

Comparative Connections

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U.S.-Southeast Asia Relations: The United States Is Back!

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Despite the renewed incarceration of Burma's Nobel laureate Aung San Suu Kyi after a July "show trial" as well as renewed economic sanctions against the military junta, in late September Washington announced a change in its Burma policy, agreeing to reengage members of the regime. The opening to Burma is an acknowledgement that the decades-long isolation policy has failed to change Burma's politics and that China's influence has increased significantly. Defense Secretary Robert Gates announced an extension of the deployment of U.S. Special Forces in Mindanao to continue assisting the Philippine armed forces' suppression of the radical Islamist Abu Sayyaf. Gates also announced an expansion of U.S. aid in Mindanao for humanitarian and disaster response, climate change, drug trafficking, and maritime security. While expressing shock and offering condolences to Indonesia in the wake of the July terrorist bombings of two hotels in Jakarta, Washington praised the Indonesian police in mid-September for tracking down and killing the perpetrator of the attacks, notorious Jemmah Islamiyah leader, Mohammad Noordin Top. USAID is organizing a new program to assist civic social organizations in the troubled Thai south to promote governance and human rights. All of these activities indicate that, as Secretary of State Clinton exclaimed in Bangkok: "The United States is back!"

Burma: Suu Kyi convicted; U.S. seeks new path

In the past quarter, U.S. President Barack Obama met visiting Philippine President Gloria Arroyo in the White House on July 30; Defense Secretary Robert Gates and CIA Director Leon Panetta visited the Philippines; and Secretary of State Hillary Clinton attended the ASEAN Regional Forum (ARF) in Thailand to sign ASEAN's Treaty of Amity and Cooperation (TAC) as a possible prelude to membership in the East Asia Summit. As Clinton said on a Bangkok TV talk show, "I strongly believe that the United States will get more involved in this region. The United States is back!"

As part of its new Asian profile, there has been considerable speculation that the Obama administration is searching for a new Burma policy. Years of sanctions against the military regime have neither reduced its domestic brutality nor weakened its hold on the country, particularly since trade with China, India, and Burma's ASEAN partners has burgeoned. U.S. conservatives, such as former Republican presidential candidate John McCain, argued in July that Washington should renew sanctions scheduled to expire. An additional concern expressed by Secretary Clinton at the ARF meeting in Phuket on July 22 is that North Korea may be helping Burma pursue a nuclear weapons program.

Nevertheless, the primary stumbling block to improved U.S. relations with Burma is the continued incarceration of democracy advocate and Nobel Peace Prize winner Aung San Suu Kyi. A powerful symbol of the human rights struggle in Burma, she stood trial for violating the terms of her house arrest by permitting an emotionally disturbed American tourist to stay in her home after swimming uninvited to it across an adjacent lake. The event provided the junta with a perfect excuse to extend her incarceration beyond the 2010 elections the regime has scheduled, thus excluding her from participation. President Obama in late July described the court proceedings as a “show trial,” and Secretary Clinton at the same time said ASEAN should consider expelling Burma if it did not release Suu Kyi. (In fact, ASEAN has no provision for a member’s expulsion.) Clinton also held out prospects for improved relations if Suu Kyi was released, stating “that would open up opportunities at least for my country, to expand our relationship with Burma, including investments in Burma.”

Although the Obama administration had been debating a change in its Burma policy since taking office, Suu Kyi’s unbroken incarceration led to a renewal of sanctions banning the import of Burmese goods in late July. (Upon her conviction on Aug. 11, ASEAN also reiterated its “deep disappointment” but stated it would “remain constructively engaged with Myanmar in order to build the ASEAN community together.”) President Obama said the new 18-month sentence of additional house arrest violated “universal principles of human rights.” The sentencing of the American, John Yettaw, who swam to her home, to seven years hard labor also elicited condemnation from Obama as “out of proportion with his actions.”

In mid-August, however, Yettaw’s sentence provided an opportunity for Democratic Sen. James Webb of Virginia, chairman of the Senate’s East Asia Subcommittee of the Foreign Relations Committee – who has called for engagement with Burma – to visit the country and meet junta leader Gen. Than Shwe. Webb’s visit constituted the highest ranking U.S. official to meet with the junta leader in at least a decade. While a U.S. National Security Council spokesman explained the visit as an opportunity to deliver “strong views of American political leaders about the path [Burma] should take to democracy...,” Webb, in Laos just before arriving in Burma, stated: “It is vitally important the United States reengage with Southeast Asia at all levels.”

On Aug. 16, Gen. Than Shwe promised to release Yettaw to Sen. Webb as a good-will gesture to the United States. In response, Webb stated: “It is my hope that we can take advantage of these gestures as a way to begin laying the foundation of good will and confidence building in the future.” The State Department also welcomed Yettaw’s release but reiterated its “call on Burmese authorities to release unconditionally Aung San Suu Kyi and all of Burma’s more than 2,100 political prisoners in order to begin a process of national reconciliation and inclusive political dialogue.” Webb’s engagement rhetoric seemed out of sync with the State Department’s and President Obama’s statements. Moreover, any easing of sanctions would draw criticism from some members of Congress, human rights organizations, and Burmese exile groups.

Meanwhile, the additional sentence given to Suu Kyi put on hold the Burma policy review by the U.S., though some officials commented that the house arrest option was the “least bad” of a range of outcomes. Moreover, other U.S. officials interpreted Burma’s turning back of a North Korean ship carrying suspicious cargo being tracked by a U.S. warship as a positive sign. On the Aug. 17 *Lehrer News Hour*, Sen. Webb noted that in conversation with Aung San Suu Kyi, he

had the impression that she would not oppose the U.S. lifting some of the sanctions on the junta. He also said that Burma's military leaders denied reports that it is trying to acquire nuclear technology. The fact that Burma's junta leader met with Webb, released the convicted American to him, and allowed him to meet with Suu Kyi shows that the military-led regime wants to engage the U.S. in hopes of reaching some kind of understanding prior to the 2010 elections. In an Aug. 26 Op-Ed piece in the *New York Times*, Webb emphasized that the U.S. policy of isolating the regime "allowed China to dramatically increase its economic and political influence in Myanmar, furthering a dangerous strategic imbalance in the region." Webb suggested that the Obama administration offer to assist the junta in developing an electoral process for 2010 that would include Suu Kyi's party, The National League for Democracy. He also pointed out that the beginning of a more open society in Vietnam began when the U.S. lifted its trade embargo in 1994.

In response on Aug. 27, State Department spokesman Ian Kelly said Webb's views are "something we're going to be looking at" in a review of Burma policy, though earlier the State Department assured Aung San Suu Kyi supporters in Congress that the U.S. was not looking to open trade with Burma. Burmese exile groups are furious with Webb, saying he is simply playing into the junta's game to gain international legitimacy. Nevertheless, on Sept. 23, at the UN, Secretary Clinton announced a modification of Washington's Burma policy, saying that the U.S. would begin engaging with Burma's officials, although sanctions would also continue. Burma then sent a minister to Washington and on Sept. 26, Suu Kyi offered to work with Burma's military government to get Western sanctions lifted, but said she needed to obtain more information about the issues first.

U.S. forces in Mindanao remain a hot-button issue

Rumors abound in Philippine politics. Among the most ubiquitous is that incumbent President Arroyo's Congressional allies plan to amend the Constitution and shift to a parliamentary system, which could lift term limits and allow her to stay in power beyond the end of her term on June 30, 2010. At the annual U.S. Embassy Fourth of July celebration, U.S. Ambassador Kristie Kenney stated that any postponement of Philippine elections would be a cause for concern in Washington. In fact, Arroyo has denied any plans to stay in office beyond her normal term. However, during her visit to Washington at the end of July, President Obama perhaps fed the speculation when he announced that the Philippines would be the chief coordinator between the U.S. and ASEAN – though what that designation entails is unclear.

For the Philippines, the main component of its U.S. relationship is the presence of some 600 U.S. Special Forces in Mindanao helping to train the Philippine military in counterinsurgency operations against the militant Islamist (and bandit group) Abu Sayyaf. U.S. efforts in the Philippine south also include a strong civic action component of building schools, roads, bridges, and providing development assistance. On Aug. 13, the two countries initialed a new military cooperation agreement on counterterrorism in Mindanao. The agreement provides for the installation of radars in Sulu, Basilan, and Tawi Tawi to help the Philippine Coast Watch South project prevent the movement of terrorists, smuggling, and piracy. The porous sea borders in the southern Philippines comprise a major funnel for these nefarious activities.

In late August, resisting Pentagon pressure to reassign the Joint Special Operations Task Force-Philippines to Afghanistan, Defense Secretary Gates said the 600-troop counterinsurgency unit would remain in the Philippines. Gates' decision coincided with calls by some nationalist and leftist Philippine lawmakers for the abrogation of the Philippine-U.S. Visiting Forces Agreement (VFA), insisting that U.S. forces in the south are engaging in actual combat in violation of the Philippine constitution – an allegation vigorously denied by both the Philippine and U.S. militaries. A Filipina military officer has claimed that U.S. forces embedded with the Philippine army in Mindanao are operating satellite communications equipment and gathering intelligence. Some who oppose the VFA claim U.S. intelligence activities violate Philippine law. (Several hundred U.S. soldiers have been stationed at a number of locations since 2002.)

Col. Bill Coultrup, the commander of the Joint Special Operations Task Force-Philippines, told a *Xinhua* (China) reporter on Sept. 1 that troops in Mindanao are devoting 80 percent of their time to community development in addition to training and intelligence support for Philippine forces. At the same time, President Arroyo defended the U.S. presence as helping the Philippines “in so many ways” without participating in direct combat. They are “advancing soft power by building schools, roads, and bridges.” In mid-September during Defense Secretary Gilbert Teodoro, Jr.'s visit to Washington, Defense Secretary Gates stated that in addition to counterterrorism training and civic action, the U.S. would address nontraditional security issues with the Philippines including humanitarian assistance, disaster response, climate change, drug trafficking, and maritime security. Teodoro also met with Sen. Webb, who expressed a desire to visit the Philippines, saying “we do not show up enough in Southeast Asia.”

While there have been very few instances of U.S. soldiers firing their weapons in the Philippines, it appears there was an incident on Sept. 19 when U.S. forces were reported to have fired in self-defense following an explosion believed to be targeted at them. A spokesman for the Philippine military stated that: “The Visiting Forces Agreement only says they cannot engage in combat, but they have the right to defend themselves.” Controversy over the VFA persists.

Jakarta bomb attacks lead to the killing of leading Islamist militant

After a four year hiatus in which no major terrorist attacks occurred in Indonesia, on July 17, a Jemmah Islamiyah (JI) splinter group led by the notorious explosives expert Mohammad Noordin Top sent two suicide bombers to the Jakarta Marriott and Ritz-Carlton hotels resulting in blasts that killed 10 people and injured over 50. Clearly targeting Westerners, who both stay and meet at these hotels, the majority of the casualties were Indonesians. Major Indonesian Muslim organizations such as Nahdlatul Ulama and Muhammadiyah condemned the bombings with NU chairman Hasyim Mizadi stating, “Terrorism is not a religion, and so it is not correct to say Muslims were the mastermind of the bombings.”

President Obama “strongly condemned” the attacks and Secretary Clinton said the U.S. stood “ready to provide assistance if the Indonesian government requests us to do so.” FBI forensics experts had assisted Indonesian investigators after the 2003 JI atrocities in Bali as well as the 2005 attack on the Jakarta Marriott. A senior U.S. official told *ABC News* on the day of the attacks that U.S. intelligence agencies were caught off guard. They were confident that JI had

been dismantled after most of its leaders had been killed or captured by Indonesian police aided by U.S. and Australian technical intelligence.

The splinter group from JI led by Noordin continues to advocate violence, which the bulk of the old JI – while still radical – now ostensibly eschews, instead emphasizing religious persuasion as the path to *sharia* (Islamic law) for the state. An intensive Indonesian police manhunt for Noordin concentrated on locations in Java where he was known to have sympathizers. These efforts paid off on Sept. 17 after an eight-hour shootout at a JI safe house in Jolo, Central Java, which resulted in the death of four militants, including the Malaysian-born Noordin. The U.S. State Department praised the results of the raid as “a significant step forward for Indonesia in its battle with political extremists” and was quick to add: “We did not participate in the operations, nor did we provide information that led to the raid.”

U.S. concerned about Thai instability

Since the rise of the populist billionaire Thaksin Shinawatra to political power in the wake of the late 1990s Asian financial crisis to his subsequent fall and exile after a 2006 military coup, Thai politics have been tumultuous with an urban middle class, military-backed party – the People’s Alliance for Democracy (PAD) – locked in sometimes violent confrontation with Thaksin’s primarily rural and dispossessed backers – the United Front of Democracy against Dictatorship (UDD). In addition to scaring foreign investors, periodically bringing Bangkok to a halt, and disrupting the April 2009 ASEAN plus 3 and East Asia Summit meetings in Pattaya, the current PAD government led by Prime Minister Abhisit Vejjajiva has to deal with a persistent radical Islamic separatist movement in the country’s three southern provinces that has led to over 3,000 deaths since it was reignited in January 2004.

Washington has viewed Thai turmoil with increasing dismay. The country is, after all, a “major non-NATO ally” and an important Southeast Asian military partner that annually hosts the largest U.S.-sponsored regional multilateral exercise, *Cobra Gold*. This quarter, the U.S. has evinced concern about the southern unrest. Secretary Clinton asked Prime Minister Abhisit whether southern insurgents are linked to “external groups” after the July bombings in Jakarta. Abhisit replied that intelligence reports and interrogations of captured perpetrators revealed some communication between “local cells” and “outsiders” but hastened to add that there is “no direct link between Pakistan’s splinter groups or Jemmah Islamiyah.” Panitan Watttanayagorn, the deputy prime minister’s political secretary, who comes from the south, said southern radicals are not being trained elsewhere; “they copy what they learn from the news – roadside bombing and others.” Nor is there evidence that southern insurgents share JI’s goal of creating a regional caliphate. A Rand Corp. study prepared for the Office of the U.S. Secretary of Defense also noted that the southern Thai conflict has not taken on an anti-Western dimension.

One way in which the U.S. could become involved is by support for citizen engagement and peace building through aid to Thai civil society organizations (CSOs) active in the southern provinces as well as aid to local media. U.S. Agency for International Development (USAID) is calling for proposals from U.S. companies to “create networks between independent agencies such as the National Human Rights Commission, Election Commission, and National Anti-Corruption Commission, civil society leaders, academics, and other civic leaders advancing

democratic policy reform and conflict mitigation in the deep south.” USAID’s annual budget for these projects is \$15.5 million with a three- to five- year time line. Its impetus is drawn from successful undertakings in Indonesia and the Philippines in recent years.

However, some Thai social activists are concerned about possible unintended effect of U.S. actions. Sunai Phasuk, a representative of Human Rights Watch in Thailand, quoted in the Sept. 21 *Bangkok Post Online*, stated, “Given the sensitivity of the issues...in the southern Muslim-dominated provinces, if it is not well managed, it will compromise the already fragile stability in the region.” Sunai also is concerned that USAID-sponsored activities may be redundant given the CSOs in the Thai south.

The U.S. is back

The Obama administration is emphasizing that, unlike its predecessor, it is engaging the world. Although with respect to the second Bush term (2005-2008), this may be too harsh an indictment, Southeast Asians welcome the new U.S. attention and respect accorded to ASEAN and its offshoots (ARF, APEC, ASEAN plus 1). Secretary Clinton attended the July ARF meeting and the meeting between ASEAN and its dialogue partners, signing ASEAN’s Treaty of Amity and Cooperation. In a speech to the New York Council on Foreign Relations prior to her July Asia visit, Clinton stated that the U.S. would emphasize “partnerships” with rising countries, singling out Indonesia, now a member of the G20.

ASEAN Secretary General Surin Pitsuwan is pleased with Washington’s new emphasis on Southeast Asia: “I understand they really, genuinely desire to expand and deepen cooperation and the relationship. We welcome that shift.” He seemed to be responding to Clinton’s July 22 news conference on Phuket Island where she averred: “President Obama and I believe this region is vital to global progress, peace, and prosperity; and we are fully engaged with our ASEAN partners on the wide range of challenges confronting us.” Asked in Bangkok if the enhanced U.S. engagement is an effort to balance China’s activities in Southeast Asia, Clinton rejected any idea of Sino-U.S. rivalry: “The more we involve China in the work we are doing and in organizations like ASEAN, the more opportunities we have to create a positive framework.” Nevertheless, she acknowledged that Southeast Asians desire a more prominent U.S. presence along China’s.

Finally, a word about the U.S. signing of the TAC, described by Clinton as an executive agreement that does not require U.S. Senate ratification. In discussing U.S. obligations under the TAC, Clinton noted that the document takes the moral high ground, emphasizing that disputes in Southeast Asia should be resolved peacefully. However, in no way does the TAC interfere with U.S. defense obligations in Asia if a country to which the U.S. is militarily committed is attacked by an aggressor. Signatories to the TAC frequently issue signing statements to that effect. So, the TAC is more aspirational than obligatory, which is true of many international agreements.

Chronology of U.S.-Southeast Asian Relations July-September 2009

July 1, 2009: Thirty-seven U.S. senators urge Vietnam's president to free a Roman Catholic priest and human rights advocate, Rev. Nguyen Van Li, who was sentenced to eight years in prison for promoting religious freedom and democracy.

July 1, 2009: Singapore Ambassador to the U.S. Chan Heng Chee says East Asia's economic recovery from the global recession depends first on recovery in the United States.

July 4, 2009: U.S. Ambassador to Indonesia Cameron Hume says the U.S. is monitoring the Indonesian presidential election in Aceh "at the request of the Indonesian government" and is not interfering in any way.

July 4, 2009: U.S. Ambassador to the Philippines Kristie Kenney states that any postponement of Philippine general elections, scheduled for May 2010, would cause concern in Washington.

July 12, 2009: Central Intelligence Agency Director Leon Panetta meets Philippine President Gloria Arroyo to discuss bilateral security cooperation.

July 14, 2009: In the UN Security Council, the U.S. representative expresses skepticism that the Burmese junta will hold free, fair, and credible elections scheduled for 2010.

July 17, 2009: Suicide terrorists bomb the JW Marriott and Ritz-Carlton hotels in Jakarta killing nine and injuring over 40, many of them foreigners.

July 17, 2009: President Barack Obama and Secretary of State Hillary Clinton condemn the "senseless, outrageous" bomb attacks in Jakarta; and Clinton offers U.S. assistance.

July 18-23, 2009: The 42nd ASEAN Ministerial Meeting, Post-Ministerial Conferences, and 16th ASEAN Regional Forum meet in Phuket, Thailand.

July 18, 2009: ASEAN foreign ministers denounce the Jakarta bomb attacks and express solidarity with Indonesia in its "fight against terrorism."

July 21, 2009: Secretary Clinton meets Thai Prime Minister Abhisit Vejjajiva to discuss the U.S. diplomatic, strategic, and economic role in Asia.

July 22, 2009: Secretary Clinton at the ASEAN Ministerial meeting in Phuket, Thailand, signs the Association's Treaty of Amity and Cooperation, a nonaggression pact, while declaring "The United States is back in Southeast Asia."

July 22, 2009: At the ARF meeting in Phuket, Secretary Clinton excoriates Burma's human rights record, including its treatment of detained pro-democracy leader Aung San Suu Kyi.

July 22, 2009: Secretary Clinton meets Malaysian Foreign Minister Anifah Anuna at the ARF meeting and discusses progress toward the U.S.-Malaysia Free Trade Agreement and two Malaysians still held at Guantanamo. Clinton also says ASEAN should consider expelling Burma if Aunt San Suu Kyi is not released – a suggestion rejected by Anifah.

July 23, 2009: Secretary Clinton meets with representatives of the four riparian Lower Mekong basin countries (Cambodia, Laos, Thailand, and Vietnam) to discuss water management policy – the first time the U.S. has been involved in Mekong River issues.

July 24, 2009: The latest Pew Global Attitudes Project Survey shows that President Obama's election raised the approval rating of the U.S. to 73 percent, the highest since the Clinton years.

July 24, 2009: The Philippine government suspends its military offensives against secessionists in Mindanao in an effort to restart negotiations with the Moro Islamic Liberation Front.

July 24, 2009: Final results from Indonesia's presidential election held on July 8 are announced and confirm that President Susilo Bambang Yudhoyono won a landslide victory over his two opponents, capturing 61 percent of the votes and a majority in 28 of Indonesia's 33 provinces.

July 28, 2009: President Obama extends sanctions against Burma that were due to expire, including a ban on gem imports.

July 30, 2009: Philippine President Gloria Arroyo meets President Obama in Washington where Obama says that he views the Philippines as the chief coordinator between the U.S. and ASEAN.

July 31, 2009: A report compiled by Vietnam's Defense Ministry and the Vietnam Veterans of America Foundation shows that more than one-third of the land in six central Vietnamese provinces remains contaminated with land mines and unexploded ordnance from the Vietnam War period with 16.3 million acres yet to be cleared.

Aug. 11, 2009: Bangkok's Criminal Court says it does not have the authority to extradite Victor Bout, a Russian arms dealer, from Thailand to the U.S. on charges of offering to supply weapons to Colombian rebels. The Thai government and the U.S. appeal the ruling.

Aug. 11, 2009: Burma's junta extends Aung San Suu Kyi's house arrest by 18 months.

Aug. 12, 2009: President Obama condemns Burmese court sentence of Aung San Suu Kyi to an additional 18 months of home detention as violating "universal principles of human rights." The conviction will prevent her participation in a national election scheduled for next year.

Aug. 13, 2009: The U.S. and the Philippines sign a military cooperation agreement for 2010, focusing on terrorism in Mindanao. Aid will be provided to the Coast Watch South project.

Aug. 16, 2009: U.S. Sen. James Webb meets Burma's junta leader Gen. Than Shwe and obtains the release of convicted American John Yettaw.

Aug. 17, 2009: The U.S. presides over a maritime security seminar involving officials from Malaysia, Indonesia, and the Philippines to discuss coordinating air and maritime patrols in overlapping spaces to curb smuggling and piracy.

Aug. 19, 2009: Sen. Webb meets Vietnam Prime Minister Nguyen Tan Dung in Hanoi to discuss bilateral trade and the granting of General System of Preferences status to Vietnamese products.

Aug. 28, 2009: Three members of the U.S. House of Representatives meet with the Central Executive Committee of the Burmese opposition party – The National League of Democracy – in Rangoon to discuss human rights and the current political situation.

Sept. 1, 2009: The U.S. urges Burma to halt attacks on ethnic minorities in the country's remote northeast region.

Sept. 4, 2009: Philippine President Arroyo defends the presence of U.S. troops in Mindanao saying they help the Philippine armed forces but do not engage in combat.

Sept. 11, 2009: U.S. Ambassador to Vietnam Michael Michalak expresses concern over the arrests of Vietnamese journalists and bloggers as efforts to “criminalize free speech.” Sixteen U.S. Congress members co-sponsor a resolution calling on Hanoi to release imprisoned bloggers and respect internet freedom.

Sept. 11, 2009: Defense Secretary Gates pledges to continue counter-terrorism cooperation with Philippine forces in Mindanao after meeting Philippine Defense Secretary Gilbert Teodoro, Jr. in Washington.

Sept. 18, 2009: The U.S. drops charges against former Hmong Gen. Vang Pao, who was indicted in 2007 for planning to overthrow the communist government of Laos.

Sept. 23, 2009: Speaking on the sidelines of the UN, Secretary Clinton announces a change in the Obama administration's Burma policy to engage the military junta while still maintaining economic sanctions.

Sept. 26, 2009: Detained Burmese opposition leader Aung San Suu Kyi announces through her attorney that she is ready to help the military junta get the West to lift economic sanctions.

Sept. 28, 2009: Sen. Webb meets Myanmar Prime Minister Thein Sein on the sidelines of the UN General Assembly in New York.