parliamentary body are more commonly found in regional organizations, wherein they either consist of representatives of the national parliaments or, as is the case in the EU, of directly elected representatives. These bodies can provide an additional level of participation and inclusiveness within the organization. Usually the research on, or call for, the democratization of global governance focuses on the inclusion therein of a different actor, though: civil society (Scholte 2011).

While the United Nations (UN) has a long tradition of various forms of civil society interaction, nowadays it has become par for the course for international processes to at least include a civil society component. Even the World Trade Organization (WTO), often criticized for its lack of transparency, has felt obliged to establish the Public Forum — offered as an “outreach event” to civil society and other stakeholders. Based on these rather recent trends, Zürn and Ecker-Ehrhardt (Zürn und Ecker-Ehrhardt 2013) in an edited volume diagnose the occurrence of a politicization of world politics. What may sound like a pleonasm refers to the observation that global institutions can no longer be kept out of politics by referring to a technocratic narrative of expert-led problem-solving; instead, they have been brought into the public political space.

This politicization is seen as a step that can lead toward democratization, since public scrutiny of international institutions inevitably leads to calls for reform — while organized civil society actors might demand some form of participation, or at

least observer status, in the different decision-making processes. If this participation is indeed granted, it might be so out of a genuine interest in taking a more inclusive, multi-stakeholder approach — but could also be primarily undertaken as a strategic concession to counter the public blaming and shaming strategies employed by civil society organizations.

The various studies in the aforementioned volume by Zürn and Ecker-Ehrhardt make a compelling case for the increasing politicization — if by no means necessarily democratization — of global institutions, but point out that civil society advocacy is often dominated by Western actors. This highlights the relevance of analyzing the politicization and potential for democratization of international institutions in the Global South: What are the specific conditions that these non-state actors operate under? Is it possible to carve out democratic space in an international organization, when several of its member states are far from being democratic themselves? ASEAN, with its declared goal of becoming a people-centered community, thus presents itself as a particularly fitting case study for the discussion of these pertinent questions.

### **Alternative regionalism from below and transnational political spaces**

Looking at the political space that an organization such as ASEAN provides for civil society engagement is an important starting point, although this should not be the sole perspective taken when analyzing participation on the regional level. While civil society organizations may try to use and expand the space provided through these official channels, they nevertheless usually engage in more comprehensive advocacy activities outside of them. In other words, using an “inside-outside” strategy would mean attempting to mainstream one’s advocacy within the restrictions of these official spaces while at the same time also working toward more far-reaching goals outside of them. Civil society organizations thus have to find a balance between avoiding accusations of being coopted by the governments inside those meetings and the possibility of losing access to them by making demands on the outside that may be considered too radical by these governments. There might also be various degrees of what it means to be “inside”: while a designated civil society conference might be more inclusive regarding actors and issues, the question of which topics are addressed and by whom will very likely be handled in a much more restrictive manner when it comes to direct interactions (interface sessions and the like) with government representatives.

There can also be regional spaces of civil society interaction that are established independently from governments. The actors operating in these spaces could either still work toward the goal of fruitful interaction with governments and state-led regional bodies or alternatively consider themselves complete “outsiders” — and thus as an oppositional force to the existing state-led structures of policymaking.

Both approaches — and everything that falls in between beside — can be seen as forms of alternative regionalism from below.

This concept is based on the realization that regions are by no means natural units, but rather ones shaped through war, colonialism, the regional equivalent of nation-building, and so on. Regions thus share similarities with Benedict Anderson’s (2003) conceptualization of states as “imagined communities,” although the degree to which actors internalize these constructions is usually significantly weaker at the regional level than it is at the state one (Rother 2012); in particular, Southeast Asian regionalism is often described as an elite-driven project and people on the ground in, say, Laos or Myanmar may have very little to no concept at all of a Southeast Asian identity (Jönsson 2010; Roberts 2011).

If we accept that regions are constructed, then there is no reason to assume that states have to be the sole drivers of regionalism. The alternative regionalism approach therefore “examines the roles of not only states but also other varieties of non-state actors such as domestic firms, transnational corporations, NGOs, and other types of social networks and social movements in the process of regionalization” (Igarashi 2011: 4). Here, the term “alternative” not only refers to a range of actors beside the state but also to the visions of regionalism cherished — ones that stray from the dominant interests of the elite.

The alternative vision of regionalism goal can be identified in the declarations of the now seemingly dormant People’s Agenda for Alternative Regionalisms (PAAR) that previously enjoyed a strong membership in Southeast Asia. Its aim was “to contribute to the understanding of alternative regional integration as a key strategy to struggle against neoliberal globalization and to broaden the base among key social actors for political debate and action around regional integration.” PAAR promoted the concept of “people’s integration” in regional processes that clearly aim for democratizing regionalism, with the goal being to “RECLAIM the regions, RECREATE the processes of regional integration, and ADVANCE people-centered regional alternatives” (PAAR 2015). The PAAR project may have been put on hold before reaching its goals, but similar concepts of alternative regionalism are nonetheless still very much alive when understood as “the movement toward constructing a regional order from below by transnational civil society actors” (Igarashi 2011: 1).

This leads to the question of whether this alternative regionalism is necessarily any more democratic. With their rise in prominence in the political space, transnational civil society actors have come under increased scrutiny themselves. The list of criticisms of and caveats to them is long: NGOs might advocate for democracy but their internal structures are far from democratic, they might lack legitimacy and be elite-driven themselves, they might be more responsive to their donors than to their constituencies, and so forth (Pallas 2013; Zürn und Ecker-Ehrhardt 2013). They might in fact actually openly or indirectly oppose democracy, by acting as “uncivil

society” (Thompson 2012), or be close to, or even controlled by, governments — in the form of so-called “GONGOs” (government-organized nongovernmental organizations, see below). Even when leaving uncivil society and GONGOs aside, there is often considerable disagreement within civil society about who represents the “true voice of the people”; grassroots and peoples’ organizations thus might decide to distance themselves from “NGOism,” but the distinction between these concepts is in reality often blurred and sometimes more tactical than inherent.

Civil society involvement therefore does not automatically open up a chance for democratization, but it certainly has the potential to do so in a number of different ways. For one thing, civil society can demand participation based on the “all affected principle,” as first defined by Robert Dahl: “Everyone who is affected by a decision of a government has a right to participate in that government” (1990: 49). While developed on a national basis, proponents of democracy beside the nation-state — be they cosmopolitan, transnational, or deliberative in nature — base their claims on this principle as well. For example, if the government of a country decides to build a dam on a river then the people of several other countries may also be affected by this decision and thus there should be a way for them to participate in relevant decision-making processes. Of course, the people in the country that builds the dam might not have had any say in that decision either, so they might join forces with the affected individuals from other countries and advocate on a transnational or regional level to influence or oppose the project. By doing so the activists are creating transnational political spaces (Rother 2009b), in which politics are deliberated across borders — with states being neither the sole or even main actors involved (for the related concept of transnational social spaces, see Pries 2008). New communication technologies have made a significant contribution to the creation of such spaces, since social media campaigns, Skype conference calls, Facebook, and/or newsgroups play an important role in transnational collaboration.

These transnational political spaces might also facilitate another way in which civil society can contribute to democratization — by giving “voice to the voiceless,” that is to marginalized or subaltern groups (Grugel und Uhlin 2012; Spivak 1988). These could for instance be migrants, indigenous people, or LGBTIQ, who often not only lack representation at any level but also face sometimes severe forms of discrimination. Admittedly, this has to be considered — especially in the early stages of activism — as a rather low-level form of democratization if one has classic indicators thereof (formal institutions, formal participation in decision-making, and so on) in mind. However since the concept of democratization that I employ here is rather process-orientated in nature, the opportunity to bring marginalized peoples’ concerns onto the agenda could at the very least be considered a first step toward further forms of participation.

Employing this bottom-up perspective on democratization includes processes in the analysis that could be overlooked if one were to exclusively focus on the

institutional design of ASEAN and on civil society participation in policymaking. In a recent study on the Southern African Development Community (SADC), Andréas Godsäter made a similar observation: “Most studies dealing with civil society in regional governance have a state-centric approach, focusing on the marginalization of civil society organizations (CSOs) in such processes, treating them as rather passive actors” (2015: 100). Of course, it still is important to map out the institutions and spaces established by governments, which in the case of ASEAN could, as Kelly Gerard (2015) has aptly put it, indeed be considered mostly “smoke and mirrors.”

In sum, in order to successfully address my research puzzle I thus identify the two key strategies by which civil society actors can contribute to a strengthening of the “all affected principle”: making use of and expanding spaces provided by nation-states and state-led institutions, such as interface meetings (top-down), or by creating their own independent networks and spaces of deliberations (from below/bottom-up; alternative regionalism). If both of these strategies are combined, the approach would be considered inside-outside in nature (Rother 2009a). Such strategies include agenda setting, framing, blaming, and shaming.

### **Political space for civil society in ASEAN**

The trajectory of the recent history of democracy and democratization in Southeast Asia has been an uneven one. According to the 2014 Freedom House Index, not a single one of the ten constituent member countries of ASEAN qualifies as “fully free.” Longstanding democracies such as Thailand have relapsed into authoritarian regimes after the recent coup d’etat, the democratic transition in Myanmar has for a while been promising but characterized by many setbacks, and even in Indonesia the initial euphoria surrounding the election of Joko “Jokowi” Widodo in 2014 has quickly given way to disappointment. The handling of civil society in most other member countries ranges from restrictions to outright harassment and persecution, or even in some instances the prohibition of any independent organizing at all.

There are thus many cases where channels between domestic civil society groups and their governments are hard to establish or are even outright closed off. In their influential work on transnational advocacy networks (TANs), Keck and Sikkink (Keck und Sikkink 1998) develop the boomerang model as a way for civil society to work around this “blockage”: groups in one country can use TANs to appeal to citizens of another country to lobby their own government to put pressure on the offending regime. However, this option might be problematic in several regards: If they lobby countries situated outside of the region, the pressure applied may be seen as Western interference. Furthermore, lobbying countries within the region might not be successful since they might hide behind the ASEAN noninterference norm — sometimes doing so because they want to avoid being reprimanded themselves. This

norm has actually softened in previous years (Radtke 2014), but can still be conveniently used when needed to rebut any civil society pressure.

ASEAN civil society has therefore regularly resorted to throwing the boomerang all the way up — that is, to the level of the UN. When analyzing civil society campaigns in Asia — and particularly Southeast Asia — it is striking how many of them revolve around global conventions (Piper und Rother 2011). Considerable effort is put into lobbying for ratifications or for legally binding instruments on the national and regional levels that are in line with these conventions. For example, there are regular campaigns to “step up” the ratification of the UN migrant worker convention (International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families) — an instrument that is, contrariwise, largely unknown among migrants in most Western countries. And while the ratification rate of the nine UN core International Human Rights Instruments is uneven in Southeast Asia, some — such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) — have found more support. The regular reporting mechanism regarding the adherence to these instruments can therefore be used as a boomerang target for civil society organizations by creating shadow reports. In some cases, this has led to more participatory measures: after facing significant embarrassment through a critical civil society shadow report on their migration policies, the Philippine government established the LOIPR (list of issues prior to reporting) mechanism for consultation.

The regional level, on the other hand, has only recently been identified as a midrange vertical boomerang target. Several civil society activists expressed in informal conversations held during my research that they simply did not consider ASEAN to be relevant enough to their agendas and advocacy. One obvious reason for this lies in the ASEAN Way of conducting regional politics being characterized by informality, nonintervention, and consensus (Rother 2012), an approach that thus represents a major hindrance to exerting even mild pressure from above on member states. Instead of coming back down, the boomerang may very likely instead be vaporized in a cloud of consensual rhetoric. Even with increased integration, these ASEAN norms are still in place — although there has been a rising awareness of late that cross-border issues beside security ones require a regional response being given to them (Manea 2009). While civil society therefore has very low expectations about the likelihood of ASEAN exerting pressure from above they have nevertheless increasingly worked on creating this regional pressure themselves by using the spaces and publicity provided by regional meetings. Additionally, they continue to build alliances with other networks and to identify like-minded actors — such as parliamentarians, human rights commissioners, and so on (see also the contribution of Maria-Gabriela Manea in this special issue).

Rüland has characterized interest representation in ASEAN as “a case of regional corporatism”: “ASEAN governments have transferred domestic organicism and its

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corporatist system of interest representation to regional governance” (2014: 245). In the “Guidelines on Accreditation of Civil Society Organizations,” it is made clear that an organization is only welcome if it “promotes, strengthens, and helps realize the aims and objectives of the ASEAN Community” (ASEAN 2009). In classical ASEAN rhetoric, the objectives of accreditation are listed as:

- a. To draw the CSOs into the mainstream of ASEAN activities so that they are kept informed of major policies, directives, and decisions of ASEAN and are given the opportunity and the privilege of participating in ASEAN activities;
- b. To ensure interaction and fruitful relationships between the existing ASEAN bodies and the CSOs; and
- c. To help promote the development of a people-oriented ASEAN Community.

When examining the 14-page-long list of organizations accredited as of May 11, 2015, a rather bizarre concept of what constitutes civil society emerges: The list starts with the Air Asia Foundation, which might at first be seen as an unusual choice made only due to alphabetical order — however it is indeed representative of the 52 organizations listed. The largest grouping can be characterized as that of business-related organizations (although the private sector is usually considered as a separate group from civil society); it is joined on the list by memorable groups such as the Chess Confederation and the ASEAN Kite Council. What is conspicuously absent, on the other hand, is any politicized, human rights-based group representing civil society.

Also not represented are those stakeholders who work on “human and social development, respect for fundamental freedoms, gender equality, the promotion and protection of human rights, and the promotion of social justice” (ASEAN 2009: 1). This list is part of the 2009 “blueprint” document that also positions ASEAN as a people-centered community with the goal of “building a caring and sharing society which is inclusive and harmonious where the well-being, livelihood, and welfare of the peoples are enhanced” (ASEAN 2009: 1). These goals are part of the “Socio-cultural Community,” one of three pillars of the ASEAN community, with the other two being “Political Security” and “Economic Integration.” In practice, this “pillarization” of ASEAN occasionally seems artificial — for example, “skilled labor” is part of the Economic Community Blueprint while protection of migrant workers is delegated to the Socio-cultural Community Blueprint.

While it is difficult to receive formal accreditation from ASEAN itself, notwithstanding a platform has emerged in the past decade that does provide space for varying forms of civil society engagement: the ASEAN Civil Society Conference.

### **The ASEAN Civil Society Conference/ASEAN Peoples' Forum**

Whether one considers it surprising given the country's ambivalent track record on civil society relations or in line with the corporatist traditions in the region, the fact remains that it was Malaysia that first initiated the ACSC. When the country held the annually rotating ASEAN Chair in 2005, it had become apparent that the then-existing ASEAN People's Assembly (APA), organized by the think tank network ASEAN-ISIS, had by then run its course. Over the nine years of its existence, the process had increasingly lost the support of regional civil society organizations due to its highly selective participation modalities and to the top-down approach taken by ASEAN-ISIS (for an account of the establishment and decline of APA, see Gerard 2013).

When the ACSC returned to Kuala Lumpur in 2015, Hamid Albar, former Foreign Minister of Malaysia, looked back at the first meeting ten years prior and described his motivation in supporting it as follows: "At that time, I realized that governments had to get out of their comfort zone and speak face-to-face with regional civil society because ASEAN would not be able to maintain its relevance and grow as a people-centered community without such engagement and cooperation" (in his keynote speech delivered on April 22, 2015). However the interface meetings turned out to be one of the major obstacles to the furtherance of the ACSC process, as will be discussed further in due course.

Subsequent meetings were first organized under the guidance of Solidarity for Asian People's Advocacy (SAPA), a major network seeking to engage ASEAN and comprising around 100 national and regional civil society organizations (Gerard 2013). SAPA, along with the ACSC, affiliated with the aforementioned PAAR and its concept of democratizing regionalism. Over the years, a comprehensive organizational structure for preparing the meetings has been established. There is a permanent regional body, consisting of elected members who organize the event in cooperation with the national organizing committee (NOC) — itself consisting of civil society organizations — from the hosting country in the respective year. There are regional bodies responsible for such activities as drafting and finance. The 2015 Malaysian NOC also designated members to a vast range of issue areas; among the 18 different ones listed were those of Women, Indigenous People, Children's Rights, Farmers/Fisher Folks, Democracy and Elections, Urban Poor, and LGBT.

The additional name of the APF was added for the 2009 meeting in Thailand "in order to accommodate the different interpretation toward the term CSO and people's organizations from Thailand's CSOs," as the 2015 program somewhat nebulously elaborates. To stay clear of such debates on names and definitions, the forum now welcomes representatives "from civil society organizations, NGOs, people's organizations, and people's movements."

Over the years, a core format for the ACSC/APF has evolved. The conference takes place just before or close to the annual ASEAN Summit in spring, when the heads of

government of each member state meet. In 2009 (Thailand) and 2012 (Cambodia), civil society also held meetings corresponding to the second annual heads of government meeting in autumn; regularly holding two meetings per year might be beyond the resources of civil society, however. Several days of plenary sessions and workshops usually result in the drafting of a joint statement and recommendations for the ASEAN leaders. ACSC/APF describes as one of its features the opening of spaces for dialogue with ASEAN leaders; however, as the 2015 program diplomatically puts it: “Whether CSO representatives are able to meet with ASEAN heads of state in the form of an interface during the ACSC/APF depends upon the attitude of the government hosting the summit and ACSC/APF.” In any case, civil society submits the outcomes of its deliberations to the ASEAN Secretariat and to the various government representatives.

2012 was the year in which the attitude of the host government was, by all accounts, not at all hospitable to civil society organizing. The Cambodian government was reluctant to provide political — or in some instances even physical — space to civil society representatives. The series of restrictions imposed and forms of intimidation used went as far as threatening to cut off the power and padlock the venue when case-sensitive issues such as land evictions were discussed (Gerard 2013). The two meetings thus by no means lived up to their grand themes of “Transforming ASEAN into a People Centered Community” and “Making a People-Centered ASEAN a Reality.” Civil society organizations considered the meeting held the following year in Brunei Darussalam (theme: “ASEAN: Building Our Future Together”) to be a further source of disappointment.

It was in fact Myanmar, the long-term pariah member of this regional organization, who would host the as of yet largest such gathering in 2014. An unexpected 3000 people attended, bringing new energy and dynamics to the process and between them agreeing on a declaration that was to be used henceforth as the basis for civil society advocacy (Rother 2014). The Yangon gathering also demonstrated that impulses for participation can flow both ways between the regional and national levels: A number of national consultation events held before the ACSC in Myanmar had already drawn a high number of attendees and raised awareness among organized civil society in the country. As a result, some representatives of ethnic groups took on several days of overland travel in order to be able to participate in the main event. There, they had the opportunity to connect with indigenous groups from other ASEAN countries and exchange campaign strategies, knowledge on international conventions, and the like.

Regional gatherings may also lend support to a group that is marginalized even within national civil society — with this in the case of Myanmar being the Muslim minority from the state of Rakhine, known as the Rohingyas. Most Burmese participants were reluctant to address the topic; some nationalist Buddhist monks even openly attacked the use of the nomenclature “Rohingyas” during the

conference, instead referring to them as “Bengalis” and branding them “illegal immigrants from Bangladesh.” But several other delegates kept bringing up the plight of, according to the UN, one of the most persecuted minorities in the world. However, they were not specifically mentioned in the final declaration — an omission that was later addressed during the 2015 meeting in Kuala Lumpur, and afterward with statements such as the May 27 press release titled: “A people-centered ASEAN must ensure dignity and human rights for the Rohingyas.”

Apart from this issue, a wide range of other controversial topics were openly addressed in Yangon — including the rights of LGBTIQ individuals and sex worker activists, matters that would have been considered taboo in the country only a few years earlier. Obviously, there is wide range of views on prostitution in civil society — ranging from total abolition to official recognition. But it would be misguided — and from a democratic perspective also undesirable — for civil society to come up with one unified perspective thereon. Rather, democratization from below refers to building spaces wherein civil society can deliberate viewpoints and policies not only in collaboration with or in opposition to governments but also among itself.

Thus, a lively debate in Yangon unfolded involving the very visible sex worker activists who were carrying umbrellas, thereby signaling their cooperation with the Red Umbrella Fund — an initiative launched in 2012 that came out of the Donor Collaboration to Advance the Human Rights of Sex Workers. The Asia Pacific Network of Sex Workers (APNSW) is one of the beneficiaries of this funding. Beside calling for the recognition of sex work as official work, the participants also made some pointed and potentially controversial statements — such as highlighting the importance of sex work in the tourism industries of countries like Thailand.

By self-definition, the ACSC/APF also features as “a forum through which participants can better understand the host country from the perspective of civil society.” What this means in practice is that pressing national concerns of civil society and its — often tense — relationship with the national government are brought before a regional audience. For example, in a plenary session on “Myanmar in Transition,” Ko Moe Thwe, Secretary General of the National Youth Congress and President of the prodemocracy Burmese youth movement Generation Wave, stated that: “Our country is still under a military government, the military has total control of the administration and legislation.” He blamed the dictatorship for systematically destroying the country, leading to deteriorating educational and economic systems as well as endemic poverty. Young Burmese participants were visibly excited over such public statements, which had been unthinkable occurrences only a few years previously. Similarly harsh criticism over issues such as the Malaysian government’s use of the colonial era Sedition Act to limit freedom of speech and rigged elections were voiced in Kuala Lumpur. The political space provided by the regional event can thus be used for the blaming and shaming of the respective national governments.

Not all ASEAN member governments take such freedom of expression lightly, as the example of Cambodia has shown. Laos meanwhile, who will hold the chairmanship in 2016, allegedly even tried to intervene before the Kuala Lumpur meeting took place. Lao activists accused the government of trying to suppress discussion in the ACSC statement of the disappearance of human rights activist Sombath Somphone. The statement was released ahead of a gathering in which he was cited as a prominent example that “states and non-state actors continue to commit violations with impunity, including police brutality, torture, and enforced disappearances, against civil society activists.” Lao activists claimed that “during the drafting of the statement, a retired Lao official named Maydom Chanthanasinh pressed the Lao delegation of civic groups to strike Sombath’s name from the statement” (Big News Network 2015). This strategy backfired, since the case of Sombath Somphone was widely discussed in Kuala Lumpur and was literally made visible through t-shirts and flyers bearing an iconic representation of his face. The activists thus succeeded in agenda setting and politicizing the issue in Kuala Lumpur; however ACSC organizers and Laotian participants expressed concerns about whether it would now be possible to organize a meeting in Vientiane in 2016.

The Lao activists were not the only participants to come into confrontation with their government. A group calling itself a collaboration of “genuine Vietnamese civil society organizations” issued a statement in which it complained about being marginalized from the so-called “Vietnamese national process for ACSC/APF 2015.” Huynh Thuc Vy from Vietnamese Women for Human Rights (VNWHR) wrote:

Independent Vietnamese CSOs, excluded from our own national process for many years, have fought hard to have a voice in the 2015 ACSC/APF. Unfortunately, our full participation is still impossible because of the Vietnamese government. Many genuine civil society organizers are surveilled, harassed, monitored, intimidated, threatened, attacked, detained, jailed, and generally restricted in our movement. An additional obstacle is the monopolization of ACSC/APF space by Vietnam’s GONGOs, who constantly fight to erase and silence our inputs, voices, issues, and concerns from the conversation (Email to ASEANcats newsgroup April 17, 2015).

The statement gathered significant support ahead of and during the forum, which put the regional organizing committee in an awkward position since the Vietnamese GONGO in question is among its members. Nevertheless, civil society organizations not affiliated with the Vietnamese government were given their own booth and were able to question the legitimacy of the GONGO representative in plenary sessions.

These incidents are exemplary of a fundamental struggle that the ACSC/APF faces: one over legitimacy and representation. This tension often comes to a head when it comes to the appointment of the representatives for the interface sessions, with several states rejecting the delegates selected by civil society and replacing them instead with representatives from GONGOs. Therefore the initial euphoria after the

Yangon meeting was later dampened when the governments of Cambodia, Malaysia, and Singapore demanded the substitution of three civil society delegates with their own nominees. As a result, the whole ACSC delegation withdrew from the interface. In Kuala Lumpur, the government of Cambodia rejected the APF representative and replaced her instead with a government official; the government of Singapore meanwhile selected its own representative, claiming that Singaporean civil society had not met the selection deadline. The case of Vietnam is debatable, since it formally accepted the selected representatives even though, as discussed, “genuine” civil society representatives were excluded from the selection process.

This time the ACSC/APF did not withdraw however, instead deciding to attend the meeting (which was shortened from 30 to 15 minutes). The chair of the Kuala Lumpur civil society meeting, Jerald Joseph, called for a framework for engagement as part of the post-2015 ASEAN Vision. In its present form, the interface merely consists of the reading of the statement without any real dialogue. APF organizers point out, though, that it still presents an opportunity for agenda setting by confronting governments with the issues that they usually try to shy away from; in the Kuala Lumpur statement these included: rising inequality and poverty, the disappearance of human rights activists, the acceleration of death penalty executions, the dangers of unmitigated free trade agreements, widespread corruption, increasingly fragile peace processes, the growth of religious extremism, land and natural resource grabs, the stateless Rohingya people, waning democratic practices, the continued existence of police brutality and unprofessional conduct in the region, various forms of discrimination, the lack of coherent commitment to the addressing of climate change, the glorifying and strengthening of repressive colonial laws, and the exploitation of migrant workers.

Several organizers also stressed that if and how an interface session takes place should not be used as the primary benchmark for the success of the ACSC/APF process. The main objective is instead seen as providing space for dialogue and coalition building among regional civil society. As discussed above, the ACSC/APF is also a place for discussing different strategic viewpoints. One of the major ones therein is the relationship with state actors: Are there too many state representatives invited to the civil society meeting or does this presence provide a rare opportunity to voice the demands of marginalized groups? In a statement released after the Kuala Lumpur meeting, Malaysian activist Charles Hector posed the question “Is civil society becoming toothless?” He considered the declarations coming out of the 2015 ACSC/APF to be “sadly LAME and with really no bite. Both were rather ‘diplomatic’ and looked like efforts to be in the ‘good books of the governments’” (Hector 2015). He also pointed out that the Malaysian government had allegedly sponsored the event to the tune of half a million ringgit, although Jerald Joseph had stressed that this money came with no strings attached. Nevertheless, it fueled the debate about whether civil society should organize in relation to government meetings or rather aim for the creation of more independent spaces.

### **The ASEAN Youth Forum**

These conflicting views on how to move the advocacy forward also affected the AYF, and led to the split that resulted in the emergence of a “national” and a “regional” AYF. The Forum was established in 2009 by the ASEAN Youth Movement, on the basis that youth issues are of particular relevance in a region that includes countries like Cambodia — where around 40 percent of the population is currently under 20 years old. Using a definition of youth that includes those up to 35 years of age, the AYF claims to represent the interests of the about 60 percent of the ASEAN population falling into this age group. Providing space for young people to voice their concerns is thus considered an important step toward a more participatory ASEAN.

Nevertheless, the forum that is usually held before the ACSC/APF did not gain much popular attention until the year of Myanmar’s chairmanship (Rother 2014). This 2014 meeting was held in a location with high political significance, Yangon University — traditionally a center of civil dissent in the country, as expressed in such events as the “8888 Uprising” pro-democracy protests that took place around August 8, 1988. As a result, in the following years the university was often closed down and education was decentralized by the military junta. Lack of educational opportunities in a vast range of disciplines, including Political Science, were therefore among the most pressing issues of the national youth delegates.

The meeting resulted in the Yangon Declaration that gained significant media attention and addressed issues such as democracy, good governance, anti-land grabbing, anti-trafficking, anti-corruption, the situation of sex workers, and again a very strong support for the rights of LGBTIQ — one of the organizers even wore the rainbow flag when presenting the declaration under the slogan “One Community! One Strategy! Youth for Unity!” to the media. While the issue of the Rohingyas was not listed explicitly in the declaration, there were representatives of the First Muslim Youth Forum, held one month earlier in Myanmar, present. They distributed their own written statement, calling for multiculturalism, the rights of Muslim women to be recognized, and for dialogue between different faith groups. They also cautiously provided international observers with horrific pictures documenting the fate of victims of the 2012 Rakhine State riots in the country. The AYF organizers considered the Yangon meeting a major step forward, first as a result of the declaration that established the principles for further advocacy by the forum and second because for the first time they managed to negotiate their own interface session with government representatives. While only three member countries did not replace the delegates to the session with their own representatives, the AYF nevertheless still went ahead with it since no changes were made to the rather progressive agenda of the declaration.

During the AYF preparations for Kuala Lumpur, a split emerged between the national and the regional organizing committees of the nascent process. The regional AYF felt that the local committee was aiming for a meeting that allowed too much space for government representatives and was more a showpiece event than a process-based dialogue. Ten days before the event, Indonesian representative Shantoy Hades announced the regional committee's withdrawal and setting up instead of "a small yet intensive and rights-based meeting of passionate and committed young people from the region. Size doesn't matter as long as it is inclusive and has pure intentions to amplify voices and strengthen Southeast Asian youth power." Thus two events were held, with the national one boasting an impressive list of speakers while the regional one brought together young activists from the region discussing issues such as the social and ecological effects of dam building projects, LGBTIQ discrimination, and the arrest of those students in Myanmar who had been demonstrating for education reform. The regional AYF also decided on a further step toward institutionalization, specifically through establishing offices in Yangon and Yogyakarta. For the interface session the various youth representatives had to collaborate, with only the Indonesian and Myanmar representatives being self-selected and with the latter ultimately dropping out anyway as a protest against the student arrests.

Nevertheless, the Indonesian representative Ardhana Pragota managed to persuade the other delegates who had come up with proposals such as youth entrepreneurship and ASEAN internships to use the Yangon declaration as their statement instead. Pragota also used the occasion of the interface session to hand over a letter to Indonesian President Joko "Jokowi" Widodo, in which the AYF expressed solidarity with "a fellow ASEAN youth": the Filipina national Mary Jane Veloso, who was sentenced to death for smuggling heroin into Indonesia despite her and her supporters claiming that she was tricked into this and thus a victim of trafficking. In a last-minute decision, the execution of Mary Jane Veloso due to happen the following day was postponed; there is currently still fierce debate about how far this decision was taken due to government initiatives or to national and regional civil society advocacy — such as the NGO Migrant Care talking to the president or the militant group Migrante International staging protests — instead. In any case, AYF contributed to this advocacy and managed to arrange a meeting with Veloso shortly afterward.

### **Other spaces**

While the ACSC/APF is among the most visible and largest of the civil society gatherings in the region, there are additionally a large number of civil society networks and initiatives that exist independent of government meetings. Several of these address women's issues: examples are International Women's Rights Action Watch Asia Pacific (IWRAP), based in Kuala Lumpur, which monitors the

implementation of the CEDAW and the Asia Pacific Forum on Women, Law, and Development (APWLD), based in Bangkok. There are also sectorial networks on issues such as migrant workers: among them Migrant Forum in Asia (MFA), based in Manila, and Coordination of Action Research on AIDS and Mobility (CARAM Asia), based in Kuala Lumpur. None of these networks restrict themselves exclusively to Southeast Asia, although ASEAN has become increasingly their point of focus and tellingly all of them have their headquarters in the region.

Migrant advocacy is particularly strong, since especially migrants in so-called “low-skilled jobs” are often excluded from labor rights. Furthermore, not only are they excluded from representation and participation in the receiving state but they also may not always enjoy the support of their home country either, which might consider remittances to be more important than rights. Labor migration has also provided an example of civil society trying to address policy shortcomings on the national and regional levels; an ASEAN instrument on the governance of labor migration has been active since the adoption of the — nonbinding — ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers in 2007. For years, however, the drafting committee only came up with a “zero draft” listing the various — and often contradictory — positions of its members. This is because receiving countries such as Malaysia and Singapore oppose a rights-based approach to such “low-skilled” migrants as domestic workers, and in particular the inclusion of family members and undocumented migrants in the instrument. In response a civil society-initiated Task Force on ASEAN Migrant Workers (TF-AMW) was set up, with it conducting numerous consultations in the member countries and then finally coming up with a proposal consisting of 192 specific recommendations for the format of such an instrument (Samydorai und Robertson, Jr. 2009). It can thus be considered a prime example of alternative regionalism from below (Rother und Piper 2015), but also highlights the hindrances to this process: While the ASEAN Secretariat acknowledged and supported the instrument, it so far has had no marked impact on the negotiations. Further, over the years the broad and participatory civil society coalition has gradually fallen apart due to differing views on representation. While this might be regrettable from an activist point of view, from a democratization perspective it can be considered a “normal” aspect of any struggle for broad participation.

## Conclusion

The opinion piece quoted at the beginning of this article comes to the conclusion, regarding the possibility of a “democratization” of the regional organization, that “the aspiration to make ASEAN less elitist is laudable, but it does not reflect reality” (Thang S. Mun in *The Straits Times*, January 29, 2015). It is hard not to agree with this assessment when looking at the institutional setup of the organization; however, as this paper has argued, it is worthwhile to employ a process-orientated perspective

so as to successfully capture the efforts toward democratization happening from the ground up. These attempts to find or create political opportunity structures and spaces through which to bring marginalized peoples' concerns onto the agenda could at the very least be considered a first step toward further forms of broad political participation.

Here, we have to keep in mind the lowly starting point of these marginalized groups; for example, the Rohingya in Myanmar have very little hopes of being able to voice their concerns when the national government does not even recognize their name, even less so their citizen status. To employ national and regional advocacy with the goal of getting the Rohingyas accepted as a legitimate voice and politicizing the issue might be a long way from democratic practices, but it still constitutes a first step toward the process of democratization nevertheless.

It is debatable whether the ACSC/APF fully falls within the category of "alternative regionalism": After all, the process first emerged out of a government initiative, is closely connected to an annual government-led event, and has even occasionally received government funding. I would argue, though, that alternative regionalism does not necessarily denote full independence from governments; seizing political opportunity structures so as to use them for civil society strategies such as agenda setting, framing, blaming, and shaming — but also as an opportunity for dialogue — can still be considered alternative regionalism based on an "inside-outside" strategy. Hence, civil society might aim to build strong and independent regional networks outside of official contexts while using the interfaces "inside" to bring marginalized topics to the attention of both heads of governments and a wider public beside.

Numerous challenges to the process have been identified, including the role of GONGOs, the replacement of delegates, as well as the open hostility thereto from some host governments. The amount of political space available to the ACSC/APF very much depends on the host countries and their shifting political systems — who would have thought a few years ago that Myanmar would one day host the largest — and, some obvious exceptions notwithstanding, relatively most inclusive — civil society event in the region to date? Although the political climate in Myanmar has become more difficult for civil society since, such an event can have longer-reaching repercussions wherein the regional level can support democratic forces active on the national level. New initiatives such as the AYF have rejuvenated civil society advocacy in the region, even despite the Yangon meeting that successfully first put them on the map having been later followed by a split that would highlight conflicting views on process-orientated versus event activism and differences of opinion on the acceptable level of state corporatism.

As a response to the initial research puzzle, it has been shown that civil society has developed various strategies to further voice its demands on and increase its participation in a regional organization made up of mostly nondemocratic member states. Over the years, an organizational structure has been set up that provides the

ACSC/ASF process with increased independence from its government-led origins. The elected various bodies and organizing committees are an indicator of the existence of internal democracy and provide input channels for advocacy and issues from the ground up. Civil society that encounters a blockage at the national level increasingly uses the regional space for advocacy, as was illustrated by the case of Laos and the disappearance of human rights activist Sombath Somphone. It is rare that civil society organizations only focus on the ACSC/APF; rather, their main work and organizing might take place outside of official spaces. The participation inside of them is seen as a way of mainstreaming their agenda, or at least of politicizing issues by presenting them to a wider public and framing them in a rights-based manner.

When assessing the prospects of the ACSC/APF democratizing ASEAN through alternative regionalism, it should have by now become clear that the forum mostly serves as a platform for numerous processes, networks, and events that have been developed on the ground. The main objective is thus providing space for dialogue and coalition building among regional civil society, and it is questionable whether a more participatory and dialogue-orientated interface session could even be used as a benchmark for the increasing democratization of ASEAN. Annual events are by nature mostly symbolic; as such, allowing civil society organizations — or rather, the legitimate voices and concerns that they raise — into the political space of day-to-day politics could indeed be considered a major steps toward democratization.

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