OPEN SOCIETY NEWS

SOROS FOUNDATIONS NETWORK NEWS
FALL–WINTER | 2002/3

Democracy in Southeast Asia: A Hard Road Ahead

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Open Society News

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Shan Women's Action Network: page 15 (background)
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COVER PHOTO
Panos Pictures (Nic Dunlop), child laborers, Bago, Burma

The numerous nonprofit foundations established by the philanthropist George Soros are linked together in an informal network called the Soros foundations network. At the heart of this network are the regional, national, and local foundations that operate in more than 50 countries around the world. These foundations share the common mission of supporting the development and maintenance of open society. To this end, they operate and support an array of initiatives in educational, social, and legal reform. *Open Society News*, published by the Open Society Institute in New York, reports on the programs and grantees of the foundations in the network. For additional information, see the Soros foundations network website at www.soros.org or contact the Open Society Institute, 400 West 59th Street, New York, NY 10019, USA; TEL (212) 548-0600; FAX (212) 548-4605; or E-MAIL wkramer@sorosny.org

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EDITOR'S NOTE

This issue of *Open Society News* highlights OSI's efforts to promote democracy and open society and to eliminate the worst effects of globalization in Southeast Asia. While the stories on the following pages highlight problems, they also demonstrate how aspects of globalization, such as the increasing use of international law and greater cooperation and communication among civil society organizations throughout the world, can help foster open society.

Southeast Asia is a region where some states have developed rapidly and raised living standards by producing goods and resources for world markets and working with multinational corporations. It is also a region where the forces of globalization have decimated the environment, fueled human rights abuses, and helped stifle the development of open society by enriching and entrenching corrupt regimes.

Since 1994, OSI's Burma Project has brought the world's attention to the plight of the Burmese people living under a tenacious military dictatorship, and helped prepare the country for an eventual transition to democracy. It has supported numerous media and information efforts as well as a wide range of other programs in support of the democratic opposition in exile.

In 2001, as mitigating the harmful consequences of globalization became an OSI priority, the Burma Project expanded to create the Burma Project/Southeast Asia Initiative to include other countries and seek region-wide solutions. OSI's growing involvement in Southeast Asia illustrates its belief that multilateral, collaborative efforts are necessary in a world where societies are increasingly interacting and affecting each other's politics, economies, and cultures.

TABLE OF CONTENTS

Challenges and Opportunities for Open Society in Southeast Asia

(TOP) Anti-oil price increase protestors, Philippines
(ABOVE) Fisherman in military operations zone, Jojo Island, Philippines

Maureen Aung-Thwin, director of the Open Society Institute's Burma Project, describes the Soros foundations network's growing efforts to foster open societies in Southeast Asia. ■

MAUREEN AUNG-THWIN

Home to 525 million people, Southeast Asia comprises multiple ethnicities, religions, and political systems. Irrepressible capitalist states and emerging democracies like the Philippines and Cambodia share borders or sea lanes with the communist regimes of Laos and Vietnam. Indonesia, the world's largest Islamic state and fourth most populous country, lies across a strait from Thailand, a Buddhist constitutional monarchy. The diversity and contradictions of Southeast Asia present a unique challenge for the promotion of open society. Throughout the region, civil society is subordinated to economic interests, and "law and order" prized above all other national goals. Increased U.S. military presence and involvement in the region since September 11 has rekindled memories of earlier, violent U.S. interventions and unleashed virulent anti-Americanism. The war on terrorism is providing a new pretext for sweeping internal security acts that can be used against citizens who engage in legal, peaceful dissent against local regimes and U.S. policies.

> Throughout the region, civil society is subordinated to economic interests, and 'law and order' prized above all other national goals. On the bright side, the emerging democracies in Southeast Asia are beginning to grapple with electoral, media, and legal reform issues.

The region is also beset by problems involving refugees, migrants, and displaced people; trafficking of the poor and the young; an HIV/AIDS pandemic; the opium trade, injecting drug use, and the rising scourge of methamphetamines; and major environmental degradation, corruption, and human rights abuses often linked to state-controlled industries.

On the bright side, the emerging democracies in Southeast Asia—through a growing network of independent media and civic organizations—are beginning to grapple with electoral, media, and legal reform issues. In Indonesia, for example, the Tifa Foundation, an OSI grantee and partner, has coordinated a national advocacy network for media law reform to combat the ingrained legacies of corruption and patronage. OSI's East East Program: Partnership Beyond Borders recently completed the pilot phase of its expansion into Southeast Asia. The program will work to bring individuals and organizations together to develop policies and activities that sustain civil society throughout the region.

Independent media and freedom of information are essential to building open societies in Southeast Asia. The relative ease of access to the Internet and wireless communications in the region has been a tremendous boon, even to countries lacking basic infrastructure. Burmanet News, the electronic listserv launched by OSI in 1994, remains crucial in publicizing on a daily basis the plight of the voiceless people of Burma to the rest of the world.

The articles in this newsletter highlight some of the issues listed above as well as others that are important to the development of open societies in Southeast Asia.

Pascal Khoo Thwe, from the Padaung ethnic group in Burma, writes about one of the most difficult challenges facing that nation—protecting the rights of ethnic minorities. Pascal learned first hand about the plight of refugees and internally displaced populations in Burma when he was forced to flee through the ethnic territories scorched by the Burmese military.

Terry Collingsworth, a lawyer with the International Labor Rights Fund, describes two U.S.-based lawsuits against the giant California oil company Unocal. The ILRF and the Center for Constitutional Rights are suing Unocal on behalf of Burmese villagers who were victims of forced labor and other human rights abuses during the construction of a natural gas pipeline in southern Burma. Thomas Palley, director of OSI's Globalization Reform Project, supplements the Unocal story with information about the Publish What You Pay Initiative, an OSI-supported effort to make companies disclose their payment agreements with authoritarian governments.

Burmese student leader Min Zin, who writes on the importance of expanding civic space inside Burma, was only 14 years old in the summer of 1988, when Burma exploded in demonstrations calling for an end to military dictatorship. Min Zin spent the next nine years inside Burma hiding and dodging the military police, while regularly contributing (under a pseudonym) articles and opinion pieces to state-approved publications that readers assumed were the musings of a publicity-shy intellectual.

In an article describing how the media in Thailand are increasingly vulnerable to compromise and self-censorship, Thai journalist Kavi Chongkittavorn depicts a process of government interference with the press that is growing throughout the region.

In Indonesia, the Parliament recently passed a major broadcasting bill. The Commmittee to Project Journalists and Article 19 have criticized certain features of the bill that give government agencies extensive licensing and regulatory power. Yet Article 19 and other civil society organizations concerned about media freedom also acknowledge that the bill improves upon previous legislation by increasing the role of community broadcasters to help decentralize the production of information and increase relevant content for local audiences. OSI's Network Media Program is working with the Tifa Foundation to increase support for community broadcasters as well as help develop laws and amendments to create truly independent regulatory bodies not tied to political or commercial interests.

Polish journalist Konstanty Gebert and Philippine professor Carolina Hernandez offer their thoughts about what emerging democracies in Southeast Asia can learn from democratic transitions in Eastern Europe. Hernandez and the Philippines will be host next year to the third ASEAN People's Assembly, a gathering of civil society organizations that OSI has supported since its inception.

Taken together, these essays provide a glimpse of OSI's growing commitment to alleviating the negative effects of globalization in Southeast Asia.

Holding Businesses and Burma's Government Responsible for Human Rights Abuses

Prisoners waiting to begin day of forced labor on army construction project, Myitkyina, Burma

With support from OSI, the International Labor Rights Fund (ILRF) is using American courts to enforce international human rights standards and punish multinational corporations that abuse them. ■

TERRY COLLINGSWORTH

In today's global economy, governments and businesses benefit from the effective enforcement of laws protecting property rights, trade, and tariffs. Little to nothing, however, is done to protect workers and enforce laws to prevent businesses from profiting from human rights abuses.

This is the reality in Burma. Working with the big American oil company Unocal to build a pipeline in the 1990s, the Burmese government used its security forces to enslave rural inhabitants for days and weeks at a time. Villagers were forced at gunpoint to work on the pipeline for days on end without food and water. Those who failed to work enough were often beaten or killed.

With assistance from the Open Society Institute, the International Labor Rights Fund (ILRF) has brought a lawsuit against Unocal on behalf of these Burmese villagers. A second case on similar grounds was brought by the Center for Constitutional Rights. Jury trials for both cases are scheduled for February 2003.

University of California–Berkeley Business School Professor Christine Rosen wrote in the *Los Angeles Times* that the case could hold corporations working abroad to the same standards they are held to in the United States. According to Rosen, "companies will not be able to go abroad and take advantage of the much looser regulatory environment or the corruption of the government to treat their workers in an inhumane way."

PUBLISH WHAT YOU PAY: WHERE'S THE MONEY? THOMAS I. PALLEY

Burma has substantial natural resources that could improve its economy and the lives of its citizens, yet it remains one of the poorest countries in the world because the benefits of foreign investment have gone to Burma's military regime and its cronies.

In Angola, another country where vast natural resources are accompanied by widespread poverty and corruption, oil royalties account for 90 percent of the $3-5 billion state budget. In 2001, the IMF estimated that over $1 billion was unaccounted for.

To stem the devastating impact that corruption has on developing nations, the Open Society Institute launched the Publish What You Pay (PWYP) initiative in June 2002. PWYP, supported by more than 60 NGOs, asks that publicly listed natural resource and oil companies be required by market regulators to disclose aggregate information about tax payments, royalty fees, revenue sharing payments, and commercial transactions with government and public sector entities.

Public disclosure of payments to governments will make it easier for citizens, NGOs, and institutions like the IMF to monitor how governments use the public income generated by foreign investment.

If successful, the PWYP campaign will yield huge benefits. But government action is essential. Currently, companies that try to be good corporate citizens through voluntary disclosure risk retaliation from corrupt governments. In Angola, British Petroleum recently promised to disclose its payments and was immediately threatened by the Angolan government. If disclosure were mandatory, corrupt regimes could not play natural resources firms against each other. By requiring members to publish what they pay, stock markets in the U.S., the U.K., Canada, France, Italy, Japan, and Germany could do much to fight waste and corruption in places like Burma and Angola.

For more information, visit www.publishwhatyoupay.org.

A verdict of significant monetary damages against Unocal could also serve as a warning to investors, including large institutional funds, that companies at risk of exposure for human rights violations may not be a good investment.

The suit began with the general secretary of the Federation of Trade Unions of Burma, U Maung Maung, who left Burma soon after the 1988 uprisings that were brutally repressed. In 1994, he heard of an American couple who successfully sued a veterinarian after their dog died. U Maung Maung decided that if you could sue for the death of a dog in American courts, maybe you could sue on behalf of Burmese refugees used as slave labor on Unocal's billion dollar natural gas pipeline project.

FACING PAGE: (TOP) **Prisoners performing forced labor under guard, Mandalay Palace, Burma** (BOTTOM) **Child laborers working on highway construction, Rangoon, Burma**

U Maung Maung consulted with international lawyers and activists, and they developed the case on behalf of the Burmese refugees. The ILRF brought the case to court in California in September 1996. It is based on the Alien Tort Claims Act (ATCA), a 1789 statute which, when applied to today's global economy, allows plaintiffs to use U.S. federal courts to sue multinational corporations based or operating in the United States for violations of international human rights standards.

The suit charges that Unocal knowingly used forced labor for the pipeline, which was completed in 1998. Hundreds of eyewitnesses testified that while providing "security" for the project, government military units also provided Unocal with unpaid labor by forcing thousands of villagers to work at gunpoint. Unocal is jointly and severally liable for the acts of the military government because the regime acted as either a co-venturer or as an agent for Unocal.

A California federal district court in August 2000 held that the ATCA requires direct participation by Unocal in the wrongful acts. ILRF immediately appealed, arguing that there was sufficient evidence of Unocal's participation with the military security forces.

In its appeal, the ILRF also argued for the "Nuremberg Principle" used during the trials of business leaders who had profited from slave labor provided by the Nazis. This means that private firms not directly involved with but knowingly benefiting from slave labor can be held accountable for human rights violations. In September 2002, the Ninth Circuit Court of Appeals ruled that private companies providing "assistance or encouragement" to human rights violators can be held liable under the ATCA. The case was remanded to the federal district court for trial.

While the federal appeal was pending, ILRF refiled its state law claims in the California Superior Court for the County of Los Angeles. The jury trial, set to begin on February 4, 2003, will test the charge that Unocal is "vicariously liable" for the acts of its partners and agents, including the military security forces hired to protect the pipeline.

Holding companies liable for human rights violations should prompt serious discussion and reform of the current international trading system in which corporations are protected by the World Trade Organization, but workers are largely ignored. The ILRF has developed a model provision for human rights to be added to existing and future trade agreements, and is working with human rights organizations around the world to develop support for this approach.

A victory in the Unocal case would be a great step toward eliminating the torture, murder, kidnapping, and sexual assault that have been the unfortunate, but routine, consequences of a lawless global economy.

Terry Collingsworth is executive director of the International Labor Rights Fund, a Washington-based nonprofit working for labor rights in the global economy.

FOR MORE INFORMATION

To find out more about the Unocal case and five additional cases, as well as other ILRF projects, go to ILRF's website, www.laborrights.org.

Ethnic Minorities and the Future of Burma

Celebrated Burmese author Pascal Khoo Thwe reflects on the Burmese government's repression of the country's ethnic groups and what can be done to restore and protect their rights. ■

PASCAL KHOO THWE

I was born a member of the Kayan Padaung, perhaps best known to the outside world as the tribe whose women are often compared to giraffes because of the brass rings they wear around their elongated necks. The Padaung are a subtribe among the numerous groups of the Karen people who live in the mountains where the Shan, Kayah, and Karen states meet. In Burma there are currently about 10 distinctive tribes and over 100 subgroups. In the past, despite complicated tribal structures, the different tribes got along well. In *From the Land of Green Ghosts: a Burmese Odyssey*, I describe my childhood among these various groups "like being in a garden full of highly colored and sharply differentiated blooms."

These ethnic communities, however, were not idylls. They had their own problems and their own ways of resolving them and managing their territories. Each village had its own hunting grounds and areas where they cultivated fruits and vegetables. These territories were carefully managed by customs passed down from preceding generations. Disputes were settled through either negotiation or violent conflict. Violence tended to be rare and brief because the conditions of jungle life prevented villages from sustaining large-scale warfare. Conflicts were confined to local territories and usually resolved by local groups working with each other.

As I grew up in the 1970s, I witnessed the slow disappearance of these traditional ways of life, as General Ne Win, who had overthrown an elected government and formed a military regime in 1962, implemented policies to systematically undermine Burma's ethnic groups.

The regime pursued a two-pronged strategy. The first objective was to "burn the silo to get rid of the rats" by destroying villages to eliminate bases of support for the various ethnic rebel groups fighting against the regime. The second objective was to bring "peace and progress" to the countryside by relocating villagers to urban areas, discouraging the use of native languages, and forbidding traditional tribal clothing in the name of "decency." Once the government vacated the tribal lands, it then appropriated areas rich in natural resources and developed them for the benefit of the regime and foreign investors.

By 1988, a growing prodemocracy movement was challenging the regime's brutal rule. As a student at Mandalay University at the time, I witnessed the street protests by students, monks, and civilians as well as the vicious government response in which military forces shot an estimated 3,000 protestors. I led protests in my home village against the slaughter, but was forced to take refuge with Karenni rebels and eventually fled the country when the State Law and Order Restoration Council or SLORC (renamed the State Peace and Development Committee in 1997) finally crushed the uprising at the end of 1988.

(LEFT) Kayan girls in refugee camp near the Burmese border

(FACING PAGE) Kayan women replacing neck rings at refugee camp near the Burmese border

> "The ruling junta ruthlessly adopted a divide and rule policy toward Buddhists, Christians, and the Karen. The regime's exacerbation of these ethnic tensions may be the most damaging and enduring problem it has inflicted upon Burma."

SLORC continued policies to foment fear, hatred, and paranoia within Burma's ethnic communities. Locally, the government replaced traditional chiefs with bureaucrats who knew nothing about the tribes and their needs and merely imposed orders from the central government. Nationally, the government cracked down on independent organizations like labor unions and consolidated its control over the media. SLORC used the media to describe fictitious internal and external threats that turned ethnic groups against each other and created a general climate of fear and mistrust.

SLORC also continued to uproot ethnic groups from their homelands, strip these areas of natural resources such as oil and valuable hardwoods, and prevent anyone from returning by laying thousands of landmines.

The ruling junta ruthlessly adopted a divide and rule policy toward Buddhists, Christians, and the Karen. It also splintered the Karenni people with promises of lucrative contracts for some subgroups and not others. The regime's exacerbation of these ethnic tensions may prove to be the most damaging and enduring problem it has inflicted upon Burma.

Despite the recent release of Aung San Suu Kyi, these practices are still taking place in the hills, whether or not the ethnic group is fighting against the army. On a recent visit to the Thai-Burma border, I heard accounts of increasing army raids on refugee camps and army units systematically attacking Shan, Karen, and Karenni villages and raping and killing their inhabitants. Some villagers managed to escape into Thailand. Others are still hiding in the Burmese jungles at the mercy of the weather, military attacks, malnutrition, and disease. For people enduring these conditions, the political changes in Rangoon mean little. The rebels are tired of war and want peace but have little faith in the future.

If and when a new government emerges in Burma, it must work with leaders of the country's minorities. It must anticipate and address issues such as ultranationalism, clan-based gangsters, and social and economic development that will sustain and meet the needs of different ethnic groups.

One of Burma's greatest challenges will be to end its isolation and engage with the world, while preserving stability by retaining its national identity and the identities of its minorities. The government has to make honest efforts to solve ethnic issues, gain minority groups' trust and confidence, and respect their basic rights. In addition to enforcing a broad set of rights for every ethnic group, the government must develop mechanisms that permit these groups to participate in decisions that affect them. Achieving peace with ethnic groups in border areas would do much to normalize Burma's diplomatic and trade relations with its neighbors.

The events of the past half-century have revealed the difficulty of building a genuinely peaceful Burma without cooperation among the country's ethnic minorities. So far Burma's military leaders are squarely to blame for repressing and playing ethnic groups off of one another. There may come a time when the military government realizes that dialogue and inclusion, not persecution and hate, are the only ways to build a nation. Or this may be the task of a new, democratic government. In either case, meaningful dialogue among the government, opposition parties, and leaders of Burma's ethnic groups will be the only way to overcome years of violence and once again make Burma a garden of different, colorful blooms.

Pascal Khoo Thwe's book From the Land of Green Ghosts *is published by HarperCollins.*

FOR MORE INFORMATION

To learn more about ethnic groups in Burma, visit the following websites: www.karen.org and www.karenniland.org.

Casualties of U.S. War on Terrorism:

Human Rights and Democratic Reform

Aristides Katoppo, Indonesian political commentator and publisher of the influential *Sinar Harapan* newspaper, analyzes how the U.S. government's war on terrorism has affected Southeast Asia. ■

ARISTIDES KATOPPO

> “Washington’s war on terrorism has given ailing Southeast Asian regimes new momentum to restore or increase draconian measures against local democratic opposition movements.”

U.S. foreign policy in Southeast Asia after September 11 has gone from *“musyawarah* to Musharraf.”

“Musyawarah” is an Indonesian word describing a democratic process of deliberation and consultation moving toward consensus. Musharraf is General Pervez Musharraf, Pakistan’s self-appointed, authoritarian “chief executive,” who has become America’s key ally in the war on terrorism.

Thus many people in Southeast Asia see recent U.S. policy as changing from nurturing democratic transition in the region to supporting military dictatorships that cooperate with the U.S. war on terror.

Among intellectuals and prodemocracy activists committed to strengthening and advancing democratization in Indonesia, there is a mood of disquiet and concern. For them, the Bush administration’s single-minded over-reliance on military solutions to eradicate terrorism may set back years of struggle to advance human rights in Asia.

The fear is that the American effort to bring terrorists to justice is becoming a policy of dropping bombs first and asking questions later—exactly the kind of security policies pursued by military regimes throughout Southeast Asia for decades. Intelligence agencies accused domestic dissidents and critics of “extremism” and “terrorism” and used deception and detention as well as kidnapping, disappearances, and extra-judicial killing to silence political activists.

Authoritarian regimes that used these tactics to maintain power in the past but were under pressure to reform have been emboldened by America’s post–September 11 rhetoric and policies. Washington’s war on terrorism has given ailing Southeast Asian regimes new momentum to restore or increase draconian measures against local democratic opposition movements.

The current American practice of denying prisoner of war status to Taliban captives in Guantanamo Bay and the insistence that U.S. soldiers and commanders will not be accountable to the International Criminal Court sets a bad precedent that repressive regimes will eagerly follow. There is growing concern that the United States will look the other way when its authoritarian allies in the war on terrorism violate human rights and engage in terror themselves. According to Kunanto Anggoro of the Center for Strategic Studies in Jakarta, the antiterrorism laws that are now emerging “can be misused to arrest anyone who is considered a danger to the government.”

Indonesia is in the process of drafting an antiterrorism law similar to the internal security acts in Malaysia and Singapore. Civil society advocates agree with government authorities that new policies must be devised to effectively combat terrorism, but they oppose new legislation that could suspend civil and human rights, democratic freedoms, and the rule of law. The last thing most Indonesians want is a return of the antisubversion laws used by Indonesian military governments from 1963 to 1998, which allowed for unlimited detention and suspension of all rights of anyone suspected of opposing the government.

Many Indonesians are also troubled by renewed American unilateralism and U.S. insensitivity toward its allies in Europe, Asia, and the Middle East. Politicians here decry the fact that Washington calls for replacing a democratically elected leader like Yasser Arafat in the same breath as a dictator like Sadam Hussein. In the late 1950s, the United States pursued regime change in Indonesia by supplying military and logistical aid to rebels trying to overthrow the country’s central government. The United States went on to prioritize Cold War strategy over democratic development by supporting brutal but anticommunist dictators in Indonesia for more than 30 years. Because of this historical experience, Indonesians do not associate U.S. talk of regime change with security and democracy, but rather violence, chaos, and repression.

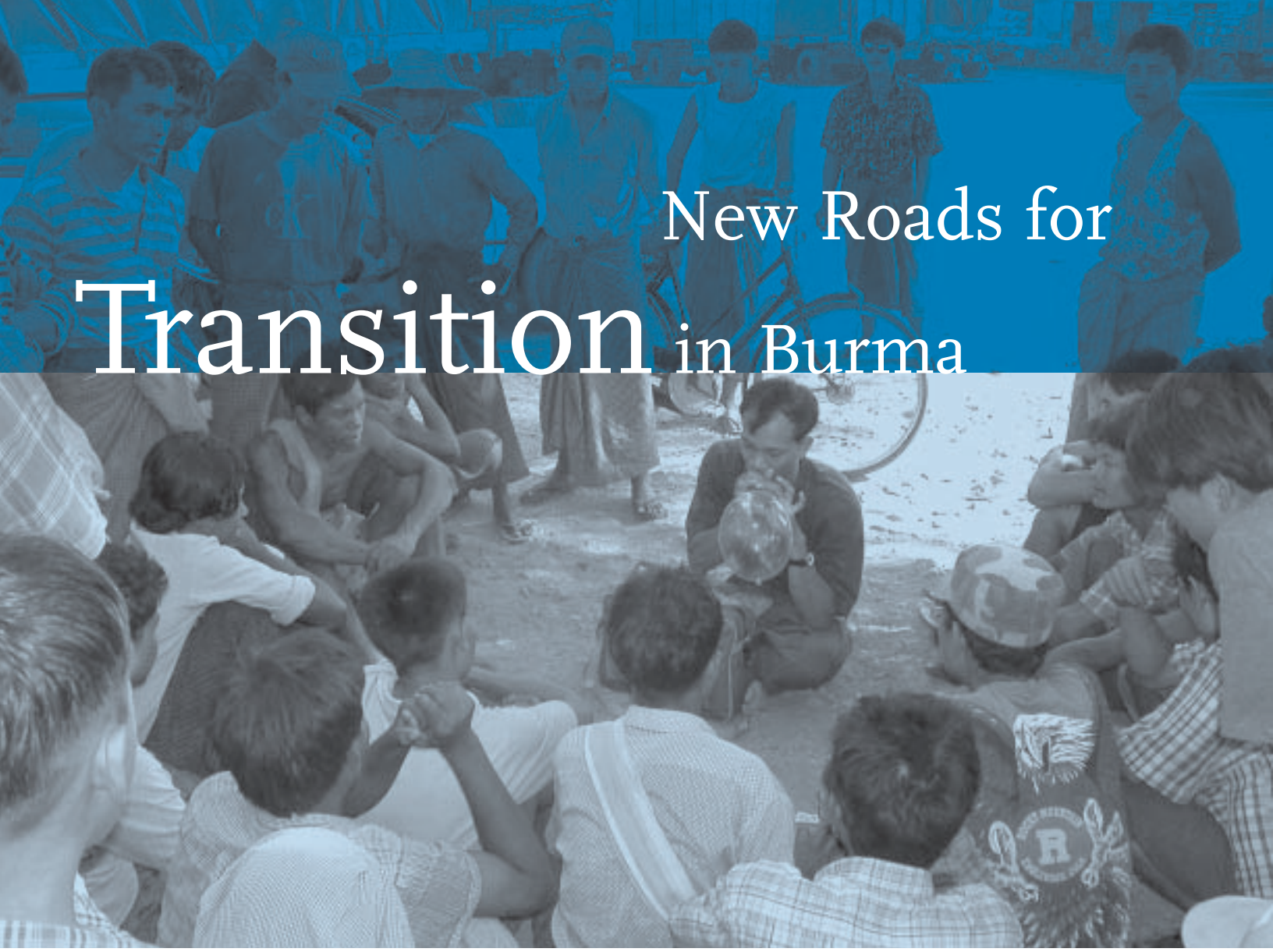
Indonesia is set to experience a new round of American intervention, or at least increased involvement with the United States, because it has been identified as having possible connections to global terrorist organizations. If not done properly, the American effort to combat terrorism, with its emphasis on military force, will do irreparable harm to the region. Military action alone will not resolve terrorism’s underlying causes and will only unify global Muslim opinion against the West.

Kumar Ramakrishna, a professor at the Institute of Defence and Strategic Studies in Singapore, has noted that “a lopsided approach to the war on terror can only breed creeping anti-American enmity among Southeast Asian Muslims. They may be predisposed to accept the radical Islam argument rather than rely on secular state authorities that are too identified with America and can not be relied upon to defend Islam.”

This anger toward the West and those associated with it has the potential to spread throughout Southeast Asia, polarizing and destabilizing its multiethnic and multireligious societies.

In the aftermath of the outrageous October bombings in Bali, Indonesia is clearly faced with the dilemma of how to conduct a firm policy against terrorism without sacrificing its burgeoning experiment with democratic reforms, human rights, and civil liberties. The choice is not between security or democracy as defenders of the good old days of Suharto maintain, but rather how to make democracy work in an insecure environment. In the long run, a multilateralist approach involving the U.S. and Southeast Asian governments and representatives from civil society organizations throughout the region may be safer and more sustainable than unilateralism imposed from abroad by the United States. Such cooperation could not only combat terrorism, but also do much to reverse years of heavy-handed intervention and begin addressing the ignorance, want, injustice and fear that fuel terrorism.

(FACING PAGE, TOP) Indonesian troops celebrating end of military exercises (FACING PAGE, BOTTOM) Indonesian Muslims protesting U.S. war in Afghanistan (LEFT) Guard in front of the U.S. embassy, Jakarta



New Roads for Transition in Burma

A 14-year-old participant in Burma's 1988 democracy uprising and currently an editor at *Irrawaddy* magazine in Thailand, Min Zin examines the possibilities for fostering democratic development in Burma. ■

MIN ZIN

The Burmese military regime's release of leading democracy advocate Aung San Suu Kyi in May 2002 after 19 months under house arrest raised expectations for positive political change. Despite considerable obstacles and tensions, democratic transition seemed underway.

Since then, however, the momentum created by Suu Kyi's release has waned. UN diplomats are increasingly skeptical that the Burmese generals will initiate further changes any time soon—a view confirmed by recent government statements saying it was "analyzing the situation" but had no concrete plans to start political talks with Suu Kyi.

As the regime puts off political reform, Burma continues to crumble. Trade deficits, hyperinflation, a weak currency, reductions in foreign direct investment, and military spending that eats up over 40 percent of the budget are devastating the economy. Only 1 percent of the country's GDP is spent on health and education. The quality of Burma's health care ranked second to last out of 191 countries surveyed by the World Health Organization in 2000. Growing numbers of Burmese are being driven into the black market economy or fleeing the country in order to survive. The drug trade is a lucrative livelihood, as Burma remains the world's largest opium producer. Among the one million Burmese who have fled to Thailand, an estimated 40,000 are women working as prostitutes.

Because of the stagnation in Burma's transition process and the country's increasing fragmentation, advocates for democratic change are starting to ask whether directing all our efforts into the political arena is the best way to pursue transition.

One of Burma's fundamental problems is a lack of "space" for political and civic activities not controlled by the regime. If we really believe in a nonviolent, democratic process of change for Burma, we must create and expand independent spaces in our society. But what constitutes an independent space? And how is it created? Answers to these questions may be found in popular movements from other eras and other parts of the world.

> If we really believe in a nonviolent, democratic process of change for Burma, we must create and expand independent spaces in our society.

(ABOVE) Seminar for rural public health workers (FACING PAGE) Village HIV/AIDS prevention class

In colonial India, Gandhi encouraged people to weave their own clothes and avoid contributing to the British-controlled economic system. In Brazil, Paolo Friere started a movement to educate impoverished and illiterate people who were denied access to education by the military regime. And in El Salvador, progressive Catholic priests in the 1980s used "liberation theology" to bring together impoverished people to apply biblical lessons about social justice and compassion to El Salvador's repressive social order.

A number of independent movements outside the formal political realm can be found in Burma as well.

When Burma was under colonial rule, the All Burma Federation of Students Union (ABFSU) was founded as a purely social organization. The union grew out of a social club established in 1931 at Rangoon University and became the ABFSU in 1936 as its members got increasingly involved in politics. Since then ABFSU members have played key roles in organizing nonviolent protests against Burma's authoritarian governments and have faced imprisonment and violent government oppression.

As a member of the ABFSU from 1989 to 1997, I published political analyses, organized demonstrations, and recruited new activists from students, monks, and others involved in the prodemocracy movement. I initiated aboveground nonpolitical activities to involve people in participatory forms of civil society, including "Public Literary Talks" attended by hundreds in the townships of Rangoon, at which well-known writers read and discussed their works. ABFSU also set up libraries for young people in Rangoon, Mandalay, and Irrawaddy, and organized campaigns to raise awareness about smoking and HIV/AIDS in Rangoon that ran from 1996 to 1998. I lived underground most of the time that I was involved in these activities, and I eventually fled Burma in 1997.

Other organizations and individuals that have worked to expand civil society are the Malon Rice Donation Association, which has provided rice to monks and nuns since 1896, and the Buddhist abbot Thamanya Sayadaw, who has helped communities organize themselves to construct roads, bridges, and schools.

Civil society groups operating on their own terms help people develop a democratic culture, and, most importantly, they help counterbalance the power of the state. The development of more efforts like these would do much to strengthen the movement for democratic transition in Burma.

Developing independent movements, however, involves considerable risk. In 1997, many members of the ABFSU were arrested, tortured, and imprisoned for opening a library. Two years later, the regime proved that it would not tolerate any independent activity by banning a weight-lifting club and imprisoning its founders.

Beyond direct threats and violence from the authorities, there is also the danger that organizations claiming to be independent have actually been co-opted by the government. In Burma, "independent" organizations, such as the Union Solidarity and Development Association and the Myanmar Maternal and Child Welfare Association, are merely tentacles of the regime.

Other groups, such as international NGOs, may have to make necessary compromises and maintain relations with the military junta in order to carry out their poverty alleviation projects or community development activities.

Yet given the current deadlock in the political arena and the disarray of Burmese society, advocates for change in Burma should help expand the space for political and civic activities by increasing support for grassroots groups that are independent and pluralistic, but not necessarily explicitly political. These groups can help meet immediate needs like housing and education as well as provide long-term models of democratic practices.

Burmese exile groups in neighboring countries and farther abroad are developing organizations around issues such as women's empowerment, ethnic reconciliation, media training, and economic development, which will help anchor civil society when transition comes to Burma.

Inside Burma, the political struggle will continue to have a decisive role since it promises the most immediate effect on the status quo. However, working to expand other spaces for social and political activity while confronting the government in the traditional political arena may be the best way to bring a peaceful and enduring democratic transformation.

FOR MORE INFORMATION

To read stories by Min Zin and other journalists focusing on Burma, please visit the *Irrawaddy* website at www.irrawaddy.org.

Thai Media Under Attack

Kavi Chongkittavorn, chairperson of the Southeast Asian Press Alliance, a free media advocacy group, reviews the positive and negative impact of the 1997 financial crisis on Thailand's media, and how recent gains for the press are threatened by the policies of a new prime minister. ■

Thai readers perusing a cover story on Prime Minister Thaksin

KAVI CHONGKITTAVORN

The Asian financial crisis of 1997 not only devastated Thailand's economy, it also ushered in a period of democratic reform and increased freedom for the media. With the election of conservative telecommunications tycoon Thaksin Shinawatra as prime minister in January 2001, many of these positive changes are now in jeopardy.

Thailand's economic collapse prompted international institutions like the IMF, local NGOs, and large segments of Thailand's middle class to focus on the country's corrupt and entrenched system of political patronage. The growing pressure for economic and political change from these groups led to the election in September 1997 of a reformist government headed by Chuan Leekpai and the creation of a new constitution.

This so-called People's Constitution was a watershed in Thai political history. The Thai media played an active role in the development of the new constitution by providing a vital forum for both experts and laypeople to publicly exchange their views. For over a year, the pages of Thai newspapers featured analyses of the constitution, gave readers a wide range of information and resources about democratic development, and encouraged political participation. Public forums promoted by the press helped generate almost one million citizen recommendations for the constitution's drafting committee.

The constitution that emerged from this process contained the first comprehensive provisions to protect media freedom in Thai history. The new constitution potentially renders 27 repressive media laws unconstitutional, and gives radio and television, long firmly controlled by the state, the same rights as print media. However, the government and lawmakers have not finalized and enacted many new laws to define and protect media freedom. Until these laws are further elaborated and passed, Thailand's media are unsure of the legal definition of freedom of expression.

While the financial crisis triggered many of these potentially positive legal reforms, it also left many media outlets struggling to stay afloat. The devaluation of Thai currency, the high cost of imported printing paper, and the sudden loss of advertising revenue has prompted 12 newspapers to close. Existing newspapers have cut staff, reduced salaries, and made print runs smaller. Three thousand journalists and media-related personnel, almost half of all Thai journalists, are unemployed. Job insecurity and the strain of daily survival are making more Thai journalists susceptible to compromise and self-censorship.

Fledgling efforts at reform have yet to dismantle the corrupt system that extends to the media. Because the patronage system between political and economic elites remains entrenched, new owners at several newspapers have not brought a wider range of views and information to the public. Instead, they have changed coverage and editorial policies to please the government and its allies in the business community.

Since coming to power, the Thaksin government has pursued unprecedented levels of news management and interference with the media. It has used advertising to effectively turn media watchdogs into lapdogs. Newspapers that provide positive coverage of the government have been rewarded with lucrative advertising contracts from state enterprises. Journalists at both state and private media outlets are under increasing pressure to conform to organizational regulations specifying uncritical reporting about the state. Government agencies have also had much success in setting the agenda by providing media outlets with sources and information favorable toward Thaksin's administration.

This increasing control over the media does not bode well for the upcoming review of the 1997 constitution. What was once a lively media sector that facilitated public participation in politics in 1997 is now increasingly subservient to the Thaksin government. Without a vigilant media, the government will have an easier time railroading amendments through Parliament that reverse the 1997 constitution's expansion of freedom of expression laws and limit the power of independent bodies such as Thailand's election and anticorruption commissions and the constitutional court.

The international community must pressure the Thaksin government to allow the press to promote a wide-ranging and transparent debate about further changes to Thailand's constitution. Without such a public dialogue, many democratic reforms of the last five years may disappear.

Ending the Military's Reign of Rape and Violence in Burma

(BACKGROUND) **Shan women** (ABOVE) **Burmese soldiers riding in troop transport**

With assistance from OSI, the Shan Women's Action Network and the Shan Human Rights Foundation have conducted research on the Burmese military's use of rape against women of the Shan ethnic group. The following report from SWAN staff members highlights the results of the research and how it is increasing pressure on Burma's army to end the violence. ■

A year ago "Nang Hla," seven-months pregnant, was gang-raped in the jungle by 10 Burmese soldiers. No one heard her screams. Today, people around the world are hearing about her ordeal.

"Nang Hla" is just one of 625 ethnic Shan women and girls raped by the Burmese Army, according to the June 2002 report *Licence to Rape*, published

“Lack of legal action against the perpetrators has made women increasingly vulnerable to rape. However, the international response that *Licence to Rape* has begun to generate is an important step toward protecting Shan women.”

by the Shan Women's Action Network (SWAN) and the Shan Human Rights Foundation (SHRF). Both organizations have received support from OSI's Burma Project.

As the first detailed report on sexual violence by the Burmese Army, *Licence to Rape* has attracted considerable international attention and undermined the Burmese military regime's attempts to convince the international community that it was progressing toward democratic reform.

Shan State, Burma's largest ethnic state, contains 8 million inhabitants or 16 percent of the country's population. Located in a mountainous region, bordering northern Thailand, it is rich in natural resources such as gems and teak. The Shans joined Burma in 1948 to gain independence from the British, and were promised the right to secede after 10 years, but the Burmese government reneged on this agreement.

The Burmese military considers Shan State a strategic priority because of strong Shan leadership in movements for ethnic rights and equality in Burma. Over the last decade, the Burmese Army has poured soldiers into the region, tripling its troop presence to almost 100,000, about a quarter of Burma's forces.

Burmese troops in Shan State act with impunity against the local populace on the pretext of controlling the numerous resistance movements. Shan women are in particular danger because sexual violence helps the army flaunt its power, humiliate resistance forces, and “reward” soldiers for fighting.

Rape and violence against women in Shan State are not the acts of renegade soldiers or out-of-control militias. Officers committed 83 percent of the rapes documented in *Licence to Rape,* usually in front of their own troops. In many cases, the report gives the names, ranks, and battalion numbers of perpetrators. The rapes involved extreme brutality and often torture, including beatings, mutilation, and suffocation. Twenty-five percent of the rapes resulted in death. Sixty-one percent were gang rapes. Women were raped within military bases, and in some cases women were detained and raped repeatedly for periods of up to four months.

This violence represents just the tip of the iceberg, because few Shan women, like women throughout Burma, dare to report cases of rape. Those that did were fined, detained, tortured or even killed by the Burmese authorities. Some were rejected by their communities because of the stigma attached to rape. Lack of legal action against the perpetrators has made women increasingly vulnerable to rape. However, the international response that *Licence to Rape* has begun to generate is an important step toward protecting Shan women.

In July 2002, U.S. Congresswoman Ileana Ros-Lehtinen referred to the report in a statement before the U.S. House of Representatives that condemned the army's use of rape as a “war crime.” Spokeswoman Lynn Cassell said the U.S. State Department was “appalled,” and urged the regime to conduct a full investigation.

The regime has used state-controlled media to deny the report's accusations and attack its authors. In August, authorities began a mock “investigation,” forcing local villagers to participate in progovernment demonstrations and sign statements declaring that the army had committed no sexual violence in Shan State.

The Women's League of Burma, a border-based umbrella organization cofounded by SWAN, challenged the regime in a widely publicized news release. The League described how the military carries out systematic sexual violence when fighting its opponents and called for the government to end the conflict by addressing the grievances of Burma's various ethnic communities.

SWAN worked with Thai ITV on a 30-minute, in-depth news program about sexual violence in Shan State. In early September of 2002, 93 Thai women's groups signed a petition in the Thai press calling on the Thai prime minister to recognize Shan refugees, particularly women fleeing sexual violence. Shan refugees, currently without legal status in Thailand, have no access to protection or humanitarian aid.

On the day the Thai petition was launched, the chairman of the Thai Senate Foreign Affairs Committee, Kraisak Choonhavan, defied the Thai government's recent conciliatory policy toward Burma, and declared that he would work to expose abuses and have the United Nations investigate. The UN's Special Rapporteur on Human Rights in Burma raised the issue during an October visit to Burma.

In August, SWAN made appeals to the international community at the Asia-Pacific NGO Consultation with the UN's Special Rapporteur on Violence Against Women. SWAN representatives urged activists to pressure their governments to push for political change in Burma and encouraged the international community to discontinue all financial assistance and aid to the regime until peace, democracy, and the rule of law are restored.

At the grassroots level, SWAN crisis support teams have begun to establish community-based programs along the Shan-Thai border to help rape survivors suffering from the mental and physical effects of sexual violence. SWAN counselors are providing crisis management training to local women so they can assist rape survivors.

The publication of *Licence to Rape* has set in motion a new round of international scrutiny of Burma's violent military regime and fostered new efforts to assist and protect rape survivors. At the International Burma Summit in Copenhagen on September 22, women's issues topped the male-dominated Burmese democracy movement's agenda for the first time in history as Burmese opposition leaders demanded international action to end sexual violence by the Burmese army. The growing outrage about the plight of Shan women marks a substantial milestone in the struggle for gender equality and protection from sexual violence in Burma.

FOR MORE INFORMATION

To find out more about SWAN, write to: kenneri@loxinfo.co.th.

Learning from Democratic Transitions Past and Present

(ABOVE) Antigovernment protestors, Philippines (BACKGROUND) Protest against mistreatment of Malaysian immigrants, Philippines

> "The democratic opposition in Central and Eastern Europe made nonviolence the cornerstone of their policy. In Southeast Asia, the attitude toward violence is much more complex. There are democratic opposition groups that are quite proud of waging armed resistance for years."
>
> —KONSTANTY GEBERT

> "If economies under democratic regimes are not sustainable and do not grow, popular sentiment for the past is likely to erupt as people embrace the idea that 'things were better in the bad old days of authoritarian rule.'"
>
> —CAROLINA HERNANDEZ

Konstanty Gebert, columnist and international reporter for the Polish daily *Gazeta Wyborcza*, and Carolina Hernandez, president of the Institute for Strategic and Development Studies in Manila, examine what democracy advocates in Southeast Asia can learn from the transitions that swept Central and Eastern Europe over ten years ago. ■

How do transitions in Southeast Asian countries like Indonesia, Thailand, Korea, Burma, and the Philippines compare to those in Central and Eastern Europe during the last years of communism?

KG: Countries in Central and Eastern Europe (CEE) were subject to regimes imposed and largely maintained from abroad. It was relatively easy to delegitimize such regimes by pointing to their alien origins. Also, any weakening of the foreign patron created immediate opportunities for opposition movements in CEE.

Regimes in Southeast Asia (SEA) are homegrown, but stabilized by foreign supporters and patrons (mainly in the U.S., but also in Burma and China). In SEA, patrons are less connected to the regimes; their relationships are more ambiguous. An opportunity for one country is not necessarily one for its neighbor—a "tidal wave" of democratization has yet to occur.

Communist repression of democracy and national cultures along with the ineffectiveness of state-run economies allowed the democratic oppositions in CEE to create broad alliances with nationalists and free market advocates. In SEA (with the exception of Burma), authoritarian regimes play on fears of socialist elements in the opposition to make alliances with groups supporting liberal economics. Regimes in SEA also use nationalism to support their authoritarian position by claiming to protect the nation from foreign influence or domination. The democratic opposition in CEE made nonviolence the cornerstone of their policy. In SEA, the attitude toward violence is much more complex. There are democratic opposition groups that are quite proud of waging armed resistance for years.

Countries in SEA are much larger, differentiated and more populous which makes building a united democracy movement more difficult. Populations in CEE tend to be better educated, highly literate, more urban, and wealthier. Women in CEE are more emancipated than women in SEA. All this made building broad civic nonviolent opposition movements easier. Finally, countries in CEE claim to be temporarily separated from "the West" and entitled to support and readmission. Countries in SEA do not have this sense of temporary disconnection and need for reunification.

CH: Southeast Asian countries are at three stages of transition: consolidated democracy (South Korea, Taiwan); consolidating democracy (the Philippines and Thailand); and transitioning democracy (Indonesia). As in Central and Eastern Europe, democratic transitions in SEA are occurring within the "third wave" of democratization that started in 1974.

In CEE, economic stagnation expedited democratic transition. In SEA, both economic stagnation and growth have been crucial to change. In the Philippines and Indonesia, decline has sped up democratic transition. Yet, in South Korea, Taiwan, and Thailand, growing economies created middle- and upper-classes whose access to education, information, and travel prompted them to demand political reforms.

While most states in CEE have a common Christian tradition, only the Philippines and South Korea have majority or large Christian populations. In these countries, the Christian churches played a crucial role in democratic transition, similar to that of the Roman Catholic Church in Poland. In the Philippines, opposition to Marcos's rule also included Filipino Muslims struggling for autonomy or independence. In Indonesia, religious diversity made transition more challenging because General Suharto allowed the rise of Islamic political groups during the last years of his rule to counter non-Muslims, particularly ethnic Chinese.

Do the authoritarian regimes in Southeast Asia share any common traits and ideologies? Do democracy movements in Southeast Asia share a sense of solidarity against these regimes?

KG: Authoritarian regimes in SEA share some common traits, but not a common ideology. They are all statist, and envisage the state as a midwife and educator of the nation that is entitled to control its development. They are prone to use force against their citizens if the interests of the state are threatened. They are nepotistic and corrupt as well as authoritarian.

As an outsider, it is difficult to assess the degree of cross-border solidarity among democratic movements in SEA. However, I was struck by the lack of solidarity within such movements in Burma and Indonesia where regional, class or political differences loomed larger than common democratic goals. All this indicates a greater diversity of regimes and oppositions in SEA, making a unified strategy much more difficult.

CH: In most East Asian countries democratization has not taken place in reaction to communism, but rather to powerful economic, social, and political forces. With the possible exception of regional solidarity on behalf of East Timor while under Indonesian rule, and on behalf of Burma's political opposition, prodemocracy forces in the region have not shared the kind of solidarity against authoritarian regimes that unified prodemocracy forces in CEE. This is perhaps due to a strong attachment to the principle of noninterference in other countries' domestic affairs at the heart of Association of Southeast Asian Nations (ASEAN) and ASEAN Regional Forum (ARF) norms. Tight restrictions imposed on foreigners in countries like Burma and Indonesia may be another factor in reducing regional collaboration. Lack of solidarity could be the result of more effective state repression in countries such as Indonesia and Burma where the military has not balked at using violence against individuals and groups opposing authoritarian rule. Regimes in Malaysia, Indonesia, and Singapore use domestic security laws suspending due process and the rule of law to control the spread of political groups. The remarkable economic growth in SEA has also helped delay the rise of the political opposition and regional prodemocracy movements.

What can advocates for democratic change in Southeast Asia learn from the Central and Eastern European transitions?

KG: A general lesson from transitions in CEE is that change does not have to be bloody. But change will not endure if it is guided by elites without consent from a majority of citizens; thus pluralistic media and informed citizens are crucial for the short- and long-term success of democratic transition. These have to be, at least to a degree, in place before the transformation occurs, creating it and not created by it. Also, transition does not always lead to democracy, but perhaps a different form of authoritarianism, particularly if there are large ethnic differences or strong nationalist sentiments. Post-transformation disappointments should be expected—living conditions may stagnate or decline and new leaders may not be better than their predecessors. This initial enthusiasm for change must be used immediately to establish fundamental reforms and eliminate past and present corruption to ensure better living standards and governance later.

It is particularly important to acknowledge that the past will not go away. Some form of settling of accounts is indispensable. Individuals and institutions responsible for abuses need to be punished, but within the limits of the law. Punishment for crimes must not start a cycle of partisan vendettas. The former regime is still likely to retain its own base and elec-

torate, and democracy means allowing them to use this base to compete fairly within the new system. Yet laws need to be drafted that disband pre-transformation organizations and control economic resources that give the former regime unfair advantages. Failure to do so in CEE was one of the main reasons for some of the region's current problems.

Finally, when you look back, you may discover that your greatest successes were not where you thought them to be. It might be a functioning, prejudice-free education system, and not a contradiction-ridden constitution; a flourishing of civic movements, and not an army that has only one foot back in the barracks; a free media, and not an only slightly less corrupt new ruling class. These are the elements to take into account when you ask, was it all worth it?

CH: Transitions in CEE demonstrated that peaceful change is possible by expanding dialogue and the spaces for political negotiation. Transitions in CEE also highlight how prodemocracy groups must develop diverse and free media and institutions that can sustain free and fair elections, the rule of law, an independent judiciary, and reform of the police and military. Similar to citizens in CEE, the people of SEA should understand that democratization is not a straight path toward progress, nor will it always deliver on popular expectations.

It is crucial for emerging democratic governments to demonstrate they can undertake macroeconomic reforms as well as, if not better than, authoritarian regimes. If economies under democratic regimes are not sustainable and do not grow, popular sentiment for the past is likely to erupt as people embrace the idea that "things were better in the bad old days of authoritarian rule." Thailand's populist prime minister is currently using public discontent to undermine democracy by consolidating presidential power, increasing citizen dependence on government, and perpetuating money politics.

While authoritarian regimes in SEA have effectively pursued economic development, the sustainability of this development is best guaranteed through transparent and accountable democratic governance. To a large degree, Indonesia's economic growth faltered because of the excesses of its authoritarian government.

What lessons from Central and Eastern Europe do not travel well and can not be applied to Southeast Asia?

KG: Nationalism and religion were powerful forces against atheistic Central and Eastern European regimes that served foreign interests. These forces, however, proved to be problematic allies of democracy once transition occurred. Southeast Asia is ethnically and religiously more diverse, and it is probably safest to minimize the use of nationalism and religion. In less educated and less urban societies, it is more useful to try to co-opt traditional local elites than to replace them. It is better to have them grumble that not enough has changed than to have them alienated and outraged by change.

Many states in CEE had legacies of historical struggle and could be expected to command the automatic loyalty of the newly free citizenry. Still, multiethnic states (Yugoslavia, Czechoslovakia) did not survive. The *ancien regimes* in SEA, which maintain they are the only guarantors of the integrity of the state, might have a point, especially as these states are part of a colonial legacy. Freedom certainly will lead to some decentralization: it is good to know just how much of it you can handle.

CH: East Asians often like to think that their region is so different from others due to their many economic, social, political, and cultural differences. Leaders who are open to democratization often choose what is useful and appropriate for them, claiming that democratic governance has many variations and that other regions should not impose their own kind of democracy upon SEA. Leaders in both the Philippines and Indonesia embraced decentralization and devolution of power from the central government to the local level as a step toward democratization and stemming separatism.

Justice and reconciliation strategies to punish those responsible for persecution under authoritarian rule may not apply easily to societies in SEA that have traditionally used violence or mechanisms other than the rule of law to address questions of justice. Democratization strategies that worked in CEE may not travel easily to SEA because of the region's heterogeneous population and continuing ethnic and religious conflicts in many transition states.

What recommendations would you make to civil society organizations like OSI, that have been active in Central European transitions, and are now focusing on Southeast Asia?

KG: There is no possibility of directly transferring programs that worked in one region to another. However, it is pretty obvious that support for civil society and free media pays off in the long run. More specifically, for instance, it is always useful to train democracy activists in silk-screen printing, a printing technique that does not involve technology and know-how, and which was hugely successful in the Polish underground movement. Also, it has been my experience that, while the direct transfer of programs is not effective, the transfer of experience, surprisingly, is. It helps people to have direct contact with others who were in a similar predicament and emerged victorious. I think, in particular, of my meetings with Daw Aung San Suu Kyi in Rangoon and with Burmese emigres in Chiang Mai.

CH: In SEA it is crucial to change the mindset of citizens and officials. Currently, they too easily accept patron-client relations that either alienate citizens or make them dependent on government. Citizens must learn that successful democracy requires political participation that goes beyond just showing up at the polls. Citizen and voter education should be carried out continuously, unlike in the Philippines where it only takes place right before elections.

Creating and strengthening civilian oversight of military and security forces is critical. It is important to have exchange programs between military officers from democratizing countries and their counterparts from authoritarian regimes. The Institute for Strategic and Development Studies in the Philippines has brought officers from the Philippines, Thailand, and Indonesia together with officers in Burma to discuss life beyond authoritarian rule and military dominance of politics. Military officers tend to trust each other more than civilians or politicians and these dialogues can do much to promote political liberalization and democratization.

Rice paddies, Burma

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