Asia-Europe Democratisation and Justice Series
Advisory Group Meeting
Jakarta, Indonesia
3rd – 4th December, 2007

Attendees

The Advisory Group meeting was attended by nine experts from Asia and Europe:

1. Prof. AHN Chung-Si (Korea)
   Professor, Department of Political Science, Seoul National University, Korea
2. MR. DUERR, Schnutz Rudolf (Austria)
   Head of Constitutional Justice Division, Venice Commission, Council of Europe, France
3. Prof. Dr. FERNHOUT, Roel (The Netherlands)
   Professor of Law, University of Nijmegen and former National Ombudsman of the Netherlands
4. H.E. NEOU Kassie (Cambodia)
   Consultant & President, Peace and Development Institute and Former Secretary of State, Ministry of Justice, Cambodia
5. Mr. KUMAR, Radesh (India)
   Affiliated Fellow, Developing Countries Research Centre, University of Delhi, India
6. Mr LAY, Alexander (Indonesia)
   Lawyer, Lubis, Santos & Maulana Law Offices and Member of Transparency Indonesia
7. Mr MICLAT Augusto N. Jr. (Philippines)
   Executive Director, Initiatives for International Dialogue, Philippines
8. Ms RIKKILA, Leena (Finland)
   Program Manager, International Institute for Democracy and Electoral Assistance (IDEA), Nepal
9. Mr ZILINCIK, Pavol (Slovakia)
   Executive Director, VIA IURIS – Center for Public Advocacy, Slovakia

Facilitator:
Ms Michelle Grindle (Spain)
Senior Project Manager, International Project Management Office, University of Alicante

From the organisers:

ASEF:
Mr RYAN, Peter, Director, Intellectual Exchange, Asia-Europe Foundation
Ms FIGGE, Natalia, Project Executive, Intellectual Exchange, Asia-Europe Foundation

Hanns Seidel Foundation Indonesia:
Mr HEGEMER, Christian, Director, Hanns Seidel Foundation, Indonesia
Ms PUSPITA, Nila, Program Coordinator Hanns Seidel Foundation, Indonesia
Mr Frank Lutz, Intern, Hanns Seidel Foundation, Indonesia

Overview and Background
The Asia-Europe Foundation seeks to promote dialogue on burning topics between Asia and Europe. Asia and Europe both have much experience with political transition and the consequent setting-up of democratic institutions. Political transition refers to the process of change from less authoritarian and centrally controlled government to a more democratic system characterised by greater transparency, public accountability and people’s participation.

In June 2005 the Asia-Europe Foundation (ASEF) co-organised a workshop with the Hanns Seidel Foundation, Indonesia and The Habibie Center on “Comparing Access to Justice in
Asian and European Transitional Countries” in Bogor, Indonesia. The meeting aimed to be a venue for countries undergoing democratisation in Asia and Europe to compare their experiences in legal reform, especially in the attempt to facilitate greater and easier public access to justice. The main outcome of this workshop was the implementation of the Asia-Europe Democratisation and Justice series and the first Advisory Group meeting being a result of it.

With the Asia-Europe Meeting (ASEM) enlargement in 2004 and the more recent one in 2006, many of the new ASEM countries have had experiences undergoing transition to democracy and have a wealth of policy insights pertinent to countries in an earlier phase of transition. These insights and lessons of transition are highly valuable to support economic development and to strengthen security and stability in Asia and Europe.

**Objectives of the Meeting**
The objective of the meeting was two-fold:

1) To determine a shape and format for the upcoming Asia-Europe Democratisation and Justice series;  
2) To brainstorm ideas for the two planned activities (workshops) on “Safeguard and oversight” and “Corruption” respectively.

A small, select group of experts were brought together to discuss the best possible design for such a series; the proposals were put forward bearing in mind important factors such as delicate national differences, available resources, time constraints, previously held actions and potential synergies with other organisations and activities.

**Summary of Discussion**
The discussions took place over two days, concentrating on the overall design of the series and further in-depth discussion regarding the various aspects of two potential activities proposed by ASEF and which were then ratified and developed by the Advisory Group.

The meeting was opened by Mr. Christian Hegemer on behalf of the local host - the Hanns Seidel Foundation, and by Mr. Peter Ryan on behalf of the Asia-Europe Foundation. Firstly participants got an overview of the outcomes of the 2004 Seoul meeting about a common definition of “Democracy” and “Democratisation”. This brief overview served to clearly demonstrate that there is no universally accepted definition, particularly when working with two regions as diverse as Asia and Europe, both when compared to each other and within each region itself. The implementation of “Democracy” as a universal concept was considered by the participants of the Seoul meeting to depend on each country’s specific needs as each underlying component of “democracy” such as “human rights”, “citizen’s rights” and “Freedom from tyranny” also have a different definition depending on the country. The search for firm common ground in this diversity may become a major goal of the Democratisation and Justice Series.

1) **Design of the Asia-Europe Democratisation and Justice Series**  
A preliminary concept for the series was sent to the participants prior to the meeting to enable them to familiarise themselves with the ideas behind the proposal. The participants were given more substantive questions to begin thinking about the potential objective, activities, synergies, outputs and evaluation criteria. The Advisory Group discussed and determined the following:

**Objective**
A skeleton objective was put to the Advisory Group. Minor changes were made to this base and the group settled on the following aim for the series:
“Enhancing a platform for Asia-Europe exchanges in the field of democratisation and justice through dialogue between civil society and policymakers, with a particular focus on transitional countries”.

This objective reflects the contribution that this series aims to achieve by extending the reach of dialogue on such a topic into civil society by mobilising important actors. Transitional countries in particular are to be targeted to enable an active exchange of information and experience sharing between those countries striving to incorporate the elements of justice and democracy into their social and political infrastructures, and those which have passed through this process with varying degrees of success and applicability.

Format of the series – Activities and Implementation
The working group brainstormed a list of potential activities for such a series, trying to be innovative and incorporate more elements rather than just workshops or conferences. The duration of the series was set at three years initially. The activities and their periodicity which have been identified are as follows:

- An Advisory Group Meeting once a year
- The organization of 1-2 workshops a year, alternating between Asia and Europe
- The organization of 1 “Lecture Tour” each year (alternating Asian and European speaker each year)
- At the end of the three year duration planned for the series, 1 joint Lecture Tour in both Asia and Europe, also presenting the outcomes of the series itself.

Besides these more concrete activities, the Advisory Group suggested to examine and incorporate the following:
- Some Training programmes in the series (most likely in conjunction with other events as an optional extra);
- An Online platform (Newsletter or website) to act also as a dissemination tool;
- An extensive research activity. The suggested research theme is to create a survey model in Asia and Europe over the duration of three years on how people perceive democracy and justice in Asia and Europe.

For the above activities, particularly research, a check on the state of the art in these areas will be performed to avoid the duplication of efforts. The Advisory Group also proposed the following topics for workshops or meetings in 2009 – 2010:

- How does constitutional democracy contribute to justice (to link the idea of democracy and justice)? What does civil society expect from it, how can they contribute (through direct access)?
- The topic of constitutional courts
- Various concepts of democracy: Direct democracy, grassroot democracy, peoples power (outside the constitution) etc.
- National Minorities
- Governance of Migration.

ASEF will later examine these suggestions in depth together with members of the Advisory Group to select the most interesting and debate-generating topic. For workshops, the Advisory Group also determined that it would be of great use to have researchers to draft background reports before the event takes place to provide participants with up-to-date and non-biased material. The idea would also be to have the same persons present at the meeting to act as rapporteurs and assist in the final report write-ups including an analysis of outcomes.
ASEF will act as secretariat for the series, providing 1.5 staff dedicated to the implementation.

Outcomes
The Asia-Europe Democratisation and Justice Series might be limited in its reach and effects due to capacity, resources and other such constraints. However, with careful planning of the level and type of participants and the maximization of resources, multiplier effects can be achieved and the messages can go beyond the participants of an event. The series will therefore aim to raise awareness of the issues in hand, and should come up with short policy recommendations after each event. Policy recommendations and other documents will be sent to relevant parties for their information and consideration.
The focus in events will be very much based on practical elements and experiences, leading to the development of Best Practices. These case study best practices will form the basis for policy recommendations. In summary, the series expects to present the following outcomes:

<table>
<thead>
<tr>
<th>Tangible Outcomes</th>
<th>Intangible Outcomes</th>
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<tbody>
<tr>
<td>Policy recommendations</td>
<td>Increased awareness</td>
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<tr>
<td>Best Practice case studies</td>
<td>Linkages and contacts</td>
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<tr>
<td>Presentations (workshops)</td>
<td>Multiplier effects</td>
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<tr>
<td>Research papers and results</td>
<td>Debate</td>
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<td>Write-up reports</td>
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Evaluation and Monitoring
The success of the series will be monitored using various monitoring methods. The following recommendations were gathered from the Advisory Group:

- ASEF should consider outside evaluation to ensure an un-biased and representative monitoring of the series and its outcomes;
- Both long-term and short-term evaluation measures should be developed. Long term will be after the initial 3 year duration of the series. Short term shall be considered as after / before each event;
- Host institutions should be involved in the monitoring also, including institutions hosting the respective lectures of the Lecture Tours programme.

2) Workshop on Oversight and Safeguard Bodies
The first activity proposed by ASEF was a workshop on Safeguard and Oversight Bodies concerning the police. A brief concept paper for the conference was delivered to the participants to work upon. The proposal for this topic came about as a direct result of the previous meeting in Bogor, Indonesia in 2005. The concept paper circulated at the meeting centred on the role of Safeguard and Oversight Bodies in Conflict Situations. The Advisory Group decided to take out the qualifier “in conflict situations” and have the workshop examine this topic with a more day-to-day focus. There should also be a focus on examining the gaps and discrepancies between what citizens want and what current policies address.

Target group of the workshop
The Advisory Group were asked to think about who the target audience of the proposed workshop would be; they were asked to think about a final destination and then those organisations which could have the relevant networks and multiplier effects to reach that target audience. Through the discussions, it came about that the most natural final target group for this workshop would be the police force or constabulary. It was stated therefore that the conference should aim to invite bodies or institutions working in direct contact with or for this group.
Some of the identified targets were:
- OSCE
- EUROJUST
- National Police Academies
- Council of Europe Anti-Torture Committee
- Youth representatives
- Media representatives (to be invited as participants, not to cover the event)
- Ombudsman institutions and associations
- ASEAN Secretariat
- Council of Europe Commissioner for Human Rights
- Geneva Centre for the Democratic Control of Armed Forces
- International Alert
- International Police Association
- European Confederation of Police
- Confederation of European Security Services
- EUROPOL
- NGOs

This extensive list will be later divided into multipliers and potential participants through stakeholder analysis of their relative influence and interest in the topic.

**Format of the Workshop**
In line with the series objectives, the workshop will present a highly practical focus to discussions, using experience sharing, best practices and examples where appropriate. Incorporating a capacity-building element here, such as an optional one day training, will be explored depending upon the venue and hosting organisation. Media, as mentioned above, will be the main transmission vehicle and will have an important role as participants in this workshop.

The Advisory Group brainstormed potential topics for the 3 foreseen sessions of the workshop and agreed to the following:

### Topics

#### 1) Oversight Mechanisms
This session will examine the different mechanisms employed in Asia and Europe, through examples and studies. In line with the series activities, two researchers (1 Asian, 1 European) will be charged with gathering data and creating a pre-report to be sent to all participants on “Existing Police Oversight Mechanisms in Asia and Europe” which will cover all 43 ASEM Member States. Presenters will also present 2-3 policy and practical recommendations for Asia-Europe cooperation in this field.

#### 2) Rules of Engagement
This session will explore the use of violence and the rules that govern this in both Asia and Europe. The issue of accountability and transparency in reporting such actions (monitoring in practice) will also be discussed.

#### 3) Police and Community Partnerships
Communities provide valuable information and links for the police. This session aims to look at the partnerships which can be developed between police and the communities they serve for the good of both. Public opinion and trust of the police will be examined, alongside best practices for good communication with the community and examples of working together for common interests.
For the report, members of the Advisory Group will work to identify an appropriate researcher. Prof. Dr. Roel Fernhout will help identify a European researcher and Prof Chung Si Ahn and Agustó N. Miclat Jr. will look for an Asian researcher. Besides this, members of the Advisory Group also volunteered to be the contact and reference point for the 3 topics mentioned above. They will assist in identifying speakers, make comments and suggestions on the session design, help determine reading materials prior to the event, perhaps moderate the session and also assist in finding relevant participants. The distribution of tasks is as follows:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Advisory Group Member</th>
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</table>
| 1) Oversight Mechanisms       | Prof. Dr. Roel Fernhout  
Leena Rikkilä               |
| 2) Rules of Engagement        | Schnutz Rudolf Dürr     |
| 3) Police and Community Partnerships | H.E. Neou Kassie         |

Other Implementation Arrangements
As a tentative date, the workshop was first set for March, 2008. However, with the introduction of a research exercise to the proceedings and its importance in adding value, the workshop will be held later in 2008. The Advisory Group has suggested that late August / early September will provide ample time for a useful research output to be created.

With regard to the host and venue, the first choice of the Advisory Group and indeed ASEM is Belfast in Northern Ireland. Failing this, the second choice is Strasbourg in France. As another option, the Netherlands will be considered.

3) Workshop on Corruption
The topic of corruption was raised by ASEM as a possibility for the second workshop of the series. This topic generated quite some debate from the Advisory Group, mainly centred around the fact that, again, the definition of corruption in one nation is considered as habitual or “normal” in others. Furthermore, the point was raised that, particularly for some Asian countries, corruption is a very delicate and sensitive topic which should be dealt with accordingly. Further discussion drew the conclusion that the topic should be addressed sensitively, but without shying away from encouraging honest and intense dialogue. The final suggestion which was agreed to by all was that the topic could rather be presented in a positive light by focusing on promoting and enhancing transparency and integrity, rather than the ‘evils’ of corruption.

Target Group of the workshop
The target group of the workshop on Corruption was discussed briefly. It was unanimously agreed that the first level target should be top-level officials to create a top-down interest factor. Secondly, as participants or recipient of outcomes, anti-corruption bodies or commissions should be involved.
Lastly, it was also suggested that to seek synergies and easy access to a wide range of participants, the meeting could be arranged back-to-back with the UN Commission meeting on this particular topic also, to take place in 2008.

Format of the workshop
Similarly to the above, the Advisory Group suggests having a pre-event report arising from some study or research. The topic of this study will be determined further in the future. Researchers should also provide relevant reading materials which can be provided to participants in advance.
In the same way, the Advisory Group advocated a practical approach to this and further workshops using best practice sharing and lessons learned, practical sessions such as
scenario building exercises and also the possibility for a capacity building training before or after the event as an optional activity for participants.

As mentioned above, the focus of the meeting will be positive rather than negative and will mainly discuss improving those institutions involved in anti-corruption and related issues. The cultural influence on the acceptance of corruption and the corruption between the public and private sectors will also be examined. The topics identified for the sessions were:

**Topics**

<table>
<thead>
<tr>
<th>1) What do we mean by “corruption”?</th>
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<td>In this introductory session there will be a “back-to-basics” approach looking at exactly what corruption is. Case studies will be discussed, the costs of corruption (both social and economic) will be explored along with cultural aspects and regional differences.</td>
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<tr>
<th>2) Best Practice in Anti-Corruption Measures</th>
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<tr>
<td>As the focus of the event is to be positive, session two will showcase examples of anti-corruption measures or programmes which have enjoyed high levels of success with a view to extending the use of such actions. Lessons learned from experiences will be presented.</td>
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<th>3) Promotion of Access to Information</th>
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<td>The last session will look at the issue of transparency and the rights of citizens and civil society to access information freely and at will. The topic of the obligation to inform will also be examined.</td>
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As above, volunteers were named to assist in the development and design of each of the sessions. The distribution of tasks was as follows:

<table>
<thead>
<tr>
<th>Topic</th>
<th>Advisory Group Member</th>
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</table>
| 1) What do we mean by “Corruption”? | Dr. Chung Si Anh  
Agusto N. Miclat Jr |
| 2) Best-Practice in Anti-Corruption Measures | Schnutz Rudolf Dürr |
| 3) Promotion of Access to Information | Rajesh Kumar  
Pavol Zilincik |

**Other implementation arrangements**

The Corruption workshop concept will be further developed using the initial ideas above. In particular, a topic will be assigned for the study.

With regard to venue and location, the Advisory Group opted for Phnom Penh, Cambodia as a first choice. A partnership with UNDP will be explored for this purpose. Failing this, second choice would be The Philippines, and lastly Indonesia.

**4) Overall Conclusions**

The meeting was considered to be extremely useful in brainstorming ideas for the new series. The use of an expert external group means that the topic areas listed are both relevant and academically sound. Experts also provide knowledge; both with regard to what is important currently for the topic in question and of the different actors which could be pertinent stakeholders for the series. Last but not least, they provide a fresh vision of what can be achieved, by what means, and for whom. The Advisory Group structure will be maintained as far as possible for future meetings and evaluation measures throughout the run of the series.
**Next Steps**

1) **For ASEF**

ASEF to create a fully rounded Concept Paper / Proposal for the Asia-Europe Democratisation and Justice Series, and two concept notes for the workshops discussed.

Secondly, it is important that the concept paper for this series includes evaluation criteria which go beyond participant evaluation forms. Logical Framework Matrix could be applied using Indicators and Sources of Verification. An external evaluation process is advisable.

ASEF must also seek out relevant and succinct partners for the next workshop as soon as possible.

2) **For Advisory Group**

First, the Advisory Group will be sent this and subsequent papers for approval and / or comments.

The volunteers will be asked to begin working on the two identified tasks:
   a) Identification and procurement of the researchers;
   b) Monitoring and appraisal of the concept papers and definition of potential partners, speakers and participants.