
ASIAN ELECTORAL STAKEHOLDER FORUM - VI

**Building Sustainable Democracies:
Addressing Electoral Challenges and Opportunities**

6-7 December 2023 | Kathmandu, Nepal

PANEL DISCUSSION SUMMARY

Plenary Session: Sustainable Democracy through Electoral Reforms

Richard Klein of NDI opened the plenary session on **Sustainable Democracies through Electoral Reforms** who emphasized the importance of electoral reforms to advance electoral integrity. He said the goal is not to achieve “perfect” elections – if such even exists. Instead, the goal is elections that are credible and have integrity. One way to do these is through electoral reforms but this gets the least attention among the other aspects of the electoral process.

The first three presentations were country-specific experiences of pursuing electoral reforms. These were experiences of Nepal given by Dr. Urepti, Indonesia given by Nini, and the Philippines, given by Atty. Ona. However, the speakers provided several electoral policy reforms, and recommendations on how to pursue reforms that may also work across different contexts. The last presentation, by Tanja, was a fitting conclusion to the plenary session, by providing a concrete toolkit that can aid electoral reformers in identifying what reforms to pursue and how to pursue them.

In the first presentation (*Shortcomings in the Elections and the Need for Electoral Reforms*), Dr. Upreti provided several challenges why electoral standards such as free, fair, periodic, accountable, transparent, inclusive, and competitive are not observed. These challenges go beyond election day, and throughout the electoral cycle, such as manipulation, intimidation, violence, and lack of competitiveness. Electoral reforms can help address these issues and can happen in two tracks: electoral *process* reform and electoral *system* reform. The first level of reform involves amending or promulgating laws or policies to improve the electoral process. The second level of reform involves amending the constitution, which may take time, to introduce reforms on the electoral system.

The second presentation (*Advancing Research and Technical Work, and Building Coalitions for Electoral Change*) by Ninis takes a deeper dive on electoral issues. She focused on the electoral issue of Malapportionment in Indonesia which gave rise to other electoral challenges such as gerrymandering. Malapportionment is the overrepresentation and under-representation of certain districts which is a result of giving the boundary delimitation authority not with the Election Commission of Indonesia but to legislators/certain parties in the Indonesian National Parliament.

PERLUDEM has pursued several tracks to address malapportionment. The first track includes asking the Constitutional Court of Indonesia for judicial review of law that would result in restoring the boundary delimitation authority back to the Election Commission to ensure fairness in the setting of electoral districts. While the request for judicial review was heavily backed by data and rigorous technical work, the Court’s decision was ignored by several Political Parties and the Election Commission. With this, other tracks were pursued. The first is networking and coalition-building with like-minded organizations in the region which resulted in the Kuala Lumpur Declaration on Apportionment and Boundary Delimitation. The second include public engagement and advocacy strategies such as the development of Electoral Redistricting application to raise public awareness on electoral redistricting and enable anyone to participate/produce recommendations on redistricting.

While the first two presentations focused on concrete examples of electoral process

and system reforms, the third presentation by Atty. Ona provided *Practical Approaches On How To Pursue Electoral Reforms*. Atty. Ona provided a formula for pursuing reforms that worked in the Philippines: technically sound & politically feasible. This formula complements Ninis and Dr. Urepti's presentations focused on data-driven and consultation-driven reforms because it provides another important component: political feasibility. The political environment where reforms take place are rife with competing actors, interests, and emotions. Thus, the importance of finding the sweet spot between technical soundness (data-driven) and political feasibility. Reform is not a technical and data matter. It is also a political exercise requiring a political strategy. Practical approaches given are approaches that most of us probably practice that bears repeating: Just start or start, Make small bets (no problem low-hanging fruits as long as they have transformative impacts and work with several institutions), Harness the power of coalitions and networks, Begin with the reform in mind, Purposeful election monitoring, Assemble a team, and the importance of patience because reforms do not happen overnight.

The session's final presentation zoomed out to address why reforms often stall and what reforms tend to succeed. Answers to these questions include the lack of compilation of many recommendations, the failure to specify primarily responsible actors, and the lack of inclusion and transparency in the reform process. To help address these, a toolkit was presented termed Electoral Reform Roadmap with the aim of consolidating and rationalizing a myriad of recommendations into coherent, digestible reforms, and workable reforms. It consists of a 4-step process: organize recommendations per thematic area, identify mechanisms to implement the reforms ("change paths"), identify the actors who have primary responsibility to implement to create accountability, then develop an indicative timeline (backed by detailed analysis of circumstances).

Parallel Discussion 1: Use of Alternative Voting Mechanisms and Technology in Increasing Political Participation

Meghan Nalbo opened the discussion who emphasized the importance of using technology in elections and the dynamics of using technology such as AI and cyber security. How the use of information technology in elections can increase voter participation in elections.

The three speakers conveyed how good practices in several countries use information technology and could be used as lessons. Apart from that, the three speakers also agreed that the use of information technology is not only carried out by the government or election organizers, but also CSO and citizens need to collaborate to adapt the technology. Many countries use technology in elections. Technologies used in several Asian countries, for example India, Malaysia, Thailand, Mongolia and the Philippines.

First presentation by **Mr Angel Averia, Jr.**, NAMFREL Chairperson, Philippines with the sub topic (***Providing Alternative Voting Mechanisms in Increasing Electoral Participation***). In this sub topic, Mr. Angel said that there wasThe fundamental principles of alternative voting mechanisms in increasing electoral participation are (a) Equal representation in voting (one vote, one vote), (b) secret voting, (c) Public counting, (d) Transparency; (e) Security (it's basically to discuss security in the use of information technology), (d) Professionalism, (e) Accuracy (Integrity and credibility), (f), Secrecy, (g) Timeliness (how technology can simplify and speed up election results and known to the public, (h) Accountability and (i) Equity. Mr. Angel also mentioned that the presence of information technology is an effort to overcome several problems in manual elections such asThe process took too long (5-24 hours, vote consolidation took up to 40 days). Selain itu, be found challenging Election workers were exposed to threats, intimidation and harassment and there were errors in the recording of votes. Another challenge for using information technology is because vote results are easily manipulated and ballot box stuffing and snatching and switching. Mr Angel also provided details on how to use information technology in the Philippine Elections to provide learning. Mr Angel said that there are several suggestions that can be made in the use of information technology, namely Capacity to use technology requires specialist knowledge (make sure stakeholders understand the election related processes and election technology selected. Apart from that, In the process all selection related processes and technical processes must be granularly well defined and to the technology select the appropriate technology that will meet the requirements based on well defined electoral processes.

The second presentation by **Dr. Seung Kim**, Advisor to Secretary General, Association of World Election Bodies with sub topic (***Use of advances in technology in Enhancing Voter Education, Citizen Mobilization and Election Observation***). Dr. Seung Kim said that citizen election and political participation is a very broad concept, apart from going to vote on voting day and not being a one-time activity, participation requires involving many daily activities. Dr. Seung Kim also mentioned that currently is the era of digital and information technology. All areas of human activity, including voter education, citizen mobilization and election

observation, already use various types of information technology. Because all areas of activity use information technology, there must be no errors in the technology used in the process of voting and counting votes, because just one mistake can ruin the entire election. In addition, the application of technology in daily citizen participation is mainly based on the needs of citizens. Dr. Seung Kim said that there are advantages to using technology to increase political participation, such as ease of participation, increasing outreach even though resources are limited (control to overcome platforms and improvements), providing access to decision makers (bureaucracy) and integration of information from various state institutions.

The third presentation by **Dr. Krishna Prasad Paudel**, IT Expert, Nepal with sub topic (**Lessons and Practices on the Use of Technology in Elections**). Dr Krishna said that there are three stages in the use of technology in ECN, pre-election, during the election and post-election. In addition to providing services to citizens and stakeholders, this technology can also be used for electronic voting, registration or tabulation and may be useful for increasing voter turnout. The technology from GAP is increasing the capacity of ECN staff, technology only in information dissemination systems and integrated databases according to needs and also voter education. Dr Krishna said the application of technology in elections can be divided into three stages, namely pre-election (stages and challenges of using technology in pre-election voter information systems, voter registration, voter updating, as well as information publication and database management, and also voter information systems). Next steps during the election (stages and challenges of using technology during the election to collaboration (many government stakeholders, LPP, CSO, IT experts), party registration (political parties), voter education and citizenship education to information systems, publishing candidate lists and codes of ethics use of ICT and monitoring and evaluation) as well as stages and challenges of using technology in post-election information, dissemination of vote counting, publication of results, and database maintenance (if we look at the Nepal election commission, they manage data and publish data based on the ECN e-portal).

Recommendation:

- Collaboration: Foster ongoing collaboration among governments, election organizers, civil society, and citizens.
- Education: Promote awareness and education on alternative methods and tech benefits for voters.
- Policy Focus: Prioritize robust ICT policies to guide secure and accessible tech adoption in elections.
- Stakeholder Engagement: Engage with political parties and communities for consensus and addressing challenges.
- Capacity Building: Invest in training for election organizers, parties, and stakeholders to enhance technical expertise.
- Continuous Improvement: Advocate for ongoing tech development to meet evolving democratic needs, building public trust and participation.

Use Of Alternative Voting Mechanisms And Technology In Increasing The Political Participation

1. Providing Alternative Voting Mechanisms in Increasing Electoral Participation

Information technology is required so voters may make decisions and the election can be completed. Voter disenchantment with the electoral process can result from a lack of voter awareness about alternative elections, limiting people's capacity to exercise their rights to free expression, peaceful assembly, and free association. EMBs and other stakeholders must guarantee that alternative voting procedures and technologies for increasing political participation are widely available, inclusive and accessible.

2. *Use of advances in technology in Enhancing Voter Education, Citizen Mobilization and Election Observation*

The use of information technology to enhance voter education, citizen mobilization and election observation is a shared responsibility and involves many parties. The use of information technology needs to be aimed at supporting people's daily political and electoral participation, including mobilization, education and ongoing election observation.

Election organizers must always promote the use of technology and the need to increase public participation through technology to mitigate the shortcomings of representative democracy. Election organizers, political parties and all stakeholders must continue to develop and continue to adopt new technology to increase public participation.

3. *Lessons and Practices on the Use of Technology in Elections*

The use of technology in elections has been carried out by various countries. EMBs need to develop an ICT Policy and involve various stakeholders. ICT lessons and practices provided by election organizers as a form of service to the community and other stakeholders. This technology can be used for electronic voting, registration or tabulation and may be useful for increasing voter turnout. There needs to be increased capacity and greater technical knowledge of security and accessibility issues related to the use of information technology.

Parallel Discussion 2:

Advancing Democratic Participation: Inclusion of Marginalized Communities in the Electoral Process in Asia

The panel discussion emphasized advancing democratic participation in Asia by addressing challenges faced by marginalized communities in the electoral process. Key topics included capacitating women and youth in formal politics, promoting human rights through effective disability inclusion policies, drawing lessons from inclusive elections in Nepal, and strengthening inclusive election processes based on international experiences. Strategies and short-to-medium-term reforms were proposed to ensure full participation of women, youth, ethnic minorities, and persons with disabilities. The session, chaired by Lasanthi Daskon, aimed to foster inclusive electoral practices across countries.

Dr. Bimala Rai Paudyal, Nepal:

Key Issues: Challenges persist in achieving full inclusion in Nepal's elections due to economic, social, and cultural barriers. Barriers to women's leadership include biases in party nominations and gender norms.

Analysis: Constitutional reforms aim for inclusivity, but there's a need to align laws with intentions. Low women representation in local governance and comprehensive interventions are ongoing.

Recommendations: Revise electoral laws, support integrated election laws, amend local level acts, reduce election costs, mitigate violence, reform parties, and regulate media for inclusivity.

Elberel Davaa, Mongolia:

Key Issues: Women and youth face underrepresentation, financial barriers, and media bias in Mongolian elections.

Analysis: Recent constitutional and legal reforms address systemic issues. Voter education initiatives and media collaboration promote gender equality.

Recommendations: Sustain legal reforms, enhance voter education, continue media sensitization, address corruption, engage youth, and establish monitoring mechanisms.

Antonio Spinelli:

Key Issues: Global democratic deficit for migrant voting, legal barriers, host country challenges, logistical hurdles, political controversies, financial sustainability, diverse institutional designs, and weak administrative structures.

Analysis: Global variations in external voting, legal analysis, policy advocacy, and identification of challenges provide a comprehensive understanding.

Recommendations: Advocate for legal reforms, engage diplomatically, innovate logistically, initiate political dialogues, plan financially, encourage regional collaboration, build administrative capacity, raise public awareness, and leverage

supportive publications.

Ooi Kok Hin, Malaysia:

Key Issues: Limited CRPD implementation, challenges in political and electoral participation for persons with disabilities, low women representation, and rise of disinformation and hate speech.

Analysis: Emphasis on disability-friendly measures, policy incentives for women's representation, and various approaches to regulate disinformation provide insights.

Recommendations: Implement disability-friendly measures, develop accessible electoral materials, train Election Commission staff, introduce policy incentives for women, encourage more women candidates, regulate disinformation, enhance platform accountability, and promote fact-checking initiatives.

Parallel Discussion 3: Online Media, Elections and Democracy

Sairah Zaidi opened the discussion who emphasized on the importance of tackling Disinformation in ensuring free and fair elections.

First presentation was from Mr Rossine Fallorina's case study was mainly on how the philippine disinformation campaigns evolved since 2016 and observations on Philippines elections 2022 where Mr Bongbong Marcos did manage to make a comeback to the power. He did emphasize on the influence and Expenditure on campaigns mainly on Digital media platforms by both the parties to create two parallel public spheres and creating distrust on electoral systems. Complications which arose through the cancel culture had disrupted the social space even after the elections leading to actions such as boycott campaigns of businesses.

Second speaker, Ya-Fen, Hsu, Commissioner, Central Election Commission, Taiwan emphasized on the efforts which have been made by TEC in order to tackle online disinformation and digital media based election law violations. It was remarkable how the Taiwanese EC have been able to drastically decrease the number of cases through a joint mechanism which included bringing up new legislation and coordinating with digital companies like Meta and Google.

Third and Final speech was by Mr. Kiran Chapagain, Researcher, Nepal who mentioned the importance of balancing the freedom of expression in efforts to contain disinformation. In 2022, the Election Commission of Nepal had introduced electoral policy against disinformation, misinformation and hate speech , first of its kind and He emphasized on the Whole - Society approach in curtailing Misinformation.

Parallel Discussion 4: Environment and Elections

Nadege Domjje, a Political and Electoral Affairs Officer at the Electoral Assistance Division of UNEAD, highlighted the importance of climate change and elections, as well as how climate change has taken a prominent space in public discourse and public action. She had also highlighted the need for cooperation and political will to address climate change.

Mr. Vasu Mohan, the Country Director of Nepal at IFES, was the speaker for the first presentation of the Session. His presentation on *'Electoral System, Process and its influence on the Environment'* began by mentioning the challenges to electoral rights, integrity, operations, and security posed by climate change and extreme environmental events. He had also mentioned that even though elections contribute minimally to greenhouse gas emissions compared to other sectors, addressing their environmental impact sets a crucial example for sustainability as elections are the largest civilian enterprises in a country. IFES had developed their own toolkit as a result of trying to identify the key issues faced by democracy and election, and how stakeholders can be brought together to come up with solutions to these issues. The tools include Impact of Climate and Environment on Elections Self-Assessment; Reducing Environmental Footprint of Elections Scorecard; Climate, Democracy & Elections Leadership Curriculum; Displaced not Disenfranchised (which aims to plan the integration of Internally-Displaced Persons in the country-specific electoral context) and Climate-Induced Electoral Crisis Simulation. At the end of his session, he had mentioned a few key recommendations including, the inclusion of environmental considerations by election commissions to their strategic and operational plans, and being cost-effective in terms of procurement but also considering the environmental footprint of the electoral items being procured.

The second presentation of the Session was given by **Ms. Asiath Rilweena, the Executive Director of Transparency Maldives**, on the *'Emerging Challenges of Climate Change and its effect on Electoral Participation'* with a country focus on the Maldives. Land reclamation projects in the Maldives come at the expense of severe destruction of the environment and losses to livelihood and housing, especially for the local communities and women earning a living in the affected area. Ms. Rilweena highlighted a few major development projects in the Maldives being implemented, despite criticism from environmental agencies and Transparency Maldives for being detrimental to the environment. Furthermore, the transparency surrounding these projects are quite limited, with little public awareness pertaining to these projects. She had also highlighted the lack of women's involvement in decision-making roles with regard to climate change and elections. She concluded her session with a call to action which included emphasizing on the urgent need to halt unplanned, politically motivated reclamation projects that disproportionately benefits powerful individuals in the Maldives; and emphasizing the importance of strengthening proactive disclosures and providing transparent information about climate projects.

The third and final presentation of this Session was given by **Dr. Gopal Krishna Shiwakoti, the President of INHURED International** on *'Advancing Climate Change Goals in Elections'*. Dr. Gopal began his presentation by explaining that the ongoing efforts to mitigate and adapt to climate change are inadequate in the face of the current rate and extent of climatic impacts. He had also highlighted the deficits in

the accountability of political parties with regards to climate change, including the absence of a climate pledge from election manifestos and voter education. However, there has been a notable surge in both the quantity and political significance of 'green parties' on a global scale, although many influential interest groups, including transnational corporations and global business magnates, still staunchly resist robust environmental or climate change legislation. Dr. Gopal had mentioned the need for every sector to come together and collectively advocate for more aggressive domestic and international climate policies, as voters cannot do it alone. Upholding the principles of environmental democracy, policymakers should also be more aware of environmental challenges and climate change responses. Dr. Gopal had ended his session by providing a few recommendations to the civil society and the media, including launching a "Climate Voters" campaign aimed at encouraging political parties and candidates to make a climate pledge; and initiating a systematic advocacy campaign to ignite a competition among major political parties, encouraging them to excel in climate action.

Parallel Discussion 5: Elections and Civic Space

The Moderator set the scene, highlighting how the strengthening of civic space is a challenge in many parts of the world including Asia as more countries face democratic backsliding and more regimes promote a different brand of civil society organizations which act as a mouthpiece for the regimes.

Dr. Bipin Adhikari, Chairperson, Niti Foundation, Nepal, started off the session with a brief overview of the Nepali commitment for constitutional democracy, federalism, devolution of power and inclusive democracy highlighting the structural advantages in the system, and the strong footing of the election management body in the protection and promotion of civic space.

He highlighted three cases which are important in the context of electoral management, including a decision where the Supreme Court directed the government to provision the voters' "right to reject" all candidates in elections henceforth by formulating appropriate laws.) As part of freedom of speech and expression - ECM should be able to provide a NOTA choice as part of the citizens right to choose. In Nepal, there is an effort to materialize this, despite it being nine years since the judgment.

While the provisions in the law are very progressive, he also reflected on the civil liberties in Nepal that have been expanded over time and how political participation has increased significantly. However, civic space has been threatened in different ways, including the excessive use of force by police in peaceful protests, discriminatorily implemented laws, as well as the targeting of civil groups during elections. And as such he recognised the need for urgent reform in key areas.

Dr. Adhikari ended his session emphasizing the role of civil society - especially on how civil society actors are questioning the restrictions to freedom of speech, expression and assembly and creating a new normal, where civic freedoms are accepted.

The second presentation gave an overview of how civic space continues to evolve and devolve with the political situation in Myanmar and how currently civil actors are faced with the question of whether they should engage in observing and monitoring the elections if they happen, not just because of the legal challenges in being able to do so, but also the political challenges of whether it could be a legitimate election.

He introduced the 4 dimensions of civic space which can be used to assess the civic space in a country published by OECD including civic freedoms, access to information, media freedom, and an enabling environment for civil society.

He ended his presentation focusing on key recommendations, including the importance of a clearly defined legal framework that allows civic groups to associate and engage with the whole electoral process and greater access to information and press freedom. He also emphasized the need for greater mechanisms to engage civic actors in consultations for regulations, laws and electoral processes beyond the monitoring and observing of elections and to ensure a protective environment for civic groups to work.

Dr Paikiasothy Saravanamuttu, Executive Director, Centre for Monitoring Election Violence (CMEV), Sri Lanka, the last speaker of the session, focused on the role of Election Observers and Monitors in Increasing the Public Confidence and Credibility of Election. He focused on the importance of election observers and monitors to look inward to their own credibility, integrity and commitment - laying out key lessons for election observers and monitors.

Firstly, he noted that election observers must also recognise that while they are political actors, they cannot be partisan - and this is crucial to their credibility. As the entire election observation exercise of observers is based on honesty and commitment, election observer groups must also focus on enlisting observers who have credibility within their communities - as the information observers collect come from their communities.

Secondly, he emphasized on the rights of observer groups to monitor and observe elections for which they do not require a permission. As such, especially in a situation where the appointment and resources provided to Election management bodies are suspect - election observers and monitors must avoid developing a close relationship to EMB. For the public to recognise and accept what election monitors say, they must see our integrity.

He also highlighted how domestic observer groups must be careful and organized in how they engage and cooperate with international observers, especially as the authorities often give more attention to them despite the efforts not being as thorough as domestic observer groups. Governments have also used statements of intl observers to legitimize their violations of their electoral laws and regulations. As such, domestic groups must consider how to use their engagements with international observer groups in a way to support their findings and recommendations.

Parallel Discussion 6: How Money Politics shapes Governance

Cultural Norms and Vote-Buying, Honorable Ernesto Ferdinand P. Maceda, Jr., Commissioner, Philippine Commission on Elections (COMELEC)

- "Cultural Norms and Vote-Buying: Its Impact on Election Integrity" in the Philippines explores the complex relationship between cultural norms, electoral system flaws, and the prevalence of vote-buying.
- Some features that highlights the Philippine Electoral System encompass the absence of distinct parties, personality-based politics, weak party structures, and patronage systems.
- Multifaceted influences contributing to vote-buying and selling include poverty, patronage and clientelism, reciprocity, traditional gift-giving norms, and traditional kinship highlighting challenges undermining fair elections and demanding broad reforms. Adding to the challenges is the advantage of incumbents to political resources.
- To combat vote-buying and selling in the Philippines, COMELEC launched its "Kontra Bigay" (translates to "Countering or Opposing") campaign. It involves nationwide partnerships with civic groups, emphasizes a decentralized reporting approach, and aims to change norms through investigation, enforcement, and prosecution. Provisions like disputable presumptions, arrests for witnessed offenses, legal aid, witness protection, and suspending winners' proclamations during disqualification cases bolster the campaign's effectiveness against vote-buying and selling.

Abuse of State Resources, Tseng Chien-Yuan, Chairman, Citizen Congress Watch, Taiwan

- "Abuse of State Resources" in democratic elections highlights the crucial role of administrative and electoral neutrality for public trust in transferring governmental powers.
- Abuse of resources includes incumbents' interference in electoral administration, vote falsification, and using state machinery for candidate advantage, potentially leading to electoral fraud. Tactics employed by election officials involve printing biased ballots, invalidating opposition votes, and miscounting.
- Citizen Congress Watch in Taiwan proposes remedies such as advocating for electoral and civil service neutrality, ensuring judicial independence, nationalizing the military, and fostering neutral public media. Their objective is to achieve a dynamic power balance, encourage diverse media competition, invite civil society scrutiny, and establish transparent electoral procedures.

Campaign Finance and Fair Election Competition, Dr. Ayodhi Prasad Yadav, Former Chief Election Commissioner of Nepal

- Political parties need financial resources to fund their operations, activities and campaigns. Money plays important roles and can greatly assist political parties as there are instances where political parties with good visions and policy unable to achieve meaningful participation
- However there is also question on the legitimacy of the money received and not used as means of expropriation of politics into the hands of a few.

- There is a huge sum of money incurred during elections however the issue is, it tends to be legally in the permissible range as political parties did not disclose the accurate amount. Political parties also do not complain or report against each other.
- Legal provisions to regulate campaign and party finance must be in place. The provision must set limits to campaign expenditure and impose fines and punishment. In Nepal, it is recommended that the election of a person can be challenged before the Election Special Court on grounds of excessive election expense than the limitation set by the Commission. If proved, the Court may declare such election void.
- It is also recommended to prohibit certain agencies and individual to donate to political parties or campaign such as Office of federal Government, Provincial Government, and local bodies; public limited company; welfare organization; foreign citizen and unknown person or organization