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"Defending the Western Tradition of Liberty under Law"
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INTRODUCTION

My paper will focus on the situation in Southeast Asia, one of the world's most diverse regions – not only in terms of ethnic, religious and linguistic diversities, but also in levels of socio-economic and political developments. Many of the countries in Southeast Asia still face "nation-building" challenges and attendant security issues – separatist movements still plagued countries like Philippines, and Myanmar with over 100 different ethnic groups are still trying to stitch together a peace agreement that all major ethnic groups would sign up to. Even Thailand, the only country in Southeast Asia that had not been really colonized, has also to deal with separatists in the South. Several other countries while having stable governments and regular elections are not yet fully functioning liberal democracies as defined by the West. Most are still going through the transitions from authoritarian governments, military dictatorships and one-party socialist or communist rule to a system that is more tolerant of political dissent. In short, the countries in Southeast Asia have witnessed all sorts of challenges to political and civil liberties – from outright repression to more shadowy or subtle forms of coercion. While most of them have on paper constitutional guarantee for freedom of speech, etc, in the same breadth through other legal instruments (such as the penal code) or sheer impunity, the civil and political rights of the citizens are undermined.

With the end of the Cold war, several of the Southeast Asian countries (Indonesia, Malaysia, Philippines, Singapore and Thailand – the founding members of the Association of Southeast Asian Nations) due in part to their close relationship with the Western world, in particular, to the US (Philippines, an US ally during the Cold War used to host the biggest US naval and air bases, and Thailand has also close military ties with the US) moved towards greater economic and political liberalisation in line with the broader global trends with the fall of the Berlin wall.

The post-Cold War environment, the rise of an emerging middle class after years of economic progress and a myriad of factors have contributed to the process of democratization in several Southeast Asian countries. Hence, one would venture to say that by the end of the 20th century, these countries have transitioned from primarily authoritarian regimes to more democratic forms of governance. There were those other countries in Southeast Asia such as Laos, Myanmar and Vietnam that remained ruled by the communist or under the military junta. An oil-rich state of less than a million people, Brunei remains under monarchical rule.

However, except for Myanmar, even one-party states such as Laos and Vietnam in seeking to transform their centrally planned economies to more market-oriented economies had to start

loosening up their control over their citizens, and in the process allowing for a certain degree of socio-economic and political openness.

In short, one could generalize and say that from the 1990s, the overall trend in Southeast Asia was towards an uptake in democracy at different pace and often with continued challenges and setbacks. The commitment towards more political openness was made also at a regional level during the drafting of the ASEAN Charter adopted by all the Southeast Asian members in 2007. Even Myanmar, a country ruled by the military junta and isolated from the international community for almost 50 years opened up and embarked on their own path towards democracy in 2011.

RETREAT FROM LIBERALISATION AND DEMOCRATIC CONSOLIDATION

Unfortunately, instead of further political liberalisation and consolidation of democratic norms and institutions in these young democracies in Southeast Asia, we are witnessing some form of retreat from democratic liberalisation in the last few years. We have now Thailand that is back under military rule and where elections have been suspended; Philippines has declared martial law in the south; increasing censorship of the media, and intolerance towards ethnic and religious minorities in several parts of Southeast Asia.

What accounts for this general retreat from democracy and the increasing challenges to political and civil liberties? Due to its history, its diversities and still relatively low level of economic development in some of these countries (eg, Cambodia, Laos and Myanmar remained as some of the poorest countries in the world), the road towards liberalisation and democracy will never be smooth sailing.   External factors such as the populist surge and attacks against liberalism in the West itself compound the problems. The focus of the West against terrorism also takes its toll.

Below are some factors that account for the increasing threats to political and individual liberties in several parts of Southeast Asia:

War against Terror

The attacks of 9/11 and the subsequent war on terror launched by the US had far reaching consequences on the framing of debates on security and terrorism, and often at the expense of liberty and protection of human rights. Southeast Asia with its significant Muslim communities has come under scrutiny as a possible second front for the US war against terror. The links between the Jemmah Islamyah and the Al Qaeda networks had led to the US involvement in counter-terrorism efforts here.   Some countries in the region, using the pretext of counter-terrorism, have enacted more and more legislations in the name of security at the expense of liberty. The growth and attraction of Daesh / IS in recent years have accentuated the problems in the region.

Political Play and Religious Fundamentalism

For some countries where Islam is the religion of the majority (Brunei, Malaysia and Indonesia) the rise of religious piety, and the use of religion by political leaders to cement their power and attack their opponents have led to increasing sensitivity towards any criticisms of religion. The call to respect religious sensitivity became a guise for censorship and the use of blasphemy law to silence critics has chilling effects on the freedom of speech and other liberties such as acceptance of gender equality and people of different sexual orientation.

Social Media, Identity Politics and Political Fragmentation

It is not only the Muslim majority countries that have seen a turn towards more conservative values, but in many societies, the advent of social media has led to the rise in identity politics and political fragmentation. These coupled with the already vastly diverse Southeast Asian societies comprising in many cases (such as Myanmar, Indonesia) many different ethnic groups led to increasing difficulties in governance. As states weakened and societies become more fragmented, it becomes more difficult to protect the vulnerable and uphold the values of liberty and justice. Competition for scarce resources amongst different groups adds to the instability with often adverse consequences for both security and liberty.

Historical and Cultural Context peculiar to Southeast Asia

There are many other factors peculiar to the region – Southeast Asia is a region of huge diversities. Many of these countries only became independent after the 2nd world war. The ethnic, linguistic, religious and cultural diversities made nation-building a difficult task. Most started with strong man rule, and democratic political cultures and institutions are not particularly entrenched. Weak institutions, corruption and political legitimacy are perennial problems in the region.

Politics remains "personal" and personality-driven rather than "party" driven. In short, the preference for strong man was never far from the surface. Patron-client relationships, political patronage remained widespread. Added to this, the belief in democracy is shallow, and democracy is often seen as a means rather than an end. Whatever system that can deliver economic benefits, political stability and social peace will be accepted. The focus on the politics is the outcome not so much the process.

The emphasis on community and group identity rather than individuals in many of the cultures is also far more prevalent than in the West. Hence, individual liberty may not often be held up as the penultimate goal. Of course, urbanization and development, dependence on the West for trade and investments meant the diffusion of western values to these societies. However, the spread of these values is uneven confining more to the urban and western-educated populations.

As the west also sees a retrenchment in democratic values and processes, it is therefore not surprising that the impact on Southeast Asia would also be significant.

CONCLUSION

Political systems in Southeast Asia while trending towards democracy remain unconsolidated. The political regimes show that they do not remain static or unchanged. However, at the same time, the moves towards democracy in the 1990s are far from rapid or irreversible. Countries that used to be under colonial and dictatorial rule have become more democratic and liberal, but some such as Thailand have experienced setbacks. Those that remain undemocratic are not as repressive as they used to be, but the "war against terror" and the rise of religious identities have spawned intolerance and threats to individual liberties in other ways.

External factors such as trade and aid from the West have contributed to the democratization of the region. However, with the West (especially the US under Trump) seemingly questioning its own values and institutions, the external pressure to continue on the roads of reform and democratic consolidation is less. The rise of China further dilutes the Western influence in this region, and the success of China in achieving economic prosperity without attendant political reforms provides an alternative development model for some of the Southeast Asian countries.

Summing up, the challenge to liberty in Southeast Asia is a reality that confronts these societies. While a degree of democratization has taken place, there are limits to the development of liberal democracy as understood by the West. Deep seated cultural instincts such as reverence for authority, group loyalty and the hierarchical nature of society, etc made it harder to develop and entrench functioning political institution necessary for democracy and respect for political and civil liberty to take root. Democracy is also never fully accepted as an end in itself, but rather a means to an end, with focus on governments delivering stability and prosperity. The recent retrenchments in democracy and liberty seen in the western countries fuel skepticism, and the focus on international terrorism and the emphasis on security further compound the challenges faced by many of these Southeast Asian countries in upholding whatever small gains made in political and civil liberty in the last one to two decades. Whether liberal democratization can truly take off and become consolidated is still an open question in this part of the world as we see democratic setbacks in several of the countries in this region.