

DEMOCRATIC POLITICAL CHANGE AND GOVERNANCE TRANSFORMATION: PROSPECTS AND CHALLENGES

Assistant Professor Dian A.H. Shah

Faculty of Law, National University of Singapore

Does democratic political change generate transformation in constitutional governance? Drawing on the experiences of various jurisdictions across South Asia and Southeast Asia, this keynote address will tackle a crucial paradox from recent experiences with democratic political change: while there have been promising “forward-slides” in building and sustaining constitutional democracies, there remain considerable challenges that have led to democratic backsliding.

On the one hand, there is a clear pattern of countries pursuing key constitutional changes to support democratization. These changes – in both formal and informal dimensions – reflect and prioritize the constitutional commitments to rights, to circumscribing executive power, and to improving the balance of power between the executive and the legislature. On the other hand, the wave of democratic decay and constitutional retrogression has also hit the shores of Asia, including in countries that have recently undergone democratic political change. This is manifested in various forms of assaults against democratic commitments, which take place incrementally and sometimes, inconspicuously.

This keynote address will explore the multi-dimensional nature of such assaults, the range of political actors they might implicate, and the variety of tools that anti-democrats might utilize. It will demonstrate that assaults reflect three main imperatives: consolidation (of political authority), dissolution (of institutional accountability), and suppression (of political competition). In addition, constitutional amendments have not been the most pervasive “weapon of choice” in targeting democratic commitments; instead, anti-democrats have utilized ordinary legislation, judicial interpretation, and incremental changes in political conventions to dismantle democracy.