



U.S.-Southeast Asia Relations:
Military Support and Political Concerns

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U.S. military support for Philippine counterterrorism forces has led to significant gains against the Abu Sayyaf radical Islamist criminal gang in the southern Philippines, although Philippine complaints against the Visiting Forces Agreement continue in the aftermath of the rape conviction of a U.S. Marine. Manila passed long-awaited anti-terrorism legislation to Washington's applause. The U.S.-backed UN Security Council (UNSC) resolution condemning Burma's human rights violations was defeated by joint Chinese-Russian vetoes, although a majority of the UNSC members supported the resolution. Free Trade Agreement negotiations with Malaysia have run up against significant labor and service industry obstacles, while former Prime Minister Mahathir Mohammad convened a private tribunal to condemn the Bush administration's actions in Iraq. Meanwhile, Indonesia's importance for U.S. security was emphasized in a visit by Gen. Peter Pace, chairman of the U.S. Joint Chiefs, and U.S. naval visits to Vietnam and Cambodia signaled growing warmth in those relations.

Controversies in training Philippine forces and antiterrorist activities

The U.S. security relationship with the Philippines elicited both positive and negative reactions this quarter. Fallout from a year-long rape case involving four U.S. Marines continued. (For full story, see "Bush Reaches Out at APEC," *Comparative Connections*, Vol. 8, No. 4, January 2007.) The Visiting Forces Agreement (VFA) permitted the lone marine convicted to be held in the U.S. Embassy rather than a Philippine jail while the appeals process proceeds. Philippine anger at this VFA provision has led to calls by prominent Filipinos such as former President Fidel Ramos for the VFA's renegotiation. Ramos wanted to derail efforts by nationalist groups to abrogate entirely the 1951 Philippine-U.S. Mutual Defense Treaty which provides the basis for joint training of the two armed forces and U.S. assistance for Philippine counterinsurgency against the radical Islamist Abu Sayyaf Group (ASG) and Jemaah Islamiya (JI) personnel who also shelter in the southern Philippines.

While the annual *Balikatan* U.S.-Philippine exercises take place over a few weeks after which U.S. personnel return to their bases outside the Philippines, a small number of U.S. Special Operations forces seem to be permanently deployed in Mindanao monitoring ASG movements and advising their Philippine counterparts in counterinsurgency. Under the terms of reference between the two governments, U.S. forces may not participate in

combat but are permitted to defend themselves. U.S. Special Operations Forces patrol with their Philippine counterparts and, according to the respected Philippine Center for Investigative Journalism in a Jan. 17 report, have facilitated the rescue of hostages held by the ASG. U.S. surveillance support for the Philippine military includes P-3 aircraft and UAVs. The killing of two major ASG leaders, Khadaffy Janjalani in September and Abu Sulaimon in January, occurred with the assistance of U.S. surveillance. Concern has been expressed that the U.S. Special Forces deployment violates the Philippine prohibition of foreign bases, a contention denied by the U.S. Embassy Jan. 15, which stated that all facilities used by the U.S. are only temporary.

The February 2007 *Balikatan* exercise consisted predominantly of tabletop simulations dealing with maritime terrorism and transnational crime and included scenarios involving threats to passenger ships, offshore oil fields, cargo ships, and drug smugglers. This year Philippine police and coast guard officials joined the tabletop exercises. On the ground, U.S. soldiers engaged in civic action building schools, bridges, and repairing roads while U.S. medical personnel visited villages. The 2007 *Balikatan* was considerably scaled down. Typically, the exercise involves 3,000-5,000 U.S. troops, but field training was cancelled this year because of the uncertainty involving the impact of the rape case.

U.S. technical assistance to the Philippine military in its fight against the ASG has led to a string of successes. By the end of January, six senior ASG leaders had been killed and the remaining several hundred fighters are bottled up in the rugged interior of Jolo. Two leading JI members – Dulmatin and Umar Patek – continue to be sought in the same region. These two Indonesians were involved in the 2002 Bali nightclub bombing. The U.S. has offered \$10 million for Dulmatin's capture, the same amount Washington has offered for Mullah Omar, the Taliban leader.

Philippine President Gloria Arroyo has been effusive about her country's security relationship with the United States. At a National Security Council meeting on Jan. 23 she said: "Our strategic relationship with the United States has always been a leading point for Philippine and regional security – and becomes even more important as we push for strong collective security arrangements in ASEAN and in East Asia involving the U.S., China, and Japan. Our victories against the Abu Sayyaf highlight the success of our training and intelligence fusion programs with the United States, and these are reinforced by broader programs of peace and development, trade and investment that enlarge the space of Philippine security while constricting the space for terror and transnational crime." At the same time, U.S. Ambassador Kristie Kenney averred that "relations were stronger than ever," implicitly putting the VFA controversy behind.

Other U.S. agencies are also involved in helping to build Philippine security capacity. The State Department's Antiterrorist Assistance Program for the past two years has conducted training seminars for Philippine first responders on how to deal with weapons of mass destruction threats. And FBI and CIA agents are reported by the Philippine press along with Australian police and intelligence to help track down ASG and JI militants. The FBI particularly has provided forensic skills in determining the identities of ASG fighters killed in battle.

Antiterrorist efforts in the Philippines, according to a number of commentators, have been hampered by the absence of antiterrorist legislation. Actions designed to apprehend and incarcerate terrorist suspects have been obstructed by strong public apprehension about the abuses of executive powers over 20 years that characterized draconian rule under the late President Ferdinand Marcos. The Philippines was the only one of the original ASEAN five members lacking a law specifically devoted to countering terrorism; the U.S. had been urging the Arroyo government to see its passage through the Congress, citing the presence of militants operating in the country's southern islands. Finally, on Feb. 20, the Philippine legislature passed an antiterrorism act, first introduced a decade earlier. While weaker than the legislation in other ASEAN states, the new law authorizes government access to bank accounts it believes are used to launder terrorist finances. The law permits security forces to detain suspects for three days without charges, though this provision already existed in the criminal statutes. (Security forces had hoped for a month-long detention before charges had to be filed.) Philippine human rights groups have condemned the law's definition of terrorism as "too broad and vague," while warning that it could be used to stifle legitimate forms of dissent. In a bid to allay fears about rights violations, the law includes a clause that grants compensation of up to \$10,400 per day for people wrongfully detained. Additionally, any group accused of espousing terrorism can be outlawed by the Department of Justice, though any such groups must be duly notified and given the opportunity to refute the allegations. To further guard civil liberties, the law also bans extraordinary rendition – a secretive practice of which the CIA has been accused of sending foreign terror suspects to third countries that practice torture for interrogation. The U.S. Embassy welcomed the law, praising its balance between confronting terrorist threats "while ensuring protection of civil liberties and human rights."

Allegations of human rights violations continue to trouble the Philippines. On Feb. 21, a UN report blamed the Philippine military for a number of political murders that have rocked the country, stating that the government was responsible for a climate of impunity which meant that 80 percent of these murder cases failed to move from police investigation to prosecution. U.S. Ambassador Kenney on Feb. 26 urged the Philippine military to "beef up human rights ... and make every effort to investigate [and] prosecute those responsible...." The Philippine military for the most part has denied the allegations, insisting that the murders of Philippine leftists was an internal purge carried out by the country's Communist Party.

On Feb. 27, Ambassador Kenney offered U.S. assistance in the investigation of the extra-judicial killings, eliciting complaints from some Philippine legislators that the United States was interfering in Philippine internal affairs and that the U.S. government "only has to look at the record of their own soldiers in Iraq [to] know whose forces need indoctrination on respect for human rights." By March, the U.S. Senate began to hold hearings on the Philippine murders, and the Philippine ambassador in Washington conveyed an offer from his government to send a special team of observers to the U.S. Senate Hearings to provide "any information needed for a fair, objective, and balanced inquiry." The U.S. Senate inquiry was arranged by Barbara Boxer (D-California), the

Democratic deputy whip, upon the request of Filipino-American organizations in the U.S. They continue at the end of this quarter.

U.S. political pressure on Myanmar (Burma) unsuccessful

As discussed in last quarter's *Comparative Connections*, the U.S. planned to introduce a UN Security Council resolution condemning Burma's military junta for human rights violations against ethnic minorities, the political opposition, as well as the conscription of child soldiers. Calling these actions a threat to regional peace brought on by refugee flows to neighboring countries, the U.S. formally tabled the resolution in early January. It deplored the continuing detention of opposition leader and Nobel Prize winner Aung San Suu Kyi and the "systematic rape of women and girls as an instrument of armed conflict in ethnic minority regions." Although stopping short of any punitive action, nevertheless, the resolution failed when both China and Russia voted against it. China insisted that Burma's internal situation is not a matter for the UN. Speaking on ASEAN's behalf, Malaysian Foreign Minister Syed Hamid Albar stated that Myanmar had asked ASEAN to defend the country from any UN action. Foreign Minister Hamid Albar also went on to say that ASEAN should lead any reconciliation process, not the United Nations. When the resolution failed on Jan. 15, U.S. Acting UN ambassador Alejandro Wolff expressed U.S. deep disappointment, even though a majority of the UN Security Council supported the condemnation of Myanmar. Indonesia, a non-permanent member of the Security Council at the time of the vote, abstained; its ambassador said that the UNSC "should concentrate on conflicts that really constitute a threat to international peace and security...."

Subsequently, on Jan. 25, the Burmese military junta accused the U.S. of using the UNSC resolution as an initial step to install a puppet government in Myanmar that will dance to its tune." Washington continues to criticize the military government, meeting with a delegation of ethnic minority activists who testified to the military regime's gross violation of human rights. Persecution of the Chin and Kachin ethnic groups, 90 percent of whom are Christian, led the State Department to designate Burma "a Country of Particular Concern" for its severe violations of religious freedom.

Tough negotiations for a U.S.-Malaysia free trade pact

Ongoing negotiations between the U.S. and Malaysia for a bilateral free trade agreement (FTA) have been troubled by Malaysian concerns over job losses for local businesses, resistance from U.S. pharmaceutical industries about lower prices, and an argument by Malaysian opponents that the FTA will disproportionately benefit the U.S. because approximately half of the trade between the two countries is intra-industry and U.S.-owned. Other stumbling blocks include U.S. firms' access to government procurement and the service sector in Malaysia. Moreover, U.S. trade unions have joined their Malaysian counterparts in insisting that trade agreements include enforceable provisions to protect workers rights, public service, and the environment. Washington also opposes the long-standing Malaysian policy that gives business preference to ethnic Malays.

A further complication was added in early February when House of Representatives Foreign Affairs Committee chairman Tom Lantos (D-Ca) demanded that the U.S. suspend the FTA negotiations in protest over a \$16 billion oil deal signed in January between Malaysia and the state-owned National Iranian Oil Company. Malaysian International Trade Minister Datuk Seri Rafidah Aziz responded immediately threatening to cancel the negotiations if Washington engages in threats. She noted that among the agreed conditions for the negotiations was that there be no political agenda. In addition to Malaysia, the U.S. has signed or is negotiating FTAs with Singapore, Indonesia, the Philippines, Thailand, and Brunei.

Former Malaysian Prime Minister Mahathir, ever mindful of an opportunity to admonish the U.S. and keep his profile before the Malaysian public, in February set up a private body – the Kuala Lumpur War Tribunal – to publicize and condemn “U.S. war crimes” in Iraq. Mahathir said his Perdana Leadership Foundation will actively support any war victims who want to take legal action against President Bush. Meanwhile, the three-day February “war crimes tribunal” would educate the world on the crimes perpetrated by the U.S. and its allies.

The Malaysian government quickly distanced itself from the former prime minister. Foreign Minister Sayed Hamid Albar noted that Malaysia is a free country and what Mahathir and his foundation did was entirely on their own and within their rights. They did not affect the good relations between Kuala Lumpur and Washington. The foreign minister was speaking at a Feb. 9 presentation of the U.S. government’s contribution to the Southeast Asia Regional Centre for Counter-Terrorism (SEARCCT) in Kuala Lumpur. U.S. specialists have conducted courses for officials from throughout Southeast Asia at SEARCCT.

U.S. reiterates Indonesia’s importance for regional security

Chairman of the U.S. Joint Chiefs of Staff Gen. Peter Pace visited Jakarta in mid-February and emphasized the importance of the U.S. Navy’s humanitarian work in the region, noting: “When we get a chance to do humanitarian work, it builds friendships, and friendships last longer.” Indonesia’s Defense Minister Juwono Sudarsono took advantage of the visit to seek U.S. support for Indonesia’s Navy, while acknowledging that the U.S. “still dominates the maritime security at the Asia-Pacific region. Therefore, we want the country to play its optimal role in the security of trade and investment....”

Nevertheless, Juwono also asserted that local countries should be primarily responsible for their own maritime security and that U.S. aid to Indonesian Defense Forces was the best way to insure a secure region. In January, before Gen. Pace’s visit, Adm. Mike Mullen, U.S. Chief of Naval Operations, praised the coordinated Malacca Strait efforts of Indonesia, Malaysia, and Singapore as a “model maritime network.” Mullen stated that what the three littoral states need from the U.S. was information technology. (Incorporating the naval capabilities of friendly states in a common security endeavor is the concept behind Adm. Mullen’s “thousand ship navy.”) Subsequently, in March, Commander of the U.S. Pacific Fleet Adm. Gary Roughead agreed when he averred: “I

have no desire to patrol the Strait and believe it is appropriate for the littoral nations there to maintain the security, which they are doing very well. We cooperate closely with these countries.”

The littoral states have been pressing users of the Malacca Strait to contribute a fair share of the costs needed to ensure its navigational safety. Malaysian Deputy Prime Minister Datuk Seri Najib Tun Razak in mid-March stated that user states that want to see better safety arrangements should help finance their upgrade. He praised Japan’s Nippon Foundation, which has proposed a special fund to which shipping companies could contribute to finance navigational aids and the removal of shipwrecks from the Strait.

U.S. Navy visits Vietnam and Cambodia, though human rights concerns persist

Pacific Commander Adm. Gary Roughead visited Vietnam Jan. 21-22 and spoke of cooperation between the two countries’ navies on search and rescue as well as storm forecasts and disaster relief. Adm. Roughead reiterated that the U.S. has no plans for naval bases in Southeast Asia. Subsequently, the *USS Gary* visited Cambodia, the first port visit by a U.S. navy ship to that country in more than three decades. In Cambodia, personnel from the U.S. warship provided medical care for villagers near Cambodia’s main port, Sihanoukville.

Human rights concerns in both Vietnam and Cambodia continue to disturb diplomatic relations with Washington. On Feb. 5, U.S. Under Secretary of State Ellen Sauerbrey had a rare opportunity to visit ethnic minority Montagnards who had been repatriated to Vietnam from Cambodia in 2006. She stated she found no evidence they had been harassed by Vietnamese authorities. Human Rights Watch was skeptical of the under secretary’s findings, however, insisting that its organization had evidence that Montagnards who had participated in anti-Vietnam demonstrations were persecuted when they were sent back to Vietnam. The United States recently dropped Vietnam from its list of “Countries of Particular Concern” regarding religious rights abuses, though human rights watchdog groups claim that hundreds of Christians are jailed. In March when the State Department annual human rights report criticized Hanoi, its Ministry of Foreign Affairs responded with a relatively mild rejoinder that emphasized cultural relativism, noting differences between the two countries’ cultural values and historical experiences.

In February, President Bush signed a budget resolution for 2007 that for the first time in nearly a decade lifted the Congressional ban on direct U.S. funding for Cambodia. Sam Rainsy, the leader of Cambodia’s nominal opposition party, praised the U.S. policy change, noting it would give the U.S. more leverage to promote human rights and democracy in the country and help balance China. He said: “China does not pay any attention to human rights. We cannot leave our country to Chinese influence alone. The world must become more balanced.” The State Department’s human rights report on Cambodia rated its record “poor,” citing arbitrary arrests and human trafficking. Moreover, U.S. Ambassador to Cambodia Joseph A. Mussomeli bemoaned the country’s lack of any anti-corruption policy, a situation that led Transparency International at the end of 2006 to rank Cambodia 151 out of 163 countries in its corruption index. The

corruption problem has become particularly important with the discovery of up to 2 billion barrels of oil off the Cambodian coast. Revenues from these fields could triple the government's budget if the fields begin to produce by 2010. In February, Mussumeli urged the Cambodian government to avoid the situation where "a small corrupt elite siphons off revenue that should go to improving the welfare of all the people."

Political pressure but continued U.S.-Thai military cooperation

Although the U.S. was required by law to suspend some military aid to Thailand in the wake of the September 2006 coup that overthrew the democratically elected government of Thaksin Shinawatra, the annual U.S.-Thai joint exercise *Cobra Gold* is scheduled to go forward in May. *Cope Thunder* air forces exercises were held in February involving the U.S., Thailand, and Singapore. And, it also appears that the U.S.-Thai *CARAT* naval exercise will take place this summer.

Politically, U.S. officials regularly remind Thai military coup leaders that they have promised to hold elections and step down later this year after which Washington can restart suspended programs. The U.S. is particularly concerned that martial law continues in north and northeast Thailand, areas where the deposed prime minister has significant political strength. However, while the United States has suspended military sales and training for the Thai armed forces, China seems to have stepped in to fill the gap, offering \$40 million in military aid and training opportunities in China for Thai officers with no political strings attached.

The way forward

The U.S. seems to be playing catch up with China in Southeast Asia. Negotiating free trade agreements and emphasizing the importance of U.S. military aid to regional armed forces as well as joint exercises to enhance the latter's capabilities are ways of demonstrating the significance of an ongoing U.S. role in regional security. Washington's emphasis on human rights and democracy has been a long-term U.S. foreign policy commitment that may seem, in the short run, to cede an advantage to China whose aid programs carry no political conditions. However, to be true to U.S. core values, pressing partners toward political and economic liberalism will undoubtedly remain a constant in U.S. foreign policy that over the long term foresees a world more conducive to peace and prosperity. Authoritarian governments, however, of which there are several in Southeast Asia, may be less sympathetic to these U.S. strictures.

Chronology of U.S.-Southeast Asia Relations January-March 2007

Jan. 2, 2007: Philippine President Gloria Arroyo authorizes transfer of a U.S. Marine convicted of rape back to U.S. Embassy custody. The U.S. announced it would proceed with military exercises with Philippine forces that had been cancelled when a Philippine judge refused to return the marine to U.S. custody pending an appeal, a violation of the Visiting Forces Agreement.

Jan. 9, 2007: The U.S. introduces a draft resolution in the UN Security Council calling on the Burmese government to engage the opposition in “substantive political dialogue,” cease continued attacks “in ethnic minority regions on civilians,” and “desist immediately from the systematic use of rape on women and girls as an instrument of armed conflict.”

Jan. 11, 2007: The U.S. Trade and Development Agency confers the 2006 Country of the Year honor on Vietnam, marking Hanoi’s official admission to the WTO. The honor acknowledges Vietnam’s serious commitments to revamping its investment regulations and liberalizing the financial sector.

Jan. 12, 2007: China and Russia veto the U.S. resolution before the UN Security Council condemning Burma’s human rights violations, arguing that although Beijing and Moscow condemn the military junta’s political tyranny, it does not threaten regional security, and, therefore, should not be a UNSC concern.

Jan. 16, 2007: The U.S. Embassy in Manila denies a Philippine press report that U.S. forces are fighting al-Qaeda-linked guerrillas in the southern Philippines in violation of the Philippine Constitution. The embassy insists that U.S. forces serve exclusively in a training and advisory capacity.

Jan. 16, 2007: Former U.S. Ambassador to Cambodia Charles Ray in a Phnom Penh talk states the country must move against rampant corruption and labor abuses if it hopes to attract the external investment needed for development. Banks are untrustworthy because the justice system is so weak.

Jan. 20, 2007: U.S. DNA tests confirm that a body found in the southern Philippines is that of Abu Sayyaf militant leader Khadaffy Janjalani. His second in command, Abu Sulaiman who kidnapped three Americans and 17 Filipinos in 2001, was also killed in recent encounters with U.S.-trained Philippine forces.

Jan. 22-23, 2007: U.S. Commander of the Pacific Fleet Adm. Gary Roughead visits Vietnam and announces that the U.S. and Vietnamese navies will engage in search and rescue exercises as part of the new relationship between them.

Jan. 23, 2007: Philippine President Arroyo credits “our strategic relationship with the United States” for the successful campaign against the Abu Sayyaf in the Sulu Archipelago.

Jan. 24, 2007: U.S. Under Secretary of State for Public Diplomacy Karen Hughes arrives in the Philippines for a three day visit where she will go to Sulu. The annual *Balikatan* exercise will emphasize humanitarian activities.

Jan. 25, 2007: Burma's military junta accuses the U.S. of plotting to install a puppet government in the country.

Jan. 26 and Jan. 29, 2007: Under Secretary Hughes congratulates the Philippine armed forces for killing two Abu Sayyaf leaders. The U.S. offered \$10 million for the capture or killing of Khaddaffy Janjalani and Abu Sulaiman. President Bush followed up with a congratulatory phone call to Philippine President Arroyo.

Jan. 29-Feb. 9, 2007: U.S., Thai, and Singapore Air Forces conduct *Cope Thunder* air exercise from Korat, Thailand with 113 aircraft and 1,300 personnel. *Cope Thunder* is an annual exercise that began in 1994.

Feb. 2, 2007: Indonesia announces that the U.S. has given Jakarta permission to interview Hambali, a notorious Southeast Asian al-Qaeda operative, who was captured in Thailand in 2003. Hambali is being held in Guantanamo; Indonesia has wanted access to him ever since his capture.

Feb. 2, 2007: The U.S. Peace Corps inaugurates its first mission to Cambodia since the Corps inception in 1962. Thirty U.S. English teachers will spread out to rural provinces after a few months in Phnom Penh for Khmer language and cultural training.

Feb. 6, 2007: USAID announces that it is cutting aid to Cambodia by over 50 percent to \$2 million and reallocating it from antihuman trafficking to good governance. Human trafficking results from poverty which, in turn, is linked to poor governance, according to an AID official who explained the shift.

Feb. 7, 2007: Malaysia's former Prime Minister Mahathir Mohammad convenes a "war crimes tribunal" in Malaysia to hear complaints against the U.S., Britain, and Israel for "crimes against humanity" in Iraq and Palestine.

Feb. 8, 2007: *USS Blue Ridge*, the Seventh Fleet's flagship, arrives in the Philippines on a humanitarian mission including medical clinics and repair of schools and public buildings.

Feb. 9, 2007: In a change of policy, the U.S. announces it will clean up a site – Danang air base – where Agent Orange and other chemicals were stored during the Vietnam War. U.S. Ambassador Michael Marine acknowledges this is a small step but "a marked improvement on our ability to work together on this issue."

Feb. 9, 2007: The *USS Gary* docks in Sihanoukville, the first U.S. Navy ship to visit Cambodia in more than 30 years. A first step in expanding U.S.-Cambodian military ties, the ship visit is seen as a response to China's growing influence.

Feb. 13, 2007: Adm. William Fallon, former PACOM commander and new commander of CENTCOM, states he would seek support from Indonesia and Malaysia in the Afghan and Iraq conflicts, though he did not specify what kind.

Feb. 13, 2007: The Chairman of the U.S. Joint Chiefs of Staff Gen. Peter Pace meets Indonesian President Susilo Bambang Yudhoyono to discuss ways of improving the military partnership between the two countries' armed forces.

Feb. 18-March 4, 2007: U.S. and Filipino soldiers begin *Balikatan*, a series of joint military exercises on war-torn Jolo island in the Philippine south. This year, the exercises focus on humanitarian missions in local villages. The annual *Balikatan* assists the Philippines in building counter-terrorist capacity.

Feb. 19, 2007: The U.S. announces that the multilateral *Cobra Gold* annual military exercise will take place in Thailand May 8-18 since the Thai military Council for National Security has lifted martial law in 41 provinces.

Feb. 27, 2007: Direct U.S. government aid to Cambodia is resumed following a 10-year ban imposed when Cambodian Prime Minister Hun Sen ousted Prince Norodom Rannaridh in a coup. Lifting the ban is the most recent indicator of improved government relations.

March 9, 2007: U.S. Seventh Fleet flagship *USS Blue Ridge* arrives in Jakarta for a port visit.